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2015 年 12 月 2 日

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上午 10 時 02 分恢復聆訊

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

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黃佩琪大律師及李頌然大律師，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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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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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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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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譚俊傑大律師及吳思諾大律師，由何謝韋、李偉業律師事務所延聘，代表啟晴邨及葵聯二邨公屋居民代表 Lee Pui Yi、Chong So Nga 及 Lui Hui Ping

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許佐賓大律師，由的近律師行延聘，代表保華建築營造有限公司

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主席：下一位證人，邊個負責，你哋？

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李先生：係，係我負責。

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主席：你負責，Mr Lee。

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李先生：係。

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主席：我想問一問莫海光先生同埋蕭健煌先生有冇嚟呀？

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伍先生：早晨，咁多位。

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主席：你係伍克明，係咪？請過去嗰邊。請坐先。

有冇嚟呀？冇呀呵？伍--談...

許偉強先生：我知道莫海光先生今日下晝會到庭。

主席：下晝會嚟，今朝早冇嚟嘞？

許偉強先生：係，應該。我就唔見佢。

主席：得，唔該。

有關有利建築有限公司（總承建商）的第二證人：伍克明（（持牌水喉匠）（元州邨第二及四期、清河邨第一期、彩福邨、欣安邨、牛頭角下邨第一期和石硤尾邨第二期））以本地話宣誓作供

李先生主問

問：好，伍先生，咁喺呢個聆訊入面，我將會首先讀出你兩份嘅證人供詞，然後就邀請你係去採納，而你係願意採納的話。第二，我想問你，你本身係需要食藥，係咪，身體上？

答：係。

問：咁你係都想要求係會一段時--都有個小休息，要用洗手間嘅？

答：有需要，我提出喇。

問：好，有需要你就自己提出，...

答：係。

問：...okay? 咁我而家先讀出，你喺15年10月--11月11日嘅證人供詞，咁你聽聽個內容。

答：唔。

李先生：主席，我而家讀出個供詞。

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主席：好呀。

答：幾時㗎？11 月？

問：係嘞，係 P1 嗰度，第 10 頁。

答：就係呢份呀？

主席：第幾頁話？

李先生：第 10 頁。

主席：第 10 頁。

李先生：係，P...

答：哦，就係呢度。佢寫 10 月。哦，開始，okay，得，得，唔該。

問：唔該晒。

食水含鉛超標調查委員會

伍克明的證人供詞

我，伍克明，謹根據羅文錦律師樓於 2015 年 10 月 16 日發出的信函
內的提問作出以下陳述：

Q1. 伍先生在執行受影響的 6 個屋邨的水喉工程時，是否明合的全職員工？伍先生現時是否仍是受僱於明合？

Q2. 如伍先生曾受僱於明合，請指出其受僱期，職責及工作經驗

Q4. 說明伍先生在水喉行業的資格及經驗

1. 我於1984年8月加入明合有限公司（「明合」），並於2015年10月31日離職，離職時職銜為合約經理（Contract Manager）。在職於「明合」之期間，我的職責範圍包括監督水喉安裝工程及作為「持牌水喉匠」負責處理有關「水務署」的文件，以及協助有利建築有限公司（「有利」）投標部在準備標書時，就水喉工程方面的報價給予意見。

2. 我在「房屋署」轄下之元州邨第二及第四期、清河邨第一期、彩福邨、欣安邨、牛頭角下邨第一期及石硤尾邨第二期的食水喉安裝工程進行時，是受僱於「明合」的全職員工。

3. 我從1971年開始從事水喉安裝這行業，於1977年取得香港理工學院水喉潔具科證書（Certificate in Sanitary Engineering and Building Service）及於1980年取得香港生產力促進中心水喉工程科證書（Certificate in Plumbing Engineering）。我自1985年起成為持牌水喉匠（licensed plumber）。

Q5. 解釋受影響的6個屋邨建造及安裝食水喉系統的步驟及程序

Q6. 就第5段所述的步驟及程序，伍先生及所有其他水喉工人包括持牌及非持牌水喉匠）在安裝、監工、視察、完工審批、監督及維修食水喉系統時，就控制水喉物料含鉛量採取的步驟、準則和標準

4. 我以下解釋關於食水喉安裝工程的程序及步驟，以及我和「明合」駐地盤管工所採取的監督監管措施，適用於元州邨第二及第四期、清河邨第一期、彩福邨、欣安邨、牛頭角下邨第一期及石硤尾邨第二期的食水喉安裝工程：

4.1. 「有利」將水喉工程分判給「明合」後，我會先研究「有利」與「明合」簽署的承判合約（“承判合約”）內的要求和規定及「水務署」批准的企身水喉圖（vertical plumbing line diagram），然後根據企身水喉圖計算出所需的水喉物料（但不包括錫綫等小五金或消耗品），再邀請不同物料供應商報價。

4.2. 選出物料供應商後，「明合」工程部將選定的水喉物料的樣本、目錄、「水務署」證書、測試報告及曾供應同樣物料的其他工程地盤的資料提交給「有利」查核。「有利」對提交的物料資料滿意後，就會再呈交「房屋署」則師審批。物料通過審批後，「房屋署」則師會簽發出一份批准表（approval form）。錫綫、松香膏、焊枝等焊料屬於小五金類或消耗品，並非「房屋署」規定必須呈交審批的物料，但很多時個別的

「房屋署」工程人員會要求送審，所以「明合」亦會要求水喉分判商（如永興水喉渠務工程公司）呈交這些錫綫焊料及相關資料，然後透過「有利」呈交予「房屋署」審批。

4.3. 在「有利」及「房屋署」對提交的水喉物料均表示滿意後，我便會填寫「水務署」表格 WWO46 – 「建造、安裝、改裝或拆卸屋內供水設備或消防設備通知書／申請書」的 Part I 及 Annex，再交給「房屋署」則師（作為認可人士）過目及在 Part I 和 Part II 上簽名。「水務署」收到簽妥的表格，經審核過相關資料及物料全沒有問題後，便會簽發表格 WWO46 的 Part III 認可及同意有關之水務工程的展開（即俗稱“開工紙”）。

4.4. 施工方面，就上述 6 個屋邨的食水喉安裝工作，「明合」是分判給以下的分判商負責：

<u>地盤名稱</u>	<u>分判商</u>	<u>負責人</u>
元州都第二期及四期	永興水喉渠務工程公司	莫海光
清河邨第一期	森記水喉渠務工程公司（2008 年 6 月前）	李鉅森
	永興水喉渠務工程公司 2008 年 6 月後）	莫海光
欣安邨	永興水喉渠務工程公司	莫海光
石硤尾邨第二期	永興水喉渠務工程公司	莫海光
牛頭角下邨第一期	永興水喉渠務工程公司	莫海光
彩福邨	恒利工程公司	蕭健煌

4.5. 「明合」在遴選分判商時，會先把工程合約的要求及圖則分發給不少於三間分判商報價，然後再根據其報價及所提供的相關資料，決定將工程判給哪位分判商。而有關工程合約的規範、物料要求及施工圖則，是跟「房屋署」與「有利」簽訂的總承包合約的要求一致。上述三間分判商的負責人，均有超過20年之水喉安裝經驗。

4.6. 安裝工程的首要步驟是在大廈結構落石屎前預先留吼及套通，以及由「明合」駐地盤管工與其他工種「夾位」（即定出不同設施如水管、電線、冷氣喉路線等的位置），再由「有利」製訂一份綜合圖則，標明各種屋宇設備的安裝位置及路徑。

4.7. 施工前，「明合」會準備一塊樣板板（sample board），上面展示經「房屋署」批准的水喉部件及配件和錫綫、松香膏等焊料。這塊樣板板會放在「房屋署」工程人員駐地盤的辦公室，以便巡視地盤的「房屋署」工程人員知道該地盤獲批准使用的水喉物料。其中錫綫、松香膏等焊料均由負責採購的水喉分判商提供。工程完成後，「房屋署」工程人員便會把樣板板銷毀。我將近期一個正在施工的地盤所做的樣板板的照片列作附件一，讓調查委員會知道樣板板是什麼模樣。

4.8. 與此同時，按「房屋署」要求，「有利」須在地盤建造樣板房給「房屋署」的則師審批。建造樣板房的主要目的是讓「房屋署」工程人員可以審視施工的方法，以及作為一個施工的收貨標準。「明合」的水喉分判商負責在樣板房內安裝水喉。個別「房屋署」工程人員在審批樣板房的水喉設施時，會檢查接駁水喉的方法及焊接物料，而實際負責安裝水喉的分判商有時亦會被要求即場向「房屋署」工程人員示範如何接駁水喉。「明合」的駐地盤管工負責在現場解答則師問題。我問過「明合」的駐地盤管工，他們其中有人曾在樣板房見過水喉分判商的工人帶着一綑包裝符合「房屋署」要求的錫綫示範燒焊。我會在「房屋署」則師或其工程人員到樣板房審批前，預先到樣板房以目測方式檢查有關水喉工程的各個環節，確保它們符合合約及上述綜合圖則的要求。

4.9. 「房屋署」則師批准樣板房後，水喉工人便根據已獲批准的樣板房逐層逐單位安裝食水喉。就監督地盤和監管工人施工方面，「明合」駐地盤管工會每天向我匯報地盤工人的工作進度及施工是否符合合約及綜合圖則的要求。我會不定期到

地盤視察。就我記憶所及，我在巡視水喉分判商於地盤內的工場（workshop，行內俗稱“架步”，即臨時搭建給水喉工人用的工作及更衣地方）時，曾經不只一次見過符合「房屋署」要求的錫綫焊料。而在上述的六個屋邨施工期間，「明合」並沒有收過有關食水喉或焊接物料不符合標準的報告。

4.10. 在水喉工程中後期階段，我亦會加緊到地盤視察，以確保已安裝的水喉的尺寸、減壓掣及水錶的數目及位置等符合「水務署」企身水喉圖的要求。工程全部完成時，在我檢查過沒有問題後，便會填寫表格 WWO46 的 Part IV，再交給「有利」，由「有利」轉交「房屋署」。經「房屋署」則師審批後，「房屋署」則師便將簽妥的表格交還「有利」，再由「明合」送交「水務署」批核。

4.11. 我在「明合」把表格 WWO46 的 Part IV 送交「水務署」後，會聯同「明合」的駐地盤管工在「水務署」到地盤驗收前，再到地盤視察已完成的水喉工程，確保工程符合「水務署」的要求。

4.12. 「水務署」通常會在收到表格 WWO46 的 Part IV 後約兩星期左右到地盤檢查。「水務署」督察進行檢查時，會由頂樓行到地下，通常分兩組進行。我和「明合」的駐地盤管工會陪同他們。另外，「明合」會在「水務署」督察指示下向獲「水務署」認可的化驗所申請，在屋邨收集食水樣本及進行測試。由於上述 6 個屋邨均於 2012 年或以前落成，我印象中現時經常提及的《水務署通函第 2/2012 號 — 內部食水供水系統的清潔及消毒》並不適用於這幾個地盤，反而適用的通函應該是《水務署通函第 6/2002 號 — 內部食水管的清潔及消毒》（兩份通函中英文版見附件二）

4.13. 「水務署」在檢查過水喉設施並沒有發現任何違規後，便會簽發表格 WWO46 的 Part V。

4.14. 待食水測試結果確認水質適合飲用（satisfactory for potable purpose）後，「水務署」便會發出《已獲供水證明書》（WWO1005 號水務表格，俗稱“水紙”）。「明合」收到水紙後，會交給「有利」，再由「有利」轉交「房屋署」。我作為持牌水喉匠的工作到此便正式完結。但隨後「明合」仍需要進行一系列測試（例如水喉流量），亦會在保養期內負責所建造水喉的保養維修。

- 4.15. 有關上述 6 個屋邨由我提交的表格 WWO46 以及相關屋邨食水測試結果及「水務署」發出的水紙，見附件三。
5. 就採購水喉物料方面，除錫綫等小五金由「明合」的水喉分判商提供外，其他水喉部件及配件等物料均由「明合」負責採購。採購的物料必定是則師批准表上的物料。訂貨時，先由水喉分判商於“地盤柯打單”填寫需用材料，「明合」工程部的同事收到後，會根據工程實際需要及則師批准表覆核，再由我核實地盤柯打單內的物料符合合約規定和「房屋署」／「水務署」的要求。之後，我便將清單交給「明合」行政部向供應商訂貨。據我向「明合」副總經理黃麗英小姐了解，行政部同事準備訂貨單後，黃小姐會核對訂貨單上填寫的物料種類與工程部經我核實的地盤柯打單上的內容相符後，才簽署採購合約。物料送到地盤後，會由水喉分判商首先簽收，再由「明合」駐地盤管工負責覆驗。
6. 至於包括錫繞焊料在內的小五金，大約自 2005 年起，「明合」開始將採購這些小五金的責任交給負責實際安裝食水喉的分判商（如上述的永興、恒利及森記），並在他們的分判合約中訂明小五金由分判商自費購買，所以「明合」不負責這些小五金的訂貨。「明合」改變做法是由於錫綫、松香膏等物料屬於施工的消耗用品，銀碼不大，但施工時可以用得很快。以往由「明合」負責提供焊料時，曾經試過水喉分判商通知「明合」焊料快用完而須補貨，但因「明合」訂貨由問價、出訂單到送貨大概要一星期左右，地盤的水喉工程因而受阻，水喉分判商因而向我投訴。這種情況出現過幾次後，「明合」當時認為水喉分判商最能掌握工程進度及這些消耗品的使用情況，由他們自行購買焊料，可以避免因來不及補貨而令工程受阻。
7. 雖然「明合」將採購焊料的責任轉交水喉分判商，但仍會要求焊料必須符合「房屋署」要求。儘管焊料不是「房屋署」必須送審的項目，但個別「房屋署」工程人員會要求檢查焊料。這時水喉分判商須透過「明合」向「有利」呈交使用錫綫焊料的樣本及相關資料如物料目錄、測試報告及會供應同樣物料的其他工程地盤的資料等，再由「有利」提交給「房屋署」則師審批。
8. 正如上文第 4.5 段提及過，永興、恒利和森記這三間分判商的負責人，均擁有超過 20 年之公私營房屋水喉安裝經驗，知道「房屋署」工程合約內對錫綫焊料的要求，而他們以往送審的錫綫焊料都通過「房屋署」則師審批。
9. 正式施工時，水喉安裝工程的監察會由「明合」駐地盤管工負責，包

括水喉工人所用的物料是否符合合約要求和批准表所列、所做的安裝工程與經審批的樣板房內的水喉工程是否一致，及水喉安裝的位置是否正確。「明合」駐地盤管工負責每天在地盤巡查地盤工場（架步）及水喉工人實際施工的地方，監督工人的施工進度和施工的用料和位置是否符合合約及綜合圖則的要求，然後每天向我匯報。我亦會不定期到地盤視察，視察時亦會像駐地盤管工一樣，留意工人的手工、使用的物料和施工位置是否符合合約及綜合圖則要求。我記得在我視察這些地盤時，曾見過有符合「房屋署」要求的焊料存放在架步內。不過，行內慣常做法是錫綫運到地盤後，會在架步先將包裝好的焊料錫綫切成條狀，然後分發給工人帶到施工地點燒焊。這些沒有包裝和切成條狀的錫綫，單憑外表是無法知道牌子的。但多年來，「明合」從未曾在其工程項目中發現過有不合規格的錫綫焊料。

Q7. 列出曾參與 6 個受影響屋邨的建造及安裝食水喉系統的工人及人士。就伍先生列出的工人清單，確認這些工人與伍先生的關係，及所有這些工人是否持牌水喉匠，如不是，請說明這些工人受過哪些與建造及安裝食水喉系統有關的訓練和資格

10. 就上文提及的 6 個屋邨，我請「明合」整理出每個屋邨曾經參與建造及安裝食水喉工程的「明合」員工及工人清單，並列作這份證人供詞的附件四。據我所知，這些工人當中，並沒有持牌水喉匠，但都領有水喉工程方面的大工或中工牌。

11. 至於「明合」工程部負責這 6 個屋邨的駐地盤管工為：

<u>地盤名稱</u>	<u>負責管工</u>	<u>現況</u>
元州邨第二期及四期	Mr. Alex Poon	已離職
清河邨第一期	Mr. Alex Poon	已離職
欣安邨	Mr. Gary Lee	已離職
石硤尾邨第二期	Mr. Gary Lee	已離職
牛頭角下邨第一期	Mr. C.F.Ching	
彩福邨	Mr. C.F.Ching	

這些管工均有從事建造業至少 10 年的經驗。

Q8. 解釋伍先生監督和監管參與建造及安裝食水喉系統的工人方面的角色

12. 見上文第 4 至 7 段。

Q9. 確認伍先生是否知道興建及安裝食水喉系統過程中使用含鉛或會釋出鉛的水喉，水管，焊料及其他水喉物料是被禁止的，並指出與此相關的法定及非法定要求

Q11. 指出及提供與(1)水務署(2)房委會(3)「有利」建築及(4)其他分判商(如有)審批水喉物料有關的法定及非法定要求

13. 作為持牌水喉匠我知道政府在興建及安裝食水喉系統過程中有關水管、焊料及其他水喉物料無鉛方面的要求。有關的法定及非法定要求包括「水務署」表格 WWO46 的備注上指明的要求(包括 BS EN 1057)及(2)承判合約的規定及指明須依循的 Hong Kong Housing Authority Specification。我謹將以下文件列作附件五：-

承判合約	有關審批水喉物料的合約條款及 Hong Kong Housing Authority Specification 相關條文
元州邨第二期及四期	第 37 條及(2004 HKHA Specifications) PLU1.M120.4 -160.4
清河邨第一期	第 37 條及(Particular Specifications PLU1.M120.N - M160.N)
欣安邨	第 37.a. 條及(2004 HKHA Specifications) PLU1.M120.4 - PLU1.M1160.4
石硤尾邨第二期	第 37.a. 條及(2008 HKHA Specifications) PLU1.M120.5 - 160.5
牛頭角下邨第一期	第 37.a. 條及(2008 HKHA Specifications) PLU1.M120.5 - 160.5
彩福邨	第 37 條及(2004 HKHA Specifications) PLU1.M.120.4 - 160.4
BS EN 1057	British Standard - Copper and copper alloys - seamless, round copper tubes for water and gas in sanitary and heating applications

BS EN 1254	British Standard - Copper and copper alloys - plumbing fittings
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14. 至於「明合」與永興、森記和價利簽訂的分判合約，則訂明(1)分判商所有工作程序均須遵守「有利」及「明合」所訂立的要求；(2)須在施工前，依照「有利」及「明合」地盤負責人之指示造妥樣板及樣板房，直至「有利」及「明合」及「房屋署」則師批准後，才可施工；(3)所供應之所有物料必須是合乎規格之新料和經「房屋署」則師批准後方可使用及(4)須向「有利」和「明合」呈交所有品質紀錄，並須容許及安排「有利」和「明合」代表往分判商的工場及辦事處檢驗其物料、設備等。我將相關條文列作附件六。

Q10. 請列出伍先生引入的措施或監督監管及品質控制程序，以確保水喉的建造及安裝工程中使用的水喉物料不含鉛

15. 請見上文第 4 段。

Q12. 解釋及指出曾提交給(1)水務署(2)房委會(3)「有利」建築及(4)其他分判商(如有)審批的水喉物料種類
確認伍先生是否牽涉入提交這些水喉物料審批的工作，如有他採取了什麼步驟。伍先生須提供提交給水務署的表格。

16. 有關「明合」提交審批的水喉物料種類，見表格 WW046 的 Annex (見上文附件二)。這份表格由我作為持牌水喉匠填寫，Annex 內之物料種類與「有利」呈交給「房屋署」的物料單上的是一樣的。至於包括錫綫在內的小五金，如果「房屋署」工程人員要求，負責實際安裝水喉的分判商會透過「明合」向「有利」呈交，再由「有利」提交給「房屋署」則師審批。我在提交物料審批的角色及「明合」採購物料的負責人及程序已在上文第 5 段描述，不再重覆。

Q13. 解釋為何採用焊接而非機壓接駁方式接駁喉管；為何在受影響的 6 個屋邨廣泛使用前者？如因為價錢問題，請指出價錢分別

17. 調查委員會亦提問為何在上述 6 個屋邨廣泛使用焊接而非機械壓接式配件方式 (mechanical compression joint)。首先，焊接方法是行內慣用接駁水喉的方式，因此相關之物料供應一般較為充裕和穩定。反之，以機械壓接式配件方式接駁水喉的配件如銅曲尺、銅三叉和銅刁士，香港的供應商一般供應的這類配件只有直徑 15mm 至 50mm 的，而就我記憶所及，「房屋署」的屋邨經「水務署」批准的企身水喉圖，其中部分水管的直徑超過 50mm，在市面較難買得到合適的機械

壓接式配件。另外，由於這類配件本身亦有厚度，如果使用機械壓接式配件方式，則水喉與牆身之間須預留工作空間，變相令水管相對於用焊接方式較為凸出，較容易因碰撞而導致鬆脫移位，而且接駁配件亦容易在公眾地方被偷走。此外，以機械壓接式配件方式接駁的水喉，如扭不實或因為溫度變化出現冷縮熱漲，就容易出現漏水情況。而且，根據 HKHA Specifications 有關銅喉裝置的規格，大多數的水務接合都寫用焊接方式進行，只有少部份的接合是容許機械壓接式配件或焊接方式（如水錶出水位及熱水喉，又或是因為焊接方式不可行之情況下），所以很自然地行內多選擇焊接方式施工。至於兩者價錢的差別，我並沒有調查過。

Q14. 及 Q15. 有關 2015 年 9 月 25 日水務署專責小組初步發現的提問

18. 至於委員會問及 2015 年 9 月 25 日「水務署」專責小組初步發現的有問題的水喉物料（“deviated plumbing materials”），據我了解，涉事的屋邨為啟晴邨與葵聯第二期，與上述 6 個屋邨無關。

Q16. 指出負責採購水喉物料的所有人、公司或單位。

如這些物料由伍先生購買，請列出伍先生採取了哪些步驟以確保水喉物料不含鉛，符合法定及非法定要求及食水不含鉛及安全

19. 請見上文第 5 及 6 段。

Q17. 指出誰負責在 (1) 視察 (2) 建造及安裝 (3) 審批及完工審批受影響 6 個屋邨的食水喉系統的人士；及指出他們採取哪些步驟履行此職責及確保食水安全；並描述伍先生在這些步驟中的參與程序，角色及責任

Q18. 上文第 16 及 17 段提及的人士採取了什麼步驟確保：

(a) 與建造及安裝水喉物料的工作由受過足夠訓練及資格的工人執行；

(b) 只有符合法定及非法定要求而經批准及不含鉛的水喉物料會用於食水喉系統的興建及安裝

20. 有關確保食水喉系統的興建及安裝所做的步驟見上文第 4 至 6 段。至於確保安裝水喉物料的工人受過足夠訓練及資格，「有利」在向工人發出進出地盤的許可証時，會要求工人提供大工或中工訓練的證明。

Q19. 根據伍先生對以上問題的答案，請解釋為何在受影響的 6 個屋邨，

會用了含鉛的水喉物料，及是如何容許這些物料被使用或被疏忽

21. 「明合」與今次涉事的三間水喉分判商有多年合作的關係。永興負責人莫海光先生跟「明合」曾合作過多項工程，均沒有出現過手工或施工未合符合約要求的問題，「明合」一直視為相當可靠的分判商。同樣，恒利負責人蕭健煌先生之前是「明合」經常合作的一個分判商的得力助手，從事水喉行業超過二十年，大約2008年才自立門戶。基於他們過往的良好紀錄，我和「明合」實在沒有理由懷疑他們會冒險違規。

22. 事實上，每個「房委會」項目除了「有利」和「明合」有駐地盤管工監督施工外，「房屋署」亦有駐地盤工程監督檢查工程是否符合規格，水務署亦會有人檢查供水系統。這些年來，經過他們審批的項目都沒有發現問題，令我相信自己和其他各方所做的監察已經足夠。

屬實申述

本人相信本證人供詞所述事實屬實。

李先生：主席，或者我呢個階段讀埋個補充個供詞。

問：伍先生，我而家讀，就係2015年11月30日你嘅供詞，個地方係P嘅226。

答：呢度。哦，係，okay。

伍克明的補充證人供詞

我，伍克明，就2015年11月11日作出的證人供詞作出以下補充的陳述：

1. 本人已閱讀莫海光和蕭健煌的證人供詞及周家平證人供詞夾附的部分附件。本人希望就他們的供詞作出以下回應，但如我沒有就某些陳述作出回應並不代表我同意他們供詞的內容。

就周家平證人供詞附件 D Appendix A 內的客戶訂單 PO 18286A (文件夾 S1 第 58 頁)

2. 周家平聲稱該訂單與元州邨有關。我們翻查記錄後發現該訂單是為斧山道地盤所訂購的。在「房屋署」與「有利」所簽的元州邨合約除了元州邨第二及第四期工程外，還包括斧山道行人天橋（見文件夾 B.13.1 第 32701 頁）。當時要在斧山道地盤建造一條臨時水喉供地盤施工用。這項臨時水喉工程由「明合」負責。由於這是位於斧山道行人天橋的臨時水喉工程，不屬於元州邨大樓範圍，用什麼材料合約並沒有規定，所以「明合」訂購水喉物料時亦沒有特別要求。同時亦解釋了為何訂單上的數量只有 3 磅。

3. 該臨時水喉工程經過「水務署」審批，有關文件見附件七。該臨時水喉在斧山道天橋工程完工後已拆除。

就周家平證人供詞附件 D Appendix C 內的發票編號 IV50665 (文件夾 S1 第 75 頁)

4. 同樣，周家平聲稱該發票與彩福邨有關。「明合」翻查過記錄，2006 年 6 月時，彩福邨地盤同樣需要建造一條臨時水喉供地盤施工用（而訂購焊料的數量同樣是 3 磅）。該工程亦經過「水務署」審批，有關文件見附件八。該臨時水喉在彩福邨工程完工後已拆除。

5. 至於周家平附件 D Appendix C 第 76 至 77 頁顯示的兩張發票，沒有顯示訂貨者是誰。但我留意到兩張發票均寫上“現金銷售”，而「明合」通常是不會用現金購貨的。同時，第 77 頁的發票 (IV68642) 的送貨地址是“彩雲道三期有利地盤”。彩雲道三期並不是「有利」地盤。我亦留意到這兩張發票上的日期為 2009 年 6 月 4 日及 2009 年 9 月 23 日。當時「恒利」已進場（「明合」與「恒利」的分判合約於 2007 年 8 月 17 日簽署（見文件夾 II/204）），所以即使這兩張發票是有關彩福邨地盤的焊料，亦應該是「恒利」自行購買而不會由「明合」代購。

就莫海光第 14 段和蕭健煌第 11 段的證人供詞內聲稱「房屋署」沒有特別要求工友示範焊接銅喉

6. 我在之前的證人供詞內第 4.8 段曾提及水喉分判商有時會被要求在樣板房向「房屋署」工程人員示範接駁水喉，我從「有利」取得 2009 年 3 月 27 日在彩福邨的樣板房內示範焊接銅喉的照片紀錄，見附

件九。照片顯示當時向「房屋署」工程人員示範使用的焊料是FRY(Grade 99c)無鉛錫線。據我了解，當時做示範的是蕭健煌先生和他的工人。

就莫海光證人供詞第 21 及第 22 段內聲稱他從不知道焊料可能含鉛，又或者焊料有含鉛及不含鉛之分

7. 我很奇怪莫海光說從不知道焊料可能含鉛，因為「永興」負責水喉工程的屋邨中，欣安邨及石硤尾邨第二期均有文件證明會將焊料送審，而根據當時欣安邨地盤負責人員確認，送審的無鉛焊料樣本是由莫海光提供的。即使他不知道焊料有分含鉛和無鉛，亦肯定知道他用的焊料應要與送審的焊料一樣。至於清河邨，「永興」接手「森記」的未完成工程時，我曾帶莫海光一起到清河邨地盤與「森記」進行交收及接收未安裝的水喉物料。當時我記得「森記」正安排將他們自行購買的物料運走，其中包括綠色包裝的FRY 99c無鉛焊線。我當時向莫海光講明該焊料是房屋署核准的焊料。而根據雋景建材提供的發票及送貨單（文件夾S1第61至68頁），「永興」在2008年6月接手清河邨工程後至2008年9月2日向雋景購買的焊料均為“FRY無鉛錫線”。

有關我提交的水務表格 WWO46 Part I 的日期比房屋署的認可人士的簽名日期遲的問題

8. 據我所知，在之前的聆訊當中，有人提出我提交的水務表格 WWO46 Part I 的日期相對於房屋署的認可人士在同一表格上簽名的日期遲。其實我一向的做法是在填好水務表格 WWO46 Part I 後，簽名時不會填上日期，然後待房屋署的認可人士和房屋經理簽署及房屋署批准水務表格 WWO46 Annex 所列的水喉物料後才會在向水務署正式提交表格時填上日期，所以會有日期上的差別。

9. 此外，我在2011年8月26日為牛頭角下邨向水務署提交的 WWO46 Part I 及 II 表格上（文件夾P1第71頁），由於房屋署的認可人士在這份表格上簽署時沒有寫上日期，我在提交表格前填上自己簽名下的日期時，便一併代他蓋上同樣日期的蓋印。

屬實申述

本人相信本補充證人供詞所述事實屬實。

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問：伍先生，我哋睇過你兩份嘅書面證人供詞。就住呢兩份嘅證人供詞嘅內容，你願唔願意喺呢一個聆訊入面採納為你證供嘅一部分？係，請你呢答出聲。喺...

