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2016年1月5日

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上午10時14分恢復聆訊

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

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諾頓羅氏富布萊特香港胡文俊律師及康錦煒律師，代表張達欽及金日工程有限公司

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麥高義資深大律師及許佐賓大律師，由的近律師行延聘，代表保華建築營造有限公司

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許卓倫大律師，由柯伍陳律師事務所延聘，代表林麗瓊

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駱敏賢大律師，由高嘉力律師行延聘，代表翁國財

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王鳴峰資深大律師、陳樂信大律師及羅頌明大律師，由律政司延聘，代表水務署署長

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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

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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

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

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

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主席：Mr Wu。

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胡先生：Mr Chairman and Mr Commissioner，我而家係想傳召張達欽先生。張達欽先生係金日工程嘅老闆，咁佢代表金日工程同埋代表

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佢自己畀口供嘅。

主席：好呀，請張先生入嚟。

金日工程有限公司（“金日”）（中國建築（紅磡邨第二期）及保華（榮昌邨和東匯邨）的分判商）的第一證人：張達欽（金日董事總經理及持牌水喉匠（紅磡邨第二期、東匯邨和榮昌邨））以本地話宣誓作供

主席：請坐。

胡先生主問

問：張先生，你需唔需要戴耳機？

答：戴耳筒？

問：係，你需唔需要？

答：係。

問：張先生，我而家就會讀出你今次為呢一個調查委員會而做嘅證詞，一共有三份嘅。第一份就係喺文件夾 L1，第 11 頁，你有嗰份證詞喺你面前，係咪？

答：有嘅。

問：係，okay。咁呢一份證詞就係張達欽先生就代--以金日工程有限公司嘅董事總經理作出嘅。咁呢份證詞日期為 2015 年 11 月 9 日。

金日工程有限公司董事總經理張達欽就羅文錦律師樓 2015 年 10 月 16 日信函所提出問題所作的書面證詞：

1 榮昌邨

分判合約第 1 頁列明本公司負責榮昌邨的水喉工程。分判合約內的“D) 特別合約條款” 章節內條款 1 - 指明本公司負責連工包料的

水喉工程。請見（附件 1A）。

東匯邨

分判合約第 1 頁列明本公司負責東匯邨的水喉及渠務工程。分判合約內的“D) 特別合約條款” 章節內條款 1 - 指明本公司負責連工包料的水喉工程。請見（附件 1B）。

紅磡邨二期

紅磡邨二期分判合約第 3 頁（附件二）） 列明本公司承判的是水喉工程。該分判合約的“第七部份 - 報價說明”（合約第 23 頁）及“水喉工程章程” 章節內條款 1 及 4 指明此水喉工程項目是以包工包料的形式承做。請見（附件 1C）。

2 本公司負責紅磡邨二期地盤樓身 300mm 以上之大樓連工包料水喉工程（潔具除外）。本公司與中國建築所簽的承判合約內的簽約方只有中國建築及本公司，本公司除了知道何標記負責紅磡邨二期地盤的總喉工程以外，不太清楚何標記其餘負責的工作範圍。

3 開展工程時，持牌水喉匠向水務署入開工紙 (Form WWO46 Part I & Part II)，通知水務監督有關水管工程的詳情及動工日期並附上擬安裝／使用喉管及裝置和物料的詳情，項目經理會根據總承建商要求提交各種水喉、配件及物料樣本給總承建商再轉交房屋署審批。待水務署發出批准通知 (Form WWO46 Part III) 及房屋署審批完成，本公司會依照房屋署圖則，辦房及地盤進度，訂購水喉、配件及物料，工人亦會開始施工安裝喉管。施工期間，持牌水喉匠有不定期巡查地盤，跟進施工進度、跟進潔具及喉管安裝進度是否妥當及進行喉管滲漏測試。總承建商及房屋署也有不時巡視及驗收。完工後本公司有進行防漏及試水測試，並由持牌水喉匠及項目經理通知總承建商及房屋署檢驗測試結果，並向水務署申報完工 (Form WWO46 Part IV)，報知水務署視察地盤是否根據圖則及 Form WWO46 材料表完成，及通知水務署化驗所在總喉的供水系統取水辦驗水（注：由於紅磡邨二期地盤的總喉工程由何標記負責，該地盤亦是由何標記負責通知水務署化驗所在總喉的供水系統取水辦驗水及相關跟進工作），化驗報告合格後水務署會發出完工紙。(Form WWO46 Part V) 及供水證明書。

4 本公司負責與總承建商簽署合約，採購物料和提供工人到地盤施工。本人為三個受影響屋邨的持牌水喉匠。開展工程時，本人向水務署入開工紙 (Form WWO46 Part I & Part II)。待水務署發出批准通知 (Form WWO46 Part III) 及房屋署審批完成，本公司會依

照房屋署圖則，辦房及地盤進度，訂購水喉、配件及物料，然後由工人施工安裝喉管。施工期間，本人有不定期巡查地盤，跟進施工進度、跟進潔具及喉管安裝進度是否妥當及進行喉管滲漏測試。完工後本公司有進行防漏及試水測試，並由本人及項目經理通知總承建商及房屋署檢驗測試結果，並向水務署申報完工 (Form WWO46 Part IV)，報知水務署視察地盤是否根據圖則及 Form WWO46 材料表完成，及通知水務署化驗所在總喉的供水系統取水辦驗水（注：由於紅磡邨二期地盤的總喉工程由何標記負責，該地盤亦是由何標記負責通知水務署化驗所在總喉的供水系統取水辦驗水及相關跟進工作）。於監控水喉物料質量方面，本人負責報交水務署審批水喉工程所用的物料，亦有核對所用的水喉物料是在水務署的認可物料名錄。

翁國財先生是三個受影響屋邨的項目經理。他負責根據總承建商要求提交各種水喉、配件及物料給總承建商再轉交房屋署審批，並有不定期到地盤出席會議及解決施工時的相關問題，並負責跟進工程進度。完工後本公司進行防漏及試水測試時，由持牌水喉匠及項目經理通知總承建商檢驗測試結果。

許宏新先生是紅磡邨二期和榮昌邨的地盤管工，鄒師明先生是東匯邨的地盤管工。許宏新先生及鄒師明先生主要負責監督工人施工，及因應施工進度向本公司採購人員落柯打訂購材料。

施工安裝喉管工人由本公司負責委派。

5 榮昌邨
分判合約內“A) 工程概述” 章節有說明此合約包括“規格說明”。請見（附件 1A）。而房屋署的“The Hong Kong Housing Authority Specification Library 2008 Edition”內有列明各樣水喉物料需符合那項 BS 標準，並有說明焊料需為無鉛。請見（附件 2A）。

東匯邨
分判合約內“A) 工程概述” 章節有說明此合約包括“規格說明”。請見（附件 1A）。而房屋署的“The Hong Kong Housing Authority Specification Library 2008 Edition”內有列明各樣水喉物料需符合那項 BS 標準，並有說明焊料需為無鉛。請見（附件 2A）。

紅磡邨二期
分判合約內“水喉工程章節” 章節內條款 34 有指明承判商須遵守

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物料及做工守則“The Hong Kong Housing Authority Specification Library 2004 Edition”內所列的標準，請見(附件 1C)。而房屋署的“The Hong Kong Housing Authority Specification Library 2004 Edition”內有列明各樣水喉物料需符合那項 BS 標準，並有說明焊料需為無鉛。請見(附件 2B)。

6 展開工程前，本公司有向供應商索取喉管及配件的證書，核對所用的喉管及配件在水務署認可物料名錄上，並有提交工程所用的物料清單給水務署審批。由於水務署並沒要求提交焊料資料審批，所以提交的物料清單並沒有包括焊料。本公司亦會根據總承建商要求提交各種水喉、配件及物料樣本給總承建商再轉交房屋署審批。焊料非房屋署強制受審核的其中一樣物料，但在三個受影響屋邨施工前，本公司亦有提交焊料樣本給總承建商再轉交房屋署審批。施工期間本公司的持牌水喉匠、駐地盤管工、總承建商及房屋署也有監督。完工後本公司有通知水務署安排驗水(注:就紅磡邨二期，此工作由何標記負責)。

7 以本公司所知，房屋署及總承建商會根據水務署認可名錄上的物料作審批。

8 已報交給總承建商供房屋署審批的物料種類包括 D.I.喉及配件、銅喉及配件、生鐵坳及配件、去水膠喉及配件、壓力膠喉及配件、銅閘掣、銅皮芯掣、生鐵掣、生鐵橫包、減壓掣及洗地龍頭。焊料非房屋署強制受審核的其中一樣物料，但在三個受影響屋邨施工前，本公司亦有提交焊料樣本給總承建商再轉交房屋署審批。

9 燒焊接駁方法與攪接駁方法相比，較少有漏水情況出現，故一般會採用燒焊接駁方法。

10 根據水務署在 2015 年 9 月 25 日的公佈，其初步報告內提及在啟晴邨及葵聯邨第二期地盤發現審批及實際用料不同，而此兩條邨的水喉工程並不是由本公司負責。

11 由於上述地盤已完工及已過保養期，故本公司已沒有保留相關單據記錄。本公司了解委員會已聯絡供應商“雋景建材有限公司”要求其提供證詞及相關的單據記錄。

12 水喉物料由採購人員林麗瓊及莫慧賢向供應商落單。喉管及配件在落單前，採購人員有核對水務署 Form WW046 表格，確定所購買的是水務署 Form WW046 已審批之喉管及配件。由於水務署並沒要求提交焊料資料審批，所以並沒有採取特別措施監察焊料是否含鉛。

- 13 持牌水喉匠張達欽先生及地盤管工許宏新先生（紅磡邨二期和榮昌邨地盤）和鄒師明先生（東匯邨）負責檢查，審批及證明完成食水喉管工程。地盤工人負責建造及安裝食水喉管工程。

持牌水喉匠：

- 施工初期，向水務署入開工紙 (Form WWO46 Part I & II)，並每月不定期到地盤巡查兩次，跟進進度，確保施工是否跟辦房符合。
- 於監控水喉物料質量方面，本人負責報交水務署審批水喉工程所用的物料，亦有核對所用的水喉物料是在水務署的認可物料名錄
- 工程中后期至完工前，每月到地盤四至五次，跟進潔具及喉管安裝進度是否妥當及進行喉管滲漏測試。
- 地盤工程完工時，向水務署申報完工 (Form WWO46 Part IV)，約水務署負責人員到地盤巡視是否根據圖則及 Form WWO46 材料表完成，跟進水務署化驗所派人到地盤取水辦驗水，確保通過水務署的驗水及取得水務署向地盤發出的完工紙 (Form WWO46 Part V) 及供水證明書。

項目經理：

- 負責根據總承建商要求提交各種水喉、配件及物料給總承建商再轉交房屋署審批。
- 不定期到地盤出席會議及解決施工時的相關問題，並負責跟進工程進度。
- 完工後本公司進行防漏及試水測試時，持牌水喉匠及項目經理通知總承建商檢驗測試結果。

地盤管工：

- 長駐地盤，安排工人施工，巡視工人施工是否跟已批核的辦房及圖則做妥。
- 跟進及配合地盤進度施工。
- 準備驗水前的工作及配合驗水時的安排。

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14 (i) 本公司聘用工人時有了解他們是否有水喉行業的經驗，但無要求他們取得任何證書，地盤工人進場時有提交工人註冊證及平安咭予總承建商登記方可進場。

(ii) 持牌水喉匠於選擇喉管及配件時有確保它們在水務署認可物料名錄內，並於使用前提交物料清單供水務署審批。而採購人員在向供應商落單前有核對水務署 Form WWO46 表格，確保採購的是已審批的材料。

15 本人同時是該三個屋邨水喉工程的持牌水喉匠，詳細職責請見上文第 4 段的說明。

16 根據本公司的記錄，現提供參與該三個受影響屋邨的水喉工程的工人及有關人員名單，見附件（三）。除本人外，其他工人及有關人員都不是註冊水喉匠。本公司聘用的工人主要為有水喉行業經驗的人員，但沒有要求他們取得任何特定資格或證書。

17 本公司不能確定是什麼原因，導致含鉛水喉焊料會被用於三個受影響屋邨。由於水喉行業普遍認為焊料屬於較次要的物料，在今次事件發生前，行業一般並未在意市場上焊料會有可能含鉛的情況。

18 本公司同意將來由總承建商總採購所有焊料，及在屋村完工驗水時加入測試驗鉛，會更有效監管水質。

問：張先生，呢個係你第一份證詞。

答：係，知道。

問：第二份證詞就係都係 2015 年 11 月 9 日，就係張達欽先生就本人作出嘅證詞。喺文件夾 R1，第 10 頁嗰度。

主席：第幾話？

胡先生：第十--睇下先。

主席：Tab 幾？

胡先生：應該係 R1，第 10 頁。

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主席：R1，R1。繼續。

問：張生，你有嗰份證詞喺你面前？

答：唔，有。

問：係。

張建欽就羅文錦律師樓2015年10月16日信函所提出問題所作的書面證詞

1 本人在金日工程有限公司（“金日工程”）承判及建造紅磡邨二期、東匯邨和榮昌邨（“三個受影響屋邨”）的食水喉管時，並直至現在，都是金日工程的全職僱員。

2 由 1987 年金日工程成立以來本人已是其全職僱員。本人是金日工程有限公司的董事及持牌水喉匠，本人負責管理金日工程的運作及監督水喉工程。從金日工程成立至今，本人已完成房屋署水喉工程項目超過五十個。

3 不適用，請見上列第 2 段的說明。

4 本人是水務署的持牌水喉匠，任職水喉行業超過四十年，從金日工程成立至今，已完成房屋署水喉工程項目超過五十個。

5 開展工程時，由本人向水務署入開工紙 (Form WWO46 Part I & Part II)，通知水務監督有關水管工程的詳情及動工日期並附上擬安裝／使用喉管及裝置和物料的詳情，並由項目經理根據總承建商要求提交各種水喉、配件及物料樣本給總承建商再轉交房屋署審批。待水務署發出批准通知。(Form WWO46 Part III)及房屋署審批完成，金日工程會依照房屋署圖則，辦房及地盤進度，訂購水喉、配件及物料，工人亦會開始施工安裝喉管。施工期間，本人有不定期巡查地盤，跟進施工進度、跟進潔具及喉管安裝進度是否妥當及進行喉管滲漏測試。總承建商及房屋署也有不時巡視及驗收。完工後金日工程進行防漏及試水時，本人及項目經理通知總承建商及房屋署檢驗測試結果，並向水務署申報完工 (Form WWO46 Part IV)，報知水務署視察地盤是否根據圖則及 Form WWO46 材料表完成。本公司會通知水務署化驗所在總喉的供水系統取水辦驗水（注：

由於紅磡邨二期地盤的總喉工程由何標記負責，該地盤亦是為何標記負責通知水務署化驗所在總喉的供水系統取水辦驗水及相關跟進工作），化驗報告合格後水務署會發出完工紙 (Form WWO46 Part V) 及供水證明書。

- 6 本人為三個受影響屋邨的持牌水喉匠。開展工程時，本人向水務署入開工紙 (Form WWO46 Part I & Part II)。待水務署發出批准通知 (Form WWO46 Part III) 及房屋署審批完成。金日工程會依照房屋署圖則，辦房及地盤進度，訂購水喉、配件及物料，然後由工人施工安裝喉管。施工期間，本人有不定期巡查地盤，跟進施工進度、跟進潔具及喉管安裝進度是否妥當及進行喉管滲漏測試。完工後進行防漏及試水測試時，本人及項目經理通知總承建商及房屋署檢驗測試結果，並向水務署申報完工 (Form WWO46 Part IV)，報知水務署視察地盤是否根據圖則及 Form WWO46 材料表完成。本人會通知水務署化驗所在總喉的供水系統取水辦驗水（注：由於紅磡邨二期地盤的總喉工程由何標記負責，該地盤亦是為何標記負責通知水務署化驗所在總喉的供水系統取水辦驗水及相關跟進工作）。於監控水喉物料質量方面，本人負責報交水務署審批水喉工程所用的物料清單，亦有核對所用的水喉物料是在水務署的認可物料名錄。

翁國財先生是三個受影響屋邨的項目經理。他負責根據總承建商要求提交各種水喉、配件及物料給總承建商再轉交房屋署審批，並有不定期到地盤出席會議及解決施工時的相關問題，並負責跟進工程進度。完工後進行防漏及試水測試時，由持牌水喉匠及項目經理通知總承建商及房屋署檢驗測試結果。

許宏新先生是紅磡邨二期和榮昌邨的地盤管工，鄒師明先生是東匯邨的地盤管工。許宏新先生及鄒師明先生主要負責監督工人施工，及因應施工進度向本公司採購人員落柯打訂購材料。

施工安裝喉管工人由金日工程負責委派。

- 7 根據金日工程的記錄，現提供參與該三個受影響屋邨的水喉工程的工人及有關人員名單，詳見附件（一）。除本人外，其他工人及有關人員都不是註冊水喉匠。金日工程聘用的工人主要為有水喉行業經驗的人員，但沒有要求他們取得任何特定資格或證書。

- 8 於監督工程方面，本人負責：

施工初期-向水務署入開工紙 (Form WWO46 Part I & II)，並

每月會不定期到地盤巡查兩次，跟進進度，確保施工是否跟辦房符合。工程中期至完工前 - 每月到地盤四至五次，跟進潔具及喉管安裝進度是否妥當及進行喉管滲漏測試。

地盤工程完工時 - 向水務署申報完工 (Form WWO46 Part IV)，約水務署負責人員到地盤巡視是否根據圖則及 Form WWO46 材料表完成，跟進水務署化驗所派人到地盤取水辦驗水（注：就紅磡邨二期，此工作由何標記負責），確保通過水務署的驗水及取得水務署向地盤發出的完工紙 (Form WWO46 Part V) 及供水證明書。

9 本人知道水務署有規定建造及安裝食水喉管時，禁止使用含鉛的水喉物料。

10 本人有向供應商索取喉管及配件的證書，核對所用的喉管及配件在水務署認可物料名錄上，並有提交工程所用的物料清單給水務署審批。由於水務署並沒有要求提交焊料資料審批，所以提交水務署的物料清單並沒有包括焊料。另外，金日工程亦會根據總承建商要求提交各種水喉、配件及物料樣本給總承建商再轉交房屋署審批。焊料非房屋署強制受審核的其中一樣物料，但在三個受影響屋邨施工前，金日工程亦有提交焊料樣本給總承建商再轉屋署審批。

11 本人知道水務署有認可物料名錄，而總承建商及水務署只會審批認可名錄上的物料。

12 本人負責簽署及遞交三個受影響屋邨的水務署 Form WWO46 表格。遞交表格前，本人有確保表格內所列的物料在水務署的認可物料名錄內。已報交水務署審批的物料種類包括 D.I. 喉及配件、銅喉及配件、壓力膠喉及配件、銅閘掣、銅皮芯掣、生鐵掣、生鐵橫包、減壓掣及洗地龍頭。請見附件（二）關於三個受影響屋邨所遞交水務署的 Form WWO46 表格。由於水務署並沒有要求提交焊料資料審批，所以提交審批的物料清單並沒有包括焊料。金日工程亦另會根據總承建商要求提交各種水喉、配件及物料給總承建商再轉交房屋署審批。焊料非房屋署強制受審核的其中一樣物料，但在三個受影響屋邨施工前，金日工程亦有提交燒焊料樣本給總承建商再轉交房屋署審批。

13 燒焊接駁方法與欖接駁方法相比，較少有漏水情況出現，故一般會採用燒焊接駁方法。

14 根據水務署在 2015 年 9 月 25 日的公佈，其初步報告內提及在啟晴邨及葵聯邨第二期地盤發現審批及實際用料不同，而此兩條村的水

喉工程並不是由金日工程負責，也不是由本人擔任持牌水喉匠。

15 由於上述地盤已完工及已過保養期，金日工程已沒有保留採購焊料的單據記錄。本人了解委員會已聯絡供應商"雋景建材有限公司"要求其提供證詞及相關的單據記錄。

16 水喉物料由採購人員林麗瓊及莫慧賢向供應商落單。本人有提醒採購人員，喉管及配件在落單前核對水務署 Form WWO46 表格，確保購買的是水務署 Form WWO46 已審批之喉管及配件。由於水務署並沒有要求提交焊料資料審批，所以並沒有採取特別措施監控焊料是否含鉛。

17 持牌水喉匠即本人及地盤管工許宏新先生（紅磡邨二期和榮昌邨地盤）和鄒師明先生（東匯邨）負責檢查，審批及證明完成食水喉管工程。地盤工人負責建造及安裝食水喉管工程。

持牌水喉匠：

- 施工初期，向水務署入開工紙 (Form WWO46 Part I & II)，並每月會不定期到地盤巡查兩次，跟進進度，確保施工是否跟辦房符合。

- 於監控水喉物料質量方面，本人負責報交水務署審批水喉工程所用的物料，亦有核對所用的水喉物料是在水務署的認可物料名錄。

- 工程中期至完工前，每月到地盤四至五次，跟進潔具及喉管安裝進度是否妥當及進行喉管滲漏測試。

- 地盤工程完工時，向水務署申報完工 (Form WWO46 Part IV)，約水務署負責人員到地盤視察是否根據圖則及 Form WWO46 材料表完成，跟進水務署化驗所派人到地盤取水辦驗水（注：就紅磡邨二期，此工作由何標記負責），確保通過水務署的驗水及取得水務署向地盤發出的完工紙 (Form WWO46 Part V) 及供水證明書。

項目經理：

- 負責根據總承建商要求提交各種水喉、配件及物料給總承建商再轉交房屋署審批。

- 不定期到地盤出席會議及解決施工時的相關問題，並負責跟進工程進度。

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- 完工後進行防漏及試水測試，持牌水喉匠及項目經理通知總承建商及房屋署檢驗測試結果。

地盤管工：

- 長駐地盤，安排工人施工，巡視工人施工是否跟已批核的辦房及圖則做妥。
- 跟進及配合地盤進度施工。
- 準備驗水前的工作及配合驗水時的安排。

18 (i) 本人及地盤管工聘用工人時有了解他們是否有水喉行業的經驗，但無要求他們取得任何證書，地盤工人進場時有提交工人註冊證及平安咭予總承建商登記方可進場。

(ii) 本人於選擇喉管及配件時有確保它們在水務署認可物料名錄內，並於使用前提交物料清單供水務署審批。而採購人員在向供應商落單前有核對水務署 Form WWO46 表格，確保採購的是已審批的材料。

19 本人不能確定是什麼原因，導致含鉛水喉焊料會被用於三個受影響屋邨。由於水喉行業普遍認為焊料屬於較次要的物料，在今次事件發生前，行業一般並未在意市場上焊料會有可能含鉛的情況。

問：張先生，呢個係你第二份證詞。

答：係。

問：而家我就會再讀出你第三份證詞。咁呢一份就係咗文件夾 L1，第 139 頁。呢份證詞就係 2016 年 1 月 4 號入嘅一份證詞。

張達欽提交予食水會鉛超標調查委員會的補充書面證詞

1 本人之前已經提交了兩份日期同為 2015 年 11 月 9 日的書面證詞，當中一份以金日工程有限公司（“金日工程”）董事總經理的身份，另一份以個人作為持牌水喉匠的身份，予食水含鉛超標調查委員會（“委員會”）。

2 本人現作出此補充書面證詞，以交代本人對由黃錦文先生，即金日工程的一位工程人員，於 2015 年 7 月 17 日通過電郵發送予保華建築的 4 份關於榮昌邨的“送貨單”（“該 4 份所謂送貨單”）(pp.15354 - 15357 of bundle B6.4)的認知。

3 正如本人於之前提交的證詞，即以金日工程董事總經理身份所作的證詞的第 11 段及以個人身份所作的證詞第 15 段提到，金日工程及本人並沒有保留就紅磡邨二期、東匯邨和榮昌邨三個受影響屋邨採購焊料的單據記錄。

4 金日工程亦於兩份日期同為 2015 年 9 月 12 日致保華建築關於東匯邨和榮昌邨的信函 (p.22536 of bundle B9.4 及 p.15271 of bundle B6.4) 提到，金日工程沒有保留該地盤的相關單據記錄。

5 自委員會展開調查程序後，本人才留意到保華建築於其提交予香港房屋委員會兩份關於東匯邨和榮昌邨日期分別為 2015 年 8 月 19 日及 2015 年 8 月 15 日的初步調查報告第 5 頁 (p.22386 of bundle B9.4 及 p.15097 of bundle B6.4) 均提到“*For the record, Golden Day also submitted to Paul Y delivery notes showing that the lead free solder wires were delivered to the project*”。本人其後亦知悉保華建築所指的送貨單實為該 4 份所謂送貨單。

6 本人不知道該 4 份所謂送貨單的來源。金日工程一般於工程完工後約一年左右已沒有保留關於採購焊料及其他小五金的單據記錄，包括榮昌邨的單據記錄。

7 本人於 2015 年 7 月 16 日至 26 日正身在內地旅遊，2015 年 7 月 17 日當天根本不在公司，當時對黃錦文先生發送該 4 份所謂送貨單予保華建築及榮昌邨食水含鉛超標事件完全不知情，黃錦文先生是在沒有本人同意及本人不知悉的情況下提供該 4 份所謂送貨單予保華建築。由於新聞是於 2015 年 7 月 20 日才報導榮昌邨食水含鉛超標事件，本人是在家人及朋友看到新聞信息後通知本人才得知此事。

8 基於上述原因，本人已委託本人的律師於 2015 年 12 月 9 日致函予保華建築的代表律師交代事件並表明本人的立場。附件一為該信函。

9 本人從最近的內部調查過程中，才瞭解到黃錦文先生當時只是按翁國財先生的指示把該 4 份所謂送貨單以電郵方式發送予保華建築，黃錦文先生當時並不知道文件的來源，亦沒有理會文件的內容。黃錦文先生已於其日期為 2015 年 12 月 23 日提交予委員會證詞交代

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其所知。

10 本人其後亦向翁國財先生查問，翁國財先生只表示於 2015 年 7 月 17 日發送予保華建築的文件由他提供予黃錦文先生再發送予保華建築，但翁國財先生沒有進一步解釋文件（包括該 4 份所謂送貨單）的來源。翁國財先生已於 2015 年 8 月不再受聘於金日工程。

11 到 12 月中旬，金日工程另一位員工林麗瓊女士主動告訴我該 4 份所謂送貨單其實是由她提供予翁國財先生，但林麗瓊女士亦沒有進一步解釋文件的來源。

12 到目前為止，本人仍不知道該 4 份所謂送貨單的真正來源，亦不接受它們為金日工程的真實記錄。由於翁國財先生和林麗瓊女士就調查委員會事宜已另有律師代表，他們沒有再向我解釋有關送貨單的詳情。

問：張先生，呢份係你第三份證詞。

答：我有少少問題，使唔使企身講？

問：你可以坐低講。

答：吓？

問：你可以坐低講。你係咪有嘢需要補充？

答：係呀，係呀。

問：係，請講。

答：咁係好似第 9 項嗰度，咁係翁國財--我話指示翁國財打嗰個文件就畀黃錦文先生，其實嗰度就係黃錦文喺個檯面擺嘅，第 9 項嗰度指示嗰度。

問：係。張生，你係咪指第 10 段呢？第 10 段？

答：係呀，係呀，係呀。

問：第 10 段嘅第二行？

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答：係。

問：入面所講就係話--或者係第一行喇吓，就話「翁國財先生表示於 2015 年 7 月 17 日發送予保華建築的文件由他提供予黃錦文先生」，你係咪想解釋呢一點？

答：係呀，嗰一點就係話佢話番--黃錦文話就喺佢檯面擺嚟發送過去嘅。

問：你嘅意思係咪話即係話翁國財先生叫黃錦文先生喺佢檯面擺份文件發送畀保華？

答：係，冇錯。

問：Okay。

主席：等一陣。翁國財就叫黃錦文喺佢個...

胡先生：檯面。

答：係。

主席：繼續。

答：仲有關於翁國財先生就離開公司，就係佢好早同我講嘅，就同呢個鉛水事件同埋呢個文件就有關係嘅，即係補充番落去。

問：唔。即係補充番嚟第 10 段嗰度，係咪？

答：係，冇錯。

主席：好早就同你講。

答：佢就自己想離開，我哋公司--想自己組織公司。

問：張生，咁呢就你--除咗頭先你澄清嗰兩點之外，...

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答：係。

問：...你係咪願意採納你呢三份嘅證詞作為調查委員會嘅證據？

答：係。

問：係你喺調查委員會嘅證據？

答：係，冇錯。

問：另外，我仲有兩個問題想問一問你嘅要，張生。

答：係。

問：就係根據保華建築喺呢一個調查委員會入面，入嘅兩份證詞，一份就係日期為2015年11月11號，咁喺文件夾G1嘅第323頁。

答：喺邊度？

問：第323頁，第29段。

答：係。

問：好嘞。呢一段，佢就喺第三句句嘅度就係講到，就係話保華嘅project team，即係項目嘅團隊，就有參與到水務署嘅驗收個過程嘅，咁呢係因為係持牌水喉匠叫佢哋唔好參與，因為佢哋話係持牌水喉匠就話個水務署嘅幫辦係唔需要總承建商喺呢一個驗收過程需要參與，或者佢哋係有任何嘅嘢需要做嘅，喺呢個過程中。你可唔可以--你同唔同意呢個講法？

答：呢個講法就係唔同意嘅，因為如果水務嘅度，嗰個報完工就係佢總嘅--總承建商通知我哋係幾時報完工嘅，當然呢個一定要提早。但係當我哋報咗完工之後，佢一--佢都問我哋會幾時嚟睇嘅，我哋一定就要話個時間畀佢聽，等佢預早搵人安排；同埋上高有啲或者房口嗰啲批得就鎖咗嘅，嗰啲錶位就要開嘅，即係錶位嘅批得，所以佢一定要有人喺度，唔係我哋都有啲用，同埋佢自己員工有啲已經驗收咗就鎖門嘅，咁佢一定要開嘅。咁同埋當過程中，有啲關於佢建築，比喻嗰啲批得啲門會阻到啲喉，即係啲開嘅位賺些少佢都要解釋，所以就唔會有呢個問題嘅應該。

問：唔。你嘅意思係咪即係唔會係有你持牌水喉匠要求保華建築唔需要參與呢一個嘅？

B

B

C

答：係冇嘅。

C

D

問：Okay，唔該晒，張生。另外第二個問題，就想同你--我想你解釋一下，就係喺同一份保華嘅證詞，第 90 段開始，即係話你而家個文件夾嘅第 338 頁，入面有提及到--你揭到未？

D

E

答：哦，都唔使嘞，英文，你講，我答你。

E

F

問：唔係，第 338 頁，你睇一睇第 338 頁。

F

G

答：382 呀？

G

H

問：338。338，喺下低嘅，喺右下角。

H

I

答：係。

I

J

問：係，第 90 段，你睇唔睇到？

J

K

答：睇到，睇到。

K

L

問：係嘞，咁呢一度由第 90 到 94 段--90 到 93 段，就主要係講到就係話有三個 item，佢喺第 90 段講就係 item (3)、(4) 同埋 (6)，喺嗰啲 plumbing materials 入面，咁其實 (3)、(4) 同埋 (6) 呢三個 item 係啲 mixer 嚟嘅。

L

M

M

N

答：係乜嘢，呢...

N

O

問：咁佢就話佢哋就係保華...

O

P

主席：係 mixer。

P

Q

答：聽到，聽到。

Q

R

R

S

問：咁佢就話係呢啲 mixer 就係原先就係通過咗水務署嘅審批，但係後來嗰個即係則師就係要求保華就係去更改呢啲 mixer 嘅。

S

T

答：係。

T

U

問：然之後，保華就提出咗一啲建議，一啲即係另外嘅 mixer 嘅建議，

U

V

V

咁就畀咗呢個房屋署就係審批。跟住喺 93 段，佢就話到--佢就話至於呢一個嗰啲改動個 mixer 有冇畀水務署審批，佢就話佢總承建商就係冇參與持牌水喉匠同埋水務署之間嘅溝通，佢係出咗呢件--即係呢個鉛水事件曝光咗之後，佢先至知道持牌水喉匠係冇通知水務署有關呢啲 mixer 嘅更改嘅。咁你同唔同意呢個講法？

答：呢個我就唔同意嘅，因為地盤開工，如果佢嗰啲潔具，我哋俗稱係潔具就係由佢建築公司包嘅，嗰個潔具係龍頭、廁所、面盆，咁佢嗰啲潔具--嗰個龍頭就係經 Housing 批准咗，然後先畀嗰啲證書嗰啲畀我哋入呢個水務局，嗰個就係 ww1 同埋 2，就係未開工前入嘅，咁佢就畀晒。咁我哋入咗落去嗰個 ww1、2 都要經佢建築公司，再交界房屋署，房屋署再可能交番上去寫字樓撥印同埋嗰個則師簽名，然後先再交番畀佢，佢又交界我哋就先至入水務嘅。

好嘞，直到水務批准咗之後，我哋就開工，咁佢提供改嗰啲龍頭，我都唔知佢咗--第一，唔知佢幾時改嘅，因為佢係由開工訂嚟嘛，訂咗係好耐時間，或者一年後先嚟嘅一般，咁佢幾時改我哋真係第一，唔知；第二，當佢通知我哋報完工嗰陣時，嗰份完工紙唔知好似 Part IV，第 4 項，我要嗰張完工紙要包埋嗰啲材料嘅，就包交界佢 main con，再由建築公司就交界呢個房屋署駐地嗰啲 clerk of work 叫做，嗰啲督察，然後再交番去寫字樓個則師簽嘅。簽咗就個程序都係交番畀地盤--Housing 地盤，然後再交界建築公司，然後交界我哋報完工嘅。咁個過程佢轉咗，我哋係--我都唔知道嘅，知就一定要改番嘅，如果唔改發現咗，就會阻遲--阻滯嗰個工程係起碼我睇兩個月。

問：你可唔可以解釋一下--唔該晒張生。你可唔可以解釋一下，就係話佢呢度所講嘅潔具，同你喺根據個合約入面要提供嘅嘢有咩嘢分別？

答：因為潔具如果我自己講，唔知啱唔啱。因為潔具嘅提供，因為係我哋買呢，所涉及嘅錢碼好大概，佢潔具佔嗰個銀碼大，咁...

