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2016年1月13日

上午10時02分恢復聆訊

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

楊明悌大律師及李健宏大律師，由趙、司徒、鄭律師事務所延聘，代表何標記建築工程有限公司

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

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

王鳴峰資深大律師及羅頌明大律師，由律政司延聘，代表水務署署長

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

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

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

何標記建築工程有限公司（“何標記”）（中國建築（啟晴邨）及瑞安（葵聯邨第二期）的分判商）的第一證人：何文標（何標記董事總經理）宣誓繼續作供

石先生繼續盤問

問：早晨，何先生，咁我繼續問你一啲問題。

首先我想回一回帶，就講番啲尋日你過嘅一啲答案，就係關於持牌水喉匠呢個制度嗰個運作嘅問題嘅。

尋日你喺答問題嘅時候，你就提出過一啲嘅見解，就係即係持牌水喉匠呢個制度，佢運作嘅時候嘅一啲可唔可以講係缺點呀？你尋日

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有提出過一啲呢啲咁樣嘅見解嘅。即係譬如舉個例，你話持牌水喉匠其實好多時候好多年前考咗個牌，即係用一啲好原始嘅方法去即係整一條，咁就擺咗個牌嘞；跟住又唔使識做文件，又唔使識做--又唔使識英文，又唔使盛，又唔使持續進修，咁就可以繼續擺住個牌咁樣。你有一啲呢一類咁樣嘅你覺得唔係太過理想嘅一啲現象，你都有尋日提出過喇，係咪？記唔記得？

答：我尋日記得係咁講，就話而家水喉牌個個係有缺憾嘅，因為好多水喉牌實際佢係冇用嘅，本身係 labour 嚟嘅，咁考到水喉。但係以今日嘅年代進步咗咁多，要求咁多，佢做唔做到嗰個功能呢？以前嘅水喉匠個個牌，個 licensed plumber，即係等於一個而家嘅大工牌。即係等於一個醫--即係我咁覺得，即使你係一個醫生，有個牌，但係你三十年都有用過，冇行過醫。咁今時今日你去睇症，你都唔會睇--你睇--識睇個症，你都唔識開藥喇。開啲藥，啲藥廠都停晒，都有生產嘍嘍，咁你，即係我覺得係不合時宜嘅係，係好即係...

問：咁你有冇聽過有啲現象係--即係舉個例，啲數目字可能唔係一定啱，可能有幾千個持牌水喉匠，但係真係活躍走出嚟，所謂即係會簽下紙，幫人入下紙嘅，就遠遠少於呢個數目嘅，係咪咁？

答：我諗得--照我估計，我唔知一百個有冇呀，真係。

問：哦。咁我哋而家就睇...

答：即係我曾經話新工程就應該好少嘅。

問：乜嘢應該好少呀？

答：即係好似水--即係我哋專項嘅分判商嚟講，譬如一個水喉匠已經睇--即係處理十幾個地盤嘍。其實我哋公司算好嘍嘍。我哋公司係做十幾個地盤，一個水喉匠。但係有啲公司，佢又係老細，佢又係水喉匠，咁即係等於連個水喉匠都有，即係佢兼埋喇。即係等於明--即係早排明合咁，伍克明，佢又係成間明合嘅揸 fit 人，但係佢又持牌，咁即係個制度上係有問題。即係唔同話建築，唔同話有啲公司話「你間公司一定要有幾多個認資格嘅人士就可以嘍」，就唔應該係跟個牌嘅，或者久唔久要考試嘅，要 update 嘅咁，咁至先係叫做--即係我覺得結構上係有問題嘅，即係唔得。

問：Okay。你提到就係即係缺乏持續嗰個考核，有啲牌生咗鏽嘅，可能；...

答：係喇，係喇。

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問：...幾十年前，你而家仍然都可以擺住，「啊，我有個牌呀」咁樣，咁就可以擺出嚟做嘞。咁呢個係一個問題喇。

你另外講過有一個問題，就係話咩嘢個--唔應該係個老闆。你係咪講到好似係即係一間--即係水喉分判商，個老闆就唔應亦都係戴住另外一頂帽，係個持牌水喉匠，係咪咁解？

答：咁就唔係唔應該嘅。

問：唔係唔應該，哦。咁你個個焦點係乜嘢呢？

答：即係我譬如話，即係好似我哋咁，譬如如果何--我，何標，當年又去考埋個--個牌嘅，可能就冇林德深嘞，我公司有個 licensed plumber 嘅，我就兼埋嘅。即係所以你話，客觀嚟上，一個係咪少呢？即係你換句說話講，嗰啲兼埋，係咪等於冇呢咁？咁呢樣真係好--見仁見智喇，即係大家，即係你去點去理解呢個問題。

問：咁無論你個持牌水匠係老闆抑或係打工，咁都係做嗰啲嘢嘅啫。

答：係喇。

主席：我諗你嘅意思就即係持牌水喉匠嘅前途就係非常之有限，因為你一間公司如果個老闆又係嘅，基本上唔使請嘍嘞。

答：係喇，係喇。

主席：咁你全香港實際上可以競投呢啲咁樣嘅工程嘅公司，老老實實即係唔係好多間嘅啫，咁所以持牌水喉匠，十個、八個老老實實就已經可以做晒你全香港所有嘅工程嘞。

答：係呀，無論係正式做專項，分判商嘅，活躍嘅，我諗真係好少。好似我哋公司，獨立嘅另外一個水喉匠就更加少。你睇下，出事，譬如三間吓，係得我係另外請人嘅，佢哋兼職嘅。

主席：所以...

答：咁你話至於出面市場嗰啲，屋企換條喉，安個水錶，乜乜，乜乜，嗰啲都底有幾多呢，呢啲我唔知。即係我講話真係活躍，有新工程嘅，我諗全香港，我估計吓，即係未必係咁，我諗唔到五十個，應該。因為 Housing 個分判商都係，做來做去嗰幾家嘍之嘛，落標。即係咁

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你諗下，成個房屋署，一年兩萬幾個單位，都係得嗰幾個人。咁你諗下全香港嘅 project，其實水喉--水喉分判商就係一個好獨特嘅香港嘅特點，就話你如果跟開嗰間業--嗰個業--建築，嗰個建築就差唔多係依賴咗你㗎嘞。即係依賴咗佢，就有乜變咗，嗰個判頭。即係嗰個分判商冇得變咗嘅。即係佢保障咗佢，因為呢個係一個好專業嘅...（聽不清），因為你--佢覺得你信得過，但係一起咗貨，全部藏晒石屎或者雲石，咁全部漏水，佢就真係好唔掂㗎嘞，全部漏水。所以其實好活躍嘅水喉公司，真正嘅牌--即係有 licensed plumber，活躍嘅公司，喺水務局，我覺得係真係好少。

主席：如果你咁樣嘅講法，何先生，咁一個好更加好嘅方法，係咪即係譬如--因為我哋知道以前持牌水喉匠就有 grade one，又有 grade two 㗎嘞，後來就取消咗 grade two 㗎嘞，就剩番、得番 grade one 嘅。咁而家如果似乎聽你嘅講法呢，即係喺嗰個持牌水喉匠裏面可能又要分番出 grade one 或者 grade two 嘅。Grade one 就真係可以簽名，就做你哋嗰啲新項目嘅工程。

答：係嘞，冇錯，分類。

主席：Grade two 就真係去番落手落腳嗰啲技工。

答：係嘞，冇錯嘞。

主席：可能有 grade three 添，再簡單啲，唔需要話特別高技巧，不過佢又要駁水喉嘅。咁就可能要 grade one、grade two、grade three 嘞。即係呢個我即係聽你咁講。

答：即係我就有個建議，可以咁樣嘅，譬如你房屋署，咁你可以--即係等於而家房屋署一樣之嘛，房屋署，佢嘅建築商就唔係按照建築署入面份 list 嘅。佢哋自己就即係揀咗一啲，揀咗一啲，然後分邊啲係 list one，邊啲 list two，咁樣去。未做過嘅，就只可以做一單；做過嘅，就做無限單。即係你可以有個規則，唔好話乜都求其。揸住個牌，交唔知好似百幾釐牌費，又咩嘢，咩嘢，幾十釐呀，咁就可以揸個牌。咁佢--其實畀個牌嗰個水喉佬都有用嘅。即係我而家六、七個伙記，你畀個水喉牌畀佢都有用嘅。係咪？要...

問：即係有啲人係續咗個牌，就叫做有啲滿足感咁，嘎，即係隨--禮起手就有用咁樣。

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答：佢哋都有滿足感㗎嘞。佢哋當時矇查查，咁人哋考喇，佢又考喇，咁樣樣。即係等於考大工牌。我覺得當時就真係考大工牌嘅。我亦知考大工牌嘅。

問：即係主席話齋，嗰陣時其實根本可能係個考大工牌，就唔係特別要預啲乜嘢嘅文件責任嘅，係諗住。

答：係，係，係嘞，係一個--係喇，因為要保住個飯碗，又個鐵飯碗，有門手藝，可以話養自己嘅家庭，咁就去考，個動機，就從來都有諗過咩嘢嘅。

問：好喇，我哋講番呢個，頭先你所講嘅呢一啲問題，即係缺乏一個持續嘅進修。或者你話其實好多人佢擺咗個牌都未必用，所以實際即係活躍嘅水喉匠都唔係咁多嘅。呢啲你感覺到嘅問題，其實水務署知唔知嘅呢，你覺得？

答：我好難講嘞，應該知啫。即係水務局總共佢有幾多個 licensed plumber，有幾多個 LP，咁有幾多個去入 Form GA 嘅，咁佢應該知嘅。我諗佢有做統計啫。呢啲我唔--呢啲我好難...

問：但係有冇反映過呢，你即係有陣時同佢哋有冇...

答：呢啲唔關...

問：你有冇接觸水務局嘅人㗎，日常工作？

答：不如咁講喇，我以前我係有 licensed plumber 嘅。我就唔係 licensed plumber。但係以前我--我十幾、廿--十幾年前，所有我就負起做 licensed plumber 嘅人嘅。我上水務局搵阿 Sir 去改圖，車水務局去睇，乜乜，咁水務局就認住我嗰兩撇鬚嘅啫，就知道係我㗎嘞，咁就搞掂。

問：雖然最終簽名嗰個唔係你？

答：即係簽牌嗰個唔係我。即係而家其實嗰--入水務局，水務局嗰份嘢都有寫何標記㗎嘛。

問：係，當然喇。

答：係寫個 site 個名稱㗎之嘛。

問：係，冇錯？

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答：寫「林德深」㗎之嘛。

問：係。

答：咁後來...

問：因為佢哋水務局就係認個 licensed plumber 嘅啫，...

答：嘎。

問：...個簽名。

答：咁後來，因為我又搞上市公司，即係搞海城（譯音）集團嗰陣時，我又去大陸搞生意嗰陣時，咁我就即係冇做呢樣嘢。咁收厝就對水務局嗰啲人，嗰啲幫辦就陌生咗，有啲又退咗休，咁所以我咪搵伙記去喇。咁但係佢哋...

問：但係--即係你講過呢個現象，就係好多時候真係落手落腳做，與水務局接洽，甚至就唔係持牌水喉匠個人本身...

答：我個年代嗰陣時係。

問：係嘞，你嘅年代。

答：十幾年前係。

問：咁就可能到到最終要搵嗰個人簽名，因為法例要求，要個 LP 去簽名，...

答：係嘞，係嘞。

問：...咁就有個叫 LP 嘅人出嚟就簽咗名，咁就係嘞？

答：唔。

問：咁即係以你嘅理解，其實好多實際落手落腳嘅嘢都未必係個持牌水喉匠去做或者去監管到個嗰，其實？

答：事實。

問：事實係？

答：即係點樣講呢？就話個...

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問：舉個例嘞，法例規定--你唔使識法律嘞。法例規定持牌水喉匠係要即係確保水務--即係水喉嘅裝置係符合有關嘅水務條例咁樣。咁以你嘅理解，持牌水喉匠，用你嘅認知吓，你之前嗰個也好，林德深又好，真係會唔會逐層逐戶咁走去叫做 check 下，真係去個 site 嗰度望下，「啊，我滿足，合規嘞，咁我先至走去簽張紙」嘅呢？

答：去 site 一定會喇。

問：係。

答：其他真係具體嘅，你咁問我，我真係好難答你話，因為我真係呢十幾年真係，因為我再前一個就--再請過一個，咁佢對水務局係好熟嘅，咁佢又响俊利又做過嘅咁。咁我收靚點解會請--係請番咁類近嘅人呢，因為佢哋有經--佢哋起碼有問題，佢哋會上水務局，拍到門，搵到阿 Sir，去傾到偈。明唔明呀？如果搵求其一個，即係唔識、唔盛個啲，咁即係變咗就好有問題嘞。你明唔明呀？

問：哦，得，唔緊要，不過林德深遲啲會嚟，咁我哋可以直接去問佢。

答：唔係，具體嘅你可以問林德深喇，到底佢...

問：具體可以問佢。

答：其實佢哋驗水嗰陣時，到底--因為我呢幾年都有參加嚟嘞，我呢十幾年都有參加，因為我嗰班--同我一齊成長嗰班都退咗休，係我哋响度磋跎歲月啫。即係佢哋退咗休，咁我就冇。有啲就最近退休。個個都升到好大概。有啲最後都呢一、兩年都退埋休嘞，即係我識個啲。

問：你指水務局嗰班？

答：嘎。

問：好。我而家就問番一啲你嘅證人供詞嘅問題。你嘅證人供詞裏面--我未必需要你即係睇番你實際嗰一條答案嘅，因為即係你哋亦都係用英文寫。我講畀你聽就係你事後就發現點解會喺啟晴邨用咗含鉛嗰隻錫條，就係因為陳小華，啟晴邨嘅打埋喇，佢就話佢有用過呢一隻錫條，係比較性--嗰個質地係比較軟啲嘅。佢以前幫第二啲判頭或者承建商做嘢嘅時候，佢係有用過呢隻錫條嘅經驗。咁所以佢就認為用呢一種錫條係比較可以會容易啲係即係加速呢個燒焊嘅呢個過程，因為係比較容易啲去熔，嗰個熔點比較低，咁就容易啲熔同埋容易啲焊囉咁。

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答：即係個溫度係會低啲。

問：呢個就係你喺證人供詞講嘅。你就話你事後就發現，原來陳小華喺做啟晴邨嘅打理嘅時候係提出過呢個咁樣嘅觀點；亦都繼續話，就話陳小華就話就將呢一啲嘅軟啲嘅錫條就係要嚟焊接一啲 50 毫米，即係 5 cm 吓，直徑 50 毫米或以下嘅銅喉就用呢啲軟啲嘅錫條，就用石油氣槍射就得嚟喇，咁就好方便嘅。咁就錫線，用開一卷卷啲啲，就會繼續就用喺啲 50 毫米至到 75 毫米直徑嘅銅喉，咁但係由於要熱好多先至熔，就用啲啲叫做風煤呀，風煤啲啲槍，就要嚟即係燒呢一種嘅錫線。再粗啲嘅，75 毫米以上嘅，就用啲啲銀焊喇。呢一啲就係你喺個證人供詞度就話你係事後發現原來陳小華係喺做啟晴邨嘅時候就提出咗呢個做法。咁我想請問你，你喺乜嘢情況之下查到呢樣嘢，同埋邊一個話畀你聽嘅呢？

答：呢啲，如果我知道係咁 detail 係咁做法，咁盛呢，我一早已經係唔會有呢件事發生。

問：唔係，我明。我知道你係事後知道。我係問你，你事後點樣知道，邊個話畀你聽？

答：事後我搵晒啲打理，甚至搵埋黃貴雄，搵埋我哋嘅--即係我嘅助手梁偉健，所有呢啲嘢係佢講畀我聽嘅。

問：黃貴雄同埋梁偉健？

答：所有嘅我而家做緊嘅打理。即係個個跟我好耐嚟喇。咁但係我而家我覺得我又有啲新嘅 idea，即係成日話，個個話認知不足，個個都話唔知、唔知，咁事實係咪真係有唔知呢？即係我就發覺陳小華呢份口供我就係琴--其實我就有睇啲口供嘅。甚至乎我自己啲口供提，睇咗，跟住啲--跟住佢哋話「喂，你要睇下先至得嚟，你講緊乜嘢。」但係我好自信，從來都有睇過嘅。即係我琴日响庭，响呢度，我就先戴住個耳筒再 review 一次嘅啫。你陳小華嗰份，琴日你正如--石律...

問：你有冇喺面前呢，陳小華嗰份？

答：你話--正如你琴日話畀我聽，第三、第四座嘅判頭是陳思南。咁呢個係唔真實嘅。

問：係。

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答：咁我哋水泉--呢個啟晴邨總共嘅人工支出費，就香港就 2,080 萬，我當 2,100 萬喇，咁大陸就有 1,000 萬嘅，咁就 3,000 萬。咁我哋呢個葵聯邨有一千五百零七個單位，就自動轉賬就去咗九百幾萬。呢個數據係差唔多嘅，即係五百萬一座。咁陳思南响第三座幫我哋做嘅嘢就係百幾萬嘅，就係百幾萬嘅啫。咁如果--你斷開 500 萬一座，六座吓嘛，百幾萬。即係換句話講，第三、四座嘅，係 1,000 萬，即係兩座，1,000 萬，佢夾埋係做 198 萬。換句話講，佢做我嗰兩個 block 入面嘅系統嘅嘢係佔十一、二個 per cent，點解陳小華特登咁強調話佢係打理。呢個係有事實，公司係從來都... (聽不清) 都唔知有個陳思南打理，亦有授權佢簽過任何 DO，簽過任何單，okay? 咁嘞，即係我所以懷疑到就唔係認知不足嘞。我就希望即係委員會就真係要唔好就--結果就話認知不足，一啲問題都有，冇人犯錯，冇人犯法嘅。

咁點解我覺得咁呢？佢咁突出，陳思南話係第三、四座嘅管工--個管理，其實唔係嘅，佢係始終係三、四座入面工作嘅持份者 12 個 per cent 嘅啫。佢自己嘅口供又漏出，又話「我和」--「陳思南幫老細唔熟。」咁你唔熟，我唔可能係請佢打理喇，呢樣嘢事實。

問：得。

答：呢樣事實，係。

問：得。

答：好嘞，我都想調查話，陳小華點解會負責兩條屋邨？點解啟晴邨會用，而係龍--呢個屯門十八--嗰個叫咩嘢邨呀，我律師？

問：龍逸，龍逸。

答：龍逸邨唔用。咁佢解釋就話佢遞張單上去，張單上單。我個 Procurement 小姐話佢，「唔好喇，你七七喇，七七喇」咁。咁係根本就冇可能。咁如果既然係龍逸邨，寫字樓咁嘅反應話，咁你識會跟下，即刻會問我吓，問寫字樓，「喂，咁啟晴邨都應該用番錫線啫，冇理由一個地盤用嗰隻錫線，即係。」

咁我而家我又講，講個成個故事嗰個--成件事嘅因由嘅。咁响 2009，唔知零-- 2009 年... (聽不清)，咁我有一日我--當時我哋就响隧道口有個地盤趕貨，咁我就揸部車入去就搵咗天水圍--嗰陣時係保華建築嘅。因為保華我都有做過...

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問：停一停先。2009年就陳小華就回...

答：我大約時間嘅。

問：佢一段時間離開過何標記，跟住2009回歸嚟嘛，你記得嘛？

答：唔係，你聽我講咗你先至問，okay？

問：你講，係。好。

答：當時我就唔識個陳小華嘅。其實我都好多 labour，我真係唔識邊個、邊個嘅。咁有一日我另一個地盤趕貨，咁我就揸部車入天水圍。嗰個天水圍嘅地盤係保華嘅，我另外有個打理嘅，咁我嗰度趕貨，我話「你畀幾個人我。」咁我跟住車佢去。咁我跟住車佢去呢個東隧口嗰個地盤開工，就做 labour 嘅啫。咁就做 labour，咁佢--當時我都唔知邊個，嗰幾個係咩嘢人。佢仲問我，佢話「喂，老細，你唔認得我喇？我以前」--佢話「你就梗係唔認得我嘞」咁。啊，呢件事--即係點解會確--確實咗。咁跟住佢就去咗東隧五、六期。東隧五、六期就有兩個 site 嘅，一個 site 就好細嘅，就有個停車場仔，咁我哋嗰個打理，姓冼（譯音）嘅，就將佢分配咗去嗰個細嗰個 site 嗰度，即係好少嘢嗰度。咁有人--即係事情就--命運就永遠係--即係發生問題，即係命運嗰個安排嚟嘅。即係點解呢？好似人生咁，你條河--條石去，啲河流就會轉晒嚟嘞。即係--我亦唔會--我公司做打理嗰啲，個個都跟我好耐，十幾、廿年，我先會畀佢做打理嘅。

好嘞，咁樣個地盤嗰個停車場嗰度起貨，咁瑞安個經理就幫我講，個瑞安嘅經理幫我講，嗰個話...（聽不清）嗰個，「喂，標哥，呢個，呢條友得啲，培養下佢喇，畀機會」咁。咁嗰陣時啟德邨就我啱啱--啟晴邨，sorry，我哋...（聽不清），就啱啱開工。咁我話「佢得呀？好喇咁。」因為佢--因為對瑞安，我係一種好--我係好信任，即係咁。佢話「得呀，佢幾好嘍，畀啲機會佢學下嘢喇」--唔係，「畀機會跟下你喇」咁。咁當時我就--即係我又好信人講嘢嚟嘛。佢唔同我，我嘅眼光睇人就好準嘅，即係可能佢哋經驗曳啲喇吓。咁就安排咗去啟晴邨，安排咗喺啟晴邨。咁我點解話會知呢？咁佢起碼都知道有兩種材料先。噏，我點解懷疑佢？你不如咁問我，你會唔--懷疑我，話「喂，你點解會動機」--「佢有乜嘢動機啫，有乜嘢著數啫？明知故犯，...（聽不清）」噏，呢個問題就邊度呢？我今日攞番封我2012年11月13號嘅檢舉信。噏，呢封係好陳舊，一定唔會偽造嚟喇，有歲月嘅痕跡嚟喇，係咪？黃晒嚟喇。

問：嘎。

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答：噏，...

問：停一停先。你律師未見過嘅，係咪？

答：未知㗎。

問：未見過嘅，okay，得。

答：唔使，我講真嘢，佢知唔知唔...

問：係，我知。我一陣問我--因為程序上，一陣間可能要影印番，又盛，咁解啫。

答：我畀你，我畀你。

問：得，得。

答：我可能會告佢添。

問：得，好，繼續先。

答：噏，佢咁樣寫--呢個寫住咩嘢呢？噏，等於我琴日响個庭上講，會有人將嗰張碟去銘我啲銅喉一袋袋偷去賣，偷去盛。呢封信，可能我啲伙記，呢個--佢啲行為--因為好多伙記跟過我嘅，一種有啲出於就為我好，一種可能，個心唔抵得。噏，我--因為點解--即係唔抵得佢搵錢。因為我有個地盤，又係點解，又係畀人偷嘢，咁收扞點爆出嚟呢？原來佢哋應承賣咗啲嘢就請大家食餐飯嘅。佢就有食過餐飯，咁所以就...

問：懷恨在心嘞？

答：...報上嚟我嘞咁。咁即係所以地盤就係--你琴日講...（聽不清）同我講百花齊放，okay。噏，呢封信，點解呢？「何標記何生收，本人係做何標記工作多年，而家係啟德邨地盤返工，因為近排發現地盤有不當嘅分工安排，三、四座公司工，做判頭嘅嘢，連續日日都係咁，本人睇唔過眼，所以通過何生，要小心留意。」噏，呢個癥結就喺邊度呢？噏，我哋一座，陳思南佔嘅係十幾個 per cent 嘅工作，其他都係公司工，咁佢就安排晒公司工嘅人就幫佢做嘢，就攤我哋公司錢。咁佢點解會--我聯想，點解會聯想到佢--點解會明知道佢係要錫線呢？事實上錫條個容量快，做得快，你明唔明呀？可以--因為你錫線，個師傅係廣啲嘅，因為你擺落去熔，佢個熔點係慢啲嘅。如果你呢隻，呢隻個闊度闊，幫埋易熔，一擺落去，咁就成個覆蓋咗嚟嘞。

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咁所以...

問：你停一停先。即係話錫線難熔啲，錫條容易啲熔，就好容易包含咗，就燒到焊嘞，係咪咁解？

答：係嘞，佢就--佢--我覺得佢，嗰個陳思南，係千絲萬縷。佢就為咗佢方便，搵多啲錢。噏，佢有冇利益，我唔講，係咪？你話有冇利益，我唔--你--即係呢啲靠係向你啲人講喇。所以佢點解會龍逸邨又唔用呢？龍逸邨，因為嗰個地盤就係開緊工，嗰班班底唔係佢嘅，就係我，係我嘅。咁突然我就叫佢去，「你返嗰個地盤。」咁個分別喺呢度嘞。

即係我質疑就係未必係佢唔知道係--應該係知道公司遞咗嗰隻，佢然後特登用呢隻嘅。

噏，其實我可以--琴日我答你--噏，我即係我實事求是啫，其實我唔想--問題唔想坐咁耐，我不如答你，話「我唔知，我認知不足」，乜乜，咁已經過關喇，個個都係咁，係咪先？所以我--唔係呀，我講事實喇，係咪先？我都對社會有個交代。做人一生，係咪？做人生呢樣嘢呢，咁我可以用我公司...

問：唔係，我都唔想成日聽住認知不足呀，我都想有啲新嘢聽下，所以繼續。

答：咁我咪希望有啲突破囉。

問：係。

答：係咪？我希望有啲突破，唔好成日個個都咁。其實事實有好多真係認知不足，你明唔明呀？即係好似如果佢蓄意嚟嘅，你點睇到咩，係咪先？

其實我都想我就--我就提議全部啟晴邨嘅工人，我哋因為自動轉賬，有晒啲啲僱員合約，有嘍嘛，有電話，有盛，咪做個普查囉，實查得出嘍，當時佢點叫，有冇叫啲人特登咁做，有冇特登話「喂，表面就擺呢隻呀。噏，阿 Sir 嚟到呢你就用呢隻。阿 Sir 唔嚟，你用嗰隻」，有冇呢？咁我--因為--即係都唔出奇個啫。

我覺得你話一定要好深入調查，好盛，咁我覺得我就畀晒我啟晴邨所有返工嘅人嘅嘢--嘅工人，咪問囉。我諗個個都會講真話嘍。

我呢個畀你嘞。呢個真係唔會係今日嗰張咁嘍。噏，你睇下啲...

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問：係，係，okay，係，係。

答：...歲月痕跡，係咪？

主席：我想問一問你，何先生，即係你嘅意思，陳小華當時就睇兩個地盤，一個就係龍逸邨，一個就係啟晴邨嘅，係咪咁嘅意思呀？

答：佢係啟晴邨先嘅。

主席：係。跟住後尾做完啟晴就去做龍逸邨？

答：兼埋龍逸邨。

主席：即係有啲...

答：當時佢畀--佢真係畀佢表面呃到我。

主席：得，好。

答：我當時個...

問：佢就話「啟晴開始打理三個月後就做埋龍逸嘞」，大約差唔多咁喇，係咪？

答：唔係，係--係，你具體我真係唔...（聽不清）

問：Okay，得，好。

答：因為你呢度叫我講出嚟，講錯咗仲--講嘅嘢。

問：好。得，好。

主席：得，唔緊要。咁跟住第二樣嘢我想問你，就係聽你頭先咁講，你嘅意思係咪即係話陳小華同埋嗰個陳思南--係咪陳思南？

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黎先生：係。

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石先生：陳思南。

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答：係。

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主席：呢兩位先生本身就係好熟絡嘅，係咪咁呀？

F

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答：嘎。

G

H

主席：咁你嘅意思係咪即係話因為有啲工序，就係陳思南就係斷工計嘅，咁所以佢做快啲，就可以攞多啲錢，咁因此就有一個誘因，就係陳小華就叫咗啲錫條嚟，就等佢可以做快啲，就賺多啲錢，係咪咁嘅意思呀？

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答：係，。冇錯。

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問：加上--係，係。

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答：另外一個點就係我頭先嗰張嘢，仲有一樣就話佢本係--譬如我判畀陳思南安廁所嘅咁計，本來我啲公司工嗰啲就安天面喉、安鉛水喉嘅。

L

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問：「公司工」即係公司本身請嗰啲工人？

M

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答：公司本身 direct labour。

N

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問：係。就佢應該走去自己請人嘅？

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P

答：嗰封信就話就走幫佢安廁所，但係支糧就支我嘅，係咪？

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問：唔。

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答：咁當時我十--年尾，我接到呢封信，但係當時就話又趕緊貨，咁一動就不如一靜。咁第二件事，我對呢樣嘢，我都話係講--有時講證據嘅，我聽番嚟，未必嘅咁。當時我覺得佢仲係好--即係幾幫得手，有啲料。我過年仲醒咗 10 萬鉞畀佢。收扃佢拉咗。拉佢嗰陣時，佢仲通過我啲伙記話叫我唔好告佢，畀番 10 萬鉞我喇。咁我要嚟 10 萬鉞做咩嘢呀？我個原則性嘅問題，所以呢...

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主席：得。得，等一陣先。咁呢個你就話係啟晴邨，你覺得出問題嘅原因喇，有機會。

咁我想你睇下 S1，嘅，其實。S1 嘅第 128 頁，咁我哋就見到啟晴邨，何標記訂呢個焊料嘅一個列表。見唔見到？你個螢光幕都可能見到嘅，其實。S1。

石先生：S1，hard copy 有冇？

主席：S1，畀個 hard copy。有冇睇過呀，呢個表？之前有冇睇過呀？

答：睇過咩嘢呀？

主席：睇過上高所寫嘅嘢。

問：我解一解畀你聽呢個表係咩嘢嚟嘅呢？

答：嘅。

問：呢個表就其實係雋景，周生間公司，就佢自己就編排出嚟嘅，就事後幫我哋委員會做即係一啲證據嘅時候。佢就係話雋景提供物料畀何標記，佢哋翻查佢哋嘅紀錄。咁你見到左面有啲 invoice，即係啲發票嘅 number，邊一日訂，訂咗啲乜嘢，訂咗幾多，訂單，“P.O. Number”係幾多，咁就一邴嘢。咁你就見到晒即係雋景佢嘅紀錄，show 到出嚟，何標記喺啟晴邨呢個項目一路問雋景擺過咩嘢貨，咁呢個表就係雋景整出嚟嘅。咁而家喺你面前見到就係呢個表嘞。咁你之前有冇見過？

答：呢個表係...

問：雋景做出嚟嘅，基於佢...

答：我哋有寫信叫雋景畀番晒個...

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主席：雋景交畀我哋嘅。呢啲，呢...

答：我有見過

主席：你未見過。雋...

答：我--你哋未--一開始，畀第一封信我哋，我哋已經即刻出信畀雋景，就去問佢攞番晒所有送過我哋啟晴邨幫埋葵聯邨啲單據，我就有睇過，佢就攞咗返嚟。個表我有睇過。

主席：得。

答：因為伙記--我哋伙記有冇，我唔知。

主席：得。你而家睇一睇個表。

有冇 hard copy? 畀個 hard copy。

石先生：Hard copy。

主席：有。

欸，你喺面前睇你嘅 hard copy。

如果你頭先所講嘅係正確嘅話呢，咁我又想問一問你，譬如我哋見到 4 月 13 號，2012 年嘅 4 月 13 號，見唔見到？

答：唔。

主席：有三張單嘅。

答：唔。

主席：咁有一張單就訂三十綑無錫鉛線，但係有一張單就訂 110 磅 50 力嘅。咁如果根據你頭先所講，如果你嗰個 theory，你嗰個...

石先生：理論。

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主席：...理論，係啱嘅話呢，咁就理論上就唔應該，佢唔應該會訂呢一個五十--唔應該訂呢個...

石先生：FRY。

主席：...FRY 無鉛錫線嘅。

答：即係點？

主席：因為你如果--當然喇，你頭先亦都有講過，就話有機會佢訂啲錫線，就係譬如啲阿 Sir 嚟 check，我唔知喇，咁於是佢咪擺啲啱嘅去用囉，係咪？

咁但係你另外一個理論就係陳小華就想幫陳思南，就等陳思南就賺多啲錢，所以就做快啲。咁嘅情況之下，如果陳小華又訂無鉛錫線，又訂呢一個 50 力，就似乎好似唔係好合邏輯。

答：呢個就唔係唔合邏輯。因為我聽佢哋講，响佢哋概念中，即係唔好當係有意、無意，有意用喇，...

問：咪住。你聽佢哋講係事後聽？

答：聽，我事後。

問：事後，係。

答：因為佢哋嘅名稱就「高溫」、「低溫」。即係等於我份證人口供嘅，佢一定要訂批，即使用晒啲啲，佢都要訂錫線嘅，因為燒減壓掣，燒有啲部位一定要係錫線嘅，因為嗰個...

