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2015 年 12 月 7 日

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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

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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

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楊明悌大律師及李健宏大律師，由趙、司徒、鄭律師事務所延聘，代表何標記建築工程有限公司

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

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黃佩琪大律師，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

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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

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主席：Yes, Mr Pennicott.

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MR PENNICOTT: Mr Chairman, it has come to the time when we are to call China State witnesses, so the first witness is Mr Sung.

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主席：Yes.

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D 中國建築工程（香港）有限公司（“中國建築”）（紅磡邨第二期和啟晴邨
E 的總承建商）的第一證人：宋增雄（中國建築房屋工程部總經理及中國海
F 外集團董事）以本地話宣誓作供

G 主席：請坐。

H MR PENNICOTT 主問

I 問：Mr Sung, good morning. I am now going to read out your
J witness statement. For everybody's benefit, it's in
K file F1, starting at page 54.

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COMMISSION OF INQUIRY

WITNESS STATEMENT OF MICHAEL SUNG TSANG HUNG

I, Michael Sung Tsang Hung of 29/F, China Overseas Building,
139 Hennessy Road, Hong Kong say as follows:-

A. Background

1. I am a graduate of the Hong Kong Polytechnic University and a member of The Chartered Institute of Building, a member of The Hong Kong Institution of Engineers and a Registered Professional Engineer (Building).
2. I first joined China State Construction Engineering (Hong Kong) Limited ("**CSCE**") as project engineer in 1986. At present, I am CSCE's General Manager of the Building Construction Department and a director within the China State Group. CSCE is organised into various departments including the Mechanical and

Electrical Engineering Department, Civil Engineering Department, Foundation Engineering Department, and the Building Construction Department etc.

3. As CSCE's General Manager of the Building Construction Department, I am responsible for the overall business management of the Building Construction Department including the tendering, project management and contract administration aspects. I am also responsible for, amongst other things, (i) the implementation of ISO 9000 quality control system, ISO 14001 and OHSAS 18001 within CSCE, (ii) participating in public relations activities held by various Governmental departments and consultant companies, (iii) signing contractual documents, (iv) co-ordinating the communication between various departments within CSCE, and CSCE's building construction sites, and (v) the training of engineer trainees.

4. I am providing this witness statement in response to various matters raised in a letter dated 16 October 2015 from Lo & Lo (who I understand are the solicitors acting for the above Commission of Inquiry ("**Commission**")). The matters raised in the said letter ("**Letter**") which I will deal with in this witness statement are those listed as items 1, 2, 3, 4, 5 and 13 of the Letter.

5. While I am aware of the matters raised in items 1, 2, 3, 4, 5 and 13 of the Letter from a high level management perspective and have personal involvement in Kai Ching Estate ("**KCE project**") and Hung Hong Estate Phase 2 (Hung Yat House, Hung Yan House and Hung Yiu House) ("**HHE project**") as of July 2015 after the alleged excess lead in drinking water incident ("**Incident**") arose, there are occasions when I:

(i) Can only speak to matters by reference to CSCE's documents; and/or

(ii) Have to defer to my colleagues who will be providing witness statements in this Inquiry for the details of various matters since these colleagues were involved in the HHE and KCE projects, and are therefore more familiar with the day to day aspects and/or site operations and matters that had occurred, at the time. I have read the witness statements of my colleagues, namely Chan Siu Wing, Lee Hung Fai and Leung Man Wai Patrick.

6. CSCE is one of the biggest New Works (NW2) contractors for the Hong Kong Housing Authority ("**HA**") and is also on HA's list of piling (large diameter bored piling and percussive piling categories) contractors. CSCE has been involved in the execution of works for HA's projects for many years and has to date, built and completed many HA developments. CSCE is also a contractor who has been on the Works Bureau's List of Approved Contractors for Public Works under Group C for the "*Buildings*", "*Port Works*", "*Roads and Drainage*", "*Site Formation*" and "*Waterworks*" categories for many years. Likewise, CSCE has been on the List of Approved Suppliers of Materials and Specialist Contractors for Public Works under Group II of the "*Land Piling*" category for many years.

7. Over the years, CSCE has won numerous awards and recognitions, including the Hong Kong Quality Building Award, Ten Best Contractors Award, Quality Award of Hong Kong Trade and Industry Department, Construction Industry Safety Award Scheme Gold Prize, HKEco Business Award-Green Construction Contractor Award (Gold Award), and Construction Manager of the Year Awards. Recent awards include HA's "*Outstanding Contractors (Building Contractor) Gold Prize Award*" for 2009 to 2011 with respect to HA's "*Quality Public Housing Construction and Maintenance Awards*", the Development Bureau's and Construction Industry

Council's award for "*Considerate Contractors Site Award (Gold Award)*" for 2012 and 2014.

B. THE KCE AND HHE PROJECTS

8. The HHE project comprised the construction of, amongst other things, a 40-storey non-standard domestic block of residential flats, two 41-storey non-standard domestic blocks of residential flats and a car park. The 3 blocks are Hung Yat House, Hung Yan House and Hung Yiu House and they comprise a combined total of 1,938 residential flats. A full description of the works will be found at **B10.1/23026-23031**.

9. In or around August 2008, HA formally accepted CSCE's tender for the HHE project and awarded the HHE contract to CSCE which was formally entered into on 20 May 2009 [**B10.1/22959**]. The HHE project was certified complete as follows:

(i) Blocks 1 and 2 were completed on 26 February 2011, based on HA's completion certificate dated 21 March 2011 which I have read. HA's completion certificate referred to a list of outstanding works including defects to be rectified but none of the defects concerned the fresh water plumbing works and soldering on the jointing of the fresh water pipes or any lead issue. Thereafter, the maintenance or defects liability period for residential Blocks 1 and 2 in the HHE project commenced on 27 February 2011 and expired on 26 February 2013. During the maintenance or defects liability period, HA neither notified CSCE of, nor requested CSCE to rectify, any major defects including those arising out of or in connection with the fresh water plumbing works and in particular, the soldering on the jointing of the fresh water pipes or any lead issue.

(ii) Block 3 was completed on 5 November 2011, based on HA's completion certificate dated 18 November 2011 which I have read. HA's completion certificate referred to a list of outstanding works including defects to be rectified but none of the defects concerned the fresh water plumbing and soldering on the jointing of the fresh water pipes or any lead issue. Thereafter, the maintenance or defects liability period for Block 3 of the HHE project commenced on 6 November 2011 and expired on 5 November 2013. During the maintenance or defects liability period, HA neither notified CSCE of, nor requested CSCE to rectify, any major defects including those arising out of or in connection with the fresh water plumbing works and in particular, the soldering on the jointing of the fresh water pipes or any lead issue.

10. The KCE project comprised the construction of, amongst other things, 6 blocks of domestic / residential flats, a commercial centre, and a car park. The 6 domestic / residential blocks are Hong Ching House, Lok Ching House, Yan Ching House, Sheung Ching House, Mun Ching House and Yuet Ching House and they comprise a combined total of 5,204 residential flats. A full description of the works will be found at **B5.1/7885-7889**.

11. In or around July 2010, HA formally accepted CSCE's tender for the KCE project and awarded the KCE contract to CSCE and the Contract was formally entered into on 24 May 2011 [**B5.1/7854**]. The KCE project (with respect to, amongst other things, the residential blocks 1 to 6) was certified complete on 9 April 2013 based on the completion certificate dated 30 April 2013 which I have read. HA's completion certificate referred to a list of outstanding works including defects to be rectification but none of the defects concerned fresh water plumbing and the soldering on the jointing of the fresh water pipes or any lead issue.

Thereafter, the maintenance or defects liability period for the foregoing works commenced on 10 April 2013 and expired on 9 April 2015. During the said defects liability period, HA requested CSCE to carry out remedial works with regard to certain minor defects which were not related to any soldering and lead matters. Having completed the remedial works requested by HA, CSCE was about to report completion of the remedial works to HA in early July 2015 when the Incident occurred.

12. I am generally aware that the contract booklets for HA projects entered into between HA and main contractors usually contain documents such as the General Condition of Contract, the Special Condition of Contract, and Specifications, namely, HA's Specification Library (SL) issued by the Housing Department ("**HD**") including the Preliminaries Specifications and Project Specific Specification ("**PSS**") (which amend and/or substitute and/or are supplemental to the SL provisions). Except those parts concerning a full description of the works at the HHE and KCE projects which I have referred to above, I have however not reviewed the contract booklets for the HHE and KCE projects ("**Main Contracts**") and will defer to my colleagues to deal with the detailed provisions in the Main Contracts which they are more familiar with.

C. Steps and procedures in the construction and installation of the fresh water plumbing system in KCE and HHE ("Issue 1")

13. Item 1 of the Letter requests CSCE to describe and explain the steps and procedures in the construction and installation of the fresh water plumbing systems in the HHE and KCE projects. I am generally aware of the construction and installation of the fresh water plumbing system in HA projects. While I have read, amongst other things, the Forms WWO46 for the HHE and

KCE projects for the purpose of this witness statement, I will defer to my colleagues to speak to the details in the Forms WWO46 in the context of the KCE and HHE projects which they are more familiar with.

14. In general terms, the fresh water plumbing system in HA projects is designed by HA's in-house design team or outsourced to consultants and the design including the pipes and fittings used should comply with the Waterworks Ordinance and Waterworks Regulations. HA's in-house design team or HA's consultants will submit the vertical plumbing line diagrams / plans for the provision of fresh / flushing water supply to the Water Supplies Department ("WSD") for approval. In this regard, I have been read (i) 2 letters dated 14 November 2007 [B10.2 / 24421 - 24422] and 21 October 2010 [C12.1 / 7521 - 7525] respectively from HA's consultant to WSD with regard to the HHE project, and (ii) WSD's respective approvals dated 19 December 2008 [C12.1 / 7330 - 7334] and 18 February 2011 [C7.1 / 4736 - 4744] of the vertical plumbing line diagrams / plans for the provision of fresh / flushing water supply for the HHE and KCE projects respectively, which state, amongst other things, the following:

"You [i.e. HA] are required to engage a licensed plumber to carry out the installation and modification of inside services serving the premises. Provided that all pipes and fittings intended to be installed are approved by this Authority, your licensed plumber should submit details of his proposals on Waterworks Form WWO 46 Part I & II (also signed by you) to this Authority for notification on the commencement of plumbing works. If any of the pipes and fittings used I to be used have not yet been approved by the Water Authority, prior approval must be obtained from the Water Authority before the commencement of

plumbing works. After the completion of the installation and modification of the inside service, the licensed plumber should report to this Authority via Form WWO 46 Part IV. (see page 4 of WSD's letter dated 19 December 2008 to HA's consultant and copied to HD for HHE project) **[C12.1/7333]** and paragraph 7 of WSD's letter dated 18 February 2011 to HA in respect of the KCE project was in identical terms. **[C7.1/4743]**.

15. Once WSD has approved the vertical plumbing line diagrams / plans for the provision of fresh / flushing water supply for the relevant project, the licensed plumber ("**LP**") can submit the Form WWO46 to WSD for approval to commence the fresh water supply works. In this witness statement, I will use the term, "*fresh water plumbing system*" interchangeably with "*fresh water supply*", "*inside service*" and "*fresh water plumbing works*", as they all mean the same thing to me. I understand that under the Waterworks Ordinance in Hong Kong, only a LP or a public officer authorised by the Water Authority can construct and install fresh / flushing water plumbing works in developments supplied or to be supplied with water from the Waterworks. Form WWO46 contains Parts I to V which have to be signed by the relevant party / parties at different stages of the fresh water plumbing works that require water supply at different times.

16. In terms of the Main Contracts, I am generally aware that there is a term in the specifications which provides that the fresh water plumbing works should be carried out by a LP as approved by the WSD. In terms of the sub-contract between CSCE and its plumbing sub-contractor, I am generally aware that CSCE's sub-contracts would require its plumbing sub-contractor to carry out the fresh water plumbing works in compliance with Main Contract terms including

compliance with HA's requirements and specifications. As such, CSCE's plumbing sub-contractor should ensure that the fresh water plumbing works are carried out by a LP as approved by the WSD. However, I have not read the detailed clauses of the foregoing provisions in the Main Contracts and will defer to my colleagues who are more familiar with these matters to deal with this.

17. For the purpose of this witness statement, I am aware that:

(i) The plumbing sub-contractor for the HHE and KCE projects is Golden Day Engineering Co. Ltd. ("**Golden Day**") and Ho Biu Kee Construction Engineering Co. Ltd. ("**HBK**") respectively.

(ii) The LP appointed by Golden Day for the HHE project is Cheung Tat Yam while the LP appointed by HBK for the KCE project is Lam Tak Sum.

(iii) Golden Day and HBK are specialist plumbing sub-contractors who have been previously involved in and had completed many HA projects in Hong Kong. They are therefore clearly aware or should have been aware of the statutory requirements and HA's specification requirements for the fresh water plumbing works.

18. Part I to Form WWO46 is signed by the (i) LP and (ii) owner / applicant of the project. In the case of HA projects, Part I will be signed by HA / HD's Authorised Person ("**AP**"). The LP and AP will jointly sign Part I of the Form WWO46 for the purpose of notifying the WSD of the commencement date and the scope of the fresh water plumbing works to be carried out. The LP will also attach to Part I a list of plumbing materials which he intends to use and install for the fresh / flush water plumbing works in the project and which must be approved by WSD. In any event, the LP will only submit

plumbing materials which have been approved by WSD and on WSD's list of approved materials. Otherwise, he risks disapproval of Part I of Form WWO46 and therefore would not be able to commence the plumbing works until approval is granted by WSD. If there was any change to the plumbing materials used in the plumbing works, the LP should update the list and notify WSD on or before the LP submitted Part IV of Form WWO46.

19. Part II of Form WWO46 is signed by HA / HD and addressed to the Water Authority. HA / HD also endorses the information submitted by HA / HD's AP and the LP in Part I. This includes endorsing the LP's list of plumbing materials which he intends to use and install for the fresh / flush water plumbing works in the project.

20. Part III to Form WWO46 is signed by the Water Authority and addressed to the LP. Part III grants permission to the LP to proceed with, as the case may be, the fresh water plumbing works set out in Part I and in the list of plumbing materials referred to above.

21. Once permission is granted by the Water Authority to the LP, the LP can commence the fresh water plumbing works.

22. Before using and installing any plumbing materials on the site, the plumbing sub-contractor is required to (i) submit samples and documents with respect to the relevant plumbing materials to CSCE's Building Services Engineer ("**BS Engineer**") for submission to HA / HD for approval, and (ii) comply with all standards and requirements under the main contract. Upon the plumbing submission of the plumbing materials samples and documents for approval to CSCE's BS Engineer, CSCE's BS Engineer will pass on the same to CSCE's Architectural Quality Control Co-ordinator ("**AQCC**") to enable the AQCC to verify that the samples and documents comply with the contractual requirements.

23. The AQCC would subsequently submit a form to HA / HD's BS Engineer for approval. If HA / HD's BS Engineer has any comments on the form submitted by CSCE, CSCE will inform the plumbing sub-contractor to supplement or re-submit its samples and/or documents in accordance with the comments of HA / HD's BS Engineer until approval is finally given. In any event, this process of re-submission(s) will continue until HA / HD's approval is given for the use and installation of the relevant plumbing materials in the fresh water plumbing system. If HA / HD's BS Engineer approves the form submitted by CSCE, CSCE will advise the plumbing sub-contractor of the approval.

24. Once approval for the use and installation of the relevant plumbing material for the fresh water plumbing system is given by HA / HD, the plumbing sub-contractor will supply the plumbing materials for the fresh water plumbing works as approved by HA / HD. I am also aware that HA / HD will check certain materials which they consider "major" when they are delivered to the site and that such major materials which HA / HD will check do not include copper pipes and soldering materials. This is how the process has worked for all of CSCE's HA projects in the past.

25. Once the fresh water plumbing works (including the installation of the plumbing materials) are completed, the LP, HA / HD and HA's AP will all sign Part IV of Form WWO46. Through Part IV of Form WWO46, WSD is informed that the fresh water plumbing works are completed in compliance with WSD's requirements and requested to inspect the fresh water plumbing works. Once WSD had inspected the fresh water plumbing works carried out at the HHE and KCE projects and was satisfied with the inspection, WSD would issue Part V of Form WWO46 and confirm under the Waterworks Ordinance and Regulations that the fresh water plumbing works carried out at the HHE and KCE projects was approved and that no irregularities were found.

26. Other than endorsing Part IV of Form WWO46, HA would confirm that all the pipes and fittings used in the HHE and KCE projects fully complied with Waterworks standards and requirements by submitting Form WWO132 to WSD to request WSD to connect and supply water to the HHE and KCE projects. In this regard, the LP would notify a government laboratory to collect water samples from the HHE and KCE projects and test and analyse them in accordance with WSD's requirements. Once WSD was satisfied with the water samples test results, WSD would issue a certificate for water supply connection [B10.2 / 24515 - 24516 and C7.1 / 5168] and supply water for each of the HHE and KCE projects.

27. WSD had previously approved the fresh water plumbing works (including the Plumbing Materials that were used in such works) carried out and installed at the KCE project by issuing Part V of Form WWO46. This confirmed that no irregularities were found under the Waterworks Ordinance and Regulations. However, WSD has in or about October 2015 written to HA about certain valves and taps installed at the KCE project which were said to be found to be not those submitted to WSD. This is notwithstanding WSD's acknowledgement that those valves and taps are on the directory list of plumbing materials which were accepted by WSD. WSD also said that those valves and taps do not comply with the relevant British Standards with regard to the lead content and thus do not comply with the Waterworks Regulations. WSD therefore asked HA to rectify the non-compliance and carry out the rectification works. HA forwarded to CSCE WSD's letter and asked CSCE to submit a report and proposal for the rectification works. Upon receipt of HA's letter, CSCE wrote to HBK and the suppliers of the valves and taps in question and received their replies which confirmed that the materials were compliant with the British Standards and had been approved by WSD. CSCE replied to HA in late October 2015 based on the supplier's replies and also asked HA to provide further information about the

samples tested and the testing methodology so that CSCE and the suppliers could provide further explanation. CSCE has not heard from HA since. Although this matter and the correspondence with various parties are dealt with by my other colleagues, I am aware of this matter and will leave my KCE colleague who is providing a statement for the KCE project to deal with the details involved.

28. In the course of the above approval and certification processes, CSCE co-ordinated and liaised with the LP and HA to ensure that Parts I to V of Form WWO46 were endorsed, submitted and approved on time and that such endorsements, submissions, and approvals were circulated to the relevant parties so that each party knew what had been done and could therefore proceed to the next part (if any) of the projects. CSCE itself was not required to sign or otherwise endorse any part of Form WWO46.

D. With reference to the steps and procedures outlined above, explain the role and responsibilities of CSCE and the respective roles and responsibilities of its sub-contractor(s), 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 {"Issue 2"}

29. Issue 2 seems to be very broad and I will try to deal with this issue to the best of my ability as set out below.

30. "Plumbing Materials" in Issue 2 is defined in item 3 of the Letter as "pipes, fittings and soldering and other plumbing materials".

31. As a starting point, any role and responsibilities that CSCE has to play in 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 at any stage of the contract for the HHE and KCE projects would be prescribed by the Main Contract requirements imposed by HA, and where applicable, any specific statutory and regulatory requirements which may or may not be referred to in the Main Contracts. In any event, CSCE, as the main contractor, is not in a position to "control" the content of lead in the Plumbing Materials as CSCE's obligations are to comply with the requirements imposed in the Main Contracts and where applicable, any statutory and regulatory requirements.

32. Having said the above, I am aware in general terms that:

(i) The Plumbing Materials should comply with the specifications in the Main Contract requirements with regard to compliance with British Standards which apply to the fresh water plumbing works in the Main Contracts.

(ii) At the stage during which Plumbing Materials were submitted by CSCE for approval by HA, all parties including HA, CSCE and the plumbing sub-contractors (and also their LPs) should be aware of the specifications with regard to compliance with British Standards which apply to the Plumbing Materials. The list of Plumbing Materials submitted by the LP to WSD in Part I of the Form WWO46 must also comply with WSD's requirements, including British Standards.

(iii) There are British Standards which apply to Plumbing Materials which will specify the lead content (if any) in a particular Plumbing

Material. This to my understanding, is different from a provision in the Main Contracts which expressly and specifically "control" the content of lead in Plumbing Materials. In any event, I understand from my colleagues that there is a provision in the Main Contracts for the HHE and KCE projects relating to the use of lead-free category solder in the jointing of pipe.

(iv) During the sample materials submission stage, CSCE would submit as part of the paper work any samples and supporting documents, including test reports / certificates about the lead content (if any) of the Plumbing Materials. These test reports / certificates were provided by the suppliers of the Plumbing Materials to CSCE via the plumbing sub-contractors and were also submitted to HA as part of the sample materials submission for HA's checking and verification against the Main Contract requirements so that HA could approve the sample material submission.

(v) In any event, there is neither any provision in the Main Contract requirements which expressly requires CSCE, nor did HA at any stage of the contractual, construction and post-construction stages instruct CSCE, to:

(a) Inspect and test the Plumbing Materials including the solder wires for the presence of lead or for lead content during the installation / construction stage, supervision and inspection stage, certification of completion stage, and post construction stage (i.e. maintenance stage).

(b) Inspect and test the Plumbing Materials including solder wires for the presence of lead or for lead content when they arrived and were stored at the site and before they were used in the fresh water plumbing works. In short, specifically with regard to solder wires, there was no contractual, statutory and / or non-statutory requirements for CSCE to inspect and test the solder wires for the presence of lead or for lead content before they were used for soldering the fresh water pipe joints or in jointing works.

(c) Inspect and test the soldering on the fresh water pipe joints during and after the completion of the soldering works for the presence of lead or for lead content.

(d) Inspect and test the soldering on the fresh water pipe joints for the presence of lead or for lead content during the 2-year defects liability / maintenance periods for the HHE and KCE projects, after these projects were certified as completed and CSCE had handed over the works for the HHE and KCE projects to HA in 2011 and 2013 respectively. During the defects liability / maintenance periods for these 2 projects, CSCE and the relevant trade sub-contractors were generally responsible for carrying out and completing minor outstanding works (if any) and rectifying defects (if any). In this regard, I refer to and repeat paragraphs 9 and 11 above. During the defects liability / maintenance periods for these 2 projects, I understand that the owner of the HHE and KCE projects (which is HA itself) or the management company managing these

projects would be responsible for monitoring and maintaining the fresh water plumbing system.

(e) Inspect and test the soldering on the fresh water pipe joints for the presence of lead or for lead content before:

(A) The LP and HA submitted Part IV of Form WWO46 to WSD for the HHE and KCE projects.

(B) WSD issued Part V of Form WWO46 and the certificate for water supply connection HHE and KCE projects

(C) HA issued the Occupation Permits for the HHE and KCE projects.

(D) HA issued the completion certificates for the HHE and KCE projects.

(E) HA issued the maintenance certificate for the HHE project. With regard to the maintenance certificate for the KCE project, I refer to and repeat the end of paragraph 11 above.

(f) In essence, any inspection and testing on the installed fresh water copper pipes was performance based, for e.g. ensuring that the pipes (a) do not leak, (b) are not rusty, and (c) are properly installed in terms of alignment, position and fixing etc.

33. In short, given the matters set out above, once CSCE had submitted the sample materials submissions for the Plumbing Materials for approval by HA and the same complied with the specifications and the relevant British Standards (which may specify the lead content (if any) in the relevant plumbing material), and such

sample materials submissions for the Plumbing Materials were approved by HA, CSCE has complied with its contractual requirements with respect to the lead content (if any) of a particular Plumbing Material.

34. At the contractual and construction stages, as far as CSCE's sub-contracts with its fresh water plumbing sub-contractors for the HHE and KCE projects are concerned:

(i) CSCE will sub-contract the fresh water plumbing works to a competent and experienced sub-contractor on its list of specialist plumbing sub-contractors. The relevant specialist plumbing sub-contractor must be sufficiently competent and experienced, financially stable and have a proven track record as shown by its list of job references. A sub-contractor would be removed from CSCE's list or suspended from tendering if there were questions about its performance or competence. At the time the plumbing sub-contracts were entered into with Golden Day and HBK, they had been on CSCE's list for many years and with no major questions about their performance or competence or any other questionable practices.

(ii) Pursuant to the sub-contracts with Golden Day and HBK, they were obliged to comply with the Main Contracts' requirements with respect to the carrying out of the fresh water plumbing works. In this regard, I refer to and repeat paragraphs 31 and 32 above insofar as the Main Contract requirements on the lead content (if any) of the Plumbing Materials apply to the sub-contracts with CSCE's plumbing sub-contractors for the HHE and KCE projects. As for the supply and use of lead-free category solder specified in the Main Contracts for the HHE and KCE projects, Golden Day and HBK should have complied with such

requirements and I refer to and repeat paragraph 50 below.

35. At the contractual and construction stages, CSCE has no direct contractual relationship with the LPs whom Golden Day and HBK were respectively obliged to employ in order to comply with the terms of the Main Contract, statutory and non-statutory requirements. Further, the regulatory regime is such that only the LP and HA can submit the relevant parts of the Form WW046 and other WSD forms to WSD who will issue the relevant approvals to these parties as set out in Section C above. I refer to CSCE's role and responsibilities in these submission, endorsement and approval processes as set out in paragraph 28 above.

36. Likewise, at the contractual and construction stages, CSCE has no direct contractual relationship with "other person(s)" who the plumbing sub-contractors were obliged to employ in order to comply with the terms of the Main Contracts. Nevertheless, CSCE did submit monthly returns to HA which showed that the plumbing sub-contractors' workers for the HHE and KCE projects who were involved in these projects met HA's requirements. I defer to my colleagues to elaborate on this point in their witness statements.

37. At the post construction stages, the roles and responsibilities of CSCE and its plumbing sub-contractors for the HHE and KCE projects with respect to the fresh water plumbing system are set out in paragraph 32(v)(d) above. CSCE is not aware of what role and responsibilities, if any, that the LP and "other person(s)" have to play for the reasons set out in paragraphs 35 and 36 above.

E. 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 HHE and KCE 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") ("Issue 3")

38. I am generally aware that except for a provision that lead-free category solder should be used, there are no other specific contractual terms and provisions in the tender documents (which in any event form part of and are incorporated into the Main Contracts), the Main Contracts and sub-contracts for the HHE and KCE projects which pertain to (i) the construction of HHE and KCE to ensure that the drinking water will be lead-free and safe, and (b) prohibiting the use of Plumbing Materials from which lead may leach into drinking water ("**Contractual Requirements**") (as defined in item 3 of the Letter). I have also asked my colleagues to check the Main Contracts for the presence of the Contractual Requirements and they have confirmed that except for a provision that lead-free category solder should be used, the Main Contracts do not contain the Contractual Requirements. In any event, my colleagues will elaborate on the relevant contractual terms and provisions referred to above.

39. In addition to the above, I wish to make the following points:

(i) I am told by my colleagues that the specifications themselves, as they appear in the Main Contracts, neither (a) make any references to drinking water, nor (b) prescribe any requirements about ensuring that drinking water will be lead-free and safe. Nevertheless, I repeat paragraph 32(iii) above, i.e. there are British Standards which apply to Plumbing Materials which will specify the lead content (if any) in a particular Plumbing Material. Accordingly, although I am not an expert in such

matters, it seems logical to conclude that such Plumbing Materials which are acknowledged to contain lead might therefore leach lead into drinking water.

(ii) I am aware that the Waterworks Ordinance and Waterworks Regulations make no reference to any safety issues arising out of lead with regard to drinking water. However, the Waterworks Regulations do refer to British Standards, which as set out in paragraph 39(i) above, will specify the lead content (if any) in a particular Plumbing Material. In this regard, I refer to and repeat the last sentence in paragraph 39(i) above.

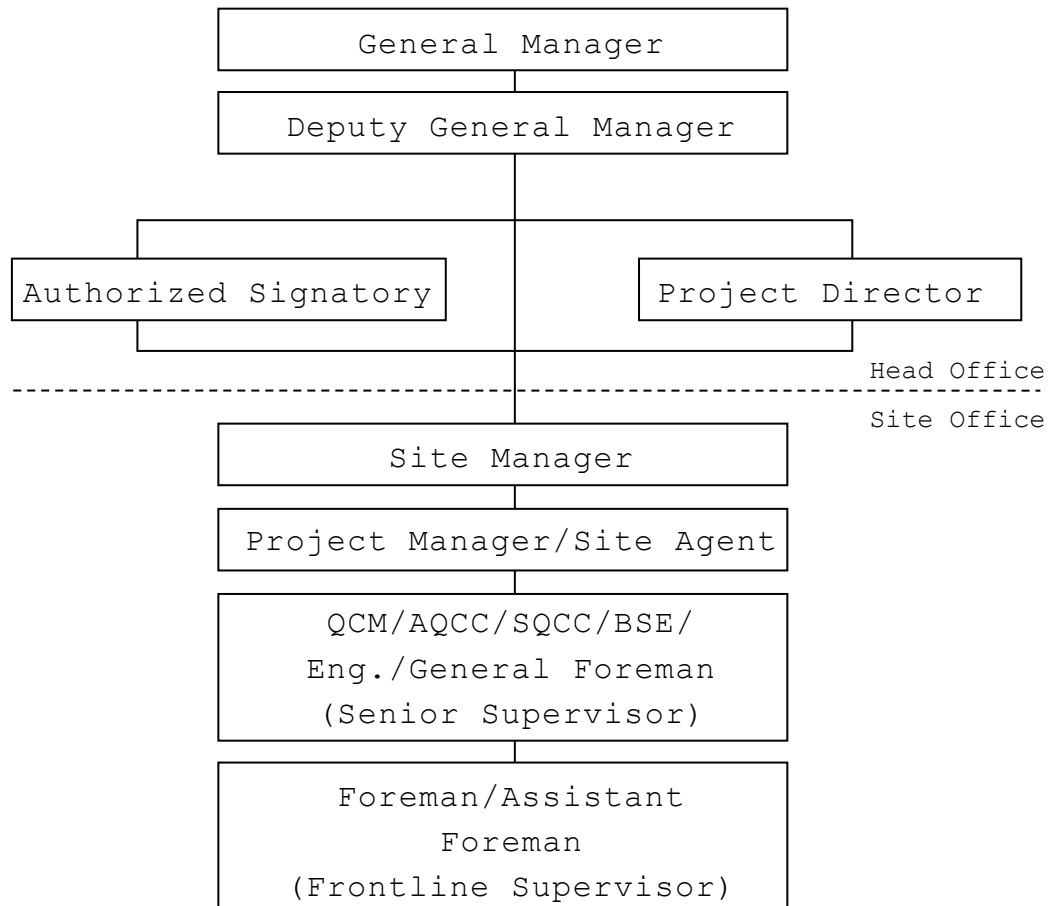
(iii) Neither the Main Contracts nor the law (at least during the time when the Main Contracts were on foot and before the Incident arose in July 2015) expressly required WSD, HA, CSCE, the plumbing sub-contractors and the LPs to test fresh / drinking water for the presence of lead or for lead content

(iv) CSCE is a building contractor whose responsibility is to build developments in accordance with its clients' specified requirements. CSCE's clients', including the HA, look to CSCE to build compliant buildings and they have never asked CSCE to provide any warranty about the safety of water or that the water should be lead free.

F. Explain the measures, supervisory, monitoring and quality control system in place by CSCE in order to comply with such Contractual Requirements and to ensure the safety and quality of drinking water ("Issue 4")

40. As set out in Section E above, except for a provision which provides that lead-free category solder should be used for jointing pipes, the Main Contracts do not contain any Contractual Requirements (as defined in Item 3 of the Letter). Also, to the best of my knowledge, there is also no express contractual, statutory and regulatory requirements imposed on CSCE to ensure the safety and quality of drinking water during the time the Main Contracts were on foot. Nevertheless, I will set out in this section the measures, supervisory, monitoring and quality control system put in place by CSCE in order to comply with the Main Contract requirements in general, including the fresh water plumbing works.

41. CSCE's Building Construction Department has through the years trained and produced many experienced and qualified technical and professional staff to undertake daily site supervision and management of all projects under construction. In addition, CSCE's Building Construction Department also has a team of senior technical and professional staff who carry out periodic supervision of its projects on a regular basis. The foregoing team supervises, communicates with and manages CSCE's technical and professional staff that is stationed on site. The supervision hierarchy of CSCE's Building Construction Department is shown below:-



42. I have already outlined my responsibilities as CSCE's General Manager of the Building Construction Department in Section A above. The responsibilities of the other members of CSCE's Building Construction Department in general terms are set out below:

- (i) The Deputy General Manager assists the General Manager to deal with matters relating to manpower, resources and administration and supervision and monitoring of site works on a macro level. He regularly chairs meetings to discuss the implementation of CSCE's policies and the progress of site works at a macro level.

(ii) The Authorized Signatory, who is a person registered by the Buildings Department, and is required to ensure that the building works are carried out in accordance with the Buildings Ordinance and regulations and with the plans approved.

(iii) The Project Director is responsible for supervising the site team, advising the senior management on important issues (such as progress and costs), and dealing with employers regularly. He is also responsible for ensuring that CSCE's policies are fully understood, implemented and maintained at all levels of the project teams and has overall responsibility for the implementation of the Quality Assurance System (see details in paragraph 44 below).