問：或者張生，或者我嘅意思係話潔具其實係咪你喺合約底下，你哋金日工程要提供嘅物料嚟㗎？

答：唔係。

問：日工程要喺合約下要提供嘅物料係屬於乜嘢？水喉管？

答：水喉管、龍頭嗰啲，就喺你頭先所讀嗰個 ww46 嗰咩。

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問：唔㗎。另外，就琴日根據保華梁先生嘅證據，就係話佢嗰啲潔具如果更改咗，就會有一塊--有一個 sample board 嘅，有個 sample board 咁就係喺呢度上高就要改嘅。

答：係。

問：咁你可唔可以解釋一下，即係你有冇參與嗰個 sample board 嗰個--即係更改個 sample board 嗰啲--嗰個過程？

答：冇嘅，sample board 因為嗰個過程，第一，嗰個--嗰啲物料唔係我哋供應。

問：你意思係潔具唔係你哋供應？

答：係，嗰個潔具就唔係我哋供應，咁佢哋改，都係佢自己去改嘅，同埋嗰個--嗰啲物料係佢哋有個房係鎖住嘅，唔係擺出嚟嘅，咁如果入去，一定要搵佢哋開門先至睇得到。

胡先生：Okay，我有其他問題。

主席：唔該。

許偉強先生盤問

問：張生，喺你嘅證供入面，就你都有講出金日工程公司就大概 1987 年成立嘅。

答：係。

問：係咪你創立--你本人創立呢個金日工程公司嘅？

答：係。

問：你創立金日工程公司嘅時候，除咗你之外，有冇另外任何人士係作為董事？

答：最早呀？

B

B

C

問：係。

C

D

答：最早係我同埋一個女士翁佩芬（譯音）。

D

E

問：翁...

E

F

主席：翁咩嘢話？

F

G

答：翁佩芬。

G

H

主席：唔該。

H

I

J

問：翁佩芬同你係咩嘢關係？

J

K

答：夫妻。

K

L

問：你哋公司嗰個股份裏面，一開始嘅時候係咪都係你同埋翁佩芬兩位係你哋公司嘅唯一兩位嘅股份持有人？

L

M

答：記得就好似係。

M

N

問：係。

N

O

答：記得係。

O

P

問：係。翁佩芬，即係你太太係咪都做過你公司嘅秘書嘅，記唔記得？

P

Q

答：唔記得。

Q

R

問：唔。除咗你同埋你太太翁佩芬之外，有冇其他人士曾經係擔任過你公司嘅董事？

R

S

答：有嘅。

S

T

問：係。林麗瓊係咪其中一位？

T

U

答：係。

U

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V

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主席：等陣吓。係。

C

D

D

問：翁國財，即係項目經理，同埋你太太翁佩芬係咩嘢關係？

E

E

答：係姐弟。

F

F

問：姊弟？

G

G

答：係呀，即係細佬。

H

H

問：唔。林麗瓊同埋翁國財有咩嘢關係？

I

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答：應該伙記、朋友。

J

J

問：朋友？

K

K

答：係喇。

L

L

問：算唔算係男女朋友嘅關係？

M

M

答：唔係。

問：唔係。林麗瓊係咪都曾經擔任過你公司嘅秘書？

N

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主席：公司秘書，...

P

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許偉強先生：公司秘書。

Q

Q

主席：...唔係一般啲嘅秘書。

R

R

答：點樣...

S

S

問：即係喺嗰個公司註冊上面係會講出咗即係係佢作為公司秘書嗰個身分。

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答：呢個我唔記得。

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問：唔記得。林麗瓊有冇曾經係具有你哋公司嘅股份？

答：股份？

問：即係其中一名股東，有冇曾經成為過你哋公司嘅股東，林麗瓊？

答：點樣股東？

問：你啱啱講，你成立間公司嘅時候，你...

主席：等一陣先吓。

答：係。佢係佔幾多股份咁呀？

問：係。

主席：係呀。有冇呀？

答：冇。

問：翁國財有冇曾經佔過你公司嘅股份？

答：冇，都冇。

問：從公司嗰啲文件睇到，你太太翁佩芬就應該喺舊年，2015年9月後
嗰一段時間左右，就開始冇--即係冇再擔任呢個董事一職，你知唔知
呢件事？

答：知道。

問：知道。有咩嘢原因當時佢辭咗呢一個董事個職位，有咩嘢原因？

答：冇原因，佢因為由佢--一路佢都有理會嗰啲嘢，所以喺嗰段時間佢咪
辭去囉。我...

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問：佢...

答：因為喺一直以來間公司佢都有理，又有出現嘅。淨係報稅簽個名嘅啫，所以佢就自己唔做。我同佢商量「就不如我自己做番」咁。

問：好。你話一直以嚟，即係我哋講緊 87 年成立間公司開始，翁佩芬都...

答：冇參與。

問：...即係亦都有參與你公司嘅職務，係咪呀？

答：係，係。

問：你就話即係喺報稅嗰陣時可能要簽名咁樣，係咪呀？

答：係。

問：點解突然間喺 2015 年 9 月嘅時候會產生呢個念頭，辭咗呢一個董事嘅職位呢？即係咁多年，都咁多年運作咗都係咁，點解要 9 月嗰陣時先傾呢樣嘢？

答：我都有諗過呢個問題。

問：佢點解提出要辭任董事一職，當時？

答：係我同佢商量，就...

問：你點解要同佢商量？

答：吓？

問：你點解要同佢商量，突然間？有咩嘢誘因？

答：冇特別嘅因由，我而家都有諗到話特別嘅因由。

問：完全冇？

答：係呀。

問：唔。完全冇原因之下，突然間你又同佢商量話，「喂，不如你唔好做嘞。」咁呀？

答：係。

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問：林麗瓊，你話曾經都擔任過董事一職喇？

答：係。

問：都係最近辭任董事一職啲，知道呢件事嘛？

答：吓？

問：知道呢件事嘛，林麗瓊都係最近辭任咗你哋公司董事一職？

主席：知唔知呀？

問：你知唔知呀？

答：我知道，但係唔知道幾時。

問：係。噏，...

答：佢有講過。

問：係。你幾時知道--佢幾時同你講過話「喂，我想辭任呢個董事一職」，大概幾耐嘍？

答：又應該嗰個鉛水事件嗰度--嗰陣時，但係時間記唔到，大約一出咗事，咁佢就可能因為呢樣嘢。

問：咁佢係董事，佢都係即係管理層，係咪呀？你話鉛水事件發生之後，佢就決定辭任，佢有同你傾嘍，係咪呀？

答：係，係。

問：佢當時同你傾嗰陣時，喂，佢講畀你聽係「張生，我咩嘢原因辭任--我想辭任呢個董事一職」，點講呢，佢？

答：因為佢覺得個壓力好大。

問：壓力好大？

答：唔。

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問：邊方面嘅壓力？即係佢--大家你哋一齊同一間公司，佢有啲咩嘢--
邊方面嘅壓力呢？

答：個工作壓力。

問：工作壓力，係。

答：嘎。

問：除此之--咁你又點同佢傾？

答：吓？

問：佢有冇特別同你講過受到啲咩嘢困擾？

答：冇，冇，冇。

問：冇呀？

答：冇嘅。就係最主要就工作壓力，即係加上而家公司都有前途。

主席：公司咩嘢話？

答：公司都有得做。

問：咁啱翁國財先生又係 2015 年 8 月嘅又唔做嘞，咁你當時即係你今日
就同我哋講，補充個口供就話，啊，其實佢較早之前都已經同你講過，
佢想即係另謀發展咁，係咪呀？

答：唔係，佢好早同我講過。

問：好早同你講過。幾時？

答：就自己組一間公司。

問：幾時同你講過話開間公司？

答：就唔記得個日子，但係就好耐，起碼我睇都差唔多一年嘅都。

B

B

C

問：一年？

C

D

答：係。

D

E

問：間公司做咩嘢嘍？

E

F

答：咩嘢？

F

G

問：間公司做咩嘢，開間公司？

G

H

答：都係做呢一行，佢都係呢一行。

H

I

問：都係做呢一行嘅？

I

J

答：嘎，因為佢同一個同事出去嘅好似。

J

K

問：係。咁一年之前已經同你講話，即係想搞間新公司嘞咁？

K

L

答：係。

L

M

問：點解即係去到8月先至正式離職呢？

M

N

答：因為佢自己就未成立到，咁一路喺度做緊。咁樣公司做開嘅嘢都係佢跟開，所以就大家都係留住留住，咁跟埋做緊啲嘢。

N

O

問：我哋睇番啲公司嘅紀錄，翁國財先生都係曾經做過你公司董事個嘢，記唔記得？

O

P

答：係。

P

Q

問：記唔記得？

Q

R

答：唔記得真係。

R

S

問：唔記得？

S

T

答：咁要 check 一 check。

T

U

問：即係呢個就係我...

U

V

主席：等一陣先，等一陣先。翁國財曾經做過公司董事，你唔記得，嘎，

V

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C

唔。

C

D

問：而翁國財先生係大概喺今--對唔住，舊年嘅 2015 年 7 月左右就離職，即係離任呢個公司董事一職，呢樣嘢你知唔知？

D

E

答：呢個我都唔知，可能佢同林小姐嗰度傾，我都要問番真係。

E

F

問：我想問下，即係因為個時間都幾脛合，即係咁啱定係咁蹺，翁先生--首先，你太太 9 月份辭職，林小姐又係幾個月前辭職，你覺得即係兩位相繼辭職嗰個原因有咩嘢關係？

F

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H

答：我自己本人就覺得冇關係，即係最主要就係喺呢個 7 月發生咗呢個鉛水事件之後，咁我哋公司已經係冇前途㗎嘞，...

H

I

問：你...

I

J

答：...所以佢哋去留都--我都有諗過呢個問題，因為我自己而家為咗呢--呢件事，嗰個壓力同埋個精神係相當大。

J

K

K

問：明白。

L

L

答：同埋而家有好多--最近發生好多嘢，其實我都有認真去諗點樣去理會。咁佢哋--根本佢哋都要搵佢哋嗰個工作，我亦有認真去詳細同佢哋傾談。

M

M

N

問：你話最近發生嘅嘢係--你指係邊方面嘅嘢？

N

O

答：係鉛水呢樣喇，喺--即係喺呢個發--喺自己嗰度發生咗。其實個鉛水事件我都唔知道--我哋公司出事嗰陣時，我都唔知幾多號嘅其實。

O

P

P

問：唔。呢個我再進一步同你去即係討論一下，好唔好？

Q

Q

答：好。

R

R

問：我就住你工作嗰背景，我想同你即係討論下先。你就話你有喺呢個水喉--做水喉嗰個行業，就有大概四十年經驗。

S

S

答：係。

T

T

問：即係如果我計一計數嘅話，你就大概係七十年代入行，係咪呀？

U

U

答：係。

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問：你當時點入行，即係你跟師傅學，定係點樣？

答：跟師傅學。

問：跟師傅學。幾時正式成為持牌水喉匠？

答：我都唔記得，都係七幾年嗰陣。

問：都係七幾年？

答：我就係七幾...

問：即係你入行冇幾耐就得到資格做咗持牌水喉匠？

答：都唔係，都一般時間。

問：一般時間。有冇十年嘅，入咗行十年嘅？

答：都有。

問：有十年嘅。

答：因為我六幾年做嘢。

問：咁即係你有資格成為呢個持牌水喉匠，即係需要經過啲乜嘢即係個資格嘅審核，有啲咩嘢考試啲咁嘅嘢要做？

答：有，嗰時我哋都要去水務考一個試。

問：係。

答：係嘞，一般就畫張圖。

問：係。

答：係嘞，畫張圖，就供應一--以前又有咁高嘅嘢，應該幾層高，七層高嘅，畫張圖咁樣，就供應嗰七層樓。就要有--嗰時都係主要畫圖，同埋供應畀每一間房，係咁。

問：係。有冇啲乜嘢課程你需要讀？

答：冇，都係喺工作方面嗰度--喺呢度學到嘍咋。

B

B

C

問：都係實務方面嘅，係咪呀？

C

D

答：唔。

D

E

問：但係你嘅考--你剛才講過考試，就係你話去提供啲圖...

E

F

答：唔係，提供一張紙。

F

G

問：一張紙？

G

H

答：係嘞。

H

I

問：唔。

I

答：就畫間屋幾多層高嘅，咁你就畫條企身水喉，跟住就分頭--分配到每一間屋。

J

問：你自己有冇例如學過水喉嗰個焊接嗰個工程？

J

K

答：我有。

K

L

問：你有？

L

M

答：冇。

M

N

問：即係你自己唔識做嘅？

N

答：唔識做。

O

問：諗...

O

P

主席：焊接唔識做呀？

P

Q

答：焊接以前就識做。

Q

R

S

問：唔識？

S

T

答：以前做嘅水喉唔係焊接，直頭焊接就有直--冇做過。

T

U

問：係。你一開始做水喉嘅時候，嗰個你話冇做焊接，咁...

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答：以前係鉛水喉。

問：以前係鉛水喉，係咪呀？

答：係呀。鐵喉嚟嘅講緊。

問：好嘞，鉛水喉跟住都有所改變，鉛水喉跟住就即係用咩嘢喉，然後？

主席：鉛水喉唔係鉛喉喎，嗰個你要記住。

答：鉛水喉，一早做就係鉛水喉，如果以我經驗。跟住轉變到就搪膠鉛水喉，就係鉛水喉入面有--有膠嘅。

問：係。

答：好，跟住鉛水喉話用得唔好，然後就轉呢個銅喉同埋不鏽鋼喉。

問：係。幾時你開始接觸呢個銅喉呢個工程，大概幾時嘅？

答：嘩，呢個我唔記得。

問：有冇--講緊有冇十年以上？

主席：唔記得？

答：唔記得。

問：唔記得，好。你一開始接觸銅喉嘅時候，係咪都係用錫焊？

答：係錫焊。

問：唔。咁嗰啲用嗰啲錫料，你都有認知嘅，即係要用啲錫料嚟做呢個即係焊接嘅工程，就住啲銅喉，...

答：係，係。

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問：...嗰陣時係用啲咩嘢料，即係焊料？

答：嗰時都唔記得嘞。

主席：等陣。

問：吓，完全唔知？你而家話唔知係用咩嘢焊料，係咪呀？

答：唔係，嗰個焊料因為喺好耐之前，佢係--亦都係用講係無鉛嘅焊料嚟嘅。

問：哦，好耐之前都已經講無鉛焊料，係咪呀？

答：無鉛焊料，係嘞。

問：你講「好耐之前」，都有十年前，有冇？

答：都有八、九年，我睇。

問：都有個呵？

主席：咩嘢話，有冇呀？

答：有嚟嘞。

主席：你除咗做公共屋邨嗰啲工程之外，私人屋邨你有冇做，私人發展商？

答：私人發展商係最近有。

主席：之前？

答：之前冇。

主席：一路都冇做私人發展商？

答：好少，冇呀。

B

B

C

主席：冇？

C

D

答：但係唔記得，應該就屋邨為主。

D

E

主席：係。

E

F

問：喺你做嘅工程裏面，除咗即係燒焊做啲銅喉之外，有冇接觸過即係其他類型嘅銅喉？

F

G

G

H

答：其他類型？

H

I

問：唔。

I

J

主席：其他類型嘅咩嘢話？

J

K

許偉強先生：嘅銅喉，即係個焊接銅喉嘅方式。

K

L

主席：接--唔係，其他接駁銅喉嘅方法。

L

M

許偉強先生：接駁銅喉嘅方式，嘎。

M

N

主席：唔，唔。

N

O

問：即係例如攞棍啲嘢你有冇聽過？

O

P

答：有聽過。

P

Q

問：你自己有冇接觸過？

Q

R

答：呢個--呢方面就有。

R

S

主席：再--你個問題問咩嘢話？對唔住。

S

T

許偉強先生：攞棍啲個方式。

T

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主席：哦，得。

C

D

D

問：係。有聽過？

E

E

答：係。

F

F

問：但係你自己就即係個工程入面就有接觸過？

G

G

答：我哋而家做嗰啲工程就有，都係焊接。

H

H

問：以前嗰啲呢，以前嗰啲有冇？

I

I

答：好少。

J

J

問：好少。

K

K

答：就有做過攞椗，因為攞椗嘅漏水機會高啲。

L

L

問：你話即係好早期，即係你話十年前--差唔多十年前都已經聽過要用無鉛嗰個即係焊料，係咪呀？

M

M

答：係。

N

N

問：你一路咁多年，有冇聽過即係例如錫條同埋錫線嗰個分別？

O

O

答：冇聽過。

P

P

問：完全冇聽過？

Q

Q

答：冇聽過。

R

R

問：冇聽過？

S

S

答：係。

問：就住焊料嚟講，咁第--你哋會有啲咩嘢名稱畀佢哋？即係如果你嗌焊料嘅話有邊幾種係講緊？

T

T

答：冇呀，佢哋都係嗌--而家就嗌錫條、錫線。

U

U

問：嗌錫條、錫線？

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答：係嘞。

問：呢個都--係咪講咗都好多年㗎嘞，錫條、錫線？

答：唔記得。

問：唔。知道--你話知道要用無鉛，即係都有十年？

答：係。

問：你都知道係有無鉛錫料同埋有鉛錫料之分，呢樣嘢你知㗎喇？咁多年經驗。

答：冇聽到話有鉛個啲。

主席：無鉛，點解叫無鉛？

答：吓？

主席：點解叫無鉛？

答：因為佢...

主席：如果得一種錫條、錫線，點解要寫無鉛落去呢？

答：呢個我都唔知道。

主席：得，唔。

問：唔。

主席：或者我哋 morning break 先，好唔好？

許偉強先生：好。

主席：張生，其實我哋就唔准食嘢嘅，喺法庭裏面。所以一陣間就唔該你...

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答：唔係，因為個口佢嗰個分泌呀，如果唔係講唔到嘢，唔好意思。

主席：哦，得，因為我以為你喺度噍緊香口膠。

答：唔係，個香口--係呀，即係要等佢分泌，...

主席：得。

答：...我個口而家乾咗。唔好意思，唔好意思。

主席：得，得，唔。

答：唔好意思。

主席：好，我哋休息二十分鐘。

上午 11 時 32 分聆訊押後

上午 12 時 02 分恢復聆訊

出席人士如前。

主席：繼續，Mr Khaw。

許偉強先生：係。

金日工程有限公司（“金日”）（中國建築（紅磡邨第二期）及保華（榮昌邨和東匯邨）的分判商）的第一證人：張達欽（金日董事總經理及持牌水喉匠（紅磡邨第二期、東匯邨和榮昌邨））宣誓繼續作供
許偉強先生繼續盤問

問：張生，就今朝早我都問過你，就係話關於即係要用無鉛嗰個焊料做即係食水喉--銅喉個接駁嗰樣嘢，...

答：係。

問：...咁你都講出咗話大概都有十年嘅，即係呢個時間，你係知道即係

B

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要用呢個無鉛嘅焊料，呢樣你係知嘅？

C

D

答：係，知道。

D

E

問：即係你喺呢個水喉行業咁多年經驗，你都應該知道就係要用呢個無鉛焊料嘅原因，都係因為即係鉛對身體有害呢樣嘢你一定知嘅，係咪呀？

E

F

答：係。

F

G

問：咁要用無鉛焊料嚟做食水喉嘅，主要原因都係因為驚如果用咗啲有鉛嘅焊料嘅話，咁會有啲鉛走入咗食水喉，就會即係影響嗰個水質，呢樣嘢你都同意嘛？

G

H

H

I

答：同意。

I

J

問：即係常識我哋應該係咁講？

J

K

答：係呀。

K

L

問：好，同意，係。你--較早前我問你就係話，你知唔知道嗰個焊料係有有鉛同埋無鉛嘅分別。呢樣嘢首先你係知道要用無鉛，係咪呀？

L

M

答：係。

M

N

問：如果係無鉛嗰方面，我想問下你有冇見過呢啲咁嘅“FRY”呢一隻無鉛嘅焊料？

N

O

答：有。

O

P

問：見過。你記唔記得第一次見呢一隻焊料嗰陣時係幾耐，會唔會好多年前，或者...

P

Q

答：好多年前。

Q

R

問：好多年前？

R

S

答：係。

S

T

問：有冇大概十年前第一次見過呢隻焊料？

T

U

答：呢個都唔記得。

U

V

V

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B

C

問：都唔記得？

C

D

答：係。

D

E

問：但係講緊都好多年？

E

F

答：好多年㗎嘞，係。

F

G

問：係。你第一次接觸呢隻焊料嘅時候，你都知道呢一隻--即係我哋講綠色卷裝呢一隻係無鉛焊料㗎，你知道嘅？

G

H

答：係，知道。

H

I

問：點知呀？邊個話畀你聽？

I

J

答：係喺嗰啲--呢個同啲公司簽嗰啲合約嗰度都有講過吓。

J

K

問：你講同公司簽嗰啲合約，我想搞清楚先。

K

L

答：係，就係無鉛嘅，係嘞。

L

M

問：你係講緊話同總承建商，定係講緊同呢個供應商簽嗰啲合約？

M

答：呢個我哋同供應商就有簽合約，就都係落 order 擺嘅啫，係供應商拎過上嚟公司，我都見過下。

N

問：唔。咁...

N

O

P

主席：你講「供應商」係水喉供應商，抑或係乜嘢供應商？

P

Q

答：係應--我印象中都係雋景嘅供應商，係五金。

Q

R

S

問：即係你一路--一開始接觸呢一隻“FRY”，呢一隻無鉛焊料嘅時候，就係雋景提供畀你嘅，係咪呀？

S

T

答：係。

T

U

問：你哋金日工程公司同雋景，即係話你哋落 order，叫佢畀焊料或者畀其他即係一啲五金，即係做水喉嗰啲配料。你呢個咁樣嘅關係，即係

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落 order 呢個關係，即係大概有幾耐，係咪都好耐？

答：都好耐。

問：由你金日工程公司正式開始成立嘅時候，係咪已經有搵雋景？

答：係。

問：都已經有雋景。你本人同雋景個老闆熟唔熟悉？

答：補充一句先，頭先講我公司成立以來幫雋景就唔知幾耐，因為我公司成立嗰時都未用銅喉。

問：明白。咁即係話你嘅意思係咪話，總之如果我哋睇呢一份綠色呢一隻“FRY”嘅話，就由你公司開始用呢一隻料錫條嘅，咁就係由雋景提供？

答：係佢提供嘅，...

問：得。

答：...係嘞，正常。

問：嘅焊料，啱唔啱呀？

答：啱。

問：你同雋景個老闆相唔相熟？

答：呢個我就唔知點界別，咁我就係認識佢好耐，但係攞料，傾呢啲，我就冇同佢傾。

問：係。即係你話認識佢好耐，就係即係係工作上認識，定係喺其他嘅層面上認識？

答：工作上。

問：工作上認識。雋景老闆叫咩嘢名？

答：周家平。

問：唔。即係會唔會經常見面，你哋？

B

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C

答：好少。

C

D

問：好少。除咗呢一隻無鉛焊料，即係我哋見過喇吓，...

D

E

答：係。

E

F

問：...你都話見咗好多年㗎嘞。

F

G

答：係。

G

H

問：仲有冇你曾經接觸過啲其他類型做食水銅喉嘅焊料？

H

I

主席：嘅無鉛焊料。

I

J

許偉強先生：嘅無鉛焊料。

J

K

主席：唔。

K

L

答：係冇。

L

M

問：冇。其他類型嘅焊料，你有冇接觸過？

M

N

答：就係呢個...

N

O

問：除咗呢一隻之外，其他類型嘅？

O

P

答：除咗呢隻之外，就喺呢個鉛水事件之後就見過一隻就係叫做錫條。

P

Q

問：錫條。你話喺鉛水事件之後就見到呢一個錫條...

Q

R

答：係呀，留意到個錫條，...

R

S

問：留意到...

S

T

答：...之前就冇留意到。

T

U

問：冇留意。但係你之前有冇曾經例如聽過或者你自己見過，即係行家大家去傾嘅，就係除咗呢一隻無鉛“FRY”之外，會有其他嘅錫料嘅，有冇聽過？

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答：冇，冇聽過，行家都冇傾呢啲嘢。

問：完全冇聽過？

答：我哋喺商會都冇傾過呢啲。

問：即係從你嘅認知，淨係知道呢一隻焊料，由頭到尾，淨係知道呢隻焊料？

答：唔知，唔知嘅，係呀，其他唔知。

問：其他唔知？

答：同埋都唔記得呢樣嘢就係。

問：你肯唔肯定？

答：唔記得，唔記得。

問：而家畀你睇下，即係呢啲就係你剛才冇提及過鉛水事件發生之後，即係你都聽過嘅錫條。

答：係。

問：之前有冇睇過，有冇見過呢類型嘅錫條，有冇見過？

答：冇見過。

問：肯定？

答：都唔記得有冇見過呢一啲。

問：好。想問一問你，就住即係而家涉事嗰幾條邨--個屋邨，即係我哋知道你哋同嗰幾個屋邨有關嘅總承建商，都係--即係你係要投標，即係競投，跟住攞個工程返嚟嘅，係咪呀？

答：係，冇錯。

問：投標嘅過程，你本人作為老闆，金日公司個老闆，你有冇參與？

答：有。

問：有參與。咁就投標嘅過程入面，我想問一問你，就係--尋日我哋聽過

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保華嘅有關證人畀口供。

答：係。

問：咁佢哋都有話到就喺投標嘅過程之中，都會讓你哋知道就係話，究竟嗰啲主合同嗰啲規格係點，即係例如用啲咩料，即係佢哋嗰個有啲咩嘢要求嗰啲都會同佢哋傾。呢樣你同唔同意？

答：用嘅料佢冇特別個喎。

問：嗰啲--即係我哋講個 spec, specification, 即係嗰啲規格，合同嘅規格，有冇話畀你哋聽？

答：我唔記得。

問：唔。你睇你證人口供，你嘅證人口供就有咁樣講嘅，喺 L1 嘅第 12 頁，第 12 頁就第 5 段開始就講榮昌邨，又講東匯邨、紅磡邨二期。我哋睇咗榮昌邨同埋東匯邨先。

答：係。

問：咁都係講話，「分判合約內，「A) 就個工程概述」章節有說明此合約包括「規格說明」。請見附件 1A。」咁就唔使睇。

答：係。

問：「而房署有個 Specification Library 2008 年嘅版本內有列明各樣水喉物料需符合那項 BS 標準，並有說明焊料係需為無鉛」咁樣，即係呢個榮昌邨、東匯邨，同埋呢個紅磡邨二期，你都係咁樣講，係咪？

答：係。

問：我想了解一下，即係你話你有參與過呢個投標嘅過程，答：係。問：喺個過程入面，咁你需要報價，係咪呀？

答：係。

問：你報價嘅時候都知道，我要用啲咩嘢料嚟到做呢個工程，你需要知，係咪呀？

答：係，知道㗎。

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問：知道，係。係邊個畀你呢啲咁嘅信息，即係邊個畀你呢啲咁嘅資料，有關啲主合同話做水喉嘅料，即係要用啲咩嘢規格，係邊個話畀你聽，即係總承建商係咪喺嗰個投標過程嗰陣時話畀你聽？

答：我哋而家投標嘅過程，一般佢落標，我哋都係跟番啲物料，就係喺水務--最主要水務嗰個名冊嗰度認可嘅。咁佢就有幾種，我哋都係攞嗰幾種嚟做一個報價。

問：係。我都想知道，就係如果你--首先，我想知道就係你講喺你嘅--喺你個證人口供入面有提到過即係啲 spec, specification, 即係啲規格，答：係。

問：你自己有冇睇過任何文件有關啲規格係需要啲咩嘢要求？

答：有睇過。

問：有睇過。就住焊料，你都有睇過規格入面有講係即係要用無鉛，你有睇過，係咪呀？

答：係，睇過。

問：喺你公司入面，除咗你本人之外，如果係要注意呢啲規格，主合同呢啲規格有咩嘢要求嘅話，除咗你本人會睇之外，仲有邊個同事或者即係你嘅職員會睇？

答：我嘅職員就林小姐會睇下嘅。

問：係。翁生會唔會睇？

答：我唔知道佢有冇睇。

問：你有冇同佢話曾經--即係就住呢幾條邨咁講，商討過話對於啲合同嘅規格有咩嘢要求，有冇同佢傾過呢啲嘢？

答：冇。

問：冇。但係佢就負責攞嗰個--啲物料個樣辦，就攞去畀總承建商嗰度，即係等佢哋可以呈交界房署做批核，呢樣你知㗎嘛？

答：係，知。

問：所以係咪咁講啱呢，就係翁先生都一定係對嗰個主合同入面啲物料

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需要冇啲咩嘢規格都有一定認識？

答：佢應該認識。

問：好。我想問一問你就係報價嘅時候，你去報價嘅時候，你係例如如果講緊焊料，即係你都知道要用咩嘢焊料，係咪呀？

答：係。

問：你當時會唔會話因為知道你要用無鉛焊料，咁你哋自己公司會唔會話即係有啲無鉛焊料，例如好似呢隻“FRY”咁嘅，嗰個價格係有啲參考，你公司，有冇嘍？

答：呢個冇嘅，因為佢估嗰個價錢係細得好細。

問：係。

答：所以就冇擺落去。

問：明白。你哋一般嚟講報價嘅時候，你哋係用一個咩嘢單位嚟報價，即係每一伙嚟做單位，定係話成件工程係幾多錢咁嚟報價？

答：我哋係用嗰啲長度嚟報價，佢嗰個--即係 1 metre、1 metre，總數幾多 metre 咁嚟報價嘅。

問：係，明白。我想問一問你，翁生喺你哋公司做咗幾耐？

答：都好耐，但係如果真係個日子唔記得，係相當耐。

問：你哋公司成立有幾耐佢已經開始喺度做，係咪呀？如果咁講。

答：都唔記得。

問：唔。有冇十年？

答：十年有嘅。

問：超過十年？

答：應該超過十年。

問：唔。林小姐呢？

B

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主席：等一陣先，我想問一問。

D

E

許偉強先生：好。

E

F

主席：「超過十年」，幾時開--佢係咪股東？佢曾經係個股東？

F

G

許偉強先生：佢曾經係過呢個...

G

H

主席：董事。

H

I

許偉強先生：...董事，係。

I

J

主席：曾--佢唔係股東嚟嘅？

J

K

答：唔係股東。

K

L

許偉強先生：唔係股東。

L

M

主席：唔係股東。

M

N

許偉強先生：等我確認一下先。佢曾經係過董事，就--我而家手頭上嘅資料呢就應該唔係股東。

N

O

O

P

主席：佢係董事，佢係 Director，受薪董事？

P

Q

答：係。

Q

R

主席：佢係月薪嘅？

R

S

答：係。

S

T

主席：即係每個月幾多錢人工，係嘛？

T

U

答：係。

U

V

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主席：有冇花紅？

C

D

答：冇一定。

D

E

主席：冇一定花紅嘅？

E

F

答：係，冇一定。

F

G

主席：視乎...

G

H

答：視乎每一年。

H

I

主席：公司賺錢定蝕錢？

I

J

答：賺錢喇，賺錢咪出多個月，一般都係農曆年嘅。

J

K

主席：出多個月糧？

K

L

答：係。

L

M

主席：即係十三個月糧，雙糧？

M

N

答：雙糧。

N

O

主席：即係出多一個月糧？

O

P

答：係。

P

Q

主席：唔係，我有吓嘛，係咪先？係咪呀？

Q

R

答：咁你人工高啲。

R

S

主席：唔係，係咪先呀？即係出多一個糧呀？

S

T

答：我哋嘅出法，我自己都係印象嘅啫，咁...

T

U

主席：唔。吓？

U

V

答：唔係，出一個月糧我意思就咁樣，我哋每個月比如係 1 號出糧，咁喺農曆年唔係 1 號嘍嘛，咁咪喺嗰段時間出畀佢咁計。

V

主席：哦，即係...

B

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C

答：如果你用長年計係十三個月。

C

D

主席：十三個月？

D

E

答：但係唔係一定，呢個十三個月。

E

F

主席：最多十三個月糧，係咪咁？

F

G

答：嘎，係。

G

H

主席：有冇多過十三個月糧？

H

I

答：唔記得。因為嗰個係喺另外一個...

I

J

主席：你公司有幾多個董事呀？會唔會出多過十三個月糧，你都唔記得？

J

K

答：應該就有，印象就有。

K

L

主席：印象就有？

L

M

答：係嘞，十三個月糧。

M

N

主席：得，唔該。

N

O

許偉強先生：好，唔該。

O

P

問：我想問一問你跟住就係即係有關嗰個物料樣辦呈交嗰個過程。

P

Q

答：係。

Q

R

問：喺你個證人口供都有提及過，就係話呢一個焊料，即係我哋啱啱睇到呢個，綠色呢一個一卷卷嗰啲焊料，就即係唔係話強制性係要畀嗰個物料嘅樣辦即係畀房署去做審視，但係一路嘅做法都係有交到上去嘅？

R

S

答：有。

S

T

問：你都講出咗，就話就住呢三條邨，紅磡、榮昌同埋東匯，呢三條邨之前，你都知道個做法都係要交物料嘅樣辦畀房署，呢樣你都知，係咪？

T

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答：係。

C

D

問：喺呢三條邨之前，喺你個證人口供入面所講話要交去例如畀呢個總承建商，等佢可以交界房署。呢一個咁嘅做法，我想首先問下你，就係即係邊個要求咁樣做？邊個要求，即係例如總承建商，定係你哋自己話「不如交喇，穩陣啲啲」咁，係邊個有啲咁嘅要求先？

D

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E

F

答：冇。

F

G

問：吓？

G

H

答：冇要求㗎。

H

I

問：冇要求嘅？即係冇人要求，不過就你哋自動咁樣就交咗去總承建商度，係咁樣？

I

J

答：我哋係跟個樣辦，就同埋啲啲物料就一齊交界佢嘅。

J

K

問：係。慢慢嚟先。

K

L

答：好。

L

M

問：你喺證人口供度講，就話焊料非房署強制係受審核嘅其中一種物料，呢個你咁講，即係唔使一定要交嘅。不過你就話「我都交咗喇」。咁我就想知道，就係即係你要決定就算冇強制，我都要交，即係呢個動作，咁一定係有啲人，佢哋會決定點樣做。

M

N

N

O

答：嘎，嘎。

O

P

問：咁係邊個呢，我想知道係例如係總承建商同你講話「交上嚟喇」，定係你自己即係覺得有呢個咁嘅需要，做多一步，交埋上去，定係點？

P

Q

答：我印象中就中咗個地盤，即係個地盤中咗標，就啲供應商就自己拎上嚟嘅，即係遞邊隻邊隻，咁我哋就遞咗上去嘅啫。

Q

R

R

S

問：咪住先吓。

S

T

主席：供應商我哋明，譬如你啲大嘅銅喉，咁我哋明，係咪？

T

U

答：係。

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主席：你譬如你嗰啲潔具，雖然唔係你負責，咁我哋都明，咁但係而家唔係講緊嗰啲，而家講緊呢隻焊料。

答：你講多一次，唔該。

問：係。我問多一次吓。

答：係。

問：就係你喺個證人口供就講得好清楚，就話焊料就不是，唔係房署強制性要求擺實物嘅樣辦去到審批。

答：係。

問：但係喺呢三條涉事嘅邨之前，你哋都係有將呢啲焊料嘅樣辦擺咗去總承建商嗰度，等佢哋可以擺去房署嗰度做審批。

答：係。

問：我個問題就係做呢個動作之前，邊個人或者邊一個公司係決定話「唔需要強制畀嘅，不過我都畀喇」咁，係邊個作呢個決定嘅？

答：呢個我都唔知道。

問：唔。你自己有冇考慮過好唔好不如遞埋上去，即係會唔會你自己曾經有參與過呢個決定？

答：我唔記得。

問：咁即係話--咁總有個原因，總有個即係源頭，就話究竟邊個去做，你而家就話完全唔知道，突然間有一日交上去嘞，有冇咩嘢難言之隱呀？

答：冇呀，諗唔到。

問：諗唔到，好。

答：係呀。

問：我想問下，你呢三條邨之前，你話交嗰個焊料上去做嗰個樣辦，畀總

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承建商畀房署去到批核。你啱啱講就係話嗰個供應商佢會擺啲料嚟畀你哋，係咪呀？

C

D

答：係。

D

E

問：係咪呀？

E

F

答：擺料，擺報價。

F

G

問：咁一定係有人通--即係你哋公司有人就通知咗供應商擺啲咩嘢料嚟㗎嘛，係咪呀？

G

H

答：係，嘅。

H

I

問：嗰個係邊個？你、翁生、林小姐定係邊位？

I

J

答：林小姐。

J

K

問：林小姐嘅？

K

L

答：係。

L

M

問：即係一路嘅做法，即係話咁多年嚟，你哋同房署嗰啲工程，如果要問供應商去擺呢啲即係有關嘅物料嚟，畀--等你哋可以交去畀總承建商做批核，呢樣嘢都係林小姐嘅，全部都係佢做嘅？

M

N

答：一般我嘅印象中，就嗰啲供應商知道我哋嗰個地盤係我哋做，就嗰幾個供應商就擺料上嚟㗎喇。

N

O

問：唔。咁--係。

O

P

答：即係嗰啲供應商即係想做呢單工程，...