問：點解呢，點解呢？

答：佢哋話熔--即係熔得太快就做唔到嘅。呢樣嘢我唔答你，你或者問一問黃貴雄，因為佢哋講畀我聽嘅。即係我講得有咁咩嘢嘅。

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所以唔好理佢有意、冇意，佢就一定都要訂係錫線嘅。

我頭先咁講呢，我只能夠咁講就話陳小華係知道係要用錫線嘅，
喺公司。

主席：得，唔緊要。

答：「喺，你有理由兩個地盤，都係你打理嘅，有乜嘢理由一個地盤就全部用錫線？」

主席：得。因為我哋跟住睇到喺 2012 年 6 月 26 日之後打落去，就一路都有再用任何嘅錫線嘞。

石先生：錫線。

主席：睇唔睇到？

答：唔。

主席：2012 年 6 月 26 日之後，打落去就一路都有嘞。睇到囉呵？

答：睇到。

主席：跟住我又想問一問你，因為另外一個屋邨，就係呢個葵聯邨，102
頁，102 頁。呢個屋邨唔係陳小華嘍喇，係咪？

答：唔。

主席：又唔係陳思南嘍？

答：唔。

主席：我就想下嘞，如果係咁樣樣呢，點解呢一個屋邨--第一個--其實基本上就係買過一次無鉛錫線嘅啫，就係 6 月 4 號，2013 年，就買咗二十網。睇唔睇到？

答：睇到，睇到。

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主席：同一日其實又買兩樣嘢嘅，又買無鉛錫線，又買 50 力嘅。睇到嘛？

答：睇到。

主席：睇到？

答：唔。

主席：呢個唔關啲兩人事喇。

答：嘎。

主席：即係唔關陳小華，又唔關陳思南。好嘞，最靚個就 8 月 1 號，最底個就買四網。

答：唔。

主席：呢個就出咗事之後，就你哋貴公司就--我想信就係梁偉健就係特登去雋景買四卷嘅。

答：15 年，完咗工個囉喎。

主席：係呀，完咗工喇。噏，你去 127 咩。你揭去第 127 頁吖。

石先生：有張手寫嘅嘢嘅。

主席：係嘞。呢個就寫住「現地盤超急以下物料，請幫忙安排明...」

答：哦，呢個。呢個係做臨時喉嘅。

主席：呢個係完咗之後呀。

答：唔係。

主席：係咪？

答：呢個係點樣嘅呢？係嗰陣時我哋上房屋...

主席：係喇。

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答：...投標委員會開咗會，...

主席：係吖，喺吖。

黎先生：出咗事之後。

答：...跟住「boom boom」聲...

主席：喺吖，喺。

答：...要做條臨時水喉，...

主席：喺。

答：...然後就落呢張 order 嘅。

主席：我明，我絕對明，所以呢個就同...

答：咁所以佢咪更正咗囉。

主席：呢個同個起樓嗰個冇關嘅，事後囉，我咪話畀你聽事後囉。

答：係，係。係，係喇。

主席：即係換句話嚟講，你返番去第 102 頁，即係呢個葵聯邨，除咗一開工嗰陣時候係 order 咗二十網之外，係成條邨從來都有再 order 嘞。明吖嘛？呢條邨，我嘅理解，係咪黃貴雄打理㗎？

答：係。

主席：黃貴雄打理㗎嘛。

答：嘎。

主席：你頭先有幾個 theory。第一個 theory，就係話佢要--可能要 order 兩種物料，就係因為有啲閘掣、有啲大嘅嘢就唔可以燒得太快，咁就所以就要用啲錫線。咁但係似乎睇落去，呢一個 theory，喺呢一條屋邨就唔啱囉。

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答：呢個黃貴雄嘅地盤，我...（聽不清）我都有幫佢講嘅，喺律師面前講話，我話「你當時點樣心，點樣用，你自己照講。」因為我主宰唔到佢嘞。

主席：我知，我...

答：佢哋係當時係點樣去--點解會去買，點解會去用，點解盛，我真係主宰唔到嘅。

主席：唔係，我而家就係喺度測試下你啲理論究竟有幾實在，你明唔明呀？

答：我邊啲理論呀？

主席：即係你講咗一樣嘢，理論出嚟，咁我要證明。毛主席話咁嘛，係咪咁？

石先生：實踐就係即係檢視理論嘅最佳方法咁嘛。

答：我知道。邊方面呀？唔係，你講陳思南嗰度，即係我提供，覺得啫，有啲咁嘅--即係我睇份口供嗰度...

黎先生：因為頭先你講，你頭先你講就係咩嘢呢？係陳小華係照顧陳思南咁嘛，...

答：係喇，係喇。

黎先生：...就容許佢--變咗佢就為咗快，就用啲有鉛嘅錫條，就快手完工咁嘛。但係而家講，就因為葵聯邨似乎都有個情況，就係咩嘢呢？用嘅都係錫條，係另外一個人嘞，唔關陳小華事嘞。

答：唔係，呢個係另外一個人喇，我知。

黎先生：另外一個人，唔關佢事嘞，都係用錫條，唔係用錫線啫。

答：係咁。就係奇怪，就係點呢？黃貴雄佢响啟德邨又用錫條，响葵聯路

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又用錫條，我唔質疑佢。即係而家畀我嘅，自己有個懸念，就係點解同樣一樣嘢，同樣兩個地盤都係你去主理嘅，點解會一個用正，一個又會用唔正？我淨係質疑呢點。我成日係質疑响呢點嘅。我唔係話個理論係想點樣嘅。咁我希望有人釋到我嘅疑團，佢解釋畀我聽，點解會呢個地盤咁，呢個地盤咁，點解要咁呢，係咪呀？冇理由呢--黃貴雄，就好簡單，佢啟德邨，佢又係用；啟晴邨，佢係用係錫條。係原來佢後期都係用錫條。咁我唔質疑佢呢樣嘢。係咪？咁你嘅--做人，每一樣，每一樣，做一個人，你梗係有個動機㗎嘛，「喂，我點解會落呢種，我點解會咁做」，係咪？冇理由突然會有兩種咩嘢㗎嘛。咁你又話，點會認知不足呢？點解你一個地盤你又識用正嘢，一個地盤你又唔識正嘢呢？第二種囉，我覺得係第二種，就話因為嗰個地盤嗰個經理就係幫我講，話「標哥，呢個人得唔，你提攜下佢喇」咁，可能佢知恩知圖報，「欸，畀啲筭嘢你喇」咁，惟有咁解釋喇。如果唔陰謀論嘅，陽光啲嘅推測，就話「啊，呢個經理，呀，friend 嘅，幫我，提攜過我嘅，我畀啲靚嘢佢」咁，一係咁囉。

主席：繼續㗎。

問：逐步嚟先，慢慢嚟。我哋唔好講你啱啱諗到嘅呢一個所謂陳小華同陳思南有所謂利益瓜葛呢一個諗法，我哋唔好講住。我哋講番你原本證人...

答：唔係，我講出嚟，我都係善意嘅，希望...

問：唔係，我明。我唔係唔畀你講，但係我哋一步...

答：...希望有個突破點，如果真係，咁大家都明白件事情係點。

問：得，得。

答：係咪？唔好話個個都話認知不足，咁就解決咗問題。

問：得。我明。我哋而家--你一路--我哋講到就有三條邨，你就有些少疑惑喇。第一條邨就係龍逸邨。龍逸邨，就你嘅疑惑就係陳小華係龍逸邨嘅打理，佢就完全合乎規矩用晒錫線。咁你個腦裏面就有個疑團喇。咁呢個疑團，我哋遲啲慢慢講，okay。

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另外就係啟晴邨。啟晴邨，你就心中就有個謎團，就會唔會係同陳思南之間有頭先你所講嗰啲利益嘅瓜葛。咁呢個，喺，我知道你咁講嘅，我哋亦都會慢慢去探討。但係你探討，就要逐條邨咁去探討。因為如果係炒埋一碟呢，就會混亂㗎嘞。Okay，喺，啟晴邨，我哋知你嘅說法。

葵聯，葵聯嘅打理就係黃貴雄。黃貴雄就喺你嗰度都做咗好耐㗎喇，對嘛？

答：啱。

問：佢其他嘅邨都係用錫線，冇出過事嘅。

答：係，以前，喺，以前因為我就而家...（聽不清）以前我哋就用咩嘢呢？用嗰隻 Cook（譯音），嗰隻焊，嗰隻配件入面本身有錫㗎嘞。

問：裏面包埋已經有...

答：有錫㗎嘞。即使你外面用乜嘢，都係畫蛇添足嘅啫，就唔影...

問：因為裏面包咗有焊料。

答：係嘞，本來就係唔使嘅。咁以前原來我公司不鏽都係用開嗰隻嘅，但係佢突然去邊個年代用咗嗰隻我都唔知，因為自己都係朦查查嘅，因為，係咪？

問：唔。

答：就係咁嘞。所以就變咗唔存在。因為呢個，我都話嘞，當時，7月發生嘅時候，我自己都心冇底，邊啲地盤用咗，邊啲地盤用咗，用啲乜嘢、乜嘢、乜嘢，所有嘅資料都係啲地盤嘅打理，或者離開公司嘅嚟打電話，話畀我聽乜乜乜乜；有啲又話「喂，老細，唔使怕呀，度度都係咁㗎喇。我而家做緊嗰度都係咁呀，又乜乜乜乜呀」咁。咁乜嘢都有，乜嘢電話都有嘅，你明唔明呀？

問：得。

答：咁就收扞，我嗰陣時，7月初期嗰陣時，因為得我一個咁嘛，係咪？嗰陣時突然從天使係做咗魔鬼，所有嘅地盤，不論工務局、業主，所有，唔單只用3M去驗，用槍去打，cut喉去lab驗，咁收扞全部驗驗，驗晒，索性水泉澳一期；一期，嗰啲議員又話有，又話包庇，又話乜乜乜。咁佢又話驗，有咩嘢驗咁。我心中都冇底嘅，其實。我

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真係都有底嘅。到底係有冇做過，啲伙記用乜嘢，我真係唔知嘅。

咁收靚先知道，哦，原來證實咗係冇事嘅咁。啲伙記話晒畀我聽。跟住一路嘅輿論壓力，跟住好多社會人員、各個基層去做嘢，咁先還咗我嘅清白，...（聽不清）證明。因為我如果--譬如好似嗰陣時做緊聖保祿醫院，而家嗰間聖保祿醫院，如果你話用咗呢，真係跳樓都唔掂，因為所有嗰啲喉都...（聽不清）fill 响入面啲牆入面嘅。咁人哋間醫院成間已經起貨嘞，咁你鑿番晒佢出嚟，真係跳樓都唔掂，係咪？真係。即係唔係假跳樓嘅，真係跳樓都唔掂。咁所以我嘅理解就係話以前我哋真係用嗰--啲伙記話咗畀我聽，以前係用嗰隻。陳小華個口供都有講，後期係用嗰隻，有焊嘅。如果一路堅持咗用呢隻焊呢，就可能就冇事。即係可能我公司冇事。但係我又唔覺得--即係我覺得啟晴邨開始發生，譬如公司冇事，我就覺得唔係置身事外嘅。我覺得呢個行業問題。如果佢全部冇事，或者十年後先再發現冇事呢，嗰陣時更加就遺害人間，係咪？我覺得我正面啲就咁睇就話。

問：好嘞，你嘅證人供詞，我哋返番頭先我問開你嗰個問題，我話你事後就查到，就係話陳小華喺啟晴邨提出用錫條呢一樣嘢。你亦都講過就話你事後嘅調查，就查到就係話原來用呢啲錫條，就係用喺一啲比較幼身啲嘅喉管度嘅，粗啲嘅喉管都係要用番錫線。呢啲你事後知道喇，你就話係...

答：唔係查到，係我幫啲伙記開會，啲伙記話畀我聽嘅。

問：係。就係話--佢哋係點知嘅呢，都係陳小華教佢哋嘅，係咪？

答：佢冇咁講嘞。

問：冇咁講？

答：嘍。

問：但係佢哋同你講嘅，就係話陳小華教佢哋話可以用錫條，係咪？

答：因為...

問：即係我想逐步嚟。我想知道你喺啲伙記口中聽到啲乜嘢嘢。即係我想分辨開有邊啲係你喺伙記口中聽番嚟嘅，有邊啲係你自己諗嘅一啲理論。我哋先講實際你喺伙記嗰度聽番嚟嘅先。因為如果唔係就會好混亂，我哋會搞唔清...

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答：唔係，我從來都唔會諗嘢嘅。唔係事實嘅嘢，我唔會諗嘅。

問：係，好。咁首先我哋講下你啲伙記同你報告咗咩嘢呢，開會嘅時候？

答：啲伙記有啲就話陳小華將個文化帶過嚟，有啲就話「出面問問都係咁用㗎喇。我做邊度又係咁，邊度又係咁，邊度、邊度、邊度又係咁。諗，老細，嗱，呢啲就會七七--咁樣燒法，呢啲係咪咁燒法，呢啲個度數係幾多度，呢啲又咩嘢低溫，低溫、高溫」咁，呢啲係全部佢哋講嘅。

問：即係事後有個會，你啲啲各個地盤啲啲打理...

答：我檢討話出問題--嘎。

問：...就係眾說紛紜，有人就話係陳小華將呢一個用錫條嘅呢個文化就帶咗過嚟。

答：因為佢話陳小華係做開係有利㗎嘛。佢話有利啲文化不嬲都係咁嘅。因為有利就判，成單判畀個三沙，三判公司做嘅。三判公司就包料嘅。咁所以佢哋就全...

問：即係佢哋明合再判落去啲啲咁。

答：係，係，全部都係咁嘅咁。咁我呢啲係聽番嚟嘅係。我响呢度講人哋個名唔知啱啱嘅，可能會畀人告都未定，畀人。

問：咁所以你喺呢啲檢討會度就聽到好多唔同嘅一啲眾說紛紜喇。

答：嘎。

問：陳小華帶入嚟嘅文化。另外一啲人就話「其實外面好多人都係咁樣做」，係咪？都係用呢一啲嘅錫條？

答：唔。

問：就有人又話「噢，外面嘅人有啲就係用錫條做啲幼嘅喉，錫線就用粗啲嘅喉」，都係喺呢啲檢討嘅情況之下聽到...

答：係呀，聽到。

問：...同事咁講，係咪？

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答：唔。

問：好嘞，...

答：因為聽嘅嘢太多嘞，有啲直情聽到，「我做邊度」--「喺，本來個隻錫條個啲就燒啲細配件㗎」，佢話，「我哋做邊度、邊度，燒個啲大配件，一盞燈唔夠，兩盞燈嚟燒都係咁喇」咁。又係啲伙記講畀我聽嘅。跟住有啲又話「諗，邊個、邊個地盤咪又係咁用。」私家樓呀，又七七七七，我哋--我哋咪又係七七」咁。因為我伙記太多，因為我成--我高峰嘅時候就千幾個伙記，個流動性咁大呢，真係佢哋--即係我幫啲伙記都...（聽不清），有時我叫佢返嚟幫手，佢因為見到我有事呢，都會打電話我。

其實我覺得成個呢個問題就係一個行業問題。我就唔信嗰十一條邨個十一個就係天才嚟嘅，係咪？即係我個人就乜嘢都唔怕講嘅，我真係。我最主要有益，對社會有咩嘢嘅。即係你--即係好似--政府就透明嘅，房屋署，係咪？工務局透明嘅，佢哋驗水就會去香港啲 lab 驗。但係私人樓，我知道個個都拎去深圳驗嘅，咁但係驗番嚟嘅 report 得唔得呢，冇人知；但係又從來有一個話私人樓超標嘅，我就真係奇怪呀，真係，我真係。

問：即係你嘅意思有啲其實係超咗，不過冇人知呀？

答：佢哋唔敢面對吓嘛。私人樓，佢點夠膽話自己超標吓？超標，層樓，業主又唔想知道。業主又唔想知，業主又唔--發展商又唔去講㗎喇，呢啲。因為我深圳有朋友，嗰啲 lab，佢話「欸，呢排好好生意呀。」我話「咩嘢事呀？」「淨係香港幫你驗--香港驗水，驗到好大鑊喇」咁。呢個事實嚟嘅，真係嘅。呢個係事實嚟嘅。

問：好嘞，咁即係其實你事後檢討，就眾說紛紜，嘎，諗，...

答：其實--所以講嘅嘢我--我好難講㗎，我真係講一日講唔晒--夠，講到今晚 4 點鐘我都繼續可以講嘅，啲人點樣去幫我講，幫我講嘅，但係我覺得唔係事實囉。聽還聽，係咪？

問：得。好嘞，咁所以陳小華帶入嚟嘅，或者係，啊，根據喉管粗幼去揀用呀，呢啲都係即係唔同嘅渠道，你喺個會度聽番嚟，都係事後聽嘅，對嘛？

答：唔。事後聽。

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問：事後聽嘅，事後聽。

答：我覺得係佢咁嘅常識。即係未必係陳小華全部係咁 detail 話畀你聽嘅。因為佢咁本身都有一個--工作咁多年，有一個認知，覺得係應該係咁樣，應該係咁嘅。但係你話樣材料嗰方面，啱唔啱，含唔含鉛呢，我可能就大部分唔知喇。我都唔知，佢點會知呢，係咪？

問：就係我唔理解，就係首先係第一件事，呢啲會係事後爆咗呢單嘢出嚟之後開嚟喇，係一個會定係幾個會呢？再重要嘅就係邊啲打理有份嚟開呢？因為我哋都要知道有邊啲人講過呢啲嘢，我哋可能要考慮下問呢啲人問題呀。噏，...

答：咁唔緊要。

問：黃貴華有喇--黃貴雄...

答：呢啲會就唔係好正規會嘅，就唔會話集中咗今日開會討論。嗰兩個打理嚟就嚟。我話「喂，點解會發生咁，人哋點樣？」咁佢解釋喇。

問：我明。

答：去到第二個地盤，...

問：我明。

答：...又捉佢嚟，又問，又問囉。

問：我明。

答：咁就係咁樣囉。

問：所以我唔係問你一個會，即係唔係坐喺會議室，成班坐喺度喇。

答：呢啲又唔係叫做會呀，因為其實我都有乜正式...

問：係，我明。檢討喇，敘會，會面喇。

答：會面喇，會面。

問：咁你講下你同邊啲人講過呢個問題呢？

答：差唔多全部打理都問過。

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問：咁我哋首先睇下就係--用我哋聽過嘅名喇，梁偉健，你有聽過喇，有問過喇，係咪？

答：唔。

問：梁偉健。黃生，你都有問過喇，係咪？

答：有。

問：嘎。咁...

答：范秀鵬有問過。

問：Okay。

答：范秀鵬而家有响我哋度做嘞，自己搞嘍嘞。

問：范秀鵬走咗嘞？

答：嘎。張榮生（譯音）、羅錫祥（譯音）。

問：張咩嘢生話？

答：張榮生。

問：榮生？

答：係，呢個十九歲跟到我而家五十幾歲。

問：另外就係嗰個咩嘢祥話？

答：羅錫祥。

問：羅錫祥？

答：唔。

問：呢啲全部都係打理嚟嘅？

答：係打理嚟嘅。

問：咁唔同場合問過佢哋，佢哋就眾說紛紜咁喇。好嘞，啟晴邨用咗錫條，但係頭先我哋見到亦都有啲係用錫線，少數。咁你有冇問過黃生？因

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為黃生都有幫手做呢個地盤嘍嘛，啟晴邨，係咪？陳小華就話走咗啫。黃生仲喺度喇。咁你有冇問番黃生，就話因乜解究，第一，用咗錫條？第二，因乜解究唔係全部用錫條，有啲條，有啲線呢？你有冇問過黃生呢？

答：我有問，我話「點解你哋會咁用嘅？」

問：係，咁佢點答呢？

答：咁佢咪解釋囉，...

問：佢嘅解釋係咩嘢呢？

答：...講番頭先啲啲理由囉。

問：頭先有一大堆理由㗎。

答：咪個理由咪話「咁用，咁用，咁用，咁用囉。」

問：即係「咁用，咁用」，即係點呀？陳小華介紹入嚟用嘅，第一件事，係咪？有冇提呀，佢有冇咁講呀？

答：佢都講過話陳小華話介紹嚟，但係我話「係事實先好講，唔係事實你就唔好講。」咁...

問：咁佢畀你咁樣勸告過嘞，咁佢繼續講咩嘢呢？

答：我話「你自己不如當時諗個心，係點解會有咁嘅諗頭會用呢隻？」咪講囉。我話甚至--我咁話佢嘅，律師都响度嘅，「係我叫你用嘅，你咪講話我叫你用個囉。」我真係咁講㗎。

問：咁佢點講呢？佢點樣解釋，點解啟晴係用咗嘞？我哋唔好講葵聯住嘞，講啟晴。

答：佢有咁 detail 解釋嘅，佢咪話「咁我話」--佢都--點--都有得解釋㗎喇，都用錯咗，點解釋呢？

問：咁你都想知道㗎嘛。

答：咁我係知道，咪用錯咗囉。「你知道咩嘢吖？」

問：係，咁你想知道點解用錯咗㗎嘛。

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答：咪知道...

問：咁多條邨都有事，係呢條邨。咁我哋邏輯推理就係我哋將嗰啲唔關事嘅理由撥走咗，剩番嗰啲就係喇咁。即係佢有冇解釋，點解無揸揸條條都唔用，係零零舍舍呢條用咗呢？

答：佢咪話「人哋咁用，我就咁用囉。」

問：「人哋」係邊個呢？佢聽到街外啲人咁用，定係...

答：喂，我有--我事實我有咁 detail 問佢，石律師。

問：哦，好。得，好。咁我問佢喇，遲啲。

答：如果我真係咁 detail，我梗係話...

問：得，好。

答：...--我答番你喇。

問：好，得。咁我遲啲會問佢喇。咁...

答：因為我當時個心情都好沉重，我邊會--我自己--我話畀你聽，我根本都有時間去責怪啲伙記，亦都環境都亦唔可以响嗰個時候責怪啲伙記。因為嗰個時候責怪伙記呢，間公司就會冧。我同埋講畀你聽，我7月6號發生嘅事，唔好計其他工程，我手上仲有房屋署嘅三十個block嘅工程做緊嘅，咁我又要兼負起。我嗰日我幾痛苦呢？一賣報紙，材料商，畀開我500萬額啲啲，就上嚟話「董事會開會，唔會畀錢你㗎嘞。」銀行日日打電話嚟，「點呀？」日日打，打到我發癢癢，我話「你唔好再打嚟喇。我畀層樓你嘞，攞你啲錢。」咁啲材料商有啲就寫封信嚟就話支持我，其實嗰封信係探下我。誰不知就過一日嚟就攞錢嘞。一唔畀錢呢就送貨嘞。咁我嗰陣時我根本係有辦法去處理，追究責任，幫埋問下件事情點樣。

我當時我就話點樣呢？要拿拿聲完成手上所有嘅工程，因為我覺得呢件事發生對中國建築、對瑞安建築，我對佢哋嘅傷害係好大概。佢哋不關係好信任我，話我做得好嘅。但係如果我响呢個時候係唔堅持落去幫佢哋一齊做晒啲工夫呢，佢哋帶嚟嘅傷害更大。對社會嘅--你諗下三十--我仲有三十座嘅房屋署嘅屋喺度，唔好計其他私人嘅，每一座我算佢八百個單位，都有兩萬四個單位响我度。如果我响嗰個時候係放軟手腳或者逃避，咁就唔單只影響晒成個社會，又影響

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埋即係人哋對我嗰個品格，又盛。其實我啲--發生事，我根本係--你叫我仲追究責任，我自己都--內疚到我自己都追究唔到自己責任。我從來--仲有一樣，我聲明就話，我澄清我嘅觀點就話，發生呢件事，我係唔會逃避嘅。我覺得--我所以我從來由頭到尾我都唔推响認知不足。我覺得係--我講結果嘅啫。個結果，發生嘅事情，係我公司引起嘅，亦換句說話講，唔好理咩嘢情況下話知唔知。發生後個元兇就係我哋公司，係咪？我嘅理解就。我唔同人哋。每個人嘅要求唔同。我對要求好嚴嘅。我譬如我睇一個人，佢謀殺幫誤殺呢，我覺得係一樣嘅啫，因為個結果都係冇咗條生命，係咪？只不過係有啲人話，欸，佢謀殺係抵死，佢誤殺就唔使應該死嘅咁。但係既然錯咗，使乜嘢人同情啫，咪勇於面對囉，係咪？所以你唔好再問我，成日知唔知。我真係唔知。如果知呢，我一定話畀你聽我真係知。係咪？我真係。你搞到我好激動呀，真係。唔係，我--你成日問我，我真係唔知咩嘛。你有個題目，我點知呢？

問：好。好。噏，咁呢就...

答：噏，你...

問：我就打算...

答：我而家--所有嘅一切嘅罪狀都係我，元兇就係我。噏，我而家向--我可以向--其實我好早都我將自己嘅感受...（聽不清）。我唔想連累咁多人咩嘛。又連累房屋署，又連累中國建築，又連累瑞安，又畀社會帶嚟咁多衝擊。係？我自己都心--我自己都過唔到自己。好似瑞安、中國建築，呢啲我認為佢哋係一個好完美嘅公司，係一個理念清晰、管理完善嘅公司，我哋要幫佢做。我唔係幫--幫埋我唔係問--我做過--全香港嘅公司，我差唔多都做過。我唔係問問幫佢做嘅，有啲--以前保華我都做嘅。佢有個伙記，佢下面嘅理念幫佢唔啱，個價值都唔啱。佢成日叫我落標，佢大老細嗌我做。我話「你唔好搵我，我唔做呀。」我話「你炒咗佢先喇」咁。我啲性格係咁啱嘛。咁你成日問我，你成日問我知唔知、知唔知，唔知，我真係唔知，到死我都係唔知啱喇，係咪？

問：何生，我就唔係話你...

答：即係我從來都有逃避我自己...

問：係，我明。

答：...係乜嘢。

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問：我明，何生。

答：我講多啲嘢畀你聽，負責任啲。你又喺度--我一無所知嘅。我都唔知你--我因為我唔知你個方向，你想--「你不如你話，你不如你認咗佢喇，我解決咗件事喇，咁我。」我而家認呀，我咁。係咪？你都有--唉，你真係搞到我好激動呀，真係，而家你搞到我咁，即係我--我...

主席：不如我哋...

問：或者...

答：我話你聽，我一生最遺憾係呢件事。我點解咁講呢？因為我自己嘅出身，有今日我係好真惜嘅。同埋我老竇教我一句說話，「你幫唔到人唔緊要，唔好害人。」但係偏偏我就响呢件事就對唔住我老竇嘞。你明唔明呀？佢叫我唔好害人，我而家事實係害咗人哋吖嘛，係咪先？係害咗好大、好多、好多人吖嘛。咁我希望你唔好--唔好理。同埋我講幾百次，我真係唔知。我知呢--我琴日都講喇，如果攞住...（聽不清）出嚟嘅字，即係靠我個--咁醒目嘅人，一睇我就要用個隻喇，係咪先？唔好理佢合唔合格喇。

你成日問我...（聽不清），我真係唔知。都有個題目我去--「你係咪貪平？」你有個題目畀我貪平，我都話嘞，你...（聽不清）--話你呢個，兩個包，你兩個包係點，我都有話食包。都有人畀個包我，話「你要邊個吖？」咁我要問價錢。你--我真係唔知吖嘛。咁我而家--好嘞，我諗住--我琴日返去思考下陳小華份口供，咁我希望有啲新嘅 idea，有啲突破點畀你哋去大家探討下，希望有啲突破口，唔好話，係，幾個月出嚟嘅結果就係認知不足咁。或者希望真係有人--絕大部分認知不足，絕大部分認知不足，真係明知故犯嘅，我真係我係想咁。係咪先？或者你更深一層，或者明知故犯個係我，有所謂㗎，係咪吖？即係你搞到我咁激動，我真係，你等我冷靜一下先喇，唔--我真係我答--我真係好...

問：何生，咁激動呢，一係可以而家飲杯凍水，或者而家提早就 morning break，即係睇下主席先生點樣指示，好唔好？你飲杯凍水先喇，好唔好？

答：得㗎嘞，我稍為我...

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問：飲杯凍水先，係。

答：係。

問：好唔好？冷靜一下先。

答：即係你越問、越問、越問，我真係唔知，好多嘢。你反覆問我，呢啲過後嘅嘢，嗰一段口供講明係啲伙記全部話畀我聽，後來解釋嘅，咁你哋咪傳召晒佢囉，問佢點解咁講，點解咁囉。即係我响度答，我覺得又浪費晒啲時間，係咪先？我都係嗰句，都係唔知。佢哋講畀我聽嘅。係咪？

問：得。何生，其實我今朝都有話質你，話你咩嘢貪平，又盛。其實我頭先啱啱--係。

答：我唔怕人質㗎。我係一個徹底嘅唯物主義者，係無所畏懼嘅，okay？我係擔得起，就放得低嘅，我話你聽。人生一定要捍衛自己嘅價值，捍衛自己嘅尊嚴，唔係你話我就咁。人生已經咁悲嘞，一出嚟就喊，到死嗰日又喊，不過唔係你喊，就隔離左右啲人喊，係咪先？咁點解會--嗰個期間點解唔有一分熱，發一分光呢？我都唔明呀。即係你哋唔好去即係睇個個人都係咁，個個人都係賊嘅。唔係嘅，陽光啲喇，我唔係嗰種人嘅。或者有人係咁嘅人未定，係咪咩？咁我唔知點辦呀，我真係。

你知我水平低喇，係咪先？我一生遺憾，我話你聽，以前我--我一生遺憾就係唔識英文，英文唔得。你話我完全--我而家其實都係英文唔得。如果得呢，我更加為社會服務，更加做多啲嘢。而家最遺憾就係呢生人，樓扃嗰幾年就整單咁嘅嘢出嚟。

問：何生，其實我哋就想問下你有邊啲伙記係可以幫到我哋嘅啫。我頭先就問咗有啲名嘅。如果梁偉健先生，我哋傳召佢嚟，你覺得會唔會幫到？

答：Okay。

問：可以嘅，係咪？

答：任何人都傳召，甚至啟晴邨嗰百幾個伙記全部傳召晒都有問題，okay？我係好陽光嘅。我從來都有隱瞞嘅。你問我頭先，我幫嗰個黃貴雄講嘢，我話「喺，你點解用，你自己講。如果係我叫你用嘅，你講。」

B

B

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問：咁所以，噏，...

C

D

答：我係咁民主嘅。

D

E

問：黃貴雄係會嚟嘅，何先生，咁...

E

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答：唔係呀，即係我咁問呀，...

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問：係，我明。

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答：...我真係咁問。我有講大話嘅，...

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問：我明。

I

J

答：...好多人在場嘅。

J

K

問：得。咁梁偉健先生現時仲喺何標記做緊㗎。

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答：做緊。

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問：做緊。咁所以如果我而家代表委員會要求你安排譬如話梁偉健先生喺呢個禮拜之內搵一日嚟到幫我哋作供都可以，係咪？

M

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答：冇問題。任何一個人，我表示歡迎，為咗協助調查咁嘛，係咪先？

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問：好。

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答：找出答案，係咪咁？

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問：噏，咁...

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答：點解唔好啫？好。

R

S

問：好。咁羅文錦律師行--好。

S

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答：最好係叫埋啟晴邨所有嗰八十幾個伙記，睇下...

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問：逐步嚟，逐步嚟。

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答：...寫嗰封匿名信係邊個，點解會咁，我都希望咁添。

V

問：好。逐步嚟。咁委員會嘅代表律師行，羅文錦律師行，就會同你嘅代表律師安排，...

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答：我歡迎，我歡迎。

問：...就搵梁偉健先嚟嘅。

答：嘎。

問：頭先講到就係陳小華先生講嘅嘢，你好多唔同意喇。即係你唔好誤會，因為頭先我問你嘅問題，都唔係話你當時知，我都係話你事後點知啫。

你睇番陳小華先生嗰份供詞，因為佢有好多嘢就唔同意你嘅。咁我就想--我知你好激動嘅，見到人哋講嘅嘢同你唔同，咁但係你睇一睇...

答：陳小華呢個人，即係你分析下，即係陳小華呢個人本身就係唔老實嘅人，案底纍纍，又非禮，又偷嘢，又幾百樣嘢。

問：噏，呢個唔好，非禮唔好講，非禮唔係好關事。

答：咁你搵個咁嘅人去質疑我，咁你係咪--即係我--你話我點接受呢，係咪先？

問：好。我哋逐段、逐段睇喇。2393, K3, 佢嘅第18段，佢就話佢多數係用一條條嘅錫條，所以一向只會寫明係要錫條嘅啫。咁佢就話喺龍逸邨度，佢就話係何標記嘅採購部要求佢寫錫線，佢先至係咁寫嘅。其實頭先你都即係對佢呢一個講法就作出咗一啲回應嚟嘞，咁但係我而家就正式 show 畀你。咁你對佢呢一種...

答：唔係，呢個我有回應，我唔知採購有冇幫佢講嘍。

問：好。

答：不如你問採購部喇。

問：得。咁阿...

答：因為我而家真係畀你答--我答答吓混淆咗，我答咗你，我真係，又真係做咗越位陷阱呀，大佬，我真係，我都唔知點答你，真係而家。

問：哦，越位陷阱唔係咁易跌落嘅，即係。

答：成日入波都入唔到咪大鑊，唉，係咪先？點解？

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問：越位陷阱入咗波唔算嘍，唔係入咗嘅。

答：唔係，你不如咁喇，石律師，...

問：係，得，好。

主席：唔係，...

答：...即係唔係我經手，唔係我嘅嘢，我唔可以代 Procurement 答。

問：得，明白。明白，即係你唔答，得。

答：我唔可以代伙記答。

問：明白。

答：我所有嘅嘢返嚟，都係聽番嚟嘅。

問：得。

答：聽番嚟，我未必係當真嘅。

問：得，明白。咁即係呢度就應該問 Jess 或者問黃小姐，咁就會啱啲嘞，係咪？

答：係喇，係喇，係喇，係喇。

問：黃慧玲（萍？），係咪？

答：係，你鍾意問咩嘢就咩嘢喇。

問：得，好。跟住第 29 段、第 30 段，佢亦都係同樣嘅講法，只會喺訂購表上寫明需要幾多盒錫條咁。呢一個你亦都係冇個人嘅認知佢嘅做法嘍喇，對嘛，如果照你咁講，係咪？

答：其實就咁講喇，我不如咁講喇，我其實可以慳自己啲時間。其實我地盤其實下面嘅運作，咩嘢盛，我有理嘅，我乜都唔知嘅。不如我...

問：得。

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答：如果我早係用呢個呢，我唔係咁熱心、咁負責任，我成日咁答你話「唔知道，我有理嘅，下面啲伙記理」，咁我就今日唔使仲--可能琴日已經搞掂咗都未定，係咪？

問：唔係，我哋唔係怪責緊你。我哋都好感激你係...

