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

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

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麥高義資深大律師及許佐賓大律師，由的近律師行延聘，代表保華建築營造有限公司

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何沛謙資深大律師及殷志明大律師，由羅夏信律師事務所延聘，代表香港房屋委員會

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王鳴峰資深大律師、陳樂信大律師及羅頌明大律師，由律政司延聘，代表水務署署長

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

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

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主席：下一位證人，唔該。

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林小姐：With your leave, Mr Chairman, we call Mr Chan Siu Wing.

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主席：哦，陳紹榮。請過去啲邊。

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中國建築工程（香港）有限公司（“中國建築”）（紅磡邨第二期和啟晴邨的總承建商）的第二證人：陳紹榮（中國建築地盤代表（紅磡邨第二期））

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以本地話宣誓作供

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主席：請坐。

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林小姐主問

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問：Good morning, Mr Chan. I will now read out your statement. You are welcome to put on the headphones.

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COMMISSION OF INQUIRY

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WITNESS STATEMENT OF CHAN SIU WING

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I, Chan Siu Wing, of 29/F, China Overseas Building, 139 Hennessy Road, Hong Kong say as follows:-

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A. Background

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1. I started working at China State Construction Engineering (Hong Kong) Limited ("**CSCE**") in September 2000 as Site Agent. Before joining CSCE, I worked at the Hong Kong Housing Authority ("**HA**") as Works Supervisor and subsequently, as Assistant Clerk of Works from 1985 to 2000 and during that time, I was responsible for site supervision and inspection at HA. I have 35 years of experience in the construction industry, 30 years of which were in relation to HA's development and maintenance projects. I am now CSCE's Project Manager at one of HA's Home Ownership Scheme project in Tsuen Wan and Tsing Yi ("**Tsuen Wan Project**").

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2. I hold a higher certificate in civil engineering from the Hong Kong Polytechnic University, and a Master degree in Engineering Management from the University

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of Sydney. I am also an Authorised Signatory of the Registered General Building Contractors, a Member of the Chartered Institute of Builders, and a Member of the Hong Kong Institute of Construction Managers.

3. CSCE has provided me with, and I have read, a copy of the letter of Lo & Lo dated 16 October 2015 ("**LL's Letter**") [F1 / 11-14]. I understand that the Commission of Inquiry ("**Commission**") requires CSCE to provide witness statements pertaining to the fresh water plumbing system in the Hung Yat House, Hung Yan House and Hung Yiu House ("**HH Houses**") at the Hung Hom site of the Hung Hom Estate Phase 2 ("**HHP2**") project and to address various questions in LL's Letter. Given that I was CSCE's Site Agent of the Hung Hom site of the HHP2 project, CSCE has therefore asked me to assist the Commission's investigation by providing a witness statement in response to those questions in LL's Letter for which I have personal knowledge and am able to speak about. As the Site Agent of the Hung Hom site at that time, I am able to address some, although not all, of the questions in LL's Letter.

4. For the purpose of this witness statement, I understand that the Commission wishes to focus on the fresh water plumbing works which were carried out by CSCE's specialist plumbing sub-contractor, Golden Day Engineering Co. Ltd ("**Golden Day**"), and its owner and also Licensed Plumber ("**LP**"), Cheung Tat Yam ("**Cheung**") at the HH Houses at the Hung Hom site. I have therefore made this witness statement on this basis and have not dealt with (a) the fire services and water pump installation works at the Hung Hom site which were carried out by HA's nominated sub-contractor, Shun Cheong Electrical Engineering Co. Ltd. and its LP, Chu Kam Kwok, and (b) the underground water works at the Hung Hom site which were carried out by CSCE's plumbing sub-contractor, Ho Biu Kee Construction Engineering Co. Ltd. and its

LP, Lam Tak Sum. If required, I am prepared to provide a witness statement about these works.

5. For the purpose of this witness statement, I have read the witness statements of (i) Lee Hung Fai ("**Lee**"), who was CSCE's Deputy General Foreman for the Hung Hom site at that time, and (ii) Michael Sung Tsang Hung ("**Sung**"), who is CSCE's General Manager of the Building Construction Department. I will be referring to these statements from time to time in this witness statement.

6. As a starting point and by way of general background, HA was satisfied with the timely completion and high quality workmanship of the works carried out by CSCE for the HHP2 project. HA's satisfaction is shown in a letter dated 12 March 2012 issued by HO's Chief Architect to CSCE ("**Letter of Commendation**") [Tab 1].

B. Hung Hom Phase 2 Project

7. HA's contract for the "*Construction of Hung Hom Estate Phase 2 and Ma Hang Headland Park Contract No. 20080016*" was awarded to CSCE in 2008 and completed in 2011. The HHP2 project comprised two sites, namely, the Hung Hom site in Kowloon and the Ma Hang site at Stanley, Hong Kong. These two sites are not adjoining sites.

8. The main contract documents for the HHP2 project applied to both sites and were administered by HA as a single project. However, HA had two separate management teams to supervise the works at the Hung Hom site and the Ma Hang site respectively. CSCE, as the main contractor, also had two different project teams for the works at the Hung Hom site and the Ma Hang site respectively. I was the Site Agent of the Hung Hom site. Another site agent of CSCE was responsible for the Ma Hang site.

9. As the Site Agent for the Hung Hom site, I was involved

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C in the works at the Hung Hom site since August 2008
D until June 2011, after Blocks 1 and 2 were completed.
E I was then assigned to another project and hence, had
F left the Hung Hom site by the time Block 3 was
G completed shortly thereafter in or about November
H 2011. Pang Ka Man ("**Pang**"), who was the
I Architectural Quality Control Co-ordinator ("**AQCC**")
J and the sub-Site Agent of the Hung Hom site took over
K my work and became the Site Agent of the Hung Hom site
L after I left. Pang has left CSCE in or about 2014.
M The AQCC was responsible for, amongst other things,
N sample material submissions to HA for verification
O and approval and requesting HA to inspect works.

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J 10. During the time I was the Site Agent of the Hung Hom
K site, I had worked with the Building Services
L Co-ordinator ("**BSC**"), namely, C. K. Chan and
M subsequently John Lam at that time. The BSC was
N responsible for, amongst other things, (i)
O implementing the design of the combined building
P services works which comprised the fire services,
Q electrical and mechanical engineering works,
R air-conditioning works, and plumbing works, and (ii)
S liaising and coordinating with Golden Day about the
T submission of Parts I to V of the Form WWO46, water
U supply connection and water samples collection to
V ensure that the said matters were carried out
smoothly and on time. Before the Water Supplies
Department ("**WSD**") arrived at the site to collect
water samples, Golden Day would liaise with me for
the arrangement of access to the site and other
matters to facilitate the smooth collection of water
samples. CSCE's representative would be available
to assist, if required, during the water samples
collection by WSD. The General Foreman and his
deputy, Lee Hung Fai, worked closely with me with
regard to the supervision, monitoring and inspection
of the front line work of all the trade
sub-contractors. I reported to the Site Manager, Li
Pang, who has left Hong Kong in or around 2012.

11. My duties as the Site Agent included the following:

(i) Serving as CSCE's representative in terms of dealing with HA's Contract Manager ("CM"), the CM's representatives ("CMR"), HA's professionals of various disciplines and the technical resident site staff. I was also responsible for (a) managing the works team to ensure that the works would be carried out in accordance with the programme and completed on time, and (b) ensuring that the contractual requirements in terms of progress, quality I workmanship, environmental and site safety, etc were complied with.

(ii) Handling and co-ordinating front line works at the site, and checking and inspecting the works carried out by the different trades at the Hung Hom site, including monitoring the progress, quality I workmanship, site safety, and environmental etc requirements with regard to the said works, about 4 to 5 times every month by way of site walks. Specifically with regard to the fresh water plumbing works, the checking and inspection I had carried out included checking the correctness of the type and size of pipes and fittings used were as approved by HA, checking that the pipe brackets were installed correctly in terms of the spacing I intervals between the brackets and that there was a clearance of 25mm from the walls, checking to ensure that there was no staining and painting on the pipes and fittings installed, checking the alignment and position of the installed pipes etc. In short, the checking and inspection of the works carried out by the different trades at the Hung Hom site during the site walks would be carried out from the perspective of satisfying HA's contractual

standards and requirements, including HA's PASS assessments. This was done so that the standards and requirements of the works carried out by the different trades would meet HA's contractual standards and requirements, including HA's quarterly I interim and final PASS assessments (which are further set out in Section J3 below). However, neither HA's contractual standards and requirements, including HA's quarterly and final PASS assessments for fresh water plumbing works covered (a) checking and inspecting the soldering on the jointing of the copper pipes, (b) checking and inspecting the said soldering for the presence of lead or for lead content, and (c) checking and ensuring that the drinking water was lead-free. As set out above, the quality I workmanship of the works carried out at the HHP2 project was generally high and met with HA's contractual standards, requirements and approval as confirmed by HA's Letter of Commendation.

(iii) Reviewing the Main Contract documents, in particular, the Specifications, in order to ascertain the works to be done under the Main Contract and the requirements imposed.

(iv) Co-ordinating with CSCE's General Foreman about the planning and logistic arrangements at the site.

C. With reference to the steps and procedures outlined in Question 1, explain the role and responsibilities of CSCE and the respective roles and responsibilities of its sub-contractor(s), sub-sub contractor (if any), licensed plumber(s) ("LPs") and other person(s) in the contractual, construction and post-construction stages relating to the installation, supervision of work, inspection,

certification of completion, monitoring and maintenance of the fresh water plumbing system as far as controlling the content of lead of the Plumbing Materials is concerned, stating the procedures, criteria and standards involved (Question 2 of LL's Letter)

12. I have read Sung's witness statement which has dealt with Questions 1 and 2 in Sections C and D respectively of his witness statement. As set out in Sections C and D of Sung's witness statement, I will cover matters such as the relevant contractual provisions including the specifications and the details in the Form WWO46 with regard to the fresh water plumbing works at the Hung Hom site in this statement.

13. The main contract documents for the HHP2 project included HA's Specification Library 2004 edition (SL) ("**SL Specifications**") including the Preliminaries Specifications and Project Specific Specification ("**PSS**") (which amend and/or substitute and/or supplement the SL provisions) ("**Main Contract**"). The relevant SL Specifications concerning plumbing works are "*PLU1 Water Supply*" and "*PLU2 Sanitary Appliances*", which were amended by the relevant provisions in the PSS.

14. SL Specifications PLU1.W110.4 [**B10.1 / 23611**] provides, amongst other things, that "*Carry out all plumbing installation works mentioned in this Specification and shown on the Drawings ... by a contractor or [LP] as approved by [WSD]. Make all necessary applications to [WSD] and attend upon their representative for the purpose of tests and inspections for the plumbing installation*". However, the said provision does not specifically state the role and responsibilities of the LP. In any event, pursuant to the sub-contract entered into between CSCE and Golden Day with regard to the fresh and flush water plumbing works at the HHP2 project

("Sub-Contract"), Golden Day must comply with all the Main Contract requirements and specifications, including carrying out the fresh water plumbing installation works by a LP. As set out in Section A above, Golden Day's LP for the HHP2 project was Cheung.

15. Although I was not at that time personally involved in dealing with and handling the papers in relation to the submission to WSD of the Form WWO46 with regard to the fresh water plumbing works at the Hung Hom site, I was and am aware of the procedures involved. For the purpose of this witness statement, I have been provided with a copy of the WWO46 Forms for the fresh water plumbing works.

16. I set out below the details in relation to Part I of the Form WWO46 submitted by Golden Day's LP, Cheung, before the fresh water plumbing works at the Hung Hom site commenced:

(i) Part I was completed by the LP and HA's AP, and addressed to the Water Authority. Cheung endorsed Part I of Form WWO46 on 25 July 2009 **[B10.2 / 24452]**

(ii) The LP and the AP *"are engaged by the Applicant for new water supply in Part 11 to install an inside service at the above premises, which has been approved by the Water Authority."* The 'Applicant' in this instance was HA I HO. The *"premises"* was stated to be Hung Hom Estate Phase 2, Hung Hom, Kowloon, (Blocks 1, 2 and 3).

(iii) Part I referred to WSD's approval letter dated 19 December 2008 **[C12.1 / 7330-7334]**. The letter was addressed to Meinhardt (M & E) Limited (the Building Services Consulting Engineer) and refers to various matters

including WSD's approval for the provision of fresh (potable water) and flushing water (salt water) supply to the HHP2 project.

(iv) Part I referred to an '*attached table*' which listed the relevant drawing numbers and the drawing titles for each of Blocks 1 to 3 **[B10.2 / 24459-24460]**. Tables showing the number of master meter and trade supply meter to be provided and the location to be installed are also attached **[B10.2 / 24461-24462]**.

(v) The paragraph numbered 2 in Part I states that "*We hereby notify that the plumbing works detailed above will be commenced on June 2009 ... We CERTIFY that the pipes and fittings ... I intended to be installed, including those as listed on the attached Annex to this Form and those not listed, are as prescribed by the Waterworks Regulations.*".

17. I understand that in line with industry practice, the LP would only list in the Annex all pipes and fittings which had already been approved by WSD, as WSD's approval means that the pipes and fittings had complied with WSD's requirements. The certification by both the LP and HA as set out in paragraph 16(vi) above shows that the LP and HA had confirmed and certified that the pipes and fittings intended to be installed in the fresh water plumbing works at the Hung Hom site as listed in the Annex **[B10.2 / 24457-24458]** had complied with the statutory requirements in the Waterworks Regulations. Further, HA's certification also shows that HA had satisfied itself that the pipes and fittings to be installed in the fresh water plumbing works at the Hung Hom site as listed in the Annex had complied with the Main Contract requirements, in addition to having complied with the statutory requirements. Accordingly, both the LP's and HA's certifications

show that the pipes and fittings to be installed in the fresh water plumbing works at the Hung Hom site had complied with both the contractual and statutory requirements. I understand that WSD did not require soldering materials to be listed in the Annex to Part I of Form WWO46.

18. CSCE forwarded Part I of Form WWO46 which was duly endorsed by Cheung and the Annex to HA / Housing Department ("**HD**")'s AP.

19. Part II of Form WWO46 was endorsed by HA / HD on either 27 or 29 July 2009 [**B10.2 / 24453**]. Part II of Form WWO46, which was addressed to the Water Authority, states, amongst other things, that:

"I endorse the information submitted by my [LP] and the [AP] in Part I."

I take HA / HO's above endorsement of Part I and the Annex of Form WWO46 to signify that the pipes and fittings to be installed in the fresh water plumbing works at the Hung Hom site had met with HO's approval and therefore complied with both the contractual and statutory requirements.

20. CSCE forwarded Parts I and II of Form WWO46 which were duly endorsed by the relevant parties to Golden Day for submission to the WSD. WSD acknowledged receipt of Parts I and II of Form VVW046 on 3 August 2009 [**B10.2 / 24480**]. CSCE reported to HO on 6 August 2009 that Parts I and II of Form WWO46 was submitted to WSD on 3 August 2009 [**B10.2 / 24478 & 24480**].

21. WSD endorsed Part III of Form WWO46, which was addressed to Cheung, the LP, on 24 August 2009 [**B10.2 / 24488**], and advised the LP that the "Plumbing detailed in Part I and at the Annex is accepted" and informed the LP that the "Commencement date of the plumbing works as detailed in Part I is noted". This shows WSD's acceptance and confirmation that the

pipes and fittings to be installed with respect to the fresh water plumbing works at the Hung Hom site had complied with the statutory requirements and WSD's own non-statutory requirements.

22. Golden Day should have handed the duly endorsed Part III of Form WWO46 to CSCE, but CSCE is not able to locate Golden Day's covering document. Thereafter, CSCE should have forwarded the duly endorsed Part III of Form WWO46 to HA for HA's record, but CSCE is not able to locate its covering letter to HA. Once WSD had duly endorsed Part III of Form WWO46, the fresh water plumbing works at the HHP2 project could commence.

23. I will set out in Section K2 below about Parts IV to V of Form WWO46 which were submitted to WSD when the fresh water plumbing works at the Hung Hom site were completed. The role and responsibilities of CSCE, Golden Day, LP and other persons in the contractual and construction stages relating to the installation, supervision of work, and inspection of the fresh water plumbing works at the HHP2 project are set out in Sections J and K below.

D. Explain and identify with reference to the tender documents, the Main Contract and Sub-Contract the specific contractual terms and provisions pertaining to (a) the construction of the HH Houses to ensure drinking water will be lead-free and safe and (b) prohibiting the use of pipes, fittings and soldering and other plumbing materials ("Plumbing Materials") from which lead may leach into drinking water (the "Contractual Requirements") (Question 3 of LL's Letter)

D1. Tender documents and Main Contract

24. Now that I have refreshed my memory by going through the relevant provisions in relation to the fresh

water plumbing works and plumbing materials for the purpose of this witness statement (details of which are set out below), to the best of my knowledge and understanding:

(i) There are no provisions in the tender documents **[Tab 2]** (which are part of the Main Contract documents) and the Main Contract documents for the Hung Hom site pertaining to the construction of the HH Houses at the Hung Hom site to ensure drinking water would be lead-free and safe.

(ii) Except for an express provision in PLU1.M160.4 of the SL Specifications **[B10.1 / 23593-23594]** which provides that lead-free category solder should be used, there are no express provisions which (a) refer to the leaching of lead into drinking water and (b) prohibit the use of pipes, fittings and other plumbing materials from which lead may leach into drinking water. The issues of plumbing materials leaching lead into drinking water and any prohibition on the leaching of lead into drinking water were never raised by HA, nor were any queries asked by HA about this during the course of the HHP2 project.

Scope of fresh water plumbing works

25. PLU1.G010.P of the PSS **[B10.1 / 23098]** sets out, amongst other things, the scope of works for the fresh water supply pipework installations commencing from government mains at the entry of site boundary to individual sanitary fixtures, gas water heaters and taps.

26. Under PLU1.G020.4 of the SL Specifications **[B10.1 / 23587-23588]**, water supply works were required to comply with all statutory regulations, including (i)

the Waterworks Ordinance and its Regulations, (ii) Hong Kong Waterworks Standard Requirements for Plumbing Installations in Buildings and Circular Letters issued by WSD, and (iii) where applicable, comply with relevant sections of appropriate British / European Standards on materials and workmanship.

Relevant provisions on plumbing materials and workmanship in the SL Specifications

27. Under PLU1.M110.4 of the SL Specifications [**B10.1 / 23590-23591**], all pipes and fittings shall, amongst other requirements, conform to the Specifications (alternative materials may be used if approved by HA's CM) and be approved by the Office of the Water Authority for the intended application.

28. Under PLU1.M130.4(1) and (2) of the SL Specifications [**B10.1 / 23591**], copper and copper alloy fittings such as end feed capillary, integral solder capillary and compression type bushes, reducers, bends and tees shall comply with BS EN 1254 Parts 1, 2, 4&5:1998 or equivalent standard, and be approved by the Office of the Water Authority for the intended application. There are other professionals in CSCE who were responsible for reviewing and checking compliance with the British Standards during the course of the works at the Hung Hom site.

29. As set out above, PLU1.M160.4 of the SL Specifications [**B10.1 / 23593-23594**] provides that as regards soldering alloys for copper and copper alloy capillary fittings:-

(i) comply with BS EN 1254:Part1:1998, Table 6 Sections II & III;

(ii) use of integral solder fittings is permitted provided they comply with BS EN 1254:Part 1:1998;

- (iii) use only lead-free category solders;
- (iv) use a non-corrosive type of flux that was recommended by the solder alloy manufacturer.
30. I have referred to PLU1.W110.4 of the SL Specifications **[B10.1 / 23611]** about the carrying out of the plumbing installation works by a LP as approved by the WSD in paragraph 14 above. As set out above, Golden Day's LP for the HHP2 project was Cheung.
31. PLU1.W260.4 of the SL Specifications **[B10.1 / 23612]**, specifically on jointing copper pipework by soldering, provides that the following procedures be followed:
- (i) Remove copper oxide and dirt from pipe spigot and fitting socket prior to the application of soldering flux;
- (ii) Apply flux sparsely and remove excess flux prior to heating;
- (iii) Clean pipe joints with a damp cloth on completion to remove flux residues.
32. PLU1.W910.P of the PSS **[B10.1 / 23104]** provides, amongst other things, that *"For fresh water mains of inside service, clean and sterilize the systems to the satisfaction of the Water Authority before they are put into operation. Arrange with Waterworks Chemists of the Water Authority to collect bacteriological and chemical samples for analysis."*
33. PLU1.W920.P of the PSS **[B10.1 / 23104-23105]** sets out the procedure for cleaning the fresh water and flush water tanks and sump, transfer and roof tanks.
34. PLU1.W930.P of the PSS **[B10.1 / 23105]** sets out the procedure for cleaning the indirect fresh water supply piping system for both the Hung Hom and Ma Hang

- sites.
35. PLU1.W940.P of the PSS **[B10.1 / 23105-23106]** sets out the procedure for cleaning the direct fresh water supply system for both the Hung Hom and Ma Hang sites.
36. PLU1.W960.4 of the SL Specification **[B10.1 / 23616]** sets out the requirements for cleaning during the maintenance period, in the circumstances as specified.
37. PLU2.M of the SL Specification **[B10.1 / 23623-23642]** and the PSS **[B10.1 / 23110-23129]** refer to sanitary appliances such as WCs and cisterns, urinals and cisterns, wash basins and sinks, baths and showers, mixers (bath/showers, basin and kitchen sink) and shower handsets, and fixing and pointing materials.
38. PLU2.W of the SL Specification **[B10.1 / 23643-23646]** and the PSS **[B10.1 / 23130]** refer to workmanship in general and for joints, fixing WC suites, fixing urinals, fixing baths and showers, taps and valves, waste outlets, ancillary fittings, equipotential bonding, and tolerances.
39. PLU2.T of the SL Specification **[B10.1 / 23647]** and the PSS **[B10.1 / 23131-23132]** refer to testing of mixers (bath/showers, basin and kitchen sink) and shower handsets.
40. None of the above provisions in the SL Specification and PSS concern the construction of the HH Houses at the Hung Hom site to ensure that the drinking water would be lead free and safe. Further, none of the above provisions in the SL Specification and PSS on their face prohibit the use of Plumbing Materials from which lead may leach into drinking water, except for PLU1.M160.4 of the SL Specifications **[B10.1 / 23593-23594]** which provides that lead-free category solders should be used.

D2. Sub-Contract

41. As set out above, CSCE had sub-contracted the fresh water plumbing works which included the supply of Plumbing Materials and labour to Golden Day. Golden Day is a specialist plumbing sub-contractor with the relevant skills, experience and qualifications and CSCE had therefore expected Golden Day to carry out the fresh water plumbing works in accordance with the Sub-Contract requirements, which incorporates the requirements and specifications in the Main Contract documents. Therefore, Golden Day was obliged to also comply with the specifications set out in Section D1 above which also apply to the Sub-Contract, including employing a LP and supplying and using lead-free category solder in the fresh water plumbing works.

42. The Sub-Contract contains, amongst other things, the following provisions:

(i) Article 2 of the Articles of Agreement provides for a re-measurement of the works **[B10.4 / 26487]**.

(ii) Page 2/40 of the Preambles (Part 13 of the Sub-Contract) provides that "*Plumber*", "*the rates for lead work, zinc work and copper work shall include for:- (i) all wedging, soldering and brazing; (ii) all labours connected with the item described*" **[Tab 3]**.

(iii) Paragraph 1 of the Sub-Contract Specification on Plumbing Works (Version A, 3/2006) (水喉工程章程) (Part 12 of the Sub-Contract) **[Tab 3]** provides that Golden Day was required to provide labour and material for the plumbing works.

(iv) As regards the delivery of materials to the site, Golden Day was obliged to inform and

seek CSCE's approval prior to delivering any materials to the Hung Hom site [B10.4 / 26492]. This was to enable CSCE to arrange site access to Golden Day for the delivery and storage of materials. In order to provide such access to Golden Day, CSCE had to manage the site traffic so as to facilitate the logistic arrangements at the site. The aforesaid arrangements also applied to other trade sub-contractors who had to deliver and store materials at the site.

(v) The Sub-Contract Specification on Plumbing Works (Version A, 3/2006) (水喉工程章程) [Tab 3] provides that:

(a) Except for those materials which were stated to be supplied by CSCE, Golden Day should be responsible for all materials for the plumbing works (see paragraph 1);

(b) All plumbing works, including any addition, variation works, should be completed by Golden Day in accordance with the Drawings, Specifications and Particular Specifications) etc. and any instructions from HA's Architect / Engineer or CSCE's representatives, and completed to the satisfaction of HA, HA's Architect and CSCE's representatives (see paragraph 2);

(c) Golden Day should be responsible for providing the material and installation for all plumbing works, except specified sanitary fittings, mixers and accessories (see paragraph 4). (The specified sanitary fittings, mixers and accessories were procured by CSCE).

(d) All materials to be supplied by Golden Day should comply with the standards and dimensions stipulated in the tender document (see paragraph 6).

(e) Golden Day should strictly comply with all standards and requirements in HA'S Specification Library 2004 Edition (which includes the Preliminaries Specifications) and the PSS (see paragraph 34); and

(f) Upon completion of the Plumbing Works, Golden Day should, *inter alia*, provide sufficient lead time for and timely make application for completion certificate in accordance with the relevant regulations of WSD (see paragraph 40).

43. As the Sub-Contract adopts and reflects the Main Contract requirements, I refer to my response in paragraphs 24 and 40 above with regard to the question as to whether the Sub-Contract contains provisions pertaining to (a) the construction of the HH Houses at the Hung Hom site to ensure drinking water would be lead-free and safe, and (b) prohibiting the use of pipes, fittings and soldering and other plumbing materials from which lead may leach into drinking water. But having said that, by complying with the said Sub-Contract and Main Contract requirements, Golden Day and its LP should therefore have ensured that only approved Plumbing Materials including lead-free solder which comply with the Sub-Contract and Main Contract requirements (including statutory and non-statutory requirements) would be used in the construction and installation of the fresh water plumbing system at the Hung Hom site. I also agree with paragraphs 50 and 51 of Sung's witness statement.

E. Explain the measures, supervisory, monitoring and quality control system in place by CSCE in order to comply with such Contractual Requirements and to ensure the safety and quality of drinking water (Question 4 of LL's Letter)

44. Sung has dealt with Question 4 in his witness statement. Lee has dealt with the more general aspects of the measures, supervisory, monitoring and quality control system put in place by CSCE in his witness statement. I agree with their witness statements to the extent that the same matters are also covered and/or supplemented in other sections of this witness statement. Having said that, I set out below the Main Contract provisions concerning monitoring and supervision.

Contractor's superintendents

45. General Conditions of Contract ("**GCC**") 17(1) [**B10.1 / 22984**] provides that:-

"(1) The Contractor shall give or provide all necessary superintendence during the execution of the Works and as long thereafter as the Architect may consider necessary for the proper fulfilment of the Contractor's obligations under the Contract."

46. GCC17 is amended by Special Conditions of Contract ("**SCC**") 6(1) [**Tab 4**] which provides that:

"(1) Further to [GCC]17(1) ..., the Contractor shall provide, amongst others, the services of the superintendents as specified in the Contract ..."

47. PRE.B6.130.P of the Preliminaries Specification [**Tab 5**] concerns CSCE's superintendents. To the best of my knowledge and recollection, CSCE had complied with this provision and HA did not raise any concerns over this matter of superintendents.

Quality of materials and workmanship

48. GCC42 [B10.1 / 22989-22990] provides that:-

"(1) All materials and workmanship shall be of the respective character, quality or kind required by the Contract and shall be subjected to such examinations, measurements or tests as the Contract shall require or as ordered by the Architect or the Architect's Representative.

(2) The Contractor shall provide such assistance, instruments, machines, labour and other facilities as may be necessary for examining, measuring or testing any work and the quality, weight or quantity of any material used and, before incorporation into the Works, shall supply for examining, measuring or testing such samples of materials as may be selected or required by the Architect or the Architect's Representative."

49. PRE.B9.010.P of the Preliminaries Specification [B10.1 / 23049] provides that "material and workmanship generally to be consistent with good building practice in Hong Kong and to comply with this Specification and with the relevant BS or CP, except when specified otherwise, and/or Approved."

50. I refer to paragraphs 11(ii), 43, and 83 about the issues of quality of materials and workmanship. I also agree with paragraphs 32 to 34 of Sung's witness statement.

Testing

51. There are provisions in the Main Contract which required CSCE to carry out testing on specific materials and completed work. For e.g. PRE.B9.530.P [B10.1 / 23060] provides for the carrying out of non-destructive tests on welds, coring of concrete

and testing on concrete cores, tests on concrete and its constituent materials excluding coring of concrete and testing of concrete cores, tests on reinforcement steel, structural steelwork and steel piles samples, repair mortar and its constituent materials, asbestos monitoring and testing, and non-destructive test on waterproofing of roof.