P

Q

問：我明。

Q

R

答：係。

R

S

問：供應商唔會無揸揸咁擺啲料嚟㗎嘛，一定係有人即係聯絡佢，咁你啱啱就話一路以嚟係咪就係話林小姐就係負責聯絡個供應商嘅呢？

S

T

答：係佢聯絡。

T

U

問：係佢聯絡，唔。翁生佢有冇負責聯絡供應商？

U

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V

B

B

C

答：冇。

C

D

問：冇嘅？

D

E

答：係，冇。

E

問：咁供應商擺咗啲物料嚟，咁其中包括焊料嚟，係咪呀？

F

答：係。

F

G

問：咁擺咗嚟你哋度先，係咪？

G

H

答：係。

H

I

問：擺嚟你哋度，展示畀你哋睇，係咪呀？

I

J

答：係。

J

問：亦都係林小姐負責嘅，即係睇有啲咩嘢物料嚟咗，係咪都係佢睇？

K

答：佢都睇嘅。

K

L

問：都係佢睇。佢都睇嘅，咁仲有邊個會睇呀？

L

M

答：冇呀，係佢去睇價--嗰個價。

M

N

問：你自己唔會睇嘅？

N

O

答：係喇。

O

P

問：你自己會唔會睇？

P

Q

答：佢就畀個價錢我，都會睇下嘅。

Q

R

問：你都會睇下。即係話佢哋嚟到嘞，擺啲物料展示畀你哋，咁就會有你在場嘅都會？

R

S

答：係，之後，即係佢報晒價之後，先同林小姐商量嘅，畀...

S

T

問：即係林小姐就先同供應商傾咗先？

T

U

答：傾晒啲價，係嘞。

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問：然後林小姐就同你商量，係咪呀？

答：係嘞。

問：咁同你商量嗰陣時，供應商就不在場嘅？

答：唔喺度嘅。

問：林小姐睇完，又收到佢咁個報價，供應商個報價，跟住同你傾，咁你
咁傾完之後，咁就要遞上去，遞上去個總承建商嗰度。咁呢一個步驟
就變咗係翁生嘅責任，係咪呀？

答：唔係，係啲供應商就有個板釘晒嚟，送嚟公司，咁就由翁生拎去供應
商--拎去承建商。

問：拎去承建商，係嘞。咁即係...

主席：唔係，我哋而家成日講嚟講去，你講啲啲辦就係啲水喉通，可能啲
bend，可能 Ts，可能啲啲嘢就釘晒喺個板嗰度，係咪？

答：係。

主席：咁呢啲大供應商我明，我而家最有興趣嘅就係呢個無鉛錫線究竟係
點樣樣，因為佢基本上雋景有啲咩嘢會交上嚟畀你哋？

答：雋景交上嚟唔係淨係無鉛錫線嘅，就最主力係啲喉碼。

主席：喉碼，係囉。

答：啲啲喉碼即係釘晒落去，嗰個都係釘埋落塊板拎上嚟嘅。

主席：釘喉碼，係咪呀？

答：係嘞，係啲啲。

主席：無鉛錫線？

答：係嘞。

主席：銀線呢？

B

B

C

答：冇，冇見過。

C

D

主席：冇見過？

D

E

答：即係冇印象。

E

F

主席：唔。

F

G

問：唔。即係你嘅意思就係話焊料都係供應商釘咗喺塊板度擺上嚟？

G

H

答：拎過嚟嘅。

H

I

問：咁就跟住翁生就將佢交去總承建商嗰度，係咪呀？

I

J

答：係。

J

K

問：以你所知，翁生都一定即係知道呢一隻係即係無鉛焊料嚟嘅？

K

L

答：我唔知道，我唔知道佢知唔知。

L

M

問：你唔知佢知唔知？

M

N

答：係。

N

O

問：即係佢做咗咁多年，你哋又用--你又知道呢一個無鉛焊料，所以用咗咁多年，即係佢如果擺呢一個--釘一塊板嘅一個綠色一卷嘢落去嗰陣時，你就話你係唔知道佢知唔知呢個係有鉛定係無鉛，佢唔知嘅？

O

P

答：我冇同佢溝通呢樣嘢。

P

Q

問：哦，冇同佢溝通。你咁樣同唔同意我個講法，就係即係你都有講，就係話因為呢個遞交呢個焊料即係唔係強制性，不過都做咗。

Q

R

答：係。

R

S

問：咁呢個咁嘅做法，即係都有佢個意義嚟度，係咪呀？

S

T

答：係。

T

U

問：咁咁講啱唔啱呢？就係即係嗰個意義就係即係你確保大家，房署又好，總承建商又好，你哋又好，都知道你最後訂要訂邊隻，係咪呀？

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即係焊料，同唔同意？

答：係。

問：即係如果批核咗之後，大家要訂邊隻，係咪呀？

答：係。

問：咁你哋公司嚟講，其中一個好重要嘅責任，就係去確保你哋去採購返嚟啲咁嘅物料，即係我哋而家講緊焊料，係符合你哋做咗咁多嘢之後，批核咗嗰一隻料㗎嘛，呢個係即係你一個好重要嘅責任，你哋公司，係咪呀？

答：嘎。

問：咁我想知就係你批咗個料返嚟，總承建商首先，總承建商有冇通知你哋話「啲料批咗嘞」，例如焊料批咗邊隻嘅咁，有冇話畀你聽？

答：有話，但係冇講焊料，淨係講話啲嘢批咗。

問：即係冇特別話講焊料？

答：冇。

問：但係你話--佢話你批咗嘅意思係點？即係話你哋呈交去總承建商啲啲物料都批晒，即係會有啲咁樣嘅通知，有冇㗎？

答：佢--有㗎。

問：有嘅？

答：有通知我哋。

問：即係你嘅意思就係佢唔會話特定講邊隻，不過就會通知你哋話擺上去嘅都批咗咁樣，係咪咁嘅意思？

答：如果有特別，就只係話唔批嗰種嘅啫。

問：唔批啲啲就會講畀你聽？

答：係嘞，就要補嘞，要補番第二隻，就唔係全...

問：唔，係。佢用咩嘢形式通知你，口講、電話、電郵，定係點？

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答：口講，同埋佢應該要有番封信畀我哋。

問：有封信畀你哋？

答：係呀，係呀，出番封信話啲嘢批咗。

問：係。個信會係即係邊個收，即係你哋公司邊個負責去睇呢啲信？

答：一般都係拎返嚟，我哋主要係睇到唔批啲啲嘅啫，如果唔係就夾番個 file 度。

問：我講緊...

主席：係畀邊個？

問：...邊個。

答：吓？

主席：抬頭人畀邊個？抬頭人畀邊個？

答：抬頭人我有--唔記得，冇睇。

主席：咁即係三個人嘅啫，一係你，一係林小姐，一係翁先生嘅啫？

答：翁先生拎返嚟嘅，但係我有睇話畀邊個。

主席：翁先生就拎番個，...

答：嗰封信，係。

主席：...話房署話批咗喇啲嘢返嚟咁，嗰個文件或者嗰一樣嘢？

答：係。

主席：唔。

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問：咁我想知道就係即係翁先生就擺個文件嚟話批咗咁樣，係咪呀？

答：係，係。

問：當啲職員去訂貨嘅時候，例如訂焊料嘅時候，佢哋點樣會知道去訂邊隻？

答：焊料我哋冇訂，全部都係訂晒啲喉啲啲，因為個焊料佢哋係做啲陣時打電話叫啲咋喎。

問：係嘞，做啲陣時打電話叫，即係你哋有職員去負責做呢個動作啲嘛，係咪？

答：係，就係地盤個管工打返嚟。

問：係嘞，係嘞。咁佢哋會打電話，係咪呀？

答：係。

問：畀供應商，就...

答：唔係，打返嚟公司。

問：打返嚟公司，就話需要焊料？

答：係呀，需要焊料。

問：好嘞，咁跟住公司就有同事就去聯絡供應商，係咪？

答：係。

問：公司邊位同事聯絡供應商？

答：有兩位囉，就林小姐同埋莫小姐。

問：係。咁佢哋知唔知道你哋之前遞上去總承建商係邊隻物料，佢哋知唔知呀，莫小姐、林小姐？

答：我唔知道佢哋知唔知。

問：你老闆嚟個喎，呢啲你做咗咁多嘢去畀總承建商擺咗房署個批核，啱

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啱你都同意我講法，攞咗個批核，其中一個重大意義都係話要知道訂貨嗰陣時訂邊隻料。

答：我有提過畀佢哋聽。

問：即係--咪住先，你等陣先。

答：係。

問：你話你唔知佢知唔知，啱啱就係話，你而家就話你有提過畀佢聽，即係話你有親自話過畀林小姐同埋莫小姐...

答：唔係，唔係，呢個係咁樣，係你頭先--你再講一次。

問：好呀。

答：我需要再...

問：我再問多你一次。

答：係，唔該。

問：你話地盤職員需要用焊料嗰陣時，佢就會打電話通知你哋公司，係咪同你講？

答：唔係同我講。

問：同邊個講？

答：通常地盤打電話返嚟，就係林小姐、莫小姐接電話嘅。

問：係。

答：咁啲 order 啲貨就係管工打返嚟，畀佢哋兩個聽咗，佢哋兩個就落 order。

問：冇錯。佢哋兩個去供應商度落 order 㗎嘛？

答：係。

問：即係去雋景嗰度落 order，係咪？

答：係。

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問：咁佢哋兩個都一定要知道落咩嘢 order 㗎？

答：我之前就叫佢留意，「即係你一定要留意批咗嗰啲材料咁係落 order」，咁佢哋通常就睇番水務嗰啲資料嚟落 order 嘅。咁地盤再打電話落，譬如呢啲係焊料，佢冇問我嘅，唔係每一次問我嘅落 order 嗰啲嘢。

問：水務嗰啲即係批文我哋知道，入面就有講到焊料嘅，係咪？

答：冇錯，係呀。

問：咁我嘅意思就係話當你嘅職員林小姐、莫小姐去雋景落 order，買焊料嘅時候，咁佢買咩嘢--買咩嘢焊料？

答：我唔知，嗰--地盤嗰個管工打畀佢落 order 擺乜嘢，佢咪擺乜。

問：即係你公司係完全話即係有一個制度係話令到莫小姐同埋林小姐係知道要落 order 嘅時候，即係焊料，係落咩嘢 order 個嗰，即係買邊一隻牌子都唔知？

答：冇㗎，冇留意。

問：咁你公司--你啱啱都答過我，就話你公司好大責任即係要把關㗎嘛，就係啲料批咗嘞，你要一個好重大責任，就係去提供啲符合要求嘅料，焊料。

答：係。

問：咁連你落 order 個職員都唔知要買邊隻，咁點把關？

答：佢都唔知嗰隻焊料--就係冇特別去留意隻焊料係話有鉛。

問：你唔覺得你需要話畀佢哋聽，起碼買邊隻牌子，畀個樣佢睇下咁，起碼都要咁，係咪呀？唔需要？

答：有話過畀佢哋聽。

問：有定冇，而家？

答：有。

問：啱啱又話冇，而家又話有。

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答：唔係，我講過畀佢哋聽。

問：你有講過畀佢哋聽買邊隻牌子？

答：冇話牌子，係...

問：你講過畀佢聽乜嘢？

答：我講畀佢聽就係落番啲咩焊料，係合乎規格嘅焊料。

問：當我係林小姐，「我點知邊隻合乎規格焊料，老闆。」點知呀？合乎規格即係咩嘢？啱啱我畀你睇一條條、一卷卷，定係點？

答：因為我有刻意去提--冇刻意去講畀佢哋聽個焊料係有鉛嘅...

問：唔。即係其實--即係話你有特別同佢哋講要買邊隻？

答：係。

問：咁即係話佢哋可以隨意買，買邊隻都得？

答：我咪叫佢擺--跟番擺遞咗辦啲咩材料。

問：我知。咁佢哋又點樣知道跟番個遞咗辦係邊隻，你公司有啲乜嘢文件畀佢睇，畀佢知道係遞咗辦，批咗去邊隻呀？

答：冇。

問：咁我個問題就係話又有畀佢睇過係邊隻，冇文件畀佢哋做根據，佢哋買咗乜嘢都唔會知㗎喇，焊料？

答：佢買咗焊--我都唔知係啲咩焊料。

問：唔。一般嚟講，啲焊料我哋講緊，進場即係去到個地盤嘅時候，你知唔知即係地盤嗰方面係即係有啲乜嘢手續，即係例如送焊料之前，需唔需要話即係通知咗個總承建商先嘅，我哋而家講係有利先--講保華先。

答：係。

問：係嘞，即係需唔需要即係通知佢哋先，你知唔知？

答：冇通知。

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問：冇通知嘅。答：係。

問：你哋通常即係如果係焊料嘅話，係咪都係即係由供應商即係車嘅焊料去到個地盤現場咁樣？

答：係。

問：入地盤現場嘅時候，需唔需要話即係簽啲咩嘢文件咁樣？

答：冇嘅。

問：冇嘅？

答：嘅。

問：入到現場嘅時候，你哋即係都會有職員收貨？

答：係。

問：邊位職員係負責喺現場收貨？

答：一般都係個管工。

問：管工。當啲物料送到--我講緊焊料，送到現場嘅時候，咁應該都係有啲送貨單？

答：係。

問：咁你個管工就應該會簽收，係咪呀？

答：係。

問：唔。嗰個送貨單你管工簽收咗之後，咁就佢會負責擺番寫字樓？

答：冇擺番嚟嘅。

問：冇嘅？

答：係嘞，咁嗰張送貨單就一般係嗰個供應商，同埋個發票一齊寄番過嚟嘅，有佢嘅簽收嘅。

問：即係話送咗貨之後，你哋自己嘅職員簽收，咁佢唔會話即係 keep 咗一個簽收咗嘅嗰個送貨單，會唔會㗎，佢會唔會 keep，即係你哋自

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己職員？

答：我唔知佢哋有冇 keep。

問：你唔知嘅？

答：係。但係個供應商就有副本拎嚟--同埋寄番嚟嘅。

問：供應商就有副本寄番嚟嘅？

答：係呀，係呀。

問：寄嚟嗰陣時係邊個收嚟呢啲文件？

答：寄番嚟，一般有時莫小姐或者林小姐。

問：都係佢哋兩位，係咪呀？

答：係嘞，係。

問：佢哋係咪--即係你知唔知道呢啲文件擺番嚟之後，公司有個 file 會裝住呢啲文件？

答：冇嘅，呢個係。

問：你知定係唔知？

答：我唔知。

主席：你公司有幾多人？我想問下。

答：公司就如果喺--坐喺公司嘅，就有我哋--睇下先，五個人。

主席：有莫小姐、林小姐...

答：林小姐，黃...

主席：黃先生？

答：係嘞。

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主席：Patrick Wong？

答：Patrick Wong 同埋係我，或者翁先生。

主席：五個人坐喺寫字樓？

答：係，係。

主席：地盤就有地盤啲啲管工、科文啲啲？

答：係呀。

主席：咁會計部基本上就係林小姐同埋莫小姐，啱唔啱？

答：係呀，係呀。

黎先生：你自己多唔多就喺--多唔多喺寫字樓？

答：我多啲。

黎先生：但係你好似咩嘢都唔知咁嘅？

答：我都係負責傾下啲工程啲啲多啲，同埋跟番啲啲嘢，啲進度。

問：好。睇一睇你證人口供 L1 嗰度嘅第 13 頁。第 11 段嗰度你講「由於上述地盤已完工及已過保養期，故本公司已沒有保留相關單據記錄。本公司了解委員會已聯絡供應商“雋景建材有限公司”要求提供證詞、相關單據紀錄。」咁樣。呢度有講就係完工過咗保養期，咁就係你就唔會再 keep 番啲單據？

答：係呀，啲啲單好多。

問：咁呢個你講啲啲單都係包括例如焊料啲啲單據都唔 keep 嘅？

答：小五金。

問：小五金？

答：凡係細數目啲啲，即係...

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問：即係包括焊料嗰啲單據，係咪？

答：係呀。

問：你同唔同意嗰個--我哋就住嗰三條邨嚟講，嗰個保養期係兩年，即係完工之後兩年，係咪呀？

答：係。

問：喺你另外一份證人口供嗰度，你就咁樣講，喺你最近--尋日嗰份證人口供，139第6段，你話「本人不知道該4份所謂送貨單的來源。」

答：唔。

問：一陣間我會同你睇一睇嗰幾份單吓。

答：係。

問：「今日工程一般於工程完工後約一年左右已沒有保留關於採購焊料及其他小五金的單據記錄，包括榮昌邨的單據紀錄。」咁樣。咁呢度你就講緊話完工後一年左右，就即係唔保留啲嘞。呢個係咪一向個做法都係咁，完工後一年就唔保留？

答：一般都係嘅。

問：係咪呀？

答：係。

問：咁唔係好妥啲，即係你啱啱講嗰樣嘢，你喺你之前份口供就話，我話完工後同埋要過咗保養期，保養期兩年啲嘛，係咪？咁我先至唔好留嘅啫。

答：嘅。

問：呢度你又似乎又話提早咗，完工之後一年就唔保留，咁即係點呀，兩年、一年，定係點？

答：一般文件多，咁佢哋就執咗去掉咗啲嘞，而家。

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主席：我聽唔到，對唔住。咁...

答：因為一般佢哋睇到嗰啲文件太多，堆得多，咁佢哋可能捩--即係冇保留。

問：你而家講緊話文件愈積愈多，跟住就捩咗佢，定係話好似你而家咁講，一年...

答：文件即係...

問：...左右，咁就捩咗佢，點呀？即係個公司嗰個對於個文件嘅處理究竟係點嘍？

答：嗰個文件我哋都有--嗰個系統都唔係話咁完整嘅，因為啲文件一多，佢就已經係唔愛嘅。

主席：文件一多就唔愛，唔係整理好之後交去畀個 auditor 去--唔係，你個會計部兩位女士就係做 bookkeep (簿記) 嘅啫，係咪呀？

答：Audit，佢係 audit 嗰啲...

主席：唔係，唔係，我唔係講緊 audit，簿記，簿記，有啲咩嘢數要找，有啲咩嘢單要找數，做嗰啲嘍咋嘛？

答：佢找完數之後，淋得多佢哋都清走嘅。

主席：另外一件事，即係個問題，你即係小本生意，係咪呀？

答：嘅。

主席：咁你可能有大型嘅 computer，我唔知吖，不過而家多數都有。咁你有單嚟，咁個小姐梗係要--因為我見到其實你哋嚟畀你好多嗰啲發票都有六十日找數期嘅，你唔係即刻找嘅，係咪？

答：啱。

主席：咁你要六十日，你有六十日嘍嘛，咁通常就--即係我唔知，不過我以前都做過，喺啲比較細嘅地方做，就有張發票嚟，跟住就有張收貨

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單，咁可能就收貨單就夾住張發票，如果你個會計小姐好嘅呢，就同你寫埋張支票，就係開畀邊一個，咁擺喺老細個檯前面，「老細，請簽名喇。」咁跟住先至寄去畀人喇，係咪？

答：係。

主席：係囉。好嘞，咁出咗張支票，寄咗畀人喇，跟住嗰啲單咪 keep 住佢，做數囉，係咪呀？咁呢個小姐喺呢個--就係做呢啲嘢嘍咋嘛。咁去到一年嘅年尾要報稅，咁可能--如果你要搵個 auditor，因為你有限公司，可能將所有啲單據咪一箱箱咪送晒去個 auditor 嗰度，如果你自己唔做嘅話，就係咁做嘍嘛，啱唔啱？通常就永遠滯後嘍嘛，auditor 永遠滯後嘅，即係今年就唔係做今年嘅數，可能係做緊舊年或者前年嘅數，係咪呀？

答：係呀，咁我當時問...

主席：唔係，即係你嘅意思就即係出咗張 cheque 之後，因為太多單據，於是就林小姐又好，莫小姐又好，就攞咗嗰啲單據，係咪咁嘅意思？

答：係呀。

主席：咁稅局第時要查嗰陣時，咁點算？

答：咁我唔知佢哋林小姐入數嗰度。

主席：唔係，即係--唔係，咪住先，咁係咪你畀佢哋嘅指示，就係話出咗呢啲嘢就攞咗佢哋咁樣樣？

答：呢個我有一個指示。

主席：係囉。咁而家即係都幾方便嘍嘛，你話「我有咁多地方去存呢啲單據」，咁咪走去買個 printer，走去買個 scanner，scan 咗入去個 hard disk 度，好簡單咋嘛。

答：我唔知佢哋有冇咁做。

主席：吓？

答：我唔知佢有冇。

主席：冇咁。你公司有冇用電腦去做呢啲咁樣樣嘅嘢，簿記、account？

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答：我都問過--冇問過林小姐呢個。

主席：冇問過林小姐？

答：我都唔知道呢樣。

主席：咁如果我問你，如果有嘅話，你公司嘅電腦就會有晒呢啲所有嘅買貨，尤其是係買焊料嘅資料嘅，啱唔啱？如果你哋係公司係有用電腦去處理呢一方面嘅買貨、出貨、發票、收支紀錄，你哋公司個電腦係有晒呢一啲嘅資料嘅？

答：呢個我都唔知道。

主席：唔知。你公司請問有冇後備嘅電腦，因為有個 hard disk 就隨時就會我哋叫做死火，咁好多時候就會有個後備嘅 hard disk，就將所有啲檔案就係再做備份係存檔嘅，有冇呀？

答：我呢個都唔知道。

主席：你...

答：我都唔識用電腦。

主席：得，唔緊要。你公司喺過往咁--呢一、兩年裏面，公司有冇話過畀你哋聽，「老闆，我哋公司個電腦 down 咗，我哋要換過個 hard disk」？

答：冇。

主席：冇，即係電腦係完全正常嘅？

答：唔係，嗰啲佢換就係冇話畀我聽，佢都係自己換咗㗎咋。

主席：咁有冇...

答：我--所以佢冇--我都唔知道佢有冇。

主席：有冇曾經話過畀你聽，「我哋公司電腦裏面儲存啲啲資料全部唔見晒呀」，有冇嘢？

答：冇。

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主席：有嘅，即係如果有就喺晒度嘅，啱唔啱？

答：呢個我都唔知道。

主席：得。好嘞，咁好嘞，如果你嗰個核數師--如果你交晒啲單上去畀你個核數師嘅話，咁嗰啲單就會喺晒你核數師嗰度嘅，啱唔啱？如果交咗去嘅話。

答：呢個我都唔知道。

主席：得。

答：林小姐搞。

主席：你每年都簽嘢個嗎，你做公司嘅董事，...

答：佢簽，佢咪...

主席：...有好多嘢要簽個嗎？

答：佢簽淨係嗰個報告咋嘛，一張--幾張紙嚟簽嘍咋嘛。

主席：係呀。哦，即係你就唔理佢真定假個囉嗎？正唔正確個囉嗎？

答：我都係跟個數去做囉就。

主席：得，好，唔，繼續。

問：張生，你即係做咗生意都好多年，成立咗間公司都...

答：係。咁就--吓？

問：即係 87 年開始成立間公司，做咗生意都好多年？

答：係。

問：有冇--知唔知道一般嚟講法例要求你嗰啲紀錄係要 keep 七年？

答：係，知道。

問：吓？

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答：知道。

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問：知道嘅？

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答：係。

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問：呢個亦都係即係稅局嗰個要求嚟嘅，你都知道㗎嘛？

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答：淨係聽，就稅局嗰度我就唔知道七年。

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問：好。咁但係你剛才就話你個職員，例如林小姐同埋莫小姐，即係佢哋有權就係去即係決定邊啲文件就可以捫走個啲，即係佢哋有權，係咪呀？

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答：係，佢哋搞嘅。

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問：而你亦都知道佢哋捫走啲啲文件有啲係一年左右就已經捫咗個啲，你知個啲呢樣嘢？

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答：幾...

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問：你喺個證人口供係咁講，係咪呀？

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答：一年幾...

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問：咁你有阻止佢嘅咩，你又知道要 keep 七年，但係佢哋--你又知道佢一年幾就捫走啲啲文件，你唔好同佢--你點解唔同佢哋講話「唔得㗎，法例唔容許㗎，你哋唔可以咁做。」你老闆嚟㗎嘛，有冇同佢哋講？

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答：冇。

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問：冇呀。點解唔同佢哋講？

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答：我都唔知道。

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許偉強先生：主席，我要去下一個課題，咁樣我...

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主席：我哋午膳先，我哋晏晝兩點半再繼續，唔該。

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下午 12 時 54 分聆訊押後

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出席人士如前。

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主席：繼續，Mr Khaw。

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許偉強先生：係，唔該。

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金日工程有限公司（“金日”）（中國建築（紅磡邨第二期）及保華（榮昌邨和東匯邨）的分判商）的第一證人：張達欽（金日董事總經理及持牌水喉匠（紅磡邨第二期、東匯邨和榮昌邨））宣誓繼續作供

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許偉強先生繼續盤問

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問：張生，就食晏之前，我哋討論緊嗰啲處理文件嗰個問題，你亦都喺嗰方面都作咗唔少嘅證供，我就想最後有一點喺呢一方面想問一問你嘅，今朝你都話即係由於呢個鉛水事件，你同埋你啲同事都唔少壓力，我想知道你自己知唔知就係就住呢一次嗰個鉛水事件嘅調查，有冇因為呢個調查，你哋公司嘅員工因為咁，而找咗某啲你哋公司嘅文件，你知唔知？

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答：唔知道。

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問：我想講一講你尋日呈交嘅嗰個應該係你補充嗰個證人口供，喺呢個補充證人口供嗰度，喺文件夾 L1，139 頁，你有提過嗰個四張送貨單，呢四張送貨單就係我哋而家知道係 7 月中嗰陣時就係你哋啲同事交咗畀保華嗰邊，記得嘛？

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答：我都係喺聆訊嗰度知道。

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問：係，冇錯，即係你係及後知道喇？

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答：係。

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問：但係我哋從嗰個文件嚟到睇，當時我哋講緊 2015 年 7 月中旬嘅時候，就係--即係你而家問番都知，應該係保華嗰啲職員就有問過翁生，就叫佢就係攞啲有關文件嚟嘅，我想問下你，就係你自己喺 7 月中旬嗰

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陣時，你知唔知道嗰陣時開始即係已經有好多查詢，即係關於呢個鉛水事件，就你哋嗰方面嘅參與，...

答：唔知。

問：...喺7月中都有幾多查詢，知唔知？

答：唔知。

問：唔知。因為我哋今日就收到翁先生就有一份進一步嘅證人供詞，佢就咁講嘅，佢就話就喺7月中嘅時候，即係公司已經收到各方面有關呢個鉛水事件嘅查詢，你係完全唔知？

答：完全唔知。

問：完全唔知？

答：係。

問：你第一次就知道有關鉛水事件要調查你哋公司嗰個參與程度等等嘅係幾時？

答：我唔記得咗，應該係好後。

問：好後期？

答：因為我返到嚟嗰陣時就已經係要上去水務嘅。

問：你講嘅返嚟就係你即係離開咗香港返嚟之後，係咪呀？

答：係，我離開香港，係之後先至知道嘅。

問：之後知道嘅？

答：係喇。

問：你呢度...

答：嗰個日子我就淨係記得一返嚟就去水務，就協助調查，跟住就去 Housing，下晝，但係日子就有，要搵。

問：你喺你嗰個證人口供第7段嗰度係咁講嘅，就話「本人於2015年7月16」至26日身在內地旅遊，2015年7月17號當日就唔喺公司，

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有關黃生發送嗰四份所謂送貨單畀保華，就你完全唔知情嘅，跟住你講，黃生係「沒有本人同意同埋本人不知悉」嘅情況之下提供嗰四份單據畀保華嘅，「由於新聞是於 2015 年 7 月 20 日才報導榮昌邨食水含鉛超標事件，本人是在家人及朋友看到新聞訊息後通知本人才得知此事。」呢度咁講，咁即係話從你嘅口供嚟講，第 7 段呢度就應該係 7 月 20 號之後你先至知道呢件事嘅，係咪呀？

答：係。

問：呢度你都好確實可以講到佢個新聞係 2015 年 7 月 20 號嘅，即係呢一日，即係好準確嘅，你有查過嚟呀？

答：冇查。

問：冇查過？

答：係人哋 send 過嚟嘅。

問：人哋 send 過嚟嘅意思係點解？

答：係啲朋友。

問：朋友？

答：係喇，喺啲 WhatsApp 度 send 過嚟嘅。

問：喺 WhatsApp 度 send 畀你睇，就係話電視嗰個有關嘅新聞？

答：咁我就睇到嗰個日子，睇嗰個日子啫。

問：即係話你做呢份補充證人供詞嘅時候就睇番即係你收到你朋友 WhatsApp send 畀你有關新聞，就得知係嗰個 7 月 20 號？

答：都唔係我嘅新聞，係太太話畀我聽嘅，係 send 畀我太太嘅。

問：即係有朋友就通過 WhatsApp send 畀你太太？

答：係呀，因為我同埋啲家人去吓嘛係。

問：吓？

答：我同埋啲太太去嚟嘛，去旅行。

B

B

C

問：我知道，但係嗰個有關 7 月 20 號嗰個新聞報導呢樣嘢，就係你朋友憑住 WhatsApp send 畀你太太嘅，係咪呀？

C

D

答：係。

D

E

問：你做呢份供詞嗰陣時就有睇番個 WhatsApp 嘅？

E

F

答：問過佢，我有睇。

F

G

問：問過邊個？

G

H

答：問我太太。

H

I

問：問你太太？

I

J

答：係幾時知，係。

J

K

問：好喇，你第 5 段嗰度就講就話自呢個委員會展開呢個調查程序之後，你先至有留意到保華就係交咗畀呢個房委會有兩份嗰個初步嗰個調查報告，入面就有提及過嗰四份即係所謂嗰個送貨單，呢度嘅意思即係話就係呢個委員會展開咗之後，即係你先至知道嗰四張送貨單嘅事情嘅，係咪呀？即係大概係咪講緊 11 月左右嘅事情？

K

L

L

M

答：應該係喇，我都係喺律師嗰面得知到，即係 send 到啲嘢過去睇得到。

M

N

問：明白，即係你本人或者係金日工程公司搵咗，聘用咗律師之後，你就知道呢件事，係咪呀？

N

O

答：係。

O

P

問：好喇，你知道咗呢件事，就你都有睇過嗰四張單？

P

Q

答：冇。

Q

R

問：你從來冇睇過嗰四張單？

R

S

答：我好似喺律師嗰度 send 過過嚟睇過。

S

T

問：好，好，我畀你睇下，嗰四張單，如果你睇下 G1，1195 頁，唔好意思，呢個應該係 G2，1195。

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答：唔該。

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問：1195 就係其中一張嚟嘅，就寫咗「送貨單」、送貨單編號，睇唔睇到，上面？“DN98079”，睇到嘛？右手，右邊上面嘅，送貨單編號，見到嘛？

答：我見到。

問：係咪呀？個日期就係 2012 年 11 月 12 號，見到嘛？

答：係。

問：喺左邊見到客戶名稱、送貨地址，都見到喇？

答：係。

問：都係有關呢個榮昌邨嘅工程，西村路嘅，係咪呀？睇到嘛？

答：係。

問：呢張單入面都有寫到就係項目嗰度，其中一項嗰個貨品個名稱就係寫住「FRY 無鉛錫線」嘅，產地係「荷蘭」，「60 網」咁樣，收貨嗰個客戶金日工程公司，呢個簽名你認唔認得出係邊個簽名？

答：認唔到。

問：認唔到？

答：係，因為我有留意佢哋啲簽名嘅，啲伙記簽單啲啲。

問：你有留意...

答：係呀，我都唔知道佢哋簽啲啲名嘅，係呀。

問：即係一般嚟講，呢啲咁嘅收貨客戶，即係如果簽名嘅話，收貨如果簽名嘅話，係咪都係你哋喺地盤嘅職員，即係你哋公司嘅職員簽？

答：係，應該係喇。

問：係咪呀？

答：係。

問：好，下一張，我想問一問先，啱啱同你睇過呢一張，你今日作供之前有睇過嘅？

B

B

C

答：冇，喺作供之前冇睇過，冇...

C

D

問：唔係，你今日嚟到呢度作供之前，冇睇過呢張單？

D

E

答：冇，啱啱而家睇。

E

F

問：啱啱先而家睇？

F

G

答：之前睇就係喺聆訊嗰度望過下呢幾張單，同雋景嗰度個比較，睇過下。

G

H

問：即係你都有睇過...