答：唔係，我真係唔知...

問：係，我明。

答：我真係唔知。如果係我下屬嘅做嘅嘢，佢哋點做、點盛，個步驟點，譬如林德深話佢成日去地盤，佢有冇去地盤，就問地盤啲人；有冇返寫字樓，就問返寫字樓嘅人。咁你就--即係你問我，我又要重複一次，我又要問佢。如果佢畀嘅信息我唔啱嘅，我又答番你，就變咗我好似對你又唔負責任。咁我真係好多嘢答唔到你㗎嘛，係咪？

問：好嘞，咁有一度就係你講嘅，我諗你可以幫到我哋嘅，就係你喺你嘅證人供詞裏面係曾經有一句講過就話用呢一啲錫條，就其實中國建築同埋房委會嘅啲啲地盤啲啲即係監管嘅人員都應該係知嘅，因為係啲啲送貨單裏面係有提到係用呢啲錫條嘅。咁你記得你曾經咁講過？

答：呢個係，我知。因為啲啲單，律師畀我睇吓嘛。同一張單入面，錫線、錫條都有列响度吓嘛，咁都遞咗去建築啲面，遞咗去房屋署嘞，咁佢梗知喇。

問：係。

答：係咪？我嘅理解咋。實際佢知唔知，我唔知呀。

問：哦，得，明白。

答：即係我用常理去推測㗎咋。

問：得，得。咁就啱嘞，因為其實就中國建築方面有一個講法，就係即係其實佢哋係淨係收過兩張單，同埋佢哋係冇仔細去睇佢裏面關於錫條、錫線呢個內容嘅。咁呢一方面你有認知，因為你話佢有冇睇，你就唔知嘞；畀嘅就畀咗嘞，對嘛，你咁講法係？

答：係呀。

問：得，好。

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答：啲假設嘅問題，我唔知，人哋嘅嘢就。

問：好，得。葵聯邨方面，關於--瑞安做嘢，葵聯邨係，對嘛？

答：係，瑞安。

問：瑞安嗰方面就有同樣嘅一個做法，係畀啲送貨單佢嘅，係咪？

答：我真係唔知呀。

問：唔知？

答：因為瑞安，我完全地盤都有去嘅。我反為啟晴邨，因為趕貨嗰陣時，因為太多，我成日去。瑞安，我真係有去嘍，去過地盤唔知一至兩次嘍咋。

主席：我想問一問何生，你啱啱提到就話啟晴邨趕貨吖，你話啟晴邨趕貨。

答：嘍。

主席：咁我哋返番去 S1，128 頁。頭先我咪話畀你聽最後一次--即係喺 6 月 26 號，2012 年開始就有再訂購呢個無鉛錫線嘞。咁我哋見到由 2012 年嘅 6 月 26 號去到 2013 年嘅 1 月，基本上喺呢七個月期間就訂咗好多呢啲扁錫條。你見到嘛？

答：咩嘢話？

主席：喺呢幾個月期間，6 月去到 1 月，2012 年 6 月去到 2013 年嘅 1 月，喺呢幾月裏面訂咗好多呢啲扁錫條。你見到咩嘢？

答：嘍，嘍。

主席：係咪因為趕工，所以要訂咁多扁錫條呢？即係係咪因為--因為你頭先講過趕工咩嘢。我哋見到呢個，成個表喇，F 喇，就我哋唔好理 2010 年嗰個，第一個喇，就由第二個開始，就係 2011 年 10 月。你見到咩嘢？2011 年 10 月。

答：唔，唔，唔。

主席問：就 10 月開始，就去到 2012 年嘅 6 月，咁我就叫頭嗰八個月喇，

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咁跟住之後就有七個月喇，即係大約講嚟講去十五個月就做晒呢一個啟晴邨嘅工程喇。咁我哋見到喺後面個櫃，先至係最主要就係--譬如你見到每一次都 220 磅、330 磅，次次二、三百磅咁樣樣啲錫條，係咪因為嗰陣時候趕工？即係因為你頭先講到趕工吖嘛。

答：係，係，啟晴邨因為...

主席：係咪？

答：係，係。

主席：所以我哋見到有咁多呢啲咁樣樣嘅錫條。我另外一樣嘢我想問一問你嘅，咁就係呢個葵聯邨，揭番去第 102 頁。葵聯邨，如果由 2013 年 6 月開工嚟講，基本上又係做六個月嘍咋喎，去到 2013 年 12 月就完個囉喎，因為我見到大部分啲錫條都係喺嗰...

答：係，係，係。

主席：...六、七個月裏面做嘍咋喎。即係又係因為--即係就你所知，有冇趕工呢，嗰陣時候，葵聯邨？

答：其實而家房屋署，房屋署所有嘅地盤其實事實--我就係因為中國建築嗰個姓林嘅口供，我唔知點解佢會駁斥我吖，其實我都係善意嘅話，即係地盤，建築--房屋署嘅地盤其實做嘅時間只係得四、五個月嘅啫。我舉例，我而家做緊水泉澳三、四期，中國建築嘅，咁樣就啲啲--嗰度有八座，咁係有一座係起貨喇；嗰七座，有啲仲未開工嘅，外牆係完全未郁，但係佢嘅完工期就係 6 月嘅，咁你話係咪得幾個月做吖？

主席：即係今年嘅 6 月，個完工期？

答：係喇，係喇。呢個係事實。即係我無需講大話吖，係咪？正如我律師個團隊列晒個表，根據房屋署嘅進度，真係嗰幾個月完成嗰七、八成工夫，係咪？點解我...

主席：得。

答：我就唔明點解有啲人上嚟講口供，即係會講假嘢，我真係唔明。係咪响呢度講假嘢唔使負責任嘅呢？我真係唔明呀，真係。

主席：得，好。咁我想問下一個問題。下一個問題就係你講到呢個，你畀你啲員工啲 incentive 嘅問題。

B

B

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答：吓？

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主席：因為你就話你...

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石先生：獎勵、鼓勵嘅動機。

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主席：...鼓勵佢哋個生產提高咁嘛。

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答：嘅。

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主席：即係你就話--我哋尋日咪討論過嘅，如果譬如佢每一日幾多錢，但係如果佢做多過每一件嘅件--即係嗰個件數嘅話，你就會畀多啲佢，畀多啲錢佢。你記得你尋日講呢樣嘢咁嘛，係咪？

I

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答：係，係，冇錯。

K

K

主席：咁我想問一問你...

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L

答：即係斷件計。

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主席：係嘞，就變咗斷...

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答：係，承包制，係。

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主席：啱嘞。除咗日薪之外，如果再做多啲嘅話，嗰啲就有獎勵咁嘛。

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答：嘅。

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主席：係咁嘛？

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R

答：係。

主席：咁嗰個咁嘅所謂獎勵計劃就係葵聯邨就有用到嘅？

S

S

答：葵聯邨個模式就我真係唔係好清楚。好少嘅，公司工多嘅

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主席：公司工多？

U

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答：因為佢嗰兩個地盤係單位少，即係未--即係咁呀，即係每個地盤嘅結

V

V

構唔同嘅。好似我哋做醫院，做醫院，啲人--佢每一個座，做一座醫院，成座响度，咁佢四十人開工，我哋啲科文管理就巡嚟巡去巡到佢呀。咁你諗下如果係啟晴邨六個 block，每座就四十幾層，每層就廿幾個單位，咁你有可能去睇到佢嘍嘛。咁佢係葵聯路只係得一千五百零七個單位，咁黃貴雄嗰班伙記就係跟開佢哋好--一個團隊嘅，佢哋好會--好自覺、好盛嘅，咁就未必使判出去。即係等於而家黃貴雄幫我做緊元朗，又係，得六百幾個單位，咁佢係管廿、三十人嘅啫。咁嗰二、三十人就不嬲跟開佢搵食嘅，咁佢哋嘅合作態度就會--即係佢哋嘅大家互相嘅工作態度、嗰個--嗰個佢哋--即係點講？叫做...

石先生：個默契，係咪？

答：...技術情況，技術，大家嘅底細、嘅技術，你好似話邊個律師 okay，邊個律師 okay，佢哋自己知嘅，okay？

主席：係。

答：咁佢哋會--好會完成嗰個任務嘍，我就唔會判嘅。係好大型嘅，係你有辦法監管到嘅，即係你--老實講，喺呢個社會，你話食大鑊飯嘅，個個日日拎千幾釵就行上去樓，咁跟住夠收工就落鑊嘅呢，咁就真係破產都唔掂，真係。咁所以就係咁嘅形式。咁嘅形式，就係咁判嘅。

即係葵聯路我--葵聯，我覺得就應該好似印象中係就有畀，冇乜咁嘅比例。

主席：得。

答：而家譬如我做緊呢個--譬如我哋有好多都唔判得嘅，譬如商場，即係不規則形嘅，唔可以話數到佢一日做幾多嘅，點判；我哋唔會判。好重要嘅 project，我哋唔會判。好有技術性嘅唔會判。判嗰啲--唔係，唔應該叫做「判」呀，叫做「承包」呀，係只有嗰啲 standard 嗰啲，即係一伙咁、一伙咁喇，好似積木咁，咁砌喇咁。即係嗰啲細路仔按圖識字咁，畀啲積到佢，屋企個細路仔都識砌嘅，就嗰啲就會判。但係佢哋判，判嘅期間，我哋就會一路照嗰個工會嘅人工嘅價錢畀佢哋，然後到某一個期間，咁就會幫佢結條數，有冇得賺，咁就畀佢，蝕咗就我唔好彩喇。

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咁我又再講得深層嘞。所以頭先你哋又唔畀我講，我有得好講喇。即係點解會陳思南幫--即係我聯想啫--其實做人，我都話明我... (聽不清)我個人就最向--最唔--最--諗啲唔好嘢嘅。同時一、二、三、四、五、六，每一個打理下面都有畀下面承包，畀下面承包。咁一、二座，五、六座，佢哋承包番嚟嘅結果就係畀人工少少少，多啲啲，即係我就畀埋佢喇。偏偏呢個陳思南仲有話幾十萬响我度，即係計條數呀，扣咗人工嘅，所以佢上嚟問我擺錢。我話「你唔好擺錢呀。」我爭啲就報警㗎。所以我唔係話憑空去想像一樣嘢嘅。你明唔明呀？即係我文化低啫，我睇嘢 okay 嘅，係咪？好多大老細都搵我睇嘢添，係咪？睇啲問題，睇啲伙記得唔得。可能我睇人就最準嘅。我睇個個有用呢，就百分百有。睇個個有用呢，最多有少少偏差嘅啫，一定就唔會去到冇用個個對主面嘅。

咁而家陳思南，我返去--我未得寫返去，而家個賬面上我哋公司仲賺佢幾十萬。佢搵過好多次我。咁你諗下同一樣嘅工人，同一樣嘅做法，同一樣嘅環境，點可以你賺幾十萬，嗰兩個呢就多份人工多啲呢？又加上呢封信，又加上呢封信，又加上嗰個碟，咁係咪令我係--係咪令我聯--即係思考咗好多嘢呢？

咁樣你而家思考就話我覺得陳小華係有知識知道房屋署係用呢隻嘅，佢然後去用嗰隻，okay？但係用嗰隻嘅動機點樣，我推測啫，話佢可能等佢啲伙記快啲，等佢搵到食。搵到食，有冇著數，又另一個層次。即係我咁講呀吓。可能佢做善事，好心，等佢搵到食。

咁我即係我呢啲，頭先講嗰啲係推測，係咪？你推翻我有用㗎，我只不過係我真係好想有啲突破畀你哋，等你哋真係話唔係個個認知不嘅，原來有啲真係明知故犯個啲，係知個啲，係咪？

唔好話唱幼兒園歌，一唱就個個都唱有隻雀仔跌落水，咁唔係咁㗎嘛，係咪先？咁即係搵唔到嘢出嚟就係咁，係咪？

主席：得。

石先生：係嘞，得。

主席：我哋或者休息，...

石先生：好。

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主席：...廿分鐘先。

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石先生：好。

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上午 11 時 27 分聆訊押後

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上午 11 時 54 分聆訊繼續

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出席人士如前。

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何標記建築有限公司（“何標記”）（中國建築（啟晴邨）及瑞安（葵聯邨第二期）的分判商）的第一證人：何文標（何標記董事總經理）宣誓繼續作供

J

J

石先生繼續盤問

K

K

問：何先生，你好。

L

L

答：唔。

M

M

問：今朝早呢你就提出過一份 2010 年你收到嗰份有歲月痕跡嗰份文件呢，咁我哋就已經影印咗，咁就應該在座各位都--而家我哋會將個影印本呢就派畀在座各位，主席先生同委員先生都有。

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主席：有嚟喇，我哋。

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答：我使唔使畀份 original 你，真實啲咩嘛。

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問：唔使，唔使，有，得嚟喇。

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答：即係證明係唔係...

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問：我哋遲啲會...

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答：...唔係假。

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問：...keep 咗做一個證物，係。

答：睇到...

問：後面仲有啲計數嘅痕跡，係咪呀？

答：嗰啲求--啲--嗰啲數係求其寫落去啫。

問：哦，得，得，唔緊要，我哋睇個餡緊要啲。

答：睇到呀，係...

問：係？

答：...係有番咁歲--嘎。

問：得，我就想問番你，其實都係澄清番一個概念嘅啫，就係呢，你裏面講三及四座公司工做判工嘅嘢。

答：唔。

問：其實嗰個問題係咪就係即係話呢，如果係判咗出去嗰啲 item 呢，嗰啲項目，嗰啲即係你話廁所喇，舉個例，就斷件計喇，咁就做得幾多就收幾多個廁所嘅錢。

答：咪做幾多，有啲唔係廁所嚟㗎。

問：係，就做咗幾多件，就收幾多件嘅錢。

答：嘎，嘎。

問：咁就由嗰個我哋叫做判頭就出番糧畀佢搵番嚟嗰啲工人，不過就係何標記出嘅，對嗎？個做法就應該係咁嘅。

答：嘎。

問：咁但係呢度所提出嘅問題就係呢，就應該去負責搵街外啲工嚟做嗰個人就唔係叫街外啲工走嚟做，就係叫何標記本身出糧嗰班工人就做埋嗰份...

答：唔係街外，本身嗰個範疇嘅嘢呢，就係呢個陳思南做嘅。

問：唔。

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答：而係佢叫咗我哋同一個第三、四座嗰啲公司工去幫佢做。

問：唔。但係做咗出嚟之後嗰啲嘢呢，佢就...

答：佢收錢。

問：...照問何標記收錢？

答：係嘞。

問：就即係...

答：人工就我出。

問：...佢就搵咗何標記老襯，即係應該咁講？

答：係嘞，係嘞，冇錯，冇錯。

問：係咪呀？得。

答：非常，非常。

問：應該就係咁講，係咪呀？對嗎？

答：係，係，啱。

問：叫何標記，已經出緊何標記糧嘅人，去幫佢做一啲應該係佢負責嘅嘢。

答：係嘞。

問：跟住就做完啲嘢，仲走嚟問何標記收錢。

答：係。

問：對嗎？

答：唔。

問：個投訴就係咁樣？

答：唔。

問：係咪呀？好，我問你嘅問題就係咁多，何先生，但係其他嘅參與嘅人

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士可能仲有第二啲問題問嘅。

答：唔好意思，頭先太激動，唔好意思。

問：唔緊要，我都提議你飲杯水，或者鎮定一下。

答：Okay，唔該。

問：而家仲有第二啲律師會問你問題。

答：Okay，okay。

MR PENNICOTT 盤問

問：Mr Ho, good morning. I represent China State and I just have a few questions for you. Okay? Do you understand? Is it coming through?

答：Okay，okay，okay。

問：Could I ask you first of all to look at or be given page 215.2 of bundle F1.

Mr Ho, you will see that this is a memo from China State to your company, HBK, dated 3 October 2011. Do you see that?

答：睇到。

問：This is a document you have seen before?

答：冇。因為係我啲同事跟嘅。

問：Right. If your company received this type of memo, was there a system in place for its distribution amongst your staff?

答：應該有，但係我都同--你問我啲同事就知，問鄺生就知。

問：We will. Thank you very much.

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As you can see from this memo, it is a document which shows the Housing Authority's approval to the use of FRY 99C lead-free solder wire. Do you see that?

答：睇到。

問：Would I be right in thinking that that approval having been given, you would have expected your staff to comply with the requirement to use that material?

答：係。

問：Thank you. You can put that away.

Can I ask you please to go to your witness statement, your first witness statement, and please turn to page 22. It's K1, page 22.

答：四十幾？四十一？呢個即係等於邊度呀？等陣先。二--邊度呀？講--呢度。Okay。

問：Thank you. Can I now ask you, on page 22, to look at subparagraph (i), towards the bottom of the page. In particular, can we look at the last sentence, which reads:

"Quite often and indeed it happened in Kai Ching Estate that Ho Biu Kee was only left with a few months for completion of the plumbing installation works at the blocks."

That's a point that you make a number of times in your witness statement.

Can I ask you this, Mr Ho: what is, in your mind, the connection between an alleged tight programme and the short period of time to do the works, and the alleged excessive lead in the water? What's the connection between the two things?

答：係冇關係嘅。

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問：Right. So why in your statement, in this statement and indeed in your supplemental statement, your second statement, do you make the point that there was a short period of time? What's the purpose of making that observation?

答：因為點解呢，我睇咗，我嘅律師團隊話畀我聽，因為你哋個公司姓林嗰個呢，講嘅嘢唔係事實，咁我叫張律師整理番晒啲資料，我要反駁番佢，其實兩者冇關係嘅，用咗含鉛係--呢個一定係錯誤嘅，但係事實時間，每一個地盤，係真係得嗰 4 個月至 5 個月去完成工序，呢個係事實，我就--其實我都唔需要駁斥咩嘢嘅，不過基於我自己嘅正義感，即係唔應該係咁，你點解要講大話呢，咁我然後反--叫律師寫番份補充份協議呢，嘎，其實呢個表，其實好 detail 睇到每個月完成嘅 percentage 呀，我哋出糧嘅自動轉帳嘅銀碼係幾多呀，其實好詳細嘅啲資料，即係呢啲係冇得呢，即係冇得騙到人嘅，我嘅律師就做得好好，即係响佢哋房屋署擺晒個進度呀，擺晒個--擺晒啲嘢，全部做到好好嘅，點解--唔係--雖然係冇--呢件係小事，我即係證明即係大家要講真話囉，即係我發覺你下面啲伙計唔肯跟，不聽佢就唔跟嘢。因為啟晴邨係佢負責嘅。驗水呢，我知道佢都有份同啲幫辦去睇嘅，點解佢而家居然話乜嘢都唔知，乜嘢都唔盛呢，因為我--我其實點講呢...

問：Mr Ho, just answer my question, please. First of all, who didn't follow the rules?

答：我唔係... (聽不清) 佢，我話姓林嗰個口供呢，我哋話四個月至五個月完成，佢話唔係。我話成十二個月，十個月，咁我覺得唔係事實。咁佢唔係事實嘅嘢呢，就唔應該講出嚟。不過我知道去驗水，幫辦嚟睇嗰日，佢呢都有在場嘅，係咁多。我唔係責怪啲乜嘢，即係我即係...

問：Right.

答：即係佢駁斥我嘅口供話唔係四、五個月完呢，咁我講番個事實出嚟啫。因為...

問：He doesn't rebuke you, Mr Ho, because you are wrong.

答：咁我覺得我對喇，講事實喇，佢點解唔...

問：Mr Jason Lam bases his witness statement on information that he's obtained from his and the Housing Authority

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records. They show that you commenced the common areas, plumbing works in the common areas, in or about November 2011.

答：但係嗰陣時呢就唔係趕貨咁嘛，我而家講緊係高峰期係四個月至五個月咁嘛，你睇我哋完成嗰個...

問：I accept -- I understand you are referring to the peak period. But the position is this, Mr Ho. You commenced the common areas in November 2011, and had all but completed them, 94 per cent of them, by August 2012. Do you understand? It's what you say in your second statement.

主席：我想問下，即係其實有咩嘢咁重要呢，呢啲咁嘅嘢？其實呢啲 side issue 呢啲基本上可以話題外話到都幾題外話。

MR PENNICOTT: I accept that, save that, with respect, there's been a lot of suggestions that there was a big rush...

主席：其實又唔...

MR PENNICOTT: ...at the end of Kai Ching.

主席：其實我覺得有好多客觀嘅證據，譬如好簡單，你睇番嗰啲單據，S1，由幾時 order 啲咩嘢嘢，order 咗幾多嘢都睇到，究竟幾時係做嘅嘢多，幾時做嘅嘢係少喇。嘎，唔需要--譬如我哋而家睇 S1，你睇到 2011 年嘅 10 月、11 月開始真正係做嘢囉，係咪？去到 2013 年嘅 1 月就係基本上大致完工囉，咁喺後半年呢就比較做嘅嘢多啲囉，嘅時間就緊啲囉，前面就比較鬆動少少囉，咁再加埋佢哋嗰啲出糧錢呀，人工錢呀，咪差唔多其實講嚟講去啲嘢都係差唔多啫，呢啲咁差唔多嘅嘢，唔需要咁執著喇。

講者（不能辨別）：我講一講好唔好？我講...

MR PENNICOTT: Mr Chairman, I am happy to let them go, but on the basis that it's certainly China State's position that there was no rush.

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But more fundamentally, there is no difference, so far as the matter of timing is concerned, between doing a joint with lead-free solder and doing a joint with leaded solder.

主席：Exactly，因為而家何先生都唔--都係話如果係--即係佢何先生就好簡單啫，佢就唔會容許係因為時間上即使係趕工就偷工減料，呢樣嘢佢係唔容許嘅。

答：我係好清晰嘅。

主席：係囉。

答：嘅。不過我好清晰，含鉛用咗唔合規格嘅嘢係唔啱，趕工係事實，又係另一回事，兩者係冇關係嘅，如果你咁執著講時間畀我聽，你公司而家做緊嘅地盤，水泉澳三、四期，6月要起貨，而家仲未開工嘅，咁係咪5、6個月做咗？咁唔該你，你可能會錯意，以為我將呢個責任呢，個犯錯呢就推咗時間度，就會話可能趕過頭就會錯嘞，我並無此意，okay？

主席：唔係，律師係好鍾意要畫公仔畫出腸㗎，知唔知呀？佢哋問問題呢...

答：唔係，我都好鍾意維護我講嘅嘢係真實嘅，係咪呀？其實呢份補充協議呢就有--其實我補充口供我可以唔交嘅，你話我乜咪話我乜囉，係咪先？即係所以我都希望中國建築嘅律師都要返去即係對個伙計個個工作態度都要檢討下，實事求是。因為我--我--因為佢哋响地盤，點解唔知道趕工呢？唔知道要用幾多人呢？佢哋個director嚟到--嚟到個地盤，「標哥好嘢，咁快做晒啲嘢，畀啲獎金你先得」，仲畀咗一百萬獎金我。

主席：你講啟晴邨呀？

答：係呀。即係--即係我唔明一出事，點解--點解咩嘢嘢呀，我都--我全--而家到頭到尾我都話自己唔啱，我都對中國建築對唔住，即係你哋嘅信任，你哋嘅期望，一舖清袋，我都有逃避過呢個責任，我都希望協助你哋搵出個個原因係點解會用錯，即係我不嬲都講，即係你哋建築咁細微細眼嘅嘢，未必係睇得到，未必睇得出，睇唔到唔出奇，係咪呀？即係我都有將個責任呢，我--你哋都係受害者，我頭先好--响上一段我講過喇，講咁多做咩嘢啫，我係元兇，係咪呀？所有嘅責任我承擔，咁咪okay喇，咁你仲--即係--即係我捍衛我講嘅嘢呢，

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我係全部真嘅，嘎，水泉澳三、四期，而家都未開工，6月要交樓，大--琴日佢哋仲話要6月要交，咁今年幾多月吖？1月，係咪？成日講啲唔係事實嘅嘢，我就係--我就好反感啲人响度，坐我呢個位，講啲唔係真嘢囉，你明唔明呀？

王先生盤問

問：何先生，我係代表水務署嘅。

答：唔。

問：我有幾個問題想問下你，我都直接咁問你嘞，你都講過呢，關於水喉嘅材料呢，係好多種嘅，五花八門嘅材料。

答：唔。

問：咁你自己證人口供都講到呢，你何標記係有一個系統呢，去保證呢啲啲用嘅材料係啱嘅材料嘅，啱唔啱？

答：啱。

問：包括承認嘅，唔承認嘅，啱唔啱？

答：啱。

問：你亦都會相信同意喇，如果用咗唔啱嘅材料，咁係對啲個食水呢係會有影響嘅，呢個你亦都同意，係咪？用咗唔啱嘅材料？

答：我嘅理解係咩嘢呢，我哋响公司，我就唔 licensed--唔係 LP 喇，我供--我嘅概念吓，即係我公司嘅 supplier，所有嘅 supplier 呢嚟報價報盛呢，佢哋啲都話--都係自己啱嘅，擺齊啲文件，cash，cert.呀，catalog 呀，job references 咁畀我哋嘅，咁反為我係著重乜嘢呢，我本身個個立場著重呢，我成日多數係講，房屋署批乜嘢呢，你就用乜嘢。

問：唔。

答：房屋署唔畀用乜嘢，你哋又唔好亂用。因為亂用呢，就唔係同其他行咁，個塊瓦仔唔啱，然後鑿咗佢，換過塊，譬如你用錯咗啲樣嘢呢。你去換呢，你要頭--從頭到尾換嘅，就好睇錢，好睇料嘅，對公司嘅

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印象又唔好嘅，咁我知道你--我概念中呢，我有乜話資料啱唔啱嘅，你--我好明白你可能想問乜嘢，講嗰個水務嗰份 form 個材料表，點解同嗰個問題...

問：我未去到嗰度呀，未去到嗰度呀，不過你照講。

答：我...

問：我未去到嗰度㗎，不過你照講。

答：唔係，我概括講一講喇。

問：唔。

答：即係我知嘅嘢，我知嘅嘢係咁多。本身就方知呢，一開工呢，跟住入份--入埋 form 46 呢，我覺得呢個嗰個--呢個結構又係有問題嘅，有缺憾嘅，點解呢，當你地盤一開工，咁你入份 form 紙報開工，但係當時我哋手上呢係空白，因為你都唔知道，即使批咩嘢材料，又唔知道用乜嘢，咁呢我哋只能夠係憑空想像，去構思，好似導演諗住齣戲，係咪呀？咁就填落去，咁呀填落去到房屋署呢，每個則師嘅要求唔同呢，然後呢就一路就會改嘅，咁變咗真實上用嘅嘢就幫--初初入...（聽不清）我開工嗰份嘢呢就係有出入嘅，呢個呢就唔包括我呢水喉嗰方面嘅，因為好多--其中有啲好多龍頭呀乜乜呢，就係水--建築公司包嘅，就唔係我哋嘅，建築公司都未定嘅。好嘞，响我個立場，我重視嘅呢，我唔係唔重視水務局，因為水務局我唔係 licensed plumber，我唔識咁嘛，我係重視房署批乜嘢，一定要用乜嘢，點解咁講呢，如果房署唔批嗰樣嘢用嗰樣嘢呢，佢有權嗌你換晒，會係拆晒。即係等於今日發生嗰個，即係唔用咗唔合規格嘅鉛條，錫條一樣。所以呢，我就好著重於--即係我太著重於係房署批嗰個--嗰個嘢，我就照番房署去做，但係我明白到呢，如果房署批嗰樣，你唔照房署去做呢，佢有權話你違規，唔用佢 approval 嗰啲嘢，你要全部換晒佢，咁就好大鑊嘞。但係至於後期，水務局點解個 licensed plumber 呢，冇去--其實理論上呢，我公司呢，呢個問題係從來都有出現過㗎，就會應該呢就大家溝通，去--去溝通一下，去再問我哋 procurement，用咗乜嘢呀，用咗咩嘢嘢呢，就將嗰份表呢，就 revise 過呢，咁遞去呢就有呢件事發生㗎喇，其實係好簡單嘅事，就唔係話特登去乜乜乜，咁反為我呢，我講真說話，如果你係--你唔用房署嘅指示批嗰啲用料你用呢，又產生好似今日嘅效果喺度㗎，你唔該幫我換晒佢。但係如果個表唔啱唔盛呢，到時你哋最多咪修正咋嘛，更改咋嘛，係咪呀？冇問題㗎，係咪呀？咁你話--至於你話，我知唔知咩嘢--啲水咩嘢含鉛乜嘢，其他我真係冇咁嘅知識，我因為我

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都唔係 LP，係咪先？我--我即係第二啲，第二部分呢，我--我--我嘅主題就係咁嘞，咁你問乜嘢呢，水務局嘅嘢呢，我真係乜都唔知，我真係全部交晒畀林德深理。

問：唔。

答：我完全歷史以來都唔知，十幾年前嗰陣時呢，十幾--頭先講嘅，十幾、廿年前嗰陣時，我八幾年搞上市公司，搞海成集團之後呢，八幾年後呢，我就完全退出嗰個水務局，我以前水務局嗰度，洗衣街嗰度呢，我就成日泊部車喺門口嘅，我成日上去搵 Sir 嘅，係咪呀？你繼續問喇，我知...

問：Okay。

主席：你...

答：...我咁多答咁多。

主席：我想問一問，你八一年做公司，你話幾--幾時上市話你話？你話咩嘢，你頭先講到上市㗎，你--你係幾時上市呀？

答：我哋--我呢就本來做--係做水喉嘅。

主席：唔。

答：咁嗰陣時呢有個湛海生，有兩--係兩屆東華三院主席，都係博士嚟嘅，咁佢就睇起我，諗住成個界--嗰陣時我哋叫做海成集團，即係而家嘅 372。咁呢收靚呢，就同大家寫字樓呢，我就做海成建築入面嘅董事總經理，咁何標記就响隔離，咁呢我嗰陣當時呢就好似大禹治水咁，就三過家門而不入，我就兩年冇返過去自己問何標記，努--即係好用心咁搞好嗰間上市公司，咁嗰陣時我哋上市公司嘅股東就邊個呢，就係首長四方，嗰陣時就幫鄧小平個仔呀，周北方呀咁樣一齊嘅，咁後來我嘅 partner 呢就將佢靜靜地就賣咗佢，賣咗畀--即係賣咗畀長江喇。即係--即係未改組前，幫我一齊做嗰陣時，佢賣畀長江，賣咗畀即係鄧小平個仔，咁剩番我响度，咁收靚我一路都係咁幫佢合作，我起好多樓好多盛，咁收靚不幸就話命運呢就周北方喺北京畀人拉咗，咁呀間公司就有龍頭有盛咁就維持咗 11 個月，維持唔到去，咁呀收靚就建築清咗個牌，個上市個 number 就畀咗而家嘅德祥企業喇，372。

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主席：得。

王先生：Okay，唔該晒，何生。

問：何生，我一陣間先同你講個水務處嗰啲表格，我頭先問你係關於嗰啲物料，咁你頭先講咗就係話好重視房屋署或者房委嗰張物料清單，係咪？即係佢哋嗰個物料嗰度，房委規定用咩嘢物料，而何超--何標記就係要遵守佢哋規定用嘅物料喇，啱唔啱？

答：係。

問：如果唔係後果好嚴重咁嘛，頭先你咁講？

答：係。

問：咁呀睇番你證人口供第 6 個，第 28 頁呢，或者我睇睇，睇番你證人口供咁，你哋 K1-29，K1-29。

答：邊個呀？

問：咁你喺回答第 6 條問題嘅時候呢，喺 (a) 嗰度呢你就講咗何標記...

答：等陣先，等我一陣先，未睇到。

問：何生你呢份證人口供用英文寫嘅，其實你係咪識--都識睇少少㗎？個口供？

答：即係--唔係，你講咁，我呢度係中文㗎。

問：Okay。

主席：你問你嘅問題咁，你問你嘅問題咁。

王先生：好。

問：你 (a) 嗰度呢，就講咗話何標記就要提交一個清單，就關於嗰啲喉料同埋嗰啲配件嘅，就畀房委會批准喇。房署批庭喇，啱唔啱？

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答：係。

問：咁即係話嗰個用料你都知道係好緊要喇，啱唔啱？因為要批准㗎嘛。

答：咩嘢好緊要話？

問：即係用料都好緊要，因為你知要批准㗎。

答：咩嘢好緊要話？

問：用料呀。你知道係好緊...

主席：你要上辦畀房署。

答：嘎。

主席：你知道上辦畀房署係重要嘅，啱唔啱呀？

答：呢個係必須一個...

主席：係，得。

答：...工作範疇。

王先生：唔。

主席：唔。

答：樣樣都重要。

主席：係。

問：好嘞，(b) 嗰度呢，你就話呢根據其他啲嘢雜項呢，鄭生呢，即係何標記嘅鄭生呢，都會知道呢，個焊料係要無鉛。即係就算小五金，即係我哋--學你琴日講㗎嘛，小五金就算粒螺絲。

答：啱。

問：房委都有規定螺絲用咩嘢嘢嘅。

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答：螺絲用咩嘢，冇錯。

問：即係所以呢，唔理承認唔承認嘞，總之呢你都知道呢...

答：螺絲承認。

問：係。

答：螺絲就永遠都存在喺度㗎嘛。

問：明白，明白。

答：焊條就熔咗就有㗎嘛。

問：唔好意思。

答：即係你啲--你擺佢去啲方糖度，你放落個杯度係會熔咗㗎嘛，點--點--點...

問：明白，我都即係講話，其實啲物料呢，無論佢承認抑或唔承認呢，都係緊要嘅。

答：唔。

問：好嘞，咁呢啲物料好多都係由重金屬製成㗎喇，係咪？

答：係。

問：銅呀、鐵呀啲啲咁樣㗎嘛，係咪？

答：Sorry, sorry。

問：建築材料好多都係用重金屬製成㗎喇，銅呀、鐵呀，咁樣啱唔啱？

答：唔。

問：好嘞，咁我想睇，帶你睇一段你嘅證人口供，就想問下你點樣解法。
第 47 頁，K1-47。

答：等陣，唔該。

問：K1-47。何生，喺我未問你，我想集中喺 K1-47 (h) 嗰段，咁但係我未問你，你可以先睇咗先，K1-47 (h) 嗰段。

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答：(h)有乜問題呢？

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問：我想...

