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2015年12月17日

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上午10時03分恢復聆訊

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

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林國輝大律師，由孖士打律師行延聘，代表瑞安承建有限公司

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何沛謙資深大律師及殷志明大律師，由羅夏信律師事務所延聘，代表香港房屋委員會

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王鳴峰資深大律師、陳樂信大律師及羅頌明大律師，由律政司延聘，代表水務署署長

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

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

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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公司

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孖士打律師行梁樂鋒律師，代表中國建築工程（香港）有限公司

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主席：繼續。

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瑞安承建有限公司（“瑞安”）（葵聯邨第二期的總承建商）的第一證人：區才華（瑞安副總經理）宣誓繼續作供
鄭小姐盤問

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問：區生，早晨。

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答：早晨。

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問：就住你個證供，我係得最後一個議題討論一下嘅。我哋見到你個證人口供嗰度第 50 段，咁就有講到呢一單喺葵聯邨二期發現即係有含鉛焊料呢一個事情嘅一啲可能嘅原因。其實我知道瑞安喺鉛水事件之後，都有做過一啲調查、分析咁樣。咁其實之前你哋呈交界房委會個報告嗰度，我就見到有一個比你 50 段嗰度稍為再詳細少少嘅一個 list，或者我哋睇一睇個個。

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答：好呀。

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問：麻煩你去文件夾 B4.5，6617 頁。

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答：得，見到。

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問：係。區生，呢個就係個 Investigation Report，咁係瑞安之前就呈交界房委會。想問下區先生，你自己本人有冇參與去撰寫呢一個嘅 Investigation Report？

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答：有。

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問：唔。我想問一問你係關於呢一個嘅 6623 頁嗰度，麻煩你睇一睇。嗰個--嗰一頁係講即係“Cause of the incident”嗰度。

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答：見到。

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問：係。咁呢一度就提及，就係話即係有幾個可能嘅原因，點解即係呢件事情係會發生嘅咁。或者我哋可以逐個簡單咁討論一下。

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答：好。

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問：呢度個第 (i) 點就講話“Lead content in air contaminating the metal surface of piping including the soldering materials”咁樣嘅。

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答：係。

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問：想問下，即係其實就住呢一點，你哋有冇話即係徵詢過啲乜嘢專家嘅意見，或者自己做過啲乜嘢調查去提出呢一個睇法嘅？

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答：其實我哋有徵詢過啲嘢專家嘅意見，咁其實嗰陣時因為比較 rush，即係比較匆忙。因為嗰陣時房署要求我哋 7 日內就要提交報告。

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問：係。

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答：但係嗰陣時我哋掌握嘅資料唔係太多，所以全部都係猜測嚟嘅。

問：唔，唔。或者問埋第(ii)、(iii)點，第(ii)點就講“Non-compliance ordered materials mistakenly ordered and used by workers”；第(iii)點就話即係“Non-compliance soldering materials mistakenly delivered to site and used by workers”。即係琴日其實都同你提及過關於話物料嘅訂購，同埋運送到場嘅問題，咁你都話其實你哋係有特別就住 soldering materials 檢視，咁所以其實呢兩點都可能可以話係一個猜測，係咪？即係冇話--你哋冇意識係即係知道究竟個事情係咪咁樣，係咪？

答：係。因為當時我哋身為總承建商嘅時候，我哋就唔--唔係我哋去施工，因為我哋都係靠水喉嘅分判商嘅工人去施工。所以我哋嗰陣時第一時間，我哋就問咗何標記，睇下佢哋知唔知有啲咩嘢原因。但係嗰陣時何標記個答覆就係話佢哋都唔知咩嘢原因，所以就憑我哋自己嘅猜測去寫低呢五個原因。

問：係。咁問埋下一點，第(iv)個度，你呢度寫話“Workers using soldering”...

主席：我--Sorry，我想問一問何標記嗰陣時話係唔知乜嘢原因嘅？

答：係呀，係。

主席：即係第(ii)、第(iii)都係你哋自己--頭先你所講「猜測」嚟嘅？

答：其實(i)至(vi)都係猜測。

主席：唔該，唔。

問：第(iv)點我想問一問你，我知道--即係你話可能係一個猜測，但係即係都想睇下會唔會話係有一啲根據嘅。因為第(iv)點，你呢度就講“Workers using soldering materials from other sources due to delay of delivery of the approved materials in order to cope with the tight site progress.”咁我想睇下，其實當其時葵聯邨二期個工程有冇真係出現過所謂嘅即係工程嗰

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個進度係好緊急呢一樣嘢，而即係根據呢一個事實，所有你哋有呢一個猜測呢？

答：其實葵聯邨二期根據我哋個資料顯示，其實有十個月畀佢做，即係等如溫生個陳述書所講。其實以我經驗係應該夠嘅--應該係足夠嘅，不過當然，其實可能某些工序佢哋可能比較急，即係我哋猜測，所以可能佢哋亦都會有咁嘅可能性嘅啫。

問：唔。因為--即係或者我唔使你特登擺個文件夾出嚟，不過我而家就可以複述畀你聽。你都知道何標記個負責人何文標先生，佢有即係向委員會提交佢嘅供詞。咁佢提--其中一個有關於工程進度個問題，佢就提出以下嘅講法，佢就話其實你呢啲水喉工程個安裝個進度，就好取決於整體個公屋工程個進度。咁佢就話好多時會發生一個情況，同埋真係有啲葵聯邨發生嘅情況，就係何標記係得番幾個月，佢係用“a few months”，去完成啲水喉安裝嘅工程。咁我想問下，就住佢呢一個說法，佢話其實係得幾個月做嘅啫咁樣，呢一個你會有啲咩嘢嘅回應？

答：我諗其實何先生佢所講嘅嘢，只係佢一個比較概括性去講嘅啫。但係啲葵聯邨，啲我哋啲同事安排之下，佢係應該有足夠時間。

問：區生，想問下你，即係以你啲做呢啲住宅建設工程嘅經驗之中，其實有關於水喉安裝嚟講，即係唔會話係由一開工到到完工個工作量都係咁大，係咪呀？會唔會出現一個情況係可能比較後期嘅時候，其實個工作量，或者個員工個需求啲係比較大，同埋可能即係會比較趕急咁樣？會唔會係有一個咁樣嘅情況出現？

答：關於水喉工程，其實有機會出現呢個情況。雖然我哋安排咗足夠嘅時候畀佢做，可能過程裏面，佢嘅到料到唔切，或者佢個工人唔足夠，可能佢會--雖然我哋安排咗有足夠時間畀佢做，可能佢自己--因為佢自己嘅安排問題，會令到--將啲工序或者將啲工作擺喺埋尾個幾個月做。所以可能所--即係根據佢講，可能會有係咁情形。

問：唔。咁頭先你話即係可能會有呢個到料嚟唔切個情況，啲呢一個葵聯邨二期呢一個工程個度，以你哋所知，有冇發生到？

答：我哋冇收到咁嘅消息或者係信息。

問：好，或者我哋睇埋下面第(v)個寫嘅原因，咁呢度話“Workers using soldering materials from other sources for making good the leakage of copper pipe during pressure test at

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final stage of the project.”呢度嗰個 pressure test，係咪我哋所講嗰個谷水嘅測試？

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答：係，我哋叫測水測試。

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問：我想問下，其實事實上喺葵聯邨二期，有冇--即係以你所知，有冇就住呢個谷水測試進行之後，係發生過呢度所講嗰個滲漏，leakage 嗰個情況㗎？

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答：其實喺房署工程裏面，當谷水嗰陣時，好多情--好多時好多情況之下都會出現呢個問題，其實唔係淨係葵聯邨二期。咁通常就會有谷水嗰陣時，佢一滲漏，就會即刻做番補救。

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問：唔。我想問下，進行呢一個測試嘅時候，你哋瑞安會唔會有人在場去監工？

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答：有--唔係，有人在場睇住佢谷水。

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問：係，係。咁如果假設佢呢個谷水嘅測試唔通過，咁事後會有啲咩嘢跟進嘅步驟，以你所知？

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答：以我自己所知，就係話如果谷水嗰陣時，佢係叫肥佬佬喇，即係漏水，漏水嘅話，咁就會我哋做番紀錄，跟住會通知番何標記嘅工人，叫佢執番好佢，執番好佢。咁當佢執番好之後，咁再通知番我哋，我哋再約房署嘅同事一齊再睇谷水。

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問：係。因為我就係行外人，就唔係即係真係會知道即係...

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答：明白。

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問：...譬如你話「執番好佢」。咁嗰度如果佢話要執番好佢嘅時候，會唔會係要重新做過呢一個焊接嘅工序，有機會？

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答：其實以我經驗話畀我聽，就其實係佢邊度漏水呢？通常漏水係啲駁口位。

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問：係，係，係。

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答：咁佢漏水嘅地方，佢就再焊番佢，令到佢唔漏水。

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問：咁所以你呢一度所講嘅，係咪就係話你唔排除即係如果有呢一個嘅谷水測試，即係肥佬，咁有滲漏嘅情況嘅時候，啲工人可能去買一啲嘅

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物料去做番個焊接工序嘅時候，就可能係會買咗一啲唔合規格嘅物料，係咪咁嘅意思，其實？

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答：呢個猜測。

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問：呢個猜測。所以就--但係想問下，以呢個葵聯邨二期嚟講，你哋有冇收到消息或者報告，係其實係的確係喺做谷水測試嘅時候有出現過問題，而要重新再做呢？

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答：諗...

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問：有冇紀錄？

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答：呢個我自己個人嚟講，我就冇收過咁嘅消息。不過以我所知，或者以我嘅經驗話畀我聽，通常嗰個盤--即係嗰個房署工程都有會滲漏，做谷水嗰陣時，未試過有一個係唔需要執水囉。

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問：唔。

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鄭小姐：我有其他問題。

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主席：唔該。

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有冇人有其他問題？係，Mr Ho。

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何先生：多謝主席。

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何先生盤問

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問：區生，我係代表房委會，就想同你跟進下琴日有一啲問題鄭律師就問過你。咁就首先嚟講，我想問番你嗰個 Procurement Committee 嗰個問題先。

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答：Okay。

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問：嘅。你琴日個講法，就係話喺呢個葵聯邨個工程，就你係未正式 award 房署呢個工程，你已經係去何標記問佢擺個報價嚟嘞？

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答：係。

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問：唔。我想知道當時你問何標記攞報價嘅時候，係即係已經確實咗何標記，如果你哋攞到呢一個工程的說話，佢一個實數就會幫你做呢一單工程嘅水喉嗰個部分，係咪呀？

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答：應該係咁講，如果我哋中咗單工程嘅話，佢會根據番我哋 main contract，即係大合約嗰個要求，去跟佢合約嗰個報價去幫我哋手做嗰單工程。

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問：我想知道嗰個報價都已經係一個幾實嘅數，係咪呀？

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答：佢係一個跟 BQ 落嘅價，即係跟...

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問：即係報畀你哋嘅時候，已經係一個實數嘞，即係呢個係我個問題。

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答：「實數」嘅意思係 firm...

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問：即係二千幾萬就係二千幾萬。即係唔係話，哦，到時又可能會再有變更呀，咁樣再講過呀，再 renegotiate，唔係㗎嘞。已經係話何標記話畀你哋聽「如果你哋得到呢個工程，你判畀我做，我就畀幾多錢你」--對唔住，「我就要收幾多錢？」

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答：當然，呢個係根據合約嗰個要求同埋嗰個 BQ，個 quantity。咁當然，如果嗰個 quantity 即係數量會有變嘅話，我哋 remeasurement，佢都會 remeasurement。

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問：唔。但係你知道如果你得到呢個工程，你判畀何標記，你事前已經知道大概係幾多錢，係咪？

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答：事前大約知道幾多錢，即係當然，我哋根據報價，我哋去報大標。

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問：係嘞，唔。所以其實我講番轉頭，何標記同你哋落個標畀房委之前，你其實已經係有相當確實知道何標記大概係落--即係會係要--嗰個工程經手要幾多錢？

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答：我哋可以有 reference，或者我哋有參考價。但係當然，我哋都要--因為每單工程係唔同，譬如好似葵聯邨...

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問：我淨係講緊葵聯邨呢單啫，唔使講其他啲。

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答：係，係。咁關於葵聯邨二期，因為佢有個大個公園，亦都喺下低有幾

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層係 non-typical，所以個價錢係會有變，唔同其他 typical 嘅 project。

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問：咁但係我要知道嘅就係，係唔係你落標畀房委嘅時候，你已經有一個幾確實知道何標記會落幾多錢做呢個水喉工程？

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答：我哋根據何標個報價，我哋落標。

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問：唔，唔，好呀。咁就...

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黎先生：我想問少少，sorry，阻一陣。

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何先生：對唔住。

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黎先生：我想知道你幫何標記傾個陣時，係咪已經大家同意咗係用銅喉，同埋咩嘢方式嘅接駁方法？有冇討論呢樣嘢？

K

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答：葵聯邨二期我哋冇討論過呢樣嘢，因為其實之前我哋有十幾單做銅喉，都以前同佢傾咗。

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黎先生：即係你變咗你已經決定咗係一樣要用銅喉，同埋用燒焊嘅方式嚟去到接駁，咁已經係大家有共識嘅？

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答：大家有個理解，係。

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黎先生：Okay。

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何先生：唔。

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問：咁你同佢當時嗰個--你琴日--根據你琴日所講，你同佢當時嗰個可能唔係一個實質約定，不過都已經有個咁樣嘅理解，就係如果你係中標，攞到房委呢一個工程，你就會判畀何標記，用佢畀你嗰個報價嗰個價錢？

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答：係，有咁嘅理解。

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問：唔。所以喺呢個工程裏面，你就--我理解，係咪你其實係冇走去搵其他嘅水喉分判商去做報價？

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答：喺葵聯邨二期冇。

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問：冇。你琴日同我哋講，就係話因為呢一個--如果你係嗰啲叫做 special discipline 呀，咁所以你就唔會一定係出去搵其他啲--做個 open tender 咁樣？

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答：係，部分喇。

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問：係咪呀？

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J

答：係。

J

K

問：唔。咁即係個問題就係，呢個係唔係一個 special ten--一個 special discipline 做水喉？

K

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答：其實我哋界定 special discipline，就舉例吓，譬如好似電--不過唔好講 nominated subcontractor，因為 nominated subcontractor 係其他房署幫我哋揀㗎喇。其實我哋...

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問：呢個係 domestic subcontractor。

M

N

答：Domestic subcontractor，譬如打樁，打樁我哋會搵啲打樁嘅公司幫我哋傾咗先，因為打樁喺法例上面有要求嘅。譬如土地工程，即係做 site formation work，喺法例有要求，房署亦都有要求，咁嗰啲我哋會同佢傾咗先。咁水喉，其實係 similar trade，similar trade，咁水喉亦都有法例要求，亦都房署有--亦都有要求。

N

O

O

P

P

Q

Q

R

問：有法例要求，其實即係都係要搵個持牌嘅水喉匠去做啫。即係個法例要求本身，就唔係令到呢一個工程咁 special 喇，係咪？

R

S

答：我唔係好同意呢樣，譬如釘板、紮鐵、落石屎唔同嗰啲咁嘅 trade。

S

T

問：唔，即係你...

T

U

答：嗰啲咁嘅 trade，就係話 under 個 Building Ordinance，屋宇署條例係我哋 main con. RGBC 去負責嘅。

U

V

V

B

B

C

問：噏，...

C

D

答：咁所以嗰啲我哋就會睇得好--即係我哋自己會睇得緊啲。

D

E

問：唔噃。你琴日部分嘅講法，就係話因為其實你同何標記已經係有一個好密切嘅合作關係。即係已經咁多年都係用過何標記，佢一路嘅紀錄都良好，佢個工作都滿意，咁呢個係咪部分嘅原因？

E

F

答：其實我哋覺得呢個--如果呢個判頭係可靠嘅話，亦都表現良好嘅話，我哋會畀多啲機會佢。

F

G

G

H

問：請你直接答我嘅問題。你去搵何標記，而唔出去再去攞報價，係咪因為呢一個咁嘅原因？

H

I

答：呢個其中一個原因。

I

J

問：其中一個原因？

J

K

答：係。

K

L

問：唔。我想聽番--睇番你琴日嗰個證人口供嘅紀錄，你就話做 open tender，喺八至十年前，你哋係會去做 open tender。

L

M

答：係。

M

N

問：即係你好強調呢個八至到十年前，咁我如果咁樣嘅理解啱唔啱，即係喺呢個八至十年--最近呢八至十年內，你就唔會再去做--喺水喉分判嗰度，就做 open tender 個囉嗎？

N

O

O

P

答：以我記憶，應該都會係咁。因為其實最主要係嗰陣時八至十年前開始房署冇乜工程，冇乜工程、就好少工程出，所以嗰陣時就我哋都要搵啲可靠--因為個個都 cut cost，即係報價嗰啲，好多判頭都會因為呢樣嘢 cut cost，所以我哋要搵可靠嘅分包商去做，所以我哋嗰陣時就搵何標記。因為佢喺...

P

Q

Q

R

R

S

主席：對唔住，咩嘢 cut cost 話？乜嘢--邊一個要 cut cost 呀？

S

T

答：唔係，因為其實嗰陣時--或者我再澄清一點。因為嗰陣時係冇乜工程做嘅話，咁到時嗰--即是話分包商都有乜工程做，所以我擔心就分包商因為要搶工程，所以喺呢啲咁特別嘅工程裏面，佢哋會唔夠穩陣，

T

U

U

V

V

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B

C

咁所以我哋就搵一啲比較可靠啲嘅判頭。

C

D

D

問：呢八至十年你做過幾多個房署嘅工程？

E

E

答：十零個。

F

F

問：十零個？

G

G

答：唔。

H

H

問：咁係咪...

I

I

答：即係由--係喇。

J

J

問：...八至--最近呢八至十年，係咪呀？

K

K

答：係。

L

L

問：咁你有冇做過出面嘅工程？即...

M

M

主席：我想問一問，你葵連--對唔住，葵聯邨就係 2010 年 8 月開工。

N

N

答：係。

O

O

主席：咁你再對上一個房署嘅公屋工程係幾時開工呀？記唔記得？

P

P

答：都係 09 年至 10 年左右，...

Q

Q

主席：二零...

R

R

答：...應該係龍逸邨，龍逸邨。

S

S

主席：係咩嘢邨話？

T

T

主席：哦，咁又係呢個何標記做水喉囉嗰？

U

U

答：係。

V

V

B

B

C

主席：咁又係用呢個--呢啲焊料？

C

D

答：係。

D

E

主席：即係一般嘅無鉛焊料？

E

F

答：係。

F

G

主席：唔。

G

H

答：嗰陣時佢遞交嘅係 Fry 99C。

H

I

主席：嘎，得，好。

I

J

問：咁呢次都係嘅？即係佢遞交嘅係 Fry 99C？

J

K

答：係。

K

L

主席：次次都係佢遞交㗎嘛，根據你講。

L

M

答：係。

M

N

主席：唔。

N

O

P

問：我想知，就係你八至十年，你做過十幾個房署嘅工程。

P

Q

答：係。

Q

R

問：咁係咪每一次都係何標記做水喉分判商？

R

S

答：除咗有一單之前係--大約八至十年之前，有一單係另外一個水喉分包商叫做聯成。

S

T

問：唔。即係話以八至十年前，你就會走出去 open tender 嘅，即係叫人哋落標，咁唔係淨係限定一個人。咁但係呢八至十年你做嘅房署工程嗰十單，十--全部都係夥拍呢個何標記？

T

U

U

V

V

B

B

C

答：諗...

C

D

問：水喉部分。

D

E

答：可以咁講，咁其實之前...

E

F

問：就...

F

G

答：...--之前嗰十--即係十--之前嗰幾單，我哋都有攞其他報價去做 reference，咁但係就唔係一個 tender。咁我...

G

H

問：唔係 tender？

H

I

答：唔係 tender，咁我攞 reference。咁我哋都會睇一睇何標價--即係何標記嗰個價錢係咪合理，之前。

I

J

問：即係你講話八至十年--即係你早啲嗰八至十年，...

J

K

答：係，係。諗...

K

L

問：...就會出去試下攞個報價睇下，做 reference，但係始終都係畀何標記做？

L

M

答：係，因為佢其實價--佢嘅價錢係比較合理，又可靠。

M

N

問：但係始終都係好似你咁講，就唔係 open tender，即係都係畀番一個分判商，就係何標記做？

N

O

答：我記得係，好似係咁。

O

P

問：係咪？唔。

P

Q

Q

R

黎先生：係咪你意思係即係 06 年咁上下嗰陣時，就係真係 open tender，試過一次？

R

S

答：06...

S

T

黎先生：06 嗰啲呀。

T

U

答：06 年完工嗰啲喇。05、06 完工嗰啲喇。

U

V

V

B

B

C

黎先生：嗰啲嗰陣時都...

C

D

答：即係嗰啲係 02 年出，02。

D

E

黎先生：嗰陣時就 open tender，招標嘅？

E

F

答：係，係。

F

G

黎先生：到後起，就係招標之後，就變咗之後做，就唔係招標，而係問價，叫啲人問--擺個價嚟參考，不過就幫何標記就直接去傾，參考個價，然後就睇下何標記都係平啲，然後就搵何標記咁上下喇，係咪？

G

H

答：係。

H

I

黎先生：嘎，okay。

I

J

J

K

問：呢幾--近來呢幾年，會唔會好似你咁講，其實問價都唔會走出去問？因為何標記係做得咁--以前個紀錄咁好，直情就係叫佢報個價，就係咁樣？

K

L

L

M

答：呢幾年其實都問唔時我哋都會問下，因為我哋都要 check 番佢個價錢係咪合理，咁都會問，不過就唔會出 tender，落標前。

M

N

問：呢一個葵聯工程就問都有問添？

N

O

答：葵聯工程，喺我記憶裏面，我哋--我自己冇問過。不過我相信即係佢報個價應該合理。

O

P

P

Q

問：唔噃。會唔會其實你同何標記已經建立咗一個好密切嘅合作關係？即係你其實已經係好信任何標記呢？

Q

R

答：我諗係咪用密切嚟形容呢，我諗就應該話係策略性夥伴。

R

S

問：策略性？

S

T

答：係。

T

U

問：唔噃。

U

V

V

B

B

C

答：即係話如果佢係做得好嘅話，我哋會畀多少少機會佢。

C

D

D

主席：策略。

E

E

F

F

G

G

H

H

問：係。即係甚至乎好似琴日稍後嘅問題，就係話，哦，如果真係佢其實畀咗個好實價你都好，你畀咗個 contract 佢係講明幾多錢都好，如果銅喉喺中間係--嗰啲價錢係會漲嘅話，你都可能同房署講「欸，可唔可以加番少少 price fluctuation 嗰個咁嘅 adjustment？」所以令到何標記嗰個工程亦都唔係受太大嘅損失？

I

I

答：我諗其實頭先講嗰樣嘢係兩樣嘢嚟嘅，第一樣嘢 price fluctuation，喺房署合約係 open 嘅，有條 formula 計。咁...

J

J

問：嗰個係對你啫。

K

K

答：係，房署好公道嘅。咁但係...

L

L

問：嘎，個房署係對你有嗰個 price fluctuation 啫。

M

M

答：但係我哋對我哋嘅分包商亦都係嘅，但係當然如果佢真係漲價漲得好犀利嘅話，佢亦都 afford 唔起嘅話，咁我哋真係會同佢傾，我哋會同佢--補貼番啲畀佢，令到佢可以安安樂樂做單工程。

N

N

O

O

問：唔噃。其實我想你睇一睇呢一個 contract--subcontractor's management plan，我哋有啲副本畀你睇睇。我未請你睇啲細節之前，我想你確認一樣嘢，就係房署 award 呢個 contract 畀瑞安，係 8 月 4 號 2011 年，你可以確認嘛？

P

P

Q

Q

答：係。

R

R

問：係咪呀？

S

S

答：諗...

T

T

問：係 8 月 4 號 2011 年？

U

U

答：房署出畀我哋封信係 date 8 月 4 號。

V

V

B

B

C

問：係嘞。所以呢一個瑞安畀我哋嗰個--畀房署嗰個 subcontractor's management plan 8月8號係之後嚟嘞，即係你已經係得到咗嗰個房署嘅工程？

C

D

D

E

答：Award 咗，但係未開工。

E

F

問：Award 咗，即係已經係 award 咗畀瑞安，係咪？

F

G

問：唔噃。呢度隔咗幾日，你就畀呢一份 subcontractor's management plan 畀房署。我想你睇一睇上面，呢個係裏面嘅第一頁，你有個 procurement policy 嘅。

G

H

H

I

答：見到。

I

J

問：個 Procurement Policy 嗰度係咁講，或者我--唔介意我讀出嚟。

J

K

"The company Procurement Policy is to assure that best quality materials and services, which satisfy the specifications and requirements of client... "Client"就房署，"...are purchases in the competitive and equitable way; such purchases represent value for money; and the process is transparent and accountable."

K

L

L

M

M

N

N

O

即係話如果要搵任何 procurement，包括搵分判商嘅時候，你哋嘅政策係要 competitive，要有競爭性，同埋係公開嘅，transparent，同埋 accountable，要負責任，呢幾個係標準嚟，係咪？

O

P

P

Q

答：呢度係咁寫，亦都係我哋標準。

Q

R

問：唔噃。咁搵何標記，即係如果你 8月4號已經落--得到呢個房署嘅 contract。咁亦都頭先你同我哋講話你已經係承諾咗或者有個咁樣嘅 understanding 同何標記，就係話如果你得到房署嘅工程，你就會判嗰個水喉分判嗰個部分畀佢。咁就唔係再講--即係好似呢度咁話，要 competitive 呀，要出去 tender 嗰啲就唔會？

R

S

S

T

答：我諗咁講咩，即係頭先我都講過，即係關於一啲好專業嘅工程，有法例要求管住，亦都有啲 licensed person 或者 company person

T

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睇住個工作，或者有一啲係我哋覺得啲判頭係會 reliable。譬如頭先講，除咗水喉之外，另外譬如其他 trade，係打樁，或者啲土力工程啲，係比較專業啲嘅話，我哋都係要 ensure--跟住第一句，“Ensure that best quality materials and service.”呢個係中心思想，咁其他後面啲只係步驟。

問：好。即係--我請你揭去後面個 Criteria for selection 嗰度，後面個頁。

答：見到。

問：第一段嗰度就係講：

“Domestic subcontractors will be selected and awarded from approved lists”，咁就 Works--中間“works packages will either be tendered or in the case of specialist trade, selected base on contractual requirements and/or on approved list of government departments.”

第三段就係“A set of tender documents will be issued to solicit quotations from the approved tenderers’ list.”

後面再下啲嗰段就係“The selection of subcontractors will be the responsibilities of the company's procurement committee chaired by the managing directors...”咁樣。

答：見到。

問：唔。就我想知道就係，何標記就有真係跟呢個 tender 嘅 procedure 去做，咁但係你畀呢一份 subcontractor’s management plan，就有特別指明話何標記就唔會嚟嘞？呢個水喉分判就唔會招--咁樣做？

答：呢個 subcontractor’s management plan，其實最主要係指出大部分呀，majority 個 subcontractor。等如頭先我講話有啲專業嘅分判商，譬如頭先講打樁、土力或者何標記呢啲，我哋就--我哋用另外一個方法處理。

B

B

C

問：好呀。過去係--即係我相信你搵何標記，都係因為你覺得佢哋紀錄良好，係咪？

C

D

答：可靠同紀錄良好。

D

E

問：可靠同紀錄良好，唔。係唔係就係咁樣，因為一個--第一，即係大家都合作咗一段相當長嘅時間；第二，就係似乎佢哋即係冇乜問題，紀錄都良好。咁所以其實你哋對於何標記嘅點樣去執行佢哋嗰個分判合約底下嘅責任，其實係有啲鬆懈？

E

F

F

G

答：其實何標記同我哋合作好多個工程，咁亦都好似頭先講，紀錄良好，亦都有收過投訴--冇收過房署嘅投訴，或者--即係嗰啲 majority 嘅投訴，咁亦都有收過水務局嘅投訴。所以喺呢個 situation 之下，因為其實我哋做 main con. 嘅，都要有個 resource allocation，咁嘅話，當然我哋會將啲精力會擺咗喺其他嘅分包商嗰度，我哋去--嗰面啲管理會比較嚴謹啲。

G

H

H

I

I

J

J

問：唔。即係其實你係答咗我問題「係，對於何標記我哋可以鬆懈啲，因為佢嘅紀錄都相當良好，我哋對佢都信任。」

K

K

L

答：其實唔可以話「鬆懈」呢個字，而係話我哋對佢有信心。

L

M

問：對佢有信心，唔，好呀。就包唔包埋譬如佢嚟物料嘅--或者用嘅物料嘅監察呢？即係換句話，我如果講得白啲，你對於佢哋嘅信任，就甚至乎係佢個物料用啲乜嘢，你哋都唔係太著緊呀？

M

N

N

答：我哋都會用一個基本嘅程序去確保佢用嘅嘢係啱合約要求，就係個 sample submission。

O

O

P

問：你個基本程序就係嗰九十六項，你哋喺嗰個 project quality control--project quality plan 嗰九十六項嘅審查？

P

Q

答：唔單只，唔單只，其實係佢係需要上辦畀我哋睇佢用啲咩嘢材料。

Q

R

問：唔噃。

R

S

答：因為其實今朝--其實係應該琴日，琴日都講過，就係話其實我哋要求佢--合約裏面--我哋嘅分判合約裏面要求佢，佢用啲咩嘢材料話畀我哋知，咁我哋...

S

T

T

U

問：明白。

U

V

V

B

B

C

答：...通過--我哋要知道佢咩嘢材料。所以--即係通過--需要知道佢咩嘢材料--用咩嘢材料，而我哋會 check 佢係咪跟番合約要求。

C

D

問：嘎。你個 check，就係佢上辦嘅時候有個審查喇？

D

E

答：係。

E

F

問：唔噃。因為嗰個你要對房委，房委要通過你嗰個樣辦嘅審查，你先可以用嗰啲物料㗎嘛？

F

G

答：雖然合約有部分係唔需要，但係我哋都會要求佢畀我哋睇。

G

H

問：唔噃，好呀。咁但係你對於何標記用乜嘢物料，除咗話要求佢上個辦畀你之外，就其實喺個物料審查，基本上就係你嗰九十六項，係咪呀？

H

I

答：可以咁講，因為嗰啲係我哋經過一個經驗，同埋風險評估，同埋合約嘅要求睇過，所以先擺落去嗰九十六樣裏面。

I

J

問：唔。我想睇下--請你睇--都係睇嗰個 subcontractor's management plan,我想睇第5頁。第5頁中間嗰度，有個 heading 係叫做 "control of subcontractor's equipment & materials"，見到嘛？

J

M

答：見到。

M

N

問：唔。嗰度就寫 "The subcontractors' material"，即係包括埋何標記個用料，我相信呢個。

N

O

答：係。

O

P

問：唔噃。"The subcontractors' material, construction plant and equipment delivered to site will be properly controlled. The subcontractor will be required to report on the details of the material and plant they delivered including the provision of mill certificates, packing list..."，呢度仲有講話係 "delivery note"。 "...ownership of plant, relevant test reports, label required under the local statutory requirements"。你呢度其實寫得相當嚴肅個喎。因為你覺得需要去 control，去監察呢個 subcontractor 佢嗰啲用料，你甚至乎除咗佢要擺 report 畀你哋之後，佢 delivery note 都要畀你，呢度係咁寫。

P

Q

Q

R

R

S

S

T

T

U

U

V

V

B

B

C

答：係。

C

D

問：咁實質上呢？

D

E

答：咁但係其實琴日我自己都講過，喺個地盤入面有過千種材料，咁每種材料有好多 size，其實加埋上去--加埋起上嚟，其實好多、好多、好多材料。咁我所以其實呢個 plan，係控制大部分 majority 嘅材料，但係因為焊料呢樣嘢係真係好濕碎，等如絲帽、戒指嗰啲，我哋--呢啲嘢我哋覺得--即係嗰陣時睇唔到個風險係咁高，所以就呢個冇擺到落去，亦都有 check 到。

E

F

F

G

G

H

問：即係換句話嚟講，即係寫就係咁寫，寫就有話有例外情況出現，寫就話即係物料嘅處理，就會係--物料嘅監察就會咁做，但係實際上做起上嚟，對於呢個譬如好似焊料呀呢啲，就唔會係包含喺裏面？

H

I

I

J

答：剛才講咗喇，頭先係地盤真係好多材料，所以你話係咪每一種我哋都跟到啲程序呢？其實未必嘅。

J

K

問：唔噃。你焊料有 spec. 㗎嘛，因為你交過個樣--交過個焊--對於呢個 Fry 99C 嗰個焊料畀房署去審批，係咪？

K

L

L

答：係。

M

M

問：咁所以啱唔啱 spec. 嗰樣嘢，就唔係好似螺絲帽咁，對唔對？

N

答：其實螺絲或者呢啲絲帽嗰啲，我哋都會有 submit for approval，部分吓。

N

O

O

問：唔，部分。

P

P

答：咁但係我哋--係嘞，但係其實喺個 inspection--即係 incoming material inspection 嗰方面，或者啲 delivery note，我哋都因為呢樣嘢 sundry items，我哋都係冇睇。

Q

Q

R

問：冇睇嘅？

R

S

答：因為其實真係--地盤真係好多材料。

S

T

問：唔噃。我想 pick up 一個 point，琴日鄭律師都問過你，就係關於番你嗰個 list of 96 個 items，你哋有睇嗰啲 list--嗰個 list。

T

U

答：係。

U

V

V

B

B

C

問：我想你睇番嗰個 PQP，喺 B4.5。我想你特別去睇一睇 6669 同 6670，兩頁。

C

D

答：睇到。

D

E

問：就 6669 嗰處，就即係 Normal Inspection、Tightened Inspection、100% Inspection，嗰個琴日聽過你嘅證供，我唔再問。去到 (d) 嗰度，就 Reduce Inspection。

E

F

F

G

答：係。

G

H

問：嘎。咁琴日就同你睇過，就係其中一個就係 Copper pipe and fittings，第 22 項，你見到嘛？

H

I

答：係。

I

J

問：當時你答鄭律師，其中一個理由你就係話「啊，我哋都會睇 copper pipe and fittings」，因為呢啲係佢會--何標記會上單畀你，即係要出糧畀佢。

J

K

K

L

答：佢要...

L

M

問：所以你哋都會睇嘅？

M

N

答：...material on site。佢會 apply material on site。

N

O

問：係嘞。即係你會係嗰個工程嘅進度中間，你會係睇下佢用咗幾多或者咁樣，所以你都要出糧畀佢，根據佢上嚟嗰啲單。

O

P

答：佢有料到地盤，佢就會上單畀我哋，要出糧。

P

Q

問：哦，咁樣，唔，唔。

Q

R

主席：咁就即係唔係 reduced inspection 個嗎，其實？實差唔多係 100 個 per cent inspection 嗎？

R

S

S

T

答：其實--主席，其實係咁嘅，因為 reduce inspection，即係每一個 batch 都會睇，不過抽個 sample 會少啲。

T

U

主席：唔。

U

V

V

B

B

C

答：如果 100 per cent，就係 100 per cent 嚟...

C

D

主席：哦，明白。

D

E

答：係。

E

F

主席：咁即係每一次送呢啲貨嚟，你哋都睇嘅，...

F

G

答：每一個 batch 都睇。

G

H

主席：...不過就係可能抽一、兩件睇咁啫。

H

I

答：係，reduce 就係跟個 sampling plan 抽少啲 sample 嚟睇。

I

J

問：唔。咁但係--即係我想睇嘅，就係其實畀何標記嗰個分判合同，係連工包料㗎嘛，係咪呀？

J

K

答：係。

K

L

問：所以其實佢最後用咗幾多，佢都已經包晒㗎喇，多與少佢都包晒，唔係咩？

L

M

答：咁佢係包晒，佢係包晒，但係...

M

N

問：咁總之佢要完成個工程，就收你咁多錢？

N

O

P

主席：佢嘅--尋日講話因為 cash flow，驚佢有問題㗎嘛。

P

Q

何先生：係。

Q

R

S

問：咁但係到最後都係連工包料，你最後--做最後嘅 measurement，然後...

R

S

T

答：係。咁其實每一個判頭都好，即係其實佢買咁多料嘅話，佢哋都要用好多資源。咁我哋做 main con.，除咗包咗佢哋嘅風險之外，其實呢啲嘢幫到佢嘅話，可以令到佢哋嘅風險減低，即係關於 financial 方面。

T

U

U

V

V

B

B

C

問：好。我想同你睇下你嘅證人口供。對唔住，我頭先啱啱先睇緊你嘅證人口供。我想你睇番第 19 段。

C

D

答：見到。

D

E

問：唔。第 19 段其實你係回應緊委員會嘅第二個問題。你睇番第 56 頁對上嗰個 heading，佢--你係想回應委員會問你嘅第二個問題，即係話你採取啲乜嘢嘅步驟，steps and procedures。

E

F

F

G

答：係。

G

H

問：咁然後就係 In the--"as far as controlling the content of lead of the plumbing materials is concerned"。即係點樣--採取啲咩嘢步驟控制嗰個鉛唔會喺嗰啲物料裏面，你見到嘛？

H

I

I

J

答：見到。

J

K

問：係。咁你第 19 段，你就話你哋採取嘅步驟呢，"took steps and measures outlined below as far as plumbing works are concerned to ensure compliance with the contractual requirements"。你係話你哋採取咗一啲步驟去確保你哋係會符合嗰個合約嘅要求。

K

L

L

M

M

N

答：係。

N

O

問：咁跟住落去，就係--你哋個步驟就係第一，就係上料，submit materials；第二就係"a number of measures for quality control on workmanship"，咁就話"so that to ensure 佢 functioned properly"。即係其實你呢度所講，真係要確保話嗰啲物料係符合個合約要求，就真係只係得上料嘅啫，對唔對？

O

P

P

Q

答：其實--或者我 repeat 一次，就係其實何標記真係同佢合作咗好耐，咁過去都有事情發生過。咁嘅話，其實我哋都用番呢個上料，知道佢想用啲咩嘢料，我哋 check 過佢，啱合約要求嘅話。咁其實我哋冇理由懷疑佢，佢會上嗰隻，唔用嗰隻，佢又夠錢，又唔係唔夠錢，係咪？所以其實我哋覺得呢個基本嘅監察係關於用料方面，喺到料、買料嗰度，加埋其實呢樣嘢係買料--買焊料嗰度，何標記自己買，我問過佢。其實成件嘢，買呢啲焊料，講緊--係成個葵聯邨都係講緊幾萬釐，10 萬釐都唔使。咁嘅話，其實咁冇誘因係佢要轉第二隻料。

Q

R

R

S

S

T

T

U

U

V

V

B

B

C

問：唔㗎。其實我想問你同一個問題，就係因為我覺得你--譬如好似睇--去到呢個委員會嗰個 question 9 同埋 question 11。個問題其實就係話，如果 question--睇番 question 9 先，喺 62 頁。

C

D

D

E

答：見到。

E

F

問：Question 9 係問你--你睇第二行嗰度。如果呢啲 materials 係分判商去購買嘅，咁就叫你哋提供資料，關於你哋採取啲咩嘢步驟，喺你哋嗰個 quality control systems 裏面係去確保呢啲物料係不含鉛，要確保呢啲物料係符合嗰個合約嘅要求。咁你又係講番上料，即係第 39 段、40 段，又係講番嗰個 quality plan。即係基本上如果我哋係講緊焊料嘅說話，可唔可以咁講？即係其實你哋係有任何嘅監管，或者係任何制度底下係會確保到嗰個物料、焊料上嚟係符合嗰個合約嘅標準？有嘅，即係好簡單講。

F

G

G

H

H

I

I

J

答：我諗其實呢樣嘢就唔係有嘅，頭先都讀到出嚟，其實我哋有一個機制係要知道佢用啲咩嘢嘢--佢個 intend 用啲咩嘢嘢。

J

K

問：佢 intend 用啲咩嘢嘢你知，因為...

