

2016年1月7日

上午10時33分恢復聆訊

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

許卓倫大律師，由柯伍陳律師事務所延聘，代表林麗瓊

麥高義資深大律師及許佐賓大律師，由的近律師行延聘，代表保華建築營造有限公司

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

駱敏賢大律師，由高嘉力律師行延聘，代表翁國財

諾頓羅氏富布萊特香港胡文俊律師及康錦煒律師，代表張達欽及金日工程有限公司

林國輝大律師，由孖士打律師行延聘，代表瑞安承建有限公司

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

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

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

金日工程有限公司（“金日”）（中國建築（紅磡邨第二期）及保華（榮昌邨和東匯邨）的分判商）的第三證人：林麗瓊（金日採購員工）宣誓繼續作供

許偉強先生繼續盤問

問：林女士，尋日就我曾經問過你有一點就係關於你之前的工作經驗，咁可能我有一部分我唔係問得好清楚，我再想同你即係澄清一下嘅。就係你話嘅你嘅證人口第2段，...

B

B

C

答：係。

C

D

問：...你就講話中五畢業，就於 1988 年加入金日工程嘅？

D

E

答：係。

E

F

問：你係幾多年中五畢業？

F

G

答：應該我記得吓，應該大約八零嘅。

G

H

問：八零嘅？

H

I

答：嘅。

I

問：咁就你第一份工係咪你尋日講嗰個--即係之前嗰個舊老闆話即係同翁先生一齊共事嗰個公司，係咪呀？

J

答：正式嘅講法係囉。

J

K

問：好。即係喺嗰度都做咗有大概七、八年嘅時間嘅？

K

L

答：五、六年嘅。

L

M

問：五、六年嘅，好。

M

N

答：跟住我又做過另外一個。

N

O

問：跟住做過另外一份工，之後先至加入金日工程，係咪呀？

O

P

答：係。

P

問：之後嗰份工都係有關水喉嘅？

Q

答：唔係。

Q

R

問：唔係嘅。係咩嘢類型嘅工？

R

S

答：製衣廠。

S

T

問：製衣廠。你個工作性質係...

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U

答：文員。

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問：都係文員，係，唔該。就尋日最後嗰一部分我都有問過你，就係話其實你除咗採購同埋做即係公司嗰個文書工作之外，咁你有時都會參與嗰個即係投標嗰個過程嘅，係咪呀？

答：近呢幾年。

問：近呢幾年。如果我咁講啱唔啱呢？近呢幾年即係大概係咪講緊呢三、四年都有？

答：係。

問：如果我哋講緊例如榮昌邨同埋呢個東匯邨嗰陣時嗰啲項目工程，嗰陣時嘅時候，你都係會有負責下--參與下嗰個投標嗰個工程--嗰個過程嘅？

答：你講係嗰個年份，定係嗰個地盤？

問：嗰個地盤我哋講。

答：我唔肯定。

問：唔肯定。好，我想問下你，就係我哋好清楚張生就係成間公司嗰個大老闆，係咪呀？

答：係。

問：咁你啲工作都會向佢匯報、請示，係咪呀？

答：係。

問：我想問下就係翁生，即係你會唔會視翁生為你上司，喺公司入面？

答：都會嘅。

問：都會嘅。點解會有咁個感覺，即係翁生係你嘅上司？

答：咁佢係--佢個職位係--佢不嬲個職位都係經--即係經理。

問：係。咁但係你哋兩位都係即係公司嘅董事，都會即係負責幫手簽下啲即係有關公司嘅文件，但係即係你哋兩個同樣都係董事，但係你都仍然視佢為為你上司嘅，係咪呀？

B

B

C

答：係。

C

D

問：唔。咁即係佢喺日常嘅公司運作入面，如果佢畀 order 你，即係佢畀指示你，咁你都會跟嘅，係咪呀？

D

E

答：係。

E

F

問：唔。定係例如如果佢畀指示你，你覺得啲指示有唔妥嘅，咁你會唔會同佢話傾下先，你哋大家可以即係有偈傾嘅，唔係一定要跟佢，你可以同佢討論下，然後先至作出決定嘅呢？

F

G

G

H

答：係，可以。

H

I

問：都係嘅，都係嘅，係咪呀？所以你就係覺得佢喺職位上係高過你，係咪咁解？

I

J

答：我覺得佢喺職位上高過我，佢經驗多過我咁樣。

J

K

問：唔，唔，好。你哋個 office，即係喺佐敦偉晴街嗰個寫字樓，喺嗰度幾耐嘅呀？

K

L

答：我唔肯定，我諗大概二十年嘅。

L

M

問：二十年嘅，係咪呀？

M

N

答：二十年嘅。

N

O

問：即係都好耐嘅吓？

O

P

答：都好耐。

P

Q

問：嗰度有幾大，嗰個寫字樓？

Q

R

問：唔。咁平日你哋即係喺辦公室個運作，喺個辦公室裏面吓，有幾多位同事喺度辦公？

R

S

S

T

答：你講係以前定而家，定係幾時？

T

U

問：我哋講緊如果呢四、五年。

U

V

答：因為你知成日都有人嚟，有人走，咁我諗即係你講大約嘍咋嘅。

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問：好呀，如果我哋講緊例如做緊呢個榮昌邨個項目咁上下嘅時候。

答：即係我想問下即係幾多年？

問：如果你睇番大概係 2001、2002--2011、2012 左右嗰個時間。

答：即係...

問：大約喇，大約幾多個同事？

答：大約呀？

問：嘎。

答：五、六個咁囉。

問：五、六個。即係如果我就咁睇，就即係有你？

答：係。

問：有莫小姐，係咪呀？

答：係，係。

問：黃生，Patrick Wong，係咪呀？

答：係。

問：三位。咁翁生會唔會都當係即係你話五、六個人面計唔計埋佢？

答：計埋。

問：計埋佢。咁仲有就係老闆，係咪呀？

答：係，係。

問：仲有邊個？仲有冇？

答：應該好似嗰陣時應該仲有個劉生囉。

問：仲有...

答：有個劉生。

B

B

C

問：劉生係做咩嘢嘍？

C

D

答：劉生都係出去兼顧--即係多數佢哋--劉生、翁生嗰啲多數都係兼顧地盤嘅嘢嘅。

D

E

問：劉生係咪都係項目經理嚟嘍？

E

F

答：咁佢當其時又好似唔係。

F

G

問：唔係？

G

H

答：不過佢會跟下地盤啲嘢。

H

I

問：跟下地盤啲嘢。但係即係佢個工作性質就同翁生差唔多嘅？

I

J

答：係呀。

J

K

問：係咪呀？

K

L

答：係。

L

M

問：唔。如果喺寫字樓入面，你剛才講嗰五、六位同事入面，如果識睇、識寫英文嘅，即係可以用英文通信嘅，咁你係其中一位？

M

N

答：普通啲嘢。

N

O

問：普通。另外，莫小姐呢？

O

P

答：普通都 okay 嘅。

P

Q

問：普通啲隻？

Q

R

答：普通囉。

R

S

問：黃生都會識，係咪呀？

S

T

答：好普通啲嘢，係。

T

U

問：主要係你哋三位嘅？如果係--即係如果要有英文通信，例如收下 e-mail，覆下 e-mail 啲嘢，都係你哋三位可以做到嘅？

U

V

答：係喇。

V

B

B

C

問：英文通信？

C

D

答：係。

D

E

問：係咪呀？

E

F

答：係。

F

G

問：就有其他？

G

H

答：其他我又唔係好肯定，劉生我又唔係好肯定。

H

I

問：唔，好。咁就我都想問你睇一睇，你剛才講話嗰個喺投標過程你有參與，我想你睇一睇文件夾 L1，第 21 頁。

I

J

答：哦，page number。係，sorry。

J

K

問：係 page 21。睇到？搵到嘛？

K

L

答：睇到。

L

M

問：呢個就係一個投標者聲明，呢度就寫住致保華建築，呢個係講緊西邨道（路？），即係我哋知道就係嗰個榮昌邨嗰個工程，睇到嘛？

M

N

答：睇到。

N

O

問：分判工程，水喉工程咁樣。咁呢度就有一個--呢一個叫（附件 A1）呢個文件，咁就下面我哋見到投標者名稱，睇到嘛？下款嗰度。

O

P

答：睇到。

P

Q

問：寫住“GOLDEN DAY”，你哋個公司個 chop，係咪呀？

Q

R

答：係。

R

S

問：跟住公司負責人，隔離都有個即係細啲嘅 stamp 嘅，寫住「金日」，咁入面就寫住 “Judi Lam”咁 Judi Lam 係咪即係你本人，係咪呀？

S

T

答：係。

T

U

問：Judi Lam 上面有個簽名係你本人嘅簽名嚟㗎嘛，係咪呀？

U

V

答：係。

V

B

B

C

問：咁就個職位係寫住“Director”嘅，係咪呀？

C

D

答：係。

D

E

問：好嘞，呢個係二零一一年一月嘅事情嚟嘅，睇到嘛？咁呢度我哋見到，如果我哋睇下嗰個聲明嘅內容先，好唔好？

E

F

答：好。

F

G

問：咁個聲明內容就係咁講嘅，佢話「茲證明本公司／分判商（此分判工程之投標者）已清楚明瞭下內表之文件將不會附夾於投標書及簡單分判合約內容內，但該等文件均會作為本工程之投標文件及分判合約之一部分，而本公司／分判商亦已於投標期間查閱過該等文件，並已清楚瞭解其中所有要求及規定。」呢度就係咁寫嘅，睇到嘛？

G

H

H

I

答：睇到。

I

J

問：好嘞，如果我哋去番個表嗰度，咁呢度就有幾個投標--所謂投標文件或者合約文件嘅，咁其中包括工程進度、合約條款、規格說明、品質保證等等。我想問下你，就係即係你--呢個文件係你簽㗎喇，係咪呀？

J

K

K

L

答：係。

L

M

問：例如如果我哋就住而家呢個榮昌邨呢個工程項目嚟講，你呢度就確認咗話我都睇過晒嗰啲文件嘞。你就住榮昌邨，你有冇話即係有機會睇過一啲咁樣嘅合約嘅文件，即係例如你呢度所講規格、合約條款呢啲文件，你有冇機會睇過？

M

N

N

O

答：其實係冇。

O

P

問：冇嘅。即係完全唔--冇任何機會睇過嘅？

P

Q

答：冇㗎。

Q

R

問：有冇人同你講話有呢啲文件，你知唔知例如有總合約，有呢方面嘅投標嘅文件，即係你知道有呢啲文件嘅，存在你知道嘅？即係你做咗--你哋公司做咗三十幾年，公司係做水喉分判，照計我想你應該都會知道係有總合同，有外判合同，即係呢啲文件你係知㗎嘛？

R

S

S

T

答：即係你講--如果你話係同建築公司簽合約，咁就應該我梗係知道佢係有個合約。

T

U

U

V

V

B

B

C

問：有合約，係咪呀？

C

D

答：係。

D

E

問：咁但係呢度因為你係作為董事就係話去寫，就話分判商而家清楚明瞭以下嘅文件嘅內容，咁直情唔需要附夾喺啲投標書度添，大家知嚟嘞，規格亦都知嘅。但係即係你而家個講法就係話其實你有睇過就簽咗，係咪呀？

E

F

F

G

答：係。

G

H

問：好嘞，咁我又想問下你，你做咗即係金日工程咁多年，咁你有冇曾經--唔好淨係講榮昌邨，有冇曾經邊個工程你係有睇過啲咁嘅物料，物料吓，水喉物料、用料或者部件嘅規格嘅文件，有關規格啲咁文件，即係用咩嘢料，需要符合啲咩嘢要求啲咁嘅文件？

H

I

I

J

答：有啲我會睇過。

J

K

問：唔。講下邊啲你會睇過？即係你而家記得。

K

L

答：我記得就係通常係主要啲咁材料，即係尤其是要入水務署啲個 list，即係要入 form，...

L

M

問：係。

M

N

答：...即係就要睇下即係佢啲個規格，但係通常...

N

O

問：唔。即係我哋個 Form 46 啲咁，係咪呀？你記得。

O

P

答：係嘞。但係通常--坦白講，即係我哋啲咁多數都係--如果係私人 job，我哋先至會睇，因為佢啲個 Housing job，佢其實有--即係我哋講真一路做咁耐，我覺得佢全部都係一樣，即係我又唔知佢幾時又會更改，咁我都係沿用番之前做啲咁。

P

Q

Q

R

問：好。即係你就話私人啲咁你就係因為可能好多變化嘅，咁你就會...

R

S

答：因為佢私人啲咁佢啲份--佢每一個 consultant 即係啲個標佢而家--因為我哋不鏟都好少做私人嘅，...

S

T

問：唔。

T

U

答：...咁我哋做嘅時候，咁佢--我哋--我而家近期都係近呢一、兩年發

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覺即係睇嘅時候，就發覺原來佢係有一份咁嘅 spec 會喺埋度嘅，即係私人嘅 job。

問：唔。你都講即係從你喺今日個工作入面，私人嘅項目就好少，係咪呀？

答：係呀。

問：多數都係做即係公營嘅樓宇，即係公共嘅樓宇？

答：係。

問：咁即係 Housing 嗰邊我哋講緊，你剛才講過同水務署話嗰啲列表入面有啲咩嘢清單嗰啲物料嗰啲，你可能會有睇過？

答：唔噃。

問：咁你知唔知就住呢啲公共屋邨嘅即係項目，建設項目，有關水喉工程嘅，咁就你哋其實係即係需要交啲樣辦畀房屋署或者房委會等佢哋核實，咁你先可以做，呢樣嘢你知唔知？

答：知。

問：知道。你哋交嗰個樣辦去核實，你都應該知道即係房委會佢哋自己係有啲要求，有啲規格嘅要求，就住嗰啲部件、材料有啲要求，即係呢樣嘢大體嚟講你係咪亦都知？

答：知嘅。

問：咁例如房委會或者房屋署就住嗰啲部件、材料嘅要求、規格，你有冇曾經睇過有啲文件係講有關嘅規格嘅呢？

答：即係你意思係所有嘅水喉物料是但一啲咁樣？

問：唔，係呀，即係係講緊即係同房屋署嗰邊，即係佢哋所訂落嚟嗰啲規格有關嘅文件，你有冇睇過曾經？

答：佢訂嘅規格嘅文件？

問：唔。即係佢房屋署，你剛才講咗喇，...

答：嘍。

B

B

C

問：...你都知道房屋署就住嗰啲水喉嘅物料、部件，佢哋係有佢哋嘅規格，你哋要上辦上去畀佢批核，呢個你知㗎嘛？

C

D

答：知。

D

E

問：我問你嘅問題就只不過就係話，房屋署有啲規格，你知㗎？

E

F

答：唔。

F

G

問：有冇睇過啲有關規格文件，例如呢個水喉係要用例如一個咩嘢--係一啲--有啲乜嘢--要符合啲咩嘢標準嘅，有冇睇過呢啲咁嘅類型嘅文件呢？

G

H

答：有。

H

I

問：有嘅。睇過呢啲文件嘅時候，你曾經有冇睇過係有關焊料嗰啲規格係點？

I

J

答：冇留意。

J

K

問：冇留意。從來都有？

K

L

答：係。

L

M

問：我想畀你睇一份文件，翁生作供嗰陣時就都有律師帶佢去睇過文件，就係 F2，F2 嘅 972。

N

N

O

F2 嘅 972，呢一份就係就住即係紅磡邨二期同埋馬坑公園嗰個項目，就呢個中國建築就交界你哋金日工程，就一個備忘錄嚟嘅，我哋呢度睇到。咁入面就係講番，就係話你哋有攞過啲焊料嗰啲樣辦就去審批。

O

P

Q

第一，我先想問下你，你做咗咁多年即係有關例如房屋署嗰啲工程，你係知道焊料要審批㗎嘛，即係嗰啲焊料嗰啲樣辦要審批，即係呢樣嘢你起碼都知嘅？

Q

R

答：我唔係好知焊料係咪一定要審批。

R

T

問：唔。呢樣嘢都唔知嘅，係咪呀？

T

U

答：係呀。

U

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問：好。咁我想你睇一睇，呢度就係講緊樣辦呈報及審批，咁呢度講咗水喉工程，跟住就話--剔個度都講話呢啲「材料已獲得房屋署批准」，跟住下面就話要睇下個個樣辦呈報同埋審批嘅表格。

咁下--後面個頁就係呢個樣辦呈報同埋審批嘅表格，呢個係房屋發出嘅。呢個你睇到頂頂個度寫住“SAMPLE SUBMISSION AND APPROVAL”，呢一類型嘅表格，你有冇曾經睇過？

答：我唔記得我睇過。

問：唔記得？

答：係呀。

問：完全唔記得，係咪呀？

答：應該我有--即係就算係有，我都唔係我負責，所以應該我有。

問：好，唔緊要。我想問下你，你再睇一睇 976 頁，印得唔係好靚，我都想畀你睇一睇，976 頁有啲相喺度嘅，見唔見到有--上面個幅有一畧就寫住“Powerflow Flux” 嘅嘢呀，睇唔睇到？

答：見到。

問：見到。有冇見過呢隻嘢，你個工作過程入面？

答：我印象中係唔--冇印象見過。

問：冇。完全冇印象見過，係咪呀？

答：係。

問：好嘞，睇下面寫住“Lead-Free Solder ‘FRY’”，有冇見過類似咁嘅嘢？可以睇睇有實物而家喺現場，一樣咁嘅嘢，有冇...

答：我覺得呢個我係見過。

問：見過？

答：但係即係你話之前幾--幾耐之前見過，同埋我幾耐先知道呢個係咩嘢嚟，我就唔肯定，因為事發之後我梗係知。

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問：唔，唔緊要，我哋慢慢嚟。

答：好呀。

問：先睇下--你剛才話你睇到呢個綠色一卷卷，你就話應該見過嘅，係咪？

答：係。

問：我想問下，鉛水事件係今年7月之後，即係先至發生？

答：係。

問：呢個你話睇過呢個綠色一卷卷呢啲咁嘅，即係我哋叫佢做錫線先，你7月，2015年之前，7月之前記唔記得係咪都睇過呢樣嘢？

答：都唔肯定。

問：嗯？

答：我唔肯定。

問：唔肯定。即係你做過咁耐，喺今日工程都做過咁多房署嘅項目，你而家完全唔記得7月之前有冇睇過--見過呢嚟嘢呀？

答：因為佢有好多呢啲咁嘅小五金類，佢哋就算--佢可能係 sample 送上嚟，咁先會送過嚟公司，咁我就--亦都唔係我負責，所以我唔會留意佢哋係收到啲乜嘢。

問：好，好呀。通常啲 sample 送上嚟公司，你多數係咪在場都會？

答：唔一定。

問：唔一定。有時喺度，有時唔喺度，係咪呀？

答：係喇，係喇。

問：但係例如嚟咗之後，要去即係處理佢 send 過嚟啲咁嘅樣辦，即係我哋講緊雋景，即係雋景建材通常會擺啲即係樣辦上嚟你哋公司嘅，係咪呀？

答：佢有冇會擺上嚟，有時會直接擺落地盤度。

問：唔，直接擺落地盤。如果佢擺上嚟嘅時候，咁你就講你有特別留意即

B

B

C

係呢一隻物料嘅，係咪呀？

C

D

答：係呀。

D

E

問：唔。另外，想你睇一睇 979 頁。979，呢個就係雋景建材嘅一啲文件
嚟嘅。

E

F

答：係。

F

G

問：搵到 979 頁？

G

H

答：係。

H

I

問：呢度就話即係亦都介紹番個隻產品，睇到 Product Name 個度嘛？

I

J

答：睇到。

J

K

問：睇到呵。寫住“Fry Lead Free Solder Wire 99C”，記唔記得
有冇睇過呢類型嘅文件？

K

L

答：我唔記得我有睇過。

L

M

問：唔記得，好呀。咁再睇下 981 頁，呢啲咁嘅單張，你有冇留意過？

M

N

答：我有見過。

N

O

問：完全冇見過，咁多年都有睇過，係咪呀？

O

P

答：冇。

P

Q

問：好嘞，最後，我想畀你睇一睇呢一度，987 頁，呢個亦都係
Prosperity，即係雋景建材，佢哋自己做嘅一啲即係有關錫線或者
係有關嘅物料嘅一個單張嚟嘅，寫住「Major Job Reference 'FRY'
松香膏／無鉛錫線」，跟住就列出咗啲地盤嘅名。有冇見過呢啲類似
嘅文件？

Q

R

答：我有見過，但係我知道佢哋會有呢啲文件。

R

S

問：你點知佢哋會有呢啲文件？

S

T

答：即係其實每一個產品都--即係如果佢係要做 submission 嘅，都會
有呢啲文件我覺得。

T

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C

問：唔，好。

C

D

答：但係呢個我真係冇見過。

D

E

問：好。呢啲錫條有冇見過？

E

F

答：冇。

F

G

問：吓？

G

H

答：冇。

H

問：呢啲咁嘅盒寫住「英國 50 力扁錫條」，你有冇見過？

I

答：冇。

I

J

問：完全一啲印象都有？

J

K

答：我有見過。

K

L

問：唔。我想問下你，就係喺啲工程項目，你知道有個入辦個過程㗎？

L

答：係。

M

問：例如啲辦批咗出嚟，即係房署批咗，總承建商就話畀你哋聽話邊啲辦、邊啲物料，房署都批咗，即係你可以去採購嘅，你哋。

M

N

答：唔。

N

O

問：即係照計你哋公司一定會有人聯絡你嘅，因為你都係負責採購？

O

P

答：係。

P

Q

問：例如就住--例如假設我哋講榮昌邨，房署批咗呢啲物料，呢啲辦係通過咗嘞，可以去買囉嗎，咁邊個係同你講呢樣嘢？

Q

R

答：如果係講呢個，即係特別打嚟講嘅，應該都係翁生。

R

S

問：都係翁生。打電話畀你講，定係佢喺寫字樓咁同你講？

S

T

答：是但一樣，我真係唔肯定。

T

U

問：唔，係。咁因為你要去採購嘅物料都唔少，即係每個--每一個工程項

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目，即係我哋講緊都起碼有幾十種物料，即係你哋要向呢個雋景嗰度購買，係咪呀？

答：即係你講有幾十種物料同雋景購買？

問：係。有冇呀？

答：咁我真係唔肯定有幾多種。

問：唔。咁你採購部做咗好耐喇嘛？

答：係呀。

問：咁你每個工程起碼多過二十種物料，有冇呀？

答：但係你話淨係同雋景買，我就唔知有幾多種。

問：唔。咁唔係你同雋景接洽嘅咩？

答：係，因為你--我唔知你點樣為之係一種，因為佢有好多好多 product，譬如你話係咪鑽咀又即係一種，咁你而家呢一個焊料又係一種咁樣，點樣為之一種呢，我唔識。

問：係。咁如果我哋講話即係例如焊料係一種，水喉係一種，咁樣嚟到講，即係你嘅認知，即係如果你要同雋景嗰度買嘅，有小五金，可能又有水喉，即係銅喉等等嘅，都即係有幾多物料係需要你去採購，你同唔同意呢樣？

答：如果你話包括埋小五金、喉碼啲啲就係。

問：都係嘅。咁我想問下，就係--好嘞，翁生同你講有啲物料嘅樣辦批咗，你跟住去訂貨嘅要，係咪呀？咁你點樣去訂貨嘅呢，即係你有冇一個清單畀你睇到話知道邊啲物料係已經批核咗，你就可以跟住嗰個單嚟到去訂咁呀？

答：我哋就真係多數都係睇嗰個水務嗰個人--佢哋入 form 嗰個物料表，因為嗰個就一定係啱嘅，...

問：係。

答：...因為如果唔係佢入唔到。

B

B

C

問：係。

C

D

D

主席：入個水務 form，即係 WWO...

E

E

答：46 嗰個材料表。

F

F

主席：...46 Part I?

G

G

答：係呀。

H

H

主席：但係嗰個表成日改個喎，即係你入表嗰陣時就入一張表我哋知道，但係可能去到真係落手落腳做嗰個時候，係用唔同牌子、唔同貨個喎？

I

I

J

J

答：以我記憶，我真係唔肯定，我覺得佢嗰個表，我哋--關於我哋自己水喉物料嗰啲，...

K

K

主席：係吖。

L

L

答：...我哋就好少改嘅。

M

M

主席：水喉物料？

N

N

答：即係譬如銅喉，佢嗰度列晒啲膠喉、D.I.喉嘅掣嗰啲，我哋...

O

O

主席：係吖。

P

P

答：...公司吓，我唔知人哋公司，我哋就入咗嗰隻，我哋就好少改嘅。

Q

Q

答：咁不過因為佢嗰度亦都有好多係潔具嘅項目，佢哋改嗰啲就係潔具，就唔係我哋公司負責買嘅。

R

R

主席：係吖。

S

S

答：咁嗰啲我哋就知道佢哋成日都改嘅。

T

T

主席：係吖。

U

U

答：但係我哋水喉項目，我哋就好少改嘅嗰方面。

V

V

B

B

C

主席：潔具嗰啲唔關你嘢事，亦都唔係你嘢訂㗎喇？

C

D

答：係呀，唔係我嘢訂。

D

E

主席：係。唔係，我嘢而家淨係講你嘢貴公司訂嗰啲。

E

F

答：以我記得，我嘢好少改嘅。

F

G

主席：唔。

G

H

答：而家律師就係想問你，除咗譬如有 WW046 嗰個 annex 上高所寫嗰啲水喉配件之外，你仲有好多譬如小五金要買嘅嘢，咁嗰啲如果房署批咗出嚟之後，如果你嘢要訂貨嘅時候，有冇一張清單畀你嘢跟？

H

I

答：我有見過。

I

J

主席：冇見過，唔。

J

K

K

L

問：如果就住焊料嚟講，有冇曾經見過有任何文件畀你睇過，就係要你去訂邊一隻焊料？

L

M

M

N

主席：無論係 e-mail 又好，係呢一個一張紙文件列出晒呢啲嘢都好。

N

O

O

P

答：以我記得冇。

P

Q

問：完全冇？

Q

R

答：係呀。

R

S

問：唔。你睇下你嘅證人口供第 5 段。L1, 150, 第 5 段你係咁講嘅，我嘢睇一睇吓，「許宏新先生及鄒師明先生均為金日工程的地盤管工，許先生負責紅磡邨二期和榮昌邨的水喉工程，鄒先生則負責東匯邨的水喉工程。在程有需要的時候，許先生和鄒先生會打電話給本人或莫女士，告知我嘢所需焊料料的數量及送貨日期。」我嘢停一停先吓。

S

T

T

U

即係你例如工程，我而家講緊紅磡二邨、榮昌邨咁嘅，咁你都有

U

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收過許生或者係鄒生嘅電話打過畀你，就話要焊料，要幾多，幾時送咁樣，即係呢個你記得嘅？

C

D

答：係。

D

E

問：你嘅口供係咁寫，係咪呀？

E

F

答：係。

F

G

問：佢哋打畀你嘅時候，佢講話要焊料嘞咁，佢哋點講呀？焊料點形容呀？

G

H

答：佢哋...

H

I

問：焊料淨係講焊料，又係可以焊料，或者有冇講錫條或者點呀？你諗吓。

I

J

答：佢哋啲講法就成日都唔同嘅，佢哋成日諗到點樣--即係我都唔知點解佢哋即係同一樣嘢又有好多種叫法嘅，咁所以佢哋點樣寫--佢哋點樣講，我哋就點樣寫，咁就點樣畀單人。

J

K

問：好多種叫法，你講？

K

L

答：係呀。

L

M

問：有邊幾種叫做？

M

N

答：佢有陣時叫錫條，有陣時叫焊料，即係有陣時叫--我都唔係好肯定佢，即係佢講嗰個就係我哋--即係我覺得佢就係同一樣嘢。

N

O

問：咁唔係好多種啫，你而家...

O

P

答：焊料、錫條...

P

Q

問：唔係，你話好多種叫法，你而家嚟嚟去去都係講...

Q

R

答：唔係，即係我意思話佢...

R

S

問：...焊料、錫條，咁仲有咩嘢？有幾多種叫法？

S

T

答：有啲叫焊料，有啲叫錫條，仲有叫--有陣時佢叫錫線都有嘅應該，我真係唔肯定。

T

U

問：有叫--有--諗清楚啲，有冇曾經叫過錫線？

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答：我想問下，你而家問我佢咩點叫嘅，即係講呢三個地盤，定係...

問：我哋就住呢幾個地盤先。

答：真係唔肯定。

問：唔。不如你又睇下，你嘅證人口供第 7 段，(a) (ii) 嗰度，羅馬 (ii)，
「本人是根據地盤管工許先生和鄒先生的指示，向雋景訂購所需數量的
焊料，如地盤管工要求錫條，本人便會訂購錫條；如地盤管工要求
錫線，本人便會訂購錫線。」呢度你係好清楚，呢個你證人口供嚟
嘅，...

答：係。

問：...好清楚講話「要錫條就要訂錫條，要線我就訂線」，咁啱啱你又
話「哎咗，又唔係好記得有冇講過錫線啫。」咁而家你睇番有冇講過
錫線呢，佢哋？

答：咁應該係有。

問：吓，應該有，你可唔可以即係肯定啲話畀我哋聽，你而家...

答：有。

問：...睇番係有定係冇？

答：有。

問：唔。咁以你所知，如果佢哋講錫條--有時講錫條，有時講錫線，咁你
作為採購部，你都會諗下，錫線同埋錫條會係兩樣嘢，係咪呀？即係
你都會知道係兩樣嘢，唔會係同一樣嘢？

答：唔係啫，我真係覺得係同一樣嘢。

問：咁就奇怪啫，你個證人口供就話「如果佢話訂錫條，我就講錫條；佢
話錫線，我就訂錫線」，點會係同一樣嘢，明明你係講緊兩樣嘢個啫，
呢度？

答：咁我以為佢哋有陣時係叫嗰個名稱唔同，因為佢哋水喉物料有好多種
叫法，即係佢哋啲啲配件啲啲叫法，佢有陣時係叫三叉，有陣時又叫
多口，咁即係多口又有掩，即係佢哋啲啲叫法其實都話係同一樣嘢，
咁所以我唔識分。我諗住佢咁寫，我落咗單，供應商照送咗去，佢又

B

B

C

冇話唔啱，咁我又覺得係一樣。

C

D

問：你都話你唔識分，係咪？

D

E

答：係呀。

E

F

問：你唔識分。咁你話你聽到錫條係用個條裝嘅錫條嚟到形容嘅，同埋線咁，即係你作為採購部嘅職員，做咗咁多年，你而家係咪講緊話你一路都係覺得係一樣嘢，冇分別，完全冇分別嘅？

F

G

答：係呀。

G

H

問：係咪呀？

H

I

答：係呀。

I

J

問：唔。咁我哋又嚟睇下，你啲啲--佢如果訂錫--而家我哋先講訂錫條先，訂錫--如果佢講錫條吓。

J

K

答：唔。

K

L

問：用幾多咁點形容？你呢度講話數量，點形容錫條？我要幾多錫條呀？

L

M

答：錫條？

M

N

主席：個單位，幾多...

N

O

答：佢有陣時咪講幾多盒咁樣。

O

P

問：唔，有時講幾多盒。咁仲有冇啲時候又用其他文字嚟形容呢？

P

Q

答：我真係唔記得。

Q

R

問：有冇聽過話幾多卷？幾多卷呀？

R

T

答：應該都有嘅。

T

U

問：都有講幾多卷嘅。有冇講過幾多磅？

U

V

V

B

B

C

答：應該都有。

C

D

問：都有呀？

D

E

主席：幾多網？

E

F

F

G

問：幾多網呢？

G

H

答：幾多網，或者咩嘢幾多箱、幾多盒，佢都會咁樣講嘅，其實佢哋落單。

H

I

問：係。咁你嘅理解係點？即係例如如果我哋講下幾多卷或者幾多網為之一盒？你所知道。

I

J

答：我唔清楚。

J

K

問：唔。即係總之你嘅意思係話佢講幾多網，你就話畀佢幾多網咁樣？

K

L

答：係呀。

L

M

問：你就唔係特別去分幾多網等如幾多盒咁樣嘅，係咪呀？

M

N

答：係呀。

N

O

問：如果講錫線，如果--啱啱我係講錫條嗰。如果講錫線嘅時候，有冇特別話點樣嚟到每個單位係點樣形容？

O

P

答：佢都係咁講㗎咋嗰。

P

Q

問：都係咁講。都係冇分別？

Q

R

答：係呀，幾多盒，即係--係喇，幾多箱。

R

S

問：即係無論講錫條或者錫線，佢都係講一係幾多盒，一係就幾多卷，一係就你話係...

S

T

答：佢有冇講過係磅，我真係唔肯定。

T

U

問：有冇講過幾重就唔肯定？

U

V

V

A
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C
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U
V

答：係嘞，係。

問：唔。好，第 6 段睇下，「收到地盤管工許先生和鄒先生要求焊料的電話後，本人或莫女士會以電話或購貨單的形式向雋景落單訂貨。」好嘞，我想先問一問你，有時用電話，有時就落訂單，係咪呀？

答：即係你講我哋同雋景？

問：係，係，即係講緊你呢一段所講嘅。

答：係。

問：咁點樣去分，幾時係用電話落單--幾時用電話落 order，幾時係用購貨單嚟到落 order 呢？

答：其實我哋冇一定。

問：唔。

答：即係我哋即係得閒嘅時候就寫張 order，咁有陣時好忙嘅時候，就打個電話咁樣。

問：唔。即係睇下個時間？

答：係呀。

問：同埋即係係咪睇下個即係迫切……

答：或者譬如話好急。

問：急唔急咁樣，係咪呀？

答：係喇，咁打電話，寫唔切嘞咁樣。

問：唔，好。你跟住係咁講嘅，你話「由於地盤管工打電話要求焊料時並沒有特別提及焊料是、用於接駁食水喉管，所以本人向雋景落單的時候並沒有提及所需的焊料是會用於接駁食水喉管。」我想問下你，即係以你嘅認知，嗰啲焊料除咗用食水喉管，仲可以用喺咩用途，你知唔知？

答：其實我唔知。

B

B

C

問：你唔知嘅？

C

D

答：係呀。

D

E

問：但係如果你話你同雋景都落咗 order 咁多年，即係雋景如果你話落 order 係講緊焊料嘅，你覺得係咪佢都應該係知道你落嘅 order 係就住做食水喉嘅焊料呢？因為係你哋公司落嘅 order。

E

F

答：我唔肯定佢知唔知，...

F

G

問：唔。

G

H

答：...我唔可以代表佢答。

H

I

問：好。你睇一睇呢個有關嘅單據，我想問你--搞清楚先，如果你睇下 S1，我哋睇下呢個 S1 嘅第 86 頁--84 先。84 頁，呢度就係你哋其中一張訂貨單，咁你喺個證人口供都有講過，就係你睇過呢一張單，呢一張單就係莫小姐做嘅，係咪呀？

I

J

J

K

答：係。

K

L

問：第 86 頁，呢張單都係莫小姐做嘅，係咪呀？

L

M

答：係吖。

M

N

問：93，都係你哋嘅訂貨單？

N

O

答：係。

O

P

問：係咪都係莫小姐做，係咪呀？

P

Q

問：我想問下，呢幾張單，而家睇番轉頭，84 先，你話莫小姐做嘅，首先，我想睇下 84 頁下面，最下面左下角嗰度寫住“Prepared by”，見唔見到？

Q

R

R

S

答：係吖。

S

T

問：嗰個簽名呢，你話呢個係莫小姐嘅簽名？

T

U

答：係吖。

U

V

V

B

B

C

問：唔。上面嗰啲字，寫住「錫條」嗰啲字呢？

C

D

答：「錫條」嗰個係。

D

E

問：都係佢嘅筆跡嚟嘅？

E

F

答：我覺得係喇。

F

G

問：係咪呀？

G

H

答：嘎。

H

I

問：唔。如果我哋睇下啲發票，82、83，呢個我哋睇到發票嗰度就寫話--82，82 都係雋景畀你哋嘅發票，聯絡人就係會計部林小姐，即係你喇，係咪呀？

I

J

答：唔。

J

K

問：咁呢度就寫住「英國 50 力扁錫條」咁樣。83 都係雋景嘅發票，又係畀你嘅，即係畀你哋公司嘅，寫住你係聯絡人嘅，又係「英國 50 力扁錫條」咁樣。我想問下你，如果就住呢啲發票，如果係你開--假設係唔係莫小姐，係你開嘅訂購單--購貨單，你會點寫呢個焊料，點樣寫出嚟？

K

L

M

答：都係睇下...

L

M

N

問：寫咩嘢？你係寫...

N

O

答：即係你講嗰張 purchase order？

O

P

問：如果我哋睇番，假設吓，84 頁，如果嗰張唔係莫女士做嘅，係你做嘅，因為你都會做，即係唔係淨係莫女士做，係咪？

P

Q

答：係，係，係。

Q

R

問：如果你寫嘅，你會點寫，焊料？

R

S

答：都係睇下個管工打嚟點講，佢即刻講，我哋即刻寫低。

S

T

問：唔。有冇曾經寫嘅時候會提及個牌子？提及過個牌子？

T

U

答：如果焊料嚟講，我記得就有。

U

V

V

B

B

C

問：從來都有，咁多年都有？

C

D

答：冇。

D

E

問：肯定冇，係咪呀？

E

F

答：應該冇。

F

G

問：你又睇一睇同樣呢一個文件夾第 98 頁，呢個你講出嚟都係莫女士做嘅購貨單，係咪？

G

H

答：係。

H

I

問：有佢嘅簽名、佢個字。

I

J

答：係。

J

K

問：見唔見到 Item 嗰度第 2，寫住「高溫錫條」？

K

L

答：係。

L

M

問：係咪，睇到嘛？

M

N

答：係。

N

O

問：你有冇從許生、周生聽過呢個「高溫錫條」呢幾隻字？

O

P

答：即係呢個叫法，你嘅...

P

Q

問：係。

Q

R

答：都有。

R

S

問：都有？

S

T

答：係。

T

U

問：咁你又認為呢個高溫錫條同佢哋講嗰個錫線又會唔會有分別？

U

V

答：我覺得冇分別。

V

問：你覺得冇分別？

B

B

C

答：係。

C

D

問：都係聽到佢講乜，你就寫咩嘢落去？

D

E

答：係。

E

F

問：係咪呀？

F

G

答：係。

G

H

問：唔。我想問下呢啲單據，你就都有啲你嘅證人口供度講，送貨去到地盤現場，因為你又唔需要去地盤現場工作，係咪呀？

H

I

答：係。

I

J

問：送貨去地盤現場你就睇唔到㗎？

J

K

答：係。

K

L

問：係咪呀？所以如果你知道，送咗貨嘞，你收到個文件就會係從雋景送畀你嘅文件，係咪？

L

M

答：係。

M

N

問：送咗貨之後，佢會發送貨單畀你哋公司？

N

O

答：佢通常一套單，一個月咁樣一查攞過嚟咁樣。

O

P

問：係，一沓文件入面包括送貨單？

P

Q

答：發票、送貨單。

Q

R

問：係咪呀？

R

S

答：係。

S

T

問：有送貨單，有發票？

T

U

主席：你哋公司 keep 唔 keep 地盤嗰啲送貨單？

U

V

答：唔好意思。

V

B

B

C

主席：地盤送貨去呢，地盤簽收，地盤自己嗰度 keep 唔 keep 一份收貨單？

C

D

答：冇特別 keep，佢哋有陣時擺番嚟，有好多時都唔擺番嚟，佢哋記得嗰陣又擺，有好多時又唔見咗，所以通常佢哋上發票都會上埋畀我。

D

E

主席：唔。

E

F

F

G

問：你如果收到送貨單發票，雋景擺嚟嘅，你會唔會望下？

G

H

答：會望下個銀碼。

H

I

問：望下個銀碼。你知唔知錫條同埋錫線嗰個價錢都係唔同？

I

J

答：而家知。

J

K

問：嗰陣時--咁你話嗰陣時你--佢 send 嚟你都會望下㗎，你都會睇到錫條同埋錫線個價錢有唔同。

K

L

答：佢--我唔肯定佢係咪同一個月又有錫條，又有錫線，所以--即係佢一個月、一個月一沓單㗎嘛，我唔會幾個月一齊睇，我又唔肯定係咪咁樣睇過。

L

M

M

N

問：喺你睇番嘅過程之中，你有冇察覺到錫條同埋錫線價錢係唔同？

N

O

答：冇。

O

P

問：唔。你有睇單嘅時候，都會睇到發票上面講錫條係寫住「英國 50 力錫條」，你都有睇到，係咪？

P

Q

答：係。

Q

R

問：你都有曾經睇過「無鉛錫線」應該，係咪呀？好似 79 頁，S1，79 頁，睇到嘛？

R

S

答：睇到。

S

T

問：「英國 FRY 無鉛錫線」，睇到嘛？

T

U

答：睇到。

U

V

V

B

B

C

問：如果你係睇後幾頁，85頁，睇到「英國50力扁錫條」，睇到嘛？

C

D

答：睇到。

D

E

問：你話啲單收番嚟，你又會睇下，咁應該一路你都有睇到錫線就有隻叫做「英國FRY無鉛錫線」，錫條就係寫住「英國50力扁錫條」，即係呢個你之前都有睇過？

E

F

答：我睇--通常我就睇佢啲查單，佢啲個月...

