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C 2015年11月12日

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D 上午11時02分恢復聆訊

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E 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
E 律師，代表食水含鉛超標調查委員會

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F 何沛謙資深大律師及殷志明大律師，由羅夏信律師事務所延
F 聘，代表香港房屋委員會

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G 王鳴峰資深大律師、陳樂信大律師及羅頌明大律師，由律政
G 司延聘，代表水務署署長

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

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J 司、明合有限公司及伍克明

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K 許佐賓大律師，由的近律師行延聘，代表保華建築營造有限
K 公司

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

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N 主席：Yes, Mr Pennicott.

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R 香港房屋委員會第三證人：嚴汝洲（房屋署總建築師（發展及標準策劃））
R 宣誓繼續作供

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S MR PENNICOTT 繼續盤問

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U 答：係，早晨，主席，我想就著琴日最後嗰兩個問題就都有少少補充嘅

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資料想先講一講先。

第一樣嘢就係有關於提到話有一個 continuous supervision 嗰樣嘢。喺合約裏面個條款，我就返去查一查番嗰個即係紀錄，咁合約條款當中，就係一般嘅合約條款裏面嘅第 30 條，第 30 條，我哋係需要個承建商--如果我讀英文嚟講就係“The main contractor shall conform in all respects with all enactments, regulations, bye-laws and rules, including any additions of amendments thereto, which are applicable to the Works.” 喺呢度，相關嘅條款，就係我哋所聘用嘅承建商就必定係一個 registered contractors，而亦都係佢哋要符合到嗰個嘅 Building (Administration) Regulations。換言之喺 Building (Administration) Regulations 裏面嘅第 41 項，就講咗係 registered contractor 係需要畀出一個 continuous 嘅 supervision。咁呢度我而家補充番我哋個合約條款裏面嘅根據。

第二樣嘢就係有關於嗰個嘅 superintendence 方面。Superintendence 方面就係--同樣喺一個嘅一般合約條款，第 17 項裏面，就其實我哋係需要嗰個承建商，對於嗰個嘅 subcontractor，佢哋--就係自己嘅分判商，係有一個嘅 management plan 嘅。咁呢個 management plan，事實上喺中國建築，喺就著啟晴邨呢個合約當中，就喺 2010 年嘅 8 月 3 號佢哋已經係即係提交咗呢個 management plan 畀我哋嘅。

我想特別提一提嘅，就係呢個 management plan 裏面嗰個重點，就係承建商佢係會提交一啲嘅 measures，講出係點樣樣嚟到去 supervise 個 works，同埋 monitor 嗰啲嘅 subcontractors 嘅 performance，佢哋嘅表現咁樣樣，主要針對番喺嗰個 programming、quality 同埋 safety。咁呢啲都係喺個 management plan 裏面，佢哋對於嗰個嘅分判商係個重點嘅，主要嘅。

另外喺嗰個 plan 裏面亦都係需要顯示有關嘅 details，詳細嘅資料，有關於係個承建商點樣樣，係有佢哋自己嘅 management team 去睇住呢啲嘅分判商嘅，特別係即係都需要有番呢啲嘅人選，咁有一個「direct 嘅 supervision」，亦都係出番嚟，係呢個字眼。咁我係補充呢點。

唔該晒，主席。

主席：好。

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問：Thank you very much, Mr Yim. When we adjourned last evening, I was asking you some questions about the 10 per cent inspection procedure. Do you recall that?

答：係，係。

問：I want to move on from that, just to look at a couple of documents, to see how it actually works in practice. I wonder if you could take or be given file B5.4, and if you would be good enough, just by way of example, to turn to page 9378.

答：係，睇到。

問：That's a Housing Department form, as I understand it; is that right?

答：係。

問：It's headed "Inspection form", in the top left-hand corner, and "Daily inspection form", in the middle, towards the top; do you see that?

答：睇到個日子。

問：This particular form is dated 7 August 2012?

答：係。

問：You can see that this is in relation to block 1 of the six blocks at Kai Ching?

答：係。

問：In the column on the left-hand side, headed "Ref No", as I understand it, that's a series of references to the speculation forming part of the contract; is that right?

答：係。

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問：Then you can see there's a series of locations, where, presumably, inspections took place; is that right?

答：係。

問：Then we have a heading "Pass".

答：喺。

問：What does that stand for?

答：呢度我係個--表示係佢係滿意當日所睇到視察嘅工程做咗嘅工作。

問：You will see underneath in that column references to 4J, 7J, 9J, and so forth. What does that mean? What do those denote?

答：呢度我相信佢係會係有一張嘅 plan, 係有張圖, 上面係有番呢啲嘅位置, 即係換言之係一個 gridline, 我哋所謂, 嘎, 即係嗰張圖係分咗不同嘅 grid reference, 可以憑住呢啲嘅座標嚟到去搵番個 location。

問：Right. So they will specifically give you the location of the inspection?

答：可以咁講。

問：We can see, at the bottom of the page, I think four signatures, all Housing Authority personnel, as I understand it; is that right?

答：係我哋嘅駐地盤嘅同事。

問：Is this -- to your knowledge, this is a fairly typical sort of form that's used throughout, not just this project but all Housing Authority projects; is that right?

答：係。

問：It's headed "Daily inspection form", and is it the case that these inspections take place every single day as

the project progresses?

答：都唔一定。噏，我諗呢度咁樣樣先，即係正如我琴日所講，就係嗰位同事佢係--冇錯，呢個 form 個 heading，佢講緊“Daily Inspection Form”，個 heading 係咁樣寫，但係亦都要--完全要配合番嗰個嘅承建商當時佢嗰個工作流程，有幾多佢係做咗嘅。有好多時可能佢喺佢嘅流程當中，比起佢自己預計嘅可能遲咗；亦都係即係當日，可能我哋係想睇嘅，跟足自己嗰個嘅 schedule 喇，所謂，咁但係可能佢有啲情況底下係特別--因為遲咗，或者有啲可能早咗，諸如此類，咁我哋都要同番嗰位嘅承建商喺駐地盤嘅朋友嚟到去有緊密嘅聯絡嘅。所以基本上可以話我哋每一日個 inspection，位置可能唔同，個 trade 亦都可能唔同。咁就至於你話係咪每一日都係喺番即係同樣嘅 trade，咁只不過係話呢個 form，就係我哋喺日常裏面，每一日我哋所 inspect 嘅，都會用咁解。

問：Now a more general question, Mr Yim, not referable to this document. Do you know whether the site staff actually inspected the joints of the copper pipes themselves? We all know they didn't carry out any tests for lead in the solder, and so forth, but did they actually inspect the joints; do you know?

答：咁樣嘅，佢哋如果係睇呢個水務工程嗰方面嚟計，其實一條水喉，佢哋去睇嘅時候，就會係睇番--水喉嗰住個 joint 嘅，所以佢哋會一齊睇嘅，就唔會話即係--當然，如果我哋而家，7月之後，我哋知道個 joint 嗰個焊料係咁緊要，會亦都特別去睇。但係一般而言，我哋嗰個嘅同事去到睇呢啲嘅水喉嘅工序當中，其實就係話佢哋整體去睇嘅，即係個水喉連埋個喉碼，特別佢哋嗰個 joint 位。「joint 位」嘅意思即係話喉同喉之間嘅接駁，佢唔係淨係個焊位嘅，佢都仲係需要有一個嘅--即係所謂一個 joint fitting，有啲可能係 T joint，有啲可能係一個嘅打橫 L joint，咁樣樣。咁呢啲嘅 joint fitting，其實連埋個焊位，係整體一次過去睇嘅。

因為一路以嚟我哋嗰個水務工程，我哋所著重睇嘅，就係話係嗰個 performance，我哋係即係著意係嗰個漏水嗰方面，即係 tightness。如果我哋睇個 joint，會睇嘅，就係話睇番嗰啲焊料會唔會係即係好--即係一個--workmanship 方面好差，以致到即係會有機會會漏水呀，諸如此類；咁呢啲佢哋會一併嚟到睇，就唔會單獨係睇嗰個 joint 嘅。

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問：So you are looking for the soundness of the joints;
that's what it comes to?

答：對唔住，聽唔到。

問：You are looking at the soundness, the fact that they
are good joints, they are made well, with good
workmanship; that's the key to it, that's what you're
looking for?

答：對唔住，我都仲係聽唔到你個問題。

主席：Soundness，即係個 performance。

答：Sound performance?

主席：Soundness.

答：哦，soundness，哦。Soundness of 嗰個 pipe，pipe soundness，
okay，okay，okay。

我哋喺嗰個嘅--特別喺我哋嗰個承建商表現評分制度當中係有
呢個 soundness 嘅。咁我哋睇嘅就係最主要呢個嘅水喉裏面有冇啲
stain。因為好多時佢哋喺嗰個 storage 當中，就係會有一啲咁樣
嘅--即係邋邋嘅嘢沾染，但係我哋都需要係佢哋乾淨嘅，即係唔可以
有任何嘅--即係可能係有啲 cement paste 呀咁樣，即係揩咗落去
咁樣樣，咁呢啲要有清潔。咁呢個就係講緊嗰個嘅 soundness，類
似咁樣嘅情況。

問：Could we move on to a little topic on its own. Yesterday,
Mr Shieh asked you some questions about the records
of the labour that attended the site...

答：係。

問：...from time to time. Do you remember those questions?

答：記得。

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問：What I would like to do is just identify some documents.
I don't really want to ask you too many questions about
it, but just the documents themselves.

Could you be given bundle B5.10, please. Could you
please go to page 12975.86.

答：我睇到。

問：Again, this is another standard Housing Department form;
is that right?

答：係。

問：This one is headed "Record form", and then in the centre
of the page, at the top, "Record of trade tested workers
for Building (New Works) Contract"; do you see that?

答：係。

問：In the top right-hand corner, it's dated for the month
of January 2012?

答：係。

問：If you look down the left-hand column, you will see
the heading "Trade", and then, if you go to number 8,
you will see the word "Plumber"; do you see that?

答：係，睇到。

問：There are a number of figures and ticks and letters
and percentages, going across the page. What I would
like you to do is to focus on the figure 7 in the third
column. Do you see that?

答：見到。

問：That, if we look at the top, is the number of workers
on site on the day of checking; do you see that?

答：見到。

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問：So seven plumbers on site on this particular day, when this was done.

Then, if you would be good enough, please, to go to page 12975.89, just a few pages on -- do you have that, Mr Yim?

答：麻煩你再講一次個 number, eight --八十-- okay。

問：In short, 89.

答：得，唔該。

問：As I understand it, Mr Yim, this is an annex to the monthly form.

答：係。

問：If you look at this form, looking at page 89 for short, right at the bottom, under the "Trade" column, you will see the word "Plumber" again?

答：係。

問：Then, if you look across to page 90,...

答：Clause 90.

問：...that's the next page in the bundle,...

答：Okay.

問：...you will see the first six references to plumber; do you see that?

答：睇到。

問：So what happens, as I understand it, Mr Yim -- perhaps you can confirm this -- is that the seven plumbers are identified, and we can see on this form they are identified by name and by, I think in this case, their green card numbers; do you see that?

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答：係。

問：Then, in the column headed "Trade Test Certificate No", as I understand it, those are the certificate numbers issued by the Construction Industry Training Authority?

答：係。

問：This information, as I understand it, is compiled by the site agent of the contractor, in this case Mr Derek Ma -- you can see that from page 90.

答：係。

問：Then is checked and approved and verified by a representative from the Housing Authority?

答：係。

問：You would expect this record to be submitted on a monthly basis throughout the course of the contract?

答：唔。

問：It's nobody's fault, Mr Yim, but if you look at pages 89 and 90, in the top right-hand corner, under the word "Annex", do you see it says "Sheet 2 of 11"?

答：Yes.

問：Then, on page 90, the last page we were looking at, it says "Sheet 3 of 11"; do you see that?

答：3 of 11? Yes, yes, 90 is 3 of 11.

問：It may be that we will have to find the documents, there are eight pages missing of this document, ie 4 of 11 through to 11 of 11. Would I be right in suggesting that the remaining pages, effectively, will set out the records of the semi-skilled workers?

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答：你係想要番呢啲資料？The missing pages？

問：Yes. Will they set out, do you know, the records and information in relation to the semi-skilled workers？

答：係，正如我同你所講呢，呢啲嘅 form 呢最主要呢我哋喺番我哋地盤裏面嘅同事呢去處理嘅，亦都會係將有關呢啲嘅 trade tested workers 嘅資料，同樣之後就會係 send 番去 CIC，即係建造業議會嗰邊去 double check，咁喺整個 checking 嘅過程當中返番嚟，我哋自己就有同事，我哋就會有知道成個 CIC 裏面，佢話番畀我哋聽個準確性嘅程度，呢個係個 double checking，而呢啲 form，即係 missing pages，我需要再返去查一查先，因為本身呢啲係地盤裏面嗰個嘅紀錄嚟。

問：Fair enough, Mr Yim.

Could I, in the same file -- just remember that what we have been looking at is dated January 2012, and we have seen seven plumbers; okay？

Could you go now, please, to page, for short --

答：唔好意思，等我或者寫寫低個需要嘅 pages 先，唔好意思吓。

問：Page 106.

答：好，得，唔該，係。第幾頁？

問：106. Do you have that？

答：106，得。

問：It's the same form but it's a year later, in January 2013. Do you see that？

答：係，睇到。

問：If you look in the same column as we looked in the previous page, you will see that the number of plumbers has gone up to 22; do you see that？

答：Number 22，係。

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問：This is January 2013, and we are just a couple of months off of you signing WWO46 part IV, as the plumbing works comes to an end, so far as the blocks are concerned. Do you recall that?

答：如果係個 Form WWO 46, part IV, 我有記錯應該係三月初，即係個持牌水喉匠所簽嘅日子，...

問：Exactly.

答：...如果有記錯應該係三月嘅---一三年嘅三月三號。

問：Right. That is right. Then, in the same way that we saw on the previous form, if you go please to page 109.

答：109?

問：You will see on page 109 and indeed on page 110 the 22 plumbers, or the information in relation to the 22 plumbers. Do you see that?

答：係。呢度有列明啲 plumbers 嘅名。

問：In a similar format to what we saw on the earlier form?

答：係。

問：Okay. You can put that file away, Mr Yim.

Mr Yim, yesterday, Mr Shieh asked you some questions about the volumetric precast or prefabricated bathrooms and kitchens. Do you remember that?

答：係，記得。

問：My understanding of the position is this, that volumetric precast bathrooms and kitchens was nothing new to the Housing Authority. What was new and different was the incorporation of the plumbing works and the pipeworks into those precast units. Is that right?

答：不如咁樣講，即係其實嗰個預製嘅廚房同埋嗰個嘅預製廁所--浴室喺當時嚟講呢一個嘅合約，所用嘅都可以話唔係新，不過呢就都係喺嗰個嘅 pilot 嘅階段，當然即係如果你話喺預製組件裏面安埋水喉，就的確係第一個合約喺裏面有承建商提出係咁樣用。

問：Mr Yim, do you have any personal knowledge of how, by what means, by what labour, by what supervision those prefabricated units were constructed in Shenzhen?

答：呢個我諗咁樣樣，就我仍然都要申明，因為喺整個嗰個嘅預製組件製作過程當中，就唔係我自己本人作為嗰個總建築師嘅，純粹我都係憑番嗰個紀錄，同埋問番啲同事。因為我接任嘅時候喺一二年嘅九月，基本上所有嗰六個 block 已經平咗頂，換言之即係話所有嘅預製組件已經係安好晒。而整體嗰個嘅安裝個規範，其實就--當然整體嚟講，就係承建商係需要--琴日我都提到就係話符合約裏面嘅要求，合約固之然亦都包括咗嗰個嘅當時嘅現行法例，因為始終都係一個嘅預製嘅組件，所以喺整個營造嘅當中，其實我哋需要承建商要做得到嘅，當然嗰個嘅質量個監控喺個工廠裏面亦都係需要有一個團隊，佢自己嗰個嘅所謂監察 supervision。而我哋自己當時亦都係有一個嘅獨立嘅顧問公司，嚟到去做番嗰個嘅監工嘅作用，而呢個顧問公司當時佢哋都係有關...

問：Yes.

答：...即係自己嘅職員，嚟到去到內地去到監察。除此之外，亦都係我哋有一個喺番現行制度裏面嘅 registered structural engineer 嚟到去簽名，去睇番整個監工嘅條例。而我哋都同樣我哋都有 audit team，同埋有啲 surveillance test，呢個都係我哋一路都有做，不過 China State detail 詳細佢點樣樣嚟到安排喺國內嗰個嘅工廠裏面施工整體個監控質量，我暫時我講唔到，應該要再翻查番個紀錄先得。

問：You have anticipated, Mr Yim, my next two or three questions.

It is right that the Housing Authority appointed an independent consultant called Jacobs China Ltd to go to Shenzhen, to the pre-fabrication facility, and to witness, inspect and monitor the progress of the works; and that's right, isn't it?

答：係。

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問：We can move on to something else.

Can I ask you please to go to paragraph 74 of your witness statement.

答：得，74段係咪，呢個 paragraph？

問：Yes, correct. B15.1/37722.

The chairman yesterday took you to the last sentence of this paragraph; do you recall that?

答：記得。

問：Which reads:

"Before July 2015, neither I nor the Housing Authority was aware of the WHO Guidelines on the drinking water quality at the consumption point."

答：正確。

問：What is the basis of your evidence that the Housing Authority was unaware of the WHO Guidelines?

答：WHO Guidelines 呢度，我--我哋所唔認知嘅，特別就係因為七月有見--亦都知道啟晴邨係有嗰個嘅食水含鉛量超標之後，就係嗰個十微克嗰樣嘢，呢個就係一個最標準即係我哋所清楚知道嘅，廣大市民都喺七月之後都知道呢樣嘢。其實就著呢個為例，即係話喺食水含鉛量有幾多，根據 WHO 世衛標準，或者 guideline 呢個佢嘅指引，呢個係我哋完全唔察覺，呢句說話就係咁樣講。

問：So are you saying -- and we want to get this absolutely clear, Mr Yim -- that the Housing Authority was unaware at all of the WHO Guidelines, or simply unaware of the 10 microgram provision?

答：唔係淨係十微克，而係整個 guidelines。

問：Can I suggest to you, Mr Yim, that that is wrong, and that at least from May 2010, the Housing Authority was well aware of the WHO Guidelines.

答：可唔可以再講多次你頭先嗰個嘅文件？

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問：I am asking you this question: do you know whether or not the Housing Authority was aware of the WHO Guidelines in May 2010?

答：二零一零年世衛喺五月出嘅 guidelines，我本人我就唔知道嘅，但係你話房委員呢，即係以我所認知嘅，都有咁樣嘅信息畀我哋。

問：Did you know, do you know, that there's a provision in the contract between the Housing Authority and China State, relating to Kai Ching, that actually refers to the WHO Guidelines? Did you know that?

答：喺呢度我暫且未認知。

問：If you read the contract, Mr Yim, you would have known, but you didn't do that, did you?

答：可能我遺漏咗呢一部分都唔定。

問：But the people who wouldn't have missed it, Mr Yim, are those who drafted the contract, including, as I understand it from your evidence yesterday, one of your predecessors, Theresa Yim. Would that be right?

答：不過未去到呢個問題之先，我想問一問番頭先嗰個問題，就係我都想知道下，喺個合約裏面邊個條文係寫咗係要跟世衛嘅 guidelines?

問：I am coming to it, Mr Yim. Let me just take it in stages.

Let me just ask you this question. Are you familiar with the Hong Kong Building Environmental Assessment Method -- for short, HK-BEAM -- are you familiar with that organisation?

答：你講係嗰個嘅綠建環評嘅系統？

問：I am. Have you heard of them?

答：係，我知道嘅。

問：All right. Could you please be given file B5.1. Please go to the very first page, because I want to

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take you through this with a degree of order, if I can.

Page 7849 is the front sheet to the contract between the Housing Authority...

答：睇到。

問：...and China State for Kai Ching; do you see that?

答：係。

問：You will recall, because you said you had a copy of this contract in your office, that it's a rather large document, in six volumes?

答：係。

問：If you go over the page to page 7850, we can pick up the index to the contents of the contract; do you see that?

答：Yes, 係。

問：In the usual way, we have articles of agreement, General Conditions of Contract, the specification, and then the technical resources and technical proposals, and then many volumes containing the bills of quantities, in the usual way.

答：係。

問：You will see, under the bills of quantities, on page 7851, the heading "Preliminaries", and "Bill No. 2 -- Preambles and Special Preambles"; do you see those?

答：睇到。

問：Underneath bill No. 5, we get a series of bills of quantities for the superstructure works, for the various blocks; do you see that?

答：係。

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問：The plumbing items are contained within those superstructure bills?

答：Superstructure bills?

問：The copper pipes we can find within the superstructure bills. I'll show you in a moment. You are not aware of that?

答：應該係，不過--係喇，即係我需要時間去睇睇番先。

問：Okay. I will give you some time.

Could you go, please, then to page 7853. You will find there the articles of agreement, or the front sheet. Then, on page 7854 and 7855, we can see that the contract is dated 24 May 2011 and was signed by the then Director of Housing on behalf of the Housing Department. Do you see that?

答：係，係。

問：Could you then go, please, to page 7867. That's the front sheet to the specification.

答：係，啱。

問：Then, if you go over to page 7869, there's an index for the specification; do you see that?

答：睇到。

問：Under (a), towards the top of the page, there's a heading, "Section Pre-preliminaries; do you see that?

答：睇到。

問：Then, if you go to page 7871, again the front sheet to the Pre-preliminaries; do you see that?

答：見到。

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問：Then, starting at page 7872, there's a table of contents to the Pre-preliminaries, or the Preliminaries; do you see that?

答：係。

問：Go, please, to page 7882. We will see on the left-hand side, a third of the way down the page, "PRE 13, HK-BEAM Requirements"; do you see that?

答：睇到。

問：What was your understanding, Mr Yim, on what the HK-BEAM organisation does? What's its role in life?

答：綠建環評，呢個就係一個嘅香港綠色建築議會佢哋一個嘅評核香港建築裏面綠色建築嗰個嘅評審嘅標準，裏面就主要就睇番喺番我哋幾方面，譬如就係話節地、節材，材嘅意思即係物料，節水，water saving，同埋就係一個嘅 IEQ，即係 internal environmental 嘅 quality，咁呢一類嘅分野，其實都係喺番我哋不同嘅建築項目當中，係需要進行一個評核，而畀咗個評價。

問：You have just used the word "accredited", and that's really the fundamental point, isn't it, that what the Housing Authority wanted to do as far as Kai Ching was concerned was to obtain various accreditations from HK-BEAM?

答：喺呢個 project，我哋係當時有取得一個嘅 provisional platinum 嘅 rating，係 under HK-BEAM，就咁樣樣。

問：All right. Look at page 7883, if you would, please. Towards the top on page 7883, do you see a subheading, "Water Environmental Requirements"?

答：睇到。

問：Then immediately underneath that heading, there is this reference: "PRE.B13.060.P. Water quality survey (HK-BEAM 5.1.1 -- Water Quality)"; do you see that?

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答：睇到。

問：Then, because we've got this file open, Mr Yim, could I just ask you please to go -- just to pick up another point on the way through -- to page 7973.

答：7973，睇到。

問：That should be headed "Bill No. 2. Preambles".

答：係。

問：Then if you could go, please, to page 7976, you should see there part of the preambles that relates to the plumber; do you see that?

答：睇到。

問：What it says at A is:

"The rates for lead work, zinc work and copper work shall include for:

(i) All wedging, soldering and brazing".

Do you see that?

答：係。

問：Then, over the page at 7977, it says at A:

"The rates for fittings on copper pipes shall include for capillary [and] compression joints."

Do you see that?

答：係。

問：So when talk of the solder being incorporated into the rate, what that means is that when the contractor is pricing for the copper pipes, he also has to take into account the solder, amongst other things; do you agree?

答：呢度，我諗咁樣樣，個 rates 就係--我其實做供詞之前，我哋都有 check 一 check 番我哋嘅 quantity surveyor, project quantity surveyor, 再 double confirm 番就係整體佢唔會有

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一個 bill，即係呢個係我所得到的資料嚟嘅。咁就係即係睇番個 copper pipes，即係一 pipework 裏面係一個標價，就唔會係有 solder 係另外一個嘅 rate 走出嚟。

問：So, for example, if you go, please, to page 7987.

答：係，睇到。

問：This is part of bill number 5A, which covers the superstructure of block 1, and you will see, about two-thirds of the way down the page, a heading "Cold Water Supply Installation"; do you see that?

答："Cold Water Supply Installation"睇到。

問：If you turn over a couple of pages to 7989 --

答：係。

問：-- you will see a heading in the middle of the page, more or less, "Copper pipes and fittings"; do you see that?

答：睇到。

問：Then there is a list of different diameter copper pipes; do you see that?

答：係。

問：With a series of differing quantities, measured in linear metres; do you see that?

答：係。

問：It's been blanked out, but the prices that the contractor will have put in against each of those items will, as we just discussed, include for solder, and that's what we mean by including the solder in the rate for the pipes?

答：呢個係喺番我哋--即係我哋嗰個嘅 service provider，quantity

surveyor 嗰度認知番嚟。

問：Can you think of any good reason why there wouldn't be a separate item in the bills of quantities for the solder?

答：我諗焊料就係等於我哋啲 bolts and nuts，即係螺絲同埋一個嘅釘咁樣嘅模式，喺整體呢個嘅 water pipe 一路以嚟嗰個嘅 reference of measurement，都係以一個嘅 sundry 嘅模式嚟到去擺落去。所以我所知就係咁樣嘅情形，就唔會係特別有一個 solder 嘅 rating 嘅 item 走出嚟。

問：But can you think of any good reason why there couldn't be?

答：你嘅問題係.....

問：Why not have a separate item in the bills of quantity says "Solder"? The quantity surveyor can work out approximately how much is needed. It can be expressed by reels or pounds or whatever it comes in and the contractor can price separately for it.

答：我好相信呢個都係跟番業界裏面一貫嘅--即係作為個運作係咁樣，所以頭先我所提到嘅就係一個 standard method of measurement，喺做 BQ，即係 building quantities 裏面，作為一個嘅樓宇合約工程，我哋都係跟番一般嘅做法。

問：Right. Can I then ask you, please, to turn on in this quite a way, I am afraid, to page 8419.

答：8419，係咪？

問：Do you have that, Mr Yim?

答：係，睇到。

問：It should be headed, "Appendix Q -- Extracts from the Main Contract"; do you see that?

答：係。

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問：If you turn over the page to page 8420 -- have you got that?

答：係。

問：Can I draw your attention first of all to the date of this document, at the foot of the page, 26 May 2010; do you see that?

答：睇到。

問：Do you see the provision at the top, "PRE.B13.060.P"; do you have that?