K

L

答：係。咁但係其實呢個...

L

M

問：...佢要上嗰隻料畀房署去審批㗎。

M

N

答：係，係。

N

O

問：但係佢實際用嗰度，就係有監管嘞？

O

P

答：其實呢個已經係一個機制，不過唔等如冇機制，如果我哋連 submit sample 都唔 submit，佢用乜，我哋都唔理嘅話，咁就...

P

Q

問：咁啱，你做咗一半，...

Q

R

答：即係諗...

R

S

問：...但係後半，實際上佢用咩嘢，你哋就有機制去監管嘞？

S

T

答：可以話係喺而家返番轉頭睇嘅話，你可以覺得嗰樣嘢係唔足夠。

T

U

問：一樣喇，11...

U

V

答：但係而家--當然，而家我哋--喺我陳述書講番，而家關於焊料呢樣嘢，

V

B

B

C

我哋用咗好多 step 去控制，而家。

C

D

問：明白。11 段一樣，同樣個問題。雖然你即係一啲篇幅係寫咗幾段嘢
喺度，但係其實如果講到話焊料，簡單嚟講，就係冇機制去監管個實
際個焊料個使用係乜嘢？

D

E

答：之前係唔足夠。

E

F

問：想問你，如果你咁樣講，何標記同你合作咗咁多年，你又對佢有咁大
程度嘅信任。今次佢做呢件事，你覺得佢係咪呢你？

F

G

答：我問過--亦都 black and white 問過何標記，點解會發生呢件事。

G

H

主席：你 black and white 問何標記呀？

H

I

答：係。

I

J

主席：唔。

J

K

答：咁我問佢點解會發生呢件事，咁當然係 black and white 答番我哋，
佢話佢...

K

L

主席：佢話唔知，係咪？

L

M

答：...當時佢唔知，係嘞。

M

N

主席：唔。

N

O

答：咁佢係而家其實而家越來越多證據見到，可能係買錯料，即係我睇番
晒啲嘢。

O

P

主席：我想問下你買錯--我都想問下你呢個問題，買錯料呢個問題。

P

Q

答：唔。

Q

R

主席：你 S1，我最鍾意 S1。S1，唔該，第 102 頁。第 102 頁，葵聯邨
就係你哋公司㗎嘛？

R

S

答：係。

S

T

主席：你而家睇到嗰個 102 頁，就基本上就係一個 summary 㗎。

T

U

V

V

B

B

C

答：係。

C

D

主席：咁你見到喺 2013 年 6 月 4 日，嗰一日就唔知咩嘢原因，就一買就買兩種嘅料嘅，即係又無鉛，又有鉛，係咪？

D

E

答：係。

E

F

主席：咁其實跟住一路都有買㗎嘞，最尾嗰個 2015 年 8 月 1 號嗰個，再買四網，其實就係 8 月 1 號我哋都知道出咗事㗎喇，係咪？

F

G

答：係。

G

H

主席：你跟住你揭去第 127 頁，你就睇到嗰個 fax，「超急」，「超急」，...

H

I

答：係。

I

J

主席：...「超急」。你而家睇番呢一度咁樣嘅嘢，你覺得佢哋真係 mistakenly delivered 咩？

J

K

答：其實事前，就大家都唔知喇。

K

L

主席：係。

L

M

答：但係喺 15 年 8 月 1 號嗰度，嗰個「超急」嗰度，係因為我哋要做幾條臨時喉落嚟。

M

N

主席：啱，我明。

N

O

答：係嘞。所以就 8 月 1 號嗰度，...

O

P

主席：係，要補救咩嘛，係。

P

Q

答：...係因為去--因為發生咗事之後，佢要用呢樣嘢。

Q

R

主席：係。

R

S

答：但係之前嗰啲單，點解會全部都淨係得二十網係無鉛錫線，其他...

S

T

主席：係。同埋同一時間 order 兩樣嘢㗎，即係啱唔啱？

T

U

答：係，咁呢個原因係點嘅話，我諗真係主席要問番何標記。

U

V

主席：唔係，我知，我會問何標記。

V

B

B

C

答：係，係。

C

D

主席：不過我想你就係話，因為你--其中你嗰個所謂 possibilities，你嘅猜測，有兩點就係話 mistakenly 乜乜乜，mistakenly 物物物，咁我就話「啊，你睇一睇呢度，你仲覺唔覺得係 mistakenly 嘅呢？」如果你--再畀你睇多少少嘢。

D

E

E

F

答：係。

F

G

主席：你揭去第 128 頁。128 頁就係啟晴邨嘅，就係何標記另外一單工程嚟，睇唔睇到？

G

H

答：見到。

H

I

主席：都係何標記做，其實係早過你哋添，2011、12 年嘅。但係如果你差唔多你由下面數上嚟三分之一開始睇，2012 年 6 月 12 號，你見唔見到？

I

J

J

K

答：見到。

K

L

主席：就係佢最後一次喺嗰一個 project 係 order 呢個“FRY”無鉛錫線，你睇唔睇到？

L

M

答：見到。

M

N

主席：跟住喺 2012 年 6 月 26 號開始一路打後，去到 2013 年嘅 1 月，再去到駁埋你--跟住你嗰條邨，2013 年 4 月一路落，全部都有用過“FRY”嘅。

N

O

O

P

答：係。

P

Q

主席：你仲覺唔覺得係 mistakenly 嘅呢？

Q

答：希望何標記唔係濫用咗我哋公司對佢嘅信任。

R

R

主席：唔。

S

S

答：其實何標記我睇番佢，其實我都有興趣知道點解佢會咁。我睇番佢啲--佢個口供，其實佢自己都話因為個打理人落 order 啲啲咁嘅嘢，我諗詳情都係問番佢。

T

T

U

主席：得，好，唔該。

U

V

V

B

B

C

C

D

何先生：多謝主席，我有進一步問題，唔該。

D

E

主席：仲有冇人有問題？

E

F

王先生：我問佢一條問題啫。

F

G

主席：好。

G

H

王先生盤問

H

I

問：麻煩你睇第 47 段你嘅證人口供，第 64 頁。

I

J

答：見到。

J

K

問：喺第五行嗰度，你就話「ensure that 何標記 would use lead-free soldering materials，瑞安 required 何標記 to propose and submit material samples」，見到呵？

K

L

答：見到。

L

M

問：唔。咁我咁樣理解啱唔啱？即係其實你哋係知道用無鉛 soldering material 係緊要嘅？即係你哋當時已經有認知，所以你要 ensure 何標記係用 lead-free soldering material 嘅。即係唔係一般小五金，係緊要嘅物料嚟嘅，所以你就要 ensure 何標記係用 lead-free soldering materials，咁講啱唔啱？

M

N

答：應該咁講，因為答呢條問題我哋咁寫，但係其實唔單只 soldering material，其實好多樣嘢我哋都會係需要啲分包商去入辦畀我哋睇。

N

O

問：Okay。係咪要入辦啲就重要啲嘅物料呢？即係你哋自己覺得要提供 sample 啲啲，就係屬於比較緊要啲嘅物料？

O

P

答：我哋要知佢用啲咩嘢材料啲啲，我哋就會叫佢入辦畀我哋。

P

Q

問：Okay，好。

Q

R

S

T

U

V

T

U

V

B

B

C

王先生：主席，冇其他問題。

C

D

主席：唔該。

D

E

黎先生：但係事實上你嗰個 PLU1 嗰啲，你唔需要入呢啲辦嘅？

E

F

答：PLU1 裏面水喉嘅材料，我哋...

F

G

黎先生：個 solder。

G

H

答：...都有叫何標記入辦。譬如嗰啲水喉嘅材料，用啲咩嘢牌子嘅喉、soldering material。另外啲閘掣嗰啲，我哋都有叫佢入辦嘅。

H

I

黎先生：但係理論上，佢唔需要你入辦個啲？

I

J

答：佢冇要我哋入辦，但係我哋要知道佢用啲咩嘢材料。

J

K

黎先生：點解你哋入呢，冇叫你入？

K

L

答：諗...

L

M

黎先生：房委員冇要求你哋入。

M

N

答：係，第一樣嘢--琴日我都講咗，即係話第一樣嘢，我要知道何標記用啲咩嘢料，佢用啲料係咪啱合約嘅要求；第二樣嘢，我亦都經過通過入辦呢樣嘢，通知埋房署我會用咩嘢料。

N

O

O

P

譚先生：唔，係，主席，我都係一條問題。

P

Q

主席：好。

Q

R

R

S

譚先生盤問

S

T

問：尋日區先生你講過，咁樣係就住何標記同你，都有個價格調整嘍嘛，係咪，可以？即係尋日就講過話二千幾萬，呢一個葵聯邨呢一個嘅項目，就係二千幾萬整大約千五個單位咁樣？

T

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C

答：係。

C

D

問：咁到最後實際上，其實究竟有冇一個價格調整？

D

E

答：你講係 price fluctuation，即係...

E

F

問：係，price fluctuation。

F

G

答：其實喺葵聯邨，以我記憶，就應該銅喉嘅升幅就唔係太大嘅。

G

H

問：係。

H

I

答：所以人工方面，亦都唔係相差太大嘅，所以葵聯邨應該--除咗 re-measurement item，即係話可能長--多咗、少咗嗰啲 re-measurement 之外，就有乜特別價格調整。

I

J

問：係。即係佢何標記冇因為人工喇，「人工」嘅意思，係可能係超時工作或者搵多咗人手，而問過瑞安又再要一個嘅 price fluctuation，即係 price increase 嘅？

J

K

答：即係講俗啲，就話佢冇 claim 過我哋囉。

K

L

問：係冇嘅？

L

M

答：冇 claim 過我哋。

M

N

問：冇嘅？

N

O

答：係。

O

P

問：係。同埋好簡單問多一條，雋景呢一個 supplier，唔係你哋提供畀佢嘅，係咪？

P

Q

答：唔係。

Q

R

問：唔係？

R

S

答：何標記自己搵。

S

T

問：好。

T

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C

譚先生：我有其他問題。

C

D

主席：唔該。Miss Cheng，有冇問題？哦，你有問題，係，你覆問，係，對唔住。

D

E

林先生：係。

E

F

F

G

林先生補問

G

H

問：區生，我想有幾個問題問你。或者我哋首先睇一睇嗰個啱啱何資深大律師畀過你睇嘅個 master plan，係咪仲喺手？

H

I

答：你講係 subcontractor management plan？

I

J

問：係，submission of subcontractor management plan，sorry，唔係 master plan。

J

K

答：喺度，喺度。

K

L

問：嘎。喺唔喺手上面？

L

M

答：喺度。

M

N

問：如果你睇番係第 1 頁，關於嗰個 procurement policy。

N

O

答：見到。

O

P

問：何資深大律師就讀到你第 1 段喇，或者我想你--都畀你睇一睇第 2 段：

P

Q

“It is the company’s policy to maintain good long-term working relationship with capable subcontractors. We will select works to these companies in order that they work for us continuously. We treat our suppliers and subcontractors as our colleague and work together in a fair and equitable way. Many of them had been working for us for over 10 years.”

Q

R

R

S

S

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T

U

你見到有段咁嘅 company policy，係咪？

U

V

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B

B

C

答：見到。

C

D

問：或者我想問一問你，對於公司嘅立場，或者你自己亦都係會唔會有同樣嘅想法，就係如果搵到一個信任得過，而且紀錄良好，同埋嗰個 workmanship 又係好好嘅 subcontractor，對公司嘅利益都係好大嘅？

D

E

E

F

答：呢個當然喇。其實話做建築其實都風險都有喺度嘅，所以如果搵到一啲好嘅判頭，係可以幫我哋減少風險。

F

G

G

H

問：唔。而根據你嘅講法，何標記你就係--或者我哋用英文講叫 tried and tested，即係用過好多次，而覺得係冇問題，所以對佢哋有好大嘅信任度，係咪？可唔可咁講？

H

I

答：可以。

I

J

問：我唔知道--因為我聽到你嘅講法，就係話响呢個工程，我哋大家都同意，就係有一個 open tender 關於何標記嘅。但係你記唔記得响呢個葵聯邨嘅工程，其實係有擺其他人嘅報價，係有擺金日嘅報價。你自己嘅記憶話冇，但係有--其實係有擺金日嘅報價，你記唔記得？

J

K

K

L

答：我自己唔記得，可能呢個係分判部佢--即係我哋分判部嗰度，佢自己當畀何標做之前或者定畀佢做之前，佢哋係有啲參考價。即係參考嘅價錢。

L

M

M

N

問：唔，冇錯。即係你自己個人嚟講，就唔記得有個金日嘅報過價畀你哋公司，但係你可--可能係你哋下屬曾經有做過呢樣？

N

O

答：可能採購部做咗呢樣嘢，但係佢冇通知我。

O

P

P

Q

問：唔。我仲想有--問你一個問題，就係响琴日嘅午飯之前，就鄭大律師有問過你嘅，就係話焊料係唔含鉛，目的係防止焊料係會污染食水，你嘅講法就係同意佢鄭大律師嘅講法。或者我想問你站在呢一個問題，你自己當時係冇認知有一個污染食水嘅問題，呢個焊料？

Q

R

R

S

答：完全冇呢個認知。

S

T

問：如果有認知，當然唔可以講到話你導致或者容許呢一件事情發生，係咪？

T

U

答：喺我陳述書裏面都講過，其實關於食水方面，我哋合約裏面有咁嘅要求，但係瑞安都唔會容許工人或者我哋分判商去做一啲唔啱合約要求

U

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嘅嘢。

C

D

問：最後，我想問一問你，亦都係 chairman 問咗㗎嘞其實，但係我想再深入少少問。今時今日睇番啲資料，主席就問，就其實睇嚟應該唔似係一個 mistaken 嘅 procurement 嘅？

D

E

E

F

主席：我有咁講過㗎。

F

G

林先生：唔係，或者我調番轉頭。

G

H

H

I

問：我想問，直接一啲...

I

J

J

K

主席：係，我從來都有咁講過㗎。我問佢，...

K

L

林先生：我知。

L

M

主席：...「睇咗呢啲資料之後，你會唔會改變你嗰幾個猜測啫。」

M

N

林先生：我知。

N

O

問：或者我直接啲問你。

O

P

P

Q

主席：係。

Q

R

R

S

問：你會唔會覺得今次其實唔係一個 mistaken 嘅一個嘅 procurement？

S

T

答：喺我寫我陳述書嗰陣時，其實未有啲單據出現嘅，頭先主席都畀我睇咗。但係而家--當然而家作供嗰陣時，會唔會覺得何標記係 mistakenly 咁樣去買咗料嘅話，咁我覺得佢濫用咗係--濫用咗瑞安對佢嘅信任囉。

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問：唔。或者我又再問你，你又曾經有講過--响你嘅口供裏面講過，至於搵何標記，價錢唔係一個首要嘅考慮。因為我哋都睇到係講緊二千--其實係二千三百幾--二千三百九十幾萬嘅呢個咁嘅價錢。你就講咗話錢唔係一個重要嘅考慮。咁我想呢一個事情上面，到今日發現咗原來何標記用一隻 substandard 嘅物料，咁你站在公司嘅立場係有咩嘢感受？

答：我哋公司其實過去呢三年房署工程都做得幾好，做得幾好，所以其實差唔多單單標我哋都有落嘅。因為呢件事，因為呢十萬釐嘅焊料，令到我哋有八單標冇得落，其實我哋已經交咗四單嘍嘞，有兩單落緊，落落吓停，咁嘅話，對公司嘅士氣，人呀，啲同事都影響好大。

咁加埋仲有葵聯邨我哋要處理好多樣嘢，因為我哋要急居民所急，我哋即刻又要日以繼夜落--即係裝濾水器，同美國嗰面--美國嗰面開夜晚嘅，我哋日日--即係佢哋係日頭，我哋夜晚，我哋晚晚都半夜三更同佢哋溝通，希望儘快可以裝到嗰啲濾水器嗰啲。加埋而家又要忙緊同水務署、同房屋署佢哋一齊研究儘快可以幫居民換咗啲喉。

同埋其實我哋有兩條邨--嗰陣時我哋啱啱發生呢件事嗰陣時候，有兩條邨我哋就嚟起貨，我哋就嚟完工--呢個今年年尾完工。咁嗰陣時唔知點樣去證明我哋啲邨係得，咁所以嗰陣時公司都作一個決定，就將所有啲銅喉拆晒佢，重新跟我哋嚴謹嘅工作去再做多一次，令到所有嘢一定啱房署。尤其是呢個含鉛焊料，啱房署要求。因為嗰陣時我哋又未有嗰支 X 光槍，又搵--荊啲辦去驗，個 lab 又話要驗幾耐都有--答唔到我哋，咁我哋又年尾趕住交貨，所以我哋作咗好多好多痛苦嘅決定。所以呢樣嘢，為咗呢十萬釐，令到我哋公司其實都算係一個好慘痛嘅教訓。

林先生：主席，我有其他問題。

主席：唔該晒你，區先生，畀完證供，可以離開，唔該。

答：唔該。

林先生：主席，我下一位證人係程兆康先生。或者主席，你會唔會希望有

B

B

C

一個早啲嘅 morning break? 咁跟住...

C

D

主席：不如你讀咗佢啲口供先。

D

E

林先生：好呀。或者我傳召程兆康先生。

E

F

主席：請過嚟呢邊--過去嗰邊。

F

G

瑞安承建有限公司（“瑞安”）（葵聯邨第二期的總承建商）的第二證人：
程兆康（瑞安高級工程經理（葵聯邨二期項目經理））以本地話宣誓作供

G

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H

I

主席：請坐。

I

J

答：好，唔該。

J

K

K

L

林先生主問

L

M

問：程先生，响你面前係應該會有份口供嘅。或者如果唔係，就可以睇個
個 screen 嗰度，有份口...

M

N

答：係，睇到。

N

O

問：哦，睇到。咁你留心聽一聽我將你嘅口供讀出，如果有任何嘅地方你
需要修改，請你話畀我哋聽。

O

P

答：好。

P

Q

Q

R

COMMISSION OF INQUIRY INTO EXCESS LEAD FOUND IN DRINKING WATER

R

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**WITNESS STATEMENT OF MR. CHING SHIU HONG
FOR
SHUI ON BUILDING CONTRACTORS LIMITED**

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1. I, Ching Shiu Hong, am the Senior Construction Manager of Shui On Building Contractors Limited ("Shui On"). I am duly authorised by Shui On to make this statement on its behalf.
2. I joined Shui On in 1988 as an engineer. I have a Civil Engineering degree. I was the Project Manager of Kwai Luen Estate Phase 2 (the "**Project**"). I was responsible for managing the entire Project. I have been involved in 8 completed and 1 ongoing Housing Authority public housing projects.
3. Shui On's Site Organisation Chart illustrates the hierarchical structure of Shui On's team for the Project [**Bundle B2/3922**]. I was stationed on site and attended regular meetings at the head office. I was assisted by site staff under the following 5 site departments of the Project:
- (a) the quantity surveying department which handled payment matters;
 - (b) the health, safety and environment department which handled site safety matters;
 - (c) the engineering department which was responsible for providing engineering support and quality control;
 - (d) the administration department which was responsible for inventory control such as inspection and checking of incoming materials and security controls such as patrolling the site; and
 - (e) the operation department which was responsible for coordination and frontline supervision.
4. In this Witness Statement, I shall address Questions 2 and 7 of the Commission of Inquiry's (the "**Commission**") list of questions set out in Messrs.

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Lo & Lo's letter dated 16 October 2015 to supplement the evidence given by Mr. Au Choi Wa (the Deputy General Manager of Shui On) and Mr. Wan Wai Ho (the Site Agent of the Project). Before I do so, I shall briefly explain Shui On's Project Quality Plan implemented for the Project.

5. I prepared a Project Quality Plan dated 5 January 2012 for the Project [**Bundle B4.5/6773**]. The Project Quality Plan was approved by the Department Head for Quality Assurance on 10 January 2012.

6. The Project Quality Plan contained a list of project activities that were to be controlled. These controlled activities were:

- (a) Quality plan preparation;
- (b) Contract review;
- (c) Document control;
- (d) Sub-contracting;
- (e) Material purchasing;
- (f) Material control;
- (g) Construction works control;
- (h) Equipment calibration;
- (i) Training;
- (j) Nonconformity control and corrective / preventative action;
- (k) Servicing; and
- (l) Design control.

7. Relevant to item 6(d) above regarding sub-contracting,

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the Project Quality Plan required the following (amongst others) steps be taken:

- Register capable sub-contractors;
- Select sub-contractors;
- Assess performance of sub-contractors;
- Sub-contract variation / addition / minor works; and
- Sub-contract domestic building services and specialist works.

8. Relating to item 6(e) above regarding material purchasing, the Project Quality Plan required the following actions:

- Register capable suppliers;
- Prepare tender documents and tenderers list;
- Approve tenderers list;
- Invite tender and analyse returned tenders;
- Select supplier;
- Submit samples for employer's approval;
- Sign purchase contract / purchase order;
- Follow-up on delivery; and
- Assess performance of suppliers.

9. The Main Contract required Shui On to provide superintendence as specified in PRE.B6.130.P. As far as plumbing works were concerned, the relevant superintendents included Quality Control Manager (QCM), Architectural Quality Control Coordinator (AQCC), Building Services Engineer (BSE), Site Agent, General

Foreman, and Block Foreman. Mr. Man Kwan Wa was the Architectural Quality Control Coordinator who made material sample submissions to the Housing Authority based on Ho Biu Kee's proposals. He worked under the supervision of the Quality Control Manager, Mr. Tse Sui Pong, who in turn reported to Mr. Wan Wai Ho.

10. Relevant to item 6(f) above regarding material control, the Project Quality Plan required the following controls:

- Identify company materials to be inspected and sampling plans to be used;
- Confirm delivery date and arrange storage space;
- Prepare material inspection forms for employer supplied material, company purchased materials and domestic sub-contractor purchased materials;
- Receive incoming material;
- Perform sampling inspection;
- Identify inspection status;
- Record and file inspection results;;
- Replace rejected material;
- Inspect reinforcement and concrete;
- Control inventory;
- Control materials for urgent use;
- Handle and store material; and
- Collect, inspect and file delivery notes on nominated sub-contractor materials.

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11. The Project Quality Plan also sets out materials that required inspection upon delivery. Different levels of inspection, namely reduced, normal, tightened and 100%, applied to different materials as specified in the sampling plan at page 11 of the Project Quality Plan [**Bundle B4.S/6784**]. Each incoming material will be assigned with a level of inspection (reduced, normal, tightened or 100%) which specified number of samples to be taken from each of the incoming material, and each level of inspection had its own respective criteria for accepting or rejecting the incoming material. There were 96 categories of materials set out in the list for this Project. When determining the categories of materials to be inspected and the level and frequency of the inspection, I considered the risks associated with the materials based on past records of the quality of similar materials used in previous Housing Authority projects.

12. Accompanying the Project Quality Plan were Project Process Instructions ("**PPI**") setting out the general procedures for most of the major trades, including plumbing and drainage.

13. The Project Quality Plan also required regular inspection of the works during construction stage. For the plumbing and drainage installation, inspection was required for underground drainage, concealed works, plant room works, sanitary fitting installations, final fixing and painting, irrigation systems, sealing up of wall and floor openings and testing & commissioning works. For these items, our Quality Control Manager and the Building Services Engineer submitted a "request for inspection form" to the Housing Authority to invite the Contract Manager's representative for inspection.

14. The Project Quality Plan also contained Systems Testing Checklists for different trades. For

plumbing and drainage installation, the Systems Testing Checklist set out a list of tests to be conducted to the pipework, electrical wiring, water pumps, pressure booster pumpsets, control systems, drainage systems, pipework and the sump pumps.

15. The plumbing system in Kwai Luen Estate Phase 2 was supplied and installed by Ho Biu Kee (inside services outside the pump room) and Shun Cheong (plumbing works inside the pump room). I understand that Shun Cheong is not an involved party in the Inquiry. I shall therefore give evidence below in respect of Ho Biu Kee only.

Question 2: With reference to the steps and procedures outlined above, explain the role and responsibilities of your client and the respective role and responsibilities of its sub- contractor(s), licensed plumber(s) ("LPs") and other person(s) in the contractual, construction and post-construction stages relating to the installation, supervision of work, inspection, certification of completion, monitoring and maintenance of the fresh water plumbing system as far as controlling the content of lead of the Plumbing Materials is concerned, stating the procedures, criteria and standards involved.

16. Mr. Au Choi Wa has explained the roles and responsibility of Shui On, Ho Biu Kee and Mr Lam Tak Sum. I shall supplement his evidence below.

17. Although Shui On sub-contracted out the plumbing works, we took various steps and measures to ensure compliance with the contractual requirements.

Material

18. Shui On required Ho Biu Kee to propose and submit samples of the materials to be used for the plumbing works to ensure that the proposed materials complied with the requirements specified in the Main Contract. We would then submit Ho Biu Kee's material samples

to the Housing Authority for its approval. Upon obtaining approval from the Housing Authority, we informed Ho Biu Kee who then proceeded with procuring the materials.

19. Ho Biu Kee procured the plumbing materials specified in PLU 1 including soldering materials. Our site staff would inspect the materials delivered to the site in accordance with the "*List of materials requiring inspection upon delivery and their inspection levels*" at pages 9 to 11 of the Project Quality Plan. [**Bundle B4.5/6782-6784**]. Visual checks would be conducted to ensure that the materials delivered on to site were the same (in terms of brand, size and colour) as the materials approved by the Housing Authority. Shui On procured the sanitary fittings and appliances specified in PLU2.

Workmanship

20. For the quality control of workmanship during the construction stage, our site staff would check that the standard of workmanship for plumbing works were in accordance with the PPI, which stated the following [**Bundle B4.5/6815**]:

- All pipework must be accurately connected regarding type, size and usage;
- All pipework to be plumb and square;
- Pipework must be tested to ensure no leakage;
- Pipework must be securely supported by pipe brackets and hangers installed at specified intervals. For runs with bends, support should be fixed as near to the bend as practicable; and

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- Flexible connectors and expansion joints must be installed and adjusted in accordance with manufacturer's recommendations to ensure proper functioning.

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21. Ho Biu Kee was responsible for direct supervision of its workers. If we noticed that Ho Biu Kee's workers were behind schedule or not working up to the standard required by Shui On or by the Sub-Contract, we would raise the issue with Ho Biu Kee's representative who would then deal with his workers directly.

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22. Upon completing a section of the plumbing works, our site staff and the representative of the Housing Authority would inspect the completed section before it would be covered up as mentioned in the "Construction processes to be inspected by request for inspection forms" at pages 29 and 30 of the Project Quality Plan [**Bundle B4.5/6802-6083**]. The plumbing works that required inspection were the underground drainage, concealed works, plant room works, sanitary fitting installation, final fixing and painting, irrigation system, seal up wall and floor opening and testing and commissioning works [**Bundle B4.5/6802**].

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23. During execution and upon completion of the plumbing works, the Housing Authority would apply their Performance Assessment Scoring System (PASS) to assess our performance. Shui On jointly inspected Ho Biu Kee's plumbing works with the Contract Manager's representative or a responsible officer of the Housing Authority. During the interim assessment phase (i.e. during the execution stage), we would look at the physical characteristics of the plumbing works, including the type and size, installation of the pipe brackets, the pipe sleeve, soundness, and the plumb and level of the pipes. During the final assessment phase, we would look at the physical characteristics, cleanliness and the

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finishing of the completed plumbing works.

Qualification of workers

24. The Main Contract required all plumbers to be either (i) registered skilled or semi-skilled workers, or (ii) skilled or semi-skilled workers holding a full (大工牌) or intermediate (中工牌) trade test certificate, which were issued by the Construction Industry Authority or the Construction Industry Council Training Academy. Mr. Wan Wai Ho will explain the steps taken by Shui On to ensure that Ho Biu Kee hired skilled or semi-skilled workers for the plumbing works in accordance with the Main Contract requirements.

Testing

25. Before the handover of the Project, our site staff would conduct system testing to the plumbing and drainage installation to ensure that it functioned properly and was in accordance with the requirements of the Main Contract Specifications. The testing procedures focused on functional performance of the system such as hydraulic testing as required in the specification.

ISO Audit System

26. Mr. Au Choi Wa has explained the steps taken by Shui On to comply with the ISO 9001 requirements.

Control of lead content in plumbing materials

27. As stated in Mr Au Choi Wa's witness statement, Ho Biu Kee submitted its proposal to use "*Leadfree Solder Wire and Powerflow Flux*" which was said to be in the lead-free category. Based on Ho Biu Kee's submission, we submitted a Sample Submission and Approval Form [**Bundle B4.4/5203**] to the Housing Authority for approval. Under the "*back to back*"

Sub-Contract, it was the responsibility of Ho Biu Kee to procure, and the Licensed Plumber to supervise, the use of the approved lead free soldering material. Based on the fact that Ho Biu Kee had gone through the formal procedure in seeking approval for the use of lead-free soldering materials and that no issue had arisen in the past projects where we worked with Ho Biu Kee as a plumbing subcontractor, we had no reason to raise any suspicion or concern that Ho Biu Kee was using a non-compliant soldering material.

28. Soldering materials were not considered to be a high-risk item in the construction industry and no issue had arisen in the past projects in both public and private sectors with regard to the use of soldering material. Furthermore, the Main Contract and the relevant legislation did not require us to check lead content in drinking water. I therefore did not include soldering materials in the Project Quality Plan as an item to be inspected when the materials were delivered to the site or as an action item to be monitored. If lead or indeed the other three heavy metals (i.e. cadmium, chromium, and nickel) were required to be tested as part of the acceptance criteria, I would simply include them as monitoring items to the Project Quality Plan.

29. In addition, it was highly unlikely that my site staff would be able to notice the use of non-complaint soldering materials based on visual inspection on site. My Site Agent Mr. Wan Wai Ho will explain further.

30. I have now reviewed the delivery notes issued by Prosperity Building Materials Company Limited in respect of the soldering materials attached to Ho Biu Kee's Witness Statement [**Bundle K2/1207-1218**]. I have checked with my site staff and can confirm that Shui On has never received or seen the delivery notes or soldering strips at the time of delivery to the

site. Ho Biu Kee did not submit the delivery notes or the invoices from the supplier of the soldering material to Shui On for payment application as soldering material was not separately measured or paid by Shui On to Ho Biu Kee.

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

31. Clause 7 of PLU1.M130.5 [**Bundle B2/582-583**] of the General Specification of the Main Contract specified when capillary joints (i.e. soldering) or compression or screw joints (i.e. "mechanical compression joints") were to be used.

32. As shown in the table in Clause 7 of PLU1.M130.5, the types of joints and fittings to be used depended on the diameter of the copper pipe, the water pressure, and the connection point of the pipe. Pipes with certain diameters or water pressure required a joint or fitting by either "brazed" or "integral solder capillary joints". For other pipes, the stipulated joint or fitting was by "compression or screw joint fittings for connection to valves etc. or if capillary jointing was not practical" [**Bundle B2/583**].

33. From Shui On's perspective, cost was not a consideration in determining whether to use solder or mechanical compression.

34. The matters stated above are true to the best of my knowledge and belief.

Dated this 11th of November 2015.

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問：程先生，响以上我讀出嘅口供，你有冇任何地方需要修改？

C

D

答：冇。

D

E

問：你同唔同意係會沿用呢份口供做你嘅證人供詞？

E

F

答：同意嘅。

F

G

主席：我哋朝早休息先。

G

H

H

I

下午 11 時 24 分聆訊押後

I

J

下午 11 時 48 分聆訊押後

J

K

出席人士如前。

K

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瑞安承建有限公司（“瑞安”）（葵聯邨第二期的總承建商）的第二證人：
程兆康（瑞安高級工程經理（葵聯邨二期項目經理））宣誓繼續作供
鄭小姐盤問

M

N

問：程先生，你好。

N

O

答：係。

O

P

問：就住葵聯邨二期呢一個工程，我哋知道你係呢個 project manager？

P

Q

答：係。

Q

R

問：咁喺你證人供詞第 3 段嗰度，你就有講講呢一個工程底下，瑞安呢一個團隊嗰個架構嘅。

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答：係。

S

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問：我想就住呢一度問你一啲問題先。

T

U

答：哦，好呀。

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問：咁第 3 段嗰度，你就有係寫關於呢一個架構，同埋係有 refer 去一個--我相信係一個嗰個架構表嘅，我估呢度可能有個 minor typo。應該係喺文件夾，或者我哋睇一睇，應該係 B4.2 嘅，3922 頁。係嘞，或者程生，可以麻煩你就將而家你手上見到呢一個嘅架構表喇。

C

D

D

E

答：係。

E

F

問：呢個架構表係你即係證人口供所提及嗰個，啱唔啱？

F

G

答：哦，係。

G

H

問：咁同埋你嘅證人嗰個供詞可能可以兩個都擺喺你前面，我會兩個都提及到嘅，喺跟住落嚟，好唔好？

H

I

答：好呀。

I

J

問：首先，我哋可以睇一睇你證人供詞第 5 段先。第 5 段呢度，你就提及一個 Project Quality Plan？

J

K

答：係。

K

L

問：咁呢一個就係你本人係準備嘅，係咪？

L

M

答：哦，係。

M

N

問：係嘞。跟住你呢度就話，呢個 project quality plan 就會係提交畀嗰個 department head for quality assurance 係去批准嘅。

N

O

答：係。

O

P

問：咁或者我哋睇一睇嗰個大嘅架構表。我哋喺嗰個表嗰度，如果你睇個表嘅大約係中間對上少少，我哋見到“Project Manager”，係咪？

P

Q

答：係。

Q

R

問：中間對上，咁呢個就係你，...

R

S

答：係。

S

T

問：...喺嗰個架構嗰度。咁跟住頭先你就講話，你製作咗嗰個即係 project quality plan 之後，你就會交界嗰個 department head 個 quality assurance 去批核。

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答：係。

C

D

問：咁呢一個其實係咪就係我哋喺呢個圖嘅右下角嗰度見到嗰個 QA Department？

D

E

答：係，或者係右上角嗰個 QA manager。

E

F

問：哦，右上角都有，QA manager，即係就係我哋講緊嘅--你喺證人口供講緊嗰個負責批核呢個 plan 嘅？

F

G

答：係。

G

H

問：咁我想問下，制作呢個 plan，除咗你本人之外，瑞安有冇其他人係參與㗎？

H

I

答：我嗰個嘅 QA manager 會幫手。

I

J

問：QA manager 會幫手嘅。仲有冇其...

J

K

答：唔係，唔係，QC manager。

K

L

問：QC manager？

L

M

答：係，地盤嗰個。

M

N

問：哦，QC Manager。即係我哋右下角嗰度見唔見到佢呀，嗰個 QA Department 個團隊嗰度？

N

O

答：係喺 Engineering Department 嗰度。

O

P

問：哦，佢係喺 Engineering Department 嘅？

P

Q

答：嘎，嘎。

Q

R

問：唔。哦，所以其實即係第二個部門嘅人都有參與嘅？

R

S

答：即係喺地盤人...

S

T

問：喺地盤人面？

T

U

問：明白。除此之外，瑞安仲有冇其他職員係會參與製作呢一個嘅 project

U

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quality plan?

C

D

答：佢--QC manager 下面嘅同事。

D

E

問：佢下面嘅同事？

E

F

答：嘎。

F

G

問：Okay。我想問下，呢一度你證人供詞第 5 段就提到，呢一個嘅 project quality plan，就係即係 12 年嘅 1 月 5 號就已經做好，係咪？

G

H

答：係。

H

I

問：其實我就見到呢一個嘅日期，就仲早過即係瑞安同埋呢一個嘅房委會就住呢一單工程嗰個簽合約嗰個日期，我咁樣講啱唔啱？

I

J

答：但係開工日期可能係已經係即係嗰個附近。

J

K

問：你個意思係咩嘢？或者我概括啲咁問你，通常呢一個嘅 project quality plan 係幾時開始做㗎？

K

L

答：即係當 award 咗--即係當係知道 award 嗰個 tender，即係就開始會準備。

L

M

問：即係話通常係房委會落實咗會係判呢一單工程畀瑞安做之後？

M

N

答：係，嘎，嘎，唔。

N

O

問：咁我想問下，你做呢一個 project quality plan 嘅時候，瑞安佢搵咗啲佢所要即係搵嘅分判商未㗎？例如水喉分判商咁樣。

O

P

答：未必全部搵咗嘅，即係可能有部分會搵咗都唔定，但係就因為係其實呢個 project quality plan，係包括晒成個工程入面所有嘅關於品質控制方面嘅嘢，...

P

R

問：明白。

R

S

答：...所以就係話未必係全部已經係分判咗嘅當時。

S

T

問：唔。咁我想問下，即係聽你咁講，即係話可能有啲分判商就搵咗，有啲分判商就未搵嘅？

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答：係。

C

D

問：咁或者我哋 specific 啲，就住葵聯邨二期嚟講，你記唔記得當你即係準備呢一個嘅 project quality plan 嘅時候，瑞安係搵咗呢一個水喉分判商未㗎？

D

E

答：應該搵咗。

E

F

問：搵咗嘅。咁我想問下，你做呢一個 project quality plan 嘅時候，會唔會同呢啲已經搵咗嘅分判商係有任何嘅溝通嘅呢？

F

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G

H

答：冇嘅。

H

I

問：如果係咁嘅話，因為你都話，即係呢一個嘅 project quality plan 底下係會即係包含咗好多工程上需要嘅一啲配件、物料等等。

I

J

答：唔。

J

K

問：如果你係做呢一個 project quality plan 嘅時候，係冇同呢一啲分判商溝通，或者有啲分判商可能都未搵嘅，咁你又即係點樣知道譬如話啊，你要考慮擺啲咩嘢物料落去，考慮唔擺啲咩嘢物料落去，邊啲物料可能係你要 check 多啲，check 少啲咁樣呢？

K

L

L

M

答：因為瑞安嚟講，就已經係做咗--房署工程都做咗好多，即係有一定嘅經驗。

M

N

問：唔。

N

O

答：咁就同埋就係房署工程嚟講，亦都相對係標準化。即係話佢用嘅--即係單位設計、用料，其實基本上係差唔多嘅，其實都係變咗係根據番一路做開嘅經驗，都可以係知道大約係成個工程係需要啲咩嘢嘢喇。

O

P

P

Q

問：唔。

Q

R

答：當然，我哋另外就會特別係專注番個特別章程，或者係啲啲特別改--新嘅規範，咁會留意番啲部分。但係其實一路做開嘅，都係用啲啲材料，都係用啲--做嘅工序，變咗就係啲啲方面其實都可以沿用番之前訂立咗啲啲標準或者啲啲措施。

R

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S

T

問：唔。你頭先就話即係因為即係瑞安做房委會工程都好有經驗，你話可能有好多材料都係一直沿用。咁我明白，即係可能有啲--我哋講緊邊一類型嘅材料，咁可能即係好多工程都係大同小異。

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C

答：嘅。

C

D

問：但係據我理解，譬如就水喉分判商咁講，有啲物料就係瑞安會係提供嘅。

D

E

答：唔，係。

E

F

問：但係即係你都提過，PLU2 嘅物料，喺水喉工程上面就係由瑞安提供，...