答：係，但係我覺得之前嘅供詞第 8 段有少少補充。

問：等等。之前嘅...

答：第一份囉。

問：...即係第一份？

答：第一份，係。

問：第 8 段，係。應該相信係 P1 嘅第 15 頁。

答：第 15 張。

問：係，第 8 段，你係有嘢要補充？

答：係。

問：係，請你講。

答：因為最後嗰句，佢就話講啲錫線，而佢哋送審嘅錫線都通過房屋署則師審批。我當時講嘅意思，就即係要依番第 7 嘅程序，即係由我個分判商，畀啲 sample 我哋啲--明合嘅管工，然後由管工再遞畀有利，再由有利轉上去畀房署批准嘅。

問：係。你話嘅第 7，即係呢一頁嘅同一頁第 7 段？

答：同一頁，第 7 段嗰度咁講，嗰個程序一樣。

問：明白。

答：係。

問：除咗呢度之外，喺第一份你嘅證人供詞有冇其他嘢要補充？

答：冇嘞。

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問：唔。你願意採納呢一份證人供詞作為你證供嘅一部分嘛？

答：好。

問：唔。另外，你嘅補充嘅證人供詞，有冇需要更正、補充？

答：唔需要。

問：唔。你願意採納為你證供嘅一部分？

答：要。

問：好。我仲有少少問題想問一問你，如果我哋睇你補充嘅供詞，就係 P1 第 226 頁開始。

答：係。

問：嗰度有啲附件，麻煩你睇睇附件九。

答：附件幾多？

問：九。

答：九。

問：頁數就係第 239 頁開始。

答：239 頁，好。

問：請你睇睇第一呢啲係相片嚟嘅，請你睇睇第 246 頁。

答：係。

問：係，246。第(28)號相，你見唔見到呢個人士佢嘅右手就攤住一個綠色嘅嘢，左手就黃色嘅嘢。

答：係，係。

問：呢兩個可唔可以簡單講講係咩嘢嚟嘅？

答：呢個就係嗰個地盤批准用嘅錫料同埋松香膏。

問：係。黃色嗰罐就係個松香膏？

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答：松香膏嚟嘅。

問：Powerflow Flux？

答：係。

問：跟住，綠色個個呢？

答：綠色個個就係“FRY”99c 嘅錫線。

問：就係即係你口供提及個個無鉛“FRY”99c...

答：係，冇錯。

問：...個卷嘅錫線？

答：係。

問：我哋再揭後面嘞，可以再睇到放大啲，當時喺 09 年 3 月 27 號影到第 (29) 同埋 (31) 號相，呢兩幅相入面所影到綠色嘅呢一個圓圈，一罐咁嘅嘢，其實就係第 (28) 號相“FRY”99c 個個焊料嘞，係咪？

答：係。

問：好，同一批相片，邀請你去到第 (50) 號相，第 251 頁，唔該。251，係。

答：係，251。252，係咪？

問：251，第 (50) 號相，(50)，(50)。

答：哦，50。

主席：252，係咪？

李先生：二--哦，252，係。對唔住，閣下，我哋啲編碼個度搞錯。

問：對唔住，252。

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答：係。

問：第(50)號相，我哋見到有個人就指住一啲嘢，呢個人你望到佢個左邊耳背腮嘅位置，見唔見到？

答：係。

問：呢個人你認唔認識佢？

答：唔認識個啲。

問：唔。我哋睇前少少，我哋睇番譬如話第(28)號相，開頭。

答：(28)號相？

問：係，第246頁。

答：係。

問：呢個揸住一罐松香膏同埋錫線呢個人，着住件衫--間條衫呢個人。

答：係。

問：再比起剛才畀你睇過，又係着住間條衫(50)頁(號?)呢個人，認唔認識？係咪同一個人？

答：同埋一個人嚟㗎。

問：唔。呢個係邊個？

答：睇唔清佢嘅正面，但係如果你話嗰個時間、嗰個時候，就一定係蕭健煌佢同埋佢啲工人。

問：明白。好，唔好意思，等我一陣。再睇睇第(23)號相，就應該係245頁。

答：(23)號相。係，點呀？

問：係。我哋見到呢度就有支火槍。

答：係。

問：白色一條條啲啲喉嚟㗎，水喉？

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答：白色嗰條水喉包銅喉嘅膠邊。

問：係。我哋見到有兩隻手，咁就左手邊嗰隻手喇。

答：係。

問：就揸住一支銀銀地色嘅嘢，嗰支係咩嘢嚟嘅？

答：錫線。

問：唔。我就見到呢個錫線就屈曲咗嘅。

答：係。

問：係。以你嘅經驗認知，甚或睇埋呢幅相，喺進行呢幅相見到嘅工程，呢個錫線被屈曲嘅情況，係可唔可以解釋一下點解需要咁做？

答：呢啲係佢哋正常施工嘅方法，佢哋 cut 開一段段，就屈咗埋去。因為你啲燒焊燒到正面咋嘛，但係後面加咗熱，佢條錫線屈去後面先燒到，所以佢就要屈曲咁樣嚟去做。

問：唔。即係其實你嘅意思即係圍住嗰個喉管個圓周咁樣？

答：係。

問：唔，明白。好，伍先生，唔該晒你，咁請你繼續留喺度，咁有其他嘅律師係需要你協助嘅。

答：哦，好。

主席：第(8)號相呢，第(8)號相呢。

答：第(8)號相。

主席：第(8)號相喺嗰個膠筭裏面，有一嚟綠色嗰啲嘢，我估係咪呢個...

答：哦，又(8)號相。

主席：係咪呢個“FRY”嗰隻無鉛嗰隻錫線？

答：係，睇到，(8)號相。

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主席：係咪呀？

答：係。

主席：唔。隔離嗰個黃色嗰個，就係啲松香膏喇，係咪？

答：係呀。

主席：另外有一度我都想你--可能唔係一個好重要嘅要點嚟嘅，就係你嗰個證人補充口供裏面，第 5 段，就話呢個彩雲道三期有利地盤，你就話唔係你哋有利嘅地盤嚟嘅，係咪？

答：係，係。

主席：不過似乎你老闆就喺佢交上嚟嘅發票裏面，其實都有呢一張咁樣樣嘅發票。

答：彩雲道三期呀？

主席：係呀。咁如果唔係你哋嘅地盤--我講 I1，I1 裏面嘅第 261 頁。

答：係。

主席：呢個就係--I1 就係老闆遞上嚟嘅嘛。

答：I1。

主席：黃--有利，係黃天祥先生。

答：係，呢張。

主席：I1，...

答：係。

主席：...261 頁，見唔見到？

答：睇到。

主席：見到呀。

答：睇到。

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主席：呢個就係你哋黃先生交上嚟嘅，彩雲道三期有利地盤。

答：係呀。

主席：就同你交上--就同--雋景交上嚟嗰張，就係喺呢一個 77 頁，雋景
嗰份。

答：係。

主席：其實就係一樣，不過就係一個有蓋章，一個冇蓋章嘅者，不過就都
係講緊同一樣嘢，2009 年嘅 9 月 23 日。你又睇唔睇到？

答：我睇到。

主席：所以其實呢一度，係你哋--送去你哋公司，即係--即係...

李先生：主席，唔好意思，其實呢張係蕭健煌先生提供嘅即係。

主席：吓？I1 嗎？

李先生：係。

主席：哦，I1 唔係。

李先生：佢提供出嚟。

主席：哦。

李先生：第 258 頁，會見到係蕭健煌先生有個簽署手寫一個便箋喺度。

主席：258 頁呀。

答：係，258 入邊。

主席：哦，258 頁，係，對唔住。

李先生：唔，唔好意思。

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答：哦，係。

主席：呢個都係蕭健煌提供。

答：係呀。

李先生：係有利嘅證供嘅附件。

主席：係囉。

李先生：係。

主席：彩雲道三期邊個做嘅？

答：冇彩雲道三期呢個地盤，可能佢哋當時誤會咗，因為叫做彩雲道 3B。

主席：哦。

答：Area 3B 第一期我哋做嘅地盤就。

主席：我知。冇彩雲三期嘅？

答：冇呀。咁佢可能都係 Area 3B 就第一期，咁啲判頭擺嘢嗰陣時講得唔清楚。

主席：哦，得，好。咁即係換句話嚟講，呢張票都可能都係你哋嘅？

答：都係佢買。現金嘍，現金買，我哋冇可能買。

主席：得，好，唔該。

係，Mr Khaw。

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許偉強先生盤問

問：伍先生，你證人口供一開始有提過，就係講有關你今年 10 月 31 號就從明合嗰度離咗職嘅。

答：係。

問：係。你離職嗰陣時，個職位就係嗰個合同經理 (Contract Manager) 嘅。

答：係。

問：我想知，就係你就住而家我哋講緊涉事嗰六條邨，即係同有利同埋明合都有關嘅六條邨，當時建築過程嘅時候，你嘅職位係乜嘢？

答：Contract Manager。

問：都係 Contract Manager，係咪？

答：係。

問：你介唔介意話畀我哋聽，你呢一次離職嗰個原因係乜嘢？

答：好大感觸，點解呢？就係因為呢單事個壓力好大，精神--我本身又長期有病患，所以我頂唔住。我都六十幾歲咯，所以我就逼住做咗三十年嘅公司我都要辭職。

問：明白，明白。咁我都知道就係你喺嗰六個工程項目入面，其實就我尋日都問過黃先生，就係你都係身兼兩職嘅。即係一個作為一個持牌水喉匠；咁另外就作為明合嘅 Contract Manager，身兼兩職嘅。

答：係，係。

問：咁我都想同你即係釐清一下，當時嗰個工作範圍等等嘅。

答：唔，好。

問：首先，我就想同你傾一傾，就係話就住水喉分判，即係例如同--我哋而家知道同蕭先生、同莫先生佢哋嗰啲日常嗰個工作嗰個過程，一般嚟講，係咪你係主要一個同佢哋接洽嘅人嚟？仲有冇其他人同佢哋接洽㗎？

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答：有。

問：都有嘅。除咗你之外，仲有邊啲人會同莫先生、同蕭先生接洽？

答：就係我哋前線嘅團隊，個管工囉。

問：係。你嘅口供嗰度講有幾位嘅，有好多位離咗職喇。

答：係呀。

問：咁就係你嘅口供嗰度都有講。喺第 16 頁，你嘅口供 P1，16。

答：係。

問：第 11 段。

答：係。

問：即係你而家講嗰個管工，就係講呢幾位，係咪呀？

答：佢主要呢個，帶住有其他嘅 supervisor。

問：仲有其他嘅 supervisor 嘅？

答：係嘞。

問：如果我咁講，就係話一般你喺明合工作嘅時候，就住呢六條邨嗰個日常嗰個運作，除咗你嗰度寫嗰三位，我哋知道係駐地盤管工喇。

答：係。

問：仲有啲乜--仲有幾多位係平日係會同例如水喉分判商有日常嘅接觸嘍？

答：咁多個地盤，佢咁多 supervisor，都有十零人。

問：都有十幾個嘅，係咪呀？

答：係。

問：咁你本人自己，算唔算係接觸得蕭先生同莫先生最多嘅一位？

答：唔算。

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問：都唔算。好，噏，諗...

主席：我想問下，彩福邨嗰個 Mr Ching，第 11 段嗰個。

答：係呀。

主席：而家仲喺度做呵？

答：係呀，而家仲喺度做。

主席：咁嗰啲相影嘅時候，佢會唔會在場？

答：我問過佢，佢不在場。

主席：佢不在場，得，唔。

問：我哋先討論一下嗰啲焊料嗰啲規格先喇。

答：好，好。

問：咁就你嘅證人口供其實都有提過，就係你嘅證人口供 P1 嘅第 17 頁 13 段嗰度，你都講出咗，就係話--我讀番少少出嚟，就係第 13 段講「作為持牌水喉匠，我知道政府在興建和安裝食水喉系統過程中有關水管、焊料及其他水喉物料無鉛方面的要求。」呢度，跟住你都有列舉咗係每一條邨就住每一個合同嘅一啲相關嘅條文，咁你都列咗出嚟。

答：係。

問：其實我想問一問你，就係你個講法即係話當時--我哋講緊做嗰六條邨嘅時候，即係當時嘅事嘅。即係唔係講緊而家嘅，即係講當時。你對呢方面，即係要用無鉛嘅焊料，你係有認知嘅？

答：我有認知。

問：有認知嘅。我想知道你嘅認知係從何來？我知道你作為持牌水喉匠，你要通過即係一啲資格嘅訓練咁樣。

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答：唔。

問：即係你係從個資格訓練嗰度得知嘅，定係你一路做嘅經驗，你處理嗰啲咁嘅合同嘅時候，你得知有呢一方面嘅規格嘍？

答：從處理合同嗰度一路得知。同埋我每次選用材料，嗰啲供應商亦都上嚟介紹佢最新嘅標準係乜嘢畀我。

問：好。你話每一次...

主席：等陣。等陣。

許偉強先生：好。

主席：係，繼續。

問：好，你話...

黎先生：我問一問，你話係你得知到係焊料唔可以含鉛，你訓練嗰陣時有冇呢啲咁嘅訓練？你對--即係讀書嗰陣時。我見你係理工或者係VTC都有去上課程嘅。

答：嗰個年代冇講到。

黎先生：冇講嘅？

答：冇講。

黎先生：Okay, okay。

問：你話係從供應商嗰面可能，同埋係從做執行合同嗰陣時知得清楚啲。執行合同，我哋可以從合同啲條文睇到。我就想問一問你，就係就住你同供應商嗰啲來往。就係例如你話每一次需要興建嘅時候，要啲材料嚟嘅時候，供應商都會可能畀一啲資料你哋，咁通常供應商係咪同

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你本人傾嚟？

答：係。

問：係。例如雋景建材，咁我哋聽過，即係佢係其中一個都比較大嘅供應商，例如同你本身，咁交往咗幾多年呀？幾時開始嘍呀，即係同佢哋擺貨？

答：我有同佢擺過貨。

問：你有同佢。但係同佢哋接觸，即係話佢哋介紹啲物料啲啲成分呀等等嘅？

答：唔係佢介紹。

問：唔係佢介紹嘅？

答：唔係佢介紹。

問：哦，咁我搞清楚一下先。你剛才話啲供應商會嚟同你哋講下「欸，即係呢啲物料係邊啲成分呀、邊啲牌子呀」等等嘅，你係講緊邊啲供應商？

答：大嘅供應商，响英國訂番嚟銅喉，或者澳洲訂番嚟銅喉啲啲供應商。

問：哦，明白。

答：我就會問番佢當地嘅標準，「你哋點用？」

問：明白。即係個入口商，個入口商，係咪？

答：入口商，入口商。

問：係。即係佢哋就住每一隻牌子，都會可能同你哋講解一下嘅，係咪呀？

答：講解一下，佢哋用呢隻嘅。即係外國都係用開呢隻。

問：唔，明白。咁我想問下你，你幾時--大概喇，可能即係時間都幾耐下。

答：係，係，好耐。

問：咁我想知道、大概幾時你第一次開始知道係呢一個有關無鉛啲個焊料？即係啲個產品呀。

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主席：咩嘢？

答：大約九幾年知嘅。

主席：幾時咩嘢話？

問：佢幾時--你幾時開始係知道有呢一隻無...

答：有認識喇。

問：有認識知道呢隻無鉛焊料嘅產品？

答：九幾年嘅。九零年代。

問：九零年代？

答：係。

問：係。我想知道你當時第一次知嘅時候，係咪講緊呢一隻“FRY”㗎？

答：係呀。

問：係咪？

答：第一認識就係呢隻。

問：哦，第一隻識係呢隻㗎嘞？

答：係呀。

問：咁就住無鉛焊料㗎講，嗰個九零年代知道，到而家都係呢隻㗎嘞？

答：都係呢隻最暢銷喇，可以講話。

問：係。最暢銷？

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答：係。

主席：有第二隻嘅？

答：吓？

主席：有第二隻嘅？

答：聽唔清。

問：有...

主席：有第二隻嘅？

答：有第二隻㗎，好多隻添。

主席：唔。

問：哦，都係無鉛嘅，啲啲？

答：我聽佢介紹就話無鉛，我未用過。

問：好，好。有冇聽過佢介紹過含鉛嘅，即係有鉛嘅焊料？

答：冇。

問：冇。從來冇嘅？

答：從來冇。

問：好。咁我想知道，你入行咁多年，咁如果你話嘅工程進行當中，或者係你平時即係同啲入口商嘅接觸入面--對唔住，唔係同入口商嘅接觸，係同你嗰個水喉分判商嘅接觸入面，你有冇聽過有關含鉛嘅焊料？

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答：冇聽過。

問：唔。就你所知，用呢個無鉛焊料，即係我就作為門外漢就去睇，即係常識嚟講，用無鉛嘅焊料主要嘅目的，當然就係話避免...

主席：等陣。知唔知道個背後原因，點解會用無鉛焊料？

答：為咗食水安全。

主席：點解為咗食水安全要用無鉛嘅焊料？

答：因為佢驚個個鍍口會滲入去喉管影響水質。

主席：呢個係你喺呢一件事之前知，抑或喺呢件事之後知嘅？

答：係嗰陣時佢哋介紹呢隻產品嗰陣時，我就問佢點解要分，咁佢話英國嗰面個標準就用呢隻嘢，用咗呢隻嘢，就算滲咗入喉都有事咁話。

主席：呢個係你話...

答：供應商，供應商提。

主席：...介紹呢隻無鉛焊料畀你嗰陣時，抑或介紹啲水喉畀你嗰陣時？

問：介紹水喉嗰陣時，提及呢啲嘅問題。

主席：介紹水喉嗰陣時就話埋畀你聽？

答：佢遞辦嗰陣時，我都問佢都「點 jointing? 咁解釋下呢啲嘢？」佢話「我哋就要用呢啲嘢。」

主席：即係賣水喉通個供應商...

答：係嘞，賣銅喉個供應商。

主席：銅喉畀你嘅時候，就已經話埋畀你聽，如果要 joint 呢啲銅喉，就一定要用無鉛嘅焊料...

答：係，對。

主席：...同埋啲 flux (松香膏)？

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答：係，係嘞。

主席：咁跟住就話埋畀你聽唔以用有鉛，因為如果有--用呢隻無鉛，就算走咗出去嗰個焊位嗰度，都有事？

答：係嘞，對。

主席：咁你即係一九九零年之後就已經知道嘞？

答：知嘞。

主席：唔該。唔。

問：就你認識例如其他嘅水喉匠咁講，即係佢哋對呢個無鉛呢一個焊料，係咪都應該係有認識嘅？你知唔知？

答：我唔了解佢哋嘅水平。

問：你唔了解，好。你可唔可以講講畀我哋聽，你剛才講嗰個入口商，即係話佢第一次介紹你有關無鉛焊料嗰個入口商，咁嗰個你記唔記得係邊一間？

答：嗰陣時有幾間，舊時所謂天祥洋行嗰啲，嗰啲囉。

問：係，明白。我想問一問你，就係有關嗰個呈交嗰個樣本嗰個有關嗰個程序嘅。

答：係。

問：你喺你嘅證人口供第 4.2 段，第 11 頁。

答：唔。

問：4.2 段最後嗰度，我哋睇最後嗰四行嘅，我哋見到就係話--四、五行嘅，大概見到就係焊料就係屬於小五金同埋消耗品，並非房屋署要規定必須呈交去審視嘅其中一樣嘢嘍嘅，但係好多時候，有個別房屋署嘅工程人員都會要求送審嘅。

答：唔。

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問：我想知道，就係你所講話個別個房屋署人員要求送審呢樣嘢，首先講咗呢樣嘢先。

答：係。

問：有冇任何房署人員直接要求你本人話「欸，呢啲咁嘅物料要送審呀。」有冇呀？有冇同你哋……

答：冇。

問：冇？

答：全部經有利通知我。

問：經有利通知你。咁就係有利嘅職員，即係例如你第一次知道，「咦，呢個焊料係需要送審--呢個 sample 要送審嘅」咁，你第一次知道嘅時候，就係從有利嘅邊一位同事話畀你聽㗎？記唔記得？

答：佢哋打電話嚟通知我㗎嘛，係，要打...

問：係，係。

答：如果佢冇搵到我，就搵我前線，就係你先頭所謂嘅駐地管工，由佢哋話畀我聽，「喂，你要--「即係佢哋而家要遞呢啲嘢」咁樣。

問：明白。你而家仲記唔記得，例如第一次你知道「咦，要遞呢啲嘢上去畀房署㗎」咁，當時係有利嘅職員話畀你聽，定係你自己的啲同事話畀你聽？記唔記得？

答：我同事，第一個地盤就 Alex Poon。

問：係。係佢話畀你聽嘅，係咪？

答：係。

問：好。咁好嘞，你知道咗話需要咁樣呈交，你有冇即時同水喉分判商就講話「喂，要交呢個物料嘅樣本㗎」咁，你有冇即時同佢哋去溝通？

答：首先個步驟，嗰個 Alex Poon 通知咗我之後，我就問佢「係咪正式要入畀佢？」咁佢哋就同有利溝通話，如果正式要經明合入文件，咁如果入文件，咁我就叫佢，「你搵番分判商，佢呢個地盤究竟用乜嘢無鉛物料。」

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問：我哋試下停一停先。

答：係。

問：即係你嘅意思，就話你先就同有利溝通咗先，係咪需要由明合正式去
即係處理呢樣嘢，係咪呀？

答：係，遞上去。

問：遞上去咁樣？

答：係。

問：然後點話？然後你...

答：然後就叫佢前線嘅員工就問我同事--問番嗰個分判商，「你究竟呢個
地盤係想遞乜嘢焊料？因為 Housing 要睇。」

問：我哋停一停。你未叫你前線同事去問啲水喉分判商話遞邊一隻焊料嚟
之前，例如你有冇同你嘅前線同事佢哋溝通過，或者同有利嗰邊溝通
過，就係話「啊，我哋需要呈交邊一隻。」你哋自己有冇傾過一次先
嘅？

答：有傾過嘅。

問：有傾過嘅？

答：有傾過。

問：咁你哋得出嚟嘅結論，就係話呈交“FRY”呢隻無鉛...

答：我哋冇定結論。

問：你哋有...

答：因為我唔知--因為唔係我供應㗎嘛，我知道呢隻“FRY”就 okay 嘅，
咁我就梗係叫佢去問一問，「你個判頭仲有冇咩嘢牌子先？係 okay
嘅。」咁佢又遞咗。因為佢個個地盤做開都係呢隻“FRY”，都係同雋
景攞，咁佢就咪去雋景買囉。

問：你話個個地盤，即係話你之前做開嗰啲？

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答：之前一路路做開嘅個個...

問：即係呢六個項目之前做開嘅，都係用“FRY”？

答：係，係。因為以前我哋用“FRY”咁嘞。

問：咁好嘞，你話你...

主席：因為你哋以前用“FRY”，係因為即係未交界啲嘢...

