

2015 年 12 月 1 日

上午 10 時 04 分恢復聆訊

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

黃佩琪大律師及杜慧燃大律師，由顧增海律師行延聘，代表有利建築有限公司、明合有限公司及伍克明

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

王鳴峰資深大律師、陳樂信大律師及羅頌明大律師，由律政司延聘，代表水務署署長

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

林國輝大律師，由孖士打律師行延聘，代表瑞安承建有限公司

殷志明大律師，由羅夏信律師事務所延聘，代表香港房屋委員會

許佐賓大律師，由的近律師行延聘，代表保華建築營造有限公司

黃小姐：早晨，主席，我今日係會傳召黃天祥先生作供。

主席：好呀。

黃小姐：黃先生就共做咗兩份證供嘅，第一份係以有利建築有限公司董事長身分作出，就喺文件夾 I1，第 80 至 228 頁；I1，第 80 頁。

主席：係呀。

黃小姐：第二份就係以明合有限公司董事同埋總經理身分作出，文件夾 J1，31 至 67 頁。

主席：好呀。

黃小姐：係。

主席：黃先生--嘎。

黃小姐：佢個--佢嘅證供，主席，係有關有利承建六個公共屋邨，包括每個屋邨嘅供水系統。

主席：好呀。

黃小姐：佢哋嗰六個屋邨就係喺 A 嘅文件夾 62 嗰度，62 頁，詳細列出，包括元州邨第二同第四期、清河邨第一期、彩福邨、欣安邨、牛頭角下邨第一期、石硤尾第二期。

主席：好呀。

黃小姐：主席，我未讀出有關證詞之前，我就想懇請主席批准我喺宣讀完黃先生證詞之後，我會同佢作出有啲提問嘅。咁主要原因係因為我哋上個禮拜尾先至收到三份證詞，其中兩份係承判商或者係第三判作出嘅口供，同理第三份就係就住物料供應商作出嘅供詞，咁佢裏面就提及到對有利同埋明合嘅運作係作出有啲陳述，咁我哋就認為係唔符合事實，咁亦都同黃生較早前所作嘅書面證詞亦都未有涵蓋，咁我哋係需要回應。

而呢三份供詞就係莫海光，係永興嘅東主，佢個證詞就係 M1，第 9 頁；第二份就係蕭健煌先生，恆利東主，文件夾 O1，第 9 頁。蕭健煌嗰個證詞淨係涉及彩福邨，而莫海光先生係涉及五個屋邨。第三份就係周家平，就代表雋景，焊接物料嘅供應商，佢個證詞就係 S1，第 12 頁至 225 頁。

首先，主席，我亦都想提及一樣嘢，就係伍克明先生亦都係明合嘅合約經理同理持牌嘅水喉匠，喺昨晚就呈交咗畀羅文錦律師樓係第二份嘅書面補充證供，咁就其實係對呢三份嘅承判商或者供應商嘅證詞係作出一啲回應，而我哋亦都發現係有啲相片同理一啲書面嘅證據係可以證明蕭生同理莫生所講嘅嘢，就住呢個焊接物料唔知情呢樣嘢，係作回應。咁為咗證明呢樣嘢，我係要即席同黃生作出一啲提問。

我首先就係想傳召黃天祥先生。

主席：鄭律師，我想問一問，...

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鄭小姐：係。

主席：...我想問一問秘書處--問一問你哋，莫海光同埋蕭健煌先生有冇  
嚟到，今日？

許偉強先生：今日應該未嚟嘅。

主席：未嚟到，得。

許偉強先生：係。

主席：如果佢嚟嘅話，就安排佢坐喺我哋呢一度裏面，或者 media 嗰度可  
以畀兩個位佢坐。

許偉強先生：我之前出信呢，就有叫佢今日嚟。

主席：係，好。可以開始嘞。

黃小姐：係。主席，我傳召黃天祥先生。

主席：好呀。

有利建築有限公司（“有利”）（總承建商）及明合有限公司（“明合”）（有  
利分判商）第一證人：黃天祥（（有利董事長、明合董事兼總經理）（元  
州邨第二及四期、清河邨第一期、彩福邨、欣安邨、牛頭角下邨第一期和  
石硤尾邨第二期））以本地話宣誓作供

主席：請坐。

黃小姐：主席，我先讀出黃天祥先生第一份證詞，係...

主席：得，不過請你慢慢讀，因為我哋要即時傳譯。

黃小姐：係。

主席：可能都要需要啲時間，即係唔好讀咁快喇。

黃小姐：明白。

主席：得。

黃小姐：唔該主席。第一份證詞係喺 I1，第 80 頁。

黃小姐主問

食水含鉛超標調查委員會  
黃天祥的證人供詞

我，黃天祥，謹根據羅文錦律師樓於 2015 年 10 月 16 日向有利建築有限公司（「有利」）發出的信函內的提問作出以下陳述：

黃小姐：主席，有關嘅信件，就喺 I1 第 51 至 54 段。

1. 我於 1988 年 10 月加入「有利」，並在 1997 年成為「有利」的董事長。我亦在 1993 年 8 月成為明合有限公司（「明合」）的董事之一。我在此兩間公司的職責範圍包括制訂整體及監督業務發展策略。我在準備以下對「有利」的提問的答案時，大部分資料是由「有利」和「明合」負責有關地盤的同事提供給我的。

Q1. Describe and explain the steps and procedures in the construction and installation of the fresh water plumbing system in the Affected Estates

2. 「有利」和「明合」同為有利集團有限公司（「集團」）全資擁有的附屬公司。當「有利」競投房屋委員會（「房委會」）的工程時，一般會將有關水喉部份交給「明合」報價，如中標「有利」便會分判有關水喉工程予「明合」。

3. 肇事的 6 個屋邨建造及安裝食水喉系統時均經過以下的步驟及程序。

4. 「明合」會將合約內容有關水喉各類材料作統一處理，向供應商索取有關物料的樣本、目錄、水務署證書、測試報告及曾供應同樣物

料的其他工程地盤等資料，經「有利」上交「房屋署」則師審批。焊料不屬於房屋署要求必須送審的項目，但個別「房屋署」工程人員會要求將焊料送審。收到這要求時，「明合」便會安排將焊料的樣本連同目錄、測試報告及曾供應同樣物料的其他工程地盤等資料，經「有利」上交「房屋署」則師審批。物料獲審批後「明合」會按工程的實際需要與供應商簽訂合約，並按照工程進度落訂單及安排送貨到地盤，但焊料錫綫這類小五金則由「明合」分判商直接購買。「明合」有全職「持牌水喉斧（匠？）」伍克明先生，處理所有有關「水務署」的文件，如表格 WWO46「建造、安裝、改裝或拆卸屋內供水設備或消防設備通知書/申請書」。

5. 當由「明合」購買的物料送到地盤後，「明合」由伍克明統籌的駐地盤管工們負責檢查有關物料是否與「房屋署」批准的型號、牌子、出產地和大小等吻合。如果有關物料屬於 Record Form No 6210 (附件(一)) 包含的項目，...

黃小姐：主席，有關嘅文件就喺 98 至 99。

主席：得。

黃小姐：...「有利」會在物料到達地盤後，派質量控制經理/工程師 (Quality Control Manager/Engineer) 或其下屬作抽查，確認型號、牌子相符後，通知「房屋署」派人檢查。檢查過沒有問題才可以施工。

6. 「持牌水喉斧（匠？）」向水務署遞交 WWO46 第一、二部分及附件後，水務署審核過資料及物料認為滿意便會簽發表格 WWO46 的第三部分（俗稱開工紙），批准施工。工程期間，「有利」有長駐地盤管工作不定期檢查，「明合」亦有駐地盤管工每日巡視地盤以確保水喉安裝工程符合房屋署合約要求及水務署批准的企身水喉圖。當某一期水喉工程大致完成後，「持牌水喉斧（匠？）」會向水務署遞交表格...

主席：水喉匠呀。

黃小姐：水喉匠，唔好意思。

主席：係。

黃小姐：係，主席。

主席：唔。

黃小姐：...會向水務署遞交表格 WWO46 第四部份，俗稱報完工。「水務署」收到表格 WWO46 第四部份後不久，便會派水務督察到地盤檢查水喉裝置。「水務署」認為滿意後，會批出 WWO46 第五部份，並會指示「持牌水喉匠」向獲水務署認可的化驗所在屋邨地下水喉採集水辦進行食水測試。食水測試通過後，水務署便會批出《已獲供水證明書》(WWO1005 號水務表格，俗稱“水紙”)。「明合」聯同「有利」及「房屋署」有關人仕會進行各種測試，包括流量測試。當測試合格後，「房屋署」合約經理 (Contract Manager) 就會批出入伙紙 (Occupation Permit)。

Q2. With reference to the steps and procedures outlined above, explain the role and responsibilities of Yau Lee and the respective roles and responsibilities of its subcontractor(s), sub-subcontractor (if any), licensed plumber(s) ("LPs") 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

7. 「有利」作為總承建商負責管理及協調整個工程的施工過程，包括安全、質量、進度、環保及成本控制等。水喉工程方面，正如上文所述，「有利」將水喉安裝工程分判給「明合」。根據「有利」與「明合」的承判合約（“承判合約”），就水喉系統的質量及規格而言，「明合」要按照「房屋署」及「有利」的合約要求完成水喉工程。「明合」亦要確保工程質量合乎「房屋署」和「水務署」要求。工程完成後，保固期內有關水喉工程的「執漏」也是由「明合」負責統籌。

8. 「持牌水喉匠」伍克明先生在上述 6 個屋邨施工期間為「明合」全職僱員，已在明合工作超過三十年，是「明合」的合約經理，負責處理與「水務署」有關的文書和申請，以及監督地盤水喉工程的施工質素及進度，以達致「房屋署」及「水務署」的要求。伍克明先生已於上月底因私人理由離職。

9. 在肇事的六個工程中，「明合」將其中五個屋邨的實際安裝水喉的工序判給由莫海光先生主理的永興水喉渠務工程公司（「永興」）。這五個屋邨是：牛頭角下邨第一期、石硤尾邨第二期、馬鞍山欣安邨、元州邨第二及四期和清河邨第一期。清河邨第一期最初由森記水喉渠務有限公司（「森記」）承判，但因工程進度欠佳，「明合」最終於 2008 年 6 月與「森記」終止合約並由「永興」接手完成。而彩福邨則由蕭健煌先生主理的恆利工程公司（「恆利」）負責。「明合」的伍克明先生及駐地盤管工負責監督水喉工人的施工質素及進度。至於監督細節我留待伍先生陳述。

Q3. explain and identify with reference to the tender documents, the Main Contract and Sub-Contract the specific contractual terms and provisions pertaining to (a) the construction of the Affected Estates to ensure drinking water will be lead free and safe and (b) prohibiting the use of pipes, fittings and soldering and other plumbing materials ("Plumbing Materials") from which lead may leach into drinking water (the "Contractual Requirements")

10. 在「房屋署」及「有利」的總承包合約中，沒有條文特別指明食水含鉛標準，但對銅喉物料的規格 (Copper pipe specification) 有訂明是要跟 BS 或 BS EN 標準，如要使用焊料時，應採用無鉛焊料 (附件二)，...

黃小姐：主席，有關文件就喺第 100。

...而在承判合約中，也訂明要按照總承包合約施工，即是「明合」也受相關條件約束 (附件三)。

黃小姐：有關嘅文件，就喺第 108 頁開始。

至於「明合」和水喉分判商的合約（“分判合約”）當中（附件四），...

黃小姐：有關文件係喺 160 頁。

...也訂明要按「房屋署」的標準交貨及驗收，所以以上條件也可以適用。同時，有關水喉工程也受到《水務設施條例及規例》所監管，由「持牌水喉匠」伍克明先生負責監督。

Q4. explain the measures, supervisory and monitoring and quality control system in place by Yau Lee in order to comply with such Contractual Requirements and to ensure the safety and quality of drinking water

11. 按照總承包合約適用的房委員規格 (Hong Kong Housing Authority Specification) PRE.B8.1425.P)，「有利」必須提交品質控制程序，工作檢查表或報告格式請見附件五。

黃小姐：有關嘅文件，主席，就喺 212 頁開始。

主席：得。

黃小姐：唔該。

實際程序大致如下：

11.1 送審事項分為三類：物料送審 (material submissions)、施工計劃 (method statements) 送審和按法定要求的送審 (statutory submissions)。「明合」要透過「有利」向「房屋署」提供打算安裝的物料和施工計劃審批。「持牌水喉匠」則協助「有利」根據法例向「水務署」遞交水喉安裝工程開工及完



- 工驗收時須呈交的 WWO46 表格及相關資料；
- 11.2 「有利」制訂地盤的施工程序及視察和測試計劃，同時亦編製檢查表(見附件五)，詳細列明檢查項目，方便監督；
- 11.3 「明合」將實際安裝水喉的工作分判給水喉分判商時，會選擇人手充裕、經驗豐富及以往工作紀錄良好的分判商；
- 11.4 購買水喉裝置時，「明合」要根據合約要求及「房屋署」則師的批准表 (approval form) 採購物料；物料運到地盤後，「明合」的駐地盤管工們負責檢查有關物料是否與「房屋署」批准的吻合。如果有關物料屬於 Record Form No 6210 包含的項目，「有利」會在物料到達地盤後，派質量控制經理/工程師 (Quality Control Manager/Engineer) 或其下屬作抽查，然後通知「房屋署」派人檢查。檢查過沒有問題才可以施工。
- 11.5 物料到地盤後會按照設計圖紙及合約要求施工。「有利」聯同「明合」負責監督水喉工人的施工質素。
- Q5. explain and identify the prevailing Contractual Requirements and statutory and non-statutory requirements pertaining to the approval of Plumbing Materials by the HA
12. 根據「有利」與「房委會」的總承包合約，工程所用的物料(但不包括如焊料等小五金或消耗品)均須接受「房屋署」則師或其代表的檢驗測試。對物料樣本和測試要求則根據房委員規格 (Hong Kong Housing Authority Specification) 執行。
13. 我將 6 個屋邨的相關條文列作附件六。
- 黃小姐：主席，有關文件係由 218 頁開始。
- Q6. explain and identify the types of Plumbing Materials submitted to HA for approval
14. 有關提供給「房屋署」審批的水喉工程物料，是由「明合」整理好，再透過「有利」呈交「房屋署」審批。物料種類見附件七。

黃小姐：有關嘅文件係喺 235 頁開始。

Q7. explain the choice and decision of joining the pipes (a) by soldering instead of (b) using mechanical compression joints, and why the former method of joining the fresh water pipes was extensively used in the Affected Estates. If it is a matter of costs, please state the difference in costs.

15. 安裝機械式壓接配件 (Mechanical compression Joint) 行內俗稱「攞杧」，其配件材料俗稱「攞杧配件」。從淨材料而言，「攞杧配件」一般比焊料為貴，相差多少很視乎當時的市場情況，特別是當時的銅價。但「攞杧」的工序相對比銅焊快，人工費因此較小，所以兩種工序價錢的比較就視乎當時銅價及工資比例而定。就我記憶所及，在上述 6 個屋邨興建期間，「攞杧」方式連工包料的總價錢比焊接方式貴百分之十至二十，但近年水喉工人工資上升比較快，而銅價相對偏低，在今天來說兩者價錢大致相等。

16. 但價錢並非使用焊接方式的主要考慮。「攞杧」有時因為手工或配件質量問題，長時間使用後有機會漏水，對居民造成滋擾，及要翻手重做。相對來說，焊接方式比較穩妥，一經焊接後很少出現漏水情況，所以一般為業界採用。

Q8. from the Preliminary findings of the WSD Task Force published on 25 Sept 2015, Plumbing Materials (including valves and taps) were used which deviated from the list of Plumbing Materials submitted to the WSD (Deviated Plumbing Materials). Pls state and identify the Deviated Plumbing Materials and also to the best of Yau Lee's knowledge, why the Deviated Plumbing Materials were allowed to be used without being spotted during the supervisory and monitoring processes. The request is confined to Deviated Plumbing Materials which have now been found to contain lead or from which lead has leached into water

17. 據我了解，2015 年 9 月 25 日水務署專責小組報告涉及的屋邨為啟

晴邨與葵聯第二期，並非「有利」負責的項目。

Q9. identify the persons, companies and entities responsible for the procurement of Plumbing Materials. If such materials were procured by Yau Lee's subcontractors or any other persons or entities other than Yau Lee, explain the measures, supervisory, monitoring and quality control system in place by Yau Lee in ensuring that (a) the Plumbing Materials are lead free, (b) they comply with the Contractual Requirements, statutory and non-statutory requirements and (c) that the drinking water will be lead-free and safe.

18. 在上述的 6 個屋邨，負責採購水喉及配件的是「明合」；焊料則由「明合」分判的水喉分判商自費購買。有關「有利」就採購水喉物料採取的監管措施，見上文第 4...

黃小姐：主席，喺第 80 頁。

...及 11 段。

黃小姐：第 84 頁。

Q10. identify the persons in Yau Lee responsible for the inspection, construction and installation and approval/certification of completion of the fresh water plumbing system in the Affected Estates and the steps taken by them in (a) discharging such responsibilities and (b) ensuring the safety of drinking water.

19. 「有利」在各工程項目內分別有管工，屋宇設備協調員和品質控制

協調員負責監控水喉安裝工程，其分工如下：

19.1. 各座的管工 (block foreman) 負責水喉監督的前線工作，例如工序協調及對水喉安裝作質量的目測監察。

19.2. 屋宇設備協調員 (building services coordinator)，負責水喉設計圖紙及相關屋宇設備位置圖以及實地安裝的協調工作，確保施工位置符合圖則要求。

19.3. 品質監控經理 / 工程師 (quality control manager/engineer) / 建築品質監控協調員 (architectural quality control coordinator)，負責物料送審和核對及檢查文件。

20. 肇事的六個屋邨負責上述工作的人士，請見附件八。

黃小姐：主席，係喺第 254 頁。

Q11. explain the steps taken by the persons identified in the 2 preceding paragraphs in ensuring that (a) the work in connection with the construction and installation of the Plumbing Materials was carried out by workers with sufficient training and qualifications, and (b) only approved and lead-free Plumbing Materials which comply with Contractual Requirements will be used in the construction and installation of the fresh water plumbing system

21. 據我向「明合」了解，肇事 6 個屋邨經水喉分判商聘請的水喉工人都有水喉工程方面的中工或大工資格；而「有利」向這些工人發出進出地盤的許可証時，會要求工人提供大工或中工訓練的證明。至於 (b) 段，為免重複，我會在下一題一併作答。

Q12. given your answers to the matters in the preceding paragraphs, explain to the best of your knowledge how Plumbing Materials containing lead came to be used in the Affected Estates and also why the use of the

same had been allowed and overlooked.

22. 「房委會」早期公共屋邨的食水管是用鍍鋅喉 (G.I. pipe)，但這種喉管用上數年便開始生鏽，當食水在生鏽喉管內停留一段時間後即會變黃。「房委會」因此改用內搪層鍍鋅喉 (uPVC lined G.I. pipe)，但這種物料在市面較難購買。大約在 2005 年左右，房委會開始將水喉部份的物料改為廣泛採用銅喉。因應當時技術，一般公司在「房委會」工程都會用燒焊方式接駁銅喉，主要原因如上文所說，用燒焊方式接駁的水喉漏水機會很少，被投訴的機會亦因而減低。

23. 正如「房委會公屋食水質量控制問題檢討委員會」的中期報告所述，在鉛水事件出現之前，業內的做法與「房委會」項目的品質檢驗機制是一致的。當時大家都沒有意識需要將焊料正式納入監控機制內。舉個例子，由於焊料在總承包合約中只屬於成本影響輕微的小五金消耗品，因此沒有包括在「有利」向房屋署遞交的每月工程費申請 (行內俗稱“上糧”) 之內。另外，根據總承包合約，物料運到地盤後「房屋署」會進行檢測，但當中不包括接駁水喉的焊料。

24. 當時行內普遍認為銅喉用燒焊方式接駁在業內已經廣泛採用多年，而「房委會」項目都要接受「房屋署」和「水務署」的檢測和審批，一直以來都沒有發現使用銅喉會帶來什麼問題。同時，負責監督施工的「有利」和「明合」的駐地盤管工也從來沒有發現或向我報告水喉物料有任何問題。加上焊料屬於價值不高的小五金，當時實在沒有任何原因令我想到有人會用不合規格焊料。

25. 「有利」在鉛水事件出現後，已第一時間進行內部調查。據我事後了解，大約由 2005 年開始，「明合」將採購焊料的責任改為由分判商自費購買並包括在分判合約單價之內 (見上文附件四)。...

黃小姐：主席，係喺 160 頁打後。

...「明合」的解釋是錫綫、松香膏等焊料在施工中為消耗用品，銀碼不大，但施工時可以耗用得很快。以往曾經試過水喉分判商通知「明合」焊料快用完而須補貨，但因「明合」訂貨由問價、出訂單到送貨大概要一星期左右，地盤的水喉工程因而受阻，水喉工人紛紛埋怨。「明合」當時認為水喉分判商最能掌握工程進度及何時

須補充焊料，由他們自行購買焊料，可以避免因來不及補貨而令工程受阻。

26. 「明合」決定由分判商自行購買焊料亦基於他們都是合作多年的伙伴。永興負責人莫海光先生跟「明合」曾合作過多項工程，雙方有超過 20 年的關係，「明合」一直視他為相當可靠的分判商。同樣，恒利負責人蕭健煌先生之前是「明合」經常合作的一個分判商的得力助手，從事水喉行業超過二十年。據我了解，蕭先生約於 2008 年自立門戶。基於與他們以往合作的項目都沒有出現過問題，「有利」和「明合」實在沒有理由懷疑他們。

27. 「明合」雖然將採購焊料的責任改為由分判商自費購買，但不代表沒有對焊料作任何監管。

28. 首先在採購焊料方面，雖然錫綫焊料不屬於「房屋署」必須送審的項目，但正如上文提過，個別「房屋署」工程人員會要求將焊料送審，這時，「明合」會要求水喉分判商去購買符合「房屋署」要求的焊料樣辦交給「有利」及「房屋署」則師審批。有時按個別項目要求，水喉分判商亦要在樣辦房向「房屋署」工程人員示範燒焊工序。

29. 另外，「明合」每個地盤都會準備一塊樣板板 (sample board)，上面展示經「房屋署」批准的水喉部件及配件和錫綫、松香膏等焊料。這塊樣板板會放在「房屋署」工程人員駐地盤的辦公室，以便巡視地盤的「房屋署」工程人員知道該地盤獲批准使用的水喉物料。其中錫綫、松香膏等焊料均由負責採購的水喉分判商提供。

30. 當水喉部件及配件等水喉物料運到地盤時，如之前所述，「明合」負責檢查有關物料是否與「房屋署」批准的型號、牌子、出產地和大小等吻合。「有利」亦會派質量控制經理/工程師 (Quality Control Manager/Engineer) 或他的下屬作抽查，確認型號、牌子相符後，通知「房屋署」派人檢查。至於錫綫，由於焊料不屬於「房屋署」規定必須檢驗的項目，水喉分判商極少會向「有利」或「明合」匯報。而當錫綫運到地盤，工人會很快在地盤內工場「散貨」，即是除去錫綫包裝招紙，將一綑錫綫剪成一小段一小段，以便水喉工人帶到施工位置使用。鑑於錫綫本身沒有標記，拆除包裝後肉眼不易分辨，因此「有利」或「明合」各級監督員日常監督工人施工時都不容易知道工人所用的焊料牌子。但據我向「明合」的伍先生了解，他和他的下屬都曾經在地盤工場見過符合「房屋署」要求的錫綫焊料。

31. 不過，由於「有利」“上糧”時，房屋署沒有要求「有利」申報焊料單據，「有利」也沒有對「明合」作出要求，所以「明合」也沒有要求其分判商提供焊料單據。發生今次事件後，因應「房委會」要求「有利」提供調查報告，「明合」曾要求水喉分判商提供上述 6 個屋邨的焊料單據，但只能取得其中三個地盤（分別為牛頭角下邨第一期、石硤尾邨第二期及彩福邨）的部分單據（附件九）。

黃小姐：主席，有關文件 256 頁。

Q13. Describe the measures and quality control system in place and/or any other recommendations (after the discovery of excess lead in drinking water) by Yau Lee in order to (a) address the health concerns of residents of the Affected Estates, (b) to comply with the statutory requirements and standards in drinking water and (c) to ensure the safety and quality of drinking water supply. Please also state any other recommendations Yau Lee has in relation to (a), (b) and (c) above and on how similar incidents may be avoided in the future.

32. 自從發現食水含鉛超標的問題後，「有利」採取了以下措施加強監控及照顧肇事的 6 個屋邨的居民對健康的關注：-

32.1 首先在肇事的 6 個屋邨，為每棟大廈的天台水箱接駁水喉至各樓層，方便居民取水，有關工程已大致完成。

32.2 另外，亦免費為 6 個屋邨的居民提供獲得美國國家衛生基金會 NSF-53 認證的濾水器及安裝服務，亦會提供兩年免費更換濾芯。

32.3 鉛水事件發生後，「有利」已規定「明合」要直接訂購焊料以保證來源可靠。訂料時訂單要清楚列明物料牌子及種類，如：「英國 FRY 無鉛錫綫 Powerflow 99c」，並紀錄訂貨數量。焊料到工地後會交由「有利」品質控制工程師或其下屬仔細檢查，合乎標準後會放在工地指定地點並上鎖，確保需要時才取出使用。

32.4 「有利」亦訂了兩部 XRF Analyzer，俗稱快速測試槍，焊料送到工地後及在施工前會抽樣進行快速測試，證明焊料無鉛後才可以使用。

32.5 加強內部培訓，特別提醒前線的水喉工人嚴禁私自帶焊料進入工地使用，而只能使用由「有利」提供的焊料。受訓後的工友在安全帽上會有識認。「有利」會進行突擊檢查，包括對使用中的焊料進行快速測試。所有餘下的焊尾都要帶到工地指定地方報銷，不可以隨便拋棄。

32.6 「有利」亦會利用快速測試槍對已初步完成的燒焊接駁位作一定數量的快速測試，以確保不含鉛。

32.7 「有利」亦有其他工程已改用不銹鋼喉管，效果良好，這也是房屋署可以考慮的治本方法。

屬實申述

本人相信本證人供詞所述事實屬實。

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黃天祥  
代表有利建築有限公司

日期：2015年11月10日

黃小姐：主席，我讀完第一份口供。第二份口供呢就喺 J1 第 31 頁。呢份口供就係佢作為明合董事及總經理身分作出。

食水含鉛超標調查委員會  
黃天祥的證人供詞

我，黃天祥，明合有限公司（“「明合」”）董事兼總經理，謹根據羅文



錦律師樓於 2015 年 10 月 16 日給「明合」發出的信函內的提問作出以下陳述：

1. 我現在會就調查委員會的提問逐一回應。由於「明合」的日常經營運作由「明合」副總經理黃麗英小姐和合約經理伍克明先生全權負責，我在準備以下問題的答案時，大部分資料是由黃小姐及伍先生提供給我的。

Q1. Adduce the part(s) of the 6 Sub-Contracts and 7 Sub-Sub-Contracts pertaining to (a) the construction and installation of the fresh water plumbing system in the Affected Estates and (b) the procurement of pipes, fittings and soldering and other plumbing materials ("Plumbing Materials") in connection therewith

2. 有關「明合」與有利建築有限公司（“「有利」”）就元州邨第二及第四期、清河邨第一期、彩福邨、欣安邨、牛頭角下邨第一期及石硤尾邨第二期等 6 個屋邨都簽署之 6 份承判合約及「明合」與永興水喉渠務工程公司（“永興”）、恆利工程公司（“恆利”）及森記水喉渠務工程公司（“森記”）簽署的 7 份分判合約中有關以下事項的部分：-

- (a) 建造及安裝食水喉系統；及
- (b) 採購管道裝置、焊料及其他水喉物料  
見「有利」証人口供附件三及四。

黃小姐：主席，有關文件就係喺 I1，第 108 頁至到 211 頁。

Q2. describe and explain the respective roles and works of Sum Kee and Wing Hing in the construction and installation of the fresh water plumbing system and procurement of Plumbing Materials for Ching Ho Estate

3. 我在「有利」的證人供詞第 9 段已回答過這個問題，在這裡不再重複。

黃小姐：主席，係喺 I1，第 82 頁。

Q3. describe and explain the steps and procedures in the construction and installation of the fresh water plumbing system in the Affected Estates

4. 有關牛頭角下邨第一期、石硤尾邨第二期、馬鞍山欣安邨、元州邨第二及四期、清河邨第一期和彩福邨這 6 個屋邨的食水喉的建造和安裝步驟及程序，我所知道的已經在我在「有利」的證人供詞中第 4 至 6 段解釋過。...

黃小姐：主席，係喺 I1，80 至 81 頁。

...至於詳細情況，伍克明先生會在他的證人供詞中解釋。

Q4. with reference to the steps and procedures outlined above, explain the roles and responsibilities of Ming Hop and the respective roles and responsibilities of its sub-contractors and licensed plumbers ("LPs") 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

5. 這個問題我在「有利」的證人供詞中第 7 至 9 段已解答過，...

黃小姐：主席，係喺 I1，第 82 頁。

...不再重複。有關水喉物料的審批過程，我亦已經在「有利」的證人供詞中第 4 至 5 段說明。

黃小姐：主席，亦都係 80 至 81 頁，I1。

6. 伍克明先生作為負責上述 6 個屋邨水喉工程的持牌水喉匠，會就控制水喉物料合符規格方面，在他的證人供詞中詳細解釋這方面的步驟、準則和標準。

Q5. explain and identify with reference to both the Sub-Contract and the Sub-Sub-Contracts the specific contractual terms and provisions pertaining to (a) the construction of the Affected Estates to ensure drinking water will be lead free and safe and (b) prohibiting the use of Plumbing Materials from which lead may leach into drinking water (the "Contractual Requirements")

Q7. explain and identify the prevailing Contractual Requirements and statutory and non-statutory requirements pertaining to approval of Plumbing Materials by the HA and the Main Contractor

7. 我在「有利」的證人供詞中第 10 段及 12 段已回答這兩題，在這裡不再重複。

黃小姐：主席，都係 I1，第 83 頁。

Q6. explain the measures, supervisory, monitoring and quality control system in place by Ming Hop in order to comply with the Contractual Requirements and to ensure the safety and quality of drinking water

8. 我在「有利」的證人供詞第 11 段已回答過這個問題，在這裡不再重

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黃小姐：主席，係喺 I1，第 84 頁。

Q8. explain and identify the types of Plumbing Materials submitted to the HA and the Main Contractor for approval

9. 「明合」是透過「有利」將水喉物料呈交「房屋署」審批。曾送審的物料種類見「有利」證人供詞附件七。

黃小姐：主席，係喺 I1，235 頁。

Q9. explain the choice and decision of joining the pipes (a) by soldering instead of (b) using mechanical compression joints, and why the former method of joining the fresh water pipes was extensively used in the Affected Estates. If it is a matter of costs, please state the difference in costs

10. 我對這問題的看法已經在「有利」的證人供詞第 15 至 16 段解釋過  
'...

黃小姐：係喺 I1，第 87 頁。

...不再重複。

Q10. from the Preliminary findings of the WSD Task Force published on 25 Sept 2015, Plumbing Materials (including valves and taps) were used which deviated

from the list of Plumbing Materials submitted to the WSD (Deviated Plumbing Materials). Pls state and identify the Deviated Plumbing Materials and also to the best of Yau Lee's knowledge, why the Deviated Plumbing Materials were allowed to be used without being spotted during the supervisory and monitoring processes. The request is confined to Deviated Plumbing Materials which have now been found to contain lead or from which lead has leached into water.

Q11. adduce all purchase orders, receipts and information showing the brand names, types and specifications of (a) the soldering materials used, (b) Deviated Plumbing Materials used other Plumbing Materials in which lead has been found.

11. 據我了解，2015年9月25日水務署專責小組發現與批准規格不符的水喉物料("deviated plumbing materials")涉及的屋邨為啟晴邨與葵聯第二期，並不涉及「明合」。

Q12. identify the persons, companies and entities responsible for the procurement of Plumbing Materials. If such materials were procured by Ming Hop's subcontractors or any other persons or entities other than Ming Hop, explain the measures, supervisory, monitoring and quality control system in place

12. 我在「有利」的證人供詞第4, 11及18段已回答過這個問題，在這裡不再重複。

黃小姐：主席，係I1，第80頁、84頁、同89頁。

Q13. identify the persons in Ming Hop responsible for the inspection, construction and installation and approval/certification of completion of the fresh water plumbing system in the Affected Estates and the

steps taken by them in (a) discharging such responsibilities and (b) ensuring the safety of drinking water

Q14. explain the steps taken by the persons identified in the 2 preceding paragraphs in ensuring that (a) the work in connection with the construction and installation of the Plumbing Materials was carried out by workers with sufficient training and qualifications, and (b) only approved and lead-free Plumbing Materials which comply with Contractual Requirements will be used in the construction and installation of the fresh water plumbing system

Q15. explain your role in supervising and monitoring the work of the LPs and other workers and persons involved in the construction and installation of the fresh water plumbing system

Q16. explain and confirm (with reference to the enclosed list of plumbing workers (Enclosure 1) whether all workers and persons who constructed and installed the pipes and fittings in the fresh water plumbing system were licensed plumbers

13. 羅文錦律師樓於 2015 年 10 月 16 日給「明合」發出的信函夾附的工人清單（即 Enclosure 1），經「明合」行政部同事核對過，發現其中部分被指為「明合」員工的其實是分判商的工人，我請「明合」行政部同事將在清單上不是「明合」員工的資料改正後重新整理出每個屋邨曾經參與建造及安裝食水喉工程的工人清單，並列作這份證人供詞的附件一。據我向伍克明先生了解，這些工人當中，沒有持牌水喉匠，但都領有水喉工程大工或中工牌。

14. 負責監督相關工程的人是伍克明先生及「明合」派駐這 6 個屋邨的駐地盤管工。「有利」駐地盤工程人員負責監督伍先生和水喉工人的工作及不定期向我匯報水喉安裝工程的進度和施工質素。

15. 我透過「明合」副總經理黃麗英小姐找出其中 5 個屋邨建造時「明合」向房屋署則師呈交的工程項目公司架構表 (project organization chart)，並列作附件二。...

黃小姐：主席，係喺第 63 頁。

...剩下的元州邨第二及四期的架構表則未能找到。雖然下列人士在「明合」公司架構表上顯示的職銜是 Engineer (工程師)，但實質上即是我在本文中所說的駐地盤管工。就此我亦詢問過伍克明先生，他向我確認無誤。

<u>地盤名稱</u>	<u>負責管工</u>	<u>現況</u>
元州邨第二期及四期	Mr. Alex Poon	已離職
清河邨	Mr. Alex Poon	已離職
欣安邨	Mr. Gary Lee	已離職
石硤尾邨第二期第 5、6 座	Mr. Gary Lee	已離職
牛頭角下邨第 1 至 5 座	Mr. C.F.Ching	
彩福邨第 9 至 11 座	Mr. C.F.Ching	

16. 正如我在「有利」的證人供詞第 4、5、11 和 19 段所述，...

黃小姐：主席，有關頁數係 I1，80 頁、84 頁、同 90 頁。

...「明合」主要是透過安排水喉分判商向「房屋署」則師送審焊料、監察水喉分判商在樣辦房安裝水喉時所用的物料和安裝位置是否符合合約要求、日常巡查分判商工人施工情況，以及到分判商在地盤的工場作突擊檢查來確保分判商遵守合約規定。

Q17. given your answers to the matters in the preceding paragraphs, explain to the best of Ming Hop's knowledge how Plumbing Materials containing lead came to be used in the Affected Estates and also why the use of the same had been allowed and overlooked

17. 我對這個問題的看法，已經在「有利」的證人供詞第 22 至 31 段解釋過，不再重複。

黃小姐：有關頁數係 I1，92 至 94 頁。

Q18. describe the measures and quality control system in place and/or any other recommendations (after the discovery of excess lead in drinking water) by Ming Hop in order to (a) address the health concerns of residents of the Affected Estates, (b) to comply with the statutory requirements and standards in drinking water and (c) to ensure the safety and quality of drinking water supply. Please also state any other recommendations Ming Hop has in relation to (a), (b) and (c) above and on how similar incidents may be avoided in the future.

18. 這個問題我在「有利」的證人供詞第 32 段已回答，不再重複。

黃小姐：有關頁數係 I1 95 頁。

屬實申述

本人相信本證人供詞所述事實屬實。

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黃天祥

2015 年 11 月 10 日

主席：繼續吖。

黃小姐：係，唔該，主席。

問：黃先生，你是否同意、確立呢兩份書面證供作為你喺呢個研訊入面嘅



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證供？

答：我同意，係確立。

問：我剛才讀過關於你呢兩位書面嘅證供，你聽完之後，有冇嘢需要更正？

答：冇。

問：你願意採納作為你喺呢個聆訊入面嘅證供？

答：我願意。

問：有幾個範疇我係想進一步向你作出提問。首先，我哋睇番你 I1 口供紙，第 93 頁，第 28 段。呢度就提到話有個別房屋署工程人員其實係會要求啲焊料送審嘅，同時亦都話明合會要求啲水喉分判商去購買一啲焊料樣辦交界房署則師審批，同埋有利審批，水喉分判商亦都要喺樣辦房向房屋署工程人員示範燒焊工序，你呢度就提到呢樣嘢。呢度我就想有啲提問，我相信你係咪有機會睇過你前任員工持牌水喉匠伍克明嘅補充證詞？係昨日先至提交。

答：我睇過。

問：你係有機會考慮過，同埋同意入面補充證詞嘅內容，係咪？

答：我同意。

問：咁伍先生就住四件事就作出回應，但係其後呢--其實我淨係想帶你去兩項事項嘅啫。我就想帶你去睇睇伍克明補充證詞嘅第 6 段。

黃小姐：主席，呢份證詞補充證人供詞係昨晚先至提交，所以係未有頁數。

主席：有啲嘞，已經好似。

許偉強先生：應該係 P1 Item 5。

主席：係呀。226 至 253 咁嘛。

黃小姐：唔，唔該。

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問：而呢份證人詞呢，先睇第 6 段。6 段就提及到，第三行開始，就話喺有利嗰度，係取得一啲 2009 年 3 月 27 日喺彩福邨樣辦房內房內示範焊接銅喉嘅照片紀錄，咁入面就提到有個附件九。個照片亦都顯示當時房屋署工程人員係向佢哋示範緊使用焊料，係 FRY (Grade 99c) 無鉛錫線。咁我就想帶你去睇睇伍先生附件九嗰度。

黃小姐：好抱歉，主席，我就冇個頁數，但係就喺嗰個附件九嗰度。

主席：唔。

問：附件九，就係 239 頁，唔該。呢幅相片就係根據伍克明先生口供紙上面--補充口供紙，就話係彩福邨向房屋署作出示範，或者 demo 嘅相片。我哋睇見嘅相片日期顯示，個拍攝日期係 09 年 3 月 27 日，睇到？咁我就先想問問你，首先，相片係點樣搵番出嚟？

答：呢啲相片係我啲同事喺上個 weekend，喺我哋有利公司個 server 裏面搵番出嚟。

問：係。呢啲相片就顯示到有啲工--除咗有啲水喉嘅物料之外，如果你睇由 (1) 去到第 (9)，個相片 number (9)。相片 (9)，就顯示到有個工人就喺度做緊一啲接駁、焊接銅口嘅動作，你見唔見到，第 (9)？

答：係，見到。

問：而喺相片 (11)，就見到有一罌黃色嘅罐裝喇，咁就係顯示佢係用緊一啲松香膏喺度抹緊啲銅喉，係咪？

答：冇錯。

問：而我哋再睇相片 (17) 至 (20)，同埋 (33) 至 (39)，都睇到呢個燒焊嘅程序，係咪？

答：冇錯。

問：(21) 同 (23) 就可以見到係用緊一啲-- (21) 同 (23)，245 頁。就可以見到一啲用焊接物料喺度接駁緊一啲喉管嘅，係咪？

答：正確。

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問：我哋就見到有個彎彎地嘅錫線。而相片(26)，係見到有人係擱住個水平尺喺度度緊個條喉，咁呢個人你所知係咩嘢人嚟㗎？

答：個同事向我了解--同我講，呢個係一個房署人員嚟嘅。

問：房署人員？

答：係。

問：好嘞，咁相片(28)嗰度，就顯示有人擱住一罌黃色嘅“POWER FLUX”，松香膏，同埋一個無鉛焊接物料係綠色卷線，寫住一個“FRY”牌子，Grade 99C Lead Free 嘅，睇唔睇到？

答：睇到。

問：咁你所知，知唔知道邊一個擱住呢啲物料？

答：我同事幫我搵番一個前同事，佢同我證實過呢位係蕭健煌先生嚟嘅。

問：蕭健煌先生？

答：係。

主席：Sorry，即係第幾多號相話？

黃小姐：第(28)。誒...