答：睇到。

問：That mirrors a provision we saw in the index a short while ago; do you remember?

答：可唔可以再講多次？

問：Remember we looked at the index a short while ago, and this is the provision that's referred to in the index?

答：Referred to index?

問：Yes.

答：係嘅。

問：It's headed "Water Quality Survey (HK-BEAM 5.1.1 -- Water Quality)". Let's read it:

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

at all the furthest points of delivery from the storage tank used in the building."

Have you seen that provision before, Mr Yim?

答：Revision 4? 呢個 clause 我睇...

問：Have you seen this clause before?

答：哦，this clause before, okay。或者我喺度講一講，咁呢就喺番呢個嘅條文當中，就係講番嗰個 water quality survey, 喺綠建環評嗰個嘅評審標準裏面，係有提到嗰個嘅--所謂我頭先講話節約用水個範疇，喺呢個節約用水嘅範疇裏面，當然亦都係會講到個水質。其實喺呢方面，喺我哋--喺成個評審過程嘅當中，就係會同樣，即係好似琴日我哋所講，即係水務署佢哋嚟到抽水辦。咁呢度呢，ISO5667 係講緊我哋喺樓宇不同嘅位置，嚟到去抽取個水辦去驗嘅。咁而喺我哋嘅香港綠色建築議會當中，喺評審我哋呢一個嘅項目嘅時候，亦都係跟足呢個嘅 ISO5667 嗰個嘅模式去抽樣水辦。而驗嗰個嘅模式呢，同樣喺度講咗，亦都係話我認知呢，就應該係冇包括嗰個重金屬嘅，當時。咁亦都係通過咗香港嘅綠色議會嗰個嘅--亦都係佢哋接受，而係出咗嗰個嘅 provisional platinum 嗰個 rating 畀我哋。呢個係我所認知。

問：Mr Yim, would you be good enough to answer my question? I read out to you that provision. What I would like to know is whether or not you have ever read it before today.

答：呢個 clause 我真係唔記得係咪真係完全有睇過 exactly 呢個 clause, 但係運作裏面我知道喺--即係頭先我所講過，即係要交界香港嘅綠色建築議會嘅一個評審嘅文件當中，我係知道嗰個嘅流程，但係我唔會係即係成個呢個 clause 呢，有同任何一位嘅同事去仔細去睇過。但係有冇即係所謂攞過下，即係好快啱，以前係曾經望過下呢，我唔夠膽講，即係可能有都唔定。

問：Can we reflect on your evidence that before 2015, before July 2015, the HA was unaware of the WHO Guidelines, that palpably is not right, is it? They actually refer to it in this contract.

答：冇錯，不過--不如咁樣講，就呢度呢係講咗，亦都要去--呢度係想講

番，就話“Prepared by World Health Organization at all points of use as per HK-BEAM 5.1.1”。而家即係去--我仔細睇番呢段，所睇番--嗰個嘅情況，呢個要配合番 HK-BEAM 5.1.1 佢哋點樣去抽取番呢個 WHO 裏面嗰個嘅 guideline。首先，即係我再去補充番少少，就係我喺嗰個 witness statement 所提到話即係房委會，同埋我哋自己唔認知嗰個 WHO guideline 呢，就係有關於嗰個食水含鉛重金屬嗰方面嘅情形。

問：That's not what your statement says, Mr Yim. It says that the Housing Authority was unaware of the WHO Guidelines. What I am suggesting to you is that those responsible for drafting this contract must have known about it. It's obvious, isn't it?

答：我好相信 draft 呢個 contract 嘅同事，其實佢都係睇番嗰個 HK-BEAM，綠色建築議會佢哋嗰個要求，嚟到去寫番個 wording 落去嘅，當然我唔可以代佢講說話喇。

問：Which colleague? Are you referring to any particular colleague?

答：點樣？誼...

問：Which colleague are you referring to?

答：我意思即係話就係當時佢唔係一個人嚟嘅，我琴日都交代咗，即係成個--如果係 specification 要去準備嘅話，其實係一個團隊嘅模式，咁我哋即係喺房委會裏面，我哋係落得落去呢個嘅 specification，我哋係經過一定嘅程序，當然我哋嘅 stakeholder，包括埋香港綠色議會咁樣樣。我哋係 consult 過佢哋，然後先至落番呢啲嘅 specification 落去。

問：You told us yesterday that one of your predecessors as chief architect/2 was Theresa Yim and she was in overall charge of the drafting of this contract. Do you recall that?

答：我記得。我記得。

問：As luck would have it, Theresa Yim is coming to this Commission to give evidence in due course. As it

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happens, not in relation to this project, but in relation to whatever project Mr McCoy is involved in for Paul Y. So I will perhaps get the opportunity of asking her, and I give due warning I will be asking her, about this particular provision and her knowledge of the WHO Guidelines at the time.

But for now, Mr Yim, I'm going to leave it with you, save to ask you this.

答：唔好意思，可唔可以大聲少少？

問：I'll try, but I'm not repeating all that.

Mr Yim, you ceased your duties as chief architect/2 in February 2014?

答：係。

問：Before you left, were you aware that it was the Housing Authority's intention to trigger, effectively, this clause that we've been looking at and apply for and obtain accreditation for water quality from HK-BEAM?

答：我哋係嘅，即係我哋落咗呢個條款落去嘅時候，係即係都需要配合 contractor，為到我哋喺攞呢個嘅綠色環評嗰個 accreditation。

問：You weren't involved in that process, though, as I understand it?

答：吓？

問：You weren't involved in that process personally?

答：我當時未係喺嗰個階段。你講緊係話即係嗰個嘅評審嘅過程，我唔喺個 process，我--對唔住，我係咪誤會咗個問題？

問：You haven't misunderstood me. My understanding is because you left in February 2014...

答：Yes.

問：...you were not involved in the accreditation application process.

答：我有 involve 嘅，即係後期嘅--因為呢個係完工之後，再有同番綠色議會嗰方面嚟到去傾談，咁但係呢當然，即係係佢哋嗰個嘅--同樣呢個綠色議會，都係我哋嘅業界之一，所以即係佢哋所 refer 呢一個嘅 World Health Organization 嗰個 guideline，其實就係即係可以講，我哋跟足番佢哋嗰個嘅要求。但係係成個過程當中，所接觸到或者係所認知到嘅，係佢哋嗰個嘅 assessment 裏面，我哋完全冇察覺到，或者係認知到，有關於飲用食水重金屬裏面嗰個嘅情況，個影響，或者係風險。

主席：嚴生，如果你聽唔到律師問問題，你可以戴個耳機嘅，因為個耳機都有擴音嘅功能。

答：哦，okay，好。好呀。

主席：我想問一問呢一度，呢度寫住 "as per HK-BEAM 5.1.1"，你見到喇呵？

答：我見到。

主席：呢個 "as per HK-BEAM 5.1.1"，係咪又係 test 嗰八個 parameters 呀？

答：我所知嘅就係。

主席：就係嗰八個 parameters？

答：係。

主席：咁...

答：某程度係。

主席：Okay。咁即係 WHO 個 guidelines，其實就有乜意思嘅，總之就係跟番水務署嗰個？

答：可以咁講，即係所以就係我頭先一路講緊呢一樣嘢。雖然呢度字面上係咁樣嘅睇法，不過我哋係成個評審嘅過程裏面，我哋都係有任何接

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觸到話個水質係重金屬裏面嗰個嘅測檢。

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D 主席：咁就係 base on 嗰八個 parameters 嗰個 result，即係嗰個
D satisfactory 個 result，咁跟住就可以攞咗嗰個 HK-BEAM 嗰個
所謂嘅獎項喇，認證咁？

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答：係，係，個認證。

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主席：咁咪差唔多全香港所有嘅樓宇都攞到？

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答：我答唔到呢個問題。

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主席：咁呢個認證冇乜認證嘅作用㗎咋喎。

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J 問：Mr Yim, do you know from your own personal knowledge
J that it was the same eight parameters, because I'm
telling you it's not. What's the basis of the evidence
K you just gave to the chairman, because it wasn't the
K eight parameters?

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答：我喺嗰個嘅口供詞裏面，你所講係指我提過呢個綠色環評嘅內容嗎？

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N 問：This is why I asked you whether you were involved in
N the process, Mr Yim. We can identify some people who
O were involved, but we didn't identify you, simply
O because, if one looks at the documents, so far as I
P have been able to analyse it, this process was kicked
P off in April 2014, after you had left.

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答：2014年嘅幾多月話？

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問：April 2014.

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答：4月，當時係做評審呀。

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T 問：That's my understanding, Mr Yim, unless you can correct
T me.

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答：我暫時記唔起，要 check 番個紀錄先得。

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問：The accreditation was achieved in August 2014. Were you aware of that?

答：大約，但係我真係唔可以--要 check 番個紀錄先得，如果你話畀我聽 8 月嘅話。

主席：我可唔可以問一條問題？不如 Mr Pennicott，不如你話畀佢聽嗰個 HK-BEAM 5.1.1 係 test 咗幾多個 parameters。

MR PENNICOTT: I was about to. I just wanted to establish what his involvement was.

問：My understanding, Mr Yim, is this, but don't hold your breath on lead: six of the criteria were used for the HK-BEAM accreditation process, so two were dropped, that is the chlorine and the hetero -- whatever it is.

主席：Heterotrophic plate count.

答：HPC.

許先生：Heterotrophic plate count.

MR PENNICOTT: Yes.

問：Those two, chlorine was dropped, but one was added back in, which was iron?

主席：Iron.

答：哦，呢個係即係所謂優質水，呢個係優質水裏面我哋嘅七個 parameters，七個 parameters 呢，就係比起八個 parameters 裏面，我哋就係減咗--8減2就係6，即係減咗頭先個 HPC，同埋個 chlorinated。咁6之後加上1，就係個 iron，咁所以就七個 parameters。咁呢個就係一向以嚟水務署，就係嗰個優質水裏面要 check 嗰七個 parameters，基本上都係由嗰八個 parameters 嚟嘅。但係總結嚟講，最緊要一樣嘢，就係裏面並冇任何重金屬嗰個嘅即係含量嘅測試。

問：All right. Moving on to a slightly different topic, although it's related, on the topic of water testing, Mr Yim. In answer to some questions from Mr Shieh yesterday, you made reference to various water tests -- nothing to do with HK-BEAM -- that were done before the blocks were occupied. Do you remember that?

答：係。

問：For the benefit of everybody else, it's pages 44 to 47 of yesterday's Word version of the unofficial transcript.

Could I just invite you to go to bundle 5.10, simply for the purpose of identifying some documents. Could I ask you to go to page -- it's another bundle with long numbering, Mr Yim -- 12975.174. 5.10, page 174.

答：見到。

問：This is a letter of 16 September 2013.

答：係。

問：That is while you were still in your post, so far as Kai Ching is concerned?

答：係。

問：You will see that this is a letter from China State to one of your colleagues, Mr Yeung, at the Housing Authority, dated 16 September 2013, as I see -- as I

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say?

答：係。係。

問：If you look at page 175, you will see there's a document from Fugro Technical Services Ltd, MateriaLab, and it appears that they have carried out, you see, two-thirds of the way down the page, a test for residual free chlorine content; do you see that?

答：再講多次，好唔好？唔好意思。

問：On this page, at 175, it appears that a test has been carried out. The test parameter is residual free chlorine content; do you see it?

答：係，個 table 嗰度係咁講。

問：Then if you would be good enough, please, to go to page 200 -- again, just by way of example --

答：係。

問：-- you will see there, on page 200, the test parameters are the famous eight test parameters; do you see that?

答：係。

問：The first question, Mr Yim: are these the tests and the results that you were referring to when you were answering Mr Shieh's questions yesterday?

答：呢個唔係，因為--等等先，再睇清楚先。其實，因為琴日，我--畀少少時間我攞番嗰個文件，得唔得？琴日我答番石大律師嗰個嘅問題，就係話我哋係喺分別攞咗入伙紙之後，攞咗入伙紙之後，喺 7 月底至到 8 月初期間，曾經係抽過若干嘅水辦，咁我哋就喺六座樓，分別喺高層同埋低層都有嘅。而抽水辦嘅紀錄，按我哋家呢度所寫，其實就係由 13 年嘅 7 月 26 號、30 號、27 號同埋 29 號都有水辦抽，以至到 8 月 9 號都有。咁呢啲都係中國建築安排番喺番嘅--所謂一個嘅 Fugro MateriaLab，即係我哋嘅化驗所，即係實驗室裏面嚟到去--認可嘅實驗室嚟到去做番呢啲 test。咁個 result 當時，喺我手

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頭上呢度呢，就係基本上每個水辦返出嚟個嘅結果，都係符合標準嘅，即係嗰八個 parameters，咁所講嘅就係呢一個。而當時中國建築界我哋個個信函，畀番呢咋嘅 test report，就應該係 2014 年嘅 3 月 17 號，但係嗰個嘅化驗所結果，全部有齊晒個個水辦抽嘅日子，同埋個個嘅結果。

問：Sorry, Mr Yim, let me just try and understand this.
If you go, please, to page 197 in this file.

答：197？

問：Yes. Do you have that？

答：係，見到。

問：This is Fugro Technical Services Ltd, MateriaLab.

答：係。

問：An independent testing company.

答：唔，係。

問：What they are saying at page 197 is the tests they are required to carry out are the eight parameters that we all know a lot about; do you see that？

答：係。

問：They are being asked to do that test, or those tests, at flat 3916, which I imagine is on the 39th floor, flat 16, of block 1; do you see that？

答：睇到，39 樓 block 1。

問：Then at page 199 --

答：係。

問：-- they tell us the test methods that they've used; do you see that？

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答：睇到。

問：That's each of the eight parameters; yes?

答：係。

問：Then back to page 200, where we started. This is the last page of the report, inside the appendix; do you see that? Then they are essentially giving their results of the tests that they have carried out; do you follow?

答：係。

問：All I was trying to ask you, Mr Yim, is whether these are the documents or that's an example of the documents that you were referring to when you were answering Mr Shieh's questions about the Housing Authority doing tests, not under any statutory requirement but as, if you like, an addition to all the other tests that have been carried out, and whether these are the documents. It's either "yes" or "no", I guess.

答：而家你呢份文件，我係第一次見到，同我頭先我所講我答番石大律師嗰個，就係同樣都係中國建築界我哋嘅。呢個我手頭上有嘅，就係2014年3月17號，而你呢個嘅文件，當然你係講緊嘅，就係嗰個lead test 嗰啲日子，但係頭先你所畀我睇嘅中國建築嗰封信嘅日子係唔同嘅。我唔知，即係但係如果你話嗰個test report 裏面要全部對番晒，我要再對一對，核對先得。

問：Okay. It's quite clear, isn't it, just looking at some of these documents, Mr Yim, that these tests were done in July and August 2013?

答：係，7月尾至到8月初嘅時間。

問：So far as one can see, they limit themselves to the eight parameters; they don't go beyond the eight parameters?

答：喺，贊成。

問：Okay. Mr Yim, can I ask you please to go to paragraph 83 of your witness statement.

答：係。

問：There you say, at the beginning of paragraph 83:

"I would recommend the following immediate and long-term enhancement measures on the installation of fresh water supply system".

Then going over the page to II, "End of construction" -- do you see that?

答：係，睇到。

問：Then at (b), towards the foot of the page, you say:

"In the event lead content in water greater than 5 [micrograms per litre] is identified".

Where does the figure 5 micrograms per litre come from, Mr Yim?

答：係，呢個咁樣嘅，就當然我哋7月之後，我哋知道嗰個世衛嘅標準或者係個指引係10微克，咁呢度其實我亦都唔係即係自己就咁樣提出嚟，本身5個微克，原來就係話我哋即係有察覺到--即係如果我哋係喺未完成，未交樓之先呀，就我哋check到個水質裏面，去到個5微克或以上，其實呢個係一個alert level。我哋叫做alert level，即係一個警示嘅情況。咁喺番呢度嚟講，我哋就係話，即係如果我哋都--雖然仍然5呀，都係細過10，但係如果嗰個數值係由5至到10不等嘅話，其實我哋都需要大家有個警覺，係唔係即係裏面都係--即係我哋要即係睇番嗰個contractor，成個水務工程裏面會唔會有啲defects呢？咁樣樣。呢個就係我哋都--其實一路而家都仲係同緊我哋嘅承建商嚟到去傾嘅，即係以呢個為一個警示嘅，就唔係純粹嗰個嘅世衛嗰個嘅指引。

問：Are you aware of any tests having been carried out by WSD, the Housing Authority or anybody else, with a view to establishing whether 5 micrograms per litre is actually achievable?

答：呢個我諗要即係同番水務署，因為佢哋過去，喺7月以嚟，係做咗好多呢啲嘅即係水質嘅測試。如果係真係5呢一個，其實我喺呢度要強調一下，就係呢啲都係我哋主要係提議喺往後嘅日子，所有嘅project，我哋係一個嘅警示嘅作用，並唔係一個嘅指引，或者係任何嘅指標嚟。

問：Right. Could I ask you please to go to the last page of the exhibits to your witness statement. It's exhibit 13, at page 37850.

答：係，睇到。

主席：我想問一問，因為我哋而家喺呢一個page，37726呢，我睇到你個最後個recommend--即係你個--你建議呀。而家你話after completion and before occupation of new buildings呢，你去到你個b)個度，都仲係跟番呢個水務署啲啲“Quality Water Supply Scheme for Buildings”。即係換句話嚟講，你去到--就算我哋而家出咗事，你都唔會go beyond個八個parameters嘅？

答：哦，唔係，咁樣樣，我諗呢係--呢個呢係講緊before occupation。

主席：哦。

答：即係換言之，即係話我哋出咗入伙紙--不如講--容許我講多少少。

主席：哦，係。

答：因為我好相信，即係我哋往後如果攞到個水紙，所謂WWO1005，其實而家喺7月13號，水務署已經出咗個一個嘅通函，就係1/2015，就係需要係check晒個四個重金屬。

主席：加多四個。

答：冇錯，加多四個，咁個呢就一定係必做嘅，如果唔係呢，我諗我哋都駁唔到水嘅。咁其實即係話喺個階段過咗喇，即係check晒所有重金屬，係唔會係超標，咁嘅時候，就去到即係攞到水喇，攞到水紙喇，然後將個水紙提交畀有關嘅我哋自己嘅所謂獨立嘅審查組，嚟到去出個入伙紙。出咗入伙紙之後，就係呢個程序喇，就係我哋會再以一個優質水嘅方面，優質水頭先講過，個分別就係在於你喺八個

parameters 裏面，係少咗 2 個，而加番個 iron 上去。而最主要呢就係佢退伍軍人嗰方面嗰個針對，咁就希望我哋派鎖匙，即係真正入伙嘅時候，係有呢個作用，就唔係--即係呢個已經過咗個重金屬嗰個 test。

主席：唔該。

問：Do you have page 37850? It's the extract from the preliminary findings of the Task Force. Do you have that?

答：有。

問：As I understand it -- and perhaps you can confirm that understanding is the same -- all of the brands of components that are referred to on this sheet of paper appear on the WSD approved list of components for plumbing works?

答：係，正如琴日所講，即係呢啲所有嘅部件列咗喺呢個表裏面嘅，都係 either，一係呢就係有關水務署佢自己嗰個嘅 blank approval，或者係喺嗰個四個 categories，A、B、C、D 裏面係水務署所批核。

問：Yes. It seems to be common ground that some of these components contain lead?

答：按我所知，所有部件係佢都有自己--事實上係有一個嘅含鉛量，只不過係嗰個 percentage 方面，係要跟番嗰個英國標準咁解。

問：Yes. Is it the Housing Authority's intention to rely upon WSD's list of approved components going forward, in the future, or is the Housing Authority going to carry out some independent analysis into the components to be used in plumbing works?

答：我諗自從 7 月即係鉛水事件之後，我諗大家所有嘅部門，對呢個警覺性都會提高，咁當然我哋資源呢都要係需要係好好嘅利用。換言之，即係話我諗我哋會配合番水務署，大家相輔相成。即係如果--當然，我諗頭先提過，即係佢哋都係出咗--喺 2015 年嘅 7 月 13 號出咗個

通函，1/2015，咁嚟到去要驗呢個嘅重金屬。所以就--嗰個係水質方面，即係整體嗰個水質嘅檢測，而呢啲嘅部件，亦都我認知到，就水務署亦都係最近出咗個通函，係需要即係有關嘅部件，佢哋係有5年嗰個嘅即係畀佢哋再一個更新，即係 renew，畀佢哋再批核多一次，然後先至可以延續到佢哋嗰個 approval 嘅 certificate。咁呢個亦都係佢哋行政上面我哋要配合嘅，但係如果我哋再重複佢哋做嘅，我哋再做呢，咁呢個未必係一個嘅即係好合乎經濟效益嗰個做法。所以我向--即係我哋一定會配合番其他部門嚟到去--特別係水務署，呢度係做番我哋嘅流程。所以換言之，即係話我哋都必定會係以佢哋作為一個嘅水質保證嗰個專家。

問：Now, in the past, Mr Yim, the Housing Authority has, as I understand it, relied upon WSD, and in particular in relation to the list of components for the use in plumbing installation. That is, if the WSD say the component is okay, that's good enough for the Housing Authority as well?

答：喺批辦嘅過程當中，我都會係咁樣做。琴日我都提過，就係話--當然呢個我哋係要即係靠賴水務署，水務監督佢哋喺呢啲每一個辦裏面，嗰個嘅 chemical composition, material 方面嚟到去批核。而我哋都會有我哋睇嘅角度，我哋睇嘅角度就係 performance 方面。咁所以就係仍然都係話取決於嗰個嘅--譬如，個 flow rate、pressure 同埋嗰個 water tightness，即係喺嗰方面嚟到去我哋著眼。

問：And I assume you regard it as entirely reasonable for the Housing Authority to rely upon the WSD in the manner that you have just described?

答：呢個係我哋一向嘅做法。

主席：我知，如果你繼續係咁樣樣做呢，咪有問題囉，因為而家佢哋就話「唔關我事嘅，你呀。」。

答：唔係，我知，而家不如咁樣講，所以我點解頭先一開始就話我哋嘅部門之間，而家其實都仲係--一定係再一路磋商緊嘅，呢件事即係發生咗之後，我哋其實就唔係到今日就為止，其實仲係一路不單只係嗰個驗水，當然佢哋嘅通函呢，目前就係一路出緊，去到第七個通函。但

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係呢個我諗我哋喺政府部門嘅當中，仍然喺呢方面係再磨合，裏面點樣嚟到去再繼續係保證個水質，特別係重金屬嗰方面。自從7月以後，能夠係合乎大眾嗰個飲用水衛生健康嘅安全，我哋都係有呢個責任。

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問：All right. Mr Yim, just a final few questions. Can I just put a series of points to you. We are agreed, I think -- I don't think there's any dispute about this -- that lead-free solder was specified in the Kai Ching contract?

H

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答：係。

I

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問：We are agreed that solder is not separately priced for in the bills of quantities?

J

J

答：係。

K

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L

L

問：We are agreed that the Housing Authority did not specifically require China State to submit for approval a sample of the solder?

M

M

答：喺合約上係咁樣要求，不過就中國建築係有做到。

N

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問：But we are agreed that they did -- that China State did in fact submit some samples?

O

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答：“Some samples”，係指咩嘢 samples？

P

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問：Of solder.

Q

Q

答：Lead-free solder？

R

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問：Lead-free solder, yes. Just to go off at a slight tangent, you told Mr Shieh yesterday, and you refer to this in your witness statement, that you disposed of the samples upon -- the words you used in your statement -- upon completion of the project.

T

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答：係。

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問：Now, we know that you certified the completion -- well, let's look at paragraph 9 of your statement to get these dates right. Have you got that, Mr Yim?

答：第9段？

問：Yes. You certified substantial completion of the six blocks on 9 April 2013.

答：係。

問："... the non-domestic blocks including car park and commercial centre ... 17 June 2013 ..."

答：係。

問：And the external works, remaining works, 2 July 2013.

答：係。

問：There was then a two-year maintenance period when China State was obliged to carry out various maintenance works over that two-year period, which, all other things being equal, would have expired in July 2015, that is four months ago. Is that right?

答：係，按合約係。

問：Can you recall when, during that timeline, the samples were disposed of?

答：我諗呢個係喺地盤裏面嘅同事去處理，我唔會知道。

問：Okay. But they are not retained to the end of the maintenance period?

答：呢個唔係我哋嘅...

問：What's the policy, Mr Yim?

答：唔係。因為點解呢？我哋有呢個嘅 approved sample，我哋喺呢個 lockable store room 裏面，其實最主要嘅作用就係等啲同事去

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巡查地盤，施工階段當中，係要對番呢啲我哋批核嘅辦。當整個施工已經完咗，同埋完咗工之後，其實呢個作用已經唔再存在。可以講我哋根本亦都唔能夠--有啲地盤喇吓，即係雖然有啲得，有啲唔得，但係基本上我哋都唔留間空房嚟到去再 lock up 呢啲咁樣嘢 approved samples。

問：Right. Just going back to a few points I was putting to you again. I think we are agreed, are we not, Mr Yim, that when the solder material was delivered to the site, the Housing Authority's representatives took no steps to inspect that material?

答：係。

問：We are also agreed that during the installation of the copper pipes, the Housing Authority took no specific steps to inspect the solder, other than the soundness of the joints?

答：呢個要 clarify 番，就係我哋有--正如我頭先所講，有目測 (visual inspection) 去睇呢啲 pipe 同埋 joints，不過我哋有特別去要再驗證呢啲 joint 係咪 lead-free。

問：Yes. So we are agreed that the Housing Authority didn't carry out any tests on the solder at the point of construction?

答：At the point of construction，就係話喺尾段嘅時候，我哋有一個 testing and commissioning 嘅，但係嗰個都係 performance-based。我哋冇任何係檢測嗰個重金屬嗰方面。

問：Right. Those heavy metals including lead; there was no test for lead upon completion?

答：啱，啱。

問：And you did not -- the Housing Authority did not require China State or its subcontractor or the licensed plumber to carry out any tests upon completion for lead?

答：冇。

問：Mr Yim, doesn't all of those points add up to this, that the Housing Authority took no positive steps or measures whatsoever to ensure that the lead-free requirement was complied with?