答：未轉畀佢嗰陣時，係。

主席：...都係你哋自己本身已經用㗎嘞？

答：係。

主席：即係用咗好耐個囉嗎？

答：好耐㗎嘞，舊時即係有做其他 project，唔係做 Housing 嘅 project 都接觸開㗎嘞。即係呢行咁樣差唔多知㗎嘞。

主席：係呀，都知。

答：所以咁個判頭當時轉，大家亦都講好係點樣做，咁佢包埋，咁咪預埋囉，預埋條數囉。

主席：唔。

答：咁佢咪一路做開㗎，咁我話「你遞乜嘢」--不過我就尊重佢，我問「你
呢個地盤想遞乜呀？」咁佢話「唉，都係遞“FRY”囉。」咁解啫。

黎先生：會唔會係九零年代中期，你哋做嘅工程用銅喉嗰陣時，都已經係
開始用？

答：九零年代嗰陣做，就唔興用呢啲焊料嘅。因為佢原本英國嚟，佢有埋
條焊料嘅線喺入面，一加熱就已經係黏合㗎嘞，嗰陣時就興咁嘅
fitting 嘅。

黎先生：係。

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答：咁就係做做吓、做做吓，就變咗係冇啲條焊錫線，就變咗要自己燒焊。

黎先生：係幾時開始？

答：都係九零年尾咁上下。

問：九零年代尾？

答：因為演變咗嘅。因為啲條焊線係有限，如果啲工人技巧唔好，一啡落去，過火呢，佢就流晒落地。咁你有咗條錫線就唔能夠止水喇嘛，又要搵啲焊料去加，即係雙重工夫。所以啲判頭、用家個個唔鍾意，咁不如自己燒自己咁喇，咁補落去囉。你始終要補嘅，係咪？咁解咋嘛。

黎先生：唔。即係當年根本係未曾係做房委會嘅工程嘅？

答：嗰陣時做 ASD 嘅多。

主席：ASD 啲啲。

黎先生：ASD，okay。

答：係，嗰陣時好早期已經銅喉，醫院啲啲都係啲啲。

黎先生：唔，唔，okay。

答：用銅喉嘅，所以呢班判頭個個根本個個認識嘅。

黎先生：唔，係，唔該。

答：我...

主席：即係唔會有人話未見過呢個“FRY”無鉛嘅？

答：做廿幾年水喉，如果唔識，點出去維修，點出去接生意吖。即係個個都做嘅，水喉佬，睇在你畀咩嘢錢佢咁解咋嘛。

主席：唔。

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黎先生：咩嘢話？，畀咩嘢錢，即係個分別好大？

答：係，即係呢啲題外話。因為去到地盤...

主席：呢個唔係題外話嚟嘅。

黎先生：呢個...

主席：唔。

答：我判佢嗰陣時，同佢講明用呢隻嘢，咁佢咪 allow 囉。

黎先生：呢個好...

主席：呢個好重要嘅，呢個。

黎先生：好有興趣嘅，呢個。

主席：唔，係。

答：係，呢個題外話唔好講，題外話可以題外講，即係通常啲工人就係咁囉。但係房署佢知道佢擺正價錢要做到咁嘅水平嘅，個個都知，咁係嘞。

主席：唔係，講白少少，講白少少畀我聽，我唔係好明。

答：好，好，得。

主席：房署乜嘢話？

答：房署佢要無鉛錫線。因為一開地盤，我畀佢落價嗰陣時，大家都講--因為我要做一個簡述畀佢聽你點報價嘅呢一單嘢，咁搵幾個嚟，咁咪逐個傾，就話畀佢聽「喺，呢炸圖，即係呢炸 spec，喺，而家要做

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啲咩嘢嘢。」約略簡述畀佢聽，...

主席：咁係...

答：...做幾耐，咁佢先至會擺番返去就報個價嚟。咁所以佢哋一路報價
嗰陣時已經知道咗係用乜嘢。

主席：即係有...

答：咁佢再加埋最後大家傾好晒之後，再簽 contract 嗰陣時，我哋整好
晒成份 contract，我係會畀間房佢坐低喺度，「噏，今次呢成沓
contract，你睇一睇，有問題即刻問我，我會同你解釋清楚。」然
後佢認為冇問題，然後逐張合約响嗰度上面簽名確認，咁我哋然後先
成為一單 contract，去地盤施工嘅。

主席：即係簽 contract 嗰陣時，佢哋已經知道要用...

答：又再傾多一次。

主席：已經知道要用無鉛？

答：係。

主席：唔。唔。

黎先生：呢個就會係嗰起嗰陣時，關於報價嘅人士，關於你第 4.5 段嗰度
嘅關係，我諗有講到，橫掂講開--提起呢個問題。第 4.5 段，你講
嗰個係搵啲分判商去報價？

答：係。

黎先生：4.5 段嗰度，睇睇。

答：係。

黎先生：即係你頭先講解就話咩嘢呢，你搵啲分判商報價人士，你根本已
經有解釋清楚畀啲有興趣投標嘅人，話你嘅要求係用咩嘢嘅焊料，
有講出嚟嘅？

答：有講。佢上嚟擺章程嗰陣時，擺埋圖嗰陣時，我都會簡單嘅「喂，呢

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度做房署㗎，喺，呢啲咁嘅嘢呀，用啲咩嘢料呀。喺，呢啲錫線你哋包㗎盛。」即係要解釋，因為佢要包好多嘢嘅。

黎先生：係。

答：而呢啲人就已經講過多次嘅，因為佢個個同我做咗廿年㗎嘞。新嘅，我就更加詳細添，「喺，你睇清楚，咁咁咁㗎」。英文當然有時撮要解晒下畀佢聽，但係佢就唔理其他啲嘢嘅，因為嗰啲係英文，嗰啲係講 spec. 嗰啲嘢，講啲標準嘅嘢，啲咩嘢咩嘢規格。但係都會講下聽「呢度呢個地盤用銅喉㗎，舊時嚟講就用鉛水喉㗎，鉛水喉都分幾隻㗎，邊隻嘢嚟㗎，要搽膠水㗎要盛咁樣㗎。」即係都要做一個 briefing 畀佢聽，因為佢如果唔係，佢唔知落價，落--到時個價返到嚟相差好遠，你都唔知--佢到時拗，就話「我唔知㗎」，要補錢嘅呢，公司係冇可能補錢。

黎先生：你好清楚係焊料都有好清晰嘅講埋，喺即係招標嗰陣時？

答：講埋，係。佢哋如果唔了解盛，佢會問我。

黎先生：Okay，唔。

答：但係佢哋個個即係做慣咗 Housing 係要呢個標準，佢哋知。

黎先生：咁我想話知道下，如果你有分判商上嚟，你幫佢講係招標有陣時解釋，呢一啲譬如話係關於莫海光、蕭健煌等等，呢啲人有冇出現㗎？

答：有㗎。

黎先生：有出現嘅？

答：同埋有啲退咗休嘅判頭都知。

黎先生：有出現，喺度嘅？

答：而家唔喺度，退休啲啲。

黎先生：唔係，我講莫海光同蕭健煌。

答：係。

黎先生：喺唔喺度㗎？

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答：喺度，莫海光同蕭健煌都喺度。

黎先生：都喺度，okay。

主席：繼續。

問：喺嗰個--即係你剛才講嗰個成標嘅過程之中，即係你話水喉分判商會喺度，咁你同佢解釋清楚係有啲咩嘢條款咁樣。我都好想知道點講，即係當時係點講？

答：因為有...

問：或者我問一問你，就係例如你講到焊料，咁你會同佢講話「喺，你擺呢一隻」，例如你畀佢睇個實物，定係例如畀個章程佢睇，定係點？

答：冇實物冇盛，...

問：冇盛嘅？

答：...就係即係話錫線，房署要求嘅錫線。

問：房署要求錫線？

答：咁佢就明㗎嘞。

問：好。咁你話喺佢明之前，我都想知道佢之前講過啲咩嘢先。

答：係。

問：冇實物，亦都有章程？

答：係。

問：咁你同佢講話房署要求的錫線。有冇講到明，開宗明義咁講話「無鉛錫線」咁樣，有冇講呢兩個字，「無鉛」？

答：最初嗰陣時就會有，但係跟住落嚟就個個 understood。

問：咪住先，你講最...

答：個個都明。

問：你講最初，我而家係講緊呢六條邨，呢六條邨。

答：六條邨咪最初，咁佢哋第一單就會--譬如元州邨。

問：佢第一單元州邨。

答：元州邨嗰陣時咪同佢講，因為佢要包嗰樣嘢咁嘛，我話「噏，呢啲要包嚟。」咁所以佢咪會因個價錢嚟判。

問：再搞清楚啲先，即係話例如講緊元州邨，第一次同佢傾，要有啲乜嘢嘅規格，講到焊料，你自己本人，你自己本人吓，有冇同佢好清楚咁講得好清楚，「無鉛」，有冇咁講？

答：唔記得。

問：好，我想問一問你，就係你剛才喺主席同埋委員問你有關其他問題嘅時候，我哋都講緊話呈交嗰個樣本嘅時候，你就先同內部溝通咗，然後就會話叫你前線嘅職員去問即係水喉外判商，叫佢哋遞邊一隻料嚟。我想知道呢個過程，就係你哋啲前線人員會直情同佢講話「啊，你哋擺呢一隻牌子嘅嚟」，定係純粹同佢講話「你擺房署要求嘅焊料」？

答：咪房署標準嘅無鉛錫線。

問：講到明無鉛錫線。你自己有冇講過無鉛錫線呢樣嘢，喺嗰個階段？

答：我冇直接同佢傾過。

問：唔，咁...

答：但係佢哋有講。

問：咁你點知道佢哋當時講嘅時候，係有講到好清楚係無鉛錫線，我想知道呢樣嘢？

答：呢啲習以為常，習以為常，我就唔喺嗰個當時，我就當然冇知道佢講，但係佢遞個 example 就係嗰隻嘢，係無鉛錫線。然後佢睇過 okay，然後先至帶佢埋去有利，就交界佢哋啲 site engineer 或者 BS 嘅 coordinator，由佢哋去遞。

問：係。我從你嘅口供都睇到，就係話其實佢哋--我哋講緊水喉嘅外判商、分判商，佢哋例如莫先生、蕭先生咁，佢哋遞上嚟，除咗嗰個焊料嘅

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實物，你係要求佢哋擺埋嗰啲文件嚟，係咪呀？

答：係，係。

問：我想知道呢度就你嘅口供就同尋日黃先生嘅口供有少少出入。黃先生嘅口供就係話，當時其實係蕭先生、莫先生，佢哋就遞呢個焊料嗰個實物嚟作為呈交界房署審視。

答：係，係，係。

問：但係呢啲咁嘅文件，即係我哋講緊說明書或者一啲嘅測試報告等等，呢啲就係你哋明合去從供應商嗰度擺番嚟嘅咁。我想知道究竟係邊一個版本會準確嘅？

答：呢一個版本啱嘅。

問：邊個？

答：因為佢文件判頭係唔齊，我哋試過話叫佢畀文件，就雋景就曬一、兩張簡單嘅嘢畀佢，但係我哋要求你一定要有 sample，有 catalogue，有 test report，同理 job reference，咁佢哋係擺唔齊。

問：咁即係話係明合去擺番嚟嘅嗰啲文件，係咪？

答：係，係。

問：但係你就話佢初時，佢哋去擺，擺唔齊，咁我想知道，就係係唔係曾經都有叫過水喉外判商佢哋去擺文件，不過擺唔齊，然後你就發覺唔妥，所以你哋就直接問佢哋擺？

答：對。

主席：想問下，咁耐冇有水喉分判商交過一隻唔係“FRY”嘅無鉛焊料畀你哋交上去畀房署？

答：未見過。

主席：唔。

許偉強先生：主席，我哋而家係咪...

主席：不如我哋--大狀要飲水，我哋休息二十分鐘先。好。

上午 11 時 27 分聆訊押後

上午 11 時 47 分恢復聆訊
前席人士如前。

主席：繼續，係。

有關有利建築有限公司（總承建商）的第二證人：伍克明（（持牌水喉匠）（元州邨第二及四期、清河邨第一期、彩福邨、欣安邨、牛頭角下邨第一期和石硤尾邨第二期））繼續宣誓作供
許偉強先生繼續盤問

問：伍先生，我哋之前都喺度討論緊，即係講關於話同水喉分判商大家嗰個即係討論嘅過程。咁我想即係搞清楚一樣嘢，就係我哋睇到你嘅口供同埋黃先生嘅口供都有講到，就係大概 2005 年左右，因為你哋就發覺，喂，如果你哋自己明合同供應商去買呢啲焊料，呢啲咁樣嘅即係細微細眼啲嘅材料嚟講，如果下下都要你哋自己去落 order 嘅話，可能有時就會費時失事，即係有時會可能延遲咗嗰個工程嘅進行。

所以大概喺 2005 年嗰陣時，就改變咗呢一個咁嘅情況，就容許或者你哋都係即係倚賴水喉嘅分判商幫你哋去買呢一啲咁嘅物料返嚟。咁其實當時呢一個咁嘅轉變，即係就住呢個轉變，我想問一問，你亦都覺得當時因為呢個轉變，因為要倚賴咗水喉分判商去做呢一個程序，即係佢哋去同供應商去擺貨呢個程序，你哋係咪覺得即係當時喺一個好重要嘅一環，就係你哋明合咁講，需要同水喉分判商講得好清楚嗰啲物料嘅規格應該係點樣嘅，呢個你同意嘛？

答：同意。

問：同意。我知道元州邨就係我哋六條邨第一條，2006 年左右開始即係

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做工程，咁我咁講啱唔啱，就係2006年元州邨工程之前，其實你哋明合同莫先生都有啲其他工程喺度進行緊，係咪？

答：係。

問：咁嗰啲工程亦都係有牽涉到莫先生佢係需要向一啲供應商去買啲焊料返嚟嘅，係咪呀？

答：之前有。

問：之前有嘅，係咪呀？就係元州邨係同莫先生嚟講，就係第一次係需要佢同供應商去攞番？

答：係佢。

問：你剛才都解釋過，我都會再同你跟進一下。就係你話例如喺呢個承--嗰個投標嘅過程入面，咁你會都會同佢講得好清楚，就係話即係例如房署要求嘅物料咁樣。

答：唔。

問：你話房署要求物料，我而家講番焊料先。喺呢個元州邨之前，因為你剛才提過，你同莫先生都有其他工程做緊，所以呢一個所謂個焊料應該係符合咩嘢標準嘅，喺元州邨之前，你都應該有同佢講過嘅，係咪呀？

答：元州邨之前，我哋供應畀佢嚟嘛。

問：係你哋供應畀佢。但係佢都--佢知唔知當時係嗰個無鉛焊料呢樣嘢？

答：梗係知。

問：你有同佢講無鉛焊料，定係你同佢講係房署符合要求嘅？

答：唔係，係咁即係有冇講我就唔記得，當時總言之「喺，攞呢嚟，喺，呢隻--而家呢度呢要用呢隻焊料嘅」咁樣。

問：但係你當時係冇攞過實物畀佢睇嚟嘛？

答：交畀佢收貨，咁點解唔係實物？

問：你話咩嘢話？

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答：交界佢收貨㗎嘛。

問：交界佢收，得。

答：我供應畀佢，佢收貨。

問：但係喺呢個投標過程？

答：其他地盤抑或呢個地盤？

問：如果我哋講喺元州邨投標過程嘅時候。

答：元州邨個地盤就有，我有畀實物佢嘅。

問：冇畀實物佢嘅？

答：係。

問：咁...

答：就叫佢提供嘅。

問：叫佢提供。咁你亦都剛才同我哋講過，就係話你有特別可能講過無鉛焊料呢樣嘢，淨係講咗房署--要符合房署要求嘅焊料？

答：唔記得咁耐嘅嘢。

問：唔記得，得，冇問題。

答：但係總言之嗰個實物就 okay 喇。

問：唔。你個實物，我哋講元州邨先，咁就遞上去。你記唔記得元州邨嗰個時候，遞上去個文件係唔係由水喉分判商，即係莫先生提供畀你，定係你哋自己明合去攞？元州邨嘅時候。

答：元州邨嗰個年代應該就係我哋攞畀佢。

問：都係你哋攞畀佢嘅？

答：我哋。

問：因為我想同你釐清下呢一樣，因為--我講多少少背景畀你聽先。

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答：好。

問：就住元州邨一個物料，即係嗰個樣本嗰個呈交過程，即係畀房署，咁房署嗰陣時就有一位總則師，就係有一位叫做趙不羈先生，佢嘅口供入面就提到，就話「房署就搵唔到有關嗰個呈交焊料嗰個樣本嗰啲資料嘅。」

答：係。

問：咁我哋後耐再睇番啲文件，我哋就搵到有關有利嘅文件嗰度都有呢方面嘅資料，喺 B13.4。

答：喺邊？哦。有。

問：35059。

答：350--呢度，哦。

問：呢度我哋睇到就係就住呢個元州邨，有利就係呈交界一啲即係樣本，房署就睇完之後就做咗一個表格。咁我哋睇到，如果你睇下 35059 中間嗰度，即係有啲講嗰個物料嗰啲資料。咁入面有講到有一隻叫做“Kembla”嘅 copper pipes 嘅銅喉。

答：係。

問：咁跟住亦都有講話係包括佢一啲 fittings 呀等等。咁呢度就話係“*For Cold & Hot and Cleansing Water Supply System for Domestic*”，同埋其他嗰幾個 block 嘅，咁呢個講緊元州邨嘅。

答：係。

問：咁我哋睇到就係從後面嗰啲資料，我哋就見到呢個元州邨呢度，我哋睇，就有特別提--嗰個表格嗰度就有特別提到有關“FRY”嗰個提交，因為元州邨係你第一條邨？

答：係。

問：你記唔記得當時就住元州邨，有冇提供過有關“FRY”呢隻焊料作為畀房署去到審視同埋批核？

答：有嘅。

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問：有呀，有嘅？

答：有。

問：唔。但係就文件就...

答：我想補充少少，係文件冇嘅，因為呢個小五金，從來所有地盤都係唔需要遞上去畀房署。但係個別佢嘅地盤前線人員，即係嗰個所謂叫做 clerk of works，咁佢批--最主要就係批銅喉嗰陣時，佢哋會通常會研究話「你個 jointing method 係點樣」，即係佢問多啲咁多，咁我哋話畀佢係燒焊。好嘞，燒焊，你就擺嗰隻焊料落嚟睇下，睇下係乜嘢焊料同埋合唔合規格，咁樣就係佢個別要求。咁佢呢個地盤就係當時有嘅，有擺 catalogue 同埋呢個錫線，亦都係响莫海光嗰度擺嘅。嗰陣時就啲同事報告畀我，佢話擺咗去就畀咗有利，有利就擺去解釋畀佢聽，咁佢睇完之後就話「啊，呢隻嘢 okay。」

問：正話你講呢個元州邨呢一次嘅呈交，...

答：元州邨，元州邨。

問：...你話嗰個焊料嘅實物同埋文件都係莫海光交出嚟？

答：文件我哋同佢擺。

問：文件係你哋同佢擺？

答：嗰個 sample 就佢畀我哋，嗰個同事就係離職嗰位 Alex Poon，咁佢就搵過去畀有利，有利就當時個篩選就帶埋佢就交畀阿 Sir，交畀 clerk of works。

問：咁但係點解房署當時又冇呢啲咁樣嘅文件係列出嚟，有關“FRY”你呈交咗嘅作為審視同埋批核嘅文件？

答：唔清楚佢嘅。

問：唔清楚。

答：佢啲文件我點知。

問：咁呢個--你喺呢一個元州邨，我哋講番元州邨，你話第一條邨。你交咗上去，批核咗，咁你哋有冇通知番例如水喉分判商話「喂，你交嚟呢隻物料呢，掂咗嘞而家，係批咗嘞。」有冇一個咁嘅程序，你哋通

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知番佢話「喂，呢隻物料已被批核」咁樣呢？

答：有。

問：係邊個去做呢個程序？

答：又係我個同事，佢批咗之後，覆咗佢，咁佢就搵番返去，「欸，你呢隻嘢掂嘞，批得。」

問：即係佢攞番返去畀莫海光：，：話畀佢知？

答：係，批咗嘞。

問：咁佢係做完之後話番畀你聽嘅，呢件事？

答：係，佢做完之後會 report 畀我。

問：我想知道，佢係佢當時真係做完之後即刻話番畀你聽，定係你呢一次就住你嚟作口供，問番當時嘅情況係點，先至記番㗎？

答：每個地盤佢哋做完即刻話畀我聽，...

問：話畀你聽嘅？

答：...「Okay㗎嘞。」咁我咪--跟住佢就簽呢個銅喉批准我訂。

問：我想問一問你，就係就住呢一個當時元州邨，你話喺嗰個投標過程，咁當然你都知道即係佢哋要報價，咁例如佢報價嘅時候，佢會因為有啲連工包料，即係關於呢啲咁嘅...

答：係，小五金。

問：小五金，連工包料。咁佢哋當時個報價你睇過，咁你都會係當咗佢嗰個報價畀你係用無鉛嘅焊料嚟報價，係咪？

答：對，係。

問：咁我就想知，你當時知唔知道有關有鉛嘅焊料個價格？

答：唔知。

問：唔知嘅。所以你就咁睇呢個價格，你就因為你知道無鉛焊料幾多錢，咁所以你就當咗佢係用無鉛焊料咁做嘅，係咪呀？

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答：係。

問：咁佢嗰個報價嗰陣時，佢有冇話有啲明細寫出嚟，係例如人工錢幾多、料錢幾多，有冇咁？

答：冇嘅。

問：冇嘅？

答：佢即係包埋雜料，咁然後就一個 total 數，佢幾個判頭都係咁報畀我。

問：咁你如果係咁嘅話，你點知道佢哋報出嚟嗰啲料，例如焊料嚟講，佢哋係根據無鉛嗰個價錢報上去㗎？

答：佢報之前上嚟嗰個圖則同佢講㗎嘛，即係你話第一單，咁我就話「喂，第一單，你照番我用嗰啲喎，我上次個地盤，咁你包埋個喎。」咁佢就話 okay，咁佢然後個個去報價㗎嘛。

問：即係你嘅意思就係話跟番之前嗰個工程，佢報畀你個價，連工包料個價，就同因為元州邨嘅時候就差唔多，咁所以你就當咗佢係即係...

答：唔係當咗，大家了解明白係要包嗰個價，佢就會咁講。但係其他嗰啲我就會話畀佢聽，「噏，Housing 呢度用無鉛焊料，你哋要--而家你要包埋呢啲小五金嘅嘢。」咁叫佢報埋價。咁佢所以幾個就係變咗知道用乜嘢。

問：你幾--你有冇聽過錫條，即係你話唔知道有鉛嗰個，你有冇聽過一種焊料叫做錫條，除咗嗰啲“FRY”嗰啲錫線之外，有冇聽過叫錫條？

答：聽過，錫條。

問：錫條聽過，係咪呀？

答：聽過。

問：好，咁幾時聽過，幾時第一次聽過錫條？

答：一入行，七幾年已經聽過，嗰陣時用錫條㗎嘛。

問：唔。咁你又知唔知嗰個錫條同埋嗰個“FRY”嗰隻錫線，個成分有咩嘢唔同？

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答：唔知喎。

問：唔知。咁你喺同呢個水喉分判商，即係我哋講莫海光先，嘅工程入面，有冇曾經提及過用錫條嚟到做工程？

答：冇。

問：咁你就唔知道個錫條嗰個成分係點，咁你話--假設就我而家睇番例如水喉分判商佢哋個口供，即係佢哋就話「啊，其實我一路都係用緊錫條嘅。」如果你當時係知道佢哋係用錫條，你覺得有冇問題？

答：大問題。

問：點樣大問題法，你都唔知錫條係咩嘢成分？

答：第一，佢唔係批准嗰隻嘢，Housing 批咗有辦㗎嘛，咁我如果畀人 check 到咪大鑊囉。

問：我想問下，就住收貨嘅時候，我哋尋日就睇過有利建築，咁就佢就有啲收貨指引。

答：係。

問。咁就我想問下你哋明合本身，自己有冇任何收貨內部指引？

答：冇。

問：有嘅。因為你喺文件上面，你就冇遞交過出嚟？

答：冇，係。

問：咁你嗰個收貨指引可唔可以講下係個程序係點樣？

主席：我哋唔需要知道佢收其他嘅貨點收，因為...

答：係嘞，我哋...

主席：...佢哋都唔收嘅，咪係囉。

答：對，因為我要求--我每張單好接近，尤其銅喉料你嚟咗，我哋呢面就即刻 check，所以我有寫到我個工序係咁做。

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問：係，咁你確認番就係即係對於焊...

答：確認我哋嗰度係冇包括小五金嘅收貨。

問：即係焊料你就唔收--唔需要收貨嘅？

答：我哋唔收，佢搞嘍嘛，搞咪仲多此一舉，咪好辛苦。

問：得。你有冇自己喺嗰個現場見過--我哋尋日畀黃先生睇過，就係有啲係講緊啲錫條嗰啲箱，就其中都寫住「英國 50 力扁錫條」，咁英文嗰度就寫住係含鉛嘅。你自己有冇喺嗰個--呢六個即係涉及嘅地盤入面，有冇曾經睇過呢啲咁嘅箱，有冇見過？

答：未見過。

問：冇見過？

答：未見過。

問：唔，好。而家...

答：都唔同牌子嘅，呢個第二個牌子嚟嘅。

問：好。咁我哋想問一問你，就係關於嗰個莫海光個證詞嗰度，有一度係 M1，第 16 頁。

答：16 頁。

問：第 30 段嗰度，你睇一睇。

答：第 30 段。

問：入面都有提及到就係話嗰啲「錫條到貨時已是條狀，所以工友係毋需將錫條再剪段」咁樣。「卷裝錫線如果送抵地盤時，包裝在原廠的四方盒內，送達地盤後會被存放喺「架步」嘅當眼地方。本人不清楚工人使用錫線時會否把它剪段」。咁你嘅口供就係話即係如果用錫線，我哋講即係無鉛嗰啲錫線先，你就係話工人一攞到貨就會將佢剪開一槓槓嘅，係咪咁嘅意思？

答：係。

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問：你自己覺得點解有咁嘅需要？

答：方便燒焊。

問：方便燒焊？

答：係。

問：嗰個--喺嗰個我哋申請，向呢個水務署，即係申請嗰啲水紙嘅時候，咁我哋都知道即係申請水紙嘅時候，就唔需要--即係唔需要特別呈交有關焊料嗰啲資料嘅，呢個你知道嘛？

答：知道。

問：知道。咁就你哋 2005 年，當時即係你哋決定就話畀啲水喉分判商幫你哋去買料，就唔係你哋親自由明合去買。咁我想問下，你哋當時即係做呢一個咁嘅改變嘅時候，有冇特別去諗過，其實要有冇加強啲咩嘢措施，就係話確保你買番嚟，即係人哋第三者，即係我哋講緊三判買番嚟啲物料係符合房署嘅要求，有冇當時有冇話公司特別去傾過呢樣嘢，應該要點做嚟到確保呢方面？

答：靠我哋巡查嚟咋。

問：靠你哋巡查？

答：係。

問：咁但係最後即係你哋其實成個制度底下，喺個工地，即係嗰個地盤嘅情況下，你哋都即係而家確定係冇，當時係冇檢收貨物嚟嘛，係咪呀？咁點樣去確保到呢樣嘢？

答：由送辦嗰陣時，由佢去遞交，我哋再搵去畀有利，有利然後遞上去批准落嚟，而佢係成個工序係清清楚楚。再响辦房嗰陣時燒辦，個別嘅 clerks of works 亦都會巡查，知道咗佢係一路用開呢啲嘢。咁在我哋嘅理解，你一路同我做開嘅地盤都係用呢隻嘢，我諗唔到佢突然間會唔係嗰隻。

問：但係喺送嚟嘅過程之中，你哋如果有巡查嘅話，就完全睇唔到佢送嚟嗰啲有咩嘢唔同？

答：咁你可以解釋佢呢，就係佢都唔想我知。

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問：佢都...