F

G

答：係。

G

H

問：...但係有好多物料，包括 PLU1 嗰啲，就係水喉分判商提供，咁佢哋係有酌情權去考慮埋譬如話佢用啲乜嘢牌子、型號咁樣㗎嘛。

H

I

答：係，嘅，嘅。

I

J

問：咁呢一啲就可能其實每一單工程都唔同個囉嗎，係咪呀？

J

K

答：可以嘅，但係就因為始終嗰--我哋同分判商都係--即係尤其是係水喉嗰個，係 back-to-back contract，其實佢基本上都要符合晒合約嘅要求，啲材料。

K

L

M

問：唔。但係換句話說，即係當你做呢一個 project quality plan 嘅時候，即係其實你就未有機會去考慮一下分判商可能會話畀你聽，我用咩嘢牌子，用咩嘢型號嘅物料，即係你未有機會去即係考慮埋呢一方面嘅資料，先至去做呢一個嘅 plan，係咪？

M

N

N

O

答：嘅，亦都有可能，因為始終就係話--頭先講過，即係喺做呢個計劃書嗰陣，其實係未做晒分判。

O

P

P

Q

問：唔。咁想請教下，就係話當呢一個計劃書即係做完之後，咁嗰個 department head 就 approve 咗，咁之後會唔會有任何嘅更新？會唔會有任何嘅修改？即係喺個工程一路去嘅時候。

Q

R

R

S

答：如果係有需要，係會嘅。即係話如果到時做緊，即係發覺有--咩嘢物料有問題，或者有啲新嘅，可能出咗一啲新嘅指引。即係個 client 方面，咁就變咗係會有一啲新嘅物料可能要用嘅呢，咁就變咗係需要修改。

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T

T

U

問：以你記憶所及，即係喺葵聯邨二期，或者我哋專注啲講，譬如水喉工程嗰方面，有冇即係就住呢一個範疇嘅物料、工作程序等等係進行過

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修改呢？

C

D

答：冇嘅，我記得。

D

E

問：冇嘅，唔。好嘞，或者我哋繼續講講嗰個瑞安個團隊嗰個架構。

E

F

答：好呀。

F

G

問：我哋頭先睇咗嗰個 QA Department 嗰度。另外，你嘅證人供詞第 9 段，就提到我相信係另外一個 team，其實頭先你亦都講過，就係嗰個 Engineering Department，係咪呀？

G

H

答：係。

H

I

問：因為你講到 AQCC，咁佢有啲同事就譬如好似係 QCC、SQCC 呢啲職位嘅同事？

I

J

答：係。

J

K

問：咁我哋睇番個大表，個大表就係見到右下角，右邊數過嚟第三個部門就係呢個 Engineering Department，係咪呀？

K

L

答：係。

L

M

問：唔。除此之外，你個證人供詞，我哋睇第 3(d) 段，咁你有提到另一個部門嘅？

M

N

答：係。

N

O

問：咁呢個係呢個 Administration Department？

O

P

答：係，行政部，嘅。

P

Q

問：咁呢度行政部，咁呢度就寫“the administration department”嗰個職責，就係包括係“inventory control”，例如係“inspection and checking of incoming materials and security control such patrolling the site.”咁樣嘅。

Q

R

答：嘅。

R

S

問：咁或者我哋可以有一個 visual 嘅，睇睇喇，呢一個大表嗰度，Administration Department（行政部），就係嚟文--呢個圖表

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嘅左下方第二個部門，係咪呀？

C

D

答：係。

D

E

問：咁我哋見到呢一個部門底下，就有即係--呢度都有少少細節講佢哋做
啲乜嘢，譬如我哋見到有一格就係講“Logistic, Material Order
& Delivery, Transportation”咁樣嘅。

E

F

答：係，係。

F

G

問：咁呢啲都係即係行政部嘅職責？

G

H

答：係呀。

H

I

問：咁我想問下，即係行政部嘅同事，係咪我相信係會即係都係駐地盤？

I

J

答：係呀。

J

K

問：因為佢哋即係所以真係係喺地盤度睇住我哋頭先講呢一啲嘅即係步驟
嘅同事？

K

L

答：係。

L

M

問：咁我呢度即係攞眼睇，程生，就見到即係其實部門之間啲啲人員就有
話一個--即係頭先我講啲幾個部門之間，似乎啲啲同事就有話一個重
疊嘅，即係唔會話一個同事就兩邊坐咁樣嘅，係咪？

M

N

N

O

答：嘎，嘎。

O

P

問：唔。我想問下，即係其實部門與部門之間嘅溝通我想略略了解一下。
頭先我哋就講話即係你同埋 QA Department 嗰度一啲同事，就係會
製作啲個 project quality plan?

P

Q

Q

答：係呀。

R

R

問：係嘞。我想問下，但係你就話 Engineering Department 嗰度都
有同事幫手嘅，係咪呀？

S

S

答：其實頭先個 QC manager 都係 Engineering Department 嘅。

T

T

問：係嘞。

U

U

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V

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B

C

答：嘅。

C

D

問：咁佢哋——頭先我亦都哋都睇過，佢哋就係負責，即係尤其是個 AQCC，你證人供詞都提過，佢哋就係負責即係呈交一啲樣辦上去畀房署，係咪？

D

E

答：係，AQCC 係負責 architectural 嗰方面嘅嘢，...

E

F

問：Architectural 嗰方面。

F

G

答：...另外個 SQCC 就負責 structural 方面嘅嘢。

G

H

問：係，係。但係即係籠統啲咁樣講，即係佢哋其中一個主要嘅工作，就係去呈交一啲物料嘅樣本，同埋資料就畀房署去審批嘅，係咪？

H

I

答：係。

I

J

問：咁我想問下，你製作呢一個 project quality plan 嘅時候，你哋同埋 Engineering Department 會唔會有啲溝通，特別係譬如佢會唔會即係話畀你聽，「呢一個物料就呈交界房署批左嘞，咁所以以你哋就要考慮可能擺落個 plan 度㗎。」會唔會有啲情況係個物料呈交咗，但係可能你哋都唔使擺落個 plan 度，會唔會有啲咁樣嘅溝通嘅呢？

J

K

K

L

L

M

答：其實個 plan 係通常應該係喺早期已經遞咗上去。

M

N

問：即係你哋做咗先？

N

O

答：係呀，係呀。

O

P

問：但係你哋做個一個 plan 嘅時候，究竟即係個一個物料有冇話呈交到畀房署去批，呢個係咪一個考慮？

P

Q

答：呢個...

Q

R

問：或者將會，因為你時序上你話係做個 plan 先。

R

S

答：呢個唔係當時做個 plan 考慮嘅因素。

S

T

問：呢個唔係一個考慮嘅因素㗎嘅？

T

U

答：嘅。

U

V

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問 Okay，或者我哋一陣間去到嗰個 plan 嘅時候，我哋再即係可以再了解一下，究竟當其時你即係個考量嘅因素係點樣。

答：唔，唔。

問：另外又想問下，你哋呢個部門就會即係寫咗究竟即係邊啲物料要進行一啲特別嘅檢驗，譬如來貨嘅時候咁樣，但係即係真正做檢驗嘅，其實就係頭先我哋睇過嗰個行政部，你話嗰啲同事係駐守喺地盤，真係落手落腳？

答：係，係。

問：咁你哋做完呢一個 plan 之後，又有冇同佢哋有啲咩嘢溝通嘅呢？

答：我哋係有--會畀番一個 briefing 畀佢哋。

問：咁個 briefing 係個內容大致上講咩嘢？

答：其實個 project quality plan 做咗出嚟係會即係同啲同事係 brief 番，即係講解番嘅，即係自己啲同事會知道。

問：咁例如就住--譬如話，因為我哋見到呢個 plan 就有九十六種嘅物料，呢度就話係要做檢測。

答：係。

問：咁想問下，就住譬如話呢啲物料，你哋會點樣畀啲咩嘢 briefing、咩嘢指示，畀嗰啲係即係行政部嗰啲真係喺地盤嘅同事，你會點樣教佢哋點做？

答：其實即係話其實一個 plan 點樣講，即係會有--即係講咗係邊啲物料係用乜嘢程度，佢要做嗰個來料檢查，譬如係跟咩嘢程度去做，咁就跟番嗰個--其實就公司已經定咗一個 sampling plan，即係話抽查嗰個計劃，咁就變咗係嗰--會跟番嗰方面去做。另外，其實佢哋個要求，就佢哋行政部係唔知，咁就變咗要係工程部嗰面，即係 AQC--即係或者 QCM 嗰面係會製造--協助佢哋做咗一個檢查嗰個 checklist。因為佢哋個 require（要求）係要靠工程部嗰面畀番資料佢去處理。

問：即係如果聽你咁講--行政部，聽你咁講，即係佢哋就係執行嘅啫？

答：係。

B

B

C

問：頭先你就講到佢哋會有--其中一個有嘅資訊就係呢個 project quality plan 底下嘅一啲指示，例如即係檢測嗰個種類、...

C

D

答：唔，唔，個程度，係。

D

E

問：...頻密嘅程度咁。跟住頭先你提到話 Engineering Department 嗰度都會畀一啲嘅資料佢哋，你提到一個 checklist，想問下呢一個係乜嘢 checklist？

E

F

F

G

答：即係所謂來料嗰度，咁佢嚟睇--嚟 check 都要知道係點樣 check，係個標準係點，邊啲叫做收得，邊啲係唔收得貨，咁就係要根據啲咩嘢去睇，咁就嗰啲資料就係要由嗰個 QCM 嗰面係畀番佢。

G

H

H

I

問：因為我文件夾嗰度，可能我就未有機會睇過呢一個 checklist，咁所以可能要你即係詳細少少同我哋講解一下。

I

J

答：唔，唔，唔。

J

K

問：想知下，究竟呢個 checklist，第一，我哋講物料個種類先，個內容同呢一個 project quality plan 呢度嗰九十六種有冇重複㗎？

K

L

答：冇，其實佢嗰個係--嗰啲物料，係每一種物料係點--係要 check 啲咩嘢嘢，咁就係嗰個標準就係由工程部嗰面係畀資料佢哋，即係可能個牌子係邊隻，係或者嗰啲尺寸係點樣樣，咁嗰個顏色係咩嘢，咁呢啲就要工程部嗰面，因為佢--如果尤其是入咗辦嗰啲，或者定咗係邊啲材料嗰啲，佢哋要俾佢哋嗰面先至知道呢啲資料嘅，咁所以行政部先至可以根據呢啲資料去睇下嗰啲貨係得定唔得。

L

M

M

N

N

O

O

P

問：我明白。即係你頭先你講到，工程部嗰度，即係最主要佢哋嗰個貢獻，就係即係要話畀在地盤嘅行政部嘅人員聽，就係話譬如話，哦，咩嘢辦批咗，係咩嘢牌子諸如此類。但係我想褪番前一步問一問你啫，佢哋嗰個 checklist 嗰度講嗰啲物料，譬如話我哋可能講緊話焊料、水喉或者其他工程嘅物料，嗰啲物料嗰個種類，其實係唔係你就係呢度 project quality plan 嗰啲物料，抑或佢哋自己另外有一個 list？

P

Q

Q

R

R

S

答：就係跟 project quality plan 嗰個。

S

T

問：哦，正正就係呢一個？

T

U

答：唔，嘎。

U

V

V

B

B

C

問：Okay。即係你哋就話畀佢聽有啲乜嘢物料要 check？

C

D

答：係。

D

E

問：同埋係 check 嗰個頻密嗰個次數？

E

F

答：係。

F

G

問：Engineering Department 就話畀佢哋聽關於嗰個物料嘅樣辦、牌子、規格等等咁樣？

G

H

答：嘎，係。

H

I

問：咁另外嗰個 checklist 仲有冇啲乜嘢其他嘅資料，係會話到畀前線人員聽佢哋應該點樣做？

I

J

答：仲有就係如果尤其是有啲係嗰啲貨，跟住嗰個數量係咩嘢情況，不過嗰陣時喺嗰個 sampling plan 都講--都有講到。

J

K

問：都講到。我又問一問你，頭先你就話你哋即係會有一個 briefing 就畀啲前線人員，等佢哋知道點樣去 check 啲物料嚟到點樣嘅。咁我想問下，因為我就見到呢一個 project quality plan 嗰度，即係寫嗰啲物料都係即係用一啲比較概括啲嘅形容詞咁樣。譬如我舉個例問，我諗我都唔需要擺番嗰個 plan 出嚟，你都好熟悉嘞，係咪？

K

L

M

L

M

N

答：哦，哦，得，唔。

N

O

問：嗰個 plan 嗰個“Reduce Inspection”嗰個類別嗰度，有一個項目 22，就係“Copper pipes and fittings”。

O

P

答：係。

P

Q

問：咁我想問下，前線嘅人員，佢哋其實點樣知道即係 copper pipes and fittings 包括啲咩嘢？因為--即係我哋喺個聆訊度，即係我哋而家都學識咗，就話其實都有好多唔同嘅部件，咁佢哋又點知道要 check 啲乜嘢呢其實，就咁知道有一個咁樣嘅 item？

Q

R

R

S

答：即係其實--當然，啲同事即係大部分都係有經驗嘅，即係尤其是係一個主管，佢亦都即係會--即係一般清楚嗰個--即係好似 copper pipes and fitting，咁都知--就係預計就係啲--即係嗰個銅喉，同埋一啲...

S

T

T

U

U

V

V

B

B

C

問：係，呢個好明顯，係，係。

C

D

答：嘎，就係嗰啲 bend、T 嗰類咁嘅嘢。

D

E

問：唔。咁焊料呢，前線人員佢哋點樣知道其實 copper pipes and fittings 包唔包焊料呢？使唔使 check 呢？

E

F

答：即係喺當時，我諗係就一個當時認知或者咩嘢，對呢個焊料，其實我哋係有--冇當係一個係 check--要需要檢測嘅物料。

F

G

問：如果...

G

H

答：係，都係當一啲係啲比較零碎嘅材料。

H

I

問：唔好意思，我明白你前線人員嘅認知，頭先你都講，即係佢哋就負責執行嘅嘢，其實佢哋就唔會話即係自己知道究竟邊啲物料要 check 添，如果你唔話畀佢哋聽。咁但係你哋整呢一個 plan 出嚟嘅同事，你哋有冇諗過呢一個問題，即係究竟 copper pipes and fittings 係應該包啲乜嘢，唔包啲乜嘢，尤其是我哋而家講緊焊料，有冇就呢一個問題思考過嘅呢？

I

J

J

K

K

L

答：當時就即係冇預--即係就算製造呢個 plan，亦都有預計係 check 個焊料嗰啲，即係都係覺得呢個比較零碎啲嘅項目，咁就變咗係只係要 check 嘅材料都係比較一啲--即係頭先講，如果係 copper pipes and fitting 就包括頭先講嗰啲，即係啲喉、啲曲、嗰啲 T 嗰啲咁嘅部件。

L

M

M

N

N

O

問：咁係咪--即係聽你咁講，你話焊料呢一類係比較零碎啲嘅項目，咁係咪其實即係當其時大家有坐埋一齊討論過，就係話「哦，咁我哋就決定唔 check 例如焊料呢啲咁零碎啲嘅項目嘞，我哋就 check 啲乜嘢其他嘅嘢喇」咁樣，有冇一個咁樣嘅討論，我想知道？

O

P

P

Q

答：冇一個好詳細嘅討論，但係就--即係大家即係預--即係喺嗰個當時，係預計嘅都係即係主要大--即係一啲係喉同--即係嗰啲 fitting 嗰啲，即係冇從--即係冇諗到焊料嗰樣嘢。

Q

R

R

S

問：即係淨係諗咗要 check 啲乜嘢，：：但係諗出嚟嗰啲就唔包括焊料嘅？

S

T

答：係嘞。

T

U

問：Okay。好，或者我哋睇一睇下一個議題先。一陣間我都可能會再返番

U

V

V

B

B

C

呢個 plan 度，...

C

D

答：哦，好呀。

D

E

問：...即係我哋可以一步一步嚟。咁就想睇睇你證人供詞嘅第 8 段。第 8 段，因為你嗰個 project quality plan 嗰度有都好幾種嗰啲嘅 control activities，第 8 段特別就講到呢個 material purchasing。

E

F

F

G

答：係。

G

H

問：當中就譬如話我抽幾項出嚟讀，例如呢一度，material purchasing 呢度，你就話即係 require the following actions，咁包括就係 register capable suppliers，我哋見到第一個 bullet point。

H

I

I

J

答：嘅。

J

K

問：咁下面又有 select supplier，中間嗰度。

K

L

答：係。

L

M

問：咁去到最尾我見到又有 assess performance of suppliers 咁樣。

M

N

答：係。

N

O

問：頭先都提到，譬如話就住水喉工程嚟講，咁有啲物料，即係其實好多嘅物料都係由分判商去即係採購、...

O

P

答：供應。

P

Q

問：...供應咁樣。我想問下，喺呢個 project quality plan 底下，當你哋提到 suppliers 嘅時候，你哋係講緊一啲瑞安從佢哋去買料返嚟嘅 suppliers，抑或係咩嘢呢？即係呢個 supplier 你哋係講緊邊個？

Q

R

R

S

答：呢個係主要係瑞安自己提供啲嘢。

S

T

問：主要係瑞安提供啲嘢？

T

U

答：係，係。

U

V

V

B

B

C

問：係淨係瑞安提供啲啲，抑或...

C

D

答：淨係瑞安啲啲。

D

E

問：淨係，okay。咁所以即係你呢個 project quality plan 底下，係咪即係話其實係冇任何嘅條文，係講話如果我哋係講緊一啲分判商嘅 suppliers 嘅時候，要做啲咩嘢咁樣㗎？

E

F

答：啲啲就其實係喺番揀選分判商個面，佢哋應該係喺個面考慮㗎㗎。

F

G

問：你講緊嘅係咪個 procurement committee，即係你話係負責揀分判商個個--啲啲同事，你係咪咁嘅意思，抑或係...

G

H

答：即係其實我哋係--因為啲啲材料已經係分判商負責，其實啲啲係--我哋係變咗係 assess，即係睇--control 嘅係 control 個 subcontractor 個方面去睇。

H

I

J

問：唔，唔。我明白，即係你哋公司就有一個部門係選擇分判商，呢個係佢哋嘅工作。但係即係當分判商揀選咗之後，咁佢哋都會提供好多物料㗎，係咪？

I

J

K

L

答：係。

K

L

M

問：咁都係工程一個好重要嘅部分㗎㗎嘛？

M

N

答：唔，唔。

N

O

問：咁即係點解個個 project quality plan 又唔會話有任何嘅步驟，即係等你哋都會去考慮埋「啊，我哋使唔使睇下分判商啲啲物料個個來源呢？啲供應商即係係點樣嘅呢？」咁樣？

O

P

Q

答：第一，我哋就會係喺管理分判商個個係佢哋要入辦，即係喺個個做 sample submission 個方面。

P

Q

R

問：唔。咁所以就住你嘅工作範圍㗎㗎講，程生，你有冇就任何即係分判商啲啲供應商，係有任何嘅檢測咁樣？即係譬如我或者即係舉個例，譬如我哋大家而家都知道，水喉分判商就係何標記，咁佢有好多物料都係由雋景建材 (Prosperity) 呢間公司㗎㗎。譬如你自己咁樣，當其時你知唔知其實呢個分判商嘅一個主要供應商就係 Prosperity 㗎？

R

S

T

U

答：冇--唔係太清楚，當然佢入辦其實--sample submission 嘅同事

S

T

U

V

V

B

B

C

一定知道，因為佢哋入辦係有講到邊個。

C

D

問：係，嗰邊嘅同事係梗係知道。但係你呢，你哋即係負責呢一個 project quality plan 嘅同事呢？

D

E

答：冇留意嘅。

E

F

問：冇留意嘅？

F

G

答：因為最主要我哋喺--就佢要符合合約嘅材料。

G

H

問：唔。咁所以即係我都可以即係推斷，就係話你同呢一個譬如 Prosperity 呢啲咁樣嘅分判商嘅供應商係唔會話有溝通，有個聯繫咁樣？

H

I

答：係冇。

I

J

問：冇嘅？

J

K

答：同埋即係補充番少少，就係 Prosperity，即係話嗰個焊料，其實即係相對嚟講都唔係--即係呢個價值嗰方面--即係數量方面，都唔係一個主要嘅材料。

K

L

M

問：唔，好，呢個我哋一陣間可以再即係詳細少少傾一傾。咁或者問一問下一個題目先。你嘅證人供詞第 9 段、第 18 段咁樣，都提到即係提交呢一個嘅樣辦呢一個工序嘅--即係呢一個步驟嘅，提交樣辦畀房署。

M

N

N

O

答：係。

O

P

問：你自己本人有冇即係幫手就呢一方面係參與工作㗎？

P

Q

答：冇，冇直接參與。

Q

R

問：冇直接參與。但係你都熟悉個流程㗎喇，係咪？

R

S

答：知道嘅。

S

T

問：係。咁我就想，我哋而家大家都知，就住葵聯邨二期，就瑞安的確係有就住呢一個嘅焊料，係交咗嗰個樣辦畀房委嘅？

T

U

答：係。

U

V

V

B

B

C

問：係嘞，你啲同事嘅口供都顯示，就係呢一個焊料，就係由何標記提供嘅，咁所以即係啲樣辦嘅資料啲啲都係由佢哋交界你嘍喇？

C

D

答：係。

D

E

問：咁你個同事區先生，喺佢個證人供詞嗰度都即係有 exhibit 到一封傳真，或者我哋可以睇睇，文件夾 H1，即係嗰個證人口供嗰個文件夾 H1，72 頁。有冇喺--72 頁，H1。

E

F

F

G

答：係。

G

H

問：係。呢張 fax 你之前有冇睇過？

H

I

答：之前冇。

I

J

問：之前冇。咁或者我哋即係可以 go through 一下。呢一個 fax 就係何標記就畀瑞安嘅一位 Mr Kelvin Yeung。何標記嗰位人員就係 Kevin Kwong。日期就係 2011 年嘅 10 月 31 號，係咪？

J

K

答：嘎，嘎。

K

L

問：咁呢一個 fax，其實就係何標記就住焊料嗰個樣辦係提交一啲資料嘅。

L

M

答：嘎，嘎。咁譬如我哋睇下 fax 下半橛嗰度，就有講到焊料嘅樣辦係“FRY”，嗰個來源就係荷蘭。

M

N

答：係。

N

O

問：跟住我哋再跳落少少，supplier 就係頭先我講 Prosperity 呢間公司。

O

P

答：係。

P

Q

問：呢一個“FRY”呢一個焊料，唔知程先生你自己即係喺呢件事情，呢個鉛水事件發生之前有冇見過嘍？

Q

R

答：都應--都會有啲印象嘅。

R

S

問：我哋睇一睇實物，有印象嘅？

S

T

答：嘎，嘎，因為通常做入辦，如果需要畀房署去批，咁可能都要畀則師去簽，咁即係話有--即係變咗當時都可能係睇到呢樣嘢。

T

U

U

V

V

B

B

C

問：但係你話你有份做呢一個嘅入辦？

C

D

答：即係我同事做呢樣嘢嘅。

D

E

問：你同事做，咁你都有機會見到？

E

F

答：係有，嘎，嘎。

F

G

問：咁所以呢個係你見過，知道嘅？

G

H

答：嘎。

H

I

問：唔。咁我哋就--或者我哋唔需要特登擺番啲文件出嚟，你即係可以 take it from me，我哋就睇到日期上呢一個嘅“FRY”呢一個物料，就係喺 2013 年嘅 2 月 18 號先至係交界房委去審批，其實離呢一張 fax 都有超過一年嘅時間。

I

J

答：唔，唔。

J

K

問：咁而房署就係 2013 年嘅 5 月 20 號就批咗出嚟嘅。

K

L

答：係。

L

M

問：首先，我見你第 18 段，證人供詞嘅第 18 段，或者我哋可以返番去文件夾嘅 tab 11，同一個文件夾，tab 11，第 82 頁嘅第 18 段。咁呢度，程生，最耐個句，你自己都提到就係話樣辦喺房署批核之後，就會係由瑞安就通知番何標記，跟住何標記就會去即係採購啲物料咁樣。咁我想問下，你呢一度，你知唔知道究竟係邊一位同事去通知番何標記㗎？

M

N

答：我唔記得清楚，但係應該係有通知嘅。

N

O

問：有通知嘅。即係你有份參與呢個通知嘅呢個步驟？

O

P

答：哦，係。

P

Q

問：咁你知唔知道係通知番何標記裏面邊個？

Q

R

答：唔係好清--唔係好肯定，不過應該就多數通知番姓鄺嗰位同事。

R

S

問：係。區（程？）生，你都即係知道喺呢一個嘅房屋--房委會嘅工程項目嗰度，就有一個好標準嘅工序，就係要即係起一個木板房，同埋一

S

T

問：係。區（程？）生，你都即係知道喺呢一個嘅房屋--房委會嘅工程項目嗰度，就有一個好標準嘅工序，就係要即係起一個木板房，同埋一

T

U

問：係。區（程？）生，你都即係知道喺呢一個嘅房屋--房委會嘅工程項目嗰度，就有一個好標準嘅工序，就係要即係起一個木板房，同埋一

U

V

V

B

B

C

啲嘅樣辦房咁樣？

C

D

答：係。

D

E

問：我哋嘅理解就係起木板房同埋樣辦房嘅時候，都會起水喉㗎？

E

F

答：係。

F

G

問：咁應該都會牽涉到即係話嗰個接駁水喉嗰個焊接嗰個工序㗎？

G

H

答：木板房就唔需要嘅，...

H

I

問：木板房...

I

答：...因為木板房最主要係睇嗰個--喉嗰個排位，同埋留窿嗰部分，會唔會畀啲--即係啲鐵撞到的窿位，咁所以要修改。

J

問：係，明白。

J

K

答：咁就變咗喺嗰部分係為咗方便修改，其實就通常係唔--喺嗰個--係啲水喉係唔會做個接駁。

K

L

問：唔使焊嘅？

L

M

答：唔使焊嘅。

M

N

問：樣辦房就要，係咪？

N

O

答：樣辦係--樣辦房，係。

O

P

問：因為樣辦房其實即係示範單位咁樣？

P

Q

答：係呀，係呀。

Q

R

問：咁係咩嘢都要做晒出嚟？

R

S

答：係。

S

T

問：你嗰陣時自己有冇話去睇下樣辦房嗰個製作過程？

T

U

答：通常就近差唔多係做起，咁咪會去睇。

U

V

問：咁所以即係雖然你話你知道樣辦房有牽涉到燒焊，但係你就冇睇到嗰

V

B

B

C

個程序嘅，係咪？

C

D

答：冇，個工序冇。

D

E

問：咁我哋從房委畀我哋嘅資料嗰度睇到，葵聯邨二期嗰啲樣辦房，就係2013年5月13號就已經起好。

E

F

答：嘅。

F

G

問：但係如果你記一記頭先我講嘅呢，其實房委係喺同一年嘅5月20號先至批“FRY”呢一隻焊料出嚟嘅。

G

H

答：係。

H

I

問：咁想問下，你哋知唔知點解個樣辦房會係喺個焊料都未批出嚟嘅時候，就已經起好咗嘅呢？

I

J

答：其實係嗰個樣--嗰個 sample 其實係應該喺再早少少嘅時間，係 clerk of works，即係房署駐地盤嘅同事已經睇--check 過，係佢都覺得冇問題嘅。其實最主要係批嗰個日子就係則師正式簽個日子，咁其實應該之前已經知道嗰隻物料係可以--即係可以批到嚟用嘅。

J

K

K

L

L

M

問：唔。你提到房委嗰個 clerk of works 應該之前都睇咗，冇問題，呢個係你嘅估計，...

M

N

N

O

答：因為嗰個好--我同事--即係嗰個日--應該有個日子佢係簽，即係 clerk of work 係早啲嘅。

O

P

問：應該有個日子？

P

Q

答：係。

Q

R

問：你講緊呢個日子會喺邊度出現？

R

S

答：個 sample submit -- sample approval 嗰度。

S

T

問：Sample approval？

T

U

答：嘅。

U

V

問：即係你話喺嗰份 form 嗰度會有？

V

B

B

C

答：嘎，嘎。

C

D

問：咁或者我哋睇一睇嗰個 form。唔好意思，你等一等，程生。

D

E

答：好呀。

E

F

問：我哋睇一睇文件夾 B4.4, 5203。你會唔會喺呢一份文件嗰度搵到你頭先所講嗰個資料？可以幫我哋。

F

G

答：5205 個...

G

H

問：唔。

H

I

答：5205 嗰版？

I

J

問：係。

J

K

答：咁有“clerk of works”嗰個字--嗰個簽名喺度。

K

L

問：5205 嗰版，clerk of works，你係唔係講緊中上嗰個？

L

M

答：最底嗰個。

M

N

問：最底嗰個，係嗰個 Mr CK Kwan，係咪 Project Clerk of Works？

N

O

答：嗰個日子嗰度係 2 月 18 號嘅，嗰日。

O

P

問：2 月 18 號。呢一度我哋見到佢第 3 段嗰度，就話即係呢一個“submitted sample is recommended for approval”，係咪呀？

P

Q

答：係呀，係，嘎，嘎。

Q

R

問：咁所以其實即係房署係--房委係未正式批准嘅？

R

S

答：係可以咁講，係未正式，但係就即係有 clerk of works 就變做一個 prelim 嗰個 assessment，或者係即係跟--check 過，係已經嗰個材料係即係覺得可以--可以用嘅。

S

T

問：唔。即係換句話說，其實你哋總承建商其實就係睇呢一個日期，即係 project clerk of works 話會 recommended 呢個 for approval 呢一個日期，就當咗之後可以即係用嗰啲物料嚟開工咁樣，係咪呀？

T

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C

答：呢個--即係其實都考慮過呢隻物料，即係話不鏽都用開，咁同埋亦都 clerk of works 亦都睇過，咁所以亦都變咗係喺--可能都需要做辦房嗰方面嘅嘢，咁都變咗係可以就喺嗰度係用--即係變咗係會採用佢。

C

D

D

E

問：咁但係其實房委會係有權--即係呢度 recommended for approval，就係房委會有權即係話唔批個啲，係咪呀？

E

F

F

答：因為當時都未大手開工嘅，即係未正式大手採購物料應該係。

G

G

問：咁會唔會出現一個情況，係大手採購物料嘅時候都其實未有嗰個 formal 嘅 approval 嘅情況？以你嘅記憶。

H

H

答：應該通常就唔會嘅。

I

I

問：唔。好，咁區（程？）生，...

J

J

答：程。

K

K

問：...或者我哋去一去你嗰個 project quality plan 嗰度睇一睇。

L

L

答：好呀。

M

M

問：文件夾嘅 B4.5，我哋可以直接去 6669 頁，唔該。

N

N

答：係。

O

O

問：咁呢度都係講緊個 List of material requiring inspection upon delivery and their inspection levels。

P

P

答：係。

Q

Q

問：我想同你跟進番頭先我哋初初你講過嘅一個問題，就係你話因為呢一個嘅 project quality plan 好早就已經做好嘅？

R

R

答：係呀。

S

S

問：咁跟住你就話，其實嗰啲物料有冇交到辦上房委嗰度，唔係一個你哋嘅考慮嚟，我有冇聽錯你講？

T

T

答：嘎，嘎。

U

U

V

V

B

B

C

問：係啱嘅，我咁樣講，係咪呀？

C

D

答：嘎，嘎。

D

E

問：咁我就唔係好明，因為琴日其實都問過區生，或者其實喺你個證人供詞嗰度，我哋亦都睇到，譬如話我哋望一望第 19 段咁樣，第 82 頁，H1。或者你唔介意我讀出嚟嘅呢度。

E

F

答：好，得，好。

F

G

問：佢呢度就話，即係“何標記 procured the plumbing materials specified in PLU1 including soldering materials. Our site staff would inspect the materials delivered to the site in accordance with the ‘List of materials requiring inspection upon delivery and their inspection levels’ at page 9 to 11 of the Project Quality Plan.” 即係正正係喺你面前嘅呢兩頁，係咪？

G

H

H

I

I

J

J

K

答：嘎，嘎。

K

L

問：即係 project quality plan 呢兩頁。

L

M

答：係。

M

N

問：“Visual checks would be conducted to ensure that the materials delivered on to site were the same (in terms of brand, size and colour) as the materials approved by the Housing Authority.”

N

O

O

P

答：嘎，嘎。

P

Q

問：係嘞，我就想問下，如果你做呢一個 project quality plan 嘅時候，係完全冇考慮邊啲辦呈交上房委嘅話--即係有邊啲物料係有交到辦上房委嘅話，咁你點樣去諗「啊，其實我要擺啲咩嘢落去，唔擺啲咩嘢落去」嘅呢？因為你最終擺啲咩嘢落去個目的，睇你嘅第 19 段，都係等前線嘅人員係可以睇下「啊，嗰啲嚟貨係咪同嗰個辦係一致啲，吻合個啲。」如果你做呢一個 plan 嘅時候，係連邊啲辦有交上去，邊啲辦有批都唔考慮嘅話，咁你點樣去諗我要擺啲咩嘢落呢個 plan 嗰度呢？

Q

R

R

S

S

T

T

U

答：其實嗰度睇視乎係咩嘢材料，即係其實係如果係講...

U

V

V

問：我哋講--不如講水喉--即係水喉裝備嘅材料，我哋可以即係變咗可以大家聚焦啲咁樣講。

答：因為如果係--有啲係潔具或者咩嘢，咁佢可能係真係要--或者啲啲就可能要睇番啲樣，如果有顏色嘅，咁咪要睇番佢啲色啱唔啱，或者係要對--啲啲就要對番。但係有啲根本係唔需要睇即係顏色，或者係啲方面嘅嘢，係唔需要一定係擺住個辦去對嘅。

問：唔。我想問下，你話即係喺你做呢一個 plan 啲個階段嘅時候，就有考慮過即係邊啲嘢係要呈交樣辦上房委，另外，會唔會你哋有考慮下，「啊，究竟啲啲物料譬如話佢啲成份係乜嘢，會唔會有啲成份可能係」--我哋即係又係用番水喉工程做例子，「可能係會對人體係有害嘅，或者對即係安全係有害嘅」咁樣，會唔會去考慮呢一啲嘢，去睇下擺唔擺呢啲物料落去呢個 plan 啲度㗎？

答：喺當時其實冇呢個認知，就有考慮呢樣--冇考慮呢一點嘅。

問：冇考慮呢一點？

答：冇考慮。

問：即係或者我再講得 specific 啲，譬如話啲隻物料會唔會有機會含有重金屬，呢一點你哋有冇考慮？

答：冇。

問：冇嘅。所以我就要同你澄清一下，因為--或者你可以去一去你證人供詞第 28 段，H1，84 頁，唔該。或者我又讀一讀出嚟，呢一度你就話 "Soldering materials were not considered to be a high-risk item in the construction industry and no issue had arisen in the past projects in both public and private sectors with regard to the use of soldering material. Furthermore, the Main Contract and the relevant legislation did not require us to check lead content in drinking water. I therefore did not include soldering materials in the Project Quality Plan as an item to be inspected when the materials were delivered to the site or as an action item to be monitored." 如果即係以一個讀者嘅身分去睇呢一段，即係似乎你哋就--你個意思就係你話你考慮咗一啲因素，所以要 therefore did not include soldering material，所以你就決定唔擺

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soldering material 落去。其中一個考慮嘅因素，就係因為嗰個主合約同埋法例底下都唔需要你哋去檢查食水嗰個鉛嘅含量。即係呢一段似乎又同你頭先講有啲唔同，呢一段似乎係話即係你哋係會考慮，譬如話食水會唔會即係有含鉛呢樣嘢，有冇咁嘅要求，咁但係頭先你又話其實原來你做嗰個 project quality plan 嘅時候，嗰啲物料嗰個成分又唔係一個考慮，我想睇下即係點解兩者會有一個矛盾嘅？

答：即係我譬如--因為法例冇要求去 check 嗰啲--嗰方面，所以冇特別留意，即係變咗係嗰嗰方面認知亦都唔會留意到，或者了解到嗰個係--即係焊料係會有一個咁嘅 impact on 即係啲水，食水方面。咁變咗係--即係變咗係嗰嗰方面，就唔會咁覺得呢一個焊料係一個重要嘅即係材料係需要去特別睇得緊。

問：或者我白啲咁樣講，其實當其時係咪冇諗到，即係唔係話特登有諗「啊，因為法例或者個總合約就話我哋唔使驗鉛嘞，所以我哋咪唔使擺焊料落去」，其實係有一個咁樣嘅思考過程嘅，係咪呀？

答：冇特別係咁樣思考--咁樣諗，就係亦都係話有一個咁嘅特別嘅意識去知道呢一樣嘢係要特別去即係檢查，係特別睇得緊嘅。

問：唔，咁好吖，...

答：咁純粹係要跟合約嘅要求啫。

問：唔。就住呢個意識嗰個問題，我又想問你幾個問題。喺鉛水事件發生之前，程生，你亦都知道即係鉛呢一個物質對人體有害，即係呢一個即係常識，係咪你都知嘅？

答：大量係有唔好處嘅，呢個係。

問：係，sorry。

答：大量係有唔好處嘅，即係過量係咁。

問：大量有唔好處。咁房委會嗰個合約要求底下，就係話用嚟接駁水喉管嘅焊料，係要一個 lead-free category，即係我哋或者可以簡稱呢一個做一個無鉛焊料嘅規格，係有呢個咁嘅要求。呢一個你喺事發之前，你自己知唔知？

答：唔係太留意嘅，即係係因為係嗰個冇特別係講到係咩嘢問題定咩嘢，

B

B

C

咁就係純粹係喺--當然係合約其中一個要求，個 spec 嘅要求，但係就冇特別留意係點解有呢樣嘢咁。

C

D

問：冇特別留意點解有呢樣嘢係一件事，留唔留意到有呢一樣嘢，你知唔知道係有呢一個咁嘅要求？可能要講清楚少少，因為即係我哋都想知道，即係你哋行內嘅人當其時嗰個認知嘅問題。

D

E

E

F

答：唔，唔，都唔係好清楚，唔係太深印象，冇乜嘢印象，係嘞。

F

G

問：冇印象嘅？

G

H

答：嘍。

H

I

問：你又知唔知道，即係事發之前又係講，市面上有啲焊料係會係有含鉛，有啲焊料係無鉛，即係有呢啲咁唔同種類嘅焊料供應，你知唔知？

I

J

答：呢個唔知。

J

K

問：唔知嘅。事發之後，即係我從你嘅證人口供都知道，即係你就留意番呢個無鉛焊料嘅要求，頭先我哋所講。

K

L

答：唔，唔，嘍。

L

M

問：咁你亦都話你一直都知道，即係鉛如果大量嘅話係對身體有害，係咪？

M

N

答：嘍。

N

O

問：如果我提議畀你聽話，其實即係好簡單，呢一個無鉛嘅焊料嘅要求，其實背後嗰個目的都係為咗防止如果焊料含鉛嘅話，就希望即係唔好畀呢啲鉛係污染到水喉水，即係飲用嘅食水，呢一個你贊唔贊成？

O

P

P

答：即係--我即係而家睇番晒，...

Q

Q

問：而家。

R

R

答：...就知道係避免即係釋出即係鉛落水度呢個係。

S

S

問：唔。就等唔好話啲食水會對人體有害，即係而家呢個你就贊成嘅？

T

T

答：即係覺得係佢嘅原意可能係咁樣樣囉。

U

U

問：但係當時，即係事發之前，就有深究過呢個問題，聽你講？

V

V

B

B

C

答：冇。

C

D

問：咁頭先程生你就話，你見過呢一種嘅焊料，即係喺你嗰個工作期間？

D

E

答：即係同事有反映過程，佢即係攞畀則師去睇咁都係。

E

F

問：咁你亦都見過，係咪？

F

G

答：都可能--都有望過下。

G

H

問：咁有冇見過其他嘅焊料？

H

I

答：係冇。

I

J

問：程生，你係--你嘅工作係駐守喺地盤㗎嘛，係咪呀？

J

K

答：大部分時間。

K

問：大部分時間。咁我睇你個口供，你都有講話你會做一啲嘅 site inspection，會巡視下個地盤咁樣？

L

答：係。

L

M

問：咁有冇喺地盤嗰度--即係除咗頭先你講話嗰個樣辦嘅過程之外，喺啲同事嗰度見到，喺地盤嘅時候有冇見過呢一種嘅物料？

M

N

答：冇留意。

N

O

問：冇留意嘅。咁有冇見到其他嘅焊料喺地盤嗰度出現過？

O

P

答：冇留意。其實最主要佢--當佢做緊嗰個焊接過程嗰陣，都冇特登埋去睇。

P

Q

問：Sorry，可唔可以...