52. PRE.B9.540.E [B10.1 / 23060-23061] provides for the CMR, a Direct Contractor (which is a contractor employed by HA to execute specialist works) or HO's Material Testing Laboratory to carry out the following tests:

(i) Schmidt Hammer tests and covermeter tests on construction quality at casting yard;

(ii) Compression tests on concrete cores taken from the precast concrete components in domestic blocks;

(iii) Non-destructive test on water-proofing;

(iv) Material verification test for tile-adhesive delivered to the site and also to the manufacturer's factory of precast concrete components; and

(v) Surveillance tests for (a) aluminium windows, (b) uPVC windows, (c) wooden doorsets, (d) tile adhesive and tile grout, (e) internal emulsion paint, synthetic paint, multi layer acrylic paint with texture coat, and multi-layer acrylic paint without texture coat, (f) overhead door closers, (g) lever handle door furniture and locks, panel wall partitions, (g) bath I shower mixers, basin mixer, kitchen sink mixer and shower handset, and (h) uPVC drainage pipes and fittings.

53. HA did not at any stage, instruct or require CSCE to

(i) inspect and test the soldering materials to ensure that they were lead-free, and (ii) test the soldering on the jointing of the water pipes to ensure that lead-free category solders had been used. As such, the soldering works were carried out and completed on that basis.

Non-conforming materials

54. The following procedures were to be followed for the identification and control of non-confirming materials and works (PRE.B9.670.4 of the Preliminaries Specification) [B10.1 / 23064]:-

1. *Positively identify and segregate non-conforming materials and works;*
2. *Keep records of all non-conforming materials and works and of the subsequent corrective actions taken;*
3. *Notify all personnel concerned that a non-conformance exists;*
4. *Inspect reworked/rectified items in accordance with documented procedures."*

55. To the best of my knowledge and recollection, HA did not raise any issue about non-conforming soldering materials being used and non-conforming jointing works being carried out with regard to the fresh water plumbing works at the Hung Hom site. I also refer to and repeat paragraphs 11(ii), 43, and 83 with regard to the issue of non-conforming materials.

F. Explain and identify the prevailing Contractual Requirements and statutory and non-statutory requirements pertaining to the approval of Plumbing Materials by HA (Question 5 of LL's Letter)

F1. Contractual Provisions

56. I refer to Sections D and E of this witness statement in response to the question about explaining and identifying the prevailing "Contractual Requirements" (as defined in Question 3 of LL's Letter) pertaining to the approval of Plumbing Materials by HA. I will also set out below the relevant contractual provisions in relation to the approval of Plumbing Materials (defined as pipes, fittings and soldering and other plumbing materials Question 3 of LL's Letter) by HA.

57. PRE.B9.410.4 of the Preliminaries Specification **[B10.1 / 23057]** sets out the general requirements of submission of samples of materials for approval:-

"Submit samples of materials as requested by the [CM] and do not confirm orders until Approval has been obtained. Keep Approved samples at the place agreed by the [CM] for comparison with materials used in the Works, which must conform with the samples set aside. Where there is a choice of material, colour or texture, submit samples for Approval. When Instructed, submit technical literature for materials specified."

58. PRE.B9.415.N of the Preliminaries Specification **[B10.1 / 23057]** sets out that the CM shall have the discretion to make reference to and take account of the track records of materials or components as maintained by HD within the 3 year period prior to the commencement date of the works in his decision for approval or not of the contractor's submissions for various materials or components. These included various materials such as (i) handshower sets, (ii) shower, basin and sink mixers, and (iii) UPVC drainage pipes and fittings. Copper pipes and fittings and soldering materials were excluded from the said list.

59. As can be seen, there was no provision in the Main

Contract requirements which expressly required CSCE to submit soldering materials for approval. Nor did HA at any stage instruct or request CSCE to submit the same. Notwithstanding the absence of any instruction or requirement, CSCE did submit the sample material submission for the lead-free category solder and flux to HA for approval and HA duly approved the same. Once HA's approval was given, Golden Day would proceed to supply the lead-free category solder and flux as approved and Golden Day would store these soldering materials at the workshop and storage area assigned to it at the site. Golden Day was required to comply with the Sub-Contract and Main Contract requirements including using lead-free category solder. In line with industry and past practice, CSCE had proceeded on the basis that the plumbing sub-contractor would supply and use the plumbing materials including the lead-free category solder which had been approved by HA. There was no reason for CSCE or me to doubt that the sub-contractor would act to the contrary. With the benefit of hindsight, CSCE and its site staff (I included) would of course have immediately prevented the use of non-approved or non-compliant solder had we been aware of its use at that time and would have taken positive steps to ensure that only lead free solder was used. In this regard, following the alleged excess lead in drinking water incident ("Incident"), CSCE had taken various steps to deal with this matter, details of which are set out at the end of this witness statement.

Submission and approval of samples of Plumbing Materials and endorsement of approved samples

60. CSCE's application for approval of the use of the Plumbing Materials and HA's grant of approval was done by way of HA's standard sample submission and approval form, i.e. Form DCMP-F716, a sample of which is in [B10.3 / 25540-25575]. As Site Agent, I was

not responsible for submitting Form DCMP-F716 and I was also not required to sign the same. However, I am aware of the general procedures of the submission and approval of Plumbing Materials process, details of which are set out below.

61. As stated in Section B above, the HHP2 project comprised the Hung Hom site and the Ma Hang site, which were non-adjointing sites. As far as the materials submission approval was concerned, the Main Contract did not require CSCE to obtain separate approvals for each site. Further, for convenient contract administration, it was agreed between HA's Project Clerk of Works, Mr. Alan C.K. Chan ("**Mr. Chan**") and I for CSCE at the beginning of the HHP2 project that once HA's management team for one site had approved a particular material submission, the same material would be re-submitted to HA's management team for the other site by attaching the approval of the HA management team of the former site. Thereafter, HA's management team of the latter site would simply endorse the use of the already approved material, as the material had already been checked, verified and approved by the other HA management team based upon the same specification.

62. Having said the above, in terms of the paper work involved in the submission for HA's endorsement I approval, the same Form DCMP-F0716, HA's approval of the same material for the other site and the same sample material were all still submitted to HA. In short, the amount of the paper work involved remained the same I unchanged. The only change was that HA need not go through the entire vetting and verification process again for the 2nd site, thereby facilitating the paper administration and saving time for all concerned.

63. An example of the re-submission of a Plumbing Material which was already approved by HA's

management team for a particular site for endorsement by HA's management team for the other site is in **[Tab 6]**. The re-submission for endorsement by HA shows:

(i) CSCE's Ma Hang team had submitted a Form DCMP-F716 to HA's CMR on 13 February 2009 for the approval of a sample, i.e. "Copper Pipes, Type X, (Dia. 15-67mm), "Eagle" for use at the Ma Hang site (Ref. No. MHHP/A/PLU-005) which was duly approved by HA's CMR on 2 March 2009 ("**Ma Hang Approval**").

(ii) Given that CSCE had already obtained the Ma Hang Approval and as explained above, CSCE submitted a DCMP-F716 for "Eagle Type X Copper Pipe (Size: 15-159mm) with plastic insulation", a sample pipe and the Ma Hang Approval to HA's CMR (BSE of HA) for the Hung Hom site for endorsement. Although the same form DCMP-F716 was used, it was understood between HA and CSCE that this was a submission for endorsement rather than approval, because that material had already been approved by HA in the other site. Consequently, the CMR endorsed the use of the above copper pipe which was already approved at the Ma Hang site for use in the Hung Hom site on 25 June 2009.

64. With regard to the "Approved samples being kept at the place agreed by the Contract Manager for comparison with materials used in the Works, which must conform with the samples set aside" as set out above in PRE.B9.410.4 (see paragraph 59 above), such samples would be kept at HA's sample room at the site. For example, copper pipes of different sizes would be mounted on boards and kept in the sample room. Examples of other approved samples which were kept in the sample room were steel bars and tiles. I am not able to recall whether or not the samples for the soldering materials as approved were kept in the

sample room.

F2. Statutory and non-statutory requirements

65. I am not aware of any statutory and non-statutory requirements pertaining to the approval of Plumbing Materials by HA. In this regard, I agree with Sung's view in paragraphs 48 to 49 of his witness statement.

G. Explain and identify the types of Plumbing Materials submitted to HA for approval (Question 6 of LL's Letter)

66. A list of the plumbing materials submitted to HA for approval with respect to the fresh water plumbing works at the Hung Hom site is in **[Tab 7]**. This list is provided by my colleagues and I did not prepare the list of plumbing materials submitted to HA for approval at that time.

67. As Question 6 is in relation to the Plumbing Materials which were submitted to HA for approval, I wish to elaborate on the submission and approval of the soldering materials. My colleague has provided me with a copy of the OCMP-F716 dated 23 January 2009 together with the supporting documents submitted by the Ma Hang team to HA for the approval of the soldering materials **[B10.4 / 26398-26412]**.

68. Based on the information provided by Golden Day, CSCE's BSE for the Ma Hang site prepared a Form DCMP-F716 dated 23 January 2009 together with the samples for the soldering materials, i.e. "*Powerflow Flux and Lead-free Solder 'FRY'*" for jointing copper pipework for the "Eagle" brand copper pipes to be supplied by Tung Shing Hardware Co. Ltd. ("**Tung Shing**")³ ...

林小姐：I am just going to read out footnote 3, chairman.

³ There was a typing error in paragraph 2(e) of the Form DCMP-F716 [B10.4 / 26398]. The supplier should be Prosperity Building Materials Co., Ltd. ("Prosperity") instead of Tung Shing, because the supplier's information which was attached to the Form DCMP-F716 in [B10.4 / 26404-26405] was in fact Prosperity, instead of Tung Shing. In any event, HA did not query this mistake / discrepancy at the time when it approved the DCMP-F716 for this material. Further, Golden Day has provided a written confirmation on 24 August 2015 in this regard, stating that "FRY" 99C lead-free solder wire was used in the HHP2 Project and that the supplier was Prosperity [B10.4/ 26502]

...with respect to the Ma Hang site. Thereafter, CSCE's building services engineer forwarded the said form and samples to CSCE's AQCC for the Ma Hang site for his endorsement.

69. The form duly signed by CSCE's AQCC, together with the samples, were sent to HA's CMR. A copy of the DCMP-F716 together with the samples were also sent to HA's Clerk of Works and HA's Project Quantity Surveyor. The sample of soldering materials was checked by HA's Clerk of Works to ensure that the information and samples submitted by Golden Day through CSCE were in compliance with HA's specifications. Thereafter, HA's Clerk of Works sent a Form DCMP-F716, together with a Form DCMP-F718 signed by him, to HA's CMR on 30 January 2009 to recommend the submitted sample for approval. Form DCMP-F718 states, amongst other things, that:

"1. The material sample submitted by [CSCE] ... dated 23 January 2009 has been checked against the Specification and Drawings and is found to comply with all specified requirements.

...

2. The submitted sample is* recommended / ~~not recommended~~ for approval.

...”.

70. The CMR signed DCMP-F716 on 5 February 2009 and informed CSCE that the submitted material was approved. The signed forms of DCMP-F716, DCMP-F718 and the information in relation to the samples of soldering materials attached to the forms were sent to Golden Day under the cover of CSCE's memo dated 11 February 2009 [Tab 8] for Golden Day's information.

71. With regard to the DCMP-F716 for soldering materials for the Hung Hom site, the Main Contract did not require CSCE to obtain separate materials submission approvals for each site as set out in paragraph 61 above. In any event, I recall that during a face to face conversation with Mr. Chan at the site office (which should be on a date after the Ma Hang Approval although I am not able to recall exactly when), Mr. Chan asked me why no samples for soldering materials to be used at the Hung Hom site was submitted for endorsement. I informed Mr. Chan that as the sample soldering materials for use at the Ma Hang site was already approved and soldering materials were consumable materials of a minor nature, it was proposed that the same sample soldering materials would not be re-submitted to the HA for endorsement in this instance. I do not recall if I had showed Mr. Chan a copy of the Ma Hang Approval in relation to the soldering materials, but I am sure that during our face to face conversation, there was no objection from Mr. Chan as to what I had said. Thereafter, there was also no written request or reminder from HA to CSCE requesting CSCE to submit sample soldering materials for approval I endorsement for use at the Hung Hom site.

H. Explain the choice and decision of joining the pipes (a) by soldering instead of (b) using mechanical compression joints, and why the former method of joining the fresh water pipes was extensively used in the HH Houses. If it is a matter of costs, please state the difference in costs (Question 7 of LL's Letter)

72. First of all, jointing copper pipework by soldering is permitted under the Specification. PLU1.W260.4 [B10.1 / 23612] sets out the procedures for jointing copper pipework by soldering (see paragraph 31 above). Copper pipes can also be joined with copper alloy capillary fittings by brazing (see PLU1.W250.4 [B10.1 / 23612]).

73. Under the Sub-Contract, Golden Day was required to use a method of jointing that complied with the Main Contract specifications as the Sub-Contract had to comply with the Main Contract documents and requirements. What had happened was that Golden Day had submitted soldering materials for jointing the copper pipes, which was a method permitted under and complied with the Main Contract specifications. As the submission complied with the Main Contract specification upon CSCE's verification, the submission was made to HA who had also checked, verified and approved the use of soldering materials for jointing the copper pipes. By the said actions, the "choice" to use soldering materials for jointing the copper pipes (instead of using compression joints) was made by all concerned.

74. I do not know whether or not Golden Day's decision to joint the pipes by soldering is made based on costs and I am therefore not in a position to answer for them.

75. As for CSCE, the use of leaded solder did not result in any financial advantage to CSCE as there was no

separate item for soldering in the Bill of Quantities (which cost was deemed to be included in the rates for copper work as set out in Item A(i) page 2/40 of Preamble to the Main Contract [Tab 9]). After the Incident arose, I now learnt that there was no significant savings in time if leaded soldering materials were used. In any event, to the best of my recollection, there was no issue about the progress or the lack of it with regard to the fresh water plumbing works at that time.

I. Task Force's Preliminary Findings published on 25 September 2015 (the "Findings") (Question 8 of LL's Letter)

76. It is my understanding that the Findings were in relation to Kai Ching Estate and Kwai Luen Estate Phase 11. Since there was no reference to the Hung Hom site in the Findings, I have no comments on the same.

77. In any event, for the purpose of this statement, I have checked with my colleagues and am given to understand that the pipes and fittings installed above and under ground in the plumbing system at the Hung Hom site did not deviate from the pipes and fittings set out in the Annex to Part I of Form WW046 which was submitted to WSD. In this regard, I refer to CSCE's letter dated 26 October 2015 to HA about this matter [Tab 10].

J. Identify the persons, companies and entities responsible for the procurement of Plumbing Materials and explain the measures, supervisory, monitoring and quality control system in place in ensuring that (a) the Plumbing Materials are lead-free, (b) they comply with the Contractual Requirements, statutory and non-statutory requirements and (c) that drinking water will be lead-free and safe (Question 9 of LL's Letter)

J1 Persons, companies and entities responsible for the procurement of Plumbing Materials

78. As set out in paragraph 42 above, Golden Day was responsible for procuring plumbing materials including soldering materials, copper pipes and fittings and valves as per the terms in the paragraphs of the Sub-Contract Specification on Plumbing Works (Version A, 3/2006) (水喉工程章程) (Part 12 of the Sub-Contract) [B10.4 / 26493-26494], while CSCE was responsible for procuring sanitary fittings, mixers and accessories for the plumbing works. The person at CSCE who procured these sanitary fittings, mixers and accessories was Ms. Hilda Wong. For the purpose of this witness statement, I have checked the specifications with respect to sanitary fittings, mixers and accessories and they do not expressly provide that these materials should be lead free, unlike the express provision for "lead-free category solder".

79. Generally, once HA had approved the Form DCMP-F716 for the relevant Plumbing Materials, Golden Day would proceed to order and procure the same. At that time, I did not know which persons in Golden Day was responsible for procuring the Plumbing Materials. For the purpose of this witness statement, I am told by my colleagues that Hui Wang Sun (許宏新) was responsible for providing details about material procurement to Golden Day.

J2 Measures, Supervisory, Monitoring and Quality Control System in place to ensure that the Plumbing Materials are Lead-free

80. As set out above, other than PLU1.M160.4 [B10.1 / 23593-23594] which provides that only lead-free category solder should be used, there are no Main Contract requirements specifying that the other Plumbing Materials should be lead-free. The

measures, supervisory, monitoring and quality control system put in place by CSCE to ensure that the Plumbing Materials comply with the Main Contract requirements are already set out in Sections D, E and F above and Section L2 below. I refer to and repeat paragraphs 11(ii), 43, and 83 and Section L2 with regard to the measures, supervisory, monitoring and quality control system in put place by CSCE to ensure that the soldering materials were lead-free.

81. The procedures with regard to sample submissions and approvals are set out in Section F1 above. CSCE had duly submitted samples of the Plumbing Materials including the lead-free category solder for HA's approval as explained in Section F1 above, the approval of which means the samples were checked against and complied with the specifications. Lee's and Sung's witness statements have touched on measures, supervisory, monitoring and quality control system of CSCE with regard to the Plumbing Materials and I agree with them to the extent that I am aware of the same. During the site walks, if I happened to be on the 1/F of the residential blocks which were used by the different trade sub-contractors (including Golden Day) as their workshop and storage areas, I would check the security of the storage areas and would look at the general state of the quantities of the materials (such as the copper pipes) to ensure that there were sufficient quantities to match the progress of the works at the site. I have also seen the " FRY' 99C lead-free category solder wires and containers of flux in Golden Day's storage area and plumbing workers carrying tool boxes with solder wires that had been cut in the residential units where they were carrying out plumbing works. I had no reason to doubt that the solder wires that I had seen at the site were non-compliant. I repeat paragraphs 43 and 59 above.

82. With the benefit of hindsight, and after the Incident

arose, CSCE has promptly implemented various measures, supervisory, monitoring and quality control system to ensure that lead-free category solder and compliant Plumbing Materials are used. In this regard, I refer to the various steps that CSCE has taken to ensure that (i) only approved and compliant Plumbing Materials are used in its projects and (ii) CSCE's workers observe and comply with such steps and measures so that the relevant contractual requirements and laws are complied with, all of which are set out at the end of this witness statement.

J3. Measures, Supervisory, Monitoring and Quality Control System in place to ensure that (b) the Plumbing Materials comply with the Contractual Requirements, statutory and non-statutory requirements

83. I refer to and repeat Sections D and E above with regard to measures, supervisory, monitoring and quality control system in place to ensure that the Plumbing Materials comply with the Contractual Requirements. That said, CSCE has in place, measures, supervisory, monitoring and quality control system to ensure that the Plumbing Materials comply with the Main Contract documents including the specifications and the statutory and non-statutory requirements, as set out below:

(i) The AQCC would check to ensure that the material type which were delivered to the site (for e.g. copper and uPVC pipes), size and the brand names of the Plumbing Materials were those as approved by HA.

(ii) After "major" materials (those listed at the back of HA's Form 6210, a sample of which is attached for reference ("**Major Material Form**") [Tab 11]) including the Plumbing Materials were delivered to the Hung Hom

site, HA would check the said major Plumbing Materials as per the guidelines set out at the back of the Major Material Form. I was aware of this form, but the AQCC was responsible for handling the same. The guidelines at the back page of the Major Material Form states, amongst other things, that (a) "*Document check: The contractor shall submit ...as specified for checking by CM's representative*", and (b) "*Materials check: The contractor shall carry out checking of dimension, surface quality and other accessories, etc. in the presence of CM's representatives ...*". The materials which were regarded as "major" include "*semi-recessed wash hand basin*", "*mixer & shower handset*", and "*UPVC pipe & fitting*". The major materials which HA required CSCE to check excluded copper pipes and soldering materials (i.e. lead-free category solder and flux), which were not considered "major" materials from HA's perspective.

(iii) Although the Major Material Form requires that only "*major*" materials delivered to the Site must be checked, CSCE had also checked the following materials:

(a) Although the Major Material Form only required "*mixer & shower handset*" and "*semi-recessed wash hand basin*" to be checked, I was aware that CSCE's site QS team had checked the quantities and model numbers of basin, kitchen and shower mixers when they were delivered to the site because interim payment applications were applied from HA for these materials.

(b) Although the Major Material Form only

required "UPVC pipe & fitting" to be checked, CSCE had also checked the quantities and brand names of the copper pipes, fittings and valves which were delivered to the site for the purpose of interim payment applications from HA for materials on site.

With regard to the lead-free category solder, I refer to and repeat paragraphs 43, 53, 55, and 81 above. I also refer to Section M below about the steps that CSCE would have taken with regard to soldering materials, had I known at that time what had occurred.

(iv) CSCE was contractually obliged to build sample flats at the Hung Hom site which would physically show the type of materials used (including the Plumbing Materials) and the quality I workmanship, inspection and other requirements for each trade including the fresh water plumbing works. In this regard, I refer to paragraph 13 of Lee's witness statement and agree with him. I would add that at that time, there was no reason for CSCE or me to doubt or suspect that Golden Day would not have complied with the Main Contract and Sub-Contract requirements by (a) not using the approved and specified lead-free category solder, and (b) not carrying out the fresh water plumbing works, all in accordance with the sample flat built which was inspected and approved by HA.

(v) I also refer to CSCE's measures, supervisory, monitoring and quality control system with regard to the works carried out including the fresh water plumbing work as set out in Lee's witness statement.

(vi) Monthly site meetings were held between HA's project team and CSCE's project team to discuss the progress of the works, site safety, environmental, quality I workmanship, defects etc issues. Ad-hoc meetings with HA project team would also take place to deal with any site matters that require prompt action. To the best of my knowledge and recollection, I do not recall any issues about non-compliance of the Plumbing Materials, and in particular, the lead-free solder with HA's Main Contract requirements, and with statutory and non-statutory requirements raised at those monthly and ad-hoc site meetings.

(vii) HA had supervised, monitored and inspected the works carried out by different trades at the Hung Hom site including the fresh water plumbing works on daily and weekly I fortnightly bases through site walks conducted by the relevant HA site staff as set out in paragraphs 18 and 20 of Lee's witness statement. I was aware of those site walks I inspections even though I did not participate in them. To the best of my knowledge and recollection, I do not recall any issues about non-compliance of the Plumbing Materials with HA's Main Contract requirements, and with statutory and non-statutory requirements being raised by HA at those daily and weekly I fortnightly site walks I inspections, as HA and Lee would have brought any such non-compliance to my attention even though I did not participate in those site walks I inspections.

(viii) HA's Works Supervisor or Assistant Clerk of Works would inspect the on-going or completed works of different trades at the

site from time to time. I was and am aware that HA would conduct a 100% check, a 10% check or a random check of the items of work listed in its Architectural Site Inspection Guide (see sample in [Tab 12]). All of these checks, whether 100% or 10% by HA, were carried out from time to time, with or without giving prior notice to CSCE, and to the best of my knowledge and recollection, none of them concerned any queries about the soldering work on the jointing of the fresh water pipes.

(ix) HA's Senior Architect and Project Architect would also make routine site visits to check the overall progress of the works at the site to ensure that it matched with the master programme and to check whether there was any major non-compliance with the contract requirements. To the best of my knowledge and recollection, HA's Senior Architect and Project Architect did not raise any issues about non-compliance of the Plumbing Materials with HA's contract requirements, and with statutory and non-statutory requirements during these routine site inspections.

(x) HA had conducted random and ad-hoc CTO (i.e. Chief Technical Officer) inspections at the Hung Hom site. The CTOs would ask HA's site project team and CSCE's staff (such as the AQCC, Lee, the site safety officer and myself) to attend the CTO inspections. I am not able to recall exactly the number of times the CTO inspections were conducted at the Hung Hom site. Generally, with regard to the CTO inspections, the process of issuing site directions, rectifying the defects in accordance with the site

directions, HA's inspection and acceptance / approval or otherwise of the rectified works, the closing of the site directions' "files" upon acceptance I approval by HA as described in paragraphs 18 and 19 of Lee's witness statement might occur. To the best of my knowledge and recollection, no site directions regarding non-compliance of the Plumbing Materials with HA's contract requirements and with statutory and non-statutory requirements had been issued after the said CTO inspections at the Hung Hom site.

(xi) HA had conducted Surveillance inspections by HA's staff who were independent of the HA project team at the Hung Hom site. These Surveillance inspections were surprise spot checks done at the Hung Hom site. When HA's Surveillance team arrived at the Hung Hom site, they would ask HA's site staff to attend the inspection with them. HA's Surveillance team would inspect any area and any works that they wished to check. Generally, during such inspections, HA's Surveillance team would issue checking reports if they identified any defects or non-compliance with HA's standards and contractual requirements, and with statutory and non-statutory requirements (including any of the said non-compliance with the Plumbing Materials) and would ask CSCE to remedy the defects or resolve the non-compliance. Generally, HA would also circulate the checking report to other sites I projects as reference, so as to prevent the same or similar issues from occurring at those other sites I projects. To the best of my knowledge and recollection, I do not recall any checking reports being issued

by HA's Surveillance team with respect to the plumbing works carried out at the Hung Hom site.

(xii) HA also conducted inspections by its non-site audit team {"Audit Inspections"}. I cannot recall how many times HA's non-site audit team had conducted the Audit Inspections at the Hung Hom site and whether they issued any site directions in relation to the Hung Hom site. To the best of my knowledge and recollection, HA's audit team would inspect HA's on-site documents and works and ask HA' site project team to attend the site walks undertaken during the Audit Inspections. I recall that I did not attend those Audit Inspections at the Hung Hom site. In any event, no non-compliance of the Plumbing Materials with HA's contract requirements, and with statutory and non-statutory requirements should have been raised by HA's audit team, as I would certainly have remembered having to address any issues arising from reports / documents issued by HA's non-site audit team. My colleague has also checked and confirmed that there was no such record.

(xiii) Other than HA's regular monitoring and inspection systems and various site walks conducted by HA's project team, CTO team, Surveillance team and audit team as set out in Lee's witness statement and above, HA also conducted quarterly and final PASS assessments. Lee has briefly explained HA's quarterly PASS assessments (or interim assessments as they were and are called) which were conducted by 2 different HA teams in paragraphs 26 to 28 of Lee's witness statement. I agree with what he has said.

I would also add that there was a long checklist of the works which they had to assess for each trade, including the fresh water plumbing works during those quarterly and final PASS assessments. HA's quarterly and final PASS assessment and scores for the fresh water plumbing works of the Hung Hom site for the years 2008 to 2011 are found in [B10.6 / 26896.503-26896.516). Based on the HA's quarterly and final PASS assessments, no requirements were imposed for checking (A) the solder wires used were lead-free as approved by HA, (B) the soldering on the jointing of the copper pipes, (C) the soldering on the jointing of the fresh water pipes for the presence of lead or for lead content, and (D) to ensure that the drinking water was lead-free.

(xiv) HA had also conducted PASS assessments during the defects liability / maintenance period. HA's quarterly and final PASS assessment and scores for the Hung Hom site from the years 2011 to 2013 are found in [B10.6 / 26896.516-26896.524]. Maintenance works included carrying out and completing outstanding works of a minor nature and defects rectification. HA's PASS Assessment during the maintenance period excluded any assessment on the matters set out in the above sub-paragraph.

(xv) Before the final flat to flat inspection referred to below took place, Golden Day conducted hydraulic tests on the fresh water plumbing works to ensure that the pipes would not leak. These tests were done in the presence of HA and CSCE, but I did not participate in these tests. CSCE was also required to cleanse and disinfect the fresh

water tank at the roof top and the fresh water supply pipes. WSD inspected the fresh water plumbing works and collected water samples for testing. WSD issued Part V of the Form WWO46 as set out in Section K below to confirm the approval of the fresh water plumbing works at the Hung Hom site under the Waterworks Ordinance and Regulations and that no irregularities were found. WSD also issued the certificate for water supply connection. I take the aforesaid to signify that the fresh water plumbing works at the Hung Hom site, including the Plumbing Materials used had complied with the contractual, statutory and non-statutory requirements.

(xvi) When all the works at the Hung Hom site were completed, HA or its consultant conducted a final flat to flat inspection at the Hung Hom site. The final inspection for the fresh water plumbing system required HA to check, amongst other things, the various components comprising the fresh water pipes at various locations. To the best of my knowledge and recollection, I recall that none of HA's checks involved checking (a) the soldering on the jointing of the copper pipes, (b) the soldering on the jointing of the fresh water pipes for the presence of lead or for lead content, and (c) to ensure that the drinking water was lead-free.

(xvii) Finally, I refer to the Letter of Commendation which affirms that the works (including the fresh water plumbing system) that were completed at the HHP2 project were carried out satisfactorily and showed high quality workmanship.

84. With regard to ensuring that the Plumbing Materials comply with the statutory and non-statutory requirements, I agree with paragraph 35 of Sung's witness statement which states that the regulatory regime is such that only the LP and HA I HO could submit the relevant forms (such as the relevant parts of Form WWO46) to WSO who would issue the relevant approvals to the LP and HA / HD. As set out above, HNHO had themselves confirmed and certified in the relevant parts of Form WWO46 that all statutory and non-statutory requirements with regard to the Plumbing Materials had been met. Likewise, if there had been any non-compliance with statutory and non-statutory requirements with regard to the plumbing works including the Plumbing Materials used, WSO would have refused to (a) endorse Part V of Form WWO46 after their inspection of the plumbing works including the Plumbing Materials used at the Hung Hom site, and (b) issue the certificate for water supply connection.