(iv) The Site Manager is responsible for various matters including (a) being responsible for the financial administration and overall management of site teams on a daily basis to ensure that contractual requirements are fulfilled and that the quality assurance plan is implemented, (b) identifying any problem areas, either technical or administrative so as to minimize delay and to meet the contractual requirements and deadlines, (c) ensuring that the project is run according to the requirements of the quality assurance plan which is based on CSCE's Quality Assurance System and CSCE's policies, (d) reporting to the Project Director, and (e) advising the Project Director on matters of quality assurance. Given the roles that the Site Manager undertakes, he plays a key role in ensuring that the quality control aspects of the works are implemented.

(v) The Project Manager / Site Agent is responsible for monitoring and supervision of the

construction site, implementing CSCE's policies, resolving technical and financial matters. He reports to the Site Manager.

(vi) The Quality Control Manager acts as the head of the quality team and is responsible for organizing, planning and supervising quality control co-ordinators in checking, endorsing and inspection works. He ensures that the works are carried out in accordance with the specification and drawings.

(vii) The AQCC is a superintendent and assists the Quality Control Manager in inspecting and checking the architectural works. He responds to queries from CSCE's site staff and endorses, amongst other things, sample submissions for materials and components for architectural works including those for plumbing works.

(viii) The Structural Quality Control Co-ordinator is a superintendent and assists the Quality Control Manager in inspecting and checking the structural works. He responds to queries from CSCE's site staff and endorses, amongst other things, sample submissions for materials and components for structural works.

(ix) The BS Engineer co-ordinates the sample material submissions from sub-contractors of different trades and forwards the same to the AQCC for formal submissions to HA. He further liaises with site safety officers / site safety supervisors on all site operations in respect of building services.

(x) The Engineer supervises the works carried out by the sub-contractors of different trades.

(xi) The General Foreman is the head of foremen and is the frontline supervisor. He is generally

responsible for monitoring and supervising foremen to ensure that the progress of works match with the master programme and meets the various deadlines, and the quality of the works carried out are in accordance with the contractual requirement, drawings and CSCE's policies.

(xii) The Foreman / Deputy General Foreman assists the General Foreman to perform his tasks in the working areas at the site.

43. Given CSCE's strong commitments to fulfilling its clients' needs and achieving its partnering goals, CSCE has established a set of policies on various aspects, including quality matters. These policies are endorsed by CSCE's senior management to ensure their adherence by CSCE's employees. The implementation of these policies is achieved through primarily the following management systems that seek to ensure the effective planning, operation and control of CSCE's key processes. These management systems fully comply with international standards and conform with current client requirements:

(i) The Quality Assurance System, which is designed to ensure that CSCE complies with its contractual, legal / statutory requirements and good trade practice. The Quality Assurance System also fully complies with the requirements of ISO 9001, sets out CSCE's overall requirements and commitments to satisfy and comply with clients' requirements and to continually improve the effectiveness of its quality assurance system. Details are set out in paragraph 44 below.

(ii) The Standard Working Procedures comprise procedures in relation to many matters including tendering, sub-contracting, procurement,

construction, design, training, project management plan and other matters. After the Incident arose, CSCE issued a new Standard Working Procedure relating to plumbing works, details of which are set out in paragraph 61(i) below.

(iii) The Project Management Plan ("**PMP**") sets out the management of the works for each project. The PMP aims to reduce duplication and increase work efficiency. The PMP is prepared in accordance with international standards such as ISO9001.

44. CSCE's Quality Assurance System comprises the following components:

(i) A monitoring system which monitors site quality performance and will issue warnings (such as yellow cards and red cards) to those sites with poor results. CSCE did not issue any warnings for the HHE and KCE projects.

(ii) An internal audit system pursuant to which an internal audit is carried out by CSCE's Quality Technology Department on each site / project on a quarterly basis. This is to ensure that CSCE's quality assurance system meets with the requirements under the established workflow, ISO 9001:2008 and complies with various important elements in a project, such as quality, progress and management issues. The internal audit system will also serve as an effective tool to identify and report any questionable areas or non-conformance issues for periodical management review.

(iii) An external audit system which is carried out by Hong Kong Quality Assurance Agency ("**HKQAA**") to audit CSCE's quality management system on an annual basis to ensure that the quality

management system satisfies the standards under ISO9001:2008.

(iv) A "*continuous improvement*" principle is adopted. When a department or a site discovers any failure to meet the requisite standards, a review will be conducted to ascertain the root cause of such failure, and appropriate correction and prevention measures will be established to cure the root cause, and to reduce the frequency of such failures or prevent their reoccurrence. As a result of the Incident and in observance of CSCE's "*continuous improvement*" principle, CSCE has promptly taken various measures, details of which are set out at the end of this witness statement.

(iv) With regard to sub-contractors, the site staff will, in accordance with the requirements under the contract, drawings and construction work requirements, classify the sub-contract works and compile the sub-contracting management plan. For sub-contractors or suppliers nominated or directly hired by the employer, the site staff will establish a plan based on the employer's requirements, and review such a plan. The site staff will evaluate the performance of the sub-contractors every half-year and the results will be submitted to CSCE Building Construction Department. Sub-letting division of Building Construction Department will be responsible for comprehensively reviewing the sub-contractors' performance in the half-year based on the results of the evaluation, and decide whether each sub-contractor should be kept on CSCE's list of subcontractors. During the implementation of the HHE and KCE projects, no major questions about the performance or competence or any other questionable practices of Golden Day and HBK were identified. After

the Incident arose, CSCE has temporarily suspended HBK and Golden Day from tendering for any plumbing works and will therefore not invite these 2 sub-contractors to tender for any plumbing works.

45. CSCE's senior management, i.e. the Deputy General Manager and his superiors at the head office, are involved in the administration and management of a project on macro level, mainly through meetings with site project key personnel at the head office and through impromptu site visits (which also sometimes involve meetings with the site staff). During such meetings at the head office and the site, various matters will be discussed, such as progress, contract compliance, supervision, site safety, and environmental matters. This practice was also observed for the HHE and KCE projects.

46. During the construction stage, CSCE's site team would carry out its own site monitoring, supervision and inspections of the works including plumbing works and also periodically carried out joint inspections with HA during the course of the HHE and KCE projects. While the details of CSCE's site monitoring, supervision and inspections for the HHE and KCE projects will be addressed by my colleagues, I am given to understand that no anomalies / non-compliances / non-conformance with regard to the fresh water plumbing works, particularly the use of non-compliant solder wires and the soldering on the jointing of the pipes, at the HHE and KCE projects were detected during site monitoring, supervision and inspections, including those joint inspections conducted with HA. Likewise, no anomalies / non-compliances / non-conformance with regard to the fresh water plumbing works, particularly the use of non-compliant solder wires and the soldering on the jointing of the pipes, were detected in the HA's Performance Assessment Scoring System ("**PASS**") quarterly and

final assessments carried out by HA for the HHE and KCE projects.

G. Explain and identify the prevailing Contractual Requirements and statutory and non-statutory requirements pertaining to the approval of Plumbing Materials by HA ("Issue 5")

47. As set out in Sections E and F above, except for the provision that lead-free category solder be used, the Main Contracts do not contain any Contractual Requirements (as defined in Item 3 of the Letter). Nevertheless, the details of the relevant contractual requirements pertaining to the approval of Plumbing Materials by HA in the Main Contracts and sub-contracts for the HHE and KCE projects in general will be covered by my colleagues in their witness statements. Having said that, I am aware, at a general level, the procedures involved with respect to the approval of Plumbing Materials by HA and I have already explained this in Section C above.

48. As for the statutory requirements pertaining to the approval of Plumbing Materials by HA, I am generally aware that:

(i) Pipes and fittings used in fresh water plumbing works should comply with the British Standards as set out in the Waterworks Regulations. As set out in paragraph 32(iii) above, the British Standards will specify the lead content (if any) of the Plumbing Materials.

(ii) If HA approves the Plumbing Materials to be used in the fresh water plumbing works of a HA project, this signifies that the Plumbing Materials approved by HA must have already satisfied the Waterworks standards and requirements as subsequently confirmed by HA in Form WW0132 (see paragraph 26 above).

(iii) HA needs to endorse Parts I, II, and IV of Form WWO46 as explained in Section C above. As set out in paragraph 19 above, Part II of Form WWO46 is signed by HA / HD and addressed to the Water Authority and endorses the information submitted by HA / HD's LP and the AP in Part I. Part I includes a list of plumbing materials which the LP intends to use for the fresh water plumbing works, and the list is approved by HA when it endorses Parts I and II of Form WWO46. As set out in paragraph 25 above, it is through Part IV of Form WWO46 (which is also endorsed by HA) that WSD is informed that the fresh water plumbing works are completed in compliance with WSD's requirements and requested to inspect the fresh water plumbing works.

49. As for the non-statutory requirements pertaining to the approval of Plumbing Materials by HA, I am proceeding on the basis that non-statutory requirements refer to requirements such as WSD's circular letters. However, I am not familiar about the details involved and will defer to my colleagues to elaborate on the same. Having said that, it seems that such non-statutory requirements do not pertain to the approval of Plumbing Materials by HA but pertain to general requirements imposed by WSD.

H. Describe the measures and quality control system in place and/or any other recommendations (after the discovery of alleged excess lead in drinking water) by CSCE in order (a) to address the health concerns of the residents of HHE and KCE, (b) to comply with the statutory and non-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 CSCE has in relation to (a), (b) and (c) above and on how similar incidents may be avoided in the future ("Issue 13")

50. CSCE was extremely concerned and troubled when HA advised CSCE in early July 2015 of the alleged presence of lead in the fresh / drinking water supply in the KCE and HHE projects. While CSCE is confident that the exact details of how such incident occurred and the causes of the alleged presence of lead would be properly investigated by the Commission in this Inquiry following proper examination of all relevant documents and factual and expert witnesses, CSCE in the execution of its obligations under the Main Contracts and sub-contracts for the HHE and KCE projects had never (i) intended to use or deliberately used any non-compliant materials, or (ii) disregarded any contractual, statutory or non statutory requirements. Further, lead in solder wires and other plumbing materials were never identified as a high risk item by the construction industry, the HA / HD and the relevant government and non-government authorities. CSCE has worked with its plumbing sub-contractors in various projects and they have also been in this industry for a long time. CSCE had therefore trusted and relied on them to carry out their plumbing works in compliance with their contractual, statutory and non-statutory requirements by procuring and using plumbing materials including lead-free solder wires which had been approved by HA and complied with the specifications. There was simply no reason for CSCE to think that its sub-contractors would act otherwise.

51. It is regrettable that the Incident had occurred and caused distress to the tenants of the HHE and KCE projects and disruption to the provision of fresh / drinking water from the fresh water plumbing systems in those projects. If CSCE had been aware at the time of the potential risk that non-compliant solder wires would pose, CSCE would of course have immediately took appropriate actions to cease its use at the site and implemented quality assurance and control and monitoring measures to police its use during the course of the contracts. With the benefit of hindsight and

greater awareness of this issue in the construction industry and generally after the Incident emerged, CSCE's quality assurance and control system could certainly be improved and preventive measures could also certainly be enhanced, after the fact.

52. Without any admission of liability and with the benefit of hindsight, CSCE has taken various measures to deal with the matters arising after the Incident occurred. In this regard, I refer to the paragraphs below.

53. I was personally involved in the HHE and KCE projects after the Incident occurred as the matters to be followed up and implemented fell within the scope of work undertaken by CSCE's Building Construction Department. While my other colleagues in CSCE's Building Construction Department liaised with HA on day to day matters, I am fully aware of the daily occurrences vis-a-vis HA given my personal involvement as the General Manager of CSCE's Building Construction Department and because my colleagues would also discuss with me. I, in turn, would report to my senior management level colleagues within CSCE and the Group.

54. First, as a temporary relief measure to the tenants and to address health concerns which they might potentially have, at HA's request and following discussions with HA, CSCE proposed to install temporary drinking water supply at the KCE project in or about July 2015 [B5.7 /11418-11420] and proposed the same at the HHE project in or about August 2015 to enable the tenants of these projects to obtain drinking water at each floor of the domestic blocks. The procedures governing the entire process of the installation and completion thereof, including the use of the different types of plumbing materials were submitted to HA and WSD for approval, were all discussed in advance with and overseen and approved by HA.

55. Following the installation and completion of the temporary drinking water supply at the KCE project by 7 August 2015 [B5.7 1 11533 & 11621] and at blocks 2 and 3 of the HHE project by 6 October 2015 [B10.4 / 25645] and at block 1 of the HHE project by 5 October 2015 [B10.4 / 25651], all of which were carried out by the LPs approved by HA and WSD, the temporary drinking water supply was available for the use of the tenants of the (i) KCE project by mid August 2015 [B5.7 / 11533 & 11621] and (ii) HHE project by the end of October 2015, all following the taking of water samples and testing and inspections by WSD and WSD's issuance of Parts V of Form WWO46 for the KCE project on 13 August 2015 [B5.7 / 11534-11535] and at the HHE project in or about October 2015.

56. Secondly, at HA's request and following discussions with HA, CSCE at its own costs installed the following water filters:

(i) "3M AP Easy Complete" water filters and replace the filters (albeit for only the first 2 years), at each flat at the KCE project on 24 July 2015 [B5.7 / 11451]; and

(ii) "Aguasana AQ 4000DVPI" water filters and replace the filters (albeit for only the first 2 years), at each flat at the HHE project on 3 August 2015 [B10.4 / 26333] so as provide filtered drinking water directly to the tenants' flats. CSCE has already completed the installation of water filters at all the flats at the HHE and KCE projects, except at a number of flats where CSCE was unable to gain access.

57. The "3M AP Easy Complete" water filters installed at the KCE project comprise 3 components [B5.7 / 11579], namely:

- (i) Complete cooler which is certified to be of NSF 53 standard [B5.7 / 11562-11574];
- (ii) ¼" PE tubing supplied by John Guest that is certified to be of NSF 61 standard [B5.7 / 11556 -11558 & 11581];
- (iii) Water diverter, model no. DVB-14CQDB-E that meets the lead free NSF 61 standard. The supplier, 3M Hong Kong Limited, confirmed that the foregoing water diverter is made of lead free components as listed in Appendix A to the supplier's letter dated 27 July 2015 [B5.7 / 11559-11560] and that the lead free classification is based on the current USA Safe Drinking Water Act SWDA Section 1417 in 2014: *"The act reduced the allowable level of lead in products in contact with drinking water from 8.0% to 0.25%"*. The supplier also confirmed that all their components contains less than 0.1% lead and are therefore considered lead free fittings under the current SWDA definition [B5.7 / 11577].

58. The water filters referred to above were approved by HA before they were installed and the relevant documents / certifications with respect to these water filters were submitted to HA before approval was given.

59. Thirdly, at HA's request and following discussions with HA, CSCE has submitted to HA a preliminary proposal with regard to rectification works to be carried out on 17 August 2015 [B5.7 / 11621-11622] for the KCE project. The discussions regarding the precise details of the rectification works are still ongoing with HA. Once these discussions have been finalised and agreed, the same proposal will be applied to the HHE project.

60. Fourthly, at HA's request, a conditional bond will be provided to HA with regard to the maintenance of water filters and temporary fresh water supply and the carrying out of the rectification works (precise details of which are still under discussion). The terms and conditions of the conditional bond will be further discussed.

61. In addition, CSCE has taken the following quality control measures in the implementation of its "continuous improvement" principle:

(i) CSCE has specifically issued a new Standard Working Procedure concerning plumbing works. It sets out various supervision procedures and quality assurance issues relating to the installation of the fresh water plumbing works. These include (a) the requirements for plumbing materials and the methods of jointing copper pipes, ductile iron pipes, etc, (b) guidelines for the selection and assessment of sub-contractors for plumbing works, (c) the requirements for procurement, delivery and storage of plumbing materials, and (d) the requirements for testing lead content.

(ii) CSCE has issued a booklet called "食水喉安裝質量監控程序" ("Quality Assurance Plan for Plumbing Installation Works") which is a summarised and more user-friendly version of the new Standard Working Procedure concerning plumbing works. This booklet sets out CSCE's policy with regard to various matters such as quality assurance of the plumbing works and testing for lead content, the selection and assessment of sub-contractors, approval and procurement of plumbing materials. This booklet was and will be circulated to all workers at CSCE's sites to increase their awareness and to ensure that they comply with the relevant

requirements concerning plumbing works, including the use of lead-free soldering materials.

(iii) CSCE has specifically prepared a *"Quality Assurance Plan for Plumbing Installation Works"* for initial implementation on a trial basis at a HA project known as *"Construction of Home Ownership Scheme Developments at Sha Tsui Road, EX-Tai Wo Hua Factory Estate, Tsuen Wan, and Ching Hong Road, Cheung Ching, Tsing Yi (Contract No.20130597)"* ("**Trial Project**") as of 31 August 2015. CSCE's long term intention is to adopt the *"Quality Assurance Plan for Plumbing Installation Works"* in all of CSCE's future projects following appropriate modifications and improvements, where identified, which will arise from a review of the adoption and implementation of the *"Quality Assurance Plan for Plumbing Installation Works"* in the Trial Project.

(iv) CSCE has held and will continue to hold training courses with respect to the plumbing installation works at its sites for its site staff including the plumbing sub-contractor's workers. These training courses are based on the matters raised in the above booklet which is in turn based on the Standard Working Procedure.

(v) CSCE will seek to increase awareness and publicise the importance of ensuring the quality of plumbing materials and plumbing works by having big banners with easily understood and user-friendly visual depictions hung at its sites. At present, a big banner is being displayed at the Trial Project.

(vi) CSCE has also recently instructed its procurement department to centralise the procurement of lead-free solder wires to ensure that the solder wires used are lead-free and comply with the contractual requirements. Measures governing the delivery, storage and use of the lead-free solder wires as set out in the "Quality Assurance Plan for Plumbing Installation Works" have also been implemented.

62. On a more macro level, CSCE will look to the relevant authorities, particularly WSD, for guidance and for WSD to take the lead on the issue of drinking water as this issue falls under WSD's jurisdiction. In this regard, CSCE will fully co-operate and render support to HA, WSD and other relevant authorities (if any) and comply with all laws and regulations and other requirements imposed by HA, WSD and other relevant authorities (if any), such as complying with the circular letters issued by WSD since 13 July 2015 and thereafter, with regard to any fresh water plumbing works undertaken by CSCE pursuant to its contractual obligations.

The contents of this statement are true to the best of my knowledge and belief.

問：Mr Sung, I have read your witness statement to you.

Mr Sung, are there any alterations, revisions you would like to make to your statement?

答：冇其他，只係第 44 項，第(v)個 item。

問：What is the clarification or change you wish to make?

答：係第十--第 70 個度，最靚個--第一行，"subcontractors' performance in"--呢個"subcontractors' performance in the half-year"，應該係"every year"。其他冇嘢。

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問：Thank you for that. Subject to that, Mr Sung, are you content to adopt this statement as your evidence to the Commission of Inquiry?

答：係。

MR PENNICOTT: Mr Chairman, with your permission, I have a few questions, if I may.

主席：Yes, please.

問：Mr Sung, a first point that arises. As I noticed from the Commission's website, there may be a slight lack of clarity on this. If you go to paragraph 2 of your witness statement, please.

答：係。

問：You say that you are the general manager of China State Construction Engineering (Hong Kong) Ltd, ie the interested party in these proceedings or in this Inquiry. I think that's right, is it? Is that correct?

答：Pardon.

問：Is it correct that you are the general manager of China State Construction Engineering (Hong Kong) Ltd?

答：係。

問：You then go on to say you are a director within the China State Group.

答：係。

問：Which company within the China State Group are you a director of?

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答：呢個或者我特別再講清楚，就係我哋個 group 係中國建築國際集團有限公司下面附屬子公司嘅董事。

問：What's the name of that subsidiary?

答：中文係中國海外房屋工程有限公司。

問：Is it right that that's a wholly owned subsidiary of China State Construction International Holdings Ltd?

答：係。

問：All right. Could I then ask you please to be given bundle B5.7, and if you could please go to page 11819, you should find there a letter of 17 August 2015, signed by you, at page 11820?

答：Yes.

問：This was a letter to the Housing Authority, providing the Housing Authority with information following the incident, as I understand it? I don't think there's any controversy about that.

答：係。

問：And you were responsible, as it were, for collating the information that was given to the Housing Authority?

答：係。

問：That's your letter dated 17 August 2015, and if you go to page 11825.

答：係。

問：On 14 September 2015, as I understand it, you provided some supplemental information to the Housing Authority; is that right?

答：係。

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問：Then that supplemental information starts at page 11826.
Then if you go to page 11832.

答：係。

問：You've got a heading there, "Procurement of plumbing materials for the potable water supply system"; do you see that?

答：Yes.

問：Then if you go over the page to 11833.

答：Yes.

問：Just over halfway down, you will see a subheading, "Material delivery notes"; do you see that?

答：Yes.

問：There's a side heading, "Soldering materials".

答：Yes.

問：What is written here is this:

"The material delivery note is usually provided by the subcontractor(s) to [China State's] PQS for interim payment purpose for materials on site. Since soldering materials were not eligible for interim payment of materials on site and since they were also a miscellaneous consumable material, HBK did not provide any delivery record for soldering materials to [China State]."

Mr Sung, in the light of what you now know, is that statement fully accurate?

答：呢個喺--呢度我喺入面澄清下喇，當時我哋係事件發生之後，就進行嗰個公司內部調查。咁喺去到呢個--做一個報告畀房屋署之前，我哋都問過晒啲同事，同埋搵啲同事睇過晒所有文件，都睇唔到我哋有曾經收過判頭何標記嗰個送貨單，咁所以我哋喺呢份報告畀房屋署嗰陣

時，都提到就話我亦都見唔到--收唔到有何標記交界我哋嘅送貨單。

問：And has the position changed subsequently?

答：之後後扞我哋得知喇，就係何標記有送貨單畀過我哋地盤嘅員工嘅，咁我哋再叫啲員工重新去睇過晒啲文件，逐頁逐頁睇番晒，我睇到我哋有一個 memo 係 cover 住兩個--兩張送貨單，而係呢個 memo 係交界房屋署嘅。咁我哋先後有兩個 memo 出過，同樣都係夾住同樣兩份送貨單，呢個係我哋後嚟再睇到嘅。

問：Thank you very much.

Now, Mr Sung, in your witness statement, as it were, at the first stage, you refer to the selection of subcontractors, and we know that Golden Day was the subcontractor on the Hung Hom project and HBK was the subcontractor on the Kai Ching project.

答：係。

問：And you refer in your witness statement to having a list of specialist subcontractors and that you have a review system in place, based on performance of those subcontractors.

答：係。

問：Can I ask you this: do you operate a system of competitive tendering for plumbing subcontracts?

答：係。

問：Can you tell us how many companies will be on the list, that is going back, let's say, to the Kai Ching project?

答：喺番啟晴個 project，我就唔係好清--唔係好記得 exactly 有幾多個，一般嚟講，我哋嗰個分判商喺投標嗰陣時，我哋有個叫做分判 form 一覽表嘅，入面呢會係列咗至少嚟講三至五個，有時會六個，有相關嘅分判商就黏埋喺度，而係一齊發標畀佢哋，由佢哋投標嘅。

問：All right. So far as the next stage is concerned, the materials submission process, who at China State is

actually responsible for ensuring that the samples that are submitted to the Housing Authority, on Hung Hom or Kai Ching, meet the contractual requirements? Who's actually responsible for that?

答：我哋每個項目，都規定地盤個團隊會指派--指定嘅員工，就負責做樣辦嘅審批嘅。咁一般都話呢個員工一定會係即係跟番嗰個合約嘅要求，同埋如果有相關法例嘅要求，佢會跟番呢個資料，係去搜集嗰啲樣辦嘅--有關嘅樣辦，同埋係一啲資料去提交房屋署去審批嘅。咁如果審批咗之後，批咗之後，如果係分判商包料，佢會通知番分判商去訂料，同埋係跟番嗰個地盤嘅進度去送貨到地盤嘅。

問：So far as the works execution stage is concerned, Mr Sung, you refer in your witness statement to a quality assurance system, a standard working procedure, a project management plan. As I understand it -- is this right? -- the quality assurance system and the standard working procedure, they are of general application to all projects, are they?

答：係呀。

問：Whereas the project management plan is project-specific?

答：係。

問：So far as the project management plan is concerned, what is it designed to achieve? What are its objectives?

答：呢個 project management plan，係每一個 project 都會做，公司規定嘅。咁公司嗰個質量管理體系，亦都係列明佢有好多個標準工作程序嘅度，咁其中一個程序就係要--各個項目，係要做一個 project management plan。或者我講番前少少，就係我哋嗰個質量管理體系其中嗰個係大前提，頭先提到分判商嗰個問題，我哋嗰個分判商，有個名冊制度嘅度嘅，而嗰個名冊入面嘅分判商，都係全部係有經驗、有能力、有實力同埋過往表現好好嘅，表現冇乜問題嘅，咁就亦都我哋嗰個名冊入面嘅分判商先可以做我哋嘅工程項目。咁喺啟晴同埋係紅磡邨，都係行咗呢個制度，係定咗個分判商嘍，咁我哋分判嗰陣時，亦都係要個判頭，要個主合約嘅規範要求，全部

擠晒喺分判合約入面。咁即係話我哋同分判商共同去滿足嗰個合約嘅要求，咁呢個係我哋個質量保證體系其中一部分；

咁另一個部分，就係一定要係個項目團隊，係就佢嗰個項目係做--係制訂一個叫做--我哋叫做 project management plan 喇。Project management plan 下面其中有一 part，叫做 quality assurance plan，呢個 plan，呢個計劃入面，佢要係根據番個合約嘅要求，當時嘅法例，同埋個行業做開嗰個做法，同埋公司一貫嗰個--以往嘅經驗，佢會係制訂呢個咁嘅 project quality plan 有咩嘢工序，喺個工序嘅材料，同埋個工藝要去監管嘅。而監管入面有啲咩嘢監管程序，譬如嚟講，佢有啲咩嘢測試呀，有啲咩嘢去檢查呢，都會喺呢個 quality plan 入面好清晰列清楚，而地盤所有嘅員工，一定要跟住呢個 project quality plan 去做嘅。咁都係特別講，就係呢個咁嘅 project quality plan，喺公司嚟講，就係要求地盤定時更新嘅，而公司亦都會係有部門負責定期落去檢查地盤嘅團隊，佢有冇跟呢個 project quality plan 去執行，咁呢個就係我哋公司嘅制度。

問：Can I ask you a specific question: does the project management plan address the delivery of materials to site, on a general level?

答：喺一般嗰個 quality plan 入面，其實喺公司個管理程序方面，入面有啲標準嘅工作程序已經指定有啲物料係需要做檢查，咁地盤制訂佢嘅 project quality plan 嗰陣時，都會跟番公司標準咁嘅程序，呢啲咁嘅物料一定擠喺度去做檢查，包括佢送貨，跟番個要求檢查。咁就喺嗰個項目嘅團隊入面，佢會另外跟番個合約嘅要求，如果嗰個合約需要有啲物料去送--送貨嗰陣時要做驗收呢，佢會做--佢會寫咗喺入面，擠喺呢度嘅--擠咗喺入面，寫咗喺度。而同時地盤嘅員工，會跟番呢個 project quality plan，嗰樣嘢要--送貨嗰時要檢查，佢就檢查。

問：Okay. I think I know the answer to this question: was the soldering material ever specified as something to be checked in the project management plan?

答：焊料喺公司嘅標準工作程序，同埋喺地盤個 project quality plan，都有特別列明係要求做送貨檢查或者任何嘅檢查。

問：Then, finally, Mr Sung, can I ask you to go to paragraph 27 of your witness statement, on page 60.

答：Yes.

問：I am not going to read it all out again, Mr Sung, but in summary, what happened was the WSD notified Housing, Housing notified you, you notified the subcontractors and suppliers about some allegedly non-compliant components that were discovered at the Kai Ching project. Do you recall all of that?

答：Yes.

問：You say towards the end of paragraph 27 that you asked the Housing Authority to provide further information about the samples tested, and the testing methodology, so that China State and the suppliers could provide further explanation. Then you say China State has not heard from the Housing Authority since.

Your witness statement is dated 11 November, so just under a month or so ago. Have you heard from the Housing Authority in the last three to four weeks on this topic?

答：之後我都有收到房屋署嘅任何即係文件再進一步答我哋呢方面嘅問題。

問：Thank you very much.

主席：咁係咪即係表示去到今時今日嗰啲 taps and valves 嗰啲呢，都仲未換嘅？

答：而家--到而家未換嘅。

主席：唔該。或者我哋朝頭早休息廿分鐘，之後先至再繼續，唔該。

上午 11 時 36 分聆訊押後

上午 11 時 58 分恢復聆訊

出席人士如前。

主席：係，Mr Khaw。

許偉強先生：係。

中國建築工程（香港）有限公司（“中國建築”）（紅磡邨第二期和啟晴邨的總承建商）的第一證人：宋增雄（中國建築房屋工程部總經理及中國海外集團董事）宣誓繼續作供

許偉強先生盤問

問：宋先生，係，我想先問一問你，就係幾時開始擔任中國建築嘅總經理呢一職嘅？

答：應該係中國建築嘅房屋工程部總經理，係 2014 年開始。

問：20...

答：14 年。

問：...14 年。之前你嘅職位係乜嘢？

答：係副總經理。

問：副總經理，好。我如果睇番你個證人供詞第 3 段，咁都有講到畀我哋聽關於你作為總經理，就係嗰個職責範圍嘅，咁其中有一項我就想即係同你釐清下嘅啫，就係喺第 3 段最後嗰度，你都話--羅馬數字嘅 (iii) 嗰度，“signing contractual documents, ... co-ordinating the communication between various departments”。首先喺羅馬 (iii) 嗰度，就住簽嗰啲合同，我想知道就係--我睇番而家我哋講嗰個紅磡同埋啟晴呢兩個主合同，即係同房署簽嘅主合同，就應該唔係你本人簽署嘅，係咪？

答：當時我唔係總經理位，唔係我簽。

問：係。我想問下，就就住嗰兩個工程嗰個合同嘅制訂，你有冇親自參與

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嚟？

答：你指係個...

問：主合同。

答：...main contract？

問：主合同？

答：當時冇參與。

問：當時主要係邊位同事參與呢兩個項目嘅主合同嘅制訂嚟？

答：你所指嘅「制訂」係講緊係投標，抑或係即係嗰個工程嘅流程嘅管理？

問：我諗先講投標先。

答：投標係房屋工程部下面有一組人專負責去投標嘅工程嘅工作。

問：係。係邊一組嘅同事，我想知一知？

答：房屋工程部下面有一組叫做 Tendering Division。

問：Tendering Division，好。所以佢哋就會比較熟悉即係嗰個合同，如果係--主合同入面所講嗰啲物料或者工程嘅規格，佢哋比較熟悉嘅？

答：佢哋最主要根據物料，係核對入面嘅規範要求去造價嘅啫--估價嘅啫。

問：就住呢兩個工程，當時同房署就住嗰個合同--主合同嗰個商議，你有冇都係--有冇參與嚟，當時？

答：喺當時冇參與。

問：當時都有嘅。我又想問下，就住呢兩個工程，你親身有冇去過地盤現場巡視嚟？

答：當時，中咗標之後，由我哋公司承建，喺嗰個時間我就冇負責房屋署嘅工程。

問：係。所以基本上都係--即係就住呢兩個工程嘅相關事宜，你都係呢次，今年7月，鉛水事件發生之後，你先至接手再睇睇嘅，係咪？

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答：係。

問：但係一般嚟講，就住例如主合同嘅對於物料，即係所需要嘅一啲規格，咁你做咗咁多年，就住同例如房署嗰方面嘅合同，主合同喇，嗰啲物料嘅規格，你都有認知㗎呵？

答：詳細唔講得，基本上基本嘅認知會有。

問：如果我哋睇一睇你嘅證人口供嘅第 32 段。32 段，就即係你都講出就話一般嚟講，你係知道嗰啲水喉工程嘅物料係需要符合主合同嘅要求，咁亦都係需要符合呢個英國標準嘅。即係呢方面你係知嘅？

答：係。

問：係咪？就住嗰個焊料嗰個規格要求，咁我哋而家都知道當時對嗰兩個屋邨項目嚟講，即係紅磡同埋啟晴嚟講，都係需要係嗰個焊料，係需要係無鉛呢樣嘢，你當時都知嘅，係咪？

答：當時我哋同事--我哋啲同事會知嘅。

問：係。你本人呢？

答：本人，因為當時我有參與嚟講，就有特別去細緻去睇。當然而家睇番合約嚟講，合約係嗰個規範寫咗喺度係無鉛嘅。

問：我想知道你喺今年 7 月之前，對於焊料即係需要係用無鉛呢樣嘢--即係唔好淨係講嗰兩個工程先，一般嚟講，焊料需要係無鉛嘅呢樣嘢，你知唔知㗎？即係今年嘅 7 月之前。

答：都有認知嘅。

問：都知嘅。我想咁簡單問一問你，就係話如果你知道個焊料係需要用無鉛，咁主要嘅目的都係避免就係呢個鉛，呢啲咁嘅重金屬，即係有害嘅重金屬，可能會走入去啲食水管入面；呢樣嘢你同唔同意？

答：其實喺 7 月之前，成個行業都對呢方面係嗰個認知，喺嗰個--喺呢方面嗰個認知就唔係話咁強烈，同埋唔覺得呢樣嘢係一個高風險，所以就冇特別去留意同埋監管。

問：7 月之前，你對於鉛對人體有害呢樣嘢，一般嚟講，你知唔知道㗎？

答：知道㗎。

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問：知道。我哋睇一睇你個證人口供第 38 段。38 段，你就講出就係話一般嚟講，你就話係除咗有關呢個係要用無鉛啲焊料呢樣嘢之外，喺個合同入面就有乜明文規定有幾樣嘢，第一，你就講話“the construction of” -- 喺 65 頁，第三句嗰度，“construction of”呢個紅磡同埋啟晴嘅項目“to ensure that drinking water will be lead-free and safe”，睇唔睇到？

答：睇到。

問：即係你話有特別一個合同嘅訂明就係話「啊，你呢兩個項目做完之後，嗰個食水係需要係無鉛同埋係安全嘅。」我咁講啱唔啱，就係你--我相信你都唔會有爭議，就係呢兩個項目，呢啲咁嘅地盤工程完成之後，嗰啲大廈食水即係都一定要安全先至係--即係可以話係過關嘅？

答：係。

問：係咪？即係呢個你都--即係雖然合約有寫，你都同意嘅？

答：係。

問：另外你講，(b) 嗰度，就話，你話，有特定嗰個合同就係“prohibiting the use of Plumbing Materials from which lead may leach into drinking water”。即係呢個你就係講話「喂，又有乜特別嘅合同嗰個細則入面係規定要避免用一啲」--「做呢個水喉工程嘅物料，係避免嗰啲物料可能會釋出鉛入去啲水度呢樣嘢嘅。」

答：係。

問：係咪？你同唔同意，其實呢個正正就係有關嗰個主合同入面嗰個條款，就講到明係需要用無鉛嘅焊料嘅，其實就係就住呢一樣嘢，就住呢個目的嘅，你同唔同意？

答：喺字眼上喺合約都好明確寫咗就係要用一啲無鉛嘅物料。

問：另外第 39 段，羅馬(iv)嗰度，最後一句，就係話即係你哋係一個 building contractor 嚟嘅啫，咁就--所以“they have never asked [China State]”，即係問你哋，“to provide any warranty about the safety of water or that the water should be lead free”咁樣。即係你喺嗰度咁講嘅。

答：係。

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問：即係剛才，就你之前答我嘅問題，咁你都唔會唔同意喇，就係即係你都係有責任就係確保呢個咁嘅大廈，完成咗之後，個食水係安全嘅，你都同意嘛？

答：喺 as contractor 嚟講，就接咗個工程做，基本上佢第一個責任就係要跟番個合約嘅要求去做，...