答：唔同意。原因就係話--我諗咁樣樣喇，喺琴日我都有提過，作為一個承建商，喺合約嘅嚟講，我哋房委會批一個合約畀一個嘅承建商做嘅時候，承建商就已經係絕對有責任嚟到去完成成個工程，包括工程裏面我哋所要求嘅一切，所講嘅就係話所有嘅規範 (specification) 裏面，固之然；經常我哋提及嘅就係一個 lead-free solder，呢個都係包括喺裏面，寫得好清楚。所以即係作為一個承建商，而佢簽得到呢份合約嘅話，佢亦都係絕對有責任。就算房委會，即係我哋有乜嘢嘅監控嘅方式，其實喺合約方面，其實都唔會減少或者係抹煞咗承建商喺呢方面，合約嘅責任嘅。所以呢個我哋必定要申明番先。

當然作為一個公眾嘅機構嚟講，發展機構，我哋仍然都係要補充，對於食水含鉛量超標，原因亦都係而家大家知道，係喺--關於嗰個焊料，因為係有含鉛；亦都係因為我哋察覺到，亦都係有唔合規格嘅物料、唔合乎合約要求嘅物料係用咗。所以--即係喺整個過程當中，我哋作為一個嘅發展商，一個 public 嘅 developer，我哋係我哋認知不足，我哋對於嗰個嘅含鉛焊料，對於食水方面嗰個風險程度，我哋唔認知，所以喺監控上面，我哋已經係承認咗，我哋係喺呢方面係有遺漏嘅，過去嘅事。而家，喺 7 月之後，我哋係已經係絕對嘅嚟到去補足番，希望可以補足番呢樣嘢；亦都係同其他嘅部門、政府機構或者係有關嘅持分者一齊嘅嚟到去做，做好件事。

問：I understand, Mr Yim, your position and the position of the Housing Authority with regard to your main contractors. What I put to you is that the Housing Authority, in the Kai Ching contract, took no positive steps to ensure that the lead-free solder requirement was met.

答：我諗喺呢度，就正如我頭先一開始講，補充嘅資料，我哋係喺個合約本身已經係標明咗，我哋需要嗰個嘅總承建商係有番一個 subcontractor's management plan；亦都有各方面嗰個要求，對於個總承建商點樣嚟到監控番佢哋自己嗰個嘅分判商，以至到喺物料上面。咁呢個--雖然冇喺度直接寫明，一定話係要每隻物料，

lead-free solder，都要寫埋喺裏面；但係總意嚟講，對於嗰個嘅分判商嗰個監控，呢個我哋係已經係有寫得清清楚楚喺度嘅。你話係我哋有採取一個好正面嘅，我仍然都係咁講，我哋去到嗰個嘅即係物料含鉛，引致到嗰個食水嗰個風險程度，我哋真係唔認知，所以我哋喺監控上面，喺呢方面，係未去到一個最周密嘅地步。

問：One more time and the last time, Mr Yim. The Housing Authority...

主席：我諗唔使問喇，Mr Pennicott，佢唔會改變個答案嘅。我都唔會 expect 佢會改變個答案嘅。留番陳詞講囉，如果要講嘅話，係。即係問差人一樣，問十次都係咁嘅答案㗎喇。

MR PENNICOTT: I of course bow to your wisdom, Mr Chairman, and I am going to sit down.

主席：係。下一位，邊一位？王大律師想問，好呀。

王先生：係。

王先生盤問

問：嚴先生，我就代表水務署嘅。

答：係。

問：你聽唔聽到我講？

答：我諗我拎開個耳筒好啲。嘎，咁樣好啲。

問：嚴先生，我就代表水務署嘅，咁我有幾方面嘅問題就想問番你嘅。

答：係。

問：琴日，你記得你同主席講嘅時候，就講關於你對呢個 WHO 嗰個 guidelines 嘅個人認知。

答：係。

B

B

問：主席就問你，唔係關於 HA 喇，就問你個人嘅認知。

C

C

答：係。

D

D

問：我記得你嘅答案就係話喺 2015 年之前-- 7 月之前，你個人就有乜
E 認知嘅。

E

E

答：係。

F

F

問：咁樣我嘅總結係唔係對你嘅答案有比較公平嘅複述呢？

G

G

答：可以咁講。

H

H

問：你亦都同唔同意，係基於呢一個話認知不足，即係房委認知不足，然
I 後你哋就話係倚賴水務署嗰八個參數嚟決定呢個房委起嘅建築物，嗰
I 個內部嘅供水系統是否安全；呢個係咪你嘅講法？

I

I

答：係。

J

J

問：好嘞，我就想--其實頭先 Mr Pennicott 都帶你睇過你自己個證人
K 口供嘅第 74 段。

K

K

L

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M

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主席：邊支 mic？

N

N

答：係。

O

O

P

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主席：等一陣先。Mr Wong，因為你個 mic 完全係唔 work 嘅。

Q

Q

王先生：哦。

R

R

主席：所以我哋有--翻譯唔到，係咪？

S

S

講者（不能辨別）：係。

T

T

主席：翻譯都聽唔到。

U

U

王先生：可唔可以換過支 mic 呢？

V

V

B

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主席：等一陣先。不如咁喇，不如我哋食完飯先。

C

C

王先生：哦，好呀。

D

D

主席：就兩點三，早番十五分鐘繼續。

E

E

王先生：好，好。

F

F

主席：我哋換過晒--換過你個支 mic。兩點三再繼續。

G

G

H

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下午 12 時 44 分聆訊押後

I

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下午 2 時 17 分恢復聆訊

J

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出席人士如前。

K

K

主席：繼續，係， Mr Wong。

L

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香港房屋委員會第三證人：嚴汝洲（房屋署總建築師（發展及標準策劃））

N

N

宣誓繼續作供

王先生繼續盤問

O

O

問：聽唔聽到？聽唔聽到？

P

P

答：個 mic 好細聲。

Q

Q

王先生：我個 mic，得唔得？

R

R

講者（不能辨別）：唔係，呢一隻 mic。

S

S

王先生：呢隻？

T

T

講者（不能辨別）：係。

U

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王先生：呢隻。

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問：Okay。嚴先生，我想同你探討嘅課題就係房委嗰個講法，因為認知不足，倚賴水務署嗰八個參數，呢一個課題。

答：係。

問：嘎。好嘞，喺你嘅證人口供嘅第 74 段嗰度，今朝 Mr Pennicott 都已經帶你睇過，就喺 37722 嗰度，37722，你證人口供嘅第 74 段最後嗰句。

答：係。

問：你嗰度就話“Before July 2015, neither I nor the HA was aware of the WHO guidelines on the drinking water quality at the consumption point.”今朝 Mr Pennicott 就帶你睇過一個文件，嗰個文件文就係 B5.1, 8420。麻煩可唔可以開番嗰個 B5.1, 8420 嗰個文件出嚟？係嘞，就係呢個文件嘞，咁今朝就 Mr Pennicott 同你睇過一段嘅。

答：係。

問：你可唔可以--公平啲咁講，其實話 HA 同埋你係唔 aware 到有一個 WHO 嘅 guideline on 嗰個 drinking water quality at the consumption point，其實呢個講法未必係好正確，你同唔同意？

答：喺我呢個證供裏面係比較係概括咗嘅，即係亦都係--所以點解話即係--當然，呢個 term, “WHO guidelines on the drinking water quality at the consumption point”，喺呢一度嚟講，其實就係--如果講話係再 detail 啲，裏面嘅 detail requirements，我哋係即係認知不足嘅。但係如果純粹呢個 term 咁樣樣，喺呢度咁樣講，就即係未係最詳細、詳盡，不如咁講。

問：即係唔係好--唔好真係好準確？

答：唔係最--嘎，唔係話最精確嘅意思。

問：係。好嘞，我想同你講一講，關於呢一段，即係“WATER QUALITY SURVEY HK-BEAM 5.1.1”嗰度。呢一度就房委有呢一個咁樣嘅合約嘅要求，佢一定有個目的嘅，係咪？

答：唔。

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問：咁呢個目是否係房委作為業主覺得佢有責任去保障個內部供水系統嗰個食水嘅質素，所以要求嗰個 contractor 要有呢一個咁樣嘅 accreditation，個目的係咪咁呢？抑或個目的唔係咁，而係有乜嘢目的呢？

答：個目的主要都係因應番嗰個綠建環評嗰個嘅要求。我諗喺呢一段裏面，事實上就係喺番--你見得到嗰個“PRE.B13.060P”，個 title 嘅 heading，你見得到，就係“WATER QUALITY SURVEY (HK-BEAM 5.1.1 - WATER QUALITY)”，換言之即係話就咁喺個 heading 裏面，係呢一個嘅合約嘅要求係針對綠建環評裏面嗰個要求嘅。

問：係。咁你擺綠建環評呢一個咁樣嘅 certification 或者係 accreditation 都係有個目的㗎？

答：係，啱。

問：咁個目的是否就係為咗要保障嗰個內部供水系統，房委作為業主，希望嗰個內部供水系統更加安全...

答：內部供水系統嗰個嘅安全，以我哋嘅信念嚟講，一向都係需要嘅。如果你話單靠綠建環評嚟到去保障呢個質素，我亦都未係同意嘅。原因就係話本身喺成個制度嘅裏面，成個大樓，由我哋建成，成個水務工程完畢，其實琴日我亦都好詳細嚟到去講述㗎，包括我哋入不同嘅表格，由開始開工，喺開工之先就已經係入表格嘞，以至到完工，亦都經過好多嘅程序，咁呢個都係一直--係可以講，我哋認知，呢一炸嘅工作都係保障番我哋即係對於水質方面畀用家嗰個嘅保障嘅。綠建環評只不過係即係另外一個嘅認證嗰方面，我哋去參與咁樣樣。

問：即係綠建環評，呢個 HK-BEAM 5.1.1，就係其中一個基本嘅要求，或者一個要求，但係其實房委做得更足嘅，對呢個食水安全方面嘅，超越呢個綠建環評嘅？

答：唔係。即係我哋只不過就係話我哋--第一，講番合約先。合約就係我哋需要嘅嗰個嘅水質，呢個頭先講㗎。綠建環評就係外加嘅。即係話喺番呢一個嘅基本嗰個工程裏面，對水質安全，我哋係確認㗎之後，亦都係回應番我哋呢個綠建環評方面嘅評審，我哋都想有番呢個認證。即係等如我哋係入咗伙之後，我哋同樣係同番水務署擺番呢個優質水嘅認證一樣。

問：唔，okay。好嘞，除咗呢個綠建環評呢一個優質嘅認證之外，喺作為業主，確保呢個內部供水系統食水安全嘅呢一方面，房委仲有冇做其

他嘅工作，除咗攞呢個綠建環評呢一個認證之外？

答：暫且喺呢一個時間我哋攞唔到。

問：Okay。好嘞，咁我問過第二個問題。呢度就--呢個有心人就好明顯係知道有呢個 WHO 嗰個 Guidelines for Drinking-water Quality, Vol 1, 佢話有--即係嗰個作者，呢個合約嗰個作者，although --即係雖然佢話係“per HK-BEAM 5.1.1”，但係你可唔可以同意，呢個作者其實佢係知道有呢個 WHO 嗰個 Guidelines for Drinking-water Quality 嘅？

答：我好難咁樣講。因為就--其實我相信係--正如我所講，呢個係針對番綠建環評嗰個嘅評審嘅，呢一段。咁所以喺呢一段嚟計，好相信就係話亦都係喺番個綠建環評裏面，佢哋喺 5.1.1 裏面所寫嘅，會唔會係照抄番過嚟呢，個 wording 咁樣樣？所以好多時我哋即係喺用呢一個條款嘅時候，我哋就最主要係跟足番即係香港綠色建築議會，佢哋嗰個喺呢一方面嚟到要求，即係點樣去測試啲水辦，就好似今朝所講，即係嗰七個 parameters，即係同優質水一樣。所以我哋就基於咁樣嘅認知，就諗住即係嗰個--香港嘅綠色建築議會，佢哋都係跟番嗰個世衛標準，我哋就有特別去查考過，究竟個 guidelines 係點樣樣。

問：Okay。你同唔同意，如果房委要查考，根據世衛呢一個 Guidelines for Drinking-water, 點樣嚟到即係履行房委對於呢個食水安全呢個責任，其實佢係可以、亦都有認知可以參考呢個 WHO 呢一個 Guidelines for Drinking-water Quality 嘅呢？

答：我諗特別係喺 7 月之後嘅，我哋當然會特別去查考。

問：我唔係講 7 月之後。我係講緊呢一個係 2010 年 5 月 26 號，呢個合約係喺--個日子，如果你睇最後尾嗰度，at the bottom of the page, 係 2010 年嘅 5 月 26 號。即係話如果房委係可以倚賴呢個 WHO 嘅 Guidelines for Drinking-water 嚟到履行佢關於呢個食水安全嘅責任嘅，你同唔同意？

答：唔同意。因為主要我諗我哋寫呢個嘅 clause, 喺個合約裏面，我再重複，都係因應番嗰個綠建環評個評審嘅啫。呢個係我自己嗰個嘅推敲。

問：唔，okay。呢一段最後尾嗰句，最後尾嗰句，就話“The sampling points shall be taken as a minimum at all the furthestest

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points of delivery from the storage tank used in the building.” 咁你嘅理解，點解要有呢個咁樣嘅要求？

答：我相信呢個會可能同嗰個 ISO 5667 有關。

問：咁你知唔知佢嗰個功能係咩嘢呢，個作用？係咪都係同確保呢個食水安全有關嘅？

答：即係等如嗰八個參數一樣啫。即係話我哋--如果我哋測水質係基於嗰八個參數，而問題就喺邊個位置嚟攞水嘅。即係如果我哋去到最遠嗰點嚟到去攞水，就可以保證到即係最遠嘅嗰個水質都已經係達到嗰八個參數嘅標準，咁其實最近嗰啲點，我相信都一定得嘞，咁樣樣。

問：嚴先生，...

主席：即係你攞最...

答：最遠嗰...

主席：...--最差嘅情況嗰度做你嘅 sample 嘅？

答：係嘞，係嘞，係，冇錯。

問：嚴先生，我同你咁樣提出，睇下同唔同意，就係房委要喺履行佢嘅責任嘅時候，其實佢係有足夠嘅認知，係唔需要淨係倚賴水務署嗰八個參數，都可以確保內部供水系統嗰個食水嘅安全嘅，你同唔同意？

答：呢個我諗都需要係--我諗咁樣講先。即係房委會一向都要跟從番政府各部門，有關佢哋嗰個嘅--即係專家嘅知識，裏面所定出嚟嘅法規嘅。所以--即係如果一般水務署都係有咁樣嘅規矩嘅話，我哋必定會跟從。

問：Okay，我聽到你嘅答案。琴日就有一份就係 HKIE 嘅 report 嘅。

答：係，係。

問：你嗰度有冇嗰個 report 嘅度？

B

B

答：要擺一擺嚟。

C

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問：嘎。我麻煩你搬去 53 頁，第 196 段。

D

D

答：係，睇到。

E

E

問：嘎。咁我...

F

F

答：196 段？

G

G

問：196，196 段，第 53 頁。

H

H

答：係，睇到。

I

I

問：嗰度就話“The [Task Force] opined, since, the management philosophy of HD in managing risks was by tightening contractor entries and monitoring construction progress by documents with the control draft at the [very] top of the pyramid.” 你見到呢句嘛？

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答：見到。

L

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問：你同唔同意呢個 task force 嗰個 opinion 呢？

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答：唔同意。不過我唔知道呢個--個 task force 係代表咩嘢 task force？個“TF”...

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問：哦，就係呢個 HKIE，呢個香港工程師學會一個 task force，對呢個鉛水事件嘅一個報告嚟嘅。

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答：即係工程師學會，佢哋自己嘅 task force，...

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問：工程師學會嗰個 task force，嘎。

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答：...就唔係政府嗰個 task force？

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答：因為好容易混淆，唔好意思。

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問：係，係，係。

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答：Okay，係。

V

V

問：呢個嘅 task force 係指呢個工程師學會嗰個 task force 嗰個意見，你係唔同意呢個意見嘅，係咪？

答：基本上我唔同意。

問：嘎，點解呢？

答：我諗咁樣講先，第一樣嘢，呢個就係--首先講番個字眼上面，佢就係話 個 "management philosophy of HD in managing risks"，我唔知佢係 manage 咩嘢嘅 risk，呢度有 identify 到。咁 "was by tightening contractor[s] entries"，我諗呢個我哋係有一個嘅 risk management 嘅，即係 contractor's risk management，我哋係需要嘅。換言之，嗰個嘅承建商，佢過去嗰個往跡，同我哋曾經做過任何工程，假使問佢嗰個表現不良，又或者本身我哋喺過往工程當中，我哋亦都講咗，我哋係會有承建商嗰個評分制度嘅，咁過往如果佢表現差嘅，我哋都必定係唔會即係咁容易畀佢再有其他嘅工程可以係好容易得到，所以亦都係需要有一個嚴格嘅管轄。呢個 "tightening" 呢個字，我唔知道佢嗰個嘅即係作用係點樣樣。原因--其實反而就係話我哋係保障番我哋房委會--喺，呢度佢有任何「房委會」嘅字眼，咁反而佢就用咗嗰個嘅「房屋署」。咁呢度我諗呢度係--即係呢個我自己嘅意見。下面嗰度就係 "and monitoring construction progress by documents"，呢個就係我唔知道佢個理據喺邊度。即係呢度換言之即係話用文件嘅方式嚟到去監控番整個工程嘅進度。呢個我好相信我哋嘅團隊，由嗰個嘅合約經理，以至到我嘅代表，或者係一個地盤方面，我哋嘅同事，整個團隊其實都唔會係淨係靠文件嘅。我哋亦都係即係經常--其實琴日我答過一個問題，曾經問過我，就話我喺在任，喺作為呢個嘅合約經理嘅當中嗰段時間，落過地盤幾次？實際上根本係有需要我哋就要落去嚟嘞，呢個係關乎到嗰個嘅進度；都唔係淨只我自己，就係成個團隊嗰個問題，當然我哋都有駐地盤嘅同事。所以呢一個，即係我唔知，即係呢個 task force 佢即係有乜嘢嘅理據喺當中，就係會寫呢一樣嘢， "monitoring construction progress by documents"，就 "with the control drafted at the top of the pyramid." 呢個我就更加唔係好明白，因為可能個字眼比較簡短。點為之 "control drafted"？我--即係 "drafted" 呢個字，佢就係講緊係草擬咩嘢，我所認知。即係換言之係即係由嗰個金字塔頂上面去草擬，會唔會係由一個最高層嘅同事去草擬一啲嘅文件？喺，我真係呢個我完全唔理解。

問：可唔可以咁講，你嘅理解就係話房委已經有一層、一層嘅監管同埋呢

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個監控嘅制度，所以關於喺個管理風險上面已經係好完善嘞，係咪咁呢？

答：我唔夠膽講係已經好完善，而係話我哋盡量做到最好。

問：明白。好，我轉過另外一個題目。如果你睇你證人口供嘅第5段，三七七...

答：唔好意思，第幾段？

問：第5段，37700，嗰度你就話由9月，2012年到2月嘅2014年，你就“served as the Project Manager, Design Team Leader”或者係“Contract Manager ... for over 25 public housing projects from inception to completion stages”，即係話你就係做過二十五座嘅公屋嘅project，啱唔啱？

答：你頭先講話二十五座...

問：二十五個 public housing projects。

答：二十五個？二十五個？

問：嘎。嘎，嘎，嘎。

答：Okay, okay, 係。

問：我就想向你了解下，喺呢二十五個嘅 public housing project 入面，以你嘅理解，有幾多個 project，嗰個水喉嗰個 joint 位，嗰個接駁位，係用 solder material 㗎？定係全部都係，定係一部分係？

答：就基本上全部都係，但係當然我唔係話全部，我話基本上係。因為本身我哋嘅 specification，係琴日都有研究過，就係 PLU1、PLU2，基本上係我哋嘅--同埋我要--有一個註腳，就係呢二十五個全部唔係喺地盤施工緊嘅。

問：係。

答：我哋係--我呢度係講緊係“projects from inception to completion stages”嘅，即係換言之係有啲係仲係喺度 planning stage，有啲係 design stage，on the drawing board，未係可以去到施工嘅階段嘅。

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問：Okay。好，咁我問過另外一個題目。你有位同事，就叫做--係個 Chief Building Services Engineer，叫做 Ng Tat Kwan 嘅，你認識嘛？

答：係，係。

問：係。佢喺呢一個 Inquiry 入面都呈交咗一份證人口供嘅。

答：係。

問：我相信你有睇過佢嘅證人口供，係咪？

答：係，大致上睇過。

問：大致上睇過。吳（伍？）先生就咁講嘅，佢就話 as the Chief Building Services Engineer，關於嗰個水喉呢方面，佢就係負責個泵房嘅，plumb room 嗰度。

答：唔。

問：咁個 Chief Architect 就負責個 plumb room 以外嘅工程嘅。

答：唔。

問：Alright。As far as 嗰個 plumb room，即係個泵房，就係用一個叫做 nominated 嘅 subcontractor，就係直接由房委委任嘅 nominated subcontractor。

答：係，指定分判商。

問：指定分判商。由於房委用個指定分判商，所以阿吳（伍？）先生就話「如果你去驗泵房嗰個喉管，或者泵房入面嗰啲物料，就係完全係唔會有含鉛嘅事。」呢個你同唔同意？

答：泵房裏面嘅部件係完全唔會含鉛？

問：係。

答：我諗我先前都同番伍生有傾談過，我相信就唔係咁嘅意思。不如話，其實泵房裏面有好多嘅不同嘅 equipment 同埋啲部件，裏面包括當然有泵，有閘掣，有喉管，各樣嘢，係咪？

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問：唔。

答：所以即係呢啲嘅部件呀，其實本身佢就算喺嗰個英國標準嘅當中，其實都係有某個百分比嘅含鉛係可以...

問：明白。

答：...畀佢嘅。所以我諗呢個你話即係絕對係 lead-free，呢個我相信唔係咁樣嘅情況。

問：或者我改--應該係我誤導咗你，唔好意思。即係佢用個字係“problem-free”，即係喺嗰個泵房入面嘅，由於係用呢個指定嘅 subcontractor，nominated subcontractor，所以就嗰個泵房入面嘅水就係冇事嘅，即係唔會含鉛超標呢件事。

答：我諗整--係嘞，整個其實水務系統其實係即係一體化嘅。即係我所認知，就唔會話分開一槓槓嘅。即係當然佢裏面--成個系統裏面需要用到泵，亦都需要用到一啲嘅上水嘅系統同埋下水嘅系統，亦都有不同嘅閘掣，咁亦都--因為點解呢？我哋喺完工嘅時候，整體係有一個嘅--即係所謂有一個嘅 testing and commissioning，咁樣嘅模式，令到成個 system，係即係我哋再喺檢測嘅當中，係佢運作係符合到我哋嗰個嘅規範嘅，即係合約嘅規範。

問：你嘅第 22 段就話嗰個 licensed plumber 就係由嗰個 subcontractor 去聘用嘅。我就想問你，...

答：係。

問：...從房委嘅角度，乜嘢時候會用 nominated subcontractor？咩嘢情況之下就會由嗰個 subcontractor 自己去搵呢個 licensed plumber？

答：係，就...

問：點解會有--係嘞，即係嗰個決定，邊一部分用 nominated subcontractor，邊一個部分唔用 nominated subcontractor，關於嗰個水喉，呢個工程嚟講，係點樣做決定嘅？

答：Okay。要花少少時間講，好唔好？

問：好，好，好，好。

答：我諗即係喺番--我哋先講嗰個指定分判商先，即係個 nominated subcontractor。喺 nominated subcontracts 裏面，其實我哋琴日亦都提過風、火、水、電，呢四個字眼，當然就係個 lift 嘅。譬如--我哋 lift 係有一個嘅--另外嘅分判商，亦都係指定嘅，電亦都係嘅。風就係講緊冷氣同埋嗰個 ventilation，呢個 system。另外就係消防。消防當中亦都係有，因為佢個水泵裏面係牽涉喺當中。亦都因為咁樣嘅情況，其實--我要澄清一樣嘢，水務工程當中嘅水泵，就並唔係佢獨立一個嘅指定分判商嘅，而係佢--水務工程嘅水泵係列入埋喺嗰個嘅消防嗰個嘅指定分判商裏面，因為佢--咁喺消防裏面係好多嘅泵，咁就喺番裏面，融埋入去，咁就作為一個整個--即係我哋所謂話係牽涉到 engineering 方面多啲嘅範疇嘅，咁呢啲我哋會喺番個指定分判商。咁呢度一個，即係第一點先。

第二點方面，就係嗰個嘅所謂自選分判商，就係 domestic 嘅 subcontractor。一直以嚟，喺房委會嗰個工程當中，我哋係以嗰個嘅水務同埋排污，即係水渠，咁呢個就會作為一個嘅--好多時我哋嘅大判，即係個承建商--總承建商，佢哋都會以呢個作為一個嘅依歸嘅。即係以嗰個嘅水務供水同埋排水作為一個嘅 domestic subcontractor，即係就係自選嘅分判商。點解會咁樣嘅情況？因為其實水喉同埋渠本身係俗語所講係孖生兄弟嚟嘅。因為喺外牆嚟講，佢嘅水喉，差唔多可以隔離就已經係一條渠。我哋走水--因為我哋琴日講過，我哋盡量因為希望容易啲喺呢個維修保養方面，我哋啲渠同埋水，基本上我哋都係會係 service bounded，我哋唔會藏喺呢個牆身裏面。所以即係喺成個供水系統，同埋喺外牆行呢啲喉或者渠嘅時候，本身個夾呀，即係話同 builder's work，即係同 builder，大嘅承判商，佢哋要夾呢啲窿位。因為啲喉係入番牆身嘅，渠同樣都係會係，所以喺建造嘅過程當中，呢啲咁嘅牆身或者地台，過牆嘅窿位係要好夾呀。所以呢個就係好多時係一個--同埋再加上埋水務，佢唔係佔即係整體嗰個嘅工程合約嗰個嘅價錢係一個好大嘅龐大數目，某程度可以講佢係細嘅部分，但係問題佢要同番總承建商所要大家配合嘅嘢係好多。所以基本上一路以嚟嘅習慣性都係我哋嘅總承建商係自選分配，即係佢可以控制方面係多好多，咁你可以直接去夾完。呢個亦都係我哋曾經--最近亦都同番係有關嘅承建商係傾過，即係 7 月之後；有意見係講畀我哋聽話，係咪即係往後嘅日子，水務嘅都可以嘗試下用番嗰個嘅指定分判嘅模式呢，就話喺發展局裏面其實都有一個咁樣嘅名冊。

問：唔。

答：但係呢咩名冊，當我哋即係向番我哋嘅承建商或者係建造商會佢哋提

番出嚟嘅時候，喺持分者方面，佢哋嘅意見比較大一啲，因為就--佢哋而家即係夾開嘅呢啲嘅自選分判商，某程度俗語講係佢哋有個班底，佢哋自己係--即係有關--有緊密嘅關係，夾開、配搭開，咁就但係如果係喺另外一個嘅名冊裏面再入番返嚟，亦都唔排除我哋嗰個嘅即係 bill 價會提高好多，咁但係--呢個都係一回事。但係最主要就係我哋喺業界上面嚟講都需要關注到即係整體嗰個考慮。

問：我哋撇除開頭先你講班底嗰個考慮，從呢個風險管理嘅角度嚟講，你會唔會同意，如果用指定分判商嚟對呢啲喉管，你頭先講孖生兄弟，...

