

## **COMMISSION OF INQUIRY**

### **into Excess Lead Found in Drinking Water**

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#### **Rules of Procedure and Practice**

(made at the Preliminary Hearing on 20 October 2015)

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1. In accordance with the Commission's Terms of Reference, Commission proceedings will address the following matters –

- (i) the causes of excess lead found in drinking water in public rental housing developments;
- (ii) the adequacy of the present regulatory and monitoring system in respect of drinking water in Hong Kong and;
- (iii) recommendations with regard to the safety of drinking water in Hong Kong.

#### **I. General**

##### Public hearings

2. Unless otherwise directed, the hearings of the Inquiry will be open to the public.

##### Prohibition on photograph, audio/video recordings without the authorization of the Commission

3. Without the authorization of the Commission, no photographs may be

taken or audio/video recordings made in the hearing room, the overflow room or the other rooms in the Former Court of Final Appeal Building (“the Building”) used for the purposes of this Inquiry.

#### Language

4. The proceedings will be conducted in Cantonese, although witnesses may give their evidence in any language or dialect that they wish to do so. Testimony given in English will be translated into Cantonese. The Commission will provide consecutive/simultaneous interpretation services when appropriate.

#### Access to documents

5. The Commission Secretariat has compiled, and will update regularly, an index of all documents and material provided to the Commission for the purpose of the Inquiry. Any involved party who wishes to gain access to such documents or material may apply in writing to the Commission Secretariat. At its discretion the Commission shall determine whether or not and to what extent access may be permitted.

6. Any involved party who wishes to obtain soft copies of documents to which access has been permitted by the Commission may apply to the Commission Secretariat to be provided with such copies. At its discretion the Commission shall determine whether or not such copies are to be provided. The cost of obtaining such copies shall be borne by the party obtaining such copies.

#### Use of materials provided by the Commission

7. All materials supplied by the Commission to any of the involved parties or any of them shall be used only for the purposes of the Inquiry. Public dissemination of any of such materials shall not be allowed until and unless

they have been adduced as evidence and expressly referred to in the Inquiry.

## **II. Standing**

### The participation and legal representation of other parties

8. Parties who have been directed by the Commission to provide written statements shall provide such statements by the date specified by the Commission, subject to applications for extension of time to be considered by the Commission.

9. Any party (apart from the parties referred to in paragraph 7 above), who wishes to (1) participate in the Inquiry (if leave to participate has not yet been granted by the Commission); (2) call any witnesses; and/or (3) adduce any witness statements and/or materials for the purpose of the Inquiry, shall apply in writing to the Commission within 7 days from today.

10. If the Commission decides that an application referred to paragraph 8 above be granted, the party in question shall (unless otherwise directed by the Commission) provide the witness statement(s) of the witness(es) to be called and/or material(s) to the Commission within such period as the Commissions may consider appropriate.

## **III. The hearing procedure**

### Opening addresses

11. Counsel for the Commission may make an opening address. Counsel for the parties permitted to participate and be legally represented (the “involved parties”) may apply to the Commission to make their own opening addresses. If the Commission accedes to such application, the addresses will be made immediately after the address of counsel for the Commission. The Commission may determine the sequence and length of such addresses.

## Evidence

12. The Commission notes that section 4 (1) of the Commissions of Inquiry Ordinance, Cap. 86 provides that in conducting the inquiry it may:

“(a) receive and consider any material whether by way of oral evidence, written statement documents or otherwise, notwithstanding that such material would not be admissible as evidence in civil or criminal proceedings;”.

## The examination of witnesses

13. Oral evidence will be given under oath or affirmation.

14. The procedure by which the Commission will receive oral evidence is as follows:

- (1) The Commission shall determine the sequence in which oral evidence be given in the Inquiry.
- (2) Counsel for the Commission will lead the evidence of witnesses called by the Commission; Counsel for any involved party may apply to the Commission for leave to question a particular witness; Counsel for the Commission may re-examine the witness.
- (3) Unless otherwise directed by the Commission, Counsel for an involved party may lead the evidence of witnesses who testify on behalf of such a party, after which Counsel for the Commission may question such witness; thereafter, Counsel for the other involved parties may apply to the Commission for leave to question such witness; finally, Counsel for that involved party may re-examine such witness.
- (4) Unless otherwise directed by the Commission, insofar as any

witness wishes to adopt his or her witness statement as his or her evidence (with or without modification or elaboration), the contents of his or her witness statement are to be read out either by the witness or by his or her counsel.

- (5) At any stage of the Inquiry the Commission may ask questions of any witness.
- (6) The Commission may give directions to each party limiting the length of examination of witnesses and submissions.
- (7) The Commission shall inform all involved parties as and when the witness statements and/or expert reports of the witnesses to be called by the Commission become available.
- (8) The Commission may recall any person who has given oral evidence to answer further questions.

“Witnesses” referred to above shall include factual and expert witnesses.

#### Closing addresses

15. Counsel for the Commission and counsel for the involved party may make closing addresses. The Commission may determine the sequence and length of such addresses.

#### The Substantive Hearing

16. The Substantive Hearing of the Inquiry shall commence on 2 November 2015 at 10 am in the Building.

17. The Substantive Hearing shall, subject to any adjournments that the Commission may consider necessary from time to time, continue until 18 December 2015 and shall resume from 4 January 2016 until all evidence and

submissions are heard.

18. Unless otherwise directed, the Substantive Hearing will be held from 10 am to 1 pm and from 2:30 pm to 4:30 pm every day.