問：好。噏，...

答：...同埋個當時嘅法例，呢個係最基本嘅。

問：好。講番個合約嘅要求，或者。就住呢個主合同，即係同呢個房署嘅主合同嚟講，你同唔同意就係即係你哋公司係有責任就係提供係就住呢個合同所訂明適用嘅物料；呢個你同唔同意？

答：係。

問：而你同唔同意呢個就係一個即係好重要嘅一個責任嚟嘅？因為如果唔係，即係用咗一啲次等嘅物料，都會影響到成個工程嘅，同意嘛？即係呢個係一個重要嘅責任嚟嘅。

答：我認同有個責任係要跟個合約嘅條款去做。

問：如果你有個責任去跟個條款做，咁你同唔同意你哋公司都需要係採取一啲合理嘅措施，就住係提供啲咩嘢物料，係需要作一個適當嘅把關嘅，同唔同意？

答：公司係有一啲程序，喺一啲重要嘅物料，有個程序要求係有一個檢視、檢測同埋一啲測試，基本上都係要--喺合約要求，同埋我哋一般一路做開都係咁做，同埋公司以往嘅經驗，試過可能有啲負面嘅影響，而係包括一啲程序要地盤一定跟住去做。

問：好。嗰個公司嗰個程序，我一陣間再會同你詳細少少去探討嘅。

答：好。

問：就住你證人口供第 34 段，第 63 頁，34 段。

答：係。

問：就你嗰度都講出咗，就係話你哋係有外判嗰個水喉工程出去。你亦都係即係講出咗即係外判商嘅責任，喺羅馬 (ii) 嗰度都有講，咁樣。我

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想問下你同唔同意，就係嗰個水喉個工程，即係雖然外判咗出去，但係呢個亦都唔會減低你哋公司即係對房署就住提供適當物料嗰方嘅責任嘅，同意嘛？

答：頭先我都提過，就係我哋做分判合約嗰陣時，我哋將主合約個責任同埋個規範要求都擠咗喺分判合約度嘅，...

問：冇錯。

答：...個目的就係我哋係主--個總承建商同埋分判商共同去做呢個工程，滿足個合約要求。

問：係。我明白你嘅意思，就係話你喺個外判合同嗰度都讓外判商知道你主合同有啲咩訂明嘅？

答：係。

問：但係我剛才嘅問題就係話雖然你外判咗個工程出去畀其他人，譬如話如果水喉工程，但係呢樣嘢係唔會減低你對房署，就住水喉工程，提供適當嘅物料同埋工藝嘅責任，你同意嘛？

答：同意。

問：你喺證人口供都有講過啲有關即係樣本嗰個呈交。樣本嘅呈交，我咁樣講啱唔啱，就係樣本呈交畀房署，其實都係就住你係需要提供適當物料呢一環，係其中一個把關嘅部分嚟嘅，同意嘛？

答：係，基本我哋一定要跟番合約嘅要求。

問：係。而呢一個呈交樣本呢一個程序，即係交畀房署，等佢哋去審視同埋批核呢一個程序，其實個目的都係希望即係日後啲物料送嚟嘅時候，你哋即係就住呢樣嘢，就可以先訂立咗一個標準先，同意嘛？

答：同意。

問：咁呢個標準亦都係讓第時物料送嚟嘅時候，你哋嘅前線人員係可以有個根據，知道，啊，呢個物料係咪符合即係大家嘅要求嘅，同意嘛？

答：同意。

問：我就從其他你哋中國建築嘅證人口供入面都睇到，就係話呢啲咁嘅樣本嘅呈交畀房署，就唔係話房署特別去要求嘅，不過係你哋嘅慣常嘅

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做法嚟嘅。你知唔知道係咁嘅情況？

答：如果關於個焊料，我啲同事係咁講過。

問：吓？

答：關於焊料方面，我啲同事係咁提過。

問：係。係嘞，即係關於焊料嗰方面，就係咁樣，係咪？嘎。咁就一般嚟講，可唔可以問一問你，就係就住例如焊料嗰個樣本個呈交，你哋公司採取嘅步驟係點呀？即係例如首先係你哋公司係邊一個部門嘅職員會聯絡例如分判商，叫佢哋交嗰個樣本上嚟畀你哋睇㗎？

答：我哋會係規定係地盤個項目嗰個團隊，係地盤嘅同事去做呢個工作嘅。佢係負責去聯絡有關嘅分判商，即係如果分判商包料嘅話，包呢個材料，佢要負責聯絡分判商，要佢提供番合約要求嘅物料嘅樣辦畀佢哋。

問：係。如果我哋睇番你文件夾第 66 頁嗰個架構表。

答：係。

問：咁其實你後面，67 頁，都用文字說明咗即係成個架構係有關人士嗰個工作範圍嘅，係咪？

答：係。

問：我想知道，就係就住你提及過嗰幾位職員，係大概係邊一位，或者係邊一個部門嘅一位同事，係會負責例如向水喉分判商攞嗰個焊料嗰個樣本嚟睇㗎？

答：喺呢個架構表嘅“Site Office”下面嗰欄，第三個格嗰個 AQCC 同埋個 BSE。

問：AQCC 同埋 BSE 都會負責做呢樣嘢嘅？

答：係。

問：係咪？你知唔知道，就住呢啲咁樣嘅焊料嗰個即係樣本嘅呈交界房署呢樣嘢，咁例如你哋問咗水喉外判商，叫佢哋攞樣本嚟；嗰啲有關嘅文件，即係例如嗰啲檢測報告，有關嗰個物料，即係嗰啲說明書嗰啲，嗰啲係咪都係外判商遞交界你哋㗎？

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答：係。

問：如果我哋就咁睇嗰個樣本嘅呈交先，呈交咗畀房署，房署批核咗返嚟嘞咁。呢樣嘢，如果佢批核咗返嚟之後，呢個唔表示你哋責任已經完成嘅，係咪？你同意嘛？

答：我哋仲有工作要做嘅。

問：仲有工作要做嘅？

答：係。

問：因為你的啲材料--就住嗰個材料嚟講先，就算係批核咗，房署批核咗，你都要睇下到時真係工程用嘅時候，嗰啲材料係咪適合嘅，同意嘛？

答：一般材料，如果我哋--頭先我都提到我哋嗰個所謂項目質量管理計劃入面訂明，係嗰啲材料需要有一個送貨去--收貨、檢驗或者有啲檢測程序，我啲同事係會去做嘅；如果入面冇列明，佢哋就唔會做嘅。

頭先講到，如果批核咗之後個程序，我哋要通知分判商，將呢啲批核嘅文件交番畀分判商，同埋要通知佢地去準備跟番呢個批核嘅材料去大手訂貨。

問：好。如果我哋睇下你個證人口供第 33 段，63 頁。

答：係。係。

問：呢度你就咁樣講嘅，你就話“once [China State] had submitted the sample materials submissions for the Plumbing Materials for approval by HA”，即係呈交咗嘞，“and the same complied with the specifications and the relevant British Standards”，亦都達標嘞，個樣本，...

答：係。

問：...“and such sample materials submissions for the Plumbing Materials were approved by HA,” 亦都係批核咗嘞，HA，“[China State] has complied with its contractual requirements with respect to the lead content ... of a particular Plumbing Material.” 你咁樣講係咪唔係咁啱呢，即係如果你話批核咗之後，你就已經就住呢個即係有關嘅呢個材料，就住含鉛呢樣嘢，你已經係符合咗合同嘅要求；即係呢樣嘢係咪

唔係好正確呢，我想問下你？

答：我個理解就係將啲啲--當啲啲材料嘅樣辦經過我哋同事睇過，佢一定係睇過，睇到係跟到合約嘅要求、一啲規範，咁佢先遞畀房屋署審批。房屋署審批咗之後，佢批准咗之後，亦都等如畀到地盤個員工一個信息，就係我哋啲物料都跟到佢哋合約入面所指明嘅要求同埋規範，一啲細節嘅嘢。

問：係。批咗之後，你就可以通知到例如你地盤嘅員工，話畀佢哋聽，「啊，呈交咗啲個樣本係符合咗嘞」，但係呢個並不是代表你已經符合了你你個主合同所講，你要呈交適合物料呢樣嘢啲個--即係最後係要用適合嘅物料呢樣嘢嘅責任個嗰？呢個同個個--呢個係你批核咗個樣本之後，唔能夠代表你已經係盡咗你個合同嘅責任嘅，同唔同意？

答：喺批核過程已經係--我覺得係已經盡咗個合同嘅責任。

問：我想問下你，就係話批核咗之後，你剛才都有講，都係有其他工作需要做嘅？

答：係。

問：係咪？咁其中一個當然好明顯嘅工作就係啲貨，啲物料，到達、送達現場嘅時候要做啲乜嘢嘞咁。我就想問一問你，就住你個架構表入面所講嘅咁多位職員，就住物料送達呢個地盤現場嘅時候，係邊一位或者邊一部門嘅同事去負責係檢收㗎？

答：喺呢度我唔可以講畀你聽係邊個負責，因為喺啲個地盤啲個項目管理計劃入面，佢會列明咗邊一個同事或者邊幾個同事去負責邊一類嘅材料嘅驗收，係呢個喺每個--我哋係規定地盤每一個項目，佢有自己自行編制啲個流程同埋啲個責任㗎嘅。

問：即係話--唔好意思。即係話地盤入面會有唔同嘅職員就負責驗收唔同嘅物料，係咪？係咪咁嘅意思？

答：同埋驗收嘅程序都會有唔同嘅人負責嘅。

問：驗收程序會唔同，係。我先同你睇一睇，就係話就住啲個物料送達地盤現場嘅時候需要做啲乜嘢。如果我哋睇一睇你個外判合同，B10.4，26492。26492，如果我哋睇下中間嗰度，見唔見到有一項係「(2)包工包料」嗰度？

答：係，見到。

問：睇到嘛？呢度就係話「乙方」，即係話外判商，「運送材料到地盤前，必須提早通知甲方代表有關材料細節、預備存放地點...，獲得甲方同意並安排後先可將物料運入地盤。」睇到嘛？

答：睇到。

問：呢個就係即係第一個要求，「你要來貨，喂，通知我先，因為我要做安排嘅，嘅，因為可能我哋都要即係騰咗啲地方出嚟去擺貨呀，等等喇」，係咪？我想問下，就住呢方面，就係例如佢通知你，話「喂，幾時、幾時嚟，嚟邊啲貨嘞」，我哋而家講例如水喉分判商嘅物料，咁佢通知你幾時嚟地盤落啲咩嘢貨，你哋本身有冇啲文件或者紀錄係就住水喉分判商每一次同你講，話「啊，我幾時、幾時會送貨嚟嘞」咁，有冇呢啲咁樣嘅紀錄嘍？

答：關於所有嘅物料送入地盤，其實公司有個標準程序畀所有嘅地盤去跟嘅，就有一個叫做係「入閘紙」。無論任何判頭嘅--分判商包嘅材料，或者係一啲我哋自己直接係搵供應商買嘅材料，當佢要送貨嗰陣時，佢要提早通知我哋地盤嘅現場主管。咁佢用乜嘢形式呢？就係一張叫做入閘紙。咁...

問：入閘紙？

答：係有張入閘紙，咁就我哋有個表格就要佢事前要簽，要填寫嘅，咁入面會寫清楚就係佢有啲乜嘢貨，喺咩嘢時間佢會送過嚟，同埋佢預算會儲存喺邊度。咁我哋地盤現場嘅主管，通常我哋係一個總管，佢會係睇番佢現場實際嘅運輸、環境同埋施工嘅情況，同埋係喺邊度可以許可佢落貨同埋係搬運到佢個儲存地方，會係整體去考慮，決定同唔同意佢嗰個時間嚟同埋擠喺嗰個地方。

問：我想...

答：咁如果唔同意，我哋會係再畀番一個時間畀佢，同埋指定嘅另一個地方或者指定另一個位置畀佢存貨。呢個咁嘅材料運輸個流程就係喺我哋公司嚟講標準咗嘅。

問：我想問下，就住啲焊料嘅運送，你哋有冇話即係準備呢啲咁樣嘅入閘紙嘍？

答：頭先講咗係一個標準程序，凡係物料入嚟，無論佢係其他建築材料或

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者係焊料，都係會經過一個咁嘅程序。

問：即係咁變咗--例如如果有焊料入嚟嘞，即係送到嘞，咁你哋應該係有一個紀錄係寫住「啊，幾時、幾時送到」咁樣嘅？

答：佢哋只係會通--喺個人閘紙寫咗，講畀我哋聽有啲咩嘢材料，佢--例如大細，我哋會--個地盤總管睇番佢個量、大小、佔嘅地方，係決定佢係--即係，第一，佢決定幾時入嚟；第二，就係決定佢擠喺邊度、放喺邊度。

問：我知道。

答：批准咗之後，佢就喺嗰個時間、喺嗰個指定地方去落貨。

問：係。我就想知道就係就住呢個焊料嚟講，佢送達嘅時候，例如佢同你哋啲職員溝通過，咁係咪應該你哋公司有個紀錄，即係你所講嘅入閘紙，應該會記錄到例如邊啲焊料，幾時、幾時送到嚟你地盤，有冇呢啲紀錄㗎？

答：我唔敢肯定即係地盤有冇再即係保存呢張入閘紙到一段時間嘅。我嘅理解嚟講就係我哋係控制嗰個時間，佢要係喺我指定嘅時間入同埋係卸貨同埋儲存。我哋有個程序要求地盤係儲存番呢啲咁嘅入閘紙嘅紀錄。

問：冇--啊，咁我想問下，就住呢一次你畀口供，就住呢一個聆訊，你有冇話叫啲同事，有冇翻查過你哋公司嘅紀錄，有冇呢啲焊料進場嘅時候嘅有關嘅入閘紙？

答：冇。

問：冇，好，唔該。你剛才就--你大律師讀完口供之後，問你有幾個問題，就係關於呢個--喺地盤入面，就住地盤嗰個工程，係有一啲標準嘅即係工作程序。

答：係。

問：係咪？你亦都講咗就係話就住某一個特定嘅工程，就會有啲 project management plan 嘅。

答：係。

問：係咪？咁我首先想搞清楚呢樣嘢先，就係嗰個標準工作程序就係每一個

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項目都會跟嘅？

答：係，因為呢個係公司定落嚟嘅標準工作程序，係每個地盤、每個項目都會要跟。

問：係。咁你話，但係嗰個 project management plan 入面就可能有啲係就住某一個項目，某一個工程項目，可能有啲特定嘅標準，你哋會再詳細去跟嘅，就喺嗰度會寫明嘅？

答：係。

問：我都想睇一睇，因為我見到你哋呈交嘅文件入面，就住收貨嘅標準程序就有一個特別嘅文件嘅。咁我自己就上網就搵到你哋公司嘅有關個收貨嗰個程序，我都想同你睇一睇嘅。

答：好呀。

問：咁就喺--或者你打開呢個 A3 文件夾嘅--等等先。係嘞，2307 頁。首先--唔好意思，或者我哋去一去 2300 先。

答：喺邊頁呀？

問：2300，唔好意思。

答：2300。

問：睇唔睇到呢個就係嗰個--第一頁，就講嗰個--就係你哋公司有關嗰個標準工作程序，咁係第五號，因為標準工作程序，我所知就有好多號嘅，...

答：係。

問：...即係有唔同嘅部分嘅。

答：係。

問：呢個其中一個，就係施工管理、檢驗同埋檢驗工作嗰個程序嘅一欄。如果我哋睇一睇就係有關物料進貨。物料進貨就應該係喺第二三...

MR PENNICOTT: Mr Chairman, sorry to interrupt. Could the

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witness just be advised of the date of this document before any further questions are asked?

許偉強先生：Sure.

問：呢個日期就係 2009 年 6 月嘅。

答：係。

問：如果我哋睇一睇嗰個有關物料進貨檢驗嗰個部分--啊，我首先想問一問你，就住呢個工程嗰個標準工作程序，例如呢一個特別嘅程序，你大概係幾耐更新一次㗎？

答：冇規定嘅。

問：冇規定嘅？

答：我都有印象而家呢個 2009 版係咪最新嘅版本。

問：好。

答：我唔敢肯定。

問：好呀。我哋睇住呢個 2009 嘅版本先。

答：好呀。

問：咁就 2307 頁，5.3 嗰度，...

答：係。

問：...「物料進貨檢驗和試驗工作程序」，睇到嘛？

答：睇到。

問：5.3.1，呢度就咁寫嘅，「為了保證用於工程的物料滿足合同要求，所有物料（包括業主供應的物料）於進貨時都必須先行接受檢驗同埋試驗，經證明合格之後方可發放物料至現場施工。因施工急需而來不及檢驗或者試驗就投入使用的物料，應在該項物料上標以一個記號」咁樣，咁就「以便一旦發現不合乎規格嘅時候就立即可以退換」咁樣。

5.3.2，就係「物料進貨檢驗由材料員負責，如有需要，地盤負責人可選派其他員工協助。如果地盤未設有材料員一職，則由地盤負責人指派其他員工負責物料進貨檢驗。」

我想知道就住呢個--首先就住紅磡同埋啟晴呢兩個工程，在場，你哋公司有冇特派嘅材料員㗎？

答：照我所理解應該有。

問：應該有嘅。材料員應該係你喺證人口供嗰度講，你哋公司嘅架構入面，係應該屬於邊一個部門嘅職員㗎？

答：都係地盤嘅員工㗎嘅。

問：係。我就想講係即係邊一個架構？即係如果我哋講話係即係屬於係AQCC、site agent、foreman定係--即係係邊一個？

答：材料員呢個職位，喺頭先--喺我個證供入面嘅架構表冇列出--冇寫出嚟。

問：冇列出嚟嘅，係咪？

答：冇寫出嚟。

問：好，好。有冇一個即係特定嘅叫做「材料部」咁㗎？

答：地盤有一個特定叫做材料部，有特定嘅材料員。

問：係。嗰個材料員有冇話屬於邊一個部門㗎，喺個公司嘅架構入面？

答：喺公司嘅架構，頭先講咗，係屬於地盤嘅。

問：係。

答：地盤嘅員工。

問：地盤嘅員工，係，好。

我哋再睇一睇呢個工作程序嗰度，就最後我想你睇一睇就係2308，即係跟住嗰頁，5.3.4，「材料員要根據訂購合約及送貨單，核對物料的数量及檢查訂購合約要求的質量證明文件（例如出廠報告）、產地來源等是否齊全。」

跟住就最後，5.3.5，「材料員要檢驗物料質量是否合乎規格，... 一般情況下，應使用業主已經批准嘅樣板作為依據。抽查檢驗的百分比可參照《物料檢驗一覽表》。」我哋一陣間會睇一睇個物料檢驗一覽表，「其他未包括在一覽表內之物料，其抽查比率由地盤負責人按合約同理與業主代表商討後作決定，並應寫在《項目管理計劃》之內。」個項目管理計劃，即係我嘅理解，就係你剛才答你大律師問題嗰陣時個 project management plan 嘞，咁樣。

答：係。

問：係咪？咁我所以--呢度 5.3.5，就即係都幾清楚講到明，就係話其實所有物料都係要檢驗嘅，咁不過--就喺個物料一覽表，我哋睇下，喺跟住嗰頁，2309，就列咗一系列嘅材料出嚟嘅。

答：係。

問：咁呢度好明顯就係亦都係有講到焊料嘅。

答：係。

問：係咪？咁但係如果--就算有講到焊料都好，咁喺 2308，即係我 5.3.5 嗰度都話，就算係有包括喺呢一覽嘅物料，嗰個抽查比率--即係佢唔係話唔查嘞，只不過佢話個抽查比率係要另定嘅咁樣，另外再定嘅，就寫埋喺嗰個--應該係寫喺個 project management plan 入面嘅。我又想知道，就住例如呢個焊料嚟講，嗰個抽查比率，當時有冇定過？

答：呢個標準工作程序制訂，亦都係後面嗰一邇嗰個物料嗰個標準嘅物料，就一定我哋嘅--指定材料員一定會檢查。至於係焊料方面，係呢度我哋嘅標準嘅物料之外嘅，咁亦都係呢度寫咗係由嗰個 project management plan 入面去定番嗰個物料，跟番個合約要求，需唔需要檢查；如果要檢查嘅話，檢查嘅比率，或者係檢查啲乜嘢，佢會喺嗰個 project management plan 會寫明嘅。

問：物--唔好意思。

答：就個焊料嗰樣嘢，就我哋睇番，其實喺地盤嚟講，因為過往嚟講大家都覺得呢個物料係一啲雜項嘅材料，個風險亦都低，加上合約方面，喺業主方面亦都有指定一定要驗，所以地盤嘅員工有將呢個物料擠喺佢哋嘅 project management plan，指定要去驗。

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問：我哋首先睇一睇嗰個標準工作程序先。你嘅意思係話，即係呢個物料，即係焊料，係直情連嗰個標準工作程序都--即係唔包嘅，唔包呢隻物料嘅？

答：5.3.5 已經明確好清楚就係話喺後面嘅物料就會跟呢個程序去驗；至於唔喺呢度入面，就要擠喺個 project management plan 入面。

問：冇錯。但係 5.3. . . .

答：5.3.5。

問：. . .--5.3.5 就係話如果你有喺嗰個表入面，就需要喺嗰個項目管理計劃就去訂定嗰個抽查嘅比率。但係啱啱我哋亦都睇到，5.3.1 就講到明係所有物料都要檢測嘅。咁你而家嘅意思係咪即係話雖然 5.3.1 係寫到明所有物料都需要檢測，但係呢個「所有物料」，可能某啲原因，就有包到焊料，係咪咁嘅意思？

答：所有物料，喺前面有個大前提，就係滿足個合約要求。我哋將呢個--呢個情況，因為--每個項目個項目都要求唔同，我哋會擠畀地盤嘅團隊，喺佢嗰個 project management plan 訂明邊啲係需要一個高風險，邊啲係業主同埋合約要求指定要驗嘅，咁佢會擠喺嗰度。

問：你話「呢個所有物料，我哋都要睇合同嗰個要求」，係咪？咁好明顯合同入面對焊料就有特定嘅要求嘅。所以，我咁樣講啱唔啱，呢一個標準工作程序入面所講嘅所有物料係應該包括焊料嘅，同意嘛？

答：呢個我唔係好認同。

問：我哋剛才睇 5.3.5 嗰度，就話如果嗰個物料係唔係喺嗰個檢驗一覽表嘅話，你就另外就需要去制訂嘅，即係喺嗰個 project management plan 嗰度。

答：係，係。

問：咁我想知道嘞，就住呢個焊料應唔應該擺入去個 project management plan 嗰度，你哋有冇討論過嘍，之前？

答：照我所知係以前冇討論過嘅，因為主要--頭先都講咗一個情況，就係過往咁多年，個行業方面都唔覺得呢個係一個高風險，需要去重視，而係一般人都當嗰啲係雜項嘅物料。咁其實亦都我哋過往嘅經驗冇遇過呢啲咁嘅問題，從來都冇諗過即係係焊料會係產生咁大嘅問題，咁

所以亦都有規定佢哋一定要做呢個工作。

問：我咁樣講你同唔同意，就係就住焊料嚟講，焊料嘅送貨，嗰個檢驗，你哋當時係冇，冇，符合到你公司本身內部就住標準工作程序所訂明嘅要求，同唔同意？

答：唔同意。

問：跟住我哋嚟睇一睇你個證人口供第 24 段。24 段，你嗰度就講話嗰個物料就呈交咗畀--即係嗰個樣本、樣辦呈交咗畀房署之後，就核准咗嘞，咁就“the plumbing sub-contractor will supply the plumbing materials for the fresh water plumbing works as approved by HA”，咁即係話嗰個分判商就應該提供係適當嘅物料。

最後嘞，“I am also aware that HA ... will check certain materials which they consider 'major' when they are delivered to the site and that such major materials which HA ... will check do not include copper pipes and soldering materials. This is how the process has worked for all of [China State's] HA projects in the past.” 呢度你就講出咗話房署自己就有一套制度就分咗邊啲係主要物料，即係 major 嘅 materials 嘅。

答：係。

問：我想問下你，呢一個你係咪講緊房署有一個係叫做 6210 嗰個表格嘍？

答：係。

問：係咪？喺 F2 嘅 997 嗰度我哋可以睇到。房署喺 6210 嗰度，就喺 998 頁，就列咗大概有三十多樣係需要物料進場嘅時候作審視嘅。

答：係。

問：我想問下嘞，你哋中國建築對於物料嘅審視，係咪主要都係跟番呢個 6210 嘅標準，即係話「啊，6210 入面有講嘅，咁我就會去現場去檢測；6210 冇講嘅，就會做得少啲嘞」，係咪咁嘅情況？

答：我睇番當時啟晴同埋紅磡邨嘅文件，佢哋嗰個物料檢查主要係都會--房屋署有呢個咁嘅物料，佢哋都會去檢查。

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問：我個問題係話，房屋署佢對於 6210 列咗出嚟嘅物料，佢哋會做檢測，即係到達現嗰陣時做檢測。

答：係。

問：係咪？你哋都會做嘅，...

答：係。

問：...就住呢幾隻物料，係咪？

答：係。

問：我就想問下，就係如果唔喺呢一個列表入面嘅，唔喺呢個列表入面嘅物料，進場嘅時候，你哋公司會唔會做檢測？

答：喺頭先嗰個我哋公司嘅標準工作程序入面個列出嚟嘅物料，我哋都會做檢測；呢個未必同呢個房屋署嘅 6210 有相同，亦都有可能冇係相同。

問：係。咁即係話如果 6210 入面有嘅，你哋會檢測。跟住你就睇番標準工作程序入面檢測嘅嗰個一覽表入面，咁入面有冇可能 6210 冇嘅，咁嗰啲你哋都會測埋㗎嘞？

答：係。

問：係咪？除咗呢兩個表之外，其他嘅物料係咪進場嘅時候都唔會再做檢測㗎嘞？

答：視乎每個項目嘅團隊認為佢個項目有邊啲材料特別有高風險，係容易出問題嘅，佢會將呢個物料會界定係有高風險，佢哋會去檢測嘅。咁每一個項目都唔同。

問：我想問下界定--例如我哋就住紅磡同埋啟晴呢兩個項目嚟講，就住界定邊啲物料係高風險，你哋有冇一個--即係有冇任何文件可以去跟？「喺，喂，我睇到，哦，呢五十隻係高風險嘅，其他呢我就定咗係低風險嘅」咁，有冇呢啲文件可以睇到㗎？

答：因為每個項目個情況都唔同，我哋唔會有一定嘅標準指引畀嗰個地盤嘅團隊去邊啲驗、邊啲唔驗嘅。

問：好。咁就住工程進行之前，我想問下嘞，就你哋有冇對邊一啲嘅材料

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係屬於高風險係作過任何商討㗎？

答：喺呢方面有。

問：冇，好。當實施嘅時候，前線嘅職員又點知道邊啲係高風險、邊啲係低風險？

答：喺個工程項目開始，我哋個項目個管理團隊佢哋有咁嘅經驗係界定，同埋分析過合約之後，佢會睇到邊啲係高風險、邊啲係低風險嘅。同時間，喺個工程嘅過程之中，當係有啲問題，可能會發生啲陣時，都會係由可能冇--覺得係唔係風險，變成一個風險，而係制定咗一定要去檢查同埋去監管嘅。咁呢個就喺個流程、過程之中會係引伸出嚟。

頭先我提到，我哋個項目個 project management plan 係定期更新嘅。更新嘅作用就喺呢度嘞，當中途見到有啲物料，覺得佢係高風險，佢會將呢個工作擠咗佢個項目個管理計劃方面，由佢指定嘅人去執行、去監管嘅。

問：我哋睇番你就住呢一個鉛水事件之後，你哋公司都做咗啲調查報告嘅。

答：係。

問：因為啲調查報告係要呈交界房署嗰邊。咁調查報告入面都有講，就係話呢啲咁樣嘅焊料，就當時嚟講，就係送咗貨嚟嘅時候，就有特別去做檢驗同埋測試嘅。呢個你同意嘅？

答：係，呢個事實。

問：我想問下，就住收貨嘅時候，收貨，即係例如焊料嚟嘞，咁你哋啲職員去收貨，幾時收貨，邊位同事收貨，有冇紀錄㗎？

答：我澄清就係焊料，喺啟晴邨同埋紅磡邨，我哋睇番個文件資料睇到，焊料，我睇唔到我哋有員工去收貨。而我哋從分判商嗰面得出嚟，嗰啲焊料送去盤，由佢自己分判商嘅員工去收貨埋去儲存。

問：你剛才都講，就係如果就住我哋標準工作程序嚟睇，如果啲貨嚟到現場嗰陣時，就需要一個材料員係去負責檢視嘅。

答：係。

問：我想問下點解呢個焊料進場嗰陣時係唔需要材料員去收貨嘅呢？

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答：係有兩方面。第一，我哋材料員，我哋喺個地盤架構會係有一個材料員職位，佢個主要職責係去檢視我哋負責採購嘅材料，因為其實我哋總承建商負責採購材料個量都好大概。第二，就係分判商，分判商嘅供應嘅物料，佢送貨嗰陣時亦都有佢自己指定嘅員工去收貨，所以我哋有特別去指定我哋個材料員去驗收或者去收佢哋嘅材料嘅。

問：係。我想問下嘞，就係就住收貨呢樣嘢，你哋公司亦都有特別要求嗰個水喉分判商向你哋係要呈交啲有關嘅即係買貨嘅單據嘅，有呢啲咁嘅要求嘅，係咪？

答：喺焊料方面有。

問：喺焊料方面？

答：係。

問：冇，冇呢啲要求嘅？

答：我哋其實分判商嗰個--分判商所負責嘅材料，我哋都有特定要求佢要提交送貨單畀我哋嘅。

問：即係唔係話淨係焊料。即係分判商如果佢哋所購買嘅物料嘅，你哋就全部都係冇要求佢哋...