主席：即係嗰位人士就係蕭健煌先生？

黃小姐：蕭健煌先生。

主席：得。

問：咁我哋再睇(29)同(31)個圖片，就好清楚呢個焊接物料個牌子係乜嘢嘞，係咪？影得好清楚，係“FRY POWER FLOW Lead Free Grade 99C”，卷狀嘅。

答：係，正確。

問：另外，我哋頭先亦都提及過，由(33)、(34)、(35)、(36)、(37)、同(39)，其實係可以顯示嗰個做緊燒焊呢個程序，同埋用緊一啲焊接嘅物料嚟到做緊呢個工序。係咪？

答：正確。

問：黃先生，點解會有呢輯相片嘅呢，你所理解？邊個拍嘅呢？

答：我搵唔番邊一個同事拍嘅，因為佢哋拍完之後，download 咗個 server 度，年代咁久遠呢，我就唔知道邊個同事拍嘅。但係據我個了解，係有陣時喺地盤前線工作嘅人員，即係佢哋會為咗教啲新嘅人，咁就會叫我哋啲判頭做一個 demo 畀佢睇，睇下工序點樣做法。咁我估計喇，我估計呢個都係類似嘅情況。

問：係。做緊呢啲工序嗰啲工人，你所理解，係屬於邊一--係咪你自己啲工人，定係蕭健煌啲工人？

答：據我所了解，同事同我講，因為其實我哋本身工人係唔識做水喉嘅，呢個應該係蕭健煌先生或者佢啲工人--同埋佢啲工人嚟嘅。

問：明白。呢個就係第一個範疇我想問你。第二個範疇，我想帶你去有啲文件，就顯示有四個屋邨係有上交一啲焊料畀房屋署審批。首先，我想帶你去清河邨先。

你個口供供詞，就喺你 I1 80 頁第 4 段，第 4 行，同埋第 93 頁，第 28 段提到嘅。我哋先睇睇清河邨先。清河邨首先我想帶你去 B14.2 第 324 項，36595 頁。36595。我哋睇到呢個就係--左上角就寫住個 "Contract Title" 就係 "Construction of Fanling Area 36 Phase 1"，個 date 就寫住 2007 年 11 月 2 號，係咪？

答：係。

問：呢個係由你哋提交㗎，from Yau Lee。

答：係，正確。

問：而我哋睇一睇個 Brand 嗰陣時，你哋提交嗰樣嘢，個 "Materials Description" 就寫住 "Fry Flux & Solder Wire" 嘅，係咪？

答：係。

問：而呢個物料，係咪就係頭先所提及到話無鉛嗰個物料？

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答：係。

問：呢個就係清河邨。第二份，我就想帶你去睇--而呢份文件--對唔住，呢份文件就係其實遞交界房屋署作為 sample submission 嘅，係咪？係咪遞交界房屋署？

答：係，冇錯，係。

問：而呢啲物料係當陣時候，係經由你嗰個承判商託你交界房屋署嘅，係咪？

答：呢啲通常嚟講就係，個物料係由我哋個判頭，即係我哋嘅三沙。

問：三沙？

答：三沙，即係可能係莫海光先生。清河邨應該係--之前可能係森記工程先。

問：係。

答：嘍，跟住就交界我哋地盤同事，再轉交界房屋署。

問：係。我哋一陣會睇番森記嗰啲有關嘅 purchase orders。但係我想同你 go through 呢四個屋邨先，然後再返轉頭睇一啲 purchase orders。

第二個屋邨就係呢個彩福邨，咁我哋睇睇文件係 B12.3，第 31738 頁。我哋同樣地睇到個 "Contract Title"，就係寫住 "Choi Wan Road Development Site 3B"，呢個講緊係第三期--第 3B--Site 3B，同埋第一期㗎。

答：係。

問：唔該。呢個地段係講緊彩福邨個地盤，係咪？

答：正確。

問：同樣地，嗰個日子，我哋見到 2008 月（年？）8 月 7 號遞交㗎，個日期。

答：係。

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問：而嗰個“Materials Description”喺 i(1?) 嗰度，“General Information”嗰度，就寫住“‘Fry 99C’ Lead-free solder wire & ‘Fry’ Powerflow Flux”。嗰度就寫住係“Copper Pipework Jointing”，係咪？

答：正確。

問：而下面就亦都詳列咗呢啲 manufacturers name and address，同埋個 supplier，就寫住係“Prosperity Building Materials Co. Ltd”，即係雋景，係咪？

答：係。

問：同樣地，我哋再跳到去第 32017 頁。32017 頁。呢度都係講緊同一個地盤，彩福邨。嗰度亦都係話提交一啲 Material Submission，見唔見到？

答：見到。

問：嗰度就係由你哋嗰個 Site Agent P.S. So 代表有利提交㗎。

答：係，冇錯。

問：咁我見到嗰個 cc 嗰度，就有提到話“Site”同埋“YL Head Office”，Site 係咪講緊嗰個地方，個地段？

答：冇錯，正確。

問：咁“with enclosure”，即係其實包埋附件喇，係咪？

答：係。

問：咁我哋睇附件嘞。附件如果睇個表上面，上面數落嚟第七項。上面數落嚟第七項，見唔見到“FRY 99C”？可能有啲困難，但係好細隻。

答：見到，見到，係。

問：咁同樣地都係講緊呢隻無鉛嘅錫線料，係咪？

答：係，正確。

問：然後我哋再睇欣安邨，就喺 B11.3，第 28003 頁。咁我哋睇到，首

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先個表上面寫住 “Test Report (Material) by Laboratories”。咁就寫住係 “From Yau Lee”，然後個 Subject 係 “Sample submission with test report”。

答：係。

問：我哋睇番第三項嘞。Material item list 嘅第三項。睇唔睇到嗰個 “Lead Free Solder Wire and Flus”呀？

答：睇到。

問：同樣地，都係講緊係無鉛嘅錫線喇，係咪？

答：係，正確。

問：然後我哋再睇 28004 頁，我哋就睇到呢個係寫住 “Construction of Ma On Shan Area 86B”，呢個係咪講緊欣安邨個地盤？

答：係，正確，冇錯。

問：同樣亦都係由你哋遞交上去喇。呢個就我哋睇到個日子係 2009 年嘅 1 月 15 號，係咪？

答：係。

問：如果我哋睇 28008 頁。28008 頁，睇到個日子就係 2009 年 1 月 15 號嘅，咁同樣個地段。我哋睇中間嗰啲相片，有一罐罐啲喇，同埋啲錫線箍住一卷卷啲喇。

答：係。

問：都係講緊無鉛錫線嘅，係咪？

答：正確。

問：然後第四個地段，係石硤尾邨第二期。請揭去 B8.3, 19881 頁。19881 頁。我哋睇到呢個左上頭寫住 “Construction of Public Rental Housing at Shek Kip Mei Estate Phase 2”，即係石硤尾邨第二期，日子就 2010 年 5 月 31 號。

答：係。

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問：亦都係由你哋遞交上去喇，有利，係咪？

答：係。

問：而嗰度個“Materials Description”就寫到明係 “Fry Lead Free Solder Wire”。

答：睇到，正確。

問：同埋嗰個 location 就係話個地段--即係地點用呢，就係“Copper Pipe Connection”？

答：係。

問：同樣我哋睇到個 supplier 亦都係雋景嘅，“Prosperity Building Materials”，睇唔睇到？

答：係。

問：而我哋睇 19883。睇睇 19883 頁。下面就有個叫做“Mr. C.S. Hsih, Project Clerk of Works”簽咗，即係話已經睇咗有關嘅 materials sample，係咪？

答：係。

問：而 19884 頁，我哋亦都睇咗嗰個“APPROVAL LABEL”，嗰度個 Description 亦都寫住 “Fry Lead free Solder Wire”。

答：係。

問：簽名嗰個，就係房屋署啲人員簽喇，係咪？

答：係，正確。

問：而有關嘅牌子，同埋嗰個無鉛錫線，就喺 19885 頁嗰度睇到。

答：係。

問：就綠色包裝嗰個喇，都係“FRY”牌子，Lead Free，係咪？

答：係，正確。

問：而 19886，就係雋景寫住一張類似證書嘅嘢，然後就夾住一啲有關嘅



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test report 咁樣嘅嘢。

答：係。

問：咁呢份嘢係喺咩嘢情況下做出嚟，你知唔知？

答：呢份嘢據我所了解，係由明合問呢個雋景去攞，索取。

問：明合同雋景索取？

答：係，冇錯。

問：點解呢？

答：據我所了解，因為佢有陣時不時會睇下佢嗰個材料有冇改到，個要求有冇改到，所以佢哋就喺嗰段時間佢就攞咗呢個--問雋景攞咗呢個 catalogue 睇睇，睇下最 update 嘅 information。

問：係。麻煩你，黃生，可能大聲少少。

答：哦，好，好。

問：所以我哋一路睇，由 19886、19887、19889、19890，一路打後去到 19895 嗰度，都係有關啲 test report，係咪？

答：正確。

問：咁我就見到係有啲 chop 印喺度，係有利，你有啲同事簽落去，咁就叫 SQCC 嘅。

答：係。

問：即係我哋是但睇一版，19895 嗰度，咁嗰度就有個 chop 印喺度。咁就“SQCC”係代表啲咩嘢？

答：佢係 Structural Quality Control Coordinator。

問：Structural Quality...

答：Quality Control Coordinator。

問：...Control Coordinator?

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答：係。

問：咁佢個位置係咪即係等於你--早前我讀你份口供 AQCC？

答：係，冇錯。

問：即係 Architectural...

答：佢哋兩個都係屬於係 QCE，即係 Quality Control Engineer，  
或者 manager 下面嘅手下嚟嘅。

問：係。

答：係。

問：我哋嚟緊就睇到有一份係 19896，就有一份似乎係雋景自己提供嘅文件嚟嘅，嗰度就列明「FRY 松香膏及無鉛錫線」、「房署及建築署項目」，咁就寫住“HKHA & ASD Projects”。嗰度下面就有列出你哋有利建築，係咪？

答：正確。

問：咁個意思係咪即係話呢啲無鉛錫線，亦都提供畀你哋喺就住呢啲屋邨裏面使用？

答：我相信呢個係雋景嘅 job reference 嚟嘅。

問：Job reference。

答：因為喺我哋嗰行係好常就睇下有冇邊啲地盤以前係做過同類型嘅工程，咁我相信呢一個係雋景畀我哋嘅 job reference 嚟。

問：係。同樣地，後面由 19897、19898、同埋 19899 至 19900 頁，都顯示有關呢個 test report。就住呢個牌子嘅無鉛錫線個 test report，係咪？

答：係。

黃小姐：主席，或者會唔會而家係一個適合嘅時間？

主席：好呀，我哋早休二十分鐘先，唔該。

上午 11 時 37 分聆訊押後

上午 11 時 59 分恢復聆訊

出席人士如前。

主席：繼續，係，Ms Wong。

有利建築有限公司（“有利”）（總承建商）及明合有限公司（“明合”）（有利分判商）第一證人：黃天祥（（有利董事長、明合董事兼總經理）（元州邨第二及四期、清河邨第一期、彩福邨、欣安邨、牛頭角下邨第一期和石硤尾邨第二期））宣誓繼續作供  
黃小姐繼續主問

問：麻煩你，黃生，我就會去第三個範疇，係關於有關有啲陳述，係蕭健煌同埋莫海光先生作出。我而家會帶你去首先蕭健煌份口供先...

主席：可唔可以大聲啲講？

黃小姐：好，主席。

主席：好，唔該。

黃小姐：第三個範疇，主席，我會係帶黃先生就去蕭健煌嘅口供紙同埋莫海光嘅口供紙。

問：咁裏面就作出一啲陳述，我就想向你指出，同埋睇下你個回應。首先我就想帶你去蕭健煌嘅口供，就係喺 O3 第 10 頁第 7 段-- O1，第三項，第 10 頁第 7 段。蕭生就喺佢份口供紙就提到，最起碼三行，就提話「就彩福邨項目而言，明合從來沒有告知或者指定恆利購買任何一款『小五金』物料嘅牌子或規格，包括焊料，亦從未曾提議本人從哪裏購買焊料等小五金物料。」

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好嘞，我哋頭先今朝早就睇過一啲相片，就係伍克明嘅補充口供紙夾住附件九入面嗰啲相片。就住呢樣嘢，或者蕭健煌第 7 段所提及呢個陳述，你有咩嘢回應？

答：我唔同意蕭生呢個陳述。因為喺幅相裏面，同埋我都問過我啲同事，幅相裏面揸住嗰罐無鉛焊料嗰個人係蕭先生嚟嘅，所以蕭先生應該好清楚房屋署喺嗰個合約裏面係需要買邊種牌子嘅焊料嘅。

問：係。而佢係揸住綠色嗰罐、鑄嗰罐，同埋黃色嗰罐松香膏，係咪？

答：正確。

問：而佢亦都有份係在場向呢啲屋宇署人員示範點樣做？

答：係，向房屋署人員示範嘅時候佢已經在場喺度。

問：好嘞，第二段，我就想帶你去蕭健煌先生嘅第 11 段--或者先去 10 段先，嗰度就提及到，尾嗰兩行，就話「根據記憶，彩福邨項目嘅『辦房』應該係位於三樓，而『辦房』樓層係由開工至通過批核大約需要 2 至 3 個月。」佢呢度就其實提到一個「辦房」，係咪？

答：唔。

問：以你所知，頭先嗰啲相片，所謂嘅 demon，係喺邊度做嘅呢，其實？

答：應該喺辦房裏面做。

問：係。第 11 段入面就提到，「房屋署職員係唔會特別要求工友示範焊接銅喉。但如果工友焊接時，有房屋署職員巡經並觀看到其工作，則並不出奇。」呢度就提到佢都有反對，或者係有質疑到，有時可能會有啲房屋邨職員巡經同埋係觀看到工作嘅。咁呢度，你除咗佢所講嘅嘢，你有冇其他特別想回應？

答：呢一個示範的而且確唔係個個地盤都有嘅，不過喺彩福邨呢個工程裏面，係我哋嗰啲同事係確實係有向房屋署職員做過呢個示範嘅。

問：係。

主席：呢個示範其實係一個例外嘅情況抑或--即係係一個 exception 就多過係一個正常嘅情況嚟嘅？

答：據我所了解，就係真係唔係個個地盤都做嘅。咁有陣時--同埋呢個係一個好--其實好 informal 嘅 process 嚟嘅。因為有陣時係下面地盤嗰啲 clerk of works，我哋俗稱「幫辦」，係為咗了解多啲工序，或者係為咗教佢下面嗰啲 WS，即係嗰啲叫做 works supervisor，佢就會叫我哋啲同事去做一做呢個咁嘅示範。咁呢啲通常唔會有任何文字嘅紀錄嘅。咁佢係叫咗我哋，咁我哋同事咪安排去做。喺呢個 case，我諗係呢個情況。

問：好嘞，去到第 19 段，蕭健煌先生嘅口供紙就話「喺鉛水事件之前，本人係從未見過卷狀嘅錫線或者係牌子名為“FRY”嘅錫線。據本人所知，香港港 80 年代尾左右開始有使用銅製喉管作熱水供應，當時係使用『攞枋』接駁，而不是以焊接駁嘅。」咁就話自己分唔到呢個焊料係錫條定係卷狀錫線之分，亦都分唔到焊料係有含鉛定有含鉛之分。你對呢一段蕭生所講嘅陳述有咩嘢回應？

答：我諗佢未見過，我唔會同意囉。

問：其實今朝早我哋睇啲相片，好清晰睇到嗰個綠色卷係寫住“Lead Free”㗎喇，係咪？

答：係，冇錯。

問：係無鉛㗎喇？

答：係。

問：31 段。31 段第二行就提及到，「本人及恆利從未被要求提供焊料作審批之用，亦從未提供卷狀錫線給有利或明合。本人及恆利並冇概念何謂『符合房屋署要求』嘅焊料。」咁你對呢一段又有冇特別回應呢？

答：我唔同意。

問：唔同意？

答：嘍。

問：咁個理由都係因為...

答：佢頭先啲相嘅，嘍。

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問：啲相。第 34 段，同樣地佢亦都提及到，「本人及恆利從未被明合或任何人要求提供、亦從未提供松香膏或卷狀錫線，以用來製作『樣辦板』。」你對呢一段又有冇回覆呢？

答：我唔同意。

問：咁 in fact --即係我哋睇到啲相片，咁嗰個人揸住嗰兩罐嘢都係蕭健煌，係咪？

答：係。

問：我哋睇完蕭健煌之後，我想帶你去睇睇莫海光嘅口供。但係我未睇莫海光嘅口供之前，我想令你記起之前你個口供，有利嘅口供，第 9 段，I82 頁-- I1, 82 頁，第 9 段，呢度就提及到莫海光先生就負責五個屋邨。

答：正確。

問：其實有關清河邨嘅第一期，佢係承判--即係佢承接咗森記去做嗰個工程喇，係咪？

答：係。

問：而森記係因為工程進度欠佳，所以由佢去接手？

答：正確。

問：其實吳克明喺個補充證人供詞，昨天嘅補充證人供詞嘅第 7 段嗰度就提及到啲嘢嘅，咁我就想帶你去睇睇莫海光嘅證詞，P1, 227 頁；P1, 227 頁第 7 段。伍克明先生就提到話佢好奇怪，點解話--莫海光就話自己唔知啲焊料係含鉛，因為欣安邨同埋石硤尾邨第二期其實都有文件證明係曾經將焊料送審；係我哋今朝早睇過嗰啲有關文件；而根據當時欣安邨嘅地盤負責人員亦都確認，送審嘅無鉛焊料樣本亦都係由莫海光提出嘅。

好嘞，我哋睇睇清河邨，佢亦都繼續講話，就話當陣時候接手呢個清河邨地盤嗰陣時，森記係進行過交收同接收未安裝嘅水喉物料。佢話嗰陣時就記得森記係正係喺度安排呢啲物料，運走呢啲物料，當中就包括有呢隻綠色包裝嘅 FRY 99c 無鉛焊線嘅。佢當時就好清楚同莫海光講，就話房署批准嘅焊料係要根據雋景提供嘅發票同送貨單嘅，咁呢度就提出到係 S1, 61 至 68 頁。咁我就想帶你去呢啲文件

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嗰度睇睇嘅。咁呢啲文件就係周家平，雋景，夾住 Appendix B，第 59 頁開始。D。Attachment D 嗰度。Attachment D 就係 78 頁開始嘅——啊，哦，B，B。唔好意思，主席，我有啲搞亂咗。

主席：B 呀？

黃小姐：B。

許偉強先生：B for boy。

黃小姐：B for boy。

主席：59 頁。

黃小姐：係，59 頁。

問：如果我哋睇番 Appendix B，第 59 頁嗰度開始；首先睇第 60 頁先，呢啲單，發票，都係由雋景發出嘅，係咪？

答：聽唔到，唔好意思。

問：由第 60 頁開始，...

答：係。

問：...呢啲發票都係由雋景發出喇？

答：係。

問：我哋先睇 60 頁，呢個發票係致莫海光先生嘅，係咪？

答：係，正確。

問：而下面就寫住「元洲街」，咁個日期就 07 年 4 月 20 號嘅。

答：係。

問：呢個就另外一個地盤。

答：係。

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問：如果我哋再睇，係由 61 頁開始，咁呢度係講緊「粉嶺 36 區一期」。

答：係。

問：呢個係清河邨，係咪？

答：冇錯。

問：咁由 61 頁開始睇，我哋。由 61 頁，嗰度寫住「現金銷售」，...

答：係。

問：...個日子就 2008 年 7 月 24。我哋亦都睇到個買嗰個貨品名稱其係「英國 FRY 無鉛錫線」，係咪？

答：正確。

問：嗰度清楚寫到明「無鉛錫線」，「120 網」，係咪？

答：係。

問：講到明送貨地址係「粉嶺 36 區一期」。

答：係。

問：而呢個地址就係呢個清河邨？

答：係，正確。

問：然後我哋再睇 62 頁，都係「現金銷售」，...

答：係。

問：...2008 年 6 月 28 日，又係寫住「英國 FRY 無鉛錫線」，咁送貨地址都係「粉嶺 36 區一期」，係咪？

答：係。

問：然後就再睇 63 頁，嗰個送貨單個日期就寫住 08 年 6 月 28 號，都係現金銷售嘅，咁送貨地址都同樣係清河邨，係咪？

答：係。



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問：但係今次就有啲唔同，就係好明顯莫海光就喺嗰個送貨單度簽名嘅，係咪？

答：係。

問：我哋見到佢個簽名喇？

答：係。

問：另外，下一張，64 嘞。我哋睇幾張，一次過，64 頁、65 頁。65 頁就同樣地亦都有莫海光簽名，係寫住「無鉛錫線」喇？

答：係。

問：然後 66 頁。67 頁同樣亦都有莫海光嘅簽名喺度喇，...

答：係。

問：...係 08 年 8 月 23 號，都係送貨單，都係寫住「英國 FRY 無鉛錫線」，係咪？

答：係。

問：然後就去到 68 頁嘞，2008 年 9 月 2 日，同樣又係現金銷售，都係寫住「FRY 無鉛錫線」，亦都係送去呢個清河邨嘅。

答：正確。

問：好嘞，我哋睇晒啲文件之後，再睇番莫海光份口供，佢文--口供就喺文件夾 M，係，M，就第 9 版開始，請你係去第 21 段。

答：係。

問：好嘞，呢度就提及到，佢當時話「喺受影響嘅項目中，永興以錫條作為食水銅喉嘅焊料為多，但也有用於錫條缺貨時使用卷狀錫線為焊料。本人從不知道焊料可能會含鉛，又或者焊料有含鉛或不含鉛之分。」咁就話自--據佢自己所知，就係行家一路沿用開市面上嘅錫條作為食水銅喉嘅焊料。

我想帶你去睇，一次過睇幾段先。

答：好呀。

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問：然後 22 段。

答：幾多段？

問：22 段。

答：22，係。唔。

問：佢就再提到「鉛水事件之前，本人」，莫海光先生就話「沒有想過亦不知道錫條和卷狀錫線的成份，以及兩者有沒有含鉛。本人也不知悉任何有關英國標準等指標。據本人了解，一般行內的工友也沒有『焊料是否含鉛』這方面嘅概念同認知。」

好嘞，仲有一段我想你睇，第 35 段。35 段，佢就話「本人知道明合係需要把某些水喉物料呈交房屋署作審批，但並唔知道審批嘅標準同內容，亦唔知道焊料是否需要接受審批。本人並不記得永興曾否被要求呈交、或主動呈交任何有關焊料嘅樣辦，亦唔記得曾否提供卷狀錫線給有利或明合。本人及永興並沒有呈交過證書或測試報告供審批用。本人及永興並冇概念何謂『符合房屋署要求』嘅焊料。」

好嘞，睇晒呢三段嘢，你有冇咩嘢特別嘅回應？

答：我唔同意佢嘅講法。因為喺伍克明嘅證供好清楚顯示，清河邨交接嘅時候係清楚話咗畀佢聽係要用 99c 嘅。

問：係。

答：我過往同其他同事，地盤，再講番，喺欣安邨嘅同事好清楚話畀我聽，其實佢係--當時莫海先生親自將 99c 交畀佢。

咁我亦都去現時嘅地盤再查證過，因為我哋其實而家其實同房署都做緊係安達臣道 Site E 嗰個地盤嘅。咁我都問過我地盤嘅同事，嗰個 AQCC，佢都同我講，係莫海光親自交罐“99c”畀佢，所以我好相信莫海光先生係應該知道佢係用咩嘢材料嘅。

問：唔，...

主席：我想問一問你，你打斷個...

答：係。

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主席：Anderson B，安達臣道...

答：E，主席。

主席：E？

答：係。

主席：係幾時--而家做緊嘅？

答：係，應該呢個--兩個月嘅會交貨嚟嘞。

主席：交貨？

答：係。

主席：咁係幾時開工？

答：大概三年前左右嘅。

主席：即係2012、13？

答：係，咁上下時間。

主席：2012、13年，嗰陣時就安達臣--即係換句話講都仲--呢一個工程都係永興做水喉？

答：係，都係我哋有利做 main con.，明合做 subcon.，永興係做呢一個水喉，即係一樣，基本上嗰個。

主席：喺呢一個安達臣路（道？）呢一個地盤，咁就係根據你嘅同事講，就係莫海光將嗰啲焊線嗰啲樣辦就交界你哋明合，就明合就交去畀有利，有利交界房署，係咪咁嘅意思？

答：我嘅同事同我講係莫海光親自交界佢嘅，呢個 AQCC。

主席：係，AQCC 係負責...

答：即係接收呢啲、做呢啲材料嘅整理，同理畀房署審批嘅工作。

主席：呢個係喺二零一三、一四年咁上下？

答：係嘞，即係喺二零、兩年前嘅事嘅，應該係。

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主席：唔，好呀。咁呢個 AQCC 叫咩嘢名？

答：Leo，Leo Tam，Leo Tam。

主席：Leo Tam，得，好呀。佢仲有同你哋做啲嘛，係咪？

答：佢仲有同我做緊。

主席：唔，好呀。唔該。

問：好。黃生，咁睇晒呢兩份口供，你同唔同意蕭健煌代表恆利同埋莫海光先生代表永興都知道係要用乜嘢嘅焊接物料？

答：佢哋應該好清楚。

問：佢哋都應該好清楚係需要啲無鉛嘅物料？

答：房屋署需要啲無鉛嘅物料、無鉛嘅焊料。

問：就住佢哋嘅陳述，你係認為唔正確嘅，係咪？

答：佢哋嘅陳述係唔正確嘅。

黃小姐：主席，我就最後嚟緊可能仲有兩個範疇。第四個範疇就關於有利一份提交畀房屋署嘅報告，係 2015 年 9 月 14 號，B7.4，第 17873。

問：你有嗰份文件喇呵，黃生？

答：係，有。

問：呢份就係--即係發生呢個鉛水事件之後，你哋提交畀房屋署嘅報告，係咪？

答：係。

問：如果我哋睇 17877 頁，就提到呢個 76 釵嘅問題。

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答：係。

問：我就想你解一解，譬如第二段嗰度，解一解嗰 33 釐同埋 43 釐，點樣得出嚟嘅，嗰個數目？

答：呢個係我同啲同事事後分析嘅。我想首先澄清呢個係一個約數嚟嘅啫。因為我哋收畀同同事去做過啲少少嘅測試，咁睇下啲有鉛、無鉛嘅焊料，究竟嗰個速度係快慢幾多。咁我哋得出嚟嘅結果，就係如果係有鉛嘅，就會燒快少少嘅，無鉛嘅會燒慢少少。但係如果無鉛嘅焊料，用啲高溫嘅槍、高溫嘅氣，兩個差唔多，係速度差唔多。所以我覺得如果要比較嗰個價錢嘅話，應該係 apple to apple 嚟講，就應該要用番高溫嘅槍、高溫嘅氣加埋無鉛焊料咁去比較。咁我哋得出嚟嘅結果，大概嚟講就係如果淨係個物料、焊料本身，每一伙睇咗 33 釐左右，而係高溫槍、高溫氣，個成本，嗰個大概係四十零釐左右，所以得嚟就係七十零釐。但係我想強調呢個係一個約數，因為其實唔同時間，個價錢會唔同，你啲喉嘅大細會有唔同。

問：係。

答：但係我再想強調，其實係有利同明合其實都有呢個 intention 去做一啲--畀一啲唔合規格嘅事，因為其實個錢其實係相對嚟講係比較--比較好細、好細嘅。

問：因為有啲指控就話啲承判商為咗慳嗰 76 釐，每伙--當然即係如果為起成幾十伙嗰陣時，就講緊有幾十萬嘅差別，所以係為咗慳嗰幾十萬，咁所以就擺隻有鉛嘅物料。你對呢個指控有咩睇法呢？

答：我唔係好清楚佢哋點解佢哋咁做，因為其實個--相對佢哋嘅合約嚟講都係講緊一千、幾百萬一個，同埋我哋亦都好多長遠關係，做咗好多年，所以其實我都理解唔到點解佢哋會咁樣做。

問：係。咁就最後一個範疇，我就想問一問你，就係有關係呢個研訊入面有啲證詞，我就想問問你係關於樂素芳（芬？）嘅證據。佢當陣時候--或者我讀畀你聽，係 11 月 25 號，2015 年 11 月 25 號，第 88 頁，中文嘅謄本；88 頁，R 至 U，...

答：對唔住，我未有，嘎。

問：我讀畀你聽。

答：哦。

問：嘎。樂素芳（芬？）女士就曾經提到，就話佢話其實就主要就話畀嗰啲 foreman，即係睇--關於嗰個示範，喺個樣辦房度示範嗰樣嘢，Ms Rosa Lok 就曾經提到，如果係牽涉到呢一個 soldering joints 話要做 demonstration，佢係從來都有聽過。我哋所知，樂素芳（芬？）就係其實係亦都係就住彩福邨呢個地盤係作出證供嘅。咁你對呢個講法又有咩嘢睇法呢？

答：我覺得一啲都唔出奇嘅，因為其實呢啲咁嘅示範係好前線嘅工作。頭先我已經講咗係唔會有一個 formal 嘅 submission 或者安排一個時間去做；可能係啲同事--即係佢哋前線、房屋署嘅同事要求我哋做，咁我哋做咗，又唔會有問題，咁就係咁樣。所以啲則師或者係總則師唔知道呢件事發生一啲都係唔出奇嘅事。

問：係。即係有可能前線啲同事做咗，冇話番畀佢聽咁樣，係咪咁嘅意思？

答：因為呢個示範，根本上我諗唔係一個好--點講呢？唔係一個好特別嘅嘢嘅，因為據佢哋--有陣時地盤會做咗畀佢哋自己睇，頭先講可能為咗教啲新嘅同事，亦都希望我哋有利嘅同事知道其實係點樣，清楚點樣做法。做完之後，咁就大家係有個 understanding，咁就算數，就未必會有正式嘅文件，所以佢哋上面嘅同事唔知都唔出奇，譬如我都唔會知道。

問：係，好。

黃小姐：主席，我嘅主問完畢。

主席：好呀，唔該。

黃小姐：唔該。

主席：係，Mr Khaw。

許偉強先生：係。

#### 許偉強先生盤問

問：黃先生，你喺證人口供度就都有提到你係 1997 年開始就擔任有利嘅董事長，大概係 1993 年就開始做明合其中一位董事嘅。

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答：係。

問：咁我想都同你理解一下，即係嗰個日常嘅運作嗰個情況，公司運作嘅情況。就係我想知，因為--我知道你都係有利同埋明合嘅高層，就住我哋而家講緊有利同埋明合都有參與興建嘅嗰六條屋邨入面咁講，日常嘅運作，我想首先問下，你個人會唔會--就住嗰六條屋邨嚟講，會唔會親身落去個地盤嗰度巡視㗎？

答：會。

問：都會嘅。大概幾耐或者隔幾耐去巡視一次？

答：真係冇定嘅。

問：冇定嘅？

答：視乎個地盤個進度，佢有冇咩嘢特別問題，但係以我做咁耐地盤嘅經驗，一般嚟講，即係呢個好平均數，一個月都起碼一次以上嘅。

問：一個月一次嘅？

答：係，即係以上嘅。

問：以上嘅。咁就通常係咪話有問題，你先會落去睇，定係話，啊，即係一般情況都會落去巡視下㗎？

答：兩樣情況都有，因為有問題梗係要去處理。

問：明白。

答：又或者係有陣時如果房署嘅高層會落地盤去睇嘅話，咁我事先都會落去睇下個地盤嘅狀況。有陣時我自己亦都係--時間上許可，我都會去係行下地盤嘅。

問：至於--例如主合同嘅制定，或者係我哋講緊有利同埋明合嗰個外判合同嘅制定，同埋嗰個明合同埋水喉分判商嗰個合同嘅制定或者係商討嘅過程，你自己有冇參與㗎？

答：通常嚟講，如果係明合同有利之間嗰個合約，就係有利嘅投標部負責嘅。咁嗰個就係由我哋投標部嘅 department 嗰啲同事去做。因為一般大家都係純粹係一個子公--即係兄弟--姊妹公司嘅關係，所以基本上佢哋係--差唔多佢哋安排晒，我就比較上係少去睇。

而明合同佢哋嘅三沙嘅合約主要都係黃小姐，我哋嘅副總經理同埋阿伍克明先生去處理嘅。

問：好。所以如果係咁講嘅話，啱唔啱呢，即係例如明合同埋水喉分判商佢哋日常嘅往來，咁就嗰方面你就唔會話有日常嘅參與嘅？

答：正確。

問：我睇到嚟你嘅證人口供度都有講過，或者我畀你睇睇，就係 I1 嘅第 90 頁。

答：係，唔該，得。

問：就住第 10 條問題，你入面都有講到就話，講出有邊啲嚟有利入面工作嘅職員，係就住嗰個地盤，嚟實際運作，係有參與嘅。

答：係。

問：你嚟入面都講過畀我哋聽，就係話有利都有一啲嘅屋宇設備協調員同埋品質控制協調員負責監控水管安裝工程嘅咁。我哋睇到入面亦都包括咗一啲 foreman，同埋剛才你講嘅屋宇設備協調員同埋一啲品質監控嘅經理，即係我哋都知道係嗰啲 quality control 嘅人士。

嚟你嘅第 255 頁，嚟呢一個文件夾嘅第 255 頁，我就見到你都好詳盡咁樣列咗啲有關人士，就住每一條邨，即係邊個有參與嘅，都嚟 255 頁嗰度列咗出嚟嘅。

答：係。

問：係咪？我想問一問就係你做呢個口供之前，有冇話去問過，例如嚟呢一個列表入面，佢哋有參與嘅人士，包括例如 building services coordinator、quality control coordinator 同埋一啲 quality control 嘅 engineer 咁，有冇話問下佢哋，「喂，願唔願意畀口供呀」咁樣？

答：我有問過。

問：哦，okay。點解呢？因為佢哋都有好直接嘅參與個嗰，嚟個地盤嗰度。

答：因為我諗個 Commission 係 ask for MD，managing director，咁就係我本人喇。



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問：係。

答：咁亦都因為我哋公司，我諗係有六條邨，所以涉及好多，所以我，即係我自己本人，應該去 Commission 作個解釋嘅。

問：明白。因為其實我哋出信畀有利嘅時候都有提過就係--當然我哋有問你畀口供，但係其實喺封信度，我哋都有同你提過，就話如果你覺得邊啲涉案嘅人士，佢哋可能有多啲直接或者親身嘅參與嘅，都可以叫佢哋--應該係搵佢哋嚟作供嘅，但係你就冇考慮過呢個情況嘅，當時？

答：我希望我可以答到晒 Commission 嘅問題喇。

問：好。另外我想問一問，就係關於剛才黃大律師所問你有關伍克明，即係持牌水喉匠。

答：係。

問：咁伍克明喺嗰個工程項目入面，我諗佢都可以叫做帶兩頂帽嘅，一個就係作為一個持牌水喉匠，另外佢都係明合嘅其中一個職員嚟嘅。

答：係。

問：咁就剛才我哋睇到，就係有關佢--你話嗰啲相，就係見到話有啲人喺度向房嘅職員作一啲示範燒焊嗰個...

答：係。

問：...工序嘅咁樣。

我睇一睇番呢個伍克明嘅口供，喺 P1 嘅 227 頁，第 6 段，其實剛才黃大律師--第 6 同埋第 7 段都有同你討論過嘅。第 6 段其中都有講嗰啲照片紀錄，咁我哋剛才都有攞過下嚟嘞。

答：係。

問：其中一個就係講話有啲人攞住啲“FRY”，無鉛嘅咁樣。我想問下你，就係你有冇見過，你有冇見過，莫先生本人？

答：你講我識唔識佢嘅？

問：係。

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答：我識佢。

問：你識佢嘅？

答：見過佢。

問：即係見過佢嘅？

答：係。

問：蕭先生呢，你有冇見過㗎？

答：蕭先生...

問：即係事發之前，我哋講緊今年7月之前。

答：我有印象，但係我唔係--因為佢做好少時間，我有印象，但係我唔敢肯定。

問：好。

答：唔敢肯定。

問：跟住第7段嗰度，我哋所講話--第7段就睇到伍克明先生都有講話，佢話「我好奇點解莫海光就話唔知道嗰個焊料可能含鉛，因為永興負責水喉工程嘅屋邨中，欣安同埋石硤尾第二期均有文件證明喺當時送達嘅焊料係啲」--即係有關“FRY”無鉛嘅咁樣；跟住呢度就講，「而根據當時欣安邨地盤負責人確認，送審的無鉛焊料樣本是由莫海光提供的。」

有冇同伍克明先生就係澄--即係大家討論過，呢位我哋所講嘅地盤負責人係邊位？

答：呢個係我一個前同事，佢係叫做仇志強先生-- sorry，對唔住，係仇志偉先生。

問：係。仇志偉？

答：係個 site agent 嚟嘅，係。

問：係。

答：佢唔喺嗰六個表裏面。

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問：佢唔喺個表入面嘅？

答：佢唔喺個表入面嘅。

問：佢嘅職位係...

答：Site agent 嚟嘅。

問：...個 site agent，係。

答：係，當其時。

問：好。有冇話--你同伍克明先生，有冇討論過話，啊，即係問下呢位仇先生，對於呢方面嘅證供？

答：我親自同仇先生通--打過電話，...

問：啊，你同佢講過嘅？

答：...我同佢通過電話，仇先生...

問：咁就...

答：係。

問：佢係確認有咁嘅情況嘅？

答：係。

問：係咪？

答：唔。

問：有冇話即係邀請過佢嚟畀口供咁樣？

答：冇，因為呢個係上--呢個 weekend 嘅事嚟嘅啫。

問：係，好。我想問下你，就係今年7月，即係呢個鉛水事件即係曝光之前，你對於我哋一路其實都傾緊嗰個--有關啲 contract specification，即係你哋同房署嗰啲--有關啲物料嘅規格，其中就係我哋常睇嘅，就係關於焊料嘅規格，入面係講話 BS 1254，又話 lead-free，講得好清楚嘅。呢方面，喺呢個規格，我哋講緊，純粹淨係就住呢個焊料嚟講先，呢方面嘅規格，喺2015年7月之前，你

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知唔知道呢樣嘢嘍？

答：我個人唔知嘅，...

