

2015 年 12 月 9 日

上午 9 時 59 分恢復聆訊

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

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

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

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

鍾耀明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

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

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

孖士打律師行陳宇文律師，代表瑞安承建有限公司

林小姐：Good morning, Mr Chairman. I have a few questions for this witness, ...

主席：Yes.

林小姐：... a few short questions.

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））宣誓繼續作供

林小姐繼續主問

問：Mr Lee, good morning. I am going to ask you a few questions in English, unfortunately. You are welcome to put on your headphones. Feel free to answer in Cantonese. My first question is: have you ever worked for the Housing Authority or the Housing Department?

答：冇。

問：In paragraph 14 of your witness statement, there you mentioned that the subcontractors of each trade were assigned units on the 1st floor for use as workshop and for storage, and that four units on the 1st floor had been assigned to Golden Day. So my question for you is: did Golden Day have a workshop -- we understand that there are three blocks in Hung Hom Estate. So my question for you is: did Golden Day have a workshop and storage area in each of the three blocks?

答：係。

問：They did?

答：係。

問：When materials arrived on the site, is it your understanding that the materials would be distributed and stored in each of the three blocks, or would all materials be stored in one block?

答：係分開三座樓都有。

問：Thank you. Who was responsible for distributing the materials to each block?

答：係分判商嗰啲工人。

問：Thank you very much. I have no further questions for you and Mr Khaw will have some questions for you.

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許偉強先生：係。

許偉強先生盤問

問：李先生，喺你嘅證人口供嗰度都有提到，你即係作為係 foreman 嗰個工作嘅性質，最主要都係不時咁樣喺嗰個地盤現場係作啲檢視、巡查咁樣嘅。

答：係。

問：咁你亦都會係睇住嗰個工作進度喇。

答：係。

問：係咪？可唔可以咁講，即係基本上，即係如果你有返工嘅話，就住每一個地盤嘅工程，你差唔多每日都會去巡視嘅？

答：係。

問：我想問下你，就係因為你巡視嗰個目的都係想睇下，啊，嗰個工作進度合唔合乎理想；另外一個原因都係想睇下，喂，嗰個工作嗰啲質量，即係個 quality，係唔係 okay 嘅，...

答：係。

問：...即係係咪達標嘅？

答：係。

問：如果係咁講，就係話你係咪對於嗰個--例如合同，我講咗主合同先，因為你哋要同--對房署嗰方面嗰啲規格要負責㗎嘛。對於主合同入面嗰啲用料嗰啲規格，你都熟悉嘛？

答：某部分喇。

問：係。如果我哋純粹講緊而家呢個做食水喉嘅焊料㗎講，嗰方面嘅規格，你都熟悉嘛？

答：都知嘅。

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問：即係當時，如果我哋講緊做緊紅礮邨嗰個過程，你都知道嗰個焊料係需要用無鉛，你知道嘅？

答：因為每一項喺開工作之前，大手開工前，我哋一定係要對晒佢所有嘅物料先至畀佢開工嘅。

問：明白，明白。我嗰度我會再詳細啲問你。但係就住--我想問一問你就係--你都做咗咁多年喇，喺呢一行，幾時--大概喇，大約喇，幾時開始知道呢個做食水喉需要用無鉛嘅焊料㗎？

答：我喺紅礮邨先至知道。

問：紅礮邨先至知嘅，嗰陣時第一次知，好。你都應該理解，就係個原因，用無鉛焊料都係因為鉛對身體有害喇；呢個你同意嘛？

答：同意。

問：咁就用無鉛焊料最主要都係因為唔想一啲有害嘅物質即係可能進入到食水入面，同意嘛？

答：係。

問：我想問一問你，就住嗰啲工程入面嗰啲用料進場嘅時候個過程，我都想問一問你嘅。我哋之前都聽過之前嗰兩位證人，即係宋先生同埋...

答：陳先生。

問：...陳先生，佢都有講過，有提過有一樣嘢就叫做--就有提過就話，例如水喉分判商咁講喇，佢哋如果係送啲物料到地盤現場嘅時候，佢哋應該係事先都會通知你哋嘅？

答：係。

問：係咪？通常可能早一日或者係兩日會通知你哋。

答：通常我哋要佢預早兩日嘅。

問：要早兩日嘅。通常通知你邊一位有關同事㗎？

答：通知我。

問：通知你本人嘅，係咪？

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答：唔。

問：你本人例如收到，例如假設係今日，佢話畀你聽，「喂，會送啲料嚟嘞」，例如送喉呀或者送其他配件嚟嘅，咁你會唔會係--即係嚟公司入面，會唔會有個紀錄寫低，「啊，佢哋幾時會送貨嘞」咁樣嘍？

答：入閘紙會寫。

問：我哋唔好講入閘紙先。入閘紙係到場嗰陣時先至交嚟嘛。

答：嘎。

問：我係講緊話例如佢兩日前即係向你匯報嘞，...

答：佢會--唔好意思。佢係兩日前要寫定張入閘紙畀我哋。

問：哦，唔該。即係兩日前就已經要寫定張入閘紙嚟嘞？

答：係。當時--因為我哋唔會畀佢即日去申請入閘嘅。

問：哦，明白。即係兩日前，就唔係淨係有電話通知嘅，...

答：唔。

問：...直情係要--例如今日，佢哋會有職員嚟到現場，就畀張入閘紙你，係咪？就話明畀你聽，「喂，我可能一、兩日後我就要送貨嚟嘞嘞」？

答：係嘞，要送貨嚟，睇下我哋批唔批准入嚟。

問：咁你哋睇唔睇--批准入嚟，都要睇下例如，喂，當時嗰個地盤個現場嘅情況，啲交通可唔可以--即係可以--即係合適佢哋咁樣做呀，咁樣，係咪？

答：同埋睇個數量大唔大批。

問：數量大唔大。嗰個入閘紙，即係之前要交畀你先喇。

咁我想問下個入閘紙入面嗰個內容嘅。幾大張呀，個入閘紙？例如如果我哋講緊啲 A4 紙咁。

答：我諗半張 A4 紙咁大。

問：半張 A4 紙咁樣。咁入面係咪應該都會寫明係邊一間公司送貨嘅？

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答：會。

問：係咪？

答：會寫埋，個司機個名都有。

問：個司機個名都會寫嘅。嗰個日期，一定會寫喇？

答：寫嘅。

問：即係準備送貨嘅日期會寫喇，係咪？

答：係，係。

問：咁就嗰個時間，大約嘅時間都會寫埋？

答：淨係寫個日子，時間就好少會寫。

問：淨係寫個日子嘅啫？

答：嘎。

問：Okay。例如嚟嗰個物料，即係就住嗰張送貨紙--嗰個人開紙嚟講，
嚟嗰啲物料係咩嘢種類，會唔會寫㗎？

答：會粗略咁寫喇。

問：粗略咁寫？

答：嘎。

問：例如假設如果係講緊焊料嘅，咁就...

答：佢唔會--因為佢歸類為係一個小五金嘅。咁佢通常分幾個大類，就係
銅喉一類，水喉配件一類，同埋小五金，咁三樣。

問：小五金？

答：係嘞。

問：咁如果例如焊料，就會寫住咩嘢㗎？小...

答：小五金。

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問：就咁寫「小五金」嘅啫？

答：係嘞，係嘞。

問：會唔會話，喂，寫...

答：因為佢小五金裏面包埋啲螺絲、喉碼咁之類啲嘢一齊。

問：明白。咁即係話--有冇啲情況係嗰一個入閘紙，係淨係，淨係，就住
焊料而寫㗎？

答：冇。

問：冇嘅？

答：冇。

問：通常都會同其他物料一齊㗎嘅？

答：係。

問：係咪？你剛才話「其他物料」，就包括...

答：銅喉。

問：...螺絲啲啲？

答：螺絲唔係。螺絲係歸喺啲啲小五金。

問：歸喺小五金？

答：係嘞，係嘞，係。

問：即係佢就會同銅喉一齊㗎嘅？

答：銅喉同埋啲啲水喉配件一齊㗎。

問：水喉配件一齊㗎嘅？

答：係。

問：即係例如啲閘掣呀？

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答：閘掣呀、一啲曲呀、T 呀咁囉。

問：例如--當佢同水喉配件一齊嚟嘅時候，咁佢上面，喺個人閘紙嗰度，係會點寫呀？

答：水喉配件、銅喉同埋小五金，咁就數量大約有幾多囉。

問：大約有幾多。

答：嘎，幾多箱或者幾多、幾多條喉咁囉。

問：咁如果例如佢寫幾多箱，咁會唔會就住--例如你剛才講，例如小五金，假設嗰啲係焊料咁喇，都會寫幾多箱嘅？

答：冇留意。通常佢都係寫一箱箱嘅，就唔會寫啲散嘅件嘅。

問：我唔係咁嘅意思。即係我嘅意思就係話例如佢嗰啲小五金，例如焊料咁喇，佢如果同水喉一齊嚟嘅，咁喺嗰個人閘紙嗰度係--你就會寫水喉、配件喇。咁就水喉同埋嗰啲配件，會唔會寫埋牌子㗎？

答：唔會。

問：都唔會嘅？

答：唔會。

問：咁嗰啲--例如如果講幾多盒咁講喇，會唔會係每一個種類都會寫有幾多盒，定係得個總數？

答：總數。

問：總數幾多盒咁嘅，好。嗰個人閘紙仲有啲乜嘢內容，除咗呢啲之外？

答：冇㗎，除--同埋有張--如果你--因為通常送貨嚟，佢--個 supplier 送嚟，就可能唔係淨係送貨嚟我哋地盤，可能仲有嘢會運番走嘅，即係喺架車裏面車番走，咁佢亦都會寫番張出閘紙，佢架車裏面有啲乜嘢要車番走嘅。

問：明白。

答：因為通常我哋係唔畀嘢車出地盤。入咗我哋地盤就屬於我哋地盤嘅嘢，出番地盤就要出番張出閘紙。因為如果你張出閘紙，個看更唔會

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畀佢架車走嘅。

問：喺你做嗰個紅磡嘅地盤嘅時候，你記唔記得有冇情況，係送嚟嘅貨物，
即係送嚟嗰啲物料，係淨係焊料㗎？

答：冇。

問：冇嘅。一定係同其他一齊...

答：因為佢嚟，佢--我其實都唔知佢係咪焊料嘅，因為佢唔會零零舍舍寫
係焊料嘅。

問：係。

答：係。

問：我想問下邊個去 keep 住呢啲人開紙嘅 record 㗎？

答：保安。

問：噯。

答：保安。

問：保安嘅。

答：係嘞。

問：咁即係到時佢就攞住呢一張，即係之前已經申請咗嘅人開紙，嚟貨嗰
陣時就交界即係人開--即係守住開嗰個同事，...

答：係。

問：...咁佢就畀佢進場嘞？

答：係嘞。

問：係咪？好。我想另外你睇一睇就係你證人口供第 12 段。呢個可能就
係你剛才冇提到嘅，即係做工程之前，即係可能睇嗰啲物料呀嗰啲，
我想同你釐清一下嘅啫。喺 12 段嗰度，你就有講到--如果我哋睇下
羅馬 (i) 同埋羅馬 (ii) 嗰度，大概都係咁講嘅，即係話喺嗰個工程，
就住每一個範疇嘅工程，開始之前，咁你哋公司就會有一個--即係工

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程部嗰個...

答：AQCC。

問：...quality control，即係個 AQCC，咁佢就--即係你講話呢位係彭（譯音）先生嚟嘅。

答：係。

問：咁佢就會有啲 training，即係有啲講解、有啲訓練，就住每一個範疇嘅例如管工（supervisor）或者係嗰啲工人，咁都會畀一個咁嘅 briefing 咁樣嘅。

答：係。

問：嗰個 briefing，係咪我哋--係咪即係每個範疇係分開進行㗎？即係例如水喉嘅，咁就會有一個 briefing；其他項目，會有一個 briefing 咁，就唔會話全部夾埋一齊做咁樣，係咪？

答：唔係一齊咁樣，分開做。

問：如果例如做水喉嘅講解嘅時候，係咪大概喺將會做水喉嘅工程之前就做呢個講解嘅？

答：其實佢有每一行嘅工人進場嗰陣時都會講解一次。

問：我首先想問下先，就係通常你話喺嗰個範疇嘅工作進行之前就會有呢個講解喇。咁我哋知道，一般嚟講，啲食水喉嘅工程都係成個工程較後期先至開始做㗎嘛。即係話例如佢第一日開始要做呢個食水喉嘅工程嘞，當有啲工人嚟㗎，咁就會喺現場做一個講解嘅？

答：唔係，喺個寫字樓講解先嘅。

問：喺寫字樓做㗎講解先。即係話啲--例如金日，佢嘅--個水喉匠會唔會嚟㗎？

答：水喉匠，即係佢會打理㗎之後佢嗰位林生會喺度。

問：係。咁張達欽先生有冇嚟㗎，嗰啲講解？

答：唔記得清楚佢有冇嚟。

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問：喺個寫字樓度，大概有幾多工人嗰度做呢個咁嘅 briefing？

答：因為佢工人唔係一次過一批嚟嘅，佢分批嚟，每次嚟譬如五個或者十個，每次就做五個、十個咁做囉。

問：就每次都係咁做？

答：係。

問：每次都係彭先生做嘅？

答：係。

問：係咪？每次你都在場嘅？

答：喺度。

問：係咪？好。你都知唔知道嗰個水喉嗰啲物料，喺我哋個主合約嗰度，你都知道冇分個 PLU1、PLU2 嗰個分別嘅？

答：呢個唔係好清楚。

問：呢個唔係好清楚？

答：嘎。

問：唔緊要。就住講解嘅時候，通常彭先生點做嘍？即係有冇一個例如講義咁嘍？即係有冇啲--派畀啲工人，喂，例如有個名單，要用啲咩嘢物料，有冇啲咁嘅嘢嘍？

答：有份 sample submission，同埋佢會做一個 PowerPoint，咁喺會議室度 show 晒出嚟畀佢哋睇嘅。

問：有個 sample submission，係咪？

答：嘎，同埋做咗個 PowerPoint 畀佢哋睇嘅。

問：即係個 sample submission 嗰張表格，你講，係咪呀？

答：係嘞，係嘞，即係用咩嘢物料，批咗邊啲物料，跟住話畀佢聽點樣做法。

問：好。每一隻物料，...

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答：都有。

問：...有做過 sample submission 就會講嘅？

答：係。

問：係咪？你喺羅馬 (ii) 嗰度你都有講，就話你都曾經係收過一啲相喇，就關於啲物料嗰啲相嘅，咁喺其中你都有講過就話會包括嗰隻綠色一卷卷嗰個錫線，...

答：錫線。

問：...係咪？同埋有啲黃色嗰啲...

答：松香膏。

問：...松香膏嘅，係嘞，嗰啲你都收過啲相嘅？

答：見過。

問：個實物，你自己有冇見過？

答：見過。

問：喺做講解嗰陣時，嗰啲實物有冇擺出嚟畀啲工人睇㗎？

答：冇。

問：冇。咁就靠睇相嘞？

答：係嘞。

問：係咪？咁就係--我想問下你嘅，就係喺嗰個講解過程，綠色一卷卷嗰個錫線嗰啲相，係咪每次都有畀工人睇㗎？

答：每次都有。

問：每次都有嘅。你畀工人睇嗰啲相嘅時候，彭先生有冇去解釋，啊，呢隻物料嘅成分呀？

答：冇解。

問：有冇講過話「喂，呢隻係無鉛焊料㗎嘅」？

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答：無鉛焊料有講。

問：有講嘅？

答：有講。

問：有講嘅。每一次都有講？

答：每次都有講。

問：每一次都有講。彭先生講嘅？

答：係。

問：係咪？每次個講解，幾耐嘍呀？

答：大概十五至二十分鐘。

問：十五至二十分鐘？

答：係。

問：跟住我想你睇一睇第 14 段。啊，唔好意思，喺講第 14 段之前，我都想跟進多一個問題嘅，就係你剛才話喺每一個講解嗰度，咁彭先生都會同佢哋解釋例如嗰個焊料係無鉛嘅。除咗呢樣嘢，仲有冇其他嘅--對於個焊料，仲有冇其他嘅解釋？

答：係講過手工嘅。

問：有冇講特別個--即係用邊隻牌子咁呀？

答：佢嗰幅相已經講出嚟，話畀佢聽我哋要跟呢隻牌子嚟嘞，已經講咗。

問：咁睇下第 14 段。第 14 段嗰度，你就講出就係話有關喺嗰個工作進行期間，你就講話嗰個--即係每一個範疇嘅外判商，咁可能佢哋都會用嗰個--即係我哋叫做「架步」喇，係咪？

答：係。

問：即係可能擺嚟有時畀佢哋換衫或者係儲存一啲物料咁樣嘅。咁樣你呢度就講話大概喺一樓嗰度就有四個單位就係畀金日，咁就畀佢哋做呢個架步嘅，係咪，有四個單位？

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答：每座都有四個單位。

問：係嘞。咁...

主席：大聲少少，聽唔到。

答：嘅。每座都有四個單位。

問：每座都有四個單位，冇錯。

答：係。

問：你亦都喺呢度就話都有好多喉，即係好多喉就擺喺嗰啲架步嗰度嘅，係咪？

答：係。

問：即係你有見過嘅？

答：係。

問：係咪？

答：因為佢啲喉有比較長呀。

問：長？

答：所以點解會畀四個單位佢呢，我係畀晒四個單位，連條走廊都畀埋佢，咁啲喉就擺晒喺走廊嘅。

問：你講嗰啲喉呢，就係嗰啲銅喉吖嘛，...

答：銅喉。

問：...做食水嗰啲銅喉吖嘛？

答：係。

問：係咪？你見到嗰啲銅喉，佢嗰個狀況係點嘍？即係例如佢係就咁一

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條、一條外露晒出嚟，即係你睇到一條、一條嘅，定係佢有嘢包住㗎？

答：佢有--佢本身啲喉係包膠㗎嘛。

問：係包膠嘅？

答：係。

問：例如就咁講喉先，睇唔睇到係即係邊隻牌子㗎？

答：有呀，喺個包膠面就打晒啲 mark 喺度嘅。

問：睇晒嘅，好。咁我想知道嘞，就係喺嗰個儲存啲喉嗰個地方，係咪都會擺埋其他啲配件㗎，即係水喉嘅配件㗎？

答：水喉配件會擺喺單位裏面。

問：喺單位入面嘅？

答：係。

問：咁擺喉嘅地方，係咪都會擺埋焊料㗎？

答：唔會。

問：唔會嘅？

答：因為佢全部擺晒喺走廊，嗰啲淨係擺銅喉嘅啫。

問：如果你話你巡視嘅時候有機會例如見過嗰啲焊料，例如儲存喺度嘅，會喺邊啲地方呀？

答：喺個單位入面。

問：單位裏面嘅？

答：係。

問：係咪？當你喺單位裏面見到嗰啲儲存咗嘅焊料，係咩嘢狀態㗎？即係佢哋係有一個盒裝住，定係擺喺地下，一卷卷擺晒喺地下咁樣㗎？

答：佢一卷卷擺咗响工作台上上面嘅。

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問：工作台上，一卷卷嘅？

答：係。

問：嘎，呢個係。

主席：你講嘅工作台係...

答：佢個--單位裏面，佢自己釘咗張檯愛嚟做工作檯嘅。

主席：嗰個工作台係畀佢哋做燒焊嘅？

答：係嘞，係嘞。

主席：你嘅意思即係佢哋有啲工序係喺嗰個...

答：單位裏面做。

主席：...單位裏面就做嘅？

答：係嘞。

問：咁喺工作台上就見到有呢啲嘞？

答：係。

問：係咪？就例如可能好多卷擺喺張檯度嘅？

答：唔。

問：係咪咁呀？

答：係。

問：定係已經拆咗出嚟？

答：冇，一卷卷。

問：一卷卷嘅？

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答：係。

問：即係好似咁樣嘅。亦都同樣喺個工作檯度，會見到有即係黃色盒嗰啲松香膏嘅？

答：有。

問：喺同一個地方嘅？

答：係。

問：係咪？我想問下，就係你有冇曾經見過呢啲咁樣嘅一卷卷嗰啲錫線，係擺喺一啲咁嘅盒度㗎？有冇見過呢啲盒？

答：諗，...

問：呢啲盒就有個牌子喺度添嘅，寫住“FRY”，綠色嘅。

答：唔見。

問：有冇見過呢啲盒？

答：有，有。

問：有見過？

答：有見過。

問：你口供就話嗰啲工人就會“carrying lengths of solder wires”，即係擺住啲長條嘅錫線，咁就佢哋就已經喺個工場嗰度就cut開咗嘞，剪開咗嘞嘞，你睇住佢哋剪嘅？

答：唔係睇住佢哋剪嘅。

問：你有冇睇過佢哋剪呀，曾經？

答：有。

問：有睇過佢哋剪？

答：有。

問：喺邊度剪㗎？

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答：咪喺個架步裏面囉。

問：架步裏面剪嘅？

答：唔。

問：即係話佢哋喺架步裏面剪完，先至擺去單位嗰度嘅？

答：擺上樓上，擺上樓做囉。

問：擺上樓，係咪？

答：係嘞。

問：但係你剛才講就話，即係上樓，嗰啲單位，你見到嘅時候，就唔係嗰啲剪咗一條條嘅，係呢啲嚟嘅？

答：係。

問：係咪？

主席：上樓...

答：即係佢個架步喺一樓吖嘛，通常佢做嘢係上去上面一路做，裝上樓上，你會擺上樓。

主席：係。上去上高做嗰陣時，係擺一條條上去，抑或擺一卷上去？

答：一條條又見過，一卷卷亦都見過。

問：你話見過佢哋剪，就喺個架步嗰度做嘅，咁佢通常係剪到幾長呀？

答：我諗咁長嘅喇。

主席：呎...

答：呎零喇。

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主席：1呎、呎半咁上下？

答：呎零長嘅喇。

問：呎零長嘅？

答：唔。

問：如果你講緊你見到會一條條，同埋呢啲，你睇唔睇到有咩嘢分別？

答：冇分別，但係冇咁長嘅，佢剪嚟。

問：冇咁長？

答：冇咁長嘅。

問：但係個樣係咪差唔多？

答：遠睇就係差唔多樣。

問：差唔多？

答：差唔多。

問：咁你哋見到佢話，喂，佢哋剪咗，擺住一條條上去個單位嗰度做嘞。
佢擺上去嗰陣時係點樣捧上去㗎，網住一網，定係就咁托住成堆剪咗
咁擺上去？

答：佢有個架生箱，擺晒喺個架生箱度嘅。

問：有個架生箱嘅？

答：係。

問：架生箱係幾大呀？

答：我諗一個膠桶--佢將個膠桶 cut 開一半嚟擺嘅，大概係咁。

問：哦，將個膠桶 cut 開一半？

答：係嘞，係嘞。

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問：咁呀跟住就即係...

答：揪住佢擺上去。

問：即係好似一個筲咁樣，...

答：係嘞，一個筲咁樣。

問：...咁佢就可以揪住咁擺上去？

答：係嘞，係嘞。

問：你呢度就咁講--即係你當時，以你嘅理解，擺得呢隻--即係工人擺得呢隻去做嘅，你嘅理解都係即係你哋講解嗰隻綠色...

答：係。

問：呢隻㗎喇，係咪？

答：（沒有可聽到的回答）

問：你嘅口供，跟住你就講嘞，呢啲咁嘅錫線一旦切咗之後就分辨唔到呀，分--你呢度就咁講嘅，冇原因去分辨到切開咗嗰啲係唔係就係一啲符合規格嘅錫線。即係你呢度咁講嘅。

答：係。

問：我想問下，你當時見到佢哋咁做嘅時候，你自己有懷疑過符唔符合規格呢？有冇懷疑過呀？

答：其實我有問過佢點解要剪出嚟用嘅，但係佢話佢--佢解釋就係話「因為搵住呢嚟嘢，如果我哋喺個天花度做喉呢，搵住呢嚟嘢會比較重，咁啲人會劫，因為有時比較長時間喺上面燒，所以佢就剪開一條條出嚟燒就方便啲，即係做嘢會方便啲做。」

問：你當時就問佢個原因，就係話「喂，唔知點解佢哋要切開一條條？」

答：係呀，係。

問：係咪？

答：嘎。

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問：「點解唔攞住呢個就咁用呢？」

答：係呀，因為佢喺架步剪個陣時，我話「做乜嘢要剪出嚟，點解唔一嚟攞去用？」

問：我想問下你當時除咗問佢呢樣嘢之外，你有冇諗過，「喂，佢哋攞住一條條啲，會唔會唔呢隻嚟㗎」？

答：冇諗過。

問：冇諗過？

答：冇諗過，係。

問：冇諗過。你有冇見過嚟嘅貨，即係物料，係呢啲一盒盒長嘅，長身嘅，就寫住「英國」--噏，你記清楚啲，吓，寫住「英國 50 力扁錫條」，有冇見過呢啲嘢？

答：冇。

問：肯定？

答：我喺架步就唔見過。

問：其他地方呢？

答：都有見過。

問：冇見過。但係我哋睇到啲單據，即係供應商送嚟你哋地盤啲單據，呢一隻錫條送咗好多嚟個啲，當時，...

答：因為...

問：...你從來冇睇過？

答：冇睇過。

問：冇睇過？

答：噏，因為我--我就負責畀佢入地盤嘅，寫咗入單紙；咁其他啲，佢落啲咩嘢貨，我都好少理，因為我太多嘢要兼顧，我唔會理佢...（聽不清）係咩嘢。

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問：明白。咁如果你而家睇番，有冇可能當時你睇住工人，你話剪出嚟一條條啲錫線，你以為係綠色啲個嘅；當佢擺呢個嘅時候，其實你係認唔到係第二隻嘅？

答：有可能。

問：你喺做呢一個紅磡邨嘅工程嘅時候，我聽你講咗就話即係啲講解都有講到，喂，用邊隻呀，錫線係用一卷卷嘅，有做過講解嘅。做呢個工程嘅時候，你知唔知其實係有含鉛同埋不含鉛嘅錫料㗎？

答：唔知。

問：你知唔知錫料有分錫條同埋錫線㗎？

答：唔知。

問：聽啲工人講，都有講過？

答：冇。

問：完全冇聽過「錫條」呢樣嘢？

答：冇。

問：肯定？

答：淨係知道有啲錫條好大支嘅，要煲嘅，啲隻就知。

問：即係好粗啲啲？

答：係嘞，係。

問：做食水喉，焊接銅喉，即係工人有冇曾經喺個現場同你提講錫條呢樣嘢？

答：冇，冇。

許偉強先生：冇其他問題。

主席：唔該。請問有冇人想問問題呢？

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講者（不能辨別）：冇。

主席：金日有冇人嚟呀，金日？

講者（不能辨別）：冇。

主席：冇呀呵？

講者（不能辨別）：嘎。

主席：好，唔該你，咁就畀完證供嚟嘞，可以離開嘞，...

答：嘎。

主席：...唔該晒。

下一位證人，唔該。

MR PENNICOTT: Mr Chairman, the next witness is Leung Man Wai, Patrick. We are now switching to the Kai Ching witnesses.

主席：Patrick Leung，係咪？

講者（不能辨別）：係嘞。

主席：Tab 幾呀，請問？Tab ...

MR PENNICOTT：（本地話）十...

許偉強先生：12。

主席：Tab 15（12?），唔該。

MR PENNICOTT：Page 77.

主席：Tab 幾話？

許偉強先生：Tab 12。

主席：12，唔該。

許偉強先生：F1，12。

主席：得。

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）的第四證人：梁文偉（中國建築高級屋宇裝備工程師（啟晴邨））以本地話宣誓作供

主席：請坐。

MR PENNICOTT 主問

問：Mr Leung, good morning. I am now going to read out your witness statement.

COMMISSION OF INQUIRY

WITNESS STATEMENT OF LEUNG MAN WAI PATRICK

I, Leung Man Wai Patrick, of 29/F, China Overseas Building, 139 Hennessy Road, Wan Chai, Hong Kong, will say as follows:-

A. Introduction

A.1. Background

1. I am the Senior Building Services Engineer ("**Senior BSE**") of China State Construction Engineering (Hong Kong) Limited ("**CSCE**") for the construction of Hong Kong Housing Authority's ("**HA**") public rental housing development at Kai Tak Site 1A Phases 1 and 2 (Contract No. 20090097), also known as Kai Ching Estate (the "**KCE**")

Project"). I have over 22 years of experience in building services engineering. I obtained a bachelor degree in Building Services Engineering from the City University of Hong Kong in 2003.

2. I have been working for CSCE since January 2005 and remained as the Senior BSE during the entire period of my involvement in the KCE Project from around August 2010 to July 2014.

3. As the Senior BSE in the KCE Project, I was responsible for leading a team of building services engineers and other site staff in charge of all building services aspects on site, including plumbing and drainage installations. I usually liaised with project managers of sub-contractors to ensure that the building services works were carried out in compliance with contractual requirements and specifications, and the progress of the works was satisfactory. At times, I also liaised with HA's Building Services Engineers ("**BSEs**"), Architects and government departments (but excluding the Water Supplies Department ("**WSD**")) in the KCE Project.

4. I was assisted by two BSEs and four Assistant Building Services Engineers ("**ABSEs**") in the KCE Project. In turn, I reported to the project manager and site agent/construction manager of the KCE Project.

A.2. Issues raised by the Commission in its solicitors' letter dated 16 October 2015

I understand from CSCE's solicitors that the Commission of Inquiry into Excess Lead in Drinking Water (the "**Commission**"), through its solicitors' letter dated 16 October 2015 (the "**Letter**") (**F1/11-14**), required CSCE to provide witness statement pertaining to the fresh water plumbing

system in two public rental housing estates constructed by CSCE (the "**Affected Estates**", including the KCE Project) on 13 specific issues.

5. I am duly authorised by CSCE and will provide my witness statement for the KCE Project on the Issues No. 3 and 5 to 12 in the Letter. I adopt the defined terms used in the Letter. I have read the witness statement of Michael Sung Tsang Hung dated 11 November 2015.

6. The KCE Project comprises the construction of six domestic blocks, one commercial centre and one car park. For the purposes of my witness statement, I focus only on the fresh water supply system of the six domestic blocks in the KCE Project.

7. When I refer to documents that the Commission has already received in this Inquiry, I will make references to the corresponding bundle and page number(s) as shown in the consolidated document index compiled by the Commission's solicitors. For example, a reference to "B1/1" means page 1 of Bundle B1.

B. **Issue 3: Explain and identify with reference to the tender documents, the Main Contract and Sub-Contracts the specific contractual terms and provisions pertaining to (a) the construction of the Affected Estates to ensure drinking water will be lead-free and safe and (b) prohibiting the use of pipes, fitting and soldering and other plumbing materials ("Plumbing Materials") from which lead may leach into drinking water ("Contractual Requirements")**

8. I joined the site team for the KCE Project in August 2010, after the Main Contract for the KCE Project (the "**Main Contract**") had already been awarded to CSCE. I was not involved in the tendering for the KCE

Project. However, having reviewed the tender documents for the KCE Project, there are no contractual terms and provisions in the tender documents pertaining to the Contractual Requirements (as defined in Issue 3).

9. Further, although there are certain contractual provisions in the Main Contract and the plumbing works sub-contract (the "**Sub-Contract**") entered into between CSCE and Ho Biu Kee Construction Engineering Company Limited ("**Ho Biu Kee**") governing works relating to the fresh water supply system, there are no contractual terms and provisions pertaining to the Contractual Requirements. I will elaborate on the provisions relating to drinking water and works relating to the fresh water supply system in the Main Contract and Sub-Contract in the KCE Project in the following paragraphs.

B.1. Ensuring drinking water will be lead-free and safe

10. The conditions of the Main Contract, namely, (i) the General Conditions of Contract and (ii) Special Conditions of Contract, do not contain any contractual terms and provisions pertaining to the Contractual Requirements.

11. The specifications for the works in the KCE Project are set out in (i) the Hong Kong Housing Authority Specification Library 2008 Edition (the "**SL**"), and (ii) the Project Specific Specification ("**PSS**"). The SL and the PSS are jointly referred below as the "**Specification**".

12. Worksections PLU1 (*Water Supply*) and PLU2 (*Sanitary Appliances*) of the Specification are relevant to the fresh water supply system in the KCE Project. When I

refer to the "fresh water supply system" in the remainder of my witness statement, unless otherwise specified, I refer to the part of the plumbing works system relating to fresh water supply in the KCE Project which Ho Biu Kee was required to construct under the Sub-Contract (the "**Plumbing Works**"), namely "*fresh and flush water pipework installations commencing from the government mains at the entry of the site boundary to individual sanitary fixtures, gas water heaters, electrical heaters, solar heaters and taps.*" (see PLU1.G010.P of the PSS (**B5.1/7920**)) Although the water pumps and the associated pipes and fitting within the pump room are also part of the fresh water supply system, the construction of the water pumps and the associated works were carried out by the Fire Services and Water Pump Installation nominated sub-contractor, Perfect Fire Protection Company. In my statement, I will not focus on the water pump installation because I understand that (i) the Commission is focussing on the fresh water plumbing works and (ii) Perfect Fire Protection Company is not one of the involved parties in this Inquiry.