林小姐：Chairman, would this be a convenient moment?

主席：不如我哋 take 個 break 先，二十分鐘，好唔好？Thank you。

上午 11 時 27 分聆訊押後

上午 11 時 49 分恢復聆訊

出席人士如前。

MS LAM: Chairman, if I may continue.

中國建築工程（香港）有限公司（“中國建築”）（紅磡邨第二期和啟晴邨的總承建商）的第二證人：陳紹榮（中國建築地盤代表（紅磡邨第二期））
宣誓繼續作供
林小姐繼續主問

J4. Measures, Supervisory, Monitoring and Quality Control System in place to ensure that (c) drinking water will be lead-free and safe

85. It is required by WSD that prior to the water connection, water samples must be collected from water collection points for testing and analysis to ensure that the water was clean and in compliance with the WSD's requirements and would not contaminate WSD's main. WSD issued Part V of Form WWO46 and the water connection certificate for the Hung Hom site indicating its satisfaction with the quality of the fresh water plumbing system at the Hung Hom site.

86. After the Incident arose and for the purpose of this witness statement, I am now aware and understand from my colleagues that:

- (i) WSD Circular Letter No. 6/2002 in relation to the "*Approval of Water Supplies Fittings*" dated 26 August 2002 [**Tab 13**], was effective at the time the HHP2 project was underway. It did not specify the parameters against which the water samples to be tested against. Paragraph (a) (3) of the circular required that for the purposes of newly installed fresh water mains, arrangements should be made with the Water Authority to collect samples for bacteriological and chemical analysis. Although the testing parameters were not stated in the Circular Letter, the water examination reports issued by the WSD dated 28 January 2011 and 13 July 2011 for HHP2 [**C12.1**

/ 7618, 7689] showed that the water samples were tested against the following 8 parameters: turbidity, colour, pH at 25°C, free residual Chlorine, conductivity at 25°C, total coliforms, E.coli and heterotrophic plate count. The reports also stated, amongst other things, that the water was "satisfactory for potable purpose". In short, Circular Letter No. 6/2002 did not specify that the drinking water must be tested for the presence of lead or for lead content.

(ii) WSD's Circular Letter No. 6/2002 was superseded by WSD's Circular Letter No. 2/2012 dated 10 August 2012 [Tab 14], under which water samples were required to be tested against the 8 parameters specified in the "Guidelines on Cleansing and Disinfection of Fresh Water Inside Services", namely, turbidity, colour, pH at 25°C, free residual Chlorine, conductivity at 25°C, total coliforms, E.coli and heterotrophic plate count, which were the same as the parameters set out in the sub-paragraph above. The testing parameters excluded lead and the circular did not require testing the drinking water for the presence of lead or for lead content.

(iii) It was only upon the promulgation of WSD's Circular Letter No. 1/2015 dated 13 July 2015 [Tab 15] that water samples were tested against 12 parameters, namely, for lead, cadmium, chromium and nickel, in addition to the previous 8 parameters specified in WSD Circular No. 2 / 2012.

87. Given the above, there was no express requirement for CSCE to conduct testing on the drinking water for the presence of lead or for lead content under HA's and WSD's requirements applicable at the time of the Hung

Hom site. The water samples that were collected were tested as required and neither HA nor WSD questioned the test results. It was only after the Incident first arose in July 2015 that additional requirements including lead were added as one of the testing parameters / requirements.

K. Identify the persons in CSCE responsible for inspection, construction, installation and approval/certification of completion of fresh water plumbing system in Hung Hom Estate Phase 2 and the steps taken in (a) discharging such responsibilities and (b) ensuring the safety of drinking water (Question 10 of LL's Letter)

K1. Inspection, construction and installation of fresh water plumbing system

88. The persons in CSCE who inspected the fresh water plumbing system of the HHP2 project and the steps taken have already been set out in Lee's witness statement. As explained above, there was no requirement imposed on CSCE to ensure the safety of drinking water during the inspections that were carried out during the course of the works at the Hung Hom site.

89. As set out above, the construction and installation of the fresh water plumbing system of the Hung Hom site was sub-contracted by CSCE to Golden Day who had to appoint a LP to construct and install the fresh water plumbing system as required by the law. Pursuant to the Sub-Contract, Golden Day was also responsible for the supply of plumbing materials in compliance with the Main Contract and Sub-Contract requirements and specifications. To the best of my knowledge and recollection, Golden Day carried out the following:

(i) Golden Day's supervisor was on site to monitor,

supervise and inspect the fresh water plumbing works during the time such works were carried out.

(ii) Construct and install the fresh water plumbing works in the sample flat and sample wing which included common areas and external walls ("**Mock-Up**") for that particular wing. They also had to carry out hydraulic tests on the fresh water plumbing works in the sample flat and sample wing and the external wall.

(iii) During the site inspections, checked various things including (a) the progress of the plumbing works, (b) whether the plumbing works were carried out in accordance with the Mock-Up, and (c) whether the pipes and pipe brackets were properly installed, whether the fixing anchors for the pipes were sufficient.

(iv) Submitted through its LP to WSD the relevant parts to Form WWO46 and the Annex.

(v) Carried out the hydraulic tests in the presence of HA and CSCE after the fresh water plumbing works were completed.

(vi) Notified its LP to liaise with WSD about various matters including (a) collecting the water meters from WSD for installation, (b) reporting to WSD the locations, the reference nos. and the readings of the water meters upon installation, and (c) liaising with WSD to conduct inspections of the plumbing works including the fresh water plumbing works after the submission of Part IV of Form WWO046.

90. CSCE supervised and monitored the construction and installation of the fresh water plumbing works including those carried out by Golden Day and as set out in Lee's witness statement and in this witness

statement. As explained above, CSCE had complied with all prevailing contractual and statutory requirements in relation to the construction and installation of the fresh water plumbing system.

K2. Approval/Certification of Completion of Fresh Water Plumbing System

91. Upon completion of the fresh water plumbing works at the Hung Hom site, the LP had to apply for the approval of the constructed and installed fresh water plumbing system from WSD. The LP should be in a better position to assist the Commission as to what they had done to discharge their responsibilities in relation to the approval and certification of the fresh water plumbing system. That said, I will set out below the persons involved and what they had done in relation to the approval I certification of the fresh water plumbing system and the steps they had taken to discharge such responsibilities.

92. CSCE's BSC and/or I would liaise with Golden Day to ensure that its LP would (i) submit Part IV of Form WWO46 on time and (ii) arrange with WSD to inspect the fresh water plumbing works promptly. Once Part V had been issued, I would send the same to HA for record and Golden Day would be asked to install the individual meters.

93. Upon the completion of the fresh water plumbing system at the Hung Hom site, Cheung, Golden Day's LP, endorsed and submitted Part IV of Form WWO46 to WSD to request WSD to inspect and approve the plumbing works. Part IV was also endorsed by both HA's AP and HA. Part IV of Form WWO46 for Blocks 1 and 2 was endorsed by the LP on 26 January 2011 and by both HA's AP and HA I HO on 19 October 2010 [B10.2 / 24475]. Part IV of Form WWO46 for Block 3 was endorsed by the LP on 22 June 2011 and by both HA's AP and HA I HO on 18 July 2011 [B10.2 / 24476].

94. On 21 September 2011, CSCE submitted Part IV of Form WWO46 for Block 3 to HO for their perusal and record **[B10.2 / 24498]**. CSCE is not able to locate the covering letter to HO submitting Part IV for Blocks 1-2.

95. On 22 February 2011, WSD and Golden Day inspected the plumbing works for Blocks 1 and 2 of the HHP2 Project **[B10.2 / 24489]**. On 27 September 2011, WSD and Golden Day inspected the plumbing works for Block 3 of the HHP2 project **[B10.2 / 24490]**.

96. On 16 March 2011, the Water Authority endorsed Part V of Form VIM/046 for Blocks 1 and 2 of the HHP2 project and confirmed that pursuant to the Waterworks Ordinance and Regulations, no irregularities were found and approved the plumbing works at Blocks 1 and 2 (excluding the pump room and booster pump rooms) of the HHP2 project **[B10.2 / 24489]**.

97. On 7 October 2011, the Water Authority endorsed Part V of Form VIM/046 for Block 3 of the HHP2 Project and confirmed that pursuant to the Waterworks Ordinance and Regulations, no irregularities were found and approved the plumbing works at Block 3 (excluding LG/F pump room and booster pump room) of the HHP2 project **[B10.2 / 24490]**.

98. On 17 October 2011, CSCE provided Part V of Form WWO46 to HO for plumbing works at Block 3 (excluding LG/F pump room and booster pump room) of the HHP2 Project for their perusal and record **[B10.2 / 24505]**. CSCE is not able to locate its covering letter from CSCE to HO submitting Part V for Blocks 1-2.

99. During the above process, CSCE's BSC and/or I liaised with Golden Day and I would also liaise with HA I HO about the submission of Parts IV and V of Form VIM/046. I would also send the endorsed Parts I to V to HO for their record. CSCE was not required to endorse any

Parts of the Form WWO46. CSCE's representative would be available to assist the LP and WSD, if required, during the time WSD inspected the fresh water plumbing works after they were completed.

Water connection

100. Prior to the water connection, WSD's laboratory technician collected water samples in the presence of the LP for the underground water works, i.e. Lam Tak Sum (see Section A above), from water connection points for testing and analysis to ensure that the water was clean and in compliance with WSD's requirements and would not contaminate WSD's main. CSCE's representative would be available to assist the LP and WSD, if required, during the collection of water samples by WSD.

101. As set out in paragraph 86 above, the water samples collected were tested in accordance with WSD's requirements which excluded testing the water for the presence of lead or lead content. When WSD was satisfied with the results for the water tests, it issued the certificate regarding water supply connection for Blocks 1 and 2 and Block 3 of the HHP2 project respectively on 25 March 2011 and 12 March 2012 [B10.2 / 24515-24516].

102. Pursuant to the above certificates for water supply connection, WSD certified that a permanent connection of (i) potable water supply from the Waterworks, and (ii) flushing water supply from the Waterworks had been made. The certificates were copied to the Buildings Department, HA I HO and the LPs for the Hung Hom site. They were not copied to CSCE.

Certified Completion

103. By HA's letter dated 21 March 2011 to CSCE, HA certified that Blocks 1 and 2 of the HHP2 Project were

completed on 26 February 2011 and that the maintenance period commenced on 27 February 2011 and would expire on 26 February 2013. HA's said letter referred to an outstanding list including defects rectification works which CSCE had undertaken to carry out during the maintenance period which did not include any defects relating to the plumbing works [Tab 16].

104. By HA's letter dated 18 November 2011 to CSCE, HA certified that Block 3 and the associated external works of the HHP2 Project were completed on 5 November 2011 and that the maintenance period commenced on 6 November 2011 and would expire on 5 November 2013. HA's said letter referred to an outstanding list including defects rectification works which CSCE had undertaken to carry out during the maintenance period which did not include any defects relating to the plumbing works [Tab 17].

L. Steps taken by the persons identified in Questions 9 and 10 in ensuring that (a) the works in connection with the construction and installation of the Plumbing Materials was carried out by workers with sufficient training and qualifications; and (b) only approved and lead-free Plumbing Materials which comply with Contractual Requirements, statutory and non-statutory requirements will be used in the construction and installation of the fresh water plumbing system (Question 11 of LL's Letter)

L1 Steps taken by the persons in CSCE identified in Questions 9 and 10 in ensuring that the works in connection with the construction and installation of the Plumbing Materials was carried out by workers with sufficient training and qualifications

105. Under the Sub-Contract, Golden Day was required to supply materials and also labour and comply with the Main Contract requirements including supplying

labour with the relevant training and qualifications to carry out the construction and installation of the Plumbing Materials.

106. Matters relating to CSCE's workers and all trade sub-contractors and their workers were dealt with by CSCE's site engineer (who had left CSCE) at the Hung Hom site at that time and I was not involved in such matters at that time. For the purpose of addressing the above question, I was shown the relevant Main Contract provisions in relation to the requirements of the plumbing workers. According to the Main Contract, 85% of the plumbing workers employed by the contractor / sub-contractor should be skilled trade tested workers who are either (a) a registered skilled worker or registered skilled worker (provisional) as respectively defined in section 2(1) of the Construction Workers Registration Ordinance (Cap 583); or holder of a full Trade Test Certificate issued by the Construction Industry Training Authority.

107. GCC 18(1) **[B10.1 / 22985]** provides that:-

"(1) The Contractor, and any of his sub-contractors, shall provide and employ on the Site in connection with the execution of the Works:-

(a) only such technical personnel as are skilled and experienced in their respective trades and callings and such sub-agents, foremen and leading hands as are competent to give proper supervision to the work they are required to supervise, and

(b) such skilled, semi-skilled and unskilled labour as is necessary for the proper and timely execution of the Works."

108. Pursuant to SCC133 **[B10.1 / 23012]**:

"the Contractor shall:

(a) employ at least the number of Trade Tested Workers, which include Skilled Workers and Semi-skilled Workers in each of the scheduled trades as specified in the Contract. Each of the Skilled Workers and Semi-skilled Workers shall have obtained the appropriate certificate specified in the Contract.

(b) deliver to the office of the Contract Manager a return giving details of the personal particulars of the Trade Tested Workers employed on the particular day specified in the Contract. The return shall be delivered to the office of the Contract Manager, by not later than 1:00 p.m. on each working day following the particular day specified in the Contract, in such form as the Contract Manager prescribes, showing but not limited to the trade, name, identity card number and signature of each Trade Tested Worker employed."

109. Pursuant to PRE.B6.340.P(1) of the PSS [B10.1 / 23046-23048] , "the minimum number of Trade Tested Workers to be employed by the Contractor or his subcontractors in accordance with sec 133 ... shall be calculated in accordance with the stated percentages of the total workforce on Site at any one time".

110. The "Requirement of Combined Percentage for Skilled and Semi-skilled Trade Tested Workers" for Plumber was 100% and the "Max. Permissible Percentage of Semi-skilled Workers" for Plumber was 15%, which means that 85% of the plumbing workers employed by Golden Day should be skilled trade tested workers.

111. PRE.B6.340.P(2) of the PSS [B10.1 / 23048] provides that:

(a) *Skilled Workers shall be either one of the followings:*

(i) *A registered skilled worker or registered skilled worker (provisional) as respectively defined in section 2(1) of the Construction Workers Registration Ordinance (Cap 583);*

(ii) *Holder of a full Trader Test Certificate issued by the Construction Industry Training Authority (CITA).*

(b) *Semi-skilled Workers shall be either one of the followings:*

(i) *A registered semi-skilled worker or registered semi-skilled worker (provisional) as respectively defined in section 2(1) of the Construction Workers Registration Ordinance (Cap 583);*

(ii) *Holder of an intermediate Trade Test Certificate issued by the Construction Industry Training Authority (CITA)."*

112. Pursuant to PRE.B6.340.P(3) of the PSS **[B10.1 / 23048]**:

"[the Contractor] shall complete a return for the Trade Tested Workers and deliver it ...to the CM in accordance with SCC 133(b) of the Special Conditions of Contract: Obtain the format of the return from the CM;

(i) A return is to be completed in respect of the Trade Tested Workers employed on the fifteen (15) day of each month, or in the event of the fifteen (15) day being a General Holiday on the day immediately following the General Holiday."

113. CSCE's contractor labour officer ("**CLO**") was based

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at the Hung Hom site at that time and was responsible for checking the qualifications of the workers of all the trade sub-contractors, including Golden Day's workers before they could commence work at the Hung Hom site at that time. In this regard, the CLO would check to ensure that Golden Day's workers held valid Construction Workers Registration ("**CWR**") cards issued by the Construction Workers Registration Authority as this would show that the workers are skilled workers. The CLO would also check the workers for other skills and qualifications, such as green card which relates to safety issues and where applicable, silver card etc. Once the CLO had checked these matters, the CLO would issue a smart card to all such vetted workers. The workers would use the smart card and have their fingerprints scanned before they were permitted to enter the site to carry out the relevant trade works. Anyone who did not hold a valid smart card could not enter the site at all. CSCE's site engineer at that time would also be responsible for submitting records of trade tested workers to HA on a monthly basis [Tab 18] which were endorsed by me and by Pang Ka Man after I left the Hung Hom site. I have not received any queries from HA over those records, thereby indicating that HA was satisfied that 85% of the plumbing workers employed at the Hung Hom site by Golden Day were skilled trade tested workers. CSCE had therefore taken steps to ensure that the work in connection with the construction and installation of the Plumbing Materials was carried out by workers with sufficient training and qualifications.

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114. At this point I would like to mention the period of time over which the fresh water plumbing works were carried out by Golden Day at the Hung Hom site. To the best of my recollection, when CSCE had completed approximately 8-10 floors of the superstructure of each block, the fresh water plumbing works commenced at the fourth floor (i.e. the floor at which the sample

units were located) and proceeded systematically floor by floor up to the top. Blocks 1 and 2 were carried out more or less simultaneously with Block 3 following on a number of months later. Golden Day would be able to install the majority of the fresh water pipe works in the common areas; after completion of the wet trades (for e.g. plastering and tiling) in the units, Golden Day would then carry out the plumbing works in each individual unit. In terms of approximate dates, the fresh water plumbing works at Blocks 1 and 2 commenced at the beginning of 2010 and continued through January 2011, a period of over a year. The fresh water plumbing works at Block 3 were completed in or about September 2011. Throughout these periods, the number of labourers used by Golden Day on each block was reasonably steady and did not exhibit any significant variances.

L2. Steps taken by the persons in CSCE identified in Questions 9 and 10 in ensuring that only approved and lead-free Plumbing Materials which comply with Contractual Requirements, statutory and non-statutory requirements will be used in the construction and installation of the fresh water plumbing system

115. As set out above, CSCE had sub-contracted the fresh water plumbing works which included the supply of Plumbing Materials and labour to Golden Day, a specialist plumbing sub-contractor with the relevant skills, experience and qualifications and had therefore expected Golden Day to carry out the fresh water plumbing works in accordance with the Sub-Contract and Main Contract requirements including employing an LP and monitoring and supervising the construction and installation of the fresh water plumbing system. By complying with the said Sub-Contract and Main Contract requirements, Golden Day and its LP should therefore had ensured that only approved and Plumbing Materials (including

lead-free solder) which comply with Sub-Contract and Main Contract requirements, statutory and non-statutory requirements would be used in the construction and installation of the fresh water plumbing system.

116. In ensuring that only approved and compliant Plumbing Materials including lead-free solder would be used in the construction and installation of the fresh water plumbing system, CSCE has submitted the requisite approvals by way of the DCMP-F716 Form as explained in Sections F and G above. Further, measures, supervisory, monitoring and quality control system as set out in Lee's witness statement and in Section J3 above are in place to ensure that approved Plumbing Materials which comply with contractual requirements, statutory and non-statutory requirements would be used in the construction and installation of the fresh water plumbing system. As set out above, the Main Contract only prescribed that the solder should be lead-free, while there was no such requirement prescribed for the other Plumbing Materials.

117. As for the use of lead-free solder for which Golden Day was responsible for supplying and using under the Sub-Contract, CSCE had expected Golden Day to procure the lead-free solder as approved by HA and use the same in the construction and installation of the fresh water plumbing system in compliance with the Sub-Contract and therefore the Main Contract requirements and in line with the usual industry practice. There was simply no reason for CSCE or me to doubt or suspect that the lead-free solder actually used in the construction and installation of the fresh water plumbing system was not that as approved by HA. With the benefit of hindsight, CSCE and its site staff (I included) would of course have immediately prevented the use of non-approved or non-compliant solder had we been aware of its use at

that time and would have taken positive steps to ensure that only lead-free solder was used. In this regard, following the Incident, CSCE had taken various steps to deal with this matter and I refer to Section M of this witness statement.

118. Finally, when the construction and installation of the fresh water plumbing system was completed in accordance with the Sub-Contract and Main Contract requirements, I took the matters set out below to signify that the same had complied with the contractual, statutory and non-statutory requirements:

(i) WSD had inspected and approved the construction and installation of the completed fresh water plumbing system at the Hung Hom site by endorsing Part V of Form WWO46 and confirming that no irregularities were found under the Waterworks Ordinance and Regulations.

(ii) As set out in paragraph 26 of Sung's witness statement, HA had submitted Form WWO132 to WSD confirming that the fresh water plumbing system at the Hung Hom site had been completed in accordance with the Waterworks standards and requirements.

(iii) WSD had issued the certificates for water supply connection for Blocks 1 to 3 of the Hung Hom site.

(iv) HA had certified the completion of Blocks 1 to 3 of the Hung Hom site, as set out above.

M. How Plumbing Materials containing Lead came to be used in Hung Hom Site (Question 12 of LL's Letter)

119. It is unfortunate that plumbing materials containing lead came to be used at the HH Houses. As set out above, there was simply no reason for CSCE or me to

doubt or suspect that the lead free category solder actually used in the construction and installation of the fresh water plumbing system was not that as approved by HA To the best of my knowledge and recollection, the only solder wires that I recall seeing at the Hung Hom site were in rolls with green labels which stated "FRY" 99C lead-free soldering wires as submitted to and approved by HA With the benefit of hindsight, CSCE and its site staff (I included) would of course have immediately prevented the use of non-approved or non-compliant solder had we been aware of its use at that time and would have taken positive steps to ensure that only lead-free solder was used in the fresh water plumbing installations.

120. Further, as set out in Section J2 above, with the benefit of hindsight, and after the Incident arose, CSCE has taken various steps to ensure that only approved and compliant Plumbing Materials are used in its projects and that CSCE's workers observe and comply with these steps in order to comply with all contractual requirements and laws. These steps are:

- (i) CSCE had submitted a Quality Control Plan of Plumbing Installation Works ("**QCP**") which it proposes to adopt on a trial basis at the Tsuen Wan Project. In this regard, I attach a letter dated 31 August 2015 to the HA which I had signed, enclosing the QCP for HA's comments [**Tab 19**]. CSCE has not received any reply from HA to the letter. The QCP divides the quality management into sample submission, materials ordering and delivery stage, construction stage, and routine checking and sample testing frequency. For example, with regard to the storage of lead-free solder wires delivered to the Tsuen Wan Project, we must now store the rolls of lead-free solder wires in a metal chest which must be locked in the plumbing

sub-contractor's storage area which is now physically separate from the plumbing sub-contractor's workshop. I also refer to the end of Lee's witness statement with regard to this matter.

(ii) CSCE has held and will continue to hold training with respect to the plumbing installation works at the site for its site staff and the plumbing sub-contractor's workers, and at CSCE's off-site training centre in Kwun Tong for only its workers.

(iii) CSCE has issued a Standard Working Procedure for plumbing works ("**SWP**") to its own staff setting out the procedures for supervision and quality assurance of the installation of fresh water plumbing works [**Tab 20**]. The SWP deals with various things including the (a) plumbing materials and the methods of joining copper pipes etc, (b) procurement, delivery and storage of plumbing materials and (c) quality assurance of plumbing works and testing of lead content. The substance and contents of the SWP are summarised in a more user-friendly manner in the booklet described in sub-paragraph (iv) below.

(iv) CSCE has issued a booklet titled "食水喉安裝質量監控程序" ("Quality Assurance Procedure for Installation of Fresh Water Mains") [**Tab 21**] which sets out the main points to note regarding plumbing works and circulated the same to workers including the plumbing sub-contractor workers at the site to increase their awareness and ensure that they comply with the relevant requirements concerning plumbing works, including the use of lead-free soldering materials.

(v) CSCE has raised awareness of and publicised the importance of ensuring the quality of plumbing materials and plumbing works by hanging a banner [Tab 22] measuring 5m x 1.1m at the entrance of the Tsuen Wan Project.

(vi) Recently, CSCE's procurement department has centralised the procurement of lead-free solder wires.

(vii) The working areas that the lead-free solder wires are to be used and the workers responsible for the installation works at the relevant working areas will be recorded. Data about the person removing lead-free solder wires from the metal chest in the storage room for use and data about the return of the empty roll of lead-free solder wire must be recorded using the forms described in sub-paragraph (vi) above.

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

問：Mr Chan, do you have anything you wish to amend or correct in this witness statement?

答：喺第十個-- sorry, 喺 paragraph 10 嗰度, 我提及有一個“BSC”, 應該係“BSE”。

問：係。即係應該係 Building Services Engineer, ...

答：Engineer。

問：...唔係 Building Services Co-ordinator?

答：係, 冇錯。

問：咁係咪之後仲有幾個 BSC 嘅 reference, 喺第 10 段、第 92 段同第

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99 段嗰度，係咪你都想轉番個做 BSE？

答：係，冇錯。

問：咁麻煩你轉去第 120 段 (i) 嗰度。

答：120？

問：係嘞，就喺第 801 頁。

答：Okay。

問：嗰度。嗰度你就話你 send 咗一封信，係 8 月 31 號，2015 年，去房屋署嗰度嘅，係咪？

答：係。

問：跟住你就話中建就仲未收到任何嘅回覆，你可唔可以確認，中建而家仲有冇收--有冇收到呢個任何嘅 reply？

答：我未有再翻 check 到，咁我再 check 一 check 先可以話到，唔，okay。

問：而家冇，okay，唔該晒。你願唔願意取納呢一份口供紙作為你嘅證供？

答：願意。

問：Okay。許大律師而家有啲問題問你。

答：哦。

許偉強先生盤問

問：陳生，睇到你證人供詞，都見到你喺呢行都有好豐富嘅工作經驗。我就想問一問你，就你喺 1985 年至到 2000 年，就喺房委會嗰度工作，首先就作為呢一個 Works Supervisor，跟住就作為呢一個--即係擔任呢個 Assistant Clerk of Works 嘅。

答：係。

問：我想問一問，就喺呢個房委會或者房署，你嘅十五年嘅工作入面，有

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冇接觸過即係用銅喉作為食水喉嘅工程？

答：當時冇嘅。

問：唔。因為當時我哋知道都係用啲我哋所謂嘅鍍鋅喉，即係 galvanised steel pipes，係咪？

答：冇錯。

問：係。我想知道就係你大概第一次接觸有關銅喉作為食水銅喉係幾時左右？

答：我記得，我記得吓，應該就喺 08 年呢個 project。

問：08 年？

答：就係紅磡呢個 project 好似。

問：即係就係紅磡呢個 project 就第一次就接觸有關銅喉，係咪？

答：係。

問：好。咁係咪喺呢一個 project 嘅時候，先至認識即係用銅喉做食水喉，係需要用無鉛嘅焊料呢樣嘢㗎？

答：冇錯。

問：係。咁樣講啱唔啱？就係即係你喺呢一個工程，即係紅磡呢個工程，咁有參與，都係即係知道用無鉛嘅焊料，咁講啱唔啱，即係話即係唔准用無鉛焊料，都係因為--即係你知道，即係你自己個人嚟講，係咪知道鉛係即係對身體有害？

答：我覺得咁樣講，contract 寫係無鉛嘅，嗰一啲係 combine with the contract，對身體冇有害，係當然呢個一般嘅知識，呢個係。

問：係一般常識就覺得佢係咁樣？

答：嘅。

問：咁就如果以你嚟講，即係用呢一個無鉛嘅焊料，喺做嗰個食水喉嘅過程之中，即係我哋都用番常識嚟睇，係咪都係即係主要係嗰個即係以健康--即係對身體健康嗰樣嘢有影響，而係其中一個--呢個係其中一

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個目的嚟嘅？

答：喺我當日 run 個 project 嘅時候，並冇考慮呢樣。

問：即係你當日做呢個工程嗰陣時，係並冇考慮呢樣嘢嘅？

答：冇。

問：哦，好。我想問一問你，就係你當日做呢個工程嘅時候，你知唔知道
焊料係有分即係含鉛同埋無鉛呢樣嘢？

答：Refer 番 contract 寫係有，寫住“Lead-Free”，所以我知道係
lead-free。

問：係。

答：Okay。

問：咁你--contract 就寫咗要用 lead-free，咁你知唔知道--當時你
知唔知道市面上，即係除咗有無鉛之外，都會有啲焊料係含鉛，你知
唔知道呢樣嘢？

答：對於用嚟做水喉嘅，我當時冇考慮過，亦都可以咁講，係唔知道市場
有一啲替代品，唔。

主席：唔知乜嘢話？

答：唔知道係會有譬如即係而家所發現嗰個 50D 嗰隻材料，okay。

問：不如咁講，即係我哋剛才講咗做水喉。如果我問一問你，就係喺當時
呢個工程嘅時候嚟講，你知唔知道市面嘅供應商係會賣一啲含鉛嘅焊
料，知唔知道？

答：唔知。

問：吓？

答：唔知。

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問：唔知。你當時知唔知道有錫條同埋錫線嘅分別？

主席：咪住先。

許偉強先生：係。

主席：我想問一問，雖然問咗你咁多樣嘢，你喺 1985 年到 2000 年，喺呢個房署或者又好，房委會又好，你做呢個 Works Supervisor 同埋 Assistant Clerk of Works 嘅時候，你係管唔管食水嗰個供水系統嗰啲嘢嘅先？因為我知--我哋知道一個地盤有好多唔同嘅俗語講「瓣數」，係咪先？你有冇管水喉嗰啲嘢嘅先，嗰陣時？

答：喺當時我曾經負責過 assess sample。

主席：唔係，九--85 至 2000 年，有 assess sample？

答：係，係。

主席：咁就算 sample 都有無數咁多唔同嘅瓣數個啲，俗語講？

答：冇錯。

主席：即係我嘅--我就想即係問清楚，即係雖然你有咁多年嘅經驗，但係實際上做水呀，水呀，我哋講食水，個經驗有幾多，其實？

答：因為當時所涉及嘅係 GI pipes 同埋 uPVC lining pipe，咁冇多，但係參與過或者處理過 copper pipes。

主席：係囉。

答：對於呢個 copper pipes 嘅焊錫嘅認識，應該講係唔多，亦都有，係。

主席：係，即係我想分清楚先，係咪？因為一個地盤有好多個 works supervisor，又有唔少嘅 assistant clerk of works，梗係分工合作㗎喇，唔會一個人做晒所有嘅嘢㗎嘛？

答：同意，係。

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主席：係咪？所以如果你即係你喺呢一個紅磡邨嘅地盤，你係做個 site agent，site agent 你要管好多瓣嘢㗎嘛，...