Q

R

答：即係佢哋即係如果做緊焊接過程嗰陣，係冇特別埋去睇過。

R

S

問：冇埋去睇過？

S

T

答：唔。

T

U

問：想問下你多唔多機會同地盤嘅工人，我哋或者即係 specific 啲咁講，水喉嘅工人接觸㗎？

U

V

V

B

B

C

答：唔多。

C

D

問：唔多嘅。會唔會有機會喺地盤嗰度即係可能都譬如話聽過佢哋講話用焊料咁樣？

D

E

答：冇。

E

F

問：冇嘅。即係所以就你嘅認知，你就冇聽過話譬如話啲水喉工人會點樣去形容呢一隻或者即係其他焊料，冇聽過嘅？

F

G

答：冇。

G

H

問：有冇聽過焊料可以分做一個--我哋呢個可以話係錫線同埋錫條？

H

I

答：冇。

I

J

問：都冇嘅。頭先一開始我都問過你，就係呢個行政嘅部門，就係負責即係真係喺地盤嗰度就去檢測即係啲物料嚟貨個情況。

J

K

答：嘎，嘎。

K

L

問：咁佢哋其中一個工序，即係佢哋其中一個工作嘅步驟，你個證人供詞都提到，就係要睇下啲物料係咪同呢一個嘅批咗嘅樣辦係相符，啱唔啱？呢個係咪佢哋其中一個工序？

L

M

M

N

答：即係嚟料係咪即係我哋即係接受啲啲，係即係要採用啲啲。

N

O

問：係嘞，咁你話啲啲資料就會係由 engineering department 啲啲同事就畀番佢哋咁樣？

O

P

答：係。

P

Q

問：咁但係至於啲啲要檢測啲乜嘢嘅種類，啲啲其實就跟番個 project quality plan？

Q

R

答：係，唔，唔。

R

S

問：咁我想問下如果唔係個 plan 入面嘅物料，佢哋要嚟貨，咁你知唔知道個程序係點樣？

S

T

T

U

答：其實通常如果要入料落地盤，咁都一定要通知我哋，通知瑞安嘅，即係啲判頭，咁即係--因為如果唔係，要畀位置佢擺嘅，如果係大量啲

U

V

V

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B

C

啲。

C

D

問：係。

D

E

問：同埋即係話啲--即係都有個保安方面嘅問--嘅安排，即係話即係啲嘢入嚟都要經過保安，即係個閘，咁所以畀唔畀佢入，咁都要通知咗先嘅。

E

F

問：你就提到，你話逢係嚟物料都要通知瑞安？

F

G

答：嘎。

G

H

問：咁即係意思即係話就算個物料係唔包喺個 project quality plan 個度，只要有料運嚟，就要通知瑞安，係咪呀？

H

I

答：如果唔係，佢未必入到地盤。

I

J

問：想問下，係通知瑞安邊啲同事？

J

K

答：行政部。--即係話佢先先啲料會通知老總，即係 project supervisor 個邊，即係 foreman 喇，即係話有料嚟喇，咁變咗就會通知番行政部啲同事，就再通知個保安個面。即係到時佢嚟嘅話要畀佢入喇，同埋安排位置，即係個--即係畀佢擺。

K

L

問：Okay，係。咁呢一個係公司個既定嘅程序嚟嘅，係咪呀？以你嘅理解。

L

M

答：係，即係一般都係咁樣做。

M

N

O

問：一般都係咁做，就無論係咩嘢物料都要，係咪？

O

P

答：應該係，即係佢要搵--佢要有--尤其是如果係車入嚟啲，咁佢公司一定要通知嘅。

P

Q

問：唔。我想問下呢一個既定程序，有冇啲咩嘢，譬如話記錄啲咩嘢文件個度咁樣？

Q

R

答：冇嘅。

R

S

問：冇嘅。咁呢一個程序又點樣--即係你點樣確保即係譬如話喺地盤嘅駐守前線人員，佢哋會知道呢？

T

T

U

答：即係行政部佢哋，佢哋係...

U

V

V

B

B

C

問：唔，係喇，尤其是佢哋。

C

D

答：即係其實佢因為負責保安，佢即係啲車出入，即係所有出入，佢出入閘都要做控制，其實係呢個係變咗係即係大家一早講咗係會咁做法。

D

E

問：係，即係大家可以話約定俗成咁樣？

E

F

答：嘎，唔。

F

G

問：但係因為有啲物料係由分判商佢哋去採購，係咪？

G

H

答：係。

H

I

問：咁分判商佢哋又知唔知道其實你哋有呢一個既定嘅程序嘅呢？

I

J

答：佢知嘅，如果唔係佢入--即係話啲點樣運料嚟，佢入唔到嚟㗎嘛。

J

K

問：係。咁你個意思即係話分判商佢哋凡係有物料嚟，都應該係--而佢亦都知道係要通知行政部嘅人員個嗰？

K

L

答：嘎，即係尤其是啲啲係大--即係話車出入啲啲，或者係大--即係要位置擺放啲啲，如果唔係佢入去--即係話車係唔畀佢入嘅。當然如果佢好細嘅物件，根本佢自己可以搵到入嚟嘅，咁啲啲係冇人知，即係睇唔到囉啲啲就，咁就有控制，即係啲啲就變咗係未必會知得到。

L

M

M

N

問：你而家就即係整咗一個區分話一啲大嘅物料，就要擺入嚟，因為要畀位佢擺？

N

O

答：同埋如果佢車入嚟，佢都一定要通知我哋。

O

P

問：車入嚟都要通知？

P

Q

答：唔。

Q

R

問：咁細嘅物料，你就話「佢可能擺咗入嚟，咁我哋都未必留意到嘞。」咁呢個可能係實行上嘅一件事，但係我想問番個程序先，個程序係究竟係所有物料都要--即係無論大細都好，都要通知嘅，係咪？即係如果你講緊公司個既定程序，係冇話分話「okay，咁你大嘅物料你就通知我，細就由佢，你就自己擺入嚟」？

R

S

S

T

答：係，應該係。

T

U

U

V

V

B

B

C

問：即係程序就係不分大小嘅？

C

D

答：嘅。

D

E

問：但係你頭先話有情況係可能細嘅物料，就佢可能有通知到你哋都唔知咁樣？

E

F

答：因為呢個最主要係其中一個--頭先講，即係一就係 site logistic，咁物料擺放我哋要考慮。另外，就係話車輛出入個度，我哋都要睇，如果唔係啲車出入得嚟--佢哋出--我哋唔畀佢出去嘅，亦都要寫番出圍紙先出得去嘅，即係變咗係呢方面佢哋一定要通知咗我哋，佢先可以入到嚟，出到去。

F

G

G

H

H

I

問：似乎即係話你如果係咁講嘅話，即係話雖然個既定程序就有喺度，就即係無分大小都要通知你哋，但係其實實際上，你哋即係似乎個公司就好倚賴譬如話一啲分判商或者前線人員，去考慮究竟其實有呢個物料嚟通唔通知，即係其實嗰個決定權係擺咗喺佢哋度個嘢，係咪呀？

I

J

J

K

答：應該就係--唔可以咁講嘅，其實基本上佢--即係除非佢有心即係係唔講，呢個就即係另一個睇法。

K

L

L

M

問：唔。我想問下，就住譬如話，另外頭先你講，除咗物料大小之外，其實你話保安都係一個考慮，係咪？

M

N

答：唔，唔。

N

O

問：咁保--我哋講到保安嘅話，似乎就同嗰樣物料嘅大細就有關係，因為如果譬如假設佢有一件好細嘅，但係可能係有危險品，唔應該帶入地盤嘅，咁都唔可以畀佢亂咁擺入嚟個嘢，都要通知你哋個嘢，係咪呀？

O

P

P

Q

答：其實嗰個即係話--即係冇--講緊當時即係唔會話預計話咩嘢危險品嗰方面嘅嘢。

Q

R

問：唔。咁你保安嘅意思係咩嘢呢，其實？

R

S

答：即係話啲物--即係話如果會唔會搵走呢啲嘢走，嗰方面嘅嘢。

S

T

問：嚟咗會唔會...

T

U

答：即係就車--如果有啲車出入，車嚟咗，咁即係走，佢又要--即係變咗係我哋都要檢查下啲車出入。

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問：唔，唔。我想問下，你知唔知道即係就住焊料咁樣，水喉分判商係負責即係去採購同埋運嚟地盤，咁你知唔知道就住焊料，工程--唔好意思，行政部嘅人員係會唔會要求要去即係通知運送到咁樣？

答：因為焊料其實唔係喺呢個--即係唔係喺檢測個範圍入面，咁就算即係佢有料嚟，亦都唔會係特別去--即係會去安排個檢測嘅。

問：檢測係一件事，呢個我知道，即係因為唔包喺個 plan 度，你哋就話就唔 check。咁但係頭先你講話公司個既定程序係無論個物料大細都好，理論上係應該通知，咁所以嗰個焊料有冇通知，即係你哋會即係通知瑞安話係會到場，呢個你知唔知？即係 as a matter of fact 咁樣講。

答：呢個唔清楚。

問：呢個唔清楚。事後有冇問下啲前線嘅人員？

答：因為到料，佢未必話好詳細啲--即係講清楚每一樣細--即係項目係咩嘢，即係總之佢係可能有料嚟，佢需要擺放嘅，我哋就變咗係要安排位置畀佢，如果係發覺係大批嘅，可能喉嚨啲咁樣。

問：唔。

答：咁但係如果係唔係大批嘅料，而最主要跟住就係睇番佢啲啲材料係--即係如果係都唔係啲即係要檢測嘅物料，咁其實就亦都唔會特別去睇佢啲樣嘢。

鄭小姐：我有其他問題。

主席：唔該。有冇人有問題？冇？

:

林先生補問

問：我有幾個範疇想問一問你嘅，或者我去一去呢個--首要嘅問題就係啱啱鄭大律師有問過你關於嗰個時間上，你撰寫個 PQP，如果你睇番第 5 段，你撰寫嘅 PQP 就係 1 月 5 號，2012 年嘅，你見唔見到？

答：係。

B

B

C

問：咁佢就--鄭律師就話你哋瑞安同房署簽嗰個合約係 4 月 23 號，係 2012 年，所以你個 PQP 就係撰寫先過嗰個簽署嘅。但係你亦都記唔記得瑞安同埋房署其--或者瑞安--房署 award 咗呢一個 project 係响 8 月 4 號，2011 年，你記唔記得？

C

D

D

E

答：係，應該係。

E

F

問：應該係。即係換句話講，佢 award 咗嗰個...

F

G

答：工程。

G

H

問：或者個--award 咗個 project 先，而再去到二零一--award 嘅 project 就係 2011 年，但係去到 2012 年先至正式簽署嗰個正式嘅 contract，係咪？

H

I

答：係，係。

I

J

問：所以即係換句話講，你係知道嗰個瑞安就已經獲得呢一個 project，你先至或者係 prepare 呢一個 PQP 嘅，係咪呀？

J

K

K

L

答：哦，係。

L

M

問：咁當然你 prepare PQP 嘅時候，有一啲 subcontractor 已經我哋就預先埋咗位，有一啲就未埋位，...

M

N

答：係。

N

O

問：...但係咁當然當時你又會唔會考慮到有一啲已經埋咗位嘅 subcontractor 嘅會用嘅物料，响你撰寫 PQP 嘅時候？

O

P

答：冇特別去睇呢樣嘢，一定係--尤其是就房署工程嘅，頭先都講過，响用嘅材料其實即係都差唔多嘅，即係佢會比較標準化。

P

Q

Q

R

問：係。其實你--我唔知道呢個答案係咪其實都係比較明顯，因為其實大部分嘅材料都係沿用不鑿用開嘅，而反而需要注重或者你撰寫個 PQP，會注重嘅時候，係睇下有咩嘢新嘅物料或者新嘅程序係特別咗嘅，然後再加落去，係咪？

R

S

S

T

答：係，一定係咁。

T

U

問：Okay。咁我哋去番呢個--或者我再問一問關於你呢個 PQP 一個嘅問題。我哋琴日就聽到區生講，個 PQP 其實撰寫嘅時候，亦都係有包含

U

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到所有之前瑞安啲物料，或者係啲啲 items 係有過事情發生過，亦都有包含其他嘅安全嘅因素，而去擺呢啲咁嘅 items 落去嘅，你係同唔同意呢個講法？

D

D

答：哦，係，係。

E

E

問：係咪係有好多其他嘅因素，係咪？

F

F

答：會考慮係其他一系列嘅原因。

G

G

問：咁我就去到呢個關於 B4.4，或者你睇一睇嗰個 sample submission and approval form。B4.4，item 86 嘅 5204，唔該。你睇到 -- 如果你睇 5204，就去到最下面嗰個“Contract Manager’s Representative”，就係 5 月 20 號，2013 年嘅時候先至 approve...

H

H

I

I

J

J

答：哦，係。

K

K

問：...係個 architect？咁你就指出咗其實 2 月 18 號，2013 年，之前個 clerks of work 已經基本上你知道呢隻物料係會可以沿用㗎嘞，係咪？

L

L

答：係呀。

M

M

問：你指出咗呢個時間上。咁鄭大律師就問「其實房署係有權唔批呢一隻物料，你唔會 -- 冇理由會用咗先嘅？」即係個意思係咁。

N

N

答：嘎，嘎。

O

O

P

P

問：或者我想問，首先，呢一隻物料係咪我哋知道，或者見到咁多個不同嘅 subcontract--main contractor 都係用呢隻物料，係咪呢隻“Fry”？

Q

Q

答：其實因為佢 job reference 係睇到係好多嘅。

R

R

問：咁亦都係沿用咗好耐嘅，呢隻物料？

S

S

答：係呀。

T

T

問：咁有冇試過話呢一隻物料係試過唔批過嘅呢？

U

U

答：冇喎。

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問：冇？

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答：即係我所知就有。

D

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問：或者最後一個問你，你就啱啱有個答案就係話當啲工人去燒焊嘅時候，你就係冇埋去睇，埋去留意佢嗰個用緊咩嘢焊枝咁嘅情況，冇埋去係咪因為當時佢做緊嘅時候有危險，或者？

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答：因為佢通常如果燒焊就要用火槍去咩嘢，咁所以變咗係唔會近距離去睇。

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問：唔會近距離去睇？

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答：嘎，嘎。

I

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林先生：主席，我有其他。

J

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K

L

主席：唔該。畀完口供，可以走得。

L

M

答：哦，可以得？

M

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主席：係呀，係呀。

N

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答：好，唔該。

O

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主席：我哋晏晝兩點半再繼續，好，唔該晒。

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下午 12 時 48 分聆訊押後

Q

R

下午 2 時 34 分恢復聆訊

R

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出席人士如前。

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主席：Mr Lam。

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林先生：係，主席，最後一位瑞安嘅證人係溫偉豪，係响 H1 item 12 86。

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瑞安承建有限公司（“瑞安”）（葵聯邨第二期的總承建商）的第三證人：
溫偉豪（瑞安工程經理（葵聯邨二期地盤代表））以本地話宣誓作供
林先生主問

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問：溫先生，我將會讀出你嘅證人口供，如果你有任何地方需要修改嘅時候，就請你通知我，我讀完之後喇，當然。

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林先生：主席。

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COMMISSION OF INQUIRY

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INTO EXCESS LEAD FOUND IN DRINKING WATER

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WITNESS STATEMENT OF MR. WAN WAI HO

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FOR

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SHUI ON BUILDING CONTRACTORS LIMITED

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1. I, WAN Wai Ho, am the Construction Manager of Shui On Building Contractors Limited (“**Shui On**”). I am duly authorised by Shui On to make this statement on its behalf.

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2. I joined Shui On in 1997 as a Graduate Engineer with a Civil Engineering degree. I was the Site Agent of the Kwai Luen Estate Phase 2 project (the “**Project**”), and was stationed on site of the Project. I reported directly to the Project Manager, Mr. Ching Shiu Hong. My primary role was to assist the Project Manager with

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coordinating and overseeing the daily operations on site. During my tenure with Shui On, I have been involved in 4 completed and 1 ongoing Housing Authority public housing projects.

3. In this Witness Statement, I shall address Questions 1, 2, 6, 8, 10 and 11 of the Commission's list of questions set out in Messrs. Lo & Lo's letter dated 16 October 2015 to supplement the evidence given by Mr. Au Choi Wa and Mr. Ching Shiu Hong.

Question 1: Describe and explain the steps and procedures in the construction and installation of the fresh water plumbing system in the Affected Estate

4. PLU1.W110.5 of the Main Contract (**Bundle B2/597**) required Shui On to carry out all plumbing installation works mentioned in the Specifications and shown on the drawings by a contractor or a licensed plumber as approved by the Water Services Department. In compliance with this provision, we sub-contracted out the plumbing works outside the pump room to Ho Biu Kee, and the plumbing works inside the pump room to Shun Cheong. Ho Biu Kee appointed Mr. Lam Tak Sum, and Shun Cheong appointed Mr. Yue Kam Man as the Licensed Plumbers for their respective plumbing works. I understand that Shun Cheong is not an involved party in the Inquiry. I therefore confine my discussion below to Ho Biu Kee only.

5. Before the commencement of the plumbing works, the Authorised Person and the Licensed Plumber submitted Form WWO46 Part I on 10 May 2012 to notify the Water Services Department of the commencement date and the scope of plumbing works to be carried out. The Authorised Person and the Licensed Plumber proposed a list of the intended plumbing materials to be installed in the Annex to Form WWO46 Part I and

certified that those materials were as prescribed in the Waterworks Regulations (**Bundle B4.3/5017**). At the same time, the consumer or his agent also submitted Form WWO46 Part II on 14 May 2012 (**Bundle B4.3/5018-5021**). Shui On was not involved in the submission or signing of these forms.

6. I understand that the Water Services Department completed Form WWO46 Part III on 14 June 2012 and sent it directly to the Licensed Plumber, stating that the plumbing works detailed in Form WWO46 Part I and its Annex were accepted and that the commencement date of the plumbing works as detailed in Form WWO46 Part I had been noted [**Bundle B4.3/5044**].

7. Subsequently, Ho Biu Kee submitted samples of the plumbing materials they proposed to use under its Sub-Contract for Shui On's onward submission to the representative of the Contract Manager for his/her approval. The records of these submissions with test results can be found in **Bundle B4.4**.

8. Upon receiving the Contract Manager's approval of the proposed plumbing materials, we informed Ho Biu Kee accordingly who then proceeded to order or otherwise procure the plumbing materials.

9. Ho Biu Kee proceeded with the plumbing installation works on site under the supervision of their site representatives and the Licensed Plumber. Shui On's site staff would check the standard of workmanship of the plumbing works in accordance with the "Project Process Instructions" ("**PPI**") for Plumbing & Drainage dated 12 December 2011 as referred to at page 38 of the Project Quality Plan [**Bundle B4.5/6811**]. The Contract Manager Representative of the Housing Authority also conducted surveillance checks of all the works, including the plumbing works [**Bundle B4.3/4273-4438**]. The further details are set out in my answer to Question 2 below.

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10. Upon completion of the testing and commission of the plumbing system, the Authorised Person, the Licensed Plumber, and an agent whom I understand was from the Housing Department prepared and submitted Form WWO46 Part IV on 4 April 2014 requesting the Water Services Department's inspection of the plumbing system [**Bundle B4.3/5045**]. The Authorised Person was responsible for certifying the correctness of the meter positions indicated by the Licensed Plumber in Form WWO46 Part IV.

11. I understand that the Water Services Department carried out the site inspection of the plumbing system of the Project with the Licensed Plumber on 14 April 2014. The Water Services Department collected and tested water samples and sent the water examination report on the 8 parameters (i.e. turbidity, colour, pH, free residual chlorine, conductivity, total coliforms, E.coli and heterotrophic plate count) dated 14 April 2014 to Ho Biu Kee [**Bundle B4.4/6137**]. Shui On was not involved in this process.

12. Upon obtaining satisfactory inspection and testing results, the Water Services Department issued Form WWO46 Part V dated 17 April 2014 [**Bundle B4.3/5048**] directly to the Licensed Plumber certifying that the plumbing works of the Project detailed in Form WWO46 Part IV was approved. The Licensed Plumber then sent a copy of Form WWO46 Part V to Shui On to report on the completion of the plumbing works on 17 April 2014. It was not sent to Shui On as Shui On had no statutory role to play. Rather, under the Waterworks Ordinance and Regulations it was the Licensed Plumber who had that statutory role and responsibility.

13. The Water Services Department then issued the "Water Certificate" for the Project on 28 April 2014 [**Bundle B4.3/5085**].

14. On 26 May 2014, we submitted a method statement [**Bundle**

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B.4.4/5961] to the Housing Authority in respect of the cleaning and disinfection of the fresh water inside services pursuant to the Architect's Instruction No. 54, a copy of which is attached in Exhibit "WWH-1".

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林先生：Chairman, that's at pages 99 to 118.

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15. We then carried out the cleaning and disinfection of the fresh water inside services for Luen Yat House and Luen Yuet House on 30 June and 2 July 2014 respectively. We engaged Qualitech Testing & Consultancy Limited to conduct testing for chlorine in the water system as required under the Architect's Instruction No. 54 at Luen Yat House and Luen Yuet House on 2 and 3 July 2014 respectively.

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16. On 16 July 2014, we received a laboratory test report from Qualitech Testing & Consultancy Limited stating that the plumbing system of the Project met the requirements for chlorine levels as set out in Architect's Instruction No. 54 [**Bundle B.4.4/6110**].

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Question 2: With reference to the steps and procedures outlined above, explain the role and responsibilities of your client and the respective role and responsibilities of its sub-contractor(s), licensed plumber(s) ("LPs") and other person(s) in the contractual, construction and post-construction stages relating to the installation, supervision of work, inspection, certification of completion, monitoring and maintenance of the fresh water plumbing system as far as controlling the content of lead of the Plumbing Materials is concerned, stating the procedures, criteria and standards involved.

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17. The plumbing materials ordered by Ho Biu Kee were delivered on site and the delivery notes were addressed directly to Ho Biu Kee. Their own site staff would take receipt of these materials and countersign the delivery notes to acknowledge receipt. Therefore, neither I nor my subordinates have received or seen any these delivery notes addressed to Ho Biu Kee. We would inspect those plumbing materials as stated in our Project Quality Plan after Ho Biu Kee has accepted delivery.

18. In the Witness Statement of Ho Man Piu [**Bundle K1/11**], Mr. Ho Man Piu appends a bundle of delivery notes from its supplier, Prosperity Building Materials Company Limited, as part of its response to the Commission's Question 11 [**Bundle K1/59**]. I can unequivocally say that I have never seen any of these delivery notes issued by Prosperity Building Materials Company Limited to Ho Biu Kee until now [**Bundle K2/1207-1218**]. All of these delivery notes were addressed only to Ho Biu Kee and their officer-in-charge. I also note that the signature block for each delivery note specifically names Ho Biu Kee as the recipient, which are all duly signed and bear Ho Biu Kee's company chop. Shui On's company chop cannot be found on any of these delivery notes.

19. These delivery notes are all for minor sundry items such as solder, flux, tape, etc. which are not on the list of 96 categories of materials which Shui On will inspect upon delivery as part of its Project Quality Plan. As Mr. Ching Shiu Hong and I have explained, it is impossible for Shui On to check each and every delivery of materials of the Sub-Contractor, especially for minor sundry items such as solder or steel tying wire. As part of Shui On's Project Quality Plan, only important items would be checked. It is not Shui On's job to micromanage each step of the Sub-Contractor as if it were an employee. Sometimes materials delivered to site may not necessarily be for

that site. Ho Biu Kee may have asked the supplier to deliver materials to the Project site for reasons which we do not know.

Qualification of workers

20. As stated in Mr Au Choi Wa's witness statement, Special Conditions of Contract Clause 133 [**Bundle B4.2/3481**] and PRE.B6.340.A [**Bundle B4.2/3517-3521**) of the Specification required all plumbers to be either (i) registered skilled or semi-skilled workers or (ii) skilled or semi-skilled workers holding a full (大工牌) or intermediate (中工牌) trade test certificate issued by the Construction Industry Authority or the Construction Industry Council Training Academy.

21. To ensure that Ho Biu Kee hired skilled or semi-skilled workers for the plumbing works in accordance with such contractual requirement, Shui On required every skilled and semi-skilled worker to submit his/her requisite certificate on the first day that they entered the site.

22. Additionally, on or about the 15th of each month, a representative of the Contract Manager of the Housing Authority conducted monthly surveillance checks with our site staff. In preparation for these monthly checks, my predecessor and I prepared and submitted a Record of Trade Test Workers (Form No. 6204) [**Bundle B4.2/3902**] to the Housing Authority of the qualifications and certificates of the skilled and semi-skilled workers on site who carried out specialist works including fresh water plumbing installation. The Housing Authority did not raise any issues regarding the qualification of the workers during the course of the Project.

23. Ho Biu Kee commenced their plumbing works in June 2013 and completed the works in April 2014. It had

approximately 10 months for the execution of the plumbing works under the Sub-Contract, which I consider to be a reasonable period for works of this scale. I therefore disagree with Ho Man Piu's contention in paragraph 18 of his Witness Statement [Bundle K1/60] that the plumbing works had to be completed in a very tight programme for Kwai Luen Estate Phase 2. From my record, Ho Biu Kee has deployed a steady number of workers on site to carry out the plumbing works during the 10 month period.

Question 6: Explain and identify the types of Plumbing Materials submitted to HA for approval.

24. I set out below a list of the plumbing materials submitted to Housing Authority for approval:

"Plumbing Material:

(1) Gunmetal Puddle Flange (50-200 mm diameter);
Procured by Ho Biu Kee.

(2) ..."

主席：呢個唔使讀，呢個。呢個 table 唔使讀。

林先生：好。主席，或者讀(9)，maybe (9) relevant。

"Brazing Alloys & Soldering Alloys for Copper Fittings System; Procured by Ho Biu Kee."

主席，可能其他都唔係咁 relevant。好，咁我繼續响 25 段再讀。

25. As mentioned by Mr. Ching Shiu Hong, Ho Biu Kee procured the plumbing materials specified in PLU 1 whereas Shui On procured the sanitary fittings and appliances

specified in PLU2.

Question 8: From the preliminary findings of the Water Services Department Task Force published on 25 September 2015, Plumbing Materials (including valves and taps) were used which deviated from the list of Plumbing Materials submitted to the Water Services Department ("Deviated Plumbing Materials"). Please explain and identify the Deviated Plumbing Materials and also, to the best of your Client's knowledge, why the Deviated Plumbing Materials were allowed to be used without being spotted during the supervisory and monitoring processes. This request is confined to Deviated Plumbing Materials which have now been found to contain lead or from which lead has leached into water.

26. Annex 3.2 of the Final Report of the Task Force on the Investigation of Excessive Lead Content in Drinking Water dated October 2015 (**Bundle A1/650**) contains a list of the deviated plumbing materials as follows:

林先生：主席，呢個表使唔使讀？

主席：唔。

林先生：唔使。

27. The copper alloy fittings (both 50 mm and 35 mm diameter gate valves) and the pressure reducing valve contained lead as required by the Specification. Mr. Au Choi Wa will identify the specific clauses in the Specification in his answer to Question 3. However, I do not know whether those deviated plumbing materials actually leached lead.

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C 28. I have checked our records and confirm that we had
D sought and received approval from the Housing
E Authority based on Ho Biu Kee's proposal to use the
F so-called "deviated" plumbing materials listed above.
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H 29. The Licensed Plumber had contractual and statutory
I duties and obligations (under s. 14 of the Waterworks
J Ordinance and Regulations 3/5 of the Waterworks
K Regulations) to prepare, complete and ensure the
L accuracy of Form WWO46. Shui On had no involvement
M in the submission of Form WWO46 to the Water Services
N Department. During the entire process, Shui On acted
O only as a liaison between the Licensed Plumber and the
P Housing Authority, transmitting the forms from one
Q party to the other.
R

S 30. According to the Water Services Department Circular
T Letter No. 1/2004, paragraph (g) states that whenever
U there is any minor alteration initiated by the Licensed
V Plumber, the Licensed Plumber has to return a copy of
the previous Form WWO46 with his signature and date
on each entry of such alteration(s). This has to be
done before the staff of the Water Services Department
conducts its inspection. Paragraph (j) also states
that when the Licensed Plumber has rectified the
irregularities, the Licensed Plumber has to re-date
Form WWO46 and submit this to the Water Services
Department. In the present case, the Licensed Plumber
did not involve Shui On in this process and Shui On
was not aware if the Licensed Plumber had complied with
these requirements. Since the Water Services
Department inspected the plumbing works and certified
in Form WWO46 Part V that no irregularities were found,
we were not aware of and had no reason question whether
there was any deviation between the plumbing materials
used on site and those stated in Form WWO46 Part I.
After all the Water Supplies Department did certify
in Form WWO46 Part V.

31. We asked Ho Biu Kee why the brands and models of

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plumbing materials installed on site deviated from those stated in the Annex to Form WWO46 Part I and which were approved by the Water Services Department in the Form WWO46 Part III submitted on 14 June 2012. By letter dated 11 September 2015 (**Bundle B4.5/6753**), Ho Biu Kee responded as follows:

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"1. 本公司沒有上述地盤 WWO46 表格之修正紀錄。

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2. "Opal" 銅喉水務署批核文件 — 根據彬記 (國際) 有限公司 2003 年 4 月 22 日呈交水務署之信件及水務署於 2003 年 4 月 28 日之回覆, 金屬喉管及配件并不納入批准類別, 因此本公司未能提交水務署批核之銅喉文件, 有關之信件請看彬記信件編號 030422 及水務署信件編號 (2) in Water Services Department 3320/6/1/98 Pt.4T/J(19)。

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3. "Welson" 減壓制水務署批核文件 — 根據水務署於 1989 年 7 月 31 日之信件, 減壓制并不納入批准類別, 因此本公司未能提交水務署批核之減壓制文件, 有關之信件請看水務署信件編號 (58) in FA8/1325/MNE。

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4. "Crane" 銅配件水務署批核文件 — 請參閱水務署信件編號 (8) in Water Services Department 2198/38/94 Pt.5。"

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

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32. The project management team of Shui On had the responsibility to uphold the quality and standard of both materials and workmanship of the Project and ensure compliance with the requirements of the Main Contract. The project management team included:

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- the Project Manager (Mr. Ching Shiu Hong);

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- the Site Agent (myself);
- the Quality Control Manager (Mr. Tse Sui Pong); and
- the Architectural Quality Control Coordinator (Mr. Man Kwan Wa)

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Procurement Stage

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33. At the procurement stage, Ho Biu Kee proposed and submitted samples of the materials for the plumbing works. Our Architectural Quality Control Coordinator, Mr. Man Kwan Wa, prepared the Sample Submission and Approval Form to the Housing Authority for approval based on Ho Biu Kee's submissions.

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Construction Stage

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35. At the construction stage, we implemented quality control on workmanship. Our Quality Control Manager, Mr. Tse Sui Pong, and his subordinates regularly checked the standard of workmanship of the plumbing works in accordance with the PPI which states the following:

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- All pipework must be accurately connected regarding

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type, size and usage

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- All pipework to be plumb (i.e. vertical alignment).

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- Pipework must be tested to ensure no leakage.

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- Pipework must be securely supported by pipe brackets and hangers installed at specified intervals. For runs with bends, support should be fixed as near to the bend as practicable.

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- Flexible connectors and expansion joints must be installed and adjusted in accordance with manufacturer's recommendations to ensure proper functioning.

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36. Shui On's foremen also carried out random inspection and reported to Quality Control Manager, Mr. Tse Sui Pong, if they identified any defects in the plumbing works.

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37. My sub-ordinates and I conducted monthly surveillance checks with the Contract Manager's representative of the Housing Authority. In particular, we checked if the plumbing works were carried out by skilled or semi-skilled workers as required under the Main Contract. I also submitted a return of the skilled workers' certificates to Housing Authority on the 15th day on a monthly basis [**Bundle B4.2/3920-4272**].

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38. My sub-ordinates and I had weekly meetings with Mr. Wong Kwai Hung (黃貴雄) of Ho Biu Kee to discuss the quality and progress of the plumbing works.

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Completion Stage

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39. At completion stage, our site staff under the management of the Quality Control Manager, Mr. Tse Sui Pong and the representatives of the Housing Authority

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were responsible for inspecting the completed section before covering up as mentioned in the "Construction processes to be inspected by request for inspection forms" of our Project Quality Plan.

40. Our site staff under the management of the Building Services Engineer, Mr. Leung Lai Kit conducted system testing in accordance with System Testing Checklist in relation to the plumbing and drainage installation contained in the Project Quality Plan to ensure that the plumbing system functioned properly in accordance with the specification requirements. The checking works focused on the functional performance of the system such as hydraulic testing.

Question 11: Explain the steps taken by the persons identified in the 2 preceding paragraphs in ensuring that (a) the work in connection with the construction and installation of the Plumbing Materials was carried out by workers with sufficient training and qualifications, and (b) on approved and lead-free Plumbing Materials which comply with the Contractual Requirements, statutory and non-statutory requirements will be used in the construction and installation of the fresh water plumbing system.

41. Regarding part (a) of this question, I repeat my answer to Question 2 above.

42. Regarding part (b) of this question, Mr Au Choi Wa has already addressed this question. I would like to supplement that it is a usual practice for workers on site to cut strips from the roll of solder and put the strips in their containers. It would not be practically convenient to hold an entire roll of soldering material while carrying out the soldering work. Since the workers were holding strips of solder, it was highly unlikely for me or my site staff to verify

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by visual checking what type of solder was being used. Further, the soldering process involved hot work. As a matter of site safety, I and my subordinates would not physically get too close to inspect the materials during the soldering process.

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43. The matters stated above are true to the best of my knowledge and belief.

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問：Mr Wan, you signed this statement on the 11th day of November 2015. 溫先生，响就住我讀出嘅證人口供，你有冇地方需要修改？

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答：冇。

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問：你會唔會沿用呢一份證人嘅口供係愛嚟做呢一個嘅證詞嘅一部分？

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答：我會。

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林先生：我有一啲問題--主席，我有啲問題想跟進。

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問：啲問題係就住之前有問過區生，或者可能你個人嚟講，係會比較有啲答案可以清楚啲。我想問一問你，首先你去你嘅證人供詞第 23 段，第 23 段嗰度講，就係話何標記開始個 plumbing works 係响 2013 年嘅 6 月嘅，見唔見到？

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答：見到。

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問：如果你再睇睇呢一個嘅文件夾，你就係第 23 段就响第 90 頁，如果你有第 55 頁，你可以睇下區先生嗰個證人口供第 11 段，你有冇嗰份？

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答：冇。

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問：冇，第 11 段講，就係話嗰個 plumbing works 係 6 月 2012 年開始嘅，表面上睇係個日子有不同之處嘅，你有冇乜嘢解釋或者有咩嘢講法？

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答：我寫呢份 witness statement 嗰陣時，我就搵番啲 information，我亦都諗番嗰陣時嘅情況，嗰陣時係做完個辦房之後，何標記係開始大手做佢嘅銅喉嘅，至於區先生佢講 6 月 2012 年嗰個日子應該係何標記進場開始做一啲留窿嘅工作嗰啲日子嚟嘅。

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問：我哋唔係行內，咩嘢叫留輓（留窿？）嘅工作？

F

F

答：留窿嘅工作即係話我哋做嗰個石屎「瓢」嘅時候，個 concrete structure 嘅時候，因為好多銅喉要穿過啲牆身嘅，咁所以嗰啲牆身係需要事先擺定一個我哋叫做套通，擺一個叫 sleeve 嘅物體，擺咗落去，然後先至 concreting，咁就變咗會 form 咗個窿出嚟，第二時裝銅喉嘅時候就可以唔需要打穿個石屎牆，咁就可以通過，條銅喉通過幅牆咁樣。

G

G

H

H

I

I

問：即係換句話講，係响 2012 年嘅時候就已經何標記派人嚟做嘅，抑或係你哋瑞安會做呢一個？

J

J

答：係何標記嘅員工去做嘅。

K

K

問：即係換句話講，响 6 月嘅時候，何標記已經派咗員工去做呢個咁嘅--進咗場做呢個咁嘅動作？

L

L

M

M

答：係，冇錯。

N

N

問：而去到 6 月 2013 年就何標記就--區生係講話全速進行，係咪？你會唔會同意佢咁嘅講...

O

O

答：我會話係開始進行銅喉嘅工程，主要銅喉嘅水喉嘅工程。

P

P

問：明白。即係換句話講，其實嗰個日子上面，即係話唔同嘅表達方式嘅？

Q

Q

答：係唔同嘅表達方式。

R

R

問：第二，我想問你就係如果你去--亦都係鄭大律師有問過嘅，如果你可唔可以去 H1 第 72 頁？你有...

S

S

答：見到。

T

T

問：你會睇到，呢一個亦都問過㗎喇，我諗最重要我想問你嘅就係呢一個係何標記係畀瑞安嘅一份文件，我諗個重點就係得一頁嘅文件，而個日子就係响 31 號 October 2011 年嘅，我哋知道呢個就係關於嗰個上辦嗰個情況，係咪？

U

U

V

V

B

B

C

答：係。

C

D

問：我想請問你，點解會淨係得一頁呢，就唔係有其他嘅 information 响嗰個上辦嘅情況？

D

E

答：我就住呢一樣嘢，我亦都問咗 Mr Kelvin Yeung，即係我個同事嚟嘅，佢同我複述，同埋我亦都問咗我哋個 AQCC，佢同我講就係話當其時何標記係 fax 咗呢一張嘢畀我哋，係得一張啫，one page。

E

F

F

G

問：你要慢慢講，因為要翻譯。

G

H

答：Okay，佢就淨係 fax 咗一張 one page 畀我哋，當我哋收到呢張 one page 之後，我個同事 Kelvin Yeung 佢就 send 咗個 e-mail，就畀 Kevin Kwong，就問佢攞番啲餡，而 Kevin Kwong 同日佢就將呢個 page 連同一啲文件就 by e-mail，就 e-mail 畀 Kelvin Yeung，然後喺第二日，我唔記得咗係隔咗幾多日，佢就搵咗另外一個同事就拎住嗰個...

H

I

I

J

J

K

問：佢係邊個？佢係邊個？

K

L

答：嗰位同事？

L

M

問：係。

M

N

答：何標記，我同我啲同事都唔記得咗...