答：佢都唔想我知，你送嚟，而拿拿聲咁樣或者點樣分法，點樣整散晒佢，我點 check 到啫。

問：咁唔係個嗎，你可以向佢要求佢匯報你送嚟嘅時候，你作紀錄㗎嘛。

答：呢啲唔係--今次發生就梗係會知道咁做，但係我哋長遠嚟講，一路合作咗成二十年，係未出現過咁嘅問題。

問：我哋尋日聽到消息，就係話你同埋另外有兩位嘅持牌水喉匠，就被水務監督就係取消咗嗰個持牌水喉匠嗰個...

答：係呀。

問：...牌照嘅？

答：係嘞。

問：咁就你知唔知係咩嘢原因？

許偉強先生：我有其他問題。

主席：唔該。

王先生盤問

問：伍先生，我代表水務署。

答：係。

問：有幾個問題想同你問下，發問嘅。

問：我想請你睇你第 3 段，證人口供第 3 段。

答：第 3 段。

問：你自己證人口供第 3 段，喺第 10 頁嘅。

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答：我嘅？

問：你自己第一份證人口供嘅第 3 段。

答：係，係，睇到。

問：嗰度就講你 71 年入行？

答：係。

問：咁即係你其實係有三、四十年嘅經驗喺水喉呢方面？

答：係，係。

問：咁頭先黎專員就問過你關於你讀書嘅時候，喺理工學院嘅時候，同埋喺呢個生產力促進中心讀嘅時候，有冇關於無鉛呢樣嘢，咁你答案就係冇嘅？

答：係。

問：我嘅理解就係話，嗰個英國嘅標準，1987 年嘅時候先改。

主席：一九八？

王先生：七。

主席：邊一個標準？

王先生：嗰個含鉛嗰個標準，嗰個 solder material 要完全唔含鉛嗰個標...

主席：864 嗰個？

王先生：864 嗰個。

主席：Table 17？

王先生：係，係，係。

主席：去到 1987 年先至改，係咪咁嘅意思？

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王先生：係，係，係，冇錯，冇錯。

主席：得，咁你問清楚啲，係。

王先生：係，係，係，係。

問：呢樣嘢你知唔知㗎？即係話 87 年之前，嗰啲喉管或者嗰啲焊物係可以含鉛，係 87 年之後先改係唔含鉛嘅，呢樣你知唔知？

答：我查正嗰年我就唔知。

問：但係你知道有...

答：但係之後九幾年，呢啲供應商就提我，「喂，呢啲嘢要咁㗎喇。」咁我就識㗎。

問：Okay，好，唔該。好，咁我就想畀你睇兩樣嘢，第一樣嘢就係頭先許大律師畀你睇個盒嘢，佢就淨係畀你睇個盒，個盒入面應該有兩條嗰啲錫條嘅，你擺出嚟睇下。

答：嘅。

問：咁樣嘅，錫條，咁樣。

答：係。

問：好嘞，咁我想麻煩秘書處嘅同事畀個五十--所謂個“FRY”嗰卷個錫線佢睇下。你可以搵出嚟嘅嗰度，你可以搵出嚟個個。

答：嘅。

問：你有三、四十年嘅經驗，如果目測，你睇唔睇到--如果工人係用嗰個 50 力嗰個錫條嚟燒焊，同埋嗰個錫線嚟燒焊，你睇唔睇到會有咩嘢唔同，定係話你睇唔到？

答：如果有牌子响度，因為佢哋燒焊主要高位，我係睇--即係咁樣就表面睇唔到。

問：即係你巡查都睇唔到，即係你嘅意思係話？

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答：如果佢剪咗段，咁樣勾住咁嚟睇係好難睇。如果--所以我哋而家去 check 到佢，我都係認呢個包裝。呢個又有包裝，咁我就真係睇唔到。

問：Okay。

答：即係你--而且我哋一路做，去地盤 check 係好多嘢，冇話好似捉賊咁。而家梗係喇，而家我梗係做咗好多，嘩，抽起幾度口++睇，捉到你仲唔死，係咪呀？嗰陣時老實講行過，呢啲好似行樓梯有冇扶手，你都唔留意。

問：Okay。好，如果你巡查係睇唔到嘅，你作為持牌水喉匠，咁你巡查嘅時候，你頭先話巡查咁嘛，你話如果佢嗰個用個牌子同提交上去嗰個標準嗰個樣辦係唔同，就好大鑊咁嘛，係咪？

答：係。

問：好，咁如果你話如果屈咗，肉眼睇唔到，巡查都巡查唔到，咁你點樣樣嚟到喺巡查嘅過程，你點樣可以--你响啲巡查點樣睇到佢係用番啲啲物料？你巡查個目的係咩嘢？

答：巡查嘅目的，你都知道我哋搵住啲水喉圖嘅盛，最緊要佢唔好安錯 size，因為水務署就係最緊要佢嘅 size、物料、牌子，因為我入嗰個 list 寫晒呢啲嘢，但係你嗰個 list 嗰度就有焊料。包括你哋有時--即係水務署嘅同事落嚟有時抽 check 嘅，抽 check，大家一齊去睇都有睇過焊料。

問：唔。

答：燒完一度口++，佢只係睇個 workmanship 燒得好抑或唔好，「師傅，咁燒到黑晒。」咁解嘅啫。佢哋有 check 過我，我真係當時就係冇留意到要話呢隻焊料睇下有冇偷雞，我都有留意。

問：唔。即係你巡查嘅其中一個目的就唔包括睇下佢用嘅焊料同嗰個相，嗰個樣辦房嗰個焊料係咪一樣嘅，唔包括呢樣嘢？

答：當時一開工嗰陣時就睇辦房，就會留心啫，一路做到落去，而且又係一個可信嘅承判商，我睇唔到佢算--即係算住佢係裝我彈弓。

問：哦，即係基於信任？

答：吓？

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問：即係基於信任？

答：咁呢個情形都係基於信任㗎嘞。

問：Okay，可以，得。咁我另外一個問題想問你，如果你睇你個證人口供，補充證人口供，第 8 段。

答：唔，係，睇到。

問：係，咁你嗰度我頭先--你嘅大律師頭先讀咗，我就唔再讀，咁淨係一句你就話咁樣嘅，你話「其實我一向嘅做法就係填好水務表」--第 3 行，「其實我一向嘅做法是在填好水務表格 WWO46 part I 之後，簽名時不會填上日期」，你係咁講咩嘛，係咪？

答：係。

問：咁我想帶你去睇下 235 頁。

答：235 頁。

問：235 頁。

答：三十幾呀？

問：235，二三...

答：236，係，睇到。

問：235。

答：235，睇到。

問：係。

答：睇到。

問：嗰個就應該係你嘅簽名，係咪？

答：係。

問：個日期都係你寫上去㗎喇？

答：係。

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問：咁你呢個係咪先簽名後寫日期嘅呢都係，抑或係簽名同埋日期一齊寫嘅？

答：呢個簽名一齊寫㗎嘞。

問：咁點解你呢個時候又簽名、日期一齊寫，咁你個第 8 段又話你一向都係先簽名而唔寫日期，可唔可以解釋一下點解有唔同？

答：工程唔同咁嘛。

問：點解工程唔同，個做法又唔同？

答：呢條係臨時嘅，係冇 AP 簽名，唔需要 AP 簽名，咁我一簽咗我都遞，咁我仲使乜嘢——點解又要漏空佢，隔兩日簽。

問：係。

答：我呢張嘢一遞就遞入水記嘅，因為係我嘅工程㗎嘞嘛，我淨係申請個標，咁用乜嘢，咁咪遞入去囉。

問：係。

答：咁嗰度唔同，嗰度地盤，我因為畀水務署啲啲 plumber 鬧過，嗰陣時係簽個名就寫咗日子，咁去到地盤遊完一輪花園，可能賺一、兩個月，則師又簽個名。我一搵入水記，水記就話「喂，你賺咁多個月先搵入嚟嘅？」咁我就撞板咁嘛，咁我就以後就我簽個——因為則師一定要我簽咗名，佢然後先至肯簽名，佢話「你咩嘢咗先」咁話，咁我咪簽咗名，然後畀落去，咁佢就先肯簽名。簽完名返到嚟，我睇到啲嘢齊，啲文件齊，打好晒冇錯漏，咁我咪入囉，我咪寫 actual 嗰個日子，然後遞入去，咁咪水務署冇得質疑我咁解，因為純粹係一種做法嘅問題。

問：Okay，明白。咁我最後問你，你簽嗰張 WWO46 嘅時候嗰張表，你喺簽嘅時候，你作為持牌水喉匠，你都知道簽嘅時候係有責任㗎嘛，係咪？

答：係。

問：即係要確保嗰啲規格係符合水務條例？

答：對。

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問：而你都知道水務條例係要求嗰啲物料係唔含鉛，呢個你知㗎嘛？

答：係。

問：係咪？

答：係。

問：咁你簽嘅時候亦都係基於信任，即係你嘅下手，即係下面嗰啲分判商係冇偷雞，所以你先咁樣簽落去？

答：我跟足晒呢度批准嚟入，咁根據 DS，亦都根據你哋嘅 list 咁去做，咁如果你話唔 update 或者有含鉛，我唔知㗎。

問：即係你唔知道嗰啲物料有冇含鉛都簽落去嘅？

答：唔係，你梗係批准嗰隻牌子--因為我呢幾樣--第一，要睇 Housing 個標準；第二，選咗嗰啲物料。我亦都响你哋水務署嘅 approval list 嗰度揀出嚟，咁然後我先至揀選呢隻物料去施工。

問：唔。

答：咁如果你話嗰隻物料含鉛，我就真係唔知。

問：Okay。咁我想再帶你去睇另外一段，你嘅證人口供第 4.8 段，第一份證人口供 4.8。

答：第 4 呀？

問：13 頁，4.8 段。

答：4.8。

問：唔。喺下面數上嚟大概第 6 行嘅，你就話「我問過明合嘅駐地盤管工，他們其中有人曾在樣辦房見過水喉分判商嘅工人帶着一網包裝符合房屋署要求嘅錫綫示範燒焊。」係咪？

答：對。

問：咁佢示範燒焊嘅時候，你「帶着一網」嘅意思係咩嘢？即係唔係--佢係用一--頭先畀你睇過嗰一網，佢係攞住嗰網嚟燒焊，抑或都係剪到一條條嚟燒焊？

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答：剪咗嚟嘅，佢成網，不過佢--我當時個同事就睇到佢一網响我架生箱度，就搵咗一段出嚟燒，咁當時亦都好多 Housing 嘅人响度睇，睇佢點燒。

問：Okay。好，我再帶你睇睇莫海光先生--sorry，係莫海光先生個證人口供第 30 段嗰度。

答：係，點呀？

問：莫海光先生嘅證供第 30 段最後嗰句，佢就話「本人不清楚工友使用錫線時會否把它剪段，但在本人偶然親身進行燒焊工序時，則會拿取整卷使用。」

答：係。

問：有個講法就係話如果攤住嗰卷整卷嚟燒焊嘅話，就會比較慳材料嘅，就唔會話剪咗一槓之後，燒咗一槓就會攞咗一槓嘅。

答：會。

問：咁你同唔同意其實如果你係用“FRY”嗰卷，一般嘅做法都係攤住一卷嚟燒焊嘅呢？

答：唔同意，就個情況個囉，因為如果莫海光就好少做嘢嘅，如果佢做嗰度可能做啲咁多嘢，佢咪搵一卷。但係啲伙計就枕住做嘅，要擒高擒低，就係咁嘅情況施工，佢係老闆，佢梗係想慳料，但係伙記唔同你慳嚟嘛，係就方便。

問：Okay，好。

黃先生：主席，我有其他問題。

主席：唔該。有冇其他人想問問題？有冇覆問？

李先生：有，一個。

主席：嘎。

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李先生補問

問：伍先生，較早前作供，你話曾經喺英國一個嗰啲供應商教過你係關於用啲無鉛嘅焊料，個供應商叫咩嘢名，你記唔記得？

答：如果好多問。如果我最初就 Dodwell，就係天祥洋行。跟住後期就係 Gelec，亦都係 Inchcape...

問：Gelec？

答：...（英之傑）嘅集團，佢主要係嗰啲供應商。跟住再後期就彬記，再就金特霸，都係呢啲，因為金特霸就係代理澳洲，彬記就代表英國，我通常都係呢幾間。

問：係，明白。：唔該晒。

主席：唔該晒，伍先生，畀完證供㗎嘞，可以走得。

答：走得？

主席：係呀。吓？

答：咁快？

主席：係呀。

答：真係效率高啲，你哋。

主席：係呀，走得㗎嘞。

答：多謝，多謝。

主席：唔。

答：多謝咁多位。

主席：下一位證人係邊個？

許偉強先生：主席，我知道下一位證人即係有利嗰方面就提供㗎，因為尋

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日黃先生作供嗰陣時就提過兩位人士嘅，一位叫做 Leo Tam，因為就住嗰個安達嗰個...

主席：安達臣道，唔。

許偉強先生：安達臣嗰個。咁另外就係有一位叫做仇先生。咁我知道兩位就可能係今日下晝先嚟得到，咁同埋我知道可能有利嘅律師團隊可能都會即係同佢哋有少少會面咁樣。

主席：係。

許偉強先生：咁我睇下可唔可以--如果係咁就今日下晝繼續。莫海光就下晝會喺度。

主席：係，都得，咁兩點鐘喇我哋，因為我哋而家早咗食飯，兩點鐘開番，咁我哋兩點鐘再...

許偉強先生：莫海光就兩點半會到。

主席：你係會叫咗嗰兩位仇先生--仇先生，仇志偉，尋日我哋講到嘅。因為...

許偉強先生：因為我知道仇先生就三點半先嚟到，但係譚先生就應該係即係食晏之後可以嚟得到。

主席：咁譚先生先囉，好唔好？

許偉強先生：好。

主席：因為我諗佢哋啲證供都唔會好長嘅啫，好。咁我哋兩點鐘再繼續吖，唔該。

下午 12 時 22 分聆訊押後

下午 2 時 04 分恢復聆訊
出席人士如前。

主席：係，Ms Wong。

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黃小姐：係，主席，我哋下一個證人係 Leo Tam，譚善庭。

主席：係。

有關有利建築有限公司（總承建商）的第三證人：譚善庭（有利建築有限公司的 Architectural Quality Control Coordinator（安達臣道地盤））以本地話宣誓作供

主席：譚先生，你可唔可以畀個身分證我睇一睇？唔該。我純粹寫低你個名。

答：哦，好。

主席：請坐。

答：好，okay。

黃小姐主問

問：譚生，你而家個職位係乜嘢？

答：喺有利建築嘅角度嚟講，我係一個 Project Coordinator，咁喺對房署嘅角度嚟講，我係一個 AQCC，即係 Architectural Quality Control Coordinator。

問：係。

主席：喺有利係咩嘢話？係一個...

答：Project Coordinator。

主席：...Project Coordinator。

問：Project Coordinator，喺房署角度就係 AQCC？

答：冇錯。

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問：Architectural Quality Control Coordinator。譚生，你而家都仲係喺安達臣地盤 E 區第一同第二期...

主席：幾時入職有利？請問。

黃小姐：係，唔好意思。

答：2008年9月1號任職有利。

主席：唔該。

問：而家你都仲係喺安達臣地盤 E 區第一同第二期公屋發展建築工程嗰度做，係咪？

答：係，正確。

主席：安達臣...

答：安達臣...

黃小姐：安達臣地盤...

主席：E 區？

黃小姐：安達臣道地盤 E 區第一同第二期...

主席：唔該。

黃小姐：...公屋發展計劃建築工程。

主席：唔。

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問：其實你係 2013 年初開始就喺嗰個地盤做緊，係咪？

答：係，正確。

問：到而家差唔多做咗三年？

答：差唔多。

問：有利係同明合就住--有一個水喉工程嘅合約嘅，你係知呢樣嘢嘅，係咪？

答：知道。

問：你工作作為 AQCC 或者 Project Coordinator，工作嘅其中一 part 其實係要統籌同埋提交一啲物料畀房署審核或者審批，啱唔啱？

答：係，正確。

問：俗稱 material submission？

答：係，冇錯。

問：喺你做呢個安達臣道呢個地盤，你係咪有機會接觸一間公司叫永興水喉渠務工程公司，而嗰個負責人係莫海光先生？

答：唔好意思，重複，講多次，好唔好？

問：係。

答：講多次，講多次。

問：係。你喺做呢個安達臣道呢個 E 區呢個工程，你係咪有機會接觸過一間公司叫做永興水喉渠務工程公司，而個負責人就係莫海光先生？

答：係，有接觸嘅。

問：係。你接觸佢嘅時間應該係大概都係喺嗰個地盤開工嘅時候，2013 年嘅，係咪？

答：差唔多。

問：而你所知，其實呢個安達臣...

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主席：年頭、年中抑或年尾？

答：年頭。

問：年頭。以你所知，其實呢個安達臣道地盤呢個 E 區其實嗰個水喉工程都係搵咗莫海光或者永興做嘅，係咪？

答：係。

問：就焊料方面，其實你哋係需要提交一啲 submission 畀呢個房署去批核嘅，係咪？

答：係。

問：好嘞，我就想畀你睇一份文件嘅。

黃小姐：唔好意思，主席，因為時間倉卒，我拜託咗...

主席：好。

黃小姐：...羅文錦律師樓幫我影印咗啲文件。

問：你面前係有一份文件嘅，呢份文件嗰個名就叫 sample submission and approval form，睇唔睇到？

答：睇到。

問：我就想你睇一睇呢份 form 右邊嘅日期就寫住「2013 年 6 月 14」。

答：見到。

問：第二版，我哋睇睇有你嘅簽名嘅，應該。

答：係。

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問：第二版。

答：係，有我簽名，係。

問：係喇，中間嗰度寫住“Quality Control Coordinator”。

答：係，冇錯。

問：呢份本身雖然我哋而家抽咗淨係錫線嗰 part，其實呢份係講緊大概幾多頁？

答：一百三十零頁嘅，成份 submission。

問：一百三十頁嘅，所以呢個只不過係關於錫線嘅一部分啫，係咪？

答：係，...

問：好嘞，如果你睇...

答：...我手頭上嗰份得四版嘅啫，因為呢度。

問：係，四版，冇錯。如果你揭去第 3 頁，我想你解釋少少嘅，呢度就寫住有個叫做 approval label，寫住「安達臣道 E 區第一同第二期」，咁就有一個 contract manager 簽名，同埋下面有啲彩色嘅影印嘅圖，日期就 2013 年 6 月 24 定 9，我就想問呢個 approval label 係咩嘢嘅呢？你所理解。

答：呢個 approval label，如果呢份 material submission 如果批核嘅話，房署會有個相關個代表簽番啲個“Approved By”嗰個人度，簽完之後，呢個 label 就會剪落嚟係黏番上去 approve 嗰個 sample board 上面嘅，嗰個 sample board 就會寄存咗响呢個房署嗰個樣辦房裏面嘅。

問：你知唔知點解要做呢個步驟呢？

答：以我所知，係房署係愛嚟供呢個地盤正式施工嘅時候係對番嚟到嘅物料嘅時候，佢作一個樣辦嘅對照嘅。

問：即係如果佢哋對樣辦同埋實際施工嗰啲物料有懷疑，佢就可以去番呢個樣辦房 check，係咪？

答：係，佢可以去番樣辦房攞番個 sample board 出嚟對番現場嗰樣嘢

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係咪用緊相同嘅物料。

問：係。第 4 頁，我哋就見到有版放大嘅圖嘅，右邊就係寫住一個
“Lead-free grade 99C Powerflow FRY”牌子，左邊就應該係
松香膏嚟嘅，黃色嘅，見唔見到？

答：見到。

問：呢幅圖係邊一個影嘍，呢幅相？

答：我影。

問：你影嘅。好嘞，呢個辦我想問，呢兩個--即係呢個黃色嘅，同埋
呢個綠色嘅卷嘢係邊個交界你？

答：係莫海光提供畀我嘅。

問：係當時莫海光親手交界你嘅，係咪呀？

答：係，正確。

問：佢喺邊度交界你？

答：地盤範圍內嘅舊寫字樓位置，總之地盤範圍內，我當時身處嘅寫字樓。

問：明白。點解要交界你呢？

答：因為其實我遞交呢份 submission 嘅時候，呢份本身係一份關於銅喉
嘅 submission 嘅，交咗落去嘅時候，我先會交界--有一個 draft，
交界呢個助理工程監督去做一個初步嘅審批，個初步嘅審批嘅時候，
助理工程監督提示番我入銅喉嘅時候係需要提供埋錫線同埋松香膏
以作為一個 submission 裏面用，咁樣之後，我就會再搵番...

主席：你等陣先，你慢慢講，慢啲。

答：唔係，我...

主席：唔使咁心急。助理工程監督？

答：係，助理工程監督，係。

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主席：係邊一度嘅人，係你公司嘅人...

答：房署。

主席：房署嘅人？

答：房署。

主席：唔。有個助理工程監督就要求你哋就呈交一啲有關於食水水喉嘅工程嘅樣辦，係咪咁呀？

答：應該係咁講，我係要提供--嗰陣時入嗰份嘢係入緊銅喉，嗰個係一個 draft 嚟嘅，我交界房署嘅助理工程監督，因為我哋先會個 draft -- 如果係個 draft 係有問題，先至會正式上一個 formal 嘅 submission 嘅，响嗰個 draft 嗰個 submission，阿 sir 對完之後，就提示番我如果入銅喉嘅話，係需要提供埋松香膏同埋錫線喺呢份 submission 裏面，因為嗰陣時明合就未提供到呢兩樣嘢，我就通知番明合要佢提供番呢兩樣嘢畀我做一個 material submission，明合就話--佢就會--佢話搵莫海光就擺上嚟畀我，係嘞。

主席：得。跟住後來...

答：跟住咪莫海光擺畀我，跟住咪有囉。

主席：後來莫海光就擺畀你，唔。

答：係。

主席：呢個嘅時候我哋都係講緊--換句話嚟講，係即係講緊 2013 年 6 月二十幾號之前佢交界你？

答：前，冇錯。

黃小姐：主席，完成我主問。

主席：好。

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黎先生：我想問一問，係明合搵畀你，呢兩盒嘢係明合係叫莫海光交界你？

答：係，因為我哋個分判商，即係有利嘅分判商係水喉係明合公司，我無論關於水喉嘅任何情況之下，我先會第一時間係搵咗明合水喉公司先嘅，明合水喉公司就話佢會指示即係一啲人，即係莫海光就搵畀我，咁佢咪--咁我有問題，佢咪搵畀我，因為--我一定係會通知明合先嘅，因為我哋嘅分判商係明合，並不是莫海光嗰邊。

許偉強先生盤問

問：你通知明合嘅時候，係同明合邊一位職員去溝通㗎？

答：我會叫佢輝哥嘅，應該係程熾輝，應該係，我會叫佢輝哥。

問：程熾輝，係咪呀？

答：係。

問：姓程嘅，好。我想問一問，就係你哋呢個--你話助理工程監督，即係房署嗰個，就係你話先要畀個 draft 佢睇，跟住佢覺得有咩嘢唔妥，然後再同你傾咁樣，呢個助理工程監督佢首先話要求呢一個樣辦嘅呈交，佢係直接同你講，定係同你嘅同事講？

答：直接同我講。

問：直接同你講嘅？

答：係。

問：我想知道呢個你由 2008 年開始喺有利做，就有房署嘅職員直接同你話--詢問有關呢啲咁樣嘅焊料嘅呈交，你之前有冇試過？

答：冇。

問：冇，呢次係第一次？

答：係，因為我做--我雖然做過兩--即係計埋呢個，兩個 project，第一個已經係完咗呢個 submission 嘅階段嘅，我就係。

問：哦，明白。

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答：第二個就係呢個，呢個佢先至問我哋。

問：好呀，你之前個 project 係咩嘢 project 呢？

答：欣安邨。

問：欣安邨，好。我想知道欣安邨你接手嘅時候就已經完咗嗰個 sample submission 嘅階段喇喇？

答：冇錯。

問：欣安邨個 project 入面，你有冇機會接觸過水喉分判商莫先生？

答：有。

問：有。你接觸佢嘅時候係因咩嘢事情？

答：其實係因為有一個叫做--有個樣辦阿 Sir 要我哋做一個檢驗，不過就唔係銅喉，係膠喉嚟嘅。

問：係膠喉？

答：係，膠喉嚟嘅。

問：膠喉。

答：我有一個膠喉上嘅嘢，我要搵佢提供番啲來貨單啫，膠喉。

問：明白。我想知道就住欣安邨嗰陣時個工程進行，你同莫海光先生有冇曾經就住啲焊料嘅問題有作過商討？

答：欣安邨，你講緊？

問：係，係。

答：冇。

問：好。睇番呢個啱啱我哋講嗰個安達臣道呢一個工程，你呈交咗上去，最初佢就話你未有呢個焊料同埋呢啲松香膏，跟住就加埋上去，你亦都喺個 form 嗰度即係簽咗名，咁佢哋亦都睇咗，我想問一問你，就係喺呢一個四版紙呢一個文件度，最後呢一頁，即係個影相嗰度，就有寫住--有一個細細隻字，喺你個簽名上面寫住“The material

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delivered and constructed”，應該係“shop drawing”，係咪呀？呢個“drawing submissions/testing”，“analysis of testing result conform with specification and drawings.”咁樣，呢度你就簽咗名確實番，係咪呀？

答：係，係。

問：我想知道就係你影呢張相同埋你收到呢一個焊料同埋呢啲咁嘅松香膏嘅時候，你自己係咪有睇過嗰啲 contract 嘅 specification？

答：裏面其中有一 part 係講埋有關於焊料嘅 specification，有嘅。

問：係嘞，即係你自己有睇過嗰個 contract 嘅 spec.嘅？

答：係呀，嗰份 spec.其實我有簽名，不過呢度冇嘅。

問：你提交嗰陣時上去嘅時候，係咪會--即係提交畀房署嘅時候，係咪會夾埋一、兩張係有關嘅 spec.落去㗎？

答：會嘅，有嘅，份 full set 嗰份有嘅。

問：完成咗呢個程序之後，房署亦都批咗你呢隻焊料同埋呢個松香膏，因為符合咗呢個合同嗰個要求。跟住你會唔會再同番--或者你有冇同事會再同番莫先生講「喂，批咗嘞，搞掂嘞。」有冇呀？

答：應該咁講，我係會同明合係會定期同我哋去對一次佢所批核嘅物料，同埋會 copy 走我哋嗰個批咗嗰張 form 嘅。

問：我...