13. Under PLU1.G020.5 of the SL (**B5.9/12920-12921**), water supply works were required to comply with all statutory regulations including, inter alia, (i) the Waterworks Ordinance ("**WO**") and its Regulations ("**WR**"), and (ii) Hong Kong Waterworks Standard Requirements for Plumbing Installations in Buildings ("**Standard Requirements**") and Circular Letters ("**Circular Letters**") issued by WSD, and where applicable, the relevant sections of appropriate British/European Standards on materials and workmanship. However, none of the provisions in the WO, WR, Standard Requirements and Circular Letters expressly required that drinking water should be lead-free. Further, my understanding is that as long as the fresh water supply system complies with the

provisions in the WO, WR, Standard Requirements, Circular Letters and the Specification, the drinking water supplied by such system should be safe.

14. There are no specific contractual terms or provisions in the Specification which stipulate that the drinking water should be lead-free and safe. However, I am aware that under PRE.B13 ("*HK-BEAM Requirements*") in the preliminaries section of the Specification, CSCE was required to prepare submissions, manual, commissioning plans, carry out site tests and measurements as required by the Main Contract for obtaining HK-BEAM accreditation. In particular, PRE.B13.060. P of the Specification (**Tab 1**) provides that:-

"WATER QUALITY SURVEY (HK-BEAM 5.1.1 – WATER QUALITY)

The Contractor shall carry out water quality survey and submit report to demonstrate that the quality of potable water meets the drinking water quality standards as defined in Guidelines for Drinking-water Quality, Vol. 1 prepared by World Health Organisation (WHO) at all points of use, as per HK-BEAM 5.1.1. The Contractor shall provide details on the systematic sampling, such as described in ISO 5667. The sampling points shall be taken as a minimum at all the furthest points of delivery from the storage tank used on the building."

PRE.B7.145.P provides (**Tab 2**) as follows:-

"HK-BEAM (version 4/04) is the standard applicable to this Contract. The BEAM gives recognition for enhanced environmental performances in the planning, design and construction of new development buildings. Certification to BEAM is undertaken by specialists at the Business Environment Council (BEC)."

15. In relation to complying with the above HK-BEAM requirement on water quality, I would like to say as follows:-

(i) I understand that CSCE's role under the Main Contract was to assist HA and its environmental consultant (URS Hong Kong Limited) to obtain HK-BEAM accreditation.

(ii) Following a series of discussions between CSCE, HA and HA's environmental consultant in April and May 2014, HA requested CSCE on 22 May 2014 to carry out water quality survey pursuant to PRE.B13.060.P of the Specification and HK-BEAM 5.1.1. A copy of the e-mail from HA to CSCE to appended in **(Tab 3)**. I remember that prior to HA's request on 22 May 2014, CSCE provided a satisfactory water sample report to HA on 17 March 2014 demonstrating that the water samples taken from the KCE Project were compliant with the criteria set out in WSD Circular Letter No. 2/2012 (*i.e.* turbidity, colour, pH at 25°C, free residual chlorine, conductivity at 25°C, total coliforms, *E. coli* and heterotrophic plate count) (which will be explained in paragraphs 96 and 97 below). However, for the purposes of assisting HA to obtain the "platinum" grade under the HK-BEAM accreditation for the KCE Project, CSCE was requested by HA on 22 May 2014 to carry out additional water sample tests.

(iii) On or about 22 May 2014, I verbally discussed with Ms. Cindy Chung of HA's environment consultant and Mr. HM Yeung (BSE/C2 of HD) in a meeting. Ms. Cindy Chung confirmed that the water sample report to be submitted for HK-BEAM

accreditation purposes should contain the following seven parameters: pH, colour, turbidity, conductivity, iron, e. coli and total coliform. These seven criteria are slightly different from those under WSD Circular Letter No. 2/2012, the latter exclude iron but include free residual chlorine and heterotrophic plate count. None of these seven criteria required the testing the water for lead or other heavy metals in drinking water.

(iv) Further, on or about 27 May 2014, I verbally confirmed with Mr. HM Yeung (BSE/C2 of HD) on the sampling locations, which were taken at the furthest points from the storage tank as shown on the contract drawings. During that discussion, I recorded the agreed sampling location for each of the six blocks on a WSD sample test result form (requiring the same seven parameters listed in (iii) above to be tested). (**Tab 3**) I understand that the sample test result form was published by the WSD as part of the application form for its *Fresh Water Plumbing Quality Maintenance Recognition Scheme* (which had been renamed *Quality Water Recognition Scheme for Buildings* since January 2008).

(v) Upon receiving such confirmation from Mr. Yeung, I told my colleague, Roger Leung (CSCE's Project Quantity Surveyor) the testing requirements and sample test result form.

(vi) In June 2014, CSCE commissioned an independent and accredited laboratory (*ETS- Testconsult Limited*) to carry out water sample tests taken from Blocks 1 to 6 of Kai Ching Estate against

the seven testing parameters (namely: pH, colour, turbidity, conductivity, iron, e. coli and total coliform). A copy of the water test results is appended in **(Tab 4)**. The laboratory remarked on the test reports that *"All testing parameters of the sample complied with Water Supply Department's Acceptable Limit."*

(vii) On 17 June 2014, CSCE submitted the above test reports to HA **(Tab 4)**. I was informed by my colleague that no further comments were received from HA subsequent to the submission of those test reports, nor did HA request CSCE to carry out further water sample tests.

(viii) Although I left the KCE Project in July 2014, I understand that the KCE Project was awarded a "Platinum" grade under the HK-BEAM accreditation system and a copy of the accreditation certificate was given to CSCE. A copy of the accreditation certificate dated 21 August 2014 is appended in **(Tab 5)**.

16. CSCE has therefore complied with HA's request to carry out water tests pursuant to PRE.B13.060 P of the Specification and HK-BEAM 5.1.1 in relation to the quality of drinking water.

B.2. Prohibiting the use of the Plumbing Materials from which lead may leach into drinking water

17. With reference to paragraph 13 above, there were no provisions in the WO, WR, Standard Requirements and Circular Letters expressly prohibiting the use of Plumbing Materials from which lead may leach into drinking water.

18. In fact, while the Specification required soldering

material to be of "lead-free category", it also required some other Plumbing Materials to comply with the relevant British Standards that allow lead in their chemical composition. To illustrate this point, I set out below a general description and major components (underlined below) of a section of the fresh water supply system in the domestic blocks in the KCE Project starting from the roof tank to each individual domestic unit-

(i) Fresh water leaves the roof tank through larger diameter (159mm) copper down pipes. These down pipes are joined by silver brazing joints, and cast iron gate valves are installed on these down pipes.

(ii) Down pipes branch off to each floor of the domestic buildings. The branch pipes on each floor are copper pipes with smaller diameters ($\leq 65\text{mm}$) but they are joined by soldering. There is a master bronze check valve installed on the branch pipe on each floor.

(iii) The branch copper pipes on each floor are further split into sub-branch pipes which eventually connect to individual domestic units. These sub-branch pipes are copper pipes joined by soldering. Each sub-branch pipe within the water meter room on each floor is installed with a bronze loose jumper check valve (which prevents water backflow) followed by a water meter.

(iv) The sub-branch copper pipes are connected to each individual unit. There is a master bronze check valve installed at the inlet of each individual domestic unit.

(v) From the inlet of the individual domestic unit, the sub-branch copper pipes are further split and connected to mixers, taps and other sanitary

fittings.

19. With reference to the major components in the fresh water system as identified and underlined above, I set out below their corresponding contractual requirements in the Specification.

Copper pipes

20. PLU1.M120.5 of the SL (**B5.9/12922**) and PLU1.M120.P of the PSS (**B5.1/7920**) set out the following requirements on copper pipes used in the KCE Project:-

(i) Be of seamless drawn copper tubes manufactured to BS EN 1057:1996 with nominal wall thickness set out in the table in PLU1.M120.5(1).

(ii) Take into account temper conditions after solder/brazed jointing or heat bending in determining their pressure withstanding capability.

(iii) Provide pipe markings in accordance with tube manufacturing standard BS EN 1057:1996.

(iv) Copper pipe for hot water supply (internally and externally) and externally fixed cold water pipe shall be completed with factory applied castellated polyethylene sheath.

21. BS EN 1057:1996, which is titled "*Copper and copper alloys – seamless, round copper tubes for water and gas in sanitary and heating applications*", does not expressly prohibit the use of materials from which lead may leach into drinking water.

Copper and copper alloy fittings

22. Under PLU1.M130.5 of the SL (**B5.9/12923**), copper and

copper alloy fittings such as end feed capillary, integral solder capillary and compression type bushes, reducers, bends and tees shall, amongst other requirements:-

(i) Comply with BS EN 1254 Parts 1, 2, 4&5: 1998 or equivalent standard.

(ii) Be approved by the Office of the Water Authority for the intended application. Type test certificates/reports issued by laboratories that comply with PRE.B9.570 shall be submitted for the verification of compliance with relevant parts of BS EN 1254 or equivalent standard.

23. BS EN 1254 Part 1:1998 is titled "Copper and copper alloys - Plumbing fittings - Part 1: Fitting with ends for capillary soldering or capillary brazing to copper tubes."

Table 6 of BS EN 1254 Part 1 (**C19.1/10310**) sets out the maximum temperature and pressure of joints assembled with soldering or brazing alloy, and contains a footnote stating that: "*Soldering alloys with lead and brazing alloys with cadmium are not permitted in installations for water for human consumption.*"

24. Apart from the footnote mentioned in paragraph 23 above, the remaining parts of BS EN 1254 does not expressly prohibit the use of materials from which lead may leach into drinking water.

Brazing alloys for copper and copper alloy capillary fittings

25. Under PLU1.M150.5 of the SL (**B5.9/12924**), as regards brazing alloys for copper and copper alloy capillary fittings:-

- (i) Shall comply with BS EN 1254:Part1:1998, Table 6 Section VI with 2% nominal silver content.
- (ii) Shall use cadmium-free category brazing alloy.
- (iii) Flux shall not be used when brazing copper-to-copper joints.
- (iv) For joints other than copper to copper, use only a flux that is recommended by the brazing alloy manufacturer.
26. I repeat paragraphs 23 and 24 above in relation to BS EN 1254:1998.
- Soldering alloys for copper and copper alloy capillary fittings
27. Under PLU1.M160.5 of the SL (**B5.9/12925**), as regards soldering alloys for copper and copper alloy capillary fittings:-
- (i) Shall comply with BS EN 1254:Part1 :1998, Table 6 Sections II & III.
- (ii) Use of integral solder fittings was permitted provided they comply with BS EN 1254:Part 1:1998.
- (iii) Shall use only lead-free category solders.
- (iv) Shall use a non-corrosive type of flux that was recommended by the solder alloy manufacturer.
28. I repeat paragraphs 23 and 24 above in relation to BS EN 1254:1998. Although this Specification requires soldering alloy to be of "lead-free" category, after the incident arose, I became aware that "lead-free" category means that limited lead content in soldering material is permissible under the relevant prevailing British Standard (BS EN ISO 9453:2006

(C19.1/10476-10497)).

Bronze check valve / Bronze loose jumper check valve

29. Under PLU1.M610.5 of the SL (B5.9/12929-12930), copper alloy gate valves shall, amongst other requirements, comply with BS 5154:1991. BS 5154:1991 requires that the material for the body, bonnet, cover and disc of the valves shall, if it was made of leaded gunmetal, comply with BS EN 1400 LG2.

30. Further, under PLU1.M620.5 of the SL (B5.9/12930), valves for fresh and fire services with nominal sizes up to and including 65 mm shall be constructed to the following minimum standards:-

(i) Body, bonnet and disc: bronze to BS 1400 LG2 or BS EN 1982 CuSn5Zn5Pb5.

(ii) Stem: brass to high tensile brass or leaded brass to BS 2874 or BS EN 12163.

31. Under Table 5 in BS1400:1985 ("*Chemical composition of Group A castings*"), LG2 is a type of "leaded gunmetal" with a minimum and maximum lead content of 4.0% and 6.0% in its chemical composition respectively (Tab 6).

32. The requirement of the presence of lead in bronze check valves / bronze loose jumper check valves under the Specification and the relevant British Standards has also been pointed out by the Task Force on Excessive Lead in Drinking Water led by WSD (the "**Task Force**") in its preliminary report dated 25 September 2015 (see slide 28 in C5/4183). (and see also Annex 3.2 of the Final Report of the Task Force (A1/779-781))

33. From the above, one can observe that:-

(i) The Specification limits the lead content in

soldering material (see paragraphs 23 and 27 above); but

(ii) The Specification also requires that some components of the fresh water supply system, such as bronze check valves and bronze loose jumper check valves, comply with relevant British Standards that stipulate lead in their chemical compositions.

34. In my illustration above, I have only selected the section of the fresh water supply system in the domestic blocks in the KCE Project starting from the roof tank to each individual domestic unit. There are other components in or relating to the fresh water supply system which the Specifications and the relevant British Standards permit lead to be present in those materials, including mixers and taps.

35. Whether any such Plumbing Materials containing lead would cause lead to leach into drinking water is a matter of expert opinion which I cannot comment. However, there are no specific contractual terms or provisions in the Main Contract pertaining to the prohibition of the use of Plumbing Materials from which lead may leach into drinking water. Indeed, the Specification specifically requires that some Plumbing Materials (e.g. bronze valves and taps) are used in the fresh water supply system and which contain lead.

B.3. Sub-contract

36. According to paragraph 11 of the Preambles to the Bills of Quantities of the Sub-Contract (報價說明) (Part 3 of the Sub-Contract) (B5.7/11870), Ho Biu Kee was required to provide labour and material for the Plumbing Works (包工及包材料). However, it should be noted that CSCE was responsible for procuring sanitary ware comprising

mixers and taps (see paragraph 67 below) for installation by Ho Biu Kee in the KCE Project.

37. Clause 3(2) of the General Conditions of Sub-Contract stipulates that the Ho Biu Kee was obliged to comply with the conditions of the Main Contract, including HA's requirements and Specifications. I am also not aware of any contractual terms or provisions pertaining to the Contractual Requirement in the Sub-Contract.

C. Issue 5: Explain and identify the prevailing Contractual Requirements and statutory and non-statutory requirements pertaining to the approval of Plumbing Materials by the HA

C.1. Contractual requirements

38. As explained in paragraph 9 above, there are no contractual terms and provisions pertaining to the Contractual Requirements (as defined in Issue 3) in the Main Contract and Sub-Contract. In answering Issue 5 (and other subsequent Issues identified by the Commission), I refer to the contractual requirements under the Main Contract and Sub-Contract (where applicable) generally.

39. PRE.B9.01 O.P of the Specification (**B5.1/7897**) provides that *"material and workmanship generally to be consistent with good piling and building practice in Hong Kong and to comply with this Specification and with the relevant BS or GP, except when specified otherwise, and/or Approved."*

40. PRE.B9.410.P of the Specification (**B5.1/7903**) sets out the general requirements on the submission of samples of materials:-

"Submit samples of materials as requested by the [Contract Manager] and do not confirm orders until

Approval has been obtained. Keep Approved samples at the place agreed by the [Contract Manager] 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."

41. Under PLU1.M110.5 of the SL (**B5.9/12922**), all pipes and fittings shall, amongst other requirements, (i) conform to the Specification (alternative materials may be used if approved by the Contract Manager), and (ii) be approved by the Office of the Water Authority for the intended application. Type test reports/certificates issued by laboratories that comply with PRE.B9.570 (**B5.1/7909**) shall be submitted for verification of compliance with the Specification. In practice, the compliance of any Plumbing Material with these requirements was demonstrated by submission of the relevant test certificates, records and WSD acceptance letters which I will elaborate in paragraph 44 below.

42. Where Plumbing Materials were supplied by Ho Biu Kee, prior to using any such materials on site, Ho Biu Kee was required to submit samples of certain materials to CSCE within the requested time period for approval by CSCE's engineer (Clause 18(1) of the General Conditions of Sub-Contract) (**B5.7/11869**)

43. In terms of pipes and fittings for the fresh water supply system, the Main Contract does not stipulate the specific kinds of Plumbing Materials which HA required samples to be submitted and HA's approval to be obtained prior to their use on site. Since Ho Biu Kee was required under the Sub-Contract to provide labour and most of the materials in the Plumbing Works, it was also responsible for identifying the

specific types of Plumbing Materials (which it was responsible for providing in the KCE Project) for which CSCE needed to submit sample to the HA for approval. From what I understand, Ho Biu Kee would review the relevant sections of the Main Contract (e.g. the Specification, bills of quantities and contract drawings relating to the Plumbing Works) and prepare a list of Plumbing Materials which it intended to provide in the KCE Project. A copy of the list of Plumbing Materials prepared by Ho Biu Kee and provided to CSCE is enclosed in (**Tab 7**). Ho Biu Kee set out in this list of Plumbing Materials the types and brands of materials which they intended to use in the KCE Project and would supply information and samples to CSCE for HA's approval.

44. As regards Plumbing Materials procured by Ho Biu Kee, the general procedures for approving each type of Plumbing Material by HA in the KCE Project followed HA's internal practices and were as follows:-

(i) Based on the list of Plumbing Materials provided by Ho Biu Kee, Ho Biu Kee would provide information, including technical information, product catalogue, test certificates and samples etc. in relation to each Plumbing Material to CSCE's BSE by hand.

(ii) Upon receiving the Material information from Ho Biu Kee, CSCE's BSE would review such information provided by Ho Biu Kee and ensure, amongst other things, that the relevant Plumbing Material complied with all requirements set out in the Specification and the relevant British Standards (if any) based on the information provided by Ho Biu Kee. In case of pipes and

fittings, we would also check to ensure that such Materials were listed on the directory of the WSD on WSD's website. My understanding is that as long as the Material is on WSD's directory (i.e. there is a corresponding approval letter for its use), that material complies with the statutory requirements under WO and WR.

(iii) When CSCE's BSE had checked and was satisfied with the Material information and samples submitted by Ho Biu Kee, CSCE's BSE would prepare formal sample submission to HA using HA's "Sample Submission and Approval Form" (DCMP-F716) (**B3.1/1608-1609**) and pass the completed Form DCMP-F716 to CSCE's Architectural Quality Control Coordinator ("**AQCC**") (Mr. Y B. Law at the relevant time) for further checking, endorsement and submission to HA's Clerk of Works ("**CoW**").

(iv) Following the review by HA's CoW, the Form DCMP-F716 would be forwarded by HA's CoW to HA's BSE / Project Architect for final approval. HA would then return the approved Form DCMP-F716 to CSCE once its BSE had indicated that he had no objection to the materials sample and information submitted.

45. If the Plumbing Materials were directly procured by CSCE, CSCE would still follow the above procedures in providing samples and Materials submissions to HA for approval, except that the Material information was compiled by CSCE's procuring department.

46. By way of illustration of the approval process with reference to the materials submitted to the HA for approval, I would like to mention the following Plumbing

Materials, which are either (i) the soldering material or (ii) materials which the Task Force stated in its preliminary report that excess lead content was found:-

(i) "Ansporn" C.P. brass single lever basin mixer with waster (**B5.6/10679 – 10753**) (see also Annex 3.2 of the Final Report of the Task Force (**A1/779-781**));

(ii) "FRY" 99C lead free solder wire and powerflux (**B5.6/10927 – 10960**); and

(iii) "Victory" brand gunmetal (BS1400 LG2) gate valves and stop valves loose jumper (**B5.6/11072 – 11177**) (see also Annex 3.2 of the Final Report of the Task Force (**A1/779-781**)).

"Ansporn" C.P. brass single lever basin mixer with waster

47. On 30 May 2011, CSCE's AQCC submitted to HA a Form DCMP-F716 for "Ansporn" chromium plated brass monoblock basin mixer with pop-up waste and flexible supply pipes (model: A6102.00) (**B5.6/10707**) (Ref: KT1A/BLK/PLU/011). The said Form enclosed, amongst other things, a letter from WSD to Tin Fat Plastic (International) Limited (the supplier) stating that this type of chromium plated brass level basin mixer did not contravene the WO and WR (**B5.6/10743-10744**). My understanding is that this approval letter from WSD represents WSD's satisfaction that the material complies with the relevant British Standards under the WR and the inclusion of that material in WSD's directory.

48. On 24 August 2011, CSCE submitted a supplemental Form DCMP-F716 (Ref: KT1A/BLK/PLU/011 a) providing additional performance test results on the said basin mixers (**B5.6/10697-10698**). On the basis of the

original and supplemental Forms DCMP-F716, HA gave its approval on 7 September 2011.

"FRY" 99C lead free solder wire and powerflux

49. On 5 September 2011, CSCE's AQCC submitted to HA a Form DCMP-F716 for "FRY" 99C lead free solder wire and "FRY" Powerflux **(B5.6/10927)** (Ref: KT1A/BLK/PLU/030). The said Form enclosed, amongst other things, the following information which was provided by Ho Biu Kee:-

(i) A catalogue from Cookson Electronics (manufacturer of the FRY 99C lead free solder wire) stating that (a) the FRY 99C lead free solder wire was manufactured to the requirements of BS EN 29453 and fulfilled the health and safety requirements for drinking water installation, and (b) composition of FRY 99C lead free solder wire complied with Soldering Type III stipulated in Table 6 of BS EN 1254-1: 1998 **(B5.6/10936)**.

(ii) A test report issued by Nutek Systems Ltd on FRY 99C lead free solder wire issued on 15 June 2007 **(B5.6/10939)**. The first page of the test report stated that the solder wire contained 0% of lead, and the test result "*complies with Soldering type III stipulated in Table 6 of BSEN 1254-1:1998; the result also shows that the sample is lead free.*"

(iii) Photographs of the solder wire and powerflux provided by Ho Biu Kee and submitted to HA **(B5.6/10960)**. The reel of solder wire was affixed with a green label stating that it was "lead free".

50. CSCE's BSE and AQCC were satisfied that the above information on and samples of soldering material provided by Ho Biu Kee complied the contractual

requirements under the Specification (see paragraph 27 above).

51. On 30 September 2011, HA's BSE approved the Form DCMP-F716 for the "FRY" 99C lead free solder wire and powerflux (**B5.6/10928**).

"Victory" brand gunmetal (BS1400 LG2) gate valves and stop valves loose jumper

52. On 3 February 2012, CSCE's AQCC submitted to HA a Form DCMP-F716 for (a) "Victory" brand gunmetal (BS1400LG2) gate valves of various sizes and (b) "Victory" brand gunmetal (BS1400LG2) stop valves loose jumpers of various sizes (**B5.6/11072**) (Ref: KT1A/BLK/PLU/023). The said Form enclosed, amongst other things, the following information which was provided by Ho Biu Kee:-

(i) A catalogue from Victory stating that the body, disc and bonnet of the gunmetal gate valve was made with material compliant with BS 1400: LG2 (gunmetal) (**B5.6/11136**).

(ii) A catalogue from Victory stating that the body and bonnet of the gunmetal stop valve loose jumper were made with material compliant with BS 1400: LG2 (gunmetal) (**B5.6/11138**).

(iii) Inspection reports from Sandbrook Ltd (the supplier of these valves) stating that the gate valves and stop valves loose jumpers were tested to contain material "LG2" (**B5.6/11139 - 11147**), and I understand that to mean "LG2 gunmetal".

(iv) A letter from WSD to Sandbrook Trading Co. Ltd stating that the "Victory" gunmetal gate valve did not contravene the WO and WR (**B5.6/11151 - 11152**).

(v) A letter from WSD to Sandbrook Trading Co. Ltd stating that the "Victory" gunmetal stop valve (loose jumper type) did not contravene the WO and WR (B5.6/11153 - 11154).

(vi) A number of test reports issued by Nutek Systems Ltd for different sized "Victory" gunmetal gate valves and stop valves (B5.6/11155-11174).

These reports show that the lead (Pb) content of the body, bonnet and disc was below 6%, and conclude that the chemical composition of these components are satisfactory.

53. CSCE's BSE and AQCC checked that the above information on and samples of the "Victory" gunmetal gate valves and stop valves provided by Ho Biu Kee complied with the contractual requirements under the Specification (see paragraph 30 above).

54. On 29 February 2012, HA's BSE approved the Form DCMP-F716 for the "Victory" gunmetal gate valves and stop valves (B5.6/11073).

C.2. Statutory requirements

55. There were no statutory requirements pertaining to the approval of Plumbing Material by HA.

C.3. Non-statutory requirements

56. Except those requirements specifically set out in the Main Contract (see Section C.1), there were not any non-statutory requirement pertaining to the approval of Plumbing Material by HA.

D. Issue 6: Explain and identify the types of Plumbing Materials submitted to the HA for

approval

57. In response to Issue 6, I append in **Tab 8** of my witness statement a list of Plumbing Materials in the fresh water supply system and which were submitted to HA for approval in the KCE Project.

58. I note that the HA has provided to the Commission the approved Forms DCMP-F716 and supporting documents for a number of Plumbing Materials in **B5.6/10651 to 11393**. These approved Forms DCMP-F716 do not cover all Plumbing Materials listed **Tab 8**. I now attach in **Tab 9** the remaining relevant Forms DCMP-F716.

E. Issue 7: 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 Affected Estates. If it is a matter of costs, please state the difference in costs

59. PLU1.M130.5(7) of the Specification (**B5.9/12923-12924**) provides that:-

"Unless otherwise specified or shown on the Drawings, use the following types of joints and fittings:

Application	Copper Pipe Size	Joint/Fitting
a. Up-feed to storage tank (where the working pressure is more than 10 bar and less	Up to and including 76.1mm	Brazed, end feed or integral solder capillary joints; Flanged joints

<p>than or equal to 16 bar)</p>		<p>where future disconnection is required.</p>
<p>b. Up-feed to storage tank (where the working pressure is less than or equal to 10 bar)</p>	<p>Up to and including 159mm</p>	<p>Brazed capillary joints up to and including 159mm, or end feed or integral solder capillary joints up to and including 108mm;</p> <p>Flanged joints where future disconnection is required.</p>
<p>c. Storage tank down-feed (where the maximum static pressure is less than or equal to 10bar)</p>	<p>Up to and including 159mm</p>	<p>Brazed capillary joints up to and including 159mm, or end feed or integral solder capillary joints up to and including 108mm;</p> <p>Flanged joints where future disconnection is required.</p>
<p>d. Storage tank down-feed (where the maximum static pressure is more than 10</p>	<p>Up to and including 76.1mm</p>	<p>Brazed, end feed or integral solder capillary joints;</p> <p>Flanged joints where future disconnection is required.</p>

bar and less than or equal to 16bar)		
e. Mains pressure direct up-feed	Up to and including 76.1mm	Brazed, end feed or integral solder capillary joints; Flanged joints where future disconnection is required.
f. Meter assembly branch and pipework	Up to and including 54mm	Brazed, end feed or integral solder capillary joints; Compression or screw joint fittings for connection to valves etc.
g. Meter outlet and consumer piping	Up to and including 32mm	Brazed, end feed or integral solder capillary joints; Compression or screw joint fittings for connection to valves etc or if capillary jointing is not practical.
h. Consumer hot water piping	15mm / 22mm	Brazed, end feed or integral solder capillary joints; Compression fittings for connection to valves, etc. or if

		capillary jointing is not practical.
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60. In other words, the Specification sets out specific requirements on the type of jointing in different parts of the fresh water supply system and which CSCE had to follow accordingly. Compression or screw joint fittings are specifically used on valves connections to water meter and in consumer piping, other than which brazing, end feed or integral solder joints are required to be used. In other words, CSCE (and its sub-contractor) was required to comply with the Specification as set out above and provided the mechanical compression joints and brazing, end feed or integral solder joints accordingly. It follows from the above that there was no question of cost involved.

61. Further, the choice between the use of (i) brazing alloy or (ii) end feed or integral solder depends on the size of the copper pipes required to be joined. Brazing alloy is usually used in larger diameter copper pipes (e.g. 159mm copper pipes) and end feed or integral solder is usually used in smaller diameter copper pipes (e.g. 76.1mm or smaller). As smaller diameter copper pipes are commonly used in branch and sub-branch pipes in the fresh water supply system in the KCE Project, I believe this is the reason why soldering joints are extensively used in the KCE Project.

F. Issue 8: From the preliminary findings of the WSD Task Force published on 25 September 2015, Plumbing Materials (including valves and taps) were used which deviated from the list of Plumbing Materials submitted to the WSD ("Deviated Plumbing Materials"). Please explain and identify the Deviated Plumbing Materials and also, to the best of CSCE's

knowledge, why the Deviated Plumbing Materials were allowed to be used without being spotted during the supervisory and monitoring processes. This request is confined to Deviated Plumbing Materials which have now been found to contain lead or from which lead has leached into water

62. In slide 28 of the its preliminary report dated 25 September 2015 (C5/4183) (and see Annex 3.2 of the Task Force Final Report (A1/779-781), the Task Force identified (i) a number of "Victory" brand copper alloy gate valves / stopcock and (ii) a "Daimler" brand copper alloy tap at washing machine, both of which are installed in the KCE Project but are said to be not of the same brand as those submitted to the Water Authority ("WA"). I understand that the Task Force was referring to the list of "*Pipes and Fittings Installed / Intended to be Installed*" which was annexed to Part I of Form WWO46 submitted by the Licensed Plumber (and countersigned by HA) to WSD. In this regard, I would like to make the following remarks:-

(i) Generally, before construction of any fresh water supply system commences, the LPs have to submit a Form WWO46 to the WA. Form WWO46 is applicable to premises supplied or to be supplied with water from the Waterworks. Form WWO46 contains Parts I to V which have to be endorsed by the relevant party / parties at different stages of the Plumbing Works that require water supply at different dates.

(ii) Form WWO46 also contains an 'Annex' ("**Annex**"), which is titled "*Pipes and Fittings Installed / Intended to be Installed*". All pipes used or intended to be used are required to be listed in

the Annex. The LP must complete the Annex, which refers to the *"Description of Pipes and Fittings"*, and their *"Size"*, *"Manufacturer"*, *"Country of Origin"*, *"Standards of Compliance"* (i.e. the relevant British standard applicable to the material), and details to be filled in by the WA, such as the relevant date for which the sample was received, tested, and returned.

(iii) The Notes to the Annex also provide that for fittings, only draw-off taps, stop valves, gate valves, ball valves and combination fittings need to be reported to the WA. According to the Notes, a directory of pipes and fittings approved by the WA can be found in the WSD website. The Annex sets out the relevant British Standards which are applicable to the relevant pipes and fittings, including copper tubes, ductile iron pipes, galvanised steel tubes (metallic components), grey iron pipes, polyethylene pipes and fittings, stainless steel tubes, copper alloy gate valves, mixing valves etc. However, the Annex makes no reference to either soldering materials or the British Standard applicable to them.

(iv) I understand that, as a matter of trade practice, it is common that the plumbing materials eventually used on site may be different from those listed in the Annex first submitted to the WSD in Part I of Form WWO46. However, the responsibility of preparing and updating the Annex rests with the licensed plumber, who is responsible for liaising with WSD on the approval, construction, inspection and certification of the fresh water supply system under the WO. I am also aware that under WSD Circular Letter No. 1/2004, the licensed plumber can make minor alternations to Form WWO46 before the WA

conducts inspection.

63. Form WWO46 for the fresh and flushing water supply system in the domestic blocks in the KCE Project was prepared, endorsed and approved as follows:-

(i) On 18 February 2011, the WSD issued a memorandum No. 7356626784 of 7356687935 ("**WSD Memorandum**") to HA approving the fresh and flushing water supply system at Phases 1 and 2 of the KCE Project (**C7.1/4736-4744**).

(ii) HA forwarded the WSD Memorandum to CSCE. On 8 March 2011, CSCE issued a memorandum to Ho Biu Kee enclosing the WSD Memorandum and requested Ho Biu Kee to complete and return the signed Part I of Form WWO46 to CSCE (**Tab 10**).

(iii) On 28 March 2011, Lam Tak Sum ("**Lam**", the licensed plumber from Ho Biu Kee) made an application to commence, inter alia, works relating to fresh and flushing water supply by endorsing Part I of Form WWO46 (**Tab 11**). The Annex, which was filled in by Lam, was attached to Part I of Form WWO46. The Annex, which was a two page document, included a schedule of "*pipes and fittings installed/intended to be installed*" which described the details of the pipes and fittings, but it did not refer to any soldering materials.

(iv) By CSCE's letter dated 29 March 2011 to HA (**Tab 11**), CSCE forwarded Part I of Form WWO46 for fresh and flush water supply together with the Annex and sought the endorsement of HA's AP for Part I and HA's Housing Management ("**HM**") for Part II of Form WWO46.

(v) By HA's letter dated 7 April 2011 to CSCE (**Tab 12**),

HA returned Parts I and II of Form WWO46 for fresh and flushing water supply which were duly endorsed by HA's AP and HM on 29 March 2011 and 1 April 2011 respectively. CSCE forwarded the same to Ho Biu Kee via CSCE's memo dated 12 April 2011 (**Tab 12**). I understand that Ho Biu Kee subsequently submitted the same to the WSD.

(vi) On 9 May 2011, WSD issued Part III of Form WWO46 for fresh and flushing water supply duly endorsed by the WA to Lam, accepting the fresh and flushing water supply system detailed in Part I of Form WWO46 and the Annex and granting approval for the commencement of the fresh water supply system detailed in Part I of Form WWO46 and the Annex. Ho Biu Kee forwarded the same on 9 May 2011 to CSCE (**Tab 13**), who forwarded the same to HA via CSCE's letter dated 11 May 2011 (**Tab 14**).

(vii) Based on WSD's duly endorsed Part III of Form WWO46, Ho Biu Kee commenced the works on the fresh and flushing water supply system for KCE Project on site.

(viii) Upon the completion of the installation of the water meters and the water connection in or around late February 2013 or early March 2013, Lam signed Part IV of Form WWO46 for, inter alia, fresh and flushing water supply for Blocks 1 to 6 on 3 March 2013 and submitted the same to CSCE, who forwarded it to HA for its and its AP's respective endorsement.