F

G

G

H

主席：可唔可以大聲少少？對唔住。

H

I

答：哦，唔好意思。

I

J

主席：嘎，嘎。

J

K

答：我通常睇我就係睇--因為佢一個月成個月一查單咁擺嚟，佢個習慣係。

K

L

主席：係，係。

L

M

答：咁佢啲查單就好大查，包括咗好多嘢，好多小五金，即係我識--我唔識嘅嘢，喉碼種類，好多、好複雜，即係喺我嚟講，我覺得好複雜。

M

N

主席：唔。

N

O

答：所以通常我就唔會咁樣逐張、逐張去睇，只不過我係睇下，大概佢啲個月我哋要找幾多錢數畀佢咁樣。

O

P

主席：即係你嘅意思，即係你之前係如果要就住呢個錫條又好、錫線又好，你嘅證供就即係話之--即係你鉛水發生事件之前，你就從來都有留意佢哋嚟啲發票個單上高點樣樣就敘述說明呢一個咁樣樣嘅錫條呢一樣嘢，係咪咁嘅意思？

P

R

答：係。

R

S

主席：即係你有留意？

S

T

答：我有留意到。

T

U

主席：你從來都唔會去睇啲一部分，你就淨係會睇啲個數目要找幾多錢，

U

V

V

B

B

C

就係咁多？

C

D

答：係。

D

E

主席：唔。

E

F

問：唔，唔該。你剛才講，單就一沓咁嚟，係咪？

F

G

答：係。

G

H

問：即係可能有好多種材料咁，係咪呀？

H

I

答：係。

I

J

問：咁個單嚟嘅時候，有冇特別有一張文件係寫住嗰一沓單嘅總數要畀幾多錢？

J

K

答：有。

K

L

問：有嘅，係咪呀？

L

M

答：係。

M

N

問：我想問下你，就係你唔去--即係你會唔會去揭下嗰啲單，定係就咁睇完個總數就畀錢？

N

O

答：我有睇過佢係咪真係咁多張單、個銀碼。

O

P

問：剛才你回答主席個問題，就話你可能冇留意到嗰個貨品名稱，係咪？

P

Q

答：同埋個--即係我個意思即係佢每一張發票嗰個裏面個內容個單價、個貨品名稱，個--即係裏面嗰啲嘢我係冇睇，我係睇咗佢嗰個總數，跟住佢嗰張月結單係有呢張單，係咁多錢，我對啱就找數畀佢，個總數。

Q

R

問：咪住先吓。你話睇個總數就即係知道要畀幾多錢，係咪？

R

S

答：係。

S

T

問：跟住睇個月結單，即係個月結單應該係列晒咁多張單出嚟，係咪呀？

T

U

答：係。

U

V

V

B

B

C

問：咁你就會睇下有冇呢張單存在咁樣，係咪呀？Check 下係咪有張單，定係你淨係睇一睇個單嘅秤巴嘅啫，係咪呀？

C

D

答：係呀，係呀。

D

E

問：就唔會再 check 番個一張單係咪呢個銀碼咁嘅？

E

F

答：即係我會睇過個張單，即係佢個總銀碼，同佢個月結單寫個個--佢個月結單好簡單㗎咋嘛，就咁個日子、單秤巴、銀碼。

F

G

問：唔，okay。

G

H

答：咁我咪就係睇呢幾樣囉。

H

I

問：好。你話有送貨單，又有發票，呢個你知㗎，佢送嚟嗰陣時，係咪呀？

I

J

答：係。

J

K

問：如果你唔去查下送貨單，對下送貨單同埋對下個發票，即係咁你係--即係你從來都唔會知道係咪真係送咗咁多貨嚟個喎，你唔會覺得係有需要去 check 下？如果例如送少咗一半，你都唔知個喎。

K

L

答：如果佢哋送少咗--我覺得吓，即係我覺得，如果佢送少咗，或者唔啱，或者有咩嘢問題，咁佢個地盤管工已經會第一時間打電話畀我講。

L

M

M

N

問：唔。你作為即係採購部嘅即係一--其中一名員工，你覺唔覺得有呢個需要，喺會計上嚟講，如果畀單你嘅時候，你係應該對下嗰個發票係咪同嗰個送貨單係符合嘅呢？最基本有樣咁嘅要求嘅呢？

N

O

O

P

答：我嗰陣時真係冇諗過。

P

Q

問：唔，好。

Q

R

R

S

主席：我想問你一個問題，你就住焊料嚟講，你就話房署批咗嗰隻焊料落嚟，你就有一個清--有一個--冇嘢通知你，冇 e-mail 通知你，冇清單通知你，係咪？

S

T

答：翁生通知我，係。

T

U

主席：吓，冇咩嘛？冇嘢通知你，即係白紙黑字...

U

V

V

B

B

C

答：即係你講嗰個--嗰啲 memo 嗰啲？

C

D

主席：文件，係呀。

D

E

答：嗰啲我有見過。

E

F

主席：冇嘍嘛？冇白紙黑字通知你？

F

G

答：我有見過。

G

H

主席：你有見過嘍嘛？

H

I

答：嘍。

I

J

主席：咁你訂貨嗰陣時，純粹就係根據管工要乜，你就訂乜？

J

K

答：係。

K

L

主席：呢啲發票你又冇睇過個貨物名稱，如果就住焊料嚟講？

L

M

答：係。

M

N

主席：係咪？

N

O

主席：你--換句話嚟講，你對焊料嘅認知基本上就係非常、非常、非常之缺乏，可以咁講，啱唔啱？

O

P

答：係。

P

Q

主席：我想問你一個問題，就係當翁先生叫你話要做一啲有顯示無鉛嘅嘢出嚟，你如何著手？

Q

R

答：唔好意思，你可唔可以講多次？

R

S

主席：翁先生叫你做一啲假嘅送貨單出嚟嘅時候話要有無鉛，如果你睇都有睇過，見都有見過，又唔知要用啲乜嘢嘢，咁你如何著手去做呢？

S

T

答：即係你講緊嗰四張單？

T

U

主席：係呀。

U

V

V

B

B

C

答：嗰四張單發生嘅時候就已經知道有鉛水事件，...

C

D

主席：係。

D

E

答：...嗰個時候我咪知道係有分別囉。

E

F

主席：唔係，咁你唔知道咩嘢牌子，點去搵呀？

F

G

答：咁我講緊...

G

H

主席：即係你嘅意思就係啱啱咁好彩就搵到四張零碎嘅單據，你又搵到有
啲單據係寫住「FRY 無鉛錫線」，所以你於是就將嗰啲就係 cut and
paste 又好，乜嘢都好，就將佢撇落去咁樣樣？

H

I

答：我就係發現咗呢幾張單之後，跟住我就搵番，咁我知道原來係有分別，
即係嗰--因為有呢件事發生咗，...

I

J

主席：係呀。

J

K

答：...跟住我就係搵番我哋最近期攞嘅嘢，...

K

L

主席：最近...

L

M

答：...搵番佢哋啲單。

M

N

主席：最近期，即係幾時？

N

O

答：即係而家。

O

P

主席：即係7月？哦，而家？唔係，你唔係7月已經交...

P

Q

答：唔係，即係我意思嗰陣時...

Q

R

主席：你7月已經交報告上去個囉嗰？

R

S

答：嗰陣時，嗰陣時嗰個時間攞我哋嗰個地盤--譬如七--而家講係7月，
即係7月嗰陣時我哋公司攞地盤嘅單嗰個時間，我哋睇番佢究竟我哋
原來係攞啲乜嘢，咁睇番，原來我哋一路--即係而家後畀攞嗰啲全部
都係“FRY”嗰隻無鉛錫線。

S

T

主席：翁先生嗰陣時有冇叫你話「喂，你快啲睇番啲單，啲番一隻無鉛錫
線嘅出嚟 cut and paste」，抑或你自己已經知道點樣樣做？

T

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V

答：坦白講，我嘅--我同佢嘅對話 exactly 我講唔番出嚟，真係。

主席：係吖，唔。

答：但係我記得佢嘅意思就係--大概就係話「如果你」--「總之我就係要啲無鉛錫線嘅單，你就盡量同我整出嚟，或者搞出嚟」，我唔記得佢係點講，「總之我一定要有呢啲單」。

主席：你就知道點樣樣做？

答：係囉，我就搵到啲單，我又搵下而家啲啲咁樣，即係嗰陣時啲啲，即係7月啲啲，我哋最近擺嗰--即係7月嗰個時間擺啲啲，做緊啲啲，咁原來佢係咁寫嘅。

主席：因為我哋冇你哋2015年7月啲啲單，我哋唔知道你2015年7月嗰陣時訂緊啲啲嘢貨嘅。

答：係。

主席：即係你嘅意思2015年7月嘅時候，嗰啲就有訂緊呢個英國“FRY”無鉛錫線嘅單，於是你就擺出嚟抄，就係咁樣樣，係咪？

答：係。

主席：繼續。

問：尋日翁生作供嗰陣時，佢曾經有個說法就係咁講，佢就話公司啲同事，包括你、包括莫小姐、包括黃先生，就係大家都知道呢一隻“FRY”係一個無鉛嘅錫線嚟嘅，你同唔同意呢個講法？

答：唔同意。

問：唔。你而家畀嘅證供就係話總之你係完全唔知道你訂貨嘅時候，同雋景訂貨嘅時候，訂焊料嘅時候，你唔知邊隻牌子，你唔知嘅？

答：係。

問：唔知係咪無鉛，係咪呀？

答：係。

B

B

C

問：亦都唔知道房署究竟有啲咩嘢要求關於呢個焊料，係咪？

C

D

答：係。

D

E

問：唔。好嘞，我想問下你，就係你講嘅你個證人口供，即係最關鍵嘅點，第3頁，榮昌邨(b)，羅馬(ii)嗰度，我想同你睇一睇呢度。我知你可能啱啱你講話你唔係好即係記得當時同佢談話個內容係點，不過我有啲問題想問番你。

E

F

F

G

答：好。

G

H

問：「根據本人記憶，在啟晴邨食水含鉛事件發生及被傳媒大篇幅報導後，大約在2015年7月16日左右，當時金日工程項目經理翁國財先生曾多次致電本人，說因應保華建築營造有限公司嘅要求，要提供金日工程為榮昌邨水喉工程購買焊料的記錄。」呢度停一停先。

H

I

I

J

呢度你又講緊係大概喺7月16號左右，7月16號之前，即係話你哋有呢個對話，講緊啲單點樣，即係你跟住講啲啲嘢。7月16號之前，翁生有冇同你講過「喂，你畀人調查緊呢個鉛水事件嘞已經」，有冇已經同你講過呢樣嘢？

J

K

K

L

答：我記得就好似冇。

L

M

M

N

主席：抑或你已經知嘞，自己？抑或你自己已經知？

N

O

答：我知，我睇新聞。

O

P

P

Q

問：你知。你睇到新聞知，係咪呀？

Q

R

答：係。

R

S

問：你知道--7月16號之前睇到新聞知道，咁你有冇同翁生討論過呢個問題？「喂，鉛水事件嘞，我哋公司會唔會都嘍嘢嘍？」有冇咁樣同佢傾下？

S

T

T

U

主席：牽涉在內。

U

V

V

B

B

C

許偉強先生：係牽--係，唔好意思，牽涉在內。

C

D

主席：係。

D

E

答：我真係唔記得有。

E

F

問：唔記得。如果你係--如果你而家記番起，你第一次同翁生即係就住呢個鉛水事件，即係呢個有關嘅調查，就係即係你講係7月16號嗰個第一次你同佢傾？

F

G

G

H

答：我唔肯定係咪第一次，但係佢開--係嗰日打過畀我，我意思係。

H

I

問：好呀，好呀。當時佢打畀你嘅時候，佢同你講話，保華就有同佢作出過查詢咁樣，係咪呀？

I

J

答：係。

J

K

問：呢樣你知，係咪？

K

L

答：係。

L

M

問：佢當時係咪都幾緊張，同你講嗰陣時，係咪呀？

M

N

答：係。

N

O

問：佢當時有冇同你講話「喂，驚住我哋公司可能會牽涉在內個嗎」咁樣？有冇同你講過？

O

P

答：你呢一句我真係唔肯定佢有冇講。

P

Q

問：有冇同你講過話「喂，可能我哋公司會有問題個嗎，呢單嘢」？有冇啲咁樣嘅討論？

Q

R

答：我記得佢就淨係同我講話保華要攞單，即係可能第一個電話，但係每一個電話嗰個內容我都唔係--即係冇記得咁詳細。

R

S

S

T

問：唔緊要，我哋慢慢嚟。佢話保華要攞單，咁...

T

U

主席：我想問一問，對唔住。

U

V

V

B

B

C

答：係。

C

D

主席：你 2015 年 7 月上旬就辭任董事，因為你自己講㗎嘛，上旬係即係 7 月 16 號之前，即係鉛水事件爆發之後你就辭任？

D

E

答：係呀。

E

F

主席：係咪呀？

F

G

答：係。

G

H

主席：即係未去到 7 月 16 號已經辭咗？

H

I

答：係，但係我唔記得 exactly 係邊日，係...

I

J

主席：唔緊要，總之係 7 月 16 號之前，係咪？啱唔啱？

J

K

主席：係。我想問一問你，你老闆張達欽 7 月 16 至 7 月 26 去咗祖國內地，啱唔啱？

K

L

答：係。

L

M

主席：佢係因為驚傳媒採訪，抑或真係去旅行？

M

N

答：佢係一早計劃咗去旅行。

N

O

主席：啱啱咁蹺嘅啫？

O

P

答：係。

P

Q

主席：唔，繼續。

Q

R

問：好，佢--你話第一次佢同你講嘅時候，就話保華要啲單，係咪呀？

R

S

答：係。

S

T

問：佢有冇同你講係要啲咩嘢單？

T

U

答：榮昌邨焊料嘅單。

U

V

V

B

B

C

問：榮昌邨焊料嘅單，就講得好清楚，係咪呀？

C

D

答：係，係。

D

E

問：有冇特別講話係送貨單，定係發票？

E

F

答：送貨單。

F

G

問：送貨單。

G

H

答：定係佢話送貨單或者發票咁樣，我真係唔係好--總之佢話要啲單。

H

問：好，唔緊要。我想問下你，你尋日都同我哋講話，就話啲單據就不論大少，做完 audit 之後都會掉，係咪？

I

I

答：係。

J

J

問：因為當時問你擺話「喂，可能要送貨單啲」咁，你第一個反應會唔會即刻諗到話「喂，死嘞，會唔會係已經掉咗呢？」有冇咁諗？

K

K

答：係呀，有。

L

L

問：有呀。有冇同翁生講，「啊，可能掉咗個囉啲」咁呀？

M

M

答：有。

N

N

問：都有。咁跟住佢個反應係點？

O

O

答：「你盡量搵下喇，睇下有冇啲零零碎碎，或者有陣時即係啲地盤啲管工事後拎番嚟，但係我哋又有掉呀？」即係搵啲囉，盡量搵囉。

P

P

問：佢同你講話保華要調查，要單，叫你去搵嘅時候，你個人嚟講，你緊唔緊張？

Q

Q

答：緊張。

R

R

問：驚唔驚？

S

S

答：驚唔驚呀？都驚㗎。

T

T

問：驚咩嘢？驚你自己做錯嘢，落錯單？

U

U

答：我覺得係驚...

V

V

B

B

C

問：驚咩嘢？

C

D

答：...唔知公司有冇事，又驚唔知係咪有關係咁樣，即係嗰陣時先至意識到，唔知係咪原來我哋公司都會牽涉在內，即係嗰啲囉。

D

E

問：唔，好。好嘞，咁呢度跟住你就講「經查閱公司記錄後，本人只發現零碎單據」，我哋先停一停先。你嗰個「查閱公司記錄」喺邊--喺邊度查閱？

E

F

F

G

答：即係我搵晒我哋啲 file、嗰啲箱，即係嗰啲 fil--即係嗰啲櫃呀咁樣。

G

H

問：你即時返番公司搵，係咪呀？

H

I

答：係。

I

J

問：一收到電話同佢講完之後，就即時返公司搵，係咪呀？

J

K

問：就翻箱倒籠咁樣啲番出嚟，係咪呀？

K

L

答：係。

L

M

問：你哋嗰啲紀錄會唔會存喺電腦？

M

N

答：唔會嘅。

N

O

問：係 hard copy 嚟嘅，你搵出嚟嗰啲係，file 入面嘅，係咪呀？

O

P

答：係呀，係。

P

Q

問：你呢度講話「本人只發現零碎單據」，大概有幾多張嘍，你嗰陣時搵到？

Q

R

問：十零張，都係同榮昌邨有關？

R

S

答：唔係，有啲又。

S

T

問：點解你又會特別搵啲唔係同榮昌邨有關嘅呢？

T

U

答：唔係，因為佢可能--即係佢成沓，我搵到一沓仔單，又搵到一沓--即係我唔係真係嗰啲單--嗰啲零零碎碎，我哋係通常佢返嚟，我哋就搵喺個 tray

U

V

V

B

B

C

嗰度，因為其實我哋唔會擺嚟畀錢，畀錢佢哋會另外上過套單畀我哋。但係佢拎咗返嚟，我哋可能就擠喺度，有陣時又--耐唔時又掉咗嚟嘞，跟住見到咁耐；咁有陣時又冇掉。

C

D

D

E

問：我知。翁生係特別指示你去搵有關榮昌邨購買焊料嘅單據，你去搵嘅時候，都係搵有關榮昌邨焊料嘅單據，係咪？

E

F

答：係。

F

G

問：點解你又會去搵一啲唔關榮昌邨事嘅單據呢？

G

H

答：我唔係特登去搵，而係我去搵嗰陣時發覺個 tray 有十零、廿張呢啲咁樣嘅送貨單喺度，咁我就搵。

H

I

問：好。十零、廿張你搵到嘅，你覺得除咗榮昌邨嗰四張，係咪呀？

I

J

答：係。

J

K

問：淨係得四張係榮昌邨？

K

L

答：焊料係。

L

M

問：焊料。咁其他啲嘢你都覺得係有關，都搵咗出嚟？

M

N

答：唔係，冇，冇關係。

N

O

問：冇--即係覺得冇關嘅，啲嘢就？

O

P

答：係。

P

Q

問：不過搵到嘅就係十幾張，係咪？

Q

R

答：係。

R

S

問：好嘞，...

S

T

主席：係咪全部都係榮昌邨，不過係其他嘅配件，抑或係唔同屋邨？

T

U

答：我冇特登留意，總之我--佢叫我搵焊料單，我淨係搵咗嗰四張焊料，我就記得係。關--有關焊料嘅，喺嗰查仔入面，我就淨係搵到嗰四張，榮昌邨嘅焊料。

U

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U
V

問：好。你--因為我哋講緊榮昌邨都係--都好幾年前嘅單據，係咪呀？

答：係。

問：即係如果你話你哋個公司一貫嘅做法就係做咗 audit 之後，就會掉咗嘅，你覺得點解你又搵得番個啲單據出嚟呢？

答：我頭先都講過，我搵到啲啲應該係地盤耐唔時擺咗返嚟啲啲嘅，零零碎碎嘅，又唔係--即係唔係一 set 一定擺番嚟啲啲，但係我哋又唔知點解又擠咗喺度冇掉。

問：就喺個 file 度？

答：喺個 tray 度嘅，我哋有個...

問：喺個 tray 度呀？

答：即係有個--好似啲啲叫--我唔知點講，即係疏窿啲啲...

問：我知，即係可以打開佢，係咪啲啲？

答：即係佢哋拎番嚟，我哋就擲落去。

問：哦。

答：咁耐唔時就掉咗佢咁樣。

問：即係好似 in-tray、out-tray 啲啲咁樣，啲啲係咪呀？

答：係呀，類似。

問：即係通常啲 tray 我哋講緊都係擺啲當時嘅文件嘅啫，好少話喺個 tray 度會搵到一啲，嘩，成三、四年前嘅文件個啲突然間，點解會咁呢？

答：冇掉囉，我真係唔知點解。

問：係，唔。好，你搵到，你亦都確認到啲四張榮昌邨有關焊料嘅單據，咁你搵到啲啲係送貨單，係咪？

答：係，係。

B

B

C

問：嗰啲送貨單係咪都寫住係「50 力扁錫條」？

C

D

答：我記得好似就咁寫住「錫條」。

D

E

問：淨係寫住「錫條」，係咪呀？

E

F

答：係。

F

G

問：好嘞，咁你跟住你就話「接著」--其中四張--「上面顯示所送到地盤的焊料是錫條」咁樣。咁你一路都係即係錫條、錫線嗰啲都唔關你事，你都唔知有咩嘢分別，係咪呀？

G

H

答：係。

H

I

問：好嘞，跟住話「接著，本人便致電翁先生，告知他本人只找到四張雋景送錫條到地盤的送貨單，問他是否合適」咁樣，呢個就係你跟住打電話畀佢，係咪呀？

I

J

答：係。

J

K

問：同佢講有件咁嘅事。

K

L

答：即係我淨係搵到四張。

L

M

問：唔。好嘞，...

M

N

主席：嗰陣時候係幾多點嘅，記唔記得？

N

O

答：唔記得，嗰陣時。

O

P

Q

問：跟住你呢度係咁講，「翁先生」...

Q

R

S

主席：係唔記得，係咪呀？

S

T

答：唔記得，唔好意思。

T

U

主席：明白，唔。

U

V

V

B

B

C

C

D

問：朝早定夜晚，記唔記得？

D

E

答：都唔記得。

E

F

問：唔。跟住就「翁先生表示他要求能夠顯示雋景送無鉛錫線到榮昌邨地盤的送貨單」咁樣，呢度你咁講，係咪呀？

F

G

答：係。

G

H

問：翁生其實係--佢話，佢係咪有用到「無鉛錫線」呢幾個字，講得咁清楚，「無鉛錫線」？

H

I

答：我記得係。

I

J

問：跟住你話「還暗示如果沒有相關的送貨單，本人應該知道怎樣做，總有方法去弄些寫上無鉛錫線的送貨單出來。」呢度我有幾個問題。

J

K

答：係。

K

L

問：我想問下你，即係你何謂「暗示」，即係「暗示如果沒有相關的送貨單，本人應該知道怎樣做」，佢點樣暗示？

L

M

答：佢咪就係咁講呢句，但係我覺得即係話佢覺得「你應該知點做㗎喇，如果有你都搞到個出」--即係佢又有話真係--我覺得佢--即係我唔記得佢 exactly 點講，但係我又唔想即係對佢唔公平。

M

N

N

O

問：係。

O

P

答：咁即係...

P

Q

問：佢有冇呢...

Q

R

答：佢有冇講過即係話...

R

S

主席：等陣先，畀佢講。講吓。

S

T

答：唔好意思。

T

U

主席：係，你講下。

U

V

V

B

B

C

答：即係我又唔肯定佢有冇真係講呢幾個字「你做出嚟喇」咁樣，所以...

C

D

主席：咁就你所記得當時佢講過啲咩嘢？

D

E

答：我記得佢咪就係話佢一定--佢要啲無鉛錫線嘅單，一定要。咁就話「如果有嘅，即係你諗下點樣搞喇，你知嚟喇。」即係咁樣--即係類似咁樣，我記得。咁...

E

F

F

G

黎先生：林小姐，可唔可以咁講？你話畀佢知你淨係搵到啲單，就係錫條嘅，佢就話畀你知「喂，唔掂呀」，係咪呀？錫條就唔掂，就要無鉛錫線，係咪？

G

H

H

I

答：佢話呢啲單...

I

J

黎先生：你搵到啲單話畀佢知有四張，雋景送錫條嘅單咁嘛，...

J

K

答：係，唔。

K

L

黎先生：...佢就即係話唔掂，錫條單唔掂，就要無鉛錫線先掂，係咪呀？

L

M

答：咁你話佢有冇真係講過呢一句話，即係「錫條唔掂」，咁我唔肯定。

M

N

黎先生：你話咗畀佢知個啲？

N

O

答：但係--係喇，但係即係...

O

P

黎先生：你搵到四張單就係送錫條，咁佢就話畀你知要啲單要顯示送無鉛錫線嘅單先至得喇嘛？

P

Q

答：係。

Q

R

黎先生：所以先至--你先至去做呢啲有無鉛錫線嘅單出嚟，係咪？

R

S

答：係。

S

T

黎先生：係咪？

T

U

答：係。

U

V

黎先生：即係話佢好清楚知道錫條同錫線--無鉛錫線嘅單嘅分別喇？

V

B

B

C

答：我唔知佢清唔清楚，我諗應該係囉，係囉。

C

D

黎先生：唔係，佢即係話畀你知嗰啲唔掂嘞，你話畀佢知係你嘅單就係錫條，咁佢就話「喂，唔掂㗎，我要啲單係要無鉛錫線個㗎。」然後你先至去做啲無鉛錫線嘅單，係咪？

D

E

答：係。

E

F

黎先生：Okay。

F

G

G

H

問：佢有冇解釋畀你聽，點解要搵番啲係顯示到無鉛錫線嘅單，有冇解釋畀你聽？

H

I

答：冇，冇。

I

J

問：冇。你嘅口供就話你唔知錫線、錫條嗰啲分別，又唔知無鉛、有鉛嘅分別，係咪呀？

J

K

答：係。

K

L

問：咁佢叫你話「喂，整啲無鉛錫線嘅單㗎㗎。」，咁你第一個反應唔會係話「喂，點解會有問題啫？點解一定要無鉛錫線呢？」有冇問下佢？

L

M

答：咁佢7月16號嗰陣我知道㗎嘞。

M

N

N

O

主席：即係你知道要無鉛，係咪呀？

O

P

答：係，因為新聞講咗喇嘛，當時。

P

Q

主席：唔。

Q

R

R

S

問：唔。所以你就知道？

S

T

答：係，我知道。

T

U

主席：咁但係你有冇...

U

V

V

B

B

C

C

D

D

問：你...

E

E

主席：你有冇問下佢「喂，我哋以前嗰隻 50 力有咩嘢問題呀？」咁樣樣？

F

F

答：有冇咩嘢話？

G

G

主席：有冇問下佢「我哋以前用嗰隻 50 力有咩嘢問題」？

H

H

答：冇。

I

I

主席：冇？

J

J

答：應該冇。

K

K

主席：因為你話你搵到錫條嗰啲單據，咁嗰啲錫條單據我哋而家知道就係一定係寫住「英國 50 力」㗎喇。

L

L

答：佢應該係就咁寫住「錫條」。

M

M

主席：吓，送貨單㗎？

N

N

答：係。

O

O

主席：嚟景嘅送貨單㗎？

P

P

答：我記得就好似佢就咁寫住「錫條」，我唔肯定係咩嘢。

Q

Q

R

R

問：我想問下你，你話 7 月 16 號之前你都知道係要用無鉛咁樣，係咪呀？係咪咁講？

S

S

答：唔好意思，你講多一次。

T

T

U

U

問：你話你剛才答嘅--答問題嘅時候，就話其實 7 月 16 號之前，你都係知道係要用無鉛嘅材料，你㗎㗎係咁講，係咪呀？

V

V

B

B

C

答：係，係。

C

D

問：咁 7 月 16 號之前，你知唔知道個鉛水事件，即係係講緊同焊料有關？即係你知道鉛水事件，你知唔知道係同焊料有關，7 月 16 號之前？

D

E

E

F

主席：7 月初至到 7 月 16 號期間即係。

F

G

G

H

答：佢好似十幾號開始講，就已經講咗個囉喎。

H

I

問：唔。好嘞，你睇到啲單就寫咗話「50 力扁錫條」，都有話含鉛、不含鉛，你又唔知，係咪呀？

I

J

答：係，係。

J

K

問：你又點解會唔問下--你有冇問下翁生話「喂，呢隻 50 力扁錫條點解--有咩嘢唔妥呀」？

K

L

答：即係你講我知道之後？

L

M

問：第一，你啱啱一路個口供就話你一路都唔知錫條、錫線有咩嘢分別，有鉛、無鉛有咩嘢分別，係咪？你睇到嗰四張單，四張單就寫咗「英國 50 力扁錫條」，冇講有鉛、無鉛，係咪？對你嚟講，你唔知㗎，50 力扁錫條啫，係一隻錫條嚟啫，我落 order 嘅。咁你有冇問佢「喂，咁 50 力扁錫條有咩嘢問題呀？翁生。」？

M

N

N

O

O

P

答：唔係，我記得嗰陣時好似新聞講咗個囉喎。

P

Q

問：新聞講咗咩嘢？

Q

R

答：講咗話係錫條嘅問題。

R

S

問：係。點解你又會覺得如果真係有咁樣講過錫條有問題，咁五--即係你話覺得個錫條入面含鉛，你係咪知道有呢樣嘢？

S

T

答：好似--我記得好似係咪新聞係咪已經講咗？

T

U

問：你唔肯定？

U

V

V

B

B

C

答：我唔肯定。

C

D

問：我個問題都係嗰句，你睇到五十...

D

E

E

F

主席：呢個「英國 50 力扁錫條」好似係到我哋 Commission 開始之後，先至有人--先至第一次有人賣㗎咋喎--有報紙賣㗎咋喎，因為之前有人知道叫「英國 50 力」？

F

G

G

H

答：唔係，佢嗰陣時--我記--我唔知有冇記錯，即係嗰啲日子。即係我記得我一路睇嗰啲新聞，佢就係話原來係個焊料有問題，佢原來係有啲有鉛、有啲冇鉛，...

H

I

主席：係呀，係呀。

I

J

答：...咁話可能用錯焊料，我記得好似係咁講。

J

K

主席：唔，唔。

K

L

答：咁佢話原來係錫條就有鉛，即係咁樣。

L

M

M

主席：繼續。

N

N

許偉強先生：好。

O

O

P

問：即係話你當時就咁睇到「英國 50 力扁錫條」呢幾個字，你自己都覺得有問題？

P

Q

答：7月16號嗰陣時，你講？

Q

R

R

S

主席：係。

S

T

T

U

問：唔。係咪呀？

U

V

V

B

B

C

答：係。

C

D

問：唔。你就話佢就話你應該點--知道點做，「有些辦法可以弄」--「有辦法可以弄些寫上無鉛錫線的送貨單出來」。你話佢咁樣講，雖然你話佢真真正正用咩嘢字眼，你唔係好記得，而家。

D

E

答：係。

E

F

問：但係你當時明白--係咪好清楚明白，佢個意思就係叫你做啲假單出嚟？

F

G

答：我覺得佢個意思就係話「你盡量搵喇，你搵唔到你」--即係係囉，做出嚟。係，我...

G

H

問：咪住先吓，講清楚，唔好講到一半一半。佢話「你盡量搵喇，盡量搵啲無鉛錫線嘅單出嚟」，定係你已經好清楚明白，佢其實係要求緊你做一啲假嘅單出嚟，就算冇，你都要做出嚟？

H

I

答：係。

I

J

問：唔。你當時覺唔覺得佢咁樣嘅要求好過份？

J

K

答：有啲，我覺得。

K

L

問：有啲？

L

M

答：係。

M

N

問：有啲啫。做假單啲，你做咗會計咁多年，做假單，你唔會覺得好過份咩，呢個要求？

N

O

答：係囉。

O

P

問：嗯？

P

Q

答：係。

Q

R

問：你覺得好過份，你有冇同翁生講「喂，唔好啱，咁唔掂個啲。」有冇同佢咁樣講？即係起碼推卻下佢呢個咁嘅要求，「使唔使做啲咁嘅嘢呀？」有冇？

R

S

答：我記得我都有啲類似咁樣嘅嘢講。

S

T

問：有啲類似？

T

U

V

V

A
B
C
D
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I
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Q
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V

答：即係例--咁嘅對話講過。

問：即係叫佢，「喂，唔好--你唔好叫我做呢啲咁嘅嘢嘞」，有冇？

答：應該有。

問：佢又點講，咁可以說服到你呢？

答：佢應該係話「得㗎嘞，而家保華一定要我交，要聽日交，即係好急㗎嘞，佢愛嚟應該都係做個紀錄嘅啫咁樣」，咁樣囉。

問：你有冇諗過如果你做咗呢樣嘢，可能係一個--即係有刑事責任？

答：嗰陣冇諗過。

問：完全冇諗過？

答：嗰陣冇，做嗰陣。

問：就咁一個要求話擺去保華，你就肯咁樣以身試法？就咁一個要求、一個電話，就肯做啲咁嘅嘢？

答：佢打咗幾次嚟嘅，其實。

問：就係幾次電話同你講咗？

答：係，佢話佢即係畀保華逼得好緊要，一定要佢擺。

問：有冇同佢建議下，「喂，問下老細先喇，不如，問下張生先喇」？

答：我有諗過，但係我唔記得我同佢有冇傾過呢樣嘢，但係我哋都知道即係張生又唔喺度，佢打過電話都打唔到嘅。

主席：我唔係好明佢點解會打電話返內地打唔到嘅呢？

答：佢好似係喺個--我唔知佢嗰個旅行係喺個船嗰度嘅，可能佢熄咗機，我唔知。

主席：係囉，如果--真係如果純粹返內地實打到㗎嘛。

答：佢好似喺個船嗰啲旅行嚟嘅，即係喺隻船度成日都，嗰啲呢。

B

B

C

主席：唔，okay。返內地坐船？

C

D

答：好似係，我唔知。

D

E

主席：都收到，都收到，內地。

E

F

答：我唔知，對唔住。

F

G

主席：唔。

G

H

問：你...

H

I

J

主席：總之就嗰十日裏面都搵唔到張先生？7月16到26，佢去咗大陸十日。

J

K

答：咁我又冇理由搵佢。

K

L

主席：唔。總之都搵唔到，總之就要佢返到嚟先至處理到呢件事，係咪咁樣樣，
個情況就係？

L

M

答：佢好似--但係好似喺7月，我唔記得咗佢幾多號返嚟，應該好後期。

M

N

主席：係囉，因為...

N

O

答：佢係好後期返嚟--差唔多返嚟佢有打過畀我咁樣。

O

P

主席：唔。

P

Q

問：即係去咗內地好多日又搵唔到，可能好多原因嘅。

Q

R

答：係。

R

S

問：你有冇問下佢話「喂」--之後--佢返嚟之後，問下佢話「喂，老細，嗰陣
時急住要搵你，搵唔到呀，點解你唔聽電話？」咁樣有冇問過佢？

S

T

答：冇。

T

U

問：你自己當時--我啱啱問你，就話你有冇同翁生講話「喂，問下老細先喇」，

U

V

V

B

B

C

你自己當時有冇自己考慮下，不如你自己同老細講講，睇下好唔好咁做，有冇？

C

D

答：你嘅意思即係我有冇咁同佢講，定係我自己諗？

D

E

問：翁生--你話你明白翁生係叫你做假單？

E

F

答：係。

F

G

問：你好明白好嚴重，亦都有推卻過？

G

H

答：唔。

H

I

問：佢就話「你都係幫下手喇」咁，咁嘅時候，你自己有冇諗過「喂，我自己搵一搵老細傾下先，唔好應承佢住喇」？

I

J

答：咁我又冇諗過。

J

K

問：即係話即係你同翁生嗰個交情係深厚到佢淨係兩、三個電話嗰個會談，你就肯做一啲有機會犯法嘅嘢嗎？

K

L

答：嗰陣時咁急，我覺得係我有考慮清楚囉，我自己。

L

M

問：唔。你當時肯咁樣去做，你自己心中會唔會有鬼，即係心中會唔會覺得「其實自己都做錯嘢，所以我都要搞番掂佢」，有冇曾經咁諗過？

M

N

答：你嘅意思係做錯嘢係個意思係咩嘢？

N

O

問：而家佢就話啲單就唔適合，要用番啲無鉛錫線嘅單，擺番出嚟，係咪？

O

P

答：係。

P

Q

問：你又知道佢嘅要求係話叫你做假單，你又應承咗。你又咁樣應承佢做假單嘅時候，你個心中有冇曾經都係懷疑過其實自己喺處理--你落order嘅時候，自己有做錯過嘢，有冇咁樣諗？

Q

S

答：我又唔肯定我嗰陣時當其時係點樣諗，...

S

T

問：冇諗過...

T

U

答：...嗰陣時個心好亂，咁都唔知點樣做。

U

V

問：當時就總之翁生係叫你去做呢啲，你就肯？

V

B

B

C

答：係呀。

C

D

問：其實會唔會係--其實你自己係知道你係應該要訂無鉛錫線，發覺到走出嚟而家搵到嗰啲係 50 力扁錫條，但係你就冇訂到無鉛錫線，自己做錯嘢，所以都肯做呢啲假單出嚟而家，會唔會係咁？

D

E

答：我又冇諗過呢個問題。

E

F

問：唔。做嗰啲單，即係做番嗰啲假嘅單出嚟，嗰四張，搞咗幾耐？

F

G

答：影印、整，我諗都係--淨係講我...

G

H

H

I

主席：唔係，我想知道你係點樣整呢四張假單出嚟。

I

J

答：我原本已經有嗰張送貨單，咁咪跟住攞--即係我嗰陣時...

J

K

主席：你原本有一張發票定送貨單？

K

L

答：送貨單。

L

M

主席：送貨單？

M

N

答：即係地盤攞番嚟嘅係得送貨單。

N

O

主席：送貨單？

O

P

答：係。咁跟住就攞嗰啲--即係後扞我哋有攞無鉛錫線嗰啲送貨單就再影印，即係油咗佢、黏落去、影印咁樣。

P

Q

主席：即係你就用鉸剪剪出嚟抑或點樣樣，跟住再影印，cut--即係真正剪、搽膠水，點樣樣整？

Q

R

答：類似咁樣應該係。

R

S

主席：唔係，你自己親自做過，我有做過，咁所以我唔知。

S

T

答：明白。係，即係係囉，剪出嚟剪貼咁樣，影印咁樣。

T

U

主席：即係就唔係喺電腦上高用電腦嘅程式去 cut and paste 嗰啲咁樣樣，唔係咁樣樣嘅？

U

V

V

B

B

C

答：我唔係。

C

D

主席：就係即係呢度擺一張，跟住喺嗰度剪啲嘢出嚟就翹咗落去，跟住就擺去影印機度影印咁樣樣，係咪咁樣樣？

D

E

答：係。

E

F

主席：你再講多--你係擺雋景嘅送貨單，跟住就搵一張送“FRY”無鉛嘅單，跟住就剪咗嗰個...

F

G

答：都係送貨單。

G

H

主席：都係送貨單？

H

I

答：嘅。

I

J

主席：就將“FRY”無鉛嗰個剪咗去，就撇落去咁樣樣？

J

K

答：係。

K

L

主席：就翹上去咁樣樣？

L

M

答：係。

M

N

主席：我又覺得好似唔係咁嘅，你諗清楚啲。因為我見到即係正式嗰啲咁嘅--我唔知你點樣樣做，首先雋景嗰啲送貨單嗰幾個字，送貨單同你做出嚟嗰幾個字嘅送貨單嗰啲字體，嗰啲 font 我哋叫做，唔係好同。

N

O

O

P

問：如果你睇下 G2，G2 嘅 1195，而比較下都係--如果我哋講緊呢個榮昌邨嘅送貨單，係 S1，220，將呢兩個文件一齊睇，如果我哋睇下 1195，嗰個送貨單，首先嗰個「送」字印出嚟，同你 220 嗰個「送」字係唔同，見唔見到？睇到，係咪呀？

P

R

答：睇到。

R

S

問：另外，你又睇下喺送貨單右下面，寫住「送貨單編號」，嗰個「送」字，1195 頁嗰個「送」字同 220 嗰個「送」字又係唔同嘅，睇到嘛？

S

T

答：睇到。

T

U

U

V

V

A
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U
V

主席：下面係右下角，係咪呀？

許偉強先生：唔係右下角，係送貨單右邊落。

主席：哦，個「送」字？

許偉強先生：係，個細啲個「送」字。

主席：係。

問：另外呢個「送貨單」呢三個字，即係大啲個送貨單呢三個字，好明顯 1195 嗰個我哋所謂個 font size，即係嗰個字體大小，同 220 都有好大唔同。睇到嘛？

答：睇到。

問：我就想再問下你，係嘞，另外就一個就寫住「送貨單編號」，另外一個就寫住「送貨編號」，就有個「單」字。見唔見到？

答：見到。

問：咁我想問下你點樣--即係所謂你嘅 cut and paste 就係點樣搞出嚟嘅呢？咁...