N

O

問：唔記得咗，得。

O

P

答：...佢搵邊個人送嗰個樣辦過嚟，咁就送咗個樣辦，兼且有嗰咗文件嘅 hard copy。

P

Q

問：即係換句話講，佢首先就 fax 咗，然後就有成套文件同埋加埋個樣辦，就攞咗去你哋度？

Q

R

答：係，冇錯。

R

S

問：當然我哋知道之後就去咗房署嗰個--你有個同事就--我哋個文件可以畀你睇，就係 B4.4 86 5203 嘅，如果你睇，我相信你之前亦都有睇過，呢一個就係收扈就係攞咗去畀房署嘅 sample submission 嘅 approval form，係咪？

S

T

T

U

答：係。

U

V

V

B

B

C

問：亦都有啲資料係有擺咗落去嘅，係咪？

C

D

答：係，冇錯。

D

E

問：之前都有問過嗰個 contract manager 嘅 representative 就係响 5 月 20 號 2013 年就畀咗個 approval 嘅，係咪？

E

F

答：係，冇錯。

F

G

問：而如果你再去揭去 5205 頁，就 project clerk of works 就係响 2 月 18 號 2013 年，呢位 CK Kwan 嘅先生就係話呢個“submitted sample is recommended for approval”？

G

H

答：係，冇錯。

H

I

問：溫先生啱啱畀完口供就話呢個响個慣例上面都會係可以，即係話呢一個咁嘅物料其實都可以開始用㗎喇，你同唔同意佢嘅講法？

I

J

答：我同意呢個講法。

J

K

問：我哋知道响 5 月 20 號，實際上亦都呢一個物料係 approve 咗嘅，係咪？

K

L

答：係。

L

M

問：鄭大律師亦都有曾經問過，咁你 approve 咗之後，你有冇同何標記講過咁嘅呢一類嘅問題，係咪？

M

N

答：係。

N

O

問：我知道你琴日就返去搵咗一個 e-mail 嘅文件嘅，或者我都畀你睇睇，嗰個文件就係文筠華（譯音）就係瑞安嘅同事嚟㗎嘛，係 AQCC 嚟㗎嘛，我哋之前睇到？

O

P

答：係，冇錯。

P

Q

問：呢個日子就係 6 月 3 號，係 2013 年，係畀梁偉健（譯音）嘅，H-B-K Leung 係邊位先生？

Q

R

答：我相信係梁偉健先生。

R

S

問：Sorry，係。

S

T

U

U

V

V

B

B

C

C

D

主席：梁咩嘢話？

D

E

答：梁偉健。

E

F

問：佢係邊一個嘅...

F

G

答：佢係何標記當其時其中一個喺駐地盤嘅打理人。

G

H

問：Okay, K W Man。文先生就話“Dear Kin Please find the attached material approval letter for your information.”，即係換句話講，佢係畀咗嗰個 approval letter 係畀何標記嘅梁先生，係咪？

H

I

I

J

答：係。

J

K

問：就係同我哋之前你啱啱睇咗嗰個 sample submission 嗰個 form 應該係一樣嘅，同埋個日子係 5 月 20 號 2013 年？

K

L

L

答：係。

M

M

問：我記得好似區先生話係有個 e-mail 嘅，即係換句話講，呢一個就係當時畀出嚟嘅 e-mail 喇？

N

N

答：係，冇錯。

O

O

問：你亦都搵番，係咪？

P

P

答：係。

Q

Q

問：跟住個問題或者嗰個範疇，我想請你睇下 B4.5，其實我想講係嗰個 PQP 嗰個嘅情況，PQP 就係响 6660，但係如果你可以直接去--因為之前你都睇過，6669。

R

R

答：睇到，睇到。

S

S

問：你有嘛？

T

T

答：我有，睇到。

U

U

V

V

B

B

C

C

問：好，我哋見到 6669 同埋 6670 都好清楚，就講關於 a、b、c，關於 normal inspection、reduce inspection 嘅情況，之前亦都有證人講咗話咩嘢叫 normal 同埋 reduce inspection，係咪？

D

D

答：係。

E

E

問：文件就咁寫，我想知道實際嘅運作，因為可能你亦都會清楚，或者我咁樣講，入閘嘅時候個程序係點呢？

F

F

答：當其時嗰個程序係咁樣嘅，所有物料到地盤，我哋嘅 subcontractor 係需要通知我哋地盤嘅老總嘅，咁地盤嘅老總...

G

G

H

H

問：我直情用--或者直接啲，直情用「何標記」做一個單位，何標記話「我有物料」？

I

I

答：係，何標記係需要將佢所有入地盤嘅物料都要事前通知我哋地盤嘅老總嘅，嗰個係我哋個 project supervisor，得到我哋地盤老總嘅同意底下，譬如定咗幾月幾日佢會有幾多車貨入地盤同埋擺喺邊，經過佢哋商討同埋同意之下，我哋個老總就會將呢啲 information、呢啲資訊就會通知畀我哋嘅 site admin. officer，當其時嗰位同事陳偉雄（譯音）先生。通知咗佢之後，陳偉雄先生就會將呢啲 information...

J

J

K

K

L

L

M

M

問：你再慢少少。

N

N

答：Okay，陳偉雄先生會...

O

O

問：通知咗陳偉雄先生？

P

P

答：先生，係喇，就係我哋嗰個 site admin. officer。當 site admin. officer 知道之後，佢就會審視一下大概係嚟啲乜嘢料，咁...

Q

Q

問：我想知道審視係點樣樣審視，即係有架車嚟咗，就現場審視定係點樣樣審視？

R

R

答：佢咁嘅，佢會通知番閘口先，保安嗰面，到時知道幾點鐘架車真係嚟咗，保安就會通知番個 admin. officer，admin. officer 就會出去望一望佢嗰車料係咪佢報啲啲料，如果係跟番我哋 PQP 裏面嘅內容，譬如假設係 copper pipe fitting 咁講，何標記嘅物料。

S

S

T

T

問：即係 22 咁樣喇。

U

U

V

V

B

B

C

答：即係嗰個 reduce 嘅 inspection，陳偉雄先生或者佢嘅同事就會根據番 PQP 裏面嘅內容去做番一個物料嘅檢測，如果唔係呢九十六樣物料裏面，一般嚟講，我同事都唔會檢查佢嘅物料。

C

D

D

E

問：即係換句話講，响例如 22，响 PQP 嘅 d reduce inspection 就會有--我想知道檢測就會擺個 sample 出嚟去睇嘅情況嘅，係咪？

E

F

答：其實就睇番嗰個物料本身有冇畀過 sample，有啲可能係畀相嘅，一般嘅情況底下，我嘅同事都會係睇相，有個 trademark，譬如嗰啲物料嘅 size 係咪同番批核嗰啲係一樣。

F

G

G

H

問：如果換句話講，如果係 soldering，即係我哋知個焊料係--我哋知道亦都有响呢個 PQP 嘅九十六樣裏面其中一樣，個情況就會係唔會有 check 到？

H

I

I

J

答：咁嘅，我亦都因應番呢個情況，我有問過我哋個老總嘅，咁就問過佢「何標記曾經有冇同你係講過話有 soldering 呢隻物料到地盤？」佢話佢記憶所及，佢係冇聽過何標記佢係有通知過佢會到 soldering material，但係如果跟番我哋 PQP 當其時我哋嗰個做法，如果佢當其時講咗係 soldering 嘅 material，我諗我哋都只係望一望，就唔會拎出嚟做一個詳細嘅檢查。

J

K

K

L

L

M

問：因為當時唔响呢個 PQP...

M

N

答：因為當其時唔喺我哋嗰個監察裏面。

N

O

問：PQP。

O

P

答：但係我都想講一樣嘢，就係其實何標記或者我哋嘅其他 subcontractor 係唔知道我哋有個咁嘅 PQP，即係乜嘢物料會做檢查、乜嘢物料係唔做檢查，何標記佢係唔知--應該唔知道嘅佢哋。

P

Q

問：或者係其他 subcontractor 都唔知道嘅，即係你哋會到時查乜嘢...

Q

R

答：佢哋唔會知道我哋呢個內部我哋自己嘅文件。

R

S

問：可唔可以咁講呢，即係其他嘅 subcontractor，包括何標記，佢可能以為你咩嘢都可能查？

S

T

答：冇錯，呢個正正係我哋嗰個精神。

T

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主席：不過佢就同你做咗成十年，佢都知道你乜嘢查、乜嘢唔查，係咪呀？

答：（沒有可聽到的回答）

主席：佢同你做咗成十年 contractor，佢都知道你乜嘢查、乜嘢唔查喇喇？

答：有咁嘅可能性。

問：入閘就咁嘅程序，出閘呢，出閘有冇唔同嘅程序？

主席：出閘唔好問喇，問出閘做咩嘢啫？都唔關事。

問：或者你可以睇一睇呢個 bundle P1，係有一位叫做伍克明嘅先生嘅證供，係有啲圖嘅，P1 嘅 243。

答：睇到。

問：我想問你嘅，就係响呢個--或者我解一解釋，我唔知當日你係咪在場，就係呢一個係伍克明先生就有一啲圖片，就話當時有一個嘅 demonstration 嘅，係點樣樣做呢一啲咁嘅 soldering 嘅，如果你睇 243 頁，你就會見到第 (16) 張，唔知你清唔清楚，第 (16) 張就會見到有一位工人係左手就攤住一支嘅物件，右手就有個火槍嘅，你見唔見到？

答：見到。

問：如果你再睇，就係 245 頁就更加明顯，第 (23) 張圖，見唔見到？

答：見到。

問：我想問你一個問題，如果你再睇下就係 247 頁嘅 (29) 張圖，就係個個 Fry，你自己，你嘅經驗，响地盤，你有冇見過工人係攤住成卷 Fry 而係去做焊料嘅工程？你自己有冇見過？

答：我其實葵聯邨唔係我第一個地盤接觸銅喉，我其實咁多年，我都有見

B

B

C

到工人係會揸住成餅 Fry 去做呢個走錫呢個工序。

C

D

D

林先生：主席，我有其他嘅跟進問題。

E

E

主席：唔該。

F

F

G

G

鄭小姐盤問

H

H

問：溫先生，喺呢一個葵聯邨嘅二期呢一個地盤嗰度，你個職位就係呢個 site agent？

I

I

答：係，冇錯。

J

J

問：證人口供都講過，你當其時就會駐守喺個地盤嗰度，係咪？

K

K

答：係，冇錯。

L

L

問：亦都提到即係你嘅職責就係要去即係 basically 每一日嗰個--你嗰度寫話個 daily operations，個運作，即係你都要幫手去睇住咁樣，係咪呀？

M

M

答：係。

N

N

問：協調咁樣。你都講過，即係你都今次葵聯邨二期都唔係第一次做 site agent，係咪呀？

O

O

答：係，冇錯。

P

P

Q

Q

問：所以我相信你對於房署喺呢一個嘅公屋工程底下嗰啲嘅加諸喺承建商身上嗰啲規格，你都有一定嘅認知嘅，係咪？

R

R

答：我當其時對 particular spec. 係認知嘅。

S

S

問：有認知嘅。

T

T

答：General spec. 嚟講，我就係當有需要嘅時候，我就會翻閱嚟睇。

U

U

問：明白。頭先林大律師就問到你關於嗰個交界房委會嗰個 sample approval form，特別頭先嗰個就係同呢一個我哋而家研訊嗰個焦

V

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點焊料有關，佢就有指出畀你睇，就係話其實嗰度有兩個日期嘅，其中一個日期，早啲嘅日期就係講緊呢一個房署嗰個 project clerk of works 就話「我就會即係 recommend 呢一個 sample for approval。」跟住一個後啲嘅日期就係房委真正咁樣 approve 咗嘅，你嘅口供就係話其實一般嚟講，如果我哋喺早啲嗰個日期，即係得到呢一個 project clerk of works 話佢會 recommend 呢個 sample 做 approval 嘅時候，其實即係都可以畀水喉分判商用嗰隻焊料嚟做譬如話辦房咁樣，前期工作咁，你頭先係咁講？

答：係。

問：其實我想你睇一睇有一個房委會嗰個規格嘅一個條文，係同呢一個我哋傾緊呢一件事係有關係嘅，或者麻煩你望一望文件夾 B4.2 第 3528 頁，或者你睇一睇嗰一版嘅下半版，係喇，我哋見到呢度有一個 heading 係“SAMPLES”，佢呢度就講話“Submit samples of materials as requested by the CM and do not confirm orders until approval has been obtained.”，如果我哋睇呢一度房委嘅規定，其實似乎就寫得好清楚嘅，就係話即係喺個 approval 未正式得到之前，就唔應該係就住啲物料係 confirm 一啲嘅 orders 嘅。

答：係。

問：所以即係話如果我哋睇呢一個條文同埋頭先你講嗰個即係慣常嗰個做嗰個程序似乎就大家有衝突，係咪呀？

答：其實咁樣講嘅，當其時嗰個情況係咁樣，我哋其實 2 月 18 號就一直都希望房屋署可以批咗我哋隻物料，等我哋可以去採購，當其時我有記錯，得到嘅答覆就係「呢隻物料已經係基本上冇問題，你可以 order 嚟做呢個嘅辦房。」我哋亦都根據咁樣去落咗 order 去做辦房，之後我哋亦都即係追番房屋署，希望佢盡快可以寫番個 approval 嚟，等我哋可以落 order 落大貨，房屋署亦都做咗呢一樣嘢，就喺嗰嗰批完辦房之後冇耐，佢亦都同一時間亦都批埋嗰隻大料，等我哋可以係落即係大貨咁樣。

問：即係你個意思係話房委會佢哋喺嗰個正式嘅批覆未即係審落嚟之前，佢已經畀咗個 indication 你哋，就係話你哋可以用呢一隻物料嚟做辦房？

答：係，冇錯。

B

B

C

問：呢個係一個口頭嘅通知抑或書面通知？

C

D

答：當其時係一個口頭通知。

D

E

問：記唔記得係邊位房委會嘅人員同你哋講？

E

F

答：我唔記得，因為佢係通知我哋同事嘅。

F

G

問：會唔會係即係我哋頭先睇譬如負責嗰個 approval form 嗰個同事 AQCC？

G

H

答：係應該係 AQCC 嘅，通知，係。

H

I

問：你點樣知道呢樣嘢？

I

J

答：我因為之後因應番呢件事，我都問番晒我哋同事嘅所有情況，佢哋都係盡量記番當其時嗰個事實同埋個情況，因為佢都同我講就話如果佢得唔到房屋署嘅口頭承諾，佢哋都唔敢去落 order 去做呢個辦房，因為如果唔係，變咗就要我哋去 bear 嗰個 cost，因為如果到時真係萬一唔批嗰隻物料嘅時候，而我哋用咗上去嘅話，我哋係需要負責番嗰啲物料嘅錢、所有嘢。

J

K

問：以你所知，一個咁樣嘅做法，即係房委，以你所講，畀一個咁樣嘅 indication，口頭嘅，常唔常發生㗎，喺公屋工程嗰度？或者我哋闊啲，我哋唔好淨係講焊料，譬如其他水喉物料，或者甚至乎其他工程上嘅物料，呢個常唔常發生？

K

L

M

M

N

N

O

答：有機會發生嘅。

O

P

問：有機會發生？

P

Q

答：係，但係常唔常，我就唔覺得係會經常發生，但係有啲物料係會發生嘅。

Q

R

問：講開呢一個房委嗰啲 specification，或者我問一問你第二條，我哋其實而家都係委員會個焦點，就係就住呢一個焊料嗰個要求，而家我哋大家都知道，喺 specification 底下，就係要求呢個焊料係一個 lead-free 嘅 category，即係需要係無鉛，溫先生，想問一問你，喺鉛水事件，即係今年 7 月事發之前，你本人都即係一早其實就知道有呢一個嘅要求嘅，係咪呀？

R

S

S

T

答：喺 7 月之前，我本人係唔知道有呢個要求。

T

U

U

V

V

B

B

C

問：但係溫生，作為 site agent，你本人係並不熟悉即係房委會對於工程一啲物料嘅要求，包括呢一個？

C

D

答：我其實係熟悉好多常用物料或者一啲緊要啲嘅物料嘅要求，尤其是 particular spec. 裏面講嘅要求，但係一般慣常做咗好多物料，我都係交界當其時負責嘅同事去 go through 嗰個物料嘅要求同埋去做嗰個物料嘅 submission，所以喺 7 月之前，其實我唔係好 aware 呢一句說話。

D

E

E

F

F

G

問：你本人，唔好淨係講話做 site agent，即係可能唔同嘅身分，參與過幾多個公屋工程？

G

H

答：我參與完成嘅已經係四個公屋工程，而家 ongoing 有一個。

H

I

問：但係喺呢幾個工程以嚟，你從來都有聽過即係房委會有一個咁樣嘅無鉛嘅焊料嗰個要求？

I

J

答：因為當我第一次做銅喉嘅時候，我有記錯，係 2008 年嘅 project 開始係第一次做銅喉，嗰陣時我已經係 site agent 嘅身分，所以嗰陣時我都係搵我啲同事去負責去做番晒呢啲核對嘅工作，同埋去審視番嗰隻物料係咪符合房委會嘅要求。

J

K

K

L

L

M

問：你本人係參與過幾多用銅喉去建造食水系統嘅工程？

M

N

答：如果以房屋署嘅工程嚟講，係兩單。

N

O

問：兩單？

O

P

答：Ongoing 而家做緊嘅第三單。

P

Q

問：明白，想問下呢三單工程裏面嗰啲銅喉嘅接駁嘅方式係咪都係用焊料，以你所知？

Q

R

答：係，冇錯。

R

S

問：或者我咁問你，溫生，其實喺鉛水事件事發之前，你本人知唔知道鉛呢一種化學物質對人體係有害？

S

T

答：我知道如果大量吸收係會對人體有問題。

T

U

問：你又有冇聽過即係市面上賣到個焊料係有分有鉛同埋無鉛嘅分別，事發前？

U

V

V

B

B

C

答：從來都唔知道。

C

D

問：從來都有知道？

D

E

答：係。

E

F

問：之前其實即係喺你嘅工作嗰度，有冇係 come across，即係有冇係接觸過焊料呢一個嘅物料？聽過或者見過或者同人討論過？

F

G

答：討論過就有，見過嘅，因為當 sample board 有嘅時候，我係有睇過個 sample board，所以我係知道銅喉係要用呢一隻物料嘅。

G

H

問：你見到嘅係呢一隻？

H

I

答：係，冇錯，Fry 99C。

I

J

問：你哋當其時會點樣去稱呼--點樣去叫呢一隻物料，形容佢？

J

K

答：我哋通常都係叫焊錫、錫線...

K

L

問：錫線。

L

M

答：...之類咁嘅講法。

M

N

問：除咗呢一隻焊料之外，有冇見過其他類型嘅焊料？

N

O

答：我本人就唔認識仲有其他嘅代替品。

O

P

問：有冇聽過錫條？

P

Q

答：工人好--經常有陣時佢哋錫線、錫條，我諗對於好多人嚟講，都係等於同一樣嘢，只係個可能字眼上有啲唔同。

Q

R

問：你咁講係即係你聽過有工人係叫呢啲焊料...

R

S

答：我其實...

S

T

問：...--即係叫焊料做錫條，係咪呀？

T

U

答：我其實喺記憶中，我就有聽--有特別為意到呢樣嘢，但係喺事發後就聽到有人有講焊條、焊線，我自己個人個第一個感覺就係好似都係 similar nature 嘅嘢，即係都係等同嘅嘢。

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問：我跟住落嚟想問一問，頭先其實你答林大律師都有提到，就係講緊物料來貨嘅問題，頭先你就同我哋解釋咗你所認知嗰個程序，當物料來貨嘅時候，第一點，你就講就話其實--或者我哋專注啲，講緊一啲分判商，例如何標記佢哋採購嘅物料咁樣。第一點，你就講就話其實所有物料嚟到嘅時候，何標記都要通知你哋嘅老總嘅。

答：係，冇錯。

問：就住葵聯邨二期，老總其實呢一個係一個咩嘢職位？

答：佢其實等同房委會或者其他公司認定嘅 general foreman。

問：General foreman。

答：但係喺我哋公司，佢個稱呼係 project supervisor，工程主任。

問：或者我哋叫番佢老總，即係你哋行內術語。葵聯邨二期嗰位老總叫咩嘢名？

答：何志輝（譯音）先生。

問：你就話所有物料嚟，何標記第一步就都要通知老總嘅。

答：係。

問：何標記知唔知道有呢個要求？

答：佢哋知道嘅。

問：佢點樣知道？

答：其實喺我哋嘅 induction training 嘅時候，都會將我哋啲 house rule 會解釋一次畀何標記嘅打埋人知道，何標記嘅打埋人佢係清楚知道佢所有嘅到料都要同我哋申報。

問：想問下個 induction training 係幾時做㗎？

答：係每當工人佢第一日入地盤，我哋就會同佢做一個 induction training。

問：就住頭先我哋講緊嘅嘢，話物料進場，究竟喺個--首先，唔好意思，溫生，問咗你先，你本人有冇份做呢個 induction training？

B

B

C

答：我本人冇份做呢個 induction training。

C

D

問：關於呢個 induction training 嘅資料，你喺邊度聽番嚟？

D

E

答：都係聽番啲同事講嘅，都係 safety officer，佢哋話--因為主要嗰個同事做 induction training 嘅同事都係 safety officer，主要都係講番一啲 house rule、一啲 safety 嘅情況咁樣。

E

F

問：想問下，以你所知，你聽番嚟，喺呢個 induction training 嗰度，就住頭先我哋講，話物料到場呢一樣嘢，有啲咩嘢 house rule 係會解釋番畀分判商聽？

F

G

G

H

答：其實都係好 brief 咁樣話畀佢聽「如果你有物料到，你一定要通知番老總。」咁樣。

H

I

問：「如果你有物料到，就一定要通知番」...

I

J

答：係，「有物料同埋工具」...

J

K

問：有物料同埋工具。

K

L

答：...--「同埋工具到，你都要通知番老總。」咁樣。

L

M

問：所以即係其實如果聽者聽到你咁樣講，就即係所有物料都要通知嘅囉啲？

M

N

答：係，冇錯。

N

O

問：有冇同佢哋講點解要咁做呢？

O

P

答：據我了解，應該冇講點解，因為其實行內嘅規矩其實我諗呢個都係一個幾普遍嘅做法，就係點都要同地盤講一聲你有啲咩嘢物料會到地盤，因為如果唔係，佢哋 book 咗啲車嚟到門口，到其時唔畀佢入嘅話，其實佢自己都仲大問題，所以調番轉，嗰個 concern 就係喺個判頭度嘅，其實佢哋係好緊張想攞到你嘅口頭 consent 或者真正嘅 consent，等佢嚟到架貨車係唔會--即係唔需要喺地盤度等好耐，亦都真係有位安排畀佢入去，因為如果唔係，佢會浪費咗好多嗰個 delivery charge，因為好多時物料都係可能係材料供應商去訂，所以變咗佢都會收番嗰個 delivery charge 咁樣，所以入唔到地盤，最大問題其實會歸番去個 subcontractor 度。

P

Q

Q

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U

問：想問下話通知老總，通知老總使唔使預先通知？要早幾多？

U

V

V

B

B

C

答：我哋嘅規矩係需要嘅，我哋係同佢講係要三日之前通知嘅。

C

D

問：即係物料來貨三日前要通知？

D

E

答：係。

E

F

問：用咩嘢形式去通知？

F

G

答：我哋係有張叫做入閘紙嘅形式，formally 係咁樣嘅，但係一般嘅做法，老總都會畀一個例外佢哋，譬如佢哋真係好急嘅，譬如佢哋真係有陣時都有辦法可以掌握得好實際嗰個時間同埋嗰個車究竟係咩嘢車牌，老總都會--如果佢將就得到，老總都會同意畀個 exemption 佢哋嘅。

G

H

H

I

問：呢個 exemption 就係講緊三日嗰個要求啫，係咪呀？

I

J

答：係，冇錯。

J

K

問：入閘紙就有 exemption 㗎嘛，係咪呀？

K

L

答：入閘紙都有 exemption 嘅，因...

L

M

問：係乜嘢 exemption 呢？

M

N

答：因為有啲判頭佢可能當其時佢都仲未係長時間駐守喺地盤，佢可能都係得一啲工人或者得個打理人，佢哋可能個文化水準會低少少，如果要佢哋寫呢啲字，可能對佢哋嚟講，有困難，我哋一般都會同意佢用電話講得清清楚楚，然後老總亦都可以理解得清清楚楚之後，可以話到畀我哋個前線嘅 admin. officer 知道，前線 admin. officer 通常佢都會喺佢個 white board，即係佢有個大嘅白色嘅板度就會寫咗出嚟，因為佢就問咗星期一至星期五上晝、下晝幾點、幾點，佢就會 mark 低喺嗰度有啲咩嘢車會進出咁樣。

N

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問：好，唔該晒你，溫生，即係話換句話說，其實主要有兩種方法通知你哋，第一種就係用個入閘紙書面嘅形式，第二種就係電話話畀老總聽先，你話老總之後就會將啲資料就傳達去畀個 site administration officer 嘅。

R

S

S

T

答：係，係。

T

U

問：想問下，無論入閘紙也好，電話也好，我相信你哋都會要求佢哋提供一啲即係標準嘅資料嘅，係咪？即係你哋統一嘅資料，你哋會知㗎

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嘛，譬如話假設何標記有貨運到咁樣，佢要話畀你聽啲乜嘢資料？

答：首先要話畀我哋知佢係用一架乜嘢嘅車運入嚟，係一架五噸半嘅，吊雞車嘅，貨 van 嘅，佢要講咗嗰架係乜嘢嘅車，有幾多車貨、貨嘅數量有幾多、物料嘅內容係有啲乜嘢。

問：麻煩你停一停先。物料嘅內容，佢要點樣--佢要幾仔細咁講畀你聽？

答：如果就住水喉判頭嚟講，銅喉佢會寫係銅喉，閘掣佢會寫閘掣，然後佢可能寫一箱配件，嗰啲配件可能係講緊係啲 fittings 嗰啲，譬如跟住可能有啲叫做五金、小五金之類嘅嘢。

問：譬如話如果講小五金，會唔會再仔細啲清楚講明係乜嘢嘅小五金呢？

答：據我了解，同埋我亦都問番老總，佢哋都有講得好詳細嘅。

問：呢個係一貫嘅做法？

答：呢個係一貫嘅做法。

問：點解唔要求佢哋講得詳細少少呢？

答：因為好多時即使佢講咗嗰啲名稱，我哋都未必理解得晒，因為佢哋其實有好多小五金，佢哋有好多佢哋嘅術語，有好多佢哋嗰啲咁，其實我哋唔會清楚晒所有佢哋入嚟地盤嗰啲五金，即係細細嚟，細細粒嗰啲物料。

問：你哋個意思係講緊瑞安邊一啲人呀？你話「我哋唔會清楚晒」，係...

答：我講緊嘅係瑞安收貨嗰個同事，admin. officer。

問：頭先你話如果講到話係配件、小五金嗰類嘅物料，即係都唔會講到話咁清楚，逐樣逐樣係乜，但係我哋退番一步咁樣諗，因為其實你要佢哋通知你，我聽上去似乎就有幾個用處，第一，就係要即係知道地盤嗰度個安排，係咪？要畀佢哋即係架車入到嚟，同埋安排到位畀佢哋擺放，但係第二個你提到嘅，頭先你都答林大律師，就係話有時你哋都會--即係唔係，唔係有時，而係你哋一個既定嘅程序，就係你如果見到啲物料係喺你哋個 project quality plan 嗰度，你哋就要 check，即係你哋要根據個 plan 嚟去做檢視，係咪？

答：係，冇錯。

B

B

C

問：如果佢哋畀你嘅資料係就咁咁概括咁樣話係配件、小五金咁樣，你點知裏面嗰啲物料嘅內容係會唔會係 fall under 嗰個 project quality plan 而係要 check 嘅呢？

C

D

D

E

答：一般我哋 admin. officer 嘅同事，佢都會去望一望架車，佢嚟嗰啲係咩嘢貨，如果佢見到嗰啲係貌似我哋嗰個九十六個 items 裏面嘅嘢，佢就會睇番究竟係咪，如果覺得都唔係嘅，都係一啲五金類型嘅嘢，佢都會放行。

E

F

F

G

問：即係話係會有一個同事嘅職責係會望入去架車嗰度，而去睇下裏面其實係運咗啲乜嘢物料嚟嘅？

G

H

答：會嘅，因為好多時會擔心佢會車走啲物料走添。

H

I

問：會唔會拆開--我相信啲物料嚟嘅時候，都係包喺啲盒嗰度嘅，係咪呀？

I

J

答：係。

J

K

問：大部分喇，會唔會拆開啲盒嚟睇㗎？

K

L

答：我相信有啲唔會拆開嚟睇嘅，只要嗰個判頭自己稱呼呢啲物料佢係一啲自用嘅物料，我相信我啲同事唔會刻意去打開嚟睇。

L

M

問：譬如話一個--其實呢一個就係我哋後嚟從一啲供應商嗰度就擺到，佢哋就話如果你焊料，呢個係一個錫條，到場嘅時候就係會咁樣嘅形式到場嘅，一盒盒咁樣，我相信佢都喺架車嗰度都係咁樣，係咪？

M

N

N

O

答：係。

O

P

問：你嗰位負責即係 check 嗰架車嗰個同事其實就應該都會睇到譬如話個盒上面，如果佢想知係乜，佢就會睇呢一啲盒上面嘅一啲標籤，係咪呀？

P

Q

Q

R

答：如果有標籤，佢會睇標籤，但係...

R

S

問：即係譬如假設我哋講緊呢一個盒，如果上面寫咗「英國 50 力扁錫條」嘅話，佢應該就會望下，原來講緊呢一盒嘢係呢一啲嘢嚟㗎，咁樣？

S

T

答：係。

T

U

問：即係佢會做呢一個工序？

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答：佢會望到個 label，然後睇到係咪 fall into 我哋呢九十幾樣嘢嘅，如果係包含在內，我哋會 check。

問：即係嗰個同事就已經係負責埋去睇下究竟嗰啲物料係咪包喺你嗰九十幾樣嘢度？

答：係。

問：呢一個工序就係即係即時進行嘅，喺嗰度？

答：即時進行嘅，係。

問：頭先你提到，溫先生，你話即係通常架車嚟三日之前，就要即係通知你哋，其實地盤大部分嘅物料係咪都係會搵即係貨車送嚟嘅？

答：大部分物料。

問：大部分物料。

答：應該以我了解，工具佢有機會手提拎住入地盤，如果物料，佢都有機會用手拎入嚟嘅，譬如啱啱喺隔籬五金舖買，買啲手套或者買啲鐵線之類，即係或者買啲佢啲小五金嘅嘢，螺絲釘咁，佢都有機會係用手提咁嘅形式去拎住入地盤，係有機會。

問：譬如話如果講緊一啲水喉分判商嗰啲物料，你知唔知道佢哋通常運嚟係咩嘢形式多呢？即係多唔多機會話真係會手提咁自己拎入嚟呢？

答：據我了解，如果何標記，佢多數運貨嚟，跟番我啲同事講，都係主要係彬記一間公司多嘅，supply 啲銅喉、膠喉咁，主要都係一啲比較大件，成架密斗車，甚至成架平板貨車咁樣運過嚟。

問：如果我哋講譬如話錫條，我哋而家見到，因為我哋後期，即係其實都喺錫條嘅供應商嗰度，Prosperity，佢都係供應你哋地盤嗰個供應商嘅，其實就頭先講過，錫條係一盒盒咁樣嚟嘅，通常一訂都唔會訂一盒，起碼都好幾盒，如果呢一類嘅物料，以你嘅經驗，通常係會搵貨車送嚟嘢，抑或係即係就咁手提入嚟，工人？

答：如果你講錫條呢樣嘢，我就有辦法答到你，因為我當其時嘅同事話畀我聽佢有聲稱過有啲咁嘅物料到地盤，佢哋亦都有見過呢啲咁嘅物料。

問：即係話，頭先我其實都聽你同林大律師講過，你話你從來都--即係你

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話你問過啲同事，啲同事就話從來都冇人通知過佢哋有錫...

答：係關於錫條或者錫線之類嘅到地盤。

問：其實，溫先生，如果係咁，其實即係似乎個制度上面，其實你哋係好倚賴即係何標記係咪真係聽你哋嗰個 induction briefing 嗰度嗰個 house rule 講話「你咩嘢物料都要報畀我聽。」其實你係旨意佢哋嘅咋，即係佢哋唔報，你哋就唔知，係咪呀？

答：其實唔可以咁講嘅，因為當佢哋--即係當佢拎住咁大件貨，其實我哋同事冇可能係睇唔到嘅，佢哋都會望到嘅，佢哋都會望一望係啲乜，但係好唔彩，就係如果錫線呢樣嘢我哋係冇擺落我哋個監管嗰個制度裏面，如果個工人當其時拎住佢自稱係自用嘅物料，我相信我當其時嘅同事都好大機會可能會放行，因為我哋嗰個 admin. officer 佢係一個同事，佢唔係一個好專業--有好多好專業知識嘅同事，佢只不過係喺地盤做咗一段時間，佢係了解到有啲咩嘢物料，佢亦都會跟番我哋嘅指引，我哋指引叫佢 check 乜嘢，佢就會去 check 乜嘢咁樣。

問：即係似乎即係聽你咁講，即係其實即係制度上嘅問題，係咪呀，有一個？即係因為你譬如話焊料咁樣，其實明明係有提交到 sample 畀房委會，但係就喺制度上，你哋就有 check 下究竟呢一個 sample 同來料係咪一樣？

答：因為我相信 PQP 就唔係我制訂嘅，我就當其時都有份參與 PQP 嘅制訂，我相信就係假設如果喺 7 月之前，如果係由我去做呢個 PQP，我諗我當其時都唔會有太大 aware 到呢樣嘢係需要去咁嚴謹嘅監管。

問：以你嘅理解，除咗焊料之外，有冇其他物料係交咗 sample 上去，但係唔擺落個 plan 嗰度，所以係唔 check 㗎？

答：我有留心去搵過啲咁嘅 information，呢一刻我答你唔到。

鄭小姐：主席，唔知你會唔會想可能 take 一個 short break？

主席：你仲有幾耐問呀？

鄭小姐：我估都有要好即係一段時間。

主席：咁...

B

B

C

鄭小姐：我諗起碼半個鐘。

C

D

主席：起碼半個鐘添呀？

D

E

鄭小姐：係。

E

F

主席：有冇人需要 break？後面啲啲需要，自己去囉，不如。十分鐘。

F

G

鄭小姐：Thank you。

G

H

下午 3 時 44 分聆訊押後

H

I

下午 3 時 57 分恢復聆訊

I

J

出席人士如前。

J

K

K

L

瑞安承建有限公司（“瑞安”）（葵聯邨第二期的總承建商）的第三證人：
溫偉豪（瑞安工程經理（葵聯邨二期地盤代表））宣誓繼續作供
鄭小姐繼續盤問

L

M

問：溫生，頭先林大律師都展示過一啲燒焊工程，即係水喉接駁嗰個工序
嗰啲相片畀你睇，我想問一問一個更加基本嘅問題，就係其實你本人
有冇見過，喺地盤嗰度見過啲水喉工人去做呢一個嘅工序？

M

N

N

O

答：我有見過。

O

P

問：你有見過嘅，喺葵聯邨二期呢個地盤嗰度，你有冇？

P

Q

答：我有見過。

Q

R

問：你有嘅，係喺咩嘢情況底下，你見到？

R

S

答：喺我巡樓嘅時候，我見過。

S

T

問：即係工人佢哋做緊呢個工序嘅時候，你就見到嘅？

T

U

答：係，我見過。

U

V

問：唔係話特別叫佢哋示範畀你睇？

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答：唔係特別叫佢哋示範畀我睇。

問：我哋就睇到你個證人供詞嗰度就--或者我哋去第 42 段，係喺 98 頁嘅，你呢一度就講話你想即係說明就係一個“usual practice for workers on site to cut strips from the roll of solder and put the strips in their containers. It would not be practically convenient to hold an entire roll of soldering material while carrying out the soldering work. Since the workers were holding strips of solder, it was highly unlikely for me or my site staff to verify by visual checking what type of solder was being used. Further, the soldering process involved hot work.”，所以之後你就話你哋都唔會去到好近咁樣睇喇？

答：係，冇錯。

問：呢一個 usual practice 係你自己--即係頭先你話你睇過嗰啲燒焊嘅工序，係你自己觀察所得㗎，抑或點樣知道嘅呢？

答：我其實係幾時知道呢樣嘢我唔係好記得清楚，但係因為葵聯邨呢單工程已經唔係我第一單接觸呢個銅喉同埋走錫呢個工序，我個印象一直都係話畀我知，就係啲工人係唔會揸住一餅嘢去燒，所以當我喺葵聯邨去見到呢樣嘢嘅時候，我亦都唔會覺得好意外，即係佢哋唔係揸住一餅嘢去燒。

問：你呢度個形容話嗰個焊料係會切做一條一條呢個係你自己嘅觀察所得㗎嘅？

答：呢個係--我有記錯，應該係曾經我見過嘅，但係係咪喺葵聯邨見，我就唔記得清楚，可能係之前啲屋邨見過咁嘅情況，因為工人好鍾意自己都係手挽一個桶--割咗一半嘅水桶做一個工具箱咁樣，佢攞晒啲嘢落去。

問：包括嗰個你見到一條一條嘅焊料？

答：包括一條一條同埋一餅錫線咁樣，我係曾經有個咁嘅印象係見過啲咁嘅嘢。

問：我哋慢慢嚟，你話你曾經有印象，雖然未必記得係邊個地盤，就見到工人就擺住個工具箱，你就話係見到係有一條一條嘅焊料嘅？

B

B

C

答：係。

C

D

問：但係你話同時又見到一餅一餅嘅...

D

E

答：一餅錫線。

E

F

問：一餅錫線？

F

G

答：即係嗰個 Fry 綠色包裝。

G

H

問：頭先我畀你睇嗰個，呢個？

H

I

答：係，嗰個 reel。

I

J

問：即係呢兩樣都見過嘅？

J

K

答：係，係。

K

L

問：但係你話見到佢哋做焊接個工序嘅時候，你就話佢哋係會用一條一條嘅？

L

M

答：佢哋就唔會揸住一餅嘢去燒。

M

N

問：唔會揸住一餅嘢？

N

O

答：我就有印象見過工人係會成餅嘢揸住去燒，因為尤其是--我通常睇親都係佢哋燒緊天花，佢哋通常都唔會咁做。

O

P

問：你有冇見到啲工人即係喺一餅裏面真係 cut 啲啲一條一條出嚟？你自己有冇見到呢一個步驟？

P

Q

答：我有親眼見過呢個步驟。

Q

R

問：但係你就估計嗰一條一條係喺呢度 cut 出嚟嘅？

R

S

答：係。

S

T

問：即係睇下你答唔答到我，你會唔會記得你當其時你印象見到嗰一條一條啲啲焊料大約幾長嘍？

T

U

答：佢會摺一摺嘅將佢，將佢摺一摺嘅，大概可能咁長左右，佢摺一摺。

U

V

問：你可唔可以舉高少少？

V

B

B

C

答：咁長左右。

C

D

問：咁長左右？

D

E

答：係，然之後係摺咗嘅，大概係咁長。

E

F

問：呢個係摺咗之後嘅長度？

F

G

答：係，係，係。

G

H

問：如果同呢一條錫條比較，即係同你印象中見到一條一條啲啲會唔會有好大分別呀？

H

I

答：分別唔係好大，如果我咁嘅...