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答：即係我...

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問：唔係，我未問你--問你，你睇清，我再問你問題，未問你問題㗎。

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答：唔。

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問：你亦都同我哋講，你做咗一百二十幾個屋邨咩，項目係咪？

H

I

答：126條。

I

J

問：126條。咁你話出事嘅而家就2條咩？

J

K

答：唔。

K

問：咁你而家都想呢個調查委員會幫你搵出個理由點解係得呢兩條出事咩，啱唔啱？係咪呀？正確？你要回答㗎。

L

答：正確，係，正確。

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問：好嘞，咁睇番(h)嘞，你就話呢，從何標記嘅角度嚟講呢，呢件事呢，就係點解會發生呢，就係香港特區政府呢，有一個系統性嘅失誤，又有確保到呢食水係唔含鉛嘅，咁你就話呢，嗰個喺公共公營房屋嗰啲參與者，包括屋委、總承建商、水喉分判商、水喉匠同埋工人呢，就有即係集中嘅重點呢，就係除咗喺重金屬以外嘅地方呢，就係佢哋關注嘅地點嘞，咁我想問你兩個問題，第一，如果你做咗126條邨，只係得2條邨出事，你都仲搵緊原因，咁點解何標記認為係香港特區政府一個系統性嘅失誤。

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主席：咁你唔係兩...

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答：啲--啲...

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王先生：咁樣講...

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主席：咪住先，咪住先，咁唔係2條邨咩...

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王先生：唔係，唔係...

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主席：11 條邨呀。

王先生：我知，我知，我知，我知。

主席：啱唔啱呀？

王先生：Okay，好，當 11 條邨喇。

主席：係。

問：11 條邨，咁點解你認為--11 條邨，然後你何標記負責係 2 條，咁點解你認為呢一個原因，或者公--即係你都係一個好公平嘅人，我想問你，作出一個指控，認為呢一個係特區政府系統性嘅失誤，咁樣講法，你同唔同意係有欠公允？

答：我--我嘅理解就話，即係我唔係責任推。

問：係。

答：即係我話，即係等於而家我睇到嘅，你水務局，事情發生咗，你突然出八項--八大指引，係咪呀？咁如果你呢八樣指引早啲出嚟咪有事囉，係咪呀？咦，即係我嘅意思--即係可能我嘅表達能力曳咗，係咪呀？應該我咁講，我就話房屋署就好無辜嘅，建築商又好無辜嘅。我成個焦點就係話，如果當初好似而家你哋個指引去--喺，因為諗事情發生之後，我有個地盤真係去驗水，okay？

而家去驗水呢，首先呢就--佢而家出咗八大指引咁嘛，跟住呢個查紙呀咁厚嘅，又有好多 form 要我哋剔嘅，要填 form 或者要盛嘅。跟住搵一日呢，就專去驗 3M 七七七嘅。即係我嘅理解就話，如果好似你要求嗰啲嘢咁，而家啲 cert. 呢一定要五年先有效嘅，唔係就全部冇得傾。所以啲地盤停咗喺度囉。

喂，點解你早有咁嘅指引呢？即係我嘅意思即係咁啫，我唔係--唔係--唔係推晒嘅。即係頭先我都講咗我從來都有推卸責任。而家元凶就係我，係我唔啱，我最唔啱。但係唔啱之中，即係等於頭先我講死刑搏--即係謀殺搏誤殺呀，即係搏出面同情下，唉，佢冇話畀我聽，我有警覺，如果有警覺我早就咩嘢喇。我係咁嘅意思啫，其他我--我又冇侮辱香港政府，我呀成日維護香港政府、護廣大，熱愛香港嘅。

呢啲係冇相干㗎，我覺得呢樣嘢，如果你係你話你啱晒嘅，你點

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解會事情出現之後，你會出八大指引，另咁多框框。所有話你哋做得咁多唔啱嘅係林德深畀資料我嘅。佢話「噏，阿邊個專家，呢啲我--噏，開製又含鉛喇，反正咩嘢含鉛喇，啲啲係呀，不過唔--老細唔驚呀，個個都有呀，阿七七七。水務局啲伙記都話佢哋唔啱呀，早又唔講咁。」

即係我將我嘅心聲講出嚟，我就有惡意嘅，如果我--我--我頭先都一再即係--成件事係因我而起嘅。都唔係咁講，噏，當時係我主觀--係我第一個發生嘅，主觀願望，我係唔想再有邨，再有--影響到市民，影響到盛。但係客觀上真係出現咗係類似幫我嘅，咁我個心呢，個自責性呢個個又舒緩咗我嘅壓力，我就係講自己嘅心歷旅程。即係等於我--我幫中國建築講，「噏，我呀幫你咁老友，幫你關係咁好，我真係唔想你」--即係老實講，自己死咪死囉，死刑，咁你又陪埋你死，其實有意思㗎嘛，係咪先？

但係客觀上又似乎呢又舒緩咗我壓力㗎，咁呀變咗佢知道呢我心好受啲囉㗎。即係我解釋佢聽我就話「噏，即使我唔幫你做，你今日做都係會發生㗎。」咁我仲舉個例添。我話「我八幾年嗰陣時搞上市公司去大陸投資」，咁我就問個市長，我話「喂」--嗰個市長呀管公安法紀嘅。我話「喂，有冇」--我話「市長，有冇--鄧市長有冇--你哋死刑有冇打得甩嘅呢？」咁，佢話--佢話...

主席：死刑有冇咩嘢話？

答：佢話--佢話...

王先生：有冇得打得甩。

講者（不能辨別）：打得甩。主席：哦。

答：佢話「有，打--打得甩--打得甩，試過一個」咁。咁我話「打甩唔使死呀？」唔係，原來佢判兩個死刑。佢死咗一個又係要死，咁我所以而家我惟有安慰中國建築，安慰瑞安話「噏，即使有我都係要死㗎嘞，係咪呀？因為兩個死刑，兩個死嘅判--冇咗個死嘛，都係死，係咪呀？」

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即係我惟有係自己從自己嗰個自責性呢係舒紓啲囉，主觀願望我真係唔想佢出事，係咪？自己錯咪錯咗囉，人生係咪呀？噏，你水務局嗰啲嘢呢，我真係冇--諗依賴晒我嗰個 Licensed Plumber，你知唔知？

問：唔。

答：呢段呢，我嘅理解就係好多社會人士，因為當時發酵咗。好似保華個劉高原，個主席話全部都有責任，我就寫呢句嘅啫。跟住好多團體，好多盛，好多水務局而家嗰個實際做啲話「如果你係咁樣--明--香港--香港人好聰明㗎嘛。喂，如果你啱，你使乜突然咁短時間整八項指引出嚟呀？」，整啲框框，而家全部地盤停晒。而家你搞到--我話畀你聽，你唔知知唔知。因為你突然出個指引呢，所有嘅 material 呢，嗰啲用嘅料呢要五年有效㗎個 cert.，做都做唔切呀，而家排晒隊㗎而家，所以我都講笑咁呀，即係開個 lab 好喇，知道有咁嘅鉛水危機响度，係咪先？

咁所以我咪停晒喺度囉。應該報員工又報到，應該報唔到囉。即係我講話即係每人都有責任，事實係呀，係咪？社會--保衛國家人人有責咩嘛，唔通話保衛國家就係前面個將軍打仗唔關你事咩，係咪先？

我呢個係一個好廣泛性嘅嘢講，就唔係針對某一個人嚟講。你要明白我意思，我有話--係廣泛性嘅，保家衛國，咁你有冇份咩？你話我有冇份咩，我一定冇份，係咪呀？國破家亡㗎嘛，係咪先？點有份呢。呢啲唔好抽秤呢啲咁喇，我一路都不--好誠懇咁我認--元兇係我，係咪呀？你聽日可以報紙周圍講。

問：何生，我唔係同你講--何生我未必想扯到咁遠，關於保衛家園嗰度。我呢度只係想同你講你嘅理解，就係因為水務署出咗啲新嘅指引，提供改善嘅措施，因為咁樣樣，所以你就認為係政府出現咗系統性嘅失誤，呢個係咪你嘅理解呀？

答：我唔係政府，各個係--各個環節都有少少嘅--嘅乜嘢，你明唔明呀？唉，我真係你--我就第--第--我下輩都要做律師呀，真係要學習嘞。你真係--你--咁樣你--你--你都無關，呢啲唔係啲問題，唔係--都是出自做咩嘢呢？而家即係--我嘅理解，我概括--我概念係咁，我咪講囉，你叫我咁 detail 咁盛。唉，我又冇話過你，又冇點人，點人咪更加唔公平喇，係咪先？頭先我點人，啲律師都話我唔應該咁樣去話--猜測嘞，要講事實嘞。

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問：好。

答：咁我而家真係--我真係--我有心我真係--不過而家六十幾歲，無謂再--學唔到喇，冇人肯收我，真係要學下法律嘞，真係應該。

問：何生，喺，我第二個想問你呢，你就話呢個 participant 呀，即係參與者呢，喺個公營房屋嗰度呢，佢哋呢就有將個注意力攞咗重金屬嗰度。咁我向你指出呢，其實呢樣未必係好準確。因為如果你要處理嗰啲物料，嗰啲物料其實都好多時候都係由重金屬製成嘅。咁所以如果你話你個焦點或者注意力，成個公營房屋嘅參與者，包括你所講呢幾個人，佢哋個 focus，佢哋個焦點都唔係重金屬，咁樣...

主席：你唔使問佢喇呢啲，我會答嚟嘞呢啲。

王先生：哦，好，好，好，好，好。

主席：唉，你使乜問佢啫。

王先生：好，可以。

主席：你點解要佢啫？我明你講咩嘍嘞。

答：係囉。

主席：係呀。

王先生：哦，因為喺個證人口供度，所以我先咁講啫，嘎。

主席：我--咁--你--你最緊要我明咋嘛。

王先生：係，係，係，係，係。

主席：我咪話畀你聽我明囉，係咪先？

答：你--你--你--你--喺，我都話明關於水務局嘅嘢呢，你只係最好呢全部都問林德深，所有林德深呢，收畀做咗好多分析嗰啲嘢畀佢話--話一定要戰勝你哋添。一定話「諗有喇」咁。係呀，你問我--你問個

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醫生有咩嘢病點去醫，我都唔係醫生，我--我點--我都唔係個個範疇，或者我知我答你咩，係咪？

問：係，咁我哋講講林德深咩。林德深呢，如果你睇你嗰個證人口供嘅第18頁呢，第18頁，佢嘅第三段，第三個問題嗰度呢，佢就係叫你形容同理解釋嗰個建築嘅程序同埋步驟，關於呢個係水喉嗰個--喺啟...

答：等一陣先，等陣先，等陣先吓，唔該。呢個。

問：嘎，第18頁，Question 3，第三條問題嗰度呢。

答：Sorry，sorry下，等陣，okay。

問：嘎，Question 3 嗰度喇，第三條問題嗰度喇，就叫你解釋啟晴水喉嗰個--系統安裝嗰個步驟同埋程序喇，啱唔啱？咁 b 嗰度呢，你就解釋嗰個 Licensed Plumber 呢，即係嗰個持牌水喉匠就係林德深喇。咁你 define 咗，即係你定義咗嗰個“LP”就係林德深喇。啱唔啱？呢個你嘅證人口供嚟㗎嘛。

答：呢個「委托林德深持牌水喉匠須監督啟晴邨供水有關認可水管工程」嗰度呀？

問：唔。

答：Okay，係咩。

問：唔。好嘞，我而家想請你睇第25頁，因為你呢段好長㗎，...

答：唔該，邊度呀？

問：...由你講晒成個程序呢，由 a 呢就去到 u 㗎。咁我想帶你睇 p 嗰段，p 嗰段，p 嗰段。

講者（不能辨別）：呢度。

答：你講咩。

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問：嘎，p 嗰段呢，你就話嗰個持牌水喉匠，即係林德深喇，就時不時呢去個地盤嗰度巡視嘅，或者當嗰個工程進度有需要嘅時候呢，就去嗰度巡視嘅。同理佢主要嘅職責呢，就係去保障呢，喺水務條例，同理水務嗰個規則入面呢，嗰個要求係符合嘅。你咁寫㗎嘛，係咪？

答：唔係咁寫，...

問：吓？

答：...應該係--係一個規則係咁做。咁但係你話具體林德深去過幾多地盤，有冇跟，有冇盛，你去問佢喇。

問：你唔知嘅？

答：我唔知。我琴日講咗喇，佢好冇性格㗎嘛。

問：係吖，佢好冇性格吖嘛，係呀。

答：我咪講咗囉，你--佢水務局都知㗎喇，佢好冇性格㗎嘛。你聽日或者見到佢，好似發生咗嗰次--佢日頭呀走去--好威水咁去記者招待會，跟住夜晚幫佢食飯，佢都冇講畀我哋聽。

問：唔。好嘞，既然你唔知，咁...

答：即係佢完全...

問：既然你都唔知，咁點解你喺呢個證人口供又話佢時不時都會巡地盤，有需要嘅時候又會去巡呢？你基於乜嘢寫呢段呢？

答：嗱，呢樣嘢呢，理論上係要巡地盤，但係佢有冇去，有冇做過嘢呢，我琴日即係理論--我答黎委員話--答石律師都話，理論上係要咁嘅。即係係理論上，就佢有冇做，我真係唔知。

問：哦，或者 okay，得，明白，咁我同你澄清咗嘞，因為你呢段呢，...

答：其實你可以聽日呢去問問我寫字樓個--佢返嚟寫字樓幾耐時--有返過嚟幾次，問阿陳小華，或者問黃貴雄，佢有去過地盤幾次。咁呢啲畀你嘅消息呢，就一定準確㗎嘞。即係你叫我答你呢，...

問：答唔到？

答：都係兩個字，「唔知」。

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問：唔知，唔。我即係同你澄清啫，因為你呢段可能有個畀人嘅誤解，就以為你係講佢真係有去呢個地盤嗰度嘅。不過唔緊要，我澄清咗嘞，嘎。

答：係要去地盤㗎。

問：係。好嘞，我哋都係講緊林德深。咁我而家就想請你睇 c19.7, c19.7, 14794。呢個就係林德深同水務署個會談嘅會議紀錄嚟嘅。我想你睇第 14 段，14 段呢就係「署方向林先生查訊，指他是否清楚知道水務署已禁止在焊接時，使用含鉛的焊接物料。林先生表示知道。」

咁即係睇嚟呢，作為持牌水喉匠呢，阿林先生都知道係唔可以用含鉛嘅焊料嘅。我想問你事件發生之後，你自己有冇問過林先生佢知唔知要用無鉛嘅焊料，你自己有冇問過林先生？

答：我有問過佢呀。

問：你有問佢，點解你唔問佢呢？佢係你嘅持牌水喉匠㗎。

答：佢仲畀好多資料我，畀好多資料我睇，好似佢啱晒咁。

問：即係你有問過佢，喂，而家講緊--社會沸沸騰騰講緊...

答：當日我係搵唔到佢㗎，okay。

問：你搵唔到佢？

答：佢一五年開始呢，已經有响我公司做㗎嘞。佢鋸咗隻腳之後呢，我哋公司已經有聘用佢㗎嘞。

問：Okay。

答：Foreman 問佢呀，問非所答嘅。佢晏晝都整兩支啤酒嘅。

問：Okay。你等陣。

答：唔係，你問林德深嗰啲嘢呢，你盡量問佢喇，真係㗎。你問佢有冇去地盤幾次，佢自己講話去三、四次。咁佢有冇講大話，我都證實唔到佢。希望你就問下中國建築，問下佢去地盤，中國建築見邊個呀。因為佢亂咁講嘢，亂咁咩嘢㗎，打落房屋署話叫佢乜乜乜都夠膽，我呀好似--等如諗喺呢頭講--呢個係冇乜可能喇，匪夷所思，係咪先？你問水記啲嘢呢，可以問埋林德深個行為呢，實際嗰個情況我真係唔知。

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問：Okay。

答：我只能夠講畀你聽就話，我係依賴晒佢處理水務局方面嘅嘢。到底佢嘅知識有幾多乜嘢，我嘅概念上我覺得係好識嘢嘅。佢亦曾經畀過個英國嗰個咩嘢水--水會個 pass 我睇。佢話「你睇，你估我流嘢呀？唔怕佢呀，而家英國佬有人嚟幫--幫我--撐緊我呀。我嘅 grade 呀，等於呢就係香港區嘅總裁呀咁。」佢咁幫我講嘅，我係完全依賴晒佢嘅。

因為佢種人溝通--冇得溝通嘅。早幾日佢仲打電話畀我，佢話「老細，諗咩咩，諗你補償啲損失畀我得嗎」咁。我話「喂，咩嘢損失呀？」我話「你累到我咁，你仲話畀--畀--補損失畀你？」，我話「應該你嘅責任呀」。「咁又係，我係有啲錯呀咁」。佢咁都夠膽講嘅。佢份人好怪㗎。嗱，一發生咗呢，我請個律師畀佢，即係我哋唔同律師，請個律師畀佢啫，係伙記咁，個律師都話唔做佢生意呀。個律師話「諗你唔好搞我呀，你--我唔賺呢啲錢呀。」

即係佢有佢--即係好過癮㗎佢性格，失控嘅，律師都唔做嘅。好似收扃嚟到我哋去代表佢，佢又整封咁嘅又話我願做污點證人，又咩嘢污點證人啫，我從來何標記都話係自己公司買料，又有冤枉過佢，係咪先？所以你問佢嘅嘢我真係唔知呀，我真係。

問：Okay，嗱，...

答：我不如我簡單答你喇，你問佢嘅...

問：好，好，好，嗱，好。

答：...--嗱，水務嘅嘢我--我唔係 licensed plumber，我乜都唔知。我真係全部依賴晒佢。

問：Okay。

答：我在呢件事未發生之前呢，我係好相信係有能力，事實佢呢係識好多人㗎水務局。我就咁--只能夠咁答你嘞。

問：好。我請你睇 K1 46 頁 e 嗰段吓，K1 46 頁 e 嗰段。你有中文㗎嘛，你睇咗之後話我知。

答：係邊份口供呀？我份口供呀？

問：你自己嘅口供，K1 46 頁 e。

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答：林德深我唔使睇喇，都，我唔知佢講咩嘢。

講者（不能辨別）：擺番。

答：係囉，唔該你。

問：如果對你公平啲，你可以睇第 17 條問題嘅，咁就喺 45 頁嘅啫。嘎，都係好專門嘅，問啟晴嘅。個問題就喺第 17 頁--第 45 頁。咁呢我想你集中就係睇 46 頁 e 嗰段。

主席：46 頁，即係 46 e。

答：唔係，呢個有咩嘢問題呢？

問：我就係想問你，既然你覺得林德深又咁--佢同你講咁叻嘞，你有啲咩嘢基礎就話你唔清楚個 LP 明唔明，知唔知道要有無鉛呢個要求呢，點解你會咁寫呢？

答：呢度寫持牌水喉要符合--呢個要求我知吖。

問：你話 it is not--點解你會寫話...

答：但係我唔知嗰個規定有冇含鉛，我真係冇認識吖嘛。

問：你自己唔識啫。

答：嘎。

問：但係你呢度講係話唔知道--你話唔清楚嗰個水喉匠，即係林德深明唔明白有無鉛呢個要求吖嘛。

答：係喇。我真係唔知啫。

問：唔係，你自己個人知唔知係一件事。

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答：唔係，你想問嘅意思係咩嘢先，唔好意思。

主席：你話畀我聽你想 achieve 乜嘢 objective 先。

答：係，你想問乜嘢先？

主席：不如你話畀我聽你想得到啲咩嘢答案先。

答：係嘞，係嘞。

問：我想得到嘅答案呢就係，其實你根本上呢係冇基礎去講呢阿林德深係唔知道佢--即係林德深係唔知道有含鉛--即係法例有含鉛呢個要求㗎。

主席：咁你唔使問佢，問阿林德深咪得囉，直接問阿林德深囉。

答：咁你問我唔知個嘢，林德深又話幫--又幫我講過，佢又好似好啱咁嘢，咁我點能代表佢個論調去講呢。

問：好。

主席：唔係，應該咁問你嘞，林德深知唔知道啲啲焊料係應該係無鉛嘅，你就唔知佢知唔知？

答：唔知，唔知，唔知。

主席：不過你就呢係依賴佢就住水務方面啲啲專業知識，啱唔啱先呀？

答：係呀，係呀，係，冇錯。

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主席：啱唔啱呀？

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答：嘅。

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主席：即係如果佢係一個講到佢自己咁有專業知識嘅人，咁如果佢係熟識嘅話，咁佢理論就應該知道嗰啲焊料就一定係要用無鉛嘞。係咪咁嘅意思呀？

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答：係呀，係呀。

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主席：唔。

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問：好。

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楊先生：法官閣下，我都想請阿--响呢方面想請阿--阿何生請埋。

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主席：等一陣先喇，等一陣先喇。你想做乜嘢呀？

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楊先生：唔係，想同埋一段個 e 呀，有個括弧後面，寫住「持牌水喉匠林先生告知本人」。

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主席：一陣間先喇，一陣間你仲有機會問㗎，唔使咁心急，係喇，嘅。

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問：好。關於你話持牌水喉匠嗰度嗰啲知識你就唔知嘅，關於 WWO46 呀，你個證人口供就講得好詳細嘅，邊一 part 做乜，邊一 part 做乜，邊一 part 做乜嘢，寫得好詳細嘅你證人口供，咁...

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答：邊個呀？我好詳細？

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問：係呀。你個證人...

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答：我真係好詳細呀，發生後咁嘛。

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問：咁我而家想問你--我想 cut 短啲時間啫，既然你頭先講話即係關於水喉--即係申請嗰個水紙嗰啲嘢呢就問林德深，但係你個證人口供呢，對於 WWO46 呢，就寫得好詳盡嘅。咁你話八幾年之後你亦都有再掂過嘞。咁我想問你，你啲知識呀，關於 WWO46 呢個知識，你係之後你嘅

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律師團隊同你講，...

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答：我--我--我...

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問：...抑或你自己個人嘅知識嚟呀？

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答：我答你喇，因為我寫呢個口供呢，係將當時嘅情況，個手續個盛呢，我而家有 LB、有經理、有專業人士，有盛呢，然後去解答晒你啲嘢。份手續呀點點點，我唔通連答咩嘢 form 都唔知咩 form，咁搵上委員咩，口供。

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主席：即係你問完人先至寫落去嘅？

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答：係囉。

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主席：得，唔。

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答：呢啲我梗要㗎嘛，點解會咁，點解會咁。我就講你聽，嗱，我而家去--去邊度嘞，邊度，我當時就去嗰度，原來係咁呀唔去呢個--哦，原來可以搭電車上山頂嘅。咁我就話畀你聽嗰陣時就係咁樣，咁--咁--咁樣㗎咋嘛。啲所有嘅知識，咩嘢科目呢，咁你懷疑我咩嘢呢？你問我呢樣我--如果我得我去考個水喉牌喇。

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問：Okay，嗱，...

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答：係咪？你都有意思㗎問我呢啲，呢啲只係事後先知，我都講明事後。咁我個律師都要去了解我講嘅嘢係咪真㗎嘛。佢哋都要去了解到底個程序，份 form 係點入，點入，點入喇，唔通佢亂寫咩，係咪先？明明係 form 46，佢寫 64 咩，係咪先？

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問：明白，即係話...

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答：即係咁簡單嘅問題，我都唔知點答你真係。

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主席：簡單問題簡單答，你咪話我自己親身就唔...

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答：但係我唔知佢講乜咁嘛，主席，你明唔明呀？

主席：哦，得，得。

答：佢要就重心。不如你想講乜嘢，你係咪犯法，係咪去偷工減料，咁你有講咁嘛，一句答你囉。

主席：唔係，唔係，唔係，唔係。律師，其實所有問題都一樣，越簡單就越好，就千祈唔好長篇大論講一大輪啲啲前題。講完前題呢，噏，我話畀你知，我同你日日坐喺個法庭裏面聽你哋問問題，聽你哋講梗係完全知道你哋想做啲咩嘢喇。但係你隨便搵一個普通嘅市民上嚟呢，講長篇大論，講完長篇大論之後呢，人哋基本上就唔會記得你究竟想問咩嘢問題。

王先生：唔，好。

主席：係咪？咁你問啲問題好簡單咋嘛，譬如好似呢啲咁樣嘅問題，「喂，WVO46 你講到咁詳盡，其實係你自己親身嘅經驗，抑或人哋話畀你知？」一條問題講完。

王先生：唔，唔。

主席：咁佢咪知道究竟係我自己親身知道，抑或人哋話畀我知囉。咁如果人哋話畀我知，咪話「哦，人哋話畀我知囉」，答完。使乜咁多時間啫。

王先生：好，唔該，唔該主席，唔該。

問：噏，咁我想問一問你關於林德深嘅。噏，你話林德深好有性格喇，咁你話佢好難控制。

答：我覺得啫，我覺得啫。

問：你覺得喇，噏。咁你幾時開始發覺佢有呢個問題呢？即係好難控制佢呀，作為老闆你都好難可以監管到佢呀，佢去地盤你又唔知呀、佢又唔肯答你呀？呢個問題你幾時知嘅呢？

答：我覺得佢好主觀，即係好似我。但係 so far 嚟講，早七、八年，每次完成地盤，佢都能夠完成攤到水紙，我就當佢 okay 喇嘞。你明唔明我講咩嘢呀？

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問：唔，唔。

答：直至佢係二零一五年鋸咗隻腳，當時我認為佢即係唔可以去地盤，唔可以盛呢，嗰陣時我都有個擔心。嗰陣時諗--諗呢度，喂，咁樣點樣去睇地盤呀？我話佢正話啫。我就未必得㗎，我話到時--即係咁樣咪佢呢個理由而唔要佢呢，分分鐘話呢個歧視傷殘人士㗎。嗰陣時又一條罪㗎咁。我就咁講先。

　　嗱，so far 嚟講，我咁答你呢，未發生鉛水呢個事件，佢幫我做咗七、八年，每一次佢都係好--結果係 okay 嘅。得番嚟都係得到嗰張水紙，可以即刻開水用嘅，咁我就覺得好本事㗎喇。因為...

主席：唔該，唔緊要，佢個問題呢嗱，你又要聽清楚佢個問題，如果你唔想咁多時間答嘅話呢，佢想--佢就好簡單嘅啫，佢個問題就係，你幾時開始覺得佢個性格有問題，咁你咪答咗佢囉。如果你話我一開始已經有㗎喇，咁咪一開始有囉。

答：唔係，性格呢好難講嘅，性格唔影響工作㗎嘛，個結果。唔通性格--各有各人嘅性格，我都好有性格㗎，係咪先？

王先生：呢個我哋冇爭議性呀，呢個吓，嘎。

答：咩嘢呀？

王先生：嘎，嘎。

主席：唔係，你...

答：性格每人如果--天生出嚟有㗎喇，呢啲改變...

主席：我知呀，唔係，即係佢個問題就好針對性嘅。咁如果佢針對性嘅問題，你就針對性答，咁樣樣呢，就大家就唔會走去...

答：唔係，佢簡單啲，我知道佢問我咩嘢呀得㗎喇。

主席：係呀，係呀。

答：因為我--你知我係小學，仲係大陸嘅添，係咪先，我好難理解佢想問乜嘢㗎嘛。

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主席：佢即係--即係...

答：我一下唔覺意呢，我就中咗越位陷阱，射咗個波入網冇用㗎喇嘛，係咪先？我--因為我一從小學開始我真係驚驚地，即係講嘢真係。以前我真係好--我亂講㗎，言者無罪 聞者足戒。我而家真係，唔係，你問咪得囉，你問。

主席：即係你--你--你...

答：好似我--佢問啲問題，你話佢性格，有咩嘢關係呢？

主席：係，其實...

答：我覺得個性格各--好有性格啫。

主席：得，得，得，得。其實真係冇乜關係㗎咋嘢。

王先生：唔係，諗...

主席：係囉。

王先生：唔係，主...

主席：唔係，即係我畀你問，我畀啲 leeway，畀少少彈性你。譬如你問我歸根究底，真係冇分--真係冇乜關係。

王先生：唔，或者咁...

主席：佢幾時開始性格有問題，咁有啲咩嘢關係呢，同我哋今次決定嘅。

答：係囉，係囉。

王先生：唔係，唔係，主席，或者我直接咁講㗎。

主席：唔，唔。

問：其實何生我係想問你，對於林先生呢一個性格，同埋佢工作嘅態度，你話佢成日唔知去咗邊度，呢...

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主席：乜嘢話？

王先生：同埋佢工作嘅態度，即係話…

主席：係，咁不如你直接問佢喇。噏，佢答咗你㗎嘞，工作上呢冇問題，
過往七至八個屋邨完成攞到水紙，冇問題，okay，答咗。

問：唔，好嘞，噏，你--或者我再--再補充問多一條呀。

主席：唔。

問：你知道嗰個水喉匠佢喺法律上要負擔嘅責任嘅，包括要巡視地盤、包
括要保證嗰個水務條例嗰個標準係符合嘅。你覺得過去七、八年，林
先生可唔可以，同埋佢係咪忠實咁樣執行到以上個責任呢？

答：我都話結果係勝任嘅。

問：係。

答：每次結果，你水務局係 okay 佢，pass，出嗰張水紙畀佢，咁我仲挑
剔乜嘢呢，所以我都會容忍佢。我包埋答你，頭先呢，我而家講佢性
格，唔係話壞性格去偷嘢，犯法咁嘛。逢係有性格嘅人你先有激情、
有衝勁㗎嘛，係咪呀？佢雖然有性格啫，係咪呀？我個女夠學我一樣
咁就性格㗎。佢响 ICAA 讀完碩士返嚟，咁呀去問公司做，我啲老細
話「喂，喂，我幫老細好熟個嗰」咁。佢話「爸爸，你唔好講呀，尔
一講我即刻唔做㗎。」咁。呢啲性格未必係負面㗎嘛，呢啲格--我都
明白，你成日講性格，有個責任。佢性格唔係去偷嘢咁嘛，佢習慣就
話啫，性格唔揸間嘅真係。我真係幾難答你呀，你問啲問題。你不如
問我--問好啲問我。

主席：得，得，得，得，得。仲有冇？

答：我就唔佢想問我乜嘢咁嘛，主席，你明唔明白？

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主席：係，得，唔緊要。仲有冇問題？

王先生：有，有，有，有少少。

主席：繼續吖。

王先生：唔。

問：好嘞，咁我想問你另外一方面嘅問題。我想麻煩你睇你嗰個證人口供嘅第 58 頁，58 頁 b 嗰度。關於葵聯邨，第 10 條問題 b 嗰度，最後畀個句。

答：呢份，唔係，你講呀，你講呀。

問：喺，我想問你--我直接咁問嘞，你知唔知道呢，有一個 fitting 呢係叫做 pressure reducing valve，即係一個閘製，係咪呀？

講者（不能辨別）：減壓閥。

問：減壓閥，減壓閥。咁個牌子呢就係 welson，呢個喺水務署嗰個報告入面係咗係唔--唔係喺水務署嗰張清單入面㗎，directory 入面㗎，呢個你知唔知？

答：唔知。我邊度知道咁 detail 呀，一個 site 入面，每一個--每一部分嘅 fitting 我都知。

問：如果你唔知，點解你可以喺證人口供嗰度話講到明話每一樣嘢都符合嗰個水務署嗰張清單上面嘅呢？如果你都唔知，點解你咁講呢？

答：唔係，我知道嘅就係符合。如果你話淨係千百萬中一個配件唔符合呢，你而家講畀我--我就知嘞。

問：你知道呢啟晴同埋葵聯呢嗰啲水喉配件呢，係好多係擺咗去做誼測試㗎嘛，係咪？呢個你知唔知？

答：咩嘢話？

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問：水務署係擺咗好多啟晴同葵聯嘅水喉嘅配件去做測試嘅。

答：收斂事件發生咗擺去驗咗，知呀。

問：你知，嘎，嘎。

答：知。

問：你知唔知測試之後嘅結果係乜嘢呀？你有冇認知呀？

答：電視有講喇。

問：咁你從電視嗰度得知咩嘢呢？

答：咪得知話嗰啲--我用咗唔合規格嘅鉛呀，用嗰個料太多流落嗰啲水管呀咁囉，係知道咁多。

問：唔，咁你即係...

答：方唔係話嗰啲--我哋做--做嘅呢就嗰個--幫嗰份 form 呢，你哋報嗰份 form 呢冇 revise--冇即係 review 一次，就用咗房屋署另外嗰個--房屋署嗰個版本囉，我就知道咁多。你仲有咩嘢更嚴重嘅？

問：唔。冇，冇，冇，我有話過嚴重，我只係問你知唔知。好嘞，咁你亦知唔知道喺提交張 WWO46 嘅時候，係要提交啲符合水務條例嘅物料咗，呢個你知唔知？

答：我真係唔知喇，我講咗，頭先已經講咗話水務局嗰啲嘢我有去跟喇。

問：唔。

答：我而家簡單答你唔知嘞，唉。

問：好。

王先生：主席，我仲有五分鐘嘅，你介唔介意我問埋去呀？

主席：仲有冇人有問題嘍？仲有人有問題，咁我哋不如晏晝先至再繼續喇。仲有幾個律師有問題要問你呀。咁我哋食咗飯先喇，晏晝兩點半再繼續喇。唔該。

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下午 1 時 01 分聆訊押後

下午 2 時 33 分恢復聆訊

出席人士如前。

主席：繼續，Mr Wong。

何標記建築工程有限公司（“何標記”）（中國建築（啟晴邨）及瑞安（葵聯邨第二期）的分判商）的第一證人：何文標（何標記董事總經理）宣誓繼續作供

王先生繼續盤問

問：何生，食飯之前，我就問緊你，你同我哋講嘅電視嗰度睇到嘅啟晴同埋葵聯邨嗰度有啲閘掣、喉管嗰啲係唔符合規格嘅，呢個你從電視嗰度睇到嘅，啱唔啱？你頭先--今朝咁講。

答：即係唔合規格，係幫你水務局報完工嗰份，係...