(ix) Part IV of Form WWO46 as submitted by Lam to CSCE did not contain any Annex to it. As explained in paragraph 62(iv) above, it was the LP's responsibility to prepare and update the Annex

and supply the same to WSD prior to the submission of Part IV of Form WWO46.

(x) After HA and its AP both had endorsed Part IV of Form WWO46 for fresh and flushing water supply for Blocks 1 to 6 on 4 March 2013, CSCE forwarded the endorsed Part IV of Form WWO46 for fresh and flushing water supply to Ho Biu Kee, who submitted the same to WSD and informed WSD that the fresh and flushing water systems in the domestic blocks were completed in compliance with WSD's requirements. By CSCE's letter dated 8 March 2013 (**Tab 15**) to HA, CSCE forwarded the duly endorsed Part IV of Form WWO46 for fresh and flushing water supply for Blocks 1 to 6 to HA for their record.

(xi) Upon receipt of the duly endorsed Part IV of Form WWO46 from CSCE, Lam liaised with WSD to arrange for the joint inspection of the fresh water supply system of the KCE Project. The said joint inspection at the site was attended by WSD and Lam and witnessed by CSCE on 20 March 2013 (as recorded in Part V of Form WWO46). The joint inspection included the checking of the latest drawings, and the checking of the alignment of the pipes and materials. CSCE does not have any record of what pipes and materials were inspected on 20 March 2013. No adverse comments were received from WSD in relation to the joint inspection by the WSD and Lam.

(xii) On 27 March 2013, WSD confirmed that they found no irregularities and approved the completion of the fresh and flushing water supply at Blocks 1 to 6 of the KCE Project under the WO and WR,

and endorsed Part V of Form WWO46 which was issued to Ho Biu Kee. Ho Biu Kee transmitted the endorsed Part V of Form WWO46 to CSCE, who then forwarded the same to HA via CSCE's letter dated 12 April 2013 (**Tab 16**).

MR PENNICOTT: Mr Chairman, coffee, please.

主席: Okay. Let's take a break.

上午 11 時 33 分聆訊押後

上午 11 時 55 分恢復聆訊

出席人士如前。

MR PENNICOTT: Mr Chairman and Mr Leung, we have reached paragraph 64.

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)的第四證人:梁文偉(中國建築高級屋宇裝備工程師(啟晴邨))宣誓繼續作供

MR PENNICOTT 繼續主問

64. Issue 8 requires CSCE to explain and identify the Deviated Plumbing Materials, which are confined to those *"which have now been found to contain lead or from which lead has leached into water"*. In response to this request, I would say as follows:-

- (i) Upon HA's requests on 4 and 23 September 2015, CSCE provided HA on 25 September 2015 a table which sets out the brands of each type of pipes

and fittings as (a) stated in the Annex and (ii) installed on site in the KCE Project (B5.10/12975.446-449).

(ii) I notice that the Commission's present request is confined to those materials which *"have now been found to contain lead or from which lead has leached into water"*. In this regard, the Task Force preliminary report (see also Annex 3.2 of the Task Force Final Report in (A1/779-781) identifies the following types of material which contain lead and are different from those listed in the Annex:-

- (a) "Victory" brand 65mm gate valve;
- (b) "Victory" brand 35mm gate valve;
- (c) "Victory" brand 20mm gate valve;
- (d) "Victory" brand 20mm stopcock; and
- (e) "Daimler" brand washing machine tap.

(iii) As CSCE has reiterated in its letter to HA on 25 September 2015, CSCE has made submissions to and obtained approval from HA for the pipes and fittings installed in the KCE Project, including the five types of materials identified above.

(iv) CSCE does not know why the LP did not provide an updated Annex to WSD. From CSCE's perspective, CSCE had been proceeding on the understanding that only those Plumbing Materials submitted to and approved by HA were to be used in the fresh water supply system in the KCE Project. On 12 September 2015, CSCE requested Ho Biu Kee to explain the discrepancies between the materials listed in the Annex and those actually used on site (Tab 17, which was incorrectly dated as 12 September 2010). In its reply letter to CSCE dated 29 September 2015

(**Tab 18**), Ho Biu Kee stated that “在驗水時作出物料更改, 以便符合驗水要求, 但未能對房屋署提出有關更改之事宜。” (English literal translation: *"materials were changed at the time of water testing in order to comply with the test requirements, but the relevant amendments could not be raised with the Housing Authority"*).

(v) As I have explained in paragraph 33 above, the Specification and the relevant British Standards stipulate the use of certain components, such as bronze valves, which contain certain amount of lead. Whether those components containing lead would cause lead to leach into drinking water is a matter of expert opinion.

65. I should also mention that the Annex which CSCE received from Lam was a two page document (see paragraph 63(iii) above). However, CSCE was informed by HA on 4 September 2015 that the Annex kept by WSD was a three-page document (with an additional "page 3 of 3") (**C7.1/4755**, which was also attached to CSCE's memo in **Tab 17**). There are also discrepancies between the Annexes kept by WSD and HA I do not know why there was a third page to the Annex and who submitted this third page to WSD and when, nor can I explain the other discrepancies.

G. Issue 9: Identify the persons, companies and entities responsible for the procurement of Plumbing Materials. If such materials were procured by CSCE's sub-contractors or any other persons or entities other than CSCE, explain the measures, supervisory, monitoring and quality control system in place by CSCE 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**G.1. Persons, companies and entities responsible for the procurement of the Plumbing Materials**

66. As explained in paragraph 36 above, Ho Biu Kee was required under the Sub-Contract to provide labour and material for the Plumbing Works, with the exception of sanitary wares which were to be procured by CSCE.

67. Under the Sub-Contract Particular Specification on Plumbing Works (Version A, 3/2006) (水喉工程章程) (the "SPS") (Part 12 of the Sub-Contract) (**Tab 19**):-

(i) Except those materials which were stated to be supplied by CSCE, Ho Biu Kee should be responsible for all materials for the Plumbing Works (Paragraph 1 of the SPS); and

(ii) Ho Biu Kee shall be responsible for providing the material and installation for all Plumbing Works, except specified sanitary ware (Paragraph 4 of the SPS).

68. Hence, all Plumbing Materials identified in Issue 6 above were procured by Ho Biu Kee, with the exception of the following taps and mixers which were procured directly by CSCE:-

Description	Size	Brand
1.Brass Bib Tap	15 mm	Daimler
2.Shower Mixer	15 mm	Ansporn
3.Basin Mixer	20 mm	Ansporn
4.Sink Mixer	20 mm	Ansporn

69. As to the persons in Ho Biu Kee who were responsible for the procurement of the Plumbing Materials (except

the taps and mixers which were directly procured by CSCE), I have asked my colleagues in the KCE Project and to the best of CSCE's knowledge, Ho Biu Kee's site supervisors would provide details of the Plumbing Materials to be procured to Ho Biu Kee's employees in its purchasing department (i.e. 鄭麗施, 石亦雪, 趙惠娟, 陳惠玲, 黃慧萍).

70. As to the taps and mixers which were directly procured by CSCE, I understand from my colleagues that Ms. Hilda Wong of CSCE's procuring department was responsible for purchasing those items in the KCE Project.

G.2. Measures, supervisory, monitoring and quality control system in place by CSCE in ensuring that the Plumbing Materials are lead-free

71. As I have explained in Section B.2 above in response to Issue 3, there are no contractual terms or provisions requiring the Plumbing Materials to be "lead-free", except the Specification requires that the soldering material shall be under "lead-free category" (which permits a small degree of lead). Further, before samples and Material submissions were made to HA, CSCE ensured that those Plumbing Materials to be used in the KCE Project complied with the relevant Specifications, British Standards and/or on the approved directory of the WSD.

G.3. Measures, supervisory, monitoring and quality control system in place by CSCE in ensuring that the Plumbing Materials comply with the Contractual Requirements, statutory and non-statutory requirements

72. I repeat my statement in response to Issue 5 above, in particular Section C.1. Before samples and Material

submissions were made to HA, CSCE ensure that those Plumbing Materials to be used in the KCE Project complied with the relevant contractual and statutory requirements. There was no reason for CSCE to query that the Plumbing Materials eventually supplied to the KCE Project would depart from the samples and Material submissions supplied to the HA.

G.4. Measures, supervisory, monitoring and quality control system in place by CSCE in ensuring that drinking water will be lead-free and safe

73. As I have explained in Section B.1 above in response to Issue 3, there are no contractual terms and provisions pertaining to any requirement that the drinking water has to be lead-free and safe. Further, CSCE has complied with all contractual requirements under the Main Contract relating to the testing on the quality of drinking water.

74. I wish to point out that CSCE as a main contractor contracted to carry out the construction works in accordance with the terms of the Main Contract with the HA. If the terms of the Main Contract stipulate the testing of drinking water to ensure that it is lead-free, then CSCE would carry out such tests.

H. Issue 10: Identify the persons in CSCE responsible for the inspection, construction and installation and approval/certification of completion of the fresh water plumbing system in the Affected Estates and the steps taken by them in (a) discharging such responsibilities and (b) ensuring the safety of drinking water

H.1. Inspection of the fresh water plumbing system

75. During the construction stage in the KCE Project, CSCE

had a team of frontline staff (the "**Frontline Team**", which excludes the Site BS Team as referred in paragraph 76 below) responsible for the daily activities on site, including the fresh water plumbing system. The Frontline Team was led by the general foreman on site. Although I was not responsible for the Frontline Team, there were no adverse comments from the Frontline Team on the fresh water plumbing system.

76. Separately, I was responsible for the site building services team ("**Site BS Team**") comprising CSCE's Building Services Foreman Mr. Siu WN and ABSEs Mr. W.L Wu and Mr. Simon Tam who would carry out routine checking on the building services works in the KCE Project, including the Plumbing Works carried out by Ho Biu Kee.

Plumbing Materials delivered to the site

77. Upon the delivery of Plumbing Materials procured directly by CSCE, the Frontline Team would receive an "entry record" from the entrance of the site recording the delivery of such Materials by CSCE's suppliers. The Frontline Team would then check whether such Materials delivered were of the same brand and type/model as those approved by HA under the relevant Forms DCMP-F716 and whether the quantities were correct. If such Plumbing Materials were required to be verified by HA under its on-site material delivery verification from (Form 6210) (**B1/239-240**), the AQCC would invite HA's CoW or site inspection team to inspect those Materials.

78. As regards Plumbing Materials procured and delivered to the site by Ho Biu Kee, the Frontline Team would check those Materials upon receiving the "entry record" and in a similar fashion as described in paragraph 77. However, as CSCE would not receive advance notice from its sub-contractors as to when and what materials would be delivered to site each day, it was difficult to avoid

sub-contractors bringing small amount of materials into the site without any notification to CSCE.

79. Soldering material was not a specific material which HA required to be checked upon delivery under its Form 6210 (**B1/240**). Further, it was not a commonly inspected or checked item in the plumbing industry as it was a consumable item.

Inspection during construction stage

80. Our Site BS Team would carry out random checks on the domestic blocks mainly to ensure that the progress of building services works, including that of the Plumbing Works, was satisfactory. Our Site BS Team would also inspect the workmanship of the Plumbing Works, including, for example, whether the alignment of the pipes was in line with the approved construction drawings, whether the pipes were free from dirt and whether the joints were properly installed etc. These inspection criteria followed largely the criteria from HA's Assessment Standards for the PASS system (**Tab 20** – although the assessment criteria dated July 2014 is included, I understand these criteria were the same in the prevailing version of the PASS assessment applicable in the KCE Project). However, I understand that in their inspections, the Site BS Team was not required to check whether the soldering in the pipe joints contained lead. This could be due to a number of reasons:-

(i) Ho Biu Kee had submitted lead free soldering materials for CSCE's and HA's approval and it was approved on that basis. CSCE had no reason to suspect that it would not be used.

(ii) One could not detect from the naked eye that the joints were soldered with leaded or lead-free

soldering materials.

(iii) One could also not identify whether a piece of soldering material was leaded or not, if workers had cut lengths of soldering material from the roll and removed the original packaging.

(iv) It was not one of the criteria under HA's PASS assessment that soldering materials had to be checked for lead content.

81. Some of the Plumbing Works were installed off-site. The off-site construction involved the fabrication of volumetric precast components bathrooms ("VPB") and kitchens ("VPK"), which was carried out in the PRC by CSCE's sub-contractor, namely, Yau Lee Wah Concrete Precast Products Co. Ltd ("YLW"). However, Ho Biu Kee was responsible for installing the copper pipes, fittings and valves (which were part of the Plumbing Works) on the VPB and VPK in the PRC.

82. CSCE's representatives (including myself) had attended the pre-fabrication workshop of YLW in the PRC regularly to monitor the workmanship of the VPB and VPK units (including the Plumbing Works installed by Ho Biu Kee) and liaise with YLW on the progress of YLW's works. HA also engaged an independent consultant, Jacobs China Limited, to monitor and supervise the construction of the VPB and VPK units (including the Plumbing Works installed by Ho Biu Kee). I have reviewed my records and retrieved two photographs taken at YLW's workshop on 14 December 2011, which are attached in (Tab 21). One of these photographs shows that "FRY" 99C lead-free soldering material was delivered to YLW's workshop. On this basis, CSCE believed that "FRY" lead-free soldering material was used in the Plumbing Works on the VPB and VPK.

83. Apart from persons from CSCE, I also understand that Ho Biu Kee's supervision staff would regularly attend the site to monitor and inspect the Plumbing Works and if they found any problem, they would immediately review and rectify it.

84. Further, HA's CoW also carried out site inspections for the Plumbing Works within the contract period with reference to the "*Plumbing and Sanitary Fittings*" provisions in the SL and PSS. The inspection criteria were set out in HA's internal guidelines, a copy of which is set out in B1/312 to 316. However, none of these criteria required the checking the presence of lead in soldering material. Further, HA did not raise any issues during their site checks of the Plumbing Works as well as their quarterly and final PASS assessments on site with CSCE to assess the quality of works including the main contractor's performance and its management of its domestic sub-contractors. I was given a copy of CSCE's PASS assessments in the KCE Project (B5.5/10643). In the final contractor performance report on the KCE Project, CSCE achieved 3.58 out of 5 points for the plumbing / drainage works and no major anomalies / non-compliances / non-conformance were detected with regard to the plumbing / drainage works particularly the soldering works.

85. The PASS' "*Assessment Standards for Final Assessment*" for water supply pipes, including fresh & flush water pipes, as set out in the in the plumbing section in the "PASS" Manual (Tab 20) provides that HA inspectors would inspect and check, inter alia, the following:-

- (i) When checking the "soundness" of water supply pipes, the pipes should be free from crack(s) / leakage.

(ii) When checking the "clearance" installation of water supply pipes, there should be a minimum clearance of 25mm between the pipes and finished surface.

(iii) When checking the "sleeve" of water supply pipes, the sleeve should be properly / neatly grouted and sealed.

(iv) When checking the "finish — surface defect" of water supply pipes, the pipes should be free from rust and damage, and evenly / neatly painted.

(v) When checking the fixing of the "brackets" of water supply pipes, the brackets should be free from rust and securely fixed.

(vi) When checking the "contamination" aspects of water supply pipes, both the pipes and pipe brackets should be free from contamination.

86. It can be seen from the PASS' *"Assessment Standards for Final Assessment"* that there was no requirement for HA to check the plumbing works for instance soldering to ensure the safety of drinking water. That is not to say that CSCE did not monitor the quality and workmanship of the Plumbing Works but CSCE had no reason to disbelieve Ho Biu Kee when it stated that it would use the lead-free soldering materials which it submitted to CSCE and HA for approval.

H.2. Construction and installation of the fresh water plumbing system

87. Under PLU1.W110.P of the PSS (85.1/7933), all plumbing installation works mentioned in the

Specification and shown on the Drawings, including, if applicable, connection work to the water town mains shall be carried out by a contractor or licensed plumber as approved by the WSD.

88. Ho Biu Kee and Lam were responsible for the construction and installation of the fresh water plumbing system in the KCE Project.

H.3. Approval/certification of completion of the fresh water plumbing system

Form WWO46

89. Ho Biu Kee and Lam were responsible for obtaining approval/certification of completion of the Plumbing Works by the WSD. Under paragraph 40 of the SPS (**Tab 19**), upon completion of the Plumbing Works, Ho Biu Kee shall, inter alia, provide sufficient lead time for and timely apply for the completion certificate in accordance with the relevant regulations of the WSD. I refer to the procedures set out in paragraph 63 in relation to the signing and approval of different parts of Form WWO46.

WSD Circular 2/2012 and Certificate Regarding Water Supply Connection (Form WWO1005)

90. In very brief terms, WSD Circular 2/2012 ("**WSD Circular**") required a consumer or agent (*i.e.* the HA in this case) to carry out water pressure tests on the fresh water inside service of a new building to ensure no water leakage in the fresh water supply system. Upon satisfactory water pressure tests, the consumer or agent should clean the fresh water mains and inside service and the WA or an accredited laboratory would collect samples at representative sampling point(s) as agreed by the WA for bacteriological and chemical

analysis.

91. The WSD Circular sets out the test parameters and the related acceptance criteria for the foregoing analysis in an annex to the WSD Circular. The annex provides that the test parameters include but are not limited to testing the turbidity, colour, pH at 25°C, free residual Chlorine, conductivity at 25°C, total coliforms, E.coli and heterotrophic plate count. There is no requirement to test the water for lead content.

92. In the KCE Project, the testing and cleansing requirements under the WSD Circular were carried out by Ho Biu Kee in two stages — (i) before the underground fresh water inside services (*i.e.* the sump tank and the section of underground pipes connecting the watermain to the sump tank) was connected to the watermain and (ii) before the inside service above ground was connected from the sump tank for water supply.

93. In relation to the underground section of the fresh water inside service, the water pressure test was carried out by Ho Biu Kee on 25 January 2013. The water pressure test was witnessed by HA's CoW and CSCE's Site BS Team. Water samples were taken by WSD on 30 January 2013 by WSD laboratory technician at an underground connection point between Blocks 2 and 3 in the KCE Project and were tested against the eight parameters set out in the WSD Circular. The water pressure test report and the satisfactory WSD test report were submitted by CSCE to HA on 4 February 2013 (**Tab 22**).

94. On 12 April 2013, HA submitted Part II of Form WW0132 to the WA (**B5.8/12319**). Part II of Form WW0132 was an application for certificate regarding water supply availability/connection. On 16 April 2013, WSD issued a certificate titled, "*Certificate Regarding Water Supply Connection*" under section 25A of the Building

(Administration) Regulation with respect to Blocks 1 to 6 and the external area of the KCE Project (C7.1/5168). Pursuant to the foregoing certificate, WSD certified that a permanent connection of (i) filtered water supply from the Waterworks (with respect to potable water supply) and (ii) salt water supply from the Waterworks (with respect to flushing water supply) had been made. The foregoing certificate was copied to HA's AP and Lam, and a copy was given by Ho Biu Kee to CSCE.

95. I understand that the consumer or agent (*i.e.* HA in this case) has to apply for the "*Certificate Regarding Water Supply Connection*" which is a condition for the granting of the occupation permit of a new building by the Building Authority. In the KCE Project, CSCE was not involved in the submission of Part II of Form WW0132 as it was done by the HA.

96. Water pressure tests and cleansing of the above ground section of the fresh water inside service in the domestic blocks were carried out in around July 2013. However, CSCE does not have records of the water pressure tests because they were kept by HA's site inspection team in their internal daily inspection forms. Water samples were taken by Ho Biu Kee in late July or early August (shortly before the tenants moved into the blocks) at two locations in each domestic block and other locations in the common areas. Ho Biu Kee also sent these water samples to an accredited laboratory (Fugro) and all of these water samples were satisfactory under the eight parameters in the WSD Circular.

97. CSCE submitted the test reports of samples taken from the above ground fresh water inside services to HA on 16 September 2013 (Tab 23). The same test results were re-submitted to HA on 17 March 2014 (C7.1/5248). The

test reports were resubmitted to correct the description of the sampling locations in certain test reports. The test results remained the same in the resubmitted reports.

H.4. Steps taken by the persons identified above in (a) discharging such responsibilities and (b) ensuring the safety of drinking water

98. In relation to steps taken by its staff members and Ho Biu Kee, CSCE follows international standards on quality management (e.g. ISO9001) and has a system of guidelines and procedures (e.g. Standard Work Procedures and Project Management Plan) in place to ensure the quality of the works carried out by its staff members and its sub-contractors. This is further elaborated in the witness statement of Mr. Michael Sung Tsang Hung (CSCE's General Manager in the Building Construction Department).

I. **Issue 11: Explain the steps taken by the persons identified in Issues 9 and 10 in ensuring that (a) the work in connection with the construction and installation of the Plumbing Materials were 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**

I.1. Ensuring that the work in connection with the construction and installation of the Plumbing Materials were carried out by workers with sufficient training and qualifications

99. In Issue 9, I have set out (i) the Plumbing Materials

(except taps and mixers) that were procured by Ho Biu Kee's procurement department and (ii) taps and mixers were directly procured by CSCE.

100. In Issue 10, I have set out the persons in CSCE responsible for the inspection of the fresh water plumbing system in the KCE Project. CSCE did not physically carry out the construction and installation and approval/certification of completion of the fresh water plumbing system. Ho Biu Kee did so as CSCE's subcontractor.

101. The personnel in CSCE identified in Issues 9 and 10 were not responsible for taking steps to ensure that the work in connection with the construction and installation of the Plumbing Materials were carried out by workers with sufficient training and qualifications. However, as the main contractor, CSCE had to ensure that the works in the KCE Project (including the Plumbing Works) were carried out by sufficiently skilled workers. In this regard, I have consulted CSCE's Contractor's Labour Officer in the KCE Project, who was responsible for verifying the qualification of workers and I say as follows.

102. Pursuant to PRE.B6.340.P(1) of PSS (**Tab 24**), " *the minimum number of Trade Tested Workers to be employed by the Contractor or his subcontractors in accordance with SCC 133 of the Special Conditions of Contract shall be calculated in accordance with the stated percentages of the total workforce on Site at any one time. For Plumbers, the "Max. Permissible Percentage of Semi-skilled Workers" was 15%. In other words, 85% of the plumbing workers to be employed by CSCE and/or Ho Biu Kee should be skilled trade tested workers.*

103. PRE.B6.340.P(2) of the PSS 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)."

104. Pursuant to PRE.B6.340.P(3) of the PSS, CSCE was required to complete a return for the Trade Tested Workers employed on the fifteen (15) day of each month. I understand that in the KCE Project, CSCE has not kept most of the monthly returns after they were submitted to HA. Upon searching, I attach copies of the monthly returns for October 2010, November 2010, July 2012, August 2012 and from April to June 2013 in (**Tab 25**) which CSCE has been able to retrieve. These returns demonstrate that the plumbers in the KCE Project were all skilled workers. Hence, CSCE ensured that the work in connection with the construction and installation

of the Plumbing Materials was carried out by workers with sufficient training and qualifications.

105. At this point I would like to mention that, in relation to the fresh water plumbing works executed in the KCE Project, I have carried out an analysis on the number of plumber man-days by reference to CSCE's workers' site entry records for the period over which the vast majority of the Plumbing Works were executed (January 2012 to September 2013). I attach as **Tab 26** a table and graph which sets out the results of my analysis. I would make the following brief comments on the table/graph:-

- (i) There was, as would normally be expected, a steady increase in mandays up to March 2013. ...

MR PENNICOTT: I will read footnote 2.

²The reason for the significant drop in February 2013 is accounted for by reason of the Chinese New Year holiday between 9 February and 14 February 2013.

...This was the month in which Part IV of Form WWO46 was signed off.

- (ii) There was a peak of 2,719 man-days in March 2013 which, on a rough calculation, is the equivalent of an average of approximately 15 plumbing workers per block per day, although the figure may be less since the figures in the table/graph include for the commercial area and car park.

- (iii) After March 2013 the plumbing workers were engaged

in continuing the plumbing works in the commercial area and car park together with carrying out any necessary final works in the six blocks.

I.2. 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

106. I have explained in my statement on Issues 3 and 5 on the requirement of the Plumbing Material in the Main Contract and steps taken by CSCE to ensure that only compliant materials were to be used in the KCE Project, which I will not repeat.

107. After the recent incident about lead in drinking water arose, CSCE has implemented a series of measures to ensure that non-compliant soldering material will not be used on fresh water supply systems on site. All soldering material is procured directly by CSCE and each reel of soldering material is uniquely identified with a number which can be traced by an inventory system. Further the site building services team will inspect the soldering material upon its delivery on site and keep records on where and when the soldering material is used, as well as testing the solder joints installed on site for the presence of lead or otherwise using quick testing kits.

108. At the plumbers' level, they are now prohibited from cutting pieces of soldering material from its original packaging, and they are required to return the empty package before a new reel of soldering material can be taken from the storage area.

109. CSCE has issued a pamphlet on Quality Assurance Plan for Plumbing Installation Works (食水喉安裝質量監控程序) to

all plumbing sub-contractors and workers (whether or not they are directly employed by CSCE) (Tab 27) setting out CSCE's enhanced measures and procedures to be followed on fresh water pipe installation. Further, CSCE is providing site training to all plumbing workers on site on fresh water installation works and the use of soldering materials.

J. Issue 12: Explain to the best of CSCE's knowledge how Plumbing Materials containing lead came to be used in the Affected Estates and also why the use of the same had been allowed and overlooked

110. Insofar as non-compliant soldering material is concerned, CSCE had all along proceeded on the basis that lead-free category soldering material was to be used in the KCE Project because Ho Biu Kee provided samples and submission that lead-free soldering material would be used. Having worked with Ho Biu Kee on a number of projects where no major issues were raised on the quality of their work, CSCE had no reason to suspect that lead-free soldering material would not be used in the KCE Project.

111. Even though WSD had previously approved the Plumbing Works (including the Plumbing Materials that were used in such works) carried out and installed at the KCE Project and confirmed that no irregularities were found under the WO and WR by issuing Part V of Form WWO46 at that time, and had also issued the certificate for water supply connection and connected the water supply to the KCE project, WSD has recently written to HA about certain plumbing materials which had been installed at the KCE project after the Incident arose. In this regard, on 6 October 2015, the WA contended that some valves (i.e. 65 mm dia. Gate Valve, 35 mm dia. Gate Valve, 20mm dia. Gate Valve and 20mm dia. Stopcock, all in relation to copper alloy valves) and taps (i.e.

basin mixer at toilet in relation to copper alloy tap) which were installed at the KCE project were not found in the Annex to Form WWO46 (**Tab 28**). The WA however went on to say that these valves and taps are on the directory list of plumbing materials which were accepted by the WA. Nevertheless, the WA also contended that these valves and taps did not comply with the relevant BS with regard to the lead content and thus do not comply with the WR (even though these were approved and accepted in the WA's directory list of plumbing materials and despite the earlier Part V approval and certificate for water supply connection referred to above). The WA therefore asked HA to rectify the non-compliance and carry out the rectification works within 60 days and report to the WA after the completion of the works.

112. By HA's letter dated 8 October 2015 (**Tab 29**), HA wrote to CSCE and referred to the WP's letter of 6 October 2015 and said that some valves and taps installed at the KCE project which were removed for examination and analysis of lead content by the Task Force led by WSD did not comply with the Waterworks Regulations. HA / HD therefore asked CSCE to submit a report on the incident and a remedial proposal by 22 October 2015, and rectify the non-compliance.

113. By CSCE's letter to Ho Biu Kee dated 9 October 2015 (**Tab 30**), CSCE referred to the queries raised by HA / HD in relation to the allegedly non-compliant "Victory" brand valves and invited Mr. Ho Man Biu of Ho Biu Kee and a representative from Sandbrook Limited ("**Sandbrook**", the supplier of the "Victory" brand valves) to attend a meeting with CSCE's management on 12 October 2015. Separately, CSCE also wrote to Tin Fat Plastic (International) Limited ("**Tin Fat**", the supplier of the alleged non-compliant "Ansporn" mixer) on 14 October 2015 (**Tab 31**) requesting Tin Fat to give written

explanation on the allegedly non-compliant "Ansporn" mixer found on site.

114. By way of its letter dated 15 October 2015 (**Tab 32**), Tin Fat replied that their materials had been tested in WSD's designated laboratories over many years and had been found compliant with the relevant BS. Tin Fat stated that it had separately made a written enquiry with WSD on whether the sampling from the allegedly non-compliant mixer was carried out in accordance with standard laboratory sampling procedures or not, which would affect the accuracy of the test results.

115. On 16 October 2015, CSCE requested Sandbrook to give a written explanation of the lead content in the "Victory" branded valves they provided by 19 October 2015 (**Tab 33**).

116. On 19 October 2015, Sandbrook replied and explained that the Victory branded gate valves and stop valve loose jumpers were compliant with the relevant BS and approved by the WSD. They also enclosed copies of the relevant test reports and WSD approval letters (**Tab 34**).

117. On the basis of the above, CSCE wrote to HA on 20 October 2015 stating that the Task Force report had not disclosed any details of sample tested and the testing methodology of the samples (**Tab 35**). CSCE requested HA to provide such information to enable CSCE to consider this issue further and seek constructive input from the subcontractor and suppliers. As of the date of this statement, CSCE has not received any reply from HA.

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

問: Mr Leung, I have read your statement. Is there anything

you wish to add or amend?

答：就我證人口供第5段嗰度，我想加番，我除咗宋先生嗰份口供之外，我另外有兩份證人口供，林繼煌先生同埋蕭委寧先生嘅兩份口供，我都有睇過嘅。除咗呢樣之外，我有問題。

問：Right. Subject to that, are you content to adopt the contents of your statement as your evidence to this Inquiry?

答：我願意。

問：Just one question from me, Mr Leung. It's that right the end, paragraph 117 of your witness statement, you refer there to a letter that China State wrote to the Housing Authority on 20 October 2015. You say that as at the date of your statement, which was nearly a month ago now, on 11 November 2015, no reply had been received from the Housing Authority. Is that still the case?

答：依然未收到嘅。

MR PENNICOTT: Thank you very much.

許偉強先生盤問

問：梁先生，想問一問你，就係你加入呢個中國建築之前，喺邊度工作㗎？

答：我係喺當時嘅九港鐵路度做一個西鐵工程嘅駐地盤電力工程師。

問：我想問下你，就係自從你加入咗中國建築之後，你除咗例如房委會嗰啲工程，你有冇都參與一啲即係私人項目嘅工程㗎？

答：有嘅。

問：都有嘅，好。因為我知道--即係你嘅工作作為即係高級屋宇裝備工程師，我咁樣講啱唔啱，就係你對於主合同，即係例如中國建築同埋房

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委會嘅主合同，入面就住啲工程嘅物料有啲咩嘢規格，即係我哋所講嘅 specifications，咁你都係熟悉㗎嘛？

答：我熟悉嘅。

問：係。咁就你亦都知道，就住食水喉嘅工程，呢個水務規則入面其實都有列明，就係做水喉工程啲水喉、配件都係需要即係符合個英國標準，呢樣嘢你知道嘛？

答：我知。

問：係。做食水喉個工程啲啲焊料，即係我哋睇番而家啲 specification，都係寫到明就係要無鉛嘅。我想問下呢樣嘢，你幾時開始知道㗎？

答：應該我喺 95 年開始，做一單私人嘅工程嘅時候，當時佢係用呢個內置式嘅焊料配件嘅，咁嗰度喺個 spec. 度已經 state 咗啲啲焊料係要 lead-free 嘅。

問：嗰個內置嗰個喉？--即係內置焊料嘅喉管，當時你 95 年做緊嘅時候，係咪都係銅喉㗎嘅？

答：係。

問：你亦都好清楚喇，應該，就係話即係嗰個--即係需要用 lead-free 嘅，即係無鉛嘅焊料做食水喉，最主要都係即係避免啲有害物質，例如鉛，係進入咗嗰個水喉度，因而可能會污染到啲啲食水嘅，你同意嘛？

答：我清楚嘅。

問：係。我哋睇番你證人口供第 14 段，文件夾嘅第 80 頁。14 段一開頭就係咁講嘅，就話“*There are no specific contractual terms or provisions in the Specification which stipulate that ... drinking water should be lead-free and safe.*”即係佢話冇一啲特定嘅合約嘅條文，就寫到明啲啲食水係需要無鉛同埋即係食水要安全嘅。我咁樣問下你，就係--即係你剛才都同我講過你對嗰個無鉛嘅焊料嘅認知。我咁樣問你，你覺得同唔同意，就係--就係雖然你咁講，但係即係你哋作為總承建商，都唔會容許例如喺興建工程做完之後，啲啲大廈食水係唔安全，你都...

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答：係，...

問：即係你都同意呢樣嘢？

答：你可唔可以問多次呀，唔好意思？

問：好呀。你呢度講就話冇呢啲咁樣嘅合同嘅訂明，就話啲啲食水係一定要無鉛或者係安全嘅咁。

答：嘎。

問：咁但係訂唔訂明都好，你哋作為總承建商，你都會同意，你哋總承建商係唔會容許即係個興建工程進行完之後，完成咗之後，嗰個大廈嘅食水係唔安全嘅；即係唔會容許呢樣嘢嘅？

答：可以係咁講喇。

主席：即係點呀？

答：對我嚟講，就係如果係我哋跟足一般法例同合約上要求去安排嘅工程，而係所完成出嚟嘅成品係應該安全。

主席：即係雖然有一個特定嘅規例，不過你哋都...