答：係。

主席：...係咪呀？

所以你問佢咁多呢啲水喉呢啲嘢，你 establish 咗佢。如果係有嘅話，唔好問，唔好嘅時間。

許偉強先生：得。得。

問：我想問一問，就係你喺呢個紅磡邨嘅工程入面嘅時候，你知唔知道有錫條同埋錫線嗰個分別，市面上？

答：唔知。

問：睇番你個證人口供第 28 段，第 775 頁。第 28 段最後嗰度，你就係話有啲其他嘅職員就喺中國建築係會負責去即係覆核或者係去檢視，就住嗰啲英國標準係咪即係合乎規格去做呢樣嘢。你講嗰啲“other professionals”係咪講緊屋宇裝備工程師？

答：係，冇錯。

問：唔該。睇番你個證人口供第 11 頁嗰度--對唔住，係第 11 段嗰度，770 頁。入面都有講出即係你作為一個 site agent 個責任嘅？

答：係。

問：咁我想問一問，就係即係作為一個 site agent，即係你對於呢一個總承建商，即係而家講緊中國建築同埋房委會，即係佢哋之間嗰個主合同裏面嘅一啲規格、要求，即係你都會有認識，對嘛？

答：對嘅。

問：而你嘅責任都係去確保即係做出嚟嗰個工程，同埋用嗰啲物料都係符合即係房委會要求嗰個規格，對嘛？

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答：對嘅。

問：咁我想問一問你，就係你平日個工作需唔需要不時去接觸嗰啲水喉分判商？

答：可以咁講，有啲重要嘅事項我要去同佢溝通，譬如去 set 個某啲 submission 嘅 time，或者幾時開工，幾時有辦房，我會提點佢。當然，我有我嘅同事去 coordinate with 佢。

問：係，我哋一步一步嚟。即係如果我首先講咗，即係我想搞清楚，就係先講咗話未--個工程未進行之前，如果我哋係講緊例如水喉外判商嗰個投標嗰個過程，你唔會參與個呵？

答：對。

問：我都想知嘅，就係嗰個你話平日日常運作嘅時候，即係有時就要同水喉分判商即係有啲接觸。主要係邊啲情況，可唔可以講下？

答：主要就--主要遞辦，呢個 as a site agent 一定要即係都參與嘅。另外就係話遞辦，跟住開始就話遞完辦 pass 咗，跟住就開始追佢嚟料，...

問：嚟料，係。

答：...安排人手，準備開始做辦房，咁施工上嘅大方向，即係大嘅問題就會同佢--追蹤佢。

問：明白。我想問一問，就係你對於水喉外判商佢哋提供物料，即係佢哋嗰個採購嗰個形式，你知唔知？即係佢哋例如點樣訂貨等等，你知唔知？

答：佢內部嘅嘢我唔清楚。

問：你唔知，okay，得。或者我畀嗰個--其中有個持牌水喉匠，佢就最近因為受到水務署有啲調查，咁佢就做咗一啲報告。佢其中有一度，我想畀你睇一睇佢係點講，睇下你同唔同意。喺 C19.7，首先睇睇 14635，呢度係水務監督就住有關嘅持牌水喉匠張達欽先生，咁佢都係負責呢個紅磡邨工程嘅持牌水喉匠嚟嘅。咁佢其中有一度，喺 14635 嘅第 16 段就係咁講，佢話張達欽先生就有...

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MR PENNICOTT: Sorry, Mr Chairman, could the witness be asked whether he has seen this document before, before he is asked questions about it?

許偉強先生：唔，係。

問：我畀你睇一睇第 16 段先，第 16 段，或者你睇一睇，我然後先問你個問題。

答：Okay，想知咩嘢？

問：好。另外都想你睇一睇 14645 頁，第 12 段，呢個就係水務署同埋張達欽先生有個會面紀錄，其中有一項嚟嘅。

答：Okay。

問：係。喺呢兩段我哋都睇到，張達欽先生就有講過，就係話佢唔排除有啲焊料可能係即係當時一啲即係做緊接焊--即係焊接工程嘅工人去自行買咗就帶咗嚟現場嘅。你對呢個睇法，你點睇？你知唔知會有啲咁嘅情況？

答：我唔知。

問：你唔知道嘅？

答：唔知。

問：剛才你講緊嗰個樣辦，我又想同你討論下個樣辦嗰個過程。喺你個證人口供都提到，有關嗰個焊料就其實喺個主合同嗰度，其實就唔需要話一定要遞交嗰個樣辦，同意嘛？

答：係。

問：你亦都講就話房委會亦都冇人特別去要求你哋去提交呢一個樣辦，對嘛？

答：對。

問：係。你都明白呢個 PLU1 同埋 PLU2 嗰個分別，喺個合同嗰度，主合同嗰度？

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答：係。

問：PLU1 一般嚟講，就係即係除咗有幾個例外嘅情況，一般嚟講，就只需要交嗰個有關樣辦嘅文件，就唔需要交樣辦個實物，呢個你清楚？

答：清楚。

問：係。當時你話要交呢一個，就住焊料要交呢一個樣辦，有冇話係你哋公司邊位同事係同你講話要求你做--即係要做呢樣嘢，有冇？

答：提交嘅樣辦，係我哋--或者講番多少少，就係我哋喺同一期，喺--有另外一個同事處理呢個樣辦，喺馬坑嗰面，因為我呢個 bundle contract 嚟嘅。

問：係。

答：咁喺嗰度，我想講清--就係話一般嚟講，喺 sample submission 嘅時候，咁做開嘅 subcontractor 都知道，佢會--自動都會擺個樣辦，擺埋 document，成 set 交界我哋嘅同事。

問：唔。

答：所以我嘅理解，就係我哋唔需要刻意去追。喺 run 開 housing project 嘅 subcontractor，都會--譬如呢類嘅材料，佢會執齊一套，畀我哋交界房署去審批。

問：唔。我想問下，就係就住例如紅磡呢個工程，你哋公司例如邊一位同事係負責決定，就住焊料要交呢個樣辦上去，你知唔知？

答：我覺得唔需要我哋同事話決定要交，如果 subcontractor 擺到畀我哋，咁我哋就會交上去。

問：唔，好。咁就住 PLU1 入面嘅物料嚟講，咁其中我哋都見到其實包括都唔少嘢。PLU1 除咗焊料之外，係咪都有好多其他嘅物料係你哋有遞交到樣辦上去？

答：喺。

問：係。咁睇番你證人口供第 57 段所講，57 段你就引用咗其中一個即係主合同入面嘅 preliminary 嚟講出，就係話交嗰個樣辦最主要係即係有啲咩嘢作用。咁其中都係話，即係你要交咗，然後，喂，唔好買貨住，等到嗰個樣辦正式批核咗，然後先至買。咁然後就要 keep 住

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呢啲批核咗嘅樣辦喺個特定嘅地方，咁就等你可以第時嚟貨嗰陣時就去睇下，喂，嗰啲貨係唔係符合嗰個樣辦，同意嘛？

答：同意。

問：係。咁就我想問下，就係你交咗個樣辦之後，即係房委會批核咗個樣辦之後，你哋係咪通常一定都會出番封信係畀個水喉分判商，就確認呢個樣辦係已被批核？

答：冇錯。

問：唔。我哋見到 F2 嘅 1972 頁--唔好意思，F2 嘅 972 頁。

答：972。

問：我哋見到呢度就住嗰個馬坑嗰個地盤，就發出就係話即係批核咗嗰個樣辦之後，就出番封信畀呢個金日，就通知佢嘅。

答：係。

問：即係呢個係咪一個即係我哋所講 standard procedure？即係一個既定嘅，通常都會做呢個步驟？

答：冇錯。

問：係。我哋而家睇睇主合同入面，同埋呢個 subcontract，咁就入面都有--首先講咗 subcontract 先，個外判合同先。外判合同都有特別講到明係需要跟足嗰個主合同，即係你哋同房委會個合同嗰啲規格嚟到做。

答：冇錯。

問：咁...

主席：唔係，我想問一問 972 先。972 嗰版紙，你哋就淨係畀 972 嗰版紙金日嘅啫，後面嗰啲夾住嗰啲文件，嗰啲就其實就係你哋最初交上畀房署嘅文件嚟嘅？

答：係。

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主席：即係得一版紙通知佢嘅啫？

答：個 memo cover 就夾--attach 埋係嗰個 sample submission approval form, approved 嘅資料。

主席：即係後面嗰版？

答：係。

主席：咁後面有--其實有好多版，咁...

答：係成 set attach 埋。

主席：成 set 畀晒佢嘅？

答：冇錯。

主席：全部畀晒金日嘅？

答：冇錯。

主席：唔該。

問：我哋睇一睇嗰個外判合同，第二六--B10.4, 26492。

答：外判，26492，喺呢面。

問：如果你睇下呢個跟住嗰一頁，26493，水喉工程個章程嗰度，我哋而家睇下--因為佢嗰個影印嗰度唔係影得好好，有啲字可能唔係睇唔得好清楚。咁就我哋見到第4段嗰度都係講話「個水喉工程，除咗潔具、龍頭、配件等註明材料以外，就乙方係需要包工料做妥。」咁就如果我哋講係焊料嘅工程，都係即係要係連工包料咁樣做，係咪？

答：係，冇錯。

問：就如果我哋睇呢一個水喉分判嘅合同，同埋呢一個主合同入面所講嗰啲用嘅--做食水喉用嘅呢啲材料嚟講，就有特別去分邊啲係主要嘅材料，邊啲係即係有咁主要嘅材料嘅，同意嘛？即係有分嘅？

答：Sorry, 可唔可以講多次呢度？

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問：喺呢個主合同同埋嗰個分判合同入面，所講嗰個即係需要用嘅材料嘅時候，就有話特別去分邊啲材料係即係 major，即係你嘅口供入面講 major 個材料，邊啲唔係 major 嘅材料，同意嘛？

答：同意。

問：如果睇番你嘅證人口供講嗰個 major 嘅 materials，就喺第 83 段。

答：第 83 段。

問：787 頁，F2。呢度你基本上喺 83 段，你就講出咗話即係你哋公司採取咗啲咩嘢措施，就去確保嗰啲咁嘅有關水喉嘅物料係符合合同嘅要求。第 (i)，羅馬 (i) 嗰度，你就講個“AQCC”就會去 check 去到確保一啲物料，即係嚟到現場嗰啲物料係符合規格嘅，其中包括 copper 同埋呢個 uPVC pipes 等等。(ii) 嗰度就開始即係介紹即係咩嘢叫做“major materials”，咁你話 major materials，我哋見到你呢度就咁講，“those listed at the back of HA’s Form 6210, a sample of which is attached for reference”，即係呢度你就講話點樣去界定個 major materials，就係去睇 6210 嗰張 form 嘅，係嘛？

答：係，係。

問：6210 嗰張 form，我哋都可以睇一睇，喺 F2 嘅 997 嗰度。以你嘅理解，如果我哋睇番 998 嗰度，睇到嘛？

答：睇到。

問：998，就第三項就列出咗有三十幾種物料係需要即係到--送達嗰個地盤嘅現場嘅時候係需要做檢測。

答：係。

問：咁上面就講有 document check、有 materials check。以你嘅理解，如果你屬於 6210 呢啲咁嘅物料，係咪 document check 同埋 materials check 兩樣都要做㗎嘛？

答：係呀。

問：係。我亦都想問下你，就係如果就住呢三十幾種嘅物料 check 嘅時候，我哋而家講緊 materials check 嘅時候，係咪送嚟㗎，即係例如一盒，每一盒你都會去睇，即係唔係抽樣，係百分之一百都會睇，

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定係抽樣調查？

答：都係抽樣。

問：都係抽樣？

答：冇錯。

問：係。你哋會唔會有啲乜嘢話--即係自己嗰個制度入面會去睇，咦，呢一隻物料我抽幾多個百分比，另外嗰隻物料抽幾多百分比，有冇呢啲咁樣嘅制定？

答：所以我哋要跟番房署嗰個要求先，第一件。

問：係。

答：係囉。咁喺我哋嘅 POP 裏面，我哋--當然，我哋自己有個標準工作程序，咁之下我哋有一個叫 project-wise 嘅 quality control plan，咁裏面會有啲表會列出我哋某啲 item，我認為需要嘅，in addition to 呢個表嘅會睇嘅。

問：係，好。

答：Okay。

問：我又想同你睇一睇，尋日同宋先生都睇過，就係有啲關於你哋公司嗰啲標準工作程序。

答：係。

問：就有關係即係物料送嚟嘅時候，就嗰個檢驗嘅過程嘅。或者我哋睇一睇，就係 A3，2307，睇到 5.3 嗰度下面，即係呢一頁嘅下面，「物料進貨檢驗和試驗工作程序」，見到嘛？

答：睇到。

問：係。5.3.1，就話「為了保證用於工程的物料滿足合約要求，所有物料（包括業主供應的物料）於進貨時都必須先行接受檢驗及--或試驗」，我哋尋日就問過宋先生，咁佢畀我哋其中一個答覆就係話呢啲焊料，就呢一個工作程序就唔適用於焊料嘅，你同意嘛？

答：或者我咁睇番--我睇番呢份嘢，同埋我地盤 run 嗰個情況，我而家

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講講，好唔好？

問：好，好。

答：就喺呢個--呢度，我哋呢一份約嘅標準工作程序係公司制定咗畀所有地盤 apply 落去，但係每個地盤有自己特別--有自己嘅特質，因為呢份佢包括有咁多--公司咁多 project，咁喺我 project-wise，我哋有一份叫做 project quality 嘅 plan，正式如果中文我哋譯就話呢個叫做綜--項--呢個叫做項目綜合管理計劃。

問：管理計劃，係。

答：咁裏面就有個--我哋因應 project 問題嘅特質，我哋制定--會編制一份叫做主要材料檢測檢驗表。

問：唔，係。

答：我哋點解會做一個--因為事實上，一個地盤會有太多嘅材料嘞，未必能全部每一次嚟，逐一逐一去睇晒，...

問：好。

答：...我哋就會抽出嚟，擺喺度，okay？

問：唔。咁我想問一問你，就係先我哋而家睇緊呢個工作--標準工作程序入面有關檢驗物料嗰個情況先。我哋如果呢度見到，就係喺 2309 頁，就有一個物料檢驗一覽表，睇到嘛？

答：睇到。

問：係。咁入面如果我有睇錯，有啲嘅物料--尋日宋生都係咁講，有啲物料就不包括於喺 6210 入面，係咪呀？

答：係，係。

問：咁我就想知，咁如果你哋--剛才你就話點樣去界定 major materials，究竟係睇 6210，定係睇--例如 6210 包埋呢一個一覽表，定係點？

答：Major 嘅 materials，頭先--喺我啱啱都講咗，6210 係必須要包含嘅，in addition to 6210 嘅嘢，我哋會因應個 project 有啲嘢特質，或者有啲需要加番落去。

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問：明白。咁即係話首先你剛才口供入面話 major materials 係睇 6210，呢個就唔係完全正確，6210 只不過一部分啫，係咪咁嘅意思？

答：係。

問：然後，你就要睇，例如工作程序--標準工作程序有冇--入面有冇，如果有，你都係當係 major materials？

答：因為標準個程序裏面當然一個--呢個表係已經做咗好耐，每個 project 又唔同，唔可以話佢一定要擺番落去，明唔明我想講乜？

問：唔。

答：Okay？

問：但係你可唔可以咁講，就係話如果你喺標準工作程序呢個物料一覽表入面有列出嚟，而又有包括喺 6210 入面嘅，喺你哋公司嘅程序嚟講，都會當佢哋係 major materials，同意嘛？

答：同意。

問：剛才你就講話，就住每一個工程嘅進行，除咗你要睇呢個標準工作程序，因為呢個係一個 standard 嘅啫，你可能都要睇其他有關嘅所謂 project management plan。我就想同你了解一下先，就係話呢一個標準工作程序，喺--如果你睇番 2308 頁，呢一個文件夾，A3，5.3.5 嗰度就係咁講，佢就話「材料員要檢驗物料質量是否合乎規格，一般情況之下，使用業主已經批准咗嘅樣板作為依據。抽查檢驗百分比可以參照剛才我哋睇到嘅一覽表。但係如果喺個一覽表嗰度有包到啲物料，你就要個抽查比率就要由地盤負責人按合約或者係同業主商討之後先至決定，嗰個就會寫咗喺《項目管理計劃》入面。」

答：係。

問：係。我哋尋日聽過宋生嘅口供，當房委會大律師就住呢個管理計劃，即係項目管理計劃問佢嘅時候，佢亦都再重申一次，就係話嗰個焊料亦都唔包括喺個管理計劃入面，即係管理計劃係唔適用於焊料。你同意呢樣嘢嘛？

答：我哋冇擺到佢落去。

問：唔。我想問一問你，就係項目管理計劃就係就住嗰個特定嘅項目一啲有關嘅材料應該點樣去檢驗等等，作出咗一啲即係規格嘅，我想知道

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就係究竟焊料當時喺做嗰個項目管理計劃嘅時候，有冇考慮到焊料呢樣嘢？

答：冇。

許偉強先生：咁我下晝繼續。

主席：好呀，我哋食飯先，兩點半再繼續。唔該晒。

下午 1 時正聆訊押後

下午 2 時 29 分恢復聆訊

出席人士如前。

主席：繼續。

許偉強先生：係。

中國建築工程（香港）有限公司（“中國建築”）（紅磡邨第二期和啟晴邨的總承建商）的第二證人：陳紹榮（中國建築地盤代表（紅磡邨第二期））
宣誓繼續作供

許偉強先生繼續盤問

問：陳生，我哋食晏前，我哋都睇過關於嗰個標準工作程序嗰度，我都想再理解多少少嘅，就係如果我哋睇番 A3，2308 頁，今朝同你睇過嘅。

答：搵到。

問：2308 頁，5.3.5 嗰度就係話有--即係講咗有關嗰個物料一覽表，如果有啲物料一覽表入面包括咗嘅物料，你就需要再考慮，就係個 project management plan 嗰度，去睇下點樣去抽查嘅，同意嘛？

答：係。

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問：咁所以如果我哋講話--我哋而家知道喺個 project management plan 嗰度，就住紅磡邨，焊料就有包括到嘅，係咪呀？

答：冇。

問：我就係想知道個過程，例如我哋知道喺標準工作程序嗰一覽表唔包括，我哋當然會有個過程去商討邊啲物料會擺喺嗰個 project management plan 嗰度嘅，我想問一問你，就係喺你哋公司嚟講，去考慮邊啲物料就住一個特定--例如紅磡邨咁講，一個特定嘅項目，邊啲物料要擺入去嗰個 project management plan，需要去審視、需要去檢查嘅，係邊一個部門嘅工作？

答：做呢個即係探討擺啲乜嘢落去，首先由地盤，地盤嘅代表，即係我，因為當時由我牽頭，咁會同埋啲相關同事，譬如 AQCC 或者係 BSE 去會傾嘅。

問：好，如果我哋睇一睇就係尋日房委會，佢哋即係都呈交咗一啲即係新嘅文件嘅，其中一個就係 B15.4 嘅。

答：B15.4，係。

問：B15.4 嘅 39866 頁，39866。

答：39866。

問：係喇，有一個地盤質量工作小組成員名單嘅，我想問下呢個小組係咪負責去睇下例如就住呢一個屋邨嘅工程，邊啲材料、邊啲物料需要擺落去個 project management plan 嗰度作審視嘅，佢哋有冇份㗎？

答：咁樣喺呢一個 team 裏面，組長、site manager，即係地盤經理，係比較少參與喺做呢一個嘅，因為佢係--我哋公司 site manager 一般都係一啲外派嘅同事，咁有分別，我哋係譬如分 project，我哋比較係跟 contract 多啲嘅就係由代表或者係所謂嘅項目經理，project manager。

問：我想問下你本人有冇參與到，即係就住紅磡邨嗰個 project management plan 嗰個制定，有冇參與？

答：冇。

問：有嘅。我想問下，就係當時係就住焊料係冇包喺個 project management plan 嗰度呢一個決定，係咪有大家商討過㗎？

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答：呢個冇特別商討過。

問：冇特別商討過？

答：冇特別商討過。

問：因為我都想問一問你，就係如果我哋睇番個 PLU1 嘅物料，喺 B2 642 頁，642 頁開始就係講 selection of pipes，跟住如果我哋揭去 644，就係見到有“COPPER PIPES”嘅，見到嘛？

答：係。

問：呢度都有好多物料，“COPPER PIPES”，下面有“COPPER PIPE FITTINGS”，如果你揭多去一頁，646 頁，有“INSULATION FOR CAPILLARY TYPE JOINTS AND FITTINGS OF HOT WATER COPPER PIPES”，跟住下面有“BRAZING ALLOYS FOR COPPER AND COPPER ALLOY CAPILLARY FITTINGS”。先講呢幾樣先，啱啱我讀出嚟嗰幾樣，我想問下呢幾樣，你哋喺個 project management plan 嗰度係咪都包括咗佢哋就係--即係呢啲材料係需要嚟貨嗰陣時去檢測，需唔需要？

答：可唔可以再講你邊幾個 item？因為太多，你講咁多樣，我...

問：可以，可以，如果我哋就咁睇 644 頁，我哋就見到有“COPPER PIPES”，係咪？644。

答：係。

問：644 下面嗰度見到“COPPER PIPE FITTINGS”咁嘅，見到嘛？

答：係。

問：入面就係-- fittings 入面都包括咗有啲例如一啲 alloy fittings 同埋有啲 flange joints 等等嘅嘢。640 --對唔住，646 頁，啱啱我讀過畀你聽有個叫“INSULATION FOR CAPILLARY TYPE JOINTS AND FITTINGS OF HOT WATER COPPER PIPES”，見到嘛？

答：係。

問：下面嗰度就係“BRAZING ALLOYS FOR COPPER AND COPPER ALLOY CAPILLARY FITTINGS”，我哋就講呢四樣先，呢四種物料先，嗰個

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project management plan，即係當時你哋嘅決定，就呢四種物料，係咪都係包括在內係需要做檢測，到場嗰陣時？

答：我哋冇擺到落嗰個一覽表度，即係話冇。

問：都有嘅？

答：冇擺落去。

問：都有做檢測嘅，呢啲，係咪呀？

答：冇。

問：我想問下 PLU1，如果你睇一睇，你都可能之前都睇過，PLU1 入面嘅物料，有冇邊一隻係擺喺嗰個 project management plan 嗰度㗎？

答：Project management plan...

問：即係需要到貨嗰陣時嚟到檢測嘅。

答：Sorry，我唔記得，而家。

問：唔係好記得？

答：而家問我記嗰張嘢，我唔記得，即係嗰個 plan 裏面咩嘢，我唔記得。

問：哦，個 plan 入面唔係好記得？

答：係。

問：好。但係你記唔記得如果 PLU1 裏面嘅物料，可唔可以咁講，就係大部分都有包喺個 project management plan 入面嘅？

答：喎，因為我如果要比較，首先一樣嘢，我要比較番嗰個 6210 裏面有冇 incorporate 喺嗰度，有冇 list 到，因為我嘅記憶就話喺 6210 佢有個 plumbing 嗰度係冇包括到 pipe 嗰樣嘢。

問：咁講啱唔啱，今朝你答我問題嗰陣時，就 PLU1 我哋都討論過，就係話一般嚟講，就唔使交樣辦嘅，不過大部分其實都最後有交到嘅？

答：係，冇錯。

問：有批核到嘅？

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答：都有錯。

問：如果 PLU1 大部分都擺咗去--嗰個樣辦擺咗去做批核，但係到最後嗰個 project management plan 嗰度又有特定話要去嚟到--啲貨到場嗰陣時係要做檢視嘅話，你覺唔覺得即係呢個做法就唔係好合理？因為檢視嘅目的，即係我哋樣辦檢視嘅目的就係希望日後可以貨到場嘅時候，就可以作個比較吓嘛。

答：我會咁睇法，就話銅喉或者一啲配件，佢本身有個 marking 喺個 pipe 度嘅，或者喺嗰個 fitting 度，咁到地盤嗰一刻即係我哋檢視同埋我裝完落去檢視都睇得到嘅，就係...

問：但係你到嚟到嘅貨嘅時候，究竟係咪呢隻牌子、係咪呢個型號，你有去 check 㗎嘛？

答：我哋因為--可以咁講，比較嚟講，就係呢啲由個 subcontractor provide 嘅，我哋喺我哋個 plan 裏面，喺嗰個 project 個 management plan 就有擺落去，...

問：即係咁...

答：...所以佢同時就如果係 refer 我哋個 plan，就有去跟。

問：好，即係話其中一個你哋做嗰個 project management plan 嗰陣時嘅考慮就係如果係水喉外判商，佢供應嘅材料，你哋就覺得唔需要擺喺個 plan 入面，到貨嗰陣時係嚟到檢驗嘅，係咪咁講？

答：兩個諗法，一個就係我哋裝咗落去都仲可以睇得到嘅，因為嗰件物料，我哋喺個 superficial 睇得到嘅，唔會 cover 咗嘅，呢個其中一個考慮嘅因素。

問：即係呢個...

答：當然佢係 supplier 提供嘅，我哋嘅材料源就唔會去檢測。

問：好。我另外我想問你另一個環節，就係我哋尋日都問過宋先生，就係啲貨進場嘅時候，我哋知道喺外判合同嗰度，你嘅口供都有講嘅，就係話當外判商，即係水喉外判商嚟講，如果佢要送貨嚟，佢首先要通知你哋㗎嘛？

答：係。

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問：因為你哋要作啲安排，例如即係可能交通方面，要畀佢哋啲車入嚟送貨，即係有啲適當嘅安排㗎嘛？

答：冇錯。

問：呢一個咁樣嘅做法，即係話佢哋需要通知你呢個做法就係適用於所有物料嘅，係咪呀？即係唔會話喺呢個做法入面，即係話佢哋要通知邊啲貨嚟，就有話分 major materials 就要通知，唔 major materials 就唔使通知，就唔會咁，所有物料都要通知㗎嘛？

答：或者咁講，送貨落地盤係要通知我哋，okay。

問：就有分咩嘢類型嘅貨？

答：冇分嘅。

問：好。同樣地，焊料都要通知你哋㗎喇？

答：我哋唔會要求到個 subcontractor 好清楚寫明嗰隻係乜嘢，因為事實上，喺建築裏面好多零碎料，佢哋都會 group 一啲五金或者 something --即係呢一啲咁嘅，就唔會 specific 喺嗰個人閘紙裏面填落去嘅。

問：有冇寫唔緊要，即係個運作上面嚟講，即係如果我哋睇紅磡個地盤，焊料嚟貨嘅時候，會通知你哋㗎嘛？

答：佢係通知我哋有材料進場。

問：有材料進場，係。我哋尋日都聽到宋先生講，如果有材料進入地盤嘅時候，地盤就需要發出一個即係叫做入閘紙。

答：冇錯。

問：我都會同你理解一下呢個入閘紙嗰個流程係點樣，入閘紙做之前，首先佢通知你哋，你哋會有同事就會 mark 低例如佢哋幾時、幾時會嚟，係咪呀？

答：我哋會有一個 standard form。

問：Standard form。

答：就佢哋喺我哋地盤度，maybe 喺個看更度或者我哋嘅 secretary 嗰

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度即係擺得到嘅。

問：我而家想問就係佢未嚟之前，佢未嚟之前要通知你，打電話嚟通知你，係咪？

答：佢會--即係咁講，佢嚟之前比較早啲，如果係大 lot，佢會電話通知我哋，到嚟嘅之前嘅幾日，就會填張入閘紙畀我哋。

問：就填一張...

