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2015年11月20日

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上午10時正恢復聆訊

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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

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主席：Mr McCoy?

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香港房屋委員會第九證人：嚴小玲（房屋署（東匯邨和啟晴邨總建築師））

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宣誓繼續作供

MR McCOY 繼續盤問

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MR McCOY: Thank you, Mr Chairman and Commissioner.

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問：Ms Yim, good morning. I would like to first of all ask whether you have actually looked since yesterday at any of the minutes of the Advisory Committee on the Quality of Water Supplies? Have you had a look overnight?

答：No.

問：You did not?

答：Because I --因為我有 copy，嘍。

問：Could they come up on the screen, please. First of all, meeting number 1.

Yes, and would you first of all notice that the member present is Mr Wong Bay -- if you just come down, you see "Mr Wong Bay"?

答：見到。

問：I think you indicated he was the assistant director of the Housing Department, in the Estate Management Division?

答：係，冇錯。

問：Now, I'm going to tell you -- I'll move through this quite quickly -- you will find that he attends numerous of these meetings, and he is on the committee from the year 2000 to 2009. Then he comes back onto the committee in 2014. We are going to see that.

But in between 2009 and 2014, other assistant directors of Housing Department take his place.

Now, am I correct that there are four assistant directors in the Housing Department?

答：如果喺我哋 Development and Construction Division，現時就係有四位 assistant directors。如果現時喺 Estate Management，即係屋邨管理嗰面，就係有三位 assistant

directors, 嘍。

問：Thank you. So because you haven't seen this before yesterday, when it was shown to you,...

答：係，冇錯。

問：...it would be unfair for me to go through this too slowly or too fast, so I just want to make a few points.

If you come to paragraph 6.1, 6.2, 6.3 -- I won't read them out -- but let me just tell you that there, there is distinct reference to the fact that Hong Kong has adopted the World Health Organization guidelines for the standard for drinking water, and we see in 6.2 this statement:

"At present, all 94 health related chemical parameters of the [World Health Organization] guidelines and about 30 other aesthetic parameters had been included in the comprehensive monitoring programme and the sampling points covered the whole supply system."

Now, if we could then move, please, to the next meeting, which is meeting number 2,...

答：係。

問：...on 19 July 2000.

答：係。

問：Thank you. Again, we see Mr Wong Bay present. And in the interests of time, let me just identify, at paragraphs 5.2.3, 5.3.2,...

答：係。

問：...5.3.4 and 7.1, there are references to the World Health Guidelines.

You can see from the membership, and their details are given in the next meetings, that this is a distinguished panel.

If we turn over to meeting number 3, please, on 15 January 2001. Now, Mr Wong Bay is present. I wasn't, speed-reading, able to detect any express reference. I have found 35 express references to the World Health Organization standards on water quality, but there are many, many implied or inferred references to it. But in this particular meeting I wasn't, on a quick scan, able to find any.

Moving to the fourth meeting, on 12 July 2001, the same relevant individual was present. We do find, at paragraph 6.5, a reference to the WHO guideline value.

The same speed now -- if you come to the fifth meeting, we see now with greater clarity who are on that panel. So Mr Kenneth Fang, Justice of the Peace, is the chairman; the vice-chairman is the director of water supplies; Dr Cheung, from the City University of Hong Kong; Mr Wu, from the Hong Kong Institution of Engineers; Dr So Kai Ming, from the Hong Kong Medical Association; a representative from the Hong Kong Plumbing and Sanitary Ware Trade Association; a professor from Hong Kong U; a professor from Chinese U; a member representing the Conservancy Association; the chief assistant secretary of the Works Bureau; a medical doctor, consultant, from the Department of Health; Mr Wong Bay, the assistant director of Housing; Ms Rhonda Lo, Assistant Director, Food and Environmental Hygiene; Mr Michael Chiu, assistant director from the Environmental Protection Department; and the secretary from Water Supplies; and you see the attendance at the bottom, the deputy director of Water Supplies; the assistant director of Water Supplies; another assistant director; the chief chemist; turning the page, the chief engineer, the senior engineer, and indeed others.

So that gives you a good overview of the quality of at the membership.

Just moving through, perhaps, to the sixth meeting, on 4 April 2002: Mr Wong Bay is present, and at paragraph 6.8 we see this, and I am deliberately moving through this at some speed:

"In response, the Housing Department" -- paragraph 6.8 -- "reiterated that the [Housing Department] had begun the renewal of water pipelines inside public housing estates since the amendment of the Waterworks Ordinance in 1995 banning the use of galvanised iron water pipes. [Housing Department] had drawn up a long-term schedule to renew plumbing of existing housing estates after a survey of their conditions. Of the 900 buildings identified in the survey, more than half had already completed plumbing renewal. [Housing Department] estimated that the remaining work would be completed in [eight to nine] years time. [Housing Department] assured members that [Housing Department] would give full support to the scheme and would continue to take up the leading role in the public sector."

That is of course in relation to the quality of water supplies.

Then if we move through to the next meeting, the seventh meeting, on 22 July 2002 -- it's of no particular moment, because he could not see an express reference to the World Health standard, but you may find, at paragraph 5:

"The chairman reported that the water quality data for fiscal year 2001/2002 and a brief note had already been distributed on 28 June 2002 to all members by email for advance information, and the data had been published on the internet on 2 July 2002. WSD then gave a brief summary of this new batch of data."

Now, meeting number 8 is more important, on 1 April 2003. I do want to point out, to be fair, that Mr Wong Bay, the assistant director, is absent with apologies, but fortunately he is at the next meeting, when these minutes are accredited.

So, on meeting number 8, you will find references to the World Health Organization standards in paragraphs 6.4 and 7.2.

Then, if we move to the ninth meeting, where Mr Wong Bay is present, you will see that, at item 3, the confirmation of the minutes of the last meeting are approved. You will see in particular at paragraph 4.2.4 the following:

"[Water Supplies Department] supplemented that the new set of water quality data for drinking water complied chemically and bacteriologically with the World Health Organization ... Guidelines for Drinking-water Quality. Regarding the set of quality data for Dongjiang water received in Hong Kong, WSD reported that with the commissioning of the phase 1 of the Dong-shen closed aqueduct system on 18 [January] 2003, a comparison was made on the results for the period from February to May with those of the same period last year. There were improvements in the levels of ammoniacal nitrogen ...", and various other parameters.

Turning over, one sees further reference at 7.2 to the World Health standards, and let us look particularly at paragraph 10.3. The speaker is Prof Tso, Tso Wung Wai, professor from the Chinese University of Hong Kong:

"Prof Tso ... suggested [the Water Supplies Department] to consider conducting similar experiments as indicated in the misleading advertisements ..."

And you will see at paragraph 10, "Agenda item 8: Misleading advertisements for water purifiers". So that's what they are talking about.

"[Prof Tso] pointed out that [the Water Supplies Department] should not attempt to offer an explanation of the cause of the putative 'dirt'. [Water Supplies Department] reiterated that the drinking water quality supplied to consumers conformed to the [World Health Organization] standards and the levels of heavy metals ([for example] mercury) and pesticides were well below the [World Health Organization] limits and safe for consumption. Only a trace amount of minerals was present in drinking water and the trace amount of minerals was suitable for consumption. The chairman indicated the need to bring out the correct message on water quality and requested [Water Supplies Department] to follow up in collaboration with Prof Tso."

Meeting 10: Mr Wong Bay is present, and the only reference I think is at 3.2.3.

Meeting 11, on 22 April 2004: Mr Wong Bay is present, and I think there's no express reference.

We are getting close to when Mr Wong Bay now appears again on meeting number 12 on 29 April 2005. I haven't counted the references up to this stage.

So, between 2000 and 2005, there have been 11 or 12 meetings, and there are already numerous references, amongst the associates, to the World Health Organization standards.

29 April 2005, meeting 12: Mr Wong Bay present, plus others. And at paragraph 4.1.1.5:

"A member questioned whether surprise checks would be carried out by WSD to ensure compliance of the requirements stipulated in the certificates. WSD

responded that WSD periodically carried out random sampling of water in buildings in Hong Kong, irrespective of whether the buildings participated in the Scheme or not, in order to ensure that the water supplied to customers complied with the [WHO] Guidelines for Drinking-water Quality. So far, no non-compliance case was found in such samples from buildings."

There's a further reference to the WHO in paragraph 4.5.4.

Meeting 13: Mr Wong Bay is present. I think it's uneventful in terms of express references.

Meeting 14: he's present. And you will find a reference in paragraph 8.2.1, and you will find another one at 8.7.1, and that one should be examined:

"WSD briefly introduced the proposals to adopt and monitor all water quality parameters and to implement the Water Safety Plan ... developed by WSD in accordance with the new Guidelines for Drinking-water Quality, Third Edition published by the [World Health Organization] on 21 September 2004."

8.7.5:

"In response to an enquiry from the chairman, WSD advised that as agreed with the Department of Health, WSD would adopt the whole set of guideline values (ie 93 chemical parameters of health significance) in the new WHO 2004 guidelines. A member asked about the frequency of the surveillance arrangement. WSD replied that it would be carried out continuously as an ongoing exercise and weekly compliance reports on treated water quality would be submitted to the Department of Health."

Meeting 15: he's present, and the reference is 4.6.1.

Meeting 16: the references are 4.2.1, 4.2.2, 4.5.1, 4.6.1. Now we come to a new person from the Housing Department: at meeting 17, a new assistant director, Mr Lee Kwok Wing, Albert.

Does Mr Lee still work in the Housing Department?

答：李先生而家喺邨管嗰面係做副署長。

問：Thank you.

You will find there are references to the World Health Organization at paragraph 9.2.1, 9.2.3, 9.2.4, 9.6.1.

Then, if we move to minute 18, on 15 April 2009, a different person from the Housing Department appears, Mr Luk Tsz Wai, senior maintenance surveyor from the Housing Department.

Now, do I take it that gentleman is probably from Estate Management?

答：Yes, Yes.

問：I don't think there is a direct reference.

There is, I'm told by my colleague, it's paragraph 3.2, over the page on page 4. There are quite a few references.

Then at meeting number 19, on 8 March 2010, it's fair that I point out there's nobody present from the Housing Department, but Mr Ma Kam Chuen, the chief estate manager, had apologised for his non-appearance, and that's at the front page of meeting 19.

Then, if we come over to meeting 20, we have another person now, an assistant director from the Housing Department, Mr Chan Siu Tack. Is he in the Estate Management Unit?

答：Yes，係。

問：And meeting 21, I think it's fair to point out he's absent; but he's back at meeting 22, and the references are at 4.2, 4.4, 4.5; and meeting 23, the last ever meeting of the Advisory Committee on the Quality of Water Supplies is on 1 February 2012, and Mr Chan is absent with apologies, but the references are at 4.2, 4.4, 4.6, 4.8, 5.3 and 10.1.

That is the end of that committee, because it comes alive under a new name. It's now called the Advisory Committee on Water Resources and Quality of Water Supplies, and -- thank you -- the administrative staff have very helpfully put up the 22 May 2012 note.

We see the assistant director is present, and there are references, in the successive meetings, to the World Health Organization, and in particular, as I promised, Mr Wong Bay re-emerges, as you will find that he is re-appointed to this committee at meeting number 3. Sorry, at meeting number 2 on 16 August 2012, the assistant director is present, and the World Health Organization standards are referred to at paragraph 6.4. And if you turn to meeting number 3, there is reference at paragraph 5.2. There is also reference at 12.4.

Now, at meeting number 4 on 25 March 2014, we now have Mr Chan Siu Tack, the assistant director of Housing, present, but Mr Wong Bay is now appointed as a new member, and you will see that in the minutes at paragraph 1.4.

Now, this may be quite unfair, but do you know when he left the Housing Department?

答：對唔住，我唔係好記得。

問：Yes. That's perfectly appropriate.

And at paragraph 7.2, and various other references.

Now, I have gone through that really fast, but the reason for doing this is, in your witness statement, at paragraph 71, the last sentence, you say this:

"Before July 2015, neither I nor the HA was aware of the WHO guidelines on the drinking water quality at the consumption point."

Now, that involves two different perspectives: your own and that of the Housing Authority.

Dealing with your own, I first of all note the sentence is curiously written. Did you have an awareness of the World Health guidelines, or did you have an awareness of the World Health guidelines on drinking water quality, or did you have an awareness of the World Health Guidelines for Drinking-water Quality at the consumption point?

答：我有呢個知識。

問：None of them?

答：No。

問：Now, in relation to your statement that the Housing Authority was not aware -- you see that?

答：見到。

問：I have shown you obviously rapidly, and you haven't had a chance to read what I have shown you, and I fully understand that, but I just have to suggest to you that the basis for your belief that the Housing Authority was not aware of the World Health Guidelines is not accurate, when you have seen what I have just shown you. In fact, the Housing Authority has known about them since the year 2000, right through to 2014. That's what I suggest.

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答：我可以回應？

問：Yeah.

答：其實喺我寫呢一個--剛才你帶我睇嗰一連串嘅會議紀錄，係我第一次睇嘅。就喺我寫呢個 witness statement 嘅時候，我亦都唔 aware 其實有一個咁嘅 committee。

我注意到就其實呢個 committee，就有好多其他部門即係都有出席嘅，例如水務署、衛生署、環保署。我就唔知道黃比先生，即係出席咗咁多次會議，所以做呢個 statement 嘅時候，我自己本人唔知道有呢個 guideline，我亦都唔知道有呢一連串嘅 meeting minutes。黃比先生出席呢個會議，佢有冇相關帶番呢個信息畀我哋部門，呢個我亦都唔知道。

但係如果一個 general 嘅 observation，我估如果真係嗰個--因為有咁多個部門--即係專科部門參與，如果當中嘅討論，我相信啲會嘅討論可能都應該有啲建議出嚟嘅。如果嗰啲建議係牽涉譬如公共衛生，或者係水嗰個質量，我估亦都應該有關嘅部門會就住所需呢，適時咁出一啲指引畀業界去跟從咁囉。呢個係我一個 general 嘅 observation 啫，但係呢一份我係第一次睇。

問：Thank you. Whichever of the assistant directors or the assistant director's representative attended those various meetings, to whom does that assistant director report? Who's higher, above that director?

答：如果跟我哋部門嗰個 line management, assistant director 應該係匯報畀個副署長嘅, deputy director。

問：Thank you. Could I also ask you to have a look at paragraph 40 of your statement.

答：係，見到。

問：This shows that in March 2011, a sampling test was carried out; correct?

答：係。

問：You then state that testing parameters were matching

the WSD circular No. 2/2012.

答：係。

問：So a year before the circular even comes into existence, you are claiming that you are matching it?

答：係，喺呢一個 point，我想都要解釋一下。因為其實我哋個東匯呢個 project，佢完工時候係 2011 年 12 月 15 號。正如你正話講都講得好啱，就係嗰個 circular，2012 年係 8 月先出嘅。呢一個 water test 呢，其實據我哋理解，就係應該係水務署嘅大喉部做，就唔係我哋房屋署做嘅。不過有一樣嘢都有啲特別嘅，除咗嗰八個 parameters--我哋經常講嗰八個 parameters，呢個 water sample test 呢，又特別加咗一隻 iron 添，但係我哋唔知道點解。因為呢個唔係 Housing 做嘅，應該係水務署大喉部嗰度做。

問：So there was no recommendation from Housing Department to add the iron test?

答：因為做呢個 test，其實都有經我哋。

問：But when you requested the test, did you not indicate what you wanted them to test for?

答：呢個 test 就唔係我哋去做嘅，係水務署做嘅。咁水務署做，就通常佢會同嗰個 licensed plumber 一齊去處理，亦都有去經過房屋署嘅。

問：I am going to move to another passage now. Paragraph 75, please.

答：係。

問：It's your first sentence. Sorry, forgive me, my mistake, it's your second sentence. I will read it. It says this:

"It appears to me that lead solder was used by Paul Y without permission and in breach of contract."

Now, I want to ask you very firmly: what basis have you got for asserting that Paul Y -- notice my emphasis

and your emphasis, that Paul Y used lead solder? Have you got any personal basis for that at all?

答：首先我 declare，就鉛水發生之後，我唔係嗰個 Chief Architect，因為我做到 2012 年 2 月--因為鉛水發生係今年 7 月，我都係睇番啲 record，同埋即係同事畀我嘅資料。

其實喺呢度就可能要睇番我嗰個證人嘅證供第 71 段，第二行嗰度，就係我哋喺 7 月嘅時候做咗--因為水務署就做咗一啲 water sample test，做咗五十二個，當中就有四個就係超標嘅。但係其實合約，我哋就有講話水超唔超標呢一個要求，不過我哋合約就有講話我哋要 lead-free category 嘅 solder。如果我哋當時嘅 protocol，如果發覺啲水嘅質素係超標嘅話，我哋就會用個 XRF 嗰個測試嘅槍去測試，咁亦都發覺嗰個係超標嘅，the solder joints。

所以基於咁，我哋就係喺呢個東匯邨嘅 contract，就覺得嗰個 joints 就係唔合乎我哋 contract 嗰個 requirement。點解我哋寫 "Paul Y" 呢？因為我哋喺合約嗰個對口，就係 Housing Authority 同埋 Paul Y，所以我就寫咗 "Paul Y"。

問：I'm not sure whether you are missing the point or are trying to miss the point. The emphasis of your statement is that lead solder was used by Paul Y. That is an allegation that you are making that Paul Y themselves used lead solder. I am putting it to you: there is no basis whatsoever for that allegation. You have used very careful words "used by Paul Y".

答：正如我正話講，即係喺個合約度，房委員就係同 Paul Y 簽呢個合約，所以我哋只可以就係同--個對口就係 Paul Y。因為喺嗰個合約本身，其實總承建商佢係有責任去交出合乎 contract 嗰個嘅 requirement。

問：Again, you are missing the point. I am emphasizing that you have written that "Paul Y used", they themselves, the company Paul Y used, lead solder. What is your basis for that? The contract is not an answer to that allegation. What is the basis for saying they used solder? There is none.

答：或者我都係重複，因為個合約嘅關係我哋都係 Paul Y，而 Paul Y 就 under 嗰個合約，佢就應該--即係 under 佢嘅 supervision，佢係有責任去監管佢合約下面嗰啲嘅質數，同埋佢就算用--第一，佢需要買啲嘅材料，make sure 買啲嘅材料；第二，亦都要 make sure 啲嘅材料係監督佢啲工友去做施工。所以我哋就用咗--我哋就--佢嘅對口就係 Paul Y，呢個係我嘅 basis。

問：I am not going to pursue this, because I can see we are going to get the same answer, which is a non-answer.

I have a few more things to ask you. You have referred to industry practice in your witness statement -- industry practice -- in relation to lead and solder.

答：係。

問：Now, have you, that is has the Housing Department, got records -- notice the word "records" -- have you got records of the process you went through to determine the alleged industry practice?

答：麻煩你可唔可以講多次？

問：Sure. Have you, the Housing Department, got records of the process you went through to determine the alleged industry practice?

答：冇。

問：You are relying on industry practice, but there's no evidence of such an industry practice at all.

答：喺 7 月之前，因為我哋對呢樣嘢有一個確切嘅認知，所以即係我哋個做法同業界嘅 practice 都係一致。

主席：我想問一問，你哋成日講個 industry practice，係個 industry practice，用銅喉咩，抑或係用銅喉再加 soldering？因為兩件事嚟嘅。

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答：係。

主席：首先，第一樣嘢，你哋對 industry practice 用銅喉有認知，我諗都幾--應該都唔 dispute 㗎嘞，係咪？因為你哋 02 年開始轉用銅喉，係咪？呢個我唔--呢個係一定係咁㗎喇，係咪？

答：係。

主席：咁你話--如果你再講 industry practice，好嘞，佢哋用銅喉，究竟用乜嘢嘢去 join 埋一齊，你有冇呢一個 industry 嘅 practice 嘅認知先？

答：當我講話 industry practice，我係 refer 係用銅喉，同埋用燒焊嘅形式去接駁。

主席：Okay，得，唔。

問：I want to turn to a different point, one raised by the Commissioner at the end of yesterday. Could the General Conditions of Contract, please, go up.

主席：我想問一問，你哋房署有幾多個副署長？

答：係，副署長有三位，一位就係我哋 Deputy Director, Miss Ada Fung, 就係 DCD 嘅；另外一位，就係 Estate Management 嘅 deputy director；再另外一位--應該有四位，另外一位，就係 deputy director Strategy；另外-應該四位，另外一位就係 central services。

主席：係。

問：General Conditions of Contract 15, please, GCC15.

Come down to 15, please. There, right.

Now, Ms Yim, obviously you will have general

familiarity with the GCC; correct?

答：係。

問：I emphasise, I am not going to ask you questions of contractual interpretation, but I am going to ask you about practice as the contract manager.

Under GCC15, it emphasises, doesn't it, that the contractor's obligation is to complete the works "in strict accordance with the Contract ... and shall comply with and adhere [to the CM's instructions]"?

答：係，見到，係。

問：Right. If we can move, please, to GCC60.

答：係，係。

問：The issue of the contract manager's instructions is governed by GCC60, and if the circumstances set out in 60 are met, then in broad terms the contract manager must order a variation. Would that be fair?

答：見到，係。

問：Because it says the contract manager "shall" -- not "may" -- "shall order any variation", and the circumstances requiring an order of variation are set out, if it's necessary for the completion of the works -- you see that?

答：見到，係。

問：And if, in the contract manager's opinion, it's "desirable for or to achieve the satisfactory completion and functioning of the Works"; do you see that?

答：係，見到，係。

問：So yesterday we noted that GCC provides this two-tier

mechanism of quality control, which is through specification and testing.

Now -- and I think it's the last one I want to show you -- could you please come to GCC42. This shows that it's the contractor's obligation to comply with the specification as part of the contract. That's GCC42(1). That would be a fair summary; yes?

答：係，見到。

問：Thank you. And the contractor's obligation, in 42(1), is to carry out examinations and tests, and that's provided for in GCC42(1); right?

答：係，見到，係。

問：And what that means is it's the examination and tests which are either provided for in the contract that has to be carried out by the contractor, or are tests added after the contract by way of a variation ordered by the contract manager. Do you see that?

答：見到係咁寫。

問：That's right. So if it's not in the original contract, then the tests are tests to be ordered, if at all, by the contract manager.

If a test is part of the contract, if it's actually stipulated in the contract, then it's going to be priced in the contract, isn't it?

答：係。

問：And if it's added as a variation, the important difference is, it's your side, the contract manager, that has to pay for the test, if it's a variation? I am not asking for a definitive contractual answer, but that's the general position?

答：係，即係--係，係咁寫喇，咁理解。

問：That's right. So we know, in this contract, there are no tests provided for in relation to solder and water samples. We know that; correct?

答：係。

問：So there was no contractual position in relation to tests against the contractor for solder and water; it's not provided for in the contract. But it could have been requested by the contract manager; correct? It could have been?

答：可以咁理解。

問：Yes. And if it had been requested, then you would have had to pay for it, and secondly you would have found out that there was lead in the water straightaway?

答：或者可以咁睇，我哋而家嘅 contract 就寫明，好清楚 very clearly、explicitly，就寫明要用 lead-free category 嘅 solder。喺我哋現時嗰個 specifications，我哋就有特別因應呢個 requirement，就喺個 spec. 度話要做啲乜嘢嘅 testing，呢個係--即係我講番個 spec. 嗰度先。

但係如果講番喺 7 月之後，我哋發覺嗰啲 solder joints 有鉛呢個成份，而東匯邨呢個 project 其實完咗工喇嘞，而家 even 個 maintenance period 都過咗，但係呢樣我哋都要 the contractor 去做番個 rectification。因為呢個就可以 classified as 一個 latent defect，which 我哋係喺收貨嘅時候係見唔到。

所以如果任何就算有相關嘅咩嘢 testing 嗰啲，都應該係即係 contractor 去 bear 嗰個 costs。因為呢個係 non-conformity to the contract 個 requirement，呢個我哋嘅理解係咁。

問：Right. Now, I am suggesting to you that there were many opportunities by the contract manager to have discovered the presence of lead before July 2015, many opportunities, but they weren't taken by your side.

答：呢個我唔同意，因為我哋都成日重申，7月之前我哋真係對呢樣嘢有
嗰個認知。即係雖然我哋知道鉛係有害，但係鉛喺水管，如果嗰個焊
口含鉛嘅話，佢如何去影響個食水質素等等，我哋係唔知。所以你剛
才個 statement 我係唔同意嘅。

問：I suggest to you that the real issue is not what you
claim you knew or didn't know but the real issue is
what you should have known at the time of the contract.
And you should have known because in your own contract,
that you wrote, you have put in prohibitions on lead
and cadmium, so you must have known there was a risk
associated with them.

答：係，或者可能從另外一個角度睇，我哋個合約就列明好清楚我哋要啲
咩嘢嘅，我哋要啲咩嘢貨。而相關嘅條文，就有--亦都好清楚講明要
符合相關嘅譬如國際標準，BS EN 等等嘅標準規格。

第一，如果我哋早知道呢啲係高風險，當然我哋會用盡方法去睇
下點樣堵塞個漏洞，喺 end process 嗰度加一啲譬如關卡、難度、
甚至完工前做啲 testing，呢個最理想嘅。但係呢個 make 個
assumption，就係如果我哋早知道呢個風險，但係而家實際狀況，
我哋唔知。當我哋 draft 個 spec. 嘅時候，我哋亦都唔知呢個風險。
但係可唔可以咁講呢？就係就算我唔知道背後嗰個風險，或者我
draft 個 spec. 嘅時候，我都唔知道背後嗰啲技術嘅原因。但係基本
嘅合約嘅要求，就係 contractor，即係我哋對口嘅 contractor，
就一定要買啲個材料，同理一定要即係監督嗰啲工友，就用啲嘅材料
去做嗰個程序，咁就從而交一個即係合規格嘅 product。

所以我哋覺得，如果要有效咁執行嗰個合約，其實係雙--即係我
哋需要即係對方去履行嗰個合約嘅要求。

至於 draft 個 spec. 個背後，我知唔知道嗰個原因，其實係--
就算我唔知道嗰個原因，但係我好清楚講明我要啲乜嘢，咁係咪--即
係就算我唔清楚個原因，但係好清楚要啲乜嘢，咁就應該要履行嗰個
合約嗰個要求。就唔應該就話「因為你唔清楚個原因，雖然你好清楚
寫啲嘢，我都要交啲唔啱嘅規格嘢畀你。」咁我覺得呢個講法我就唔
同意囉。

即係我知唔知道背後個原因，其實唔係最重要，最重要我好清楚
我要啲乜嘢貨囉。

問：I am almost finished. I suggest to you that the real cause of the lead incident is the failure of the drafting team to include a requirement for the testing for lead in the specification. That's the real failure.

答：我唔同意。

MR McCOY: Thank you, Sir.

主席：Okay。仲有冇人想問？Yes.

MR PENNICOTT: Thank you, Mr Chairman.

MR PENNICOTT 盤問

問：Ms Yim, good morning.

答：Good morning。

問：I represent China State, who, amongst other things, are the main contractors for Kai Ching, and you put in a second witness statement dealing with certain aspects of the Kai Ching contract.

答：係。

問：Before I ask you some questions about that, can I just confirm with you these three details. You were the chief architect for Kai Ching between February 2009 and February 2012; is that right?

答：對。

問：You were also the chief architect for the following developments in the same period: Tung Wui, that Mr McCoy has been asking you some questions about; is that right?

答：係。

問：And Shek Kip Mei; is that right?

答：係。

問：Ching Ho; is that right?

答：唔啱，清河我係--我有做過 Chief Architect，係另外一位 chief architect。

問：Lower Ngau Tau Kok?

答：有做過 chief architect。

問：Could I ask you just to clarify the position on Ching Ho, because, according to one of your colleagues, you were indeed the chief architect on Ching Ho between February 2009 and February 2012. Is that wrong? I ask you to go to B15.2/38736.

答：清河邨--正話剛才你提嗰幾個屋邨，就我有做過 Chief Architect，就除咗東匯邨，我就做 Chief Architect，就係要 certified 完工，其他嗰啲我係有 certified 個完工嘅。咁清河邨，應該係另外一位 chief architect，certified 完工係 Ms Rosa Ho，係另外一位，我唔知個紀錄係咪...

問：I didn't ask you whether you were the chief architect that certified the completion of the works. I asked you if you were the chief architect between the two periods that I gave you, which was February 2009 to February 2012.

答：我而家見到嗰啲文件喇，但係清河邨我係應該有做過 Chief Architect。

問：Have you got -- is that up on the screen? Yes, so you have got it in front of you. So what -- this is an attachment to the witness statement of another chief architect, Rosa Ho --

答：對唔住，對唔住，sorry。

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問：-- so that's wrong, is it?

答：係，唔好意思，如果而家睇番 chief architect，可能係嗰啲 maintenance period。即係 2009 至到 2 月 2012 年，呢個 chief architect 可能應該係嗰啲 maintenance period。因為通常喺嗰啲 maintenance period 嗰啲 project，我哋可能 chief architect 嗰個 involvement 仲更加少，所以我記唔起，唔好意思。

問：All right. Let's move on.

Can I ask you this: were you either the senior architect or the chief architect for a development known as Upper Ngau Tau Kok?

答：Upper 牛頭角我係 Chief Architect，就有做過 Senior Architect。

問：Sorry, but you were the chief architect?

答：我曾經係。

問：Okay. When you ceased to be the chief architect for these various projects in February 2012, I understand that you were promoted to assistant director; is that correct?

答：開始署任喇。2012 年 2 月開始署任。

問：Yes. And if you've still got in front of you, and everybody else has got it on their screen, just by way of example, we see you described in the column "Group" as assistant director, AD(P)2, February 2012 to July 2012; that's for Ching Ho.

What role does the assistant director play in the project? Once you became assistant director, what role did you play in any of these projects, if any?

答：係，如果喺我哋 DCD 個分工，assistant director 嗰個工作，佢就唔參與嗰個 contract 嘅 management，佢係代表 employer 嘅

代表，employer's representative。

問：All right. Let's move on.

In your witness statement, second witness statement, relating to Kai Ching, you say you were involved in the drafting of the Kai Ching contract. Is that right?

答：係。

問：When one of your colleagues, Mr Stephen Yim, gave evidence to the Commission on Day 7, he told the Commission that as chief architect at the relevant time, he believed that you, Ms Yim, were in overall charge of drafting the contract. Is his belief correct?

答：可以咁理解嘅。因為我係 Chief Architect，但係我係要 supported by 我嘅同事，a group of 嗰啲 senior architect 同埋其他嘅 technical officer 咁，但係我都係 oversee 嗰個 tender document 嘅。

問：Thank you. Attached to your second witness statement is a consultancy agreement that the Housing Authority entered into with Scott Wilson. It's exhibit 1 to your second statement, and starts at page 39657. I wonder if you could be given that, please.

答：係，見到。

問：Ms Yim, who drafted this consultancy agreement?

答：呢份 consultancy agreement，我唔係好記得邊位同事 draft。

問：Did somebody in the Housing Authority draft it?

答：我都有太大印象，我呢個我唔知。

問：If you go to page 39661, Ms Yim --

答：係。

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問：-- you will see that that's the signature page, and it was signed by Ms Ada Fung; do you see that?

答：見到，係。

問：And witnessed by you?

答：係。

問：And you have no recollection of how or by whom this consultancy agreement was drafted? Is that the position?

答：通常啲 consultancy agreement，都可能會係我哋啲 quantity surveyor 幫我哋做嘅，因為呢個我就真係個記憶我記唔到。

問：All right. Did you read the contract, the consultancy agreement, before it was signed by Ms Fung and witnessed by you?

答：好詳細咁睇呢，我係冇睇過嘅，我有好詳細咁睇。但係因為通常呢啲 agreement，嚟到個 chief architect，甚至係畀我哋 deputy director 去簽署嘅時候，就一定係會有一個--喺個 on file，同事就會呈上嚟，就係佢哋全部 check 過晒啲嘢，全部 in order，咁我哋先去簽署嘅。即係有一個機制去跟個 work flow 嘅。

問：All right. Would this be a fair summary, that to the best of your recollection this consultancy agreement may have been drafted by somebody in the quantity surveying division, perhaps with the assistance of others; is that what it comes to?

答：因為方才我講過我嘅記憶唔係好記得呢方面，所以我有再 further 嘅補充。

問：Perhaps you will agree with this: if you look through this consultancy agreement, Ms Yim, particularly starting at page 39665 and following --

答：係，見到。

問：-- you will see repeated references to various sections

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of BEAM; do you see that?