主席：仲有啲啲真係雋景啲啲送貨單，每一個 item 都有一間，有一劃，你做出嚟啲啲有一劃。睇唔睇到嗰個分別？

答：睇到。

主席：係。所以我就想問，照計如果你自己一個做，應該知道？

答：可能我太亂，我記錯我真係。

主席：唔。或者我休息二十分鐘先，好唔好？休息二十分鐘先再繼續。

B

B

C

下午 12 時 08 分聆訊押後

C

D

下午 12 時 31 分聆訊繼續

D

E

出席人士如前。

E

F

金日工程有限公司（“金日”）（中國建築（紅磡邨第二期）及保華（榮昌邨和東匯邨）的分判商）的第三證人：林麗瓊（金日採購員工）宣誓繼續作供

F

G

許偉強先生繼續盤問

G

H

問：林小姐，喺休息之前都帶你睇過啲文件，咁就我同埋主席都係有問過你記憶番起點樣做嘅嗰四張單。可唔可以同我哋解釋下？

H

I

答：應該係我攤原有嗰個送貨--嗰張送貨單個 headings，咁中間嗰啲就應該係電腦打出嚟嘅，而家我睇番，再 copy 番落去嗰個 letterhead 嗰啲度。

I

J

問：等陣先吓。即係你話個 letterhead 就係用番原本你搵到嗰張送貨單，係咪呀？

J

K

答：係，係。

K

L

問：即係寫住「50 力扁錫條」嘅送貨單？

L

M

答：係。

M

N

問：然後你點樣打出嚟，你話？

N

O

答：電腦。

O

P

問：電腦就打番呢啲貨品名稱嗰啲出嚟？

P

Q

答：係，跟番佢嗰張單打番。

Q

R

問：跟番邊張單，原本你搵到嗰張，係咪呀？

R

S

答：係。

S

T

問：打番。即係將呢個「50 力扁錫條」嗰一項，就變成「英國 FRY 無鉛

T

U

V

U

V

B

B

C

錫線」，係咪咁呀？

C

D

答：係，係。

D

E

問：咁你係點樣對番嗰啲位？

E

F

答：你講邊...

F

G

問：你點樣打番，可以對番嗰啲位？

G

H

答：都係電腦咁樣...

H

I

問：即係對到同--都咁工整，即係同之前嗰啲睇落唔係好覺有郁動過？

I

J

答：我有佢本身嗰張。

J

K

問：有佢本身...

K

L

答：咪話有四張嘅？

L

M

問：係。

M

N

答：係囉，咁我跟嗰張打咋嘛。

N

O

問：咪住先。你跟嗰張打，你話打落個電腦度？

O

P

答：係。

P

Q

問：你個電腦係有啲即係設定咗嘅一個表格，係呢一種送貨單？

Q

R

答：冇嘍。

R

S

問：點樣--你話點樣打落去，用電腦？

S

T

答：咁咪就咁電腦自己 set 番咁上下位，打番落去，咁你 print 出嚟就係咁。

T

U

問：你 print 嗰張紙就用原先嗰個送貨單個抬頭嗰張紙，係咪呀？

U

V

答：係呀，嘎，嘎。

V

V

問：即係你就將其他啲內容搵咗，就用番個抬頭，就影一張出嚟係冇嘢嘅，...

V

B

B

C

答：係。

C

D

問：...淨係得雋景同埋送貨單，係咪呀？

D

E

答：係，淨係得雋景嗰個。

E

F

問：淨係得雋景。有冇「送貨單」嗰三個字？

F

G

答：冇。

G

H

問：冇嘅？

H

I

答：應該，嘎。

I

J

問：好，即係送貨單同埋下面嗰啲嘢都係你打出嚟？

J

K

答：係。

K

L

問：你係咪肯定？

L

M

答：係。

M

N

問：林小姐，你宣咗誓畀真實口供。

N

O

答：係，係。

O

P

問：唔。係咪你做--你自己親自做嗰四張單出嚟？

P

Q

答：係，係。

Q

R

問：肯定？

R

S

答：係。

S

T

問：唔。你嘅意思就係話用咗雋景嗰個 letterhead，就去到佢嗰個地址、電話、fax 嗰度，跟住就搵晒所有嘢，就印一張...

T

U

答：係。

U

V

問：...空白嘅出嚟先，係咪呀？

V

答：係。

B

B

C

問：唔。然後就喺電腦度就校啱啲位就打出嚟，係咪呀？

C

D

答：係。

D

E

問：唔。咁點解又有一啲唔同，點解有送貨單，呢度又送貨單--嗰度又淨係寫「送貨單編號」，嗰度又「送貨編號」，點解會有咁嘅唔同？

E

F

答：即係你意思同真實嗰張？

F

G

問：唔。

G

H

答：咁可能我睇漏啫，急嗰陣時。

H

I

問：噃？

I

答：可能我急嗰陣時睇漏啫，咁始終都唔係我--即係可能我睇漏呢度。

J

問：四張都係同一個做法？

J

K

答：係呀。

K

L

問：吓？

L

M

答：係。

M

N

問：唔。咁個簽名？

N

答：個簽名我咪剪番佢之前嗰張嗰個黏落去，影印嗰陣時影番落去。

O

問：唔明。

O

P

答：即係佢本身--我有佢本身嗰張，咁佢嗰張有人簽名咋嘛，咁我咪剪咗嗰個簽名嗰個黏番落去。

P

Q

問：剪咗嗰個簽--即係你剪咗個簽名嗰一槓，即係話由收貨客戶嗰度開始？

Q

R

R

S

答：唔係，我淨係剪咗下低嗰個簽名嗰度。

S

T

問：淨係簽名嗰度？

T

U

答：噏。

U

V

V

A
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G
H
I
J
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O
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V

問：咁連唔連埋嗰一橫嘅行，下面寫住「簽署及蓋章」嗰啲字，係咪你都係 cut 咗、貼上去？

答：我應該係去到嗰一行線嗰度。

問：嗰行線？

答：即係佢簽名嗰個位嗰行線，即係我剪出嚟係剪到嗰行線，因為佢有啲黏住嗰行線。

問：嗰個簽名又係跨越咗條線個嗎？

答：咁我咪自己加番落去，即係睇少少嗰啲。

問：你又自--跟住睇少少個簽名，你又自己用手畫下落去？

答：係囉，係囉。

問：咁樣呀？

答：係。

問：吓？

答：係呀。

問：你有冇當時抄過你電腦入面有冇啲紀錄，係有啲電腦嘅 soft copy of 呢啲咁嘅送貨單嘅紀錄？

答：唔明，你可唔可以問多次？

問：你當時去抄呢啲單嘅時候，同埋係做呢啲單出嚟之前，有冇搵過你公司電腦入面，有冇一啲 soft copy 嘅紀錄，係有呢啲咁樣嘅送貨單？

答：即係你講...

問：個公司入面嗰啲存檔入面，即係電腦嘅文--即係電腦儲存嘅文件入面有冇一啲咁樣嘅送貨單，當時有冇搵過？

答：即係你意思係真係嚟景嘅送貨單？

問：唔，係呀。

B

B

C

答：冇。

C

D

問：好，唔。有冇搵過，定係搵過係冇？

D

E

答：冇搵過，但係我都相信係冇。

E

F

問：唔。好嘞，咁你就做完之後，你就交咗畀翁生，係咪呀？

F

G

答：係。

G

H

問：你呢度就話--你嘅證人口供，啱啱我哋睇嗰個第3頁嗰度，(b)，羅馬(ii)，「故本人依照翁先生的指示，弄了數張無鉛錫線的送貨單。本人在已有的四張雋景送貨單上更改，將錫條更改為無鉛錫線，然後致電翁先生確認更改送貨單的內容。」跟住你就打電話畀佢，係咪呀？

H

I

答：係。

I

J

問：我想問下，你話致電翁先生確認更改送貨單的內容，你打電話畀佢嗰陣時，佢又點樣確認個送貨單嘅內容？

J

K

答：即係我問下佢係寫番係無鉛錫線，跟住大約幾多卷咁啱唔啱。

K

L

問：你寫幾多卷，你憑咩嘢當時打出嚟用幾多卷？

L

M

答：我...

M

N

問：你點知幾多卷先啱？

N

O

答：我估㗎咋。

O

P

問：你估？

P

Q

答：係呀。

Q

R

問：點估？

R

S

答：咁咪即係每一張都係一百幾十卷咁樣囉。

S

T

問：你估之前有冇問過翁生話，「喂，咁要寫幾多卷？」吓？

T

U

答：應該有嘅。

U

V

問：嗯？

V

B

B

C

答：應該有。

C

D

問：即係喺之前你哋嗰個電話會談嘅時候，有問過佢幾多卷，係咪呀？

D

E

答：係。

E

F

問：吓？

F

G

答：係呀。

G

H

問：跟住你就喺電話度同佢講話你做咗啲乜？

H

I

答：係。

I

J

問：係咪呀？

J

K

答：係。

K

問：就咁電話講話「嗰四張我就改咗係“FRY”無鉛錫線，掂唔掂呀？」係咪？

L

答：係。

L

M

問：跟住你點樣處理啲啲文件？

M

N

答：跟住我話準備好，咁就跟住叫佢--我唔記得我叫佢返嚟擺，即係得閒就返嚟擺，即係啲啲咁樣。

N

O

問：唔。我哋尋日就睇到翁生就交界我哋有一份係啲 WhatsApp 嘅紀錄，我哋可以睇番嗰個紀錄。係，佢呢度就寫住 2015 年 7 月 17 號，上晝呢度 11 點 09 分就寫住「已準備好，你返來取」，睇到嘛？

O

P

Q

答：睇到。

Q

R

問：係咪你 send 出嚟？

R

S

答：我唔記得。

S

T

問：唔記得，好。如果呢個係你 send 出嚟嘅，咁應該你都起碼係咪用咗一晚時間去做嗰四張單--四張送貨單？

T

U

答：我真係唔記得個確實日子做咗幾耐。

U

V

V

B

B

C

問：大概做咗幾耐，唔記得？

C

D

答：都幾個鐘。

D

E

問：喺邊度做？

E

F

答：公司。

F

G

問：喺公司，係咪呀？

G

H

答：係。

H

I

問：當時公司有冇其他人？

I

J

答：冇。

J

K

問：幾點鐘嗰陣時喺公司？

K

答：唔知係咪應該都係夜晚，差唔多近收工嘅時候。

L

問：點解咁難記，林小姐，一件咁嘅事，真係要做幾多嘢，做啲假嘅文件出嚟，呢啲嘢你唔係成日做，係咪呀？

L

M

答：係。

M

N

問：吓？

N

O

答：梗係唔係。

O

P

問：咁你喺公司咁多年，差唔多三十年，都係第一次先有啲--有一個機會做一個咁嘅假文件呢啲咁嘅機會，係咪呀？

P

Q

答：唔噃。

Q

R

問：係咪呀？

R

S

答：係。

S

T

問：上晝、夜晚做都唔記得？

T

U

答：真係唔記得。

U

V

問：吓？

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答：但係應該係近住收工嘅時間。

問：近住收工嘅時候，即係講緊幾多點？

答：我諗應該係五、六點。

問：近住收工嗰陣時，冇其他同事喺度嘅咩，寫字樓？

答：因為嗰陣時有啲同事係出咗去，張生同莫小姐就放咗假。咁可能--我唔記得咗黃生喺唔喺公司，因為佢有時都要出去，咁劉生嗰啲就應該都唔喺度。同埋因為可能嗰排發生咗好多事，佢成日都要出去。

問：你當時你話你已經辭咗職，係咪當時？

答：我？

問：未嘅？

答：你講辭咗董事，係咪？

問：係。但係仲喺個公司度做，你當時，係咪呀？

答：係呀。

問：係。你話有機會黃先生都喺度？

答：有機會。

問：唔記得？

答：唔記得。

問：喺做嘅過程，做嘅過程，即係做嗰四張單嘅過程，翁先生一路都不在場嘅，係咪呀？

答：唔喺嘅。

問：好嘞，你--跟住話你同佢講話準備好，叫佢嚟擺。咁你將啲文件擺咗去邊？

答：我應該係擺咗喺佢檯面。

問：唔。就咁擺喺檯面，定係用個 file 入住佢，定係點？

B

B

C

答：我記得就係就咁擺喺佢檯面。

C

D

問：就咁四張嘢擺喺佢檯面？

D

E

答：佢唔只嘅，佢好似話另外再叫--我唔記得係咪同一日，即係佢都仲有叫啲其他啲--即係我哋冇--我搵唔到其他，但係佢好似都有其他，有啲水務嘅 form 嗰啲嘢叫我影番晒，即係有成沓嘢嘅。

E

F

問：成沓嘢嘅？

F

G

答：嘎。

G

H

問：唔只呢四張嘢嘅，係咪？

H

I

答：唔只嘅。

I

J

問：唔。你擺喺佢檯面，由你擺喺佢檯面至到佢搵走呢段期間，有冇見過佢，翁生？

J

K

答：我記得就有。

K

L

問：嗯？

L

M

答：我記得就有。

M

N

問：有？

N

O

答：係。

O

P

問：17號嗰日你有冇返工？即係你話「喂，準備好嘞，叫佢嚟擺喇」嗰日，擺咗佢嘅檯面，你有返工㗎嘛？

P

Q

答：我？

Q

R

問：係呀。

R

S

答：有。

S

T

問：有。但係你就唔記得嗰日喺 office 有冇見過佢？

T

U

答：應該係有，因為我記得嗰排都好少見到佢返公司，因為佢成日都要日日都出咗去開會，但係我就即係唔知佢喺邊度開咁樣。

U

V

V

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B

C

問：做咗呢幾份即係假單出嚟之後，有冇覺得心慌慌，即係驚？

C

D

答：有㗎。

D

E

問：正常人都會驚，係咪呀？

E

F

答：係。

F

G

問：吓？

G

H

問：做之前就話搵唔到老闆，係咪呀？老闆去咗外遊。做咗之後，又有冇諗下要同張生傾一傾呢件事，好驚㗎，唔知點算㗎，搞咗呢啲嘢出嚟，老闆點都要知一知，有冇諗下搵張生傾下？

H

I

答：有諗，但係都係提唔起勇氣同佢講，嗰陣時就。

I

J

問：提唔起勇氣同佢講？你做呢幾張單，其實喺你嘅心中都係諗住幫公司，唔希望佢牽涉喺鉛水事件，係咪？

J

K

答：係。

K

L

問：點解你話連告知一下老闆做咗呢樣嘢，諗住幫佢，雖然可能係一件好愚蠢嘅事。

L

M

N

答：係吖。

N

O

問：咁但係幫緊公司，都唔覺得急需要同老闆講一講，起碼知會聲？

O

P

答：同埋嗰陣時佢啱啱返嚟，去完旅行返嚟，即係一返嚟就要應付即係嗰當其時佢所有佢--即係佢已經--去之前發生嗰啲佢唔喺度嘅嘢，咁...

P

Q

R

問：係。所以--係，你繼續，唔好意思。

R

S

答：所以我見到佢個精神，即係各方面，我已經覺得佢好辛苦，咁所以我又--即係我有諗過，但係係坦白講，我當其時真係冇同佢講。

S

T

問：唔。張生咁有冇同你哋討論下，關於佢接受--即係佢受到呢啲鉛水事件調查，你話佢都好辛苦，係咪見到佢？咁佢有冇同你講下，咁佢又有啲乜嘢做咗，接受調查，有啲咩嘢做咗，佢有冇同你哋交代下？

T

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答：冇，佢都係日日都係又係好似翁生，咁佢一返嚟就出咗去開會，又房署、又建築、又水務咁樣開會，跟住我見到佢即係返嚟已經係一粒聲都唔出咁樣，係韞自己喺間房度咁樣

問：好。我想問下你，張生去房署開會，又要同總承建商開會，係咪呀？咁佢當時有冇返嚟同你哋提一提話「啲焊料我哋係用咗啲咩嘢焊料？」同你問下，即係呢樣嘢你知道都知話焊料出咗事，...

答：佢有。

問：...有冇問過你？

答：有。

問：有。咁你又點同佢講--佢點樣同你講，問你啲咩嘢？

答：佢都係問「究竟會唔會我哋自己落錯嘢，定係點解會咁呢，定係佢送錯貨？」即係各方面佢都有問過下，問過我哋。

問：問過你哋，有問你，係咪？

答：係。

問：有問過莫小姐？

答：有。

問：黃先生？

答：應該有。

問：唔。有冇問過翁生？

答：咁我唔知。

問：唔。好嘞，咁佢哋問你話「喂，會唔會落錯貨？」咁你哋又點同佢傾？

答：咁我哋都係好似我而家講咁樣，我話「我都唔知，因為當其時都係佢哋落咩嘢，即係佢哋講咩嘢，我哋就落咩嘢，咁你話係咪佢原來嗰啲原本係錯」，我話「我都唔肯定而家」咁樣。

問：唔。當時張生都知道你哋落貨，落咗英國 50 力扁錫條未？

B

B

C

答：佢應該唔肯定，初初嗰陣時。

C

D

問：佢又點知你哋落錯咗貨？

D

E

答：因為佢而家話“FRY”--跟住佢哋--我哋嗰個驗水報告有問題，咁佢話驗水報告有問題，就肯定有啲嘢有問題，佢話--即係佢都嗰陣時都諗緊，佢話如果唔係我哋嘅嘢有問題，會唔會係其他啲物料有問題，即係好似之前新聞講，咁會唔會即係龍頭或者乜嘢，我哋都唔知，唔係好肯定嗰陣時。

E

G

問：佢同你講話可能你哋訂嘅物料有問題，係咪？

G

H

答：即係有呢一個可能，其中一個可能。

H

I

問：佢有同你講過咁樣嘅猜測，係咪？

I

J

答：係。

J

K

問：咁喺度講話係可能你哋訂嘅物料有問題嗰陣時，有冇特別針對焊料嚟到去講？

K

L

答：佢都有咁講過。

L

M

問：你當時係知你哋係訂咗 50 力扁錫條，覺得係唔啱呢隻料，係咪？

M

N

答：係。

N

O

問：你有冇同佢講下話，「喂，老闆，哎吔，原來我哋可能真係有訂過 50 力扁錫條㗎，呢隻可能真係唔啱㗎」？

O

P

答：係。

P

Q

問：有冇同佢講過？

Q

R

答：有。

R

S

問：即係話你同佢講，你哋知道你哋自己訂咗啲錯嘅料返嚟，係咪呀？

S

T

答：係呀。

T

U

問：唔。咁佢嘅反應係點？

U

V

答：咁佢就--即係佢都好奇怪，咁佢話「係咩？點解會訂呢啲㗎？」咁樣，

V

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咁佢話--我哋就話「我哋都唔知，因為我哋都係跟佢點--即係佢哋管工點樣講，我哋就點樣落」，咁原來送咗落去，而家睇番--即係有事之後就睇番，原來係發覺可能係有啲原來係唔啱。

問：咁佢有冇責備你哋，即係老闆有冇話「搞錯呀，點可能搞錯㗎，呢啲嘢」？

答：幾句，少少喇。

問：幾句講咩嘢？

答：即係可能佢又--即係有啲--即係話「吓，點解會」--其實佢都唔係責備，即係佢都係話「點解會咁㗎？唉，都唔知點解你哋會咁樣」，即係啲啲。

問：都唔知道。咁佢有冇--好嘞，你同佢講咗呢樣嘢，咁佢有冇逐個逐個同事去問下，「喂，當時你哋點訂貨㗎究竟？」有冇追問番你？

答：佢有問過我，咁我咪都係啲個答案，我都係話「地盤管工點講，我哋就點落，我哋就點寫或者點講。」

問：咁佢有冇同你講話「喂，乜你唔知要用無鉛焊料嘅咩？要訂無鉛焊料嘅咩？」有冇咁同你講？

答：咁佢又冇咁講。

問：喺同你嘅交談入面，有冇提過無鉛焊料？「要訂無鉛焊料㗎，點解冇呀？」

答：你講佢後扞問我嗰陣時？

問：佢，我而家一路都係同你講緊呢樣，...

答：係。

問：...佢返咗嚟，你話佢好劫，接受好多調查，佢都知道訂貨出咗問題，你同佢講咗話知道訂咗唔啱嘅貨，佢有冇喺呢啲咁嘅會談入面同你提過要訂無鉛錫條，或者提過「無鉛錫條」呢四個字--唔係，「無鉛錫料」呢四個字？

答：我唔記得。

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問：無鉛焊料又好--「無鉛錫料」或者「無鉛焊料」呢四個字？

答：我唔肯定。

問：有冇提過「無鉛」兩個字？

答：應該有。

問：當時你又--你老闆當然都好緊張你訂錯貨，係咪？

答：係。

問：係咪呀？

答：係。

問：都好焦急喇都，係咪？

答：係。

問：咁當時你都覺得--你都有諗過話需要同佢講搵到有四張單，跟住你同翁生個個大家個交談，做咗嗰四張單出嚟呢件事，都有諗過要同佢講？

答：有諗過，但係都係冇講。

問：唔。你老闆即係張生，有冇問過你，「喂，有冇啲過啲咩嘢文件出嚟，啲啲文件出嚟，係見到我哋訂咗啲乜嘢錫料」？

答：佢有問我哋仲有冇文件睇到我哋訂咗啲乜嘢。

問：係。咁你點講？

答：咁我哋當其時係冇晒單。

問：唔。好嘞，睇番你個證人口供，都係第3頁嗰度，「但當時本人並不知道」--最後嗰三句，「但當時本人並不知道保華建築要求提供單據的原因和用途」，呢度肯定唔啱㗎喇，林小姐你咁樣講？你呢度係講緊話你交咗啲假單即係畀翁生，即係擺喺佢檯面，當時你都唔知道保華要求提供單據的原因及用途，有可能㗎？你實要知做咩嘢，你話做咗四張假單出嚟之後，都唔知保華要求嘅原因和用途係乜嘢？唔啱喇，係咪咁講法？而家睇番。

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答：我淨係知佢係話保華要單，但係佢冇同我講過話佢要嚟做咩嘢。

問：你知道嗰啲單係為咗鉛水事件，你剛才好清楚話畀我哋聽，係咪呀？

答：但係佢個...

問：係定唔係？

答：...--我嘅意思即係話我唔知佢係會係擺嚟係交界邊個，係擺嚟做乜嘢。

問：林小姐，唔好意思，呢度唔係咁講，你睇清楚啲。

答：係。

問：唔係講緊邊個交界，「但當時本人並不知道保華建築要求提供單據的原因及用途」，冇講咩嘢人、邊個。原因及用途，知係為咗鉛水事件，係咪呀？

答：咁係，咁如果你話係因為鉛水事件，咁我知囉。

問：即係你呢句嘢唔啱，係咪？

答：係。

問：係咪呀？

答：原因唔啱，但係用途我真係唔知佢愛嚟做咩嘢。

問：唔。知係要就住焊料嚟到調查？

答：佢係--佢同我講係話擺嚟做番個紀錄，就唔係咁樣，即係唔係你講嗰個意思，即係話--即係已經講實就話「我哋已經有事，你而家擺單嚟」，即係就--我覺得就唔係呢個意思。

問：你當時都驚你哋有事？

答：我自己驚啫，但係我哋嗰陣時係未有事。

問：你自己都驚，因為你知道保華做緊調查？

答：保華做緊調查，我知佢搵翁生開會，我唔知佢係咪調查。

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問：好。跟住你就話「之後本人便將零碎單據棄丟」，係咪呀？

C

D

答：係。

D

E

問：即係將嗰四張加埋一啲其他你搵到嘅都抺晒？

E

F

答：係。

F

G

問：你揸主意去抺嘅？

G

H

答：係。

H

I

問：抺之前有冇同翁生講下話「喂，抺好定唔抺好」？

I

J

答：冇。

J

問：咁大膽揸主意搵到幾張單據出嚟，知道講緊鉛水事件調查，就咁決定抺咗佢？你自己一手一腳揸主意決定抺咗佢？

K

答：咁我諗住已經交咗上去，咁嗰啲都唔要，咁咪抺咗佢。

K

L

問：好唔合邏輯嘞，林小姐。諗住交上去，但係你明知呢幾張單有問題，做咗埋假單出嚟，完全唔需要知會翁生，唔需要知會老闆，就咁決定抺咗佢？

L

M

答：咁...

M

N

問：即係好似老闆咁做嘢個囉嘞，你？

N

O

答：咁嗰陣時都係好驚嘅，我諗我應該都係個心好亂，我都唔知點好，咁咪抺咗佢。

O

P

Q

問：唔。你抺咗之後，抺咗之後，你有冇同翁生講番，「喂，我抺咗」？

Q

R

答：佢冇再問過我應該。

R

S

問：你有冇同佢講番？

S

T

答：我唔肯定，我唔記得。

T

U

問：你第一次，第一次諗番起，同你老闆張生講關於你做呢四張假單出嚟係幾時？

U

V

V

B

B

C

答：應該係 12 月嘅。

C

D

問：12 月嘅，係咪呀？

D

E

答：係。

E

F

問：即係最近嘅事，係咪？

F

G

答：係。

G

H

問：你主動同佢講定係張生走嚟問你？

H

I

答：佢--我記得就好似係佢同我講先。

I

J

問：電話定係親自見面講？

J

K

答：見面講，喺公司講。

K

L

問：唔。佢一開始問你嗰陣時，點同你提出呢個問題？

L

M

答：佢話--我記得喇吓，佢就話律師話畀佢聽，就原來保華嗰份--即係有
啲文件入面就有呢四張單，咁就話係我哋提供畀佢，咁佢問我哋，佢
話當時佢又唔喺度，佢話「點解會有呢四張單即係畀咗保華」咁樣。

M

N

問：跟住你點答佢？

N

O

答：跟住我答佢，我話「我要諗一諗先」咁樣。

O

P

問：唔。唔係即刻...

P

Q

答：唔係即刻。

Q

R

問：...答佢，係咪呀？

R

S

答：唔係即刻答佢，係呀。

S

T

問：諗咗幾耐之後先答番佢？

T

U

答：好似應該係幾日。

U

V

問：點解唔即刻答佢？

V

答：因為我都要--其實我嗰陣時又好--即係突然間知道呢件事，我又好

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驚，我又好亂，我又唔知我應唔應該同佢講，我又唔知我講咗出嚟又會唔會累到佢，又或者即係累到其他人，我唔知，即係嗰陣時好亂，咁咪諗下先。

問：佢問你之後，直至到你諗完晒，決定同佢講番件事，中間同邊個商量過？同邊個商量過？

答：同邊個商量過？冇，跟住我有...

問：有冇同人商量過，關於呢四張假單嘅事？

答：應該有同律師商量過，但係我唔肯定係之前定之後。

問：你做咗--食晏之前最後一個問題，做咗呢四張假單之後，直至到老闆第一次問你有關呢件事之前，除咗翁生之外，有冇同其他人講過呢件事？

答：冇。

主席：我哋而家午膳，午膳之後再繼續，兩點半，兩點半，唔該。

下午 1 時 03 分聆訊押後

下午 2 時 32 分恢復聆訊

出席人士如前。

金日工程有限公司（“金日”）（中國建築（紅磡邨第二期）及保華（榮昌邨和東匯邨）的分判商）的第三證人：林麗瓊（金日採購員工）宣誓繼續作供

許偉強先生繼續盤問

問：林小姐，我食晏之前，我應該係問到你話你做咗嗰四張假單之後，直至到張生第一次同你講起有關呢四張假單中間呢段時間，有冇同其他人講過關於嗰四張假單嘅問題？

答：冇。

B

B

C

問：唔。即係除咗翁先生知道，係咪？

C

D

答：係。

D

E

問：唔好講嗰四張假單，講番搵到嗰四張真嘅單，即係 50 力扁錫條嗰四張單，即係真係搵到嗰四張單，搵到之後，有冇話特別同你公司嘅同事例如莫小姐講一講話「我見過有啲單係講 50 力扁錫條，可能我哋訂錯嘢呀。」有冇同莫小姐傾過呢個問題？

E

F

F

G

答：你講係搵到單嗰陣時定係之後嘅係？

G

H

問：搵到嗰四張單，真嗰四張單，你又做咗嗰四張假單，之後...

H

I

答：之後...

I

J

問：...有冇同莫小姐講過話「可能我哋落嗰啲單嗰啲焊料唔啱㗎」？

J

K

答：冇。

K

L

問：都有？

L

M

答：都有。

M

問：唔。好奇怪㗎，你哋兩個一齊工作，一齊又係採購部落呢啲單嘅，你知道出咗事，完全冇同莫小姐有任何商談關於呢件事？

N

答：冇呀應該，我當時都好亂，我又唔知係應該點，我又--我覺得--即係我自己諗嘅啫，即係我覺得佢應該都唔知㗎喇，所以冇同佢傾。

N

O

O

問：唔好理佢應該知唔知，由 7 月到 12 月呢段時間，有冇同公司任何人講過「可能落嗰啲料唔係好啱㗎。」即係未同張生傾之前？

P

P

Q

答：應該冇。

Q

R

問：完全冇？

R

S

答：應該冇。

S

T

問：黃生都有？

T

U

答：應該冇。

U

問：冇。就淨係一個人，你知道咗，係咪呀？

V

V

B

B

C

答：係。

C

D

問：但係你較早時你嘅口供，今朝早食晏之前，你講話老闆知道件事，喺大陸返咗嚟，佢都好忙，又好疲倦，因為呢啲咁嘅查詢，你有講過話佢有問起會唔會係落錯料嗰啲問題，係咪？

D

E

答：係。

E

F

問：當時你同佢講嘅時候，你帶出可能會落錯料呢個問題，係咪呀？

F

G

答：我話我唔知會唔會。

G

H

問：你唔知會唔會？

H

I

答：嘅。

I

J

問：你同佢嗰陣時淨係你哋兩個傾嘅？

J

K

答：係。

K

L

問：係咪呀？

L

M

答：係。

M

問：呢個係12月之前嘅事嚟㗎嘛，係咪呀？

N

答：係。

N

O

問：12月之前，我諗我都應該啱，係咪呢？就係張生做咗咁多調查，好辛苦咁樣，房署又查，總承建商又查，佢一定都會問你哋話「有冇試過搵嗰啲單呀？」咁㗎嘛？

O

P

答：有。

P

Q

問：呢樣一定會問㗎，係咪呀？

Q

R

答：係。

R

S

問：問過你？

S

T

答：係。

T

U

問：唔。你嗰陣時點同佢講？

U

V

V

B

B

C

答：我話冇。

C

D

問：冇？

D

E

答：係。

E

F

問：搵過乜都有，係咪呀？

F

G

答：係。

G

H

問：有冇講過你覺得啲單會去咗邊，點解會冇？

H

I

答：我話應該掉晒。

I

J

問：唔。你同佢講應該掉晒？

J

K

答：係。

K

L

問：佢都接受你呢個解釋嘅？

L

M

答：接受。

M

N

問：接受。掉晒嘅話，如果真係要搵番啲單出嚟，其中一個途徑，去搵番
雋景，問番雋景，係咪呀？

N

O

答：係。

O

P

問：唔。7月至12月呢段時間，你同你老闆講掉晒啲單，老闆又有問過
你「啲單喺邊？你掉晒啲單。」你有冇接觸過雋景嘅人，問下佢「畀
番啲單過嚟睇下，得唔得呀」？

P

Q

答：有。

Q

R

問：有。接觸雋景邊個？

R

S

答：應該係周生。

S

T

問：周家平先生？

T

U

答：係。

U

V

問：你去負責搵佢？

V

B

B

C

答：係。

C

D

問：你自己主動...

D

E

主席：唔係，係唔係周家平先，係唔係呀？

E

F

答：係。

F

G

主席：係，唔。

G

H

H

I

問：周家平先生。你自己主動決定去搵佢吖，定係老闆嘅意思？

I

J

答：老闆嘅意思，因為佢好似係--我記得，好似係當其時已經收到你哋嗰個--我唔知係咪--即係應該係收到你哋嗰封信要佢畀證供咁樣。

J

K

問：要邊個畀證供？

K

L

答：張生。

L

M

問：老闆。佢就指示你，就話叫你去同周生接洽，係咪呀？

M

N

答：係。

N

O

問：你有冇搵佢？

O

P

答：有。

P

Q

問：打電話畀佢，係咪呀？

Q

R

答：係。

R

S

問：點同佢講？

S

T

答：我話而家就係問下佢仲有冇幾個地盤嗰啲單，嗰啲單搵唔搵到。

T

U

問：你同周生算唔算好熟？

U

V

答：識咗好耐。

V

B

B

C

問：識咗好耐？

C

D

答：係。

D

E

問：唔。算唔算係朋友？

E

F

答：業務上嘅朋友，我唔知算唔算係朋友，即係淨係喺公司會見到佢，即係業務來往。

F

G

問：會唔會出嚟食下飯咁？

G

H

答：冇。

H

I

問：唔？

I

J

答：冇乜。

J

K

問：冇乜定係有？

K

L

答：你話咁耐，曾經有冇一齊食過飯，可能公司 annual dinner 嗰啲會有，咁算唔算？

L

M

問：除咗 annual dinner 嗰啲，就有冇呀？

M

N

答：應該冇。

N

O

問：唔。你打畀周生，你點同佢講？

O

P

答：我問佢仲有冇嗰幾個地盤嗰啲單嘅紀錄。

P

Q

問：你係特別就住問佢話有關嘅送貨單咩，定係送貨單加發票咩，定係點呀？

Q

R

答：我問下佢搵下有乜嘢。

R

S

問：佢點回覆你？

S

T

答：佢話咁耐，佢都唔知有冇，咁我話搵下咁囉。

T

U

問：係。跟住佢有冇搵咗之後，有冇回覆你？

U

V

答：佢話需要時間搵，需要時間搵，佢好早期有答過我就話佢暫時未搵到，即係就可能要再多啲時間搵。

V

B

B

C

問：好，呢個好早期嘅意思大概係幾多月份嘅？

C

D

答：即係唔會--張生要畀證供嗰陣時應該係幾多月？

D

E

問：三個月前嘅咁上下，9月、10月嘅？

E

F

答：應該係咁上下，即係...

F

G

問：好嘞，跟住佢話要去搵，跟住有冇話再同你跟進下件事？

G

H

答：跟住都有。

H

I

問：冇？

I

J

答：係。

J

問：唔。你又冇話再打番畀佢話「周生，搵成點呀，嗰啲單」？

K

答：好似跟住就係律師就係話畀我哋聽好似話你哋都畀咗信佢，即係雋景，要佢提供...

K

L

問：可唔可以大聲啲？律師話咩嘢話？

L

M

答：律師話好似當其時即係跟住你哋已經畀咗信雋景，就要佢提供單據咁樣。

M

N

問：唔。我啱啱個問題係話你問咗佢，佢話要啲時間搵，跟住冇回覆，你有冇追佢？

N

O

答：跟住冇。

O

P

問：完全冇？

P

Q

答：係。

Q

R

問：點解唔追佢？

R

S

答：就係因為跟住律師話畀我聽你哋要咗佢攞紀錄，我諗如果佢搵到嘅，佢應該都會畀你哋。

S

T

問：老闆張先生知唔知你搵周先生？

T

U

答：知。

U

V

V

B

B

C

問：知。從你所知，你老闆有冇去搵過周先生，同佢了解一下「究竟當時
啲單訂咗啲乜嘢？」你老闆自己有冇，除咗你之外？

C

D

答：我唔知佢有冇。

D

E

問：你唔知，係咪呀？

E

F

答：係，我唔知。

F

G

問：問過周先生之後，有冇同周先生見過面？

G

H

答：肯定有嘅，因為佢耐唔時都要拎啲單上嚟，有見過嘅。

H

I

問：有冇見過面嘅時候傾過有關你想搵啲單？

I

J

答：可能我有問過下佢，我真係唔記得。

J

K

問：唔。你嘗試下記下，佢有嚟過--即係你同佢見面係喺公司見面，係咪
呀？

K

L

答：係。

L

M

問：你話可能有同你提及過呢啲單？

M

N

答：可能我都有再問過佢「搵到未呀？」佢話「都未呀。」咁樣，即係啲
啲。

N

O

問：佢話未，你心唔心急想知道，想快啲搵番啲單呢？

O

P

答：開頭都心急嘅，但係跟住後起都知道佢都要交界你哋，其實佢都會交
㗎喇，有就。

P

Q

問：好，你同周先生呢個會談，即係話叫佢搵啲單呢啲咁樣，大家傾，有
冇同翁生講過？

Q

R

答：我唔肯定，真係。

R

S

問：有冇試過你同埋翁生同埋周生一齊去傾呢件事？

S

T

答：冇。

T

U

問：冇。最初我哋講緊 7 月 16 號左右，你講嘅證詞就係話翁生當時即係
好緊急要問你攞單？

U

V

V

B

B

C

答：係。

C

D

問：嗰陣時你就自己去搵嘅啫，你當時冇接觸周生嘅，係咪呀？

D

E

答：冇。

E

F

問：冇第一時間去諗住搵周生嘅？

F

G

答：冇。

G

H

問：冇。點解嗰陣時唔諗下去搵周生呢？

H

I

答：我嗰陣時諗住我哋公司搵到，咪畀佢囉，咁囉。

I

J

問：咩嘢話？

J

K

答：即係我話我係睇下我哋公司搵唔搵到，睇下答咗保華嗰邊，睇下佢點樣先。

K

L

問：即係自己搵咗先，係咪呀？

L

M

答：係。

M

N

問：但係你即係搵到零碎之嘛？

N

O

答：係。

O

P

問：你淨係搵到零碎嘅文件之嘛？

P

Q

答：係。

Q

R

問：你唔想知道成個情況係點咩？當時唔想理解多啲咩？

R

S

答：冇諗過呢個問題，因為嗰陣時發生咁多事，即係諗唔到咁多...

S

T

問：定係你當時根本就係知道，完全知道你公司其實一路都係訂緊嗰個 50 力扁錫條係唔啱規格㗎？

T

U

答：其實我唔知。

U

V

問：唔。你而家睇番啲單，S1。

V

答：係。

B

B

C

C

問：78 頁，78 頁，之前翁生畀口供嗰陣時我哋都睇過，呢個係講緊紅磡邨你哋嗰啲訂貨嗰啲紀錄嚟嘅，呢個就係雋景畀我哋嗰啲資料嚟嘅，林小姐，呢個係雋景畀我哋嗰啲資料嚟嘅。

D

D

答：係。

E

E

問：呢度我哋可以睇到佢有個表，就係一個即係撮要，呢度都係講話紅磡邨，就你見到，頭頭就有兩個係“FRY”無鉛錫線嘅，中間有一拵都係 50 力扁錫條，尾呢，尾段又有番啲無鉛錫線，你而家有機會睇番呢啲紀錄，可唔可以同我哋解釋下點解會有咁嘅情況？

F

F

G

G

答：我唔知點解。

H

H

問：嗯？

I

I

答：我唔知點解。

J

J

問：有冇問過人「點解會咁呀」？

K

K

答：我都唔知佢呢度係訂咗兩種嘢，我唔知，我有問過。

L

L

問：205。205 個表，個日期有啲唔啱嘅，不過我哋睇下個貨品名稱，都睇到全部都係講緊英國 50 力扁錫條嘅，關於東匯邨，你而家睇番，全部都係 50 力扁錫條，你覺唔覺得有問題？

M

M

答：我唔覺。

N

N

問：你唔覺有問題，係咪呀？

O

O

答：係。

P

P

問：張先生係老闆，佢就 12 月嗰陣時就你哋兩個第一次傾嗰四張假單嘅問題，係咪呀？當時佢問你點解隔咗咁耐，你又突然問你決定承認畀佢聽係你做嘅呢？

Q

Q

答：因為佢問咗我，佢問咗我，我就發覺原來呢幾張單原來係--即係而家已經係變咗係即係呢啲文件囉。

R

R

問：咩嘢、咩嘢、咩嘢原來已經係變咗呢啲文件呀？

T

T

答：即係變咗呢啲係其--即係呢一個調查委員會嘅文件，因為我之前畀佢，因為我唔知佢做咩嘢㗎嘛。

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問：即係你知道佢就已經係明白到有單係假嘍喇？

答：係。

問：所以你就無路可走，就一定要話畀佢聽承認呢件事，係咪咁嘅情況？

答：係。

問：你同佢講嘅時候，你有冇同佢講話邊個指使你去做呢啲單？

答：我淨係記得我同--你講嗰個，我諗應--我記得好似冇，冇講。

問：淨係話你自己做咗四張假單？

答：係。

問：自己預晒？自己預晒？

答：我嗰陣時又唔係咁樣諗，我唔知--即係我有諗過你講呢一個預晒嗰個問題。

問：喺你嘅立場嚟睇，翁生叫你做嘍嘛，啲假單？

答：係。

問：你而家口供係咁講？

答：係。

問：老闆知道咗件事，認為有人做假單，你決定承認做假單，完全都唔需要諗下話「話埋畀老闆聽邊個指使我」？

答：其實我真係唔肯定我嗰陣時同佢講--即係我希望你明白我要--即係經過我肯--即係我可以自己同佢講嘅時候，我一定已經係好亂個人，同埋即係個心理壓力好大，我真係唔知我嗰陣時係即係同佢講確實係有講邊句、冇講邊句，我真係唔肯定。

問：你諗清楚啲，當時，明白你同佢講嗰陣時壓力好大，個心好亂，但係你都好想一定話番件事出嚟畀佢聽，因為呢樣嘢唔係喺--而家你嘅口供嚟講，唔係你自己決定去做嘍嘛，人哋話畀你知叫你去做，咁都唔使話畀老闆聽？林小姐？

B

B

C

答：但係我想問下，如果我諗咗，我真係唔肯定，我應該點答你？

C

D

問：你當時個心有冇諗住係要去包庇翁先生，唔話畀老闆聽「翁先生指使我嘅，點都唔會供佢出嚟嘅。」係咪咁呀？

D

E

答：冇諗到呢啲。

E

F

問：冇諗到呢啲，係咪呀？

F

G

答：係。

G

H

問：你而家就完全唔記得，係咪咁講呀？完全唔記得你同老闆有冇提過翁先生指使你，係咪咁嘅意思？

H

I

答：我唔肯定。

I

J

問：你同你老闆話係你做嘅，你老闆嘅反應點呀？

J

K

答：佢咪好奇怪，即係佢都話「吓？你做咩嘢」...