答：個標準工作程序冇指定一定要嘅，咁就視乎嗰個項目嗰個項目團隊認為有冇一個高風險，佢哋佢個 project management 寫。

問：Okay。

答：如果有寫就有嘅。

問：好。我哋知道，就最近睇番你哋即係就住某啲要求，你哋就搵番有兩張就係有關嘅送貨單嘅，係咪？

答：係。

問：我就想知道，其實就即係你哋當時嗰個保留呢啲咁嘅送貨單，你哋公司有個乜嘢嘅制度㗎？即係例如「啊，點解又有兩張喺度，其他嗰啲又唔喺度呢」，即係你哋個制度係去 keep 住呢啲送貨單係點嘅呢？

答：頭先我講過，我哋個標準嘅程序，我哋冇要求分判商嘅送貨材料單會係一定要畀我哋嘅。基於頭先嗰兩份送貨單，我亦都問番我哋啲同事

係喺咩嘢情況之下會係有呢兩份送貨單嘅。一般嚟講，我哋會係喺判頭，分判商，佢要認同，喺佢出糧嗰陣時，係確認佢有啲材料送咗地盤，佢會用送貨單嚟畀我哋負責做糧單嘅 QS 去睇番，證明佢有一拵材料送咗落地盤。咁喺呢個情況之下，我哋做判頭、分判商嘅糧單嘅 QS 會係問啲分判商去攞，或者分判商有時主動會畀我哋嘅。

問：係。你同唔同意咁講，就係話如果你喺地盤嗰度，嗰啲送貨單如果你有一套紀錄，即係萬一喺個工程進行當中，就住啲來貨嗰個質量或者數量係突然間有爭議嘅時候，你就好難去睇番啲單據去跟番，同意嘛？

答：呢個視乎實際情況而定。頭先我提過，個工程個過程同埋流程，我哋每一個步驟都會係去監管嘅。如果係當嗰啲分判商嘅物料，係我哋睇到係一個高風險，譬如嚟講可能個質量方面有睇到有問題，咁我哋會係地盤商量之後會制訂個措施去盡量監管嘅。同時間喺個施工過程之中，除非佢係隱藏性嘅，譬如做完，遮咗、睇唔到嘅，咁一般一路喺個過程之中，我哋會睇到佢嗰個物料嗰個質量嘅，如果係有問題嘅，我哋喺個過程之中已經睇出嚟㗎嘞。

問：或者我哋睇一睇係由雋景建材，即係你哋供應商，即係物料供應商，咁交嚟有啲文件，喺 S1, S1。我哋由 79 頁開始睇。我而家同你睇嘅都係就住紅磡邨，紅磡邨嗰個地盤，即係當時送嚟嘅材料嘅有關嘅單據嘅。

答：係。

問：如果我哋睇下第 79 頁，我哋見到就呢個係畀 Golden Day 嘅，即係你哋其中一間係外判商，咁就呢一個就係 2009 年 3 月 17 號嘅。我哋見到第二項寫住「無鉛錫線」。即係呢個我哋都知道係當時你哋呈交咗上去房署嘅。咁 80 頁嗰度都有講到「無鉛」。

主席：呈交咗畀房署。

許偉強先生：嘎。

主席：喺 79 頁下低嗰度寫住「SAMPLE 用 不用收錢」，睇唔睇到？左面下面嗰度，「SAMPLE 用 不用收錢」。

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答：係，睇到。

主席：繼續。

許偉強先生：唔該。

問：咁後面，就喺跟住嗰頁，第 80 頁，就見到啲係即係比較大批啲嘅貨嘞，咁就第二項嗰度就寫住都係“FRY”，都係嗰隻即係批核咗嘅無鉛錫線，咁就有 20 網咁樣。咁同樣嘅情況，我哋見到喺--係嘞，81 頁，嗰個就係送貨單嚟嘅，就係就住剛才講嗰--即係喺 80 頁嗰個發票，即係佢有關嘅送貨單嚟嘅。但係如果我哋睇下 82 開始，喺個單據嗰度，我哋都睇得幾清楚，就第二項都寫住係「英國 50 力扁錫條」嘅。咁呢個扁錫條就似乎係同我哋之前睇緊啲啲 FRY 無鉛錫條係兩樣，就咁睇，字眼上咁睇，就似乎係兩樣嘢嚟嘅。

我首先我想問一問你，就係喺今年 7 月之前，即係鉛水事件曝光之前，你知唔知道有呢個錫條同埋錫線嗰個分別㗎？

答：唔知。

問：唔知道嘅。但係你知唔知道市面上係有含鉛同埋無鉛嘅焊料㗎？

答：喺我本人嚟講，個人嚟講就知道個市場上亦都有好多唔同嘅焊料，有唔同嘅成分㗎度。

問：係。咁你知唔知道嗰唔同嘅成分，其中係有啲係含鉛、有啲係不含鉛，呢樣嘢你知唔知道？

答：知。

問：知道嘅？

答：知，聽過。

問：係。咁你有冇聽過呢隻 50 力扁錫條，英國 50 力扁錫條，有冇聽過呀，嗰陣時？

答：冇。

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問：冇嘅？

答：冇。

問：但係我哋呢度就咁睇，就如果睇單據嚟講，雋景發出嚟嘅發票，咦，都見到有一隻叫做「英國 50 力扁錫條」，剛才我哋都講，就似乎同嗰集 FRY 無鉛錫線係有分別嘅。

答：係。

問：咁樣講你同唔同意，就係似乎就咁睇單，都會睇到同你合同所要求嘅焊料係有分別個嗎？即係睇單都睇到嗎。

答：如果係仔細去睇就係--好似頭先咁，仔細去睇，一定睇到個分別。

問：即係唔使好仔細，即係如果我哋--因為其實每個單得兩項或者三項之嘛，即係就咁睇，你都會睇到有個叫做即係「英國 50 力扁錫條」喇？

答：我個人咁睇，如果一個員工，佢如果係對呢方面有一個即係高風險，即係覺得係有啲問題發生，而叫佢睇，佢可能--佢都一般嚟講都唔會特別留意到係有分別；就算有分別，佢冇特別留意話其他同樣辦批唔同嘅，係有咩嘢其他用途，未必係同我哋唔同嘅。

主席：等一陣先。呢個係你自己嘅個人睇法，係咪？

答：係，頭先我講咗，我個人睇法。

主席：或者我哋食完飯先至再繼續。

許偉強先生：好。

主席：好，我哋兩點半再繼續。

下午 12 時 58 分聆訊押後

下午 2 時 30 分恢復聆訊

出席人士如前。

主席：繼續，Mr Khaw。

許偉強先生：係。

中國建築工程（香港）有限公司（“中國建築”）（紅磡邨第二期和啟晴邨的總承建商）的第一證人：宋增雄（中國建築房屋工程部總經理及中國海外集團董事）宣誓繼續作供
許偉強先生繼續盤問

問：宋先生，我哋食晏之前，我哋就睇緊有啲係雋景建材提供嘅一啲發票，就係就住例如紅磡嗰個地盤就送嚟嗰啲焊料，有關焊料嗰啲發票，我想問一問你，就係話如果當時你哋有要求去審視呢啲咁嘅發票嘅話，其實都好容易會睇到嚟嗰啲料--嗰啲焊料係同你哋原先就住樣本呈交畀房署批核咗嗰個係唔同嘅，你同唔同意？

答：大家當時嚟講，都對呢方面嘅物料嗰個風險意識都低，呢個行業都冇有一個認知喺呢個焊料方面會引起咁大問題，喺 7 月之前。

問：其實我咁講又啱唔啱呢，喺 7 月之前，除咗--即係你哋中國建築，除咗係倚賴水喉外判商即係做好佢嘅工作之外，對於呢個焊料嘅提供，即係到喺嗰個地盤嘅提供，你哋係有一個制度去檢測嚟嘅料係咪符合合同嘅要求，同唔同意咁講？

答：喺 7 月之前，無論喺個法規、合約，嗰個成個行業過往嘅做法，慣常嘅做法都冇認同--冇當呢個雜行嘅物料係一個有風險嘅，咁所以一般嚟講，都冇去特別有一個制度或者一啲程序去檢視或者測試呢啲咁嘅焊料。

問：你睇一睇你嘅證人口供 F1 文件夾第 70 頁 46 段，呢度呢你就講喺建築嘅過程，你哋都有啲 site team 就會 carry out 佢哋自己嘅一啲 site monitoring、supervision、inspections of works，including plumbing works 同埋有啲 periodic，即係有啲係--有啲不時嘅一啲檢測咁樣嘅，你呢個係講緊嗰個工程，即係做緊個工作嘅時候，係咪呀？就係應該係物料送嚟之後你哋所做嘅啲檢測嘅，係咪呀？

答：係，工程進行之中，我哋前線員工，包括咗總管、管工或者助管，佢會特定咗自己指定嘅區域去做一個巡視同埋監控嘅，佢除咗係睇個進度之外，佢都會睇個工藝、手工、睇下工人係咪跟圖則做，同時睇下物料係咪係我哋即係認可批咗嘅物料。

問：我想問一問你，就係你個證人口供嘅第 52 段，72 頁 52 段，你呢度就講話係即係不承認責任嘅情況下，同埋有啲後知後覺，就話中國建築就採取咗一啲措施，就針對而家呢個鉛水事件，採取一啲措施嘅，你嘅證人口供亦都交代咗係邊啲嘅措施咁樣。

答：係。

問：我都其實想問一問你，就係你同唔同意就係就住例如紅磡同埋啟晴呢兩個地盤，中國建築即係未能履行嗰個合約嘅要求提供係適合嘅材料，即係話講緊係焊料嘅，你同唔同意你哋係未能夠履行主合同嘅要求？

答：喺事件--喺呢段嚟講，我特別強調就係事件發生之後，我哋亦都係對事件都感到遺憾嘅，我亦都即時同房屋署有一個互動，係大家都冇講個責任問題，先係解決咗居民，令到佢--將佢嘅不方便--生活不方便嘅嘢減到最低。

問：就住你哋同房署或者房委會嘅關係，你哋喺主合同嘅底下，你同唔同意你哋係未能夠履行主合同嘅責任，同唔同意呢樣嘢？

答：而家房委會同中國建築有個合約關係，我亦都要去審視番我哋嗰個責任同埋喺合約上角度去到邊度，暫時嚟講，我唔覺得我適宜喺呢度評論個責任問題。

主席：而家唔係講乜嘢責任，係講合約上高你有履行到你對房委會嘅責任，佢嘅意思係咁啱，合約上。

答：從合約角度睇，而家現場--實際兩個地盤--即係兩個屋邨都睇到有啲鉛水問題係睇嚟係因為焊料含鉛而引致嘅，其實從合約角度嚟講，我哋都係--睇番我哋條文話係無鉛嘅物料方面，呢個係有一定嘅責任喺度嘅。

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問：最後我想問一問你，就係中國建築有冇參與一啲私人發展項目嘅工程？

答：有。

問：有嘅，就住例如私人項目一啲住宅嘅工程，你哋都有參與嘅呵？

答：有。

問：有。我想問下，就住私人嘅項目，嗰啲住宅嘅工程入面所有關嘅嗰啲食水，即係我哋食水喉嘅裝備，通常都會用呢啲即係我哋所知道嘅 solder joint，即係焊嘅 joint 㗎，定係會用其他即係機械式，即係嗰啲 mechanical joint 呀？

答：以我所知，主要都係用係焊接嘅方法。

問：即係私人嘅都係用焊接方法嘅？

答：係。

問：就你做私人嘅工程，有冇一啲係用即係 compression joint 嘅方法？

答：照我所--因為我有詳細接觸每一個項目嘅細節個合約個規範，一般照我所知，就好多私人嘅工程，佢個接焊方法用 silver brazing 嘅，就冇用其他嘅焊料。

問：即係以你所知，一係就 silver brazing，一係就我哋而家講緊係銅喉嗰啲，就用 solder joint，就冇其他嘅即係接駁嘅方式，如果私人？

主席：唔係話，佢話全部都係 silver brazing 㗎。

你，係咪呀？

答：照我所知，因為我唔係全部合約睇過晒。

主席：係，一般。

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答：我有睇過部分合約，私人合約，佢個接駁方法係 silver brazing，就唔係 solder。

主席：係喇，點解？點解？

答：我哋有特別去考究。

主席：吓？

答：我特別有去研究呢個問題。

主席：即係你有啫，係咪呀？唔係，我嘅意思點解私人發展商鍾意用 silver brazing，就唔用 solder joint 呢？

答：我就係翻查啲合約睇番，佢用 silver brazing，就有特別寫明用 soldering，呢個有特別去研究或者去考究。

黎先生：我想問一問，你講緊嘅都係中國建築嘅啲啲私人嘅住宅嘅建築工程？

答：係。

黎先生：即係有燒焊，不過就係用係 silver brazing，係咪呀？

答：我睇過部分嘅合約，係用 silver brazing，寫明 silver brazing，有特別提過--喺 spec. 有特別提過係 soldering。

問：我想你睇一睇 F1 嘅 118 頁...

主席：我想問下，你哋成日話業界唔知呢個 soldering 有呢一個咁嘅 risk，咁某種程度上係咪因為業界其實過往都唔用 solder 去做呢啲 joint 嘅？好多時講業界咁嘛。

答：照我所知，就喺呢個行業，都用 soldering 都好普遍。

主席：唔係，呢個我哋知道就公共房屋都幾普遍，但係就我哋都好似睇過工程師會學嘅報告，工程師會學嘅報告就話其實就出面就用 silver

brazing 就多嘅，用 solder joint 就唔多嘅，咁所以你成日講個業界不足，我就想探討一下，業界就有做政府工程，又有做私人工程，你哋所謂業界，即係你哋做政府工程嘅業界就認知不足，抑或係全行業界認知不足，抑或係乜嘢業界嘅認知不足？因為如果出面人哋個個都用 silver brazing 嘅，人哋唔知道 solder 係有問題嘅，咁就正常，因為人哋都唔用嘅，咁究竟係乜嘢呢？即係就你所知，係咪？因為即係你哋--因為我哋而家知道認知不足就似乎係比較高層次嗰啲人就認知不足，其實落手落腳做嗰啲人就全部都知嘅，暫時去到而家我哋聽嘅證供似乎就係咁樣樣。

答：我咁睇，喺呢個行業咁多年，喺嗰個工程管理方面，對個銅喉個接駁個焊料係冇真正去睇番係會有一個高風險，所以其實無論喺私人嚟講或者喺政府嚟講，都有對一啲焊料走去驗收、測試、檢驗。

主席：繼續問。

問：我去另外一個課題，就係你睇一睇 F1 嘅 118 頁，你見到一開頭嗰度都睇到一個“WATER ENVIRONMENTAL REQUIREMENTS”？

答：係。

問：即係嗰個有一個“WATER QUALITY SURVEY”嘅，即係對於水質即係需要做嘅嘢，咁我哋都睇到有係 Hong Kong BEAM 5.1.1，我哋之前都同房署嘅有關人士都探討過呢個 BEAM 嗰個運作同佢哋嘅認知嗰方面嘅，你睇一睇呢一段就係其中喺你哋同房署嗰個主合同入面係有寫到清楚呢一點嘅，呢度都話係由個總承建商你要需要做一啲有關即係食水質量嘅一啲 survey，“submit report to demonstrate that the quality of potable water meets the drinking water quality standards as defined in Guidelines for Drinking-water Quality ... prepared by the World Health Organization (WHO)”，跟住就“as per HK-BEAM 5.1.1.”嘅呢個。

我就知道嗰陣時因為大家嗰個--即係同房署嗰個合同嘅規定，亦都係大家去想攞--即係房署嗰邊就住呢啲興建嘅工程都想攞一個 BEAM 嗰個認證嘅，所以就先至有呢個咁嘅條款。我想知道就住呢度所講話要攞一啲 water quality survey，就由你哋去安排嘅，就總承建商安排嘅，就住呢啲 water quality survey，係你哋要去即係可能要搵出面啲人幫你哋做啲即係試水嘅一啲報告、一啲測試，

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首先我想問下，就住呢個 water quality survey，你哋公司會係邊一個部門去負責去安排呢樣嘢呢？

答：諗因為每個 project 亦都唔同，第一，project 係有--合約方面有寫明要用--要做 Hong Kong BEAM 嘅，即係某一啲 project 就--今次呢個就係啟晴邨呢個合約係寫明做 Hong Kong BEAM 嘅，我哋都係地盤嘅個管理團隊負責配合房屋署去擺--去做呢個 water quality survey。

問：我就想知道，當知道我哋要做呢個 water quality survey，例如你哋公司會係邊一個部門去負責處理呢個問題？

答：我哋係會由地盤嘅團隊去負責。

問：地盤嘅團隊？

答：係。

問：呢度有講到就係有特別提到話即係你要就住一啲世衛嘅標準、世衛嘅 guidelines，我想知道你哋當時因應要做呢個有關 BEAM 呢個咁嘅認證呢個過程，你哋公司有冇話特別有個部門去研究下呢個世衛嘅標準係乜嘢呢咁樣？

答：頭先講過，就地盤嘅團隊會負責配合房屋署去做呢個咁嘅 survey，合約亦都規定就我哋去配合房屋署去同佢擺個 survey 嘅，我哋有特別啲同事去研究個世衛個標準。

問：即係以你所知，就應該有話特別對嗰個世衛嘅標準作出啲咩嘢即係另外啲研究嘅？

答：冇。

問：Okay，得。

許偉強先生：我有其他問題。

主席：唔該。冇人自願問先？Mr Ho？

何先生：冇人問，我問先喇。

何先生盤問

問：宋生，就今朝就委員會嘅大律師就同你提出過好多關於合約裏面有訂明如果係用一啲銅喉嘅 solder 嘅時候，就需要係用一啲無鉛嘅焊料嘅，呢個基本上你係同意嘅？

答：係。

問：就你自己本人有冇睇過嗰個合約有關嗰個 specification 嘅問題？

答：有。

問：而家當然你上嚟畀證供之前，...

答：之後，事件之後我...

問：...你有睇過，係咪呀？

答：之前我有睇過，7月事發之後我睇過。

問：明白。今朝亦都同你講過有一個叫做 project management plan，嗰個標準嘅工作嘅程序嘅，我想畀另外兩份文件你睇一睇，我有嗰啲文件嘅副本喺度，我想你睇到呢個係--先睇下2010年8月3號有一份係關於啟晴邨，嗰一份係8月3號，你見唔見到貴公司係有一個 cover letter 畀房署嘅，嗰處就係講話係會係呈交嗰個 Sub-contractors' Management Plan，見唔見到，個分判商嘅管理計劃？

答：見到，見到。

問：見到嘛？

答：見到。

問：嗰個係就啟晴邨嘅分判商嘅管理計劃，就係提交咗畀房署，見到嘛？

答：係，見到。

問：我哋見到如果你揭去39886，你睇下底下嗰個頁數，39886頁。

答：係。

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問：呢個 39886 頁，呢個日子嗰處就係 2010 年 7 月 28 號，嗰個就係啟晴邨開工日期，係咪呀？

答：係。

問：你見到呢一個提交呢一個分判商嘅管理計劃，係就嗰個你哋同房署嗰個合約嘅 SCC175 而提交嘅，你見到嘛？

答：見到。

問：我想你揭去下一頁 39887，你見到嗰個 1.1 就講出咗呢個點解要有呢一個分判商嗰個計劃書，就係其實基本上如果睇 1.1 嗰段，係要愛嚟管理嗰個質量，好具體咁樣去等個分判商知道佢哋係要做啲乜嘢嘢，對唔對？

答：呢個計劃就係我哋要係定咗我哋點樣管分判--分判商管理個程序同埋計劃，...

問：你哋去...

答：...同時間...

問：對唔住，對唔住。

答：...同時間都係畀判頭知道佢哋需要做啲乜嘢。

問：明白。我想你睇呢一個去 39893 呢個第 3 段，39893，3.1 嗰段就有個叫做「施工管理」，亦都係喇，嗰處講話係質量監控同埋質量檢查嘅問題嘅，見到嘛？

答：見到。

問：嗰度講到最後，同 3.1 段嗰度係講話有個「地盤質量工作小組」嘅，你見到嘛？

答：見到。

問：我想你睇一睇嗰個質量工作小組，你有個好清晰嘅名單喺嗰度，我請你睇 39908。

答：係，見到。

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問：見到，係咪呀？

答：見到，係。

問：我同時間，你睇住呢個 39908 呢一個名單，佢有成十七個人係喺呢一個地盤嘅質量工作小組裏面嘅，我想你同時間搵去 39931，呢個就係嗰個架構表，就有少少同你--喺你個證人口供嗰個架構表係相類似，你見唔見到呀，39931？

答：見到。

問：你喺呢一個質量工作小組嗰處，就有--我請你睇番上去 39908 嗰頁，個組長就係何飛先生，佢係高級嘅地盤經理，如果我哋睇番你個架構圖，就即係“SITE OFFICE”嗰一個橫線底下嘅架構最高級嗰一位，就係何飛先生，係咪呀？

答：係。

問：我哋其實可以畀比較到兩個--即係個 site office 實在係啲乜嘢人，佢哋喺個質量工作小組裏面又擔當啲乜嘢角色，你睇呢兩個文件，就可以配合得到，對唔對？

答：係。

問：我想你睇番嗰個 39908 先，39908，除咗何飛，仲有副組長，仲有組員，組員我見到就係有區先生，佢就係 site agent？

答：係。

問：馬明呈，呢位係咪 Derek Ma（譯音）？

答：係，應該係。

問：佢就係嗰個質量嘅經理，quality control manager？

答：係。

問：然後有兩位 AQCC 就吳國輝同埋林耀聰，對唔對呀？

答：吳國輝、胡國--呢度有幾個係質量...

問：AQCC，係咪呀？

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答：係，吳國輝。

問：同埋林耀聰都係 AQCC ？

答：林耀聰，係，我而家，係喇，Ray Lam（譯音）。

問：係咪呀？

答：（沒有可聽到的回答）

問：一路再打落去，見唔見到有 Patrick Leung 梁文威（梁文偉？），
就係 senior building service engineer ？

答：係。

問：仲有兩位嘅 building service engineer 就係陸頌文同埋林繼煌？

答：係。

問：再打落，地盤管工就係 foreman，然後就有 deputy foreman 咁樣，
係咪呀？

答：係。

問：我想知呢一個工作小組即係亦都包括晒喺地盤裏面基本上由比較高級
嘅，好似個 site manager，就有啲係打落去少少嘅，就好似 quality
control manager，或者 AQCC 或者係 BSE，然後就仲有一啲係比
較前線嘅，就係 foreman 級數嘅同事喺度？

答：係。

問：基本上呢個質量工作小組喺地盤係唔係佢哋就係要控制嗰個地盤嘅質
同埋量嘅嘢呢？

答：呢度列出嚟嘅員工，佢都有責任去控制同埋管理個工程嘅質量。

問：但係就呢一個小組就係專責去睇質同埋量，對唔對？

答：呢班員工係有--睇質量係佢其中一個責任。

問：因為你交呢一個 subcontract management plan 昇房委就表示
話呢一個專責小組就會係去睇嗰一啲 subcontractor，嗰啲分判商
佢哋喺個地盤度工作嘅質同埋個量嗰個問題咩？

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答：係。

問：好，我想請你返番去 39894 頁，睇番第 3 段，呢度就係第 3.3 段係有一段係講材料管理嘅，見唔見到？

答：見到。

問：我想你先睇個 3.3.1，嗰度就講所有嘅施工材料係要先遞交個樣辦去報畀呢個則師或者係工程師，係咪即係要先去報去畀 BSE 同埋 AQCC 去批核？

答：3.3.1，係。

問：3.3.1，冇錯。

答：係，佢係寫咗所有施工材料需要遞交樣辦並獲則師、工程師批核，呢個則師同工程師就係房署嘅則師同埋工程師。

問：呢個唔係你哋嘅則師同工程師？

答：唔係。

問：唔？

答：唔係。

問：呢度係講緊你哋嘅點樣去管理嗰啲分判商嘞。

答：呢個喺個材料個審批嗰度，我哋一定要係擺到房屋署嘅則師同埋工程師嘅批准，先至可以畀分判商去訂貨。

問：不過我哋都知道你喺你自己個證人口供裏面，你自己就話因為你有啲樣辦都要交界房署去批核嘅。

答：係。

問：所以你哋都會先係經過你哋嗰個 BSE 同埋 AQCC 去批准咗先，對唔對？

答：係，喺畀則師同埋工程師--即係房屋署則師同工程師批之前，我哋啲同事--啲地盤嘅員工一定要判頭或分判商遞交嚟嘅材料嘅資料，我哋嘅同事 AQCC 同埋我哋個--如果係同 building service 有關，個 building service engineer 會睇番佢哋嗰個資料同埋樣辦係咪

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合乎嗰個合約嘅要求，如果係有問題，佢會去番畀分判商去搞清楚嘅。

問：明白。

答：如果佢睇過冇問題，佢會呈交界...

問：我相信你頭先講緊嘅就係閣下嘅口供嘅第 22 段，係咪呀？你嗰處就係講話嗰啲樣辦係要先由嗰啲分判商交去你哋嘅 BS engineer，然後亦都畀過呢個 AQCC 去審批，喺閣下嘅第 22 段，係咪呀？

答：係，係呢間嘅--係呢段，係。

問：當然呢個即係 BSE 同埋 AQCC 去審批呢個就係希望係可以確保得到交送去嗰個樣辦係符合嗰個合約嘅要求嘅？

答：係。

問：好，我又請番你返番去睇番呢個分判商嘅管理計劃，喺 3.3.2，所有物料到地盤之前，分判商係需要去呢個地盤個總管申請安排到貨嘅時候同埋擺放嘅位置嘅，呢個就有啲似今朝許律師問你嗰個 project management plan 裏面所講，對唔對？

答：係。

問：其實呢度所講就有分話啲乜嘢嘅物料就點樣處理嘅，呢度就直情係講話所有到地盤嘅物料都要係根據一個咁樣嘅安排個啲？

答：係，呢度呢一項就係 3.3.2 就正如今朝早我講我哋嗰個所謂叫做--個程序所謂叫入閘紙嗰個程序嘅。

問：就有分話即係一啲--即係有分話譬如 major items 或者唔 major items，就所有物料都係要咁樣嘅程序，係咪？

答：係，我所提，頭先就係所有物料要進入地盤，一定要經過呢一個程序，...

問：都要經過呢個程序？

答：...所謂叫入閘紙嘅程序，一定要經我哋地盤嘅主管同意，...

問：咁所以--對唔住。

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答：...喺某個時間、某個地點--即係某個位置，畀佢放--畀佢入。

問：所以你嗰個地盤總管其實係知道幾時啲乜嘢嘅物料係入咗嗰個地盤，對唔對？

答：呢個程序，我哋制訂呢個標準嘅程序畀地盤，係確保地盤嘅總管能夠控制到個物料喺佢個控制範圍同埋佢個安排範圍之下入個地盤嘅，因為最主要呢個程序制訂，因為有啲物料如果不適當入咗嚟，而係令到成個運作--即係運輸，無論係個平面運輸、交通方面，可能會影響到成個施工流程。

問：明白。

答：咁所以一定要有個程序，但係呢個程序，我哋冇要求地盤嘅員工去檢視或者係睇啲啲材料係乜嘢材料或者合唔合個批嘅樣辦。

問：我...

答：大概，佢會知道大概有啲咩嘢物料，但係佢唔會好細緻話每一項都清楚幾多人到、應該擠喺邊度，因為其實一個 delivery，一個送貨可能係好多嘅物料嘅。

問：明白嘅，即係我想提出就係如果佢想知，佢係會知道嘅，因為一定要經過佢，亦都幾時都要佢知道，係咪？擺喺邊都要佢知道，係咪？如果佢想知，係可以知道嘅？

答：同意你嘅講法，佢係應該知道啲啲係咩嘢物料，但係佢唔會好細緻每一樣物料係啲乜嘢。

問：我聽到你講，呢個地盤總管，我睇番嗰個質量工作小組成員佢係--你兩個地盤總管林文光同埋楊多福都係喺嗰個小組裏面個囉？

答：係。

問：佢哋都係監控嗰個質同量，係咪呀？

答：係。

問：我想再請你睇就係 3.3.3，物料到咗地盤，又安排咗佢擺邊咁樣，有一個文件叫做「物料貯存計劃」嘅，你見到 3.3.3？

答：見到。

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問：見到，我請你睇 39912 頁，39912 頁嗰處就係有個「物料貯存計劃表」嘅，見到嘛？

答：見到。

問：佢有幾項嘅，見到--你自己睇，有啲六項，好喇，我想問你先，如果係講緊銅喉同理焊料，佢係會屬於歸入去邊一項呢？

答：喺呢個計劃表冇顯示到出嚟。

問：唔係嗎，呢個計劃表係呼應番呢個 3.3.3，所有嘅物料到咗地盤之後，就要根據呢個儲存計劃去存放，3.3.3 嗰度咁寫，銅喉同焊料係屬於呢六樣嘢嘅邊類，請問？

答：今朝早我都提過，就嗰個無論我哋 project management plan 或者包括呢個分判商嘅管理計劃，係不定時或者定時去更新，就係視乎嗰個工程進去到某個階段，有某啲材料嚟，佢會更新佢嗰個計劃嘅，我相信就係有啲地盤--好多地盤就係當佢更新咗佢個儲存計劃，未擠番啲呢一份呈交房屋署呢個--呢個咁嘅計劃，但係佢自己本身嗰個工程管理上，佢不時有一個--每個階段有每個階段嗰個儲存計劃嘅度嘅，佢就跟嗰啲計劃，指示啲判頭係儲存嗰啲物料嗰啲地方。

問：我明白呢個分判商分判計劃可能係好多唔同嘅分判商都會用一個咁樣嘅計劃，但係我哋就住水喉嘅分判商嚟講，做水喉工程嘅，水喉就唔係門，唔係門框，我睇到嘅就可能係屬於可能係五金嗰類，對唔對？

答：水喉，如果係啲銅喉、膠喉或者係啲生鐵喉，啲啲大宗嘅材料嚟嘅，我哋個行內唔界人叫做五金。

問：唔界人？

答：係叫水喉，水管咁樣。

問：水喉。

答：佢佔嘅地方都好大嘅，通常總管會有個計劃，編排啲唔同嘅位置係畀佢存放嘅，因為佢佔嘅地方都好大下嘅。

問：我只係啲呢一份即係你交去房署嘅分判商嘅管理計劃裏面，我就淨係見到呢個儲存表就係得呢一張嘅啫，我會唔會理解錯咗，你頭先話可能係地盤嗰度會係有修改或者就住個別嘅地盤，係嘅時間可能係會有啲更改都唔定咁樣，你嘅講法係咪咁樣？

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答：跟番地盤個進度，每一個階段都--地盤總管都會制訂個儲存個個材料個個安排，地盤嘅團隊唔會每一個月或者每一段時間都去更新呢份所謂分判個啲計劃，但係會喺個分判商嘅地盤個進度工作會議都會係去溝通番個儲存嘅計劃。

問：會唔會係呢個工作小組裏面會時不時就會更新番呢個儲存計劃表嘅？我哋頭先睇到個個工作小組。

主席：我想直接啲問，究竟焊料有冇喺任何階段入過去呢啲物質儲存計劃表裏面先？

答：我直接講，係冇。

主席：冇嘅係，水喉都有嘅？

答：水喉本身--喺呢個--我都話呢個計劃表因為會更新嘅，水喉其實喺定時，每段時間都會有嘅，因為佢唔同位置擺放唔同，...

主席：得，就係...

答：...但係焊料我哋從來都有去規管佢應該擺喺邊度。

主席：得。

答：因為一般判頭都會擠喺佢自己架步。

主席：即係換句話嚟講，啲分判商擺啲焊料入去地盤係唔需要跟呢一個 3.3 嘅材料管理嘅？

答：地盤團隊個陣時，一般都唔會有個計劃係安排焊料。

主席：得，唔該。

問：我淨係想跟進一個問題，法官個個問題啫。我哋見到呢個儲存計劃有啲--你睇到 A、B、C、D 嘅，A、B、C、D、E 嘅，有啲就要鎖，有啲就露天，有啲有蓋咁樣，我想知道水喉同埋焊料...

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主席：唔係，唔係，水喉嗰啲唔好講，我哋淨係講焊料。

何先生：焊料，咁係...

主席：焊料唔 apply，從來冇入過去，唔使問。

何先生：從來冇入過去，都要有一個安排畀啲焊料去儲存嘅。

主席：冇安排，冇安排。

何先生：冇安排。

主席：係。即係你哋問問題，我就唔想其實特登話要教你哋點樣樣問問題，不過直接啲，因為如果唔係，我哋兜好多個圈之後，原來先至去到嗰個問題，其實嗰個問題如果一早答咗，就唔使兜咁多圈嘅。

問：我想睇埋紅磡嗰個分判商嗰個管理計劃，喺 39829。

主席：係咪又係同一個問...

何先生：大體係一樣，係一樣，只不過個...

主席：咁不如連呢個都唔使睇，不如直接問喇。

問：你頭先講你哋大體上都係同呢個紅磡呢一個都係 apply 嘅，係咪呀？

主席：適用。

問：適用嘅，對唔對？即係佢嗰個--當然佢個地盤嗰個管理嘅架構嘅人士會唔同，但係基本上頭先你講嘅都係適用？

答：個制度同運作一樣。

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問：唔該。我想你睇一睇另外一啲合約上面嘅條款，係關於你哋即係對於整個工程嘅監工嘅合約條款，因為嗰個合約好大，所以我就即係節錄咗一啲出嚟，我想你睇一睇嗰個合約條款嘅 general conditions, 17, 應該揭到去第--好似應該你嗰查係第二版入面嘅 17 嗰段，17 就係話你作為一個承建商，就要係 give and provide necessary superintendence for the fulfilment of the contractor's obligations under the contract, 見到嘛？

答：見到。

問：第二段就係講話要有個 site agent？

答：係。

問：然後第二段嘅最後一句就話 site agent 就係要“constantly on the Site”，“shall give his whole time to the superintendence of the Works”，即係佢要全職嘅？

答：係。

問：佢要全時間喺度嘅？

答：Full time on site。

問：就要去監管嗰個工程？

答：係。

問：我想你揸過去就 SCC6。

答：係，見到。

問：呢度一樣係有講 contract superintendence, 即係大家都可以睇到，我唔想即係逐個讀畀你睇，我想你跟住去 SCC -- 呢個 PRE.B6.130.P, 又係講番個 SCC6 嘅，就係講呢個作為一個承建商嘅監管責任，見到嘛？

主席：PRE...