H

I

答：係，睇過。

I

J

問：...--有睇過呢張單嘅，我哋總共有四張嘅，或者你慢慢睇下，1196頁，另外一張，DN94104，2012年6月16號，見到嘛？

J

K

答：見到，即係個底嗰張？

K

L

問：係，冇錯。都係有關呢個榮昌邨嘅工程，西村路嘅，聯絡人都寫咗許宏新先生，其中一項嗰個貨品送嚟嘅就係都係英國 FRY 無鉛錫線，見到嘛？

L

M

答：係，係。

M

N

問：呢一張單有個簽名，就係話收貨客戶金日工程公司嘅，呢張你又知唔知係邊個簽呀？

N

O

答：都唔知。

O

P

問：第三張都係類似，1197。第四張都係，1198，其中有一項嘅貨品都係英國 FRY 無鉛錫線嘅，見到嘛？

P

Q

答：係。

Q

R

問：呢四張單，你剛才就同我講，就話即係你較早前都有對比過即係呢個雋景佢都 send 咗一啲文件嚟畀我哋委員會嘅，係咪呀？

R

S

答：係。

S

T

問：其中有啲文件都係同剛才你睇嗰幾張送貨單係有關嘅，我都想即係畀你都而家都睇一睇，如果我哋講番 1201，1201，呢個雋景畀我哋嘅，

T

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B

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C

佢呢一張發票就係講緊 DN94104，係咪呀？

C

D

答：係。

D

E

問：呢一張發票，如果我哋睇番 DN94104，就要去番前面幾頁，1196 嘅度，係咪呀？

E

F

答：係。

F

G

問：大家都係講緊同一個送貨單編號嘅，係咪呀？

G

H

答：係。

H

I

問：但係所送嚟嘅貨就有唔同，因為你睇到 1201 嘅度就係講話--就有任何貨品名稱係講話英國 FRY 嗰個無鉛錫線嘅，呢度就係講英國 50 力扁錫條咁樣，睇到嘛？

I

J

答：係。

J

K

問：1201，呢個亦都係你律師畀你睇，係咪呀？

K

L

答：係。

L

M

問：即係呢個雋景 send 畀我哋嘅資料。

M

N

答：係，係。

N

O

問：如果你再睇多一張，就係 1204，睇到嘛？1204。

O

P

答：係。

P

Q

問：嗰個發票就佢所講及嘅送貨單編號就係 DN98079 嘅，個發票就嗰個所提及嗰個送貨單編號就同 1195 頁嗰張 DN98079 係講緊同一個號碼嘅，但係呢度又有唔同，你見到 1195 頁嗰張送貨單就係講緊即係 FRY 無鉛錫線，係咪？睇到嘛，1195？

Q

R

答：睇到，睇到。

R

S

問：睇到咩嘛，但係呢個 1204 呢張發票雖然講緊同一張呢個送貨單，但係就有咗「無鉛錫線」，就變咗做「50 力扁錫條」，睇到嘛？

S

T

答：係。

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問：即係呢個又係有唔同，如此類推，就另外 1205 嗰張又有咁嘅問題。

答：係。

問：跟住就係 1206 都有同樣問題嘅，係咪呀？

答：係。

問：你都睇過㗎喇，呢啲？

答：睇過。

問：你睇到嗰個雋景建材畀我哋嗰個文件，喺同嗰四張即係你知道係你哋發畀呢個保華建築嘅文件，有咁嘅唔同，當時你覺唔覺得好驚訝？

答：有。

問：吓？

答：有。

問：覺得好驚訝？

答：係。

問：有冇即時會覺得有機會有啲文件係假㗎嘞，有冇即時有呢個咁嘅懷疑？

答：有。

問：有，呢樣嘢你覺唔覺得好嚴重？

答：好嚴重。

問：好嚴重？你都覺得好嚴重？

答：係。

問：跟住你係咪即刻就去做調查？

答：係。

問：吓？係咪呀？

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C 答：係。

D 問：如果睇下你補充嗰個書面證詞，139頁就咁寫嘅，139頁第8段，我先講「基於上述原因」，呢個上述原因就係講緊話你出咗外，跟住返到嚟，然後就查番，就知道你喺7月20號嗰個時候先至正式知道話有關嗰個鉛水呢個調查嘅，呢度8就話「基於上述原因，本人已委託本人的律師於2015年12月9日致函予保華建築的代表律師交代事件並表明本人的立場。附件一為該信」。

G 睇下附件一嗰度，喺142頁，我解釋畀你聽嗰個你所講嘅附件一，即係你律師嗰封信，就係係咁講嘅，就係話佢話張生你同埋你公司就有呢啲咁樣嘅買焊料嘅任何嗰啲單據嘅，就住嗰三條邨咁樣，就講番你啲證人口供都係咁樣講嘅。另外就喺你畀保華嗰啲有啲信入面都係有講過話你哋金日就有話 keep 到任何嘅單據嘅。

J 但係跟住你哋就從保華佢哋有啲初步嘅調查報告就知道有四張單據，最後你律師封信係咁講嘅，就話經過你調查，即係你哋調查之後，即係佢客戶嘅調查，即係你哋，個調查之後，你哋就有理由就去質疑嗰四張送貨單，即係我哋啱啱講話你哋送咗去畀保華嗰四張送貨單，即係入面係講 FRY 無鉛錫線嗰四張送貨單，對於佢哋嗰個緣由點解會出現呢樣嘢，就有所懷疑。但係你就知道係由你哋姓黃嗰位職員就交到保華嘅，係即係透過一個7月17號嘅電郵就交畀保華嘅。

M 跟住你係咁講嘅，即係你嗰封信律師嗰封信係咁講嘅，你話佢哋嘅客戶--即係你哋就唔知道，唔知道即係嗰四張送貨單係點嚟嘅，因為點會成為咗即係你哋 keep 嘅送貨單嘅一部分，跟住你再講，就係呢啲送貨單就喺你張生，即係「本人」，唔喺香港嘅時候送咗去保華嘅，所以就喺你嘅唔知情同埋喺有得到你個批准之下就 send 咗去嘅。

N 最後，呢度講就話客戶就唔能夠確實嗰四張送貨單嗰個真偽，即係究竟係真定係假嘅，唔能夠確實呢樣嘢。

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Q 答：係。

R 問：同埋亦都希望委員會--就從委員會嗰度就撤回嗰幾張送貨單，跟住最後就話「我哋嘅客戶就唔接受嗰幾張送貨單係真嘅紀錄嚟嘅」，就係咁講。我想問下，你律師出呢封信，12月9號呢封信之前，你同林小姐有冇傾過「啲單咩嘢事呀究竟？」有冇傾過？

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U 答：我講下呢件事，質疑啲單，我返嚟開會就係東匯嗰陣時，同保華開會，佢哋都有講過呢件事，我當時同佢哋一班人去房屋署開會，跟住去佢

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公司開會，佢哋完全都有講呢樣嘢，當時我哋都話咗有啲單嘅，返嚟跟過冇。

問：係吖，你喺口供度...

答：但係就唔知吖嘛，好喇，但係保華都當時都有講到，到我發現呢樣嘢嗰時咪質疑就係咁。

問：你聽清楚個問題先，一步一步嚟。

答：好。

問：我哋講緊你律師 12 月 9 號出呢封信之前，你本人--因為你律師呢度話根據你哋嘅調查所得，即係根據你做嘅調查所得，我首先想問下你，就係你出呢封信之前，你有冇同林小姐問過佢話「嗰四張單點解咁嘍？點解同雋景畀出嚟嗰啲唔同嘅？」有冇問過佢？

答：我有問過佢，佢就...

問：你搞清楚時間啲。

答：吓？

問：你搞清楚時間啲，我而家係講緊你律師 12 月 9 號之前，即係出呢封信，12 月 9 號之前，你有冇問過林小姐嗰啲單究竟咩嘢情況？

答：我唔記得咗。

問：睇番你即係嗰個補充嘅證人口供，140 頁，第 11 段，「到 12 月中旬」，你係講緊--你 11 段，第 10 段、第 11 段都係講緊話你律師出咗封信之後你做嘅嘢嚟嘅。

答：係。

問：「到 12 月中旬，金日工程另一位林麗瓊」，員工林麗瓊，「女士主動告訴我該 4 份所謂送貨單其實是由她提供予翁國財先生，但林麗瓊女士亦沒有進一步解釋文件的來源。」咁樣，你自己--我啱啱問你嘅問題係喺你律師 12 月 9 號嗰封信出之前，有冇同林小姐了解過嗰四張單究竟係何事？

答：佢當時冇答我。

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問：你有問佢，不過冇答？

答：冇答，係，我有問佢。

問：你點問佢㗎？

答：我問佢就話我哋喺聆訊委員會嗰度就睇到嗰啲單，咁點解會有呢啲單，我問佢。

問：停一停先。你問佢話有呢啲單，你同佢傾，有冇畀嗰幾張單佢睇？

答：冇。

問：唔畀嗰啲單佢睇，咁佢點知係發生咩嘢事？

答：（沒有可聽到的回答）

問：冇畀過單佢睇？

答：有，有畀過單佢睇。

問：有定冇呀？

答：有。

問：搞清楚先，好唔好呀？

答：因為我都唔記得有冇畀佢，就咁問佢咋。

問：唔記得有冇畀啲單佢睇？

答：係。

問：不過有問佢「啲單有唔妥啲。」咁呀，係咪呀？

答：係。

問：佢又點講呢？

答：佢冇答我，當時。

問：冇答你呀？

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答：冇答到我。

問：完全避開你嘅問題？

答：佢話畀佢諗下。

問：畀佢諗下，你有冇同佢講「好大鑊嘍，而家睇到可能即係有啲單係假嘍，好大件事嘍。」有冇咁同佢講呀？

答：冇。

問：吓？

答：冇。

問：冇。點解呢？點解冇呢？你係老闆嚟嘍，睇到有可能公司涉及一啲假單，點解唔同佢講呢？

答：因為當時我都唔知道。

問：唔係嘍...

答：唔係，唔知道點樣同佢講。

問：唔係嘍，張生，啱啱你答我嘅證供係話律師畀咗啲雋景嘅單你睇，睇完之後，你即刻有懷疑可能有人做假嘍。

答：嗰個係律師同我講。

問：咁你知吖？

答：係，我知。

問：你知道有可能做假，你問林小姐，完全唔提下呢件咁緊要嘅事，即係話個嚴重性嘅邊度，完全冇提？

答：有提嚴重性，但係我都唔知道去到邊度，淨係知道好嚴重。

問：跟住佢就話等佢返去諗下，係咪呀？

答：唔係，佢話睇下先。

問：吓？

B

B

C

答：佢話睇下。

C

D

問：睇下先，係咪呀？

D

E

答：跟下，係呀。

E

F

問：然後邊個畀啲單佢睇嘅呢？

F

G

答：咩嘢？

G

H

問：邊個畀林小姐啲單睇呢？即係啲四張單邊個畀佢睇，跟住？你話你唔記得，你唔記得當時你問佢啲陣時有冇畀啲單佢睇咁，但係跟住你又話佢就話去睇下先，咁邊個畀佢睇？

H

I

答：其實樓扞我再擺單畀佢睇。

I

J

問：樓扞你再擺單畀佢睇？

J

K

答：係，係。

K

L

問：呢個就係講緊你個口供入面 12 月中旬嘅事，你擺單畀佢睇？

L

M

答：係之前擺單畀佢睇，係之前擺畀佢睇，佢幾日之後先至--喺 12 月中旬佢先話番畀我聽。

M

N

問：即係你而家就記得番，就話同佢林小姐做調查啲陣時你有畀佢睇嘅，係咪呀？

N

O

答：係，係。

O

P

問：你而家記得番，係咪呀？

P

Q

答：係。

Q

R

問：好喇，佢當時睇完，佢個反應係點呀？就咁話「等我睇下先喇。」咁呀？

R

S

答：佢都好驚。

S

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問：佢好驚？

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答：望到佢個樣，係，佢就有講。

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問：好驚？

答：係呀，佢自己都驚，我話畀佢聽嘅。

問：佢好驚，跟住佢就話「我睇一睇先。」咁，仲有啲咩嘢同你...

答：佢話佢諗一諗。

問：...--仲有咩嘢同你傾呢？仲有同你講啲咩嘢？

答：吓？

問：即係佢有冇同你講「哎咗，我知發生咩嘢事呀。」有冇同你講？佢講啲咩嘢？

答：有，我咪問佢有冇係佢做。

問：吓？

答：我話「係咪你做出嚟呀？」咁樣。

問：佢點答你？

答：佢就話「我過一、兩日答覆你喇。」咁樣。

問：「過一、兩日答覆你」？

答：係。

問：好，跟住呢，過一、兩日有冇答覆你？

答：過一、兩日，佢就話係佢做出嚟，嗰四份單。

問：係佢做？

答：係，佢話佢做出嚟。

問：我又再想問下你，佢話係佢做出嚟，有冇同你講--你有冇再追問佢點解要咁做？

答：佢冇同我解釋。

問：冇？

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主席：冇乜嘢？

問：你有興趣知咩？

主席：你有追問抑或佢冇答呀？

答：佢冇答。

主席：你有追問？

答：係，佢冇答我。

問：你有追問，佢冇答你？

答：唔。

問：如果佢同你講話係佢做出嚟嘅，你會唔會懷疑係佢又好，或者公司一定有人都好，就可能真係搵到一啲單據，當時，即係畀保華嘅時候，係可能係講緊你哋真係有收過啲含鉛嘅焊料嘅，而因為想搵埋呢樣嘢，所以就有人做假，就畀咗保華就一啲單據上面係寫咗無鉛嘅，你會唔會咁懷疑呢？

答：我有諗過。

問：你嘅諗法，點解會有人做假呢？你係老闆嚟㗎，點解會有人做假，點解需要做假？

答：我諗佢驚，當時，因為可能--因為係佢落 order 㗎嘛，我諗。

問：即係你嘅講法就係可能佢自己知道自己落錯 order，訂錯貨？

答：但係我唔係好肯定。

問：唔肯定？

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答：係，真係唔肯定，呢樣嘢，我都唔敢諗呢樣嘢，真係。

問：好喇，咁又想問下你，12月9號你律師嗰封信出之前，你有冇同翁國財先生，又問一問佢「搞乜呀？點解會有嗰四張咁嘅送貨單走咗出嚟㗎？同人哋嗰啲唔同嘅？」有冇問下佢？定係之後先問佢？

答：之後先問佢。

問：之後先問佢，之後先問佢，我又覺得好奇怪㗎，但係之後先問佢，你12月9號你律師嗰封信已經講得好清楚話你哋係唔接受你哋畀保華嗰啲單據係真㗎㗎，你已經係咁樣講㗎囉。

答：因為嗰時我有睇到啲單，又未睇到--因為雋景又有畀單我哋，我哋都喺聆訊嗰度睇到，係嗰段時間。

問：我知道，但係你律師12月9號嗰封信入面話你哋唔接受你哋嗰四張單係真嘅，呢個講法係你睇過雋景嗰啲發票㗎嘛，係咪？

答：係。

問：亦都睇過你哋 send 畀保華嘅四張單㗎嘛？

答：係。

問：你就得出呢個結論，話你唔接受嗰四張送貨單係真㗎㗎。

答：因為我同保華接觸嗰陣時，保華都有提到呢啲單㗎嘛，之前。

問：冇提同埋佢真定假係兩回事，張生，我而家問緊你就係話你律師12月9號講得好清楚話你哋唔接受嗰四張單係真嘅，你憑咩嘢咁講？憑咩嘢得出呢個結論？

答：呢個就係律師出，就我有睇到嗰個--入面嗰個內容，即係佢口頭上講畀我聽㗎。

問：好喇，咁你及後...

主席：唔係，對唔住，我聽唔到佢個答...

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即係律師話畀你聽呀？

答：係呀，律師同我講就話想出封信就過去擺番嗰幾張單，就有剛才呢個咁樣問我入面...

主席：唔係，我想問一問，即係你嘅意思即係話你嘅律師寫嗰封信嘅時候係完全冇問你擺指示呀？

答：有，有，就同我商量，就話「擺番幾張單嚟睇下，好唔好？」我話好。

主席：「擺番幾張單嚟睇下，好唔好？」

答：即係想--即係佢嗰時講，我唔識英文，佢話想同對方 draw 番嗰幾張單返嚟咁囉。

主席：Draw 番嗰幾張單返嚟？

答：係。

主席：唔係，即係通常一般律師就做嘢就只不過係根據佢嘅客人嘅指示去做嘅之嘛。

答：係喇，我就希望佢...

主席：唔係，你明唔明呀？

答：係，明。

主席：根據客人嘅指示去做，即係呢度就話嗰四張所謂送貨單就唔係你哋嚟喇，就係假嘅，因為你質--你嘅意思即係話...

答：即係我哋懷疑啫，我意思就話當時懷疑呢幾張單，就想擺番嚟睇下咁啫，因為佢...

主席：呢度唔係話擺番嚟睇，其實你哋睇咗，你律師都睇咗嚟喇，點樣樣又擺番嚟睇啫？你個律師睇咗，先至寫呢一封咁嘅信嚟嘛。

答：係。

主席：即係你嘅意思就係話你自己本身未睇過，跟住你嘅律師就睇咗之後，就自把自為，就當咗係真係有咩嘢喇？

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答：唔係自把自為，佢都同我商量，佢話咁嘅意思，擺番嚟睇下，我都同意，就出封律師信過佢嗰邊嘅律師。

主席：咁呢封信即係咩嘢意思呀？即係想--裏面講啲嘢係真吖，抑或係假嘍係？即係點樣樣呀？

答：我 feel 唔到嗰個...

主席：因為佢...

胡先生：我可唔可以幫一幫...

主席：你坐低先，如果你想做證人遲啲先。

答：佢想--可唔可以再...

問：好簡單，你律師 12 月 9 號嗰封信，啱啱我都同你講過，係講得好清楚話你或者你公司就唔接受嗰四張送貨單係真嘅，講得好清楚嘅。

答：係。

問：但係你而家嘅口供就話你當時又未問林小姐，未清楚個情況係點，又未問翁生，你律師又何來有根據係同你講話「嗰四張單唔係真嘅。」呢？就係咁簡單。

答：我就希望擺番嗰四張單嚟睇下，就我都希望佢唔係真嘅。

主席：吓？得。

問：好，好喇，你問翁生話「點搞呀？點解有啲咁嘅情況呀？」佢又點解釋畀你聽呢？

答：因為翁生解釋話佢都唔知。

問：你有冇同翁生進一步同佢講「好嚴重嘍呢單嘢。」叫佢去再調查下？

B

B

C

答：有同佢講，但係佢答案亦都係話唔知。

C

D

問：即係話你叫佢再進一步調查，返嚟都係話乜都唔知？

D

E

答：係。

E

F

問：最近一次同你講話唔知係幾時？

F

G

答：最近一次同我講係--唔記得，係好近嘅咋。

G

H

問：呢幾日嘅事？

H

I

答：應該早幾日嘅咋，係。

I

J

問：早幾日嘅事？

J

K

答：係，係。

K

L

問：早幾日你都有追問過佢，佢都係同你講唔知，係咪呀？

L

M

答：係，佢話唔知。

M

N

主席：唔好暗住個嘴。

N

O

問：就住林麗瓊同你講話做--即係佢做咗嗰四張單出嚟，佢有冇同你講邊個叫佢做？

O

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答：佢冇。

P

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問：吓？

Q

R

答：冇。

R

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問：即係佢自己就自把自為就走去做呀？

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答：佢冇答我。

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問：你有問佢呀？

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答：我有問佢，佢冇答。

問：「邊個指使你做嘅？」咁呀？

答：唔係，我話「你點解會諗到做」。

問：咁佢點呢？靜晒？

答：佢都有答我。

問：冇答你？

答：係。

問：你又冇再追問？

答：佢自己話搵律師吓嘛，之後就，佢冇答我即係。

問：仲有兩點想問一問你嘅，就係喺你嘅證人口供嗰度就話即係你哋金日工程公司都即係去搵啲水喉工人返嚟就做嗰三條邨嘅水喉工程嘅，你嘅證人口供都話就你哋冇話特別去確認嗰啲工人有冇咩嘢特別嘅資格嘅，你係咁講嘅，係咪呀？

答：係。

問：但係你知唔知道即係就住個主合同，嗰個工人嗰個資格，一般嚟講都係需要擺大工牌或者係即係呢個中工牌嘅，你知唔知呀？

答：係嘅，知嘅，有啲有，有啲冇嘅，就有紀錄咗佢嘅咋。

問：冇紀錄到？

答：係。

問：但係你哋請工人返嚟嗰陣時，有冇特別問佢哋話「你有冇大工牌、中工牌？」呀？

答：有。

問：吓？

答：有。

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問：有呀？

答：有嘅。

問：你嘅證人口供又唔係咁講嘞。

答：呢個係佢--唔係我哋問嘅，係地盤嗰個問佢嘅，我知道，地盤個管工問佢嘅。

問：地盤個管工，邊個管工？你公司嘅管工？

答：係，公司嘅管工。

問：吓？

答：係喇。

問：但係你呢度唔係咁講嘞，L1 嘅第 14 頁，係 L1 第 14 頁嘅第 14 段嗰度就話「本公司聘用工人時有了解他們是否有水喉行業的經驗，但無要求他們取得任何證書」，呢度係咁講嘞？

答：佢擺嗰個經驗就係喺第二個地盤嚟嘅啫，我哋一般又，佢嚟見嗰陣時係喺第二個地盤完咗工，過嚟我哋地盤做咁樣。

問：係吖，但係你呢度似乎就話冇特別要求佢哋展示畀你哋睇有啲咩嘢證書、有啲咩嘢資格咁樣嘞？

答：淨我哋一般傾下佢出開幾多錢糧，即係喺另外一個地盤嘅人工幾多，咁過到嚟就跟嗰個人工畀佢做，覺得佢得，咪一路做落去囉，一般都係咁。

問：好，另外一方面就係你作為持牌水喉匠，我知道喺你個證人口供都有提過有一個 WW46 嗰張表格，一開始嗰陣時要呈交個表格，入面都列出嚟即係你做水喉工程有啲咩嘢部件用咗嘅，係咪呀？

答：係。

問：如果你喺個工程進行期間，你就決定你又好，或者係總承建商都好，如果決定有改變嘅，你都要畀一個修改咗嘅一個清單畀番水務署，係咪呀？

答：係。

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問：我想知道，如果係有啲咁嘅修改，你會唔會同總承建商嗰度有個溝通，就係話修改咗，我就會再簽番畀水務署核實番呢樣嘢嘅，你有冇咁做？

答：佢呢個就睇修改乜嘢，如果係個圖則修改就一定要房屋署嘅則師或者顧問公司嚟要出封信嘅，如果圖則嗰方面，如果配件嗰方面就係我哋就要填番入去嘅，又係要出一封信嘅。

問：冇錯，你哋填番入去之前，即係你有冇責任都要通知番個總承建商話改咗啲乜嘢，部件嚟講？

答：應該要嘅。

問：你有冇咁做到？就住呢三個項目。

答：我唔記得咗。

許偉強先生：我有其他。

主席：唔該。有冇人？

MR McCoy：Yes。

MR McCoy 盤問

問：Mr Cheung, for Wing Cheong and Tung Wui projects, did all the solder that Golden Day procured come from Prosperity?

答：聽唔到。

問：Mr Cheung, can you hear me?

答：Okay。

問：For Wing Cheong and Tung Wui Estates, did all the solder that Golden Day procured come from Prosperity?

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答：我聽唔掂喎，英文，聽唔到英文。

問：For Wing Cheong and Tung Wui Estates, did all the solder that Golden Day procured come from Prosperity?

答：你哋聽唔聽到？佢係咪話啲料係咪由雋景提供？嗰個音撞到好似--我淨係聽到啲料係咪同雋景...

問：All of it.

答：應該係同雋--但係咩嘢料？佢有冇講？死火。

主席：榮昌邨同埋東匯邨，請問金日就住買--就住嗰啲焊料，係咪全部都係由呢一個雋景嗰度買番嚟嘅？

答：係，唔該。

問：And the only solder that Golden Day procured from Prosperity was 50 per cent lead solder?

答：係。

問：You were aware, in the subcontract you had between Paul Y and Golden Day, that there was an obligation to only use lead-free solder; you were aware of that, weren't you?

答：知道嘅，但係我唔知道嗰個--頭先嗰個講嗰個，我係唔知道佢係有鉛嘅，嗰個焊料，因為聽得唔清楚。

主席：咩嘢聽得唔清楚？

答：佢嗰個撞音，即係佢講完個英文，跟住一撞嗰個音呢。

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問：In calculating your tender price, you did so on the basis that lead-free solder would be used by Golden Day in those projects?

答：當時係唔知道嘅呢個價錢，因為嗰個價錢係好細，我哋冇去再研究嗰個價係幾多錢嘅。講咩嘢呀？

講者（不能辨別）：大聲啲個...

答：大聲啲度。

講者（不能辨別）：呢個大聲。

問：So are you saying that in your tender, you never considered the price of solder at all?

答：佢焊料係冇報價嘅。

主席：你自己考慮落幾多錢標嘅時候，有冇考慮焊料嘅價錢？

答：係冇，冇。

問：The smaller your costs, the larger your profit, under the one-price tender system?

答：因為佢嗰個價錢係佔嗰個合約係個數係好少好少，係 0.3 個 per cent 嘅嘅啫，佢嗰個焊料成條邨都相差係嗰三幾萬釐嘅，三、四萬釐嘅，一般嘅小五金就係冇報價嘅。

問：I never said it was a separate calculation or quotation, but I suggested to you that you took it into account in deciding your overall tender price. Do you agree?

答：唔同意，冇研究過呢個價錢嘅。

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問：When did you first conclude that your company, Golden Day, had sent those four forged delivery notes to Paul Y?

答：第一次我唔記得嗰個日子，嗰個日子。

問：But approximately, Mr Cheung? It has to precede your lawyer's letter of 9 December. So when do you believe you concluded that your own company had sent forgeries?

答：我有決定嘅，當時。

問：But your letter from your solicitor states that your position is that those documents are not genuine. Is that still your position?

答：我聽唔清楚，可唔可以搵個人翻譯一次畀我聽。

主席：等一陣。唔係，因為我有聽廣東話嘅，所以我唔知個廣東話。唔 okay。

答：你個廣東...

主席：或者你哋搵一...

石先生：我哋要試一試戴，因為睇個幕就出英文嘅。

主席：係，個幕係--或者 Mr McCoy 你再問一次你個問題。

答：呢個有銀幕睇嘅，係咪呀？係咪睇呢度？

MR McCoy：Yes.

主席：你再問一次你個問題。

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問:Your solicitor's letter of 9 December states that Golden Day's position is that the four delivery notes are not genuine. Is that still your position?

答:唔係真㗎?

主席:即係嗰四張送貨單並不是真的,啱咩嘛,唔係真嘅送貨單㗎嘅,你同唔同意呢一樣嘢?

答:同意。

問:Why did you conclude that they were not genuine?

主席:點解你認為--總結呢四張送貨單唔係真嘅呢?

答:因為我睇到喺呢個聆訊嗰四張單同埋雋景嗰四張單,即係比對,就覺得係假嘅。

主席:咁可以係雋景嗰四張係假㗎?

答:因為...

主席:點解你認為嗰四張送貨單就係假,而唔係嗰四張發票係假呢?基本上佢個問題就係咁。

答:因為雋景嗰個紀錄好啱,佢出咗嚟,我哋認為嗰個真嘅,因為我睇到個單嘅秊巴,同個單秊巴比對。

主席:單秊巴一樣--應該咁講,invoice 秊巴一樣,送貨單秊巴一樣,日子一樣,送貨地點一樣,唯一唔同嘅就只不過係英國 50 力抑或係英國 FRY 無鉛錫線啫,點解你話雋景嗰啲就一定係真,而你話呢個嗰四張提貨單就一定係假呢?呢個就係律師嘅問題。

答:佢雋景 print 出嚟嗰個就準確性啱咩嘛,我哋就有咁全面嘅單嚟度,

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係得嗰四張。

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問：Is it your evidence that Ms Lam provided the documents to Mr Yung? Is that your evidence?

E

F

答：林小姐係畀咗邊個？

F

G

問：Mr Yung.

G

H

H

主席：翁國財，你嘅證供。

I

I

答：哦，係。

J

J

主席：你嘅證供係唔係話嗰四張提貨單就係林小姐準備好之後就提供咗畀翁國財先生呢？

K

K

L

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如果我講出嚟唔啱嘅，請各位大狀更正。

M

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石先生：我諗其實 SI 嗰度係冇問題嘅，只要-- SI 嘅朋友其實譯得好準確，只不過就係如果 SI 嘅聲音同 Mr McCoy 嘅聲音同時出現，可能個證人就會...

O

O

主席：就會有問題，咁...

P

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石先生：即係可能 Mr McCoy 講到嗰句句嘅後半槓，SI 佢仲喺度譯緊頭半槓，咁啲聲浪會有重疊，就可能會...

Q

Q

答：係呀，我聽唔到。

R

R

主席：得，不如喺呢一度，我哋就慢啲，SI 就等 Mr McCoy 講完晒...

S

S

石先生：Mr McCoy 問完，佢就即刻譯到，...

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主席：係呀，呢樣...

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石先生：...咁可能就唔會雜音出現。

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主席：好呀，好呀，我哋 SI 嘅同事就請慢少少。

問：Mr Cheung, Ms Lam gave the documents to Mr Yung, step one. Did Ms Lam give the documents to Mr Yung?

答：係。

問：Then did Mr Yung give the documents to Patrick Wong?

答：係林小姐呀？

主席：翁先生就跟住將嗰四張提貨單就交界黃先生，係咪咁樣樣？

答：佢唔係將四張單交界佢，係成個文件袋喺檯面，叫佢 send 過去嘅，好似唔係親手交過去嘅。

主席：翁先生，即係換句話嚟講，根據你所講，就掂都有掂過嗰四張單，就將嗰四張單就擺咗喺個檯面，就跟住就黃先生就喺檯面擺咗嗰四張單，就送咗去畀呢一個...

答：唔係，係林小姐將嗰四張單畀咗翁先生，翁先生擺咗喺個檯面度。

主席：跟住黃先生就喺個檯面度就擺嗰啲文件就擺走咗，係咪咁嘅意思？

答：黃先生就有擺走，就翁先生吩咐佢即係嗰啲文件就 send 過去畀保華，我知道係咁。

主席：係囉，即係黃先生擺咗啲文件 send 咗去畀保華，係咪呀？

答：係。

問：And it was sent to Paul Y...

主席：唔係，你嘅--對唔住，對唔住。

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你嘅意思係咪想話畀我哋聽其實翁先生都對呢四張提貨--出貨單係完全冇認知，係咪咁樣樣？

答：係。我諗...

主席：換句話嚟講，成件事就係林小姐自己一手一腳做出嚟嘅，係咪咁呀？

答：單就佢做出嚟嘅，係喇。

主席：即係翁先生就唔知情，你亦都唔知情？

答：係。

主席：得。

問：And Patrick Wong sent to PY, Paul Y, the documents, the four delivery notes?

答：佢係好似喺傳遞過去嘅，喺嗰個電腦，就好多文件嘅，佢黃先生話畀我聽，當時佢嗰個公文袋係好多文件嘅，好似包括有 w46，好大沓嘅。

問：And the purpose of the documents being sent to Paul Y was that they would be sent on by Paul Y to the Housing Authority?

答：呢個我唔知道。可唔可以搵人譯一譯？又係因為撞音。

主席：有冇問題呀？翻譯。

石先生：因為我唔係聽住個耳筒，許先生聽住。

許偉強先生：冇，冇...

主席：我哋或者 break 一 break，安排一下睇下點樣處理先知再繼續，唔該。

下午 3 時 31 分聆訊押後

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下午 3 時 48 分恢復聆訊

C

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出席人士如前。

D

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主席：繼續，我哋，Mr McCoy。

E

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MR McCoy: Yes, thank you.

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金日工程有限公司（“金日”）（中國建築（紅磡邨第二期）及保華（榮昌邨和東匯邨）的分判商）的第一證人：張達欽（金日董事總經理及持牌水喉匠（紅磡邨第二期、東匯邨和榮昌邨））宣誓繼續作供

H

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MR McCoy 繼續盤問

I

J

問：Mr Cheung, in July 2015, how many directors were there of Golden Day?

J

K

答：我都唔記得。

K

L

問：Were there numerous directors? Very many?

L

M

答：係幾個。

M

N

問：How many directors of Golden Day are there today?

N

O

答：而家金日係一個董事，一個。

O

P

問：You?

P

Q

答：係我，而家。

Q

R

問：In July 2015, was the permanent staff of Golden Day three directors, namely yourself, Mr Yung, Ms Lam and two employees?

R

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答：應該唔止咁多個，係...

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問：Who were the permanent staff in July...

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主席：等一等先。應該唔止咁多個，即係多過呢五個...

答：而家幾多個？我...

主席：還是少過呢五個？

唔係，Mr McCoy，你係講緊喺--我知 2015 年 7 月，你係講緊喺 office 咁，抑或喺 site 呢？Office？

MR McCoy：Permanent office staff.

主席：Permanent 嘅 office 嘅 staff。

問：How many？

答：喺出面計唔計㗎？地盤出面，係咪淨係坐寫字樓？

主席：分開兩樣，不如講咗喺 office 先。

答：Office 有五個。

主席：邊五個？

答：我、林小姐、莫小姐、翁先生、黃先生，就五個。另外兩個就喺出面做--即係喺出面多嘅。

主席：咁嗰兩個係邊兩個？

答：一個就劉達光（譯音），一個就嗰個阿傑（譯音），叫阿傑，阿傑。

主席：即係有兩個？

答：係。

主席：就喺出面，...

答：地盤。

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主席：...即係地盤多啲？

C

D

答：係，係。

D

E

主席：即係加埋就係七個人？

E

F

答：係。

F

G

問：And there were two people in the procurement department of Golden Day; is that correct?

G

H

答：啱嘅。

H

I

問：Ms Lam, and who was the other?

I

J

答：莫小姐幫手。

J

K

問：I would like you to look, please, at the statement of Chow Ka Ping from Prosperity, which is found at S1, pages 12 to 22. Now, if you come, please, to page 1476, the bottom right-hand corner -- do you have that page, Mr Cheung?

K

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L

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M

N

答：147 --幫我搵一搵，吓？1476。

N

O

問：1476.

O

P

答：有呀，喺度，係咪呀？係呀，呢度。

P

Q

問：Further down the page, paragraph 12. Yes.

Q

R

答：呢個唔係呢個啲。

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講者（不能辨別）：係。

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答：係呢個，唔該。

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問：Mr Cheung, just look at paragraph 12, please. This is the evidence of Mr Chow from Prosperity, and on the left downward column, from numbers (1) down to (11), it has the name of the estates, and numbers (9) and (10) are Tung Wui and Wing Cheong Estates. Do you see that? Do you see that?

答：見到。

問：If you look at the next downward column, it refers to lead-free solder, and lead-free solder was not supplied by Prosperity in relation to Tung Wui and Wing Cheong Estates. Do you see that?

答：冇中文。

主席：冇中文唔緊要，不過就話畀你聽，就住東匯邨同埋榮昌邨，根據呢一個雋景呢一位先生，周家平先生所講，就係冇雋景就有賣過任何無鉛嘅 FRY 嘅錫線係畀過你哋貴公司。

答：係。

問：You agree.