K

L

問：係囉，好奇怪呀，「點解要咁做呀？」問你？

L

M

答：唔。

M

問：「點解你要咁做？」有問你咩嘛？

N

答：唔。

N

O

問：你點講？

O

P

答：我淨係--我記得呀，我嗰陣時好似就係話「保華催我哋擺，咁咪要做畀佢囉。」咁樣。

P

Q

Q

R

主席：咩嘢話？聽唔到，對唔住，你話乜嘢話？

R

S

答：我話「保華催我哋交嗰陣時，咁好急，咁做咗畀佢。」咁囉。

S

T

T

U

問：老闆有冇問「點解你會諗住做假單呀？」點都會有問過咩？

U

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V

答：應該有嘅，係。

問：你又點講，點解要做假單？

答：我記得我答佢好似就係話「咁我搵唔到，咪做咗呢幾張畀佢囉。」咁。

問：都係自己預晒，即係話，自己預晒？同佢講直情係當係你自己一個人嘅決定做呢啲假單？

答：佢冇特別問過我話個決定係邊個做，即係冇問得咁詳細。

問：啱啱你答我個問題，我話佢冇問你點解要做假單，記得嘛？

答：記得，但係佢冇--即係佢唔會好似你咁「咁係咪你自己決定呀？係咪有人指使？」即係佢冇咁樣問我。

問：你自己知道唔係你嘅決定嚟嘛？

答：係。

問：係咪呀？

答：係。

問：但係你唔覺得你需要同佢交代「哎吔，唔關我事嘍，老闆，唔關我事嘍」？

答：我又真係唔記得我有咁樣講。

問：跟住老闆點講？好驚訝喇老闆，跟住仲有同你講過啲咩嘢？有冇責備你，「有冇搞錯呀？整咗啲假單出嚟」？

答：我記得佢都有。

問：你同佢講整咗假單出嚟，老闆好冷靜地就咁接受了你做假單這個說法，係咪呀？冇再跟進？

答：係呀，跟住我都同佢講話我而家搵咗律師跟進咁樣。

問：你嘅口供係話你老闆跟住就完全冇再問你，同你講佢嘅睇法？

答：係。

B

B

C

問：佢有冇好髒呀，當時？

C

D

答：我唔知佢係咪髒，但係佢冇出聲咁囉。

D

E

問：咁就結束咗成個會談喇？

E

F

答：係。

F

G

問：老闆問完你之後，有冇同翁生講番？

G

H

答：我有冇同翁生講番？

H

I

問：係。

I

J

答：冇。

J

K

問：冇？

K

L

答：冇。

L

M

問：翁生有冇問過你話「老闆有冇問過你關於假單啲啲嘢」？

M

N

主席：走咗喇嘛，翁生。

N

O

許偉強先生：係。

O

P

答：冇。

P

Q

問：翁生嘅尋日嘅口供就話，有講過，佢話佢都幾肯定一路以嚟都係有同你或者莫小姐或者黃小姐係去講要落邊一隻焊料嘅，你而家同唔同意咁嘅講法？

Q

R

答：我同意佢係有同我哋講雋景。

R

S

問：翁生佢嘅講法，即係話番你哋個情況，係話「我有同你講過㗎，有同莫小姐講過㗎，有同黃小姐講過要落咩嘢單㗎，點鬼知佢哋會搞錯㗎。」你咁嘅說法，你聽到，你有咩嘢回應？

S

T

U

答：我唔同意。

U

V

V

B

B

C

問：佢話你哋係知道，你、莫小姐、黃先生係知道要用“FRY”呢隻料嘅，要用“FRY”呢隻料嘅，同唔同意？

C

D

答：我唔同意。

D

E

問：亦都話你哋都知道“FRY”呢隻料係無鉛嘅焊料嚟嘅，同唔同意？

E

F

答：唔同意。

F

G

問：你會唔會同意呢個咁嘅講法，就係話你哋採購部嘅職員，甚至我講緊你公司，其實係知道要訂邊隻料嘅，不過你哋可能即係掉以輕心，冇留意到，你覺得會唔會有咁嘅情況？喺落單嘅時候。

G

H

答：落單，睇番就得我同莫小姐，咁我就唔知喇，咁莫小姐我相信佢都係唔知。

H

I

問：最後一個問題，睇一睇你口供嘅第9段，呢度你就話「本人或莫女士向雋景訂購焊料後，不會再通知地盤管工許先生或鄒先生，而會由雋景直接聯絡相關地盤管工，安排送貨到地盤。」睇到嘛？

J

K

答：睇到。

K

L

問：我哋見到啲單有好多--即係送貨單，或者係啲啲呢個--我哋講咗送貨單先，都會有指明係許先生嘅，睇到嘛，係咪呀？

L

M

答：係。

M

N

問：例如許先生或者周先生佢哋現場收到貨之後，你哋完全係唔需要作溝通嘅？

N

O

答：唔需要。

O

P

問：唔需要？

P

Q

答：係。

Q

R

問：從來都有嘅？

R

S

答：從來都有。

S

T

問：呢度你講話「而會由雋景直接聯絡相關地盤管工」，呢個你係講緊你哋公司嘅地盤管工，係咪呀？

T

U

V

V

B

B

C

答：係。

C

D

問：即係周先生同埋許先生？

D

E

答：係。

E

F

問：就係呢兩位，係咪呀？

F

G

答：係。

G

H

許偉強先生：我有其他問題。

H

I

主席：唔該。

I

J

J

K

問：唔好意思，問多你一個問題。你會唔會同意呢個說法，就係其實一路以嚟，公司上下都知道其實係要訂呢一隻“FRY”無鉛嘅焊料嘅？

K

L

答：我覺得唔係全部知。

L

M

問：但係因為你哋係有遵守到嗰個規格或者合同嘅要求去訂呢隻料，所以你先至願意做啲假單出嚟隱瞞咗呢樣嘢，同唔同意咁嘅講法？

M

N

答：唔同意。

N

O

問：喺鉛水事件曝光之後，老闆張先生有冇敦促你哋話「第二時要訂嘅焊料一定要係」邊隻咁呀？

O

P

答：你講之後？

P

Q

問：唔。

Q

R

答：有。

R

S

問：佢有冇展示畀你睇邊隻？

S

T

答：展示？即係拎呢個嘢畀我睇？

T

U

問：係，係。

U

V

V

B

B

C

答：咁又有喎。

C

D

問：佢曝光咗之後，佢又叫你訂邊隻呢？

D

E

答：佢話要跟遞辦嗰個，佢話原來係有遞辦㗎咁囉。

E

F

問：你哋又如何得知遞辦係邊隻？

F

G

答：佢咪--第二時，佢話叫我哋溝通清楚、check 清楚、問清楚先至落咁囉。

G

H

問：同邊個溝通清楚？

H

I

答：應該係將來負責遞辦嘅同事。

I

J

問：你哋發生咗鉛水事件之後，7月到而家，你哋何以溝通嚟到確保訂嘅係呢隻“FRY”無鉛錫線？

J

K

答：我哋同雋景落單嗰陣時係講明要呢一隻無鉛錫線。

K

L

問：口頭講嘅時候，咁點講呀？

L

M

答：都係照講“FRY”無鉛錫線。

M

N

問：“FRY”無鉛錫線？

N

O

答：係，或者就咁講無鉛錫線，佢都係得一隻之嘛。

O

P

許偉強先生：好，我有其他問題。

P

Q

R

黎先生：林小姐，我想問一個問題，你係7月嗰陣時就辭任呢個金日工程嘅董事，係嗰個時間係嗰個鉛水事件發生咗之後，你先至辭任嘅，係咪呀？

R

S

答：係。

S

T

黎先生：係你主動係辭任嘅？

T

U

答：係。

U

V

V

B

B

C

黎先生：有冇咩嘢特別原因？

C

D

答：因為呢個事件之後，我真係覺得好大壓力，同埋佢...

D

E

黎先生：點解好大壓力呢，對你？

E

F

答：因為好多--跟住就好多啲即係查詢，跟住好多嘢要搞、要搵、要問，我覺得我當時就係應付唔到。

F

G

黎先生：就算你唔辭任，你都要應付呢啲問題，你仍然喺度做㗎？

G

H

答：其實我開頭辭咗陣時我有諗過係唔做嘅，直情，不過即係後起我--張生返嚟嗰陣，我同佢講過，佢話--即係嗰陣時我同張生講完，佢話而家我辭咗，如果我真係即係直情走埋，唔做嘅，佢話佢「唔知搵邊個幫我手即係做呢啲嘢。」所以我就繼續留低之嘛。

H

I

黎先生：Okay。

I

J

J

K

K

L

許卓倫先生：當然如果其他大律師冇盤問嘅話，本人冇覆問。

L

M

駱小姐：我申請盤問。

M

N

許卓倫先生：唔好意思，對唔住。

N

O

駱小姐盤問

O

P

問：林女士，我總結番你同委員會之前嘅證供，你話7月16號翁生打畀你講乜呢，你剛才嘅證供就係「坦白講，exactly我講唔番，總之係搵無鉛錫線嘅單。」委員會大狀問你「翁生有冇話我哋公司可能有問題呀？」你話「佢話保華要攞單，點講我唔記得。」再問--我係代表翁先生嘅，唔好意思。

P

Q

Q

R

答：哦。

R

S

S

T

問：頭先亦都問你「保華要攞乜嘢單？」你答「榮昌邨焊料嘅單。」問「係送貨單咩？」你答「送貨單或者發票，總之係單喇。」問你「翁生係咪講得咁清楚係要無鉛錫線嘅單呢？」你記得話「係嘅。」有兩點好重要同你澄清嘅，第一你係好記得當日翁生係吩咐你搵番公司送啲無

T

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U

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V

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B

C

鉛錫線去榮昌邨嘅焊料單出嚟，啱唔啱？

C

D

答：啱。

D

E

問：你剛才仲話係翁生叫你盡量搵喇，因為可能有啲地盤嘅零星單冇掉到嘅，係咪？

E

F

答：唔好意思，你講多次。

F

G

問：你剛才嘅證供仲話翁生係叫你盡量搵喇咁，因為你話有啲零星嘅地盤單可能有掉到，你記唔記得？

G

H

答：我唔係咁同佢講，係咪呀？我覺得係佢叫我...

H

I

問：唔係你同佢講，翁生咁同你講「你盡量搵喇。」咁，係咪？

I

J

答：係，佢話盡量搵，啱。

J

K

問：所以翁生係吩咐你去搵單，你同唔同意其實翁生係冇同你講過話要整啲單出嚟？

K

L

答：我當時--你講啲幾個電話嘅內容？

L

M

問：係。

M

N

答：我覺得佢有呢個意思。

N

O

問：但係佢冇話你去整啲單出嚟，啱唔啱？意思即係你理解個意思係咁樣，係咪？

O

P

答：我理解佢嘅意思係咁。

P

Q

問：但係佢冇同你講話「你去整啲單出嚟喇。」啱唔啱？

Q

R

答：我頭先都講過話我其實唔係一字不漏咁都記得佢每一個字。

R

S

問：亦都第二，你剛才講過係唔止一次，亦都係你啱啱又重複多一次，就係當日翁生同你嘅對話內容，其實你唔能夠肯定嘅，係咪？

S

T

答：唔係所有嘅對話內容都肯定，每一個字咁樣我梗係唔可以肯定喇。

T

U

問：好喇，其實翁生搵你去搵番啲焊料嘅單出嚟係好正常嘅，你同唔同意？因為不鏽啲單都係你跟進、你負責㗎嘛？

U

V

V

B

B

C

答：係。

C

D

問：你搵到四張榮昌邨嘅焊料單，你話佢寫住係錫條嚟嘅，翁生係咪就話「喂，唔啱喎，要寫住啲無鉛錫線嘅先至啱喎。」咁樣？

D

E

答：係。

E

F

問：其實我哋而家有爭議嘅一件事就係翁生的而且確係畀咗啲榮昌邨嘅焊料辦畀房署係無鉛錫線嚟㗎嘛，我哋而家大家都知道，係咪？

F

G

答：係。

G

H

問：所以翁生當時咁同你講，會唔會有個可能係因為佢覺得啲焊料辦係無鉛錫線，所以一定會有啲寫住「無鉛錫線」嘅單，有咁嘅可能，係咪？

H

I

答：有呢個可能嘅。

I

J

問：頭先委員會嘅大狀問你「翁生點樣同你暗示法呀？」你就話翁生同你講「一定要啲無鉛錫線嘅單，你諗下點搞，你知點搞。」你記唔記得？

J

K

答：記得。

K

L

問：翁生就話「你諗下點搞，你知點搞。」其實你點搞呢？你可以問下，for example，雋景有冇 keep 單㗎喎，係咪？你搵唔到咩嘅單，而家你可以問下雋景有冇 keep 單，啱唔啱？

L

M

M

N

答：當其時冇諗到。

N

O

問：當其時冇諗到，而家諗番，係咪其實都可以呢？

O

P

答：都可以嘅。

P

Q

問：係囉，而其實之後你都有真係咁做吖，...

Q

R

答：係。

R

S

問：...因為頭先你答問題，你都有同雋景周生問佢擺單。

S

T

答：係。

T

U

問：其實即係翁生叫你搞掂佢喇咁樣，佢當其時嘅意思可以話「喂，你幫我搞掂佢喇，你負責呢件事。」咁解嘅咋喎，係咪？

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答：即係你意思我同唔同意你呢個講法？

問：係呀，係囉，佢當其時可以係咁樣，大家平心而論而家。

答：我覺得我 get 到嘅意思就唔係咁，我唔知。

問：因為你而家話係佢暗示，但係基於你自己個理解，你同唔同意？

答：同意。

問：好喇，你理解話佢叫你做假單，你頭先亦都答過話你覺得佢個要求好過份嘅，你當其時有冇問佢，即係同佢澄清「咁你係咪即係要我做假單呀」？我而家一路都係講緊當其時嘅對話內容。

答：即係你嘅意思我有冇 exactly 講過你呢句說話？

問：係呀，當時有冇問佢「喂，咁你係咪即係叫我做假單呀」？

答：我唔記得有冇咁樣講。

問：你有冇問佢「喂，點解你要我做假單呀」？

答：應該有問過。

問：冇。頭先委員會大狀問你「你有冇推下，即係話可唔可以唔使咁做呀？」你嘅答案就係話「可能有啲類似嘅對話。」咁樣，而家想你講清楚乜嘢類似嘅對話？定係你根本唔記得？

答：我覺得我應該係有同佢講過話即係「唔好咁做喇。」定係點樣嘅。

問：但係你响證供完全冇提過，你同唔同意？

答：係，係。

問：而且你對於當日對話嘅內容，你話唔係全部都清楚，係咪？

答：係。

問：會唔會有個可能性就係其實你有咁樣講過？你肯定？

答：即係你意思有冇呢個可能？

問：係呀。

B

B

C

答：咁都有呢個可能嘅。

C

D

問：你頭先又話，答委員會嘅問題嗰陣時，就話即係「你做緊啲單嗰陣時，你點樣去決定嗰個數量係幾多呀？」你個答案就係話「我估嘅咋。」委員會大狀就再問你「你有冇問過翁生呀？」你就話「有喇。」如果你係估出嚟嘅，點解你又要問翁生呢？

D

E

E

F

答：我都要問下佢我咁樣估啱唔啱㗎。

F

G

問：翁生點會知呢？不𨵮佢都唔係處理啲數量、訂貨各樣嘢，佢唔知，啲單唔經佢手，你同唔同意？

G

H

答：同意，但係佢應該即係譬如--但係每一啲料用幾多，佢應該知㗎。

H

I

問：但係佢完全冇睇過啲單㗎㗎，啲單係完全唔經佢手。

I

J

J

K

主席：工程佢負責㗎。

K

L

駱小姐：唔。

L

M

M

N

問：你亦都同唔同意就係你話問翁生有幾多卷呢件事，你嘅證供亦都完全係冇提及到嘅？

N

O

答：係，同意。

O

P

問：我向你提出，其實即係根據你頭先嘅口供，我哋總結番，其實翁生係冇講過要你做假單，你亦都有同翁生响個電話入面講過話你會做假單嘅，你同唔同意？

P

Q

Q

R

答：你話有冇「假單」呢兩個字，我唔肯定。

R

S

問：而家諗番，其實會唔會當日嘅溝通係出咗誤會呢，有冇呢個可能性？

S

T

答：我覺得冇。

T

U

主席：其實冇誤會㗎㗎。

U

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答：我覺得冇。

主席：因為你個當事人個 version 係斬釘截鐵去到嗰度就完嚟囉喎，冇後面嗰啲嘢嚟喎。

駱小姐：而家我哋係睇緊即係根據...

主席：唔係，我知，你個 version 完全都唔啱嘅，點會有誤會啫？

駱小姐：我哋而家係根據林女士佢嘅記憶去睇下，根據佢講嘅，有誤會。

主席：我明，我明，呢啲 hypothetical question，啱唔啱呀？

駱小姐：唔，噏，...

主席：因為你嗰度去到--你個當事人個證供就係去到呢度就完嚟喇，stop，冇後面嘅，而家佢就話後面係有好多呢啲咁樣樣嘅嘢嘅。

問：我哋睇番張生同你嘅對話，張達欽先生佢畀證供嘅時候，你有冇聽到？張達欽先生畀證供嘅時候，你有冇聽到？

答：有。

問：佢話佢响 2015 年 12 月 9 號出信之前就同你傾過關於呢四張送貨單嘅事，咪問你點解有呢啲單，你當時就同佢講話呢四張送貨單係你做出嚟嘅，啱唔啱？

答：唔係 12 月，你可唔可以講多次？唔好意思，我聽唔到個日子。

問：或者我簡化個問題嚟同你講，即係响呢個委員會調查聆訊之前，張生係同你傾過關於呢四張送貨單嘅事，就問你「點樣出嚟嘍？」你當其時就同佢講咗係你做出嚟嘅，係唔係？

答：係，但係我唔係即刻嗰日答佢。

問：係隔咗--你話你返去諗一諗，...

答：係。

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問：...返去之後同佢講話係你做出嚟嘅，然後頭先委員會大狀問你話「當其時你有冇講話係翁生指使你㗎？」你嘅答案係「冇。」咁嘛，係咪？

答：係。

問：然之後你畀咗一個答案嘅，我想澄清一下，即係你話「如果我諗咗，真係唔肯定，點答你呀？」呢個係你頭先講嘅講法，你記唔記得？

主席：我唔明。

駱小姐：頭先委員會嘅大狀係問咗個證人即係好多次，就話「而家你嘅口供就話係翁生叫你做嘅，老闆問你，你認咗，但係點解又唔係話翁生指使你㗎？」證人當其時，我提番佢嘅口供，即係 *in fairness to her*，佢就曾經講過一句說話，佢話「如果我諗咗，真係唔肯定，我點答你呀？」咁。

主席：「如果我諗咗，真係唔肯定，點答你？」

駱小姐：呢個係 *matter of record*，或者可以即係咩番頭先證人係咪真係咁講過。

主席：跟住點？

問：我個問題係其實林女士會唔會係嗰陣時你根本就自己都唔肯定响 7 月 16 或者 17 號嘅溝通入面翁生係真係暗示過叫你做假，所以你唔肯定，就唔敢講畀張生聽呢？

答：你意思係我同唔同意你咁講？

問：係。

答：唔同意。

問：但係的而且確當其時你係真係冇同張生講過，點解會咁樣樣呢？

答：當其時我頭先好似答過呢個問題，我當其時我要自己同張生講呢件事，我個心理壓力都好大，我個心好亂，我唔會話諗到同埋我唔會話即係諗到所有嘅嘢點樣講同埋都發生咗咁耐，我有可以突然間講得咁

B

B

C

詳細畀佢聽。

C

D

問：都唔係詳唔詳細嘅問題，因為你而家就話有人指使你，你就話畀張生聽「係翁生指使我㗎。」要幾詳細啫？

D

E

答：我唔知點解嗰陣時冇講，但係我應該係冇講。

E

F

問：最後一個問題就係你記得羅文錦律師樓响 12 月 10 號其實已經寫信畀張生嘅律師，個信入面嘅內容其中一段係要求你向呢個調查委員會作供嘅，你記唔記得？

F

G

G

H

答：你講多一次，唔好意思。

H

I

問：羅文錦律師樓响 12 月 10 號曾經寫信畀張生個律師，要求你作供嘅？

I

J

答：係。

J

K

問：呢一封信入面係特別提到關於呢四張送貨單嘅，我個問題係點解你要一路等到前日當你入呢一份你嘅證人陳述書嘅時候先至係講話係翁生暗示你，要你做假呢？點解要等咁耐？

K

L

答：因為我都要時間諗番嗰個期間，因為嗰幾個月發生咗好多事，我真係要組織清楚，我先至寫得出嚟。

L

M

M

N

問：即係其實你係諗，返去諗咗好耐，先至建構番當其時嗰啲事出嚟，就話係翁生暗示你做假，係咪咁嘅意思？

N

O

O

P

主席：咩嘢叫建構番？

P

Q

Q

R

問：即係响度好努力咁樣諗話到底當時發生咩嘢事，就唔係一個即時嘅反應嚟嘅，係咪？

R

S

答：即時嘅反應嘅意思係咩嘢？

S

T

問：即係當其時你已經知道呢四張送貨單做假呢件事可能會出現咗，張生已經問咗你，係咪？

T

U

答：係。

U

V

V

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B

C

問：你已經認咗畀張生聽，係咪？

C

D

答：係。

D

E

問：咁已經出埋律師信要求你作供，係咪？

E

F

答：係。

F

G

問：你即時嘅反應唔係應該就將個真相講出嚟，你話嘅真相就係「係翁生指使我。」咁咩？點解要等咁耐？

G

H

答：我都要諗番清楚究竟嗰陣時佢係點樣同我講，即係我盡量諗，雖然有啲我真係諗唔到，當其時係幾時、係點樣，我都要諗番出嚟㗎。

H

I

問：你有冇同其他人傾過？

I

J

答：律師。

J

K

問：同律師傾過？

K

L

答：係。

L

M

駱小姐：我有其他問題。

M

N

主席：唔該。

N

O

P

許卓倫先生：主席閣下，如果其他大律師和律師冇問題的話，我想覆問。

P

Q

R

許卓倫先生補問

Q

R

S

問：林小姐，委員會嘅大律師曾經問過你份口供紙嘅，麻煩你揭去 bundle L 第 151 頁，我哋關注嘅就係 (b) 段羅馬數字 (ii)，如果你想的話，你可以睇一睇羅馬數字 (ii) 呢一段先嘅，你記得講咩嘢嘛？

S

T

答：記得。

T

U

問：原文你就係話翁先生嗰日開完會，就同你講及保華建築嘅要求，你見

U

V

V

B

B

C

嘛？

C

D

答：見。

D

E

問：委員會嘅大律師就問及你，151 頁嘅底部數上嚟嘅第三行就寫住「當時本人並不知道保華建築要求提供單據的原因及用途」，你見嘛？

E

F

答：見。

F

G

問：一步一步，首先去保華呢個會你係冇去過嘅，啱唔啱？

G

H

答：啱。

H

I

問：呢度你就話你唔知道保華要求提供單據嘅原因，事實上你知唔知保華當時要求提供單據嘅原因？

I

J

答：唔知。

J

K

問：事實上你知唔知道當時保華要求提供呢個單據嘅用途？

K

L

答：唔知。

L

M

問：因此你呢個段落，特別係你嘅陳述書嘅 (b) 段羅馬數字 (ii) 整段是否準確㗎？

M

N

答：係。

N

O

問：下一點，下一個議題，代表翁先生嘅駱大律師亦都問及過你關於知唔知羅文錦律師樓喺 12 月 10 號發信過畀 Golden Day 金日公司嘅，係咪？

O

P

答：係。

P

Q

問：你聘請柯伍陳律師樓正式日子係 12 月 17 號，啱唔啱？

Q

R

答：啱。

R

S

問：12 月中左右，係咪？

S

T

答：係。

T

U

U

V

V

B

B

C

許卓倫先生：主席，我有其他問題。

C

D

主席：唔該。

D

E

許卓倫先生：感激。

E

F

主席：畀完證供，走得，唔該晒。

F

G

答：唔該晒。

G

H

H

I

主席：或者我哋 take 個 10 minutes 嘅 break 先，唔該。

I

J

J

K

下午 3 時 24 分聆訊押後

K

L

下午 3 時 40 分恢復聆訊

L

M

出席人士如前。

M

N

胡先生：Mr Chairman, Mr Commissioner, 我而家傳召金日工程地盤管工許宏新先生。

N

O

主席：好呀。

O

P

P

Q

金日工程有限公司（“金日”）（中國建築（紅磡邨第二期）及保華（榮昌邨和東匯邨）的分判商）的第四證人：許宏新（金日地盤管工（紅磡邨第二期和榮昌邨））以本地話宣誓作供

Q

R

R

S

胡先生：主席先生，許先生有一個小小嘅請求，佢就話因為佢個眼唔係好好，佢慣性係有個太陽眼鏡嘅，佢請問主席先生可唔可以戴？

S

T

主席：可以，可以。

T

U

答：Okay, 唔該。

U

V

V

B

B

C

C

D

胡先生主問

D

E

問：許先生，就你喺呢一個調查委員會入面就係喺 2015 年 12 月 3 日就做咗一份書面證詞嘅。

E

F

答：係。

F

G

問：呢一份書面證詞就係可以喺 bundle L1 嘅第 115 頁搵到，你有冇嗰份證詞喺你前面？

G

H

答：見到，見到。

H

I

問：我而家就向呢個調查委員會讀出你嘅證詞。

I

J

J

K

許宏新就羅文錦律師樓 2015 年 11 月 20 日信函所提出問題所作的

K

書面證詞

L

L

M

1 本人是金日工程有限公司（“金日工程”）所承判的紅磡邨二期和榮昌邨的水喉工程的地盤管工。本人任職水喉行業超過二十年，亦是水喉科的註冊熟練技工。

M

N

2 本人在建造紅磡邨二期和榮昌邨的水喉工程時，因應地盤施工進度負責向金日工程的採購人員落柯打，要求所需焊料送到地盤，再由金日工程的採購人員向供應商訂購。

N

O

O

P

3 本人在今次事件發生前知道用於接駁食水喉管的焊料需為無鉛，但並不知道市場上有含鉛焊料。

P

Q

Q

R

4 本人會因應地盤施工進度，以電話向金日工程的採購人員落柯打要求所需焊料的數量及送到地盤的日期。由於上述兩個地盤已完工多時，本人已不記得當時向金日工程採購人員落柯打時的指示細節。但由於水喉行業普遍認為焊料屬於較次要的物料，在今次事件發生前，行業一般並未在意市場上焊料會有可能含鉛的情況，本人當時亦不知道市場上有含鉛焊料，故本人落柯打時應無特別提及到貨之焊料應與公司遞交房屋署的樣辦相同或焊料需為無鉛。

R

S

S

T

T

U

5 本人當時因應地盤施工進度，以電話向金日工程採購人員落柯打要求

U

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所需焊料的數量送到地盤，再由金日工程採購部向上述兩個地盤的焊料供應商雋景建材有限公司（“雋景”）訂購，雋景便會安排運輸送貨到地盤。由於向供應商訂貨是由金日工程的採購人員負責，本人並沒有直接聯絡或接觸雋景。在預備此書面證詞時，本人曾詢問金日工程的採購人員，他們表示並不記得當時有否向雋景提及所購買的焊料是會用於接駁食水喉管。

6 焊料供應商由金日工程選擇，本人不知道金日工程為何會選擇雋景作為焊料供應商，只知道雋景一向為金日工程的其中一個供應商，本人理解金日工程亦不清楚是從何時開始向雋景購買焊料。

7 由於是金日工程的採購人員直接聯繫雋景及向雋景訂貨，所以並不存在本人向雋景購買焊料再匯報金日工程的情況。雋景把貨件送到地盤時會附上送貨單，據本人了解，雋景其後會發單給金日工程作付貨款之用。

8 本人並不知道錫線和錫條的成份，只知道同是用作燒焊接駁銅喉及配件，故此沒有在意亦不記得當時建造這兩個地盤時是使用錫條還是錫線接駁喉管。

9 a. 本人在今次事件發生前並不知道“50 力扁錫條”這個牌子亦沒有留意其他任何錫條的牌子，不清楚此牌子的成份及是否含鉛，雋景也沒有向我推介過此牌子。本人向金日工程採購人員落柯打要求焊料時，並沒有特別指明要哪個牌子。

b. 本人已記不清楚我曾參與的公共屋都有否使用“50 力扁錫條”或其他錫條。

10 本人並不知道雋景供應的及實際所用的錫條有否含鉛。

11 由於本人當時並不清楚錫線和錫條的分別，亦不知道市面上有含鉛焊料，只覺得錫線和錫條的用途一樣，故沒有留意所購及地盤實際用的是哪種。

12 每個地盤初期都要先做辦房（當中包括焊料樣辦）給總承建商及房屋署批核，施工期間，總承建商及房屋署亦會巡視，但我不知道總承建商及房屋署是否檢查或留意用了哪種焊料及其是否含鉛。

B

B

C

問：許先生，請問你對頭先讀出嘅書面證詞，有冇其他嘢補充？

C

D

答：冇。

D

E

問：你願唔願意採納呢一份書面證詞為你嘅調查委員會入面嘅證據？

E

F

答：願意。

F

G

許卓倫先生：主席先生，我有兩個簡短嘅問題。

G

H

H

I

問：許先生，我想你去到嗰個文件夾睇一睇一份文件，就係嗰文件夾嘅 S1 第 78 頁。

I

J

答：係，唔該。

J

K

問：許先生，第 78 頁係一個表嚟嘅，入面就有寫到就係話呢一個紅磡邨二期嗰個雋景係供應畀呢一個項目嘅焊料嚟嘅。

K

L

答：係。

L

M

問：你見唔見到呢一個表上高頭嗰兩行？

M

N

答：見到，見到。

N

O

問：寫住「FRY 無鉛錫線」？

O

P

答：見到，見到。

P

Q

問：跟住嗰幾行就寫住「英國 50 力扁錫條」？

Q

R

答：係。

R

S

問：跟住去到最尾亦都寫「FRY 無鉛錫線」？

S

T

問：你可唔可以向委員會解釋一下--首先我諗我想問一問你，就係話你打電話返去金日工程落 order 嘅時候，其實你係叫佢點樣訂法㗎，訂乜嘢㗎？關於焊料方面。

T

U

U

V

V

B

B

C

答：都係叫佢訂錫條。

C

D

問：錫條嘅？

D

E

答：係。

E

F

問：你有冇話會叫佢哋訂錫線？

F

G

答：照計，應該就唔會。

G

H

問：照計，唔會？

H

I

答：係。

I

J

問：你可唔可以解釋畀委員會聽點解喺呢個表上高會有錫線同埋錫條嘅出現？

J

K

答：唔知佢哋點搞，真係，可能佢哋搞錯都出奇啫。

K

L

問：你嘅證供係咪即係話你打電話返去金日工程落 order 嘅時候，你係只會講錫線...

L

M

答：錫條，錫條。

M

N

問：...--唔係，只會講錫條，就唔會講錫線？

N

O

答：係喇。

O

P

問：但係你唔知道點解實際上係 order 咗錫線？

P

Q

答：係，冇錯。

Q

R

問：你知唔知道錫線同錫條嘅分別？

R

S

答：其實係唔知。

S

T

問：喺你嘅印象中，兩樣嘢係一樣嘅？

T

U

答：都係一樣。

U

V

問：我又想你睇一睇都係同一個文件夾，如果你揭到去第 98 頁。

V

答：係，見到。

B

B

C

問：你睇唔睇到有「高溫錫條」嘅出現？

C

D

答：見到，見到寫住「無鉛錫線」，係喇。

D

E

問：唔係，寫住「高溫錫條」，係第98頁，S1個bundle第98頁。

E

F

答：哦，98，sorry，睇咗隔離。見到，見到。

F

G

問：係第2個item，第2項。

G

H

答：係，係，見到。

H

I

問：寫住「高溫錫條」。

I

J

答：係，見到。

J

K

問：高溫錫條，你可唔可以向委員會解釋一下高溫錫條同普通錫條有咩嘢分別？

K

L

答：其實都係一樣。

L

M

問：冇分別？

M

N

主席：咩嘢話？

N

O

答：冇分別。

O

P

主席：冇分別。

P

Q

問：即係話佢寫所謂嘅「高溫錫條」其實即係都係錫條？

Q

R

答：都係錫條。

R

S

問：喺你嘅意識中？

S

T

答：係，都係我嘅常識嚟講，都係錫條。

T

U

問：你用喺焊接喉管工程嘅時候，亦都有分話乜嘢高溫錫條同普通錫條嘅？

U

V

V

B

B

C

答：其實係冇乜分嘅。

C

D

D

胡先生：我有其他問題。

E

E

主席：唔該。

F

F

G

許偉強先生盤問

G

H

問：許生，做咗水喉行業超過二十年？

H

I

答：都有。

I

J

問：做水喉行業之前係做咩嘢嘍？

J

K

答：之前做啲咩五金--做過五金。

K

L

問：邊類型五金？

L

答：錶零件啲咩，即係錶零件啲咩。

M

M

問：Building 嘅五金？

N

答：唔係。

N

O

問：錶嘅五金？

O

P

答：啲咩錶嘅零件。

P

Q

問：錶零件？

Q

答：係喇，係喇，係。

R

R

問：好。

S

S

答：不過係好短暫。

T

問：好短暫？

T

U

答：係。

U

V

V

B

B

C

問：你喺你嘅證人口供第 1 段就講你係一個水喉科嘅註冊熟練技工？

C

D

答：係。

D

E

問：呢個係咪我哋所講嘅大工呀？大工牌？

E

F

答：冇錯，冇錯，係。

F

G

問：係咪呀？

G

H

答：係，大工。

H

I

問：幾時攞到呢個技工資格？

I

J

答：應該係 94、95 年嘅，大概喇，大概喇。

J

K

問：94、95，係咪呀？

K

L

答：係，係。

L

M

問：攞呢個大工牌要考試㗎呵？

M

N

答：要。

N

O

問：使唔使上堂㗎？

O

P

答：唔使上堂。

P

Q

問：喺邊度讀㗎？

Q

R

答：唔使...

R

S

問：喺邊度考㗎？唔好意思。

S

T

答：喺 CATA。

T

U

問：考之前有冇啲講義畀你，有冇㗎？啲資料呀。

U

V

答：都冇。

V

V

問：都冇嘅？

答：係。

B

B

C

問：考試最主要考啲咩嘢？

C

D

答：考工藝，主要考工藝。

D

E

問：工藝，係咪呀？

E

F

答：同埋少少筆試。

F

G

問：筆試？

G

H

答：係，都要。

H

I

問：係咪呀？筆試考啲咩嘢嘍？

I

J

答：筆試呀？都係關於工程--即係水喉方面啲筆試。

J

K

問：選擇題嚟嘅，係咪呀？

K

L

答：係，選擇題，冇錯。

L

M

問：都係就住你做水喉工程例如用料或者工藝方面？

M

N

答：入面啲內容，係，係。

N

O

問：係咪呀？

O

P

答：係。

P

Q

問：考試使唔使考燒焊？

Q

R

答：要。

R

S

問：你考試嗰陣時，考燒焊嘅時候係講緊係邊方面嘅水喉，即係邊方面嘅食水喉，燒焊？

S

T

答：銅喉。

T

U

問：吓？

U

V

答：銅喉。

V

問：都係銅喉嘅？

B

B

C

答：係。

C

D

問：用啲咩嘢焊料？

D

E

答：其實就係而家我哋用緊呢隻...

E

F

問：呢個？

F

G

答：就係呢隻錫條。

G

H

問：就係呢隻？

H

I

答：唔係，唔係呢隻。

I

J

問：唔係呢個？

J

K

答：係。

K

L

問：唔係呢個？

L

M

答：唔係呢隻。

M

N

問：FOR 個紀錄，我啱啱展示畀許生睇，就係呢個“FRY”綠色一卷卷，就唔係呢個，係咪呀？

N

O

答：唔係呢隻。

O

P

問：好，咁又畀你睇下嗰陣時你考試嗰陣時係咪用類似呢啲？

P

Q

答：冇錯。

Q

R

問：就係呢啲，係咪呀？

R

S

答：係。

S

T

問：有冇話講解話呢啲--呢個紀錄嚟講，呢個我而家擺緊出嚟就係呢個50 力扁錫條。

T

U

答：我知道，而家知，而家知，而家知。

U

V

問：係喇，而家知道，係呀。

V

答：係，而家知。

B

B

C

問：唔該。我想問一問你嗰陣時，即係你要考試嗰陣時，大家對於你呢隻焊料嘅認知，即係你哋大家嗌佢做咩嘢嘍，焊料？

C

D

答：叫錫條。

D

E

問：錫條？

E

F

答：係。

F

G

問：有冇講話用--即係個成份係咩嘢？

G

H

答：絕對冇。

H

I

主席：咩嘢話？

I

J

答：絕對冇講成份嘅。

J

K

主席：唔知道？

K

L

答：唔知道。

L

M

M

N

問：唔知道成份？

N

O

答：唔知道。

O

P

問：好喇，我想問下你，你話考大工牌嘅時候，有冇特別話就住有鉛、無鉛嘅錫條去即係有任何嘅認識？

P

Q

答：冇。

Q

R

問：冇。做咗水喉成二十年，都一定有聽過無鉛嘅焊料？

R

S

答：其實喺我個認知嚟講，所有錫條都係無鉛。

S

T

主席：所有咩嘢話？

T

U

答：用開嘅錫條都係無鉛嘅。

U

V

V

B

B

C

主席：所有都係無鉛嘅？

C

D

答：係，都係無鉛嘅，唔會有鉛嘅。

D

E

問：所有都係無鉛，係咪呀？

E

F

答：係。

F

G

問：我想問下，你第一次聽到有關呢個無鉛錫條又好，無鉛焊料又好，聽到「無鉛」呢樣嘢，因為你話你知道所有都係無鉛咁嘛？

G

H

答：係。

H

I

問：第一次聽到「無鉛」，幾時？

I

J

答：都係就係呢個鉛水事件之後，先會聽到話係「無鉛」，因為以前不𦉳叫錫條，只有一個「錫」字啫。

J

K

K

L

主席：等陣先。即係你話發生咗今次呢件事之後，你先至知道有一啲叫做無鉛嘅焊料？

L

M

M

N

答：唔係，即係講「無鉛」呢個字眼。

N

O

主席：係呀。

O

P

答：係，係，係。

P

Q

主席：即係之前你哋就從來都唔講「無鉛」嘅？

Q

R

答：係講錫條。

R

S

主席：淨係講錫？

S

T

答：係。

T

U

主席：係咪呀？

U

V

答：係。

V

B

B

C

主席：今次呢件事之後，先至知道就係原來焊料有無鉛嘅焊料，係咪咁樣？

C

D

答：即係有分無鉛同埋有鉛。

D

E

主席：同埋有鉛嘅？

E

F

答：係喇。

F

G

問：即係話你係最近，即係呢個鉛水事件發生之後先至清楚知道有無鉛錫料呢樣嘢嘅，係咪呀？

G

H

答：係，可以咁講。

H

I

問：你睇一睇個證人口供第3段，第3段。

I

J

答：第3段。

J

K

K

L

主席：第一句？

L

M

許偉強先生：第一句，係。

M

N

N

O

問：「本人在今次事件發生前知道用於接駁食水喉管的焊料需為無鉛」，呢度好清楚，呢度幾樣嘢都好清楚，一，事件發生前，即係講呢個鉛水個事件發生前，就知道食水喉管個焊料無鉛嘅要用，知道㗎喎，你啱啱又話事件後先知？

O

P

P

Q

答：唔係，我都話我之前我知道--所知嘅係錫條係錫，所以我覺得係對錫入面係無鉛嘅，係冇鉛嘅成分嘅。

Q

R

問：你而家嘅講法係話之前你嘅認識就話因為係錫，係錫嚟嘅。

R

S

答：係喇，係。

S

T

問：錫就唔係鉛，冇鉛，係咪咁解？

T

U

答：係，係，係。

U

V

V

B

B

C

問：呢個係你個--即係你認為係咁？

C

D

答：唔，唔，唔，冇錯。

D

E

問：我想問下你，你呢度講得咁清楚就話，你喺口供講得咁清楚，今次事件發生前知道，知道呀，做食水喉管個焊料需為無鉛，要用無鉛嘅，我想問下你，呢個事件發生之前，有冇聽過人哋講「無鉛焊料」呢樣嘢呢？

E

F

F

G

答：冇，冇乜聽過。

G

H

問：冇？

H

I

答：唔。

I

J

問：冇，純粹就係你剛才講話因為你話係錫料，你就假設係無鉛？

J

K

答：都唔係叫做假設，因為...