問：你個人唔知嘅？

答：...但係我同事會知。

問：係。咁你就 2015 年 7 月之前，就住呢個有關焊料嘅規格，你有冇任何資料？知唔知道係，啊，要用啲--邊啲牌子等等，你自己知唔知道？

答：我唔清楚。

問：都唔知嘅。你一直以嚟，你知唔知焊料其實都有分有鉛同埋無鉛嘅分別？呢樣嘢，你知唔知？

答：我唔清楚。

問：唔清楚？

答：因為我--印象中聽過下，不過咁樣我唔敢--唔肯定。

問：你。你對於啲嘢焊料--因為我哋都知道你哋要呈交界房署，即係關於啲樣本嘅遞交，等佢哋可以審視、核准咁樣嘅。我哋知道你除咗遞交啲個焊料嘅實物之外，都會遞交一啲文件㗎嘛，即係可能一啲 test report，或者佢有啲產品嘅一啲介紹嘅單張咁樣嘅。啲嘢你自己有冇睇過㗎，之前？

答：冇，我同事處理嘅啫。

問：有同事處理嘅，好。

答：係。

問：我就想同你睇一睇有關啲嘢樣本呈交啲個情況，咁可能你唔知道個實質啲個呈交啲個過程嘅，不過我都想即係睇一睇其中有啲問題。

答：好呀。

問：咁就你知唔知道喺個 contract specification 嗰度，有關 PL1 同埋 PL2 嘅分別，你知唔知？

答：係有啲必須要交嘅，有啲就唔係必須要交嘅。

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問：係。呢個係你近期先至知道，定係你以前都知㗎？

答：我以前都知道。

問：係。喺你嘅口供入面都有講過，就係房署會有啲職員，即係向你哋要求提交一啲焊料嘅樣本嘅咁樣。我哋睇一睇你個供詞其中有兩段先。你嘅供詞嘅--首先我哋睇睇第4段先，喺80頁；I1，80頁。I1嘅80頁，第4段。

答：係。

問：麻煩你等一等，我哋要等個畫面可以睇到出嚟，我再問你。

係，第4段嗰度，我哋睇到--或者你睇下第三行開始，尾尾嗰度，寫住「焊料不屬於房屋署要求必須送審的項目，但個別『「房屋署』工程人員會要求將焊料送審。」首先我哋睇睇呢度。跟住第--如果我哋睇你另外有一段，就係93頁，28段，「首先在採購焊料方面，雖然錫綫...不屬於『房屋署』必須送審嘅項目，但正如上文提到，個別『房屋署』工程人員都會要求將呢個焊料送審。」我想問下，你記唔記得大概係幾時開始，你係收到呢啲咁嘅信息，就係話，啊，房署有職員係要求你哋呈交呢啲焊料嘅樣本嘅，即係實物嘅樣本？

答：我個人嚟講就有，即係我個人即係喺事後...

問：係。你知--你--嘎。

答：我係事後我先知嘅。

問：哦，即係你係呢一次鉛水事件曝光之後你先至知嘅，係咪？

答：係，冇錯。

問：我哋睇一睇其中--或者我睇一睇石硤邨，作為一個例子，有啲合同嘅訂明都講出咗係有關即係呈交樣本嘅目的或者佢有啲咩嘢重要性咁嘅。我哋睇一睇 B8.1，18951。咁我哋呢度睇到，就係可能喺中間落少少，見到“SAMPLES”，...

答：係。

問：...咁就“SAMPLES OF MATERIALS”，咁佢都有講到話就住個 contract manager，即係房署個 CM，contract manager，如果佢要求嘅話，都係要呈交呢個樣本；跟住仲有一度，佢話“and do not

confirm orders until Approval has been obtained.” 即係話「喂，唔好買啲啲料住，即係等佢真係啲啲樣本係核實咗之後先至好去買嘅。」

答：係。

問：所以--如果對你嚟講，呢個樣本嘅審視同埋呢個核准個程序，其實都係其中一個保障，希望確保第時嚟到啲啲物料係符合房署或者符合你哋大家合同嘅要求嘅，呢個你同意嘛？

答：同意，不過喺個地盤施工個過程裏面，有陣時我哋都因為用開啲隻，唔係--我唔係淨只焊料，有陣時有啲材料，我知房屋署都係要求係啲啲啲啲，咁我哋有陣時有機會訂咗先，都有咁嘅可能性。

問：可唔可以重複你剛才最後個度？

答：係。即係話合約上係咁嘅要求，咁我諗係保障雙方嘅，因為施工過程裏面，實際上過程裏面，我哋為咗想快啲進度，尤其是我哋做咗咁耐房署嘅工程，其實有陣時有啲材料，我哋知道都係用啲--呢隻啲啲，有陣時我哋會買咗都唔出奇--買--訂咗先都唔出奇嘅。

問：係，係。咁就至於我哋而家睇番，就係就住你話嚟到啲啲--審視咗啲 sample 嘞，審視咗啲樣本嘞，批核咗嘞，跟住嚟到嘅貨，即係啲物料嘅貨，咁我睇到你嘅證人口供就係講話因為即係焊料就可能以前就有咩嘢特別問題，都用咗好耐，咁所以你哋個--啲個--喺啲個現場，啲個地盤嘅監督嘅時候，就有特別再去 check 呢一個送嚟嘅焊料係唔係合乎啲個核准個 sample 嘅規格嘞，同唔同意？

答：唔可以咁講。因為其實根據伍克明先生同我--事後同我匯報，佢係有曾經去過地盤啲啲「架步」，即係好似 workshop，俗稱「架步」嘅地方，去睇過，佢哋有啲咁嘅正式嘅房署核准要求嘅錫線。咁佢都同我講，佢下面啲同事，唔係淨係伍克明先生一個，都曾經見過，咁所以佢係有 check，不過亦都可以--好坦白講，即係我哋唔係一個好 formal，即係好似我哋其他材料咁，有一個好 proper 嘅 record 去做呢件事情。

問：係。我知道伍克明先生有講到話佢曾經都喺即係啲個「架步」個度有見過係好似 FRY 無鉛嘅咁。但係我個問題就唔係話其實你哋有冇用過或者見過 FRY 無鉛；我係講緊成個機制，咁嚟講。

答：係。

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問：個機制就話如果你嗰啲焊料送到嚟現場嘞，你哋其實係有一個制度去現場檢視或者審視，「喂，嚟到嘅物料，係唔係符合呢啲規格」，係冇嘅，係咪？可唔可以咁講？

答：因為呢啲材料係嗰啲三沙收貨嘅。咁收貨之後，佢就會放--通常就放咗喺佢嗰個「架步」嗰度，咁我哋係冇去收到呢個貨。

問：係冇...

答：我哋冇去收佢呢個貨。我哋亦都有擺--冇要求佢擺任何嗰啲單據紀錄。

問：你同唔同意，即係作為有利同埋明合嘅高層，就係物料送達，符唔符合呢個合同嘅規格，符唔符合你當時可能大家核准咗嘅要求呢樣嘢，有利係有責任去確保送嚟嘅貨係符合標價嘅--係符合呢個規格嘅，同唔同意？

答：我諗我係同意嘅。基本上嚟講，即係我哋係有咁嘅責任。但係喺過程裏面，因為我哋呢班判頭，同我哋做咗好多、長時間，我哋都信賴咗佢。咁我諗我哋喺呢件事情上面，即係我諗我哋係有啲--警覺性係唔夠高。

問：就住我哋如果睇物料送達嘅時候，就我哋睇到似乎有一個特別嘅機制話去 check 嗰啲貨。呢個係第一點。第二點，就係話你哋都有要求我哋所講嘅三沙，即係水喉外判商，佢哋負責去採購，擺番嚟嘅話，擺到返嚟，喺個地盤嗰度，真係送達嘅時候，你哋都有要求話佢哋向明合或者向有利去匯報送達㗎嘛，冇要求嘅？

答：我哋冇要求，因為呢個過程係好快嘅。因為通常嗰啲貨送到去地盤之後，據我所--事後了解，就佢哋會喺個「架步」度就會好快脆散貨，切一截截，咁所以我哋係--呢個過程好快。

問：係。而呢個--即係可以咁講，就係話如果冇要求呢個匯報嘅話，其實佢當時，幾時一批貨，即係焊料送嚟，送咗啲乜嘢嚟，你哋就唔知㗎嘞？即係有利係唔知嘅？

答：咁但係我同事會 check 佢。我同事會行去地盤度睇到佢㗎嘛，應該嚟講。

問：但係，啱啱你講咗，係有一個機制，即係話送嚟嗰啲貨嘅時候你去--會去睇㗎嘛？

答：係，呢個材料本身嚟講，嗰個體積係比較細，咁亦都價錢都比較細，咁所以我基本上我都係--係--可以咁講。

問：明白。我哋睇一睇一啲例子。如果我哋睇下--首先睇下彩福嘅例子先。彩福邨，我哋知道就係--就住呢個 sample 嚟講，即係樣本嚟講，大家都有異議嚟嘞，都係用“FRY”嘅，即係呈交上去係用“FRY”嘅。咁我有個頁數喺度，係 B15.3, 38910, 不過我哋唔需要睇，因為之前都睇過好多次，就係呈交上去係“FRY”嚟嘅；但係送達嘅時候，如果我哋睇番啲單據，單據，如果我哋睇 I1, I1, I1 嘅 259. 259, 我哋都睇到就係 Prosperity, 即係雋景建材，係其中一個 supplier 嚟嘅，佢就應該係聯絡咗蕭先生，咁送咗呢批貨。呢個送貨嘅地址就係「彩雲」，即係我哋而家所講嘅彩福邨，當時嗰個工程嘅咁。咁我哋見到到呢個發票入面都寫得幾清楚嘅，就係寫住「英國 50 力扁錫條」咁樣嘅。咁其實一路你睇落去，260、261、262，其實都係講緊呢個英國 50 力扁錫條嘅。所以如果我哋--首先，我想確認一下，就係呢啲咁嘅發票，你都有要求話要去存檔嘅，或者係...

答：之前嘅係冇。

問：之前冇嘅。如果咁講，即係係唔係公道呢，就話--即係如果你可以睇發票，如果有人睇一睇個發票，其實睜開雙眼都見到「英國 50 力扁錫條」，都可能已經有個疑問，就係「啊，究竟同嗰個『FRY 無鉛』，係咪係一樣嘢嚟嘅呢」咁？即係其實可以好容易睇到嘅？

答：咁嗰啲人--即係好似我供詞咁講，即係話呢一班判頭，我哋都係--都係 long --長時間嘅，咁我哋咁多年嚟，都合作咗好耐。咁我啲同事亦都 check 過，喺地盤度見過啲正式嘅產品，所以我哋係有諗過即係佢哋會用一啲無鉛--有鉛嘅產品。所以，咁嘅情況之下，當時我哋係有呢個咁嘅--有意識到呢件事情係有機會發生。

問：我睇埋呢一點，就係其實呢個就係雋景佢提供畀我哋嘅一啲即係--呢個唔係文件，呢個係一啲--即係一啲盒咁喇。即係佢就講畀我哋聽當時送達嘅時候，佢係以一個咩嘢形式嚟到送達嘅。我哋睇到，就係呢一個盒就上面就寫住--貼住「英國 50 力扁錫條」，咁有幾多磅嘅，呢度；咁寫住「雋景建材有限公司」嘅咁；咁喺隔離都寫得好清楚嘅，其實，係“DKL”；DKL 就係嗰個即係供應商，即係嗰個 manufacturer, 個出產商個名。另外，呢度就寫到--有個紅字，都寫得好清楚係“contains lead”嘅，即係含鉛嘅。所以其實如果你話--即係有個機制去查嘅話，你就咁睇個箱個表面都已經睇到係一個含鉛，就同你哋呈交嗰個樣本係無鉛嗰個係唔同個嘢。即係其實一個



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好簡單嘅程序，都係已經睇到係有不同嘅，同唔同意？

答：我講咗，即係話我哋過往嚟講真係冇咁樣去意識到。咁你話我哋個機制上面有冇可以改善嘅地方，咁我認同嘅，即係我哋喺機制上面係可以有改善嘅地方。

問：我想同你探討一下，就係你哋本身個收貨嗰個機制係點樣嘅？你喺你嘅證人口供亦都提到，就係房署有一個 6210 嘅表格。6210 嘅表格上面大概有三十二樣嘢，係講到明就係話到達現場嘅時候，係要即係審視嘅，係要 check 下嘅咁。咁呢個 6210 嘅 form，喺你嘅證人口供嗰度，I1 嘅第 98 頁都睇到，98 頁。我想問下，對呢一張 form 嘅認知，你都係以--最近，即係事件發生之後，...

答：唔好意思。

問：係，唔好意思，係 I1 嘅第--唔好意思，98 同埋 99 頁。

答：係。

問：因為你喺證人口供都有提過呢一張 form，就係講番就話喺房署嗰個紀錄嚟講，就係呢啲係要送貨到達現場嗰陣時係需要做檢測、需要做審視嘅咁樣。咁就你都有講出，就係話由於嗰個焊料唔屬於呢度其中一部分，咁所以即係你哋都有話特別去做一個即係當場嘅檢測，送達嘅時候。

我想同你即係討論一下，就係有關送達貨品嗰陣--即係送達材料嚟嘅時候，嚟現場嘅時候嗰個程序。首先，呢個 6210 呢個表格，係你近期先至知道，定係你以前一路都有知道有呢個表格？

答：我以前都見過。

問：以前都見過嘅，係。你都知道呢個 6210 嘅表格，其實係房署佢自己本身，就係為著自己佢嗰個地盤監督嗰個團隊係作嘅其中一個表格嚟嘅，就呢個就係房署去制定嘅。你哋自己本身，作為有利咁講，對於呢個送達貨--即係材料嚟嘅時候，應該去做啲乜嘢嘅程序等等，你哋其實都唔應該係跟房署嘅，你哋自己應該有一套...

答：我有--我哋有抽樣檢查，係。

問：係咪？自己有一套嘅？

答：係。

問：我哋睇下你自己嗰一套嗰個標準，就係--如果我哋睇其中一條邨，B7.4；B7.4 嘅 17935 頁。呢個如果我冇理解錯，就係你哋本身有利自己制定嘅一個有關收貨嘅指引嚟嘅，呢啲都係講緊就係話「地盤貨品」，即係同地盤建築材料或者一啲其他有關嘅物品送達而你哋收貨嘅時候應該作啲咩嘢措施嘅咁樣。

咁我哋睇一睇下，第 1 段，17935，第一段，就係「地盤貨品可以分為自購貨品、發展商供應嘅貨品同埋判頭承包嘅貨品三大類」咁樣。咁我哋而家講焊料，就應該係講緊就係最後嗰樣，即係判頭承包嘅嗰一個類--嗰一類別嘅。

第 2，「判頭承包的貨品由判頭自行驗收，對判頭的主要來貨地盤管理層須向判頭追討來貨單副本。」呢個我哋講緊地盤嘅管理層，都應該係講緊即係你哋本身嘅管理層，即係應該都係向判頭去追討來貨嗰個單副本嘅。咁呢方面，即係似乎你剛才咁講，就有跟到個指引去做嘅。

答：呢個事實上係嘅，因為我諗焊料呢樣嘢係太細微，所以喺我哋個機制裏面係冇要求到個分判商係畀我哋。

問：係。跟住嘞，我哋所講話，「地盤管理層獲判頭交來的來貨單副本後，應派員核對貨品資料，以確定貨品是已獲批准使用的，如果不符合，就要即係通知判頭退貨」咁樣。咁呢一點都係似乎又有呢一個機制個嗰，即係冇派員去到現場做一個咁嘅品質嘅測--即係品質嘅一個核對嗰。

答：呢個指引基本上針對係有上畀--即係有呢個 invoice，知道係邊一種嗰個材料嘅情況，咁啲咁細微嘅焊料，我諗係呢個機制係唔包括嘅。

問：我哋睇一睇個機制，究竟包啲乜嘢，或者。你後面 17937 嗰度都有列表說明之嘅，咁就其中我哋睇到有咩嘢石皮紙（紙皮石？）、「瓦仔」、「地台磚」、「雲石」等等；見到嘛，上面嗰度？雖然啲字細啲，但係我都僅僅可以睇到嘅。咁就另外就係嗰個「五金配件」，到最後嗰度，「五金配件」等等嘅咁。

你嘅講法係咪即係話，嗰個焊料就唔屬於呢度列出嚟嘅任何一項，所以就唔需要特別跟呢一個指引去做，係咪？

答：我諗咁講，我哋個焊料係冇跟到呢個機制嘅。

問：冇跟到呢個機制？

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答：唔。

問：係。我想知道就係需唔需要跟呢個機制先？就首先要確定一下就係--我哋見到--焊料嚟講，以你嘅認知，屬唔屬於例如我哋而家17937 人面任何一欄？例如...

答：其實係唔屬於嘅，佢因為嗰啲係小五金嚟嘅。

問：屬於小五金？

答：唔--係屬於小--唔屬於五金。

問：唔屬於五金，好。

答：五金--係小五金嘅。

問：係小五金？

答：係。

問：即係再細啲？

答：係，冇錯。

問：如果睇下後面嗰一頁，17938 嗰度，就似乎都有特別去講焊料嘅，係咪？

答：係。

問：亦都有包括在內，睇到嘛？都睇到有一啲關於咩嘢「英泥」，嗰啲都唔係話特別去講嗰個焊料嘅咁樣。

但係如果我哋--喺 17938 頁，我哋數落啲，就係去到最後，有啲說明嘅，有啲文字說明嘅，咁我哋睇下第(3)段，因為好細吓，我哋即係希望可以睇--放大少少可以睇到喇。咁係「若來貨未有在上列表格列出，收貨員需介定來貨的類別，按上述貨物分類之一般處理方法收貨；若有疑問，請示地盤管理層按其指示收貨」咁樣。咁即係亦都唔能夠話有啲咩嘢項目係唔包嘅，因為呢個似乎係一個--即係我哋英文所講嘅 catch-all 嘅 phrase 咁樣。即係如果你有包呢，喂，咁就唔該根據一般嘅做法嘞，咁就分類咗先。例如好似剛才我哋所講，喺嗰個物料嗰個分類嚟講，如果係判頭承包嘅貨物，咁我哋就要跟番剛才我所講指引咁去做個嘢，但係又確實又真係--當時可能--係

咪因為疏忽咗，冇做到呢樣嘢呢？

答：我諗我哋係喺呢個焊料嚟講，我哋係冇做到呢個咁嘅檢測。

問：係。

許偉強先生：主席，我睇下會唔會下晝再繼續？

主席：好呀，我哋去食飯先喇。

許偉強先生：好。

主席：我哋兩點半再繼續。

下午 12 時 59 分聆訊押後

下午 2 時 34 分恢復聆訊

出席人士如前。

主席：繼續，Mr Khaw。

許偉強先生：係，唔該。

有利建築有限公司（“有利”）（總承建商）及明合有限公司（“明合”）（有利分判商）第一證人：黃天祥（（有利董事長、明合董事兼總經理）（元州邨第二及四期、清河邨第一期、彩福邨、欣安邨、牛頭角下邨第一期和石硤尾邨第二期））宣誓繼續作供  
許偉強先生繼續盤問

問：黃生，我哋喺食晏之前，大家討論過一下就係關於有利佢本身嗰個收貨指引嘅，咁我哋都睇咗有關嘅條款咁樣，我想問一問就係其實咁講啱唔啱，就係其實有利雖然有呢個收貨指引，但係一般嚟講，就住地盤現場到達嗰啲物料送達嘅時候，真係做唔做檢測，做唔做再一步嘅審視，其實你哋都係跟番房署嘅 6210 入面所列出嚟嗰啲咁樣嘅物料嚟到去做法嘅，係咪呀？即係你哋就變咗係跟咗房署 6210，就反而唔跟自己嗰個收貨標準？

答：我諗都唔可以咁講嘅，我諗有啲貨品我哋係有跟呢個收貨標準，不過我諗就住焊料呢樣嘢，我的確就係冇做到呢個檢測嘅。

問：好，另外我今朝都有問過你關於嗰個你哋物料送達現場嘅時候，因為你哋就有話要求嗰三沙，即係嗰個水喉嘅外判，嚟到向你哋匯報話啲貨嚟咗嘅，另外亦都有要求話即係叫佢哋呈交啲文件，而你哋本身亦都有話就住嗰啲買物料嘅文件係自己做存檔嘅，就有嘅。

答：正確。

問：我想你睇一睇就係有關嘅即係嗰個主合同入面其中有一個條款嘅，如果我哋睇番主合同，如果我哋攞石硤尾邨為例先，B8.1，B8.1 嘅 18958，黃生，麻煩你睇一睇呢一頁入面就前面頂頂嗰度，你先見唔見到個“PURCHASING” --因為我哋可能嗰啲 preliminary 嘅 number 睇唔到，我哋睇一睇個英文字“PURCHASING OF MATERIALS AND SERVICES”嗰度，見唔見到呀？

答：見到。

問：呢度就話“Adopt the following procedures for the procurement of materials and services to ensure that they comply with the requirements of the Specification”，1 就係“Select sub-contractors and suppliers of materials”，咁就“technical services on the basis of their ability to satisfy the requirements of the Specification; 2. Maintain records of suitable sub-contractors and suppliers; 3. Ensure purchasing documents clearly describe the material or service being ordered; 4. Retain purchasing documents as records.”。

3 同埋 4 其實我哋都係講緊嗰啲即係買貨嘅文件嘅，4 就講到明話你要保存嗰啲文件，另外 3 就係話你要確保嗰啲文件就係清楚咁顯示咗買嗰啲貨。

我咁講啱唔啱呢，如果你話係喺個現場嗰度冇睇到，另外你哋亦都有對嗰啲文件作保留嘅，咁就係即係都可能都有遵守到呢一個要求嘅，即係你哋喺 main contract 嗰度嘅呢個要求？

答：正如我喺證供所講，因為呢隻物料係太過微細，房屋署一路都有要求我哋畀呢個 record 佢，所以我哋亦都有要求我哋嘅明合咁做，明合

亦都有要求到我哋三沙咁做，所以呢個咁情況之下，我哋係冇做到呢樣嘢。

問：喺呢方面我都想同你討論一下嘅，就係話你話嗰個物料好微細，我哋睇到房署都有唔少嘅證人都有講話可能啲細眉細眼，一啲屬於小五金咁樣嘅，但係一般嚟講，我睇下你有冇認知，就係對於啲小五金嘅話，總承建商嚟講，佢哋係唔需要向房署呈交物料嘅樣本作為審視同埋檢測嘅，呢樣你同意嘛？例如螺絲、螺絲帽嗰啲你唔使話真係畀房署嚟嘛？

答：一般嚟講就唔使，即係視乎係邊類型嘅小五金，小五金有好多種類型。

問：如果你話就住焊料嚟講，因為我哋都知道你嘅口供入面就有睇到話房署可能有啲職員就要求你哋去呈交嘅，房署嗰邊嘅講法就話唔知係咪真係有要求你呈交，不過一半嘅做法其實做咗好多年，你哋都有呈交嘅，就住你哋有利嚟講，作為一個承建商，呈交嘅物料，當然你哋都覺得係有呢個需要去呈交，對於呢隻物料嚟講，有一個咁嘅需要，作一個呈交，就對日後有一個保障，係咪同意係咁講？

答：我諗呢個過程有陣時幾互動嘅，因為有陣時有啲幫辦，頭先即係嗰啲 clerk of works，佢話佢以前做開有咁嘛，同我啲同事講話要交埋呢個辦，加埋呢個焊料喇咁，亦都有咁嘅情況之下，可能我啲同事會問嗰啲幫辦「阿 Sir，要唔要遞埋畀你呀？我遞埋喇。」咁，所以呢個係一個幾互動嘅過程嚟嘅。

問：可能係互動嘅過程，但係即係嘅問題就係話個過程可能係咁樣，但係你對於需要呈交呢樣嘢，就住你哋總承建商嚟講，你哋嘅業界嚟講，係覺得係有需要做一個呈交，因為呢啲物料係需要受到審視同埋批核嘅，你哋都係覺得有咁嘅需要嘅？

答：我諗頭先咁嘅個過程裏面，我諗作為總承建商，我哋唔介意咁去做嘅咁講，如果咁做咗之後，其實雖然係做多咗步驟，但係其實我哋亦都係唔介意，我同事一般都係唔介意咁做，咁就會做咗，做咗之後，係大家清晰咗嗰個指引，清晰咗嗰個材料嘅話，呢個我哋都係樂意咁做。

問：好，我想同你講一講就係有關有利同埋明合嗰個分判嗰個合同先。有利同明合，我哋都知道都係姊妹公司，即係同屬於同一個集團，所以你話有利同埋明合嗰個合同嘅關係嘅，即係有少少好似喺同一個集團上面左手交右手咁樣嘅過程，但係我睇番有利同埋明合嗰個合同--個分判合同，就有特別提到有關於呢個總--即係呢個 main contract 入面嗰個制定嘅，主合約嘅制定嘅。

我哋睇一睇嗰個有關嘅合同，我哋可以睇一睇一個簡單嘅例子，如果我哋睇下元州邨嚟講，元州邨就係 I1, 123, 呢個分判合同，佢一開始喺 120 嗰度開始嘅，如果我哋睇番嗰個有關嘅細則，喺 123 頁第 37 段，黃生，麻煩你睇一睇就係有個 heading 嘅，就係「物料、手工及機械」嗰度嘅，37 段就寫住「由承判人」，承判人就即係明合。

答：係。

問：「承判人供應之所有物料均須是合乎規格之新料。所有物料必須符合主合約內所有細則及要求。」呢度好清楚提到個主合約嘅要求。另外就係「另承判人須在工程報價單內把做妥一切有關」嘅「試驗」同埋「樣辦所需費用計算在內」，即係連工包料咁樣個情況，咁就「並附上物料說明書以供建築師批核。」咁樣嘅。呢度我哋即係睇得好清楚，就雖然你哋兩間係相關嘅公司，但係就喺個合同嗰度就寫咗出嚟。

我哋而家睇一睇明合同埋啲水喉外判商嗰個有嘅合同嘅細節。如果我哋睇一睇都係就住元州邨，M1, M1, M1 嘅我哋睇一睇第 287 -- 如果我哋睇番元州邨--應該由--如果我哋睇番 285 頁開始，呢個以我所知，就係明合同埋水喉分判商嘅合同嚟嘅，喺呢度我哋--如果我哋睇嗰個有關物料規格嘅一啲嘅細節，我哋可以從 291 頁，唔好意思，我搵番個一頁出嚟先。如果我哋睇番 291 頁第 36, 36 同埋 38 嘅，36 先。36, 我哋見到係「由承判人供應之所有物料均須是合乎規格之新料。所有物料必須符合本合約內所有細則及要求。」咁樣，後面亦都係講番即係嗰個呈交上去嗰個報價單等等嘅事宜。

38 嗰度亦都係有咁講，38 就話「承判人須向有利及明合呈交所有品質紀錄，並須容許及安排有利及明合代表往承辦人的工場及辦事處檢驗其物料、設備、生產過程」等等嘅咁樣，「如果有利及明合認為質量不合格，有利及明合可要求承判人重做」咁樣，呢度即係呢啲嘅規格。

我想知嘅就係話你哋有利同埋房署就例如焊料咁講先，就有一定嘅規格嘅，我哋而家知道，就係話係無鉛嘅咁樣，亦都要合乎有關嘅英國標準嘅。呢度有利同埋房署大家都有意見，一定知道，因為合同寫到好清楚，至於有利同明合左手交右手，亦都講到好清楚喺個主合同入面嗰個規則嘅。

我想知嘅，我想理解一下嘅就係就住明合同埋水喉分判商佢哋嘅合同，因為你有特別去話要參照話主合同嗰個做法，亦都有話將主合同有關嘅規格係再例如 copy 多一次出嚟咁樣嘅，我想知道係例如你哋公司邊位同事或者明合邊位同事會同呢啲有關嘅水喉分判商去講

話「其實要啲咩嘢規格嘅，唔該你哋跟喇。」會係邊個去做呢樣嘢？

答：首先我都係講番個條款先，即係我承認呢一個條款就唔係百分之百清晰嘅，咁所以其實如果睇番啲合約，去到後期啲個時間，我哋都改咗，係用主合約嘅。

第二樣嘢，喺合約嘅第1條，其實都有講到其實承判人係要按照個合約嚴格執行直至到有利、業主、建築師滿意為止嘅，咁所以就係講間接左右啲講，就唔係百分之一百好似之前啲咁清晰。

第三樣嘢就係其實喺我哋嘅行業 practice 裏面，因為唔係得罪，不過呢班承判商，即係我哋三沙，佢哋個知識水平一般嚟講係比較低少少，咁所以我哋好多時候唔可以單單靠晒所有文字上面、合約上嘅表達，所以有時合約上啲個要求，我哋會靠一個行動上面，譬如話喺第二版，做 sample wing 裏面，去話畀佢聽其實需要啲咩嘢。

所以點解我哋就話，我哋要求就係話個分判商就要畀個 submission 我哋，然後由我哋交界則師，咁就等佢好清楚知道佢啲個要求係啲咩嘢。咁所以其實我要好--就睇埋就話個地盤施工過程裏面啲個咁嘅要求。

問：我想知道嘅就係首先，如果你話你要求三沙去到即係好準確地送達一啲嘅--即係安排送達一啲物料係符合啲個你哋主合同啲個要求嘅，我相信呢個亦都有爭議嘅，就係話三沙嘅人員一定要知道究竟係符合咩嘢要求先，呢個你同意㗎嘛？

答：你可唔可以講多次？

問：即係話三沙，即係水喉分判商，佢哋都需要知道例如你有利或者明合「喂，究竟你係需要啲乜嘢焊料？」嘅，係咪呀？

答：喺，正確。

問：即係佢需要知道㗎嘛，咁我想知道嘅就係話，你一定有溝通㗎，尤其是你剛才帶到出嚟，就係話可能一般水喉分判商佢嘅教育水平未必有咁高，咁所以你話畀個英文佢睇，佢可能真係唔識嘅，要靠你哋大家溝通，係咪呀？

答：係。

問：溝通嘅過程好緊要㗎囉，例如我想知道嘅就係例如你明合同埋有利



究竟有乜嘢職員係同佢哋保持一個定期嘅溝通，等你哋可以確保佢係好清楚知道主合同對於焊料嘅要求係乜嘢？

答：呢個就係頭先我譬如講嗰個 AQCC，即係個 architectural quality control co-ordinator，即係佢哋就係負責做呢啲 submission 嘅，同埋啲 ACC 就會叫明合或者啲三沙去將有關嘅材料話畀有利聽。

問：我喺呢度停一停先。

答：係，好。

問：首先我哋知道，例如 ACCQ，佢係負責-- AQCC--sorry，AQCC 佢就會負責即係有關呈交嗰啲樣本上去畀房署嘅，但係呢個係後話先，首先你呈交之前，梗係要有啲人同例如水喉分判商去溝通咗就話「喂，唔該你買咩嘢料，你要符合咩嘢標準嘅。」呢方面係咪都係嗰個 AQCC 去做嘅呢，定係有其他職員去做嘅呢？

答：我諗其實呢幾位分判商，我諗都係做咗好耐房署嘅工程，又唔係第一次做，其實房署大概要求啲咩嘢，佢哋--第一，佢哋都算清楚。第二，就係話我哋明合亦都有唔同嘅同事，即係地盤嘅 site engineer 或者係有陣時 AQCC 佢同佢講，其實佢哋都會知道即係話邊一隻辦係房署會批到、邊隻辦房署唔批到，咁所以基本上佢哋都清楚。

問：你話做咗好耐係一件事，但係始終都有第一次嘅，例如好似蕭先生，我知道從佢嘅口供講，佢就住有利嘅工程項目嚟講，佢係第一次做三沙嗰個即係位置嘅，例如好似你對於第一次去做一啲嘅水喉分判商，邊個--我想知道就係你哋邊個職員會去負責同佢溝通話「喂，乜生，你買呢隻料喇，負責呢個標準嘅要。」有冇啲咁嘅人呢？

答：即係 according 頭先有幾個，有可能--即係有--因為幾個同事都有機會做到呢樣嘢，尤其是 AQCC，有可能明合嘅 site foreman 都會做到呢樣嘢，有機會。

問：如果我哋睇一睇你嘅表，喺你嗰個文件夾 I1 嘅 255 頁，我今朝都同你討論過，即係話有多名人士佢係都負責例如屋宇裝備、屋宇設備同埋 AQCC 同埋 QC 嗰個 engineer 嘅，我哋如果就咁擺牛頭角下邨嚟講，同水喉分判商，即係話會同佢溝通嘅會係邊位呀？即係你自己知唔知呀首先？你會唔會確認到係邊位？

答：咁多個地盤，我諗住啲人喺我地盤裏--嗰個施工過程裏面係好多人，亦都好多 dialogue 嘅，咁就邊一個地盤、邊一次、邊一個人講，我

咁係確認唔到嘅。

問：我明，呢個我完全明白，但係我就想知道如果我哋而家想搵番例如邊位人士，應該係由佢去負責同水喉分判商嗰度去溝通，話畀佢哋聽要買啲咩嘢料嘅，例如首先如果你要呈交樣本嘅，你要買邊隻、擺邊隻嚟，即係會係我想知道大概喺你哋個制度底下...

答：有可能頭先講係個 AQCC。

問：AQCC，係。

答：亦都有可能係我哋啲明合嘅 site foreman 嘅。

問：有可能係明合嘅 site foreman？

答：係，但係喺我印象中，似乎係 AQCC 為主嘅。

問：為主嘅？

答：係。

問：好，另外我想同你睇一睇，就係呢個--呢一點就係黃大律師今日上書都問過你嘅，就住有關一啲嘅例如檢測報告，對於焊料嘅，或者佢有啲 catalogue，如果我哋睇下呢個 B8.3 19888，應該係 19886 先啱。今日黃大律師問過你有關呢啲文件，或者就住例如好似 Fry 呢隻牌子嘅焊料，有啲嘅產品嘅一啲說明咁樣，我想知道首先你講呢啲文件係由明合嗰邊擺嚟嘅，係咪呀？

答：正確。

問：變左係咪咁講，就係話如果我哋要呈交一啲嘅樣本嘅時候，例如 Fry 咁講，Fry 無鉛焊料嘅樣本，你嘅證供係咪即係話嗰個樣本個實物就係你哋倚靠水喉分判商佢哋幫你安排擺嚟嘅，但係文件就係明合佢自己擺嚟嘅，係咪咁樣？

答：正確。

問：因為呢個就係同持牌水喉匠伍克明嘅講法有少少唔同嘅，我畀你睇一睇，睇下你覺得即係你嘅意見係點樣，P1 15 頁，佢同你講法有啲出入嘅，第 15 頁第 7 段嗰度，我哋睇一睇，第 7 段，伍克明先生嘅口供，佢話「雖然『明合』將採購焊料嘅責任轉交水喉分判商，但仍會要求焊料必須符合『房屋署』要求。儘管焊料不是『房屋署』必須送

審的項目，但個別『房屋署』工程人員會要求檢查焊料。這時水喉分判商須透過『明合』向『有利』呈交使用錫綫焊料的樣本及相關資料如物料目錄、測試報告、曾供應同樣物料的其他工程地盤的資料等，再由『有利』提交」畀房署嘅。

變咗有少少出入，就係你講嗰個情況就係話樣本嘅實物就係水喉分判商攞嚟，不過啲文件就係明合就透過可能啲供應商就攞畀你哋嘅，但係伍先生就講話「喂，唔係嘞，兩樣嘢，實物同埋文件都係透過水喉分判商攞嚟嘞嘞。」呢度你有冇啲--即係有咩嘢意見呀？關於你哋個...

答：我相信伍先生係可能係個文字上表達得唔係咁精確啫，即係據我所了解，就因為啲三沙佢哋嗰個英文程度比較上係弱嘅，我諗大家都可以明白，咁所以呢啲文件上嘅嘢都係由明合嘅同事去處理嘅。

問：我想問下，就係話如果...

主席：想問一問喺呢度，即係換句話嚟講，就係基本上就係明合就決定咗用邊一隻焊料，因為你要交文件上去畀房署，咁係咪即係換句話嚟講，明合決定咗用邊一隻焊料，跟住先至話畀呢一個下面啲分判商聽？

答：其實喺實際嚟講，大家都知用嗰隻咁滯嚟喇，主席，一般嚟講，呢個係可能有個時間嘅先後差，即係我都唔肯定邊個地盤究竟係攞咗嗰罐實物先做後補文件，定係攞咗文件先至去攞個實物，但係基本上喺實際嚟講，大家都知係嗰一隻嚟喇基本上。

主席：即係實際上做公屋、住屋就基本上得一隻，如果做水喉嘅焊料就得一隻嘅啫？

答：我唔敢講係咪得一個牌子，不過係嗰一隻大家都知道係慣常用嚟喇，係咁細嘅材料，基本上我哋都好少去再搵第二隻材料嚟喇，基本上，據我所了解。

主席：得，唔該。

問：好，明合，通常會有啲咩嘢職員係會同啲供應商去攞呢啲有關嘅文件

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答：我哋嘅寫字樓同事，例如黃麗英女士。

問：係佢負責嘅呢方面？

答：係，係，呢方面佢負責，係，據我所了解，係。

主席：即係其實就住明合嚟講，就住明合做呢一個房委會嗰啲工程嚟講，永遠都係用呢一隻嚟喇？因為你話咁細小嘅嘢，你都...

答：除咗啲臨時嘢之外，我就睇唔--我記憶中，我唔記憶中我有用過第二隻應該，呢隻。

主席：應該咩嘢話？

答：我記憶中，我有--記憶中冇用過第二隻。

主席：冇講過第二隻？

答：係。

主席：即係得一隻嘅啫，就住你哋嚟講，基本上？

答：記憶中係。

主席：得。

問：就你所知，對於每一次嗰個樣本嘅呈交，即係我哋而家講緊個實物...

答：對唔住，即係除咗臨時工程之外，就...