答：入閘紙。

問：入閘紙，好。例如佢打電話畀你哋嗰陣時，你哋都會有同事係咪會有紀錄寫低邊個、邊個外判商邊日、邊日打電話畀你哋，寫低話佢幾時會進貨咁樣，會唔會有嘍？

答：佢哋一般就會通知我哋嘅地盤老總或者副老總「我幾時有批料入嚟」，好喇，呢個動作就係為咗安排，睇下嗰段時間我哋會唔會係譬如落緊石屎，好大量嘅車喺度，會同佢安排一下，到正式佢 confirm 咗日子，佢就填番張 form 畀我哋。

問：好，我其實就係想問一個好簡單嘅問題，就係佢打電話畀你，通知你哋話「我幾時、幾時會」...

答：Sorry，可以咁講，佢可以通知我哋嘅，可以打電話嘅，可以直接擺張紙畀我哋嘅老總，兩個都會有出現。

問：好，得，好，但係如果我講打電話嗰種情況，事先通知咗先...

答：Sorry，咁樣，因為我唔係當事人，我係由番我老總去處理嘅，如果你再深入問個 detail，我諗由我老總答你會比較適合啲。

問：哦，唔緊要，我唔係問你細節，我而家淨係想問你知唔知道例如如果係事先打電話通知你哋地盤嘅管工嘅，話會有貨例如兩日後嚟，地盤會唔會有個紀錄係寫低呢啲嘢啫？

答：唔會。

問：好，好喇，我想知道就係話一般嚟講，如果預先通知嗰啲，通知你哋地盤嘅時候，會講啲咩嘢資料畀你哋聽，主要？

答：因為佢唔係直接同我講，呢個我答你唔到，okay。

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問：好，入閘紙吓講下，即係入閘紙就係到貨當天佢哋要填嘅入閘紙，係咪？

答：係。

問：就係即係進入地盤嗰個入口嘅時候要填嘅？

答：佢係填完，佢填咗，交界我哋嘅老總 countersign，跟住佢揸住張紙，個看更見到我哋老總個簽名，就畀佢架車入地盤咁嘅。

問：好，即係話佢哋車入嚟之前，嗰張紙已經要即係安排好㗎喇？

答：冇錯。

問：例如你哋要填嗰個入閘紙，填完之後，你哋有冇紀錄，即係呢啲入閘紙？

答：嗰張入閘紙入咗嚟，淨係得一張嘅啫，老總簽完，就交番畀嗰個分判。

問：分判。

答：佢入閘嘅時候揸住入閘紙，個看更會收咗張入閘紙。

問：佢收咗嘅？

答：Okay，唔。

問：所以你哋公司就應該會有即係每次嚟貨嗰個入閘紙嗰個紀錄個囉嗎？

答：喺嗰刻會 keep，係。

問：好。啲貨進咗場之後，首先會由邊位職員去處理㗎？

主席：你講咩嘢貨呀？你講...

許偉強先生：焊料。

答：Sorry？

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問：如果焊料進場...

主席：冇人 check 嘅？冇人 check 嘅？

答：冇。

主席：冇人 check。

問：好，如果焊料進場之後，首先會擺喺邊？

答：因為呢個，你問我焊料進場擺喺邊，因為第一，佢冇通知我哋入焊料，所以我答唔到你。

問：好，我想再問下你，就係嗰個人闡紙上面係會填啲乜嘢資料，你記唔記得？例如日期、時間，冇冇填埋啲貨嘅--嗰個貨，有關個貨嘅細節？

答：So far，我未簽過啲人闡紙，所以我覺得我答唔到你呢個問題。

問：冇冇見過人闡紙？

答：我諗諗先。我冇處理過。

問：好。我哋亦都尋日問過宋先生，就係啲貨--我哋講緊焊料到場嘅時候，你哋冇人去驗貨，另外你亦都有要求就係佢哋有關嘅外判商係畀你哋一套有關即係買貨啲單據嘅，係咪呀？

答：冇。

問：冇。我可唔可以問下你點解嗰陣時冇 keep 到呢啲單據，即係冇要求話要擺呢啲單據？

答：可以咁樣分開，就話一啲有 material on-site，可以擺到 payment 嘅，我哋個 supplier 會-- sorry，我哋 subcontractor 就會提交畀我哋，但係譬如而家講到焊錫呢樣嘢，因為 under 個 preamble，佢都係 incorporate 埋喺嗰個 copper work -- copper pipe 嘅 work 裏面，咁就有 separate 一個 item 去 measure，所以冇同佢擺。

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問：但係如果你有 keep 到啲單據嘅話，就係如果在即係地盤現場嘅時候，如果發現嚟嘅焊料，就住佢個數量或者質量有問題嘅，你都有任何單據可以再即係做任何跟進？

主席：我諗唔使-- Mr Khaw，我哋唔使喺呢一度糾纏咁耐，因為如果你睇番房署個 Review Committee 出嚟啲 recommendations，就住呢一方面點樣樣用呢啲焊料，都已經有頗為詳細嘅指引，同埋而家嘅 specifications 都有講咗唔少呢一方面嘅嘢喺度，所以如果佢當時真係喺呢一方面有問題，似乎而家都已經係有一啲 measures 去 cover 咗，所以我哋唔好糾纏喺呢一方面。

許偉強先生：好。

問：你嘅口供 F2，92 頁。

答：睇下先。Sorry，92 段？

問：對唔住，92 段，794 頁。

主席：F2，係咪呀？

許偉強先生：F2。

主席：我想問一樣啫，因為第 73 段，第 73 段就係第三行開始，就係講呢個--呢度咁寫嘅，“What had happened was that Golden Day had submitted soldering materials for jointing the copper pipes, which was a method permitted under and complied with the Main Contract specifications.”，呢度你就話係 Golden Day submit 嘅，你係基於乜嘢嘢咁講？

答：Sorry，我想再睇睇啲段係第 73 段。

主席：第 73 段，係呀。

答：係。

主席：我哋知道你 tab 8 嗰度就係 -- tab 8 第 972 頁，就我哋頭先其實已經睇過，就係話你哋出番張 memo 畀金日，就話畀金日聽「你個啲 solder 同埋啲 flux approve 喇。」呢個 73 似乎你就係講佢交過啲嘢上嚟，我就係想問呢一樣嘢啫，你係基於乜嘢嘢就講 Golden Day 係 submit 呢一個 soldering materials？

答：我想睇下我解答--答番啱啱講，就話...

主席：我知，你呢一樣嘢就係交過去馬坑嗰邊，係咪呀？

答：係。

主席：好喇，你係憑乜嘢嘢喺 73 段呢一度咁樣樣講呢？

答：我可以咁講，就話我哋馬坑同埋紅磡係同一個 project 嚟㗎嘛，under 同一個 project，喺馬坑批咗嘅材料，咁...

主席：我想知道究竟係乜嘢情況之下，金日係交呢一個焊料上去畀你哋公司嘅，乜嘢情況之下？

答：如果講番喺馬坑，喺馬坑佢點交界我哋公司，sorry，呢個我答唔到，因為由另一個同事處理。

主席：得。

問：我想問一問你嘅，就係喺你嘅 81 段，第 786 頁，最尾嗰度，你就講最後嗰句，就話“I have also seen the ‘FRY’ 99C lead-free category solder wires and containers of flux in Golden Day’s storage area and plumbing workers carrying toolboxes with solder wires that had been cut in the residential units where they were carrying out plumbing works.”，呢個咁嘅你所講個 Golden Day 嘅 storage area，係咪就係一般例如所有 Golden Day 佢哋負責嘅材料都會喺嗰度儲存嘅？

答：係。

問：呢度你講，就話你曾經見過有呢啲咁嘅“FRY” 99C 嘅 lead-free

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category，我想問下，你見佢嗰陣時係即係好似我哋睇到一卷卷綠色咁樣嘢，定係你見到佢係一盒咁樣擺咗好多卷？

答：我見到一卷卷。

問：一卷卷嘅？

答：我見到綠色呢啲，就係呢隻，擺喺...

問：就係呢個，係咪呀？

答：係。

問：你有冇見過話係一個盒入面有裝住呢啲綠色嘅焊料？

答：我有見到個盒話--又可以咁講，因為我有--我之前未見過個盒，我只係見過呢一隻。

問：就係咁樣個狀況嘅，係咪呀？

答：係喇，所以我見到我就記得見過呢隻嘢喺地盤。

問：好，另外想問一問你嘅口供嘅第 92 段，呢度就話中國建築嘅即係屋宇裝備工程師同埋你本人都會同 Golden Day 就即係會接觸，嚟到去確保 Golden Day 所請番嚟嘅水喉嗰個--持牌水喉匠就會即係做以下嘅嘢咁樣？

答：係。

問：我想就問一問你，就係喺個工程進行當中，你自己本人或者係嗰個屋宇裝備工程師，你哋有冇直接同持牌水喉匠有啲乜嘢來往？

答：接觸過，接觸過，就你話日常嘅 operation，都係 through 番佢嘅 project manager 去溝通。

問：至於你話持牌水喉匠喺你哋嗰個工程項目入面，喺個地盤入面，幾時嚟過，你哋有冇紀錄㗎？

答：冇。

問：你自己知唔知道喺呢個紅磡工程，例如我哋講緊係做食水喉嘅工人嚟講，係咪有一部分係持牌水喉匠佢帶嚟嘅工人，你知唔知？

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主席：持牌水喉匠喺呢一個 scenario 咪就係張達欽囉？

許偉強先生：張達欽，係。

主席：即係金日嘅工人。

許偉強先生：係。

問：即係我係講緊話係持牌水喉匠佢帶佢自己啲工人嚟現場嘅，你知唔知？

答：咁講，持牌水喉匠如果話張達欽落嚟，佢兩個角色，佢係老細，咁佢嘅工人，我只會知道我唔會分辨佢係由持牌水喉匠帶落嚟，佢嘅打理帶落嚟，總之係佢嘅公司嘅工人，我咁睇嘅啫。

問：好。你喺呢一個中國建築呢咁多年嚟嘅工作入面，除咗同房委會嘅工程項目，你自己有冇參與過啲即係私人工程嘅項目？

答：冇。

許偉強先生：我有其他問題。

主席：唔該。

問：唔好意思，仲有一個問題，就係我想你睇番就係嗰個有關馬灣同埋紅磡嗰個 sample，即係個樣辦嗰個呈交，如果你睇番 B15.3，B15.3，39022，呢個就係--你哋嗰陣時就住紅磡同埋馬灣即係兩個工程所呈交有關嗰個焊料嗰個樣辦嘅。

答：係。

問：詳細嘅細節，我哋都可以從文件入面睇到，我哋如果睇一睇就係嗰張 form，就應該係--我哋睇到頂頂嗰度，就係 1 月 23 號，2009 年 1 月 23 號，係應該嗰陣時遞交嘅？

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答：係。

問：我哋見到就係 39023，即係隔離嗰版，見到有即係你哋公司嘅 AQCC 簽名有位梁先生嘅？

答：係。

問：下面就係“CONTRACT MANAGER’S COMMENT”，即係呢個就應該係房委會，即係房署佢哋嗰邊嘅有關 contract manager 嘅代表係簽署嘅。

答：係。

問：佢哋核實咗簽署，呢個亦都係 09 年 2 月 5 號嘅時候就做咗呢個核准嘅。

答：係。

問：即係應該大概嗰個時間，呢個樣辦就正式就係即係被批准咗嘅咁。

答：冇錯。

問：我就想問一問，就係如果我哋睇番雋景嗰邊嚟嗰個有關嘅文件，如果我睇番 S1，S1 嘅 79 頁，79 頁，我哋見到有張發票，就係雋景就畀即係金日工程，因為我知道你哋都即係冇 keep 到呢啲單嘅當時，但係我想問一問你，就係呢張單就係雋景畀金日工程嘅，呢張單就係講緊--我哋尋日都睇過，就係講緊一網無鉛錫線嘅啫，佢另外仲有一個松香膏，都係一罐，我哋下面見到個備註嗰度就寫咗「SAMPLE 用，不用收錢」嘅，睇到嘛？

答：睇到。

問：我想問一問，就係當時點解係 2 月嗰陣時已經嗰個樣辦係已經係核准咗，但係係 3 月嗰陣時先至係即係處理呢一個有關嘅發票，你知唔知點解？

答：唔知。

問：最後我想問下你，就係嗰呢個紅磡邨嘅工程入面，你有冇曾經見過一隻物料，叫做英國 50 力錫條呀？

答：冇。

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問：肯定冇？

答：冇。

問：一係我畀你睇一睇，就係個即係錫條就係一個咁樣嘅，係裝喺一個咁嘅盒度嘅，首先呢個錫條有冇見過？

答：呢個錫條，我有睇過，冇見過。

問：如果我哋講呢個盒，係寫住「英國 50 力扁錫條」嘅盒，你有冇曾經見過？

答：冇。

許偉強先生：好，冇其他問題。

主席：邊位想問問題？

殷先生盤問

問：陳生，我代表房委嘅，有幾個問題想就住你嘅證人供詞想澄清嘅。

答：好。

問：第一，我想你睇睇你嗰個書面供詞第 119 段，係第八...

答：119。

問：第 800 頁。你嗰度第 119 段嗰度，你係咁講嘅，“It is unfortunate that plumbing materials containing lead came to be used at the HH Houses. As set out above, there was simply no reason for CSCE or me to doubt or suspect that the lead free category solder actually used in the construction and installation of the fresh water plumbing system was not that as approved by HA.”。個解釋，嗰句嘢就似乎你話好唔好彩，有啲有鉛--第一句，你就話有啲有鉛嘅水喉物料用咗喺嗰個建築嗰度，但係第二句嗰度，你就話「我有理由相信呢個無鉛嘅焊料--即係實質上用喺嗰個項目入面啲無

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鉛嘅焊料就唔係房委批准嗰啲。」即係似乎你呢度係講緊係有鉛定無鉛個焊料？

答：我諗--我解釋番呢句說話就話我當時--因為我想表達番，就話我親--我係--個 sample submission approve 咗，我 submit 咗係“FRY” 99C, on site, 我見過呢個“FRY” 99C, 我當時--喺當時嗰一刻，既然我 sample submission approve 咗，用嘅係我見到嘅係合規格嘅，亦都係批咗嘅，我喺嗰刻，我有一個 reason 我會諗到或者覺得佢會用一啲唔合規格嘅嘢，我想講嘅意思係。

問：因為喺呢件事入面，似乎我哋知道有人用咗一啲唔合規格嘅有鉛焊料，但似乎就有證據有人用咗一啲都係無鉛嘅焊料，不過就唔係審批咗嗰隻牌子咁，你...

答：Sorry, 我唔太理解你講乜嘢。

問：因為似乎你呢個書面證供嗰度講就話有人用咗一啲無鉛嘅焊料，但係嗰個無鉛焊料就唔係房委批核咗嗰啲，我想你澄清番啫，你嘅意思只不過係話你唔知道有人用咗啲唔合規格嘅焊料，就唔係話一定有鉛、無鉛咁解嘅，係咪呀？

答：我想講，就話其實我當時我見到批--用緊--用咗批咗嘅，亦都合--我嘅睇法，就係喺嗰刻，我真係點會諗得會有出現呢個問題呢？我想講係呢樣嘢啫，我未猜測到佢再有咩嘢、咩嘢、咩嘢。

問：我想講講第二個範疇，就係頭先許律師問你嘅時候，今朝問你嘅時候，我哋都睇過一個文件，喺 A3 嗰度嗰個 2300 頁打後嘅嗰個標準工作程序，呢個係中國建設嘅自己嘅文件嚟㗎嘛，你同意嘛？

答：中國建築。

主席：建築。

問：中國建築公司...

答：係，見...

問：...自己嘅文件嚟嘅。

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答：Sorry，跟住？

問：我想你睇睇，如果我哋搵到去第 2304 頁嗰度，...

答：2304，得。

問：...我哋睇一睇最上方嗰度，第 1 項佢係講「目的」嘅，你睇到嘛？

答：係。

問：佢有 1.1、1.2、1.3、1.4、1.5 五項嘢嘅，你如果睇到 1.4 嗰度，佢係講到話「確保所用於工程上的物資（包括業主提供的物資）符合有關規範及滿足合約要求。」你睇到嘛？

答：睇到。

問：你同唔同意我咁講，文字上先，嗰個文字上講到好清楚話所有用於工程上嘅物資，即係唔係話局限咗一啲 major 嘅 items，主要嘅部件，唔係咁樣嘅，佢話所有物資，你同意我咁講？

答：我相信咁講，就係話個 contract 要求嘅嘢，我哋要 comply 嘅，呢個當然係正確嘅。

問：因為佢嗰度講到好死嘅，佢話所有用於工程上嘅物資，包括業主提供的物資，即係話就算喺呢個工程項目度房委會自己去買啲嘢返嚟畀你哋用，你作為項目嘅建築人，你都要去確保嗰個物資係符合嗰個要求嘅，你同意嘛？

答：係，呢度係咁寫。

問：我哋再睇一睇，一路睇到呢頁 2304 頁下方嗰度，第 1 項就係「目的」，第 2 就「範圍」，第 3「參考資料」，第 4「定義」，第 5 開始講嘅就係「作業程序」，睇到嘛，個大題目？

答：係，睇到。

問：佢有 5.1，一路 5.2、5.3，去到 2307 頁，你見到 5.3 嘅，喺下半頁嗰度，睇到嘛？「物料進貨檢驗和試驗工作程序」，你見到嘛？

答：等一陣。

問：2307 頁。

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答：2307，係，睇到。

問：係下方有個 5.3 嘅，「物料進貨檢驗和試驗工作程序」，睇到嘛？

答：睇到。

問：5.3.1 嗰度，佢又講過，「為了」--頭先講目的，而家就講真真正正
嗰個工作程序，佢話「為了保證用於工程的物料滿足合約要求，所有
物料（包括業主供應的物料）於進貨時都必須先行接受檢驗或試驗，
經證明合格後方可發放物料至現場施工。」呢度上一半就係咁講，但
係佢仲講得緊要啲嘅，就係話如果「施工急需而來不及檢驗或試驗就
投入使用的物資，應在該項物資上標以明確的標記或使用其它方法，
以便一旦發現不符合要求時能立即追回和更換。」你見到嘛？

答：見到。

問：即係其實我睇呢個文件得到嘅一個理解就係似乎擺喺中國建築嘅身上
嘅責任都幾大，即係話你有--唔係話可以話揀啲物料去檢驗或者審
視，係所有進場用喺呢個建築項目嘅物料，你都要睇得好清楚，如果
趕工趕唔切，都要搵啲標籤號住佢，驚第二日要追番轉頭嘅，你同意
嘛？

答：係，呢度係咁寫。

問：因為似乎呢個咁樣嘅標準工作程序嘅原意就同你之前解釋畀我哋聽實
際上嘅運作似乎有啲出入。

答：係。

問：因為你講畀我聽，如果我有記錯，你就話因為其實地盤有好多物資，
所以你哋實際上係揀一部分嚟睇嘅啫，除咗 6210 之外，你哋係即係
用一個酌情權，可以講，...

答：呢個係...

問：...揀下一部分去睇嘅啫，你同意嘛？

答：同意。

問：但事實上，你同唔同意我咁講，如果睇番呢個標準工作程序嘅原意係
即係應該做多啲嘅呢？

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答：因為呢個標準工作程序係畀晒我哋公司旗下咁多個盤，實際上我哋真係要跟番 project 裏面嚟到做，呢個係畀一個--亦都係一個指標，就係話地盤有嘅同事根據呢個，我哋可以行使我哋嘅管理上去處理判頭，要求判頭去做啲 submit 或者畀資料我哋去 check，其實一個大框框畀我哋。但係你話係咪一定要跟呢個，變咗如果係跟咗呢個，我就唔使做個別一個 project 嗰個 management plan 喇，所以呢度會有一個就話按 site 嚟睇番，呢個。

問：我唔係質疑你嘅決定嘅，我係想理解，因為似乎就算你話唔係每一樣嘢唔係嗰個標準，呢個所謂標準工作程序准你係有偏移嘅，實際運作上，但係似乎佢嘅原意都係話基本上所有物料確保佢係合乎規格係一個好重要嘅責任。

答：同意。

問：而中國建築係基本上係呢個責無旁貸嘅，你同意嘛？

答：確保物料合乎規格係我哋嘅責任。

問：你同唔同意我咁講，喺呢件事入面，我哋而家知道你嗰個關於做食水喉嘅物料係叫咗呢個金日呢間水喉承判商包埋嗰啲物料嘅？

答：係。

問：呢個係純粹係中國建築同埋嗰個水喉分判商嘅合約關係？

答：係。

問：呢樣嘢房委係唔需要知，亦都唔會知嘅，你同唔同意？

答：冇錯。

問：當然，如果你--即係我講你，唔係你本人，中國建築，我講你公司，如果你公司自己去買料嘅，買錯嘅機會就細啲，即係如果你落單嘅時候講得清楚嘅，買錯嘅機會就少啲，啱唔啱？

答：啱。

問：但係喺呢件事入面你係假手於人，你將嗰個買料嘅嘢畀咗金日去做，啱唔啱？

答：啱。

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問：換句話講，係咪你都--即係應該，如果諗番轉頭，要睇緊啲，究竟呢個分判商買番嚟啲啲嘢對唔對辦嘅呢？

答：喺今日睇番當時，呢個影響性咁大，一定係正確嘅。

殷先生：我有問題。

王先生盤問

問：陳先生，我代表水務署嘅，有幾個問題想問下你嘅，第一，我想睇你嘅證人口供第 11 段，羅馬數目字 (ii)，770 頁，11 段，羅馬數目字 (ii)，第五行嗰度，你就話你每個月大概有四至五次個 site walks，係咪？

答：係。

問：喺個地盤嗰度巡視，即係你每一個月，你呢度自己講，你每一個月，你自己個人喺個地盤嗰度有四至五次嘅 site walks。

答：或者可以講一講，就係 site walk 我會有嘅，因為我喺 Housing 嘅 project，每一個月都有所謂嗰個 PASS 嘅 assessment，嗰個 PASS 嘅 assessment 就係代表要參與一齊去行嘅，呢個係其中 site walk 嘅一部分，我會上去睇下進度，睇下 overall 嗰個 performance 係點，即係成個 project 嘅情況，所以我會行嘅，因為呢個 project 我 run，我一定要知道地盤做緊嘅進度或者 overall 個情況係點。

問：每個月四至五次嘅，係咪？

答：呢個係。

問：好喇，你跟住嗰句，你就話“Specifically with regard to the fresh water plumbing works, the checking and inspection I had carried out included checking the correctness of the type and size of pipes and fittings used were as approved by HA”，你就話你呢四、五次嘅 site walk 嘅時候，你就會特別由水喉方面嘅工作，就會睇下同埋會檢查下究竟啲啲銅喉或者啲啲配件係咪符合呢個房委嘅要求嘅咁樣。

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C 答：Okay，我明白你講，跟...

D 問：你點樣做呢？你 site walk 嘅時候，你點樣去 carry out 呢個 inspection 同埋呢個 checking？

E 答：我想咁樣講，就係話喺 site walk 嘅時候，我會行到去--即係我係 random 行嘅啫，我有 particular 去邊一個位置嘅，而亦都唔會話 particular 去睇個水喉嗰樣嘢，因為成個 site 裏面，入面有好多嘢嘅，唔單只水喉。

G 問：唔係，但係我針對你呢段啫，你呢句。

H 答：Okay，針對--如果你話--因為我想講話，如果 particularly for
I 水喉嚟講，我會係睇啲乜嘢，我係會睇--因為我唔會揸住個 sample，
J 唔會揸住，我上去，咁我唔係真係去 check -- particular 去 check
K 一樣嘢，我睇到--睇下嗰個銅喉，okay，個 verticality 或者個
L alignment、個 bracket，因為呢啲唔需要去揭，唔需要特別去揭
M 或者去吵番個 catalogue，日常嘅經驗見到 alignment 直唔直，
即係呢一類嘅--我可以咁講，就係嗰個所謂個 workmanship，比較
重視一個 workmanship，因為喺地盤 run 嗰陣時候，sample
submission 已經係前期嘅嘢，咁再 routine 行嘅時候，我嚟講，
我嘅角色，我就係睇下個 workmanship，進度同埋 workmanship
會唔會太大偏差。

N 問：All right，okay，我咁問你，就係你呢度講話個 correctness of
O the tape and size of the pipes，不過唔緊要。我再問下你，
P 你做呢個 site walk 嘅時候，你有冇曾經見過有工人喺度做呢個燒
焊、接駁銅喉呢個工程？每個月四至五次你 site walk 嘅時候，你
有冇機會見過水喉工人喺度現場做緊嗰個燒焊？

Q 答：現場做緊，有嘅。

R 問：有嘅，你見到呢啲工人做燒焊嘅時候，你見到佢哋擺住嗰啲焊料，以
S 你記憶，每個月四至五次，佢哋係擺住一卷卷嘅焊料吖，抑或一支支
嘅焊支呢？

T 答：我想咁講，我每個月嘅四至五次去 walk，我有部分係跟住個 PASS
U 組去做 PASS，打 PASS 嗰個 assessment，個專注力我就會擺番喺
嗰度，就唔會話特登去話去 check 佢究竟嗰個水喉匠做緊啲乜嘢，
水喉工人，我見到佢喺度做嘢，就唔表--我就未必會去埋去睇下、望
下佢用緊啲乜嘢，我唔會咁樣。

問：我想問你，如果你而家--即係我哋事件發生之後，如果你喺呢四至五次嘅 site walk，如果你而家係可以行去望下佢哋做乜嘢，其實你自己--以你嘅經驗，你覺得可唔可以 spot 到究竟佢係用緊一卷卷嘅呢個錫條--錫線咩，抑或一支支嘅錫條，嗰啲嘢係符合標準抑或唔標準，就咁你目測，睇唔睇到呢？

答：我想咁講，如果嗰卷焊錫連埋個卷喺度，可以分辨到嘅，如果係單一支，我喺法庭見到--頭先見到嗰支同埋嗰卷焊錫，就咁憑眼睛係好難分辨到嘅。

問：Okay，好，唔該你。我問你第二個問題，如果你搵去第 16 段嘅 (v) 嗰度，第 (v) 嗰度，第 16 段，羅馬數目字 (v) 嗰度，你嗰度就講個 WWO46 嗰張 form 嘅，因為你就講咗好多有關呢張 form，所以我假定你對呢張 form 係有啲認知嘅，係咪？

答：喺我因為呢件事之後，我開始去睇，因為以往嚟講，我嘅同事，我 BSE 會比較係專注睇番呢樣嘢。

問：即係之前你就對呢張 form 冇認識--冇認知嘅，之後...

答：我知道有咁多個 part，但係內面嘅內容，因為我會追蹤究竟而家做到邊個 part，我知道進度相關要跟進嘅嘢。

問：Okay，好，第 (v) 嗰度，你嗰度有--第三行嗰度就話 "We CERTIFY that the pipes and fittings .../ intended to be installed, including those as listed on the attached Annex to this Form and those not listed, are as prescribed by the Waterworks Regulations."，你同唔同意以你而家嘅理解，即係件事之後，睇番呢啲 form，即係嗰啲物料其實唔單只喺 annex 嗰啲嘢要 comply with 個 Waterworks Ordinance 嘅，其實嗰啲 not listed 嗰啲都要 comply with 個 Waterworks Ordinance 嘅，你同唔同意？

答：可唔可以講多次係你所講嗰個物料係邊樣？

問：即係你嗰度係講話，你第 (v)，羅馬數目字 (v) 嗰度，你講話 "We CERTIFY that the pipes and fittings" 咁，我就特別留意嗰幾隻字，"those not listed, are as prescribed by the Waterworks Regulations."，我就想問你嘅認知啫，你嘅理解係咪話嗰啲水喉工程嘅物料除咗喺個 annex to 個 WWO46 以外嗰啲物料，其實都要 comply with 個 Waterworks Ordinance 嘅呢？定

係你嘅理解話淨係 annex 入面嗰啲物料啫，其他就唔使理，你嘅理解係咩嘢？

答：畀我睇一睇先，畀我睇一睇先。如果喺文字睇，而家睇到係需要嘅。

問：好，唔該。我想睇你嘅下一段，21 段，21 段，21 段，你就話“WSD endorsed Part III of Form WWO46”，係咪？跟住我哋跳去第四行尾嗰段，“his shows WSD’s acceptance and confirmation that the pipes and fittings to be installed with respect to the fresh water plumbing works at the Hung Hom site had complied with the statutory requirements and WSD’s own non-statutory requirements.”，呢個係你嘅證供，係咪？你嘅證詞咁寫？

答：係。

問：好喇，喺呢啲物料提供咗嗰啲 sample 或者嗰啲物料提供咗畀 WSD 之後，到佢實際 install，實際喺嗰個施工嘅時候，嗰啲物料如果係同 submit 畀水務署嗰啲唔同嘅情況之下，就算水務署批咗，係建基於嗰啲 sample submit 畀水務署嘅，實際施工嘅時候，如果嗰物料同提供畀水務署係有分別嘅、有差別嘅，其實你都唔可以倚賴水務署話批咗呢個 Part III 而嚟到話你 comply with 咗嗰個 statutory requirements，咁樣講法，你同唔同意？

答：我嘅諗法--我而家嘅睇法，就係話我哋喺當時嗰刻，當時嗰刻，我哋作為承建商，我哋入--我哋喺做--即係我哋入咗一啲水喉或者配件畀水務局批咗出嚟，我哋就由 Golden Day 去安裝，跟住 licensed plumber 去 coordinate，即係入 Part I、Part II、Part III、Part IV，咁批咗出嚟，我喺嗰刻嚟講，我覺得就係話水務局批咗水紙出嚟，我覺得我成套嘢已經係 comply，我當時呀，因為如果唔係，唔會畀水我哋嚟嘛，我嘅理解就係咁樣。

問：Okay，得，呢個係你嘅理解。好喇，或者我好快去第二個題目，28 段，唔該，28 段。

答：好。

問：最後嗰句，許大律師都有問過你嘅，你就話：

“There are other professionals in CSCE who were responsible for reviewing and checking compliance with

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the British Standards during the course of the works at the Hung Hom site.”