K

L

主席：唔係假設，佢話一定係無鉛。

L

M

許偉強先生：一定係無鉛，係。

M

N

N

O

答：係喇，係喇，一定無鉛嘅，係喇。

O

P

問：好。一定係無鉛。你考呢個大工牌之前，有冇跟師父學藝？

P

Q

答：之前都有，有。

Q

R

問：有嘅，係咪呀？

R

S

答：係。

S

T

問：學藝嘅時候都要學習去點樣燒嗰啲焊料，係咪呀？

T

U

答：係。

U

V

問：學藝嗰陣時都係用呢個英國 50 力扁錫條個盒入面呢個一條條呢啲，係咪呀？

V

B

B

C

答：冇錯，係。

C

D

問：好喇，我想問下你，幾時第一次見到呢個綠色一卷卷嘅呢隻“FRY”無鉛錫條，幾時第一次見到呢隻嘢？

D

E

答：第一次見到呀？都好早見。

E

F

問：好早？

F

G

答：係。

G

H

問：好早...

H

I

答：不過就都應該都有...

I

J

問：早到幾時呀？

J

K

答：應該都有五、六年。

K

L

問：五、六年？

L

M

答：都係。

M

N

問：第一次見到邊個畀你睇？

N

O

答：邊個畀我睇？

O

P

問：係，喺咩嘢場合見到？

P

Q

答：其實係地盤送嚟，我咪見到囉。

Q

R

問：地盤送嚟，係咪呀？

R

S

答：係。

S

T

問：即係你喺地盤現場，係咪呀？

T

U

答：係。

U

V

問：就送咗呢啲料嚟？

V

答：係。

B

B

C

問：嗰個係第一次見到，係咪呀？

C

D

答：係。

D

E

問：你有冇話第一次見到，考究下呢隻咩嘢料？

E

F

答：冇考究。

F

G

問：你見到佢送嚟呢啲錫料，你喺地盤度嚟嘛，嗰陣時？

G

H

問：啲工人就用呢隻料，當時？

H

I

答：其實係兩樣，兩樣都用。

I

J

問：吓？

J

K

主席：乜嘢話？

K

L

答：即係兩摳其實。

L

M

主席：兩摳？

M

N

答：係，即係嚟邊隻就用邊隻，所以喺我心目中入面，呢隻同嗰隻都係錫嘅成分。

N

O

O

P

問：兩摳，...

P

Q

答：係，都係一樣嘅。

Q

R

問：即係你講緊四、五年前都已經開始兩摳？

R

S

答：係，我哋有...

S

T

問：吓？

T

U

答：唔係，即係有一齊就照用，冇就--冇呢隻用嗰隻，冇呢隻--冇嗰隻用嗰隻。

U

V

V

B

B

C

問：咪住先，咩嘢一齊就照用，我唔係好明。即係你話地盤會同時間你會見到...

C

D

答：有兩種都有。

D

E

問：...有呢隻...

E

F

答：兩種都有。

F

G

問：...綠色卷裝？

G

H

答：係。

H

I

問：又有呢啲一條條嘅？

I

J

問：即係地盤嗰度會擺喺度，呢兩種都見到？

J

K

答：唔係，都係我哋嗰返嚟嘅。

K

L

問：嗰番嚟嘅。

L

M

M

N

主席：唔係，唔係，唔係，對唔住，我想問下你，你二十年工作經驗係做公共屋邨多抑或做私人屋邨多？

N

O

答：都係公屋多。

O

P

主席：做公屋多？

P

Q

答：係。

Q

R

主席：即係呢二十年裏面都係做公屋多，係咪呀？

R

S

答：係。

S

T

主席：我哋知道公屋基本上得一隻料嘅咋喎，永遠都係？

T

U

答：等等先，我聽得唔清楚。

U

V

主席：即係我哋去到而家聽證供，上嚟畀證供嗰啲無論係工人又好，水喉

V

B

B

C

匠又好，即係基本上佢哋講嚟嚟去去，房屋署批准嘅係得一隻嘅啫，有第二隻嘅，得一隻，就係卷裝嗰隻。

C

D

答：我就唔知佢係...

D

E

主席：吓？

E

F

答：我從來都唔知道佢要遞辦嘅。

F

G

主席：從來都唔知咩嘢話？

G

H

答：即係呢隻要遞辦嘅。

H

I

主席：要遞辦你都唔知？

I

J

答：唔知。

J

K

問：遞辦呢一個咁嘅程序，即係就住呢一個公屋嘅建築，水喉分判商需要遞辦呢個手續呢個過程，你知㗎嘛，要遞辦？

K

L

答：要，要遞辦，不過唔係我--唔會經過我。

L

M

問：我知道，唔緊要。你有冇聽過例如焊料都有遞辦呢樣嘢嘅？

M

N

答：冇聽過。

N

O

P

主席：唔知？冇聽過？

P

Q

答：冇聽過。

Q

R

問：冇聽過。你喺金日工程做咗幾耐？

R

S

答：都有十幾年，十幾年。

S

T

問：十幾年，係咪呀？

T

U

答：係。

U

V

V

B

B

C

問：十幾年裏面做過公屋啲項目有幾多個嘅？

C

D

答：都有四、五個嘅。

D

E

問：吓？

E

F

答：四、五個嘅。

F

G

主席：唔知道要遞辦。對唔住，我真係好--我都想問一問，第79頁S1，紅磡邨得一網送落去嘅啫，一網送落去紅磡邨二期，仲寫住“SAMPLE”，「不用收錢」添，唔使遞辦，交落去做咩嘢呀？送貨地址，紅磡邨二期中國建築，雖然張發票就係交去畀金日嘅啫，我都相信嗰個送貨單就會跟番呢度，咁愛嚟做乜，呢個？

G

H

H

I

I

J

答：我覺得佢呢個係應該係送去公司畀佢哋遞辦。

J

K

主席：吓？

K

L

答：應該，呢個冇簽名。

L

M

主席：呢張發票嚟嘅。

M

N

答：哦，發票嚟嘅。

N

O

主席：呢張唔係送貨單嚟嘅。

O

P

答：Sorry, sorry, sorry。

P

主席：但係下低嗰度寫住送貨地址，睇唔睇到送貨地址，左下角嗰度？從來都唔使遞辦，無端端擺一網嚟做咩嘢呀？

Q

Q

答：唔係，我係唔知佢遞辦啫，但係可能佢哋就係嗰個嚟遞辦。

R

主席：你係嗰個地盤嘅負責人嚟㗎嘛，紅磡邨。

R

S

答：唔係㗎，佢呢個呢，佢寫住紅磡邨，但係其實實際未必係送去地盤㗎。

S

T

T

U

主席：哦，咁得喇，繼續。

U

V

V

B

B

C

許偉強先生：好。

C

D

D

黎先生：送貨地址，咩嘢唔係地盤？

E

E

F

主席：送貨地址咁嘛，紅磡邨二期中國建築咁嘛。

F

G

答：我知，但係一卷嘅，佢唔會送去地盤嘅，佢可能直接擺上寫字樓嘅。

G

H

H

I

主席：得喇，繼續，唔緊要。

I

J

許偉強先生：好。

J

K

K

主席：總之嗰度係咁寫，你話唔係就唔係喇。

L

L

答：係，係，係。

M

M

N

問：你都知道你哋--我想問下你，你做地盤管工，例如你講緊而家紅磡邨二期同埋榮昌邨水喉工程，你係咪差唔多每日都喺地盤度？

N

O

O

答：差唔多，如果冇乜嘢病痛，應該喺度嘅。

P

P

問：你哋公司除咗你，係咪另外一位鄒生都會--有冇負責㗎？

Q

Q

答：呢個係唔關佢事嘅，佢係...

R

R

問：呢兩個地盤就淨係你嘅啫，係咪呀？

S

S

答：係。

T

問：你係咪金日工程公司唯一一位地盤管工當時係駐場喺呢兩個地盤度？

T

U

答：係，係，冇錯。

U

V

V

B

B

C

問：你係負責睇住嗰個地盤嗰啲咁嘅水喉嗰個建築，即係水喉嗰個工程嗰啲咁嘅進度，係咪呀？

C

D

答：係，係。

D

E

問：有冇話睇下啲工人做成點、做得好唔好咁？

E

F

答：會。

F

G

問：會？

G

H

答：係。

H

I

問：啲料嚟嘅時候都會睇下啲料啱唔啱，係咪呀？

I

J

答：都會。

J

K

問：係咪呀？

K

L

答：係，係。

L

M

問：你要知道啲料嚟得啱唔啱，你都要知道即係大家其實係准用啲咩嘢料先嘍，係咪呀？係咪呀？

M

N

答：係，係。

N

O

問：你有冇一個例如文件嘅列表或者係任何文件話畀你聽就住每一個工程邊啲料係啱用嘅？

O

P

答：冇嘅。

P

Q

主席：冇，係咪冇？

Q

R

答：冇，冇，冇。

R

S

主席：冇。

S

T

U

問：一份文件都有？

T

U

V

V

B

B

C

答：冇呢啲表。

C

D

問：有冇文件？

D

E

答：咩嘢文件？

E

F

問：有冇文件--你話冇表咩？

F

G

答：係。

G

H

問：我問你除咗表之外，仲有冇文件顯示...

H

I

答：文件都冇，都冇。

I

J

問：都冇嘅，你啱啱話喺個地盤度睇下進度、睇下啲工人啲工藝做得好唔好，睇下啲料嚟得啱唔啱，你點知啲料啱定唔啱，乜都冇？

J

K

答：即係初初嚟第一批嗰陣時，我會問番佢哋地盤落 order 嗰度，因為落 order 嗰陣時，就佢哋就會自然會同我跟正㗎喇。

K

L

主席：再講多次。

L

M

答：用啲咩嘢料其實係--咩嘢牌子其實我係唔知嘅，我就落 order 淨係--落 order 畀佢就係寫嗰種嘢嘅名同埋數量畀佢啫。

M

N

主席：即係你要咩嘢類別就話畀佢聽？

N

O

答：係喇，同埋個數量。

O

P

主席：同埋個數量，咁佢嚟咩嘢，你就假設寫字樓就一定係 order 嗰啲啱嘅嘢嚟喇？

P

Q

答：係，係，佢哋會跟進--跟辦㗎喇。

Q

R

主席：所以嚟到，你就基本上唔使 check，一定啱㗎喇？

R

S

答：係，冇錯，應該係咁。

S

T

U

問：你話你寫嗰個話--即係你寫係嗰啲咩嘢嚟嘅--咩嘢材料，你係話寫畀

U

V

V

B

B

C

邊個？

C

D

答：唔係，我自己寫低，跟住打電話落個 order。

D

E

問：自己寫低？

E

F

答：低個數係呢個數量，係喇。

F

G

問：做水喉工程講緊啲啲物料、部件嚟到現場嘅，有幾多種嘅？好多嘅呵？

G

H

答：好多種。

H

I

問：好多嘅？

I

J

答：好多。

J

K

問：每樣你都係就咁寫低例如銅喉咁樣，你就寫銅喉兩個字？

K

L

答：係。

L

M

問：佢就知道要咩嘢喇喇？

M

N

答：銅喉、銅喉，數量幾多、幾多，係喇。

N

O

問：係咪呀？

O

P

答：係。

P

Q

問：所以--即係其實你剛才話，即係你喺個地盤嗰度會核實究竟地盤嚟啲啲料符唔符合，其實你唔知，應該咁講？

Q

R

答：應該係咁講。

R

S

問：吓？

S

T

答：應該係咁講。

T

U

問：好喇，要訂貨喇，例如我哋講緊焊料，你就要寫低--使唔使寫低訂咗幾多，每次？

U

V

答：呢個都係好--即係呢樣嘢其實係好少嘅數量，到時我哋一用完之後，大概都係打個電話返去，叫佢嚟幾多盒、幾多盒，幾盒、幾盒咁嚟之嘛。

V

B

B

C

問：唔好講多與少住先，你每一次打電話返公司，要訂焊料，同邊個講？

C

D

答：有時係莫小姐聽電話，有時林小姐聽電話。

D

E

問：一係莫小姐，一係林小姐？

E

F

答：係。

F

G

問：好喇，打電話畀佢，同佢講話焊料，咁點講呀？

G

H

答：咪話要錫條囉。

H

I

問：錫條？

I

J

答：係，係。

J

K

問：幾多呀？

K

L

答：譬如要五盒就五盒，十盒十盒。

L

M

問：咩嘢話？

M

N

答：一係如果要五盒就五盒，十盒就十盒咁。

N

O

問：淨係講盒嘅啫？

O

P

答：係。

P

Q

問：淨係講盒？

Q

R

答：係。

R

S

問：一盒有幾多？

S

T

答：一盒呀？一盒都好多嘅，一盒都--即係我哋用開咗，知道佢一盒就嗰個用得幾多嘅，所以就憑經驗，經驗。

T

U

問：唔好講經驗先，你所知，一盒有幾多？

U

V

答：一盒呀？一盒有幾多？你指係幾多，應該幾多啫？因為佢一條條嘅。

V

B

B

C

主席：你鍾意點形容囉，你話一盒有幾多條又得。

C

D

問：幾多條。

D

E

主席：一盒有幾長又得。

E

F

答：一盒應該大概百零條嘍。

F

G

G

H

問：百零條？

H

I

答：係，大概啫。

I

J

問：你點知呀？你點知一盒有百零條？

J

K

答：咪大概咋，所以我都話大概。

K

L

問：點知呀？

L

M

問：唔係，你點知大概有百零條？

M

N

答：用開咗，知道，大概知道嘅。

N

O

O

P

主席：你有冇打開嚟睇？

P

Q

答：有，有打開。

Q

R

問：打開嚟睇。你講嗰啲盒係咪都係呢啲盒嚟㗎？

R

S

答：係，都係呢啲盒，係。

S

T

問：吓？

T

U

答：係。

U

V

V

B

B

C

問：上面就寫到明「英國 50 力扁錫條」，係咪呀？

C

D

答：冇乜留意佢呢啲字眼。

D

E

問：吓？又有留意呀？

E

F

答：係呀，冇留意啲字眼。

F

G

問：大大個 label 咁貼住喺度嗰，冇睇過？

G

H

答：我覺得呢個「英國 50 力」呢個字眼係自從呢件事發生之後先至會有呢個字眼畀我見到嘅。

H

I

主席：之前有嘅？

I

J

答：之前就算有，我都有乜留意佢。

J

K

主席：哦，就算...

K

L

答：係，係，真係。

L

M

M

N

問：你講...

N

O

答：50 力，真係嘅，真係呢個「50 力」真係呢件事之後先至會--先至知道。

O

P

問：慢慢嚟，呢啲盒，你話見過，係咪？

P

Q

答：係，係。

Q

R

問：入面有錫條嘅，一條條嘅，你就話你粗略估計，你見過嘅，入面都有百幾條，係咪呀？

R

S

答：係，係，係。

S

T

問：首先我想問下你，個盒出面有冇 label 先，即係有呢啲咁嘅貼紙喺度㗎？

T

U

答：冇乜留...

U

V

V

B

B

C

問：你見過好多嚟喇，呢啲盒，你見過好多呢啲盒？

C

D

答：盒就見到，都真係就有乜留意佢入面即係呢個啲 label 啲啲。

D

E

問：唔係入面，出面呀呢個。

E

F

答：出面，係嚟嚟出面，係喇。

F

G

問：冇見過，從來冇見過呢啲 label ？

G

H

問：嚟個現場嗰陣時，冇冇見過呢啲細啲嘅盒，方形啲嘅盒，又有冇？係咁樣裝住，打開佢，有呢啲咁嘅綠色一卷卷嘅度嘅。

H

I

答：有，有，有見過。

I

J

問：都有？

J

K

答：係，係。

K

L

問：都有。冇冇見過呢啲咁嘅綠色 label 嚟出面？

L

M

答：都有乜留意呢樣嘢嘅。

M

N

問：都有留意，label 就唔留意嘅。

N

O

答：係，冇留意嘅。

O

P

問：記唔記得一打開有幾多卷？

P

Q

答：呢個都係二十零--大概二十零卷嘅喇。

Q

R

問：落 order 嘅時候，莫小姐、林小姐冇冇講過幾多卷呀？

R

S

答：冇嘅，我哋都係啖盒數畀佢，佢跟我哋嘅盒數嚟，唔使數卷。

S

T

問：盒數？

T

U

答：係。

U

V

問：你憑乜嘢覺得咁樣講咗「錫條」呢兩個字，你哋公司職員會知道你講咩嘢？

V

B

B

C

答：佢點會知？因為我落...

C

D

問：你又話喺現場睇到又有呢啲，又有呢啲。

D

E

答：正常未--講緊係之後，就會有呢啲，第一次落 order 就絕對未有呢啲嘢嘅。

E

F

問：唔係，唔係，唔係，唔係好明，你講多次。

F

G

答：你講現場係我地盤初開工吖，抑或係中途或者前或者後？

G

H

問：即係你嘅意思係話地盤初初開工、中途同埋最後尾...

H

I

答：係喇。

I

J

問：...會有唔同㗎？

J

K

答：如果初初開工，乜都有嘅。

K

L

問：乜都有，係吖，乜都有吖。

L

M

答：係喇，係零嘅。

M

N

問：係吖，梗係喇，係，梗係喇。

N

O

答：啱啱零㗎嘛，所以係都係要我打電話返去落 order，先至送到呢啲嚟吖嘛。

O

P

問：梗係喇。

P

Q

答：係呀，啱，啱，係，咪係囉。

Q

R

問：咁梗係喇。

R

S

答：係囉，話所以嚟到咪見到囉。

S

T

問：唔係，唔會自動由天而降㗎嘛，呢樣嘢，係咪？

T

U

答：係喇，係喇，係喇，所以你問我有冇見過，你話之前未嚟梗係未見過，係咪先？

U

V

問：我唔係問你呢啲嘢，我唔係問你之前未嚟嘅，我係問你喺地盤現場見過呢兩種唔同嘅盒㗎嘛？

V

B

B

C

答：有，係，見過，見過。

C

D

問：入面裝住唔同嘢，係咪呀？

D

E

答：係，係，係，啱。

E

F

問：你打畀你採購部嘅同事，佢點知你係講緊呢隻定係嗰隻呀？

F

G

答：其實我真係唔知佢哋知唔知，因為我落 order 係要幾多盒錫條、就幾多盒錫條。

G

H

問：好喇，你喺現場收貨嘅時候，有時呢啲咁樣樣一盒盒都會大批嚟，係咪呀？好多盒一齊嚟㗎嘛？

H

I

答：都係幾...

I

J

J

K

主席：幾盒嘅啫。

K

L

答：幾盒啫，係。

L

M

問：幾盒喇？

M

N

答：唔係好大盒嘅，係，唔係好多嘅，係。

N

O

問：幾盒一齊嚟，即係你有曾經喺呢個現場度都會見過又有呢啲，又有啲啲？

O

P

答：係。

P

Q

問：你有冇曾經有疑問過話「乜兩隻錫條嘅？邊隻先啱㗎」？

Q

R

答：其實我就覺得兩隻一樣，所以就冇乜分別。

R

S

問：點可能兩隻一樣？兩隻個樣都唔同喇。

S

T

答：我知，即係用途一樣。

T

U

U

V

V

B

B

C

主席：用途一樣就得喇喇？

C

D

答：係呀，嗰陣時係真係冇呢種常識。

D

E

主席：唔係喎，你譬如有--你哋要裝埋啲--你哋又要裝埋啲潔具，如果嚟
嗰啲潔具兩隻唔同嘅，爭少少顏色，咁得唔得吖？

E

F

答：潔具就唔同，因為呢啲都係屬於小五金，下欄嘢就唔係好重視佢。

F

G

主席：所以求其咁樣樣，係咪呀？

G

H

答：係，冇錯，可以咁講。

H

I

問：好喇，高溫錫條又係邊隻？高溫錫條，呢兩隻。

I

J

J

K

主席：佢話...

K

L

答：而家我梗係--而家我知喇。

L

M

主席：唔係，嗰陣時你知唔知？冇分別喇嘛，根據你頭先講，高溫同普通
都一樣嘅之嘛，你頭先話。

M

N

答：係喇，係喇，都係一樣，用途一樣。

N

O

主席：又用途一樣，係咪？

O

P

答：係。

P

Q

主席：咩嘢情況之下要用高溫呀？

Q

R

答：冇乜分別嘅。

R

S

主席：冇分別嘅？

S

T

答：冇分別。

T

U

主席：咁打電話上去做乜要講高溫？

U

V

答：其實就有講高溫嘅，冇講高溫嘅。

V

B

B

C

主席：冇嘅？

C

D

答：冇。

D

E

主席：即係自己上面--唔係上面寫㗎㗎，呢啲，係咪呀？你哋寫上去㗎㗎。

E

F

答：唔係，唔係，我哋都係用電話啫。

F

G

主席：吓？

G

H

問：係上面寫嘅？

H

I

答：都係上面寫嘅。

I

J

主席：上面寫嘅？

J

K

答：上面寫嘅。

K

L

主席：即係佢哋自己作嘅囉㗎？唔係，唔係作呀，...

L

M

答：唔係作。

M

N

主席：...你話錫條之嘛？

N

O

答：係。

O

P

主席：佢哋無端端唔知做乜--點解加個「高溫」兩個字落去？

P

Q

答：唔知，真係唔知佢哋。

Q

R

問：你自己有冇聽過高溫錫條呀？

R

S

答：都有聽過。

S

T

問：邊度聽過？

T

U

答：邊度聽過，真係唔記得。

U

V

V

B

B

C

C

D

主席：講開又講，嗰條長扁嘅同呢一條一卷卷嘅有冇分別，溫度嚟講，當你哋做嘅時候？

D

E

答：其實冇乜分別。

E

F

主席：冇乜分別嘅？

F

G

答：係，溫度都唔係爭得幾多。

G

H

主席：冇分別？

H

I

答：係，冇分別。

I

J

問：如果選擇題，又畀你揀下，一條條、一卷卷嗰個，邊個叫做高溫錫條呀？

J

K

K

答：而家我梗係知喇，而家，梗係...

L

L

問：嗰陣時呀，嗰陣時呀。

M

M

答：嗰陣時，嗰陣時如果揀，都應該係一卷卷嗰啲高溫錫囉。

N

N

O

主席：吓？

O

P

P

Q

問：吓？

Q

R

答：一卷卷嗰啲，係呀。

R

S

問：一卷卷嗰啲？

S

答：係。

T

問：點解會揀嗰隻做高溫錫條呢？

T

U

答：點解呀？冇得解，好難解釋。

U

V

V

B

B

C

C

D

主席：選擇題，A、B、C，C 就係 A 同 B 都唔係。

D

E

許偉強先生：None of the above，none of the above。

E

F

問：你話而家知，而家知高溫錫條係咩嘢呢？

F

G

答：就係嗰隻無鉛錫線。

G

H

問：而家又點知高溫錫條係無鉛錫線呢？

H

I

答：自從你哋呢單嘢，即係爆晒光，乜都知道晒，乜都分到清楚喇。

I

J

問：唔係喎，唔係喎，我哋好似冇乜點討論過話何謂高溫錫條係無鉛錫線喎。

J

K

答：你哋冇討論啫，但係我哋行內已經通晒吓嘛，爆咗之後。

K

L

問：哦，行內通晒？

L

M

答：係，係喇。

M

N

問：行內你哋自己有傾偈嘅，係咪呀？

N

O

答：係，行內絕對要傾偈喇，你爆咗呢單嘢之後已經轟動全港，係咪先？

O

P

問：轟動全港呀？行內傾偈，唔好講行內住先。

P

Q

問：公司裏面有冇商討過話「我哋嗰陣時係咪訂錯貨？定係用錯咗料呀？」
公司你哋自己有冇傾？

Q

R

答：我會問。

R

S

問：唔？

S

T

答：我會問，問番公司。

T

U

問：你有問番公司，係咪？

U

V

V

B

B

C

答：係，我問佢「你哋--根本上你哋有冇遞過呢樣嘢」。

C

D

D

主席：根本上咩嘢話？聽唔到。

E

E

答：「你哋有冇遞過呢種叫做」...

F

F

G

G

黎先生：訂咗，係咪呀？

H

H

I

I

問：遞過？

J

J

答：遞辦，遞辦，有冇遞...

K

K

問：遞辦？

L

L

答：係喇。

M

M

問：遞辦？

N

N

答：係喇。

O

O

問：你問公司？

P

P

答：係喇。

Q

Q

問：呢個都係事件發生之後，係咪？

R

R

答：係喇。

問：問邊個有冇遞辦？

S

S

答：我會問黃生。

T

T

問：黃生？

U

U

答：係喇。

問：有冇同老闆講過，張生？

V

V

B

B

C

答：冇，呢啲應該咁細微嘅，唔使經過佢嘅。

C

D

問：翁生呢？

D

E

答：都唔使㗎喇。

E

F

主席：唔係㗎，事後㗎。

F

G

G

H

問：事後。

H

I

答：係呀，事後我都--唔係，因為佢哋幾個採購部，黃生係比較熟啲嘅嗰啲辦。

I

J

J

K

主席：黃生仲比較熟啲添呀？

K

L

答：佢跟開呢啲文件嘅。

L

M

M

N

問：同黃生話有冇遞過辦？

N

答：係。

O

O

P

問：即係呢個焊料有冇遞過辦？

P

答：係喇。

Q

問：佢點同你講？

Q

R

答：佢話有。

R

S

問：有遞過辦㗎，係咪呀？

S

T

答：係。

T

U

問：同你講遞咗邊隻辦？

U

V

V

B

B

C

答：就係你講嗰隻綠色嗰隻。

C

D

問：綠色一卷卷，係咪呀？

D

E

答：係，係，係。

E

F

問：你跟住又點呀，有咩嘢反應？

F

G

答：咁冇計喇喇嘛，我話「冇計喇喇，你如果訂--你落咗 order，你又唔同我哋講，係咪先？我哋又唔知。」係咪呀？

G

H

問：即係你而家個講法就係賴採購部佢哋冇同你講清楚，係咪呀？即係賴公司佢哋...

H

I

答：係喇，多多少少，係。

I

J

問：即係佢哋送咗辦嘅，但係又唔同你哋講，係咪呀？

J

K

答：唔。

K

L

M

主席：唔係喎，唔關事呀，即係個問題係咁，你嘅意思就即係公司採購部就完全知道係要買邊一隻嘢嘅。

L

M

N

答：我就唔知佢知唔知，...

N

O

主席：咁佢遞咗...

O

P

答：但係我問咗佢之後，佢就話有遞過辦。

P

Q

主席：咁即係知喇，佢哋知喇，係咪？

Q

R

答：我唔知佢知唔知，但係之後我問佢，佢就話有。

R

S

主席：你如果從呢一個答案去推論，就即係公司就知道係要用邊一隻貨嘅，不過當你要啖呢啲貨嘅時候，佢哋就啖咗一隻錯嘅貨落去畀你用，係咪咁呀？

S

T

答：我覺得呀？我唔夠膽講，唔夠膽肯定佢哋知唔知。

T

U

主席：吓？

U

V

V

B

B

C

答：唔夠膽肯定佢哋知唔知。

C

D

主席：你唔夠膽...

D

E

答：肯定佢哋知唔知。

E

F

主席：我哋唔需要好肯定嘅，相同地，...

F

G

答：可能佢哋會知。

G

H

主席：...佢哋應該知道，係咪？

H

I

答：係，係。

I

J

問：你啱啱話問過黃生，佢話冇人辦嘅，...

J

K

答：係喇。

K

L

問：...知道係綠色嗰隻，係咪呀？

L

M

答：係喇，係喇。

M

N

問：你當時有冇同黃生講話「點解嗰陣時唔話畀我哋聽？」有冇咁講直情？

N

O

答：點解冇同我講？

O

P

問：「點解唔話畀我哋聽上咗辦邊隻呀」？

P

Q

答：都會有講--都有講嘅。

Q

R

問：有呀？

R

S

答：係。

S

T

問：黃生有咩嘢回應呢？

T

U

答：佢有咩嘢回應呀？

U

V

問：係呀。

V

答：哎吔，總之就好模糊喇，佢都係答得，當時模稜兩可咁。

B

B

C

問：咩嘢話？

C

D

答：好似答得模稜兩可咁樣，總之喇係。

D

E

問：答到模稜兩可咁呀？

E

F

答：係喇。

F

G

問：點樣模稜兩可先？模稜兩可都有個譜㗎？

G

H

主席：即係好似今日你咁呀？

H

I

答：之後佢就話一定係有遞辦。

I

J

問：我知，一定有遞辦，跟住你話佢點解唔話畀你聽，佢模稜兩可，點同你講呀？

J

K

答：點解唔話畀我聽呀？我諗唔到點答你呢個問題。

K

L

問：諗唔到點答我？

L

M

答：因為佢點唔知點同我講，我點--係咪先？我點答啫，係咪先？係咪呀？

M

N

問：咩嘢話？咩嘢話？

N

O

答：因為佢都答到我唔清唔楚，我點同你答啫？係咪先？

O

P

Q

主席：佢係咪冇答過你呀，實際上？係咪實際上有答過你？

Q

R

答：應該就有乜答過我問題。

R

S

主席：應該有乜答過你。

S

T

問：應該冇答，就得，得，得。

T

U

U

V

V

B

B

C

答：係。

C

D

D

主席：咁我哋聽日先至再繼...

E

E

許偉強先生：好。

F

F

G

G

主席：唔係聽日再繼續，下個禮拜一先至再繼續，我哋聽日就係休庭，許先生就麻煩你星期一嘅朝頭早 10 點鐘再返番嚟。

H

H

答：Okay, okay, 好，好。

I

I

主席：星期一，咁而家可以走先嚟喇。

J

J

答：Okay, 唔該晒。

K

K

L

L

主席：等一陣，我又想講番呢個 submission 嗰個問題，上一次我已經講咗我個初步我希望想做嘅交 submission 嘅事，有冇人有任何嘢想講？

M

M

N

N

石先生：剛才就 Mr Pennicott 就同我提出咗一啲佢當事人嘅意見，我諗佢就 prefer 我開聲講，佢就要求就兩樣嘢嘅，第一，就係將昨天主席先生所作出嘅要求，即係話要承建商，而家主要係四大承建商要入嘅陳詞先，就係請羅文錦律師行以信件嘅形式講埋出嚟，就係對乜嘢嘅範疇嘅證供作出邊一類型嘅分析，我相信佢哋都係想白紙黑字，起碼唔係靠所謂謄本，而係有白紙黑字嗰個正式嘅信件，等佢哋可以追隨住去做，呢個係第一個要求。第二個要求就係佢想知道下個星期或者我哋而家嗰個所謂臨時證人時間表就係直至到傳召完何標記同埋水喉匠同埋有兩個 supplier 供應商，跟住就未有隨住而嚟嘅證人嘅時間表嘅，我諗 Mr Pennicott 佢話佢都係代表埋其他嘅承建商就想要求就係知道跟住嘅證人會係邊類型，因為佢哋要所謂調配佢哋嘅人手去準備呢個陳詞，Mr Pennicott 就提出呢兩個要求。

O

O

P

P

Q

Q

R

R

S

S

T

T

主席：處理咗第二個先，第二個議題就問...

U

U

石先生：因為 Mr Pennicott 都係啱啱頭先下晝開庭前，佢就同我講，咁...

V

V

A
B
C
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E
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D
E
F
G
H
I
J
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T
U
V

主席：得，咁你哋呢個喺下個星期一可以答到你。

石先生：係，我諗我哋會聽一聽我哋跟住嗰浸嘅證人會係到邊一類...

主席：就住第一個議題，就基本上我就--如果你要白紙黑字嘅，不過我又唔係好覺得需要，點解要白紙黑字呢？因為我都基本上講咗㗎喇，上一次都。不過再講多次。口頭嘅命令同呢個白紙黑字冇分別嘅，submission，你唔會叫個法官，法官喺個 court 度，「唔該你白紙黑字話畀我聽你要咩嘢」。

MR PENNICOTT: Mr Chairman, if I may -- obviously I wasn't here on Tuesday afternoon when you floated this idea -- I, with the greatest of respect, have read the English transcript and I have formed the view that, with the greatest of respect, it is not precisely clear what it is the Commission is asking the contractors for. That's borne out by the fact that, having discussed it with my learned junior and my solicitors, internally we disagree with precisely what it is the Commission is asking for.

I have also discussed it with Mr McCoy, and he and I can't agree precisely what it is the Commission is asking for. So we just thought, so there's absolute clarity internally, within each of the four contractors, and externally, between the four contractors, that we know precisely what it is that the Commission is after.

We have no problem in principle in providing the interim submissions, but we do think that absolute clarity is required as to what the Commission wants.

主席：我而家再講一次。

Mr Pennicott: On the second point, that's just a logistical question. If...

主席：唔係，我講咗第一樣嘢先，我究竟想要啲乜嘢 submission 先。

MR PENNICOTT: Sure.

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C 主席：我就話要 main contractors 就畀一個 interim 嘅
D submission，呢個 submission 就係包括就係啲 summary of
E evidence，main contractors 嘅 summary of evidence。

F
G 跟住就係第二部分就係 submission 就 by 個 main
H contractors，就有關於 knowledge or lack of knowledge of
I the use of non-lead-free solder。基本上因為你哋話唔知咩
J 嘛，係咪？

K
L 好嘞，跟住就我亦都曾經講過嘅，如果你哋係--應該咁講，我亦
M 都係因為我哋仲有何標記係未聽嘅，不過我而家都可以講畀你哋聽，
N 就係如果你哋個 main contractors 亦都係需要講埋 submission
O by 個 main contractors on 個 knowledge 或者 lack of
P knowledge of the use of non-lead-free solder by the
Q plumbing subcontractors。

R
S In 呢一個 respect，可能你要畀埋一個 summary of 個
T subcontractors 嘅 evidence 嘅，from 個 main contractors
U 個 point of view，okay？

V Mr Pennicott：Yes.

M
N 主席：跟住 subcontractors 我就未講嘅，因為 subcontractors 因
O 為 involve 咗有兩個係 in persons 嘅 subcontractors 喺度，
P 所以我就去到呢一度就截停咗，所以我就話 main contractors 就
Q 要準備呢一方面嘅 submission，而呢一方面嘅 submission 就要
R 喺新年之前個個星期五就係交嚟畀我，不過就 through 我個
S secretaries。我就唔會將個 submission 係喺嗰日就係即時係
T upload 上去我哋個 website 嗰度，因為就我唔想有啲先，有啲後，
U 就大家睇咗大家之後，就點樣樣寫。

V
W 呢個就係淨係講緊呢一個有 knowledge 或者 lack of
X knowledge 呢一方面嘅嘢嘅啫。咁去到所有啲 evidence 完晒之後，
Y main contractors 亦都係可以再有一個 submission 關於其他我
Z 哋呢一度有 touch on 嘅嘢，你就可以--譬如你認為 Housing
Authority、Water Supplies 諸如此類，就喺嗰個 final
submissions 嗰度再講。

MR PENNICOTT：Mr Chairman, it was the first part of that
that I was concerned with. We have no difficulty with
the knowledge point, both from the perspective of the

main contractor's evidence and such evidence as there is from the subcontractors. It was the words which were in the previous transcript on this point, and have been repeated now, and these submissions "include summaries of evidence of the main contractors".

If that means summaries of all the evidence, on all topics, that is not something that certainly my clients believe we can achieve by 5 February. Yes, we can do the knowledge point, but "include summaries of evidence of the main contractors on all topics"...

主席：例如乜嘢？你講唔到，因為你 contractors 已經畀晒你哋嘅 evidence 喇喇嘛。

MR PENNICOTT: No, no, no. So far as China State is concerned, in terms of giving an interim submission on the question of knowledge regarding leaded or unleaded solder, no problem. But if, for example, China State -- we've got all sorts of issues on Kai Ching, not related specifically to the question of knowledge of the main contractors.

主席：咁係關於乜嘢嘢呢？關於 Housing，譬如你講緊係咪譬如你個 main contracts vis-à-vis Housing Authorities 個啲嘢呢？

MR PENNICOTT: Yes, all those types of issues.

主席：你個啲就唔使講住，你遲啲到後來最尾個時候你咪交你個 final submission 咪再講囉。你 vis-à-vis Housing Authority，你 vis-à-vis，我唔知你想講啲咩嘢。或者 water supply 個啲咁樣，你咪後面個一 part 你先至講，你明唔明？我而家就基本上...

MR PENNICOTT: But is what you are asking, with respect, simply on the question of knowledge, or does it go wider than that?

主席：基本上係。我 anticipate main contractors 會講啲乜嘢嘢，喺呢一個所謂 interim submission 個度，就係譬如你話 main contracts between Housing Authority 同埋你、China State Construction impose 啲乜嘢 liabilities 或者 impose 咗啲

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乜嘢 specifications on 你哋，你哋點樣樣 discharge 你哋個 liabilities 或者 responsibilities 或者 specifications，跟住你哋做啲咩嘢，我哋基本上講嚟講去，如果即係我 follow 你哋嘅 line of 你哋個 questioning，基本上就係話「back to back，唔關我事。」跟住就落咗去下面啫，係咪？啱唔啱？即係基本上係咁樣樣。

所以你而家個 interim submission 其實就係 focus 喺我哋 so far 聽到--其實個 majority of 你哋啲 cross-examination 都係喺呢一方面，即係 Housing 嘅，你 so far 問我哋個 deputy director 又好，或者問--其實啲啲你都可以唔使講住，你遲啲先至講，因為我而家最主要就係 knowledge 同埋 lack of knowledge，因為點解呢？因為 Housing 遲啲都可能仲有人要嚟畀口供嘅，Housing 因為我哋知道個個 assistant directors 同埋個個 CBSE，即係喺 2002 年至 05 年 implement 個啲銅喉，copper pipes 個陣時啲啲人都仲要嚟，所以呢方面你係唔使講住。

石先生：或者咁講，我嘅理解，其實就係而家塵埃落定嘅證據同埋即係已經可以叫做告一段落嘅議題就係關於主承建商知道與否係用咗一啲含鉛嘅焊料，仲有好多個火頭其實就係未正式係搵得晒嘅。舉個例，政策上，前瞻有咩嘢可以做或者係與 WSD 同埋 HA 相互嘅責任，邊個應該叫做負重嘅責，呢一類嘅嘢其實仲有好多個--我講得俗啲，就叫好多火頭係未完嘅，啲啲剛才主席先生就話啲啲就唔好做住，但係已經肯定塵埃將會落定嘅就係關於知道與唔知道，係 main contractor，咁所以...

主席：同埋 subcontractor 之間嘅嘢。

石先生：係喇，main contractor 自己知道或者唔知道，佢肯定可以講自己嘅嘢，佢 summarise 自己嘅證供或者其他嘅證供，關於佢自己知唔知，佢亦都要作出陳詞係關於如果佢所謂--又係講得俗啲，去插其他嘅人話「其實你知嚟嘢。」呢個譬如話保華，如果佢話「我要話 Golden Day 其實知嘅。」保華佢就有一槓就話「我哋嘅陳詞係 Golden Day 知嘅，以下係證據，以下係陳詞。」就係咁之嘛。

主席：陳詞。

石先生：「我知唔知」同埋「我話係佢知嘅」，係咁簡單咋，其實即係講嚟講去，就係。

主席：係，就係...

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MR PENNICOTT: I am sure everybody is more clear than I am about what's required, and we can see what's on the transcript. I am still concerned, I have to say, about the words "and the submissions include summaries of evidence of the main contractors". I accept that I am reading from the English transcript -- "and these submissions include summaries of evidence of the main contractors" -- what does that actually mean? Followed by the second part which is the knowledge point. We understand the knowledge point. It's the first point I am concerned about.

主席: Vis-à-vis the knowledge point 囉, 如果你鍾意嘅話, okay?

I

I

MR PENNICOTT: Fine. That's helpful.