答：係，見到，係。

問：And if you go, please, to page 39668, under the heading, "Other submissions", at 2.7, you will see:

"In addition to the above specialist studies, the consultant shall also co-ordinate submissions, on behalf of the project team to achieve HK-BEAM requirements (version 4/04) for the following assessment criteria, where applicable".

Then again a whole series of BEAM sections are listed; do you see that?

答：係，見到。

問：And if you go to page 39670, at the top of the page there's the reference to "BEAM" section 5.1.1, "water quality"; do you see that?

答：見到。

問：Do you agree with this proposition, Ms Yim: that it is blindingly obvious that whoever drafted this consultancy agreement must have had in front of them or on the screen the HK-BEAM requirements? The consultancy agreement couldn't have been drafted without them, could it?

答：係，因為呢個成個 consultancy 嗰個本意，就係要呢位 consultant 幫我哋去喺 BEAM 嗰度點樣做個 assessment，從而我哋可以攞到嗰個認證。

問：Do you agree with me with the simple proposition, Ms Yim, that whoever drafted this contract must have had access to the HK-BEAM requirements? They couldn't have drafted this consultancy agreement without it?

答：呢個 agreement 有好多都係 refer 番 BEAM，當時因為 BEAM 都仲

係 4/04 嘅版本。

問：Yes. I think you might be agreeing with me, but I'm not going to ask it again.

Can I ask you this: did you personally look at the HK-BEAM version 4/04, at the time this consultancy agreement was being entered into?

答：我自己 personally 冇去 detail 去睇過 BEAM 4/04 嗰個 requirement，喺當時係冇嘅。

問：What do you mean by you didn't read in detail? Did you look at it at all?

答：或者我都可以講講嗰個背景，其實我哋當時做啟晴邨嘅 tender document，其實我哋有好多好多，大量嘅工作做。即係當一個 project，如果佢有五千零四個單位，六座樓，咁當然要出 tender 嘅時候，就其實我哋要做--要 compile 成套好多 requirement 嘅 specification，我哋啲同事要好忙去搞嗰個 tender drawings。同埋我哋嘅 team，亦都要同其他好多，特別係 quantity surveyor，點樣樣去可能解答好多 query，去 prepare 嗰個--幫 QS 去做嗰個 BQ，所以喺呢段時間其實我哋係好多好多嘢做嘅。

而 BEAM 呢個綠建環評呢個認證，就只不過係我哋希望擺埋落去個 tender document 嗰度。因為當中，就如果我哋真係要攞得呢個認證呢，其實喺個 construction process，同埋就算 after maintenance period，都需要 contractor 嗰個參與同埋畀數據。所以呢個綠建環評呢個，就喺我哋成個 prepare tend--縱然我之前講，我係 oversee 成個 preparation of 個 tender document，其實啲同事喺嗰段時間，呢個 BEAM 呢個部分係其實係一個小部分 of 嗰個 tender 嗰個 document。所以如果你問我本人，我自己確實係有好 detail 咁去 go through 所有 BEAM 嗰個 4/04 嗰個版本。

問：Were you aware at the time, at around the time this consultancy agreement was entered into, in November 2009, six years and three days ago, as it happens, that the HK-BEAM document makes three repeated references to the World Health Organization Guidelines? Were you aware of that at the time?

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答：我唔 aware。

問：Can I just move on a little bit. You obviously engaged Scott Wilson under this consultancy agreement and, as you have explained in your witness statement, one of their first tasks was to draft various clauses to go into the specification, so far as HK-BEAM was concerned.

答：係，對。

問：Could I ask you, please, to go, in your witness statement, to one of the other exhibits, please, at page 39678.

答：係。

問：On page 39678, we see an email, addressed to Anita, who I think is Anita Chan; is that right?

答：係，佢係當時嘅 Project Architect。

問：And the email is from Scott Wilson, and they are attaching the draft specification clauses, starting at page 39680.

答：係。

問：And that email, as I understand it, while sent to Anita Chan, was also copied, sent to, all the other people that we see listed on page 39678?

答：係。

問：I make that nine representatives of the Housing Authority or the Housing Department?

答：Sorry，你--唔好意思，請重複。

問：Counting the number of Housing Authority representatives, I make it nine. You can agree or disagree with that.

答：應該係。

問：I would like to make this point: you have accepted and you agree that Anita Chan was the recipient. She was the project architect for Kai Ching?

答：係。

問：It was also copied to Elaine Wong; she was also a project architect for Kai Ching?

答：係，因為我哋當時啟晴應該有幾位則師做嘅，Anita、Elaine，因為都幾大個個 project，咁亦都有同事係另外係做商場嘅。

問：Right. There are two other persons mentioned here, a Franki KF Mok and a Roger YK Leung. As I understand it, they are both BSEs on the Kai Ching contract?

答：如果照我記憶，應該正確。

問：One of the purposes for asking you this question is this: in an answer that you gave to Commissioner Lai yesterday, you indicated that there was, and I use your words, "a central unit to co-ordinate work on BEAM accreditation". That's what you said yesterday, when Commissioner Lai asked you a question. Do you remember that?

答：我記得 in general 係有一個咁嘅 section，一個咁嘅 team 嘅，喺 design and standard。

問：When was that unit set up?

答：Design and standard 嗰個 team 本身 set up 呢就係好耐之前，我唔記得，因為 before 我個 time。但係如果你話幫手睇住 BEAM 嗰個，就即係 exactly 嗰個時間我唔知，但係如果我哋部門有參與 BEAM 嗰啲嘅認證，就大概一九--因為 BEAM 都係 1996 年開始，咁我哋部門有參與嗰個認證，就大概係 1999 年咁上下。但係我哋參與 BEAM 嗰個認證 1999 年，係咪代表 B&S section 裏面啲同事就已經喺度做咗中央嘅 function，我真係唔係好記得。

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C 問：The reason I am pressing you a little bit on this, Ms
D Yim, is this: the nine recipients, so far as the Housing
E Authority is concerned, on this email we have just been
F looking at, are they being sent this email because they
G are all involved in Kai Ching, or are they being sent
H it because they are members, perhaps, of the central
I unit that you have just described?

J
K 答：我就咁睇啲名，就應該佢唔係 central team，係應該係有做啟晴
L project 嘅同事。但係我估呢一個 e-mail，就係要--即係因為佢有
M involve 啲啟晴呢單 project，可能就係 keep 同事 inform 咁。
N 即係我就咁睇落去，就唔應該係中央啲 team。

O
P 問：Okay. Can I just ask you again about the central unit:
Q is it, as it were, formally set up as a unit within
R the Housing Authority, with dedicated members of the
S unit that focus on HK-BEAM?

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U 答：呢一組嘅同事，其實佢主要都係做咗一個--因為我哋啲比較有效資源
V 運用之下，我哋有一啲同事係專攻，就主要就係譬如對--譬如
HK-BEAM Society，對口，要擺一啲資訊，咁得到啲資訊，可能呢
就會擺番落嚟我哋 department 嗰度。但係我記憶，就係佢下面應該
有一位 senior architect，可能仲有啲同事去做咗呢個 contract
point，有少少 management of 即係整體呢樣嘢嘅工作。

問：Does the central unit that we are talking about here
have a head, a boss, somebody in charge?

答：而家我哋 department 如果發放 BEAM 呢啲嘅資料，就係由 D&S
section。咁呢個再細啲嘅 unit，就係我正話講，係一位 senior
architect 會負責，咁佢 report 就 report 畀呢個 chief
architect。但係好多時，D&S section 啲嘅資料，如果需要發放，
可能佢都有需要係過我哋啲 Development & Construction
Management Board 啲 instruction 等等先會出嘅。

問：So are you telling us that there is a senior architect
who is essentially in charge of this central unit for
HK-BEAM accreditation?

答：我知道應該係，但係佢唔係淨係做 BEAM。即係佢唔係淨係做呢個工
作，仲有其他嘅工作做。

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問：I understand that. It's not a full-time job. Do you happen to know who is the senior architect in charge of BEAM at the moment?

答：如果我冇錯，我希望冇錯喇，有一位--你想要個名呀，直情？

問：Yes.

答：哦，應該係 Senior Architect, Mr Clarence Fung.

問：All right.

Now, in the part of the same answer to Commissioner Lai's question that I referred to earlier, where you mentioned the central unit, you also indicated that one of the other projects that has applied for and obtained HK-BEAM accreditation was Lower Ngau Tau Kok.

答：我有咁提過，亦都 Lower 牛頭角嗰個 project，都好似有搵過個 consultant 幫手做啲工作，但係好細節，就我都唔係好記得。

問：All right. But you were, as you have told us a moment ago, the chief architect for Ngau Tau Kok as well?

答：係。

問：And so we have seen the process that was gone through on Kai Ching, in terms of engaging a consultant, the consultant drafting the specification for you. Was the same process gone through on Ngau Tau Kok, Lower Ngau Tau Kok?

答：因為 Lower 牛頭角我就冇去好 detail 咁去翻閱番啲文件，所以我唔係好--個記憶唔係好大。

問：Is this right, Ms Yim, that there must be a body of documentation in relation to Lower Ngau Tau Kok which deals with the BEAM accreditation application?

答：如果我哋有搵 consultant 做，應該都有相關嘅文件。

問：Am I right in suggesting to you that Upper Ngau Tau

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Kok, which you have also indicated you were the chief architect for, also applied for and obtained HK-BEAM accreditation?

答：牛頭角，應該係 Lower 牛頭角，即係牛頭角下邨，就唔係 Upper 牛頭角。因為 Upper 牛頭角我有做過嘅，我所指嘅係牛頭角下邨，Lower 牛頭。因為正如我正話講，我就有詳細翻閱番個 project 啲資料，但係同事有好 brief 咁同我講過，Lower 牛頭角，我就好似有去--最後有去做到認證。雖然我哋搵咗 consultant 做，但係最後有去到--有去認證。

問：My information, Ms Yim, suggests to me that Upper Ngau Tau Kok, an estate as it happens built by Paul Y, and on the unaffected list of developments, applied for and obtained platinum status under HK-BEAM. Have you got no recollection or knowledge of that?

答：我再 clarify，牛頭角上邨，Upper 牛頭角，我係從來有做過 Chief Architect，係另外一位 chief architect。因為我正話講嗰個係 Lower 牛頭角，係唔同嘅 project 嚟嘅。即係你所提嘅 Upper 牛頭角，就攞咗啲 accreditation 嗰個，我有 involve 過喺嗰個 project。

問：I apologies. I thought you said earlier that you were, but perhaps I misunderstood.

主席：我淨係想知道呢啲會帶引到去我哋邊一度呢？即係個 relevance 去到邊一度呢？

MR PENNICOTT: Mr Chairman, obviously, in Kai Ching, we have seen the HK-BEAM accreditation and how that's all panned out, and the knowledge of the Housing Authority regarding the WHO Guidelines, and so forth, and it's just come out -- rather unexpectedly, I have to say, for my part -- that there are a number of other contracts which seem to have gone through a similar process, and I was just trying to explore just how many there may be. Quite where it leads to, I'm not entirely sure, I confess.

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問：But now, if I can just ask one final question on this topic, if I may, which is this, Ms Yim: what are the criteria for determining whether or not a particular development of the Housing Authority applies for accreditation?

Yesterday, again in the same answer to Commissioner Lai, you indicated that because Kai Ching was a big project, that was one of the reasons why an application was made. Is that the only reason?

答：啟晴就係佢有一個--佢係一個大嘅 project，同埋我哋想做呢個綠建環評，其實都主要我哋希望透過呢個認證呢個工具，就可以喺譬如各樣嘅能源，節省成本效益等等，嗰方面能夠做得更好嘅成績，從而就係嗰個屋邨可以做一個--我哋 term as 一個 green estate。因為我哋都會同 China State 都有個幾大嘅合作係做好呢個啟晴邨，做一個綠色嘅屋邨嘅。亦都我哋希望有一個 corporate 嘅 image，就係可以加強--即係畀居民一個信息，就係加強我哋對環境保護，減少環境破壞等等嘅一個信息。咁我哋有啲 project 就會有，有啲 project 亦都有啲唔做，但係如果喺啟晴，我哋亦都要好小心咁衡量，究竟我哋如果做呢個綠色環評嘅時候，所花費啲資源呀咁。所以如果答番你問題，喺啟晴邨，因為當時佢係一個幾--因為啟德嘅屋邨，都係幾矚目嘅屋邨，咁我哋都希望喺呢一方面--綠色環境嗰方面，能夠做得更好。

但係如果其他啲 project，就正如我正話講，如果 BEAM，1996 年就開始有，我哋大概 1999 年就開始參與，其實個精神都係--因為 BEAM 嗰個都係希望喺全面環境評估之下，即係比嗰啲屋邨做得更好，咁我哋有參與。而再當 BEAM migrate 去做 BEAM Plus 嘅時候，就我哋 department 都喺 2011 年嘅時候，都話我哋都希望啲 project，盡量喺呢方面，喺環境保護呀各樣方面都能夠參與。所以就其實而家我哋啲 project，都會喺--2011 年開始，我哋話所有我哋啲新 project，如果喺 2015、16 年完工打後啲，我哋都希望我哋可以做到，即係啱到 BEAM Plus 嗰個 standard，最低限度都達到譬如高嗰個 rating。

另外一樣都幾緊要嘅，因為如果攞到呢個 BEAM Plus 呢個嘅認證，就我哋喺 GFA 個 conception 嗰度，係可以攞到多啲嘅

conception，從而我哋多啲 GFA 喺手，就變咗我哋個 flat production 嗰度就更加好，可以提高。即係反而呢個係即係相應嘅好處就帶嚟，但係要畀啲屋邨有綠色嘅屋邨，我哋主要呢，亦都相應 GFA 個 conception，都係一個幾重要嘅考慮。

問：Okay. Thank you, Ms Yim. Just one topic, an entirely separate topic, I just want to ask you a few questions about, if I may. Mr Khaw asked you some questions about this and other witnesses have been asked as well.

Do you agree with this proposition, Ms Yim, that there are essentially three categories of subcontractor, namely nominated subcontractors, specialist subcontractors and domestic subcontractors; would you agree with that?

答：係。

問：When one uses the term "nominated", the reason for that is that when a main contractor enters into a main contract with the Housing Authority, for particular trades, such as piling, fire services and lifts, for example, you have a list, the Housing Authority has a list, of subcontractors for those particular trades?

答：係，我哋 NSC 就應該有 electrical、lifts、fire services and water pumps 係一個 NSC 嚟嘅。我哋都有另外一個 separate 嘅 contractors lists 嘅。

問：Yes, and the word "nominated" is used because you tell the main contractor that they must choose from this short list of contractors, that you have nominated, that they must appoint from those subcontractors?

答：係，呢個係嗰個機制，係。

問：So they don't really have any choice in it, or the choice is limited to the number of subcontractors that you identify or nominate?

答：可以咁講。

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問：What's the position with regard to specialist subcontractors? Is that different?

答：我一時間諗唔起邊類嘅 specialist contractor。因為唔係太多，即係我哋部門唔係太多用 specialist contractor。

問：The only reference I have managed to find in the Kai Ching contract with regard to specialist contractors is ground investigation contractors. They have to be registered. Does that ring a bell?

答：係，係，係，係，記得，係。係。

問：So that would be an example of a specialist subcontractor?

答：係，係。

問：Does the Housing Authority again keep a list of specialist contractors?

答：Main Contractor 有；NSC 有。Specialist contractor，我因為唔係做 listing 嗰面，反而我呢方面，我唔肯定。

問：Okay. Can I ask you whether you agree with this proposition: do you agree that there is a provision in the main contract that imposes upon the main contractor an obligation to ensure that certain provisions of the main contract are included in the subcontract, of whatever category?

答：你介唔介意講多一次，唔好意思？

問：Yes. I am suggesting to you that in all of your main contract, in Special Condition 177, and I can show it if you need to see it, there is a provision which obliges the main contractor to ensure that certain provisions of the main contract are included in the subcontract that he enters into?

答：係，係。

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問：Right. Is this also right, that in the same provision, you, the Housing Authority, have a right and an entitlement to request and inspect any subcontract that is entered into by the main contractor?

答：跟合約嗰個規格，係。

問：Yes. When do you operate that clause? In what circumstances do you demand or request to see copies of the subcontract?

答：你可唔可以再重複嗰個問題？

問：Yes. If there's a provision which you agree with, whereby the Housing Authority can request to see originals of the subcontracts, in what circumstances do you trigger that? When do you ask to see a copy of the subcontract?

答：我都唔係好理解嗰個問題。

主席：Re-formulate 你個 question.

MR PENNICOTT: It's the last one, so perhaps if I could just have one more go at it.

主席：咁我哋聽埋喇。

答：好。

問：Can I just read you this, Ms Yim -- perhaps this is the easiest way to do it -- it says clause SCC177, which I am sure is in all of the contracts that we are concerned with -- it says this:

"Upon request by the Contract Manager, the

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Contractor shall provide the original documents of the relevant subcontracts for inspection by the Contract Manager."

All I am asking is in what circumstances would you ask to see an original of a subcontract? Can you think of any circumstances?

答：我就我擺唔番呢個印象，而且特別係因為 nominated subcontract 就唔係我去 administrator 個 contract，係另外我哋有 chief building services engineer 去 administer 個 contract 嘅。

問：In your position as chief architect, have you ever asked to see a copy of a subcontract?

答：我有睇過，起碼 for 啟晴。

MR PENNICOTT: All right. That's all.

主席：Thank you。仲有冇人有問題問？你有覆問嘅，係咪？

何先生：我有嘅。

主席：好。咁我哋不如 break 咗先，二十分鐘。

何先生：好。

上午 11 時 31 分聆訊押後

上午 11 時 53 分恢復聆訊

出席人士如前。

主席：Mr Ho。

何先生：多謝，主席。

香港房屋委員會第九證人：嚴小玲（房屋署（東匯邨和啟晴邨總建築師））
宣誓繼續作供

何先生補問

問：嚴小姐，我同你--問你問題之前，我想特別講一講，就係當然喺房委喺呢件事裏面有一個角色，因為佢係要提供呢啲公共嘅房屋。

答：係。

問：但係--亦都係請你上嚟，其中一個目的就係睇下你作為某幾條邨嘅呢一個 Chief Architect，而嗰啲邨而家有某程度上面有驗到嘅水辦係有一個含鉛嘅問題，咁所以--你亦都係一個--作為一個 Chief Architect，某程度上係一個合約嘅執行者嘅角色咁去睇，即係呢個就會比較係個人，你嘅身分，當時你所經驗嘅或者你所知悉嘅，咁我相信，我亦都希望你係一陣問我--答我嘅問題，亦都係留意...

答：好。

問：...唔同嘅--可能大家唔同嘅角色嗰個問題。

答：係。

問：咁就我想第一就係睇睇番頭先 Mr Pennicott 最後佢就問咗你關於 Scott Wilson。當時我哋請 Scott Wilson 去做一個 consultant，關於去個 BEAM 認證啟晴邨嗰件事嘅。

答：係。

問：可唔可以請你睇番你嗰個第二嘅證人口供？你嗰處，第二證人口供，你就首先就--你嘅證物 1，我哋睇到 39656 頁，15.3；Bundle 15.3，39656 頁，呢一個，就頭先亦都係部分係同你睇過㗎嘞，就係關於嗰個 BEAM --對唔住，關於係請 Scott Wilson 去做你哋嗰個 consultant 嗰份合約嘅。

答：係。

問：頭先亦都係同你傾--即係問過你，係睇呢個 39668 頁至到 39670 頁。

答：係。

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問：咁我哋其實我哋自己喺呢一個文件上面，我哋亦都可以睇到，其實 BEAM，要攞呢個認證，佢包括嘅範圍似乎都相當廣泛嘅，係咪？

答：係。因為亦都咁廣泛嘅範圍，我哋所以先至搵 consultant 去幫我哋去做。

問：當然我哋而家就即係好著眼會睇 5.1.1 底下嘅 water quality，嗰個咁樣嘅問題，因為呢一個委員會就係成立去睇呢件事嘅。

答：係，冇錯。

問：但係當時要攞呢個認證，你哋，我相信，當時嗰個 concern，即係當時個願望或者個目標，就唔係淨係睇呢一個 5.1.1 㗎，係咪？對唔對？

答：係，對。正如我喺證人書面嘅作供都有寫，其實 BEAM 包含嘅範圍好廣泛，起碼有六大項，site、material、energy、water、indoor environmental quality 同埋 innovation，所以係啱嘅，即係呢個只不過其中一個小嘅環節，其中一個 item。

問：係，因為我--就咁我自己睇--即係我唔係呢一方面有特別認知，不過我就咁睇都--即係譬如 land use、contaminated land、public transport、provision of basic services，一路讀落去，其實要注意嘅項目都相當多嘅。

答：係，對。

問：咁 Scott Wilson 係--即係你哋請佢做呢一方面嘅驗證嘅 adviser，你哋對佢嘅專業知識有冇好 detail 問咁樣呢？

答：因為我哋去請 consultant 之前，其實我哋都有睇過佢有冇之前有啲--即係 previous 嘅 experience on 呢一樣嘢，所以我哋係對佢嗰個專業嘅知識就有去懷疑。

問：即係我頭先都聽到你講，即係你哋係好倚賴呢一個 consultant，專家，去同你哋、指示你哋、建議你哋要做啲乜嘢去攞呢個驗證嘅。

答：係，冇錯。

問：咁我想睇番就係你嘅第 4 號呢個--呢個第 4 號嘅 exhibit，喺 39736。

答：39736，係。

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問：39736，就請你揭過去 39737。

答：係，見到。

問：我哋見到嗰個 logo，喺左上角嗰個 logo，係叫做“BUSINESS ENVIRONMENT COUNCIL”，見到嘛？

答：係。

問：我哋見到左下角就有個日子嘅，就係 2009 年 4 月嘅。

答：係。

問：咁我想知道，呢一個 Business Environment Council 係咩嘢角色？

答：佢嘅角色就係幫我--佢係個 BEAM assessor 嚟嘅。佢係幫我哋去做--而且呢個 BEAM assessor，其實佢係 under direction and on behalf of BEAM Society 係幫我哋做嗰個 BEAM assessor，咁就主要係同我哋做嗰個 preliminary 嘅 environment performance evaluation 嘅。

問：即係...

答：因為我哋都想檢視下自己嘅 project，究竟喺咩嘢位置呢，咁所以我哋就請佢幫我哋做。

問：係。因為--呢個“BEC”，我哋簡稱佢，咁佢就係一個 BEAM 嘅 assessor。

答：係。

問：咁你哋都好早期，喺 2009 年 4 月，我哋見到，就已經係 engage 佢哋畀呢個 preliminary，一個初步嘅評估畀你哋嘅。

答：係，對。

問：咁我見到，譬如喺隔離嗰頁，呢個 39738。

答：係。

問：呢度，我哋就唔係成份呢個初步評估報告，我哋都搵晒出嚟，因為你

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淨係見到，譬如好似呢個 39738 呢頁，淨係講個 water use 嗰一個項目嘅啫。

答：係。

問：你睇下底下，其實係 page 16 嘅，呢個 internal page，...

答：係。

問：...係 page 16 嚟嘅。

答：對。

問：係咪？所以佢畀你嘅初步評估亦都唔係淨係就呢個水方面嘅安排嚟畀呢個初步評估畀你哋嘅，對唔對？

答：對。應該係全面嘅。

問：全面嘅。即係只不過我哋節錄只係提出咗一張出嚟。

答：冇錯。

問：咁我想你睇番，喺 39738 嘅右手邊，即係有數字嗰一欄，“Credits Likely to be Achieved”。

答：係。

問：見到嘛？

答：係。

問：咁係唔係就係話你請一個 BEAM 嘅 assessor，畀一個初步意見你哋，「如果我哋想擺呢個認證，我哋呢啲項目，有冇機會會擺到分先」，係咪咁嘅意思？

答：係，係。如果你見 printed 嗰個 report，就應該佢係檢視過我哋當時嗰個狀態，咁佢就話，譬如，“1”、“1”、“0”、“0”、“1”、“0”咁樣，另外你見到右手面就“+1 possible”、“+2 possible”嗰啲，即係話可能喺討論到就話「如果你可能做多啲乜嘢嘢，就可能喺嗰度會好啲分嘞」咁。其實成個 purpose 就係想做呢個檢視嘅工作。

問：係嘞。

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答：嘅。

問：咁即係暫時可能--如果你自己咁樣去呢，你個 5.2.1 呢，你就可能有分嘅，呢度；不過如果你做多少少嘢，可能會加--即係都有機會擺多一分咁，意思，嘅。

答：係，冇錯，係咁理解。

問：我想睇番--第一，就係我哋而家--即係個個人都唔想睇你其他啲啲啲啲啲啲，個個人都係只係想睇你個個 5.1.1 啲樣嘢嘅啫。

答：係。

問：咁不過唔好理，我哋就算係咁，用一個放大鏡去睇 5.1.1。我想你睇 5.1.1b。

答：係。

問：嘅。5.1.1b，啲度就話“WATER QUALITY SURVEY”，呢個係會有一個 credit 嘅。

答：係。

問：咁啲句嘢就咁寫嘅，“1 credit for demonstrating that the quality of potable water meets the referenced drinking water quality standards at all points of use.” 下面就有啲斜字嘅，...

答：唔。

問：...我想你睇一睇啲斜字，...

答：係。

問：...“*The designers indicated that water sampling and analysis of potable water quality at the drinking point will be carried out upon project completion and the designers committed remedial measures will be applied to satisfy WSD standards. Credit shall be achieved.*” 你見到嘛？

答：見到。

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問：你嘅理解，呢段斜字，佢係講緊啲咩嘢呢？

答：我嘅理解就係即係話如果日後完咗工之後，只要我哋 take 嗰個 water sample 係跟到、滿足到 WSD 嗰個水準或者個要求，就應該可以攞到分嚟喇咁。

問：明白。

答：就 the point at WSD 嗰個 standard。

問：係。咁就呢一個斜字呢一段嘢係 BSC (BEC?) 當時嘅初步意見吖，抑或係你哋當時提供話「我哋會咁樣做」？

答：呢個應該係 BEC 嘅意見嚟嘅，嘎。

問：係。我想睇下你嗰個口供紙，琴日就問過你關於呢個 Scott Wilson 幫你哋--即係協助你哋 draft 嗰個 contractual provision，關於呢個去取 BEAM 嗰個認證嗰個問題嘅。你自己嘅口供紙嘅第 16 段。

答：第 16 段，...

問：請你睇睇。

答：...係。

問：你第二份嘅口供嘅第 16 段，39650。

答：係，見到。

問：唔。呢段就我哋喺 contract 嗰度即係亦都見過，咁就即係嗰度係節錄出嚟嘅啫，即係 PRE.B13.060.P 呢一段。

答：係。

問：係。我想睇下，你到完--呢段嘅--你揭去後面嗰頁嘅證供。

答：係。

問：咁你講完呢一段，你就話“Based on records, Scott Wilson did not brief HA on the WHO Guidelines in the preparation of the tender document nor during the period of its consultancy service.” 呢個係正確㗎嘛？

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答：正確，係。

問：即係話 Scott Wilson 作為你哋嘅 adviser，佢都有同你哋提過嗰個 WHO Guideline 嗰樣嘢嘅？

答：對。

問：正確嘅？

答：正確。

問：我想問下你嘞，你記得琴日就許律師，即係嗰呢個委員會嘅代表律師，佢就有一個咁樣嘅問題嘅，咁佢話--即係佢話你 draft 呢一個--即係當然你見到呢個 draft，Scott Wilson 咁樣講喇。

答：係。

問：咁你見到呢度有講 WHO...

答：係。

問：...嘅 Guidelines，嗰呢一段嘢裏面，係咪？

答：係。

問：咁佢就問你，佢話「哦，咁點解你唔去問 WHO 嘅 Guidelines 呢」咁。

答：唔，係。

問：你記得佢咁樣問你嘅？

答：我記得，係。

問：咁我想知，首先，你當時你做--喺參與呢個 drafting 嘅過程裏面，有冇話「我好想去知道 WHO 嘅 Guidelines，整體嘅 Guidelines 係講乜嘢呢」咁？

答：係冇嘅。而且正話都提過，其實呢一個--水呢部分係成個 BEAM 嗰個 assessment 其中一個項目。所以就住 WHO 呢個 Guidelines，我哋係冇話去諗住好專注去深究嘅，係冇嘅。

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問：我亦都相信，如果譬如有需要喺 WHO Guidelines，關於呢個水部分，有啲要需要專注嘅地方，你當時個 assessor 或者 Scott Wilson 都會提你嘅，係咪？

答：呢個係理解，應該係咁。因為如果有真係好特別。因為佢哋都係-- as per HK-BEAM 5.1.1，如果真係好特別、好特別嘅要求，理論上佢都應該要提我哋囉，嘎，但係就有。

問：係嘞，你會 expect 佢哋會提你㗎嘛？

答：係，係。

問：但係你呢度就話佢哋從來--即係 Scott Wilson，冇特別同你哋講 WHO Guidelines 嘅？

答：冇。

問：明白。我亦都想再問下你，就去到你哋真係擺驗證嗰陣時，2014 年嘅時候。

答：係。

問：琴日就許律師亦都就住呢度都問過你一啲問題，我想即係再同你睇一睇啲文件添。

答：係。

問：請你揭去你嗰個 exhibit 嘅第 5。Exhibit 第 5 就係 39739。琴日問你嘅就係呢個 39741，呢一個電郵嘅傳達。

答：係。

問：見唔見到？

答：見到。

問：咁我哋見到上面嗰度，就楊生喇，就楊生嗰度下--就寫畀 Elaine 同埋 Patrick。嗰度琴日已經讀過畀你聽，...

答：係。

問：...“As spoken with staff of” --即係以前嘅 Scott Wilson，

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"URS, although Ms. Cindy is on leave today, it is confirmed that the sample test for water in accordance with WSD's circular is good enough to get a credit for BEAM4/04" 咁樣嘅。

答：係。

問：係咪？

答：係。

問：Okay。咁即係--其實就唔係淨係呢個電郵。琴日許律師就淨係問咗你呢個。我想揭番去 39740。

答：係。

問：琴日--我剛剛讀畀我聽嗰個電郵就係二零一四--你睇最底下嗰部分，...

答：係。

問：...2014年5月27號嘅電郵嚟嘅。

答：係。

問：就係我頭先剛剛讀畀你聽嗰個。

答：對。

問：見到嘛？

答：見到。

問：咁個時間就係朝頭早 11 點 12 分，...

答：係。

問：...就係剛剛講就係話如果係即係可以符合到呢個水務 circular 嘅，應該都可以--即係個 sample test 符合到水務 circular，應該都可以-- good enough 去迎合嗰個 BEAM 嗰個要求嘅。

答：對，對。

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問：我想你睇--嗱，呢個 11 點 12 分，之後其實仲有一個電郵㗎，因為
電郵就向--即係反時序咁樣編排，咁所以...

答：係，係，啱，啱。

問：...我想你向前睇。

答：嘎。

問：就喺 11 點 28 分有另外一個電郵嘅。

答：係。

問：見到嘛？

答：見到。

問：11 點 28 分嗰個電郵就係咁樣寫嘅“Dear Mr. Yeung” --呢一個電
郵似乎就係 Scott Wilson 嗰位 Cleo Yip 發出嘅，係咪？

答：係，係，正確。

問：因為當時係 URS。

答：係。

問：佢就咁寫嘅，就寫番去畀阿楊生，就“Dear Mr. Yeung, Please find
attached a checklist regarding water sampling issued
by WSD for you reference. Thanks.”

答：係，見到。

問：咁就話番畀你聽，WSD 其實嗰個 sampling 嗰個要求係應該要跟啲咩
嘢做，咁就畀一個 checklist 畀你哋嘅。

答：啱。

問：係咪？

答：啱，對。

問：唔。我想睇下嗰個 checklist，其實係喺度嘅，係咪？你揭去 39744。

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答：見到。

問：係咪？

答：係，見到。

問：即係理解上就可能係--即係講緊係呢一個 checklist，係咪？

答：係。

問：唔。39744，我哋見到個頂嗰度，叫做“Checklist on Tank Cleaning, Water Quality Examination and Plumbing Inspection”，係呢個 checklist，係咪？

答：係。

問：我想你睇去 39746。

答：係，見到。

問：見到“Table 1”嘛？

答：係，見到。

問：“Table 1”嗰度，右手邊咪有“Parameters”嘅。

答：係。

問：嗰個 parameters 就係有--我見到有七項。

答：對。

問：就係呢七項嘅驗證標準嘞，係咪？

答：係，係。

問：就係呢度，呢個電郵所指話「如果你係符合到水務署要求你呢七項嘅驗證標準嘅時候，你就會符合嗰個擺一個 credit 嗰個要求」？

答：對。如果睇番呢七項，照我嘅認知，應該--而家睇番喇，就應該係優質水嗰個七個 parameter。

問：冇錯。從來 BEAM 冇話--除咗即係呢一啲要求之外，你要點樣去 look

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out for WHO 其他嘅要求，嗰啲咁樣？

答：照我哋知道，冇囉。

問：冇嘅，okay。亦都係就住呢個，琴日許律師亦都有問你呢個問題，佢就話「噢，你係」--呢個係我嘅 transcript 嗰度寫，「你係叫做個“the final gatekeeper”，...」

答：係。

問：「... 係最後把關者，咁所以你作為一個 contract administrator，咁你睇呢個 WSD 嗰啲 standard，水務署嗰啲 standard，咁你應該知道佢哋係咩嘢嚟㗎喇，咁你」-- “so you can really enforce the contract later. Why didn't you do it?”