我想問你，係咪即係真係有啲 professional 係駐場喺嗰個地盤嗰度去檢查下嗰啲物料係咪 comply with 個 British Standard 嘅呢？即係有一 team -- 有一組嘅 professionals 喺個 Hung Hom site 嗰度...

答：係，呢一-- sorry。

問：...係抽樣去睇下嗰啲物料係咪 comply...

答：呢一組人係我哋嘅 BSE。

問：佢哋就係去負責去檢查嗰啲物料係咪 comply with 個 British Standards 嘅，英國標準？

答：係。

問：Okay，而我哋亦都同意話就係喺呢個 profession 入面，佢哋就係有 check 到嗰個 soldering material 係咪 comply with 嗰個英國標準嘅？

主席：咩嘢？再講多次。

問：即係 among 呢啲 professionals，就係有一個 professional 係去 check 嗰啲 plumbing materials 嘅，including solder materials，即係嗰啲焊料嘅？

主席：咪有囉，check 咗。

王先生：係？

主席：Paper 上高咪 check 咗。

王先生：即係我意思係問 on-site，佢個 professional on-site。

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主席：即係實際嘅做個工序嗰陣時，你講緊，係咪呀？

王先生：係，係。

主席：實際做燒焊嘅時候，即係我哋知道你 sample 就有交咗，有人 check，係咪？

答：係。

主席：佢嘅意思就係燒焊嘅時候，你哋嗰啲工程師冇去睇，佢話。

答：燒焊嘅時候，因為咁講，我唔係嗰個工程師，我諗我答唔到佢有冇睇過。

問：好，你答唔到，okay。下一段，42 段，羅馬數目字 (iv)，42 段，羅馬數目字 (iv)，你呢度就話 "As regards the delivery of materials to the site, Golden Day was obliged to inform and seek CSCE's approval prior to delivering any materials to the Hung Hom site."，你咁講，係咪？

答：係。

問：我想知道金日通知你嘅時候，淨係同你講「我有嘢送嚟」抑或佢需要同你講好清楚佢送啲乜嘢嘢到現場？因為你話佢 obliged to inform 你咁嘛。

答：佢需要通知我，頭先都講過，就係話 for 我哋安排佢進料嘅 arrangement，就並唔係話要佢每一個細項都要通知我哋，因為我主要係個地盤嘅 logistic 個問題。

主席：即係第 (iv) 其實就唔包焊料，係咪？啱唔啱呀？焊料嚟嘅時候，唔需要通知你哋啱嘛？

答：係。

主席：係囉，即係寫就係咁寫，實際上就唔包嘅，即係唔需要嘅，根本就，

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焊料你哋都唔 check 嘅，啱唔啱？焊料你哋唔 check，亦都唔需要通報你哋㗎嘛？

答：係。

問：Okay，最後...

黎先生：但係佢運貨嚟，佢哋通知你，係咪？

主席：都唔使。

黎先生：運貨嚟，使唔使通知你？

答：運貨嚟，佢通知我，只不過我哋喺嗰刻去做一個地盤嘅交通安排同埋知道佢嚟，安排個時段嚟嘅，主要呢個目的係。

主席：譬如好似呢啲咁樣樣，09年6月5號，根據我哋而家睇到嘅，就買咗二十網無鉛錫條，二十網即係一個 box 啫，一個啲 carton box 就已經二十網，係咪呀？我嘅理解有冇錯？

答：係。

主席：係囉，都唔使喇，擺個背囊預都預到入去，使乜又通知你啫？即係你明我意思嘛？

答：明白。

主席：因為呢啲太濕碎，係咪先？唔通二十網一盒咁嘅嘢，又要打個電話「中國建築，我今日會擺個背囊預住一盒嘢入嚟。」咁樣樣咩？唔使喇。

答：係。

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主席：係囉。即係我估嘅啫，係咪呀？

王先生：Okay，得。

主席：係咪呀？我唔知呀，係咪？因為你話--如果佢話好多銅喉嚟，咁就梗係唔同，係咪？

答：冇錯。

主席：因為你要擺貨㗎嘛，係咪？你好...

答：因為有時候，或者咁講，有啲佢搵啲速遞送嚟，個速遞架車其實擺低一、兩盒嘢走㗎喇，或者擺喺門口，咁變咗呢啲...

主席：咁你又要知喇。

答：係。

主席：係喇，咁你又要知，但係呢啲咁樣樣，二十網喎，一盒或者呢個 55 磅又係一包咁，好話唔好聽，擺個大膠袋都已經裝咗，行咗入嚟喇，都唔使 check，check 乜鬼㗎 check？係咪？

繼續。

王先生：好。

問：我最後一個範圍，麻煩你第 100 段，喺第 795 頁，第 100 段。

答：795？

問：795。

答：Okay。

問：第 100 段，你嗰度就講個 water connection 嘅，即係駁水嗰度嘅，right？

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答：係。

問：我呢度有幾個細問題想問你，以你嘅認知，嗰個 WSD 嘅 laboratory 佢 collect 水，嗰啲 collect 嗰啲水 sample 係 from 個 water connection point，即係俗稱大喉嗰度嘅，啱唔啱？

答：係。

問：係咪？就係有啲其他嘅地方 collect 水，即係天台、住宅入面嗰啲係冇嘅？

答：冇。

問：做一次嘅啫，啱唔啱？

答：係。

問：嗰次就決定供唔供水畀你，啱唔啱？我哋。

答：決唔決定...

問：供唔供水。

答：我嗰刻我真係唔清楚，總之我驗完水，跟住話有水供應，我哋就已經叫--係喇，就係咁，我嚟講。

問：Okay，得。第二，你跟住嗰句，就話“would not contaminate WSD’s main”，即係唔會污染番水務署個主要個水源，呢樣係咪當時你已經有咁嘅認知，即係你話嗰個測水，喺大喉攞水測試其中一個目的就係防止內部供水系統污染番水務署嗰個水源，呢樣你當時已經知嘅，係咪？

答：呢個喺好早年，我聽過啲師兄講過呢個故事，我就係理解到係咁，一直都係理解係咁。

問：明白，好。以你嘅經驗，如果你唔知，就話你唔知。好喇，喺攞完呢一次水之後，呢一次水之後，以你所知，就內部供水系統，係咪？你哋作為總承建商，有冇喺內部自己攞過啲水樣辦去測試？

答：冇。

問：冇。

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王先生：主席，我有其他問題。

主席：唔該。請問仲有冇其他人想問問題？

殷先生：主席...

MR PENNICOTT: I have no re-examination, if that is the question.

主席：有就有。你又想點？

殷先生：主席，我想跟進一啲問題，關於頭先你問陳生嗰啲問題嘅，關於物料進場嘅，想澄清一啲。

主席：你問喇。

殷先生進一步盤問

問：陳生，你記得我頭先同你係講過一啲關於嗰個標準工作程序，你記得嘛？

答：係。

問：我知道你嘅證供就係話標準，講明係標準，嗰個未必係一定跟嘅，我理解嘅，但係我想同你帶出一個訊息，就係似乎我哋理解到嗰個標準工作程序話到畀我哋聽其實物料進場，從呢個地盤管理個角度去睇，係要管得好嚴嘅，你同唔同意？

主席：呢個同我問嘅，有咩嘢關係？冇關係。

殷先生：主席，個問題係你問佢嗰二十綑...

主席：我問嗰啲，...

殷先生：嗰二十綑...

主席：...你總之標準工作程序就寫到大原則就有得頂，係咪？啱唔啱？

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即係冇得頂，即係乜嘢嘢都要 test，實際上就唔係咁，我哋而家知。

殷先生：我淨係想佢同意，即係如果實際上真係唔係咁樣嘅，從個管理嘅角度係咪有漏洞啫，我就係想問佢。

主席：呢個使乜講啫，呢啲咁嘅嘢？啱唔啱呀？使乜問？使唔使問呀呢啲？真係要問呀？咁答咗你好多次，寫就係咁寫，所有咁嘛，實際上唔係咁嘛，project 啱嘛，project base 咁嘛，就算 project base 都有問題咁嘛，焊料都唔查啱嘛，啱唔啱呀？我有冇理解錯誤？冇咁嘛，冇咪得囉。冇咁嘛？係囉，都話寫就冇得頂咯，你唔好笑住，水務署都係嘅。仲有冇人有問題？冇問題。

唔該晒，畀完口供，可以走得，陳先生。

答：好。唔該。

主席：我哋休息十分鐘先。

下午 3 時 39 分聆訊押後

下午 3 時 53 分恢復聆訊

出席人士如前。

林小姐：Mr Chairman, I am afraid you have to bear with my voice again.

With your leave, we would like to call Mr Lee Hung Fai.

Please take a seat.

中國建築工程（香港）有限公司（“中國建築”）（紅磡邨第二期和啟晴邨的總承建商）的第三證人：李鴻輝（中國建築副總管工（紅磡邨第二期））以本地話宣誓作供
林小姐主問

問：李先生，我而家就會讀出你個證人口供紙嘅，你可以戴上你個個 headphones。

COMMISSION OF INQUIRY

WITNESS STATEMENT OF LEE HUNG FAI

I, Lee Hung Fai, of 29/F, China Overseas Building, 139 Hennessy Road, Hong Kongsay as follows:-

A. Background

1. I started working at China State Construction Engineering (Hong Kong) Limited ("**CSCE**") in November 2003 as a foreman. In 2009, I was promoted to Deputy General Foreman and in February 2011, I was promoted to General Foreman. I am a Technically Competent Person of Grade T1. At present, I am CSCE's General Foreman working at the Hong Kong Housing Authority's ("**HA**") project at Tsuen Wan, Sha Tsui Road.
2. Before joining CSCE, I had worked in a number of construction companies as a foreman. I have 30 years of experience in the construction industry, 18 of which were in relation to the HA's development projects.
3. I understand that the Commission of Inquiry ("**Commission**") requires CSCE to provide witness statements pertaining to the fresh water plumbing system at the Hung Hom site in the Hung Hom Estate Phase 2 ("**HHP2**") project about various matters. I am duly authorised and requested by CSCE to provide a witness statement in relation to matters concerning the supervision, monitoring and quality control aspects

of the works carried out at the Hung Horn site project including the fresh water plumbing system works and the matters sets out in Section D below that I have personal knowledge and to the extent that I am able to, and to the best of my ability.

4. I have read the witness statements of Michael Sung Tsang Hung and Chan Siu Wing (also known as Paul Chan) both dated 11 November 2015.

B. Involvement in the HHP2 project

5. The site was located at Hung Hom and mainly comprised 3 residential blocks and a car park. 2 of the residential blocks were 41 storeys and 1 was 40 storeys. The car-park was one storey with a roof garden and playground. There was also a refuse collection building and a flower bed.

6. Yip Tak Wai ("**Yip**") was the General Foreman at that time. As General Foreman, Yip was responsible for, amongst other things, (i) planning the overall site works and assessing the site conditions for the purpose of preparing the master programme, (ii) preparing programmes and progress reports, and (iii) logistic arrangements and deployment of plant, resources and labour, (iv) giving instructions to execute and complete the works of different trades to suit actual site conditions, (v) monitoring and supervising me and the foremen to ensure that the progress of the works matched the master programme and that the quality / workmanship of the works met the contractual requirements, and (vi) monitored and supervised the works of all trade sub-contractors at the site etc. In this regard, I worked with Yip closely by assisting him in executing the matters set out in sub-paragraphs (v) and (vi) above and by reporting to him frequently, particularly about the progress of the works of

different sub-contractor trades and problems (if any) about the different trades which I needed assistance in resolving. For e.g. when the relevant sub-contractors refused to comply with certain instructions, I would seek Yip's directions on the same. I also reported to Yip when there was a significant quality matters, which usually involved masonry works.

7. I was the Deputy General Foreman of the Hung Hom site from about August 2008 to about June 2011. There were 4 foremen who were working under me and each of them was in turn assisted by an assistant foreman. The works carried out at each of the 3 residential blocks and the car park (including the roof top garden, the playground, the refuse collection building and the flower bed) (collectively, the "**Residential Blocks and the Car Park**") were overseen by a foreman and an assistant foreman.

8. Each foreman and each assistant foreman was responsible for (a) monitoring and supervising the works carried out by different trades, (b) checking the quality / workmanship of the works carried out by different trades, and (c) ensuring that the sub-contractor for each trade was keeping up with the progress of the works and programme, at each of the assigned Residential Block and the Car Park. They carried out the said work by conducting site walks at their assigned Residential Block and the Car Park every day. As many different trades were involved in carrying out works at the Hung Hom site, the foremen and assistant foremen would inspect and check the works carried out by two to three sub-contractor trades for those aspects set out in (a)-(c) above during their daily site walks. Further details with respect to (b) are explained in Section C below.

9. My duties as the Deputy General Foreman at the Hung Hom site at that time included the following:

- (i) Monitoring the progress of the works at the site, against the programmes and weekly progress reports prepared by the General Foreman.
- (ii) Instructing the 4 foremen to prepare a report on a daily basis in relation to progress of the works at the Residential Block or Car Park which each of them had been assigned to be responsible for ("**daily report**"). Generally, the daily report would set out (a) the work that each trade had carried out that day, (b) the number of workers for each trade who had worked that day, (c) the issues or problems (if any) identified with regard to any trade carried out that day (for e.g. no worker for a particular trade turned up for work or if defects requiring remedial work were identified), and (d) any particular occurrence which had been identified as requiring resolution. With regard to defects requiring remedial work, the relevant foreman would issue site memos (which I would endorse) to the relevant trade sub-contractor to request him to rectify the defects. However, the Site Agent, Paul Chan, would issue correspondence about the more significant defects or technical issues and they would be copied to the head office. With regard to the particular occurrence identified, I would deal with the same on the same day if it required urgent or immediate attention or the following day. I would also provide the daily reports prepared by the foremen to the General Foreman who would check the actual progress of the works as set out in the daily reports against the planned progress as set out in the weekly reports. I would see Golden Day's supervisor, Hui Wang San, at the site when the plumbing works were being carried out. He would monitor and supervise the fresh water plumbing works carried out at the site on a daily basis. If I had any issues about the

fresh water plumbing works that were carried out (which I recall were nothing out of the ordinary and not major or significant), I would discuss directly with Hui Wang San. Hui Wang San would then issue instructions to Golden Day's workers who were under his management and supervision to ask them to resolve the problems I have identified or to remedy the defects. To the best of my knowledge and recollection, neither CSCE nor HA had identified any major non-compliance or non-conformance or defects with regard to the fresh water plumbing works, including any materials and quality / workmanship matters.

(iii) Having fortnightly and sometimes monthly meetings with sub-contractors of different trades including the plumbing sub-contractor to discuss, for e.g. (a) the progress of the works, (b) workmanship issues (if any) (for e.g. plastering not being applied properly, uneven screeding, uneven tiling etc), (c) interfacing matters, and (d) follow up actions to be taken and any other matters that required discussion and resolution.

(iv) Inspecting and monitoring the works carried out at the site. As the site covered 3 Residential Blocks and the Car Park and given the time available each working day, I would look at the works carried out by 1 or 2 trade sub-contractors at a particular area in say, 1 residential block, on a daily basis. On the next day, I would look at the works carried out by 1 or 2 trade sub-contractors at a particular area in another residential block. I would liaise and discuss with HA's Clerk of Works about any particular issues encountered at these daily inspections, for e.g. where works cannot be carried out in accordance with the drawings and HA and CSCE would discuss ways to resolve that.

(v) Reporting to Yip and also Paul Chan, who would also frequently speak with me about the progress and state of the frontline work carried out by the different trade sub-contractors.

C. Measures, supervisory, monitoring and quality control system in place by CSCE

10. As Deputy General Foreman, my main responsibilities have been set out above and the review of the main contract provisions with HA was carried out by CSCE's professional staff. Having said that, to the best of my knowledge and recollection, CSCE as the main contractor was not under a requirement, contractual, statutory or otherwise, to ensure the quality of drinking water at the Hung Hom site or that the drinking water at the Hung Hom site would be lead free and safe. Except for a provision which required lead-free solder wire to be used for soldering works, to the best of my knowledge and recollection, there were no provisions in relation to the prohibition of the use of plumbing materials which may leach lead into drinking water.

11. To the best of my knowledge and recollection, the HA did not raise or discuss with CSCE the matters in paragraph 10 above during the course of my dealings about the works carried out at the site with HA's site staff at that time. In fact, HA was very pleased with the works that CSCE had carried at the HHP2 project and had praised CSCE for completing the works on time with high quality standard of workmanship as set out in a letter of commendation dated 12 March 2012 from HA to CSCE ("**Commendation Letter**") [Tab 1].

林小姐：For reference, that's at bundle F2, 1297.

CSCE's monitoring, supervision, quality control system and inspections

12. Having said the above, I am able to speak to the general measures, supervisory, monitoring and quality control system that had been put in place by CSCE with regard to the works carried out at the Hung Hom site, including the plumbing works at that time. To the best of my knowledge and recollection, CSCE's front line workers including the Site Agent, foremen, the assistant foremen and I would be responsible for the following matters with regard to all the works carried out by different trades at the Hung Hom site:

(i) Before the works for the relevant trade commenced at the site, CSCE's Architectural Quality Control Coordinator ("**AQCC**"), Pang Ka Man, would conduct training for the relevant trade sub-contractor's supervisors and workers including the plumbing sub-contractor and its workers with regard to CSCE's requirements on quality / workmanship, site safety, environmental, inspection and other requirements for the works of different trades to be carried out, which I understood reflected HA's requirements, as set out in the main contract. CSCE's 8 foremen and assistant foremen, engineers, general workers and I attended those training sessions.

(ii) Knowing the types of the materials to be used for different trades at the Hung Hom site and their brand names and ensuring that these were used for the works of the relevant trade. CSCE's front line staff such as the foremen, assistant foremen, and I had received either pictures showing those materials and their brand names or photographs and sometimes both. To the best of my knowledge and recollection, I recall seeing photographs of the different types of

pipes (for e.g. the different sizes of copper pipes and fittings (for e.g. tee, elbow, socket, pipe bracket etc), and pictures shown in the suppliers' leaflets depicting, amongst other things, a roll of solder wires with a green label (which was clearly stated as "lead-free") and a container of flux. The container of flux was yellow in colour.

(iii) Ensuring that the quality / workmanship, site safety, environmental, inspection and other requirements for the works of different trades to be carried out, which had been referred to during the training set out in paragraph 12(i) above were complied with. To the best of my knowledge and recollection, the quality / workmanship requirements for the plumbing works included fixing the routing of the pipes in accordance with the drawings, checking that the correct type and size of pipes and fittings (for e.g. pipe brackets) were used, checking that the spacing between the pipe brackets fixed on different type of pipes installed horizontally and vertically were correct, and whether anti-rust paint need to be applied, checking that the bolts were properly fixed etc. During the daily inspections referred to in Section B above, the foremen, the assistant foremen and I would check the plumbing works to ensure that they complied with CSCE's quality / workmanship requirements, which in turn would comply with HA's quality / workmanship requirements. As set out in HA's Commendation Letter, the quality of the workmanship of the works carried out at the Hung Hom site was high.

(iv) The inspection requirements assumed greater importance when the works of different trades had been completed as these were, particularly in relation to plumbing works, primarily

functional in nature. To the best of my knowledge and recollection, the inspection requirements for the plumbing works included checking the stability of installed pipes and to ensure that the pipes did not leak, checking the level and alignment of pipes, checking that there was no staining or rust on the pipes etc to reflect the main contract requirements with HA. HA did not require CSCE to carry out any inspection and testing on (a) the soldering materials which were delivered to the site and before they were used at the site, and (b) the soldering on the jointing of the copper pipes for the fresh water plumbing system for the presence of lead. CSCE therefore carried out the plumbing works on this basis and the checking of the plumbing works in accordance with CSCE's inspection requirements (and therefore HA's requirements) was also conducted on this basis. This was in contrast with other trades works where HA required CSCE to send materials such as non-strained grout or tile grout to the laboratory of HA for testing before they were used on the site, as per the main contract requirements.

13. The quality / workmanship, inspection and other requirements for each trade would also be reflected in the sample flat that CSCE had to build for the Hung Hom site. The sample flat was a physical simulation of what a completed flat would have and look like and therefore sets out all of HA's standards and requirements that have to be complied with by CSCE and all the trade sub-contractors in respect of all the works carried out by different trades, including the plumbing works. The workers for the different trades at the site, and also CSCE's foremen, assistant foremen and I could go to the sample flat to view the completed works as a reference point for the actual works to be carried out at the site, after obtaining access to the

sample flat from HA. To the best of my knowledge and recollection, I had viewed the completed works for the different trades for a number of times to verify various matters. For e.g. with regard to the completed plumbing works, I had viewed the completed works in the sample flat to verify, for e.g. the routing of the pipes and the installation and fixing details of the pipes.

14. During the course of the works, the sub-contractors of each trade were assigned units on the 1/F (and sometimes also the 2/F and 3/F) of each Residential Block for use as workshop and for storage. To the best of my knowledge and recollection, 4 units on the 1/F had been assigned to Golden Day for use as workshop and storage. There were many pipes which they had to store on site. I also recall seeing at Golden Day's workshop and storage units rolls of solder wires with green labels clearly marked lead-free and containers of flux which were yellow in colour and the workers carrying lengths of solder wires which they had cut inside the workshop and storage units as it was not practical for the workers to carry those rolls of solder wire around the site or to hold a roll of solder wire when they were carrying out soldering on the jointing. Once the solder wires had been cut, no one could tell if the solder wires used corresponded with the labels. However, there was no reason for me to doubt or suspect that the workers had used non-compliant solder wires or that the cut solder wires used by those workers did not correspond with the labels on the rolls of solder wires. The soldering of the jointing of pipes would usually be done at the workshop units and to the best of my knowledge and recollection, I do not recall anything out of the ordinary. I have also seen workers holding the cut solder wires and soldering copper pipes at the kitchen or bathroom in the relevant units and at the corridors on a few occasions and again, I do not recall anything out of the ordinary.

15. Other than the daily inspections which I had carried out on my own and which the foremen and the assistant foremen had carried out as set out in Section B above, 2-3 site engineers, the foremen, assistant foremen, Pang Ka Man and I also conducted site walks every 1 to 2 weeks to check the progress and the state of the works including quality / workmanship of the works at the site. During these site walks, 2-3 trades would be randomly chosen and we would check the progress, the state of such works including quality / workmanship of the works. The supervisors of the relevant trade sub-contractors would also join these site walks to deal with any matters which CSCE would raise during the site walks and to ensure that any matters or problems raised by CSCE during these site walks would be dealt with and that appropriate follow-up actions would be taken. I remember that there were significant problems with plastering works. In contrast, I do not recall there being any major issues being raised with regard to the plumbing works.

16. Apart from the inspections stated above, CSCE also conducted internal audits four times a year during which CSCE's staff from the Quality and Technology Department ("**QT Staff**") would visit the site for one whole day. The AQCC and I would accompany the QT Staff during the audit which was carried out by way of a site walk. During the site walk, the QT Staff would randomly check different blocks, floors, units and a number of trades. I remember that major problems in relation to plastering works were identified during the earlier internal audits. An internal audit report would be issued in which major problems of the different works trades would be identified. Based on the internal audit report, the AQCC would raise the problems identified with the sub-contractors of the relevant trades and ask them to resolve or remedy them.

HA's monitoring, supervision, quality control system and inspections

17. Other than the above measures implemented by CSCE, HA would also carry out inspections either on their own or jointly with CSCE to ensure that the works carried out at the Hung Hom site complied with HA's standards and requirements. Details are set out below.

18. HA would assign an Assistant Clerk of Works and a Works Supervisor to supervise and monitor all the works carried out by different trades at each Residential Block and the Car Park. Their respective responsibilities were similar to mine and CSCE's foremen. The Assistant Clerk of Works and Works Supervisor would inspect the Residential Block and the Car Park assigned to them every day. This means HA had 4 teams of Assistant Clerk of Works and Works Supervisor. If they spotted any non-compliance or defects, they would usually take photographs of those non-compliance or defects and issue site directions to CSCE's Site Agent (i.e. Paul Chan) and request CSCE to rectify the same. Paul Chan would pass the relevant site direction to me, the foremen and engineers (who would deal with the paper work) and instruct us to take the relevant follow up action.

19. CSCE would in turn ask the relevant trade sub-contractor to resolve the matter, such as carrying out remedial works, as per the requirements set out in HA's site direction. Once the non-compliance or defect has been dealt with, CSCE's engineer would provide a written response to HA's relevant site direction and request HA's Assistant Clerk of Works and Works Supervisor to inspect the rectified works. If HA accepted and approved the rectified works, they would sign the relevant site direction to indicate acceptance / approval and on this basis, the "file" for that site direction could be formally "closed". If HA did not accept the rectified works, CSCE through the relevant trade sub-contractor would have to rectify the same until HA was satisfied with the outcome of the rectified works. To the best of my

knowledge and recollection, I do not recall having to deal with any site directions concerning non-compliance or defects over the workmanship of the soldering on the jointing of the copper pipes.

20. HA's Clerk of Works, 4 Assistant Clerk of Works and 4 Works Supervisors and the Building Services Engineers ("**BSE**") would also conduct site walks similar to those conducted by CSCE's AQCC, Safety Officer and I to check the progress and state of the works including quality / workmanship of the works, site safety and environmental aspects of the site. The site walks were done once every 1 to 2 weeks at areas within the site which HA's team would choose, for e.g. every floor of a block where workers of different trades were working. CSCE's AQCC, the Safety Officer, and I and sometimes CSCE's foremen would also attend these site walks with HA's team. During these site walks, if HA's team spotted any non-compliance or defects, they would usually take photographs of those non-compliance or defects and issue site directions to CSCE's Site Agent (i.e. Paul Chan). The process of taking photographs, issuing site directions, remedying of defects as per the site directions, HA's inspection and acceptance or otherwise of the rectified works, the closing of the site directions' "*files*" upon acceptance / approval by HA as described in the paragraph above also apply to this paragraph.

21. HA would also conduct inspections by its CTO (i.e. Chief Technical Officer) team and surveillance team, which I was also involved in. Finally, HA's audit team also conducted inspections which I was aware of but which I did not participate in. I have read Paul Chan's witness statement about these CTO and surveillance inspections and agree with what he has said in his witness statement about these inspections. I am unable to comment on HA's audit inspections as set out in his witness statement as I was not involved

in those inspections.

22. The final inspection of the Residential Blocks and the Car Park by HA after the completion of works of all trades was sub-contracted to a consultant called Knight Frank, whose full name I do not remember. I participated in the said final inspection which took a few months. A consultant's representative was sent to each Residential Block (i.e. there were a total of 3 representatives) and each representative inspected a maximum of 7 to 8 units at each Residential Block each day.

23. During the final inspection, Knight Frank would refer to a form and check the quality / workmanship of the works of all trades in accordance with the form. For the fresh water plumbing works, Knight Frank would turn on all the taps in each flat to check the water flow and ensure there was no blockage. I would receive the form from Paul Chan after the inspection in which problems would be identified. Paul Chan would instruct me and the foremen and we would ensure that any problems identified in the form would be rectified by the relevant trade sub-contractors.

24. I recall that there were about three rounds of inspections for the 3 Residential Blocks and that after the first round of the final inspection, HA asked why the progress was so slow. I understand that the reason was that many minor defects were found during the first round and as a result, it took a few rounds of inspection by Knight Frank to ensure that all defects were rectified. However, as stated above, I do not recall any major problems with regard to the plumbing works were found.

25. Given the above, the works of different trades carried out at the Hung Hom site including the fresh water plumbing works were regularly monitored, supervised, and inspected by CSCE and HA as described above.

PASS Assessments

26. Other than the various site walks and inspections conducted by CSCE and HA as set out above, HA also conducted PASS assessments at the Hung Hom site on a quarterly basis. These quarterly PASS assessments were conducted by HA's PASS team and HA's Project Team, which were 2 separate teams consisting of different staff members of HA. I understand that 2 separate teams from HA were doing the same job, to ensure that the PASS scores were fairly given. As a result, there would be 8 PASS inspections conducted by these 2 HA teams in a year, even though the PASS assessments were officially conducted on a quarterly basis each year.

27. To the best of my recollection, although HA's PASS Team and HA's Project Team would inspect the Hung Hom site every quarter each year, we did not know exactly which day HA's PASS Team and HA's Project Team would carry out those inspections.