問：唔係報--你唔好理你報唔報工嗰份，你話你嘅電視度睇到就話我哋水務署驗咗啟晴同埋葵聯部分嘅喉管同埋閘掣、裝置，你知道嗰啲有一部分係唔合規格嘅，呢個你知唔知？你今朝話...

答：唔係，唔合規格嘅定義係乜先？我嘅概念就係即係唔知合唔合你規格，我哋跟房屋署嗰個安裝。

主席：唔合規格，我相信佢嘅意思就係有部分嘅裝置裏面含鉛嘅成分超出係可以接受嘅水平。

王先生：冇錯。

答：即係驗出嚟，嗰個部分水喉配件驗出嚟係唔合規格嘅，知。

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問：你知道？

答：知。

問：好喇，你知道咗呢件事之後，你有冇去搵出個原因係點解呢？

答：原因而家咪檢討緊係用咗唔合規格嘅錫條。

主席：唔係呢一方面，譬如有一啲--我唔記得咗乜嘢喇，有啲 valve 或者有啲閘掣，嗰啲水喉裝置，嗰啲就基本上用金屬造㗎，係咪？嗰啲金屬就根據英國標準就有指定一個份量係去到幾多，其中最重要就係鉛嘅含鉛係唔可以多過某一個嘅百分比嘅，水務署做咗出嚟就發覺有一啲嘅裝置裏面，呢啲裝置裏面鉛嘅含量係超出咗呢個英國嘅標準，不過後來就話呢啲雖然係超出咗英國嘅標準個百分比，不過都唔係今次導致嘅水裏面嗰啲含鉛超標嘅原因，你明唔明呀？

答：明白，我有留意呢樣嘢。

問：你有留意呢樣嘢，係咪？

答：係。

問：我想問你，你同唔同意呢，雖然你話你對填嗰啲水紙嗰啲唔係好清楚，你同唔同意水務署批准駁水去任何一個地盤或者一個公屋都係建基於你哋或者係持牌水喉匠或者係一個 AP，即係一個授許可嘅人士向水務署作出陳述，就話佢哋用嘅喉料同埋其他嘅物品...

主席：呢個唔使問喇。

王先生：哦，好。

答：呢啲唔關我事，...

主席：唔係，唔係，唔係，得，唔使答。

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唔使問喇呢啲。

王先生：好，好。

問：我想最後我想請你睇你一段嘅證人口供，喺你嘅第 31 頁 (g) 嗰度，
31 頁 (g)，你睇完話我知。

答：(g)，咁咩嘢？

問：(g)。

答：係，睇到。

問：第一個問題，我想問你呢一段係你自己個人嘅意思吖，抑或你嘅律師
同你講，你同意律師嘅講法？

答：係我嘅意思，概念上，係好坊間嘅意思。

問：Okay，係你自己個人嘅意思？

答：係個人嘅意思。

問：Okay，得。

答：係坊間嘅意思。

問：得，可以。

答：亦係好多人認為「水務局都畀得水紙你喇，應該係掂喇，佢唔掂，唔
會畀水紙你嘅」。

問：得，可以。

答：呢個係我不嬲都認為嘅，你明唔明白？

問：Okay，得，你個人嘅意思。我想你睇 B3.1 1164，即係房委會個中
期報告，B3.1 1164。

答：英文㗎喎。

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問：B3.1 嘅 1164，(b) 個段，最開--最頂個段。

答：唔係，我睇唔到，英文嘅。你不如講畀我聽係問我咩嘢？

問：或者我直接咁講，呢一段同你個 (g) 個段，無論喺內容上、語法上、文句上基本上一致嘅。

答：咁有咩嘢問題呢？

問：我想問你，你係咪睇番呢一份報告，先至有呢一個概念呢？

答：我好肯定話畀你聽我亦唔識睇英文，我亦唔留意，任何嘢都阻唔到我嘅思維嘅，你而家想問咩嘢啫？想話畀我聽有人教我即係咁寫㗎，我話畀你聽肯定唔係嘅。

問：我想向你指出，呢一段就搬字過紙啫。

答：我份口供就全部就按照我自己錄出嚟嘅，所以律師嗌我「你睇下喇。」咩嘢、咩嘢咁，我話唔使睇，我自己講出嚟嘅嘢我唔知咩？所以我今朝都講，我琴日第一次睇係第二次睇嘅啫，呢個係普遍坊間認為嘅。

主席：得，得，得，得，得。

即係你認為房署會同佢夾埋一齊做一段咁嘅嘢出嚟？

答：佢問我呢啲...

王先生：哦，唔係，我唔係咁嘅意思，我唔係咁嘅意思。

主席：咁咪係囉。

王先生：我唔係咁嘅意思，我意思即係話...

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答：如果你認為我個律師嘅，你咪問律師囉。

王先生：唔係，主席，我唔係咁嘅意思。

主席：得，得，得，得，唔該，唔使拗落去。

王先生：Okay，主席，我有其他問題。

主席：唔該。

答：唉，真係。

林先生盤問

問：何生，...

答：你好。

問：...我係代表瑞安嘅，或者你睇一睇 S1。

答：佢代表邊度？

主席：佢代表瑞安。

問：瑞安。

答：你好，你好。

問：標哥，102，唔該。

答：好。

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主席：佢叫你標哥。

答：你好，你好。

問：S102。

答：唔係，我去房委會調查，啲委員會個個都嗌我標哥嘅，真係唔係講笑呀真係。

問：主席頭先都畀你睇過呢一個係葵聯邨嘅，係咪？

答：係。

問：我想問你，另外我哋睇到由6月4號，我哋計6月4號開始--或者4月開始，4月去到10月其實就係有八個月嘅時間，跟住主席嘅講法就係即係用好多呢啲咁嘅50力嘅扁錫條，當然有個FRY係响6月4號，係咪？

答：係。

問：我哋見到嗰個如果去到12月就其實就八個月嘅，係咪？

答：唔，唔。

問：八個月裏面，得一千五百零七個單位，你會唔會同意我講法，其實係綽綽有餘？

答：咩嘢話？

問：做呢個咁嘅工序係綽綽有餘，即係時間上？

答：同意。

問：而去到--如果你去到3月14年，咁就變咗係基本上係近十一個月㗎喇，我哋其實瑞安有啲證人，你講過就話其實你當時响葵聯邨有嘅時間大概十個月嘅，你同意呢個講法？

答：我睇過葵聯，葵聯我有現身去--起貨嘅時候我都有落去嘅。

問：係，我明，得。

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答：兩間公司嗰個結構唔同，我哋嘅判頭打埋人幫公司配合又唔同，葵聯係--即係所以我份補充口供都有提到話呢個--即係冇幫你爭議嗰個時間問題。

問：明白。

答：即係我點解唔會爭議呢？我從來都心明話趕就唔等於你可以用違規嘅嘢，係咪呀？

問：得，明白。

答：而家唔係講手工曳咁嘛，如果手...

問：明白嘅，我完全明白，標哥。咁即係換句話講，或者你啱啱講咗，响葵聯，其實你自己落去嘅時間上，去過一、兩次啫，係咪？

答：一、兩次啫。

問：即係換句話講，好多嘅其他嘅問題我都可能係問你嘅下屬，尤其是黃貴雄，係咪？

答：唔。

問：係咪呀？

答：係。

問：如果你睇一睇 104，橫掂你有個文件夾喺度，係咪有文件夾？有冇？之前就會有發票，呢一個就係送貨單嚟嘅，你睇一睇，呢個雋景嘅送貨單就話送去--如果你睇一睇個客戶名稱，你哋何標記，係咪？

答：唔。

問：送嘅地址就係葵盛圍嘅，係咪？

答：唔。

問：即係嗰個葵聯個地方，我見到簽名，簽署嗰個就係「健」，我相信係你嘅承繼人梁偉健先生，會唔會...

答：而家簽名呢個梁偉健，係。

問：係喇，冇錯。換句話講，係當時 2013 年 4 月嘅時候就會有人去落咗

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個 order，就呢一啲貨就送到去葵聯個地盤，就何標記嘅阿健就簽收咗，係咪？當時。

答：係，因為點解？我琴日解釋咗，梁偉健嘅本來就係响黃貴雄個 party 度產生嘅，係呀，琴日唔知你响唔响度，就...

問：我喺度嘅，但係--唔係，唔係，我個問題反而係呢一樣嘢，即係...

答：即係佢哋兩個個關係，佢會好密切，即係溝通得比較好嘅。

問：明白，明白。

答：就具體點樣，問佢兩個一定知㗎喇。

問：我會問佢哋嘅，但係我反而想問你呢個問題，即係換句話講，亦都係我哋瑞安嘅證人亦都有講話「我哋從來冇任何知悉其實係用咗呢個扁錫條嘅」...

主席：咩嘢話？

問：...因為收貨嘅人係你哋何標記，你同唔同意？

答：同意。

問：或者我最後一個問題...

答：其實唔係你瑞安，中國建築都係㗎喇。

問：咁我想問你一個問題，其實你會同意我嘅講法，瑞安同你嘅--做咗好多個 project，係咪？

答：（沒有可聽到的回答）

問：瑞安基本上係好相信你哋何標記，無論係商譽，你哋嘅手工，咁多年做嘅 project 係一啲問題都有，直至到呢一次葵聯邨嘅啫。

答：我幫瑞安係合作咗三十二年，我又好欣賞佢個公司嘅作風，其實我有今日少少成功，我不論做人、做工程都係瑞安學嘅，所以瑞安真係好信賴我嘅，佢信賴我，但係我聲明一點，我對瑞安係無盡付出嘅，

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我個價錢只有比市面上係低嘅啫，奉旨冇高嘅。

問：呢個問答...

答：包埋我亦都--瑞安有啲地盤遲咗盛，我都有 claim 嘅，包埋講真實一句，呢八年我都未賺過錢，而家蘇屋邨一期，我起碼蝕過千萬，我都係咁嘅，所以你哋嗰個區經理話，即係我利用佢嗰個信任，話慳咗十萬，呢個係極之唔現實，包埋我係好難受。

問：總之--或者我咁樣講，標哥，其實就係瑞安响呢件事之前，何標記係一個好好嘅商譽，所以你哋做嘅水喉嘅工序係我哋係完全相信嘅，你同意呢個講法吖嘛？同唔同意？

答：包埋我--唔係瑞安，我係連續四年擺咗嗰個房屋署嗰個水喉分判商嘅傑出承建商嘅，連續四年係擺咗嘅，噏，連續--噏，我連續四年，呢度係三年係擺咗傑出承建商嘅獎，包埋我不時咁接受報紙嘅訪問，包埋我係高度讚揚咗嗰個瑞安，我好注重嗰個--我「何先生舉咗瑞安建業為例，何標記自 1984 年開始承接瑞安工程，從此合作無間，至今有二十多年，從一間擁有如此龐大規模、清晰理念、完善管理嘅公司中去學到不少營商之道，尤其係優質工程管理嘅重要。」呢個我係對瑞安嘅肯定嘅，所以我今日咁樣，即係你返去幫我--真係好對唔住，真係。

王先生：我有其他問題，主席。

殷先生盤問

問：何生，我代表房委會嘅。

答：你好。

問：只有一個環節想同你澄清嘅啫，你聽清楚我講，我希望呢一度係冇爭議性嘅。

答：Okay。

問：但係有一個環節...

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答：唔係爭議性，我聽唔明白，我問嘅啫，我有--我...

問：唔係，你聽清我講，因為委員會主席頭先都講過，律師好鍾意畫公仔畫到出腸嘅，你要明白，因為我哋見到喺你個書面證供嗰度有一度似乎係對呢個房屋署有一個指控嘅，但係睇真啲，亦未必係，因為你似乎又話係林德森講畀你聽嘅啫，所以我就想你睇睇呢一部分，好唔好？

答：我從來都有責怪過房屋署。

問：你睇一睇你個證人口供係關於問題第 10，你嘅答案嘅，喺英文嗰部分就係 K1 第 38 頁，其實嗰個問題係講咩嘢呢？就話即係事發之後，發現有一啲部件--水喉部件，用咗嗰啲同嗰個 WWO46 報上去嗰啲清單係有出入嘅，嗰度根據你嗰個證人口供，你就話關於嗰啲同嗰個清單有出入嗰啲部件，就根據呢個持牌水喉匠講，嗰個應該係林德森喇。

答：唔。

問：佢就有同房屋署講咗話要改呢啲部件，就要再去同呢個水務署報番嘅，但係就房屋署嘅一個人員，叫做 building services engineer BSE 就話畀佢聽「呢個唔使㗎喇，房屋署會自己同水務署搞掂㗎喇，唔使報番上去水務署㗎喇。」根據呢個咁講法，我想你澄清嘅，第一，呢個你喺林德森度聽番嚟嘅，係咪呀？

答：我响嗰個咩嘢？响報紙，响咩嘢睇番嚟，即係我覺得呢件事就有乜可能嘅，頭先我都講咗先，林德森到底有冇聯絡過房屋署啲人員，我覺得概念有，即係佢有可能直接聯絡到房屋署嘅人，房屋署亦唔會咁幫佢講，係咪呀？即係我覺得呢件事係有可能發生嘅，咁你要問一問--聽日你最好問問林德森，係咪有人邊個幫佢講，邊個幫佢講嘅，好唔好？

問：我問多你一個問題，或者你唔知嘅，就係我哋其實從中國建築嗰面嗰啲證人都得知其實房屋署喺地盤度有一個 BSE 嘅，係中國建築--即係總承建商就有個 BSE 呢個人喺地盤。

答：係，係，冇錯。

問：房屋署係冇嘅。

答：係，係，係。

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問：咁所以從呢一方面嚟講，如果林德森話房屋署嘅 BSE 同佢講，已經唔吻合先。

答：呢啲問題最好問林德森，因為唔係我講嘅，佢咁樣講呢，因為我第一日睇報紙，即係 Ada 嚟作供嗰陣時佢咁講，我覺得都有乜可能，房屋署亦有一個咁低質素嘅人會咁樣講，即使係識佢都，係咪呀？我覺得房屋署嘅前線嗰個工作態度，嗰個素質又係 okay 嘅，係咪呀？即係有可能，我覺得，係咪呀？

問：多謝你。

答：即係即使佢講，我哋都唔會信喇，即係佢譬如一個咁嘅 BS 講畀我聽唔使，我就當佢唔使呀？呢個係有可能嘅事。

主席：唔該，仲有冇人有問題？

楊先生補問

問：何生，就只有幾個問題想同你澄清番啫。第一，就係關於係幾時林德森係幫何標記手嘅，你就話你唔係好記得邊一年，不過就記得嚟講，就幫咗你哋七、八年嘅，記唔記得？

答：大約七、八年嘅，因為...

問：係喇，你就話响你個證人口供嗰度有提過邊一年佢幫你哋手嘅？

答：係，係。

問：想你睇睇個證人口供嘅第 19 頁，喺 K1 15，K1 15，你嗰個翻譯本就响 K3 2225.3。

答：唔係，第幾個問題？

問：係第 19 條個...

答：吓？

問：第 19 段。

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答：第 19 段。

問：你見唔見到你呢度寫咗就係林德森就係幫何標記即係响 2009 年初就幫何標記喇喇，係咪？

答：係，冇錯。

問：呢個就係你嘅認知，係咪？

答：吓？

問：呢個就係你嘅認識，你嘅認知，係咪呀？即係...

答：係，認知。

問：Okay，好，第二樣嘢嚟講，就係話林德森之前嚟講，其實你有請過另外一個水喉匠嘅，記得嘛？

答：唔？

問：林德森幫何標記之前，何標記係搵開另外一個水喉匠，不過佢就過咗身，係咪呀？

答：就唔响度。

問：嗰個係咪就係叫做羅富希（譯音）？

答：羅富希。

問：因為就响委員會個文件嗰度都有提到喇喇，好喇，另外一點就係今朝早就係水務署王大律師問你嘅，就係關於係响--或者我睇番個文件夾，响嗰個 K1 嘅第 46 頁嘅 (e) 段，即係問題嘅 17 (e)，如果你睇番你嗰個翻譯本，就係 K3 2225.22。你睇一睇，就係佢嘅問題問你就係話就你哋冇法確定呢一個持牌水喉匠係咪知道或者明-- sorry，應該明白法規對呢個喉管及裝置嘅無鉛要求，係咪？

答：唔，唔。

問：咁個問題就係當然我哋亦都會問番林德森，但係就你寫呢句嗰陣時嚟講，就係基於乜嘢寫，你睇番你一段嘅 (e) 段嘅最盡乜有個括號嘅，嗰度寫住「持牌水喉匠林先生告知本人，當年他參加持牌水喉匠考試時」...

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答：係喇，佢話因為當年都有呢樣嘢，佢而家又講呢樣嘢乜乜乜乜，好多嘢都含鉛乜乜，即係發一排--唔使喇，你睇下佢接受東咩嘢網訪問，就知佢講乜嘢喇。

問：但係所以你就基於呢樣嘢，所以你就話冇辦法知道佢知唔知道當時係含鉛？

答：係，係，因為佢又話唔關佢事，「房屋署咁多人睇住喇。」乜乜乜，佢推卸責任，咁都有辦法嘅，係咪呀？

問：好，唔該晒，何生，我有其他問題問你。

主席：唔該晒。何先生，畀完證供㗎喇。

答：多謝晒。

主席：可以走得㗎喇。

答：Okay，唔該晒。

楊先生：主席，我打算傳召鄭家富先生作供。

主席：好呀。

何標記建築工程有限公司（“何標記”）（中國建築（啟晴邨）及瑞安（葵聯邨第二期）的分判商）的第二證人：鄭家富（何標記工料測量員）以本地話宣誓作供
楊先生主問

主席：請坐，鄭先生。講嘢嘅時候大聲少少。

答：可以。

主席：唔該。

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問：鄭先生，我哋知道你就住調查委員會律師嘅要求，你做咗一份證人口供，係咪？

答：係。

問：個證人口供嚟講，就係12月3號嗰陣時，即係2015年嘅12月3號嗰陣時作出嘅。

答：係。

問：呢個就响個文件夾個K3 2249至2263嘅，我而家就打算讀出嚟，你先聽清楚我讀，你識聽英文嘅，係咪呀？如果你...

答：如果照聽個翻譯，可唔可以？

問：好，好，好，請你戴起個耳塞，好唔好呀？

答：唔該晒。

THE GOVERNMENT OF
HONG KONG SPECIAL ADMINISTRATIVE REGION

Commission of Inquiry into
Excess Lead Found in Drinking Water

Re: Ho Biu Kee Construction Engineering Company Limited

WITNESS STATEMENT OF KWONG Ka Fu Kevin (鄭家富)

I, KWONG Ka Fu Kevin (鄭家富) (also known as Kevin KWONG), Quantity Surveyor, of Unit 605, Tins Enterprises Centre, 777 Lai Chi Kok Road, Cheung Sha Wan, Kowloon, Hong Kong make this witness statement for the purpose of providing answers to those questions raised by Messrs. Lo & Legal opinion (solicitors for the Commission of Inquiry into Excess Lead in Drinking Water) in their letter dated 20th November 2015 to Messrs. Chiu, Szeto & Cheng (solicitors

for Ho Biu Kee Construction Engineering Company Limited) and will say as follows:

1. Question

Describe his background, qualifications and experience in the plumbing industry and his job position in Ho Biu Kee.

Answer

I am the Quantity Surveyor employed by Ho Biu Kee Construction Engineering Company Limited ("Ho Biu Kee" or "the Company"). I am responsible for preparation of tender, preparing material submissions, giving orders to sub-contractors and workers for their works. I obtain a Diploma in Building Studies from one of the member institutions of the Vocational Training Council (Morrison Hill Technical Institute or now the Institute of Vocational Education Morrison Hill). I have worked with Ho Biu Kee since around 1997/98.

2. Question

Describe his role and responsibility in the procurement of soldering materials for the construction and installation of the fresh water plumbing system in the 2 Estates.

Answer

(a) I was responsible for tendering and planning for the plumbing works in the 2 Estates (i.e. Kai Ching Estate and Kwai Luen Estate) including the fresh water plumbing system. I was also responsible for the submission of plumbing

materials (covering copper pipe & fittings, valves and solder material etc.) including samples to the main contractor of these 2 Estates (i.e. China State for Kai Ching Estate and Shui On for Kwai Luen Estate). The details submitted included the description of materials, sizes, identity of manufacturer, country of origin, standards of compliance (British Standard reference number) and category of compliance. As China State and Shui On were responsible for ordering and procurement of sink, shower and basin mixers, China State / Shui On would incorporate the details of these materials in their submission to the contract manager of the Housing Department (the "HD") for approval.

(b) The plumbing materials are governed by the relevant British Standards as stipulated in the HD's specifications. The upper limits for lead contents are stated in the respective British Standards.

(c) As part of the requirement for approval, the HD would require material test certificates, manufacturer's catalogues and similar documents for consideration. I would obtain those documents from the suppliers and submit the same to China State/Shui On.

(d) Upon obtaining the approval of the HD, I and the purchase officer of Ho Bui Kee would then secure supply contracts from the materials suppliers for their supply and delivery of these materials in the quantities anticipated in the plumbing sub-contracts. However, as soldering materials were sundry items and the quantities of them would vary depending on the workmanship of workers, neither I nor the purchase officer secured supply contracts for them from material suppliers.

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(e) When purchase orders would be issued depends on the works progress on site. From time to time, the supervisor/officer-in-charge would notify the purchasing department through written purchase requests how much materials would be ordered and when they should be delivered to site.

(f) Regarding the sundry materials for the fresh water plumbing system, the requirement (including what materials, how much and when required) was stated by the supervisor/officer-in-charge of the site. These sundry materials included soldering material. They usually sent purchase requests to the purchasing department of Ho Biu Kee for placing orders with suppliers.

(g) When the purchase officers of Ho Biu Kee received the purchase requests, they would then place purchase orders with material suppliers for delivery to site of the materials so requested. For welding/soldering materials, since Prosperity has been supplying the welding/soldering components and materials to Ho Biu Kee for many years, I understand that they would send purchase orders to Prosperity for supply of these materials, which were considered as sundry.

(h) To avoid any confusion, I am not and was not at all material times attached to the purchasing department of Ho Biu Kee; nor the purchase officers worked under me. I have never been involved in placing purchase orders with Prosperity for their supply of soldering materials.

(i) Upon delivery of materials, the officer-in-charge of each site would check that the materials conformed with the delivery note

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and return delivery documents to the accounts office of Ho Biu Kee for confirmation.

3. Question

Mr. Kwong was aware that solder materials should be lead free and thus in placing order for materials, he chose Prosperity who has been dealing with Ho Biu Kee for a number of years. Please confirm, in his course of dealing with Prosperity, whether Mr Kwong has made known to Prosperity that all solder materials ordered by Ho Biu Kee and provided by Prosperity should be lead free.

Answer

(a) In the course of dealing with Prosperity, I told them that the solder materials would be required for jointing water pipes in public housing estates and Prosperity then proposed that we should use "FRY" lead-free solder wire and Powerflow Flux. They then provided the details and samples of the products to us. On the basis of these details, we then prepared our submission to the main contractors/HD.

(b) At that time, I did not know that Prosperity also had and supplied other solder materials which contain lead.

(c) After the lead water incident, I find out from the purchase officer of Ho Biu Kee that after site works commenced at Kai Ching Estate, they were informed by Mr. Chan Siu Wah ("**Mr. Chan**") (the person-in-charge of site work for Kai Ching Estate plumbing sub-contract) that soldering material in the form of solder strips would be required for some water pipes joints in Kai Ching Estate project.

(d) At the material times, my colleagues did not know that the solder strips might contain lead; nor were they aware of the requirements that the solder strips should be "lead free". They simply asked for the supply of "solder strips" (錫條) from Prosperity and Ho Biu Kee was then supplied with "英國 50 力扁錫條" by Prosperity.

(e) As the costs of soldering materials were not expensive, the purchase officer of Ho Biu Kee placed orders with Prosperity for their supply of "solder strips" to comply with Mr. Chan's request.

(f) A similar request for solder strips was made by Mr. Wong Kwai Hung in respect of Kwai Luen Estate project. The purchase officer of Ho Biu Kee also complied with his request and placed order with Prosperity for their supply of "solder strips" (錫條). Again "英國 50 力扁錫條" was delivered to site by Prosperity.

(g) I was not involved in the purchase of the solder strips as they are sundry materials (小五金) and the amount involved were quite insignificant compared with the other materials.

4. Question

Confirm whether Prosperity, in fulfilling Ho Biu Kee's orders for soldering materials, was aware or made aware that the soldering materials were to be used for the purpose of jointing fresh water pipes.

Answer

By reason of the matters set out in Answer to Question 3, I believe that Prosperity, in fulfilling Ho Biu Kee's orders for soldering materials, was aware or

made aware that the soldering materials were to be used for the purpose of jointing fresh water pipes.

5. Question

Provide the "material request forms" in respect of soldering materials for the 2 Estates submitted to the purchasing department of Ho Biu Kee as referred to in paragraph (f) of the Answer to Question 2 in the Statement of Ho Man Biu [K1/55].

Answer

For soldering material, as Kai Ching Estate project was completed in 2013 and Kwai Luen Estate project in 2014, Ho Biu Kee did not keep the above "material request forms" and is therefore unable to provide the "material request forms".

6. Question (a)

Explain why, notwithstanding that he has prepared the relevant documentation and has caused the two Main Contractors, China State and Shui On, to submit to the HA Form DCMP-F716 (ie. sample submission approval form) for "FRY" 99C lead free solder wire together with supporting information to confirm the lead free composition of such solder material, substandard solder strips which contained lead were actually acquired and used to joint the fresh water plumbing pipes in the 2 Estates.

Answer (a)

Please see Answer to Q3.

I should also emphasize that at the material times

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nobody in Ho Biu Kee knew that solder strips were substandard materials or contained lead. Solder strips were then considered as sundry materials and ordered as such by the purchase officer of Ho Biu Kee.

Question (b)

Confirm whether he or any other person in the purchasing department of Ho Biu Kee has checked or verify whether the requests for soldering materials were those specified in the submissions of materials to the HA.

Answer (b)

I myself and other person in the purchasing department of Ho Biu Kee has NOT checked or verified whether the request for soldering materials were those specified in the submissions of materials to the HA.

7. Question

In paragraph (f) of the answer to Question 6 [K1/31], it was stated that the use of the solder strips was known to China State as well as the supervisory staff of the HD(HA). Please confirm whether the use of these solder strips was approved and/or accepted by China State and the HA and identify the persons in China State and the relevant supervisory staff of HA who were aware that solder strips were used to joint fresh water pipes.

Answer

(a) I did not inform China State or HD the use of solder strips as I was not aware of the use of the same in Kai Ching Estate project at the material times.

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(b) Nonetheless, during the course of the plumbing works, China State gave continuous supervision by engaging a management team consisting of a competent and authorized agent who was stationed on site and managed the project work including the plumbing and drainage works undertaken by Ho Biu Kee. The Site Agent was assisted by engineers, general foremen as well as supervisors to look after the execution of works by various sub-contractors including Ho Biu Kee.

(c) The AP / contract manager of the HD and his representatives (including Clerk of Works) also gave periodic supervision as necessary to ensure that the works met specified requirements.

(d) I now find out from Mr. Wong Kwai Hung that solder strips were delivered in loose strips (each approximately 550mm) rather than on reels (solder wires). These solder strips were delivered as set out in material delivery notes in conjunction with solder wires. 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 would avoid the transmission of heat to workers' hands caused by the high temperature welding of solder in wire. On the other hand, when solder strips were used, workers would just hold the strips in their hands (with ordinary labour gloves put on) in the course of welding as the melting temperature was relatively lower. Hence, it is our belief that the use of solder strips, instead of solder wire on reels could easily be identified on site and distinguished by China State as well as the supervisory staff of the HD [HA] during their routine inspection.

(e) Further, we had to inform the main contractors as well as the HD staff of all materials delivered

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C to site for incorporation into works. From time
D to time, HD might request material delivery notes
E to be provided for their verification. As the
F soldering strips were delivered in bulk and under
G delivery orders issued by Prosperity, I verily
H believe that the foremen of Kai Ching Estate
I project should have been well aware of our use
J of solder strips in the Kai Ching Estate. In fact,
K I note as an example it was mentioned in the
L witness statement of Mr. LAM Kai Wong (China State
M Building Services Engineer) that China State did
N receive from Ho Biu Kee Prosperity's delivery
O notes DN93796 [K1/745] and DN93792 [K1/761] for
P Kai Ching Estate in around mid June 2012. These
Q two delivery notes together with delivery notes
R of other materials were submitted to the HD
S Project Clerk of Works through China State's memo
T dated 14 June 2012. For reasons unknown, these
U two delivery notes were submitted again to HD with
V other material delivery notes through China
State's memo dated 23 June 2012.

M (f) Notwithstanding the matters aforesaid, to the
N best of my knowledge, there had been in general,
O a lack of awareness in the construction industry,
P as well as the HA, being the developer for public
Q housing, of the risk of lead in solder and its
R implications for the drinking water quality and
S in turn, the associated health risks.

Q (g) For the HA, as far as drinking water in public
R rental housing estate, HA might not have focused
S on the presence of lead (or other heavy metals)
T in the fresh water supply system or in the water,
U and failed to target soldering materials as a high
V risk item. Hence in accepting newly completed
fresh water installation, the HA required the 8
tests specified in Water Supplies Department
Circular 2/2012 and these tests did not include
heavy metals.

(h) By the same token, China State who was responsible for continuous supervision and accountable to the HA as the contractual party with the HA, might well be aware of HA's specification of using lead-free solder for copper pipe connection but might have also failed to pay due attention to the soldering material used.

(i) Moreover there had been no contractual requirement in the HA's building contracts in regard of the procurement procedure of soldering materials. Being one of the cost-insignificant sundry material items in building contracts, I understand that soldering materials were not included in the monthly interim payment applications submitted by China State to HD.

(j) I would also add that the above scenario also applies to the Kwai Luen Estate.

8. Question

Describe the differences (in components and functions) between solder wire (錫線) and solder strip (錫條). Explain the choice of using solder strips which contained lead instead of lead-free solder wire for the purpose of jointing fresh water pipes.

Answer

I myself do not have knowledge on the difference in components between solder wire and solder strip. For the difference in functions and choice of use, please see answers to Q3 and Q7.

9. Question (a)

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Explain the choice of using the soldering material by the brand name of “英國 50 力扁錫條” and confirm whether such solder strips were used as a result of recommendation by Prosperity.

Answer (a)

For choice of using “錫條”, please see Answer to Q3. To the best of my belief, such “50 力扁錫條” was used as a result of recommendation by Prosperity. Ho Biu Kee only requested “錫條” and Prosperity put forward “50 力扁錫條” to Ho Biu Kee. For the detailed background as to how “50 力扁錫條” was used, please also see Answer to Q3.

Question (b)

Describe the composition of such material and confirm whether it contains lead.

Answer (b)

For composition and content, I myself do not have knowledge on the composition of such material.

Question (c)

To the best of his knowledge and recollection, please confirm whether “50 力扁錫條” or solder strips (as opposed to lead-free solder wires) have been used in the construction and installation of the fresh water plumbing system in other public housing developments in which he was involved and if so, please confirm when he first began using such soldering materials and identify the public housing developments concerned.

Answer (c)

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To the best of my knowledge and recollection, “50 力扁錫條” had only been used by Ho Biu Kee in the jointing of small sized pipes in the Kai Ching Estate and Kwai Luen Estate only. “50 力扁錫條” had NOT been used by Ho Biu Kee in other public housing developments.

10. According to information provided by the Main Contractors, Ho Biu Kee was also the sub-contractor which constructed and installed the fresh water plumbing system in 24 public rental housing developments where no excess lead in drinking water has been identified (the “**24 Unaffected Estates**”). A summary of the contractors and LPs involved in those 24 unaffected Estate is **enclosed**.

Question (a)

Please confirm whether copper pipes were used for the fresh water plumbing system in the 24 Unaffected Estates and whether soldering materials were used to joint such pipes.

Answer (a)

To the best of my knowledge, copper pipes were used for the fresh water plumbing system in the 24 Unaffected Estates and soldering materials were used to joint such pipes. However, solder strips were never used by Ho Biu Kee in the copper pipes for the fresh water plumbing system in those 24 unaffected public housing development.

Question (b)

Please confirm and identify with reference to purchase orders, invoices, delivery notes and other records ("**documentary records**") which type of soldering materials was used for the jointing of pipes in each of the 24 Unaffected Estates. The information to be provided should include the name of the supplier, the brand name, country of origin, specifications of the soldering material used and whether such type of soldering material is lead-free or contains lead (and if so, the percentage thereof). If Ho Biu Kee is no longer in possession of such documentary records, efforts should be made to retrieve all relevant documentary records from the relevant supplier(s).

Answer (b)

For soldering material of 13 unaffected estates built by Shui On and Paul Y, the projects were completed before 2013 and Ho Biu Kee did not keep the documentary records as well as name of the suppliers, the brand name, country of origin, specifications of the soldering material used.

For soldering of 11 unaffected estates built by China State, 10 were completed before 2013 and Ho Biu Kee did not keep the documentary records as well as name of the suppliers, the brand name, country of origin, specifications of the soldering material used.

The Shui Chuen O project was completed in 2015 and only lead free soldering material "FRY" 99C lead free solder wire and Thessco silver brazing rods from Prosperity were used. The approval of these materials from the HD is shown in **Annex A1 (3 pages)**. The purchase orders, invoices, delivery notes and purchase requests showing the name of the Supplier (Prosperity), the brand name and country of origin of the lead-free soldering wire / silver brazing rods are now shown in **Annex A2 (55 pages)**.