何先生：B...

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主席：6。

何先生：...6.130.P。

答：見到。

問：係關於 SCC6 嘅，就要有個 quality control manager，我哋見到，質量嘅經理。我想揭去後面，就要有個 AQCC，你見到嘛？

答：係。

問：AQCC 嘅責任，我想你特別留意 c 同埋 d，AQCC 底下嘅 c 同埋 d。

答：係喺 AQCC 嘅底下？

問：喺 AQCC 底下嘅 c 同埋 d。

答：c、d，係。

問：係，你見到嘛？AQCC 嘅責任就寫得好清楚，佢係需要係幫助呢個 quality control manager 去 inspect、check the works、respond to queries and endorsing relevant documents，然後跟住就話要 check，要 endorse following items 咁樣嘅，AQCC 嘅責任，見到嘛？

答：係。

問：我想你特別睇羅馬數字 iii 同 iv，佢要去特別睇呢個 sample submission 同埋 iv 就係講到明“Material delivered on Site against Approved samples”，你見唔見到個羅馬數字 iv 嗰度？

答：見到。

問：呢個 AQCC 嘅責任講到明，喺呢度，係要所有嘅物料嚟到個地盤嘅時候，係要 check against，係唔係已經係符合嗰啲已批准嘅樣辦，見到嘛？

答：見到。

問：所以就其實又係冇分話係唔係小五金抑或 major items 抑或唔係

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major items, AQCC 嘅責任係有一個咁樣嘅區別, 要驗一啲、唔驗一啲咁。

答：唔該重複你嘅問題。

問：係，我提出嚟，睇下你對於我個講法有冇啲咩異議，睇合約，呢個 AQCC 嘅責任去幫助呢個 quality control manager, 尤其是佢要 check following items, 咁就講，個第 iv 個度就係話尤其是係嗰啲運到地盤嘅物料，要 check 睇下佢哋係咪符合嗰啲 approved samples, 批准咗嘅樣辦？

答：呢個照我理解，AQCC 就係會係配合番房屋署嗰個 6210 嗰個表格嗰個 major 嗰三十二項嘅 material 去 check 住嗰啲...

問：邊度有講？呢度邊度有淨係話 6210 嗰啲就係咁，非 6210 嗰啲就唔同嘅做法？好似冇嗎？

答：從呢句說話，係有咁嘅字講咗出嚟--寫咗出嚟。

問：其實啱唔啱呢，因為你喺合約上係要符合合約要求底下嘅 specification, 所以就算係唔係 6210 嘅物料都好，作為承建商，既然係已經承諾咗用一啲符合 specification 嘅嘢，你就應該有責任去 check 喇喇？

主席：咁你嗰個房署個 specifications, 咁又夠有...

何先生：我而家係問...

主席：唔係，我知，我明。

何先生：佢作為合約嘅一方。

主席：咁你都要--你自己都有要求人哋交嘅，你自己 PLU1, PLU 嗰度嗰啲嘢。

何先生：我而家問個...

主席：我知你問佢，不過都要問得合理少少啫，我覺得。

何先生：咁我而家用番呢一個 provision, d iv 呢個 provision。

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主席：唔係，我知，係咪呀？就算你自己你啲高層嚟到，你都承認唔係咁個嘢，你啲高層嚟到。

何先生：我而家問嘅就係作為一個承建商，承諾咗要符合嗰個 specification，係咪應該要 check 番係咪符合 specification。

主席：得，好，得，唔緊要，即係佢哋要做嘅，係咪咁嘅意思呀？

何先生：係。

主席：得，好，唔緊要。

佢話你有做嘢。

答：個 project 行緊嗰陣時，我地盤嘅同事會根據番即係房署嘅同事嗰個--配合佢哋同事嘅要求，邊啲要驗，我哋會配合一齊去驗，咁就 make sure 就係佢要驗嘅嘢，我哋都會係一齊去驗，所以我特別頭先提到就話我啲同事嗰個理解，一路都係睇番房屋署個 6210 嗰幾十--嗰三十幾項嘅物料去驗收。

問：但係你對於房署嗰個合約責任就唔係淨係講嗰三十幾樣嘢個嘢，你對於房署嗰個合約責任，嗰個 specification 裏面有好多其他嘅環節，係咪？

答：我理解就係個房屋署嘅合約都係現場嗰個 project team 去指示番我哋嗰個合約嗰個理解係...

問：唔係，我而家講你--譬如你嘅用料嗰個責任，喺個合約底下嘅責任係唔係淨係嗰三十二樣嘢。

答：合約嘅解釋...

問：你個 specification 係有好多唔同嘅條文同埋環節，對嘛？

答：我同意睇合約嘅字面，係同意你嘅睇法，但係喺執行上嚟講，我要睇番房屋署個指示同埋佢現場嘅演繹。

問：我想你再睇多嗰個 contractor's management team，喺呢個

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PRE.B6.440.P。

答：PRE.B，係咪呀？

問：PRE.B6.440.P。嗰處就係亦都有...

答：對唔住，呢個 PRE.B62440 喺邊？

問：6.440.P。

答：6.440？

問：係，你見到嘛？見到嘛？

答：睇唔到。

問：有呀？

答：係。哦，上面。

問：有一個--...

答：見到。

問：上面有寫“SCC176 - CONTRACTOR'S MANAGEMENT TEAM”。

答：見到，係。

問：見到？

答：SCC176，見到。

問：嗰度就係亦都係有講番...

主席：睇二個張？睇二個張？

何先生：睇二個張。

問：嗰度亦都有講番即係成個嘅監管--你哋作為 contractor，嗰個監管

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團隊需要有啲咩嘢人士嚟度，見到嘛？

答：見到。

問：亦都見到係第 2 條嗰度係話呢一個監管團隊係要 full time on site，見到？

答：係。

問：我想就番你自己嗰個口供紙，請你睇番你個口供紙，我想你睇番 32 段，32 段嗰處就係你個第 (i) 嗰度就話 “The Plumbing Materials should comply with the specifications in the Main Contract Requirements”，呢個你係知道嘅？即係 plumbing materials 係要就番嗰個合約上面嘅條款係要符合嘅，呢個你係知道嘅？

答：係，係，知道。

問：Roman (iii)，第 62 頁頂嗰度，最後嗰句，你就話你知道你 from your colleagues，就話喺個主合約裏面就係需要用一啲無鉛嘅焊料，呢個你係知道嘅？

答：係。

問：因為你呢一個講法亦都喺第 38 段亦都再次出現，你睇番 38 段，你都係咁講嘅。

答：第 38 段？

問：係。

答：係。

問：係咪呀？

答：係。

問：但係你個第--睇番 62 頁嘅第 (v) 嗰度，第 Roman (v)，你就話因為個主合約就有一啲條款，全部 (a)、(b)、(c)、(d)、(e)，你呢度寫 (a)、(b)、(c)、(d)、(e)、(f)，就話有咩嘢呢，有需要要你哋去 inspect 同 test 呢樣、inspect 同 test 嗰樣，你個講法係咁樣？

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答：係。

問：你其實個講法係唔係話係有 inspect --「冇叫我去 inspect，冇叫我 test」，但係你個責任係有需要係符合嗰個主合約裏面所訂要求，有冇叫你去 test，有冇叫你 inspect 都好，呢個講法啱唔啱？

答：合約--我哋知道合約係焊料係 lead-free，呢個寫得好清楚，我哋同事都知道。

問：呢爭議喇，呢點，好清楚啲喇？

答：但係亦都係一個事實，合約方面係有寫明一系列嘅測試同埋檢測。

問：有好多嘢我哋都有話特別每一樣都講話要測試，inspect and test，但係個 specification 咁多個環節，你都係需要去符合個 specification 啲嘛？

答：喺第 32 嗰段入面，其實我都係睇番個合約嗰個條款，係有咁嘅規範，...

問：即係...

答：...有呢方面嘅檢查係有寫到落去，咁...

問：Okay，即係我想指出就係係咪你呢一段，第 (v) 呢度話有--合約有寫明要 inspect 邊樣、test 個樣，只不過係即係好似 play with words 咁樣，有少少捉字蝨咁，即係話「主合約有叫我去 inspect，冇叫我 test。」...

答：呢...

問：...但係個問題就係你自己都知道主合約係需要符合 specification，就係咁簡單？

答：我個證供入面就講出我個 finding 同埋嗰個現實個合約文件係咁樣樣，當然，喺嗰個當時嚟講，喺個工程過程之中，大家都唔知個焊料會有咁大嘅影響嘅，咁...

問：呢個我哋聽過。

答：其實睇到之後，我哋而家制訂嘅措施都係有一系列嘅檢查、測試，而到今日為止，我哋喺房屋署地盤執行，房屋署係亦都有寫到喺度，但

係而家我哋做緊喇已經。

問：我哋聽過，即係你話嗰個唔係一個高危嘅，所以就冇特去留意呢一個焊料個問題，我哋聽到你嘅講法嘅。我想你繼續睇埋你嘅 33 段，你呢個好似係一個即係總括咗你嗰個 32 段所講嘅，你就話 “In short”，你話 submit 咗 samples，批咗之後，HA 批咗之後，你最後嗰句就話 China State “has complied with its contractual requirements with respect to the lead content ... of a particular plumbing material”。我知道許律師今朝問過你呢一句嘅，我都想再問你，你既然知道要符合 specification，就算房委批咗你啲 sample 要係 99，要 lead-free, 99C, lead-free, 咁點樣話因為批咗 99C lead-free 嘅 sample，就已經係履行咗你作為需要就鉛呢個問題用嘅物料就當係你哋履行個合約呢？

答：我特別提到就係個合約係規定係無鉛，我哋亦都係有同事喺供應商度攞到係合乎合約規格嘅物料，審批咗，都我哋通知咗判頭、分判商去採購呢啲物料，只不過過程之中，喺個過程中，我哋冇--我哋唔--我哋冇認同呢個係一個高風險，所以我哋冇好似其他一般行業咁做法，就冇去特別話有一啲測試嘅程序，呢個亦都係當時嚟講，覺得呢個係一個低風險。當然，而家睇番轉頭，喺 7 月之後，我哋睇到呢個係一個好嚴重個影響到食水，咁我哋後期就係...

問：我唔係問你呢個問題，呢啲我頭先--我相信你今朝嘅證供，我哋歸納咗你頭先講嗰啲同埋我哋聽過嘅，我淨係想問你呢個問題話點解話房署批咗嗰個樣辦之後就等如你履行咗嗰個合約底下對於用無鉛物料呢個 specification 嗰個要求，呢句我唔明啫，好簡單嚟講，係唔得㗎嘛，係咪呀？

答：我重複頭先所講，就係我哋係根據合約要求，係攞咗--提交咗係無鉛嘅樣辦畀房屋署審批，批咗之後，我哋通知分判商去採購。

何先生：Okay。唔該晒，法官閣下，冇再進一步嘅...

主席：冇，好呀。Mr Wong。

王先生：好。

王先生盤問

問：宋先生，我代表水務署，我有幾個問題想問下你，我想請你睇你嘅證人口供第 17 段嘅羅馬數目字 (iii)，第 58 頁，嗰度你就話 Golden Day 同埋何標記“are specialist plumbing subcontractors who have been previously involved in and had completed many HA projects in Hong Kong. They are therefore clearly aware or should have been aware of the statutory requirements and HA’s specification requirements for the fresh water plumbing works.”，你呢度就講緊金日同埋何標記嗰個認知嘅，我想知道你話佢哋應該知道同埋好清楚知道，個理由就係因為佢哋係 specialist，就係因為佢哋係專家，呢個係唯一嘅理由，係咪呀？

答：你而家講緊係 17...

問：17 嘅 (iii)。

答：(iii)，係。

問：我想知道你而家講緊嘅話係金日同埋何標記佢哋係清楚知道或者應該清楚知道嗰啲合約嘅條款，即係房委嗰個 specification 或者係個 statutory requirements，你個基礎係咪就係淨係因為金日同埋何標記係 specialist，係咪淨係呢個理由？

答：金日同何標記嗰個分判合約就列明咗佢要係跟番個主合約嗰個規範同埋要求，我特別強調就係佢好清楚就係喺分判嗰陣時，佢承接呢個分判合約，好清楚佢係要係履行番喺主合約嗰個要求同規定。

問：Okay，或者我問一個事實，即係你哋中國建築有冇喺任何時候同金日同埋何標記講過佢哋合約入面，即係講解過，即係你分判嘅時候講解過關於水喉工程嘅物料嘅時候，有冇特別嘅要求，有冇講過？

答：何標記同金日喺我哋公司都做咗好多個工程項目，過去嗰好多年嚟講，咁我...

主席：幾多年？做咗幾多年？大約。

答：睇番我哋分判商名冊，何標記喺 1992 年已經喺我哋分判商名冊入面

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嘅。

主席：92年？

答：係。

主席：咁金日呢？

答：金日我就冇好特別 check，但係好似差唔多都係喺 90 年代嗰段時間，金日已經喺度。

主席：即係講緊...

答：講緊二十...

主席：...差唔多二十年㗎喇？

答：係。我相信嚟講，其實二十年，我哋嗰個分判合約都同樣將主合約嗰個責任同規定都擠咗喺分判合約，我相信嚟講，我哋有同事過去咁多年就係唔--好似有個情況，某個唔同個環境之下亦都有講畀佢聽佢一定要跟番個主合約嘅規範同埋要求，同埋佢亦都好清楚嗰個法例嘅要求。

問：即係所以你應該係認為何標記都知道係要唔含鉛嘅，嗰個焊料，佢哋係清楚知道嘅，同埋金日？

答：我理解，佢都應該清楚。

問：好，唔該你。我跟住想請你睇你嘅第 28 段，唔該，28 段，喺 61 頁。

主席：想問下你，中國建築除咗做房署嗰啲，都有做 ASD Architectural Services Department 嗰啲工程嘅，係咪呀？

答：係有。

主席：做嗰啲工程亦都有機會係接觸到呢個水喉，食水嗰啲問題嘅，係咪呀？

答：係，一樣。

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主席：一樣嘅，咁何標記同埋金日有冇做過你哋房署以外，涉及 ASD 嘅工程呢？

答：有。

主席：唔該。

問：好，28 段嗰度，你就咁講嘅，你係講緊嗰啲 approval 嘅，“In the course of the above approval and certification processes, [China State] co-ordinated and liaised with the LP and HA to ensure that parts I to V of form WWO46 were endorsed, submitted and approved on time and that such endorsements, submissions, and approvals were circulated to the relevant parties so that each party knew what had been done and could therefore proceed to the next part (if any) of the projects.”

首先，宋生，你知道 submit 呢張 form WWO46 畀水務署係 for 佢哋 endorse、approval，其中一個要求就係話嗰啲物料要根據個 Waterworks Ordinance 同 Regulation 做嘅，而其中一個條件就係要用 British Standard，即係唔含鉛嘅，呢個你知嘅，係咪？

答：我要跟番個水務法例。

問：Okay，我想問，China State “co-ordinated and liaised with the LP”同 HA，嗰個 co-ordination 同 liaison 包括啲乜嘢去令到簽呢一張 form 畀水務署嘅時候話--同水務署講話「我哋用咗唔含鉛嘅 soldering material」呢樣嘢係事實嘅呢？你哋嘅 co-ordination 同埋個 liaison 包括啲咩嘢工作呢？

答：喺整個開工，向水務署報開工，攞到佢哋個同意開工，同埋係報完工嗰成個過程，我哋同事係會協調個 licensed plumber 係確保佢跟到呢個程序，唔影響我哋地盤嘅進度。

問：就係咁多，冇其他？

答：同埋我哋會協調同埋幫助水喉分判商同埋 licensed plumber 喺地盤要做嘅--譬如嚟講，佢哋話係要佢哋去檢驗，我哋會安排佢哋檢

驗，佢需要話係安排水務署同事嚟去檢查，我哋會安排個地盤嗰個畀佢檢查，如果佢話要抽水辦，我哋會安排，協助佢哋去擺水辦，咁就係成個過程配合佢報開工、報完工。

問：Okay，好，冇其他，係咁多？

答：唔該。

問：好，唔該。最後一度，我想請你睇你嘅39段，羅馬數目字(i)，最後，呢度就想講講關於你個認知嗰度，今朝許大律師都問過，但係我想齊全啲啫，最後睇嗰句，你話“Accordingly, although I am not an expert in such matters it seems logical to conclude that such Plumbing Materials which are acknowledged to contain lead might therefore leach lead into drinking water.”，即係其實你連呢一個風險你都知嘅，係咪呀？即係你係純粹係logic推斷出嚟，常理？

答：喺事發之前，我哋對呢個風險係個認知好低。

問：但係你呢度講logical啲。

答：係。

問：所以我其實話你其實都有呢個認知嘅，你同唔同意？

主席：風險嘅存在就知，風險嘅高低就未必知，我嘅理解。

王先生：好，主席，我冇其他問題。

主席：我估嘅咋。

王先生：Okay。

問：主席嘅估計，啱唔啱呀？

答：頭先我都講過，我哋認知嘅風險好低。

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主席：唔係，個問題就係首先你知唔知有一個風險喺度先？你如果唔知個風險喺度嘅話，根本你都唔會估計佢究竟高抑或低，啱唔啱呀，係咪？

答：同意。

主席：係囉，咁個問題就係你首先就係知唔知有一個咁嘅風險喺度先？如果我聽你哋嘅證供，就係連呢個風險喺度都唔知，如果連風險喺度都唔知，就唔好講高同埋低，你究竟係邊一樣呢？

答：喺 7 月之前，喺呢方面嗰個知識係低嘅，基本上都唔認同有一個--喺呢方面有個風險。

主席：即係你唔知有一個咁樣嘅風險，係咪？咁你知道咗之後，即係你明我嘅意思嘛？啱唔啱先？你知道咗之後，你先至會 assess 究竟係高抑或低，如果你 assess 過話低嘅，於是你就決定唔做嘢，咁就正常，係咪？即係我就係返番去，好喇，喺 7 月之前，究竟你知唔知道有呢個風險嘅存在先？唔好理佢高定低住。

答：喺 7 月--喺 7 月之前，喺我哋嚟講，喺呢方面嘅風險係冇呢方面嘅認知嘅。

主席：得，即係冇，係咪？

答：（沒有可聽到的回答）

王先生：Okay，冇其他問題。

主席：Mr Lee，你會唔會問㗎？

李柱銘先生：會。

主席：會，咁我哋休息十分鐘先，好唔好？好。

下午 3 時 43 分聆訊押後

下午 3 時 57 分恢復聆訊

出席人士如前。

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主席：Mr Lee。

李柱銘先生：係，主席。

中國建築工程（香港）有限公司（“中國建築”）（紅磡邨第二期和啟晴邨的總承建商）的第一證人：宋增雄（中國建築房屋工程部總經理及中國海外集團董事）宣誓繼續作供
李柱銘先生盤問

問：宋生，我唔會好多題目嘅。首先，我想問一問你哋個公司，中國建築有冇做私樓嘍？

答：有。

問：多唔多？

答：一般。

問：一般，公屋多定私樓多？

答：冇統計過，基本上都一半一半。

問：唔？

答：冇統計，基本上都一半。

問：即係咁上下？

答：咁上下，大家差唔多。

問：咁即係而家喺公屋發生嘅問題，即係嗰啲鉛水，可能私樓都有，係咪呀？

答：我有辦法答你呢個問題，因為冇研究過。

問：即係嗰啲 solder 嗰啲含鉛呢啲咁嘅問題會唔會唔同呢？

答：頭先我提過事件發生之後，我都翻查咗兩個私人工程嗰個合約規範，都睇到佢係用 silver brazing，而都係聽唔到私家樓方面我哋完

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咗工程有啲咩嘢特別呢方面嘅問題。

問：但係你可唔可以話畀啲委員會聽你哋做啲啲私樓，即係關於水喉呢方面係肯定冇呢個鉛水呢個問題呢？

答：到今日為止，我哋收唔到私家樓有呢方面嘅問題提出嚟畀我哋。

問：你哋自己有冇嘗試過去尋找下會唔會有呢啲問題呢？

答：冇。

問：唔該。但係會唔會都係用番呢一批人呢？譬如分判商，做私樓嘅時候，會唔會都係同樣你哋用公屋啲啲分判商？

答：私人嘅發展工程，好大部分嘅工程合約都係由業主去指定個水喉分判商嘅，所謂我叫 nominated subcontractors。

問：譬如會唔會用金日、何標記啲啲呢？

答：照我記憶中，就私人工程方面，未有過何標記同埋金日，但係呢個就我憑記憶啫，我有去查番個紀錄。

問：關於持牌水喉匠呢，譬如林德森呢啲會唔會做私樓嘅呢？

答：都冇去翻查過。

問：即係可能會嘅？

答：我印象中就有，但有可能，但係我有去翻查啲一個私人項目有冇個 licensed plumber 係咪林德森。

問：唔係，因為你唔覺得有呢個需要去查，係咪？

答：我哋冇去翻查所有私人工程啲個情況。

問：唔係，我今日未問你之前，你哋有冇諗過喺公屋啲度出現咗呢個咁嘅情況，可能私樓度會出現，會唔會諗過？定係今日我問你，你至--我係第一個問你嘅，係咪呀？係咪呀？

答：麻煩你再講個問題。

問：即係我係今日第一個提出嚟呢一個問題，即係食水會超標嘅--含鉛超標，可能喺私樓都出現嘞，係我今日未問你之前，你未聽過，冇諗過

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呢個問題？

答：未聽過。

問：亦未諗過呢個問題？

答：我哋冇去--我哋冇真係去諗過呢個問題，因為我哋係收唔到有任何嘅業主方面同我哋講呢方面嘅問題。

問：咁即係話如果有人投訴，你就會去搵下，冇人投訴，你就覺得唔需要？

答：因為私人工程嗰個業主，當我完咗工，我哋交咗樓，因為個業權唔喺我哋嗰度，我哋唔可以隨便入去--走入去即係做一啲測試或者係檢驗。

問：但係問題就係好多業主係唔知道嗰個水喉匠係邊個，係可能含鉛嘅問題，你明唔明呀？

答：我哋冇去翻查每個私人工程項目個 licensed plumber 係邊個。

問：因為冇人投訴？

答：我哋冇收到呢方面嘅投訴同埋問題。

問：Okay。另外一樣嘢我想問你嘅，就好簡單嘅，即係你自己公司裏面，宋生，請啲咩嘢人，譬如請啲人嚟--高級嘅人員、職員，你自己有冇參與㗎？請邊個？

答：基本上係我職位以下嘅，我都有參與個招聘嘅。

問：個招聘嗰度會唔會因為你哋做咁多政府嘅工作，會唔會如果有啲人喺個房署嗰度做過嘅，尤其是譬如做啲 work supervision 或者 clerk of works 呢一類，做過有咁嘅經驗，係咪你哋會畀高啲分，即係會增加個被聘請嘅機會嘅，會唔會？

答：唔會。

問：有經驗嘅人點解唔會呢？

答：我哋聘請人係要視乎佢對工程嘅經驗，唔係睇佢個背景。

問：但係個工程經驗有，但係亦係喺房署做，咁唔會話著數啲嘅咩？

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答：我哋冇呢個標準。

問：冇呢個標準，即係有寫落去嘅標準？

答：喺我嚟講，我招聘員工，我會睇下佢處理工程個經驗，因為我哋係 contractor，我哋會--我會偏向我會請一啲員工喺 contractor 嘅經驗多。

問：但係如果佢喺政府度做，就係 work supervision，呢啲經驗好有用個啲，唔係咩？

答：我唔認同。

問：但係事實上...

MR PENNICOTT: Mr Chairman, sorry to interrupt. I have been trying to be as patient as possible, but I really don't see where this is going. Government employees...

主席：我諗 Mr Lee 問完㗎喇，呢個 topic 都。

李柱銘先生：唔係，我想問佢兩個名，就佢請咗嘅，都係有呢啲經驗嘅。

問：Chan Siu Wing, C-H-A-N S-I-U W-I-N-G，係咪你哋有個咁嘅--請咗咁嘅人？

答：陳紹榮而家係我哋 project manager，佢係好多年前喺房屋署做 work supervisor，係講緊好多年前，當時亦都唔係我哋招聘嗰個位置。

問：係應該 1985 年至 2000 年嘅，係咪？

答：差唔多。

問：另外一個，李鴻輝先生，就喺呢個建築業做咗三十年，但係十八年係喺房署嗰啲嘅工程有關嘅，你知唔知呢件事？

答：唔知。

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問：呢個人係你哋嘅人嚟嘅，係咪？

答：管工級嘅人員嘅招聘，我絕少參與。

問：我問你，就係因為如果佢有呢一方面嘅經驗，佢即係熟--起碼佢熟啲，即係房署嗰方面個角度睇呢啲嘢，嘅角度，佢亦知道乜嘢嘢房署可能好緊張、乜嘢嘢房署可能唔係咁緊張，你同唔同意？

答：唔一定。

問：唔一定，okay。好喇，第三樣我問你嘅就係預製組件，你知我問咩嘢喇，precast components？

答：係。

問：自我哋嘅資料，係預製組件，頭一次係咪就係嗰個啟晴邨用？頭一次你哋用？

答：係預製成個廁所，係啟晴邨係第一個項目係用呢個方法去做。

問：廚房呢？

答：廚房喺--亦都係啟晴邨第一個屋邨個項目試做。

問：而家仲有冇用呀？

答：冇。

問：咁我...

答：我哋中國建築冇啲項目係有同類嘅。

問：即係做咗之後，後來就冇用，係咪呀？

答：我哋再冇承接任何房屋署工程係做呢一類嘅--用呢個方法嚟做。

問：所以啟晴邨就唯一一次，係咪呀？

答：我唔理解--我冇特別資料係--冇印象係房屋署係咪呢個係第一次抑或係仲有第二次。

問：唔係，你呀，講你。

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答：我嚟講，係啟晴邨係第一次做。

問：跟住做--跟住冇再做，係咪呀？

答：中國建築冇再做。

問：可唔可以話畀我哋原因，點解做一次就唔做？

答：我哋再有承接個工程係做呢個--用呢個方法嚟做。

問：你即係話你承接嘅時候係指明用呢個方法去做？

答：唔係，係合約指定。

問：合約，咁即係政府合約囉啲？

答：係。

問：即係話呢個問題唔應該問你哋，應該問政府，係咪呀？因為你唔知。

答：或者我澄清，照我所資料得到，就係喺啟晴邨呢個合約，佢係規定咗個廁所係用預製嘅方式，成個廁所做出嚟，喺呢個項目，同時間我亦都提議咗，喺廚房--有兩座嘅廚房都用呢個方法試做，呢個就係唔係合約規定嘅，即係話廚房嗰個位置有兩座去做，係我哋落標嗰陣時提議，就係咁多。

問：咁即係廁所就所有咁多座都係？

答：係，呢個合約個規定。

問：廚房就係你提議兩座，政府亦接納？

答：係。

問：如果喺--咁即係喺邊度做嘍，喺大陸做嘅囉啲？

答：喺內地。

問：知唔知邊度，邊個地方？

答：我有印象。

問：你哋冇去睇嘅咩？

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答：我哋有去睇，但係我自己本身當時唔係跟呢個工程，所以冇個印象個廠喺邊一區、邊一個位置。

問：而家啟晴邨就係出咗事，其中一個地方，你知㗎嘛？知㗎嘛？

答：係。

問：所以啟晴邨嗰啲水喉放嗰啲水出嚟係有問題，咁即係可能係同呢個預製組件有問題㗎嗎，你睇唔到咩？

答：我冇咁嘅資料去同嗰個預製組件嘅上關係。

問：哦，你冇咁嘅資料，即係冇人畀呢啲資料你呀？係咪你話冇人畀呢啲資料你，所以你冇去搵？

答：喺個預製廠做嗰個工作出嚟個水喉方面，而家又未有一個--我有一個--我冇個數字收到就係預製組件嘅水喉嘅含鉛係有超標。

問：咁就問題就係你哋預製組件，所有廁所，喺呢個啟晴邨都係預製組件嚟㗎嘛，如果啲人喺嗰個--開嗰個水喉攞啲水煲咗嘅，後來就飲呢啲水，咁就飲咗落個肚度個囉嗎？

答：呢度特別--以我所資料就係預製組件就當時嚟講就唔係全部嘅預製組件都喺個預製廠去做水喉嘅，因為當時我資料睇到，就係因為嗰個進度問題，有部分喺廠做嘅預製組件係冇水喉嘅設備，冇水喉、水管做嘅。

問：即係有啲有，有啲冇？

答：係。

問：好喇，大概有係幾多個百分比，冇又幾多百分比，大概？

答：我冇揸住呢個數字。

問：你冇冇意圖搵過呢個數字？

答：冇。

問：你係咪到而家都唔覺得嗰啲預製組件可能有問題呢？

答：我冇講實一定有或者一定冇。

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問：我講啲邏輯啫，呢一條邨，啟晴邨，因為我其中一個客戶就係可以話中咗招嘅，佢住喺啟晴邨嘅，我而家代表緊一個咁嘅人，佢啲水喉係咪喺廚房嗰度開啲水用㗎，定係喺廁所嗰度用嚟煲啲水喉嚟飲，你話唔知，但係有可能，係咪？

主席：我唔係好明你嘅問題，搞清楚啲先，我想搞清楚啲先。

第一，啲預製組件就喺內地做，係咪？

答：係。

主席：啱喇嘛？

答：（沒有可聽到的回答）

主席：我想問你啲嗰啲預製組件，你啲嗰啲水喉係唔係藏喺個石屎裏面嘅，係咪？係喺外面㗎嘛？

答：係。

主席：Okay，得。你啲話你啲嘅預製廁所組件有啲就係--即係換句話嚟講，就連埋啲銅喉就喺內地一次過就做晒，然後先至運嚟香港嘅，啱唔啱？

答：係。

主席：嚟到香港之後先至再駁供水入去個...

答：公眾...

主席：...房，即係嗰個單位嘅水喉，啱㗎嘛？

答：係。

主席：換句話嚟講，如果喺嗰個廁所裏面啲水如果係搵到有鉛，咁出事嘅可以係喺內地做嘅時候嗰啲水喉出事，亦都可以係嚟到香港之後駁咗水之後，譬如啲天台落嚟嗰啲銅喉，跟住走廊嗰啲銅喉，跟住入到去屋，我啲唔知邊一個，總之兩度都有機會出事，啱唔啱？

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答：係，係。

問：咁你即係兩面都出事，即係兩面都有鉛？

主席：有機會係，佢唔知。

李柱銘先生：係喇，係喇。

問：所以就到而家你都--即係到而家你而家--即係到到而家為止，你都有呢啲資料可以話畀委員會聽，係咪？

答：我手上有咁嘅資料。

問：Okay，你願唔願意去搵呢啲資料？

答：我哋會。

MR PENNICOTT: Mr Chairman, what information does Mr Lee want?

主席：請坐先。唔係，我想問李大律師，其實就我唔知道你哋收咗未，其實政府化驗所做過一啲測試，鋸過一啲嘢，喺邊一度鋸出嚟啲嘢，你有冇睇過呀？知道個啲啲。

李柱銘先生：有。

主席：係囉，咁做咗啲嘢又交咗出嚟個囉啲。

李柱銘先生：因為我哋唔知道我哋個客戶住嗰度係咪...

主席：而家我哋都唔知你嘅客戶住邊度？你個客戶住邊度先得嘍？

李柱銘先生：或者...

主席：因為我哋唔會知道佢住邊一層、邊一個單位㗎嘛，係呀。

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李柱銘先生：因為我而家...

主席：唔係，你明唔明呀？

李柱銘先生：係，咁但係我又要--我又而家--你知道佢有啲嘢嗰度，有啲
唔嘢嗰度。

主席：係呀，所以咪我就係--即係我想知道 exactly 究竟你想問咩嘢先，
如果你話你個當事人，你代表其中一個，你而家好想知道究竟佢個
單位究竟係啲嘢預製組件嗰度出事吖，抑或係其實都未去到預製組
件，入去佢個單位嗰度已經--啲嘢已經有問題嘅話，咁你就唔好問佢。

李柱銘先生：唔係，因為點解呢，主席...

主席：你就問房署。

李柱銘先生：都可以嘅，我可以兩面都問嘅。

主席：係，你可以兩面都問，房署咪搵佢哋做囉，係囉，都得。

李柱銘先生：可以，我就會作出一個要求，請佢哋畀啲資料。

主席：你同何大律師講就得喇。

李柱銘先生：可以嘅，主席，我可以咁樣處理。因為唔係淨係我嘅客戶嘅，
我要為埋香港市民嘅，所以我想知道譬如啟晴邨邊啲係有呢個問題，
即係邊啲係啲內地做嘅，我會...

主席：即係而家基本上都唔使你去知道啲邊度，全部都要換，係咪呀？

李柱銘先生：好，好，咁當我...

