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2016年1月12日

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上午10時正恢復聆訊

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出席人士：石永泰資深大律師及許偉強大律師，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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楊明悌大律師及李健宏大律師由趙、司徒、鄭律師事務所延聘，代表何標記建築工程有限公司

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

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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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何沛謙資深大律師及殷志明大律師，由羅夏信律師事務所延聘，代表香港房屋委員會

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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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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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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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胡先生：Mr Chairman、Mr Commissioner，我而家係傳莫慧賢女士，金日工程嘅文員。

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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）的第七證人：莫慧賢（金日文員）以本地話宣誓作供

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主席：請坐。

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胡先生主問

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問：莫女士，就呢個鉛水調查委員會，你就做咗一份書面證詞，日期就係  
2015年10月23日。我而家向你讀出你嘅書面證詞。

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莫慧賢就羅文錦律師樓2015年12月10日信函所提出問題所作的書面證詞

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1 本人是金日工程有限公司（“金日工程”）的文員。負責寫字樓日常  
操作。

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2 本人中五畢業，於1998年加入金日工程負責寫字樓日常操作包括聯  
絡及採購地盤物料。

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3 在金日工程承判的紅磡邨二期...

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問：莫女士，我想問你，嗰個證人證詞有喺你面前，係咪？

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答：係，係。

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問：係，唔該晒。

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3 在金日工程承判的紅磡邨二期、東匯邨和榮昌邨水喉工程，本人及林  
麗瓊女士負責向雋景建材有限公司（“雋景”）採購地盤焊料。

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4 本人不知道用於接駁食水喉管的焊料需為無鉛，本人亦沒有留意所購  
及所用焊料是否含鉛。

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5 根據本人之記憶，地盤管工許宏新先生（紅磡邨二期和榮昌邨）和鄒  
師明先生（東匯邨）每次都是以電話向本人或林麗瓊女士落柯打要求  
所需焊料的數量及送到地盤的日期，但由於事隔太久，本人已記不清  
楚當時許宏新先生和鄒師明先生的口頭指示，本人只記得他們並沒有  
指明焊料的牌子，本人亦不知道市場上的焊料有沒有含鉛。

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6 收到地盤管工的要求後，本人或同事林麗瓊女士會向雋景以電話或購貨單落單，由於本人並不知道管工柯打的焊料用於哪個位置及用於接駁食水喉管的焊料需為無鉛，故本人落訂單時無特別向雋景提及所需的焊料是會用於接駁食水喉管。

7 a. 紅磡邨二期

i. 在地盤開工後，由項目經理翁國財先生告知本人及林麗瓊女士該地盤之焊料供應商是雋景，隨後向雋景落單只是跟地盤管工的指示，本人記得地盤管工並沒有指明焊料的牌子，本人亦不知道有不同牌子的焊料，故本人向雋景訂購焊料時並沒有指明牌子。

ii. 本人不知道有不同牌子的焊料，不認識“英國 50 力扁錫條”或其他牌子，亦不清楚錫線和錫條的分別，故不知道紅磡邨二期和馬坑項目為何使用兩種不同的焊料（如真有其事）。

iii. 根據雋景提供之單據，在此地盤之 40 網“高溫錫條”是由本人向雋景訂購，但由於雋景所售賣之小五金種類繁多，本人不能分清楚兩者之間的分別，亦不記得此採購交易的細節及當時付款的情況。

b. 榮昌邨

i. 在地盤開工後，由項目經理翁國財先生通知本人及林麗瓊女士該地盤之焊料供應商是雋景，隨後向雋景落單只是跟地盤管工的指示，本人記得地盤管工並沒有指明焊料的牌子，本人亦不知道有不同牌子的焊料，故本人向雋景訂購焊料時並沒有指明牌子。

ii. 本人並不清楚為何送貨單與發票顯示的會有不同。

c. 東匯邨

i. 在地盤開工後，由項目經理翁國財先生通知本人及林麗瓊女士該地盤之焊料供應商是雋景，隨後向雋景落單只是跟地盤管工的口頭指示，本人記得地盤管工並沒有指明焊料的牌子，本人亦不知道有不同牌子的焊料，故本人向雋景訂購焊料時並沒有指明牌子。

8 本人不清楚為何選擇雋景作為金日工程的焊料供應商，只知道雋景一向是金日工程的小五金供應商之一。

9 在本人或林麗瓊女士向雋景訂購焊料後，雋景會直接聯絡地盤管工，

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再安排運輸將焊料送到地盤。

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10 本人向雋景訂購焊料時沒有指明什麼牌子，當時亦沒有為意“英國 50 力扁錫條”這個牌子，雋景也沒有向本人推介此牌子。

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11 由於本人不會到地盤，所以不知道焊料送到地盤後的情況，亦沒有採取任何措施。

E

F

12 本人不清楚“英國 50 力扁錫條”這個牌子，亦不知道其成份及其是否含鉛。

F

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13 本人並不清楚翁國財先生的工作程序，亦不知道他遞交樣辦的實際情況，本人只知道焊料供應商是雋景，負責在收到地盤管工柯打後按其指示向雋景訂購。

H

I

I

J

問：莫女士，你願唔願意接受--你有冇嘢補充？

J

K

答：冇。

K

L

問：你願唔願意接受呢一份書面證詞為你調查委員會入面嘅作供？

L

M

答：接受。

M

N

問：我有一個問題想問一問你，莫女士。

N

O

答：唔。

O

P

問：你聽到我哋呢幾日嚟嘅證據，就係話有講錫條、錫線、高溫錫條、普通錫條，唔同牌子--錫線嘅牌子，同埋呢一個錫條嘅牌子。你知唔知呢啲唔同種類嘅錫條、錫線嘅價錢上嘅分別？

P

Q

答：唔知。

Q

R

問：Okay。

R

S

S

T

胡先生：我有其他問題，主席。

T

U

主席：唔該。

U

V

V

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許偉強先生盤問

D

問：莫小姐，你1988年加入金日工程公司，係咪呀？

E

E

答：係。

F

F

問：加入金日工程公司之前，識唔識得張達欽先生？

G

G

答：唔識。

H

H

問：林女士，林麗瓊呢？

I

I

答：唔識。

J

J

問：唔識。翁國財先生認唔認識？

K

K

答：唔識。

L

L

問：都唔識，入到公司先至識佢哋，係咪呀？

M

M

問：我想問下你，就係你...

N

N

O

O

主席：而家係咪仲係喺金日做？

P

P

答：係。

Q

Q

主席：唔。黃錦文先生都仲係個呵？

R

R

答：係。

S

S

主席：唔。

T

T

問：你中五畢業之後，金日工程係咪你第一份工？

U

U

答：唔係。

V

V

B

B

C

問：唔係，之前係做咩嘢工作？

C

D

答：都係做文員。

D

E

問：都係做文員。有冇接受過一啲即係 bookkeeping 嗰方面嘅課程？

E

F

答：有。

F

G

問：有。呢個係你中五畢業之後一面工作，一面進修讀嘅？

G

H

答：唔係。

H

I

問：係幾時嘅，呢個係？

I

J

答：讀中學嗰陣時已經讀。

J

K

問：中學嗰時已經有讀？

K

L

答：唔。

L

M

問：我想問一問你，就係如果睇番你嘅證人口供，第 2 同埋第 3 段，你睇一睇吓，啱啱都讀過畀你聽。第 2 段，你最後嗰度就話「加入金日工程負責寫字樓日常運作包括聯絡及採購地盤物料。」睇到嘛？

M

N

答：唔，係。

N

O

問：另外，如果你睇番第 1 段，就係講話「負責寫字樓日常操作。」我想問下你嘅工作性質，主要係咪都係即係就住採購地盤物料嘅工作？

O

P

答：係最近呢十年、八年係囉，最初就唔係嘅。

P

Q

問：最初呢，最初係負責邊類型嘅工作？

Q

R

答：即係我到而家都係負責出糧嗰啲咁嘅嘢。

R

S

問：出糧，即係糧單嗰啲，係咪呀？

S

T

答：冇錯。

T

U

問：即係而家你都有負責糧單嘅？

U

V

答：係嘞，即係...

V

B

B

C

問：除咗糧單...

C

D

答：...出糧畀地盤工人啲啲。

D

E

問：冇錯，而家你都有負責呢樣嘢，係咪？

E

F

答：冇錯，唔。

F

G

問：咁主要你嘅兩項工作就係出糧同埋採購，可唔可以咁講？

G

H

答：係嘞，係嘞。

H

I

問：你做咗都有廿幾年，喺公司。咁嗰個公司日常嘅運作你都應該好清楚，  
平時寫字樓嗰個運作？

I

J

答：基本上知道。

J

K

問：係咪呀？

K

L

答：唔。

L

M

問：喺呢個寫字樓入面，係咪就係你本人，咁林小姐會喺度，係咪？

M

N

答：係。

N

O

問：就 Patrick Wong 都會喺度，係咪？

O

P

答：係。

P

Q

問：翁生就問唔中都會喺度，係咪？

Q

R

答：唔，係。

R

S

問：另外老闆張生就都會喺寫字樓？

S

T

答：問唔中。

T

U

問：問唔中，係咪？

U

V

答：唔，唔。

V

問：就主要都係你哋呢幾位，係咪？

B

B

C

答：冇錯，唔。

C

D

問：唔。寫字樓有幾大嘍，有冇呢間房咁大？

D

E

答：我諗有 700 呎嘞。

E

F

問：700 呎嘍？

F

G

答：係呀。

G

H

問：例如你同埋阿 Patrick Wong 個工作嗰個地方會隔幾遠，好近嘅，係咪？

H

I

答：都幾個位㗎。

I

J

問：幾個位，係咪呀？

J

K

答：係呀，唔。

K

L

問：咁就大概由你呢度到嗰位女士嗰度，有冇咁上下？

L

M

答：仲遠啲。

M

N

問：仲遠啲，係咪呀？

N

O

答：係呀，係呀，唔。

O

P

問：你同翁生呢？

P

Q

答：我諗我差唔多去到門口個位置嘍，唔。

Q

R

問：同林女士近唔近？

R

S

答：佢喺我隔離。

S

T

問：喺你隔離嘅？

T

U

答：唔，唔。

U

V

問：如果喺個寫字樓裏面，即係可以睇、可以寫，即係一啲簡單英文，日常溝通，你都係其中一位，係咪？

V

答：唔，係。



B

B

C

問：另外就係林女士？

C

D

答：唔。

D

E

問：Patrick Wong 都 okay 嘅，係咪？

E

F

答：係，唔。

F

G

問：就主要如果有啲電郵溝通都會係你哋三位，係咪？

G

H

答：多數係，唔。

H

I

問：唔該。喺例如你平日嘅工作入面，你會唔會知道例如喺一個時段入面，例如而家講緊而家咁樣，你知唔知道例如進行緊嘅工程係邊幾項，你都應該清楚嘅，係咪？

I

J

答：知道。

J

K

問：知道嘅。你做公司呢段時間都幾長時間，你都會知道有呢個即係遞交樣辦呢樣嘢嘅程序，你知道㗎嘛？

K

L

答：我知道佢哋有做呢樣嘢。

L

M

問：唔。你自己就有參與喺個遞交樣辦呢個程序度，係咪呀？

M

N

答：從來都有。

N

O

問：以你所知，係邊位同事負責遞交樣辦？

O

P

答：翁先生。

P

Q

問：翁先生，唔。淨係得佢一個？

Q

R

答：同埋黃先生...

R

S

問：同埋黃先生？

S

T

答：...去輔助佢，唔。

T

U

問：係。知唔知黃先生點樣協助佢？

U

V

答：咁我又唔知。

V

B

B

C

問：唔知？

C

D

答：係嘞。

D

E

問：你大概知唔知有邊啲物料係需要做遞交樣辦？

E

F

答：真係唔係好清楚，我主要知道啲喉啲啲，係囉，啲啲咁嘅嘢。

F

G

問：唔。尋日我哋就都問過 Patrick Wong，就關於即係佢協助翁生就係遞交樣辦個過程。佢有一樣嘢就話過畀我哋聽，就係佢都有協助翁生係做一個表出嚟，就就住例如邊啲物料要遞交樣辦，幾時遞交；同埋即係幾時真係核實咗個樣辦，即係房署核實咗個樣辦返嚟，有啲咁嘅表。我畀你睇一睇個表，好唔好？

G

H

H

I

答：唔。

I

J

問：就係喺同一個文件夾嘅 155 頁。如果睇 155 頁，咁呢個--就你見到個文件個頂部寫住一個“MATERIAL SUBMISSION SCHEDULE”，睇到嘛？

J

K

K

L

答：唔，唔。

L

M

問：就講緊“PLUMBING AND DRAINAGE INSTALLATION”，呢個就係講緊 China State 嘅，即係就住中國建築工程。呢個亦都係講緊紅磡邨二期嘅工程，係一個咁嘅表。咁個表都列咗有一啲物料、個用途、個個牌子、出產地，睇到嘛？

M

N

N

O

答：唔。

O

P

問：即係“Brand/Origin”咁樣，就“Submission Date”，跟住“Approval Date”，見到嘛？

P

Q

答：唔。

Q

R

問：一路咁掃過去。我想問下，呢啲類似呢啲咁嘅表，你以前有冇見過？

R

S

答：我知有呢份表，但係我有認真睇過。

S

T

問：唔。

T

U

答：唔。

U

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V

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C

問：你係從何知道有呢份咁嘅表？

C

D

答：我淨係知道黃先生負責幫翁生搞呢份嘢。

D

E

問：你知道嘅，係咪呀？

E

F

答：我知。

F

G

問：你睇住佢做，定係佢做完之後，你見到呢份表先至知？

G

H

答：我有睇過佢做。

H

I

問：冇睇過佢做，係咪呀？

I

J

答：係。

J

K

問：但係你就見過有類似咁嘅表，係咪呀？

K

L

答：唔。

L

M

問：一般嚟講，喺寫字樓邊度見到？

M

N

答：都喺翁生檯面。

N

O

問：翁生有冇同你哋提及過呢啲咁嘅表？即係話上咗辦，有啲物料就...

O

P

答：佢冇乜特別提。

P

Q

問：吓？

Q

R

答：冇乜特別提過。

R

S

問：但係你知道要上辦呢個程序，你剛才講，係咪呀？

S

T

答：我知道，係，係。

T

U

問：知道。你都會知道就係話房署批核咗個辦會通知你哋公司，呢樣嘢你都知，係咪？

U

V

V

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B

C

答：我覺得正常程序應該係。

C

D

問：好。焊料嚟講，因為你哋落 order 都會落焊料，只不過正式個程序，點樣落 order 個程序，我一陣間再同你討論一下。我想問一問你，就係焊料嚟講，呢一隻綠色--我哋而家普遍喺我哋呢個委員會講，就係一隻“FRY”無鉛錫線。呢一隻焊料，你有冇見過，之前？

D

E

E

F

答：冇。

F

G

問：從來冇見過？

G

H

答：冇見過。

H

I

問：冇冇見過呢一隻“FRY”，寫住“lead-free”一啲嘅文件介紹，有關呢一隻焊料？

I

J

答：冇。

J

K

問：都從來冇，係咪？

K

L

答：冇。

L

M

問：唔。如果一條條嘅呢啲咁嘅錫線，銀色呢啲錫線冇冇見過？

M

N

問：冇。問：...錫條，係，冇冇見過？

N

O

答：冇。

O

P

問：冇。呢啲咁嘅盒冇冇見過，...

P

Q

答：冇。

Q

R

問：...英國 50 力扁錫條？

R

S

答：冇。

S

T

問：都從來冇見過，係咪呀？

T

U

問：唔，好。你喺嗰個證人口供嗰度就講，就話喺第 5 段，睇一睇。「根

U

V

V

B

B

C

C

據本人之記憶，地盤管工許先生同埋鄒先生就每次都係以電話向本人或者林麗瓊女士落柯打要求所需焊料的數量及送到地盤的日期，但由於事隔太久，本人已記不清楚當時許宏新先生同埋鄒師明先生嘅口頭指示，本人只記得他們就有指明個焊料嘅牌子，本人亦唔知道市場上的焊料有沒有含鉛。」

D

D

E

E

答：係，唔。

F

F

問：唔。而家你哋嘅做法，而家即係我講緊今日，而家公司嘅做法，如果地盤管工要 order 焊料，咁都會係咪都係打番畀你哋嘅，而家嘅做法，係咪呀？

G

G

H

H

答：係呀，係呀。

I

I

問：唔。而家去 order 焊料嘅時候，會點樣話畀你哋聽？

J

J

答：佢都係講錫條同埋高溫錫條。

K

K

問：而家都係咁講嘅？

L

L

答：同埋而家就有講錫線。

M

M

問：而家有講錫線？

N

N

問：咁而家仲有冇講錫條？

O

O

答：就有嘞。

P

P

問：淨係講錫線，而家？

Q

Q

答：唔。

R

R

問：肯定，係咪呀？

S

S

答：係。

T

T

問：有冇講牌子，而家？

U

U

答：從來都有個喎。

V

V

問：冇嘅？

B

B

C

答：唔。

C

D

問：唔。即係而家就完全冇講錫條？

D

E

答：冇。

E

F

問：冇人會講錫條㗎嘞？

F

G

答：係呀。

G

H

問：淨係講錫線嘅啫？

H

I

答：唔。

I

J

問：好嘞，咁會唔會有人講高溫錫條，而家？

J

K

答：高溫錫條都有時有㗎？

K

L

問：有呀？

L

M

答：係。

M

N

問：唔。你嘅認知，例如高溫錫條同埋錫線，而家即係我哋都知道有鉛水事件，你而家訂貨嘅時候，你聽到高溫錫條，有錫線，你點理解呢，兩隻有冇唔同呢？

N

O

答：我都覺得係一樣。

O

P

問：一樣嘅？

P

Q

答：係呀。

Q

R

問：你根據乜嘢覺得係一樣，呢兩樣嘢？

R

S

答：冇㗎，因為我唔識。

S

T

問：唔。即係一路做開，你就即係假設咗佢哋兩者係一樣，係咪呀？

T

U

答：係嘞，係嘞。

U

V

問：唔。但係高溫錫條呢樣嘢，因為我哋喺文件度見到，有時喺你嘅訂貨單嗰度都會寫「高溫錫條」呢樣嘢嘅。

V

B

B

C

答：唔。

C

D

問：我想問一問你，就係你第一次聽到高溫錫條呢一個咁樣嘅名稱係幾時？

D

E

答：唔記得咗。

E

F

問：係咪好耐？

F

G

答：我諗都係。

G

H

問：有冇十年？

H

I

答：真係唔記得咗。

I

J

問：唔。你第一聽嘅時候，係咪都係即係嗰個當時聽嘅時候，嗰個環境係咪都係啲地盤管工打番嚟訂貨講及有高溫錫條呢樣嘢？

J

K

答：係呀。

K

L

問：係咪呀？

L

M

答：唔。

M

N

問：即係佢哋講，你係第一次聽到咁樣，係咪呀？

N

O

答：係呀。

O

P

問：唔。好嘞，我哋講番例如就住呢三條邨，即係紅磡、東匯、榮昌邨嗰三條邨嘅工程，你呢度就話都唔係即係佢哋--記得佢哋有指明到係邊隻牌子，但係你就唔知係市場上有冇--係咪有含鉛等等，咁你就唔記得當時佢嘅口頭指示係點，係咪呀？我想問下你就係大約，佢哋打番嚟，如果係講緊嗰三條邨，佢哋打番嚟，一般嚟講，佢哋會點講，即係當要問你，莫女士，即係去落嗰啲 order 嘅時候，一般嚟講，佢哋會點樣形容嗰啲咁嘅焊料？

P

Q

Q

R

R

S

答：佢哋就係講錫條同高溫錫條，咁我又唔識，我咪照寫。

S

T

問：照寫，係咪呀？

T

U

答：係呀，係呀。

U

V

V

B

B

C

問：又係就錫條，又係就高溫錫條，係咪呀？

C

D

答：唔。

D

E

問：就有冇聽過錫線？

E

F

答：冇，我唔記得咗，嗰陣時。

F

G

問：唔記得，定係可能有，但係唔記得？

G

H

答：真係唔記得咗，係。

H

I

問：唔記得，好，唔該。咁佢哋講話錫條或者高溫錫條，咁佢哋嗰個數量通常係點講？

I

J

答：一盒。

J

K

問：一盒，係咪呀？

K

L

答：即係盒同箱。

L

M

問：盒或者箱？

M

N

答：係呀。

N

O

問：唔。以你所知，一盒大概有幾多？

O

P

答：唔知。

P

Q

問：唔知嘅，係咪呀？

Q

R

答：唔知。

R

S

問：好。我畀你睇一睇啲文件，睇下會唔會即係幫助你啲記憶。

S

T

答：唔。

T

U

問：而家你睇一睇文件夾 S1。S1，84 頁，呢個就係其中一個你哋嘅購貨單嚟嘅，睇到嘛？

U

V

答：唔，係。

V

問：首先，我想問一問你，就係呢一個你見到，就係有關紅磡二期嘅工程



B

B

C

嘅購貨單，其中一項即係購貨嘅即係貨品就係錫條。

C

D

答：唔。

D

E

問：首先，我想你睇一睇，就係呢一張單，係咪即係你本人準備，係咪呀？

E

F

答：係呀，係。

F

G

問：即係嗰啲字，都係你啲字嚟嘅，...

G

H

答：冇錯。

H

問：...即係例如寫住「錫條」嗰啲字，都係你嘅字嚟嘅，係咪？

I

答：係，係。

I

J

問：好嘞，咁下面就 2 個度就係咩嘢「白膠去水」，嗰啲都係你嘅字嚟嘅，係咪呀？

J

K

答：唔，唔。

K

L

問：咁下面嗰個，你嘅簽名嚟嘅，係咪？

L

M

答：係。

M

N

問：好嘞，咁就呢度係講緊紅磡邨二期，如果第 1 項錫條嗰度，就寫住「5 合」嘅，見到嘛，係咪呀？

N

O

答：係呀。

O

P

問：我哋如果睇一睇啲有關嘅一啲即送貨單，如果就咁睇，即係未必係對番呢一張嘅，不過我哋睇下啲紅磡二期有關嘅送貨單，好唔好？

P

Q

答：唔。

Q

R

問：92--我想問一問你，如果我哋睇番 84，嗰五盒，你大概知唔知有幾多重--幾重？

R

S

答：唔知。

S

T

問：都唔知？

T

U

答：唔識。

U

V

V

B

B

C

問：係咪呀？

C

D

答：係。

D

E

問：有幾多條，知唔知？

E

F

答：唔知。

F

G

問：都唔知，係咪呀？

G

H

答：唔知。

H

問：唔。咁就係人哋個管工就同你講咗多盒，你就寫幾盒咁樣，係咪呀？

I

答：係呀。

I

J

問：唔。好，我哋而家睇下 92，送貨單...

J

K

主席：對唔住。嗰個 84 頁，嗰個“55p”嗰幾個字唔係你寫個呵？

K

L

答：唔係。

L

M

主席：唔。

M

N

N

O

問：嗰個你知唔知係邊個寫？

O

P

答：唔知。

P

Q

問：唔知，好。如果我哋睇番 92 頁。

Q

R

答：係。

R

問：92 頁嘅送貨單，呢啲送貨單你都曾經應該即係可能有攞過，因為雋景通常送完貨之後，都會將啲送貨單、啲發票交番畀你哋。

S

S

T

答：唔。

T

U

問：咁就即係送貨單你有印象嘅，係咪呀？即係一般嚟講，佢哋都會擺番嚟畀你哋公司嘅，係咪呀？

U

V

V

B

B

C

答：係。

C

D

問：即係你有冇詳細睇，咁我哋呢個遲啲再討論，好唔好？

D

E

答：好呀，好呀。

E

F

問：即係一般嚟講，你都知道有呢啲送貨單送番返嚟嘅，係咪呀？

F

G

答：唔。

G

H

問：如果我哋睇番呢一個送貨單，就係講緊都係紅磡邨二期。

H

I

答：唔。

I

J

問：呢度我哋如果講緊焊料，呢度有一個就係寫住「英國 50 力扁錫條」，唔好理佢嗰個牌子咩嘢名 50 力嗰啲先，因為你都講咗話你都唔係好清楚嗰啲牌子嘅分別，係咪呀？

J

K

答：唔。

K

L

問：我想問一問你，就係呢度話錫條，就每磅約 8 支，產地係英國，件數就係 3，跟住就 165 磅咁樣，係咪呀？

L

M

答：唔。

M

N

問：我想問下你，如果你如果想知道個送貨單同你嗰個即係落 order 嘅時候係咪脗合嘅，你會睇即係邊個咁樣嘅--即係邊個單位嚟到去即係睇番話即係送啱嗰個數量嘅貨？

N

O

答：我純粹係睇番佢哋地盤有人簽名，即係接受咗係咁嘅數量就 okay。

O

P

問：係。即係如果有簽名，你就認為 okay，係咪呀？

P

Q

答：係呀。

Q

R

問：即係你唔會再對番話個件數係幾多，磅數幾多，嗰個你唔會再去考究？

R

S

答：唔，係呀，我冇為意，係。

S

T

問：唔會再去對，係咪呀？

T

U

答：係。

U

V

V

B

B

C

問：唔。我想問下你，就係如果咁樣你有對番個件數、磅數嘅話，咁個個送貨單同埋個發票係咪脗合，呢樣嘢你哋都唔會去 check？

C

D

答：冇認真去 check。

D

E

問：都唔會再認真 check 嘅？

E

F

答：係，係。

F

G

問：即係例如如果假設送貨單其實係冇送咁多嘅，但係發票就計多咗你嘅，咁你哋都唔知個囉嗰？

G

H

答：唔知，係呀。

H

I

問：唔。

I

J

答：其實--係喇。

J

K

問：即係唔係嘅。你呢個係--你哋係就住焊料係咁，定係所有啲啲材料你哋都係咁樣嘅做法？

K

L

答：因為如果佢收貨嗰陣時佢覺得唔啱，個數量唔啱，地盤管工會打電話上嚟同我哋講聲。

L

M

問：唔。

M

N

答：係囉。

N

O

問：即係你哋就靠地盤管工即係幫你哋睇住送貨啲數量啱唔啱，係咪呀？

O

P

答：唔，係呀，係呀，唔。

P

Q

問：咁送完之後，嗰張單--例如佢即係出嗰張發票出嚟，會唔會出錯咗，嗰個數量會唔會打錯，呢啲嘢你哋就唔會再對番？

Q

R

答：冇乜考究，係，唔。

R

S

問：唔。我想問下，呢一個咁樣嘅方式去落 order，即係啲地盤管工打電話返嚟，就住焊料要落幾多，落啲錫條，即係話畀你哋聽要落 order，呢一個咁嘅做法，做咗幾耐嘅？

S

T

T

U

U

V

V

B

B

C

答：我一入公司就已經有見到同事係咁樣做個喎。

C

D

問：唔。

D

E

答：係囉。

E

F

問：一入公司已經見到有同事咁做？

F

G

答：係呀，係呀。

G

H

問：即係都差唔多做咗成有廿一--即係廿幾年，係咪呀？

H

I

答：十零年，係，十零年。

I

J

問：唔。你證人口供就係講話，如果係焊料嘅話，咁啲工人就會咁樣落 order？

J

K

答：唔，唔。

K

L

問：其他物料呢，例如水喉咁講嘅，銅喉咁講嘅，咁個 order 係點樣落畀你哋同供應商嗰邊訂貨？

L

M

答：都係照佢要咩嘢 size，要啲咩嘢貨，要咩嘢數量，我哋就咁落。

M

N

問：嗰啲--落啲啲料，例如銅喉，你哋有冇文件即係跟住，即係落 order 嘅時候？

N

O

答：我哋就根據嗰個--水務嗰個 WW0 (O?) 46 嗰個材料表落。

O

P

問：唔。咁嗰個話需要落 order 嘅時候，係咪都會有人--即係地盤管工打電話畀你哋？

P

Q

答：係呀。

Q

R

問：都係咁樣嘅，係咪呀？

R

S

答：所有都係，佢要乜嘢，我哋落乜嘢。

S

T

問：唔。

T

U

答：唔。

U

V

問：佢哋就話要例如水喉咁講，佢哋要邊啲尺寸嘅，你哋係咪會 check

V

B

B

C

番個 WW 個 form，然後先至會落，係咪呀？

C

D

答：係呀，唔。

D

E

問：唔。如果 WW 冇 -- WW 個張單有嘅嘢，即係例如焊料咁嘅，咁你哋就純粹聽完個電話之後，就即刻就重複番佢個 order，就落番畀供應商？

E

F

答：你講乜嘢其他...

F

G

問：即係例如焊料。

G

H

答：焊料一開始就知道 -- 翁先生就通知我哋個所有小五金，即係例如呢啲焊料都係做番雋景，我哋咪知道用雋景。

H

I

問：唔。

I

J

答：唔。

J

K

問：你係咪一開始喺呢一個金日工程做嘅時候已經係用雋景，即係個供應商？

K

L

答：以我記憶，好似係。

L

M

問：係咪呀？

M

N

答：係呀。

N

O

問：唔。通常有冇特定係聯絡邊一位雋景嘅職員？

O

P

答：多數周先生。

P

Q

問：都係周家平先生，係咪呀？

Q

R

答：係呀，唔。

R

S

問：剛才我哋睇過啲單據，如果我哋就咁見到送貨單，我哋睇到有英國 50 力扁錫條呢樣嘢，係咪呀？

S

T

答：唔。

T

U

問：如果我哋再睇下啲其他嘅單，如果我哋就住紅磡邨嚟到睇，如果你睇下 81 頁。81 頁就寫住「無鉛錫線」嘅，呢度。

U

V

V

B

B

C

答：唔。

C

D

問：我想問下你，就即係做呢啲工程，或者你一路咁多年做落嚟，有冇曾經為意過，即係啲單嗰度有啲係寫住「錫條」，有啲寫住「錫線」呢樣嘢？

D

E

答：冇乜為意。

E

F

問：都有？

F

G

答：係呀。

G

H

問：都睇唔到嘅。因為如果我哋就咁...

H

I

答：因為佢實在太多單，係囉。

I

J

問：唔。因為我哋就咁睇啲單嘅話，就似乎個分別都好明顯，即係無鉛錫線同埋呢個 50 力扁錫條，就咁睇落去，就嗰個分別都幾明顯嘅，但係你嘅證供就係話，即係你從來冇為意到呢樣嘢，係咪呀？

J

K

答：係呀，我冇為意，係。

K

L

問：唔，好。我哋聽番翁生同埋阿林小姐嘅證供，就知道大概喺 2015 年，即係啱啱過咗舊年，7 月份嘅，就好多--你哋接受咗好多查詢，關於呢一個鉛水事件嘅，7 月嘅時候。

L

M

M

N

答：唔，唔。

N

O

問：你知唔知道有呢啲查詢，當時公司？

O

P

答：你講幾多號先？

P

Q

問：我哋而家講緊 7 月 16 號左右，知唔知道有呢方面嘅查詢？

Q

R

答：我唔知。

R

S

問：唔知？

S

T

答：因為我啱啱放緊假。

T

U

問：唔。你幾時放假，嗰陣時係？

U

V

答：我係啱啱喺 7 月 15 至到 22 號。

V

B

B

C

問：22號？

C

D

答：唔。

D

E

問：唔。去咗邊？

E

F

答：去咗日本。

F

G

問：日本。自己一個人去定係同其他人去？

G

H

答：同屋企人。

H

I

問：唔。你去完日本返嚟之後，有冇聽到話公司有接受過一啲查詢，關於鉛水事件？

I

J

答：之後都有嘅。

J

K

問：都有？

K

L

答：係呀。

L

M

問：即係一返嚟冇幾耐就有聽到呢件事，係咪呀？

M

N

答：唔，唔，唔。

N

O

問：邊個同你講？

O

P

答：我聽到佢哋有人打電話嚟查詢。

P

Q

問：唔。

Q

R

答：唔。

R

S

問：公司內部，即係例如阿翁生有冇同你提及過話有呢啲咁嘅查詢？

S

T

答：嗰段時間翁生成日都唔喺 office 個嗰，係呀。

T

U

問：唔。佢有冇同你講過有呢方面嘅查詢？

U

V

答：冇。

V

問：由7月到而家，翁生有冇同你提過有關鉛水事件嘅查詢？



B

B

C

答：冇喎。

C

D

問：都有？

D

E

答：係呀。

E

F

問：完全冇同你講過？

F

G

答：冇。

G

H

問：唔。林小姐呢？

H

I

答：都有乜。

I

J

問：冇乜定係有？

J

K

答：都有。

K

L

問：唔。從來冇講過，係咪呀？

L

M

答：冇，係呀。

M

N

問：唔。咁你話你聽番嚟話，即係公司接受查詢，就係你聽到人哋講電話咁樣？

N

O

答：係嘞，係。

O

P

問：就知道有呢方面嘅查詢？

P

Q

答：係嘞，唔。

Q

R

問：唔。老闆有冇同你傾過，即係由7月到而家呢方面嘅查詢？

R

S

答：佢冇，冇呀。

S

T

問：都有？

T

U

答：冇。

U

V

問：唔。老闆有冇喺7月到而家呢段時間，曾經問過你哋話「喂，check下當時落咗啲咩嘢單」咁樣？

V

答：佢冇同我講，佢同林小姐講。

B

B

C

問：唔。

C

D

答：唔。

D

E

問：完全冇同你提過？

E

F

答：冇。

F

G

問：你知道佢有同林小姐講嘅，係咪呀？

G

H

答：係呀，唔。

H

I

問：你知道佢有同林小姐講，呢個係幾時？

I

J

答：幾時？我又唔記得咗嘞，我淨係知道佢係有講過。

J

K

問：最近定係幾個月前？

K

L

答：最近喇，嘎。

L

M

問：唔。你點知道張生即係同林小姐問下 check 下啲單嘢樣，邊個話畀你聽，林小姐同你講，定係公司其他人同你講？

M

N

答：嗯，我都係見到佢哋喺度做--即係搵嘢咋，係呀。

N

O

問：搵嘢？

O

P

答：係呀。

P

Q

問：唔。你知道搵啲嘢都係就住鉛水事件嘅調查？

Q

R

答：我估應該係，係呀。

R

S

問：係咪呀？

S

T

答：唔。

T

U

問：唔。林小姐當時有冇要求你亦都幫下手，因為你都負責有落 order？

U

V

答：冇呀，因為我 handle 緊公司其他嘢。

V

問：唔。

B

B

C

答：唔。

C

D

問：你做你嗰份證人口供嘅時候或者之前，有冇同公司嘅同事即係了解多少少關於呢件事，即係例如會唔會--當時落啲 order 會唔會有啲咩嘢問題等等，有冇同其他同事即係商討過？

D

E

答：冇。

E

F

問：都冇，唔。你知唔知道你哋公司曾經有啲單發咗出去，即係有啲送貨單交咗畀總承建商保華嘅，有啲係可能係假單嚟嘅，呢樣嘢你知唔知？

F

G

G

H

答：唔知。

H

I

問：完全唔--冇人同你提過？

I

J

答：冇講。

J

K

問：到今時今刻，你都唔知？

K

L

答：我唔知。

L

M

問：而家你都唔知？

M

N

答：而家就知。

N

O

問：而家知？

O

P

答：唔。

P

Q

問：幾時知？

Q

答：我做證供--即係律師叫我證詞嗰陣時，我就知道有呢四張嘢，但係我有--從來冇睇過嘅。

R

問：唔。

R

S

答：係。

S

T

問：做證供嘅時候係律師話畀你聽，係咪呀？

T

U

答：係呀，即係嗰啲文件嗰啲睇到，唔。

U

V

V

B

B

C

問：唔，你就完全冇睇過。你有冇要求睇一睇嗰幾張文件？

C

D

答：冇。

D

E

問：點解？

E

F

答：唔知，我有...

F

G

主席：7月17號你放假...

G

H

H

I

答：冇，從來都冇，冇要求過。

I

J

J

K

許偉強先生：我有其他問題。

K

L

L

M

黎先生：我想問一問，公司幾時係提供即係法律服務畀你，畀個律師幫你手？

M

N

答：12月頭，我知道。

N

O

黎先生：即係你係同呢個係羅文錦律師樓落證供之前定之後？

O

P

答：當時先知。

P

Q

黎先生：因為我最初見你嗰個證供係羅文錦律師樓同你攞口供，係咪呀？

Q

R

答：係呀。

R

S

黎先生：但係後靚而家你嘅代表律師係另外一個，係咪呀？

S

T

答：唔係，我都係...

T

U

黎先生：你哋係咪代表佢？

U

V

V

B

B

C

講者（不能辨別）：係。

C

D

D

答：係呀，都係羅文錦。

E

E

黎先生：但係即係你幾時公司係提供而家呢個法律嗰個服務畀你，而家個律師代表你，係咪呀？

F

F

G

答：我諗 12 月頭啫。

G

H

黎先生：而家係有律師代表你，係咪？

H

I

答：係，係。

I

J

主席：即是...

J

K

K

L

黎先生：係最近嘅，係咪？

L

M

講者（不能辨別）：莫小姐應該係話 12 月頭。

M

N

N

黎先生：12 月頭？

O

O

答：12 月頭。

P

P

Q

主席：12 月頭已經係。

Q

R

R

S

黎先生：公司係幫你講話會搵律師係幫你手？

S

T

答：係呀。

T

U

黎先生：就係公司邊個人幫你講？

U

V

V

B

B

C

答：張生。

C

D

黎先生：張生幫你講話？

D

E

答：唔。

E

黎先生：咁張生即係嗰陣時係知道你係要做證人，...

F

答：係呀，係呀。

F

G

黎先生：...咁就幫你講，係咪呀？

G

H

答：唔。

H

I

黎先生：就話係搵個律師幫你，係咪呀？

I

J

答：佢冇認真咁樣講過，但係知道呢個證詞--即係我哋要交證詞。

J

黎先生：知道你要交誓詞，所以就話不如搵個律師幫你手？

K

K

答：係喇。

L

L

黎先生：頭先你又話張生冇同你講過呢件事乜滯？

M

M

答：佢冇認真提過，其實。

N

N

黎先生：冇認真提，咁樣點樣樣會幫你講話會搵個律師幫你手？

O

O

答：唔係，因為佢個 list 佢要我交證詞。

P

P

黎先生：唔，唔。

Q

Q

答：係囉，就係咁。

R

R

許偉強先生：個證詞應該一路都唔係羅錦文律師樓幫佢...

S

S

主席：係呀，一路--羅文錦出咗封信畀金日，...

T

T

U

U

答：收到封信，係喇，係喇。

V

V

B

B

C

C

D

主席：...金日後來即係喺個--喺嗰個信裏面就寫咗個要求，跟住後來金日就搵咗 Norton Rose。

D

E

許偉強先生：Norton Rose。

E

F

主席：Okay。

F

G

G

H

我有少少嘢想問嘅。

H

I

答：唔。

I

J

主席：就係如果我有記錯嘅話，翁先生就提過，就話當嗰啲 sample approve 咗之後，即係房署 approve 咗啲 sample 之後，就會有啲 e-mail，或者有啲文件係會交界你哋睇嘅，你哋即係負責採購嗰啲人睇嘅，等你哋知道究竟乜嘢係 approve 咗嘅，就住呢一點，你又有咩嘢講？

J

K

K

L

答：E-mail？

L

M

主席：或者一個信件、memo。

M

N

答：嗰啲我有睇過嘅。

N

O

主席：你有見過？

O

P

答：冇見過。

P

Q

主席：咁即係換句話嚟講，喺房署批准咗啲乜嘢物料之後，其實你係完全唔知道房署批准咗啲乜嘢物料？

Q

R

答：我真係唔知，係呀。

R

S

主席：真係唔知嘅。咁你即係換句話嚟講，當你要打電話去訂貨嘅時候，你就係純粹根據地盤管工嘅指示，就佢哋話要訂乜貨，你就訂咩嘢貨，就係咁樣樣？

S

T

T

U

答：係吖，係，係。

U

V

V

B

B

C

主席：係打電話去雋景，如果我哋講緊小五金呢個，係咪？

C

D

答：係呀，小五金，係囉，唔。

D

E

主席：好嘞，譬如個管工打電話上嚟話要 order 錫條，你打電話去雋景，你同雋景個周先生就講話要錫條嘞？

E

F

答：係呀。

F

G

主席：咁至於周先生畀邊一隻周先生畀邊一隻錫條，你就完全就唔知嘅？

G

H

答：係，唔知。

H

I

主席：送貨送去邊一度就完全唔知嘅？

I

J

答：送貨送去邊度知道。

J

K

主席：知道。不過--唔係，對唔住。送貨送邊一隻你就完全唔知？

K

L

答：送邊一隻唔知。

L

M

主席：因為我哋聽到鄒師明係其中一個地盤管工，係咪？

M

N

答：唔。

N

O

主席：咁佢就話畀我哋聽，就住--我唔記得咗榮昌抑或東匯係佢有份？

O

P

答：鄒師明係東匯。

P

Q

許偉強先生：東匯。

Q

R

黎先生：東匯。

R

S

主席：東匯。咁佢就嗌就嗌錫條，跟住送去地盤嗰啲就送咗我哋而家知道嗰啲英國 50 力扁錫條去，係咪？佢嗌錫條，就送...

S

T

答：係，佢嗌錫條嘅，係。

T

U

主席：係呀，送咗去。咁佢就話佢不嬲都係嗌錫條嘅啫，即係佢叫嗰啲焊

U

V

V



B

B

C

料，佢都係話「我要錫條」，咁於是就……

C

D

答：就落錫條。

D

E

主席：...落錫條，就送咗呢啲英國 50 力去？

E

F

答：我又唔知佢送咩嘢，我淨係知...

F

G

主席：係，得，唔緊要。唔係，我想知道啫，就係因為佢就係話--佢就講畀我哋聽，當佢曾經做一個金日承接嘅私人屋邨嘅時候，佢都係叫錫條，但係送去嘅就全部就係英國綠色嘅無鉛錫線，一卷卷啲，就唔係一條條啲，你前面見到啲，一卷卷啲。我想知道你公司裏面邊一個決定，就住邊一條屋邨當係要呢個錫條嘅時候，係送邊一隻牌子嘅嘢去，邊一個決定？

G

H

H

I

答：咁我又唔知邊個決定啫。

I

J

主席：唔係你決定？

J

K

答：唔係我決定，一定唔係我決定。

K

L

主席：唔。高層過你嘅？

L

M

答：係囉，一定係佢哋決定。

M

N

主席：咁會係林小--高層過你得三個人啫，如果我有理解錯誤，林小姐、翁先生，同埋張先生，係咪？

N

O

答：唔，唔。

O

P

主席：咁邊一個會決定？就你所知。

P

Q

答：咁小五金不鏽都係翁先生決定係用雋景。

Q

R

主席：係。

R

S

答：咁決定咩嘢牌子我真係唔知，應該都係佢。

S

T

主席：聯絡係翁先生聯絡雋景多，抑或張先生聯絡雋景多？

T

U

答：應該翁先生。

U

V

主席：翁先生聯絡雋景多，唔，好，唔該。

V

A  
B  
C  
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E  
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MR PENNICOTT 盤問

問：Good morning, Ms Mok. I represent China State. You may wish to put headphones on.

答：唔。

問：Madam Mok, I just have a few questions for you. Could you please first of all be shown bundle S1, page 84.

答：係。

問：This is a purchase order which you were shown a short while ago; do you remember?

答：唔。

問：It's got your handwriting on it?

答：係。

問：In particular, you have written the words "solder strip", or "strips"?

答：係。

問：Would I be right in suggesting to you that when Mr Hui called you to ask you to procure these materials, you had this form or sheet in front of you, and you wrote on it as he was speaking to you?

答：係呀。

問：So, Ms Mok, if you would then go to page 86.

答：係。

問：Again, a purchase order prepared by you, with your handwriting?

B

B

C

答：係。

C

D

問：And again you have written "solder strips"?

D

E

答：係。

E

F

問：If you could then go, please, to page 93.

F

G

問：Another purchase order prepared by you; your handwriting, is that right?

G

H

答：唔，上面 item 1、2、3 唔係我寫嘅。

H

I

問：Right, but the words "solder strips" appear, and you have signed the document; is that right?

I

J

答：係我簽名。

J

K

問：If you could then go to page 95, please.

K

L

答：係。

L

M

問：Another purchase order, signed this time, we understand, by a member of temporary staff, I think that's what Madam Lam told us.

M

N

N

O

答：係，係。

O

P

問：Who wrote it? Madam Lam wrote it?

P

Q

Q

R

主席：呢個係邊個寫嘅話，林小姐寫嘅？

R

S

答：唔係林小姐寫。

S

T

主席：林小姐簽名？

T

U

答：個簽名唔係佢。

U

V

主席：呢個簽名係邊個，係你嘅？

V

B

B

C

答：嗰陣時--唔係，有個臨時嘅文員。

C

D

主席：有個臨時嘅文員。咁上面嗰啲字跡，就唔係你嘅字跡嚟嘅？

D

E

答：4，唔係。

E

F

主席：4，唔係？

F

G

答：唔。

G

H

主席：後面嗰個「50力」嘅呢？

H

I

答：唔係我。

I

J

主席：唔係你嘅字跡嚟嘅？

J

K

答：唔。

K

L

主席：得。

L

M

問：Then if you go to page 98, please, Madam Mok.