答：可以係咁講。

主席：唔，得。

答：因為我相信係 specs --即係啲一般嘅合約要求，所做出嚟嘅嘢係應該係合乎法例同埋應該係安全嘅。

主席：我知。即係即使冇呢個規格，你哋都唔會做一啲唔安全嘅嘢出嚟嘅。

答：絕對唔會嘅。

主席：咪係囉。

問：你做呢個啟晴嘅項目嘅時候，我認唔認識喺市面上--即係我哋所講嘅物料供應商，係佢哋會提供有含鉛或者係無鉛嘅焊料，呢樣嘢你知唔

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知㗎？

答：你係咪講緊係呢個水喉工程嘅？

問：冇錯。

答：我係唔知。

問：係。

主席：第二啲工程呢？

答：第二啲工程有嘅。但係喺我--我頭先講咗喇，95 年我入行嘅時候，咁其實已經知道呢樣嘢，我係相信一般水喉工程用緊嘅料係唔含鉛。

主席：係。咁你 95 年去到你 2003 年嘅--唔係，對唔住，2005 年。95 年去到 2005 年，即係呢十年裏面，即係你一路讀書，一路做嘢？

答：係。

主席：係。咁喺呢十年裏面，除咗用啲銅喉係已經內置咗呢個焊料，仲有冇其他嘅--有冇經驗係用銅喉，不過唔係內置焊料嘅？

答：啟晴邨係我第一單。

主席：得。除咗呢個內--呢個--我哋叫做 soldering 喇；brazing 呢，silver brazing，有冇做過呀？

答：都有。因為其實有--尤其是呢個地鐵嘅要求，一般銅喉焊料係用 silver brazing。

主席：地鐵嘅要求，係食水要 silver brazing，抑或所...

答：食水銅喉。

主席：食水嘅銅喉都係要 silver brazing 嘅？

答：唔。

黎先生：你係做 KCRC，係咪？

答：我係做 KCRC。咁我亦都有參與過呢個青衣地鐵站嘅工程嘅。

主席：你兩樣都有做過，silver brazing 有做過，soldering 有做過，咁你覺得兩者有啲乜嘢好處，有啲咩嘢唔好處呢？

答：一般嚟講，我覺得 silver brazing 就其實係穩陣啲嘅，同埋佢可能要求嗰個工人嘅工藝亦都會好少少嘅，咁變咗就係做出嚟嘅效果會好啲。至於用呢個 soldering，其實內置嗰隻其實係有個唔好處嘅，就係如果工人係--唔係一個好熟練工人，或者佢嗰支火槍個溫度太高，其實係有機會令到啲焊料係流咗出條喉度嘅，咁變咗其實係會係浪費咗啲材料，咁亦都係需要做補救。一般嚟講就喺出面嘅私人發展多數都會用 silver brazing。

主席：咁 Silver brazing，我哋聽到--你就話穩陣啲喇，咁點解會穩陣啲呢？

答：佢本身嚟講，嗰隻料就係個溫度高啲，同埋佢係冇走得咁快，所以變咗個工人燒起上嚟係靚啲嘅。

主席：即係因為佢嘅熔點高，就有咁容易話譬如跌咗落地、滴咗落地咁嘅意思？

答：可以係咁講喇。

主席：即係佢會...

答：即係個做出嚟個效果會靚啲。

主席：靚啲？

答：嘅。

主席：咁講緊嗰個溫度要高啲，其實相對用鉛--對唔住，相對無鉛啲啲焊料嚟講，係講緊幾多度嘅分別呀，就你所知道？

答：應該係我相信係相差百零度嘅喇。因為其實喺銅喉嚟講，喺個 BS 嚟講，如果我哋高到上嚟 650 度以上，其實係對條喉本身係會有影響嘅。

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主席：如果係高過 650 度，就對個銅喉有影響？

答：係嘞。

主席：得。

答：咁所以變咗一般其實--我哋而家知道無鉛嘅焊料就應該係大概 240 度嘅喇，而呢個銀焊，我嘅印象之中係三百零、四百度嘅。

主席：得。即係其實用銀焊完全冇問題嘅，只不過係時間耐啲？

答：會時間耐啲，同埋銀焊枝個價錢會貴啲。

主席：貴啲？

答：嘅。

主席：咁個支槍呢，即係燒個支槍？

答：槍嘅呢，銀焊嚟講，無論水喉或者冷氣，佢哋就有種高溫啲嘅氣樽嘅，我哋內行叫做黃氣，咁樣就係會高溫啲嘅，但係就未至到需要用到風煤。

主席：即係可以就咁揸住一支黃色嘅樽...

答：係，同個隻石油氣焊槍一樣嘅啫。

主席：哦。

答：嘅。

主席：即係唔會話因為用銀焊就係唔方便啲嘅，個工人嚟講？

答：差唔多嘍咋，工藝上，不過，當然喇，佢要做得比較上係個工--即係佢嘅經驗會好少少喇，要。

主席：得，唔該。

黎先生：個成本係相差幾遠呀，銀焊同埋...

答：呢樣嘢我唔係好清楚。

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黎先生：唔清楚，okay。

問：我想同你睇一睇就係關於嗰啲樣辦，即係嗰啲物料嘅樣辦係呈交界房署嗰個--即係個流程。

主席：啊，對唔住。

答：係。

主席：我都想問一問，出面就--你哋九鐵就用銀焊喇。咁就你所知，一般啲私人樓宇都係用銀焊多，係咪呢？

答：會用銀焊多，亦都近呢一、兩年佢哋開始試用不鏽鋼喉。

主席：係。咁出面啲私人建築發展嗰啲，用呢一個 soldering，即係唔用銀焊，多唔多嘅呢？

答：視乎個發展商規模嘞，呢個就真係。

主席：咁係大嗰啲就會用銀焊，抑或...

答：因為其實我都其實離開咗個私人發展都超過十年嘍。

主席：係吖。

答：嘎。但係印象之中，就一般大發展商佢哋都會係用銀焊嘅。

主席：唔該。

問：你對嗰個主合同上面個 PLU1 同埋 PLU2 嗰個分別，你認識嘛？

答：我清楚嘅。

問：係。我哋都聽過之前房委會嘅證人嘅口供，咁就都好多都有提過呢一點嘅，咁我知道就係 PLU1，就係一般嚟講，除咗有啲例外嘅情況，就唔需要交嗰個物料嗰個實物嘅樣辦畀房署嘅，你知道嘛？

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答：我知。

問：係。咁就我哋睇到，亦都係喺你哋中國建築之前嗰兩位證人都有講，就話房署亦都有特別話去要求你哋去就住 PLU1 嗰啲物料係作呢個樣辦嘅呈交嘅。

答：呢個要視乎嗰個 project 嘅房署代表嘞。因為有部分嘅房署代表，佢哋可能認為，我影張相，喺個銅喉本身上高嘅 marking 唔清楚，佢哋會要求我哋會上個樣辦畀佢睇嘅，呢啲。

問：明白。

答：噯。

問：好。就住啟晴邨呢個項目，有冇即係呢一種情況呀，即係話房署嘅職員特別要求你哋呈交焊料嘅樣辦㗎？

答：我唔係好記得有冇特別要求。

問：咁呢個就焊料要提交樣辦呢樣嘢，以你所知，喺你哋公司都做咗有一段時間，都係咁樣做法㗎呵？

答：我知道係。

問：其中一個原因，即係當時可能你哋公司即係覺得需要提交樣辦...

主席：對唔住，喺呢一度我都想問一問嘅。你哋公司一路都有就住焊料提交上去房署，即係已經係變咗做一個既成嘅習慣㗎嘍，係咪咁樣？

答：應該係咁講，我就淨係做過啟晴邨，咁我對住個 subcontractor，何標記，佢喺好--一開始 award 咗 contract 畀佢，佢已經通知咗我哋，佢會有呢個焊料嘅 submissions。

主席：呢個係佢主動話畀你聽嘅？

答：主動嘅。因為其實喺我--我唔記得咗我份嘢嘅 Tab 7 定係 Tab 8，有一份何標記嘅 proposed 嘅 submission list 嘅，嗰度已經係 indicated 咗有呢個焊料喺度㗎嘍。

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主席：哦。不如我哋睇下究竟係 Tab 7 抑或 Tab 8，好唔好？

許偉強先生：215。

主席：215，係咪？

許偉強先生：係，215。

主席：Tab 7，嘎。

許偉強先生：係。

主席：梁先生，嗰度就有好多個 item，係咪第 23 呀？

答：睇下先吓，好難睇，個 screen 都，唔好意思，係。

主席：係呀，好難睇呀。

黎先生：“Lead free solder wire”，“FRY”。

主席：第 23 項，係咪？

答：係。

主席：老花，睇唔到呀，可能。

答：呢個係...

殷先生：“Lead free solder”。

主席：唔緊要，我哋...

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黎先生：...（聽不清）

答：應該係--係呀，23。

主席：23，係咪？

答：嘎。

許偉強先生：23。可以放大少少，睇下會唔會好啲。

主席：放大二百倍。再放大啲。

許偉強先生：係。

黎先生：三百倍。

主席：第23項。睇到喇呵？

答：係。

主席：“Lead”唔知乜嘢“solder”，lead free 喇，我相信係。

黎先生：“Lead free”。

許偉強先生：係，“Lead free”。

答：嘎。

主席：係咪呀？

答：係。

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主席：呢個就係佢何標記交界你哋嘅？

答：係。

主席：嗰個...

答：因為我哋基本上就係收到佢呢份嘢，我哋再會對番佢會唔會有啲物料係漏咗，冇擺落佢嘅 submission schedule 度嘅。

主席：哦，得。

答：我同事會同佢對咗，大家確認咗之後，佢會跟番呢個 submission schedule 去 submit 佢嘅物料嘅。

主席：得。我哋食完飯再繼續，就住呢方面問問題。咁我哋先食飯先，麻煩你兩點半再返番嚟，唔該晒。

下午 12 時 55 分聆訊押後

下午 2 時 29 分恢復聆訊

出席人士如前。

主席：繼續。

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）的第四證人：梁文偉（中國建築高級屋宇裝備工程師（啟晴邨））宣誓繼續作供
許偉強先生繼續盤問

問：我哋食晏之前就講緊有個表，就係何標記當時呈交上嚟畀你哋即係有關啲水喉嘅物料，我哋食晏嗰陣時就中國建築嗰邊律師團隊就都好幫手，就擺咗一個比較易睇啲，唔使咁傷神，大張啲嘅，一陣問你可以有一張。我哋睇一睇 23 嗰度，我哋今日都朝早都睇過嘅，我哋而家睇得清楚少少，23 都係講緊 lead-free solder wire，睇到嘛？

答：係。

問：個牌子都寫咗“FRY”，有個型號喺度，有啲日子我都想同你即係搞清楚先，呢一張表格，我哋睇到左上角寫住「何標記」，跟住就個地盤名稱、「地盤工種：水喉」、承建商名稱、聯絡人，個 date 就係 2011 年 11 月 23 號嘅。

答：係。

問：但係如我哋睇番啱啱剛才講個錫條，即係 23 個度就講 lead-free solder wire，嗰個 Fry 嗰隻，佢有一個提交日期嘅，個提交日期就係 2010 年嘅 11 月 12 號嘅，睇到嘛？

答：係。

問：我就查過，如果你想睇番文件都得嘅，不過你可以即係聽下我呢個講法，我就查過嗰個你哋同何標記嗰個 subcontract，應該係差唔多係 11 月 30 號，2010 年 11 月 30 號左右嘅。

答：係。

問：即係我就查過嘅，我想問一問，點解呢個提交呢個物料嘅日期會係仲早過嗰個外判嗰個合同嗰個日期嘅？

答：呢度我相信我琴日有啲同事都曾經提及過嘅，就係我哋基本上如果係喺合約上，即係大致上係即係雙方都清楚同埋可以接受嘅，咁樣我哋就會因應個時間嘅需要，我哋會早啲會聯絡有關嘅分判商去做啲 preparation works 嘅，當然呢個亦都要得到我哋灣仔總寫字樓嘅 confirm，話應該係呢個分判商，我哋就會去 proceed。至於正式去佢哋簽約係相信等佢哋完成咗最後可能有啲條文上嘅共識咁樣，佢哋先至會正式簽合約。

問：明白。我想問下，就係佢哋喺呢個表嗰度，就寫住 2010 年即係 11 月嘅時間，就遞交咗呢一個--例如呢個焊料，都係好即係接近嗰個外判嗰個合同嗰個時間嘅，我想問下，呢個佢遞交嚟嗰個焊料係咪即係你及後你哋公司呈交去房署做呢個樣辦嘅時候，係咪用番當時佢哋提交嘅呢個物料？

答：呢個係佢哋 propose 嘅時間嚟嘅，但係喺正式遞交，我有記錯就應該係 11 年嘅 9 月先至正式入呢個焊料嘅。點解會咁遲呢？就係因為當時何標記有另外一個 alternative proposal 就想用不銹鋼喉，咁樣亦都經過咗一段時間嘅糾纏，我哋最後喺 11 年嘅 8 月因為始終要開工，我哋等佢唔到，就正式 confirm 佢我哋唔再考慮用不銹鋼

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喉，所以叫佢用番晒合約上所指明嘅銅喉配件去做佢嘅 submission。

問：明白，咁即係話佢呢一個--我哋睇呢一張大嘅表，嗰個提交日期--係咪佢個提交日期都係佢有提交到嗰個焊料個樣辦，當時？

答：應該係到咗 11 年嘅 8、9 月先至正式...

問：哦，即係呢個係一個建議提交日期？

答：係喇，係喇。

問：最後就剛才你講就改咗，係咪呀？

答：係。

問：好。當時有冇特別就你剛才講嗰個不銹--即係有討論過用不銹鋼喉嗰個問題，你仲記唔記得點解會有呢個討論？

答：其實就當時嚟講，銅喉嘅價錢係嗰陣時係好高嘅，係高到係同不銹鋼喉係接近，因為不銹鋼喉不鏽都係貴過銅喉嘅，喺嗰段時間啲銅太貴，咁樣亦都有部分嘅 supplier 喺個銅嘅供應上都唔係好穩定嘅，所以變咗何標記就 propose 用一個不銹鋼喉。

問：明白，好，唔該。最主要都係嗰個成本同埋嗰個供應嘅原因？

答：係。

問：後起最後，即係傾完之後，你仲記唔記得即係點解最後都係決定番用銅喉？

答：因為最後房署就有個 comment 出咗嚟，就因為 propose 嗰隻不銹鋼喉有一個 complete 嘅 job reference，所以我哋 turn down 咗佢。

問：你所講個 complete 嘅 job reference 係點解？可唔可以解釋下？

答：因為一般我哋做呢個物料嘅 submission 嘅時候，我哋都會將嗰隻物料喺房屋署嘅有關嘅 job reference 會一齊提交嘅，至於何標記 propose 嗰隻不銹鋼喉就喺房屋署嘅 new project 嗰邊係有任何 reference 嘅，所以亦都因為有呢個 comment，我哋唔想糾纏落去，亦都通知咗何標記，我哋唔繼續幫佢上呢隻喉。

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問：明白，即係最主要都係即係房署嗰邊佢自己有呢方面嘅紀錄，咁所以就唔係好有信心？

答：係。

問：好。我哋剛才睇到我哋喺啟晴邨呢個情況，就係例如何標記，佢哋就已經預先準備咗呢一系列嘅即係物料，即係佢哋嘅選擇係用啲乜嘢嘅，畀你哋睇咗先咁樣，如果講番你哋遞交界房署嗰個樣辦嘅程序，我都知道呢個程序都做咗都好多年，係咪呀？

答：唔噃。

問：我咁樣講法啱唔啱呢，就話如果嗰個水喉外判商，就算佢冇遞交一個咁嘅清單嘅，你哋作為總承建商，都會係擺樣辦去遞交界房署嘅？

答：你講嘅係--唔係好明，唔好意思。

問：好，我哋就住我哋剛才睇到呢一個表，呢一個表就係何標記佢自己準備咗嘅，佢知道水喉要用啲咩嘢料，其中包括咗焊料嘅，佢畀咗個清單你。喺呢個情況之下，你哋就直情知道係擺邊隻料去到房署嗰度，亦都何標記係會及後佢哋係會直情畀嗰隻實物個樣辦畀你哋擺去房署做呈交嘅？

答：係。

主席：唔係，唔係，唔係，呢度分清楚啲先，呢個就係 2010 年 11 月就係何標記交界你哋貴公司嘅。

答：係。

主席：後來 2011 年你就話 9 月，係咪呀？

答：你講緊係個焊料定係呢一...

主席：焊料。

答：焊料，我印象之中，好似係 9 月。

主席：對唔住？

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答：焊料係應該 9 月。

主席：9 月，2011 年嘅 9 月？

答：係。

主席：就係交上去房署？

答：交到畀我哋去 check。

主席：交畀你哋，再交畀房署？

答：係。

主席：得，唔該。

問：呢一個做法，即係例如水喉分判商就畀你哋一個清單，列明做水喉需
要用啲乜嘢物料嘅，咁樣嘅做法係咪都係慣常嘅做法嚟㗎？

答：呢個其實係好視乎嗰 team -- 個 project team 係佢哋點樣 handle
嗰單嘢，因為我作為 BSE，或者喺呢度，我就會用番 BS 慣常嘅方法。

問：如果你哋 BS 慣常嘅方法係咪都係即係會要求佢哋去做一個咁嘅清單
畀你？

答：會有個 submission list 嘅。

問：好。

黎先生：我可唔可以問一問，呢一個 list，我見到你哋提交日期，每一
個項目嗰個日期都唔同嘅，有啲 10 年，有啲 11 年咁樣嘅，係咪呀？

答：咁嘅，係，因為...

黎先生：但係因為你個總表就 11 年 11 月 23 號交嘅，即係個總表，因為
嗰個日期就係 11 月 23，11 年嘅，但係呢一度提交日期個別嗰啲項
目又每個日期係唔同嘅。

答：會係咁樣嘅，因為呢份表就係我只可以搵到我手頭最後呢份就係 11

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年嘅 11 月，因為其實佢係一早已經有份初稿出咗嚟，只不過我同事係喺個 file 度不斷咁 update，咁就做到呢一個版本出嚟，但係你亦都見到有部分嘅料可能佢哋原先 propose 嘅 10 年 submit 嘅，可能去到 11 年嘅 11 月，佢哋都仲未做 submission 嘅。呢度我哋就只會因應嗰樣物料對個 project 嘅進度有冇影響，我哋就會 set 番個 priority 去追佢去做番呢個 submission 嘅。

黎先生：即係 consolidate 晒，擺埋喺個表入面嘅咋喎？

答：方便我哋去 check 嘢同埋追。

黎先生：哦，okay。

問：即係呢張表格都係你哋有更新過嘅，係咪呀？

答：我哋有更新嘅。

主席：即係不斷咁樣樣有嘢人就改、有嘢人就改咁樣樣，係咪呀？

答：可以係咁講，不過就我都唔知點解到 11 月之後，我真係再搵--冇搵到一個新嘅 issues。

主席：好，得。

問：明白。我哋而家見到呢種情況，剛才我問你就係何標記佢係即係事實上係有提交過一份咁嘅清單畀你？

答：係。

問：入面包括焊料嘅？

答：係。

問：你自己個運作過程有冇試過，即係喺中國建築入面有冇試過係例如水喉外判，佢冇畀一個咁嘅清單你嘅，但係你哋都會自己去搵適當嘅焊料樣辦遞交界房署嘅？

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答：如果以我做--喺中國建築呢十年做開，就有咁嘅 case 嘅，但係我亦都知道我哋如果係已經分判咗出去畀個分判商，我哋--如果係佢哋包工包料嘅話，所有嘅 submissions 一定會由佢哋 initiate 嘅，因為個問題我哋唔會左右佢去揀任何嘅物料，我哋淨係要求佢係 comply to spec. 嘅啫。

問：所以如果你話要呈交樣辦畀房署嘅話，都會你哋係倚賴嗰個外判商建議嘅？

答：係。

問：好。我哋今朝都討論過就係話 PLU1，因為大部分其實就唔需要話真係交嗰個樣辦嘅，但係你哋慣常嘅做法就都會去交嘅，就包括呢個焊料喇？

答：唔噃。

問：我想問下即係呢個係咪亦都係你哋公司覺得交呢個樣辦畀房署其實係有呢個需要？

答：會對個批核上面有方便。

問：其實最主要就係話如果遞交咗畀房署，房署審視過，核實咗，咁就可以清楚無誤咁樣去對呢一隻即係用料係作一個即係確實嘅，係咪呀？

答：係。

問：你亦都會清楚，就係喺嗰個合約上，有啲 preliminary 嗰啲，我哋見過就都有寫到明嗰個關於樣辦嗰個呈交嗰個目的嘅，其中一樣嘢都係話如果你要即係呈交咗樣辦，房署都要批准咗、批核咗，你先可以訂貨嘅，你知道呢樣嘢嘛？

答：知道。

問：而嗰個樣辦批核咗之後，都會 keep 咗喺地盤一個指定嘅地方嘅？

答：應該係 keep 咗喺房署地盤嘅一個 sample room 嘅。

問：而 keep 呢啲咁嘅即係樣辦，最主要嘅原因都係話等到即係個材料正式嚟到嘅時候，你可以作一個核對嘅？

答：兩方面，係方便房署多啲嘅，因為我哋本身做 submission，我哋自

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己都有個 record。

問：明白。我咁講啱唔啱呢，就係你即係其實一路以嚟你嘅做法就係話覺得需要將呢啲物料嘅樣辦，我哋講緊焊料，就呈交界房署就作審視同埋核准嘅，其實其中一個原因都係即係你哋覺得核准咗之後，對日後嗰啲料送達地盤現場嗰陣時，就可以作為一個檢測嘅，係咪呀？

答：對我嚟講，唔係，因為我覺得就其實我根據合約，我已經可以滿足到合約，我唔需要特別做，只不過因為例如何標記佢哋做開咗房署咁多個 project，佢哋係習慣遞呢啲辦，我亦都唔會阻止佢哋去做呢樣嘢。

問：我呢度我想搞清楚，你剛才個答案就係話即係你覺得如果係呈交咗個樣辦，樣辦核實咗，就已經係跟咗嗰個合約嗰個規定嚟做？

答：唔係，我係講緊如果我根據合約嘅規定，我唔需要交樣辦呢，以我個人嘅選擇，我係唔會交樣辦，只不過有啲分判商佢係習慣咗去做呢樣嘢，我亦都唔會阻止佢去做呢樣嘢。

問：如果我咁講啱唔啱呢，即係如果你睇合約上嘅訂明，就係交咗嘅樣辦，核實咗，房署核實咗，其實係幫助以後即係啲料送到嚟現場嘅時候你哋可以作一個核對嘅，同唔同意？

答：我頭先講咗，如果我哋需要核對嘅，我哋自己本身有紀錄嘅，咁就唔需要一定去倚賴呢個樣辦。

問：好。我想你睇一睇另外一個文件，就係 S1，S1 129 頁，呢個就係即係雋景建材其中一張發票，個日期就係 2010 年 11 月 15 號嘅，睇到嘛？喺右上角嗰度。

答：係，見到。

問：見到嘛？

答：（沒有可聽到的回答）

問：呢個就係佢交界何標記，送貨嘅地址，如果你睇到，喺左下角就係寫住即係啟德嗰個地盤嘅，中國建築，即係應該係啟晴邨嗰個地盤嚟嘅，睇到嘛？

答：係。

問：佢呢度我就見到有第一項寫住「英國 50 力扁錫條」，就有 5 磅嘅，

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見到嘛？

答：係。

問：如果我哋講緊呢一個日子，2010 年 11 月 15 號其實係即係你哋同何標記嗰個合約都未正式簽署嗰個時間，我想問下你，即係你會唔會有任何認知就係點解喺咁早嘅階段要送 50 力扁錫條，而淨係需要 5 磅呢樣呢？

答：唔知。

問：你哋地盤除咗食水喉之外，你知唔知道會唔會用呢一隻英國 50 力扁錫條㗎？

答：唔知。

問：我又同你睇一睇嗰個同何標記嗰個二判嗰個合同，喺 B5.7...

主席：我想問一問，呢一個時候，即係我哋講緊嗰張 2010 年 11 月 15 號嘅時候，就仲未同何標記簽合約，話畀佢做水喉...

答：應該就 verbal confirm 㗎。

主席：Verbal confirm 㗎？

答：未簽嘅，但係亦都嗰段時間何標記係應該冇工人進場，嗰段時間。

主席：冇咩嘢話？

答：佢哋未正式有工人進場。

主席：因為後面嗰度就係嗰個送貨單，前面就係發票，你揭去後面嗰頁就 130 頁就係個送貨單，個送貨單就係送去啟德 1A 區 1 期、2 期中國建築，你見到呵？

答：係。

主席：嗰陣時其實你哋個地盤收咗嚟未㗎？

答：我哋地盤就應該喺 10 年嘅 7 月 28 號收嘅，但係相對嗰段時間就應該

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何標記係應該有任何 site works 嘅，至於陳小華先生佢當時係何標記嘅 site supervisor，亦都係同一時間喺另外一單 job 亦都係幫何標記做緊。

主席：另外一單 job 係講緊邊呀？係邊一單 job？

答：我唔係好清楚。

主席：即係都係--唔係喺呢個啟德嗰度嘅？

答：因為--唔係啟德，當時佢應該係我知道係兩邊走嘅，但係另外一單，我唔清楚喺邊。

主席：Okay，但係嗰陣時係咪其實何標記喺雖然未正式開工，但係喺你哋個 site 嗰度都已經起碼有個--我唔知，有個...

答：有個貨櫃。

主席：係喇，有個貨櫃箱喺度，係咪呀？

答：係。

主席：得。另外我想問一問嘅，就係你頭先就畀咗我哋睇呢張表格，我哋知道譬如好似喺紅磡邨，又係中國建築嘅項目，紅磡邨...

答：二期，係咪呀？

主席：二期，同埋呢個馬坑公園，就係交咗即係啲焊料，批咗之後，你哋會出番一張 memo，就話畀--呢個情況就話畀金日聽，就係話畀佢聽「你啲啲批咗喇，你啲啲樣辦送上嚟啲啲獲房屋署批准咗。」跟住就有埋晒後面成沓嘢，有埋晒佢哋啲啲 catalogue 啲啲咁樣樣嘅嘢，成份就送番去畀金日嘅，喺呢一個何標記呢一個項目裏面有冇嘍？

答：所有房署批核嘅文件，我哋會用 memo 形式送番畀何標記，有嘍。

主席：我喺你呢一個 witness statement 裏面搵唔搵到呀？

答：查一查先。

許偉強先生：應該就有。

主席：係喇，等一陣先，睇下佢點答先。

MR PENNICOTT: Mr Chairman, I don't know whether I can help. The equivalent memo that we have just referred to in the context of Hung Hom, the equivalent one for Kai Ching has been given to Lo & Lo, albeit I think rather recently. We have copies of it here, if anybody wants to see.

主席：即係未擺入去個 bundle 裏面？未...

MR PENNICOTT: I think that's right. I think it may have only been given to them earlier today.

主席：畀一份我哋，唔該。呢個我哋稍後擺埋入去，不如呢個我哋擺埋入 tab 7 個度。

許偉強先生：好。

主席：繼續。

許偉強先生：好。

問：所以你剛才嘅講法就係話即係用呢啲 memo 嘅形式通知番分判商就住嗰個樣辦嘅核實，即係呢樣嘢都係你哋即係慣常嘅 standard procedure 嘅？

答：係。

問：睇番嗰個分判合同，就喺 B5.7，由 11864 開始，11865 就係個即係協議嘅條文，我哋見到嗰個日子就係我剛才同你講嗰個 2010 年 11 月 30 號嗰個日子，就係你哋同何標記所訂立嘅呢個外判嘅合同咁樣。如果我哋睇下啲合同嗰個條款，如果喺 11867 頁，11867 頁，見唔見到嗰個分判合約嘅條件嗰度？

答：分判...

問：睇到嘛？

答：係。

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問：3 就係「承判人的義務」，其中 3 嘅 (5) 個度，嗰度係話即係需要根據本合約同埋個主合約嘅有關工程嘅圖則去做妥嘅，呢度都有提到嗰個主合同，後面我哋見到有個報價說明嘅，11870 個度有個報價說明。基本上，我睇下咁樣了解啱唔啱，就係你哋呢一個合同都係連工包料嘅，基本上，除咗喺你嘅口供入面講咗大概有三、四隻嗰啲水龍頭嗰啲就有特別包。

答：PLU2 嗰啲係佢哋冇包。

問：就嗰啲就係即係唔係佢哋送嚟嘅？

答：係。

問：你睇下 11870 個度嘅第 11 項都講出話「本工程」的「合約是以乙方包工及」「包材料之形式下簽定。」

答：係。

問：我想問一問，就係嗰個投標嗰個過程，即係外判商投標嘅過程，你會唔會參與？

答：我唔會參與。

問：你有參與。我就想問下你知唔知道例如好似呢啲咁嘅報價，即係外判水喉外判嘅報價入面，佢會唔會畀一啲關於即係每一隻材料嗰個成本價係幾多，即係或者佢自己嘅建議價係幾多，畀你呢啲咁樣嘅即係細節去到考慮？

答：唔會嘅，因為佢係包工料，佢會將個人工錢會化埋落去佢個標價度。

問：即係佢哋就可能係--咁樣講係咪呢，即係佢哋可能會畀一個數你，可能每一伙幾多錢咁樣嚟到計？

答：唔係。

問：唔係？

答：係譬如咁，簡單啲，我哋主合約有個 BQ，即係個 bill of quantities，佢都係會 base on 嗰個，可能就佢係一個價係 for 一個 page 或者有啲佢係逐個 item 有價，但係呢個價同實則佢嗰個材料價可能未必係一樣。

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問：咁即係變咗如果你純粹睇佢咁個單位價格，就即係分唔到話即係材料佔幾多嘅，係咪呀？

答：分唔到。

問：你咁點樣去到睇住嗰個報價嚟到決定嗰個報價係咪合理？

答：呢個我相信要寫字樓同事先答到。

問：好。睇一睇就係就嗰啲物料送到地盤現場嗰個時候個情況，我今朝，即係較早時候都同李鴻輝先生都討論過呢個問題嘅，我就有幾點想同你澄清一下嘅啫。喺呢一點度，你就喺你嘅證人口供第 77 同埋 78 段就講出咗嘅，我哋不如睇一睇 77 先。

答：Okay。

問：77 就係話即係當物料送達現場嘅時候，你咁前線嘅團隊就會收到有一張叫 entry record 嘅，即係我理解就係一個人閘紙嚟嘅，係咪呀？

答：係。

問：喺嗰個地盤嘅即係入口嗰度，嗰個人閘紙就會即係作一個紀錄，就係有呢批貨送嚟咁樣，你 78 段最後嗰度就咁講嘅，78 段，睇番先，第三行，你係講話“However, as [China State] would not receive advance notice from its subcontractors”，即係話你唔會事先係收到外判商嘅通知，就話「喂，幾時送貨，送啲咩嘢貨嚟。」咁每一日，“it was difficult to avoid subcontractors bringing small amount of materials into the site without any notification to [China State].”，呢度你係咁講嘅，今朝我聽到嘅口供就同呢個有少少唔同嘅，我同你澄清下嘅啫。

李鴻輝先生就咁講嘅，佢就係話「喂，其實外判商送貨之前嘅兩日，一般嚟講都係兩日，就已經會先填好咗張入閘紙」，交咗畀你咁啲同事，話畀佢聽大概即係邊一日有啲--大約係啲咩嘢物料送嚟咁樣嘅，你同唔同意呢個講法？

答：一般嘅做法會係咁，不過有時有啲比較細--即係或者數量少，或者係可能個 size 比較細嘅，而個 supplier 亦都認為我哋同事畀出嘅時間例如配合唔到佢嘅運輸，可能有關嘅 supplier 會直接同個分判商

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傾「喂，我去到門口擺低，我就走喇。」咁嘅情況之下，就變咗佢哋係唔需要閘紙。

問：你講一般即係細嘅即係數量，就會有咁嘅情況？

答：會嘅。

問：即係話你哋個前線嘅團隊點樣去分何為細呀？

答：首先有一樣嘢就係佢哋係會拎張閘紙畀我哋前線或者我哋嘅老總去簽。

問：停一停先，唔好意思。即係話你嘅意思就係話總之會嚟嘅料，首先唔好理佢多定係少、數量大定係細，都需要填呢個人閘紙嘅？

答：係，但係我哋老總就會因應當日我哋個地盤範圍以內嘅工作，可能編排到 say，可能會話「你 5 點後送嚟喇。」但係可能個 supplier 嗰邊「喂，我架車要朝頭早出喎。」咁嘅情況之下，個分判商可能佢哋會同個 supplier 傾一係就改期，一係就如果係少量嘅，即係佢哋係可以人手拎得到嘅，可能去到地盤門口佢哋放低，由個分判商自己拎入地盤，都會有。

問：即係你嘅意思就係話就未必一定兩日前嘅，可能係當天佢哋遞張...

答：我哋冇當天嘅，起碼都一日前。

問：一日前。

答：起碼。

問：即係起碼都係一日前，你哋都會收到入閘紙？

答：會有個咁嘅 application，但係到最後佢用唔用張入閘紙就係個分判商自己決定。

問：即係話佢去到現場需唔需要--即係送到嚟嘅時候，仲需唔需要 show 張入閘紙畀人睇呢...

答：唔係，係佢會決定究竟嗰架車需唔需要入地盤。

問：入地盤...