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To the best of my memory and recollection, all the soldering materials for jointing plumbing pipes in the 24 Unaffected Estates were supplied by Prosperity and of "FRY" 99C lead free solder wire.

Dated this 3rd day of December 2015.

問：鄭生，鄭生，鄭生。

主席：聽緊廣東話。

問：你聽到我讀咗嗰個證人口供出嚟，我哋亦都見到有個簽名，呢個係咪你嘅簽名嚟㗎？

答：係，冇錯。

問：你都睇過呢份證人口供，你係咪確認裏面嘅內容係真實？

答：確認，係。

問：你願唔願意採納呢份證人口供裏面所講嘅內容作為你嘅主證供一部分呢？

答：接納嘅。

問：我有一條問題想問一問你嘅啫，就係就陳小華先生，你知邊位叫陳小華先生嘛？

答：知道。

問：佢就做咗一份證人口供嘅，個證人口供就係响個文件夾嗰個 K3 嘅 2390，因為裏面有一段係提及過你嘅，就係响第 42 段，即是响個 K3 嘅 2399 嗰度，第 42 段，或者我讀一讀出嚟，好唔好呀？佢話「根據何標記的指示，直徑少於 54」mm「的銅喉是」利用普通嘅「石油氣槍進行走錫焊接的，使用錫條或錫線均可；直徑大於 67」mm 嘅「銅喉則需使用風煤樽作銀焊。在我的記憶中，應該沒有銅喉的直徑是在 54 至 67」mm「之間。何標記的鄭先生於每一個項目開始前都會向打理及判頭給予相關的指示，啟晴邨項目亦不例外。」見到嘛，鄭生？

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答：見到。

問：佢呢度就指出嚟講，就係何標記鄺先生 Kevin，即係你喇，就係話响「每一個項目開始前都會向打理及判頭給予相關指示，啟晴邨項目亦不例外。」你同唔同意？

答：我唔同意。

問：點解唔同意呢？

答：因為喺工程項目，其實我唔係咁認識係呢種物料係用喺咩嘢尺寸嗰方面度，喺技術上我係唔清楚嘅，當其時係。

問：咁所以你就係冇向啲項目打理界相關嘅指示？

答：冇嘅。

問：好，唔該晒。我有其他問題問你嘅，就其他律師會有問題問你，你聽清楚，回答，好唔好？

答：好，唔該。

石先生盤問

問：鄺先生，你好。

答：你好。

問：就首先就問一問關於你個人嘅背景先，你睇睇 2249 頁。

答：唔該。

問：呢個係你嘅證人供詞嘅開始嗰部分，你而家係做 quantity surveyor，係咪呀？

答：係。

問：你之前就喺職業訓練局就修讀過課程，攞咗證書，對嘛？

答：係。

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問：你 97、98 年開始就加入何標記，你加入何標記之前係做乜嘢嘅呢，定係一畢業就加入何標記？

答：我一畢業就做何標記間公司。

問：Okay，你嘅工作裏面就好多時候都要去睇一啲即係建築嘅合約嘅，對嘛？

答：係。

問：建築嘅合約我哋都知道就成本書咁厚嘅，但係如果你做 quantity surveying，你主要有陣時要睇啲啲叫做 bills of quantities，對嘛？

答：係。

問：Bills of quantities 裏面就會有好多即係成分或者啲部件，但裏面就會寫出有啲嘢嘅要求咁樣，但係我哋呢一個案件裏面就牽涉嘅就係焊料，你知道，即係我哋而家主要係講焊料，即係焊接喉管用啲啲焊料。焊料係以你嘅理解就係 BQ 裏面係見唔到嘅，對嘛？

答：BQ 上面係冇顯示。

問：係冇顯示嘅。其他有啲證人都有提過，就係你係知道建築合約裏面--即係建築合約嘅要求，就係就焊接喉管嘅焊料係唔應該含鉛嘅，你知唔知道？

答：係，字眼上知道嘅。

問：呢一個係你聽人哋聽番嚟定係憑你去閱讀呢個建築合約嘅了解呢？

答：跟我閱讀合約嘅理解。

問：跟你閱讀合約嘅理解，由於合約裏面 BQ 啲部分--即係你主要睇 BQ，BQ 啲部分就有提焊料嘅，當然其他嘅部分就有講，你係咪嘅意思係話你睇建築合約其他嘅一啲唔係 BQ 嘅部分，理解到對焊料有呢個含鉛量嘅要求呢？

答：當然，我除咗睇 BQ 之外，仲要睇番我哋所謂嘅 spec. 嘅，spec. 以我認知，裏面係會有講呢一個部分。

問：我哋唔好--即係唔使--因為我哋之前都已經睇過好多、好多次啲

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spec.，我就費事再擺個好重嘅 file 出嚟。

答：好。

問：總之就係有關嘅 spec. 裏面係有提過有關嘅英國標準嘅，對嘛？

答：我就字眼上見到係叫做“lead-free”。

問：“Lead-free”，係，你知道 lead-free 就唔係真係冇鉛咁解，lead-free 只不過係代表含鉛量係要低過某個水平？

答：事件之後係知道嘅。

問：事件之後，不過你即係總之一般嚟講嘅口述，就係叫做 lead-free？

答：係。

問：係，好。你喺公司裏面嘅工作就包括 tendering 同埋 planning，你睇番 2250 裏面，你見到嘛？答案 2(a)，你見到嘛，第一行，係咪呀？你係負責 tendering 同埋 planning for the plumbing works for the 2 estates，我就想知道就係 tendering 即係--我哋聽何文標先生就講過，就係你就會做一啲分析，因為你睇咗啲 BQ，可能你係作出咗一啲數據嘅分析，就即係話畀佢聽，就話「呢一個工程我哋會打算有呢啲嘢要做，我哋估計我哋嘅成本會係幾多。」你就做咗呢啲分析畀佢，何先生就會作個決定係投幾多錢，係咪一般籠統咁講，呢個係做法呢？

答：係。

問：喺你做啲分析嘅時候，你有冇計算譬如話成本，啲料要幾多錢啲，有冇，呢個係咪你其中一部分工作？

答：其實基本上我哋係有一個計個成本嘅，因為其實--因為其實都做咗咁多年，都其實做房署嘅 project，基本上我哋都係有一個 standard price 嘅，只不過係因應即係最靚個環境係會有幾多嘅 discount，就再去投標嘅。

問：但係...

主席：你可唔可以大聲少少講嘢呀？

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答：哦，好。

C

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主席：得，得。

D

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問：但係你哋有一啲基本--有啲 standard 嘅價錢，係咪呀？你意思係？

E

F

答：係。

F

G

問：但係嗰啲 standard 價錢就唔包呢個焊料嘅，對嘛？

G

H

答：唔係，因為 BQ 裏面...

H

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問：因為焊料唔係 claim --即係佢唔係畀錢你買焊料㗎嘛？

I

J

答：因為 BQ 裏面有焊料嘅，其實就有包呢樣嘢。

J

K

問：係喇，有包㗎嘛，所以買焊料呢啲嘢就係何標記要自己拎荷包買，對嘛？

K

L

答：其...

L

M

問：即係佢要自己去吸收嘅一個成本嚟嘅，對嘛？

M

N

答：當然，係。

N

O

問：即係我個意思就係...

O

P

主席：唔係，我唔係好明，你嗰個 standard pricing 係咪你講緊係你哋何標記就譬如會 charge 瑞安幾多錢，就有一個 standard pricing 抑或點樣樣呀？

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答：其實係我譬如啲公屋地盤嗰啲，因為其實佢好多時候都係 standard 一個單位、一個單位咁樣，其實基本上我哋自己有個 price list，即係自己我有個 price list，就邊啲物料大約幾多錢、幾多錢咁樣嘅。

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主席：邊一個咩嘢話？

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石先生：物料。

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答：即係啲喉管呀，...

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主席：哦，得。

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黎先生：對唔住，對唔住，你話自己，即係公司嘅定咗嘅價格？

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答：我有張價...

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主席：你定...

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黎先生：公司定--公司自己定嘅？

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答：係。

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黎先生：即係個個都--各間公司都唔同嘅？

N

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答：冇嘅。

O

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黎先生：問問公司都唔同？

P

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答：係我哋自己本身嘅。

Q

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黎先生：你哋自己公司定嘅。

R

R

主席：即係你哋譬如銅喉，呢個屋邨要幾多錢 1 metre，你哋自己就有個 standard pricing，係咪咁嘅意思？

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答：係，冇錯。

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問：你哋去做--你做呢個分析嘅時候，你都要計算你哋用各種所謂小五金嘅成本嘅，有冇做呢樣嘢？

答：冇。

問：冇嘅？

答：冇。

問：點解冇呢？

答：因為 BQ 裏面其實最主要係喉料、掣啲啲，佔嘅成分會比較重，相對啲啲雜項嘢因為比較細微啲，我哋所講嘅細微啲，就有計到呢個嘅成本落去嘅。

問：你有計到呢個成本落去，但係事實上就係需要作為成本一部分㗎？

答：係。

問：你就真係覺得太過細眉細眼，就算唔計落去，你哋個 profit margin，所謂賺個水位都會夠搵，係咪呀？

答：當然，正如我哋所謂我哋自己嘅 standard price list，我自己會 make 咗-- assume 咗一個係個 percentage 個--幾多 per cent 係個價錢裏面囉係，involve 咗喺裏面。

主席：聽唔到，對唔住，再講多次。

答：即係喺我自己個 standard 個 price 個度，喺個喉管裏面，我自己已經係計算咗一個 percentage 係 for 呢啲小五金嘅。

主席：即係譬如銅喉，譬如啫，10 釐 1 metre，其實裏面可能都已經有 5 毫子係焊料咁嘅意思，係咪咁呀？

答：可以咁樣講。

主席：我想問下你，因為從來都好似冇人問過你哋嘅，就係成日都講小五金佔好細嘅百分比，譬如好似喺呢一個--譬如喺你哋公司嚟講，或者喺葵聯又好，喺啟晴又好，其實講緊係幾多個 per cent，即係個 contract sum 裏面有幾多個 per cent 係小五金呢？

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答：大約我會預 5 個 per cent 左右。

主席：5 個 per cent 嘅小五金，得。

問：所以就你喺做呢個分析嘅時候係冇做過任何走去攞 quotation 或者自己攞支筆出嚟計下「我假設呢度要用幾多卷呢個焊料。」係冇經過呢一個步驟嘅，只不過就係你約定俗成，喺你定每一件 BQ 裏面有提嘅嘢嘅價錢嘅時候，你就 build in 咗一個位就係當係包埋小五金嘅，係咪咁解？

答：係。

問：好。我哋講番就係你哋嘅一般合約嗰個做法，就係你知道房委會裏面即係呢一種嘅建築合約，佢裏面有一啲嘅 items，一啲嘅部件部分就係強制性合約，一定要呈交一啲樣本係畀房委會係去審批嘅，你知道嘛？

答：知。

問：PLU2，係咪呀？嗰啲係？

主席：潔具嗰啲，係喇。

答：我嘅認知就係基本上所有嘢都係要呈交物料。

問：得。

答：你所指嘅 PLU 係邊一 part？

問：我...

答：係 specs. 裏面嘅 PLU2？

問：係。

答：因為 PLU2，以我印象中，係講緊潔具嘅。

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問：係。

答：潔具就喺呢兩個項目裏面就唔係我哋何標記做供應，相對所以我就唔會...

問：我明，我明，喺呢兩項裏面嗰啲潔具因為你係--應該係預製組件嚟，係咪呀？嗰啲係應該係屬於。

答：唔係，係潔具。

問：潔具，okay，得，明白。我哋唔好講 PLU1、PLU2，就無論合約要唔要求都好，實際上就好多嘅部件或者你話全部件都要事先呈交房委會去審批嘅，咁就包括小五金都係嘅，對嘛？

答：係。

問：或者某部分嘅小五金？

答：係。

問：焊料係喇，我哋知道。

答：係。

問：我一陣間就會問一問你焊料嘅--我而家問喇不如。焊料，你哋不鏽做開就係約定俗成，有個基本嘅流程，呈交呢一啲咁樣嘅樣辦，對嘛？

答：係。

問：主要就係當你知你哋公司成功去競投咗有一個 project 返嚟做，當你要就提供一啲樣辦嘅時候，譬如話焊料，你可唔可以同我講一講個流程係咩嘢呢？譬如話你話「我今日要提供一大堆嘅嘢去」--即係我知道焊料佔好少部分，但係即係你要針對淨係焊料，你嗰個工序係點樣？

答：首先我--因為雋景其實我哋公司合作咗都好多年嚟喇，基本上...

問：停一停先，你加入何標記嘅時候，何標記開始同雋景合作未？

答：以我接手做 submission 嘅時候就有，但係你話合作--因為原先我做嗰陣時就經驗唔知，未識咁多公司，你話佢哋建立咗咩嘢關係，我就冇咩嘢印象喇已經。

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主席：到你接手做 submission 嗰陣時候，...

答：就知道有呢間公司。

主席：...就已經有--知道有，你係大約幾時開始接手做 submission？

答：大約應該係...

主席：唔會...

答：二千年-- 2003 左右，「沙士」時間左右。

主席：得，好呀。

問：好，嗰陣時就雋景就已經係一間現有與何標記有合作關係嘅供應商，有冇人話畀你聽--因為呢啲好多時候都係例行，即係做開就係咁做，有冇啲同事或者你嘅上手教你，就話「呢啲焊料就係同雋景攞嚟喇。」定係你主動地要去吵下，應該搵雋景定係搵邊間咁呢？

答：唔係，因為我自己就知道雋景係做小五金嘅。

問：你知道係因為你喺公司裏面聽啲同事講或者即係你上手傳落嚟畀你？

答：係。

問：你就知道雋景係做小五金嘅？

答：係。

問：所以就你就好順理成章地，當你要做 submission 嘅時候，你要攞小五金嘅樣辦，你就會走去搵雋景？

答：係。

問：好，你知道要攞焊料，你會點樣去接觸雋景？

答：我會用電話形式，會打畀雋景嗰面嘅同事。

問：你唔會搵周老闆本人嘅？

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答：我搵周老闆。

C

D

問：你搵周老闆嘅？

D

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答：係。

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問：Okay，我想知，雋景唔係寫字樓做生意，就係一個地舖咁嚟嘅，係咪呀？應該係？

F

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答：我唔清楚，因為我有上過去個地方。

G

H

問：你有去過？

H

I

答：係。

I

J

問：唔緊要喇。你就搵雋景就...

J

K

主席：好似唔係地舖嚟嘅。

K

L

石先生：唔係，唔緊要。

L

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問：你搵雋景就問佢擺呢啲 sample？

N

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答：係。

O

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問：你同佢講你係用乜嘢嘅形式去形容嘅呢？

P

Q

答：做食水嘅焊料。

Q

R

問：焊料，即係你用「焊料」呢個名稱嘅？

R

S

答：係。

S

T

問：食水嘅焊料，雋景就會提供...

T

U

答：就提供咗呢隻牌子畀我哋。

U

V

問：好，就大家都知嘅，呢隻好熟嘅大家，就綠色一卷卷呢個就 FRY 無鉛嘅焊料？

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答：係。

問：我想知道就係其實在出事呢兩個 project 之前，其實何標記都做過好多其他嘅項目㗎喇？

答：唔。

問：你嗰陣時做 submission 就一路都係約定俗成，就係話搵佢擺食水焊料？

答：係。

問：電話口講？

答：係。

問：佢就會次次都送一卷呢個 FRY 咁畀你？

答：係。

問：你問雋景擺 FRY 嘅時候，就其實都係會順帶雋景會畀埋一套相關嘅文件畀你嘅，證明文件畀你嘅，對嘛？

答：佢會畀埋我哋嘅。

問：你會唔會特別指明要佢畀定係呢啲大家心照，你擺得，佢知你做 submission，一定會成套畀埋你嘅呢？

答：即係做開，大家都知道咁樣做㗎喇。

問：係，我明。

答：就算如果佢話冇話 by hand 擺畀我，或者都會其他方式，可能 e-mail 過嚟畀我哋。

問：得，每一次做 project 問佢擺辦，都要擺一套新嘅，對嘛？

答：係。

問：因為可能會有變，可能盛嘅，所以每一次都會擺一套新嘅文件，對嘛？

答：係。

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問：咁就係其實大家有陣時心知，就係尤其是呢啲焊料，其實你今年問佢擺個辦同埋下年問佢擺個辦，佢來來去去都係畀番呢卷嘢你嘅啫，所以其實你係咪做落，你心裏面都大約有個 idea，有個諗法就話「我次次打去問佢擺辦，其實佢都係畀番例行公事都係呢一拵咁嘅嘢我㗎喇。」係咪即係一般有呢個咁嘅認知嘅呢，其實？

答：我唔係好明白你...

問：其實你每一次問雋景去擺食水嘅焊料，你未出事呢兩個屋邨之前你問佢擺，佢次次都係畀一卷 FRY 嘅呢啲錫線你嘅？

答：係。

問：所以你開始接任做 submission 嘅時候，擺得嗰十次、八次，次次佢都畀咁嘅嘢你，所以到到大約譬如話呢兩個 project 前，你大約其實你每一次打去搵佢，你都大致心知道就係話你問佢擺，其實佢都畀番同樣嘅一套嘢你？

答：畀番呢一款嘢，係。

問：即係唔係一啲好特別需要你留意嘅嘢，同埋一啲流水作業嘅嘢嚟㗎喇，已經變成，對嘛？

答：唔需要，係，係。

黎先生：我想知係咪通常係咪免費嘅，呢啲辦？

答：以我所知，就應該係免費嘅。

主席：免費嘅，係咪呀？Okay。

問：得。我想畀你睇一睇就係 B15.1。

答：唔該。

問：第 37822 頁，呢個就係啟晴嘅嗰個 submission 裏面其中嘅一部分，37822，你見到就係一個雋景“Prosperity Building Material Co Ltd”，雋景嘅英文名，佢就有個“Major Job Reference”，

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咁就“‘FRY’松香膏/無鉛錫線”，你就有一系列嘅即係佢哋用過FRY，而又曾經即係用過喇總之，嘅業績，對嘛？

答：唔。

問：呢啲都係一啲好標準嘅文件嚟嘅？

答：係。

問：即係基本上就係話畀你聽用呢隻嘢就有錯㗎喇？

答：唔。

問：你就照遞畀主承建商？

答：係。

問：佢哋呢啲就會自動就會擺上去房署，就會審批落嚟？

答：係。

問：一次過睇埋佢喇，你睇番 37811 頁，呢個就係呈交界房署嗰個 submission 嚟嘅。

答：係。

問：你個人唔處理呢個文件嘅，係咪呀？

答：唔係我處理嘅。

問：但係呢個你都認知，就係當你呈交咗啲樣本去畀瑞安也好，中國建築也好，佢就會將你呈交嘅樣本就砌成一套咁樣嘅 submission，咁就會呈交上去畀房署，對嘛？

答：係，知道嘅，係。

問：裏面就有晒啲資料，你畀佢嗰咩文件，譬如話你睇番 37820，呢啲就係你喺雋景擺番嚟就呈交界中國建築，就由佢再呈交界房署，係咪呀？

答：係。

問：呢啲文件就係雋景畀你㗎喇，呢一咩？

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答：係。

問：好。

主席：我想喺呢一度停一停，你話既然有睇過呢啲咁樣嘅嘢，呢度呢個 bullet point 第 4 點嗰度你都睇過㗎喇，係咪？Bullet point 第 4 點，“Meeting the health and safety requirements for potable water supplies”，睇過？

答：因為其實基本上呢啲咁嘅 catalogue，其實因為我--以我認知，喺 spec. 裏面其實最主要係 lead-free 嘅啫，我見到佢 lead-free，基本上我就會遞番上去㗎喇。

主席：我知，我明，我明，即係而家--即係換句話嚟講，我想問嘅，就係其實即係唔單只你知道係 lead-free，你仲知道係因為要係 for 個 health and safety of 呢啲 potable water。

答：唔係，因為呢份 catalogue 我唔會話好詳細咁樣睇嘅。

主席：啱，你明唔明呀？因為你話 lead-free，可以有好多原因 lead-free 㗎嘛，譬如可能話有啲 technical requirement，總之如果你有 lead 嘅，可能焊唔到嗰啲喉諸如此類，不過呢個 lead-free 係 for 呢一個原因㗎嘛，你明嘛？

答：唔。

主席：你同意我講咩嘢？

答：而家同意。

主席：嗰陣時你唔知呀，你嘅意思？

答：因為之前係冇留意呢樣嘢。

主席：冇留意呢樣嘢，得，繼續。

問：即係你淨係知道應該要唔含鉛呢個概念，但係內裏嘅底細點解，你就冇深究，對嘛？

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答：係。

問：Okay，好喇，我哋擺埋呢個 file 先。擺咗呢個審批返嚟，主承建商就會通知你就審批咗咁樣？

答：係。

問：其實呢啲嘢，頭先話齋，就即係都幾例行公事下嘅，所以你都唔會話特別爆炸性嘅消息嚟嘅，你都預咗㗎喇，對嘛？

答：唔。

問：做得咁耐，其實我想問你就係當你知道呢隻料批咗，你哋何標記內部有冇一個既定嘅做法就係令到負責採購嘅同事或者地盤嘅同事或者任何與決定用乜嘢材料嘅同事都知道呢一個 project 做焊料就係要用呢隻，有冇任何嘅機制或者做法去確保有關嘅人士，何標記內部係知道嘅呢？

答：冇。

問：冇嘅，都好坦白，冇就即係如果你知道有呢一個審批咗返嚟，就有一個工序或者程序係要做一個表出嚟，就包含呢一個小五金，即係呢一種嘅焊料，就一個 circular 也好，一個表也好，或者整一塊板又好，點都好，就通告何標記內部，舉個例，你哋如果搵雋景落單，就唔該就指明係要 FRY，就有呢樣嘢？

答：冇。

問：冇。地盤嘅同事就唔會你特別要話畀佢聽嘅，冇，冇呢個做法？

答：冇。

問：佢自己會唔會久而久之知道係另外一回事，但係你哋就有一個工序，有個 circular、有個 notice 或者點，就有嘅？

答：冇嘅。

問：你哋內部寫字樓裏面負責落單嘅同事，我知道有 Jess（譯音）或者有黃慧萍，黃慧萍女士，係咪呀？係何先生嘅 PA，係咪呀？

答：（沒有可聽到的回答）

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問：關於呢啲落單嘅同事，佢哋亦都--你哋有一個機制係通報佢哋，係冇嘅？

答：冇。

問：冇。佢哋自己會唔會久唔久之自己知道係另計，但係你哋有一個制度、一個機制，冇嘅？

答：冇嘅。

問：冇。冇就唔係一定係有事嘅，因為即係可能啲人自己會--我哋講俗啲，就叫自動波識行咁樣，我就問你，值得你去擺審批，咁即係表示其實擺咗審批返嚟，你係預料審批咗嘅材料會係被跟隨去用㗎，對嘛？

答：以我所知，係需要批嘅啫。

問：你知道房署需要批，批完之後，你嘅期望同埋房署嘅期望都係批咗之後你哋用佢批個隻，對嘛？

答：因為我哋冇溝通過係話要用呢隻嘢。

問：你同邊個冇溝通過？

答：採購部同事。

問：你估採購部同事知唔知道點樣採購嘅呢？

答：佢哋係跟番小五金知--如果知道係雋景，就搵番雋景買囉。

問：你知道佢搵雋景要買焊料，佢會點樣同雋景溝通呢？佢話「我訂」乜嘢呢？

答：以我所知，佢哋都係根據物料請購單就送番去畀即係雋景，雋景就會送番佢哋要求嘅嘢落番地盤。

問：以你所知，寫物料請購單嘅同事，即係地盤啲嘅同事，佢哋會點樣與採購部嘅同事溝通，即係佢哋會用咩嘢嘅方法去傳遞佢哋要乜嘢嘅呢個訊息呢？

答：我淨係知有物料請購單，其他我就唔知道。

問：即係你淨係知道用一個物料請購單嘅呢一個東西，佢哋要寫佢哋要乜

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上去，但係佢哋點寫、用乜嘢詞語，你就唔知？

答：係。

問：你覺唔覺得就係其實中間有個斷層喺度呢？即係批就批咗，但係其實實際落手落腳做嘅人係唔知道批咗乜嘢，你覺唔覺得會有呢個情況，一個斷層，一個資訊上好似斷咗層咁樣呢？

答：其實可以話我哋缺乏溝通。

問：好喇，缺乏溝通之餘，就係頭先我問過你，不過我再確保，就係事實上你係唔知道地盤嘅同事寫請購單上嚟嘅時候，係用乜嘢詞語形容呢樣嘢嘅，對嘛？

答：唔知道。

問：唔知，你哋採購部嘅同事佢哋接收咗呢個訊息要採購一大炸嘢，包括呢個焊料，佢要向雋景落單嘅時候，佢用乜嘢嘅言詞、用咩嘢嘅詞語、用咩嘢嘅形容與雋景溝通你亦都係唔知道嘅？

答：唔知道。

問：喺呢個公司嘅內部架構裏面，其實你都唔係負責落單走去買呢啲部件或者係焊料嘅，對嘛？

答：對。

問：你嘅工作就係負責去一啲籌劃、tender 嗰方面嘅嘢？

答：係。

問：落手落腳買嘢呢一啲相對地比較機械性嘅步驟就唔係你做嘅，對嘛？

答：唔係我負責。

主席：即係 submission 同買嘢係完全兩件事嚟嘅？

答：係，我哋分開。

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問：而因為呢一啲係小五金，比較零碎，所以你正如你嘅證人供詞 2(d) 所講，你哋就有話同一啲供應商訂立一啲比較正式嘅所謂供應合約，寫到明供應幾多，就有喇，就有需要就訂，佢就嚟貨咁樣，係咪呀？

答：唔。

問：你知唔知道地盤裏面邊一啲嘅同事或者打理或者每個 block 裏面負責嗰啲叫做判頭，邊一啲同事係有權寫一啲請購單 send 番嚟寫字樓，你知唔知道邊啲同事有呢個權責去做呢啲嘢？

答：我知係打理可以。

問：你知打理係可以嘅？

答：係，其他人就未必，唔知道。

問：其他人就唔知道嘅，好。

黎先生：我問一問你，據你所知，你哋同雋景之間就只係提供過一隻樣辦畀你，係關於燒焊嘅樣辦，淨係呢一隻啫，係咪呀？

答：係。

黎先生：淨係呢一隻，冇經過其他嘅樣辦？

答：冇其他牌子。

黎先生：Okay。

問：確保冇誤解，就係每一次都係即係有啲信差或者同事，你上去擺或者點，就真係擺一嚟咁嘅嘢？

答：佢會擺上嚟畀我哋。

問：綠色一卷，擺上嚟畀你，頭先專員--委員黎委員佢就問你有第二啲嘢，確保就係你有見過一條條長形，我而家 show 畀你呢一隻叫做英國 50 力，你有見過，係咪呀？

答：事發前有見過。

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問：事發前有擺過上嚟嘅，冇？

答：（沒有可聽到的回答）

主席：銀焊就有見過？

答：呢啲係事發之後就見過，因為...

主席：銀焊，有冇見過？

問：唔係，銀焊，銀焊，唔係呢隻，有種叫銀焊嘅。

答：銀焊，都係一條條嘅你意思？

問：係。

答：係。

問：嗰啲有？

答：都有，都有。

問：得，係，但係長形呢一隻就有喇。

主席：其實即係換--我哋唔好淨係講房署，因為你哋公司都有做啲建築署
嗰啲嘅，醫院又我哋亦都聽到有，其實講食水，係你入咗何標記咁耐，
如果講食水喉焊接，都係講呢一隻綠色？

答：係。

主席：得一隻？

答：係，得一隻。

問：講番地盤，我哋都聽過，就係--遲啲我哋都會問你有關採購嘅同事，

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但係你自己知道地盤 send 呢一啲請購單上嚟係透過傳真，對嘛？

答：唔。

問：就有關嘅打理就會喺上面寫咗佢嘅要求，就 fax 番嚟寫字樓，對嘛？

答：唔。

問：你話打理會有權，但係你有冇聽過喺啟晴邨呢一項目其實除咗打--啟晴邨嘅打理就係陳小華，你知道嘛？

答：知道。

問：你識佢嘅，你知佢係邊個喇？

答：知道。

問：佢係駐喺地盤嘅，係咪呀？

答：係。

問：你就駐喺寫字樓嘅？

答：我喺寫字樓。

問：以你嚟講，你知唔知道啟晴邨除咗陳小華係叫做打理，有權寫呢一啲請購單 fax 番嚟之外，有冇其他嘅駐喺啟晴邨地盤嘅同事都有權去 fax 呢一啲嘅請購單返嚟？

答：其他同事，我唔知道。

問：你唔知道，好。好喇，我想你睇番你嘅證人供詞嘅第 3(c) 嘅答案，即係第 2253 頁，2253 頁，我哋睇番 (a) 嗰度先，3(a)，3(a) 你就話其實你同雋景嘅交往裏面，你就同佢哋講係話你係有提到係啲焊料係要嚟連接公共屋邨嘅水喉，你其實係咪真係講到咁仔細咁文雅話「我係要嚟連接公共屋邨嘅食水喉。」呢？定係即係好似正如我哋頭先所講，就話食水嘅焊料咁呢？

答：即係食水焊料。

問：食水焊料？

答：因為佢都知我哋係做水...

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問：即係你唔會特別講話「今次我呢一批就係要嚟做公共屋邨。」你唔會講到咁仔細㗎嘛？

答：係，唔會，唔會。

問：即係食水焊料，你就假設雋景就知道應該畀啲乜嘢合乎規格嘅料你喇？

答：係。

問：你就跟住就話“Prosperity then proposed that we should use “FRY” lead-free solder wire and Powerflow Flux.”，就好似雋景「我推薦你用。」其實就即係冇話一個推薦或者提議嘅過程嘅，你問佢擺辦，佢就 send 嚟咁嘅綠色嘅嘢畀你就係㗎喇？

答：唔。

問：即係你冇得話選擇話要或者唔要嘅，總之呢一啲即係--對嘛？

答：唔。

問：即係冇話咩嘢討論又盛嘅？

答：冇。

問：總之你問佢擺，佢就畀你，係咁樣？

答：唔。

問：好喇，你睇番 3(c) 嗰度，你就話出現咗呢個鉛水事件之後，你就從何標記嘅採購嘅人員嗰度就知道咗有某啲事情，關於陳小華先生講或者做嘅一啲嘢，首先我想問你，就係你從邊一個採購人士或者人員口中知道呢件事情嘅呢？因為你嗰個證人供詞淨係講，用咗“purchase officer”，仲係用單數，但係下面嗰行就“they were informed”就用咗雙數，其實你係同一個採購人員口中聽見咩，定係同唔同嘅人口中聽到呢？同埋係邊個呢？

答：呢個喺趙小姐嗰度聽番㗎。

問：邊個？

答：趙小姐。

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問：Jess（譯音），係咪呀？

答：係。

問：Jess，趙小姐口中聽嘅，okay，我哋知道。好喇，但係你跟住第三行用咗“they”，“they”即係多過一個，即係會唔會從趙小姐之外，仲有第二個口中聽到呢？

答：我就有印象係同佢講咗。

問：你淨係...

答：有印象。

問：...有印象同趙小姐講過？

答：即係喺佢嗰度聽番嚟，唔係我講畀佢聽。

問：喺佢度聽？吓？

答：喺佢度聽番嚟，唔係我講過畀佢聽。

問：喺佢嗰度聽番嚟？

答：係。

問：係出咗事之後？

答：係出咗事之後。

問：係大家閒談之中傾開定係你主動走去問佢定係點呢？

答：都係傾偈講開，呢啲都係。

問：即係你唔係一個主動地走去...

答：我話比較被動啲嘅。

問：吓？

答：我比較被動啲。

問：你被動啲，咁所以你就唔會主動，但係可能大家寫字樓傾開偈，或者

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可能佢主動同你講又盛，但係就唔係一個你主動走去好熱心地想找出原因，就唔係一個咁樣嘅過程嚟嘅？

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答：係。

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問：即係不是咁嘅過程？

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答：不是。

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問：而係總之佢大家傾談中係唔係刻意地走去問咁樣嘅過程當中，佢同你講嘅，對嘛？

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答：唔。

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問：佢同你講就係採購部就聽陳小華講，就係要訂呢一啲叫做 solder strips，好喇，呢篇嘢係用英文寫，我想問你就係其實趙小姐點同你講呢？佢唔會用英文講"solder strips"㗎，佢同你話陳小華話啟晴邨裏面都要訂咩嘢呢？

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答：嗰啲錫條囉。

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問：趙小姐同你話陳小華係作為啟晴嘅打理，就向採購嘅同事話啟晴邨嘅焊料係要訂錫條？

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答：錫條。

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問：佢話"for some water pipes joints in"啟晴，用番你自己嘅記憶，佢同你講係話有啲喉管係要用錫條嚟到焊接，係咪呀？或者有啲喉管係要訂錫條定係點呢？

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答：係。

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問：即係我唔係考你記憶，但係大意就係話...

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答：大致上係咁樣。

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問：...啟晴邨裏面有啲嘅喉管係需要用錫條？

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答：係有用嘅，係喇。

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問：好。趙小姐有冇同你詳細啲咁樣去解釋，就係啟晴邨裏面邊一啲嘅喉管係需要用錫條，有邊一啲係用唔係錫條嘅焊料呢？

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答：冇。

問：冇，咁你聽見趙小姐同你講話陳小華話啟晴邨裏面有某啲嘅喉管係要用錫條，你嘅腦海中有冇諗過呢種所謂錫條同你不鏽跟雋景擺開一卷卷呢啲 FRY 有乜嘢分別，或者呢一隻所謂嘅錫條就同食水含鉛有咩嘢關係，呢兩點有冇喺你腦海中經過呢？

答：因為...