M

N

答：係。

N

O

問：Another purchase order prepared by you and signed by you?

O

P

答：係。

P

Q

問：Your handwriting?

Q

R

答：係。

R

S

問：This time, rather than solder strips, what you have written, as I understand it, is "high-temperature solder or tin strips"; is that right?

S

T

答：係。

T

U

問：Do you have any recollection as to why this time you wrote the words "high-temperature" as opposed to

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simply "solder strips"?

C

D

答：因為管工許先生佢咁樣落，我咪咁樣寫。

D

E

問：Right. We know that what was delivered and paid for, following you ordering high-temperature solder strips, was in fact UK FRY lead-free solder. Were you aware of that?

E

F

F

G

答：唔知。

G

H

問：Did you have any involvement in the invoicing of Prosperity?

H

I

答：冇。

I

J

問：So, when Prosperity sent your company the invoices, you had no involvement in looking at those invoices and making payment; is that right?

J

K

K

L

答：冇為意。

L

M

問：Thank you very much.

M

N

主席：仲有冇人有問題？冇問題。

N

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O

P

唔該晒你，莫小姐，畀完證供，可以走得。

P

Q

答：唔該。

Q

R

R

S

主席：我哋休息一陣先，唔該。

S

T

上午 10 時 52 分聆訊押後

T

U

上午 11 時 09 分聆訊繼續

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出席人士如前。

C

D

D

楊先生：係，主席、委員。

E

E

主席：係，Mr Yeung。

F

F

楊先生：係。就係我代表何標記建築工程有限公司，如果主席批准嘅話，我想打算傳召我哋第一位證人何文標先生。

G

G

主席：好呀。

H

H

I

I

何標記建築工程有限公司（“何標記”）（中國建築（啟晴邨）及瑞安（葵聯邨第二期）的分判商）的第一證人：何文標（何標記董事總經理）以本地話宣誓作供

J

J

K

K

主席：請坐。

L

L

M

M

楊先生主問

N

N

問：早晨，何生。何生，我知道你就住呢個食水含鉛超標委員會嘅問題嚟講，你做咗兩份證人陳述書嘅。第一份證人陳述書就係响呢個 2015 年嘅 11 月 9 號做，就係响文件夾嘅 K1，11 頁嗰度睇得到。呢個文 -- 呢個證人口供嚟講，就係由 K1 至 69。由於佢係用英文作出嚟嘅，我知道就律師翻譯咗畀你聽，但係我而家就打算讀出嚟，麻煩你就戴上個...

O

O

P

P

Q

Q

答：Okay，唔該。

R

R

S

S

**WITNESS STATEMENT OF HO MAN PIU**

T

T

I, Ho Man Piu (何文標) (Hong Kong ID No.: E727814(8)), merchant, at Unit 605, The Enterprises Centre, 777 Lai Chi Kok Road, Cheung Sha Wan, Kowloon, Hong Kong make this witness statement and will say as follows:

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A. **Background**

1. I was at all material times and am still the Managing Director of Ho Bin Kee Construction Engineering Company Limited ("**Ho Bin Kee**" or "**the Company**") and responsible for the affairs of the Company.
2. I am duly authorised by Ho Biu Kee to make this witness statement for and on its behalf in response to the letter dated 16<sup>th</sup> October 2015 issued by Messrs. Lo & Lo, Solicitors for the Commission of Inquiry into Excess Lead in Drinking Water ("**the Inquiry**"). Unless otherwise indicated, the matters to which I depose in this witness statement are true to the best of my knowledge, information and belief.
3. Ho Biu Kee was incorporated with limited liability in Hong Kong in 1981. Since then, it has been working as a building contractor and carrying out plumbing and drainage works as well as external works in development projects (including laying of underground pipes, ducts for utilities and associated builders works, fence walls etc.).
4. Ho Biu Kee has so far completed plumbing and drainage installations in 126 public housing projects. On non-public housing projects, Ho Biu Kee is also actively involved and has completed more than a few hundred of building projects involving plumbing, drainage and external works in the public sector (including Architectural Services Department in construction of new hospitals and renovation of existing hospitals) as well as in the private sector (such as commercial complex, office development, 5-star hotels and theme parks).
5. These projects have been completed with success. Indeed, Ho Biu Kee was awarded the Hong Kong Quality Public Housing Construction & Maintenance Awards (香港優質公共房屋建造及保養維修大獎) for four successive

years during the period between 2004 and 2007.

6. In respect of those projects completed by Ho Biu Kee, there have never been any complaints against it for the materials adopted in its completed works being inferior or not complying with the Contract Specification. In particular, there was no complaint against Ho Biu Kee that it had used leaded solder materials for jointing copper pipes until July 2015 when it was reported in the newspaper that excess lead (i.e. exceeding the guideline value recommended in World Health Organization) was said to be found in water samples taken from Kai Ching Estate.

7. The use of solder materials for jointing copper pipes was and still is very common in the plumbing industry in Hong Kong.

8. In respect of soldering materials, Ho Biu Kee has been using either the integral solder fittings (i.e. solder materials already provided for in the copper pipes joints) or solder wire (JR) purchased from Prosperity Building Materials Co. Ltd. ("**Prosperity**").

9. At the material times, Mr. Kevin Kwong ("**Mr. Kwong**") was responsible for preparation of tender, preparing material submissions, giving orders to sub-contractors, suppliers and workers for their works. Mr. Kwong has worked with Ho Biu Kee for more than 20 years. He was aware that the soldering materials for jointing pipes should be in the "lead-free" category.

10. Against this background, Ho Biu Kee has placed regular orders with Prosperity for their supply of solder wire of "FRY" brand. I understand from Mr. Kwong that this solder wire was of lead-free type.

11. I also understand from Mr. Kwong that Ho Biu Kee has



been using this "FRY" lead-free solder wires for all projects involving copper pipes for fresh water. However, for reasons to be explained in more details later, supervisors in Kai Ching Estate and Kwai Luen Estate had requested the use of solder strips (錫條) in addition to the solder wires for jointing work. The procurement department of Ho Biu Kee acceded to their request and placed orders with Prosperity for their supply of solder wires as well as solder strips.

12. Prior to July 2015, soldering material was considered as sundry materials (小五金). Although there was specification governing its quality, practitioners and workers did not place particular emphasis on the strict compliance of the same. Indeed, to the best of my understanding, the practitioners and stakeholders in the plumbing industry were unaware of the problem that might have caused by the use of leaded solder materials for jointing copper pipes.

13. At that time, there was no checking or test conducted on whether the solder joints contain lead. Further, testing of water samples did not include the four heavy metals, namely, lead, chromium, cadmium and nickel.

14. This witness statement contains information grouped under 18 questions as requested by Messrs. Lo and Lo for 3 public rental housing estates which Ho Biu Kee had worked on:

(a) Kai Ching Estate (6 blocks of flats and commercial complex);

(b) Kwai Luen Estate (2 blocks of flats and community garden); and

(c) Hung Hom Estate Phase 2 (2 blocks of flats).

(collectively referred to as the "**Affected Estates**")

15. China State Construction Engineering (Hong Kong)

Limited ("**China State**") was the main contractor of Kai Ching Estate and it sub-contracted the construction and installation of the plumbing and drainage system in Kai Ching Estate to Ho Biu Kee under a sub-contract agreement (the "**Kai Ching Sub-contract**").

16. Shui On Building Contractors Limited ("**Shui On**") was the main contractor of Kwai Luen Estate and it sub-contracted the construction and installation of the plumbing and drainage system in Kwai Luen Estate to Ho Biu Kee under a sub-contract agreement (the "**Kwai Luen Sub-contract**").

17. China State was also the main contractor of Hung Hom Estate Phase 2 and it subcontracted the construction and installation of the manholes, underground drainage, underground fresh water *I* flush water mains (which were of ductile iron type) and external fencing in Hung Hom Estate Phase 2 to Ho Biu Kee under a sub-contract agreement (the "**Hung Hom Sub-contract**").

18. In respect of the plumbing and drainage systems at the housing blocks of Hung Hom Estate Phase 2 including potable water supply pipes (copper pipes were part of them), China State sub-contracted them to another plumbing company known as Golden Day Engineering Company Limited ("**Golden Day**").

19. In respect of the plumbing works in Kai Ching Estate, Kwai Luen Estate and Hung Hom Estate, Ho Biu Kee engaged Mr. Lam Tak Sum (林德深) as the licenced plumber (the "**LP**") for carrying out the statutory compliance and supervision. Mr. Lam Tak Sum has worked for Ho Biu Kee since early 2009. The working relationship between Mr. Lam Tak Sum and Ho Biu Kee came to an end in early 2015.

20. To the best of my knowledge, Mr. Cheung Tat Yum (張達欽) was also appointed by Golden Day as the licensed

plumber for the 2 domestic blocks of the Hung Hom Estate.

B. **Kai Ching Sub-contract**

1. **Question**

Adduce the part(s) of the Kai Ching Sub-contract pertaining to (a) the construction and installation of the fresh water plumbing system in the Kai Ching Estate and (b) the procurement of pipes, fittings and soldering and other plumbing materials ("**Plumbing Materials**") in connection therewith.

**Answer**

(a) Ho Biu Kee entered into a sub-contract no. 20090097 with China State on 30th November 2010 to carry out plumbing and drainage works for public housing development in Kai Ching Estate. The expected date of completion was early 2013.

(b) The sub-contract document is at **Annex A1**.

2. **Question**

Describe and explain the **roles and works of Ho Biu Kee** in the construction and installation of the fresh water plumbing system and procurement of Plumbing Materials for the Kai Ching Estate.

**Answer**

(a) Ho Biu Kee was responsible for the construction and installation of the plumbing (fresh water supply, flush water supply, fire fighting water supply) and drainage systems within tower blocks

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and external areas in Kai Ching Estate ("**the Works**").

(b) The Works covered 6 blocks of flats with 5,204 units (2,654 units - Blocks 1 to 3; 2,550 units - Blocks 4 to 6), a commercial complex and external areas.

(c) Ho Biu Kee was responsible under the Kai Ching Sub-Contract for the procurement of material and supply of labour for the construction and installation of, inter alia, the plumbing system as well as the subsequent testing, commissioning and defects rectification during the defects liability period. The concreting structure for the sump tanks and water roof tanks were carried out by China State and its building sub-contractors and water pumps were carried out by the Nominated Subcontractor ("**NSC**").

(d) For the fresh water supply to residential flats, Ho Biu Kee pipe laying work started from the site boundary and connected to the fresh water sump tank of each housing block (which was constructed by another sub-contractor of China State). From the fresh water sump tank to the fresh water roof tank, there were rising mains and up-feed pipes. These were installed by Ho Biu Kee. On the other hand, the fresh water roof tank was constructed by another sub-contractor of China State. From the fresh water roof tank onwards (but excluding the fresh water booster pump set which was carried out by the water pump Nominated Subcontractor), distribution pipes to water meters and from water meters to individual flats were installed by Ho Biu Kee.

(e) The procurement of pipes, fittings and soldering as well as other plumbing materials in the Kai Ching Estate was handled by Ho Biu Kee.

(f) Ordering of materials (including solder wire) was first initiated and handled by Mr. Kwong through negotiating with various materials suppliers and procured them to send quotations for various pipes, fittings and associated materials for placement of purchase orders by the purchasing department of Ho Biu Kee. Thereafter, the officer-in-charge/supervisor of the site monitored the site progress and decided what and when materials would be required. They then prepared and sent material request forms to the purchasing department of Ho Biu Kee. Then, the purchasing department staff of Ho Biu Kee would place orders with suppliers who would arrange the goods to be delivered directly to the site. Upon delivery, the officer-in-charge of each site would check and return to the purchasing department of Ho Biu Kee for confirmation and settlement of invoices issued by the suppliers.

### 3. Question

Describe and explain the **steps and procedures in the construction** and installation of the fresh water plumbing system in the Kai Ching Estate.

### Answer

(a) Upon award of the building contract by the Housing Authority ("**HA**"), China State sublet the plumbing sub-contract to its domestic subcontractor Ho Biu Kee with the exception of the water pump installations, which was executed by a Nominated Subcontractor (NSC) of the HA.

(b) As part of the requirement under the Waterworks Ordinance, Ho Biu Kee appointed Lam Tak Sum as its Licensed Plumber ("**LP**") to take charge of its part of the plumbing works. The LP was required

to supervise the authorized plumbing work in connection with the supply of water to the Kai Ching Estate under the Waterworks Regulations.

(c) In respect of water supply, the Chief Architect of the Housing Department ("HD") served the role of the authorised person ("AP") in the public housing project. The AP was required to sign jointly with the LP in Part I of Form WWO46 together with the Annex to notify Water Supplies Department (WSD) of the commencement date and scope of plumbing works to be carried out, quoting WSD approval reference and approved drawing no., size and no. of water meters involved as well as the anticipated date when water supply is required. I now understand that this was done and submitted to the WSD on 28th and 29th March 2011. The LP and AP also certified that the pipes and fittings intended to be installed (including those as listed on the Annex to the Form WWO46 and those not listed) were as prescribed by the Waterworks Regulations.

(d) WWO46 Part II would be submitted by Registered Consumer/Agent/Applicant (the Housing Department) of new water supply. I understand that the Housing Department signed Part II on 1<sup>st</sup> April 2011.

(e) WSD completed WWO46 Part III and addressed it to the LP to indicate that it accepted plumbing works detailed in Part I, noted commencement date of the plumbing works, and gave permission for the LP to proceed with the plumbing works as detailed in Part I and at the Annex. (Note: It is not addressed to the AP.)

(f) It should however be noted that it is quite common and happens from time to time that the Plumbing Materials set out in the Annex in the WWO46 might

need to be changed/revised to suit site conditions or the suppliers/manufacturers' delivery schedule. The practice would be that the plumbing work contractor/LP would submit to the HD the particulars of alternative materials for their approval before ordering. The alternative materials would usually be included in the WSD's directory list of accepted materials. Upon obtaining the approval from the HD, the LP would re-submit for the endorsement by the AP of the HD of the revised list of materials. Thereafter, the HD would send the revised list to WSD as they thought appropriate. Usually, upon completion of the plumbing system (i.e. upon acceptance of the same by the WSD and water was then provided from the public mains), the LP would prepare a final list of the Plumbing Materials used in the Project to the WSD for their record.

(g) Roughly around the same time as the submission to WSD by the LP, Mr. Kwong of Ho Biu Kee who was responsible for tendering of the plumbing subcontract would prepare initial submissions of the Plumbing Materials to China State. Upon checking by China State, China State submitted the Plumbing Materials (including copper pipes & fittings, sink & shower & basin mixers, valves and solder material etc.) to the HD's contract manager for approval. It should be noted that the materials for sanitary fittings (including sink & shower & basin mixers) were procured by China State.

(h) Copper water pipes, fittings and soldering materials are governed by relevant British Standards as stipulated in HA's specifications and that upper limits for lead contents are stated in the respective British Standards.

[Note: Nevertheless there had been no contractual

requirement in the HA's building contracts in regard of the procurement procedure of soldering materials. The main contractors can decide if they would procure the soldering materials themselves or would sublet the procurement responsibility to their domestic subcontractors (Ho Biu Kee for the Kai Ching Estate). Being one of the cost - insignificant sundry material items in building contracts, soldering materials were not included in the monthly interim payment applications submitted by China State to HD.]

(i) After approval by the HD of the Plumbing Materials, procurement would be arranged. At the same time, Ho Biu Kee proceeded with the preparatory work and upon arrival of materials, the plumbing installation works would then be carried out on site. The progress of plumbing installation hinged very much on the progress of the construction of the residential blocks. Quite often and indeed it happened in Kai Ching Estate that Ho Biu Kee was only left with a few months for completion of the plumbing installation works at the blocks.

(j) As far as ordering of sundry material, it was initiated by the officer-in-charge/supervisors of the Kai Ching Site as detailed in paragraph 2(f) above.

(k) For Kai Ching Estate, Ho Biu Kee site supervisory team consisted of the following personnel:

The person-in-charge of the whole site was Mr. Chan Siu Wah (陳少華)

<u>Block primarily responsible by the following supervisor</u>	<u>Licensed Plumber</u> (Yes-Y) (No-N)
Blocks 1 and 2 Officer-In-Charge: 黃貫雄	N*#



Blocks 3 and 4 Officer-In-charge:陳少華	N*#
Blocks 5 and 6 Officer-In-charge:范秀鵬	N*#

\* Although these persons are not licenced plumbers, they are very experienced in the plumbing work and recognized technicians.

# with over 20 years of experience

- (1) To carry out the plumbing works, Ho Biu Kee also engaged the following persons as gangers/labour sub-contractors for specific areas to suit progress of work on site:

<u>Scope of works and Block primarily responsible</u>	<u>Licensed Plumbers (Yes-Y) (No-N)</u>
Blocks 1 and 2 PVC piping work: 黃柳茂	N*
Blocks 3 and 4 plumbing other than roof:陳思南	N*
Blocks 3 and 4 roof plumbing work:楊偉強	N*
Blocks 5 and 6 plumbing work: 董欽偉	N*

- (m) 黃柳茂, 陳思南, 楊偉強, 董欽偉 were responsible to find adequate skilled labour to carry out the afore-mentioned plumbing work. The detailed terms of engagement were reached orally between the labour sub-contractors/gangers on one part and the labourers. As far as I know, there were no written sub contracts/agreements executed between them.

- (n) During the course of the plumbing works, China State gave continuous supervision by engaging a

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management team consisting of a competent and authorized agent who was stationed on site and managed the project work including the plumbing and drainage works undertaken by Ho Biu Kee. The site agent of China State was assisted by engineers, general foremen as well as supervisors to look after the execution of works by various sub-contractors including Ho Biu Kee.

(o) The AP/contract manager of the HD and his representatives (including clerk of works) also gave periodic supervision as necessary to ensure that the works meet specified requirements. In particular, the building service engineer responsible for the Kai Ching Estate would liaise from time to time with Mr. Kwong and the LP on the plumbing works and material submissions.

(p) The LP visited the site from time to time as and when necessary, depending on work progress. His primary task was to ensure that the requirements set out in the Waterworks Ordinance and Regulations be complied with.

(q) As the managing director of Ho Biu Kee, I would also visit the site at regular intervals to understand the progress and to liaise with the key staff of China State regarding the quality and progress of works on site.

(r) Upon completion of the installation of water pipes, Ho Biu Kee with the assistance of China State cleansed and disinfected fresh water pipes. The LP also checked the completed works.

(s) After the water pumps were completed by the NSC of China State, the AP then applied for connection for water supply and confirmed compliance with the Waterworks Requirements by completing WW0132 Part II. The LP notified WSD of completion of

plumbing works and requested for inspection and approval of the plumbing by completing WWO46 Part IV, which was also signed by the AP and consumer.

(t) WSD inspected and would issue Part V of WWO46 if no irregularity was observed. To ensure that there would be no contamination to the water supply pipes, WSD requested water samples to be taken to comply with the bacteriological requirements. Ho Biu Kee's office staff then arranged laboratories to have water samples taken and tested.

(u) Upon obtaining satisfactory water sample test results, WSD issued Certificate (Form WWO1005) regarding permanent water supply connection.

#### 4. **Question**

With reference to the steps and procedures outlined above, explain the **role and responsibilities** of Ho Biu Kee and the respective roles and responsibilities of its sub-contractor(s) (if any) and licensed plumber(s) ("**LPs**") and other person(s) in the contractual, construction and post-construction stages relating to the installation, supervision of work, inspection, certification of completion, monitoring and maintenance of the fresh water plumbing system as far as controlling the content of lead of the Plumbing Materials is concerned, stating the procedures, criteria and standards involved.

#### **Answer**

(a) Mr. Kwong of Ho Biu Kee was responsible for tendering and planning for the plumbing works in the Kai Ching Estate including the fresh water plumbing system. He was also responsible for the submission of plumbing materials (covering

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copper pipe & fittings, valves and solder material etc.) including samples to China State. The details to be submitted included the description of materials, sizes, identity of manufacturer, country of origin, standards of compliance (British Standard reference number) and category of compliance. As China State was responsible for ordering and procurement of sink, shower and basin mixers, China State would incorporate the details of these materials in their submission to the contract manager of the HD for approval.

(b) The Plumbing materials are governed by relevant British Standards as stipulated in the HD's specifications. The upper limits for lead contents are stated in the respective British Standards.

(c) As part of the requirement for approval, the HD would require material test certificates, manufacturer's catalogues and similar documents for consideration. Mr. Kwong would obtain those documents from the supplier and submit the same to China State.

(d) Upon obtaining the approval of the HD, Mr. Kwong and the purchase officer of Ho Biu Kee would then secure supply contracts from the materials suppliers for their supply and delivery of these materials.

(e) When purchase orders would be issued depends on the works progress on site. From time to time, the supervisor/officer-in-charge would notify the purchasing department through written purchase requests how much materials would be ordered and when they should be delivered to site.

(f) Regarding the sundry materials for the fresh

water plumbing system, the requirement (including what materials, how much and when required) was stated by the supervisor/officer-in-charge of the site. These sundry materials included soldering material. They usually sent purchase requests to the purchasing department of Ho Biu Kee for placing orders with suppliers.

(g) Upon delivery of materials, the officer-in-charge of each site would check that the materials conformed with the delivery note and return delivery documents to the accounts office of Ho Biu Kee for confirmation.

(h) The LP role and responsibilities is as paragraphs 3(b) to (f), (o) to (u).

(i) The role and responsibilities of the officer-in-charge of the site is as paragraphs 3(k) to (n), (q) to (u).

## 5. Question

Explain and identify with reference to the Kai Ching Sub-Contract the **specific contractual terms and provisions** pertaining to (a) the construction of the Kai Ching Estate to ensure drinking water will be lead-free and safe and (b) prohibiting the use of Plumbing Materials from which lead may leach into drinking water (the "**Contractual Requirements**").

### Answer

In Kai Ching Sub-Contract the specific contractual terms and provisions on control of lead in copper water pipes, fittings and soldering materials are stipulated in Section PLU1 - **PLUMBING AND SANITARY FITTINGS** in HA Specification Library 2008 Edition.

The relevant sub-paragraphs are extracted and set out in **Appendix I** (pages PLU/5 to PLU/10) to this statement.

## 6. Question

Explain the **measures, supervisory, monitoring and quality control system** in place by Ho Biu Kee in order to comply with such Contractual Requirements and to ensure the safety and quality of drinking water.

### Answer

(a) As explained above, Ho Biu Kee submitted the list of pipes and fittings to be incorporated in the works to the HD for its approval before ordering and installation on site. These materials were contained in the WSD's directory list of accepted materials and should comply with the relevant BS requirements. Further, they would have the corresponding test certificates/manufacturer's guarantee/job references to show or support the compliance. Although some of these pipes and fittings might have some lead content, it is our belief that so long if they did not exceed the requirements set out in the BS, they should be safe to carry potable water. When the materials arrived on site, the supervisor/office-in-charge of Ho Biu Kee checked to ensure that the materials corresponded to the delivery notes which contained description of the materials. The clerk of works of the HD was also informed of the arrival of materials and that they would be ready for random sampling if such were required.

(b) Regarding the sundry materials used in the plumbing system, the responsible staff of Ho Biu Kee such as Mr. Kwong was aware that solder material should be lead free. Thus, in placing

order for materials, he chose Prosperity who had dealt with Ho Biu Kee for a number of years and knew well the requirements by WSD on materials.

(c) However, at that time, there had been a general lack of awareness within the plumbing industry of the risk of lead in Plumbing Material and in particular soldering materials and its implications on drinking water quality. Soldering materials for pipe connections had always been considered as only a minor and insignificant part of plumbing installations. Thus, it would not be surprising that the supervisor/office-in-charge on site and workers did not pay particular attention in specifying that the solder should be lead free.

(d) At that time, there was no requirement or request by the HD and/or WSD to test the content of lead in the solder material.

(e) I now find out that Mr. Chan Siu Wah who was put in charge of the Kai Ching Estate site claimed that he had experience of using soft solder material in the form of solder strips when he worked with some other contractors in the past. He considered that the use of solder strips would help the progress as the melting point of solder strips was relatively lower (approximately 100 odd degree compared with two hundred odd degree for the solder wire). The solder strips would be applied on coppers pipes below 50 mm diameter using LPG torch fed from domestic type 250g gas cartridge. This proved handy for workers. Solder wire would continuously be used for copper pipes from 50 mm to 75 mm. Due to the higher melting point, oxy-acetylene torch was used to solder the joints. For pipes over 75mm diameter, silver brazing would be used. He set out his requirement for the solder strips to the

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purchasing officer of Ho Biu Kee who then placed orders with Prosperity for their supply of these solder strips. At that time, nobody of Ho Biu Kee knew that these solder materials might contain lead. Nobody knew that these materials might cause problem to the quality of potable water. Mr. Chan Siu Wah had left the employment of Ho Biu Kee in or about April, 2013 after being found to be involved in a theft incident when Ho Biu Kee goods were lost.

(f) Indeed, the use of these solder strips was known to China State as well as the supervisory staff of the HD. These solder strips materials were set out in the material delivery notes in conjunction with the solder wires.

(g) In the construction industry, there was a general perception that the certificate on water supply connection (Form WWO1005) issued by the WSD, should serve as an assurance of the quality of the plumbing system and the drinking water having regard to the water sample test results.

(h) In Kai Ching Estate project, Form WWO1005 was issued by the WSD after satisfying with the water sample results.

(i) Prior to the issue of new Circular Letter WSD 112015 dated 13th July 2015, the 4 heavy metals - lead, cadmium, chromium and nickel were not required to be tested and included in Form WWO1005.

(j) Hence it might be fairly said that the construction industry was in general not aware of the lead problem in the drinking water in the past.

(k) Except the matters aforesaid, Ho Biu Kee did not have other measures, supervisory, monitoring and



quality control system to comply with the Contractual Requirements. Ho Biu Kee followed closely the directions and instructions of China State, the HD, the LP and prevailing WSD circular letters in order to comply with such Contractual Requirements and to ensure the safety and quality of drinking water.

### 7. Question

Explain and identify the prevailing Contractual Requirements and statutory and non-statutory requirements pertaining to the **approval of Plumbing Materials** by the HA and China State.

### Answer

- (a) Copper water pipes, fittings and soldering materials are governed by relevant British Standards as stipulated in HA's specifications Section PLU1 - **PLUMBING AND SANITARY FITTINGS** 2008 Edition and that upper limits for lead contents are stated in the respective British Standards. Apart from the said Section PLU1, there appeared to be no other contractual requirement in the HA's building contracts in respect of the procurement procedure of soldering materials.
- (b) Statutory requirements relating to the water supply system are stipulated in the Waterworks Ordinance (WO) (Cap.102) and the Waterworks Regulations (Cap.102A).
- (c) In accordance with section 15 of WO, only a licensed plumber (LP) is permitted to construct and install the pipes and fittings used for water supply.

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- (d) Regulation 19 of the Waterworks Regulations stipulates that any pipe or fitting installed shall follow Schedule 2 of the Regulations, which set out the detailed requirements and specifications relating to the pipes and fittings, taps and valves, etc.
- (e) Regulation 20 of the Waterworks Regulations stipulates that the size, nature, materials, strength, test requirements and workmanship of any pipe or fitting shall be of the British Standard.
- (f) The connection method of water supply pipes varies according to the size and material of the pipes. Soldering is one of the common methods for copper pipe connections. The soldering materials have to comply with relevant international standards as stipulated in Regulations 19 and 20 and Schedule 2 of the Waterworks Regulations. Clause 17 of Schedule 2 to the Waterworks Regulations stipulates compliance with BS864 Part 2. It has now been superseded by BS EN 1254-1: 1998, which states in Table 6 that soldering alloys with lead are not permitted in installations for water for human consumption, whereas different extents of lead content are permissible according to the international standards governing the various components of equipment, such as pumps and valves, in the water supply chain.
- (g) Before the issue of Circular Letter WSD 1/2015, the 4 heavy metals - lead, cadmium, chromium and nickel were not required to be tested for their presence and concentration prior to the issue of certificate for permanent water connection WWO1005. At that time, it appears that the contractual requirement and statutory requirements would be met without any regard to

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the content of heavy metal.

(h) I believe for the reasons as outlined in paragraph 6 above, the construction industry was then in general not aware of the effect of lead in drinking water.

#### 8. Question

Explain and identify the **types of Plumbing Materials** submitted to the HA and China State for approval.

#### Answer

Ho Biu Kee submitted plumbing materials (including copper pipes & fittings, sink & shower & basin mixers, valves and solder material etc.) to the contract manager of the HD via China State for approval as per paragraphs 3(g) to (i) above.

#### 9. Question

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

#### Answer

(a) Soldering is one of the approved methods widely used for joining of copper pipes. When compared with mechanical compression joints, soldering is a much more versatile method and suits the operation on construction site in terms of flexibility and areas with limited access.

Further, soldering joints would be able to withstand higher water pressure. Furthermore, in the event of vibration or impact on the pipes, water would easily leak out from mechanical compression joints whilst solder joints remained fairly intact even the pipes were subject to bending force. In fact, I am not aware of any compression joints used for copper pipes in new public housing construction.

(b) I do not have the costs data for comparison between joining the copper pipes by soldering and by using mechanical compression joints. As explained in sub-paragraph (a) above, it is always a matter of practicality, suitability and function ability which justify the use of soldering method for jointing, not the unit cost of jointing itself.

(c) For the sake of completeness, I take this opportunity to clarify that there was no saving in costs in using the solder strips than using the conventional solder wires in other projects of Ho Biu Kee. I have asked my accounting department staff to provide some data for me to carry out costs analysis. A copy of the costs analysis of soldering materials in respect of Kai Ching Estate, Kwai Luen Estate and Shui Chuen O Estate is produced at **Annex A2**.

(d) Based on the price list of Prosperity dated 1<sup>st</sup> April 2012, the unit cost of lead-free solder is approximately double that of soft solder strip. However the wastage by using lead-free solder is much lesser than that of using soft solder. In fact, from the interim report dated 25th September 2015 of the WSD Task force on Investigation of cause of excessive lead content in drinking water ("**WSD Task force**"), significant amount of solder deposit was found inside branch

pipes and pipe fittings. This shows that there was a high percentage of material wastage for using solder strips. Also solder strips were delivered in loose strips (each approximately 550mm) rather than on reels as lead-free solder. When there was only a short length left behind, workers would not continue using it. Instead, they would just throw it away.

(e) To support my belief, based on the total quantity of all the soldering material ordered for Kai Ching Estate and divided by the number of flats (which is 5,204), the cost per flat for soldering material was about \$91. For Kwai Luen Estate with 1,507 flats, the cost per flat for solder material was about \$74.

(f) In another public housing project at Shatin Area 52 Phase 1 (Shui Chuen O Estate), only lead-free solder was used and excessive lead in drinking water was not observed. For 3,039 units, the cost per flat of lead-free soldering material was only about \$64, which is less than the average soldering cost in Kai Ching Estate and Kwai Luen Estate.

(g) In any event, the total cost of solder material is insignificant when compared with the project sum for plumbing and drainage installation in Kai Ching Estate or Kwai Luen Estate (which ranged from HK\$10,000 to HK\$15,000 per unit).

(h) As the Managing Director of Ho Bu Kee, I had not authorized any person in Ho Biu Kee to purchase solder strips in place of solder wire. I always acted under the belief that my subordinates would procure and purchase only those materials which complied with the Contract Specification and Water Regulations. As solder materials were sundry materials only, I left the procurement

matter to the site staff to sort out their requirement with the purchase department. It only came to my notice upon investigation carried out after the excess lead incident in July 2015 that solder strips had been purchased from Prosperity for use in Kai Ching Estate and Kwai Luen Estate.

- (i) In any event, for the reasons set out before, I strongly deny any allegations that cost saving was the sole objective or one of the objectives for using soft solder (i.e. solder strips) in Kai Ching Estate and Kwai Luen Estate.

#### 10. Question

From the preliminary findings of the Water Supplies Department (WSD) Task Force published on 25 September 2015, Plumbing Materials (including valves and taps) were used which deviated from the list of Plumbing Materials submitted to the WSD ("**Deviated Plumbing Materials**"). Please explain and identify the Deviated Plumbing Materials and also, to the best of the Company's knowledge, why the Deviated Plumbing Materials were allowed to be used without being spotted during the supervisory and monitoring processes. This request is confined to Deviated Plumbing Materials which have now been found to contain lead or from which lead has leached into water.

#### Answer

- (a) Deviated Plumbing Materials which are now identified by the WSD Task Force to contain lead or from which lead has leached into water causing the excess lead in drinking water are the soldering materials for pipe joints and not copper alloy fittings. All the Deviated Plumbing Materials (including the pipes and

fittings) were allowed to be used in the plumbing works at the time when there was continuous supervision and monitoring by the supervisory staff of China State and the HD.

(b) For those pipes and fittings which deviated from the list of Plumbing Materials submitted to the WSD under Form WWO46, the LP was aware of such. According to the LP, he had proposed to the HD that these changes of materials should be re-submitted for WSD approval. However, the HD building service engineer informed him that there would be communication by the HD with WSD and hence no revised WWO46 was required to be submitted to the WSD via the HD. In any event, the deviated plumbing materials (pipes, fittings etc), though different from those approved in the Annex of WWO46, were on the WSD's directory list of accepted materials and were also accepted by the HD as complying with the contract requirements.

(c) For Kai Ching Estate, the installed copper pipe of "Opal" make was in fact approved by the HD on 16<sup>th</sup> September 2011. A copy of the HD's sample submission and approval form for "Opal" copper pipes is now at **Annex A3**.

(d) For soldering materials of joints, this was not included in the list of materials that were required to be submitted to the WSD for approval.

(e) There was also no contractual requirement in the HA's building contracts for procurement of soldering materials. The main contractors were free to decide if they would procure the soldering materials themselves or through their domestic plumbing subcontractors (Ho Biu Kee for the Kai Ching Estate). Soldering materials were not included in the monthly interim payment

applications submitted by China State to the HD, as it was a sundry material and deemed to be included in rates. Further, the amount of soldering materials was insignificant.

#### 11. Question

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

#### Answer

(a) For soldering material, as project was completed in 2013, Ho Biu Kee did not keep the above documents. In compliance with the request of the Inquiry's solicitors, Ho Biu Kee approached its supplier, Prosperity, who has now provided 32 delivery orders (total 33 pages). These delivery notes are now attached as **Annex A4**.

(b) For Deviated Plumbing material, WSD identified copper pipes and a number of fittings as installed were not the same as those approved in the Annex of WW046.

(c) For copper pipes, 21 pages of purchase orders are now attached as **Annex A5**. The supplier was Bun Kee (International) Limited.

(d) For fittings, as the project was completed in 2013, Ho Biu Kee did not keep the above documents. Ho Biu Kee approached its supplier who unfortunately could not provide similar document.



**12. Question**

Identify the persons, companies and entities responsible for the **procurement of Plumbing Materials**. If the Plumbing Materials were procured by Ho Biu Kee, describe and explain the steps taken by Ho Biu Kee in ensuring that (a) the Plumbing Materials are lead-free, (b) they comply with the Contractual Requirements, statutory and non-statutory requirements and (c) that drinking water will be lead-free and safe. If such materials were procured by the Company's sub-contractors or any other persons or entities other than the Company, explain the measures, supervisory, monitoring and quality control system in place by the Company in ensuring the matters stated in (a), (b) and (c) above.

**Answer**

- (a) Plumbing Materials were procured by Ho Biu Kee as described in paragraph 2(e) above.
- (b) Due to the general lack of understanding in the construction industry of the problems associated with lead in soldered copper pipes, no specific measures, supervisory, monitoring and quality control system were in place by Ho Biu Kee in ensuring the plumbing installation was carried out with the approved lead-free solder materials. Ho Biu Kee was not aware that the soft soldering material (which were manufactured in the UK) in the form of soldering strips and supplied by Prosperity, might contain lead and was the possible source of the excess lead problem in drinking water.
- (c) As said in paragraph 3(h) above, there had been no contractual requirement in the HA's building contracts in respect of the procurement procedure of soldering materials. The main contractors

can decide if they would procure the soldering materials themselves or would sublet the procurement responsibility to their domestic sub-contractors (Ho Biu Kee for the Kai Ching Estate). Being one of the cost-insignificant sundry material items in building contracts, soldering materials were not included in the monthly interim payment applications submitted by China State to HD.

### 13. Question

Identify the persons in Ho Biu Kee responsible for the **inspection, construction and installation and approval/certification of completion of the fresh water plumbing system** in the Kai Ching Estate and the steps taken by them in (a) discharging such responsibilities and (b) ensuring the safety of drinking water.

### Answer

(a) The LP together with Mr. Chan Siu Wah, Mr. Wong Kwai Hung and Mr. Fan Sau Peng being the supervisors responsible for various blocks in the Kai Ching Estate site would carry out inspection, construction and installation of the fresh water plumbing system in the Kai Ching Estate. They discharged such responsibilities by ensuring that the completed installations were carried out in accordance with the approved drawings and material schedule (which were revised from time to time to suit the site requirement and materials availability). If there were any deviation due to non-availability of some of the approved materials, approval would be sought from the HD through China State. The LP was also responsible for complying with the statutory requirements

imposed by the WSD. This included submission of revised WWO46 for the alternative materials. Thus the LP would co-ordinate with the HD on the submission of revised WWO46. This would usually be done by the LP checking with the HD whether resubmission of WWO46 was needed. The completed fresh water system, as per Water Supplies Department Circular WSD 2/2012, would have water samples taken and tested for bacteriological and chemical analysis.

(b) The LP would be responsible for the approval/certification of the completed fresh water plumbing system in the Kai Ching Estate. The LP also visited sites as when necessary, depending on work progress.

(c) There was no requirement by the WSD or the HD before July 2015 requiring water samples to be tested for the 4 heavy metals. Thus Ho Biu Kee all along worked in accordance with the then prevalent requirements and practice in the industry.

(d) It appeared that there was a general lack of understanding in the whole industry of the problems associated with lead in soldered copper pipes.

#### 14. Question

Explain the **steps taken by the persons identified** in the 2 preceding paragraphs (i.e. Paragraph 12 and 13) in ensuring that (a) the work in connection with the construction and installation of the Plumbing Materials was carried out by workers with sufficient training and qualifications, and (b) only approved and lead-free Plumbing Materials which comply with Contractual Requirements, statutory and

non-statutory requirements will be used in the construction and installation of the fresh water plumbing system;

**Answer**

(a) Ho Biu Kee had endeavoured to employ those workers who had sufficient experience in the construction and installation of the Plumbing Materials. As explained in paragraphs 3(k) and 3(1), the supervisors and labour sub-contractors/ gangers were very experienced in the plumbing work. The workers which they had retained for the plumbing works in Kai Ching Estate had worked for Ho Biu Kee for many years. They were competent and experienced.

(b) Due to the general lack of understanding in the whole industry of the problems associated with lead in soldered copper pipes, no specific steps were taken by Ho Biu Kee for the Kai Ching Estate or the LP in ensuring that the plumbing installation was carried out with approved lead-free solder.

**15. Question**

Explain the witness's **role in supervising and monitoring** the work of the LPs and other workers and persons involved in the construction and installation of the fresh water plumbing system.

**Answer**

(a) As the managing director of Ho Biu Kee, my main role is to ensure that the works carried out would comply with the specification and statutory requirements. However, for technical matters and statutory compliance matters, I defer the

same to Mr. Kwong and the LP respectively. The management staff of Ho Biu Kee including me and Mr. Kwong would regularly visit the site to identify any discrepancies and to solve issues then arising. I have repeatedly told the staff of Ho Biu Kee that we should whenever possible follow the procedure and method statement stipulated by the main contractor. One of the requirements under the Sub Contract was that we should follow the programme of China State. As explained above, Ho Biu Kee was given only a few months to complete the plumbing works in blocks. I have also told the supervisors and gangers to ensure that there would be sufficient plumbing workers to match the tight progress.

(b) The LP's role is as paragraph 3. The LP would work in accordance with the Water Works Ordinance and Regulations and he did not have to be supervised by me on the daily operational matters.

(c) To handle and resolve the daily operational matters of the site was the role of the supervisors on site in respect of Kai Ching Estate.

#### 16. Question

Identify all workers and persons who constructed and installed the pipes and fittings in the fresh water plumbing systems in the Kai Ching Estate ("Plumbing Workers"). With reference to such list(s) of Plumbing Workers, explain and confirm whether all such Plumbing Workers were **licensed plumbers**.

#### Answer

Please see paragraphs 3(k) to (I) above

17. **Question**

Given the answers to the matters in the preceding paragraphs, explain to the best of Ho Biu Kee's knowledge **how Plumbing Materials containing lead came to be used** in the Kai Ching Estate and also why the use of the same had been allowed and overlooked;

**Answer**

(a) To the best of Ho Biu Kee knowledge, there had been in general, a lack of awareness in the construction industry, as well as the HA, being the developer for public housing, of the risk of lead in solder and its implications for the drinking water quality and in turn, the associated health risks.

(b) For the HA, as far as drinking water in public rental housing estate, HA might not have focused on the presence of lead (or other heavy metals) in the fresh water supply system or in the water, and failed to target soldering materials as a high risk item. Hence in accepting newly completed fresh water installation, the HA required the 8 tests specified in Water Supplies Department Circular 2/2012 and these tests did not include heavy metals.

(c) By the same token, China State who were responsible for continuous supervision and accountable to the HA as the contractual party with the HA, might be aware of HA's specification of using lead-free solder for copper pipe connection but might have also failed to pay due attention to the soldering material used.

(d) Ho Biu Kee could have also overlooked the significance of soldering materials used for pipe

connections as all along, the emphasis of the industry is not on heavy metals in the fresh water supply system. Further, since the pipe materials and joints (which might contain some lead) complied with the relevant BS requirements, we just came to the view that the drinking water which they carried should be safe for consumption.

(e) For the LP, he has to comply with the requirements of the Water Works Ordinance and Regulations. Nevertheless it is also not clear whether the LP understood the "lead-free" requirement for pipes and fittings as stipulated under statutes, or the composition, including the lead content, of different types of soldering material available in the market and health implications. [As informed by the LP, Mr. Lam, when he took the examination for becoming a licenced plumber, heavy metals were not in the syllabus.]

(f) For those supervisors in charge of the plumbing works at the Kai Ching site, they were not aware that the solder strips which they requested might contain lead. They had used these solder strips in other projects (not by Ho Biu Kee) and no problem was identified then. The purchasing officer of Ho Biu Kee simply complied with the supervisors' request and did not spot the difference between solder strips and solder wires; nor did they tell Mr. Kwong or myself of this ordering of lead strips.

(g) There are also areas of the Water Works Regulations which appeared in the past had missed out heavy metals in fresh water supply system. Under WSD Circular 2/2012, there was no need to check the presence of heavy metals in newly completed fresh water system.

(h) From Ho Biu Kee's perspective, the incidents appeared to have been a system failure in the Hong Kong SAR to ensure that drinking water is lead free. Participants in the public housing development including the HA, main contractors, plumbing subcontractor, LP, workers have their focus in areas other than heavy metals.

### 18. Question

Describe the **measures and quality control system in place and/or any other recommendations** (after the discovery of excess lead in drinking water) by Ho Biu Kee in order (a) to address the health concerns of the residents of the Affected Estates, (b) to comply with the statutory and non-statutory requirements and standards in drinking water and (c) to ensure the safety and quality of drinking water supply.

### Answer

(a) To address points (a) to (c) (after the discovery of excess lead in drinking water), Ho Biu Kee had worked closely with the HA, main contractors to ensure the materials proposed, procured and installed for fresh water supply system comply with the statutory requirements as well as HA contractual requirements.

(b) Ho Biu Kee will recruit workers who have been properly and adequately trained. If works were to be carried out by sub contractors, the sub-contractors will have to pledge to follow the statutory and contractual requirements. Regular supervision by senior management will be provided and training will also be arranged for workers.

(c) For the LP, he has to supervise the plumbing



installation works, submitting regular reports and attending regular meetings, to ensure compliance with specifications.

### Question

Please also state any other recommendations Ho Biu Kee has in relation to (a), (b) and (c) above and on how similar incidents may be avoided in the future.

### Answer

(d) Ho Biu Kee will follow the initiatives of WSD and HA and other learned institutions to obviate similar incidents in future.

(e) Ho Biu Kee also believes that sufficient time should be reserved for plumbing installation. The plumbing work at the housing blocks was required to be completed in a very tight programme (usually only a few months prior to the completion of the whole housing estate). When time is limited, the risk to find sufficient labour (and skill workers) during the limited time slot would be high. Better programming by the main contractor in reserving adequate time for the plumbing work would ensure that quality works be more likely to be produced. In the situation with last minute rush, many quality problems could not be easily spotted and hence the public would be adversely affected after inhabiting.

## C. Kwai Luen Sub-contract

### 1. Question

Adduce the part(s) of the Kwai Luen Sub-contract pertaining to (a) the construction and installation of the fresh water plumbing system in the Kwai Luen

Estate and (b) the procurement of pipes, fittings and soldering and other plumbing materials ("**Plumbing Materials**") in connection therewith.