J

J

林先生: 主席, 就係關於嗰個 submission on knowledge, 就係淨係 vis-à-vis main contractor 同埋 subcontractor。

K

K

主席: Main contractor, subcontractor。

L

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林先生: 或者我哋同 subcontractor 應唔應該知, 即係我哋嗰個 point of view。

M

M

主席: 係, 係。

N

N

林先生: Summary of evidence 就係所有 summary of 我哋幾個當然係例如瑞安畀佢嘅所有嘅 summary of 佢嘅同事。

O

O

主席: 你 so far 都係講嚟講去, 你都係講咗呢啲之嘛。

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林先生: 係。

Q

Q

主席: 係囉, 咪係囉。

R

R

林先生: 唔係, 我哋其實可以有其他嘅, 係咪 summary of evidence, 淨係關於 knowledge?

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主席: 你可以...

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林先生: 抑或 summarise 晒所有, 因為我哋...

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A 主席：你仲有啲咩嘢--瑞安有啲咩嘢講過啫？

B
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D 林先生：例如我哋嗰個 system、點樣 check、site check 嗰啲都係可以係一個 issue 嚟嘅。

E 主席：嗰啲咪某程度上都係你嘅 knowledge 之嘛，啱唔啱？

F 林先生：當然。

G 主席：咪係囉，係囉，你咪講埋囉。

H 林先生：好。

I 主席：我哋唔需要去到咁 technical 去到要 define 得咁--你鍾意講嘅
J 咪講囉，不過我淨係喺呢個階段我有興趣知嘅就係呢一方面嘅嘢先，
K 遲啲嗰啲大原則、高層次嘅嘢就留番最後你哋先至講，因為我要決定
L 第一個 terms of reference。即係基本上我哋而家聽咗咁耐，就
M 似乎第一個 terms of reference 嘅 evidence 差唔多，如果聽埋
N 何標記、聽埋最多林德森，另外一個水喉匠，就差唔多已經完晒嚟喇
O 嘛，係咪？仲有冇人有問題？

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V MR PENNICOTT: Mr Chairman, on a separate point, which is
the logistical point, I am very reluctant, I have to
say, to say to you today that we can undertake to do
this exercise by 5 February. I certainly hope we can,
and we will, but as Mr Shieh has indicated, we know
broadly speaking what's happening next week, if I can
put it that way. What we don't know is what's
happening in the three weeks after that, leading up
to 5 February.

Each of the main contractors are being asked to do
this exercise, have got to deploy their resources both
here at the hearing and doing the submissions and
speaking to people and analysing evidence, and so forth.
So it would be helpful to know what's happening as soon
as possible. If that indication can be given early
next week, then presumably this can then be resolved
and we can say "yes" or "no" to 5 February or perhaps
ask for a few more days or whatever the position may
be.

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主席：好呀，下個星期一應該冇乜問題㗎喇，我諗星期頭一定講到畀你聽
跟住未來嗰兩至三個星期會有啲乜嘢證人，基本上應該下個禮拜頭可
以講到畀你哋聽。好，唔該晒，我哋星期一見。

2016年1月7日

下午4時44分聆訊押後

Thursday, 7 January 2016

(10.33 am)

(Transcript of simultaneous interpretation

except where otherwise specified)

MS LAM LAI KING (on former oath)

Cross-examination by MR KHAW (continued)

MR KHAW: Ms Lam, yesterday I asked you about your previous work experience. I didn't make myself very clear for one of the parts and I want to clarify that with you.

In the same paragraph of your witness statement, you said you graduated from secondary 5 and you joined Golden Day Engineering Co Ltd in 1988.

When did you graduate from secondary 5?

A. As far as I remember, around 1980.

Q. In your first job, did you work with Mr Yung? According to what your former boss said, you worked there for seven to eight years?

A. It was around five to six years and after that I was on another job before.

Q. So you were on another job before you joined Golden Day; right? So the subsequent job was also related to plumbing?

A. No.

Q. What kind of job was it?

A. I worked in a textiles factory.

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 34	
C	Q. So what was the nature of your job?	C
	A. I was a clerk.	
D	Q. In the final part of the questioning yesterday, apart	D
E	from procurement and documentation, you were also	E
F	involved at times with tendering?	F
	A. Yes, in the past few years.	
G	Q. Are you referring to the past three or four years?	G
	A. Yes.	
H	Q. For Wing Cheong Estate and Tung Wui Estate, for these	H
I	projects, at that time, you were involved in the	I
J	tendering exercise; right?	J
	A. Are you referring to the years or --	
K	Q. The work sites.	K
	A. I'm not sure.	
L	Q. Mr Cheung is the boss of the company and you would	L
M	report to him; right?	M
	A. Yes.	
N	Q. Now, for Mr Yung, would you consider Mr Yung your	N
O	supervisor at work?	O
	A. Yes.	
P	Q. Why would you have such a feeling, that Mr Yung is your	P
Q	supervisor?	Q
	A. His position has always been manager.	
R	Q. Both of you are directors of the company and you would	R
S	sign certain documents. You were both directors but you	S
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would still consider him your supervisor; is that correct?

A. Yes.

Q. In the company's daily operations, whenever he issued instructions, you would follow them; right?

A. Yes.

Q. If he gave you an instruction but you found it problematic, would you discuss with him? Would you feel that you don't necessarily have to follow the order?

A. Yes.

Q. So, in terms of the grade, do you feel that he's of a higher rank than you?

A. Yes, he is of a higher rank and he is more experienced than me.

Q. Your office is located in Wai Ching Street in Jordan. How long had the company been there?

A. Around 20 years. I'm not very sure.

Q. So it's been quite some time. How big is the office?

A. Around 700 to 800 square feet.

Q. And during day-to-day operations, how many staff do you have?

A. Are you referring to the past or the present?

Q. Let's say the last four to five years.

A. Well, people come and go, so we can only talk about rough figures.

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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 34 **B**

C Q. What about during the time of the Wing Cheong Estate project? **C**

D A. So what time are you talking about? **D**

E Q. Around 2011 to 2012. Can you give us a rough figure? **E**

F A. Around five to six. **F**

G Q. So that includes yourself, Ms Mok, Mr Patrick Wong, the three of you. Did you include Mr Yung in that, in the number of staff? **G**

H A. Yes. **H**

I Q. And the owner or the boss. Who else? **I**

J A. Mr Lau. **J**

K Q. What was his position? **K**

L A. Mr Lau and Mr Yung dealt mainly with the sites. **L**

M Q. Was Mr Lau also a project manager? **M**

N A. Apparently no, but he would follow up on certain site works. **N**

O Q. So his nature of work was similar to Mr Yung? **O**

P A. Yes. **P**

Q Q. You said there were five to six staff in the office. So you were one of the staff who could communicate and write in English; right? What about Ms Mok? **Q**

R A. Her English is all right. **R**

S Q. What about Mr Wong? **S**

T A. Yes, he is all right as well. **T**

U Q. So, in terms of correspondence, email correspondence in **U**

V **V**

English, the three of you would be responsible; right?

What about other staff?

A. I'm not very sure for other staff, like Mr Lau.

Q. You said you were involved in the tendering process.

I would like to point you to bundle L1, page 21. Do you

see that this is a declaration from the tenderer and

attention to Paul Y General Contractors Ltd, and this is

for the Wing Cheong Estate project at Sai Chuen Road,

and the works contracted out is the plumbing works. We

have an annex A1, and below that you see the name of the

tenderer, and then we see the chop of Golden Day. The

person in charge of the company, there's a small stamp

with the words "Golden Day" and "Judi Lam", which is

yourself?

A. Yes.

Q. And that was your signature?

A. Right.

Q. And the position was director, and the date was January
2011.

Now let's look at the content of the declaration.

It says -- it proves that the company as subcontractor

clearly understands that the documents listed in the

table below would not be attached to the tendering

document and the subcontract. But those documents would

form part of the tendering documents and subcontract for

this project, and the company/subcontractor have read those documents during the tendering exercise and understand clearly all relevant requirements and provisions.

Do you see that?

A. Yes.

Q. Now let's look at the table, and there are a few tendering documents or contracts, including works progress and plans, specification and requirements, quality assurance and so on. So you signed this document for the Wing Cheong Estate project. You confirmed that you have read all these documents.

So, for Wing Cheong Estate, had you read these contractual documents; for example, specifications and terms of contract?

A. No.

Q. In other words, you had no chance to read these documents?

A. Right.

Q. Did anyone tell you that these documents existed? Did you know that there was a general contract and there were tendering documents? Did you know of the existence of such documents? Well, your company specialises in plumbing subcontracts, so I assume you knew that there was a main contract and subcontracts?

A. If I signed on it, of course I knew that there were such documents.

Q. As director of the company, the document said the subcontractor knows very well the provisions of these documents and they know about the specifications, but what you are saying now is that you didn't know about these but yet you signed on the document. You worked with Golden Day for so many years. Had there been cases in which -- or had there been projects in which you had read any documents on the specifications of plumbing works; for example, the requirements on materials required?

A. I read some of them.

Q. So which are the documents you have read?

A. For the main materials, especially those on the Water Supplies Department's list, I would look at the specifications.

Q. So you are referring to document 346?

A. But honestly speaking, we would only look at private jobs, for the housing jobs.

Over the years, I feel -- I don't know when they would change, so we would just follow our previous practice.

Q. So you referred to private projects. You say there might be a lot of changes?

A. Each consultant -- we don't do a lot of private projects, and when we do take on private projects, over the last couple of years I have looked at them and I discovered they have a set of specifications for private projects.

Q. As you said, in your experience, you don't have a lot of private projects. The majority of your work is related to public housing estates. So we are now talking about housing, and just now we were referring to the Water Supplies Department's list and materials. You might have looked at those documents. But are you aware that regarding public housing estate building projects, the plumbing engineering works, that you are required to submit samples to the Housing Department or Housing Authority for confirmation? Are you aware of this condition?

A. Yes.

Q. So, when you submit the sample for approval, you should be aware that the Housing Authority have some specification requirements regarding the plumbing, regarding the material and components; are you aware of this?

A. Yes.

Q. The Housing Authority or Housing Department, regarding the component and material specifications, have you read

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documents relating to these specifications?

A. Are you referring to all plumbing material?

Q. Yes. That is, Housing Department, they have set some specifications and related documents. Have you read those?

A. Specification documents stipulated by Housing Department?

Q. Just now you said that you are aware that the Housing Department have plumbing material components, they have a set of specifications; you are aware of that. So my question was, the Housing Department, they have some specifications -- you are aware of that -- have you read these documents? Say, for example, the pipe has to have certain standards. Have you read these types of documents?

A. Yes.

Q. When you read these documents, have you read soldering material specifications?

A. I was not aware.

Q. You have never read those?

I would like to show you a document. When Mr Yung gave evidence, I had showed him this as well. It's page 972 of F2.

This relates to Phase 2 of Hung Hom and Ma Hang Park, that project. China State Construction had

provided you with a memorandum, and inside it said you submitted some soldering material samples for approval.

Well, you have been in this business for so long. You worked with Housing Department projects. You are aware that soldering materials need approval; you are aware of this, right?

A. I am not sure whether they need approval, soldering material needs approval.

Q. Well, I would like to show you -- here we have a sample submission approval. Here we have a plumbing works, and there's a box that needs to be checked, and it says it has to be approved by the Housing Department, and then we have a sample submission form. Then in the following page we have the sample submission approval form. At the top of the page it says, "Sample submission and approval form". Have you seen these types of forms?

A. I cannot recall.

Q. You cannot recall at all?

A. Well, even if I did, it wasn't my responsibility.

Q. It doesn't matter. I would like to ask you -- please turn to page 976. The printing quality isn't that good. There are some pictures there. Do you see in the top picture it says "Powerflow flux"; do you see that?

A. Yes.

Q. Have you seen this object in your work?

A. Well, I don't recall seeing this.

Q. Not at all?

A. Not at all.

Q. Then below we have "Lead-free solder FRY". Have you seen a similar object? We have a reel, the real thing here. (Indicating).

A. Well, I have seen this one. When you said previously, when did I see this, and was I aware of what this was -- I didn't know back then, but of course I knew after the incident occurred.

Q. Take a look at this green object (indicating). You say you have seen that. So the incident occurred after July 2015, and you say you have seen this green roll, this solder wire. So before July 2015, do you recall seeing this object?

A. I am not sure.

Q. Well, you have worked in Golden Day, and you have worked on so many Housing Department projects, and you totally cannot recall whether you have seen this before July 2015?

A. It's because they have a lot of these minor metal hardware. They have samples submitted. And I'm not the one responsible so I don't take delivery of these.

Q. So, when the samples are sent to the company, are you present, usually, at the time?

A. Not necessarily.

Q. Sometimes you are there, sometimes you are not. But when the material has been delivered, and you need to process the samples -- we are talking about Prosperity -- they will deliver some samples to your company; right?

A. Yes, sometimes they will deliver directly.

Q. If they delivered to your company, you say that you didn't pay special attention to this material.

I would also like to direct you to page 979. This is a document from Prosperity Building Materials. You have found page 979? It describes the product. We see "Product name".

A. Yes.

Q. It says "FRY lead-free solder wire 99C".

Do you recall seeing these types of documents?

A. I can't recall seeing these.

Q. Then let's move on to page 981. Have you seen these types of pamphlets?

A. I have never seen these.

Q. Over the years you have not seen these?

A. No.

Q. Lastly, I would like to direct you to page 987. This is also from Prosperity Building Materials, and they have a pamphlet regarding solder material. It says "Major

job reference", it says "FRY flux and lead-free solder wire". It lists construction site names. Have you seen these types of documents?

A. I have never seen them but I know they would have these documents.

Q. How would you know they have these documents?

A. Actually, each product, if they have to provide a submission, they would have to provide this type of document, but I have never seen this document.

Q. Have you seen the solder strips, tin strips, and these boxes? (Indicating). It says "50 lead UK tin strip". You have no recollection?

A. No, I have never seen these.

Q. I would like to ask you: in engineering projects, you know there is a sample submission process, so when the samples have been approved, that is the Housing Department has approved them and the main contractor will tell you which samples have been approved, and you can start procuring, then somebody in your company should notify you or liaise with you because you are responsible for procuring? For example, in Wing Cheong Estate, the Housing Department has approved these materials, the samples have been approved, you can go start procuring. Who would notify you of that?

A. If you are referring to special samples, it's Mr Yung.

Q. He would telephone you, or would he tell you face-to-face in the office?

A. Both.

Q. So you have to procure a lot of material for each engineering project? We are talking about dozens of materials that you need to purchase from Prosperity; right?

A. Are you saying that there are dozens of things we need to procure? I cannot be sure how many.

Q. Well, you have worked in the procurement department for very long, so are there more than 20 types?

A. But you are just saying -- you are referring to Prosperity. I'm not sure.

Q. Weren't you in contact with Prosperity?

A. Yes. I don't know how you classify. There are lots and lots of products. Would you call drill bits one type and this another bit? So what do you mean by what category?

Q. Well, let's say soldering material, one type, and pipes and tubes are one category. So if you were to procure from Prosperity, we would have minor metal hardware, we would have copper tubes and pipes, and so on, so there would be quite a lot of material that you have to procure from them; right?

A. If you include minor metal hardware, and so on.

Q. So you say Mr Yung would tell you, "We have some material samples that have been approved", and then you would place orders. How would you place orders? Would you have a checklist that identifies which materials were approved and you can proceed according to the checklist?

A. We would have to refer to the Water Supplies Department form, otherwise we wouldn't be able to submit the material.

CHAIRMAN: It's WWO46? But that form is constantly amended. So, when you submit the form, we are aware you submit one form, but when it comes down to actual work, you might have a new list?

A. As far as I recall, I'm not sure. I feel that regarding our plumbing material, we -- for example, copper tubes, plastic tubes, the valves and so on, our company, once we have submitted, we don't change it a lot. But there are also a lot of projects, sanitary projects, we are not responsible for procuring that, and I know that they keep changing that. But for plumbing, we don't change a lot.

CHAIRMAN: For sanitarywares, you didn't procure them; right? Now we are just focusing on things ordered by your company.

A. As far as I remember, we seldom made amendments.

CHAIRMAN: Apart from those listed on the annex of part 1 of WWO46, apart from those plumbing parts, you had to purchase a number of small fittings as well. Did the Housing Department ever issue any checklist for you to follow?

A. I have not seen anything like that.

MR KHAW: For solder, have you ever been shown any documents instructing you to order such material?

CHAIRMAN: It could be a list or a fax or something like that.

A. No, as far as I remember.

MR KHAW: Now let's look at paragraph 5 of your witness statement. L1, page 150. In paragraph 5, you said -- now, let's look at this together:

"Mr Hui Wang San and Mr Chau See Ming were both site supervisors of Golden Day. Mr Hui was in charge for second phase of Hung Hom Estate and Wing Cheong Estate Phase, he was responsible for the plumbing works and Mr Chau was responsible for the plumbing works of Tung Wui Estate. When the need arises, Mr Hui and Mr Chau would call myself or Ms Mok to tell us the quantities of solder required and the delivery dates."

Now, let's pause here. We are dealing with Hung Hom Estate and Wing Cheong Estate. You received calls from Mr Hui and Mr Chau, telling you the quantities of solder

required and the delivery dates; do you remember that?

A. Yes.

Q. That's what you said in your witness statement?

A. Yes.

Q. When they called you, when they told you that they needed solder, how did they describe the issue? How did they describe the solder? Let's just focus on solder. Did they mention soldering or tin strips?

A. What they said had been different every time. For the same thing or item, they had many ways of calling it. So we merely wrote and issued orders according to what they said.

Q. You said they had many different ways of describing it?

A. Sometimes they call it tin strips, sometimes they call it solder, and sometimes they call it something else.

I felt that they were referring to the same thing. They mentioned solder, tin strips.

Q. You said there were many ways, but you only mentioned two ways, solder and tin strips. What else?

A. Sometimes they called it soldering wires.

Q. Are you sure they called it soldering wires sometimes?

A. Are you referring just to these three work sites?

Q. Yes, let's just focus on these sites.

A. I am not sure.

Q. Now, in paragraph 7 of your witness statement -- let's

look at paragraph (a)(ii). You said:

"According to the instructions of the site supervisors, Mr Hui and Mr Chau, I ordered the quantities of solder required from Prosperity Building. If the site supervisors asked for soldering strips, I would order soldering strips. If the site supervisors asked for soldering wire, I would order soldering wire."

So you made this very clear in your witness statement, that if they asked for wires, you would order wires, and if they asked for strips, you would order strips, but now you say you are not sure whether they mentioned soldering wires. So did they ever mention soldering wires?

A. I think they should have mentioned it.

Q. Can you be more sure; "yes" or "no"?

A. Yes.

Q. If they sometimes refer to soldering strips and sometimes refer to soldering wires, as a staff of the procurement department, these are two different things. You knew that these were two different things?

A. No, I thought they were the same thing.

Q. So that's strange. In your witness statement, you said if they ask for soldering strips, you would order strips; if they ask for tin soldering wires, you would order wires. These are two different things.

A. I thought this is just a difference in name. A lot of parts have different names. A lot of parts have different names but they all refer to the same component or parts. So I just wrote down whatever they said, and after the items were delivered, they did not mention any issues.

Q. You said you didn't know how to make such a distinguishment. Soldering strips are long strips, but wires are wires. As a staff of the procurement department for so many years, now you are telling us that they are the same thing and there's no difference whatsoever; is that what you are saying?

A. Yes.

Q. Now, if they mention soldering strips, let's look at the procurement of soldering strips. How did they describe the quantity? You mentioned quantity. How did they describe the quantity of soldering strips required?

CHAIRMAN: What was the unit of the quantity?

A. The number of boxes. Sometimes they would refer to the number of boxes needed.

MR KHAW: Were there any other ways of describing the quantity?

A. I cannot recall.

Q. Did they ever mention the number of rolls?

A. Probably, yes.

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 34 B

C Q. Did they ever mention the number of pounds? C

D A. Probably, yes. D

E CHAIRMAN: Or the number of bundles? E

F MR KHAW: Or the number of boxes or cartons? F

G A. They would use those descriptions when they order the G

H items. H

I Q. So, from your understanding, how many rolls would there I

J be in a box? J

K A. I'm not sure. K

L Q. So what you mean is, if they refer to the number of L

M rolls, you would relay that to Prosperity; you would not M

N make any distinguishment on how many rolls there would N

O be in one box or carton or so on? O

P A. Yes. P

Q Q. What about soldering wires? If they refer to soldering Q

R wires, what was the unit used? R

S A. It's the same, the number of boxes, the number of S

T cartons. T

U Q. So, whether for soldering strips or wires, they refer to U

V the number of boxes or rolls? V

A. I'm not sure if they ever refer to the number of pounds Q

or weight. R

Q. Now let's look at paragraph 6: R

"After receiving a call from the site supervisors, S

Mr Hui and Mr Chau, myself or Ms Mok would order the T

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 34 B

C items from Prosperity by way of phone calls or purchase orders." C

D Sometimes, you would make phone calls or send D

E purchase orders to Prosperity? E

F A. Yes. F

G Q. So when would you order by phone and when would you G

H order by purchase orders? H

I A. There's no definite answer. Sometimes, when we are I

J busy, we would make calls. J

K Q. So it depends on time; right? K

L A. It depends on the urgency. If it's urgent, then we L

M might make calls. M

N Q. Then you said: N

O "When the site supervisors called to ask for solder, O

P they did not specifically mention that the solder is to P

Q be used for fresh water pipe connections. So, when Q

R I made the order to Prosperity, I did not mention that R

S the solder required would be used to connect fresh water S

T pipes." T

U So, as you know, apart from being used in fresh U

V water pipes, where else can the solder be used then? V

A. I don't know.

Q. You said you had ordered from Prosperity for so many years. Do you think that Prosperity knew that the solder ordered would be used for fresh water pipes?

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 34 B

C A. I'm not sure. I cannot speak on their behalf. C

D Q. Now let's look at the relevant receipts. Let's look at D

E S1, page 84. This is one of your purchase orders. You E

F said in your witness statement that you had read this F

G purchase order. It was prepared by Ms Mok. G

H A. Yes. H

I Q. Now let's look at page 86. This purchase order was also I

J prepared by Ms Mok? J

K A. Yes. K

L Q. Now let's go back to page 84. You said it was prepared L

M by Ms Mok. Now let's look at the bottom-left corner. M

N You see the words "Prepared by"; right? N

O A. Yes. O

P Q. And there's a signature. Was it Ms Mok's signature? P

Q A. Yes. Q

R Q. What about the words above that, the words "Soldering R

S strips"; was it written by her? Was it her writing? S

T A. Yes, I think so. T

U Q. Let's now look at some invoices on pages 82 and 83. We U

V see it says, on page 82 -- it's an invoice from V

R Prosperity. The contact person is Ms Lam, accounting

S department; that's you. And here it says "UK 50 lead

T

U

V

tin strips". Page 83 is also an invoice addressed to your company you are the contact person, and it's also "UK 50 lead tin strip".

So if it was not drafted by Ms Mok, if the POs were drafted by you, how would you describe the soldering material? Let's look at page 84. Let's say if it weren't drafted by Ms Mok -- because it's not Ms Mok's sole responsibility -- if you drafted this PO, how would you describe the soldering material?

A. Well, it would depend on the project manager, what he said on the phone call. We have to write down verbatim what they said.

Q. During the preparation of these purchase orders, were the brand names mentioned?

A. Are you referring to soldering material? As far as I recall, no.

Q. Over the years, none at all; no brand names were mentioned?

A. No, I don't think so.

Q. Let's look at page 98 of the same bundle. You said it was drafted by Ms Mok, that purchase order. It was her signature, her handwriting.

Do you see item 2, "High-temperature tin strips"? So have you heard from Mr Hui, Mr Chau, high-temperature tin strips?

A. Yes, I have heard of that.

Q. Do you think this high-temperature tin strip and tin wire, there is any difference?

A. No, no difference.

Q. So you would write down verbatim what you heard?

A. Yes.

Q. I would like to ask, these documents, in your witness statement you said the goods would be delivered to the construction site. You don't work on the construction site, so when the goods are delivered to the site, you can't see the goods. So, when the goods are delivered, you would receive a document from Prosperity, indicating goods were delivered. They would send you a delivery note to your company?

A. Yes. Well, usually we get a set of documents every month. We get a stack of documents.

Q. Including a delivery note?

A. Including delivery notes, yes.

CHAIRMAN: Does your company keep the construction site delivery notes? So when the goods are sent to the construction site, it's signed, they take delivery -- do they also keep a set of the notes, the documents?

A. No, they don't. Sometimes they bring it back. If they remember to bring it back, they will bring it back. Sometimes they forget, sometimes it's misplaced. So

C usually the invoices are sent to our office.

C

D MR KHAW: So, when you receive a delivery note from

D

D Prosperity, you would take a look; right?

E A. I'd look at the amount.

E

F Q. Are you aware tin strips and tin wire are of a different
F price?

F

G A. Now I'm aware.

G

H Q. Well, at the time, you said you would take a look. You
H would see that tin wire and tin strips are of

H

I a different price?

I

J A. Well, I'm not sure, and every month I wouldn't compare
J the monthly invoices and compare prices.

J

K Q. Well, when you inspected these invoices, were you aware
K that the tin strip and tin wire were of a different
L price? Well, when you look at the invoices, you would
M see tin strips, it is described as "UK 50 tin strip";
N you would see that?

K

L

M

N

O A. Yes.

O

P Q. And you have also come across lead-free tin wire, at
P page 79 of bundle S1; can you see that? It says "UK FRY
Q lead-free tin wire".

P

Q

R If you flip over to page 85, you will see "UK 50
R lead tin strip".

R

S So you'll collect these invoices, you'll take a look
S at them, so you should have seen there is a solder wire

S

T

T

U

U

V

V

called lead-free FRY and there's also a UK 50 lead tin strip. So you have seen these?

A. Usually, I look at the --

CHAIRMAN: Could you speak up, please.

A. Usually, we get these every month, we get a stack every month. It's a large stack and it would include a lot of documents. It contains information I know and information I don't know. There are a lot of categories. They are very complex to be me. So usually I won't look at them one by one. I will just look at how much we have to pay.

CHAIRMAN: So you are saying that previously, regarding tin strips or tin wire, your evidence is that prior to the lead in water incident you were not aware how they described solder strip; is what you are saying?

A. Yes.

CHAIRMAN: You didn't pay attention to that and you never focused on that? You would only look at the amount of money that was outstanding?

A. Yes.

MR KHAW: Just now, you said you received a stack of documents. There might be different materials. So, when the invoices came, was there a total amount indicating how much you had to pay?

A. Yes.

Q. So I would like to ask you: would you flip through those pages, or would you just look at the total amount and pay the outstanding moneys?

A. Well, I would check to see if it really contained all those invoices.

Q. In your response to the chairman, you said you might not have paid notice to product name.

A. What I mean is each invoice, the amount, the product -- I would not look at the product name. I would just look at the total amount, and in the monthly statement, they would state the total amount, and I would check the figures.

Q. Hang on. You said you would look at the total amount and you would be aware how much was outstanding. Then, when you look at the monthly statement, so it would list all the invoices?

A. Yes.

Q. And you would see whether that invoice existed?

A. Yes.

Q. Then you looked at the invoice number, and you would not check the individual amounts?

A. Well, I would look at the invoice, the total amount, and the monthly statement -- the monthly statement is very simple. It just has a date and the invoice number and the invoice amount. I would look at these.

Q. So you said there was a delivery note, an invoice?

A. Yes.

Q. So, if you didn't check the delivery note against the invoice, then you would never know whether they really delivered so many goods. Wouldn't you think it was necessary to check? For example, if they delivered less than what they stated, you wouldn't know?

A. Well, they delivered less, or if it was incorrect or if there were any problems, well, the construction site supervisor would notify me.

Q. Well, as one member of the procurement team, don't you think it was necessary, from an accounting standpoint, that is, when you receive an invoice, you should check against the delivery note to see if they match? That is a basic requirement.

A. Well, at that time, it never crossed my mind.

CHAIRMAN: I would like to ask a question. Regarding soldering material, you are saying the Housing Department would approve soldering material, and there was no email notification, there was no checklist?

A. Mr Yung would notify me.

CHAIRMAN: No document?

A. No, there was no document.

CHAIRMAN: No black and white paper document?

A. I have never seen such documents.

CHAIRMAN: So, when you placed orders, it was just based on the site supervisor, and you would place his order on his behalf. So these invoices, you had not checked against the product name, that is with regard to soldering materials. So, in other words, you have very, very limited knowledge about soldering materials; is that correct?

A. Yes.

CHAIRMAN: Then I have a question. When Mr Yung tells you that you need to indicate something is lead-free, how would you begin?

A. Excuse me, could you repeat the question?

CHAIRMAN: Mr Yung told you to prepare some fraudulent delivery notes, and it had to be lead-free. If you have never seen the stuff and you don't know what stuff is used, how would you begin?

A. Are you referring to the four notes? When those four notes occurred, we already knew of the excess lead in drinking water, and at that time I knew that there was a difference.

CHAIRMAN: But if you don't know the brand name, how would you identify the notes? So you are saying you were just so lucky to find four odd notes and you found notes that said the description of FRY lead-free, and so you did a cut and paste job and attached that?

A. Well, after I identified these notes, and I realised there was a difference, because of the excess lead in water incident, and then I would find the most recent material.

CHAIRMAN: The most recent? When was that? July? Now?

You had already submitted a report in July.

A. At the time, during that time frame, that construction site -- we are now talking about July, so in July we got out the receipts from that construction site, at around that time frame, and I looked at what was relevant, and our recent material was all the FRY solder wire.

CHAIRMAN: So did Mr Yung tell you, "You'd better go check your invoices and find a lead-free one and do a cut and paste", or were you already aware what to do?

A. To be honest, I cannot recall my exact conversation with him, but I remember that what he meant was he wants invoices or receipts of lead-free soldering wire so, "Please come up with them in whatever way. I want these receipts."

CHAIRMAN: In other words, you knew what to do?

A. Yes, I tried to dig up some receipts in July. I looked at the receipts of the projects in July.

CHAIRMAN: We don't have copies of your receipts from July, so I did not know what kind of items you ordered at that time. So what you mean is that in July last year, you

had invoices of FRY lead-free solder, so you used them?

A. Yes.

CHAIRMAN: Please go on.

MR KHAW: Yesterday, Mr Yung said that staff of the company, including Ms Mok and Ms Lam, they knew that FRY was unleaded solder. Do you agree?

A. No.

Q. From the evidence you are giving today, you said you were completely unaware, when you ordered from Prosperity, what brands the products would be, and you didn't know whether they are lead-free?

A. Yes.

Q. Also, you were unaware of the Housing Department's requirements on solder?

A. Yes.

Q. All right. In your witness statement, the most crucial point in page 3, (b) (ii), on Wing Cheong Estate -- I would like to look at that. You just said you cannot recall your conversation with him, but I want to put some questions to you. You said:

"From my memory, after the lead in water incident at Kai Ching Estate and extensive media coverage, at around 16 July 2015, at that time Mr Yung Kwok Choi, project manager of Golden Day, called me multiple times, and he said that on the request of Paul Y General Contractors,

they needed to provide the procurement record for soldering material from Golden Day for Wing Cheong Estate."

Let's pause here. You said it occurred around 16 July last year. So you had this conversation before 16 July, and it took place before 16 July. Did Mr Yung tell you that some people were already investigating the lead in water incident? Did he mention that to you?

A. No, as far as I remember.

CHAIRMAN: Because you knew it already; is that the reason?

A. I knew. I heard it from the news already.

MR KHAW: All right. So you heard it from the news. So, before 16 July, you already heard it from the news. Did you ever discuss this issue with Mr Yung, on the lead in water incident, and did you discuss whether your company might be held liable? Have you ever had such a conversation?

CHAIRMAN: Well, the correct word was "involved" or "involvement".

A. I cannot recall.

MR KHAW: Now, from your memory, your first conversation with Mr Yung on this lead in water incident was on 16 July?

A. I wasn't sure whether it was the first conversation, but he called me that day.

Q. When he called you and told you that Paul Y made an enquiry with him, you knew that; right?

A. Yes.

Q. At that time, was he nervous?

A. Yes.

Q. At that time, did he tell you that he's worried that your company might be involved? Did he say something like that?

A. I don't remember whether he said something like that.

Q. Did he ever tell you that, "Our company might get into problems"? Did he ever say anything like that?

A. I remember that he told me that Paul Y wants some receipts, but I don't remember the exact details of each conversation.

CHAIRMAN: Sorry, let me interrupt. You resigned from the position of director in early July 2015. So, by early July, are you referring to any time before the 16th, in other words after the outbreak of the lead in water incident? So you quit before 16 July; right?

A. I cannot recall the exact date.

CHAIRMAN: It doesn't matter. So you resigned before 16 July; right? Is that correct?

A. Yes, I think.

CHAIRMAN: Your boss, Mr Cheung Tat Yam, he was in mainland China between 16 and 26 July. Was he afraid of the

journalists, or was it just a leisure trip, a personal trip?

A. Yes, he planned for holiday, so it was only a coincidence.

MR KHAW: When he first talked to you, he said Paul Y needs those receipts. Did he mention what kind of receipts required?

A. Records of soldering material for Wing Cheong Estate.

Q. He was very specific; right? Was he referring to the delivery notes or invoices?

A. It was delivery notes. Or maybe he referred to either delivery notes or invoices.

Q. Yesterday, you said those records would be disposed of after auditing, and he asked for delivery notes. So, at that time, were you worried that those might be disposed already? Did you tell Mr Yung?

A. Yes, I did.

Q. What was his reaction?

A. He said, "Try your best. Can you come up with some -- can you dig out some miscellaneous notes? Can you try your best to find them?"

Q. He said Paul Y needs to see those records and he asked you to find those delivery notes. Were you nervous at that time? Were you afraid?

A. Yes, I guess.

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

B Commission of Inquiry into Day 34 **B**
Excess Lead Found in Drinking Water

C Q. So what were you afraid of? Were you worried that you **C**
might have made mistakes?

D A. I was worried whether the company would get into issues **D**
now, and at that time I was worried if our company might
E be involved. **E**

F Q. All right. After that? **F**

G A. After inspecting the company's records, I only **G**
discovered miscellaneous receipts.

H Q. Now, you mentioned the inspection of company records. **H**
I Where did you make the inspections? **I**

J A. I dug up our files, our cabinets. **J**

K Q. So you returned to the office immediately after **K**
receiving the call? **K**

L A. Yes. **L**

M Q. So you dug out all these receipts; right? Would you **M**
store such records in your computer? **M**

N A. Those were all hard copies. **N**

O Q. Those were all filed; right? **O**

P A. Yes. **P**

Q Q. You said you only discovered miscellaneous records. How **P**
many of them did you find out? **Q**

R A. Around ten or so. **Q**

S Q. Were they all related to Wing Cheong Estate? **R**

T A. No. **S**

U Q. Why did you dig out receipts related to Wing Cheong **T**
U

V **V**

Estate?

A. I dug up some records. For miscellaneous records, we usually store them in trays. They wouldn't be used for payment. So we would just store them in trays and dispose of them from time to time.

Q. I understand. Mr Yung gave you a special instruction to dig up the purchase records of solder for Wing Cheong Estate. So, as you dug up the records, you specifically looked for receipts on Wing Cheong Estate. So why did you dig up records not related to Wing Cheong Estate?

A. I didn't do that on purpose, but I just found that there were 10 or 20 such receipts in our trays.

Q. Apart from the four for Wing Cheong Estate -- only four of them were on Wing Cheong Estate; right?

A. Yes, as far as solder is concerned.

Q. And you felt that other records were relevant, so you found them irrelevant, but you found ten or so?

A. Right.

CHAIRMAN: Were they all on Wing Cheong Estate but on other fittings or items, or were they on other estates?

A. I didn't pay attention. So he asked me to dig up receipts for solder, so I found those -- I dug out those four receipts for solder.

CHAIRMAN: All right.

MR KHAW: Now, the Wing Cheong Estate was quite a few years

back. You said the normal practice of your company was that you would dispose of those receipts after the audit. How would you manage to still dig out those receipts?

A. The records I found were not complete sets. They were returned from sites, from miscellaneous records returned from the sites from time to time, and somehow they were not disposed of; they were located in our trays, those document trays. We would file those --

Q. Does it look like an in-tray or an out-tray?

A. Yes.

Q. Usually, trays are used to store up-to-date documents.

You normally don't store very old documents in trays.

Why was that?

A. I didn't know the reason. They weren't disposed of, somehow.

Q. You found those records and you confirmed that those four records were on soldering material for Wing Cheong Estate. Those were delivery notes?

A. Right.

Q. Did all these delivery notes mention WL50D?

A. They only carried the words "soldering strips".

Q. Let's go back one line. It says it shows that the solder delivered to the sites were soldering strips. Well, you didn't know the differences between soldering

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C strips and wires. And you said: C

D "After that, I called Mr Yung and told him that D

E I only found four delivery notes from Prosperity for E

F delivery to the site, and I asked him whether they were F

G appropriate." G

H So you called him, you told him the situation. H

I A. So I only found four notes. I

J CHAIRMAN: What time was it; do you remember? J

K A. No, I cannot recall. K

L MR KHAW: After that, you said -- L

M CHAIRMAN: So you don't remember; right? M

N A. That's right. N

O MR KHAW: Do you remember whether it was in the morning or O

P at night? P

Q A. No, I don't remember. Q

R Q. Then you said: R

S "Mr Yung requested for delivery notes that can show S

T that Prosperity delivered lead-free solder to the T

U Wing Cheong Estate site." U

V So that's what you wrote. Did Mr Yung mention the V

words "lead-free soldering wires"? V

Q. It is specific, yes, as I remember. Q

R. Then you said: R

S "He hinted that if there are no relevant delivery S

T notes, I should know what to do, and I should have ways T

U

V

to conjure up some delivery notes with the words
'lead-free soldering wires'."

So now I have a few questions for you. What do you
mean by "hinted"? You said, "He hinted if there are no
relevant delivery notes, I should have known what to
do." How did he make such hints?

A. That's what he said. He said, "You should know what to
do." I cannot recall what he said exactly, and I didn't
want to be unfair to him.

Q. (Chinese spoken) --

CHAIRMAN: Hang on. Let the witness finish.

Please continue.

A. I cannot be sure whether he really said that he should
produce these documents.

COMMISSIONER LAI: As far as you recall at the time, what
did he say?

A. I recall he said he wanted lead-free solder notes, and
if not, then "you should think of a solution, you should
come up with a solution".

COMMISSIONER LAI: MsLam, could we put it this way? You
told him that you've just found tin strip, and he told
you, "That is not sufficient, tin strip is not
appropriate"; he wanted lead-free tin wire. You told
him that there were four delivery notes from Prosperity
indicating they had delivered tin strips. He said,

"That's not appropriate", he wanted lead-free tin wire.

A. Well, whether he said tin strip is not appropriate, I'm not sure whether he said those words.

COMMISSIONER LAI: But you told him what the delivery note said and he said that he wanted the delivery note indicating that lead-free solder wire was delivered, and therefore you produced some lead-free tin wire notes. So he clearly knew the difference between tin strips and lead-free tin wire. He told you that one was not appropriate, and you told him there was tin strip, and he said, "No, I want lead-free tin wire". Then you came up with the lead-free tin wire notes for him.

A. Yes.

MR KHAW: Did he explain to you why he needed notes that indicated lead-free tin wire?

A. No, he didn't explain.

Q. Your statement says you can't tell the difference between tin wire and tin strip and you weren't aware that there was lead-free, and you said that he told you to produce lead-free tin wire, and your reaction was, "What's the difference? Why do you require lead-free tin wire"?

A. Well, I was aware of the matter by 16 July.

CHAIRMAN: You knew that it had to be lead-free?

A. Yes, because the news had announced that.

MR KHAW: You were aware.

CHAIRMAN: But did you ask, "What was wrong with our previous one, our 50WL", did you ask him, "In our previous WL50D, what was the problem with that"?

A. No.

CHAIRMAN: Because you said you found notes regarding tin strips, and we now know that the tin strips are the WL50 tin strips from Prosperity, Prosperity's delivery note.

A. I think I seem to recall tin strip. I can't be sure.

MR KHAW: So, prior to 16 July, we know that we had to use lead-free material.

A. Could you repeat your question?

Q. Just now, when you answered the question, prior to 16 July, you were aware that lead-free material had to be used. That's what you just said.

A. Yes.

Q. So, prior to 16 July, were you aware that excess lead in water incident, it was related to soldering material? You knew there was excess lead in water but did you know it was --

CHAIRMAN: Between early July until 16 July?

A. I think by mid-July it was already announced.

MR KHAW: So your delivery notes indicate WL50 tin strips. You don't know whether it has lead or if it's lead-free. Did you ask Mr Yung, "What's the difference between tin

strips and tin wire?"