答：唔。

問：你對於一個咁樣嘅問題，有冇啲咩嘢特別嘅...

主席：再講多一次，唔該。

答：係。

何先生：我淨係即係呢個 read 呢度。

主席：係。

何先生：“But I have to ask the same question again. Because you were the final gatekeeper, because you are the contract administrator, so when you read the WSD standards, you should know what they are about,” 你應該知道嗰啲 standard 係乜嘢，“so that you can really enforce the contract later. Why didn't you do it?” That was the question.

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答：係。諗，...

問：你係唔係話每一個--點解水務署要擺呢個做 parameters，擺呢啲做 parameters，你每一樣嘢你都要知道晒點解佢哋會咁做呢？

答：當有 adviser 話畀我哋知，「如果你跟到 WSD 嘅 standard 做就 okay 㗎喇」咁呢，咁我哋唔會去深究嘅。點解呢？因為如果 WSD 嘅 standard，因為 WSD 係 local 嘅 authority 去處理食水，如果 WSD 嘅 standard 佢 set 咗喺度，理論上就應該一啲係 practical 嘅一啲嘅 standard，所以我哋就唔會專登去質疑，或者去問喇。即係如果佢話，如果唔係 WSD standard，唔知咩嘢日本 standard，可能我哋就會問喇。所以我哋覺得「咦，WSD 嘅 standard，咁即係 local 嗰個 practice 嘅 standard 啫」咁，咁我哋就有去另外去跟進或者深究嘅。

問：或者深究，係咪？

答：嘎，嘎。

問：即係譬如好似我哋見到--當然鉛水事件即係曝咗光或者發生咗之後，咁 WSD 係有一個 2015 年嘅 1 號嘅通函，...

答：係，冇錯。

問：...咁就話畀你聽，「嘎，其實驗水係要驗多啲嘅」咁樣，...

答：係，係，係。

問：...即係重金屬，喺某啲情--某一啲 parameters 都要應該驗多啲？

答：對。

問：係咪？

答：嘎。

問：但係我而家講番就係鉛水事件未曝光或者發生之前，有冇你會覺得如果譬如某一啲嘢係再應該係同嗰個水質有關係嘅，會唔會係你會 expect 有個通函或者點樣去提醒業界？

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答：如果鉛水之前，真係有啲嘢發生，我哋會 expect 個 regulator 會用啲通函去業界。

問：我想睇埋現時嘅呢一個比較後--即係呢個比較近期嘅 BEAM 嘅 version。

答：係。

問：你喺你個 exhibit number 10，就喺 39770。

答：係。係，見到。

問：見到？

答：係。

問：喺 39771 嗰度，喺個“ASSESSMENT”嗰個，嗰行裏面，...

答：係。

問：...而家即係嚟住嗰度，見到嘛？

答：係，見到。

問：嗰度一路講就係--去到最尾，“If water quality at all sample points meets with”，而家講嘅就係直情係比較好清晰話係要根據呢個 Water Supplies Department 嘅 Guidelines，...

答：係。

問：...咁就可以攞到 BEAM 嘞，咁樣。

答：係，見到。

問：即係呢個就即係比起以前個 version 就更加清晰，係其實係要睇番個 WSD 嗰啲 Guidelines 嘅。

答：係，對。

問：係咪？

答：係。

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主席：即係邊一個 guideline 呢？即係八個吖抑或七個呢？

答：如果跟我哋認知--而家嘅認知，應該係七個，七個...

主席：唔。

答：...parameter。

問：噏，...

答：即係凡係講 BEAM，我哋而家應該七個，嘎。

問：唔，yes。

主席：你有冇諗過，點解會無端端加咗個 iron 落去個優質食水計劃裏面嘅？

答：你問我？

主席：係呀，係呀，係呀。

答：我唔知。

主席：唔知？

答：可能要問番即係水務署，要確認先至知。

主席：即係冇諗過？

答：冇諗過，嘎。

問：我想問你，就係即係而家我哋梗係，係，因為呢個 BEAM，呢一個 contract provision 講 BEAM，我哋而家要講含鉛，食水含鉛，食水嘅對於居民嘅影響嗰方面講，...

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答：唔，唔，係。

問：...咁我哋當然就係即係個集中個注意力就擺咗喺 5.1.1 嗰個...

答：係。

問：...provision。但係當時你哋想去參與呢個 BEAM 計劃個認證，係唔係淨係講想將個食水嘅質量--即係個注意力係咪集中喺呢個食水質量嗰個問題？

答：可以確實咁講，就我哋注意力其實就係喺--我哋想有一個綠色環評嗰個認證，就水只不過係其中一個部分，並非我哋嘅 intention，個注意力係集中係喺個水度嘅。

問：Okay。即係大體上你係想擺一個綠色環評嘅一個...

答：係。

問：...認證，亦都係某程度上係整體係對於啲--因為綠色嘅 features，譬如好似--我相信會有啲其他，...

答：係，係。

問：...你嘅 site 嘅 design，各棟樓嘅座向、design，各樣嘢，或者係--我唔知仲有其他啲咩嘢 parameters 會係喇，...

答：係，對。

問：...係，整體係希望啲住戶第時嗰個居住環境係比較好。

答：係。

問：即係比較提升到嘅。

答：對，係。係整體嘅配合，同埋正話都講，即係喺個 GFA conception 嗰度都有一個--嘅。

問：GFA 亦都係一個...

答：係呀，係呀，好重要嘅...

問：...好處，...

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答：係。

問：...一個誘因，可以咁講，係咪？

答：係，係，嘎，係。

問：唔，明白嘅。我想問一個比較概括啲嘅問題，就返番去我最初即係同你講，你而家上嚟亦都有個身分，就係你喺唔同嘅郵裏面，你曾經做過呢個 chief architect 嘅。

答：係，係。

問：嘎。我哋睇就--即係當然你作為一個 chief architect，你都係要執行嗰個 contract 嘅，合約嘅。

答：對。

問：所以如果講話你係合約嘅 administrator，contract administrator，呢個都唔係唔妥當嘅一個咁嘅表述嘅，係咪？

答：都可以咁講嘅。

問：都可以咁講。但係當然嗰個 contract，我哋都其實冇擺晒成--整個 contract 喺個 bundle 嗰度，譬如好似我哋淨到嚟嗰啲，可能都--有關嘅，我睇到就其實淨係嗰啲 con --一個 contract 都...

答：係。

問：...已經--個總合約都係已經有六個唔同嘅 volume。

答：對，係，係。

問：係咪？

答：係。

問：係。咁就當然--即係裏面有--寫得六個 volume 嘅 contract provisions，就梗係包含好--一個建築目，好多、好多、好多、好多唔同嘅範疇。

答：對，係。

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問：係咪？

答：係。

問：嘎，當然我哋而家又係淨係提一款，...

答：係。

問：...咁就即係...

答：喺。

問：...將佢放大咗嗰個條款喇咁。

答：正確。

問：但係我想問番你，即係你--當然嗰個 contract 去 provide for，去就唔同嘅範疇有啲 contract 嘅 provision 去規管或者係釐訂，係咪？

答：係。

問：咁你作為一個 contract administrator，你可唔可以敢膽講話你對每一個條款嘅訂出嚟，背後想做啲乜嘢，你係瞭如指掌呢？

答：我唔可以咁講。因為喺我哋嘅 contract，我哋用個 base 就用--譬如 Specification Library，...

問：噏，...

答：...咁當中如果擺喺我哋合約有超過我諗九千幾個 specification clause，咁亦都 point at 好多嘅 international standard。我好坦白講，以我本人，我就有可能逐頁、逐個 clause 都理解晒背後嘅意思，咁起碼--就反正喺--即係真係我要做到嘅時候，可能我先至去特別去睇嗰個 clause 去--個要求，但係我都未必有時間同埋有呢個資源去了解背後啲好技術性嘅，甚至一啲好 technical 嘅即係背後嘅原因。

問：係囉。噏，我而家淨係睇--譬如好似我哋成日都講，呢個 Specification Library 2008年呢個 edition，...

答：係。

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問：...我淨係睇 plumbing and sanitary fittings 嗰一個 part，我唔理其他啲乜嘢，其他啲 specification 我都唔睇，我淨係睇 plumbing，喺我嘅 B2 文件夾，575 頁至到 633 頁，...

答：係。

問：...我淨係睇一個好細嘅部分，個 PLU1、PLU2，呢度都有八、九十頁嘅 specification 喺度㗎嘞。

答：但係如果淨係 PLU，應該大概都起碼超過二百八十--差唔多二百八十個 clause。

問：係嘞，即係我講頁數咋，我淨係睇即係 575 至 633 咁，...

答：係。

問：...即係我減一減，...

答：係。

問：...八、九十頁文件。

答：係，嘅，都好多。

問：咁你講條款，就更加多不勝數喇。

答：係。

問：你講細節，就直情係冇可能一個人用佢自己一個普通嘅腦袋就會記得晒喇。

答：係。

問：係咪？我唔係電腦，嘅。

答：係，係，正確。

問：即係我想知，即係譬如，而家隨手，咁我哋見到話，嘩吓，有啲叫做 PLU1 唔知 M 幾多，一個咁嘅數字。咁如果--即係而家我哋梗係知，緊要睇嘅就係 M150、160 嗰啲。

答：係，對。

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問：係咪？

答：對。

問：因為同呢件事有關。但係當時你作為一個執行者，你可唔可以話「嘩，我也都知晒，其實每一個呢啲咁嘅條款背後係有佢一個目的嘅，嗰個目的就係要保障唔知乜嘢，或者係要點解要咁樣--擺一個咁嘅條款落去」，你可唔可以咁樣講法呢，其實...（聽不清）

答：唔可以。即係莫講話我自己，我相信我嘅 contract manager 嘅 representative 都唔可以做到呢一點。

問：冇錯。我覺得，即係如果話--作為一個合約嘅執行者，administrator，...

答：係。

問：...當然如果個合約係出咗事，或者係有一啲 critical 嘅情況出現嘅時候，當然你會去睇番嗰個合約，你會去了解嗰個合約嗰一個部分喇。

答：係，對。

問：係咪？正如我哋而家，因為有鉛嗰個問題，所以我哋都特別留意呢個 M160、M150，platinum 嗰啲喇，都唔係其實太關呢件事嘅事嘅，但係--即係而家就問你好多問題，「當時點樣嚟呀，呢句？呢句又點嚟，嗰句又點嚟？你當時又有冇諗過呀，當時嘅時候？」我只係想問你一個問題，就係你作為一個合約嘅執行者，當時你最緊要，對於一個合約，你覺得你最緊要係做到啲乜嘢？

答：係，因為牽涉嘅條款真係好多，咁背後嗰啲意義，我哋未必有時間去理解，最緊要就反而係個 spec 嗰度寫明，我係 pitch at 要啲乜嘢呢，我就去 target 去做嗰樣嘢。

問：係嘞。咁就當然呢個 spec 就係即係承建商係個 spec 需要去執行嗰一個...

答：係嘞，係嘞。

問：...counterparty 喇，咁講，我唔知應該點樣形容。

答：係。

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問：係咪？

答：對，係。

問：即係譬如房委用咗呢個合約，個合約講明要用呢啲 specification，要去遵行、遵照呢啲 specification，就係嗰個承建商，個 counterparty 嘅。

答：對，係，對。

問：啱唔啱？

答：係，啱。

問：我問你多兩個問題，可能比較簡單嘅問題。我想你琴日有--有一、兩位律師都問過你，關於個 samples，...

答：係。

問：...由個總承建商呈畀你哋啲啲 samples。

答：係，係。

問：我想你睇番嗰個 B9.3 嗰個 bundle；B9.3，22145。

答：係，見到。

問：22145。

答：係，見到。

問：你見到嘛？呢個“DCMP-F716”。咁我哋睇埋 22147，就有個“F718”。

答：係。

問：係咪？

答：見到，見到。

問：琴日你都記得有問題問過你嘅？

答：係。

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問：我想知道就係即係 sample，喺呢一次嘅--即係啟晴邨，即係由承建商 submit sample 上嚟嘅時候，咁佢當然係有畀咗呢一個 sample，關於“FRY”嘅 flux 同埋“FRY”嘅 lead-free solder？

答：呢一個係東匯邨。

問：啊，對唔住。

答：係。

問：對唔住，係，係我搞錯。

答：係。

問：東頭邨...

答：佢當時 contract 嘅名就係東頭 Phase 9，但係後嚟就係東匯邨。

問：係，對唔住，我搞錯，係。

答：唔緊要。

問：係，係。咁即係呢一個佢就畀咗呢一啲 samples 喇，係咪？

答：係，對，對，正確，係。

問：你話佢畀 sample 上嚟，你哋會睇嘅。

答：係。

問：我自己用中文寫咗個「睇」字喺我嗰啲 notes 嗰度。

答：係。

問：我想知道你話「會睇」，係咩嘢意思呢？

答：據我同啲 site inspection team 嘅理解，佢所謂「睇」，就係因為我哋嘅--佢都係睇番個 specification。即係 anything 佢都係 refer 番個 specification。咁個 specification 嗰度有嘅 requirement，佢就會相應睇番佢哋 manufacturer 嗰啲 catalogue、test cert 同埋甚至就一啲過往一啲 job reference，都係 refer 個 basis 一定係個 specification。

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問：都係一個 documentary 嘅...

答：係，冇錯。

問：...exercise 嚟，...

答：係，係。

問：...可唔可以咁講？

答：可以咁講。

問：可以咁講。琴日就話畀你聽，許律師，又係許律師，琴日就話因為見到你喺個 22145 個度，右手邊有個“COW OFFICE”咁樣。

答：係。

問：咁你就話--佢畀你嘅問題就係話「嘩吓，其實你去睇呢一啲」，所謂「睇」，against「睇」，睇個 sample，...

答：係。

問：...呢個 exercise，大費周章，好多人要簽名，你睇下，嘩吓，成堆--我都唔知嗰啲係咩嘢--即係嗰...（聽不清）係唔係你覺得咁樣嘅形容對唔對呢？

答：其實琴日...

問：好大費周章去為咗呢一個“FRY” sample 要--嗰個 approval 要好特別去處理？

答：係。其實琴日我都有提過，其實呢一個 sample 嘅 submission，最主要就係個 project clerk of work 睇咗。呢一個 chop 其實係應該係駐地盤嘅一個 record，即係 for 一個 record purpose。好似我哋有時啲文件傳閱，呢個就批咗嘞，咁樣。

問：唔。

答：咁嘅啫。就唔係話呢度咁多人一齊去參與去--即係費周章去 approve，去特別睇呢一個 sample 喇。

問：係囉。即係其實呢度我哋講緊係 flux 同埋 solder 呢啲唔係 BQ 裏

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面嘅 items。

答：係 sundry item。

問：係 sundry items。

答：係。

問：即係我想知道，係咪呢一個咁樣嘅 approval 程序，為咗呢個 item，係唔係專登為咗呢個 item 要去做呢啲咁樣嘅 approval 程序呢？

答：並非。應該係我哋啲 filing record 嘅其中一個--一個環節嚟嘅啫。

問：係。咁呢個程序係有冇啲咩特別之處呢，即係對於呢個認--對於個--睇下個“FRY” 99 嘅 submit 上嚟嗰個 sample 係咪符合個 spec 裏面嘅要求，有冇啲有啲咩特別嘅程序？

答：冇直接關係，冇直接關係。

問：Okay。我想請你睇 B9.4 嘅文件夾。琴日亦都有問過你一啲呢一方面嘅問題，係關於個 delivery note。

答：係。係。

問：呢個 delivery note，喺琴日我個紀錄嗰度就曾經引述過係 22577 呢一版。

答：22577。22577，係，見到。

問：呢個我哋見到係雋景嘅一個送貨單，...

答：係。

問：...就有下列十五項嘅物料就送咗去--我見到個客戶名稱，應該係「金日工程有限公司」嘅。

答：係，係。

問：係咪？

答：係，對。

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問：到底實際上今日工程有冇收到呢一啲十五項，你知唔知㗎？

答：唔知道。

問：唔知道嘅？

答：唔知道。

問：點解你會唔知道？

答：因為我哋冇去--即係任何 access 去呢啲送貨單，我哋係唔會睇嘅，
嘎。

問：係。咁呢張送貨單，就算即使喺個送貨單，佢都係交去畀今日嘅啫，
係咪？

答：唔知佢交界邊個，我哋根本冇 involve，嘎，嘎。

問：唔知佢交界邊個，唔。咁總承建商有冇將呢啲--譬如呢一類咁嘅送貨
單呈畀你？

答：係唔會嘅。

問：唔會？

答：嘎。只不過呢個係而家因為有個 investigation，所以先至係 flag
up 咗有呢樣嘢啫。

問：咁而家又係嘞，如果我哋而家日日夜夜都要睇話「啊，呢個有一項叫
做『英國五十力』乜乜乜，喺呢個送貨單度嚟」咁樣，咁但係呢個--呢
張送貨單根本唔會畀到去房委嘅，係咪？

答：係，我哋唔會有嘅，對。

問：咁所以房委都唔會知道裏面呢個咩嘢「英國五十力」係啲咩嘢，咁樣，
即係？

答：係，正確。

問：係咪？

答：正確，係。

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問：我唔同你睇其他嘅送貨單，因為實在亦都係非常之多，咁我相信大家都明白嗰個處理嗰個情況。

答：係，好呀。

問：當時嚟講，你亦都講咗唔少次嘞，我相信就係大家係特別要著眼喺嗰個無鉛焊料呢一個項目嚟睇，對唔對？

答：係，對。

問：冇人亦都有即係用銅喉已經係喺 industry 好耐嘅事，亦都有曾經話有啲乜嘢出問題，直至到而家，喺 7 月嘅時候，...

答：係，可以咁講，係，係。

問：...我哋呢件事發生？

答：啱。

問：當然喺你個口供，你亦都係講，你作為一個 contract administrator，你都會係去監察，到底呢個合約嘅執行係唔係照嗰個 contract 去做？

答：係，正確。

問：但係你會唔會話你取代咗個主要承建商去履行呢個 contract？

答：絕對唔會。

問：絕對不會？

答：唔會。

問：係。嗰啲--即係今日亦都有同--同你提過嗰啲合約嘅條款，我相信我就唔再即係逐條去同你咁樣覆問嘞，因為嗰個基本上...

答：係。

問：...我哋大家作為律師，我哋大家都睇到嗰啲條款嘅解釋，我哋如果有唔同意，我相信...

答：係。

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問：...我會係留番去稍後作出陳詞。

答：係，唔。

問：淨係一個好小嘅問題，就係今朝 Mr Pennicott 亦都有即係話提--就住琴日黎先生嗰個問題，話有個 central unit，你記得？

答：係。

問：有咁樣講喇。

答：係。

問：嗰個所謂嘅“central unit”，好似一個專責小組咁樣，係咪？

答：我反而可能叫佢做「專攻嘅小組」，...

問：專攻小組？

答：...rather than「責」喇，係呀。

問：Okay。專攻嘅小組，咁就係去睇下點樣可以更好去完成嗰個 BEAM 認證嗰個項目？

答：係，係。

問：係咪？唔。

答：即係佢係同出面，譬如 BEAM Society 嘅聯繫比較多啲，一個 contact point 咁喇。

問：係。即係如果有啲 BEAM 有啲咩嘢新嘅要求，咁嗰個小組就會比較...

答：比較...

問：佢要著眼多啲咁樣，...

答：係，係，...

問：...係咪咁嘅意思？

答：...係，係，冇錯。

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問：唔，唔。即係當然嗰個小組，你頭先都講過唔係--即係佢哋其實都係全職嘅一係就 BSE，一係就 architect，又或者係 maintenance 嗰邊嘅同事嚟，係咪？

答：其實嗰個係個 architectural 嘅。

問：Architectural？

答：咁佢都係即係唔係主要淨係做呢樣嘢，...

問：唔係淨係做 BEAM 嗰個？

答：...佢有其他嘅工作做嘅。

問：嘎。即係其實佢都係 run project 嘅，基本上嗰啲同事？

答：嗰--佢又唔係 run project。

問：唔係？

答：即係佢雖然係唔係全職，佢其他嘅工作--啊，而家現時 run project，改咗，係呀。最 update 佢好似又有參與 project，係，個比較近期啲嘅。之前就唔係嘅，最近期佢有 run project 嘅。

問：好呀。咁，但係--無論點都好，佢唔係真係唯一一樣要做嘅嘢就係去睇下啲 BEAM 嗰啲條款，嗰啲咁樣？

答：唔係嘅，係不時。

問：絕對--時。

答：嘎，嘎。

問：好。

何先生：唔該晒，主席，我有進一步問題。

主席：唔該晒，冇其他問題嘞。

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答：係。主席，...

主席：係。

答：...係，唔好意思，我有少少嘅資料補充。因為尋日你問過我，我有冇做過 D&S，咁當時我哋就--因為著眼猛咁講 chief architect，咁我就答咗你，我有做過署任 Chief Architect，幾時、幾時。咁其實我都有做過 Senior Architect 同埋則師，我想完備番呢一個，但係我主要就係做 standard block。我想完備番呢個資料啫。

主席：好呀。

答：嘅。

主席：好，冇問題嘞。

答：係。

主席：唔該晒你，嚴女士。

答：多謝。唔該晒。

主席：好。

殷先生：係，主席，下一位證人係趙不羈先生，佢係元州邨二期同四期嘅總建築師。

主席：係。

香港房屋委員會第十證人：趙不羈(房屋署(元州邨第二及四期總建築師))
以本地話宣誓作供
殷先生主問

殷先生：I will now read the witness statement of Mr Chiu Pbuy Kay, chief architect of Un Chau Estate Phases 2 and 4.

B
C COMMISSION OF INQUIRY CD WITNESS STATEMENT OF CHIU PBUT KAY DE CHIEF ARCHITECT OF UN CHAU ESTATE PHASES 2 AND 4 E

F 1. I, Chiu Pbut Kay, provide this statement in respect
G of the Commission of Inquiry into Excess Lead Found
H in Drinking Water ("COI") and in response to a request
I from the COI dated 12 October 2015. The statement
J addresses matters relating to one of the "Affected
K Estates" being Un Chau Estate Phases 2 & 4.

L 2. I am an Architect by profession, a Member of The Hong
M Kong Institute of Architects, currently holding the
N post of Chief Architect/6 since June 2014. As defined
O in the building contract for the construction of Un
P Chau Estate Phases 2 and 4, Chief Architect/3 shall
Q be the Contract Manager. The Chief Architect/3 who
R certified the completion of the domestic blocks on 31
S March 2008 (Phase 2) and 30 April 2008 (Phase 4) was
T Mr. John C.Y. Ng, who retired in February 2009 and
U left the Housing Department. He is therefore not
V available to make a statement. I have been involved
in the final account stage since June 2014. In making
this statement I have had to obtain information from
office records or pursuant to discussions with
colleagues.

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

S **BACKGROUND INFORMATION** T

U 4. In the HA, a Chief Architect serves as the Project
V Manager, Design Team Leader and/or Contract Manager
(CM) for a number of public housing projects under

various project stages, from inception, design, tender, construction to completion and post-completion, including all associated housing-related infrastructures and supporting community facilities and provides steering and leadership for the projects.

5. Both the Chief Architect and Chief Building Services Engineer were involved in managing the design and construction for plumbing installation works of public housing developments.

6. The gross site area of Un Chau Street Estate Phases 2 and 4 is 2.55 hectares. This development comprises the construction of four domestic blocks (Phase 2) of 40 domestic storeys and one Small Household Development and Residential Care Home for the Elderly Block (SHD & RCHE Block) (Phase 4) of 20 domestic storeys with flat production of 3533, ancillary facilities and associated external works.

7. The HA awarded the building contract, titled "Redevelopment of Un Chau Street Estate Phases 2 and 4 and Minor Works" with contract number 20040052 to Yau Lee Construction Company Limited ("Yau Lee") on 16 Aug 2005. The contract sum of Hong Kong Dollars Six Hundred Thirty Nine Million, Eight Hundred Thirty Five Thousand, Five Hundred Twenty Nine Dollars and Twenty Eight Cents (HK\$639,835,529.28).

8. Yau Lee commenced the contract works on 23 August 2005. The then Chief Architect/3 certified the substantial completion of building works for the four domestic blocks on 31 March 2008, the SHD & RCHE block on 30 April 2008, External Works and remaining works on 31 March 2008.

9. 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

CHIEF ARCHITECT

10. The role of the Chief Architect was mainly to act as the administrator of the building contract (the Contract), i.e. the Contract Manager (CM) as referred to in the General Condition of Contract (GCC) as supplemented by the Special Conditions of Contract and the Specifications.

11. At the start of the Contract and pursuant to the contract provisions, the then Chief Architect delegated part of the duties and powers vested in the CM under the Contract to the project senior architect and project architect who in turn served as the Assistant Contract Manager and CM's Representatives respectively. Senior professionals and professionals of other disciplines, including the building services engineering discipline, were delegated the duties and powers under the CM for serving as CM's Representatives to administer that part of the contract works in their respective areas of expertise as necessary. A Site Inspection Team was also appointed to inspect the Works, testing and examining materials to be used and workmanship employed in connection with the contract works.

12. A list of the HA staff who have been involved in this

B
C contract is shown to me marked "**Exhibit [1]**". C

D
E **CHIEF BUILDING SERVICES ENGINEER** E

F 13. At the start of the Contract, the CM delegated the Chief
G Building Services Engineer as the CM's representative.
H The duties and powers vested in the CM under the Main
I Contract insofar as they concern Building Services
J Works, with respect to (i) General Conditions of
Contract Clause (GCC) 65(2) (termed as use of Prime
K Cost, Provisional and Contingency Sums); and (ii) GCC
L Clause 66 & Special Conditions of Contract (SCC) Clause
M 25 (termed as varied form of subcontract and objections
N to nomination) were delegated.

O 14. The Chief Building Services Engineer (CBSE) was
P assisted by a team of building services staff to
Q discharge his duties including the project building
R services engineer (BSE) who served as the CM's
S Representative and was responsible for the
T administration of Building Services Nominated
U Subcontracts (including Fire Services and Water Pump
V Nominated Subcontract), the project building services
inspector, etc.

P **CM'S REPRESENTATIVES AND SITE INSPECTION TEAM** P

Q 15. Professionals of various disciplines who were serving
R as the CM's Representatives and the Site Inspection
S Team for the Contract discharged their duties of
T contract administration and/or site inspection
U according to the provisions of the Contract and with
V reference to the HA's centralized quality systems and
measures developed, regularly reviewed and enhanced
over time for guiding and supporting the project team.

U 16. Yau Lee as the Main Contractor was required to give
V

continuous supervision and all necessary superintendence for proper carrying out of works on site to meet the contract requirements. The CM with the support from the CM's Representatives and the Site Inspection Team gave periodic supervision to the Main Contractor's works on site.

17. Under the CM's overall supervision, the CM's Representatives and 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, Work Supervisor (Building Services)) inspected building services installation works.

18. 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 and SHD block. Multiple Surveyors Limited was responsible for inspecting the completed works and checking the workmanship, particularly for flat-to-flat inspection, for conformance to Specifications.

19. As is common in HA's projects, this 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.

20. Before the "Excessive Lead Found in Drinking Water" incident (the Incident), like the industry, the HA had believed that the widely accepted and used soldering materials for fresh water plumbing system should have complied with relevant requirements and also been unaware of its associated risk to health. Therefore, checking of the presence of lead in solder or lead in water was not built into the HA's site inspection system and 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 had to 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 its liabilities or obligations under the contract. It is a common practice in Hong Kong, including in 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. However, the HA did not have any direct contractual relationship with the domestic subcontractor or any direct contractual relationship with the LP.

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 was also required to 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 Director, Deputy General Manager, Contract Manager, Project Manager, Site Agent, QCM, Architectural Quality Control Coordinator, Structural Quality Control Coordinator, Safety Officer, General Foreman, Site Quantity Surveyor, BSC etc.

DOMESTIC SUBCONTRACTOR, SUB-SUBCONTRACTOR AND NOMINATED SUBCONTRACTOR

24. The contract permitted Yau lee to sublet the Works to their selected domestic subcontractors or to those

nominated by the HA.

25. According to our records, Yau Lee employed Ming Hop Company Limited as the domestic subcontractor for the plumbing and drainage works. Yau Lee's submitted an Investigation Report to the HA on 21 August 2015 and supplemental information on 14 September 2015, which enclosed a copy of the subcontract document between Yau Lee and Ming Hop Company Limited, and sub-subcontract document between Ming Hop Company Limited and Wing Hing Plumbing Drainage for the plumbing and drainage works. I then became aware of the responsibilities of the subcontractor & sub-subcontractor. The copy of the above subcontract and sub-subcontract documents are now produced and shown to me marked "**Exhibit [3]**".

26. In this contract, Perfect Fire Protection Company was the nominated subcontractor for fire services and water pump installation. As for their responsibilities under this nominated subcontract, my colleague, Mr. Ng Tat Kwan, the Chief Building Services Engineer will provide details in his statement.

LICENSED PLUMBER

27. The roles and responsibilities of the Licensed Plumber are stipulated in the Waterworks Ordinance and Waterworks Regulations. The HA did not have any direct contractual relationship with the domestic subcontractor, so similarly did not have any direct contractual relationship with the LP.

28. The Specifications did not stipulate the specific roles and duties of the LP on the basis that these were all prescribed under the Waterworks Ordinance except that the engagement of an LP was mentioned in the Specification Clause PLU1.W110.

29. The LP for the fresh water plumbing system in Un Chau Estate Phases 2 and 4 was Mr. Ng Hak Ming employed by Ming Hop Company Limited. The roles and responsibilities of the LP are stipulated in the WWO and Waterworks Regulations (WWR) and his performance as a LP is under the jurisdiction of the Water Authority. As such, the responsibilities of the LP for the fresh water plumbing system should have been in accordance the provisions under the WWO. This included notifying the Water Authority of the commencement date and scope of plumbing works to be carried out the Form WWO 46 Part I, notifying the Water Authority of the completion of plumbing works with request for inspection and approval by the Water Authority at Form WWO 46 Part IV, and supervising the execution of the plumbing works on site etc.

30. Yau Lee was relied on to monitor the LP and expected 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.

31. As for the responsibilities of the LP for fire service and water pump installation, my colleague, Mr. Ng Tat Kwan, the Chief Building Services Engineer will provide details in his statement.

殷先生：主席，呢個係咪方便嘅時間？

主席：好呀，咁我哋午膳先，晏晝兩點半再繼續，唔該晒。

下午 12 時 58 分聆訊押後

下午 2 時 28 分恢復聆訊

B

B

C

出席人士如前。

C

D

D

E

香港房屋委員會第十證人：趙不羈(房屋署(元州邨第二及四期總建築師))
宣誓繼續作供
殷先生繼續主問

E

F

殷先生：主席，我繼續讀趙先生份口供。

F

G

主席：好呀。

G

H

H

I

MAJOR PROCESSES FOR THE INSTALLATION OF FRESH WATER SUPPLY SYSTEM

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

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33. Before commencement of plumbing installation, the LP for the plumbing works completed and signed the Form no. WWO46 Part I to notify the Water Authority of the commencement date and scope of plumbing works to be

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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 the pipes and fittings intended to be installed. Upon the project architect also signing Form WWO46 Part I and Part II, it was then submitted to the Water Authority.

Submission of plumbing material proposal

34. 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 Specifications, 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.

35. For Un Chau Estate Phases 2 & 4's domestic blocks and SHD & RCHE Block, no material submission forms and approval forms of copper pipe and fittings and soldering material were found in the HA's file record.

Execution of Plumbing Installation with continuous supervision

36. After receipt of the Water Authority's approval for commencement of the plumbing works, Yau Lee, with their domestic subcontractor and sub-subcontractor Ming Hop

Company Limited and Wing Hing Plumbing Drainage, should have procured materials according to the approved samples and/or the Specifications and then proceeded with such 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.