**Answer**

(a) Ho Biu Kee entered into a sub-contract with Shui On on 7<sup>th</sup> October 2011 to carry out plumbing and drainage works for public housing development in Kwai Luen Estate. The expected date of completion was January 2014.

(b) The sub-contract document is at **Annex B1**.

2. **Question**

Describe and explain the **roles and works of Ho Biu Kee** in the construction and installation of the fresh water plumbing system and procurement of Plumbing Materials for the Kwai Luen Estate.

**Answer**

(a) Ho Biu Kee was responsible for the construction and installation of the plumbing (fresh water supply, flush water supply, fire fighting water supply) and drainage systems within tower blocks and external areas in Kwai Luen Estate.

(b) The work covered two blocks of flats with 1,507 units, external works and a community garden.

(c) Ho Biu Kee was responsible under the Kwai Luen Sub-Contract for the procurement of material and supply of labour for the construction and installation of, inter alia, the plumbing system as well as the subsequent testing, commissioning and defects rectification during the defects liability period. The concreting structure for

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the sump tanks and water roof tanks were carried out by Shui On and its building sub-contractors and water pumps were carried out by the Nominated Subcontractor.

(d) For the fresh water supply to residential flats, Ho Biu Kee pipe laying work started from the site boundary and connected to the fresh water sump tank of each housing block (which was constructed by another sub-contractor of Shui On). From the fresh water sump tank to the fresh water roof tank, there were rising mains and up-feed pipes. These were installed by Ho Biu Kee. On the other hand, the fresh water roof tank was constructed by another sub-contractor of Shui On. From the fresh water roof tank onwards (but excluding the fresh water booster pump set which was carried out by the water pump Nominated Subcontractor), distribution pipes to water meters and from water meters to individual flats were installed by Ho Biu Kee.

(e) The procurement of pipes, fittings and soldering as well as other plumbing materials in the Kwai Luen Estate was handled by Ho Biu Kee.

(f) Ordering of materials (including solder wire) was first initiated and handled by Mr. Kwong through negotiating with various materials suppliers and procured them to send quotations for various pipes, fittings and associated materials for placement of purchase orders by the purchasing department of Ho Biu Kee. Thereafter, the officer-in-charge/supervisor of the site monitored the site progress and decided what and when materials would be required. They then prepared and sent material request forms to the purchasing department of Ho Biu Kee. Then, the purchasing department staff of Ho Biu Kee would place orders with suppliers who would arrange the

goods to be delivered directly to the site. Upon delivery, the officer-in-charge of each site would check and return to the purchasing department of Ho Biu Kee for confirmation and settlement of invoices issued by the suppliers.

### 3. Question

Describe and explain the **steps and procedures in the construction** and installation of the fresh water plumbing system in the Kwai Luen Estate.

#### Answer

- (a) Upon award of the building contract by the Housing Authority ("**HA**"), Shui On sublet the plumbing subcontract to its domestic subcontractor Ho Biu Kee with the exception of the water pump installations, which was executed by a Nominated Subcontractor (NSC) of the HA. Ho Biu Kee appointed Lam Tak Sum as its Licensed Plumber ("**LP**") to take charge of its part of the plumbing works.
- (b) As part of the requirement under the Waterworks Ordinance, Ho Biu Kee appointed Lam Tak Sum as its Licensed Plumber ("**LP**") to take charge of its part of the plumbing works. The LP was required to supervise the authorized plumbing work in connection with the supply of water to the Kwai Luen Estate under the Waterworks Regulations.
- (c) In respect of water supply, the Chief Architect of the Housing Department ("**HD**") served the role of the authorised person ("**AP**") in the public housing project. The AP was required to sign jointly with the LP in Part I of Form WWO46 together with the Annex to notify Water Supplies Department (WSD) of the commencement date and scope of plumbing works to be carried out, quoting

WSD approval reference and approved drawing no., size and no. of water meters involved as well as the anticipated date when water supply is required. I now understand that this was done and submitted to the WSD on 10th and 14th May 2012. The LP and AP also certified that the pipes and fittings intended to be installed (including those as listed on the Annex to the Form WWO46 and those not listed) were as prescribed by the Waterworks Regulations.

(d) WWO46 Part II would be submitted by Registered Consumer/Agent/Applicant (the Housing Department) of new water supply. I understand that the Housing Department signed Part II on 14<sup>th</sup> May 2012.

(e) WSD completed WWO46 Part III and addressed it to the LP to indicate that it accepted plumbing works detailed in Part I, noted commencement date of the plumbing works, and gave permission for the LP to proceed with the plumbing works as detailed in Part I and at the Annex. (Note: It is not addressed to the AP.)

(f) It should however be noted that it is quite common and happens from time to time that the Plumbing Materials set out in the Annex in the WWO46 might need to be changed/revised to suit site conditions or the suppliers/manufacturer's delivery schedule. The practice would be that the plumbing work contractor/LP would submit to the HD the particulars of alternative materials for their approval before ordering. The alternative materials would usually be included in the WSD's directory list of accepted materials. Upon obtaining the approval from the HD, the LP would re-submit for the endorsement by the AP of the HD of the revised list of materials. Thereafter, the HD would send the revised list

to WSD as they thought appropriate. Usually, upon completion of the plumbing system (i.e. upon acceptance of the same by the WSD and water was then provided from the public mains), the LP would prepare a final list of the Plumbing Materials used in the Project to the WSD for their record.

(g) Roughly around the same time as the submission to WSD by the LP, Mr. Kwong of Ho Biu Kee who was responsible for tendering of the plumbing subcontract would prepare initial submissions of the Plumbing Materials to Shui On. Upon checking by Shui On, Shui On submitted the Plumbing Materials (including copper pipes & fittings, sink & shower & basin mixers, valves and solder material etc.) to the HD's contract manager for approval. It should be noted that the materials for sanitary fittings (including sink & shower & basin mixers) were procured by Shui On.

(h) Copper water pipes, fittings and soldering materials are governed by relevant British Standards as stipulated in HA's specifications and that upper limits for lead contents are stated in the respective British Standards. [Note: Nevertheless there had been no contractual requirement in the HA's building contracts in regard of the procurement procedure of soldering materials. The main contractors can decide if they would procure the soldering materials themselves or would sublet the procurement responsibility to their domestic subcontractors (Ho Biu Kee for the Kwai Luen Estate). Being one of the cost-insignificant sundry material items in building contracts, soldering materials were not included in the monthly interim payment applications submitted by Shui On to HD.]

(i) After approval by the HD of the Plumbing Materials,

procurement would be arranged. At the same time, Ho Biu Kee proceeded with the preparatory work and upon arrival of materials, the plumbing installation works would then be carried out on site. The progress of plumbing installation hinged very much on the progress of the construction of the residential blocks. Quite often and indeed it happened in Kwai Luen Estate that Ho Biu Kee was only left with a few months for completion of the plumbing installation works at the blocks.

(j) As far as ordering of sundry material, it was initiated by the officer-in-charge/supervisors of the Kwai Luen Site as detailed in paragraph 2(f) above.

(k) For Kwai Luen Estate, Ho Biu Kee site supervision team consisted of the following site personnel:

	Licensed Plumbers (Yes -Y) (No-N)
Officers in charge: 梁偉健 <sup>¶</sup> 、黃貴雄 <sup>#</sup>	N*
Workers- direct labour of Ho Biu Kee;	N*

\*not licenced plumbers but possess relevant trade qualifications

<sup>#</sup> with over 20 years of experience; <sup>¶</sup> with over 10 years of experience

(l) The workers were recruited by the officers-in-charge.

(m) During the course of the plumbing works, Shui On

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gave continuous supervision by engaging a management team consisting of a competent and authorized agent who was stationed on site and managed the project work including the plumbing and drainage works undertaken by Ho Biu Kee. The site agent of Shui On was assisted by engineers, general foremen as well as supervisors to look after the execution of works by various sub-contractors including Ho Biu Kee.

(n) The AP/contract manager of the HD and his representatives (including clerk of works) also gave periodic supervision as necessary to ensure that the works meet specified requirements. In particular, the building service engineer responsible for the Kwai Luen Estate would liaise from time to time with Mr. Kwong and the LP on the plumbing works and material submissions.

(o) The LP visited the site from time to time as and when necessary, depending on work progress. His primary task was to ensure that the requirements set out in the Waterworks Ordinance and Regulations be complied with.

(p) As the managing director of Ho Biu Kee, I would also visit the site at regular intervals to understand the progress and to liaise with the key staff of Shui On regarding the quality and progress of works on site.

(q) Upon completion of the installation of water pipes, Ho Biu Kee with the assistance of Shui On cleansed and disinfected fresh water pipes. The LP also checked the completed works.

(r) After the water pumps were completed by the NSC of Shui On, the AP then applied for connection for water supply and confirmed compliance with the Waterworks Requirements by completing WW0132



Part II. The LP notified WSD of completion of plumbing works and requested for inspection and approval of the plumbing by completing WWO46 Part IV, which was also signed by the AP and consumer.

(s) WSD inspected and would issue Part V of WWO46 if no irregularity was observed. To ensure that there would be no contamination to the water supply pipes, WSD requested water samples to be taken to comply with the bacteriological requirements. Ho Biu Kee's office staff then arranged laboratories to have water samples taken and tested.

(t) Upon obtaining satisfactory water sample test results, WSD issued Certificate (Form WWO1005) regarding permanent water supply connection.

4. Answer to Q4 shall be the same as that for Kai Ching Estate.

5. Answer to Q5 shall be the same as that for Kai Ching Estate.

6. Answer to Q6 shall be the same as that for Kai Ching Estate (except sub-paragraph (e)). 黃貴雄 was one of the officers-in-charge of Kwai Luen Estate Project. As he was also one of the supervisors in Kai Ching, he adopted the same practice using solder strips for small diameter copper pipes connection.

7. Answer to Q7 shall be the same as that for Kai Ching Estate.

8. Answer to Q8 shall be the same as that for Kai Ching Estate.

9. Answer to Q9 shall be the same as that for Kai Ching Estate.

10. **Question**

From the preliminary findings of the Water Supplies Department (WSD) Task Force published on 25 September 2015, Plumbing Materials (including valves and taps) were used which deviated from the list of Plumbing Materials submitted to the WSD (**"Deviated Plumbing Materials"**). Please explain and identify the Deviated Plumbing Materials and also, to the best of the Company's knowledge, why the Deviated Plumbing Materials were allowed to be used without being spotted during the supervisory and monitoring processes. This request is confined to Deviated Plumbing Materials which have now been found to contain lead or from which lead has leached into water.

**Answer**

(a) Deviated Plumbing Materials which are now identified by the WSD Task Force to contain lead or from which lead has leached into water causing the excess lead in drinking water are the soldering materials for pipe joints and not copper alloy fittings. All the Deviated Plumbing Materials (including the pipes and fittings) were allowed to be used in the plumbing works at the time when there was continuous supervision and monitoring by the supervisory staff of Shui On and the HD.

(b) For those pipes and fittings which deviated from the list of Plumbing Materials submitted to the WSD under Form WWO46, the LP was aware of such. According to the LP, he had proposed to the HD that these changes of materials should be re-submitted for WSD approval. However, the HD building service engineer informed him that there would be communication by the HD with WSD and hence no revised WWO46 was required to be submitted to the WSD via the HD. In any event, the deviated plumbing materials (pipes, fittings etc), though different from those approved in the

Annex of WWO46, were on the WSD's directory list of accepted materials and were also accepted by the HD as complying with the contract requirements.

(c) For Kwai Luen Estate, the installed copper pipes of "Opal" and copper end feed fittings of "Wealthmark" were in fact approved by the Housing Department on 20 May 2013. A copy of the HD's sample submission and approval form for "Opal" copper pipes and "Wealthmark" copper end feed fittings is now at **Annex B2**.

(d) For soldering materials of joints, this was not included in the list of materials that were required to be submitted to the WSD for approval.

(e) There was also no contractual requirement in the HD's building contracts for procurement of soldering materials. The main contractors are free to decide if they would procure the soldering materials themselves or through their domestic plumbing subcontractors (Ho Biu Kee for the Kwai Luen Estate). Soldering materials were not included in the monthly interim payment applications submitted by Shui On to HD, as it was a sundry material and deemed to be included in rates. Further, the amount of soldering materials was insignificant.

#### 11. Question

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

#### Answer

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(a) For soldering material, as project was completed in 2014, Ho Biu Kee did not keep the above documents. Ho Biu Kee approached its supplier Prosperity who has now provided 12 pages of delivery notes as **Annex B3**.

(b) For Deviated Plumbing material, WSD identified copper pipes and a number of fittings as installed were not the same as those approved in the Annex of WWO46.

(c) For copper pipes, 9 pages of purchase orders to Bun Kee(International) Limited are attached as **Annex B4**.

(d) For fittings, 89 pages of delivery order of Wealthmark Ltd are attached as **Annex B5**.

12. Answer to Q12 shall be the same as that for Kai Ching Estate.

13. Answer to Q13 shall be the same as that for Kai Ching Estate.

14. Answer to Q14 shall be the same as that for Kai Ching Estate.

15. Answer to Q15 shall be the same as that for Kai Ching Estate.

16. **Question**

Identify all workers and persons who constructed and installed the pipes and fittings in the fresh water plumbing systems in the Kwai Luen Estate ("**Plumbing Workers**"). With reference to such list(s) of Plumbing Workers, explain and confirm whether all such Plumbing Workers were **licensed plumbers**.

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Please see paragraph 3(k) to (l)

17. Answer to Q17 shall be the same as that for Kai Ching Estate.

18. Answer to Q18 shall be the same as that for Kai Ching Estate.

D. Hung Hom Sub-contract

1. **Question**

Adduce the part(s) of the Hung Hom Sub-contract pertaining to (a) the construction and installation of the fresh water plumbing system in the Hung Hom Estate Phase 2 and (b) the procurement of pipes, fittings and soldering and other plumbing materials ("**Plumbing Materials**") in connection therewith.

**Answer**

(a) Ho Biu Kee entered into a sub-contract no. DBCIBDX/006 with China State on 16th March 2009 to carry out the construction and installation of the manholes, underground drainage, underground fresh water I flush water mains (which were of ductile iron type) and external fencing for public housing development in Hung Hom Estate Phase 2. The agreed date of completion was May 2011.

(b) The sub-contract document is at **Annex C1**.

2. **Question**

Describe and explain the **respective roles and works of Ho Biu Kee and Golden Day** in the construction and installation of the fresh water plumbing system and

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procurement of Plumbing Materials for the Hung Hom Estate-

**Answer**

(a) The fresh water plumbing system covered 2 blocks of flats with 2,038 units (456 units - Block 1; 1,482 units - Block 2) and external areas.

(b) Ho Biu Kee was responsible for the construction and installation of manholes, external drainage and perimeter fence in Hung Hom Estates Phase 2. The fresh water plumbing work carried out by Ho Biu Kee was limited to the supply and installation of underground fresh water mains supply (which were ductile iron pipes) in the external areas (i.e. not within the housing blocks).

(c) In respect of the plumbing and drainage systems at the 2 blocks including potable water supply pipes, China State sub-contracted them to Golden Day.

3. Questions 3 to 18 -Not Applicable as Ho Biu Kee was not responsible for the fresh water plumbing system within the blocks for domestic flats in Hung Hom Estate Phase 2.

問：Mr Ho--何生，你聽到我正話讀出嚟呢個證人口供。我哋正話亦都見到就响最後一頁嗰度有你個簽名，係咪？

答：okay，係。

問：係。就你係咪確認呢份證供裏面嘅內容係真實？

答：係。

問：係，你打唔打算採納呢份證供嘅內容作為你嘅主證供嘅一部分？

答：咩嘢？

問：你打唔打算採納呢個證供裏面所提及嘅內容作為你嘅主證供？

答：Okay。

問：同意，係咪？

答：同意。

問：係。何生，我知道你就亦都做咗第二份證人口供，呢個係响今年嘅1月嘅時候。唔好意思，又要麻煩你帶番個耳筒，聽我讀一次。文件夾就係K3，2379頁。

**SUPPLEMENTARY WITNESS STATEMENT OF HO MAN PIU**

I, Ho Man Piu (何文標) (Hong Kong ID Card No.: E727814(8)), merchant, at Unit 605, Tins Enterprises Centre, 777 Lai Chi Kok Road, Cheung Sha Wan, Kowloon, Hong Kong made a witness statement dated 9 November 2015 ("**my first witness statement**") in response to the questions raised by the Commission's solicitors and wish to supplement as follows:

**Time for Completion of Plumbing Works in Kai Ching Estate Project**

1. In my first witness statement at [K1/22] (Part B Answer 3 "I"), I said "*Ho Biu Kee was only left with a few months for completion of the plumbing installation works at the blocks*".
2. At [K1/44] (Part B Answer 15"a"), I explained the reason why most of the plumbing installation was installed in a few months as "*One of the requirements under the Sub-Contract was that we should follow the programme of China State. Ho Biu Kee was given only a few months to complete the plumbing works in blocks. I have also told the supervisors and gangers to*

*ensure that there would be sufficient plumbing workers to match the tight progress."*

3. After approval by the Housing Department of the plumbing materials, supply contracts would then be placed by the procurement department of Ho Biu Kee with the suppliers of pipes, valves and fittings. However, the delivery of these materials to site and the progress of plumbing installation hinged very much on the progress of the construction of the residential blocks.

4. The legal advisor of Ho Biu Kee has drawn my attention to what Mr. LAM Kai Wong ("Mr. Lam") of China State said at [F2/1357-1358] and [Tab 5 at F2/1524] concerning the progress of works at Kai Ching Estate. Based on the Clerk of Works' Report, Mr. Lam showed the progress of Ho Biu Kee's plumbing work by dividing them into three areas:

- (a) Domestic Units (paragraphs 14 and 15 of Mr. Lam's witness statement at [F2/1357]);
- (b) Common areas (areas outside domestic units) (paragraphs 11 and 12 at [F2/1357]); and
- (c) External Walls (paragraphs 17 and 18 at [F2/1358]).

5. The progress of plumbing work for domestic units are as follows: (see [Tab 5 at F2/1524] and paragraphs 14 and 15 of Mr. Lam's witness statement at [F2/1357])

Period	Approximate Months	Total% Completed	% completed in the period
Nov 2011 to 25 May 2012	7 months	3%	3%
25 May 2012 to 31 July 2012	1.5 months	43%	40%



3 July to 26 Sept 2012	3 months	92%	49%
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6. In other words, about 89% of the plumbing work in domestic units was completed in about 4.5 months.

7. The progress of plumbing work for common areas are as follows: (see [Tab 5 at **F2/1524**] and paragraphs 11 and 12 of Mr. Lam's witness statement at [**F2/1357**])

Period	Approximate Months	Total% Completed	% completed in the period
Nov 2011 to 26 March 2012	5 months	22%	22%
26 March 2012 to 29 Aug 2012	5 months	94%	72%

8. In other words, about 72% of the plumbing work in common areas was completed in about 5 months.

9. The progress of plumbing work for external walls are as follows: (see [Tab 5 at **F2/1524**] and paragraph 18 of Mr. Lam's witness statement at [**F2/1358**])

Period	Approximate Months	Total% Completed	% completed in the period
Nov 2011 to 26 Sept 2012	11 months	5%	5%
26 Sept 2012 to 29 Jan 2013	4 months	94%	89%

10. In other words, about 89% of the plumbing work in external walls was completed in about 4 months.

11. Whilst it was most desirable from Ho Biu Kee's perspective that the plumbing works should be spread out in about 10 to 12 months rather than having the majority of work to be completed within a few months, this was not possible as Ho Biu Kee work had to follow the progress of the main contractor's work.

(a) For external walls, as stated by Mr. Lam in his witness statement at paragraph 17 at [F2/1358], no plumbing work could start until completion of main parapet walls at roof.

(b) For other areas, as the plumbing pipes were surface mounted, Ho Biu Kee could only start installation of plumbing after the main contractor or its sub-contractor completed the final finishes (such as painting) at walls and ceilings. Even though the concreting work might have been completed, Ho Biu Kee could only proceed to install the plumbing work after the painting work was completed at the area. Thus, the controlling or critical factor was the progress of the final building finishes work.

12. The practical completion date of Kai Ching project was in or about April 2013 (see paragraph 13 of Mr. Lam's witness statement at [F2/1357]). To achieve this target, Ho Biu Kee had to deploy sufficient workers to match the work progress in the 3 areas (domestic units, common areas and external walls) as stated in paragraphs 3-11 above.

13. The legal advisor of Ho Biu Kee has also drawn my attention that Mr. LEUNG Man Wai Patrick of China State (see [Tab 26 at F1/678]) has provided a table and graph to indicate the number of man-days for plumbers from January 2012 to September 2013. The table is now shown to me and marked as **Annex A**. It can be observed that the average man-day (Sundays included) was highest at 88 in March 2013. The

average man-day in the few months before March 2013 was also in the region of 70-80.

14. I have caused my staff to check the auto-pay record of wages paid by Ho Biu Kee to workers for the Kai Ching Estate Project. A copy of the payment summary is now produced and shown as **Annex B1 and Annex B2**. Ho Biu Kee spent in total of about HK\$20.8 million for wages of workers in Hong Kong. This has not included those payment made to the workers in Mainland China for installation of plumbing at the precast units. It can be seen that in the 3 months from December 2012 to February 2013, over \$1.5 million per month was paid to local workers carrying out the installation works at blocks. The peak payment was March 2013 at about \$2.16 million. The total wages for these 4 months were about \$7.5 million which was 36% of the total.

15. The general trend of man-days per month shown in Annex A is similar to wages paid per month shown in Annex B2, with peak period of about 4 to 5 months before practical completion. It is against the aforesaid basis that I said earlier in my first witness statement that, to match with the builders work progress, Ho Biu Kee was left with a few months to complete the plumbing work in the Kai Ching Estate Project.

**Engagement of Ho Biu Kee for the Kwai Luen Estate Plumbing Subcontract**

16. During the tender stage of the Kwai Luen Estate Project, Ho Biu Kee was asked by Shui On to quote for the plumbing work for Kwai Luen Estate Project as the performance of Ho Biu Kee in its previous sub-contracts with Shui On had been good. Shui On wished to obtain quotation from Ho Biu Kee to assist them in pricing for the main contract works for Kwai Luen Estate Project.

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C 17. At that time, I knew that Shui On also invited other  
D plumbing sub-contractors to submit quotation for  
E the Kwai Luen Estate project but did not know whom  
F Shui On had actually invited. Indeed, having worked  
G as plumbing works sub- contractor for Shui On on many  
H projects before, I know that it has been a practice  
I of Shui On to invite a number of contractors to quote  
J for the Works. After Ho Biu Kee submitted quotation,  
K Shui On invited Ho Biu Kee to offer a lower price.  
L I negotiated with Shui On on behalf of Ho Biu Kee.  
M I was then asked to confirm that if Shui On was  
N awarded the Kwai Luen Estate Project, Ho Biu Kee  
O would agree to undertake the works at the reduced  
P price we offered. I confirmed so to Shui On.  
Q Thereafter, a pre-bid agreement was reached between  
R Shui On and Ho Biu Kee on the Kwai Luen Project.

K 18. Ho Biu Kee's legal advisor has recently brought my  
L attention to what Mr. AU Choi Wa ("**Mr. Au**") of Shui  
M On said in the hearing on 16 December 2015 (refer  
N transcript p83). Mr. Au had once said that Shui On  
O had engaged Ho Biu Kee before being awarded the  
P building contract by the Housing Authority. I  
Q confirm that a pre-bid agreement had been made  
R between Shui On and Ho Biu Kee.

O 19. However, Mr. Au in response to the question raised  
P by Counsel for the Commission said that Shui On did  
Q not get quotes from other subcontractors for  
R comparison (at p85 of transcript of 16 December 2015).  
S This is contrary to my understanding at that time.  
T I note that in re-examination by Shui On Counsel on  
U 17 December 2015 (at p32 of transcript of 17 December  
V 2015), it is now clear that Golden Day (another  
plumbing subcontractor) had provided a quotation to  
Mr. Au's subordinates for the Kwai Luen Project and  
Mr. Au was not notified.

**Minor revision to My first Witness Statement dated 9  
November 2015**

20. There are some typographical errors in my first witness statement and I wish to seek leave to correct them. They are as follows:

(a) [K1/11] 2<sup>nd</sup> line of Opening Paragraph:

Replace the word "The" with "Tins"

(b) [K1/13] Paragraph 9 of Part A:

3<sup>rd</sup> line, delete ", suppliers"

4<sup>th</sup> line, Replace the word "more than" with "nearly"

(c) [K1/24] Paragraph 3(n) of Part B, 4<sup>th</sup> line:

Replace the word "pluming" with "plumbing"

(d) [K1/55] Paragraph 3(m) of Part C, 4<sup>th</sup> line:

Replace the word "pluming" with "plumbing"

問：何生，正話我讀咗你嗰個補充證人口供出嚟。我哋亦都見到有個簽名跟住，呢個係你簽名，係咪？

答：係。

問：係。你確認你補充證供裏面嘅內容係真實，係咪？

答：真實，真實。

問：你亦都打算採納呢個補充證供嘅內容作為你嘅主證供一部分，係咪？

答：係，係，係。

問：何生，我只係有一個問題想你補充嘅啫。咁响你第一份證供嘅--第一份證供响個文件夾嘅 K1 嘅 Answer 6(e) 嗰度，就係嗰個 page reference 就係 K1, 31。就响 6(e) 嗰個結尾嗰度，我讀--我而家讀畀--我解畀你聽。

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答：你就話就係陳小華就係响 2013 年嘅 4 月嘅時間，就大概嗰個時間就離開咗何標記，因為佢被發現就係同一單即係盜竊案件有關，就係响呢單盜竊案件裏面，何標記嘅物件就係唔見咗嘅。你可唔可以講畀我聽，就係呢件事情係大概係點樣？

答：應該嗰陣時就我下面有個項目經理，响地盤--巡地盤，就收到一張碟，就將隻碟拎番嚟公司放，就放咗，原來星期日陳小華將啲銅喉就一槓槓、一槓槓 cut 咗，然後用啲袋裝住擺落架車度，後來，我就叫咗個項目經理就去報咗警，警方就拘捕咗佢，收靚就定咗罪。即係成件事就係我嗰個項目經理，嗰個姓梁 handle 嘅。收靚定咗罪，好似就話判咗 120 小時嘅社會服務令。

問：係。

答：安排--嗰個講就話佢原來好多案底嘅，跟住又非禮，又咩嘢乜乜，好多嘅。跟住--我完全都有參與，我知道佢定咗罪，就事情係咁發生。

問：係。

答：但係佢一--我一報咗警之後，總之佢就有返工，當唔當辭退就我即係好難解釋。

問：係。想澄清正話你講個項目係邊個項目？

答：陳小華當時就負責係啟晴邨加埋另外一個屯門嗰個--應該係--我就唔知咩嘢邨叫做。

問：龍逸邨，係咪？

答：龍逸邨。

問：係。

答：唔。

問：咁响邊個項目係即係陳小華嚟講即係涉嫌偷嘢，係龍逸邨抑或啟晴邨？

答：偷嘢，證實--擺到碟，擺到證據嘅就係啟晴邨。但係我去龍逸邨都搵過瑞安嗰啲--叫伙記去搵，都睇到嗰啲電腦出入--出閘係車過嘢走嘅，不過當時佢就話車去第二個地盤用，咁即係因為有--用架貨車車嘅，理論上，入咗房屋署嘅地盤係唔可以車走㗎嘛，如果你話有冇證

B

B

C

據呢樣嘢，到底佢--收艇法庭點--口供點，因為我有處理，係個伙記處理。

C

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問：明白，好，唔該晒，何生。何生，我有其他問題問你，咁你坐喺度聽住其他嘅律師問你問題，好唔好？

D

E

答：Okay, okay。

E

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G

### 石先生盤問

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H

問：何先生，就關於陳小華先生嗰啲事情，我就唔打算問好多，不過既然頭先你嘅大律師，楊大律師問過，我就即係順便問兩句。你話嗰個項目經理，即係畀嗰隻碟你嗰個項目經理，即係嗰隻碟係喺啟晴邨個地盤，係由一個項目經理畀你，對嘛？

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I

答：嗰個梁偉健先生佢就--即係除--水務呢 part 我哋公司做好多，建築又有，各個類型，咁成個水務嗰啲係佢負責嘅。

I

J

問：係。我係想問你係唔係喺啟晴邨地盤畀你嘅啫，咁簡單，係咪？

J

K

答：佢個碟係--我唔記得，返嚟寫字樓畀我，還是係喺地盤畀我，...

K

L

問：Okay, 得。

L

M

答：...應該佢拎返去寫字樓畀我。

M

N

問：但係就影住喺啟晴邨地盤發生嘅事情，對嘛？

N

O

答：即係就係嗰隻碟係我嗰個項目經理去到地盤，架車泊喺地盤，然後嗰隻碟就放喺佢嗰個水撥嗰度，咁佢就擺番嚟畀我睇嘅。咁我睇完，睇左個碟就係啟晴邨嘅，即係好清楚。

O

P

問：Okay。即係有人畀左隻碟梁偉健，梁偉健再擺畀你，對嘛？

P

Q

答：唔，如果係...

Q

R

問：但係就究竟係邊個錄隻碟就唔知，係咪？一個匿名人士去偷錄，咁應該係？

R

S

答：係嘞，係匿名人士。

S

T

U

V

V

B

B

C

問：我明。即係個事情...

C

D

答：包埋仲有匿名信添，好多嘅，喺啟晴邨。

D

E

問：Okay。即係總之好簡單，就係即係唔係梁偉健錄嘅，就有人偷錄，唔知邊個，就擺咗隻碟喺梁偉健嘅車頭玻璃度，梁偉健擺番嚟畀你睇，個事情簡約就係咁樣，對嘛？

E

F

答：係嘞。

F

G

問：係。我原本想問你嗰個姓梁嘅經理係邊個，係咪梁偉健？咁你都講咗係梁偉健。

G

H

答：係。

H

I

問：Okay，得，好。我而家就問番一啲即係關於你個人嘅一啲問題先。

I

J

答：好呀。

J

K

問：何標記就係1981年成立，咁你都喺何標記做--即係你成立咗都有三十幾年，三十五年喇，何標記。

K

L

答：唔。

L

M

問：咁你喺何標記成立之前，你係從事咩嘢嘅行業？

M

N

答：其實就1973年，我就响內地游水過嚟。

N

O

問：係。

O

P

答：當時我嚟到係一個好低層嘅，食响地盤，馴响地盤。我就响--即係人哋介紹我就去地盤度做水喉，咁就唔知幾十釵一日嘅啫，响瀝源邨，我就响嗰度食，响嗰度馴。後來，因為我都幾勤力，有啲--即係初初後生有啲抱負，咁嚟到，咁啲人睇到，「嘩，呢個後生都幾肯做、肯盛」咁樣。慢慢就從喺度做分--做三沙，做完三沙，跟住就我一路咁做上去。

P

Q

Q

R

R

S

問：三沙即係嗰啲好--即係分判？

S

T

答：即係分判，判工做。

T

U

問：三沙即係分判？

U

V

V



B

B

C

答：係嘞，係嘞，係嘞。

C

D

問：得。即係香港故事我哋叫做，你就由即係最初初落嚟，即係兩手空空，咁就即係打造到後來開咗何標記，係咪呀？

D

E

答：係，冇錯。

E

F

問：都係一落嚟就係喺水喉行業嗰度做嘅，對嘛？

F

G

答：係。

G

H

問：係。就一路就係做...

H

I

答：一路响--唔知响葵涌做咗幾個月，收厝調咗去瀝源邨。

I

J

問：得。邊個區唔緊要，總之即係你即係開頭就係真實落手落腳做嘅？

J

K

答：係。

K

L

問：跟住就可能做咗分判商，就可能你自己識得去搵自己嘅班底。

L

M

答：都唔係分判商，即係段件幫人哋炒下做咁樣。

M

N

問：得。咁後來就自己開咗公司，咁到 81 年就？

N

O

答：係，冇錯。

O

P

問：好。教育背景方面，就你喺內地游水落嚟，就應該喺內地讀書，係咪？

P

Q

答：我小學畢業。

Q

R

問：係。  
答：我初一就文化大革命，我嗰陣時文化大革命實際上係讀初一，但係我有讀書，初一係冇讀書，就去--跟住去全國搞嗰啲--文化大革命，去村縣去盛。

R

S

問：係。

S

T

答：嗰陣時個政策就--因為我哋係城市，咁就落咗鄉，咁落咗鄉幾年，嗰陣時思考過，即係咁冇乜前途嘞，嗰陣時就開始偷渡，即係偷渡去澳門，第一次就失敗咗，第二次即係再去，即係我記得去到嗰陣時啱啱係李小龍死嗰個期間。

T

U

U

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V

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B

C

問：暑假嚟嘅？

C

D

答：吓？

D

E

問：夏天嚟嘅，係咪應該？

E

F

答：其實唔係--如果夏天嚟--夏天第一次嚟，我哋好多人嚟嘅就--即係我哋唔熟悉呢個環境，就會好艱巨好盛，又落雨，我哋游到半路，就突然有個女就即係唔掂，咁我哋返轉頭就用繩綁住佢，一路拖，拖到佢嚟到澳門，咁澳門啲差佬企喺度，「慢慢游喇」咁，因為我哋要救嗰個--即係嗰個女，所以時間嚟到澳門都已經差唔多天光，咁就坐左--捉左，係捉左。

F

G

G

H

問：就行蹤敗露左，因為即係為左要幫人，咁就 okay。

H

I

答：就响大陸就坐即係好多個監獄，咁就坐坐坐，就坐到返去我哋落鄉嗰度，就教育左我哋。咁我即刻嗰陣時開始我哋又嚟。咁因為第二次嚟，我就會即係熟悉左第一次嘅路，咁第二次嚟，我其實係游左過--因為初初第一次未見過咁光嘅地方，以為好近吓嘛，咁就所以太早落水，咁第二次就成功左，我嚟到澳門都係九點幾，即係游到岸，咁然後過嚟香港嘅。

I

J

J

K

K

L

L

M

問：所以就...

M

N

答：其實我嘅程度係真係中...

N

O

問：得。即係教育方面就叫做初中一，但係其實即係實際上...

O

P

答：小學。

P

Q

問：...就有乜嘢真係話正式話--即係我簡單嚟講，就係即係英文合約你係唔識睇嘅，係咪？

Q

R

答：英文合約我唔識睇，你話我做左咁耐呢行，三十幾年呢行，揸住呢份BQ，BQ嗰個又係咩嘢品種、咩嘢品種，就我哋會睇得到。

R

S

問：即係“BQ”呢兩個字你知。但係BQ代表乜嘢你都知？

S

T

答：唔係，應該咁樣講，BQ入面specs嗰度，我就未必睇得懂。

T

U

問：係。

U

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C

答：即係譬如 BQ 入面嗰啲，邊啲係鉛水喉，邊啲係食水喉，邊啲係膠喉，邊啲係乜嘢，呢啲係閘掣，呢啲係乜嘢，我就睇得懂。

C

D

問：Okay。即係 BQ 裏面有啲簡單嘅英文字你都會知，係咪？

D

E

答：應該知。

E

F

問：得。即係我哋唔好即係當係考英文咁，即係簡單就係一啲簡單嘅英文字，行內一啲簡單嘅英文字，咁你都會即係認到嘅，但係詳細成一段一段咁樣條款，你就未必真係會仔細咁斟酌，可唔可以咁講？

F

G

G

H

答：因為幾十年，係，冇錯，幾十年，冇錯，係乜嘢都睇得懂，認都認到。

H

I

問：得，得，係，得，好。我哋講番呢個--嗰位鄭先生，Kevin Kwong，係咪？呢個人係姓鄭，係咪？

I

J

答：係，冇錯。

J

K

問：鄭先生。鄭先生呢，根據你嘅證人供詞嘅第 4 段，即係我唔使你睇，因為即係--我譯番畀你聽。你就話你有位鄭先生就--第 9 段，sorry。佢就係負責係準備標書嘅，投標。咁準備標書，亦都係準備即係提供啲物料係去畀呢個主承辦商去批核。我想知道就係佢準備標書，咁係咪即係話定價嗰啲都係由佢去決定，定係會同你傾？

K

L

L

M

M

N

答：通常一般--譬如房屋署攞份標書，所謂業主攞份標返嚟，咁佢就會成份標去落標，佢通常會問我，「喂，老細，照邊個價錢？」因為我哋做得多，每條邨、每條邨都唔同，照邊個價錢去落。然後，就佢到最--聽日交表，佢就會幫我講，將張表畀我睇，就決定咩嘢價錢，決定價錢就我決定嘅。

N

O

O

P

問：決定價錢係由你決定？

P

Q

答：係。

Q

R

問：Okay。咁至於即係文件，點樣去打份嘢出嚟嗰啲就由佢負責，但係即係最終嗰個所謂商業上嘅決定，大路啲嘅一啲決策上嘅決定，就係由你決定？

R

S

S

T

答：佢會做份分析畀我。

T

U

問：得。

U

V

V

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B

C

答：即係如果...

C

D

問：即係到最後我哋知道譬如話啟晴\$57,000,000，咁呢個價就係你開嘅？

D

E

答：我定嘅。

E

F

問：係。咁當然中間佢會計咗好多數畀你，好多分析咁畀你，咁你就諗，睇下賺幾多咁樣，就落一個錘就係\$57,00,0000咁樣，係咪呀？你哋之間嗰個...

F

G

G

H

答：通常我哋如果係做屋邨，一個--我哋就兩個--就通常就照個單價，即係嗰個單價係梗嘅，即係到時如果個標--自己譬如好想去做嗰間，就會將個標尾減多啲，即係 last 標尾為標準。

H

I

I

問：得。

J

J

答：其實係全部--啲單都係其實係一模一樣。

K

K

問：得，明白。但係即係總之我想有興趣就係即係嗰個數目字，最終嗰個數目字，其實嗰個 number 就你決定？

L

L

答：係我決定。

M

M

問：得。但係佢就有貢獻嘅，即係佢會同你傾，有分析，有做啲仔細嘅嘢畀你睇，係咪會？

N

N

答：佢會做分析，但係通常佢都唔會畀意見。

O

O

問：得，okay，得，明白。但係佢唔係屬於採購部，對嘛？

P

P

答：其實咁講，即係分判商其實香港個結構，其實就唔係一個咩嘢大公司。

Q

Q

問：明白。

R

R

答：即係其實差唔多我成日講自己嗰個身分，就係好似工人代表，代表工人出糧，其實好多嘢都係一腳踢。

S

S

問：明白。即係所以講--我唔好講話咩嘢部門又盛，...

T

T

答：係嘞，係嘞。

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問：...講部門好似講到好大，...

答：係，係，好似好大個咁。

問：...又有個總管又管幾十人咁樣。

答：係，係。

問：簡單嚟講，佢唔係負責走去落 order，搵雋景落單嗰個人，對嘛？

答：唔，唔。

問：對嘛？

答：佢唔係。

問：佢唔係？

答：佢就--通常一中咗標，佢就會執晒 BQ 嗰啲 item，即係有認嘅，即係佢知道嗰啲就畀--就去房--去畀業主做 submission。然後，佢做完返嚟，就會話畀 procurement 聽，邊隻用咩嘢--佢報晒畀房屋署，然後佢就話畀 procurement 聽將會用邊隻邊隻邊隻，去到個階段 procurement 嘅最關鍵係咩嘢，我關注嘅就係佢哋會將 BQ 就拆咗嗰啲 item 出嚟，然後就搵晒啲 supplier 嚟報價，報完價，做晒分析，就會拎嚟畀我睇，然後畀我決定。

問：明白。咁但係就你頭先就講過，就係你話有認嗰啲就要擺出嚟，就係 BQ 裏面有認嗰啲就會即係擺出嚟，就要搵啲供應商...

答：即係擺--即係未發生呢個鉛水事件，我嘅理解，即係我話有認，即係 BQ 有 item 嗰啲，即係邊隻，譬如咖啡就咖啡，奶茶就奶茶，麵包就麵包，佢哋都會做個分析，然後畀我去批，批用邊隻，咁然後就做 submit--做 submission。

問：得，明白。我睇過你嘅證人供詞講過嘅嘢，我都有個--即係大約有個概念係知道你講咩嘢，所以好多嘢就唔使重複。

答：多謝，多謝。

問：總之就係佢有份即係做嗰啲分析畀你，關於投標，但係最終嘅決定就係你。你頭先就係講過，就係佢係知道焊料係需要不含鉛嘅，係咪呀？你講過嘅，對嘛？

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答：呢個就係事後我問佢嘅，我話「喂」--因為當時發生咗件事，我自己都唔知咩嘢事。即係我點解响呢度講話唔知道件事，因為我同期間，即係响發生啟晴邨嘅時候，我都十幾、廿個地盤，因為當時我係第一個發現，其實我個心理壓力--唔係壓力，我就係話都唔知發生咩嘢問題，點解呢？因為報紙一陣就話呢個地盤有問題，一陣又話醫院有問題，學校有問題，酒店有問題，咩嘢問題，我都分析唔到係咩嘢事。後來我再問佢，因為我--唔係你哋調查，我返去都--即係成日幫你哋去溝通，即係所以正如供詞講，入面嗰個收屍點解會咁樣用咗，都係佢哋講番嚟畀我聽嘅，即係唔係我親身去咩嘢嘅。

問：明白，一步一步嚟。

答：唔。

問：你發生咗事情之後，你問呢個鄺先生知唔知道焊料係應該唔含鉛嘅？

答：係嘞，我問佢 specs -- BQ 有冇-- specs 有冇寫嘅，佢話係應該唔含鉛嘅。

問：得，停一停先。

答：唔。

問：咁你問得佢呢個問題，你頭先講係出咗事之後問佢？

答：係。

問：出事我哋大約鎖緊嗰個時間就係 2015 年嘅 7 月？

答：唔。

問：咁出咗事之後，你話你問佢知唔知焊料係應該無鉛，你問得出呢個問題，其實即係你嘅嗰個時候，你都應該係知道問題係出在一啲含咗鉛嘅焊料，對嘛？你係知道咗呢個係問題所在，你先走去問鄺生，「喂，你知唔知呀？」對嘛？

答：因...

問：我嘅問題嘅焦點係聽清楚，你問鄺先生呢個問題，其實原因係因為你喺另外一啲渠道知道問題係出在含鉛嘅焊料，對嘛？

答：因為我問嗰陣時，成件事已經發酵咗，係人都知。

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問：係。所以其實已經係即係嚟開咗、發大咗，...

答：係嘞，冇錯，就係嘞。

問：...已經講咗個問題出在焊料，...

答：唔，唔。

問：...所以你走去問鄭先生「喂，你知唔知係應該不含鉛㗎？」咁佢話係知嘅，對嘛？

答：佢話 specs 寫係不含鉛。

問：佢話 specs 係--個 spec 係寫不含鉛嘅，okay。

答：但係我之前係唔知嘅。

問：你之前係唔知嘅？

答：我講一段，因為我都記得唔清楚，7月6號我就上房屋署開會，咁7月6號之前，我嗰個副手話畀我聽，佢話「老細，啟晴邨話驗水返嚟話超標含鉛㗎」咁。我當時點答佢呢，我話「佢含鉛咪含鉛囉，含鉛關我哋咩嘢事啫，做水喉即係唔包含鉛㗎嘛。」我仲咁答佢添，寫字樓好多人都聽到嘅。因為...

問：咪住先。即係你話你嗰陣時嘅理解，仲以為係做水喉係唔會擔保你唔含鉛嘅，你嗰陣時嘅諗法，okay。

答：係嘞，冇錯，唔知道係我--會因為我嘅關係、我嘅問題而影響含鉛，我以為以前驗水超標超乜呢，因為我哋試過好多邨都係驗菌唔掂，退伍軍人乜乜咁，我以為呢個責任就唔响我度嘅。即係你話收畀我--事情發生，好多嘢都係我--當我哋開會去了解件事先至知嘅。

問：Okay，明白。即係你一路就以為驗水驗出嚟唔掂嗰啲嘢，入你數嗰啲就會係退伍軍人、菌嗰啲就會入你哋數嘅叫做係，即係...

答：係呀，即係唔會話因為我嘅因素而影響嘅，係，冇錯。

問：驗嗰個，譬如話我哋知道驗水有八種嘢要驗，就係退伍軍人或者即係菌，或者即係某幾種嘅金屬之類嘅嘢，或者即係啲污染物啲咁嘅嘢，即係嗰啲你就會知道驗咗有問題，就可能係即係水喉方面要負責，但係鉛你從來冇諗過係關你事嘅，係咪呀？

B

B

C

答：唔係，即使驗退伍軍人、菌嘢啲，其實我哋幫佢驗，但係其實我哋都唔需要負責嘅。

C

D

問：得。

D

E

答：因為我哋只能講畀建築公司聽，「你好洗好啲水缸，好清潔囉喎，或者放啲咩嘢--放啲藥落去洗囉喎。」我哋只會通知佢，就我哋並不承受嗰個責任。

E

F

F

G

問：即係總之在呢件事情發生前，你個腦海中直情係冇諗過鉛呢一種重金屬，即係話確保水喉裏面各個部分都有鉛，呢個概念你係冇嘅？

G

H

答：我本人係。

H

I

問：得。即係你會覺得--但係你有冇--你知唔知道常理--常識嚟講，即係你有冇聽過中鉛毒呢個概念？

I

J

答：都有。

J

K

問：冇，okay，得。好嘞，咁就...