問：因為你同趙小姐嘅對話唔會無端端噏出嚟㗎嘛？

答：唔係，因為呢個對話係事發--即係有呢件事發生咗之後，先講起。

問：停一停先，咁即係你已經知道有食水含鉛呢個事情喇？

答：係。

問：好喇，佢同你講話陳小華話有啲要用錫條，你腦海中點樣去消化呢一個訊息呢？同鉛有咩嘢關係呢？

答：當其時冇嘍，淨係知係話唔係用緊呢一隻嘢。

問：即係話你同趙小姐嘅對話就令你知知道原來啟晴邨唔係用緊你不鏽同雋景擺開嗰隻 FRY？

答：唔。

問：而係用緊亦都有一隻叫做錫條嘅嘢，對嘛？

答：唔。

問：但係你有冇深究呢隻錫條嘅成分係乜嘢，或者係要嚟焊接啲乜嘢，你有冇深究呢？

答：冇。

問：就聽咗就算，係咪呀？

答：係。

問：你當時有冇見過呢一隻口中傳番嚟嘅錫條呢？事後，事後。

答：之後有見過。

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問：事後有，喺公司見到？

答：之後，見到。

問：就係即係趙小姐畀你睇？

答：唔係，因為我哋就搵咗雋景，就擺咗啲 sample 嚟睇嘅。

問：Okay，即係你搵雋景問佢「其實你仲有畀咗啲咩嘢我哋？」雋景就畀咗一支支啲啲咁樣嘅錫條你睇，係咪呀？

答：唔。

主席：成盒抑或一條條？成盒抑或一...

答：一條條嘅。

主席：一條條嘅，唔係成盒畀你哋嘅？

答：唔係一盒嘅。

問：因為我頭先問你，就係你同趙小姐呢個對話就唔係喺一個真空嘅地方發生嘅，因為有個背景，背景就係知道食水含鉛，趙小姐又同你講就係陳小華就話要除咗訂一路用開啲嘢之外，就亦都係需要訂啲錫條，你個陣時知唔知道，或者睇新聞也好，從邊度也好，知唔知道食水含鉛呢個問題嘅來源係因為焊接喉管嘅焊料係可能係裏面有鉛份，呢一樣嘢你喺同趙小姐嘅呢個對話嘅時候，你有冇留意到有啲咁嘅報導？

答：我有好實質留意新聞報導，因為其實只係知道係有--估計係咁樣啫，但係實質係咪咁樣，我都有留意。

問：你腦海中有冇--英文我哋叫“put 2 and 2 together”，有冇自己作出咗一個結論，就話「會唔會就係陳小華叫趙小姐哋訂啲隻錫條中咗招，裏面係含咗鉛。」呢？喺你腦海中有冇閃過呢一個念頭？

答：我唔敢推斷係咪。

問：唔使驚，即係我哋日常中其實諗好多嘢嘅，諗咗出嚟嘅嘢未必係嘅，

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但係即係你有冇起碼閃過呢個念頭呢，喺個腦海中？

答：可唔可以再講多次？

問：你聽趙小姐同你講，就係話陳小華提議喺啟晴嘅 project 用錫條作為某啲喉管嘅焊接物，你聽見佢咁講，你個腦海中有冇諗過呢個念頭或者懷疑或者諗下會唔會係呢，就係「食水含鉛會唔會就係因為我哋喺啟晴用咗呢一隻唔係我哋用開嘅焊料呢」？

答：唔會，冇咁...

問：冇？

答：冇。

問：真係聽過就算喇？

答：冇，因為喺呢個食水系統裏面有好多樣嘢嘍嘛有，有喉、有配件、有掣，係咪真係實質係嗰樣嘢，我有諗到。

主席：即係連佢個可能性都冇諗過？

答：冇。

問：睇下 (d) 嗰度，(d) 嗰度，你就話 "At the material times"，即係話當時，唔係事後，當時你嘅同事就唔知道原來錫條呢樣嘢係會含鉛嘅，而你嗰啲同事亦都唔知道原來係即係啲錫條係需要無鉛嘅，佢就總之淨係訂錫條，Prosperity 就供應咗 50 力，呢一段嘢嘅內容都係事後趙小姐同你講嘅，對嘛？

答：我事後知道。

問：你事後知，趙小姐話畀你聽嘅，係咪呀？

答：係。

問：你同趙小姐呢個對話就知道原來有呢一個詞語叫做錫條，就係陳小華提議用嘅，喺啟晴，你有冇知道--即係從趙小姐口中也好，你哋不聽

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從雋景攤開一卷卷呢一隻 FRY，其實採購部嗰啲同事又用乜嘢名嚟到形容嘅呢？

答：冇留意。

問：冇，即係你淨係知道陳小華提議咗一種新嘅嘢，叫做錫條？

答：唔。

問：但係你就冇去考究或者冇去查「咁不嬲一卷卷呢啲叫做乜嘢呢？」你就冇--...

答：冇。

問：...冇深究，冇去追問，冇理？

答：冇。

問：我想請你睇一睇你嘅證人供詞裏面嘅 7(e)，7(e)，你就話中國建築係應該知道啟晴邨係用緊呢個錫條嘅，跟住你就列舉咗一啲嘅例子，你見到喇，就係話呢個林啟煌（林繼煌？）先生，Lam Kai Wong，係中國建築嘅 building services engineer，佢嘅證人供詞就承認咗佢係收過兩份送貨單，呢個送貨單就亦都係經過中國建築嘅手係呈交咗畀房署嘅 project clerk of works 嘅，你見到呢度。但係其實我就想知道番你個人嘅認知嘅問題，呢一啲送貨單交去畀中國建築，唔係你交㗎，對嘛？

答：唔係我交。

問：因為呢啲送貨單就係送到去地盤嗰度，就係地盤收貨嗰啲 staff，嗰啲同事就簽名收貨？

答：係。

問：佢跟住可能佢就會交一套或者交一份，或者話交兩張，就會交界中國建築，就唔會經你手，係咪呀？

答：唔經我手嘅。

問：Okay，所以其實你話你相信中國建築係會知道啟晴邨呢個項目裏面係有用過錫條，就係純粹係你係基於你知道有啲送貨單係會經過咗中國建築嘅手，而你作出嘅推論，唔係因為你個人同中國建築嘅人傾過，

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你真係知道佢係知道嘅？

答：冇傾過嘅。

問：冇傾過嘅？

答：係。

問：純粹就係因為你作出一個咁嘅推論，就係話如果畀得你，你梗係知喇咁？

答：係。

問：但係如果佢話「我係冇睇㗎㗎。」你唔會堅持嘅，對嘛？

答：唔。

問：Okay，好。問番你，你每一次打去搵雋景擺呢個樣本，你就會話「我要擺食水嘅焊料。」喇？

答：唔。

問：但係有冇任何第二啲情況，你會同雋景嘅周先生也好或者同同事也好，會用其他嘅形容詞或者語言嚟到形容呢卷咁嘅嘢嘍？

答：都係講焊料。

問：會唔會講話「一卷卷嘢」或者「啲 FRY」，有冇用呢一啲各種嘅形容詞講，定係純粹就係用「焊料」呢？

答：焊料。

問：焊料？

答：係，因為點解呢？因為我同佢講話擺焊料嘅時候，佢基本上就唔係淨係擺一卷嘢嘅，都會包括埋啲銀焊支啲嘢上嚟。

問：所以你話要焊料，其實唔係...

答：佢一套咁樣係...

問：...淨係講話呢隻嘅，因為其實有啲特別嘅管係需要用銀焊支嚟到焊㗎㗎？

B

B

C

答：唔。

C

D

問：所以佢就係會自動波喇喇，可以話係？

D

E

答：係，即係會執上嚟畀我。

E

F

問：好，但係...

F

G

主席：包埋松香膏？

G

H

答：係，包埋松香膏，係。

H

I

I

J

問：一 set 咁樣自動波喇到，就唔會淨係畀一卷你？

J

K

答：係。

K

L

問：焊料就所以係籠統地就係包括一個大家知道 standard 嘅食水系統嗰
啲喉管需要用嘅材料，膏同埋實際嗰個燒焊熔落去嗰 pack 嘢都係叫
焊料，對嘛？

L

M

答：對。

M

N

問：你有冇聽過人叫呢一卷嘢-- FRY 呢卷嘢做錫線？

N

O

答：有。

O

P

問：有，乜嘢情況下聽到？

P

Q

答：冇乜印象，即係只係行內術語。

Q

R

問：事發，即係呢個食水含鉛事件爆發出嚟之前有冇聽過？定係爆發之後
先聽人講？

R

S

答：因為我好少對外其他人嘅，我就冇乜印象聽人講係其他名詞，因為我
自己所講，我同雋景講話焊料嘅，咁都識執呢啲嘢畀我，就有講話係
嗰啲所謂焊線定係焊條，冇話。

S

T

T

U

問：咪係喇，所以你平時講開就係話焊料，人哋就會畀呢咗咁嘢你，我
相信呢啲叫做相對地微細嘅嘢，即係坦白講，你喺 VTC 讀都未必會有

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讀到呢樣嘢，對嘛？

答：冇乜印象。

問：冇乜印象，係咪呀？

答：係。

問：即係你讀啲大路啲嘢嘅，可以係，喺 VTC 讀書都係，係咪呀？

答：因為我係讀 building 㗎嘛，係。

問：係喇，冇錯，即係呢啲焊料支嘅分別啲啲咁嘢就唔會讀㗎，咁...

主席：你讀 QS 㗎嘛，係咪呀？

答：我係讀 building。

主席：Building，就唔係讀水嘅。

問：所以就即係呢啲嘢讀嘅時候就唔會特別嘅認知，籠統地叫，就叫焊料。
頭先我就問你，你喺邊度會聽過行內嘅術語叫做錫線話？邊啲人會同
你講過有呢一個名詞？公司裏面嘅同事定係...

答：公司同事。

問：公司嘅同事，你有冇記憶到佢哋講錫線其實係 refer 緊，即係指緊邊
一類型嘅嘢呢？

答：印象中，如果講錫線，自己諗，推斷係呢一隻嘢。

問：會唔會係因為你其實一路嚟講，你擺開同雋景嘅焊料就係一卷卷嘅呢
啲嘢，同埋一條條嘅銀焊支，銀焊支有名你叫，就叫銀焊支，對嘛？

答：唔。

問：你知唔知啲啲叫銀焊支？

答：係，知道。

B

B

C

問：知，嗰啲叫銀焊支，如果有同事叫錫線嘅，咁就淨係得呢一種嘢可以係叫得做錫線嘅啫，會唔會係咁樣推論？

C

D

答：係。

D

E

問：但係都係估出嚟嘅啫，因為...

E

F

答：因為我知道得呢一隻嘢咁嘛，我估都係...

F

G

問：因為事發前你淨係知得呢一隻嘢，除咗銀焊支之外，咁叫得錫線，你就會覺得係呢啲一卷卷嘅嘢，對嘛？

G

H

答：係。

H

I

問：但係呢啲你都有特別去深究，因為其實都唔係你主打嘅一啲工作嘅內容，對嘛？

I

J

答：係。

J

K

K

L

主席：因為請購單就你唔睇㗎嘛，係咪？

L

M

答：係。

M

N

主席：因為我哋知道譬如好似水泉澳，你嗰啲同事訂請購單就係講錫線幾多網嘅，你有見過呢啲？

N

O

答：冇。

O

P

問：因為請購單亦都唔係你常見嘅，經常要過手嘅一組文件，對嘛？

P

Q

答：基本上唔過我手嘅。

Q

R

問：唔過你手㗎嘛？

R

S

答：係。

S

T

問：因為地盤 fax 番嚟就係 Jess 或者黃女士佢哋就接咗，就出單畀雋景，係咪呀？

T

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答：係。

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問：呢個唔係你日常會經手嘅一類文件，所以頭先你都講你就唔會知道裏面用乜嘢形容詞去講呢啲嘢，對嘛？

答：係。

問：好喇，我想同你講番就係關於葵聯邨，你睇番你嘅證人供詞 3(f)，第 2254 頁，你就話“A similar request for solder strips was made by”黃貴雄，“in respect of”葵聯邨，黃貴雄亦都係喺葵聯邨呢一個項目裏面，佢作為打理，作出同樣嘅要求就要錫條，呢一個你都係事後先知嘅，對嘛？

答：對。

問：事後從邊個口中知㗎？

答：喺番黃貴雄口中。

問：呢個你就喺黃貴雄口中聽番嚟嘅？

答：係。

問：唔係趙小姐喇呢個？

答：呢個唔係。

問：黃貴雄有冇同你講佢因乜解救會喺葵聯邨裏面又走去用呢一種叫錫條嘅嘢呢？

答：冇講過。

問：佢就咁同你真係又係事情發生之...

答：唔係，因為都係傾開、講開，知道呢樣嘢都係。

問：知道邊樣嘢？

答：話喺葵聯邨嗰度話有用呢個錫條。

問：佢同你講喺葵聯邨佢訂咗用錫條，即係有用錫條？

答：係。

問：佢有冇話係佢負責決定用錫條？

B

B

C

答：印象冇。

C

D

問：佢總之就係話佢喺葵聯邨用錫條？

D

E

答：係。

E

F

問：但係即係呢啲對話，我哋而家講就係無端端有一句咁嘅嘢，但係呢啲對話梗係有前文後理㗎嘛，佢點解會無端端同你講...

F

G

答：因為當然喇，...

G

H

問：...「葵聯邨我用錫條㗎。」咁呢？

H

I

答：...因為其實事發之後，佢哋都有上番寫字樓有傾呢件事。

I

J

問：佢哋即係地盤嗰啲同事？

J

K

答：地盤嘅打理，係喇，佢冇講番，我聽到呢啲咁嘅嘢嘅啫。

K

L

問：但係頭先我講，前文後理，事發之後梗係發生咗鉛水事件之後，黃貴雄返到嚟寫字樓，大家喺度傾開，未必係叫開會，總之有講就話「我喺葵聯邨用錫條。」有冇講過下佢哋傾談當中話「會唔會係因為用咗錫條，搞到含鉛呢？」有冇提過呢樣嘢？

L

M

答：冇。

M

N

問：冇？

N

O

答：冇。

O

P

問：你亦都腦海中有閃過呢個念頭「會唔會係因為咁？」呢？

P

Q

答：冇。

Q

R

問：冇，即係同頭先你講趙小姐同你嘅對話一樣，講咗就照聽，但係就有主動地去深究、去諗？

R

S

答：係。

S

T

問：關於文件嘅保存，啲物料嘅請購單 fax 咗返嚟寫字樓之後，保存就唔係你嘅責任㗎嘅，對嘛？

T

U

答：唔係。

U

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C

問：唔係。出嗰啲採購單 purchase order，亦都唔係由你 keep 嘅，對嘛？

C

D

答：唔係我 keep。

D

E

問：唔係。有一個可能，就只不過係一個可能啫，不過我就向你提出，就睇下你有咩嘢嘅睇法，就係其實會唔會就係--首先你知唔知道 FRY 呢一種錫線，我哋而家叫錫線，FRY 呢種焊料同一條條嗰啲 50 力嘅錫條，佢嘅價錢有咩嘢分別，你知唔知？

E

F

F

G

答：唔知。

G

H

問：唔知。會唔會有呢個可能，就係其實公司其實有關嘅同事嘅說法就係擺呢個辦返嚟真係做樣，要嚟例行公事畀房署去審批嘅啫，因為佢哋堅持就要用某種牌子或者用無鉛，但係後來落手落腳訂嘅時候，就係訂一啲平啲嘅，但係含鉛嘅錫條嚟到做，就可以慳番啲成本，有冇呢一個可能呢，你覺得？公司裏面嘅一啲人嘅說法。

H

I

I

J

答：呢個我推斷唔到，因為我都唔知--而家嗰兩者嘅價錢係幾多，我唔會推斷呢樣嘢。

J

L

問：你唔知兩者價錢係因為你頭先講，就算你有做 tender 嗰啲咁嘅嘢，根本你亦都有深究呢啲小五金嘅價錢，所以呢一啲小五金嘅價錢其實不在你嘅工作嘅認知裏面，係咪咁意思？

L

M

M

N

答：唔。

N

O

問：何文標先生嚟出咗呢件事之後，即係發生咗鉛水事件之後，佢即係做咗焦點人物，有一段時期，因為大家都講何標記，因為何標記係做啟晴，佢有冇返到嚟寫字樓，我哋叫做大興問罪之師咁樣，周圍去問寫字樓裏面嘅同事點解會有咁嘅事情？

O

P

P

Q

答：冇。

Q

R

問：冇？

R

S

答：冇。

S

T

問：即係冇問過你？

T

U

答：冇。

U

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問：冇，你有冇見到佢發脾氣或者好焦急去問其他嘅同事，譬如話問 Jess 或者去問梁偉健或者去問黃女士咁呢，黃慧萍？

C

D

答：冇。

D

E

問：冇。一卷卷呢一啲 FRY 同埋一條條啲錫條，佢哋喺用起上嚟，錫條係熔得快啲，即係比較低溫就可以熔到，呢一個特點，你知唔知？

E

F

答：而家事後我知道。

F

G

問：而家事後知道，但係當時你係唔知嘅？

G

H

答：唔知道。

H

I

問：事後你點知？

I

J

答：都係睇啲坊間啲報導。

J

K

問：唔係公司啲人話畀你聽？

K

L

答：唔係。

L

M

問：Okay，好。唔該晒你，我有其他嘅問題。

M

N

答：唔該晒。

N

O

主席：我諗第二啲律師都有啲問題。我想問一問何先生有冇過問過呢啲錫線，即係喺呢個鉛水發生之前，佢當然係大老闆，其實佢日常工作...

O

P

答：佢冇問到。

P

Q

主席：佢去到咩嘢層面呢？你用即係...

Q

R

答：基本上佢會管理--即係管理番--即係我叫 direct 對佢，...

R

S

主席：咩嘢話？聽唔到。

S

T

答：即係我都 direct 對佢，即係管理番可能地盤個--即係巡下地盤、即係溝通下有啲咩嘢問題咁樣，都係。

T

U

主席：即係啲好高層次嘅管理？

U

V

V

B

B

C

答：唔。

C

D

主席：有冇向你哋過問購買材料嗰啲嘢？你唔知？

D

E

答：向我冇講過。

E

F

主席：你唔知？

F

G

答：係。

G

H

主席：Material submission 佢有冇管㗎？

H

I

答：冇。

I

J

主席：完全唔管嘅？

J

K

答：冇管。

K

主席：採購部，我哋--即係其實你公司都唔係好多人嘅啫，喺個 office 嗰度，係咪呀？

L

答：唔。

L

M

主席：佢有冇話同啲採購部嗰啲小姐，指示佢哋要點樣樣做？即係佢去到邊一個層面呢？我想知道下。

M

N

答：因為基本上我哋中咗單標返嚟，我都會畀 BQ 畀番採購部嘅，基本上我哋就會傾 BQ 裏面有嘅嘢喇都係。

N

O

主席：其實你哋貴公司做好多房署嗰啲工程，基本上大部分都千篇一律，有跡可尋，係咪咁呀？

O

P

Q

答：係。

Q

R

主席：都唔需要點樣樣問老細？

R

S

答：係，因為都流水作業，都自動波，我都係。

S

T

主席：個個都自動波㗎喇？

T

U

答：唔。

U

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黎先生：你同林德森先生有冇接觸㗎？

答：好少接觸。

黎先生：好少接觸，即係譬如你做嗰啲 tender 或者係 planning，嗰啲完全唔使同佢傾嘅？

答：唔關佢事。

黎先生：完全同佢冇關係？

答：係。

主席：即係你哋計數都唔需要問佢嘅添？

答：唔需要，係。

主席：你哋做 QS，自己搞掂晒？

答：係。

主席：用咩嘢料亦都唔需要問佢嘅？

答：都係跟番合約嘅要求。

主席：唔係，我知，譬如你最初入--我唔知你知唔知，譬如持牌水喉匠要入 WWO46 part I 或者嗰個 annex 嗰啲用咩嘢料，嗰一度寫嗰啲嘢上去嗰張 annex 嗰陣時候係你哋自動波寫上去，唔使問佢吖，抑或係點樣嘅情況？

答：唔係我哋寫嘅。

主席：係佢寫嘅？

答：應該係佢寫。

主席：佢寫，咁佢寫嗰陣時候又會唔會問下你哋「呢一單 project 我要填啲乜嘢料上去呢」？

答：佢冇問過我。

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主席：佢冇問過你，佢有冇問過任何人呢？

答：唔清楚。

主席：唔清楚呀？你負責 sample submission，理論上佢應該要問你啫？

答：佢冇問過我。

主席：佢自動...

答：因為可能佢會問其他人，procurement 同事都唔出奇。

主席：佢點樣樣問你啲同事，打電話得嚟喇，抑或點呀，面對面，使唔使返公司㗎？

答：佢有時都會返公司嘅。

主席：有幾何返公司呀？

答：好少。

主席：好少即係一個月一次咩，一年兩次咩，一個禮拜一次咩，即係幾多？你估。

答：有可能一個月都冇一次。

主席：一個月都冇一次。好喇，填咗嗰啲 form，annex I，佢唔知喺邊度擺啲資料返嚟自己填，係咪？我哋知道後來又實際上係咪用嗰隻料或者冇改動又係另外一回事㗎嘅，係咪？

答：係。

主席：其實你同佢喺成個--譬如我哋知道一個房署嘅工程，兩至三年，喺期間有幾多溝通呀你哋？

答：真係一年都冇幾句。

主席：一年都冇幾句。咁到最後，譬如咁講，我哋而家知道--唔好咁講喇。即係到最後，其實佢知唔知道你哋公司用咗啲乜嘢料落去㗎？

答：我唔會推測呢樣嘢，因為嗰張 form 係佢自己做，佢打㗎嘛。

主席：佢要填㗎嘛，係咪？

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答：係，佢要填㗎嘛，係。

主席：我哋...

答：即係如果佢填得落去，我相信佢有辦法問到，因為佢都會行地盤，會搵地盤其他--或者主承建商啲其他職員度問到，我都唔清楚。

主席：係咪呀？你就同佢好少接觸嘅？

答：係。

主席：佢係咪啲獨行獨素嘅人呢？

答：你意思係即係...

主席：即係好有性格，你老闆話。

答：我個人感覺，都覺係嘅。

主席：咁我哋...

黎先生：你同其他打理人有冇接觸嘅？

答：有。

黎先生：有嘅，其他就有嘅，係呢個特別啲啫？

答：唔係，因為佢係 licensed plumber 㗎嘛。

主席：係咩嘢話？

石先生：Licensed plumber。

答：佢係 licensed plumber。

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黎先生：Licensed plumber。

主席：係，咁又點樣樣呀？有啲咩嘢...

答：因為頭先--唔好意思...

主席：係呀，係呀，係呀，即係佢唔係打理人？

答：佢有問--其他打理人，我有同佢接觸嘅。

石先生：我諗佢意思係打理人還打理人，佢係 licensed plumber，個角色同打理人唔係好同，打理人即係駐地盤，licensed plumber 即係學呢個證人話齋，可能真係成年先見得一次。

主席：嗰啲打理人同你又有啲乜嘢接觸呢？

答：因為其實我會做糧單，因為我都會問番佢咁個地盤個進度嗰啲嘢。

主席：I see。

答：所以會有溝通。

主席：即係就同 sample submission 又另外一件事喇？

答：係。

主席：就係計錢出糧？

答：係。

主席：好呀，我哋聽...

石先生：主席先生，我有一條跟進嘅問題，...

主席：好呀，問喇。

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石先生：...即係 before I forget，即係叫做係。

問：頭先主席先生問開你，就係林德森先生佢點樣知道其實要填啲乜嘢落去水務署嗰啲文件話「我哋會用以下嘅呢一拵嘅部件。」你就話唔知，起碼你有話畀佢聽。但係我想知道，就係你得到房署嘅審批之後，我哋唔好講焊料呢一啲小五金，籠絡嚟講，你得到房署嘅審批，你知道一個 project 有好多部件要審批，你審批完返嚟，有成戙嘢都審批咗，你或者任何公司嘅同事會唔會有一個動作係提--即係打一個列表出嚟，係將所有審批咗嘅嘢列晒出嚟，呢一種部件房署批咗用呢一個 model，呢一種部件房署批咗用呢個 model，整個咁嘅表出嚟，一份文件咁樣，會唔會有呢？

答：我...

問：唔好淨係講焊料，我講一般。

答：我有。

問：你有？

答：冇。

問：第二啲同事有冇，知唔知？

答：唔清楚。

問：唔清楚。Okay，因為我正想問就係會唔會有啲咁樣嘅表出現，而林德森就係喺地盤嗰度見到有個表，或者直情所有批咗嘅辦戙晒喺度睇，而佢喺嗰度得知，你唔知係咪咁？

答：唔知係咪咁。

問：唔該。

主席：我諗仲有第二啲律師會有問題問你，麻煩你聽朝早 10 點鐘再返一返嚟。

答：好。

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B

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主席：唔該晒。

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答：唔該晒。

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主席：我哋聽日再繼續。

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2016年1月13日

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下午4時28分聆訊押後

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C Wednesday, 13 January 2016 C

(10.02 am)

D (Transcript of simultaneous interpretation D

E except where otherwise specified) E

F MR HO MAN PIU (on former affirmation) F

F Cross-examination by MR SHIEH (continued) F

G MR SHIEH: Good morning, Mr Ho. I will continue to put G
H questions to you. H

I Now I would like to recap some of the answers you I
J gave yesterday, on how the system of licensed plumbers J
works. K

K Yesterday, you gave your views on the system of K
L licensed plumbers. I guess you told us about some of L
M the shortfalls of the system. For instance, you said M
N that sometimes, for licensed plumbers, some of them have N
O obtained a licence years ago and they didn't have to O
P know how to deal with the paperwork, they didn't have to P
Q know English and they didn't have to continue to Q
R undertake training. These are some of the shortfalls R
S you told us yesterday. S

T A. Yes. Yesterday, I said there are problems with the T
U system of licensed plumbers. A lot of them don't U
V practise the trade. But, as times change, it's V
a question mark whether licensed plumbers can do their
work.

For holders of a full trade test certificate, or for example a doctor, if they don't practise for 30 years, then even they can still see patients, they wouldn't know what drugs to prescribe. That's an example.

Q. For instance, if you have thousands of licensed plumbers, so to speak, but the actual number of practising plumbers is way less than that -- is it fair to say that?

A. Well, I think it's less than 100. For new works, it's not a lot.

Q. What do you mean by not a lot?

A. For specialised subcontractors, one licensed plumber has to take care of more than ten sites. The situation is already better at our company. For some companies, the licensed plumber is also the boss; a single person takes the role of two. Just like Mr Ng Hak Ming of Ming Hop, he is also in charge of the whole company, so it's a structural problem.

It's different from architects. Each firm would have a few qualified staff, and they have to take exams from time to time to update their knowledge. So this is a structural issue.

Q. You said that there's a lack of ongoing training and some people are holding licences obtained from a long time ago and they are still practising, so this is one

problem.

You also told us about another problem. You said that the plumbing subcontractor should not also be the subcontractor.

A. Well, that's not what I meant. Let's take ourselves as an example. If I had obtained the plumbing licence, then perhaps I wouldn't have hired Mr Lam Tak Sum. So, objectively speaking, it's up to everyone to judge whether we should double up as the boss and licensed plumber.

CHAIRMAN: I think what you mean is that the prospects of a licensed plumber are very limited, because in a company, if the boss is also a plumber, then he or she wouldn't have to hire an extra plumber. In Hong Kong, there aren't a lot of companies that can take up these jobs, so even eight to ten licensed plumbers would be enough for all these projects?

A. For active licensed plumbers, we are very few licensed plumbers. Out of the three companies, my company is the only one who hires another plumber. For domestic jobs, I don't know how many plumbers there are available. For new works, in the whole of Hong Kong, I think there are less than 50, and we don't have a lot of housing subcontractors in fact, and the Housing Department has more than 20,000 flats every year, and there are only

a few plumbers. I think the existence of plumbing subcontractors is unique to Hong Kong, in the way that -- well, basically, the companies would use the same subcontractors or plumbing subcontractors for different works. As long as you are reliable -- well, if there are defects, they would be in big trouble.

So, among active plumbing companies, very few of them actually hire licensed plumbers.

CHAIRMAN: Well, Mr Ho, we know that there used to be different grades for licensed plumbers, but eventually grade 2 was cancelled and now we are left with grade 1. So, according to what you just said, among licensed plumbers, perhaps we need to classify into grade 1 and grade 2. Grade 1 plumbers should have the power to sign off new projects, and grade 2 plumbers are the people who do the actual work. We might as well have grade 3 plumbers as well, and they might take up pipe connections. So we can have grades 1 to 3.

A. I suggest that for the Housing Department, their architect is not on the list of the ArchSD's approved list, and they have their own list, for example list 1 and list 2. For new architects they can only take up one project but for those they have worked with, they can take up multiple projects. So you shouldn't just grant a licence if someone pays a few hundred dollars,

so to speak. So even if you grant a plumbing licence,
it's useless, meaningless.

MR SHIEH: So would there be a sense of satisfaction when
you secure this licence?

A. I don't think so.

Q. For the full trade certificate?

A. I think the idea is just to learn something for the sake
of the job, and those workers didn't really think about
anything much else.

Q. Now back to the issue of lack of ongoing training or
education. You said that a lot of people never practise
the trade, so there aren't actually a lot of active
plumbers, so these are issues in your opinion. Do you
think the Water Supplies Department understands the
situation or knows about it?

A. It's hard to say. I guess they probably know about it.
I think they should know how many licensed plumbers
there are.

Q. Have you ever contacted the Water Supplies Department in
your daily work?

A. Well, I didn't have licensed plumbers and I'm not
a licensed plumber myself. Ten-odd years ago, I would
approach the Water Supplies Department and they
recognised who I was.

Q. Even though you weren't the one who eventually signed?

A. No, I wasn't the one who signed. So even in the written submissions, there was no mention of Ho Biu Kee; it only carried the name of Mr Lam Tak Sum.

Q. So the Water Supplies Department would only recognise the signature of a licensed plumber?

A. And later on, I was involved in the listing of a company, and I was no longer familiar with the people at the WSD, and as such I sent my staff.

Q. So, in your regular correspondence with the WSD, it might not be the licensed plumber himself; right?

A. Yes, that was true in my time, you know, more than ten years ago.

Q. And eventually the law required the licensed plumber to sign, and as such you have a licensed plumber to sign. So, as you know, a lot of the actual fieldwork was not carried out or monitored by the licensed plumbers?

A. Yes.

Q. For example, if the law requires the licensed plumber to make sure all plumbing parts would align with the relevant Waterworks Regulations, so, as far as you know, whether for Mr Lam Tak Sum or your previous plumbers, would they actually pay visits to the site and check if everything is compliant before they signed?

A. They would certainly visit the sites. For the specific details, it's hard for me to give you an answer. In the

past decade or so, I had another licensed plumber, and he was familiar with the WSD. I hired these people because they would be able to approach and talk with the Water Supplies Department if there are issues. But for others, it might be problematic.

Q. All right. Mr Lam Tak Sum will be heard later, so that's all right.

A. I haven't been involved in the past ten years or so. Those who grew up with me have all retired and I'm the only one still here. So, after they retired -- some of them retired recently.

Q. Are you referring to the people at the WSD?

A. Yes.

Q. Now I would like to ask some questions on your written statement. Let me read you a part.

In the aftermath, you found out why leaded solder was used in Kai Ching Estate. The site supervisor of Kai Ching Estate said that using the solder strip, it was softer. When he worked for other contractors or other people, he had experience in using solder strip, so he felt that using solder strip, it would be easier to speed up the welding process, because it melted easier and the melting point was lower.

So that's what you said in your witness statement, and you said that later on, subsequently, when Chan

Siu Wah was site supervisor, he had raised this point of view and you continued to say that Chan Siu Wah said that using the softer solder strip to weld, to solder 50 mm diameter or lesser or smaller pipes using soft solder, you could just use a gas welder; it was very convenient; whereas solder wire, the ones that came in rolls, you continued to use on pipes with a diameter from 50 to 70 mm, and you had to use a welding machine, and for 70 mm or above you have to use silver brazing. You have found that Chan Siu Wah, when he worked on Kai Ching Estate, he had mentioned this approach.

So under what circumstances did you discover this or who told you that?

A. If I knew these things in such detail, this wouldn't have happened.

Q. No, I'm saying subsequently.

A. I could identify Wong Kwai Hung. I could find my assistant, Leung Wai Kin. All this site. I would have told him Wong Kwai Hung, all the site supervisors. They have worked with me for a long time.

But I feel I have some new ideas. Everybody says they have no knowledge, they don't know -- is it really true? I think Chan Siu Wah's statement -- actually, I didn't read his statement and even my own statement -- I was told to read it but I am very confident I never

read it. Yesterday, I just heard the statement through the headpiece, through the translation.

Q. Do you have Chan Siu Wah's statement?

A. Well, as you said, in paragraphs 3 and 4, that is not correct. In Kai Ching Estate, our salary expenditure was 20.8 million and it was 10 million in China, so a total of 30 million. There were 1,507 units in Kai Ching Estate, pretty much, and Chan Siu Wah worked on a project worth more than 1 million, 1-plus million.

So there were six blocks, expenditure was 1-plus million, so two blocks it was 10 million. So he was responsible for 1.9 million. So, the system that he was responsible for, it made up some 11 or 12 per cent. So Chan Siu Wah, why did he emphasise that he was a site supervisor?

There were no signatures, no contracts, so that led me to suspect that there was a lack of knowledge. They should not just summarise it and say there was a lack of knowledge and nobody was responsible.

Why do I believe that? It's because Chan Sze Nam, he was the subcontractor for blocks 3 and 4 -- that's not the case. In blocks 3 and 4, he was only responsible for 10 or 11 per cent of the work, and in his statement he says, "I'm not familiar with the boss and I could not arrange for him to work", and so on.