答：係。

問：...即係呢個孖生兄弟同樣都係有咁樣嘅指定嘅分判商嚟做呢個工程，會唔會減低呢個食水含鉛嘅風險，你自己嗰個睇法？

答：我唔排除係可以減低嘅。噏，我唔會話反對嘅，不過就--但係係咪咁樣做咗就可以即係杜絕呢？噏，呢個亦都係另外一個嘅方法，咁樣樣。

問：好，好，唔該晒你。我而家睇另外一個題目嘞。

答：係。

問：你證人口供嘅，首先我帶你去睇 31 (34?) 段，31 (34?) 段，37709。

答：係。

問：咁嗰度你就話 "In this project, China State submitted proposals of materials, including copper pipe and fittings and soldering material specified under PLU1..."

答：唔好意思，唔好意思，係咪 31 段？

問：31，係--34，I'm sorry，34，唔好意思。37709，係，係嘞，冇錯。"In this project, China State submitted proposals of materials, including copper pipe and fittings and soldering material specified under PLU1 as a general practice for CM's approval." 你見到，係咪？

答：係，見到。

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- C 問：好嘞，我就再睇睇你 exhibit 11，你嗰個證人供詞第 11 份嘅 exhibit。如果--我麻煩你睇 37812，37812。
- D 答：得，係個 material proposal 嘅 document？
- E 問：係呀，係呀。但係我而家就--其實佢第一版就係 37810 嘅；第二頁，跟住 37811。
- F 答：係。
- G 問：我想你睇就係 37812。
- H 答：第三版？
- I 問：第三版。你見到下面嗰度，即係個日子，2011年9月30號，下面有個“c.c.”嘅，就係“Project Clerk of Works with sample”，“Project Clerk of Works with sample”，見到嘛？
- J 答：喺簽名嗰部分吖嘛？
- K 問：係呀，係呀，係，係。
- L 答：Okay。
- M 問：嘎。即係話呢一個物料其實係有送達，係咪咁理解呢？即係有個 Clerk of Works，咁佢就會擺呢啲 sample 嘅？
- N 答：係。即係--不如咁樣講。我哋係喺合約上面，PLU1 係唔需要佢提交嗰個嘅 sample 嘅，即係樣辦嘅，但係就有關嘅 test reports 呀，嗰啲係需要。不過 as a general practice，一般做法嚟講，我哋嘅承建商都會係將呢啲樣辦同埋呢啲 test report 一定嚟到去提交畀我哋。
- O
- P
- Q 問：唔，okay。所以個 Clerk of Works 就會有嗰個 sample 喺手嘞？
- R 答：係。佢後面都有嗰個相喺度。
- S 問：係，有個相喺度，我知道。我一陣間會帶你睇睇啲相嘅。好嘞，我再
去睇另外一段，你嘅證人口供第 55 段，55 段。
- T 答：係。
- U
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問：37716。你就話“After approval of the material submission with submitted samples, all the approved samples were kept in a lock-up sample room for record and for reference by HA Site Inspection Team for routine checking during the construction process.” 係咪？

答：係。

問：呢一個--即係 keep 住呢啲 sample，咁佢有個目的㗎？

答：係。

問：係咪呀？咁個目的就係愛嚟做呢個 routine checking during 個 construction process 嘅，啱唔啱？

答：係。

問：好嘞，喺呢一個建築嘅時候，我哋知道嗰個 soldering material，即係中國建築係有將呢個 soldering material 嘅 sample 交界房委嘅。

答：係。

問：房委亦都 store 咗喺呢一個 lock-up sample room 入面嘅。

答：係。

問：佢亦都愛嚟做呢一個 checking，during the construction process 嘅。

答：係。

問：咁我想問你，以你嘅認知，房委嘅同事有冇攞住呢個 sample，去到嗰個 construction site，check 下，啊，佢係咪用呢一個物料愛嚟做呢？

答：我諗咁樣先，因為好多時我哋--呢啲所謂 sample board 呀，特別係呢個焊料、焊枝，其實我哋就會係將佢 mount 喺一個 board 上面。即係“board”嘅意思，即係一個大嘅 foam board，裏面係有埋--或者係啲木板，即係係有埋個水喉呀、膠喉呀咁樣，即係喺個 board 上面，唔係淨係得一個物料嘅，咁係會 mount 喺嗰度。咁而我哋都唔建議啲同事係隨便喺個 lock-up sample room 裏面嚟到

去將呢啲嘅 approved sample 搬嚟搬去，即係搬出去地盤去對。呢個係第一點。

第二樣嘢，反而就係話我哋點樣去用呢個嘅 sample room，就係話我哋喺地盤裏面，我哋如果啲同事見到啲物料，佢係有可疑嘅，或者係佢需要去對嘅，調番轉頭，係將地盤裏面嘅物料係拎番去 sample room 嚟到去對。當然，你可以話，如果佢拎唔到嘅，影張相，嚟到去對，或者係點樣樣，但係呢個係我哋--總之嚟講就唔係喺番個個 sample room 裏面就係搬啲 sample 出去現場嚟到去咁樣對法嘅。

問：Alright, I see.

答：當然--呢個我再補充一下，就係其實一般嘅慣例，我哋做法，一座樓，我哋去到低層，通常我哋係大約--當個個嘅上蓋起到十樓嘅時候，我哋就會喺大概，喺低層，三、四樓，我哋會做一個 sample wing，加埋 sample flat 咁樣樣。呢個作用就係話我哋喺個個嘅樣辦房，所謂；樣辦房裏面，我哋就係做晒呢啲 flat 咁樣嘅模式，裏面有晒水喉、潔具，各樣嘢，咁亦都可能有一部分 typical 嘅 common corridor。咁呢啲就係我哋做咗出嚟，同樣都係 base on 一啲嘅 approved 嘅物料，of course，而呢啲嘅物料，我哋亦都係透過我哋自己成個團隊去即係批核嘅。換言之呢一個嘅所謂 sample wing、sample flat，做完之後，就係亦都係畀一啲嘅承建商裏面，佢哋作為一個嘅樣辦。即係話我哋要求個 workmanship，當然佢哋用嘅 material 一定要係符合到我哋批准嚟喇。所以呢個你亦都係一個 another reference 嚟嘅，咁我就喺呢度補充。

問：其實我就係想，好簡單，了解即係呢一個 sample room，無論係擺出去，抑或係擺其他啲嘢嚟呢個 sample room 對照，佢都起咗一個作用喇，...

答：係。

問：...係咪？

答：係。

問：呢個 sample room 唔會就係 store 喺度唔用嚟嘛？呢個 sample room 嘅作用就係...

答：對照。

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問：對照咁嘛，嘅。所謂「對照」，可以係喺個 sample room 裏面發生，又或者擺個 sample 去現場。但係你就唔會擺個 sample 離開個 sample room 嘅。

D

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答：基本上係咁樣樣嘅運作。但係當然你話特別有一次係咁，但係呢啲唔咩嘢喇。基本上我哋係咁嘅概念。

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問：唔，好。咁喺特別今次我想同你睇睇呢一個焊料，如果喺 B5.6 嘅 10960；B5.6，10960。

G

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答：係，睇到。

H

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問：你睇到呢個就係中國建築提交畀你哋嗰個 sample，係咪？

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答：係。

J

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問：Alright。你睇到呢個 sample --因為--呢個好啲。我呢個就黑白嘅。呢個彩色呢，其實呢一罐嘢係躉喺個月曆上面嘅，見唔見到？

K

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答：唔係，對唔住，聽唔清楚。

L

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問：嘅，呢一個，呢一卷嘅焊料其實係放置喺個月曆上面嘅，見唔見到，"29"號、"30"號？

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主席：放喺個月曆上高，嘅。

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問：放喺個月曆上面嘅。

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答：係。

R

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問：見到呀呵？

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問：我而家就畀你睇睇呢一個 sample。因為我哋就叫咗 DoJ 嘅同事去買咗呢一個 sample，就係咁樣款嘅，嘅，我畀你睇下。我可以畀多一卷你睇。

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王先生：我哋買咗三卷返嚟，所以可以大家傳嚟睇下，可以畀埋個證人睇。

主席：你 keep 住先喇，嘎。

問：我想問你，呢一個--嗰，因為呢個係 store 喺 the sample room 入面嘅 sample。我想問下你，呢一個 size，呢一個 sample，係咪同你記憶之中，China Construction 提交嚟相中呢個 sample 係一樣？

答：我記唔到㗎嘞。

問：Alright，係。

主席：37844，你嘅口供，37844 有一幅靚啲嘅相嘅，其實。

問：哦，37844。啊，係。唔該，37844，唔該。

主席：唔。

問：係，呢度。麻煩你整落去吓，落少少，嗰度有兩個。係，兩個，係，係，係，係。嘎，呢個同你認知嘅，我哋而家呢一個咁樣嘅包裝同埋個裝置，關於呢個--呢卷嘅焊料，係咪一樣？

答：當然就係憑張相當然清楚啲。咁你可以講話即係咁樣樣嘅對照之下，我可以話大致上係咁樣。但係因為呢張相啲字，我就完全睇唔到嘅，所以希望你明白，即係如果你--我唔知你想講嘅係即係點樣樣嘅對比法。

問：我係想知個 size，即係以你嘅認知，個 size 係咪就係咁大呢，抑或係好大卷嘅？因為我哋曾經有一個律師就話嗰卷即係焊料係好大卷嘅。咁我就想知道，中國建築，啟晴邨，嗰個 sample material 提交畀你哋嗰卷嘅焊料，個 size，以你嘅認知，係咪就係咁上下 size

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呢咁？

答：如果你咁樣問，啟晴邨個面，因為 on --因為佢哋批辦嘅時候，我唔係嗰個總建築師。咁而我哋去到尾期嘅時候，我好相信，即係我諗我唔會去咁樣去--即係未 check 過喇，我坦白咁樣講，好唔好？

問：唔。

答：即係我自己本人就係咁樣樣嘞。但係如果你話一般而家我哋批開嘅料當中，“FRY” 99C，而目前我揸住呢一卷，你畀我呢卷，就我所認得嘅係差不多嘅。

問：唔。

答：我可唔可以咁樣答？

問：唔。咁你--我可唔可以咁講，如果嗰啲燒焊嘅工人，喺現場用呢一卷嘅焊料嚟做燒焊，咁而你哋個 sample room 入面又有呢一卷物料嘅 sample，咁其實你嘅工人 or 你哋嘅人員去嗰度檢查，話佢哋--或者你嘅 periodic supervision，睇下佢哋係咪用番同樣嘅焊料，我咁講啱唔啱，其實你哋都容易睇到嘅啫，佢係咪用呢個焊料？

答：我諗咁樣樣，即係實際上其實我諗--我哋先--馮小姐先前都曾經喺呢度或者同大家交代過，一般我哋嘅認知，喺地盤裏面嘅運作，啲工人佢比較困難會揸住一卷，咁樣嚟到去燒焊嘅。佢哋嘅習慣反而就係會拉一碼出嚟就 cut 開，咁就去--喺佢嘅工具箱裏面擺喺度。因為呢卷呢，你就咁揸住嚟做嘢，其實都某程度幾重下，咁亦都以我嘅認知，唔係佢哋咁樣嘅習慣，咁亦都--點解我哋--後期我哋問番我哋駐地盤嘅同事，即係實際上平時咁樣 check，我哋都關心嘅，咁即係 check，check 唔 check 到嘅呢咁。即係如果，第一，就係佢哋好少真係揸住一罐咁樣嚟到去燒焊；另一方面就真係又係用番嗰個嘅焊枝，自己嚟到去做。換言之即係話正如我哋喺--我嘅證人供詞裏面講，我哋一向嚟講，我哋即係相信，亦都係信賴我哋嘅總承建商，佢哋係用嘅料係合乎我哋嘅規格，咁樣嚟到去做。

問：係。你頭先講到焊枝，個焊枝係咁樣樣呀？

答：你想講嘅意思，係即係焊枝係咪咁樣樣嘅？

問：即係以你嘅認知，工人喺現場，佢哋係會用咁樣嘅焊--帶咁樣嘅焊枝去開工，就唔方使帶呢一卷去開工？

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答：哦，一即係截，就唔係你嗰枝？即係一截，咁嘅模式，okay。嘎，我嘅意思係咁樣樣，嘎。

問：Okay。

主席：呢枝係咪英國「50力」？

王先生：呢個我都唔知，呢個係。

主席：好，得，唔。

王先生：呢個係--呢個我唔知。呢個係我哋 DoJ 嘅同事買番嚟。

主席：唔，okay，繼續喇。

王先生：嘎，你可以睇下。

問：嚴先生，我就想向你提出一個講法，就睇下你同唔同意，就係話如果中國建築係有提交呢一個 sample 畀你哋嘅，而你哋 sample room 又有呢一卷嘅焊料嘅，...

答：係。

問：...咁如果你哋喺現場，真係有 periodic 嘅 supervision，又有一 team 嘅人去巡查嘅，...

答：唔，係。

問：...咁其實就係可以對下佢哋係咪用咗呢一卷嘅錫料，如果你哋係想做嘅話係做到嘅，同意抑或唔同意呢？

答：正如我頭先所講，如果我哋察覺到呢個料係高風險嘅，我哋一定會經常嘅嚟到去 check。但係喺 7 月之前，如果我哋本身我哋界定呢個，個風險唔係高，高到去我哋每次 check 都要去偵察，而亦都係即係信賴番我哋承建商去用番呢隻料，咁好多時亦都係啲同事見到工人，佢哋都係一截截咁樣嚟燒焊用，咁嘅時候就--亦都好坦白講，我諗--我哋問過我哋嘅同事，喺地盤佢哋唔會將呢啲嘅殼去擺喺地下嘅。即係佢唔會話剪開一截，就跟住剩餘啲就擺喺地下。因為其實喺地盤嘅

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地下都好多邇邇嘢，即係亦都唔想 contaminate 呢啲咁樣嘅焊枝嘅。所以，即係簡單講，佢哋都係--啲工人會有番佢哋嘅工具箱或者係袋，去袋住相關嘅器具，咁就即係比困難我哋同事可以喺--或者你話喺地盤嘅地下，可以見得到呢啲去對，或者個殼，隨意可以搵得到嚟對。

問：Okay，得。

主席：我想問下你，王律師，你有冇買埋呢個 power flux？

王先生：嘅，可以嘅，我哋可以買嘅。

主席：嘅，不如畀埋我睇喇。唔係，我唔係叫你去買。

王先生：唔係，我哋未買，我哋未買。

主席：係。

王先生：我哋試下聽日提供咗。

主席：係。

王先生：我哋聽日提供咗。

主席：因為我想--基本上我想知道，如果--你 power flux，你就唔會--你都會成罐擺去用㗎，係咪？你唔會擇一啲走去用㗎嘛。咁既然都已經要袋一罐嘞，咁袋多一罐，又有乜嘢問題呢？

王先生：主席，我哋聽日嘗試去買呢個。

主席：陣間去，嘅。即係我未見過啲 flux，我當佢好似花士令咁喇，因為我--我相信係好似花士令咁樣樣搽喺裏面嘅，好似啲啫喱咁樣樣搽喺裏面嘅。啲工人去燒焊嘅時候都要擺一 jar 去㗎喇，你唔會--你唔會--我都唔知呀，你唔會擺個去旅行啲啲洗頭水，樽仔咁樣樣擺去，咁優雅㗎，佢哋，係咪？

答：松香，我就唔係好清楚嘞。但係嗰個焊錫，我特別係問過嘅，咁就係即係啲同事咁樣答番我。

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主席：唔。繼續吖。

王先生：好。

問：我就同你探討另外一個題目。你證人口供嘅第 19 段。

答：19 段？

問：19，係。

答：係，睇到。

問：就話“*At the completion stage of the building works, the HA appointed Multiple Surveyors Limited to supplement Site Inspection Team’s resources and conduct final inspection of the completed builders works for the domestic blocks.*”我想問你，就係呢個 Multiple Surveyors Limited 係一間咩嘢嘅公司嚟㗎？

答：最主要佢哋就係幫我哋手去做我哋--正如我琴日講過，我哋臨尾我哋會做 flat-to-flat inspection。五千二百零四個單位，我哋都要係每一間去睇晒，去巡查。所以呢個就比起我哋平時嗰個嘅駐地盤嘅團隊所要求嘅人數係好高嘅，而且就係--因為承建商已經報告上嚟話可以去到一個 completion stage，要求我哋去巡查嘞，咁嘅時候我哋就需要足夠嘅人手嚟去睇嘅。即係如果我哋係唔夠人手，就即係變咗佢哋有機會可以話，啊，我哋拖慢咗佢嗰個嘅進度都唔定，嘎，呢個。所以我哋都希望係有足夠嘅人手去儘快做好，配合到呢個嘅 flat-to-flat inspection。換言之，即係話呢個 Multiple Surveyors Limited，佢哋提供嘅服務，就相對於等如我哋嘅工程監工嗰個嘅模式。佢哋係會提供人力資源畀我哋去做呢個嘅 flat-to-flat inspection。

問：呢個 Multiple Surveyors Limited 佢哋有啲乜嘢嘅 qualification？即係佢哋有啲乜嘢嘅資格，或者你點樣評核，用呢間公司？即係佢哋有啲乜嘢嘅能力呀或者經驗呀，而你決定用呢一間公司嘅？

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答：呢間公司其實過往我哋都聘用咗若干年嘅，咁佢哋嗰個嘅 job reference，就係我哋嗰個 performance，即係嗰個表現，嗰個紀錄上面係即係正常，亦都係冇唔好嘅地方。所以我哋亦都係覺得佢哋好有經驗去收我哋公屋嘅樓宇。但係，當然，我哋唔係--亦都係經過嗰個嘅 handling 嘅模式，就唔係就咁樣，即係叫佢嚟咁樣嘅模式。我可以咁樣答嘛？

問：Okay。咁房委 instruct 呢個 Multiple Surveyors Limited 嘅時候，你哋會唔會畀一份合約或者嗰個 list of contract specifications 畀呢間公司，就話「喺，你其實要 check 呢幾樣嘢嘅」，...

答：係。

問：...會唔會咁呢？

答：會。

問：Alright。咁你畀佢嘅時候，會唔會包埋話「啊，其實呢你就要 check 埋呢個喉管呀同埋佢嗰個喉管嗰個接駁位呀」，呢啲會唔會包埋喺個 specifications 入面嘅呢？

答：會包埋嘅。不過佢哋所睇嘅同我哋自己本身嘅同事所睇嘅係基本上一樣。即係換言之話，即係我頭先今朝所講嘅，即係我哋所睇嘅喉管，size 呀、物料呀、個 joint 位，當然係針對番嗰個嘅 flow rate、pressure 呀，performance 方面，即係咁樣樣。

問：Okay。即係咁講，即係房委除咗內部嘅資源之外，亦都有僱用外面嘅專業人士，嚟進行呢一個最後嘅檢測？

答：嗰個就唔係專業人士，而係嗰個--應該話我哋個工程監工，嗰個模式，嗰個--即係我哋都係用工程監工嚟到去 inspect 㗎嘛，做 inspection 嘅。

問：Okay。

答：即係等如我哋話我哋嘅 Building Works Team 裏面嘅層次。

問：好，唔該晒。咁跟住我想帶你睇呢一個 B5.4, 10309; B5.4, 10309。呢個就係個 Monthly Report on Inspection Status，即係係咪話呢個 Housing Department, Development & Construction

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Division，即係話你哋每一個月都有一個 inspection，而呢一個就係 5 月嗰個 inspection 嘅報告嚟呢？

答：係，睇到。

問：Alright。如果你睇你嘅右手邊，上面數落嚟，有 PLU1 0.1 (PLU1.01?) 同埋 PLU1 0.2 (PLU1.02?) 嘅。

答：係，睇到。

問：係咪？咁就第一個就係“Plumbing - Underground Water Supply Pipes”，...

答：唔。

問：...下面嗰個就“Plumbing - Above Ground Water Supply Pipes”，咁 block 數就“35”、“35”。即係我咁講啱唔啱，即係喺個 monthly inspection 入面，其實你亦都包括驗埋就係 underground water supply pipes 同埋 above ground water supply pipes 嘅，啱唔啱，每個月都驗嘅？

答：係呀，包埋嘅，不過只不過喺呢張 form 裏面，就嗰個 underground water supply pipe 就寫咗係“NYS”，not yet started。

問：係。Okay。咁而如果我哋睇呢個 B3.2 嘅 2181，我哋睇嗰個第 3 嗰度，就係“Pipe Joint”，“Pipe Joint”，你就可以睇到，即係其實你哋 inspection 入面，呢個係 above ground water supply pipes 嘅 guideline 嚟嘅。

答：係呀，係。

問：Alright。咁第 3 就係“Pipe Joints”嘅。即係你哋嗰個 inspection 其實就係要對應呢一啲嘅東西，包括“the joint pipes & fittings as Approved and as manufacturer's recommendations”，啱唔啱？

答：啱，係。

問：我最後再帶你睇多一個文件，就係 B2 嘅 598，咁你落去下面喇，就係“PLU.W260.5 嗰度，就係“Jointing Copper Pipework by Soldering”嘅？

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答：係。

問：咁就係“Follow the following procedures”嘅？

答：係。

問：即係其實你哋都係有一個好詳盡嘅守則同埋監工，即係話喺檢查呢啲喉管嘅時候有啲乜嘢要做嘅，啱唔啱？

答：啱。

問：跟住...

主席：呢度其實--即係其實同番之前嗰個 water supply 個 system 相比，係即係好明顯就呢度完全冇任何 solder -- lead-free solder 嘅要求，係咪？

答：哦，其實呢個--不如咁樣，我就會覺得呢一個差不多可以話係畀啲工人嘅工序上面嘅 guidelines，一啲嘅 reminder，因為你見得到呢三個嘅模式，第一步驟，即係差唔多可以教佢做咁滯，就係話「你先抹下個 pipe 喇，同埋即係先至好落嗰個 solder，即係唔好有任何雜質。」即係換言之，我頭先講過話我哋好擔心佢喺 storage 嘅當中有啲 cement paste 咁樣，有啲雜質。第二個就然後先落個松香，即係“Apply flux sparsely and remove excess flux prior to heating”咁樣樣，即係教佢點做，差唔多可以咁講。第三就係即係「你焊完，咁就要 clean 番個 joint。」咁即係呢個就係--其實目前我哋都會係有咁樣嘅模式去 remind 番啲工人、工友。

主席：係，唔係，我嘅意思即係因為而家我哋講緊 w260，260 係講啲啲即係基本上廁所啲啲排水啲啲咁嘅嘢，咁所以我哋見到同供水系統裏面啲啲係所--即係所 emphasize 嘅嘢係完全唔同。

答：係，我要--係喇，即係呢個--首先呢個就係針對番個 copper pipe，因為佢係針對 material 先嘅，即係你就--如果因為我哋如果係有--譬如喺睇上少少，即係 PLU1.W230.5 嗰個。

主席：230。

答：就係“Jointing Ductile Iron Pipes”，即係如果 pipe 唔係 copper 嘅話，亦都係有另外一個嗰個嘅做法，我哋就分類，喺個

specification 就係咁樣分法，即係如果係 copper，我哋歸埋一類先咁樣。

主席：我明。

唔該，繼續。

王先生：唔使。

問：咁我又想帶你去睇一睇個 HKIE 嗰個 report，睇下其中一段你同唔同意，274 段嘅 67 頁。

答：274 段？

問：274 段嘅 67 頁。

答：睇到。

問：274，嗰度佢就咁講嘅，“Task Force”，我哋而家知道個 Task Force 就係 HKIE 個 Task Force，“opined the omission could have been avoided if: a. BS engineers and inspectors are assigned to monitor plumbing installations, or b. Clerks of Works were thoroughly and diligently trained to inspect the plumbing installation, or c. An item covering lead-free tin solder was included in a checklist form.”，你同唔同意呢一個咁樣嘅建議呢？

答：其實喺 7 月之後，呢個我哋都同番我哋內部嘅同事一齊傾過下嘅，就著--即係當然，喺 HKIE 佢哋自己學會呢個嘅報告，佢想即係差唔多可以講話喺佢嘅角度睇，係提升咗嗰個嘅學歷、資格，即係去檢測番呢啲嘅 plumbing works，但係當然呢個你要去提升去到工程師嚟到去睇番，呢個即係絕對歡迎，呢個唔會話去完全嘅反對，不過喺人力資源上面嚟睇番，就係話我哋都要再考察番，其實係咪即係如果我哋已經即係 spec 咗係無鉛嘅焊料，之後如果嗰個 contractor 亦都係用番無鉛嘅焊料去做，咁整體嗰個水喉工序當中係咪即係個 Clerk of Works 唔可以去睇得到呢？原因就係話--即係當然我哋要--因為呢件事之後，我哋要加強嗰個嘅訓練，訓練嘅意思即係話我哋係即

係一個嘅 CPT，所謂，即係 continuous 嘅一個 professional training，但係呢個就係永遠我哋都係有一啲嘢需要再持續嘅學習嘅，咁而係咪即係要提升嗰個嘅學歷資格嘅人嚟到去睇呢啲嘅水務呢？其實我--你問我意見，你係要問番即係部門方面，因為部門方面就未傾過呢個嘅 report 嘅，如果我--純粹我自己嘅意見嚟睇，我又會覺得暫且未必需要即刻提升去到呢個地步，咁反而就係話因為如果就著無鉛焊料呢樣嘅事情當中，其實如果我哋嘅即係監管嘅同事而家已經好認知嚟喇，即係佢哋係好知道--即係加上埋我哋個 recommendation，有啲嘅步驟點樣去再防止呢件事情發生，咁我覺得即係純粹喺呢個位就其實未必需要去到一個工程師、一個 professional 去到檢查，即係我自己嘅意見啫。

問：好，唔該你。咁我就問過你另外一個方面嘅問題，我想你睇 C7.1 4751，C7.1 4751，呢張 form 我諗你都見過，係咪？

答：係，見過。

問：如果我哋落到最下面嗰度，落到最下面嗰度，係咪？喺左邊就係林德森嘅簽名，係咪？寫咗。

答：係，我大致上認得佢嘅簽名。

問：嗰個就係嗰個持牌水喉匠？

答：吓？聽唔到。

問：即係左邊嗰個簽名就係林先生，林先生就係個持牌水喉匠，啱唔啱？

答：係。

問：係咪？右邊就係個 authorised person 嘅簽名，啱唔啱？

答：係，係，係。

問：我想問喺啟晴邨呢度，你係咪就係嗰個 AP 呢，抑或其他人係個 AP 呢？

答：喺制度上面，我再講一講，因為喺房委會嘅公營房屋嘅項目當中，我哋本身喺嗰個發展局嗰個 practitioner guideline 裏面就已經講咗我哋係以一個 contract manager 嘅模式，合約經理嚟到去簽署呢個 AP 嘅位置，當然，即係除咗我自己簽署之外，仍然都係由我嘅代表，即係就係 contract manager representatives 係可以即係代我喺呢個位度簽名嘅，而呢個亦都係一個 general

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practice，亦都係喺水務署裏面我哋沿用開，一直都係咁樣用法，冇任何嗰個嘅所謂 adverse comment 係畀番我哋。

問：我可唔可以咁樣講呢？即係呢度要求兩個簽名，一個就係 LP，一個就係 AP，咁 AP 簽名嘅時候，其實佢有一個獨立嘅責任嘅，佢就要確保佢簽署嘅時候呢一個 form 入面所講嘅嘢--對水務署所作出嘅陳述都係正確嘅，啱唔啱？

答：係。

問：佢就唔可以就睇「林先生喺隔離嘅左邊簽咗喇，咁我就倚賴林先生，所以我喺右邊又自己簽番個名落去。」咁係唔得嘅，啱唔啱？

答：我諗咁樣樣，呢個亦都要去番水務署佢自己設計呢個表格，因為我自己都傾過嚟嘅，因為呢個表格喺右手邊下面，頭先你叫我睇嗰面，“authorized person”下面有個括號嘅，嗰度就係話“only applicable to a new building project”，換言之，即係話如果係喺新建嘅樓宇當中，呢個位就需要有一個 AP，就呢個 form--我再聲明，呢個表格，其實佢嘅設計就係畀私營嘅發展商同埋呢個公營發展商，其實都係用同一個咁嘅表格，...