K

L

L

M

主席：或者我哋晏晝先，好唔好呀？

M

N

石先生：好，好，好。

N

O

O

P

主席：我哋食飯先，晏晝兩點半再繼續。

P

Q

答：唔該，唔該。

Q

R

主席：好，我哋晏晝見。

R

S

下午 1 時 04 分聆訊押後

S

T

下午 2 時 31 分恢復聆訊

T

U

出席人士如前。

U

V

V



B

B

C

C

D

何標記建築工程有限公司（“何標記”）（中國建築（啟晴邨）及瑞安（葵聯邨第二期）的分判商）的第一證人：何文標（何標記董事總經理）宣誓繼續作供

D

E

石先生繼續盤問

E

F

問：何先生，就我問番一啲今朝問嘅問題嘅一啲跟進先，就係你落咗嚟香港之後就一路都係從事水喉行業，你開頭就係直情由工人做起，你咁講，對嘛？

F

G

G

H

答：唔。

H

I

問：你做水喉工人嘅時候有學過一啲焊接喉管嘅手藝嘛？

I

J

答：我嗰個年代冇。

J

K

問：你嗰個年代唔係用...

K

L

答：全部係鉛水喉嘅。

L

M

問：Okay，即係唔係用銅喉，然後用燒焊嘅形式咁樣去接合嘅？

M

N

答：冇銅喉呢樣嘢，係全部鉛水喉，鐵喉嚟嘅。

N

O

問：得。你就係你嘅證人供詞--咁即係話你其實係冇見過啲焊料，係咪呀？即係你對有幾多種焊料、咩嘢牌子啲啲，有冇認知嘅呢？

O

P

答：冇，完全冇認知。

P

Q

問：因為你做嘅時候就唔係用燒焊，咁到到...

Q

R

答：用鉛水喉嘅，收靚用包--日本嗰隻包膠鉛水喉，曾經我八幾年就做過總承建商嘅，海城（譯音），海城建築公司嗰陣時係我做董事總經理嘅，其實我嗰陣時我做建築--做總建築商嗰陣時就水喉又兼--我係兼住嘅啫，畀啲伙記做嘅啫，我係未接觸過嗰個燒焊呢樣嘢，但係我知道銅喉係要用焊料嚟燒嘅。

R

S

T

問：你有呢個認知，就知道要用燒焊呢個工序，但係由於你入行嘅年代就唔係用燒焊嚟到焊接呢個喉管嘅，所以你就冇實際落手落腳做嘅經驗，對嘛？

T

U

U

V

V

B

B

C

答：係，係。

C

D

問：所以你亦都有見過唔同種類嘅焊料，亦都即係話，對嘛？

D

E

答：肯定。

E

F

問：即係而家畀條銅喉你，畀個焊料你，或者畀支呢個槍你，你係會做唔到呢個...

F

G

答：唔識燒，唔識點做。

G

H

問：好喇，我就問番你，就係今朝你提到鄭先生，鄭先生同你講過就係佢知道合約係要求係唔含鉛嘅，但係你個人就係當時係唔知嘅，你今朝係咁講喇？

H

I

答：係，佢冇話畀我聽。

I

J

問：得。

J

K

答：冇特登。

K

L

問：而你今朝就講過你其實係懂得睇一啲好基本嘅合約嘅條款，你明白呢啲基本合約條款嘅時候，有冇機會見到或者接觸過裏面有關焊料有冇含鉛或者含鉛量嘅一啲要求呢？

L

M

M

N

答：我今朝講嘅就話唔係基本嘅--英文基本嘅條款識睇，就係啲 BQ --譬如嗰個 BS1387 乜乜乜，GI pipe，咁我就知道嗰隻係鉛水喉，譬如 ductile 4772，我就知道係乜乜乜，揸住本 BQ 入面嘅單價啲項目，我就會睇--大約睇到，條款我真係唔識睇。

N

O

O

P

問：好，咁即係話 BQ 裏面就唔會寫焊料嘅，所以你就唔會睇到焊料嘅要求，係咪咁嘅意思？

P

Q

答：係。

Q

R

問：好，你就喺你嘅供詞裏面就講就係話你從鄭先生口中就知道何標記一路就係用緊一隻叫做 FRY 嘅無鉛焊料嚟做到接駁嘅焊料嘅，呢個係你嘅證人供詞裏面所講？

R

S

S

T

答：係。

T

U

問：你由鄭先生口中聽聞？

U

V

V

B

B

C

答：唔。

C

D

問：請問你從鄭先生口中聽聞係幾時從佢口中聽聞呢？係鉛水事件發生前定係鉛水事件發生後呢？

D

E

答：鉛水發生之後。

E

F

問：之後？

F

G

答：係。

G

H

問：亦都即係話其實鉛水事件發生之前，正如你今朝所講，就係鉛呢一種重金屬同水喉之間關係或者會引致咩嘢問題，你係完全冇呢一個嘅概念嘅？

H

I

答：係，冇認識，係。

I

J

問：發生之後，你就問佢，佢就話一路係用開 FRY 呢個牌子嘅焊料，你就第一次聽見呢個事情，對嘛？

J

K

答：唔。

K

L

問：但係我而家向你遞起一卷綠色嘅呢一卷，呢一卷就係傳說中嘅 FRY 嘅呢個焊料，你有冇見過，即係喺你嘅日常工...

L

M

答：事後，事後見過。

M

N

問：事後見過？

N

O

答：唔。

O

P

問：咁發生事情之前，你係冇見過嘅？

P

Q

答：冇，冇見過，冇乜印象，即係知道係錫條，但係唔知道個包裝係咁嘅。

Q

R

問：事情發生前你點會知道有錫條呢樣嘢呢？

R

S

答：唔係，即係用呢樣嘢錫嚟燒個銅配件，到底係點嘅模樣、包裝係點我就唔知。

S

T

問：明白，所以事情發生前你有個概念就係用一啲錫嚟到燒落去啲喉管，就將佢接駁起嚟？

T

U

U

V

V

B

B

C

答：係。

C

D

問：實際嗰啲焊料係點嘅樣嘅，你就唔知？

D

E

答：個材料係點包裝，我唔知。

E

F

問：材料點包裝唔知，事情發生後你就見過，對嘛？

F

G

答：見過，因為嗰陣時房屋署開會，我親自擺上去，包埋擺埋嗰隻唔啱規格嘅擺上去比較添。

G

H

問：好喇，我想同你問一問，鄺先生就同你即係見過，一陣間再同你詳細啲講鄺先生同你講嘅一啲事情，但係我而家轉一轉，講講持牌水喉匠林德森先生。你就喺你嘅證人供詞裏面就講過，就係水務條例就係要求係有一個持牌水喉匠係去負責水喉嘅工程嘅，而何標記就係委派咗林德森先生做持牌水喉匠係負責啟晴邨嘅工程，對嘛？

H

I

答：啱。

I

J

問：我想知道林德森先生其實係打何標記工嘅，係咪呀？

J

K

答：個應...

K

L

問：出糧嘅？

L

M

答：理論上係，但係佢唔係成日响寫字樓嘅。

M

N

問：我知，但係你會有份糧畀佢嘅？

N

O

答：有。

O

P

問：有？

P

Q

答：有畀到佢。

Q

R

問：但係你話佢唔係成日喺寫字樓，佢唔喺寫字樓嘅時候，佢係出咗去地盤做嘢嘢，定係其實佢一個人其實可以係預幾間公司嘅持牌水喉匠定係點呢，我又好有興趣知道實際業界裏面呢個持牌水喉匠嘅運作係點嘅呢？

R

S

答：因為我初初--因為我前一個就--即係就全--成日响度好咩嘢嘅，咁嗰陣時...

S

T

答：因為我初初--因為我前一個就--即係就全--成日响度好咩嘢嘅，咁嗰陣時...

T

U

答：因為我初初--因為我前一個就--即係就全--成日响度好咩嘢嘅，咁嗰陣時...

U

V

V

B

B

C

問：唔係，停一停先，因為你好多嘢，就話「我前一個成日喺度好乜嘢」，即係前一個乜嘢，同埋好乜嘢？

C

D

答：唔係，我解--比較，我前一個 licensed plumber 就係全部 full-time，全部响--即係成日我哋見到佢嘅，後來佢唔响--即係病咗，唔响度，我叫朋友介紹咗呢個嚟，初初佢...

D

E

E

F

問：你之前有一個持牌水喉匠，就成日見到佢嘅，不過就病咗，你就搵人介紹呢個林德森嚟？

F

G

答：唔係，唔見咗。

G

H

問：你就介紹

H

I

答：唔响度，唔响度，唔响度。

I

J

問：好，你就搵人介紹就林德森？

J

K

答：就朋友介紹嚟咗呢個，呢個...

K

L

問：呢個即係林德森，係咪呀？

L

答：冇錯。

M

M

問：我諗你要講清楚啲，如果唔係...

N

答：係喇，林德森佢本身個人就好有性格嘅，唔受束縛嘅，你問多佢都唔得嘅，咁所以我都對佢--因為佢講到--幫我講到佢自己又係英國嘅乜嘢水務咩嘢嘅會嘅咩嘢委員，即係佢個 grade 係等於香港區嘅總裁又乜乜乜咁樣，所以我就好少--即係佢啲性格好--唔畀人問嘅，寫字樓啲人問佢，又係佢唔會理、唔會答嘅。

N

O

O

P

P

Q

問：好喇，...

Q

R

答：到底佢有冇出去出面，有冇幫人扱牌，其實呢個現象就係有咁嘅情況，水喉界有--其實就係真係好多人幫人哋扱牌，即係唔會特登養一個 licensed plumber 响度間公司，間公司都養唔起。

R

S

S

T

問：係喇，我想知道即係業界其實關於持牌水喉匠嘅呢個運作係點樣嘅，你就頭先講過有呢個叫扱牌嘅嘢，咁扱牌其實係咩嘢嚟嘅？

T

U

答：扱牌即係等於一間公司，即係我哋公司...

U

V

V

B

B

C

問：係，搵牌。

C

D

答：我哋公司咁大、咁多 project，咁就梗係請到個咁嘅人喇，如果譬如一間公司有咁多 project 嘅，久唔久一單、久唔久一單或者一年一、兩單，佢一個月要兩萬，一年都二十四萬，你根本係養唔到呢個...

D

E

問：唔化算？

E

F

答：即係養唔到一個...

F

G

問：養一個人就唔化算喇？

G

H

答：係，有能力養呢個嘅。

H

I

問：二十四萬養佢一年，原來做得兩單？

I

J

答：所以就有搵牌呢個術語。

J

K

問：係點嘅呢即係？

K

L

答：搵牌咪就係...

L

M

問：持牌水喉匠就係一個攞住個牌嘅水喉匠喇？

M

N

答：係喇。

N

O

問：即係水務署畀咗個牌佢喇？

O

P

答：唔。

P

Q

問：咁就可以做好多嘢，即係有好多嘢都要佢簽紙，我哋知道。

Q

R

答：係喇，係喇。

R

問：你嘅意思係咪即係話有一個人係持牌水喉匠，佢就可以即係等於自由身，就話「你有一單工程，你想我幫你簽有關持牌水喉匠要簽啲水務文件，我就當自由身，你接個 job 嚟做。」咁樣，係咪咁解？

R

S

答：係，係，係。

S

T

問：係咁解？

T

U

答：係，係。

U

V

V

B

B

C

問：林德森就叫做係你哋公司嘅僱員，你哋出糧畀佢，有冇買咩嘢勞工保險啲啲咁嘅嘢㗎？有嘅，係咪呀？真係一個僱傭嘅合約嚟嘅，係咪呀？

C

D

D

E

答：我哋初初就點呢？初初幫佢就幾多--幾萬蚊一個月嘅，由於佢就成日唔返工，又七七七七咁，收畀我就話唔好喇，出糧轉個方法，就每一單 project 就逐樣計，畫圖又幾多錢，即係負責呢個 project 又幾多錢，每單計。

E

F

F

G

問：開頭就出糧？

G

H

答：斷月嘅。

H

I

問：斷月計？

I

J

答：係。

J

K

問：後來你就話「我同你點呀？斷單計？」

K

L

答：斷樣嘢計。

L

M

問：斷樣嘢計？

M

N

答：係。

N

O

主席：幾時開始請林德森？

O

P

答：咩嘢話？

P

Q

主席：幾時開始請林德森？

Q

R

答：我諗佢返咗工冇幾耐，嗰個就開始㗎喇，因為佢...

R

S

問：我諗主席先生想問你就係個年份。

S

T

T

U

主席：係呀。

U

V

V

B

B

C

答：記唔清楚。

C

D

D

E

問：即係幾時開始你話舊嗰個成日唔--即係開始病，你話搵人介紹林生畀你，2000年定八幾年、九幾年定係...

E

F

答：我諗都有--因為我份供詞嗰度有講明我嘅--因為我好少特登記住佢，譬如--我諗都有七、八年。

F

G

G

H

主席：你全公司得一個水喉匠嘅之嘛？

H

I

答：其實又咁樣講，水喉匠呢，而家返轉頭我望我公司其實就好多有水喉匠嘅。

I

J

主席：註冊嘅水喉匠呀？

J

K

答：註冊水喉匠。其實水喉匠呢個結構係好錯誤嘅，因為我點解呢？我早幾日--即係發生呢件事後，我就落去調整過晒，即係了解晒啲伙記啲啲履歷啲啲盛，我就問佢擺個大工牌，佢話「老細，我有大工牌嘅，我呢個得唔得呀？」咁個個又係水喉匠，因為水喉匠喺香港得一個，叫一級水喉匠，其實水喉匠呢個結構係唔啱嘅，有一啲好成日活動嘅，就會做，如果成日唔活動，個牌擺喺度幾十年都係都未郁過嘅，但係佢一樣有效嘅，咁所以...

K

L

L

M

M

N

N

O

O

P

問：呢個係持牌水喉匠嗰個牌吖嘛？

P

Q

答：係喇，係喇，其實...

Q

R

問：唔係講大工、細工啲啲啲，我哋係講緊持牌水喉匠，licensed plumber，你講？

R

S

答：我講係持牌水喉匠，okay，一級水喉匠，okay？

S

T

問：係，係，係。

T

U

答：其實呢個結構，原來我而家翻查公司，我公司十個啲 labour 入面，即係唔好話佢哋英文差過我，佢二十幾個英文字母都唔識嘅，乜嘢都

U

V

V



B

B

C

唔識嘅，佢都有個水喉牌嘅。

C

D

問：都係 LP 嚟嘅？

D

E

答：係喇。

E

F

主席：唔係，你講水喉牌係大工牌咩，抑或...

F

G

答：唔係，水喉匠牌。

G

H

H

I

問：LP？

I

J

答：係。

J

K

問：Licensed plumber？

K

L

問：即係除咗林德森之外，你話你而家間公司都有...

L

M

答：起碼有六個至七個。

M

N

問：...一拵僱員係有 licensed plumber 嘅牌嘅？

N

O

答：係，但係佢從來都有用過嘅。

O

P

問：但係你出住糧畀佢啲嘢，你...

P

Q

答：唔係，佢做 labour 咁嘛，即係我唔發--佢幫我做咗十幾、二十年，我都唔發覺佢係 LP 嚟嘅，原來佢係 licensed plumber 嚟嘅--原來係 labour 嚟嘅，即係...

Q

R

R

S

問：即係其實你一早都唔使搵林德森喇，如果你要搵一個人做簽名，去睇呢啲嘢，係咪呀？

S

T

答：但係佢唔熟--佢又唔識填 form，又唔識手續。

T

U

問：即係你指其他啲人，係咪呀？

U

V

V

B

B

C

C

答：係喇，係喇，所以我其實話嗰個根本水喉牌嗰個結構係有缺憾嘅，即係你活動嗰啲其實喺香港好--其實以前，即係好似我後生嘅時候，如果去考個牌都考到㗎，好簡單之嘛，屈條膠喉，入啲沙落去，屈條膠喉屈佢 90 度，跟住扭扭個銅喉，咁就批㗎喇。即係以前嗰個概念，講而家個概念個需要係跟唔上形勢嘅，我覺得個...

D

D

E

E

問：即係你意思係 N 年前考 licensed plumber，可能都唔知道咩嘢係燒焊，咁就可以考到個牌？

F

F

G

G

答：係喇。

H

H

問：而家就擺住個牌又有更新，咁就...

I

I

答：我最記得係屈條--用啲沙入啲膠喉度，屈條膠喉，跟住擺條銅喉屈一屈佢個曲 okay，咁就畀佢一級水喉持牌匠㗎喇。

J

J

問：就有啲自我更新課程，要佢不斷努力咁樣？

K

K

答：係呀，係呀，我覺得所以呢樣係好--譬如而家即使--我其實係可以搵我嗰啲做緊 labour 嗰六、七個，但係你搵佢冇用嘅，佢乜都唔識，你搵佢有咩嘢用呢？所以而家就要搵一個有文化嘅，又識睇英文嘅，又要識填 form 嘅，又要上水務局識搵邊個部門嘅，咁先有用。

L

L

M

M

問：咁所以嗰陣時你上手做呢一個位置嗰個全職，成日你見到佢嗰個持牌水喉匠冇做之後，你就搵林德森去代替佢做呢啲嘢？

N

N

答：唔。

O

O

問：開頭係斷月計？

P

P

答：唔。

Q

Q

問：後來發現都唔係太過化算，所以你就同佢即係件頭咁計，對嘛？

R

R

答：唔係，唔係化算，問我伙記，因為佢成日都唔得盡責，唔得跟啲嘢，即係成日都唔見人乜乜乜，你唔可以話幾萬蚊請一個人，成日都唔見人，跟唔跟都唔知，譬如你正如所謂佢出面有冇做嘢我又唔知，所以收扞就逐樣幫佢傾，譬如你要畫圖，搵人畫圖又幾多錢，成單嘢負責個水務工程做晒又幾多錢，咁囉。

S

S

T

T

問：好，既然你講開持牌水喉匠嘅一啲你所口--即係可以叫做一啲流弊，我又想聽下，因為我哋都有乜點聽過。有啲公司係個老闆本身就係一

U

U

V

V

B

B

C

個持牌水喉匠嚟嘅，你有冇聽過，行內？

C

D

答：我知嘅。

D

E

問：即係間公司做法唔同，有啲就係「我持牌水喉匠，我直情係做老闆。」有啲咁嘅公司嘅，對嘛？

E

F

答：通常都係咁，因為點解呢？我當時個自己感覺，即係嗰個年代就話咁簡單嘅擺幫唔擺其實冇乜分別，到我想擺嗰陣時候，覺得需要嘅，又自己跟唔上，要讀書喇，咁咪冇擺囉，其實我擺都擺到嘅。

F

G

G

H

問：但係其實擺到都好值錢㗎嗎，因為你--即係好似你話齋，即係要扱牌，即係你有啲人需要嘅時候，你就可以「我幫你接一件做，你要搵人簽字吓嘛。」咁，係咪呀？會唔會有呢個情況？

H

I

I

答：我唔知，在我嚟講，我就唔需要。

J

J

問：得。

K

K

答：簽唔簽對我嚟講，我都需要人做，而家我而家後悔冇擺，如果我擺咗，可能有呢單事發生都唔出奇。

L

L

M

問：好喇，就我哋講番持牌水喉匠先，有啲就係自己做老闆嘅，張達欽先生，有冇聽過呢個名？

M

N

答：我聽過。

N

O

問：聽過，咁...

O

P

答：我識佢添。

P

Q

問：你識佢，佢係持牌水喉匠，對嘛？

Q

R

答：唔，唔。

R

S

問：佢都係老闆喇叫做，係咪呀？

S

T

答：唔。

T

U

問：佢就係頭先我哋所講嗰種嘅現象嘅一個例子，係咪呀？

U

V

答：唔，唔。

V

B

B

C

問：持牌水喉匠，亦都係老闆，未必落手落腳做，但係有嘢要簽，佢就自己簽番，呢個係一種做法，對嘛？

C

D

答：係。

D

E

問：另外一種做法就係打一份工，竊住一個僱主，如果好似你之前請開嗰個就係咁，係咪呀？如果不斷有嘢做嘅，佢咪不斷做持牌水喉匠要做嘅嘢，就係簽紙咁喇？

E

F

F

G

答：唔。

G

H

問：呢個係第二種情況，打份工，對嘛？

H

I

答：喎。

I

J

問：另外一種就係唔係打工，佢可能鍾意自由身，今日我可能幫何標記，好似林德森咁樣，幫你畫下圖，斷件咁樣計，第二日，我可能會幫第二個水喉分判商，就做嗰個水喉分判商嘅嘢？

J

K

答：唔係，石律師，我呢度保留喎，即係佢就係肯定唔係成日响我寫字樓見到佢，或者佢有冇去我啲地盤我唔知，但係佢有冇出去幫人扱牌我唔知。

K

L

L

M

問：我明，我明，我哋唔好用林生做例子，但係總之有一啲可能就係有一個人攞住個牌，自由身，...

M

N

答：因為我唔負責任吓嘛，你...

N

O

問：...今日就幫 A 公司做一單 job，聽日我可能幫 B 公司做，所以我可能係同一個人喺同一個時期，可能我係五個唔同 project 嘅 LP，五個唔同嘅分判商，都可能嘅，對嘛？

O

P

P

Q

答：事實係咁，因為我行內，好似譬如嗰啲申請一個錶、兩個錶嗰啲，一、兩個水錶，兩個水錶啲維修乜嘢，有啲人專幫人扱牌嘅，就 3,000 釐一個、4,000 釐一個咁樣扱嘅。

Q

R

R

S

問：扱牌就你嘅意思真係佢負責扱個印、簽個名咁嘅咋，係咪呀？

S

T

答：即係遞晒水務局嘅，嗰 part 佢搞掂晒。

T

U

問：至於佢背後係咪真係落手落腳驗過啲工好唔好又盛嗰啲，就唔知喇？

U

V

V

B

B

C

答：咁又唔知喇，咁唔知，係，我唔知，即係我聽講啫呢啲，唔係事實嘅嘢我唔可以講。

C

D

問：當然，明白。持牌水喉匠佢當然最終入水務局嘅文件，我哋啲啲 046 啲啲我哋唔好逐份睇，有好多文件要持牌水喉匠簽。文件還文件，頭先你所講，可能要有少少文化程度，咁先至可以識得知道要剔邊格或者知道點樣填，但係持牌水喉匠唔係是必要落手落腳做嘅，係咪呀？

D

E

E

F

答：一定唔係。

F

G

問：一定唔係添？

G

H

答：我哋啲個就唔係，我哋啲個就唔係。

H

I

問：以你嘅經驗，你以前請...

I

J

答：我請啲啲就全部都唔係。

J

K

問：你以前請開啲個唔係，林德森亦都唔係？

K

L

答：係，以前請啲個就包埋管工程添，開下會添。

L

M

問：即係管理層嚟喇已經？

M

N

答：管理層，係喇。

N

問：就唔係真係攞住把槍周圍燒嘅，就一定唔係佢喇喇？

O

答：係。

O

P

問：即係以你個人何標記請啲個，以前就唔係咁嘅？

P

Q

答：係，係，冇錯。

Q

R

問：反而有一班有持牌水喉匠牌，但係唔係做持牌水喉匠嘅工作嘅人就係做啲燒焊嘅角色，就會係？

R

S

答：係，而家我哋公司有唔知六個、七個。

S

T

問：好。好喇，我哋講一講關於同房委會去攞審批，即係啲物料審批嘅呢一個過程，就你都知就係好籠統嚟講，主合約裏面好多時候都會要求有啲嘅物料係需要房委會去批准嘅，對嘛？

T

U

U

V

V

B

B

C

答：啱。

C

D

問：有一啲物料，嗰啲物料叫 PLU2，有冇聽過？

D

E

答：佢...

E

F

問：冇聽過唔緊要。總之有一批物料就係合約規定...

F

G

答：你講概念得喇，啲 form 名稱我未必...

G

H

問：唔緊要。有一種物料即係合約會規定某些物料係一定要個房委會係去批核「我准畀你用，咁就畀你用嘅。」有一批就唔係是必要嘅，你有冇知道大約有呢一個分界？有啲係一定要佢批咗，先至可以用嗰種嘅，有一種就係唔係是必要佢批嘅？

H

I

答：應該全部都要批㗎。

I

J

問：Okay，唔該，全部都要。咁即係以你嘅認知，就其實--咁就話實際嘅做法就係連焊料都要批嘅，係咪呀？

J

K

答：應該咁...

K

L

問：合約上需唔需要批我諗唔好爭拗喇，但係以你嘅理解，就係實際運作裏面就係焊料都係要交界主承建商交去畀房委會去審批，先至准嘅？

L

M

M

N

答：我有留意。

N

O

問：你有留意？

O

P

答：我有留意，總之合約上 BQ 有嗰個項目，即係成形嘅，唔係睇唔到嘅，就我一定知道一定要審批先安得落去嘅。

P

Q

問：咩嘢叫承認，唔係睇唔到？

Q

R

答：即係譬如包膠鉛水喉就鉛水喉，閘掣就閘掣，膠喉就膠喉，乜嘢就乜嘢，嗰啲佢一定要批嘅。

R

S

問：咁有咩嘢係見唔到㗎？

S

T

答：見唔到，好似啲小五金嗰啲咪見唔到囉。

T

U

問：哦，明白，明白。

U

V

V

B

B

C

答：小五金嗰啲好似啲松香膏、麻根，好似即係錫條呢個...

C

D

問：你當錫條或者你當焊料係算係睇到定睇唔到？

D

E

答：即係不如咁講，就話响 BQ 度有項目嘅，即係有灰色地帶就未必。

E

F

問：未必一定合約要求要去審批？

F

G

答：係喇，係喇。

G

H

主席：成形嗰啲就要批，係咪咁嘅意思，你頭先講？

H

I

答：咩嘢話？

I

J

主席：成...

J

K

問：成形，即係你見到一嚟嘢嘅？

K

L

答：係喇，冇錯喇。

L

M

M

N

主席：成形㗎嘛。

N

O

答：成形嘅，佢叫咩嘢名，乜名乜乜乜咁。

O

P

P

Q

問：至於你話啲小五金，啲螺絲掙咗入去，就直情見唔到嘅，你就覺得啲啲就唔係成形嘅？

Q

R

答：係喇，係喇。

R

S

問：或者 BQ 係唔會規限幾多粒螺絲可以報數嘅？

S

T

答：係喇，好似去飲杯奶茶咁，邊度地方嘅奶茶咁，但係用邊隻糖，即係使唔使批呢，我真係唔知，即係呢個配--我當佢配料，就我嘅認知就唔知，但係我問咗鄭生，鄭生話嗰個--即係嗰個焊料係要批嘅。

T

U

U

V

V

B

B

C

問：呢個係事後，又係出咗事之後先問鄭先生嘅？

C

D

答：係，係，冇錯。

D

E

問：鄭先生話焊料係要擺去畀房署批嘅，對嘛？

E

F

答：佢事實有擺，佢話畀我聽。

F

G

問：佢事實有擺，係喇，我就係同你講就係話我哋唔好理合約有冇要求要，...

G

H

答：唔好理佢，係，係，唔好拗，okay。

H

I

問：...事實上佢係有呈交焊料畀房委會去批嘅？

I

J

答：係。

J

K

問：事後佢話番畀你聽，對嘛？

K

L

答：係。

L

M

問：好喇，選擇邊一隻焊料、如何安排文件、呈交、透過乜嘢人遞上去畀房委會批，呢一啲嘅程序就係鄭先生負責，對嘛？

M

N

答：即係點話？

N

O

問：負責去搵一啲供應商擺一啲物料，然後呈交上去畀主承建商，再同主承建商去聯絡、...

O

P

答：我啲同事跟嘅。

P

Q

問：...獲取審批，呢啲就係由鄭先生主導，...

Q

R

答：我啲同事跟嘅。

R

S

問：...跟住佢會有啲同事幫佢，例如打字嗰啲咁，對嘛？

S

T

答：係，係，冇錯。

T

U

問：呢啲就你唔會落手落腳做嘅，對嘛？

U

V

答：唔。

V



B

B

C

問：所以我就想問一問你，即係好高層次咁問，因為我知道其實即係可能會話實際落手落腳每一步點，你話會問鄭生好啲，係咪呀？

C

D

答：都唔係，我知道一定...

D

E

問：哦，你都知嘅，哦，咁得喇，可以問。

E

F

答：唔係，如果知--唔係，你問個嘢，我一定答你，我話。

F

G

問：好，得。我想就--其實做呢一啲工程嘅嘢，嗰個流程其實單單都係一樣嘅啫，邊個第一步入張乜嘢紙，呢啲其實你一次生、兩次熟㗎喇，對嘛？即係唔會話每一單都有唔同嘅流程嘅，對嘛？

G

H

答：應該流程一樣。

H

I

問：流程一樣，好喇，所以擺咗單工程返嚟之後，就要安排去擺唔同嘅供應商去擺唔同嘅物料，就因為你哋嘅合約係與主承建商㗎嘛，對嘛？你哋同房委會冇合約㗎嘛？

I

J

答：冇，冇。

J

K

問：所以你哋如果有一啲樣本，一啲物料嘅樣本要去呈交審批，你哋就會畀你哋嘅主承建商，對嘛？

K

L

答：啱。

L

M

問：啟晴就會畀中國建築？

M

N

答：唔。

N

O

問：葵聯就會畀瑞安，對嘛？

O

P

答：係，啱。

P

Q

問：呢兩個主承建商就畀房委，房委批咗，就會批覆番落嚟，對嘛？

Q

R

答：啱。

R

S

問：好喇，所以我就唔去同你睇啲文件方面嘅嘢，因為文件都係鄭生或者係佢啲手下去做嘅，但係我哋呢單案件裏面，我可以話畀你聽鄭先生就係有呈交過呢一卷綠色嘅 FRY 呢一隻牌子，不含鉛嘅，就去畀審批，亦都批咗落嚟係准用嘅。好喇，我就想問你嘅問題就係至於鄭先

S

T

U

T

U

V

V

B

B

C

生佢喺邊一個供應商度擺到呢一個 FRY 呢一種唔含鉛嘅焊料，你有冇份決定？

C

D

答：冇。

D

E

問：定係由鄭先生自己去搵？

E

F

答：唔係鄭先生搵，係 procurement 搵嘅。

F

G

問：Procurement 嘅人搵嘅？

G

H

答：因為如果擺咗啲就批咗，批咗，每一隻料批咗，就會將個波就掙咗畀 procurement 啲小姐。

H

I

問：我係想講前一步，即係話鄭先生而家連 approval 批核都未搵到，佢而家見到有個新嘅項目，佢話「我要搵焊料交」，...

I

J

答：鄭先生。

J

K

問：咁鄭先生佢係基於何先生你同佢講「我哋用開有一掙好可靠嘅，你搵呢幾間嘢擺喇。」你係咁同佢講咩，定係鄭先生佢自己用佢嘅本領走去搵一啲好嘅供應商嚟到擺呢啲樣辦呢？

K

L

L

M

答：其實我啲供應商就習慣咗用嗰一批嘅，其實我就冇--從來冇話畀佢聽要邊隻、要邊隻嘅，通常個辦都係就佢哋去揸主意去遞咗，批咗，然後 procurement 然後 call 啲 supplier 嚟全部報晒價，報晒價，procurement 嗰個主管然後將嗰份分析表就畀我睇，「老細，呢個幾多錢，呢個幾多錢，呢個幾多錢。」然後我就決定用邊間嘅。

M

N

N

O

O

P

問：好喇，大件啲、成形啲啲就會係咁用，至於唔成形，焊料...

P

Q

答：完全冇過問，亦唔知道。

Q

R

問：焊料就有過問？

R

S

答：係。

S

T

問：焊料亦即係話你係完全下放咗畀鄭先生？

T

U

答：唔係，唔係，應該咁講，係小五金。

U

V

問：小五金？

V

B

B

C

答：即係唔知用幾多，加埋冇數量，即係冇...

C

D

問：消耗咗之後就唔見咗㗎喇，呢啲？

D

E

答：冇標題嘅，冇標題嘅，即係冇話呢樣係乜、呢樣係乜嘅，好似佢--因為我哋嗰個小五金好廣泛嘅，譬如啲鋁梯又屬於小五金，啲勞工手套又係小五金，啲帽--啲安全帽又係小五金，所以嗰阵我係冇規範佢啲話一定要畀我批嘅，就係佢哋 call 番嚟，佢哋自己去揸主意，因為冇可能兼到咁多。

E

F

F

G

問：好喇，我哋知道今次呢個事件裏面何標記就係同一間叫做雋景嘅供應商係擺到呢一個焊料，先係做呢個樣辦，跟住就係源源不絕即係繼續咁樣供應實際用嘅焊料嘅，我想問你，就係雋景呢一間供應商係屬於你話齋，即係何標記其實一路用開，你都識佢嘅供應商㗎，定係鄭生自己搵番嚟嘅？

G

H

H

I

I

J

答：雋景嗰個，我點解會係幫佢，係識咗好耐，識咗十幾、二十年，點解呢...

J

K

K

問：識佢老闆？識佢老闆，係咪呀？

L

L

答：識佢老闆，因為...

M

M

問：周生，係咪呀？

N

N

答：係，周生。因為佢同我差唔多，我打緊工嘅時候就做伙記，經常唔夠料，去佢間廠嗰度車，佢响塑膠廠嗰度就做執貨嘅，所以一齊咁成長，咁就變咗就大家都有啲信任响度。

O

O

P

問：周生後來就開咗雋景呢一間供應商？

P

Q

答：係喇，我就開咗工程公司。

Q

R

問：你就做咗工程公司老闆，於是你就--係咪在鄭先生加入何標記之前，你已經係用緊雋景做其中一個供應商？

R

S

答：係。

S

T

問：係，所以鄭先生加入何標記嘅時候，係咪就係見到你已經係用緊雋景作為其中一個供應商，所以佢就會知道係從雋景度可以擺某一啲嘅物料嘅供應呢？

T

U

U

V

V

B

B

C

答：係。

C

D

問：係，但係你又冇特別指示邊一種料搵雋景、邊一種唔搵嘅，即係基本上就係我哋叫做佢自己識跑嚟喇，佢見到雋景係供應呢某呢幾種嘢嘅供應商，老闆又識佢個老闆，咁咪搵雋景囉，會唔會係咁呀？

D

E

答：我從來都冇畀過指示嘅，因為我只有交帶 procurement，我話如果雋景貴少少，兩個 per cent 呢，都幫襯佢喇，我就冇落過咁嘅指示，其他你具體邊啲幫佢買、邊啲唔幫佢買，我完全冇指示嘅。

E

F

F

G

問：咁亦即係話呢一種焊料搵雋景呢一個決定就係鄭生自己作出嘅，對嘛？

G

H

H

I

答：我唔知，應該係啱。

I

J

問：好，雋景喺業內算唔算係一個都幾大規模嘅一個供應商？供應呢一啲嘅小五金、焊料呢類嘅嘢。

J

K

答：我就唔覺得啱，响我哋公司就即係屬於主要，因為我公司畀佢做咁多，始終有啲感情响度，包埋佢服務又周到啲，譬如我一叫，佢就即刻會上嚟，因為佢算係，即係我覺得溝通易啲，即係到底係咪大，我真係唔知。

K

L

L

M

問：但係你耐唔耐會唔會搵周生聚下舊、飲下茶、傾下偈咁？

M

N

答：飲茶就唔會。

N

O

問：吓？

O

P

答：飲茶就唔會。

P

Q

問：有乜嘢會呢咁？食飯就會？

Q

R

答：佢每年都會請我哋公司...

R

S

問：春茗啲啲？

S

T

答：...春茗或者咩嘢事又食餐，咁過時過節派下利是，咁囉。

T

U

問：得。

U

V

答：我幫佢多數就電話聯絡就追佢嘢嘅啫。

V

B

B

C

問：但係你話私交，會唔會成日出嚟交往就有喇？

C

D

答：冇，完全冇。

D

E

問：得。

E

F

答：完全冇，有時我開咗間日本--我個女開咗日本餐廳，我有時叫佢嚟我餐廳捧場咁就有。

F

G

問：Okay，但係即係私人之下...

G

H

答：但係私人傾偈，完全冇。

H

I

問：冇，得。

I

J

主席：想問下你，何標記有幾多員工呀？

J

K

答：邊個話？

K

L

主席：你有幾多員工呀？

L

M

答：你講係 site 還是講 office，寫字樓？

M

N

主席：全部--唔係，office 先喇。

N

O

答：我全部員工，我其實維持埋 labour 連--或者維持到一千左右，千零個甚至，因為我而家我長期，我哋公司就香港計，淨係水喉單項嚟講，contract sum 係最大嘅，係咪最好、係咪最叻就未...

O

P

P

Q

問：Contract sum 最大，係咪？

Q

R

答：Contract sum 最大，okay。特別房屋署，特別房屋署，我長期 keep 住係大約一千個嘍，因為我好似而家蘇屋邨，而家趕緊工嗰個，瑞安嗰個我哋都有百七人，譬如水泉澳，一、二、三、四期都係我嘅，每一期都有一百幾十，咁咪變咗--即係一千個--一千左右喇，上上下下...

R

S

S

T

T

U

問：大部分都係 site 㗎喇，可唔可以咁講？

U

V

V

B

B

C

答：係，大部分都係。

C

D

問：大部分都係 site 喇。

D

E

主席：寫字樓有幾多個？

E

F

答：寫字樓，我哋好少嘅咋，寫字樓，睇下先，procurement 三個，QS 又三個、會計部兩個、秘書一個，加埋我，而家有--啲啲工程管理人員就唔會成日响寫字樓，佢哋多數--我主張佢哋真係落去行，唔畀佢哋坐嘅，就係咁多個，其實。

F

G

G

H

主席：寫字樓十個？

H

I

答：吓？

I

J

主席：寫字樓十個？

J

K

答：寫字樓，即係三個、三個、三個、十個、十一、十二、十三，連埋司機，十四個。

K

L

主席：十四個。

L

M

M

N

問：寫字樓，即係工程管理，譬如嗰位黃生就係叫做工程管理，黃貴雄，係咪呀？

N

O

答：黃貴雄係有個 site 嘅地盤...

O

P

問：係 site，係。

P

Q

答：某一個 site 嘅地盤管理人。

Q

R

問：即係佢--就係頭先你所講，就話你鼓勵佢哋出 site 啲啲管理人員，佢就係...

R

S

答：佢唔屬於係管理人員。

S

T

問：佢唔屬於。

T

U

答：即係梁偉健啲啲就屬於。

U

V

V

B

B

C

問：得，得，梁偉健就喺寫字樓會有個 e-mail...

C

D

答：唔係寫字樓，佢係...

D

E

問：得。

E

F

答：即係佢每一樣嘢會巡地盤，巡完返去匯報畀我。

F

G

問：得，得。

G

H

答：因為我本身就好鍾意去落地盤嘅，我每日一早，我就一定去地盤，唔係呢個地盤，嗰個地盤去咩嘢嘅，其實我都係參與嗰個地盤嗰個進度管理，幫埋啲公司溝通嘅，我又幾鍾意幫啲管理人員溝通，即係咩嘢。

H

I

問：即係起碼唔好咁離地，知道發生緊咩嘢事，係咪呀？

I

J

答：呢一方面喇，我就鍾意幫--係幫人與人打關係，即係我好享受嗰種，去到落地盤，個個叫聲標哥七七七七，我又好享受嗰種嘅，所以我就成日落去嘅。

J

K

問：梁偉健高級過黃貴雄嘅，係咪呀？應該。

K

L

答：應該咁樣講，梁貴雄係...

L

M

問：黃貴雄。

M

N

答：黃貴雄，係每--我十幾個 site 入面一個 site 嘅管理人，就唔屬於管理層，係嗰個 site 嘅層次係管理人，梁偉健就係我準備--兩年前已經有心栽培佢，因為我自己年紀都咁上下，即係我知道做建築，你唔係身體力行唔到地盤，你就唔可以做嘅，我已經係有心係將佢培養係頂替我個位置嘅。

N

O

問：所以梁偉健都自己有公司嘅電郵咁，係咪呀？都會？即係佢係...

O

P

答：我唔知佢嘅。

P

Q

問：冇--唔知，okay，唔緊要。

Q

R

答：我唔知。

R

S

T

問：因為我哋見到有啲...

T

U

V

V

B

B

C

C

D

主席：除咗梁偉健係你伙記之外，仲有冇其他關係㗎？

D

E

答：其他咩嘢話？

E

F

問：關係。

F

G

G

H

主席：其他關係。

H

I

答：其他...

I

J

J

K

問：即係係咪親戚，定係有冇第二啲關係，定係純粹打工，有冇？

K

L

答：純粹打工。

L

M

問：純粹打工？

M

N

答：冇親戚關係。

N

O

問：得。

O

P

答：梁偉健我點發掘佢嘅呢？就係佢以前幫黃貴雄一齊嘅，突然個中國建築有個經理話畀我聽，佢話「標哥，你有個伙記好犀利㗎，夜晚晚晚兩--夜晚兩點走㗎。」咁，我話「唔係㗎，兩點佢係咪賭錢呀？」佢話「唔係，佢真係响度做嘅。」七七七，我點發掘咗佢，响元州街，咁就先開始重用佢，咁至先開始重用佢之嘛，完全冇關係嘅。

P

Q

Q

R

R

S

黎先生：我想問一問，你有咁多工人，咁多地盤，但係你實際上用嘅水喉匠淨係得林德森一個？

S

T

答：公司用嘅水喉匠就 15 年之前，以前嗰個去咗之後，係公司一個嘅，其實一個都夠嘅，因為佢每--其實冇乜嘢做，冇...

T

U

黎先生：即係咁多工程都係一個嘅啫？

U

V

V



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答：都係一個。

問：林德森？

答：係。

問：或者佢之前嗰個，即係總之佢之前嗰個就係一個，之後就係林德森都係一個？

答：但係以前，即係而家望番轉頭就唔好嘅，以前其實冇咩嘢做嘅，其實一開工，咁就填份 form 畀水務局，水務局批咗返嚟，開得工，咁呢件事就擠响度，如果佢勤力就會成去地盤睇，如果佢唔理，佢就唔會去睇嘅，到兩年幾、三年後話畀佢聽完工囉嗰，咁佢自己去地盤睇一眼，係咪真係完，完咗，佢就填份 form，完工喇，叫水務局嚟，就係咁多嘢嘅喇。但係而家，去到而家個房屋署要求、咩嘢要求，就一個唔掂，因為我而家請嗰啲，佢一個睇兩個地盤，佢都話「哎吔，標哥，我頂唔順，你唔好畀咁多我睇。」即係望番轉頭，就唔--即係做到最好就唔得，即係你話--因為我譬如十幾個地盤响手，就唔係十幾個地盤係嗰年完成㗎嘛，十幾個地盤，房屋署啲地盤起碼一個做兩年至三年，實際每一年完成嘅地盤得幾個嘅之嘛。

問：即係其實即係頭先你所講，其實真係需要持牌水喉匠出馬，就真係可能係開頭同埋結尾嘅咋嗰，係咪呢？

答：理論上係，如果不負責任嘅話。

問：好喇，我想畀少少嘢你睇，就係 B15.2，文件夾 B15.2，38390，tab 357，tab 357，第 38390 頁，呢一份嘢就係一個雋景嘅文件嚟嘅，呢一頁就唔係何標記擺出嚟嘅，呢一頁就有利擺出嚟嘅，但係就其實佢本身呢份嘢就係一份雋景一份標準嘅文件嚟嘅，就係關於 FRY 呢隻牌子嘅松香膏同埋無鉛錫線，即係呢卷嘢嘅一啲文件。

你都知道，又係好籠統咁講，就係你要擺嘢去畀人審批，擺啲建築物料畀人審批，要好多文件，可能要啲實驗室嘅證明或者要來料嘅一啲文件、出產證明諸如此類，視乎係咩嘢物料，所以有陣時供應商都會畀一啲文件嗰個買貨嗰個人嘅，係咪呀？即係你哋有陣時同人哋擺貨，佢都會畀啲文件你，就話「呢一啲就係證明呢一種係好嘢喇，你呈交上去喇。」咁，係咁做㗎嘛，對嘛？

B

B

C

答：係。

C

D

問：呢一張咁嘅文件就似乎就係雋景有陣時提供畀一啲同佢訂貨嘅人嘅一啲單張又好，叫佢做文件又好，就係關於 FRY 呢隻牌子嘅松香膏同埋無鉛錫線嘅，你個人嚟講，有冇見過呢一份文件呀？

D

E

答：冇。

E

F

問：冇，但係你知唔知道雋景係有提供一啲咁樣嘅文件，又或者一啲文件畀同佢訂貨嘅人係畀佢呈交嘅？

F

G

G

H

答：我真係冇參與。

H

I

問：冇參與嘅？

I

J

答：所有咁多材料，唔好話雋景，所有即使我定咗用係邊隻、邊隻、邊隻，但係我知道就房屋署就係一個 -- 佢管理好完善，一定要嗰個 catalogue、test cert.、job reference 乜乜乜，全部齊佢至肯批㗎嘛。

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L

問：呢個就係 job reference，你見到喇，呢個就係嗰個 job reference 喇？

L

M

答：係。

M

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問：你跟住睇後面好多英文嘅，就係好多啲啲介紹產品、實驗室證明諸如此類啲咁嘅嘢喇。

N

O

答：我有...