答：並不是莫海光嘅，都係。

問：好，好，等我搞清楚先，即係嗰張 form 搞掂咗，批咗出嚟，你就即刻就同番你有利嘅同事講番就話批咗咁樣？

答：可以咁講。

問：係咪呀？

答：係。

問：你哋會唔會同明合...

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主席：你唔好話一唔係，唔係，唔係，唔好話「可以咁講」，係抑或唔係。

答：哦，係。

主席：你如果唔知嘅時候就不如問啲 open 嘅 question，等佢去答。

許偉強先生：唔。

問：問咗啱啱嗰條先，即係如果你呢個收到嗰個 form，即係房署嗰張 form 填番返嚟係批核咗嗰一個焊料嘅樣本，首先第一件事，係唔係你會同有利嘅同事報告一下，確定咗嘞咁？

主席：你會點做呢？請問。

答：應該咁講，我會知道份嘢批咗，我會定期同明合去 review 有啲咩嘢係批咗嘅。

問：定期同明合咩嘢話？

答：去睇番有邊啲物料係批咗，或者有邊啲物料係未批嘅。

問：係。咁即係話然後你會搵明合嘅邊位同事同佢溝通？

答：咪又係輝哥。

問：都係呢位程先生？

答：係，程先生，係，冇錯。

問：批咗物料之後，你仲會唔會同例如莫海光先生有任何溝通？

答：其實原則上嚟講，唔係明合指示嘅話，我哋係唔會直接同莫海光去溝通，因為莫海光並不是有利嘅分判商，係明合嘅分判商，我哋直接嘅

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對頭，無論點嘅情況之下，都應該係同明合直接對頭。

問：係。就住而家我哋安達臣道呢一個工程，你攞咗呢一個樣本嘅批核之後，跟住你本人我講緊，就有再同莫海光先生有任何溝通，仲有冇？

答：唔完全可以咁講，因為夾工程嘅時候，有機會--明合亦都有機會大家有啲工程上嘅嘢係有機會叫埋真正施工人，即係莫海光嗰邊係會一齊去傾一啲工程上嘅嘢嘅。

問：係。你同莫海光先生傾工程上面嘅嘢嘅時候，有冇再討論過有關呢啲焊料嘅問題？

答：冇。

許偉強先生：我有其他問題。

主席：唔該。

黎先生：我想問一問，第一版嗰度，呢一張表嗰個第一版嗰度，第二段下面嗰度係嗰個“technical information”嘅(e)嗰度，嗰個supplier, submitted sample 個supplier 係明合嚟嘅，係咪呢？係咪意思係明合提供出嚟嘅sample 嚟，變咗？就點解唔係永興嘅呢？

答：因為呢一個位置係明合--因為嗰陣時入緊銅喉，係明合提供銅喉嘅information 畀我哋嘅，所以其實呢度就會填咗明合Company。

主席：即係呢度其實有好多嘢嘅嘅？

答：係。

主席：你話有一百四十件...

答：其實如果要再拆番散佢嘅話，其實應該每一個item 就再拆番一個獨立嘅supplier。

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黎先生：即係變咗呢度就純粹就寫咗嗰個係分判商，...

答：可以咁講，係。

黎先生：...就係明合咁樣樣就算嘞？

答：係，正確。

主席：有冇--其他人有冇嘢問？莫先生，我見到你喺度，莫先生，你起身，係嘞。畀個--水務署唔使三個喺度，搵一個褪番去後面。點解你哋有三個位嘅？

莫先生，你坐喺嗰度。你起身，我同你講啲嘢先，莫先生。呢位先生，企起身。呢位先生就係譚先生，譚先生就同--啱啱你聽到佢嘅證供，佢就話喺呢個安達臣路呢個地盤就曾經喺 2013 年嘅年頭嘅時候就接收過由你提供嘅焊料同埋嗰啲松香膏，就住呢一點，你有冇嘢想問譚先生？

莫海光先生：都有嘅。

主席：都有呀？

莫海光先生：係。

主席：如果你冇嘢問佢嘅話，你同意佢嘅證供個囉嗎？

莫海光先生：唔係，佢就係安達臣嗰個地盤，我就印象中就好似係畀過佢，我就唔係咁清楚，不過佢批與唔批嘅，我都未知，就係咁簡單。

主席：得，唔緊要。

莫海光先生：唔知。

主席：等陣先。因為點解--得，唔緊要。好嘞，即係你就唔反對佢頭先所講，就話佢曾經問你攞過啲松香膏同埋焊線？

莫海光先生：唔肯定，應該係有，...

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主席：得，好，得。

莫海光先生：...我可能有少少印象，應該都係有。

主席：有喇嘛？但係呢個係 2013 年年頭嘅事嚟個嗎？

莫海光先生：係，係，應該係。

主席：咁即係換句話嚟講，喺 2013 年嘅 6 月嘅時候--6 月之前，起碼喺
嗰個階段，你係知道房署起碼就住安達臣路呢一個地盤係要提交一啲
無鉛嘅焊料個囉嗎？

莫海光先生：我就唔知佢係咪無鉛，佢就係擺一網網啲啲畀啫，同埋擺證
書啫。

主席：得，等陣先。

莫海光先生盤問

主席：佢話佢唔知啲啲係無鉛嗎？

莫海光先生：有鉛、無鉛我真係唔知。

主席：有鉛、無鉛唔知，你有咩嘢講？

答：咁要問番--因為我聯絡嘅係即係明合嘅輝哥，輝哥聯絡佢，...

主席：所以你唔知？

答：...當中講咩嘢，我唔清楚。

主席：得，好。仲有冇嘢想問呢位譚先生？

問：我想問問，如果你話批嘅，我都未見過嗰份話批到我係--有人 order
我話批咗嗰隻...

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主席：得，等陣。

佢話雖然交咗呢啲物料畀你，係咪？跟住你就呈上去，但係跟住就有咗下文，所以佢都唔知道呢啲物料原來係批咗抑或有批過出嚟嘅，你點答？

答：我再重申一次，我哋係個分判商係明合公司，因為我同明合有定期有去檢討番有啲物料係批核咗，咁即係--咁佢係明合嘅分判商，呢個責任係咪應該由明合去通知佢？

主席：得，唔緊要，好。即係換句話嚟講，你有利就從來冇--唔會直接通知佢嘅？

答：程序上唔應該直接通知佢。

主席：得，你嘅意思係咪即係話因為你唔知道有批核過，所以後來你用乜嘢料就...

莫海光先生：嗰個錫條...

主席：即係你鍾意用咩嘢料都得，係咪咁嘅意思呀？

莫海光先生：係呀，因為我做就做地下嗰個木板房，同埋做上面大樓嘅辦房都係用呢啲嘅，都有人話唔得，我就未見過...

主席：再講多次，你再講多次。

莫海光先生：因為未開工之前，就做有個木板房，有個釘咗木嘅辦房，就係做個嗰啲水喉嗰啲樣，即係咁我都係用呢隻錫條，冇人通知我話唔得，又冇人話唔畀用，所以我咪繼續係咁用。

主席：你話喺個...

莫海光先生：樣辦，即係...

主席：樣辦房？

莫海光先生：係嘞，木板房。

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主席：樣辦房就用乜嘢話？

莫海光先生：做嗰啲水喉，做番嗰啲水喉。

主席：做水喉嘅時候就點話？

莫海光先生：係，都係用番呢啲錫條，普通。

主席：用邊一隻呀？

莫海光先生：普通呢啲錫條。

主席：用普通嗰啲錫...

黎先生：係咪呢啲呀？

主席：唔係。

莫海光先生：唔係呢隻。

黎先生：唔係呢啲？

莫海光先生：唔係。

主席：就用普通嗰啲錫條？

莫海光先生：係嘞，係嘞。

主席：就冇人話過畀你聽唔得？

莫海光先生：係嘞，都冇人話...

主席：係咪咁呀？

莫海光先生：係呀，未聽過話唔得，係。

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主席：未聽過話唔得，所以就跟住喺建--即係喺裝水喉嗰陣時就繼續用嗰隻，係咪呀？

莫海光先生：係。

主席：咁呢隻你嘅意思，就即係交你就照交上去，係咪咁呀？

莫海光先生：嗰個我交咗上去，佢追我，因為追我幾次，因為我嗰啲我都話...

主席：即係你追過明合？

莫海光先生：唔係，我未追過，我都未追過，係交就交過畀佢。

主席：我知，你...

莫海光先生：我記得係好似有印象交過畀...

主席：你交咗上去，你嘅意思就即係話「我都唔知道你有冇批到落嚟。」係咪咁呀？

莫海光先生：係，係嘞。

主席：所以就你就於是就照用嗰啲普通嘅錫條，係咪咁呀？

莫海光先生：普通又有，呢隻又有，不過做木板房就全部用嗰隻，普通嗰隻。

主席：做樣辦房就用普通嗰隻？

莫海光先生：係嘞，係嘞。

主席：喺上高起樓嗰陣時呢？

莫海光先生：都係，大樓嗰個辦房都係用普通嗰隻。

主席：大樓辦房都係用普通嗰隻，咁幾時用呢隻呀？

莫海光先生：呢隻--嗰隻有時佢冇貨嘅，我就擺呢隻嚟代替咁樣。

主席：冇貨就擺呢隻？

莫海光先生：係嘞，係嘞。

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主席：呢隻都未批喎，你做咩嘢又攞呢隻呢？

莫海光先生：唔係，因為嗰隻扁嘅，我嗌貨嗰陣，佢話冇，要等幾日，佢話因為做工程做唔切，咁就跟住...

主席：得，我而家唔問你住，我問佢先。好，你坐低，請坐。有冇覆問？有冇覆問。你有冇覆問？

黃小姐：係，唔好意思，主席。

主席：唔。

黃小姐補問

問：呢啲料你問佢攞嗰陣時，佢遞畀你，其實大家都好清楚呢啲料係遞畀房署嘅，係咪？

答：我相信佢清楚。

問：而第二個目的就係大家都知道係呢啲料個要求係乜，你有話叫佢遞邊隻，係咪？

答：我有指明叫佢遞邊隻。

黃小姐：冇覆問。

主席：唔該。好，唔該你，譚先生，畀完口供，可以離開。

答：唔該。

主席：輝哥就叫做程熾輝，係咪呀？

答：應該係，我諗係。

主席：得，好。未有人？

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黃小姐：係，主席，我諗而家我個律師出去 check 緊，但係我哋個理解，因為佢而家做緊第二份工，咁所以就要同佢老闆擺批准出嚟。

主席：哦，好呀。

黃小姐：大概三點半，我嘅理解，三點半之後。

主席：如果可以早過三點半到嘅，就通知我哋秘書或者通知我哋書記，...

黃小姐：唔該。

主席：... 跟住我哋再開番庭，好唔好呀？

黃小姐：唔該晒，主席。

主席：好，我哋暫時休庭先。

下午 2 時 32 分聆訊押後

下午 3 時 21 分恢復聆訊
出席人士如前。

黃小姐：多謝主席同委員，下一個證人係仇志偉先生。

主席：好呀。請過嚟呢邊。

有關有利建築有限公司（總承建商）第四證人：仇志偉（有利建築有限公司的前 Site Agent (欣安邨)）以本地話宣誓作供

主席：請坐，請坐。

黃小姐主問

問：仇生，你現職係乜嘢？

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答：我現職係 Project Manager。

問：你而家係喺另外一間公司，叫做精進建築有限公司做緊，係咪？

答：係。

問：你曾經係喺有利做過嘅，係咪呀？

答：係。

問：係邊段時間？

答：我有記錯，應該係 08 年尾至到 11 年中嘅。

問：喺呢段期間，你係做過一個邨叫做欣安邨嘅，係咪？

答：係。

問：你記唔記得當陣時候你個職位應該係 08 年 11 月至到 09 年 5 月咁上下，係做...

主席：至到咩嘢？09 年？

黃小姐：08 年 11 月。

主席：至到？

黃小姐：至到 09 年嘅 5 月嘅。

主席：係。

問：嗰陣時個職位就係 AQCC，Architectural Quality Control Coordinator？

答：係。

問：其後半年後，你就升為 site agent？

答：係。

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問：你嗰個工作範圍係咪都係包括提交嘅文件畀房署、則師或者係 clerk of works 去即係做一啲叫做 material submission，即係物料審批？

答：係。

問：我就想畀你睇一份文件嘅，請你去呢個 B11.3 第 28004 頁，B11.3 第 28004 頁。我哋就睇到呢個文件就寫住“SAMPLE SUBMISSION AND APPROVAL FORM”，係咪？

答：係。

問：左上角 Contract Title 就寫住「馬鞍山 86B」，嗰個區就係 86B，其實呢個係欣安邨嗰個地盤，係咪呀？

答：係。

問：右邊就係有個日子嘅，就寫住「2009 年嘅 1 月 15 號」，係咪？

答：係。

問：然後個 contractor 就寫住係「有利」嘅？

答：係。

問：我見到呢份文件，首先睇第一版，其實都包好多樣嘢嘅，我哋而家呢度淨係關於錫線，如果就咁睇呢份文件，其實講緊幾多頁紙？

答：呢份文件如果我有記錯，應該大約都有成一百頁，因為啲 catalogue 都幾多。

問：包埋啲 catalogue？

答：係。

問：我哋就睇 28005 頁，中間“Architectural Quality Control Coordinator”，“C. W. Chau”係咪你嚟㗎？

答：係。

問：呢個係你嘅簽名，係咪？

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答：係。

問：然後我哋睇 28006 頁，有個 approval label 嘅？

答：係。

問：呢個 approval label 係點解呢？

答：呢個 approval label 就係房屋署嘅 BSE 佢係 approve 咗呢個物料嘅審批嘅。

問：嗰啲物料，我哋再睇睇審批咗啲咩嘢，係 28007 頁--唔好意思，28008 頁--28007 頁同 28008 頁，如果你睇 28008 頁，中間有兩幅相我哋睇一睇。如果可以放大，係喇。我哋幅相就睇到有兩個，一罐就寫住“F-R-Y”，左邊個罐就應該如果有顏色，就黃色嘅。係松香膏，右邊個罌就應該係錫線，無鉛，99 -- grade 99c “F-R-Y”，綠色嘅卷狀，網狀嘅錫線。

答：係。

問：我就想問，呢啲辦邊個畀你㗎？

答：當時由判頭擺畀我嘅。

問：判頭擺畀你，邊個判頭？

答：當時由莫海光先生擺畀我嘅。

問：點解你會記得係莫海光？

答：因為當時我曾經追過明合嘅員工，佢就話叫莫海光先生就擺畀我，就係咁，我當時就 contact 咗莫海光先生，叫佢儘快擺畀我，因為當時呢個審批都要需時。

問：係。所以係你親自打畀莫海光，叫佢拎嚟？

答：我有記錯，應該係我。

問：嘎。

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主席：你親自打電話畀莫先生，咁就叫佢擺咩嘢呀？

答：係。

主席：叫佢擺乜嘢嘢嚟畀你？

答：擺個--因為睇個個--呢個錫嘅...

問：錫線。

答：...條，咁呢啲咁嘅物料嘅，catalogue 當時都未有，咁我「喂」
--擺咗返嚟成個--因為我哋入 sample submission 係 full set
咁入嘅，咁睇一個都可能未必批得到，我叫佢儘快擺畀我。

主席：你就叫佢擺錫條？

答：係。

主席：有冇指定話「你一定要擺邊一隻嘅錫條嚟畀我呀。」？

答：我有講，我有講。

主席：有講嘅？

答：係，我有講嘅。

主席：咁佢就擺咗呢隻錫條同埋呢個所謂嘅松香膏嚟畀你？

答：係。

問：佢喺邊度交界你呀咁？

答：地盤。

問：呢幅相係邊個影嘍？

答：呢幅相係我其中一個同事影嘅。

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問：係。

黃小姐：主席，完成主問。

主席：唔該。

黃小姐：唔該。

主席：係，Mr Khaw。

許偉強先生盤問

問：仇生，我想問下你，就睇番呢個欣安邨個地盤先，你話問佢擺啲錫條咁樣，你亦都有話特別講到明話要即係擺邊一隻牌子或者邊一個種類嘅，你自己知唔知要啲乜嘢類型嘅錫條？

答：我唔知嘅，當時都唔知。

問：你都唔知嘅？

答：係。

問：你同明合即係傾嘅時候，即係明合就話即係要呢啲咁樣嘅物料？

答：係。

問：大家你同明合嘅職員傾談嗰陣時都有談到話呢隻物料係需要啲乜嘢規格，都有講嘅？

答：冇呀，冇嘅，因為佢係有牌水喉匠，佢清楚嘅應該。

問：唔。我想知道，就係呢度我哋見到就喺嗰個呈交物料嗰個過程入面，就除咗我哋見到有啲呢隻物料嗰啲相，啱啱我哋見到，另外都有啲 catalogue 嘅，都幾大份下嘅，因為你呢一次嘅呈交，我哋睇番嗰張 form --首先嗰個呈交上去，係咪你呈交，你本人呈交嘅？

答：係。

問：係你本人呈交嘅，呈交呢一張 form 嘅時候，我見到就係你哋同啲銅

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喉就一齊一併過交上去嘅，係咪呀？

答：係。

問：銅喉加埋嗰啲焊料一齊交上去？

答：係。

問：我想知道有關焊料嗰啲咁樣嘅說明書、嗰啲 test report 嗰啲檢測報告，係咪都係莫先生畀你，定係你哋本身公司嗰度已經有一套㗎嘞？

答：呢個我真係唔記得。

問：唔記得？

答：唔記得。

問：整理呢啲文件，我想知道，你交上去嗰陣時，你呢套文件係要整理㗎嘛？

答：係。

問：因為我見到入面都仲有啲有關相關嘅 specification 都加埋入去嘅，係咪你負責整理㗎，呢套文件？

答：主要係我。

問：主要係你，係咪呀？

答：係。

問：但係你就唔記得話嗰啲有關焊料嗰啲說明書或者嗰啲 catalogue 係邊個畀你，你唔記得嘅？

答：唔記得，真係唔記得。

問：唔記得。除咗欣安邨之外，我哋而家講緊有六條邨，即係關於有鉛水事件涉及嘅六條邨，你有冇都係參與呢一個物料遞交嗰個程序？

答：冇。

問：都有嘅？

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答：冇。

問：我就想知道就係我哋講番呢個欣安邨先，交咗物料之後，你有冇再同莫先生有任何接洽，有冇任何傾談？

答：接洽主要都係做地盤嘅 coordination，譬如啲喉點樣駁㗎咋。

問：唔。至於你話有關購買邊啲物料，即係例如焊料啲啲，佢哋需要係交啲乜嘢，買啲乜嘢料交嚟個地盤嗰度，你有冇同佢傾過呢方面嘅事？

主席：我唔明你講咩嘢，你再問多次。

問：我係講緊話至於喺呢個地盤上面，有關如果莫海光先生佢需要購買物料，購買焊料同埋交焊料嚟嘅呢一種情況，你有冇同佢有關嘅傾談？

主席：你講後來交貨，抑或交樣辦呢？

許偉強先生：後來交貨。

答：冇特別訂明嘅。

問：冇？

答：冇。

問：冇嘅？

答：冇。

許偉強先生：我有其他問題。

主席：唔該。有冇人有問題？莫先生，你有冇問題想問呢位仇先生？

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莫海光先生：都有乜問題。

主席：都有乜問題。佢又話你喺 2009 年--係咪 2009 年，Ms Wong？

黃小姐：係，係。

主席：2009 年嘅時候就係交過呢啲咁樣樣嘅錫--無鉛嘅焊料同埋呢啲松香膏畀佢啲。

莫海光先生：我都唔記得嘞。

主席：你唔記得？

莫海光先生：太耐喇，冇...

主席：太耐，唔記得。

莫海光先生：唔記得，唔敢肯定，唔敢肯定有冇。

主席：吓？

莫海光先生：唔敢肯定有冇交過畀佢。

主席：唔敢肯定？

莫海光先生：係，唔敢肯定，我唔記得嘞，真係。

主席：好，咁其他啲啲呢，其他啲啲嘢，仲有冇--佢就話都唔使同你講邊隻牌子，你就識自動交呢兩隻，呢兩隻焊料同埋松香膏，呢一方面，你有冇嘢想問佢呀？

莫海光先生：冇乜印象，...

主席：吓？

莫海光先生：...我都唔記得，唔知有冇，我都...

主席：唔記得，冇印象？

莫海光先生：係，係，冇乜印象，太耐。

主席：好，有冇覆問--請坐，請坐低。Ms Wong？

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黃小姐：冇覆問，冇覆問，主席。

主席：好，唔該晒。

黃小姐：唔該晒。

主席：仇先生，唔該晒你，畀完口供，可以走得。

答：Okay，唔該。

許偉強先生：至於剛才我哋提過有一位明合嘅程熾輝先生，咁就我哋都同有利嗰邊嗰個律師團隊都傾過，佢應該聽朝應該會嚟得到。

主席：係。咁而家我哋想...

許偉強先生：如果...

主席：...提早休息？

許偉強先生：因為我就唔知道佢嘅證供入面會唔會有啲都牽涉到莫海光先生即係個口供嘅，我諗即係如果穩妥啲嘅做法，可能聽日聽咗佢嘅口供，然後先開始莫海光先生嘅口供。

主席：有冇人有其他任何嘅陳述想講？莫先生。

莫海光先生：係。

主席：有利--明合就想再叫埋嗰個程先生，聽埋個程先生個證供，因為你頭先聽到今朝--即係我哋食飯之前聽到都曾經提及過呢個程先生，而家就有利同埋明合嗰度就想叫埋呢一個程先生，聽埋佢嘅證供，然後先至處理你嘅證供，...

莫海光先生：哦，好。

主席：...呢一方面，你有冇反對呢？

莫海光先生：唔反對。

主席：冇反對，好呀，如果你冇反對嘅話，我哋就聽咗呢個程先生嘅證供，

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先至聽你嘅證供，聽日就麻煩你就朝頭早 10 點鐘就再返嚟，我相信
嗰位程先生嘅證供就唔會好長嘅啫。

莫海光先生：哦，好。

主席：跟住我哋聽完程先生嘅證供，就可以聽你嘅證供，明白吖嘛？明白
吖嘛？

莫海光先生：明白，明白。

主席：好，我哋聽朝早 10 點鐘再見，唔該。

2015 年 12 月 02 日
下午 3 時 36 分聆訊押後

C Wednesday, 2 December 2015 C

(10.03 am)

D (Transcript of simultaneous interpretation D

E except where otherwise specified) E

F CHAIRMAN: The next witness -- who is responsible for the
next witness? Mr Li? F

G I would like to know whether Mok Hoi Kwong and
Siu Kin Wong are here with us. No, they are not here? G

H MR KHAW: I know Mr Mok Hoi Kwong will be here in the
I afternoon, but not in the morning. I

J MR NG HAK MING (sworn) J

Examination-in-chief by MR LI

K MR LI: Mr Ng Hak Ming, in this hearing, I will first of all
L read out the two statements of yours and then I will ask
you to adopt them. L

M A. Yes. M

N Q. First of all, do you want to have a break from time to
time? N

O A. If I need a break, I will ask for it. O

P Q. On 11 November 2015, you made this statement. I will
now read out the statement. P

Q A. What's the date? Q

R CHAIRMAN: Page number? R

S MR LI: 10. S

T A. Okay. Thank you. T

Q. "Witness statement of Ng Hak Ming.

In accordance with the letter of Lo & Lo dated 16 October and the questions therein, I make the following statement:

Q1. In executing the plumbing works in the six affected estates, were you a full-time employee of Ming Hop? Are you still employed by Ming Hop, Mr Ng?

Q2. If Mr Ng was employed by Ming Hop, please state your period of employment, your duties and your work experience.

Q4. Please state your qualification and experience in the plumbing trade of Mr Ng.

I joined Ming Hop in August 1984 and I left on 31 October 2015. When I left, I was contract manager. When I was employed by Ming Hop, my duties included monitoring the plumbing installation works and as a licensed plumber responsible for dealing with documentations in relation to Water Supplies Department and also to help Yau Lee Construction in preparing tenders and the quotation of prices in respect of plumbing works.

When I was working on Un Chau Estate Phase 2 and Phase 4, Ching Ho Estate Phase 1, Choi Fook Estate, Yan On Estate, Ngau Tau Kok Lower Estate Phase 1 and Shek Kip Mei Phase 2, I was employed by Ming Hop as

a full-time employee.

I started to work in the plumbing trade since 1972.

I obtained a certificate in sanitary engineering and building service from Hong Kong Polytechnic in 1977. In 1980 I obtained a certificate in plumbing engineer from the Hong Kong Productivity Council. I have been a licensed plumber since 1985.

Q5. Please explain the procedures in installing the relevant water pipes in the six affected estates.

Q6. In respect of paragraph 5, please state the procedures, the criteria and standards in respect of Mr Ng's work and other plumbing workers, including licensed plumbers and non-licensed plumbers, in the installation, supervision, inspection and completion supervision.

4. I hereby explain the procedures and steps taken in plumbing works as well as the supervisory measures I took in supervising the work at Ming Hop. It also applies to Un Chau Estate Phase 2 and Phase 4, Ching Ho Estate Phase 1, Choi Fook Estate, Yan On Estate, Ngau Tau Kok Lower Estate Phase 1 and Shek Kip Mei Estate Phase 2.

4.1. Yau Lee's subcontracted dismantling works to Ming Hop and after that I looked at the subcontract agreement between Yau Lee and Ming Hop and the

requirements therein, as well as the vertical plumbing line diagram approved by WSD and then I calculated the required materials, but it doesn't include solders and other small metal consumables, metal fittings, and so on and so forth, and I invite suppliers to give us quotations.