問：同一個表格，係。

答：...冇其他，咁都係要喺嗰個所謂“authorized person”呢個位嚟到簽名嘅，呢個一個補充啫。至於話我頭先講緊話“only applicable to a new building contract”，即係話換言之，呢張 form 呢張表格有機會--即係如果佢唔係一個新建嘅樓宇，其實就係喺嗰個嘅持牌水喉匠佢簽名左手面就已經得，呢個係我所認知。咁整體即係水務署佢當時設計呢個表格嘅用意係點樣樣，係咪即係要兩個人簽名，同時間，即係都要訂明即係裏面所有嘅內容係一致呢，呢個我要即係問番水務署當然。但係當然簽一個名落去個表格裏面，基本上係認知嘅裏面嗰個內容。

問：我其實好簡單啫，呢一個啟晴邨就係一個 new building project 喇？

答：係。

問：我哋可以睇其他嘅 form 就唔係 new building project，我哋而家集中睇啟晴邨。咁樣啟晴邨嗰度需要個 AP 去簽呢一個名喺呢份 form 嗰度提交畀水務署，公平啲咁樣，你可唔可以同意我就係話個

AP 簽呢個文件嘅時候佢唔可以淨係倚賴 LP 已經簽咗名，即係「林先生既然已經簽咗名，佢係水務署管核嘅持牌水喉匠，既然持牌水喉匠都簽咗名喇，所以我 AP 又簽番個名喺度。」咁係唔得嘅，其實 AP 自己都要確保呢一個文件嘅內容係真實正確，然後個 AP 先至簽名嘅，同唔同意呢？

答：當然佢都要睇過，即係我贊成，即係我唔係話有 LP 簽咗，咁就係有嗰個嘅--就可以喺隔離度簽，唔係咁樣嘅講法，而係話即係我相信即係簽任何名嘅都要即係對於佢自己簽過嘅嘢係承諾咩嘢或者 confirm 咩嘢，咁都要知悉嘅，呢個我咁樣樣。至於張 form 即係裏面嗰--填寫嘅內容，包括佢嘅 annex，即係嗰個 material list，如果呢張係 form 1 嘅話，咁就即係所以亦都點解我哋亦都會 keep 番一個嘅檔案留底嘅，某程度，我再答一次，就係簽 form 嘅時候係知道個內容嘅。

問：明白。好喇，我哋將呢張 form 褪上少少，喺 2 嗰度，褪上少少，係喇，“Purpose of Submission”嗰度，咁有兩格嘅，有兩個 square 嘅，兩個正方形嘅，然後有兩個 dot dot，我哋想睇嘅，帶你去睇嗰個第一個正方形下面嗰行，就話“I/We CERTIFY that the pipes and fittings installed/intended to be installed, including those as listed on the attached annex to this form and those not listed, are as prescribed by the Waterworks Regulations.”，你睇唔睇到呢一個句子呀？

答：睇到。

問：係咪？如果我咁講，睇下同你嘅經驗是否吻合，就係話水務署就會喺嗰個 annex 嗰度，就喺嗰個 list 嗰度 list 咗啲 material 出嚟嘅，但係如果個 list 入面冇嘅，即係 including those not listed 嘅，其實你都係要--即係嗰個建築嘅用料都係要 comply with those prescribed by the Waterworks Regulations，呢個咁樣理解符唔符合你當時嘅認知呢？

答：我哋一向嗰個認知係就係話即係我哋正如頭先--琴日我都有講到嘅，即係所有用嘅料一定係即係合乎嗰個嘅即係 statutory requirement，which is 就係 Waterworks Regulations，Waterworks Regulations 就係 executed by WSD，水務署，而水務署裏面佢正正就係話喺呢張 form 嘅背面嘅 notes，琴日我哋都 go through 過若干。

問：係，go through 過，係。

答：就係嗰個嘅 approved list 同埋嗰四個 category 咁樣樣，我哋都係用咁嘅範疇嚟到去處理。

問：Okay，得，好，咁我處理最後一個範疇，我想帶你睇睇嗰個 HKIE 嗰個 report 嘅第 96 段，喺 31 頁嘅 96 段，okay？

答：係，睇到。

問：佢就咁講嘅，佢話 “For private developments, all copper pipes are concealed: behind building finishes, above decorative ceiling, behind kitchen cabinets, and so forth. The need to ensure a tightly sealed connection does not need to be emphasis more as it would be prohibitively expensive to carry out repair and rectification if there is any leak. Some developers only allow the use of the stronger silver brazing.

97. The TF [Task Force] found about half the standard specifications from Mechanical, Electrical & Plumbing Engineering consultants stipulated silver brazing either for all joints or for jointing pipes above 54 [millimetres] diameter.

98. It is noted some workers are not that comfortable with silver brazing connection methods, usually due to lack of experience. But for some plumbing contractors even at a higher cost, about 3 times more for a 54 [millimetre] capillary connection, it is not uncommon to opt for silver brazing to ensure quality and reliability.”，呢個咁樣嘅講法同你嘅認知係一致㗎，抑或唔同呢？

答：我聽過呢個講法嘅，就係目前我哋係有用一個嘅即係所謂 soldering material，同埋一個嘅 blazing material，一般嚟講，最大嘅分別係個溫度上面，即係如果我哋係用 soldering，基本上係 200 度咁上下，所認知，但係 blazing 個銀焊，即係俗稱，中文，銀焊就係去到八百幾度，要去到八--超過 800 度嗰個嘅熱度去--嘅火嘴去燒焊嘅話，就係必定需要一個風煤樽，當然即係都唔係呢啲嘅器具嘅問題，而係話嗰個溫度嘅問題，如果嗰個嘅水喉嗰個--呢度提到嗰個 diameter，即係個水喉嘅 diameter 假設係細過--目前嚟講，我哋以一個 105 為標準，105 mm，佢呢度就係話--第 98 段，“But for some plumbing contractors even at a higher cost, about

3 times more for a 54 [millimetre] capillary connection, it is not uncommon to opt for”，即係話如果喺細嘅口徑，嘅管道裏面，如果去做呢啲嘅高溫嘅燒焊，一嚟就係即係佢係好-- 比起即係擱住個氣樽嚟到燒係難好多，但係溫度去到咁高嘅時候，焊位，第一，就係佢會燒黑晒嘅，即係個駁口位嗰度燒黑晒，亦都因為佢嘅高溫，其實嗰個銅喉裏面，接駁位嗰面係會脆咗嘅，即係換言之，即係話因為呢個咁高溫去燒，而佢嗰個管道嘅直徑唔係大嘅話，換言之即係個管壁唔係厚嘅話，其實佢係脆咗，對於成個嗰個嘅受力所謂，接受 pressure、嗰個嘅 water-tightness，其實喺 performance 方面唔係好事，亦都係即係個 joint 位去到咁高溫燒，我哋都試過嚟嘅，亦都係檢測過，特登去同業界去傾過，喺地盤去一個係同樣好細嘅直徑嚟到去燒焊，用 blazing，銀焊，隔離就係用番一個嘅 solder 咁樣嘅模式，二百零度，不但只唔好講個時間，時間喺銀焊方面係耐好多，但係咁高溫底下，一嚟就嗰個工人都危險，因為佢唔係喺地下度燒，好多時嗰啲喉要喺天花或者係牆身高位，嗰啲碼，joint 位嚟去做，呢個就--但係最緊要都係話我哋擔心佢嗰個嘅耐久性，即係個 durability，即係你咁高溫燒到佢黑晒嘅時候，其實嗰個接口位係脆，係弱咗嘅。

問：明白。我哋睇緊呢個 report，我想請你睇去 108 段，108，呢個建築師學會就話其實仲有其他方法嘅，除咗銀焊同...

答：呢個工程師學會。

問：工程師學會，sorry，工程師學會。工程師學會就話除咗呢個銀焊同埋呢個錫焊之外，仲有其他方法可以將兩個喉管駁埋嘅咁樣，108、109、110、111 同 112 段就分別講咗其他唔同嘅方法可以做咗呢個咁樣嘅動作嘅，係咪？

答：係。

問：咁你同唔同意其實作為業主，其實你哋係有個權力喺個合約嗰度係指明嗰個承建商或者嗰個二判或者三判應該用咩嘢方法嚟進行呢一個喉管嘅接駁呢？

答：其實呢個我哋都有不斷嘅研究過嘅，但係當然亦都係一個 performance-based，實際上我可以話每一個嘅接駁嘅方式都係有佢嘅利與弊嘅，即係永遠唔會係一個完全一個嘅絕對理想嘅一個模式。喺呢度，我所睇到嘅第 34 同埋 35 或者係 109 至到 112 段當中，呢幾個方式我哋都有研究過，第一個，我諗喺第 109 段嗰個就係一個內置嘅--所謂內置嘅 solder ring，即係佢嚟嘅 fitting 嚟嘅時

候已經有埋一個無鉛嘅焊錫喺裏面，就已經保證--即係係廠裏面已經保證咗係無鉛嘅，就唔使驚住啲工人帶上去燒。咁呢個就亦都係即係--當然，呢個套番人去嚟到去燒焊，我哋暫且喺呢個位去研究，呢個都其實有部分嘅承建商都有用呢個方法，喺某啲屋邨，咁其實我哋都唔係話一定要規定啲承建商一定用而家帶啲焊錫、焊支走去燒焊嗰種模式，其實呢隻內置亦都有啲承建商係的確係有試過去用嘅，咁即係都唔係話即係絕對新嘅一個技術，佢只不過係一個內藏嘅模式，但係當然成本係會貴啲，咁樣嘅模式，呢個係某程度係可行嘅，你問我嘅意見。110，呢度就係講緊佢係--我睇一睇番個內容先，因為我睇到個 fittings 就係所謂一個 compression joint，我相信佢呢度都係講緊銅喉。咁個 compression joint 嚟講，因為佢個個嘅--你見得到佢好多都有啲配件，包括「戒指」同埋啲嘅即係金屬嘅器具，呢啲即係搞--呢個係即係所謂話套螺絲搞上去。其實呢個部分都同樣係有番佢個個--點樣講呢？一嚟就係而家最常用係喺番我哋保養維修，就係一啲未能夠做到燒焊位，即係我哋現有屋邨如果係就係保養維修當中去做燒焊，其實啲居民住喺度，就唔係好事嚟嘅，咁所以我哋就係保養維修，某程度我哋多數會用呢一隻咁嘅模式，但係實際上，即係而家我哋沿用開嘅燒焊嘅技術去接駁，有佢嘅好處，就係喺番個個所謂一個 dynamic stress 裏面係比較--仍然都係講緊 performance，就係好啲嘅，即係不如簡單咁樣講。去到第 112 段，呢一個我哋叫做即係所謂 clamping，即係而家呢個夾位，但係問題就係在於我哋--你見到個鉗，呢張相非常之好，就係話嗰條喉，如果我係 surface mount，喺個牆身或者係天花有個碼，喉碼落嚟嘅話，其實我哋要落個鉗落去咁樣夾，即係換言之個喉同埋個嘅牆身之間個距離都要加大，你明白我講咩嘢嘛？如果平時我哋係純粹燒焊，我哋根本就唔需要落呢個鉗落去夾嘅，咁變咗我條喉可以即係貼埋個天花多啲或者貼埋牆身多啲，呢個都係有啲個嘅考慮。

問：慳番啲位咁樣？

答：可以咁講，尤其是我哋即係幾種嘅唔同嘅喉管喺埋一齊嘅時候，我哋更加要考慮呢一點。

問：明白。我想睇--請你--帶你去睇 122 段，同一個文件，122 段。

答：37 頁，係咪？

問：係呀，37 頁。工程師學會就咁講嘅，個報告，佢話“Due to diverse limitations on the distribution system side, controlling lead content and ensuring material safety

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from performance of products that come into contact with the drinking water is often a better option.”，呢個你同唔同意佢咁講？

答：畀少少時間我再消化下先。

問：122，122。

答：我知，我知，我知，我再睇多次。呢個你可以話--即係我理解，因為其實佢呢個成個句子嚟講，我都係--點解我要睇多次呢？我覺得佢個表達方式，我唔係認真好能夠即時 catch 到，不過我可以知道佢嘅意思，就係話盡量將一個飲用水接觸少啲啲嘅不同嘅物料，以致減低啲個風險程度，我唔知係咪即係佢--因為好長嘅講法，“ensuring material safety from performance of products that come into contact with the drinking water is often a better option”，我唔係好知道即係佢其實呢度係真正想講嘅係點樣 ensure material safety。

殷先生：主席，佢啲句說話 obviously 佢話 better，佢話比較其他之前講過嘅嘢好，咁對個證人公道啲，或者畀番一個上文下理畀佢好啲。

主席：幾時都可以上文下理睇嘅。

問：你可以睇，你可以睇上文下理，你可以有時間睇就係由 116 段，一路睇到 122 段。

答：或者可唔可以大致上你講一講個意思？可能我會快一啲可以回應到。

問：我相信你睇就會快過我讀出嚟。

答：Okay。

主席：咁不如我哋休息 10 分鐘先。

王先生：好。

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主席：你可以慢慢睇。

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王先生：好。

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主席：我哋 10 分鐘休息。

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下午 3 時 36 分聆訊押後

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下午 4 時 15 分恢復聆訊

出席人士如前。

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香港房屋委員會第三證人：嚴汝洲（房屋署總建築師（發展及標準策劃））
宣誓繼續作供

J

J

王先生繼續盤問

K

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問：好，嚴先生，我哋繼續。你睇咗 122 段同埋前文後理，係咪呀？

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答：係，呢度我睇完之後，就都發覺到即係工程師學會佢呢度嗰個論據，佢由 116 段去到 121 段當中，佢自己就不斷喺度討論緊嗰個酸鹼性嘅問題，個水裏面，佢想搵出一個嘅即係可行嘅方法，但係問題結果佢自己都有能力，就交番畀水務署嚟到去再處理，我相信係咁樣嘅內容。以致到最後佢就喺 122 段就有一個咁嘅結論，就話都係用番啲物料，無鉛好啲。咁實際上喺我哋而家目前嘅規範上面，我哋都已經係無鉛㗎喇，只不過真係唔知點解，即係會有啲有鉛嘅焊錫喺嗰度當中咁解啫，咁我就可以咁樣交代。

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問：好，我好快啫，好快，我仲有兩、三條問題問你，你同唔同意將來如果要防止呢個食水，內部供水系統食水含鉛呢件事，一個有效嘅機制去控制嗰啲物料，即係唔好容許或者減低呢個有含鉛嘅物料係一個至為關鍵嘅一個方法？

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答：贊成。

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問：你亦都同唔同意喺內部供水系統嚟講，喺水務署將乾淨嘅水運送到去屋苑入面，嗰個內部供水系統嗰個責任，即係保障，令到嗰個水由呢個供水點一路去到個水龍頭--用戶嗰個水龍頭，呢一個過程入面，其實就係個業主嘅責任嚟，你同唔同意？

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答：呢一部分就當然我哋有我哋個嘅責任嘅，即係話成個供水系統都係由我哋就係邀--聘請承建商嚟到去起，而我哋亦都係有設計，但係喺個過程當中，我哋都真係好需要有我哋即係法規同埋有啲係即係水質方面個嘅專家，即係我哋所講嘅水務監督，咁即係呢啲如果個嘅規範，我哋係需要啲指引去遵循嘅，譬如我哋用嘅物料，譬如部件，有啲即係而家恆常用緊嘅，就亦都需要水務署嚟幫我哋即係係有啲批核嘅，我哋會係安心去用，咁呢啲都係有關啲專門嘅知識，係需要喺即係把關嘅部門嚟到幫我哋相輔相成，但係當然即係成個系統裏面，我哋同承建商，即係喺佢哋個建造過程當中，我哋一定有一定嘅責任。

問：而家你又知道關於呢個 WHO 個 guidelines for drinking water -- WHO，個 WHO 個 guidelines 亦都可以幫到業主，喺呢個公屋，即係話個房委會去制訂個策略去達到咩嘢標準，同埋點樣達到啲標準，啱唔啱？

答：但係呢個我都想再傾一傾嘅，即係話目前我哋喺 2015 年 1 月 13 號就係個嘅水務通函第 1，第一個水務通函，1 號，個就係講咗話我哋喺個水質測試方面加咗四個重金屬，但係至於世衛標準當中係咪即係呢四個重金屬，即係就其他嘅--我哋其實都需要真係一啲水務嘅專家喺--即係主要嚟講，就係把關嘅水務署，我哋希望即係如果有其他嘅元素係需要再注意嘅，其實我哋都需要係倚賴即係水務監督方面個嘅畀我哋一個嘅指引嘅，即係如果我哋單靠房委會去再搜尋即係世衛標準裏面嘅其他嘅元素，我諗我哋呢個係未必即係辦得到。

問：Okay。

主席：其實即係講時講，係咪因為你房委會就係一個好大嘅業主嚟㗎喇？

答：係。

主席：其實即係唔好淨係講水喇，其實某程度上係咪你哋--如果你哋每年建屋量咁緊要，係咪其實你哋自己本身裏面都應該有啲水、電、煤嘅專家呢？

答：冇錯，我哋係有水、電、煤或者其他即係所謂 discipline 嘅專業，我哋唔敢稱係專家...

主席：唔係，我嘅意思即係唔係話啲 engineer，即係純粹係 performance-wise 個一方面嘅專家，其實係已經--因為你作為大

業主，就反而同一般嘅...

答：明白。

主席：...發展商仲有啲唔同添，因為你...

答：明白。

主席：...個責任更加大啲添。

答：啱，啱，呢個或者我咁樣去演繹，我哋而家其實用--即係持之以恆我哋做緊嘅方式係點樣樣呢？其實我哋係--包括我哋而家自己現任呢個嘅崗位，我哋就係 Development and Standards，咁變咗其實我哋而家個團隊當中，我哋做緊嘅，我哋就係一啲 known site problems，即係我哋要--譬如簡單例子，用番啟晴為例，啟晴呢個 site 當時我哋個地底下面係有啲海泥，咁海泥係番個嘅環保署當中，其實呢啲海泥我哋掘起咗出嚟嘅時候係唔可以即係拎去第二個地盤嘅，因為本身海泥都有佢自己個嘅危險嘅情況。咁所以正正就係因為呢啲咁嘅海泥畀我哋想像中--掘起出嚟嘅時候，想像中係多咗好多，大量咗好多，咁我哋點樣嚟到去用呢？咁喺呢啲嘅即係所謂一個嘅 site problems，我哋就即係即刻係要處理，因為我哋喺啟德嚟講，唔係淨係得啟晴呢個地盤，因為往後仲有其他嘅地盤可以--亦都同樣有咁嘅情形。咁所以我哋就反而係喺呢方面係去研究，但係呢方面嘅研究，我哋都需要--以頭先我話海泥為例，我哋都需要一啲其他嘅專家，包括頭先講咗，即係環保署個方面，同埋一啲嘅學界，我哋呢個方面亦都係喺番--當時我哋係同番香港大學同埋 Poly U 嘅專家一齊係合力，包括埋中國建築，咁就將呢啲嘅海泥挖掘出嚟，係變成咗一啲嘅所謂--都加埋其他元素，咁就混合再 seal 番佢，就成為一個“paper block”，目前我哋喺啟晴都係用緊嘅，咁呢個就即係將一啲嘅所謂唔可以用得嚟嘅物料愛嚟循環再變成有用嘅物料，呢啲嘅所謂研究就係用番我哋目前個所謂大量嘅工程項目當中我哋要處理嘅問題。咁第二個例子，我想舉一舉例，就係因為我而家目前好多嘅項目都面對一個--即係我哋嘅地盤面對好多嘈吵嘅道路，我哋都唔能夠可以有啲好安靜嘅地盤，咁面對一個咁高嘅聲浪嘅時候，我哋個住宅樓其實係環保署嚟講，都需要有一定嘅所謂 70 分貝個嘅限制，但係好多時我哋面對條路，分分鐘可能去到高達 80 分貝，即係超過 10，咁我哋啲窗係點樣嚟到去處理呢？呢個亦都係我哋--既然有我哋大量嘅 project 係咁樣嘅情形，我哋就要--即係亦都同番環保署同埋一啲嘅--亦都係同樣，Poly U 嘅專家，大家合成造一個 acoustic window，即係隔音窗嘅模式，嚟到去將個嘅隔音，可

以令到--呢個係普通--同普通窗不同所謂，而又要通到風，即係隔聲同通風係矛盾嘅，但係喺呢方面嘅研究正正就係話喺我哋 project-based，我哋唔會去到一啲嘅即係 unknown 嘅 potential problem 嚟到去研究，我哋有咁嘅即係資源，但係面對我哋即係而家目前嘅項目一啲嘅挑戰，其實我哋喺人手擺落去就係咁嘅樣。即係如果我哋能夠有呢方面嘅研究得嘅話，我哋其他嘅 project 係一個已經係成效，其他就可以跟從，咁就喺呢一方面我哋係咁樣發展。但係至於話即係去到即係一個嘅 unknown potential problems，我就真係需要可能即係交番畀政府有關嘅專家部門嚟到去處理。

王先生：主席同埋嚴先生，我有其他問題。

主席：唔該。跟住仲有邊位想問問題呢，請問？冇人想問問題。咁就跟住下一--係咪另外一條邨呀，將會做？

殷先生：但係喺離開啟晴之前，我想問一個問題。

主席：你想問，好呀，好呀，問。

殷先生：覆問嘅。

殷先生補問

問：嚴先生，因為喺你嘅作供嘅期間，其實都有好多人問過你，圍繞呢個所謂對鉛同食水嘅危機嘅認知不足嘅程度，你亦都畀咗好多個答案，應該都齊晒㗎喇，不過我就想澄清一下究竟即係你知道關於鉛嘅嘢係啲乜嘢知、邊啲嘢係唔知，同埋所謂認知不足，不足係指乜嘢不足呢咁樣。

答：係。

問：我記得琴日下晝就應該係主席就問你就係有關呢個問題，你答嘅就係話你哋知道唔應該用有鉛嘅焊料。

答：唔。

問：但係你哋有足夠嘅認知就係用咗有鉛嘅焊料係會對人嘅健康構成影

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響。

答：即係個程度上我哋唔知。

問：我咁樣理解啱唔啱呢？你知道唔可以用鉛--有鉛嘅物料嚟作為關於食水嘅設施，呢樣冇爭議㗎喇，啱唔啱？

答：係，係。

問：你亦都知道鉛如果係入咗身體，喺個食物鏈度入咗身體係會對健康構成影響嘅，...

答：係。

問：...總括嚟講？

答：係。

問：但係你就唔知道嘅嘢--我嘅理解係咁，你可以話畀我聽，修正我，如果我理解錯，你唔知道嘅嘢就係如果用咗焊料之後，嗰個焊料係有鉛個焊料，係佢係從一個乜嘢嘅方式或者途徑滲入啲食水度，呢個正唔正確嘅呢？我係講7月之前，2015年7月之前。

答：Okay，我係唔知嘅。

問：你亦都唔知道佢係會滲幾多成分入去個食水度，或者係嗰個食水個含鉛量去到咩嘢程度係會係危險，係咪？我正唔正確？

答：唔知。

問：咁所謂認知不足其實你個不足之處就係你對呢一個鉛滲入食水嘅方式同埋個程度，所謂不足就係呢啲嘅不足？

答：係，包括呢啲。

主席：我哋都有提過方式，由頭到尾都，不過你鍾意 re-examine，咪 re-examine 囉，不過我相信都有乜爭議嘅。唔該--唔係喎，未完㗎喎佢，係咪呀？仲有一條邨㗎喎。

殷先生：仲有一個榮昌邨嘅。

B

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主席：不如聽日先至處理，好唔好呀？

C

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殷先生：好。

D

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主席：我哋聽日先至再處理。

F

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答：即係我聽日再返嚟？

G

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主席：再返番嚟，係呀。

H

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答：就係講榮昌邨？

I

I

主席：係喇，冇錯，講榮昌邨。

J

J

答：Okay。

K

K

主席：我相信就唔--我希望就唔會有好多問題，係咪呀？因為好多問題要問嘅都差唔多問晒㗎喇。

L

L

殷先生：有一個唔同嘅承建商係同榮昌邨...

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主席：咁又係，希望可以聽日完喇，我唔敢擔保，唔該。

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2015年11月12日
下午4時28分聆訊押後

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Thursday, 12 November 2015

(11.03 am)

(Transcript of simultaneous interpretation

except where otherwise specified)

MR YIM YU CHAU (on former oath)

Cross-examination by MR PENNICOTT (continued)

(All questions from Mr Pennicott were in English)

CHAIRMAN: (In English) Yes, Mr Pennicott.

WITNESS: Chairman, I would like to supplement on the last

two questions raised yesterday.

First, it's about continuous supervision. In the contract -- I have checked the contract and the records -- the contract clause is for the General Conditions of Contract, clause 30, and the main contractor -- well, in English it is:

(In English) "The [main] contractor shall conform in all respects with [all enactments, regulations, byelaws and rules, including] any additions or amendments thereto ... which are applicable to the Works ..."