A. So are you saying after I was aware?

Q. No, you have been saying you were not aware of the difference between tin wire and tin strips and the difference between leaded and lead-free, and now you have found four delivery notes that say WL50 tin strips. It doesn't say whether it's lead-free or not. So to you, you don't know what the difference is, it's just tin strips.

So did you ask Mr Yung, "What's the problem with the WL50 tin strip"?

A. I seem to recall the news saying something.

Q. What did they say?

A. They said it was tin strip, it was a problem with the tin strip.

Q. So, if there was a problem with the tin strip, then were you aware that the tin strip contained lead?

A. I seem to recall the news saying something like that.

Q. You are not sure? I have the same --

CHAIRMAN: This WL50 tin strip, it's only when the Commission was convened that it was being announced in the press. Previously, nobody heard of WL50.

A. I'm not sure if I remember correctly the dates, and so on. I recall that using that -- there was a problem with the soldering material. Some had lead and they

might have used the wrong soldering material. I seem to recall that being announced in the news, and solder strips had lead.

CHAIRMAN: Please continue.

MR KHAW: So that means, at the time, when you saw the words "WL50 flat tin strip", you felt there was a problem, on 16 July?

A. Yes.

Q. Then you said he said, "You should know what to do, come up with some solution to get some delivery notes that say 'lead-free tin wire'."

Well, you gave evidence that he said something along those lines, but you cannot recall the exact wording. But, at the time, did you have a clear understanding that his intention was for you to produce fraudulent documents?

A. Well, I felt that he meant you should try to find these documents as best as you can, and if not then produce it.

Q. Please make yourself clear. He told you to look as hard as you can for lead-free tin wire delivery notes, or did you understand that he was asking you to produce false documents, even if the documents don't exist?

A. Yes.

Q. So, at the time, did you think that this request was

over the top, it was improper?

A. A little bit.

Q. A little bit?

A. A little bit.

Q. Just a little bit? We are talking about false

documents. You have been in the company for so long.

Would you think that that was an excessive request?

A. Yes. Yes.

Q. Well, if it was excessive, did you tell Mr Yung, "Please

don't, that's not proper"? Did you mention that? Did

you deny his request? "Was it necessary to do so?"

A. I seem to recall offering some protest. "Please do not

ask me to do this"; I think I should have, I might have.

Q. Then how did he respond? How did he persuade you?

A. I think he said, "I have to submit this, I have to submit this by tomorrow. It's urgent. It's just for record purposes", and so on.

Q. Did you consider that if you took that course of action, there would be criminal liability?

A. I never thought of it. I wouldn't.

Q. Just a request on behalf of Paul Y, and you were willing to put yourself at such liability, on just one request?

A. He made a few phone calls.

Q. So over a few phone calls?

A. He said he was being pressed by Paul Y.

Q. Did you suggest to him, "Let's ask the boss first, let's ask Mr Cheung first"?

A. I thought about it, but I can't remember whether we had that discussion. I was aware that Mr Cheung was not in Hong Kong and we couldn't reach him by phone.

CHAIRMAN: I don't understand why, when you called him on the mainland, you couldn't get through?

A. I think he was on a cruise trip; he might have switched off his phone.

CHAIRMAN: If you just go back to the mainland, you should be able to reach him by phone?

A. He was on a vessel, on a cruise trip.

CHAIRMAN: He went back to the mainland by boat? You should still be able to get reception on the mainland.

So, during those ten days, you couldn't get a hold of Mr Cheung? From the 16th to the 26th, he was on the mainland?

A. I had no reason to contact him.

CHAIRMAN: Regardless, you just weren't able to get in touch with him?

A. I can't recall when he came back to Hong Kong. He came back rather late. When he came back to Hong Kong, he did give me a phone call.

MR KHAW: He was on the mainland for many days. There might be many reasons for that.

So, when he came back to Hong Kong, did he tell him,
"We were looking for you and we couldn't get a hold of
you"?

A. No.

Q. At the time, I just asked you, did you consult with
Mr Yung and say, "We should ask the boss"?

Did you think about contacting the boss yourself?
Did you do so? Did you take those actions?

A. Are you saying did I say those things?

Q. You said you understand that Mr Yung asked you to make
a fraudulent document and you understood the serious
consequences, and you had declined, you refused, and he
asked you to help out. Did you yourself consider
consulting your boss, so you should not promise Mr Yung?

A. I didn't think about that.

Q. So that means you and Mr Yung, your relationship was so
good that over the course of two or three phone calls,
you were willing to undertake action that could have
been a breach of the law?

A. Well, it was urgent, and I didn't consider my actions
thoroughly.

Q. And you were willing to do so at the time. Did you have
a guilty conscience at the time, that you did something
wrong, you needed to rectify your mistakes? Had you
considered that?

A. You're saying I had made a mistake?

Q. Mr Yung said that the delivery notes were inappropriate, you needed to produce lead-free tin wire, and you understood that he wanted you to make a false document. So if you agreed to make a false document, in your mind did you ever consider that when you placed these procurement orders, you might have placed the wrong order? Did that ever cross your mind?

A. I'm not sure what I was thinking at that time. I didn't know what to do.

Q. So, at any rate, Mr Yung instructed you and you complied?

A. Yes.

Q. You knew that you should have ordered lead-free soldering wire, but at the end, it was found out that the other model was WF50D, so was it a mistake on your part and that's why you were willing to come up with these fake records?

A. I didn't think about that.

Q. For those, how long did it take you to create those four fake notes?

A. Are you referring to the time spent on preparing these notes?

CHAIRMAN: I want to know how you prepared these four notes, fake notes.

C A. I had the original delivery notes.

C

CHAIRMAN: Was it a delivery note or invoice?

D A. It was a delivery note. So we have delivery notes from
E the site. Then we came up with delivery notes for
F lead-free solder and we used photocopying and copy and
paste and so on.

D

E

F

G CHAIRMAN: Did you use scissors to cut them out before
H photocopying them and stick them -- how did you do it?

G

H

A. Something like that.

I CHAIRMAN: You did it yourself. I didn't do it so I don't
J know how you did it.

I

J

A. Yes, it's by photocopying and cut and paste.

K CHAIRMAN: So it wasn't done with a computer, right, the
L copying and pasting?

K

L

A. No.

M CHAIRMAN: So you cut out some parts and photocopied them
N and pasted them; is that what happened?

M

N

A. Yes.

O CHAIRMAN: You said you took a delivery note from
P Prosperity, and then you found another delivery note
Q with FRY lead-free solder. It's another delivery note.
R And then you cut out the words "FRY lead-free solder"
and then stuck it onto another document; is that right?

O

P

Q

R

A. Yes.

S CHAIRMAN: But it doesn't seem that way to me. Can you
T

S

T

U

U

V

V

think about it? I don't know how you did it. First of all, delivery notes by Prosperity, the words "delivery notes" were different from the words "delivery notes" on your form. The fonts seem different.

MR KHAW: When you look at G2, page 1195, if you compare the delivery notes for Wing Cheong Estate, S1, page 220 -- let's compare both documents.

On page 1195, let's look at this delivery note. The first word on the Chinese, "Sung", is different from the font of the character "Sung" on page 220.

Do you see that?

A. Yes.

Q. Now, on the bottom-right corner of the words "Delivery note", that's the delivery note number. On 1195, the Chinese character "Sung", is different from the font of "Sung" on page 220. Do you see that?

A. Yes, I see that.

CHAIRMAN: On the bottom-right corner?

MR KHAW: It's the words "Sung fo dan", the smaller character of "Sung".

For these three characters, "Sung fo dan", which is the heading, on page 1195, the font size is obviously very different from that on page 220. Do you see that?

A. Yes.

Q. Now, on one page you see the words "Delivery note

number" and on the others it says "Delivery number";
there's no Chinese character "dan". Do you see that?

A. Yes.

Q. So you said you did your cutting and pasting -- how did
you do it?

CHAIRMAN: Now, for the real delivery notes from Prosperity,
there's a line -- there's a divider between the items,
but in your version, there are no dividers. Do you see
the differences?

A. Yes.

CHAIRMAN: So, if you did the altering, you should have
known?

A. Maybe I was in a loss at that time, so ...

CHAIRMAN: Let's take a 20-minute break.

(12.08 pm)

(A short adjournment)

(12.31 pm)

MR KHAW: Ms Lam, before the break, we took you through some
documents. Myself and the chairman asked you some
questions. We asked how you created those four records
or notes. Can you explain that to us, please.

A. I guess I took the headings of the original notes and
the rest was typed out on a computer. After that, they
were pasted back into the letterhead.

Q. Hold on a second. You said the letterhead was the

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C letterhead of the original delivery note for WL50. Then C

D what did you do? D

E A. I used a computer. E

F Q. You used a computer to type out the item names? F

G A. I took reference from another note. G

H Q. Yes, the note you dug out. H

I For WL50D soldering strip, you changed that into I

J lead-free UK solder. How did you align the positions of J

K those items? How did you align the item descriptions so K

L perfectly so it didn't look like it had been altered? L

M A. I had the original notes. There were four notes, so M

N I just typed it up based on the original. N

O Q. You said you typed it up on a computer. So was there O

P a setting on your computer or a template on your P

Q computer for this delivery note -- so how did you type Q

R it up? R

S A. I just aligned the same positions on the computer S

T program and that's what it looked like after printing it T

U out. U

V Q. You used the letterhead of the original delivery note, V

and you masked the original content, and you said you

had a template or letterhead, with just the word

"letterhead"?

A. No, the letterhead just contained the logo of Prosperity

Building, without anything else.

Q. So anything underneath the words "Delivery note" were typed up by yourself; are you sure?

A. Yes.

Q. You swore that what you said was real. Was it done by yourself? You personally created those four delivery notes; are you sure?

A. Yes.

Q. You said you used Prosperity Building Materials' delivery note as a letterhead, and you masked everything else, and then you printed an empty template; "yes" or "no"?

A. Yes.

Q. Then you used a computer to come up with the right formatting; you typed out the rest. So why were there differences? One version you have "Delivery note number", and the other version, "Delivery number"; why is there such a difference?

A. You mean when compared with the original version? It was just negligence on my part because I was in a hurry. Maybe it was my negligence.

Q. Did you do the same for all four delivery notes?

A. Yes.

Q. What about the signature?

A. I cut out that part from the original and then I photocopied it and then I pasted it in.

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C Q. I don't understand. C

D A. I had the original note. It carried a signature. I cut D
out the part of the signature and then pasted it.

E Q. You cut out that bit. So, in other words, the part E
starting from "the receiving client"?

F A. No, I just cut out the part of the signature. F

G Q. Does it include the parts with the line -- underneath G
the line "signature and chop", did you cut out those

H words as well? H

I A. I only cut it just before the line of the signature. So I I
just cut out the part right until the line. But the

J signature crosses the line, so I added something myself. J

K Q. So you manually added some lines or something; is that K
what happened?

L A. Yes. L

M Q. At that time, did you check if your computer contains M
any records of these delivery notes?

N A. I don't understand. Can you repeat, please? N

O Q. At that time, as you dug up these delivery notes, and O
before you created these notes, did you check your

P company's computers for soft copies of these delivery P
notes? Did you check your company's archives, computer

Q archives? Did you check whether the archives contained Q
such delivery notes?

R A. Are you referring to delivery notes by Prosperity? No. R

S

T

U

V

Q. Did you ever check or you checked them but you didn't find anything?

A. I did not find it, I did not try to find it, and I believe that there wouldn't be any records.

Q. Afterwards, you passed them on to Mr Yung.

If we look at page 3 of your witness statement,

(b) (ii):

"I came up with some four delivery notes and I made alterations based on the original notes. I changed 'soldering strips' into 'lead-free soldering wire', and I called Mr Yung to confirm the content of the altered delivery notes."

Then you called him; right?

A. Yes.

Q. My question is, you said you called Mr Yung to confirm the content of the altered delivery notes, so when you called him, how did he confirm the content of the altered notes?

A. I said I changed it to lead-free soldering wire and I told him the quantity, and I asked if that's correct.

Q. How did you know what quantity to type or the number of rolls? How did you know what the right quantity was?

A. I just guessed it myself.

Q. How did you guess it?

A. Usually, it's 100 rolls or so.

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C Q. Before you guessed the quantity, did you ask Mr Yung what quantity to put? **C**

D A. Probably, yes. **D**

E Q. So, in your earlier phone conversation, you asked him the number of rolls you should put down? **E**

F A. Yes. **F**

G Q. After that, you told him what you did over the phone? **G**

H A. Yes. **H**

I Q. So, over the phone, you told him that you changed the item to lead-free soldering wire, "Is that okay"? **I**

J A. Yes. **J**

K Q. After that, what did you do with those documents? **K**

L A. After that, I probably asked him to come back to collect them, when he has time. **L**

M Q. Yesterday, we looked at a WhatsApp record submitted by Mr Yung. Let's look at that. Here, the date is 17 July **M**

N 2015. The time is 11:09 am, and it says, "It's ready. **N**

O Are you going to come back to collect it?" Do you see that? **O**

P A. Yes. **P**

Q Q. Did you send those messages? **Q**

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

S Q. If you sent these messages, so it means you spent at least one night to create those four delivery notes? **S**

T A. I don't remember the dates or the time it took. **T**

U

V

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C Q. What about the approximate time you took? **C**

A. A matter of hours.

D Q. Where did you do it? **D**

A. In the office.

E Q. At that time, was anyone else present? **E**

F A. No. **F**

G Q. What time was it? **G**

A. At night, near the close of business.

H Q. Why is it so hard for you to recall such things? You **H**

I created fake documents. I guess you didn't do that very **I**

J often; right? **J**

A. No, of course not.

K Q. You have been with this company for almost 13 years and **K**

L it was the first time you created fake documents. Was **L**

it the first time you created those?

M A. Yes. **M**

N Q. You cannot even remember whether you did it in the **N**

morning or at night?

O A. Probably near the close of business. **O**

P Q. So what time was it? **P**

A. 5 or 6 pm.

Q Q. So, if it's near close of business, was anyone else **Q**

R present? **R**

A. Some people were working outside, and Mr Cheung and

S Ms Mok were on holiday. I don't remember if Mr Wong was **S**

T **T**

U **U**

V **V**

C in the office. Mr Lau and others probably weren't here.

C

D There were a lot of incidents at that time, so they had

D

E to work outside.

F Q. So by that time you had resigned already?

F

G A. You mean resigned from the post of director?

H Q. Yes, but you were still working in the company?

H

I A. Yes.

I

J Q. You said Mr Wong might have been there?

J

K A. Yes, he might be here, but I don't remember.

L Q. What about the process of creating those four delivery

L

M notes; Mr Yung wasn't present during the whole time?

M

N A. No, he wasn't.

O Q. You told him that it's ready and you asked him to

O

P collect it. Where did you place those documents?

P

Q A. I probably put them on his table.

R Q. You merely placed them on the table, or you put them in

R

S a folder, or what?

S

T A. As I remember, I just put them on his table.

U Q. So you just put those four notes on his table?

U

V A. It's more than that. I don't remember if it happened on

V

the same day, but he probably asked us to photocopy some

plumbing documents. There are a lot of documents, not

just these four notes.

Q. From the time you put them on his table to the moment he

Q

took them away, had you seen Mr Yung?

R

T

T

U

U

V

V

A. No, as far as I remember.

Q. Were you at work on 17 July? Were you at the office?

A. Yes, I was.

Q. But you do not recall seeing him in the office that day?

A. I don't think so, because I recall he wasn't coming back to the office during that period. He was always attending meetings.

Q. So, after producing these fraudulent notes, were you scared?

A. Yes.

Q. You would be, normally. So, before you produced these documents, you said you couldn't get in touch with the boss, you said he was on vacation. So, after producing the document, did you consider discussing this with Mr Cheung, because you are scared, you should notify your boss -- did you consider contacting Mr Cheung?

A. Yes, I did think about it, but I just couldn't pluck up the courage to confront him.

Q. You couldn't pluck up the courage to confront him? So you produced these notes, so in your own mind you were trying to help the company. You didn't want them to be involved in the excess lead in water incident?

A. Yes.

Q. So notifying your boss, even though it might be something stupid, you wanted to help the company, it was

in the company's assistance, and you said you didn't want to notify your boss?

A. Well, he had just turned from vacation and he had to deal with all the matters, affairs before he went on vacation.

Q. Please continue, yes.

A. So I could just see that his morale, his spirit and everything -- he was depressed. So I had thought about it but honestly speaking, I didn't bring it up with him.

Q. So Mr Cheung, did he discuss the investigation of the lead in water incident -- he was under pressure -- did he tell you what he had done during the course of the investigation?

A. Well, Mr Cheung every day would come back to work and say he would have to go attend meetings, and I saw that he was reticent, he was quiet; he would hole himself up in his room, in his office.

Q. Mr Cheung would go to the Housing Department and also have to attend meetings with the main contractor. So, when he came back, did he mention, "What soldering material did we use?" Did he ask, because you were aware that a problem arose from the soldering material -- so what did he say to you? What did he ask you?

A. He asked, "Did we purchase the wrong material, or what

C happened?" He asked all sorts of questions.

C

Q. He asked you. Did he ask Ms Mok?

D

D

A. Yes.

E

E

Q. Mr Wong?

A. I think so.

F

F

Q. Did he ask Mr Yung?

G

G

A. I don't know.

H

H

Q. So he asked, "Did you place the wrong order?" Then how did you respond?

I

I

A. As I said just now, I said I didn't know. I said

J

J

I placed the order as they told me verbatim, so I'm not sure.

K

K

Q. So, at the time, Mr Cheung was aware that you had placed an order for WL50 flat tin strips?

L

L

A. Well, I don't think he was sure.

M

M

Q. Then how would he know you placed the wrong order?

N

N

A. Because we had a water testing report indicating that something was wrong, and he was thinking, if it wasn't our staff, then was it possible that other staff were creating the problem as the news had said, could it be such and such and whatnot, then we were not sure.

O

O

P

P

Q

Q

Q. So he said that maybe the material you procured had a problem, so he mentioned that possibility; right?

R

R

A. Yes.

S

S

Q. So perhaps your procurement order was problematic. Did

T

T

U

U

V

V

C he focus on soldering material?

C

A. Yes, he did mention that.

D Q. So, at the time, you were aware you placed an order for

D

E WL50 flat tin strips, and you thought it was a mistake.

E

F So did you tell the boss, "Yes, we did order WL50 flat

F

F tin strip, maybe it is not the right material"?

G A. Yes.

G

H Q. Did you tell him that?

H

H A. Yes.

I Q. So, in other words, you knew you had placed the wrong

I

J material order?

J

J A. Yes.

K Q. And what was his response?

K

L A. He was surprised; "Why did you order that?" Then we

L

M said we don't know; we were just following the

M

M instructions of the site supervisor, and now, in

N hindsight, after the incident was exposed, we have found

N

O that maybe some material was incorrect.

O Q. Well, did he berate you? Did he scold you?

O

P A. A couple of words. Well, he didn't blame us or scold

P

Q us. He just said, "Why? What happened? Why did you do
that?"

Q

R Q. So, when you told him, did he question the staff one by

R

S one, "How did you procure the order?" Did he follow up?

S

T A. He had asked me and I gave the same response: I just

T

U

U

V

V

placed the order verbatim, as the site supervisor instructed.

Q. Did he say, "Don't you know that you should use lead-free solder?" Did he say that?

A. He did not.

Q. So, in his conversation with you, did he ever mention lead-free solder material? That, "You have to procure lead-free soldering material; why didn't you do that?"

A. You are referring to his final conversation?

Q. No, that's what I have been asking all along. Ever since he came back from his vacation, you said he was exhausted, he was under investigation, he was aware that the procurement order was wrong, you had told him you knew you placed the wrong order. So, in these conversations, did he mention that you had to order lead-free solder or did he ever mention lead-free soldering material, these words, lead-free solder, or lead-free soldering material?

A. I'm not sure.

Q. Well, did he ever mention "lead-free"?

A. I think he did.

Q. So, at the time, your boss would be very concerned that you placed the wrong order, he was very anxious, and you never thought that you should notify him that you found four delivery notes, and you and Mr Yung had

a conversation to produce those four notes? Did it ever cross your mind that you should raise that?

A. I thought about it, but I did not raise that issue.

Q. So your boss, Mr Cheung, did he ask you, "What documents have you identified or found that indicate what solder material we procured?"

A. He asked me, "Do we still have any documents, procurement documents?"

Q. How did you respond?

A. At the time, we didn't have any more notes, delivery notes.

Q. So, referring to your witness statement on page 3, the last three sentences:

"But at the time I did not know the reason why Paul Y asked for these documents."

That is incorrect. You had submitted some fake documents -- you placed the fake documents on Mr Yung's desk, and you didn't know what the reason was -- what the reason or the use of these documents were for?

Well, you produced these four and you still didn't know why Paul Y had asked for these and the use of these documents?

A. I only knew that Paul Y asked for this. He didn't tell me what Paul Y wanted to use them for.

Q. Well, you knew that it was for the excess lead in water

incident. You have told us very clearly just now;
am I right?

A. I didn't know who he was going to submit it to and for
what purpose.

Q. Excuse me, Ms Lam. That's not what it says. Please
read carefully. It does not say who you are handing the
documents to. It says:

"But I did not know at the time what was the reason
and the use of these documents."

It was after the excess lead in water incident?

A. Well, if you say it was because of the lead in water
incident, I course I knew it was because of the lead in
water.

Q. So this is incorrect?

A. But the use of these documents, I don't know what they
wanted to use them for.

Q. And there was an investigation regarding the solder
material?

A. He told me it was just for archival record purposes. It
is not what you're saying. It is not that were
identified, were guilty and needed to produce evidence.
I was just worried. I was worried.

Q. You were worried because Paul Y was conducting
an investigation?

A. I only knew that they asked Mr Yung to attend a meeting.

Q. Then you say:

"I subsequently discarded the other odd documents
and notes."

So you made the decision to discard the documents.
So before discarding did you discuss with Mr Yung
whether you should discard the documents?

A. No.

Q. That was bold of you. You knew that there was an excess
lead in water investigation and you still wanted to
discard the documents? You single-handedly made that
decision to discard documents?

A. Well, I thought we had already submitted stuff to Paul Y
and we could discard it.

Q. That's not logical, Ms Lam. You were considering
submitting -- you knew these documents were fraudulent,
you had produced a fraudulent delivery note, and you
didn't need to notify Mr Yung, you didn't notify the
boss, and you discarded the rest? You are acting like
if you were the boss.

A. Well, I was scared. I didn't know what to do, so
I discarded this stuff.

Q. So, after discarding the material, did you notify
Mr Yung that you discarded the material?

A. He didn't ask.

Q. Did you notify him?

A. I can't remember. I'm not sure.

Q. So the first time you recall a discussion with your boss, Mr Cheung, that you have produced four false delivery notes, when did that occur?

A. It was around December.

Q. That is very recently. Did you raise it to him or were you asked by Mr Cheung?

A. As I remember, he told me first.

Q. Was it by phone or face-to-face?

A. It was face-to-face, in the office.

Q. How did he first put this problem or question to you?

A. As I remember, he told me that the lawyer told him that some documents of Paul Y include these four delivery notes, and they said we provided these four notes. At that time, he said he wasn't present, so he asked us why these four delivery notes would be passed on to Paul Y.

Q. What was your answer?

A. I told him that I need some time to think.

Q. So didn't give him an answer immediately?

A. Right.

Q. So how long did it take you before you got back to him?

A. It was a few days.

Q. Why didn't you answer him immediately?

A. At that time, I heard about the incident or issue, I was at a loss, I was frightened; I didn't know whether

I should tell him. I thought if I told him, he might suffer, so I was at a loss. So I wanted some time to think.

Q. From the time he asked you the question to the time you made a decision, did you discuss it with anyone else?

Did you discuss the matter with anyone?

A. No, no one.

Q. So did you ever discuss these four delivery notes with anybody during that time?

A. I probably did discuss with the lawyer, but I'm not very sure of the time.

Q. The last question before the lunch break. After creating these four fake notes, before the boss asked you about this, apart from Mr Yung, had you ever told anyone else about this?

A. No.

CHAIRMAN: Now let's take a lunch break and we will continue at 2.30.

(1.03 pm)

(The luncheon adjournment)

(2.32 pm)

MR KHAW: Ms Lam, before the lunch break, I asked you about the four fake delivery notes you created. From the time you created those notes to the time when Mr Cheung told you about these fake notes, in between these events, you

never told anyone else about those fake notes; right?

A. Yes.

Q. Apart from Mr Yung?

A. Yes.

Q. Now let's not talk about those four fake notes for now. For the four actual delivery notes for the WL50D soldering strips, after you found those notes, did you tell any of your colleagues, for example Ms Mok, that you saw some delivery notes on WL50D and that you might have ordered something wrong? Have you ever mentioned that to Ms Mok?

A. Are you referring to the time when I found those notes?

Q. Yes, I am referring to when you found those four actual notes. Did you ever tell Ms Mok that the solder you ordered might be wrong?

A. No.

Q. But that's strange. The two of you worked together, and you were both responsible for procuring these materials, but after the incident you never talked to Ms Mok about that?

A. I guess not. I was in a loss at that time. I didn't know what to do. So I guess she didn't know, so I didn't talk to her.

Q. Let's not think about whether she knew or not. Between July and October, did you ever tell anyone in the

C company that the procured materials might be wrong,
before you talked to Mr Cheung?

C

D A. I think not.

D

E Q. What about Mr Wong?

E

F A. I think not.

F

F Q. So only one person knew about it?

G A. Yes.

G

H Q. Earlier this morning, you said the boss knew about the
incident and he came back from the mainland, and he was
I tired and busy. You said the boss asked whether wrong
J materials were ordered. At that time, when you talked
K with him, you mentioned that you might have placed
a wrong order.

H

I

J

K

L A. I said a wrong order might have been made.

L

M Q. So the conversation was just between the two of you in
December; right?

M

N A. Yes.

N

O Q. So, before December, is it correct that Mr Cheung did
a lot of investigation and the main contractor and the
P Housing Department were both investigating?

O

P

Q A. Yes.

Q

R Q. Did they ever ask you if you had tried to identify or
locate the notes?

R

S A. Yes.

S

T Q. What was your answer at that time?

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 34	
C	A. I said no.	C
	Q. So you searched but you couldn't find anything?	
D	A. Yes.	D
E	Q. Did you say where you think those delivery notes ended up?	E
F	A. I said they might have all been disposed.	F
G	Q. So you told them the notes might have been disposed and they accepted that explanation?	G
H	A. Yes, they did.	H
I	Q. So, if they were all disposed or discarded -- well, one	I
J	of the ways to retrieve those notes is to ask	J
K	Prosperity. Between July and December, you told your	K
L	boss that all the notes were discarded, and the boss	L
M	asked where those notes ended up. Did you ever approach	M
N	Prosperity to ask for those notes?	N
O	A. Yes.	O
P	Q. So who from Prosperity do you approach?	P
Q	A. I think it was Mr Chow.	Q
R	Q. Chow Ka Ping, is that?	R
S	A. Yes.	S
T	Q. Were you responsible for approaching him --	T
U	CHAIRMAN: Was it Mr Chow Ka Ping?	U
V	A. Yes.	V
	MR KHAW: Did you make this decision to approach him or was it your boss's instruction?	

C A. It was an instruction from the boss. As I recall, by
D that time he had already received a letter requesting
E for evidence, requesting Mr Cheung to give evidence.

F Q. And he asked you to approach Mr Chow, so did you
G approach him?

H A. Yes.

I Q. Did you call him?

J A. Yes.

K Q. What did you say to him?

L A. I asked if he had delivery notes for these sites.

M Q. Are you close with Mr Chow?

N A. I have known him for a long time.

O Q. Are you friends?

P A. Yes, we are friends in terms of work. I am not sure if
Q I would consider that friends.

R Q. Would you have a meal with each other?

S A. Not really.

T Q. So was that "yes" or "no"?

U A. Well, it was a long time. Perhaps we had a meal
V together or we met during company annual dinners.

Q. Apart from annual dinners?

A. No.

R Q. After you called Mr Chow, what did you say to him?

S A. I asked if he still had records for those sites.

T Q. So did you ask him about the delivery notes or the

U

V

C invoices or both?

C

A. I asked him to dig up whatever he had.

D Q. So what was his answer?

D

E A. He said it was a long time ago and he would try to
search.

E

F Q. And afterwards, did he get back to you?

F

G A. He said he needed time, and he told me that he couldn't
find anything and he might need more time.

G

H Q. When you said he replied at an early date, when was it,
I approximately? Was it three months prior, September or
J October?

H

I

J

A. Yes, probably.

K Q. So he said he would search, and did he promise to follow
L that up with you?

K

L

A. No.

M Q. And you didn't call him again to ask him if he found
N anything?

M

N

O A. I think the lawyer told us that you had issued them
a letter.

O

P Q. What did the lawyer say?

P

Q A. The lawyer said, at that time, you had already issued
a letter to them, requesting records.

Q

R Q. No, my question was, you asked him and he said he needed
S time to find those documents and he didn't reply, so did
T you follow up with him?

R

S

T

U

U

V

V

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 34 B

C A. No. C

D Q. Not at all? D

E A. No. E

F Q. Why was that? F

G A. The lawyer told me that you have sent them a request G
letter, and if he found anything, he would have passed
them to you.

H Q. Did your boss, Mr Cheung, know that you approached H
Mr Chow? So, as you know, did your boss ever approach
I Mr Chow to find out what was being ordered at that time? I
J Did the boss himself personally approach him? J

K A. No, I don't know if he had approached Mr Chow. K

L Q. After approaching Mr Chow, did you ever meet him? L

M A. Of course yes, because he had to bring those notes here. M

N Q. When you met, did you ever talk about the delivery notes N
you wanted to find?

O A. I might have asked him but I can't recall. O

P Q. Can you try to recall that? P
So you met him in the office; right?

Q A. Yes. Q

R Q. You said he might have mentioned those notes? R

S A. I might have asked him again about those notes, but he S
said he hadn't found them yet.

T Q. So, when he said he hadn't found them, were you T
interested to find them as soon as possible?

U

V

A. I was a little bit anxious at the beginning, but later on I knew they had to submit those to you eventually, anyway.

Q. So, in your conversation with Mr Chow, when asking him to find those notes, did you ever mention anything to Mr Yung?

A. I'm not sure.

Q. Did yourself, Mr Yung and Mr Chow ever discuss this matter together?

A. No.

Q. On around 16 July, according to your statement, you said at that time Mr Yung asked for those records in a very urgent manner, and you tried to dig out those records yourself; you did not approach Mr Chow yet, right?

A. Yes.

Q. Why didn't you think about approaching Mr Chow at that time?

A. At that time, I thought if we can dig them out, then we would pass it on.

Q. Sorry, what was that?

A. I wanted to see whether our company can find them and then we could get back to Paul Y.

Q. In other words, you would try to dig them out first. And you only dug up miscellaneous records. Didn't you want to know what the whole picture looked like?

A. I didn't think about that. A lot happened at that time, so I wasn't able to think too much.

Q. You knew the WL50 solder your company has been ordering was non-compliant?

A. I wasn't aware at that time.

Q. When you look at those records in S1 on page 78, we have gone through this before, the Hung Hom Estate, these are the procurement records provided by Prosperity, information provided by Prosperity. Here, we can see there is a table. It's a summary, and it says, in the heading -- we have "Hung Hom Estate" and then we have "FRY lead-free wire" and then we have "WL50" and then at the end we also have "FRY lead-free tin wire". You have had an opportunity to review this now. Can you explain why this scenario occurred?

A. I don't know why it occurred.

Q. Have you asked anybody why it appeared as such?

A. I don't know, I didn't know that they ordered two types of material here.

Q. Let's turn to page 205. The dates are not correct here. The product name, you can see it all refers to WL50 flat tin strips for Tung Wui Estate. So all of them are WL50. Do you find any problems here?

A. I don't see anything unusual.

Q. Mr Cheung is the boss, and in December, the two of you

talked about the fraudulent delivery notes for the first time. At the time, he asked you why, after such a long time, you suddenly decided to admit to him that you did that.

A. Well, because he asked me.

Q. Yes?

A. He asked me, and I discovered that a few delivery notes had already been converted to these documents.

Q. What do you mean by "converted to these documents"?

A. It became part of the evidence bundle of this Commission.

Q. So you were aware that he understood that there were some fraudulent notes, so you were caught and you had to admit; is that the case?

A. Yes.

Q. So, when you talked to him, did you tell him who instructed you to make these documents?

A. I remember -- well, I don't think I -- I can't remember anything, I didn't ...

Q. You only admitted that you made four fake delivery notes. So you bore the whole responsibility. You bore the full brunt.

A. Well, I didn't think about it that way. I didn't consider that I was bearing the full brunt, as you put it.

Q. From your perspective, what about Mr Yung? That's what you said in your witness statement.

A. Yes.

Q. The boss became aware of the incident. He knew that somebody made fake documents and you admitted to making a fake document. So you didn't think about telling the boss who instructed you?

A. I'm not sure. I would like you to understand, when I admitted to him, I was under a lot of duress.

I really don't know -- I can't confirm what I had said or not said.

Q. Think carefully, then. At that time, you admitted that you were under pressure, you were under a lot of stress, but you wanted to tell him. Well, because in your statement, you do not make a decision to do that. You received instructions. So didn't you have to tell your boss?

Ms Lam?

A. I would like to ask -- I really am not sure. Then how can I answer you?

Q. Well, at that time, did you consider that you were trying to cover for Mr Yung and not tell your boss? You would not rat out on him, so to speak?

A. No, I didn't consider that.

Q. And now you cannot recall everything; you cannot recall

C whether you had mentioned Mr Yung had instructed you?

C

A. I'm not sure.

D Q. So you admitted to your boss that you did that. What

D

E was your boss's reaction?

E

A. He was caught off guard. He was surprised.

F Q. Yes, exactly. He was surprised, "Why would you do

F

G that?" Did he ask you, "Why would you do that? Let me

G

H ask you, why did you do that?", and how did you respond?

H

A. I recall, I think I said --

I CHAIRMAN: I cannot hear you. What did you say?

I

J A. I said Paul Y was pressing us to submit the document and

K I had provided the document.

J

L MR KHAW: Did the boss ask, "Why would you consider forging
a document?"

K

L

A. I think he would have asked that. I think he did.

M Q. How did you respond? "Why did you produce a forged

M

N document?"

N

O A. I think I responded by saying, "I couldn't find the
document, so I produced these for him."

O

P Q. So you are bearing the full brunt, you are taking full
responsibility. So you make it sound as if it's wholly
your own decision.

P

Q

R A. Well, he didn't ask me who decided to do it, and he
didn't get into the details.

R

S

Q. I asked you, "Why did you want to make a forged

T

T

U

U

V

V

C document"; do you remember that?

C

A. Yes, I remember.

D Q. But he wasn't asking, like you did, "Did you make your
E own decision, did you receive instructions?" Well, you
F knew it was not your decision?

D

E

F A. Yes.

F

G Q. So didn't you need to explain to your boss that it
H wasn't your idea? Shouldn't you clarify that it wasn't
I your initiative?

G

H

I A. I don't remember.

I

J Q. Then what did your boss say?

J

A. He was surprised.

K Q. Then what did he say? Did he scold you? Did he berate
L you and say, "You forged documents?"

K

L

A. I think so. I remember I think he did.

M Q. And he calmly accepted your explanation that you forged
N the documents, "Allow me to follow up"?

M

N

A. Yes, I told him, "The lawyers are following up now."

O Q. So your witness statement said that your boss did not
P express his view?

O

P

A. Correct.

Q Q. Was he angry?

Q

R A. I don't know. He didn't say anything. He was reticent.

R

S Q. And that concluded the discussion?

S

A. Yes.

T

T

U

U

V

V

Q. So, after your boss questioned you, did you relate the conversation to Mr Yung?

A. Do you mean did I follow up with Mr Yung? No.

Q. Did Mr Yung ask you --

CHAIRMAN: Mr Yung had left the company.

MR KHAW: Well, Mr Yung's evidence yesterday, he said he was quite sure that he was in contact with you or Ms Mok on which soldering material to use. Do you agree with what I just said?

A. I agree that he had referred to Prosperity.

Q. Mr Yung says that he had communicated with Ms Lam, Ms Mok and Mr Wong; "I don't know why they made a mistake." So, if you were to hear that, how would you respond?

A. I do not agree.

Q. He says that you knew. You knew. You, Ms Mok and Mr Wong know that you should have used the material FRY?

A. I do not agree.

Q. He also said that you know that FRY is a lead-free soldering material; do you agree?

A. I do not agree.

Q. Would you agree that the procurement staff, or even to the extent that your company knows what material should be procured, but you were negligent; you were just not careful. Do you agree that when you made those

procurement orders you were negligent?

A. Well, looking back, Ms Mok and I -- well, I don't know.

I think Ms Mok would not be aware as well.

Q. My last question. In paragraph 9 of your statement, it says:

"When Ms Mok or I placed an order for soldering material with Prosperity, we would not notify Mr Chau or Mr Hui, the site supervisors, and Prosperity would contact the site supervisors directly regarding delivery arrangements."

Do you see that?

A. Yes.

Q. When we look at the notes, there are a lot of delivery notes. Now let's look at delivery notes first. A lot of them carry the words "Mr Hui". For Mr Hui and Mr Chau, after they received the deliveries, is there any need for you to communicate with each other?

A. No, never. There's no need to do it.

Q. You said Prosperity would directly liaise with the relevant site supervisors. You are referring to the site supervisors of your company, Mr Hui and Mr Chau, right?

A. Yes.

Q. I have no further questions. I'm sorry, I would like to ask one more question.

Do you agree that all along, the company is aware that FRY lead-free solder is to be procured?

A. I don't think everyone knew about it.

Q. You did not follow the specifications or contractual requirements in procuring this material, and as such you were willing to create fake notes to mask this fact. Do you agree with this claim?

A. No, I do not agree.

Q. After the lead in water incident was revealed, did Mr Cheung, the boss, remind you of the type of solder to order in the future?

A. Afterwards, yes, he did.

Q. Did he show you which kind of solder to order?

A. No.

Q. After the incident was revealed, which type of solder did he instruct you to order?

A. He said the type on the samples submitted must be used.

Q. How do you know which type of item is used in the sample submission? So who knew about it?

A. The staff responsible for sample submission.

Q. Since the lead in water incident in July, how did you communicate with each other, to make sure that in the future lead-free FRY solder is to be ordered?

A. We would verbally communicate with Prosperity. We would mention FRY lead-free solder or just lead-free solder to

Prosperity.

MR KHAW: I have no further questions.

COMMISSIONER LAI: Ms Lam, I have a question. In July, you resigned from the position of director at Golden Day. It was after the lead in water incident; right?

A. Yes.

COMMISSIONER LAI: So you took the initiative in resigning. Were there any special reasons?

A. After the incident, I was under a lot of pressure; I felt a lot of pressure.

COMMISSIONER LAI: Why was that?

A. There were a lot of enquiries and a lot of things had to be done, and I had to look for a lot of things and I had to ask a lot of questions. I wasn't capable of doing that.

COMMISSIONER LAI: Even if you didn't resign, you still had to deal with these problems?

A. When I resigned from this post, I wanted to quit the company altogether. After Mr Cheung returned, after a chat with Mr Cheung, I told him that I am resigning from this post. If I quit the company altogether, Mr Cheung wouldn't know who could take up my work, and as such I stayed.

MR L HUI: If other counsel have no further questions --

Cross-examination by MS LOK

MS LOK: I have a question as well. Earlier in the evidence you gave to the Commission -- according to your evidence, you said you couldn't recall the exact words, but the request was to come up with delivery notes of lead-free solder, and you answered Mr Yung that Paul Y wanted those delivery notes and you said you couldn't remember how to get those notes.

I represent Mr Yung, and you were asked what kind of notes Paul Y requested, and on the types of records required, you said it was either invoices or delivery notes. And when you were asked whether non-leaded solder was specifically required, you said yes.

I would like to clarify two things with you. You remember clearly that Mr Yung asked you to dig out delivery notes for solder for Wing Cheong Estate, and you said Mr Yung asked you to do your best, because some miscellaneous notes from sites had not been discarded. In your evidence, when you gave evidence, you said Mr Yung asked you to dig out those records as much as you can and you said some miscellaneous records might not have been discarded?