答：係。

問：Then you move to the next downward column, Mr Chow from Prosperity states that they did supply 50 per cent lead solder sticks to your company in relation to Tung Wui and Wing Cheong Estates. Do you agree with that?

答：我都聽唔到，點樣答呢？我聽唔到。

主席：再問多次，Mr McCOY。

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MR McCoy: One more time, please.

答：你同我較一較。哦，okay。我搵到，係，搵到，sorry。

問：唔緊要。

主席：不如 Mr McCoy 你用中文問喇。

MR McCoy：希望。

答：希望，好。再問一次，好唔好？

問：唔，係。

答：Thank you.

主席：不如我問喇，因為佢話你再睇落去，就睇到呢個周先生就--雋景呢個周先生就話佢哋就只係就住呢個東匯邨同埋榮昌邨就只係賣過呢個英國 50 力--即係 50 個 per cent 嘅含鉛嘅焊錫條係畀你哋貴公司，你同唔同意？

答：係，同意。

主席：唔。

問：So just before the break, I asked you why had you concluded that the four delivery notes were forgeries, and you said because Prosperity had a better record system. I suggest the reason you have correctly concluded that the four delivery notes are forgeries is because they stated lead-free solder was supplied, when you knew that none had been supplied.

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答：係，我睇咗佢嗰份表嚟比較，就佢嗰個詳盡啲。

主席：嗰個問題個重點就應該係咁，個問題嘅重點就係你其實係知道--你係知道根本就係冇係買過係無鉛嘅錫條，呢個係個重點，佢話你心知肚明，你哋公司係冇買過呢啲無鉛嘅錫條，所以你就知道嗰四張嘅所謂貨單--嗰四張咩嘢單話，嗰啲叫做？送貨單係假嘅。

答：我係唔知道嘅。

問：Where are the four delivery notes now that Patrick Wong sent by electronic means to Paul Y?

答：點話？再講一次。

主席：或者用中文，我問喇，唔緊要喇。Patrick Wong 就用 e-mail, electronic means, 用電子嘅方式就送去保華，而家律師就想問嗰四張出貨單，實實在在嗰四張紙喺邊？

答：林小姐話佢自己毀滅咗。

主席：林小姐話佢自己毀滅咗。

答：係，佢話冇存喺度，嗰四張單。

問：Perhaps one last point. Again, looking at Mr Chow's statement from Prosperity, please come to page 1477, the table. This table, Mr Cheung, prepared by Prosperity, in the right-hand downward column shows Prosperity was used to two different means of people placing orders: verbally or by a written purchase order. In relation to Tung Wui and Wing Cheong, Prosperity states your purchasing department used written purchase orders and not verbal orders, as you suggested in evidence.

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答：呢個我就唔記得，但係佢哋而家都係有啲書面，有啲口頭嘅仲，即係電話落單嘅。

問：But their response is they are all in writing. They do not list verbal orders from Golden Day at all.

答：呢個我都唔知道。

MR McCoy: I have no other questions. Thank you.

主席：Thank you. 係，Mr Wong。

王先生盤問

問：張先生，我代表水務署有幾個問題想向你發問嘅。

答：好。

問：第一，我想你去睇你嘅證人口供 L1，13 頁第 12 段，L1，13 頁第 12 段，呢個張生係你嘅證人口供嚟嘅，你有冇嗰頁？L1，13 頁第 12 段。

答：L1，13 頁呀？

問：第 12 段。

答：十幾呀？Sorry。

問：12。

答：哦，12？

問：係。其實你喺呢個證人口供多次提到呢張 WWO46 呢一張表格嘅，係咪？

答：係，個表格。

問：我相信你對呢張表格有一定嘅認知，係咪？認識，啱唔啱？有一定嘅認識，啱唔啱？

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答：再講一次。

問：你對呢張表格有一定嘅認識，同唔同意？

答：同意。

問：好喇，你呢度就話「喉管及配件在落單前，採購人員有核對水務署 Form WWO46 表格，確定所購買的是水務署 Form WWO46 已審批之喉管及配件。」你睇到嗰句嘛？

答：Sorry, sorry, 係。

問：或者我讀番嗰句畀你。

答：好。

問：好喇，以你嘅認知，我而家向你指出兩樣嘢，睇下你同唔同意，第一，嗰個 WWO 表格嗰個附件入面，嗰個配件同埋個喉管其實好多嘢都唔包嘅，唔單只焊料唔包，攞枱唔包，bends 唔包，Ts 唔包，好多嘅配件都唔包喺嗰張表格嘅附件入面嘅，呢樣嘢你知唔知？

答：知。

問：知。好喇，第二樣嘢你知唔知，你同唔同意嗰張表格嗰個附表入面所包含嗰個喉管同埋配件其實係一個標準表格嚟嘅，即係話無論你係做乜嘢嘅建築物，醫院、村屋、高樓大廈，全部嗰個附件嗰個內容都係一致嘅？

答：係。

問：好。你嘅採購人員佢要決定嗰個根據即係購買啲乜嘢嘅水喉配件嘅時候，淨係揸住 WWO46 嗰個附件，其實佢執唔齊啲嘢，譬如 solder 佢對唔到？

答：係。

問：攞枱，如果要用 bends、Ts，佢對唔到，啱唔啱？

答：係。

問：好喇，佢係根據啲乜嘢標準去買，如果呢張附表入面冇嗰樣嘢嘅，你嘅同事根據乜嘢準則去購買乜嘢物料？

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答：嗰個準則就佢之前簽晒嗰啲合約嗰啲嚟擺。

問：根據合約？

答：係。

問：我而家淨係想講嗰個焊料啫，我想請你睇 C19.7，14643。

答：C...

問：C19.7，14643，張先生，呢個就係你同水務署一個會面嘅紀錄嚟嘅，啱唔啱？

答：係。

問：你見到張紙嘛？

答：係。

問：如果你去 14646，14646，14646。

答：係。

問：你見到你個簽名嘛？

答：係。

問：即係你確認呢個內容係真實嘅，係咪？

答：係。

問：好喇，你睇第 16 段，同一頁第 16 段，「署方向張先生查訊，指他是否清楚知道水務署已禁止在焊接時，使用含鉛的焊接物料。張先生表示清楚知道亦明白水務署要求使用無鉛的焊接物料。」呢個你係知嘅，你知道水務署有咁嘅要求嘅，你知喇，係咪呀？呢度咁講㗎嘛？

答：係。

問：好喇，跟住睇番你個 12 段。

答：幾多？

問：你嘅 12 段，L1 13 第 12 段，係咪？

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答：係。

問：最後嗰句，你話「由於水務署並沒有要求提交焊料資料審批，所以並沒有採取特別措施監察焊料是否含鉛。」張先生，我向你指出，如果你已經清楚知道水務署係禁止使用含鉛焊料，你而家話嗰張 form 入面有提交到呢啲資料去審批，所以你哋有採取特別措施去監察焊料是否含鉛呢個講法係唔正確嘅，你同意抑或唔同意？

答：我同意嘅，因為佢有特別知道嗰啲焊料係有鉛嘅，即係大意咗呢--即係疏忽咗，認知唔到嗰個--我都唔知道市面嗰啲焊料係有鉛嘅。

問：你完全唔知道市面有一種焊料係有鉛嘅？

答：有聽到嘅，係。

問：好，我最後一個問題就想帶你睇一睇你簽過一張 WWO46，譬如你睇 R1 嘅 23 頁，R1，23，如果你去下面嗰頁，你會見到頁嘅下半方，你會見到有你簽名嘅，你見唔見到呀？

答：係。

問：張先生，我知道你英文應該個水平唔係好高，係咪？

答：係。

問：咁你簽呢張紙嘅時候，你知唔知呢張 form 入面寫啲咩嘢嘅呢？你簽嘅時候。

答：係唔知道。

問：唔知，即係你唔知呢張 form 寫乜嘢，你就簽喇？

主席：你簽咗幾十年㗎囉嗎？

答：我淨係知道啲 form 入面打咗啲啲嘢，我就簽咗落去。

主席：唔係，你而家係咪即係話畀我聽你簽咗--我唔知你做咗水喉匠幾耐，你而家係咪話畀我聽你簽咗幾十年都唔知乜嘢？係咪呀？係咪咁嘅意思呀？

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問：係咪呀？請回答。

答：係。

主席：係咪咁嘅意思呀？

答：係，呢個我唔知道。

王先生：主席，我有其他問題。

主席：得，仲有冇人有問題？冇人有問題，好，不過我有啲問題想問你。

胡先生：主席，其實我有啲 re-examination，係咪 after 你，定係我而家問咗先？

主席：你鍾意，不如等我問咗先，可能你有跟進問題跟埋，係咪？

胡先生：Okay，好。

主席：S1，唔該，S1 第 78 頁，紅磡邨就係你哋 Golden Day 做嘅？

答：係。

主席：我哋見到呢個表上高，一頭一尾就係用 FRY 無鉛錫線，跟住中間全部用英國 50 力，點解？

答：呢個我都唔知道。

主席：唔知點解？

答：我唔知道，係。

主席：公司有人咁樣樣做，完全唔知道？

答：唔知。

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主席：係咪慳錢呢？

答：唔係。

主席：唔係慳錢？

答：係。

主席：你頭先就話慳三萬零釐好少錢，係咪？我頭先好似聽到。

答：係呀，一個屋邨係...

主席：你頭先話，係咪呀？好似我聽到三萬零釐。或者我哋睇番 217，榮昌，我粗略咁加過 275 磅加 275 磅加 165 磅再加 275 磅，總共加埋就係 990 磅？咁上下喇，係咪？990，你哋-- 990 磅，我哋知道一磅--我哋知道嗰個無鉛就 500 克錫線，無鉛就 500 克，大約一磅即係。

答：1 磅 16，好似。

主席：一磅多--當佢一磅一，一磅，即係簡單啲起，如果呢條邨，榮昌邨用 990 磅，因為我哋知道雖然又唔係話 exactly 100 釐，不過都大約係 100 釐嘅，唔止三萬幾釐嘅囉。

答：點樣話？

主席：因為我哋知道大約--即係視乎究竟你係幾時個屋邨起，個價錢係有分別，不過由 80 釐去到 100 釐咁上下個分別。

答：佢就相差唔夠一倍，即係兩樣個比較，唔...

主席：我知，咁即係榮昌邨已經爭九萬九，如果當 100 釐。

答：100 釐，九萬九。

主席：即係爭咗九萬九釐喇已經，即係可以即係有多九...

答：如果榮昌邨，同佢計，我粗略計過，係爭 60,000 釐嘅。

主席：唔係，即係咁講，即係唔止你頭先所講三萬幾喇。

答：佢係一座計數咩，我計咗一座，佢嗰度係兩座。

B

B

C

主席：我知，係咪？

C

D

答：爭咗幾萬釵。

D

E

主席：呢度榮昌邨就咁睇落去，已經爭咗成 80,000 釵，起碼都有。

E

F

答：80,000，一座咪 40,000，嗰度兩座咁嘛。

F

G

主席：唔好理佢幾多座，總之榮昌邨呢度就係咁多，係咪？

G

H

答：係，係，係。

H

I

主席：其餘嗰啲屋邨視乎多少。

I

J

答：但係你 80,000 釵同嗰個合約嗰度爭好少錢。

J

K

主席：你賺到 80,000 釵，唔係講個合約價錢，你明唔明呀？你林小姐一個月人工幾多錢咁？你話畀我聽林小姐一個月人工幾多錢？

K

L

答：一條邨做成三年呀。

L

M

主席：你講。

M

N

答：咁你個合約用千幾萬嚟計，佢係佔咗好少。

N

O

主席：你不如答下我個問題，林小姐一個月幾多錢人工？

O

P

答：兩萬幾。

P

Q

主席：咪係囉，呢度夠畀四個月，翁先生一個月幾多錢人工？我想知道下。

Q

R

答：三萬幾。

R

S

主席：都係有慳，係咪？

S

T

答：但係當時係唔知道呢個。

T

U

主席：得。

U

V

答：冇計嗰個幾多錢。

V

主席：好。呢卷嘢上高寫住“LEAD-FREE”，你識睇㗎呵？

B

B

C

答：係，F-R-Y，係。

C

D

主席：F-R-Y 側邊嗰度寫住“lead-free”嗰幾個字，你識唔識呀？

D

E

答：佢哋講無鉛。

E

F

主席：唔係，我知，英文你識唔識？

F

G

答：英文我唔識。

G

H

主席：因為呢度冇中文。

H

I

答：唔識，嗰個英文。

I

J

主席：呢個唔識，即係做咗咁多年都唔識？

J

K

答：唔識。

K

主席：畀嗰個 50 力個盒佢睇，唔該。識唔識上面嗰幾個字？

L

答：唔識，英文嗰幾個唔識。

L

M

主席：完全唔識？

M

N

答：係。

N

主席：唔知佢講乜。

O

答：係，唔知佢講乜，睇唔到，英國...

O

P

主席：好，唔知咩？唔知講乜，英文呀。

P

Q

答：英文唔知。

Q

R

主席：唔識？

R

S

答：（沒有可聽到的回答）

S

T

主席：唔識，得，好，請坐，唔該。

T

U

好，Mr Wu。

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胡先生：張生...

殷先生：我可唔可以改變初衷，有一個短嘅問題？

主席：改變初衷？畀你改變，一個問題。

殷先生盤問

問：我想你睇一睇文件盒，張生，我代表房委。

答：吓？

問：我代表房委嘅，我想你睇睇文件盒 S1 嗰個第 95 頁，第 95 頁，嗰度上面係一張金日工程公司嘅落貨單嚟嘅，你認唔認得啲字跡係邊個寫嘅？

答：認唔到，呢啲。

問：你睇睇第 5 項嗰度嗰張單度，睇唔睇到？嗰度寫住「錫條 50 力」嘅寫住。

主席：你想問...

答：50 力...

主席：後面嗰個--你想問乜嘢嘢先？

殷先生：我想問下佢，佢頭先話--即係似乎佢係話唔知道有唔同嘅...

主席：咁你點知「50 力」邊個寫上去啫？

殷先生：我所以問一問佢知唔知啫。

答：呢個 50 力...

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主席：咁你問咗先，可能係雋景寫上去㗎喎。

答：可能雋景寫上去嘅，呢個「50力」。

殷先生：我係想澄清呢點啫，我都未見過。

主席：不過其實你話講開呢啲單，其實睇落去好似係有分別嘅，其實你話係咪唔識呢，又唔係完全唔識嘅，金日，有高溫錫條同埋錫條分別嘅，你睇番啲 purchase order。我唔知喺邊一度可以睇到，不過我...

答：我有睇過，但係即係高溫我都唔知喎，真係做咁耐。

主席：你又唔知呀？

答：我話高溫嗰個。

主席：但係係你哋 send 過去雋景㗎喎。

答：佢錫--反而而家先至知道錫條、錫線。

主席：咪住先，等一陣先。

殷先生：第98頁同埋101都有講高溫錫條。

主席：係喇，頭先黎先生就指出，金日喺S1第98頁就寫住「高溫錫條」，人哋就識送，就係送呢個無鉛錫條。即係換句話嚟講，唔係--即係雋景要知道究竟你要乜，佢哋先至送乜㗎喎，如果你唔識，就咁講錫條，就畀啲英國50力你㗎喎。

答：我又唔知佢地盤個管工點樣報番畀公司。

主席：係囉，咁個地盤嘅管工一定知道個分別，即係如果佢識要錫條抑或高溫錫條。

B

B

C

答：我都唔知道。

C

D

主席：送嚟嘅嘢都完全唔同㗎嘛，一個好長，一個四方盒，一個就長盒。

D

E

繼續，Mr Wu。

E

F

胡先生：唔。

F

G

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H

胡先生補問

H

I

問：張生，今朝就曾經有個--即係其中一方嘅律師就問過你，就係話你知唔知道有鉛同埋無鉛錫線嘅--或者係焊料嘅分別，其實你可唔可以講一講畀調查委員會聽即係你對於呢個市面上嘅焊料含鉛嘅認知係乜嘢？

I

J

J

K

答：係唔知道。

K

L

問：你係完全唔知道市面上有含鉛焊料呢樣嘢存在嘅？

L

M

答：係呀，唔知道。

M

N

問：就係對你嘅認--根據你嘅認知，就係錫條同埋錫線嘅分別又係乜嘢？

N

O

答：我嘅認知，都覺得冇分別嘅，係出咗事，驗出嚟先話知道佢係有含鉛。

O

P

問：即係話喺你嘅認知入面，係兩樣嘢基本上係可以隨意互調嘅，互用嘅？

P

Q

問：或者係你落 order 嘅時候，幾時落錫條，幾時落錫線，係點樣去--有冇定㗎？

Q

R

R

S

答：冇嘅。

S

T

問：Okay，跟住就係話今朝亦都同你講過，就係話有關於入畀房屋署審批嘅物料之中，就其實冇硬性規定係一定要入焊料入去畀房屋署審批嘅？

T

U

答：冇硬性嘅，係喇。

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問：但係就不竟都入咗？

答：係。

問：其實入呢一個焊料嘅樣本其實係--因為就琴日保華嘅證據就係話其實佢都唔係好知道係點樣走出嚟嘅，即係個要求喺邊度走出嚟。

答：係。

問：其實...

主席：唔係喺邊度話？唔係好--再問多次。

胡先生：佢話唔知道係佢哋叫承建商擺咗，定係承建商自己 submit 嘅，okay，即係 voluntarily submit 嘅，佢琴日嘅證據係咁。

問：其實你可唔可以再講清楚啲，究竟其實係喺咩嘢情況底下係--你係慣常供應去 submit 呢個焊料嘅樣辦上去咗，抑或係其實係有特別嘅有人要求你做呢樣嘢，你可唔可以再講清楚啲？

答：冇嘅，佢哋係遞開係慣性咁樣。

問：即係慣常...

答：係，慣常。

問：...遞上去就遞上去？

答：係呀。

問：好喇，跟住就係想講一講番就係話嗰啲我哋用咗好多時間去探討嗰四個送貨單或者提貨單，okay，可唔可以就係話我哋睇一睇番你嘅證詞，L1 入面就係第 11 段，即係話--你見唔見到第 11 段？

答：係。

問：佢話「由於上述地盤已完工及已過保養期，故本公司已沒有保留相關單據紀錄。」你見唔見到呢一句？

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答：我而家唔係呢度。

問：第 11 段，你嘅係 L1 嘅第 13 頁，見唔見到嗰一句「由於上述地盤已完工」？上述地盤係指榮昌、東匯同埋紅磡，係咪？

答：係。

問：「已完工及已過保養期，故本公司已沒有保留相關單據紀錄。」睇唔睇到嗰一句？

答：係。

問：當時其實你係咪曾嘗試搵過呢啲單據紀錄㗎？

答：係嘗試搵過嘅。

問：但係成唔成功？

答：冇嘅。

問：搵唔到，係咪？

答：係。

問：跟住呢一個就係 11 月 9 號嘅事情喇？

答：係。

問：就後來就係嗰呢一個--你記唔記得係--即係你都曾經頭先提過，就係話嗰呢一個調查委員會嗰個聆訊嗰個文件夾入面，就係即係你後來搵到，就係話有一啲咁嘅--嗰四張送貨單就係嗰個文件夾度出現㗎，係咪呀？即係嗰個文件夾出現，所以就亦都畀你睇過㗎，即係你當時係--我想問你個問題，就係話你搵嘅時候搵唔到，但係後來就係文件夾度發現有呢啲咁嘅送貨單出現，係咪咁嘅情況？

答：係邊句呀？

問：即係話首先係你個證人證詞嗰度，你亦都曾經搵過嗰啲送貨單，係冇送貨單嘅存在嘅，係咪？

答：係。

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問：後來當呢一個聆訊委員會嗰個--呢一個聆訊安排咗有咗呢一個嗰個 hearing bundle 個文件夾之後，喺個文件夾嗰度就搵到呢啲送貨單出現，係咪？

答：係。

問：咁就變咗同你嘅證詞係唔一樣嘅，係咪？

答：係。

問：你有冇印象有個咁嘅事，即係...

主席：唔係，我唔係好明，你個問題，因為我嘅理解，個時序係好似保華話畀我哋聽搵到有四張 delivery note，因為你嗰個當事人交上去畀房署，我哋先至知道有呢啲咁嘅事發生㗎㗎。

胡先生：但係當時我哋未知咩嘛，Mr Chairman，因為保華...

主席：最初就不嬲都係雋景就交咗嗰四張 invoice 出嚟，我哋一路都係--除非你真係好刻意去睇嗰啲，跟住就保華嘅律師就寫封信嚟，就話要解釋諸如此類，又話要傳召證人，咁先至有呢啲咁樣嘅所謂 supplemental witness statements 嘅出現之嘛。

胡先生：唔係，Mr Chairman，其實我想 establish 個 chronology，就係話首先張先生就係曾經嘗試過搵呢啲文件嘅，係搵唔到嘅。

主席：佢係咁...

胡先生：但係後來就係喺個 hearing bundle 嗰度就其實係我哋發現嗰啲文件先嘅，跟住就 bring it to the attention of 張先生。

主席：邊個發現啲...

胡先生：我哋律師樓。

主席：你哋發現呢啲文件係因為保華話畀你哋聽咩，抑或係咩嘢？

胡先生：我哋應該係喺個 hearing bundle 嗰度搵到嘅。

主席：唔係，你答我問題喇，直接啲。你哋搵到係因為保華話畀你哋聽有

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呢個問題嘅？

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胡先生：其實係我哋搵到先嘅，我哋喺個 hearing bundle 嗰度搵到嗰啲文件先。

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主席：但係當時就未 alert 張生嘅，就直至到保華先至咁樣樣呀？

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胡先生：其實都唔係嘅，嗰陣時就...

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主席：哦，得。

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胡先生：係喇，即係我想 establish 個 chronology，就係話首先係張生嘅證詞，跟住呢啲文件就喺個文件夾度出現，我哋就同張生討論過呢個問題，即係通知張生話有個咁嘅事情，然後張生就--然後就係...

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問：跟住張生，你可唔可以講就係話喺呢一個--跟住後來就收到呢個雋景嘅證詞，就係嗰個證詞就係喺個文件夾入面嘅--睇一睇先，S1，頭先你都睇過喇其實，係雋景嘅證詞，入面就係...

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主席：你想 establish 啲咩嘢？Mr Wu，我想知道啫。

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胡先生：我想 establish 嘅就係話即係點解--我想張生...

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主席：你話畀我聽你想 achieve 啲咩嘢先。

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胡先生：我想張先生 recall 番係...

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主席：你話畀我聽你想--講吓。

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胡先生：我想...

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主席：你想話畀我聽乜嘢嘢？

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胡先生：我想話畀你聽係張先生當時係點樣發現嗰個有一啲有問題嘅送貨單出現。

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主席：係喺保華未 alert 全世界之前已經講咗，係咪咁嘅意思？

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胡先生：因為呢一個我...

主席：係咪咁呀？係咪你係咪想咁呀？你...

胡先生：其實唔係 exactly 係咁嘅意思嘅，其實個意思就係話呢一個，我想 establish 嘅就係話呢一個係一個 process 嚟嘅，okay，由開始乜嘢都有，到到後來發現原來有啲其他嘢出現，跟住張先生再去調查，然後先至有一個--可以講得話係有個睇法走咗出嚟，就係話呢啲文件係有問題嘅。

主席：呢個我有問題，我明白，呢個問題我有問題。

胡先生：我係...

主席：唔係，最初係一定係從冇到有，因為我哋都未攞任何嘢返嚟，係咪？跟住攞晒任何嘢返嚟之後，跟住我哋大家睇，睇完之後，你睇到雋景有呢啲單，係咪？跟住又睇到原來交咗畀房屋署有啲咁嘅調查報告裏面有呢啲咁樣樣嘅嘢，於是咪問，諸如此類，有一個 process，我同意。

胡先生：你同意有呢個 process，我係其實純粹想張先生確認番即係呢個係真實係有個咁嘅 process 喺處。同埋亦都確認番，...

主席：有個...

胡先生：...因為頭先有一個 suggestion，就係話張先生--即係呢啲送貨單係製造出嚟係因為張先生係知道係有呢一個有鉛嘅焊料係 supply 過畀啲 site，我覺得呢樣嘢亦都係...

主席：咁佢唔同意咩。

胡先生：係，即係我覺得其實頭先唔係好清--張生唔係好清楚咁去回答到呢個問題。

主席：好清楚佢唔同意咩，係囉。

胡先生：或者我即係同張先生 confirm 一下。

問：就係話即係你同佢--頭先有人同你提過，就係話嗰個送貨單--你話嗰個送貨單係製造出嚟係因為你知道有鉛嘅焊料送咗落去，係用咗嗰個

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個工程入面，你同唔同意呢個講法？

答：唔同意，因為我係唔知道佢有鉛嘅。

胡先生：Okay，我有其他問題。

主席：不鏟都係咁樣，佢個答案，係呀。

胡先生：我覺得頭先個--我似乎嗰個唔係太清楚。

主席：冇，冇，冇，得，唔該晒。

胡先生：Okay，唔該晒。

主席：請坐。

唔該晒你，張先生，畀完證供，可以離開，可以離開。

四點半，咁就唔會有下一個證人，下一個證人會係...

許偉強先生：翁先生。

主席：翁先生，咁就聽朝...

許偉強先生：就原先嗰個證人嗰個排序就係翁先生之後，就另外又隔咗兩位先至到林小姐嘅，我相信即係就住嗰個事件嗰個經過嚟講，如果翁先生跟住緊接住林小姐就可能即係好啲。

主席：得。想順便提一提嘅就係今個禮拜五係好似似乎唔得，係咪呀？

許偉強先生：係。

主席：今個禮拜五，因為三位 commission 嘅律師都有其他嘅事項要做，所以我哋星期五就休庭，下個星期一就係 opening of the legal years，所以我哋就淨係會係朝頭早先至會聽，視乎個進度，我哋可以其實朝頭早聽多半個鐘頭都得嘅，晏晝就唔使返嚟。即係換句話嚟講，星期一可能去到一點半，跟住先至食晏，不過睇下點樣樣，睇下

究竟啲證人嘅進度點樣樣。

另外我想喺呢一個階段亦都講嘅，就係有關於四個總承建商，我就係希望喺農曆新年之前就收到四個總承建商嘅 submission，我叫做 interim submission 呢個 submission 基本上係 summary of 嗰個佢哋啲證人嘅 evidence，同埋係 submission 就係 main contractor 嘅 submissions 就係關於 knowledge 或者 lack of knowledge 係就住 of the use of 呢個 non-lead-free 嘅 solder，因為四個總承建商都話佢哋唔知，係咪？

即係就住四個總承建商，就希望就需要喺農曆新年之前就交咗佢哋嘅 summary of evidence of 佢哋 main contractors，同埋 summary of evidence 嘅 submission or by 個 main contractor on knowledge or the lack of knowledge of the use of non-lead-free solder，淨係 on 呢兩樣嘢嘅啫。

咁樣樣就農曆新年係之前嗰個禮拜係幾多號呀？2月5，5號，星期五，嘅...

石先生：年初一係8號。

主席：係喇，即係之前嗰個星期五，5號，2月5號嘅5點鐘。就為咗公平起見，我唔會放上網住，每一個總承建商就將佢哋嘅 submission 就 address 畀我 personally，我亦都唔會 reveal 畀任何人睇住嘅，喺呢一個階段，因為我就發覺你哋好鍾意睇咗人哋寫咩嘢，就自己寫咩嘢。咁就淨係 on 呢兩樣嘢，暫時，有冇人有...

石先生：主席，打唔打算亦都係指示埋水喉嘅分判商做陳詞，定係從詳計議？

主席：我會，不過會喺完晒呢啲--完埋 Golden Day，完埋何標記之後，我都要求佢哋咁樣樣做，不過因為有兩個水喉分判商係 in persons 嘅，所以我就遲啲我先至會再處理水喉分判商。基本上水喉分判商亦都係需要處理我頭先所講嘅問題，就係話佢哋要 summary of 佢哋啲 evidence，plumbing subcontractors，同埋 submission by 呢個 subcontractors on 個 knowledge 或者 lack of knowledge of the use of non-lead-free solders，基本上係 plumbing subcontractors 都要。

當然，喺呢度 main contractors 可能都會有另外一個 point 可能都要 deal with 嘅，就係 submission by main contractors

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on the knowledge or lack of knowledge of the use of non-lead-free solder by the plumbing subcontractors, 點解佢哋認為 plumbing subcontractors 係知道嘅用呢個 non-lead-free solders, 因為其實喺呢個審訊嘅過程裏面我哋已經聽到有啲 main contractors 係咁樣指出, 所以呢幾樣嘢純粹係講緊 the use of non-lead-free solders, 呢幾樣嘢係要喺新年之前係畀個 submissions 我。

跟住之後我哋會繼續聽水務署諸如此類嘅啲, 咁又有啲 evidence, 到最後會有一個 final -- 你哋會有機會去有一個 final submissions on 另外其他嘅嘢, 到時我就會再一次過就係 exchange of submission, 即係喺你哋個 final submission 之前, 我會 exchange of submission, 等你哋大家都知道大家講啲咩嘢。

我就 float 咗呢個 idea 出嚟, 你唔需要而家即刻答我住, 你可以今晚諗一諗, 聽日話畀我聽你有啲咩睇法認為更加 open、更加 fair 啲嘅。明白嘛? 嗰啲大狀, 即係啲 senior counsel 唔喺度、冇出現啲, 就返去通知一聲佢哋可能要咁樣做。

Okay, 我哋聽朝早 10 點鐘再繼續。

2016年1月5日

下午4時41分聆訊押後

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C Tuesday, 5 January 2016 C

(10.15 am)

D (Transcript of simultaneous interpretation D

E except where otherwise specified) E

F MR WU: (In English) Mr Chairman and Mr Commissioner ... F

(Via interpreter) I would like to call Mr Cheung

G Tat Yam. Mr Cheung is the owner of Golden Day. G

H CHAIRMAN: Yes. Invite Mr Cheung in, please. H

MR CHEUNG TAT YAM (affirmed)

I CHAIRMAN: Please be seated. I

J Examination-in-chief by MR WU J

K MR WU: Mr Cheung, do you need to wear the earpiece? K

Mr Cheung, I am now going to read out your written

L statement. For this Inquiry, there are three. The L

M first one is in bundle L1, page 11. Do you have it M

before you?

N A. Yes. N

O Q. This is the statement of Mr Cheung Tat Yam, given as O
managing director of Golden Day engineering company. It
P is dated 9 November 2015. The first paragraph: P

"Wing Cheong Estate.

Q Page 1 of the subcontract sets out that my company Q

R is responsible for plumbing work of Wing Cheong Estate R

S and there are certain clauses, (D), special contract S

T provisions, clause 1, which specifies that my company is T

responsible for the plumbing works, including the provision of material (and the subcontract can be found at annex 1A).

Tung Wui Estate.

Page 1 of the subcontract sets out that my company is responsible for the plumbing works and drainage work of Tung Wui Estate. Special provisions (D), special contract provisions number 1 -- my company is responsible for the plumbing works, including the provision of labour and material (the subcontract can be found at annex 1B).

Hung Hom Estate Phase 2.

Page 3 of the contract, annex 2, sets out that we are the plumbing work contractor. Part 4, specification on the quotations are on page 23 of the contract, and also the relevant memorandum on plumbing works, clauses 1 and 4 specify that this is a project conducted on the basis of both labour and material.

2. My company is responsible for the main block, when the wall thickness is over 300 millimetres, and also the plumbing project, but the sanitary equipment is excluded. We only signed the contract with China State Construction. We know that Ho Biu Kee is responsible for the overall plumbing project of Hung Hom Estate Phase 2. We don't know the scope of work of Ho Biu Kee.

3. When work started, the licensed plumber would submit form WWO46 part I and part II to the WSD to inform the Authority of the details of the work and the commencement date as well as the details on the material and pipes to be used. The project manager would submit the various pipe parts and material to the main contractor for onward transmission to the Housing Department for approval. When form WWO46 part III is approved by the WSD and approval is also given by the Housing Department, we will carry out the work in accordance with the plans of the WSD and also the relevant materials, as set out in the sample room, and we would procure pipes, parts and material, then workers would commence the plumbing works. During the construction, the licensed plumber or plumbers would inspect the sites and monitor the progress and also to see if the sanitary equipment and pipes are properly installed, and there would be leakage tests. The main contractor and Housing Department also carry out inspection and reception test. After the work is completed, there would be the water leakage and completion test, and after that's done, the licensed plumber would inform the main contractor and also the Housing Department of the results, and then form WWO46 part II would be submitted to the WSD, and then the WSD

would inspect the works to see if it's in compliance with WWO46 and also to take water sample for testing.

(As the principal plumbing contractor for Hung Hom Estate Phase 2 is Ho Biu Kee, the testing and the submission of test results were carried out by Ho Biu Kee.) After the test result is found to be satisfactory, there would be the issuance of the completion certificate and water supply certificate.

4. My company signed the contract with the main contractor. We are responsible for procurement of material and provision of labour to work on the site.

5. I am the licensed plumber of the three affected estates.

When work commenced, I submitted form WWO46 part I and part II to the WSD, after the approval is given, and on the basis of form WWO46 part III, also approval was given by the Housing Department. My company would work in accordance with the plans prepared by the Housing Department and also to procure the pipes, parts and materials in accordance with the sample room in accordance with the progress of the works. Then workers would install the pipes and parts. During the works period, I would irregularly inspect the sites to monitor the progress and also to see to it that the installation is properly done and there would be water leakage test.

After completion, I would inform the main contractor and the Housing Department and then submit form WWO46 part IV to the WSD, to inform the WSD that the work project had been completed in accordance with the building plans and form WWO46, and I would inform the WSD to take water sample for test. (As the main contractor for plumbing works in Hung Hom Estate Phase 2 was Ho Biu Kee, the relevant water sample tests and the notification sent to the WSD was done by Ho Biu Kee.) On the question of monitoring material quality, I am responsible for scrutinising the materials used in the plumbing works and to make sure they are in the approved list of the WSD.

Mr Yung Kwok Choi was the project manager of the three affected estate projects. He was responsible for submission of water pipes, parts and materials to the main contractor for onward submission to the Housing Department for approval and he would regularly attend site meetings and resolve problems encountered during construction and to monitor the progress. After completion, the company would carry out the water leakage tests, and then the licensed plumber and project manager would inform the main contractor of the results.

Mr Hui Wang San was the site supervisor of Hung Hom Estate Phase 2. Chau See Ming was the site foreman of

Tung Wui Estate. Mr Hui Wang San and Mr Chau See Ming were responsible for monitoring the work carried out by workers and, in accordance with the work progress, they were responsible for procurement and the placing of orders for materials.

The workers for installing the plumbing material and pipes were signed and sent by this company.

Wing Cheong Estate.