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答：因為個問題，好簡單，我哋啟晴邨六座樓，應該跟我哋落石屎期間，每一日應該有兩座樓落緊石屎，如果佢要送貨入嚟嘅時候，我又落緊石屎嘅時候，根本佢架車入到嚟都可能塞住咗，冇番個零鐘頭都走唔到，咁個 supplier 或者個運輸未必會肯入嚟。

問：明白。

答：呢啲就係由佢哋同個分判商去傾。

問：如果喺咁嘅情況，你嘅意思即係話無論數量大小，都首先會有入閘紙呈交咗先嘅？

答：佢哋應該要呈交咗先。

問：只不過個唔同就在於可能有時你講就係話如果有啲細批啲嘅貨嘅，咁...

答：或者少量。

問：少量啲嘅，咁就可能唔需要經過入口送嚟，即係你可能喺出面就已經擺低？

答：架車唔需要入地盤。

問：架車唔需要入，如果架車唔需要入，如果有個--例如有個同事佢擺住兩箱嘢入到嚟地盤個入口嗰度，佢都要登記㗎，佢就算唔運車嘅話？

答：未必嘅，如果佢有 smart-card，可以直接入嚟。

問：有？

答：有人閘--佢哋嘅工人嘅 smart-card。

問：Smart-card？

答：係。

主席：即係嗰啲料就可以入咗地盤用喇？

答：通常嗰啲咁細嘅嘢，就好多時都係啲簡單啲嘅嘢，例如啲膠布、威士

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嗰啲，即係比較上容易拎得嘅嘢，即係如果你係大件嘅，一個 150 mm 嘅止回閥嗰啲，佢都要車入嚟喇。

主席：我知，因為我哋譬如見到二十盒，譬如二十捆無鉛錫線咁一盒，一個膠袋都已經擺咗入去喇？

答：如果睇個盒就係，因為咁嘅材料入去地盤就簡單啲，如果你話咁嘅材料拎出地盤，我哋看更就唔畀，一定要有出閘...

主席：拎出就唔得，拎入就有問題？

答：係。

問：我畀你睇一睇有啲單據，如果我哋睇下 S1, S1 167, 167 就都係由雋景建材嗰度出嘅發票，都係畀何標記，又係就住呢一個啟晴嗰個地盤嘅，我哋見到 167 就第二行有一個叫「英國 50 力扁錫條（每磅約 8 支）」，就有 330 磅，330 磅，呢個其中一個例子，如果你睇下 169 頁，另外一次送貨就係又係有英國 50 力扁錫條，有 275 磅嘅，275 磅，我哋講緊 275 磅即係幾多支嘍？275 磅都成千幾支，後面 173，見唔見到？173，都有 275 磅扁錫條，最後畀你睇一睇 177，有成 330 磅扁錫條，如果我哋講緊呢啲三百幾磅嘅錫條如果真係有送嚟嘅，就應該唔係你所講啲即係少量啲貨，應該，係咪呀？

答：唔好意思，我 imagine 唔到三百幾磅嘅扁錫條係幾高。

主席：Imagine 唔到乜嘢話？三百幾磅嘅咩嘢話？

答：330 磅嘅扁錫條究竟個 size 係幾多，我 imagine 唔到，所以我答唔到。

主席：哦，你擺嗰個盒畀佢睇，嗰個長盒。

許偉強先生：即係少過...

主席：一個 55 磅。

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問：一個三百三十幾磅，就少過兩個我嘅重量，如果你講呢一個咁，就係 55 磅。

主席：55 磅。

答：如果 55 磅，即係六盒。

問：即係如果講三百幾磅，就大概即係六個呢啲盒咁？

答：六盒，係囉。

主席：六盒。

問：如果你講六盒呢啲嘅話，即係你剛才講嘅情況，你會認為係即係多嘅數量定係少嘅數量？

答：如果佢一架手推車推得到入去嘅，我都唔覺得佢有咩嘢問...

問：即係一架手推車推得入去嘅，都唔算係多嘅？

答：係，唔係太大問題，如果你真係六盒呢啲嘢，我覺得係即係比較上容易係入得到。

問：我哋聽到就係話你大規模啲嘅，要車咁入嚟啲嘅，咁就即係我哋知道嗰個即係入閘紙嘅運作，有啲小規模啲嘅，可能你唔需要架車入嚟，有人推入嚟都已經得，但係我想問下就係無論係車入嚟又好，人帶入嚟又好，去到現場，你哋有冇個制度係話「欸，送嚟喇，我要驗收嘅」？

答：喺我口供講咗，如果係有需要嘅，我哋前線同事見到佢入到嚟嘅，佢哋會去睇，有部分嘅小五金，所謂小五金有機會會係個分判商自己使用嘅物料，即係簡單啲，例如威士、士黏膠布啲嘅，我哋係唔會睇。

問：好，我都想問你嘅，即係呢個我都問過，我唔會去即係糾纏啲啲細節嗰度，我相信房委會嘅律師可能會問你，因為我哋之前就問過宋先生同埋陳生嘅，就話即係其實你哋就住嗰個標準工作程序，就有話特別要去睇啲啲焊料嘅，係咪呀？

答：係。

問：另外你哋就住嗰個 project management plan，即係嗰個項目管理嗰個計劃，亦都有特別就住呢個焊料嚟到去訂立一啲即係檢視，即係送貨嚟嗰陣時檢視嗰個情況嘅，都有嘅？

答：當時係有嘅。

問：當時有嘅。我想問下，就係話作呢一個決定，即係例如邊啲料到場嗰陣時候去檢視、邊啲料唔需要檢視，係最主要喺你嗰個角度嚟講，即係你嘅認知嚟講，係取決於乜嘢？

答：首先第一樣嘢，就係如果嗰件嘢係合約上或者法例上係我哋需要去睇嘅，咁樣我哋就一定安排去睇，亦都會擺喺我哋嘅 PMP 度，因為之前宋生講咗，或者陳紹榮都講咗，個標準工作程序係我哋公司一個 general 嘅方向，我哋係每個 project 都有。

好喇，落到 project 度，我哋亦都因應唔同嘅工種或者係唔同嘅行業，我哋有同事去 review 呢一樣嘢嘅，至於喺水喉方面，因為過往呢--用銅喉，如果喺房署嚟講，大概用咗十年嘅，不鏽都係有特別嘅問題出現過嘅，包括焊料在內，所以當時嘅同事就有將呢個焊料擺喺嗰個到貨檢查嘅 list 入面。

但係之前如果我哋公司有其他項目有發現到啲物料有質量上問題嘅，例如啲 uPVC 喉，其實房署嘅 6210 要睇，其實我哋自己本身都要睇，因為當時係曾經試過就係因為個質量問題，有部分嘅喉係要拆番落嚟換過，如果連公司嘅紀錄上或者業界都有一個特別嘅 concern 喺呢樣嘢，咁樣我哋就有考慮要將佢作為一個檢視。

問：好，明白。喺你嘅證人口供就講得比較簡單啲嘅，呢方面，如果我哋睇一睇文件夾 F1 105 頁第 79 段，79 段，你就話啲焊料就唔係一個特定嘅物料就係房委就係即係需要你哋進場嗰陣時係做檢測嘅，因為呢度你就係根據嗰個 6210 嗰張 form 咁嘅？

答：呢個係其中一個嘅。

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問：6210 就唔係一個唯一個你哋去決定進場嘅貨係唔係需要做檢視個標準嘅嘅？

答：啱。

問：你哋都要睇其他嘢，包括我剛才講嘅，例如標準工作程序？

答：我頭先都講咗，我哋個 PMP --啟晴呢個 PMP 當時嘅考慮，就係因為呢樣嘢係之前咁多年都有特別問題嘅，所以我哋先至考慮係唔需要做檢視。

問：呢一隻，例如某一隻物料需唔需要進場做檢視呢一個問題，你哋當時個考慮會唔會都考慮埋「咦？呢隻物料有冇曾經係個樣辦係批核過嘅，如果批核過，應該都要做一個檢視啲。」有冇咁嘅考慮？

答：焊料係冇。

問：冇，好。跟住我想問一問，就係剛才講緊啲物料進場嘅時候，如果車入嚟，即係有紀錄，如果你剛才話，如果例如好似人手推入嚟嘅，又或者係啲即係小型啲嘅貨，我哋講焊料喇不如，如果係焊料，係咪就即係喺個現場嗰度，就唔會有一個進場嘅紀錄？

答：係。

問：好。例如呢啲焊料，以你所知，進咗場之後，你哋地盤有冇邊位負責人會話例如將呢啲料擺去邊度，有冇啲咁嘅職員去做呢樣嘢？

答：如果焊料，就有嘅。

問：冇嘅？

答：係，但係如果例如銅喉、配件啲啲，我哋前線話畀佢聽佢要--即係要知道佢會擺喺邊，同埋我哋要知道佢係咪可以鎖。

問：以你所知，因為我知道你都不時有時去下地盤，做啲巡視咁樣嘅。

答：係。

問：以你所知，就係呢啲焊料送到嚟地盤現場之後，會一去就去咗邊度先嘍？

答：我只可以話佢哋會去番分判商個 workshop 度。

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問：Workshop 嗰度，即係你哋所講嘅架步嗰度？

答：係。

問：就住即係啟晴呢個項目，嗰啲水喉工程大概頭頭尾尾做咗幾耐嘍？

答：十四、五個月喇，十四、五個月。

問：十四、五個月？

答：就住嗰六座樓。

問：吓？

答：就住嗰六座樓。

問：就住六座樓？

答：唔。

問：例如做緊水喉工程嘅時候，你大概平均會幾耐去睇一次？

答：呢個冇定嘅，因為我會去睇可以一個禮拜兩次或者兩個禮拜一次都有，視乎當時我嘅工作安排。

問：即係起碼都有幾個禮拜有一次嘅？

答：係。

問：你有冇喺地盤現場見過呢啲焊料？

答：你係講緊現場係佢嘅架步吖，定係...

問：我哋講咗架步先。

答：佢架步我有見過。

問：有見過？

答：係。

問：喺個架步你見過個焊料係擺喺邊㗎？

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答：佢哋有一個架嘅，咁樣我見到佢有啲焊料，即係有啲係喺個盒度嘅，有啲係拎咗出嚟擺喺個盒面嘅。

問：有啲喺個盒度嘅，係咪呀？

答：係。

問：有啲喺個盒度嘅話，就係咪呢類型嘅盒？記唔記得？

答：唔係 exactly 好記得呢個就。

問：唔係 exactly 好記得。如果你話見過個啲焊料，係咪？你見佢哋個狀況係咪就係好似咁樣？

答：如果喺架步度嘅，係。

問：好，喺架步度你見到嘅，擺喺架度嘅，即係會有好幾卷擺喺架度咁樣？

答：會有幾卷擺喺盒面。

問：盒面？

答：係。

問：即係好似咁樣？

答：咁上下喇。

問：係咪呀？

答：係。

問：再畀你睇多一次，呢個盒其實唔係啲咩嘢好特別嘅盒嚟嘅啫，不過呢個盒就有個綠色嘅標記，就寫住“Fry powerful lead-free”咁樣嘅，有個咁嘅個 label 喺度嘅，有冇見過類似嘅盒？

答：唔係好確定。

問：如果你喺架步見到嘅焊料係咪一直--即係你喺架步見親嘅焊料都係會係咁樣嘅狀況？

答：有唔同 case，如果我當日喺啟晴邨水喉分判商嘅架步見到嘅會係咁

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嘅情況。

問：喺架步入面有冇見過焊料係拉咗出嚟，一條條咁擺喺度㗎？

答：呢度我想澄清少少，水喉工人係會一條條剪咗出嚟，不過佢哋剪咗出嚟之後會咁樣綳，綳埋咁樣揸住喺手，就方便嘅，唔會咁樣揸住一條條嚟燒焊。

問：一步一步嚟，你就話見過水喉工人會剪咗呢啲咁嘅焊料，你有冇親眼見住佢哋剪？

答：喺有利華廠上面，我見過有。

問：即係你講嗰個就係喺內地嗰個？

答：係。

問：我而家講番啟晴嗰個地盤先，啟晴嘅地盤，你自己巡視嘅時候，有冇親眼見過水喉工人剪呢啲咁嘅焊料？

答：我有。

問：冇？

答：冇。

問：冇。但係你就見過就有工人就係即係擺住即係一束束剪咗嘅錫條，你嘅意思係？

答：係。

問：而你講呢個狀況都仲係講緊架步嘅，係咪？

答：係，係出面做緊...

問：單位。

答：...接焊㗎喇。

問：係咪呀？

答：係。

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問：就係喺出面嘅意思係...

答：喺樓層裏面。

問：樓層裏面嘅。一條條嗰種狀況，你剛才講話工人擺咗一條條就有出現過喺架步入面嘅。

答：我有印象。

問：你講話見到工人擺住一條條，你話係即係摺埋咗嘅？可...

主席：畀一條佢，畀一條佢示範。

許偉強先生：畀一條佢，好。

答：通常工人係咁樣揸住嚟燒。

問：咁樣揸住嚟燒，你所見到佢揸住嚟燒嗰啲咁嘅焊料係咪就係類似呢啲？你啱啱即係都有摸過，係咪類似呢個？

答：呢樣嘢答唔到啲。

問：答唔到？

答：係，答唔到。

問：我又想問下你...

主席：你答唔到係因為你離遠望，係咪咁嘅意思？

答：因為--我只可以咁講，我見到工人係咁樣揸住嚟燒嘅，你問我係咪呢一隻，我真係答唔到。

主席：答唔到？

答：係。

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主席：得，唔緊要。

問：你除咗見到工人咁樣捲埋一束咁嚟燒之外，有冇見過工人喺個地盤現場係托住可能有一堆呢啲咁嘅即係你所講剪咗嘅錫條係擺去準備要做焊接嘅工程？

答：唔會嘅，因為其實啲工人佢哋係會知道佢大概一晝會做咗幾多嘢，佢哋就只不過會將咁大概數量嘅焊線就會剪咗出嚟，跟住就分開幾網，咁樣就擺落佢個箱度，佢唔會話一次過擺一磅嚟放上去啲嘅。

問：即係你都會見過佢哋將呢啲剪咗嘅錫條擺喺個箱度嘅，擺喺...

答：擺喺佢哋嘅架生箱度。

問：擺喺佢哋嘅？

答：Toolbox。

問：Toolbox。我想問下你，就係呢一個係另外一個形狀嘅盒，長方形嘅紙盒，就上面個 label 就寫住「英國 50 力扁錫條」，即係我哋啱啱睇過啲單所即係講啲錫條，有冇見過呢啲咁嘅箱？

答：冇乜記憶呢樣嘢。

問：如果咁樣講呢，一個箱如果打開咗，係咁樣擺呢啲咁嘅一條條錫條喺度嘅，有冇見過？

答：冇。

問：肯定冇見過？

答：冇。

問：你啱啱講就係話啲工人都會將啲錫條擺喺個工具--即係個 toolbox 個度嘅，你講個個喺 toolbox 嘅時候，佢係--你剛才講個種情況，即係話一條捲埋嘅，定係咁樣呀？係咁樣嘅？

答：多數見到咁樣。

問：即係唔會見到有咁樣嘅狀況擺喺個 toolbox 度嘅？

答：好少。

問：有冇見過？

答：啟晴就有。

問：我想問下，就係你哋送啲咩焊料啲咩貨嚟到現場之後，之前你哋兩位證人都有交代過呢樣嘢嘅，就係你哋都有話特別去就住啲咩送貨單或者啲咩發票係做一個保存嘅，係咪呀？

答：基本上呢啲小五金嘅，我哋係冇保存，或者我哋冇收。

問：如果我哋睇番 F2 1370，F2 1370，我哋見到 1370 就係一個即係 memo，就係你哋公司--即係其實呢個係你哋公司亦都呈交出嚟嘅文件嚟嘅，其中就係 from 有位 Derek Ma，就係 site agent 嚟嘅，就係應該係擺去畀--呢個應該係你哋嘅 site agent 擺畀房署啲邊啲職員嘅。

答：係。

問：呢度有講到話 "would like to submit herewith" 係一啲 "material delivery Note during the period from" 6 月 1 號至到 6 月 15 號 2012 嘅，呢個文件係畀房委嘅一個 project clerk of works 嘅，我哋就咁睇個文件就睇到係咁樣。

答：係。

問：我首先想問一問，就係你哋係咪會都定期會將一啲咁嘅 material delivery note 係會呈交畀房委會啲邊？

答：就住呢一張嘅 memo，我會話唔係，因為呢張 memo 我都有 initial 喺上面嘅，當日就應該係 clerk of works 啲邊--我唔知道係 clerk of works 或者 A clerk of works 同我嘅 ABSE 胡永來（譯音）講，就話「喂，我哋要入啲 material list 畀佢。」咁樣即係入呢個 plumbing and drainage 嘅 material list 畀佢，咁樣我同事就去咗何標記啲邊就搵佢個 supervisor，就擺咗呢一段時間嘅 delivery note 就入咗畀個 clerk of works，但係入完咗之後，個 clerk of works 就覺得我哋應該要經番 AQCC 再入過，因為對佢哋嚟講，AQCC 係需要 check 呢啲嘢嘅。咁樣之後，就我就 PASS 咗呢樣嘢畀我哋 builder 啲邊去搞。

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問：明白，我想搞清楚先，就係話因為我哋見到有一啲送貨單就呈交咗畀房委會，我首先想搞清楚，就係你哋內部嗰個制度底下，你哋嘅駐地盤嘅工作人員係咪會不時其實會係收集呢啲咁嘅送貨單？

答：如果我做開就有嘅，不過係呢一張就係一個--因為係一個 request 嚟嘅，所以就有做到呢樣嘢，亦都翻查番我哋 builder 嗰邊接手咗之後，clerk of works 嗰邊已經有再特別要求要入呢個 plumbing and drainage 嘅 delivery note。

問：即係你所講呢個就係一個特殊情況嚟嘅？

答：係。

問：即係佢哋要求你哋擺...

答：係有房署嘅同事同我嘅 ABSE 講嘅。

問：我睇番你哋有位同事，應該係林先生，即係佢係就啟晴邨嗰個 BSE 嚟嘅，就係林啟煌先生。

答：林繼煌。

問：如果我哋睇一睇佢嘅證人口供，喺 F2，F2 嘅 1355 頁，佢嘅證人口供係咁講嘅，1355，羅馬數字 (i)，佢就話中國建築就就住啟晴嗰個工程嘅項目，由頭到尾曾經都呈交過過百張呢啲咁嘅 memos，嗰個抬頭係寫“Submission of Material Delivery Record”，就畀呢個房委會嘅兩個 project clerk of works 嘅，即係佢呢個講法就係話都有成過百張呢啲 memos 嘅。

答：係，我頭先嗰個呢，我之前睇緊嗰張 memo 係講明係 plumbing and drainage 嘅 delivery 嘅，係得一張啫，至於呢啲嘅 materials 係有過百張，不過牽涉到有 plumbing and drainage 嘅 material 亦都係等同之前嗰份 memo 嗰一批嘅啫。

問：如果你睇一睇 F2 1370，啱啱我哋睇過，即係呢個就係其中一張，就係有關 plumbing 同埋 drainage 嘅 material delivery note，人面如果我哋睇佢人面夾咗嘅送貨單，我哋睇下其中就係喺 1373 頁，就見到「英國 50 力扁錫條」，1375 同樣地都係有「英國 50 力扁錫條」，見到嘛？

答：係。

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問：首先我想搞清楚嘅，就係好明顯就咁從呢一個例子嚟睇，即係你哋中國建築係有人--即係喺地盤嘅員工係有去收呢啲咁嘅送貨單嘅，同意嘛？

答：就住呢兩張，我頭先講咗，係我個 ABSE 因應房署嘅前線同事要求，佢先至去何標記嘅 workshop 度要求擺呢啲送貨單。

問：如果你就咁睇呢幾張送貨單，擺番嚟嘅時候，都會睇到呢個「英國 50 力扁錫條」，即係呢一個咁嘅形容，呢個貨品嘅形容就同你所認知，啱啱我哋睇過呢個綠色嗰個 Fry 係唔同個囉啫？

答：我當時對於呢個英國 50 力扁錫條係冇任何認知，至於呢批單入面，我會睇到係有膠喉，有螺絲，有啲係已經入咗而批核咗嘅物料喺度。

問：如果我哋就咁睇呢幾張送貨單，你就咁睇呢個，如果我哋講緊錫條，50 力扁錫條，如果就咁睇，都會其實就已經知道同你原先所要嗰個 Fry 嗰隻無鉛錫條有唔同。

答：我記得我今朝講過，我對於水喉用嘅無鉛錫條，我係知，而我亦都知道喺香港嘅 market 入面有唔同類型嘅錫條，係要嚟做咩嘢呢，我唔知。

問：如果你見到有呢隻同你認知嘅嗰隻無鉛錫線或者 Fry 嗰隻，啱啱我哋見到綠色嗰隻係有唔同嘅話，你會唔會覺得有啲奇怪？即係你會唔會去問下「喂，呢隻咩嘢嚟」？

答：因為個數量，如果你係純粹睇--唔好意思，因為數量上佢又唔係好多，所以我未必會為意到佢係乜嘢嚟。

問：得，好。

許偉強先生：主席，需唔需要...

主席：休息？

許偉強先生：係。

主席：好，十分鐘。

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下午 3 時 33 分聆訊押後

下午 3 時 52 分恢復聆訊

出席人士如前。

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）的第四證人：梁文偉（中國建築高級屋宇裝備工程師（啟晴邨））宣誓繼續作供
許偉強先生繼續盤問

問：就住剛才我哋睇嗰啲送貨單，即係話你哋交咗畀房委會嘅即係 project clerk of works 嗰度，就仲有一個問題想問下你嘅啫，就係如果你睇番 F2 1373，F2 1373，我哋見到就係同一個送貨單，同一個送貨單，如果你睇下第 2 項就寫住「50 力扁錫條」嘅，睇到嘛？

答：係。

問：第 6 項就寫住「英國 FRY 無鉛錫線」嘅，睇到嘛？

答：係。

問：同一個送貨單都有兩種焊料嗰個唔同嗰個送貨個紀錄，即係兩隻焊料都送咗嚟，你會唔會覺得奇怪點解會有兩隻焊料一齊喺張送貨單度？

答：對我嚟講，奇怪在就係「英國 FRY 無鉛錫線」，因為當時嘅 Fry 係應該荷蘭出嘅，我會覺得呢個係有問題，但係至於你話嗰個 50 力扁錫條，我就真係冇乜特別感覺。

問：冇乜特別感覺？

答：係。

問：即係唔覺得佢會同嗰隻無鉛錫條會有分別？

答：會，因為我覺得對我嚟講，就係因為我知道 Fry 係荷蘭出嘅，如果係打「英國 FRY」，其實會唔會調番轉一個問題，就係有另外一隻無鉛錫線呢？我會有咁嘅 concern。

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D 主席：即係呢啲送貨單當時就佢哋有睇定冇睇㗎？送貨嗰陣時就有睇嘅？

E 答：貨嗰時就有睇嘅。

F 主席：後來應房署嘅要求就去攞番呢啲出嚟？

G 答：因為應房署嘅要求，我同事搜集咗返嚟，因為我有簽名喺張 memo 度嘅，我有曾經攞過下。

H 主席：就即係交上去嗰陣時先至知--交上去就你有過目過，不過都有吸引到你嘅注意力，係咪咁嘅意思？

I 答：嗰樣嘢吸引唔到我。

J 主席：得，因為呢個何標記就淨係做水喉嘅之嘛，佢唔係話又做埋--我唔知，...

K 答：喺啟晴邨，何標記係負責水喉同埋渠務。

L 主席：係喇，即係佢唔係話做譬如 gas，即係嗰啲咁嘅撈攪嘢？

M 答：Gas 係房署嘅指定嘅 specialties 嘅 subcon.。

N 主席：咁即係換句話嚟講，因為我明白錫線可以有好多唔同嘅用途，包括
O gas、油有好多啲管嗰啲都可以用嘅，但係因為佢淨係做水喉嘅之嘛，
P 所以個問題就係都係返番去許律師個問題，就係話一個做水喉嘅人同一時候就係 order 咗--叫咗兩種唔同嘅錫線，一種就係無鉛嘅，寫到明，即係會唔會引起你嘅注意力呢咁？

Q 答：當一刻真係引起唔到我嘅注意，同埋有一樣嘢，就係因為始終喺小五金入面有部分會係個分判商自己可能佢有啲 works 係會自己會做，或者有啲臨時嘢，我哋未必一定會察覺得到嗰樣嘢係要嚟做咩嘢。

R 主席：得，好，唔該。

S
T 問：好，如果我哋睇另外有一張 memo，就係 1394，F2 1394，呢個就係
U 另外一個日子嘅，6 月 23 號，都係 Derek Ma 就向 project clerk
V of works，即係房委會嗰邊 project clerk of works 呈交嘅一

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啲我哋叫做 material delivery record 嘅，呢個個情況係咪都係同番啱啱嗰一張個情況一樣，以你個理解？

答：如果睇埋佢後面嘅 table，就其實應該就同頭先嗰張情況唔同嘅，因為呢度係好清楚咁講明就係關於個 6210 嘅 material delivery 嘅，亦都入面亦都有 quantities 嘅問題，但係佢淨係 indicate 一部分囉。

問：但係如果你睇下呢一個 memo 嘅第 2 項，第 1 項就係你講得啱嘅，Table 1，Table 1 就係講緊 6210 嗰拑 material，係咪？

答：唔㗎。

問：22 項就寫住“Delivery notes of the material which is not covered in Table 1”嘅，睇到嘛？

答：係。

問：呢個就應該係 1415 同埋 1417 嘅，1415 就應該如果我有睇錯，就同啱啱 1373 嗰張就一樣嘅，都係睇到第 2 項都係「50 力扁錫條」，第 6 項就係「英國 FRY 無鉛錫線」，睇到嘛？

答：係。

問：你知唔知道點解即係同一張送貨單又要再擺去呢個房委會嗰度呈交嘅？

答：其實我頭先有答過呢個問題，我哋入完第一張之後，clerk of works 嗰邊就要求要由 AQCC 去 endorse 嗰拑送貨單。

問：去 endorse 嘛？

答：係，所以我哋就將呢一樣嘅工作就交咗畀我哋當時個 AQCC 同事去搞。

問：明白。我哋轉去另外一個問題，睇下你嘅證人口供嘅第 81 段，81 段都講有啲係即係我哋而家知道係啲即係預製組件，即係啲 off-site 嘅 installation，响 81 你就話有啲嘅水喉嘅工程就即係唔喺現場做嘅，off-site 嗰啲就其中包括一啲浴室嘅同埋廚房嘅一啲預製組件，啲 precast 嘅 components，就係有一間就係都係你哋中國建築嘅外判，叫做有利華，係咪呀？

答：係。

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問：有利華，就嗰啲工程--即係製造呢啲預製組件嘅工程就係內地生產嘅，係咪呀？

答：係。

問：你 81 段最後嗰度就話何標記都會係負責去即係 install 嗰啲 copper pipes、fittings and valves 呀咁，即係呢個預製組件，即係佢哋都有參與呢方面嘅工作嘅？

答：佢哋有參與呢啲預製組件入面嘅水喉工序。

問：但係何標記所參與有關預製組件嘅工作，就並不包括即係內地生產嗰一環嘅，係咪呀？

答：原合約係，不過我哋應該係 11 年--我唔記得吃幾多月，我哋就入過一個 proposal 畀房署嘅，就我哋 propose 就將部分嘅喉管安裝都係入面做埋，亦都得到房署嘅接受，我哋先安排做呢樣嘢。

問：如果我哋睇下 82 段，你呢度係咁講嘅，就話你哋中國建築嘅一啲代表，包括你本人，都會即係去到呢個內地，即係呢個有利華嗰個即係 workshop，即係佢嗰個--叫咩嘢？

答：工場。

問：工場嗰度，係，唔該。工場嗰度就去即係睇住呢啲咁樣嘅製造過程嘅，係咪呀？

答：我哋有同事係會入去睇有關嘅工人，但係就唔係 full time 嘅。

問：你哋有同事去睇，你自己，呢度你有寫你自己都有，你去過幾次？

答：基本上我就係初初 set up 嘅時候，我諗我有兩、三次上過去，因為當初初初 set up 嘅時候，因為我--係經我同我另外一個同事，就同有利華廠擺地方畀佢哋做 workshop 嘅，當然，喺人哋間廠度做嘢，人哋都有 concern 嘅，無論佢嘅出入閘、保安嗰啲，咁樣我哋係有上去，我第一次上去就應該啱啱有利華廠就交咗個 workshop 出嚟，我上去睇過 setup 嘅。

問：即係交咗個地方出嚟，係咪呀？

答：係，交咗間房。

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問：間房？

答：係。

問：就未開始做嘅？

答：未開始做，啱啱就亦都係第一批嘅物料上咗去。

問：所以你上去最主要就係巡視下嗰個 workshop，即係嗰個工場 O 唔 okay？

答：第一次係。

問：第一次係。咁你第二次上去呢？

答：第二次上去就基本上就佢何標記已經有工人喺入面開始安裝，但係亦都我哋發覺個問題，就佢唔係 100 個 per cent 做晒所有嘢落嚟嘅，咁同...