28. CSCE's Site Agent (i.e. Paul Chan), AQCC, the engineers, the foremen, assistant foremen, I and some other labourers would accompany the relevant HA PASS team when they conducted the quarterly PASS assessments so as to provide any assistance HA required. For e.g. CSCE's workers might have to supply ladders, tools and other equipment required by HA in order for them to assess the different trade works during these quarterly PASS assessments. The relevant HA PASS team would check the quality / workmanship of the on-going works of different trades on the site which included masonry, plumbing, waterproofing, cladding and so on. As for the plumbing works, HA would check the quality / workmanship of the plumbing works including those aspects set out in paragraphs 12(iii)-(iv) above.

29. During HA's quarterly PASS assessments, to the best of my recollection, I do not recall the relevant HA PASS team checking (i) the materials which were used

at the site including the soldering materials, (ii) the soldering on the jointing of the pipes, and (iii) the lead content of the materials including the soldering materials. I also recall that no significant or major non-conformance or non-compliance or defects were detected with regard to the fresh water plumbing works during those quarterly PASS assessments by the relevant HA team.

30. Although I was involved in the above PASS assessments, I was not given a copy of the PASS Scores after the assessments. Nevertheless, to the best of my knowledge and recollection, I was told at that time that the PASS Scores for the HHP2 project were generally high.

D. Identify the persons in CSCE responsible for inspection, construction, installation and approval/certification of completion of fresh water plumbing system in Hung Hom Estate Phase 2 and the steps taken in (a) discharging such responsibilities and (b) ensuring the safety of drinking water

31. Once the relevant trade works were completed at the Hung Hom site, CSCE's engineer would submit an inspection form to HA and request them to inspect the completed works. The engineer would liaise with HA's Works Supervisor regarding the inspection of the completed works of the relevant trade. HA would then send its Works Supervisor to inspect the relevant completed trade works. CSCE's engineer and a foreman would be there during such an inspection. The process of issuing site directions, remedying of defects as per the site directions, HA's inspection and acceptance or otherwise of the rectified works, the closing of the site directions' "files" upon acceptance / approval by HA as described in paragraph 19 above also apply in this scenario.

32. For the fresh water plumbing works, Golden Day would

conduct hydraulic test on the fresh water plumbing system to ensure that the pipes did not leak. The test was done after the inspection by HA's Works Supervisor and before the final flat to flat inspection. To the best of my knowledge and recollection, no significant or major non-conformance or non-compliance or defects were detected with regard to the fresh water plumbing works, including the use of the soldering materials and the quality / workmanship of the soldering aspects at the Hung Hom site.

33. I was not involved in the approval / certification of completion of fresh water plumbing system at the Hung Hom site.

E. Measures taken by CSCE after the Incident

34. After the incident arose, CSCE issued and circulated a Standard Working Procedure for plumbing works [Tab 2]...

林小姐：For reference, that's at bundle F2, page 1299.

...to each of CSCE's sites. The AQCC at each of the sites held training on the same and all site workers, foremen, assistant foremen, engineers, Site Agent, and the plumbing sub-contractor and its workers had to attend the training. CSCE would also separately arrange for its own workers to attend the same training at CSCE's training centre at Kwun Tung.

35. CSCE also issued a booklet called "食水喉安裝質量監控程序" (Quality Assurance Plan for Plumbing Installation Works) [Tab 3]...

林小姐： Page reference is F2, page 1324.

...to all workers including the plumbing sub-contractor and their workers at the site and all parties receiving the booklet were required to acknowledge receipt by signing the receipt form. The matters dealt with by the booklet included:

(i) choice and assessment of sub-contractors for plumbing works;

(ii) approval and procurement of plumbing materials;

(iii) quality monitoring of the plumbing works installation;

(iv) inspection of plumbing materials upon arrival of materials on site and storage of the same;

(v) qualification of plumbing workers;

(vi) testing of lead content at solder joints after installation; and

(vii) testing of lead content in water samples.

36. CSCE had also hung one banner at the Tsuen Wan Sha Tsui Road site. The banner depicts cartoon / pictures on the supervision and monitoring of the carrying out of the fresh water plumbing works. Photographs of the banner are shown in [Tab 4]. ...

林小姐：Reference is F2, page 1333

...HA's Assistant Director, Ms. Theresa Yim, visited the Tsuen Wan site and was shown the banner at the

entrance of the site.

37. As set out above, the workshop and material storage unit was in the same area / in a single unit. After the implementation of the new measures by CSCE, the workshop and the material storage room at the site were separated into two units. Upon the arrival of the plumbing materials at the site, the engineers will check whether the materials corresponded to the sample material submission as approved by HA, after which the materials must be stored into the unit used for storage and that storage unit would be locked. The lead-free solder wires will be stored in a metal chest which would also be locked. The key to that storage unit is kept by the plumbing sub-contractor's authorised supervisor, whereas the key to the metal chest in which the lead-free solder wires are stored would be kept by CSCE's foreman responsible for the assigned block. When the plumbing sub-contractor needs to use the lead-free solder wires, its supervisor must ask for CSCE's permission. The plumbing sub-contractor's supervisor is required to register and note down the quantity taken, the identity of the person, the date the lead-free solder wires are taken and the specific area of the site where the lead-free solder wires will be used.

38. Further, at Tsuen Wan Sha Tsui Road site, before any plumbing works at any area of the site commences, the plumbing sub-contractor must submit an inspection form to CSCE's foreman stating its intention to commence plumbing works and requesting CSCE and HA to inspect the same. The foreman will inform HA, after which the foreman and HA's Works Supervisor will together check, amongst other things, the plumbing materials to be used at that area. HA will also take photographs of the plumbing materials for record. The foreman and the Works Supervisor will ensure that the lead-free solder wire being used on site is cut from the roll of lead-free solder wire which had been previously

checked and approved. For this purpose, the plumbing sub-contractor must bring the roll of lead-free solder wire from the metal chest referred to above to the work area and cut the lead-free solder wire at that area in the presence of HA and CSCE, instead of cutting the same at the workshop which the plumbing sub-contractor previously did. The plumbing sub-contractor will only be allowed and be able to commence plumbing works on site after the above procedures have been complied with. After the roll of soldering wire has been used up, the worker must return the empty roll to the block foreman before he is allowed to take a new roll.

39. From the above, CSCE has taken various measures to enhance and improve the monitoring and supervision of plumbing works and CSCE has also made the necessary arrangements, for e.g. providing sufficient training to both its employees and the plumbing sub-contractor and its workers to ensure that these new measures can be effectively carried out and implemented.

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

問：Mr Lee, do you any corrections or amendments you would like to make to your statement?

答：No.

問：Would you like to adopt your statement as your evidence-in-chief in this Inquiry?

答：係。

林小姐：Is this a convenient moment, Chairman?

主席：Yes, 我哋聽朝早 10 點鐘再繼續。麻煩你聽日再返嚟，律師會有

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啲問題問你。好，唔該晒。

2015年12月08日

下午4時33分聆訊押後

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 23 B

C Tuesday, 8 December 2015 C

D (10.01 am) D

E (Transcript of simultaneous interpretation except where otherwise specified) E

F CHAIRMAN: The next witness, please. F

G MS LAM: (In English) With your leave, Mr Chairman, we call Mr Chan Siu Wing. G

H MR CHAN SIU WING (affirmed) H

I CHAIRMAN: Please take a seat. I

J Examination-in-chief by MS LAM J

K MS LAM: (In English) Good morning, Mr Chan. K

L I will now read out your statement. You are welcome to put on the headphones. L

M "I, Chan Siu Wing ... say as follows: M

N A. Background N

O (Paragraphs 1 to 6 were read in English) O

P [Tab 1; the reference is at page 804, bundle F2] P

Q (Paragraphs 7 to 24 were read in English) Q

R [Tab 2, page 806 to 893 of this bundle] R

S (Paragraphs 24 to 42(ii) were read in English) S

T [Tab 3, which is page 894 to 901 of bundle F2] T

U (Paragraphs 42(iii) to 45 were read in English) U

V [Tab 4, which is page 903 of bundle F2] V

(Paragraphs 46 to 47 were read in English)

[Tab 5; Chairman, that's bundle F2, pages 904

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 23	
C	to 923]	C
	(Paragraphs 47 to 63 were read in English)	
D	[Tab 6; that's at bundle F2 at pages 924 to 968]	D
E	"The resubmission for endorsement by HA shows:	E
	(Paragraphs 63 to paragraph 68 were read in English)	
F	I am just going to read out footnote 3, chairman.	F
G	(Footnote 3, and paragraphs 69 to 70, were read in English)	G
	[Tab 8; pages 971 to 987 of bundle F2]	
H	(Paragraphs 70 to 75 were read in English)	H
I	[Tab 9; F2, pages 998 to 991]	I
	(Paragraphs 75 to 77 were read in English)	
J	[Tab 10; for reference, that's at bundle F2,	J
K	pages 992 to 995]	K
L	(Section headings J and J1, paragraphs 78 to 80,	L
	were read in English)	
M	80 ... (Reading to the words)... with regard to the	M
N	measures, supervisory, monitoring and quality control	N
	system ..."	
O	I think it should be "put in place".	O
P	"... by [China State] to ensure that the soldering	P
Q	materials were lead-free."	Q
	(Paragraphs 81 to 83(ii) were read in English)	
R	[Tab 11; bundle F2, pages 996 to 998]	R
S	(Paragraphs 83(ii) to (viii) were read in English)	S
	[Tab 12; that's at bundle F2, pages 992 to 1010]	
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 23 B

C (Paragraphs 83(viii) to 84 were read in English) C

D (In English) Chairman, would this be a convenient D

E moment? E

F CHAIRMAN: We will take a break for 20 minutes. F

G (11.27 am) G

H (A short adjournment) H

I (11.49 am) I

J MS LAM: (In English) Chairman, if I may continue. J

K (Section heading J4, and paragraphs 85 to 86(i), K

L were read in English) L

M [Tab 13; for reference, that's bundle F2, pages 1011 M

N to 1014] N

O (Paragraphs 86(i) to 86(ii) were read in English) O

P [Tab 14; for reference, that's bundle F2, page 1015 P

Q to 1023] Q

R (Paragraphs 86(ii) to (iii) were read in English) R

S [Tab 15; the reference is bundle F2, pages 1024 to S

T 1026] T

U (Paragraphs 86(iii) to 103 were read in English) U

V [Tab 16; the reference for that is bundle F2, V

pages 1027 to 1031] pages 1027 to 1031]

(Paragraph 104 was read in English)

[Tab 17; the reference to that is bundle F2, R

pages 1032 to 1037] pages 1032 to 1037]

(Section headings L and L1, and paragraphs 105 to 113 S

T

U

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 23	
C	were read in English)	C
D	[Tab 18; the reference to that is bundle F2, pages 1038 to 1235]	D
E	(Paragraphs 113 to 120(i) were read in English)	E
F	[Tab 19; the page reference for that is F2/1236 to 1241]	F
G	(Paragraphs 120(i) to 120(iii) were read in English)	G
H	[Tab 20; the page reference for that is F2/1242 to 1266]	H
I	(Paragraphs 120(iii) to (iv) were read in English)	I
J	[Tab 21; the page reference for that is F2/1267 to 1282]	J
K	(Paragraphs 120(iv) to (v) were read in English)	K
L	[Tab 22; the reference for that is at page 1276]	L
M	(Paragraphs 120(v) to (vii) were read in English)	M
N	(In English) I am pleased to announce that concludes Mr Chan's statement.	N
O	"(In English) The contents of this statement are true to the best of my knowledge and belief."	O
P	(In English) Mr Chan, do you have anything you wish to amend or correct in this witness statement?	P
Q	A. In paragraph 10, I mentioned the BSC, which should be BSE instead.	Q
R	Q. It should be building services engineer instead of building services co-ordinator?	R
S		S
T		T
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A. That's right.

Q. So, for the subsequent references to BSE in your statement, in paragraphs 92 and 99, for example, you would like to revise the BSC to BSE; right?

A. Yes.

Q. Could you please turn to paragraph 120(i).

A. Paragraph 120?

Q. Yes, page 801.

A. Okay.

Q. Here, you mentioned that you attached a letter dated 31 August 2015 to the Housing Authority, and then you said that China State has not received any reply. Can you confirm whether CSCE has received any reply?

A. I haven't looked at that again. I will go back and check.

Q. Are you willing to adopt this statement as your evidence?

A. Yes.

MS LAM: Mr Khaw has some questions for you.

Cross-examination by MR KHAW

MR KHAW: Mr Chan, I can see from your witness statement that you are very experienced in your field. Between 1985 and the year 2000, you worked in the Hong Kong Housing Authority. You first worked as a works supervisor and subsequently as assistant clerk of works.

C Throughout your 15 years of working in the Housing
D Authority or Housing Department, did you ever take part
E in plumbing works installation involving copper pipes?

C

D

E A. No.

E

F Q. Because I understand that galvanised steel pipes were
G used.

F

G A. Yes.

G

H Q. So when did you first come across using copper pipes for
I fresh water plumbing works?

H

I A. Let me think. It should be, in this project, the
J Hung Hom project 2008.

I

J

J

K Q. So that was the first time you came across copper pipes
L in your project?

K

L A. Right.

L

M Q. Was it the case that only when you started this project
N did you learn about the use of lead-free solder for
O joining copper pipes?

M

N

O A. Right.

O

P Q. Is it fair to say that in this Hung Hom project which
Q you took part in, you understood that lead-free solders
R should be used, so you personally also knew that lead is
S harmful to health; that is why lead-free should be used?

P

Q

R A. Well, I think it is the contractual requirement that
S lead-free solder should be used. I think it's by common
T sense that we know that lead is harmful to health.

R

S

T

T

U

U

V

V

C Q. So, to your understanding, by using lead-free solder in
D plumbing works, and by common sense, would you agree
E that one of the reasons of using lead-free solder is
F that it's harmful to health?

C

D

E

F A. I did not consider that when I was taking part in the
G project in question.

F

H Q. So you did not consider that when you took part in the
I project?

G

H A. Right.

H

I Q. Let me put this to you. When you did the contract, did
J you understand that solder materials could be leaded or
K lead-free?

I

J

K A. According to the contract, it should be lead-free.

K

L Q. Yes. Under the contract, it is lead-free. But did you
M know at the time in the market out there, other than
N lead-free solder, there were solder materials that were
O leaded?

L

M

N

O A. For plumbing materials, I didn't consider that.
P I didn't know this in the market.

O

P CHAIRMAN: What did you say?

P

Q A. This 50D, I didn't realise there was such a material in
R the market.

Q

R MR KHAW: Now, for plumbing work, at that time, when you
S undertook the project, did you know that the suppliers
T in the market would sell some solder materials that were
U

R

S

T

U

U

V

V

leaded?

A. No, I didn't.

Q. At that time, did you know that there was a difference
between solder wire and solder strips?

CHAIRMAN: Let me butt in here. From 1985 to 2000, you
worked for the Housing Authority or Housing Department.

As works supervisor and assistant clerk of works, were
you responsible for the fresh water supply? I know that
in a working site, in a building site, there are so many
different disciplines. Were you responsible for fresh
water supply at the time?

A. At that time, I was responsible for assessing samples.

CHAIRMAN: No. 1985 to 2000, you assessed the water in the
samples, and in the samples, there were so many
different samples from many disciplines. I would like
to clarify on this. Despite your many years of
experience, but when it comes to fresh water supply, how
much experience do you have?

A. We were dealing with GI pipes and the lining pipe.

I wasn't involved in copper pipes. My understanding of
the solder for copper pipes was rather limited.

CHAIRMAN: I must get this clarified because there are so
many works supervisors on a building site, there are so
many assistant clerks of works, and there is a division
of labour. It is not the case that one single person

C would deal with all the disciplines.

C

A. Agreed.

D CHAIRMAN: So this Hung Hom site, you were the site agent,

D

E you were responsible for so many different things.

E

F I think you have to establish this. If you didn't have
the experience, don't waste time.

F

G MR KHAW: In the Hung Hom Estate project, did you know any
difference between solder wire and solder strip?

G

H A. No, I didn't.

H

I Q. Looking at paragraph 28 of your statement, at page 775,
J towards the end of that paragraph you said that there
K are other professionals in China State who were
L responsible for reviewing and checking compliance with
the British Standards during the course of works at the
Hung Hom site.

I

J

K

L

M "Other professionals" -- by that, do you mean the
N BSEs?

M

N

O A. Yes.

O

P Q. Thank you.

P Please refer to paragraph 11 of your statement,
Q page 770. As the site agent, you have a whole list of
duties. My question for you is this. As the site
R agent -- now, the main contract is China State -- in
S terms of the main contract specifications and
T requirements between the HA and China State, you must be

P

Q

R

S

T

U

U

V

V

aware of the details, aren't you?

A. Yes.

Q. And it is your duty to make sure that the work and the materials are in compliance with the requirements of the Housing Authority; is that right?

A. Yes.

Q. In your day-to-day work, did you have to get in touch with the plumbing subcontractors?

A. On important matters, I have to communicate with them -- like the submission, the sample room, the commencement of work -- and I would liaise with them.

Q. Let's take it a step at a time. I would like to first of all clarify the point before work got underway, like the plumbing subcontractors' tendering process. You were not involved in the tendering process.

A. No, I wasn't.

Q. You said in your day-to-day work you would liaise with the plumbing subcontractors. Under what circumstances would you liaise with them?

A. When they need submission of samples the site agent has to be involved. Sample submission, once this has been passed, then we would chase the materials, the arrangement of labour, the sample room, and I would liaise with them on these key issues.

Q. As regards the plumbing subcontractors, they have to

supply the material. Do you know how they procured the materials?

A. I don't know much about the internal work.

Q. One of the licensed plumbers was subject to WSD investigation. A report has been produced. Let me show you C19.7. Please refer to 14635. The Water Authority -- this is about the LP, Cheung Tat Yam, for the Hung Hom project. Page 14635, paragraph 16, Mr Cheung.

MR PENNICOTT: (In English) Sorry, Mr Chairman, could the witness be asked whether he has seen this document before, before he is asked questions about it?

MR KHAW: Paragraph 16. Please have a look at paragraph 16, before I put questions to you.

A. Okay.

Q. Please also refer to 14645, paragraph 12. This is an interview record between the Water Supplies Department and Mr Cheung Tat Yam.

A. (In English) Okay.

Q. In these two paragraphs, Mr Cheung Tat Yam did say that he didn't rule out the fact that the soldering workers purchased the solder materials themselves and brought them to the site. How would you react to this? Are you aware of the situation?

A. No, I'm not aware of this situation.

Q. A moment ago, you referred to the samples, and let me take up the samples with you. In your statement, you mentioned that regarding the solder materials, under the main contract there is no need to submit the samples; is that right?

A. Yes.

Q. You also said that the HA did not specifically require you to submit the samples; right?

A. Yes.

Q. You must understand PLU1 and PLU2, under the main contract? For PLU1, with certain exceptions, generally you only submit the documents of the samples, without submitting the physical samples?

A. Yes.

Q. For soldering materials, with regard to the submission of samples, did anyone in your company tell you to do so?

A. Well, the submission of samples, let me say a bit more here. For Phase 1, a colleague was dealing with the samples in Ma Hang. Generally speaking, with regard to sample submission, they would submit the samples together with the documents to my colleagues. My understanding is that we don't really have to chase them for the samples. The subcontractors who were used to this kind of project would put together these samples

and submit them to us, for the HA for approval.

Q. For this Hung Hom project, who in your company was responsible for deciding to submit the sample of soldering materials?

A. I don't think it's a question of our colleagues taking the decision. If the subcontractor presented us with the information, we would so submit.

Q. For the PLU1 materials, they include quite a number of things here. PLU1, other than soldering materials, are there other materials that you submitted samples?

A. Yes.

Q. Please refer to paragraph 57 of your statement. In paragraph 57, you cited the preliminaries specification. Now, for submission of samples, you mentioned the purpose of doing so, and after submission there shouldn't be any altering. It's only when approval has been granted that procurement should take place, and the samples should be kept or stored in a certain place so that the delivered materials can be checked against the samples?

A. Agreed.

Q. So, after submitting samples, and after the samples have been approved by the HA, would you usually issue a letter to the plumbing subcontractor to confirm that the samples have been approved?

A. Correct.

Q. F2, page 972. This is a memo in relation to samples that had been approved at the Ma Hang site, and this is a memo for Golden Day. This is a standard procedure?

A. Right.

Q. Let's take a look at the main contract and the subcontract. Let's go through the subcontract. For the subcontract, it expressly provides that the specifications in the main contract should be observed.

A. Right.

CHAIRMAN: I have a question on page 972. You only gave this sheet, as shown at page 972, to Golden Day. As for the documents, the documents attached, those were the documents that you submitted to the HA? You only gave the memo cover to Golden Day?

A. The memo cover together with the sample submission approval form.

CHAIRMAN: So also the subsequent pages? Because there are a lot of pages.

A. We gave the whole set to Golden Day.

CHAIRMAN: You gave the whole set?

A. Yes.

CHAIRMAN: Thank you.

MR KHAW: Let's take a look at the subcontract: B10.4, page 26492. Let's take a look at the subsequent page,

26493. Because the photocopy is not very clear, we are looking at the subcontract specification of plumbing works. In paragraph 4, apart from sanitary appliances, fittings, drainage, et cetera, party B should include labour as well as materials. So, even for soldering work, the material and labour should be included?

A. Right.

Q. So, if we look at the subcontract and the main contract, in relation to the plumbing materials, there is no distinction between major and minor materials?

A. Can you repeat the question, please?

Q. In the main contract and the subcontract, in relation to the plumbing materials therein, there was no distinction between major and minor materials?

A. Agree.

Q. Going back to your witness statement, in paragraph 83 you mentioned "major" materials.

A. Paragraph 83?

Q. Page 787. Here, in paragraph 83, basically you referred to the steps taken by your company to ensure that the plumbing materials comply with the main contract documents.

So, in (i), you said that the AQCC would check to ensure that the material type which were delivered to the site would be compliant materials, including copper

and uPVC pipes.

Then in (ii) you went on to talk about "major" materials, and here you said "(those listed at the back of HA's form 6210, a sample of which is attached for reference)".

So here you refer to HA's form 6210 to define what major materials are. We can look at page 997, to the form. According to your understanding, if we look at page 998 -- do you see that?

A. Yes.

Q. Point 3, a list of 30-odd materials are included. They should be checked on delivery to the site, and there is a document check and a materials check.

For materials under form 6210, to your understanding, both document check and materials check were required?

A. Right.

Q. So, concerning the 30-odd materials here, and we are talking about materials check only, was it the case that when they were delivered to the site, you would do 100 per cent check or you would do a random check?

A. Just a random check.

Q. A random check?

A. Yes.

Q. As far as your system is concerned, would you decide how

many percentage of materials should be checked or what?

Do you have such a system?

A. We need to follow, first of all, the HA's requirement.

Of course, we have a standard work procedure and we have a project-wise quality control plan in which we list out certain items which we believe checks would be necessary.

Q. I went through this with Mr Sung and I would like to go through the standard working procedure of your company with you. That is in relation to the checking of materials when they are delivered at the site, and we are looking at A3, page 2307. In 5.3, at the bottom of the page:

"Procedure in relation to checking and testing of materials on delivery.

5.3.1. To ensure that the materials meets contractual requirements, all materials, including materials supplied by the owner, should first be checked or tested when they are delivered to site."

Yesterday, we asked Mr Sung, and his reply was that this procedure didn't apply to soldering materials. Would you agree?

A. Well, after reading this document, then I can tell you the situation at the site. This is a standard working procedure prepared by the company, to be applied to all

sites. But each site had its own characteristics and our company had so many projects. So, project-wise, we have a quality control plan for the site. It's an integrated project management plan.

Based on the features of the project, we also prepared another document, called "Major materials checklist". We prepared this list because there are so many materials at the construction sites and we may not be able to check each and every material. That is why we drew up this list.

Q. So first a question on the standard working procedure. On page 2309, we can see that there is a table of materials for checking. If I understand correctly, and as Mr Sung mentioned yesterday, some materials are not covered in form 6210. So, when it comes to how major materials are defined, should we look at form 6210, or 6210 together with this table, or what?

A. For major materials, 6210 contains essential materials. Then, based on the features of a particular project, we would add to that list.

Q. So, in your statement, first of all, you refer to form 6210, for major materials. But this is not entirely correct. It only contains part of the major materials; you also need to refer to the standard working procedures and see if other materials are covered, and

then you will regard them as major materials as well?

A. Well, for this table, it has been prepared for a long time, and I can't say that it applies to all projects.

Do you understand?

Q. Could I put it this way: for this table of materials for checking in the standard working procedure, if the material is not included in "major" materials in form 6210, then the company would still regard it as a "major" material?

A. Agree.

Q. Just now, you mentioned that apart from the standard working procedure, project-wise you will also need to refer to project management plans. So my question is this. The standard working procedure, if you look at page 2308, 5.3.5:

"The officer concerned should inspect the quality of material to see if it is in compliance. Under normal circumstances, the approved samples should be used as the basis, and then, as a percentage of inspection, you can refer to the table. For materials not covered in the table, the percentage of checking should be based on agreement between the site responsible person and the owner's representatives, through discussion."

Yesterday, in relation to the project management plan, when Mr Sung was asked, he once again said that

soldering materials were not included in the project management plan. So the management plan did not include the soldering materials; do you agree?

A. We did not include this.

Q. Let me put this to you. For the project management plan, it is about the materials that will be used. Now, in terms of soldering materials, when this project management plan was put together, did you consider soldering materials?

A. No.

MR KHAW: We will continue in the afternoon.

CHAIRMAN: Let's take a break for lunch. We come back at 2.30.

(1.01 pm)

(The luncheon adjournment)

(2.29 pm)

CHAIRMAN: Please continue.

MR KHAW: Mr Chan, before the lunch break we were looking at the standard working procedure and I would like to ask more questions on that.

If we look at A3/2308 -- we went through that this morning -- 5.3.5 on page 2308. In relation to the table of materials, for materials not included in the table, you will consider whether to conduct a random check in the project management plan.

Now, on the project management plan for the Hung Hom site, solder materials were not included?

A. Right.

Q. So I want to ask about the procedures. So if it's not included in the list of materials, in the standard working procedure, we then would need to decide what materials should be included in the project management plan. So, as far as your company is concerned, in considering whether a specific material should be included in a project, say for the Hung Hom project, which department was to undertake the work of reviewing and including the materials?

A. Well, in deciding what to include in the list, first of all the site representative, that is me, would take the lead, and then the AQCC and other relevant colleagues, such as the BSE, would discuss that.

Q. Yesterday the Housing Authority submitted some new documents, in B15.4. Page 39866 of B15.4.

A. 39866.

Q. This is a list of members for the working group on site quality. So, in relation to the materials to be included in the project management plan, did the working group take part in this decision-making process?

A. Well, in this team, the site manager is the head of the team, or the team leader, and he had little

participation. The site manager would usually be different from other site staff. For example, usually the project manager or the site agent would follow the project more closely at the site.

Q. Did you take part in the drawing up of the project management plan of the Hung Hom site?

A. Yes.

Q. So, at that time, solder materials were not included in the project management plan. Was this decision made after discussion?

A. No, no discussion in particular.

Q. So, if we look at PLU1 and the materials therein -- that's in B2, page 642 -- starting from page 642, we have "Selection of pipes", and if we turn to page 644, we see "Copper pipes"; do you see that?

A. Yes.

Q. Copper pipes, and other materials, copper pipe fittings, and if you turn over to the next page, 646 that is, "Insulation for capillary type joints and fittings of hot water copper pipes", then "Brazing alloys for copper and copper alloy capillary fittings". Let's go through these few things first, those that I have just read out.

In your project management plan, were they included? That is, were inspection or testing required of these materials, when they arrived at the site?

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 23 B

C A. Can you repeat, please? Your question is too long. C

D Q. Page 644. We see "Copper pipes", and then "Copper pipe fittings"? D

E A. Yes. E

F Q. Then in fittings you see alloy fittings, flanged joints. F

G Then page 646. I just read out "Insulation for capillary type joints and fittings of hot water copper pipes"; do you see that? G

H A. Yes. H

I Q. Then, "Brazing alloys for copper and copper alloy capillary fittings"? I

J A. Yes. J

K Q. Let's just talk about these four materials. Your K

L decision in relation to the project management plan at L

M the time was that these four materials should be tested M

N as they were delivered to the site? N

O A. No, we did not include that in the list or table. We O

P did not. P

Q Q. So PLU1, if you look at materials in PLU1, were any Q

R materials included in the project management plan? R

S A. Project management plan? S

T Q. That is, they were to be tested when they were delivered T

U at the site? U

V A. Sorry, I don't remember, because I did not prepare V

the -- I mean, I don't recall the details of the plan.

Q. But do you recall, for materials in PLU1, is it fair to say that most of the materials were not included in the project management plan?

A. Correct, because first of all I need to compare whether it was listed in the form 6210, because in my recollection, for plumbing in form 6210, the pipe was not included.

Q. So PLU1, this morning, when you answered my question, you said that normally physical samples were not required to be submitted. But eventually most of the samples were submitted.