After we have selected the material supplier, Ming Hop would submit the relevant material catalogue and the WSD certificate as well as test report and other information in respect of other construction sites to Yau Lee. After Yau Lee was satisfied from the information submitted, we would submit the same to the architect of the Housing Department for approval. After the material were approved, the Housing Department would issue an approval form. The solders, the flux and also the metal fittings and rods and other consumables were not included in the list of material that had to submit for approval by the Housing Department, and very often the Housing Department engineering staff would ask for submission and Ming Hop would ask their suppliers to submit the same to the Housing Department for approval through Yau Lee.

After Yau Lee and the Housing Department are satisfied with the relevant materials, I would fill in document WW046 part I and annex and then turn it over to

the Housing Department architect as an authorised person for sight and for his signature on part I and part II, and after receiving the relevant signed documents and after checking all the information to be all right, I would also sign part III of WWO46 and the relevant plumbing works will start; it's so-called the commencement certificate.

In respect of the works, for the six housing estates, Ming Hop subcontracted the works to the following subcontractors: Un Chau Estate Phase 2 and Phase 4, Wing Hing, responsible person Mok Hoi Kwong; Ching Ho Estate Phase 1, Sum Kee Plumbing Works, responsible person Lee Kui Sum, and Wing Hing Plumbing Works, responsible person Mok Hoi Kwong; Yan On Estate, subcontractor Wing Hing Plumbing Works, responsible person Mok Hoi Kwong; Shek Kip Mei Estate Phase 2, the subcontractor Wing Hing Plumbing Works, responsible person Mok Hoi Kwong; Ngau Tau Kok Lower Phase 1, subcontractor Wing Hing Plumbing Works, responsible person Mok Hoi Kwong; Choi Fook Estate, subcontractor Hang Lee, responsible person Siu Kin Wong.

4.5. In selecting subcontractors, Ming Hop will first of all ascertain the requirements and the relevant brands and distribute the same to the three subcontractors for their quotations and in accordance

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C with their quotations, relevant information will be C

D provided to the subcontractor and a decision will be D

E made on which contractor will get the contract. The E

F relevant specs, material, requirements and F

G implementation, layout maps are the same as those G

H required by the Housing Department. So the relevant H

I subcontract would meet all the requirements of the I

J agreement between the Housing Department and Yau Lee, J

K and all the three subcontractors' responsible persons K

L have more than 20 years of experience in plumbing works. L

M The first step is to make suitable openings for M

N piping lines to be laid in the concrete structure, N

O before concrete is laid, and also to mark the relevant O

P positions for the site supervisors and other workers. P

Q In respect of the water pipes, the electric cabling, the Q

R air-conditioning cabling, and so on, there will be R

S a consolidated layout map setting out all the building S

T services locations and routing. T

U Before work commences, Ming Hop will prepare U

V a sample board, displaying all the water pipes and V

relevant accessory parts and solders and flux approved

by the Housing Department, and that will be put in

a room, sample room, which would be in the office of the

resident site staff of the Housing Department so that

the inspecting personnel of the Housing Department would

know what materials for plumbing works have been approved for use. Solders and flux are all provided by the subcontractors. After the work is completed, the samples would be destroyed. In the latest site that I work on -- please refer to a photo in annex 1 to know what a sample board looks like.

At the same time, the Housing Department would require that Yau Lee should construct a sample room for approval of the Housing Department architect. It is to allow the Housing Department personnel to inspect the work implemented and also as a specification for the acceptance after work is completed. Ming Hop's subcontractors were responsible for installing the water pipes in the sample room. The relevant personnel would check the way water pipes are connected and the solder used, and the subcontractor would also be asked to explain to the Housing Department site staff on how this is done. The architect of the Housing Department, upon approval of the sample room, plumbing workers will, in accordance with the approved sample room, install the pipes floor by floor. When it comes to supervision of progress and work, Ming Hop's resident foremen will report to me every day about work progress and whether everything conforms to the requirements of the contract. I will conduct site inspections irregularly.

As far as I remember, when I was inspecting the workshop of plumbing subcontractors, that is the area that is makeshift for workers to change and to work, I have on more than one occasion seen solder wire that conforms with the requirements of the Housing Department. In relation to the above six estates, Ming Hop has never received any non-compliance report about solder materials.

4.10. In the middle and later stage of plumbing works, I will step up site inspection to ensure that the size -- pressure reducing valve and the number of meters will conform to the requirement and their respective locations in accordance with the requirement of the department. When all works have been completed and after I have checked them to be in order, I will fill in part IV of WWO46 and then hand it to Yau Lee which will then be given to the Housing Department. Housing Department will approve it and then the signed form will be given to Yau Lee, which will be given to Ming Hop, and then given to Water Supplies Department for approval.

4.11. After part IV of WWO46 has been sent to the Water Supplies Department, I will, together with Ming Hop's resident site foremen, conduct site inspection before the WSD inspect the site, to ensure

that everything will conform to the requirement.

The WSD usually, when receiving part IV of WWO46, conduct a site inspection, and that will be about two weeks later. The inspector of the WSD, when conducting inspections, will go from top floor to the ground floor by two teams. I and Ming Hop's resident site foremen will accompany them. Ming Hop will apply to have water collected at the site tested at recognised laboratories. In relation to the six estates, they are completed before the year 2012, so, as far as I remember, WSD circular 2/2012 does not apply to these sites. The one that is applicable is 6/2002, and you will find two circulars in annex or attachment 2.

4.13. The WSD, upon checking that there is no non-compliance, will sign part IV of WWO46.

4.14. After water collected has been tested to be satisfactory for potable purpose, the WSD will issue water certificate WWO1005. When Ming Hop receives the certificate, it will be given to Yau Lee, which will be given to the Housing Department. My work as a licensed plumber will complete at this stage. Afterwards, Ming Hop still has to conduct a series of tests, say for example flow rate, and Ming Hop is also responsible for maintenance and repair during the maintenance period.

4.15. In relation to the six estates, the WWO46 and

the result of water testing and also the water certificate issued by the WSD can be found in annex 3.

5. In relation to procurement of piping material, apart from metal fittings like solder wire, which is supplied by the plumbing subcontractor of Ming Hop, the rest of the materials and parts are procured by Ming Hop, and the material procured must be the material that appears on the form approved by the architect.

When we make orders, first the plumbing subcontractor will fill in the materials required in the site order form. Ming Hop will then, upon verification and checking of the actual amount needed, place an order through me, and then I will give the list to Ming Hop to make an order. According to the information I obtained from Ms Wong of Ming Hop, the administration of Ming Hop will prepare the order form. Ms Wong will check the form about the types against the information supplied by me on the site order form before signing the procurement contract. When materials are delivered to the site, first it will be signed for by the plumbing subcontractor, and then Ming Hop's resident foremen will check it.

6. In relation to metal fittings including solder wire, from 2005 onwards Ming Hop has handed over the procurement of these metal fittings to the actual

subcontractor responsible for installation. Say for example Wing Hing, Hang Lee and Sum Kee. It will be so stated in the subcontract that these metal fittings will be procured at their own expenses. So Ming Hop is not responsible for ordering of these metal fittings.

The change of approach is because solder wire and flux are consumables and they are of small amount and they can be used up very quickly. In the past, when Ming Hop was responsible for providing the solder materials, there was a time when Ming Hop was informed that they were about to run out. However, it took time for Ming Hop to order and for goods to be delivered, and as a result the plumbing work was delayed and the subcontractor complained to me. After it has happened a number of times, Ming Hop thought that plumbing subcontractors are in the best position to decide when to order these materials, so they since then are responsible for procuring solder material, in order to avoid delay.

7. Well, Ming Hop has shifted the responsibility of procuring solder material to plumbing subcontractor, however the requirements of the soldering material still have to conform with the requirements of the Housing Department. Although solder material is not items that must be sent to the Housing Department for checking,

however some engineering staff of the Housing Department were required to check the solder material. If that is the case, then the subcontractor will, through Ming Hop, submit the sample of solder material to Yau Lee, and the relevant material, say for example material catalogue report, et cetera, to Yau Lee, which will then be given to the Housing Department.

8. As I have mentioned in paragraph 4.5, Wing Hing, Yau Lee and Sum Kee are the responsible subcontractors. They have over 20 years of experience in the plumbing installation in public projects and they are familiar with the requirements of the Housing Department, and all the materials sent to the Housing Department have been approved.

9. In relation to actual implementation, the monitoring of plumbing works will be done by resident foremen of Ming Hop, and that includes whether the material conforms with the requirements and whether the actual implementation and execution of work is in line with the requirement and in line with the sample room, the location of the piping and whether the location of the piping are correct. Ming Hop's resident foremen will inspect the site every day, including the workshop, to see whether the actual work site and the progress and material use and location of the plumbing conform with

the plan, and then they will report to me. I will conduct a regular site inspection I would also pay attention to workmanship, material used and location. I remember, when I was doing the inspection, seeing solder material stored in the workshop, and this material conformed to the requirement of the Housing Department. However, it is the trade practice that when solder wire will arrive at the site, the packaging of solder wire will be cut into sections and then distributed to workers for actual work. These solder wires without packaging and have been cut cannot be differentiated, when it comes to work, which brand they are, and over the years Ming Hop has never found any non-compliant solder material.

Q7. Please give a list of the workers involved in the six affected estates and give the list of workers and confirm where the relationship of these workers with Mr Ng, whether these people are licensed plumbers, and if they are not, please state the training and qualifications they have.

10. In relation to the six estates, I have asked Ming Hop to compile a list of staff members for me. This is attached as annex 4. As far as I know, among these workers, they are not licensed plumbers. However, they have got intermediate trade test certificates and

they have gone through the trade test for craftsmen.

In relation to the six estates, the resident foremen of Ming Hop are: Un Chau, Phase 2 and 4, Mr Alex Poon, he has left; Ching Ho Estate Phase 1, Alex Poon, he has left; Yan On Estate, Mr Gary Lee, he has left; Shek Kip Mei Phase 2, Gary Lee, he has left; Lower Ngau Tau Kok Estate Phase 1, CF Ching; Choi Fook, CF Ching. These foremen have at least ten years of experience.

Q8. Explain the role of Mr Ng when it comes to supervision and also the roles of the plumbing workers.

12. Please refer to paragraphs 4 and 7.

Q9. Please confirm whether Mr Ng knows that in the plumbing works, whether material that contains lead or will release lead is actually forbidden, and the relevant statutory and non-statutory requirement.

Q11. Please state and provide the statutory and non-statutory requirements in relation to the Water Supplies Department, the Housing Authority, Yau Lee and other subcontractors.

13. As a licensed plumber, I know that when it comes to installation of plumbing works, when it comes to pipes, solder material and other material, there is a requirement of lead-free. When it comes to statutory and non-statutory requirements, they include WWO46, and

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C there is a footnote which includes BS EN 1057 and the C

D Hong Kong Housing Authority specification, that must be D

E conformed to by contractors. I will annex these E

F documents as the attachment: F

G Contract and also the Hong Kong Housing Authority G

H Specification relevant terms. H

I Un Chau Estate Phases 2 and 4: clause 37 and 2004 I

J HKHA specifications, PLU1.M120.4 to 160.4. J

K Ching Ho Phase 1: clause 37 and Particular K

L Specifications PLU1.M120.N to M160.N. L

M Yan On: clause 37a and 2004 HKHA specifications, M

N PLU1.M120.4 to PLU1.M160.4. N

O Shek Kip Mei Phase 2: clause 37a and 2008 HKHA O

P specifications, PLU1.M120.5 to 160.5. P

Q Ngau Tau Kok Lower Phase 1: clause 37a and 2008 HKHA Q

R specifications, PLU1.M120.5 to 160.5. R

S Choi Fook; clause 37 and 2004 HKHA specifications, S

T PLU1.M120.4 to 160.4. T

U (In English) BS EN 1057: British Standard -- copper U

V and copper alloys -- seamless, round copper tubes for V

and copper alloys -- sanitary and heating applications. P

(In English) BS EN 1254: British Standard -- copper Q

and copper alloys -- plumbing fittings. R

In the contract signed between Wing Hop and Wing S

Hing, Sum Kee, Hang Lee, it is stipulated that all the T

workers must follow the specifications set down by Yau Lee and Ming Hop; (2) before works started, the site's responsible person must construct all the sample rooms, and samples must be placed there, and approved by Yau Lee, Ming Hop and the architect of the Housing Department, and all this material must be approved by the architect of the Housing Department first, and all the quality records must be submitted to Yau Lee and Ming Hop, and also Yau Lee and Ming Hop's representative must have access to the site office for inspection of material and equipment. I will now put those clauses as in annex 6.

Q10. Please set out the procedures on quality and supervision measures introduced by Mr Ng, to make sure that the plumbing construction works and the material used are lead-free.

15. Please refer to paragraph 4.

Q12. Please explain and set out the relevant plumbing materials submitted to the WSD, HD and Yau Lee and other subcontractors, if any. Please confirm if Mr Ng was involved in the submission of plumbing materials for approval and the steps he had taken for that purpose. Mr Ng, please also submit the forms you handed in to the WSD.

In respect of the plumbing materials submitted for

Ming Hop, please see the annex of WWO46, and that is annex 2 of this document. This form was filled in by me as a licensed plumber, and all the materials are the same as those submitted by Yau Lee to the Housing Department, including solder and metal fittings. If requested by Housing Department engineering staff, the subcontractors would submit the relevant plumbing and pipes to me for submission to Yau Lee, through Ming Hop, and also Yau Lee will submit the same to the architect of the Housing Department for approval. My role is already mentioned in paragraph 5 and I won't repeat here.

Q13. Please explain why soldering and not mechanic compression is used in connecting the pipes, and also why the former was commonly used in the six affected estates. Is it because of cost? Please point out the price difference.

17. The Commission asked why the mechanical compression joint was not used and instead soldering was used.

First, soldering is a common method of plumbing works and the relevant materials are supplied abundantly and the supply is stable. On the contrary, the mechanical compression joint method requires some copper brazings and copper fittings and brackets. In

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C Hong Kong, the suppliers generally supply parts with C

D a diameter of 15 mm to 50 mm. As far as my recollection D

E goes, the diameter of some of the plumbing has E

F a diameter of more than 50 mm, as approved by the WSD F

G for Housing Department estates. It is difficult to find G

H the suitable mechanical compression joint parts, and H

I also these parts have a certain thickness so it is I

J easier to become loose and they may also be stolen, J

K since they are located in common areas. Also, if the K

L compression was not made tightly or due to a change in L

M temperature, water leakage can occur. Also, in M

N accordance with HKHA specifications, the specification N

O for copper pipes are to be joined by soldering, and only O

P a small number of joints would allow mechanical P

Q compression or soldering. For example, the tap or hot Q

R water tap, because soldering would not be applicable. R

S So, very naturally, the trade would go for soldering. S

T As for the price difference, I have not investigated T

U into such an issue. U

V Q14 and Q15. Concerning the Task Force of WSD's V

initial findings, there are some questions. As regards

the preliminary findings of the WSD Task Force made on

25 September 2015, and in relation to deviated plumbing

materials, as far as I know, those are related to

Kai Ching Estate and Kwai Luen Estate Phase 2 and are

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C not related to the six affected estates. C

D Please point out which company or unit are D

E responsible for procuring the plumbing materials. If E

F they were procured by Mr Ng, please set out the F

G procedures taken by Mr Ng in assuring that those are G

H lead-free and are in compliance with statutory or H

I non-statutory requirements and could make sure that I

J potable water would be lead-free and safe. J

K 19. Please refer to paragraphs 5 and 6. K

L Q17. Please find out who inspects, (2) constructs L

M and installs, (3) approves and completes the approval of M

N the plumbing system in the six affected estates, and N

O point out what steps they took in ensuring potable water O

P safety and what steps Mr Ng had taken in the process and P

Q his roles and responsibility. Q

R Q18. What steps did those persons referred to in 16 R

S and 17 take to ensure that the installation was carried S

T out by workers with sufficient training and T

U qualifications? (b) All the materials would be U

V lead-free and in compliance with statutory and V

non-statutory requirements.

20. Concerning the quality assurance and the steps

taken in the plumbing works, please refer to

paragraphs 4 to 6. As for making sure that workers were

suitably qualified and trained, Yau Lee, when issuing

the permit to enter the work site, we ask the relevant workers to provide their certificates as qualified tradesmen.

Q19. According to the answers of Mr Ng to the above-mentioned questions, please explain why the plumbing materials with lead were used in the six affected estates and why they were mistakenly or negatively used in those estates.

Ming Hop and the relevant three subcontractors had years of co-operation. Wing Hing's responsible person, Mr Mok Hoi Kwong, had been involved in many contracts undertaken by Ming Hop and there were no problems of workmanship or non-compliance with works contracts. Ming Hop has regarded that as a very reliable subcontractor. Hang Lee's responsible person, Mr Siu Kin Wong, was one of the most capable subcontractors of Ming Hop and has been working in the trade for more than 20 years. It became an independent subcontractor in 2008. Based on their past fine records, Ming Hop and I had no reason to think they would take the risk to violate any rules. In fact, apart from the Yau Lee and Ming Hop resident supervisors for Housing Department, also the Housing Department site staff make sure that all the qualities are in compliance with the contract, and for years I have found no problems and I believe

I have done enough in supervision of the works."

That's the end of the first statement.

Let me now read out the supplementary statement of
Mr Ng. It's made on 11 November.

"Supplementary witness statement of Ng Hak Ming.

In respect of the witness statement that I made on
11 November 2015, I would like to make the following
supplementary witness statement.

I have read the witness statements of Mok Hoi Kwong,
Siu Kin Wong and Chow Ka Ping in respect of the attached
portions and I want to respond to their statements. But
if I do not respond to any part of their statement, it
doesn't mean that I don't agree with the statements
made.

In respect of appendix A, annex D, of Mr Chow
Ka Ping's statement, that is order PO 18286A, bundle S1,
page 58. Mr Chow Ka Ping claimed that the order was
related to Un Chau Estate. I have checked the records
and found that it was related to the Hammer Hill site.

In the contract between the Housing Department and
Yau Lee for the Un Chau Estate Phase 2 and Phase 4,
Hammer Hill Road footbridge was also part of the
contract; please see B.13.1, page 32701. That's the
need to construct a temporary water pipe for the use of
the site at the Hammer Hill Road site, and there was no

stipulation on the plumbing material to be used.

Therefore, Ming Hop was responsible for the temporary water supply works. That explains why it was not part of the Un Chau Estate works area, and there's no requirement in the contract on what material could be used.

Also, in respect of appendix C, annex D of Chow Ka Ping's statement -- and that is the invoice IV50665, bundle S1, page 75 -- again, Chow Ka Ping claimed that the invoice had to do with Choi Fook Estate. Ming Hop has checked its records. In June 2006, there was a need to construct a temporary water supply system for the use of the site at the Choi Fook Estate, and the soldering material required was 3 pounds. That was approved by the WSD. Please see annex 8. And the temporary water supply pipes were dismantled after Choi Fook Estate had been completed.

As for annex D, appendix C, pages 76 and 77, where two invoices are shown, they don't tell who ordered the material and it was stated as a cash sale, and Ming Hop usually will not purchase with cash.

Choi Wan Road Phase 3 was not a Yau Lee site.

I note that the dates were 4 June 2009 and 23 September 2009. At that time, Hang Lee had already worked on the site and the contract between Ming Hop and Yau Lee was

signed on 17 August 2007. Please see bundle I1/204.

Even if the two invoices are related to Choi Fook Estate, Hang Lee will be the purchaser and not Ming Hop.

In respect of paragraph 14 of Mr Mok Hoi Kwong's statement and also paragraph 11 of Siu Kin Wong's statement, claiming that the Housing Department did not ask workers to demonstrate how to do the soldering of the copper pipes.

I stated in my statement, paragraph 4.8, that sometimes the plumbing subcontractor will be asked to give demonstration to the Housing Department engineering staff in the sample form on how to connect water pipes. I have obtained from Yau Lee's photos dated 27 March 2009 -- see annex 9, the photo shows that the solder used was Fry grade 99C lead-free soldering material, in the demonstration.

In respect of paragraphs 11 and 22 of Mok Hoi Kwong's statement, in which he claimed that he did not know that the soldering material might contain lead, or soldering materials come in two categories, lead-free and leaded. I am curious that Mr Mok Hoi Kwong said that he did not know that some solder might contain lead, because Wing Hing was responsible for the plumbing work of many estates. For Yan On Estate and Shek Kip Mei Estate Phase 2, there are documents

indicating that the solders were sent for approval, and the site responsible person for Yan On Estate confirmed that the submission of lead-free solder was provided by Mr Mok Hoi Kwong. Even if he doesn't know that there is a difference between leaded and lead-free material, surely he should know that the material he sent for approval should be the same as the one used.

In relation to Ching Ho Estate, when Wing Hing took over from Sum Kee, I took Mok Hoi Kwong to Ching Ho to take over the site from Sum Kee, and to take over the uninstalled material. I remember at that time that Sum Kee was arranging for their own material to be taken away, and that includes Fry 99C lead-free solder wire which is packaged in green material. At that time I said to Mok Hoi Kwong that those material are for submission to the Housing Department for approval.

In relation to WW046 part I that I submit, the date is later than the date when signature was appended by the Housing Department authorised person.

8. As far as I know, in previous hearings someone suggested that the part I of WW046 I submitted, the date thereon is later than the date when the Housing Department signed. It's always been my practice that I will fill in part I, and when I sign I would not append a date, and then I would wait for the AP of the

Housing Department to sign and for the Housing Department to approve the material on annex before I will put the date down. That's why there is a difference in the date.

9. Apart from that, on 26 August 2011, for the Lower Ngau Tau Kok Estate I submit parts I and II of WWO46, which is in the bundle at page 71 of P1. The AP of the Housing Department did not put on a date when he signed, so when I submitted the form I put in my name, I signed and the date, and I also affixed a date chop for him.

I affirm that is said to be true in my supplementary statement."

Mr Ng, we have gone through your two statements, your two written statements. In relation to the two statements, are you happy to adopt the two statements to be part of your evidence? Please answer.

A. Yes, but I do think that in the previous one, paragraph 8, I would like to add something.

Q. Previous one?

A. The first one, paragraph 8.

Q. It's P1, page 15. You would like to add something?

A. Yes.

Q. Please go ahead.

A. The last line says that the soldering line sent for

approval have been approved by architect of the Housing Department. By that I meant that paragraph 7 has to be followed. That is, my subcontractor will give the sample to Ming Hop's foremen, which will be given to Yau Lee; Yau Lee will then give it to the Housing Department for approval.

Q. You said 7. You mean paragraph 7 on the same page?

A. Yes, the same procedure.

Q. Apart from this, in the first statement, do you have anything else to add?

A. No.

Q. Do you agree to adopt the statement as part of your evidence?

A. Yes.

Q. In your supplementary witness statement, do you need to correct or add anything?

A. No need.

Q. Do you agree to adopt that as part of your evidence?

A. Yes.

Q. I have some questions to ask you. If we refer to your supplementary statement -- P1, page 226 onwards -- we see some appendixes. Please refer to appendix 9.

A. Which one?

Q. Appendix 9. Page 239 onwards.

These are photographs. Please refer to page 246.

C Photograph 28 -- do you see this person holding in his
right hand something green?

C

D A. Yes.

D

E Q. In his left hand, something yellow?

E

F A. Yes.

F

F Q. Can you briefly tell us what they are?

G A. These are the approved tin material and flux, for that
site.

G

H Q. The one in yellow is flux?

H

I A. Yes, and the one in green is Fry 99C tin solder wire.

I

J Q. That's the one mentioned in your statement, Fry 99C?

J

K A. Yes.

K Q. Let's turn the page. A blown-up picture taken on

K

L 27 March 2009. Photographs 29 and 31, do you see the
one in green, something is round? Is the one depicted
in photo 28 Fry 99C?

L

M A. Right.

M

N Q. In the same batch of photographs, please let me take you
to photo 50, page 251.

N

O A. You mean 252?

O

P Q. Photograph 50 on page 251.

P

Q A. You mean 252?

R Q. Sorry, there's something wrong with the pagination.

R

S 252.

S

T A. Yes.

T

U

U

V

V

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 19	
C	Q. Photo 50, you see a person pointing at something?	C
	A. Yes.	
D	Q. It is behind his ear. Do you know him?	D
	A. I don't know him.	
E	Q. Let's move on forward a bit. Photo 28, page 246. This	E
F	person holding flux and solder wire in a strip -- in a	F
G	striped top, and photo 50, the one in a striped top, do	G
H	you know him? They are the same person. Who is it?	H
	A. I can't really see his front. If you say it was at that	
I	time, it must be Siu Kin Wong and his workers.	I
	Q. Photo 23, I think it's page 242.	
J	A. Yes, what about it?	J
	Q. We see a blow torch. Do you see also bars in white; are	
K	they pipelines?	K
	A. Yes, wrapped in plastic.	
L	Q. I see two hands. The left hand is holding something	L
M	silver. What is it?	M
	A. It's tin wire.	
N	Q. I see the tin wire is bent.	N
	A. Yes.	
O	Q. From your experience and as far as you know, looking at	O
P	this photograph, the process undertaken as depicted in	P
Q	this photo, the tin wire is bent. Can you explain why	Q
R	it has to be done this way?	R
	A. That is a normal execution procedure. They are cut in	
S		S
T		T
U		U
V		V

sections and bent, because when you solder, if you are doing it at the front, you will have to bend it so they can reach the back, to do the back.

Q. You mean it has to go around the circumference of the pipe?

A. Yes.

MR LI: Thank you, Mr Ng. Please stay in the witness box.

CHAIRMAN: Photograph 8. In a plastic basin, there is a green lump. Is that Fry lead-free tin wire?

A. Yes.

CHAIRMAN: And the one in yellow is flux?

A. Yes.

CHAIRMAN: This may not be a significant point, but

paragraph 5 of your supplementary statement says that Choi Wan Road, Phase 3, Yau Lee site, you said is not your Yau Lee site.

A. Right.

CHAIRMAN: But it seems that your boss, in the invoice supplied by him, there is one related to this.

A. You mean Choi Wan Road Phase 3?

CHAIRMAN: Right. I am talking about I1, page 261 -- I1, the materials submitted by the boss, by Mr Wong Tin Cheung of Yau Lee. Page 261; do you see it?

A. Yes.

CHAIRMAN: It is submitted by Mr Wong, Choi Wan Road Phase 3

site. It's one from Prosperity. Page 77, you see the one submitted by Prosperity is the same, it's just that one bears a chop, the other one doesn't, but they are the same thing. It is stated 23 September 2009. Do you see it?