主席：聽唔到，大聲少少。

答：唔好意思，我第二次上去就係因為見到有預製件已經有水喉做咗，但係就唔係完全跟我哋圖則 100 個 per cent 做晒嘅，即係有啲甩漏，亦都有啲工藝上有問題嘅，所以我上去了解下件事究竟係點解。

問：我想問下，就係嗰個製造預製組件嘅過程，我想搞清楚嘅，就係何標記喺呢個內地生產嘅過程，佢有冇參與，何標記？

答：係何標記直接參與。

問：直接參與嘅，佢哋嘅參與係咪何標記直情搵香港啲工人上去做？

答：何標記當時就派咗佢個 site supervisor 陳小華上去 set up 呢一 team 人嘅。

問：派陳小華上去，就即係做領隊，上到去，佢哋係咪搵番當地，即係內地嘅工人去製造呢啲預製組件？

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主席：安裝水喉。

問：安裝水喉。

答：係。

主席：內地工人？

問：內地工人？

答：係。

主席：嗰個註冊水喉匠有冇上去呢？

答：我印象之中，佢係冇上過去。

問：你都明白，即係根據嗰個水務條例，就即係嗰個持牌水喉匠即係需要對所有有關水喉同埋個部件嗰啲工程係作監督嘅，喺呢一個預製組件呢一個咁嘅做法，就嗰個水喉匠--即係持牌水喉匠就做唔到呢方面嘅監督，同意嘛？

答：我唔同意咁講法，因為冇人阻止過佢上去，其實佢上去我哋係歡迎嘅，因為佢係有佢嘅 input 落去嘅。

問：你哋有冇叫過持牌水喉匠上去做監督？

答：我冇正式邀請過，不過我曾經邀請過何老闆一齊上去睇過。

問：我想問下你知唔知道喺內地做呢方面嘅工作嘅工人，佢哋嗰啲資格係需要合乎咩嘢資格先可以做到？

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答：呢個我唔清楚。

問：喺香港，我哋有聽過，就有大工、中工，即係 semi-skilled，有 skilled workers 咁樣，喺內地，以你所知，有冇呢啲咁嘅分別？

答：喺其他省份我知有嘅，但係當日做嗰批工人，我唔清楚。

問：你哋有冇話特別對嗰一批工人係做一個紀錄？

答：冇。

問：冇。有冇話例如問過呢啲工人做呢方面--我哋而家講緊預製組件，喺內地，佢哋曾經有過啲咩嘢經驗，有冇問過？

答：有，我問過何老闆。

問：問過？

答：何標記嘅老闆。

問：老闆？

答：何文標先生，佢就話佢呢班人係喺內地做開水喉嘅。

問：但係至於佢哋究竟有啲乜嘢訓練，即係以前曾經有嘅，你哋就有呢方面資料？

答：冇嘅。

問：好，最後，我想同你講講，就係你喺證人口供所講嘅有啲即係不符合規格嘅有啲部件，即係啲 deviated materials，即係我哋而家睇番水務署嗰啲報告，就知道有啲閘掣，有啲水喉，就即係都可能係水務署覺得係唔符合嗰個含鉛嗰個要求嘅，你都會知道就係持牌水喉匠佢一開工作之前，都需要填嗰啲--即係我哋知道係嗰啲水紙，即係 WW56，56，係咪呀？

答：46，46。

問：WW046，就嗰個 WW046 有個附件嘅，有個附件都係即係會列出咗即係佢可能想用或者建議用嘅一啲組件嘅，同意嘛？

答：同意。

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問：但係有好多時都真正嗰個工程進行嘅過程，可能對呢啲原先建議用嗰啲組件可能會作出咗變更嘅，都有咁嘅情況出現嘅呵，呢個？

答：係。

問：我都想問一問，你哋自己公司內部處理呢啲咁嘅對原先建議嘅組件，如果要變更嘅，例如同嗰個持牌水喉匠個溝通會係點？第一，如果持牌水喉匠佢做工程過程之中話「喂，嗰幾隻我原先擺咗喺張 form 度，我唔用喇，我用另外嗰幾隻。」假設有隻轉咗，持牌水喉匠要先通知邊位，喺你哋嘅公司嘅機制下？

答：首先第一樣嘢，佢要通知--即係以啟晴邨為例，佢要通知我或者我同事，因為佢如果要轉物料，我哋首先第一件事，要 check 番佢準備轉嗰隻物料係咪合乎 spec. 入面嘅要求先，如果呢個合乎要求，我哋會要求佢畀番個解釋我哋點解要轉，例如啟晴邨入面，有部分嘅銅喉料，我哋有兩隻嘅，點解呢？因為有一段時間原先嗰隻嗰個供應量係唔穩定，所以當時佢哋 propose 多一隻，所以我哋 check 過冇問題，我哋都幫佢照上嘅。好喇，呢度就係我哋 main con. 對房署合約上要滿意嘅要求。

第二樣嘢，如果呢樣嘢係得到房署嘅批准嘅時候，持牌水喉匠係有責任去水務署重新入番呢啲物料畀水務署批，呢個亦都係好清楚喺個 circular letter 入面清楚列明咗水喉匠要做嘅嘢。

問：咁樣綜合嚟講啱唔啱呢，就係如果有轉嘅，持牌水喉匠先要同你哋溝通咗先？

答：係。

問：然後佢就有責任向水務署就呈交番一個更新咗嘅嗰個表？

答：係，仲要水務署批。

問：係，冇錯。我想你都睇一睇就關呢件事有幾位人士嘅證人口供嘅，首先我想你睇一睇持牌水喉匠林德森個證人口供，我哋先睇睇就係林德森先生就住水務署一啲調查小組同佢會面嘅紀錄嚟嘅，喺 Q1 嘅第 17 頁，林先生喺第 4 段就係咁講嘅，佢就話林先生--即係呢個就係個會面個紀錄嚟嘅，就係講番林先生當時講嘅嘢。

「林先生稱就啟晴邨及葵聯邨所使用的水喉配件的更改，作為負責該項目的水喉匠的他曾向該工程項目的註地盤屋宇裝備工程師提出

需向本署申報」，即係水務署，「惟該工程項目的註地盤屋宇裝備工程師曾向他表示無須」更改，「及再次遞交有關的水務表格 WWO46 第一」同埋「第二部分，由房屋署與署方的相關人員溝通即可，故林先生並無向本署遞交有關更改水喉配件的水務表格。」睇咗呢度先，停一停。

我哋又睇下另外何文標，即係何標記嘅老闆佢所講個情況，喺 K1，K1 38 頁，38 頁 (b) 個度，呢個係何文標先生就住本聆訊小組就係講出即係呢件事個個始末，佢係咁講嘅，佢就話“For those pipes and fittings which deviated from the list of Plumbing”，即係嗰個 46 個個 list，持牌水喉匠係知嘅。

“According to the LP”，即係林德森先生，佢就建議畀呢個房署，就係話有啲改變咗嘅物料係需要再一次咁樣去呈交界水務署作批核嘅，但係佢就話房署嘅屋宇裝備工程師就同佢講「喂，有房署嘅人同埋水務署嘅人係會溝通嘅，所以就唔需要就係再呈交一個更新咗嘅 46 個張 form 喇。」咁樣，呢度就咁講，即係有少少類似。

我哋就就住呢樣嘢，就問過房屋署嘅呢個總屋宇裝備工程師，就問下佢「喂，係咪咁嘅情況㗎？」佢就畀我哋嘅答案就話--講埋畀你聽先，跟住我一次過問你，就係佢就話「房署就有駐地盤嘅屋宇裝備工程師嘅，如果係駐地盤嘅屋宇裝備工程師，就係總承建商嘅屋宇裝備工程師。」首先呢一樣嘢先，就係話房署冇駐地盤屋宇裝備工程師，總承建商有，就呢一點，你同唔同意呀？

答：喺啟晴邨，我同意。

問：同意。就住佢哋所講，就係話駐地盤嘅屋宇裝備工程師，即係我假設係譬如中國建築嘅駐地盤屋宇裝備工程師曾經同林德森講過，就係話「喂，唔需要呈交一個更新咗嘅表格㗎喇。」等你哋自己嘅屋宇裝備工程師同水務署溝通就得㗎喇，就呢件事，呢個咁嘅講法，你有啲咩嘢回應？

答：首先一樣嘢，我唔覺得我或者我同事會作出呢一個嘅講法，因為喺我立場嚟講，呢一個係 licensed plumber 嘅責任，而佢只要係入番張 revise 嘅 annex 入去畀水務署攞番水務署 approval 亦 okay 嘅，係唔需要入個 part I、II，呢個係當時嘅做法，亦都係一般 project 嘅做法。而作為一個 licensed plumber，佢知道自己責任嘅情況之下，佢冇理由走去問啲唔揸耕嘅人呢一個問題。

問：以你喺啟晴邨即係嗰個工作嘅範圍以內，你知唔知道例如林德森先生

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有冇同你哋屋宇裝備任何一啲同事有傾過呈交更新呢個 form 46 嘅事宜？

答：就我所知，係冇嘅。

許偉強先生：我有其他問題。

主席：唔該。有冇人有問題？不如我問先。

我想問一問，你就話個何標記曾經建議就上去內地預製組件嗰度裝埋水喉--安裝埋水喉喺上高？

答：係。

主席：即係一次過做埋佢？

答：係。

主席：係因為成本較低？咩嘢原因？即係我想知道，因為佢有咁嘅 proposal，你哋又同意，最後房署又同意，於是就上咗去喇？

答：我相信因為 VPB 呢樣嘢喺房署嚟講，都係一個試做嘅項目嚟嘅，咁樣當然佢哋喺合約上，佢哋 set out 咗佢哋起碼要要求嘅嘢，咁樣只不過就係話如果有可能嘅情況之下，我哋相信房署都會想試多少少，所以我哋就 propose 咗呢樣嘢。

主席：即係純粹係當時就係話想試下有冇啲新嘅方法係更有效率去建屋？

答：會唔會有啲新方法可以更加有效或者係更加令到個生產係高啲。

主席：生產效率提高啲，所以當時嗰個--生產嘅成本有冇考慮埋，當時？

答：其實生產成本，人工方面係平嘅，但係喺國內嘅要求，尤其是啲銅喉嗰啲，我哋運入去都要經海關打稅，其實都有個 cost 喺度，真真正正平咗幾多，我真係唔知喇。

主席：得，唔該。

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Mr Ho。

何先生：唔該主席。

何先生盤問

問：就你最後嗰個問題，我可唔可以請你睇一睇一查文件先，得唔得？

答：唔好意思，我聽唔到，唔好意思，我聽唔到。

問：就你最後講嗰個預製組件嗰個問題，我可唔可以請你睇一查文件先？

答：可以。

問：有一啲就係房署同埋中國建築就呢一個問題嘅一啲書信往來，我想請你睇面頭嗰個信件，就係中國建築喺 2011 年 9 月 21 號就寫畀房署嘅總工程師嘅，見到嘛？

答：係。

問：梁生？

答：係。

問：嗰度第一段係咁樣寫嘅，就係話呢個中國建築係提議，就話係如果以下嗰啲安裝嘅程序，就係用一個 PVB (VPB?) 嘅形式去進行，呢個就係預製組件嘅洗手間，你見到第 1 點嗰度就係講“Copper pipes and fitting”，見到嘛？

答：係，見到。

問：其他都仲有一啲部分嘅水喉工程咁樣嘅，跟住落，係咪呀？

答：係。

問：然後跟住你見到最後嗰段就係話有啲 samples 係已經安裝咗喺度，就係即係畀房署去參考咁樣嘅？

答：係。

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問：呢個信就係 9 月 21 號 2011 年，然後就你見到房署就有封信，你揭去後啲嘅嗰處，有個 10 月 7 號房署嘅答覆嘅，見到嘛？

答：係。

問：係咪呀？即係嗰個一開宗明義，就係房署嘅總工程師就答番中國建築，就話即係收到你哋嗰個 9 月 21 號嗰個建議咁樣，房署就有啲 comment 嘅，見到嘛？

答：係，見到。

問：第 3 段就都係 set out 咗房署嘅一啲 comment。

答：係。

問：就係就住呢個 9 月 21 號嗰封信所講，就話就唔好有 time 或者 cost implication 去即係影響到嗰個合約嘅，見到吖？

答：係。

問：另外有啲嘢就係即係驚住話嗰啲 basin mixer 唔會係即係運送嘅時候會有破損嗰啲，咁就即係要求係留意嘅。

答：唔噃。

問：你揭去後面嗰頁，第 4 段，房署就係即係寫番--到最後都要話提醒番你，你哋係有責任係根據個合約去做，你哋嘅責任就係要根據合約去做，同埋呢度係咁寫：

“The comments or no comment given by this Department to your shop drawings shall not be construed as to relieve your responsibility and obligations under the Contract.”

基本上就係提番你哋一定要跟番合約去做。

答：係。

問：咁又再見到中國建築嘅 11 月 28 號--你又揭番去前面，對唔住，揭番去前面，第二版，11 月 28 號就你哋有再跟進嗰個你哋個建議嘅，見唔見到？

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答：係。

問：亦都係第一段嗰度都係有講啲銅喉、fittings 咁樣，係咪？

答：喺。

問：就房署亦都就呢封 11 月 28 號嘅信，係有一個回覆嘅，你睇到最後頁二個頁，就有個 12 月 16 號房署嘅回覆--對唔住，應該係房委會嘅回覆，見到嘛？

答：係。

問：亦都係就住你 11 月 28 號嗰處係作出左一啲 comment，第 2 段嗰度就係話“no objection to your proposed scope of work for”個 kitchen。

答：係。

問：有啲要求嘅，provided that，呢一度你見到 a 同 b 都有啲要求，你見到第 3 段嘛？

答：係。

問：一樣，房委會就係寫話即係履行合約都係你哋嘅責任，“The comments or no comment given by this Department to your proposal”，即係對你哋個建議即使有 comment 或者有 comment 過都好，“shall not be construed as to relieve your responsibility and obligations under the Contract.”，即係話唔會就因為佢有 comment 或者有 comment 去改變咗個合約嘅責任嘅咁。

答：係。

問：所以即係即使話呢一啲你哋個建議想去話試下用一啲預製嘅組件--喺內地做一啲預製嘅組件都唔等同話你哋個合約責任就係免除，對嘛？

答：同意。

問：我想睇下另外一個問題，我想你睇一睇有一個--你好明白你哋喺個合約責任底下，就呢一啲譬如用嚟做水喉嘅物料係需要符合一個英國標準嘅 BS？

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答：係。

問：即係喺 Waterworks Ordinance、Waterworks Regulations 底下，有幾多即係英國嘅標準係需要即係要知嘅。

答：係。

問：我想你睇一睇一啲英國嘅標準，我手頭上面見到嘅，就係我想睇一個 soft solder alloys 嘅標準，19.1，C19.1，10476 頁，係嗰個面嚟嘅，我會問你嘅就係 10490，或者你睇咗個 10476，我然後去 10490 問你。

答：請問邊個 page？唔好意思。

問：呢個我哋而家畫面上面嗰個就係 10476，我而家想畀你睇嘅就係呢個係 9453 嘅英國標準，2006 年嘅一個標準，你見到喇？

答：（沒有可聽到的回答）

問：唔緊要，呢個見到，係咪呀？

答：係。

問：我想你睇到 10490 頁，嗰個係叫做一個 Table 3，係呢一個英國標準嘅第三附件--第三個 table。呢一個 table 裏面就有一系列嘅都叫做 lead-free solder alloys 嘅唔同嘅 composition，你見到嘛？

答：係，見到。

問：係咪呀？即係就--當然佢唔係用牌子嚟分類，佢唔係講 Fry 99C 咁樣嘅牌子分類，不過佢呢一個分類係有啲係叫做譬如第二個，我哋見到 "Tin-copper"，睇落啲就 "Tin-silver"、"Tin-silver-copper"，咁一路打落去，呢個整個 Table 3，你去埋後面嗰頁，唔該，係喇，"Tin-silver-copper"咁樣。好多呢一類咁樣嘅物料都係叫做 lead-free solder alloys 嘅，根據呢一個表，係咪呀？

答：係。

問：只不過你亦都知道喺房委會嘅主合約底下，佢要求嘅 specification，個 specification 底下就話要用一啲

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lead-free category 嘅 solder，係咪？

答：係。

問：呢個你清楚嘅？

答：知道。

問：呢個你清楚嘅。其實呢一啲咁樣嘅 lead-free 嘅物料都可以即係你揀一隻啱用嘅去 -- 總之佢係符合呢一個房委要求嘅 specification 係 lead-free 嘅就可以喇，係咪呀？

答：我其實之前答過許律師，物料嘅揀選係由我嘅分判商何標記去決定嘅，我只會收到佢嘅 submission 之後，我同事會對番晒佢嘅 submission 係咪符合房署要求，我哋先至會做 submission 嘅。

問：明白嘅。只不過喺即係啟晴邨，我知道你負責啟晴邨，所以我問你啟晴邨，啟晴邨就因為你個分判商畀你個隻 lead-free 嘅 sample 嘅 solder，就係呢隻 Fry 99C 嘅無鉛嘅 solder，所以你就將嗰一個係交界去房委去做一個 sample 嘅批核咁樣？

答：合乎房署要求嘅情況之下，我哋上房署做批核。

問：你有懷疑嗰隻合唔合乎，即係你都相信嗰隻係合乎嘅，係咪？

答：其實我都係對住房署本 spec. 去做人嘅啫。

問：當然喇。

答：房署本 spec. 係咁寫，我 check 到佢係符合嘅，我就覺得係符合，我有理由突然之間...

問：你可以直接同我 -- 即係答我嘅問題就係你有懷疑呢隻有冇唔符合嗰個可能性，呢隻係符合㗎嘛？

答：係。

問：Fry 99C，係咪？

答：係。

問：你亦都頭先講，我聽到你嗰個證供，就係話佢上咩嘢料嚟係佢嘅選擇，

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總之佢係符合房署嗰個 spec. 嘅要求就可以喇，係咪呀？

答：係。

問：我哋知道喺呢件事裏面，你嗰個分判合約，頭先許律師帶你睇過，我想你睇多一段啫，頭先帶你睇就係 B5.7，你個分判合約喺 11864 頁開始，我想你睇多一段，喺 11867 頁，唔該，11867。

答：11867，係。

問：頭先許律師就同你睇過呢個第 (3) 項嘅第 (v)，我想你睇埋 (3) 嘅第 (ii) 款，第 (3) 嘅第 (ii) 款，嗰處你自己喺你嘅證人口供裏面都講，你對房署--對唔住，應該係話分判商對你嘅責任係等你去履行你對房委會喺個項目底下嘅合約責任，咁樣講啱唔啱？分判商對你嘅責任就係令到你可以履行到你對房委會喺合約底下嘅責任？

答：係，係。

問：喺呢件事裏面，如果到最後我哋得悉個情況就係分判商係用咗一啲唔根據 spec. 裏面嘅 solder 嘅物料，而嗰啲物料係含鉛嘅，如果分判商係用咗一啲咁嘅物料，你現時睇你同分判商呢個合約，分判商有冇履行佢哋對你中國建築嘅責任？

答：麻煩你講多次你個問題。

主席：其實唔使問喇，使唔使問呀？

何先生：佢可以答係，咁咪得囉。

主席：唔係，即係你問多次就睇多少少時間，即係個答案好簡...

何先生：不如就我問多次，請佢完咗，我哋今日就休息，好唔好呀？

主席：個答案其實都唔使佢講喇，係咪呀？真係要講呀？真係要講，問多次喇咁你。

何先生：其實我係想問第二個問題嘅，不過唔緊要。

主席：咁你不如問第二個問題喇。

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何先生：唔係，我因為要問咗呢個問題，我先問佢第二個問題。

主席：吓？

問：我想問你睇咗--分判商如果因為用咗一啲唔合 spec. 嘅焊料，你會唔會話分判商已經履行咗喺分判商嗰個分判合約嘅責任？

答：（沒有可聽到的回答）

問：點解咁難答嘅？

答：我諗緊個問題係乜嘢。

主席：可能你問得唔好。

答：我唔係好明。

何先生：即係可能係四點半，我哋--即係我唔覺得咁...

主席：唔係，咪住先，你仲有幾多嘢要問先？

何先生：我都有啲嘢要問嘅，所以今日應該完成唔到。

主席：應該完唔到嘅，咁佢話完唔到，不如啱一啱先喇。

何先生：我好似未有一個好清晰嘅答案，可能聽朝會返嚟再問過。

主席：聽日，請你 10 點鐘再返嚟，佢話仲有啲嘢要問嘅，橫掂都完唔到喇喇。我哋聽朝早 10 點鐘再繼續，唔該。

2015年12月09日

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下午 4 時 35 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 24 B

C Wednesday, 9 December 2015 C

D (10.00 am) D

E (Transcript of simultaneous interpretation E

F except where otherwise specified) F

G MS LAM: (In English) Good morning, Mr Chairman. I have G

H a few short questions for this witness. H

I CHAIRMAN: (In English) Yes. I

J MR LEE HUNG FAI (on former affirmation) J

K Examination-in-chief by MS LAM (continued) K

L (All questions from Ms Lam were in English) L

M MS LAM: Mr Lee, good morning. I am going to ask you a few M

N questions in English, unfortunately. You are welcome to N

O put on your headphones. Feel free to answer in O

P Cantonese. My first question is: have you ever worked P

Q for the Housing Authority or the Housing Department? Q

R A. No. R

S Q. In paragraph 14 of your witness statement, there you S

T mentioned that the subcontractors of each trade were T

U assigned units on the 1st floor for use as workshop and U

V for storage, and that four units on the 1st floor had V

been assigned to Golden Day. So my question for you is: V

did Golden Day have a workshop -- we understand that

there are three blocks in Hung Hom Estate. So my

question for you is: did Golden Day have a workshop and

storage area in each of the three blocks?

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 24 B

C A. Yes. C

D Q. They did? D

E A. Yes. E

F Q. When materials arrived on the site, is it your F

G understanding that the materials would be distributed G

H and stored in each of the three blocks, or would all H

I materials be stored in one block? I

J A. In three separate blocks. J

K Q. Thank you. Who was responsible for distributing the K

L materials to each block? L

M A. The workers of the subcontractor. M

N MS LAM: Thank you very much. I have no further questions N

O for you. Mr Khaw will have some questions for you. O

P Cross-examination by MR KHAW P

Q MR KHAW: Mr Lee, in your witness statement, you mentioned Q

R that your job duties -- that is, from time to time R

S on site you would do inspection and do site walks, and S

T you would also monitor the progress of the works? T

U A. Correct. U

V Q. Can I put it this way: that means that if you are at V

work or on duty, then every day you would inspect each

and every site; right?

A. Yes.

Q. The purpose of your inspection is to check whether the

progress is satisfactory. Perhaps another reason of the

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 24	
C	inspection is to check the quality of the materials or	C
	the work, to see whether it is up to standard?	
D	A. Correct.	D
E	Q. Let's talk about the main contract first, because you	E
	have to meet the specifications of the Housing	
F	Department. Now, on the materials of the specification,	F
	do you know them well?	
G	A. Some of them.	G
H	Q. Let's say for welding materials for plumbing works, are	H
	you familiar with the specifications? We are talking	
I	about at the time when the Hung Hom Estate project was	I
	going on. You knew that the welding materials must be	
J	lead-free; right?	J
	A. Well, because before every project starts, we have to	
K	check all the materials, before we actually start the	K
	work.	
L	Q. I've got that, thank you.	L
	Maybe I will ask more details later.	
M	Now, you have been in this job for a long time.	M
	Approximately when did you know that for plumbing works	
N	you should use the lead-free welding material?	N
	A. I only learned about that for the Hung Hom project.	
O	Q. You know that welding materials must be lead-free,	O
	because lead is harmful to health; do you agree?	
P	A. Yes.	P
Q		Q
R		R
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A *Annex: Realtime English Transcription based on floor / Simultaneous Interpretation* A

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 24 B

C Q. So using lead-free welding materials is because we don't C
D want toxic materials to get into our drinking water; do D
E you agree? E

F A. Yes. F

G Q. For the works materials, as they are delivered to the G
H site -- I would like to ask some questions about that. H
I Just now -- or rather we heard the other two witnesses I
J before you, Mr Sung and Mr Chan, they mentioned J
K something called -- they mentioned, let's say for K
L plumbing work subcontractors, if they deliver materials L
M to the site, they would first inform you beforehand; M
N right? N

O A. Yes. O

P Q. Maybe a day or two days before? P

Q A. We will ask them to inform us two days before. Q

R Q. Who would they inform? R

S A. Myself. S

T Q. So they would inform you. Let's say today you receive T
U notification that they are going to send materials or U
V pipes or fittings to the site. Would you put down V
a record at the office?

A. Well, the entry note.

Q. Let's not talk about the note for coming into the site,
the delivery note for coming into the site.

A. Well, they have to submit this gate note two days

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 24 B

C before, so they have to submit this note for delivery C

D two days before, because we will not allow same-day D

E applications. E

F Q. So two days before is not about, say, a telephone F

G notification, that it is that they have to have a staff G

H member to come to your office and give you this note to H

I say that two days later they will deliver materials? I

J A. Yes, and we have to give approval. J

K Q. Whether you give approval, you will see what the K

L condition is like on site, whether the traffic condition L

M allows this, can accommodate this? M

N A. And it depends on the quantity of the materials to be N

O delivered too. O

P Q. So this delivery note or gate note has to be given to P

Q you beforehand. What does it look like? How large is Q

R it? R

S A. Half the size of an A4 page. S

T Q. Okay, so it's half the size of an A4 page. Maybe on T

U that access note there will be the name of the company U

V doing the delivery? V

A. And the name of the driver as well.

Q. Also the date of the driver, fine. And also the date of

the delivery will be on that note? The time, perhaps

the approximate time of delivery?

A. No, just the date, rarely the time.

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 24	
C	Q. Okay, just the date. For the access note, would it be	C
D	put on the form what types of materials will be	D
E	delivered?	E
F	A. Roughly, the information will be included.	F
G	Q. Then this will all be grouped under fittings, you know,	G
H	welding materials.	H
I	A. Usually it's, say, pipes and fittings and then small	I
J	metal fittings.	J
K	Q. So it will just say metal fittings?	K
L	A. Metal fittings will include screws, bolts and nuts, and	L
M	so on.	M
N	Q. So the access note, will it just be for welding	N
O	materials?	O
P	A. No.	P
Q	Q. So it will cover other materials as well?	Q
R	A. Yes.	R
S	Q. You said other materials would include screws?	S
T	A. Screws would be covered under metal fittings. The	T
U	welding materials will come with the pipes and the	U
V	plumbing fittings.	V
	Q. So you mean like valves?	
	A. Yes, the tee, the valves, and so on.	
	Q. So if the welding materials come together with the	
	plumbing accessories, then what would be put on that	
	access note?	

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 24	
C	A. It will say plumbing accessories, copper pipes, and,	C
D	say, metal fittings, how many boxes or cartons or how	D
E	many pipes, or whatever.	E
F	Q. So if it's how many cartons, let's say the metal	F
G	fittings -- and what if it's welding materials; will	G
H	they just say how many cartons?	H
I	A. No, they won't. It will just be in unit of cartons, not	I
J	in bulk.	J
K	Q. What I mean is let's say the welding materials come	K
L	together with the pipes, so on this access note it will	L
M	say pipes and fittings, but would it give the brand of	M
N	the pipes, for instance?	N
O	A. No.	O
P	Q. Let's say how many boxes or cartons, would it be the	P
Q	number of cartons for each type or total number of	Q
R	cartons for all?	R
S	A. Total number for all.	S
T	Q. What else would be on that note?	T
U	A. Usually, when they do a delivery, the supplier won't	U
V	just send the materials to one site. Maybe they have to	V
	take something away in the vehicles, so that will be	
	included in a note as well. That is what will be taken	
	out of the site on the vehicle. Because once the	
	vehicle is in our site, it belongs to the site, and if	
	they leave, they have to again give a note, an exit note	

C for them to leave the site. C

D Q. For the Hung Hom Estate, do you recall any circumstances D
E or cases where there's a delivery of welding materials E
only? E

F A. No, because we don't know whether it's welding materials F
G because it won't be specified as welding materials as G
such. G

H Q. Who would keep all the access notes? H

I A. The security guards. I

J Q. They have first applied for this access note, and then, J
K when they come to the gate, they will pass it to the K
security guards guarding the gate and then the vehicle
will be let in; right? K

L A. Yes. L

M Q. Can I refer you to paragraph 12 of your witness M
N statement. This is something probably you just N
O mentioned. That is, before the work started, you would O
P first look at the materials. In paragraph 12, (i) and P
Q (ii), the gist is that for the works and for each type Q
R of work, before it commences, there will be someone from R
S your company, the AQCC -- you said this person was S
Mr Pang -- he would conduct training for each trade;
that is the supervisors and workers of the trade
subcontractors. So he would give them such a briefing.

T For this briefing, is it the case that the briefing T
U
V

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

B Commission of Inquiry into
Excess Lead Found in Drinking Water Day 24 B

C is for each separate trade? In other words, plumbing C
works, one briefing; for other trades, different
D briefings. So it won't be one briefing for all; right? D

E A. Yes. E

F Q. So, if it's a briefing on plumbing works, would the F
briefing be held just before the start of the plumbing
G works? G

H A. Well, when the workers of each trade come to site, H
before that there will be the briefing.

I Q. You said that for a particular trade, before the works I
start, then there will be such a briefing. We know that
J for fresh water plumbing works, usually it's at a later
K stage of the project; right? K

L A. Yes. L

M Q. Let's say day one, the plumbing works will start, the M
workers are there, so you will conduct a site briefing?

N A. No, the briefing will be done at the office. N

O Q. In other words, let's say -- would the plumber be there? O

P A. Hui Wang San would be there. P

Q Q. What about Cheung Tat Yam? Did he come to the briefing? Q

R A. I couldn't recall exactly. R

S Q. So how many workers would be in the office? S

T A. It's not briefing for just a single batch of workers. T
They come in batches, maybe five to ten workers. So
U every briefing is for about five to ten workers. 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 24	
C	Q. And every time it would be Mr Pang doing the briefing?	C
	A. Yes.	
D	Q. And every time you would be there?	D
	A. Yes.	
E	Q. For plumbing materials, in the main contract, you know	E
F	there's the PLU1 and PLU2 -- you know the difference?	F
	A. I'm not sure.	
G	Q. Okay. Fine. Now, during the briefing, how would	G
H	Mr Pang do it? Let's say, would there be some sort of	H
I	briefing notes to be distributed to the workers? Let's	I
J	say there's a list of the materials to be used, and so	J
	on?	
K	A. There would be a sample submission and he would do	K
L	a PowerPoint presentation in the conference room.	L
M	Q. So the sample submission -- you mean the sample	M
	submission form?	
N	A. Yes. That is what materials to be used, what had been	N
O	approved and how they should do it.	O
P	Q. For each material with sample submission, it would be	P
	covered?	
Q	A. Yes.	Q
R	Q. Under (ii) you said that you received some photos of	R
S	some materials, and you said they included the green	S
T	rows of wire, the welding wire, and also the yellow	T
	containers of flux. Did you see the real thing?	
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 24 **B**

C A. Yes, I did. **C**

D Q. During the briefing, did you show the workers the real thing? **D**

E A. No. **E**

F Q. So they just had to look at the photos? **F**

G A. Yes. **G**

H Q. I want to ask you, during the briefing, about photographs of the rolls of green solder wires, were they shown every time? **H**

I A. Yes. **I**

J Q. When you showed workers photographs, did Mr Pang explain about the content of this material? **J**

K A. No. **K**

L Q. Did he say that this is lead-free soldering material? **L**

M A. Yes, he did. **M**

N Q. Every time? **N**

O A. Yes. **O**

P Q. Mr Pang said it? **P**

Q A. Yes. **Q**

R Q. How long would each briefing last? **R**

S A. About 15 to 20 minutes. **S**

T Q. Now I would like you to turn to paragraph 14. Sorry, before that, I would like to follow up on one point. **T**

U Just now you said that in each briefing, Mr Pang would explain to them about, say for example, lead-free solder **U**

V **V**

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 24	
C	material. Anything else about solder material in his explanation?	C
D	A. He mentioned about workmanship.	D
E	Q. Did he say anything in particular about brand?	E
F	A. He said we would use this brand.	F
G	Q. Now, paragraph 14. You said, when the work was conducted, the subcontractor of each trade would set up	G
H	a workshop for workers to get changed, and for storage	H
I	of material. You said that on the 1st floor there are	I
J	about four units assigned to Golden Day for use as workshop.	J
K	A. Four units in each block.	K
L	CHAIRMAN: Please speak up; I can't hear you.	L
M	A. Four units in each block.	M
N	MR KHAW: Right. You said here that there were many pipes that were stored in the workshop; you have seen them?	N
O	A. Yes. Because the pipes were long. The reason for four units, even the corridors, and the pipes were stored in the corridor.	O
P	Q. By pipes you mean copper pipes for plumbing works?	P
Q	A. Right.	Q
R	Q. What was the condition of the pipes as you saw them? They were exposed? Each of them was exposed, or	R
S	something was wrapping them?	S
T	A. Well, the pipes came in plastic wrap, wrapped in	T
U		U
V		V

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 24	
C	plastic.	C
D	Q. Could you see the brand of the pipes?	D
E	A. Yes. There were the brand name of the pipes on the plastic.	E
F	Q. When it comes to the place where the pipes were stored, were there other parts, other plumbing parts, stored	F
G	there?	G
H	A. No. Those were stored in the unit.	H
I	Q. Where the pipes were stored, was solder material stored there?	I
J	A. No. Pipes were stored in the corridor, all of them.	J
K	Q. During your inspection, was there an occasion when you saw solder material being stored? Where would it be?	K
L	A. Inside the unit.	L
M	Q. When you saw inside the unit the stored solder material, what condition were they in? They were in a box? They	M
N	were just placed on the floor, rolls of them?	N
O	A. Rolls of them placed on the workbench.	O
P	CHAIRMAN: By workbench --	P
Q	A. A makeshift bench would be constructed in each unit.	Q
R	CHAIRMAN: What was it for? For soldering?	R
S	A. Yes.	S
T	CHAIRMAN: You mean there are some work process done in the unit?	T
U	A. In the unit, right.	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 24 **B**

C MR KHAW: On the workbenches and that's what you saw. There **C**

may be many rolls placed on the bench; is that right?

D **D**

E A. Right. **E**

F Q. Or have they been dismantled? **F**

G A. No, they are in reels. **G**

H Q. On the workbench, you could see the flux in the yellow **H**

boxes, in the same place? **H**

I A. Right. **I**

J Q. Have you ever seen these rolls or reels of solder wire **J**

being placed in this kind of box? Have you seen these **J**

boxes? There's a brand name on it. "FRY" is in green. **J**

Have you seen these boxes (indicating)? **J**

K A. No. **K**

L Q. In your statement, you said that workers would carry **L**

lengths of solder wires; they would carry a length of **L**

solder wire that they have already cut inside the **L**

workshop. You saw them cut them? **L**

M A. No, I did not. **M**

N Q. Have you seen them cut them? **N**

O A. Yes, I have. **O**

P Q. Where was it done? **P**

Q A. Cut inside the workshop. **Q**

R Q. That means, after they have cut the wires inside the **R**

workshop, then they would take them to the individual **R**

units? **R**

S **S**

T **T**

U **U**

V **V**

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 24 B

C A. Yes. They would be brought upstairs to the individual floors. C

D Q. Just now, you said that when you saw them in the units, D

E they were not in sections or lengths; they were in reels E

F like this? F

G CHAIRMAN: When you say -- G

H A. Well, the workshop was on the 1st floor, so we work up H

I to higher floors. I

J CHAIRMAN: When you actually do the work at higher floors, J

K would you take sections or reels? K

L A. Both. I have seen both. L

M MR KHAW: You said you have seen them cut the wires inside M

N the workshop. How long would the lengths be? N

O A. I think about this long (indicating); a foot or so, O

P a foot or a foot and a half. Just over a foot. P

Q Q. If you are talking about the length, can you tell the Q

R difference if they are like this? (Indicating). R

S A. Not as long as this, after they are cut. Not as long as S

T this. T

U Q. But do they look like this? (Indicating). U

V A. From a distance, similar. V

Q. You said they cut some lengths and brought them to the

R upper floors to work. When they were brought, how were

S they carried? Bundled or carried them (demonstrating)?