37. The plumbing installation in this project was common in 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 pipes (for pipes of diameter 100mm and above) and copper pipes (for pipes of diameter up to and including 76.1mm) from roof water tank to water meter cabinets 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

38. The then Chief Architect/3 with the support of project senior professionals and professionals as the CM's Representatives and the Site Inspection Team including the Project Clerk of Works, Assistant Clerk of Works, Work Supervisors, Project Building Services Inspectors etc., gave periodic supervision and random checks on materials and workmanship of the plumbing works for conformance to the contract specifications. The CBSE provided the engineering support and gave periodic supervision of the site works, including

vetting of the materials submission, pump and valves installation, testing and commissioning of the fresh water plumbing system inside fresh water up-feed pump rooms and booster pump rooms.

39. During the course of the Contract, contract manager's representatives conducted assessments under the HA's 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 the records, Yau Lee's scores for plumbing works were generally satisfactory.

Testing and Commissioning

40. Upon completion of the plumbing system, Yau Lee and/or, their domestic subcontractor/sub-subcontractor, Ming Hop Company Limited and Wing Hing Plumbing Drainage, cleansed fresh water inside service upon completion of the installation for the fresh water supply system of the domestic and SHD blocks. 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

41. Having completed the testing and commissioning of the plumbing installation works with satisfactory results, the LP completed and signed Form WWO46 Part IV and submitted to Yau lee. After checking, Yau lee forwarded the completed form Part IV of the Form no. WWO46 to project architect for signing on 20 February 2008 (Phase 2) and 13 March 2008 (Phase 4). The

project architect also signed Part II of Form no. WW0132 on 25 January 2008 for applying for the Water Authority's connection for water supply to the domestic blocks and SHD&RCHE block. 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

42. According to the records, the Water Supplies Department sampled water at the connection between the water main and Inside Service, based on the eight parameters in WSD Circular Letter No. 6/2002, on 21 January 2008. The test results were satisfactory. Water Supplies Department forwarded the test report to the LP who gave a copy to Yau Lee. The copy of the test report attached in Yau Lee's letter dated 14 September 2015 is now produced and shown to me marked "Exhibit [5]".

43. The Water Supplies Department inspected the completed plumbing installation on 12 March 2008 (Phase 2) and 2 April 2008 (Phase 4) after receipt of the above signed Forms. With satisfactory inspection results, the Water Authority issued Certificate regarding Water Supply Connection (Form no. WW01005) on 27 March 2008 (Phase 2) and 21 May 2008 (Phase 4) of the development. The copy of the forms is 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

44. Before commencement of plumbing works, the project architect and LP signed and submitted to Water Supplies Department (WSD) Form no. WWO46 Part I together with the Annex listing the plumbing materials, with various details, intended to be used. 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.

45. Based on the records I have reviewed, in the Annex to Form WWO46 Part I that the LP signed and dated 30 May 2007 (for both Phases 2 & 4), there were 16 items of plumbing materials intended to be installed, all complying with the statutory requirement. The copy of Form WWO46 Part I together with Annex of the material list is now produced and shown to me marked "**Exhibit [7]**".

46. The Water Authority returned the Form WWO46 Part III to the LP in June 2007. (Phase 2 and Phase 4) stating that "the Plumbing detailed in Part I and at the Annex was accepted" and "Commencement date of the plumbing works as detailed in Part I is noted".

47. The HA relied on Yau Lee to monitor the service of the LP and would expect the LP to update of 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

48. 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 the fresh water supply system should be in full compliance with all statutory requirements together with any revisions or amendments according to specifications such as the 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.

49. The specifications 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.

50. The use of soldering alloys for copper and copper alloy capillary fittings used in this contract were to comply with Specification Clause PLU1.M160.4 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.

51. No soldering material submission and approval form was found in HD's file record for this project.

52. After approval of the plumbing material proposals 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.

53. The approved plumbing 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 WSD inspected the completed plumbing installation.

54. A comparison table listing the materials originally submitted to the Water Authority in the Annex to Form WW046 Part I on 30 May 2007 (Phases 2 and 4) and those

as-built materials as verified on site by the Site Inspection Team is now produced and shown to me marked "Exhibit [8]".

Site supervision for plumbing installation

55. 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 the Site Inspection Team of this project 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.

56. In this contract, major plumbing materials checked by the 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 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 the LP. If we were aware of the risk of presence of lead in solder and its implications on the drinking water quality and in turn, the associated health risk, the HA would have checked the materials delivered to site.

57. 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 service installation, concreting at external areas etc., being simultaneously executed at site, which involved about 600 workers every day on site when [was] on full swing.

58. 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 the fresh water plumbing 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.

59. Soldering materials have been regarded as a 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 including the flow rate, water tightness, pressure resistance and mechanical strength and endurance.

60. During the course of the Contract, the CM's Representatives also conducted assessment under the HA's Performance Assessment Scoring System (PASS) to quantitatively measure the Yau Lee's' performance in compliance with contract requirements. Compliance with respect to materials 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 Perfect Fire Protection Company.

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

61. 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.

62. Pursuant to Specification Library 2004 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%. Pursuant to the relevant contract clause, the MC shall employ at least the number of Trade Tested Workers, which include Skilled Worker and Semi-skilled Workers in each of the scheduled trades as specified in the Contract. Each of the Skilled Workers and Semi-skilled Workers shall have obtained the Trade Test Certificates - Full Trade Tests for Skilled Workers and Intermediate Trade Tests for Semi-skilled Workers are to be issued by the Construction Industry Training Authority (CITA).

63. The monthly report, namely, Record of traded test workers 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 regularly forwarded to the Construction Industry Council for verification of the workers' identity and qualifications.

64. I have no knowledge of the steps taken by the LP'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.

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

65. Yau Lee, as the Main Contractor, was fully responsible for carrying out the works required. Under the Contract, Yau Lee had the general obligations to execute the Works including providing all necessary labour, materials, construction plant, temporary works and superintendence and maintaining continuous supervision on site at all times until completion.

66. With respect to the HA's periodic supervision of the Works, as in other HA's projects, the HA 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 pressure test. Soldering materials were regarded as a 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 HA Site Inspection Team was also not required to verify the materials delivered to site and check the lead content of the soldering material during the execution of fresh water plumbing installation as copper pipes have been used in the fresh water plumbing system in Hong Kong for decades and the soldering materials are widely accepted and used in the industry with no indication nor alert that those containing lead might be used.

67. Not until the Incident, there had also been a general lack of awareness in the industry and the HA of the associated risk this soldering material might pose, including lead leaching from the solder applied on

outer face of the pipework into the water inside and the lead content level in drinking water that would affect health e.g. the WHO prevailing standard of 10µg per litre. As such, despite its established risk-based approach for quality control, the HA had not then stepped up the periodic supervision to check on the lead content of this soldering material upon delivery to site and during execution.

68. Furthermore, there was no statutory requirement for testing of lead in water by the Water Authority for new buildings until the Incident in July 2015, and the HA was also not aware of the possibility of lead in water. Therefore, as in other HA's projects and the industry in general, laboratory tests for lead in water had not been conducted at the contract completion stage in 2008 which might have helped identifying the use of soldering material containing lead during construction stage.

69. There was also no requirement for testing of lead in water by the Water Authority for the Quality Water Supply Scheme for Buildings then. As such, water testings by the HA after the estate completion for registering with such Scheme also did not cover testing of lead in water. Therefore, lead in water due to lead in the soldering materials was also not identified earlier in the post-completion stage.

70. According to Yau Lee's letter dated 14 September 2015, now produced and shown to me marked "**Exhibit [9]**", Yau Lee indicated that the soldering materials were ordered by their sub-subcontractor, Wing Hing and Wing Hing cannot provide any invoices for the purchase of solder materials used in this project.

71. In the above letter, Yau Lee also stated that they had no inventory control on solder materials and also they had no specific item concerning inspection of solder wires was highlighted in their inspection form.

72. Based on the available information, I cannot conclude how lead solder came to be used in Un Chau Estate Phases 2 and 4 and which party or parties such allowed it.

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 August 2015, I was not aware of the presence of excess lead in water of Un Chau Estate Phases 2 & 4 water supply system. In August 2015, 19 out of 138 water samples from Un Chau Estate Phases 2 & 4 were found with lead content exceeding the World Health Organization (WHO) standard of 10 microgram per litre.

74. After excess lead was found in drinking water in Kai Ching Estate and Kwai Luen Estate Phase II, 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 II. I learnt from their Preliminary Findings issued on 25 September 2015 that the Lead-solder joints were the source of excess lead in drinking water in Kai Ching Estate and Kwai Luen Estate Phase II, and Copper alloy fittings also leached lead but did not result in excess lead in drinking water. Same findings also apply to Un Chau Estate Phases 2 & 4.

Lead Solder Joints

75. In this contract, no soldering material submission and

approval form was found in HD's file record. 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. Regardless of who procured the solder materials, Yau Lee should have ensured that the Contract specifications were complied with.

76. In respect of the 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 or purchase orders 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 as the soldering material was widely accepted and broadly applied in the jointing of copper pipe works in Hong Kong and before the incident, the risk of presence of lead in soldering materials was not known.

77. After preliminary testing indicated lead was found in one soldering joint of copper pipes in Un Chau Estate Phases 2 & 4 in July 2015, Yau Lee was asked to investigate why lead soldering material not complying with the specifications was used in the fresh water plumbing system without permission. Yau Lee submitted the Investigation Report to the HA on 21 August 2015 and supplemental information on 14 September 2015 and stated that they sub-contracted the whole plumbing installation works including materials (i.e. solder material inclusive) and labour to Ming Hop Company Limited. The report stated that the installation work was undertaken by a separate sub-subcontractor, Wing Hing Plumbing Drainage.

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 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. Consistent with the opinions of the Review Committee, I would recommend the following immediate and long term enhancement measures concerning 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: -

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 have been 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 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 checks 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 HD's 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's 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 distribution system.

問：趙生，我剛才就讀完咗你嘅書面口供，你有冇嘢需要補充或者修改？

答：係有一個 minor typo 嘅，喺 39548 個度，paragraph 57, the very last sentence, 最尾嗰幾個字，個“was”應該係個“when”字，“every day on site when on full swing” instead of “was on full swing.”。

問：除此之外，冇嘢需要改？

答：冇喇，唔該。

問：你願意確立佢作為你嗰呢個研訊入面嘅證供？

答：係，願意。

殷先生：我有嘢問。

主席：許大律師。

許偉強先生盤問

問：趙生，我先同你睇一睇，其實我哋都睇過好多次有一個 contract 入面嘅 specification，就係有關 PLU1 嘅，我哋睇一睇呢個 B2 文件夾嘅 646。

答：係。

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問：646，我哋如果睇落少少，如果螢光幕可以睇到落啲嘅，係喇，就係見到160.4 個一行。

答：係。

問：係喇，即係我哋都睇過好多次，就係關於“SOLDERING ALLOYS FOR COPPER AND COPPER ALLOY CAPILLARY FITTINGS”嘅，你亦都會見到就係第1段就寫咗係 comply with 個BS，即係我哋知道嘅英國標準1254。

答：係。

問：然後我哋睇到第3段，就睇到係即係要--淨係可以用一啲無鉛級別嘅焊料嘅。

答：啱。

問：我都想問一問你，就住呢啲焊料，我哋講番呢一個 project，即係講緊元州邨呢個 project，我知道你係後期先至即係加入嘅，不過我都想問一問你知唔知呢啲咁嘅焊料其實即係喺市面上嚟講，喺供應商擺到返嚟嘅會係都有啲係有鉛，有啲係無鉛，你知唔知㗎？

答：喺呢個鉛水事件之前，我係唔知嘅。

問：你唔知嘅？

答：係。

問：但係你就知道係即係需要係用無鉛嘅，呢樣嘢你知嘅？

答：喺個 contract 寫咗，我係知道嘅。

問：而需要用無鉛呢樣嘢，即係如果我咁講啱唔啱呢，都係主要都係因為係要就住嗰個法例，即係個水務條例同埋水務規則，我哋所講，就係即係因為經過--即係要遵守嗰個英國標準，咁所以就要用無鉛嘅焊料嘅，呢樣嘢你都知嘅？

答：佢呢個其實佢躉咗呢個落 spec. 嗰度可能有好多因素嘅，你講嘅可能係其中嘅因素都未定。

問：其中一個因素。都係問番你即係一個老問題，就係你都會知道即係鉛有毒呢樣嘢個㗎？

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答：我知道，但係我就唔知道佢係點樣係有機會滲落水度，而影響到個水質，而再而影響到人嘅身體健康嘅。

問：好呀，咁樣你同唔同意呢，就係話我哋見到個 specification 就寫咗要用無鉛嘅焊料嘅，咁我咁樣推斷，睇下你同唔同意，就係用無鉛嘅焊料咁主要個目的或者主要嘅原因就係希望避免我哋做喉管嘅時候，嗰啲物料會有含有好似鉛嗰啲嘅有毒嘅有害嘅物料，呢樣嘢你同意呀？即係以一個常識嚟講。

答：我未必一定同意，因為佢可能有第二啲因素，可能因為係 durability，因為其他因素即係令到佢--令到個 piping 係更加鞏固都未定嘅，呢個係其中因素都未定，我唔知。

主席：對唔住，你再講多次。

答：係。

主席：你再講多次你嘅答案。

答：好。我嘅意思即係話佢個推斷，我未必一定係 100 個 per cent 同意，有可能係，但係問題佢亦都寫呢個 spec. 嗰個原創者可能佢有第二啲原因，加咗呢個 item 落去都未定，即係可能加咗無鉛 solder，可能佢係認為係 more durable to 嗰個 connection 都未定咁樣，我唔知。

問：More durable，即係呢個係你自己個睇法？

答：估啫，我估啫。

問：你估啫？

答：係。

問：但係如果我哋講一個即係最有可能嘅原因或者個目的，都係話「喂，講到明用無鉛，咁都一定係即係希望唔好有鉛，即係做喉管嗰陣時，啲物料唔好有鉛。」即係呢個都應該係一個好正常嘅理解？

答：呢個係佢--佢呢個 contract 係咁寫，咁我惟有咁理解，就係話希望

佢個度係唔應該有鉛。

問：咁樣嘅推斷又唔唔呢，就係如果你話都想係避免做喉管嗰陣時候嘅物料係含鉛嘅，因為鉛係有毒嘅，你都知道嘅，最終又係常識，最終嘅理解就係話--我推斷就係話都係防止就係呢啲有鉛嘅物料可能有機會影響到喺個水管出嚟啲水，即係呢個都係一個--即係一個好即係普遍嘅理解，可唔可以咁講？

答：呢個有人咁理解都未定嘅，我不排除...

問：你自己呢？

答：如果你話啲水--我諗佢點解躉呢個 clause 落去呢，我真係無稽考，因為我唔知道 background，所以我好難答覆你呢個問題。

問：好。

主席：請你哋問咗你哋啲電話，干擾我哋個錄音。

問：我而家想...

主席：即係對唔住，我想問一問清楚你先。就即係換句話嚟講，就住 PLU1.M160.4 呢一個 specifications，趙先生你係完全係唔知道佢嘅用處嘅？

答：當然佢躉落去就肯定 in a way indicate 就係話如果有鉛係有啲 adverse effect 嘅，但係乜嘢 adverse effect 呢，我係之前係唔知道嘅。

主席：再講多次，再講多次你個答案。

答：係，即係話佢躉得呢個 clause 落去嘅話，佢當然有佢原因，即係話如果佢--但定--係一定要佢用無鉛嘅物料嘅話，即係話如果用咗有鉛嘅物料，一定係有啲--有少少嘅負面嘅嘢嘅。

主席：但係你就唔知嗰個負面嘅嘢係咩嘢？

答：冇錯，係。

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主席：得，你嘅意思即係嗰個負面嘅嘢可能係令到嗰條水喉冇咁耐用咁樣樣？

答：唔知。

主席：得。

問：好，想睇一睇你嘅證人口供嘅第 51 段，39547。

主席：咁如果唔知嘅時候，你會唔會走入去 EN 12 -- BS 1254 part 1 1998 Table 6 裏面去睇一睇呢？即係當然你嗰陣時冇，係咪？

答：（沒有可聽到的回答）

主席：但係如果你話唔知，即係如果今時今日，咁你會唔會走入去個 Table 6 嗰度睇下點解呢？

答：唔係，而家係因為呢個 issue 已經係大家都知道係一個好嚴重嘅 issue，咁我都會當--即係每一個 clause 我都會好睇清楚關於呢一方面嘅背景同埋個因由。

主席：即係而家就會喇？而家就會喇？

答：係。

主席：嗰陣時就唔會喇？

答：嗰陣時因為呢個係一個--未知道係一個 high risk 嘅問題。

主席：就唔會喇？

答：唔。

主席：好。

黎先生：我想問一問，有冇睇過呢？之後有冇睇過呢？

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答：之後？

黎先生：係。

答：即係喺呢個...

主席：7月之後。

黎先生：事件，事件發生之後。

答：哦，個 detail 我有，detail 我有。

黎先生：都有睇過？

答：係，都有睇過。

黎先生：即係你寫呢個口供嗰陣時，你都有睇過？

答：係，我知道就係話佢 comply with British Standard 嘅啫，而
個 detail of standard，我係有睇。

主席：咁即係今日如果真係有個屋邨又要擺呢個落去，你都唔知點解？

答：唔係，我會再睇，因為如果有咁嘅--我要再 go through the same
exercise 嘅時候，我就會再睇。

主席：Okay。

答：因為我未有機會再 go through the same exercise。

主席：哦，繼續。

殷先生：好。

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問：我想你睇一睇證人口供第 51 段，見唔見到？

答：係。

問：嗰度你就話 “No soldering material submission and approval form was found in” 你哋房署嗰個紀錄，即係就住呢一個工--即係我哋而家講緊就住呢一個工程項目，就搵唔到有任何即係就住焊料有呈交過嘅一啲物料或者資料咁樣，係咪呀？

答：係，啱。

問：咁我都睇過你哋遞上嚟嗰啲有關嘅文件夾，都搵唔到嗰個有關嘅一個 sample submission 嘅 form 嘅咁呀？

答：係。

問：但係就住呢一個焊料嚟講，即係因為你都--你哋房署做咗幾耐呀？

答：1989 年開始做。

問：89 年開始，都頗長時間喇都。

答：係。

問：咁你亦都有參與過都唔少嘅即係公屋興建嘅工程喇？

答：係。

問：即係我哋如果就咁睇呢最近呢五年左右，你參與過個工程入面，係咪總承建商通常都會擺焊料嘅一啲實物嘅樣辦--樣本或者樣辦，同埋嗰個焊料嘅資料文件畀你哋去即係檢視同埋去批核嘅？

答：唔會，因為呢個都唔係 require under 呢個 spec. 嘅。

問：唔會嘅，完全唔會添？

答：唔會。

問：因為你咁嘅講法就同之前嗰幾位總則師嘅講法有少少出入，因為之前佢哋都話大部分情況總承建商都係會將焊料嘅實物同埋佢個文件擺嚟畀你哋即係批核，即係你唔同意？

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答：因為我都要澄清一下，因為過去個五年，我睇嘅 project 都係 planning stage，根本就唔係 construction stage 嘅，construction stage 我睇嘅係 basically 係--主要係一個至兩個左右嘅啫，咁所以個兩個係冇。

問：即係話嗰啲焊料如果佢有遞過上嚟去呈交嚟做即係測試--檢視或者係批核嘅，你都有參與嘅，係咪呀？

答：唔係，如果佢遞到上嚟，as chief architect，就通常就唔會嘅，通常都係去到 PA 嗰度嘅啫，project architect 嗰度啫。

問：即係我嘅意思就係話如果佢有一啲關於焊料嘅文件或者係即係佢本身個實物有遞過上嚟嘅，你從來冇見過，係咪呀？你自己。

答：呢個實物我係冇見過。

問：冇見過。

答：Soldering material 實物我係冇見過。

問：咁我就想問下你，你喺嗰個證人口供有大概--我數過，有三處地方都係講咗話你哋不鑿個做法就當嗰個 soldering material 係 sundry item，你係憑咩嘢咁講？

答：因為喺業界嚟講，就呢一個係一個只不過係焊料嚟，當時喺事發之前，其實業界不鑿都係咁睇，即係等如我文件裏面所講--statement 裏面所講，即係等如你鋸鐵嗰條鐵線一樣之嘛，當時大家都會係--業界都係咁諗嘅。

問：業界，就你所講嘅業界，點界定，咩嘢叫業界？

答：建築界。

問：你哋房署本身吔，一般你講嘅出面嘅私人嘅發展商吔，...

答：私人，私人。

問：...講緊係 main contractor 吔，定係 subcontractor 吔，定係邊個？邊啲係業界？

答：呢個其實係好籠統嘅講法嘅啫，其實出面個建築界喇。

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問：我哋而家知道就住呢事發咁多條邨，其實就現場--即係到達--送達嗰啲焊料都係冇驗貨嘅，即係冇--即係送嚟嗰陣時係冇再驗收或者係再去鑑定嘅，即係冇 verification，呢個你知嘅而家？

答：知。

問：知道㗎嘛。咁而我哋都知道點解冇驗收就係因為有一張 form，叫 6210 嘅，我同你睇一睇嗰張 form，就係 63...

主席：我諗唔使睇，佢都知嘅，就咁 6210 得喇。

許偉強先生：哦，唔使，好，問佢。

問：即係嗰張 form 入面就講到有三十二樣嘢就係即係需要去檢測嘅，...

答：係，啱。

問：...即係嚟到現場嘅時候去檢測嘅。

答：係。

問：咁就三十二樣嘢，因為我哋知道就喺成個工地，有關嘅物料都超過成千種嘅，係咪呀？

答：唔。

問：我哋嗰度就係話需要三十二種係要即係即場去檢測嘅。所以我哋睇到就係如果喺嗰個表以外嘅嗰啲物料，都會包括咗有啲可能 sundry，有啲唔係 sundry，你同意嘛？

答：係。

問：係咪呀？

答：唔。

問：所以如果你一--即係其實你哋嘅做法係嗰一種物料，唔好理佢係咪 sundry 先，而家暫時，係咪要驗呢？係咪要驗呢？即係嚟到嘅時候

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係咪要驗呢？其實你哋嘅唯一嘅根據就係睇嗰張 form 係唔係佢係其中三十二樣嘢之一嘅，你哋就去決定係咪去驗？

答：都唔係，都係 base on 個 spec. 嘅，spec. 有寫要驗，就要驗。

問：Base on 個 spec. 同埋都係 base on -- 即係因為嗰個 form 其實都係從個 spec. 嗰度嚟㗎嘛，係咪呀？

答：係，係。

問：咁所以都係即係 base on spec. 引伸至嗰張 form 入面嘅三十二樣，都係一樣嘢㗎啫，其實你講，係咪呀？

答：可以咁講。

問：咁變咗其實你咁樣講好似唔係好啱㗎，唔係，即係嗰樣嘢係 sundry，所以唔驗就唔係好啱，即係呢樣嘢其實你唔驗係因為...

何先生：佢唔係咁講。

許偉強先生：或者我睇一睇你點講先。

何先生：因為係 6210 嗰度係有就要驗，根據 spec.。

許偉強先生：好，我哋睇一睇佢點講先。

問：喺個證人口供第 56 段，39548，39548 就係講緊--第 56 段，見唔見到中間嗰度 "The HA Site Inspection Team did not check on site whether lead free solder was delivered."，見唔見到呀？

答：係，係。

問：即係話你哋嚟到嘅時候唔會檢測，咁就 "It was considered as a sundry material and we would presume that supervision and control were carried out by Yau Lee and the LP."，睇到嘛？

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答：睇到。

問：咁睇跟住嗰段，59段，“Soldering materials have been regarded as a sundry item, similar to the iron tying wire”等等，跟住嗰句，“The soldering material, the extent to which it was lead free, was not covered in the inspections so no such tests were carried out.”，睇到嘛？

答：係，啱。

問：仲有一段嘅，第66段，你就話“With respect to the HA’s periodic supervision of the Works, as in other HA’s projects, the HA followed the established practice”等等，跟住就話會睇啲咩嘢呢？睇 water tightness、visual inspection、water pressure test 等等，“Soldering materials were regarded as a sundry item”，又係喇，又係嗰句，“similar to the iron tying wire”等等、等等嘅，咁跟住就話“The HA Site Inspection Team was also not required to verify the materials delivered to site”，睇到嘛？

答：睇到。

問：即係你呢度，我睇你嘅講法就係話因為呢個咁嘅--如果你唔係咁嘅意思，你可以話畀我聽。

答：唔。

問：就係因為呢個 soldering material 其實就係喺你哋個即係運作過程之中就係當成咗一種 sundry item，所以就冇再檢測，你嘅意思係咪咁樣？

答：可以咁講，因為我點解當佢 sundry item 呢？因為我哋當時未知道佢嘅 high risk 嘅程度去到邊度。

問：而我嘅講法，啱啱想問你嘅就係話其實呢個唔係一個原因嚟嘅，佢關唔關 sundry item 事唔係一個原因嚟嘅，其實你哋驗唔驗就睇你哋嘅 spec.、睇你個 list 嘅啫，我就咁簡單嘅啫個問題，係咪咁呀？

答：其中一個方法去睇係咁喇，係，但係佢的而且確因為係我哋當--的

而且確都係當佢一個 sundry item，因為係我哋當時唔知道佢 high risk 嘅情形，就真係--即係認知不足，覺得佢係唔重要。

問：咁講，即係你而家睇番件事，你會唔會覺得當時--我唔係--首先我搞清楚先，我唔係對你個人作出咩嘢批評，我都係講緊成個房署個個制度嘅情況啫。就係而家睇番件事，你會唔會覺得例如你哋當時只係睇個 spec.入面嘅要求同埋睇啲張 list --6210 個張 list 入面嘅三十二樣，似乎就唔夠全面地去檢視邊啲物料個個有害性可能係值得需要現場檢測嘅呢樣嘢，你而家會唔會咁樣睇番？

答：其實 spec.裏面提到個 material 同埋 on-site 嘅 material 就好多嘅，幾千種咁多嘅，當時我哋 base on drafting 呢個 spec.嘅時候，我哋認知到某種物料係需要驗或者又係有 risk 嘅時候，我哋就有 certain requirements 嘅，其實點解個 spec.即係 continuous review 嘅，即係唔係話今日係咁，十年後都係咁嘅，譬如今日而家事發咗呢個鉛水事件，我哋 spec.又會 enhance，其實可能喺第二啲 material 喺某個時段再有啲嘢係發生到，我哋亦都再 announce 嘅。

問：三十二樣物料需要驗呢樣嘢，根據之前馮副署長、另外譚女士，即係另外一位總則師，佢都係講過就係呢三十二種物料喺個 list 度十年都有覆核過，即係有話再去 review 過，05 年用到 15 年，有 review 過，你同意嘛？

答：我好難咁講，因為呢個制度係有喺度嘅，即係個 spec.的而且確係一路不停、不間斷係 review 嘅，如果你話個 spec.十年冇變，即係我唔會咁講。

主席：佢唔係話個 spec.十年冇變，個 specification 我哋知道起碼四年就已經改一改版添，不過個問題就係你個 6210 就真係十年冇變喇。

答：咁如果佢即係--我唔會 dispute，如果係咁講。

問：跟住轉去另外一個話題，就我哋喺問 EMD Division 嘅同事，即係啲啲關於 maintenance、improvement 嘅同事，佢哋就話就係有關啲啲銅喉，如果要做個個維修嘅時候，如果係個個維修嘅時候係個個 warranty period，即係你 completion 之後有個 warranty

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period, 應該兩年, 咁就會搵番個總承--總個承建商去做嘅, 如果過咗, 佢就會搵啲 term 嘅-- district term 嘅 contractor 去做番啲 maintenance 嘅工作嘅, 呢樣嘢你知嘅, 係咪?

答: 知, 除非佢係 latent defects。

問: 我想知就係就住--如果我哋去講緊係如果佢 within 兩年嘅 warranty period, 搵番總承建商去做呢啲水喉, 如果有壞咗呀咩嘢呢, 你哋個個配件, 即係如果要換喉嘅話, 你哋都係用番啲 solder --即係呢種 solder 去焊接嘅喉咩, 定係用 compression joint 呀, 如果 within 個兩年時間?

答: Within 呢兩年, 應該跟番 spec. 個個 requirement 嘅。

問: 如果係超過咗個兩年, 就係咪我嘅理解係啱呢, 就係如果你搵 term -- 即係到及後, 搵啲 term 嘅 contractor 去做維修嘅時候, 佢哋就會用 compression joint 嘅喉嚟到做更換㗎

答: 因為 outside 呢個叫 defects liability period, 就已經 outside 我哋嘅 purview, outside DCD 嘅 purview, 所以我哋係唔會參與佢哋用咩嘢 joint 嘅。

問: 你參唔參與唔緊要, 你知唔知呀? 即係如果佢係及後維修嘅時候係用 compression joint 呢樣嘢, 你知唔知呀?

答: 知。

問: 吓?

答: 知。

問: 知道㗎嘛。咁你又知唔知點解會有咁嘅分別呢? 就係例如個兩年, within 個兩年嘅就用 solder joint, 如果超過個兩年, 用其他嘅 contractor 做就係用呢個 compression joint, 即係點解會有呢個咁嘅分別, 你又知唔知呢?

答: 喺 Estate Management Division 嘅 make 嘅 decision, 我係唔會 query 嘅。

問: 你...

答: 亦都 outside 我個 purview。

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問：我唔係問你 query 唔 query 佢哋嘅 decision，我係問你話同唔同意佢哋嘅講法，而家問你知唔知啫淨係，因為你由 1998 年開始做到而家，做咗成十七年，即係你日常運作一定知嘅，我覺得，我就係想問你知唔知啫，就係點解有呢個分別，我係問你 query 唔 query 佢。

答：咪正如我所話齋，即係其實佢哋用咩嘢方法--即係我唔會咩嘢，我唔會 challenge，亦都唔會 query。

問：我再問多你一次，即係...

主席：你問咁多次都係咁。

許偉強先生：因為我問佢食咗飯未，咁佢下下都話尋晚場波好唔好睇，咁好難搞。

問：再問多你一次，就係你係究竟知唔知道點解 EMD 佢哋嘅做法就係話「兩年之後我哋就用 compression joint 喇，兩年之內，我哋就用 solder joint 嘅。」咁，...

答：其實...

問：...呢個咁嘅分別，我想問下你知唔知點解會有咁嘅分別啫？

答：其實好通常嚟講，如果啲居民入咗伙之後，我哋盡量就唔會 disturb 佢哋嘅，如果佢話唔係用 soldering joint 係多數嘅原因就係因為佢唔想 disturb 啲居民嘅啫。

問：唔該。

主席：咁都唔係好 make --即係我其實覺得唔係好 make sense 嘅真係，因為你兩年，咁佢裝修都--譬如你入咗去住，咁佢裝修喇，係咪？咁佢裝修，裝修完，頭個半年或者頭個一年、兩年，如果有事，就有人嚟燒焊，就又唔驚發出啲燻味，又唔驚燒著佢個啲裝修，兩年之後就驚，就驚燒--又有燻味，又有燒著佢個啲嘢，所以就要用 compression --你明唔明個 logic？

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答：我明，其實我都想補充下，因為原本嘅 contractor 佢係應該就佢係負責 rectify according to 嗰個 contract，...

主席：我明。

答：...如果個 contract 原本係咁寫嘅時候，佢就要跟番咁做。

主席：我知，我明，我明，因為佢保養咗嘛，佢保養，你咪叫佢做番原本嗰啲嘢囉，係咪？

答：係喇。

主席：即係我...

答：即係去 rectify 個...

主席：係呀，即係佢係跟住後--總之就係跟 contract 喇，唔。

問：我就都想問一問你，就係我哋都聽過好多位證人嚟到講，就係 2002 年嘅時候，你都仲--你都一路喺房署，2002 嘅時候都即係有個改變嘅，就係啲總承建商都佢哋會係即係被鼓勵去可以選擇用銅喉或者用番以前用開嘅 GI pipes 嘅等等，呢樣嘢你知道㗎嘛？

答：係。

問：知道嘅呵？

答：係佢哋嘅 choice 嘅。

問：我想問一問，就係當時...