O

P

問：但係你本人就有睇過，但係你知道一般嚟講，供應商都會提供呢類咁樣嘅文件嘅，對嘛？

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答：一定。

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問：好，佢呢一度個 job reference 就講到明就係呢一啲就係房署批嘅，即係你就咁第一次睇，你都見到就係「FRY 松香膏」，「房署及建築署項目」，咁就一乍嘢，其實呢一度你驟眼望，其實即係佢話緊畀個用家聽就係「你用我呢隻嘢就有死錯人喇，因為呢一種牌子嘅嘢，房署係即係叫認可嘅，係批嘅，你呈交上去，房署係會批嘅，佢亦都曾經批過。」有呢個所謂戰績，呢份嘢其實主要就係要嚟咁用嘅，係咪呀？可唔可以咁講？即係你有冇見慣呢一類...

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答：即係畀啲 job reference，係喇，畀人哋證明佢以前用過。

問：係喇，即係呢一種嘢過過關嘅，你擺嚟就唔會畀人留難喇咁？

答：係，係。

問：恕我咁問，就係--我再問多你一句先，就係你知唔知道錫線同埋錫條呢兩樣嘢嘅分別嘅？

答：我連名稱都未聽過。

問：但係頭先你又講過錫條呢個...

答：唔係，我話燒嘢嗰種一定係錫，但係你話錫條、錫線嘅包裝嗰個名稱、嘅稱呼，我真係未聽過。

問：會唔會有一個現象就係其實行內大家就係見到呢啲咁樣嘅小五金，掉以輕心，就見到人哋擺一份咁嘅嘢嚟話「哦，FRY 呢隻牌子房署實批嘅。」咁所以就做場戲，擺個 FRY 嚟，房署批，批左擺喺度封塵，實際落手落腳做乜就真係任你啲人自由發揮，有冇呢個現象？

答：人哋點樣，我就一--我再自己檢討自己，點解我做咁多地盤都用啱，呢兩個地盤點解唔啱，我覺得主要嘅分別就係地盤嗰兩個人--啲人一係自作聰明，即係佢哋唔知有乜嘢，即係你哋可以去--即係譬如你話陳小華、黃貴雄，我嗰日幫佢講，我話「你哋可以--你嗰陣時點樣心諗住點解會用呢隻嘅？你哋咪照講出嚟喇。」係咪先？根本好簡單，我真係唔知，因為我十幾--當時白色恐怖到我呢，老實講話，初初發現係得我嗰陣時我十幾個地盤，跟住醫院又話係，邊度又咩嘢、咩嘢係，咁我都心中有数，我收扞嗌晒啲人返嚟，反為啲伙記安慰我，佢話「老細，你放心，我哋嘅地盤冇用啲乜嘢、用乜嘢、用乜嘢。」咁話番畀我聽，我先--如果全部係，即係啲未發生嘅事我唔講咩，如果全部係，我都唔知點面對，你唔好話過後又話想死、想死啲啲，我唔講呢啲，我真係面對唔到。

如果真係嘅話，我純粹呢個事就話我再深入了解，其實成個剖析就話地盤個負責人寫份請購表上嚟，錫線、錫條，跟住乜乜乜乜乜，咁去咗 procurement 度，procurement 就將嗰份嘢就 fax 去啲材料商，個材料商然後報價返嚟，fax 番過嚟，然後落 order。

我嗰日問 procurement 啲同事，我話「你咁醒目嘅？」我話「你話畀錫線、錫條，個材料商就知道你用咩嘢嘅喇咩？咁心有靈犀？」

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佢話「係呀，佢就識會送乜嘢喇喇。」咁，跟住我又問番雋景，我話「點解--我 procurement 就完全對工程係冇認識喇，係咪呀？你點解又會識會咁樣送呢？」佢就話「標哥，我幫你寫字樓冇溝通啫，我幫你啲地盤打理冇溝通喇嘛。」咁你--到底佢哋溝通啲乜嘢，我真係唔知，係咪呀？

你話我--即係好坦白，你就叫我去--話我知嘅，我唔會全部十幾個地--即係我做咗房屋署一百二十六地盤，得兩個地盤有事，如果理論上，如果係我叫佢用嘅，個個地盤都有事喇，點會一個地盤有事嘅啫？係咪呀？啲慣性，係咪呀？唔會...

問：我有興趣問番你頭先個問題，就係你話你走咗去問雋景，呢個即係出咗事之後喇？

答：唔。

問：你就走去問雋景，就話「做乜事我啲 procurement 啲同事」-- procurement 啲同事，我哋介紹下佢先，有個叫 Jess（譯音），係咪呀？

答：係。

問：佢就係叫做 procurement 嘅阿頭，對嘛？

答：唔。

問：仲有黃慧萍就係你嘅個人助理，係咪呀？佢都有份做下 procurement 嘅？

答：咁樣，procurement 實際落手落腳做個 procurement，就通常佢負責。

問：邊個？

答：即係 Jess。

問：Jess，係。

答：Jess 負責，咁樣 Jess 就出晒啲 PO 出嚟咩嘢盛，就畀黃慧萍就睇，因為嗰個跟我十幾、二十年喇喇嘛，包埋佢做得耐，熟悉啲嘢，如果超過十萬蚊嘅，嗰張 PO 就要畀我簽嘅，就要畀我簽嘅，因為即係好似簽支票嘅形式，一種--畀我簽嘅，但係你話我每次簽，有冇可能樣

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樣睇嘅呢？如果雋景嗰張發票、送貨單，如果我睇到嘅，我一定會質疑，因為佢係兩種咁嘛，點會有鉛，一種就 50 力，我一定會質疑嘅。

問：你停一停先，你話如果你見到，一定會質疑，但係你話你當年連呢啲認知都未有，點會質疑呢？

答：唔係，我會問「點解會有兩種呢？」冇理由有兩種㗎嘛，點解會用兩種呢，即係响我個字典，每樣嘢都係單一嘅。

問：但係你齋睇個名，你唔會知佢係要嚟做咩嘢目的㗎嘛？

答：我覺得奇怪，我會問，會好奇，我一定會問，因為我做得咁上下耐，係咪先？

問：即係你而家話，就話當年如果佢哋將呢一啲單，將個 P...

答：個送貨單我睇到，即係個送貨單我會睇到。

問：或者 PO、送貨單攤去你面前，你見到同一張裏面有寫住「錫條」，又寫住「錫線」，你就會覺得...

答：唔係，錫條、錫線我未必會問，錫條、錫線我未必會問，我會覺得佢係一個名稱或者包裝問題，如果佢寫明係英國七七有鉛、FRY 七七，跟住七七 50 力呢，我一定會問。

問：Okay，即係你嘅意思係當年如果你見到--即係我想知道你嘅認知到邊度，因為你知成日講認知不足，咁我想知道。頭先你就同我哋講過，就係話你對含唔含鉛呢樣嘢其實就有認知嘅？

答：完全冇。

問：但係你頭先就話叫做錫條又好、錫線又好，對你嚟講又反而唔係個重點，你覺得大家差唔多，係咪呀？大家都係錫。

答：睇唔出咩嘢問題，係，睇唔出咩嘢問題。

問：有啲乜嘢會係你一望落去，就會令到你「咦？要問。」呢？就係嗰個牌子嘅分別，一個叫做 FRY，一個叫做 50 力，呢一樣嘢就會令你覺得點解會有兩個唔同嘅牌子？

答：版本，係喇。

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問：因為你嘅認知，係咪就係話唔好理有鉛、冇鉛，你嘅認知就係審批咗就審批一隻，總之無論你叫做錫乜都好，就得一個牌子嘅啫應該，係咪呀？係咪咁嘅意思呀你？

答：應該係咁吖，即係得一樣嘢嘅啫，點會有兩樣嘢？我會好奇咁問。

問：即係話你會將錫線、錫條撈埋當一種嘢，但係你就見到點解又有 FRY，又有 50 力，你就會好奇，呢個係即係假設...

答：唔係，呢個過後嘅事啫。

問：係，假設你...

答：張單我從來冇見過嘅。

問：我明，因為我想消化下。

答：唔係，石律師，我有樣嘢想講，如果當年，唔好理佢房屋署係咪兩樣都畀用嘅，即係一種唔啱，一種有鉛，一種無鉛，如果當時我係知道呢兩種料都畀用，我都會選擇係一個錫線，點解咁講呢？就話--即係我而家同樣就剪--擺咗一條錫條嘅，又係 22 吋長，佢就即係 54 克，咁樣呢個係錫線，我又剪番 22 吋出嚟，就 34 克，即係佢個重量已經係重咗佢六十幾個 per cent 㗎喇，而且第一個就係工人嗰個，呢隻咁嘅嘢擺到落去，啲伙記擺上...

問：呢隻--咪住，講清楚，我哋要即係...

答：即係錫條。

問：錫條，呢隻，係，呢隻錫條。

答：呢隻錫條如果佢擺出去--啲工人擺上去就搵一拑去做，佢會找到周圍係嘅，即係唔會好錫嘅，第二，去操作，燒個時候，佢因為係用火㗎喇，燒到咁上下，佢個槓就會攞咗佢㗎喇，幫埋呢個佢哋而家譬如話畀我聽，正如我口供講嘅就咩嘢低溫，變咗佢個規則係闊--重又重咗，包埋易熔咗，就符合水務局嗰個人面個報告，就話流失咗好多，就變咗咗。第一，佢話啲工人就會周圍攞，譬如啲嘢攞落去，攞落地下，可能有人執，但係如果你成捆錫線擺响度，啲工人可能會執番返嚟用嘅，如果我當時--唔好當佢一個含鉛、冇鉛，如果兩隻畀我睇，我一定就唔會選擇呢隻，我一定唔會選...

問：即係你唔會選擇用條，你會選擇用錫線？

答：係，我會錫線，因為第一，佢成件嘢擺咗--即係存放得比較有規律啲，包埋唔會周圍攞，即係唔會盛，所以--而家建造局都係取--呢個錫線燒嘅時候，我而家了解過，就話除非有啲位好位好困難就先擺出嚟燒嘅啫，一般就唔會特登擺卷嘢返嚟，特登搵個伙記慢慢 cut，就慢慢 cut 嘅，即係正如人哋以前啲口供，我唔在乎，即係覺得呢啲冇乜可能，千幾釵工，特登成--明明可以揸嚟燒嘅，成卷燒嘅，又好做，又乾淨嘅，點解會 cut 晒嚟咁樣去咩嘢呢？

所以如果呢兩樣比較，我唔好理佢有冇含鉛、唔含鉛嘅因素先，啱唔啱用，而家事實證明咗，做咗個統計，都係錫線就平過呢隻，因為呢個點解，你燒到最後個櫃會攞咗佢，第二，啲工人擺十支上去，用剩一、兩支，擺埋度，冇人執番嚟用，第三，佢個重量重咗，佢盞火燈燒到去，一，快熔，咁等於佢就流失咗個--流失咗去，所以我而家做過--將啲單，即係做緊譬如水泉澳咩嘢單，其實係笨嘅，係用錢仲多過--如果選擇用呢隻，仲笨過用--即係個金錢仲貴過用錫線嘅。

問：呢一啲係你事後...

答：事後。

問：...走去了解番呢兩種物料嘅性質，然後達到嘅結論，係咪呀？對嘛？

答：係呀。

問：呢個係頭先你話你當時事發前係唔知嘅，對嘛？

答：係，事發後我擺出嚟，原來咁咁咁，因為我學歷冇乜啫，但係我個腦筋都 okay 㗎嘛，係咪先？我一睇落去就知道應該點做㗎喇嘛，我思維仲好清晰嘅，話呢啲係點樣，啲工人點樣、點樣循例。

問：好喇，我哋講番頭先你嘅證供裏面有一句，就係話你走去問番雋景，就話「點解我啲 procurement 淨係寫『錫線』、『錫條』，你又識得畀邊隻牌子、邊隻嘢佢嘅呢？」咁，雋景就答你--雋景邊個答你呢？你個個對話。

答：雋景周，我完全冇啲伙記溝通嘅。

問：得，你搵周生就問佢話「點解雋景又會識得條就畀呢隻，線就畀個隻呢？」咁，周生就會話「我哋同你啲 procurement 冇溝通啫，我哋

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同你啲打理有溝通。」吖？

C

D

答：係。

D

E

問：打理就係即係...

E

F

答：地盤個負責人。

F

G

問：...地盤個每一個 site 個負責人就叫做打理喇？

G

H

答：落材料請購單個。

H

I

問：每一個 project 就有一個打理，對嘛？

I

J

答：冇錯。

J

K

問：跟住每一期可能自己有個阿頭，但係基本上每一條邨就有一個打理，對嘛？

K

L

答：一條 project 一個打理，冇錯。

L

M

問：一個 project 一個打理，咁就「我同你個打理有溝通。」你有冇同佢跟進番就係「咁即係點溝通？你同邊個溝通？因咩嘢事溝通到出咗錫條出嚟呢？即係呢啲有鉛嘅嘢出嚟？」你有冇同周生跟進呢？即係學你話齋，白色恐怖嗰，有一輪整到。

M

N

答：我有問佢，我話「點解你唔知嘅？」佢話「我就唔知」，佢話「標哥，我知--你明明錫線係貴嘅，錫條係平嘅，咁大家賺，做十萬釐生意，都係賺 15 個 per cent 啫，我梗係賣錫線畀你喇，我賺得多啲，我點會賣錫條畀你吖？標哥。」佢咁答我。咁事實又係嘅。

N

O

問：大家個我哋叫做 profit margin，嗰個食水深度係一樣嘅，係咪呀？即係一樣咁賺咁多㗎？

O

P

答：唔知嗰呢樣，佢係咁講咋嗰，佢係咁講咋，我真係唔知。

P

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問：Okay，好喇，咁...

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答：佢咁答我，我或者...

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問：得，好。佢咁答你？

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答：係。

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問：就話...

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答：佢都唔知含鉛呢樣嘢。

E

F

問：...「錫線就貴過錫條，大家都係賺個 15 per cent，你畀我揀，我梗係賣」...

F

G

答：佢冇話賺幾多 per cent，佢話「總之你買邊樣嘢貴，我係咪賺多啲呀？擺啲嘢平，我咪賺少啲，標哥，我計過，想賺多啲，我都唔知，知就唔會咁喇。」就係咁喇。

G

H

問：好，但係我問番你，就係周先生話「我哋同你個打理有溝通咩。」咁，你有冇即刻就同佢追問，就話「咪住先，你同邊個溝通？溝通咗啲乜嘢出嚟？搞到」...

H

I

答：冇問。

I

J

問：吓？

J

K

答：冇問。

K

L

問：點解呢？

L

M

答：因為過後喇，問嚟都冇用，因為...

M

N

問：你都想知道點解即係叫做搞成咁嘍？

N

O

答：因為我都唔想--因為去到呢個層次，去到而家調查委員會，根本我都唔想講咁多，因為...

O

P

問：唔係到你想唔想，你知就要講㗎囉嗱，即係...

P

Q

答：咁咪等佢去調查委員會問佢講，我問咁多做咩嘢啫，係咪先？佢講咗畀我聽，呃咗我，我又講出嚟，咁我咪--我唔會做啲咁嘅嘢，呢樣嘢我好清晰嘅呢樣嘢，盡量...

Q

R

問：唔係，何先生，即係一樣還一樣，如果你有問過雋景周先生，佢同你講咗啲嘢，我諗你即係真係需要同我哋講番出嚟，佢遲啲講，同你講嘅嘢係咪一樣，呢個另計，我哋會問佢，我哋實會問佢，你定，但係如果你有問過佢，我諗你都應該同我哋交代下佢講乜嘢，如果你話「我

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完全冇問過。」咁冇得講，但係你頭先話你同佢傾過，你追問佢咁嘍嘛，即係常理嚟講，你就冇理由話「我諗住第二時調查委員會會問你，所以我唔問你。」唔會咁嘍，嗰陣時都未有委員會。

答：唔係，唔係，你聽我講，我呢個係咁問佢啫，其實都冇乜作用嘅，問佢，問佢了解，我一發生呢件事，就去調查委員會，一去到房屋署委員會，我係話我幫佢講過一句說話啫，我話「雋景周，老友」，我話「有其他工程公司搵你做假單，你千祈唔好喇呀，要坐監嘍。」我係咁忠告過佢，乜嘢都有講過。

問：點解無揸揸會有假單呢個概念出嚟嘅呢？

答：唔係，我驚佢蠢咩嘛。我識佢咁耐，佢又係一個普通基層嘅人，我話佢為咗應酬乜乜咁，譬如好似我咁，以為唔誠實，以為「喂，雋景周，拿拿聲幫我整幾張無鉛嘅乜乜乜，交功課喇。」咁，分分鐘叨嘢嘍嘛，我真係咁幫佢講過，我...

問：你係咪知道啲我哋唔知嘅嘢呢？其實即係你係咪收到即係坊間有傳聞係有啲人喺度講緊話不如做啲假單，走去敷衍下、走去交代下、走去補下鑊，跟住你先至會無揸揸走去同雋景周講做假單嘅啫。

答：冇，冇，冇，冇，冇，我講呢件事係未發酵到委員會，我已經係咁樣提議，我即係當佢係朋友，即係我驚佢會咁做，即係我個人就好逆思考嘅，即係我專諗啲唔好嘅嘢嘅，但係就...

問：同律師差唔多。

答：...就偏偏--就我有文化咩嘛，偏偏掛萬漏一，就滄海遺珠，就呢鑊嘢我就--即係樣樣我都諗--我都因--我樣樣都諗，諗唔好嘅，真係嘍。

問：咁即係話你就叫雋景周就係話「即係忠告你就係唔好做假單。」就唔係因為你收到...

答：我唔係，唔係話做假單，我話而家房屋委員會--即係我察覺到可能會有工程公司叫佢畀啲單--畀番啲單去支持佢，我驚佢即係唔經思考，真係咁寫番幾張單咁去交差，就害咗佢，我咁樣講啫。

問：呢個就係唔係呢個獨立委員會，你知道鉛水事件好多調查喇。

答：房屋委員會。

B

B

C

問：房委會自己嗰個調查小組嗰陣時就係叫緊啲人去查。

C

D

答：係，我開完會，我返嚟咁話畀佢聽。

D

E

問：係咪你嗰陣時去完調查委員會知道某啲建築商或者分判商擺咗啲單出嚟，你個心裏面覺得「咦？唔係好妥當喎，可能係有啲做假嘅情況喎。」所以你先至走去單聲，即係勸一勸雋景周，叫佢唔好...

E

F

答：唔係，完全冇--嗰陣時一嚟冇發酵，完全冇咁嘅概念，但係我做呢個建築行做咗幾十年，我又做過總承建商，我知道建築係一個好...

F

G

G

H

問：龍蛇混雜？

H

I

答：...花巧百出、五花百門，唔係，我驚佢啫，我即係擔心佢啫，係咪呀？即係我剛才係冇咁嘅意識嘅，我覺得係一定會有人會咁做。

I

J

問：好喇，講番轉頭，就係你對雋景周嘅忠告，我哋遲啲會問佢，但係即係我都係講番啲句，就係你有沒有問佢，喺當時，「咁我哋啲啲打理點樣同你哋溝通，搞到你哋畀咗啲含鉛嘅錫條我哋，搞到我而家雞毛鴨血？」有冇咁樣問過佢，或者唔係話雞毛鴨血，有冇問「我哋邊個同你溝通呀？」咁有冇問過？

J

K

K

L

L

M

答：唔係，佢話打理，唔使問邊個，咪啲兩個囉就，一個黃貴雄，一個陳小華，陳小華冇响度做喇。

M

N

問：陳小華就係啟晴嘅打理？

N

O

答：係。

O

P

問：黃貴雄就係葵聯嘅打理，所以就佢話一話打理，你知呢兩條邨即係中咗招，咁就係呢兩條邨嘅打理，係咪呀？

P

Q

答：（沒有可聽到的回答）

Q

R

問：但係你跟住有冇追查，搵番雋景周就問「佢同你溝通乜嘢」？

R

S

答：冇，冇問，因為我點解呢？我覺得自己都背負咁嘅壓力，仲畀咁多壓力人？其實甚至黃貴雄咁樣，累到我唔見咁多錢、咁多錢，我一句說話都冇鬧過佢，即係冇話佢，又有盛嘅，因為當時嘅環境...

S

T

T

U

問：佢仲喺你度做嘅，係咪呀？黃貴雄。

U

V

V

答：响度做，因為咁嘅環境，佢又係打理，做緊一個地盤，你話佢，佢結果又係咁，唔話佢，結果又係咁，你話佢，佢分分鐘唔撈，嗰個地盤起唔到貨添，又要重新組織過班人，事情已經發生咗，自己嘅壓力都咁重，唔快快聲做？我對呢個人咁嘅過失，我唔會點話嘅，當年我買咗部寶馬 730，百幾萬，個司機夜晚偷懶，將部車泊响街邊，第二日畀人偷咗，我都有鬧過一句，反而我覺得佢唔適合做司機，我仲提升咗--我嗰陣時做緊建築嘅，我仲提升咗佢做 foreman 添，咁樣到而家--到最後佢都做 foreman，反為佢仲升咗 grade 添，我唔鍾意人咁錯咗，我永遠唔會去責怪人嘅，即係我覺得自己都有責任。

問：即係打岔開先，你嘅證人供詞裏面就係曾經提過，就話你事後，事後就調查到，就知道原來係陳小華提議喺啟晴嗰度用呢個含鉛嘅錫條，呢個你證人供詞裏面講過㗎？

答：唔。

問：呢個你係事後發現，係咪由於雋景周咁同你講過打理，咁跟住先至令你返去調查，唔係嘅？

答：我問雋景周呢鑊係呢個月嘅事嘅啫，因為我都未調清楚。

問：哦，呢個月嘅事，okay。

答：因為我後來我啲律師嗰啲畀啲單我睇，點解會有--同一張單有錫線、有錫條，咁至先我睇到嗰張單，因為瑞安有遞過嗰張單上去㗎嘛，我睇到嗰張單至問嘅，所以我問雋景周呢啲嘅說話係好後期嘅，即係唔超過一個月，即係唔超過一個月，所以响呢個月之中問嚟都有用，我口供又上晒，樣樣口--問佢做咩嘢啫？冇吖，係起唔到作用，係咪先？你越問得多，越發酵添，我都六神無主添，你搞到我都。

問：即係你喺最近呢個月先至問雋景周，雋景周就話「你啲打理同我溝通咗。」但係最近呢個月其實你哋已經內部都查過，就係話係陳小華提議用呢隻嘢搞出嚟嘅，咁所以其實你都已經知道個事情係點嚟㗎咯，所以雋景周話同你打理溝通都唔係一啲新鮮嘅事情，係咪咁講呢？

答：陳小華，我去調查，點解會用呢？就係嗰陣時七、八月嘅時候，雋景周我呢句說話幫佢講嘅--問嘅時候，係正話呢個月嘅啫，即係準備資料...

問：我知，我知，即係「我同你打理溝通。」呢句說話最近呢個月講，我明，擺埋一面先，唔好理雋景周呢句話喇。

B

B

C

答：Okay, okay。

C

D

問：即係話你走去查陳小華佢提議你啟晴用錫條--含鉛錫條呢樣嘢就唔關雋景周即係畀你嘅一啲提示嘅事嘅，...

D

E

答：唔關嘅。

E

F

問：...你係一早之前去調查咗啲喇，對嘛？

F

G

答：但係陳小華提議用，都用咗我都唔知㗎。

G

H

問：係，我明，我明，我係想知道就係話即係雋景周嗰個對話係最近呢一個月嘅事情，佢同你講嘅嘢都唔係一啲新鮮嘅事情，...

H

I

答：係，yes，明白，明白。

I

J

問：...因為你都知道係陳小華搞出嚟啲喇，對嘛？

J

K

答：係，啱。

K

L

問：即係可唔可以咁講，即係在你眼中，就係其實陳小華搞出嚟嘅呢？會唔會係咁呢？

L

M

答：而家我都好難--我自己都好迷惑，即係唔好講以前做咁多地盤，而家做緊十幾個地盤，個個地盤都有事，呢兩個地盤有事，...

M

N

問：好，我一陣間會...

N

O

答：...咁你叫我解釋咁明白係乜嘢，我自己都好困惑。

O

P

問：得，我一陣間會同你慢慢去傾下即係你了解陳小華做咗啲咩嘢。

P

Q

答：Okay。

Q

R

問：我想同你講番就係即係又係比較高層次啲嘅嘢，就係你好多唔同嘅物料都會同房署攞咗批核--房委，佢批核咗，跟住就會通知主承建商，跟住就會通知你哋，咁做水喉工程所需要嘅物料就真係五花八門，好多，何標記有冇啲乜嘢嘅機制或者內部嘅一啲系統，或者--系統好似講到好似好高深咁，一啲做法就係確保上面，房委或者總承建商批核咗嘅物料，會令到 procurement 嘅同事知道訂貨嘅時候係要識得講批核咗嗰種物料，先至好去訂，有冇一個咁樣嘅系統、一個做法係令上面批咗嘅嘢下面落單嘅人知道呢？

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答：咁樣講喇，唔係系統，直情係一種--除咗錫條唔講，譬如房屋署批咗乜嘢，Kevin 會通知 procurement，procurement 就會有份 list，就乜嘢係用咩嘢牌子、咩嘢、咩嘢、咩嘢牌子，除咗錫線--即係錫線、錫條例外，即係唔成形嘅，咁樣其實佢下面落 order，譬如落咩嘢銅喉，幾尺寸、幾多支，我哋 procurement 已經會識畀咩嘢牌子佢喇喇，所以地盤嘅層次就係唔知批乜嘢嘅。

問：地盤嘅層次就係唔知道批咗乜嘢？

答：批咩嘢牌子。

問：但係寫字樓做 procurement 嘅同事係知嘅？

答：知。

問：成形啲啲，係咪呀？你講。

答：係。

問：我哋先講成形啲啲，成形啲啲就係 Kevin 知道咗房委批咗啲咩嘢，邊種喉、邊種盛啲啲，...

答：佢有份 list 嘅。

問：佢自己製造出嚟嘅，佢自己打出嚟嘅，係咪呀？

答：即係我哋房屋署批晒，譬如十樣、二十樣咁批咗一份，咁咪將啲二十樣嘢咪寫咗落份 list 度，...

問：寫又好，抄又，打又好喇。

答：...啲個地盤就用 A 嘅，地盤一落開掣，咁就知道係用 A 個隻，如果 B 個隻就用 B 個隻，咁就係好清晰嘅。

問：呢個表就唔係畀地盤啲啲工人用嘅？

答：唔畀嘅。

問：呢個表係畀寫字樓 procurement 嘅同事 keep 住嘅？

答：係。

B

B

C

C

問：就係地盤嗰啲工友如果今日打電話嚟話「我哋要幾多件呢一種形容嘅物料。」Procurement 啲人就會知道「你要喉頭咩嘛，喉頭，我望一望，哦，喉頭就係批咗 X 呢一隻牌子，我就知道我要去搵 X 呢一隻牌子嘅喉頭。」係咪咁樣做法呀？

D

D

E

E

答：我更正一下，我哋公司就冇用電話打嘅，電話打我係唔承認嘅。

F

F

問：得。

G

G

答：係一定我哋公司有一張係地盤負責人嘅請購表，就一式三份嘅。

H

H

問：係，明白，嗰個叫 material request form，係，我明。

I

I

答：佢哋就自己會填上去嘅，佢哋填嘅時候就唔使寫牌子嘅，只係嗰種物品，嗰種物品嘅名稱，包埋個尺寸，procurement 就會按照嗰份 list 就會執㗎喇。

J

J

問：得，你睇一睇 K3，K3 tab 10 第 2355 頁，K3 tab 10 2355，係咪就係呢個物料請購表呀？

K

K

L

L

答：係喇，係喇。

M

M

問：呢個就係地盤要某種物料，佢就會手寫，跟住喺地盤嗰度嗰個臨時嗰個寫字樓，就會 fax 番去公司？

N

N

答：喎。

O

O

問：公司嘅同事見到呢度冇寫牌子嘅，但係佢就識得執藥咁執，就知道「你要呢種嘢，我對照番嗰個表」...

P

P

答：批咗嗰種。

Q

Q

問：...「呢種嘢就批咗用 X 牌子，我就會走去搵唔同嘅供應商」，視乎...

R

R

答：唔係，得一個嘅啫。

S

S

問：即係某一個供應商已經係供應 X 牌子㗎喇，「我就搵佢」？

T

T

答：係。

U

U

問：但係有陣時都搵唔同供應商報下價，因為有時同一個牌子有幾個...

V

V

B

B

C

答：唔係，唔會㗎喇。

C

D

問：唔會嘅？

D

E

答：因為我哋地盤定咗畀嗰個，因為你係做咗 submission，定咗，批咗，係房屋署做呢，差唔多係定咗佢㗎喇，即係...

E

F

問：但係有陣時我又見到你哋話同一種嘢，可能係有陣時唔同嘅供應商都會賣同一個牌子，睇下邊個平啲，會唔會咁㗎？

F

G

答：好少。

G

H

問：好少？

H

I

答：因為通常都係佢哋每人代表嘅牌子係單一嘅。

I

J

問：得，即係比較少係每一隻牌子幾個供應商都賣，咁搞到你走去搵...

J

K

答：冇呀，冇呀，而家冇。

K

L

問：Okay，得。總之成形啲嘢，你哋嗰個 procurement 嘅程序就咁樣喇？

L

M

答：係。

M

N

問：就真係會有一個做法，有個表，嗰啲 procurement 嗰啲同事見到一個形容，佢就識得執藥，識得搵有關嘅供應商？

N

O

答：識得按嗰個表，咁就送去㗎喇。

O

P

問：按圖索驥嗰個叫做。

P

Q

答：係，係。

Q

R

問：Okay，好喇，唔成形啲嘢又點呢？

R

S

答：唔成形？

S

T

問：係，即係話譬如呢啲焊料呢啲咁樣嘅嘢，...

T

U

答：唔成形，唔...

U

V

問：...話就話唔成形，但係都有審批，咁點搞呢？

V



B

B

C

C

答：唔成形啲啲，我就有參與，因為佢哋有畀個題目我去--即係「老細，邊個平，我幫襯邊個。」因為佢有畀我睇，我就唔知嘅，到底佢哋點樣去--唔成形點樣去運作，應該佢哋講就最啱，因為我真係有過問嘅。

D

D

E

E

問：即係話你哋公司內部呢一個系統或者做法就淨係涵蓋一啲叫做成形或者 BQ 有寫嘅嘢嘅啫？

F

F

答：係。

G

G

問：如果一啲叫做唔成形或者一啲即係用咗之後，可能一燒咗之後就有咗，或者螺絲揸咗之後就唔見，呢一類你哋覺得可能係細眉細眼嘅嘢，就...

H

H

I

I

答：小五金，不如講。

J

J

問：就小五金喇叫做，咁就有一個機制整個表出嚟就話某種物料都係經過咗審批，用 X 牌子，就有呢一個機制，關於唔成形嘅嘢，對嘛？

K

K

答：係，有呢個機制去一定要即係去到我個度嘅。

L

L

問：唔好理到你呢度，即係你知下面亦都冇人咁做嘅？

M

M

答：點有人咁做呢？

N

N

問：即係你亦都--以你嘅所知，就係你哋嘅公司亦都唔存在一個咁樣嘅機制，就係...

O

O

答：唔存在，唔存在。

P

P

問：咁擺審批就白擺嘅咋嗎其實，因為擺咗返嚟，原來啲人係會唔知。

Q

Q

答：但係其實好單一嘅，點解呢？其實响房屋署個項目其實差唔多--你頭先講番講螺絲咩，螺絲都要批嘅，乜嘢都要批嘅，其實唔批嘅，我都數唔到嘅，因為--即係數唔到咩嘢，其實...

R

R

問：但係房署，我哋亦都聽過口供，就係某啲物料就係批完之後就真係為批而批嘅，佢亦都唔會去睇嘅，即係譬如話呢一種焊料，我哋知道其實房署唔會 check 嘅，即係你嘅經驗都係房署唔會 check 焊料嘅，係咪呀？房委唔會 check 焊料？

S

S

T

T

答：好難講呢個概念嗎，check 唔 check，我點講呢？房署就有可能我覺得佢樣樣都 check。

U

U

V

V

B

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C

問：但係總之在何...

C

D

答：即係你話佢 check 唔 check 到，有冇咁嘅常識，有冇咁嘅咩嘢去--即係我哋咁專業，做咗幾十年，都會老貓燒鬚，佢會睇唔睇到呢？我覺得又可能會人之常情，一時走眼，係咪呀？

D

E

E

F

問：但係總之何標記嚟講，會唔會就係即係審批還審批，但係審完批之後就感覺良好，但係就唔會真係跟進到確保審批咗嗰隻先至用，會唔會係咁呢？對焊料呢樣嘢嚟講。

F

G

G

答：有跟--焊料一樣係。

H

H

問：焊料一樣係？

I

I

答：係，焊料呢樣真係疏忽，即係留意唔到啲...

J

J

問：即係可能係因為太過細眉細眼，係咪呀？即係唔好講過唔過錯，好多時候我哋細眉細眼啲未必做，即係唔好以為即係喺度捉緊你或者咩嘢，但係有陣時就係細眉細眼嘅嘢。

K

K

L

L

答：根本都唔知道發生呢件事，點會覺得細--我又冇講唔得細唔細微，總之就係我哋公司嗰個系統就小五金即係冇數量嘅，又唔知用幾多嘅，就即係冇乜機制去監管呢樣嘢。

M

M

N

N

問：咁所以鄭先生做呢個表嘅時候，佢亦都唔會係話將所有審批過嘅嘢都抄一次就有死喇，佢就唔係咁做嘅？

O

O

答：點抄一次？

P

P

問：如果房委會有一個機制係好多嘢都要去審批嘅，包括埋呢一啲小五金--呢一種小五金，如果當日你哋內部嘅呢個系統，做呢個表，唔係淨係做個表去包括一啲成形見到嘅嘢，而係將所有房署審批過嘅嘢都整落個表度，其實就可以避免咗呢個情況，係咪呢？因為 FRY 呢個牌子審批寫咗咁嘛，如果鄭生當日整一行落去，「焊料：FRY 牌子」，咁採購部嘅同事見到下面寫上嚟話要錫乜都好，條又好，線又好，佢就會知道...

Q

Q

R

R

S

S

答：但係都會發生，因為點解呢？即使鄭生--我而家响我手頭資料就有佢有冇份 list 有冇呢樣嘢，因為地盤...

T

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問：我會問佢，不過...

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答：因為地盤打理上嚟寫咗「錫線」、「錫條」，procurement 點知邊啲係 FRY，邊啲咩嘢，即係點知邊隻有鉛、冇鉛，佢總之「錫條」、「錫線」，我諗我--呢啲我唔知佢點理解，總之--即係未必唔會發生，如果寫明係--地盤寫上嚟係 FRY，係乜乜，咁就 procurement 梗係知喇，因為呢樣嘢我覺得即係好難講嘅，即係好似鬼佬睇中文咁，市民幫市長，天幫地，但係佢覺得個字差唔多，好似個英文咁差唔多，咁好難講，即係我唔可以肯定話一定唔會發生，但係我覺得就話--即係我--到底佢咁點樣嘅運作，點樣出錯、點盛，我而家回想起嚟，我就覺得真係 procurement 犯嘅啲個錯誤即係好難講嘅，啲小姐，即係睇「錫線」、「錫線」，佢咁會--即係咁蹺就佢掙去雋景，雋景又識送咁，你話會唔會發生呢？我真係唔敢擔保，呢啲。

問：我會問下面啲職員，但係即係喺呢個課題上就問多你一條問題，就係其實啲個成數--出錯嘅成數都起碼可以減少，因為如果寫字樓 procurement 嘅同事面前有個表寫住「錫線 FRY」或者「焊料 FRY」，佢無端端見到人咁有啲嘢寫住「錫條」，佢一係就見到個「錫」字，就係自動走去訂 FRY，因為都有個「錫」字咁嘛，或者因為佢會問喇，咁就唔會有呢個所謂而家個表都有，佢就真係自由發揮，佢就 send 份嘢畀雋景，「線」同「條」，雋景又識得自己跑，「線」就畀 FRY，「條」就畀咗 50 力呢個情況出現，你明唔明呀？

答：我知，但係即使係咁，procurement 會唔會咁醒呢？會唔會咁個思維咁清晰呢？我真係唔敢擔保。

問：得，我會問佢咁。

答：我真係唔敢擔保佢如果係點樣呀，呢樣嘢唔係我知嘅嘢或者乜嘢我就可以乜嘢都答到你。

問：得，明白。麻煩你睇睇 2355，你面前啲個物料請購表，左下角啲個填表人係邊個嚟嘍？

答：呢個係地盤打理。

問：見唔見到個名係邊個？

答：吓？

問：認唔認到個名？呢個係水泉澳村嚟嘅，係咪應該？

答：寫住--呢個係范秀鵬。

B

B

C

問：呢個係水泉澳村嘅，係咪呀，呢個係咪即係？

C

D

答：係，一期嘅。

D

E

問：呢個係范秀鵬簽名，係咪呀？

E

F

答：係。

F

G

問：Okay，得。

G

H

主席：即係佢哋就永遠都唔寫牌子喺嗰張請購單？

H

I

答：咩嘢話？

I

J

主席：你嗰啲地盤打埋人永遠都唔會寫邊一隻牌子嘅？

J

K

答：永遠都唔會寫嘅，乜嘢都唔會寫嘅，因為佢知道寫字樓已經知道房屋署批咗，嗰啲佢就房屋署會--即係去到我哋寫字樓會㗎喇，因為佢哋冇可能消化到咁多，又要管工程，又要照牌子。

K

L

L

M

問：頭先我都問過你，就係鄭先生係唔會負責與雋景落單嘅，對嘛？

M

N

答：喎。

N

O

問：同雋景落單就可能係黃慧萍、Jess 或者 Caitlyn (譯音) 佢哋嗰幾位女士負責嘅，對嘛？

O

P

答：喎，喎。

P

Q

問：喎。我想你睇一睇你嘅證人供詞，K1 23 頁，呢個好細嘅一點嚟嘅啫，你喺第 23 頁呢度中間，你就係列舉咗啟晴邨負責嘅人嘅名，打埋，你見到嗰度 K 嗰度就係「陳少華」，見到嘛？

Q

R

R

S

答：係。

S

T

問：你見到陳小華個中文名？

T

U

答：係，係。

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問：嗰度其實即係話佢係打理，陳小華都同意嘅，我只不過我點解要你咁樣去睇呢？就係因為陳小華喺某一啲微細嘅地方同你講嘅嘢有少少出入。但係你跟住你睇落去，成個 project 最頂嗰個就叫做打理，但係中間可能好多唔同邨，有 block 1、block 2，一座、二座，每個 block 或者每兩個 block 可能就會有個叫做判頭嘅人㗎嘛，對嘛？即係負責嗰兩個 block 嘅，你哋會叫佢做判頭嘅，係咪呀？定係有個名畀佢？

答：咁樣，因為我哋公司其實就--去到我哋公司之後就有三判㗎喇，因為我好明白就話如果係三--合約，第一，佢唔會允許，...

問：得。

答：...第二個就話個風險就好高嘅。

問：得，我哋唔好用「判頭」呢個名詞，負責人喇，我哋叫，好唔好？

答：叫負責人。

問：叫佢做負責人。

答：唔係，我解釋埋...

問：即係「判頭」可能令人哋覺得你好似判上判咁。

答：我解釋埋少少先。

問：好。

答：我哋通常就話你如果全部 direct labour 係起唔到貨嘅，譬如啲關鍵，能夠做到啲啲，我哋就會叫啲工人，即係判畀--斷件計，就唔係叫做判頭，所以成間公司嘅管理，做好多嘢，基本上係公司做嘅。

主席：再講多次，對唔住。你嘅意思就係話有啲關鍵嘅地方，關鍵嘅裝置要做，就斷件計？

答：唔係，咁樣嘅，譬如水喉成日有好多個工種嘅，咁樣譬如有啲 standard 啲啲，即係一間咁，問問咁，譬如做房入面嘅喉，安一個廁所咁，如果你 direct labour 做，你百幾個工人上去，佢偷懶又唔知，佢咩嘢又唔知，我哋會斷--即係好明顯係冇乜技術性嘅危機，係可以計到

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件數嘅，我哋會斷秤巴咁畀佢，就出住糧先，譬如你 100 釐一個廁所，你 1,000 釐工，你安咗十二個，咁咪出完糧，嗰 200 釐再問我擺囉，其實成個統籌個負責，就我從來都唔會判畀人哋嘅，梗係判畀人哋易，材料又人哋買，咩嘢、咩嘢人買，即係你諗下我哋咁謹慎，都會發生呢個嗰個鉛水問題，你判畀人嘅危機咪更大。

問：得，所以其實呢幾個負責人就唔係叫做四判嘅意思嘅，呢幾個負責人，即係你嗰度寫咗黃貴雄，...

答：三判，唔係三判。

問：你係叫二判，即係你唔會有三判嘅情況出現嘅？

答：冇三判，我公司。

問：呢幾位負責人佢哋嘅角色就係負責去搵自己嘅班底嘅工人？

答：唔。

問：嗰班班人就唔係叫做直接受僱於何標記？

答：直接受僱何標記。

問：直接受僱何標記，okay，得，但係佢就負責去搵呢班人返嚟？

答：唔。

問：何標記就會照出糧畀佢哋？

答：照出糧。

問：但係就唔係一個所謂斷月計嘅出糧，而係斷件計咁樣？

答：唔係，斷日計。

問：斷日計，就同...

答：斷日計，其中有少部分就佢哋就係畀啲伙記做，不如咁，計咗件數嘅，不如你哋做喇，咁就都係我哋出糧，然後嗰個差額就畀番--即係佢賺--佢做多咗努力咗，我哋另外畀佢，但係冇簽合約嘅，全部係口頭嘅。

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主席：我都唔係十分明白。譬如嗰個工人 1,000 釐一日，佢就 1,000 釐，跟住又點樣樣又可以多勞多得呢？

答：咁樣，因為譬如一個地盤就百幾人，因為好多工種嘍嘛，譬如安廁所咁，咁我計到一工人譬如 1,000 釐，而家 1,500 釐工差唔多，譬如 1,000 釐工，安到十個廁所，我寧願將呢條數就當 100 釐個，你就去做，你做多咗，對個公司又有益，你又搵多咗，但係好過我去睇住嗰啲工人即係喺間房做乜嘢都唔知，唔通佢安五個，我就炒咗佢咩？係咪先？安六個就炒咗佢咩？變咗又咩嘢，即係應該主流，我哋公司係冇--即係唔會判畀人做嘅，係承諾「呢度趕貨，成單--呢度你今晚搞掂佢，幾多錢喇。」咁就會，但係個差額就另外畀嘅，個人工，我哋始終係响個自動轉賬，就會自動畀番佢嘅。

主席：佢如果做少咗，咁又點呀？

答：佢做少嘍，佢做少佢劈炮喇，佢不如打公司工喇。

主席：唔係嗎，你就話--即係我嘅理解就係你譬如 1,000 釐人工，佢譬如要裝十個廁所嘅，咁就 100 釐個咁嘛，你話，譬如如果佢做多咗嗰日，佢做夠十二個，你又會補多 200 釐畀佢，係咪？

答：唔。

主席：如果佢做少咗呢，佢蛇王呀，上去馴覺咁點呀？

問：咁你都照畀 1,000 釐佢？

答：唔係，主席，主席，聽我講，佢承諾咗我係斷個計，就一定係斷個計嘍喇，佢做少多我都唔理佢，如果佢做唔到嗰 1,000 釐為佢一日，佢亦唔會幫我判，佢亦唔會承--即係亦都唔會斷件計。

主席：我明，因為冇着數。

答：即係佢只有着--只有贏，就有輸，佢冇輸嘍，因為佢覺得自己譬如打工做到十個，如果我自己做，我就十二個，我賺多 200 釐，但係如果佢諗住自己嘅能力都做唔到十個，你叫佢咁樣做，佢就唔喇，「我不

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如打公司工喇。」咁，冇可能存在話唔夠，即係做唔到嗰個--做少咗，唔夠人工嘅。

C

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黎先生：唔係，係咪有啲打公司工嘅人，佢做少十個都有問題？

E

F

答：吓？

F

G

黎先生：打公司工嗰啲...

G

H

答：經常咩，如果--係喇，冇錯喇。

H

I

黎先生：「我做少過十個，即係我一樣係出 1,000 釐」...