T A. They are all put in a toolbox. 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 24	
C	Q. A toolbox. How big was the toolbox?	C
D	A. It's a plastic barrel. It's a plastic barrel cut in half or plastic bucket cut in half.	D
E	Q. They just carry them in their arms?	E
F	A. Yes.	F
G	Q. You said, at that time, to your understanding, workers could take this to do their work, and to your understanding, that would be the green ones. In your statement, you went on to say that the solder wires, once cut, no one could tell. There would be no reason for one to be able to tell whether these wires were compliant solder wires.	G
H	So, when you saw them do that, you suspected whether they were compliant or not?	H
I	A. I asked them why they were cut them in lengths. They explained that, for example, if it's work done at the ceiling, if they have to carry the whole thing, it would be heavy and it would quite tiring, because work would be done over a period of time. That's why they were cut in lengths; it would be easier when they work.	I
J	Q. You asked them for the reason, because you did not know why they were cut in lengths, why they didn't simply take this reel?	J
K	A. Yes, in the workshop, I asked them why they were cut in lengths.	K
L		L
M		M
N		N
O		O
P		P
Q		Q
R		R
S		S
T		T
U		U
V		V

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

B Commission of Inquiry into
Excess Lead Found in Drinking Water Day 24 B

C Q. At that time, apart from asking them that, did it occur C
D to you they were taking lengths, would it be not this D
E (indicating green reel)? E

F A. That did not occur to me. F

G Q. Have you seen, in the material arrived, that they came G
H in this elongated box, and on the label it says "UK 50 H
I flat tin bars/strips"? I

J A. I have not seen them in the workshop. J

K Q. What about other places? K

L A. No. L

M Q. In the receipts or documents that came with the M
N material, there were a lot of this kind of tin strips N
O being delivered? O

P A. I have never seen them. Well, I only check the gate P
Q note. There were a lot of materials delivered, so Q
R I couldn't check them all. R

S Q. Would it be possible that when you saw workers cut the S
T wires into lengths, you thought they were green ones. T
U When these (indicating) were taken, you could not tell U
V whether they were actually a different one? V

Q A. It's possible. Q

R Q. In the Hung Hom Estate project, I have heard you say R
S that in the briefing sessions, what type of solder wire S
T was to be used, they are in reels and it was explained. T
U In this project, did you know that there were tin strips U
V

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 24 B

C that are leaded and one that is not leaded? C

D A. I did not know. D

E Q. Do you know anything about tin strips or tin wires? E

F You've never heard anything from workers about the strips? F

G A. I know that there were some big strips but they had to be processed further or melted. G

H Q. When it comes to soldering of copper wire, did workers at the site mention to you about solder strips? H

I A. No. I

J MR KHAW: Thank you. J

K CHAIRMAN: Any other questions from anyone else? K

L Golden Day, is their representative here today? No. L

M Thank you. You have finished with your evidence. You may leave. Thank you. M

N (The witness withdrew) N

O The next witness, please. O

P MR PENNICOTT: (In English) Mr Chairman, the next witness is Leung Man Wai, Patrick. We are now switching to the Kai Ching witnesses. P

Q CHAIRMAN: Patrick Leung? Which tab? Q

R MR KHAW: Tab 12, bundle F1. R

S MR PATRICK LEUNG MAN WAI (affirmed) S

T CHAIRMAN: Please be seated. Examination-in-chief by MR PENNICOTT T

U

V

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 24 B

C (All questions from Mr Pennicott were in English) C

D MR PENNICOTT: Good morning. I am now going to read out your witness statement. D

E "I, Leung Man Wai ... will say as follows: E

F A. Introduction. F

G A.1. Background G

H (Paragraphs 1 to 13 were read in English) H

I [Tab 1; that's F1/118] I

J (Paragraph 14 was read in English) J

K [Tab 2; F1/120] K

L (Paragraphs 14 to 15(ii) were read in English) L

M [Tab 3; that's F1/122] M

N (Paragraphs 15(ii) to (vi) were read in English) N

O [Tab 4; F1/158] O

P (Paragraphs 15(vi) to (viii) were read in English) P

Q [Tab 5; F1/172] Q

R (Paragraphs 16 to 31 were read in English) R

S [Tab 6; F1/174] S

T (Paragraphs 32 to 43 were read in English) T

U [Tab 7; F1/215] U

V (Paragraphs 43 to 57 were read in English) V

[Tab 8; that's F1/217]

(Paragraphs 57 to 58 were read in English)

[Tab 9; that's F1/219]

(Paragraphs 58 to 59 were read in English)

V

C [The table in paragraph 59 as follows] C

D "Application: a. Up-feed to storage tank (where the D
E working pressure is more than 10 bar and less than or E
F equal to 16 bar). Copper pipe size: up to and including F
G 76.1 mm. Joint/Fitting: brazed, end feed or integral G
H solder capillary joints; Flanged joints where future H
I disconnection is required. I

J Application: b. Up-feed to storage tank (where the J
K working pressure is less than or equal to 10 bar). K
L Copper pipe size: up to and including 159 mm. L
M Joint/Fitting: brazed capillary joints up to and M
N including 159 mm, or end feed or integral solder N
O capillary joints up to and including 108 mm; Flanged O
P joints where future disconnection is required. P
Q

R Application: c. Storage tank down-feed (where the R
S maximum static pressure is less than or equal to 10 S
T bar). Copper pipe size: Up to and including 159 mm. T
U Joint/Fitting: Brazed capillary joints up to and U
V including 159 mm, or end feed or integral solder V
W capillary joints up to and including 108 mm; Flanged W
X joints where future disconnection is required. X
Y

Z Application: d. Storage tank down-feed (where the Z
AA maximum static pressure is more than 10 bar and less AA
AB than or equal to 16 bar). Copper pipe size: Up to and AB
AC including 76.1 mm. Joint/Fitting: Brazed, end feed or AC
AD including 76.1 mm. Joint/Fitting: Brazed, end feed or AD
AE

AF

AG

AH

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 24 B

C integral solder capillary joints; Flanged joints where C
future disconnection is required.

D Application: e. Mains pressure direct up-feed. D

E Copper pipe size: Up to and including 76.1 mm. E

F Joint/Fitting: Brazed, end feed or integral solder F
capillary joints; Flanged joints where future

G disconnection is required. G

H Application: f. Meter assembly branch and pipework. H
Copper pipe size: Up to and including 54 mm.

I Joint/Fitting: Brazed, end feed or integral solder I
capillary joints; Compression or screw joint fittings

J for connection to valves et cetera. J

K Application: g. Meter outlet and consumer piping. K

L Copper pipe size: up to and including 32 mm. L

M Joint/Fitting: Brazed, end feed or integral solder M
capillary joints; Compression or screw joint fittings

N for connection to valves et cetera or if capillary N
jointing is not practical.

O Application: h. Consumer hot water piping. Copper O
pipe size: 15 mm/22 mm. Joint/Fitting: brazed, end feed

P or integral solder capillary joints; Compression P
fittings for connection to valves, et cetera or if

R capillary jointing is not practical." R

S (Paragraphs 60 to 63(ii) were read in English) S

T [Tab 10; F1/427] T

U

V

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 24 B

C (Paragraph 63(iii) was read in English) C

[Tab 11; F1/439]

D (Paragraphs 63(iii) to (v) were read in English) D

E [Tab 12; F1/445] E

F (Paragraphs 63(v) to (vi) were read in English) F

[Tab 13; F1/461]

G (Paragraph 63(vi) was read in English) G

H [Tab 14; F1/464] H

I (Paragraphs 63(vii) to (x) were read in English) I

[Tab 15; F1/467]

J (Paragraphs 63(x) to (xii) were read in English) J

[Tab 16; F1/476]

K Mr Chairman, coffee, please. K

L CHAIRMAN: (In English) Okay. Let's take a break. L

(11.33 am)

M (A short adjournment) M

N (11.56 am) N

O MR PENNICOTT: Mr Chairman and Mr Leung, we have reached O

paragraph 64.

P (Paragraphs 64 to 64(iv) were read in English) P

Q [Tab 18; F1/496] Q

(Paragraphs 64(iv) to 68 were read in English)

R [Table in paragraph 68 as follows] R

S "Description: 1. Brass bib tap. Size: 15 mm. S

Brand: Daimler. T

T T

U U

V V

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
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C	Description: 2. Shower mixer. Size: 15 mm. Brand: Ansporn.	C
D	Description: 3. Basin mixer. Size: 20 mm. Brand: Ansporn.	D
E	Description: 4. Sink mixer. Size: 20 mm. Brand: Ansporn."	E
F	(Paragraphs 69 to 82 were read in English)	F
G	[Tab 21; F1/508]	G
H	(Paragraphs 82 to 104 were read in English)	H
I	[Tab 25; F1/642]	I
J	(Paragraphs 104 to 105 were read in English)	J
K	[Tab 26; F1/678]	K
L	(Paragraphs 105 to 105(i) were read in English)	L
M	I will read footnote 2. (Footnote 2 and paragraphs 105(i) to 109 were read in English)	M
N	[Tab 27; F1/680]	N
O	(Paragraphs 109 to 112 were read in English)	O
P	[Tab 29; F1/692]	P
Q	(Paragraphs 112 to 113 were read in English)	Q
R	[Tab 30; F1/694]	R
S	(Paragraph 113 was read in English)	S
T	[Tab 31; F1/696]	T
U	(Paragraphs 113 to 114 were read in English)	U
V	[Tab 32; F1/701]	V

(Paragraphs 114 to 115 were read in English)

[Tab 33; F1/703]

(Paragraph 116 was read in English)

[Tab 34; F1/712]

(Paragraph 117 was read in English)

[Tab 35; F1/767]

(Paragraph 117 was read in English)

Mr Leung, I have read your statement. Is there anything you wish to add or amend?

A. In relation to paragraph 5 of my witness statement,

I would like to add that apart from Mr Sung's statement, there are two sets of statements, one from Siu Wai Ning, one from Mr Lam, Lam Kai Wong. I have also read them as well.

Q. Right. Subject to that, are you content to adopt the contents of your statement as your evidence to this Inquiry?

A. I do.

Q. Just one question from me, Mr Leung. It's that right at the end, paragraph 117 of your witness statement, you refer there to a letter that China State wrote to the Housing Authority on 20 October 2015. You say that as at the date of your statement, which was nearly a month ago now, on 11 November 2015, no reply had been received from the Housing Authority. Is that still the case?

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
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C	A. Still the same.	C
	MR PENNICOTT: Thank you very much.	
D	Cross-examination by MR KHAW	D
E	MR KHAW: Mr Leung, I would like to ask you, prior to	E
	joining CSCE, where did you work?	
F	A. It was the then KCR. I was a site electric engineer,	F
G	for the West Rail.	G
H	Q. After you joined China State Construction Engineering,	H
	CSCE, apart from HA projects, have you participated in	
I	private projects?	I
J	A. Yes.	J
K	Q. I know that you are a BSE, building services engineer,	K
	a senior one. In relation to the main contract of CSCE	
L	under the HA, in relation to specifications of	L
	materials, you are familiar with them?	
M	A. Yes, I am.	M
N	Q. You also know that in relation to plumbing works for	N
	fresh water, under the WR, there are provisions that	
O	fittings and plumbing materials have to meet British	O
P	Standards?	P
Q	A. Yes, I know that.	Q
R	Q. When it comes to solder material for plumbing works,	R
	according to specifications, it specifies that it has to	
S	be lead-free. When did you know about it?	S
T	A. I think it was starting from 1995, when I was involved	T
U		U
V		V

in a private project. At that time, it was integral solder fittings. In the specification, it was stated that solder material has to be lead-free.

Q. The integral solder fittings, when you were involved in 1995, were they copper pipes?

A. Right.

Q. So you are very clear about the requirement of lead-free solder material in fresh water plumbing work, and the reason was to avoid toxic material, that is lead, leaching into fresh water, thereby contaminating it?

A. Yes, I was clear about that.

Q. Let's refer to your statement, paragraph 14. Page 80. At the start of this paragraph, you said:

"(In English) There are no specific contractual terms or provisions in the specification which stipulate that the drinking water should be lead-free and safe."

That is, there are no specific contractual terms stating that drinking water should be lead-free and safe.

Let me ask you -- just now, you told me about your understanding of lead-free solder material. Do you agree? Having said that, you as the main contractor not allow unsafe drinking water in a project that you have completed?

A. Can you repeat?

Q. Here, you said that there are no contractual terms stating that drinking water should be lead-free and safe. Whether there are contractual terms or not, you as the main contractor would agree that you, the main contractor, would not allow that the drinking water of the buildings in your project would be unsafe?

A. You can put it this way.

CHAIRMAN: What do you mean?

A. To me, if we follow all the statutory requirements, the end product should be safe.

CHAIRMAN: Although there are no specific stipulations?

A. Yes, you can put it this way. I believe that general contractual requirements would ensure the end products would conform with statutory requirements.

CHAIRMAN: So even without the stipulations you would not produce something that is unsafe?

A. That is absolutely correct.

MR KHAW: In the Kai Ching project, did you know that in the market, that is the material suppliers would supply lead-free or leaded material? Did you know that?

A. You are talking about plumbing works?

Q. Right.

A. I did not know about that.

CHAIRMAN: What about other works?

A. Other works, yes, but as I said, I joined the trade in

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 24 B

C 1995 and I already knew about this, and I believe that C

D in general plumbing projects, the materials would be D

E lead-free. E

F CHAIRMAN: 1995, and then it's 2005 here. 1995 to 2005, F

G over a period of ten years, you were working and G

H studying at the same time? H

I A. Right. I

J CHAIRMAN: In those ten years, apart from the copper pipes J

K with integral solder joints, do you have experience of K

L using copper pipes without integral solders? L

M A. Kai Ching Estate is my first project. M

N CHAIRMAN: Apart from integral soldering, what about silver N

O brazing, have you worked with that? O

P A. Yes, especially for the MTR requirements, usually the P

Q copper pipe soldering materials would silver brazing. Q

R CHAIRMAN: You mean for fresh water, silver brazing? R

S A. Yes, fresh water copper pipes, silver brazing. S

T CHAIRMAN: So that's the requirement. T

U COMMISSIONER LAI: You worked at KCRC? U

V A. Yes, I worked at KCRC. I was also involved in the V

 Tsing Yi MTR Station project.

 CHAIRMAN: So you worked both with silver brazing and

 soldering. Between the two, what are the merits and

 demerits?

 A. Generally speaking, silver brazing, I would say, is

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C	safer, but it would require better workmanship,	C
D	probably. That's why the resultant works would be better.	D
E	For the use of soldering, the integral type, there	E
F	is a disadvantage. That is, if the workers are not very	F
G	skilled, or if the temperature of his gun is too high,	G
H	there is the chance that the soldering materials might	H
I	leak out of the pipes, and that would be a waste of the	I
J	materials, and remedies would be required.	J
K	So, generally speaking, in private developments,	K
L	usually they would use silver brazing.	L
M	CHAIRMAN: Silver brazing, you said, is safer. Why is it	M
N	safer?	N
O	A. For this type of material, the temperature is higher,	O
P	and it doesn't run about so quickly. That's why the	P
Q	resultant work is better.	Q
R	CHAIRMAN: You mean it won't drop on the floor so easily?	R
S	A. Yes, you can put it that way. Anyway, the resultant	S
T	work would be better.	T
U	CHAIRMAN: So the temperature is higher. Compared to the	U
V	lead-free soldering materials, what is the temperature	V
	difference?	
	A. I believe a difference of about 100 degrees or so,	
	because in the BS, for copper pipes, if the temperature	
	is more than 250 degrees, it will affect the pipes.	

CHAIRMAN: Do you mean if it's above 650 degrees, it will affect the pipes?

A. Yes, correct. We know now for lead-free soldering materials, the temperature is about 240 degrees, and silver brazing about 300 to 400 degrees, my understanding.

CHAIRMAN: So there's no problem using silver brazing; it will just take longer?

A. Yes, it will take longer and also silver brazing will cost more.

CHAIRMAN: What about the gun, the soldering gun?

A. Now, whether it's for plumbing works or air-conditioning works, they will use the so-called yellow gas tank with a higher temperature, but they don't need to get to the thermal pipe. It's the same for the LPG copper gun.

CHAIRMAN: So it's not that if silver brazing is used it's less convenient, so you mean in terms of work.

A. It's more or less the same. Yes, it's true the work is more or less the same, but of course the workmanship has to be better, the workers have to be more experienced.

COMMISSIONER LAI: What about the difference in cost between silver brazing and --

A. I don't know.

MR KHAW: Now, I want to talk about the samples submitted to the HA.

CHAIRMAN: Sorry, can I ask -- at KCRC, silver brazing was used. From what you understand, for private developments, mostly they use silver brazing?

A. Yes, mostly silver brazing. In the past year or two, they started trying out stainless steel.

CHAIRMAN: For private development projects, they mainly use soldering, rather than silver brazing --

A. It depends on the scale of the developers, really.

CHAIRMAN: You mean for the big developers, they will use silver brazing or not?

A. I have left the private market for more than ten years now, but from my impression, for most big developers, they will use silver brazing.

MR KHAW: PLU1 and PLU2 in the main contract; do you understand the difference?

A. Yes, I am clear about that.

Q. We heard from HA witnesses before. Many refer to this point. For PLU1, I understand, with exceptions, generally it means there is no need to submit the actual samples of materials to the HA. Do you know that?

A. Yes, I do.

Q. The two witnesses before CSCE said that the HD did not specifically require or request the submission of samples under PLU1.

A. It depends on the project representative of the Housing

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C Department. Some HD representatives might think the C
D markings on the copper pipes on the photo are not clear. D
E They might ask us to submit a sample. E

F Q. Fine. For Kai Ching Estate, was there such a case, that F
G is HD staff specifically required you to submit G
H soldering material samples? H

I A. I couldn't recall exactly whether there was such I
J a specific request. J

K Q. Now, for the submission of samples of soldering K
L materials, in your company it's been the practice for L
M some time? M
N A. Yes, I know that. N

O Q. One of the reasons may be because -- O
P CHAIRMAN: Sorry, here I would like to ask a question. Your P
Q company has all along been making submissions to the HA Q
R on soldering materials, so it's like an established R
S practice or convention; right? S
T A. Well, perhaps I should put it this way. I have only T
U worked with Kai Ching Estate. My subcontractor, U
V Ho Biu Kee, once the contract was awarded to Ho Biu Kee, V
they already informed us that they would do soldering
material submissions.

R CHAIRMAN: So they did so on their own initiative? They R
S told you on their own initiative? S
T A. Yes. I couldn't recall whether it is tab 7 or tab 8, T
U
V

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C there is a Ho Biu Kee proposed submission list. Already C
D on the list, it is indicated, soldering materials are D
E there. E

F CHAIRMAN: Let's see whether it's tab 7 or 8. F
G 215? G

H MR KHAW: Yes, 215. H

I CHAIRMAN: Tab 7. I

J Mr Leung, there are many items on the list. Is it J
K 23? K

L A. It's very hard to read here, sorry. L

M CHAIRMAN: "Lead-free solder wire", item 23; right? You M
N can't see if you have presbyopia. Anyway, it doesn't N
O matter. O

P A. Yes, yes, I think it's item 23. P

Q MR KHAW: 23. Please enlarge it. Q

R CHAIRMAN: Blow it up, please, 20 per cent. Item 23. R

S Can you see it now? S

T A. Yes. T

U CHAIRMAN: "Lead [something] solder wire"? U

V A. Yes. V

CHAIRMAN: Do you see that? So this is the list submitted
by Ho Biu Kee?

A. Yes. We received this list and then we would check
whether any of the materials have been omitted from the
submission schedule. My colleague would have checked

the list, and after it's confirmed then Ho Biu Kee should go by this submission schedule in submitting the materials.

CHAIRMAN: Fine. Then we will continue after lunch.

Lunch first. Please come back at 2.30. Thank you.
(12.55 pm)

(The luncheon adjournment)

(2.29 pm)

CHAIRMAN: Please continue.

MR KHAW: Before lunch, we were talking about a table. It was submitted by Ho Biu Kee in relation to plumbing material submitted to you.

During lunch, the legal team of the CSCE gave us a clearer version. They are very helpful. It's in a larger font.

Let's look at 23. We looked at it this morning. We have clearer version now. It's "Lead-free solder wire"; can you see it? The brand is FRY. There's also the model there.

Let me sort out the dates with you. In relation to the date of this form, in the left-hand corner, Ho Biu Kee, with site name, type of site, subcontractor's name, point of contact. The date is 23 November 2011.

A. Yes.

Q. If you refer to the solder strip, that is at 23,
"Lead-free solder wire", it says "FRY", there is a date
of submission. The date of submission is 12 November
2010. Can you see it?

A. Yes.

Q. You may refer to the document. You may listen to me;
I have looked at the record. The subcontract with
Ho Biu Kee, it was dated about 30 November 2010. How
come the date of submission of material was earlier than
the date of the subcontract?

A. I believe that my colleague mentioned about it
yesterday. I believe that when it comes to the
contract, when both parties more or less agree on the
terms, we would liaise with the subcontractor about the
preparation works in advance.

Of course, it's subject to the confirmation of the
Wan Chai head office that it would be the subcontractor,
before we would proceed. I believe that when the
contract was signed, it was after they finalised
everything. Perhaps they have reached consensus with
the provisions before signatures were appended.

Q. In this table, it says it is November 2010 when there
was a submission of solder material. It's close to the
date of the subcontract. The solder materials
submitted, was it the one you submitted to the HA as

sample?

A. Well, that was the time of proposal, and the actual submission was September 2010, when the soldering material was actually submitted.

The reason for the tardiness is that there was another alternative proposal by Ho Biu Kee. They wanted to use stainless steel pipes. After we discussed it for quite some time -- well, in August 2011, because the project had to go ahead, we could not wait anymore so we told them that we would not consider stainless steel and we required them to use all copper pipe fittings stated on the contract.

Q. When we refer to this large table, the date of submission -- was sample submitted on that date?

A. I think it was in August or September 2011 when it was done.

Q. So that was the proposed date of submission?

A. Yes, right.

Q. At that time, in relation to the discussion use of stainless steel pipes, can you remember why there was such a discussion?

A. At that time, the cost of copper pipe was high, so high that it was close to the price of stainless steel, because the latter was always more expensive than the former. And some suppliers, when it comes to supply of

copper, were unstable. Ho Biu Kee proposed to use, for this reason, stainless steel pipes.

Q. So it's mainly about cost and supply?

A. Right.

Q. In the end, after the discussion, can you recall why, in the end, a decision was made to use copper pipes?

A. Because, in the end, the HA foreman said that because there was no complete job reference for stainless steel, that's why we turned them down.

Q. What do you mean by the complete job reference?

A. When it comes to material submission, we would submit a relevant job reference of the HD. The stainless steel pipes proposed by Ho Biu Kee, when it comes to new project of HD, there was no job reference at all. And we don't want to get bogged down by this, so we informed Ho Biu Kee that we would not want them to use this.

Q. So it's mainly because the HD did not have a relevant record, that's why you didn't have much confidence?

A. Right.

Q. In Kai Ching, say Ho Biu Kee, they have beforehand prepared a series of materials that they have chosen, and then it will be for your consideration. In relation to the sample submission from you to the HD, Housing Department, I know that this practice has been practised for a number of years. Well, for plumbing

subcontractors, even without the submission of the list, you as the contractor will obtain samples for submission to the Housing Department?

A. I don't really understand you.

Q. Well, we have referred to this table. It's prepared by Ho Biu Kee, so you know about what plumbing material would be used, including solder material, and there's a list, so you would know what materials would be submitted to the HD. Later, Ho Biu Kee will submit the physical material to you for submission to the HD.

CHAIRMAN: Let's get it clear. This is November 2010, when Ho Biu Kee submitted this to you, to your company.

Later, in September 2011 --

A. You are talking about soldering material?

CHAIRMAN: Soldering material.

A. For soldering material, September 2011.

CHAIRMAN: September 2011 when it was submitted to the HD.

A. It was submitted to us, then to the HD.

CHAIRMAN: Thank you.

MR KHAW: For plumbing subcontractor, they gave you a list, setting out the material to be used for the plumbing works. Is that a usual practice?

A. That depends on the project team, how they handle the works. I, as BSE, would use the usual practice of the BS.

Q. Well, BS normal practice, is it to ask them to compile a list?

A. Yes, a submission list.

COMMISSIONER LAI: Can I ask -- I see the submission date of this list. For the individual items, they are different, some in 2011, some in 2010. In your master table, it's 23 November 2011, when it was submitted. That was the master table. But for the individual items, the dates were different.

A. Well, this is how it goes. This table -- well, that's the last record I had, November 2011. There was a draft, and my colleague kept updating it, and then this is the final version.

You can see that for some items, when it was first proposed to be submitted in 2010, in 2011 they hasn't actually completed with the submission. So what we would do is to see whether it would have an impact on the progress of the project, and we would chase them.

COMMISSIONER LAI: So you would consolidate all the items and put them in one single table?

A. Yes, to facilitate our work and to chase them.

MR KHAW: So this table was updated by you?

A. Yes, we updated it.

CHAIRMAN: So, when there were submissions, it would be changed?

A. You can put it this way, but I don't know why, after November, I could not find another version.

MR KHAW: I asked you before -- well, the fact is that Ho Biu Kee submitted this list to you, including soldering material, and in your work, when it comes to CSCE, for plumbing subcontractors, has there been an occasion when a list was not given to you but you would find a suitable sample of soldering material for submission to the HD?

A. Well, during the ten years when I was with the CSCE, it has never happened as you said. But if we knew that it was subcontracted, and if it is for the subcontractor to provide labour and material, it would be for the subcontractor to issue this, because we would not interfere with the choice of material. All we ask them is to compile the list.

Q. So, when it comes to submission of material to the HD, you would rely on the subcontractor?

A. Yes.

Q. This morning, we talked about PLU1. That is, for the majority of items, samples would not be submitted, but it's your normal practice to submit them, including soldering material. Is it the case that your company thought that submission of samples to the HD was necessary?

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A. It would help with obtaining approval.

Q. Well, when submission is given to the HA, after they have given their approval, then you would, without any doubt, confirm the use of the material?

A. Right.

Q. In a contract, there were some preliminaries, and it was specified about the purpose of sample submission, one of which was that submission of a sample was subject to approval by the HD before you could place orders. You knew about this?

A. Right.

Q. After a sample has been approved, it would be kept in a designated place at the site?

A. It should be kept in a sample room of the HD at the site.

Q. The storage of a sample, the main purpose is to check against material delivered?

A. Well, two reasons. It's more for the HD, because we have it from the submission.

Q. Can I put it this way? All along, your practice is that you thought it was necessary to submit soldering material sample to the HD for checking and approval. One of the reasons is that, according to you, after an approval has been given, when material arrived at the site, it could be checked against?

A. No, not to me. I followed the contract. As long as I meet all the contractual requirements, I don't have to do anything extra. Ho Biu Kee has been doing a lot of HD projects. It's a habit to submit the samples and I would not stop them.

Q. Let me clarify. From your previous answer, you thought that after submission of a sample, once it's approved, then you would have fulfilled the contractual requirement?

A. Well, if, according to contractual requirement, there is no need to submit sample, I would choose not to submit them. However, some subcontractors had a practice to submit the samples and I would not stop them.

Q. So can I put it this way: now, if you look at the contractual requirements, and then you submit the samples and the HD approves the samples, then it would be helpful, because in the future, when the materials are delivered to the site, you can verify?

A. As I said just now, if we need to verify, we ourselves have a record, so we do not need to rely on the samples.

Q. Please look at another document, which is S1, page 129. This is an invoice from Prosperity Building Materials Co Ltd. The date is 15 November 2010. Do you see it, in the upper right-hand corner?

A. Yes.

Q. They gave this to Ho Biu Kee, and if you take a look at the lower left-hand corner, it should be delivered to the Kai Ching site; right?

So, for the first item, it's solder wire from the UK, and about eight of them. So if we look at the date, it's 15 November 2010. So you haven't really signed the contract with Ho Biu Kee then?

A. Right.

Q. Do you know why these solder bars were delivered so early?

A. I don't know why.

Q. So, at the site, other than drinking water pipes, do you know that this type of solder bars would be used in other areas?

A. I don't know.

Q. Let us look at your contract with the subcontractor, Ho Biu Kee.

CHAIRMAN: I want to ask a question. We are talking about this invoice. At this point in time you hadn't signed a contract with Ho Biu Kee concerning the plumbing works; right?

A. Well, that was a verbal agreement. The contract was going to be signed. But at that time, Ho Biu Kee didn't have workers at the site. There were no Ho Biu Kee workers at the site, at that moment.

CHAIRMAN: So you may have seen the delivery note and the invoice, and on page 130 is the delivery note. It should be delivered to site 1A from Phases 1 and 2 of the Kai Tak construction site, and it's the CSCE site. So what was the situation like at the site?

A. Well, we got the site on 28 July 2010. At that time, Ho Biu Kee was not carrying out any site work there.

As for Mr Chan Siu Wah, he was the site supervisor of Ho Biu Kee, and at the same time he was working on another job for Ho Biu Kee.

CHAIRMAN: Which job are you talking about?

A. I am not too sure.

CHAIRMAN: So it's not at Kai Tak?

A. No, not at Kai Tak. At that time, I believed he was working on two sites, but I don't know about the other site.

CHAIRMAN: So, at that time, although Ho Biu Kee didn't start officially its works there, it already had something there?

A. Right.

CHAIRMAN: There was a container that they were using there.

I want to ask another question. You showed us just now this form, and at Hung Hom Estate, it's also a CSCE project.

A. Do you mean Phase 2?

CHAIRMAN: Yes, Phase 2, and Ma Hang Park. So, after approving the solder materials, you would send a memo to Golden Day, saying that the samples submitted have been approved -- right, it's approved by the HD. And here you have a pile of papers, including the catalogues; right? So this whole pile of papers would be sent to Golden Day. Do you also do this with Ho Biu Kee?

A. All HD-approved documents would be sent to Ho Biu Kee through memos.

CHAIRMAN: So can we find this in your witness statement?

A. Let me check.

MR KHAW: Should --

CHAIRMAN: Let's wait for his answer.

MR PENNICOTT: (In English) Mr Chairman, I don't know whether I can help. The equivalent memo that we have just referred to in the context of Hung Hom, the equivalent one for Kai Ching has been given to Lo & Lo, albeit I think rather recently. We have copies of it here, if anybody wants to see.

CHAIRMAN: So it's not included in the bundle yet?

MR PENNICOTT: I think that's right. I think it may have only been given to them earlier today.

(Handed).

CHAIRMAN: Later on, we should include this in the bundle. It should be included in tab 7.

C Let's continue. C

D MR KHAW: As you said just now, you would inform the
E subcontractors through memos, and that's about the
F approval of the samples; right? That's your standard
G procedure?
H

I A. Yes. I

J Q. Let us look at the subcontracting agreement or the
K contract. That's at B5.7, starting from page 11864.
L

M 11865 is the agreement terms, and the date is
N 30 November 2010. So you signed this agreement with
O Ho Biu Kee on this date.
P

Q Now, if we look at the terms and conditions. On
R page 11867, do you see the general conditions of
S subcontract. Do you see it?
T

U A. Yes. U

V Q. Under paragraph 3 are the obligations of the
W subcontractor. For paragraph (5), it is said that it
X should work in accordance with this contract and the
Y main contract, and then it should look at all the
Z layouts and standards. So here we can see mention of
AA the main contract.
AB

AC For quotation, on page 11870 there is a quotation.
AD Basically, is it right for me to say that for this
AE agreement, it includes labour and materials? In your
AF statement, you said that there are several items,
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including taps, that are not included?

A. Yes, some of the taps were not included.

Q. That is, they would not deliver those taps.

A. Yes.

Q. If you look at page 11870, for paragraph 11 it says that party B will be providing the labour and the materials.

I would like to ask about the tendering process.

Will you be involved in that?

A. No.

Q. For this kind of quotation, that is about plumbing

subcontract, would they be setting out the cost of each material and would they recommend a certain cost? Would they give you those kinds of details?

A. No, because they would cover labour and materials, so everything is packed.

Q. So they would give you a lump sum; is that right?

A. No. In the main contract, we have a bill of quantities, so they will base on that, and then there will be a cost for a page, and sometimes they will give me the costs item by item, but that may not be the same as the actual material cost.

Q. So, if you just look at the unit cost, you cannot tell how much the materials would cost?

A. No.

Q. So how can you look at this quotation and decide whether

it's reasonable?

A. I think only our office staff can answer this question.

Q. So, when the materials are delivered to the site -- earlier this morning, I discussed this with Mr Lee Hung Fai, and I would like to seek clarification with you concerning a few points.

In your witness statement -- in paragraph 78, it should be -- let's look at paragraph 77 first. It says that upon the delivery of plumbing materials the frontline team would receive an entry record.

In Chinese it's "(Chinese spoken)".

A. Right.

Q. That is at the entrance of the site, this entry record would record the delivery of such materials.

Towards the end of paragraph 78, the third line, you said:

"(In English) However, as [China State] would not receive advance notice from its subcontractors ..."

(Chinese spoken).

"(In English)... it was difficult to avoid subcontractors bringing small amount of materials into the site without any notification to [China State]."

This morning, I heard something different, so I would like to seek clarification from you. Mr Lee Hung Fai said two days before the subcontractors

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	Day 24 B
C	delivered the materials, they would first fill in the	C
D	entry record, they would hand it to your colleagues, and	D
E	they would say that on a certain day they would send	E
F	certain kinds of materials to the site.	F
G	A. Well, normally they would do this. However, sometimes,	G
H	there may be small amounts of materials, or the size of	H
I	the materials may be smaller, and the supplier thinks	I
J	that it's not convenient for him to transport at	J
K	a certain time, so he would tell the subcontractor that	K
L	he will just deliver the materials to the entrance, then	L
M	they do not have to enter, so there is no need of entry	M
N	record.	N
O	Q. You talk about small quantity, and that would be the	O
P	case?	P
Q	A. Yes.	Q
R	Q. So, for your frontline team, how do they tell what is	R
S	"small"?	S
T	A. First, they would take the entry record for the	T
U	frontline team or our boss to sign.	U
V	Q. Let's pause there. So, for material delivered,	V
	regardless of quantity, whether it's big or small, they	
	had to fill in an entry record?	
	A. Yes, but our boss would, taking into consideration the	
	works conducted at the site, say -- delivery after	
	5 o'clock but the supplier might say, "I have to send	

the vehicle out." The subcontractor might talk to the supplier to either change the date, and if it was a small quantity, that it could be delivered in person, they could drop it at the gate, and the subcontractor would take it into the site.

Q. So not necessarily two days, according to you, maybe on that day?

A. No, not on that day. At least one day before.

Q. So at least one day before, you would receive the entry record?

A. There would be an indication and, in the end, whether the entry record was used is down to the subcontractor.

Q. So, at the site, when it was delivered, whether an entry record has to be shown -- well, do they have to be shown?

A. No. There was a decision as to whether the vehicle needed to enter the site. For Kai Ching, six blocks, every day there would be two blocks doing concreting work. When material was delivered, if we were doing concreting work, the vehicle might not be able to do a U-turn and leave, so the transportation worker might not be willing to enter the site. So it's for the subcontractor and the supplier to work it out.