I

J

問：分別唔係好大？

J

K

答：係。

K

L

問：或者就住呢一個工序，即係燒焊嘅工序，因為何標記就住葵聯邨二期
嗰個負責人就係一個黃貴雄先生，你本身就識佢，係咪？

L

M

答：我本身有同佢開會嘅。

M

N

問：係喇，呢個我哋知，我一陣間都會問一問你嘅。但係想問咗你先就係
因為我哋見到黃貴雄先生個口供就同你頭先嗰個形容係有啲唔相符
嘅，所以即係公平起見，我都想你即係睇一睇佢個口供。

N

O

答：好。

O

P

問：睇下你有咩嘢回應，麻煩去文件夾 K3 2244，2244 呢度嘅(c)嗰一
段，溫生，你可以專注喺，佢呢一度，因為其實佢開宗明義佢就係講
錫條，佢就唔係講一卷一卷嘅錫線，佢呢度就話錫條到場嘅時候，就
係即係一條一條散開咁樣嘅，就唔係話好似呢度咁樣一卷嘅。

P

R

R

S

主席：我想問下你，你識咗黃貴雄先生有幾耐呀？

S

T

答：我印象中，其實我之前一個地盤都係黃貴雄先生曾經有一段短時間做
打理人，跟住之後就再喺葵聯邨就遇到佢。

T

U

U

V

V

B

B

C

主席：咁即係幾耐呀？

C

D

答：我諗嗰一個 project 係 08 年收地盤開工嘅，可能佢係講緊 10 年左近。

D

E

主席：即係 2008 年已經認識黃貴雄先生？

E

F

答：我諗 09、10 年嘅，大概。

F

G

主席：嗰一個係公屋地盤嚟嘅？

G

H

答：公屋地盤嚟嘅？

H

I

主席：係咩嘢邨？

I

J

答：善明邨。

J

K

主席：善明邨？

K

L

答：將軍澳善明邨。

L

M

主席：邊個「善」？友善個「善」？

M

N

答：友善個「善」。

N

O

主席：佢已經係何標記喺嗰度嘅...

O

P

答：打理人。

P

Q

主席：...打理人？

Q

R

答：係，但係佢因為--我有記錯，佢係跟住有工傷嘅，佢就之後就離開咗將軍澳呢個地盤，然後我就再喺葵聯邨就再見到佢咁樣。

R

S

主席：葵聯邨就再見到佢。佢嗰陣時喺善明邨又做咗幾耐，就你所記得？

S

T

答：佢唔係做咗好耐，我諗可能係開頭頭段，我諗一、兩個月嘅，跟住佢就好似係有工傷，佢就有工傷，跟住佢就一直靠--一直冇返工，我唔知佢有冇去第二度做，但係就一直冇返善明邨。

T

U

主席：就直至到後來喺...

U

V

答：葵聯邨。

V

B

B

C

主席：... 蔡聯邨就再見到佢？

C

D

答：係。

D

E

主席：佢就話佢有成二十年嘅經驗喎，你知唔知呀？

E

F

答：我唔知道佢有二十年經驗。

F

G

主席：得。

G

H

答：我知道佢有經驗啫。

H

I

主席：喺善明邨嗰度，何標記用乜嘢焊料呀？

I

J

答：都係用 Fry 99C。

J

K

主席：好，繼續，Ms Cheng。

K

L

M

問：或者就住主席問開黃貴雄先生，我都問一問你先，可以 follow up，你嘅證人供詞，唔好意思，可能跳番去 H1 嗰個 bundle 嗰度，你證人供詞第 38 段，97 頁。

L

M

N

答：睇到。

N

O

問：你呢度你頭先都提到，你話你每個禮拜都會同黃貴雄先生開會？

O

P

答：係。

P

Q

問：呢度仲說明就話你係會同佢 discuss the quality and progress of the plumbing works？

Q

R

答：係。

R

S

問：想問下，你記唔記得喺你哋即係每個禮拜開會嘅討論裏面，有冇傾談過關於即係話水喉工程嗰啲用料咁樣？

S

T

答：用料，我印象中就有傾談過，主要係傾手工，手工上面嘅質素，因為我哋會做 PASS assessment 嘅，嗰個會影響我哋嘅分數，我哋次次都會提番佢，即係我哋觀察到佢嘅即係一啲手工上面嘅問題。

T

U

U

V

V

B

B

C

問：無論喺呢啲會議之中抑或喺其他嘅場合之中，有冇聽過即係黃貴雄先生同你提過話焊料佢哋係用啲乜嘢咁樣？

C

D

答：從來冇聽過。

D

E

問：從來冇聽過。

E

F

F

G

主席：等陣。有冇聽過話「啊，某一隻冇貨啎，焊料冇貨啎，我哋要用第二隻焊料」呀？

G

H

答：從來冇聽過。

H

I

主席：從來冇聽過。你同佢--根據你呢度所講，就基本上差唔多每個禮拜都同佢開一次會？

I

J

答：係，冇錯。去到尤其是係尾--我相信係 2013 年嘅年尾至到 14 年嘅年中嗰段時間係因為唔可以有任何出錯，因為已經係臨近起貨，變咗唔可以有任何嘅安排上嘅失誤，所以嗰陣時我哋會見面見得密啲。

J

K

K

L

主席：即係就你同佢接觸咁耐，你覺得佢係一個好有經驗嘅水喉工人吖，抑或都係麻麻地嘅咋啎，一知半解嘅咋啎，你覺得佢係邊一方面呢？

L

M

M

答：佢係一個幾有經驗嘅水喉工人。

N

N

主席：好，我哋又不如咁，睇一睇佢 2237 嘅其中一個答案，講緊 K3 第 2237，第 3 條問題嘅第 3 個答案。

O

O

答：見到。

P

P

主席：你見到囉呵？

Q

Q

答：見到。

R

R

主席：佢就話喺嗰陣時佢基本上就--第二句，佢就話「我唔知道嗰啲焊料--即係就住食水喉嘅焊料係一定要係無鉛。」你又點講？

S

S

答：我喺事後我自己...

T

T

主席：唔係講你事後，佢話佢唔知，你點答呢？

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答：我覺得如果佢係有水喉工--即係做咗咁多年水喉工牌嘅話，因為以我而家知道，係水喉工牌考牌嘅時候會有講過呢句說話，我相信佢應該冇理由唔知。但係佢話水--佢呢--唔好意思，我可能理解錯，但係佢講水喉 strip 裏面含唔含鉛，我諗我呢個我唔敢...

主席：乜嘢話？乜嘢話？

答：即係就住佢呢段說話，佢話--佢係講嗰個 solder strip，即係頭先講嗰個係咪含鉛，佢話佢唔知，我...

主席：即係你唔同意佢第一句嘅說話，抑或乜嘢呀？

答：我其實係唔同意佢--即係我係想講就係佢作為水喉工，佢應該知道燒嘅焊料係唔應該含鉛嘅，但係佢知唔知呢隻 solder strip 含唔含鉛，我諗我就唔敢講佢真係唔知。

主席：哦，即係你嘅意思就即係佢應該知道，如果係做食水管嘅焊料係應該有鉛嘅？

答：冇鉛嘅，係。

主席：我想問一問，佢知唔知道，就你所知，交上去房署嗰啲係呢一隻 99C Fry 呀？

答：我敢肯定佢知道。

主席：點解你咁肯定佢...

答：因為點解呢？如果我睇番我之前嘅紀錄，我哋 6 月 3 號畀咗嗰份嘢，e-mail 畀嗰個阿健，而嗰個阿健當其時佢其實係同黃貴雄係一齊做打埋人嘅，喺地盤，佢哋係坐埋同一個架步，冇理由阿健知，而佢係會唔知。

主席：即係當時佢哋有兩個打埋人嘅？

答：當時佢有兩個打埋人。

主席：同一個架步，個架步即係一個貨櫃箱？

答：係。

B

B

C

主席：繼續，Ms Cheng。

C

D

D

E

問：頭先你講呢位阿健，即係你哋 6 月 3 號 2013 年畀個電郵佢嗰個阿健，全名係乜嘢，知唔知？

E

F

答：梁偉健。

F

G

問：梁偉健。佢係咪整個葵聯邨二期嘅工程都係做緊呢一個打理人？

G

H

答：因為梁偉健佢--以我了解，佢係會比較--比黃貴雄高級啲嘅，佢就會寫字樓同埋地盤兩邊走，但係我喺地盤點樣經常性見到佢，亦都我有時候我都會聯絡梁偉健先生咁樣嘅。

H

I

問：佢有冇參加你同黃貴雄先生啲會議㗎？

I

J

答：間唔中有嘅。

J

K

問：間唔中有嘅。有冇同佢討論過物料嘅問題？

K

L

答：我冇。

L

M

問：或者我哋睇番都係喺 K3 個文件夾，頭先主席帶咗你睇黃貴雄先生嘅第 3 個答案，我哋或者頭先有一度可以同你跟進番嘅，就係呢一個嘅第 2244 頁嗰度，頭先溫先生你就講咗你嘅印象之中，你見到啲工人係點樣用啲焊料去燒焊，係咪？

M

N

N

O

答：係。

O

P

問：呢一度黃先生佢個版本就係咁講嘅，或者你由即係嗰個段落嘅第四行嗰度睇，佢就話即係當你接駁--你用呢一個嘅 solder wire，呢個錫線去接駁喉管嘅時候，啲工人就會成卷係揸住，而唔會將啲焊料係切開一段段嘅，佢話呢個目的就係去避免就係嗰個錫線上面嗰個熱力係會即係傳到去嗰個工人嗰個手嗰度，佢話但係即係相比之下，如果你係用錫條嘅話，solder strip 嘅話，啲工人就即係會成條揸住喺手咁樣。我想問下，即係佢講嘅呢一個情況，你聽到佢咁樣講，你有咩嘢回應？

P

Q

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答：我喺葵聯邨，我係未見過有人係揸住--我個人而言，我係未見過有人揸住一餅餅錫線嚟燒。

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問：或者你睇埋佢最靚嗰句，佢就話即係佢相信佢哋當其時用呢一個錫條，即係一條條嗰啲，而唔係用一卷卷呢啲嚟去即係燒焊嘅話，佢話瑞安係應該好 easily，即係佢話係 easily be identified，即係你哋好容易就會睇到，因為會一卷卷嚟燒，呢個你唔同意？

D

D

E

E

答：我唔同意佢呢個講法。

F

F

問：溫生，既然你話你就住嗰個水喉嗰個焊接工程都有啲認知，即係有觀察過，其實有一度我想問一問你，呢個係我睇嗰個分判商合約嗰度見到有一個 clause，我唔知道有冇關係，同而家，不過即管即係睇下你知唔知，或者麻煩去文件夾嘅 4.5 6845 頁，呢個其實我嘅理解，就係嗰個分判商合約嘅其中一個部分嚟嘅，6845 頁呢度就有講到，就話即係嗰個同水喉分判商嗰度，嗰個價格個包含嘅說明，即係話佢嗰個價格係包括咗啲乜嘢咁樣。

G

G

H

H

I

I

答：係。

J

J

問：我就見到，如果你睇 1.8 條，佢呢度就話嗰個工程係包括埋--即係個價格係包括埋「清洗及清理積存於喉管內的焊屎、沙石及垃圾等。」我想問下，呢度話「喉管內的焊屎」呢一個，其實呢一度講緊呢一樣嘢，你知唔知係咩嘢嚟嘅？

K

K

L

L

答：我會覺得可能係有啲滲漏咗入去裏面嗰啲，可能有機會。

M

M

問：滲漏咗入去裏面嘅乜嘢？

N

N

答：我其實唔係好十分理解，因為沙石同埋垃圾，我就好清晰嘅，亦都我哋係經常性都要佢未完成嘅水喉係要包番個頭尾，防止沙石係進入咗條喉管裏面嘅，我諗可能係啲--可能都係沙石，只不過可能佢燒焊可能滴咗一點點喺裏面，所以叫焊屎。

O

O

P

P

問：即係你嘅理解係焊屎其實可能係即係由呢一個焊料嗰度而嚟嘅囉啲？

Q

Q

答：可能滴咗一、兩滴落去。

R

R

問：但係你本人就即係之前...

S

S

答：我唔...

T

T

問：其實你之前有冇睇過呢一個 clause？

U

U

答：我有睇過嘅，但係我係冇刻意為意呢個焊屎呢樣嘢，因為沙石同埋垃

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坡呢個係--即係總之我哋其實喺檢查嘅時候，我哋都會見到佢啲銅喉未完工之前，仲係 open end 嘅時候一定要 cap 咗佢。

C

D

問：你會唔會知道點樣清洗同埋清理呢個喉管內嘅焊屎？你會唔會知道係點樣做，呢個你有冇深究過？

D

E

答：呢個冇深究過。

E

F

問：但係我想問喺 1.8 呢個算唔算係啲工人做呢一個嘅水喉工序，特別係焊接呢一個，算唔算係一個標準嘅工序嚟㗎？以你所知，即係係咪都 standard 要做，呢一個工序？

F

G

G

H

答：你講清洗沙石、垃圾？

H

I

問：唔係，焊屎，即係或者成句喇，我哋呢度成句講，因為佢係一句咁樣。

I

J

答：佢會清洗條喉嘅，做完之後。

J

K

問：佢會清洗條喉？

K

L

答：係，係咪會順--即係可以將啲焊屎都帶埋出嚟，呢個我唔敢肯定。

L

M

問：但係呢個係你哋公司對於分判商個工人做呢一個程序嘅時候一個要求嚟嘅，係咪呀？

M

N

答：係，冇錯。

N

O

問：好喇，或者唔知溫生你面前仲有冇 K3 個文件夾？

O

P

答：有。

P

Q

問：唔好意思，你畀少少時間我。或者其實我就咁講畀你聽都得，何標記嗰個負責人就係何文標先生？

Q

R

答：係。

R

S

問：你都認識佢嘅，係咪？

S

T

答：我認識佢嘅。

T

U

問：佢就住今次鉛水事件，佢都有提交一個證人供詞畀委員會嘅，佢當中就有講到呢一個工作嗰個嘅 work progress 呢一個問題，佢就提到

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就係話當其時何標記就住呢一個葵聯邨二期嘅工程，其實就淨係得番 a few months，即係幾個月，去完成呢一個嘅水喉嗰個焊接嗰個嘅 -- 唔係水喉焊接，即係 plumbing installation，即係水喉工程嗰個安裝，佢就講話係 a few months 嘅，我就見到你個證人口供都有就住呢一點係作出咗一啲嘅即係陳述嘅，或者我哋睇一睇先直接，你嘅 23 段，係咪？

答：係。

問：第 90 頁，你呢一段，再加埋你頭先同林大律師嘅作出一啲解釋，我哋就知道你嘅口供就係話由 2013 年嘅 6 月開始，何標記佢哋就係會大手咁樣做嗰個水喉嘅安裝工程，係咪？

答：係。

問：你就話佢哋大約有係十個月係去做呢一個工程嘅？

答：係。

問：你就覺得即係呢一個嘅時段係合理嘅？

答：係，冇錯。

問：一個合理嘅時間嚟嘅，跟住你就講 -- 你就話你唔同意佢所講話佢哋係 work under 一個好 very tight 嘅 programme，你呢度咁樣講？

答：係。

問：另外你就話 "From my record"，何標記 "has deployed a steady number of workers on site to carry out the plumbing works during the 10 month period."

答：係。

問：溫先生，想問下其實呢一個水喉嗰個安裝工程，我相信個工作量就唔會話係成日都係一樣，會唔會係話去到後期其實工作量會多啲嘍？

答：其實咁嘅，會分開約莫係大概三個階段去做嘅。

問：或者你講講。

答：第一個階段就係喺走廊度做先嘅，嗰個會跟住個石屎「瓢」上嘅，跟

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住當內部砌完瓦仔之後，就會埋房口裏面做嘅，跟...

問：房口即係單位裏面？

答：單位裏面，然後就會喺個通天位，我哋叫做 reentrant 嘅位置，即係嗰個就會坐吊船去做外牆嘅水喉嘅，喺去到做外牆水喉係有機會有 overlap 到做房口嘅，所以喺後段嘅工人係需要多少少嘅，所以其實係...

問：工作量多咗，係咪呀？

答：工作量會多咗，所以佢亦都工人係會多番啲嘅，所以其實條線就會係開頭少啲人，慢慢加啲加啲，去到最尾會係加到啱啱足夠，呢個都係一般嘅做法嚟嘅，所以我從我嘅經驗睇落，我唔認為喺葵聯邨呢個工程，佢係有特別去加好多好多人去趕工，或者喺一個好短好短嘅時間去做好多好多嘅嘢。

問：明白，因為我睇你呢一段，如果我就咁理解，你話即係佢就 deploy 一個“steady number of workers on site to carry out the plumbing works during the 10 month period.”，我個理解，“steady”通常即係話固定穩定，唔會有好多起跌。

答：唔會有好多起跌。

問：但係當你工作量增加嘅時候，佢哋唔係話即係要增加人手嘅咩？

答：係，佢...

問：呢個你哋觀察到係點樣？

答：我觀察到佢係有增加人手，但係都唔係大量增加人手。

問：你睇嘅係乜嘢 record，溫生？

答：我睇嘅係我哋出入閘嘅 record。

問：你會睇到究竟嗰啲工人係咪何標記嘅嗰啲嘅？

答：係。

問：你觀察到啲乜嘢呢？

B

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C

答：我觀察到如果係大工同中工係一開--因為只有大工同中工係做呢個 plumbing installation 嘅 works 嘅，我亦都注意到佢嘅高峰期係大概二十人左右嘅啫。

C

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D

E

問：高峰期即係講緊頭先你講嘅...

E

F

答：係喇，咁...

F

G

問：...第幾個階段？

G

H

答：第三個階段。

H

I

問：第三個階段。

I

答：Overlap 嗰個階段，之前嘅階段係大概十三、四人嘅，所以加六、七個人，我唔認為係好趕工嘅情況會作出嘅做法。

J

J

問：跟住想轉去問一問下一個嘅課題嘅。喺呢一個葵聯邨二期嘅工程嗰度，我哋知道呢一個嘅 licensed plumber，註冊水喉匠，就係林德森先生。

K

K

L

答：林德森先生。

L

M

問：林德森先生就係何標記佢哋聘用㗎喇？

M

N

答：係。

N

O

問：我想問下，因為你係駐守地盤㗎嘛？

O

P

答：係。

P

Q

問：你通常幾耐會見到林德森先生嚟一次？

Q

答：其實我係曾經見過佢好幾次，因為主要聯絡林德森先生就唔係我本人嘅，就係我一位同事叫梁禮傑（譯音），佢係...

R

R

S

問：瑞安嘅同事？

S

T

答：瑞安嘅同事，佢係 building services engineer，佢主要--其實我呢位同事主要都係聯絡番梁偉健先生嘅。

T

U

問：頭先嗰個阿健，係咪？

U

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V

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C

答：嗰個阿健。

C

D

問：Okay。

D

E

答：阿健就係一直都係幫我哋聯絡水喉匠嘅人嚟嘅，我哋亦都好少話 directly 去聯絡水喉匠，因為除非有啲真係牽涉到入 form、程序上嘅問題，否則的話，其實一般施工嘅期間，我哋主要都係聯絡番佢哋地盤嘅打理人。

E

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G

問：講咗你先，你話你見咗佢好幾次，...

G

H

答：好幾次。

H

I

問：...大約幾多次嘅呀？畀個約數我哋。

I

J

答：我諗四、五次左右。

J

K

問：你見到林先生嘅時候，佢喺地盤嗰度做緊啲乜嘢？

K

L

答：佢喺地盤係教緊啲工人做嘢嘅，我亦都見過，指使啲--即係喺度通常係 brief 啲工人，我見到佢，即係喺度話緊啲工人應該要點做、點做，或者啲水錶應該要點樣做，我亦都曾經見過佢係同梁偉健一齊巡地盤。

L

M

M

問：即係何標記嗰個阿健？

N

N

答：何標記嗰個阿健，係。

O

O

問：除咗你自己之外，你話你就主要係有個姓梁--另外一個姓梁嘅同事就負責聯絡林德森嘅？

P

P

答：係。

Q

Q

問：佢點解要聯絡林德森嘅？你記唔記得係為啲乜嘢？

R

R

答：主要係為咗法定程序上嘅問題。

S

S

問：例如呢？

T

T

答：譬如入水紙，因為除咗林德森佢滿意咗，佢簽咗張水紙之後，其實係要將呢張水紙交界房屋署去簽嘅，主要都係睇番呢個情況，佢有冇做呀咁，催促番佢喇。

U

U

V

V

B

B

C

問：其實除咗即係簽水紙之外，即係我哋知道 LP，佢哋嘅工作，佢哋嘅職責都包括佢哋要即係監督住嗰個水喉嗰個安裝嘅過程㗎嘛？

C

D

答：係，冇錯。

D

E

問：想問下，瑞安，無論你個人又好，同事嚟講又好，有冇一個機制係話你哋會同林德森先生係久唔久有啲溝通，去知下喺佢嘅監督底下，會唔會見到水喉安裝有冇啲咩嘢問題、出現咩嘢情況咁樣？

E

F

F

G

答：當其時係冇呢個機制。

G

H

問：係冇呢個機制嘅？

H

I

答：係。

I

J

問：呢一個係淨係葵聯邨二期㗎，抑或所有地盤都係咁？

J

K

答：我做嘅地盤都冇咁嘅機制。

K

L

鄭小姐：主席，我其實就仲有一個課題，就可能同溫先生跟進，我估計嗰個大約要十五分鐘嘍，保守估計。

L

M

主席：哦，我相信今日都唔會完㗎喇，聽朝早應該都會完嘅，我哋聽日先至繼續。

M

N

N

O

鄭小姐：唔該晒。

O

P

主席：好。

P

Q

2015年12月17日

Q

R

下午4時25分聆訊押後

R

S

S

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V

V

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B Commission of Inquiry into Excess Lead Found in Drinking Water Day 29 B

C Thursday, 17 December 2015 C

D (10.03 am) D

E (Transcript of simultaneous interpretation E

F except where otherwise specified) F

G MR AU CHOI WA (on former affirmation) G

H Cross-examination by MS CHENG (continued) H

I CHAIRMAN: Please carry on. I

J MS CHENG: From your evidence, you mentioned Kwai Luen J

K Estate Phase 2, there were causes leading to the leaded K

L solder. L

M I understand that Shui On did conduct some M

N investigation and an analysis after the event. In your N

O report submitted to the Housing Authority, paragraph 50, O

P there is a detailed list. Please have a look at that. P

Q Please refer to page 6617, B4.5. Q

R A. Yes, I've got it. R

S Q. Mr Au, this is the investigation report submitted by S

T Shui On to the Housing Authority. T

U Mr Au, were you personally involved in the drafting U

V of this investigation report? V

A. Yes, I was. A

Q. Page 6623, please have a look at that page, regarding Q

R the cause of the incident. R

S A. Yes. S

T Q. Here it mentions a number of factors that led to the T

U

V

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C occurrence of the incident. Let's have a look at them C
in brief:

D "(In English) (i) Lead content in air contaminating D
the metal surface of piping including the soldering E
materials." E

F A. Yes. F

G Q. On this particular point, did you consult an expert G
advice or did you conduct any investigation before you H
put forward this view? H

I A. We didn't consult any expert advice. We were in a bit I
of a rush. The Housing Department required us to submit J
a report within seven days. We didn't have a lot of J
information at that time. A lot of it was speculation. K

L Q. All right. Let's move on to number (ii): L
"(In English) Non-compliance soldering materials M
mistakenly ordered and used by workers. M

N (iii) Non-compliance soldering materials mistakenly N
delivered to site and used by workers." O

O Yesterday, I mentioned the ordering of the materials O
and the delivery to site. You say that you didn't check P
the soldering materials, so you were not conscious of P
the incident? Q

R A. As main contractor, it is not for us to execute the R
work. We rely on the subcontractors and the plumbers to S
carry out the work. We asked Ho Biu Kee to see whether S
T
U
V

they were aware of the reasons. They said no, and it is by speculation that we listed these factors.

Q. Number (iv) --

CHAIRMAN: Sorry, Ho Biu Kee said they were not aware of the factors. (ii) and (iii) were speculation on your part?

A. Yes, (i) to (v) were speculation on our part.

MS CHENG: Number (iv), this may be speculative. Would there be any basis? Number (iv) says:

"(In English) Workers using soldering materials from other sources due to delay of delivery of the approved materials in order to cope with the tight site progress."

Kwai Luen Estate Phase 2, was the progress particularly tight, and it is on this basis that you made this speculation?

A. Phase 2 of Kwai Luen Estate, they were given ten months to carry out the work, as indicated in Mr Wan's statement. In the light of experience, it would be sufficient time. There are certain procedures that would be in a bit of a rush, and there is such a possibility.

Q. You don't have to pick up the bundle. Let me repeat this to you. Mr Ho Man Piu of Ho Biu Kee submitted his witness statement to the Commission. In terms of the work progress, he made the following point. He said

effectively that with regard to the installation of the plumbing system, it would depend on the progress of the public rental housing progress. So in Kwai Luen Estate, Ho Biu Kee was left with a few months to complete the plumbing installation.

He mentioned a couple of months for them to execute the work. How would you respond to this?

A. I think what Mr Ho said was said in general terms. He should have sufficient time under the arrangement.

Q. Mr Au, you have experience dealing with these domestic units. With regard to plumbing installation, the workload would not be spread out throughout the year.

Is it the case that towards the end of the project, there would be a higher demand for this work, and work will have to be rushed?

A. With regard to plumbing work, this scenario might happen. We allow them sufficient time, but in the process, maybe the materials didn't turn up in time, maybe they don't have sufficient workers. We allow them sufficient time, but because of the logistics arrangement, the worker will be shifted to the end of the project. That might happen.

Q. You said that the materials might not arrive in time. As far as you were aware, did it happen in Kwai Luen Estate?

A. We didn't receive any information of this nature.

Q. Let's move on to number (v):

"(In English) Workers using soldering materials from other sources for making good the leakage of copper pipe during pressure test at final stage of the project."

Pressure test, is it the test of water leakage?

A. Yes.

Q. In Kwai Luen Estate Phase 2, as far as you know, were there any problems of leakage as a result of the pressure test?

A. In the Housing Department project, when pressure test was conducted, this problem may occur very often. It may not just be in Kwai Luen Estate. If there is any leakage, there will be remedial action taken.

Q. With regard to this pressure test, would Shui On personnel be on the scene?

A. Yes, we would be on the scene to witness the pressure test.

Q. If the pressure test failed to pass, what subsequent steps would be taken?

A. As far as I know, if during the pressure test they fail and there is leakage, then this will go on the record and Ho Biu Kee plumbers would be informed for rectification to be undertaken. Once this has been rectified, we would be informed and have a look at the

pressure test together with the Housing Department.

Q. We are laymen here. You said rectification. If rectification has to be undertaken, would the soldering process be redone?

A. In the light of my experience, where there is leakage, leakage often occurs at the joints, and they would solder it again to stop the leakage.

Q. So you said here, if the pressure test fails and leakage occurs, the workers would buy some materials to do the soldering again, and they probably would have purchased the substandard materials?

A. That's my speculation.

Q. Yes, that's your speculation.

For Kwai Luen Estate Phase 2, did you hear anything or did you have any report that during the pressure test, there were problems, and soldering had to be done again? Any record there?

A. Personally, I have not received anything like that, but in the light of my experience, there would be leakage that occurs in the pressure test. That's very often.

MS CHENG: I have no further questions.

CHAIRMAN: Any further questions? Mr Ho.

Cross-examination by MR HO

MR HO: Chairman, thank you.

Mr Au, I am acting for the Housing Authority.

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C I would just like to follow up on some of the questions C

D that Ms Cheng asked you yesterday about the procurement D

E committee. Yesterday, you said that in Kwai Luen E

F Estate, before the award of the contract, you asked F

G Ho Biu Kee for a quotation? G

H A. Yes. H

I Q. You asked Ho Biu Kee for a quotation. If you were I

J awarded the contract, then Ho Biu Kee would quote you J

K a lump sum to execute the project; is that right? K

L A. Let me put it this way. If we get awarded this L

M contract, then they would be acting in accordance with M

N the main contract and give us a quotation to execute the N

O project. O

P Q. And the quotation was a firm figure? P

Q A. It was a figure based on the BQ. There was a solid Q

R figure, I suppose. R

S Q. A solid figure, you mean a firm figure? 20 million and S

T that would be the ultimate figure. There wouldn't be T

U any variation, there wouldn't be any renegotiation, and U

V that figure quoted by Ho Biu Kee means that if you get V

awarded this contract, then this is what you are going

to be charged?

A. Yes, that's under the BQ, and if the quantity changes,

if there is any re-measurement, they would do the

re-measurement likewise.

Q. If you get the contract and you award the job to Ho Biu Kee, you would have some idea how much it is going to cost you?

A. Yes, we would have some idea how much it was going to cost us. We would leave a margin there in the quotation.

Q. Before you submitted the tender to the Housing Authority, you were already quite sure how much Ho Biu Kee would charge for the project?

A. Yes. We have some reference figures. But it's different by project --

Q. I am referring to Kwai Luen Estate.

A. For Kwai Luen Estate Phase 2, there's a park and there are a few non-typical floors, so the prices would be different from the typical floors.

Q. All I want to know is that by the time you submitted a bid to the Housing Authority, you already had a good idea how much Ho Biu Kee would charge?

A. Yes, we submitted tender based on the quotation from Ho Biu Kee.

COMMISSIONER LAI: In your negotiations with Ho Biu Kee, did you agree to use copper pipes and the type of joint to be used? Did you discuss such things?

A. No, we didn't for Kwai Luen Estate. We worked together for more than ten cases in the past and we had been

using copper pipes.

COMMISSIONER LAI: In other words, you had a consensus on
the use of copper pipes and solder.

A. (Chinese spoken).

MR HO: From what you said yesterday, it wasn't a formal
agreement, but you already had an understanding that if
you secured HA's project, you would subcontract the
works to Ho Biu Kee at the agreed price?

A. Yes, we had such an understanding.

Q. So, as I know, you did not ask any other plumbing
subcontractor for quotations?

A. No, not for Kwai Luen Estate Phase 2.

Q. Yesterday, you said that for special disciplines, you
would not try to secure more quotations from other
companies?

A. Yes.

Q. So the issue is whether plumbing can be regarded as
a special discipline?

A. Well, when we define special discipline -- let's not
talk about the nominated subcontractors, because they
are picked by the Housing Authority.

Q. This is a domestic subcontractor.

A. Domestic subcontractor for piling works. We would
secure piling contractors, because there are certain
legal requirements. For site formation and civil works,

the Buildings Department has other requirements as well.

Plumbing is a similar trade and there are legal

requirements in place.

Q. So the requirement is that a licensed plumber is needed, but there's nothing special with having a legal requirement; right?

A. No, I don't really agree. Different trades have different requirements. Under the Buildings Ordinance, our main contractor would be responsible, so we would pay more attention to those.

Q. Yesterday, you said that you already have a close working relationship with Ho Biu Kee. You have been using them for years and their work had been satisfactory. So is that part of the reason?

A. If we find this subcontractor satisfactory, we would give them more opportunities or business.

Q. Can you address my question directly, please. The fact that you reached out to Ho Biu Kee but not other companies, is that one of the reasons?

A. This is one of the reasons.

Q. I would like to refer to the witness statement you gave yesterday. You said that eight to ten years ago, you would go for an open tender. You stressed the time frame of eight to ten years ago. So, in the past eight to ten years, you no longer followed or adopted an open

tender for plumbing subcontracting works?

A. Yes, as far as I remember. Since eight or ten years ago, the HA had a lot less projects. All the subcontractors were trying to cut costs, so we tried to secure reliable subcontractors, and that's why we secured Ho Biu Kee at that time.

CHAIRMAN: Can you elaborate on what you mean by cutting costs?

A. At that time, there weren't a lot of projects available; in other words, the subcontractors did not have a lot of business. So, in order to avoid cut-throat competition, we were rather concerned about quality, so we tried to secure a reliable subcontractor.

MR HO: Over the last eight to ten years, how many HA projects have you taken up?

A. A dozen or so.

Q. I'm talking about the last eight to ten years. What about private projects?

CHAIRMAN: Kwai Luen Estate project started in August 2010.

Now, when did the last HA project commence?

A. It should be Lung Yat Estate in Tuen Mun. It started in 2009 to 2010.

CHAIRMAN: Again, Ho Biu Kee was the plumbing subcontractor; right?

A. Yes.

CHAIRMAN: Again, the same soldering materials were used, so lead-free solder was used?

A. Yes, FRY 99C was submitted.

MR HO: It's the same this time; right?

A. Yes, they submitted the samples every time.

Q. You said you were responsible for a dozen or so HA

projects in the past eight to ten years, so was

Ho Biu Kee the plumbing subcontractor every time?

A. With the exception of a project eight to ten years ago,

the plumbing subcontractor was another company called

Luen Shing.

Q. So eight to ten years ago, you would invite open

tenders, but in the last eight to ten years, for the ten

or so projects, you worked with Ho Biu Kee every time;

right? I'm referring to the plumbing works.

A. For the last few projects, we invited extra quotations

for the sake of reference, but it wasn't a proper

tender, and we tried to see whether Ho Biu Kee's

quotation was reasonable.

Q. You mean in the last eight to ten years you would invite

quotations, but at the end you gave the contracts to

Ho Biu Kee?

A. Yes, as far as I remember.

COMMISSIONER LAI: So around 2006, an open tender was

invited?

A. Yes, for projects that concluded in 2005 or 2006.

COMMISSIONER LAI: And subsequently, quotations were invited instead of tenders, and you worked with Ho Biu Kee and you compared their prices and at the end you decided to go for Ho Biu Kee; is that right?

A. Yes.

MR HO: In the last few years, you wouldn't even seek quotations from other companies. Since Ho Biu Kee has a good track record, you would simply ask them for a quotation; is that the case?

A. In the last few years, we would invite quotations because we wanted to check whether Ho Biu Kee's quotations were reasonable.

Q. What about for Kwai Luen?

A. As far as I remember, personally I did not invite any quotations, but I believe that their quotation was reasonable.

Q. Have you already established a close working relationship with Ho Biu Kee? In other words, you trust Ho Biu Kee?

A. I am not sure if I can describe it as a close relationship. I would describe them as a strategic partner. If they are doing a good job, we would give them more business.

Q. Yesterday, you said if you gave them a contract, if the

- price of copper pipes went up, you would propose to the HA to factor in price fluctuations so that Ho Biu Kee wouldn't lose too much?
- A. The HA has a formula in place for price fluctuations.
- Q. That's for you -- but that's only for you; right?
- A. We are also fair to our subcontractor, but if the prices undergo a spike, we would negotiate with them and possibly provide compensation, so they can be reassured.
- Q. I would like you to look at the subcontractor's management plan. We have a copy. (Handed).
- Before I ask you to look at the details, I would like you to confirm that the contract was awarded to Shui On on 4 August 2011.
- A. Yes.
- Q. So, for the subcontractor's management plan submitted to the Housing Department on 8 August, it was submitted afterwards?
- A. The contract was awarded but works had not started.
- Q. So the contract was already awarded to Shui On?
- A. Yes.
- Q. A few days later, you submitted the subcontractor's management plan to the Housing Department. I would like you to look at the first page. You have a procurement policy?
- A. Yes, I see that.

Q. It says -- let me just read it out:

"(In English) The company's procurement policy is to ensure that best quality materials and services, which satisfy the specifications and requirements of the client ..."

(Via interpreter) "The client" refers to the Housing Department.

"(In English) ... are purchased in a competitive and equitable way; such purchases represent value for money; and the process is transparent and accountable."

In other words, whenever procurements are made, including identification of subcontractors, your policy is to be competitive -- the process must be competitive, transparent and accountable. So these were the standards; right?

A. Yes, that's what it says here, that these are also our standards.

Q. You secured HA's contract on 4 August, and you told us that you already had an understanding with Ho Biu Kee that once you secured the HA's project, you would subcontract the plumbing works to Ho Biu Kee. So this is not the same as the principle of competitiveness mentioned here?

A. As I said, for specific works, there are legal requirements in place, and we feel that some

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C subcontractors are reliable. Apart from plumbing, the C

D other trades like civil works or piling works, we have D

E to ensure the best quality materials and services. E

F These are our objectives, and the subsequent parts are F

G only about the procedures. G

H Q. Let's have a look over the page, "(In English) Criteria H

I for selection". I

J A. Yes. J

K Q. The first paragraph: K

L "(In English) Domestic subcontractors will be L

M selected and awarded from approved lists ..." M

N In the middle: N

O "(In English) Works packages will either be tendered O

P or in the case of specialist trades, selected base on P

Q contractual requirements and/or on approved list of Q

R government departments." R

S Paragraph 3: S

T "(In English) A set of tender documents will be T

U issued to solicit quotations from the approved U

V tenderers' list." V

Further down:

"(In English) The selection of subcontractors will

be the responsibilities of the company's procurement

committee chaired by the managing directors ..."

And so on.

A. Yes, I've got it.

Q. So Ho Biu Kee didn't follow the tender procedure, but in this subcontractor management plan, you didn't specifically mention that?

A. Well, this subcontractor's management plan refers to the majority of the subcontractors. There may be specialist subcontractors, like piling and geotechnical. We do have other measures.

Q. You identified Ho Biu Kee because of its track record?

A. Yes, and reliability.

Q. Is it because you have been co-operating for some time and they enjoyed a pretty good track record? So, as to how Ho Biu Kee executes its responsibilities, you were very, very lax about it?

A. We have been co-operating with Ho Biu Kee on many projects and they enjoyed a good track record. No complaints have ever been received by the Housing Department or the Water Supplies Department. So, in this situation, as a main contractor, we have to allocate the resources and we would focus our attention on other subcontractors, and the management would be more stringent for others.

Q. In fact, you have answered my question. For Ho Biu Kee, you were a little bit more lax because of the good track record and you trusted them?

A. Not lax. I wouldn't say lax. We do have confidence in them.

Q. Yes, confidence.

Would it include the monitoring of the materials?
To put it bluntly, your trust in them is to such an extent that you don't really care too much about what materials they use?

A. We have the fundamental procedures to make sure that the materials they use measure up to the contract.

Q. The fundamental procedures are the 16 points in the project quality plan, these 16 procedures; is that right?

A. Not only that. They have to submit samples regarding the materials that they use. Yesterday, I said that in the subcontract, they have to tell us the materials that they use, and we would check whether they are fulfilling the contractual requirements.

Q. You conduct a check. That's when they are submitting the samples, because the Housing Authority would have to clear the materials before you would use them?

A. Under the contract sum, no, but we still insist that they show us.

Q. As to the kind of materials that Ho Biu Kee use, other than asking them for submission, basically you follow the 96 items?

A. Yes. This is on the basis of risk assessment experience and contractual requirement, before we include them in the 96 items.

Q. Also please have a look at the subcontractor's management plan, page 5 there. Page 5, in the middle, there is a heading, "(In English) Control of subcontractor's equipment & material". You've got that?

A. Yes.

Q. It says there "The subcontractors' material" -- including Ho Biu Kee's materials, I suppose.

"(In English) The subcontractors' material, construction plant and equipment delivered to site will be properly controlled. The subcontractor will be required to report on the details of the material and plant they delivered including the provision of mill certificates, packing list ..."

(Via interpreter) And it mentions specifically "delivery note".

"(In English) ... ownership of plant, relevant test reports, label required under the local statutory requirements."

This is very stringent, as it is couched. You need to control and monitor the subcontractor's material. Rather than submitting a report, they have to show you the delivery note. This is what is said here.

A. Yes. But as a matter of fact, as I said yesterday, we have more than 1,000 materials used on site. They are of different sizes and there are so many different materials. This plan covers the majority of the materials. Soldering materials, they are of a minor nature, like nuts and bolts. We didn't realise the extent of the risk, so they were not included.

Q. In other words, this is what is written, and it doesn't mention any exception, so the control of material would be done like this, but when it comes to actual practice, soldering materials or things like that would not be included?

A. As I said, there are so many materials used on site. We don't follow the procedures for each and every single item.

Q. Would the soldering materials come with the specs? FRY 99C samples were submitted to the Housing Department for vetting and approval. Whether they fulfil the specs, it would not be like the nuts and bolts?

A. Yes, for nuts and bolts, we did submit them for approval. But for the inspection of incoming materials and delivery note, these are sundry items. We didn't look at them, because of the sheer amount of materials on site.

Q. If I may pick up a point Madam Cheng raised yesterday.

That's the list of 96 items. B4.5. Please refer to pages 6669 and 6670.