I

J

答：如果做--打公司工，佢分分鐘做五個、兩個都唔出奇，都要畀人工佢嘅，嗰 1,000 釐都要畀佢嘅。

J

K

黎先生：即係打公司工嗰啲要...

K

L

主席：即係你公司就即係斷件計？

L

M

答：係喇。

M

N

主席：斷件計，就多勞多得，你做六個，咪畀 600 釐...

N

O

答：鼓勵佢咋，就唔係斷件計，因為鼓勵佢做多啲。

O

P

主席：唔係，如果佢做六個，咁畀 600 釐佢？

P

Q

答：如果佢做 600 釐--如果佢做六個，佢就唔會幫我判嚟做嘍喇，佢寧願打公司工。

Q

R

主席：哦，咁咪即係判囉？又唔係判呀？

R

S

答：係咪叫做判呢？我又--即係好單嘅，譬如...

S

T

T

U

問：唔係，如果佢選擇同你何標記用呢一種安排去做嘢嘅話，你嘅意思就係佢係有乜嘢誘因去偷懶嘅，因為如果佢同何標記係選擇用呢個 100

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釵一個廁所嘅安排嚟做，佢如果偷懶做得兩個，佢就袋得個 200 釵，佢就不如走去打工，...

答：係喇，冇錯喇，係，冇錯，係，係。

問：...就好似黎先生話齋，打份工真係可以唔做都可以即係硬掘就有一嚟，係咁解？

答：鐵飯碗，係喇，就係佢--係，冇錯，係，冇錯，係，係。

問：係咪呀？

答：唔。

主席：即係你嗰啲就純粹用件工計囉。

問：完全斷件計，係咪呀？你嗰啲係？

答：係，斷件計。

問：嗰個斷件點嚟，就係基於每日一工幾多錢，就大約估下一工做到大約幾多個，...

答：做到幾多嘢。

問：...你就係咁樣約莫除到出嚟嘅，係咪呀？對嘛？

答：係，係，係，因為而家啲工人响個市場，如果唔係--即係如果唔係咁，你一個地盤百幾人，做水喉最難嘅，因為個個闖埋喺間房度，有啲就瞓覺，又有啲食煙又有，有啲玩手機又有，我哋啲勞工處經常，影咗，上到去，話過佢，佢就去勞工處告，咁所以而家係好難做，你睇到嗰個調查--嗰個技術合格律得三十幾個 per cent，所以而家係一個--水喉我幾時都話係一個高風險嗰個行業嚟。

問：其實，何生，你有冇係啲咩嘢委員會嘅成員或者係啲執事咁樣呢其實？

答：我有乜參加，但係我經常參與嗰啲嘅。

B

B

C

問：即係你嘅意見其實冇咩嘢喺呢啲第二啲嘅委員會度有機會即係反映，其實？

C

D

答：唔係，我意見都有，幫完--因為房屋署，好似嗰個署長 Ada 都...

D

E

問：你好熟佢嘅，係咪呀？

E

F

答：...即係做咗好多...

F

G

問：你識佢嘅，係咪呀？

G

H

答：我做咗好耐，佢做--佢第一個地盤做則師，我已經做水喉喇。佢都會係邀-- Ada 都係好深入、好細緻去了解工程嘅，佢都曾經邀請過我上去研究做嘅方法，幫埋--即係講第二樣材料，用咩嘢料好，我哋都有交流嘅。

H

I

問：馮女士，你係講緊，係咪呀？

I

K

答：Ada 馮咁嘛。

K

L

問：馮女士，係。好喇，我其實想你睇一睇就係陳小華先生佢對於呢個啟晴邨呢六座嗰啲負責人，佢就有一個唔同嘅說法嘅，我想你睇一睇 K3 嘅第 2391 頁，第 8 段，呢個係陳小華嘅口供，即係未必真係十分重要，但係因為佢講嘅嘢同你有少少唔同，佢話啟晴邨有六座大樓，呢個對，第 8 段，見到嘛？佢嘅第 8 段，「啟晴邨項目一共有六座大樓」，對嘛，呢一句？

L

M

M

N

答：六個，啱。

N

O

O

P

問：對，每兩座有唔同嘅判頭負責，我哋唔好叫判頭，我哋叫負責人，咁就啱喇，每兩座由唔同嘅負責人負責，啱呀，係咪呀？

P

Q

答：（沒有可聽到的回答）

Q

R

問：佢就話「第一座及第二座」就係「黃貴雄及梁偉健」，你嗰個表就梗係寫「黃貴雄」，我想問你梁偉健有冇份負責呢？

R

S

S

T

答：梁偉健，我頭先响前面講過，梁偉健以前就响黃貴雄屬下做嘅，佢而家升咗做管理層，升咗做管理層，佢有冇參與呢，應該有--即係有幫過佢嘅，但係係咪實際參與，因為我好多嘢畀佢做嘅，...

T

U

問：得。

U

V

V

B

B

C

答：...佢而家--包埋梁偉健對呢個黃貴雄就非常之有情感嘅，譬如而家我--有時我話「你使乜成日去個地盤啫？」佢但係特別即係去到地盤嘅。

C

D

D

E

問：所以雖然你話名義佢叫唔叫做係負責人都好，但係實際佢就真係好上心，就成日落去幫手嘅，可唔可以咁講呢，梁偉健，喺呢個一、二座佢所做嘅嘢？即係名義上佢未必叫做負責人，但係佢成日落去嘅，佢亦都有幫手嘅，係咪咁解？

E

F

F

G

答：唔係幫，成個啟晴邨都係佢睇㗎。

G

H

問：我知，但係對於一、二座嚟講，佢係咪特別去睇，去探望黃貴雄，所以陳小華先至會咁講啫，係咪呀？

H

I

答：呢樣嘢咁抽象，好難，我又唔在場，我又唔知。

I

J

問：得，唔緊要，得，冇所謂。總之梁偉健係有管啟晴邨嘅？

J

K

答：吓？

K

L

問：梁偉健係有管啟晴邨嘅？喺管理層面？

L

M

答：啟晴邨，佢係代表我嘅身分去成個地盤睇嘅。

M

N

問：得，所以佢要睇就係睇成個地盤嘅，梁偉健？

N

O

答：係。

O

P

問：得，好。

P

Q

主席：佢係駐地盤㗎嘛，係咪呀？

Q

R

答：吓？

R

S

主席：佢駐地盤㗎嘛？

S

T

答：咩嘢話？

T

U

問：梁偉健。

U

V

V

B

B

C

主席：佢駐地盤嘅？

C

D

D

問：係長駐喺地盤嘅，定係唔係嘅，梁偉健？

E

E

答：唔係駐地盤嘅，係我對落嘅，即係我唔响度，佢就話晒事㗎喇。

F

F

G

G

主席：你副手，係吖。

H

H

答：即係所有統籌乜嘢，甚至啟晴邨話含到超標含鉛，都係佢返嚟講畀我聽嘅，即係而家習慣咗所有出面嘅建築公司一搵我唔到--唔係，首先，地盤解決唔到，就會搵佢，搵佢解決唔到先再搵我嘅，即係佢當咗係一個總巡咁解。

I

I

J

J

K

K

問：但係佢就唔係長駐地盤嘅？

L

L

答：唔長駐地盤。

M

M

問：唔長駐地盤，okay。

N

N

答：佢十幾--成十幾個地盤，佢點會長駐地盤啫？

O

O

問：得，好。好喇，你睇一睇 K3 第 8 段，陳小華就話第三、第四座就係陳思南，但係你嗰度就係寫陳小華。

P

P

答：呢個點解呢？係呢個佢講得佢唔啱嘅，因為黃貴雄就係一個...

Q

Q

問：我係講第三、第四座㗎。

R

R

答：唔係，你聽我講先。

S

S

問：係，好。

T

T

答：黃貴雄幫埋嗰個范秀鵬就係我公司認可嘅 foreman，陳小華响度，就變咗佢都要兼埋嗰個第三、第四座，陳思南只係其中一個咩嘢角色呢？係一個頭先講嘅判件嘅角色，就唔係全部佢做嘅，所有分工、派工，所有做嘅嘢都係陳小華嘅。

U

U

V

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B

B

C

問：陳思南佢係咩嘢叫判件話你話？咩嘢叫判件呀？

C

D

答：陳思南就係即係等於頭先我講，按某一個佢斷件計，某一部分嘅嘢就畀佢做嘅，佢就唔係管工嚟嘅，佢唔係負責嘅。

D

E

問：即係佢係其中一個工人嚟嘅咋？

E

F

答：唔係工人，即係陳小華就將部分嘅嘢就斷按件數咁判咗畀佢做嘅，但係嗰個範籌係好少嘅，其實成個 block 嚟講，就嗰個管理層面就好多嘅，分配工作就好多嘅，呢個實際就應該係陳小華嘅，因為我哋公司都唔認可呢個陳思南。

F

G

G

H

問：但係陳思南係咪打何標記工嘅？

H

I

答：判嚟做嘅。

I

J

問：即係佢唔係僱員？

J

K

答：即係斷件做嘅。

K

L

問：Okay，即係佢唔係僱員嚟嘅，即係佢出糧啲糧...

L

答：出糧我出，但係出咗糧之後再賺嘅就我畀佢嘅。

M

M

問：即係佢有個底薪，但係另外就斷件咁樣去做某一...

N

答：係，做多咗啲另外計嘅。

N

O

問：即係佢底薪係好平嘅，其實應該係？

O

P

答：唔係，同我一樣嘅。

P

Q

問：佢有個底薪，但係就佢喺第三、第四座嗰度，呢個陳思南就另外喺底薪以上，就接咗一啲斷件計嘅嘢嚟做，就斷件計？

Q

R

答：係，好少部分嘅啫。

R

S

問：咁佢斷件計啲係咩嘢嚟嘅呢？

S

T

答：好似房喉包埋外牆喉嘅。

T

U

問：Okay，但係就係佢就係...

U

V

V

B

B

C

答：唔係，走廊喉幫--房喉响大陸做嘅，房喉幫埋呢個走廊喉。

C

D

問：所以其實佢喺第三、第四座嗰度就有任何統籌角色嘅，呢個陳思南？

D

E

答：冇。

E

F

主席：對唔住，再講一次，房喉加埋咩嘢話？

F

G

答：唔係，啟晴邨嘅房喉就响大陸做嘅，陳思南幫我判咩嘢，就係個走廊，即係走廊嗰條總水喉嚟到去飛到每一間屋嘅走廊喉，幫埋膠喉。

G

H

主席：走廊喉就佢做？

H

I

答：係，同埋膠喉，即係外牆嘅膠喉。

I

J

主席：就純粹係做呢個--即係咩嘢料都唔使佢包嘅，...

J

K

答：唔使。

K

L

主席：...就淨係做嘢嘅啫？

L

M

答：係，做嘢。

M

N

主席：淨係駁水喉嘅啫，係咪咁呀？

N

O

答：係。佢嘅進度做咗幾多、去到乜嘢、乜嘢，材料就係陳小華畀佢嘅，即係陳思南從來都唔屬於--因為陳思南幫我哋做嘅嘢係屬於好少、好少部分嘅，因為成個一座水喉嘅系統係五花百門，有鉛水喉、有膠喉、有銅喉、有 ductile 喉，即係五花百門，總之。

O

P

P

Q

Q

R

問：佢同你哋出份底薪，另外佢就包咗走廊嗰啲喉嚟去做，即係佢自己落手落腳要做嘅，係咪呀？

R

S

答：落手落腳做。

S

T

問：佢就唔係話佢走去搵另外十幾、二十個工人做，唔係咁嘅，即係？

T

U

答：佢成班打大數嘅，好似。

U

V

V

B

B

C

問：即係你會畀錢佢，就話「底薪以外，我會畀一嚟錢畀你，就係你同我做邊幾層樓嘅走廊喉」？

C

D

答：我有話畀嚟錢佢，總之陳小華返嚟話咗畀我聽做嗰個項目幾多錢，佢就乘番單位計，每個月我哋就會照水喉公會--水喉商會嘅日薪基本工資，又唔會多，又唔會少，就支番畀佢，到埋尾，佢賺--佢譬如做多咗，計條數有得賺，我咪畀佢囉，亦有好多判頭，好多包嚟做嘅，支突我哋都有，不過...

D

E

E

F

F

G

問：咩嘢叫做多嘢，你要畀佢呢？

G

H

答：吓？

H

I

問：咩嘢叫如果做...

I

J

答：即係佢譬如 10 釐-- 100 釐一個廁所，1,000 釐工，如果佢做咗十二個廁所，每日多咗 200 釐囉，咁嗰 200 釐，咁到個時候，佢完成嗰陣時我都要計數計畀佢嚟嘛，將佢個做嘅 work done 就扣咗佢份人工，嗰啲咪畀佢囉。

J

K

K

L

L

M

主席：扣咗佢份人工？

M

N

N

問：譬如話佢底薪係 10,000 釐先算，咁佢就...

O

O

主席：唔係，唔係，唔係，佢唔係咁計嘅。

P

P

Q

你哋唔係話你每一個月就一定有幾多錢底薪嘅，冇嘅，唔係咁樣樣計嘅你哋？

Q

R

答：有。

R

S

S

T

黎先生：有。

T

U

主席：有？

U

V

V

B

B

C

黎先生：有。

C

D

D

答：有，我哋一定要按照商會畀個水喉嘅大工幾多錢就畀佢。

E

E

主席：係喇，係喇，我知，即係你唔係話 10,000 釐嘅，你係話譬如而家商會話--商會定咗而家係 1,000 釐一工，大工，如果佢喺你個地盤嗰度開咗二十日工，你就二十乘 1,000，啱唔啱呀？

F

F

G

G

答：唔，20,000。

H

H

主席：20,000 釐，好喇，但係如果譬如佢要做嗰一個咁樣嘅工程，你就話「30,000 釐嘅就你做。」於是就減咗嗰 20,000 釐，就再畀多 10,000 釐佢？

I

I

J

J

答：唔係，佢做出嚟嘅結果係 30,000 釐嘅，就減 20,000 釐，畀 10,000 釐佢，如果佢結果做出嚟係打平嘅，就有得畀佢。

K

K

主席：好喇，我哋而家講廁所，我哋講裝廁所，簡單啲，係咪？

L

L

答：唔。

M

M

主席：譬如佢大工，1,000 釐一工，咁樣樣，你就話佢喺呢一個月，譬如佢返咗二十日工，就做裝廁所嘅，你就首先你就要畀咗 20,000 釐...

N

N

答：嘅人工畀佢。

O

O

主席：...嘅人工畀佢？

P

P

答：係。

Q

Q

主席：好喇，跟住呢二十日裏面，原來佢就係要裝一層樓，譬如啱啱咁躉二--唔好，三十個廁所，你就會話畀佢聽「你裝晒呢三十個」--對唔住，「你裝呢三十個廁所就二十日」，係咪咁樣樣呀？

R

R

S

S

答：就譬如佢嗰個月嘅結果係做出三十個，我咪將嗰三十個，30,000 釐咪減番 20,000 釐，咪畀 10,000 釐佢。

T

T

主席：係喇，冇錯。唔係，即係換句話嚟講，譬如「呢三十個廁所，我就係畀 30,000 釐你做嘅，你就喺真係二十日之內做完咗。」於是就畀多 10,000 釐佢，係咪咁呀？

U

U

V

V



B

B

C

答：（沒有可聽到的回答）

C

D

主席：係喇，即係 20,000 釐再...

D

E

答：佢做多咗係畀個 10,000 釐佢，...

E

F

主席：唔係，20,000 釐再...

F

G

主席：...但係我哋冇規定佢做幾多嘅。

G

H

主席：好喇，如果佢做夠四十個呢，...

H

I

答：照畀囉。

I

J

主席：...就畀多 10,000 釐佢？

J

K

答：20,000 釐㗎喇。

K

L

主席：係喇，冇錯喇。

L

M

答：係喇，係喇。

M

N

問：但係如果個二十日裏面佢做得個十個呢？

N

O

答：呢啲現象係非常有，即係呢個廁所簡單，我哋即刻睇到，如果係成個房喉或者成個--唔係一日計到數嘅，啲啲經常支突我嘅，都係咁㗎喇，錢就畀咗佢，唔係，問佢擺番呀？所以永遠...

O

P

問：即係錢就畀咗，我同你開二十日工，但係原來做出嚟係可能係即係做唔夠數嘅？

P

Q

答：照畀嘅，經常係咁呀，你問下我啲寫字樓就知，經常支突嘅，因為而家啲工人--香港工人就係㗎喇，佢着數佢就問你擺，佢蝕底，佢就唔喇喇喇，你明唔明呀？佢譬如幫我判嚟做，或者成班人做，斷件計，佢賺咪擺囉，如果輸，你都輸㗎喇，你支幾多人工畀我㗎嘛，冇得擺番㗎嘛，所以呢個係結構有問題，但係冇辦法，而家我哋係工人難求。

Q

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問：呢個陳思南就係學你話齋，就係判咗...

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答：其中一個 labour 嚟嘅啫。

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主席：佢又唔係--嚴格嚟講，又唔算係判嘅，總之就係...

答：係喇，冇錯喇。

主席：...你超額完成，你就可以賺多啲。

答：係喇，係喇，屬於係 labour 嚟，不過嗰個畀啲獎勵佢咁解啫，即係刺激佢積極性，包埋--因為佢哋--點解會范秀鵬幫呢個黃貴雄，佢係打埋人，咩嘢叫打埋人呢？又要管到工程，又要管到材料，有資格去寫字樓訂料，又要幫建築傾到偈，呢啲叫打埋人，係咪呀？陳思南何來打埋人呢？我哋公司從來都冇，變咗--因為變咗就陳小華就兼--佢睇唔晒六座，所以就我嗰啲呢個黃貴雄不嬲做開打埋嘅，就睇兩座，就陳小華睇兩座，跟住就呢個范秀鵬睇兩座，即係等於黃貴雄幫范秀鵬，佢底下都仲有判工嚟嘛，嗰啲判工都唔叫打埋嘅，即係就係咁嘅分析囉，呢個係純粹佢推卸責任，我覺得事實都唔係咁。

問：唔係，佢都認頭，佢都話佢係成個啟晴邨嘅打埋咁樣。

答：唔係，我即係解釋畀你聽個事實係咁。

問：得，得。

答：你問建築，建築都唔識個陳思南。

問：得，我想問一問你關於寫嗰啲要貨嗰啲單，即係喺個地盤度要貨嗰啲單嗰啲要求--嗰啲請購單，就即係喺個地盤就 fax 上寫字樓嗰啲單，係咪基本上規矩嚟講，係要由打埋 send？

答：一定。

問：一定係由打埋 send？

答：仲要對個簽名添。

問：得，我就想你睇睇陳小華佢嘅第 12 段，就係 K3 第 2392 頁，佢咁講，第 12 段，佢話「啟晴邨項目嘅小五金，包括焊料，早期全部」「由我向何標記採購部落單」，到後期，由於--「因為水喉工程全速進行，要訂購及送來地盤」嘅物料太多太亂，「所以黃貴雄、梁偉健及范秀

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鵬亦有就」佢哋負責嘅座數「自行向何標記採購部落單訂料」，「不須通過我。由於黃貴雄、梁偉健及范秀鵬」跟「何標記打工多年，與何文標十分相熟，所以老闆何文標當時知悉及容許他們直接向採購部落單。至於陳思南，他替何標記打工」嘅「時間相對較短，與何文標不太熟絡，所以就算到了工程的後期，他仍然是通過我向何標記採購部落單的。」

即係基本上我就問想你，就係有冇呢個現象，就係某啲同你熟啲嘅人就可以直接填啲請購單，而唔使通過呢個打理去...

答：我解釋下，即係佢話陳思南打工太短，同何文標不太熟悉，證明我唔會委託佢做打理，咁啟...

問：但係關於落單邊啲人有權...

答：你聽我，啟晴邨就初初就陳小華落嘅，收厝後來我加強管理，就加咗，變咗分區就一人兩座，變咗嗰陣時嘅身分就係黃貴雄同陳小華同范秀鵬嗰個佢哋嘅身分係一樣嘅，都係地盤嘅打理 foreman，而且我信任嘅程度，對黃貴雄、對范秀鵬仲係大過佢嘅--仲大過佢嘅，我亦了解到當時因為陳小華佢嗰個料嗰陣時，佢哋大家成日畀唔到，佢分配唔到，變咗佢就好亂，即係有時啲工人冇理由等料做，人工貴咩嘛。

問：即係如果中央由陳小華負責訂嘅時候，就啲料就係由陳小華負責訂嘅時候，唔同座數嘅人，佢要擺佢要用嘅嘢，...

答：就去擺，分--去分。

問：...就有啲即係要好似架床疊屋咁喇會？

答：係喇。

問：變咗分配唔勻喇咁會驚住，係咪呀？

答：係呀，係喇。收厝我知道地盤趕，就變咗將佢個結構就係改咗三個打理，改咗三個打理，而且嗰三個打理都係有認可資格去請購嘅，佢講呢個係...

問：你就容許黃貴雄訂、陳小華訂同埋范秀鵬去訂，就係呢三位？

答：係，即係我分散咗佢啫。

問：好，得。

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答：佢呢段講嘅嘢全部--即係事實。

問：梁偉健呢？

答：梁偉健，梁偉健當時嘅身分已經係我--我即係覺得會培養佢，我叫佢睇晒全部嘅，你話佢到底落去，有冇特登睇一、二座多啲、睇三、四座多啲、睇五、六座多啲，我覺得呢樣嘢真係好難。

問：但係梁偉健都有權去寫啲請購單嘅，係咪呀？

答：我唔知佢有冇寫啲，佢都有權，我對落就佢喇。

問：得，因為即係今單案個不幸嘅地方就係...

答：所以呢個陳思南--佢話陳思南係管-- foreman，一定唔係，佢呢度都講話與我不太熟悉，我點可以將兩座嘅畀佢做管工呢？

問：因為今單案我哋就即係搵唔番啲請購單出嚟，所以我哋就即係睇唔到究竟啲請購單上嚟係寫要錫條咩，定係錫線，就比較難睇到，不過唔緊要。我就想你...

主席：我想問一問，點解你哋會有啲請購單呢？

答：咩嘢話？

主席：我話點解你哋會有啲請購單？你公司。

答：點解呢？因為我哋地盤好多，啲請購單，佢三份，一份我哋就响地盤，地盤就有擺上嚟，跟住面個份，面個份就畀咗去個咩嘢，其實你保存唔到咁多嘅，其實你--即係我哋從來--我甚至去房屋署委員會傾，我都話我哋唔保存唔緊要，我哋可以問 supplier 擺，因為當初我哋係試圖去問--即係問過晒啲 supplier 想擺嘅，但係當時嘅環境，supplier，即係佢哋有自己嘅顧忌，你明唔明呀？即係驚得罪啲行家，驚乜，你明唔明？所以即係我覺得我從來都話唔--譬如你哋一叫我擺，我即刻出正信畀啲 supplier，叫佢全部寄番嚟畀我，其實我好坦率嘅，因為始終都要面對佢喇，係咪先？但係有時未去到，人哋有啲擔心囉。

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問：你話 supplier 有啲咩嘢顧忌又盛，係咩嘢？可唔可以講清楚啲？

C

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答：我唔知，總之就行動有咁--總之我哋一話配合委員會嘅乜乜乜乜乜，佢就好快執晒啲單畀我哋，即係以前「啲單有冇咩嘢、咩嘢呀？」個個都啱啱哦哦、啱啱哦哦，反而可能佢哋唔當係一回事囉可能，即係我哋有提過，又有好嚴肅咁樣。

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問：我畀你睇一睇，因為頭先主席就問到關於呢啲請購單，我哋即係睇下可能--即係如果有，就其實可以幫助到我哋睇下係咪陳--因為而家陳小華，我同你講定先，陳小華就話其實佢--係呀，佢話「我公然地我全部都係用錫條嚟喇。」咁就我哋又想睇下究竟即係其實何標記個地盤落單係一啲訂錫條，一啲訂錫線吖，定係全部都訂錫條呢？但係我哋唔好理嗰度住，我哋想睇睇你同唔同意陳小華所講落單嗰個過程或者一式三份點樣去處理。你睇一睇 K3 2393 頁。

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答：邊度？

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問：佢就話「落單的過程」，第 15 段，佢話「我每次向何標記採購部落單，都係」將手填嘅「訂購表格傳真給他們的。」呢句啱喇，對嘛？

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答：（沒有可聽到的回答）

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問：佢話「我所填寫」嘅表格就係何標記提供，一疊打橫嘅 A4 過底紙，一式三份，白、黃、紅，都啱嘛？一式三份，對嘛，何生？係咁嘅，係咪呀？

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答：唔。

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問：佢話佢喺表格上親手填上物料種類、數量、地盤、「我」嘅名字、簽名、日期，然後將面頭白色嘅表格傳真畀何標記採購部，於是採購部，即係寫字樓，就會收到一份傳真嘅紙，對嘛？

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答：啱。

Q

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問：即係寫字樓會有一份喇？

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答：唔。

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T

問：但係嗰份何標記就有 keep 到，係咪呀？你嘅意思係？太多喇，冇再...

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答：係呀，太多呢啲材料單，因為呢啲好濕碎，包埋有啲--呢啲仲會有啲不規則形嘅，譬如有啲散買啲啲好多啲啲咁嘅單嘅，你有可能 keep

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到嘅，你...

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問：好，跟住睇第 16 段，佢就話「我在何標記採購部並沒有既定」嘅聯絡人，落單時只需將該表格傳真回他們嘅辦公室，「傳真後，我會把一式三份」嘅「過底紙放在一起，在地盤保存。至於該表格本身為甚麼是要過底紙和要一式三份，我並不清楚，也沒有細想過。」好喇，咁 fax 咗一份返寫字樓，寫字樓 keep 咗嗰份，可能唔知點，係冇 keep 到，地盤嗰一式三份去咗邊呢？

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答：呢個地盤就係嗰幾份都有擺番--即係冇擺番--即係我哋都有擺番去寫字樓。

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主席：你點解要一式三份？

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答：唔係，呢啲就係其實--呢啲我以前嗰個--即係我訂公司嗰啲嘅模式其實--因為我就好多係偷襲人嘅，我本身係做過建築，即係我見人哋啲 form，見人哋啲方式其實我就照人哋咁做，但係實際有冇咁嘅用途，咁高層次咁去做到盡，就未必，因為我好多嘢學番嚟嘅真係，你知我即係講自己，真係學番嚟好多，我甚至我而家會計嗰啲制度，譬如啲白卡，人哋都唔知白卡講咩嘢，我就响瑞安度將佢個套偷睇，咁做好啱，咁咁咁好啱，然後即係構思公司嗰個，如果當初冇--如果貫徹到--即係肯問人哋「你一式三份，第一張係點嘢？第二張點？第三張」，我唔使三份，係咪先？其實一份都得，你一式寫咗，你 fax 去寫字樓，你底下都有一份，係咪先？

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問：因為通常一式三份，首先係過底紙已經係好老嘅嘢嚟喇，年青啲嘅人都未見過嘅呢樣嘢可能，但係通常一式三份就係話一份畀人，一份自己 keep，一份可能係要擺落去第二度，咁就可以有三個用途。

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答：而家唔係過底紙，嗰份係自動過底嘍。

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問：係，即係自動過底，係喇，係。

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答：係，自動過底嘍，唔老套嘍，即係最新嗰個嘍喇，因為--你明唔明...

T

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問：我仲以為係比較老套嗰啲嘢，過底紙嚟。

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答：唔係，唔係，唔係，係好--即係話我公司嗰個模式，我有學過管理，

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但係我係會學習人咁點樣，包埋我自己本身都係做過建築嘅，我真係將我建築個套就搬過嚟，如果係真正係--但係做建築個套，用個種方法，因為嗰啲人嘅水平唔同，可以消化到，但係其實忘記就係將建築個套搬過嚟，但係我有建築個班咁嘅人嘅管理人才咁嘛，所以咪有咁嘅，其實浪費添，唔得環保添，一張搞掂，一式三點--個兩份又有擺上寫字樓，咁有乜用呢？

問：而家三份都有晒添？

答：係，三份有晒，係喇，得--其實係三份都有嘍，佢 fax 去之嘛，寫字樓係得個份 fax，係咪呀？其實而家咪笨囉，就係，又咗錢，又--而家你--我今日開始了解到，真係笨，唔得--即係當時構思個個構思，包埋做嘅，就係真係脫咗節。

問：好喇，我哋講番就係一份又好，三份又好，總之而家就係寫字樓個份又有咗，地盤個份又有咗，所以我哋而家就唔知道...

答：同埋 fax，...

問：我哋而家...

答：...個份 fax 我唔會保留嘍嘛。

問：係喇，我哋就唔知道即係緣起究竟要貨個個人佢係要錫條定錫線，即係我長話短說，我聽朝會繼續問你呢個課題，但係我而家問一問你先，就係其實會唔會就係根本大家--地盤全部大家有個共識，就係話不如全部都訂錫條，因為錫條平啲，雋景之所以有陣時會摻雜咗啲錫線 FRY 呢啲，就係因為咁啲有錫條，先至塞兩卷畀你哋啫，其實你哋...

答：你講呢個嘅諗法係邊個嘅諗法？

問：我提議，呢個係有人哋指控你嘅，不過會唔會係咁呢？

答：唔係，我一路咁講，我都有呢個題目，有呢個基礎，點去知道邊樣平、邊度唔平呢？你明唔明呀？

問：唔。

答：包埋我個概念就話做建築，你一定個容量就好大先得，其實十萬、二十萬，其實真係好渺小嘅數目，其實你建築個個精點就係响發揮人嘅生產力個個效率，你明唔明呀？如果你嘅容量唔大，你根本係馴唔覺

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嘅，好似等於 12 月，上個月，我一千個工人，上個月就不幸又有一個平安夜、一個過冬、一個除夕，佢哋都會提早 4 點鐘收工，一千個工人，千幾釐工，一千個工人就百幾釐一日，我唔見咗四分一嘅人工，嗰三日我都唔見咗百幾萬。即係如果你個容量係咁--如果你唔係嘅容量，根本係做唔到建築嘅，你明唔明？包埋而家水喉工人係點呢？一分鐘四個銀錢，佢五分鐘就已經等於一個早餐喇喇，反為我著緊係將個錢就放响嗰個人嗰個生產力嘅管理好啲，包埋特別水喉，就如果你係容量細嘅，去地盤睇到啲伙記，呢度又攞，啲材料攞咗，你會好心痛嘅。

所以我覺得，第一，我係冇個基礎去話分析呢個平、呢個靚，我都有咁嘅意識，係咪？你叫我譬如落去尖沙咀，我都有諗住去尖沙咀，你問我搭巴士平啲，搭火車平啲，搭咩嘢平，搭的士平，我都有咁嘅意識，完全係冇咁嘅概念，我呀，我都想你幫我問下點解陳小華會佢啟晴邨幫我用咗錫條，點解佢同時管理兩個地盤，另外嗰個地盤就用錫線，我都想知點解嘅，你明唔明呀？我都想點解，呢...

問：另外嗰個係龍逸，係咪呀？

答：吓？

問：另外嗰個係龍逸，係咪呀？

答：龍逸，係囉。咁呢個問題我都想--真係我自己都好困擾，係咪呀？如果係我有咁嘅意識，我將所有何標記所有，而家，唔好講以前，唔好講過去，而家做緊十幾個地盤，都用錫條，點會十幾個地盤都有事，偏偏呢兩個地盤有事呢？我問黃貴雄，黃貴雄就話啟晴邨都係咁做喇咁，我而家--因為我係無--我真係唔知，如果係知，我個性格，我一定會承擔，所以就你有呢個基礎，冇呢個題目，我去比較唔到話貪平唔貪平，我都有題目，冇基礎，你點去做文章呢？

問：好，何生，就而家啱啱就係 4 時 30 分，我頭先都講我問埋你呢條，我哋就明早繼續，好唔好呀？

答：好，好，好，多謝。

問：麻煩你聽朝要再返嚟。

答：多謝，多謝。



B

B

C

主席：聽日繼續，我哋暫時休庭，唔該。

C

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D

2016年1月12日

E

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下午4時30分聆訊押後

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C Tuesday, 12 January 2016 C

(10.01 am)

D (Transcript of simultaneous interpretation D

E except where otherwise specified) E

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

(Via interpreter) I am now calling Ms Mok Wai Yin,

G clerk of Golden Day. G

H MS MOK WAI YIN (affirmed) H

CHAIRMAN: Please take a seat.

I Examination-in-chief by MR WU I

J MR WU: Ms Mok, you have submitted a witness statement dated  
23 December 2015. I am reading out your statement:

K "1. I am a clerk of Golden Day, responsible for the  
L daily operation of the office. L

M 2. I was educated up to form 5 and I joined  
Golden Day in 1998 and was responsible for the daily  
N operation of the office, including liaison and  
O procurement of site materials. O

3. The Hung Hom Estate 2 ..."

P Madam Mok, you have the statement in front of you? P

Q A. Yes. Q

R Q. "For Hung Hom Estate Phase 2, Tung Wui Estate,  
S Wing Cheong Estate, the plumbing work was undertaken by  
T Golden Day. Myself and Ms Lam Lai King were responsible  
U for procuring site materials from Prosperity. U

4. I don't know the soldering materials used to connect water pipes should be lead-free. I didn't notice whether the materials contained lead.

5. From my recollection, the site foreman, Mr Hui Wang San for Hung Hom Estate 2 and Wing Cheong Estate, and Mr Chau See Ming for Tung Wui Estate, called me or Ms Lam Lai King to place an order regarding the amount of soldering materials and the day they should be delivered to the site. Because of the long time gap, I don't quite remember exactly the verbal instruction of Mr Hui and Mr Chau. All I can remember is that they didn't specify the brand of the soldering materials. I didn't know whether the soldering materials in the market contain lead or not.

6. Having received the request from the site foreman, I myself or Ms Lam Lai King would place an order with Prosperity by phone. I don't know where the soldering materials would be used in or whether the soldering materials to connect pipes should be lead-free, so I didn't specifically mention to Prosperity that the soldering materials would be used for connecting pipes.

7a. Hung Hom Estate Phase 2.

i. After commencement of work, Mr Yung Kwok Choi, project manager, told me and Madam Lam Lai King that the

supplier was Prosperity, and then I would place an order with Prosperity in accordance with the instruction of the site foreman. I remember the foreman didn't specify the brand of the soldering materials, nor did I know there were different brands of soldering materials. So, when I ordered the materials from Prosperity, I didn't specify the brand.

ii. I didn't know there were different brands of soldering materials, neither did I know anything about the UK 50D flat solder strip or other brands, nor did I understand the difference between solder wire and solder strip, so I don't know why there are two different types of soldering materials used in Hung Hom 2 and Ma Hang project. According to Prosperity's document, the 40 reels of high-temperature solder strip was ordered by myself from Prosperity. However, since Prosperity sells a wide variety of minor hardware items, I don't know the difference between the two, nor do I remember the details of the transaction and the payment.

b. Wing Cheong Estate.

i. After commencement of work the project manager Mr Yung Kwok Choi told me and Madam Lam Lai King that the supplier of solder materials to the site was Prosperity, and then I would place the order with

C Prosperity, in accordance with the site foreman. C

D I remember the site foreman didn't specify the brand of D  
E the soldering material, neither did I know there were E  
F different brands of soldering materials. So when F  
I ordered the materials from Prosperity, I didn't  
specify the brand.

G ii. I don't know why there was a discrepancy G  
H between the delivery note and the invoice. H

H c. Tung Wui Estate. H

I i. After commencement of work, the project manager I  
J Mr Yung Kwok Choi told me and Ms Lam Lai King that the J  
K supplier of solder material to the site was Prosperity, K  
L and then I placed order with Prosperity in accordance L  
M with the site foreman's instruction. I remember the M  
N foreman didn't specify the brand of material, nor did N  
I know any other brand, so when I placed order with  
Prosperity I didn't specify any brand.

O 8. I didn't know why Prosperity was selected as the O  
P supplier of soldering material for Golden Day. All P  
Q I know is that Prosperity has always been the supplier Q  
of minor hardware items for Golden Day.

R 9. After ordering the solder materials, Prosperity R  
S would contact the foreman and deliver the materials to S  
the site direct.

T 10. When I ordered the soldering materials with T  
U  
U

Prosperity, I didn't specify the brand, nor did I notice this 50D flat solder strip, and Prosperity didn't introduce that brand to me.

11. I have never been to the site so I don't know the situation about delivery, nor did I take any particular measures.

12. I didn't know this brand, UK 50D flat solder strip, nor did I know whether it contains lead.

13. I don't know the work procedure adopted by Mr Yung Kwok Choi, nor did I know anything about the submission of samples. All I know is that the supplier was Prosperity. I was responsible for ordering the materials with Prosperity according to the order."

Any supplement, Madam Mok?

A. No.

Q. Would you like to adopt this witness statement as evidence for the Commission?

A. Yes.

Q. I have one question for you to start with. Over these past few days, the evidence mentioned the high-temperature solder strip, solder wire, solder strip, ordinary solder materials and all the different brands. Do you know the pricing difference between all these different materials?

A. No, I don't.

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 36 B

C MR WU: I have no further questions. C

D Cross-examination by MR KHAW D

D MR KHAW: Madam Mok, you joined Golden Day in 1998? D

E A. Yes. E

F Q. Before, did you know Mr Cheung Tat Yam? F

F A. No, I didn't. F

G Q. Madam Lam? G

H A. No, I didn't know her. H

H Q. Mr Yung Kwok Choi, did you know him? H

I A. No. I

J Q. It was only after you joined that you knew them? J

J A. Yes. J

K CHAIRMAN: Are you still working for Golden Day? K

L A. Yes. L

M CHAIRMAN: Patrick Wong also? M

M A. Yes. M

N MR KHAW: You finished form 5. Was Golden Day your first N

O job? O

O A. No. O

P Q. What did you do before? P

Q A. I was a clerk. Q

Q Q. Have you got any training in bookkeeping? Q

R A. Yes. R

S Q. That's after form 5, when you were working? When did S

T you study that? T

U

U

V

A. I studied that in secondary school.

Q. Let me put this to you. In your witness statement, paragraphs 2 and 3 -- it was read out to you just a moment ago. In paragraph 2, you joined Golden Day, responsible for the daily operation of the office, including liaison and procurement of site materials.

A. Yes.

Q. Paragraph 1: you were responsible for the daily operation of the office.

What is the nature of your work? Was it mainly procurement of site materials?

A. It was the past eight to ten years that I did that, not at the beginning.

Q. What about at the beginning; what did you do?

A. I have always been responsible for the payroll.

Q. The payment?

A. Yes.

Q. You are also responsible for the payroll?

A. Yes, the payment to the site workers.

Q. You are still responsible for that?

A. Yes.

Q. So your two types of work: procurement and payroll?

A. Yes.

Q. You have been working there for more than two decades.

You must be pretty familiar with the daily operation of



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 36	
C	the office.	C
D	A. Yes, basically, yes.	D
E	Q. In the office, is it the case that there were you,	E
F	Madam Lam, Patrick Wong, Mr Yung, from time to time he	F
G	was there, and the boss, Mr Cheung, would be there from	G
H	time to time?	H
I	A. Yes.	I
J	Q. So basically there are these few people in the office?	J
K	A. Yes.	K
L	Q. How big is the office? Is it as big as this room?	L
M	A. About 700 square feet.	M
N	Q. You and Mr Patrick Wong, how far apart do you sit?	N
O	A. A few seats.	O
P	Q. From where you are to that lady? (Indicating).	P
Q	A. Further apart.	Q
R	Q. What about Mr Yung; how far apart were you in the	R
S	office?	S
T	A. From here to where the door is.	T
U	Q. What about Madam Lam; how far apart?	U
V	A. She's sitting next to me.	V
	Q. In the office, you can read and write simple English?	
	A. Yes.	
	Q. And Madam Lam and Mr Patrick Wong, they are all okay	
	with English, so if there is email communication, the	
	three of you would be handling them?	

A. Yes.

Q. In the day-to-day work, would you know at any one time whether there are any projects that are going on?

A. Yes, I do.

Q. During your time in this company, which has been a long time, you must be aware of the procedure of sample submission?

A. I am aware of that.

Q. You were not involved in the submission of samples?

A. No, never.

Q. As far as you know, who is responsible for sample submission?

A. Mr Yung.

Q. He was the only one?

A. No, Mr Wong as well.

Q. Do you know how Mr Wong did it?

A. No, I don't.

Q. So do you know roughly what materials would have to be submitted as samples?

A. No, I don't know. Mostly pipes.

Q. Yesterday, we put questions to Mr Patrick Wong on his assistance to Mr Yung in sample submission. He told us that he assisted Mr Yung in preparing a list of materials to be submitted as samples, when they were to be submitted and when the HA approved the samples.

I can show you the list. It's page 155 in the same bundle. On page 155, you can see that at the top of this paper, it says, "Material submission schedule -- plumbing and drainage installation", and then "China State Construction". That is in relation to the project with China State Construction.

So this is Hung Hom Estate Phase 2, and this is the list which set out the materials, the use, the brand, origin, and so on and so forth, and then submission date, approval date; do you see that?

A. Yes.

Q. My question is this: have you seen any similar list before?

A. I know that there is this list, but I did not read it carefully. I understand that Mr Wong assisted Mr Yung in preparing the list.

Q. You knew about that?

A. Yes.

Q. Did you witness the preparation of the list or did you know about the list only after it's completed?

A. I didn't witness it.

Q. But you have seen similar lists before. Usually, where in the office would you see the list?

A. On the desk of Mr Yung.

Q. Did Mr Yung tell you anything about the list, that is to

C say sample submission had been completed?

C

A. No, we didn't particularly mention it.

D Q. But you know about sample submission?

D

E A. Yes.

E

F Q. After the HA has approved the samples, your company  
would be notified; you know about that?

F

G A. I believe that's part of the normal procedure.

G

H Q. So, for solder materials, as you placed orders for the  
procurement of solder materials -- I will talk about the  
I procurement of solder materials in a moment -- but first  
J of all, this Commission has been referring to this green  
K one (indicating), which is FRY solder wire. Have you  
seen this before?

H

I

J

K

L A. No, never.

L

M Q. Have you seen this, FRY lead-free -- have you seen any  
papers referring to the brand?

M

N A. No, no, never.

N

O Q. What about solder strips, in silver colour?  
(Indicating).

O

P A. No.

P

Q Q. Tin strips or solder strips?

Q

R A. No.

R

S Q. In boxes like these, UK 50D solder strips?

T A. No.

S

U Q. In your witness statement, you mentioned in

T

U

U

V

V

paragraph 5 -- and let's refer to the paragraph:

"According to my recollection, the site foremen, Mr Hui and Mr Chau, would call myself or Madam Lam every time to place orders for the quantity of solder materials required and the date for the materials to be delivered at the site. Because of the lapse of time, I no longer recall the verbal instructions given by Mr Hui and Mr Chau. I only recall that they did not specify the brand of solder materials. I did not know whether the solder materials in the market contained lead or not."

Right?

A. Yes.

Q. Now, the company's practice is this. When the site foreman wants to place order for solder materials, the site foreman will call you?

A. Yes.

Q. And how would the site foreman tell you?

A. They would say solder wire, high-temperature solder strips, and also solder wire.

Q. Any further reference to solder strips?

A. No, only solder wire.

Q. You are sure?

A. Yes.

Q. Any brand mentioned?

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 36	
C	A. No, never.	C
D	Q. So now, no reference to solder strips at all, only solder wire?	D
E	A. Right.	E
F	Q. Would anyone say "high-temperature solder strips"?	F
G	A. Yes, occasionally.	G
H	Q. So, to your knowledge, for high-temperature solder strips and solder wire, we understand the difference after the incident. So what is your understanding; is there any difference between the two?	H
I	A. I believe them to be the same.	I
J	Q. On what basis do you believe the two to be the same?	J
K	A. Nothing, because I have no knowledge.	K
L	Q. So you just assume that those two were the same?	L
M	High-temperature solder strips are sometimes --	M
N	sometimes in the purchase order we see the words	N
O	"high-temperature solder strips". So my question is, when was the first time you heard about the phrase	O
P	"high-temperature solder strips"?	P
Q	A. I don't remember.	Q
R	Q. Is it a long time ago?	R
S	A. I think so.	S
T	Q. Would it be ten years ago?	T
U	A. I really cannot remember.	U
V	Q. So the first time you heard about that, when you heard	V

about this term, was it because the site foremen were calling you and talking about high-temperature solder strips?

A. Yes.

Q. So, coming back to the three estates -- Hung Hom Estate Phase 2, Tung Wui Estate and Wing Cheong Estate -- here, you said you only remember that they didn't specify the brand of solder materials, and you didn't know whether solder materials in the market contain lead or not, and you don't remember the verbal instructions.

So, when they called you about the three estates, what usually would they tell you about placement of orders? Usually, how would they describe the solder materials?

A. They would say solder strips and high-temperature solder strips, so I would just put them down accordingly, in writing.

Q. So solder strips and high-temperature solder strips. Have you heard about solder wire?

A. I don't remember.

Q. You don't remember or it's possible but you don't remember?

A. I really don't remember.

Q. So, when they said solder strips or high-temperature solder strips, what usually would be the quantity?

A. A box, a box or a carton.

Q. So, to your knowledge, do you know roughly what was the quantity in a box or a carton?

A. No.

Q. Let me refer to some documents to see if these documents refresh your memory.

Please look at bundle S1, page 84. This is one of the purchase orders from your company. Do you see that?