主席：係呀，我知，即係而家講緊一個個嗰啲 projects，公屋大嗰啲 projects。

答：係。

問：就住樣本嘅呈交先，我哋而家唔好講文件住，就住樣本嘅呈交先，你知唔知道--或者你可能透過同啲同事傾過之後，你知唔知道例如每一次嗰個水喉分判商，佢係你哋要求佢呈交呢一隻焊料嚟作為一個樣本嘅審視，畀房署，佢係每一次就買一個返嚟吖，定係佢本身就已經有一批，佢自己就每一次擺一個返嚟定係點樣，你知唔知呀？

答：呢個我唔清楚。

問：呢個你唔知。你哋有冇關於任何係就住每一次嗰個樣本呈交，佢擺嚟嗰個樣本，購買嗰個樣本嗰啲咁嘅紀錄，你哋有冇嘍？

答：你講係即係收佢呢個樣本嘅紀錄，係咪咁嘅意思？

問：首先咁喇，如果佢哋係從一個供應商可能買咗幾嚟返嚟嘅，從個供應商嗰度擺番嚟一啲咁樣嘅買賣嘅紀錄，你哋會唔會有？

答：我哋冇呢個紀錄嘅，應該。

問：你哋擺嘅時候會喺邊度交收呀？即係佢擺嗰個實物嚟，你哋會喺邊度收？

答：通常佢會交嚟我哋個 site office 裏面，即係工地裏面嘅辦公室裏面。

問：工地辦公室，通常邊位職員會負責簽收嘅？

答：我哋就係冇簽收到呢樣嘢。

問：冇嘅？

答：所以喺我哋公司嘅制度裏面我哋冇呢個簽收，所以我哋搵唔到任何簽收紀錄。

問：我哋想睇一睇就係如果我哋講話樣本嗰個實物係由呢個水喉分判商擺嚟呢個說法，我哋睇一睇石硤尾邨作為一個例子睇一睇，石硤尾邨，如果我哋睇番佢嗰個樣本嗰個呈交，喺呢個 B15.2 38375, 38375, 我哋可以見到，呢個就係就住石硤尾邨，就係有關呢個樣本嗰個審視同埋嗰個即係批核嘅。

我哋見到就係--如果我哋講緊嗰個 form, 我哋見到嗰個日期，

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你可以見到喺 38375 頁嘅頂頂嗰度，見到有個 2010 年嘅 5 月 31 號，應該可能係嗰陣時去遞交界房署，即係畀佢哋作一個審視咁樣，然後都--因為房署本身佢哋都會有人 check 嘅，而你哋自己亦都搵咗一位係 AQCC 嘅同事，我哋見到，喺 38376 頁就見到有位 AQCC 嘅同事就做咗呢一個有關嘅簽名嘅，見唔見到呀，喺中間嗰度？38376，中間嗰度寫住“For and on behalf of the Contractor”，有個“Architectural Quality Control Coordinator”，一位叫 Sidney Mok 嘅，睇到嘛？

答：係。

問：跟住房署自己都有職員再簽番嘅，就係核實番嘅，就下面有位叫 Frederick Chu 嘅，見到嘛？睇到嘛？

答：係。

問：我哋見到呢個核實嗰個日子就係 2010 年嘅 6 月 3 號，6 月 3 號，係咪呀？

答：係。

問：如果我哋睇個人面個介紹，都係講番啲 Fry 同埋個 supplier 係 Prosperity，亦都係有 refer to 個 sample 同埋 photo 等等。我哋見到嗰個喺 38375 嗰度都見到寫住好清楚係“Fry Lead free Solder Wire”嘅，即係一啲無鉛嘅即係焊料嚟嘅，睇到喇？

答：唔。

問：我想知道就係如果我哋記一記呢個日子就係講緊 2010 年嘅 5 月 31 號，批核嘅日子就係隔咗幾日，6 月 3 號嘅，但係如果我哋睇番相關嘅外判合約，如果我哋睇番，就就住呢個石硤尾邨呢個相關嘅外判合約，就係我哋睇下呢一個 M1 140 頁，呢個外判合約，呢個就係明合同埋呢一個永興呢個水喉分判商嘅外判合約嚟嘅，我哋見到 140 頁嗰個日子，呢個合約嘅日子就係 2010 年 8 月 5 號嘅，就係大概啱啱我哋講嗰個呈交焊料大概兩個月之後先有呢一個即係外判嘅合約就出現咗嘅，簽咗嘅，你解唔解釋到點解會有咁嘅情況呢？即係呈交個物料，就住同一條邨就竟然會係你嘅外判合約即係之前就已經會做咗嘅嘢嗎咁？

答：有個可能性就係因為其實我哋嘅合同，喺嗰個時間，莫海光先生可能已經--我哋嘅同事可能已經覺得佢有可能要去幫手去處理，咁可能都

覺得佢多數都會有機會做呢個合約，咁就可能要幫手處理呢個問題，即係 exactly 我就真係而家係--我諗而家係即係事發我想像番個事情嘅啫。

問：即係可能係咁嘅情況，係咪呀？

答：係。

問：另外我都想你睇番就係剛才我哋睇嘅嗰個樣本呈交嗰方面，B15.2 38375，我哋見到就係喺 38375 嗰度，我哋見到嗰個供應商，見唔見到 e 嗰項，38375 嘅 e 嗰項，細草 e 嗰度，即係嗰個格仔入面，扞二嗰一欄，應該係，e 嗰項，睇到嘛，黃生？

答：睇到。

問：“Supplier”，寫住“Prosperity Building Materials Co., Ltd.”，即係雋景建材有限公司，我哋睇番嗰個紀錄，如果我哋睇下 T1，T1 嘅 44 頁，T1 嘅 44 頁一路其實去到 49 頁都係咁樣嘅情況，就係我哋知道係當時嚟嘅發票上面就係寫住「幼錫條（高溫）」幼錫條嘅，但係呢個供應商就唔同咗，又變咗和興，就同你本來嗰個--喺你嗰個文件呈交界房署嗰個又唔同咗，又變咗係和興作為係一個供應商，你可唔可以又解釋一下點解會有咁嘅情況呢？即係睇嗰個物料呈交界房署審視嘅時候就會寫咗一個供應商，但係到最後嘅時候送嚟嘅會係另外一個供應商嘅，你會唔會知道有啲咩嘢情況係有咁嘅改變？

答：我諗頭先我都解咗，我諗我收貨情況嗰啲我哋有 check 到佢呢樣嘢，咁所以佢轉咗，我諗我哋係檢測唔到。

問：我知道，但係對於你話原先想用一個分判--原先想用一個供應商嘅，但係及後就嚟咗係另外一個供應商嗰啲物料嘅，你而家同啲同事討論過之後，會唔會知道係咩嘢原因？

答：我諗我哋可能--我估計，都應該係莫海光先生換咗，但係我呢個唔敢肯定。主席，頭先你嘅問題我再深諗，我應該更正少少，因為你問明合買嘅嘢，咁我喺呢個情況之下，我哋係明合上嘅料，即係你話明合係咪買嗰隻，我諗係個字眼上可能少少出入，即係我諗明合上嘅料一定係 Fry，但係我今時今日我唔敢百分之一百肯定，因為我明合呢個料係我哋啲判頭-- suppose 判頭買。

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主席：係，咁你哋明合上界房署嘅料就住焊料嚟講，就永遠都係得一隻嘅啫，係咪？

答：應該都係房--係，應該都係。

主席：得。

問：好，我想問下，你哋有利或者係明合自己本身會唔會同例如呢個例如雋景建材或者係呢個啱啱我哋睇過和興嘅咁樣嘅供應商，你哋會唔會有直接嘅即係來往㗎？

答：甚少，但係都--如果啲臨時嘅，有機會嘅，接觸。

問：你本人例如識唔識得雋景建材有限公司佢個負責人，你自己本人識唔識？

答：我唔識佢。

問：唔識。我都想同你講一講，就係關於嗰個持牌水喉匠嗰個問題，剛才我今朝都講過，就係就住有關嘅六個屋邨嘅工程，個持牌水喉匠都係同一位伍克明先生，我都講咗，佢話佢可能係即係戴兩頂帽嘅，我想知道就係你自己本人知唔知道持牌水喉匠伍先生佢就住例如每一個工程，平均佢幾耐嚟呢個地盤嗰度巡視，你知唔知㗎？

答：我唔清楚。

問：你唔知。

答：不過我諗明合就唔係淨係得佢一個 supervisor 嘅，其實佢下面有十幾個同--最高嘅時候--最高峰嘅時候，十幾個同事幫佢。

問：但係我哋都知道即係法例嘅要求，即係水務嗰個條例嘅要求都係需要嗰一位持牌水喉匠佢自己去對嗰個有關嘅水喉嘅工程作監督嘅，呢個你清楚喇？

答：唔。

問：我都想知道就係話你哋本身有利或者明合有冇就住持牌水喉匠嘅每一個地盤做咗啲咩嘢、幾時嚟，有冇啲咩嘢紀錄㗎？



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答：冇，以我所知，冇。

問：我想知道就係你哋點樣去到確保持牌水喉匠佢係遵守個法例，係根據個法例嚟到對呢啲水喉工程係作監督，如果你哋冇呢啲咁嘅紀錄嘅話？

答：呢位同事做咗三十幾年，我相當之信任佢嘅，佢亦都係水喉匠嘅專業，所以--亦都過去咁多年裏面都冇出現過咩嘢問題，所以我基本上就係對佢一種信任，可以咁講。

問：另外你證人口供其中有一點就有講過之前，喺 2005 年嘅時候，有關嗰個用 GI pipes 同埋用呢個銅喉嗰個過程，我想你睇一睇就係第 11 嘅 92 頁。

答：唔該。

問：92 頁嗰度你都講咗，就係話即係原先就用 GI pipe 嘅，跟住及後就即係用多咗銅喉咁樣，我哋就聽過房署有唔少嘅證人嘅口供都係講話其實當年，大概 2002 年左右開始，總承建商當時係被鼓勵即係話選擇用多啲銅喉，呢方面嗰個當時嗰個轉變，你自己知唔知㗎？

答：有啲印象。

問：有啲印象。當時我想知道房署有冇就住呢一個咁嘅轉變，例如同你本人又好，或者同有利任何例如高層或者係即係有關嘅職員去探討一下呢個轉變即係會有啲乜嘢即係需要注意嘅事項，有冇呢方面嘅記憶？

答：印象中就有。

問：我想問下有利除咗做房署嘅工程之外，係咪都會有做即係出面私人樓宇嘅工程？

答：私人我哋比較少做。

問：比較少。

答：但係建築署或者係所謂 institution，譬如 Science Park、迪士尼嗰啲我都有做。

問：Okay，如果我哋講緊唔係房署嘅工程先，唔係房署嘅工程，你哋有冇話用過一啲唔係 solder joints 嘅，即係唔係焊接嘅銅喉嘅，而係例如係用 compression joints 或者係用 press-fit 嘅 joints，

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你有冇認知呀？

答：你講係房署工程定唔係房署工程呀？

問：唔係房署工程。

答：唔係房署工程？

問：係。

答：我手頭上有呢個資料，但係我有兩個地盤係喺最近係用咗  
compression joint，喺房署工程嗰度。

問：係...

答：用咗 compression joint 嘅。

問：係同房署嘅？

答：係，房署工程，但係嗰啲係不鏽鋼喉嚟嘅，嗰啲係不鏽鋼喉。

問：不鏽鋼喉。

黎先生：想問呢啲係咪好近期嘅工程嚟㗎？

答：係，比較近期嘅工程。

黎先生：即係八月--係今年嘅7月之後嘅事？

答：今年7月之後？

黎先生：即係係個鉛水事件...

答：之前嘅，...

黎先生：之前？

答：...即係我哋喺啟德有個地盤，我哋係用咗不鏽鋼嘅喉，係用  
compression joint。

黎先生：即係有鉛水事件發生之前...

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答：之前，係。

黎先生：...已經係？

答：係。

黎先生：咁當時你哋個決定係點解會用係--用嗰個係 mechanical --  
compression 嚟到去焊接--係接嗰啲喉管嘅？

答：因為嗰個地盤係一個 integrated procurement project，我哋  
係個自由度、彈性係大啲嘅，我覺得我哋想有個新嘅做法，咁係咪一  
個比較上好處，咁所以同房署商量過之後，房署係批准我哋咁樣咁樣  
咁樣做。

黎先生：但係我覺得你其他嗰啲係房署嘅工程，實際上你哋都可以係用其  
他方法嘅，唔係一定要燒焊嘅？

答：係，我諗呢個係我哋工程嘅 trade practice，即係燒焊有佢好處，  
但係因為我哋都想試一啲新嘅方法，而家不鏽鋼，佢哋而家最主要嚟  
講，嗰個最近嘅成本係比較上係平過以前，所以我哋亦都覺得--即係  
唔係--佢差唔多價錢，比起銅喉，所以我哋想試一試係咪咁嘅方法做  
得到比較上好啲。

黎先生：Okay，即係你以前嗰陣時起房署嗰啲嘅工程嗰陣時，嗰個價錢係  
一個考慮嚟嘅？

答：價錢都當然係一個考慮。

黎先生：因為焊接係--即係用燒焊方式係平啲，因為我見到你供詞入面都  
有提到有平百分之十至十幾、二十咁樣。

答：但係頭先我講緊係比較銅喉同不鏽鋼喉之間，即係幾個唔同，因為銅  
喉都有 compression joint 嘅，不鏽鋼喉嗰啲一定係  
compression joint，不鏽鋼就有得燒嘅。

黎先生：Okay。

問：最後一度，我想問一問你，今朝黃大律師都有問過你，關於嗰啲無鉛  
嘅焊料，同埋啲係即係比較--即係我哋所講唔係合乎規格嘅焊料，即  
係含鉛嘅焊料，即係都有個差價嘅，你呢度都有講出嗰個--你今朝亦

都講出個差價，亦都喺你哋本身有利一啲向房署呈交嘅一啲 investigation report，啲調查嘅報告入面都講咗嘅。我想畀你睇一睇就係莫海光先生，其中一位水喉分判商，佢就呢一點，佢就咁樣講嘅，喺 M1 嘅第 14 頁。

答：唔該。

問：嘅 25 段嗰度，我哋睇一睇，呢個係莫海光先生嘅證供，佢就話「根據鉛水事件」發生「後本人與工友的討論，使用錫條而非卷裝錫線」，即係卷裝錫線就我哋講緊 Fry 嗰隻，「作焊料應該並不能節省成本，本人」--記不得「受影響屋邨項目進行時焊料的價錢，但知道卷錫線現時約港幣 160 至 170」釵「一卷，錫條」大概約「港幣 9 元一條。根據本人所知，約 8 條錫條為一磅，但如上所述，錫條較「扁「裝錫線快熔，浪費的物料亦較卷裝線」係為多嘅，「工友估計使用一卷卷裝錫線大約」同埋「使用 20 條錫條可完成的焊接差不多」，所以總體嚟講，使用錫條嚟到焊接甚至可能比用錫線更加貴嘅，所以嗰個差價冇乜分別。

主席：再講多次，再講多次。

許偉強先生：好。

問：所以總體嚟講，使用錫條嚟到「焊接甚至可能比使用卷裝錫線還要貴，但」差價-- sorry，「但價格差距並非顯著。而相同的焊槍可以用以燒熔錫條和卷裝錫線，但」由於大風嘅環境之下，「有時工友會使用較強力的焊槍」同埋大支裝石油氣嚟到燒焊嘅咁樣，即係佢呢度就解釋就話其實雖然大家本身嗰個價錢有少少差異，但係由於嗰個用法上面大家會有唔同咁樣，咁所以其實就並唔係話用咗嗰啲含鉛嘅就一定會慳咗，即係佢係咁樣講法。你呢方面你有冇任何想回應？

答：我諗我同莫先生最大嘅分別就係睇下有冇做快咗，即係如果含鉛嘅係快燒咗嘅話，咁就要計埋嗰個人工錢先至合理，我諗個最--大家最主要嘅出入喺呢度，所以我做個比較嘅時候，即係我係用咗一個高溫槍、高溫氣，係等到嗰兩個做嘅時間--唔係等嗰兩--佢兩個出嚟時間效果係差唔多，所以視乎就莫先生有冇計埋個時間差嗰度。

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主席：咁如果我唔用高溫槍，即係用番普通？

答：係會燒耐咗嘅。

主席：咁又會燒耐，哦。

答：係呀，燒耐咗，咁燒耐咗，相對嚟講，你個人工咪會多咗啲。

主席：貴咗囉，係。

問：最後一個問題就係當--就住其中有一條清河邨，當時嗰個水喉工程，你最初係用森記嘅，跟住就即係森記嗰個合同就即係可能提早就 terminate 咗嘅，即係停止咗嘅，然後就用另外一位作水喉分判商嘅，我想知道你知唔知當時係--嗰個原因係乜嘢？

答：真係好多年前事，我記憶中就係佢有啲工作進度比較慢，人手就不足夠，所以最後就決定 terminate 咗佢個合約嘅。

許偉強先生：我有其他問題。

主席：有冇人有嘢問？問喇。

殷先生盤問

問：黃生，我代表房委嘅，有幾個環節想同你探討下嘅。你嘅證人口供都應該有提過話伍克明先生，之前你講過話佢喺你哋度做咗幾十年，係咪？

答：超過三十年。

問：你講話佢好似話最近就因私人理由離咗職，係咪呀？

答：係。

問：可唔可以話畀我哋聽係咩嘢理由？

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主席：有啲咩嘢原因？有啲乜...

問：同呢一個鉛水事件有冇關係？

答：我諗你問伍克明先生好啲，因為佢嘅私人理由。

問：你自己本身除咗係有利嘅董事，亦都係明合嘅董事，啱唔啱？

答：係。

問：明合係一個--有利就係一個承建商，即係樣樣都做，啱唔啱？

答：總承建商。

問：總承建商，明合本身係一個水喉嘅工程嘅分判商，啱唔啱？

答：係。

問：即係專做水喉？

答：明合除咗水喉之外，都有代理一啲材料嘅，例如啲瓦仔，都有代理啲材料。

問：建材？

答：建材，係。

問：唔好講話代理建材，工程方面佢專做水喉，啱唔啱？

答：工程方面專做水喉，應該係。

問：咁換而言之，佢應該對水喉有關嘅法例上嘅要求同埋合約上嘅要求應該好熟悉，係咪呀？

答：法例上嘅要求應該係持牌水喉匠應該熟悉嘅。

問：你自己知唔知道，喺7月之前我講，知唔知道有鉛嘅焊料同埋無鉛個焊料，有呢兩類嘅焊料嘅呢？

答：我係唔清楚。

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問：但係好似頭先你答過話你應該有同事會清楚？

答：我同事會知嘅，係，冇錯，因為我啲 AQCC 佢就負責遞辦啲嘢，佢啲係知道嘅。

問：你知唔知道水務條例之下，對焊料用嘅食水裝置上面有規管嘅，有要求？

答：我唔清楚。

問：我想同你探討一下關於合約上嘅分責嘅問題，你同唔同意話總承建商雖然可以係部分嘅工程分判出去畀二判，但係合約上二判做錯嘢或者履行唔到合約，係你個總承建商係要向房委負責嘅？

答：如果個係合約上嘅要求，而就算係我下面啲判頭或者工人做錯咗，我作為總承建商，我係要負責，所以而家我哋都同房署商討緊點樣將所有啲嘢--全部有問題嘅嘢，我哋會更換番晒佢。

問：我相信你都會同意我咁講，係咪呢？你如果係選擇分判一單工程嘅話，你有責任自己去理解個總合約，即係同房委嘅合約入面嘅要求，而要令到個分判商佢自己都理解到佢要點樣履行合約嘅要求，你同唔同意我咁講呀？

答：你可唔可以講多一次？

問：我或者分開兩樞問題，你作為總承建商，你同唔同意你有責任去理解合約入面嘅要求？譬如焊料，我哋而家知道房委嘅合約有講明話焊料係要有 specification，其中一個話無鉛嘅，講到明，你知道咩呢樣嘢？

答：係，我同事--我公司知道嘅，係。

問：你亦都同意我咁講，就係作為總承建商，你有責任去理解合同入面譬如話對於焊料要無鉛呢一個要求，你有責任要理解，啱唔啱？

答：點解我有少少猶豫，因為其實合約好大本，好多嘢，咁未必係我哋每樣嘢都百分之一百理解晒，但係唔理解晒都好，都唔代表我哋冇責任嘅，應該咁講。

問：你 7 月之前理唔理解到、知唔知--認知到房委嘅合約有訂明話水喉係唔准用有鉛焊料呢一樣嘢？

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答：我個人嚟講，係唔知嘅，但係我其他同事會知道。

問：你公司入面應該有人知，啱唔啱？

答：係，冇錯。

問：你如果係外判一部分水喉工程畀一個水喉嘅分判商，你同唔同意我講，你有責任令到佢充分理解個合約入面嘅要求？

答：應該咁講，個分判商係有責任去理解嗰個合約裏面嘅要求，因為喺我哋行業裏面有好多時候個分判商係某個工序係比我哋總承建商更加清楚。

問：我哋喺呢一單案件入面，我哋知道你第一浸嘅分判商就分畀明合啫，明合係你哋自己啲人，可以咁講，圍內人，啱唔啱？但...

答：明合係我哋姊妹公司，係。

問：到明合判出去，判畀永興咁樣，我嘅理解啱唔啱呢，你係咪話明合又係倚賴嗰個三沙自己去理解合約上嘅需要呢，即係同房委定嘅合約入面嘅條款嘅需要，你係咪咁嘅意思？

答：我諗我哋唔係倚賴佢，而係通過遞辦嘅過程，佢係會清楚知道房署嗰個要求係啲咩嘢，我哋--如果佢遞個唔合適嘅辦嘅話，唔好淨係遞辦，就算我包括埋佢做 sample flat、sample wing，就令到佢知道，大家清楚知道事實上施工過程裏面嗰個要求係啲咩嘢。答唔答到你問題？

問：我想問你，你知道合約入面好多物料都有一個 specification，所謂 specification 嘅要求，你知道㗎？

答：係。

問：唔好講細節，但係原則上你知嘅？

答：係，係。

問：大部分嘅材料都有嘅？

答：係。

問：好小小嘅嘢，譬如螺絲釘，嗰啲可能有 specification，啱唔啱？



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答：係。

問：關於水喉嘅用料，我哋知道明合大部分嘅材料係自己買嘅？

答：係。

問：但係根據你所講，大約係 2005 年左右，就開始將嗰個焊料呢樣嘢，就叫嗰啲三沙自己去包，係咪咁樣？

答：冇錯。

問：你知道嗰個焊料係有 specification 嘅要求，啱唔啱？

答：係。

問：但係基本上其餘嘅嘢有 specification 監管嘅，譬如話銅喉呀一切你自己買咗，啱唔啱？

答：（沒有可聽到的回答）

問：咁你自己買，梗係唔會買錯，如果你知道個 specification，但係你決定將嗰個焊料嗰樣嘢交咗畀嗰個三沙去包嚟做嘅時候，你有冇意識話「呢樣嘢有 specification 個嘢，我要話畀個三沙聽佢要跟 specification。」有冇咁嘅意識呢？

答：我諗我喺我個供詞都講咗，即係話喺呢個過程裏面，係我哋希望唔會阻咗工程進度，所以就畀咗三沙去購買，而三沙點樣令到佢知道有個啱嘅 specifications，就係通過遞辦呢個過程，佢哋可以知道個 specification，房署要求係啲咩嘢。

問：但係你有冇覺得有需要話畀個三沙聽「喂，唔係話遞辦個牌子咁簡單嘢，講到明要用無鉛個焊料」個嘢？

答：其實喺個施工過程裏面，有好多細節上面嘅嘢，有陣時真係用文字係好難表達嘅，因為頭先我都解釋過，喺我哋啲行業裏面有好多承判商佢哋嘅教育水平係比較上低，你用啲好文字上嘅表達，但未必理解得到，反而用個實辦係會俾大家清楚--嚟得清楚。

問：因為你實辦只不過係個牌子或者個款式之嘛，啱唔啱？

答：唔一定，實辦係包括埋佢嘅內容，即係譬如喺呢個 case，佢有冇--含唔含鉛，應該實辦係包埋喺裏面嘅。

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問：即係你覺得如果我遞辦，個辦入面有個證書英文寫嘅，話入面係有啲咩嘢含鉛定唔含鉛，呢個表達方式係更容易令到嗰啲三沙理解，係咪咁嘅意思呢？

黃小姐：主席，我想呢一個問題有少少澄清，因為個辦上面唔係淨係英文，我哋今朝早睇一啲送貨單，其實莫海光簽名都係有寫到係無鉛嘅，係用中文寫，咁所以我想呢個問題可唔可以即係有少少 clarification。

主席：我明白黃先生嘅意思，請坐。黃先生嘅意思就即係話好簡單嘅啫，嗰啲水喉分判商知識水平就可能低啲，有陣時就唔需要--有陣時候你畀佢睇個樣辦個實物，即係換句話嚟講，你就係要用呢一隻實物，咁就唔使講咁多廢話嘅，就係咁嘅意思啫，不過律師就將實物就再加埋嗰啲 test report、specifications 嗰啲全部英文嗰啲一次過撈埋晒落去，就一條題目向你問，不過我明你講咩嘢嘅。

問：黃生，我問下你另一個問題，你同意基本上履行合約係你自己嘅責任，啱唔啱？即係我講係有利嘅責任，啱唔啱？

答：我同房署簽合約，履行責任係我嘅責任，有呢有責任--有呢個責任，應該咁講。

問：房委本身自己有個機制，許律師有提過，佢自己保障自己，佢有佢嘅監管，喺地盤，但係嗰個唔係取代咗你哋履行合約同埋規管嗰啲分判商嘅責任，冇取代到？

主席：佢冇講過，佢冇講過，佢冇講過。

殷先生：許律師有提過有一個 6210 嘅表格。

主席：係吖。

問：嗰個 6210 嘅表格就係房委本身嘅機制嚟嘅，啱唔啱？

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答：係。

問：嗰個用意就係保障房委本身佢自己嘅利益，佢自己做嘅一個工序，啱唔啱？

答：我唔知道房署個--擺喺個 intention 係咩嘢。

問：6210 個本身就係要喺當面，即係嗰啲貨送到--物料送到去地盤嘅時候，你哋有利有責任當房署嘅人員嘅面，當面去驗收嘅，啱唔啱？

答：係。

問：但係我哋知道嗰度得三十二隻啫。

答：係。

問：你同唔同意話除咗嗰三十二隻，其他嘅物料，你都有責任去驗收，確保嗰啲物料係符合嗰啲合同嘅要求嘅呢？

答：我諗我一路都有講過話我有呢個責任。

問：我同你釐清啫。

答：係，即係我諗我一路都講緊就係合約上面係有呢個咁嘅要求嘅話，對我哋總承建商嚟講，我就有呢個責任。

問：咁就係但係就--即係你同意其實而家睇番轉頭，我哋知道焊料呢樣嘢係有 specification 要求，啱唔啱？

答：係。

問：所以如果你要履行你自己作為履行合約嘅把關者，你都其實應該去驗收呢啲貨，啱唔啱？

主席：重複又重複咁問，都係重複又重複畀嗰個答案㗎咋喎，係咪呀，殷律師？

殷先生：我唔會再問呢個問題㗎喇。

主席：係喇，呢啲唔好再問喇。

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問：我想同你睇一個關於你頭先提過嘅，就係喺一啲臨時嘅工程，你有提過你係會自己接觸嗰個物料供應商買料嘅，你記唔記得？

答：喺當一個地盤嗰啲開工嘅時候，通常我哋有陣時會係做一啲--要搭啲臨時水嘅，畀啲工人洗手、洗衫--洗身、洗下車，甚至乎如果有機會做鑽探、做打樁嘅情況之下，我哋就會需要用到水嘅，呢啲臨時喉就唔需要--一般嚟講，唔需要房署批准嘅，呢啲臨時喉有陣時我哋直接會去購買都唔出奇，因為當其時嚟講，有可能我哋--因為呢個喺個--technical speaking，嗰條喉係屬於有利建築嘅，所以除咗所謂呢啲係我意思嘅臨時喉。

問：我哋知道--我唔知你需唔需要我同你睇文件，我哋知道雋景嗰度就擺咗啲文件出嚟，起碼就有見過明合係訂一啲有鉛嘅焊料嘅。

主席：訂一啲...

殷先生：有鉛嘅焊料。

主席：有鉛定無鉛呀？

殷先生：有鉛。如果主席睇呢個周家平先生，應該文件盒 S3 -- S1-3。

主席：S1，第 58 頁。

殷先生：因為我哋見到 57 同 58 頁似乎係明合有訂過一啲有鉛嘅錫條嘅。

主席：係吖，係吖。

問：因為你見到如果第 58 頁，我哋見到有一個係斧山道嘅地盤，送貨地點就係元州邨地盤，係 2006 年 6 月 14 日嘅，你見到嘛？

答：見到。

問：似乎係明合傳真去嘅一個 purchase order。

答：呢個地盤其實就係喺--係屬於元州邨嘅合約，但係就唔屬於元州邨嘅

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範圍。

問：明白。

答：係喺斧山道要做條臨時--做條行人橋同一個轉 tower，所以當我哋做呢個工序嘅時候，我哋就會申請呢個臨時水，呢個臨時水就唔係永久水嚟嘅，所以佢哋就唔需要遞辦畀房署，咁就我哋自己同事就訂就 okay，咁所以我哋喺個標--嗰一個規格上面，我哋就有特別去控制佢。

問：你本人就唔會做呢啲即係前線嘅工作喇？

答：係。

問：但係你應該有同事係熟悉呢一方面嘅物料嘅要求嘅，啱唔啱？

答：係。

問：我哋睇一睇呢一個 purchase order，你個項目嗰度第二項就係講「錫條（幼錫條）」，見到嘛？

答：係。

問：雖然就數量唔係好多，我哋知道伍克明先生都遞交咗--唔知琴晚定今朝遞交咗一個補充嘅證人口供有講呢方面嘅嘢嘅，我哋睇番 57 頁，似乎呢個就係關於呢一個 order 嘅發票，你睇番 57 頁，就係畀明合嘅會計部嘅，第二項就係「英國 Fry 50 力扁錫條」，見到嘛？

答：見到。

問：我哋知道--我唔知你同唔同意，似乎而家我哋研訊咗咁耐，知道呢個 50 力係講緊有 50 個 per cent 嘅含鉛嘅一啲錫焊料嚟嘅，我就想問一問，似乎落 order 嗰個人就唔係話就咁話有諗過，係專登要訂一啲有鉛嘅焊料嘅，做呢一個臨時水嘅時候。

答：頭先我已經講咗，呢一個係臨時嘅水喉，所以我哋一般嚟講就唔需要上辦畀 Housing 咁嚴格咁樣去限制佢，咁我相信我當時嘅同事就即係有乜特別規定一定要用一啲無鉛嘅，當然而家 with hindsight 咁睇，梗係最好都係用番晒啲無鉛嘅焊料，但係當其時嚟講，因為呢個係一個臨時性質嘅嘢，所以我諗我哋嘅規管就係有咁嚴格嘅。

問：你知唔知道其實--我哋知道房委嘅合同入面就梗係有要求話唔准用有

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鉛嘅焊料喇...

答：但係呢個臨時嚟講，房委根本上係冇要求嘅。

問：明白，但係你知唔知道房委嗰個要求其實同一般水務條例下面嘅要求係一樣嘅呢？

答：呢個我唔清楚。

主席：我想問一問 58 頁，呢個地盤名稱「斧山道地盤」，你見到？

答：係。

主席：跟住後面有個括號，“UCS”係咩嘢意思呀？

答：元州邨。

主席：UC 我明，S 係咩嘢呀？

答：主席，唔好意思，因為可能係我哋公司啲代號嚟嘅啫，*exactly* 我唔記得咗係咩嘢。

主席：Okay，得。另外，因為我喺度睇緊其實第 60 頁，第 60 頁，就如果睇番第 59 頁就話係清河邨嘅，第 59 頁就話清河邨，你睇到喇？

答：係。

主席：但係第 60 頁其實送貨就係「元州街 UCS」，所以其實即係正確啲嚟講，可能都唔係去清河邨嘅？

答：係呀，主席，我覺得呢張發票有可能佢係擺錯咗位置。

主席：擺錯咗嘅？

答：係。

主席：得，唔該。

問：因為，黃生，照我如果而家咁樣睇，雖然你講臨時水嗰個係唔受呢個

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合同嘅規範，我係接受嘅呢一部分，但係似乎你哋喺--即係明合係一間水喉嘅--專做水喉嘅分判商，咁講啱唔啱？

答：係，可以咁講。

主席：黃小姐係邊個呀？

答：我哋嘅副總經理。

主席：副總經理。

問：黃麗英，係咪呀，就係？

答：應該--我--主席，我喺度估嘅啫，因為我公司仲有冇第二個黃小姐，嗰陣時，我唔敢講。

主席：得，明白。但係收貨人就係莫海光？

答：係。

問：因為我咁講，明合係一個專做水喉嘅分判商，同意？

答：係。

問：似乎喺你哋一個咁樣專門做水喉嘅分判商，據你理解，都唔知道話法例上有要求話駁食水，接駁嘅嘢係唔准用...

主席：再講多次。

問：似乎作為一--據黃生嘅理解，作為一個專做水喉嘅分判商，都唔意識到接駁食水嘅喉管嘅焊料唔係准有鉛嘅，你同唔同...

主席：佢話佢唔知，佢個人唔知，不過佢公司有人知，呢個係佢嘅證供。

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般先生：但係佢個理--因為佢而家話呢張 order 唔要跟合同，就可以有鉛，因為呢個臨時水，唔受合同規管。

主席：係，係，係，啱，係。

般先生：咁所以佢就可以有鉛。

主席：呢個基本上佢係咁嘅意思。

問：即係話但係呢個臨時水都係食水供應系統嚟嘍嘛？

答：我有話可以有鉛，主席，我過去講，就係話我哋對個--我相信咁情況之下，我哋同事對個規格就有咁嚴謹，因為我哋唔需要上辦，所以可能佢就落單嘅情況之下，就唔係好清晰去同個 supplier 表達咗，因為年代咁久遠，我唔可以百分之一百話畀你聽究竟--即係我哋唔係--我相信我哋同事未必會真係去落一啲有鉛嘅單，只不過個過程裏面，可能佢哋嘅個表達唔係去清晰到一定要無鉛嘅，應該咁講。

問：明白，可唔可以咁講呢，就係除非要上辦，限到明係用譬如 Fry 99C，如果唔係，雖然知道係駁淡水--駁食水嘅喉，一般嚟講，你哋都會就咁落單都係話錫條幼錫線咁就算㗎喇，可唔可以咁講？

答：呢一條水喉，我再強調，最主要嘅功能係喺地盤用嚟做施工嘅，譬如話做打樁，要鑽探嘅情況之下、洗車，個主要唔係愛嚟畀人食用，當然我唔排除即係話啲工人可能拎嚟飲、煲下水，唔排除，但係即係最主要嚟講，唔係愛嚟一個畀佢飲用嘅。

問：其實黃生，我問題好簡單，因為我哋聽咗好多證供，喺好多唔同方面嘅證人都話今年7月之前業界--業界包括晒即係則師又好，水喉匠又好，承建商又好，似乎個個都話建築業界--香港嘅建築業界係唔為意到...

主席：等陣先，呢啲係你嘅證人講咋嘞，你係咪想咁問先？你嘅證人咁講咋，人哋未必同意。你房署啲人--唔係，應該咁講，我唔好咁講，你房署裏面啲則師就話唔知，你嘅總屋宇裝備工程師話知㗎。



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問：似乎咁講，黃生，...

主席：係囉，所以你小心啲問。

問：...我睇你呢一個嘅--你呢一張傳真嘅落貨單似乎係冇去覺得因為係駁一個食水供應系統，就算係臨時都好，就要講話無鉛焊料。

主席：唔係，佢答咗你，佢嘅意思好簡單啫，呢條水喉就唔係愛嚟--最主要嘅目的就唔係愛嚟飲食用嘅，就係地盤用嘅，咁所以施工上高，根據佢哋講，就有咁嚴格，所以佢哋就唔會用到話無鉛，呢個基本上就係佢嘅答案。

問：其實我問你，咁問喇，如果唔係房署嘅工程話要遞辦，就咁畀你哋做，你哋會唔會意識到落單去買焊料嘅時候要指明話要用無鉛嘅物料？

答：你講緊係臨時定係 permanent？

問：Permanent，但係冇上辦，因為合同冇寫明。

答：我想--對唔住，我有少少 confuse，即係如果合同冇寫明嘅話，咁就即係...

問：跟法例做。

主席：即係佢個問題就係咁樣樣，當然，而家房署嘅 specification 就有講到明就話啲啲焊料係要用無鉛，係咪先？

答：係。

主席：佢嘅意思就係話如果房署唔寫呢一個 specification 落去，你哋貴公司，無論係你又好，或者你啲下屬又好，會唔會有人知道「原來我哋駁食水，做食水喉，就係需要用一啲無鉛嘅焊料」，即使係沒有

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寫上去呢一個 specification 裏面？

答：主席，第一，我諗呢個係一個假設性問題，但係如果...

主席：佢係咪一個假設性嘅問題吖？係，啱，係。

答：但係如果我真係要答嘅話，作為我呢一個專業嘅承判商，如果見到有一個合約裏面有一啲嘢我哋係覺得唔係咁妥當嘅，我都會向個業主提出，同佢傾需唔需要出個 variation 去修改嗰個合約嘅。

問：因為，黃生，我哋見到你就話--我想澄清一樣嘢，你係--你覺得你--頭先我哋睇 58 頁落單度就咁寫幼錫條，係完全純粹係因為呢個係地盤嘅臨時水，抑或根本就係冇上辦嘅嘢就唔使講得咁清楚，「幼錫條」都得喇，你明唔明我嘅意思？有上辦，有合同規管，你就話跟個辦，冇上過辦嘅，你臨時水又好，做一個住宅嘅一個項目好，但係冇上辦嘅，你係咪都會咁落單，就話幼錫條，係咁簡單呢？

主席：我都唔係好明白其實同我哋而家要處理嘅有啲咩嘢直接嘅關係，老老實實。

殷先生：嗰個就係講話業界究竟對呢個焊料...

主席：佢話佢知，佢話你哋--你哋話唔知，咪講咗囉，頭先我哋。

殷先生：唔係，佢唔係話淨係知，佢話佢哋係當時嚟講，唔上辦嘅嘢就唔需要咁仔細去表達嘅。

主席：係，係，啱。

殷先生：我想知道係咪就係唔上辦嘅嘢都係咁做，抑或係佢話因為呢個係臨時地盤水，先至係咁做嘢。

主席：我哋而家處理嗰啲全部都係上晒辦㗎嘛，係咪？

殷先生：嗰個同...

主席：即係我哋--而家我哋要處理嗰啲全部都上晒辦㗎嘛。

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殷先生：主席，嗰個係同業界嘅 awareness 嘅一個環節係有關係。

主席：我諗你問夠喇，呢一個環節。

殷先生：我有其他嘢問。

主席：好，有冇人有問題？王大律師。

黃小姐：哦。

主席：王大律師，後面嗰個王大律師。

王先生盤問

問：黃先生，我代表水務署有幾個問題想向你發問嘅。

答：好。

問：首先睇一睇你證人口供嘅第 5 段，唔該，80 頁。你嗰度就話當由明合購買嘅物料送到地盤之後，明合就會由伍克明統籌嘅駐地盤管工們負責檢查有關物料是否以房屋署批准嘅型號、牌子、出產地同大小等吻合。

答：唔好意思，唔好意思，揭漏咗，唔好意思，你可唔可以講多次，唔好意思。

問：第 1 頁，80 版，第 1 頁，第 5 段，頭先你畀嘅證供就係話關於焊料嗰度，就係由你嘅即係明合嘅分判商主要係睇實物嘅，實物就睇個樣辦，啱唔啱？

答：係。

問：Okay，咁樣我再請你睇你嘅第 18 段，第 18 段，嗰度你最後一句，你話-- sorry，第二句，你就話「焊料則由『明合』分判」嘅「水喉分判商自費購買。」係咪？「有關『有利』就採購水喉物料採取」嘅「監管措施，見上文第 4 及」第 11 段，係咪？

答：係。

問：你見到？

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答：見到，係。

問：Okay，所以你嘅期望就係因為喺個樣辦嗰度，嗰個明合嘅分判商會見到我哋 Fry 嗰個牌子嗰個焊料，你畀佢哋自己去購買嘅時候，你嘅預期，佢哋就會睇住個樣辦個牌子，自己就去買相同牌子嘅焊料，啱唔啱？呢個就係你嘅預期？

答：係佢遞個辦畀我哋，佢清楚邊隻辦，然後就去做個樣嘢。

問：Okay，明白。喺嗰個物料送到嚟嘅時候，根據第 5 段，伍克明先生就要負責去檢查，佢要檢查嗰啲批准嘅型號、牌子、出產地、大小咁啱係吻合啱。

答：係。

問：如果嗰個--我畀你睇一睇個實物，嗰卷 Fry 50 嗰個燒焊嗰個就係咁樣嘅，係咪呀？咁樣嘅。

答：係。

問：係咪？如果伍克明先生係駐地盤嘅管工，係負責檢查嗰個燒焊物係咪同呢個係一樣嘅，即係如果佢有咁嘅責任去檢查嘅，個物--係一樣嘅？

答：係。

問：咁明合嗰個責任喺檢查--佢自己買冇問題，買完送到嚟，我想知道明合採取咩嘢措施去可以監管或者監控到佢買嘅物件係同嗰個樣辦嘅物件係一致嘅。

答：我諗頭先我都講過，因為佢送貨嚟嘅時候，我哋係--佢自行會散貨嘅，我諗我證供都講過，而個過程裏面，我哋伍克明先生或者我嘅同事去個架步度嗰時候係睇過佢用呢一隻咁嘅材料嘅，呢個就係我哋嘅有個監管措施，你要問我而家 with hindsight 足唔足夠，我覺得梗係可以再做得更加好啲喇。

問：我而家唔係講 hindsight，你話散貨，我哋又研究下散貨個概念，頭先許大律師就畀咗一個盒畀你嘅，嗰個就係 50 力嗰個錫條嗰個包裝，係咪？

答：係。

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問：呢個就應該係喺樣辦房入面見到嗰個錫料嗰個形狀係咁樣嘅，係咪？

答：係。

問：你話喺嗰個架步嗰度散貨，係咪？

答：係。

問：咁散貨見到佢出嚟嗰啲錫條應該一條條㗎，一條條㗎嘛？

答：一條條...

問：即係如果你話佢剪裁咗一條條一條條，係咪？

答：係。

問：如果以你哋嘅認知，買咗一罐咁樣嘅材料，仲需唔需要剪咗嗰一條條咁嚟燒，如果係呢一罐，咁...

答：要個喎。

問：即係仲要剪咗一條條再嚟燒嘅？

答：係呀，係呀，係呀，如果睇嗰啲相，你睇得好清楚睇到，佢有個--屈到個 L 形咁，因為你如果做燒焊嘅過程，你擰住呢罐嘢，其實長時間好叻嘅會，即係通常佢哋就會拉開佢，剪一條條，然後去到就屈少少，然後就燒--佢哋就係咁燒嘅，即係佢係要--佢哋有剪呢個工序。

問：Okay，...