A. That's not what I said.

Q. That's what Mr Yung told you; right?

A. Yes. He asked me to do my best.

Q. So Mr Yung instructed you to find those records. Do you

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 34 B

C agree that Mr Yung never told you to conjure up some records? C

D A. Are you referring to our telephone conversations? D

E Q. Yes. E

F A. I think this is what he meant. F

G Q. But he never told you to conjure up those receipts; that's just your interpretation? G

H A. Yes, that was my interpretation. H

I Q. But he never told you to conjure up those records? I

J A. As I said, I don't recall word for word what he said. J

K Q. Secondly, you have said more than once and you repeated just now, you are not sure of the exact conversation between you and Mr Yung? K

L A. I am not sure of every word, what we talked about. Of course, I am not sure about every word. L

M Q. Mr Yung approached you to dig out those records. Do you agree that it was normal, because you had always been responsible for these records? M

N O A. Yes. N

O P Q. You found four records for Wing Cheong Estate, and they are all on solder. Did Mr Yung say, "This is wrong, the records must say 'lead-free solder'"? P

Q R A. Yes. Q

R S Q. So, right now, one undisputed fact is that Mr Yung gave samples of unleaded solder to the Housing Department. R

S T

T U

U V

So, at that time, could Mr Yung mean, at that time, that the sample submitted was unleaded solder and as such there must be records of unleaded solder? Do you think there is such possibility?

A. Yes, it was possible.

Q. The COI counsel asked how Mr Yung hinted that to you, and you said Mr Yung said he requires receipts of unleaded solder and he told you to think about what to do with it, "You know what to do". So what could you do? You could ask if Prosperity kept such records. If you could not dig them out, you could ask Prosperity; right?

A. At that time, I never thought about it.

Q. But retrospectively, do you think it was possible?

A. Yes, it was possible.

Q. And that's what you did eventually. You tried to retrieve those records from Prosperity, from Mr Chow, and Mr Yung asked you to settle it. That might actually be what he meant; right?

A. Are you asking if I agree with your version or your claim?

Q. Yes, that's what he could do.

A. That's not what I understood.

Q. You said he hinted, but that's based on your own interpretation; do you agree?

A. Yes.

Q. All right. So your interpretation is that he asked you to make fake notes, and you said that you found this request unreasonable. Did you clarify that with him? Did you ask him whether he really wanted you to make fake notes?

A. You mean did I say exactly what you just said? I cannot remember.

Q. Did you ask why he wanted you to make fake notes?

A. No, I probably didn't.

Q. The COI counsel asked if you tried to reject the requests, and your answer was that you might have had some similar conversations. Can you clarify that; what were the conversations like, or do you not remember?

A. I think I did tell him that "You shouldn't do this" or something similar.

Q. But you have not mentioned that in your statement?

A. Yes.

Q. And you said you weren't very sure about the content of the conversation. So is it possible that you never said that?

A. Are you saying whether there is such a possibility?

Q. Yes.

A. It's possible.

Q. When answering the COI's questions, when you prepared

those notes, how did you determine the quantities? You said you just guessed it, and the COI counsel asked if you had asked Mr Yung, and you said yes. So, if you simply guessed the quantities, why did you ask Mr Yung?

A. I had to ask him if my guessing is reasonable.

Q. How would he know? He was never responsible for the procurement and he never dealt with those orders.

A. But he should know the quantities of materials required.

Q. But he never read those delivery notes.

A. He was responsible for the projects.

Q. Do you agree that you did not mention in your witness statement that you asked Mr Yung for the quantities required. According to your evidence or witness statement, Mr Yung never asked you to prepare fake notes and you never told Mr Yung over the phone that you would make fake notes; do you agree?

A. I wasn't sure if I used the words "fake notes" or "fake records".

Q. Now, retrospectively, do you think there might be a lapse in communication between the two of you at that time? Is it possible?

CHAIRMAN: I think there is no misunderstanding. Your client's version was very sure, and it ended there; there's nothing that follows. Your version is that it's incorrect. So how could there be any misunderstanding?

MS LOK: Now I am referring to what Ms Lam remembers.

CHAIRMAN: These are hypothetical questions; right? Your client's evidence ended right there. There was nothing to follow on. But now they said this happened afterwards.

MS LOK: Now let's look at the conversation between Mr Cheung and yourself. When Mr Cheung gave evidence, did you hear what he said? When Mr Cheung Tat Yam gave evidence, did you listen to what he said?

A. Yes.

Q. The letter was issued on 9 December 2015, and he asked why you had such delivery notes, and you told him at that time that you made those four delivery notes.

A. Can you repeat yourself? I cannot hear the date.

Q. Before the hearing, Mr Cheung talked to you about these four delivery notes, and he asked how you came up with those notes, and at that time you told him that you created them; right?

A. I did not respond on that day.

Q. You said you would go back and think about it, and then you admitted that you created the forged documents, and then counsel asked you, at that time, did you say that Mr Yung instructed you and you said no?

A. Yes.

Q. That is correct. Then you gave a response and I would

like to clarify that. You said, "If I had thought about it and if I was not sure, how could I answer?" That's what you said just now. Do you recall that?

CHAIRMAN: I don't understand.

MS LOK: The Commissioner counsel asked the witness on many occasions. He said you said Mr Yung instructed you, and your boss asked you, you admitted, and why didn't you say that Mr Yung instructed you? I am just reminding the witness of her statement. She said, "If I had thought and if I was not sure, how could I answer?"

CHAIRMAN: If I thought about it and if I was not sure, how could I answer you?

MS LOK: It's in the record, Chairman. We can check that.

Then my question was: Ms Lam, would it be the case that, at that time, you weren't sure that, on the communication on 16 and 17 July, Mr Yung had really hinted to you that you should create a forged document and that's why you were not able to communicate with Mr Cheung?

A. Are you saying should I agree or disagree? I disagree.

Q. But as a matter of fact, at that time, you did not mention that to Mr Cheung. Why was that the case?

A. I think I answered that just now. At the time, I had to disclose this to Mr Cheung. I was under a lot of pressure. I was under duress, and I did not think of

how to present the whole matter and I could not give so many details.

Q. It's not a matter of detail. You are saying now that somebody instructed you, and you could have told Mr Cheung that Mr Yung instructed you. How much detail do we need?

A. I don't know why I didn't say that. But I think I didn't say it.

Q. My last question is: do you remember when Lo & Lo Solicitors, on 10 October they had written to Mr Cheung's lawyers and one paragraph had requested that you gave evidence to this Commission; do you remember that?

A. Could you repeat your question?

Q. Lo & Lo Solicitors, on 10 December, had written to Mr Cheung's lawyers, requesting that you give evidence. So, in that letter, it had referred to these four forged documents. My question is, why did you only wait until the day before yesterday? Only when you produced the witness statement did you mention that Mr Yung had hinted that you create the forged documents. Why did you ...

A. It took me time to recall what happened over those few months. A lot of things occurred. I needed to organise myself.

Q. So you had to go back and think a long time, you had to recall the events and --

CHAIRMAN: What do you mean, "construct"?

MS LOK: You had to think very hard what happened. It was not just a spur of the moment --

A. What do you mean, spur of the moment reaction?

Q. Well, you said you were aware that the four forged documents, this affair, had been disclosed and you admitted to Mr Cheung, and then there has been a solicitor's letter asking you to give evidence. What was your immediate reaction? Why didn't you relate the truth, which is that Mr Yung instructed you? Why did you have to wait so long?

A. I had to think, at the time, what he said -- I had to try my best to recall, even though I still can't recall some issues about what the time frame was, what the conditions were; I had to think about it.

Q. Did you talk to anyone else; the lawyers?

A. The lawyers.

MS LOK: I don't have any other questions.

Re-examination by MR L HUI

MR L HUI: Chairman, if the other senior counsel and counsel don't have questions, I would like to re-examine.

Ms Lam, the Commission counsel had directed you to your witness statement. So please proceed to page 151

of bundle L.

We are concerned with paragraph (b) (ii). If you may, please read (ii). The original statement says that Mr Yung, after attending the meeting, had told you that Paul Y's request -- do you see that? The Commission counsel had asked you, at the end of page 151, the third-last line -- it says:

"At that time, I did not know what the purpose and reason for asking for the notes were."

First of all, you did not attend the Paul Y meeting?

A. That's correct.

Q. Then you said you don't know why Paul Y had asked for the notes and what the use of these notes were for.

So you did not, as a matter of fact, know why they wanted these notes? As a matter of fact, do you know what was the use of these -- why did Paul Y want these notes? So, this paragraph, especially in the whole paragraph (b) (ii), is that accurate?

A. Yes, it's accurate.

Q. The counsel representing Mr Yung asked you did Lo & Lo Solicitors, on 10 December, issue a letter to Golden Day Engineering.

You engaged ONC Lawyers in the middle of December?

A. That's correct.

MR L HUI: I have no further questions.

CHAIRMAN: You have given evidence. You may leave, Ms Lam.

(The witness withdrew)

CHAIRMAN: Okay, let's take a ten-minute break.

(3.24 pm)

(A short adjournment)

(3.41 pm)

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

(Via interpreter) I now summon the site supervisor from
Golden Day, Mr Hui Wang San.

MR HUI WANG SAN (affirmed)

CHAIRMAN: Please be seated.

MR WU: Chairman, Mr Hui has a request. He said he has
an issue with his eyes and he has to wear sunglasses, so
would you allow that?

CHAIRMAN: Yes.

Examination-in-chief by MR WU

MR WU: Mr Hui, the Commission came up with a verbal
submission of 3 December 2015. This can be found in L1
of the bundle, page 115. Do you have this written
statement before you?

A. Yes.

Q. I now read your witness statement before the Commission:

"1. I am the site supervisor of Golden Day
Engineering Co Ltd and I was responsible for the
plumbing works of Hung Hom Estate Phase 2 and

Wing Cheong Estate. I have been in the plumbing industry for more than 20 years and I am a registered skilled worker in plumbing.

2. In the construction of Hung Hom Estate Phase 2 and Wing Cheong Estate for the plumbing works, I made orders to the relevant procurement staff of Golden Day and I requested for the solder to be delivered on site, and the Golden Day staff would procure to the suppliers.

3. Before the incident, I knew that the solder used for connecting fresh water pipes must be lead-free, but I didn't know that leaded solder is available in the market.

4. Based on site progress, I would ask procurement staff from Golden Day by phone to order the required amount of solder and the delivery dates. Since these two sites have completed construction some time ago, I cannot recall the details of my orders to the procurement staff of Golden Day. However, it is generally agreed in the plumbing trade that solder is a sundry item. Before this incident, the trade generally did not pay attention to the fact that solder available in the market might contain lead, and at that time I wasn't aware that leaded solder was available in the market. So, when I made the orders, I did not specifically mention that the delivered solder must be

the same as the sample submitted to the Housing Department and that it must be lead-free.

5. According to site progress, I made orders to Golden Day's procurement staff by phone of the required quantities of solder to be delivered to the sites, and Golden Day's procurement department would make the orders to the suppliers for these two sites, Prosperity Building Co Ltd. Prosperity would arrange for the materials to be delivered to the sites. Since Golden Day's procurement staff were responsible for ordering the materials from the suppliers, I did not directly liaise or approach Prosperity. In preparing this witness statement, I had enquired of the procurement staff of Golden Day, and they said they could not remember whether they mentioned to Prosperity that the solder purchased is to be used to connect fresh water pipes.

6. Prosperity Engineering would choose the soldering material supplier. I do not know how Prosperity would choose its soldering material supplier. I only know that Golden Day is one of the suppliers of Prosperity, and my understanding is that Golden Day, they also are not clear since when Prosperity would purchase soldering material.

7. Since Golden Day Engineering procuring staff

contact Prosperity and place orders with Prosperity directly, therefore I personally do not need to report the purchase or procurement of solder material from Prosperity. I do not have to report back to Golden Day. Prosperity would deliver goods to the construction site and would also include a delivery note. According to my understanding, Prosperity would issue the invoice to Golden Day Engineering for settlement.

8. I do not know the composition of tin solder and tin strip. I only know that it is used as a soldering component. Therefore, I do not remember, in these two construction sites, whether it was tin wire or tin strip that was used to connect the plumbing.

9a. Prior to this incident, I was not aware of the brand WL50 flat tin strip, and I also not aware whether there were other brand names of tin strips. I was not sure whether this brand name contained or did not contain lead. Prosperity also did not recommend this brand name to me.

b. When I placed an order for soldering material to Golden Day procurement staff, I did not specify what brand name had to be used, since I did not participate in whether WL50 flat tin strip or other tin strips were used.

10. I also do not know whether the material

provided was actually the material that Prosperity had described and whether it had contained lead.

11. Since I was not sure of the difference between tin strip and tin wire, and I also did not know whether the material had contained lead, I only thought that tin strip and tin wire had the same use, therefore I did not pay attention to whether the construction site had actually used this.

12. Each construction site will also have a sample flat and they would have to be approved by the main contractor and the Housing Department, and during construction the main contractor and Housing Department will also inspect that. I am also not aware whether the main contractor and the Housing Department would conduct regular checks on whether the soldering material was in use or whether it contained lead."

This statement was signed 3 December 2015.

Do you wish to adopt this as your evidence?

A. Yes.

Q. So, Mr Hui, I would like to refer you to bundle S1, page 78. Mr Hui, on page 78, we have a table. In this table, it refers to Hung Hom Estate Phase 2. Prosperity was supplying soldering materials for this project. So do you see, in the first two lines of this table, it says it's FRY lead-free tin wire, and then the next two

C items are WL50 flat tin strips, and then the last two
D items are FRY lead-free tin wire. So can you explain to
E the Commission -- or first of all, I would like to ask
F you, when you placed an order with Golden Day
Engineering, what did you order? How did you order?

C

D

E

F A. I asked for tin strips.

F

G Q. Did you place an order for tin wire?

G

H A. No, I would not. I don't think I would.

H

I Q. So could you explain to the Commission why do we have
tin wire and tin strip orders in this table?

H

I

J A. I don't know how they came up with this. They might
have made a mistake.

J

K

K Q. So your evidence is that when you called Golden Day to
L place an order, you would only ask for tin strips and
M not tin wire, but you don't know why, as a matter of
N fact, they ordered tin wire and tin strips. Do you know
the difference between tin wire and tin strips?

K

L

M

N

O A. No.

O

P Q. So in your mind they are the same thing?

O

P A. Yes.

P

Q Q. I would like to refer you to the same bundle. If you
R turn to page 98, do you see "High-temperature tin
strip", that item?

Q

R

S A. Yes, I see "High-temperature tin strip".

S

T Q. Page 98.

T

T

T

U

U

V

V

A. Yes, I see it.

Q. It's the second item. It says in Chinese,
"High-temperature tin strip".

Now, high-temperature tin strip, can you explain
what's the difference between regular tin strip and
high-temperature?

A. It's the same thing. No difference.

Q. So the so-called high-temperature tin strip, it's still
tin strip, in your mind?

A. Yes, it's still tin strip.

Q. So, when you do the soldering work, do you make
that differentiation?

A. No.

MR WU: I have no further questions.

Cross-examination by MR KHAW

MR KHAW: Mr Hui, you have more than 20-plus years'
experience in the plumbing industry.

A. Yes.

Q. So before you were in the plumbing industry, what were
you doing?

A. I had also worked in hardware.

Q. What types of hardware?

A. Watch components, wristwatch components. But it was
a very short time.

Q. In paragraph 1 of your statement, it says you are

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 34 **B**

C a registered and experienced technician. So this is the **C**

D so-called big licence, the skilled worker licence. When **D**

E did you receive this qualification? **E**

F A. 1994-1995. Around 1994-1995. **F**

G Q. So getting that technician licence, you had to take **G**

H a test. Did you have to take a course? **H**

I A. No. **I**

J Q. Where did you take your course -- or where did you take **J**

K your exam? **K**

L A. CITA. **L**

M Q. Before the exam, the test, did you receive course **M**

N material? **N**

O A. No. **O**

P Q. What was the test about? **P**

Q A. It was a skill test, and a little written test. **Q**

R Q. What was in the written test? **R**

S A. It was about plumbing engineering. **S**

T Q. Multiple choice? **T**

U A. Yes, multiple choice. **U**

V Q. So it was about skills and materials in plumbing? **V**

A. Yes. **V**

Q. Was there a soldering test? So, when you took the test, **V**

when you took the soldering test, what types were **V**

drinking water pipes? **V**

A. Copper pipes, copper tubes. **V**

Q. What type of soldering material was used? Is it this one? (Indicating).

A. Not this one.

Q. Just for the record, I just showed Mr Hui the green FRY roll, not this one.

Let me show you. In your tests, did you use these strips? (Indicating).

A. Yes.

Q. For the record, I have demonstrated WL50 tin strip, flat tin strip.

I would like to ask you, during that test, what did you call this material, the soldering material?

A. Tin strip.

Q. Do you know what the composition was?

A. No.

CHAIRMAN: What did you say?

A. I don't know.

MR KHAW: I would like to ask you -- so, when you took the licence exam, the qualified plumber, did you use lead-free tin strip; did you know anything about that?

A. No.

Q. So you have been in the field for 20 years. You have heard about lead-free solder, have you?

A. Well, as far as I know, all --

CHAIRMAN: What did you say?

A. All tin strips are lead-free.

MR KHAW: All of them are lead-free. So the first time you heard about lead-free tin strip or lead-free soldering material -- when was the first time you heard about lead-free, the first time you heard "lead-free", when was that?

A. After the excess lead in water incident, I heard about -- because in the past we called it tin strip.

CHAIRMAN: So you are saying, after this incident, you were aware that there was a lead-free soldering material?

A. We are talking about the phrase "lead-free".

CHAIRMAN: So before that you never talked about lead-free?

A. We just talked about tin.

CHAIRMAN: So, after this incident, so you were aware that you have lead-free solder and leaded solder.

MR KHAW: So, in other words, you only recently, after this excess lead in water incident, clearly are aware that there is lead-free solder?

A. Yes.

Q. Coming back to paragraph 3 of your statement, the first sentence:

"Prior to this incident, I knew that soldering material used to connect drinking water pipes had to be lead-free."

So it says before the incident, before the excess

C lead in water incident, you knew that drinking water
D pipes had to use lead-free soldering material. You were
E aware? And now you said you only knew about it after
the incident.

F A. No, no. Before I knew that tin strips were used, so my
G understanding is that tin strips don't contain lead. It
doesn't contain lead.

H Q. So what you mean is that before -- your understanding
I was that it was made of tin, and tin is not lead, and as
J such it doesn't contain lead? That was your opinion;
K right? You made it very clear in your witness statement
L that before the incident, you knew that the solder used
to connect fresh water pipes must be lead-free. So,
before the incident, had you ever heard about lead-free
solder?

M A. No. No.

N Q. And you said they were tin strips and you assumed they
were lead-free?

O A. They must be lead-free.

P Q. Before you obtained the qualified plumber credential,
Q did you have a master or teacher or a mentor?

R A. Yes.

R Q. You have to learn how to apply the solder; right? So,
S when you were an apprentice, you used this WL50 tin
T strip; right?

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 34 B

C A. Yes. C

D Q. When was the first time you saw this type of green FRY lead-free solder? D

E A. It was quite a long time ago. E

F Q. When was it? F

G A. Around five to six years ago. G

H Q. When you first saw this, who showed you this type of soldering? On what occasion did you first learn about this type of solder? H

I A. It was delivered to a construction site. I

J Q. And you were present at the time? J

K A. Yes. K

L Q. After you first saw this type of solder, did you try to find out more about it? L

M A. No. M

N Q. You were at the site at the time the workers used this type of solder; right? N

O A. Both were used. O

P CHAIRMAN: Both were mixed or both were used? P

Q A. So, in my opinion, both types, both contain tin. Q

R MR KHAW: But you say both are used? So, in other words, both had been used together since four or five years ago? R

S A. If we had both, we would use both, and we would use whatever was available. S

T

U

V

Q. I don't really understand what you meant by "using both". You said you would find both types of solder at the sites. You would see rolls of solder wire and solder strips?

A. We brought them in.

CHAIRMAN: Now, you have 20 years of experience. Did you mainly work on public estate projects or private estates?

A. Usually predominantly public housing estates.

CHAIRMAN: So that's the bulk of your experience in the past 20 years. As you know, public rental estates only use a single type of material.

Now we are taking evidence, whether from workers, plumbers. The Housing Department only approved one type of solder. There isn't a second option, and they only approved the use of solder wires.

A. I never knew that samples had to be submitted.

CHAIRMAN: So you never knew samples had to be submitted?

A. That's right.

MR KHAW: For public rental estates, the submission of samples by the plumbing subcontractor, you were aware of this procedure; right?

A. Yes, but I wouldn't do it personally.

Q. Did you know that samples had to be submitted for solder as well?

A. No, I have not heard about it.

Q. How long have you been with Golden Day?

A. More than ten years.

Q. Within the ten-odd years, how many public rental estates have you been involved in?

A. Around four or five.

CHAIRMAN: I'm sorry, I have a question as well, from page 79 of S1. For the Hung Hom Estate, only one reel was delivered. It was delivered to Hung Hom Estate Phase 2. It has the words "Sample, free of charge".

So, if no sample had to be submitted, what's the point of delivering the solder? The delivery address is Phase 2 Hung Hom Estate, China State Construction.

I think the delivery note will follow what's said here. So what's the point of having this?

A. I think this was submitted to the company for the sake of sample submission.

CHAIRMAN: This is an invoice. This is not a delivery note. But then it has the words "delivery address"; do you see that, on the bottom-left? So if no sample submission is ever necessary, what's the point of delivering one reel of solder?

A. No, I didn't know that samples had to be submitted.

CHAIRMAN: But you were the person on charge of the site at Hung Hom Estate.

A. No. It says "Hung Hom Estate" but it wasn't necessarily delivered to that site.

CHAIRMAN: All right. So please go on. The delivery address says "Phase 2 Hung Hom Estate, China State".

A. It might not be necessarily delivered to the site; it might be delivered to the office.

CHAIRMAN: Please go on. All right. Never mind. If you say it wasn't the case, then so be it.

MR KHAW: Now, you are a site supervisor. For Hung Hom Estate Phase 2 and Wing Cheong Estate, for the plumbing works, were you on site every day?

A. Barring any illnesses, yes.

Q. In your company, apart from yourself, was Mr Chau also responsible?

A. This had nothing to do with him.

Q. So you were in charge of these two sites. Were you the only site supervisor at these two sites from Golden Day at that time?

A. Yes.

Q. You were in charge of supervising the plumbing works and their progress; right?

A. Yes.

Q. Would you look at the workers to see whether they are doing a good job?

A. Yes.

Q. When materials arrive, you would check whether they are correct?

A. Yes.

Q. In order to verify whether the materials delivered are correct, you had to know which materials are permitted?

A. Right, yes.

Q. Do you have some sort of checklist or document to show that for each project, which materials are to be used?

A. No.

CHAIRMAN: There's no such list; right?

A. Yes.

MR KHAW: You have no document whatsoever?

A. We don't have a checklist.

Q. Do you have any documents? What kind of documents? You said there is no checklist. Apart from checklists, are there any other documents to show that?

A. No.

Q. Just now, you said you would look at the progress and workmanship of the workers and verify the delivery materials. How can you tell whether they are correct if you don't have any documents?

A. For the first batch of delivery, I would ask -- when they made the orders, they would --

CHAIRMAN: Can you repeat yourself, please.

A. I don't know which brands were used. When the orders

C were made, only quantities were specified.

C

D CHAIRMAN: So you merely tell them the type of item you want
E and the quantities? For the actual items that arrive,
F you assume that the office had ordered the right items,
G so when they arrive you don't have to check them; they
H must be correct?

D

E

F

G A. Yes, basically.

G

H MR KHAW: You said you wrote down the orders. You wrote
I them down yourself?

H

I A. I wrote down the quantities.

I

J Q. For plumbing works, how many types of components or
K parts would be delivered?

J

K A. There are a lot.

K

L Q. So would you write them down one by one, for example
M copper pipes, you just have to write "copper pipes", and
N they would know what you mean?

L

M

N A. Yes.

N

O Q. Just now, you said you would verify the materials that
P are delivered, but in fact you didn't know what to
Q expect?

O

P

Q A. Yes.

Q

R Q. If orders had to be made, for example, for solder, would
S you have to write down the quantities ordered?

R

S A. These are only very small quantities. After we used
T them, you would ask them -- we would just tell the

S

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 34	
C	number of boxes. It's not about the quantity.	C
D	Q. Every time you call the office to order solder, who would you talk to?	D
E	A. Sometimes Ms Mok would pick up the phone, sometimes it was Ms Lam. So it was either Ms Mok or Ms Lam.	E
F	Q. So you would call them. How would you describe the	F
G	solder?	G
H	A. I would say solder -- I need solder wires.	H
I	Q. What about the quantity? For example, 50 boxes?	I
J	A. If I required five boxes, I would say five. If I needed ten, I would say ten.	J
K	Q. So the unit was the number of boxes?	K
L	A. Right.	L
M	Q. How many rolls are there in one box?	M
N	A. There are a lot of rolls or reels.	N
O	Q. As you know, how many reels are there in one box?	O
P	A. What do you mean, how much? It's by unit.	P
Q	CHAIRMAN: You can describe it whatever you like, you can use number of rolls or the total length.	Q
R	A. Around 100 or so pieces. That was just an approximate number.	R
S	Q. How can you tell?	S
T	A. So it was just an approximation; I didn't know.	T
U	Q. How can you tell?	U
V	A. That there are about 1,000 pieces.	V

C CHAIRMAN: Well, did you open them?

C

A. Yes, I did.

D MR KHAW: So the boxes look like this; right? And it says
E on the box "UK WL50 solder strips".

D

E

A. I didn't pay attention to the words.

F Q. But the label is very big. You never looked at them?

F

G A. Only after the incident I was -- these words were
H displayed. Before, we didn't pay attention. After the
H incident, we knew about this WL50.

G

H

I Q. For such boxes, you said you saw them before, and it
J contains soldering strips. You say roughly there are
J 100-odd strips.

I

J

K So, first of all, these boxes, do they have labels,
L have these stickers? You've seen many of these boxes?

K

L

A. Well, I have never paid attention to the exterior.

M Q. So you have never seen these labels?

M

N A. I have never paid particular attention.

N

O Q. Have you seen these square boxes in the site, where they
O contain these green rolls?

O

P A. Yes, yes.

P

Q Q. Have you seen these green labels?

Q

A. No, I have never paid attention to the labels.

R Q. Do you recall how many rolls are in a box of 20-odd
S rolls? So when you place your order, you Ms Mok,
S Ms Lam -- did you refer to "rolls"?

R

S

T

T

U

U

V

V

A. We asked for boxes. We don't have to count the number of rolls.

Q. You refer to boxes. So what makes you think that tin strip -- when you refer to tin strip, your company's staff will understand what you mean? You say there are these long boxes and square boxes.

A. Well -- I don't understand. Could you repeat it? Are you referring to at the beginning of the construction or in the middle of construction?

Q. So initially, and there's a middle phase and there's an end phase.

A. In the beginning, there's nothing. There's nothing in the beginning.

Q. Of course.

A. You have to call, we have to place an order, and then they'll have the materials delivered. It won't appear automatically. So if they have not been delivered, of course I have not seen them.

Q. No, I am asking, at the construction site, you have seen these two types of boxes, they contain different stock, with different material.

A. Yes.

Q. So when you call your procurement colleagues, how would they know whether you are referring to this one or the other one?

A. I really don't know whether they know. I placed an order for so many boxes of tin strip.

Q. So, at the site, when you take delivery, sometimes you get many boxes.

A. Only a few boxes.

Q. So, when a few boxes arrive -- so at the site you would have seen these and those boxes. So had you ever doubted, "Why do we have two types of solder? Which is the correct one?"

A. I feel they both are the same.

Q. How can the two be same? Their appearance is different.

A. I know, but the application, it's the same.

CHAIRMAN: So that would suffice?

A. Well, we don't know. That's not the case. Sometimes you have to install sanitaryware, so if we have two different types, that's different. These are minor metalware. We don't pay a lot of attention to that.

MR KHAW: So anything will do; right? Is that what you're meaning? So high-temperature solder, the tin strip; which one is high-temperature tin strip?

A. Now I know.

CHAIRMAN: At the time, you said there was no difference.

You said high-temperature and regular were the same thing, same application?

A. Same application.

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 34 B

C CHAIRMAN: Then what circumstances would you have to use C
high-temperature?

D A. There's no difference. D

E CHAIRMAN: So when you placed the phone call, why did you E
specify high-temperature?

F A. We never said high-temperature. F

G CHAIRMAN: Was this written by office staff? G

H A. I placed the order by phone, it's the office staff. H

I Q. So they made that up? You said "Tin strip" and for some I
whatever reason they added "high-temperature"?

J A. I don't know why they did that. J

K Q. So have you heard of high-temperature tin strip? K

L A. I've heard of that. L

M Q. When did you hear about that? M

N A. I can't remember. N

O CHAIRMAN: Well, the thin flat strip and the roll, is there O
any difference in temperature?

P A. No, not much difference. P

Q CHAIRMAN: So there's not much difference. Q

R MR KHAW: If we give you a multiple choice, we have the R
strip and we have the roll, which one is the

S high-temperature one, at that time, when you took the S
test?

T A. I think the rolls are high-temperature strip. T

U Q. Why would you choose the roll as high-temperature? U

V

A. Well, that's -- I don't know. That's hard to explain.

CHAIRMAN: If we have multiple choice, A, B, C, it's not A,

it's not C ...

MR KHAW: And you say now you know what high-temperature,
it's the lead-free solder wire, tin wire -- how do you
know that the high-temperature is lead-free?

A. Well, ever since the news broke out. It seems I don't
think we ever discussed that high-temperature --

Q. Well, you never discussed it, but it's industry
knowledge now.

So, within the trade, you have conversations?

A. Yes, of course we have conversations.

Q. So set aside the industry talk. What about within the
company? Have you discussed -- did they place a wrong
order or did they use a wrong material? Within the
company, did you discuss?

A. I would ask. I would ask the company. I asked the
company.

CHAIRMAN: I didn't hear you.

MR KHAW: Did you submit that sample?

You asked the company?

A. Yes.

Q. That was after the incident?

A. Yes.

Q. Who did you ask?

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 34	
C	A. I asked Mr Wong.	C
D	Q. Did you mention that to the boss, Mr Cheung?	D
E	A. These are minor details; we don't have to bother him.	E
F	Q. What about Mr Yung?	F
G	A. No. After the incident, the procurement, Mr Wong, he's more familiar with this.	G
H	CHAIRMAN: Mr Wong is more familiar?	H
I	A. He's been following these documents.	I
J	MR KHAW: So did you ask Mr Wong, "Did you submit this soldering material sample?" He said "Yes". So which sample did he submit?	J
K	A. The green one, the green roll.	K
L	Q. Then what was your response?	L
M	A. Then there's no way I could follow up.	M
N	Q. You placed the order and -- so you are saying -- you are blaming the procurement department. They did not clarify it with you. So you are blaming the company, they submitted the sample but they didn't tell you; is that right?	N
O	A. No, that's not relevant.	O
P	CHAIRMAN: So you are saying the company procurement department, they knew what to purchase?	P
Q	A. I don't know whether they knew, but after I asked them, they said they did submit the sample.	Q
R	CHAIRMAN: So that means they knew, right?	R
S		S
T		T
U		U
V		V

A. I don't know whether they knew, but I asked them afterwards and they said yes.

CHAIRMAN: From that answer you can deduce that the company was aware what material had to be used, but when you asked for that material, they gave you the wrong product. Is that the case?

A. I dare not respond. I don't know whether they knew or not. I cannot confirm.

CHAIRMAN: We don't need to be absolutely certain. We can be relatively sure what happened. So you had asked Mr Wong and he said that they had submitted a sample of the green product. Did you tell Mr Wong, "Why didn't you tell us what happened?" Did you ask him? "Why didn't you tell us which sample you submitted?"

A. We had mentioned that.

MR KHAW: So what was Mr Wong's response? How did he respond?

A. Well, it was ambiguous. He --

Q. He gave you an ambiguous response?

A. An ambiguous response.

Q. What do you mean by "ambiguous"?

CHAIRMAN: Like how you are behaving today?

A. He said that he definitely submitted a sample.

MR KHAW: Yes, I know, and then you asked him, "Why didn't you tell us?", and then you said he was ambiguous. So

how did he respond? Why didn't he tell you?

A. I don't know how to answer your question, because he gave me an ambiguous response, because I couldn't fathom his response.

CHAIRMAN: So in fact did he --

A. I don't think he answered.

CHAIRMAN: He didn't respond?

A. That was the case, he didn't respond.

CHAIRMAN: We will have to continue next week. We will adjourn tomorrow, Mr Hui, so please return at 10 am on Monday morning. You can leave now.

Hang on, I would like to refer to the submission issue. On the last occasion, I said I had my requirements for the initial submissions. Does anyone have anything to add?

(The witness withdrew)

MR SHIEH: Mr Pennicott has submitted his client's views and he would prefer I start first.

He had asked that, first, Mr Chairman's request yesterday, that is the four major contractors, you would like those solicitors to submit in writing their evidence and their analysis of the evidence. I think they would prefer a proper letter rather than just a transcript to follow. That was the first request.

The second request was they would like to know the

witness schedule for next week, up till all the suppliers and all the plumbers, and the timetable for the remaining witnesses. Mr Pennicott would also represent other contractors and would like to know what witnesses would be arranged in the upcoming weeks. He would like to prepare for them.

CHAIRMAN: Okay. Let's deal with the second request.

MR SHIEH: He put forward this request before the afternoon session.

CHAIRMAN: Regarding your first question, basically, if you want it in writing, I don't see why you need that, because I already have mentioned on the last occasion -- I will repeat myself -- verbal instruction and written submission, there's no difference. You wouldn't ask the court for what he wants in writing.

MR PENNICOTT: (In English) Mr Chairman, if I may -- obviously I wasn't here on Tuesday afternoon when you floated this idea -- I, with the greatest of respect, have read the English transcript and I have formed the view that, with the greatest of respect, it is not precisely clear what it is the Commission is asking the contractors for. That's borne out by the fact that, having discussed it with my learned junior and my solicitors, internally we disagree with precisely what it is the Commission is asking for.

C I have also discussed it with Mr McCoy, and he and
D I can't agree precisely what it is the Commission is
E asking for.

E So we just thought, so there's absolute clarity
F internally, within each of the four contractors, and
G externally, between the four contractors, that we know
precisely what it is that the Commission is after.

H We have no problem in principle in providing the
I interim submissions, but we do think that absolute
clarity is required as to what the Commission wants.

J On the second point, that's just a logistical
question. If --

K CHAIRMAN: Let me tell you the first point first, on the
L kind of submissions I am looking for.

M MR PENNICOTT: Sure.

N CHAIRMAN: I want the main contractors to give us interim
O submissions, and these submissions include summaries of
P evidence of the main contractors, followed by the second
Q part, which are submissions from the main contractors on
the knowledge or lack of knowledge on the use of
non-lead-free solder. You said there was no awareness.

R Let me put it this way. We haven't heard from
S Ho Biu Kee yet, but I can say now that main contractors
T must make submissions on their knowledge of lack of use
U of non-lead-free solder by plumbing subcontractors, and

in this respect you might have to provide a summary of the subcontractors' evidence, from the main contractor's point of view.

And for subcontractors, I haven't reached there yet. Subcontractors involve two subcontractors in person, so I drew the line there. So that's why I said the main contractors had to prepare such submissions, and these submissions must be submitted by Friday, before New Year. They must be submitted to myself via my secretaries. I would not upload those submissions to our website on the same day. The reason is that I don't want them to be uploaded in batches, because there's the possibility that people might learn from each other how the submission is written.

So this is about knowledge or lack of knowledge. After taking in all the evidence, the main contractors can have another submission on anything else not touched on. For instance, on the Housing Authority, Water Supplies Department, they could be discussed in the final submission.

MR PENNICOTT: (In English) Mr Chairman, it was the first part of that that I was concerned with. We have no difficulty with the knowledge point, both from the perspective of the main contractor's evidence and such evidence as there is from the subcontractors. It was

the words which were in the previous transcript on this point, and have been repeated now, and these submissions "include summaries of evidence of the main contractors".

If that means summaries of all the evidence, on all topics, that is not something that certainly my clients believe we can achieve by 5 February. Yes, we can do the knowledge point, but "include summaries of evidence of the main contractors on all topics" ...

CHAIRMAN: Can you be more specific or give us an example?

All the contractors have given evidence.

MR PENNICOTT: (In English) No, no, no. So far as China State is concerned, in terms of giving an interim submission on the question of knowledge regarding leaded or unleaded solder, no problem. But if, for example, China State -- we've got all sorts of issues on Kai Ching, not related specifically to the question of knowledge of the main contractors.

CHAIRMAN: So what is it about? Are you referring to the main contracts vis-a-vis Housing Authority? Are you referring to those issues?

MR PENNICOTT: (In English) Yes, all those types of issues.

CHAIRMAN: You don't have to talk about those at this stage.

You can wait for the final submission.

So, for the issues vis-a-vis the Housing Authority, I don't know what you are going to talk about. Maybe

it's about water supply. So you can wait until the latter stage.

MR PENNICOTT: (In English) But is what you are asking, with respect, simply on the question of knowledge, or does it go wider than that?

CHAIRMAN: Basically, yes. I anticipate what the main contractors will say will be included in the interim submission. For instance, the main contract between the Housing Authority and yourself, China State Construction, the liability is imposed and the specifications imposed on yourselves, and how do you discharge your liabilities or responsibilities on specifications, and what would you do.

If I follow your line of questioning correctly, basically what you are saying is that it has nothing to do with me and it's back to somebody else. Is that the case? So, basically, that's what happens.

So, for the interim submission, focus on the majority of your cross-examination. So far, questions asked of the Housing Authority, whether it's the deputy director or someone else -- you can wait for a later before you discuss those things. Right now the focus is on knowledge or lack of knowledge. The reason is that the Housing Authority might send someone else to give further evidence. As we know, the assistant director of

the Housing Authority and their CBSE, for copper pipes implemented between 2002 and 2005, the people involved will still come back, so you don't have to touch on those issues at this stage.

MR SHIEH: From what I understand, for evidence set in stone and issues we can put to bed, include whether or not the main contractors know that leaded solder was used, but there are still a lot of unsolved issues. For example, policy-wise or when we think ahead what can be done, and the responsibilities of the WSD and HA and who should shoulder the bigger burden and this kind of thing. There are a lot of issues to resolve.

But according to what Mr Chairman said, these things can wait, but what is set in stone is what is known and what isn't known by the contractors. They can certainly summarise their own evidence or what other people said or whether they are knowledgeable. If they criticise someone of knowing the situation -- for example, Paul Y might say Golden Day know it, and following up the evidence or submission -- I can say someone else is in the know. So it's as simple as that.

CHAIRMAN: (Chinese spoken).

MR PENNICOTT: (In English) I am sure everybody is more clear than I am about what's required, and we can see what's on the transcript. I am still concerned, I have

to say, about the words "and the submissions include summaries of evidence of the main contractors".

I accept that I am reading from the English transcript -- "and these submissions include summaries of evidence of the main contractors" -- what does that actually mean? Followed by the second part which is the knowledge point. We understand the knowledge point.

It's the first point I am concerned about.

CHAIRMAN: Vis-a-vis the knowledge point, if you like.

MR PENNICOTT: Fine. That's helpful.

MR LAM: Chairman, on the submission on knowledge vis-a-vis main contractors and subcontractors, whether the subcontractors should be in the know, yes, the summary of evidence is a grand summary of all the evidence given, for example, all the evidence given by Shui On.

CHAIRMAN: That's all you have been talking about so far.

MR LAM: We can have other things. Was the summary only about knowledge?

CHAIRMAN: For Shui On, what else had Shui On talked about?

MR LAM: For example, our system of inspection, the site checks. Those might be issues.

CHAIRMAN: So, to a certain extent, those form part of your knowledge; right? So you can include them. We don't have to go to such a technical level. We don't have to define things. You can include them, if you like, but

at this stage I just want to know about this aspect.
For issues of principle or other higher-level issues, we
can wait until a later stage. So I have to decide on
the first terms of reference. From what I have heard so
far, evidence-taking for the first terms of reference
are more or less done. We only have to take in
Ho Biu Kee, the other plumber, Lam Tak Sum, and then we
are basically done; right.

Any other questions?

MR PENNICOTT: (In English) Mr Chairman, on a separate
point, which is the logistical point, I am very
reluctant, I have to say, to say to you today that we
can undertake to do this exercise by 5 February.
I certainly hope we can, and we will, but as Mr Shieh
has indicated, we know broadly speaking what's happening
next week, if I can put it that way. What we don't know
is what's happening in the three weeks after that,
leading up to 5 February.

Each of the main contractors are being asked to do
this exercise, have got to deploy their resources both
here at the hearing and doing the submissions and
speaking to people and analysing evidence, and so forth.
So it would be helpful to know what's happening as soon
as possible. If that indication can be given early next
week, then presumably this can then be resolved and we

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 34 B

C can say "yes" or "no" to 5 February or perhaps ask for C
a few more days or whatever the position may be.

D CHAIRMAN: We should be able to inform you by early next D
week or Monday. We can tell you what is going to happen
E in the next two or three weeks and what witnesses are we E
F going to have. Probably we can inform you by early next F
G week. G

H Thank you, and see you next Monday. H
(4.44 pm)

I (The hearing adjourned until 10.00 am I
J on Monday, 11 January 2016) J

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