A. Yes.

CHAIRMAN: So --

MR LI: Sorry, it's submitted by Siu Kin Wong.

CHAIRMAN: I1.

MR LI: Right. It's supplied by Siu. You see a signature of Mr Siu in 258.

CHAIRMAN: Yes, sorry.

A. Yes, it's supplied by Siu Kin Wong.

MR LI: In the evidence of Yau Lee.

CHAIRMAN: Choi Wan Road Phase 3, who is responsible for it?

A. There is no site called Choi Wan Road Phase 3. Maybe it's Choi Wan Road Area 3B, Phase 1. That's our site. There's no Choi Wan Road Phase 3. Maybe it's Area 3B, Phase 1, and when foremen were involved, they weren't so clear about it.

CHAIRMAN: In other words, this is also from yours?

A. But it's cash payment. It can't be ours.

CHAIRMAN: Mr Khaw?

Cross-examination by MR KHAW

MR KHAW: Mr Ng, in your statement, you say that you left

Ming Hop on 31 October this year. When you left, you were contract manager. Here, we are talking about the six affected estates, involving both Yau Lee and Ming Hop. What was your post when the construction was going on?

A. Contract manager.

Q. Also contract manager. Do you mind to tell us why you have left?

A. I have a lot of emotional feelings because of the sheer pressure of this incident, and I am a chronically ill person. I can stand it no more. And I am over 60. So I had to resign, even though I have worked for 30 years in the company.

Q. Understood.

Yesterday, I put the same question to Mr Wong. You had a dual role. You are a licensed plumber and you were also a contract manager of Ming Hop at the same time.

So let me clarify the scope of your duties at the time. Concerning the subcontracting of plumbing works, we know that Mr Siu and Mr Mok were involved. In the day-to-day work, were you responsible for contacting them? Were there other people doing the same?

A. Yes.

Q. Who would also be in liaison with Mr Mok and Mr Siu?

A. Our frontline staff.

Q. You mention a number of them. Some have left. Page 16 of P1, you set out the names in paragraph 11. The foremen; right?

A. And there are other supervisors as well.

Q. If I put it like this: that is, when you worked for Ming Hop, and in respect of these six estates and the works there, you know there are three resident foremen. How many others would be in day-to-day contact with plumbing subcontractors at the time?

A. There were many supervisors, I think it must be over ten.

Q. What about you? Do you count yourself as the one in contact most regularly with Mr Siu and Mr Mok?

A. No.

CHAIRMAN: I would like to ask a question about Mr Ching for Choi Fook Estate. Is he still working for Ming Hop?

A. Yes.

CHAIRMAN: Was he there when the photos were taken?

A. I asked him and he said no.

MR KHAW: Let's look at the specs, specifications for soldering material.

In your statement, P1, paragraph 13 on page 17 --
I will read a bit out:

"As licensed plumber, I know the government has

certain requirements concerning plumbing works, plumbing materials and soldering materials, and there is a requirement on lead-free."

Then you set out the relevant specs in respect of all the contracts.

So, at that time, when the six estates were being constructed -- I'm not talking about now -- back then, you knew that lead-free material had to be used?

A. Yes, I did.

Q. How did you know that? I know that as a licensed plumber you must have obtained certain qualifications from some training. So from your experience, from your training and from handling relevant contracts, you understood it to be a requirement?

A. Yes, I know from the contract, and every time when I did the procurement, the supplier would also update us on the latest requirements.

CHAIRMAN: Please wait.

Yes, you may continue.

COMMISSIONER LAI: You said you knew soldering material had to be lead-free. But was that part of your training, when you received your training in the polytechnic, the VTC?

A. Not at that time. Not at that time. Nothing to that effect was mentioned at that time.

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 19 B

C MR KHAW: So you might have learned something from the C
D suppliers and from the execution of the relevant D
E contracts. E

F Just look at the suppliers first. Every time you F
G would require certain materials to be supplied for your G
H works, the suppliers would provide you with some H
I information. Would they be talking to you? I
J A. Yes. J
K Q. How about Prosperity? It's one of the well-established K
L suppliers. For how many years have they been dealing L
M with you? When did you start to procure material from M
N them? N
O A. I have never done that. O
P Q. Did they give an introduction of the material they P
Q supplied to you? Q
R A. Not them. R
S Q. You said the suppliers would explain to you the S
T materials to be used. What materials are you referring T
U to? U
V A. I am talking about the supplier, the UK suppliers, the V
Q Australian suppliers of water pipes, the importers. Q
R Q. So they would brief you on the brands and the plumbing R
S material used? S
T A. Yes. T
U Q. It was a long time ago, but approximately when did you U
V

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

B Commission of Inquiry into
Excess Lead Found in Drinking Water Day 19 B

C know about the lead-free requirement? C

D CHAIRMAN: What? D

E MR KHAW: When did you know that it there were lead-free E

F soldering materials? F

G A. It was in the 1990s. G

H Q. 1990-something. When it started, were you talking about H

I this Fry product? I

J A. Yes, the first product we knew. J

K Q. So in the 1990s and up to now, it's the same product? K

L A. Yes, it's the most popular material. L

M CHAIRMAN: Is there a second choice? Do you have a second M

N choice? N

O A. Yes. There are many similar products. O

P MR KHAW: Are they lead-free? P

Q A. Well, they said so. I have never used them. Q

R Q. Has anyone briefed you on soldering material with lead? R

S A. No, never. S

T Q. You have been in this trade for many years. If in the T

U course of a project and then in the day-to-day contact U

V with suppliers -- sorry, not from the suppliers, the V

importer -- from your contact with your plumbing

subcontractors, did you ever hear about soldering

material containing lead?

A. No.

Q. As far as you can tell -- well, you know, I am a layman,

and common sense tells me that the purpose of using
lead-free --

CHAIRMAN: What is the reason for using lead-free soldering
material?

A. It's for the sake of safe potable water.

CHAIRMAN: Why? Why lead-free soldering material has to be
used to ensure safety?

A. It's about the concern of seepage of lead into water.

CHAIRMAN: Did you know this before this incident or you
just know because of this incident?

A. Well, I was briefed that this material had to be used
because of the British Standards, and even if there's
any seepage, there would be no problem.

CHAIRMAN: When they gave you a briefing on water pipes or
on soldering material?

A. Well, the briefing was about water pipes. We asked
questions about joining the materials.

CHAIRMAN: So the suppliers of copper pipes brief you and
they tell you that if you were to install copper pipes
like theirs, you have to use lead-free soldering
material, and then they also told you that you mustn't
use soldering material with lead, and if you use
lead-free soldering material then there would be no
problem, even if there's some seepage or some
contamination. That's in the 1990s?

A. Yes.

MR KHAW: What about other licensed plumbers? Do you think that they knew what you knew?

A. I don't know what they knew.

Q. Do you remember which supplier you are talking about who gave you the first briefing?

A. It's a firm called Tin Cheong.

Q. I would like to ask a question about the submission of samples. Page 11 of your statement, 4.2. In the last four or five lines, you said:

"Soldering materials are just minor items and are not subject to the requirement of sample submission to the Housing Department, but sometimes the Housing Department would ask for submission of samples, by the individual staff members."

So it's a request from individual HD staff.

Were you ever contacted directly for the submission of samples?

A. No. The request was conveyed through Yau Lee.

Q. So if you knew that samples would have to be submitted, from whom in Yau Lee did you get the message?

A. They would call us. If they could not find me, they would find the resident staff, and the resident staff would tell me that they would require certain samples to be submitted.

Q. When was the first time that you were informed that samples would have to be submitted? Did your staff -- did your colleagues tell you?

A. My colleague, Alex Poon.

Q. So you knew that samples had to be submitted. Did you immediately tell your subcontractors, plumbing subcontractors, that the samples have to be submitted? Did you communicate with your subcontractors immediately?

A. Well, Alex Poon informed me and I asked him whether it was a formal submission, and then they communicated with Yau Lee and that documentation was said to be required, and I asked him to contact the subcontractor, so that we can find out the lead-free material used.

Q. So you communicated with Yau Lee to ascertain whether Ming Hop would have to deal with this submission formally?

A. Then I asked their frontline workers to ask the subcontractor concerned regarding what materials would be submitted to Housing, because Housing had requested it.

Q. Wait. Before your frontline colleagues asked Yau Lee about the soldering material used by subcontractor, did you talk with your frontline colleagues or to Yau Lee as regards what material would be submitted? Was there any

discussion?

A. Yes.

Q. And then the conclusion you reached was to submit Fry?

A. No, there was no conclusion, because I wasn't the one to submit it, but I knew that Fry was all right, so I asked the contractor what brands they found acceptable, because Fry has been used in various sites, so we asked him to see if he would buy that from Prosperity.

Q. So prior to the six projects, you have been using Fry?

A. Yes, we have been using that.

CHAIRMAN: You said you had been using Fry, it was the fact you had been using it for a very long time.

A. Well, in other projects, not Housing projects, we used it before. That is the way in the trade. So when there was a change in contractor, everything was agreed, that was included as well, and that was used, and I asked, "What would you like to submit for this site?"

COMMISSIONER LAI: Is it because in the mid-1990s, when copper pipes were used, you were using that?

A. Well, in the 1990s, that was not a very popular soldering material, because when you import supplies from the UK, there was already soldering material embedded in it. However, afterwards, the material was not embedded anymore, so you have to apply soldering material.

COMMISSIONER LAI: When was that?

A. That was in the late 1990s.

With poor workmanship, the soldering material will just not attach and you have to add to that with soldering material, so contractors didn't like that. Since you will have to do some patch-up work, then you may as well use your own soldering material.

COMMISSIONER LAI: But that was not a Housing Authority project?

A. No, it was an ASD project, construction project. Copper pipes were used, so it was the same group of contractors; we all knew one another.

CHAIRMAN: So no one would say that they have never seen Fry lead-free?

A. Well, if you have been in this trade for 20 years, if you don't know, how could you compete? Everyone does it the same way. It's a matter of cost.

COMMISSIONER LAI: So the cost would make a big difference?

A. Well, that's just beside the point.

CHAIRMAN: That is not beside the point. It is very important.

A. It's beside the point. We shouldn't talk about it. It should be off the record. But that is for the workers. But for Housing Department, they offer this price and you have to reach this level, and that's well known.

CHAIRMAN: Can you make it clear. Put it bluntly, because I don't understand. What about the Housing Department?

A. The Housing Department requires lead-free tin wire, because that was already said when we quote the price, because I have to give a briefing about quotation, there will be discussion that for these plans, this has to be done. There will be a brief presentation, how long it would take. Then, with the information, a quotation would be given.

So, at the time when a quotation was given, they knew what was to be used. In the end, after discussion, at the time when the contract was put in place, we would sit in a room and we would say, "These are the specifications; go through it. If you have questions, ask and we will answer you." If there were no problems, signatures would be appended on each contract and there would be a proper project contract.

CHAIRMAN: (Chinese spoken).

A. And after that, there would be another discussion.

CHAIRMAN: So they knew that lead-free material had to be used.

COMMISSIONER LAI: When it comes to quotation, at paragraph 4.5, since we have mentioned about this, paragraph 4.5 -- you said you asked subcontractors to give quotations. When you gave evidence just now, you

said you asked subcontractors to give quotations, and you have already explained to interested parties about the specification, what kind of soldering material was to be used.

A. When they came to get the information and plans, I briefly told them that these are the requirements of the Housing Department, what materials were to be used and what tin wires were to be used. They have heard about it many times because they have been working for me for many occasions.

For new ones, I would elaborate even more. In English, I would just give a precis about it. English, it's about the specifications. But still I would tell them that for these sites, copper wire, in the past there were flat pipes, which type, some glue had to be used; I would give them a briefing. Otherwise, they did not know how much -- what tender price to put in. And if, in the end, they suffered a loss, then we could not do that for them.

COMMISSIONER LAI: So it was made clear at the time of the tendering what solder material was to be used?

A. If they didn't understand, they would ask. But they have been doing Housing Department projects; they knew.

COMMISSIONER LAI: So, when a contractor came to you and you gave explanations, say, for example, in relation to Siu

Kin Wong and Mok Hoi Kwong, did they attend?

A. No. Yes, actually, yes. But they have retired though.

COMMISSIONER LAI: But I am talking about Mok Hoi Kwong and

Siu Kin Wong; were they there?

A. Yes, Mok Hoi Kwong and Siu Kin Wong were there.

CHAIRMAN: Please continue.

MR KHAW: About the tender exercise, you said plumbing subcontractors would be present and you explained to them.

I would like to know, how do you explain to them?

Let me ask: say, when it comes to soldering material, did you tell them -- would you show them the actual material or just show them the prospectus or what?

A. No, no, actual material, that is tin wire required by the Housing Department, and they would understand.

Q. But before they understood, I would like to know what was said. Without a physical demonstration, and you said that tin wire is required by the Housing Department, did you make it clear lead-free tin wire, "lead-free", the two words?

A. At the beginning, yes. Later, it was understood, and they would understand.

Q. I am talking about this one.

A. At the beginning, they were the first batch, that is at Un Chau. I told them because that is included, and

I told them that these have to be included, and then they would gauge the price before putting in a bid.

Q. Let me make it clear: Un Chau, in the first discussion, what requirements, and when it comes to soldering material, you yourself, did you tell them clearly, make it very clear to them, lead-free? Did you?

A. I can't recall.

Q. Let me ask you, when the chairman and the other member asked you other questions, you were talking about submission of samples, and you said there would be internal communication, and then you would ask your frontline staff to ask the plumbing subcontractor to tell them what material was to be submitted. Your frontline staff, would they actually tell them, "You submit this brand", or just told them, "You submit this type of lead-free tin wire" -- did you actually say "lead-free tin wire"?

A. I did not have any direct conversation, but that was said.

Q. How do you know that when they were told, it was made clear that it was lead-free tin wire?

A. Because it's always the case. It's an established practice. It was lead-free solder wire and it was taken to Yau Lee and given to the site agent, the DS.

Q. For plumbing subcontractors, whether it is Mr Mok or

- Mr Siu, when they made submissions, apart from the physical solder material, you also asked them for documents?
- A. Right.
- Q. Well, there is a discrepancy between your statement and Mr Wong's. Mr Wong said that at that time, Siu or Mok, when it comes to submission they submitted the actual solder material for approval of the Housing Department; when it comes to documents, let's say manual test reports, Ming Hop obtained the information from the supplier. So which is true?
- A. This is true.
- Q. Which one?
- A. Well, contractors don't have all the documents. I asked for documentation. Prosperity just gave us one or two pieces. We asked for catalogue, test report and sample, but in the past some were missing.
- Q. So you obtained the documents from Ming Hop?
- A. Right.
- Q. But you said that in the beginning you couldn't get everything. Was there an occasion when you asked subcontractors to get documents but it was incomplete and you found that to be problematic, that's why you obtained the documents directly from them?
- A. Right.

CHAIRMAN: Over the years, have there been any plumbing subcontractors submitting material that is not Fry to the Housing Department?

A. I have never seen that.

CHAIRMAN: Well, counsel will have to have a drink of water.

Let's have a break for 20 minutes.

(11.28 am)

(A short adjournment)

(11.47 am)

CHAIRMAN: Please continue.

MR KHAW: Mr Ng, we were talking about the discussion with plumbing subcontractors.

Let me clarify this. We see that there is, in your statement and Mr Wong's statement, in around 2005, when you realised that when Ming Hop or you purchase small items from suppliers, if you were the one placing the orders, it might cause delay because it would take time.

So in around 2005, the approach changed, by allowing plumbing subcontractors to make the purchase. The change at that time, you would then rely on plumbing subcontractors to get supplies from suppliers.

Did you think at that time that Ming Hop had to make it very clear to plumbing subcontractors about the specifications? Was it very important?

A. I agree.

Q. I know that for Un Chau, that was the first of the six, it started, the work started in 2006. Am I right to say that prior to Un Chau in 2006, Ming Hop had worked with Mr Mok on other projects?

A. Right.

Q. And these projects required Mr Mok to purchase solder materials from the suppliers?

A. Prior to that, no.

Q. Un Chau, and in relation to Mr Mok, it was the first time when he had to procure material from suppliers?

A. Right.

Q. I would like to follow up on something we have touched on. In the tender process, you said that you would make it clear to them the materials required by the Housing Department, you said that when it comes to solder material, prior to Un Chau Estate, as we have said, that you had some dealings with Mr Mok, what standard should the solder material reach before Un Chau; you have told him, right?

A. Yell, before that, we supplied material to them.

Q. At that time, did you know about the lead-free?

A. Of course.

Q. Did you say to him "lead-free" or just "HD requirement"?

A. I can't recall. Anyway, I said, "You have to use this solder material".

Q. But at that time you did not know show him the physical stuff?

A. I gave it for him for him to take delivery. I supplied it to him, for him to take delivery.

Q. But it was in the tender process.

A. Other sites or this site?

Q. For the Un Chau Estate tender exercise.

A. For Un Chau, I did not give him the physical material. They were supplied by him.

Q. You have mentioned that you did not specifically say "lead-free"; you only said "Housing Department requirements"?

A. I can't really recall. Anyway, the actual material was in order.

Q. For Un Chau Estate, you submitted the material physically. Do you remember the documents submitted in relation to Un Chau, were they supplied by Mr Mok, that is the subcontractor, or from you, Ming Hop, Un Chau?

A. For Un Chau, I think it was from us.

Q. Let me give you some background information. About Un Chau material sample submission to the Housing Department, there was a chief architect called Chiu Pbut Kay. He said that the Housing Department could not find information related to sample submission.

We dug up the information from Yau Lee material.

B13.4, page 35059. We see that this is in relation to Un Chau Estate. Yau Lee submitted samples. The Housing Department filled in a form afterwards. Please refer to page 35059, in the middle. There is some information about the material, and it says there is one Kembla copper pipe, including some fittings.

"For cold and hot and cleansing water supply system for domestic and [other] blocks."

This is about Un Chau Estate?

A. Yes.

Q. Then the information that follows from that, we can see that for Un Chau Estate, on the form, there is no particular mention about a submission of Fry. Well, Un Chau is the first estate. Do you recall that in relation to this estate, was there any submission of Fry as solder material for approval by the Housing Department?

A. Yes, I did. Let me add that it doesn't appear on the document because for metal fittings, for all sites, it is always the case that there is no need for such submission to the Housing Department. But individual clerks of works, when they approve copper pipes, they usually will ask about joining methods. Then we would tell them soldering. Then they would ask, "Show me the solder material; let's see what it is and whether they

meet the requirement." So we did, for this site; we showed them the tin wire and copper wire. We obtained them from Mok Hoi Kwong, and as reported to me, they were given to Yau Lee and explained to them, and then they said it was okay. This is Un Chau.

Q. You talk about the physical solder material and documents supplied by Mok Hoi Kwong?

A. We were supplied documents, samples supplied by him and it was Alex Poon who has left. It was given to Yau Lee and then Yau Lee gave it to clerk of works.

Q. How come the Housing Department did not have any documents about the submission of Fry for approval?

A. I don't know. I don't know about that documentation.

Q. About Un Chau Estate, it's the first one. You submitted material, and it's approved. Did you inform the plumbing subcontractor, saying that the material submitted has been approved? Was there such a procedure of notification that the material has been approved?

A. Yes.

Q. Who did it?

A. My staff. A reply was given that it was approved, then it was said, "Yes, it's in order".

Q. So it was given to Mok Hoi Kwong and Mok was told. It was afterwards --

A. Yes, I was told afterwards.

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 19 B

C Q. After it was done, he was immediately informed, or in C
D relation to your giving evidence this time, you asked D
E them and that's how you recall? E

F A. Well, for every site, he would be informed, telling him F
G that it was in order. Then the form would be given. G

H Q. Let me ask you, in relation to Un Chau Estate, you said H
I in the tender process or tender exercise, they knew that I
J they had to give quotations, and during that time -- J
K because some would include material as well. K

L A. Yes, the metal fittings. L

M Q. You have gone through the quotations. You would take it M
N that in the quotation, it would include lead-free N
O material? O

P A. Right. P

Q Q. At that time, did you know about the price of leaded Q
R material? R

S A. I did not. S

T Q. So if you look at the price, as you knew, the lead-free T
U material would cost this much, so you would assume that U
V it was lead-free material. V

Q In the quotation, was there some breakdown about how Q
R much workmanship will cost and material will cost? R

S A. No, it was miscellaneous and several subtotals. S

T Q. If that is the case, how did you know that the solder T
U material quoted is based on lead-free material? U

V

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

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C A. Prior to the quotation being given, I told them, when C

D they came to me -- I said, "Follow the first one, follow D

E the last site and the materials included", and they said E

F "Okay", and quotations were different. F

G Q. What you meant was, just like the previous project, the G

H price quoted was material plus workmen? H

I A. We both understood. I would tell them that "Housing I

J requires lead-free, and you have to include metal J

K fittings; give me the quotation", so they knew what was K

L to be used. L

M Q. You said you didn't know about the price of leaded. M

N Have you heard about something called tin sticks? N

O A. Yes, I have. O

P Q. When did you first hear about it? P

Q A. It was in the 1970s, when I first joined the trade, Q

R because tin sticks were used. R

S Q. Do you know the difference in content of tin wire and S

T tin sticks? T

U A. No, I don't. I didn't. U

V Q. In relation to Mok Hoi Kwong, the plumbing V

subcontractor, did you mention about using tin sticks in

the project?

A. No.

Q. So you didn't know the content of tin sticks?

Now let's look at the statement of the plumbing

C subcontractors. If you knew at that time that they
would use tin sticks, would you see a problem?

C

D A. A big problem.

D

E Q. But you didn't know what tin sticks contained?

E

F A. Well, it's not the approved material approved by the
Housing Department. If I were found to be using

F

G non-approved material, I would be in trouble.

G

H Q. When it comes to accepting delivery, yesterday we asked
Yau Lee questions about acceptance of delivery. They
said they have certain guidelines. What about Ming Hop?

H

I Did you have similar things?

I

J A. Yes.

J

K Q. It's not in your statement or in the documents you
submitted. Can you briefly describe --

K

L CHAIRMAN: Well, we don't need to know how they accept
M delivery of material --

L

M

N A. If it's copper pipes, I will check every batch of
O delivery. But metal fittings are not subject to the
same procedure. Well, it will be redundant, in my view.

N

O

P MR KHAW: Did you, on the scene, see for yourself -- we
Q showed this to Mr Wong -- tin stick boxes, from England,
and it says it contains lead.

P

Q

R Q. For these six affected estates, did you ever see such
S a box?

R

S

T A. No. It's another brand.

T

U

U

V

V

Q. Let's turn to Mr Mok Hoi Kwong's statement. M1, page 16. Please look at paragraph 30. It mentions the tin sticks arrive as sticks, so there's no need for workers to cut the sticks. If they come in a coil packaging, it's contained in a rectangular box, and when it's delivered it would be stored in a conspicuous place in the workshop.

I don't know whether workers would cut them into pieces, when they use the tin material, tin wire. So, when the workers receive the material, you said they would cut the material into segments, into wires. Why is that so?

A. It's for easier soldering.

Q. With regard to the application for the permit from the WSD, we know that no information on soldering material is required in that process. Do you know that?

A. Yes.

Q. In 2005, you decided to ask the plumbing subcontractors to procure material, instead of doing it yourself. When you decided to make the change, did you consider the need to step up certain measures, to make sure that the subcontractor or sub-subcontractors would be procuring materials that comply with Housing Department specifications and standards? Did you do anything to that effect?

A. Well, we would rely on inspection.

Q. So the system on the site would involve no checking of delivered materials, so how could you ensure that?

A. Well, when we submitted the sample, the sample was given to us and then we would take it to Yau Lee, and Yau Lee would approve it. The whole work flow will be made very clear and explicit, and then it would be put in the sample room, and then the people can check it. We have been using the same material for many sites. So there was no reason to suspect that it would be something different.

Q. But if you do not check the acceptance of delivery, how could you ensure that?

A. Well, you can say that maybe they didn't want me to know about that. How could I check the delivery or the distribution of cut material? Of course, now I know of this incident, I might do it, but there was no such problem in the past, so we didn't see the need.

Q. Yesterday, we heard that you and the other two licensed plumbers were disqualified as licensed plumbers by the Water Authority.

A. Yes.

MR KHAW: Do you know the reason?

I have no other questions.

Cross-examination by DR WONG

DR WONG: Mr Ng, I represent WSD. I would like to ask you
a few questions.

Paragraph 3 of your statement first, at page 10.

A. My statement?

Q. Yes, your first witness statement, paragraph 3. You
entered the trade in 1971, so you have 30 or 40 years of
experience, and the Commissioner asked you about your
course of study in the Hong Kong Polytechnic and the
Hong Kong Productivity Council. You said there was
nothing on lead-free requirement. Well, the UK standard
was changed in 1987.

CHAIRMAN: Which standard?

DR WONG: Well, the lead standard, on soldering material.

Soldering material has to be lead-free.

CHAIRMAN: I think you are talking about 864, table 17, it
was the standard adopted in 1987.

DR WONG: Do you know that? Prior to 1987, pipes or
soldering material could contain lead and they would
have to be lead-free after 1987?

A. I didn't know that in 1987, but in the 1990s I was
alerted to this by suppliers.

Q. Mr Khaw showed you a box. In the box, there would be
two sticks. Can you please take a look?

A. Yes.

Q. Two sticks, two tin sticks. I would like to ask the

Secretariat staff to help us by showing Mr Ng the Fry soldering material. (Handed). You can pull some length out. With your experience, 30 or 40 years of experience, if it's just a visual inspection, can you tell whether the worker is using the Fry soldering wire vis-a-vis the stick, the tin stick?

A. If there's no brand, unless they are soldering at an elevated location, I would not be able to see.

Q. So even if you saw what they did while soldering, you wouldn't be able to tell the difference?

A. I would only be able to tell if I see the package, and we have to check a lot of things on the site. It's not really about doing some detective work to catch a thief. Of course, it would be different now. It's just like making a round on the site; you won't even be able to tell whether the staircase has a railing.

Q. So, if you could not see that, then, well, you did the inspection as a licensed plumber, you said that if they use a different brand, different from the one submitted as a sample, you would be in trouble. But if you said you couldn't tell visually, then you wouldn't be able to tell in an inspection. So how could you make sure they use the material as approved?

A. Well, you know, we have the plan. We have to make sure that the size is correct, because the WSD has relevant

requirements, and when we make the submission there's a list, but the list doesn't contain soldering material, and when the WSD officer came, they would do some sample test. They would check if the workmanship of soldering was okay. They would not check soldering material. So I didn't pay attention to see if they cheated on soldering material.