答：我試下去地盤睇過，真係有呢個工序。

問：我再向你請教呢度，根據有證人講，就呢一罐嗰個無鉛嘅錫料，大概比有鉛，即係 50 力嗰個錫料，大概就貴一倍嘅嘅，個價錢。

主席：咩嘢話？

王先生：貴一倍嘅。

問：個價錢係貴一倍嘅，係咪？

答：係。

問：如果你用一條條錫條咁樣去燒焊嘅話，你燒到呢度嘅時候，其實你就要攞，係咪？因為熱咗嘛。

主席：其實冇分別嘅，你無論係有鉛抑或無鉛，如果你剪出嚟嘅話，其實你個 wastage 都係咁上下嘅啫，我覺得，所以你問我，我就覺得唔需要計嗰個 wastage 嘅，因為你始終都係要搵隻手揸住，啱唔啱先？所以究竟係多好，即係究竟有鉛、冇鉛你都係揸咁多，不過就頭先王大律師所講嘅，就啱嘅，因為譬如我哋睇番，你就話 76 釐一個 unit，譬如我哋而家睇番我哋知道嗰啲無鉛嗰啲，500 克就--如果喺 2008 年就 160 釐，就 500 克，咁 500 克，我當佢大約一磅，係咪？1 kg 就 2.2 磅，但係如果你睇番嗰啲 50 釐，就大約係五、六十釐嘅啫，係咁上下喇，即係換句話嚟講，你可能講緊 160 釐，我當你 70 釐，160 釐同 70 釐、80 釐，總之差一倍，即係換句話嚟講，一磅同一磅比就爭 80 釐，如果你撇除咗嗰個 wastage，如果大家都係用咁上下嘅料，即係換句話嚟講，就慳番一半。

答：主席，仲要除番 3，因為據我所了解，大約一卷可以做三個單位，因為我用單位計。

主席：唔係，我嘅意思，你唔好理佢做幾多個單位，我嘅意思純粹一磅...

答：同一磅比，係咪呀？

主席：...一磅一磅去比。

答：可以咁講。

主席：係咪先？

答：係。

主席：一磅同一磅，因為理論上你用幾多 solder，我諗你用邊一隻料都係咁上下嘅啫，即係唔會差好遠嘅啫，應該就係，即係換句話嚟講，就爭咗--我當你爭 80 釐咁樣樣。當然我唔係話你個屋邨，不過我哋有一個屋邨其實都幾明顯嘅，就係呢個啟晴邨，啟晴邨就係喺 S1 嘅第 128 頁，因為啟晴邨係一個大邨，128 頁，S1，啟晴邨係一個大

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邨嚟嘅，你睇到？

答：係，呢版。

主席：睇唔睇到？

答：係。

主席：呢度實際上，如果你睇，用無鉛嘅錫線，我頭先初步係咁意計一計，得三百一十網嘅啫，三百網喇你當佢，咁一網一磅，係咪？即係 310 磅，但係你如果將其他啲有鉛啲加埋，講緊係可能係超過 4,000，4,000 磅，如果 1 磅可以慳 80 釐，4,000 磅就慳唔少錢，係咪呀？

答：慳，係，幾十萬。

黎先生：\$320,000。

主席：三十幾萬，係咪呀？即係你明我意思，係咪？

答：我明。不過主席，所有呢個都係我同房署報過都係大概咁嘅數目。

主席：係，係，係，即係你明我意思喇。

繼續。

問：好。黃生，我都係其實再想 explore 個 wastage 嘅問題嘅。由於一個價錢嘅分別，如果用一個貴啲嘅物料愛嚟剪咗佢，跟住有一槓係--如果真正燒焊嘅時候係真係唔可以攞住呢一卷，而係要剪咗佢，然後先嚟燒焊嘅，而嗰個價錢爭咁大嘅，而大家都有 wastage 嘅，係咪？其實你同唔同意如果係要為咗慳錢起見，用無鉛嗰個誘因會大好多。

主席：有誘因，大好多就每一個人唔同。

答：主席，我咁講，即係其實我哋上界房屋署嗰封信，我即係想解釋，即係話喺有利同明合立場嚟講，呢個係我哋一個微不足道嘅數目，其實我哋就有--我哋嚟講，就有一個誘因去做一啲咁嘅違反合約嘅事情，但係你話對啲細判頭有冇誘因，我諗要啲細判頭自己先至知道。

問：Okay，呢度我想請你睇蕭健煌先生個證人供詞，如果你去睇佢嘅第 13 段，因為頭先--今朝你嘅大律師黃大律師都有同你睇過蕭健煌同莫海光嘅證人供詞，然後睇下，有幾段你係唔同意嘅，呢一段我想畀你睇就係你嘅大律師應該冇帶你去睇過嘅。

答：第幾段，唔好意思？

問：第 13 段，11 頁開始，「至於『小五金』物料，恆利亦會先購買少量用以製作『木板房』及『辦房』，其後則由恆利視乎工程進度而自行購買，並不需向明合匯報或出示單據。」跟住嗰句，「明合從來沒有要求本人從哪裏購買，或跟本人討論過搭建『木板房』或『辦房』所需使用」嘅「『小五金』物料（包括焊料）」嘅「牌子或規格。」

對於蕭先生咁講，就話「喂，其實你都有同我講過話嗰個錫料要喺邊度買嘅。」你頭先個證供就話其實得一隻嘅啫，無鉛得一隻，而家蕭先生就話「喂，唔係喎，明合冇同我講過要買邊一隻牌子喎，你既然冇同我講過，我就梗係買隻平啲喇。」即係我估計係咁，所以你哋有啲乜嘢嘢係譬如規定或者係有乜嘢係指示過明合要從邊度去採購呢啲物料呢？

答：我諗我今朝早引述伍克明先生所講嘅證供，我哋喺我哋公司個 server 度搵咗輯相，而嗰輯相正正就係我哋喺個辦房做緊嗰個工序嘅時候所拍低嘅，就示範同拍低，而我有啲同事可以話畀我聽佢嗰個裏面揸住個辦嗰個就係蕭健煌先生，從而我哋相當--我哋好肯定就係蕭健煌先生係知道佢係應該用啲乜嘢材料嘅。

問：Okay。好，我而家問你第二個問題，我想請你撇去你證人口供嘅第二十...

答：邊個證人口供？

問：你自己嘅證人口供嘅第 25 段，第 25 段，25 段你就解釋點解原本係由明合統一採購呢啲焊料嘅，但係 05 年開始就變咗由明合下面嘅分判商去採購物料，你畀咗個理由嘅，就喺第 25 段嗰度，你話明合嘅



解釋，就係話「錫綫、松香膏等焊料」喺「施工中為消耗用品，銀碼不大，但施工時可以耗用得很快。以往曾經試過水喉分判商通知『明合』焊料快用完而須補貨，但因『明合』訂貨由問價、出訂單到送貨大概要一星期左右，地盤」嘅「水喉工程因而受阻，水喉工人紛紛埋怨。」

我想理解一下，點解由明合去訂呢啲錫料係需要一個星期，而由呢個嗰個分判商佢自己去買，如果都係同一個牌子嘅貨，有需要遲啲呢？

答：因為如果係我哋自己買，就要由個三沙去話畀我聽--佢哋話畀我哋同事聽佢哋幾時會到貨，即係需要貨，通常呢啲判頭佢哋對嗰個預算，即係對個工程個預算準備有時未掌握得好透徹嘅，佢同我哋同事講咗之後，即係譬如話舉個例，佢諗住同個--仲有--應該嚟講，譬如畀一個禮拜時間我預，但係通常佢同啲工人傾嘅時候，可能冇預一個禮拜，可能畀三、幾日佢，然後我哋去到我哋同事之後，我哋就要返上我哋寫字樓，就要又要落單，因為我哋程序上面，我哋身為一間公司，就會係耐咗嘅，咁所以咁嘅情況之下，就導致到地盤--有時送到貨去地盤嘅時候，就嗰個時間差就有個差距喺度，即係呢個係我哋公司內部嗰個運作上面出現咗呢個咁嘅時間差，簡單啲答你就。

問：其實你唔需要問價，因為呢啲貨品嘅價錢都應該比較標準，係咪呀？唔需要問價。

答：我有紀錄，不過我相對都係有個 fluctuation 喺度嘅。

問：Okay，如果係咁，我相對你個 32.3 段，你嘅 32.3 段，你提供嘅建議方法，32.3 段，你話「鉛水事件發生後，『有利』已規定『明合』要直接訂購焊料以保證來源可靠。」其實你呢個措施即係去番你 05 年之前個措施，即係 05 年之前又係由明合直接採購，而家你建議嘅方式都係明合直接採購...

答：其實喺寫呢個--鉛水嗰件事之後，其實房署同我一路同我哋承建商喺度溝通緊，其實我哋今時今日房署而家同我哋傾緊傾向係由我哋總承建商訂添，因為要保證百分之一百唔會再同類事情又會發生，所以我哋而家諗住就係如果我哋訂嘅話，我就寧願唯多少少 cash flow，訂多一大堆，咁就保證到嗰個工期又唔會有延誤，都係合乎規格嘅產品。

問：其實你同唔同意，即係話如果當初 05 年你有呢個改變嘅話，即係都係由明合統一採購，又知道要買呢隻牌子嘅話，就唔會有呢個風險，

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即係話由三沙，即係下面嘅承判商會去買咗啲物料，而你哋又有去 check 嘅，呢個風險就唔會咁高？

答：簡單啲答你，我非常後悔添。

問：Okay，好，唔該。我想問你第二個問題，就係地方嘅問題。如果我請你睇你嘅第 30 段，你嘅第 30 段就話--如果你睇嗰個--大概係六行，下面數上嚟，係咪？「當錫綫運到地盤，工人會很快在地盤內工場『散貨』，即是除去錫綫包裝」紙，包裝「紙，將一綑錫綫剪成一小段一小段，以便水喉工人帶到施工位置使用。鑑於錫綫本身沒有標記，拆除包裝後肉眼不易分辨，因此『有利』或『明合』各」監督員工「日常監工人施工時都不容易知道工人所」使用嘅焊料牌子。

我停一停呢度先，如果你哋知道佢係有呢一個咁樣嘅習慣嘅，散咗貨你就唔容易睇到嘅，你哋係咪更加應該有一個監管機制係話喺佢散貨之前你哋都驗一驗呢？即係如果散咗貨之後就驗唔到、睇唔到，而散貨之前你又唔驗，基本上你係驗唔到，你係睇唔到究竟佢用咩嘢焊料？

主席：老問題。

王先生：好。

問：我再帶你睇睇嗰個蕭健煌先生嘅證人口供第 26 段。第 26 段，呢一度蕭健煌先生就話--第三行，佢話「因為錫條在到貨」...

答：對唔住，第幾段？對唔住，26 段，係咪呀？

問：26，26。

答：26，okay，唔該。

問：第 25 頁，第 26 段，第三行。「因為錫條在到貨時已是條狀，所以工人「毋需」再「將錫條再剪段。」你同唔同意蕭先生呢個講法呢？因為你嘅證據，頭先嗰段就話係要剪一段段嘅，但係蕭先生就話唔係咁，送貨嘅時候已經係條狀，所以就唔需要再剪短。

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主席：睇下送咩嘢貨嚟，就咁簡單。

問：即係我嘅講法，咁話如果係送一啲 50 力，好似咁就送...

主席：咁咪唔使剪囉。

王先生：就唔使剪。

主席：咪係囉。

王先生：嘎，嘎。

問：但係根據你嘅證供，如果唔使剪嘅話，你就會唔會 alert 你，就話如果送到嚟已經一條條就唔使剪嘅，嗰個就唔係樣辦上面，即係你哋有...

主席：咪又係頭先嗰個問題。

王先生：係，得。

問：跟住我想請你睇一睇嗰個...

主席：你要明白佢而家接受，佢要負責任，因為個 contract 嗰度係寫到明係要有個 specifications，佢而家完全接受佢係有 fulfil 到個 specification 嘅要求，okay。

王先生：我知道，呢個我知道嘅。

主席：咁所以嗰一方面嗰啲嘢，即係如果之前有人已經問咗嘅話，就請勿重複。

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王先生：好，可以。

問：我想問你另外一個問題，就係你嘅 32.4 個度，32.4 個度，你嘅證人口供 32.4 個度，係咪？

答：係。

問：你嗰度就話有利訂咗「兩部 XRF Analyzer，俗稱快速測試槍，焊料送到工地後及在施工前會抽樣進行快速測試，證明焊料無鉛後可以使用。」好喇，我想問你哋有冇--而家有冇用過呢兩部快速嘅測試槍，而家有冇用到？

答：有，有一部嚟咗香港，用緊。

問：用緊？

答：係。

問：大概係你要幾耐，用咗呢個快速測試槍，你用幾耐，即係譬如你測試咗，要幾耐你先知道結果呢？半個鐘，一個鐘？

答：幾秒鐘嘅咋。

問：幾秒鐘，好喇，你同唔同意...

答：Sorry，幾十--對唔住，幾十秒，應該講，係幾十秒。

問：幾十秒，okay。

答：幾十秒，幾十秒。

問：你同唔同意如果你哋係有用呢個快速測試槍嘅話，其實基本上你都唔需要驗水，啱唔啱？

答：唔需要驗水？

問：如果個物料本身係唔含...

主席：點解呀？

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王先生：如果物料本身唔含鉛，即係用所有嘅物料本身都唔含鉛嘅，水入面自然就唔會含鉛。

黎先生：嗰啲 parts 都可以嘅。

王先生：吓？

黎先生：啲 fittings 都可以嘅。

王先生：我知，我知，即係我意思話物料，即係 check 物料，唔係淨係 check 嗰個焊料。

主席：我嘅理解，呢個 X ray fluorescence analysers 就係 test 嗰個物料嘅表面嘅啫。

王先生：Okay。

主席：就去唔到好深入嘅地方嘅，裏面究竟會唔會 leaching，就另外一件事。

王先生：好，得，如果係咁，我就 move on，因為我以為呢個係都可以 check 到嗰啲物料嗰啲含鉛。

問：Okay，最後一個，你 32.7 嗰段，就係話「『有利』亦有」考慮「其他工程已改用不鏽鋼喉管，效果良好，這也是房屋署可能考慮嘅治本方法。」係咪？你係咪同意，即係話如果唔係用銅管，而係用不鏽鋼，你講「效果良好」，你嘅意思係咩嘢？

答：效果良好呀？效果良好即係我哋有個工程已經係順利完咗工，so far 冇大問題，個工程據我所了解，亦都有 check 出有含鉛有超標，我咪話「效果良好」。

問：亦都有漏水、其他嗰啲 functional 嘅問題？

答：好少，好少，我即係有啲部分，我哋加咗啲喉碼就完全解決晒，即係我再強調呢個係新嘅試驗，所以有啲部分嘅，嗰個係我哋要有少少改良嘅。

問：Okay，我仲有最後一個問題想問你，你係咪一個--香港有一個組織叫做 Construction Association，你曾經係呢個 Construction

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Association 嘅 chairman?

答：你講係 Hong Kong Construction Association，係咪呀？

問：係。

答：我係佢嘅 President，我曾經--我係佢會長。

問：你係個 President。

答：係，六年時間。

問：係咪？

答：係。

問：你做呢個 President 嘅時候，你係咪曾經推動過呢個綠建環評，即係你有份參與呢個綠建環評，推動呢個綠色建築呢樣嘢？

答：呢個比較複雜嘅問題，我係做咗會長之後，我曾經被委派咗--被邀請人去建造業議會，喺建造業議會嘅時候，我係坐咗喺--我係負責有份 chair 個 Environmental and Technology Committee，我 chair 嘅時候，我係有份建立香港綠色建築議會嘅。

問：咁你知唔知道有個綠建環評，即係 Hong Kong BEAM 嗰個 certification 呢個過程嘅？

答：我知道，我而家係香港綠色建築議會嘅主席。

問：所以關於綠建環評入面嗰啲咩嘢--要達到咩嘢指標，嗰啲水嗰啲，或者其他嗰啲建築物料嗰啲，你係知道制訂嗰個標準嘅時候，你係知，係咪呀？

答：我唔可以講話我好清楚，因為如果真係要講用標準嘅話，做設計，都講有個 BEAM Pro Certification，做 assessment 嘅，佢有個 BEAM Assessor，真係評審嘅話，個專家叫做 BEAM Faculty，我三個資格都有係，即係我係喺個大方向嘅 policy，推動綠色建築議會，所以我對評審嘅標準就唔係真係好太熟悉，制訂標準過程裏面，我都基本上係有份參與嘅，因為係由 BEAM Society Limited 同香港綠色建築議會下面一啲唔同嘅 committee 去做。

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王先生：Okay，主席，我有其他問題。

主席：唔該。李大律師。

黃小姐：係。

主席：李大律師。

### 李先生盤問

問：黃生，我係代表有啲居民就係受到呢啲鉛水嘅影響，就有啲問題，所以我代表佢哋有啲嘢問你，你對整件事，即係而家整件事發生咗，有好多大律師就問咗你，我係最後一個，你有冇覺得係抱歉呢？除咗你話唔應該畀三判去買，應該你自己去買之外，仲有冇覺得唔好意思呢一樣咁嘅說法？

答：我諗喺整件事上面，係我或者我公司一個好大嘅錯折同打擊，我誓估唔到一個咁小嘅事情係可以令到整個業界或者成個社會有咁大嘅問題，喺個過程裏面，睇番轉頭，我哋公司有好多嘢係做得唔足夠，所以當房署喺7月29號畀電話我通知我第一個屋邨，牛頭角下邨發生問題嘅時候，我就即刻冇拗過半句，就去訂啲 filter 返嚟，喺8月20號，第一批已經開始安裝嘅。

過去嗰幾個月，我哋係好積極咁去面對呢個問題，我哋亦都畀咗好多唔同方案房屋署，點樣去將我哋呢個--我哋過去有問題嘅喉管儘快更換番，我希望同房屋署同水務署儘快有個方案，嚟緊我哋會盡力、儘快咁將啲喉管--唔啱啲喉管做番咁佢。

問：你即係話你已經儘快去嘗試補救，係咪呀？

答：係呀，事實上我已經儘快、盡我哋公司嘅能力嘗試去補救，同埋我哋而家亦都係同房署商量緊點樣去做，因為其實要改番佢，有好多技術性嘅問題，我哋都入咗好多唔同嘅方案，我哋同房署而家去商討緊，咁我希望嚟嚟緊嗰幾個月裏面，我哋儘快會開工，將有問題嘅喉，我哋會全部換番晒佢。

問：你間公司有利係喺呢個行業上係算係好大嘅公司，係咪？

答：我諗我哋喺房署工程裏面，某啲時間我哋大概佔咗百分之二十至二十五個 market share 嘅，我哋有一定規模。

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問：咁即係幾個最大之中嘅一個，好明顯？

答：可以咁講。

問：我亦接受你係一個有良心嘅商人，我接受嘅，okay，即係頭先你話你儘快就補救，我想問你，其實喺呢個--呢次譬如話水喉水嗰啲鉛份原來超標，你係咪諗都有諗過呢啲嘢可以發生嘅呢，直至到發生之後？

答：冇錯，即係喺7月份之前，我真係完全冇諗過呢件事會發生。

問：咁係咪成個行業都係咁嘅，你個感覺？

答：我唔敢代表成個行業，但係喺我自己認知裏面，我係真係冇諗過呢樣嘢會發生。

問：你自己因為發生咗之後，我相信你就已經好緊張，係咪？

答：係。

問：你公司裏面上上下下都一定有開過好多會㗎？

答：係。

問：你哋--當然頭先你已經講，你已經好明顯地覺得公司係有不足之處？

答：係。

問：其中一個補救嘅方法你提出嚟嘅，或者你喺個供詞--你自己呢個供詞呢度係32.3，32.3，你睇一睇，我唔讀，你睇一睇得喇，okay？

答：係。睇咗。

問：你哋公司嘅運作就係一條龍嘅，係咪？喺水喉呢一方面？

答：係。

問：所以你就覺得如果你哋搵你哋自己信嘅明合去直接訂購呢啲焊料就係穩陣好多，係咪？

答：係。

問：你知唔知道其實明合買咗啲焊料都出事嘅，你知唔知？



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主席：知唔知道明合咩嘢話？

李先生：買咗啲焊料，直接買焊料都出咗事。

問：因為我想畀其他一個證人嘅口供，我想畀你睇一睇，睇下你同唔同意，  
係周家平嘅，係 S1，3...

主席：第幾頁呀，你想？

李先生：16 頁。

主席：S1，第 16 頁？

李先生：雋景嘅，呢個人係雋景嘅證人。

主席：係。

李先生：佢答題目嘅時候，第 16 段。

主席：第幾話？

李先生：第 16 段。

問：首先個問題就係“identify the contact person” or “persons  
in each of the Main Contractors, Sub-Contractors,  
Sub-Sub-Contractors”...

主席：其實我哋已經-- Mr Lee，其實我哋已經問過晒㗎喇，係 appendix  
A 嗰啲，係咪呀？3 磅嗰啲咁嘛？問過晒㗎喇已經全部。

李先生：唔係，其實我即係話如果你諗住明合佢直接去買就會穩陣啲，但  
係明合喺呢度嚟講，譬如第--呢個第 16 段嗰度第一行同埋第三行嗰  
度，即係元州邨同埋呢個彩福邨，其實佢去買，但係都出咗事，我個

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point 就像...

主席：答...

李先生：佢答咗喇咩？

主席：答咗。

李先生：Okay。

主席：同埋係我哋而家知道唔係講緊啲啲嘢嚟嘅。

李先生：對唔住，我哋搞錯咗。

問：我想問你，你覺得你當然係話呢一條龍係可靠啲，即係有咁容易出錯，係咪呀？

答：呢個係我哋公司嘅策略之一，就令到我哋能夠更加有競爭性，同埋我哋可以更加好咁樣去完成我哋嘅工程。

問：但係會唔會因為咁，所以喺你哋 main contractor 嗰方面就變咗有咁緊張嚟做監察嘅工作？

主席：我唔係好明你個問題。

問：因為你以為自己公司一路做落去，一級一級咁樣係可靠，所以你自己個 main contractor 嗰度個 supervisor 就做少咗，因為你信佢哋，係咪咁？

答：我諗我睇唔到有咁嘅現象，即係今次嘅事件，頭先我都講過，我哋個警覺性係低咗，如果我哋警覺性高啲，能夠喺我哋公司嘅內部制度裏面再改善嘅話，係可以避免同類事情嘅發生。

問：就係因為咁樣，你哋警覺性低啲，就係因為你諗住你一條龍就好可靠，可靠過分判出去，跟住又再分判出去，變咗你自己冇控制到，你同唔同意？

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答：我...

問：所以你個感覺性咪低咗囉。

答：唔係，我唔認為一條龍係呢個問題嘅癥結所在。

問：Okay。你一路咁做落去，直到出事，你都唔知道有呢個鉛水嘅問題，政府各部門有冇同你哋開會傾過呢個問題嘅呢？直至到事發之後。

答：你講之前？

問：係，事發之前，有冇？

答：我記憶所及，係大家冇探討過呢個問題。

問：即係完全冇嘅？

答：我記憶所及，係冇。

問：房屋署同埋水務署都有嘅？

答：冇。

問：你覺得永興有冇做錯嘢，喺呢件事度？

主席：等一陣。「你覺得」咩嘢話？

李先生：永興，永興。

主席：永興有冇做...

李先生：係。

主席：莫海光，你嘅意思？

李先生：係。

主席：唔係，呢個問題係我唔係好想--唔係，我想知道即係 exact 實實在在你想追求啲咩嘢先？你個 objective 係咩嘢先？

李先生：我只係想睇下究竟出事係咪因為即係一層同一層嘅聯繫唔好...

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主席：佢而家其實就好簡單啫，佢嘅證供就係話「有利畀明合冇問題嘅，明合畀呢一個永興又好，恆利又好，就所託非人，因為我哋太信佢，就喺嗰度出事。」係咪？實際上點解嗰度出事，就可以留番去問莫海光同埋蕭健煌。

李先生：好。

問：你可唔可以解釋畀我哋聽，點解譬如出事嘅地方都喺晒嗰啲公屋裏面有幾座樓嘅私樓，即係住嘅住所，就商場就冇事嘅，你可唔可以諗到個理由？

答：我唔清楚，因為--我唔清楚。

問：你知唔知道水務署嗰面，即係而家驗水喉，驗嗰啲水有冇嗰啲鉛超標係佢冇驗隔夜水，你知唔知呢件事？

主席：冇乜嘢話？我...

李先生：冇驗隔夜水。

答：我係睇新...

問：即係開咗水喉一輪，然後至驗。

答：我係睇新聞知道嘅。

問：你有冇喺呢方面有冇有啲咩睇法？

答：我唔係呢方面嘅專家，我諗我冇意見，冇睇法。

問：Okay。好喇，我另外一位大律師話畀我聽，即係你哋就諗住就去到三判就停㗎喇，係咪？就唔會四判？

答：聽唔到。

問：去到三判就停，唔會再判落去？

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答：係，房署有要求嘅，呢個。

問：但係永興就話有四判個喎。

答：我哋喺地盤嘅制度裏面，我哋有晒所有工人註冊登記嘅，而家房署工程，佢哋登記之後，先至可以有 safety training，攞埋我哋嘅 smart card，先可以喺地盤做嘢，咁個過程裏面，佢都要簽份合約，將份合約-- employment contract 交界我哋，所以我哋應該係有晒紀錄係永興會請呢啲工人，直接僱用啲工人。

問：如果佢直接僱用工人就有問題，因為佢仍然三判咁嘛，但係個問題就係如果佢再判出去，然後第二個嗰個四判再請工人，你就變咗睇唔到個囉喎？

答：但係喺我哋嘅層面，佢就係每一個工人，我哋都要 make sure 佢有 employment contract 交界我哋，而家我哋房署個係喺呢方面係好嚴謹嘅。

問：但係問題就係因為有永興係三判，佢都承認有四判，而你哋唔知道咁嘛，個問題就係。

主席：我就唔知你喺邊一度睇到話有四判。

黎先生：我睇唔到。

李先生：大家睇下，莫海光。

主席：係呀，邊一度呀？

李先生：第 40 段。

主席：第 40 段？

李先生：第 18 版。

主席：第...

講者（不能辨別）：M1。

主席：40 段。係吖。

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問：你自己睇睇，唔該。

主席：得，繼續問。

問：即係第二行嗰度，佢話「相關工頭俗稱為『四沙』或『四判』」，你知唔知呢件事呢？

答：喺我哋房署合約裏面，我只係容許判到第三判，而我哋公司點樣去 make sure 呢樣嘢呢，就係所有地盤嘅工人入職嘅時候，即係包括莫海光嘅工人，佢都要將佢哋兩個之間嗰個 employment contract 交界我哋，所以喺我哋嚟講，我哋有晒--應該嚟講，有晒紀錄係莫海光係佢嘅直接僱主，至於莫海光同佢嘅工人之間點作安排，呢個我就唔清楚。

問：你哋冇嘗試去監視？

答：我有，我哋收晒佢嘅合約，收晒佢嘅 employment contract，所以喺我哋嚟講，佢哋每一個人都有 employment contract。

問：會唔會就係因為人手缺乏，譬如突然間要急嘅時候，就出事呢？就即係變咗應該冇四判嘅，你哋嗰面就--永興就變咗就再判出去？

答：喺去到我哋而家--喺我而家我個認知嚟講，係因為購買呢一個材料出事，喺我哋公司，我做咗咁耐調查，都睇唔到係有另外嘅工人帶咗焊料入嚟，所以我相信同呢個工人嘅趕唔趕工入嚟地盤係應該冇乜關係。

問：好喇，我而家再兜番我頭先一開頭問你嘅問題，你一層一層一層咁樣樣，你亦承認係有出錯，你可唔可以話畀我哋聽，清清楚楚話錯在邊一層邊一層邊一層？

主席：呢個唔係我嘅責任咩？

李先生：唔係，呢個係你嘅責任。

主席：係呀。

李先生：但係個證人，因為佢係一間大公司，佢係可以幫你係去到一個正

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確嘅...

主席：我唔需要佢幫我呢個問題上高，我知道我嘅責任係做咩嘢個嘢。

李先生：好，如果你咁有信心，我哋唔需要再問佢，okay。

主席：係呀，點解要個證人幫我去決定我最終最重要要決定嘅問題呢？

李先生：唔係，因為佢知道，你唔知咩嘢。

主席：我...

李先生：佢係老闆，你唔係咩嘢。

主席：咁呢樣嘢我同意，不過我諗...

李先生：你喺呢度你係阿 Sir，係呀，但係佢係公司，佢係阿 Sir。

主席：我會聽晒所有嘅證據去決定呢一個最終嘅問題。

李先生：係，但係佢可以幫到你咩嘢。

主席：我...

李先生：如果佢--因為佢係...

主席：應該咁講，每一個上嚟呢度畀證供嘅人，佢哋都話想幫我嘅，不過有啲就係真幫，有啲就唔係真幫，你明唔明呀？

李先生：所以我正正就要咁問。

問：即係我問你，你自己都覺得有錯嘅地方，呢啲就係真幫喇，你話人咁錯呢啲就唔係真幫喇。

主席：都唔一定嘅。

黎先生：我會幫佢喇。

李先生：就問題就你兩個都係好人同埋叻，...

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主席：唔係...

李先生：...但係你兩個都唔係老闆咁嘛。

主席：黃先生其實就已經講咗好多嘅證據畀我哋聽，而家出錯嘅地方，根據佢所講，就係出錯就係喺呢個水喉嘅分判商上高，就係嗰啲買料嗰陣時候係出現呢個問題，就係嗰度出錯，嗰度佢...

李先生：好，咁我識問喇。

主席：係喇。

問：除咗嗰度，你覺得仲有冇錯呢，你公司？又嘗試下。

答：即係成件事，頭先我都講咗，我諗我自己本人都當然有責任，頭先亦都講咗好多，即係我哋喺監管上面，收貨上面，我哋仲可以做得好啲，咁要真係講嚟講，係好多地方我哋可以改進。

問：就係呢啲，因為調查委員會嘅責任就係希望成個行業都有改進，所以你話希望有改進嘅時候，我就更加想問你，喺咩嘢地方你覺得可以改進，希望全個行業都跟住你咁做？

答：頭先我諗我係咪答晒？

主席：寫咗--答晒㗎喇，係呀。

問：就係頭先嗰啲，係咪呀？

答：我答晒。

主席：係呀，寫...

問：所以我頭先問你，我話除咗嗰啲，仲有冇第二啲咁嘛，你嘅意思即係



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冇喇？

答：我今日講咗成日，已經係講晒。

主席：唔，得。

李先生：Okay，我有嘢問喇。

主席：唔該。

黃小姐：主席，我係有幾條問題想覆問嘅。

主席：問喇。

黃小姐補問

問：下晝嗰陣時，就有問題關於係曾經畀過啲文件你，係話石硤尾邨嗰度係想...

主席：大聲啲，Ms Wong。

問：石硤尾邨上第二啲文件嗰陣時係6月2010年，但係同莫海光簽嗰個合約就係2010年8月5號嘅，咁就想問你嗰陣時係點解會出現咁嘅情況？我就想帶番你去--其實呢個唔係唯一一個例子，係莫海光喺未簽約之前，係有幫明合係做嘢嘅，其實有其他例子，我想帶你去呢啲文件，就係S58頁。我哋睇到呢份傳真係睇到個日子，你見唔見到係收貨人係莫海光？

答：見到。

問：而個日子係2006年6月14日嘅，係咪？

答：係。

問：有關呢個元州--呢個合約就係斧山道地盤，就係頭先你作供都提到係

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元州邨嗰個--雖然唔係大樓一部分，但係元州邨嘅合約，個臨時合約，我就想帶番你有關嘅合約...

黃小姐：唔好意思，主席，有關簽約嘅日期嗰版，雖然呢份合約同呢個明合同呢個永興呢份 subcontract 係嗰啲 extract 係有 produce 到，但係嗰個啱啱簽名嗰頁嗰個日子就有嘅，咁我可唔可以純粹係 for 個日子用途畀一畀個證人睇番？

主席：可以。

答：係。

問：你睇番呢份明合同埋莫海光先生所簽嗰個 subcontract，可唔可以講番個日子畀我哋聽？

答：係 06 年 11 月 25 號。

問：所以亦都係後過呢個傳真入面嘅日子嘅，係咪？

答：係。

問：第二樣嘢，就係有問題問過你，係關於莫海光知唔知道點解突然轉咗和興呢個供應商，我就想帶番你去睇其實莫海光自己嘅口供都有提到呢樣嘢，M15 頁，M15 頁第 28 段，當陣時候，莫海光先生就解釋，係由於與雋景交易手續就比較同「和興繁複。雋景要求以現金交易，否則」就會「要求買家開立戶口」同「出現商業登記證等。」

佢就話由於自己，即係莫海光自己一向同和興較為熟絡，又容易賒賬，手續亦簡單，所以先至轉咗做和興，其實佢自己都有解釋到呢樣嘢，但係佢轉之前有冇同你講過？

答：冇。

問：好喇，最後一個問題，我係想即係綜合番--唔好意思，仲有一條問題，係合約條款，你早上同晏晝都其實有問到關於--由於嗰個第三判嗰個知識水平低，所以其實好多時叫佢哋睇合約條款係冇意思，要實質上畀嚟實物佢哋，就話跟住呢嚟辦嚟到執貨。好喇，我哋睇番其實合約條款裏面亦都講到好清楚，就係我哋睇番 I1 第 162 頁，第 1 條嗰度

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係其實係好清楚講就係話「承判人須嚴格按照本合約條款」，同埋有利同明合嘅要求同指示嘅，睇唔睇到嗰度？

答：睇到。

問：個要求同指示可以係口頭，亦都係可以話你畀啲實物佢睇，跟住嚟執？

答：正確。

問：呢個係咪你嘅理解？

答：係。

黃小姐：主席，我有再覆問。

主席：唔該。

黃小姐：唔該晒。

主席：黃先生，你畀完證供，可以離開，聽日唔需要返嚟。

答：得，主席。

主席：唔該。我哋聽朝再繼續，10 點鐘，唔該。

2015年12月1日  
下午4時43分聆訊押後

C Tuesday, 1 December 2015 C

(10.04 am)

D (Transcript of simultaneous interpretation D

E except where otherwise specified) E

F MS WONG: Good morning, Chairman. I will summon Mr Wong Tin F  
G Cheung today. He had two roles. One is the chairman of G  
H the board of directors of Yau Lee, from page 82 to 128 H  
I in the bundle. The second paper was issued in the role I  
of director and general manager of Ming Hop. This is  
attached in bundle J1, pages 31 to 67.

J CHAIRMAN: (Chinese spoken). J

K MS WONG: Chairman, the witness statements are on six public K  
L housing estates and their plumbing systems. The six L  
M estates are listed in page 62 in the bundle, including M  
N Un Chau Estate Phases 2 and 4, Ching Ho Estate Phase 1, N  
Choi Fook Estate, Yan On Estate, Lower Ngau Tau Kok

O Chairman, before I read out the witness statements, O  
P I would like to request the chairman's approval that P  
Q after reading out Mr Wong's witness statements, Q  
R I will -- well, at the end of last week, we received two R  
S witness reports. Some were from subcontractors and S  
sub-subcontractors, and the other was on the list of  
materials.

T In those statements, certain statements were made on T

Yau Lee and Ming Hop. They were not in line with the earlier statements submitted by Mr Wong. The statement was M1, page 9; the second was Mr Siu, bundle O1, page 9.

Mr Siu's statement was only on Choi Fook Estate. For Mr Mok's statement, it was on another estate, and Chow Ka Ping represented the soldering manufacturer; S1, page 12.

Chairman, Mr Ng Hak Ming was a contract manager of Ming Hop and he was a licensed plumber. Last night, he submitted a second supplementary statement to Lo & Lo Solicitors, and he responded to some earlier statements from the subcontractors and sub-subcontractors. We realise that some written statements and submissions can prove that Mr Ng could not say he was not aware of the situation, and I will raise some questions to Mr Wong on these issues.

CHAIRMAN: Ms Wong -- I have a question for the Secretariat first. For Mr Mok Hoi Kwong and Mr Siu Kin Wong, are they present today?

MR KHAW: They are not here yet.

CHAIRMAN: If they have not yet arrived, they could be seated here inside. Perhaps we could give them two seats among the media.

You may begin.

C MS WONG: I would like to summon Mr Wong Tin Cheung. C

MR WONG TIN CHEUNG (sworn)

D Examination-in-chief by MS WONG D

E MS WONG: Chairman, I will read out the first witness  
statement from Mr Wong Tin Cheung. E

F CHAIRMAN: Please read it out slowly, since we have  
G simultaneous interpreting service and they need some  
H time. Please don't read too fast. H

I MS WONG: The first witness statement at I1, page 80: I

J "I, Wong Tin Cheung, hereby make the following  
statements based on the letter from Lo & Lo Solicitors  
to Yau Lee Construction Ltd on 16 October 2015." J

K Chairman, the relevant part is listed in I1,  
L pages 51 to 54. L

M "1. I joined Yau Lee in October 1988 and became  
a director of Yau Lee in 1997. I also became one of the  
N directors of Ming Hop Co Ltd in August 1993. My scope  
O of responsibilities in these two companies include  
P establishing an overall development strategy and  
Q providing supervision. In preparing for answers with  
R regards to questions on Yau Lee, most of the questions  
were provided by the relevant site staff from Yau Lee  
and Ming Hop. R

S Q1. (In English) Describe and explain the steps and  
T procedures in the construction and installation of the  
U  
V

fresh water plumbing system in the Affected Estates.

(Via interpreter) Yau Lee and Ming Hop are both wholly owned subsidiaries of Yau Lee Group Ltd. When Yau Lee bids for the Housing Authority's projects, they would generally hand over the plumbing works to Ming Hop for quotation. If the bid is successful, the relevant plumbing works would be subcontracted to Ming Hop.

For the six affected estates, the construction and installation of plumbing systems have undergone the following steps and procedures.

Ming Hop would deal with all relevant plumbing materials, according to contractual requirements, and submit samples of the materials, catalogues, WSD certificate, test reports at similar construction sites using the same materials from the supplier, and they would be submitted to the Housing Department for approval. Solder is not on the Housing Department's mandatory vetting list of materials, but specific Housing Department's engineering staff might request for solder to be vetted as well. Upon receiving such requests, Ming Hop will arrange to send the lead samples together with catalogues, test reports, at other construction sites with similar materials, to the Housing Department for approval. After approving the materials, Ming Hop would sign a contract with

suppliers, based on the actual works' needs, and follow up on the relevant contracts and arrange delivery to site. However, solder and lead wires, and so on, would be directly purchased by Ming Hop's subcontractor. Ming Hop employed Mr Ng Hak Ming, a full-time licensed plumber, to deal with all relevant WSD documents, including form WWO46, which is the construction, installation and demolishment of plumbing equipment or fire services equipment.

When the materials purchased by Ming Hop arrived at the site, the site foreman, lead by Mr Ng Hak Ming, would inspect the relevant materials to see whether they are in line with the Housing Department's approved models, brands, manufacturing origin and so on. If the relevant materials included on the record form No. 6210, upon delivery of the materials on site, Yau Lee would assign a quality control manager or engineer, or their subordinates, to carry out inspection to confirm the model and brand, before notifying the Housing Department for an inspection, and if everything is all right the works would begin.