黎先生：我想問下，我想問點解你會知道呢？

答：因為 contract 有寫。

黎先生：Contract 有寫？

答：Contract 有寫，spec. 嗰度裏面有寫。

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黎先生：個 spec. 嗰度有寫？

答：係，係。

黎先生：Okay，即係你係因為咁樣樣係個 spec. 嗰度寫咗，你先知道係改咗？

答：咁當時我都知嘅。

黎先生：點解會知道呢？

答：因為我都有 vet contract，咁 contract 有寫，即係個 spec. 有寫，我咪知囉。

問：你講個所謂 spec. 有寫，係咪講緊話當時因為要轉銅喉，所以個 spec. 係有更改嘅，即係有啲 revise 嘅即係嘅 spec. 或者係 revisions 嘅，係咪咁呀？

答：係。

問：係咪咁嘅意思呀？所以你就知道？

答：係。

問：咁嗰個 specifications 嘅更改，我哋呢度都睇到就喺呢一個第 B15.3，39606，39606 -- 39600 先啱，你剛才講就係話即係你知道有呢一個咁嘅轉變，亦都你知道係有啲 revise 嘅 spec.，因為呢個轉變嘅，咁我都想同你睇一睇呢個情況，就係呢個就係當年 2002 年，你見到喇，即係頂頂嗰度寫咗 2002 年嘅 7 月 23 號，我哋睇到呢個就係一個叫做“Development & Construction Management Board Instruction No. P25/02”嘅，你見到嘛，見到個抬頭寫住“Use OF Alternative Piping Materials for Cold Water Supply Installations in HA Buildings”，見到嘛？

答：（沒有可聽到的回答）

問：我哋見到呢個成份文件，嗰個 purpose，個目的就係“To inform project teams on DCMB’s decision to allow choice of alternative piping materials for cold water supply installations in HA building contracts by contractors

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at time of tender and also for projects under construction.”，見到嘛？

答：唔。

問：即係我嘅理解啱唔啱呢，就係即係你當時都應該因為睇過呢啲文件，所以就知其實當時有呢個咁嘅轉變嘅，係咪呀？

答：係，因為通常就當個 spec.真係要 revise 出嚟，因為 spec.包好多嘢，咁我哋為咗 alert 啲 project team 早啲知道，都會出啲 instruction 先，alert 佢哋先嘅。

問：所以呢個咁嘅 instruction，你當時都收到，係咪呀？

答：唔。

問：咁我想問下，你就住呢一個 instructions 嘅草擬，你就應該有參與嘅，係咪呀？

答：冇。

問：係咪個草擬就係你哋 building service --即係 services 個 engineering 嗰個 department 啲同事草擬？

答：係，因為呢度，佢最尾嗰度，paragraph 22 佢有寫嘅，通常佢個主打嗰個人 drafter 就會係 refer 番呢個 contact point，就會喺最尾個 feedback，有咩嘢問題問番嗰個人嘅，呢度亦都好清晰係講咗係 CBS。

主席：CQS 係 quantity surveyor？

答：係，係。

主席：CS 係乜嘢呀？

答：Central services。

主席：唔該。

答：但係而家呢個 post 冇咗喇。

問：跟住我哋睇番後面嘅文件都係一啲--由 39607 開始，就係有啲 schedule，就係講番話即係如果用銅喉嘅話，就牽涉啲物料等等，就喺呢度就...

主席：等一陣先。

許偉強先生：好。

主席：我想問一問 39603 第 18 段嗰度，第 18 段嗰度就話“To allow choice of alternative piping materials”，et cetera，et cetera，跟住就係“Contract Managers shall provide fresh water supply system designs based on the new/revised specifications and technical guidelines at Annexes A and B respectively”，呢度就話畀啲 contract managers 聽「你哋要做呢啲嘢喇。」咁樣樣。

答：係。

主席：跟住我哋見到 Annex A 諸如此類就有啲啲新嘅 specifications，咁係咪即係換句話嚟講，當時你哋就係淨係知道有呢啲新嘅 specifications，但係就唔知道呢啲 specifications 背後嘅目的係咩嘢嘅，係咪咁嘅意思呀？

答：其實 specification 改變嘅嘢可能好多，我就唔會話去逐個去睇下佢個背後原因嘅。

主席：總之即係將來就將佢擺咗落去，咁...

答：即係我一個 as a CM，就會 make sure 就 contract comply with 嗰個 contract 裏面嗰個 spec.。

主席：得，唔該。

問：我哋跟住睇到後面由 39607 開始，就係我哋啱啱講，有個 schedule，

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就係就住呢個咁嘅用得銅喉呢個轉變就可能會有到嘅一啲嘅物料咁樣，喺度 list 咗出嚟，另外後面就係講緊 39611，跟住一路去到 39615 都係講緊啲即係啲 supplemental 嘅一啲 spec.，係咪呀？

答：係。

問：即係啲附加咗個 spec.，後面我哋都見到 39616 就係我哋今日較早前睇過啲度，即係有關 soldering alloys 等等。就住當時呢啲咁嘅 specifications 嘅 revision 出咗之後，例如你、你嘅團隊或者係你會工作上會有接觸嘅，例如 building services 嘅團隊咁，會唔會話就呢一個新嘅呢啲咁嘅 revisions，啲 spec. 嘅 revisions，大家進行一啲討論有關「邊啲我哋要再加緊啲去檢測，邊啲我哋再要係即係啲個執行上或者啲個合同上仲要係更加係即係睇得緊啲嘅。」有冇呢啲咁嘅討論？

答：Individual contract team 就唔會嘅，因為我哋 central team 負責呢個 spec. 啲個 team，其實佢已經集合晒好多個，合 Housing 啲 project team 嘅 feedback 同埋嘅經驗而組成嘅，佢哋所以如果有需要去 test，佢哋已經標明咗啲個 spec. 裏面嘅，所以 individual contract team 就唔會再去咁樣樣去研究呢樣嘢。

問：你自己有冇曾經啲私人嘅發展商做過嘢？

答：建築師樓做過。

問：有嘅？

答：係。

問：我想問下係幾時呀？

答：1985 至 1989。

問：1985 至 1989。我想問下嗰段時間，你做私人嘅建築師樓嘅時候，有冇係用銅喉啲嗰陣時，即係去做水喉嘅工程？

答：嗰陣時因為我係 design team 嘅，所以我就唔會 get into 咁 detail。

問：知唔知呀？有冇用銅喉呀？

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答：用銅--冇。

問：冇用呀？定係唔知呀？

答：嗰時我唔知。

問：唔知？

答：唔。

問：你以你嘅即係理解，你做咗咁多年則師，咁就係如果啲私人發展商如果係做水喉工程嘅話，佢哋用銅喉嘅話，會用邊一種款式銅喉，你知唔知呀？即係用...

主席：邊一種咩嘢話？

許偉強先生：邊一種款式。

問：即係 soldering joint 咩，定係 compression joint？

答：我諗呢個其實佢係業界好多時都會用啲 common 嘅 material 做啲 jointing 嘅，據我所知，譬如話呢個 soldering joint 其實喺出面好 common 嘅。

主席：喺出面係？

答：即係出面建築界。

主席：Common 嘅？

答：即係未事發之前。

主席：係 common 嘅，係。

答：即係當然有其他唔同嘅 joint，亦都有用。

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問：你自己有冇聽過或者係即係從你嘅經驗之中有知道過就係例如私人發展商嘅項目嚟講，就比較會用多啲啲 compression joint，即係 copper pipes，有冇聽過呢啲咁嘅情況？

答：冇。

問：有冇聽過 push-fit？

答：有。

問：係喺咩嘢情況之下聽過嘅呢？

答：好多都會咩嘢個番，即係有陣時 contractor 會 propose 嚟嘛。

問：啲 contractor 會 propose 嘅？

答：係。

問：你話 contractor 會 propose 啲 push-fit joints 係你做緊房署嘅時候定係你喺私人則師樓做緊嘅時候？

答：房署。

問：房署。大概幾時嘅呀，你聽--第一次聽過有 contractor 去 propose push-fit joints？

答：呢個我有印象，有印象。

問：吓？

答：呢個有印象幾時第一次，第一次我真係冇乜印象。

問：哦，咁呀？咁你大概聽過幾多年嘅呀，呢樣嘢？

答：我諗都唔係好耐咋，唔係好耐咋。

問：即係事發 7 月之前你聽過嘅？

答：聽過，聽過。

問：係咪呀？

答：係。

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問：咁我想知道即係你話聽過有總承建商曾經 propose 過用 push-fit 嘅 joint，咁你哋個反應係點樣呀，房署？

答：其實我哋會...

主席：得，等一陣先。Push-fit 就可能新啲，press-fit 呢？

答：唔。

主席：Press-fit 有冇聽過呀？

答：有。

主席：呢個就比較舊少少嘅，係咪呀？

答：係，係。

主席：呢個聽咗幾多年呀？幾多--即係就你所知，有幾多年，呢樣嘢？

答：即係特別嘅 jointing 其實我哋--唔喺好耐之前係即係咁 detail 知道嘅。

主席：Okay，唔係，...

答：都喺近期，都喺近期。

主席：得，唔緊要。Press-fit 又好，push-fit 又好，呢啲相對嚟講，比較新啲嘅，咁佢嘅好處係乜嘢？

答：我諗就呢個係我哋--即係我 as a contract manager，我就唔會深究呢樣嘢嘅，即係呢樣嘢，譬如話個 contractor 會係點樣呢，我哋會畀番...

主席：唔係，唔係，唔係，我而家唔係問你做--我而家問你做一個 architect 嘅，你唔使咁驚住。你明唔明呀？即係有啲咩嘢好處先，press-fit 同埋 push-fit？

答：各有各好處，好難講，因為如果你話講實質個好處同唔好處，我諗 licensed plumber 就比較認識多啲。

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主席：乜嘢話？

答：我諗各有各...

許偉強先生：佢話 licensed plumber 會認識多啲。

主席：唔使 licensed plumber 會認識多啲，係咪呀？上 YouTube 睇下，都認識多啲喇，係咪呀？我問你呢啲，因為我唔係做 architect，我又唔係做 plumber，係咪？

答：唔係，其實 soldering joint 其實係會燒焊，係會有啲火花出現嘅，即係有陣時係會影響到--即係如果你話當時嗰個地方係住咗人嘅，其實係未必係咁適合。

問：唔係呢個問題，...

主席：我哋休息二十分鐘先，唔該。

下午 3 時 39 分聆訊押後

下午 3 時 59 分恢復聆訊

出席人士如前。

何先生：主席閣下，頭先喺小休嘅時候，你秘書處嘅同事好 helpful，提咗一個小問題，我相信絕對係一個無心之失嚟嘅，即係就呢一位證人當時就打電話，咁就內容我都唔係好太清楚，不過即係我相信係絕對係一個無心之失，即係佢唔應該同外間去傾談、聯絡咁樣。

主席：冇，冇問題，得。

何先生：主席，我淨係想提下佢--即係提出嚟啫。

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主席：唔該。繼續。

香港房屋委員會第十證人：趙不羈(房屋署(元州邨第二及四期總建築師))
宣誓繼續作供
許偉強先生繼續盤問

問：就住我哋休息之前嗰個問題，就係話即係嗰啲咁嘅 soldering joints 同埋嗰啲 push-fit joints，知唔知道大家嗰個比較點呀？即係邊個好啲、邊個唔好，點樣去比較？

答：其實呢個 soldering joint 我哋用咗好多年，我哋都知道佢情形係點嘅，至於 push-fit 同 press-fit，其實我哋都唔--即係暫時都未知道佢其實有啲乜嘢嘅--可能有啲危險性，有啲 risk 都未定，未知嘅，只不過就可能 push fit 就有一度可能就會少咁樣 mechanical 嘅嘢，你 push 落去㗎喇嘛。

問：Sorry，你可唔可以重複啱啱嗰句？Push-fit 點呀？

答：即係 push-fit 可能簡單啲，你 push 入去，咁咪唔使一個 mechanic 咁夾佢咁囉，即係係咪呢樣好喇，可能係咁喇。

問：喺嗰個價錢方面，你知唔知有咩嘢唔同呀？

答：唔知。

問：你哋房署有冇曾經用過即係 push-fit joint 呀，喺個工程入面？

答：喺我哋工程裏面就有。

問：其他人呢？

答：我唔清楚，我唔清楚。

問：好。我就都想問一問你，就係剛才因為你都同我哋講話 2002 年嘅時候，就係嗰個即係鼓勵用銅喉嗰個階段，我想問一問你嘅，就係話你知唔知道--當時你哋同業界應該係有啲商討，係咪呀？即係大家用銅喉，即係「鼓勵你用銅喉，應該注意啲乜。」係咪都有啲咁嘅商討？

答：其實係咁嘅，我哋個 spec. team 佢哋每一次做 review 嘅時候，如果有親咩嘢改動，其實都會用業界、建築學會，同唔同嘅

stakeholder 去大家傾嘅，咁所以佢一定咗落嚟，就其實佢都好多嘢都 consider 過嘅。

問：你知唔知就住當時嗰個階段，即係話轉銅喉喇咁，有冇話你房署有冇請過專家去做啲風險評估咁嘅工作呀？

答：我唔知，因為如果佢哋請專家都係由個 spec. 嗰個 team 去決定。

問：最後一樣嘢嘅啫，就係就住你而家講緊呢個就元州邨，或者你有參與過嘅公屋項目，呢五年嚟講，你有冇試過話見到喺現場有啲即係水喉嘅工人即係喺度示範點樣去到燒啲嘅焊料，有冇見過？

答：我有見過，我有見過。

許偉強先生：我有其他問題。

陳先生盤問

問：Mr Chiu, your colleague, Ms Theresa Yim, mentioned that there were four deputy directors within the Housing Authority. Is that your understanding?

答：Yes.

問：Is it also your understanding that day-to-day, deputy directors have different areas of focus? Basically, it's design and construction, if I have it right, estate management, strategy and services, roughly speaking; is that correct?

答：Yes, public services.

問：But cutting across all of these areas would be certain core concerns for the Housing Authority as a whole, the safety and health of its residents being one of these core concerns; isn't that right?

答：Safety for the residents, that would be under the

jurisdiction of the Estate Management Division.

主席：可以用番廣東話答嘅。

答：好。

主席：唔使一定要用英文答。

問：Yes, please.

答：即係如果係對於住客或者居民嘅安全啲，其實都係喺我哋個邨管範圍個面個 division 去管嘅。

問：I understand the primary responsibility, but would I be right in thinking that it's not quite so strictly segregated? So, for example, matters of design and construction are also relevant to safety and health; would you agree with that?

答：呢個當然喇，所以我哋個 spec. 啲 requirements 全部都會 study 佢哋嘅 certain risk on certain aspects 嘅。

問：Can we assume that there's some information that comes to light that is relevant and of potential importance to the general health and safety of your residents, the Housing Authority's residents, and this information becomes known to an officer within one or other of the departments, the four departments, main departments, of the Housing Authority? My question is would it be reasonable for the public, and in particular residents of the Housing Authority, to expect that there would be interdepartmental communications within the Authority, to ensure that this information is generally known, not just by one department but by all the departments?

答：我諗咁喇，譬如關於安全、衛生啲問題，其實如果我哋係喺某個

division 係出去同某啲業界開會，或者同嗰啲某啲 authority 開過會，所有重要嘅 issue 其實都唔係淨止 apply to Housing project 嘅，係要 apply to 全香港嘅住客，一樣嘅啫，咁所以如果係個重要嘅 requirements，新嘅 requirement 出或者重要嘅 items 要留意，其實唔係話 Housing 係 issue 畀自己 Housing 嘅 division，而係政府應該做一個作主，就係話公布畀全港業務嘅。

問：So if an officer can base certain information in relation to health matters, to his supervising deputy director, it's reasonable to expect that there would be communications, say, at the deputy director level, among the four directors, to ensure that this important information would be circulated and passed on? Is that a fair...

答：我唔會講 specific issues，不過如果係有...

問：Generally.

答：...重要嘅 issue，其實佢 likely 都會 draw attention to 我哋嘅 DD 嘅，deputy director。

問：Moving on, can you please help us with this. From your experience as an architect, is it fair to say that for any residential building, the plumbing system is a critical system for the purposes of health, hygiene and convenience?

答：係，其中一種，係，啱。

問：Right. And we have heard that for any given Housing Authority project there will be many, scores, thousands of different specifications, covering a wide range of matters; yes?

答：唔。

問：So in terms of focusing the Authority's finite resources, in terms of supervision, say, would it be reasonable or not reasonable to place a high level of priority and attention on the specifications which concern the

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plumbing system as a category?

答：唔會嘅，其實我哋 spec. 裏面除咗 plumbing 啲嘢，其實有好多嘢都係對 health、safety 係有影響嘅，咁所以逢係我哋覺得係 high risk 嘅，我哋其實都會 put 同樣嘅 concern 同埋 inspection requirements，嘅深度。

問：So if I understand correctly, what you are saying is that you will try to identify those specifications, in whatever category, which may have an impact -- may have an impact -- on health and safety, and you would give priority to ensuring that those specifications are met?

答：唔係咁講，因為其實係唔係個 priority，或者係有啲乜嘢 inspection 要 carry out 或者咩嘢 test 要 carry out，其實個 spec. team 就已經 go through 晒，contract team 就唔需要咁樣再做嘅，只要 contract team 係執行佢個 spec. 裏面所講嘅 requirement 或者 testing requirement 就已經足夠。

問：When it comes -- there's different parts of the contract, there's drafting the contract and then there's administering or managing the contract.

答：唔。

問：So, as far as administering and managing of the contract is concerned, how do you know which specifications are more important and which aren't?

答：唔係，佢其實佢重要啲嘢係有特別係 highlight 出嚟，譬如話佢係有啲咩嘢特別嘅 test 或者特別 inspection 要做，如果佢冇嘅，即係話啲嘢係認為個 risk 係比較低嘅，咁樣。

問：So short of the ones which are specially highlighted, all other specifications...

答：Pardon me?

問：You mentioned certain specifications, as I think was mentioned earlier, were highlighted.

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答：唔係，其實成個 specification 好多物料，非常之多物料，咁所以其實佢個 spec. team 佢 draft 呢個 spec. 嘅時候，一路 evolution of time，佢都係睇住個時間同埋個危險性，對某個 risk 嘅危險性嘅，而有所改動，咁佢逢係覺得係 high risk 啲嘢，佢可能就會加重啲去睇實嘅，啲 requirement 多啲嘅。

問：In terms of identifying the specifications which require additional measures or...

答：唔會 additional measures from 嗰個 spec. 嘅。

問：Sorry, I haven't finished my question. I haven't finished my question.

答：即係個 spec. 係要咁多，我咪要咁多。

問：What question do you think you are answering? I haven't finished my question.

主席：等一陣先，一個問完，先至慢慢答。

答：唔。

問：My question was, in relation to specifications which might be thought worth particular attention, whether in terms of adding, say, a sub-specification, that you need to perform specific tests, isn't one way of identifying those by referring to, well, what system or what aspect of the building does it go to? If it goes to, as you say, an important system such as plumbing, would you agree that generally those specifications require particular care and attention, at every stage?

答：如果你講--我唔知會唔會誤解你嘅意思，即係你嘅意思即係話係 plumbing 係特別 highlight 咗出嚟，特別 pay attention，因為係有 health 問題？

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問：It's a matter of relative importance among the many specifications that we may have. I'm not saying it's the top...

答：佢唔會特別彈咗出嚟，因為其實喺個 spec.裏面，喺一個工程裏面，除咗 plumbing 之外，其實有好多嘢都係好 risky。

問：So plumbing is one of the matters which involves some elements of risk?

答：Health 呀，health 呀啲。

問：It involves health, yes, thank you.

答：同埋亦都係個即係 workability.

問：Now, in relation to one area which I think some of your colleagues have given evidence on. Can I just ask you to clarify, if you can, and that's a particular aspect of the checking process. What we have so far, in terms of evidence, I believe, and correct me if I am wrong, is that when it comes to PLU1, it's not necessary, as a matter of the contract, to provide samples.

答：唔噃。

問：Yes. If I understand the evidence correctly of one of your colleagues, Mr Suen Wai Man, he did, however, say that what would be done for PLU1 was that we, being the chief architects, would go by documentation. What I want to clarify is: is it a contractual requirement in relation to PLU1 that matters covered under there, there would be to have a provision by contractors of documentation showing the brand or the details of the particular items that they intend to use?

答：Under PLU1，其實係唔需要 contract 個 manager 去批嘅。

問：Okay. So if I understand you correctly, just to summarise, were all matters in the PLU1, you don't need documents, you don't need samples; they can just

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proceed with...

答：除咗兩樣，個 draw-off tap 同埋個 pipe brazing。

問：Yes, except those, yes. Thank you. Could I ask you lastly to just look at paragraph 23 of your statement? Paragraph 23, at page 39538. I won't read out the entire paragraph.

答：Which paragraph, sorry?

問：23, sorry.

答：23. Sure.

問：Page 39538. In summary, there's a reference to certain specifications, and you mention the point that Yau Lee, the contractor for this particular estate, Un Chau, was required to provide superintendence, and the way that in this particular case Yau Lee did that was to establish a contract management team. Do you see that?

答：“Yau Lee was also required to provide all necessary superintendence by providing a management team during” -- yes.

問：So if I understand the arrangement, there was your team that was involved also with contract administration, management and a certain degree of supervision. Yau Lee itself also had the contract management team; is that correct?

答：係，因為佢哋要做一個 continuous supervision，我哋就 periodical supervision.

問：Yes. Can I ask, to what extent did the Housing Authority's team, in terms of administration and management, specifically highlight and emphasise particular specifications in its contracts, to assist Yau Lee's contract management team with its very

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important work? Was there a level of day-to-day communication or a process of emphasising the attention that should be paid by the management team formed by Yau Lee in relation to particular specifications? So did you just give them the documents and leave them to their own devices?

答：通常一個 contract，佢哋一接到個 contract 之後，就會應該跟足個 specification 做嘅，有陣時如果佢哋或者有困難，做唔到，或者佢 submit 咗 alternatives，佢就要 make proposal 畀個 contract team 去 consider 咁樣，咁樣其實有 two-ways 嘅 communications 嘅。

問：So within that two-way communication process, my question is: did the Housing Authority initiate, by way of its own initiative, sorry, any particular specifications, say in relation to soldering, piping or any other matter? Did they say, "Look, you need to pay particular attention to this and can you please ensure that you do so"?

答：喺 7 月之前我哋唔會，因為我哋唔知道個重要性。

問：Okay. Lastly could I just ask you to clarify one answer you gave to one of the questions I think put to you by counsel for the Commission. You were asked what you understood the purpose of the non-lead solder specification to be, and you said one possible purpose would be that non-leaded solders -- joints constructed with non-leaded solders would be more durable; do you remember that?

答：No, no, no. I said it might be.

問：Might be, yes.

答：The drafter might have had that consideration, "might have".

問：Right.

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答：Yes, because I am not the drafter, so I am just guessing.
I was just guessing.

問：I am just wanting to understand and test the basis of
your guess.

答：唔㗎。

問：Do you understand the difference between an informed
and educated guess and sheer speculation? This is
what I want to understand in terms of the nature of
your guess.

答：I see. Can you repeat the terms again?

問：Sure. Why don't we do it this way: you have said that
it's possible -- one guess would be that this clause
is here to ensure more durable pipe joints. Firstly,
are you aware that so far not a single one of your
colleagues, including at least three or four other
chief architects among you, and not a single expert,
as far as I am aware, has suggested that the purpose
for specifying non-leaded solder for joints is to do
with durability?

答：唔㗎。

問：Are you aware of that?

答：Yes.

問：You are aware of that?

答：唔。

問：Then you are still maintaining this guess?

答：I am just guessing.

問：Secondly, would you agree that if it's the case that
that specification was to do with something as
important as the strength or weakness of a pipe joint,

then it's at least equally important that as a supervising contract administrator, you must ensure that non-lead solder is used, otherwise it would risk a weak pipe?

答：No, first of all -- first of all, as I said, that was my guessing; okay? As 一個 contract, 無論佢係咩嘢原因, 要即係做 not -- lead-free 都好, 佢 as 一個 contractor, 佢就應該 ensure comply with 個 specifications 嘅, 無論佢嘅原因係乜嘢都, 所以嗰個--變咗背後嘅原因係唔重要嘅, 所以無論我係估好, 猜測好, 其實係唔重要嘅。

問：Mr Chu, isn't part of your job, part of the reason you were employed, was to ensure that the contractors did what they were meant to do?

答：As a contract manager, 我要 ensure 就係話佢個 contractor 應該做啲嘢 in complies with 個 contract specification 嘅, 當然因為裏面有好多嘢, 有陣時我未必係可以係留意得到。

問：And wouldn't you agree that from that perspective, however which way you look at this clause, whatever guess you wish to make, it's on any view an important specification, for the purposes of the project, and for your residents, and it was a specification which clearly called for active and close supervision on the part of the Authority?

答：Spec. 冇話要 close supervision of 呢個 soldering joint, 所以我唔會話要求 contractor 咁做, 但係講到最終都係, 佢無論點都好, 無論我 sup 唔 supervise 都好, 就算我唔 supervise doesn't mean 佢係可以做啲唔 comply spec. 嘅嘢嘅, 佢應該都要做番 spec. 要求嘅嘢。

陳先生：Mr Chairman, those are my questions for Mr Chiu.

主席：Thank you.

李先生盤問

問：趙先，我有一啲小小簡單嘅問題，我係代表有利嘅，我姓李嘅。剛才陳大律師帶你睇過你嘅供詞第 23 段，入面提過一個有個名字叫 management team 嘅，而家你都會見到，呢個 management team 其實當中係咪包括一啲房委會派落去地盤嘅同事去監察啲工程嘅進行，包括呢啲人士，係咪？係㗎喇？

答：即係你講 contractor management team 定 HD management team？你講清楚。

問：係。

答：我聽唔清楚，你係講 HD 嘅 management team 吖，定抑或 contractor 嘅 management team？

問：你哋。

答：你哋 management team，係，我哋有 site staff，有 site inspection team。

問：Site staff，明白。你喺過去呢幾年，五、六年嘅喇當，處理嘅公共屋邨入面，你自己會唔會落去地盤度去睇嘢？

答：有。

問：都有嘅？

答：有。

問：即係包括咗一啲譬如 inspection，即係去睇佢哋啲施工，譬如話驗嘢，你都會做嘅？

答：我唔會自己去做施--即係去驗嘢。

問：你前線啲嘅同事會，係咪？

答：通常睇下驗乜嘢，佢唔係一定要係即場驗，可能喺 lab 驗都未定。

問：你剛才你話唔會即場去驗，即係其實你去到個地盤嗰陣時會唔會已經有你啲同事喺個地盤嗰度已經睇咗一啲嘢，等你落去作一啲決定？

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答：其實通常如果係有啲 material 要 approve 嘅，好多時都係個 project architect 去 approve 嘅，唔需要個 CM 去 approve 嘅。

問：譬如話舉個例子，譬如話樣辦房，你知係乜嘢喇，係咪？

答：係。

問：樣辦房入面整嘢，譬如話啲地盤嘅承判商整咗啲嘢畀你哋啲同事睇，你會唔會自己都落去睇啲樣辦房點樣去整嘢，定點樣砌嘢咁呀？

答：會，會。

問：你自己都會嘅？

答：係。

問：明白。咁過去你個幾年，你做嘅公共屋邨就有大概幾多個嘅？

答：正如我頭先話齋，我主要就係做 planning stage 嘅 project 多，所以亦都唔係好多，一個起，兩個止。

問：哦，即係個幾年都係一個起，兩個止？

答：唔。

問：所以你剛才答許大律師嘅問題，就話你有見過啲人喺樣辦房示範一次燒焊畀你睇，你就話有，都係基於一、兩次嘅經驗？

答：過去個五年啫，我話。

問：明白，唔該晒。

李先生：閣下，冇其他問題。

主席：唔該。

何先生：我有問題，唔該。

主席：哦，冇嘢問。

趙生，你畀完口供，可以走得。

答：唔該晒。

主席：咁我哋今日都差唔多，星期一、星期二，我哋唔會有...

MR PENNICOTT: Mr Chairman, I apologise, I appreciate it's late on a Friday afternoon and we all want to go away and do something better than stay here. I want to raise, however, one or two points of a procedural nature. First, to do with expert evidence: my understanding is that in two or three weeks' time or so, Prof Bellinger is to be interposed. We've made some informal enquiries but I'm afraid this is necessary to go on the record, I think, because it hasn't really been satisfactory in terms of a response. Could we be told when Prof Bellinger's report is going to be served? That's the first question.

The second question is this. In Mr Shieh's and his colleagues' opening, for the preliminary hearing, at paragraph 20, we were told that the Commission is considering the engagement of an expert in the plumbing industry. Could we also be told what the current position is as to whether or not the Commission is proposing to appoint an expert?

So those are my two questions. I want to get them on the record because informal enquiries have not really been very satisfactory.

許佐賓先生：Mr Chairman, we are in support, Paul Y is in support, of my learned friend's request that we are told when Prof Bellinger's report would be served.

許偉強先生：以我嘅理解，就係即係 Prof Bellinger 就應該係 12 月 14 號會應該差唔多嗰段時間會畀口供嘅，我而家知道嘅就係即係點樣我哋都一定會即係就住其他方面，就 14 號之前亦都起碼有一個禮拜以上嘅時間畀佢哋考慮攞一份報告，呢個就係我可以講嘅。但係至於

你話叫我今日畀實你邊一日，我真係做唔到。

主席：另外嗰個 plumbing 嗰個呢？

許偉強先生：Plumbing 嗰個我哋而家都喺度好即係密切咁樣喺度搵緊，應該亦都--我相信應該都係 12 月左右都會有啲更進一步嘅發展嘅，我諗點都我哋喺 11 月尾左右會同大家再公布呢樣嘢。

至於我都可以 update 一下下個禮拜三開始個證人嗰個情況，我哋就因為而家就完咗趙先生，跟住就會有一位係樂女士嘅，樂素芬 Rosa。跟住落嚟都係仲有兩位嘅總則師，一位係容（翁？）女士，Sonia，Sonia Yung，另外一位係楊先生，Ricky Yeung。跟住嗰位就係一位總嘅屋宇裝備工程師嚟嘅，佢都就住好多邨佢都係作為呢個總屋宇裝備工程師，就係呢個 Eric Leung，應該係梁志光（梁之光？）先生嘅，咁我哋暫時應該下星期會處理呢幾位證人。

主席：好呀，唔該。我哋星期三再見，唔該。

許偉強先生：唔該。

2015年11月20日
下午4時25分聆訊押後

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 14 B

C Friday, 20 November 2015 C

D (10.00 am) D

E (Transcript of simultaneous interpretation E

F except where otherwise specified) F

G MS THERESA YIM SIU LING (on former oath) G

H CHAIRMAN: Mr McCoy? H

I Cross-examination by DR McCOY (continued) I

J (All questions from Dr McCoy were in English) J

K DR McCOY: Thank you, Mr Chairman and Commissioner. K

L Ms Yim, good morning. I would like to first of all L

M ask whether you have actually looked since yesterday at M

N any of the minutes of the Advisory Committee on the N

O Quality of Water Supplies? Have you had a look O

P overnight? P

Q A. No. Q

R Q. You did not? R

S A. I don't have a copy. S

T Q. Could they come up on the screen, please. First of all, T

U meeting number 1. U

V Yes, and would you first of all notice that the V

member present is Mr Wong Bay -- if you just come down,

you see "Mr Wong Bay"?

A. Yes, I see that.

Q. I think you indicated he was the assistant director of

the Housing Department, in the Estate Management

Division?

A. Yes.

Q. Now, I'm going to tell you -- I'll move through this quite quickly -- you will find that he attends numerous of these meetings, and he is on the committee from the year 2000 to 2009. Then he comes back onto the committee in 2014. We are going to see that.

But in between 2009 and 2014, other assistant directors of Housing Department take his place.

Now, am I correct that there are four assistant directors in the Housing Department?

A. In the Development and Construction Division, at the moment there are four assistant directors. In Estate Management, at the moment there are three assistant directors.

Q. Thank you. So because you haven't seen this before yesterday, when it was shown to you, it would be unfair for me to go through this too slowly or too fast, so I just want to make a few points.

If you come to paragraph 6.1, 6.2, 6.3 -- I won't read them out -- but let me just tell you that there, there is distinct reference to the fact that Hong Kong has adopted the World Health Organization guidelines for the standard for drinking water, and we see in 6.2 this statement:

"At present, all 94 health related chemical parameters of the [World Health Organization] guidelines and about 30 other aesthetic parameters had been included in the comprehensive monitoring programme and the sampling points covered the whole supply system."

Now, if we could then move, please, to the next meeting, which is meeting number 2, on 19 July 2000.

A. Yes.

Q. Thank you. Again, we see Mr Wong Bay present. And in the interests of time, let me just identify, at paragraphs 5.2.3, 5.3.2, 5.3.4 and 7.1, there are references to the World Health Guidelines.