主席：基本上即係我哋聽咗馮副署長講，基本上而家其實你所有啲嘢全部
都要換，根據署長講，就係 at 個 main con. 嘅 cost -- expenses。

李柱銘先生：所以我--如果咁樣，主席，我可以--呢度我哋用書面？

主席：係。

李柱銘先生：好。

主席：係，係咪呀？

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李柱銘先生：可以。

主席：即係如果你係好 specifically 你代表嘅其中一個客，你想知道究竟係邊一度嘅，你咪問佢--後面何律師。

李柱銘先生：係，係，得，好。

主席：叫佢，睇下佢做唔做。

李柱銘先生：好。

問：關於呢度，我有一個問題添，就係你今朝提到嘅 project management plan，係咪？你哋呢個 project management plan 嗰度有冇係關於呢個預製組件嘅嘢寫落去？有冇包括埋呢啲？

答：預製組件嗰個 quality plan 係另一個--獨立一個 quality plan 嚟。

問：所以就唔喺呢個 project management plan 裏面嘅？

答：係。

問：Okay。你今日講就話其實你係唔覺得有風險，咁我就想問你同唔同意，如果你哋自己做，如果對自己公司有信心，你唔覺得有風險，我係理解嘅，因為你對自己有信心，但係當你分判咗出去...

主席：我唔係好明，你再講多次。

李柱銘先生：佢話即係唔覺得有呢個風險，頭先佢話。

主席：佢唔知道有呢個風險。

李柱銘先生：佢唔知道有呢個風險，係喇。

主席：唔知同唔覺係兩件事。

李柱銘先生：哦，okay，okay。

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問：你唔知道呢個風險，不如我問你，你其實講你唔知道同唔覺得有風險，有冇分別㗎，你自己心目中？因為我哋睇落，可能有分別嘅，但係你有冇分別，你自己睇？

答：從我個人嗰個講法。

問：你個人嘅睇法。

答：做工程，每一個步驟都係有風險，問題係我哋要評估佢係高、中抑或低，視乎嗰個程度，我哋採取啲措施去克服嗰個風險，避免有啲問題會發生。咁喺燒焊物呢個問題上，喺7月之前，我哋真係有咁嘅認知，所以你所以見到我哋有乜特別嘅措施去處理。

問：Okay，我係多謝你咁嘅澄清，但係因為你係知道房署嘅要求，就係嗰啲 soldering 就唔能夠含鉛嘅，呢個好清楚嘅，呢個要求，明白嘛？

答：係。

問：你分判咗出去，你有呢個醒覺嘅咩？你有諗到可能有問題嘅咩？所以個風險唔會咁低嘅咩？

答：而家睇番轉頭，當時真係喺呢方面有一個好高嘅警覺性喺度。

問：就有呢個高嘅警覺性係唔啱，我而家話畀你聽，點解呢？因為你唔知道，你分判咗出去，佢哋有幾多錢賺，你唔知，係咪？

答：事情發展之後，而家我哋都睇到呢個係一個高風險，所以我哋都係有一系列嘅措施去監管判頭--分判商喺供應呢個焊料嗰陣時嗰個驗收、檢視同埋係監管嘅。

問：咁就係即係嗰陣時就唔知，而家知係高風險？

答：係。

問：但係點解你嗰陣時唔覺得有高風險呢？因為當你判咗出去嘅時候，佢條數同你條數唔同㗎嘛，佢計條數，啱唔啱呀？佢投番嚟㗎嘛，個工程要，個分判商，你同房署投出嚟，你梗係計過條數㗎，會用幾多材料、原料...

主席：唔係，講清楚啲先，你嗰個所謂高風險係健康上高嘅高風險㗎，抑

或係賺錢上高嘅高風險吖？因為譬如好簡單啫，即係譬如我哋而家知道鉛，咁呀梗係因為佢對健康係有高風險，譬如我而家唔好講鉛，譬如講--我唔知，一嚟--一個窗門咁樣樣，一個窗門，你分判咗出去，佢最多都係畀啲劣質貨你啫，可能，劣質貨可能啲比較差一啲嘅貨，但係基本上都係可以開窗、門窗諸如此類嘅，即係 functionally 係冇分別嘅，咁換句話嚟講，就即係嗰個分判商就賺多咗啫，係咪？但係實際上對人或者對健康係冇影響，係兩件事嚟嘅，係咪先？咁所以你唔可以話因為分判咗出去，就一定係個風險增高，就視乎你講緊乜嘢嘢，我覺得。

李柱銘先生：係，但係--主席，都係一樣嘅，譬如你話...

主席：都係一樣，得，唔。

李柱銘先生：因為點解呢？你譬如分判咗出去，佢因為想所謂偷工減料，啲料就買啲平啲嘅，...

主席：啱。

李柱銘先生：...含鉛呀咁，...

主席：啱--唔係，個問題就係佢--所有就返番去第一個問題，你知唔知道呢一個係一個風險嚟嘅先？

李柱銘先生：係喇。

主席：如果你話「我全部都唔知道呢一個係一個風險嚟嘅」，咁純粹就係講緊錢喇。

李柱銘先生：唔係，主席，我有啲唔同，我同意咗第一步，但係話佢應該知道，我而家就係再話畀佢聽點解唔可以咁簡單我哋接受佢唔知。

主席：唔係，我知--唔係，我明，佢而家話你唔應該唔知，因為房署寫到明㗎嘛，個 specification 裏面，...

李柱銘先生：咁你--係囉。

主席：...要用 lead-free 㗎嘛，啱唔啱先？咁 lead-free 寫到落去，你諗到有啲咩嘢意思吖？

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答：過往個成個行業個慣性都有去注視呢個物料嗰個監控，雖然我...

主席：你唔好講其他先，寫咗落去，不如你直接答咗我問題先，我知道你
哋好鍾意岔開個問題嘅，不過你答咗我先。寫咗落去做乜先得嘍？

問：即係你知唔知佢點解寫落去唔應該含鉛？

答：我哋理解，睇到寫咗落去個含唔含鉛，即係話鉛有機會係--因為其實
大家知道鉛係有機會影響人。

主席：因為咩嘢話？

答：鉛係會對人有傷害嘅。

問：即係健康喇，係咪？

主席：即係換句話嚟講，同健康有關，就唔係話同呢隻焊料因為技術上係
一定要係用無鉛，唔關呢個技術上嘅問題先，係同呢個健康有關先。

問：呢個同意喇？同意咗，同健康有關喇？

答：係。

問：好喇，但係跟住如果健康有關，出咗事，好似而家咁，政府又問番你
㗎嘛，要你自己拎番錢出嚟搞番掂佢㗎嘛，咁咪同錢都有關囉，明唔
明白呀？

答：你嘅問題係？

問：我嘅問題係即係所以健康同錢其實都係--兩樣都有關。

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主席：唔係，我哋唔好講錢住先，我哋講健康先，即係同錢--同健康有關嘅，係咪？

答：係。

主席：如果你再進一步去睇，BS1254 寫到明係講 drinking water 嘅，飲用水係唔可以講--飲用水，唔係講一般嘅水，直情係講 drinking water，啱唔啱？如果你揭去 1254-1，1998 Table 6，直情個 footnote 嗰度寫到明係講飲用水，唔係講其他嘅水。

答：係。

主席：Okay。

李柱銘先生：多謝主席。

問：咁所以你應該會諗到呢樣嘢㗎嘛，你一分判出去，你控制唔到，係咪呀？同唔同意呀？

答：你個問題係？

問：我問題係你應該諗到呢啲嘢㗎？同健康有關，係好危險嘅。

主席：佢個問題就係話既然你知道有個咁樣嘅 risk 存在，好喇，當你去做呢個 assessment of risk 嘅時候，如果你再考慮埋有機會判出去，而啲分判商係以呢個錢係為大前提嘅話，呢個 risk 原本係一個細嘅 risk 都變咗一個大嘅 risk 喇。

答：而家我哋係認同呢個係一個大嘅 risk。

問：所以我即係話你應該嗰陣時知道，同唔同意？嗰陣時應該諗到嘅，我用番主席個問題，主席個問題係問得無可再好㗎喇，所以我用番嗰個問題先，咁而家跟住就話所以你嗰陣時應該諗到㗎嘛。

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答：頭先我答咗主席嘅問題。

主席：主席唔記得咗--唔係，如果嗰陣時你係知道有呢一個 risk，如果當時，譬如好簡單，呢個 risk 如果譬如係你哋--如果嗰啲物料係你哋自己供應嘅，你可能會覺得呢個 risk 係一個好細嘅 risk，因為我哋自己攞料返嚟，我亦都知道無鉛嘅焊料係應該用嘅，okay，我自己攞番嚟冇問題嘅，呢個 risk 係好細，所以我唔 check，我唔做檢測冇問題，但係當你一分判咗出去，下判就係為利是圖，或者佢要賺錢，節省成本，呢個原本唔係一個好大嘅 risk，相對嚟講，就大咗好多。

問：同唔同意？

答：喺我個人嚟講，如果嗰個係要有高風險，唔存在係我自己買料或者判頭去--或者分判商去買料。

問：唔係，兩樣都...

答：如果認知呢個係高風險，分判商個材料、供應，我哋一定有個好緊密嘅監管。

問：咁所以而家睇番轉頭，既然政府有呢個要求，你應該知道係高風險，係咪？分唔分判出去冇問題。

答：而家喺 7 月之後，大家都認同，我亦都認同呢個係高風險嘅工程同埋物料採購，所以我亦都有啲措施係監管咗嗰個材料送地盤之後嗰個程序，確保佢係跟番合約同埋係批核嘅材料。

問：好喇，我而家轉一個問題，就係呢個係政府嗰個--佢哋個 Task Force report，嗰個 final report 就有個表嘅，係 A1 tab 19 第 779 至 780 頁，Annex 3.2 -- 779，sorry。上面係咪“List of pipes”，係喇，啱喇，“List of pipes and fittings in water supply chain in Hong Ching House of Kai Ching Estate”，你睇中間嗰度就有“Copper Alloy Fittings”，睇唔睇到？睇唔睇到？

答：係。

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問：呢度係講有四度嘅，一度就講 65 個 millimetres diameter gate valve，跟住有一個細啲嘅，35 個 millimetres gate valve，跟住就 20 個 millimetres diameter 嘅 gate valve，底下就 20 個 millimetres diameter 嘅 stopcock，stopcock 係咩嘢嚟㗎？中文點講？

主席：Stopcock 係咩嘢嚟個㗎？水龍頭呀？

問：會唔會呀？Valve 就係閘門，我知。

答：呢個...

問：佢又唔係 stop clock，stop clock 就即係停止呢個鐘，佢就 cock，即係我唔明。

主席：知唔知係咩嘢嚟㗎？可以唔知㗎，唔一定要知㗎，冇人咩嘢都識嘅。

答：Exactly 唔係好清楚。

問：Okay，哦，活塞，係咪呀？活塞。Okay，呢啲因為係有 copper alloy 嗰度係會含鉛嘅，你睇住右手面睇二嗰度，你睇左“Lead Content”嗰度睇到，係咪呀？

答：係。

問：就係跟住最收睇嗰度就 compliance 嗰度就唔符合，打晒交叉，睇到，係咪？

答：係。

問：呢度就係康晴樓，好喇，反轉，另外嗰頁，後面嗰頁，呢度都係啟晴邨，不過就悅晴樓，睇到嘛？

答：睇到。

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問：中間嗰度又係，“Copper Alloy Fittings”？

答：係。

問：第一個，65 millimetre，嗰個 gate valve 喺嗰個 29 樓嗰個 meter room，一路睇過右面就合乎標準，剔個喎，係咪？

答：係。

問：但係第二個又係 66 個 millimetre 嘅 diameter gate valve，嗰個係 18 樓嘅，就係一個 pipe duct room，一路去到右手面就唔合乎標準，鉛嗰度，係咪呀？

答：係。

問：跟住嗰個又唔合乎標準，係咪？

答：係。

問：再落一個，stopcock 又 okay，剔個喎，你同唔同意所以喺呢啲咁嘅尤其是係 valve，呢啲閘門係含鉛係你哋做出嚟嘅工程，就發現係鉛嗰個含量喺水度係超標嘅，同唔同意？

主席：你講即係打交叉嗰啲？

李柱銘先生：係，係打交叉嗰啲。

主席：呢個我想你講清楚啲先，佢唔 comply with British Standard，就係 in relation to 呢啲 fittings，呢啲 fittings 就唔--但係同呢個水係咪超標就另外一件事嚟嘅。

李柱銘先生：唔係，我就想問佢呢度。

問：但係啲水都要經過呢啲 valve，呢啲閘門，係咪，係咪呀？啲水經過，即係水喉度咁去？

答：水係經過呢啲 valve 同埋 stopcock。

問：當然你可能唔知，你話唔知就得嚟喇，如果你真係唔知就，okay。啲

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水經過呢啲咁嘅閥門，而嗰啲閥門係含鉛，起碼就超出呢個英國嘅標準，咁會唔會因為咁，係嗰啲--有啲鉛落咗啲水度，你知唔知？

答：唔知。

問：Okay，我最後想問你，就係網上你哋間公司，中國建築就--我畀你睇一睇，有啲喇，有一個咁嘅--呢度你哋就係介紹你哋嘅業績嘅、業務嘅，係咪？喺網上搵到嘅，係咩？

答：係。

問：喺右手面嗰度有啲細嘅，有圖嘅，就講你哋啲 project list，即係你哋啲威水嘢，係咪？係咪？

答：係啲工程項目，唔算係威水。

問：第一個就 Central-Wanchai Bypass-Tunnel，第二個就 Hong Kong-Zhuhai-Macau Bridge Hong Kong link Road，跟住就赤鱗角 Passenger Terminal Building，最收靚嗰個就呢個係 Hong Kong Central Library，喺 Central 嘅應該，Central Library，喺 Causeway Bay，反轉就，係咪？

答：（沒有可聽到的回答）

問：赤鱗角個 Passenger Terminal Building 同埋 library，Central Library，都啲水喉會唔會有呢啲問題呢？

答：我哋從未收到而家用緊呢幾個物業嘅負責人或者業主有同我哋講過有問題。

問：Okay。睇番上面呢度，呢個係你哋嘅箴言嚟嘅，係咪呀？Motto 嚟嘅，係咪呀？“Exercise caution in details and implementation. Build a strong foundation to seek greater success.”，中文就係「慎微篤行，精築致遠」，係咪呀？呢啲係你哋嘅箴言嚟嘅，係咪呀？你哋公司。

答：係我哋個 group。

問：咁多年嚟都係啲喇？

答：係。

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問：喺呢個問題上，喺公屋嗰啲水喉嘅問題上有含鉛，你覺得做唔做到你
哋呢一個箴言嘅要求呢？

答：喺啟晴同埋紅磡邨呢個事件，就睇到我哋仲有做得不足嘅地方需要去
提升，亦都係因為呢件事，公司亦都係採取咗一系列嘅措施去加強
咗喺呢方面嘅管理同埋控制。

問：咁你嘅意思即係都做到呀？都做呢個箴言？

答：呢個係我哋嘅目標，我哋一定要做到呢個效果出嚟。

問：喺呢件事你有冇做到？

答：頭先我講過，仲有睇到不足嘅地方，我哋係需要去再提升我哋嘅管理。

問：即係冇做到喇，即係冇做到喇？

答：我頭先講咗，因為我哋有啲地方係做得不足嘅。

問：你想唔想用呢個機會係對公屋嗰啲苦主，對佢哋講聲 sorry 呢？

答：喺公司，包括我本人，對今次鉛水事件都係感到--深表遺憾嘅，對於
事件令到啲居民有咁多不方便嘅地方，我哋深表歉意嘅，我哋希望能
夠做到杜絕呢啲事情再發生，喺我哋個管理措施方面去特別去加強，
所以我即時有一個措施就係成立咗一個標準工作程序，就係食水喉安
裝質量嘅監控程序。喺我個證供已經講咗，就係即係我哋喺嗰個審批
--材料審批，喺嗰個物料送去地盤儲存同埋檢查方面，同埋喺現場嘅
施工，最後完工嗰個檢查都會係有一個系列嘅加強措施要地盤遵守
嘅。同時間而家亦都喺我證供入面講咗，就係我哋喺一個屋邨地盤已
經試行緊，跟住我哋會係喺個過程中有啲咩嘢問題修正之後，中國建
築所有地盤--所有工程項目都會執行，無論嗰個合約有冇講嗰個程
序，我哋都會執行嘅，咁希望達到就係杜絕咗同類事件再發生。

李柱銘先生：我有問題，主席。

主席：唔該。Mr Pennicott。

MR PENNICOTT: Mr Chairman, I know the subcontractors are
here but I presume they have no questions. I have no
re-examination.

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主席：唔該晒 Mr Sung，畀完口供，可以離開，走得。

答：唔該晒。

主席：我哋聽朝早就 10 點鐘再繼續，好，唔該晒。

2015 年 12 月 07 日

下午 4 時 36 分聆訊押後

B
C 修訂日期：二零一五年十二月十日

D 以下為修改前的部分：

E 由頁 1C 行 至 頁 10 行

F 2015 年 12 月 7 日

G 上午 10 時正恢復聆訊

H 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

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

K 李柱銘資深大律師及吳思諾大律師，由何謝韋、李偉業律師
L 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

M 何沛謙資深大律師及殷志明大律師，由羅夏信律師事務所延
聘，代表香港房屋委員會

N 王鳴峰資深大律師、陳樂信大律師及羅頌明大律師，由律政
O 司延聘，代表水務署署長

P 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

Q 黃佩琪大律師，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

R 許佐賓大律師，由的近律師行延聘，代表保華建築營造有限
S 公司

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 22 B

C Monday, 7 December 2015 C

D (10.01 am)

E (Transcript of simultaneous interpretation D

F except where otherwise specified) E

G MR PENNICOTT: (In English) Mr Chairman, it has come to the F

H time when we are to call China State witnesses, so the G

I first witness is Mr Sung. H

J CHAIRMAN: (In English) Yes. I

K MR MICHAEL SUNG TSANG HUNG (affirmed) J

L CHAIRMAN: Please take a seat. K

M Examination-in-chief by MR PENNICOTT L

N (All questions from Mr Pennicott were in English) M

O MR PENNICOTT: Mr Sung, good morning. I am now going to N

P read out your witness statement. For everybody's O

Q benefit, it's in file F1, starting at page 54. P

R "I, Michael Sung Tsang Hung ... say as follows: Q

S A. Background R

T (Paragraphs 1 to 62 were read in English) S

U The contents of this statement are true to the best T

V of my knowledge and belief." U

Mr Sung, I have read your witness statement to you. V

Mr Sung, are there any alterations, revisions you would

like to make to your statement?

A. No, apart from item 44, subparagraph (v).

Q. What is the clarification or change you wish to make?

A. At page 70, the first line, "subcontractors' performance", for the line "subcontractors' performance in the half-year", it should read "every year", and that's all.

Q. Thank you for that. Subject to that, Mr Sung, are you content to adopt this statement as your evidence to the Commission of Inquiry?

A. Yes.

MR PENNICOTT: Mr Chairman, with your permission, I have a few questions, if I may.

CHAIRMAN: (In English) Yes, please.

MR PENNICOTT: Thank you.

Mr Sung, a first point that arises. As I noticed from the Commission's website, there may be a slight lack of clarity on this. If you go to paragraph 2 of your witness statement, please.

A. Yes.

Q. You say that you are the general manager of China State Construction Engineering (Hong Kong) Ltd, ie the interested party in these proceedings or in this Inquiry. I think that's right, is it? Is that correct?

A. (Chinese spoken).

Q. Is it correct that you are the general manager of China State Construction Engineering (Hong Kong) Ltd?

A. Yes.

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 22 B

C Q. You then go on to say you are a director within the China State Group. C

D A. Yes. D

E Q. Which company within the China State Group are you a director of? E

F A. For this, let me clarify a little bit. A group is -- F

G well, I am one of the directors in a subsidiary under the China State Group. G

H Q. What's the name of that subsidiary? H

I A. China State Overseas Building Construction Ltd. I

J Q. Is it right that that's a wholly owned subsidiary of China State Construction International Holdings Ltd? J

K A. Yes. K

L Q. All right. Could I then ask you please to be given bundle B5.7, and if you could please go to page 11819, M

M you should find there a letter of 17 August 2015, signed N

N by you, at page 11820? N

O A. (In English) Yes. O

P Q. This was a letter to the Housing Authority, providing the Housing Authority with information following the P

Q incident, as I understand it? I don't think there's any Q

R controversy about that. R

R A. Yes. R

S Q. And you were responsible, as it were, for collating the S

T information that was given to the Housing Authority? T

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A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 22	
C	A. Yes.	C
D	Q. That's your letter dated 17 August 2015, and if you go to page 11825.	D
E	A. Yes.	E
F	Q. On 14 September 2015, as I understand it, you provided some supplemental information to the Housing Authority;	F
G	is that right?	G
H	A. Yes.	H
I	Q. Then that supplemental information starts at page 11826. Then if you go to page 11832.	I
J	A. Yes.	J
K	Q. You've got a heading there, "Procurement of plumbing materials for the potable water supply system"; do you	K
L	see that?	L
M	A. (In English) Yes.	M
N	Q. Then if you go over the page to 11833.	N
O	A. Yes.	O
P	Q. Just over halfway down, you will see a subheading, "Material delivery notes"; do you see that?	P
Q	A. Yes.	Q
R	Q. There's a side heading, "Soldering materials".	R
S	A. Yes.	S
T	Q. What is written here is this: "The material delivery note is usually provided by the subcontractor(s) to [China State's] PQS for interim	T
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payment purpose for materials on site. Since soldering materials were not eligible for interim payment of materials on site and since they were also a miscellaneous consumable material, HBK did not provide any delivery record for soldering materials to [China State]."

Mr Sung, in the light of what you now know, is that statement fully accurate?

A. Let me just clarify this. At that time, after the incident, we conducted an internal investigation, and before we delivered a report to the Housing Department we went through all relevant documents, and we did not receive any delivery records from Ho Biu Kee. So, in our report to the Housing Department, we told them that we did not receive any delivery notes from Ho Biu Kee.

Q. And has the position changed subsequently?

A. Subsequently, we found out that Ho Biu Kee did provide delivery notes to our on-site staff, so we asked our site staff to go through the documents again, page by page, and we found a memo, which includes two delivery notes, and the memo was submitted to the Housing Department. Subsequently, two more memos were found with two delivery notes each. This is something we subsequently found.

Q. Thank you very much.

Now, Mr Sung, in your witness statement, as it were, at the first stage, you refer to the selection of subcontractors, and we know that Golden Day was the subcontractor on the Hung Hom project and HBK was the subcontractor on the Kai Ching project.

A. Yes.

Q. And you refer in your witness statement to having a list of specialist subcontractors and that you have a review system in place, based on performance of those subcontractors.

A. Yes.

Q. Can I ask you this: do you operate a system of competitive tendering for plumbing subcontracts?

A. Yes.

Q. Can you tell us how many companies will be on the list, that is going back, let's say, to the Kai Ching project?

A. For the Kai Ching Estate project, I cannot remember how many contractors there were on the list exactly.

Generally speaking, during tendering, we would have a list of contractors. There would usually be three to five contractors, sometimes six, and those would compete for the project.

Q. All right. So far as the next stage is concerned, the materials submission process, who at China State is actually responsible for ensuring that the samples that

are submitted to the Housing Authority, on Hung Hom or Kai Ching, meet the contractual requirements? Who's actually responsible for that?

A. On each of our projects, our on-site staff would designate staff to vet the sample submission. Generally speaking, this staff would follow contractual requirements, as well as relevant legal requirements, and this person would source the relevant samples and submit the relevant samples and documents to the Housing Department.

After securing approval, he would notify the subcontractor to procure materials, and based on site progress, deliveries would be made.

Q. So far as the works execution stage is concerned, Mr Sung, you refer in your witness statement to a quality assurance system, a standard working procedure, a project management plan. As I understand it -- is this right? -- the quality assurance system and the standard working procedure, they are of general application to all projects, are they?

A. Yes.

Q. Whereas the project management plan is project-specific?

A. Yes.

Q. So far as the project management plan is concerned, what is it designed to achieve? What are its objectives?

C A. For the project management plan, it's our internal C
D requirement. The quality assurance system also lists D
E out a number of standard working procedures. One of the E
F procedures is to require all trades to come up with F
G a project management plan. Now, for our quality G
H assurance system -- we talked about the H
I subcontractors -- we have a system or a list of I
J subcontractors, and everyone on the list are competent, J
K experienced and have performed well in previous K
L projects, so only those on our list are eligible for our L
M projects. M

N For Kai Ching Estate and Hung Hom Estate, we N
O followed this system of designated subcontractors, and O
P our subcontractors have to follow stipulations in our P
Q main contract. This is one part of our quality Q
R assurance system. R

S The other part is the team will have to put together S
T a project management plan. One of the elements is T
U a quality assurance plan. Under the plan, they have to U
V follow the contractual requirements, the statutory V
requirements and the trade practice, and also, in the
light of the company's experience, all the procedures
would be spelt out. The procedures, the workmanship,
all these would be subject to supervision, and the
supervisory procedures like inspection and testing will

also be spelt out clearly in this quality assurance plan. All the workers will have to abide by this quality assurance plan.

Also, in this project quality plan, the company requires that it be updated on a regular basis. We do review or inspect the workers, to make sure that they are in compliance.

This is the system that we have.

Q. Can I ask you a specific question: does the project management plan address the delivery of materials to site, on a general level?

A. In general, in this plan, in our management, there are certain procedures whereby certain materials will have to be checked. When we put together the quality plan, we follow these procedures, and certain materials will have to be checked upon delivery. They have to be checked according to procedures.

In our team, they would follow the contractual requirements. If the materials have to be checked upon delivery, they would be spelt out in the plan. And the site staff will act in accordance with this project quality plan and they would check the materials upon delivery.

Q. Okay. I think I know the answer to this question: was the soldering material ever specified as something to be

checked in the project management plan?

A. Soldering materials, in our procedures and also in our quality plan, it is not specified that soldering materials will have to be checked, no.

Q. Then, finally, Mr Sung, can I ask you to go to paragraph 27 of your witness statement, on page 60.

A. (In English) Yes.

Q. I am not going to read it all out again, Mr Sung, but in summary, what happened was the WSD notified Housing, Housing notified you, you notified the subcontractors and suppliers about some allegedly non-compliant components that were discovered at the Kai Ching project. Do you recall all of that?

A. (In English) Yes.

Q. You say towards the end of paragraph 27 that you asked the Housing Authority to provide further information about the samples tested, and the testing methodology, so that China State and the suppliers could provide further explanation. Then you say China State has not heard from the Housing Authority since.

Your witness statement is dated 11 November, so just under a month or so ago. Have you heard from the Housing Authority in the last three to four weeks on this topic?

A. No, I haven't heard from the Housing Authority anything

since, in response to my question.

MR PENNICOTT: Thank you very much.

CHAIRMAN: Does it mean that, as of today, all the taps and
valves are still outstanding?

A. They have not been changed, no.

CHAIRMAN: All right. Let's take a break for 20 minutes.

Thank you.

(11.37 am)

(A short adjournment)

(11.58 am)

CHAIRMAN: Yes, Mr Khaw.

Cross-examination by MR KHAW

MR KHAW: Mr Sung, I would like to ask you a question. When
did you become the general manager of the building
construction department of China State Construction?

A. I became in 2004 the general manager of the building
construction department.

Q. What was your previous post?

A. I was deputy general manager.

Q. In paragraph 3 of your witness statement, you told us
about your scope of responsibilities as general manager.
I would like to clarify one part with you.

At the end of the third paragraph, in
subparagraph (iii), you said "signing contractual
documents" and (iv) "co-ordinating the communication

between various departments". For subparagraph (iii), on the signing of contracts for Hung Hom Estate and Kai Ching Estate, for these two main contracts signed with the Housing Department, they weren't signed by yourself; right?

A. At that time, I wasn't the general manager and I did not sign those contracts.

Q. For these two projects, were you involved in the drafting of the contracts?

A. You mean the main contracts? I wasn't involved at that time.

Q. Who were mainly responsible for the drafting of these two main contracts, for these two projects?

A. When you said "drafting", are you referring to the tendering process or project management?

Q. Well, let's talk about tendering first.

A. We have a team under the building construction department responsible for the tendering process.

Q. Which specific team is it?

A. Under the building construction department, there's a tendering division.

Q. So they would be more familiar with the materials and the procedures mentioned in the main contract, wouldn't they?

A. They act in accordance with the requirements and make

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

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C the quotations. C

D Q. For these two projects, in relation to the negotiation D
over the main contract, were you involved?

E A. I wasn't involved. E

F Q. For these two projects, did you inspect the projects F
on site personally?

G A. The two projects were undertaken by our company. G
I wasn't responsible for these projects.

H Q. So, basically, for these two projects and the related H
I matters, it is only after the incident in July that you I
J looked at these projects? J

K A. Yes. K

L Q. But in general, for the main contract, there are L
M specifications regarding the materials. You have been M
N there for so long. For these specifications of the N
O materials, you have some awareness of them, don't you? O

P A. Not a detailed awareness but a basic awareness, yes. P

Q Q. If I may refer you to paragraph 32 of your statement. Q
In paragraph 32, you said that you are aware that
P materials have to fulfil the requirements of the main P
Q contract and also the British Standards; that much you Q
are aware?

R A. Yes. R

S Q. As regards the specifications of the soldering S
T materials, for these two housing estates, Hung Hom and T
U
V

Kai Ching, the soldering materials have to be lead-free category; were you aware of that?

A. My colleagues were aware of that.

Q. What about yourself?

A. I wasn't involved, so I didn't look at it in detail.

But looking at the contract, it does have such specification.

Q. Before July this year, the fact that soldering materials had to be lead-free -- let's not talk about the two projects -- soldering materials had to be lead-free; were you aware of that before July this year?

A. I do have some awareness, yes.

Q. Let me put it to you simply. Since the soldering materials have to be lead-free, the idea is to make sure that the harmful heavy metal, lead, will not leach into the water; are you aware of that?

A. Before July, in the whole industry, the awareness of that wasn't that high. It wasn't considered as a high-risk item, so there was no special attention paid to that.

Q. Before July, were you aware that lead was harmful to health?

A. Yes.

Q. Please have a look at paragraph 38 of your witness statement. Paragraph 38 says that there are no

contractual terms and provisions pertaining to the contractual requirements in the main contract.

Page 65, "construction of [Hung Hom] and [Kai Ching]

to ensure that drinking water will be lead-free and safe". Can you see that?

A. Yes.

Q. There are no contractual provisions that the drinking water has to be lead-free and safe. Am I right in saying this -- I don't think there will be any dispute -- that for these two projects, when they are completed, the drinking water has to be safe?

A. Yes.

Q. It may not be in the contract but you would agree with that?

A. Yes.

Q. Also, in (b): in the contract, it doesn't prohibit the use of materials from which lead may leach into drinking water. So there are no contractual provisions that said that plumbing -- regarding plumbing materials leaching lead into the water. So would you agree that in the main contract there is a provision that says that lead-free soldering materials have to be used, and it is precisely for this purpose; would you agree?

A. Yes, in the contract it expressly spells out that lead-free soldering materials have to be used.

Q. Paragraph 39, (iv), the last sentence: "CSCE is a building contractor ... they have never asked [China State] to provide any warranty about the safety of water or that the water should be lead-free."

In answer to my question, you said you wouldn't disagree with the fact that you do have the responsibility to make sure that upon completion the drinking water should be safe?

A. As a contractor, once we had taken over the project, we would have to act in accordance with the contractual requirements and the statutory requirements.

Q. Let's come back to the contractual requirements. There is a main contract signed with the Housing Department. Do you agree that China State has the responsibility to make sure that suitable materials should be used?

A. Yes.

Q. Do you agree that this is an important responsibility because if substandard materials are to be used, the whole project might be compromised? This is an important responsibility; do you agree?

A. We do have the responsibility to act in accordance with the contract.

Q. You have a responsibility to act in accordance with the contract. Do you agree that your company has to take appropriate measures to make sure that suitable

materials are used?

A. We do have certain procedures for important materials, for them to be checked and tested. This is under the contract and this has been the practice all along. We have to follow all these procedures on site.

Q. I will take up with you the company procedures in a moment, but paragraph 34 of your statement.

A. Yes.

Q. You said that you have subcontracted the plumbing works, and (ii) refers to the responsibilities of the subcontractors. Do you agree that notwithstanding the fact that the plumbing work has been subcontracted but it doesn't reduce or diminish your responsibility regarding the plumbing materials?

A. I said a moment ago that when we subcontract the project, we place the responsibilities onto the subcontractors. So the main contractor and the subcontractors are jointly responsible for measuring up to the requirements.

Q. In the subcontracts, you would make the subcontractors aware of the responsibilities. But my question is that you may have subcontracted the plumbing work, but it doesn't diminish your responsibility towards the Housing Authority regarding the materials and the workmanship?

A. I agree.

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Q. In your witness statement, you mention the submission of samples. Am I right in saying this: with regard to sample submission to the Housing Authority, you are playing a gatekeeping role regarding the use of materials?

A. Yes, we have to act in accordance with the contract.

Q. This process of sample submission to the HA for vetting and approval, with regard to this procedure, the idea is to make sure that the materials to be delivered on site will be subject to a specific standard?