After the licensed plumber submits WWO46 part I and part II and annexed to the Water Supplies Department, the WSD would vet the information and materials and, if satisfied, they would sign the third part of WWO46, to



approve commencement of the works. During the construction period, Yau Lee has a resident construction foreman for sample examination and Ming Hop has also got site staff to inspect the sites on a daily basis, to ensure that the installation works are in compliance with the requirements of the HD and the WSD. When a certain step is completed, the LP" -- licensed plumber, I beg your pardon -- "would submit form WWO46 part IV for the so-called completion certificate. After the WSD has received form WWO46 part IV, they will send a waterworks inspector to inspect the installations at site. When the WSD is satisfied, form WWO46 part V will be issued, and will also instruct the LP to take water samples at various locations for testing by approved laboratory of the WSD. After the water test is approved, WSD will issue form WWO1005, the so-called certificate for water connection. Ming Hop, together with Yau Lee and HD relevant persons, would carry out various forms of test, including flow test. When the tests are completed, the contract manager of HD will then issue occupation permit.

Q2. (In English) With reference to the steps and procedures outlined above, explain the role and responsibilities of Yau Lee and the respective roles and responsibilities of its subcontractor(s),

sub-subcontractor (if any), licensed plumber(s) ('LPs') 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.

(Via interpreter) Yau Lee, the main contractor, is responsible for managing and monitoring the whole works process, including safety, quality, progress, environmental aspects and cost control. As far as plumbing works are concerned, as stated above, Yau Lee has subcontracted plumbing works to Ming Hop. According to the contract between Yau Lee and Ming Hop, as far as the quality and specifications of the plumbing system is concerned, Ming Hop has to complete the plumbing works according to the contractual requirements of HD and Yau Lee, and Ming Hop has to ensure that the quality of works is in compliance with the requirements of HD and WSD. When the works are completed, the patch-up works during the warranty period are also the responsibility of Ming Hop.

Mr Ng Hak Ming, LP, is a full-time staff of Ming Hop during the construction phase of the six public housing

estates mentioned above. He has worked for Ming Hop for over 30 years and is a contract manager of Ming Hop. He is responsible for all the documents and applications with the WSD and he also monitors plumbing works and is responsible for the quality of works and progress, to ensure that requirements by the HD and the WSD are met.

Mr Ng Hak Ming has left at the end of last month, due to personal reasons.

For the six housing estates mentioned above, Ming Hop has subcontracted five of the actual installation works to Mr Mok Hoi Kwong, who is in charge of Wing Hing plumbing works, and these five public housing estates are Lower Ngau Tau Kok Estate Phase 1, Shek Kip Mei Estate Phase 2, Yan On Estate of Ma On Shan, Un Chau Estate Phases 2 and 4, and Ching Ho Estate Phase 1. For Ching Ho Estate Phase 1, at first works were taken up by Sum Kee, but because progress was unsatisfactory, Ming Hop terminated its contract with Sum Kee in June 2008, and works were taken over by Wing Hing for completion. For Choi Fook Estate, it was contracted to Hang Lee, whose responsible person is Mr Siu Kin Wong. Mr Ng Hak Ming of Ming Hop and resident supervisory staff were responsible for monitoring works progress and quality. As for the monitoring details, I will defer to Mr Ng.

C Q3. (In English) Explain and identify with C  
reference to the tender documents, the Main Contract and D  
Subcontract the specific contractual terms and D  
provisions pertaining to (a) the construction of the E  
Affected Estates to ensure drinking water will be E  
lead-free and safe and (b) prohibiting the use of pipes, F  
fittings and soldering and other plumbing materials F  
(*'Plumbing Materials'*) from which lead may leach into G  
drinking water (the *'Contractual Requirements'*). G  
H

I (Via interpreter) In the general contract between HD I  
and Yau Lee, there were no special provisions on lead J  
content specifications of drinking water. But there are J  
copper pipe specifications; they have to comply with BS K  
or BS EN standards. If soldering materials are used, K  
lead-free solders must be used (annex 2)."  
L

M That's page 1 of the relevant bundle. M

N "In the subcontract, it is specified that the works N  
must be done in accordance with the main contract, and  
O therefore Ming Hop is also subject to the relevant O  
P provisions (annex 3)."  
P

Q That starts from page 100. Q

R "Regarding the contract between Ming Hop and the R  
plumbing subcontractor (annex 4)" -- page 160 -- "it is  
S also specified that the standards must be in compliance S  
with the HD's provisions, and therefore the above  
T  
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V

provisions also apply, and the relevant plumbing works are also subject to the regulation of WWO and WWR and Mr Ng Hak Ming, LP, is responsible for monitoring.

Q4. (In English) Explain the measures, supervisory and monitoring and quality control system in place by Yau Lee in order to comply with such Contractual Requirements and to ensure the safety and quality of drinking water.

(Via interpreter) According to the Hong Kong Housing Authority specification PRE.B8.1425.P, Yau Lee has to submit quality control procedures, work examination forms or report forms. Please see annex 5."

And the document starts from page 212.

"The actual procedures are as follows:

First, there are three types of submissions. First, material submissions; second, method statements, submission of method statements; and also statutory submissions. Ming Hop has to supply intended materials to be used and also method statements to the HD for approval. The LP has to assess Yau Lee, to submit statutory submissions to the WSD according to the relevant legislation, and that is form WWO46 and the related information.

Yau Lee formulates the work procedures and also the inspection and test schemes, and is also responsible for

compiling the rechecking list (annex 5) and listing out all the details to facilitate monitoring.

Ming Hop has subcontracted the actual installation works to a contractor and it will choose subcontractor with enough manpower and experience and with good track record in this area.

When purchasing plumbing installations, Ming Hop has to comply with the contractual requirements and also the approval forms by architects of HD. When materials are delivered to the construction site, the site inspection staff of Ming Hop are responsible for checking the materials to see whether they are in compliance with the approved list by HD. If the relevant materials are included in record form No. 6210, Yau Lee will send a quality control manager or engineer or his subordinate to conduct random checking when the materials are delivered. Then the HD will be informed to send men to check, and works can only start after the materials are properly checked.

Once the materials have arrived at the construction site, they will be used for construction according to design plans and contracts. Yau Lee together with Ming Hop will monitor the quality of works by plumbers.

Q5. (In English) Explain and identify the prevailing Contractual Requirements and statutory and

C non-statutory requirements pertaining to the approval of  
Plumbing Materials by the HA. C

D (Via interpreter) Under the general contract between  
E Yau Lee and the HA, materials used in works, excluding  
F minor metalware and consumables such as solders, they  
G have to comply with the approval and tests of architects  
H or representative of the HD. The samples and also tests  
must be done in accordance with Hong Kong Housing  
Authority specifications. H

I The relevant documents of the six housing estates  
J are listed as annex 6", beginning from page 218. J

K "Q6. (In English) Explain and identify the types of  
Plumbing Materials submitted to HA for approval. K

L (Via interpreter) Regarding plumbing materials  
M submitted to the HA for approval, they are all compiled  
N by Ming Hop for submission to HD through Yau Lee. For  
the types of materials, please see annex 7", beginning  
O from page 232. O

P "Q7. (In English) Explain the choice and decision  
of joining the pipes (a) by soldering instead of (b)  
Q using mechanical compression joints, and why the former  
method of joining the fresh water pipes was extensively  
R used in the Affected Estates. If it is a matter of  
S costs, please state the difference in costs. S

T (Via interpreter) The installation of mechanical  
U  
V

compression joints and their accessories, in terms of materials, these mechanical compression joints accessories are generally more expensive than solder, and the difference in price depends on market conditions, in particular the copper prices at the time. However, the process of mechanical compression jointing is relatively more efficient than brazing, and as such the manpower costs would be lower, and the comparison in prices between both procedures depend on the ratio between copper prices and salaries at the time. As I remember, for the six relevant estates, during the construction phase, the total price of mechanical compression joints is 10 to 20 per cent higher than that of brazing. However, since the salaries of plumbing workers have increased rapidly while copper prices have remained relatively low, the cost of both approaches are more or less the same.

However, price is not the only consideration in considering the use of brazing. For mechanical compression joints, due to craftsmanship or quality issues, after extensive use there's a risk of seepage which would cause nuisance to residents. On the other hand, brazing is more secure and seepage is not as common, and as such it is commonly adopted by the trade.

Q8. (In English) From the preliminary findings of



the WSD Task Force published on 25 September 2015,  
Plumbing Materials (including valves and taps) were used  
which deviated from the list of Plumbing Materials  
submitted to the WSD (Deviated Plumbing Materials).  
Please state and identify the Deviated Plumbing  
Materials and also to the best of Yau Lee's knowledge,  
why the deviated plumbing materials were allowed to be  
used without being spotted during the supervisory and  
monitoring processes. The request is confined to  
Deviated Plumbing Materials which have now been found to  
contain lead or from which lead has leached into water.

(Via interpreter) As I understand, according to the  
preliminary findings of the WSD Task Force published on  
25 September, the estate involved was Kai Ching Estate  
and the second phase of Kwai Luen Estate. They were not  
projects under Yau Lee.

Q9. (In English) Identify the persons, companies  
and entities responsible for the procurement of Plumbing  
Materials. If such materials were procured by Yau Lee's  
subcontractors or any other persons or entities other  
than Yau Lee, explain the measures, supervisory,  
monitoring and quality control system in place by  
Yau Lee in ensuring that (a) the Plumbing Materials are  
lead-free, (b) they comply with the Contractual  
Requirements, statutory and non-statutory requirements

and (c) that the drinking water will be lead-free and safe.

(Via interpreter) In the above six housing estates, Ming Hop was responsible for the procurement of plumbing materials and accessories. The solder was purchased separately by the plumbing subcontractor of Ming Hop on their own, at their own cost. As for the monitoring measures adopted by Yau Lee on plumbing materials, please refer to paragraphs 4 and 11.

Q10. (In English) Identify the persons in Yau Lee responsible for the inspection, construction and installation and approval/certification of completion of the fresh water plumbing system in the Affected Estates and the steps taken by them in (a) discharging such responsibilities and (b) ensuring the safety of drinking water.

(Via interpreter) In different works items, Yau Lee has foremen, building services co-ordinators and quality control co-ordinators to monitor the installation of plumbing works, and the division of work is as follows:

The block foreman would be responsible for all frontline work in the supervision of plumbing installation. For example, the co-ordination of procedures and site inspection on the quality of plumbing installations.

Building services co-ordinators would be responsible for the plumbing diagrams, the relevant building service diagrams and the actual on site co-ordination, to ensure that the site of work complies with the plans or diagrams.

Quality control managers/engineers and architectural quality control co-ordinators are responsible for submitting materials as well as vetting and checking the documents.

The persons responsible for the above work in the six affected estates are listed in annex A", which is in page 254.

"Q11. (In English) Explain the steps taken by the persons identified in the 2 preceding paragraphs in ensuring that (a) the work in connection with the construction and installation of the Plumbing Materials was carried out by workers with sufficient training and qualifications, and (b) only approved and lead-free Plumbing Materials which comply with Contractual Requirements will be used in the construction and installation of the fresh water plumbing system.

(Via interpreter) For my understanding, from Ming Hop, all plumbing workers employed by the plumbing subcontractor in the six housing estates hold the intermediate or construction craftsmen trade test

certificates, and when Yau Lee issued site permits to these workers, they would request these intermediate workers or construction craftsmen to provide certificates of their qualifications. As for paragraph (b), in order to not repeat myself, I will give an answer in the next question.

Q12. (In English) Given your answers to the matters in the preceding paragraphs, explain to the best of your knowledge how Plumbing Materials containing lead came to be used in the Affected Estates and also why the use of the same had been allowed and overlooked.

(Via interpreter) Earlier, public residential estates employ the GI pipes in fresh water pipes from the Housing Authority. However, they would rust after a few years and the fresh water would turn yellow after they stay in the rusted pipes. As such, the Housing Authority decided to use uPVC-lined GI pipes. However, it's difficult to purchase such materials in the market. From around 2005, the Housing Authority decided to turn to copper pipes in these plumbing projects, and based on the technology at that time companies would usually use brazing to connect copper pipes. The main reason is that, as mentioned, the chance of seepage is much lower and there would be less complaints.

According to an interim report from the Review

Committee on quality assurance issues related to fresh water of public housing estates, before the lead in water incident the general trade practice was in line with the Housing Authority's quality control mechanism. At that time, there was no awareness to include solder in the monitoring mechanism.

Let me cite an example. In the overall subcontracts or in the overall contract, solder was only a small fitting, consumable, and as such it was not included in the monthly engineering costs application filed from Yau Lee to the Housing Department, and according to the overall contracts, upon arriving at the sites, the materials would be tested by the Housing Department, but soldering materials for water pipes were not included.

At that time, it was generally believed in the trade that copper brazing has been adopted widely in the trade for years, and Housing Authority projects would have to undergo testing and approval from the Housing Department and Water Supplies Department, and all along there was no awareness that there would be issues from using copper pipes. At the same time, the site foreman of Yau Lee and Ming Hop responsible for monitoring the works never reported any issues with plumbing materials to myself. Since solder is an inexpensive small fitting, at that time I had no reason to believe that

non-compliant solder would be used.

After the lead in water incident, Yau Lee immediately launched an internal investigation. From my understanding, starting from around 2005, Ming Hop decided to ask its subcontractor to purchase solder at their own cost, and that's included in the quotation of the subcontract, which is attached in annex 4. The explanation from Ming Hop is that soldering wire, resin cream and so on were consumables during the construction. They were inexpensive but large quantities might be used during the construction. We had seen cases in which the plumbing subcontractor notified Ming Hop that the soldering material would be used up very soon and they need to be restocked. However, from quotation, the issuing of purchase orders and delivery, it takes around one week, and as such the progress of the plumbing works would be affected and there were complaints from the plumbing workers. At that time, Ming Hop felt that the plumbing subcontractor can have the best idea of the works progress and they can decide when they have to replenish the soldering materials, and as such allowing them to purchase the solder would be best for the projects.

The decision to ask subcontractors to buy solder is based on Ming Hop's working relationship with their

subcontractors. Mr Mok Hoi Kwong, the person in charge of Wing Hing, had worked with Ming Hop in many different projects and they have been collaborating for more than 20 years, and Ming Hop saw them as a reliable subcontractor. Mr Siu Kin Wong, the person in charge of Hang Lee, was also a longstanding partner of Ming Hop and he has been involved in plumbing for more than 20 years. As I understand, in 2008, Mr Siu started his own business, and since we have no issues at all with this company in prior projects, Yau Lee and Ming Hop had no reason to suspect them.

Although Ming Hop decided to allow subcontractors to purchase solder at their own cost, it doesn't mean that Ming Hop did not conduct any supervision on the solder.

First of all, in the procurement of solder, even though soldering wires were not part of the list of mandatory vetting items of the Housing Department, but as mentioned before, specific HD officers might ask for the solder to be submitted and vetted. In that case, Ming Hop will purchase compliant soldering materials for Yau Lee and the Housing Department for vetting. For certain items, the plumbing subcontractor must also demonstrate the soldering procedures to the HD's engineering staff in the sampling room.

Furthermore, Ming Hop will prepare a sample board at

each construction site, displaying plumbing parts, components and tin wire, flux, et cetera, soldering materials approved by the HD. The sample board will be placed at the office of the HD resident staff for inspection by the HD, so that when HD staff inspect the construction site, they would know the approved materials.

For tin wire and flux, they are soldering materials and they are provided by the plumbing subcontractor who is responsible for procurement. When the plumbing parts and components are delivered at the construction site as said above, Ming Hop is responsible for checking whether the model, the brand, the place of manufacture and also the size are in compliance with those approved by the HD. Yau Lee would also send a quality control manager or engineer or his subordinate to take random checks, to ensure that the model and the brand are in compliance with the approved samples, and then inform the HD staff to check, because, as for the tin wire, since solder is not a necessary item for inspection by the HD, it's quite rare for the plumbing subcontractor to report to Yau Lee or Ming Hop upon delivery.

Once the tin wire arrives at site, the workers there would quickly cut it up into smaller segments, to facilitate plumbing workers to take them to soldering



sites for use. Since the tin wire is not marked, it is not easy to tell what brand it is after it is cut up into different segments, so neither Yau Lee or Ming Hop's supervisory staff will be able to tell easily what brand is being used. But according to my understanding with Mr Ng of Ming Hop, he and his subordinates have seen solder materials and tin wire in compliance with HD's requirements.

However, when Yau Lee submits its monthly bills to the HD, there is no requirement for Yau Lee to declare to supply the invoices of solder materials, and therefore Yau Lee has not made this requirement to Ming Hop, and therefore Ming Hop has never supplied the invoices to -- or has never required its subcontractors to supply the relevant invoices to Ming Hop. However, since this incident, at the request of the HA, Yau Lee has provided the solder invoices of these six housing estates to Ming Hop. We can only have the invoices for three sites, Lower Ngau Tau Kok Estate Phase 1, Shek Kip Mei Phase 2 and Ching Ho Estate (annex 9).

Q13. (In English) Describe the measures and quality control system in place and/or any other recommendations (after the discovery of excess lead in drinking water) by Yau Lee in order to (a) address the health concerns of residents of the Affected Estates, (b) to comply with

the statutory requirements and standards in drinking water and (c) to ensure the safety and quality of drinking water supply. Please also state any other recommendations Yau Lee has in relation to (a), (b) and (c) above and on how similar incidents may be avoided in the future.

(Via interpreter) Since excessive lead has been found in drinking water, Yau Lee has taken the following measures to step up control and to take care of the health of the residents of the six affected estates.

First, in the six affected housing estates, Yau Lee has provided connections from the rooftop water tanks to different floors, to facilitate residents to have water supply, and the relevant works have more or less been completed.

Secondly, water filters that are certified by US National Sanitation Foundation, NSF 53, have been installed at these six affected housing estates at no cost to residents, and the filters would also be replaced for free in the coming two years.

Since the lead in water incident, Yau Lee has required Ming Hop to order solder materials directly, to ensure that the source is reliable, and the order must state clearly the brand and also the type, such as UK Fry lead-free Powerflow 99C and to specify the quantity

ordered. Once the soldering materials are delivered at site, the quality control engineer of Yau Lee or his subordinate must check carefully. Once the materials are found to be up to standard, it will be placed at a lockable place at site and will only be taken out when they are used.

Yau Lee has also ordered two XRF analysers, which is a rapid testing device, so that when solder materials are delivered and before they are used for works, they will be checked, and they can only be used after they are confirmed to be lead-free.

Enhanced internal training in particular will remind plumbing workers not to bring their own soldering materials into our construction site and they can only use soldering materials supplied by Yau Lee. Trained workers will have a mark on their safety helmets, and Yau Lee will carry out random checks. Rapid tests will also be used. All unused soldering materials must be destroyed at designated places of the construction site and cannot be disposed of lightly.

Yau Lee will use the rapid XRF analyser to ensure that all solder joints up to standard, to ensure that they are lead-free.

Yau Lee has switched to stainless steel pipes with very good results, and the HD can consider using this.

I believe that the statement is true."

Signed, "Wong Tin Cheung on behalf of Yau Lee  
Construction Co Ltd, dated 10 November 2015."

Chairman, I have completed the first statement. The  
second statement is at J1, starting from page 31. This  
is a statement provided in his capacity as the director  
and general manager of Ming Hop.

"I, Wong Tin Cheung, director and general manager of  
Ming Hop, provide this statement in response to  
a request from Lo & Lo Solicitors dated 16 October 2015.  
I will now provide answers to the questions of the  
Commission one by one.

Since the daily operation of Ming Hop is the  
responsibility of the deputy general manager, Ms Wong  
Lai Ying and also contract manager, Mr Ng Hak Ming, in  
preparing this statement, I have had to obtain most of  
the answers with the assistance of Mr Ng and Ms Wong."

The first question:

"Q1. (In English) Adduce the part(s) of the  
6 subcontracts and 7 sub-subcontracts pertaining to (a)  
the construction and installation of the fresh water  
plumbing system in the affected estates and (b) the  
procurement of pipes, fittings and soldering and other  
plumbing materials ('plumbing materials') in connection  
therewith.

(Via interpreter) In relation to the contract between Ming Hop and Yau Lee, covering Un Chau Estate Phase 2 and Phase 4, Ching Ho Estate Phase 1, Choi Fook Estate, Yan On Estate, Lower Ngau Tau Kok Estate Phase 1 and Shek Kip Mei Estate Phase 2, there are six subcontracts. Also, the seven subcontracts between Ming Hop and Wing Hing, and also Hang Lee and Sum Kee, involving the construction and installation of the fresh water plumbing system in the affected housing estates and the procurement of pipes, fittings, soldering and other plumbing materials. Please see annexes 3 and 4 of the witness statement for Yau Lee", which can be found in bundle I1 at pages 108 to 211.

"Q2. (In English) Describe and explain the respective roles and works of Sum Kee and Wing Hing in the construction and installation of the fresh water plumbing system and procurement of plumbing materials for Ching Ho Estate.

I have first of all answered this question in paragraph 9 of my witness statement regarding Yau Lee and I will not repeat here."

That's on I1, page 182.

"Q3. (In English) Describe and explain the steps and procedures in the construction and installation of the fresh water plumbing system in the affected estates.

(Via interpreter) With regard to Lower Ngau Tau Kok Estate Phase 1, Shek Kip Mei Estate Phase 2, Yan On Estate of Ma On Shan, Un Chau Estate Phases 2 and 4, Ching Ho Estate Phase 1 and Choi Fook Estate, for the steps and procedures and the construction and installation of the fresh water plumbing system, I have already detailed all that I know in paragraphs 4 to 6 of my witness statement for Yau Lee, which can be found in I1, pages 80 to 81. Regarding details, Mr Ng Hak Ming will explain in his own statement.

Q4. (In English) With reference to the steps and procedures outlined above, explain the roles and responsibilities of Ming Hop and the respective roles and responsibilities of its subcontractors and licensed plumbers ('LPs') 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.

(Via interpreter) This issue has been covered in my witness statement for Yau Lee in paragraphs 7 to 9" -- this is I1, page 82 -- "so I won't repeat myself."

"As for the vetting of plumbing materials, I have covered that in paragraphs 4 to 5 in my witness statement for Yau Lee."

Again, this is I1, pages 80 to 81.

"As the licensed plumber for the plumbing works of these six estates, Mr Ng Hak Ming would outline the steps, criteria and standards he adopted in detail in the control of the compliance of plumbing materials.

Q5. (In English) Explain and identify with reference to both the subcontract and the sub-subcontracts the specific contractual terms and provisions pertaining to (a) the construction of the affected estates to ensure drinking water will be lead-free and safe and (b) prohibiting the use of plumbing materials from which lead may leach into drinking water (the 'contractual requirements').

(In Chinese) Q7. (In English) Explain and identify the prevailing contractual requirements and statutory and non-statutory requirements pertaining to approval of plumbing materials by the HA and the main contractor.

(Via interpreter) I have answered these two questions in paragraphs 10 to 11 of my witness statement for Yau Lee, so I won't repeat myself here."

Again, this is I1, page 83.

"Q6. (In English) Explain the measures,

supervisory, monitoring and quality control system in place by Ming Hop in order to comply with the contractual requirements and to ensure the safety and quality of drinking water.

(Via interpreter) I have addressed this question in paragraph 11 of my witness statement for Yau Lee, so I won't repeat myself."

This is at I1, page 84.

"Q8. (In English) Explain and identify the types of plumbing materials submitted to the HA and the main contractor for approval.

(Via interpreter) Through Yau Lee, Ming Hop submitted the plumbing materials to the Housing Department for approval. The types of materials submitted are listed in annex 7 of the witness statement for Yau Lee."

It's in bundle I1, page 235.

"Q9. (In English) Explain the choice and decision of joining the pipes (a) by soldering instead of (b) using mechanical compression joints, and why the former method of joining the fresh water pipes was extensively used in the affected estates. If it is a matter of costs, please state the difference in costs.

(Via interpreter) I have explained this in paragraphs 15 to 16 in my witness statement for Yau Lee



so I won't repeat myself."

It is in I1, page 87.

"Q10. (In English) From the preliminary findings of the WSD Task Force published on 25 September 2015, plumbing materials (including valves and taps) were used which deviated from the list of plumbing materials submitted to the WSD (deviated plumbing materials). Please state and identify the deviated plumbing materials and also, to the best of Yau Lee's knowledge, why the deviated plumbing materials were allowed to be used without being spotted during the supervisory and monitoring processes. The request is confined to deviated plumbing materials which have now been found to contain lead or from which lead has leached into water.

(In Chinese) Q11. (In English) Adduce all purchase orders, receipts and information showing the brand names, types and specifications of (a) the soldering materials used, (b) deviated plumbing materials used other plumbing materials in which lead has been found.

(Via interpreter) As I understand, the WSD Task Force found out on 25 September 2015 that the non-compliant deviated plumbing materials involved were Kai Ching Estate and Kwai Luen Estate Phase 2, and Ming Hop was not involved.

Q12. (In English) Identify the persons, companies

and entities responsible for the procurement of plumbing materials. If such materials were procured by Ming Hop's subcontractors or any other persons or entities other than Ming Hop, explain the measures, supervisory, monitoring and quality control system in place.

(Via interpreter) I have addressed in question in paragraphs 4, 11 and 18 of my witness statement for Yau Lee, so I won't repeat myself here."

This is I1, pages 80, 84 and 85.

"Q13. (In English) Identify the persons in Ming Hop responsible for the inspection, construction and installation and approval/certification of completion of the fresh water plumbing system in the affected estates and the steps taken by them in (a) discharging such responsibilities and (b) ensuring the safety of drinking water.

(In Chinese) Q14. (In English) Explain the steps taken by the persons identified in the 2 preceding paragraphs in ensuring that (a) the work in connection with the construction and installation of the plumbing materials was carried out by workers with sufficient training and qualifications, and (b) only approved and lead-free plumbing materials which comply with contractual requirements will be used in the

construction and installation of the fresh water plumbing system.

(In Chinese) Q15. (In English) Explain your role in supervising and monitoring the work of the LPs and other workers and persons involved in the construction and installation of the fresh water plumbing system.

(In Chinese) Q16. (In English) Explain and confirm (with reference to the enclosed list of plumbing workers (enclosure 1) whether all workers and persons who constructed and installed the pipes and fittings in the fresh water plumbing system were licensed plumbers.

(Via interpreter) On 16 October 2015, Lo & Lo Solicitors attached enclosure 1, which is a list of workers, in its letter to Ming Hop. After verification from the administrative staff of Ming Hop, some alleged Ming Hop staff were actually workers from subcontractors. I asked Ming Hop's administrators to correct the information on the workers who were not Ming Hop's staff and consolidate a list of workers who were involved in the construction and installation of plumbing works in each estate. This is annex 1 in this witness statement. From my understanding, from Mr Ng Hak Ming, of these workers, none were licensed plumbers, but they held intermediate or craftsmen certificates in plumbing works.

Mr Ng Hak Ming and the six on-site foremen from Ming Hop were involved in the supervision of relevant works. The on-site staff of Yau Lee was responsible of monitoring Mr Ng and the work of the plumbing workers, and the on site staff would report to me the progress and works quality of the relevant plumbing works through the vice general manager, Ms Wong Lai Ying of Ming Hop.

I secured the project organisation submitted from Ming Hop to the Housing Department on the construction of five housing estates, and this is listed in annex 2."

Chairman, this is on page 63.

"The remaining project organisation chart for Un Chau Estate phases 2 and 3 could not be secured. Although the above persons were shown as engineer on the project organisation chart of Ming Hop, in other words the on site foreman I stated in my witness statement, I enquired Mr Ng Hak Ming on this and he confirmed what I said as true.

The name of site Un Chau Estate Phases 2 and 4, the responsible foreman, Mr Alex Poon, has left his position. For Ching Ho Estate, Mr Alex Poon has left his position. For Yan On Estate, Mr Gary Lee has left. Shek Kip Mei Estate Phase 2 blocks 5 and 6, Mr Gary Lee has left. Ngau Tau Kok Lower Estate blocks 1 to 5, Mr CF Ching. Choi Fook Estate, blocks 9 to 11, Mr CF

Ching.

As mentioned in my witness statement for Yau Lee, in paragraphs 4, 5, 11 and 19" -- the relevant pages are I1, pages 80, 84 and 90 -- "Ming Hop primarily submits the solder to the Housing Department via its plumbing subcontractor, to monitor -- and they would monitor the installation of the plumbing subcontractor to see whether contractual requirements are fulfilled, and there are regular inspections on the workers and spot visits to the sites to make sure that the subcontractors abide by the contractual requirements.

Q17. (In English) Given your answers to the matters in the preceding paragraphs, explain to the best of Ming Hop's knowledge how plumbing materials containing lead came to be used in the affected estates and also why the use of the same had been allowed and overlooked.

(Via interpreter) My view on this issue was already addressed in paragraphs 22 to 31 of my witness statement for Yau Lee. I won't repeat myself."

This is in bundle I1, pages 92 to 93.

"Q18. (In English) Describe the measures and quality control system in place and/or any other recommendations (after the discovery of excess lead in drinking water) by Ming Hop in order to (a) address the health concerns of residents of the affected estates,

(b) to comply with the statutory requirements and standards in drinking water and (c) to ensure the safety and quality of drinking water supply. Please also state any other recommendations Ming Hop has in relation to (a), (b) and (c) above and on how similar incidents may be avoided in the future.

(Via interpreter) I have addressed this question in paragraph 32 of my witness statement for Yau Lee.

I won't repeat myself."

This is in I1, page 95.

"I believe that what I gave in this witness statement were the truth.

Wong Tin Cheung, 10 November 2015."

Mr Wong, could you confirm these two written witness statements as witness statements for the purposes of this hearing?

A. Yes.

Q. I read out your two witness statements. Is there anything you would like to amend?

A. No.

Q. Are you willing to adopt these statements for the purpose of this Inquiry?

A. Yes.

Q. I would like to raise some questions on several issues. First of all, let's look at I1, page 93, paragraph 28.

C Here, it is mentioned the individual HD staff may ask to  
D check the soldering materials, Ming Hop may require  
E subcontractors to purchase samples of soldering  
F materials for approval by Yau Lee and the HD, and then  
G individual projects' plumbing subcontractors have  
H demonstrated the soldering procedures to HD staff.

G Have you read the statement by Mr Ng Hak Ming  
H submitted yesterday?

I A. I have.

J Q. Have you had the opportunity to consider the information  
K in that statement?

L A. Yes.

M Q. So Mr Ng has responded to four issues. I would like to  
N take you to paragraph 6 of Mr Ng Hak Ming's  
O supplementary statement.

M Chairman, it was only submitted last night, so it's  
N not paginated yet.

O MR KHAW: P1, item 5.

P CHAIRMAN: It's at page 226.

Q MS WONG: May I refer you to paragraph 6, starting from the  
R third line, which says that from Yau Lee, some pictures  
S were taken from the sample boardroom of Choi Fook Estate  
T on 27 March 2009, annex 9. The pictures showed that  
U they were demonstrating to HD staff the use of Fry grade  
V 99C lead-free tin wire.

May I lead you to -- sorry, my bundle is not paginated yet -- page 239 of the bundle. This photo, according to the supplementary statement by Mr Ng Hak Ming, there was a demonstration to HD staff at Choi Fook Estate. According to the date shown on the photo, it was 27 March 2009. Can you see it?

So I would like to ask, how were the photos found?

A. My staff found it at the server of Yau Lee last weekend.

Q. So these photos show some plumbing materials. If you look at photos number 1 to 9, photo 9, there is a worker doing some soldering; right?

A. Yes, I can see it.

Q. And photo 11, we can see a tin, a yellow tin, so a flux was being used to wipe the pipes?

A. Yes.

Q. Photos 17 to 20, and photos 33 to 39, we can see the soldering procedures?

A. Yes.

Q. Photos 21 and 23, page 245, we can see soldering materials being used for connecting the pipes. We can see this slightly bent solder.

Photo 26, we see somebody using a level ruler. Do you know who he is?

A. According to my colleague, he was an HD staff member.

Q. HD staff member? Photo 28, someone holding a tin of



yellow Powerflux and also lead-free solder, in green, the brand Fry, power or grade 99C lead-free. Can you see it?

A. I do.

Q. As far as you know, who was holding these materials?

A. According to my colleague, he contacted a former colleague and this one was Mr Siu Kin Wong.

CHAIRMAN: The photo number, please?

MS WONG: 28.

CHAIRMAN: So that person was Mr Siu Kin Wong.

MS WONG: Can we take a look at photos 29 to 31. We can see for sure the brand of solder. It is Fry Powerflow lead-free grade 99C, in a roll.

A. Yes, correct.

Q. Photos 33, 34, 35, 36, 37 and 39, we can see the soldering procedures, and we can also see soldering materials being used for the works?

A. Correct.

Q. So how come, Mr Wong, you are in possession of these photos?

A. I could not identify who took the photos, but they were downloaded from our server. As far as I understand, some frontline site staff would, for the sake of training new workers, ask our subcontractor to demonstrate the procedures. I believe those photos were

taken in a similar situation.

Q. For those working, do you know whether they were your workers?

A. According to my colleague, well, our own workers did not know how to do soldering, so it would be Mr Siu Kin Wong or his workers.

Q. All right. The second area I would like to ask is -- I would like to take you to some documents, indicating that four housing estates had submitted materials or documents to the HD. May I lead you to documents related to Ching Ho Estate: page 80, paragraph 4 of your statement, the fourth paragraph; and page 93, paragraph 28.

Let's take a look at Ching Ho Estate. May I lead you to bundle B14.2, page 36595. On the top left-hand corner, we have the contract title: "Completion contract for the construction of Fanling area 36 Phase 1", the date 2 November 2007; is it correct?

A. Yes.

Q. So it was a form submitted by your company?

A. Yes.

Q. The brand, from "Materials description: Fry flux & solder wire"; correct?

A. Yes.

Q. So is this material mentioned lead-free material?

A. Yes.

Q. That's for Ching Ho Estate.

The second document, the document was submitted to  
the Housing Department for sample approval?

A. Yes.

Q. Materials were submitted to the HD by your contractor;  
right?

A. The materials would be submitted by Mr Mok Hoi Kwong.

For Ching Ho Estate, at first it was Sum Kee. The  
materials were submitted to our site staff for onward  
submission to HD.

Q. We will discuss purchase orders by Sum Kee later. First  
I would like to go through these four housing estates  
with you first.

The second housing estate is Choi Fook Estate.  
B12.3, page 31738. Again, we can see the contract  
title: "Choi Wan Road development Site 3B Phase 1". We  
talk about site 3B in Phase 1.

A. Yes.

Q. The site is Choi Fook Estate?

A. Correct.

Q. The date again is 7 August 2008?

A. Yes.

Q. "Materials description", under 1, "General information",  
it says, "'Fry 99C' lead-free solder wire & 'Fry'

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 18	
C	Powerflow Flux; copper pipework jointing".	C
	A. Correct.	
D	Q. The name and address of manufacturers and the supplier	D
E	were stated, and that's Prosperity Building Materials Co	E
	Ltd.	
F	A. Yes.	F
G	Q. Page 32017, we are talking about the same site here,	G
H	Choi Fook Estate. Again, "Materials submission".	H
	A. Yes, I can see it.	
I	Q. Were submitted by PS So, your site agent; is that	I
J	correct?	J
	A. Correct.	
K	Q. And cc "Site (file C1)". Are you talking about the	K
L	construction site in question?	L
	A. Correct.	
M	Q. "With enclosure", that means the enclosures are	M
N	included.	N
	A. Yes.	
O	Q. Can we turn to the enclosures now. Item 7, from the	O
P	top, can you see "Fry 99C" there?	P
	A. Yes, I do.	
Q	Q. Again, we are talking about the same lead-free solder	Q
R	materials?	R
	A. Yes.	
S	Q. Let's take a look at Yan On Estate: B11.3, page 28003.	S
T		T
U		U
V		V

First, on the table, we see the title, "Test report" --  
"Test Report (Material) by Laboratories". It says  
"From: Yau Lee". The subject is "Sample Submission with  
Test Report".

Let's look at the third line in the material item  
list. Do you see the words "lead-free solder wire and  
flux"?

A. Yes.

Q. Similarly, this is about lead-free solder.

Now let's look at 28004. It says, "Construction of  
Ma On Shan Area 86B". Is this referring to Yan On  
Estate?

A. Yes.

Q. Again, it was submitted by yourself, and the date was  
15 January 2009?

A. Yes.

Q. Now let's look at 28008. You can see that the date is  
15 January 2009, and the venue. When we look at the  
photos, we see different cans and bundles of soldering  
wire. This is lead-free soldering wire; right?

A. Yes.

Q. The fourth site is Shek Kip Mei Estate Phase 2. Please  
turn to B8.3, page 19881. In the top-left corner, you  
can see the title: "Construction of public rental  
housing at Shek Kip Mei Estate Phase 2". The date was

31 May 2010.

A. Yes.

Q. Again, it was submitted by your company?

A. Yes.

Q. Under "Materials description" it says "Fry lead-free solder wire"?

A. Yes, I see that.

Q. And the location is "copper pipe connection"?

A. Yes.

Q. Similarly, the supplier was Prosperity Building Materials Co Ltd?

A. Yes.

Q. Now let's look at page 19883. It says "Mr CS Hsieh, project clerk of [materials]"?

A. Yes.

Q. And on page 19884, we have an approval label, and under the description it says "Fry lead-free solder wire". The signatory was a representative from the Hong Kong Housing Authority.

A. Yes.

Q. On 19885, we can see the brand and type of flux. You can see the green packaging. Again, this is Fry lead-free solder wire.

On page 19886, this is a so-called certificate issued by Prosperity Building Materials Co Ltd, and

relevant test reports are attached. Why was this document created?

A. Ming Hop obtained this document from Prosperity.

Q. Why was that?

A. I believe the objective was to make sure that material requirements have remained unchanged, and as such a catalogue was requested, in order to know the latest requirements.

Q. Can you speak up a little bit, please?

A. All right.

Q. From page 19886 to 19887, 19889, 19890, until 19895, we have a series of test reports.

A. Yes.

Q. Let's see some chops from Yau Lee. Something called SQCC.

Now let's look at 19895. There's a chop here. What does SQCC stand for?

A. Structural quality control co-ordinator.

Q. The site is the same as what you mentioned; right?

A. They were both under the quality control engineer.

Q. Now, on page 19896 we have a document apparently provided by Prosperity Building Materials Co Ltd, and the title is "Fry flux and lead-free soldering wire, HKHA and ASD projects", and Yau Lee Construction Co Ltd was mentioned. Does it mean that lead-free solder was

C provided to Yau Lee for these estates? C

D A. This is a short portfolio from Prosperity Building D  
Materials Co Ltd. In our trade, it's common for us to  
E refer to similar projects in the past, so I believe this E  
is their portfolio.

F Q. Now, from 19897, 19898 and 19899 to 19900, relevant test F  
G reports are attached on this specific brand of lead-free G  
H solder. These are test reports; right? H

I A. Yes. I

J MS WONG: Chairman, would that be an appropriate time to J  
break?

K CHAIRMAN: Let's take a 20-minute break. K

(11.37 am)

(A short adjournment)

(12 noon)

L CHAIRMAN: Please continue, Ms Wong. L

M MS WONG: Certain statements were made by Mr Siu and Mr Mok. M

N CHAIRMAN: Can you speak up, please? N

O MS WONG: For the third aspect, I will lead Mr Wong through O  
P Mr Siu's witness statement and Mr Mok's witness P  
statement.

Q There are certain accounts or statements and I would Q  
R like to see how you respond. R

S First of all, I would like to take you to Mr Siu S  
T Kin Wong's witness statement: O/3, page 10, paragraph 7. T



01, item 3, page 10, paragraph 7.

In his witness statement, Mr Siu, in his final three lines, mentioned that for the Choi Fook Estate project, Ming Hop never specified Hang Lee to procure any specific brands or specifications in its small fittings, and this includes soldering material, and he never suggested himself where to purchase the small fittings such as solder.

We saw some photographs this morning and it was in annex 9 of Mr Ng Hak Ming's witness statement, and in paragraph 7 here, how would you respond to Mr Siu's statement?

A. I don't agree with his statement. Mr Siu was the one holding the can or bundle of soldering material.

Q. He was holding the green can and the yellow can of flux; right?

A. Yes. He demonstrated the soldering procedures to HD staff.

Q. Now I would like you to refer to paragraph 11 of Mr Siu's witness statement. Perhaps let's look at paragraph 10 first. In the last two lines, it says:

"From my recollection, the sampling room of the Choi Fook Estate project should be located on the third floor and from construction to approval it takes two or three months."