The main contractor must be a registered contractor, and they must meet with the Building (Administration) Regulations, and in clause 41 of that administration contract, that says that the contractor must have continuous supervision. So that's the basis for our clause in the contract.

As for superintendence, similarly, in the General Conditions of Contract, clause 17, the contractor is required to have a management plan towards their subcontractors. Now, for the Kai Ching Estate contract, on 3 August 2012, the contractor has submitted the management plan to us.

I want to mention in particular, highlight the management plan, that the contractor will submit measures setting out how they would supervise the works and monitor the subcontractor's performance. So that has to do with the programming, quality and safety. These are all set out in the management plan for the subcontractors.

Also, within the plan, they are also required to give details on how the contractor will have a management team supervising the subcontractors. The persons should be listed and there should be direct supervision. The words "direct supervision" are mentioned specifically.

That's all I want to supplement. Thank you,
Mr Chairman.

MR PENNICOTT: Thank you very much, Mr Yim.

When we adjourned last evening, I was asking you some questions about the 10 per cent inspection procedure. Do you recall that?

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A. Yes, I do.

Q. I want to move on from that, just to look at a couple of documents, to see how it actually works in practice.

I wonder if you could take or be given file B5.4, and if you would be good enough, just by way of example, to turn to page 9378.

A. Yes, I've got it.

Q. That's a Housing Department form, as I understand it; is that right?

A. Yes, correct.

Q. It's headed "Inspection form", in the top left-hand corner, and "Daily inspection form", in the middle, towards the top; do you see that?

A. Yes, I saw the date.

Q. This particular form is dated 7 August 2012?

A. Yes.

Q. You can see that this is in relation to block 1 of the six blocks at Kai Ching?

A. Yes.

Q. In the column on the left-hand side, headed "Ref No"", as I understand it, that's a series of references to the speculation forming part of the contract; is that right?

A. Yes, correct.

Q. Then you can see there's a series of locations, where, presumably, inspections took place; is that right?

A. Yes, correct.

Q. Then we have a heading "Pass". What does that stand for?

A. That means that they are satisfied with the works installed on that date.

Q. You will see underneath in that column references to 4J, 7J, 9J, and so forth. What does that mean? What do those denote?

A. I believe that there is a plan which shows the locations of these places. These are the gridlines. The plan has different grid references and from these grids, we would be able to locate exactly the places referred to here.

Q. Right. So they will specifically give you the location of the inspection?

A. Yes, that's correct.

Q. We can see, at the bottom of the page, I think four signatures, all Housing Authority personnel, as I understand it; is that right?

A. Yes. They are the staff resident on the site.

Q. Is this -- to your knowledge, this is a fairly typical sort of form that's used throughout, not just this project but all Housing Authority projects; is that right?

A. Yes, correct.

Q. It's headed "Daily inspection form", and is it the case

that these inspections take place every single day as the project progresses?

A. Well, not necessarily so. Let me put it in this way.

As I said yesterday, there are staff members -- well, that's right. The heading is "Daily inspection form". That's the heading. We have to sort of align with the work flow of the contractor, how much work has been completed. Sometimes, there may be delay to certain works, and sometimes maybe we wanted to inspect certain things, according to the main contractor's schedule. But in some situations there might be delays, there might be works completed ahead of schedule.

So we will be discussing with the staff of the main contractor stationed on site; we would liaise with them closely. So, basically, every day, the locations for inspection might differ, the trades to be inspected might also differ. But as to whether we would be inspecting the same trade every day, it may not be the case.

So we would be using this form whenever we inspect.

Q. Now a more general question, Mr Yim, not referable to this document. Do you know whether the site staff actually inspected the joints of the copper pipes themselves? We all know they didn't carry out any tests for lead in the solder, and so forth, but did they

actually inspect the joints; do you know?

A. When they inspected the plumbing works installation for a water pipe, when they made the inspection, they would be inspecting the joints connected to the water pipes. So they would inspect all this altogether.

Now, with hindsight, we know that the joints are very important, of course. But generally speaking, when our staff inspect the plumbing works installations, they would look at the overall system, including the coppers and the pipe brackets, and also they would be looking at the joints, but not just the soldering; dry fittings, there may be some T joints, there may be L joints. For these joint fittings, they would include the soldering materials. So the fittings would be looked at as a whole.

For the plumbing works, we emphasise the performance when we make the inspection, so we look at specifically the water-tightness. So when we look at the joints, we would be looking at whether the soldering materials come with good workmanship, so much so that there would be water-tightness, and we would not be looking at the joints individually specifically; we would look at the fittings of the joints as a whole.

Q. So you are looking for the soundness of the joints; that's what it comes to?

A. Sorry, I couldn't hear you.

Q. You are looking at the soundness, the fact that they are good joints, they are made well, with good workmanship; that's the key to it, that's what you're looking for?

A. Sorry, I'm not clear about your question.

CHAIRMAN: Soundness is the performance. Soundness of the joints.

A. Pipe soundness. Yes, I've got it now.

In the PASS system, we do have as a factor the soundness of the plumbing works. We would look at whether there may be dirt in the water pipes. So we would make sure that there would not be any cement paste or sediment at the water pipes. So that's the soundness that we refer to.

MR PENNICOTT: Could we move on to a little topic on its own. Yesterday, Mr Shieh asked you some questions about the records of the labour that attended the site from time to time. Do you remember those questions?

A. Yes, I recall that question.

Q. What I would like to do is just identify some documents. I don't really want to ask you too many questions about it, but just the documents themselves.

Could you be given bundle B5.10, please. Could you please go to page 12975.86.

A. Yes, I saw that.

Q. Again, this is another standard Housing Department form;
is that right?

A. Yes, that's right.

Q. This one is headed "Record form", and then in the centre
of the page, at the top, "Record of trade tested workers
for Building (New Works) Contract"; do you see that?

A. Yes.

Q. In the top right-hand corner, it's dated for the month
of January 2012?

A. Correct.

Q. If you look down the left-hand column, you will see the
heading "Trade", and then, if you go to number 8, you
will see the word "Plumber"; do you see that?

A. Yes, I see that.

Q. There are a number of figures and ticks and letters and
percentages, going across the page. What I would like
you to do is to focus on the figure 7 in the third
column. Do you see that?

A. Yes, I see that.

Q. That, if we look at the top, is the number of workers on
site on the day of checking; do you see that?

A. Yes, I see that.

Q. So seven plumbers on site on this particular day, when
this was done.

Then, if you would be good enough, please, to go to

page 12975.89, just a few pages on -- do you have that,
Mr Yim?

A. Can you repeat the page number, please?

Q. In short, 89.

A. Thank you.

Q. As I understand it, Mr Yim, this is an annex to the
monthly form.

A. Yes.

Q. If you look at this form, looking at page 89 for short,
right at the bottom, under the "Trade" column, you will
see the word "Plumber" again?

A. Yes.

Q. Then, if you look across to page 90, that's the next
page in the bundle --

A. (In English) Okay.

Q. -- you will see the first six references to plumber; do
you see that?

A. Yes, I see that.

Q. So what happens, as I understand it, Mr Yim -- perhaps
you can confirm this -- is that the seven plumbers are
identified, and we can see on this form they are
identified by name and by, I think in this case, their
green card numbers; do you see that?

A. Yes, I see that.

Q. Then, in the column headed "Trade Test Certificate No",

as I understand it, those are the certificate numbers
issued by the Construction Industry Training Authority?

A. Yes.

Q. This information, as I understand it, is compiled by the
site agent of the contractor, in this case
Mr Derek Ma -- you can see that from page 90.

A. Yes.

Q. Then is checked and approved and verified by
a representative from the Housing Authority.

A. Yes.

Q. You would expect this record to be submitted on
a monthly basis throughout the course of the contract?

A. Yes.

Q. It's nobody's fault, Mr Yim, but if you look at pages 89
and 90, in the top right-hand corner, under the word
"Annex", do you see it says "Sheet 2 of 11"?

A. (In English) Yes.

Q. Then, on page 90, the last page we were looking at, it
says "Sheet 3 of 11"; do you see that?

A. (In English) 3 of 11? Yes, yes, 90 is 3 of 11.

Q. It may be that we will have to find the documents, there
are eight pages missing of this document, ie 4 of 11
through to 11 of 11. Would I be right in suggesting
that the remaining pages, effectively, will set out the
records of the semi-skilled workers?

A. You want these documents?

(In English) The missing pages?

Q. Yes. Will they set out, do you know, the records and information in relation to the semi-skilled workers?

A. As I said yesterday, these forms are for our site inspection staff, and the information of these trade tested workers would be submitted to the CIC for verification.

Over the course of the verification work, the CIC would tell us the correctness of such information. For the missing pages, I might have to do some checking. These are on-site records.

Q. Fair enough, Mr Yim.

Could I, in the same file -- just remember that what we have been looking at is dated January 2012, and we have seen seven plumbers; okay?

Could you go now, please, to page, for short --

A. Excuse me, I would like to write down the pages required first. Pardon me for a minute.

Q. Page 106.

A. Thank you. Which page are we looking at?

Q. 106. Do you have that?

A. (In English) 106, yes.

Q. It's the same form but it's a year later, in January 2013. Do you see that?

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A. Yes, I see that.

Q. If you look in the same column as we looked in the previous page, you will see that the number of plumbers has gone up to 22; do you see that?

A. Yes.

Q. This is January 2013, and we are just a couple of months off of you signing WWO46 part IV, as the plumbing works comes to an end, so far as the blocks are concerned. Do you recall that?

A. For WWO form 46, it was submitted in -- it was signed in early March.

Q. Exactly.

A. In other words, the licensed plumber signed it on 3 March 2013, if I remember it correctly.

Q. Right. That is right. Then, in the same way that we saw on the previous form, if you go please to page 109.

A. (In English) 109?

Q. You will see on page 109 and indeed on page 110 the 22 plumbers, or the information in relation to the 22 plumbers. Do you see that?

A. Yes, the plumbers' names are given here.

Q. In a similar format to what we saw on the earlier form?

A. Yes.

Q. Okay. You can put that file away, Mr Yim.

Mr Yim, yesterday, Mr Shieh asked you some questions

about the volumetric precast or prefabricated bathrooms and kitchens. Do you remember that?

A. Yes, I remember.

Q. My understanding of the position is this, that volumetric precast bathrooms and kitchens was nothing new to the Housing Authority. What was new and different was the incorporation of the plumbing works and the pipeworks into those precast units. Is that right?

A. Let me put it this way. For the precast kitchens and bathrooms, at the time of the contract, it was not the first time precast components were used, but we were still in a pilot phase. Nonetheless, it was the first contract in which the contractor proposes to incorporate plumbing works in the precast components.

Q. Mr Yim, do you have any personal knowledge of how, by what means, by what labour, by what supervision those prefabricated units were constructed in Shenzhen?

A. I have to say that I was not the chief architect in the assembly of the prefabricated parts, so I have to look up the records and hear what my colleagues say. In September 2012, all the parts have been installed. Overall speaking, as I mentioned yesterday, the contractor had to follow the contractual requirements, which included the prevailing Ordinances at the time.

We are talking about prefabricated parts, so over the course of construction we had certain requirements for the contractor, and we have to send a team to the factories to carry out supervision, in order to maintain standards.

At that time, we commissioned an independent consultant to carry out the supervision.

Q. Yes.

A. At that time, the consultant sent some staff to the mainland to carry out the supervision. Apart from that, we have a registered structural engineer to supervise the project and make a signature. We also have an audit team who will also sign on the form, to carry out the surveillance. However, the actual supervision work done by China State is something I cannot answer at the moment; I have to look up the records.

Q. You have anticipated, Mr Yim, my next two or three questions.

It is right that the Housing Authority appointed an independent consultant called Jacobs China Ltd to go to Shenzhen, to the pre-fabrication facility, and to witness, inspect and monitor the progress of the works; and that's right, isn't it?

A. Yes, that's correct.

Q. We can move on to something else.

Can I ask you please to go to paragraph 74 of your witness statement.

A. Paragraph 74; is that right?

Q. Yes, correct. B15.1/37722.

The chairman yesterday took you to the last sentence of this paragraph; do you recall that?

A. Yes, I do.

Q. Which reads:

"Before July 2015, neither I nor the Housing Authority was aware of the WHO Guidelines on the drinking water quality at the consumption point."

A. Correct.

Q. What is the basis of your evidence that the Housing Authority was unaware of the WHO Guidelines?

A. For the WHO Guidelines, what we were unaware of was that -- because in July we learned that there was excessive lead in drinking water in Kai Ching Estate, the 10 mcg, micrograms, and this is something known to everyone in Hong Kong after that, after July. So, on the WHO standards and guidelines, there was a standard of 10 mcg per litre and we were unaware of it before that. So that's what I meant by that sentence.

Q. So are you saying -- and we want to get this absolutely clear, Mr Yim -- that the Housing Authority was unaware at all of the WHO Guidelines, or simply unaware of the

10 microgram provision?

A. Not just the 10 mcg, but the entire guidelines.

Q. Can I suggest to you, Mr Yim, that that is wrong, and that at least from May 2010, the Housing Authority was well aware of the WHO Guidelines.

A. Can you repeat your question or your document?

Q. I am asking you this question: do you know whether or not the Housing Authority was aware of the WHO Guidelines in May 2010?

A. The guidelines issued by WHO in May 2010? I was not aware of it. To my understanding, HA was not aware of it either.

Q. Did you know, do you know, that there's a provision in the contract between the Housing Authority and China State, relating to Kai Ching, that actually refers to the WHO Guidelines? Did you know that?

A. I don't know.

Q. If you read the contract, Mr Yim, you would have known, but you didn't do that, did you?

A. Perhaps I have missed that section.

Q. But the people who wouldn't have missed it, Mr Yim, are those who drafted the contract, including, as I understand it from your evidence yesterday, one of your predecessors, Theresa Yim. Would that be right?

A. Before we came to that question, answering your

question, I would like to refer to your previous question. Which clause in the contract did it say that the WHO Guidelines have to be adhered to? Which clause in the contract?

Q. I am coming to it, Mr Yim. Let me just take it in stages.

Let me just ask you this question. Are you familiar with the Hong Kong Building Environmental Assessment Method -- for short, HK-BEAM -- are you familiar with that organisation?

A. You are talking about HK-BEAM; is that right?

Q. I am. Have you heard of them?

A. Yes, I know about it.

Q. All right. Could you please be given file B5.1. Please go to the very first page, because I want to take you through this with a degree of order, if I can.

Page 7849 is the front sheet to the contract between the Housing Authority and China State for Kai Ching; do you see that?

A. Yes.

Q. You will recall, because you said you had a copy of this contract in your office, that it's a rather large document, in six volumes?

A. Correct.

Q. If you go over the page to page 7850, we can pick up the

index to the contents of the contract; do you see that?

A. Yes, I can see that.

Q. In the usual way, we have articles of agreement, General Conditions of Contract, the specification, and then the technical resources and technical proposals, and then many volumes containing the bills of quantities, in the usual way.

A. Yes, correct.

Q. You will see, under the bills of quantities, on page 7851, the heading "Preliminaries", and "Bill No. 2 -- Preambles and Special Preambles"; do you see those?

A. Yes, I can see that.

Q. Underneath bill No. 5, we get a series of bills of quantities for the superstructure works, for the various blocks; do you see that?

A. Yes, I can see that.

Q. The plumbing items are contained within those superstructure bills?

A. (In English) Superstructure bills?

Q. The copper pipes we can find within the superstructure bills. I'll show you in a moment. You are not aware of that?

A. Yes, that should be the case. That should be the case. But I need time to go through it.

Q. Okay. I will give you some time.

Could you go, please, then to page 7853. You will find there the articles of agreement, or the front sheet. Then, on page 7854 and 7855, we can see that the contract is dated 24 May 2011 and was signed by the then Director of Housing on behalf of the Housing Department.

Do you see that?

A. Yes, I see that.

Q. Could you then go, please, to page 7867. That's the front sheet to the specification.

A. Correct.

Q. Then, if you go over to page 7869, there's an index for the specification; do you see that?

A. Yes, I can see that.

Q. Under (a), towards the top of the page, there's a heading, "Section Pre-preliminaries; do you see that?

A. Yes, I can see that.

Q. Then, if you go to page 7871, again the front sheet to the Pre-preliminaries; do you see that?

A. Yes.

Q. Then, starting at page 7872, there's a table of contents to the Pre-preliminaries, or the Preliminaries; do you see that?

A. Yes.

Q. Go, please, to page 7882. We will see on the left-hand

side, a third of the way down the page, "PRE 13, HK-BEAM Requirements"; do you see that?

A. Yes, I see that.

Q. What was your understanding, Mr Yim, on what the HK-BEAM organisation does? What's its role in life?

A. HK-BEAM is assessment for the Green Council on assessing the green features of buildings in Hong Kong. Several aspects are included. For example, the saving of land, conservation of materials, conservation of water, and IEQ, internal environmental quality. So these are the aspects covered under BEAM for buildings. So assessment will be made on these aspects before the building is accredited for HK-BEAM.

Q. You have just used the word "accredited", and that's really the fundamental point, isn't it, that what the Housing Authority wanted to do as far as Kai Ching was concerned was to obtain various accreditations from HK-BEAM?

A. For this project, we have a provisional platinum rating under HK-BEAM.

Q. All right. Look at page 7883, if you would, please.

Towards the top on page 7883, do you see a subheading, "Water Environmental Requirements"?

A. Yes, I can see that.

Q. Then immediately underneath that heading, there is this

reference: "PRE.B13.060.P. Water quality survey
(HK-BEAM 5.1.1 -- Water Quality)"; do you see that?

A. Yes, I can see that.

Q. Then, because we've got this file open, Mr Yim, could
I just ask you please to go -- just to pick up another
point on the way through -- to page 7973.

A. 7973, yes, I've got that.

Q. That should be headed "Bill No. 2. Preambles".

A. Yes.

Q. Then if you could go, please, to page 7976, you should
see there part of the preambles that relates to the
plumber; do you see that?

A. Yes.

Q. What it says at A is:

"The rates for lead work, zinc work and copper work
shall include for:

(i) All wedging, soldering and brazing".

Do you see that?

A. Yes.

Q. Then, over the page at 7977, it says at A:

"The rates for fittings on copper pipes shall
include for capillary [and] compression joints."

Do you see that?

A. Yes.

Q. So when talk of the solder being incorporated into the

rate, what that means is that when the contractor is pricing for the copper pipes, he also has to take into account the solder, amongst other things; do you agree?

A. Before I gave my evidence, we did check with quantity surveyors, and we confirmed that there wouldn't be a bill. That's the information I got. And the rates would be for the copper pipeworks. There won't be another rate separately for solder.

Q. So, for example, if you go, please, to page 7987.

A. Yes, I see that.

Q. This is part of bill number 5A, which covers the superstructure of block 1, and you will see, about two-thirds of the way down the page, a heading "Cold Water Supply Installation"; do you see that?

A. (In English) "Cold Water Supply Installation".

Yes, I see that.

Q. If you turn over a couple of pages to 7989 --

A. Yes, I see that.

Q. -- you will see a heading in the middle of the page, more or less, "Copper pipes and fittings"; do you see that?

A. Yes, I see that.

Q. Then there is a list of different diameter copper pipes; do you see that?

A. Yes, I see that.

Q. With a series of differing quantities, measured in linear metres; do you see that?

A. Yes.

Q. It's been blanked out, but the prices that the contractor will have put in against each of those items will, as we just discussed, include for solder, and that's what we mean by including the solder in the rate for the pipes?

A. This is the information we got from the quantity surveyor and service provider.

Q. Can you think of any good reason why there wouldn't be a separate item in the bills of quantities for the solder?

A. Basically, solder is equivalent to nuts and bolts or nails. The reference of measurement for our pipes, solder is included, has always been included, as a sundry item. That's my understanding. There wouldn't be a separate rate for solder.

Q. But can you think of any good reason why there couldn't be?

A. And your question was?

Q. Why not have a separate item in the bills of quantity which says "Solder"? The quantity surveyor can work out approximately how much is needed. It can be expressed by reels or pounds or whatever it comes in and the

contractor can price separately for it.

A. As I understand, this is in line with normal trade practices. I mentioned the standard method of measurement when evaluating the building quantities. In a buildings contract we would follow the trade norm.

Q. Right. Can I then ask you, please, to turn on in this file quite a way, I am afraid, to page 8419.

A. 8419, right?

Q. Do you have that, Mr Yim?

A. Yes, I see that.

Q. It should be headed, "Appendix Q -- Extracts from the Main Contract"; do you see that?

A. Yes.

Q. If you turn over the page to page 8420 -- have you got that?

A. Yes.

Q. Can I draw your attention first of all to the date of this document, at the foot of the page, 26 May 2010; do you see that?

A. Yes, I see that.

Q. Do you see the provision at the top, "PRE.B13.060.P"; do you have that?

A. Yes, I see that.

Q. That mirrors a provision we saw in the index a short while ago; do you remember?

A. Can you repeat that, please?

Q. Remember we looked at the index a short while ago, and this is the provision that's referred to in the index?

A. (In English) Referred to index? Yes.

Q. It's headed "Water Quality Survey (HK-BEAM 5.1.1 -- Water Quality)". Let's read it:

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

Have you seen that provision before, Mr Yim?

A. (In English) Revision 4?

Q. Have you seen this clause before?

A. (In English) This clause before? Okay.

Let me put it this way. Under this provision, it's about the water quality survey under HK-BEAM. As I mentioned, HK-BEAM mentioned water savings, and water quality was also covered.

Over the course of evaluation, as we mentioned yesterday, the Water Supplies Department would come and take water samples. ISO 5667 is on the sampling points throughout the building, and under the Hong Kong Green Building Council, when they vet the projects, the ISO 5667 standards would be followed in taking water samples.

With regards to the sampling method, as I understand, heavy metals were not included at that time. And it was approved by the Hong Kong Green Building Council and a provisional platinum rating was granted.

So that's what I know.

Q. Mr Yim, would you be good enough to answer my question? I read out to you that provision. What I would like to know is whether or not you have ever read it before today.

A. I cannot remember whether I read this exact clause before, but in terms of its execution, as I mentioned before, in the evaluation document submitted to the Hong Kong Green Building Council, I am aware of the procedures.

But I wouldn't look into this clause in detail with another colleague. Whether or not I might have seen it or might have read it briefly, I cannot say for sure.

Maybe I did.

Q. Can we reflect on your evidence that before 2015, before July 2015, the HA was unaware of the WHO Guidelines, that palpably is not right, is it? They actually refer to it in this contract.

A. Yes, that's correct, but let me put it this way.

The words "(In English) Prepared by World Health Organization at all points of use as per HK-BEAM 5.1.1", these are the words mentioned.

So this must be in line with HK-BEAM 5.1.1 and how they interpret the WHO Guidelines.

First, let me add something. In my witness statement, I mentioned that HA was not aware of the WHO Guidelines on the presence of heavy metals in drinking water.

Q. That's not what your statement says, Mr Yim. It says that the Housing Authority was unaware of the WHO Guidelines. What I am suggesting to you is that those responsible for drafting this contract must have known about it. It's obvious, isn't it?

A. I believe that the colleague who drafted this contract made reference to the requirements under HK-BEAM before they put the words out. Of course, I cannot speak for that colleague.

Q. Which colleague? Are you referring to any particular

colleague?

A. Can you repeat that, please?

Q. Which colleague are you referring to?

A. I was not referring to a person. As I mentioned yesterday, if we are to prepare the specifications, we had to rely on the entire team under the HA. Before we established the specifications, we had done the right work, including we took reference from -- we consulted the Hong Kong Green Building Council before we drew up these specifications.

Q. You told us yesterday that one of your predecessors as chief architect/2 was Theresa Yim and she was in overall charge of the drafting of this contract. Do you recall that?

A. Yes, I remember that.

Q. As luck would have it, Theresa Yim is coming to this Commission to give evidence in due course. As it happens, not in relation to this project, but in relation to whatever project Mr McCoy is involved in for Paul Y. So I will perhaps get the opportunity of asking her, and I give due warning I will be asking her, about this particular provision and her knowledge of the WHO Guidelines at the time.

But for now, Mr Yim, I'm going to leave it with you, save to ask you this.

A. Can you speak up, please?

Q. I'll try, but I'm not repeating all that.

Mr Yim, you ceased your duties as chief architect/2
in February 2014?

A. Yes.

Q. Before you left, were you aware that it was the Housing
Authority's intention to trigger, effectively, this
clause that we've been looking at and apply for and
obtain accreditation for water quality from HK-BEAM?

A. Yes, that's correct. We hoped that the contractor would
work together with us to satisfy this clause, and we
hoped to work together with them to get accredited on
the HK-BEAM.

Q. You weren't involved in that process, though, as
I understand it? You weren't involved in that process
personally?

A. No, not yet.

You were talking about the assessment, the process
of accreditation. Have I misunderstood your question or
what?

Q. You haven't misunderstood me. My understanding is
because you left in February 2014 --

A. (In English) Yes.

Q. -- you were not involved in the accreditation
application process.

A. I was involved, actually. After the completion of works, we still talked to the Hong Kong Green Building Council. The Hong Kong Green Building Council is one of the players in the industry. So they refer to the WHO Guidelines, and we are strictly following the requirements there. Within the course of accreditation, I was not aware of the existence of heavy metals in drinking water and the risk they may pose to people.

CHAIRMAN: Mr Yim, if you don't understand the counsel's questions, you can wear the earpiece, because the earpiece can sort of amplify the sound and the speeches of the counsel.

I have a question. It says, "as per HK-BEAM 5.1.1"; can you see that?

A. Yes.

CHAIRMAN: "As per HK-BEAM 5.1.1", are they related to the eight parameters again?

A. Yes, to my understanding, yes, the eight parameters again.

CHAIRMAN: So the WHO Guidelines are not quite meaningful? We are just adhering to the WSD guidelines?

A. Yes, that's exactly what I said. In the accreditation process, we haven't really been looking at the heavy metals in water.

CHAIRMAN: So we are still looking at the results of the

eight testing parameters and if the results are just satisfactory with regard to the eight parameters, then you can get the accreditation from HK-BEAM. So it means that every building in Hong Kong can get accredited; that is right?

A. I can't answer that question.

CHAIRMAN: So the accreditation doesn't carry a point, it's not very meaningful; right?

A. (Nodded head).

MR PENNICOTT: Mr Yim, do you know from your own personal knowledge that it was the same eight parameters, because I'm telling you it's not. What's the basis of the evidence you just gave to the chairman, because it wasn't the eight parameters?

A. In my witness statement, do you mean that I referred to HK-BEAM?

Q. This is why I asked you whether you were involved in the process, Mr Yim. We can identify some people who were involved, but we didn't identify you, simply because, if one looks at the documents, so far as I have been able to analyse it, this process was kicked off in April 2014, after you had left.