A. Yes.

Q. 6669, "Normal inspection", "Tightened inspection", "100 per cent inspection". I heard what you said yesterday. I don't propose to go into that.

Then d, "Reduce Inspection", and one of them is "Copper pipes and fittings", number 22; have you got that?

In answer to Madam Cheng's question, one of the reasons you said, you had to look at copper pipes and fittings, and one of the reasons is that Ho Biu Kee will be paid for them, so you would look at them?

A. (Chinese spoken).

Q. During the course of work, you would check what they have used, and you would pay them for the materials?

A. Yes, when the materials turn up on the site, they would show us the receipt.

CHAIRMAN: So these are not reduced inspection; it would be more like 100 per cent inspection, isn't it?

A. Chairman, reduced inspection, we would look at each batch. The sampling would be less. 100 per cent, we would look at them 100 per cent.

CHAIRMAN: So every time the materials are delivered, you would look at them? You may pick out one or two items?

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C A. Yes, we may have a smaller sampling size. C

D MR HO: So, in the subcontract, contract involving D
Ho Biu Kee, they provide the labour and the materials.

E So however many materials they use, they will be E
included in the first place?

F A. Yes, they will be included. F

G Q. To complete the project, they charge you this much? G

H CHAIRMAN: Well, yesterday he mentioned the cash flow H
problem.

I MR HO: But at the end of the day they include the labour I
and materials in the final measurement?

J A. For any subcontractors, they would have to have a lot of J
resources for the materials. We try to reduce the risk,

K financially. K

L Q. Let me turn now to your witness statement. Please bear L
with me. I was looking at your statement just a moment

M ago. M

N Please refer to paragraph 19. N

O A. Yes. O

P Q. Paragraph 19, you are responding to the second question P
of the Commission. Page 56, the heading there, you are

Q referring to the second question, what steps and Q
procedures would be taken, "(In English) as far as

R controlling the content of lead of the plumbing R
materials is concerned".

S

T

U

V

So what steps and procedures have you taken to control the content of lead of the plumbing materials?

Do you see that?

A. Yes.

Q. In paragraph 19, you said:

"(In English) ... we took the steps and measures outlined below as far as plumbing works are concerned to ensure compliance with the contractual requirements".

So some steps have been taken to make sure that you comply with the contractual requirements?

A. Yes.

Q. Then, moving on, the steps are, number one, materials submission. Second, "(In English) a number of measures for quality control on workmanship ... to ensure that it functioned properly".

So what you are saying is you have to make sure that the materials are in line with the contractual requirement, that's when the materials are submitted?

A. Let me repeat this part. We have been working with Ho Biu Kee for years, and we have had no issues in the past. We know the materials they intend to use and we have checked them against the contractual requirements, so there is no reason for us to suspect that they won't use such materials for the project, and they don't have to worry about money either. So this is basic

supervision on the use of materials.

On the procurement and delivery of materials, well, we asked Ho Biu Kee and they told me that they bought the solder themselves, and for the entire Kwai Luen Estate we are just talking about a cost of less than \$100,000. So there was no incentive for them to switch to another material.

Q. I want to put the same question to you. In questions 9 and 10 of the Commission -- let's look at question 9 on page 62.

A. Yes.

Q. If you look at the second line:

"If such materials were procured by your client's subcontractors", then you have to "explain the measures, supervisory, monitoring and quality control systems in place by your client in ensuring that (a) the plumbing materials are lead-free, (b) they comply with the contractual requirements ..."

Again, you talked about the submission of materials in paragraphs 39 and 40. You mentioned the quality plan. So, as far as solder is concerned, you have no supervision or mechanism to make sure that the solder submitted is in line with the contractual requirements. Do you have any mechanism in place?

A. As I said, we have a mechanism in place to find out

- what -- to find out the materials they intend to use.
- Q. They have to submit samples to the Housing Department, but what about the actual materials used?
- A. We have a mechanism in place. If we don't even have a mechanism to vet the samples, then it might be even more problematic.
- Q. So it's just half the work done?
- A. In retrospect you might say that it was inadequate. But as I said in my statement, we adopted a lot of steps to -- we are now adopting a lot of measures to monitor the use of solder.
- Q. So, in gist, there's no specific mechanism on the actual solder used?
- A. It was inadequate.
- Q. You have been working with Ho Biu Kee for years, and you have a lot of trust in them. So do you feel that they have deceived you for this project?
- A. I asked Ho Biu Kee in writing why this would happen.
- CHAIRMAN: You asked Ho Biu Kee in black and white?
- A. Yes. And they answered in black and white that they didn't know at the time.
- Right now, more and more evidence pointed to the possible reason of procurement of wrong materials.
- CHAIRMAN: I would like to ask you on the procurement of the so-called wrong materials.

Let's look at S1, page 102. Page 102, it's about Kwai Luen Estate, for which your company was responsible. Page 102 is basically a summary. On 4 June 2013, for some reason two types of solder were purchased. One is leaded, one lead-free, and no solder was purchased until 1 August 2015, and four more rolls of solder were purchased.

As we now know, something happened on 1 August. When you look at page 127 there's a very urgent fax. It was a very urgent fax.

Do you think that they mistakenly delivered the materials?

A. Before the incident, no one was aware. But on 1 August 2015, the urgent fax was due to the fact that we were working on some temporary pipes.

CHAIRMAN: I understand.

A. After the incident, they had to do such remedy, and there were only 20 rolls of lead-free solder.

CHAIRMAN: They ordered two types of materials at the same time; right?

A. (Chinese spoken) --

CHAIRMAN: I know. I will ask Ho Biu Kee later on. But according to your speculation, you said they might have mistakenly done something, but I just want to point you to this page and see if you still feel that those were

mistakes.

Let's look at page 128 as well. This is for
Kai Ching Estate, another project taken up by
Ho Biu Kee. Do you see that?

A. Yes.

CHAIRMAN: Again, the subcontractor was Ho Biu Kee. It was
even earlier. It was in 2011 to 2012.

Down the page, on 12 June 2012, it was the last time
they ordered FRY lead-free solder for the project.

Starting from 26 June 2012 onwards, until January 2013,
until April of 2013 for Kwai Luen Estate, FRY was no
longer used.

Now, do you still feel that those were mistakes?

A. I hope Ho Biu Kee did not abuse our trust in them.

I also want to know why they did so. Looking at their
statements, they said their person in charge made such
instruction, but for details, you have to ask them.

CHAIRMAN: Thank you.

MR HO: Thank you, Chairman. I have no further questions.

CHAIRMAN: Anyone else?

Cross-examination by DR WONG

DR WONG: Please refer to paragraph 47 of your witness
statement.

A. Right.

Q. On the fifth line, it says:

"(In English) To ensure that Ho Biu Kee would use lead-free soldering materials, Shui On required Ho Biu Kee to propose and submit material samples."

So, in other words, you knew that it was important to use lead-free soldering material, and that's why you had asked Ho Biu Kee to use lead-free soldering material? It's not just filler metals but lead-free materials, lead-free soldering materials?

A. That's what we wrote. But it's not just soldering materials. We need subcontractors to submit samples for many materials.

Q. So are those key materials, if you require a sample?

A. We need -- for materials that must be known to us, we have asked for samples.

DR WONG: I have no further questions.

COMMISSIONER LAI: But no samples are required for PLU1 materials?

A. For PLU1 materials, for the plumbing materials, we ask Ho Biu Kee to submit samples so that we know the brand and types used.

COMMISSIONER LAI: And for valves they needed to submit samples as well?

A. In theory they didn't have to do it but we have to know.

COMMISSIONER LAI: So why did you submit samples even though they weren't required?

A. First of all, we had to know the materials Ho Biu Kee used. We had to know whether they were compliant with the contracts, and we would also notify the Housing Department which materials are to be used.

Cross-examination by MR TAM

MR TAM: Yesterday, you said that between Ho Biu Kee and yourselves, there was a price adjustment mechanism. It was more than \$20 million for Kwai Luen Estate, there were a total of about 1,500 units.

A. Yes.

Q. So, at the end, was there any price adjustment or price fluctuation provision?

A. For Kwai Luen Estate, as I remember, the prices for copper pipes did not go up much, so the difference in salaries was not great. So basically not much adjustments have been made on the price.

Q. So, in other words, Ho Biu Kee did not ask Shui On for more money in price fluctuation due to overtime work or extra manpower?

A. Well, they did not file any claims.

Q. For Prosperity Building, for this supplier, you did not propose it to them; right?

A. No, they secured the supplier themselves.

CHAIRMAN: Any questions from Ms Cheng?

Re-examination by MR LAM

MR LAM: Mr Au, I have a few questions. Let's look at the management plan which Mr Ho showed you.

A. Are you referring to the subcontractor's management plan?

Q. Submission of subcontractor's management plan. Do you have that on hand?

A. Yes.

Q. Let's have a look at the first page, the procurement policy.

A. Yes.

Q. Mr Ambrose Ho read out the first paragraph. I would like you to look at the second:

"(In English) It is the company's policy to maintain good long-term working relationship with capable subcontractors. We will select works to these companies in order that they work for us continuously. We treat our suppliers and subcontractors as our colleague and work together in a fair and equitable way. Many of them had been working for us for over 10 years."

You see this paragraph; right?

A. Yes.

Q. For your company or yourself, you feel that if you have a reliable subcontractor, with quality workmanship and reliable, it would be beneficial to the company?

A. Well, that goes without saying. Construction projects

C carry certain risks, so if we have reliable
subcontractors, our risk can be minimised.

C

D Q. As you said, Ho Biu Kee is one of your tried and tested
partners, and as such you have great trust in them?

D

E A. Yes.

E

F Q. In this project, we agree that there was no open tender
G on Ho Biu Kee, but for the Kwai Luen Estate project, do
H you remember that you did seek other quotations from
I Golden Day? You said you cannot remember that, but the
fact is a quotation was obtained from Golden Day.

F

G

H

I

J A. I cannot remember it personally. Before the works were
K given to Ho Biu Kee, they looked at some reference
prices.

J

K

L Q. So personally, you could not recall a quotation from
Golden Day, but your subordinates might have done it?

L

M A. The procurement team might have done it, but I wasn't
N notified.

M

N

O Q. I have one more question for you. Yesterday morning,
P Ms Cheng asked you a question, that the lead-free
requirement is to prevent contamination in water, and
Q you disagreed with Ms Cheng. So were you not aware that
the solder might contaminate the water?

O

P

Q

R A. I didn't have this awareness.

R

S Q. If you didn't have this awareness, you know that it
T would cause or lead to this kind of thing?

S

T

U

U

V

V

A. In the contract, there is no such requirement, but Shui On would not allow subcontractors or the workers to do anything that is not in keeping with the contract.

Q. Finally, let me put a question to you. It was asked by the chairman before. In this day and age, looking at the information that you have, it doesn't look like it was a mistaken situation.

CHAIRMAN: I didn't quite say that. I asked him, having read the information, would he change the speculation.

MR LAM: All right. Let me put it directly.

Do you think it wasn't a mistaken procurement?

A. When I drafted the witness statement, the receipts didn't appear. The chairman showed me them.

As to whether Ho Biu Kee mistakenly procured the materials, I think they abused our trust on the part of Shui On.

Q. You did say in your statement that price wasn't your prime consideration when you engaged Ho Biu Kee at \$23 million or \$23.9 million. You said that the price tag wasn't the prime consideration. Now you have found that Ho Biu Kee used substandard materials, as far as the company is concerned, how do you feel about it?

A. Over the past three years, we have done quite a lot of Housing Department projects. We got awarded -- we tendered for many of the projects. The solder materials

cost \$100,000, and as a result we were denied any tendering exercises in four, and that undermined the morale of the company. We dealt with many things in Kwai Luen Estate. We installed the filters for the residents post haste. Because of the time difference between Hong Kong and the US, we spent many, many nights communicating with the US, and we are liaising with the Water Supplies Department and the Housing Department about the re-plumbing work.

When these issues occurred, there were two estates that were about to be completed, and it would be hard for us to prove that everything was okay for the housing estates, and we decided that we stripped out the copper pipes and re-did them all over again, to make sure that everything would be up to the Housing Department requirements. We didn't have the X-ray machine and the lab couldn't answer us how soon they would be able to get the testing completed, and we had to rush through these projects. This \$100,000 would mean a very bitter lesson for the company.

CHAIRMAN: Thank you very much, Mr Au. You are done with your testimony. You are free to go now.

(The witness withdrew)

MR LAM: Chairman, my next witness is Mr Ching Shiu Hong. Perhaps you might wish to take a break.

CHAIRMAN: You read out his statement first.

MR CHING SHIU HONG (affirmed)

CHAIRMAN: Please take a seat.

Examination-in-chief by MR LAM

MR LAM: Mr Ching, before you is a witness statement, or you might want to look at the screen. You might wish to listen to what I read out, and if there are any changes, please let me know.

(Paragraphs 1 to 34 were read in English)

Mr Ching, I have read out your witness statement.

Are there any amendments you wish to make?

A. No.

Q. Do you agree to take this witness statement as your submission?

A. Yes.

CHAIRMAN: Let's take a break.

(11.25 am)

(A short adjournment)

(11.48 am)

Cross-examination by MS CHENG

MS CHENG: On Kwai Luen Estate Phase 2, we understand that you are the project manager. In the third paragraph of your witness statement, you said you talked about the site organisation chart of Shui On, so I would like to ask you some questions.

In paragraph 3, you wrote about the organisation chart and you have shared an organisation chart. That should be in B4.2, page 3922 in the bundle.

Mr Ching, here is the organisation chart. It's the same chart you mentioned your witness statement; right? Perhaps we can share both documents. We will table these two documents in front of you. I might refer to them later on.

First look at paragraph 5 in your witness statement. You mention a project quality plan. It was prepared by yourself; right?

A. Yes.

Q. You said the project quality plan would be submitted to the department head for quality assurance, for approval; right?

A. Yes.

Q. Now let's look at the main organisation chart. In the middle of the page, you see "Project Manager", right, which is yourself, and you said after creating the project quality plan, you would submit it to the department head for quality assurance for approval.

So, at the bottom right corner of the page, the QA department or the QA manager in the upper right corner, this is the person responsible for approving the plan in your witness statement; right?

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A. Yes.

Q. In the drafting of the plan, was anyone from Shui On involved?

A. The QA manager would assist me. Excuse me, it should be the QC manager.

Q. Is it under the QA department at the bottom right?

A. He belongs to the engineering department.

Q. So, in fact another department was involved?

A. The engineering department was responsible, was involved.

Q. Apart from that, was anyone else from Shui On involved in the drafting of the project quality plan?

A. The QC manager's subordinates were also involved.

Q. In paragraph 5 of your witness statement, the project quality plan was dated 5 January 2012. It was completed by that time?

A. Yes.

Q. This date was even earlier than the date of the agreement signed between Shui On and the HA?

A. Well, the project commenced around that time.

Q. What do you actually mean? Generally speaking, when would you begin this project quality plan?

A. Once we know that the tender was awarded, we would begin.

Q. So generally, when the HA confirms that the works would

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be contracted to Shui On, you would work on the plan.

As you worked on this plan, had Shui On secured the relevant subcontractors, for example the plumbing subcontractor?

A. Not necessarily. We might have secured some subcontractors, but the project quality plan actually covers all aspects of quality control in the entire project. So not all works might have been subcontracted at that time.

Q. So you mean you might have some subcontractors on board but not for all works? For Kwai Luen Estate Phase 2, as you prepared the project quality plan, do you remember if Shui On had secured this plumbing subcontractor?

A. Yes, I think.

Q. As you prepared this plan, were you in touch with any of the subcontractors secured?

A. No.

Q. Under the project quality plan, a lot of components and materials are covered. So, as you prepared this project quality plan, if you had not contacted any subcontractors, how would you know which materials to include and which not to include, and which materials you should inspect, et cetera?

A. Shui On is experienced in main contracts, and for HA projects, they are rather standardised in terms of unit

design and materials used. So Shui On will know from experience what to expect. We would focus on special or new requirements or standards, but basically we are dealing with the same procedures and materials. So the existing standards and measures can be adopted.

Q. You said Shui On is very experienced in HA projects, so a lot of existing materials would be adopted. We understand that a lot of projects might be similar. But as for the plumbing subcontractor, some materials are provided by Shui On, but as you said, PLU plumbing materials would be provided by Shui On, but for PLU1 materials, the plumbing subcontractor would supply them, and they can decide which brands and models to use?

A. Right.

Q. So these might be different for each project?

A. We have back-to-back contracts with plumbing subcontractors, so the materials they use must comply with the contract.

Q. As you prepared the project quality plan, you did not have the chance to consider models and brands used by subcontractor?

A. Right, and it was not possible either. As we prepared the plan, we have not secured all the subcontractors.

Q. After you prepared the plan, it would be approved by the department head. Afterwards, would there be any

amendments or updates as the project progressed?

A. If necessary, yes. If we detect problems or when we have new materials, we might make changes to the plan.

Q. As you remember, for Kwai Luen Estate Phase 2, for the plumbing works in particular, did you make any amendments to the materials or procedures?

A. No.

Q. Let's continue with the organisation chart of Shui On. We looked at the QA department. In paragraph 9 of your witness statement, you mentioned another team, the engineering department. You mentioned AQCC, for example, QCC, SQCC.

Let's look at the main chart, at the bottom-right corner, the third department to the right, we have the engineering department.

Now let's look at paragraph 3(d) of your statement. You mentioned another department, the administration department.

A. Right.

Q. It says:

"(Partially in English) the administration department which was responsible for inventory control such as inspection and checking of incoming materials and security controls such as patrolling the site".

So we can look at this chart. The bottom-left, the

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 29 B

C second department to the left, the administration C

D department -- under this department, there's a breakdown D

E on the scope of responsibility. That's logistics, E

F material, transportation, and so on. All these are F

G duties under the admin department. G

H A. Correct. H

I Q. So the administration department staff stationed I

J on site -- J

K A. Yes. K

L Q. -- are they responsible for supervising the procedures L

M we talked about? M

N I mentioned a few departments. Apparently, there's N

O no overlap in the staff. So, in other words, no staff O

P would belong to two different departments. I would like P

Q to know the communication between departments. Yourself Q

R and the QA department would prepare the project quality R

S plan. You said the engineering department was also S

T involved. T

U A. The QC manager belongs to the engineering department. U

V Q. As mentioned in your statement, the AQCC is responsible V

for submitting samples to the Housing Department? V

A. The AQCC would deal with architectural issues and the V

SQCC would take care of structural issues. V

Q. But generally speaking, part of your job is to submit V

material samples and details for the HD's approval. As V

you prepare the project quality plan, how would you communicate with the engineering department? Would they tell you that certain materials have been submitted and approved by the HA and that they should be included in the plan, and would there be cases in which certain materials were approved but still not included in the plan?

A. The plan was submitted at an early stage.

Q. When you put together the plan, whether the materials have been submitted to the Housing Department, would that be one of the considerations?

A. That wasn't one of the considerations.

Q. Right. Maybe when we come to the plan, we can find out more about the considerations that you had at the time.

Let me put this to you now. Your department would specify the kind of materials that would be taken for test. It is the administration department that is really dealing with the test. After the plan has been completed, would there be any communication with them?

A. Yes, we would give them a briefing.

Q. What would the briefing entail?

A. We would brief the colleagues on the project quality plan.

Q. The plan contains 96 materials that will have to be tested. For these materials, what kind of briefing,

what kind of instructions would you give to the administration department staff?

A. We brief them on the plans, and also the kind of materials that have to be subject to checking, and we also have the sampling plan. We would follow all these procedures. The admin -- the QCM would assist the admin department to conduct tests or to look at the checklists, and they would have to rely on the engineering department to give them the information.

Q. From what you said, the admin department is responsible for execution. They have instructions relating to the project quality plan, the frequency of tests, and so on. You also mentioned that the engineering department would give them a checklist or some information. What checklist is it?

A. When materials are delivered, they have to be in a position to determine what materials would be okay, and the QCM would give them the information.

Q. I haven't seen the checklist in the bundle. Perhaps you might wish to elaborate on this further. Let's deal with the materials. There are 96 materials. Would there be any overlap between the checklist and the PQP?

A. For the materials that are subject to checking, it is the engineering department that we give the information to, like the brand name, the dimension, the colouring.

In particular, those materials that have been submitted, they would have the information, and then the admin department would check the materials on the basis of the information.

Q. You said that the major contribution of the engineering department is to tell the resident admin department what materials have been approved and the brand names.

Let me take a step back and ask this. In the checklist, there may be certain materials, the plumbing materials and other materials. Are we talking about the materials in the PQP?

A. Yes, the PQP materials.

Q. You would tell them what materials have to be checked and the frequency of checking? The engineering department would tell them the samples, the brand, the specs and so on.

A. Yes.

Q. What else is there in the checklist to tell the frontline people what to do?

A. In the plan we do mention all this.

Q. You said a moment ago that you would give briefings to the frontline staff, to tell them how to check the materials when they are delivered. Here, in this project quality plan, you would use general description for the materials?

I don't think I need to dig out the plan. You must be very familiar.

For reduced inspection there is an item 22, "Copper pipes and fittings". For the frontline staff, how do they know what copper pipes and fittings entail? We learned from this hearing that there are so many different components in the process. How did they know what are supposed to be checked?

A. Most of the colleagues are experienced. They know what copper pipes are all about, and the fittings, and the bend and the T.

Q. What about the soldering materials? How would the frontline staff know whether copper pipes and fittings include soldering materials?

A. We didn't have much awareness of the soldering materials, and that wasn't a material for testing. This is a sundry item.

Q. I know that for the frontline staff, they are responsible for execution. They don't know what to check and what not to check if you don't tell them. But when you came up with this plan, did you ever consider this issue: what should copper pipes and fittings entail? Have you considered that?

A. When we put together this plan, we didn't consider checking the soldering materials, which are considered

to be a sundry item. For copper pipes and fittings, the pipes, the bends and the Ts are supposed to be checked.

Q. From what you said, solder materials are sundry items.

At that time, when you sat down for discussion, did you discuss what items were to be checked?

A. We didn't have detailed discussion. Mainly this

included the pipes but not the soldering materials.

Q. You considered items to be checked, but they didn't include the solder materials?

A. Yes.

Q. I may come back to this point in a moment. Let's take a step at a time.

Please refer to your statement, paragraph 8. There are certain control activities in the project quality plan. Apparently, it refers to the material purchasing. Let me highlight some of them.

The material purchasing required the following actions: register capable suppliers, the first bullet point; select supplier, in the middle; and towards the end, assess performance of suppliers.

We mentioned a moment ago that for plumbing works, there are so many materials that are procured and supplied by the subcontractor. Under this project quality plan, when you refer to suppliers, are you talking about the suppliers that Shui On buys from or

what? What suppliers are you talking about?

A. These are suppliers for Shui On.

Q. Only, exclusively for Shui On?

A. Yes.

Q. So, under the project quality plan, there are no provisions to say that when it comes to the suppliers for the subcontractors, they are supposed to do certain things?

A. Well, that would be for the subcontractors' side.

Q. Are you talking about the procurement committee? What do you refer to?

A. For materials within the responsibility of the subcontractors, we look at this in the context of control of subcontractors.

Q. There is a department for selecting the subcontractors in your company. Once a subcontractor has been identified, they will supply a lot of materials, and that will be an important part of the project. Why is it that the project quality plan doesn't mention any steps for you to consider the materials of the subcontractors, the suppliers and so on?

A. In controlling the subcontractors, they have to submit the samples and so on.

Q. As far as your area of work, Mr Ching, would you check on the suppliers of the subcontractors? Say, for

instance, the plumbing subcontractor is Ho Biu Kee, and Prosperity is the company that supplies a lot of the materials. Do you know that one of the main suppliers of the subcontractor is Prosperity?

A. I didn't know much about it. The colleagues from the other department must know, because they submitted the samples.

Q. But what about your department?

A. No. All they need to do is to fulfil the contractual requirements.

Q. I can say from this that you didn't communicate with the suppliers of the subcontractors?

A. No. If I may add, these were not significant or major items.

Q. Let me turn now to paragraphs 9 and 18. You mentioned the submission of samples to the Housing Department.

Were you involved in this process?

A. No, not directly.

Q. But you must be familiar with the process?

A. Yes.

Q. We understand that for Kwai Luen Estate Phase 2, Shui On did submit the solder materials samples to the Housing Authority. From Shui On's statements, the solder materials were supplied by Ho Biu Kee, and you got the samples from them. Mr Au, your colleague, in his

statement, exhibited a fax, and perhaps have a look at this. Bundle H1, page 72.

A. Yes.

Q. Have you ever seen this fax before?

A. No, not before.

Q. Perhaps let's go through this. This is a fax from

Ho Biu Kee, addressed to Kelvin Yeung. It's from Kevin Kwong of Ho Biu Kee. It's dated 31 October 2011.

This fax was information on the lead sample submitted by Ho Biu Kee. At the bottom of the page, you can see that the brand of the solder is FRY, the country of origin is Holland, and the supplier is Prosperity.

Before the lead in water incident, were you aware of the brand FRY?

A. Yes, I have some recollection.

Q. Let's look at the actual product (indicating).

A. Whenever samples are to be submitted to the HD, yes, at that time, I might have seen this brand.

Q. But you said you weren't involved in the submission of samples?

A. Yes, my colleague was responsible.

Q. But you might still be involved?

A. Right.

Q. We might not have to look at the paper.

This FRY sample was only submitted to the HA on

18 February 2013, so this fax was over a year old. On
20 May 2015 it was approved by the HA.

In paragraph 18 of your statement, tab 11 of the
same bundle, page 82, paragraph 18 --

A. Yes.

Q. -- Mr Ching, the last line, you said:

"Upon obtaining approval from the Housing Authority,
we informed Ho Biu Kee who then proceeded with procuring
the materials."

Do you know which of your colleagues was responsible
for informing Ho Biu Kee?

A. I cannot remember, but I think we have informed them.

Q. So you weren't involved in this step of notifying
Ho Biu Kee. Did you know who from Ho Biu Kee was
contacted?

A. I am not very sure but it's probably Mr Kwong.

Q. Mr Ching, you should have known that under the HA's
project requirements, sample rooms and compartment rooms
are to be built, and in both, plumbing works are
involved, and we have to deal with the joining of pipes?

A. For compartment rooms, we just have to look at the
alignment of the pipes. So, in that case, no joints or
solder were required. But for sample rooms, it's like
a demonstration unit, so everything must be done.

Q. Have you ever personally looked at the sample room? In

other words, you know that soldering was involved for the sample room, but you didn't see the procedures or check the procedures yourself?

A. No.

Q. For the sample rooms of Kwai Luen Estate, they were completed in May 2013. But on 20 May the same year, the HA approved the FRY solder. Do you know why the sample rooms were completed before the materials were even approved?

A. The samples were inspected by the HA's site staff earlier, and the official signature was signed later on. But we knew already that the materials were all right.

Q. You said the HA's clerk of works should have seen it and should have checked it earlier?

A. The actual -- the sample approval date should be somewhere earlier in time.

Q. So let's look at the form.

A minute, please. Let's look at bundle B4.4, page 5203. Can you identify the relevant information here?

A. 5205. Page 5205, there's a signature here by the clerk of works. I'm talking about the bottom of the page.

Q. Mr CK Kwan, project clerk of works.

A. It was dated 18 February 2013.

Q. In the third paragraph it says:

C "(In English) the submitted sample is recommended
for approval."

C

D A. Right.

D

E Q. So it wasn't formally endorsed by the HA.

E

F A. You can say that but the preliminary assessment or
G inspection has been completed and passed, and the
materials were satisfactory.

F

G

H Q. The main contractor would look at the date stipulated by
I the project clerk of works, and you took it as a green
light, right, so that you can commence the works?

H

I

J A. We did some checks, and we might need to build a sample
flat.

J

K Q. Here, the HA granted or recommended an approval, but
L they have the right to not approve it.

K

L

M A. We had not started procuring materials at that time.

M

N Q. So is it possible that after mass procurement is made,
the materials are not approved?

N

O A. It's unlikely.

O

P Q. Let's look at the project quality plan, B4.5. Let's
look at page 6669.

P

Q A. Yes.

Q

R Q. Here, we have a list of materials requiring inspection
S upon delivery and their inspection levels. I would like
to follow up on an issue you mentioned. The project
T quality plan was prepared very early. Whether samples

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are submitted to the HA was not one of your considerations; is that correct?

A. Yes.

Q. Yesterday, we saw from your witness statement, if we look at paragraph 19, on page 82 of H1 -- if you don't mind, I will read it out. It says:

"(In English) Ho Biu Kee procured the plumbing materials specified in PLU1 including soldering materials. Our site staff would inspect the materials delivered to the site in accordance with the 'List of materials requiring inspection upon delivery and their inspection levels' at pages 9 to 11 of the project quality plan."

(Via interpreter) In other words, the two pages in front of you, the project quality plan.

"(In English) Visual checks would be conducted to ensure that the materials delivered on to site were the same (in terms of brand, size and colour) as the materials approved by the Housing Authority."

A. Yes.

Q. As you prepare the project quality plan, if you did not consider the samples submitted to the HA, how could you know which to include and which not to include? According to paragraph 19, the objective of including those in your plan is to allow site staff to see whether

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C they are the same as the samples submitted. If you C

D didn't even consider the materials submitted to the HA, D

E how could you decide which to include in the plan? E

F A. It depends on the material. F

G Q. For plumbing fittings, let's focus on these fittings. G

H A. For sanitaryware and other materials, we might have to H

I check them against the samples for colour. But for some I

J materials, we don't need to compare them with the J

K samples. K

L Q. You said, when you prepared the plan, you did not L

M consider which samples have been submitted to the HA. M

N Would you consider the composition of the materials -- N

O now, again let's talk about plumbing works -- certain O

P components or compositions might be harmful to health. P

Q Would you consider these factors before deciding whether Q

R they would be included in the plan? R

S A. We had no such awareness at that time. We did not S

T consider that at that time. T

U Q. Let me be more specific. If a certain material might U

V contain heavy metal, have you considered that point? V

A. No. A.

Q. Now let's look at paragraph 28 of your statement, Q.

R page 84. I will read it out again. You said: R

S "(In English) Soldering materials were not S

T considered to be a high-risk item in the construction T

U

V

industry and no issue had arisen in the past projects in both public and private sectors with regard to the use of soldering material. Furthermore, the main contract and the relevant legislation did not require us to check lead content in drinking water. I therefore did not include soldering materials in the project quality plan as an item to be inspected when the materials were delivered to the site or as an action item to be monitored."

From a reader's point of view, what you meant is that you considered certain factors, and you said you therefore did not include soldering materials as one of the factors you considered. Is that under the main contract and relevant legislation, you are not required to check the lead content in drinking water? This is apparently different from what you just said.

Here, apparently, you would consider whether the drinking water would contain lead, but just now you told us that when you prepared the project quality plan, the composition of materials is not a consideration.

I would just like to know why there's a contradiction.

- A. There's no legal requirement for us to check the water for lead, and we did not know that the solder would have an impact on the water. As such, we would not consider the solder as an important material.

Q. So let me be more straightforward. So, at that time, there was no legal requirement on testing of lead, and as such it was not included. Was that the train of thought?

A. No, we were not aware. We did not have the awareness to check this material more stringently. We were just following what the contract said.

Q. In terms of awareness, let me put a couple of questions to you. Before the lead in water incident occurred, Mr Ching, you must know that it's common sense, you know that this lead would be harmful to health?

A. Sorry? Yes, in large quantity, yes, it would be harmful.

Q. Under the HA contract arrangement, the solder materials for jointing the pipes should be of lead-free category, so it has to be lead-free solder. Before the incident, were you aware of that?

A. I didn't pay particular attention, because there is no mention of any particular problem, although this is the contractual requirement, but we didn't pay particular attention.

Q. You didn't pay particular attention, this is one thing, but were you aware of this requirement? I think you have to be more specific. I would like to find out about the awareness of the people in the trade.

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C	A. I didn't remember. I didn't have very strong impression of that.	C
D	Q. Before the incident, in the market out there, there were solder materials that were leaded, some unleaded. There are different materials; were you aware of that?	D
E		E
F	A. No.	F
G	Q. After the incident, from your statement I know that you paid attention to the lead-free solder requirement, and you said that in large quantity lead would be harmful to health.	G
H		H
I		I
J	If I say to you very simply that the purpose of lead-free solder is to make sure that lead would not contaminate the drinking water, would you agree with that?	J
K		K
L		L
M	A. Looking back on this, the idea is to prevent lead from leaching into the water and harm human health. That's the original intent.	M
N		N
O	Q. But before the incident, you didn't go into that?	O
P	A. No.	P
Q	Q. Mr Ching, you said that you saw this kind of soldering material in your day-to-day work?	Q
R	A. Yes, in the process of sample submission, I did see that.	R
S	Q. Did you see any other types of solder materials?	S
T	A. No.	T
U		U
V		V

C Q. Mr Ching, you are resident on site?

C

A. Yes, most of the time.

D Q. All right, most of the time. From your statement, you

D

E said that you have to carry out site inspection. Other

E

F than the process of sample submission, did you ever see

F

G this kind of material on site?

A. No, I didn't notice.

G

Q. Did you see any other types of solder materials on site?

H A. No, I didn't pay attention. When soldering process took

H

I place, I didn't walk close and look at it.

I

Q. Sorry?

J A. I didn't get close to look at it.

J

A. I didn't get close to look at it.

K Q. Specifically, did you have any contact with the plumbing

K

L workers?

L

A. No, not much.

M Q. On the construction site, did you hear anything about

M

N the soldering materials?

N

A. No.

O Q. So, from your awareness, you never heard the plumbing

O

P workers describe any of the soldering materials?

P

A. No.

Q Q. Did you ever hear that there were the solder strips and

Q

R solder wire?

R

A. No.

S Q. In the very beginning, I asked you something about the

S

T

T

U

U

V

V

C administration department, which is resident on site,
and it is for them to check the delivered materials.

C

D One of the steps, according to your statement, is to
E check the materials against the approved samples. Is
this one of their jobs?

D

F A. When the materials were delivered, whether they were
G acceptable?

F

H Q. Yes. You said that the engineering department would
I make available the information to the admin department,
but as regards the types of materials to be checked,
J they would have to follow this instruction.

H

I

J

K A. Yes.

K

L Q. What about the materials that are not in the plan? When
they are delivered, what are the processes?

L

M A. They would inform Shui On when materials are delivered
N to the site, because we have to make available space,
O for large items in particular, and there is the security
P arrangement. When the materials are delivered, they
have to go through the gate. Whether they would be
allowed in, they have to notify us first.

M

N

O

P

Q Q. You said, when the materials are delivered, Shui On
would be notified. Even if the materials are not
R included in the PQP, whenever materials are delivered,
S Shui On would be notified?

Q

R

S

T A. Yes, otherwise they would not be able to gain access.

T

U

U

V

V

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C	Q. Who would be notified, in Shui On?	C
D	A. They would notify the foreman about the delivery, and the admin department would alert the security staff and	D
E	allow them access; they will have to make available	E
F	space for storage.	F
G	Q. This is the prescribed procedures?	G
H	A. Yes, generally speaking.	H
I	Q. Whatever materials we are talking about?	I
J	A. Yes. If they come in a truck, they have to notify us in particular.	J
K	Q. These procedures, are they documented in any particular document?	K
L	A. No.	L
M	Q. How will you make sure that on the construction site the frontline staff would be made aware of these procedures, in particular the admin department?	M
N	A. The admin department is responsible for security. All the traffic movement, this would be under their control and these are the procedures. So there is tacit	N
O	agreement that this will happen.	O
P	Q. Some of the materials are procured by the	P
Q	subcontractors. Are the subcontractors aware of these	Q
R	established procedures?	R
S	A. Yes, they are, because otherwise the materials wouldn't be able to gain entrance.	S
T		T
U		U
V		V

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C Q. Are you saying that when the subcontractors have C

D materials delivered, they would know that the admin D

E department had to be notified? E

F A. Yes, for items that are delivered by vehicles. It would F

G be a different story with the small items of materials G

H that are brought in by the workers. H

I Q. You make a distinction between the big materials? I

J A. Yes. And the materials that are delivered by trucks, J

K they will have to notify us. K

L Q. For small items of materials, they may be carried in and L

M you may not notice them. My question is, in terms of M

N procedures, is it the case that all materials, big and N

O small, when they are delivered, Shui On would have to be O

P notified? You don't make any distinction between large P

Q materials and small materials, do you? Q

R A. Yes. R

S Q. So procedurally, it doesn't matter what size they are; S

T they will be notified. T

U But you said that for small items, there may not be U

V any notification? V

Q A. Yes. We need to consider the site logistics and also Q

R the vehicular movement, and they need to have the paper R

S to get back out of the gate. They have to notify us S

T before they can gain access and go out. T

U Q. You may have the established procedures. It doesn't U

V

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C	matter if materials are big or small, you have to be	C
D	notified. But in actual fact, the company would rely	D
E	very much on the frontline staff or the subcontractors,	E
F	whether they are notified, so it is their decision	F
G	whether to notify or not?	G
H	A. No, I don't think so, unless they are minded not to tell	H
I	us, then that's another matter altogether.	I
J	Q. You said a moment ago that other than the size of the	J
K	materials, the security arrangement would be another	K
L	consideration. Let's say there is a small item which	L
M	can be dangerous, a dangerous item which is not supposed	M
N	to be carried in, they still have to notify you	N
O	nonetheless, do they?	O
P	A. No, no, we didn't anticipate any dangerous items being	P
Q	carried in.	Q
R	Q. What about the security?	R
S	A. We are concerned about things being taken away. If	S
T	there is vehicular movement, we have to check the	T
U	vehicles.	U
V	Q. Do you know that for the plumbing subcontractors, they	V
	are responsible for the procurement -- would the admin	
	department insist that the solder materials have to be	
	notified, when they are delivered?	
	A. Solder materials are not subject to checking, so when	
	they are delivered they would not be subject to	

checking.

Q. Checking is another thing. That's not in the plan. You said a moment ago that under the established procedure, whatever size of the materials, when they are delivered the company has to be notified. What about solder materials? When they are delivered, would Shui On be notified? As a matter of fact, do you know anything about it?

A. I don't know about it.

Q. Did you ask the frontline staff?

A. They may not describe in detail the items. When materials are delivered, if they need space, we would make arrangement for the items. For large items, like pipes, and so on, we need to make available space. If the materials are not subject to checking, then we will not be looking at them.

MS CHENG: I have no further questions.

CHAIRMAN: Any further questions? No?

Re-examination by MR LAM

MR LAM: I have a couple of areas to take up with you.

Madam Cheng asked you about the timing when you drafted the PQP. In paragraph 5, it was on 5 January 2012 that you prepared the PQP. Madam Cheng said that it was 23 April 2012 that the contract was signed, and the PQP seemed to have pre-dated the signing of the

contract.

But when Shui On was awarded the contract, that was
4 August 2011. Do you remember?

A. Yes.

Q. The project was awarded -- it was in 2011 that the
project was awarded and it was in 2012 that the contract
was entered into. In other words, you knew Shui On
would be awarded the contract and then you prepared the
PQP?

A. Yes.

Q. As you prepared the PQP, some contractors were already
secured and some not. At that time, did you know the
materials that would be used by the contractors secured,
as you drafted the PQP?

A. No, we did not specifically look at that. As I said,
the materials used for HA projects are rather
standardised and they are very similar.

Q. I am not -- well, most materials have been used in the
past, but the PQP actually focuses on new materials and
new procedures?

A. Yes, that's the case.

Q. I have another question on the PQP. Yesterday, Mr Au
told us that the PQP would include records of materials
used in the past, and safety considerations were also
covered. Do you agree?

A. Yes, we have a series of factors.

Q. B4.4, the sample submission and approval form. B4.4, page 5204. When you look at this page, at the bottom you see the words, "Contract manager's representative", 20 May 2013. That was the approval date.