As far as you know, the demonstration in the  
photographs you have shown, where was it done?

A. It was done in the sampling room.

Q. In paragraph 11, it says:

"HD officers would not specifically request workers  
to demonstrate the brazing procedures. However, during  
the brazing work, HD staff might see how they work."

So here there was no denying that some HD staff  
might conduct inspections and see how they work. Is  
there anything you would like to respond?

A. Such demonstrations don't happen all the time, but in  
Choi Fook Estate, some of our colleagues have  
demonstrated the procedures to HD's officers.

CHAIRMAN: Was such demonstration an exception rather than  
a norm?

A. As far as I know, such demonstrations do not occur at  
every site. It was an informal process. In some cases,  
some HD officers might request our staff to carry out  
demonstrations. There won't be any written records, and  
it's often done on request. I think that's the case  
here.

MS WONG: Now, in paragraph 19, in Mr Siu Kin Wong's witness  
statement, it says:

"Before the lead in water incident, I have never  
seen rolls of soldering wires or brands named Fry. As

far as I know, starting from the end of the 1980s, Hong Kong has started using copper pipes for hot water supply, and at that time mechanical joints were used instead of soldering. I do not know that some solder is available as strips and some as rolls, and I do not know the difference between leaded and unleaded solder."

A. I think I do not agree with that.

Q. From the photographs we saw this morning, the green roll was apparently lead-free solder?

A. Yes.

Q. Paragraph 31. In the second line there, it says:

"Myself and Hang Lee were never requested to submit solder for vetting purpose, and we never supplied Yau Lee or Ming Hop with rolls of soldering wire. Myself and Hang Lee had no idea what is meant by soldering materials compliant with HD's requirements."

Do you agree?

A. No, I do not agree.

Q. What's your reason?

A. Well, it's because of the photographs.

Q. Paragraph 34. Again, it says:

"I do not know whether the samples include flux and leaded solder. Myself and Hang Lee were never requested by Ming Hop or anybody else to provide flux or soldering wire samples."

C Do you agree? C

A. No, I do not agree.

D Q. Mr Siu Kin Wong was the person holding the rolls of  
E solder.

A. Right.

F Q. Now let's look at the witness statement of Mr Mok F

G Hoi Kwong. Before we go there, I would like to remind  
H you of the witness statement you gave for Yau Lee. In  
I paragraph 9, I1/82, here it says Mr Mok Hoi Kwong was  
I responsible for five estates.

A. Correct.

J Q. For Ching Ho Estate Phase 1, Sum Kee was the  
K subcontractor. Due to unsatisfactory works progress, he  
L eventually took up the project.

A. Correct.

M Q. In his supplementary witness statement yesterday, Mr Ng  
N mentioned in paragraph 7 -- well, I would like to take  
O you to the witness statement of Mr Mok Hoi Kwong.  
P P1/227, paragraph 7, page 227. Mr Ng Hak Ming said he  
Q was puzzled why Mr Mok Hoi Kwong said he didn't know the  
R solder might contain lead, and for Yan On Estate and  
S Shek Kip Mei Estate Phase 2, some documents show that  
T the soldering materials had been submitted. According  
U to the site staff at Yan On Estate, they submitted  
V lead-free soldering -- soldering material sample was

submitted by Mr Mok Hoi Kwong. For Ching Ho Estate, when he took over Ching Ho Estate project, Sum Kee was responsible for receiving the uninstalled plumbing materials, and at that time he recalled Sum Kee transporting such materials away, and that includes the Fry 99C lead-free solder, in the green packaging.

At that time, he took reference to the invoice and delivery note by Prosperity. This is in bundle S1, pages 61 to 68. These documents were submitted by Mr Chow from Prosperity. Appendix B, starting from page 59, attachment B.

Attachment D starts from page 78. It should be B on page 59. Let's look at appendix B on page 59. Let's look at page 60 first. These are invoices issued by Prosperity Building Materials Co Ltd; right?

A. Can you repeat that, please?

Q. Starting from page 60, these invoices were issued by Prosperity; right?

A. Yes.

Q. Now, on page 60, this invoice was addressed to Mr Mok Hoi Kwong.

A. Correct.

Q. And it says "Un Chau Street", and the date was 20 April 2007.

A. Yes.

Q. Now, starting from page 61, this is on Fanling Area 36  
Phase 1?

A. Yes.

Q. This is for Ching Ho Estate; right?

A. Yes.

Q. Starting from page 61, it says "Cash sale", and the date  
was 24 July 2008. The item name is called UK Fry  
lead-free solder, and the quantity is 120 rolls; the  
delivery address is Phase 1, Area 36, Fanling. The  
address is Ching Ho Estate.

A. Correct.

Q. Now let's look at page 62. Again, it's a cash sale.

28 June 2008. Again, British Fry lead-free solder.

Again, the delivery is Fanling Area 36, Phase 1.

A. Yes.

Q. Page 63. The date of this delivery note is 28 June  
2008. Again, it was a cash sale. Again, the delivery  
address is Ching Ho Estate. But this is a little bit  
different. Mok Hoi Kwong signed on this note; right?

A. Yes, we see his signature here.

Q. The next page, 64, and page 65 -- again, on page 65,  
Mr Mok's signature is here and it says "Lead-free  
solder", and on page 66 and page 67, again, Mok  
Hoi Kwong's signatures are here. 23 August 2008, again,  
"Fry lead-free solder". Page 68, 2 September 2008,

again it was a cash sale and it says "Fry lead-free solder". Again the delivery address is Ching Ho Estate.

A. Correct.

Q. Now let's come back to Mok Hoi Kwong's witness statement, bundle M, starting from page 9. Please turn to page 21.

A. Yes.

Q. You said that for the affected projects, we can mostly use tin strips, and then when it's out of stock, may use tin solder in a roll. I don't know whether it contains lead or not, but we have been using that as commonly used in the industry.

Paragraph 22.

A. What paragraph, please?

Q. 22.

A. Prior to the lead incident, I have never considered, nor did I know the content in tin strips and also tin wire, and I don't know whether they contain lead. I am not aware of any UK standard, and I think workers in the trade do not have any concept or awareness of whether soldering materials would contain lead or not.

Q. Paragraph 35:

"I knew that Ming Hop had to submit some plumbing materials to the HD for approval but I didn't know the approval standards or details, and I didn't know whether

solders had to be approved. I cannot recall whether Wing Hing had been requested to submit any materials for approval. I didn't remember whether Ming Hop or Yau Lee had been given tin wire. I have never submitted any certificates or test reports. I have no concept of what is meant by soldering material approved by HD."

What are your views, after reading these paragraphs?

A. I beg to differ from his view because Ng Hak Ming's statement clearly indicated that at the point of handover, Fry 99C was used, and colleagues of Yan On Estate told me that Mr Mok Hoi Kwong handed Fry 99C to them personally, and I have also checked myself, because I am working on Anderson Road site E for HD, I have checked with AQCC of the site and I was told that Mok Hoi Kwong personally delivered Fry 99C to him. So I'm quite sure Mr Mok knew what materials were to be used.

CHAIRMAN: May I interrupt. Anderson Road site E, is that in progress?

A. Yes, it was supposed to hand over in two months or so.

CHAIRMAN: And when did work start?

A. About three years ago. That is in 2012/2013, in other words.

CHAIRMAN: The Anderson project, is that undertaken by Wing Hing?

A. Yes. Yau Lee is the main contractor, Ming Hop the



subcontractor, and Wing Hing the sub-subcontractor.

CHAIRMAN: So, for the Anderson Road site, according to your colleagues, Mok Hoi Kwong handed samples of the solder to Ming Hop for onward submission to Yau Lee and then to the HD?

A. According to my colleague, Mok Hoi Kwong personally submitted the samples to our AQCC.

CHAIRMAN: AQCC is?

A. Is responsible for co-ordinating materials for submission to HD.

CHAIRMAN: That was in around 2013 to 2014?

A. Yes.

CHAIRMAN: What's the name of that AQCC?

A. Leo Tam.

CHAIRMAN: Okay. Is he still your employee?

A. Yes, he is.

MS WONG: Mr Wong, having read the two statements, do you agree that Siu Kin Wong, on behalf of Hang Lee and Mr Mok Hoi Kwong, representing Wing Hing, knew for sure what sort of materials to be used?

A. They should know full well.

Q. So they knew full well that lead-free solder should be used.

A. Yes.

Q. So you find their statements incorrect?

A. Yes.

Q. Chairman, I would like to ask questions on the following two areas. First, a report from Yau Lee to the HD dated 14 September 2015. B7.4, page 17873. Do you have that document with you, Mr Wong?

A. Indeed.

Q. That was subsequent to the lead-free incident, a report submitted by your company to the HD.

If you look at page 17877, there's the question of \$76. Can you explain to us, in relation to paragraph 2, how do you arrive at the two figures, \$33 and \$43?

A. Those are just rough figures. We did some testing with my colleagues, to look at the effectiveness or the speed when it comes to the use of lead-free or leaded solder. Our conclusion is for lead-free solder, the time was a little bit longer, but if we use high temperature gun and gas, the speed was more or less the same.

So, if we compare the cost, we should do a comparison using lead-free solder high-temperature gas. So the difference is just \$33 per flat more expensive for solder material cost, and \$43 per flat more expensive for the equipment cost, and therefore the difference is only \$76, but it may differ at different times.

However, there is no intention or incentive for the

contractor or subcontractor to use deviated solder materials, because the pricing difference is very minor.

Q. So there are accusations that subcontractors might want to save \$76 per flat. Now, if we are talking about hundreds of flats, the difference might be tens of thousands of dollars in difference and to cut corners, they might go for lead-free solders. What is your response to this accusation?

A. I can't see why they are going to do that, because we have a long-term relationship with the subcontractors and the difference is just a few tens of thousands of dollars, so we cannot figure out why.

Q. The last area I would like to ask you on this: some statements -- I would like to ask you a question in relation to a statement by Ms Lok So Fun. 25 November 2015, page 88, the Chinese transcript.

A. I'm afraid I don't have it yet.

Q. I will read it out to you. Ms Rosa Lok mentioned that the demonstration at the sample room, Ms Rosa Lok mentioned that demonstration of soldering joints were never heard of. As far as we understand, Ms Rosa Lok also gave evidence on the site of Choi Fook Estate. What is your view?

A. I would not be taken by surprise, because it involves frontline staff. Perhaps the request was made by her

frontline colleagues and we did it, and perhaps architects or chief architects had no idea of what had happened.

Q. So is it possible that frontline staff had done it without telling her?

A. Yes, because the demonstration is not something very special. At site, the demonstration might be done to coach new colleagues or to let our colleagues understand how it should be done. So it's just an understanding and no formal documents might be prepared. So it is not a surprise that the senior officers had no idea. I myself had no idea as well.

MS WONG: (Chinese spoken).

CHAIRMAN: Mr Khaw.

Cross-examination by MR KHAW

MR KHAW: Mr Wong, in your statement you mentioned that starting from 1997 you became the director, and in around 1993 you became one of the directors of Ming Hop?

A. Yes.

Q. I would like to understand from you the daily operation of your company. I know you belong to the senior management of Yau Lee and Ming Hop. Both Yau Lee and Ming Hop are involved in the six affected housing estates. Now, for the daily operation, I would like to ask whether you would personally inspect the six housing

estates, and how frequent?

A. Well, it's really not fixed. It depends on the progress of works, whether there were special problems. In my experience with construction sites, on average, this is just an average, I would inspect at least once or more each housing estate per month.

Q. So would you go when there was a problem or would you inspect these sites in general?

A. On both occasions. When there was a problem, of course I had to see to it. If senior officers would visit construction sites, I would go there personally myself first, and if time permitted, I would do the same.

Q. Regarding the contract between Yau Lee and Ming Hop, and also the sub-subcontract between Ming Hop and the licensed plumber, were you involved in the negotiation of these contracts?

A. For the contract between Yau Lee and Ming Hop, the tendering division of Yau Lee was responsible. Our department from the tenders would be involved. Because the two are sister companies, so usually they made the arrangements. I rarely saw to them. Ms Wong and also Mr Ng were responsible for the contract between Ming Hop and also the sub-subcontractors.

Q. So you were not personally involved in the management of the contract between Ming Hop and the subcontractors?

Page 90 of 11, of your statement. Q10. You were asked to identify the persons in Yau Lee responsible for the inspection, construction of the sites, and you told us that Yau Lee had building services co-ordinators and quality control manager/engineer to monitor the installation of pipes. We can see that these include foreman, building services co-ordinators, as well as quality control managers.

On page 255 of the bundle, you listed out the personnel responsible for these affected estates in detail. So my question is, before you gave this witness statement, did you ask any person listed on this table, for example quality control co-ordinators or engineers -- did you ask whether they were willing to give witness statements?

A. No, I did not ask them.

Q. Why was that, since they were directly involved?

A. The Commission asked for a statement from the managing director, which is myself. Since we were responsible for six affected estates, I felt I should be the person to give the statement.

Q. We asked for a witness statement from you, but in our letter we also mentioned that if you feel that any personnel involved in the affected estates should show up to give statements, did you consider this scenario?

Ms Wong asked you about Mr Ng Hak Ming, the licensed plumber. I think Mr Ng had two roles. One is the licensed plumber and, second, he was a staff employed by Ming Hop?

A. Yes.

Q. Just now, for the photographs we saw, a demonstration was done by the workers for the Housing Department. When I look at P1, page 227 of Mr Ng's witness statement, paragraph 6, Mr Wong said -- for paragraphs 6 and 7, in paragraph 6 photographic records were mentioned, and it says someone was holding the Fry lead-free solder. Have you actually seen Mr Mok himself?

A. Do you mean if I know him?

Q. Yes.

A. I do.

Q. What about Mr Siu? Before the lead in water incident in July, have you seen him?

A. I have recollection but I'm not exactly sure.

Q. In paragraph 7, Mr Ng Hak Ming said he was puzzled why Mok Hoi Kwong said he didn't know the solder might contain lead, because for the housing estate in which Wing Hing was responsible for the plumbing works, for Yan On Estate and Shek Kip Mei Estate Phase 2, some documents show that the soldering materials were

submitted, and at that time the on-site staff at Yan On Estate confirmed that the submitted lead samples were provided by Mok Hoi Kwong.

Now, who was the on-site person in charge?

A. It was one of my former colleagues and he was called Mr Shau Chi Wai. He was the site agent.

Q. His name was not on the table. What was his position?

A. Site agent.

Q. Did you and Mr Ng Hak Ming consider asking Mr Shau's opinion?

A. I had a phone conversation with Mr Shau and he confirmed the facts, yes.

Q. Did you invite him to give evidence?

A. No, because it just happened over this past weekend.

Q. Before the lead in water incident this July, you have been discussing contract specifications with the Housing Department with regards to the specs of materials, and for soldering material BS 1254, lead-free solder and so on, these were mentioned.

Before July 2015, were you aware of the situation?

A. I did not know but my colleagues might.

Q. Before July 2015, on the solder specifications, did you have any information? Did you know which brands to use?

A. No, I was not aware.

Q. All along, were you aware that some solder are leaded



and some lead-free? Were you aware of that?

A. No, I wasn't sure. I heard about it but I wasn't sure.

Q. For the soldering material, you have to submit samples to the Housing Department for approval. Apart from submitting the actual solder, you would submit documents as well, such as test reports, product catalogues. Have you seen those documents?

A. No, my colleagues took care of that.

Q. Now let's look at the submission of samples. You might not be aware of the actual procedures, but I would like to know more about the process. In the contract specifications, do you know the differences between PLU1 and PLU2?

A. Some were mandatory and some not.

Q. How long have you known this?

A. Yes, I knew it from the past.

Q. In your witness statement, you said sometimes HD officers would request for samples to be submitted. Let's look at two paragraphs in your witness statement.

First let's look at paragraph 4. I1, page 80.

In paragraph 4, please begin from the end of the third line. It says:

"Solder is not on the HD's mandatory vetting list of items, but specific HD engineering officers might request for samples to be submitted."

Now let's look at another paragraph. On page 93, paragraph 28, it says:

"The procurement of solder, even though soldering wire is not on the list of the HD's mandatory list of items for approval, but as mentioned before, specific HD officers might request for solder to be vetted."

Do you remember when you started receiving such requests from HD officers to submit samples?

A. Personally speaking, I only found out after the lead in water incident.

Q. Let's take Shek Kip Mei Estate as an example. According to the contractual obligations, the significance and objectives of submitting samples were listed. Let's look at B8.1, page 18951.

Here, in the middle of the page, near the bottom, you see the title "Samples" and "Samples of materials". It says the Housing Department's contract manager might request for samples to be submitted, and it says:

"(In English) ... do not confirm orders until approval has been obtained."

In other words, the purchases should not be made until samples are approved. So, for you, the vetting and approval of samples serve as a means of gatekeeping, to ensure that the subsequent materials would be compliant to the HD's requirements and contractual

obligations?

A. Yes, I agree, but during the actual works progress, we might order the materials before receiving the approval.

Q. Can you repeat that, please?

A. That's what's been said on the contract. During the actual works stages, we know the materials we would use, so sometimes we would make purchases in advance.

Q. And having vetted and approved the samples, for the actual materials that arrive on site, according to your witness statement, you said no problems were detected in the past on soldering material. So, in the actual on site supervision, you wouldn't check specifically the soldering material that arrived on site to see whether they are compliant?

A. No, I don't think you can put it this way. According to what Mr Ng Hak Ming told me afterwards, he had visited the workshops on site, to see whether the HD's requirements are met, and Mr Ng as well as other officers have conducted checks. But, to be honest, those were not formal checks and we did not have proper records.

Q. I know that Mr Ng Hak Ming said he had seen Fry solder in workshops, but that was not the focus. I am focusing on the mechanism. When the solder arrives on site, there's no system in place to inspect the materials

on site to see whether they are compliant; can I put it  
this way?

A. After receiving the deliveries, these materials would  
usually be stored in the workshops. We are not there to  
receive the materials and we do not demand the invoices.

Q. Do you agree that as a senior member of management, it  
is important to -- Yau Lee has the responsibility to  
ensure the materials delivered comply with the  
specifications; do you agree?

A. I do. Basically, we have the obligation to ensure this.  
But in the process, because the subcontractors have  
worked for us for a long time, we do trust them. So in  
this matter we were not alert enough, we were not  
vigilant enough.

Q. So it seems that there is no special mechanism to check  
the materials when they are delivered, and secondly you  
do not require the plumbing subcontractor -- now, he is  
responsible for procurement. When materials are  
delivered to the construction site, you do not require  
them to report to Ming Hop or Yau Lee that materials  
have been delivered?

A. We don't. We don't require this to be done, because the  
process is very short. As far as I know, as soon as  
materials are delivered, they will remove the packaging  
and cut up the solders very soon.

Q. Understood. Since you do not require them to report to you, you don't know when and what solder materials are delivered; right?

A. Yes, but my colleagues would inspect the construction site.

Q. But there is no mechanism for your company to inspect those materials?

A. Because the money involved is small, so we do not check them.

Q. Let us look at some examples, involving Choi Fook Estate. We know that for the samples, there is no disagreement Fry was submitted. B15 -- we don't have to refer to that page because we have seen it a number of times -- Fry was submitted as a sample.

But if we look at the invoices, I1, page 259, we see Prosperity Building Materials was one of the suppliers. They contacted Mr Siu and delivered the goods to Choi Fook Estate, where the works were. In the invoice, it was clearly stated that it's UK Fry flat strips. And pages 261 and 262 is also talking about UK 50C flat strips. So you do not require for such invoices to be filed?

A. No.

Q. Am I fair to say this: if someone had checked the invoices with wide-open eyes, there should be a question

mark when UK 50 flat strips were spotted?

A. Well, as I said, we had known these subcontractors for a long time and we have co-operated for so many years, and some colleagues have seen the products at site, so it did not appear to us that leaded solder would be used, so we are not aware that this would happen.

Q. All right. Well, this is a box supplied to us by Prosperity, and they told us how the materials were delivered. We see this label (indicating), "UK 50 flat strips", from Prosperity. DKL is the manufacturer, the name of the manufacturer, and here in red it's quite clear. It reads, "contains lead".

If there's a mechanism to check, even looking at the box itself, you would know that it's very different from the lead-free sample submitted.

So it's just a very simple procedure, and you would be able to spot the difference; would you agree with me?

A. Yes. As I said, in the past, we did not have that awareness. Is there any room for the mechanism to be improved? I do agree that there is room for improvement.

Q. I would like to know, what's your mechanism for receiving materials delivered? Well, HD has form 6210. There are about 30 items, a list of 30 items, that have to be checked upon delivery. Form 6210. I1, page 89 of

your statement, we can see the form, or mention of the form. Page 98.

Is it only quite recently, after the incident?

A. I beg your pardon?

Q. I1, pages 98 and 99. You mentioned this form in your statement. And that is for the record of HD, these are items where checking was required, and you mentioned that solder was not part of the items and therefore you did not do any checking upon delivery.

I would like to discuss with you the procedures.

When materials are delivered, first, for form 6210, did it only come to your awareness recently?

A. I have seen it in the past.

Q. It is a form for the site supervisory staff of the HD. As far as Yau Lee is concerned, what are the procedures that you take when materials are delivered? I don't think you follow the system of the HD; you have your own system, right?

A. Yes.

Q. If we look at B7.4, page 17935. If my understanding is correct, these guidelines are formulated by Yau Lee for checking materials delivered to your construction sites. These are procedures to follow when materials are delivered to your sites.

Paragraph 1 on page 17935:

"Items can be divided into products procured by Yau Lee, by ourselves or provided by developers and a third procured by the subcontractor.

For products procured by a subcontractor, they should be checked by the subcontractor, and the subcontractor should trace the invoices, and the site management should ask for copies of invoices from subcontractors."

From your statement, I don't think you followed the guidelines?

A. Yes, this is correct, because solder is considered a sundry item, so we have not asked for invoices from subcontractors.

Q. It says:

"After receiving copies of invoices from subcontractor, the site management should send people to check, to ensure that the materials delivered are approved. If there is any discrepancy, then arrangements should be made for an exchange."

It seems that there was no one from your site management staff to carry out that checking?

A. The guidelines are usually for materials or intended materials to be used, but for solder, this is a very sundry item.

Q. All right. For page 17937, you have a checklist: tiles,



bricks and marble, and so on and so forth -- although the print is rather small, I can still read it -- and also metalware.

Does that mean that solder is not any of the items here, and therefore the guidelines do not have to be followed?

A. Let me put it this way. Yes, for solder materials, we have not followed this mechanism.

Q. My question is whether you have to follow this mechanism for solder materials. Now, for solder materials, according to your understanding, does that belong to any of the items listed here?

A. No, because they are hardware items, small hardware items, so rather sundry.

Q. All right.

Page 17938. No special mention of solder. Not included here. Can you see it? Cement. There is no special mention of solder here.

But on page 17938, further down the page, we see some legend there. Footnote 3. The print is very small; can we enlarge it a little bit?

"For the items not listed on this checklist, the one who receives the materials should classify the materials and then follow the usual procedures for accepting or receiving such materials. When there is any doubt, the

person should consult the site management."

So I think this is more or less a catch-all phrase.

"If the item is not included in the above, then you should first classify; if it's something to be provided by the subcontractor, then you should follow the guidelines." But perhaps it was out of negligence that this was not done?

A. Yes, for solders, we didn't follow this.

MR KHAW: Chairman --

CHAIRMAN: We should break for lunch first. We will continue at 2.30 pm.

(1.00 pm)

(The luncheon adjournment)

(2.34 pm)

CHAIRMAN: Let's continue.

MR KHAW: Before lunch, we talked about the delivery guide notes for Yau Lee. Can I put it to you that although Yau Lee has its own guide notes on delivery of materials, but whether or not they actually inspect the materials that arrived on site would be in accordance with the WSD's guidelines? So, in other words, you would follow the WSD form 6210 rather than your guidelines?

A. I don't agree. For some materials -- well, for solder, we did not carry out any inspection.

Q. This morning, I asked about the delivery of materials on site. You did not request the plumbing subcontractor to notify you upon the arrival of the materials, and you had no record on the arrival of materials on site, and in the main contract, there is a certain clause.

Let's take Shek Kip Mei Estate as an example. B8.1, page 18958. At the top of the page, we might not be able to see the numbers clearly. Let's look at the words, "(In English) purchasing of materials and services".

A. Yes, I see that.

Q. Then it says:

"(Partially in English) Adopt the following procedures for the procurement of materials and services to ensure that they comply with the requirements of the specification:

1. Select subcontractors and suppliers of materials and technical services on the basis of their ability to satisfy the requirements of the specification;

2. Maintain records of suitable subcontractors and suppliers;

3. Ensure purchasing documents clearly describe the material or service being ordered;

4. Retain purchasing documents as records."

3 and 4 are both related to purchasing documents.

Number 4 is the retention of documents. Number 3 is on the requirement that purchasing documents must clearly describe the materials being ordered.

Can I put it to you that if you did not inspect the materials on site, and that you did not verify the documents or keep any documents for record, you did not -- in other words, you did not follow this requirement in the contract?

A. As I said, this material was a sundry item, and the Housing Department did not ask us to submit the material, and as such we did not request our plumbing subcontractor to do so.

Q. You said the material was a sundry item. However, different witnesses from the Housing Department considered this a small fitting. As for such small fittings, the main contractor does not have to submit a material sample to the Housing Department for vetting and approval; do you agree? You didn't need to submit such materials to the HD, right?

A. Generally speaking, yes. It depends on the type of small fitting. There are many types of small fittings.

Q. For solder, in your witness statement you said some HD officers would request you to submit such samples, and the normal practice is that you would submit samples. For Yau Lee, as a contractor, if you feel that there's

a need to submit the samples, it would serve as an extra guarantee or peace of mind for the future?

A. I think this is an interactive process. Sometimes HD officers would ask our colleagues to submit samples, and in others we would ask the HD if we need to submit some samples. So this is a rather interactive process.

Q. I understand the process, but as a main contractor among the trade, if you feel certain samples need to be submitted, if you feel that certain materials have to be vetted and approved, then you would do so; is that correct?

A. We don't mind doing it, let's put it this way. Even though we need to take extra steps, in general we wouldn't mind taking such extra steps to clarify the materials, and we are happy to do so.

Q. I would like to ask questions on the subcontract between Yau Lee and Ming Hop. The contractual relationship between Yau Lee and Ming Hop is an internal one between two companies that belong to the same group. When I look at the subcontracts between Yau Lee and Ming Hop, the stipulations of the main contract were mentioned.

Let's look at this contract. We can look at an example, the example of Un Chau Estate. I1/123. Now, this subcontract begins from 150. On page 123, paragraph 37, the details are listed, Mr Wong.

Let's look at the heading, "Materials, craftsmanship and mechanics", and under paragraph 37, it says:

"The contractor [in other words, Ming Hop] all the materials supplied by the contractor must be new materials that are compliant. All materials must satisfy all specifications and requirements under the main contract."

So the requirements are laid out very clearly, and at the same time the contractor must include all samples and tests in the quotation and include the relevant costs, including manpower and materials, and the relevant material descriptions must be submitted for the architect's approval. So all is very clear here.

Now let's look at details of the contract between Ming Hop and the plumbers, for Un Chau Estate, M1. For Un Chau Estate. Now, let's look at page 285.

As I understand, this is a contract between Ming Hop and its plumbing subcontractors. As for details of the material specifications, we can start from page 291.

Let's look at page 291, paragraph 36. Paragraphs 36 and 38. Let's look at paragraph 36 first. It says:

"All materials supplied by the contractor must be new materials that are compliant. All materials must satisfy all specifications and requirements under the contract."

C Then a point about quotations follows. At  
paragraph 38:

D "The contractor has to supply all records on quality  
E to Yau Lee and Ming Hop and should allow and arrange  
F representatives of Yau Lee and Ming Hop to examine the  
G materials, equipment, manufacturing process and products  
H at the workshop and offices of the contractor, and if  
I Yau Lee and Ming Hop are of the view that the quality is  
substandard, then I may require Yau Lee and Ming Hop to  
require the contractor to redo it."

J Take solder as an example. There are specifications  
K agreed between Yau Lee and the HD -- for instance, they  
L have to comply with UK standards and must be  
M lead-free -- this is clearly spelt out in the contract,  
and for Yau Lee and Ming Hop, the provisions in the main  
contract are also clear.

N What about the contract between Ming Hop and the  
O plumbing subcontractor? Because you did not mention  
P specifically that there should be a reference to the  
Q terms in the main contract. I would like to know who in  
R your company or Ming Hop would tell the plumbing  
subcontractor the terms to follow? Who's responsible  
for that?

S A. First, back to the terms. I do agree that the terms  
T here are not 100 per cent clear. So, towards the end of  
U  
V

the stage, some of the wording has been changed, to make mention of the main contract, and the quality must be to the satisfaction of Yau Lee, Ming Hop and also the landlord. In other words, the earlier contractual terms were not too clear.

Now, for the industry, for the sub-subcontractor, usually they have less education and therefore, for the requirements, rely on the submission of samples, for instance. Therefore we require the subcontractor to give us a submission for onward submission to the architect, so that they would know for sure what are the requirements, and that will be the requirements during construction.

Q. Now, you required the sub-subcontractor to provide samples that comply with the requirements of the main contract. There is no contention here. That is, the sub-subcontractors must know what are the requirements.

A. Can you please come again?

Q. For the plumbing sub-subcontractor, he has to know exactly the kind of solder demanded by Yau Lee?

A. That's correct.

Q. So there must be some communications? You said that in general, plumbing sub-subcontractors are not as well educated and they may find it difficult to read the English contract, so communications between you two are



very important. So I would like to know what staff in Ming Hop and Yau Lee were responsible for maintaining regular contact or communications with sub-subcontractors, to ensure that he understood the contractual requirements of solder in the main contract?

A. The architectural quality control co-ordinator is responsible for making submissions. The AQCC would then let the plumbing sub-subcontractors know what are the requirements.

Q. AQCC was responsible for submitting samples to HD, but that's something that happened afterwards. Before making the submission, there must be someone who communicated with the plumbing sub-subcontractor as to what materials or solder to purchase in order to fulfil the requirements.

A. Well, these sub-subcontractors or subcontractors have worked for HD projects for a number of times, so they did know for sure what the HD required. There was also a site engineer and also an AQCC to tell them. They would know samples already approved by HD. So, in principle, they were quite clear about that.

Q. Even though they have served for a long time, there must be a first time. So Mr Siu said that as far as Yau Lee projects were concerned, that was the first time he was the sub-subcontractor. So, for plumbing

sub-subcontractor who worked for you the first time,  
what staff in your company would be responsible for  
communicating with him, to tell him what solders or  
materials can fulfil the contractual requirements?

A. As I said, AQCC or the site foreman, a number of staff  
would be tasked to do that.

Q. If we look at I1, page 255, I discussed this with you  
this morning. A number of staff members were  
responsible for building services, and they were the  
AQCC or QC engineer.

Let's take Lower Ngau Tau Kok Estate as an example.  
Who would be in communication with the plumbing  
subcontractor; do you know?

A. There are so many sites, there were many people and  
dialogue involved, so it would not be possible for me to  
single out a particular person and a particular  
dialogue.

Q. Yes, I understand, but can you, say, identify who was  
responsible for communicating with the plumbing  
subcontractor materials to procure, for instance,  
samples to provide for submission?

A. As I said, it could be the AQCC. It could also be our  
site foreman -- site foreman employed by Ming Hop. But  
in my impression, in the main it would be the AQCC.

Q. Mr Wong, this morning I asked you a question on test

reports of solders in catalogues.

If you look at B8.3/19886. Ms Wong asked you questions on such documents. For instance, product specifications of Fry lead-free solder wire.

These documents were provided by Ming Hop; is that right?

A. Yes.

Q. Shall I put it this way: when a sample has to be provided -- take Fry as an example -- is it your evidence that you rely on the plumbing sub-subcontractor to buy or to obtain the actual sample, whereas the documents would be provided by Ming Hop?

A. Yes, correct.

Q. Because this is a bit different from what Ng Hak Ming, the licensed plumber, said. Let me show you his statement: P1, page 15, paragraph 7. What he said is a bit different; paragraph 7 on page 15. If you look at paragraph 3, what Ng Hak Ming said:

"Although Ming Hop transferred the responsibility of procuring solder materials to the plumbing sub-subcontractor, the solder must comply with the HD requirements. Although solder is not among the items that have to be submitted to the HD for approval, individual HD staff may ask to examine the solder. Therefore, when that's the case, the plumbing

subcontractor has to submit samples and relevant documents such as catalogues, test reports, and also information on similar materials submitted to other project sites, to Yau Lee and Ming Hop for submission to the HD."

So he is saying -- you said that the materials were provided by plumbing subcontractor, but what Mr Ng is saying is that both the materials and the documents are provided by Ming Hop through the plumbing sub-subcontractor. What is your view?

A. Perhaps Mr Ng has not expressed himself very accurately or very precisely, because I think it is understood that plumbing sub-subcontractor was not so proficient in English, so for documents, they were processed by Ming Hop.

CHAIRMAN: May I ask a question here. In other words, basically, Ming Hop decided on the soldering material to use, because you had to submit documents to the HD. In other words, Ming Hop decided the kind of solder to use before sub-subcontractors were informed.

A. I think, in reality, everyone knows what material to use. I am not sure, for each and every construction site, whether it was the documents before the sample or the sample before the documents.

CHAIRMAN: But in reality, everybody knows the type of

material to use. In other words, for public housing or for housing, there is only one type of soldering material to use.

A. I dare not say whether it is for sure that brand, but we all know it is the type, what type we are talking about. It's quite rare for us to try to source another soldering material, as far as I understand.

Q. What staff in Ming Hop would seek such documents from suppliers?

A. For instance, Ms Wong Lai Ying from our office.

Q. So she's responsible?

A. Yes, she's responsible for that, as far as I understand it.

CHAIRMAN: As far as Ming Hop is concerned, in working on HD projects, it will always be this kind or this type; is that correct? Because you said it was a sundry item.

A. With the exception of some temporary works, in my memory I cannot recall any other type used.

CHAIRMAN: What's your memory?

A. Well, in my memory, there was no other types used.

CHAIRMAN: So, according to your memory, this is the type they use?

A. Yes.

MR KHAW: For submission of samples --

A. No, with the exception of temporary works.

CHAIRMAN: Yes, I do get it. Now we are talking about individual or major PH projects.

MR KHAW: Let's focus on the submission of samples first.

Are you aware that every time the plumbing subcontractor is required to submit a sample for vetting by the Housing Department, would they purchase the materials or would they purchase the materials in batches?

A. I am not sure.

Q. Every time they submit a sample of the materials, would you keep a record?

A. (Chinese spoken).

Q. If they purchase a few items from the supplier, would you have a record of such transactions?

A. (Chinese spoken)?

Q. If actual samples are submitted, where would the transaction take place?

A. Usually that would happen at an outside office.

Q. Who would sign off such forms?

A. No, we wouldn't sign off such deliveries so there are no records.

Q. If the samples are submitted by the plumbing subcontractor, let's look at the example of Shek Kip Mei Estate. Please look at B15.2, page 38375. This is on the submission of samples for Shek Kip Mei Estate and the relevant approval.

The date of the form -- well, at the top of the page, you can see the date, which is 31 May 2010. It was the day the submission was received by the Housing Department, and the HD would send staff to do the inspection. You have also sent an AQCC officer, as you can on page 38376. You can see an architectural quality control co-ordinator signed on the form. Do you see the signature in the middle of the page, under the words, "For and on behalf of the contractor", and we have the words "architectural quality control co-ordinator", and the name is Sidney Mak; do you see that?

A. Yes.

Q. The Housing Department also signed and the representative is called Mr Frederick Chu; do you see that?

A. Yes.

Q. The approval date is 23 June 2010. The descriptions were about the Fry solder, the supplier is Prosperity. On page 38375, you can see the words "Fry lead-free solder wire"; do you see that?

A. Yes.

Q. The date is 31 May 2010, and the approval date is 3 June, a few days later, when we look at the relevant subcontracts on Shek Kip Mei Estate.

Now we can look at M1, page 140. This subcontract

C was established between Ming Hop and Wing Hing, the  
D plumbing sub-subcontractor. On page 140, the date of  
E the contract is 5 August 2010, which was around two  
months after the solder samples were submitted.

F Can you explain why that was the case? For the same  
G estate, the sample materials were submitted before the  
subcontract was signed.

H A. One possibility was that at that time, Mr Mok felt that  
I help was needed, and he felt that he was likely to be  
J involved in the contract and as such he offered to help.  
So that's just a hypothesis.

K Q. For B15.2, page 38375, on the submission of materials,  
L on page 38375, do you see the item, "Manufacturer", or  
"Supplier", the item labelled (e); do you see that?

M A. Yes.

N Q. The supplier is Prosperity Building Materials Co Ltd.

O Let's look at T1, page 44. T1, page 44, right up  
P until page 49. On the invoice, it says solder strips.  
Q The supplier is Wo Hing, which was different from the  
R document submitted to the Housing Department. In other  
S words, the supplier was Wo Hing. Can you explain that?  
T When the materials were submitted to the Housing  
U Department, one supplier was stipulated, but when the  
V materials actually arrived, it was another supplier.  
Why was that the case?



C A. When the goods were received, no verification was made. C

D Q. The fact that there were two different suppliers or that  
the supplier was different, why was that the case? D

E A. I guess that Mr Mok changed the supplier but I am not  
very sure. E

F Chairman, on this question, I would like to make F  
G a rectification. The actual description, what we G  
H submitted might be different from what we got, but the H  
subcontractor made the purchase, actually.

I CHAIRMAN: For the solder submission from Ming Hop, there I  
J was only one type. J

K MR KHAW: Would Yau Lee or Ming Hop have any direct dealings K  
with suppliers such as Prosperity and Wing Hing?

L A. We seldom did but the chance was not zero. L

M Q. Do you personally know the person in charge of M  
Prosperity?

N A. No. N

O Q. I would like to look at the licensed plumber with you. O  
This morning, we talked about the six affected estates.

P The licensed plumber was Mr Ng Hak Ming. Do you P  
Q personally know that the licensed plumber, Mr Ng Q  
Hak Ming, how often did he make site inspections?

R A. I am not sure, but I believe Mr Ng was not the only R  
S supervisor. He was supported by a team of more than ten S  
T people. T

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Q. But according to the Waterworks Regulations, the licensed plumber has to personally supervise the plumbing works. Are you aware of that?

I would like to know if Yau Lee or Ming Hop keep any records of what the licensed plumber did on site.

A. No, not as I know.

Q. What measures do you have in place to ensure that the licensed plumber complies with the regulations and that the licensed plumber would supervise the plumbing works as required by law?

A. My colleague has been in his position for more than 30 years and he is an expert in plumbing works, and there were no issues at all over the years, so I trusted him.

Q. You mentioned in your witness statement that in 2015, the use of GI pipes and copper pipes were mentioned.

I would like you to look at I1, page 92.

On page 92, you said that GI pipes were originally used, but subsequently copper pipes were also used. We have heard the witness statements from various HD staff that starting from 2005, the main contractor started adopting copper pipes more often. Are you aware of the change?

A. Yes, I have some recollection of that.

Q. At that time, did HD discuss such change with Yau Lee or

any members of the senior management at Yau Lee; do you have any recollection?

A. No.

Q. Apart from the Housing Department's projects, does Yau Lee work on any private projects?

A. Yes, but not very common, but we have been involved in Science Park and Disneyland.

Q. For non-Housing Department projects, have you ever used copper pipes without solder, for example compression joints or press-fit joints? I am referring to non-HD projects.

A. I have no such information on hand. But two of our recent projects have used compression joints and they are both Housing Department projects. But stainless steel pipes were used.

COMMISSIONER LAI: Were they recent projects?

A. Yes.

COMMISSIONER LAI: After July this year?

A. Those projects were before July. We had a site in Kai Tak, stainless steel, compression joints were used.

COMMISSIONER LAI: In other words, before the lead in water incident, why did you decide to use mechanical compression joints?

A. It's because the site was an integrated procurement project. We had a greater degree of flexibility. So we

C wanted to use a new method to see if it was meritorious,  
and after discussion with HD we were given approval.