A. Yes.

Q. These standards will be used when the materials are delivered to the site, so that the frontline staff will have something to go by and see whether the materials are up to the standard; would you agree?

A. Yes.

Q. From the witness statements of China State, we learned that for the sample submission to the HA, it is not something required by the Housing Authority but it is the usual practice; are you aware of that?

A. For soldering materials, that's what I was told.

Q. Sorry?

A. Yes, for soldering materials, that is what I was told by my colleagues.

Q. Yes, for soldering materials, this is the case.

In general -- can I put this to you -- for the submission of soldering materials, what steps do you have in your company? What department will liaise with the subcontractors for them to submit the samples?

A. The site team would be responsible for that, and they would liaise with the subcontractors. If they include the materials, they would liaise with the subcontractors to provide samples of materials in keeping with the contractual requirements.

Q. Page 66. You refer to the hierarchy; on page 67, you elaborate in great detail about the hierarchy there. You mention a couple of staff. Which department, which staff, would be responsible for collecting the samples of soldering materials from the subcontractors?

A. Under the hierarchy, under the site office, in the third box, AQCC/BSE would be responsible.

Q. So AQCC and BSE would both be responsible for this; right?

A. Yes.

Q. On the submission of solder sample to the Housing Department, if you have obtained a sample from the plumbing subcontractor for the relevant documents, test reports, material descriptions and so on, were they all submitted by the subcontractor?

A. Yes.

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C Q. Now let's look at the sample submission to the Housing C
D Department. After the samples are approved, after D
E receiving approval from the Housing Department, does it E
F mean your job is done? F

G A. We still have work to do. G

H Q. In terms of materials, even after they are approved by H
I the Housing Department, you have to see whether the I
J materials are actually appropriate for the work sites? J
K A. Generally speaking, the AQCC would conduct a vetting K
L process, and if there's no stipulation, they would not L
M do anything. As I said, we would return the approved M
N documents to the subcontractor and we would notify them N
O to procure the materials, based on the approved list. O

P Q. Now let's look at paragraph 33 of your statement, on P
L page 63. L

M A. Yes. M

N Q. You said: N

O "(Partially in English) ... once CSCE had submitted O
P the sample materials submissions for the plumbing P
Q materials for approved by HA ..." Q

R In other words, they had been submitted. And you R
S said: S

T "... the same complied with the specifications and T
U the relevant British Standards (which may specify the U
V lead content (if any) in the relevant plumbing V

material), and such sample materials submissions for the plumbing materials were approved by HA" -- in other words, they have been approved by the HA -- "CSCE has complied with its contractual requirements with respect to the lead content ... of a particular plumbing material."

So is this rather incorrect? So, in other words, after the approval, the lead content of the materials have complied with contractual requirements -- so it is rather incorrect or inaccurate?

A. As far as I know, after our staff vets the samples or materials, it means they have complied with our requirements before they are being submitted to the Housing Department. After receiving an approval, we would notify the site staff that the materials comply with the contractual requirements.

Q. After the approval, you can inform your site staff, to tell them that the submitted samples are compliant, but it doesn't mean that they are compliant with contractual requirements, that appropriate materials are to be used eventually. Even if the samples are approved, it doesn't imply that contractual requirements are satisfied.

A. In the vetting process, I feel that the contractual requirements are satisfied.

Q. You said other work is still to be done after the approval. When the materials arrive on site, what kind of work is to be done? And under the hierarchy, when materials arrive on site, which staff or department would be responsible for receiving the goods?

A. I cannot say now who was responsible, because under the site management plan, the specific staff for different materials would be designated. Every construction site would derive a specific plan.

Q. In other words, in the same site, different staff would be responsible for checking and receiving different materials?

A. Yes, and the procedures would be different as well.

Q. So let's look at what has to be done after the materials arrive on site. Let's look at the subcontract. B10.4, page 26492.

In the middle of the page, there's a part called "Materials and craftsmanship". So, before party B delivers the material to the site, they have to notify party A ahead of time the material descriptions, the storage, venue, and so on, and after obtaining approval from party A, they can deliver the materials to the site.

Can you see this part?

A. Yes.

Q. So this is the first requirement. If notification must be given, in order to make prior arrangements, certain space has to be freed up for the materials. If they told you when the goods would be delivered -- for example, materials from the plumbing subcontractor -- after receiving a notification from them, would you have any documents or records on dates or time of notification from plumbing subcontractors? Would you have such records?

A. On the delivery of materials to construction sites, the company has a standard mechanism and that is an entry permit. Materials delivered by suppliers or subcontractors -- well, before they are delivered, they have to notify our site person in charge prior, by way of an entry pass or permit, which must be filled in ahead of time, and on the form they have to write down the types of materials to be delivered and delivery time, and the expected storage point. The site supervisor or foreman would look at the actual conditions on site and the works progress and see when the materials can be unloaded and stored, and the person in charge would decide whether or not to approve the batch delivery. Otherwise, an alternative proposal or storage point would be suggested. So this is part of our standard working procedures.

Q. On the delivery of solder, would you prepare such entry passes?

A. Well, this is a standard procedure. Whether it's construction materials or soldering material, we would still go through the same process.

Q. If solder is delivered, you should have certain records on the delivery time and date?

A. They would tell us the specific materials, and the site supervisor would look at the quantity, sizes and space required, before deciding whether or not they are allowed to enter the site. After the approval, the materials would be unloaded at a specific time and place.

Q. When solder is delivered, let's suppose they have communicated with your site staff. Would you have any records on the gate permits, on the delivery date and time for the solder?

A. I'm not sure if the sites -- if such permits have been retained at the sites after such a long time. But, as I understand, the deliveries must be made at an agreed time and venue. We do not request the sites to retain such records or permits.

Q. For the purpose of this Inquiry, have you asked your staff to look up your company records, to see whether any gate permits for such materials were retained for

this project?

A. No.

Q. After the counsel read out your statement, he asked you a few questions on the construction site. On the works themselves, you said there are standard working procedures?

A. Yes.

Q. You also said that for specific projects, there would be specific project management plans.

Now, I want to clarify an issue on this. The standard working procedures are to be adhered to for each project; right?

A. Yes, the standard working procedures were established by the company, and they apply to every project.

Q. You said that under the project management plan, there might be specific standards for certain projects, and those would be stipulated; right?

A. Yes.

Q. In the documents you submitted on the standard procedures for receiving materials, there are no specific documents. I found your standard material receiving procedures online and I would like to look into this issue with you.

Please turn to A3 in the bundle, page 2307. Let's look at page 2300 first. This is the first page of

C number 5 of your standard working procedures. As
D I know, the standard working procedures have different
E parts. This is on the construction phase and testing
F procedures.

Now, for the delivery of materials --

F MR PENNICOTT: (In English) Mr Chairman, sorry to interrupt.

G Could the witness just be advised of the date of this
H document before any further questions are asked?

H MR KHAW: (In English) Sure.

I (Via interpreter) The date is June 2009.

J If you take a look at the checking of materials upon
K delivery -- let me put a question to you about the
L standard working procedures. How often do you update
M the procedures?

M A. No fixed time frame for updating. This 2009 version,
N I am not sure if this is the latest version.

N Q. Right. In any case, let's stick with this 2009 version.
O Page 2307. Paragraph 5.3, "Materials checking
P procedures":

P "To ensure that materials used for the project
Q measure up to the contractual requirements, all
R materials, including the materials supplied by the
S owner, will have to be checked and tested upon delivery.
T It is only when the quality is set aside that they can
U be used for the construction work. All the materials
V

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	Day 22 B
C	that could not be checked and tested in time, it should	C
D	be properly marked. When they are found to be below	D
E	standard, they could be returned.	E
F	5.3.2. There is an officer responsible for the	F
G	checking. If necessary, the site agent can appoint	G
H	somebody else to assist. If there is no officer	H
I	responsible for checking of materials, then the site	I
J	agent can appoint somebody to conduct the checking."	J
K	So, first of all, with regard to Hung Hom and	K
L	Kai Ching projects, do you or did you have any	L
M	designated material officer on site?	M
N	A. As far as I know, yes.	N
O	Q. The material officer -- where does this post fit into	O
P	the supervisory hierarchy?	P
Q	A. They are part of the site staff.	Q
R	Q. What level of hierarchy? AQCC or site agent, foreman --	R
S	where does he fit in?	S
T	A. This officer is not listed in the hierarchy.	T
U	Q. Is there a department called "material department"?	U
V	A. Yes, we do have a specific officer responsible for	V
	materials.	
	Q. Which department does he fall into, in the hierarchy?	
	A. In the hierarchy, he falls into the site staff category.	
	Q. Yes, site staff.	
	Please have a look at the working procedures.	

I would like to refer you, lastly, to the next page.

2308, 5.3.4:

"The officer responsible for materials will have to look at the contract and delivery note and check this against the quantities of materials and to make sure that the information like the certificate, the country of origin and all the information should be there.

5.3.5. The officer has to check whether the materials are up to scratch. Under normal circumstances, he has to check against the approved sample. The sampling percentage can be with reference to the list of materials and the materials allotted in the list of materials. The sampling percentage can be decided after discussion with the contract owner, and this has to be listed in the project management plan."

5.3.5 expressly stipulates that all materials have to be checked, but in the list of materials, over the page, 2309, here there are a number of materials listed here, and there is no mention of soldering materials.

Be that as it may, on page 2308, 5.3.5, it says that even if materials are not in this list, the sampling and checking percentage should be worked out and should be put in the project management plan.

Now, with regard to soldering materials, what is the checking percentage?

A. We put together the plan and we would check the specified materials. As regards soldering materials, they fall outside the designated materials, and here it says that under the project management plan, it will be decide whether the materials will be checked, and if so the percentage of checking, and they will be specified in the project management plan.

So, with regard to solder materials, it was considered as a sundry, miscellaneous item, with low risk, and there is no specification in the contract that this has to be tested. So it's not put in the project management plan for checking.

Q. Let's have a look at the standard working procedures. Are you saying that soldering materials would not be included in the standard working procedures?

A. 5.3.5 stipulates that for the specified materials, they would be checked in accordance with the procedures. For materials not in the list, they would be put in the project management plan.

Q. Yes, but in 5.3.5, it says that if it is not in the list, then under the standard working procedures the sampling percentage will be worked out.

We saw from 5.3.1 that all materials will be checked. Are you saying that even though 5.3.1 says that all the materials have to be checked, but for some

reason certain materials do not include -- the materials do not include soldering materials?

A. Well, we have to fulfil the contractual requirements.

That's the overriding principle. And we would leave it to the project management plan to decide what materials would carry high risk and which have to be tested, and they will put them there.

Q. You said you have to work in accordance with the contractual requirements. Under the contract, there is a specific requirement for soldering materials.

Am I right in saying that for these standard working procedures, they refer to all materials and they should include soldering materials, shouldn't they?

A. I don't think I can agree with that.

Q. We looked at 5.3.5 a moment ago. If the materials are not in the list for checking, then you would work it out in the project management plan.

In terms of soldering materials, should they be put in the project management plan? Did you have any discussion whether they should be included?

A. We didn't have any discussion on that. I mentioned the situation that over the years, in the industry, solder materials were not considered as a high-risk item, and everybody regarded it as a miscellaneous item.

In the light of experience, we didn't encounter any

problem, we never realised that the solder material would cause so many problems. We didn't have this particular specification.

Q. Would you agree with me in saying this: for solder materials, the checking of soldering materials upon delivery, you did not fulfil the requirements under the standard working procedures?

A. No, I don't agree.

Q. Let's turn now to paragraph 24 of your statement.

Paragraph 24 says that the samples are submitted to the HA and approved.

"(In English) ... the plumbing subcontractor will supply the plumbing materials for the fresh water plumbing works as approved by HA/HD. I am also aware that HA/HD will check certain materials which they consider 'major' when they are delivered to the site and that such major materials which HA/HD will check do not include copper pipes and soldering materials. This is how the process has worked for all of [China State's] HA projects in the past."

Here, you have mentioned the fact that the HA has a system to distinguish what "major" materials are.

Are you saying that in the HA, they do have the form 6210?

A. Yes.

Q. F2/997. Form 6210, page 998. There are 30 or so items that have to be scrutinised upon delivery.

My question for you is this. In terms of scrutiny of materials, does China State follow the standard of 6210? If it is specified in this form, you would check; if not, you would not be checking as vigorously?

A. For Kai Ching and Hung Hom Estates, I read up on the documents. They would check the materials that are specified here.

Q. My question for you is this. The HD has form 6210 and they have specified all these materials for checking upon delivery to the site. You would follow these steps for these materials.

My question is, for materials that are not in this list, upon delivery does China State conduct any checking?

A. Under our standard working procedures, the list included would be tested, and the list might not be the same as the list 6210 by the Housing Department.

Q. So, in other words, the items included on 6210 would be tested by you, and you would also look at the list of items to be tested in your standard working procedures and they would be tested as well?

A. Yes.

Q. Apart from these two lists, would you not conduct

testing for other materials when they are delivered?

A. It depends on the project teams. If specific teams feel that there are high-risk items, they would test those items as well. So it depends, project by project.

Q. For Hung Hom Estate and Kai Ching Estate, on distinguishing high-risk materials from others, do you have any documents or guidelines to follow? For instance, if certain items are high-risk and others are low-risk. Can you produce such documents?

A. The scenarios differ project by project, so we would not issue standard guidelines for outside staff on which materials to test.

Q. Before the commencement of the projects, have you discussed which items should be classified high-risk?

A. No.

Q. During implementation, how would the frontline staff tell which materials are high-risk and which ones are not?

A. At the start of the projects, our project management teams are experienced enough to tell which materials are high-risk and which are low-risk, per contractual requirements. In the meantime, when problems arise, certain items might be converted from low-risk to high-risk items and they would be monitored and tested accordingly. So that's the way we operate.

As I said, the project management plan is updated regularly, and if necessary more high-risk items would be designated or included in the management plan.

Q. After the lead in water incident, you came up with an investigation report which was to be submitted to the Housing Department, and in the report, when solder was delivered, at the time no specific tests were done; do you agree?

A. Yes, that's what happened.

Q. On the receiving of materials such as solder, when your staff received the goods, when were the materials received and by who? Do you have such records?

A. For Hung Hom Estate and Kai Ching Estate, according to the documents, there's no documentary proof that our staff received the solder, and we realised from the subcontractor that the staff from the subcontractor received and stored the materials delivered to the site.

Q. As you said, on the standard working procedures, when materials were delivered, a material officer was responsible for checking the materials. So when solder was delivered, why wasn't any material officer responsible for checking and receiving them?

A. In our hierarchy, we have a materials officer, and his main job is to check the materials we procure. As main contractor, we procure a lot of materials. For

materials procured by the subcontractor, they have specific staff responsible for checking. So our materials officer would not check or receive the materials they procure.

Q. For the delivery of materials, your company did not ask the plumbing subcontractor to submit any purchase orders; right? You have no such requirement; right?

A. No, not for solder. For materials procured by the subcontractor, we do not require them to show us the purchase orders or delivery notes.

Q. For materials purchased by subcontractor, you do not have such requirement?

A. No, not according to the standard working procedures.

The site teams would make the call, to see whether these documents have to be submitted.

Q. On certain requirements, you recently found two delivery notes. What's your company's policy on the retention of delivery notes? Why did you only find two delivery notes but not more? So what's your policy?

A. As I said, our standard working procedures do not require subcontractors to pass us their delivery notes. And for those two delivery notes we found, I asked my colleagues when they were received. Generally speaking, our subcontractor would pass us the delivery notes for payroll purposes, and in such cases we can ask for these

delivery notes from the subcontractor. Sometimes, they would pass them to us without us asking.

Q. If you have no records of the delivery notes, when you encounter any disputes on the quantities or quality of materials, it would be difficult to tackle the issue?

A. Well, it really depends. As I said, we would monitor every step along the construction process. If we feel that certain materials delivered are high-risk, then we would work with the site teams to supervise the situation, unless there are hidden or latent problems. Along the process, we would be able to tell the quality of the materials, and any issues would be raised.

Q. For Prosperity Building Materials, in other words your materials supplier, when we look at their documents, for S1 -- let's start from page 79. Let's look at the project of Hung Hom Estate. Let's look at the delivery notes for the materials delivered for that project. On page 79, this is addressed to Golden Day, one of your subcontractors. The date was 17 March 2009. The second item is called lead-free solder, soldering wire. It was what you submitted to the Housing Department at that time.

CHAIRMAN: The lower part of page 79 has the words, "for sample and free of charge". Can you see those words at the bottom left?

MR KHAW: Yes, I see those words.

CHAIRMAN: Please continue.

MR KHAW: On the next page, page 80, we have larger batches, and the second item says "FRY lead-free soldering wire", there are 20 rolls. On page 81 we have a delivery note. On page 80 is the invoice, and this is the associated delivery note.

Starting from page 82, in the second item it says, "WL50 soldering strip". Apparently, this is different from the FRY lead-free solder, or soldering wire.

Before July this year, before the lead in water incident was exposed, were you aware of the difference between soldering strip and soldering wire?

A. No.

Q. Do you know that leaded and lead-free solder are available on the market?

A. Personally speaking, I was aware that there are different types of solder available in the market, with different compositions.

Q. In terms of the composition, were you aware that some were leaded and some lead-free?

A. Yes, I heard about it.

Q. Have you heard of this product, WL50 soldering strip?

A. No.

Q. From these receipts, from the invoice issued by

Prosperity Building Materials, there's an item called UK WL50 soldering strip. Apparently, this is different from the FRY lead-free soldering strip. So the description here is different from the contractual requirement.

A. When you -- yes, there's a difference, if I look carefully.

Q. Well, there are only two or three items on each invoice. You should be able to see this WL50 soldering strip.

A. Well, my view is that for staff, without special awareness, they might not be able to tell the difference at first glance, and they might not be able to tell the difference.

CHAIRMAN: Well, that's your personal view.

A. Yes.

CHAIRMAN: Let's continue after lunch. Let's resume at

2.30.

(12.58 pm)

(The luncheon adjournment)

(2.30 pm)

CHAIRMAN: (Chinese spoken).

MR KHAW: Mr Sung, before lunch we were looking at the Prosperity Building Materials Co Ltd and the soldering materials that were delivered to Hung Hom.

Let me put this to you, Mr Sung. If, at that time,

you asked to look at the delivery notes, you would have picked up easily the fact that the soldering materials delivered were inconsistent with what was submitted to the HA; would you agree?

A. At that time, people didn't have a high awareness of the risk of this material. They didn't know, before July, that this would pose such a risk.

Q. Before July, other than China State -- or China State, other than relying on the plumbing subcontractors to do a good job, in terms of the supply of soldering materials, China State didn't have any system whereby you tried to check the materials against the contractual requirements?

A. Before July, as far as the industry was concerned, we did not treat this miscellaneous item as carrying any risk, so we didn't have any system or procedures to test the soldering materials.

Q. Please refer to your statement. F1, page 70, paragraph 46.

Here, during the course of construction, you have some site teams to carry out site monitoring, supervision and inspections of the works, including plumbing works, and also periodically carried out joint inspections.

You are talking about the time when the construction

was underway, that's after the materials have been delivered?

A. Yes. During the course of work, the frontline staff, the site agent, the foremen, would within their own respective zones carry out inspections. They would monitor the progress, the workmanship, and whether the workers were in compliance with the drawings, and materials, whether they were consistent with the approved materials.

Q. In your statement, paragraph 52 on page 72, here it is said that without any admission of liability and with the benefit of hindsight, China State has taken various measures to deal with the matters arising after the incident occurred. In this regard, you refer to the paragraphs below.

Let me put this to you: do you agree that for Hung Hom and Kai Ching sites, China State could not fulfil the contractual requirements and provide suitable soldering materials? Do you agree that you didn't fulfil the obligations under the main contract?

A. I must emphasise that after the incident occurred, we felt regret about the incident, and we interacted with the Housing Department to resolve or to alleviate the disruption to the residents.

Q. In terms of your relationship with the HA or the HD, do

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you agree that you failed to fulfil your obligations under the main contract?

A. There is a contractual relationship between China State and the HA. I have to ascertain the extent of liabilities. It is not right for me to comment on the liabilities.

CHAIRMAN: We are not talking about liabilities here. We are saying that you failed to fulfil the contractual obligations under the contract.

A. From the contractual point of view, for the two housing estates, there were problems of lead in water, and it is caused by the lead in solder. Under the contract, in fact, it is specified that we have to use lead-free category. We do have some responsibilities there.

MR KHAW: Let me put this to you, finally. Was China State involved in any private developments?

A. Yes.

Q. For private residential developments, you were also involved?

A. Yes.

Q. In relation to private residential developments, in terms of the fresh water supply system, do they use solder joints or do they use the compression mechanical joints?

A. As far as I know, they mostly use soldered points.

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Q. For private developments?

A. Yes.

Q. When you handled the private developments, did you use any compression joints?

A. I didn't look at all the minute details of each and every contract, but as far as I know, for private developments, they use silver brazing for the joints, instead of other soldering materials.

Q. So as far as you know, either silver brazing or solder joints?

CHAIRMAN: No, he said "or silver brazing".

A. As far as I know -- I didn't look at all the contracts; I have read some of the contracts for private developments -- the jointing is actually silver brazing instead of soldering joints.

CHAIRMAN: Why? Why is that?

A. We didn't look into this. We didn't look into this issue.

CHAIRMAN: You didn't? My question is why is it that for private developments they use silver brazing instead of soldered joints?

A. I looked at the contracts and I noticed silver brazing, not soldering joints. I didn't look into the details of this.

COMMISSIONER LAI: You talked about the private developments

under China State?

A. Yes.

COMMISSIONER LAI: They used silver brazing?

A. I have read some of the contracts, yes, they specified silver brazing. It didn't mention soldering.

MR KHAW: F1, page 118.

CHAIRMAN: Let me ask this. You keep saying that the industry didn't realise that soldering carried such risk. Is it the case that in the industry they hardly ever used solder for jointing the copper pipes, when you talk about the industry?

A. As far as I know, in this industry, soldering is pretty common.

CHAIRMAN: We know that for public housing, it is quite common. We have read the report from the Institute of Engineers. The report says that in the private sector, they tend to use silver brazing more than soldered joints. You kept saying the lack of awareness in the industry.

Let me put this to you. The industry covers government projects as well as private projects. When you talk about the industry, you talk about the industry for the public sector housing that didn't have a high enough awareness, or is it the case that there was a lack of awareness for the entire industry? How do you

define lack of awareness? In the private sector, everyone uses silver brazing. It's only natural that they didn't know any problem about soldering joints. So what is the situation like? As far as you know.

We understand that there is a lack of awareness. It seems that the lack of awareness lies in the high-level management, but those on the front line, they are aware of the situation. This is what we can find out, from the evidence that we have heard.

A. For the industry, in terms of the jointing of copper pipes, we didn't know that there was a high risk. So, for private sector development and public sector developments, we didn't check or test the soldering materials.

CHAIRMAN: Carry on, please.

MR KHAW: F1, page 118. "Water environmental requirements", "Water quality survey". That's in relation to water quality, HK-BEAM 5.1.1. We did take the matter up with the Housing Department and also their understanding of BEAM.

Please have a look at this paragraph. In the main contract with the HA, this is clearly spelt out:

"(Partially in English) The contractor shall carry out water quality survey and submit report to demonstrate that the quality of potable water meets the

C drinking water quality standards as defined in C
D Guidelines for Drinking-water Quality ... prepared by D
E the World Health Organization (WHO) ... as per HK-BEAM E
5.1.1."

F I understand that there is a requirement in the F
G contract with the HA, and the contractors would like to G
H get BEAM 1 and there is such a revision, but here it H
I talks about the water quality survey and that is I
J arranged by the main contractor. J

K In terms of the water quality survey, you need to K
L engage private sector institutions to conduct the test L
M and come up with the reports. Now, in terms of this M
N water quality survey, which department of China State is N
O responsible for that? O

P A. Each project varies. In some projects, it doesn't P
Q specify HK-BEAM. Here, in this Kai Ching Estate, it Q
R specifies HK-BEAM. It is the site management team that R
S is liaising with the Housing Department to conduct S
T a water quality survey. T

U Q. Once we know that this water quality survey is U
V necessary, which department of your company would be V
responsible?

A. Our site management team would be responsible.

Q. Here, some WHO standards and guidelines are mentioned.
At that time, during the certification process for BEAM,

was any department of your company responsible for meeting such standards?

A. As I said, the site management team would work with the Housing Department for this survey. According to the contract, we have to work with the Housing Department on this survey. No specific staff were assigned to study the WHO standards.

Q. So, as far as you know, no separate study was conducted on the WHO standards?

A. No.

MR KHAW: I have no further questions.

CHAIRMAN: Any questions? Mr Ho?

Cross-examination by MR HO

MR HO: Let me go first.

Mr Sung, this morning the counsel raised a number of questions on contractual requirements. If copper pipes are to be used, non-leaded solder is to be used; is that right?

Have you personally read the relevant specifications in the contract?

A. Yes. I read them afterwards. I didn't read them before but I read them after the incident in July.

Q. This morning, we talked about the project management plan and the standard working procedures. I would like to show you two other documents. (Handed).

Let's look at a document from 3 August 2015 on Kai Ching Estate. It was dated 3 August. Do you see the covering letter from your company to the Housing Department? It was on the submission of subcontractors' management plan. Do you see that, the subcontractors' management plan?

A. Yes, I see that.

Q. Do you see that?

A. Yes.

Q. It was on the subcontract for Kai Ching Estate.

On page 39886, for the page number at the bottom -- on 39886, it was dated 28 July 2010, which was the commencement date of the Kai Ching Estate project.

In this subcontractors' management plan, it was submitted in accordance with SCC175 of the Housing Department; do you see that?

A. Yes.

Q. Now let's look at the next page, 39887.

A. Yes.

Q. In paragraph 1.1, the objective of this subcontractors' management plan was stated. So, basically, the goal is to manage the quality so that the subcontractor knows what to do; is that correct?

A. Under this management plan -- it was on the management of subcontractors -- at the same time, we would let our

subcontractors know what to do.

Q. Now please look at 39893, paragraph 3. Paragraph 3.1, "Construction management". Quality control and quality tests were mentioned; do you see that?

Do you see that?

A. Yes.

Q. At the end of 3.1, a working group on site quality was mentioned. Now, for this working group, there's a specific list. Let's look at page 39908.

A. Yes, I see that.

Q. Now, on the list on 39908, there were a total of 17 people in this working group on site water quality.

Now please look at page 39931. This is the hierarchy, which is similar to the supervision hierarchy in your witness statement. Do you see that?

A. Yes.

Q. In this working group on site quality -- please look at 39908 again -- the leader was Mr Ho Fei. He was the senior site manager, according to your hierarchy, in the area under the dotted line, "Site office", so Mr Ho Fei was the head of that part.

Now we can compare who belonged to the site office and their specific roles in terms of the working group on site quality. You can make a comparison here.

Please look at page 39908 again.

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 22	
C	Apart from Mr Ho Fei, there's a vice manager and	C
D	members. Members include Mr Au, the site agent, Ma Ming Ching; this is Derek Ma?	D
E	A. Yes, should be.	E
F	Q. He was the quality assurance or quality control manager?	F
G	A. Yes.	G
H	Q. And we have two AQCCs, Mr Ng Kwok Fai and Lam Yiu Chung; correct? We have quite a number of AQCCs.	H
I	A. Yes, Ng Kwok Fai.	I
J	Q. Lam Yiu Chung was also an AQCC; right?	J
K	A. Yes, Ray Lam.	K
L	Q. Further down, do you see Patrick Leung, who was the senior building services engineer?	L
M	A. Yes.	M
N	Q. We have two more building services engineers, Luk Chung Man and Lam Kai Wong?	N
O	A. Yes.	O
P	Q. Now, further down, for site foreman and we have deputy foreman?	P
Q	A. Yes.	Q
R	Q. This team included the site manager and those further down the hierarchy, for example AQCC and quality control manager or building services engineers, and we have some frontline staff such as foremen; right?	R
S	A. Yes.	S
T		T
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A *Annex: Realtime English Transcription based on floor / Simultaneous Interpretation* A

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 22 B

C Q. So, basically, the site quality team, were they C
D responsible for controlling the quality and quantities D
E at the site? E

F A. All the staff listed here were responsible for managing F
G project quality and quantities. G

H Q. However, this team was dedicated in monitoring the H
I quality and quantities of the work sites; right? I
J A. Quality control was one of their duties. J

K Q. After you submitted this subcontractors' management plan K
L to the Housing Authority, it means this team would L
M supervise the quality and quantities of the M
N subcontractors on site; right? N

O A. Yes. O

P Q. All right. Let's go back to page 39894, the third P
Q point. Under paragraph 3.3, there's a paragraph on Q
R management of materials; do you see that? R

S A. Yes. S
T Q. Let's look at 3.3.1 first. It says: T
U "All construction materials must be submitted and U
V preapproved by architects or engineers." V

Q So, in other words, AQCCs and BSEs; is that correct? Q

R A. They must approve the materials. R

S Q. In 3.3.1? S
T A. Yes. It says, "All construction materials must be first T
U submitted -- the samples of which must be submitted for U
V

approval by architects and engineers. Please refer to the Housing Department's architects and engineers."

Q. Not your engineers or architects?

A. No.

Q. This is on how you manage the subcontractors.

A. For the approval of materials, we must first seek

approval from the Housing Department's architects and engineers, before the subcontractors can procure the materials.

Q. But according to your witness statement, you said some samples had to be submitted to the Housing Department for approval?

A. Yes.

Q. That's why your own AQCCs and BSEs must first approve them?

A. Before we send these materials to the HA's CAs and CBSEs, our AQCCs or building services engineers would first vet the samples and information submitted by the subcontractor, to see if they are compliant with the contract. If there are any issues, we would ask the subcontractor to take rectifying action.

Q. (Chinese spoken) ... to the BS engineers and then they will be submitted to the AQCC for vetting. That's in paragraph 22 of your statement?

A. Correct.

Q. BSE and AQCC vetting the samples, this is to make sure that the samples submitted will be consistent with the contractual requirements?

A. Yes.

Q. Let me refer you back to the subcontractor management plan, 3.3.2:

"The subcontractors will go to the site agent to seek a place for the storage of the materials."

Mr Khaw asked you about the project management plan.

A. Yes.

Q. Here, it doesn't say what materials will be dealt with, by what means. It merely says that all materials delivered will be covered.

A. Here, 3.3.2, I mentioned the access paper. This is what this is all about.

Q. So it doesn't make any distinction between major items and other items. All materials will be subject to the same procedures; is that right?

A. Yes. I mentioned all materials that are delivered to the site would be subject to gate access paper. So, at a certain point, they would be allowed in.

Q. So this site agent knows what materials found their way into the site and when; is that right?

A. Now, we have these standard procedures for the site. In order that the site agent would be able to facilitate

the delivery of the materials to the site. If materials are allowed in inappropriately, then it would present problems to the transportation and also the construction procedure. We have to have some procedures.

But we didn't ask the site staff to look at the materials. They would know what sort of materials, but they would not go into detail about each and every item. There may be a lot of materials that are delivered to the site.

Q. What I am trying to drive at is that if they wanted to know, they would know, because materials would go through them, and they would know when the materials were delivered and where they were stored, and they would also know -- if they wanted to find out, they would be able to.

A. I agree with you that they knew what materials they were, although they didn't know the minute detail of each and every item.

Q. This site agent, this site quality working group, Mr Lam Man Kwong and Mr Yeung Dor Fook, sitting on this working group, they are there to monitor the quality and quantities of the materials?

A. Yes.

Q. Please refer to 3.3.3.

"The materials are delivered to the site and they

are arranged to be stored in a certain place."

Now, there is this document called "material storage plan" in 3.3.3?

A. Yes.

Q. Please refer to page 39912. At page 39912, there is this material storage plan. Take a look at it yourself. There are six items there.

Now, let me put this to you. If you are talking about copper pipes and soldering materials, where do they fit in among these six items?

A. They are not shown here in this plan.

Q. This is related to 3.3.3. All materials delivered on site will be subject to this storage plan. They will be stored somewhere. That's in 3.3.3. Copper pipes and soldering materials, where do they fit in among the six items?

A. I said this morning that we have a project management team and a subcontractor management plan. They are updated on a regular basis. As we went along, the plans are subject to regular updating. Now, after updating, some of the items may not have been put there, but surely at different stages the plans would be updated periodically and they would direct the materials to be stored in a certain way.

Q. I understand that this subcontractor management plan

will cover a whole lot of different subcontractors, but let's deal with the plumbing subcontractors. Plumbing is not about doors or door frames. It may have to do with hardware items.

A. Copper pipes, plastic pipes or cast iron pipes, these are large-size materials. We don't call them hardware. We call them pipes. They take up quite a bit of size and the site agent will arrange for a certain spot for them to be stored because of their sheer size.

Q. I am merely looking at this subcontractor management plan. I see this storage plan, and this is only one page here. Have I got it wrong: you said that there may be periodical updating, some revision -- depending on the time, there may be some revisions. Is that what you are saying?

A. Well, depending on the progress on site, at different stages the storage plan would be put together, and this will not be updated on a monthly basis, but at the subcontractor progress meeting we would talk about the storage plan.

Q. Would this working group be updating the storage plan on a regular basis, the working group that I referred to a moment ago?

CHAIRMAN: Let me put it more directly. For the soldering materials, have they at any stage been put into the

storage plan, material storage plan?