You can see from the membership, and their details are given in the next meetings, that this is a distinguished panel.

If we turn over to meeting number 3, please, on 15 January 2001. Now, Mr Wong Bay is present. I wasn't, speed-reading, able to detect any express reference. I have found 35 express references to the World Health Organization standards on water quality, but there are many, many implied or inferred references to it. But in this particular meeting I wasn't, on a quick scan, able to find any.

Moving to the fourth meeting, on 12 July 2001, the same relevant individual was present. We do find, at

paragraph 6.5, a reference to the WHO guideline value.

The same speed now -- if you come to the fifth meeting, we see now with greater clarity who are on that panel. So Mr Kenneth Fang, Justice of the Peace, is the chairman; the vice-chairman is the director of water supplies; Dr Cheung, from the City University of Hong Kong; Mr Wu, from the Hong Kong Institution of Engineers; Dr So Kai Ming, from the Hong Kong Medical Association; a representative from the Hong Kong Plumbing and Sanitary Ware Trade Association; a professor from Hong Kong U; a professor from Chinese U; a member representing the Conservancy Association; the chief assistant secretary of the Works Bureau; a medical doctor, consultant, from the Department of Health; Mr Wong Bay, the assistant director of Housing; Ms Rhonda Lo, Assistant Director, Food and Environmental Hygiene; Mr Michael Chiu, assistant director from the Environmental Protection Department; and the secretary from Water Supplies; and you see the attendance at the bottom, the deputy director of Water Supplies; the assistant director of Water Supplies; another assistant director; the chief chemist; turning the page, the chief engineer, the senior engineer, and indeed others.

So that gives you a good overview of the quality of

the membership.

Just moving through, perhaps, to the sixth meeting, on 4 April 2002: Mr Wong Bay is present, and at paragraph 6.8 we see this, and I am deliberately moving through this at some speed:

"In response, the Housing Department" -- paragraph 6.8 -- "reiterated that the [Housing Department] had begun the renewal of water pipelines inside public housing estates since the amendment of the Waterworks Ordinance in 1995 banning the use of galvanised iron water pipes. [Housing Department] had drawn up a long-term schedule to renew plumbing of existing housing estates after a survey of their conditions. Of the 900 buildings identified in the survey, more than half had already completed plumbing renewal. [Housing Department] estimated that the remaining work would be completed in [eight to nine] years time. [Housing Department] assured members that [Housing Department] would give full support to the scheme and would continue to take up the leading role in the public sector."

That is of course in relation to the quality of water supplies.

Then if we move through to the next meeting, the seventh meeting, on 22 July 2002 -- it's of no

particular moment, because he could not see an express reference to the World Health standard, but you may find, at paragraph 5:

"The chairman reported that the water quality data for fiscal year 2001/2002 and a brief note had already been distributed on 28 June 2002 to all members by email for advance information, and the data had been published on the internet on 2 July 2002. WSD then gave a brief summary of this new batch of data."

Now, meeting number 8 is more important, on 1 April 2003. I do want to point out, to be fair, that Mr Wong Bay, the assistant director, is absent with apologies, but fortunately he is at the next meeting, when these minutes are accredited.

So, on meeting number 8, you will find references to the World Health Organization standards in paragraphs 6.4 and 7.2.

Then, if we move to the ninth meeting, where Mr Wong Bay is present, you will see that, at item 3, the confirmation of the minutes of the last meeting are approved. You will see in particular at paragraph 4.2.4 the following:

"[Water Supplies Department] supplemented that the new set of water quality data for drinking water complied chemically and bacteriologically with the World

Health Organization ... Guidelines for Drinking-water Quality. Regarding the set of quality data for Dongjiang water received in Hong Kong, WSD reported that with the commissioning of the phase 1 of the Dong-shen closed aqueduct system on 18 [January] 2003, a comparison was made on the results for the period from February to May with those of the same period last year. There were improvements in the levels of ammoniacal nitrogen ...", and various other parameters.

Turning over, one sees further reference at 7.2 to the World Health standards, and let us look particularly at paragraph 10.3. The speaker is Prof Tso, Tso Wung Wai, professor from the Chinese University of Hong Kong:

"Prof Tso ... suggested [the Water Supplies Department] to consider conducting similar experiments as indicated in the misleading advertisements ..."

And you will see at paragraph 10, "Agenda item 8: Misleading advertisements for water purifiers". So that's what they are talking about.

"[Prof Tso] pointed out that [the Water Supplies Department] should not attempt to offer an explanation of the cause of the putative 'dirt'. [Water Supplies Department] reiterated that the drinking water quality supplied to consumers conformed to the [World Health

Organization] standards and the levels of heavy metals ([for example] mercury) and pesticides were well below the [World Health Organization] limits and safe for consumption. Only a trace amount of minerals was present in drinking water and the trace amount of minerals was suitable for consumption. The chairman indicated the need to bring out the correct message on water quality and requested [Water Supplies Department] to follow up in collaboration with Prof Tso."

Meeting 10: Mr Wong Bay is present, and the only reference I think is at 3.2.3.

Meeting 11, on 22 April 2004: Mr Wong Bay is present, and I think there's no express reference.

We are getting close to when Mr Wong Bay now appears again on meeting number 12 on 29 April 2005. I haven't counted the references up to this stage.

So, between 2000 and 2005, there have been 11 or 12 meetings, and there are already numerous references, amongst the associates, to the World Health Organization standards.

29 April 2005, meeting 12: Mr Wong Bay present, plus others. And at paragraph 4.1.1.5:

"A member questioned whether surprise checks would be carried out by WSD to ensure compliance of the requirements stipulated in the certificates. WSD

responded that WSD periodically carried out random sampling of water in buildings in Hong Kong, irrespective of whether the buildings participated in the Scheme or not, in order to ensure that the water supplied to customers complied with the [WHO] Guidelines for Drinking-water Quality. So far, no non-compliance case was found in such samples from buildings."

There's a further reference to the WHO in paragraph 4.5.4.

Meeting 13: Mr Wong Bay is present. I think it's uneventful in terms of express references.

Meeting 14: he's present. And you will find a reference in paragraph 8.2.1, and you will find another one at 8.7.1, and that one should be examined:

"WSD briefly introduced the proposals to adopt and monitor all water quality parameters and to implement the Water Safety Plan ... developed by WSD in accordance with the new Guidelines for Drinking-water Quality, Third Edition published by the [World Health Organization] on 21 September 2004."

8.7.5:

"In response to an enquiry from the chairman, WSD advised that as agreed with the Department of Health, WSD would adopt the whole set of guideline values (ie 93 chemical parameters of health significance) in the new

WHO 2004 guidelines. A member asked about the frequency of the surveillance arrangement. WSD replied that it would be carried out continuously as an ongoing exercise and weekly compliance reports on treated water quality would be submitted to the Department of Health."

Meeting 15: he's present, and the reference is 4.6.1.

Meeting 16: the references are 4.2.1, 4.2.2, 4.5.1, 4.6.1. Now we come to a new person from the Housing Department: at meeting 17, a new assistant director, Mr Lee Kwok Wing, Albert.

Does Mr Lee still work in the Housing Department?

A. Mr Lee is now the assistant director at the Estate Management Division.

Q. Thank you.

You will find there are references to the World Health Organization at paragraph 9.2.1, 9.2.3, 9.2.4, 9.6.1.

Then, if we move to minute 18, on 15 April 2009, a different person from the Housing Department appears, Mr Luk Tsz Wai, senior maintenance surveyor from the Housing Department.

Now, do I take it that gentleman is probably from Estate Management?

A. Yes.

Q. I don't think there is a direct reference.

There is, I'm told by my colleague, it's paragraph 3.2, over the page on page 4. There are quite a few references.

Then at meeting number 19, on 8 March 2010, it's fair that I point out there's nobody present from the Housing Department, but Mr Ma Kam Chuen, the chief estate manager, had apologised for his non-appearance, and that's at the front page of meeting 19.

Then, if we come over to meeting 20, we have another person now, an assistant director from the Housing Department, Mr Chan Siu Tack. Is he in the Estate Management Unit?

A. Yes.

Q. And meeting 21, I think it's fair to point out he's absent; but he's back at meeting 22, and the references are at 4.2, 4.4, 4.5; and meeting 23, the last ever meeting of the Advisory Committee on the Quality of Water Supplies is on 1 February 2012, and Mr Chan is absent with apologies, but the references are at 4.2, 4.4, 4.6, 4.8, 5.3 and 10.1.

That is the end of that committee, because it comes alive under a new name. It's now called the Advisory Committee on Water Resources and Quality of Water Supplies, and -- thank you -- the administrative staff

have very helpfully put up the 22 May 2012 note.

We see the assistant director is present, and there are references, in the successive meetings, to the World Health Organization, and in particular, as I promised, Mr Wong Bay re-emerges, as you will find that he is re-appointed to this committee at meeting number 3.

Sorry, at meeting number 2 on 16 August 2012, the assistant director is present, and the World Health Organization standards are referred to at paragraph 6.4. And if you turn to meeting number 3, there is reference at paragraph 5.2. There is also reference at 12.4.

Now, at meeting number 4 on 25 March 2014, we now have Mr Chan Siu Tack, the assistant director of Housing, present, but Mr Wong Bay is now appointed as a new member, and you will see that in the minutes at paragraph 1.4.

Now, this may be quite unfair, but do you know when he left the Housing Department?

A. Sorry, I can't remember.

Q. Yes. That's perfectly appropriate.

And at paragraph 7.2, and various other references.

Now, I have gone through that really fast, but the reason for doing this is, in your witness statement, at paragraph 71, the last sentence, you say this:

"Before July 2015, neither I nor the HA was aware of

the WHO guidelines on the drinking water quality at the consumption point."

Now, that involves two different perspectives: your own and that of the Housing Authority.

Dealing with your own, I first of all note the sentence is curiously written. Did you have an awareness of the World Health guidelines, or did you have an awareness of the World Health guidelines on drinking water quality, or did you have an awareness of the World Health Guidelines for Drinking-water Quality at the consumption point?

A. I wasn't aware.

Q. None of them?

A. That's right.

Q. Now, in relation to your statement that the Housing Authority was not aware -- you see that?

A. Yes, I see that.

Q. I have shown you obviously rapidly, and you haven't had a chance to read what I have shown you, and I fully understand that, but I just have to suggest to you that the basis for your belief that the Housing Authority was not aware of the World Health Guidelines is not accurate, when you have seen what I have just shown you. In fact, the Housing Authority has known about them since the year 2000, right through to 2014. That's what

I suggest.

A. Yes. When I wrote the witness statement, the part -- rather, the documents that you showed me just now, this is the first time that I saw those documents. When I drafted the witness statement, I was not aware of such meetings, and I noticed that this committee comprised members who are representatives from other departments: WSD, DH and EPD. And I don't know that Mr Wong Bay has attended so many meetings.

So, when I drafted this statement, for myself, I wasn't aware of such a guideline, and I wasn't aware either of such meeting minutes. And Mr Wong Bay attended these meetings. Whether he had brought the relevant messages back to the department, I was not aware of that either.

But as a general observation, I guess that since so many government departments were attending the meetings, I am sure that there were recommendations made, out of the discussions, and if the recommendations have to do with public health and water quality, I believe that the relevant government departments will issue guidelines for adherence by the site, if necessary. So that is a general observation on my part, after reading through these documents.

Q. Thank you. Whichever of the assistant directors or the

assistant director's representative attended those various meetings, to whom does that assistant director report? Who's higher, above that director?

A. According to our line management, the assistant director should report to the deputy director.

Q. Thank you. Could I also ask you to have a look at paragraph 40 of your statement. This shows that in March 2011, a sampling test was carried out; correct?

A. Yes.

Q. You then state that testing parameters were matching the WSD circular No. 2/2012.

A. Yes.

Q. So a year before the circular even comes into existence, you are claiming that you are matching it?

A. I would like to explain at this point, for the Tung Wui project, the completion date was 15 October 2011. As you said, you are right, the circular was issued in August 2012, and the water tests, to our understanding, were conducted by the main supplies department of the WSD and not by the HD. But apart from the eight parameters that we talk about so much, the water sampling test also added a new test on iron. We didn't know why, because this was not done by the Housing Department. It was done by the WSD's main supplies team.

Q. So there was no recommendation from Housing Department to add the iron test?

A. Yes. Well, the test was not conducted via HD.

Q. But when you requested the test, did you not indicate what you wanted them to test for?

A. For this test, it was not conducted by ourselves. It was conducted by the WSD. And normally they would work together with the licensed plumber to deal with it, and it was not done via or through the Housing Department at all.

Q. I am going to move to another passage now. Paragraph 75, please.

A. Yes.

Q. It's your first sentence. Sorry, forgive me, my mistake, it's your second sentence. I will read it. It says this:

"(In English) It appears to me that lead solder was used by Paul Y without permission and in breach of contract."

Now, I want to ask you very firmly: what basis have you got for asserting that Paul Y -- notice my emphasis and your emphasis, that Paul Y used lead solder? Have you got any personal basis for that at all?

A. First, I must declare that after the lead in water incident, I was not the chief architect for that

project. I was in the post up until February 2012, and the lead in water incident unfolded in July this year. So I went back to the old records and I asked for information from my colleagues. So I have to refer you to my witness statement, paragraph 71, line 2: in July, the WSD did some water sampling test and they collected 52 water samples. Four were found to be of exceedance. And in the contract, there was no requirement of lead in water, lead content in water. But in the contract, we did say that lead-free category solder should be used. But then, for the protocol, if we found that there was lead in water, we used XRF to test it, and we found that the lead was in exceedance at the solder joints.

So based on this, we think that for the Tung Wui contract, the joints were not up to the requirement. The contract was signed by Paul Y and Housing Authority. So that's why I put "Paul Y" into the sentence.

Q. I'm not sure whether you are missing the point or are trying to miss the point. The emphasis of your statement is that lead solder was used by Paul Y. That is an allegation that you are making that Paul Y themselves used lead solder. I am putting it to you: there is no basis whatsoever for that allegation. You have used very careful words "used by Paul Y".

A. As I said just now, in the contract, the Housing

Authority entered into the contract with Paul Y, so our other party is Paul Y. That's all we could say.

Because in the contract itself, the main contractor has the duty to deliver to the requirements of the contract.

Q. Again, you are missing the point. I am emphasising that you have written that "Paul Y used", they themselves, the company Paul Y used, lead solder. What is your basis for that? The contract is not an answer to that allegation. What is the basis for saying they used solder? There is none.

A. If I may repeat, it's because of the contractor we say it's Paul Y, and Paul Y, under the contract, that is under the supervision of Paul Y in accordance with the contract, Paul Y has a duty to supervise the quality of subcontracts under it. First of all, they must buy the right materials, they must make sure that, and secondly, they must make sure that the right materials are used by the workers under their supervision. That's why our other parties, Paul Y, and that's my basis.

Q. I am not going to pursue this, because I can see we are going to get the same answer, which is a non-answer.

I have a few more things to ask you. You have referred to industry practice in your witness statement -- industry practice -- in relation to lead and solder.

A. Yes.

Q. Now, have you, that is has the Housing Department, got records -- notice the word "records" -- have you got records of the process you went through to determine the alleged industry practice?

A. Can you please repeat your question?

Q. Sure. Have you, the Housing Department, got records of the process you went through to determine the alleged industry practice?

A. No.

Q. You are relying on industry practice, but there's no evidence of such an industry practice at all.

A. Before July, because we had no definite awareness of this issue, so our practice is consistent with that of the trade.

CHAIRMAN: May I ask this: you always mention industry practice, so is it the industry practice to use copper pipes or to use copper pipes and soldering? Because these are two separate issues. The first point, first thing first -- now, you have awareness of the industry practice of using copper pipes; right? I don't think we need to dispute that because you started switching to copper pipes in 2002. So definitely the industry practice is to use copper pipes and you are aware of it.

Then you said industry practice again. What did

they use to join copper pipes? Do you have any awareness of this particular industry's practice?

A. When I say industry practice, I refer to using copper pipes and welding.

DR McCOY: I want to turn to a different point, one raised by the Commissioner at the end of yesterday. Could the General Conditions of Contract, please, go up.

CHAIRMAN: Can I ask, how many deputy directors are there in the Housing Department?

A. Three. One is the deputy director, Ms Ada Fung, DCD; another deputy director is Estate Management; and there's a third deputy director, deputy director of Strategy -- sorry, there should be four deputy directors -- and one is on central services.

DR McCOY: General Conditions of Contract 15, please, GCC15. Come down to 15, please. There, right.

Now, Ms Yim, obviously you will have general familiarity with the GCC; correct?

A. Yes.

Q. I emphasise, I am not going to ask you questions of contractual interpretation, but I am going to ask you about practice as the contract manager.

Under GCC15, it emphasises, doesn't it, that the contractor's obligation is to complete the works "in strict accordance with the Contract ... and shall comply

C with and adhere [to the CM's instructions]"? C

A. Yes, I see that.

D Q. Right. If we can move, please, to GCC60, the issue of D
E the contract manager's instructions is governed by E
F GCC60, and if the circumstances set out in 60 are met, F
G then in broad terms the contract manager must order G
a variation. Would that be fair?

A. Yes, I see that.

H Q. Because it says the contract manager "shall" -- not H
I "may" -- "shall order any variation", and the I
J circumstances requiring an order of variation are set J
K out, if it's necessary for the completion of the K
works -- you see that?

A. Yes.

L Q. And if, in the contract manager's opinion, it's L
M "desirable for or to achieve the satisfactory completion M
N and functioning of the Works"; do you see that? N

A. Yes.

O Q. So yesterday we noted that GCC provides this two-tier O
P mechanism of quality control, which is through P
Q specification and testing. Q

R Now -- and I think it's the last one I want to show R
S you -- could you please come to GCC42. This shows that S
T it's the contractor's obligation to comply with the T
U specification as part of the contract. That's GCC42(1). U
V

That would be a fair summary; yes?

A. Yes.

Q. Thank you. And the contractor's obligation, in 42(1), is to carry out examinations and tests, and that's provided for in GCC42(1); right?

A. Yes.

Q. And what that means is it's the examination and tests which are either provided for in the contract that has to be carried out by the contractor, or are tests added after the contract by way of a variation ordered by the contract manager. Do you see that?

A. Yes, I see it's written that way.

Q. That's right. So if it's not in the original contract, then the tests are tests to be ordered, if at all, by the contract manager.

If a test is part of the contract, if it's actually stipulated in the contract, then it's going to be priced in the contract, isn't it?

A. Yes.

Q. And if it's added as a variation, the important difference is, it's your side, the contract manager, that has to pay for the test, if it's a variation? I am not asking for a definitive contractual answer, but that's the general position?

A. Yes, it's written like that.

Q. That's right. So we know, in this contract, there are no tests provided for in relation to solder and water samples. We know that; correct?

A. Yes.

Q. So there was no contractual position in relation to tests against the contractor for solder and water; it's not provided for in the contract. But it could have been requested by the contract manager; correct? It could have been?

A. Yes, you could interpret it that way.

Q. Yes. And if it had been requested, then you would have had to pay for it, and secondly you would have found out that there was lead in the water straightaway?

A. Well, let me put it this way. In our contract, it was stipulated clearly, explicitly, that lead-free category solder should be used. And under our current specifications, we have not based on this particular requirement to do any sort of tests under the specifications. That has to do with -- so that's about it for the specifications or the tests.

Now, after July, we found that solder joints might contain lead, and for Tung Wei project it was completed and even the maintenance period has lapsed, and the contractor irrespectively had been asked to do rectification and it can be classified as latent defect

which, when we commissioned or took over the project, we couldn't identify.

So the contractor should bear the costs, because it is a sort of non-conformity to the contract requirement. This is our understanding.

Q. Right. Now, I am suggesting to you that there were many opportunities by the contract manager to have discovered the presence of lead before July 2015, many opportunities, but they weren't taken by your side.

A. I don't agree with that. We reiterate time and again that before July, we lacked awareness of this. Of course, we know that lead is hazardous to health, and how lead in soldering joints might affect the quality of the water, we weren't aware, so I don't agree with your statement just now.

Q. I suggest to you that the real issue is not what you claim you knew or didn't know but the real issue is what you should have known at the time of the contract. And you should have known because in your own contract, that you wrote, you have put in prohibitions on lead and cadmium, so you must have known there was a risk associated with them.

A. Well, let me look at it from another perspective. Our contract states clearly what we require, what kind of products are required, and the relevant clauses also

stipulate clearly that the relevant standards have to be complied with, BS EN and so on. Number one, if we had known that this was a high-risk item, we would use all sorts of ways and means to plug the loophole. Perhaps, in the end process, we would put up certain measures and there would be tests before completion. That would be most ideal, if we had known the risks. But in reality we were not aware of the risks. When we drafted the specifications, we were not aware of the risk either.

So let me put it this way: even when I drafted the specs, we weren't aware of the risk, but the basic contractual requirement is that the main contractor should procure the right materials and must supervise the workers so that they would use the right materials in the construction process, so that the up-to-standard products were delivered.

So, if we are to enforce the contract effectively, we must ask the other party to discharge its duties under the contract.

Now, as for the drafting of the specifications, whether I knew the reasons for a specification to be put in, even though I might not be aware of the reason, I have put my requirement very clearly, and if that is the case, the contractor should discharge its responsibility.

So you cannot say that even if the specification is clear, although I don't know the reason behind, then it's up to the contractor to deliver something substandard. So I don't think that argument stands.

So whether I am aware of the reason behind is not most important. What's most important is whether I know what I require.

Q. I am almost finished. I suggest to you that the real cause of the lead incident is the failure of the drafting team to include a requirement for the testing for lead in the specification. That's the real failure.

A. I don't agree with that.

DR McCOY: Thank you.

CHAIRMAN: Is there any other party who wishes to ask a question?

Cross-examination by MR PENNICOTT

(All questions from Mr Pennicott were in English)

MR PENNICOTT: Ms Yim, good morning. I represent China State, who, amongst other things, are the main contractors for Kai Ching, and you put in a second witness statement dealing with certain aspects of the Kai Ching contract.

A. Yes.

Q. Before I ask you some questions about that, can I just confirm with you these three details. You were the

chief architect for Kai Ching between February 2009 and February 2012; is that right?

A. Yes, correct.

Q. You were also the chief architect for the following developments in the same period: Tung Wui, that Mr McCoy has been asking you some questions about; is that right?

A. Correct.

Q. And Shek Kip Mei; is that right?

A. Yes, correct.

Q. Ching Ho; is that right?

A. No, no, Ching Ho, no. I was not the chief architect for Ching Ho. That was another chief architect.

Q. Lower Ngau Tau Kok?

A. Yes.

Q. Could I ask you just to clarify the position on Ching Ho, because, according to one of your colleagues, you were indeed the chief architect on Ching Ho between February 2009 and February 2012. Is that wrong? I ask you to go to B15.2/38736.

A. For the several estates you mentioned, I was the chief architect -- apart from Tung Wui Estate, I was the chief architect and also certified the completion of works -- but for the other estates, it was not I who certified the completion of works. For Ching Ho, it was Ms Rosa Ho who certified the completion of works at

Ching Ho.

Q. I didn't ask you whether you were the chief architect that certified the completion of the works. I asked you if you were the chief architect between the two periods that I gave you, which was February 2009 to February 2012.

A. From the documents I have on my hand, for Ching Ho Estate, I was not the chief architect; I have never been involved as a chief architect.

Q. Have you got -- is that up on the screen? Yes, so you have got it in front of you. So what -- this is an attachment to the witness statement of another chief architect, Rosa Ho -- so that's wrong, is it?

A. Excuse me, that was for the maintenance period. 2009, February, to February 2012, the chief architect -- well, that was the maintenance period. For projects under the maintenance period, the chief architect's involvement was rather minimal so I couldn't remember that I was the chief architect then. Sorry about that.

Q. All right. Let's move on.

Can I ask you this: were you either the senior architect or the chief architect for a development known as Upper Ngau Tau Kok?

A. For Upper Ngau Tau Kok Estate, I was the chief architect, and I have never been the senior architect.

Q. Sorry, but you were the chief architect?

A. Yes, yes, I was the chief architect.

Q. Okay. When you ceased to be the chief architect for these various projects in February 2012, I understand that you were promoted to assistant director; is that correct?

A. Yes, I was the acting assistant director, starting from January 2012.

Q. Yes. And if you've still got in front of you, and everybody else has got it on their screen, just by way of example, we see you described in the column "Group" as assistant director, AD(P)2, February 2012 to July 2012; that's for Ching Ho.

What role does the assistant director play in the project? Once you became assistant director, what role did you play in any of these projects, if any?

A. For DCD's division of work, the assistant director's work is that she or he will not take part in the contract management. She's the employer's representative only.

Q. All right. Let's move on.

In your witness statement, second witness statement, relating to Kai Ching, you say you were involved in the drafting of the Kai Ching contract. Is that right?

A. Yes.

Q. When one of your colleagues, Mr Stephen Yim, gave evidence to the Commission on Day 7, he told the Commission that as chief architect at the relevant time, he believed that you, Ms Yim, were in overall charge of drafting the contract. Is his belief correct?

A. Well, yes, that's -- right. I was the chief architect. I was supported by a group of senior architects and other technical officers, and I was the one who oversaw the tender documents.

Q. Thank you. Attached to your second witness statement is a consultancy agreement that the Housing Authority entered into with Scott Wilson. It's exhibit 1 to your second statement, and starts at page 39657. I wonder if you could be given that, please.

A. Yes, I see that.

Q. Ms Yim, who drafted this consultancy agreement?

A. For this consultancy agreement, I can't remember exactly who drafted it.

Q. Did somebody in the Housing Authority draft it?

A. Sorry, I can't remember. I don't know.

Q. If you go to page 39661, Ms Yim --

A. Yes.

Q. -- you will see that that's the signature page, and it was signed by Ms Ada Fung; do you see that?

A. Yes.

Q. And witnessed by you?

A. Yes.

Q. And you have no recollection of how or by whom this consultancy agreement was drafted? Is that the position?

A. Usually, the consultancy agreement was drafted by the quantity surveyor, and for this particular one, I really couldn't remember.

Q. All right. Did you read the contract, the consultancy agreement, before it was signed by Ms Fung and witnessed by you?

A. I haven't read it in great detail. Usually, for such kinds of agreement, when it gets to the chief architect or the deputy director for signature, usually on file colleagues will say that they have checked everything and everything was in order, and then we are asked to sign, and we signed. There is a certain mechanism governing the work flow.

Q. All right. Would this be a fair summary, that to the best of your recollection this consultancy agreement may have been drafted by somebody in the quantity surveying division, perhaps with the assistance of others; is that what it comes to?

A. Well, as I said, I couldn't recall exactly, so I have nothing to add.

Q. Perhaps you will agree with this: if you look through this consultancy agreement, Ms Yim, particularly starting at page 39665 and following --

A. Yes, I see it.

Q. -- you will see repeated references to various sections of BEAM; do you see that?

A. Yes, I see that.

Q. And if you go, please, to page 39668, under the heading, "Other submissions", at 2.7, you will see:

"In addition to the above specialist studies, the consultant shall also co-ordinate submissions, on behalf of the project team to achieve HK-BEAM requirements (version 4/04) for the following assessment criteria, where applicable".

Then again a whole series of BEAM sections are listed; do you see that?

A. Yes, I see that.

Q. And if you go to page 39670, at the top of the page there's the reference to "BEAM" section 5.1.1, "water quality"; do you see that?

A. Yes.

Q. Do you agree with this proposition, Ms Yim: that it is blindingly obvious that whoever drafted this consultancy agreement must have had in front of them or on the screen the HK-BEAM requirements? The consultancy

agreement couldn't have been drafted without them, could it?

A. Yes, for this whole consultancy, the purpose is for this consultant to help us see how we could do BEAM assessment so that we could get the certification.

Q. Do you agree with me with the simple proposition, Ms Yim, that whoever drafted this contract must have had access to the HK-BEAM requirements? They couldn't have drafted this consultancy agreement without it?

A. In this agreement, there are many references to BEAM, because at that time it was still BEAM 4/04 version then.

Q. Yes. I think you might be agreeing with me, but I'm not going to ask it again.

Can I ask you this: did you personally look at the HK-BEAM version 4/04, at the time this consultancy agreement was being entered into?

A. Personally, I did not read in detail the requirements of BEAM 4/04; at that time, no.

Q. What do you mean by you didn't read in detail? Did you look at it at all?

A. Perhaps let me give you the background. At that time, when we worked on the tender documents for Kai Ching, there was a huge amount of work to be done. Now, say we are talking about a project with 5,204 units, six

blocks. When we had to issue the tender documents, we had to compile the full set of requirements and specifications. Our colleagues would have to work very hard to prepare the tender drawings, and our team had to work with other disciplines, in particular quantity surveyors; we had to answer many of the queries so we could help the QS to do the BQ.

So during that period we had a heavy workload. The BEAM certification, we just wanted to include it into the tender document, because if we were to obtain the certification, then during the construction process and during the maintenance period, we would need the involvement of the contractor to provide the data.

So, for BEAM, as part of our whole preparation for the tender document -- well, I did say that I oversaw the entire tender document -- during that period, for the BEAM part, to my colleagues it's only a very small part of the tender document.

So if you ask me personally, I did not go through in detail the whole BEAM 4/04 version.

Q. Were you aware at the time, at around the time this consultancy agreement was entered into, in November 2009, six years and three days ago, as it happens, that the HK-BEAM document makes three repeated references to the World Health Organization Guidelines? Were you

aware of that at the time?

A. No, I was not aware of that.

Q. Can I just move on a little bit. You obviously engaged Scott Wilson under this consultancy agreement and, as you have explained in your witness statement, one of their first tasks was to draft various clauses to go into the specification, so far as HK-BEAM was concerned.

A. Yes.

Q. Could I ask you, please, to go, in your witness statement, to one of the other exhibits, please, at page 39678.

A. Yes.

Q. On page 39678, we see an email, addressed to Anita, who I think is Anita Chan; is that right?

A. Yes, she was the project architect at the time.

Q. And the email is from Scott Wilson, and they are attaching the draft specification clauses, starting at page 39680.

A. Yes.

Q. And that email, as I understand it, while sent to Anita Chan, was also copied, sent to, all the other people that we see listed on page 39678?

A. Yes.

Q. I make that nine representatives of the Housing Authority or the Housing Department?

A. Sorry, can you please repeat the point?

Q. Counting the number of Housing Authority

representatives, I make it nine. You can agree or

disagree with that.

A. Yes, I think so.

Q. I would like to make this point: you have accepted and

you agree that Anita Chan was the recipient. She was

the project architect for Kai Ching?

A. Yes.

Q. It was also copied to Elaine Wong; she was also

a project architect for Kai Ching?

A. Yes, for Kai Ching there should be several architects

working on it, Anita -- because it is a rather big

project and there are other colleagues responsible for

the shopping mall.

Q. Right. There are two other persons mentioned here,

a Franki KF Mok and a Roger YK Leung. As I understand

it, they are both BSEs on the Kai Ching contract?

A. Well, from what I recall, yes, that's correct.

Q. One of the purposes for asking you this question is

this: in an answer that you gave to Commissioner Lai

yesterday, you indicated that there was, and I use your

words, "a central unit to co-ordinate work on BEAM

accreditation". That's what you said yesterday, when

Commissioner Lai asked you a question. Do you remember

that?

A. Yes, I recall in general there is such a team or section, in terms of design and standards.

Q. When was that unit set up?

A. Design and standards team, the set-up was years ago.

I couldn't recall. It was before my time.

But if you refer to them helping on BEAM -- well, I don't know the exact time when it was the case, but if our department is involved in BEAM certification -- well, if you talk about involvement, I think it started from 1996, our department became -- BEAM started in 1996 and our department became involved in the certification process in about 1999.

So we started to become involved in the BEAM certification in 1999. Was it the case that D&S started to decide there should be a central function, I honestly can't recall.

Q. The reason I am pressing you a little bit on this, Ms Yim, is this: the nine recipients, so far as the Housing Authority is concerned, on this email we have just been looking at, are they being sent this email because they are all involved in Kai Ching, or are they being sent it because they are members, perhaps, of the central unit that you have just described?

A. If I just read the names, no, it shouldn't be the

central team. It should be, rather, that they are involved in the Kai Ching project. But my guess is, for this email, because these colleagues were involved in the Kai Ching project, so the email was just to keep them informed. The way I read it, I don't think they are from the central team.

Q. Okay. Can I just ask you again about the central unit: is it, as it were, formally set up as a unit within the Housing Authority, with dedicated members of the unit that focus on HK-BEAM?