A. Which month of 2014 again, please?

Q. April 2014.

A. That was the start of the accreditation process; is that

right?

Q. That's my understanding, Mr Yim, unless you can correct me.

A. Well, I can't remember. I have to check my records.

Q. The accreditation was achieved in August 2014. Were you aware of that?

A. Roughly so. I have to check my records. If you are telling me August, still I have to check my records to ascertain that.

CHAIRMAN: Can I chip in to ask a question: Mr Pennicott, why don't you tell him what parameters are included in the HK-BEAM 5.1.1? Why don't you tell him?

MR PENNICOTT: I was about to. I just wanted to establish what his involvement was.

My understanding, Mr Yim, is this, but don't hold your breath on lead: six of the criteria were used for the HK-BEAM accreditation process, so two were dropped, that is the chlorine and the hetero -- whatever it is.

CHAIRMAN: Heterotrophic plate count.

A. HPC.

MR KHAW: Heterotrophic plate count.

MR PENNICOTT: Yes.

Those two, chlorine was dropped, but one was added back in, which was iron?

A. This has to do with the water quality parameters. Well,

8 minus 2 is 6, right? The chlorinated and all those, so the heterotrophic count is not. Then we have added iron into it, the seven parameters. That is for the water quality standards. So these come from the eight parameters too.

What's most important is that no heavy metal is included among the test parameters.

Q. All right. Moving on to a slightly different topic, although it's related, on the topic of water testing, Mr Yim. In answer to some questions from Mr Shieh yesterday, you made reference to various water tests -- nothing to do with HK-BEAM -- that were done before the blocks were occupied. Do you remember that?

A. Yes, I remember that.

Q. For the benefit of everybody else, it's pages 44 to 47 of yesterday's Word version of the unofficial transcript.

Could I just invite you to go to bundle 5.10, simply for the purpose of identifying some documents. Could I ask you to go to page -- it's another bundle with long numbering, Mr Yim -- 12975.174. 5.10, page 174.

A. Yes, I see that.

Q. This is a letter of 16 September 2013.

A. Yes.

Q. That is while you were still in your post, so far as

Kai Ching is concerned?

A. Yes.

Q. You will see that this is a letter from China State to one of your colleagues, Mr Yeung, at the Housing Authority, dated 16 September 2013, as I see -- as I say?

A. I see that.

Q. If you look at page 175, you will see there's a document from Fugro Technical Services Ltd, MaterialLab, and it appears that they have carried out, you see, two-thirds of the way down the page, a test for residual free chlorine content; do you see that?

A. Can you repeat your question, please?

Q. On this page, at 175, it appears that a test has been carried out. The test parameter is residual free chlorine content; do you see it?

A. Yes, that is what is listed in the table there.

Q. Then if you would be good enough, please, to go to page 200 -- again, just by way of example -- you will see there, on page 200, the test parameters are the famous eight test parameters; do you see that?

A. Yes.

Q. The first question, Mr Yim: are these the tests and the results that you were referring to when you were answering Mr Shieh's questions yesterday?

A. No, let me check again. Yesterday -- well, give me some time to retrieve the document. Yesterday, in my answer to Mr Shieh's question, after the occupation permit was issued, from the end of July until early August we did water sampling, and at the upper floors and the lower floors of the six blocks water samples were taken, and according to my records, from 26 July 2013, 30 July and 29 July, and also 9 August as well, water samples were taken.

And China State had arranged for Fugro Materialab, to do the test. That is an accredited lab. The results at that time, according to my records, is that the results for all the water samples were found to be satisfactory in relation to all the eight parameters.

At that time, in the letter written to us by China State, it was a test report, it was 17 March 2014. The lab reports included the dates water samples were taken, as well as the results.

Q. Sorry, Mr Yim, let me just try and understand this. If you go, please, to page 197 in this file.

A. Page 197.

Q. Do you have that?

A. Yes, I see that.

Q. This is Fugro Technical Services Ltd, Materialab, an independent testing company.

A. Yes.

Q. What they are saying at page 197 is the tests they are required to carry out are the eight parameters that we all know a lot about; do you see that?

A. Yes.

Q. They are being asked to do that test, or those tests, at flat 3916, which I imagine is on the 39th floor, flat 16, of block 1; do you see that?

A. Yes, I see that, 39th floor, block 1.

Q. Then at page 199 --

A. Yes.

Q. -- they tell us the test methods that they've used; do you see that?

A. Yes, I see that.

Q. That's each of the eight parameters; yes?

A. Yes.

Q. Then back to page 200, where we started. This is the last page of the report, inside the appendix; do you see that? Then they are essentially giving their results of the tests that they have carried out; do you follow?

A. Yes.

Q. All I was trying to ask you, Mr Yim, is whether these are the documents or that's an example of the documents that you were referring to when you were answering Mr Shieh's questions about the Housing Authority doing

tests, not under any statutory requirement but as, if you like, an addition to all the other tests that have been carried out, and whether these are the documents.

It's either "yes" or "no", I guess.

A. It's the first time I see this document. When I replied to Mr Shieh, the document was also provided by China State. It was provided on 17 March 2014.

Q. Okay.

A. This report refers to lab tests, but the date is different from the date of the letter provided by China State. If you are to align everything in the test report, then I might need more time to check.

Q. It's quite clear, isn't it, just looking at some of these documents, Mr Yim, that these tests were done in July and August 2013?

A. Right, in late July to early August.

Q. So far as one can see, they limit themselves to the eight parameters; they don't go beyond the eight parameters?

A. You are right.

Q. Okay. Mr Yim, can I ask you please to go to paragraph 83 of your witness statement. There you say, at the beginning of paragraph 83:

"I would recommend the following immediate and long-term enhancement measures on the installation of

fresh water supply system".

Then going over the page to II, "End of construction" -- do you see that?

A. Yes, I see that.

Q. Then at (b), towards the foot of the page, you say:

"In the event lead content in water greater than 5 [micrograms per litre] is identified".

Where does the figure 5 micrograms per litre come from, Mr Yim?

A. Since July, we were aware of the WHO Guidelines and standards and it was 10 micrograms per litre. So the reason we wrote 5 micrograms per litre was that we noticed that before the project is completed, the level of 5 micrograms per litre was an alert level, and in this case, although 5 is lower than 10, but if the level is between 5 to 10 micrograms per litre, then we have to alert everyone. We would look at the entire plumbing works of the contractor to see if there are any defects.

We are still finding out from our contractor, it was a sign of an alert or an alert level, it was irrelevant to the WHO Guidelines.

Q. Are you aware of any tests having been carried out by WSD, the Housing Authority or anybody else, with a view to establishing whether 5 micrograms per litre is actually achievable?

A. We had to rely on the WSD on that. Since July, they did a lot of water sampling tests, and on the level of 5 micrograms per litre I have to stress that this was merely our recommendation or level of alert on all future projects. It was not an indicator or guideline of any sort.

Q. Right. Could I ask you please to go to the last page of the exhibits to your witness statement. It's exhibit 13, at page 37850.

A. Yes, I see that.

CHAIRMAN: I have a question. Since we are at this page. On 37726, I saw your recommendation at the end. You said, at item (b), you would follow the WSD's Quality Water Supply Scheme for Buildings -- Fresh Water. In other words, even after the incident, you still would not go beyond those eight parameters?

A. No, that is not the case. This refers to before occupation. Please allow me to elaborate on this.

For future, once the water certificate or WWO 1005 is secured, and the WSD has issued a circular requiring the testing of four heavy metals, so those four heavy metals must be tested before water supply is approved. After the heavy metal test is passed, and after the water certificate is secured, then the certificate would be given to our independent team, before an occupation

permit would be granted.

So this is what happens after the OP is granted. We would adopt the quality water supply scheme, and under the scheme, two of the eight parameters would be taken away and new parameters such as iron, testing for Legionnaires' disease, would be added.

So by then the heavy metal tests have been conducted and passed.

MR PENNICOTT: Do you have page 37850? It's the extract from the preliminary findings of the Task Force. Do you have that?

A. Yes, I see that.

Q. As I understand it -- and perhaps you can confirm that your understanding is the same -- all of the brands of components that are referred to on this sheet of paper appear on the WSD approved list of components for plumbing works?

A. As I mentioned yesterday, all the components in this table were either on the approved list of the WSD or belonged to one of the four approved categories under the WSD.

Q. Yes. It seems to be common ground that some of these components contain lead?

A. As far as I know, all the components contain some degree of lead, but the level of lead must comply with the

British Standard.

Q. Yes. Is it the Housing Authority's intention to rely upon WSD's list of approved components going forward, in the future, or is the Housing Authority going to carry out some independent analysis into the components to be used in plumbing works?

A. Since the lead in water incident in July, all the departments have been made more alert to this issue, and we have to make good use of our resources. So, in other words, we would work hand in hand with the Water Supplies Department.

As I mentioned, on 13 July 2015, a circular was issued by the WSD on the testing of heavy metals. It was concerned with the overall testing of water quality. So for these components, as I know, the WSD issued another circular recently, requiring the relevant components, that these components must be approved again within five years, before another certificate is issued.

So this is an administrative measure we must comply with. But if we simply repeat what they have done, it might not be very cost-effective. So we will certainly work hand in hand with other departments, in particular the Water Supplies Department. So we would continue to consider them as an expert in water quality.

Q. Now, in the past, Mr Yim, the Housing Authority has, as

I understand it, relied upon WSD, and in particular in relation to the list of components for the use in plumbing installation. That is, if the WSD say the component is okay, that's good enough for the Housing Authority as well?

A. That's what we would do. When we approve the samples, as I mentioned, we had to rely on the Water Authority, which is the WSD, on approving the chemical composition of the samples submitted, and we would also look at the performance aspect of the components. We would look at parameters such as pressure, flow rate, water-tightness, and so on.

Q. And I assume you regard it as entirely reasonable for the Housing Authority to rely upon the WSD in the manner that you have just described?

A. That's been the practice all along.

CHAIRMAN: If you continue to do that, that would be a problem, because the WSD said that has nothing to do with them.

A. Let me put it this way. That's why I said at the outset that the various government departments are still discussing the matter. After the incident was exposed, the incident doesn't stop here today; we are still continuing working on it. The circular of the WSD, actually they are issuing the circulars continuously.

It's now been the seventh circular they have been issuing. And the government departments still have to work together to see how we can make sure that water comes with good quality and that the heavy metals' presence in the water, in drinking water, will not be there, and we still have that responsibility. The discussion is still ongoing.

MR PENNICOTT: All right. Mr Yim, just a final few questions. Can I just put a series of points to you.

We are agreed, I think -- I don't think there's any dispute about this -- that lead-free solder was specified in the Kai Ching contract?

A. Yes.

Q. We are agreed that solder is not separately priced for in the bills of quantities?

A. Yes, correct.

Q. We are agreed that the Housing Authority did not specifically require China State to submit for approval a sample of the solder?

A. Well, yes. That's what's said in the contract. But the China State Construction did submit some samples.

Q. But we are agreed that they did -- that China State did in fact submit some samples?

A. (In English) Some samples?

Q. Of solder.

A. Lead-free solder.

Q. Lead-free solder, yes.

Just to go off at a slight tangent, you told Mr Shieh yesterday, and you refer to this in your witness statement, that you disposed of the samples upon -- the words you used in your statement -- upon completion of the project.

A. Yes.

Q. Now, we know that you certified the completion -- well, let's look at paragraph 9 of your statement to get these dates right. Have you got that, Mr Yim?

A. Paragraph 9, right?

Q. Yes. You certified substantial completion of the six blocks on 9 April 2013.

A. Yes.

Q. "... the non-domestic blocks including car park and commercial centre ... 17 June 2013 ..."

A. Yes.

Q. And the external works, remaining works, 2 July 2013.

A. Yes.

Q. There was then a two-year maintenance period when China State was obliged to carry out various maintenance works over that two-year period, which, all other things being equal, would have expired in July 2015, that is four months ago. Is that right?

A. Yes, that's the case, according to the contract.

Q. Can you recall when, during that timeline, the samples were disposed of?

A. That was dealt with by these colleagues at the site. I wouldn't know of the exact dates.

Q. Okay. But they are not retained to the end of the maintenance period? What's the policy, Mr Yim?

A. The approved samples were in the lockable store room, so the main purpose was that when colleagues during construction site inspecting the works, they would check the samples against the materials in store, and after the completion of the project, that purpose no longer existed.

So, for some sites, we would not be leaving a room to keep the approved samples once the works have been completed.

Q. Right. Just going back to a few points I was putting to you again. I think we are agreed, are we not, Mr Yim, that when the solder material was delivered to the site, the Housing Authority's representatives took no steps to inspect that material?

A. Yes.

Q. We are also agreed that during the installation of the copper pipes, the Housing Authority took no specific steps to inspect the solder, other than the soundness of

the joints?

A. Well, I must qualify this statement. As I said, we had a visual inspection on the pipes and joints, but we didn't test specifically whether the joints were lead-free.

Q. Yes. So we are agreed that the Housing Authority didn't carry out any tests on the solder at the point of construction?

A. At the point of construction, towards the end, there was a testing and commissioning process, but that again was performance-based. We didn't test the heavy metals at all.

Q. Right. Those heavy metals including lead; there was no test for lead upon completion?

A. Yes, correct.

Q. And you did not -- the Housing Authority did not require China State or its subcontractor or the licensed plumber to carry out any tests upon completion for lead?

A. No.

Q. Mr Yim, doesn't all of those points add up to this, that the Housing Authority took no positive steps or measures whatsoever to ensure that the lead-free requirement was complied with?

A. I don't agree with that. I said yesterday, in the contract, the Housing Authority awarded the contract to

the main contractor, and the main contractor had a duty to finish all the works, including all the requirements set out in the contract. All the specifications have to be met. That includes lead-free solder, and that was clearly written in the contract.

So, as a main contractor, it signed that contract and it had the duty, full responsibility, to ensure that that is the case. No matter what monitoring measures the HA put in place, it will not relieve the main contractor of such obligations under the contract.

So I must make that point clear here. The Housing Authority is a public body. I would like to add that -- we all know that the lead in the water comes from the soldering material which is leaded, and we know that the non-compliant materials have been used, materials which do not meet with the contractual requirement have been used. As a public developer, we say that we lack awareness on possible lead in soldering materials and its risk on drinking water. So we admitted that in terms of monitoring, we have omitted something, missed something, and after July we have been implementing measures to rectify the situation and we are working together with government departments and stakeholders to do that, to do the rectification works.

Q. I understand, Mr Yim, your position and the position of

the Housing Authority with regard to your main contractors. What I put to you is that the Housing Authority, in the Kai Ching contract, took no positive steps to ensure that the lead-free solder requirement was met.

A. As I said in my supplementary remarks just now, the contract sets out clearly that the main contractor is required to come up with a subcontractor management plan, and there are other requirements on how the main contractor should supervise its subcontractors, including the materials to be used.

There may not be the comment or the statement saying that lead-free solder should be used for every material, but I think we have set out clearly the monitoring measures on the main contractor in the contract. You said that we haven't taken positive steps for safeguarding. Now, we found out we lack awareness in the presence of lead in drinking water, so we've not been doing a perfect job here.

That is what I want to say.

Q. One more time and the last time, Mr Yim. The Housing Authority --

CHAIRMAN: Mr Pennicott, I think there is no need to raise your question again. I don't think he will change his answer. I don't expect him to change his answer.

Perhaps you can include your remarks in your concluding statements. It's just like asking the police some questions; they give you the same answer every time, even if you repeat your question.

MR PENNICOTT: I of course bow to your wisdom, Mr Chairman, and I am going to sit down.

CHAIRMAN: Who will be asking questions next?

Cross-examination by DR WONG

DR WONG: I represent the Water Supplies Department.

A. Yes, that will work better, if I ...

(The witness removed headphones).

Q. Mr Yim, I represent the WSD.

You told the chairman yesterday about your personal knowledge towards the WHO Guidelines. He was asking about your personal knowledge, not HA's knowledge.

I remember you said that before 2015, July 2015, you didn't have much knowledge about the WHO Guidelines. Is that a fair conclusion of your remarks made yesterday?

A. Yes.

Q. Do you agree that because of this lack of awareness on the part of HA, and then you said that you relied on the WSD's eight parameters to decide on whether there is a safe water supply in the inside service system of buildings built by the HA; is that what you said?

A. Yes.

Q. Mr Pennicott has taken you through some paragraphs in your witness statement, paragraph 74.

CHAIRMAN: A moment, please. Mr Wong, your mic doesn't work at all. Is it the case that no translation can be done?

DR WONG: A moment, please.

CHAIRMAN: Let's break for lunch perhaps and we will come back at 2.15. We will start a bit earlier. We can change your mic. Let's continue at 2.15.

(12.45 pm)

(The luncheon adjournment)

(2.17 pm)

CHAIRMAN: Please continue.

DR WONG: Good afternoon. Can you hear me?

A. You sound very faint.

Q. Is the mic okay?

Mr Yim, the subject I would like to take up with you is the lack of awareness on the part of the Housing Authority and you have to rely on the eight parameters of the Water Supplies Department.

At paragraph 74 of your statement, Mr Pennicott took you through this, page 37722, paragraph 74 of your statement, the last sentence:

(In English) "Before July 2015, neither I nor the Housing Authority was aware of the WHO Guidelines on the drinking water quality at the consumption point."

B5.1, page 8420, let's have a look at this page.

Let's have a look at this page. That's the document. This morning, Mr Pennicott took you through this paragraph. To be fair, can you say that HA and you were not aware of the WHO Guidelines for Drinking-water Quality, and this may not be true; do you agree with that?

A. I have already touched on this, this WHO Guidelines for Drinking-water Quality at the consumption point. We don't have a good awareness of the detailed arrangement, and this is not really sufficiently precise.

Q. Yes. Let me say this to you: water quality survey, HK-BEAM 5.1.1, the HA has the contractual requirement, there must be a purpose for that. The Housing Authority is the owner, and it's the case that the Housing Authority has the obligation to ensure the water quality, and that's why they require the contractor to have this accreditation. Is this the whole purpose or is it the case that there are some other purposes?

A. Well, the purpose is to have regard to the BEAM requirement, and as you can see, PRE.B13.060.P, that's the water quality survey, "HK-BEAM 5.1.1 -- Water Quality", and there is this contractual requirement regarding the BEAM requirement.

Q. In terms of this BEAM accreditation, there is

a particular purpose.

A. Yes.

Q. Is the purpose trying to ensure that the Housing Authority, as the landlord, would like to make sure that the water quality is safe?

A. It is always our objective to ensure water safety.

I don't agree that we rely solely on BEAM to ensure quality. In the entire block, for the entire water inside service system, we do have different forms, from the beginning of the project or before work has started, and we do have a lot of procedures, all the way through to the completion of the work.

So we are aware that this kind of work is to ensure the water quality for the consumer. The BEAM is merely another accreditation issue.

Q. HK-BEAM 5.1.1 is another requirement. As a matter of fact, the Housing Authority has very stringent requirements which go beyond BEAM; is that right?

A. Let's talk about the contract first. Under the contract, we do have to ensure the water quality. BEAM is something additional. For the water quality, we do have a fundamental requirement, and we also have regard to the BEAM accreditation. We would like to have the accreditation. Upon occupation, we do get accreditation from the Water Supplies Department regarding high

quality of the water.

Q. Other than BEAM accreditation, as the owner, what other things have been done by the Housing Authority to ensure water quality, other than the BEAM accreditation?

A. I can't think of anything for the time being.

Q. Let me put another question. This person with heart must be aware of the WHO Guidelines for Drinking-water Quality. The author of the contract, this is per HK-BEAM 5.1.1, the author, is he aware of the existence of the Guidelines for Drinking-water Quality?

A. It's hard for me to say. As I said, this is in relation to the BEAM accreditation. So in BEAM 5.1.1, did he replicate the wording? So, when we use this particular clause, we have to follow the HKGBC requirement to test the water sample. We have to have regard to the seven parameters, like the quality of the water.

So we believe that the HKGBC follows the WHO requirements.

Q. Do you agree that if the Housing Authority were to look at the WHO Guidelines for drinking water and to fulfil their responsibility there, they should have had the awareness? They could have access to the WHO Guidelines for Drinking-water Quality?

A. After July, of course we would have regard to that.

Q. I'm not talking about before July. I'm talking about

26 May 2010. It refers to -- the date at the bottom of the page. It's dated 26 May 2010. In other words, if the Housing Authority can rely on WHO Guidelines for drinking water to fulfil its role regarding the water quality, it can do so?

A. I don't agree. We drafted the clause with regard to BEAM accreditation and this is my conclusion.

Q. The last sentence of this paragraph:

"The sampling points shall be taken as a minimum at all the furthest points of delivery from the storage tank used in the building."

That's the last sentence. Why do you think there is such a requirement?

A. This has to do with ISO 5667.

Q. What is the function, the purpose of this? Is this to ensure water safety?

A. It's like the eight parameters. We test the water quality on the basis of these eight parameters. It's a question of which point we collect the water. If we collect it from the furthest point, we make sure that at that even at that furthest point, we can measure up to the eight parameters. If this is the case, the nearest points would be able to measure up.

CHAIRMAN: So you took water from the furthest point, which could have been the worst?

A. Right.

DR WONG: Mr Yim, would you agree with this: in discharging its responsibility, the Housing Authority should have good awareness, without merely relying on the eight parameters of the WSD, and they are going to make sure the safety of the water quality; do you agree with that?

A. Let me put it this way. The HA has to follow the government department's expertise and the requirements laid down by the departments. The WSD has the requirements and we have to follow them.

Q. I heard what you said.

Yesterday, there was the HKIE report. Have you got the report with you?

If I may ask you to turn to paragraph 196.

A. Yes, I've got that.

Q. Paragraph 196, page 53.

A. Yes, I've got that.

Q. (In English) "The [Task Force] opined, since, the management philosophy of HD in managing risks was by tightening contractor entries and monitoring construction progress by documents with the control drafted at the top of the pyramid."

Have you got that?

A. Yes.

Q. Do you agree with the Task Force's opinion?

A. I don't. I'm not sure what Task Force this is.

Q. This is the HKIE Task Force. That's the Institute of Engineering, and there's a Task Force report in this regard.

A. In other words the Task Force of HKIE, not of the government? I just want to make that clear.

Q. Right. I am referring to the Task Force of HKIE. Do you agree with the view?

A. I do not agree. In terms of the wording, it says the management philosophy of the HD in managing risk -- I'm not sure what kind of risk this is referring to. It says managing risk was by tightening contractor entries. We do carry out contractor's risk management and it's necessary. In other words, we would look at the track record of our contractors, with our past records, if their performance was not up to scratch -- as I mentioned, we have an assessment scheme for contractors. If they do not perform well, we won't easily give them another contract.

So we do have stringent control.

For the word "tightening", I'm not sure what it refers to. Here, the Housing Authority was not mentioned, but instead it mentioned the Housing Department.

So that's my view. And it says "and monitoring

construction progress by documents". I'm not sure why they came up with this line.

I believe it refers to the monitoring of construction progress through the documents, and for our contract managers, CM representatives and on-site staff, I am sure that our colleagues would not just rely on the documents.

I was asked yesterday that when I served as contract manager, how many times did I visit the site? Actually, we have to pay visits when the need arises. It's about monitoring the progress. It's not just about myself but rather the whole team, and we have on-site staff as well.

So I am not sure why the Task Force would say -- would come up with the line "the management philosophy of HD" until "by documents with the control drafted at the top of the pyramid". I don't really understand this. I am not sure what that means by "control drafted" and so on. The word "drafted" referred to the drafting of documents, I believe.

So, when the paper said at the top of the document, does it say that the staff at the top would be responsible for drafting the document? I'm not very sure.

Q. The Housing Authority has a hierarchy to monitor and

manage the contracts and the HA already has a comprehensive monitoring system in place; is that what you mean?

A. I would not say comprehensive but we do have controls in place.

Q. All right. Let's go back to paragraph 5 of your witness statement on page 37700.

Here, you said:

(In English) "... from September 2012 to February 2014, I had served as the project manager, design team leader and/or contract manager for over 25 public housing projects from inception to completion stages ..."

So you were in charge of over 25 public housing projects; is that correct?

A. You are referring to 25 projects? Yes, right.

Q. Of these 25 public housing projects, as far as you know, how many of them involved leaded solder in the plumbing joints?

A. Basically, all of them involved leaded solder. We talked about PLU1 and 2 yesterday, and I have to add that of these 25 projects, they were not at the construction stages. I refer to the inception to completion stages. In other words, some were still in design or planning stage; some had not reached the

construction stage yet.

Q. Now let's look at another topic. One of your colleagues was the chief building services engineer, and his name is Ng Tat Kwan. Do you know him? In this Inquiry, he also submitted a witness statement. You have read his statement; right?

A. Yes, basically I have scanned through it.

Q. Mr Ng said that as the chief building services engineer, in terms of plumbing work, he was responsible for the pump room, while the chief architect was responsible for the works outside of the pump room.

As far as the pump room was concerned, a nominated subcontractor assigned directly from the Housing Authority was involved, since a nominated subcontractor was assigned by the HA. Mr Ng said that the pipes and solder in the pump room would not contain lead at all.

A. For whether the components of the pump room are lead-free, I actually talked with Mr Ng before and I believe that's not what he meant. There are a lot of equipments and components in the pump room. Of course there would be pumps, there would be valves, pipes, and so on.

For these components, even under the British Standards, some extent of lead presence was allowed.

Q. No, that's not what I meant. The words used -- and he

said in the pump room, a nominated subcontractor was responsible, and as such the water in the pump room were not containing excessive lead.

A. We have to look at the waterworks system as a whole. We cannot look at it pipe by pipe. In the system, there are pumps, there are up-feed and down-feed systems, there are different valves, and during the completion stage we have a procedure called testing and commissioning.

So we would test the entire system to make sure it operates according to contract stipulations.

Q. In paragraph 22 of the contract, it says the licensed plumber is hired by a subcontractor. So my question is, from the HA's point of view, when would you use a nominated subcontractor and when would you allow the subcontractor to assign a licensed plumber? How did you arrive at this decision? Which part would be taken up by a nominated subcontractor and which would not, in terms of the pipeworks?

A. I have to spend some time to elaborate on this.

First of all, on the nominated subcontractor. In a nominated subcontract, as I mentioned yesterday, it's about ventilation, fire services, waterworks, and so on, and electricity for lifts -- we have another nominated subcontractor. The same goes for electricity, and for

ventilation, well -- for wind, we refer to air-conditioning and ventilation, and fire services, water pumps are involved.

So I have to stress that the water pumps in the projects are not taken up by a single subcontractor. But water pumps were taken up by the fire services subcontractor, and this is to do with the nominated subcontractor. That's the first point.

Second, for the domestic subcontractor, all along, in HA's projects, we deal with plumbing and sewage systems, and very often the main contractor would take these as the basis. They would assign a domestic subcontractor for plumbing and sewage.