D COMMISSIONER LAI: But, for other HD projects, you can use  
E methods other than soldering?

F A. Well, in trade practice, soldering has its merits, but  
G we also wanted to try out new methods. For stainless  
H steel pipes, the cost is now lower than what it was.  
The cost is roughly the same as copper pipes, so we  
I wanted to try something new.

I COMMISSIONER LAI: So, when you worked on HD projects,  
J pricing or cost was one consideration. So it was  
K cheaper to use soldering. According to your statement,  
L it was 10 or 20 per cent cheaper.

L A. Well, it was a comparison between copper and stainless  
M steel joints, and for stainless steel it must be  
N compression press joint.

N MR KHAW: This morning, Ms Wong asked you something about  
O the lead-free solder, and deviated solder or  
P non-lead-free solder, there's a price differential.

P According to -- it was mentioned in HD investigation  
Q report -- I would like to show you Mr Mok Hoi Kwong's  
R statement, one of the plumbing subcontractors. On this  
S point he said -- M1, page 14, paragraph 25. This is the  
statement of Mr Mok Hoi Kwong. He said:

T "Subsequent to the lead in water incident, according

to my discussion with colleagues, Fry solder cannot save costs. I cannot remember the price of solder when the affected housing estates were built, but currently, for Fry solder, the cost is about 160 to 170 per roll, but for the tin strip, it's about \$9 per strip. About eight strips would make 1 pound, and I think using one roll of Fry solder can complete roughly the same amount of joints as 20 tin strips."

So I think using tin flat strips may even be more expensive, so the price differential will not be too substantial.

A. Can you repeat once again?

Q. The use of tin strips may even be more expensive than using lead-free solder. But the price differential is not very substantial. And the same type of solder gun can be used to melt both metal strips, the tin strips and Fry solder, but in a windy situation, workers may sometimes use a stronger solder gun and larger size LPG for soldering.

So although there is a price differential, that doesn't mean that using solder that contains lead would make the cost lower; do you agree?

A. I think it depends on whether -- the speed of work is also one issue. We have to take into account whether labour cost can be saved. So we have to use higher

temperature soldering rod as well as higher temperature gas.

CHAIRMAN: What if a low-temperature soldering rod is used?

A. Then the time would be longer. That means the labour cost would be higher.

MR KHAW: Last question. For Ching Ho Estate, at first you employed Sum Kee as the plumbing subcontractor, but then the contract was terminated and another subcontractor took over. Do you know the reason for the termination?

A. That was really a long time ago, but according to my recollection, it was because progress was slow and there was not enough manpower, so the contract was terminated.

MR KHAW: I have no further questions.

CHAIRMAN: Any questions from other counsel?

Cross-examination by MR YIN

MR YIN: Mr Wong, I represent the Housing Authority.

I would like to explore with you a few areas. I think your statement did mention Mr Ng Hak Ming. You said that he had worked for you for a long time.

A. Over three decades.

Q. You said that he had left due to personal reasons. Can you tell us why, the reasons for his leaving?

CHAIRMAN: Has it anything to do with the lead in water incident?

A. I think it is better for you to put the question to

C Mr Ng, because it is his personal reason. C

D MR YIN: You are the director of Yau Lee as well as one of D  
E the directors of Ming Hop. Yau Lee is a main E  
F contractor, and Ming Hop is a subcontractor, plumbing F  
G subcontractor; right? G

H A. Other than plumbing, it is also the agent of materials, H  
I building materials, such as tiles. I

J Q. Let's take the supplier's side aside. So for works, J  
K does it specialise in plumbing works? K

L A. Yes, that should be the case. L

M Q. In other words, Ming Hop should be very familiar with M  
N contractual requirements and statutory requirements for N  
O plumbing works? O

P A. The licensed plumber should be familiar with such P  
Q requirements under the law. Q

R Q. Now, prior to July, were you aware that there were two R  
S types of solder, lead-free and also those that contain S  
T lead? T

U A. I was not sure. U

V Q. But you said that some of your colleagues might be aware V  
of that?

A. Yes. My AQCC responsible for that should know.

Q. Do you know that under the Waterworks Ordinance, there  
are requirements governing the use of materials  
containing lead in plumbing works?

A. I don't.

Q. I would like to explore with you the division of labour under the contract. Do you agree that the main contractor, although may subcontract part of the project, contractually speaking, any fault or the fault of the subcontractor will cause the main contractor to be liable to the HA, accountable to the HA?

A. If it is a contractual requirement, and if my subcontractor or my workers did something wrong, I have to be responsible, and therefore we are discussing with the HA how we can replace all the problematic plumbing works.

Q. So if you have chosen to be the contractor of a project, you do have the responsibility to understand the contractual requirements with the HA and to ensure that the subcontractors understand how to fulfil the contractual requirements; do you agree with me?

A. Can you please repeat?

Q. Yes. I will divide my question into two parts.

You, as the main contractor, do you agree that you have the responsibility to understand the contractual requirements? For instance, solder. Did I understand that in HA's contract, there should be specification for solder, one of which is solder has to be lead-free. Do you know that?



A. My company does.

Q. And do you agree with me that as the main contractor you have the responsibility to understand the contractual requirement that solder should be lead-free?

A. The reason I hesitate is because the contract is a thick bundle. I may not have to understand 100 per cent all the contractual requirements. Still, that doesn't mean we are clear of the responsibility.

Q. Prior to July, did you know or were you aware that in HA contracts, there were specifications that plumbing fittings or materials could not contain lead?

A. I myself personally didn't but there should be someone in my company who did.

Q. So, if you subcontract part of the plumbing works to a plumbing subcontractor, would you agree with me that you do have the responsibility to ensure he fully understands the contractual requirements?

A. Let me put it this way. The subcontractor has the responsibility to understand the contractual requirements, because in the industry, for some steps the subcontractor may know better than the contractor.

Q. Now, for this contract, we know that the first subcontractor is Ming Hop, which is in fact from yourself.

A. Yes, it is a sister company.

Q. All right. Ming Hop further subcontracted the contract or the project to Wing Hing. Do you mean that Ming Hop relied on Wing Hing, the sub-subcontractor, to understand the contractual requirements in the contract between Yau Lee and the HA?

A. I think that through the process they should understand the requirements of the HA, through the submission of samples. They would also prepare sample flats, to let him understand what are the requirements in the works.

Have I answered your question?

Q. So you do know that in the contract, many materials have their specific specifications? In principle, you know that for the majority of the materials, there are specifications. For bolts and nuts, very minor, sundry things, perhaps there are no specifications. On the plumbing materials, we know that most materials were purchased by Ming Hop themselves. According to what you said, since around 2005, solder had to be purchased by the sub-subcontractors themselves. You know that there are specifications and requirements for the solder?

A. Yes.

Q. For other items such as copper pipes with specifications, you would have made the purchases yourself; right? And you wouldn't make the wrong purchases. You decided to delegate the purchase of

solder to sub-subcontractors. Were you aware that there are certain specifications in place and that you have to remind the sub-subcontractor?

A. As mentioned in my witness statement, we did not want to hinder the progress of the construction. As such, we asked the sub-subcontractors to make the purchases.

Through the sampling board they would know what the Housing Department's requirements are.

Q. Did you feel the need to remind sub-subcontractors that lead-free solder is to be used?

A. Over the course of construction, there are certain details that are difficult to express by words. As I mentioned, in our trade, a lot of subcontractors might not be sufficiently educated to read any written requirements. So an actual sampling board would be more useful. The sampling board sometimes includes the contents.

Q. So, in other words, if a sample is attached with a certificate in English on whether the material is lead-free or leaded, then this approach might be easier for sub-subcontractors to understand?

MS WONG: Chairman, I would like to clarify that on the sampling board, the words are not just in English. For example, on the delivery note of lead-free solder, the words are also in Chinese.

CHAIRMAN: I understand what Mr Wong meant. What he meant was actually very simple. The plumbing subcontractors might not be highly educated, and as such sometimes sampling boards are shown, and there's no need to describe the requirements in great detail. That's what he meant.

However, the counsel also mentioned the test reports and other documents in the same question, but I see where you are coming from.

MR YIN: Mr Wong, let me raise another question. Do you agree that fulfilling the contract is basically Yau Lee's obligation; right?

A. When I signed the contract with the Housing Department, I had an obligation, and Yau Lee also had an obligation.

Q. As mentioned by Mr Khaw, the Housing Authority would carry out supervision as well, but your obligation to regulate subcontractors would not be compromised.

CHAIRMAN: He did not say that.

MR YIN: Mr Khaw mentioned the form 6210. That form was on the HA's mechanism and the goal is to safeguard the HA's interests at work; is that right?

A. I'm not sure why the Housing Department included that.

Q. The form 6210 itself was that upon arrival of the materials on site, you are obliged to inspect the materials in front of the HA officers, and, as we know,

there were only 32 items. But apart from these 32 items, do you agree that you are obliged to inspect other items to make sure they comply with the contract and requirements?

A. I think I never said that I have no responsibility. I would just like to clarify that with you. All along, I have been saying that such requirement exists in the contract, and as main contractor I have such obligation.

Q. Do you agree that retrospectively we know that there are specifications for solder?

A. Right.

Q. Therefore, as gatekeeper of the contracts, you should inspect these materials; right?

CHAIRMAN: You have been repeating the same question, so you can only expect the same answer.

MR YIN: I won't dwell on that.

CHAIRMAN: Yes, please move on to something else.

MR YIN: For some temporary projects, you said that you would approach the suppliers directly to purchase materials; do you remember that?

A. At the beginning stage of certain projects, sometimes we need temporary water supply for cleaning and bathing, et cetera, or for drilling, and sometimes water is required. These temporary water pipes do not have to be approved by the Housing Department. Sometimes we would

C purchase these pipes directly. C

D Technically speaking, the pipes belong to Yau Lee. D

D I'm referring to temporary water pipes. D

E Q. We know that Prosperity shared some documents. We are E  
aware that Ming Hop had ordered leaded solder. E

F CHAIRMAN: Did you mean leaded or lead-free? F

G MR YIN: Leaded. G

H Let's look at bundle S1/3 from Mr Chow. H

H CHAIRMAN: S1, page 58. H

I MR YIN: On pages 57 and 58, apparently Ming Hop had ordered I  
leaded tin strips. I

J A. Yes. J

K Q. On page 58, the site was Fu Shan Road and the delivery K  
L site was Un Chau Estate, the date was 14 June 2006. It L  
was a purchase order faxed by Ming Hop. L

M A. This site belongs to Un Chau Estate contract but it was M  
N not located inside Un Chau Estate. In Fu Shan Road, N  
O a temporary walkway was built and as such temporary O  
P water supply was applied, but it wasn't permanent in P  
Q nature. As such, no samples had to be submitted to the Q  
Housing Department. It's all right that we made the Q  
purchases ourselves. Q

R Q. Personally, you would not be involved in the frontline R  
S work, but your colleagues should be familiar with the S  
T material requirements. Now, in this purchase order, T

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under the list of items, number 2 is thin tin strips; do you see that? The quality is not much.

Last night or this morning, Ng Hak Ming submitted a supplementary witness statement.

Let's go back to page 57. This is an invoice of this order. It was addressed to Ming Hop's accounting department. The second item was UK Fry 50 flat tin strips; do you see that?

A. Yes.

Q. We understand that WL50 refers to the fact that the lead content is 50. The person who made the order apparently ordered leaded solder on purpose for these water pipes.

A. As I said, these were temporary water pipes. Generally, no samples had to be submitted to the Housing Department. I believe that there were no stipulations that lead-free solder were to be used, but with hindsight, of course, it might be better to use unleaded solder, but at that time the rules weren't so strict.

Q. We know that the HA's projects would require the use of lead-free solder, but those were only temporary pipes so there were no such requirements. Are you aware that the HA's requirements are the same as those under the Waterworks Regulations?

CHAIRMAN: I have a question on page 58. Do you see the words "Site name: Fu Shan Road site (UCS)". I know what

"UC" stands for. What about "S"?

A. That was just a code used by our company.

CHAIRMAN: Now, for page 60 -- well, on page 59, it's about

Ching Ho Estate. Do you see that?

A. Yes.

CHAIRMAN: For page 60, the delivery address is

Un Chau Street UCS. So strictly speaking, it was not

Ching Ho Estate. It might be an error on this invoice.

MR YIN: Mr Wong, you said the temporary water pipes were

not bound by contractual terms. Ming Hop specialises in  
plumbing works.

A. Can I put it this way --

CHAIRMAN: Who was Ms Wong?

A. Ms Wong is our vice general manager, Ms Wong Lai Ying.

In other words, just speculation, I'm not sure if they  
have another Ms Wong.

CHAIRMAN: The receiving party was Mok Hoi Kwong.

MR YIN: Ming Hop is a plumbing subcontractor. For

a plumbing specialist or subcontractor, they were not

aware that lead-free solder should be used in

connections for water pipes. Apparently, from what

Mr Wong understands, as a subcontractor specialising in  
plumbing works, they were not aware that joints for

fresh water pipes had to be lead-free. He didn't know

personally but he said someone at his company was aware



of that. In other words, from his witness statement, he said this contract did not have to follow the contractual requirements and as such, leaded pipes were allowed.

CHAIRMAN: That's what he said. Basically, that's what he meant.

MR YIN: But the temporary water tank is part of the fresh water system.

A. No, I didn't say that it could contain lead. What I meant was our colleagues might not be too that strict, so when an order was placed, perhaps they didn't make it very clear to the subcontractor, because that was so long ago, I couldn't say 100 per cent, but I believe my colleagues would not have placed specifically an order containing lead, but perhaps they did not make very clear that it must be lead-free.

Q. All right. Can I put it this way: unless you are talking about a sample submission requiring Fry 99C had to be used, for ordinary connection of water you would just place an order for tin wire?

A. Now, the purpose of the water here is for construction works. For drilling and for washing of vehicles -- I don't know the possibility that the workers might use it for drinking water, but the main purpose was not for drinking.

Q. My question is very simple. We have heard a lot of evidence and many witnesses said that prior to July everyone in the industry, be it the developer or contractor or subcontractors, no one in the construction industry --

CHAIRMAN: Hang on. That was what your witness said. Would you like to -- only your own witness said so. That may not be agreed. Well, your HA -- let me put it this way. Architects in the HA claimed that they didn't know, but your chief building services engineer said that he did know. So you have to be careful in your questions.

MR YIN: All right. This faxed order. Now, even though the purpose is for temporary use, you did not ensure that it was lead-free?

CHAIRMAN: I think he has already addressed your question. The purpose of this, our water supply is not for drinking, it's for use in a construction site. So, according to the witness, they were not that strict and they would not use lead-free solder. I think that was his answer.

MR YIN: All right. If samples had to be submitted to the HD, when you placed an order for solders, would you have the awareness to specify that lead-free solder had to be delivered?

A. Are you talking about permanent or temporary?

Q. Permanent, but that was not specified in the contract.

A. Sorry, I am a bit confused. It was not specified in the contract, that means --

CHAIRMAN: I think his question is as follows. Of course, HA specifications have specified that solder has to be lead-free. I think what he means is without this specification from the HD, then your company, whether yourself or your subordinates, will anyone know that for drinking water system, lead-free solder has to be used, in spite of the fact that it is not in the specification.

A. I think this is a hypothetical question.

CHAIRMAN: Yes, it is a hypothetical question.

A. If I am to answer that, if a professional contractor sees anything rather problematic in the contract, we will discuss with the principal whether the contract has to be altered.

MR YIN: Let me clarify. We just read page 58, and the order is for thin tin strips. Is it because that it's for temporary water supply or was it because it was not samples to be submitted to the HD, you didn't have to be that specific?

A. No, for samples with specifications in the contract, you follow the specifications. If not, you won't be that strict.

C Q. Whether it be more temporary or permanent housing use,  
D if there was no specification in the contract, would you  
E do the same?

E CHAIRMAN: I fail to see how it is relevant to the issues in  
F question, because this is about the industry. Well, he  
G said the industry was aware of it, but the HA wasn't.

G MR YIN: No, he said that for samples, for materials not  
H meant for samples, they didn't have to be that  
I meticulous. So I would like to know whether that's the  
J treatment for all things where samples were not  
K required. Was it because the water supply here was  
L temporary?

K CHAIRMAN: But what we are dealing with are materials where  
L samples have been submitted to the HA already. We have  
M to deal with materials, samples have been submitted to  
N the HD.

N MR YIN: But this is something to do with the awareness of  
O the industry.

P CHAIRMAN: I think you have asked enough questions in this  
Q regard.

Q MR YIN: I have no further questions.

R CHAIRMAN: Any more questions from anyone?

Mr Wong, in the second row?

S Cross-examination by DR WONG

T DR WONG: I represent the WSD and I have a few questions for

you. May I refer you to paragraph 5 of your statement,  
page 80. Here it says:

"When materials procured by Ming Hop were delivered  
at site, the site foreman, co-ordinated by Ng Hak Ming  
from Ming Hop, would be responsible for checking ..."

Sorry, page 80, the first page of your witness  
statement, paragraph 5. It is your evidence that as far  
as solder is concerned, the subcontractor of Ming Hop  
would check the samples, the real products.

Please turn to paragraph 18. The second sentence  
reads:

"Solder materials were purchased by the plumbing  
subcontractor of Ming Hop at their own cost. Regarding  
the monitoring measures for the plumbing materials  
purchased, please refer to paragraphs 4 and 11."

Do you see that?

A. Yes.

Q. So your expectation is Ming Hop will be able to see Fry  
in the sample board, and so you expect the plumbing  
subcontractor to procure the same brand of solder;  
am I correct? That's your expectation; right?

A. Well, they submitted the sample to us, they knew what  
the sample was and they would procure that type of  
solder.

Q. When the materials were delivered, under paragraph 5,

Mr Ng Hak Ming would be responsible for checking the materials to ensure that they were the types, brands, place of origin and size approved.

Let me show you. There is Fry 50 solder. It looks like this (indicating).

Now, Mr Ng Hak Ming was the site foreman. He was responsible for checking whether the solder was this kind. He was responsible for checking the materials delivered. Now, it's okay for the subcontractor to procure it. When the materials were delivered, I would like to know the measures taken by Ming Hop to ensure that the materials purchased were consistent with the samples.

A. As I said, when the materials were delivered, the workers would then remove the packaging and cut it up into smaller segments. So our colleague, Ng Hak Ming, would check at the workshop. So that's the monitoring measures we had.

With hindsight, of course, there is room for improvement.

Q. I am not talking about looking back with the benefit of hindsight. You talked about cutting it into segments. So Mr Ng showed you the packaging of Fry 50 tin strips (indicating). You said that at the workshop, the solder was cut up into small segments. So they were tailored

into different segments.

Now, as far as you understand it, if the strips were purchased instead, would it have to be cut up into segments?

A. Now, of course, if you look at those photos, it would be very tiresome for the workers to hold the whole roll, so they cut the wire, cut the solder, into smaller segments, to facilitate their work. I've checked at site.

Q. Some witness said that the roll of lead-free solder is double the price of tin strips. So, if you use tin strips, by the time you reach this section, you would have to dump it because it's hot.

CHAIRMAN: It doesn't make a difference, would it be leaded or lead-free? If you cut it out, I think the wastage is more or less the same. If you ask me, I don't think there is any need to take into account the wastage, because you have to hold one end regardless whether it is lead-free or leaded. You have to hold that end. But I think what Mr Wong said was correct. You told us that it's \$76 per unit, but now we know that for lead-free solder, 500 grams in 2008 cost \$160, that's around 1 pound, because 1 kilogram is equivalent to 2.2 pounds. As for Fry 50, it costs about \$50 to \$60 per pound, more or less the same.

In other words, let's say it's \$70, so the difference is \$80. If you minus 160 with 70, so the difference is \$80 per pound. If we discount or disregard the wastage, then the cost is about half saved.

A. We have to divide it by three because one roll will be sufficient for three flats.

CHAIRMAN: Let's disregard the number of flats covered. We just compare the cost per pound. I think, regardless of the materials you use, the amount of solder used will be more or less the same. Let's assume that the price differential or the cost differential is \$80.

I am not referring to your estate, but let me give you another example, and that is Kai Ching Estate. S1, page 128. Kai Ching Estate is very big. Page 128 of S1. Kai Ching Estate is very big; can you see this? Can you see that?

A. Yes.

CHAIRMAN: Here, around 300 rolls of lead-free solder were used. Each roll weighs 1 pound. In other words, the total weight is about 300 pounds. But taking into account other types of lead-free solder, the total weight exceeds 4,000 pounds.

If you can save \$8 per pound, for the 4,000 pounds, the total cost saving is substantial. It's a matter of



hundreds of thousands of dollars, upwards of \$300,000.

You see what I mean? The figure is similar to what I reported to the Housing Department. Now you see what I mean; right?

A. (Nodded head).

CHAIRMAN: Please continue.

DR WONG: I would like to explore the issue of wastage due to the price differential if a more expensive material is used, and cut into different parts. If part of the solder has to be cut off before it can be used, and given the substantial price difference and similar wastage between both materials, do you agree that in order to save money, the incentive of using lead-free solder would be bigger?

CHAIRMAN: Well, there's an incentive, but whether it is substantial is really subjective.

A. In a letter to the Housing Department, from Yau Lee's perspective, this is a negligible sum and there's no incentive on our part to do anything illegal or non-compliant, but whether or not that was an incentive for smaller contractors was up to them.

DR WONG: Now I would like to look at the witness statement of Mr Siu Kin Wong. When you look at paragraph 13, this morning Ms Wong looked at Mr Siu and Mr Mok's witness statements with you, and there were a few paragraphs in

which you did not agree with their views. I would like to show you those paragraphs. Paragraph 13, starting from page 11, it says:

"For small fittings, Hang Lee will first purchase small quantities for compartment rooms and sampling rooms. After that, Hang Lee would make purchases themselves based on construction progress and they did not need to report this to Ming Hop or produce any receipts."

Then it says:

"Ming Hop never requested myself to make such purchases from specific places or discuss with me the small fittings or the brands and specifications of the small fittings to be used for building the compartment room or sampling room."

So, according to Mr Siu, he was never told where the solder was to be bought, and you said there was only one type of lead-free solder, but Mr Siu said Ming Hop never told him where to buy the solder or which brand to use, and as such, since nothing was specified, he would buy the cheapest model.

Did you have any requirements or guidelines for Ming Hop on where they are to buy their materials?

A. Based on what Ng Hak Ming said, we found a set of photos on the server, and we took these photos when we did the

demonstration. Mr Siu was the person holding the samples and we were sure that Mr Siu knew the type of materials he should use.

Q. Now I would like to put another question to you. Let's turn to your own witness statement, paragraph 25. In paragraph 25, at the beginning, Ming Hop made the purchases of solder centrally, and starting in 2005 the subcontractor had to buy their own solder, and you gave an explanation and said soldering wire, flux, et cetera, were consumables; they did not cost much but they would often be used up very quickly during construction.

In the past, there were cases when the plumbing subcontractor informed Ming Hop that the flux would be used up very soon, but since it took around one week from quotation to ordering to delivery for Ming Hop, then there were delays in the plumbing works and there were complaints from the plumbing workers.

So I would like to know why it took one week for Ming Hop to order the solder. But let's assume the same brands and models were bought, why would it take even longer for the subcontractor?

A. If we did it ourselves, then I had to inform -- we had to find out when the solder is needed. Sometimes the contractor would not have a very good idea of the progress of the construction, and when they communicated

to workers, only a few days were given procedure-wise we need time to order the materials and as such, by the time the materials arrive on site, there's a time difference.

The time difference is due to the internal procedures.

Q. I believe you do not need to issue quotations because the prices are more or less fixed or standard; right?

A. I'm not exactly sure but I believe there are fluctuations in prices.

Q. Compared with paragraph 32.3 -- you said:

"After the lead in water incident, Yau Lee had asked Ming Hop to directly order solder in order to guarantee a secure source or a reliable source."

In other words, you were back to your arrangements pre-2005. Now, you asked Ming Hop to make the purchases directly.

A. After the lead in water incident, we have been discussing with our contractors, and the Housing Department actually preferred the main contractor to make centralised orders. So right now, we might actually purchase the solder in bulk, to avoid any substandard materials, even though it means we might have to pay more.

Q. So, pre-2005, if Ming Hop knew the purchases had to be

made centrally, then there would be an issue; there  
won't be such risks?

A. Well, let me put it directly: I regretted it.

Q. Thank you.

The next question. Please look at paragraph 30.

In paragraph 30, please look at the sixth line from  
the end of the paragraph. It says:

"When the soldering wire arrives on site, the  
workers would distribute the solder very soon, in other  
words removing the packaging or wrapping of the  
soldering wire, and rolls of wire would be cut into  
smaller sections to facilitate plumbing workers. Since  
there are no labels on the soldering wire, after the  
packaging is removed it's difficult to identify that,  
and as such Yau Lee or Ming Hop and their supervisors  
could not easily tell the brands of solder."

Let me pause here. If you knew their habits of  
distributing the soldering wire and that it was  
difficult to identify the brands, would you introduce  
a supervision mechanism to make an inspection before  
distributing the soldering wire? So, if you didn't make  
any inspections before the inspection, you could not  
know what kind of solder was being used?

CHAIRMAN: That was an old question.

DR WONG: Now, let's look at paragraph 26 of Mr Siu

C Kin Wong's witness statement. Paragraph 26. Mr Siu  
said, on the third line --

D A. Excuse me, are you referring to paragraph 26? D

E Q. Yes. Page 15, paragraph 26. The third line says: E

F "Since the tin strips were delivered in strips,  
workers did not have to cut them into smaller sections."

G You said they had to be cut into smaller sections G  
but according to Mr Siu, they were delivered in strips  
H so they did not have to be cut further. H

I CHAIRMAN: So it depends on the batch of products that I  
arrive. J

K DR WONG: For WL50, then they wouldn't need to be cut up K  
anymore. L

L According to your statement, if they didn't have to L  
be cut into smaller pieces --

M CHAIRMAN: Well, you are repeating the same question. M

N DR WONG: All right. I would like you to look at -- N

O CHAIRMAN: You have to understand that he accepts his O  
responsibility, because the contract stipulated very  
P clearly the specifications. He completely accepted that P  
Q he did not fulfil the contractual specifications. Q

R DR WONG: Yes, I'm aware of that. R

S CHAIRMAN: As such, if the same question has been asked by S  
someone else, please don't repeat it. T

T DR WONG: Now, I would like to put another question to you. T

In paragraph 32.4 of your witness statement, it says Yau Lee ordered two XRF analysers, the so-called test guns. When solder arrives at the site, and before the actual construction, quick tests would be conducted to ensure that the solder is lead-free before they are being used.

So my question is: are you still using these two XRF analysers?

A. One of them arrived in Hong Kong and it's in use.

Q. After conducting the quick test, how long do you have to wait before you see the results?

A. It's a matter of seconds, maybe anything under a minute.

Q. So, if you're using the XRF analyser, there's no need for you to test the water samples.

CHAIRMAN: Why?

DR WONG: If all the materials are lead-free, then naturally there shouldn't be any lead in water.

COMMISSIONER LAI: For the parts and fittings.

DR WONG: Yes, as far as the materials are concerned --

CHAIRMAN: As I understand it, this forensic X-ray analyser can only attest the service. It cannot go into the interior to find out whether there is any leaching.

DR WONG: All right. Then I have nothing more to ask on this point. I thought it could test the interior as well. All right.

Paragraph 32.7, Yau Lee has considered projects using stainless steel pipes with very good effect. The HD may want to consider this as a preventive measure. You are using stainless steel pipes and it is effective; what do you mean by that?

A. That means we have works that go smoothly, completed.

As far as we understand it, there is no excessive lead found, so it is effective.

Q. What about leakage and functional issues?

A. Very minimal. In some places we add brazes and that was okay. As I said, this was a test and we had to make improvements here and there.

Q. One more question. So there is a construction association in Hong Kong. Were you once the chairman of that construction association?

A. Yes, Hong Kong Construction Association, I was the president once.

Q. So did you promote BEAM when you were the president, you were involved in promoting BEAM Plus?

A. This is quite a complicated question. When I was president, I was once invited to join the CIC and I chaired the environmental and technology committee. When I was the chairman, I was involved in setting up the environment and -- the HKGBC. I am the chairman of the Green Building Council.



CHAIRMAN: Regarding the parameters, for water and construction materials, when the standards were formulated you were aware of them?

A. I won't say that I am very clear, because there is BEAM post-certification. There is a BEAM assessor, and there is also a BEAM faculty. I have none of these three qualifications. I am just promoting BEAM Plus in a general direction. I was not involved in formulating the standards. It was done by the HKGBC, Green Building Council, and the CIC.

DR WONG: I have nothing more to ask, Chairman.

CHAIRMAN: Mr Lee?

Cross-examination by MR LEE

MR LEE: I represent residents, affected residents. I have some questions to ask on behalf of the affected residents.

All right, there was this incident and many counsel have questioned you. I am the last. Do you feel apologetic? Do you feel sorry, with the exception that you -- other than you regret that subcontractors should not be asked to procure materials, do you feel sorry in other aspects?

A. Well, myself or my company, I think it's a major frustration, and it's dealt a major blow to myself and my company. I never imagined that such a minor thing

could cause problems of this magnitude in the industry and in society. Yes, we had inadequacies in this matter.

So, when HD, on 29 July, gave me a call, telling me that there was a problem with Lower Ngau Tau Kok Estate, without any argument with HD I ordered filters. The first batch was installed on 20 August. In the months that followed we tackled this matter in a very positive manner. We gave a lot of recommendations or suggestions to the HD as to how we could replace the problematic plumbing works as soon as possible. We would want to arrive at a plan with the WSD and HD, so that we can rectify the problematic pipes as soon as possible.

Q. That means you have tried your utmost, as far as remedy is concerned?

A. We have done our level best as far as my company is concerned. We are discussing with the HD how alterations or replacements could be done because a lot of issues are involved. We have a number of options we are discussing with the HD. We hope that in the coming few months, we can start as soon as possible so that all problematic plumbing works could be replaced.

Q. Yau Lee, your company, is quite a big company in the industry?

A. At some stage, we were responsible for 20 to 25 per cent

of the market share of HD projects.

Q. So you are among one of the largest developers? Well, I can accept that you are a conscientious merchant, because you promised to rectify the situation ASAP. So did you ever imagine that there could be excessive lead in drinking water, before the incident happened?

A. Before July, I never imagined such things.

Q. Is it your impression that this is the general feeling in the industry?

A. I do not represent the whole industry, but I was never aware of such things.

Q. I am sure you were very anxious after the incident?

A. Right.

Q. I am sure there have been a number of meetings within your company?

A. Yes.

Q. Of course, you told us that obviously you felt there were inadequacies within your company. One of the remedies you proposed, or in your statement -- paragraph 32.3.

A. Yes.

Q. I will not read it out. Just read it to yourself.

A. Okay.

Q. You provide a nonstop service in plumbing works, so you believe that if you ask Ming Hop, which you trusted to

place orders for solder, it would be much safer?

A. Yes.

Q. Are you aware that even solders purchased by Ming Hop were problematic?

CHAIRMAN: What was it?

MR LEE: Solders purchased by Ming Hop directly had problems?

Let me show you the statement of another witness to see if you agree with me, from Chow Ka Ping, S1.

CHAIRMAN: The page?

MR LEE: Page 16. S1, page 16. A witness from Prosperity Building Materials. Paragraph 16. First the question was:

"(In English) Identify the contract person(s) in each of the main contractors, subcontractors, sub-subcontractors ..."

CHAIRMAN: Mr Lee, we went through this already. You talk about appendix A and 3 pounds and so on and so forth. We have already covered them, all of them.

MR LEE: So you think that it would be safer to ask Ming Hop to purchase materials in the future, but for items 1 and 3, Un Chau Estate and Choi Fook Estate, the procurement was done by Ming Hop, but there was a problem?

CHAIRMAN: Already answered.

MR LEE: Yes.

CHAIRMAN: Now we understand that it is not those issues.

MR LEE: So you feel that a one-stop service would be safer,  
that is you can avoid mistakes; right?

A. This is one of our strategies. It would make our  
company more competitive if we can better complete our  
works.

Q. But could it be that, as the main contractor, you won't  
monitor the works so stringently?

CHAIRMAN: I don't quite get your question.

MR LEE: Yau Lee thinks that with their own subsidiary,  
a one-stop service, things can be more reliable, but as  
a result there would be less monitoring?

A. I do not see this happening. For this incident, as  
I said, we were not vigilant enough. Had we been more  
vigilant or if we can improve our internal systems,  
further incident could be repeated.

Q. But you were not so vigilant because you thought that  
one-stop service would mean that you had a reliable  
subcontractor?

A. I don't believe that one-stop service is the crux of the  
matter.

Q. Okay. It was not until the incident that you became  
aware of the problem of lead in water, before the  
incident, have there been any meetings between you and

government departments?

A. From my recollection, there was no discussion of this matter.

Q. None?

A. No.

Q. Not with the HD, the WSD?

A. No.

Q. Did you think that Wing Hing did anything wrong?

CHAIRMAN: Hang on, what was your question? Did Wing Hing make any mistake; you are talking about Mok Hoi Kwong, right?

I would like to know exactly what you are getting at. What is the objective of your question?

MR LEE: I just want to know whether the incident was because of different tiers --

CHAIRMAN: Well, I think his statement is clear. It is okay for Yau Lee to subcontract to Ming Hop but further subcontracting from Ming Hop to Wing Hing or Hang Lee, whatever -- well, because there was too much trust, things went wrong there, and the reasons for that, I think we can wait until we question Mr Mok Hoi Kwong and Mr Siu Kin Wong.

MR LEE: All right.

Can you explain why only residential flats in these estates were affected, rather than places like shopping

centres?

A. I'm not sure why.

Q. The WSD tested water pipes for excessive lead. But do you know that the water samples taken, the samples weren't taken overnight?

A. I found out from the news.

Q. What's your view?

A. I'm not an expert in this field, so I have no opinion on this.

Q. According to another counsel, you would only have sub-subcontractors but nothing further.

A. Yes, that's in accordance with the HD's requirement.

But according to Wing Hing, there's a fourth level of subletting. At our sites, all our workers are registered for the HD's projects, and upon registration they would receive training and be able to work at our sites. The employment contracts would be given to us, so we have records of the workers employed by Wing Hing.

Q. If workers are directly employed, it's all right, because it's only at the third level of subletting, but if it's further subletting and we have a fourth tier, then you would not be able to supervise the workers?

A. At each tier, we would make sure that there are employment contracts for all workers. The Housing Department is very strict on this.

Q. Wing Hing is a sub-subcontractor and they admitted there's a further tier of subletting or subcontracting.

CHAIRMAN: I'm not sure where you saw the fourth level of subcontracting.

Now let's look at where it came from. Paragraph 40 of Mok Hoi Kwong's witness statement on page 18.

Paragraph 40; right? Please look at this paragraph.

All right. Please continue.

MR LEE: On the second line, it says:

"Of the relevant sub-subcontractors ..."

Are you aware of this?

A. In our HD contracts, only a third level of subcontracting is allowed, and all workers, including the workers of Mok Hoi Kwong, had to be handed to us. So, for us, we have records that the workers are directly employed by Mr Mok Hoi Kwong. As for the arrangements between Mok Hoi Kwong and his workers, we are not very sure.

Q. Have you tried to supervise?

A. We have received all employment contracts, because all workers would have employment contracts.

Q. Was the problem due to a lack of manpower or urgency? In theory, there could not be a fourth level or fourth tier of subcontract, but in reality Wing Hing further subcontracted the work.



A. As far as I know, the issue is with the procurement of materials. I have not seen any workers bringing their own soldering material into the site. So, as such, I believe that the issue was not due to urgency or the immediate need to complete the project.

Q. Now let's come back to an earlier issue. There are multiple levels of subcontracting, and you admitted that there were mistakes or errors. Can you tell us specifically which tier went wrong?

CHAIRMAN: Isn't that my job?

MR LEE: Yes, that is your job, but the witness can help you solve this issue.

CHAIRMAN: I don't need help from him. I know what my duties are.

MR LEE: If you are so confident then we won't need to ask questions.

CHAIRMAN: Why would I need a witness to come up with a conclusion for me?

MR LEE: Well, he is the boss of the company because he knows something you don't.

CHAIRMAN: I agree.

MR LEE: Well, he is the boss not here but at his company.

CHAIRMAN: I will take in all evidence before I make a decision.

MR LEE: But he can help you reach that decision.

C CHAIRMAN: Let me put it this way. Every witness said they  
D wanted to help me, but some said so sincerely and some  
E didn't.

E MR LEE: He said, if he admits his own mistake, then it  
F shows that he is sincere.

F COMMISSIONER LAI: (Chinese spoken).

G MR LEE: Both of you are conscientious persons.

H CHAIRMAN: Mr Wong gave a lot of evidence already.

I According to his account, the fault was on the plumbing  
J subcontractor. There were issues during the procurement  
K of materials, so that was the key.

K MR LEE: So, apart from that, do you think your company is  
L at fault at any other areas, at any of the tiers?

L A. As I said, I have certain responsibilities. In terms of  
M monitoring and vetting of goods delivered, there are  
N many things we have to improve.

N Q. So that's exactly what we need. The goal of the  
O Commission is to improve the entire trade. I'd like to  
P ask questions -- I want you to tell us what can be  
Q improved so we can improve the entire trade.

Q So you have said all you want to say, so apart from  
R those, is there anything else?

R A. I have said all I needed to say today.

S MR LEE: I have no more questions. Thank you.

T Re-examination by MS WONG

MS WONG: Chairman, I have a few questions for  
re-examination.

This afternoon ... (Chinese spoken).

INTERPRETER: The speaker is not coming through. There's  
a technical glitch.

CHAIRMAN: Can you speak up please, Ms Wong.

MS WONG: For Shek Kip Mei Estate, the documents were  
submitted in June 2010, but the contract with Mr Mok was  
signed on 5 August. (Chinese spoken).

INTERPRETER: Apologies, the speaker is not coming through.

MS WONG: I would like to take you through those documents.  
S1, page 58. On this fax, we can see the date. Do you  
see the date? The receiving party was Mok Hoi Kwong.

A. Yes.

Q. The date was 14 June 2006, and the site was the Fu Shan  
Road site. So it was on the temporary contract of  
Un Chau Estate.

Chairman, I would like to take you to the relevant  
contracts. Although extracts of this contract was  
produced, the date was not shown, so for the sake of the  
date can I show the witness that part?

Now, for this subcontract signed between Mr Mok and  
Ming Hop, can you tell us the date of signing?

A. 25 November 2006.

Q. So it was saying it was later than the date on the fax.

Do you know why Mok Hoi Kwong switched to Wo Hing as the supplier? Mok Hoi Kwong mentioned this in his witness statement. M/15, paragraph 28. At that time, Mok Hoi Kwong explained that since the transaction with Prosperity was more complicated than that with Wo Hing, and Prosperity requested cash transaction or else the buyer had to create a bank account and produce business registration, and so on, since he was more familiar with Wo Hing and the procedures were more straightforward, and as such they switched to Wo Hing. So he gave this explanation. But did he tell you personally before making the switch?

A. No.

Q. Now the last question. Actually, two more questions.

Earlier today, we talked about the educational knowledge level of the sub-subcontractor, and very often it is not very useful to show them the contractual terms; it's easier to show them the actual sampling board.

Now, according to the contractual stipulations -- I1, page 162 -- in the first paragraph it says:

"The contractor must strictly adhere to the contractual terms as well as instructions and requirements given by Yau Lee and Ming Hop."

Do you see that?

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 18 B

C A. Yes. C

D Q. Could such guidelines and requests be made orally or D  
produced physically as samples?

E A. Yes. E

F MS WONG: Chairman, I have no further questions. F

F CHAIRMAN: Thank you. F

G Mr Wong, you have finished giving evidence. You may G  
now leave and you won't need to return tomorrow.

H Let's continue at 10.00 am tomorrow. Thank you. H

I (The witness withdrew) I

J (4.44 pm) J

K (The hearing adjourned until 10.00 am the following day) K

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