A. For this particular unit of colleagues -- well, we want to make an efficient use of resources, so we have dedicated colleagues, say they would be the counterparty to the HK-BEAM Society, they would obtain information and then information would be distributed to the department. But from what I recall, I think under that there should be a senior architect and there could be other colleagues too, to be the contact point. So to manage this entire task.

Q. Does the central unit that we are talking about here have a head, a boss, somebody in charge?

A. In our department, when there is dissemination of BEAM information, it comes from the D&S. For smaller units, as I said, there is a senior architect who is responsible, and the senior architect reports to the

chief architect.

Very often, for the information coming from the D&S, if there is need to disseminate information, maybe it is necessary for them to go through the Development and Construction Management Board Instruction; it has to be done through that, for dissemination.

Q. So are you telling us that there is a senior architect who is essentially in charge of this central unit for HK-BEAM accreditation?

A. As far as I know, yes, there should be, because the senior architect doesn't just work on BEAM; he has other tasks as well.

Q. I understand that. It's not a full-time job. Do you happen to know who is the senior architect in charge of BEAM at the moment?

A. If I am right -- I hope I am right -- you want the name?

Q. Yes.

A. It should be senior architect, Mr Clarence Fung.

Q. All right.

Now, in the part of the same answer to Commissioner Lai's question that I referred to earlier, where you mentioned the central unit, you also indicated that one of the other projects that has applied for and obtained HK-BEAM accreditation was Lower Ngau Tau Kok.

A. Yes, I did mention that for Lower Ngau Tau Kok project,

we also engaged a consultant to help us, but I can't remember the details.

Q. All right. But you were, as you have told us a moment ago, the chief architect for Ngau Tau Kok as well?

A. Yes.

Q. And so we have seen the process that was gone through on Kai Ching, in terms of engaging a consultant, the consultant drafting the specification for you. Was the same process gone through on Ngau Tau Kok, Lower Ngau Tau Kok?

A. For Lower Ngau Tau Kok Estate, I have not read through the relevant documents in detail, so I can't remember clearly.

Q. Is this right, Ms Yim, that there must be a body of documentation in relation to Lower Ngau Tau Kok which deals with the BEAM accreditation application?

A. Yes. If we have engaged a consultant, I believe that there should be relevant documents.

Q. Am I right in suggesting to you that Upper Ngau Tau Kok, which you have also indicated you were the chief architect for, also applied for and obtained HK-BEAM accreditation?

A. I think it should be Lower Ngau Tau Kok Estate and not Upper Ngau Tau Kok. I was not involved in the Upper Ngau Tau Kok Estate. I was just talking about Lower

Ngau Tau Kok Estate. As I said just now, I haven't read through the relevant documents on the project in detail. But colleagues have briefed me on this, and for Lower Ngau Tau Kok, no accreditation was done ultimately, although we appointed a consultant, no accreditation was done, ultimately.

Q. My information, Ms Yim, suggests to me that Upper Ngau Tau Kok, an estate as it happens built by Paul Y, and on the unaffected list of developments, applied for and obtained platinum status under HK-BEAM. Have you got no recollection or knowledge of that?

A. Let me clarify. For Upper Ngau Tau Kok Estate, I have never been the chief architect of that estate. It was another chief architect. I was just referring to Lower Ngau Tau Kok Estate. It was a different project. You mentioned that there was accreditation for Upper Ngau Tau Kok as well, but I was not involved in that project at all.

Q. I apologise. I thought you said earlier that you were, but perhaps I misunderstood.

CHAIRMAN: I would like to know where will these questions lead us to? Where will all these questions lead us to? I would like to know.

MR PENNICOTT: Mr Chairman, obviously, in Kai Ching, we have seen the HK-BEAM accreditation and how that's all panned

C out, and the knowledge of the Housing Authority
D regarding the WHO Guidelines, and so forth, and it's
E just come out -- rather unexpectedly, I have to say, for
F my part -- that there are a number of other contracts
G which seem to have gone through a similar process, and
H I was just trying to explore just how many there may be.
I Quite where it leads to, I'm not entirely sure,
J I confess.

K But now, if I can just ask one final question on
L this topic, if I may, which is this, Ms Yim: what are
M the criteria for determining whether or not a particular
N development of the Housing Authority applies for
O accreditation?

P Yesterday, again in the same answer to Commissioner
Q Lai, you indicated that because Kai Ching was a big
R project, that was one of the reasons why an application
S was made. Is that the only reason?

T A. Kai Ching is a sizeable project. We want to get
U accreditation from BEAM, and we hope that through this
V we can do various works in terms of saving of energy, to
do a better job in cost-efficiency, and then the estate
will be turned into a green estate. We have worked
together with China State to turn Kai Ching into a green
public housing estate.

We want to also have this corporate image, and that

is to bring this message to residents in that estate that we would be environmentally friendly; we should do as little damage as possible to the environment. For some projects we do the accreditation, others not. For Kai Ching, we have to assess carefully, and that is, when we do the BEAM accreditation, what kind of resources would have to be put in.

So, coming back to your question, Kai Ching Estate is situated within Kai Tak, it is an attention-grabbing type of estate, so we want to do the best job in environmental protection. But for other projects -- BEAM actually started in 1996, and in 1999 we started applying for accreditation. We want to do a good environmental protection job under BEAM, and when BEAM migrated to BEAM Plus, our department, in 2011, said that we hope that our projects could put much effort into environmental protection.

So, for our present projects, and starting from 2011, for all new projects after that year, and for those who are completed after 2015, 2016, we can meet with the BEAM Plus standards -- well, at least the gold rating.

Another thing which is very crucial is that once we get the BEAM accreditation, there will be more GFA conceptions, and with more GFAs on hand, then the flat

production number can go up.

So this is an associated benefit of BEAM. But then the ultimate objective is really to provide a green environment. But there is this other associated benefit as well.

Q. Okay, Ms Yim. Just one topic, an entirely separate topic, I just want to ask you a few questions about, if I may. Mr Khaw asked you some questions about this and other witnesses have been asked as well.

Do you agree with this proposition, Ms Yim, that there are essentially three categories of subcontractor, namely nominated subcontractors, specialist subcontractors and domestic subcontractors; would you agree with that?

A. Yes.

Q. When one uses the term "nominated", the reason for that is that when a main contractor enters into a main contract with the Housing Authority, for particular trades, such as piling, fire services and lifts, for example, you have a list, the Housing Authority has a list, of subcontractors for those particular trades?

A. For NSC, nominated subcontract, electrical lifts, fire services and water pumps, and there is one that falls into one non-NSC, and there is a separate contractors list.

Q. Yes, and the word "nominated" is used because you tell the main contractor that they must choose from this short list of contractors, that you have nominated, that they must appoint from those subcontractors?

A. Well, that's the mechanism, right.

Q. So they don't really have any choice in it, or the choice is limited to the number of subcontractors that you identify or nominate?

A. Well, you can say that.

Q. What's the position with regard to specialist subcontractors? Is that different?

A. I can't recall what kind of a specialist contractor there is. We seldom use them, actually, in our department.

Q. The only reference I have managed to find in the Kai Ching contract with regard to specialist contractors is ground investigation contractors. They have to be registered. Does that ring a bell?

A. Yes.

Q. So that would be an example of a specialist subcontractor?

A. Yes, correct.

Q. Does the Housing Authority again keep a list of specialist contractors?

A. The main contractor, yes, lists NSCs, as I have got the

list. Specialist contractor -- because I was not involved in the listing work, so I was not sure about that.

Q. Okay. Can I ask you whether you agree with this proposition: do you agree that there is a provision in the main contract that imposes upon the main contractor an obligation to ensure that certain provisions of the main contract are included in the subcontract, of whatever category?

A. Can you repeat your question, please?

Q. Yes. I am suggesting to you that in all of your main contract, in Special Condition 177, and I can show it if you need to see it, there is a provision which obliges the main contractor to ensure that certain provisions of the main contract are included in the subcontract that he enters into?

A. Yes.

Q. Right. Is this also right, that in the same provision, you, the Housing Authority, have a right and an entitlement to request and inspect any subcontract that is entered into by the main contractor?

A. Yes, that's according to the contract, we can do that.

Q. Yes. When do you operate that clause? In what circumstances do you demand or request to see copies of the subcontract?

C A. Can you repeat your question, please? C

D Q. Yes. If there's a provision which you agree with, D

E whereby the Housing Authority can request to see E

F originals of the subcontracts, in what circumstances do F

G you trigger that? When do you ask to see a copy of the G

H subcontract? H

I A. I still do not get the question. I still do not get the I
H question. H

H CHAIRMAN: (In English) Re-formulate your question. H

I MR PENNICOTT: It's the last one, so perhaps if I could just I
J have one more go at it. J

J CHAIRMAN: (Chinese spoken). J

K MR PENNICOTT: Can I just read you this, Ms Yim -- perhaps K

L this is the easiest way to do it -- it says clause L

M SCC177, which I am sure is in all of the contracts that M

N we are concerned with -- it says this: N

O "Upon request by the Contract Manager, the O
P Contractor shall provide the original documents of the P
Q relevant subcontracts for inspection by the Contract Q
R Manager." R

Q All I am asking is in what circumstances would you Q
R ask to see an original of a subcontract? Can you think R
S of any circumstances? S

T A. I can't recall that clause. Especially for nominated T
U subcontract, it was not administered by myself. We have U
V

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

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C the chief building services engineer who administered this contract. C

D Q. In your position as chief architect, have you ever asked D

E to see a copy of a subcontract? E

F A. No, at least not for Kai Ching. F

G MR PENNICOTT: All right. That's all. G

H CHAIRMAN: (In English) Thank you. H

I (Via interpreter) Has anyone else got any questions? I

J You would like to cross-examine? J

K MR HO: (Chinese spoken). K

L CHAIRMAN: In that case, let's take a break for 20 minutes. L

M Please rise. M

N (11.32 am) N

O (A short adjournment) O

P (11.53 am) P

Q CHAIRMAN: (In English) Mr Ho. Q

R Re-examination by MR HO R

S MR HO: (Chinese spoken)? S

T A. (Chinese spoken). T

U Q. (Chinese spoken). U

V A. (Chinese spoken). V

Q. Because you are the chief architect of several housing estates where excessive lead is found in drinking water, you were the chief architect and you were the administrator of the contractor. So this is your

personal capacity in those projects. So I hope that when you answer my questions in a moment, please take note of the various roles here that I mentioned.

First of all, I would like to refer to the question asked by Mr Pennicott on the engagement of Scott Wilson to help you to get accreditation for BEAM. Can I refer you to your second witness statement. In your second witness statement, you first set out exhibit 1 on page 39656. Bundle 15.3, page 39656. We have taken you through this earlier, before, and that has to do with engaging the company, Scott Wilson, who helped you with drafting the contract.

You were asked to look at page 39668 to 39670.

A. Yes.

Q. If we are to apply for BEAM accreditation, the scope actually to be applied for is rather wide.

A. So, because of the wide scope, that's why we appointed a consultant to help us out.

Q. Of course, we are now focusing on 5.1.1, the section on water quality, because the Commission was established to look into this regard, when you applied for accreditation back then, your concern or your goal back then was not, of course, just on section 5.1.1?

A. Correct. As I said in my witness statement, BEAM covers a wide scope. Six materials -- site material, energy,

water, indoor environmental quality and innovations --
six main impact categories are listed.

Q. So water is just one item out of the various categories.

I don't have expert knowledge on this. And water
contaminated land, et cetera -- there are so many items
to be looked at?

A. Yes, correct.

Q. And Scott Wilson was appointed by you to provide advice
to you. What's your comment on the expert knowledge in
this aspect?

A. When we appointed the consultant, we would already have
looked into whether the company had previous experience
on such matters. So we have no doubt on that expert
knowledge in this regard.

Q. You said just now that you relied on the consultant to
tell you and provide you with advice on how to do the
accreditation?

A. Yes.

Q. Now can I look at the exhibit number 4, page 39736.

Please turn over the page to 39737.

A. Yes, I can see that.

Q. The logo at the top left is "Business Environment
Council". Can you see that?

A. Yes.

Q. And at the left bottom corner, there is a date, "April

2009"?

A. Yes.

Q. I would like to know about the role of this Business Environment Council.

A. This is the BEAM assessor and it has helped us. The BEAM assessor was under the direction, and, on behalf of the BEAM Society, assessed us on the BEAM accreditation, and they did preliminary environmental performance evaluation, because we wanted to look at how our project fared in this regard.

Q. We call it the BEC; this is a BEAM assessor. And in April 2009, you asked them to give you a preliminary assessment?

A. Yes.

Q. And then, on the next page, 39738, this is not the full preliminary report, and on page 39738, it has only to do with the item on water use?

A. Yes.

Q. Then page 16, internal page 16. So the preliminary assessment is not just on water aspect; correct?

A. Yes, correct.

Q. It should be comprehensive?

A. Yes.

Q. It's just that here we are just showing you a page on water.

On page 39738, to the right, where there are figures -- do you see that?

A. Yes.

Q. "(In English) Credits Likely to be Achieved".

A. Yes.

Q. So you engaged a BEAM assessor to give you preliminary views; that is, if you want to obtain this accreditation, then for these items -- there was then a chance to get a score; right?

A. If you see this printed in a report, I think the assessor should be reviewing our current condition then -- 1, 1, 0, 0, 1, 1 -- then, to the right, "plus 1 possible", "plus 2 possible". Probably the discussion was that if you did a bit more, then you might get a higher score somewhere.

So the whole purpose was to review our position.

Q. So if you just go -- maybe for 5.2.1, you might not get a score, but maybe if you did a bit extra, may be you had a chance to get a point; right?

A. Yes, that's the right understanding.

Q. Now, of course, we don't want to look at others, we all just want to look at this part. Anyway, let's say we use a magnifying glass to look at 5.1.1, 5.1.1b in particular -- it says here, "(In English) Water Quality Survey". There is one credit for it.

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C A. Yes. C

D Q. So the sentence says: D

E "(In English) 1 credit for demonstrating that the E

F quality of potable water meets the referenced drinking F

G water quality standards at all points of use." G

H Then lower down, there are some words in italics -- H

I can I refer you to those words in italics: I

J "(In English) The designers indicated that water J

K sampling and analysis of potable water quality at the K

L drinking point will be carried out upon project L

M completion and the designers committed remedial measures M

N will be applied to satisfy WSD standards. Credit shall N

O be achieved." O

P Do you see that? P

Q A. Yes. Q

R Q. Your understanding of the paragraph in italics, what is R

S it about? S

T A. My understanding is, if, say, in future, when the works T

U are completed, as long as we take the water samples to U

V the satisfaction of the WSD's standards, then we should V

be able to score a credit. So the point is WSD

standards.

Q. Fine. For this paragraph in italics, was it the

preliminary view of the BEC, or did you say that you

would do that?

A. I believe it should be the BEC's comment.

Q. In your witness statement, we asked you yesterday, when Scott Wilson helped you to draft the contractual provisions, on obtaining BEAM accreditation, in paragraph 16 of your witness statement --

A. Paragraph 16?

Q. Yes.

A. Got it.

Q. Your second witness statement, paragraph 16, page 39650.

A. Yes, I see that.

Q. We have seen this in a contract. It's actually taken out from the contract. PRE.B13.060.P, this clause here.

A. Yes.

Q. If you turn to the next page of your statement, after you quoted this paragraph, you said:

"(In English) Based on records, Scott Wilson did not brief HA on the WHO Guidelines in the preparation of the tender document nor during the period of its consultancy service."

In other words, Scott Wilson, as your adviser, did not mention to you the WHO Guidelines?

A. Correct, yes, correct.

Q. So can I ask you this: yesterday, Mr Khaw, the counsel of this Commission, asked a question: you see Scott Wilson said this in the draft, and then here you see WHO

Guidelines, in this paragraph; right? And he asked you why then did you not ask about the WHO Guidelines; do you remember him asking you that?

A. Yes, I do.

Q. So, first of all, in the drafting process in which you were involved, did you say you would very much like to learn about the WHO Guidelines and what it's all about?

A. No, I did not, and as I said earlier, on the water section, it is only one item of the whole BEAM assessment. So, on the WHO Guidelines, we did not think of focusing on it or looking into detail in it.

Q. Now, on WHO Guidelines, which is on the water section, if there is need to pay attention to any point, what's the assessment of Scott Wilson or yours?

A. Yes, I think it's the understanding, because as per HK-BEAM 5.1.1, if there is any really exceptional requirement, in theory they should have reminded us, and they did not, true.

Q. You said Scott Wilson did not make special reference to the WHO to you?

A. No.

Q. Can I ask you also, when you got to the stage of obtaining accreditation in 2014 --

A. Yes.

Q. -- yesterday, Mr Khaw asked you some questions in this

regard. Can I refer you to your exhibit 5, page 39739.

Yesterday, you were asked about page 39741, the email.

Can you see that, the transition of the email?

A. Yes.

Q. At the top, we see Mr Yeung wrote to Elaine and Patrick.

Yesterday, it was read out to you:

"As spoken with staff of URS [that is the former
Scott Wilson, URS], although Ms Cindy is on leave today,
it is confirmed that the sample test for water in
accordance with WSD's circular is good enough to get
a credit for BEAM 4/04," correct?

A. Yes.

Q. It's not just this email. Yesterday, Mr Khaw just asked
you about this email. If I could now turn to
page 39740. Yesterday -- the email I just read out to
you, if you look at the bottom part, 2014, 27 May. So
that's the one I just read out to you.

A. Yes.

Q. Do you see it?

A. Yes, I do.

Q. It was at 11:12 am, and it was said just now, if you
could comply with the WSD, that is the sample test could
meet WSD standards, it should be good enough to meet the
BEAM requirement.

A. Yes, correct.

Q. 11:12, after that there's another email. This email is arranged in reverse chronological order. So 11:28, do you see this email?

A. Yes, I do.

Q. For the 11:28 email, it says, "Dear Mr Yeung" -- it seems that this email was sent by Cleo Yip of Scott Wilson?

A. Yes, correct.

Q. At the time, it was called URS, the company. He wrote back to Mr Yeung -- he said:

"(In English) Dear Mr Yeung,

Please find attached a checklist regarding water sampling issued by WSD for your reference. Thanks."

So it's to tell you, for the sampling requirements of the WSD, what needs to be followed, so it gave a checklist.

A. Yes, correct.

Q. The checklist now, the checklist is here, right? 39744.

A. Yes, I see it.

Q. See it?

A. Yes, I do.

Q. I think the understanding is the reference is to this checklist?

A. Yes.

Q. Page 39744, at the top it says:

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 14	
C	"(In English) checklist on tank cleaning, water	C
D	quality examination and plumbing inspection", that's the	D
E	checklist?	E
F	A. Yes.	F
G	Q. Can I refer you to 39746?	G
H	A. Yes, I see it.	H
I	Q. Do you see table 1?	I
J	A. I do.	J
K	Q. Table 1, to the right, there are parameters. I see	K
L	seven parameters here.	L
M	A. Yes, correct.	M
N	Q. So these are the seven accreditation standards; right?	N
O	A. Yes.	O
P	Q. That is if you could meet the WSD's requirements on	P
Q	these seven accreditation criteria, then you will earn	Q
R	a credit?	R
S	A. Yes, right.	S
T	Q. If we look at the seven parameters now, now with our	T
U	awareness, we know the parameters is for quality water	U
V	supply?	V
	A. Yes.	
	Q. Apart from these requirements, there's no mention that	
	you have to look up for other WHO requirements?	
	A. Yes, as far as we know, there was not such mention.	
	Q. Yesterday, Mr Khaw asked you a question on this too.	

This is in my transcript: You are the final gatekeeper. So, as the contract administrator, when you look at the WSD standards, you should know what they are. So you can really enforce the contract later; why didn't you do it?

CHAIRMAN: Can you repeat your point, please?

MR HO: I am just reading out here:

"(In English) But I have to ask the same question again. Because you were the final gatekeeper, because you are the contract administrator, so when you read the WSD standards, you should know what they are about, so that you can really enforce the contract later. Why didn't you do it?"

That was the question.

You did not say why does the WSD have to include these parameters. You have to know the reasons why there are each of these parameters.

A. Our advice is that if we follow the WSD standards, then it will be fine, then we won't look further into it.

Q. Why?

A. WSD is the local authority to deal with drinking water. If the WSD standards have been set, in theory these are the practical standards. So we would therefore not question the standards or ask questions, or if it's not the WSD standards, if they mention Japanese standards,

then maybe we might have asked questions, but if they say it is WSD standards, then it's the local practice, the local standards, then we did not follow up further or look further into it.

Q. After the lead in water incident happened, the WSD has No. 1/2015 circular asking for extra things to be tested, in testing of water; new parameters have been added.

Before the lead in water incident happened, say, if you believe that there are new parameters that should be tested, then you would expect that a circular be issued?

A. We expect the regulator would issue a circular to notify the trade or industry.

Q. This is a recent BEAM standard. Exhibit number 10, page 39772 -- or rather 39770.

A. Yes, I see that.

Q. On page 39771, in the paragraph under "Assessment", the paragraph circled red -- can you see that?

A. Yes.

Q. "(In English) If water quality at all sample points meets with the Water Supplies Department ..."

It says clearly that the WSD's guidelines should be fulfilled before you can get accredited for BEAM.

I think that's putting it in even clearer terms in relation to the WSD standards?

A. Yes, correct.

CHAIRMAN: Which guidelines were you talking about? Seven or eight parameters?

A. To our understanding, it should be seven parameters. Whenever we talk about BEAM, it should be seven test parameters.

CHAIRMAN: Have you ever thought about whether the extra element of iron has been added to the Quality Water Supply Scheme for Buildings?

A. I don't know. Perhaps you have to ask the WSD.

CHAIRMAN: Have you ever thought about it?

A. No, I have never thought about it.

MR HO: The contract provisions have set out BEAM, and then we are talking about the lead in water will have an impact on residents. So our focus now is very much on paragraph 5.1.1. But then, back then, when you wanted to obtain BEAM accreditation, your focus was just on water quality; is that right?

A. Yes. Our focus at that time is to obtain accreditation for BEAM, and the water is just one item looked at, and we were really not focusing very much on the item of water.

Q. So can I say that generally you wanted to obtain BEAM accreditation, and you also wanted to include green features in the buildings, for example in aspects like

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 14 B

C the orientation of the building blocks, and so on, so C

D that the tenants could live in a more comfortable D

E environment? E

F A. Yes, we were hoping that an overall comfortable F

G environment be provided, and also there was the benefit G

H of GFA concession. H

I Q. So GFA should be a very important incentive; is that I

J right? J

K A. Yes. K

L Q. I would like to ask a rather general question. Going L

M back to my earlier remarks, and you were here today M

N because you have worked as a chief architect in various N

O housing estates. O

P A. Yes. P

Q Q. As the chief architect, you have to ensure that the Q

R contract is well implemented. So is it right to R

S describe you as a contract administrator? S

T A. Yes, you can say that. T

U Q. And of course we have not included the entire contract U

V in the bundle. We have included the relevant parts V

only. There are six volumes in one main contract.

A. Yes.

Q. So the six volumes of contract would include many

different aspects in a construction project. Of course,

we are now focusing on one volume, and we just look at

one item.

A. Yes, correct.

Q. The contract provides for various aspects -- there are different provisions governing different aspects; is that right?

A. Yes.

Q. As a contract administrator, can you say this, that you have a full grasp of the rationale behind every clause in the contract?

A. Yes, I can't say that. Well, our basis for the contract is the Specification Library. There are over 9,000 specification clauses, incorporating many international standards. Honestly speaking, for myself, I would not be able to understand the rationale behind each and every clause. When we come to the specific parts of the works, then we would look specifically at the requirements of the provision. But then I might not have the time and the resources to understand the technical reasoning or rationale behind the clauses.

Q. With regard to the Specification Library 2008 edition, just on the part on sanitary fittings and plumbing, looking at plumbing side, bundle B2, pages 575 to 633, this is only a small part. It's PLU1 and PLU2. There are already 80 to 90 pages of specifications.

A. For just PLU, there are over 280 clauses.

Q. I am talking about the pages, the number of pages.

Pages 575 to 623. So that refers to the page number.

But if we are talking about the number of clauses, it's many more, and an individual really can't memorise all these clauses, of course; is that right?

A. Yes.

Q. I would like to know, then -- there are PLU1.M, and so on and so forth -- of course we know that we have to look at M150 and 160, which are related to the incident. But then, as the administrator at that time, was it possible for you to know the ins and outs of all these clauses and what the purposes of these clauses are, why they were included and so on?

A. No, not possible, not just for myself but my contract manager's representatives could not do that either.

Q. As a contract administrator, of course, if there are some problems with the contracts and there are critical situations, you would refer back to the relevant sections of the contract; is that right?

A. Yes.

Q. Well, just as what we are doing now, because of the lead in water situation, we are looking particularly at M150 and M160. We were now asking you a lot of questions, how come there were this clause and that clause, and so on, and I would just like to ask you this question. As

a contract administrator, back then, what was your most important concern with regard to the main contract?

A. There were so many clauses and provisions, you might not be able to understand the meaning behind, and what's most important is the specs clearly set out what are the requirements and then we will target to do that.

Q. Of course, the main contractor is the one who must implement the specifications. It is the counterparty to the contract.

A. Yes.

Q. So, since the HA specifies clearly that the main contractor should abide by such specifications, then that would be the way to do it; is that right?

A. Yes.

Q. I have a couple of other simple questions for you. One or two counsel asked you about the samples. The main contractor submitted samples to you. Can I refer you to the bundle B9.3, page 22145.

A. Yes, I can see that.

Q. Page 22145, DCMP-F716 and 147. There is another, 718. Questions were asked on these two pages yesterday. The main contractor submitted samples in this Kai Ching project. They submitted samples on Fry, flux, and also lead-free solder.

A. That was for the Tung Tau Estate.

Q. Sorry, my apologies. I mixed it up. Tung Tau Estate?

A. Well, Tung Tau Phase 9 was the name then, and then it was changed to Tung Wui Estate later.

Q. Sorry, they submitted these samples to you. You said that you would look at the samples.

A. I wrote in Chinese the words "look at" in my notes.

Q. What do you mean by "looking at the samples"?

A. According to my understanding with the site inspection team, they were just looking at the specifications.

They would refer to the specifications. The requirements in the specifications will be matched against the manufacturer's catalogues and test certificates and also job references in the past.

So these are the basis, the specifications are the basis.

Q. So this is very much a documentary exercise; is that right?

A. Yes, you can say that.

Q. Yesterday, Mr Khaw said, in page 22145, in the right-hand side there it says "COW office". His question then was, when you looked at the samples, this looking-at exercise, many people had to put their signature to it. It was a major exercise, it seemed. Do you find that kind of remark acceptable, just for this Fry sample, a lot of people were asked to sign?

A. Yesterday, I also mentioned this. For the sample submission exercise, it was mainly the project clerk of works who looked at it, and for this chop, it was for record purpose at the site. It's just like what we normally did, like a circulation of papers. It was not meant to be signed by people and looked at by people.

It was just a circulation of the document among everyone.

Q. You mentioned the sundry items.

A. Yes.

Q. For this approval process, for this particular item, is it just for this item that you have to go through this approval process?

A. No, that's not the case. It's rather filing records. It's just part of the filing records.

Q. So this process, is it special in any way, that is to look at Fry 99, the submitted sample, whether it's in compliance with the spec -- is there any particular significance?

A. There's no direct relevance.

Q. Can I refer you to B9.4. Yesterday, you were asked on this aspect.

A. Yes.

Q. Delivery note. In my record, there was mention of page 22577.

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 14	
C	A. Yes, I see it.	C
	Q. This is the delivery note of Prosperity.	
D	A. Yes.	D
E	Q. There are 15 items of materials delivered, I think to the clients, Golden Day Engineering; right?	E
F	A. Yes, correct.	F
G	Q. Golden Day Engineering, did it actually receive the 15 items; do you know?	G
H	A. I don't know.	H
I	Q. How come you don't know?	I
J	A. Because we had no access to such delivery notes, we will not look at them.	J
K	Q. So this delivery note, even if it's just a delivery note, it's just sent to Golden Day; right?	K
L		L
M	A. I don't know who they send this to. We are not involved.	M
N	Q. The main contractor, would it submit this type of delivery notes to you?	N
O	A. No, it won't, only because there is an investigation, that's why we note this.	O
P		P
Q	Q. Now, we know there is this British 50-something on the delivery note. You don't get the delivery note?	Q
R	A. No, we won't have it.	R
S	Q. So therefore the Housing Authority would not know what this is?	S
T		T
U		U
V		V

A. Correct. Correct.

Q. I won't look at other delivery notes with you, because there are many of them. I am sure we all know how you handle these notes.

At the time, you said it many times -- you said --
INTERPRETER: Sorry, speaker didn't come through.

MR HO: -- the focus was not on lead-free solder, and copper pipes have been used in the industry for a long time and there has never been a problem until this recent incident; right?

A. Yes, you can put it that way, correct.

Q. In your statement, you said that as a contract administrator, you would monitor whether the execution of the contract is in line with the contract; right?

A. Yes, correct.

Q. But would you say you would take over the role of the main contractor?

A. Definitely not.

Q. Now, some -- there was reference to the contract clauses today. I won't go through each of them with you, because I think we could all see the explanation. If there's any difference, I think it can be left to a later stage.

Just a minor question. Mr Pennicott mentioned the central unit in relation to Mr Lai's question yesterday.

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Do you remember?

A. Yes.

Q. This central unit is like a dedicated unit; right?

A. I rather call it specialist group rather than a task force or dedicated unit.

Q. That is, the unit is to see how you could better comply with BEAM; right?

A. Because this unit has more communication with the BEAM Society and others. It's a contact point.

Q. So if there are new requirements of BEAM, then that unit would pay more attention to it?

A. Yes, correct.

Q. Now, you mentioned earlier, this unit, it's either BSE or architect or maintenance colleagues; right?

A. It's architectural, actually, but that's not the only task. They have other tasks as well, apart from BEAM.

Q. They also run projects then?

A. No, no, they don't run projects. They do not devote their full-time work to this. Well, now I think they run projects. It has been changed now. I think the latest is that they are also involved in projects, but this is rather recent. Before, it was not like that. Recently, they have started running projects too.

Q. Anyway, this is not the only task; they have to look at BEAM, right?

A. No, no.

MR HO: Thank you, Mr Chairman. I have no further questions.

CHAIRMAN: Thank you. Are there any further questions?

WITNESS: Mr Chairman, if I could supplement by way of some information. Yesterday, you asked me whether I was in the D&S. Now, at the time we focused on chief architect, I told you I was the acting chief architect from when to when. Actually, I was also a senior architect, I was also an architect. But I work mostly on standard blocks. So I just wanted to provide the additional information.

CHAIRMAN: Thank you.

No other questions?

Thank you, Ms Yim.

WITNESS: Thank you.

(The witness withdrew)

MR YIN: Mr Chairman, the next witness is Mr Chiu Pui Kui. He is the chief architect of Un Chau Estate, Phases 2 and 4.

MR CHIU PBUY KAY (affirmed)

CHAIRMAN: Please take a seat.

Examination-in-chief by MR YIN

MR YIN: Chairman, I will now read the witness statement of Mr Chiu Pbuy Kay, chief architect of Un Chau Estate

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C Phases 2 and 4. C

(Paragraphs 1 to 31 were read in English)

D CHAIRMAN: Let's take a lunch break and we will resume the D

E hearing at 2.30 pm. Thank you very much. E

(12.58 pm)

F (The luncheon adjournment) F

G (2.29 pm) G

H MR YIN: (Chinese spoken). H

CHAIRMAN: (Chinese spoken).

I MR YIN: (Chinese spoken). I

J "Major processes for the installation of fresh water J

supply system":

K (Paragraphs 32 to 79 were read in English) K

L Mr Chiu, I just read out your witness statement. Do L

you want to amend anything or supplement anything?

M A. There is a minor typo on page 39548. M

N (In English) Paragraph 57, the very last sentence: N

(Chinese spoken).

O "(In English) ... every day on site ..." O

P Q. What else? Do you wish to adopt this as your evidence P

to the Commission?

Q A. Yes. Q

R CHAIRMAN: Mr Khaw. R

S Cross-examination by MR KHAW S

T MR KHAW: We have looked at the specifications many times, T

U

V

PLU1. Please take a look at bundle B2, page 646.

A. Yes.

Q. Page 646, a bit down, 160.4 -- we have looked at this many times -- "Soldering alloys for copper and copper alloy capillary fittings". The first paragraph:

"Comply with BS" -- the relevant British Standards -- "1254", and paragraph 3:

"Use only lead-free category solders".