Q. So the inspection would not involve checking the use of soldering material and to make sure that it was the same as the one in the sample room?

A. Well, it was a credible subcontractor. I didn't think about any malpractice.

Q. It was a question of trust then?

A. Yes, mutual trust.

Q. Please refer to paragraph 8 of your supplementary statement. Your lawyer has read it out -- I won't repeat it. It says at line 3:

"The usual practice is to complete part I of WWO46 and sign but I wouldn't put a date on the form."

Please take a look at page 235.

A. Yes.

Q. I think the signature is yours, and you wrote the date.

Is it that the signature was made first and the date later?

A. Well, they were both done at the same time.

Q. Can you explain why in paragraph 8 you talk about a different practice?

A. Well, this is a different project. It's a temporary water supply system. There's no need for the AP to sign it. So I could just submit this to the WSD. There was no need to involve the AP.

But for the site, it was different. I was criticised by WSD inspector. I wrote the date and then my signature, then it would take another one or two months before the architect signed the form. When I submitted to the WSD, they said, "How come the date is so long ago?" The architect would require me to sign first, before the architect would sign. So I signed, then the architect would sign, and when it returned to me, I checked that everything is in order, then I would date it and submit it to the WSD, so the WSD couldn't criticise me. That is just my practice.

Q. Let me ask you: when you signed WWO46, as the licensed plumber, you know that there are responsibilities? You have to ensure that the specifications conform to the Waterworks Ordinance, which specifies that lead-free material should be used.

A. Right.

Q. When you sign it, because you trust that your subcontractors did not cut corners, you signed?

A. I follow strictly to everything here, the DS and the list. If you said that it wasn't updated and there were leaded material, I did not know.

Q. So you would sign when you knew that there was leaded material?

A. No. Well, I know about the requirements, and I know that the material used was selected from the list approved, and if you said that the material contained lead, that was something that I did not know.

Q. Let me refer you to paragraph 4.8 of your first statement, page 13. The sixth line from the bottom, you said:

"I asked the resident foremen of Ming Hop. They have seen workers of a plumbing subcontractor bringing with them a bundle of tin wire that meets the requirements of the Housing Department to demonstrate the soldering material."

Was it shown as just a bundle or cut in sections?

A. Well, because at that time -- it was a bundle but then cut into pieces for the demonstration.

Q. Let me refer you to Mr Mok Hoi Kwong's statement, paragraph 30.

A. Yes.

Q. The last line says:

"I am not clear as to whether workers will cut the

wires into segments when using them. However, when I occasionally went to do the soldering myself, I would just take the whole coil."

So it was said that if you take the whole coil, it would save on material, because if you cut them into segments, at the end you have to discard the rest. So if you use the coil of Fry, you would normally take the coil?

A. I don't agree. It depends. Mok Hoi Kwong seldom worked. When he did, he would only work on a small part; he would use the coil. However, for workers, they have been working on it for a long time and they have to climb up and down, and they won't use a coil. He's the boss, he wanted to save material, that's why he would take a coil, but not workers.

DR WONG: I have no further questions.

CHAIRMAN: Anyone else would like to ask questions?

Any re-examination?

Re-examination by MR LI

MR LI: Mr Ng, you said that an importer from the UK told you about lead-free material. What was the name of the supplier?

A. There were many. First it was Dodwell, and later it was Gelec. It's the Inchcape Group. Then later it was Bun Kee and then Kembla, which represents Australia.

There's just these few.

MR LI: Thank you.

CHAIRMAN: Thank you, Mr Ng. You have finished with your
evidence. You may leave now.

WITNESS: I can leave? It's very efficient.

CHAIRMAN: Yes, you may leave now.

WITNESS: Thank you, everyone.

(The witness withdrew)

CHAIRMAN: Who is the next witness?

MR KHAW: Chairman, I know that the next witness from

Yau Lee -- yesterday, Mr Wong mentioned about Leo Tam,
it was in relation to Anderson Road, and then now the
gentleman. I understand that the two can only come in
the afternoon, and the legal team would like to meet
them. Perhaps we can continue in the afternoon.

Mok Hoi Kwong would be present in the afternoon.

CHAIRMAN: Yes. 2 o'clock then, because we will have
an early lunch, so we will start at 2 o'clock.

MR KHAW: Mok Hoi Kwong would arrive at 2.30.

CHAIRMAN: Would you ask Mr Chau Chi Wai, who was mentioned
yesterday?

MR KHAW: I know that Mr Chau would arrive at 3.30 and
Mr Tam would arrive after lunch.

CHAIRMAN: Perhaps we will start with Mr Tam. We will
continue at 2 o'clock. Thank you.

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B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 19	
C	(12.23 pm)	C
	(The luncheon adjournment)	
D	(2.04 pm)	D
E	CHAIRMAN: Ms Wong?	E
	MS WONG: Our next witness is Leo Tam.	
F	MR LEO TAM SIN TING (affirmed)	F
G	CHAIRMAN: Mr Tam, can you show me your ID? (Handed).	G
	I just want to jot down your name.	
H	Please be seated.	H
	Examination-in-chief by MS WONG	
I	MS WONG: Mr Tam, what is your current post?	I
J	A. I work in Yau Lee. I am a project co-ordinator for	J
K	Yau Lee, in the Housing Department. I'm an AQCC,	K
L	architectural quality control co-ordinator.	L
	CHAIRMAN: What's your post in Yau Lee?	
M	A. Project co-ordinator. For Housing Department, AQCC,	M
N	architectural quality control co-ordinator.	N
O	MS WONG: Mr Tam, are you still working in Area E? When did	O
	you join the company?	
P	A. 1 September 2008.	P
Q	MS WONG: Are you still working at Anderson Road site,	Q
	Area E, phases 1 and 2; right?	
R	A. Yes.	R
S	CHAIRMAN: Anderson what?	S
	MS WONG: Anderson site. Anderson Road site, Area E, phases	
T		T
U		U
V		V

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 19 B

C 1 and 2. It's a public rental housing project. C

D Q. In early 2013, you started to work on that site; right? D

E A. Yes. E

F Q. So it's been three years now? F

G A. Yes. G

H Q. Yau Lee and Ming Hop have entered into a contract; did H

I you know that? I

J A. Yes. J

K Q. As AQCC or project co-ordinator, part of your job is for K

L you to submit materials to the Housing Department for L

M approval or examination; right? M

N A. It's so-called material submission, correct. N

O Q. During the time you worked at Anderson Road site, did O

P you have the chance to come into contact with a company P

Q called Wing Hing Plumbing and Drainage, the responsible Q

R person of which is Mr Mok Hoi Kwong? R

S A. Please repeat your question. S

T Q. While you were working in Area E at Anderson Road, did T

U you have a chance to come into contact with this company U

V called Wing Hing Plumbing and Drainage, and the V

responsible person in charge of the company was Mr Mok Hoi Kwong?

A. Yes, I did.

Q. So it was around -- at the time, sometime in 2013, when work started on the site?

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A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 19	
C	A. Yes, more or less.	C
D	CHAIRMAN: Early 2013 or middle or end?	D
E	A. Early. Early 2013.	E
F	MS WONG: As far as you can tell, is Mok Hoi Kwong or Wing Hing responsible for the Anderson Road Area E, the plumbing works?	F
G	A. Yes.	G
H	Q. As regards solder material, you were required to submit samples for the Housing Department's approval?	H
I	A. Yes.	I
J	Q. I will show you a document now.	J
K	Commissioner, I have asked Lo & Lo to photocopy this document for me. (Handed).	K
L	Before you, there is a document called "Sample submission and approval form". Can you see it?	L
M	A. Yes.	M
N	Q. You can see the date, 14 June 2013 on the right-hand side?	N
O	A. Yes.	O
P	Q. Page 2, we can see your signature on page 2?	P
Q	A. Yes, it's my signature.	Q
R	Q. "(In English) Quality control co-ordinator", in the middle part?	R
S	A. Yes.	S
T	Q. We are now looking at the tin wire. How many pages are	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 19 B

C there of this document? C

D A. 130-odd pages. D

E Q. So this is the part related to the tin wire; right? E

F A. The copy I have has four pages. F

G Q. Please turn to page 3. I want you to explain something. G

H There's something called "Approval label", Anderson Road H

I site Area E, phases 1 and 2, and there's a signature and I

J some colour photos dated 29 or 24 June 2013. What's J

K this about? What is this label about? K

L A. If material submission is approved, the Housing L

M Department would put down a signature, and then this M

N label will be cut down and pasted on the approved sample N

O board. This can be found in the sample room of the O

P Housing Department. P

Q Q. Do you know why this step is necessary? Q

R A. Well, the Housing Department wants to check, R

S cross-check, with the material delivered to the site. S

T Q. So if they have doubts about the material used, T

U vis-a-vis the approved material, they can check it? U

V A. Well, yes. They would take the material to the sample V

room and cross-check.

Q. At page 4, you can see an enlarged photo. Lead-free grade 99C Powerflow Fry, and then flux, a box of flux, yellow colour, on the left.

A. Yes, I can see it.

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 19 B

C Q. Who took this picture? C

D A. I did. D

E Q. So, for this yellow box and the green thing, who gave E

F them to you? F

G A. Mr Mok Hoi Kwong. G

H Q. At that time, Mr Mok gave them to you personally? H

I A. Yes. I

J Q. Where? J

K A. It's near the office, site office. It was near my K

L office at the time. L

M Q. Why did he do this? M

N A. When I submitted this form, this was a submission about N

O the copper pipes, so I prepared a draft to the assistant O

P project supervisor for initial approval. I was reminded P

Q by the officer in charge to provide samples -- Q

R CHAIRMAN: Sorry, sorry, please, slowly. Assistant project R

S supervisor? S

T A. Yes. T

U CHAIRMAN: Who? Whose personnel? U

V A. Housing Department. V

CHAIRMAN: The assistant project supervisor asked you to

submit samples related to the plumbing works; correct?

A. Well, I had -- I made this submission for copper wire,

copper pipes. I prepared a draft to the Housing

Department supervisor, and then, when it was approved,

I then made a formal submission. I was reminded then that for copper pipes, I had to provide some samples of flux and solder.

So, at that time, Ming Hop had not done that, so I asked Ming Hop to do it, and then Ming Hop said they would ask Mr Mok Hoi Kwong to give them to me.

CHAIRMAN: Okay. What followed?

A. Mok Hoi Kwong gave them to me.

CHAIRMAN: Now, in other words, you are referring to the time before around 20 June 2013?

A. Right.

MS WONG: Chairman, my part is done.

COMMISSIONER LAI: For the two items given to you by Ming Hop, did Ming Hop ask Mr Mok Hoi Kwong to hand you those items?

A. Yau Lee's subcontractors, Ming Hop, plumbing subcontractors, Ming Hop, so for any issues related to plumbing, I would approach Ming Hop first, and if Ming Hop instructed Mr Mok Hoi Kwong to pass me the items, I had no problems with it, because we would notify our subcontractor, which was Ming Hop, in any case.

Cross-examination by MR KHAW

MR KHAW: When you informed to Ming Hop, which Ming Hop staff were you in touch with?

A. I was in touch with Mr Ching Chi Fai, or we would call him Fai.

Q. For the assistant clerk of works from the Housing Department, you said you would give them a draft first, and if there are any issues, they would discuss further with you. For the assistant clerk of works, when he requested samples to be submitted, did he inform you directly or did he inform your colleagues?

A. He informed me directly.

Q. Since you have been with Yau Lee since 2008 -- the Housing Department approached you directly on the submission of lead -- had it happened before 2008 or was it the first time?

A. It was the first time. I was responsible for two projects, and for one of the projects, the submission stage has passed.

Q. What was your other project?

A. Yan On Estate.

Q. When you took over Yan On Estate, the sample submission stage has finished; right?

A. Yes.

Q. For Yan On Estate, did you have a chance to get in touch with Mr Mok, the plumbing subcontractor? Why did you approach him?

A. A plastic pipe sample was requested, and as such,

I worked with Mr Mok on one of the invoices.

Q. For Yan On Estate, have you ever discussed with Mr Mok with regards to solder?

A. No.

Q. For the Anderson Road site, you made a submission, and at the beginning they said you did not include the solder and flux, and as such, they were subsequently submitted and you signed on the form, and they approved it as well -- and they looked at it as well.

In this four-page document, for the final page, for this photograph, above your signature there are some small words:

"(In English) The material delivered and constructed/shop drawing submissions/testing and/or analysis of testing result conform with specification and drawings."

For this photograph, when you received the solder and flux, did you read the contract specifications?

A. One of the parts was on the solder specifications.

Q. Have you read it?

A. I signed on it, but it wasn't shown here.

Q. When you made the submission to the Housing Department, would you include the relevant specifications?

A. Yes. Yes, I did.

Q. Afterwards, the Housing Department approved this type of

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

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C flux and solder, because they are compliant with C

D contractual specifications. Subsequently, did you D

E notify Mr Mok that they have been approved? E

F A. Let me put it this way. Ming Hop would cross-check with F

G us the list of materials, and the form would be ticked G

H off. It wasn't Mr Mok himself. H

I Q. After the form was approved, you informed your I

J colleagues at Yau Lee that it has been approved? J

K A. Yes, you can put it this way. K

L CHAIRMAN: Please don't give such an answer. Please give L

M a "yes" or "no". If you are not sure, perhaps you can M

N ask some open questions. N

O MR KHAW: Now let's come back to the question. If you have O

P received the approved form on the solder sample from the P

Q Housing Department, would you first report to your Q

R colleagues at Yau Lee -- let's put it this way, what R

S would you do? S

T A. When it's approved, I would discuss with Ming Hop which T

U materials have been approved and which haven't. U

V Q. Then which colleague from Ming Hop would you approach? V

A. Fai, Mr Ching.

Q. After the materials were approved, would you discuss

anything further with Mr Mok Hoi Kwong?

A. Unless instructed by Ming Hop, we would not discuss with

Mr Mok Hoi Kwong, because he's not a subcontractor of

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 19 B

C Yau Lee but a subcontractor of Ming Hop, so usually we C
would communicate with Ming Hop.

D Q. For the Anderson site project, after receiving the D
material approval, you have not personally communicated
E with Mr Mok Hoi Kwong? E

F A. Not exactly. As we communicate with Ming Hop during the F
G projects, sometimes they might summon Mr Mok Hoi Kwong G
H to deal with certain issues. H

I Q. When you discussed works issues with Mr Mok Hoi Kwong, I
did you discuss or talk about solder? I

J A. No. J

K MR KHAW: I have no further questions. K

L COMMISSIONER LAI: On the first page, under the second L
M paragraph, "Technical information", paragraph (e), the M
N supplier is Ming Hop; right? In other words, the sample N
O was provided by Ming Hop. Why wasn't it Wing Hing? O

P A. For copper pipes, Ming Hop provided information on the P
Q copper pipes to me. That's why their name was written Q
R down. R

S CHAIRMAN: Here, there are a lot of items; right? S

T A. If we look at a breakdown, each item has a separate T
U supplier. U

V COMMISSIONER LAI: So, here, the name of the subcontractors V
is written down, that's it?
A. Yes.

CHAIRMAN: Any other questions?

Mr Mok, I see you are here already. Please rise.

We cannot have three people from the Water Supplies Department here. Maybe one of you can return to the back.

Mr Mok, please be seated here. Please rise. I have something to tell you.

Mr Tam, you just heard his witness statement, and he said, for the Anderson Road site, at the beginning of 2013, he received solder and flux from you, and on this point, do you have any questions for Mr Tam?

MR MOK: No.

CHAIRMAN: If not, you agree with the evidence he gave; right?

MR MOK: For the Anderson Road site, as far as I remember, I did pass him the items, but I'm not exactly sure.

CHAIRMAN: All right. That's all right. That's okay.

So you do not object to what he said, that he did obtain the solder and flux from you?

MR MOK: Yes, I do have some recollection.

CHAIRMAN: It was back in early 2013?

MR MOK: Yes, probably.

CHAIRMAN: In other words, in June or before June 2013, at that time you were aware that lead-free solder had to be submitted to the Housing Department?

MR MOK: I didn't know whether it was lead-free.

CHAIRMAN: All right.

He said he didn't know if it was lead-free. Is
there anything you want to say?

A. I was in touch with Fry from Ming Hop. I didn't know
what their conversation was about.

CHAIRMAN: All right. Any other questions for Mr Tam?

MR MOK: Someone ordered me.

CHAIRMAN: All right. Even though the materials were passed
to you and you submitted those materials, but
subsequently nothing happened and he didn't know whether
these materials were approved. What's your response?

A. I would like to reiterate that our subcontractor is
Ming Hop and I conducted regular reviews with Ming Hop
on which materials have been approved, so the
responsibility of informing would be on Ming Hop.

CHAIRMAN: So, in other words, you did not know whether the
materials were approved, so the actual materials used --
in other words, you could use whatever materials you
liked?

MR MOK: I used such materials for the compartment room.

CHAIRMAN: Can you repeat yourself, please.

MR MOK: And there was, at the beginning of the
construction, a so-called compartment room and there was
plumbing and I used such material, and no one told me

C that I couldn't use it, and that's why I went ahead and
used such materials.

C

D CHAIRMAN: You mean the sample room; right? Which materials
did you use for the sample room?

D

E MR MOK: For the plumbing works.

E

F CHAIRMAN: What did you do?

F

G MR MOK: I used these tin strips.

G

H CHAIRMAN: You used the usual tin strips, and you said
no one told you that they couldn't be used; is that the
I case?

H

J MR MOK: Yes, no one told me. I never heard that they
couldn't be used.

J

K CHAIRMAN: So, in the installation of plumbing works, you
L persisted with such tin strips. So did you mean that
you made submissions anyway?

K

M MR MOK: They were submitted and I was requested to make the
N submissions. I handed them to Ming Hop.

M

O CHAIRMAN: So do you mean that you didn't know whether they
were approved; was that the case? Therefore, you
P continued using the usual tin strips? For the sample
Q room, you used that type of tin strips. For the main
R building, you also used the usual type of strips. So
when did you use this type of strips?

O

S MR MOK: When I ran out of stock, I used this type instead.

S

T CHAIRMAN: But this item had not been approved. Why did you

T

U

U

V

V

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C use it for the flat strips, flat tin strips? C

D Well, perhaps I will stop here. Please be seated. D

E Any re-examination? No? Anything for E
re-examination?

F Re-examination by MS WONG F

G MS WONG: These materials, when you asked him to give them G
to you and he did give them to you, both of you knew
H that they were for the Housing Department? H

I A. I think he knew. I

J Q. So both of you knew these requirements. You didn't J
specify the model or the brand?

K A. No. K

L CHAIRMAN: Thank you, Mr Tam. You may now step down. L

M Fai is called Ching Chi Fai? M

N A. Should be. N

O (The witness withdrew) O

P CHAIRMAN: Do you have anyone? P

Q MS WONG: My solicitor is now checking, because he has to Q
ask for permission of leave.

R CHAIRMAN: Well, if he arrives before 3.30, we would resume. R

S All right, we will adjourn for the moment. S

T (2.32 pm) T

U (A short adjournment) U

V (3.22 pm) V

MS WONG: Thank you, chairman.

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C CHAIRMAN: The next witness is Mr Chau Chi Wai. C

D Come over this side, please. D

E MR CHAU CHI WAI (affirmed) E

F Examination-in-chief by MS WONG F

G MS WONG: Mr Chau, what is your current post? G

H A. I'm a project manager. H

I Q. You are now working at another company, Aggressive I

J Construction. You once worked for Yau Lee; correct? J

K A. Yes. K

L Q. When? L

M A. If I remember correctly, it started -- it was from the M

N end of 2008 to the middle of 2011. N

O Q. So you worked on an estate called Yan On Estate? O

P A. Yes. P

Q Q. What was your post at that time? And that is from the Q

R period of November 2008 to May 2009. You were AQCC, R

S architectural quality control co-ordinator? S

T A. Correct. T

U Q. Then you were promoted to site agent six months later? U

V A. Yes. V

Q. Your work would involve submitting documents to the

Housing Department, architects or clerks of works and

also you were responsible for some materials submission?

A. Yes.

Q. Please refer to B11.3, page 28004. This is a sample

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C submission and approval form? C

D A. Yes. D

E Q. Contract title: Ma On Shan Area 86B. This is Yan On Estate; correct? E

F A. Yes. F

G Q. On the right-hand side, the date is 15 January 2009, and the contractor is stated as Yau Lee? G

H A. Yes. H

I Q. You see on page 1 there are quite a few items covered. I

J We are only interested in tin wire. How many pages are there in this document? J

K A. If I remember correctly, there are 100 pages or so, including catalogues. K

L Q. Let's turn to 28005. In the middle part, "Architectural quality control co-ordinator", "CW Chau", is that you? L

M A. Yes. M

N Q. And that's your signature? N

O A. Yes. O

P Q. 28006, "Approval label". P

Q A. Yes. Q

R Q. What does it mean? R

S A. This approval label means that the BSE of the Housing Department had approved the submitted material. S

T Q. All right. Let's see what materials were covered. 28007, or 28008, there are two photos. Please enlarge T

U

V

C those photos. You can see on one, it's Fry. On the
D right-hand side -- well, it's not coloured -- if there
E is colour, it is yellow. So there's flux and the other
F is Fry lead-free 99C. This is coiled tin wire. Who
gave these to you?

C

D

E

F A. The contractor.

F

G Q. Which contractor?

G

H A. Mr Mok Hoi Kwong gave them to me.

H

I Q. How come you can remember it's Mr Mok Hoi Kwong?

I A. I did ask Ming Hop staff for this, and they said they

I

J had asked Mr Mok Hoi Kwong to give them to me. So
I contacted Mr Mok Hoi Kwong and asked him to do it.

J

K The submission process did take some time.

K

L Q. Did you call Mr Mok?

L

M A. If I remember correctly, yes, I called Mr Mok.

M

N CHAIRMAN: Personally, by you? You called Mr Mok to ask for
what?

N

O A. Well, there's something missing. The tin sticks, the
tin material. I didn't have the catalogue either. We
P had to submit the full set. So one was missing and
I asked him to do it.

O

P

Q CHAIRMAN: You asked him to submit the tin sticks; did you
R specify which kind of tin sticks?

Q

R

S A. No.

S

T CHAIRMAN: Then he gave you this tin stick and this flux?

T

U

U

V

V

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C A. Yes. C

D MS WONG: Where did he give these materials to you? D

E A. On the site. E

F Q. Who took these photos? F

G A. One of my colleagues. G

H MS WONG: That's all from me, Commissioner. H

I CHAIRMAN: Mr Khaw. I

J Cross-examination by MR KHAW J

K MR KHAW: Mr Chau, let's look at Yan On Estate first. You K

L didn't specify what kind of tin stick or brand or what L

M type had to be submitted. Did you know what would be M

N required? N

O A. I didn't know at the time. O

P Q. When you talked to Ming Hop, you asked for these P

Q materials. When you talked to Ming Hop's staff, you Q

R didn't mention any specification of the materials R

S required? S

T A. No, they were promised. They knew. T

U Q. In the submission of materials, we saw some photographs U

V of the materials, and there were some catalogues as V

well. It was quite a thick bunch. When we look at the

forms submitted -- well, first of all, did you

personally make the submission?

A. Yes.

Q. When the form was submitted, I saw that they were

submitted together with the copper pipes. In other words, the copper pipes and solder were submitted together. I would like to know, the manuals and test reports for solder, did Mr Mok hand them over to you or did your company keep a set already?

A. I can't remember.

Q. When these documents were submitted, they had to be consolidated. I saw that certain specifications were added. Were you personally responsible for consolidating the documents?

A. Yes, I was the person mainly responsible for that.

Q. For catalogues and descriptions, who passed the information on to you?

A. I can't remember.

Q. Apart from Yan On Estate, we have -- well, we have six affected estates with regards to lead in water. Were you involved in the transfer of materials?

A. No.

Q. Or the submission of materials? Let's look at Yan On Estate first. After the materials were submitted, did you get in touch with Mr Mok or did you talk?

A. There was some co-ordination on the connection of pipes.

Q. On the procurement of materials such as solder, have you actually discussed the procurement of materials?

CHAIRMAN: I don't understand your question. Can you

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C clarify that, please. C

D MR KHAW: In this site, if Mr Mok had to procure certain D

E materials such as solder and submit solder, have you E

F ever discussed this with him? F

G CHAIRMAN: Were you referring to the delivery or the G

H submission of samples? H

I MR KHAW: I mean the delivery. I

J A. No, not specifically. J

K MR KHAW: Thank you. K

L CHAIRMAN: Any questions? Mr Mok? Do you have any L

M questions for Mr Chau? M

N MR MOK: No. N

O CHAIRMAN: He said that in 2009. Was it 2009, Ms Wong? O

P In 2009 he said -- well, he said in 2009 you P

Q submitted lead-free solder and flux. Q

R MR MOK: I can't remember. R

S CHAIRMAN: It was a long time ago, right? S

T MR MOK: I am not sure whether I passed him such materials. T

U I can't remember. U

V CHAIRMAN: All right. He said he didn't have to tell you V

the brand and you knew the brands of solder or flux to

submit.

Any questions on this?

MR MOK: I can't remember. I have no recollection.

CHAIRMAN: Right.

C How about the re-examination? C

MS WONG: No, thank you.

D CHAIRMAN: Mr Chau, thank you very much. You may now leave. D

E (The witness withdrew) E

F MR KHAW: Mr Ching from Ming Hop was mentioned. We have
G spoken with the counsel of Yau Lee and he would be able
to come tomorrow morning. G

H CHAIRMAN: So now should we adjourn? H

I MR KHAW: I am not sure if part of his witness statement
J would be related to Mr Mok Hoi Kwong, so it might be
safer to take evidence from him first, before we listen
to Mr Mok. I

K CHAIRMAN: Any comments? K

L Mr Mok, Yau Lee and Ming Hop want to take in the
M evidence from Mr Ching first. This morning, we
mentioned this Mr Ching. Now Yau Lee and Ming Hop want
N to summon Mr Ching first and take evidence from him,
O before they deal with your evidence. Do you have any
objections? O

P MR MOK: No. P

Q CHAIRMAN: All right. If that's the case, let's take in the
R evidence from Mr Ching first, before we take in yours.
Please come here at 10 am tomorrow. I believe
S Mr Ching's witness statement won't be very long, and
T after that, we can take in evidence from you. T

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C MR MOK: I understand. C

D CHAIRMAN: All right. So see you at 10.00 in the morning D

E tomorrow. E

F (3.37 pm) F

G (The hearing adjourned until 10.00 am the following day) G

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