Plumbing and sewage are often paired up together, because very oftentimes water pipes are located right next to the sewers, and both water pipes and sewage pipes are surface-mounted; they would not be embedded. We have to work with the builders, how we can lay out the pipes, because some of them have to be embedded in the walls. So we have to make sure that they could be embedded and the right holes have to be drilled.

Plumbing works do not take up a big part of the costs of the entire contract, but there are a lot of details we have to work out with the contractor. So the norm is to allow our main contractor to assign

a domestic subcontractor, so they can work smoothly with one another.

Recently, we have had a discussion with a main contractor after July, and their suggestion was to allow them to assign a domestic subcontractor for plumbing works, and the WSD has a list of approved contractors.

According to the Construction Industry Council -- well, the lists provided by the CIC and some stakeholders might have something to say. So some contractors might have a fixed list of domestic subcontractors and they enjoy good working relationships. But if we are to assign subcontractors from another list, the overall tender price might increase.

But most importantly, the trade might have some other concerns.

Q. Apart from the consideration of regular subcontractors, from a risk management perspective, do you agree that if both plumbing and sewage works have specific domestic subcontractors, would it lower the risk of lead in water?

A. I would not rule out the possibility of an improvement, but whether or not we can avoid the problem altogether is another issue.

Q. Thank you very much.

Let's look at another topic. Please look at paragraph 31 of your witness statement, page 37709. You said:

"In this project, China State submitted proposals of materials, including copper pipe and fittings and soldering materials specified under PLU1 ..."

A. Sorry, are you referring to paragraph 31?

Q. Sorry, it should be 34. Page 37709.

"In this project, China State submitted proposals of materials, including copper pipe and fittings and soldering material specified under PLU1 as a general practice for CM's approval."

You see that?

A. Yes.

Q. Let's have a look at exhibit 11 of the witness statement. If I may ask you to turn to page 37812, that's a material proposal document.

A. Yes.

Q. On the first page, 37810, 37811 -- I would like you to look at 37812.

There is a date, under the date 30 September 2011:

"Cc project clerk of works with sample."

Project clerk of works with sample -- have you got that?

A. Under the signature?

Q. Yes, indeed. Here, the materials were sent to the clerk of works?

A. Yes. Let me put it this way. PLU1, under the contract, they are not supposed to submit the samples, but they are required to submit the test report. But as a general practice, the contractors would normally submit the samples together with the test reports to us.

Q. So the clerk of works did have the sample in hand?

A. There are some pictures attached.

Q. Yes, I will go to that in a moment.

Paragraph 55 of your statement, page 37716:

"After approval of the material submission with submitted samples, all the approved samples were kept in a lock-up sample room for record and for reference by HA site inspection team for routine checking during the construction process."

A. Yes.

Q. So the samples are kept for a purpose, the purpose is for the purpose of routine check during the construction process?

A. Yes.

Q. During construction, we know that China State did send the soldering materials to the Housing Authority, and the HA has stored these in the lock-up sample room, for checking during the construction process.

Let me put this to you. From your understanding, did the HA staff go to the construction site with the samples to make sure that they are using such materials?

A. For these sample boards, like the soldering materials, we would mount them on a board. There is a board with all the samples of taps and other materials, not just one single material; we would mount the materials there on the board. We do not recommend that colleagues take away the samples from place to place. That's point number one.

Second, with regard to the sample room, on the construction site, if anyone suspects any of the materials and they have to check against the samples, they would take materials back to the sample room for checking, but if the samples are not conducive to carrying, they would take a picture, but we would not move the samples out of the sample room for checking on site.

I must add, though, as a general practice, for a block, when the construction reaches to the 10th floor, we would conduct -- we would have a sample flat on the 3rd or 4th floor, and the purpose is we have all these samples in the sample room, the taps and the sanitary appliances, and we would have a typical common corridor. We work on the basis of the approved

materials, and these materials would have approved by our team.

So, in this sample wing and sample flat, these would become the samples for the contractors, like we would expect a certain workmanship, and the materials of course have to measure up to our approved samples.

So this is another reference that I would like to add.

Q. I would like to find out about this. With regard to the sample room, whether you take samples out or you take samples in for checking, that there is a purpose: the sample room is there to achieve the purpose of checking. So the checking can take place inside the sample room or on site, but you said the samples wouldn't be taken out of the sample room to the site.

A. Yes, that's the normal practice.

Q. All right. With regard to the soldering materials, B5.6/10960.

A. Yes, I've got that.

Q. This is the China State sample submitted to you. If you look at this sample here, this is placed on a calendar.

A. Sorry, I can't hear you.

Q. This row of soldering material is put on top of the calendar, 29/30.

CHAIRMAN: That's the date.

DR WONG: Yes, put on top of the calendar. You've got that?

A. Yes.

Q. Let me show you a sample of this. I have asked the DoJ to get this sample. Let me show you this. (Handed).

I can show you another roll. We have purchased three rolls, so you might wish to have a look at this.

Let me put this to you, Mr Yim. This is stored in the sample room as a sample, with a size like this.

Does it match with your recollection about the samples submitted by China State?

A. I can't quite remember.

CHAIRMAN: 37844. At page 37844, there is a nice photo there, in your statement.

DR WONG: Yes. Thank you. Page 37844. Further down, please. There are two there. If you look at this sample, in terms of the labelling and the wrapping, it doesn't matter, your recollection.

A. Yes, the photo is pretty clear. With this juxtaposition, I can't quite see the words in the picture. But I'm not sure how you are trying to make the comparison.

Q. But in terms of size, from your understanding, it's about the same size or is it a larger roll? There was a counsel who said that the roll of soldering material is pretty big. So I would like to ask you, with regard

to Kai Ching Estate, China State has submitted the samples to you, a roll of soldering material. Is it of the same size or similar size?

A. For Kai Ching Estate, when they approved the sample, I wasn't the chief architect myself, towards the end of the project. I did -- put it this way, I didn't check it myself.

But for the Fry 99C -- I am looking at this roll here -- it is of a similar type, of similar size.

Q. The welding staff on site, they are doing the soldering with this material, and in your sample room, you have a sample of this roll of soldering material. When you do the checking, or when you conducted the periodical supervision to check whether they were using the same material, it would be easy to check, wouldn't it?

A. As a matter of fact, Madam Fung did say this here before. For site work, it would be difficult for the workers to hold a roll of this when they are doing the soldering. They would pull out a yard and cut it up and then put it into the tool box. If you hold this roll in your hand, it is pretty heavy, and this is not their usual practice.

So we asked the on-site staff: we are concerned about the checking. We asked them whether they would be able to check the materials. They would not normally do

the soldering with this roll in their hand.

As I said in my witness statement, we trust the main contractor to choose materials that measure up to scratch.

Q. But the strip, is it like this? (Indicating).

A. You mean the soldering strip?

Q. From your understanding, the workers are holding this material when they are working.

A. It's not that one, it's a stretch -- it is a stretch of soldering material.

CHAIRMAN: Is this the UK model?

DR WONG: I am not sure. This is what I was given by the DoJ staff.

Mr Yim, let me put this to you and see whether you agree with this. If China State provided you with the sample, and this sample was in the sample room, and if you conducted periodic supervision, if you had a team of staff doing the rounds, then you should be able to match the material with the sample. You would have been able to do that; would you agree?

A. As I said, if we realised that the material was of a high risk, then we certainly would have checked. Before July, that wasn't considered to be of a high risk, high enough for us to check every time, then we wouldn't rely on the contractor to use the material.

When our colleague was doing the soldering with stretches of the soldering material, we asked our colleagues on the construction site. They would not leave the leftover of the soldering material on the ground; they wouldn't like to contaminate the soldering material. So the workers would have their own toolboxes or they would have a pouch to hold all these materials. It would be difficult for our staff on site to see these materials for checking purposes.

CHAIRMAN: I have a question for Mr Wong: did you purchase Power Flux as well? Can you show me, please? I'm not asking you to buy it.

DR WONG: We haven't. We will try to bring it tomorrow.

CHAIRMAN: For Power Flux, you would take the whole can or tin; you would not just take a spoon, so to speak? So if you bring a can anyway, it wouldn't be a problem to bring another can, right? I haven't seen the flux. I suppose it's like Vaseline. I understand that it would be -- it's a jelly-like substance, like Vaseline.

When the workers do the soldering, they have to bring a jar; right? You wouldn't put them in a tiny bottle; right? They wouldn't be that elegant; right?

A. For the solder, I've checked, and that's what my colleagues said.

CHAIRMAN: Please continue.

DR WONG: I would like to look at another topic. In paragraph 19 of your witness statement.

A. Paragraph 19, right.

Q. It says:

(In English) "At the completion stage of the building works, the HA appointed Multiple Surveyors Limited to supplement site inspection team's resources and conduct final inspection of the completed builders works for the domestic blocks."

What kind of public is Multiple Surveyors Ltd?

A. As I mentioned yesterday, at the end, we would carry out that back-to-back inspection -- for the 500-odd flats we would carry out inspection. Compared with the number of site inspection staff required, we need a lot more hands. And according to the report of the contractor, at the completion stage, we were required to make inspections, and as such we need enough staff. If we don't have enough staff, they might blame us for affecting the progress.

So we want to make sure that there are enough staff to carry out back-to-back inspections, and such -- the services provided by Multiple Surveyors Ltd were equivalent to the site supervision we required. They would provide the manpower resources to carry out the back-to-back inspection.

Q. What were the qualifications or credentials of Multiple Surveyors Ltd? Do they have the relevant competence or experience that you decided to hire them?

A. We had hired this company for a number of years already, and they performed normally and they have experience with our public housing developments. But that said, we hired them after going through the tendering process.

Q. The Housing Authority instructed or appointed Multiple Surveyors Ltd. Would you give them a contract or a list of contract specifications, stipulating the items to be checked? Would you do so?

A. Yes.

Q. So, when you gave them the specifications, did you ask them to check the plumbing and plumbing connections? Were these included on the specifications?

A. Yes. But the items they inspect are basically the same as the items our colleagues would inspect. For example, the sizes of the pipes, materials, joints, flow rate, pressures, performance standards, and so on.

Q. Apart from the HA's own resources, they also hired outside professionals to carry out the final testing?

A. No. Those are not professionals. They were in charge, instead of project supervision. So the equivalent to the staff of our building works team.

Q. Thank you.

Now let's look at B5.4/10309. This is a monthly report on inspection status, and it's from the Development and Construction Division of the Housing Department. Every month, you would carry out an inspection. This was the report from January.

When you look at the right side, you see PLU1. 01 and PLU1. 02?

A. Yes, I see that.

Q. So the first one is "Plumbing -- Underground Water Supply Pipes" and the one underneath is "Plumbing -- Above Ground Water Supply Pipes", and there are 35 blocks involved.

So, under the monthly inspection, you inspected both underwater and aboveground water supply pipes; is that right? You will test both; correct?

A. Yes, we test both. But in this form, next to underground supply pipes, we wrote "NYS", which stands for "not yet started".

Q. If we look at B3.2/2181, for item number 3, "Pipe Joint", in your inspections -- well, these are guidelines for aboveground water supply pipes. Number 3 is "Pipe Joint". So, in your inspection, you have to include these items, including "joint pipes and fittings as approved and as manufacturer's recommendations"; correct?

A. Yes.

Q. Let's look at another document: B2/598.

If we scroll down PLU1.W260.5, "Jointing Copper Works by Soldering"?

A. Correct.

Q. It says "Follow the following procedures"?

A. Correct.

Q. So there are detailed guidelines on the supervision of works. So, when checking these pipeworks, what needs to be done; correct?

A. Correct.

CHAIRMAN: Compared with the water supply systems, obviously there's no requirement here on the use of lead-free solder.

A. These are guidelines for workers, or we can call them reminders for the workers, for these three procedures. These are practical instructions. So, first of all, the dirt or substances should be removed before applying the soldering flux, and second, it says "Apply flux sparsely and remove excess flux prior to heating". So these are practical instructions. And 3, after soldering, the joints should be clean. So these are reminders to workers.

CHAIRMAN: We are talking about W260. It's about bathrooms, discharge systems, et cetera. The emphasis is very

different from the water supply system.

A. This is specifically on copper pipework. Let's scroll up, PLU1.W230.5, "Jointing Ductile Iron Pipes". If the joints are not made of copper, other procedures are required. So this is how we characterise the procedures under the guidelines. We group the copper pipeworks together.

DR WONG: Now let's look at the HKIE report. Paragraph 274 on page 67.

It says:

"The [Task Force of the HKIE] opined the omission could have been avoided if:

- a. BS engineers and inspectors are assigned to monitor plumbing installations, or
- b. Clerks of works were thoroughly and diligently trained to inspect the plumbing installation, or
- c. An item covering lead-free tin solder was included in a checklist form."

Do you agree with the recommendation?

A. Since July, we had discussed this issue with our colleagues internally. And from the HKIE's perspective, the academic qualifications have to be considered in the plumbing works and qualified engineers are required. So we welcomed the suggestion. We wouldn't oppose that.

But in terms of human resources, since we have

specified lead-free solder, we would expect the contractor to use lead-free solder. For the plumbing works, would the clerk of works detect any issues, and after the incident we had to step up training. By "training", we refer to CPD or continuous professional training. So there's always room for learning, and whether we need to change the academic qualification requirements, then we have to consult the department, because they have not looked at this report.

Personally speaking, I don't see an imminent need to do so. On the issue of lead-free solder, our staff responsible for monitoring are now well aware of the issue and there are procedures in place to avoid repeats of such incident in the future. So we might not require a professional engineer to carry out the testing. That's my view.

Q. Let me put another question to you. C7.1, page 4751.

I am sure you have seen this form before.

A. Yes, I have.

Q. Let's go to the bottom. On the left is the signature of Mr Lam Tak Sum. That's the licensed plumber. The signature on the left is Mr Lam's signature, the licensed plumber; is that right?

A. Yes.

Q. On the right is the authorised person. There is

a signature here.

A. Right.

Q. For Kai Ching Estate, are you the AP yourself or somebody else?

A. I must say that under this system, in the Housing Authority's public housing programme, in the Development Bureau's guidelines, we work on the basis of a contract manager to occupy the position of an AP. Other than myself signing on it, the contract manager's representative can also sign on my behalf, and this is the general practice. This has been the general practice all along, without any adverse comments.

Q. Can I say this: there are two signatures here, LP and also AP. The AP does have a specific responsibility here. By signing on the form, it is to certify that everything there is correct?

A. Yes.

Q. Mr Lam signed the form, and one cannot simply rely on Mr Lam himself and just put a signature there; is that right?

A. The WSD designed the form. We did have some discussion. On the right-hand side, the authorised person, there is a bracket there, "(only applicable to a new building project)". In other words, for new buildings, we do need to have the signature of an AP. The design of this

form is for private developers as well as the developers for public housing. This is the same form. The AP has to sign on the right-hand side.

Here you talk about only applicable to new building project. If we are talking about not a new building, then the LP's signature would suffice.

When the WSD designed the form, did they require two signatures, to make sure that they would have a consistent understanding of the form? You have to ask the WSD. Basically, I am aware of the requirement.

Q. Kai Ching Estate is a new building project. We can look at the form for non-new building project, but we are focusing our attention on Kai Ching Estate, and an AP has to sign on the form to be submitted to the WSD.

To be fair, would you agree with me that when the AP signed the document, he would not simply rely on the fact that the LP has already signed on the form? Now, this is an LP under the supervision of the WSD. Since the LP has signed on the form, the AP just also put their signature there? The AP has to make sure the form is accurate before he signed the form; would you agree?

A. I agree that the AP has to check on the details, and just because the LP has signed doesn't mean that the AP can sign on the form. With any signature, one has to be responsible for what he confirmed, what he signed the

form about.

As regards the details, the annex, the material list, this is form 1, we would keep a duplicate for record.

To answer your question, when signing on the form, we must be aware of the details.

Q. All right. Let's go up a bit to number 2, "Purpose of Submission". There are two boxes there. Let's have a look at the first box:

"We certify that the pipes and fittings installed/intended to be installed, including those as listed on the attached annex to this form and those not listed, are as prescribed by the Waterworks Regulations."

Have you got that?

A. Yes.

Q. Would you agree with me on this: the WSD would list the materials in the annex, but if something is not listed, then the materials would still have to comply with the Waterworks Regulations; does it conform to your understanding?

A. Our understanding is, as I said yesterday, the materials used have to comply with the statutory requirement, ie the Waterworks Regulations. The Waterworks Regulations are executed by the WSD, and on the notes of the form

there is an approved list and that's how we proceed.

Q. Let's deal with the last aspect. Let's have a look at the HKIE report, paragraph 96. Page 31, paragraph 96.

A. Yes.

Q. (In English) "For private developments, all copper pipes are concealed: behind building finishes, above decorative ceiling, behind kitchen cabinets, and so forth. The need to ensure a tightly sealed connection does not need to be emphasis[ed] more as it would be prohibitively expensive to carry out repair and rectification if there is any leak. Some developers only allow the use of the stronger silver brazing.

97. The TF [Task Force] found about half the standard specifications Mechanical, Electrical & Plumbing Engineering consultants ... stipulated silver brazing either for all joints or for jointing pipes above 54 [millimetres] diameter.

98. It is noted some workers are not that comfortable with silver brazing connection methods, usually due to lack of experience. But for some plumbing contractors even at a higher cost, about 3 times more for a 54 [millimetre] capillary connection, it is not uncommon to opt for silver brazing to ensure quality and reliability."

So is it consistent with your understanding or is it

not?

A. I heard this statement. We use soldering materials and also brazing materials. Generally speaking, the major difference is the temperature. If we use soldering, it is about 200 degrees, but brazing, the silver brazing, it is 800 degrees.

Now, if we use the silver brazing with 800 degrees, we need to have the acetylene cylinder. Now, here it mentions the diameter. If the diameter is -- at the moment it is 105 mm, being the standard.

Here, paragraph 98:

"But for some plumbing contractors even at a higher cost, about 3 times more for a 54 mm capillary connection, it is not uncommon to opt for silver brazing ..."

So for small diameter pipes, if they use this high temperature welding process, then they would need to have the acetylene cylinder. With high temperature, the jointing would be blackened, and because of the high temperature, the jointing would become -- the joints would become more brittle. If the diameter is not sufficiently large, if the inside is not thick enough, then the ability to withstand pressure would be compromised, the water-tightness would not be good. With such high temperature -- we did try this before and

we discussed with the industry on site. We tried brazing on small diameter pipes. Vis-a-vis the soldering process, silver brazing would take a longer time, and with the high temperature it would be more dangerous for the workers. They don't do welding on the ground, they would do the welding near the ceiling.

The major concern is the durability. Now, with high temperature, like this, it would make the joints more brittle, more vulnerable.

Q. If I may ask you to have a look at paragraph 108. The Institute of Engineers said that other than soldering and silver brazing, there are other jointing methods.

Paragraphs 108, 109, 110 and 112 cover other methods.

Do you agree that as landlord, the Housing Authority can specify in the contract what method should be adopted for jointing the pipes by the subcontractors?

A. We did consider this. Everything has to be performance-based. Whatever jointing method, there are pros and cons. It's not as if everything would be absolutely perfect.

Paragraphs 34 and 35, 109 to 112, we did consider all these different methods, particularly paragraph 109. This is an integral ring of silver brazing material. There is the lead-free soldering there and they don't

have to be concerned about the workers taking the solder to the site.

In this particular case, some contractors did use this for some housing estates. We do not specify that the contractors would have to use a specified method. Now, with this method, some contractors did use it before. It's not as if this is a wholly new technology. It would cost more, with this particular method. To a certain extent, it is feasible.

In paragraph 110 -- let me just look at this paragraph first -- the fittings are so-called compression joints. I believe they are referring to copper pipes. For compression joints, you see a lot of parts, including a ring and metal parts. This is a screw and cap. It's commonly used in maintenance, for parts where soldering is not possible in certain estates, because in some estates the use of solder is not a good idea, so in those cases we would use this type of joint.

But there are certain benefits of using soldering to join these parts. In terms of the performance on dynamic stress, it's more satisfactory. In paragraph 112, these are crimping fittings. You can see the clamp. So this is a very good photograph. If this pipe is surface-mounted on the wall or on the ceiling,

and if we have to apply a clamp, then we need to keep a distance between the pipe and the wall or ceiling. Do you mean what I mean? If we use soldering, then we won't need to use a clamp, and the pipe can be closer to the wall or ceiling.

So this is more space-saving. You can say that, especially when we have different types of pipes together.

Q. Please look at paragraph 122 of the document on page 37.

The HKIE said:

(In English) "Due to diverse limitations on the distribution system side, controlling lead content and ensuring material safety from performance of products that come into contact with the drinking water is often a better option."

Do you agree with this statement?

A. Give me time to read this.

Q. Paragraph 122.

A. Yes, I know that. Let me just read it now.

As I understand -- I need to read this entire statement again because I don't quite grasp its meaning. But as I understand, if drinking water -- if the contact between drinking water and other parts is minimised, then the risk could also be minimised. It's a very long statement. I'm not sure if this is what it means.

It says "ensuring material safety from performance of products that come into contact with the drinking water is often a better option". I'm not very sure what this is trying to say, when it mentions material safety.

MR YIN: Chairman, it says "better". I think he should be given a context.

DR WONG: You can look at the previous and next paragraphs. You can look at paragraph 116, right until 125.

A. Can you briefly tell me what it means?

Q. I think it's faster if you read it.

CHAIRMAN: Maybe adjourn for ten minutes so you can take your time to read those paragraphs.

(3.36 pm)

(A short adjournment)

(4.16 pm)

DR WONG: Mr Yim, let's continue. Paragraph 122, you have read the paragraphs before and after?

A. Having read the paragraphs, from paragraphs 116 to 121, the HKIE talked about the alkalinity of the water and they tried to find a solution, but since they failed to do so, they delegated to the WSD. And in paragraph 122, the conclusion was that it's better to use lead-free material, so in our requirements we have adopted lead-free materials, but for some reason leaded solder was found.

Q. I have two or three more questions for you. I will be quick.

Do you agree that if we are to avoid lead in drinking water in the future, an effective mechanism to manage the materials would be crucial in reducing the risk of lead in water?

A. Yes, I agree.

Q. Do you agree that in the inside service system, the transportation of clean water to housing estates, the responsibility of safeguarding the inside service, to ensure that from the supply point to the tap, the safeguarding of clean water is the responsibility of the landlord?

A. The entire water supply system was built by our contractor, commissioned by ourselves, but in the process we must have relevant regulations and we must involve experts from the Water Authority, and we must have guidelines in place on the use of materials or parts. The WSD would carry out the vetting, to ensure peace of mind. So we would require the help of the relevant authorities.

But in the entire system, over the course of construction, ourselves and our contractor do have certain responsibilities.

Q. And now you are aware of the WHO Guidelines for

Drinking-water, the WHO Guidelines can help the landlord, in other words the Housing Authority, to establish the right strategy and meet certain standards?

A. I would like to elaborate on this. On 13 January 2015, the WSD Circular Letter No. 1 was issued, and the testing for four heavy metals was added. Under the WHO standards, we require experts -- from, in other words, the Water Supplies Department -- to help. For other criteria, we have to rely on guidelines issued by the Water Authority. If we rely on the HA to cover the WHO standards, it might be beyond our ability.

CHAIRMAN: While we are at it, since HA is a major landlord, since you have a huge number of projects every year, should you have experts on water, gas and electricity?

A. Yes, we do have staff of different expertise.

CHAIRMAN: I'm not referring to engineers. Apart from experts who are familiar with the performance aspects, should you have other experts as well? As a major landlord, you are quite different from typical developers because you have a bigger responsibility.

A. Let me put it this way. Our normal practice is this. We are the development and standards section, and let's take Kai Ching Estate as an example.

At that time, under the site, there was sea dredge, and this dredge could not be moved to another site due

to safety concerns. Since we had more sea dredge than expected, so this was an example of problems we had to deal with. In Kai Tak, we have other estates, outside Kai Ching, and we might see similar problems with other construction sites. So we would look into this area.

Let's take silt as an example. We do need other experts, for example from the Environmental Protection Department, and we also need to consult academia. At that time, we consulted experts from HKU and PolyU and we worked together with China Construction, and we mixed the silt with other materials and converted them into blocks.

So, in other words, we recycled this waste into useful materials. This is how we dealt with the big projects.

Let me give you another example. For many of our projects, our sites are situated at noisy roads, and with high levels of noise, the EPD would impose a decibel cap for many sites. Very often, the noise exceeds 80 decibels. So what do we do with the windows? Since we have a lot of similar projects, we had to work with the EPD and PolyU experts, to come up with acoustic windows, in order to seal off the noise, without compromising ventilation.

We would not look at potential problems because we

don't have the resources, but we would tackle the existing challenges as we deploy the manpower. If it's possible to conduct such studies, then we can do the same for other projects.

So that's the latest position.

For unknown potential problems, we have to delegate to the relevant departments with the expertise.

DR WONG: I have no other questions.

CHAIRMAN: Any more questions? No?

Now for the other housing estate.

Re-examination by MR YIN

MR YIN: Before we move on to another estate, I have a question.

Mr Yim, when you gave your statement, you were asked many times on your inadequate awareness on the risk of lead in water. I would like to clarify how much you know on the relevant bits of lead. What I would like to know, what you know, what you don't know, and the areas in which you lack awareness; I would like to know the specific areas you refer to.

Yesterday afternoon, the chairman asked you this question, and you said you knew that leaded solder should not be used; however, you did not have adequate awareness that if leaded solder was used, there would be negative impact on health.

A. I did not know the extent of the impact.

Q. Is that the correct interpretation? You knew that leaded material should not be used in drinking water works?

A. Right.

Q. You also knew that when lead enters the human body through the food chain, health might be affected?

A. Yes.

Q. However, as I understand -- you can please correct me if I am wrong -- you were not aware that if leaded solder was used, you did not know how the lead can enter drinking water? I am referring to the time before July 2015.

A. Yes, I don't know.

Q. Also, you didn't know how much of the lead would enter the drinking water or the level of lead in drinking water?

A. Right, I was not aware.

Q. So when you said inadequate awareness, the inadequacy referred to how, and how much lead actually entered the water?

A. Right.

CHAIRMAN: You did not mention how lead entered the water, but that's just a side question.

We have one more housing estate. Perhaps we will

leave it until tomorrow.

MR YIN: So let's come back tomorrow and talk about
Wing Cheong Estate.

CHAIRMAN: All right. Hopefully there won't be too much
questions, because a lot of the questions have been
covered already.

MR YIN: We have a different contractor.

CHAIRMAN: Right. Hopefully, it can be wrapped up tomorrow.
I cannot make any guarantees though.

(4.28 pm)

(The hearing adjourned until 10.00 am the following day)

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