So my question to you is this: with regard to solders, for this project, in Un Chau Estate, I know you only joined at a later stage. Do you know that in the market, that is when you can get from your supplier, there is lead-free -- there is leaded solders?

A. Not before this incident, no.

Q. But you did know that it should be lead-free?

A. It's in the contract. It was in the contract.

Q. And the requirement of lead-free solders is mainly because of the Waterworks Ordinance requirements, the Waterworks Regulations too, and because you have to comply with the British Standards, therefore the lead-free solders were required; did you know that?

A. It was put in the spec for many reasons.

Q. Yes, so there were many reasons.

Returning to an old point, you knew that the lead was toxic?

A. Yes, but I did not know how it would seep into water and affect people's health.

Q. The specifications state that lead-free solder must be used. Let me do this in fairness and see if you agree. The purpose of using lead-free solders would be to prevent plumbing materials containing toxic material, ie lead; do you agree that this was common sense?

A. I might not think it's common sense. It might have to do with making the plumbing works more robust.

CHAIRMAN: Please repeat your answer.

A. The inference, I may not agree with 100 per cent of his inference, the deduction. Well the drafter of the clause might have other reasons, maybe the use of lead-free solders would mean that the system would be more durable.

MR KHAW: That's your view?

A. Well, my speculation.

Q. The most likely purpose or reason might be that you wouldn't like to have lead present; that would be the normal understanding, right?

A. But that's in the report, and that is to say that we did not expect to have lead. We didn't want to have lead.

Q. So you wanted to prevent that in plumbing works, that there would be materials containing lead, which is a toxic substance.

Then, turning back to common sense, and this is the deduction, and the purpose would be to prevent leaded material, materials containing lead, which might affect the water coming out from the pipes. I think that would be a common understanding; right?

A. Well, some people might have that understanding.

Q. What about you?

A. Why this clause was put there, I don't know. I couldn't really trace the reason.

CHAIRMAN: Please switch off your mobile phones. It's causing interference with our recording.

Sorry, in other words, with respect to PLU1.M160.4, with the specifications there -- Mr Chiu, you have no knowledge what this is for?

A. Of course, it is put there. In a way, it's saying that if there is lead, it would have some adverse effect, but I didn't know that before; I didn't know that.

CHAIRMAN: Please repeat the answer. Please repeat your answer.

A. Well, the clause was put there for some reason, of course, and if it's mandated that lead-free solders must be used it would mean if there are leaded materials used, it would be something negative.

CHAIRMAN: But you didn't know what the negative impact might be? You thought that it might have to do with

durability?

A. I didn't know about that.

MR KHAW: Please refer to your statement, paragraph 51,
page 39547.

CHAIRMAN: So you didn't know. What about EN 1254 part 1,
1998, table 6? Did you try to look up that particular
BS? Maybe you didn't at the time, but what about now?
If it happened today, would you go to table 6 of that
particular document, to find out why?

A. We all know it's a very serious issue now. I would have
done it, if it happened today -- it happens today.

CHAIRMAN: But not back then?

A. Well, at that time, it was not known to be a high-risk
matter.

COMMISSIONER LAI: Did you read that particular document
afterwards, after July, I mean?

A. Not in detail.

COMMISSIONER LAI: You hadn't read this when you wrote this
statement?

A. I didn't know anything about the details. I only knew
that it was a British Standard.

CHAIRMAN: Let's say today we have to include this in
a particular housing estate project, you wouldn't know
why?

A. But when I have to go through the same exercise, I would

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C read it; I would take a look. C

D CHAIRMAN: Please continue. D

E MR KHAW: Please also refer to paragraph 51 of your E

F statement. Have you found it? F

G A. (Nodded head). G

H Q. It states: H

I "No soldering material submission and approval form I

J was found in [the Housing Department's] file record for J

K this project." K

L So you have not been able to find any materials L

M submission form or information? M

N A. Correct. N

O Q. I have searched your bundle and I cannot find the O

P relevant submission forms. P

Q With regard to solders, when did you start to do Q

R this, do your job? R

S A. 1989. S

T Q. So you participated in quite a number of public rental T

U housing projects? U

V A. Yes. V

Q. For the recent five years, among those you have played Q

R a part, is it that the contractors would submit samples R

S of solders and provide information of solders for your S

T information and approval? T

U A. No. U

V

Q. None at all?

A. No.

Q. Because the chief architects told us something different. They said in most of the cases, the main contractor would submit samples of solders and relevant documents to you for approval.

A. I have to clarify this point. In the past five years, I oversaw the project in the final stage, not in the construction stage. So that's why I have given you this reason.

Q. So if something is submitted to you, some sample is submitted to you for checking and testing, you wouldn't have been involved?

A. Sometimes, it would be handled by the PA, not the chief architect.

Q. If samples, solder samples, have been submitted, you haven't seen one?

A. No, I have never seen any.

Q. In your statement, in three places you mentioned the usual practice, and that is you regard soldering materials as sundry items.

A. Well, it's the industry's practice. It's just solder -- before this incident, it's the general view taken by the industry. It's just like the wire or the bracket.

Q. So what do you mean by "the industry"? The construction

industry? Private developers?

A. Private developers.

Q. Or are you talking about main contractors,

subcontractors? Who belongs to the industry?

A. This is just a general description. I think I am

talking about the construction industry.

Q. So we now know, with respect to these affected estates,
when the solders were delivered to the site, there was
no checking or acceptance tests, no verification. Do
you know now?

A. Yes.

Q. And we know that there's a form, 6210, form 6210.

Please refer to --

CHAIRMAN: We don't need to look at the form. He knows.

MR KHAW: There are 32 materials requiring testing when they
are delivered. 32 items. And we know that in the
construction site, there are over 1,000 different types
of materials, and it says that 32 of them required
testing on site.

So we see that for materials outside the table, some
of them are sundry items, some are not; do you agree?

A. Yes.

Q. Your practice is that for the material, whether it's
sundry or not, whether it requires testing on site, you
would have to rely on the form to see if it's one of the

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C 32 items? C

D A. No, not necessarily. It's according to the specifications. D

E Q. So it's based on the specifications, and the form, E

F because the form comes from the spec, so based on the F

G specifications, and then the form is derived and it G

H contains 32 items. H

I So what you have said, it doesn't seem to be right, I

J because it's a sundry item, so it doesn't require J

K testing, it's not right, because the reason it is not K

L tested is because -- L

M MR HO: Let me refer to what you have said. M

N MR KHAW: Let's see what you have said. N

O In your evidence, paragraph 56, at page 39548. O

P Paragraph 56, in the middle: P

Q "(In English) The HA site inspection team did not Q

R check on site whether lead-free solder was delivered. R

S That means, when it was delivered, it's not tested. S

T "(In English) It was considered as a sundry material T

U and we would presume that supervision and control were U

V carried out by Yau Lee and the LP. V

Did you see that? Let's move on. Paragraph 59:

"(In English) Soldering materials have been regarded

as a sundry item, similar to the iron tying wire ..."

(Chinese spoken).

"(In English) The soldering material, the extent to which it was lead-free, was not covered in the inspections so no such tests were carried out."

Do you see that?

There's another paragraph, paragraph 66:

"(In English) With respect to the HA's periodic supervision of the Works, as in other HA's projects, the HA followed the established practice ..."

If we look at water-tightness, visual inspection, water pressure.

"(In English) Soldering materials were considered a sundry item, similar to iron tying wire ..."

(Chinese spoken).

"The HA site inspection team was not required to verify the materials delivered to site ..."

Did you see that? That means, if that's what not what you mean, please tell me: soldering material in your work process is treated as a sundry item, that's why there's no testing; is that what you mean?

A. You can put it that way. I remember it was a sundry item because at that time we did not know the extent of the high risk.

Q. Well, I was just about to ask you, that's not a reason -- well, whether it's a sundry item is not a reason. Whether you test it is because of your

C specification, the list, it's as simple as that; is that
right? C

D A. That is one of the ways to check, to see, but indeed, D
E it's treated as a sundry item, and at that time we did E
F not know the extent of the high risk, where there's F
inadequacy of our knowledge.

G Q. Well, now, looking back, let me first clarify this. G
H I am not criticising you personally. I am talking about H
I the system of the Housing Department. Looking back, do I
J you think that at that time -- you only referred to the J
K specification and the list, the 32 items -- it seems K
that it is not comprehensive enough to check the harm or
hazard in the items delivered on site?

L A. Materials, the specification, there are thousands of L
M materials delivered on site. When we are drafting the M
N specification, we knew that certain items pose hazards N
O and we imposed requirements. So it's a contingency O
review. It's not the case that when it's said, it would
be the case for ten years.

P After the lead in water incident, specifications P
Q will be enhanced. For certain materials, if something Q
happens, at the right time this spec will be changed.

R Q. Well, 32 items will have to be tested. Ms Fung, the R
S assistant director, the department director, and now the S
T architect, chief architect, said that for the 32 items, T

there has not been any review for ten years. It was valid between 2005 and 2015. Do you agree?

A. It's difficult for me to say because there is a system in place. The specifications are under constant review. If you say that the specification remains unchanged for ten years, that is not what I would say.

CHAIRMAN: No, that's not what he said. The specifications, we know that it will change once every four years. However, for 6210, it's unchanged for ten years.

A. I won't dispute what you said.

MR KHAW: Let me turn to another issue. When we asked the EMSD staff about maintenance improvement, they said that in relation to copper pipes, during maintenance and repair, if it's outside the warranty period -- if it's inside the warranty period, then the main contractor will be asked to do it.

After that, they will ask term contractors to conduct the maintenance and repair.

A. Well, unless it's latent defects.

Q. There are two periods. Warranty period, you would approach the main contractor. When it comes to the parts, if there is a need to change, you would use joints that require soldering or those with compression?

A. I think we will follow the specification requirement.

Q. What if it's beyond the two-year period? Let's see if

my understanding is right. After the warranty period, you would ask term contractor to do the repair; they would use compression joints?

A. Outside the maintenance period, then it's outside the DCD, so we won't be involved, when it comes to the type of joints to be used.

Q. It doesn't matter. Do you know or not? Well, afterwards, if they use compression joints, would you know or not?

A. Yes.

Q. Then do you know why there is a difference? During the two-year period, solder joints are used, but if it's after and if it's done by other contractors, then compression joints would be used. Do you know why there is a difference?

A. In the Estate Management Division, I won't query their decisions, because it's outside my purview.

Q. I am not asking about your challenging their decision, not whether you agree, just whether you knew or not, because you were in this position for 17 years, since 1998, so I do think that you know. So I asked you if you knew or not. It's not whether you would query their decision.

A. As I said, I won't challenge or query what they used.

Q. Let me ask again.

CHAIRMAN: You have asked many times.

MR KHAW: Well, I asked, "Have you eaten?" And you said,
"The lunch yesterday was good."

Let me ask you again: did you know why the practice
of EMD is that after two years, then compression joints
would be used; however, if it is within the two years,
they will use solder joints. There is a difference.
I asked you whether you knew there was a difference.

A. Well, after population intake we will try not to disturb
the residents. If soldering joint is not used, most of
the reason will be that they don't want to disturb the
tenants.

CHAIRMAN: I think it doesn't really make sense, because for
two years, after you have moved in then there will be
decoration; after that, for the first half-year or one
or two years, if something happens then someone will
come and do the soldering work. Then you won't be
bothered about the smell or the spark. However, two
years after that, then you would worry about the smell
and you would be worried about the spark causing fire.
Do you understand my logic?

A. Yes. Well, for the original contractor, they are
required to rectify according to the contract, and that
is the term of the contract.

CHAIRMAN: I do understand, because of the maintenance, so

you would ask them to do it and they would do it the way they did before. Then -- well, anyway, they follow the contract.

MR KHAW: Let me ask you. We have heard from many witnesses, in 2002 there was a change. Main contractors were encouraged to use GI pipes. You knew about it; right?

A. Yes, they have the choice.

COMMISSIONER LAI: Let me ask: how did you know?

A. It's stated in the contract, stated in the specification.

COMMISSIONER LAI: Okay. Since it's written in the specification, then you knew it was changed?

A. I knew at that time.

COMMISSIONER LAI: Why?

A. Because I vetted the contract and it's written there.

MR KHAW: You talk about it's stated in the spec. Is it because it's changed the copper pipes, so there were revisions to the specifications? Is that what you mean; that's how you knew?

A. Yes.

Q. The change in specifications, as we can see here, page B15.3/39606. Actually, page 39600. Just now, you said that you knew about the change and you knew there were revisions to the specifications as a result, so

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B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 14	
C	I would like to look at this with you. It was back in	C
D	2002, you see at the top, "23 July, 2002". We can see	D
E	it's a Development and Construction Management Board	E
F	Instruction No. P25/02. Can you see it? Can you see	F
G	the heading, "(In English) Use of alternative piping	G
H	materials for cold water supply installations in HA	H
I	buildings"; can you see that?	I
J	A. (Nodded head).	J
K	Q. You see that in this entire paper, the purpose:	K
L	"(In English) To inform project teams on DCMB's	L
M	decision to allow choice of alternative piping materials	M
N	for cold water supply installations in HA building	N
O	contracts by contractors at time of tender and also for	O
P	projects under construction."	P
Q	Do you see that?	Q
R	A. Yes.	R
S	Q. Is my understanding correct: you have read the document,	S
T	so you knew of the change; right?	T
U	A. The specs contain many things.	U
V	Q. So you know unleaded solder, you know about that,	V
	because this document, you received the same	
	instructions; right?	
	A. Yes.	
	Q. In regard to this drafting of instructions, you were not	
	involved? Was it drafted by building services	

engineers' department or division?

A. Paragraph 22 states the drafter would provide a contact point. If you have any feedback, you should contact a certain person. So it's clear that it's from the CQS.

CHAIRMAN: What is CQS/CS?

A. Central services. CQS is chief quantity surveyor; CS, central services.

MR KHAW: And there are other documents: page 39607, copper pipes and other materials.

CHAIRMAN: Please wait. Page 39603, in paragraph 18, it says:

"(In English) To allow choice of alternative piping materials ... Contract Managers shall provide fresh water supply system designs based on the new/revised specifications and technical guidelines at annexes A and B respectively ..."

So contract managers were informed that you should do certain things. Then at annexes A, we have some new specifications set out.

In other words, at that time, you knew that there were new specifications only, but you didn't know the purposes behind, for the new specifications; is that correct?

A. There are many new specifications, so I wouldn't look into the reasons for each one of them.

CHAIRMAN: So you just incorporated those?

A. As the CM, I would make sure that the contract complies with the specs.

CHAIRMAN: Thank you.

MR KHAW: Let's turn to page 39607. There's a schedule.

That is to tie in with the change to the use of copper pipes and there would be the need for other parts.

At page 39611, all the way to page 39615, the supplemental specs. Page 39616, it's the page we looked at: alloys, soldering alloys, and so on and so forth.

When the revised specifications were promulgated, your team or you or people you contacted during your work, the building services team, for example, did you have any discussion on the new specifications; for example, whether for certain items you would need to step up checking, or you would have to keep a close watch over certain items?

A. Well, individual teams wouldn't do that, but for the central team, we would have the benefit of the other teams. Individual contract teams would not do the tests.

Q. Did you ever serve any private developers?

A. Yes, private developers.

Q. When was it?

A. 1985 to 1988.

Q. During that period when you worked for a private developer, were copper pipes used?

A. I didn't have such detail.

Q. Did you know that? Did you have any knowledge whether copper wires were used?

A. I didn't know.

Q. According to your understanding, you have been an architect for so many years, private developers, when they carry out plumbing works, if they use copper wires, what kind of works would be involved?

CHAIRMAN: (Chinese spoken).

MR KHAW: Soldering joints or compression joints?

A. The industry used a lot of plumbing material. I know that soldering joints was used, was common.

CHAIRMAN: Before the incident, that is, it was common?

A. Yes.

MR KHAW: Of course, there were other factors. From your experience, for private developers' projects, was it that they would use compression joints more commonly?

A. No.

Q. Have you heard of ... (unclear words)?

INTERPRETER: The interpreter didn't get that.

A. The contractor would propose that.

MR KHAW: Push-fit joints, the contractor would propose push-fit joints. When did you learn about that; when

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you worked for a private developer or when you worked
for HD?

A. HD.

Q. When was the first time you heard about this?

A. I have no recollection.

Q. For how many years have you been aware of this? Before
July you had such knowledge?

A. Yes.

Q. So some main contractors did propose push-fit joints.
What was your reaction?

A. I don't know.

CHAIRMAN: Wait. Push-fit might be a new technique.

Press-fit, what about press-fit? Have you heard about
this?

A. Yes.

CHAIRMAN: It was an old approach. For how many years --
you have known this for how many years?

A. Well, for special jointing techniques, I only learned
about these new techniques recently.

CHAIRMAN: Whether press-fit or push-fit, they are
relatively new. What are the advantages of these
techniques?

A. As the contract manager, I wouldn't look into this in
any detail.

CHAIRMAN: I am asking you as an architect, so don't panic.

What are the advantages of press-fit or push-fit?

A. Well, there are different advantages. If you want to look at the pros and cons --

MR KHAW: I think a licensed plumber would know more.

CHAIRMAN: I don't think it takes a licensed plumber. You can just miss it -- you too. I asked -- I put a question to you -- I'm not an architect and I'm not a licensed plumber either.

A. When you do the soldering, you have sparks. So it would not be appropriate for the circumstances.

MR KHAW: (Chinese spoken).

CHAIRMAN: Okay, let's take a break of 20 minutes.

(3.40 pm)

(A short adjournment)

(3.59 pm)

MR HO: During the break, the Secretariat staff mentioned one minor point. That is the witness made a phone call. I don't know what it was about. I think it was just a lapse, it was not intentional, so he communicated with someone.

CHAIRMAN: Thank you. Please continue.

MR KHAW: With regard to the question that I put to you before the break, that is regarding soldering joints, push-fit joints and the comparison, the pro cons, and so on and so forth, what would you say about this?

A. We know more about soldering joints but we don't know much about the risks associated with push-fit. It might be mechanical in nature.

Q. Please repeat.

A. Push is simple; there's no need to clamp anything. But I think push-fit is simpler, mechanically speaking.

Q. What about cost?

A. I don't know.

Q. Has the Housing Department used push-fit?

A. Not in my projects.

Q. What about others?

A. I don't know. I'm not sure.

Q. You told us that in 2002, encouragement for the use of copper pipes at that time -- there must be some discussion with the industry at that time. That is, you encouraged the use of copper wires. Were you aware of?

A. When there was a review, when there are changes to the specs, we will talk to the stakeholders, the industry, the construction, the Contractors Association, and so on and so forth.

Q. At that point, you switched to copper pipes -- you wanted to do that -- did the HD engage any expert to assess the associated risk?

A. Not that I am aware of. If they did engage experts, it would be the job of the spec team.

Q. The last issue. In respect of Un Chau Estate, or other projects that you were involved in the past five or six years, did you ever see on the site where plumbing workers gave you a demonstration on how to melt the solder?

A. No.

MR KHAW: I have no other questions.

Cross-examination by MR CHAN

(All questions from Mr Chan were in English)

MR CHAN: Mr Chiu, your colleague, Ms Theresa Yim, mentioned that there were four deputy directors within the Housing Authority. Is that your understanding?

A. Yes.

Q. Is it also your understanding that day-to-day, deputy directors have different areas of focus? Basically, it's design and construction, if I have it right, estate management, strategy and services, roughly speaking; is that correct?

A. (In English) Yes, public services.

Q. But cutting across all of these areas would be certain core concerns for the Housing Authority as a whole, the safety and health of its residents being one of these core concerns; isn't that right?

A. (In English) Safety for the residents, that would be under the jurisdiction of the Estate Management

Division.

CHAIRMAN: You can use Cantonese. There's no need to just use English.

A. Resident safety and health belongs to the Estate Management Division.

MR CHAN: I understand the primary responsibility, but would I be right in thinking that it's not quite so strictly segregated? So, for example, matters of design and construction are also relevant to safety and health; would you agree with that?

A. Of course, therefore the spec requirements would be based on the risk aspects.

Q. Can we assume that there's some information that comes to light that is relevant and of potential importance to the general health and safety of your residents, the Housing Authority's residents, and this information becomes known to an officer within one or other of the departments, the four departments, main departments, of the Housing Authority?

My question is would it be reasonable for the public, and in particular residents of the Housing Authority, to expect that there would be interdepartmental communications within the Authority, to ensure that this information is generally known, not just by one department but by all the departments?

A. When it comes to safety, hygiene issues, if a division has had meetings with the industry or some relevant parties, the important thing is that such things should not apply to Housing Authority projects but to the community as a whole. If there are important things to know, it's not a matter of issuing something for the Housing Department, but rather the government should inform the entire community and the industry.

Q. So if an officer can base certain information in relation to health matters, to his supervising deputy director, it's reasonable to expect that there would be communications, say, at the deputy director level, among the four directors, to ensure that this important information would be circulated and passed on? Is that a fair --

A. I'm not talking about specific issues.

Q. Generally.

A. But for important issues, it's likely it would reach the DB.

Q. Moving on, can you please help us with this. From your experience as an architect, is it fair to say that for any residential building, the plumbing system is a critical system for the purposes of health, hygiene and convenience?

A. Yes, correct.

Q. Right. And we have heard that for any given Housing Authority project there will be many, scores, thousands of different specifications, covering a wide range of matters; yes?

A. Mmm.

Q. So in terms of focusing the Authority's finite resources, in terms of supervision, say, would it be reasonable or not reasonable to place a high level of priority and attention on the specifications which concern the plumbing system as a category?

A. No, apart from plumbing, the other specs which might have a bearing on safety and health. So for high-risk matters, we would equally be concerned about the compliance of specification requirements.

Q. So if I understand correctly, what you are saying is that you will try to identify those specifications, in whatever category, which may have an impact -- may have an impact -- on health and safety, and you would give priority to ensuring that those specifications are met?

A. That's not what I meant. Whether priority or whether inspections should be carried out, it's up to the spec team. The spec team would have done that. The contract team would not be required to do this. We would have just to follow the contract.

Q. When it comes -- there's different parts of the

contract, there's drafting the contract and then there's administering or managing the contract.

A. Mm-hmm.

Q. So, as far as administering and managing of the contract is concerned, how do you know which specifications are more important and which aren't?

A. The important ones are highlighted, so that the special test would be required. If there's none, then the item is considered to have low risk.

Q. So short of the ones which are specially highlighted, all other specifications --

A. (In English) Pardon me?

Q. You mentioned certain specifications, as I think was mentioned earlier, were highlighted.

A. A lot of the materials are involved in the project. The spec team, when drafting the specs, would look at the associated risk and the changes would be made.

For high-risk items, they would suggest a higher degree or more stringent monitoring.

Q. In terms of identifying the specifications which require additional measures or --

A. (Chinese spoken).

Q. Sorry, I haven't finished my question.

A. (Chinese spoken).

Q. I haven't finished my question. What question do you

think you are answering? I haven't finished my question.

CHAIRMAN: Please wait for the question first.

MR CHAN: My question was, in relation to specifications which might be thought worth particular attention, whether in terms of adding, say, a sub-specification, that you need to perform specific tests, isn't one way of identifying those by referring to, well, what system or what aspect of the building does it goes to? If it goes to, as you say, an important system such as plumbing, would you agree that generally those specifications require particular care and attention, at every stage?

A. I don't know whether I get your question right. You are asking whether plumbing should be highlighted for special attention?

Q. It's a matter of relative importance among the many specifications that we may have. I'm not saying it's the top --

A. It wouldn't be highlighted. In a project, apart from plumbing, there are so many other things which can be considered risky.

Q. So plumbing is one of the matters which involves some elements of risk?

A. (Chinese spoken).

Q. It involves health, yes, thank you.

A. It also has to do with workability.

Q. Now, in relation to one area which I think some of your colleagues have given evidence on. Can I just ask you to clarify, if you can, and that's a particular aspect of the checking process.

What we have so far, in terms of evidence, I believe, and correct me if I am wrong, is that when it comes to PLU1, it's not necessary, as a matter of the contract, to provide samples.

A. Mm-hmm.

Q. Yes. If I understand the evidence correctly of one of your colleagues, Mr Suen Wai Man, he did, however, say that what would be done for PLU1 was that we, being the chief architects, would go by documentation.

What I want to clarify is: is it a contractual requirement in relation to PLU1 that matters covered under there, there would be to have a provision by contractors of documentation showing the brand or the details of the particular items that they intend to use?

A. No approval from the contract manager is required under PLU1.

Q. Okay. So if I understand you correctly, just to summarise, were all matters in the PLU1, you don't need documents, you don't need samples; they can just proceed

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C with -- C

D A. There are two items, draw-off tap and pipe brazing. D

E Q. Yes, exactly. E

F Look at paragraph 23 of your statement. F

G Paragraph 23, at page 39538. I won't read out the G

H entire paragraph. H

I A. (In English) Which paragraph, sorry? I

J Q. 23, sorry, page 39538. In summary, there's a reference J

K to certain specifications, and you mention the point K

L that Yau Lee, the contractor for this particular estate, L

M Un Chau, was required to provide superintendence, and M

N the way that in this particular case Yau Lee did that N

O was to establish a contract management team. Do you see O

P that? P

Q A. "(In English) ... Yau Lee was also required to provide Q

R all necessary superintendence by providing a management R

S team ..."

T (In English) Yes. T

U Q. So if I understand the arrangement, there was your team U

V that was involved also with contract administration, V

management and a certain degree of supervision. Yau Lee

itself also had the contract management team; is that

correct?

A. They are responsible for continuous and periodical

supervision.

C Q. Yes. Can I ask, to what extent did the Housing
D Authority's team, in terms of administration and
E management, specifically highlight and emphasise
F particular specifications in its contracts, to assist
G Yau Lee's contract management team with its very
H important work? Was there a level of day-to-day
I communication or a process of emphasising the attention
J that should be paid by the management team formed by
K Yau Lee in relation to particular specifications? So
L did you just give them the documents and leave them to
M their own devices?

N A. Once the contract was awarded, they are supposed to
O follow the specifications. Sometimes if they find it
P difficult or they have additional specs, they can make
Q proposals.

M So there was two-way communication.

N Q. So within that two-way communication process, my
O question is: did the Housing Authority initiate, by way
P of its own initiative, sorry, any particular
Q specifications, say in relation to soldering, piping or
R any other matter? Did they say, "Look, you need to pay
S particular attention to this and can you please ensure
T that you do so"?

S A. Not before July. We didn't know the importance of doing
T that.

Q. Okay. Lastly could I just ask you to clarify one answer you gave to one of the questions I think put to you by counsel for the Commission. You were asked what you understood the purpose of the non-lead solder specification to be, and you said one possible purpose would be that non-leaded solders -- joints constructed with non-leaded solders would be more durable; do you remember that?

A. (In English) No, no, no. I said it might be.

Q. Might be, yes.

A. (In English) The drafter might have had that consideration, "might have".

Q. Right.

A. (In English) Because I am not the drafter, so I am just guessing. I am just guessing.

Q. I am just wanting to understand and test the basis of your guess.

A. Mm-hmm.

Q. Do you understand the difference between an informed and educated guess and sheer speculation? This is what I want to understand in terms of the nature of your guess.

A. (In English) I see. Can you repeat the terms again?

Q. Sure. Why don't we do it this way: you have said that it's possible -- one guess would be that this clause is

here to ensure more durable pipe joints. Firstly, are you aware that so far not a single one of your colleagues, including at least three or four other chief architects among you, and not a single expert, as far as I am aware, has suggested that the purpose for specifying non-lead solder for joints is to do with durability?

A. Mm-hmm.

Q. Are you aware of that?

A. (In English) Yes.

Q. You are aware of that?

A. Mm-hmm.

Q. Then you are still maintaining this guess?

A. (In English) I am just guessing.

Q. Secondly, would you agree that if it's the case that that specification was to do with something as important as the strength or weakness of a pipe joint, then it's at least equally important that as a supervising contract administrator, you must ensure that non-lead solder is used, otherwise it would risk a weak pipe?

A. (In English) No, first of all -- first of all, as I said, that was my guessing; okay?

(Via interpreter) Whenever the contract -- whatever purpose lead-free is to be used, as a contractor, then the specifications would have to be complied with,

whatever it is. So whether it's my guess, whether it's speculation, that itself is not important.

Q. Part of your job, part of the reason you were employed, is to ensure that the contractors did what they were meant to do?

A. As a contract manager, I have to ensure that contractors would have to do something -- well, of course, there are a lot of things, then I may not be able to keep an eye on.

Q. And wouldn't you agree that from that perspective, however which way you look at this clause, whatever guess you wish to make, it's on any view an important specification, for the purposes of the project, and for your residents, and it was a specification which clearly called for active and close supervision on the part of the Authority?

A. Under the specification, it doesn't say that it will have to be used, so I won't say that the contractors are required to use it. Well, whether I supervise it or not, even without supervision, it doesn't mean that they can do something that is non-compliant. They have to conform with the specifications.

MR CHAN: Mr Chairman, those are my questions for Mr Chiu.

CHAIRMAN: (In English) Thank you.

Cross-examination by MR LI

MR LI: I have some questions to ask you. My name is Li.

Just now, Mr Chan took to you paragraph 23 of your witness statement, about the management team. It includes colleagues assigned by the HA to monitor progress of work. They are members of the team; right?

A. You mean HD management team or the contractor's management team?

Q. I didn't hear you.

A. You've got HD management team or contractor's management team.

Q. Yours.

A. Ours? We have site staff, the site inspection team.

Q. In the past few years, five or six years, in the public housing estates you have been involved, did you conduct site visits?

A. Yes.

Q. Including inspections on implementation of works and material?

A. I would not conduct the tests myself.

Q. But frontline staff would?

A. Well, it depends on what they are. Not necessarily an on site test; it may be done in a lab.

Q. Just now you said it wouldn't be tested on site. When you went to the site, would there be your colleagues having inspected certain things, waiting for you to make

a decision when you got there?

A. Well, if there is a material approval, it's done by project architect, not the CM.

Q. Say, for example, for sample room, say, for example, contractors have prepared a sample, would you go to the site, to the sample room, to see how they are assembled?

A. Yes.

Q. You would?

A. Yes.

Q. I understand. In the past few years, there were how many public housing estates were you involved?

A. As I said, at planning stage projects, mainly, so just one or two.

Q. So, in reply to Mr Khaw's question, you said you have never seen anyone demonstrating soldering in the sample room; it's only based on your one to two year's experience?

A. In the past five years, I said.

MR LI: Thank you.

MR HO: I have no questions.

CHAIRMAN: Mr Chiu, you have finished with your evidence.

Thank you. You may leave.

(The witness withdrew)

I think we can call it a day. Monday and Tuesday, there won't be --

MR PENNICOTT: (In English) Mr Chairman, I apologise,
I appreciate it's late on a Friday afternoon and we all
want to go away and do something better than stay here.

I want to raise, however, one or two points of
a procedural nature. First, to do with expert evidence:
my understanding is that in two or three weeks' time or
so, Prof Bellinger is to be interposed. We've made some
informal enquiries but I'm afraid this is necessary to
go on the record, I think, because it hasn't really been
satisfactory in terms of a response. Could we be told
when Prof Bellinger's report is going to be served?
That's the first question.

The second question is this. In Mr Shieh's and his
colleagues' opening, for the preliminary hearing, at
paragraph 20, we were told that the Commission is
considering the engagement of an expert in the plumbing
industry. Could we also be told what the current
position is as to whether or not the Commission is
proposing to appoint an expert?

So those are my two questions. I want to get them
on the record because informal enquiries have not really
been very satisfactory.

MR HUI: Mr Chairman, we are in support, Paul Y is in
support, of my learned friend's request that we are told
when Prof Bellinger's report would be served.

MR KHAW: My understanding is that on 14 December, Prof Bellinger would be giving evidence, or around that time. On other areas, prior to the 14th, we would give them about a week or so to consider, and as to asking me to give you an exact date today, I am afraid I can't do it.

CHAIRMAN: What about the plumbing expert?

MR KHAW: We endeavour to identify one. I think around December there will be some progress. Anyway, at the end of November we will give you an update. I can tell you, starting from Wednesday, when it comes to the witness positions -- we are finished with Mr Chiu. There is one Ms Lok, Ms Rosa Lok So Fun, and there are two other chief architects, one Ms Yun, Sonia, and another Mr Yeung, Ricky, to be followed by a chief building services engineer on a number of estates, Mr Eric Leung. I think we will deal with these witnesses next week.

CHAIRMAN: Okay. We will see you again on Wednesday.

(4.25 pm)

(The hearing adjourned until 10.00 am
on Wednesday, 25 November 2015)

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