Subcontract (A), specification of the works had information on the specifications (please see annex 1A), and the 'Hong Kong Housing Authority Specification Library 2008 Edition' sets out the requirements that the plumbing materials must conform with BS standards and the soldering material must be lead-free (please see annex 2A).

Tung Wui Estate.

Subcontract (A), the specification on engineering, there's a section on specification (please see annex 1A), and the 'Hong Kong Housing Authority Specification Library 2008 Edition' sets out the requirement that which plumbing materials must conform with BS standards. That's a specification specifying that the soldering material must be lead-free (please see annex 2A).

Hung Hom Estate Phase 2.

The subcontract on plumbing works, the specification sets out in paragraph 34 that the contractor must make sure that the material and the workmanship should conform to the 'Hong Kong Housing Authority Specification Library 2004 Edition' (please see annex 1C), and the 'Hong Kong Housing Authority Specification Library 2004 Edition' sets out which plumbing materials must conform with BS standards, and there was one on the soldering material which must be lead-free.

6. Before the commencement of work, my company asked for specifications of plumbing materials and parts from the suppliers, so as to compare them with the list of approved materials of the WSD, and then the same would be submitted to the WSD for approval. As the WSD does not require any submission of information on soldering material, so the list did not contain anything on soldering material. We also submit samples of water pipes, parts and materials to the main contractor for onward transmission to the Housing Department for approval. As there was no requirement on the part of the Housing Department that soldering material must be subject to this arrangement, however, before commencement of work in the three affected estates, we did submit samples of soldering material to the Housing

Department for approval.

During the construction period, our licensed plumbers, site foremen, and also the site agent of the main contractor, the Housing Department, carried out monitoring work.

After completion, my company informed the WSD for water testing (note that for Hung Hom Estate Phase 2, this was done by Ho Biu Kee).

7. As far as we know, the Housing Department and the main contractor would scrutinise the materials in accordance with the list of the WSD on approved materials.

8. For the materials submitted to the main contractor so as to seek approval from the Housing Department, they include DI pipes and parts, copper pipes and parts, iron pipes and parts, drainage, plastic tubes and parts, pressurised plastic parts and copper valves and iron valves, pressure reducing valve and floor drainage valves. Soldering material was not required to be submitted for approval; however, before the commencement of the work in the three estates, my company did submit samples of soldering material to the main contractor, so that they can give them to the Housing Department for approval.

9. Soldering vis-a-vis compression joints would

result in fewer or less serious water leakage, so it's adopted as the main contract methodology for plumbing works.

10. According to the WSD's report on 25 September, the initial report indicated that materials used on site were different from those submitted for approval in Kai Ching and Kwai Luen Estates, but for those two Estates my company was not involved.

11. As the relevant sites have been completed and the warranty period has expired, we have not kept any documents.

12. We understand that Prosperity has been contacted to provide the relevant notes and delivery receipts.

13. The licensed plumber, Mr Cheung Tat Yam, and foreman Hui Wang San (for Hung Hom 2 and Wing Cheong Estates) and Mr Chau See Ming (for Tung Wui) were responsible for inspection and certifying the completion of the project. The site staff workers were responsible for the installation.

At the beginning of the work, I submitted the form WWO46 part I and II to the Water Supplies Department. Every month I inspected the site twice, to look at the progress of work, to make sure that it was implemented in accordance with the samples.

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 32 B

C In terms of control of materials, I was responsible C

D for submitting materials to the Water Supplies D

E Department and check the materials to make sure that E

F they are within the accepted list of the department. F

G During the work and before completion, I would visit G

H the site four to five times a month and looked at the H

I sanitary appliances and also the installation of the I

J pipes and conducted leakage test. J

K Upon completion, I submitted WWO46 part IV to the K

L Water Supplies Department and arranged for inspection, L

M to make sure that it was completed properly, and I also M

N follow the Water Supplies Department lab staff to take N

O water sample, to make sure that the water certificate O

P would be obtained. P

Q The project manager was responsible for submitting Q

R samples of the pipe and fitting materials and materials R

S to the main contractor and the Housing Department for S

T approval. He also attended meetings and resolved T

U problems and followed up on the progress. Upon U

V completion, he would conduct water tests, leakage tests V

and hydraulic tests.

14(i) When we hired workers, we would try to find

out whether they had plumbing work experience. We

wouldn't ask them or insist that they had the

certificates. The workers had to show their

registration card and green card before they would be allowed into the site.

(ii) When choosing pipes and fittings, the licensed plumber would make sure that the materials were within the accepted list of the WSD, and they would be submitted to the WSD for approval. The purchasing staff would also check the form WWO46, to make sure that what they purchased were the approved materials.

15. I was the licensed plumber for the three housing estates. All the details are set out in paragraph 4.

16. According to our record, I submitted the list of staff and workers involved in the three housing estates in appendix 3. Other than myself, other workers and other staff are not licensed plumbers. We hire workers with plumbing experience, although we do not insist that they have particular qualifications and certificates.

17. Our company cannot be certain why lead-containing solder materials came to be used in the three affected housing estates. Since it was generally considered that solder materials were minor items before the incident, we were not conscious of the possible presence of lead in soldering materials.

18. Our company agrees that in future, the main

contractor should be responsible for procuring solder materials, and the water test should include a test of lead for better quality."

This is the first witness statement of Mr Cheung.

The second witness statement, also 9 November 2015, from Mr Cheung Tat Yam, is at bundle R1, page 10.

A. What page?

CHAIRMAN: What tab?

MR WU: R1, page 10, I think.

CHAIRMAN: R1. Please carry on.

MR WU: Mr Cheung, have you got the witness statement in front of you?

A. Yes, I do.

Q. "1. I am responsible -- I was the full-time employee from the time we undertook the Hung Hom Estate 2, Tung Wui Estate and Wing Cheong Estate, and I have been an employee until today.

2. Since 1987, I have been a full-time employee.

I am also a director and licensed plumber of Golden Day.

I am responsible for the operation of the company and responsible for supervising the plumbing work. I have completed well over 50 HA projects since inception.

3. Not applicable; please refer to paragraph 2.

4. I am a licensed plumber of the WSD. I have been involved in this trade for 40 years and more. Since its

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
C	inception, Golden Day have completed well over 50 projects of the Housing Department.	C
D	5. When work began, I submitted form WWO46	D
E	part I and part II to the WSD, informing the Water	E
F	Authority the details of the plumbing work and the	F
G	commencement date. I also attach the samples and	G
H	details of the plumbing, the pipes and fittings and	H
I	materials. Then the project manager would supply	I
J	samples of pipes and fittings and materials to the main	J
K	contractors, for onward submission to the HD for	K
L	approval. When approval is issued or was issued, form	L
M	WWO46 part III by the WSD, Golden Day would, in	M
N	accordance with the plans and the sample room, order all	N
O	the materials and workers would start installing the	O
P	pipes. During the course of work, I would visit the	P
Q	site, inspect the site, to follow up on the progress.	Q
R	I would look at the progress of the installation of the	R
S	pipes and sanitary appliances, and also conducted	S
T	leakage tests. The main contractor and the Housing	T
U	Department would also conduct inspection from time to	U
V	time. Upon completion, I would inform the main	V
	contractor and the HD of results of the testing and	
	I would apply for form WWO46 part IV, and I would inform	
	the relevant department about the completion of work.	
	My company would also inform the WSD's lab to collect	

water sample (note: Hung Hom Estate Phase 2, the main pipes were the responsibility of Ho Biu Kee; it was Ho Biu Kee that was responsible for the water test). When the test was satisfactory, WWO46 part V would be issued and the water certificate would be issued.

6. I was licensed plumber for the three affected estates.

At the beginning of work, I submitted form WWO46 part I and part II to the WSD. When approval was issued (form WWO46 part III), Golden Day would, in accordance with the plan and the sample room, order materials for the workers to do the installation. During the course of work, I would inspect the site from time to time, to look at the progress of the installation, to make sure that they were installed properly and to conduct leakage tests. I would inform the project manager and the main contractor and the Housing Department the results of the water testing, and I would make application under form WWO46 part IV and I would inform the WSD lab to collect water sample (note: Hung Hom Estate Phase 2, the main pipes were the responsibility of Ho Biu Kee; it was Ho Biu Kee that informed the Water Supplies Department to collect water sample and all the follow-up work). In terms of control of materials, I was responsible for submitting the list of materials to the WSD. I also

checked to make sure that the materials used were within the accepted list of the WSD.

Mr Yung Kwok Choi was PM for the three affected estates. He would submit the pipes and fittings and materials to the main contractor for onward submission to the HD for approval. He attended meetings from time to time and resolved all the relevant issues. He followed up on the progress of work. Upon completion, the licensed plumber would inform the main contractor and the Housing Department of the results of the tests.

Mr Hui Wang San was the foreman for Hung Hom 2 and Wing Cheong, Mr Chan Siu Wing for Tung Wui. Mr Hui Wang San and Mr Chan Siu Wing were mainly responsible for monitoring and supervising the workers and placing orders with the purchase staff for materials to be ordered. The workers were appointed by Golden Day.

7. According to Golden Day's record, I submit the list of workers and the relevant staff in annex 1. Other than myself, all the workers and other people were not licensed plumbers. The workers hired by Golden Day had experience in plumbing work. We didn't insist on them having particular qualifications and certificates.

In terms of supervision of work:

At the beginning of work, I submitted form WW046 part I and II to the WSD on a monthly basis. I would

inspect twice, on an irregular basis, to follow up on the progress, to make sure that the work would be done in accordance with the sample room.

Before work completed, I would visit four times a month, to check on the pipes and fittings and the sanitary appliances, and conducted leakage tests.

I would also apply for WWO46 part IV, and I arranged for the WSD staff to conduct inspection and to make sure that it would be complete in accordance with WWO46 part IV. I would also arrange for water sample to be taken (note: Hung Hom Estate Phase 2 was the responsibility of Ho Biu Kee), and also it was Ho Biu Kee that was responsible for obtaining WWO46 part V and the water certificate.

9. I know that lead-containing solder materials could not be used.

10. I have got the certificate from the suppliers regarding the materials. I also submitted the material list to the Water Supplies Department for approval. Since WSD didn't require soldering materials to be submitted, so in the material list, it didn't contain solder materials. Also, Golden Day would, in accordance with the request of the main contractor, submit material samples to the main contractor and the HD for approval. Solder wasn't one of the materials for scrutiny, but

before work commenced, Golden Day also submitted solder material to the main contractor for submission to the Housing Department for approval.

11. I am aware that the WSD has a list of accepted material, and the main contractor and the WSD would only approve materials contained in that list.

12. I am responsible for signing and submitting the form WWO46 for the three affected housing estates to the WSD. Before submission of the form, I will make sure that the materials used in the list on the form are what can be found in the list of accepted materials by the WSD, and they include DI pipes and fittings, copper pipes and fittings, pressurised plastic pipes and fittings, copper valve, copper-plated core valve, iron valve, and pressure-reducing valve for the taps. Please see annex 2 for the list, in respect of the form WWO46 submitted for the three affected estates to the WSD. As the WSD did not require the submission of soldering material for approval, so the list does not contain soldering material, and also Golden Day would, in accordance with the request made by the main contractor, submit various pipes and fittings and material to the main contractor for onward transmission to the Housing Department for approval. Soldering material was not a mandatory item for submission, but before the

commencement of work at the three estates, Golden Day did provide soldering material to the main contractor for onward transmission to the Housing Department for approval.

13. Soldering, compared with mechanical joints, would result in less water leakage, so it is generally adopted for plumbing works.

14. According to the report published on 25 September 2015, the material used in the Kai Ching Estate and Kwai Luen Estate were not on the list, but my company was not responsible for the works of the two materials.

15. Ms Lam Wai King and Ms Mok Wai Yin were responsible for procurement of plumbing materials. I did remind them that they should check with form WWO46 to make sure that materials procured are those on the list.

16. As the WSD did not require the submission of soldering material for approval, there was no special measure taken by my company to monitor whether the soldering material contained lead.

17. The licensed plumber, ie myself and Mr Hui Wang San (site foreman for Hung Hom Estate Phase 2 and Wing Cheong Estate) and Chau See Ming (responsible for Tung Wui Estate) were collectively responsible for

checking, approval and certifying the completion of plumbing works and the construction workers were responsible for installation and construction of relevant pipes and plumbing fittings.

The licensed plumbers would, at the initial stage of the works project, submit form WWO46 part I and II to the WSD and would from time to time inspect the site to monitor the progress and make sure that work is done in accordance with the sample room.

In the middle part of the project and before completion, I will visit the site four or five times, to follow up on the installation of sanitary equipment and pipes, to see they are properly done, and there would also be the conduct of leakage tests.

After completion of the works, I will submit form WWO46 part IV to the WSD and I would make an appointment with WSD to send people to inspect the works on the site, to see that it's in conformity with the building plans and form WWO46. There would also be the checking of water samples (note: for Hung Hom Phase 2, this was the responsibility of Ho Bui Kee), and we have to make sure that the water test is satisfactory and that we also get the certificate of completion and the water supply certificate from the WSD.

Project manager was responsible for the submission

of various pipes, fittings and materials to the main contractor for onward transmission to the Housing Department for approval.

He would attend site meetings from time to time and resolve problems encountered during the construction and monitor the progress. After completion, he would conduct leakage and other tests and inform the main contractors of the results.

Site foreman: our resident staff are responsible for arranging workers to carry out the works and to make sure that the works are done in accordance with the building plans. They would monitor the progress and make preparation for the water tests.

18(i) My company hire people with plumbing work experience but there was no requirement on the holding of any certificates, and when the workers enter the site they would have to submit their worker's registration card and their green card to the main contractor first.

(ii) When I select the water pipes and fittings, I make sure that they are on the list of the accepted material of the WSD and also I have to make sure that the material procurement are in line with that list, and is in conformity with WWO46.

19. I am not sure what reasons soldering material containing lead came to be used in the three affected

estates. As the soldering materials have been regarded as minor items before this incident, the trade generally did not realise that there was soldering material containing lead."

That's your second written statement. I will now read out your third written statement. This can be found in bundle L1, page 139.

This statement was made on 4 January 2016.

"1. I previously submitted two written statements, both dated 9 November 2015, one as managing director of Golden Day Co Ltd and the other as licensed plumber. They were submitted to the Commission.

2. I now make this supplementary written statement in response to the remarks made by Mr Patrick Wong, ie another engineering staff of Golden Day, in respect of the so-called four delivery notes sent to Paul Y through email on 17 July 2015 (please refer to bundle B6.4, pages 15354 to 15357).

3. As I have stated in previous statements, that is in the statement made as the managing director, in paragraph 11, and the other one in my individual capacity, paragraph 15, Golden Day and I myself did not keep any procurement records of material, soldering material, procured for Hung Hom Estate Phase 2, Tung Wui Estate and Wing Cheong Estate.

4. In two letters, both dated 12 September 2015, Golden Day sent to Paul Y, concerning Tung Wui Estate and Wing Cheong Estate, page 22536 of bundle B9.4 and page 15271 of bundle B6.4. Golden Day did not keep the relevant records of these works.

5. After the commencement of the hearing of this Commission, I came to realise that Paul Y submitted to the Housing Department, and in the interim report in respect of Tung Wui Estate and Wing Cheong Estate dated 19 August 2015 and 15 August 2015, page 22386 of bundle B9.4 and page 15097 of bundle B6.4, there were references, ie, 'For the record, Golden Day also submitted to Paul Y delivery notes showing that the lead-free solder wires were delivered to the projects'. I realised afterwards that Paul Y was referring to the so-called delivery notes as those mentioned in this part of the report.

6. I do not know the origin of the so-called four delivery notes. Usually, one year after completion of a project, Golden Day will not keep any procurement records of soldering materials and minor hardware items, including those for the Wing Cheong Estate.

7. From 16 to 26 July 2015, I was on the mainland. On 17 July 2015, I was not in the company. I have no knowledge of Mr Patrick Wong's delivery of the four

so-called delivery notes to Paul Y in respect of Wing Cheong Estate. I have no knowledge, and Mr Patrick Wong sent the so-called four delivery notes to Paul Y without my consent and without my knowledge. I only realised this from the news report on 20 July 2015, in respect of Wing Cheong Estate incident. I only realised this after my family and friends saw the news and informed me.

8. Because of this, on 9 December 2015, I asked my lawyers to send a letter to the lawyers of Paul Y, to state my position. The letter can be found in annex 1.

9. From the recent internal investigation, I realised that Mr Patrick Wong acted on the instruction of Mr Yung Kwok Choi in sending the so-called four delivery notes to Paul Y through email. Mr Patrick Wong did not at the time know the origin of the documents and did not pay attention to the contents of the documents. Mr Patrick Wong has already given an account to this in his statement given to the Commission on 23 December 2015.

10. I asked Mr Yung Kwok Choi about this. Mr Yung said that the documents sent to Paul Y on 17 July 2015 were provided to Mr Patrick Wong by him, and Mr Wong sent the documents to Paul Y, but Mr Yung did not explain the origin of the documents, including the four

so-called delivery notes. In August 2015, Mr Yung Kwok Choi was no longer employed by Golden Day.

11. In mid-December, another staff of Golden Day, Madam Lam Lai King, informed me that the so-called delivery notes were provided by her to Mr Yung Kwok Choi, but Madam Lam Lai King did not further explain how she came by those documents. Up to this point, I still don't know the true origin of the so-called delivery notes and I do not accept them as true records of Golden Day.

12. As Mr Yung Kwok Choi and Madam Lam Lai King have already engaged their own lawyers in respect of this Inquiry, they have not further explained to me on the details regarding the delivery notes."

This is the third written statement, Mr Cheung.

A. I have something to say. Can I stand up?

Q. You can be seated. Would you like to supplement anything?

A. Yes, I do.

In paragraph 9, I said that Mr Yung Kwok Choi gave instruction to Mr Patrick Wong. Actually, Mr Wong took the document from the desk.

Q. Mr Cheung, you are talking about paragraph 10, line 2, or the first line, rather: "Mr Yung Kwok Choi indicated that on 17 July 2015, he made available the paper to

Paul Y and it was provided to him by Mr Wong."

A. He picked it up from the desk.

Q. Are you saying that Mr Yung asked Mr Wong to collect the paper from the desk and issue that to Paul Y?

A. Yes.

CHAIRMAN: Yung Kwok Choi asked Patrick Wong to go and pick up the paper?

A. Yes.

CHAIRMAN: Please carry on.

A. Also, Mr Yung Kwok Choi told me that he would leave the company. His departure has nothing to do with the lead in water incident.

This is what I would like to supplement.

MR WU: That's for paragraph 10?

A. Yes, indeed.

Q. So he told you much earlier on about this?

A. He wanted to leave, to set up his own company.

Q. Mr Cheung, other than those clarifications that you have made, would you be prepared to adopt these three statements as evidence for the Commission hearing?

A. Yes.

Q. There are two more questions for you, Mr Cheung.

According to the two witness statements of Paul Y for the Commission hearing, one dated 11 November 2015, that's in bundle G1, page 323 --

A. Where?

Q. Page 323, paragraph 29. Line 3:

"The project team of [Paul Y] did not participate in the inspection by the Water Authority as advised by the licensed plumber. According to him, the inspector did not require the main contractor's attendance as [Paul Y] had no role to play during the inspection."

Can you confirm this?

A. I don't think I can agree with that. The main contractor would inform us when the completion would be reported. Once completion was reported, they would ask us when we would turn up. We have to tell them the time, so that they would make the arrangement, and there may be meters that are locked, so there has to be someone there, otherwise we could not use the lift, because some of the areas might be locked after inspection. There may be problems that have to be explained.

Q. So are you saying that the licensed plumber would not ask Paul Y not to attend?

A. No, not at all.

Q. Thank you, Mr Cheung.

My second question for you is this. In the same witness statement of Paul Y's, starting from paragraph 90, that's page 338 of the bundle -- have you

C got that page? C

A. No. It's in English.

D Q. Just listen to what I have to say. Please have a look D
E at page 338, on the bottom right-hand corner. E

A. Yes.

F Q. Paragraph 90, can you see that? F

G A. Yes. G

H Q. Paragraphs 90 to 93 mainly refer to three items, items H
I (3), (4) and (6), that's in paragraph 90, for the I
plumbing materials. Now, these are the mixers.

J CHAIRMAN: Mixers? J

A. Yes, I have that.

K MR WU: For these mixers, they were approved by the Water K
L Supplies Department, but subsequently the architect L
M asked Paul Y to change the mixers then Paul Y made some M
N suggestions regarding alternative mixers, for approval N
by the Housing Department.

O In paragraph 93, it says that whether the change of O
P mixers was approved by the Water Supplies Department, P
Q the main contractor, here it says was not privy to the Q
R communications between the Water Authority and the R
S licensed plumber. It was only after the "lead water" S
T incident that he became aware that the licensed plumber T
U did not inform the Water Authority of the corresponding U
V amendment to the annex to form WWO46. Do you agree? V

A. No, I don't agree. On the construction site, for those sanitary appliances, they include the WC, the mixers, the water basin. The mixer would be approved by the Housing Department. The certificate would be given to us for submission to the WSD. That's WWO46 part I and II. That's before the commencement of work, they would be given to us. And WWO46 parts I and II, they would be submitted to the Housing Department, and they will be signed on the dotted line by the architect, and then it would be sent back to us. It's only when the WA has given the approval that we will start on the work.

We are not sure when they changed the mixers. They placed the order, maybe it would take a year before delivery. We didn't know about the changes.

When we reported completion, I think it was part IV, I had to include the materials. These were submitted to the main contractor, and then would be submitted to the Housing Department and clerk of works. These would be signed by the architect, and then it would be given back to us, for us to report completion. If we knew, we would certainly have changed the form, because once this is picked up, there would be delay to the work.

Q. Thank you, Mr Cheung. Would you explain to us, please -- here it talks about the sanitary appliances. Is there a difference between this and what is in the

contract?

A. I am not sure whether this is correct. The cost is very high for the sanitary appliances.

Q. Mr Cheung, for the sanitary appliances, do you have to supply the materials under the contract?

A. No.

Q. Under the contract, what are the materials that you have to supply?

A. We have to supply the mixers, the pipes, and the whole lot in the WWO46.

Q. Yesterday, according to Mr Leung from Paul Y, if they change the materials, there would be a sample board and they have to change the sample board. Can you explain to us whether you were involved in the change of the sample board, the whole process?

A. No, I wasn't. For the sample board, the materials were not supplied by us.

Q. You mean the sanitary appliances?

A. Right. The sanitary appliances were not supplied by us. It was them that made the changes. They've got a room that locks up the materials. They are not on display. We have to ask them to open the door to gain access.

MR WU: I have no further questions.

Cross-examination by MR KHAW

MR KHAW: Mr Cheung, in your statement, you said that it was

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 32	
C	in 1987 that Golden Day was set up, was incorporated. Was it you who set up this company?	C
D	A. Yes.	D
E	Q. When you set up this Golden Day company, other than yourself, were there any other people who were	E
F	directors?	F
G	A. At the beginning?	G
H	Q. Yes. A. At the beginning, it was me and Yung Pui Fan, a lady.	H
I	CHAIRMAN: What's the name again?	I
J	A. Yung Pui Fan, who set that up.	J
K	MR KHAW: Yung Pui Fan, how is she related to you?	K
L	A. She's my wife.	L
M	Q. In the shareholding, at the very beginning, was it the case that you and Madam Yung Pui Fan were the only shareholders?	M
N	A. As far as I can remember, yes.	N
O	Q. Ms Yung Pui Fan, your wife, was she a secretary of the company?	O
P	A. I don't remember.	P
Q	Q. Other than you and your wife, Yung Pui Fan, was there anybody else who was a company director?	Q
R	A. Yes, there was.	R
S	Q. Lam Lai King, was she a director?	S
T	A. Yes.	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 32 **B**

C Q. Hang on a second. **C**

CHAIRMAN: Yes.

D MR KHAW: Mr Yung Kwok Choi, project manager, and Ms Yung **D**

Pui Fan, how are they related? **E**

E A. Brother and sister, her younger brother. **E**

F Q. Ms Lam Lai King, how is she related to Mr Yung **F**

Kwok Choi? **G**

G A. A friend, associate. **G**

H Q. Boyfriend/girlfriend? **H**

I A. No. **I**

J Q. Ms Lam Lai King, was she a secretary of the company? **J**

CHAIRMAN: Company secretary, not just secretary, company **K**

secretary. **K**

L MR KHAW: Under the company registration, Ms Lam was the **L**

company secretary? **M**

M A. I don't remember. **M**

N Q. Was Lam Lai King at any time a shareholder of your **N**

company? **O**

O A. Shareholding? **O**

P Q. Was she a shareholder? **P**

Q A. What do you mean, shareholder? **Q**

Q. You set up the company --

R A. Wait. You talk about her shareholding, if any? No. **R**

S Q. What about Yung Kwok Choi, was he a shareholder? **S**

A. No.

T **T**

U **U**

V **V**

Q. From your company records, your wife, Yung Pui Fan, at some time after September 2015 was no longer a director.

Are you aware of that?

A. Yes.

Q. Why did she resign her directorship? Any reason?

A. No reason. All along, she did not manage anything of the company. All along, she was not involved in the company. She only signed her name in the tax return and she decided not to be a director, after some discussion between she and I.

Q. So the company was set up in 1987, and all along Yung Pui Fan did not participate in the company's business, and she was only required to sign the tax forms. But what's the need in September 2015, she decided to resign as a director? Well, she had been a director for so many years. Why?

A. I didn't know.

Q. Why did she decide to resign as a director?

A. Well, I discussed the matter with her.

Q. Why did you have to discuss with her about this particular matter? Any reason at all why you would like to have a discussion with her?

A. Well, no special reason. I cannot find any particular special reason.

Q. So, without any reason, suddenly you talked to her and

said, "You might as well resign as a director"? Lam
Lai King was once a director. She resigned recently as
a director; are you aware of this? Lam Lai King
resigned recently as a director of your company.

CHAIRMAN: Are you aware of that?

A. I know, but I cannot recall when. She did say something
to that effect.

MR KHAW: When did she tell you that she would like to
resign as a director? How far back in time?

A. When the lead incident came to light, or it may be
because of the incident, so she was a director, part of
the management. When the lead incident came to light,
she decided to resign.

Q. She of course would tell you first. What did she tell
you? Did she say for any reason why she would like to
resign?

A. She said the pressure was tremendous.

Q. In what way? You were both in this company. What kind
of pressure did she face?

A. Work pressure.

Q. What did you say to her? Did she express any concerns
or problems?

A. Well, it's mainly because of work pressure, and the
company now don't have a future.

CHAIRMAN: Say that again?

A. Well, we cannot carry on.

MR KHAW: Coincidentally, and around August 2015, Mr Yung Kwok Choi decided to quit. In your supplementary statement, you mentioned that Mr Yung had told you sometime before that that he would like to develop his own line of interest. When was that?

A. It was a year before the incident.

Q. What company? What was the business of his company?

A. In the same trade. He left with another colleague.

Q. So a year ago he told you that he would like to set up a new company, so he only formally resigned in August. Why?

A. Well, the company had not been set up, and the projects of my company have been under his management, so he remained to work on those projects.

Q. At one point, Mr Yung Kwok Choi was a director of your company. Can you recall that?

A. No, no, I cannot recall.

CHAIRMAN: Wait. Please give me a second. Yung Kwok Choi was once a director. You cannot recall.

MR KHAW: Mr Yung Kwok Choi resigned as a director in about July last year. Are you aware of that?

A. No. Maybe he told Ms Lam. He told Ms Lam.

Q. Well, there are so many coincidental matters. Your wife resigned in September; a few months before that, Ms Lam

C resigned. So do you think that the resignations are
related?

C

D A. I don't think they are related. In around July, after
E the lead incident came to light, my company no longer
F had a future, so I really didn't consider whether they
G should stay. I have been facing a lot of psychological
H pressure after that, so I have paid little attention to
I recent matters. They had to find alternative jobs.
J I did not talk to them in any extensive manner.

D

E

F

G

H

I Q. What do you mean by "the incident"?

I

J A. The lead incident. I cannot even recall the date for
the cases involving my company.

J

K Q. Let me take up something about your background. You
L have been in the plumbing trade for some 40 years, so
M you joined this trade in the 1970s. How did you do
that? Did you have a master?

K

L

M

N A. Yes.

N

O Q. When did you become a licensed plumber?

O

A. I cannot recall. 1970-something.

P Q. So shortly after you joined the trade you were
qualified?

P

Q A. No, it was after a considerable period.

Q

R Q. How about ten years?

R

S A. Ten years. I joined the trade in the 1960s.

S

T Q. So you became a licensed plumber. What kind of

T

U

U

V

V

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
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C	accreditation or test or examination was required?	C
D	A. We had to take a test. We have to do some drawing. The buildings were not as tall, so we had to draw a plan	D
E	showing the supply to a seven-storey building. So	E
F	mainly we were required to do the drawing and the supply to each unit.	F
G	Q. Were you required to take any training course?	G
H	A. No. We learned on the job.	H
I	Q. You mentioned a test, the examination. They provided you with the plan?	I
J	A. No, they provided me with a piece of paper, indicating the building is of certain number of storeys and I have	J
K	to draw the supply line to each unit.	K
L	Q. Did you learn how to do the soldering?	L
M	A. No.	M
N	Q. So you don't know how to do it?	N
O	A. No. There was no soldering back then.	O
P	Q. So when you started to work in this trade, you did not do any soldering?	P
Q	A. It was iron pipes, plated iron pipes, that they used back then. It was plated iron pipes. Then there were	Q
R	the plastic-coated pipes, and later, people said plated iron pipes were no good, and then people started to use	R
S	steel pipes.	S
T	Q. When did you start to use copper pipes?	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 32 B

C A. I cannot remember. C

D Q. Have you been using copper pipes for more than ten D
years?

E A. I cannot remember. E

F Q. When you started to use copper pipes, did you also use F
tin soldering? For soldering tin for copper pipes, what

G kind of soldering material was used? G

H A. I cannot remember. H

I Q. You don't know what soldering material was used? I

J A. A long, long time ago. They would say that the J
soldering material was lead-free.

K Q. A long, long time ago; do you mean more than ten years K
ago?

L A. Eight or nine years. L

M Q. What, again? M

N CHAIRMAN: Apart from public housing estate projects, have N
you been involved in private housing projects?

O A. Recently, yes. O

P CHAIRMAN: Previously? P

Q A. No. Q

R CHAIRMAN: So, all along, you did not participate in any R
private housing projects?

S A. Well, mainly we carry out works in public housing S
estates.

T MR KHAW: For projects you were responsible for, apart from T

U

V

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 32 B

C soldering which would be required for copper pipes, have C
D you used other jointing methods? Have you used other D
E jointing methods for copper wire? If we talk about E
F compression joints, have you got any in experience in F
G that? G

F CHAIRMAN: What's the question again, please?

G MR KHAW: The compression type. G

H You have heard of that, but in your work, have you H
I ever done that? I

I A. No, not for the present work. I

J Q. What about previously? J

K A. Very few. We did do compression-type joints, but it is K
L prone to leakage. L

L Q. You said ten years ago you heard of the fact that L
M lead-free solder had to be used. Over the years, have M
N you ever heard of the difference between tin solder wire N
O and tin solder sticks? O

O A. No. O

P Q. No. For solder materials, how do you call them? How P
Q many types are there? P

Q A. They call it tin, tin strips, tin wire. Q

R Q. Tin strips, tin wire. Have these terms been around for R
S many years? R

S A. I don't remember. S

T Q. You said that lead-free solder had to be used for about T
U
U
V

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 32 B

C ten years. Do you know there is a difference between C
leaded solder and lead-free solder?

D A. I never heard of leaded solder. D

E CHAIRMAN: But why lead-free then? If there is only one E
type of tin wire, tin solder wire, tin solder stick, why
F specify lead-free? F

G A. That I don't know. G

H CHAIRMAN: Let's take a break. H

I Mr Cheung, you are not supposed to eat here, please. I

J A. Chairman, my mouth feels dry. J

K CHAIRMAN: I thought you were chewing gum. K

L A. No, my mouth feels very dry. L

M CHAIRMAN: I beg your pardon. M

N We will take a break for 20 minutes. N
(11.33 am)

O (A short adjournment) O

P (12.02 pm) P

Q CHAIRMAN: Please carry on, Mr Khaw. Q

R MR KHAW: Mr Cheung, this morning I asked you about the use R
of lead-free solder for jointing pipes. You said that
S for about ten years, you knew that one had to use S
lead-free solder.

T A. Yes. T

U Q. In this plumbing business for so many years, you must be U
aware that the reason for using lead-free solder was for
V

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

B Commission of Inquiry into
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C health reasons; you must be aware of that? C

D A. Yes. D

E Q. You use lead-free solder for jointing fresh water pipes, E
because if leaded solder was used, lead might leach into
F the water and this would be detrimental to the water F
quality; would you agree with that?

G A. By common sense, yes, I agree. G

H Q. Earlier on, I asked you whether you knew, for solder H
materials, there was leaded solder and also lead-free
I solder. You knew lead-free solder had to be used. For I
J lead-free solder, have you ever seen this FRY model? J

K A. Yes, I have. K

L Q. Do you remember when did you first come across this? L

M A. Many years ago. M

N Q. Ten years ago did you first see this? N

O A. I don't remember. O

P Q. Many years ago? P

Q A. Yes, many years ago. Q

R Q. When you first came across this kind of solder, this R
green in reels, did you know it was lead-free?

S A. Yes. S

T Q. Who told you that? T

U A. I signed the contract with companies and I became aware U
of that.

V Q. You entered into a contract with the companies. Are you V

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 32 B

C saying the contract you entered into with the main C

D contractor or the contract you entered into with the D

E suppliers? E

F A. We don't enter into contract with suppliers. We place F

G orders for purchase. The suppliers did bring these to G

H the company and I saw them. H

I CHAIRMAN: You mean suppliers, suppliers of plumbing I

J materials, or what suppliers? J

K A. I remember it was Prosperity, in the hardware store. K

L MR KHAW: When you first came across this FRY lead-free L

M solder, it was from Prosperity? M

N A. Yes. N

O Q. Golden Day and Prosperity, you placed orders with O

P Prosperity for solder materials and other hardware P

Q items -- now, this relationship with Prosperity, has it Q

R been around for many years? R

S A. For quite some time. S

T Q. When Golden Day was first set up, did you approach T

U Prosperity for materials? U

V A. Yes. V

Q. Personally, do you know the owner of Prosperity well? Q

A. Let me supplement, if I may. When the company was set R

up, I don't remember which one first. R

Q. When you look at this FRY model, this lead-free FRY was S

supplied by Prosperity? S

T

U

V

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B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 32	
C	A. Right.	C
	Q. Do you know the boss of Prosperity well?	
D	A. I don't know how to say. I have known him for a long	D
E	time. We purchased materials. I don't talk to him	E
F	about the purchase of materials.	F
G	Q. You have known him for a long time -- through business	G
H	or through other channels?	H
I	A. Through business, yes.	I
J	Q. What is his name, the boss of Prosperity?	J
K	A. Chow Ka Ping.	K
L	Q. Do you meet up often?	L
M	A. Hardly ever.	M
N	Q. Other than this lead-free solder that you have seen, you	N
O	said you have become aware of this for many years. Are	O
P	there any other types of solder materials that are	P
Q	lead-free, lead-free soldering materials, before?	Q
R	A. No.	R
S	Q. Other types of solder materials, other than this?	S
T	A. Other than this, after the lead in water incident, I saw	T
U	some tin solder sticks.	U
V	Q. That's after the lead in water incident?	V
	A. Yes, I became aware of the solder stick. I didn't pay	
	attention to that before.	
	Q. But have you ever heard or seen, through talking to your	
	business partners or associates, whether other than FRY,	

there were other solder materials?