A. Yes.

Q. So, first of all, we see that this is in relation to the purchase order for Hung Hom Estate Phase 2, and one of the items in your purchase order was solder strips.

Now, first of all, did you personally prepare this purchase order?

A. Yes.

Q. So the handwriting was yours, "tin strips"?

A. Yes.

Q. Then, at the bottom -- item 2, "white plaster", and so on and so forth -- in your handwriting as well, and your signature below?

A. Yes.

Q. For item 1, "Hung Hom Estate Phase 2", the quantity was five boxes.

Then, if we turn to look at some delivery notes, it may not be the delivery note in relation to this



purchase order but a delivery note in relation to Hung Hom Estate Phase 2, say page -- let's focus on page 84 first. Five boxes of tin strips; do you know roughly what the weight would be?

A. No.

Q. How many pieces?

A. No idea.

Q. So the site foreman told you how many boxes and you put down the quantity accordingly?

A. Yes.

Q. So let's turn to page 92. "Delivery note".

CHAIRMAN: Sorry, page 84 again. "55P", not in your handwriting; right?

A. No.

MR KHAW: Do you know who wrote it?

A. No.

MR KHAW: Let's turn to page 92. On this delivery note -- I suppose you have looked at these delivery notes, because usually, after delivery of goods, Prosperity would send you these delivery notes. So you have impression of these notes. Let's discuss later in greater detail. But in general, you knew about the delivery notes?

A. Yes.

Q. If we look at this delivery note, this is Hung Hom

Estate Phase 2 -- so for solder materials, here it says  
"UK 50D flat tin strips".

Let's not talk about the brand, UK 50D, because you  
said that you didn't know about the brand.

Then it says here: eight pieces per pound; then  
origin, UK; number of pieces, 3; then quantity,  
165 pounds.

If you want to check the delivery note against the  
purchase order, which unit would you refer to to see if  
the delivery was correct?

A. I would look at the signature by site staff to see if it  
was correct.

Q. So you would just check the signature but not the number  
of pieces or the weight or quantity?

A. No, I would not check it further.

Q. So you didn't check the number of pieces or the weight;  
as to whether the delivery note would match the purchase  
order, you wouldn't check either?

A. No, I wouldn't.

Q. So let's say if the quantity delivered was less than the  
quantity ordered in the purchase order, you wouldn't  
know?

A. Right, I wouldn't know.

Q. So did it apply to solder materials only or to all  
materials?

A. Because when the site staff signed for receipt, if the items delivered were of wrong quantities, then the site foreman would call us.

Q. So you would rely on the site foreman to monitor the quantities?

A. Yes.

Q. After delivery, they issued the invoice, and whether there would be any mistakes, whether there would be any typo, you wouldn't check?

A. No.

Q. Let me put this to you. This way of placing order, whereby the site foreman would instruct you about the quantities to be ordered, this practice, how long has this practice been going on for?

A. When I first joined the company, I saw this done in this way.

Q. So it's been going on for more than 20 years?

A. Ten-odd years, I would say.

Q. In your statement, you said that for soldering materials, they would be ordered this way, but what about other materials, like the copper pipes; how would they be ordered? How would you procure from the supplier?

A. They would specify the sizes and the quantities, and then we place the order.

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 36 B

C Q. So, for these materials, copper pipes, for instance, C  
would there be any documentation?

D A. We act in accordance with WWO46. D

E Q. When orders need to be placed, the foreman would ring E  
you?

F A. Yes, they would ring us to place the order. F

G Q. Let's say water pipes, they would specify the dimension. G  
Would you check against the WWO form before placing the

H order? H

I A. Yes. I

J Q. If it doesn't exist in the WWO form, like solder J  
material, then you would just take the order and place

K the order with the supplier, that's soldering materials? K

L A. Yes, soldering materials, Mr Yung informed us that for L  
minor hardware items, we ordered from Prosperity.

M Q. Is it the case that when you first joined Golden Day, M  
the supplier has always been Prosperity?

N A. Yes, as far as I can remember. N

O Q. Which one from Prosperity would you be getting in touch O  
with?

P A. Mr Chow. P

Q Q. Chow Ka Ping? Q

R A. Yes. R

S Q. A moment ago, we saw the documents -- delivery note, we S  
saw this 50D flat tin solder strip.

T

U

V

Let's have a look at other documents for Hung Hom Estate. For instance, page 81. Page 81, "lead-free solder wire" here.

So, for these projects, over the years, did you ever notice that in the delivery notes there were mention of solder strips and solder wire?

A. No, because there were so many documents to deal with.

Q. From the delivery note, the difference is pretty obvious: 50D solder strip and lead-free solder wire, I think the difference is pretty obvious. But, from your statement, you never noticed that?

A. Yes, I never noticed that.

Q. From Mr Yung and Madam Lam's evidence, we understand that last year, in about July, you have received a lot of enquiries about the lead in water incident. Did you know anything about these enquiries?

A. When exactly?

Q. 16 July last year. Did you know anything about the enquiries?

A. No. I was on leave.

Q. When did you go on leave?

A. 15 to 22 July.

Q. Where were you off to?

A. I was off to Japan.

Q. On your own or together with somebody else?

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

**B** Commission of Inquiry into Excess Lead Found in Drinking Water Day 36 **B**

**C** A. I was with my family members. **C**

**D** Q. When you came back from your trip to Japan, did you hear anything about enquiries about the lead in water incident, afterwards? **D**

**E** A. Yes, yes. **E**

**F** Q. So shortly after you came back, you heard of all these enquiries. Who told you about this? **F**

**G** A. Someone called up to make enquiries. **G**

**H** Q. Inside the company, Mr Yung, for instance, did he mention any enquiries? **H**

**I** A. Mr Yung was hardly ever in the office at that time. **I**

**J** Q. Did he mention this to you? **J**

**K** A. No. **K**

**L** Q. From July to now, has Mr Yung told you anything about the enquiries of the lead in water incident? **L**

**M** A. No. **M**

**N** Q. Never? **N**

**O** A. No. **O**

**P** Q. Madam Lam? **P**

**Q** A. Not much. **Q**

**R** Q. Not much or not at all? **R**

**S** A. No. **S**

**T** Q. Never? **T**

**U** A. Right. **U**

**V** Q. You heard that the company was subject to enquiries. **V**

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 36 B

C You heard phone conversation, then you learnt about it? C

D A. Yes. D

E Q. What about your boss? Did your boss tell you anything E

F about it from July to now? F

G A. No. G

H Q. From July to now, has your boss asked you to check the H

I purchasing -- the procurement orders? I

J A. No, he mentioned to Ms Lam. J

K Q. Not you? K

L A. No. L

M Q. He talked to Madam Lam? M

N A. Yes. N

O Q. You know he talked to Madam Lam. When was that? O

P A. When? That I don't remember. P

Q Q. Did he talk to her recently or a couple of months ago? Q

R A. Recently. R

S Q. How did you know that Mr Cheung asked Madam Lam to check S

T the documents? Was it the case that Madam Lam told you? T

U A. I saw them searching something. U

V Q. And you know that they were searching something related V

to the lead in water incident?

A. I suppose so.

Q. Did Madam Lam ask you to help, because you are also

responsible for placing orders?

A. No. I was handling something else in the company.

V

Q. When you prepared your witness statement or before that, did you try to understand more about this incident, like whether there were any problems with the orders placed?

Did you talk to your colleagues?

A. No.

Q. Do you know that in your company there were delivery notes that were made available to the main contractor, Paul Y, and some of them were fake?

A. No.

Q. Nobody mentioned that to you?

A. No.

Q. To this day, you don't know?

A. Now I know.

Q. When did you know about it?

A. The solicitor asked me to prepare this witness statement, and at that time I knew these four documents, but I had never seen them.

Q. So the solicitor told you?

A. Yes. I saw the documents.

Q. But you had never seen the delivery notes. Did you ask to see the delivery notes?

A. No.

Q. Why not?

A. I don't know.

CHAIRMAN: 17 July, you were on holiday.



C A. Never. I never asked. C

MR KHAW: I have no further questions.

D Questioning by THE COMMISSIONERS D

E COMMISSIONER LAI: In your company, when were you offered  
the legal advice or legal service? E

F A. Early December, I think. F

G COMMISSIONER LAI: So was it before you had this statement  
made with Lo & Lo? G

H A. After that. H

I COMMISSIONER LAI: The statement was taken by Lo & Lo. Now,  
J your counsel is over there, also Lo & Lo. When did the  
K company start providing legal service to you, this legal  
representative? K

L A. I think early December. L

M COMMISSIONER LAI: So there is counsel representing you  
recently? M

N MR WU: Early December. N

O COMMISSIONER LAI: Yes, early December. So the company told  
you that they would hire a lawyer. Who told you that? O

P A. Mr Cheung. P

Q COMMISSIONER LAI: Mr Cheung told you about it. So  
R Mr Cheung knew that you would be a witness, and he told  
S you about it; he told you that he would hire a lawyer to  
act for you? S

T A. He didn't say this seriously. We only knew that we had  
U

C to submit witness statements. C

D COMMISSIONER LAI: So Mr Cheung said that he would hire  
a lawyer for you. You said Mr Cheung never mentioned  
anything to you about this incident. D

E A. He didn't mention it seriously. E

F COMMISSIONER LAI: But how would he tell you that he would  
G hire a lawyer for you? G

H A. We are supposed to submit a witness statement. H

I MR KHAW: It wasn't Lo & Lo that helped her with the witness  
statement. I

J CHAIRMAN: But there was a request mentioned, and Golden Day  
retained Norton Rose. J

K I have a couple of questions for you. If I remember  
L correctly, Mr Yung said that when the samples were  
M approved by the Housing Department, there would be  
N emails or documents that would be made available to you  
O and those who are responsible for procurement, so you  
would be in the picture about the approved items. How  
would you respond to that? O

P A. Email? P

Q CHAIRMAN: Or letter or memo? Q

R A. I have never seen them. R

S CHAIRMAN: You have never seen them? In other words, after  
the materials have been approved, you never know what  
T materials had been approved? T

U

U

V

V

A. No, I don't know.

CHAIRMAN: In other words, when you called, made phone calls to place orders, you would just be acting in accordance with instruction of the site foreman; you just order whatever they wanted to order? You called up Prosperity for the minor hardware items, I suppose?

A. Yes.

CHAIRMAN: For instance, the site foreman rings up to order solder strips, then you call up Prosperity. You get in touch with Mr Chow from Prosperity about the solder strip that you need?

A. Yes.

CHAIRMAN: As to what solder strip Mr Chow delivers, you don't know, and where they would deliver to, you don't know?

A. I know where they would deliver to.

CHAIRMAN: But what type you don't know?

A. No, I don't know.

CHAIRMAN: Mr Chau See Ming is one of the site foremen. He told us that -- I don't remember whether it was Wing Cheong or Tung Wui.

A. Tung Wui for Chau See Ming.

CHAIRMAN: All right. For Tung Wui Estate. He ordered solder strip, but what were delivered to the site were the 50D solder strip?

A. Yes, he ordered solder strip.

CHAIRMAN: He said that he's always said solder strip. So when he needed solder materials he would say solder strip, and then solder strips would be ordered, and 50D solder strip would be delivered.

A. I don't know what would be delivered.

CHAIRMAN: That's fine. He told us that he was handling a private sector estate undertaken by Golden Day. He called solder strip and what was delivered to the site was the green solder wire in reels.

So, in your company, who made the decision in relation to which housing estate? When solder materials were required, which brand would be delivered to which site, who decided that?

A. I don't know who decided that.

CHAIRMAN: But not you?

A. No, I didn't.

CHAIRMAN: Somebody above your level?

A. Yes, definitely.

CHAIRMAN: There are three above your rank: Madam Lam, Mr Yung and Mr Cheung?

A. Right.

CHAIRMAN: So, to your knowledge, who made this decision?

A. Minor hardware items, usually it was Mr Yung who decided to get supply from Prosperity.

CHAIRMAN: So who usually would contact Prosperity, Mr Yung  
or Mr Chow?

A. Mr Yung would usually contact Prosperity.

CHAIRMAN: Thank you.

Cross-examination by MR PENNICOTT

(All questions from Mr Pennicott were in English

MR PENNICOTT: Good morning, Ms Mok. I represent  
China State. You may wish to put headphones on.

Madam Mok, I just have a few questions for you.

Could you please first of all be shown bundle S1,  
page 84.

A. Yes.

Q. This is a purchase order which you were shown a short  
while ago; do you remember?

A. Yes.

Q. It's got your handwriting on it?

A. Yes.

Q. In particular, you have written the words "solder  
strip", or "strips"?

A. Yes.

Q. Would I be right in suggesting to you that when Mr Hui  
called you to ask you to procure these materials, you  
had this form or sheet in front of you, and you wrote on  
it as he was speaking to you?

A. Yes.

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 36	
C	Q. So, Ms Mok, if you would then go to page 86.	C
	A. Yes.	
D	Q. Again, a purchase order prepared by you, with your	D
E	handwriting?	E
	A. Yes.	
F	Q. And again you have written "solder strips"?	F
G	A. Yes.	G
H	Q. If you could then go, please, to page 93.	H
	A. Yes.	
I	Q. Another purchase order prepared by you; your	I
J	handwriting, is that right?	J
	A. Yes. Items 1, 2, 3, not written by me.	
K	Q. Right, but the words "solder strips" appear, and you	K
L	have signed the document; is that right?	L
	A. Yes, I signed it.	
M	Q. If you could then go to page 95, please.	M
N	A. Yes.	N
O	Q. Another purchase order, signed this time, we understand,	O
P	by a member of temporary staff, I think that's what	P
	Madam Lam told us.	
Q	A. Right.	Q
R	CHAIRMAN: Who wrote it? Madam Lam wrote it?	R
S	A. No, not by Madam Lam.	S
	CHAIRMAN: So Madam Lam signed it?	
T	A. No, not by her.	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 36 B

C CHAIRMAN: Who signed it? You? C

D A. No, a temporary clerk. D

E CHAIRMAN: What about the handwriting above; not your E

F handwriting? F

G A. No, not item number 4. G

H CHAIRMAN: What about "50D"? H

I A. No, not my handwriting. I

J MR PENNICOTT: Then if you go to page 98, please, Madam Mok. J

K A. Yes. K

L Q. Another purchase order prepared by you and signed by L

M you? M

N A. Right. N

O Q. Your handwriting? O

P A. Right. P

Q Q. This time, rather than solder strips, what you have Q

R written, as I understand it, is "high-temperature solder R

S or tin strips"; is that right? S

T A. Yes. T

U Q. Do you have any recollection as to why this time you U

V wrote the words "high-temperature" as opposed to simply V

"solder strips"?

A. Because the site foreman, Mr Hui, gave me the

instruction. I just wrote down accordingly.

Q. Right. We know that what was delivered and paid for,

following you ordering high-temperature solder strips,

was in fact UK FRY lead-free solder. Were you aware of that?

A. No, I don't.

Q. Did you have any involvement in the invoicing of Prosperity?

A. No.

Q. So, when Prosperity sent your company the invoices, you had no involvement in looking at those invoices and making payment; is that right?

A. I wasn't aware.

MR PENNICOTT: Thank you very much.

CHAIRMAN: Any other questions? No?

Thank you, Ms Mok, for giving evidence. You may be excused.

We will take a break. Thank you.

(10.53 am)

(A short adjournment)

(11.10 am)

MR YEUNG: Chairman, I act for Ho Biu Kee. With your permission, Chairman, I would like to call Mr Ho Man Piu, the first witness.

MR HO MAN PIU (affirmed)

CHAIRMAN: Please take a seat.

Examination-in-chief by MR YEUNG

MR YEUNG: Good morning, Mr Ho.



C Mr Ho, I understand that you have produced two  
witness statements for the hearing, the first one dated  
D 9 November 2015, that is K1/1 to 69. This is written in  
E English. I understand that this has been translated  
into Chinese.

F I am going to read out your statement. Please don  
G your headphones.

H (Statement read in English up to paragraph B3(k))

I (In English) The block primarily responsible by the  
following supervisor: blocks 1 and 2, the officer in  
J charge being Wong Kwai Hung; blocks 3 and 4, the officer  
in charge being Chan Siu Wah; blocks 5 and 6, the  
K officer in charge being Fan Sau Peng.

L Wong Kwai Hung, Chan Siu Wah, Fan Sau Peng are not  
M licensed plumbers but they have over 20 years of  
experience. It says:

N "Although these persons are not licensed plumbers,  
O they are very experienced in the plumbing works and  
recognised technicians."

P (Paragraph (1) was read in English)

Q (In English) The scope of works and block primarily  
responsible are: blocks 1 and 2 PVC piping work, by  
R Wong Lau Mau; blocks 3 and 4 plumbing works other than  
S roof, Chan Sze Nam; blocks 3 and 4 roof plumbing works,  
T by Fan Sau Peng; blocks 5 and 6 plumbing works by  
U

Tung Yam Wai. These four persons, they are not licensed plumbers.

(Paragraph B3(m) to C3(k) were read in English)

(In English) The officers in charge are Leung Wai Kin and Wong Kwai Hung and the workers are direct labour of Ho Biu Kee. Both these persons are not licensed plumbers but they possess trade qualifications, and Wong Kwai Hung is with over 20 years of experience and Leung Wai Kin with over 10 years of experience.

(Paragraphs C3(l) to C18 were read in English)

(In English) We now come to the last part.

(Paragraphs D1 to 3 were read in English)

Mr Ho, you heard the witness statement read out for you a moment ago. On the last page, there is your signature.

A. Yes.

Q. Would you confirm the authenticity of this statement?

A. Yes.

Q. Will you adopt this statement as part of your evidence?

A. Sorry?

Q. Will you be prepared to adopt the witness statement as part of your main evidence; agree?

A. Yes.

Q. Mr Ho, I understand that you have a second or supplementary witness statement in January. Please don

C your headphones. I am going to read out your  
supplementary statement. K3, page 2379. C

D (Statement read in English up to paragraph 5) D

E (In English) For different periods, starting from  
November 2011 to 25 May 2012, talking about seven  
F months, the percentage of works completed as recorded  
G are 3 per cent. G

H For the period between 25 May 2012 and 3 July 2012,  
H talking about 1.5 months, the percentage then completed  
I was 43 per cent. That means the percentage completed in  
I the period is 40 per cent. I

J For the period from 3 July to 26 September 2012,  
K talking about a period of three months, the percentage  
L of works recorded to be completed are 92 per cent. That  
L means the percentage completed in the period is  
M 49 per cent. M

N (Paragraphs 6 to 7 were read in English) N

O (In English) For the period between November 2011 to  
O 26 March 2012, talking about five months, the percentage  
P of work then recorded was 22 per cent. That means the  
P percentage completed in the period is 22 per cent. P

Q For the period 26 March 2012 to 29 August 2012,  
R talking about another period of five months, the  
R percentage of work recorded completed are 94 per cent,  
S and the percentage completed in the period are  
T  
U  
V

C 72 per cent. C

(Paragraphs 8 to 9 were read in English)

D (In English) For the period from November 2011 to D  
E 26 September 2012, talking about a period of 11 months, E  
F the work recorded to be completed are 5 per cent, so F  
G that means the percentage completed in the period are G  
just 5 per cent.

H For the period from 26 September 2012 to 29 January H  
I 2013, talking about a period of four months, the I  
percentage recorded was 94 per cent, and that means the I  
percentage completed in the period is 89 per cent. J

(Paragraphs 10 to 20 were read in English)

K Mr Ho, I have read out your supplemental statement. K

L There was a signature at the back. That's your L  
signature?

M A. Yes. M

N Q. Can you confirm the truthfulness of your supplemental N  
statement?

O A. Yes. O

P Q. Are you going to adopt this as part of your evidence? P

Q A. Yes. Q

R Q. Mr Ho, there is one question I would like to put to you. R

S In your first statement -- K1, answer 6(e) -- the page S  
reference is K1/31 -- 6(e), towards the end of that, let  
T me explain that to you. You said that Mr Chan Siu Wah T

had left the employment of Ho Biu Kee in or about April 2013 after being found to be involved in a theft incident when Ho Biu Kee goods were lost.

Can you elaborate how that happened?

A. There was a project manager who made his rounds of the site. He received a form, and he took back the form to the office. In fact, on a Sunday, Mr Chan Siu Wah cut up the copper pipes and put them in a bag and put them in his car, and we called the police. The police made the arrest and he was subsequently convicted. The whole thing was this project manager, Mr Leung -- and he was convicted and was sentenced to 120 hours of community service. I was told that he's got a criminal record, indecent assault and whatnot. I know that he was convicted. I wasn't involved. That's how -- that's what happened.

I called the police. I never turned up for work. It was hard to explain.

Q. I want to clarify, which project did you refer to?

A. Mr Chan Siu Wah was responsible for Kai Ching Estate, and another one in Tuen Mun. I can't remember the name of the estate.

Q. Lung Yat Estate?

A. Lung Yat Estate.

Q. So in which project was Chan Siu Wah involved in the

theft incident, Kai Ching or Lung Yat?

A. Well, what I had evidence in relation to the theft was Kai Ching Estate, but I also contacted Shui On staff in Lung Yat Estate and checked the computer records, the entry showing vehicles leaving and entering the site. I mean a lorry was used to transport the goods. But theoretically, once entering an HA site, the lorry would not be allowed to leave.

As to whether there is evidence or not or what happens in court, I didn't take part in it. My subordinate did.

MR YEUNG: Thank you, Mr Ho. I have no other questions for you. Please wait for cross-examination by counsel.

Cross-examination by MR SHIEH

MR SHIEH: In relation to Mr Chan Siu Wah's incident, I didn't intend to ask you a lot of questions, but I would just like to pick up from the previous questions asked by your lawyer.

You talk about a disk given to you, and the disk was in relation to a site in the Kai Ching Estate project.

A. For plumbing and drainage works, our company was mainly involved in the works.

Q. My question was simply, was it given by the site to you?

A. I don't remember whether it was handed to me in the office or at the site.

Q. Anyway, the disk showed what happened in the Kai Ching Estate site?

A. A project manager went to the site, the vehicle was parked there, and then the disk was placed there and then he took the disk back to show me. It could be shown clearly that it was in Kai Ching Estate.

Q. So somebody passed the disk to Leung Wai Kin, and then it was further handed to you? But the video was taken by somebody unknown, anonymous.

A. Right.

Q. So, very simply, Mr Leung Wai Kin did not record the video, but somebody put the disk on the windscreen of Mr Leung's car and he then took back the disk to you. I originally wanted to ask the identity of Mr Leung, but you already told me it is Leung Wai Kin, the project manager.

Coming back to other questions -- Ho Biu Kee was established in 1981 and it's been 35 years since its incorporation. Before Ho Biu Kee was established, what trade were you in?

A. In 1973, I came to Hong Kong from the mainland by swimming, and I worked in a very low rank at a site. I was recommended by somebody to take up the plumbing trade, and I basically resided at the site and worked there, just for tens of dollars a day.

I was young, I had aspirations and I was hard-working, as agreed by others. Then I was promoted to subcontractor.

Q. So that's the story of Hong Kong. You started off as a nobody, when you first arrived in Hong Kong, and then you incorporated this company, and you all along have been engaged in the plumbing trade; is that right?

A. I work for several months in Kwai Chung and then I was transferred to Lek Yuen Estate.

Q. Never mind about the district, but you were engaged in manual work originally and then you became a subcontractor?

A. I just took up work in a piecemeal manner.

Q. Then later on you set up your own company?

A. Right.

Q. Educational background -- you came to Hong Kong from the mainland, and you studied in the mainland?

A. Well, I arrived in Hong Kong in P1 and it was the Cultural Revolution -- or form 1. Then I didn't receive much education. The policy was that because I lived in the city, I was transferred to a rural area and I didn't see much prospect in that. So I first of all entered Macau illegally, but failed. I attempted to do so, and then I attempted again.

I recall that when I arrived, it was when the star



Bruce Lee died. It was in the summer. The first time when I arrived, I wasn't familiar with the environment and I was swimming, and midway the rain began, so I didn't know the way. I then swam back. Then I tied myself to a buoy and I swam to Macau, and by then time I arrived at Macau it was almost dawn.

I was imprisoned in the mainland, and then I was re-educated in the rural area, and afterwards I made a second attempt to swim here, because I got familiar with the route. The first time I thought it was close, I had an early start but I failed, and the second occasion I started later and I swam all the way to Hong Kong.

Q. So you would regard yourself as having received junior secondary education. So in short you don't understand a contract written in English?

A. No, I don't, but I've been in the business for 30 years, and when you talk about BQ and read the tender document, I would understand.

Q. So you understand what BQ is?

A. I may not exactly understand BQ, but in respect of copper pipes, PVC pipes and other installations, I would understand.

Q. So you would understand the simple English words in a BQ?

A. Right.

Q. This is not an English test but you would understand simple English words and phrases? You would recognise those words, but you can't really understand the long paragraphs of English?

A. I have been in the business for several decades, so I would recognise those words.

Q. So let's talk about Kevin Kwong. According to your witness statement, in paragraph 9 -- I won't trouble you to read that again. I will just tell you about it.

Mr Kevin Kwong was responsible for preparation of tender. So, in preparing for tender, he would also prepare for materials to be submitted to the main contractor for approval. So would be when he prepared the tender, does it mean that he would also make decisions on pricing or would he discuss with you?

A. Let's say, for example, when we get the tender document from the landlord, we would proceed with preparing the tender and then he would ask me, "Boss, will that price be okay?" Because we have been in the business for so long. Then, if the bid is to be submitted the following day, he would show me the tender and ask about the price, for me to decide the price, that is.

Q. What about the preparation of the document itself, it would be done by him; but as for major decisions, it

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would be made by you?

A. He would give me an analysis.

Q. Let's say \$57 million for Kai Ching Estate, the price  
would be set by whom?

A. By me.

Q. So of course he would give you a lot of analysis and  
calculations, for you to make a decision, that is  
\$57 million for Kai Ching?

A. Well, usually, the tender price would be fixed. That  
is, if we really want to win the bid, we would cut the  
price at a later stage.

Q. I just want to ask you this. You decided on the  
ultimate tender price?

A. Right.

Q. But he also took part in it by discussing with you and  
giving you analysis?

A. Usually, he would give me an analysis; he wouldn't  
comment on it.

Q. But he is not from the procurement division?

A. Well, in fact, as far as subcontractors in Hong Kong are  
concerned, they are not really big companies. Very  
often, I am just somebody who pays my workers on behalf  
of the company.

Q. So let's not talk about a division as such. It is not  
a big company, there is no person in charge overseeing

several dozen staff. But he was the one responsible for placing orders with Prosperity?

A. No, he wasn't usually. After winning a tender, he would prepare all the items in the BQ, tangible ones, for submission to the landlord. Then he would make a report to the Housing Authority and then he would tell the procurement which items were required.

The part where I was involved was that the items would then be subject to price quotation separately by the procurement staff, and after preparing price quotations, I would be asked to look at the quotations and decide on which one.

Q. Understood. Just now, you said that for tangible ones in the BQ, they would be taken out?

A. Before this incident happened -- and I'm actually referring to the items in the BQ -- an analysis would be conducted on the items in the BQ for my approval. Once I have given the approval, submission would be made.

Q. In your witness statement, after reading your statement I have an idea what you are trying to say, so I won't ask you to repeat. So, all along he was responsible for giving you analysis, but you make the decision, and he was aware that solder materials should be the lead-free category?

A. I asked him afterwards, because when the incident

happened -- well, I didn't know much about it. At the same time, when the incident involving Kai Ching Estate happened, I was the first one who got exposed and I didn't actually know what happened. In the newspaper, there were different reports on problems occurring in hotels, in hospitals, in estates. I didn't have a clue what happened, so I went back and asked him.

So, as pointed out in my witness statement, I was only told about the use of materials afterwards. I did not personally take part in it.

Q. So after the incident happened you asked Mr Kwong whether you knew solder materials should be the lead-free category?

A. I asked whether it was included in the specification or the BQ, and he said yes, definitely.

Q. All right. Let's pause here. You said you asked him after the incident. Let's zero in on the time. That was July 2015. After the incident, you asked him whether he knew the solder materials should not contain lead. You asked him the question. Presumably, you would know that the problems stemmed from the leaded solder material, and therefore you asked whether Mr Kwong knew about it. Listen: the focus of your question was you knew that the problem stemmed from leaded solder, that's why you asked Mr Kwong about it;

is that right?

A. Well, when I asked the question, the whole thing had already flared up.

Q. Right, it was known that the problem stemmed from the leaded solder material. That's why you asked Mr Kwong whether he knew the solder material should not contain lead.

A. He said the specification said it should be lead-free. But I didn't know about it before.

Q. You didn't?

A. Let me say this. On 6 July, I had a meeting at the Housing Department. Before that, my assistant told me that, "Look, boss, in Kai Ching Estate, there was excessive lead found in the water, water test." I told him it's got nothing to do with us. I told him it's got nothing to do with us. Many people heard what I said.

Q. So your understanding at the time was that when had doing the plumbing work, there was no guarantee of no lead?

A. I thought that the water test -- we had a problem with the Legionnaires' disease and so on in the water test -- I thought that the problem wouldn't be attributed to us. It was at the meeting that I learnt about all this.

Q. So you thought that the problems that were picked up from the water test, if there would be Legionnaires'

disease, that would be attributed to you?

A. Yes, that would be our problem.

Q. In the water test, there are eight issues to be tested:

Legionnaires' disease, material count, and a number of metals and pollutants and so on. If there are problems, you know they could be attributed to the plumbing work, but lead, you never thought it's got anything to do with you?

A. Yes, Legionnaires' disease, the bacteria, we conduct a test. We don't have to be held responsible. We tell the main contractor that they have to clean and disinfect the water tank. All we need to do is notify them. We don't have to be held responsible.

Q. Before this incident, in your mind, you never thought that lead is a heavy metal. To make sure that in the plumbing system there would not be no lead, you don't have this idea in mind?

A. No.

Q. But do you know that by common sense, have you ever heard of people suffering from lead poisoning?

A. No, never.

CHAIRMAN: Let's break for lunch. We will come back at

2.30.

(1.04 pm)

(The luncheon adjournment)

(2.31 pm)

MR SHIEH: Mr Ho, let me put to you some follow-up questions.

You came to Hong Kong and you have always been involved in the plumbing industry. You started off being a worker; is that right?

A. Yes.

Q. When you were plumbing worker, you learned the skills of jointing pipes?

A. Not in my age. In my age, we didn't use copper pipes; we didn't have any copper pipes, we used iron pipes.

Q. In your statement -- or, in fact, you hadn't seen any soldering materials. As regards the number of soldering materials and the brands, you don't have any awareness?

A. No, not at all.

Q. Because when you worked as a worker, you didn't use copper pipes?

A. Then we had the PVC pipes from Japan, and in the 1980s I was Hoi Sing company -- I was the managing director and I was running this main contractor, and plumbing was my side line. I delegated to my staff. I did welding and I knew that for copper pipes we had to use solder materials.

Q. So you had the awareness of the soldering procedure, but when you joined the trade, you didn't use soldering to



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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 36 B

C joint the pipes and you didn't absolutely have any C  
actual experience?

D A. Right. D

E Q. So you had never seen different types of solder E  
materials?

F A. Yes, absolutely. F

G Q. If I give you copper pipe and a welding torch, you can't G  
really do it?

H A. I don't know how to joint them. H

I Q. Right. This morning, you referred to Mr Kwong. I

J Mr Kwong told you that he knew that under the contract, J  
solder should be lead-free, but you didn't know about it

K at the time? K

L A. Right, he didn't tell me. L

M Q. This morning, you said that you understood the basic M  
contract clauses. Did you see some of the clauses

N mentioning any requirement of the lead level? N

O A. I said -- I didn't say I understand the English clauses O  
like BS1387 GI pipes. I knew they were iron pipes,

P ductile. I knew what they were. The BQ items, I would P  
understand more or less. But for the contractual terms,

Q I don't understand. Q

R Q. The BQ wouldn't specify solder materials and you R  
wouldn't see solder there?

S A. Right. S

T

U

V

Q. From your statement, you mentioned that from Mr Kwong you knew Ho Biu Kee had been using FRY lead-free solder for jointing the pipes. That's in your statement, you learned about this from Mr Kwong.

When did you learn about this from Mr Kwong? Was it before the lead incident or afterwards?

A. After, after the incident.

Q. Right. So, before the lead in water incident, as you said this morning, lead is a heavy metal, and the problem associated with the plumbing, and so you didn't have any idea?

A. No.

Q. After the incident, you asked him and he said that you have been using FRY as the solder material, and that was the first time you heard of that?

A. Right.

Q. Let me show you this green reel (indicating). This is what they call the FRY solder material. Have you ever seen that?

A. Afterwards, yes.

Q. Afterwards. What about before the incident; you had never seen it?

A. No, no, not that I can remember. I know that this is solder material, but I never knew the packaging.

Q. How did you know the solder strip?

A. I knew about the solder but I never knew about the packaging.

Q. So, before the incident, you knew that solder was used to joint the copper pipes, but as to how the solder materials looked, you never knew?

A. Nor the packaging.

Q. Nor the packaging, right?

A. Yes.

Q. And after the incident you saw them?

A. Yes, I attended HD meetings and I came up with the substandard one for comparison as well.

Q. Right. I will take up with you what Mr Kwong talked to you about later on, but let me turn to another question, about licensed plumber Mr Lam Tak Sum.

In your statement, you said that under the WWO, there is a requirement of a licensed plumber who is responsible for the plumbing work, and Ho Biu Kee appointed Mr Lam, Lam Tak Sum, as licensed plumber for Kai Ching Estate.

A. Right.

Q. Mr Lam Tak Sum worked for Ho Biu Kee? Was he paid by Ho Biu Kee?

A. In theory, yes, but he wasn't in the office.

Q. You paid him?

A. Yes. He wasn't in the office.

Q. But when he was not in the office, was he on the construction site? Was he allowed to become a licensed plumber for different companies? I am interested to find out about the operation of his role as a licensed plumber.

A. The previous one was always there.

Q. Hang on a second. Previous one, what do you mean by previous one?

A. The previous licensed plumber was always there, and he got sick, and I was referred to this one.

Q. So you had the previous licensed plumber but he was sick and you got introduced to Mr Lam?

A. Right.

Q. And someone referred Mr Lam Tak Sum to you?

A. This one --

Q. "This one" is Mr Lam Tak Sum. Please make it clear.

A. Mr Lam Tak Sum has a character of his own and he took himself being a member of UK institute, and he's the director of Hong Kong, in Hong Kong and so on. He doesn't care about answering questions.

As to whether he would work for other main contractors, I don't know. In the plumbing industry, there are a lot of people -- there are a lot of licensed plumbers who would be certifying other projects as well.

Q. But for these licensed plumbers, you said a moment ago

that these people would stamp on the licence. What exactly do you mean?

A. In our company, we have so many projects. We can hire someone. If a company is operating or undertaking a small number of projects and you need to pay 20,000 for a licensed plumber per month and 24,000 per year, it's not worth it, so there is this terminology, stamping the licence.

Q. The licensed plumber has a licence, awarded by the Water Supplies Department. He can do a lot of things, he can certify things. Are you saying that, let's say someone is a licensed plumber, he is a freelancer; if you have a project for which you would like the licensed plumber to sign on the documents, then the licensed plumber can be a freelancer and take on this role; is that what you mean?

A. Yes.

Q. Lam Tak Sum is in your employ and you pay him. Has he got any labour insurance coverage? Is it an employment contract?

A. We pay him a few tens of thousands of dollars per month and he doesn't turn up for work much. I said we would change the payment and he would get paid per work, per job, like the diagram, he would get paid so much, the plumbing work he would get paid so much.

Q. At the beginning, he was on the payroll or the monthly payroll, and subsequently he got paid per job.

A. Correct.

CHAIRMAN: When did you start hiring Mr Lam Tak Sum?

A. (Chinese spoken).

MR SHIEH: I think the chairman asked you about the date.

When did the previous LP get sick? The 1980s, 1990s or 2000, or when?

A. I think I mentioned that in my statement. I don't try to remember this by heart. I think seven or eight years ago.

CHAIRMAN: You have only one licensed plumber in your company, don't you?

A. Looking back, we had a lot of licensed plumbers. This structure is really wrong. I try to understand -- try to find out about the CVs of my staff and some of them didn't have skilled labour qualification. For licensed plumbers, the structure is wrong. Some of them are inactive and they just have the licence but the licence is still valid.

MR SHIEH: We are talking about licensed plumber, we are not talking about the skilled workers or semi-skilled workers.

A. Yes, the licensed plumber. I looked at the company hierarchy. Of the ten workers, their English

proficiency is worse than mine; they don't understand the 26 letters in the alphabet, but they do have the licensed plumber licence.

CHAIRMAN: Are you talking about the skilled worker licence or licensed plumber licence?

A. Licensed plumber licence.

MR SHIEH: So other than Lam Tak Sum, you had a lot of workers who had licensed plumber licence? You paid them?

A. No, they were labourers. They have been working for us for more than a decade and I never realised that they were LPs, but working as labourers.

Q. So you didn't have to find Lam Tak Sum to start with, if you want someone to certify?

A. But they didn't know how to fill out the forms. They didn't know the procedures.

Q. You mean other people?

A. Yes. So the licensed plumber structure is really flawed. In my younger days, I could have got a licence for myself. All you needed to do would be to bend the pipe 90 degrees and then you get a licence. So I think they failed to catch up with the current situation.

Q. When you try to get a licensed plumber, a licence, you didn't know anything about soldering?

A. Yes, we needed to bend the rubber pipe and also as the

copper pipe and as long as you can achieve that, you get a first-class licence.

Q. Any refresher course?

A. I can get hold of the half a dozen labourers to do the job, but they know nothing, and we needed to have someone who is sufficiently educated, he must know English, he must know how to fill out the form, he must know which department to approach.

Q. So the previous full-time licensed plumber, after he quit, you found Lam Tak Sum to fill in his shoes and he got paid monthly at the beginning, but it was not worth it and then you paid him per job?

A. Well, no. He wasn't responsible enough. He didn't follow up on things, and he wasn't there all the time. We paid him a few tens of thousands of dollars and he was not there, and I don't know where he was working outside. So later on we switched to a piecemeal model, say how much per drawing, how much per project.

Q. Since we are now on the shortcomings of the licensed plumber system, let's talk more about it. In some companies, the boss is a licensed plumber. Have you heard about that?

A. Yes.

Q. So different companies have different practices. I may be a licensed plumber but I can be the boss of



a company.

A. That's usually the case, because my impression is that in those days, it was easy to get this certificate, but then things weren't very different whether you had a certificate or not. But then, when I wanted to get a certificate, by then I would need to take a course.

Q. So this licence valuable is valuable, because when you need to undertake a project, you need to find somebody with a licence to sign for it?

A. Well, I don't know. Of course, I regret so much that I didn't get a licence back then. If I had got a licence, this incident might not have happened.

Q. Let's go back to licensed plumbers. Some licensed plumbers are bosses of companies. Have you heard of Mr Cheung Tat Yam?

A. Yes, I know him.

Q. He is a licensed plumber, right, and he is also the boss? He is an example of what we just covered. The licensed plumber and a boss, he may not engage in the work himself, but when a signature is necessary, he would sign the documents.

The other practice is the licensed plumber working for an employer, and say if you have ongoing projects in your company, the LP would continue to work under you as an employee.

The other approach is to work as a freelancer.

Today, the LP, Mr Lam Tak Sum, might work for Ho Biu Kee, to prepare drawings, for example, and then the following day he might work for another subcontractor?

A. No, I have some reservations. Definitely I didn't see him around in the office much, and I have no idea whether he was at the site, and I also had no idea whether he also acted as the LP for other companies.

Q. Anyway, he has a licence and he may work for one company the first day and then the other company the second day. So, at the same time, he could be the LP for five subcontractors in five different projects?

A. That's true, because, say, in my trade, the work may only involve the repair of two water meters, \$3,000 or \$4,000, and the LP will just be responsible for signing documents.

Q. So you had no idea whether the LP would actually be engaged in the manual work?

A. I don't know for sure. I don't know the facts.

Q. So, of course, ultimately, for papers submitted to the WSD by the licensed plumber, and we won't go through all the WWO46 forms, but as you said just now, you might need to have a certain level of education to know how to fill in the form. However, for the LP, he is not

C required to actually carry out the work? C

D A. Definitely not the case. Definitely not in the case of  
my licensed plumber. D

E Q. In your experience, for the previous LP and then Lam  
Tak Sum was engaged, that wasn't the case. E

F A. The previous one also involved going to meetings. F

G Q. So definitely he would not be doing the actual work,  
holding a torch in his hand. G

H A. Right. H

I Q. On the other hand, some licensed plumbers who have the  
licence but who are not LPs would actually carry out the  
jointing work. I

J A. Yes, I have six or seven in my company. J

K Q. Moving on to seeking the HA's approval of materials. In  
L general, in the main contract, very often there would be  
M a requirement for samples to be submitted to the HA for  
N approval? N

O A. Right. O

P Q. For some materials -- have you heard of PLU2? P

Q A. No. Q

R Q. Never mind. R

S A. Well, I don't know the names. S  
T Q. Anyway, the contract stipulates that for certain  
materials, HA's approval is required. For another kind  
of materials, the approval is not necessary. So do you  
U

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 36 B

C know the distinction; for some materials, approval is C  
required and for some others, approval is not required?

D A. I suppose all should require approval. D

E Q. So that's your understanding. So, in practice, even E  
solder materials require approval? Let's not argue  
F about contractual stipulation. But in practice, for F  
G solder materials, it should be submitted to the main G  
H contractor for approval by the HA? H

I A. I didn't notice. Well, as long as the item is listed in I  
the BQ, in the main contract, then my understanding is  
J that approval is required. J

K Let's say PVC pipes, valves, these items require K  
approval.

L Q. What do you mean by those that are not on the list? L

M A. Say minor hardware items, flux, solder strips. M

N Q. Solder materials, is it on the list? N

O A. If it is not listed as an item on the BQ, then maybe O  
it's a grey area.

P Q. So not necessarily requiring approval. P

Q CHAIRMAN: So for those acknowledged, are tangible? P  
A. Yes, a tangible item with a name and description, Q  
approval is required.

R MR SHIEH: As for nuts and bolts, minor hardware items, they R  
S are not really visible, and there is no stipulation that S  
T you need to report the number of hardware items. T

U

V

A. Just like having coffee or tea, the quantity of sugar or milk, they cannot be quantified. Anyway, solder materials required approval, as I had asked Mr Kwong.

Q. But that happened after the incident when you asked Mr Kwong?

A. Right.

Q. For solder materials, HA's approval was required.

A. In actual fact, solder materials were submitted to the HA for approval.

Q. So in fact, solder materials were submitted to the HA for approval. That's what he told you after the incident.

A. Yes.

Q. As to the choice of solder materials, the preparation of documents, the procedure for sample submission to the HA for approval, those were undertaken by Mr Kwong?

A. What?

Q. To contact suppliers, to get materials for submission to the main contractor for forward submission to the HA, the whole procedure was undertaken by Mr Kwong. Of course, he would be assisted by his staff in preparing documents, for example, but he would not -- and you would not personally engage in the procedure.

I reckon you might say that for the actual procedure, I should ask Mr Kwong.

A. Well, no, maybe I also have some knowledge. If you ask me and I know, I would give you the answer.

Q. So the procedure is actually the same for all projects.

In fact, one would get familiar with the procedure after working on a project or two?

A. Yes, supposedly the procedure is the same.

Q. So, after winning the contract for a project, you would arrange for materials to be delivered by different suppliers, because you didn't have a contract with the HA, you had a contract with the main contractor, and if sample submission for some materials were required for approval, you would give the sample to the main contractor, that is China State for Kai Ching and Shui On for Kwai Luen Estate, and the two main contractors would make sure the submission of samples to the HA for approval?

A. Yes.

Q. I won't go through the documents with you, because perhaps Mr Kwong and his staff would be more directly engaged in documentation.

However, in this case, I can tell you that Mr Kwong did submit this reel, this green reel of FRY lead-free solder wire (indicating), for approval, and approval was given.

My question is this. As to which supplier provided

the FRY lead-free solder wire to Mr Kwong, did you make the decision or did Mr Kwong make the decision?

A. Not Mr Kwong. It was the procuring staff. Because after approval was given, the task would be handed over to the staff of procurement.

Q. I want to ask about the step before that. At that stage, Mr Kwong had not yet sought approval. Now there was a new project and he was to gather materials. Did you, Mr Ho, tell Mr Kwong, "Right, we have a group of materials that are reliable and you should contact that supplier for the materials", or did he act on his own in contacting suppliers for sample submission?

A. Well, we were used to getting supply from the same suppliers. I did not specify the suppliers. Usually, they would decide regarding sample submission, and once approval was given, the procurement would get price quotations from all suppliers, and then I would be given an analysis of the price quotations from different suppliers, and then I would decide on which supplier to go for. As for solder materials, intangible materials, I didn't ask at all.