A. Yes.

Q. Now, if the samples were submitted for approval, but if in the end, the project management plan did not require the materials to be tested on delivery at the site, do you agree that this was not very reasonable? Because the purpose of examining physical samples is to make comparison as the materials arrived at the site.

A. Well, my take is that for copper pipes and fittings, there would be markings on the approved -- on the fittings or the pipes. When they arrived at the site, we would examine the materials and we would still see the markings, as we saw them.

Q. I mean, when the materials arrived at the site, whether those materials were of certain brand or type, you did

not check, did you?

A. To put it this way, those were to be supplied by the subcontractor, and in our plan, in the project management plan, they were not included. If our plan was referred to, then it wasn't -- there was no follow-up.

Q. So, in considering the plan, for materials to be provided by the subcontractor, your thinking was that it was not necessary to include these materials in the plan for testing as they arrived at the site?

A. Well, our thinking was that we would still be able to check the markings as the materials were installed at the site. Of course, our staff would not check the materials which were to be provided by the subcontractor.

Q. Well, yesterday we asked Mr Sung about the delivery of materials at the site. We understand, in the subcontract, and as mentioned in your witness statement, when the plumbing subcontractor -- when the materials of the plumbing subcontractor arrived at the site, you would first of all be informed because you need to make logistic arrangements for, say, vehicles to enter the site for delivery. About this practice of informing you, this applied to all materials; that is, they wouldn't inform you of the delivery of major materials

only and not non-major materials?

A. That's right. When materials were arriving at the site, we would be informed.

Q. Right. No distinction between major and non-major materials.

A. No distinction.

Q. Similarly, for solder materials, you would be informed?

A. We would not require the subcontractor to expressly write down what the material was, because it might be metal fittings or hardware, and at the entry gate form, we would not request for the specific details.

Q. Never mind about that, but operationally, at the Hung Hom site, whenever materials arrived at the site, you would be informed?

A. Yes, we would be informed that materials would arrive at the site.

Q. But yesterday, Mr Sung said that when materials arrived at the site, the site would need to issue an entry slip, and I would like to learn more about that. First of all, you would be informed, and then some colleagues of yours would note down the time of arrival?

A. We would use a standard form. Maybe at the guard house or maybe at the site office, we would be informed.

Q. But before they arrived, they would need to inform you first?

A. Prior to that, they would ring us and a few days before they arrived, they would fill in a form, an entry slip.

Q. So, when they rang you, your colleagues would put on record, for example, "So and so subcontractor has rung and that material should be delivered on a certain date"?

A. Well, usually, the clerk of works or the assistant clerk of works would be informed, and then we would check whether, at the estimated time of arrival, there would be a lot of concrete trucks arriving as well.

Q. I just want to ask you a very simple question. They would ring you and --

A. Let me put it this way. They could inform us by phone or they could just directly give a slip to our head.

Q. (Chinese spoken).

A. I'm sorry, I'm not the person in charge. It was my superior who was in charge of that. So, if you want details, you should ask him.

Q. No, not the details. I just want to know, when they rang you in advance at the site, that materials are to be delivered, would there be a record kept by the site?

A. No.

Q. So normally, for delivery with prior notice, what information would be given to you?

A. Because I wasn't directly told, so I cannot answer your

C question.

C

D Q. What about the entry slip? On the date of arrival, they
would need to fill in this entry slip?

D

E A. Yes.

E

F Q. That is, when they entered through the gate of the site,
they needed to fill it in?

F

G A. After they filled it in, the slip would be submitted to
our head for countersigning, and then, on seeing the
signature, the guard would let the vehicle in.

G

H

H

I Q. So, before they entered the site, they would need to
make arrangement for the slip?

I

J

J

K A. Correct.

K

L Q. Now, concerning filling in the entry slip, was there any
record of the entry slip?

L

M A. There is only one piece. The chief signed it and then
gave it to the subcontractor. They entered, then the
guard would take the slip.

M

N

N

O Q. So your company should have the entry slip records?

O

O

A. Yes, we kept it, at that moment.

P Q. After the materials entered, who would first deal with
the material?

P

Q

Q

CHAIRMAN: What do you mean?

R

R

MR KHAW: I mean the solder material.

S

S

A. Sorry?

T Q. When the solder material was delivered --

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 23 B

C CHAIRMAN: Nobody checked? C

D A. No, nobody. D

E MR KHAW: Now, after the solder material was brought in, E

F where would it be put, firstly? F

G A. You asked me about where did they put the solder G

H material. They didn't inform us that they would bring H

I in the solder material, so I cannot answer your I

J question. J

K Q. I want to ask you, concerning the entry slip, what would K

L be filled into the entry slip? Date, time, or the L

M details of the material or materials? M

N A. So far, I have not signed an entry slip, so I can't N

O answer your question. O

P Q. Have you seen one before? P

Q A. Well, let me see. Q

R I have not dealt with it. R

S Q. Yesterday, we asked Mr Sung, when the solder material S

T arrived, no one was there to check and you didn't ask T

U the subcontractor to give you a set of invoices. U

V A. No. V

Q. Why you didn't keep the invoices? Q

R A. You can say this. As for material on site that could R

S get payment, then the subcontractor would provide the S

T bills or receipts to us. But as for the solder T

U material, it is included in -- whether there is a -- U

V

there was no separate item under copper pipe works, and therefore, there was no such record.

Q. But if you didn't keep the invoices or receipts, but when you discovered that in terms of quality and quantity, the solder material had some problem, then you couldn't follow that up?

CHAIRMAN: I think, Mr Khaw, you don't need to belabour this point. If you look at the recommendations of the Review Committee of the Housing Department on this point, how solder material should be handled, there was quite detailed information, quite detailed information or guideline.

If there was a problem in that regard, then some measures would have already covered that now. So you don't need to belabour the point.

MR KHAW: According to your statement, F2, paragraph 92 --

CHAIRMAN: I have a question. Paragraph 73, starting from the third line, it says:

"(In English) What had happened was that Golden Day had submitted soldering materials for jointing the copper pipes, which was a method permitted under and complied with the main contract specifications."

Now, you said it was submitted by Golden Day. On what basis did you say so?

A. Sorry, if I may read it again.

CHAIRMAN: Paragraph 73.

We know that according to tab 8, page 972, you issued a memo to Golden Day and informed Golden Day that the solder and flux were approved. It seems that paragraph 73 was about the submission. I just want to clarify this, on what basis you said that Golden Day submitted the soldering materials?

A. (Chinese spoken).

CHAIRMAN: Now, you delivered that to Ma Hang; correct?

A. Yes.

CHAIRMAN: On what basis did you say so in paragraph 73?

A. Well, I can put it this way. Ma Hang and Hung Hom were under one project, so materials approved in Ma Hang.

CHAIRMAN: Well, I just want to know under what circumstances Golden Day submitted the soldering materials to your company? Under what circumstances?

A. Now, concerning how they handed over this to our company at Ma Hang, I cannot answer the question, because it was handled by another colleague.

MR KHAW: Okay. I have a question, with regard to paragraph 81 on page 786 of your statement. At the end, the last sentence:

"(In English) I have also seen the 'FRY' 99C lead-free category solder wires and containers of flux in Golden Day's storage area and plumbing workers

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

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C carrying toolboxes with solder wires that had been cut **C**

D in the residential units where they were carrying out **D**

E plumbing works." **E**

F You refer to Golden Day's storage area. All the **F**

G materials of Golden Day's would be put there. Was it **G**

H the place where all the materials of Golden Day were **H**

I put? **I**

J A. Correct. **J**

K Q. You said you saw FRY 99C lead-free category. When you **K**

L saw that, you saw rolls with green labels, or you saw **L**

M a box? **M**

N A. I saw rolls. These rolls. (Indicating). **N**

O Q. Did you see a box containing green solder materials? **O**

P A. I didn't see a box -- I didn't see the box before. **P**

Q I only saw this. I can recall that I saw this at the **Q**

R work site. **R**

S Q. The question on paragraph 92 -- here, it says CSCE's BSC **S**

T and yourself would liaise with Golden Day to ensure that **T**

U the licensed plumbers would do the following. **U**

V Now, during the works period, do you yourself or the **V**

building services engineer have any direct contacts with **V**

the licensed plumbers? **V**

A. We did contact them before. As for day-to-day **V**

operation, it was through the project manager in respect **V**

of communication with the plumbers. **V**

Q. With regard to licensed plumbers on site, when did they come? Was there any record?

A. No.

Q. Did you know that in this Hung Hom project, with regard to fresh water plumbing works, were some workers brought along by licensed plumbers? Did you know that?

CHAIRMAN: The licensed plumber in that scenario was Cheung Tat Yam.

MR KHAW: Correct. Yes.

CHAIRMAN: (Chinese spoken).

MR KHAW: I refer to licensed plumbers who brought along his own workers; did you know that?

A. Well, as for licensed plumbers, when Cheung Tat Yam came, he is the boss. As for his workers, I did not distinguish whether they were brought by the licensed plumber. I just considered that they were all his workers.

Q. Now, you have been working with CSCE for so many years. Apart from working on the Housing Authority projects, did you participate in other private sector projects?

A. None.

MR KHAW: I have no further questions.

Yes, one more point. Please refer to the submission of samples for Ma Hang and Hung Hom. If you may refer to B15.3, page 39022.

This is in respect of Hung Hom and Ma Hang. Samples of the soldering materials. We can see the details here. If you look at the form, on the top, 23 January 2009; it was the date of submission?

A. Correct.

Q. 39023, that is the next page, we can see the AQCC's signature, Mr Leung?

A. Yes.

Q. That is the contract manager's comment. It should be the Housing Department, Housing Society's representative?

A. Right.

Q. Now, they confirm that and signed. That was 5 January 2009, the approval was given.

A. Yes.

Q. Therefore, the samples were approved formally at that time?

A. Correct.

Q. My question is this. If you look at Prosperity, the documents provided by Prosperity Building Materials Co Ltd -- please refer to S1, page 79. On page 79, we see an invoice from Prosperity to Golden Day. I think at that time you didn't keep the documents. That's an invoice from Prosperity to Golden Day. I read it yesterday and it was referring to one roll of solder

wire and one can of flux, and then there is an asterisk,
"For sample, no fee charged".

Why is it that in February the sample was already
approved and yet it wasn't until March that the invoice
was processed? Do you know why?

A. No, I don't.

Q. Finally, for the Hung Hom site project, have you ever
seen this material called UK 50 per cent lead, or solder
strip? (Indicating).

A. No.

Q. Let me show you this material. It's packaged in this
box. First of all, this strip, have you seen that?

A. The strip, the tin strip? No, no, no.

Q. Now, this box with the words written, "UK 50 per cent
tin strips", have you seen that?

A. No.

CHAIRMAN: Who would like to ask questions?

Cross-examination by MR YIN

MR YIN: Mr Chan, I represent the Housing Authority. I have
a number of questions to ask you in relation to your
witness statement, for clarification.

First, would you please go to paragraph 119 on
page 800 of your witness statement. In paragraph 119,
you said the following:

"(In English) It is unfortunate that plumbing

materials containing lead came to be used at the [Hung Hom]Houses. As set out above, there was simply no reason for [China State] or me to doubt or suspect that the lead-free category solder actually used in the construction and installation of the fresh water plumbing system was not that as approved by [Housing Authority]."

Well, it seems to suggest that unfortunately, some plumbing materials containing lead -- that's how you put it, plumbing materials containing lead -- came to be used at the Hung Hom site. However, for the next sentence, you said that there was no reason for you to suspect that the lead-free category solder actually used in the construction was not that as approved by the Housing Authority.

So you seem to be -- I want to know whether you are referring to lead-free solder or solder containing lead?

A. My explanation here is this. I want to explain that the sample submission was approved, and I provided FRY 99C, and at the site I saw FRY 99C. So, at that moment, I thought that since it had been approved and that I saw the approved solder being used, at that juncture there was no reason for me to doubt or suspect that non-compliant materials should be used. That's what I meant.

Q. Because, in this incident, it seems that we learned that non-compliant materials containing lead had been used; however, there was no evidence that lead-free solder was used.

CHAIRMAN: Sorry, I don't understand that.

MR YIN: Because it seems from your witness statement that somebody used lead-free materials, but the lead-free materials were not those approved by the HA.

I want you to clarify whether you mean that. Do you mean that you don't know that somebody had used non-compliant materials and you weren't talking about materials free of lead or containing lead?

A. I just want to say that as far as what I saw at the time, those were materials that had been approved, and I just want to say nevertheless the problem still occurred. I still don't quite understand your question.

Q. I want to go to another area. When Mr Khaw asked you this morning, we referred to a document: A3, page 2302, the standard working procedure and the subsequent pages. That's China State's document; right?

A. China State?

Q. CSCE, yes. CSCE's document.

A. Yes, and then?

Q. Please turn to page 2304.

A. Yes.

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C Q. Item 1, "Objective"; do you see that? C

D A. Yes. D

E Q. Then 1.1, 1.2, 1.3, 1.4, 1.5, five sub-items. If you E

F look at 1.4, it says: F

G "To ensure that all materials used in the works G

H (including the materials provided by the landowner) H

I should comply with all the requirements and contractual I

J requirements." J

K A. Yes, I see that. K

L Q. So do you agree that on the face of it, it is clear that L

M all materials used in the works -- it's all materials, M

N not just major materials -- not major components, N

O fittings or materials, but all materials; do you agree? O

P A. Let me put it this way. We need to comply with the P

Q contractual requirements. Q

R Q. That's of course correct, because it is expressly R

S provided that all materials used in the construction, S

T including materials provided by the landowner, so and T

U so, that is even if the Housing Authority procured U

V materials for your use in the process, and as the V

contractor of the project you needed to ensure that all

materials were in compliance; do you agree?

A. Yes, it's written here.

Q. Page 2304, at the bottom, item 1 is "Objective", item 2

"Scope", item 3 "Reference materials", item 4,

"Definition", then item 5, "Works procedures". Then 5.1, all the way, 5.2, 5.3. Then to page 2307. In the second half of the page, you will see 5.3, "Procedure for examining and testing materials as they arrived on site"; do you see that? Page 2307.

A. Yes.

Q. 5.3, at the bottom of the page, "Procedure for examining and checking materials as they arrived on site"?

A. Yes.

Q. 5.3.1. It says:

"To meet the objective, that is the specific details given here, to ensure that materials used in the construction would meet the contractual requirements, all materials, including materials provided by the landlord, should be examined or tested as they arrive at the site, and only when they are certified to be in compliance could they be distributed on site."

Then it follows that if materials cannot be examined or tested before they are put to use due to emergency, there should be clear markings on the materials or other means should be deployed, so that you can immediately trace and replace the materials when they are found to be non-compliant. Records should be kept. Do you see that?

A. Yes.

Q. So it seems that there is a major responsibility on the part of CSCE, in relation to materials. You cannot randomly check or test materials. You need to be clear about all materials delivered to the site. Even in the case of emergency, you need to put markings on the materials so that you can trace the material, if necessary, in future?

A. Yes.

Q. So, for the standard working procedure, it seems that the principle of the standard working procedure is somewhat different from the explanation you gave in relation to its operation. You said that because was vast amount of materials arriving at the site, you could only conduct a random check, and then you would also exercise discretion, if I may put it this way, to select samples for checking. Do you agree?

A. Yes.

Q. But do you agree that if we look at the standard working procedure, the original intent is that more should be done?

A. The standard working procedure is distributed to all our staff and we are supposed to follow the procedure. This is an indicator, for site staff's reference, but we can also, in terms of management, exercise discretion to ask for information on materials from subcontractors for

checking.

As I mentioned, there is a project management plan,
and we need to consider the situation on site.

Q. I am not questioning your decision. I am just trying to
understand it, because you said that it seems that the
standard working procedure doesn't allow any departure
from it, on the testing of materials, because it is
important to ensure that all materials should comply
with the requirements. This is a major responsibility.

A. Yes.

Q. Do you agree that basically it is China State's
responsibility -- do you agree -- to ensure that
materials are compliant?

A. Yes, our responsibility.

Q. So do you agree that in this incident, we now learned
that for plumbing materials, this subcontractor, Golden
Day, was required to provide labour along with
materials?

A. Right.

Q. This was the contractual relationship between
China State and its subcontractor, Golden Day?

A. Right.

Q. And therefore the Housing Authority did not need to know
and did not know of this?

A. Correct.

Q. When I say "you", I mean CSCE, not your goodself.

Now, if your company buys the material, the chance of buying the wrong material is lower. Now, when you place the order, you specify clearly, the chance of making a mistake is lower. But in this case, you would just ask somebody to do it for you. Golden Day is going to buy materials; is it correct?

A. Correct.

Q. In other words, with hindsight, shouldn't you have watched it more closely as to whether the materials bought by the subcontractor were in compliance?

A. Looking back to that day, it had such a great impact, definitely that is correct.

MR YIN: I have no further questions.

Cross-examination by DR WONG

DR WONG: Mr Chan, a few questions for you on behalf of the WSD.

Paragraph 11(ii), page 770. In the fifth line, you said that every month, four to five times, you conducted site walks. You inspected the site?

A. Yes.

Q. The site. Every month, you personally had four to five site walks?

A. Let me speak on this a little bit.

Yes, that would be with regard to the housing

C project. Every month there was PASS assessment. I had
D to be involved. This is part of the site walk. I went
E there to look at the progress, to look at the overall
F performance of the whole project, so I walked. I had to
G know the progress on site and the overall situation.

C

D

E

F Q. Four to five times per month; right?

F

G A. Yes, correct.

G

H Q. The next sentence:

H

I "(In English) Specifically with regard to the fresh
J water plumbing works, the checking and inspection I had
K carried out included checking the correctness of the
L type and size of pipes and fittings used were as
M approved by HA ..."

I

J

K

L Now, you said that during the site walks concerning
M the plumbing works, you checked and inspected the copper
N pipes and fittings, as to whether they were in
O compliance with the HA's requirement?

L

M

N

O A. Okay. I understand your point.

O

P Q. What did you do? How did you carry out the inspection
R during the site walk? How did you do the checking?

P

Q A. Now, during the site walk, I walked at random; I didn't
R choose a particular place, and I didn't particularly
S look at the pipes, plumbing works. There were many
T things on site, not just the plumbing works. But
U according to this paragraph, if it was particularly for

Q

R

S

T

U

U

V

V

C the plumbing works, what did I see, what did I look at?

C

D I didn't hold the samples in my hand. I didn't

D

E particularly check a specific thing. I looked at the

E

F copper pipes: okay, the alignment, the brackets.

F

G I didn't need to refer to the catalogue. It was just

G

H based on day-to-day experience, whether the alignment

I was right or not. I looked at workmanship.

H

J I emphasised workmanship.

K Now, the samples belong to things in the early

L stage. My role was to look at workmanship and progress,

I

M and whether there was a great departure.

J

N Q. I ask you because if you look at -- you mentioned

O correctness of the type and size of pipes. When you did

K

P the site walk, did you see workers doing soldering and

L

Q joining the copper pipes -- in the four to five times of

R site walk every month, did you personally see workers

M

S doing soldering of the pipes?

N

T A. Yes, I did, on site.

U Q. When you saw them doing the soldering, according to your

O

V recollection, did they hold solder strips or solder

P

W wires in their hands?

Q

X A. I did the walk four or five times a month. I followed

Y the PASS group to do the assessment. My attention was

R

Z on that, and I did not specifically check what the

S

AA plumber or what the pipe-worker was doing. I did not

T

AB

U

AC

V

specifically look at what material they used.

Q. Now, after the incident, during the four to five times of site walk, if you are to look at what they are doing, then, according to your experience, would you be able to spot whether they are using the rolls of solder wire or are they using solder strips? Could you see with your own eyes?

A. Well, if they are using the reel of solder wire, if the reel is there, I can see that. But if it is a single strip -- I saw a strip in the court and also the reel of wire. Just by mere looking at it, it is difficult to distinguish them.

Q. Thank you. My second question for you is this. Please refer to paragraph 16(v). Here, you refer to the WWO46 form. You said a lot on this form, so I can assume that you have a certain understanding of the form?

A. Now, because of this incident, I started to look at it. In the past, my colleagues, the BSE, paid special attention to this.

Q. In the past, you didn't have an understanding of this form?

A. I knew there were so many parts but I didn't follow which part we were doing. I only followed up on -- I just checked the progress.

Q. In the third line:

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C "(In English) We certify that the pipes and fittings C
D ... /intended to be installed, including those as listed D
E on the attached annex to this form and those not listed, E
F are as prescribed by the Waterworks Regulations." F
G You know that they have to comply with the G
H Waterworks Ordinance, even though they are not listed; H
I do you agree? I
J A. Would you please repeat what you mean by "the material"? J
K Q. Now, it is said here, under (v), you said: K
L "We certify that the pipes and fittings ... and L
M those not listed, are as prescribed by the Waterworks M
N Regulations." N
O I want to know your understanding. According to O
P your understanding, the materials in the pipeworks, P
Q apart from those annexed to WWO46, should also comply Q
R with the Waterworks Ordinance. Or is your understanding R
S this, that only the materials in the annex had to be S
T complied with, had to comply with the Waterworks T
U Ordinance, and you don't need to care about other U
V things? V
A. Let me see.
According to this, yes, there is a need.
Q. Yes. The next paragraph, paragraph 21:
"(In English) WSD endorsed part III of
form WWO46 ..."

The fourth line:

"(In English) This shows WSD's acceptance and confirmation that the pipes and fittings to be installed with respect to the fresh water plumbing works at the Hung Hom site had complied with the statutory requirements and WSD's own non-statutory requirements."

This is your statement; you put it down here?

A. Correct.

Q. With regard to these materials, after the samples have been given to the WSD to the time of actual installation and actual works, if the materials are different at that time of installation, are different from those submitted at WSD, even if the samples have been approved, if the materials were different then you could not rely on the approval of the WSD's approval of part III and claim that you comply with part III requirement; do you agree?

A. Now, my view is this. At that moment, we were the contractor. We submitted the pipes and fittings samples to the WSD. The WSD approved that. Then we asked Golden Day to install that, and then we co-ordinated part II, part III and part IV. We got the approval. At that moment, I thought that the WSD approved, so the whole thing complied. Otherwise, the WSD wouldn't have supplied water to us.

Q. That's your understanding? Okay.

Well, I will move on then to the next topic.

Paragraph 28, the last sentence, Mr Khaw has asked you on this:

"(In English) There are other professionals in [China State] who were responsible for reviewing and checking compliance with the British Standards during the course of the works at the Hung Hom site."

Does it mean that there were professionals who checked the compliance with British Standards in respect of the materials? Was there a team of professionals stationed at the Hung Hom site to check the materials?

A. Yes, the BSE, the BSE's team.

Q. They checked the materials as to whether they complied with the British Standards; was it correct?

A. Correct.

Q. You also agree that these professionals did not check the soldering material as to whether they complied with the British Standard?

CHAIRMAN: Would you repeat your question?

DR WONG: Among these professionals, no professional among them checked the solder materials?

CHAIRMAN: They checked it on paper.

DR WONG: I asked on site, "professional on site".

CHAIRMAN: In actual procedure, during the actual soldering -- now, you provided samples and they were

checked -- but during soldering, were your engineers present doing the checking?

A. During the soldering -- well, let me put it this way.

I am not an engineer so I cannot answer the question.

DR WONG: So the next paragraph, 42(iv). Here, you said:

"(In English) As regards the delivery of materials to the site, Golden Day was obliged to inform and seek [China State's] approval prior to delivering any materials to the Hung Hom site."

That's what you said?

A. Yes.

Q. So my question is this. After Golden Day informed China State, did Golden Day inform you that materials would be delivered, or did Golden Day tell you what materials should be delivered to the site?

A. As I mentioned just now, they were obliged to inform us to make arrangements for the delivery of materials to the site. They were not required to inform us of every detail of the delivery. Mainly, we were dealing with the logistics at the site.

CHAIRMAN: So, basically, it didn't include solder materials? When solder materials arrived at the site, it was not necessary to inform you? On the paper, it is so written, but in fact you people wouldn't check and you were not informed of the delivery of solder

materials to the site; is that right?

A. Yes.

COMMISSIONER LAI: But when materials were delivered to the site, would you be informed?

A. We were informed only for the purpose of logistics arrangements at the site, and to arrange for a time slot for the arrival of materials.

CHAIRMAN: Let's say, for 5 June 2009, according to what we can see, 20 rolls of tin strips were all ordered, that is in a box, one carton box of 20 rolls. Do I understand it correctly?

A. Yes.

CHAIRMAN: So no need -- one could just carry it in a rucksack; no need to inform you. Do you understand? Because they were really trivial. You wouldn't ring China State for carrying a box of 20 rolls in a rucksack to the site today; right?

A. Correct.

CHAIRMAN: My speculation only. I don't know, perhaps if we were talking about a large quantity of copper pipes, then that may be different, because you need to arrange for storage.

A. Well, sometimes the materials may be delivered by courier service, and the courier may just deposit the materials at the entrance.

CHAIRMAN: Of course, then you might need to know, but for this box of 20 rolls or one big pack of 5 pounds of strips, what's the need to check anyway? No need to check, just carry it in a bag and go in.

DR WONG: Last question. Please go to paragraph 100, page 795. Under "Water connection" -- right?

A. Yes.

Q. I have a number of questions here. According to your knowledge, the WSD's laboratory would collect water samples from water connection points, that is from the major pipes or the mains; they would not collect water from elsewhere, say rooftop or individual units, right?

A. Right.

Q. Only one exercise would be carried out to decide whether water supply would be approved?

A. I don't know. At that time, we were asked to collect water samples for water testing. That's it.

Q. Second question. The next sentence. You would not contaminate the WSD's main water supply. That's according to your knowledge. When they collected water samples from water connection points for testing, the purpose was to prevent contamination of WSD's water mains, and you knew about that?

A. A long time ago, I heard from those experienced in the trade, that if this was the case. That's my

understanding.

Q. Well, if you don't know, please answer you don't know.

That's according to your experience. After collecting

water samples, as far as you know, as the main

contractor, concerning the in-service water supply, did

you collect samples for testing?

A. No.

DR WONG: Chairman, I have no other questions.

CHAIRMAN: Any other questions from any party?

MR PENNICOTT: (In English) I have no re-examination, if

that is the question.

CHAIRMAN: Yes?

MR YIN: I have some follow-up questions arising from the

questions that you put to Mr Chan, on the delivery of

materials to the site. I want to clarify some things.

Further cross-examination by MR YIN

Q. Mr Chan, I was referring you to the standard working

procedure; do you remember?

A. Yes.

Q. Your testimony is that this is a standard working

procedure, so it is the standard, but you didn't

necessarily follow it. That's what you meant. But it

seems that the standard working procedure is telling us

that for the delivery of materials to the site, from the

perspective of site management, there should be strict

control; do you agree?

CHAIRMAN: What's the relevance of your question to the question put by me?

MR YIN: Chairman, you asked about the 20 rolls.

CHAIRMAN: So there is a standard working procedure which sets out all the major principles, objectives; right? Everything should be tested, but operationally, that's not the case.

MR YIN: I just want to see whether he agrees whether in terms of management there's a loophole.

CHAIRMAN: I don't think we need to spell it out. Is it really necessary to put that question, really?

I think the answer has been given a number of times.

It's so written on paper but it's project-based, operationally it's different. And even if it's project-based, there are still problems, solder materials would not be tested. Am I right? Do I understand correctly? Right. No, no? Right. So everything looks perfect on paper.

Please don't laugh. That is the case for WSD as well.

Any other questions? No.

Thank you. You may be excused. You have finished giving your evidence, Mr Chan.

We will take a break for ten minutes first.

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C (The witness withdrew) C

D (3.39 pm) D

E (A short adjournment) E

F (3.54 pm) F

G MS LAM: (In English) Mr Chairman, I am afraid you have to G

H bear with my voice again. H

I With your leave, we would like to call Mr Lee Hung I

J Fai. J

K Please take a seat. K

L MR LEE HUNG FAI (affirmed) L

M CHAIRMAN: Please take a seat. M

N Please take the next chair. Thank you. N

O Examination-in-chief by MS LAM O

P MS LAM: Mr Lee, I am going to read out your statement. You P

Q can put on the headphones. Q

R "I, Lee Hung Fai ... say as follows: R

S A. Background S

T (Paragraphs 1 to 11 were read in English) T

U [Tab 1; for reference, that's at bundle F2, U

V page 1297] V

(Paragraphs 12 to 34 were read in English)

[Tab 2; for reference, that's at bundle F2,

page 1299]

(Paragraphs 34 to 35 were read in English)

[Tab 3; the page reference is F2, page 1324]

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C (Paragraphs 35 to 36 were read in English) C

D [Tab 4; the reference is F2, page 1333] D

E (Paragraphs 36 to 39 were read in English) E

F (In English) Mr Lee, do you any connections or amendments you would like to make to your statement? F

G A. No. G

H Q. (In English) Would you like to adopt your statement as your evidence-in-chief in this Inquiry? H

I A. Yes. I

J MS LAM: (In English) Is this a convenient moment, Chairman? J

K CHAIRMAN: Yes. We will adjourn until 10.00 tomorrow morning. Please come back. The lawyer will have some questions for you. K

L (4.34 pm) L

M (The hearing adjourned until 10.00 am the following day) M

N

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