A. No. The answer is no.

CHAIRMAN: Not copper pipes?

A. This plan is updated regularly, and pipes would be put there on a regular basis. But soldering materials, we would never dictate that they be put in a certain place.

It is for the subcontractors.

CHAIRMAN: So the subcontractor would bring the soldering materials into the site? They don't have to follow this 3.3.3 management plan?

A. The site team doesn't have any arrangement for the soldering materials.

MR HO: Let me follow up on one question. In this storage plan, A, B, C, D, E, some have to be under lock and key, some are put without any cover.

CHAIRMAN: But let us not talk about the copper pipes.

MR HO: Let's deal with the soldering materials.

CHAIRMAN: Soldering materials never found their way into the list.

MR HO: There would be an arrangement for them.

CHAIRMAN: No arrangement.

So when you put questions -- I don't really want to instruct you how to put questions -- but please make it direct, because we may be going around and around in circles, without getting to the point.

MR HO: Let's have a look at the Hung Hom subcontractor management plan. Page 39829.

CHAIRMAN: Is it the same, similar?

MR HO: They are similar, basically.

CHAIRMAN: We don't even have to look at that. Why don't you put the question direct?

MR HO: So what you said also applies to this Hung Hom site?

CHAIRMAN: (Chinese spoken).

MR HO: It does apply to the Hung Hom site? The structure -- the personnel may be different between the two sites, but in terms of a system they are the same?

A. Yes.

Q. If I may refer you to some contractual terms. Regarding the monitoring of the entire project, this is a large portion. I have highlighted some of them for you.

Please refer to general condition 17, on page 2 of your bundle. 17 is saying that as the contractor you have to give or provide superintendence service for the fulfilment of contractor's obligation. Can you see that?

Paragraph 2 is about the site agent. Towards the end: the site agent has to be constantly on the site and give the whole time to his superintendence work.

A. Yes.

Q. So he has to be there full time, all the time, to

supervise the work?

A. Yes.

Q. I would like you to turn over to SCC6. Here,
"contractor's superintendents" was also mentioned.
I won't read out everything.

I would like you to look at PRE.B6.136P on SCC6
again. It was on the contractor's responsibility on
superintendence. PRE.B6.136P.

A. Yes, I see that.

Q. About SCC6. A quality control manager was required.

Now please turn over to the part on AQCC. Do you
see that?

A. Yes.

Q. I would like you to look at (b) and (c) under "AQCC
responsibilities", (c) and (d) under "AQCC's
responsibilities". Under AQCC items (c) and (d); do you
see that? The AQCC's responsibilities were laid out
very clearly. He had to support the quality control
manager in inspecting and checking the works, respond to
queries and endorsing all relevant documents.

The following items were to be checked and endorsed;
do you see that?

A. Yes.

Q. I would like you to look at (iii) and (iv). He had to
look at the sample submissions, and under item (iv) had

to check the materials submission delivered on site against the samples. Do you see (iv)? So the AQCC's responsibilities were laid out very clearly.

Whenever materials arrive on site, the AQCC has to check them against the approved samples; do you see that?

A. Yes.

Q. So no distinguishing is made between small fittings and major fittings? There's no distinguishing between what the AQCC has to check.

A. Can you repeat your question, please?

Q. I would like to put it to you that under AQCC responsibilities, he has to help the quality control manager, and in particular he has to check the following items, and in the fourth item -- well, the fourth item was on materials delivered on site; they have to be checked against the approved samples.

A. As far as I understand, the AQCC would follow the 32 major items under form 6210 of the Housing Department.

Q. Where does it say it here, that only those items under 6210 are to be checked?

A. This wasn't specified.

Q. Since you have to comply with the specifications under the contract, even for materials not listed on the form 6210, as a contractor, since you have promised to use

materials in the specifications only, you have
a responsibility to check them?

CHAIRMAN: What about the HD specifications? He is
a contract party. That is why I am putting this
question to him. Under PLU1 and PLU2, you did not ask
them to submit the samples. I know you are putting this
question to him, but your question has to be reasonable.

When your management came, what they said is not
like that.

MR HO: My question is, as a contractor who promises to
fulfil the specifications, do they have to check those
items?

CHAIRMAN: So do you mean that they have to do it, and he
said you didn't do it.

A. During the project stage, our staff would follow the
HD's request on checking certain materials, and we would
check the same materials. So our understanding all
along has been to follow the list of 30-odd materials
provided by the Housing Department.

MR HO: But the contractual obligation is beyond those
30-odd items. Under the specifications, there are other
terms.

A. As I understand, the on-site project team would instruct
us on what to do.

Q. I am referring to the responsibility of the use of

materials. Under the contracts, the obligation is beyond those 30-odd items. Under the specifications, there are many terms and clauses or parts; right?

A. I agree with your view, based on the wording on the contract. But in the actual execution, we would follow the HD's instructions.

Q. I would like you to look at B6.440.P. PRE.B6.440.P.

Excuse me, it's 6.440; do you see that page?

Do you see that? Do you see the words "SCC176 contractor's management team"?

A. Yes.

Q. The second-to-last page, and the composition of the contractor's management team was laid out; do you see that?

A. Yes.

Q. In the second part, it says the team must be on site full-time?

A. Yes.

Q. Please look at your own witness statement, paragraph 32.

A. Yes.

Q. In paragraph 32, in part (i) you said:

"(In English) The plumbing materials should comply with the specifications in the main contract requirements ..."

You are aware of this; right? You were aware that

plumbing materials had to follow specifications in the main contract requirements; you were aware of that; right?

A. Yes.

Q. (iii) -- at the top of page 62, in the last line, you said you understand from your colleagues that there is a provision in the main contract relating to the use of lead-free category solder in the jointing of pipes. And you mentioned this again in paragraph 38; right?

A. Yes.

Q. Now back to page 62, item number (v), which says:

"... there is neither any provision in the main contract requirements ...", and so on and so forth.

From subitems (a) to (f), there's no need to test or inspect anything. That's what you said; yes?

A. Yes.

Q. Did you mean that you weren't asked to make any inspections or tests, but you were obliged to fulfil specifications in the main contract; whether you were asked to test or inspect anything was irrelevant, is that correct?

A. Under the contract, the solder used had to be lead-free and this was very clear. We knew about it. It was a fact. The tests and inspections were not mentioned on the contract.

Q. We did not mention tests or inspections in a lot of materials, but you had to fulfil the various parts of the specifications.

A. In paragraph 32, according to the contracts, nothing was specified on tests or inspections.

Q. In part (v), you said it wasn't provided for in the contract that inspections and tests had to be made and you were simply playing with words when you said that you weren't asked to conduct any tests or inspections. But the key was you were aware that the main contracts had to follow the specifications.

A. I merely gave my findings and what the contract said. At that time, over the course of construction, nobody knew the impact of soldering material.

Q. Yes, we heard it before.

A. Having learned about it, we established a series of initiatives including tests and inspections, and right now the Housing Department is doing it.

Q. You said it before, you told us already, that you weren't aware that leaded solder was high-risk.

I would like you to go on to paragraph 33. Apparently this is a summary of what you said in paragraph 32. You said -- in short, after the samples were submitted and approved by the HA, in the last line you said:

"... [China State] has complied with its contractual requirements with respect to the lead content ... of a particular plumbing material."

Mr Khaw asked you about this line and I would like to put a question to you again. Since you knew that you had to comply with the specifications, even though your samples were approved by the Housing Authority on lead-free material, 99C lead-free solder, would the approval of the 99C lead-free sample mean that you have fulfilled the contractual requirements automatically?

A. Well, I said that under the contract, it specifies lead-free category, and we got the compliant materials from the subcontractor, and the subcontractor procured the materials. It's just that during the process we didn't consider that to be a high-risk item and we didn't conduct any particular test on them. That was considered a low-risk item at that time. With the benefit of hindsight, after July, this is a serious matter that impinged on water quality.

Q. Yes. This morning, when you gave the evidence you said similar things already -- the HD approved the samples. Why is it that you considered that your obligation regarding the lead-free soldering material has been fulfilled? It simply is not the case.

A. Let me repeat that I said. Under the contractual

C requirements, we submitted the lead-free samples to the C
HD for approval, and then we asked the subcontractor to
D procure. D

E MR HO: No further questions. E

F CHAIRMAN: Mr Wong? F

F Cross-examination by DR WONG F

G DR WONG: Mr Sung, on behalf of the Water Supplies G

H Department, I would like to put some questions to you. H

H Paragraph 17(iii), page 58: H

I "(In English) Golden Day and HBK are specialist I
J plumbing subcontractors who have been previously J
K involved in and had completed many HA projects in K
L Hong Kong. They are therefore clearly aware or should L
M have been aware of the statutory requirements and HA's M
specification requirements for the fresh water plumbing
works." M

N Basically, it was saying that Golden Day and HBK N
O should be aware, because they are specialists. This is O
the only reason, is that right? O

P A. You are talking about paragraph 17? P

Q Q. 17(iii). Golden Day and HBK are clearly aware or should Q
R have been aware of the statutory requirements, and the R
S HA specification requirements. You said this -- is it S
T because Golden Day and HBK are specialists; it's the T
U only reason why you said so? U
V

C A. Golden Day and HBK are subject to a subcontract which
has to follow the requirements of the main contract.

D So, when they entered into the subcontract, they were
E fully aware of the fact that they had to fulfil the
requirements under the main contract.

F Q. Let me put this to you. Did China State at any point
G talk to Golden Day and LP about the contract, regarding
H the specific requirements to do with the plumbing
system?

I A. Golden Day and HBK have undertaken quite a lot of
J projects for many years.

CHAIRMAN: How many years? Roughly how many years?

K A. Looking at the contractors list, HBK since 1992.

L CHAIRMAN: Golden Day?

M A. I didn't check specifically for Golden Day, but it
started being there since 1990s.

N CHAIRMAN: For about 20 years now.

O A. So all these years we include the requirements in the
subcontract from the main contract. We would talk to
P the subcontractor that they had to follow the
requirements under the main contract, and they were
Q fully aware of the legislative requirements.

R DR WONG: So HBK, I presume, would know fully that the
soldering materials should be lead-free?

T A. I presume they should be aware.

Q. Paragraph 28, please, of your witness statement.

Page 61.

CHAIRMAN: China State, other than the Housing Department project, you also undertook projects from the ASD, the Architectural Services Department?

A. Yes.

CHAIRMAN: And for these projects, you would deal with the plumbing system and the pipes?

A. Yes.

CHAIRMAN: HBK and Golden Day, were they involved in any projects under China State that have to do with the ASD?

A. Yes.

DR WONG: In paragraph 28, you said:

"(In English) In the course of the above approval and certification processes, [China State] co-ordinated and liaised with the LP and HA to ensure that parts I to V of form WW046 were endorsed, submitted and approved on time and that such endorsements, submissions, and approvals were circulated to the relevant parties so that each party knew what had been done and could therefore proceed to the next part (if any) of the projects."

Mr Sung, the submission of WW046 to the WSD is for their endorsement and approval. One of the conditions is that the materials had to be in accordance with the

WVO and the British Standard and that the materials should be lead-free.

A. Yes, I know that we have to follow the WVO.

Q. "(In English)... China State co-ordinated and liaised with the LP and HA ..."

What sort of co-ordination and liaison are we talking about, to make sure that when you submitted the form to the WSD, you would use lead-free solder? What sort of co-ordination and liaison were they?

A. When we submitted the form to the WSD for work to be undertaken, and also, when work is completed, we had to report to the WSD, we would assist the licensed plumber, to make sure that the procedures would be followed, without compromising the progress.

Q. Is that it? Nothing else?

A. We would facilitate the subcontractors in their work on site. If they had to arrange for inspection, we would facilitate that. If a water sample had to be taken, we would facilitate that to happen. So, in the whole process, we would facilitate the procedures.

Q. Nothing else? All right. Thank you.

Paragraph 39(i).

A. Yes.

Q. This is about your understanding. Mr Richard Khaw asked about this. I would like to put this to you again:

"(In English) Accordingly, although I am not an expert in such matters it seems logical to conclude that such Plumbing Materials which are acknowledged to contain lead might therefore leach lead into drinking water."

So you were aware of this particular risk, weren't you? So it was a logical conclusion, wasn't it?

A. Before the incident, awareness of this risk was low.

Q. But here you said "logical to conclude".

A. Yes.

Q. So you had this awareness?

CHAIRMAN: They were aware of the risk although they didn't know the level of the risk.

DR WONG: I have no further questions.

CHAIRMAN: That's my speculation.

DR WONG: Is the chairman's speculation correct?

A. I had a low awareness of this.

CHAIRMAN: First of all, did you know the risk existed? If you didn't know the risk existed, then you wouldn't ascertain the level of risk; is that right?

A. Agree.

CHAIRMAN: So the question is: do you know there is such a risk to start with? From what you said, you didn't even know that the risk existed. If you didn't even know the risk existed then let's not talk about the

level of risk. So what's your awareness?

A. Before July, our awareness was none. We didn't know that there was such a risk.

CHAIRMAN: So you didn't know there was such a risk. Are you with me? Once you became aware of the risk, then you would have said how high or how low the risk was, and then you decided to do something about it.

So, before July, did you know the existence of such a risk? Let's not talk about the level.

A. Before July, as far as we are concerned, we did not have this awareness.

CHAIRMAN: So the answer is no.

DR WONG: I have no further questions.

CHAIRMAN: Mr Lee, are you going to put questions?

MR LEE: Yes.

CHAIRMAN: Let's take a break for ten minutes.

(3.44 pm)

(A short adjournment)

(3.58 pm)

CHAIRMAN: (In English) Mr Lee.

Cross-examination by MR LEE

MR LEE: Chairman, Mr Sung, I will only ask a few questions.

First of all, does your company, China State, work on private projects? Do you have lot of private projects?

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 22	
C	A. Not a lot.	C
	Q. Do you have more private projects or public projects?	
D	A. Around 50/50. We don't have a concrete figure.	D
E	Q. In other words, the lead in water incident in public	E
F	developments might also exist in private developments as	F
	well; is that correct?	
G	A. I cannot answer this question.	G
H	Q. The issue of leaded solder, would it be the same or	H
	different in private developments?	
I	A. We looked at a few contracts for private developments,	I
J	and silver brazing was used. We have not heard of any	J
	issues for our private developments.	
K	Q. Can you tell the Commission for sure that the private	K
L	developments you were in charge of have not seen similar	L
	issues of lead in water?	
M	A. To date, we have not detected any issues.	M
N	Q. Have you tried to find out if there are any issues?	N
O	A. No.	O
	Q. Thank you.	
P	Would the same staff or subcontractors be employed	P
Q	for private developments?	Q
R	A. For private developments, in most works contracts, there	R
	would be nominated subcontractors by the landlord.	
S	Q. Would companies like Ho Bui Kee be employed?	S
T	A. As far as I remember, for private developments,	T
U		U
V		V

Ho Biu Kee and Golden Day were never used, as far as I remember. But I have not checked the relevant records.

Q. What about for the licensed plumber? For Mr Lam Tak Sum, would he be in charge of private developments?

A. We have no information on him.

Q. Does it mean it's possible?

A. He might be, but we would have to check the records.

Q. Is it that you don't feel the need to check your records?

A. We didn't look at the private developments.

Q. No, did you ever think that since the problems arose in public housing, the same problem might arise in private housing, or am I the first one to put this question to you?

A. Please repeat your question.

Q. Am I the first one to raise this question with you, that this lead in water incident might happen in a private development? Before I put this question to you, did you ever think about this? Did you think about this?

A. We didn't think about this issue because we didn't receive anything about this from the owners.

Q. So if there are complaints, you would try to find out?

A. For the private developers, once they are completed, the ownership doesn't lie with us. We cannot go in and

conduct any tests.

Q. Many owners are not aware of the licensed plumber and there may be a lead in water problem. Are you with me?

A. We didn't look at the licensed plumber for individual projects in the private sector.

Q. Because there were no complaints?

A. We never received any complaints about this.

Q. The other thing I would like to put to you is very straightforward. In your company, Mr Sung, in terms of hiring people, were you involved in the process of hiring people?

A. Those ranking below me, I was involved in the recruitment.

Q. Now, you have taken up a lot of government jobs. Maybe there are some who used the work as works supervisor or clerk of work in the government. If they had this kind of experience, would you give them a higher score and there would be a better chance for them?

A. No.

Q. They are experienced people; why not?

A. When we hire people, we look at the experience and not the background.

Q. But if they have work experience and have worked for the government, would they stand a better chance?

A. We don't have this as one of the criteria.

Q. So there is no written criteria like this?

A. When we hire staff, we would look at the experience. At work, we are contractors. We would tend to hire people with experience in contracting work.

Q. But if someone works as works supervisor in the government, that would count as good experience?

A. I don't think I can agree.

MR PENNICOTT: (In English) Mr Chairman, sorry to interrupt.

I have been trying to be as patient as possible, but I really don't see where this is going. Government employees --

CHAIRMAN: I think Mr Lee is done with his questioning.

MR LEE: I am trying to put two questions.

Chan Siu Wing -- do you have Mr Chan on staff?

A. Chan Siu Wing is the project manager. Many years ago, he worked as works supervisor in the Housing Department, many, many years ago, that was before me, dealing with the hiring.

Q. That was 1985 to 2000; is that right?

A. More or less.

Q. The other one, Lee Hung Fai, 30 years' experience in the construction trade. For 18 years he worked for the Housing Department at the Works Department. Are you aware of that?

A. No.

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Q. Is Mr Lee your staff?

A. For hiring of the foreman rank, I wasn't involved.

Q. My question is, if they have the experience like this, they must be familiar with the HD angle, and they would know what areas the Housing Department might be concerned about; would you agree?

A. Not necessarily. Not necessarily.

Q. Okay.

The third thing I would like to put to you is this.

The precast structures -- you know what I am driving at -- precast components, from our information, the first time it was used was in Kai Ching Estate; is that right?

A. You mean the precast toilet? Yes, Kai Ching was first with this methodology.

Q. Kitchen?

A. Also Kai Ching was the first housing estate that we tried it out.

Q. Do you still use this methodology?

A. No, not anymore.

Q. After this, you never adopt this methodology anymore?

A. We haven't tendered any HA project with this methodology.

Q. Kai Ching was first, was the only one, wasn't it?

A. I don't have any particular information, whether this

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 22	
C	was HD's first.	C
D	Q. But what about yours?	D
E	A. Yes, Kai Ching was first.	E
F	Q. Never again?	F
G	A. No, not again.	G
H	Q. Why? Can you tell us why, why you did it once and never again?	H
I	A. We didn't tender any more projects with this methodology.	I
J	Q. So, when you were awarded the project, this was specified?	J
K	A. Yes, it was specified in the contract.	K
L	Q. In the government contract?	L
M	A. Yes.	M
N	Q. So we should put the question to the government instead of you; is that right?	N
O	A. Let me clarify. According to my information, the Kai Ching contract specified precast toilet, and we proposed that for two blocks, we tried this methodology in two blocks, and this is not in the contract. For the kitchen, we tried them out in the two blocks, and this is what we proposed in tendering.	O
P	Q. So all toilets used precast components?	P
Q	A. Yes, that's under the contract.	Q
R	Q. But for kitchens, you proposed two, two blocks, and the	R
S		S
T		T
U		U
V		V

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 22 B

C government accepted? C

D A. Yes. D

E Q. So these precast components were produced in China. E

F Where in China? F

G A. Not that I am aware of. G

H Q. Didn't you pay a visit? H

I A. Yes, we did pay a visit. I didn't follow this I

J particular project, so I don't really quite know where J

K they were built. K

L Q. But Kai Ching got into trouble. So, for Kai Ching L

M Estate, if the water came out of the tap was M

N problematic, presumably it has to do with the precast N

O components? Didn't you see that? O

P A. I don't have the information regarding the precast P

Q components. Q

R Q. You don't have the information? Nobody gave you any R

S information in this regard? Nobody gave you the S

T information, so you don't know about it? T

U A. For the precast components, the lead in the plumbing U

V system exceeded the limit in terms of lead. V

Q. For these precast units, for the toilets in Kai Ching

R Estate and the wall precast units, if people turn on the

S tap and they got water, boiled it and drank it and the

T water went inside them --

U A. My information is that for precast components, not all

V

of them were manufactured in the factory. Because of the progress, some of the components made in the factory didn't come with any taps or any pipes. Some do, some don't.

Q. What percentage of the units came with pipes and taps?

A. I haven't got a figure.

Q. Have you ever tried to find out the figure?

A. No.

Q. Do you still feel that the precast units didn't cause any problems?

A. I wouldn't say "yes" or "no".

Q. This is by logical deduction. Kai Ching Estate, one of my clients has been caught out. He lives in Kai Ching Estate. I am representing someone like this. His pipes -- he got water from the kitchen or he got water from the toilet -- now, you don't know about the situation.

CHAIRMAN: I don't think I understand your question, Mr Lee.

Let me clarify. Let me clarify this.

The precast components were manufactured in China?

A. Yes.

CHAIRMAN: So these precast components, are the pipes concealed? No, they are not concealed, they are exposed?

A. Right.

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 22 B

C CHAIRMAN: For the precast toilet components, some come with C
D the copper pipes, and then they are sent to Hong Kong; D
E right? E

F A. Yes. F

G CHAIRMAN: Once they are sent to Hong Kong, the pipes would G
H be connected with the water supply. H

I A. Yes. I

J CHAIRMAN: In other words, in the toilet, if lead is J
K detected in the water, the problem may stem from the K
L pipes, and they were fitted on in the mainland, or the L
M problem may stem from the connecting pipes, going all M
N the way to the rooftop. N

O I am not sure which section the problem stems from O
L either way; is that right? L

M A. Yes. M

N MR LEE: So there may be problems from both? N

O CHAIRMAN: Yes, there is such a chance. They don't know. O

P MR LEE: So at this point in time, you don't have any P
Q information to share with the Commission? Q

R A. I don't have information with me. R

Q Q. Are you prepared to find out about this? Q

R A. Yes, we would. R

S MR PENNICOTT: (In English) Mr Chairman, what information S
T does Mr Lee want? T

U CHAIRMAN: Mr Lee, I am not sure whether you have received U
V

that in fact the Government Laboratory did conduct some test, they cut off some pipes. Have you ever read this kind of information?

MR LEE: Yes.

CHAIRMAN: So they have conducted tests and the results are available?

MR LEE: For my client --

CHAIRMAN: We don't know where your client is living. Where is he living? We don't know which unit or floor he or she is living in.

MR LEE: There are some problems there.

CHAIRMAN: We want to ascertain what exactly you are trying to ask. If you say that the clients you are acting for, you would like to find out, in his unit, whether the problem stems from the precast components or whether the problem stems from the pipes before connecting with the units. If this is the case, you had better put the question to the Housing Department.

MR LEE: Well, I can put questions to both.

CHAIRMAN: You can put the questions to the Housing Department.

MR LEE: Yes, we would like to ask for more information in this regard.

CHAIRMAN: Yes.

MR LEE: Yes, I can proceed like this, because this is not

just for my client. I am talking for the sake of the entire population in Hong Kong. Kai Ching Estate would like to find out more.

CHAIRMAN: All of them will be replaced. We don't have to find out where. We heard from Ms Ada Fung that there will be re-plumbing, and that, according to the director, is at the main contractor's cost.

MR LEE: Chairman, perhaps we can submit a written question.

CHAIRMAN: If you want to know about specific location or development, you can do so.

MR LEE: I have one more question. This morning, you mentioned the project management plan, and under this plan, was there anything about the prefabricated units? Did you include those prefab units?

A. The quality plan for prefab units was a separate plan.

Q. In other words, it wasn't under the project management plan; right?

A. Yes.

Q. You told us today that you did not feel that there is any risk. If you are confident in your own company that there will be -- if you feel that there's little risk because you are confident in your company, then I would understand.

CHAIRMAN: I don't really understand what you mean.

MR LEE: He said no --

CHAIRMAN: No, he said he didn't know that there is a risk.

MR LEE: Is there a difference, when you say you did not --
you were unaware of the risk or that you didn't feel
that there's a risk, there's a difference?

A. Personally speaking, every step along the construction
process carries some kind of risk. The key is to assess
the level of risk, whether it's high or low, and we
would adopt measures accordingly in order to avoid
problems.

On the issue of solder, before July we had no
knowledge of such risk, and as such we did not have any
measures in place.

Q. All right. Thank you very much for the clarification.

You knew the HK's requirement that soldering
materials could not contain lead. Now you have
subcontracted the project, but you still didn't realise
that there's a risk and that the risks wouldn't be very
low?

A. Looking retrospectively, we did not have a high
awareness of such risks.

Q. I am telling you that this is wrong. After
subcontracting the project, you wouldn't know how much
money the subcontractors made?

A. Now we understand that there are certain risks and as
such we have measures in place to monitor the delivery

and receipt of materials for subcontractors and so on.

Q. So back then you didn't know it was high-risk but now you do; right?

A. Yes.

Q. Why didn't you feel that it was high-risk? The subcontractors had to bid for the projects and the sums didn't match. Well, you should have done your math on how much materials to use.

CHAIRMAN: Please make it clear. When you said high-risk, were you referring to health or risk to investment or profit? We all understand that lead is high-risk to health. Well, for example, if we talk about a window, if you subcontracted this item, then the worst scenario is that they would give you poor materials or substandard materials, but basically you can still function normally.

In other words, the subcontractor can make more, but it is not harmful to health. These are two separate issues. You cannot say that subcontracting the works would increase health risks.

MR LEE: Well, it's the same thing. If you subcontracted the materials due to the use of substandard materials --

CHAIRMAN: Well, yes, of course. Now we are back to the original point. Were you aware that it was a risk? If you say you weren't aware that it was a risk or you were

thinking --

MR LEE: Then we will only be talking about profit. He should have known. Now I am telling him why his answer is unacceptable.

CHAIRMAN: Now, he is saying that you should be aware because the Housing Department made it very clear in the specifications that lead-free solder is to be used. Since lead-free solder is stipulated, what other interpretations can you possibly have?

A. The trade practice is -- well, per trade practice, no emphasis is made on this issue.

CHAIRMAN: Can you address my question directly? Please don't sidetrack. It's written down, so what have you actually done?

MR LEE: Do you know why the lead-free -- do you know why lead-free solder was stipulated?

A. As I understand, lead might affect human beings. It might harm human beings.

MR LEE: In other words, health; right?

CHAIRMAN: So it's health-related. It's not relevant to any technical aspects. The use of lead-free solder is a health consideration.

MR LEE: Do you agree?

A. Yes.

MR LEE: If it's a health consideration, then something goes

wrong, then you have to pay to rectify it, so it's related to money or profit. Do you see what I mean?

A. What was your question?

Q. So health and money are actually related.

CHAIRMAN: Let's not talk about money. Focus on health first. If you look at BS 1254, it's specifically on drinking water, not any kind of water; it's specifically on drinking water. Right? If you look at 1254-1:1998, table 6, under the footnotes, drinking water was specified, not any kind of water.

A. Right.

MR LEE: Thank you, Chairman.

So you would have thought of these issues, because after subcontracting the works you were not in control anymore; do you agree?

A. What's your question?

Q. You should have thought of these issues.

CHAIRMAN: So his question was, since you knew that there were such risks, as you conducted risk assessment, if you had considered that the works might be subcontracted and that subcontractors might think about money first, then the original risk which was small might become a big one?

A. We agree that this is a big risk now.

MR LEE: What I meant is that you should have known about

it, you should have thought about it at that time; do you agree? The chairman put it perfectly. You should have thought about it at that time.

A. I have answered the chairman's question.

COMMISSIONER LAI: The chairman forgot what his question was.

CHAIRMAN: At that time, if you knew that there were such risks, if these materials were supplied by yourself, then you might have considered that a very small risk because you secured your own materials and you knew that lead-free solder should be used, should have been used. So it was perfectly all right if you supplied your own materials. The risk was negligible and it was okay not to do any tests or inspections. But since you have subcontracted the works, the subcontractor might be profit-oriented and they might want to save money. The small original risk might be magnified into a big one. Do you agree?

A. Personally speaking, if a certain item is high-risk, then it's irrelevant to whether it was purchased by ourselves or the subcontractor. If we see something is high-risk, we would monitor our subcontractor strictly.

MR LEE: So retrospectively, you should have known that it should be a high-risk item, whether or not it is subcontracted?

A. After July, we all agree that this is high-risk -- the procurement of this item is high-risk. That's why we put measures in place, to make sure that the materials are compliant to the contracts.

Q. Let's move on to another question. This is from the final report of the task force. There is a table A1, tab 19, page 779 to 780, annex 3.2.

At the top, we have "List of pipes and fittings in water supply chain in Hong Ching House of Kai Ching Estate". In the middle of the page, you see the words "Copper alloy fittings"; do you see those words?

A. Yes.

Q. There are four components. The first, 65 millimetres diameter gate valve; and we have a smaller component, 35 millimetres gate valve; and then 20 millimetres gate valve; and finally a 20 millimetre diameter stopcock.

What is a stopcock? What is it in Chinese?

CHAIRMAN: What is a stopcock? Is it a tap?

MR LEE: I know what a valve is. Well, it's not a stop clock, so to speak. It's a stopcock.

CHAIRMAN: If you don't know, you just say so.

A. I don't know.

MR LEE: Well, in Chinese it's called "woot sat". Copper alloy would contain lead. The column on the right, you can see the column "Lead content", and the last column

is "BS compliance", you see the crosses; they were non-compliant. So this is for Hong Ching House.

Let's turn to the next page. This is still in Kai Ching Estate but for Yuet Ching House. Do you see those words?

A. Yes.

Q. "Copper alloy fittings", in the middle. First, 65 millimetre diameter gate valve at the 29th floor meter room. To the right, it's BS compliant; you see a tick there. The second component, 65 millimetre diameter gate valve at the 18th floor pipe duct room, and to the right you can see it's non-compliant, in the "BS compliance" column. Then the next component, it's again non-compliant; right?

A. Yes.

Q. The next, 20 millimetre diameter stopcock, it was compliant; you see a tick there.

Do you agree that for valves containing lead, you found that the lead content was too high or excessive?

CHAIRMAN: You mean the items with crosses? Can you make your question clearer? Non-compliance with British Standards referring to these fittings, this is irrelevant to whether there's excessive lead in water.

MR LEE: The water must pass by these valves; right?

A. Yes. Yes, the water would pass by these valves and

stopcocks.

Q. If you do not know, you may say so. When the water passes through these valves and the valves exceed British Standard in terms of lead content, is it likely that the lead would leach into the water; do you know?

A. No.

Q. Finally, on the website, China State -- let me show you. (Handed).

Here, this is an introduction of your business on the web. Is that right?

A. Yes.

Q. On the right, there are some pictures showing the project list. There are your really shining examples, some of the projects: Central-Wan Chai bypass, the Hong Kong-Zhuhai-Macao bridge Hong Kong link, the Chek Lap Kok terminal building, and the last one is the Hong Kong Central Library in Causeway Bay.

The Chek Lap Kok passenger terminal building and the library, are the plumbing systems presenting similar problems?

A. We have never received any comments from the owners of these buildings.

Q. Looking at the top, this is your motto, isn't it?

"Exercise caution in details and implementation.

Build a strong foundation to seek greater success."

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 22	
C	And in Chinese it says "(Chinese spoken)".	C
	This is the motto of your company, isn't it?	
D	A. Yes, of our group.	D
E	Q. Over the years?	E
	A. Yes.	
F	Q. On this particular issue, the plumbing problem in public	F
G	housing estates, the lead in water saga, do you think	G
H	that you have managed to live up to this motto?	H
I	A. For Kai Ching and Hung Hom estates incident, there are	I
J	inadequacies on our part, and because of these incidents	J
K	the company has adopted a number of measures to beef up	K
L	the management and control.	L
M	Q. Are you saying that you still live up to this motto?	M
N	A. This is our target. We have to strive for this target.	N
O	Q. Over this incident, you have managed to live up to the	O
P	motto?	P
Q	A. We need to upgrade the system.	Q
R	Q. So you failed to live you up to the motto?	R
S	A. There are inadequacies on our part, as I said.	S
T	Q. Do you want to take this opportunity to say something,	T
U	to say sorry to the aggrieved residents?	U
V	A. Our company, including myself, find this whole incident	V
	wholly regrettable, and this incident has caused so much	
	disruption to the residents, and we feel regret about	
	it. We would like to stamp out this problem and stop	

this happening again. We have beefed up our management and we have put in place the standard working procedures regarding the installation and regulation of the plumbing system.

In my witness statement, I said that in terms of vetting of materials, the checking of materials on site and inspection, we do have stringent measures for the workers to follow. As I said in the witness statement, this is being tried out in one of the housing estates. If there are problems, we would rectify them, and we will implement these measures for all the China State projects, across the board. This is intended to stop similar things from happening ever again.

MR LEE: I have no further questions.

CHAIRMAN: Mr Pennicott?

MR PENNICOTT: (In English) Mr Chairman, I know the subcontractors are here but I presume they have no questions. I have no re-examination.

CHAIRMAN: Thank you very much, Mr Sung. You are done with your testimony. You are free to leave. Thank you very much for coming.

(The witness withdrew)

Let's meet again at 10.00 tomorrow morning. Thank you all very much.

(4.36 pm)

C (The hearing adjourned until 10.00 am the following day) C

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J (The witness withdrew)91