A. We hardly ever talked about this. In the association,
we don't talk about this.

Q. In your knowledge, this is the only solder material that
you know?

A. I didn't know other materials or solder materials.

I don't quite remember.

Q. Are you sure?

A. I don't remember.

Q. Let me show you this. You said after the lead in water
incident, you became aware of the tin solder stick.

Have you ever seen this kind of material before?

(Indicating). Have you?

A. No.

Q. Are you sure?

A. I don't remember.

Q. Let me put a question to you. For the affected housing
estates, we know that you have to bid for the contract
before you get awarded the contract. In the course of
the bidding, were you involved as owner of the company?

A. Yes.

Q. During the course of the bidding, and we heard from
Paul Y yesterday -- in their statements, they said that
during the course of bidding, they would let you know
about the specifications in the main contract, the

materials that will be used, the requirements; they would talk to you about this. Would you agree?

A. The materials, no.

Q. The specifications, I mean. In the contract, were you made known of the specifications?

A. Not that I can remember.

Q. Please refer to your statement. Your statement, L1, page 12, paragraph 5:

"Wing Cheong Estate", "Tung Wui Estate", "Hung Hom 2." Let's look at Wing Cheong Estate and Tung Wui Estate, in the sub-contract A, the contract overview. The chapter states that this contract includes the specifications -- please refer to annex 1A -- and the Housing Department has the Specification Library 2008 Edition. It specifies all the plumbing materials have to measure up to certain BS standard and specified that the solder materials have to be lead-free, and for Wing Cheong, Tung Wui and Hung Hom Phase 2, they are the same here.

You said you were involved in the tending exercise. In the process, you had to provide the quotations. And certainly you must be having some materials in mind?

A. Right, I do.

Q. Who gave you the information about the materials that will be used in the main contract? Who told you about

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

B Commission of Inquiry into Day 32 **B**
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C the information? Was it the main contractor? Who told **C**
you about this in the tendering process?

D A. In the bidding process, we would use the materials that **D**
would be in the accepted list of the WSD. We would make
E quotation using these kind of materials. **E**

F Q. In your statement you mentioned the specifications. **F**

G Have you ever seen any documents about the **G**
specifications? **H**

H A. Yes, I have. **H**

I Q. Regarding solder materials, you know that the **I**
specifications are lead-free? **J**

J A. Yes. **J**

K Q. In your company, other than yourself, who looked at **K**
the specifications, other than you, was there anybody **L**
else or any of your staff who would look at these **M**
specifications as well? **M**

N A. Ms Lam would also look at them. **N**

O Q. What about Mr Yung? **O**

P A. I am not sure whether he read it. **P**

Q Q. For these housing estates, have you ever talked or **P**
discussed with him about the contract specifications? **Q**

R A. No. **Q**

R Q. But he was responsible for submitting the samples to the **R**
main contractors for onward submission to the HD for **S**
approval? You know that? **T**

T

U

U

V

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B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 32	
C	A. Yes.	C
D	Q. Can I put it like this? Mr Yung ought to be aware of the specifications regarding the materials in the	D
E	contract?	E
F	A. He ought to.	F
G	Q. When you gave the quotation, let's say you knew what soldering material would have to be used, and you knew	G
H	that you would have to use lead-free solder. Did your company have any reference price for soldering material	H
I	like FRY?	I
J	A. No, because it only constituted a very small portion of the total price.	J
K	Q. So what's the unit you use in your quotation? On	K
L	a per-unit basis or per-project basis?	L
M	A. On the length, on the basis of the number of metres, the length.	M
N	Q. How long did Mr Yung work for your company?	N
O	A. Very long. I cannot remember the exact duration.	O
P	Q. He started to work in your company shortly after you set up the company?	P
Q	A. I cannot remember.	Q
R	Q. More than ten years, perhaps?	R
S	A. Yes, more than ten years.	S
T	Q. What about Ms Lam?	T
U	CHAIRMAN: Sorry, more than ten years -- was he	U
V		V

a shareholder? He was once a shareholder?

MR KHAW: He was once a director, not a shareholder.

CHAIRMAN: Not a shareholder.

MR KHAW: Let me confirm this. He was once a director, and according to the information with me, he was not a shareholder.

CHAIRMAN: So he was a director, paid director, remunerated director?

A. Yes.

CHAIRMAN: Did he get a monthly remuneration? How much?

Any bonus?

A. Not fixed.

CHAIRMAN: Bonus not fixed?

A. Depending on the annual business, the business in the year.

CHAIRMAN: Profit or loss in the year?

A. Well, if we make a profit, there will be an additional month of pay, normally during Chinese New Year.

CHAIRMAN: So 13th month for the year.

A. Correct.

CHAIRMAN: Additional monthly pay?

A. I am talking about just some impression. When I mean an additional month of pay, let's say we give him the pay on the 1st of every month, but the Chinese New Year day is not on the 1st of the month, so at most he would

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 32 B

C get the 13th month of pay in the year. C

D CHAIRMAN: Have you ever given him anything over that? D

E A. I cannot remember. E

F CHAIRMAN: How many directors did you have? You can't even F

G remember whether your directors got anything over and G

H above the 13th month pay? H

I A. Well, they don't get anything above that, according to I

J my impression or recollection. J

K CHAIRMAN: Thank you. K

L MR KHAW: I want to ask you some questions about the L

M submission of samples of materials. In your statement, M

N you talk about the soldering material, the one that N

O I have just shown you. It is not mandatory for you to O

P submit samples of the soldering material to the Housing P

Q Department for approval; correct? Q

R A. Correct. R

S Q. But as a matter of practice, you did provide samples for S

T the three affected estates, Hung Hom, Wing Cheong and T

U Tung Wui. Prior to these three projects, you did know U

V that you had to submit samples of soldering material to V

the Housing Department for approval?

A. Yes.

Q. According to your statement, you gave the samples to the main contractor for onward submission to the Housing Department for approval. So my question is: who asked

you to do that? For example, it could be the main contractor or it would be you: "Just to be on the safe side, let's submit this"? There's no request, nobody requested that, but you submitted the samples to the main contractor on your own?

A. Well, we submitted the samples together with other materials.

Q. In your statement, you state that soldering material was not covered by the system of a mandatory submission of samples, but anyhow, you did provide samples. So who made the decision on the submission? Although it is not mandatory, there must be a decision on that. Who made the decision? Did the main contractor ask you to do that, or you did it as something you volunteered to do?

A. After we won the bid, we would ask the suppliers to submit the material.

CHAIRMAN: We can understand that in respect of copper pipes, sanitary appliances, although you are not responsible for those, but we are just now talking about this one, the soldering material.

A. Please repeat your question.

MR KHAW: Okay. Let me ask you again. In your statement, you state clearly that soldering material is not required to be submitted to the Housing Department for approval, as a matter of mandatory requirement, but

prior to these three projects, you did submit samples to the main contractors, and then the main contractor would submit the samples to the Housing Department for approval. So my question is: Who or which company made the decision that, "Notwithstanding this is not a mandatory requirement, let's submit the samples"?

A. I don't know.

Q. Did you consider this and did you participate in that decision, that the samples should be submitted?

A. I cannot remember.

Q. Somehow, there must be a reason for doing this. So you cannot recall anything now? So suddenly, one day, the samples were submitted?

Is there something that you find difficult to reveal?

A. No, I just cannot recall.

Q. Before these three projects of the affected estates, you said that you would submit samples of soldering material to the main contractor, and the main contractor would submit the same to the Housing Department for approval. You just said that the suppliers would give you the materials, and also the quotations. But someone in your company would have to inform the suppliers to submit the materials you need. Who would do that? You, Mr Yung or Ms Lam?

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B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
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C	A. Ms Lam.	C
D	Q. So the usual practice all along, over the years, in respect of Housing Department projects, if your company	D
E	had to inform the suppliers to send the materials to you	E
F	so that you can submit those materials to the main	F
G	contractor for approval, it would be done by Ms Lam?	G
H	A. According to my recollection, the suppliers would submit the material to us, because they would be interested in getting the business.	H
I	Q. But somehow, someone would have to inform the suppliers	I
J	first. Was it Ms Lam who communicated with the	J
K	supplier?	K
L	A. Yes.	L
M	Q. What about Mr Yung? Was he involved in communicating with the supplier?	M
N	A. No.	N
O	Q. So the supplier would give you the materials, and that would include soldering material?	O
P	A. Yes.	P
Q	Q. After you have got them, they would show you the materials, and who would inspect those materials?	Q
R	Ms Lam, after they were delivered?	R
S	A. Yes.	S
T	Q. Who else?	T
U	A. Just Ms Lam.	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 32 B

C Q. What about you? C

D A. I would be given the prices. I would also take a look. D

E Q. So, when the materials were delivered to your company, E

F you would be there? F

G A. After the quotations were given to us, the supplier G

H would discuss the matter with Ms Lam. H

I Q. And then Ms Lam would discuss the matter with you, and I

J when Ms Lam discussed the matter with you, the supplier J

K wasn't there? K

L A. No. L

M Q. So Ms Lam would receive the quotations from the M

N supplier, she would discuss the matter with you, and N

O then the materials would have to be submitted to the O

P main contractor. So would Mr Yung be doing that? P

Q A. Well, the samples were all pinned on the sample board, Q

R and then Mr Yung would submit the whole board to the R

S main contractor. S

T CHAIRMAN: So we have been talking about samples of water T

U pipes, the Ts, all the pins to the board, attached to U

V the board, I understand that. But I am interested in V

the lead-free soldering material.

Prosperity, what kinds of material would be given to

you by Prosperity?

A. Well, Prosperity would also provide the brackets. All

pins are attached to the board.

CHAIRMAN: All right. The brackets, the silver wires,
lead-free soldering material, and so on and so forth.

A. I have never seen the silver wire.

MR KHAW: So the samples were all pinned onto a board and
they would give the board to you and Mr Yung would
submit the same to the main contractor. So would you
say that Mr Yung was aware that the soldering material
was lead-free?

A. I don't know whether he knew or not.

Q. So you have been using this for so many years, you have
been aware of the need to use lead-free solder for
years. If they attach this green thing to the board of
samples, was he aware that the soldering material was
lead-free or not?

A. Well, I did not talk to him over that.

Q. As you said, it is not mandatory to submit a sample of
soldering material, but there is meaning to this, it's
meaningful in some way, and I think the purpose is to
make sure that the Housing Department, the main
contractor and your company are aware of the kind of
soldering material to be procured subsequently, after
approval.

A. Yes.

Q. For your company, one of your responsibilities would be
to ensure that the materials, soldering material in

particular, that you procured, after all the approval procedure has been followed, would be the one that you procured, or you are allowed to procure. And after you have procured the material, would the main contractor be telling you that it's been approved, this soldering material had been approved?

A. Well, they would say that approval had been given, not in particular about soldering material.

Q. So not specifically about soldering material, but you would be informed about the approval? It would mean that all the materials you have submitted have been approved; would there be some notification of that sort to you?

A. Yes.

Q. So are you saying that they wouldn't specify which, but you were told that all were approved?

A. Yes, they would tell me those that were not approved, and we have to supplement with an alternative one.

Q. How were you informed? Verbally, by email or by phone or what?

A. Verbally, and also they would have this in writing, in the form of a letter, about the approval.

Q. Who would receive the letter in your company? Who reads these letters?

A. We would get to know about the materials that didn't get

approved.

CHAIRMAN: Who were the letters addressed to? Who was the addressee?

A. Addressee? I don't remember.

CHAIRMAN: Only three; either you, Madam Lam or Mr Yung?

A. Mr Yung brought the letter to the company, but I didn't see who the letter was addressed to.

CHAIRMAN: Mr Yung would bring the document regarding the approval?

A. Yes.

MR KHAW: Mr Yung brought the document, approval document, to the company. When the staff ordered the soldering materials, how would they know which type to order?

A. We didn't order the soldering materials. We ordered the pipes and things, but for solder materials, they would order by phone.

Q. They ordered by phone; you have staff responsible for that?

A. Yes, the foreman would call back. They would call the supplier.

Q. Did they call the company?

A. Yes, they called the company about the solder materials that they needed, and then the staff would get in touch with the supplier.

Q. Who got in touch with the supplier?

A. Two, Ms Lam and Ms Mok.

Q. Did they know about the materials that you submitted to the main contractor?

A. I am not sure. I don't know whether they knew.

Q. But you are the person in charge. You have done so much, submitted things to the main contractor for HD approval. You said by getting the approval, you would then know what materials to order?

A. I told them.

Q. Hang on. You said you don't know whether they knew.

Now you say that you told them. Are you saying that you did personally tell Ms Lam or Ms Mok -- let me put it this way.

A. Would you say again?

Q. Yes, let me put this again to you, please. You said the site staff, when they needed the solder materials, would call the company. Did they talk to you?

A. Not to me.

Q. Who did they talk to?

A. Normally the site staff called to Ms Mok or Ms Lam, and then -- well, the foreman called the two ladies, and then the two ladies would place the order.

Q. Right. The two ladies placed the order with Prosperity, so the two ladies must be aware of what to order?

A. I told them to pay attention. I told them to pay

C particular attention to the approved materials when they
D placed the orders, and they would look at the
E information when they placed the orders. The site staff
F would call about the solder materials. They wouldn't
G ask me every time before they placed the orders.

C

D

E

F Q. Yes. We know about the approval document, and they
G didn't mention the soldering materials. My question is
H when your staff, Ms Lam and Ms Mok, placed the orders
I with Prosperity, what did they buy; what sort of
J materials did they buy?

F

G

H

I

J A. I don't know. The site staff would call them to order
K certain materials.

J

K Q. So in your company, there is no system or regime to make
L sure that Ms Mok or Ms Lam would know what solder
M materials to order, when they placed the order?

K

L

M A. No.

M

N Q. In your company, you said a moment ago that you played
O the gatekeeping role, the materials had been approved,
P and you had to make sure that the materials would be up
Q to the requirements, the solder materials, I mean, and
R your staff who placed the orders didn't even know what
S materials to order. How can you play a gatekeeping
T role?

N

O

P

Q

R

S A. Well, they didn't pay attention to whether the soldering
T materials were lead-free.

S

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 32 **B**

C Q. Don't you think you had to tell them what materials to buy, the brand, the solder, the model? **C**

D A. I told them. **D**

E Q. "Yes" or "no"? A moment ago you said no. Now you said yes. **E**

F A. I told them. I did tell them. **F**

G Q. You did tell them? What materials or brand to buy? **G**

H A. I didn't tell them what brand. **H**

I Q. What did you tell them? **I**

J A. I told them to order the solder materials that were up to the requirements. **J**

K Q. Let's say I'm Ms Lam, "How do I know what brand is up to the requirements, boss?" "Up to the requirements", what **K**

L does it mean? The strip, the reel or what? **L**

M A. I didn't specifically tell them about the solder materials. **M**

N Q. So you didn't tell specifically what brand to buy, so they could buy anything? **N**

O A. I told them to purchase according to the sample. **O**

P Q. But how did they know which sample? What document did you show them to make them aware of the approved **P**

Q material, the type that were approved? **Q**

R A. No. **R**

S Q. So my question is, did you show them any document? So they didn't even know what they purchased? **S**

T

U

V

A. I don't know.

Q. Generally speaking, and I am talking about the solder materials, when they were delivered to the site, do you know what procedures there would be on the site? Before delivery of the solder materials, would the main contractor or Paul Y have to be notified? Did Paul Y have to be notified?

A. No, no notification.

Q. Normally, for solder materials, is it the case that the supplier would deliver the solder material to the site?

A. Yes.

Q. On site, did they have to sign any documents?

A. No.

Q. On the site, you have staff taking delivery?

A. Yes.

Q. Who would be responsible for taking the delivery?

A. Normally, the foreman.

Q. When the solder materials were delivered to the site, there would be a delivery note accompanying that, and your foreman would sign to take delivery?

A. Yes.

Q. When the foreman signed the delivery note, he would take the document back to the office?

A. No, no, he wouldn't. The delivery note, the supplier would mail this together with the invoice to us. We

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 32 B

C have to sign them. C

D Q. After delivery, your staff signed on the note. They D
wouldn't keep the delivery note? Would they keep the
E delivery note? E

F A. I'm not sure whether he kept them, but the supplier F
would have copies mailed to us.

G Q. Yes, they mailed a copy to you. Who would receive these G
H materials? H

I A. Either Ms Mok or Ms Lam. I

J Q. Only the two? J

K A. Yes. K

L Q. Do you know when the documents were sent to you? Do you L
K have a file to keep these documents; do you know? K

M A. No, no, I don't know. M

N CHAIRMAN: How many people are there on staff in your N
M company? M

O A. In the company -- let me see -- five. O

O CHAIRMAN: Ms Mok; Ms Lam; Mr Wong, Patrick? O

P A. Yes, Patrick Wong, myself, or Mr Yung, five. P

P CHAIRMAN: Five in the office. On site, you have the P
Q foreman. The accounting office is manned by Ms Mok and
Q Ms Lam; right? Q

R A. Yes. R

S COMMISSIONER LAI: Are you there in the office a long time? S

T A. Yes. T

U

V

COMMISSIONER LAI: But you don't know much about anything.

A. I would negotiate the projects, I would follow up on the progress and things.

MR KHAW: Let's refer to your statement. Page 13 of L1.

Paragraph 11:

11. As the relevant sites have been completed and the warranty period has expired, we have not kept any documents.

12. We have got in touch with Prosperity and asked them to provide all the invoices and records."

This has gone past the maintenance period, you don't keep the records -- you mean the records of the minor hardware items, including the solder materials?

A. Yes.

Q. Do you agree that for the three housing estates, the maintenance period is for two years after completion?

A. Yes.

Q. In another witness statement, you said -- the one from yesterday, page 139, paragraph 6:

"I don't know how the four purported delivery notes came about. Golden Day would not keep the invoices and records regarding minor hardware materials about a year after completion, including Wing Cheong Estate."

You talked about one year after completion. So one year after completion, you would no longer keep the

records. Is that the usual practice, that you will not keep such records after one year?

A. Normally, yes.

Q. But that's not right. In your previous statement, you said it was after completion, then after the maintenance period was over, it's for two years, that's why you did not keep the records. But here, you seem to have advanced that record-keeping period. Two years or one year?

A. We have a lot of documents. We would --

CHAIRMAN: I can't hear you.

A. There are too many documents and we would not keep them. There are too many of them.

MR KHAW: Are you saying that as the documents pile up, you would discard them, or is it after a year or so you would discard the documents? What's your record-keeping system in your company?

A. We don't have a very well-established filing documentation system. A lot of them were discarded.

CHAIRMAN: You won't sort out the documents and give them to the auditor? Well, the two employees are therefore bookkeeping only; right? The bills that you have to pay and the payment that you have to collect, and so on and so forth?

A. After payment has been made, the documents would be

cleared.

CHAIRMAN: It's a small business. You may not have a good computer, but usually business would have a computer to support the operation. We know that for the invoices sent to you by Prosperity, you have 60 days to pay, so you need to keep them for 60 days? I don't know, but I have worked in smaller establishments previously. We will receive an invoice for delivery notes, attached with an invoice, and the accounting clerk would prepare a cheque with the payee and then ask the boss to sign the name before mailing the cheque to the recipient; right?

A. Yes.

CHAIRMAN: After the cheque has been sent, the documents will have to be kept for accounting purposes. So the clerk would do this. At the end of the year, you may have to file a tax return. Your company is a limited company, so all the documents and bills and invoices would be sent to the auditor, if you do not do it yourself, right? Usually, the auditor only comes in at a later stage. So for this year's auditing, it would be on last year's accounts; right? So what you said, after the cheque is sent, because there are too many of them, Ms Lam or Ms Mok would discard the documents. What if the IRD ask for them later?

A. I don't know what Ms Lam would do.

CHAIRMAN: Did you instruct them that the documents could be discarded?

A. No, there was no such instruction.

CHAIRMAN: If you say, "I don't have the space for the documents", you can buy a printer or a scanner and scan the documents and store the information on a hard disk. It's very simple.

A. I don't know whether they did that.

CHAIRMAN: Do you have a computer for accounting, for bookkeeping, in your company?

A. I have never -- I have not asked Ms Lam about that.

CHAIRMAN: Okay. Let me ask you this. If you have a computer in your company, you have all the information concerning procurement of soldering materials and other materials. If your company has a computer to deal with procurement, delivery, billing and payment, then your company will have all the information?

A. I don't know.

CHAIRMAN: Do you have a backup computer? Because the hard disk can fail any time, so usually there will be a backup hard disk, to back up the files, to keep the copies.

A. I don't know. I don't know how to use a computer.

CHAIRMAN: Okay. In the past couple of years, did you get

any notification that your company computer failed and you would need a replacement?

A. No. They will just replace the computer. They wouldn't tell me.

CHAIRMAN: Have you ever been informed that the information in your company computer had been lost?

A. No.

CHAIRMAN: So, if the information is in your computer, you can still find the information now.

A. I don't know.

CHAIRMAN: If you send all the documents to your auditor, the documents would be in the hands of the auditor, right, if you have submitted them to the auditor?

A. I don't know.

CHAIRMAN: You have to sign various things every year. As a director, you have to sign many things?

A. I have to sign the report.

CHAIRMAN: And you don't care whether it is correct or not?

A. I just look at the figures.

CHAIRMAN: Please continue.

MR KHAW: Mr Cheung, you have been in business for many years. You set up this company in 1987. You have been in business for many years. Do you know that under the law, the documents have to be kept for seven years?

A. I know.

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

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C Q. You know that? C

D A. I do. D

E Q. It is a requirement of the Inland Revenue; do you know E
that? E

F A. I don't know it's required by the IRD. F

G Q. Your staff, Ms Lam and Ms Mok, are authorised or they G
have the power to decide which documents to be G
discarded, and you know that some of the documents will H
be discarded in a year or so, according to your H
statement. Did you try to stop them? Because you know I
they have to be kept for seven years, and they would J
discard the documents in a year or so. Why didn't you J
tell them that it's not allowed under the law, and they K
shouldn't do that? Why not? K

L A. I don't know. I don't know why. L

M MR KHAW: Chairman, I have to move on to the next subject. M

N CHAIRMAN: Let's have a lunch break. We will resume at N
2.30 pm. N

O (12.54 pm) O

P (The luncheon adjournment) P

Q (2.35 pm) Q

R CHAIRMAN: Mr Khaw, please continue. R

S MR KHAW: Mr Cheung, before lunch we were discussing the S
issue of documents being filed. You gave a lot of S
evidence. S

T T

U U

V V

There is a final question to ask on this one. You said, because of the lead in water incident, you and your colleagues felt under pressure. Do you know, with regard to the investigation of lead in water incident, did any of your staff discard any of the documents?

A. No, I don't know.

Q. Yesterday, you submitted the supplementary witness statement. In that statement -- that's L1, page 139 -- you refer to the four delivery notes. Now we know that in mid-July they were made available to Paul Y. You remember that?

A. I learned of that from the hearing.

Q. Yes, you learned about it subsequently. But from the paper, that was mid-July 2005, Paul Y asked Mr Yung for certain documents. My question for you is this. In mid-July, there were a lot of enquiries. Before mid-July, there were lots of enquiries?

A. I didn't know about it.

Q. Today, we have received the witness statement from Mr Yung. He said, in mid-July, the company received enquiries from all quarters about the lead in water incident. You don't know about this?

A. I don't.

Q. When did you first become aware of the investigation about your company?

A. I don't remember. I think it was pretty late. I came back to Hong Kong and I had to go to the Water Supplies Department.

Q. You left Hong Kong?

A. Yes. After I left Hong Kong, I only remember that when I came back, I went to the WSD to assist the investigation, and then I went to the Housing Department.

Q. In your statement, paragraph 7, you said that on 16 to 26 July 2015, you were on a trip to the mainland. On 17 July 2015, you weren't in the company. Regarding the four purported delivery notes that have been made available by Paul Y by Mr Wong, you didn't know anything about it. You said that without your agreement and without your knowledge, Mr Wong made available the four purported delivery notes, and it wasn't until 20 July 2015 that the excessive lead in water incident in Wing Cheong Estate was reported in the news; you were told about this by your family members and friends.

So it was after 20 July that you became aware of that incident. You were quite specific about the date, 20 July 2015. That incident was covered in the news.

Did you search the information?

A. No, I didn't search. Someone sent the information.

Q. What does that mean?

A. A friend of mine sent it over by WhatsApp.

Q. Right, you were sent by WhatsApp for this instance.

A. Then I had a date.

Q. So, when you prepared this supplementary witness statement, you checked back on the WhatsApp message and you got the news?

A. It was sent to my wife and my wife relayed this to me.

Q. So a friend of you?

A. Yes, I went on the trip with my family members. I went with my wife.

Q. But the news, the news report on 20 July, your friend sent it over to your wife by WhatsApp. When you prepared this statement, did you check back on the WhatsApp?

A. No, I didn't look at it. I asked my wife.

Q. Paragraph 5 says that since proceedings have begun at the Commission, you noticed that Paul Y delivered to the Housing Authority two preliminary investigation reports. There was a mention of the four purported delivery notes. It means that after the Commission has already started, then you became aware of the four delivery notes. So we are talking about November?

A. I think so. I became aware of that from the solicitor.

Q. Golden Day retained the solicitor; you became aware of that?

A. Yes.

Q. You became aware of that. You have seen the four
delivery notes?

A. No.

Q. You haven't seen them, ever?

A. They were sent over from the solicitor.

Q. All right. Let me show you. G2, page 1195, this is one
of the delivery notes. It says "Delivery note", the
number, can you see that, DN98079; have you got that, in
the top right-hand corner, delivery note number?

A. Yes.

Q. The date, 12 November 2012. On the left, you have the
client's name and the address for delivery, that's for
Wing Cheong Estate project.

Here in this note, "Items", one of them is FRY
lead-free solder wire, and the recipient is Golden Day.
Whose signature was that?

A. I can't recognise it. I don't normally notice their
signatures. I don't normally notice their signatures.

Q. For these kinds of signatures, were they the signatures
of the site staff?

A. I suppose so.

Q. Here's the next one. Did you see this before today's
hearing, before you came today? Had you read this?
Have you seen this?

A. No, no. In the hearing, I did take a glance of this note with the one produced by Prosperity.

Q. There are four. Please take a good look. Page 1196.

Here's another one, DN94104, 16 June 2012; do you see that?

A. Yes.

Q. Again, it's Wing Cheong Estate. The contact person, Mr Hui Wang San. One of the items sent, delivered to the site, "England FRY lead-free soldering wire", and "Received by Golden Day." Who signed this one?

A. I don't know.

Q. Similarly, let's look at the third one, page 1197, and then another one, page 1198, containing one item, "England FRY lead-free soldering wire". You said you did make a comparison with Prosperity documents given to this Commission. Some of those would be related to these delivery notes. Please take a look at those.

Let's go to page 1201. This is given to us by Prosperity. This is an invoice, DN94104. Take a look at DN94105 -- we have to go to page 1196 -- both would be referring to the same delivery note number, but the items delivered are different. In 1201, there's no mention of "England FRY lead-free soldering wire", but in 1201, it's "England 50 per cent lead flat soldering stick". This one was given to us by Prosperity.

If we may now turn to yet another document: 1204.

Do you see that?

A. Yes.

Q. This is an invoice. The delivery note number referred to is DN98079. This invoice refers to the same number as the one in 1195, DN98079, the same number. But here, you can see the difference. In 1195, the delivery note states "FRY lead-free soldering wire"; can you see that? But in 1204, the invoice, although referring to the same delivery note, there's nothing about lead-free soldering wire. It's now "50 per cent lead thin soldering stick". Similarly, you can find in 1205 a similar problem with the item concerned. The same goes for 1206. I think you have read all these.

So, you can see from the documents submitted by Prosperity Building Materials Company to the Commission -- if you compare these with the four delivery notes that you gave to Paul Y, they are different. Were you surprised when you discovered that? Yes?

A. Yes, yes.

Q. You were surprised?

A. Yes.

Q. Did you suddenly realise that the documents might be forged?

A. Yes.

Q. Is that a serious matter to you?

A. Yes.

Q. Then did you carry out an investigation right away; yes?

A. Yes.

Q. In your supplementary written statement, page 139, you state, in paragraph 8:

"In view of the foregoing reasons" -- that is you were on a trip, and when you returned you realised that on the 20th there was such an investigation on lead in water -- "I have asked my lawyers to send a letter to the lawyers representing Paul Y on 9 December 2015, to give an account of the matter and state my position clearly."

The letter can be found in annex 1. Annex 1 is at page 142, your solicitor's letter. It says Mr Cheung, that is you, and your company, do not have any documents with regard to the purchase of soldering materials in relation to the three estates in question. That's also repeated in your statement. In your letters to Paul Y, you also stated that Golden Day did not keep any records of those notes and invoices, and from the initial proceedings you realised that Paul Y was in possession of certain documents. It states here that following an investigation carried out by you, you have reasons to

question the four delivery notes, stating that the items sent were FRY lead-free soldering material. You have questions about the genesis of the purported delivery notes, but you knew that they were given to Paul Y by your staff, Mr Wong. This is in your lawyer's letter. "Our clients", ie you, do not know how those delivery notes came about and how they form part of the records you have maintained. And you were not in Hong Kong. Mr Cheung, that is you, were away from Hong Kong, and then the purported delivery notes were sent to Paul Y without your knowledge or approval. Lastly, "Our clients", it says, "cannot verify the authenticity of the purported delivery notes"; you cannot confirm either way whether they are true documents or not.

Then you ask them to be withdrawn from the Commission of Inquiry proceedings. Then it says:

"Our clients do not accept them as genuine records."

So I have this question for you. Before this letter of 9 December was sent, did you take it up -- did you talk to Ms Lam and ascertain what had happened?

A. I had returned and there was a meeting with Paul Y on Tung Wui. They didn't even mention these notes. I went to the Housing Department for a meeting, and then I also went to their company for a meeting. We already said that we didn't have the documents concerned. Paul Y

said nothing. When I discovered that, I really had doubts.

Q. Please listen carefully to my question. Let's do it one step at a time. Your solicitors sent this letter on 9 December 2015. Before that, according to this letter, there was an investigation conducted by you. Before this letter was sent, did you ask Ms Lam why the four delivery notes were different from those issued by Prosperity? Did you ask her?

A. Yes.

Q. Please be certain, please make sure about the time we are referring to. I am talking about before 9 December, before this letter was sent. Did you ask Ms Lam about these delivery notes?

A. I cannot remember.

Q. In your supplementary witness statement, page 140, in both paragraphs 10 and 11, in the middle of December, you were referring to things you did after the letter was sent to Paul Y, and you talk about, "Another staff, Ms Lam Lai King, of her own accord, told me that the so-called purported delivery notes were provided to Mr Yung Kwok Choi by her, but Ms Lam Lai King did not further explain how the notes came about."

I was asking you, did you try to ascertain with Ms Lam about the delivery notes before the letter was

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C sent to Paul Y? **C**

D A. I asked her questions but she didn't reply. **D**

E Q. How did you ask Ms Lam? **E**

F A. I said we saw some notes in the hearing. I asked her why there were such documents. **F**

G Q. Did you show her the notes? If not, then how would she understand what's going on? **G**

H Did you show her the notes, "yes" or "no"? Please clarify this. **H**

I A. I can't remember. I did ask her questions. **I**

J Q. You cannot recall whether you showed her the notes, but you did ask questions saying that the notes might be problematic. What did she say? **J**

K A. She didn't reply my questions. **K**

L Q. So she avoided the question altogether? **L**

M A. She said she would need time to consider. **M**

N Q. Well, it was a serious matter. Did you tell her that it might be a very serious matter, some of the documents might be forged; did you say this? **N**

O A. No. **O**

P Q. Why not? You are the boss. The company might be involved in some forged documents. Why didn't you say so to her? **P**

Q A. I didn't know. I didn't know how to put it. **Q**

R Q. Mr Cheung, a moment ago you said the solicitor showed **R**

S **S**

T **T**

U **U**

V **V**

you the delivery notes from Prosperity, and immediately you have doubts. So you knew that there might be a case of forgery, and you didn't mention this to Ms Lam when you asked her questions? You didn't mention the seriousness of the matter?

A. I mentioned the seriousness, but I didn't know how serious it was, I only knew that it was serious. And she said, "Let me think about it"; she said she would have a look.

Q. Then you showed her the delivery notes. Who showed Madam Lam the delivery notes, the four notes? You say you don't remember. You say you don't remember whether you showed her the notes, and then you said she says she would have a look, and who showed her the notes?

A. I showed her the notes subsequently.

Q. That was in December, mid-December, that you showed her the delivery notes? That's in your statement.

A. Before that, I showed her the notes. I showed her the notes. It was in mid-December that she told me about it.

Q. Now you remember that during the investigation, you showed Ms Lam the delivery notes? Now you remember?

A. Yes.

Q. She saw the notes. How did she respond to that?

A. She was frightened. I could tell from her face, she was

C frightened.

C

D Q. She was frightened, and then she said she would have
E a look. What else did she tell you? What else did she
F say? Did she say, "I know what happened"? Did she say
G that? What did she say?

D

E

F A. I asked her whether she did it. I asked her whether she
G did it.

F

G

H Q. What did she say?

H

A. She said, "I will reply in a couple of days."

I Q. Then, in the next couple of days, did she?

I

J A. She said she did it.

J

Q. She did it?

K A. She said she did it.

K

L Q. Let me put this to you. She said she did it. Did you
M ask her why; why did she do it?

L

A. She didn't explain.

M

N Q. No?

N

O CHAIRMAN: Weren't you interested? Didn't you pursue the
P matter or didn't she answer?

O

A. I pursued, but she didn't answer.

P

Q MR KHAW: If she said she did it, wouldn't you be
R suspicious? Either she or someone in the company might
S have found some delivery notes or documents that showed
T that you did receive lead-containing solder materials,
U and would like to cover that up, and then someone made

Q

R

S

T

U

U

V

V

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

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C up something and made available delivery notes to Paul Y C
that said it was lead-free.

D A. I never thought about it. D

E Q. Why would someone bother making things up? You were the E
boss. Why was someone making things up? What's the
F point? F

G A. I think she was frightened. She placed the order G
herself.