Q. By that you mean regardless of the quantity, there would be an entry record submitted?

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 24	
C	A. It should be submitted.	C
D	Q. The only difference is that sometimes, for small quantities.	D
E	A. (Chinese spoken).	E
F	Q. It might not have to go through the gate.	F
	A. The vehicle might not enter.	
G	Q. So if the vehicle need not enter, say there was someone	G
H	with some papers arriving at the date, the person would	H
I	have to be registered, even without entering with	I
	a vehicle?	
J	A. No. If that person has a smart-card, he could enter.	J
	Q. A smart-card.	
K	CHAIRMAN: The material could enter the site for use?	K
L	A. For small quantities, usually, they were simple items,	L
M	say adhesive tapes, and if it's 150 millimetre stop	M
	valve, then it had to be transported in a vehicle.	
N	CHAIRMAN: I know. Say 20 boxes or 20 reels of lead-free	N
O	solder wire, it could be carried in with a plastic bag?	O
	A. Well, if it's in small boxes.	
P	CHAIRMAN: Yes.	P
Q	A. For material to be entering the site like this, it would	Q
R	be easy. But for the material to leave the site,	R
S	a security guard might stop them, so it would be	S
	difficult for the material to leave the site.	
T	CHAIRMAN: (Chinese spoken).	T
U		U
V		V

MR KHAW: Let's refer to S1.

Let's look at page 167. On page 167, it is issued by Prosperity, an invoice to Ho Biu Kee in relation to the Kai Ching site.

We see that the second item is UK 50 solder strips, eight pieces per pound: 330 pounds. That's one of the examples.

If you refer to page 169, there's another delivery. Also, UK 50 solder strip: 275 pounds. So how many pieces are there? Over 1,000.

173, 275 pounds solder strip.

Now, 177. 330 pounds of solder strip. We are talking about over 300 pounds of solder strip. If it has been delivered, it would not be like what you said, a small quantity.

A. Sorry, I can't imagine how much 330 pounds of solder strip would be.

CHAIRMAN: What couldn't you imagine?

A. 330 pounds of solder strip, what the size would be like, I can't imagine it.

CHAIRMAN: Show him the box, show him that rectangular box. 55 pounds in each.

MR KHAW: So less than two of me. This is 55 pounds.

So we are talking about six boxes like this. Six such boxes. Would you think it was a large quantity or

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	Day 24 B
C	a small quantity?	C
D	A. If it can be transported in a trolley, then it would not be big.	D
E	Q. (Chinese spoken).	E
F	A. I think that wouldn't be a big problem. If you are talking about six such boxes, it would be easy to enter	F
G	the site.	G
H	Q. For large quantities, it had to be transported by	H
I	a vehicle, and we know about the operation of the entry	I
J	record. For small quantities, there's no need to be	J
K	driven in and it could be pushed in in a trolley.	K
L	Whether it's carried or driven in, at the site was there	L
M	a system that someone would have to check and sign to	M
N	acknowledge receipt?	N
O	A. In my statement, it says that if need be, the frontline	O
P	team, having seen the material arriving, would check.	P
Q	For some metal fittings, there was a chance that the	Q
R	subcontractor would use the material, say for example	R
S	nuts and bolts and adhesive tape.	S
T	Q. I won't get that bogged down in details. Perhaps the HA	T
U	lawyer will ask you. We have asked Mr Sung and Mr Chan	U
V	some questions.	V
	In relation to the standard work procedure, there's	
	no specific requirement to check solder material. In	
	relation to project management planning or project	

management plan, there is no specific provisions for checking of solder material when delivered?

A. Not at that time.

Q. Let me ask you -- a decision would be made, that is when materials arrived, a decision would be made whether to check the material. From your point of view, to your understanding, how would the decision be made? Based on what?

A. First, if, according to statutory requirement or contractual requirement, we had to check the material, of course we would make an arrangement for that and it would be put in the PMP. As Mr Chan said, for the standard procedure, it's a general direction of the company set down for each project. When it comes to the project level, depending on the different trades, different types of work, there would be colleagues reviewing the procedure. When it comes to plumbing works, in the past, for HD projects the use of copper pipes has been in place for about a decade. There have not been any significant problems, including that with solder material. That's why the colleagues at that time did not put soldering material in the checklist.

However, if there were some previous projects of our company that have encountered some quality problem, say PVC pipes, then the HD would send people to have a check

and we would do that as well.

In the past, there were occasions that because of quality problems, we had to do remedial work. If there is no concern of the company or in the trade about a particular thing, we did not consider listing that in the checklist.

Q. You have mentioned it in your statement, but put quite simply, paragraph 79 on page 105, you said: "Soldering material was not a specific material which HA required to be checked upon delivery ..."

It's under form 6210.

A. That's one of ...

Q. Form 6210 is not the only basis on which you decide whether the material delivered should be checked. You also would look at other things, say for example the standard procedure?

A. I have already said that for PMP, the consideration for Kai Ching at that time was that over the many years in the past, there has not been any particular problem. That's why we did not consider it an item for checking.

Q. Well, when it comes to whether it is material to be checked upon delivery, your consideration at that time, would it include whether the sample has been approved before. If it has been approved before, there should be checking; did you consider that?

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 24	
C	A. For solder material, no.	C
D	Q. You were talking about the material being delivered. If it is driven in, there would be a record. If it's	D
E	pushed in, in a trolley or small quantities -- well,	E
F	let's talk about solder material.	F
	At the site, there would not be an entry record?	
G	A. Right.	G
H	Q. For soldering material, as far as you know, once it has entered the site, would there be any person in charge at	H
I	the site from your company, directing the material to be	I
J	taken somewhere else?	J
K	A. For solder material, no. For copper pipes and fittings, the front line would give direction, because they have	K
L	to know where it would be stored.	L
M	Q. I know that from time to time you would conduct	M
N	inspections at the site. As far as you know, for solder material, after they have been delivered to the site,	N
O	where would they usually go?	O
P	A. First, all I can say is that it would go to the workshop of the subcontractor.	P
Q	Q. So the workshop?	Q
R	A. Yes.	R
S	Q. In relation to the Kai Ching project, the plumbing works, how long did it last from begin to end?	S
T	A. 14 to 15 months.	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 24 B

C Q. That's about the six blocks? C

D A. The six blocks. D

E Q. So, when plumbing works were carried out, how often E

F would you go there? F

G A. It's not fixed. I may go twice a week or once every two G

H weeks. So it depends on how my schedule was. H

I Q. You would go there once in several weeks at least? I

J A. Yes. J

K Q. At the site, have you seen the solder materials K

L yourself? L

M A. You mean the storage site or the workshop? M

N Q. The workshop first. N

O A. Yes, I saw them in the workshop. O

P Q. So where were they placed? P

Q A. They have a shelf, and I saw solder materials in boxes. Q

R Some of them have been taken out. R

S Q. So some of them were in the boxes. Was the box like S

T this (indicating); do you remember? T

U A. I cannot remember exactly. U

V Q. So you have seen the solder material. What state was it V

in? Was it like this?

A. If it's in the workshop, yes.

Q. So you saw them in the workshop, on shelves, so there

were several rows?

A. There were several rows on top of the boxes.

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 24	
C	Q. So like this? (Demonstrating).	C
D	A. More or less.	D
E	Q. I will show you once more. This box is not a special	E
F	box, but here there's a green label. It says "FRY	F
G	powerful lead-free". There's a label here. Have you	G
H	seen this label? Have you seen a similar box?	H
I	A. I'm not sure.	I
J	Q. So, in the workshop, you saw solder materials. So	J
K	whenever you saw them, they were in this state?	K
L	A. Well, there were different cases. At Kai Ching Estate,	L
M	the plumbers' workshop, they were in this state.	M
N	Q. So, in the workshop, have you seen solder materials	N
O	drawn out?	O
P	A. I would like to clarify. For plumbing workers, they	P
Q	would cut them into certain lengths and then they would	Q
R	be rolling them in rolls.	R
S	Q. Okay. Let's do this step by step. So you have seen the	S
T	workers cut the materials to certain lengths; have you	T
U	witnessed that yourself?	U
V	A. At Yau Lee Wah, I saw it.	V
	Q. You mean on the mainland? Let us go back to the	
	Kai Ching site.	
	When you inspected the site, have you seen workers	
	cutting the materials?	
	A. No.	

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 24 B

C Q. But you have seen workers holding onto materials that C
D have already been cut. D

E A. Right? E

F Q. You are still talking about the workshop? F

G A. No, I am talking about those workers who are working on G
H soldering, on different storeys. H

I Q. So they were in strips and you haven't seen strip-formed I
J materials in the workshop? J

K A. No. K

L Q. So you saw the workers holding these materials. What L
M were they like? M

N CHAIRMAN: Show him one so he can demonstrate. (Handed). N

O A. So they normally hold onto it like this, when they do O
P the soldering. P

Q MR KHAW: So they were doing soldering, and the material was Q
R like this, so you did touch it? Was it similar to this R
S one? S

T A. I can't answer this question. T

U CHAIRMAN: Why? Because you look at them from afar or what? U

V A. I can only say this. I saw the workers holding on to V
the material while they solder, but I'm not sure whether
it's the exact materials.

MR KHAW: So you saw the workers doing this, but have you
seen the workers carrying a pile of cut strips on their
way to soldering?

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 24	
C	A. No. The workers would know how much work they can do in	C
D	one morning or one afternoon, so they would take	D
E	a certain amount of solder wire. They would cut the	E
F	solder wire and then they would put them into a box.	F
G	They would not carry 1 pound or 2 pounds of materials to	G
H	their working place.	H
I	Q. So you have seen that they put the cut wires in their	I
J	toolbox.	J
K	This is a box in another shape. It's rectangular.	K
L	Here, it says "UK solder strips". That's what's shown	L
M	in the invoice. Have you seen boxes like this?	M
N	(Indicating).	N
O	A. I cannot remember.	O
P	Q. If you open the box, the strips should be lined up in	P
Q	there like this. (Indicating). Have you seen this?	Q
R	A. No.	R
S	Q. You said that the workers would put the strips in	S
T	a toolbox, so when they put it in the toolbox, as you	T
U	depicted just now, they rolled it up; right? Or was it	U
V	like this? (Indicating).	V
	A. It's like this. (Indicating).	
	Q. So you didn't see it in this way?	
	A. No, rarely.	
	Q. But have you ever seen it?	
	A. Not at Kai Ching.	

Q. So, when the soldering materials arrived at the site -- the former two witnesses also talked about this -- at the site, you didn't keep the invoices; right?

A. Well, for these small metal fittings, we didn't have record.

Q. Let us look at F2, page 1370.

Here we can see that it's a memo. It's from your company. It's a document submitted by your company, from Derek Ma, who is a site agent, and it's delivered -- this should be your site agent, and it's for HD staff.

It says:

"(Partially in English) We would like to submit herewith the material delivery note during the period from 1 June to 15 June 2012 ..."

So this document was sent to a project clerk of works of the HA.

A. Yes.

Q. Would you regularly submit such delivery notes to the HA?

A. Well, with regard to this memo, I would say no, because I initialled it. On that day, the clerk of works -- I don't know whether it's clerk of works or assistant clerk of works -- he talked to my ABSE, Wu Wing Loi, and he said that such material list should be sent to

them -- that is about plumbing and drainage.

My colleague went to Ho Biu Kee and talked to their supervisor. They got the delivery note during this period, and then it's given to the clerk of works.

After that, the clerk of works thought that we should do it through AQCC, because AQCC have to check those things. Afterwards I passed this on to our builder.

Q. I want to clarify a point. Now we have seen delivery notes that were submitted to the HA. So I would like to know more about your internal system. You have staff working at the site. Would they collect these kinds of delivery notes?

A. Well, it's not my practice. But for this particular one, because there was a request made, so it was done like this, and I have looked up our records. So, after the builder got this job, the clerk of works didn't ask him further for the plumbing and drainage record or delivery notes.

Q. So you mean this is a special case? They asked you to do it?

A. The HA's staff talked to my ABSE.

Q. Do you have a colleague, a Mr Lam? He was the BSE at Kai Ching Estate. His name is Lam Kai Wong.

If we look at his witness statement, at F2, page 1355, in his witness statement, (i), he says that

CSCE, with regard to the KCE project, has from the start to the end submitted over a hundred memos titled "Submission of Material Delivery Record" to HA's two project clerks of works. So there were over 100 memos?

A. Yes. For the memo I read just now, it's about plumbing and drainage delivery. There was only one. As for the material delivery record, yes, there were over 100 of them. But when it comes to one involving plumbing and drainage, it's like what I said before, concerning the memos.

Q. If you look at bundle F2, page 1370 -- we have just looked at it. This is one of the material delivery notes related to plumbing and drainage.

If you look at the delivery note attached, at page 1373 --

A. Yes.

Q. -- you can see "UK 50 solder strip". At page 1375, similarly, "UK 50 solder strip"; do you see that?

A. Yes.

Q. Let me clarify. So, from this example, it's obvious that CSCE has got a staff member receiving these delivery notes at the site?

A. In relation to these two, as I said, it was the ABSE, upon the request of frontline staff of the HA, went to obtain the delivery note from Ho Biu Kee.

Q. If you look at these delivery notes, when they were obtained, you would see that for UK 50 solder strip, this description. It's different from your understanding, the one that we have looked at, FRY, in green.

A. At that time, I did not have any understanding about UK 50 solder strip, and I see that for this, there are PVC pipes, screws and some approved materials.

Q. If we look at these delivery notes, say for solder strip, 50 solder strip, you could see, from those words, that it's different from the FRY lead-free solder wire?

A. As I said this morning, when it comes to the use of lead-free material for plumbing works, I knew about that, and I know that in the Hong Kong market there are different types of solder strips, but I don't know what they are for.

Q. Well, this one, in your understanding of lead-free solder wire, FRY, it's different. Did you find it strange? Did you ask what it was?

A. For the quantity, sorry, it's not a large quantity, so it might not have drawn my attention as to what it was.

MR KHAW: Is it a convenient moment?

CHAIRMAN: For a break? Let's have a break for ten minutes.

(3.34 pm)

(A short adjournment)

(3.52 pm)

MR KHAW: In relation to the delivery notes that we have looked at, that is those that have been given to the HA's project clerk of works, I still have one question to ask you.

If you refer to F2/1373, do you see that on the same delivery note, if you look at item 2, it says "50 solder strip"; do you see that?

A. Yes.

Q. For item 6, it says "UK FRY lead-free solder wire"?

A. Yes.

Q. On the same delivery note, there are two solder materials, in two separate items. So two solder materials have been delivered. Did you find it strange that there would be two solder materials?

A. What was strange to me is the UK FRY lead-free solder wire, because at that time FRY was manufactured in Holland and I found that to be strange.

In relation to UK 50 solder strip, I don't have any special feelings towards it. I mean, it didn't really attract to me.

I know that for FRY, it's manufactured in Holland. If it says "UK FRY", I would wonder whether there is a different type of lead-free solder wire.

CHAIRMAN: So, for delivery notes at that time, were they

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 24	
C	looked at or not?	C
D	A. At the time when the material was delivered, they were not looked at.	D
E	CHAIRMAN: Afterwards, on the request of the HA, they were dug out.	E
F	A. They were retrieved at the request of the HA. I glanced	F
G	at it because it bore my initial.	G
H	CHAIRMAN: It was submitted, and you had a look but it did not draw your attention?	H
I	A. No, that item did not draw my attention.	I
J	CHAIRMAN: Ho Biu Kee was only responsible for plumbing. I don't know if they were --	J
K	A. For Kai Ching Estate, Ho Biu Kee was responsible for	K
L	drainage and plumbing.	L
M	CHAIRMAN: So they were not responsible for gas and other things.	M
N	A. Gas was done by the nominated subcontractor.	N
O	CHAIRMAN: I understand that for solder wire, it can be of different use, used in gas, oil pipes. However, this	O
P	company was only responsible for plumbing; water, that	P
Q	is.	Q
R	So back to Mr Khaw's question, for a plumber, they ordered two different solder materials, one specified to	R
S	be lead-free, at the same time. Did that draw your	S
T	attention?	T
U		U
V		V

A. No, it did not. And there's one thing. In the metal fittings, for some the subcontractor might do some other works and might be provisional and it might escape our attention.

MR KHAW: There is another memo. Page 1394, also in F2.

This is another date, 23 June, also from Derek Ma to a project clerk of works. It's a submission of a material delivery record.

Is that the same situation like the previous one, according to your understanding?

A. If we look at the table, I think that is different from the previous one, because for this one, it is clearly stated that it is in relation to form 6210, material delivery. And there are issues with quantity, because only some are set out.

Q. Let's look at item 2. Yes. For the first item, you are right. Table 1 refers to material under form 6210. For 2, it says:

"(In English) Delivery notes of the material which is not covered in table 1."

Can you see it?

A. Yes.

Q. It is 1415 and 1417. For 1417, if I am right, it's the same as 1373. Item 2, "UK 50 solder strip"; item 6, "UK FRY lead-free solder wire".

A. Right.

Q. Do you know why the same delivery note was submitted to the HA?

A. I have actually answered this question. After submission of the first one, the clerk of works asked the AQCC to endorse it. That's why we gave the AQCC at that time to handle it.

Q. Let me turn to a different issue. In your statement, paragraph 81, it talked about some off-site installation of precast components, and it is said here that for some plumbing works, it is not done at the site. For off-site installations, they include precast bathroom and kitchen components. There is a company, it's a subcontractor of CSCE, it's called Yau Lee Wah.

A. Yes.

Q. The manufacturing of precast components was done on the mainland?

A. Yes.

Q. Then, towards the end of paragraph 81, you said that Ho Biu Kee was responsible for installing the copper pipes, fittings and valves. So they were also involved in the precast components?

A. They were involved in the plumbing, inside the precast components.

Q. So, for Ho Biu Kee, it's involved in the work of the

precast components, but it doesn't include the process which was carried out on the mainland?

A. Well, in the original contract, it was like that, but in 2011, I cannot remember the month, we gave a proposal to the HD. We proposed that part of the plumbing should be done on the mainland. So we have obtained the approval of the HD for doing that.

Q. So, for paragraph 82, you said that CSCE's representatives, including yourself, had attended the pre-fabrication workshop of Yau Lee Wah in the PRC regularly, at their workshop, to monitor the workmanship of the VPB and VPK units. Did you do that?

A. Some of my colleagues would go there to monitor the workmanship, but they didn't do it on a full-time basis.

Q. So your colleagues did go. Here you said "including myself". How many times have you been there?

A. When it was first set up, I think I went there two or three times. When it was first set up, I and another colleague of mine got a workshop from Yau Lee Wah, so it was done in their workshop, so they were very concerned, so there was also a security issues. I went there when Yau Lee Wah handed over the workshop. I went to look at the set-up.

Q. So they gave you a place?

A. There was a room.

Q. So the work didn't start yet?

A. No. The first batch of materials were sent there.

Q. So, when you went there, you mainly went there to look
at the workshop, to kind out whether it was okay?

A. Yes, that's for the first time.

Q. So how about the second time?

A. The second time I went there, Ho Biu Kee already had
workers working there. They were doing installation.
But we discovered that they were not doing everything
100 per cent.

CHAIRMAN: Please speak up.

A. I'm sorry. Well, for the second time I went there,
because I saw some precast components, there were
plumbings in them, but they were not 100 per cent like
what's set out in the layout plan. So there were
workmanship problems. So I went there to try to find
out where the problems were.

MR KHAW: So, for the precast components, when they were
being made -- I want to clarify something. So
Ho Biu Kee did work on the mainland. Did it involve in
the process of the manufacturing the precast components?

A. Yes, they were involved directly.

Q. So Ho Biu Kee sent Hong Kong workers to the mainland to
do this?

A. At that time, Ho Biu Kee sent its site supervisor, Chan

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B Commission of Inquiry into Excess Lead Found in Drinking Water Day 24 B

C Siu Wah, to set up a team on the mainland. C

D Q. So Ho Biu Kee sent Chan Siu Wah to the mainland. He's D

E the team leader, and when they were on the mainland, did E

F they recruit mainland workers? F

G CHAIRMAN: For installing plumbings in the precast G

H components? H

I A. Yes. I

J CHAIRMAN: They were mainland workers? J

K So, for the licensed plumber, was he there? Was he K

L on the mainland? L

M A. No, according to what I remember, he didn't go. M

N MR KHAW: So you understand that in accordance with the N

O Waterworks Ordinance, the licensed plumber shall be O

P responsible for all the plumbings and fittings, and he P

Q should be monitoring all the works. So, when it comes Q

R to precast components, the licensed plumber cannot R

S monitor the works? S

T A. I cannot agree with you, because nobody stopped him from T

U going to the mainland. We welcomed him going because he U

V should have had an input. V

Q. Did you ask the licensed plumber to go and monitor the Q

R works? R

S A. We didn't officially invite him, but I did invite Mr Ho S

T to go. T

Q. So, on the mainland, when they carry out this kind of U

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works, what were the qualifications of the workers?

A. I'm not too sure.

Q. In Hong Kong, we have heard about this. They have different levels: semi-skilled workers, skilled workers. On the mainland, as far as you know, do they have different qualifications?

A. In other provinces, they do. But at that time, I'm not sure about those workers working on this project.

Q. Do you have a record of the workers?

A. No.

Q. Have you asked them -- we are talking about these workers on precast components -- have you asked about their experiences?

A. Yes, I did. I asked Mr Ho, the boss of Ho Biu Kee. He said that these workers were plumbers on the mainland.

Q. So, as to what kind of trainings they had received, you didn't know?

A. No, I didn't.

Q. In your witness statement, you said that there were some deviated materials. If we look at the WSD reports, we know that some of the gate valves and some of the taps were considered falling short of the requirements. That is, they may contain lead.

So, for a licensed plumber, you know that before he works, he has to fill in forms; for example, WWO46? And

C there's an attachment there, which contains a list of
D the materials he is going to use or he is proposing to
E use; agree?

E A. Yes.

F Q. But when it comes to the actual works, they might have
G proposed some materials or fittings, but there may be
H changes when they actually carry out the works; right?

H A. Yes.

I Q. So, for your company internally, what would you do?

I That is, originally they proposed certain materials and
J then they changed it during the work, so how will you
K communicate with the licensed plumber? So, for the
L licensed plumber, in the course of carrying out
M projects, he suddenly says, "I will not use this
N material on the list, I will change to some other
O material", so whom should the licensed plumber inform in
P the first place?

O A. First of all, he has to inform -- for example, let us
P look at the Kai Ching project -- he has to inform either
Q me or my colleague. If he wants to change the
R materials, first of all we have to check the new
S materials that he wants to use, whether they meet the
T specifications. If they are, then we will ask him to
U give us an explanation as to why there is such a change.
V For example, at Kai Ching Estate, the copper pipe

materials, we have two types, because at a certain time the supply of the original type was not stable, so they proposed another type. We checked and there's no problem, so we accepted the second type.

So the main contractor would have to meet this requirement, when it comes to our contract with the HD, and if the HD approves, the licensed plumber had the responsibility to submit an application to the WSD for the change in materials. This has been stated very clearly in the circular letter as to what a licensed plumber should.

Q. So, in sum, if there is a change, the licensed plumber would first have to communicate with you, and then he has the responsibility to submit a renewed application to the WSD, including a new list?

A. Yes. They also have to obtain the approval of the WSD.

Q. Okay. Then with regard to this incident, we have several witness statements. First look at Mr Lam Tak Sum, who is a licensed plumber, his witness statement.

Let us look at Mr Lam Tak Sum's record. This is an interview. On page 17 of Q1, in paragraph 4, Mr Lam said -- well, this is a record of the interview, and Mr Lam said that with regard to Kai Ching Estate and Kwai Luen Estate, he made some changes to the plumbing

fittings, and as the plumber responsible for that project, he said that it's up to the engineer that he should report to the WSD, and the BSE at the site said to him that there is no need to make amendments and to resubmit the WWO46 form part I and part II; the HD can talk to the WSD. So Mr Lam didn't submit the relevant waterworks form to our department.

Let us look at another document, and it's Mr Ho Man Piu's document, on page 38 of K1. He is the boss of Ho Biu Kee.

Under B, this is about Mr Ho Man Piu, and this is the statement from Mr Ho:

"For those pipes and fittings which deviated from the list of plumbing materials submitted to the WSD under form WWO46, the licensed plumber was aware of such. According to the LP [that's Mr Lam Tak Sum], he had proposed to the HD that these changes of materials should be resubmitted for WSD approval. However, the HD [BS] engineer informed him that there would be communication by the HD with WSD and hence no revised WWO46 was required to be submitted to the WSD ..."

It's similar to what we have seen before.

On this issue we have asked chief BSE of the housing Department as to whether that's true, and we were told -- I will tell you first before I ask you a

question -- there was no site BSE of the HA for the site. BSE, it would be one from the main contractor. For the first one, there is no site chief BSE of the HD; there is one for the main contractor. Do you agree?

A. For Kai Ching, I agree.

Q. It is said that the chief site BSE, I assume that is from CSCE, said at one point to Lam Tak Sum that there is no need to submit the revised form; your BSE would communicate with the WSD. So what do you say about this?

A. The first thing, I don't think that me or my colleagues would say something like this, because from my point of view, this is the responsibility of a licensed plumber. A revised annex to the WSD would suffice, and of course that has to be approved by the WSD. There is no need to resubmit parts I and II, and that was the normal practice.

As a licensed plumber, he knew of his duty, so there was no reason for him to ask someone else these irrelevant questions.

Q. In the scope of your duties in relation to Kai Ching, did you know whether Lam Tak Sum spoke to your building services staff in relation to submission of revised WWO46?

A. Not that I know.

MR KHAW: I have no further questions.

CHAIRMAN: Any other questions from anyone else?

Perhaps I will start. You said that Ho Biu Kee once suggested installing pipes on the mainland, the precast components?

A. Right.

CHAIRMAN: Because of lower cost. What reason? That's what I was trying to find out. There was this proposal and you agreed and the HD agreed, and in the end he went there.

A. I believe that for VPB, that was a pilot project for the HD. On the contract, it was set out what the minimum requirements were, and if possible we believe that the HD would like to try something more. That's why that was the proposal.

CHAIRMAN: So the HD would like to try new things to see if they would be more effective?

A. Yes, new things that would be more effective, that would increase product productivity.

CHAIRMAN: Right. What about the production cost? Was that a consideration?

A. For production cost, labour would be cheaper. However, the requirements on the mainland, especially when it comes to copper pipes -- well, it will be taxed when the copper pipes went through customs. So I don't know how

much in the end was saved.

Cross-examination by MR HO

MR HO: In relation to your last question, may I refer you
to some documents --

A. Sorry, I couldn't hear you.

Q. In relation to the reply about precast components, may
I refer you to some documents.

A. Yes.

Q. Some correspondence between the HD and CSCE. (Handed).

Could you please look at the letter, on the front.

It's 21 September 2011, from CSCE to the chief engineer
of the HD. Can you see it?

A. Yes.

Q. The first paragraph reads CSCE suggested that for the
following installations, VPB would be used; that would
be the precast bathroom. First is copper pipes and
fittings; do you see that?

A. Yes.

Q. There are some other parts of plumbing works that have
been approved?

A. Right.

Q. Then in the last paragraph, there are samples that have
already been installed for the HD's reference?

A. Right.

Q. This letter was dated 21 September 2011. You see that

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C there is a letter from the HD? Let's turn the page. C

D A reply dated 7 October. Do you see it? D

E A. Yes. E

F Q. It says at the beginning -- it's from the chief engineer F

G of the HD to CSCE, saying that the suggestion dated G

H 21 September has been received and there are some H

I comments from the HD. Do you see it? I

J A. Right. J

K Q. Paragraph 3, it sets out comments of the HD. K

L A. Right. L

M Q. Do you see that? M

N A. Yes. N

O Q. And that there were concerns that the basin mixers would O

P be damaged during transportation, and special attention P

Q was asked to be paid to it. Q

R Paragraph 4, on the next page. The HD reminded you R

S that you had the responsibility to act in accordance S

T with the contract. That is your obligation. T

U "(In English) The comments or no comments given by U

V this department to your shop drawings shall not be V

T construed as to relieve your responsibility and

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

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C obligations under the contract." C

D In effect, it means that you have to follow the D
contract?

E A. Right. E

F Q. CSCE, on 28 November -- sorry, turn back the page. It's F
page 2. 28 November, you followed up on your

G suggestion; do you see that? G

H A. Yes. H

I Q. Paragraph 1, it talks about fittings and copper pipes? I

J A. Right. J

K Q. The HD, in relation to the letter dated 28 November, K
sent a reply. Turn to the penultimate page. There is

L a reply from the HA, on 16 December. Do you see it is L
from the HA?

M A. Yes. M

N Q. Some comments are made in relation to the letter dated N
28 November. Lastly, it says no objection to the

O proposed scope of works for kitchen, but there are some O
requirements. It says "provided that" (a) and (b).

P Paragraph 3 -- do you see it? P

Q A. Yes. Q

R Q. The HA said that it is your duty to fulfil the contract. R

S "(In English) The comments or no comment given by S
this department to your proposal ..."

T (Chinese spoken). T

U

V

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 24 B

C "(In English)... shall not be construed as to C
D relieve your responsibility and obligations under the D
E contract." E

F That means comments or no comments will not change F
G your obligations under the contract? G

H A. Right. H

I Q. So you made the suggestions to use the precast I
J components on the mainland -- it doesn't relieve you of J
K your obligations under the contract? K

L A. Right. L

M Q. Let me refer you to something else, a different M
N question. You fully understand that under the N
O contractual obligation, when it comes to the use of O
P plumbing material, it has to conform with British P
Q Standards? That is, when it comes to the Waterworks Q
R Ordinance and Waterworks Regulations, you have to meet R
S the British Standards. S

T May I refer you to some British Standards? Please T
U have a look at C19.1, soft solder, page 10476. What U
V I am going to ask you is on page 10476, or page 10490. V

A. Which page?

Q. You can see on the screen, it's 10476, and I want to
show you -- it's 9453 of 2006, the standard.

Never mind. Do you see it yet?

A. Yes.

Q. Let's look at 10490. It's table 3.

It's annex 3 of the British Standard. Well,
table 3, actually. You see a list of lead-free solder
alloys with different compositions; do you see that?

A. Yes.

Q. It's not grouped under brands, let's say FRY 99C, but
some are grouped -- say tin-copper, tin-silver,
tin-silver-copper.

Let's look at the next page of table 3.

Tin-silver-copper. For these various materials, they
are all called lead-free solder alloy; right?

A. According to this table, yes.

Q. Under the main contract with the HA, the specifications
require lead-free category solder; you are clear about
that?

A. Right.

Q. For these lead-free materials, you could choose one that
is suitable as long as it meets the specification of the
HA of lead-free?

A. In answer to a question of Mr Khaw, choice of material
was made by my subcontractor, Ho Biu Kee. After I have
received their submission, my colleague would check, to
see whether the materials submitted meet the requirement
of the HA before we make the submission.

Q. So you are responsible for Kai Ching Estate. At

Kai Ching Estate, because your subcontractor gave you a lead-free solder sample, and it's this FRY 99C lead-free solder, so you submitted that to the HA for sample approval?

A. Yes, we want to meet their requirements.

Q. So you have never doubted -- you also believe that it was in compliance?

A. I just looked at the HD specifications. So it's stated in the HD specifications and I checked that it's okay, so I would think it's okay.

Q. So can you answer me directly: you never doubted that it was deviated from the requirements; that is, this FRY 99C was acceptable; right?

A. Right.

Q. So, in your witness statement, you said that Ho Biu Kee made the choice concerning the materials, as long as they meet the specifications of the HD?

A. Yes.

Q. So, for your subcontract -- well, Mr Khaw took you through it just now, and that was B5.7. The subcontract starts from page 11864. Please look at page 11867.

Just now, Mr Khaw took you through paragraph 3(5).

I want you to look at paragraph 3(2). In your witness statement, you said that the subcontractor should be responsible to you so that you can discharge your duties

under the HD contract; right? The subcontractor should be responsible to you, so that you can discharge your duties under the HD contract?

A. Yes. Yes.

Q. So, with regard to this matter, if eventually we know that the subcontractor used materials that did not comply with the specifications, and those solder materials contained lead; if the subcontractor did use such materials, and when you look at it now, you have this contract with the subcontractor, so do you think the subcontractor has discharged his duty?

A. Can you repeat your question, please?

CHAIRMAN: No need to ask.

MR HO: He can just answer "yes".

CHAIRMAN: I think you are just wasting time if you ask the question once more.

MR HO: I can ask the question once more.

CHAIRMAN: I think we do not need to hear the answer. If you really want to hear the answer, you can ask once more.

MR HO: Actually, I want to ask another question.

CHAIRMAN: Why don't you just ask another question?

MR HO: But I have to ask this question first, before I ask another question.

Now, if the subcontractor has used some solder

materials that do not comply with the specifications,
then would you say that the subcontractor has already
discharged his duty under the contract?

Why is it so difficult to answer this question?

A. Maybe you asked it in a poor way.

CHAIRMAN: How many more questions do you have to raise?

MR HO: I don't think I can finish all my questions today.

CHAIRMAN: Yes, that's what you said. Let's take a rest
then.

MR HO: I haven't heard a clear answer yet.

CHAIRMAN: Well, tomorrow morning, come back at 10 am. He
has more questions. We cannot finish with all your
questions anyway, so let us meet again at 10 am
tomorrow. Thank you.

(4.36 pm)

(The hearing adjourned until 10.00 am the following day)

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