You said that on 18 February 2013, the clerk of works already knew that this material can be used. So the HA had the power to not approve it and as such you should not use it until you obtain approval. So, as far as you know, do all main contractors use FRY solder?

A. Yes. It has been used for quite some time.

Q. Had this material ever been rejected?

A. No, as far as I know.

Q. Now the final question. You said during the soldering works, during soldering procedures, you did not personally see their soldering operation. You did not go near the workers?

A. A soldering gun is used in soldering so I would not watch at a close distance.

MR LAM: I have no further questions.

CHAIRMAN: You may now leave.

(The witness withdrew)

Let's resume at 2.30 this afternoon. Thank you very much.

(12.49 pm)

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C (The luncheon adjournment) C

D (2.34 pm) D

E CHAIRMAN: Mr Lam. E

F MR LAM: Chairman, the last witness is Mr Wan Wai Ho, F
item 12, H1, page 86.

G MR WAN WAI HO (affirmed) G

H CHAIRMAN: Please take a seat. H

I Examination-in-chief by MR LAM I

J MR LAM: Mr Wan, I am going to read out your witness J
statement. If there are any changes that you would like
to propose, please let us know after I am done with your
statement.

K (Paragraphs 1 to 14 were read in English) K

L [WWH-1; Chairman, that's at pages 99 to 118] L

M (Paragraphs 15 to 24 were read in English) M

N CHAIRMAN: No need to read [the table] out. N

O MR LAM: Mr Chairman, perhaps I will read out number (9): O
"(In English) Brazing alloys & soldering alloys for
copper fittings system; procured by Ho Biu Kee."

P Actually, it's not that relevant. P

Q Let me start again from paragraph 25. Q
(Paragraphs 25 to 26 were read in English)

R Chairman, should I read this [the table] out as R
well?

S (Paragraphs 27 to 31 were read in English) S

T

U

V

"1. Our company doesn't have the rectification record concerning the above site, WWO46 form.

2. Opal copper pipe WSD approval document, according to Ban Kee International Co Ltd's letter to the Water Supplies Department dated 22 April 2003 and the reply from the WSD on 28 April 2003, copper alloy fittings and copper pipes are not listed in the approved categories. As a result, this company is unable to provide the approval document to the WSD. Please see the correspondence from Ban Kee, reference number 030422 and WSD correspondence 3320/6/1/98 part 4 T/J(19).

3. Welson pressure-reduced valve. WSD approval document. According to the correspondence from the WSD dated 31 July 1989, the valve is not under the approved category and this company therefore cannot submit the relevant document. Please see the WSD letter reference number 58 in FA 8/1325/MNE.

4. Crane copper fittings document -- please refer to the WSD letter (8), reference number 2198/38/94 part 5.

(Question 10, and paragraphs 32 to 43, were read in English)

(In English) Mr Wan, you signed this statement on the 11th day of November 2015.

Mr Wan, I have read out your witness statement. Is there anything you would like to change?

A. No.

Q. Would you adopt this witness statement as part of your evidence?

A. Yes.

Q. I have some questions for you. Earlier, questions were put to Mr Au. I think you would be in a better position to answer them. First of all, please refer to paragraph 23 of your statement. Paragraph 23:

"Ho Biu Kee commenced their plumbing works in June 2013 ..."

You've got that?

A. Yes.

Q. Page 55 -- you might wish to have a look at Mr Au's statement, page 55, paragraph 11. Have you got that?

"The plumbing works commenced in June 2012". There is a bit of discrepancy between the two dates. Can you offer an explanation?

A. When I drafted this witness statement, I got hold of the information, I thought back to the situation. After the timber mock-up room, Ho Biu Kee started with the plumbing work. In 2012, it was when Ho Biu Kee came in and prepared the holes.

Q. What do you mean by preparing the holes?

A. When the concrete structure was built, the piping had to go through the walls, and they would have to put this

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C sleeve there, before concreting took place. So, when **C**

D the piping work was done, we didn't have to cut through **D**

E the wall for the pipes. **E**

F Q. So in 2012, Ho Biu Kee sent someone to do this work, or **F**

G was it Shui On? **G**

H A. It was Ho Biu Kee. **H**

I Q. So in June Ho Biu Kee sent some staff to the site, for **I**

J this to be done? **J**

K A. Yes. **K**

L Q. Then, in June 2013, Mr Au said work was going ahead in **L**

M full steam? **M**

N A. That was the beginning of the copper pipe work. **N**

O Q. So it's just a different way of expressing the dates? **O**

P A. Yes. **P**

Q Q. My second question for you -- Madam Ching asked you **Q**

R before, H1, page 72. **R**

S A. Yes. **S**

T Q. A question was put before. The key thing I would like **T**

U to ask you is -- this is a document from Ho Biu Kee to **U**

V Shui On, and it is dated 31 October 2011. This is in **V**

connection with the sample submission.

A. Yes.

Q. My question for you is this. Why is there only just one page, without any other information regarding the sample submission?

A. I did ask Mr Kelvin Yeung, my colleague, on this.

I also asked the AQCC. I was told that Ho Biu Kee faxed this document to us, only one single page.

Q. Please go slowly for the interpreters.

A. It is only this one page that was faxed to us. Having received this page, my colleague, Kelvin Yeung, sent an email to Kevin Kwong, to ask for the detailed content, and then on the same day Kevin Kwong emailed the information to Kelvin Yeung. I can't remember how many days later, someone --

Q. Who's someone?

A. Ho Biu Kee. I can't remember who sent the samples over. The samples were sent over with the hard copy of the documents.

Q. In other words, the whole document was made available together with the samples subsequently. We understand that the information was sent by the Housing Department; B4.4, item 86, page 5203.

I'm sure you have seen this before. This is the sample submission and approval form. The information is put there in the document. There were questions put before. The contract manager's representative on 20 May 2013 was given the information.

Page 5205, the project clerk of works on 18 February 2013 is Mr CK Kwan:

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C "(In English) The submitted sample is recommended C
for approval."

D Mr Wan, who testified just now, said that the D
materials could be used from then on. Would you agree?

E A. Yes, I do. E

F Q. On 20 May, the materials were approved. Madam Cheng F
asked the question before, did you talk to Ho Biu Kee
G about this? G

H Yesterday, I understand that you got hold of H
I an email document. Let me show you. (Handed). I

J Mr Man Kwan Wa is Shui On staff, BQCC, I take it? J
A. Yes.

K Q. 3 June 2013. This is addressed to Mr BK Leung. Who is K
L Mr BK Leung? L
A. I think it's Mr Leung Wai Kin.

M Q. Leung Wai Kin; who is he? M
N A. He was the site representative of Ho Biu Kee. N

O Q. Mr BK Man, this material is submitted for approval. So O
an approval letter has been given to Mr Leung of
P Ho Biu Kee, and this is the same as the sample P
Q submission form dated 20 May 2013. I think Mr Au said Q
there was an email, and I think this is the one, and you
R managed to find it? R
A. Yes.

S Q. My next question -- would you please refer to B4.5, PQP, S
T
U
V

page 660. If you may refer directly to page 6669.

A. Yes, I've got it.

Q. Yes, you have it?

A. Yes.

Q. Pages 6669 and 6670, about the normal inspection and reduced inspection. Now, there were explanations about reduced inspection and normal inspection. This isn't the paper, but when it comes to actual operation, what is the process for delivery at the gate?

A. When the materials arrived at the gate, the subcontractor will have to inform the person in charge.

Q. Let's use Ho Biu Kee as an entity. Let's say the entity has the materials turning up.

A. Ho Biu Kee will give us a prior notification of the materials, and as the project supervisor, it's only with the project supervisor's agreement, let's say on such and such a date, there would be certain consignments turning up at the site, it's only with the notification that the project supervisor would inform the site supervisor, Mr Chan Wai Hung, and Mr Chan --

Q. Go slowly, please. Mr Chan Wai Hung?

A. Mr Chan Wai Hung is the site admin officer. When the site admin officer becomes aware of this, he would check what materials would be turning up.

Q. Checking, how do you mean by checking? Would he check

when the materials arrive on the site?

A. Well, he would inform the gate, the security at the gate, at the time the vehicle would arrive, and then the security would inform the main officer, and the main officer would go out and check whether the materials are as stated under the PQP. If they are in line with the PQP or copper pipe fittings, Ho Biu Kee materials, if it is under the reduced inspection, Mr Chan and his colleagues would, under PQP, conduct checking of the materials. If they fall outside the 96 items, then my colleagues would not check the materials.

Q. In other words, let's say 22, reduced inspection, you would bring out the sample, wouldn't you?

A. Well, that depends on whether a sample has been provided for the material. Sometimes a photo would be provided. Under normal circumstances, my colleague would check the photo bearing the trade mark, the size of materials, whether it matches with the size approved.

Q. In other words, for soldering materials, it doesn't fall within the 96 items of Ho Biu Kee, and there won't be any inspection?

A. I did ask the project supervisor about this. I asked whether Ho Biu Kee's representative had ever told you that such materials would arrive at the site, and in his recollection Ho Biu Kee never informed him of the

delivery of such materials.

But according to the PQP, at the time, our practice should be that as they told us that soldering materials would arrive at the site, we would not conduct a detailed inspection. We would only inspect with our naked eyes. Because at that time it wasn't in our inspection list.

But I want to point out that in fact for Ho Biu Kee and other subcontractors, they are not aware of this PQP. They would not know which materials would be inspected and which would not.

Q. So other subcontractors wouldn't know either?

A. That's right. It's an internal document.

Q. So for other subcontractors, including Ho Biu Kee, they might think that you would inspect everything?

A. Right, exactly. This is exactly our spirit.

CHAIRMAN: But they have been working with you for more than ten years. They should know which materials would be inspected and which would not. You have had this contractual relationship with Ho Biu Kee for 15 years; they should know which materials should be inspected?

A. Right, it's possible.

MR LAM: So what about at the time when they exit the site?

CHAIRMAN: Let's not ask that. It's not relevant.

MR LAM: May I refer you to bundle P1, the statement of

Mr Ng Hak Ming, with some pictures. P1, page 243.

A. Yes.

Q. My question is this. I don't know whether you were present on that day. There are some pictures, and according to -- there was a demonstration.

If you turn to page 243, photo number (16), you should see the left hand of a worker holding a strip and a torch in his right hand.

If you turn to page 245, photo number (23), you will see more clearly; do you see that?

A. Yes.

Q. I have a question. If you turn to page 247, photo number (29), according to your experience, have you ever seen any worker holding the whole roll of FRY in the soldering process? Did you witness that before?

A. Kwai Luen Estate wasn't the first site I worked in. Throughout my years of working at the site, I have never seen any worker holding whole rolls of FRY in the soldering process.

MR LAM: I have no other follow-up questions, Chairman.

Cross-examination by MS CHENG

MS CHENG: Mr Wan, for the Kwai Luen Estate Phase 2 site you were the site agent. According to your witness statement, you were attached to the site?

A. Right.

Q. You also mentioned that your role is basically to monitor the daily operation. According to your witness statement, you need to co-ordinate things?

A. Right.

Q. You also said that for Kwai Luen Estate Phase 2, it wasn't the first time you were the site agent?

A. Right.

Q. So, about HA projects, you would be familiar with the HA's requirements on subcontractors?

A. Yes, I have some knowledge of the spec. As for General Specifications, when necessary I would refer to them.

Q. Just now, Mr Lam, the counsel, asked you about the sample approval form submitted to the HA, especially on the part related to soldering materials, and he pointed out to you that there were two dates. The earlier date was when the project clerk of works of the HA recommended this sample for approval, and for the latter date, it was the date on which the HA formally approved the material. According to your evidence, normally, when the project clerk of works recommends the material to be approved, then normally the subcontractor would start using the material for preparing the timber mock-up. And I think this is relevant to what we are talking about.

May I refer you to B4.2, page 3528. Let's take

a look at the second half of the page. The heading is "Samples", and here it says:

"(In English) Submit samples of materials as requested by the [contract manager] and do not confirm orders until approval has been obtained."

So it seems the HA's requirement here is very clear: before formal approval has been obtained, orders should not be confirmed in relation to materials. This seems to be in conflict with the usual practice that you refer to.

A. Well, what happened at the time was this. On 18 February, we wanted the HA to approve the material so that we could start with the procurement process. If I remember correctly, the reply I received at the time was that the material should be all right and that we could start ordering the material for preparing the timber mock-up. So we did it accordingly, to prepare the timber mock-up, and we also asked the HA to give us the formal approval in writing so we could confirm orders. The HA, soon after approving the mock-up, approved the materials, so we could start ordering materials.

Q. So what you are saying is that before the formal approval given by the HA, the HA had already given an indication that you could start the ordering of

materials? Was it done in writing or verbally?

A. Just verbally.

Q. Do you remember who gave you this verbal indication?

A. I don't, because my colleague was contacted.

Q. Could it be the AQCC?

A. Yes, it should be the AQCC.

Q. How did you know that?

A. Well, after this incident, I asked my colleagues about all the details, and they tried their best to remember what happened at the time, because I was told that without the verbal undertaking of the Housing Authority, they were not there to order materials for the timber mock-up, because if materials in the end were not approved and if the materials were ordered, we would need to bear the cost.

Q. To your knowledge, the practice of giving a verbal indication by the HA, did it happen frequently in PRH projects? Did it happen, apart from soldering materials, to other materials as well?

A. It did happen but I don't think it happened frequently. But some materials, however, it did happen.

Q. About HA specifications, let me ask you some questions. I think this is also the Commission's concern. That is, in relation to soldering materials.

According to this specification, the requirement is

that it should be lead-free. So, Mr Wan, before the lead in water incident was revealed in July this year, you personally were aware of this requirement?

A. No, before July I wasn't aware of this requirement.

Q. However, Mr Wan, as the site agent, you personally are not familiar with the HA's specifications?

A. For materials more frequently used, for specific specifications, I am more aware of those. As for General Specifications, I usually let colleagues handle submission of materials for approval. So, before July, I wasn't really aware of this.

Q. In your capacity as not only the site agent but in other capacities, how many projects have you ever taken part in?

A. I have taken part in four projects which have been completed, and there is also another project ongoing.

Q. So, in all these projects, you have never heard of this HA requirement on the use of lead-free soldering materials?

A. If I remember correctly, copper pipes were first used in projects in 2008, and I was already the site agent. So I only asked my colleagues to do the checking and inspection of materials, to see if they met the HA's requirement.

Q. So how many projects did you take part in in which

C copper pipes were used?

C

D A. As far as the HA's PRH projects are concerned, I took
part in two of them, and including the ongoing one,
altogether three.

D

E Q. So, for the pipe joints, as far as you are aware, for
F all these three projects solders were used?

E

F

G A. Correct.

G

H Q. Before the incident happened, did you know that lead is
harmful to human health?

H

I A. I understand overexposure of lead would be harmful.

I

J Q. Then are you aware or were you aware before the incident
that there were lead-free solders and solders containing
K lead in the market?

J

K

L A. No, I wasn't aware.

L

M Q. In your experience, did you ever come across solder as
a material? Have you ever heard about it? Have you
N ever discussed it? Have you ever seen it?

M

N

O A. Not discussed but I have seen it before because I did
view sample boards, and I understand that for copper
P pipes the material had to be used.

O

P

Q Q. So that is the type that you have seen before
(indicating)?

Q

R A. That is correct, FRY.

R

S Q. What would you call this?

S

T A. We usually call it solder wire, tin wire, et cetera.

T

U

U

V

V

Q. Apart from this type, have you ever seen other types of soldering materials?

A. No. I personally don't know of any alternatives.

Q. What about solder strips or tin strips?

A. Well, I think to many people, including workers, the solder wire and solder strips are basically the same.

Q. So you have heard workers talking about this?

A. I personally wasn't aware of this, but after the incident I heard about the terms "solder wire" and "solder strips", and I believed that they were things of the same nature.

Q. Just now, when you answered Mr Lam's question, you talked about the delivery of materials.

Just now, you explained to us the procedure, as you knew, regarding the delivery of materials, and you said that -- or perhaps we should focus on the subcontractors, such as Ho Biu Kee. On procurement of materials, you said that when materials arrived at the site, Ho Biu Kee would be required to inform your project supervisor. For Kwai Luen Estate Phase 2, who was the project supervisor?

A. Well, he is actually the general foreman, recognised by the HA or other contractors, but we just call him the project supervisor.

Q. So, using your terminology, for this project supervisor,

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C who was he in Kwai Luen Estate Phase 2? C

D A. Mr Ho Chi Fai. D

E Q. You said that when materials arrived at the site, E

F Ho Biu Kee would be required to inform the project F

G supervisor. Was Ho Biu Kee aware of this requirement? G

H A. Yes. H

I Q. How did they know? I

J A. In our induction training, we would brief them regarding J

K our house rules. That is, the site representative of K

L Ho Biu Kee, and the site representative of Ho Biu Kee L

M knew very well that they would be required to report to M

N us. N

O Q. When was the induction training conducted? O

P A. When the workers turn up at the site for the first time, P

Q this will happen. Q

R Q. When materials were delivered -- let me put this to you. R

S Were you involved in the induction training? S

T A. No. T

U Q. How did you learn about the induction training? U

V A. I heard from my colleagues, that is the safe officer -- V

mainly it is the safety officer responsible for

induction training, they will talk about the house

rules, the safety aspect, and so on.

Q. As far as you know, in this induction training, now, we

mentioned the delivery of the materials. What rules are

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

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C there for the subcontractors? C

D A. We would tell them in brief that they have to notify the project supervisor if materials arrive and the tools. D

E Q. (Chinese spoken). E

F A. Yes, materials and tools, if they arrive, they have to inform the project supervisor. F

G Q. When they heard about this, they must get the impression that all materials would have to be notified. Why is that? G

H that? H

I A. According to the trade practice, they have to notify the site if materials are delivered, because the vehicles would be denied entry. So the concern lies with the subcontractor. They would like to have the verbal consent, so that the trucks would not be kept waiting for too long and they would be allowed in, otherwise they would waste a lot of the delivery charges. The materials delivery charge will be imposed on the subcontractor, so if they are denied entry, there are problems for the subcontractors. I

J J

K K

L L

M M

N N

O O

P Q. You said notify the project supervisor. Is it prior notification? P

Q Q

R A. Yes, indeed. According to our practice, there should be three days' prior notification. R

S Q. Three days' prior notification; how does the notification take place? S

T T

U U

V V

A. We have the access paper, the project supervisor would give an exception sometimes if it is an urgent delivery, and if they cannot be sure about the exact time and the licence number plate, and the supervisor would give them the exemption.

Q. That's the exemption for the three-day notice.

A. Yes, correct.

Q. What about the access paper, would there be an exemption?

A. Yes. Some contractors may not be resident on site or they may have some workers or some person in charge there, and they are less well educated and it would be difficult for them to put things in writing. So we would allow them to phone up and tell the project supervisor, and then the frontline admin officer will be duly notified. There will be a whiteboard and there will be lines for Monday to Friday. All the traffic movement will be marked there.

Q. Thanks, Mr Wan. So there are two ways of notification. One is in writing and the other one is by phone. Then the information would be filtered down to the site administration officer.

Now, whether it is access paper or phone notification, I presume that you would require specific information. Let's say Ho Biu Kee -- what sort of

C information should be made available?

C

D A. First of all, they should tell us the vehicle, a crane
E vehicle, a 5.5-tonne vehicle, a van, how many
F assignments, the quantity of materials, what materials
G they are delivering, and so on.

D

E

F Q. Please pause here. The kind of materials, how detailed
G should they be?

F

G

H A. Let's say a plumbing contractor, they will specify
I copper pipes, valves, maybe a box of fittings, and there
J may be the filler metal and so on.

H

I

J Q. Let's say filler metal, would it be more specific as to
K what kind of filler metal it is?

J

K A. From my understanding, from the project supervisor, they
L would not make it so detailed.

K

L

M Q. Is this the usual practice?

M

N A. Yes, this is the usual practice.

O Q. Why do you insist that they are more specific?

N

P A. They may tell us the names and we may not understand
Q them because the filler metal, they have a lot of
R jargon, and it is impossible for us to understand all
S the bits and pieces of filler material.

O

P

Q Q. What exactly do you mean that you don't understand?

Q

R A. I mean the admin officer may not be clear about them.

R

S Q. When you talk about the fittings, the filler metal, they
T will not be so specific about the items.

S

T

U

U

V

V

Let's take a step back and think about it. There is a need for prior notification, for some purposes, I presume. First of all, there is a need for logistics arrangements; for the vehicle to come in, you need to make available space for them.

The second issue, in answer to Mr Lam, there is established procedure. If the materials fall within the project quality plan, then you have to conduct the checking. If the information is so general, the fittings and the filler metal, how do you ascertain that the materials fall within the project quality plan and should be subject to checking?

A. The admin officer would have a look at the materials, and if the materials fall within the 96 items, then they would be checked, but if they are filler metal, they will be let go.

Q. So there would be one officer who would look into the vehicle, to ascertain what materials are being delivered?

A. Yes, because they are concerned about some materials being taken away.

Q. Now, when the materials turn up, they would be packed. Would you unpack the materials?

A. Not all of them. As long as the contractor said that the materials were for self-use, they would not be

unpacked.

Q. This is what we got from the suppliers. These are the solder strips. They turned up like this on the site, in boxes, and on the vehicle. I presume they will be like this (indicating).

The colleague checking the vehicle will see the consignments and he would be able to look at the label on these boxes?

A. Yes, if there are labels, he will look at the labels.

Q. Let's say on this box, it says "50D solder strip", then he would know what this is all about; he would check it, wouldn't he?

A. He would see the label and see whether they fall within the 90-odd items. If they fall within the items, they would be checked.

Q. So the officer would ascertain whether the materials fall within the 96 items, and this will be done instantaneously on site?

A. Yes.

Q. Mr Wan, you said a moment ago that there would be a three-day prior notification. For the materials on site, are they delivered on vehicles?

A. For most of the materials, as far as I understand, for tools, they may be carried into the site; for materials, it is likely that they would be carried into the site.

Let's say they bought some gloves or the filler metal, nuts and bolts, it is likely that they would be carried into the site physically.

Q. Let's say the plumbing subcontractor's materials, when they are delivered, how would they be delivered? How likely is it that they would be carried into the site?

A. For Ho Biu Kee, normally, when the materials were delivered, there would be one company, one registered company, that supplied the plastic pipes or the copper pipes. Now, for these large items, they would have large trucks that delivered the materials.

Q. Prosperity also supplied materials to you. The solder strip comes in boxes. They would normally order a few boxes at any one time. Were they delivered in a truck or were they carried into the site?

A. Solder strips -- I can't really answer that. My colleague claimed that there were no such materials being seen.

Q. When you talked to counsel Mr Lam, you said you asked your colleagues, and they said they haven't notified them --

A. Yes, about the solder strip and solder materials.

Q. Mr Wan, in terms of the system, you rely very much on whether Ho Biu Kee would follow the instructions imparted to them at the induction course. You wouldn't

know anything if they didn't report to you?

A. No. When they carry such large items, it's impossible that they would be missed. They would look at the materials. Unfortunately, for solder wire, it is not within the checking system. If a worker comes in with this kind of material for self-use, then chances are my colleague would let him go. The admin officer is not someone with an abundance of expertise. He wouldn't know about the materials and he would act in accordance with the instruction. He would check the materials according to the instruction.

Q. From what you said, there are some problems with the system. Unless the solder materials samples were submitted to the Housing Authority, but in terms of the system they never checked whether the materials matched up with the samples?

A. PQP wasn't drafted by me, I wasn't involved in the drafting myself. I presume that before July, if I was responsible for the PQP, I probably wouldn't have been aware that we had to be so stringent with this material.

Q. From your understanding, other than the solder material, were there any samples -- any materials for which samples were submitted but were not checked?

A. I didn't try to dig up the information. I can't really answer this question.

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B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 29	
C	MS CHENG: Chairman, perhaps you might wish to take a short break?	C
D	CHAIRMAN: How long do you have to go?	D
E	MS CHENG: I have quite a bit of questions. Maybe 30 minutes.	E
F	CHAIRMAN: 30 minutes? Anyone needs a break? Those at the back, you might feel free.	F
G	Let's take a break for ten minutes.	G
H	(3.44 pm)	H
I	(A short adjournment)	I
J	(3.57 pm)	J
K	MS CHENG: Mr Wan, just now, the counsel Mr Lam showed you some pictures demonstrating the soldering process.	K
L	My question is this, and it's a fundamental question. Have you personally seen any workers performing this process?	L
M	A. Yes.	M
N	Q. In Kwai Luen Estate Phase 2?	N
O	A. Yes.	O
P	Q. Under what circumstances did you see them?	P
Q	A. When I did the walk, I saw them.	Q
R	Q. So you saw workers performing this procedure?	R
S	A. Yes.	S
T	Q. You didn't ask them to demonstrate for you?	T
U	A. I did not.	U
V	- 89 -	V

Q. In your witness statement, let's turn to paragraph 42 on page 98. You said here:

"(In English) ... it is a usual practice for workers to cut strips from the roll of solder and put the strips in their containers. It would not be practically convenient to hold an entire roll of soldering material while carrying out the soldering work. Since the workers were holding strips of solder, it was highly unlikely for me or my site staff to verify by visual checking what type of solder was being used. Further, the soldering process involved hot work."

Later, you said you wouldn't go so close to look.

A. That's right.

Q. So, regarding the words "usual practice", was it out of your own observation or what?

A. I don't recall when I began to know this was the usual practice, but Kwai Luen Estate Phase 2 wasn't the first project that I came across copper pipes and soldering, and I all along have had this impression, that workers would not hold the entire roll of soldering material while carrying out the work, so I wasn't surprised when I saw that in Kwai Luen Estate Phase 2 that they were not holding the whole roll.

Q. You mentioned that the roll of soldering material would be cut into strips. Was it your own observation?

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C	A. If I remember correctly, I did see that, but I don't	C
	recall whether it was in Kwai Luen Estate. Perhaps	
D	I saw that in other estates before that, because workers	D
	prefer to put strips of solder in a bucket along with	
E	other materials, including a roll of soldering material.	E
F	Q. (Chinese spoken).	F
G	A. I did have the impression of seeing that.	G
H	Q. Well, you said you had this impression. You however do	H
	not recall at which site you saw workers holding	
I	a toolbox, and you said you saw solder strips and also	I
	rolls of soldering materials.	
J	A. I mean the roll of soldering material in green.	J
K	Q. You saw both?	K
L	A. Yes.	L
M	Q. You said when soldering took place, they used the	M
	strips, wouldn't they?	
N	A. They wouldn't hold the reels of solder wire. I have	N
	never seen workers holding a reel. Normally, when I saw	
O	them, they were doing the ceiling.	O
P	Q. Did you ever see the workers cutting the strips into	P
	lengths?	
Q	A. I didn't see them.	Q
R	Q. But you presume they were cut from this. I'm not sure	R
	whether you can answer this. Do you remember the solder	
S	wires, how long were they?	S
T		T
U		U
V		V

A. They would bend them, they would bend the wire, about this long (indicating), they would bend it, about this long (indicating), and then they bend it.

Q. This is the length after being bent (indicating). Compared with the solder strip, the solder wire that you saw, would they be different?

A. There wouldn't be much of a difference.

Q. Now, for this soldering process, Ho Biu Kee, for Kwai Luen Phase 2, the person in charge is Mr Wong Kwai Hung. You know him personally, don't you?

A. I have had meetings with him.

Q. Yes, I know. I'm going to put questions to you later on. Let me put this to you now. Mr Wong Kwai Hung gave a description which is rather inconsistent with yours. Let me show you his statement. K3, page 2244.

Paragraph (c). Mr Wan, please have a look at this.

Here, he talks about the solder strips, not the reels of solder wire. Solder strips were delivered in loose strips, not in reels.

CHAIRMAN: Let me put this: how long have you known Mr Wong Kwai Hung for?

A. In the previous site, it was Mr Wong Kwai Hung who was in charge, and then thereafter I met him again in Kwai Luen Estate.

CHAIRMAN: How long exactly?

A. The project started in 2008, I think it was 2010.

CHAIRMAN: 2008, you knew Mr Wong?

A. I think 2009 or 2010 or thereabouts. There was a PRH

site, Shin Ming Estate, Tseung Kwan O.

CHAIRMAN: Which "Shin"?

A. "Shin" as in friendly, the Chinese character.

CHAIRMAN: He was the person in charge for Ho Biu Kee?

A. If I remember correctly, he suffered from work injuries and then he left the Tseung Kwan O site, and then I came across him again at the Kwai Luen Estate site.

CHAIRMAN: Yes, the Kwai Luen Estate site. Shin Ming

Estate, how long has he been working there, as far as you remember?

A. Not very long. I think probably, for the first two months, from the beginning, and then he sustained some work injuries, and then he was off work. I'm not sure whether he was working elsewhere but he never went back to the Shin Ming Estate site.

CHAIRMAN: And then subsequently at Kwai Luen Estate site you came across him again. He says he has about 20 years of experience; do you know about this?

A. I don't know he has 20 years of experience. I know that he is experienced.

CHAIRMAN: At the Shin Ming Estate site, what sort of solder materials did Ho Biu Kee use?

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C A. FRY 99C. C

D CHAIRMAN: Okay. Madam Cheng, please carry on. D

E MS CHENG: Mr Chairman asked about Mr Wong Kwai Hung. Let E

F me pursue it, please. In your statement, H1, F

G paragraph 38 at page 97. G

H A. Yes, I've got it. H

I Q. You said each week you would have meeting with Mr Wong I

J Kwai Hung and you would discuss the quality and progress J

K of the plumbing works. K

L Do you remember, in your weekly meetings, in your L

M discussions, did you ever talk about the materials used M

N in the plumbing works? N

O A. I don't remember talking about the materials. We talked O

P about the workmanship. We would conduct the PASS P

Q assessment, and that would make a difference to the Q

R score, so we would talk about the workmanship. R

S Q. In these meetings or elsewhere, did you ever hear S

T Mr Wong talking to you about the kind or sort of T

U materials they used? U

V A. Never. V

CHAIRMAN: Hang on a second. Did you ever hear a certain

solder material ran out and they had to use another one?

A. No, never.

CHAIRMAN: From what you said here, basically, you had

a weekly meeting with Mr Wong?

A. Yes. I believe, towards the end of 2013 and mid-2014, we couldn't afford any blunder, because we were approaching the end of the project and we couldn't afford any trouble, so we met more often.

CHAIRMAN: So you have been in contact with Mr Wong Kwai Hung for so long. Do you think that he is a very experienced plumbing worker, or do you think he is not really up to scratch?

A. He's fairly experienced as a plumber.

CHAIRMAN: Let's have a look at page 2237, one of the replies. K3/2237. Question number 3, the answer there.

A. Yes, I've got it.

CHAIRMAN: He said:

"(In English) At the material times, I was not aware ..."

In the second sentence:

"Indeed, I was also not aware that soldering material for the purpose of jointing fresh water pipes must be lead-free."

How would you respond to this? Not you, but him, he said he didn't know. How would you respond to that?

A. I feel that if he's been in the trade for so long, with a plumbing licence -- I understand that in the exam, there would be such content, and there was no reason why he wouldn't know about it.

Maybe I've got it wrong. He said the solder strips should or shouldn't contain lead -- well, he said he was talking about the solder strip, whether they should be lead-free, he said he wasn't aware.

CHAIRMAN: Do you not agree with the first sentence or what?

A. What I am saying is, as a plumber, he should know that the solder materials should be lead-free, but whether he knew the solder strips contained lead, I'm not sure.

CHAIRMAN: So you are saying that he should know that for fresh water pipes, the solder materials should be lead-free.

Let me put this to you. As far as you know, do you think he knew that the sample submitted to the Housing Department was FRY 99C?

A. He must know.

CHAIRMAN: Why are you so sure?

A. From my previous record, on 3 June, we emailed the information to Ah Kin, and Ah Kin was the person in charge. Together with Mr Wong Kwai Hung, they worked in the same workstation, and if Ah Kin knew about it, there's no reason why Mr Wong didn't.

CHAIRMAN: So there were two persons in charge?

A. Yes, there were two persons in charge.

CHAIRMAN: In the same workstation, the same container box?

A. Yes.

CHAIRMAN: Ms Cheng, please carry on.

MS CHENG: You talked about "Ah Kin". That's on 3 June
2013. What's his name?

A. Leung Wai Kin.

Q. For Kwai Luen Estate Phase 2, was he the person in
charge the whole time?

A. As far as I understand, Ah Kin was more senior than Wong
Kwai Hung, and he would be shuttling between the site
and the office, and I very often bumped into him, and
sometimes I would get in touch with Mr Leung.

Q. Would he be part of the meeting between you and Mr Wong?

A. Sometimes.

Q. Would you discuss with him about the materials?

A. No.

Q. All right. K3. The chairman took you to question
number 3. For Mr Wong Kwai Hung, let me follow up on
this. Page 2244. Mr Wong said that from recollection,
he remembered how the workers used the solder materials.
This is what Mr Wong said.

Line 4:

"In the course of jointing pipes with solder wire,
workers would take the whole reel with him and would not
cut them into pieces. This" -- according to him --
"would avoid the transmission of heat to workers' hands
caused by the high temperature welding of solder wire.

On the other hand, when solder strips were used, workers would just hold the strips in their hands in the course of welding ..."

He depicted this scenario. How would you respond to this?

A. In Kwai Luen Estate, I have never seen anyone using the reels of solder wire when conducting the soldering.

Q. He carried on:

"... it is our belief that the use of the solder strips, instead of solder wire on reels could easily be identified on site ..."

So he said this would be easily identified, if they use the reels. You don't agree?

A. I don't agree.

Q. Mr Wan, you said you know something about the plumbing works. Let me put this to you. I read from the subcontractor's subcontract that there is such a clause.

Bundle 4.5, page 6845. My understanding is that this is part of the subcontract.

On this page, 6845, it mentions the pricing, what the prices include. Paragraph 1.8 says that the prices include the clearing of the remnants of soldering materials inside the pipes. What do you think this is exactly about?

A. I think there may have been something that leached into

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C	it. I don't quite understand. The debris and the	C
D	rubbish, we understand that they have to cover the ends,	D
E	to prevent the grit and the rubbish getting into it.	E
F	Maybe during the soldering process there were some bits	F
G	and pieces dripping into it.	G
H	Q. Do you think that the bits and pieces came from the	H
I	soldering materials?	I
J	A. Maybe some dripped down to it.	J
K	Q. So have you seen this before?	K
L	A. I have, but I wasn't particularly aware of the bits and	L
M	pieces of solders inside, and in clearing the debris we	M
N	would see that when the pipes were filled, with open	N
O	ends, they would be capped.	O
P	Q. So do you know how this is done, how the bits of solders	P
Q	inside the pipes would be cleared?	Q
R	A. No.	R
S	Q. Now, for 1.8, is it a standard procedure for soldering	S
T	workers?	T
U	A. Do you mean clearing, removing debris and bits of	U
V	solders inside?	V
	Q. About this whole term.	
	A. On completion of works, they are required to clear the	
	inside. I am not very sure.	
	Q. But this is your company's requirement for workers	
	performing this procedure for the subcontractor?	

A. Yes.

Q. So, Mr Wan, it's bundle K3 still in front of you?

A. Yes.

Q. I'm sorry, please give me some time. Or perhaps I can just tell you this. The person in charge of Ho Biu Kee is Mr Ho Man Piu. You knew him; right?

A. Yes.

Q. In relation to this incident, he also submitted a witness statement to the Commission. He also talked about the work progress, and he said that at that time, in relation to Kwai Luen Estate Phase 2 project, Ho Biu Kee only had a few months to complete the plumbing installation, that is installation of plumbing works.

Now, in your statement, I see that you have also mentioned this. So let's have a look at paragraph 23 on page 90. About this paragraph, coupled with the explanation you gave to Mr Lam just now, we understand that starting from June 2013, Ho Biu Kee commenced their plumbing works, and they had about ten months for the works, and you consider it to be a reasonable period for the works. Then you said that you therefore disagree with his contention in the statement that they had to work in a very tight programme. Then:

"(In English) From my record, Ho Biu Kee has

C deployed a steady number of workers on site to carry out
the plumbing works during the 10-month period."

C

D A. Yes.

D

E Q. So, Mr Wan, for plumbing installation, I think the
workload would not remain steady. I mean, would
F workload increase towards the end of the period?

E

F

G A. I can divide it into three stages. The first stage
H would be done in the corridor, and after concreting and
piling, they will proceed to the inside of units, and
I then at the entrance -- I mean at the next stage,
J a gondola would be used to do the works on exterior
walls.

G

H

I

J

K So, at the later stage, there might be more workers
L required because of the increased workload. There might
M be more workers. So the curve would be that initially
N there would be fewer workers and in the end there would
be more workers, and this is the normal practice.

K

L

M

N

O In my experience, I don't think that for the
P Kwai Luen Estate project, Ho Biu Kee had to deploy
a large number of workers on site to carry out the works
Q or that the schedule was cramped.

O

P

Q

R Q. Now, in your statement, you said that Ho Biu Kee has
S deployed a steady number of workers on site to carry out
the plumbing works during the ten-month period. So
T a steady number of workers on site means that the number

R

S

T

U

U

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V

of workers remains steady, but wasn't it true that for some works, they require more workers?

A. My observation was that they did increase the number of workers at some stage, but not many.

Q. What did you check?

A. We checked the entry record.

Q. So you saw the number of workers from Ho Biu Kee, and what was your observation?

A. For skilled and semi-skilled workers, because only these workers would be engaged in plumbing works installation, and then, at its peak, as far as I noticed, there were 20 workers.

Q. The peak; you mean stage 3?

A. Yes, the overlapping period. Before that, there were 13 or 14 workers, so I don't think that adding a few workers would mean that they had a very tight programme.

Q. I would like to move on to another topic. For Kwai Luen Estate Phase 2, we understand that the licensed plumber, that's Mr Lam Tak Sum, was appointed by Ho Biu Kee, and you were on the site resident staff. How often would you see Mr Lam Tak Sum on the site?

A. I saw him a number of times before, but I wasn't personally responsible for contacting Mr Lam Tak Sum, but Mr Leung Wai Kin, who was his building services engineer of Shui On, and my colleague was also

contacting Mr Leung Wai Kin.

Q. That's the Ah Kin you mentioned?

A. Right, and Ah Kin was the person responsible for contacting the plumber. We seldom contacted the plumber directly, unless it had to do with the submission of forms. Usually, at the construction stage, we usually would only contact the site representative.

Q. Now, coming back to you, you said you saw him several times. How many times?

A. About four to five times.

Q. So, when you saw Mr Lam, what was he doing at the site?

A. He was coaching other workers. As far as I observed, usually he was briefing other workers. He was telling workers what to do or what should be done regarding water meters, and I also saw him inspect on site, together with Ah Kin from Ho Biu Kee.

Q. So you said that a colleague surnamed Leung was responsible for contacting Mr Lam Tak Sum. Do you recall why?

A. Usually, regarding some statutory procedures, for example submission of approval for water certificate. After Mr Lam Tak Sum signed on the certificate, the HA's signature was also required, so we need to check the procedure.

Q. Apart from signing the water certificate, we understand

that for LPs, they would also be required to supervise plumbing installations. So in Shui On, yourself or other colleagues, was there a mechanism for regular communication with Mr Lam Tak Sum, so that you would learn about any irregularities found during the inspection of plumbing installations?

A. No, no such mechanism.

Q. Was it only related to Kwai Luen Estate Phase 2 or other sites?

A. We don't have this mechanism for the sites that I worked in.

MS CHENG: Chairman, I still have a topic to follow up on with the witness. I believe we need 15 minutes.

CHAIRMAN: I don't think we are able to finish it today, so let's continue tomorrow morning.

(4.25 pm)

(The hearing adjourned until 10.00 am the following day)

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