H Q. So you are saying that she knew she placed the wrong H
I order, she got the wrong materials? I

J A. I am not sure. I am not sure. I dare not think about J
it.

K Q. On 9 December, your solicitor wrote a letter. Before K
L that, did you ask Mr Yung Kwok Choi what really L
M happened, why did the four delivery notes differ from M
others?

N A. I asked him afterwards. N

O Q. It is surprising. On 9 December, your solicitor's O
P letter made it very clear that you do not accept the P
Q delivery notes you made available to Paul Y to be Q
genuine.

R A. I didn't see the delivery notes. Prosperity didn't give R
S us the notes. We saw them at the hearing. S

T Q. But in this solicitor's letter dated 9 December, it says T
U that you do not accept the delivery notes to be U

V

authentic. You have seen Prosperity's invoices. You have also seen the delivery notes that you sent to Paul Y, and you came to this conclusion that you do not accept the delivery notes to be authentic.

A. When I got in touch with Paul Y, they didn't mention the delivery notes.

Q. Well, whether they make mention of the delivery notes or whether they are authentic are two different matters. Your solicitor said on 9 December that you do not accept the four delivery notes to be authentic. How do you come to this conclusion?

A. Well, this is the solicitor's letter. I didn't see the content. They told me verbally.

CHAIRMAN: Hang on, I didn't hear his answer. The lawyer told you?

A. The lawyer told me that he's going to write a letter to retrieve the delivery notes.

CHAIRMAN: I would like to put this to you. Are you saying that when the solicitor drafted the letter, he never asked you for any instruction?

A. Yes, he discussed with me and asked me whether we should retrieve the delivery notes. I don't know English. He said they would like to draw back the delivery notes.

CHAIRMAN: Draw the delivery notes? Well, the lawyers would be acting on the instruction of the client; do you

understand? They would act in accordance with the client's instruction. Now, for the four delivery notes, it was said that they were fake.

A. We do have suspicion. I am saying that we suspect the delivery notes, we would like to take them back to have a look.

CHAIRMAN: You have seen them. Your solicitor has seen them. Why do you want to take them back to have a look? Your solicitor must have seen the delivery notes before writing this letter. Are you saying that you haven't seen the delivery notes, and then your solicitor saw the notes and then took the decision of their own accord?

A. No. He discussed with me and he asked me whether we should take them back to have a look, and I agreed and then he wrote a letter to his counterpart.

CHAIRMAN: So what does this letter mean? So is the content for real? What do you make of that?

MR WU: May I?

CHAIRMAN: Please, please. Take a seat. If you want to ask the witness, take your time.

MR KHAW: The solicitor's letter dated 9 December makes it categorically clear that you or your company doesn't accept the four delivery notes to be authentic. It can't be clearer.

But your statement, your evidence, is that you

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C didn't ask Ms Lam -- you were not clear about the C

D situation. You didn't ask Mr Yung. Then how would your D

E solicitor tell you that the delivery notes were fake? E

F A. I just would like to take back the delivery notes. F

G I hoped that they were real. G

H Q. You asked Mr Yung why it happened, how it happened. How H

I did Mr Yung respond? I

J A. Mr Yung said he didn't know. J

K Q. Did you talk to Mr Yung further about the seriousness of K

L the matter? Did you ask him to investigate further? L

M A. I told him, but he said he didn't know. M

N Q. You asked him to further investigate and he came back N

O and said he didn't know anything. When did he say he O

P didn't know? P

Q A. The last time he said he didn't know. Q

R Q. The last time he said he didn't know? R

S A. I don't remember. A couple of days ago. S

T Q. A couple of days ago, you asked him and he said he T

U didn't know. U

V CHAIRMAN: Please do not cover your mouth. V

MR KHAW: As regards Ms Lam Lai King, she said she prepared

the four delivery notes. Did she tell you who

instructed her to do so?

A. No.

Q. So she took the initiative to do this?

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

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C A. She did not answer. C

Q. Did you ask her?

D A. I did ask her. D

E Q. Did you ask her, "Who instructed you?" E

A. I asked her, "Why did you think of that?"

F Q. What did she say? F

G A. She didn't say anything. G

H Q. And you didn't pursue the matter? H

A. She said she would instruct solicitors. She didn't

I answer me. I

J Q. There are two more points for you. In your statement, J

K you said Golden Day would hire workers to carry out the K

L work for the three estates, and your statement says that L

M you do not ask for a particular qualification. Do you M

N know that under the main contract, the workers need to N

O be skilled workers, or workers with intermediate O

P qualification? P

A. Some do, some don't. We don't have the record, though.

Q. You don't have the record. When you hire the workers,

P would you ask them whether they have the qualification? P

Q A. Yes. Q

Q. Your statement says something to the contrary.

R A. It wasn't us asking. It was the site foreman who would R

S ask them. S

T Q. Your foreman, your company's foreman? T

U

V

A. Yes.

Q. L1, page 14, it doesn't say what you said. L1,
paragraph 1:

"When we hire workers, we would find out whether
they have plumbing experience, but we do not require
them to have any certificates."

A. The experience is experience that they gained from other
sites. They would come over from other sites which have
been completed.

Q. But here, you don't ask for any qualification, any
certificates.

A. We would talk about the pay that they got from other
sites, and when they come over we would pay the same.

If we find that they are good enough, we would just let
them carry on.

Q. As licensed plumber, in your statement you mention form
WWO46. At the very beginning, you had to submit the
form, which would include the parts and the materials
and so on.

In the course of the work, if you, or indeed, the
main contractor -- if there is a decision to change the
materials, you have to submit a revised list to the WSD?

A. Yes.

Q. If there are any amendments, would you talk with or
communicate with the main contractor about the changes,

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
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	Day 32	
C	and then you would sign a document for the WSD for verification?	C
D	A. That depends on the revisions made. If it is about the	D
E	building plan, that will require the architects to issue	E
F	a letter, if it's about the building plan. If it is	F
G	about some parts, we will have to send a letter.	G
H	Q. Are you duty-bound to inform the main contractor about	H
I	changes made to parts used? Did you do that, for these	I
J	three affected projects?	J
K	A. I cannot remember.	K
L	CHAIRMAN: Anyone?	L
M	Cross-examination by DR McCOY	M
N	(All questions from Mr McCoy were in English)	N
O	DR McCOY: Mr Cheung, for Wing Cheong and Tung Wui projects,	O
P	did all the solder that Golden Day procured come from	P
Q	Prosperity?	Q
R	Mr Cheung, can you hear me?	R
S	A. (In English) Okay.	S
T	Q. For Wing Cheong and Tung Wui Estates, did all the solder	T
U	that Golden Day procured come from Prosperity?	U
V	For Wing Cheong and Tung Wui Estates, did all the	V
	solder that Golden Day procured come from Prosperity?	
	A. Did he ask whether the solder was supplied by	
	Prosperity?	
	Q. All of it.	

A. What material?

CHAIRMAN: For Wing Cheong Estate and Tung Wui Estate, did Golden Day procure all the soldering material from Prosperity?

A. Yes, yes.

DR McCOY: And the only solder that Golden Day procured from Prosperity was 50 per cent lead solder?

A. Yes.

Q. You were aware, in the subcontract you had between Paul Y and Golden Day, that there was an obligation to only use lead-free solder; you were aware of that, weren't you?

A. Yes, I knew. But I didn't know the solder you were referring to contained lead, and I couldn't hear the name.

Q. In calculating your tender price, you did so on the basis that lead-free solder would be used by Golden Day in those projects?

A. I didn't know that, the price. The price was only a small sum. We didn't look into the question of the cost of solder.

Q. So are you saying that in your tender, you never considered the price of solder at all?

A. There was no separate quotation required for the solder.

CHAIRMAN: That's about how -- the price you wanted to

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

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C quote. Did you consider the cost of solder? C

D A. No. No. D

E DR McCOY: The smaller your costs, the larger your profit, E

F under the one-price tender system? F

G A. The cost would only account for a small sum. It's G

H 0.3 per cent of the tender price. It would be just H

I a difference of 30,000 to 40,000 for the entire estate. I

J So we do not have separate quotations for the minor J

K hardware items. K

L Q. I never said it was a separate calculation or quotation, L

M but I suggested to you that you took it into account in M

N deciding your overall tender price. Do you agree? N

O A. I don't. We didn't look into that cost. O

P Q. When did you first conclude that your company, P

Q Golden Day, had sent those four forged delivery notes to Q

R Paul Y? R

S A. I cannot remember the exact date, the first time S

T I noticed this. T

U Q. But approximately, Mr Cheung? It has to precede your U

V lawyer's letter of 9 December. So when do you believe V

you concluded that your own company had sent forgeries?

A. There was no conclusion at the time.

Q. But your letter from your solicitor states that your position is that those documents are not genuine. Is that still your position?

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C A. Can I have the translation again? I didn't hear C
clearly.

D CHAIRMAN: I was not following the Cantonese translation, so D
I don't know whether it was okay. Perhaps you can get
E someone to do it. E

F MR SHIEH: Because the screen only shows the English F
G translation. Mr McCoy, could you please ask the G
H question again? H

I DR McCOY: Yes. I

J CHAIRMAN: Please repeat your question, Mr McCoy. J

K DR McCOY: Your solicitor's letter of 9 December states that K
L Golden Day's position is that the four delivery notes L
M are not genuine. Is that still your position? M

N A. Not genuine? N

O CHAIRMAN: The four delivery notes are not genuine; correct? O
M They are not genuine delivery notes; do you agree?

N A. Agree. N

O DR McCOY: Why did you conclude that they were not genuine? O

P CHAIRMAN: Why did you conclude that they are not genuine? P

Q A. I saw the four notes from this hearing and I compared Q
R those with the notes from Prosperity, and I thought they R
S were fakes. S

T CHAIRMAN: But it could well be that the other four from T
U Prosperity were fakes. Why did you think that the four U
V delivery notes are fakes and not the four invoices? V

A. Well, Prosperity has a better record. I can see the numbers.

CHAIRMAN: Well, the invoice number is the same, the delivery note numbers are the same, the date, the address, they are all the same. The only difference is whether it's FRY or 50 per cent lead solder. So how did you conclude that the documents from Prosperity were genuine, that the four delivery notes were fake?

A. Well, the Prosperity notes were printed documents, and we didn't have all the documents from Prosperity.

DR McCOY: Is it your evidence that Ms Lam provided the documents to Mr Yung? Is that your evidence?

A. (Chinese spoken).

Q. Mr Yung.

CHAIRMAN: (Chinese spoken).

A. Yes.

CHAIRMAN: Did you state in your evidence that the four delivery notes were prepared by Ms Lam and then were provided to Mr Yung Kwok Choi? If I am not right, I stand to be corrected.

MR SHIEH: I think that's okay. It's not a question of the interpretation, but the clash of the two channels. So perhaps we should proceed slowly. Then we can avoid the clash.

CHAIRMAN: So please proceed slowly.

DR McCOY: Mr Cheung, Ms Lam gave the documents to Mr Yung,
step one. Did Ms Lam give the documents to Mr Yung?

A. Yes.

Q. Then did Mr Yung give the documents to Patrick Wong?

A. You mean Ms Lam?

CHAIRMAN: Mr Yung then gave the four delivery notes to
Mr Wong, Mr Patrick Wong; was that the case?

A. Well, it is not just the four delivery notes. It was
a file.

CHAIRMAN: According to your evidence, Mr Yung did not touch
the four delivery notes. The four notes were left on
the desk, and then Mr Wong took the four notes from the
desk and sent them to --

A. Ms Lam gave the notes to Mr Yung. Mr Yung put them on
his desk.

CHAIRMAN: And then Mr Wong took those documents away from
the desk?

A. No, Mr Wong did not take the notes. Mr Yung asked that
the notes be sent to Paul Y.

CHAIRMAN: So it was sent to Paul Y by Mr Wong?

A. Correct.

DR McCOY: And it was sent to Paul Y --

CHAIRMAN: Sorry, sorry. Are you trying to tell us that
Mr Wong had no knowledge about the four delivery notes
as well?

A. Indeed, yes.

CHAIRMAN: In other words, Ms Lam arranged everything? She produced the notes and Mr Yung did not know about that; neither did you?

DR McCOY: And Patrick Wong sent to PY, Paul Y, the documents, the four delivery notes?

A. He sent them over on the computer. There were a number of documents. Mr Wong told me. There were a lot of documents in the folder, WWO46, a big pile there.

Q. And the purpose of the documents being sent to Paul Y was that they would be sent on by Paul Y to the Housing Authority?

A. That, I'm not sure.

CHAIRMAN: Can someone translate? The voice clashes. Any problem with the translation?

MR SHIEH: I wasn't listening through the headphones.

CHAIRMAN: Let's take a break. Let's see how we can deal with that. Thank you.

(3.32 pm)

(A short adjournment)

(3.48 pm)

CHAIRMAN: Mr McCoy, please continue.

DR McCOY: Yes, thank you.

Mr Cheung, in July 2015, how many directors were there of Golden Day?

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C A. I cannot recall. C

D Q. Were there numerous directors? Very many? D

E A. A few. E

F Q. How many directors of Golden Day are there today? F

G A. Now there's only one. G

H Q. You? H

I A. Me. I

J Q. In July 2015, was the permanent staff of Golden Day J

K three directors, namely yourself, Mr Yung, Ms Lam and K

L two employees? L

M A. There weren't that many. M

N Q. Who were the permanent staff in July -- N

O CHAIRMAN: Please wait. There should be more? O

P A. I myself -- P

Q CHAIRMAN: More or fewer? Q

R Mr McCoy, you are referring to 2015? R

S DR McCOY: Yes. S

T CHAIRMAN: Are you talking office staff or site staff? T

U DR McCOY: Office staff. U

V CHAIRMAN: (In English) Permanent office staff. V

DR McCOY: How many?

A. Do you include the site staff?

CHAIRMAN: Well, let's do them separately. Let's deal with

the office staff first.

A. Five in the office.

CHAIRMAN: Which five?

A. I myself, Ms Lam, Ms Wong, Ms Mok, Mr Yung, Mr Wong,
five. Two -- well, most were out of the office most of
the time.

CHAIRMAN: Who are they?

A. Lau Tat Fong (?), Ah Kin (?).

CHAIRMAN: Two worked on the site, so altogether there were
seven?

A. Right.

DR McCOY: And there were two people in the procurement
department of Golden Day; is that correct?

A. Correct.

Q. Ms Lam, and who was the other?

A. Ms Mok was the assistant.

Q. I would like you to look, please, at the statement of
Chow Ka Ping from Prosperity, which is found at S1,
pages 12 to 22.

Now, if you come, please, to page 1476, the bottom
right-hand corner -- do you have that page, Mr Cheung?

A. Please help me with the page.

Q. 1476. Further down the page, paragraph 12. Yes.

Mr Cheung, just look at paragraph 12, please. This
is the evidence of Mr Chow from Prosperity, and on the
left downward column, from numbers (1) down to (11), it
has the name of the estates, and numbers (9) and (10)

are Tung Wui and Wing Cheong Estates. Do you see that?

Do you see that?

A. Yes.

Q. If you look at the next downward column, it refers to lead-free solder, and lead-free solder was not supplied by Prosperity in relation to Tung Wui and Wing Cheong Estates. Do you see that?

A. Is there no Chinese there?

CHAIRMAN: Well, it's put to you that in respect of Tung Wui Estate and Wing Cheong Estate, according to Mr Chow Ka Ping of Prosperity, Prosperity did not supply any lead-free FRY wire to you, to your company?

A. Correct.

DR McCOY: You agree.

Then you move to the next downward column, Mr Chow from Prosperity states that they did supply 50 per cent lead solder sticks to your company in relation to Tung Wui and Wing Cheong Estates. Do you agree with that?

A. (Chinese spoken).

CHAIRMAN: (Chinese spoken).

DR McCOY: One more time, please.

CHAIRMAN: Perhaps, Mr McCoy, you would like to try Chinese?

A. Please repeat the question.

CHAIRMAN: Perhaps I can ask the same question of you. If

you look further down, you can see that according to Mr Chow of Prosperity, in respect of Tung Wui and Wing Cheong Estates, they did supply 50 per cent lead solder sticks or wire to your company. Do you agree?

A. Agree.

DR McCOY: So just before the break, I asked you why had you concluded that the four delivery notes were forgeries, and you said because Prosperity had a better record system. I suggest the reason you have correctly concluded that the four delivery notes are forgeries is because they stated lead-free solder was supplied, when you knew that none had been supplied.

A. I compared the notes. More detail were there.

CHAIRMAN: I think the crux of the question put to you is that you knew there was no procurement of lead-free solder. So it was put to you that you knew very well that your company did not procure any lead-free solder, and that's why you concluded that the four delivery notes -- they are called delivery notes -- were forged.

A. Well, I did not know.

DR McCOY: Where are the four delivery notes now that Patrick Wong sent by electronic means to Paul Y?

A. Say again, please.

CHAIRMAN: Let me do this. Patrick Wong used electronic means to send the delivery notes to Paul Y. The lawyer

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C was asking you where are the four delivery notes now. C

D A. Ms Lam said she destroyed them. D

E CHAIRMAN: Ms Lam said she destroyed them? E

F A. She didn't keep them. F

G DR McCOY: Perhaps one last point. Again, looking at G

H Mr Chow's statement from Prosperity, please come to H

I page 1477, the table. This table, Mr Cheung, prepared I

J by Prosperity, in the right-hand downward column shows J

K Prosperity was used to two different means of people K

L placing orders: verbally or by a written purchase order. L

M In relation to Tung Wui and Wing Cheong, Prosperity M

N states your purchasing department used written purchase N

O orders and not verbal orders, as you suggested in O

P evidence. P

Q A. That I don't remember. Some in writing, some verbally, Q

R by phone sometimes. R

S Q. But their response is they are all in writing. They do S

T not list verbal orders from Golden Day at all. T

U A. That I'm not sure. U

V DR McCOY: I have no other questions. Thank you. V

CHAIRMAN: (In English) Thank you. Q

(Via interpreter) Mr Wong?

R Cross-examination by DR WONG R

S DR WONG: Mr Cheung, I am acting for the Water Supplies S

T Department. I have a couple of questions for you. T

U

V

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C First of all, please refer to L1, page 13, paragraph 12. Please wait. C

D Here, Mr Cheung, this is your statement. Have you D

E got that? L1, page 13, paragraph 12. E

F A. L1, page 13, paragraph what? F

F Q. Paragraph 12. F

G A. Paragraph 12, yes. G

H Q. Here in this statement, repeatedly you refer to form H

H WWO46; is that right? H

I A. Yes, the form, yes. I

J Q. I think you must have some knowledge of this form? You J

J must have some knowledge of this form? J

K A. Say again, please. K

L Q. You must have some understanding of this form; do you L

L agree? L

M A. Yes. M

N Q. Here, you said that before placing orders for the pipes N

O and fittings, the purchasing staff would check form O

O WWO46 to make sure that what they purchase are the O

P material, pipes and fittings approved by the form WWO46; P

P have you got that? I am just reading this sentence to P

Q you. Q

R From your understanding, there are two points R

S I would like to make to you -- see whether you agree -- S

T form WWO46, in the annex, it doesn't include a lot of T

U

U

V

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C materials, solder materials are not included, C

D compression fittings, the Ts, the bends, they are not D

E included in the annex of the form; do you agree? Do you E

F know? F

G A. Yes, I do. G

H Q. Also, do you agree that in the annex of the form, it is H

I a standard form? Whatever projects you are undertaking, I

J hospitals, housing estates, high-rises, the content of J

K the annex is the same. Your purchasing staff, when K

L deciding what plumbing materials to buy, if they have L

M the annex of WWO46, then it will not be comprehensive; M

N they can't check the solder, they can't check the bends N

O and Ts for compression fittings. So what standard would O

P they use for them to make a purchase? If they are not P

Q in the annex, what criteria, what basis would they have Q

R to make the purchase? R

S A. When we have entered into all the contracts, they would S

T act in accordance with the contracts. T

U Q. Right, solder materials, for instance. Let me refer you U

V to C19.7, page 14643. C19.7, page 14643. V

Mr Cheung, this is a record of the meeting with the

WSD; do you see that?

A. Yes.

Q. Let's turn to page 14646. You see the signature there.

So you confirm the authenticity of the content.

Paragraph 16: "The department asked Mr Cheung to see whether he knows when jointing the pipes, lead-containing soldering materials is prohibited. Mr Cheung says he understands and he knows about the jointing materials."

So you know this requirement on the part of the WSD?

A. Yes.

Q. Then let's turn to paragraph 12 of your statement. L1, page 13, paragraph 12. The last sentence:

"Since WSD doesn't require solder materials to be submitted for approval, so we do not take specific measures to monitor whether solder materials contain lead."

Mr Cheung, I put this to you: if you are fully aware that the WSD prohibits lead-containing solder materials, and the form doesn't require any information, doesn't require submission, you do not take any specific measure to check whether the materials are lead-containing?

A. Yes, we don't know the solder materials can contain lead. We didn't have the awareness; we didn't know out there in the market there would be solder materials that contain lead.

Q. You don't know about this?

A. We never heard of it.

Q. My last question -- let me take you to WWO46 that you

signed. R1, page 23. If you go to the bottom part of the page, there's your signature there?

A. Yes.

Q. Mr Cheung, I know you don't understand English well enough. When you signed this form, did you know what this form was all about, when you signed on the dotted line?

A. I didn't.

Q. You didn't? So you didn't know what this form was about and you signed on the dotted line?

CHAIRMAN: You didn't sign on this for that case.

A. I only know that the form has been typed up.

CHAIRMAN: I'm not sure how long you have been LP for. You have been signing for decades. Are you saying you don't know what you are signing on the form, you don't know what the form is all about? Is that what you mean?

A. Yes.

DR WONG: I have no further questions.

CHAIRMAN: Any further questions? No questions?

I have some questions for you.

MR WU: Chairman, I have re-examination after you.

CHAIRMAN: Let me get my questions in first. You might wish to put follow-up questions.

Questioning by THE COMMISSIONERS

CHAIRMAN: S1, please, page 78. Hung Hom Estate is

a Golden Day project. Let's have a look at this table.

FRY on top and bottom and the middle, the 50D, why?

A. That I don't know.

CHAIRMAN: You don't know why?

A. Yes.

CHAIRMAN: In the company, someone did that, and you don't
even know?

A. No.

CHAIRMAN: Is it for saving money?

A. No.

CHAIRMAN: Not saving money?

A. No.

CHAIRMAN: You said the saving would be something like
\$30,000. It's not a lot of money. That's what you
said? I heard \$30,000-odd savings.

Let's have a look at Wing Cheong. By my rough
calculation, 275 pounds plus 165, 275 and 44, altogether
they add up to 990 pounds. Roughly 990 pounds.

We know that for lead-free, it is 500 grams, that's
the solder wire, that's something like 1 pound.

A. Let's say 1.1 pounds.

CHAIRMAN: In this Wing Cheong Estate, you used 990 pounds.

This may not be exactly \$100, but roughly \$100. That's
more than \$30,000, isn't it? It depends on when the
construction started. There may be a difference in

pricing, but it ranges between 80 and 100?

A. The difference is less than double.

CHAIRMAN: Yes, for Wing Cheong Estate, so there is

a difference of \$99,000, assuming it is \$100. So it's

a difference of \$99,000 for Wing Cheong?

A. I calculated the sum roughly. It was a difference of

60,000.

CHAIRMAN: So it's more than 30,000 that you talk about.

A. There were two blocks there. I was referring to the

per-block difference.

CHAIRMAN: For Wing Cheong Estate, there's at least

a difference of 80,000.

A. It's 40,000 per block.

CHAIRMAN: So it's 80,000 for Wing Cheong, and for other

estates it's also a difference?

A. It's a small difference, with regard to the total

contract price.

CHAIRMAN: There's an additional profit of \$80,000. How

much did Ms Lam get every month as pay?

A. Well, the project would last for three years for one

estate.

CHAIRMAN: How much did Ms Lam get per month?

A. \$20,000.

CHAIRMAN: So it's four months' pay here. What about

Mr Yung, how much did he get a month?

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C A. \$30,000. C

D CHAIRMAN: So it's a saving, after all. D

E A. We didn't know that. We didn't do any calculation. E

F CHAIRMAN: On this coil, it states "Lead-free FRY", F

G "Lead-free". Do you understand? Can you read these G

H words? H

I A. It's lead-free. I

J CHAIRMAN: Do you recognise the English label? It's not in J

K Chinese. You don't? You have worked in this trade for K

L decades. Please show him the box with 50 per cent lead L

M solder. Can you read the words on the box? M

N A. No. It's in English. N

O CHAIRMAN: You don't know what they are about? Not at all? O

P A. No. It's in English. No. It's in English. P

Q CHAIRMAN: You don't read those? Thank you. Q

R Mr Wu. R

S MR YIN: I have changed my mind. I would like to raise S

T a question. T

U CHAIRMAN: All right. One question. U

V Cross-examination by MR YIN V

MR YIN: I am acting on behalf of the Housing Authority. Q

I would like to refer you to S1, page 95. It's R

a purchase order of Golden Day. Can you recognise the R

writing; whose writing was it? S

A. I cannot recognise it. T

Q. Please look at item number 5. Do you see that? "Solder stick, 50 per cent lead".

CHAIRMAN: What's your question?

MR YIN: He said he didn't know that they were different.

But do you know who wrote the words "50 per cent lead"? That's my question.

A. Maybe it was written by Prosperity.

CHAIRMAN: I just want to clarify this.

You can see from these documents that there are differences. There are high-temperature solder and just solder. I don't know exactly where you can find the difference.

A. Well, I don't know anything about so-called high-temperature solder.

CHAIRMAN: You don't know? It was your order. Page 98 and 101. As has been pointed out, in S1, page 98, it stated high-temperature solder stick, and then they would deliver lead-free solder to you.

Prosperity had to know what you ordered before they could deliver. If you just say "soldering stick", they would give you the English 50 per cent lead solder. The foreman knew that there's a difference?

A. I didn't know.

CHAIRMAN: Well, they came in very different packaging. One is in a square box, the other in a long rectangular box.

C Please continue.

C

Re-examination by MR WU

D MR WU: Mr Cheung, this morning you were asked a question by
E counsel, whether you knew there was any difference
F between lead-free soldering material and soldering
G material with lead. What's your knowledge about
H soldering materials in the market? You didn't know that
there were some containing lead?

D

E

F

G

H

A. No, I didn't.

I Q. What's the difference between soldering stick and
J soldering wire?

I

J

A. Well, they are not different. It was only after the
K incident that I came to realise that one of them
L contained lead.

K

L

M Q. So, in your mind, the two were just interchangeable?
N When you placed your order, when did you ask for
soldering stick or when did you ask for soldering wire;
O did you have any criteria to go by?

M

N

O

A. No.

P Q. This morning, you were asked about the submission of
Q samples to the Housing Department. There was no
R requirement, no mandatory requirement, for the soldering
S material to be submitted, but in fact you did, and the
T sample -- well, according to Paul Y's evidence
yesterday, they didn't know where the requests

P

Q

R

S

T

U

U

V

V

originated. They didn't know whether they asked the contractor to submit the sample, or the submitter voluntarily submitted the soldering material sample. It was the evidence given by Paul Y. Can you please elaborate: under what circumstances would the sample of soldering material be submitted, or was it something you did in response to a request?

A. Well, it was just a routine.

Q. So it was done as a matter of routine?

A. Yes.

Q. We spent quite a lot of time on the issue surrounding the four delivery notes. Please look at L1, your statement. Please refer to paragraph 11. Can you see that?

A. Yes.

Q. "As the works have been completed and the maintenance period has passed, my company has no documents kept."

It's page 13, paragraph 11. Do you see:

"The projects have been completed" -- you are referring to Wing Cheong, Tung Wui and Hung Hom -- "and the maintenance period has expired, no documents are now kept by my company for those projects."

Did you try to find the documents?

A. Yes.

Q. Were you successful?

A. No.

Q. Did you find any?

A. No.

Q. That's 9 November. After that, you did mention some time ago that in the bundles of this hearing, you subsequently found the four delivery notes in one of the bundles. So the question is this. You could not find any documents and you discovered the delivery notes in a bundle; is that the case?

A. Where?

Q. In your statement, you tried to find the delivery notes. You failed to find any, and then subsequently, in the hearing, when we have the hearing bundle, and in that bundle, you found the delivery notes; right? So it was not consistent with your statement. Do you have any recollection of that?

CHAIRMAN: I don't understand your question. The chronology, as I understand it, is that Paul Y told us that they have found four delivery notes, and your client submitted those to the Housing Department. Before we realised there were such notes, at first, Prosperity submitted the four invoices.

And unless you look very carefully, then Paul Y's lawyer wrote a letter to offer some explanation and asked that witnesses be called, and that's why we have

C the supplemental witness statement. C

D MR WU: Mr Chairman, I just want to establish the D
E chronology. At first, Mr Cheung did try to dig out the E
F documents. He failed to find any. And then, in the F
G hearing bundle, we discovered those documents, and we
H brought Mr Cheung's attention to those. H

G CHAIRMAN: Who found that? G

H MR WU: We found that. H

I CHAIRMAN: Did Paul Y tell you? Please answer my question. I

J Please give a direct answer. You found those because J
K Paul Y had told you? K

L MR WU: Well, we have discovered those first. L

K CHAIRMAN: But you did not alert Mr Cheung until Paul Y K
L referred those to you? L

M MR WU: The chronology is this. We want to establish the M
N chronology like this. There's Mr Cheung's statement and N
O then there's the delivery note in the bundle. We had O
P a discussion with Mr Cheung. We alerted Mr Cheung to P
Q this. Then Mr Cheung -- Mr Cheung, can you please tell Q
R us that subsequently you received this statement of R
S Prosperity, that is in bundle S1 -- you saw this before, S
T that's the statement from Prosperity. T

R CHAIRMAN: What are you trying to establish, Mr Wu? R

S MR WU: What I am trying to establish is -- S

T CHAIRMAN: You tell me what you are trying to achieve. T

Please tell me what you are trying to achieve. Tell me,
tell me.

MR WU: I am telling you that Mr Cheung -- I am telling you
how Mr Cheung found that there were suspect delivery
notes.

CHAIRMAN: Is it before Paul Y alerted the whole world? Is
that what you are trying to establish? Is that what you
are trying to say?

MR WU: No, no. This is not what I am trying to say. What
I am trying to say is to establish that this is part of
a process. There was nothing at the beginning, and then
we found something, and then Mr Cheung investigated.
Then we came to a view that there were problems with the
documents.

CHAIRMAN: That I understand. We started with nothing,
because we had nothing at the very beginning. It was
when we had the documents that we have read and then we
saw Prosperity producing these documents, and then in
the investigation report of the Housing Department,
there was such and such a thing and there was a process.

MR WU: I agree. I would like Mr Cheung to confirm there
was such a process. There was a suggestion that for
these delivery notes to be adduced, it was because
Mr Cheung knew that leaded solder was supplied to him.

CHAIRMAN: He doesn't agree.

MR WU: I think Mr Cheung didn't express this officially
when --

CHAIRMAN: He didn't agree.

MR WU: Let me ask Mr Cheung to confirm.

Someone suggested to you a moment ago that you said
the delivery notes were fabricated because leaded solder
was delivered and used in the project. You don't agree?

A. I don't think anything about the leaded solder.

MR WU: I have no further questions.

CHAIRMAN: That has always been his reply.

MR WU: Thank you very much.

CHAIRMAN: Please take a seat.

Thank you, Mr Cheung. You are done with your
evidence. Please feel free to leave.

(The witness withdrew)

CHAIRMAN: It's 4.30 now. We are not producing the next
witness. The next witness will be Mr Yung.

MR KHAW: Chairman, after Mr Yung, there will be two more
before Ms Lam. If we have Ms Lam after Mr Yung, it may
not be good.

CHAIRMAN: All right. On Friday, we can't make it. This
Friday, the three counsel of the Commission will be
otherwise engaged. So there will be no hearing on
Friday.

On Monday, it's the opening of the legal year, so we

C are going to have the hearing for the morning. C

D Depending on the progress, we can have an extra D

E half-hour for the morning. We don't have to come back E

F for the afternoon on Monday. So Monday, maybe we will F

G be here until 1.30 and then we break for lunch. It G

H depends on the progress. H

I Also, at this stage, I would like to say this. For I

J the four main contractors, I hope that before the Lunar J

K New Year, we should be able to receive the submissions K

L from the four main contractors, interim submissions. L

M This will be a summary of their witnesses' evidence, and M

N the main contractors' submission should be about N

O knowledge or lack of knowledge of the use of O

P non-lead-free solder. P

Q The four main contractors say they had no knowledge. Q

R So, for these four main contractors, before Lunar New R

S Year, please submit your summary of evidence of the main S

T contractors, and also on knowledge or lack of knowledge T

U of use of non-lead-free solder. All right? Those two U

V things. V

The date is the week before the CNY, 5 February,

a Friday. Yes, the Friday before the first day of Lunar

New Year, 5 February, before 5 pm. To be fair, I won't

put this on the web yet. Each main contractor will

address their submissions to me personally. I won't

T

U

V

reveal them to anybody else at this present stage.

I find that you would like to have a look at other people's submission before you put your submission. So, for the time being, those two things. Any comments?

MR SHIEH: And the subcontractors, plumbing subcontractors, will they have to give submissions?

CHAIRMAN: After Golden Day, after Ho Biu Kee, I will ask them to do so, but there are two subcontractors who are "in persons", so I will deal with the subcontractors at a later stage. Basically, subcontractors have to deal with the issues that I have raised a moment ago. They have to give a summary of their evidence, plumbing subcontractors, and also a submission by subcontractors on the knowledge or lack of knowledge of the use of non-lead-free solder.

So, basically, these are for plumbing subcontractors. For the main contractors, we may need to deal with another point: (In English) Submission by main contractors on the knowledge or lack of knowledge of the use of non-lead free solder by the plumbing subcontractors.

(Via interpreter) Why is it that plumbing subcontractors know that non-lead-free solder was used?

During the course of the hearing, we heard some main contractors making this point. So the use of

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 32 B

C non-lead-free solder, we will have to deal with this C

D before CNY. A submission has to be given to me. And D

E thereafter, we will be hearing from the Water Supplies E

F Department, and you would have a chance to have a final F

G submission on other things. Then it will be exchange of G

H submissions. Before your final submissions, there will H

I be an exchange of submissions, so you know what each I

J other is talking about. J

K I have floated this idea. You don't have to make K

L a response now. You can sleep on it and tell me L

M tomorrow what you have to say in response, to make it M

N more open, to make it fairer. Do you understand? N

O For the senior counsel, some of them are not here, O

P please let them know this is how we proceed. All right. P

Q See you at 10.00 tomorrow. Q

R (4.42 pm) R

S (The hearing adjourned until 10.00 am the following day) S

T

U

V

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