Q. So for solder materials, you just delegated them to Mr Kwong?

A. I should say minor hardware items, that is unquantifiable materials, materials without a clear

C description, because for minor hardware items, it  
D covered a lot of things: aluminium, leather, labour  
E gloves, even safety helmets were regarded as minor  
F hardware items or sundry items. That is why we did not  
require that my approval should be sought, because I let  
them make the decision.

G Q. In this incident, Ho Biu Kee obtained solder materials  
H from a company called Prosperity for sample submission.  
I So my question is, for this supplier, Prosperity, was it  
J one of the suppliers which you knew about, which you had  
been engaging all along, or was it through the contact  
of Mr Kwong?

K A. Well, I had known Prosperity for one or two decades.

L Q. You knew the boss, Mr Chow?

M A. Yes, because he had a similar situation. When I was  
N an employee, he was a odd-job worker in a -- a godown  
O worker in a plastic factory, and I would turn to him for  
materials. So we grew up together.

P Q. And Mr Chow then set up this company, Prosperity. So  
Q even before Mr Kwong joined Ho Biu Kee, you already  
obtained materials from Prosperity as a supplier?

R A. Yes.

S Q. So Prosperity was one of the suppliers when Mr Kwong  
T joined and, having learned about that, he then  
understood that he could get materials from this



company?

A. Yes.

Q. But did he specify what materials to buy from

Prosperity? So it was entirely up to Mr Kwong if

Prosperity supplies these materials and you know their

boss, then you buy from Prosperity?

A. I never gave any instructions. I would tell procurement

department that even if Prosperity charges a little

more, we buy from them. As to the specifics, I never

gave any instructions.

Q. So, for these solder material you bought from

Prosperity, it was entirely Mr Kwong's decision?

A. I don't know. Probably.

Q. In the industry, is Prosperity a large supplier for

these sundry items?

A. I don't think so. We do have attachment, emotional

attachment, there. Their service is pretty good and

they would deliver as you order. It would be easier for

communication. As to whether this is large company,

I don't know.

Q. But would you meet up with Mr Chow for old time's sake,

from time to time, for yum cha?

A. No, not for yum cha.

Q. For dinner?

A. There would be spring reception and during festivals

they would dish out laisee packets. We get in touch with them by phone, to chase up things.

Q. What about private dealings?

A. No, no private dealings, none at all my. My daughter runs a Japanese restaurant, I would ask him to patronise, that might happen, but private meetings, no.

CHAIRMAN: How many people are there on staff in Ho Biu Kee?

A. Sorry?

CHAIRMAN: How many -- how big is your staff size, in the office?

A. Together with labour, I have 1,000 or so staff members. In my company, in Hong Kong, for plumbing work, we are one of the largest in terms of contract sum. In particular the HD projects, I have about a complement of 1,000 staff. In So Uk Estate we have 170 people working there, Shui Chuen O Phases 1 to 4, each phase has about a few dozens working there. I have about 1,000 people.

MR SHIEH: Most of them are on site?

A. Yes.

CHAIRMAN: What about in the office?

A. We don't have a lot in the office. Three in the procurement department; QS, three; accounting, two; secretary, one; myself; and at the site, the project management staff, they are not around in the office a lot. I ask them to go to the site a lot.

CHAIRMAN: Ten in the office?

A. Let me count. Three, three, ten, 12, 13. Together with  
a driver, 14.

MR SHIEH: Project management, Mr Wong Kwai Hung, he is  
a site manager for one of the sites.

A. (Chinese spoken).

Q. So you encouraged them to go to the site.

A. He is not one of them. Leung Wai Kin, yes.

Q. Leung Wai Kin, he is in the office?

A. He would visit and inspect the sites. He would report  
things to me. I am fond of visiting the sites myself.

I would go to different sites first thing in the  
morning. I am involved with the management of the  
progress of the site work. I enjoy communicating with  
the site management staff.

Q. So at least you plant your feet on the ground and know  
what happens?

A. I enjoy building up connection with people. I enjoy  
going to the site. I do enjoy this kind of life, so  
I go to the site quite a lot.

Q. Mr Leung Wai Kin is more senior than Wong Kwai Hung?

A. Put it this way, Wong Kwai Hung, of the dozen or so at  
the site, he is the manager of one of the sites. He is  
not in the management. He manages one of the sites.

Leung Wai Kin, two years ago I groomed him. I am

getting on a little bit in years. If you are not fit enough, you cannot be in this trade, and I do have the intention of grooming him to take over.

Q. Mr Leung Wai Kin has the company email?

A. I don't know. I don't really know.

CHAIRMAN: Other than Leung Wai Kin being an employee, how else are you related to him?

MR SHIEH: Is he one of your relatives? How else are you related to him?

A. He is an employee. No relation at all. How did I discover Leung Wai Kin? He used to be with Wong Kwai Hung and there was a manager from China State who told me that, "You've got a wonderful staff", and I asked him -- "and he is around until 2 am". I asked whether he was involved in gambling. He said no. Then I discovered him. No relation at all.

COMMISSIONER LAI: You have so many staff members and so many sites and you have only one licensed plumber, Lam Tak Sum?

A. Before 2015, after that one has gone, we have only one single LP.

MR SHIEH: For so many projects, Lam Tak Sum? So previously you had one and then you had Lam Tak Sum, only one LP?

A. Previously, there was nothing much to do. When they begin, they would fill out a form, and then if someone

is hard-working, he would go to the site, and then two to three years later, when the work is completed, he would visit the site. If it is completed, he will fill out the form and submit it to the Water Supplies Department. That's all there is to it.

Now it is tougher, and one LP cannot even cope with two sites. I have a dozen or so projects and they are not completed in the same year. One would last for two to three years, and each year I have a couple of them being completed.

Q. So, from what you said, you do need an LP at the beginning and also at the end of the project; is that right?

A. In theory, yes, if you are sufficiently irresponsible.

Q. All right. Let me show you something. B15.2, page 38390, tab 357. Here is a Prosperity document. This is not produced by Ho Biu Kee but by Yau Lee. This is a standard document from Prosperity, regarding FRY lead-free solder wire and the flux, that's this reel. You know that in general terms, for you to submit the materials for approval, you need to have the documentation, you may need to have lab certification, the certification from the place of origin, and so on. The suppliers would make available some document to the buyers. When you procure the materials, you would have

the certificates that accompany the materials for submission?

A. Right.

Q. This document seems to be a document that Prosperity makes available to the buyers, regarding FRY lead-free solder wire and the flux.

Personally, have you ever seen this document?

A. No.

Q. But do you know that Prosperity makes available such document to the buyers for submission purposes?

A. I wasn't involved myself. For all these materials, whatever materials that I specify, I know the HD has a robust system. They need to have a catalogue, test certificate and all the rest of the documents before approval would be given.

Q. That's the job reference, and then if you look at the back, there is the description and lab test of the materials in English. You have never seen that but in general do you know that the suppliers would make available this document?

A. Right.

Q. The job reference says that these are HD projects, FRY and flux, HA and ASD projects. So it is basically saying that if you use this product, you can't go wrong, because this would be approved by the HD. If you make

submission of this product, this will be approved, and there's been a track record of this being approved, and this document serves this purpose; is that right?

A. Yes, and this is for proving that the material is good enough.

Q. So you wouldn't be given a hard time if you showed this.

Let me put this to you. Do you know any difference between solder wire and solder strip?

A. I have never even heard of the names.

Q. But you mentioned solder strip a moment ago.

A. I said for soldering, we need to have the solder, but solder tin, solder wires, solder strip, I have never heard of it.

Q. Would there be a situation where, for these minor hardware items, they would be complacent and FRY would definitely be approved by the HD and they would present these to the HD for approval, but when it comes to what happens on the ground, it pretty much leaves it entirely to the workers?

A. Well, I have undertaken so many projects, and I have got it right. Why is it in these two sites I haven't got it right? Either they were too clever by half, these people on site. They have to tell us why they decided to use these products. I don't really know. It was such a white terror. I have a dozen or so sites, and

problems occurred in hospitals and so on. I assembled all the workers and they comforted me, and they said to me that, "Relax, we are using this, that and the other products." I don't want to talk about all these other products, and I found it so difficult to confront the situation. I simply couldn't confront the situation.

I tried to understand the situation in greater depth, and they fill out a request, a form, about the solder wire, solder strip, and then they put the request form into the procurement department, and then they place the order.

I asked the procurement department the other day, "You asked for solder wire, solder strip. Why is it that the supplier would know what to deliver?" And I asked Prosperity, "The procurement department has no clue about engineering projects. Why is it that you know what to deliver?" And they said, "Brother Biu, I don't have communication with you but I do have communication with your site staff." How they communicated, I don't really know.

So, honestly, if you say that I had knowledge, I worked at 126 HA sites and only one or two sites went wrong. If it had to do with me, then all sites would go wrong.

Q. I would like to go back to the previous question. You



said you went to ask Prosperity, after the incident happened -- you asked Prosperity this: "Why is it that my procurement staff" -- which includes Jess, who is the head of procurement, and Wong Wai Ping, your personal assistant, and she also engages in procurement.

A. Well, it's like this. Usually, Jess would be responsible for procurement. After issuing POs, it would be submitted to Wong Wai Ping for checking, because she had been there for over ten years and she was familiar. And for POs over \$1,000, my signature would be required.

However, was it possible for me to read through everything, every time I signed? For the delivery note from Prosperity, if I had seen it, I definitely would question it, because there was a difference. There was both lead-free solder and 50D.

Q. You said you definitely would query them, but back then you didn't have knowledge?

A. I would at least ask about the difference, why were there two kinds, because in my view there should only be one.

Q. But just looking at the name, you wouldn't know?

A. But I would find it strange and I would definitely ask, because I have been in the trade for so long.

Q. So now you are saying that back then, if they had given

you --

A. I mean, if I had seen the delivery notes --

Q. So if you had had the delivery notes and the purchase orders in front of you with descriptions of both solder wire and solder strips --

A. I might not ask about solder wire or solder strips.

I would think that it had to do with the description of items or the packaging. But if it says the words "UK 50D non-lead-free", and so on and so forth, I definitely would ask.

Q. So are you suggesting that if you had seen it back then -- because we are trying to understand the extent of your knowledge. You just told us that you have no knowledge of whether the solder contained lead?

A. Right, no idea at all.

Q. But just now you said that the focus isn't really on whether it's called solder wire or solder strip. So what may cause you to ask -- and you said it's a brand, FRY and 50D -- the different brands would arouse your suspicion because your knowledge is that regardless of whether it contains lead or not, you should stick to the one approved; that is, whether it contains lead or not, there should only be one brand. Is that what you mean?

A. It should be. I would ask out of curiosity, because there should only be one, but instead there are two.

Q. So, if you see "FRY" and "50D" at the same time, you would be curious?

A. That is assuming I have never seen it before.

I have something to add. Well, regardless of whether the HA approved both brands, one containing lead and the other lead-free, but back then, had I known that both were approved, I would still opt for solder wire, because tin strip is 22 inches long, 54 grams. For solder wire, I would cut them into sections of 22 inches and the weight 34 grams, so it's some 60 per cent heavier. Also, for workers -- well, this one --

Q. Pause here.

A. "This one" means solder strips. So if workers take a batch of solder strips to work, then they would just be scattered around, and since a torch will be used, then the stub, the remaining section would be discarded. As I said in this statement, low temperature, low melting point, so it has a low melting point, it is heavier. As said in the Water Supplies Department's Task Force report, a lot would go to waste because some would drop on the ground and workers would not pick them up. As for solder wire, workers might pick up the remaining bits for use again.

So if you compare the two, definitely I would not go for this one.

Q. So you will not go for solder strips; you would go for solder wire?

A. Right, because they could be stored more properly. They would not be lying around at the site.

My understanding is that when the solder wire is used, they would only be applied to difficult joints.

Usually, we would not ask workers to cut them into segments. I don't care about other statements, but, in fact, the worker could have held the whole reel in hand. During jointing, why would they cut them up into segments?

So setting aside whether it contains lead or not, whether it's true or not, the fact is that solder wire is cheaper, because the remaining unburned part would not be discarded and workers could pick up the remaining for use. And also, it's heavier, it has a low melting point, I mean for solder strips. So, much more would go to waste.

So for Shui Chuen O Estate, for example, in fact it was not wise, because using solder strips were much more expensive than solder wire.

Q. So that's your understanding after the incident; that's your answer based on your understanding after the incident, on the two materials?

A. Right.

C Q. At the time, you didn't know? C

D A. After the incident, I got a better understanding. D

E Well, I didn't receive much education, but I have  
the brains and I figured it out. I thought through what  
the workers did. E

F Q. Okay. In your statement or in your evidence, you said  
G you asked Prosperity why the procurement only put down  
H solder strips and solder wire, and yet Prosperity was  
I able to give them the correct brand. Who from  
Prosperity answered you? I

J A. Mr Chow. J

K Q. Mr Chow asked on your behalf the question, and Mr Chow  
L said that we didn't communicate with your office staff  
but we communicate with the site agents, that is the  
person in charge of the site. L

M A. The one who prepared the purchase orders. M

N Q. For each phase, there would be a person in charge or per  
O project, and there was communication between them. O

P A. Correct. P

Q Q. So did you follow up with him how the communication was  
R made and with whom, and what went wrong in the  
S communication process? Why would there be solder  
strips? Did you follow up with Mr Chow? Because after  
all, as you have put it, it's a white terror. S

T A. I asked and he said "Yes, I -- no. Solder strips are  
U T

more expensive than solder wire and we only have a profit margin of 15 per cent, so of course I would sell you solder wire instead of solder strips. That's the answer that he gave me.

Q. Now, the profit margin, you had the same profit margin?

A. I don't know. That's what he said. That's what he said; I have no idea.

Q. So that's his answer to you; he had no idea -- solder wire was more expensive than solder strips and he only had a profit margin of 15 per cent?

A. In short, if I sell you something more costly, I would make more profit and vice versa. So I didn't know either.

Q. The question is this. Mr Chow said that he communicated with the person in charge at the site, so did you ask him with whom he communicated and what was the communication about?

A. I didn't ask.

Q. Why?

A. There was no point in asking.

Q. Wouldn't you want to know why things turned out that way?

A. Because we are already at this level, at the COI, and I don't want to talk more about it.

Q. It's not up to you.

A. Well, what was the purpose of asking so many questions?

I mean, I'm clear about it; I would not tell on others.

Q. Let's be clear. If you had asked Mr Chow from

Prosperity and he had told you something, you should  
tell us. It's another question whether his version is

consistent with yours. We will ask him later on. But

you should tell us. Well, of course, if you said you  
didn't ask at all, then of course there's nothing to

tell, but judging from common sense, you would have

asked follow-up questions. At that time, there wasn't

even a Commission set up yet.

A. No, I did ask questions but there was no point in asking

more questions. Once the incident happened, at the HA's

Review Committee, I said the following. "Mr Chow, don't

forge documents in other projects; you will be  
imprisoned."

Q. Why would all of a sudden this idea of forged documents  
spring up?

A. Because I am afraid that he would be stupid, because

I have known him for so many years. Perhaps he would

just -- well, say, if somebody asks him to quickly

prepare some documents saying that the solder materials  
are lead-free, then he might --

Q. Well, did you actually hear about the gossip, the

rumours, that some false documents should be prepared

for submission to the committee, and that is why you told Mr Chow?

A. Well, I treated him as a friend, and therefore I told him that I was afraid that he would do that, and I tend to be more negative. I am not quite educated, but I really tend to think of the negative side.

Q. So you asked Mr Chow from Prosperity -- you advised him not to forge documents?

A. I said, "I noticed that there might be contractors who will be asking you for the documents", and I was worried that without thinking he would be producing these fake documents.

Q. You know there are a lot of enquiries. The Housing Authority has also got its committee.

A. Yes, I told him after the meeting.

Q. Is it the case that you have been to the investigation committee and you knew that some contractors or some subcontractors produced certain documents or documentation, and you thought that they were not in order, and that's why out of goodwill you told Prosperity's Mr Chow not to engage in anything like this?

A. I didn't have this idea at the time, but I have been in this trade for a few decades. I was a main contractor myself, and I know that in this trade there are all



kinds of people. I mean, I was just worried about him.

I didn't have this idea.

I thought that there would be someone who would  
certainly do so.

Q. All right. You gave the advice to Prosperity's Mr Chow  
we will put questions to him later on.

Did you at the time ask him, "How did the site agent  
communicate with you, in such a way that you delivered  
the solder strip, the leaded solder strip, and causing  
all this trouble"? Did you put questions to him like  
this, or did you ask him who from Ho Biu Kee  
communicated with him?

A. Well, he was the site agent. Wong Kwai Hung and Chan  
Siu Wah -- Chan Siu Wah quit -- Chan Siu Wah for  
Kai Ching, Wong Kwai Hung for Kwai Luen.

Q. And when you talk about the site agent, these two  
estates got into trouble and you knew them.

Did you then ask Prosperity's Mr Chow what they  
communicated about?

A. I didn't. I was under tremendous pressure. I don't  
really want to put any more pressure on other people.  
Like Wong Kwai Hung, he caused me all this trouble;  
I never said anything bad about him.

Q. He is still working for you?

A. Yes, he is. He is responsible for the site. It would

not make any difference even if you admonished him or you tell him off. If you tell him off, then he might quit, and I am under so much pressure and other things have already happened; I don't really tell people off.

I had a BMW costing me a million or so dollars, and the driver parked the car on the roadside and it was stolen. I never told him off. I said that he wasn't suited to become a driver, but I said he should become a foreman. He ended up being a foreman and he was promoted. When people get it wrong, I don't really want to tell them off, because after all I should carry responsibility myself; I am not blameless.

Q. Let me digress a bit here. In your statement, you mentioned that afterwards, you found that it was Chan Siu Wah who suggested that leaded solder should be used for Kai Ching, and you discovered that afterwards. Is it because Prosperity's Mr Chow talked about communicating with the site agent and then you conducted the investigation?

A. It was this month that I asked Prosperity's Mr Chow. A lawyer showed me the documents showing solder wire and solder strip, and I saw the invoice, and Shui On produced the invoice, and then I asked Prosperity's Mr Chow; it was less than a month ago that I asked him. It didn't make any difference because I had already

produced my statement. It wouldn't make any difference at all. The more you ask, the more trouble you cause.

Q. So it was this month that Prosperity's Mr Chow was asked, and he said that your site agents communicated with him. When you conduct an internal investigation, it was Chan Siu Wah who made a suggestion. In fact, you knew how it came about. So Prosperity's Mr Chow said he communicated with your site staff and it was nothing new?

A. In July or August, he communicated with the site staff, but I talked to Prosperity's Mr Chow within this month.

Q. All right. Let's put this aside for the time being.

You investigated Chan Siu Wah. He suggested that for Kai Ching, leaded solder strips should be used, and it's got nothing to do with Prosperity's Mr Chow. You knew about this after the investigation; is that right?

A. Chan Siu Wah made a suggestion. I didn't know he used it.

Q. Prosperity's Mr Chow's dialogue happened within this month, and he was telling you something that you already know because it was all caused by Chan Siu Wah. So, in your eyes, it was all caused by Chan Siu Wah?

A. It's hard to say. I am really baffled. I have a dozen or so sites, I've got them all right, but for these two I got into trouble. I find it so baffling to explain.

Q. I will take up with you about Chan Siu Wah later on.

Let me deal with a higher-level issue. There are so many materials that you would get approval for from the Housing Authority, and then you would notify the main contractor. The main contractor would be notified and then you would be notified. Plumbing materials are so many; there are myriad items there.

Has Ho Biu Kee got any mechanism or any internal system or practice generally to make sure that for the materials that have been approved by the HD, the procurement department would know, so that when they order the materials, they would be able to specify that they are ordering the approved materials? Do you have such a mechanism to make sure that what has been approved would filter down to the lower rung of the company?

A. Let's not talk about solder strip. For the approved materials, Kevin would notify procurement, and procurement would have a list of materials, other than the solder strip or solder wire, and then they will place orders. The number of copper pipes, the dimension, the procurement would know.

At the site level, they don't know what has been approved.

Q. At the site level, they don't know what has been

approved. But at the back office, the procurement staff would know.

A. Right.

Q. All of the tangible items, let's deal with the tangible items, Kevin knows about what has been approved, the pipes and whatnot, he's got a list. He produced a list?

A. The HA approved ten items, for instance, or 20 items. All these 20 items would go into a list. Valves, you know that A type is used, or type B is used.

Q. This list is not for the site staff; it is for the procurement department?

A. Yes.

Q. And the site workers, if they ring up to say that they need X quantities of a certain item, then procurement would know that this item X has been approved, and then procurement would know that they are ordering this?

A. We don't use phone calls. This is not recognised. In our company, we have the request form, and they will fill out the form themselves. They don't have to mention the brands. All they need to do is the commodities or the materials, the dimension, and procurement would pick out items from the list.

Q. K3, tab 12, page 2355.

This is the request form, isn't it? If the site staff would need certain materials, they will fill out

the form, and the site office would be faxing the form to the company, and there is no mention of brand, but the procurement staff would know how to pick out the items and compare the approved list, and they would pick out the item and approach the suppliers, relevant suppliers. Sometimes, we get quotation from different suppliers.

A. No. We would have specific suppliers. We do have fixed suppliers, more or less.

Q. But for a certain item, it would be different suppliers, and you would be shopping around, wouldn't you?

A. No, hardly ever. There would be agents for certain materials.

Q. For these tangible items, the procurement procedure is like this: there is a list, and the procurement staff would know how to pick out the items and approach suppliers?

A. Yes, they would act in accordance with the list.

Q. What about the intangible items?

A. Intangible?

Q. Like the solder materials, and they have been approved.

A. For these items, I'm not involved, because they don't have a specific name and I don't know much about them. How they operate, I think you had better put questions to them because I was not involved.

Q. In your internal system, this covers all the BQ listed items; is that right? For the non-BQ listed items, all the consumables, the nuts and bolts, these minor hardware items, you have a list, and you don't have such a mechanism for the items that have been approved?

A. Right, we don't have this mechanism that will come to me.

Q. Not to your level. Under you, there is no such mechanism, is there?

A. Sorry?

Q. As far as you know, in your company, there is no mechanism for these kind of items?

A. No.

Q. So you are getting the approval in vain?

A. Well, for HD item projects, you talked about nuts and bolts, they have to be approved. Everything has to be approved. I can't count the number of items that are not approved.

Q. Well, the HD, from your statement, would give approval to certain items for approval's sake. They wouldn't check them. Solder materials, the HD would not check them. In the light of your experience, the HD would hardly ever check them, would they?

A. It's hard to say whether they check or not. How shall I put it? I think the HD is checking every single

thing. As to whether they have the common sense, we are professionals. I mean, we sometimes get it wrong, after so much experience has been built up and they may have an oversight, sometimes.

Q. But as far as Ho Biu Kee is concerned, approval was one thing, and then after approval you might have a good feeling about it but you would not make sure that only the approved materials would be used?

A. That's the case in relation to solder materials. It could be because of an oversight.

Q. Because they were so minor? We are not trying to entrap you, but because they were just so minor?

A. Let's -- I'm not saying whether it was minor or not, but, I mean, for minor hardware items, in our company's system, we couldn't really quantify the items used. So there was no such mechanism.

Q. So when Mr Kwong prepared the list, he would not copy everything that had been approved?

A. What do you mean?

Q. If the HA has a mechanism that requires approval of a lot of items, including minor hardware items, and if back then, when you prepared the list, according to your system, which included not just tangible items but also everything that had been approved by the HA, you could have avoided the situation; right? Because the brand



FRY was approved, and if Mr Kwong had included this entry, FRY solder wire, then the procurement would have been able to see that on the list and they would know?

A. But still, the incident would happen. I don't have information at hand whether the list included that. But when the site agent submitted the form, which included tin strips, solder strips, solder wire, the procurement wouldn't know what solder wire or solder strips mean.

So, if the form from the site had stipulated FRY, then of course the procurement would know. But it is really difficult to tell. Maybe in Chinese there is a difference. In English, they might think it is quite similar. I cannot guarantee that this would not happen, if it had been the case.

So, in hindsight, whether anyone committed any mistake in the request form, for example, I really cannot tell. It's just a coincidence that when the form was forwarded to Prosperity, Prosperity happened to know which goods were to be delivered.

Q. On the same topic, I have another question for you. At least that would have minimised the chance of something going wrong, because if the list had stipulated clearly "Solder material: FRY", and then your office staff might all of a sudden find the words were "solder strips" instead of "solder wire", and the procurement staff

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 36 B

C would ask based on the list. But instead, the situation C

D was that there wasn't this list, therefore procurement D

E had to just send a list, and then Prosperity made E

F a decision on its own to replace solder strips with F

G solder wire? G

F A. By I really cannot guarantee whether the procurement F

G staff would be as smart as you suggested. G

H Q. All right. I will ask them. H

H A. I really cannot answer you things I don't know. H

I Q. Please look at page 2355, the materials request form. I

J The left bottom corner, who filled in the form? J

J A. The site agent. J

K Q. Do you recognise the name? This is in relation to K

L Shui Chuen O Estate? L

L A. This is -- L

M Q. Is this Shui Chuen O Estate? M

N A. Phase 1. N

O Q. This is Fan Sau Peng? O

O A. Yes. O

P CHAIRMAN: So they would never put down the brand of P

Q materials? The site agent would never put down the Q

Q brand of materials on the form. Q

R A. No, never. They would not. Because they knew that the R

S office would know the materials approved by the HA. S

T They wouldn't be able to take care of so many things, T

U

U

V

the materials as well as the brand.

MR SHIEH: My previous question was this. Mr Kwong was not responsible for placing orders with Prosperity. It was either Wong Wai Ping or Jess or the other lady who did that?

A. Right.

Q. Now I would like to refer you page 23 of your witness statement in bundle K1. Page 23, just a minor point.

On page 23, in the middle, you listed names of persons in charge in Kai Ching Estate, and then you see the person in charge of the whole site was Mr Chan Siu Wah, and Mr Chan Siu Wah also agreed.

I refer you to this part because there was a slight inconsistency in what Mr Chan Siu Wah said with what you said. Now, the person in charge of the whole site was a site agent, and then there would be a person in charge -- persons in charge in different blocks, blocks 1 and 2 and 3 and 4, and we would call them subcontractors?

A. Well, because there is no -- there isn't a third tier of subcontracting, because it would be risky.

Q. Let's not use the term "subcontractor". Let's stick with the term "persons in charge".

A. Let me finish my explanation.

But if we used direct labour, we might not be able

to finish work, so sometimes we would ask workers to engage freelancers who work on -- who are paid per task.

But basically --

CHAIRMAN: I'm sorry, please repeat. For some key tasks, key installations, workers would be paid per task?

A. I mean, because there are different skills required in the plumbing work, let's say for plumbing in the toilet, if you despatch 100 workers there, we wouldn't know whether they are actually working or not. So we would pay workers by the number of pieces they complete. Say they would finish ten toilets and then they would get paid a certain sum, and if they work further then we would pay them further.

We were so careful and yet the lead in water incident happened. If we allowed another layer of subcontracting, there would be more risks.

Q. So these persons in charge were called the second tier of subcontracting.

A. Right.

Q. So you were the subcontractor there and there would not be a sub-subcontractor; is that what you mean? These persons in charge were responsible for enlisting their own workers, who would not be regarded as being directly employed by Ho Biu Kee?

A. No, they would be directly employed.

Q. Right. Then Ho Biu Kee would pay them wages at a piece rate?

A. No. They would be paid daily wages. But in some instances, workers would be paid per task. If some workers worked harder, we would pay them more, but all were subject to verbal agreement only; no contract signed.

CHAIRMAN: I still don't quite understand. Let's say a worker gets a daily wage of \$1,000, and then what do you mean by "do more, pay more"?

A. Say we have 100 workers at the site, we have different skills required. Installing toilets, for example -- actually, workers now earn a daily wage of 1,500. Say if a worker can install 15 toilets, then by calculation they could earn \$100 per toilet, and if they install more, they would get paid more. This is better than paying them per day, because we wouldn't know what they would be actually doing at the site and we could not sack them.

So let's say if we need to finish some task in a hurry, they would be paid at a piece rate. Anyway, they would be paid wages by autopay.

CHAIRMAN: What if they did less? My understanding is this. Say \$1,000 per worker per day for installing ten toilets, so they would be paid \$100 per toilet. What if

they install 12 toilets? You would pay the worker \$200 extra. But what if the worker was shirking and he installed fewer toilets than you required?

A. Well, if the worker was paid per toilet, then definitely the wages would be calculated that way. If the worker installed fewer toilets than required, they would not opt for the piece rate approach.

Say if the worker believed that as an employee he could install ten toilets, if the worker is a freelancer he could install 12 toilets, then he could earn \$200 more. If the worker thought he was not capable of installing more toilets, he would go for the daily wage. Their wage would not be deducted because of the fewer toilets installed.

COMMISSIONER LAI: But if it's an employee on a regular payroll, then --

A. That happens and we still need to pay the worker \$1,000.

CHAIRMAN: So you have the piece rate approach for those who want to earn more and work more. So for workers who just install six toilets, you only pay \$600?

A. No, they would not go for this approach. They would rather be direct employees.

CHAIRMAN: So isn't it a kind of subcontracting?

A. Not really.

MR SHIEH: If the worker chose to work for Ho Bui Kee under

this arrangement, then you are suggesting that they do not have the incentive to shirk, because if Ho Biu Kee paid the worker \$100 for a toilet installed, then if the worker doesn't want to earn \$200 more for two more toilets, the worker would rather be just an ordinary employee.

A. Correct.

CHAIRMAN: So it's pay per piece.

A. (Chinese spoken).

MR SHIEH: And the rate is based on the number of tasks that the worker could perform per day?

A. Right. Otherwise, we have over 100 workers in a site, and it was really difficult for managing plumbing workers, because workers needed to work in a room and some of them might be dozing off or playing with their mobile phones in a room, and sometimes, when we did rounds, we would take pictures. So plumbing is really a high-risk industry.

Q. Mr Ho, are you a member of any committee?

A. No, not really.

Q. So you don't have any opportunity to air your views in a committee?

A. Not exactly. Let's say the Director of Housing --

Q. You know her?

A. I have been in the trade for so long. I was in the

plumbing business the day when she was an architect, and Ada had a very good grasp of how site operations work, and I was invited to have an exchange with them on the use of materials.

Q. You were referring to Ada Fung?

A. Right.

Q. For Chan Siu Wah, he has something different to say regarding the officer in charge. K3, page 2391, paragraph 8. This is Chan Siu Wah's statement. It may not be terribly important but it is somewhat different. He said there are six blocks in Kai Ching Estate. That's true. Paragraph 8, do you have that? Kai Ching consists of six blocks; is it correct?

A. Six, yes.

Q. There are officers in charge for two blocks. Two blocks would be under one officer in charge. Blocks 1 and 2 come under Wong Kwai Hung and Leung Wai Kin. Is Leung Wai Kin responsible?

A. Leung Wai Kin used to work under Wong Kwai Hung. He has been promoted to the management. I think he did help out a bit. As to whether he was actually involved, I have so much for him to do. And Leung Wai Kin and Hung Kwai Hung, they are very close.

Q. So, whether they are called officers in charge, Leung Wai Kin is very passionate about the project, he would



be helping out for blocks 1 and 2. In theory, in name he is not the officer in charge but he would help out?

A. No, he would be in charge of Kai Ching.

Q. But would he be visiting Wong Kwai Hung and that's why Chan Siu Wah said what he said?

A. That sounds very abstract. I can't really comment.

Q. Leung Wai Kin did manage Kai Ching?

A. Yes, he supervised Kai Ching on my behalf. He was in charge of the whole site.

Q. Was he resident at site?

A. Right.

CHAIRMAN: He was resident on site on a long-term basis?

A. No. When I wasn't there, he would be in charge. For Kai Ching Estate, it was found to contain excessive lead. He came back and told me. If they couldn't find me -- I mean, if there were problems on site, they would approach him, but otherwise, they would approach me.

MR SHIEH: But he is not based on the site?

A. No, he wasn't based on site. He's got so many dozens, so how can he be based on the sites?

Q. K3, paragraph 8. Chan Siu Wah said that for blocks 3 and 4, it was Chan Sze Nam. Here, you said Chan Siu Wah.

A. He's got it wrong.

Q. I'm talking about blocks 3 and 4.

A. Listen to me. Wong Kwai Hung and Fan Sau Peng are foremen of my company, and Chan Siu Wah took care of blocks 3 and 4. Chan Sze Nam wasn't wholly responsible for that. It was Chan Siu Wah who was responsible.

Q. Chan Sze Nam, what role did he play and what did he say?

A. Chan Sze Nam got paid per job. He wasn't the officer in charge.

Q. He was one of the workers?

A. Not workers. Chan Siu Wah gave different jobs to him, but the number was small. For the entire block, there were so many in the management, it was actually Chan Siu Wah who was the officer in charge. We didn't recognise Chan Sze Nam.

Q. Was Chan Sze Nam in the employ of Ho Biu Kee?

A. No, he subcontracted. I paid him, but he would earn extra from me.

Q. He has a basic pay, but if he contributes more.

A. He would get paid more?

Q. The basic pay would be very low.

A. (Chinese spoken).

Q. Right, he got a basic pay, and blocks 3 and 4, Chan Sze Nam would, on top of the basic rate, get paid for extra jobs. What are the extra jobs he got given?

A. Like external wall pipes and domestic unit pipes, corridor pipes and also the domestic unit pipes.

Q. So, for blocks 3 and 4, he hasn't got any supervising role?

CHAIRMAN: Hang on. Domestic unit pipes and what?

A. Kai Ching Estate, domestic pipes, they were produced in the mainland. Chan Sze Nam got extra jobs for the corridor pipes, the pipes that are leading into different units.

CHAIRMAN: Corridor pipes under Chan Sze Nam.

A. And also the plastic pipes, PVC pipes.

CHAIRMAN: So he doesn't have to pay for the materials; all he does is connecting the pipes?

A. So whether -- it's Chan Siu Wah who makes available the materials. Chan Sze Nam worked for us on a very minor scale. In the plumbing system, it contains so many different things, PVC pipes and ductile pipes, copper pipes, myriad pipes.

MR SHIEH: He got paid basic pay and he did the corridor pipes and he did them himself.

A. Yes.

Q. So he didn't get a whole bunch of workers working for him.

A. (Chinese spoken).

Q. So on top of the basic pay, are you saying that you would offer him a sum of money to undertake the corridor pipes?

C A. I didn't say I gave him a sum of money. He would be  
D told how much it would cost for the project, and we  
E would pay him on the basis of the association's  
F recommended daily pay. Let's say he got more done, then  
G he would get paid more.

H Q. How do you mean, if he gets more done, you would pay him  
I more?

J A. Let's say \$100 for a unit, he gets 12 toilets done, he  
K would get paid more. And we would work out the basic  
L pay and we pay him extra for the extra work that he did.

M Q. Let's say his basic pay is \$10,000.

N CHAIRMAN: Hang on. This is not how it works. It doesn't  
O mean that he has a certain basic pay per month?

P A. No. We have to pay according to the recommended level  
Q of the association.

R CHAIRMAN: Let's say the association recommends \$1,000 per  
S day for a skilled worker, and he's been working for 20  
T days and then it will be 20 times 1,000, adding up to  
U \$20,000.

V Now, for a certain job, then you offer him \$30,000  
and you deduct the 20,000; you top up the \$10,000?

A. Yes, we top up the \$10,000. If he doesn't work extra,  
then he wouldn't get paid more.

CHAIRMAN: Let's say installation of toilet, a skilled  
worker, \$1,000 per day, you said that this month he's

put in 20 days installing the toilet facilities. You have paid him \$20,000 in pay, and then, for these 20 days, he had to undertake installation of 30 toilets. Then you would tell him that if you install these 30 toilets, it would take 20 days; is that what you told him?

A. Let's say he completed 30, then the \$30,000 would deduct 20,000, he would get paid \$10,000.

CHAIRMAN: For these 30 toilets, you pay him \$30,000, and if he gets this completed within 20 days, you pay him 10,000 extra?

A. I wouldn't specify how many he completed.

CHAIRMAN: If he completed 40, then you pay him \$20,000 extra?

A. Right.

MR SHIEH: For these 20 days, if he ended up doing 10?

A. Well, toilets are more simple, but for domestic units pipes or things that cannot be calculated per day, then it would be difficult.

Q. You paid them the money and at the end of the day, he may have underworked?

A. It happens very often, we overpay them. Workers in Hong Kong are like this and they wouldn't ask you for the money. If they win, they get the money -- I mean, if you pay them, it's difficult to get back the money if

they underwork. It's hard to get the labour to start with. It's the labour market.

Q. This Chan Sze Nam.

A. He is one of the labourers.

CHAIRMAN: He wasn't subcontracting but if he gets more done, he would get more pay.

A. Right. This is an incentive, some sort of incentive, to incentivise them.

Fan Sau Peng and Wong Kwai Hung, the officers in charge, they are responsible for the project and the materials and they order the materials, they have to talk with the main contractor. They are the officers in charge, and Chan Sze Nam is by no stretch of the imagination an officer in charge.

Chan Siu Wah couldn't cope with the six blocks, so I had Wong Kwai Hung -- I put him in charge of two blocks and Chan Siu Wah was put in charge of two blocks and Fan Sau Peng was put in charge of two blocks. Under Chan Siu Wah and Fan Sau Peng, they have workers working under them, but they were not officers in charge.

Q. He said he was the officer in charge.

A. I am trying to explain the fact. Nobody knows this guy, Chan Sze Nam.

Q. Let me put this to you. The request forms would be faxed to the office from the sites. Is it the case that

C it is the officers in charge who would fax the form? C

A. Yes. We have to check the signature.

D Q. Would you please read paragraph 12, K3, page 2392 of D

E Chan Siu Wah's witness statement. In paragraph 12, it E  
says:

F "The minor hardware items used in Kai Ching Estate, F  
G including solder materials. Initially, I prepared the G  
H orders for the procurement, and then procurement H  
I obtained the materials from Prosperity. Towards the I  
J later stage of the works, that is around September and J  
K October 2013, when the plumbing works were proceeded in K  
L full steam, the materials to be ordered and delivered to L  
M the site were too much, and Wong Kwai Hung, Leung M  
going through me.

N As for the three, they had worked for Ho Biu Kee for N  
O so many years, they were very familiar with Ho Man Piu, O  
P so Ho Man Piu knew and allowed them to place direct P  
Q purchase orders themselves. As for Chan Sze Nam, he Q  
worked relatively shorter under Ho Biu Kee."

R Do you know about this situation, whether it is R  
true?

S A. That shows that I wasn't very familiar with Chan S  
T Sze Nam, and I wouldn't entrust him as a site agent. T  
U  
V

Later on, I enhanced management, I put two blocks under the charge of each person in charge, so that Wong Kwai Hung, Chan Siu Wah and Fan Sau Peng, they have the same capacity. They were foremen or site agents, and I had the same level of trust for the three, and I have more trust in the three than him, because for the materials delivered, it was very chaotic and not all materials were delivered to his part.

Q. So when Chan Siu Wah placed an order for materials, then for materials required for different blocks, it was chaotic. The distribution of materials were not even.

A. As I understand, the works at site were in a hurry.

I then restructured the personnel. I appointed three officers in charge who had the power to make direct procurement, instead of asking Chan Siu Wah to place purchase orders.

Q. What about Leung Wai Kin?

A. Leung Wai Kin was somebody I wanted to groom. I then checked whether he would pay more attention to blocks 1 and 2 or 3 and 4 or 5 and 6.

Q. So Leung Wai Kin also had the power to fill in the materials request forms as well?

A. I don't know whether he actually did it. (Chinese spoken).

Q. (Chinese spoken) --



A. So, for Chan Sze Nam, he definitely wasn't the foreman, because as I said in the statement, I wasn't very familiar with Chan Sze Nam. Why would I name him as officer in charge for two blocks?

Q. In this case, we could no longer locate the materials request form, so never mind about that.

CHAIRMAN: Why would you lose the materials request form that is in your company?

A. We cover a lot of sites. For the materials request form, it comes in three copies. One copy stays at the site and -- well, actually, we can't keep all the copies. Even, as I said, at the HA committee, it was all right for us not to keep copies because we could get copies from the suppliers. We originally asked the suppliers for the forms. But you should understand that the suppliers had their own concerns. They did not want to upset their counterparts in the trade.

So it is not the case that I refused to provide the documents. Once requested, I immediately sent letters asking suppliers to provide the forms to us. But still there were concerns.

Q. What concerns did the suppliers have? Can you tell us more clearly?

A. I don't know. We were asked to co-operate with the investigation of the Commission, and then very quickly

C they prepared all the documents. Perhaps before that C  
D they didn't take it seriously. I did mention it but not D  
E in a serious tone. E

E Q. Just now, the chairman asked about the request forms. E  
F If we had the request forms, it would really help us, F  
G because Chan Siu Wah said, "Yes, I used solder strips", G  
H but we want to know whether Ho Biu Kee had ordered H  
I solder strips or solder wire. So let's see if we agree I  
J with Mr Chan Siu Wah on the placing of orders. J

I Let's look at page 2393, placing orders, I  
J paragraph 15: J

K "Every time when I place orders with the procurement K  
L of Ho Biu Kee, I would fax handwritten procurement form L  
M to them." M

M That's right? M

M "The procurement form I filled in was provided by M  
N Ho Biu Kee. It's a stack of landscape A4 papers with N  
O carbon copies, with three copies, white, yellow and red. O  
P And I would personally put down the kind of materials P  
Q and the quantities required on the form, and the name of Q  
R the site, my name, signature, date. Then the front R  
S sheet in the white would be faxed to the procurement of S  
T Ho Biu Kee." T

S So you didn't receive the other copies? S

T A. Because things were really irregular. T  
U  
V

Q. Anyway, the subsequent paragraph:

"I did not have regular contact with the procurement of Ho Biu Kee. When I placed orders, I was only required to fax them the form, and after faxing the form I would keep the three copies of the form at the site office."

So, as to why the fax copy received at the office was not kept, that's another matter. What about the copies kept at the site?

A. We did not take those copies back to the office.

CHAIRMAN: So why the need to have triple copies?

A. I am in the construction industry, and I just learned about the practices of the trade from others. I know about the different practices, but anyway, I just learned from other practitioners in the trade, such as the accounting system or the white card -- well, I originally didn't know what white card means, and then I learned from Shui On, in devising a plan for my company.

So, for the form in triplicate -- well, in fact one copy would suffice, because if you fax one copy to the office, that would be another copy already.

MR SHIEH: I don't think the younger generation would see the form in triplicate. (Chinese spoken).

A. Yes, the form comes with a carbon copy. That's the

latest kind. You don't need to copy three times.

That's how I manage my company. But I also learn from others; I am also in the business and I would learn the practices from others. In fact, as I learn from those architects, I learned how they work, but the people I manage did not have the same level of qualification.

Q. (Chinese spoken).

A. In fact, we didn't have three copies. The office had one fax copy and it was a waste of money. At that time, the idea was really not in touch with reality.

Q. Well, anyway, we have a form in triplicate, and the copy at the office was missing and the copies at the site were missing, so we now have no idea whether the original order was solder wire or solder strips.

But let me carry on. Was there a consensus that we should only order for tin solder wire only?

A. Well, whose idea is it that you are referring to?

Q. That's my suggestion. As I have always said, I don't have the basis to determine which one was cheaper. When it comes to construction projects, we are talking about an economy of scale, so 100,000, 200,000; it's not a huge sum.

The crux of the matter is the productivity or efficiency of workers. If you don't have a large

capacity, then you really can't get by. Last month I had 1,000 workers, and then we had a number of holidays -- winter solstice, Christmas Eve and New Year's Eve -- and the workers got off early on those days. We had 1,000 workers and, as a result of their getting off early, I lost \$3 million. If you didn't have this capacity, you couldn't survive in the construction business.

For plumbing workers, \$4 a minute. So five minutes would give you the money for breakfast. So what I am trying to do is to enhance the productivity of workers, and it's really upsetting to see workers throwing away materials at the site. I didn't have this awareness. If you ask me to go to Tsim Sha Tsui, I didn't plan to go to Tsim Sha Tsui, so if you ask me whether it would be cheaper to go to Tsim Sha Tsui by train or by bus, I didn't have the awareness, I didn't have the knowledge.

So you should ask Chan Siu Wah why he would use solder strips in Kai Ching. As he managed two sites at the time, why would he use solder wire in one and solder strips in another? I want to know that as well.

This question also puzzles me. If I have the awareness -- and let's not talk about the past -- if I had this awareness, I would have been using solder

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 36 B

C strips for the ten-odd sites, at the moment. So C

D I really didn't know. I definitely would have been D

E responsible, had I known. E

F So you cannot really say that it's because I wanted F

G to save costs, because I had no knowledge of this at G

H all. H

I MR SHIEH: It is 4.30. As I said, we will continue after I

J this question. You will be invited back tomorrow. J

K CHAIRMAN: All right. Let's adjourn. We will continue K

L tomorrow. L

M (4.31 pm) M

N (The hearing adjourned until 10.00 am the following day) N

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