That is true.

I would also like to state that Chan Siu Wah, why is he responsible for two estates? Why did Kai Ching Estate and -- what's the estate called in Tuen Mun?

Q. It's Lung Yat.

A. Why was he not responsible there? His response was that he submitted an invoice and procurement said no and you have to do such and such. Well, that's not the case. If Lung Yat Estate, the officer came up with a response, then they would have to ask me to follow up. In Kai Ching, they also had to use solder wire.

So now I am outlining the whole story for you.

Between 2009 -- well, one day in 2009, I was rushing a delivery for a construction site and I drove to Tin Shui Wai. It was Paul Y.

Q. Wait a second. 2009, Chan Siu Wah, he had left Ho Biu Kee and then in 2009 he came back?

A. No, listen to me first, before you ask your question.

At that time, I didn't know Chan Siu Wah. I have a lot of workers and I really don't remember the names. So, one day, I was rushing a delivery and I was driving to Tin Shui Wai. It was a Paul Y construction site and I had another site supervisor there. I was rushing a delivery and I said, "Deploy some people", and I drove them over, and I was at Eastern Tunnel, I was sending

some workers there, and I didn't even know who those people were, and he asked me, "Boss, don't you remember me? You don't recognise me?"

Then, at the Eastern Crossing, Phase 5 or 6, there was a small parking lot and our site supervisor, Mr Sin, he deployed him to a small site. Fate plays tricks on us. It's like you dropping a stone into a river; the river changes.

So I have worked in this industry for so long. So at the construction site, they were rushing to deliver the work, and the Shui On manager told me, "Mr Ho, this person is competent, give them an opportunity." At that time, Kai Ching Estate was just starting work and he said he's competent. Because I have a lot of faith in Shui On, and the person was trying to persuade me, saying he is competent, and I trust -- I placed my faith in Shui On.

So he was arranged to work in Kai Ching Estate. So why was I aware? Well, he knew of two types of material, so why did I suspect? You should ask me, "Why don't you suspect? What motivation, what incentive of does he have? Why would he knowingly breach the law?" I have an old letter from 2011, 13 November. It's an old document. It's yellow, it's an aged document. (Indicating).

Q. Hang on. Has your lawyer seen this?

A. No. I'm telling the truth.

Q. Well, procedure-wise, you should provide a copy to your lawyer.

A. What does it say here? It's like what I said yesterday.

Some people, they might want to counterfeit some

material and try to sell it. So the behaviour, some

workers try to look out for my interests and some people

are envious of me, so we have people stealing from the

site. So how was that disclosed? Because he promised

to treat people to a dinner when the materials were

sold. So that's why he was ratted out.

So that's what you were referring to yesterday,

"a hundred flowers bloom".

"I have worked in Ho Biu Kee for many years and I am

now working at Kai Tak Estate, and recently I have

discovered that there has been regular work deployment.

Phase 3 and 4 work, the workers do the same work every

day, so I would like to reflect this to Mr Ho. You

should watch out for it."

Chan Sze Nam only takes up some 10-odd per cent.

The others are company staff, and all the company staff

have been deployed to work for him, and they receive

a salary from the company.

So why did I know that he was using solder wire?

Because as a fact, solder strip, the melting point is lower, you can work quicker, and solder wire, the master will tell you the melting point is lower, the strip is wider; you can melt it and it would cover a larger area.

Q. Please stop. Hang on a second. Solder wire is harder to melt, solder strip melts easier and it can cover the joint very quickly.

A. Chan Sze Nam has a lot of connections to the incident, because it was convenient, he could make more money.

I'm not going to say whether there was any interest here.

So why Lung Yat Estate did not use it? Because at that site, work was already commencing. He didn't have his own workers there. I told him to go to that site, so that was the difference. So I am suspecting that it's not that he doesn't know. In fact he should know, and he deliberately used this. Yesterday, when I answered you -- I don't want to spend so much time here, I'd rather answer you, tell you "I don't know", "I don't know" -- that's what everybody is doing. Everybody is doing that. I'm speaking the truth.

Q. So this is a breakthrough. We shouldn't be saying the same thing.

A. This is the fact. There really is insufficient knowledge. If it's delivered, how can you identify

that?

So I would suggest that all the Kai Ching Estate workers, we have employee contracts, we have phones; it can be investigated. Did they ask you deliberately, was it deliberate, where you would use one type of material, and when the inspection crew came along you would use a different material? You have to conduct a thorough investigation.

I have provided all the workers' ID that worked in Kai Ching Estate. I can give you this letter.

(Handed). You can see that it's old.

CHAIRMAN: Now I have a question for you, Mr Ho. What you meant is that Chan Siu Wah was responsible for two sites. One is Lung Yat Estate and the second is Kai Ching Estate; is that right?

A. Kai Ching Estate first.

CHAIRMAN: And after Kai Ching, he was responsible for Lung Yat Estate?

A. I was initially deceived.

MR SHIEH: Three months after Kai Ching Estate, he worked on Lung Yat Estate; right?

A. No, I cannot remember the exact arrangement. I don't want to give a wrong answer.

CHAIRMAN: According to what you said, Mr Chan Siu Wah and Mr Chan Sze Nam were very close to each other, and some

procedures were taken up by Mr Chan Sze Nam and he was paid a time rate. The faster he completed the work, then he could make more money, and as such he used solder strips?

A. Yes. For instance, Mr Chan Sze Nam was to install toilets. The company's workers were supposed to install pipes --

Q. (Chinese spoken).

A. (Chinese spoken). And those workers would be paid by my company.

At that time, I received a letter and the work progress was tight, so I just ignored it. Second, I would look at evidence. I won't just hear what people say. At that time, I found him competent and helpful, and for Chinese New Year I gave him \$100,000. After he was arrested, he offered to pay me back those \$100,000, and my reaction was, "Why?"

CHAIRMAN: There was a possible reason, according to you, on Kai Ching Estate. I would like you to look at S1, page 128. You can see Kai Ching Estate, Ho Biu Kee -- you can see the order record of Ho Biu Kee.

Do you see that on the screen? S1.

Can you give him a hard copy?

Have you seen this schedule? Have you read the content before?

C MR SHIEH: I will just like to introduce to you what this
D table is. This was a table compiled by Prosperity,
E Mr Chow's company. He said, according to the records of
F the supply of materials from Prosperity to Ho Biu Kee,
G you can see the invoice numbers, dates, item name, PO
H numbers, and so on. So these are records of Prosperity,
I on the materials ordered by Ho Biu Kee from Prosperity.
J So this is the table in front of you.

I Have you seen this table before? This was prepared
J by Prosperity.

J A. We wrote to Prosperity.

K CHAIRMAN: Well, Prosperity passed us this table.

L A. I have not seen this.

M When you first sent us the letter, we wrote to
N Prosperity immediately, requesting all records for
O Kai Ching Estate and Kwai Luen Estate. I've not seen
P this table. I'm not sure if my colleagues had a copy.

O CHAIRMAN: Please look at this table. Do you have a hard
P copy in front of you? Please pass him a hard copy.

Q If what you said was right, for 13 April 2012 -- do
R you see that item? -- there are three orders. One of
S them is to order 30 reels of FRY lead-free soldering
T wire, but another order is 55 pounds of UK WL50D solder
U strips.

T Now, assuming that your theory was right, then they

shouldn't have ordered FRY lead-free solder wire. What does that mean? You said that it was possible that the solder wire was inspected, and as such they used the correct material, and according to another of your theories, you said Chan Siu Wah wanted to help Mr Chan Sze Nam so that Chan Sze Nam can make more money.

If Mr Chan Siu Wah ordered both WL50D and lead-free wire, it doesn't sound very sensible.

A. You cannot say that it's not sensible. From what they said --

Q. That was after the incident; right?

A. Yes. Well, these items, they would describe them as high-temperature or low-temperature, and they needed to order solder wires for pressure-reducing valves or other items; solder wires must be used. Well, according to them, if the solder melts so easily, they cannot make it work. So whether or not they did it on purpose, they had to order solder wire.

So all I can say is that Chan Siu Wah knew that solder wire had to be used.

Q. All right.

A. Now, if you are in charge of both sites, you should not use solder wire for just one of the sites.

CHAIRMAN: Now let's look at the orders. After 26 June 2012, solder wires were no longer used for orders after

26 June 2012; do you see that?

A. Yes.

CHAIRMAN: Now I have another question. For another estate, Kwai Luen Estate, on page 102. Mr Chan Siu Wah was not responsible -- neither Chan Siu Wah or Chan Sze Nam were responsible for this estate; right?

A. Yes.

CHAIRMAN: In that case, for this housing estate, basically only one order of lead-free solder was made, and it was on 4 June 2013, 20 reels were ordered. So two orders were made on the same day, both WL50D and lead-free soldering wire were ordered. Do you see that?

A. Yes.

CHAIRMAN: But this has nothing to do with those two persons, Chan Siu Wah or Chan Sze Nam. Now, the final order was made on 1 August 2015. Four reels of wires were ordered. After the incident, I believe that Leung Wai Kin bought four reels of solder wire from Prosperity.

A. The works have completed by that time.

CHAIRMAN: Yes. Let's turn to page 127. It says:

"The following materials are urgently needed at the site."

These are for temporary pipes. That was after completion of the works; right?

A. No. Well, that happened after meeting with the Housing Authority and we had to make a temporary pipe, and as such we made this order.

CHAIRMAN: Yes, I know that very well, and as such this was an amendment; this has nothing to do with the project itself.

Let's go back to page 102, for Kwai Luen Estate. Initially, 20 reels of solder wires were ordered, but thereafter, no further orders of solder wire were made for this estate. Do you understand?

I understand, was Wong Kwai Hung responsible for this estate?

A. Yes.

CHAIRMAN: So he was responsible. Now, you had a few theories. The first, you said he might need to order two types of materials because for certain parts like valves, the soldering must be carried out slowly, and as such solder wires had to be used, but apparently this theory does not apply to this estate.

A. This is Wong Kwai Hung's site. So I told him to just tell the facts. I cannot control what they bought at that time.

CHAIRMAN: Now I am just testing your theories to see if they are valid.

A. What theories are you referring to?

CHAIRMAN: You gave us some theories so we have to prove them.

MR SHIEH: According to Chairman Mao, practise is the best way to prove theories.

A. (Chinese spoken).

COMMISSIONER LAI: Just now, you said Chan Siu Wah took care of Chan Sze Nam and he allowed Chan Sze Nam to use leaded solder in order to speed up the work.

For Kwai Luen Estate, the solder used seemed to be solder strips and it was done by someone else; it had nothing to do with Chan Sze Nam. And he also used solder strips instead of solder wire.

A. For Kai Tak Estate, Wong Kwai Hung used solder strips, and he used solder strips for Kwai Luen Estate as well. I had no suspicion of him.

Now, the question is, if a person is responsible for two sites, why are correct materials used in one but not the other? That's something I have always doubted.

I don't want to put any theories, so I hope someone can answer my question on why the situation is different at both sites. For Wong Kwai Hung, he used solder strips for both Kai Tak Estate and Kwai Luen Estate, so I have no doubts about him.

Everything you do must have some kind of motivation or purpose. You shouldn't have two different treatments

without reason. Why did you know to use the right materials at one site but not another?

Now, the site manager of a site told me, "Mr Ho, this person is competent, give him some opportunities, give him a chance." Now, conspiracy theory aside, from a positive point of view, this manager had helped me, so I would supply him with quality materials.

CHAIRMAN: Please go on.

MR SHIEH: Let's take it step by step. So set aside your description of Chan Siu Wah and Chan Sze Nam, where they have some mutual interest. Let's set that aside.

A. I disclose it out of sincerity, so we can understand the comings and goings. Otherwise, everybody is just saying that they don't know what happened.

Q. So we now have three estates where you have some doubts. One is Lung Yat Estate. In Lung Yat Estate your doubt or suspicion was Chan Siu Wah was a site supervisor of Lung Yat Estate and he was in full compliance and used solder wire. So you had a doubt now. We will deal with that later.

Then in Kai Ching Estate, you have some questions and you describe some interests between Chan Siu Wah and Chan Sze Nam. I know you have disclosed that. We will look at that in greater detail. But we will have to separate them because if you confuse them, it's

confusing. I know you have your views on Kai Ching Estate, and in Kwai Luen Estate, Wong Kwai Hung was the site supervisor, Wong Kwai Hung worked a long time in your company as well. In other estates he used solder wire and there was no problem.

A. Well, in the past, we used the component, it included solder. So no matter what you use outside, it's irrelevant.

Q. (Chinese spoken).

A. It doesn't need solder. So, in my company, in the old days, we used that component.

But all of a sudden, I don't know which year it changed, I don't know. So, as I said, at that time, when it occurred in July, I had no idea which sites they used what material. All the information was held by the site supervisors or staff that had left the company. They had to call me by phone and tell me. Someone said, "Boss, don't worry. I'm working on another site and we are using the same material." So we had all kinds of information.

And subsequently, in the beginning of July, all of a sudden all the construction sites, whether it was owners or public works, they had to use -- they had to do inspections, they had to inspect the joints, they had to -- Phase 1 was investigated, and so on. And I had no

idea what the outcome was going to be, what occurred,
what did my staff use; I didn't know.

Ultimately, it was proved that there was no problem.
The staff told me everything, and then there was a lot
of public pressure, and my innocence was proven. We
still have a project with St Paul's Hospital, and all
the pipes are hidden, and if there was a problem we
would have to dig up all the tubes and pipes.

So my understanding is that, in the past, the staff
told me that they used the component that contained
solder, so if we insisted on using that, then there
might be no problem at all. My company might not have
run into trouble.

But I feel that in Kai Ching Estate, when the
incident started, there was no problem with the company,
but I couldn't -- but we still had to maintain -- we
still had to work for the industry. We could not
isolate ourselves from the incident.

Q. You said that you subsequently found out that Chan
Siu Wah had suggested using solder strip, and you also
said that in your subsequent investigation you found
that using solder strip, it was applied in smaller pipes
and solder wire was used in bigger pipes.

A. It wasn't an investigation. I convened a meeting and my
staff told me.

Q. How did they find out? Did Chan Siu Wah teach them?

A. No, they didn't say that.

Q. But they told you that Chan Siu Wah instructed them that there could be -- I wanted to handle it step by step. What did you hear from your staff, I'd like to differentiate? What did you learn from your staff and what were your own conjectures?

So let's deal with the facts. What did you hear from your staff? Otherwise, it's going to be very confusing.

A. I don't conjecture; I just speak from the facts.

Q. So what did your staff report to you?

A. Some said Chan Siu Wah brought that practice with him, and some said that that's a common practice; it occurs here, here, here and there. And the staff said some soldering would have to be done this way, some would have to be done at low temperature and high temperature. That's what they all said.

Q. So, after the incident, you convened a meeting, and there were different opinions. Some people said it was a practice introduced by Chan Siu Wah.

A. Because Chan Siu Wah worked with Yau Lee, and Yau Lee's practice was that they would outsource it to third-party contractors, they would provide material. That was the practice. So all this is hearsay. I don't know whether

I will be sued for saying this.

Q. So, in these meetings, you heard different views. You heard there was a practice introduced by Chan Siu Wah, and some people said that a lot of people do this in the industry, they use a solder strip; and some people also said that some people use solder strip for smaller pipes, and use solder wire for bigger pipes.

A. There are too many views. The solder strip is for small components, and some people say if one torch is not enough, they will use two torches, and then in such and such a site they will also use solder strips, and in private buildings they will use solder strips. I have too many staff. At the peak I had more than 1,000 staff. When I was short-staffed, they would call me up.

So the whole problem is an industry problem.

I don't believe that the people working in the 11 estates, they are all geniuses. I can be very straightforward, in the interests of society, the government is transparent, the Housing Department is transparent. When they inspect, they take it to labs. But for private buildings, they do their testing in Shenzhen. I'm not sure whether those tests are credible. We never heard of excess lead from private buildings.

Q. They don't dare face the facts?

A. If the owners don't want to find out, the developers won't disclose that. I have a friend in Shenzhen. He does a good business and he says, "We do a lot of testing of water for Hong Kong buildings"; that's a fact. That's a fact.

Q. So, in your staff meeting, there were different views?

A. We can talk until the cows come home and it's hearsay; it's not the fact.

Q. So a practice introduced by Chan Siu Wah, or you would use solder wire, solder strip according to pipe diameter, tube diameter. You heard that after the incident?

A. I believe it was their knowledge. It might not be all due to Chan Siu Wah, because they had worked so many years, they have their own set of working knowledge.

But regarding material, whether there was lead or not, they wouldn't know. I don't know; how would that he know?

Q. First of all, I don't understand. This staff meeting was held after the lead incident leaked, so we would like to know how many meetings were there, who said what, because we might want to question these people.

A. These meetings, they are not formal. We won't have a meeting on one day. I would ask the staff at one site, and then when I go to another site, I would ask

again.

Q. So there weren't people sitting in a meeting room?

A. There were interviews.

Q. Who did you talk to?

A. Almost everybody involved.

Q. Let's start with names we have heard of. Leung Wai Kin.

You have asked Mr Wong.

A. Yes. (Chinese spoken). Cheung Kwan Sang, he has worked for me since he was 19, and he's in his 50s now.

Law Sek Cheung.

Q. They are site supervisors.

A. Yes.

Q. And you have asked them on different occasions and they had different responses. In Kai Ching Estate, they use solder strips, but just now we saw some estates use solder wire.

So did you ask Mr Wong, because Mr Wong also worked on Kai Ching Estate, Chan Siu Wah -- did you ask Mr Wong why solder strip was used and why not -- it was only solder strip, why didn't you use a combination of strip and wire?

A. I asked him why and asked him to explain, and he gave me the reasons I described just now. There was a whole bunch of reasons given just now. He said they will have to use it in so and so and such and such a manner.

Q. So what do you mean by so and so, such and such a manner? Was it Chan Siu Wah's practice that was introduced?

A. He mentioned Chan Siu Wah brought that practice with him. I told him it has to be a fact, you have to only state the facts.

Q. So you reminded him?

A. So why would they use that material? I even told him in front of the lawyer, "If I told you to use it, then you just say I told you to use it."

Q. So what was his explanation for Kai Ching?

A. He didn't give any reasons. There's no reason. The wrong material was used; how can you explain?

Q. But didn't you want to find out?

A. I just knew they are the wrong the material.

Q. Why was it wrong? So our deduction was that -- we will set aside the irrelevant, so what remains behind has to be the reason. So why did they use that?

A. He said others did the same, so he followed.

Q. Who did "others" refer to?

A. I didn't ask him such details. At that time, I felt uncomfortable as well. I had no time to blame my staff. And given the circumstances, I couldn't blame my staff, because if I blamed my staff at that time, my company would collapse. For what happened on 6 July, I was

responsible for 30 other housing estate projects at that time. So it was a very difficult situation for me. The suppliers approached me, and they said upon -- they made a decision not to give me any further business. They used to pay him \$5 million and the banks called me every day and I was really agitated, and I almost had to mortgage my home, and some material suppliers wrote and said they supported me. And they asked me to pay up.

So, at that time, I wasn't able to trace liability at that time. I had to deal with a lot of works.

So, for China State, Shui On, and so on, I had heard them quite a lot. They placed a lot of trust in me. But if I didn't help them complete the works, they would have suffered even more. I was responsible for 30 Housing Department projects alone, and on an average of 800 flats each, I was responsible for 24,000 flats. So, if I had dodged my responsibility at that time, I would affect the society as well as my reputation.

So I felt deeply regretful at that time. The incident happened and I would not run away from it. All along, I never said a lack of awareness. I only talked about the results. The result arose because of my company. So our company was the culprit and, different from other companies, I am very strict on my staff. I always look at the results. For me, murder and

manslaughter are the same. So the result is all that matters.

So, if there are things I knew, I would have said so. Now, you kept asking me questions, I really didn't know, I really don't know.

I was the culprit. I didn't want to make other people suffer, including China State, Shui On, the Housing Department, as well as the society at large. I felt guilt for Shui On. They are a perfect company in my eyes and they are extremely well managed.

I have worked with many companies in Hong Kong but I don't work with all of them. For Paul Y, they -- and I wouldn't just work for anyone. I have my own principles. You kept asking me if I knew about certain things, but the fact is I don't. If I tell you more, I don't know where you are going. If I accept the responsibilities, if the matter can be resolved like that, then I can do it. I am just getting mad.

I worked very hard to be where I am today, and my father taught me that even if you cannot help others, at least don't make people suffer, but I feel guilt towards my father, because the fact is I have made a lot of people suffer.

I can repeat 100 times that I don't know. As I said yesterday -- you kept asking me these questions.

I really don't know the answer. You asked if it's to save money, and I don't even know what the answer is.

So I really don't know.

I gave it some thought yesterday on Chan Siu Wah's witness statement. I wanted to give you new ideas so that everyone would have some food for thought. So I don't hope to see a conclusion of lack of awareness. Some of them might not really be unaware. So perhaps I was the culprit. So it doesn't matter.

Let me just cool down a little bit.

Q. Mr Ho, you can have a cup of cold water or we can take a morning break.

Chairman, what do you think?

Please have some water.

A. I really don't know. You kept asking me what happened afterwards. According to my witness statement, I was told by different colleagues -- you can summon them all -- I think it's a waste of time. I really don't know. They told me all those.

Q. All right, Mr Ho. This morning I didn't ask you about the cost of --

A. I fear nothing and I think we have to defend our own principles. The nature of human beings is sad. From the moment you are born you start crying, so in the meantime, why not try to make the most of it? You

should not be so pessimistic. I am not that type of person. I have regrets that I don't speak good English. If I have better English, then I can contribute even more to the society. It's a deep regret that I face this incident at this time of my life.

Q. So what I meant is that I want to see which colleagues can help you. What about Leung Wai Kin?

A. Of course, even the 100-odd staff for Kai Ching Estate, you can summon them all. I have nothing to hide.

I never hid anything. Now I ask Wong Kwai Hung to tell the truth. If I instructed him to do so, please say --

Q. Wong Kwai Hung will be here.

A. I don't lie. Everyone is here.

Q. Mr Leung Wai Kin, he is still working for Ho Biu Kee; right?

A. Yes.

Q. So, on behalf of the Commission, can you arrange Mr Leung Wai Kin to be here sometime this week?

A. Of course, I am happy to help. I am happy to help with the fact-finding. You can summon all 80 staff at Kai Ching Estate to see who wrote that anonymous letter.

Q. Let's take it step by step, and the Commission's counsel, Lo & Lo Solicitors, will invite Mr Leung Wai Kin.

You don't agree with what Mr Chan Siu Wah said. My

question was -- please don't misunderstand it, I only asked how you knew about it afterwards. When you look at Mr Chan Siu Wah's witness statement, he didn't agree with a lot of what you said.

A. You have to look at the character of Mr Chan Siu Wah. He is not an honest person by nature. He was involved in indecent assaults. Now you are questioning me based on what this person says; it's unacceptable.

Q. Let's look at it paragraph by paragraph. Page 2393 of K3.

In paragraph 18, he said Solder strips are usually used and you would only specify solder strips. "For Lung Yat Estate the procurement of Ho Biu Kee requested me to write solder wires", and so he wrote solder wires.

You made a response. Now I officially put this part to you.

A. Well, why don't you ask the procurement department?

I don't want to confuse you. I don't want to fall into a trap.

Q. It's just like an offside trap in soccer.

A. I wasn't involved so I cannot answer on behalf of my colleagues. Everything I know, I heard from others, so I wouldn't automatically consider them as true.

Q. So we can ask Ms Wong Wai Ping.

A. You can ask anyone you want.

Q. In paragraph 29 and paragraph 30, his answer is the same; he would only specify the number of boxes of tin strips required on the order form. So are you aware of that?

A. Let me put it this way. I can actually save some time for myself. For the actual operation, I wasn't involved and I knew nothing. If I am not such a responsible person, I can just answer "I don't know". Perhaps it would have been settled yesterday already.

Q. I am not blaming you.

A. But I really don't know. If my subordinates did such things and their procedures -- Mr Lam Tak Sum said he frequently visited the site, you can ask the site people or the office people. So, if you ask me something, I would ask them. If I come back with a different answer, then it seems irresponsible for me to give you a different answer.

Q. Well, in your witness statement, you said China State and the HA site supervision team knew that you used tin strips, because the solder strips were mentioned in the delivery notes.

A. Yes, I know. I was shown those delivery notes, and on the same note both solder strips and wires were listed, and they were submitted to China State, so of course they know. That's my guess only. I don't know if they

actually knew. That's just a common-sense deduction.

Q. According to China State, you received two other forms, and they didn't look carefully at the description of solder strips and wires and you said you didn't know, but you passed them to China State; right?

A. I cannot answer any hypothetical questions.

Q. Kwai Luen Estate was handled by Shui On. Shui On, they not have the same practice; you did not give them delivery notes?

A. I don't know. Shui On -- I did not visit that site. Kai Ching Estate, it was in a rush, so I had to go frequently. I didn't go to the Shui On site; I think I only went once or twice.

CHAIRMAN: I would like to ask Mr Ho --

You just said Kai Ching Estate was in a rush. So let's go back to page 128 of S1.

Just now, I told you, on 26 June 2012, after that you did not order lead-free solder. So, between 26 June 2012 to 22 January 2013, in those seven months you ordered a lot of flat solder strips; do you see that?

A. What was that?

CHAIRMAN: In the few months between June and -- between the months of June 2012 to January 2013, a lot of flat solder was ordered, solder strip was ordered. Was it because there was a rush, so a lot of flat solder strip

C was ordered? C

D Just now you mentioned there was a rush. So we see
E this whole table, F, so set aside the order in 2010,
F start with October 2011. Start with October 2011, all
G the way to June 2012, so the first eight months, but
H then afterwards, there was another seven months. So
I roughly a period of 15 months, where the whole Kai Ching
J Estate works were completed. G

H So, in the latter half, we see every order was
I 220 pounds, 330 pounds. So each order was 200 or
J 300 pounds. Was it because there was a rush? You
K mentioned there was a rush. Is that correct? H

K A. Yes. I

L CHAIRMAN: So we see a lot of flat solder strip orders. J

M Another thing I want to ask you is, Kwai Luen
N Estate -- let's go back to page 102. Kwai Luen Estate,
O it started in June 2013. It was another six-month
P project, because it completed in December 2013, because
Q all the purchases of flat solder strip were in those six
R to seven months. So, as far as you are aware, was there
S a rush for Kowloon estate? M

R A. Well, Housing Department, all their sites -- Mr Lam from
S China State, I don't know why he rejected my claims.
T All the Housing Department sites, they were only given
U four or five months. N

I can give you an example. I'm working on Shui Chuen O Phase 3 and Phase 4. There are eight blocks. One block is completed, and we have seven. Some haven't even started. The external facade has not yet started work. They have a six-month completion date, so we only have a few months.

CHAIRMAN: (Chinese spoken).

A. Yes. So they have to be complete by June this year; that's a fact. I don't need to lie.

As my legal team said, we only have a few months to complete 70 to 80 per cent of the works. So I don't understand why some people in their witness statements state falsehood. They have to be responsible.

CHAIRMAN: I want to ask the next question. You refer to some incentives you gave your staff. You said you encouraged them to enhance their productivity. Yesterday, we had discussed every day they had so much money, but if they complete more than their piece rate quota, you would give them a little bit more money. Do you remember you said that yesterday? So I would like to ask you -- except from the daily wage, they would get a piece rate, a bonus. So that bonus incentive, it was applied at Kwai Luen Estate?

A. The model in Kwai Luen, I'm not too clear. They only have a small number of units. Now, each site is

different. For example, in hospitals, each block -- we have a whole block there. Our foremen would have to inspect. And in Kai Ching there were six blocks and each block was 40 storeys and there are some 20 units in each floor. But Kwai Luen Estate only had 1,007 units, and Wong Kwai Hung's staff, him and his gang, they were a whole team. They were very conscientious so they might not subcontract. So it's like Wong Kwai Hung is working in Yuen Long, it has only 600-plus units, he has to watch over a team of 20-30 people, and these 20-30 people have been working with him, so their work attitude, technical expertise -- they know, they are aware of their abilities, so they can complete their mission; they won't need to subcontract.

For large projects, we cannot supervise -- well, we can't have a staff receiving more than \$1,000 a day who do nothing. You would go bankrupt. So Kwai Luen, in my recollection, we don't have these ratios. We have shopping malls -- you cannot count how much they do -- we won't subcontract. If it's important projects, we won't subcontract; very technical projects, we won't subcontract. The only occasions of subcontracting -- it's like Lego blocks. You give them some toy blocks like a kid and they can manage -- will subcontract those.

C But during subcontracting, we will pay the unit
D rates, and we will also tabulate their earnings on
E a regular basis. So why Chan Sze Nam -- I am just
F making an association -- you interrupted me just now and
G now I have the ability to go into greater detail.

H For projects 3, 4, 5, 6, they would subcontract to
I the next level. Phases 1 and 2 and Phase 5, the
J subcontract outcome was -- they paid a little bit more
K than the minimum wage, but with Chan Sze Nam, he still
L had outstanding sum of a few hundred thousand, and
M I told him, "You cannot collect money from me".
N I almost wanted to report him to the police.

O I might not have a formal education but I am still
P clear in my thinking. I can still judge a person's
Q character. If somebody is useless, he is definitely
R incompetent. If he is competent, there might only be
S a slight discrepancy; he won't be totally useless.

T Chan Sze Nam claimed that we still owed him a few
U hundred thousand. So, for the same worker, doing the
V same work, in the same environment, how can a person
earn a few hundred thousand and other people only earn
a little bit more than the minimum wage? Plus this
letter (indicating), plus ...

So I had a lot to think about, and now the outcome
is I feel that Chan Siu Wah, he knew that the Housing

Department wanted one material and he used a different material. But what was the incentive or motivation, I conjecture. It's that his staff could work faster and whether there -- that is another discussion. Maybe it was out of philanthropy, he wanted to do a good deed. What I said just now was conjecture. I just want to give you some breakthrough. So nobody can repeat the same mantra that they had a lack of knowledge. Some people are guilty. Otherwise, everybody will be singing the same song and you won't find anything.

CHAIRMAN: Let's take a 20-minute break.

(11.27 am)

(A short adjournment)

(11.54 am)

MR SHIEH: Mr Ho, this morning you had mentioned an old letter dating back to 2012. We have photocopied it and I think everybody should have a copy. We will distribute the photocopy to everybody.

A. Chairman, do you want the original?

Q. That's okay. You also have some "back of the envelope" calculations.

A. Okay.

Q. I would like to direct you to a clarification. You refer to blocks 3 and 4 and the subcontracting work.

The question is, if the work is subcontracted, those

items, let's say the toilets, for example, they are
calculated at a piece rate, they would --

A. It might not be toilets.

Q. So they would receive money for the pieces they
complete, and the contractor would pay the workers. But
Ho Biu Kee would foot the bill?

A. That's correct.

Q. The issue raised here is that the subcontractors, he did
not ask outsiders to do the work, he asked --

A. No, not outsiders. That work should have been the
responsibility of Chan Sze Nam. He asked the workers
from blocks 3 and 4 to do it.

Q. But he charged Ho Biu Kee for the work done. So he was
cheating Ho Biu Kee.

A. That's correct.

Q. So Ho Biu Kee was paying its own workers, and he had
these workers do the work that he was supposed to
contract out, so that is the complaint.

A. Okay.

Q. So my question -- that would conclude my questions.

A. I apologise for my emotional outburst just now.

MR SHIEH: We now have other lawyers with questions for you.

Cross-examination by MR PENNICOTT

(All questions from Mr Pennicott were in English)

MR PENNICOTT: Mr Ho, good morning. I represent China State

and I just have a few questions for you. Okay? Do you understand? Is it coming through?

A. (In English) Okay.

Q. Could I ask you first of all to look at or be given page 215.2 of bundle F1.

Mr Ho, you will see that this is a memo from China State to your company, HBK, dated 3 October 2011. Do you see that?

A. Yes.

Q. This is a document you have seen before?

A. No, because my staff would follow up on this.

Q. Right. If your company received this type of memo, was there a system in place for its distribution amongst your staff?

A. Well, there should be, but you need to ask the relevant staff. You have to ask Mr Kwong.

Q. We will. Thank you very much.

As you can see from this memo, it is a document which shows the Housing Authority's approval to the use of FRY 99C lead-free solder wire. Do you see that?

A. Yes.

Q. Would I be right in thinking that that approval having been given, you would have expected your staff to comply with the requirement to use that material?

A. Yes.

Q. Thank you. You can put that away.

Can I ask you please to go to your witness statement, your first witness statement, and please turn to page 22. It's K1, page 22.

A. (In English) Okay.

Q. Thank you. Can I now ask you, on page 22, to look at subparagraph (i), towards the bottom of the page. In particular, can we look at the last sentence, which reads:

"Quite often and indeed it happened in Kai Ching Estate that Ho Biu Kee was only left with a few months for completion of the plumbing installation works at the blocks."

That's a point that you make a number of times in your witness statement.

Can I ask you this, Mr Ho: what is, in your mind, the connection between an alleged tight programme and the short period of time to do the works, and the alleged excessive lead in the water? What's the connection between the two things?

A. There's no relation.

Q. Right. So why in your statement, in this statement and indeed in your supplemental statement, your second statement, do you make the point that there was a short period of time? What's the purpose of making that

observation?

A. My team of counsel told me that since Mr Lam did not tell the facts, so I asked Mr Cheung, the counsel, to prepare the information as a rebuke. The use of leaded material was certainly wrong, but at all of these sites they only had four to five months to complete the project and that was a fact, and I had nothing to rebuke, but out of a sense of justice I asked my counsel to come up with a supplementary document.

According to this table, we can see in detail the completion percentages, the pay amounts and so on. The information is very detailed. So there is nothing to hide or we cannot deceive anyone. My counsel did a very good job. They obtained the works progress information from the Housing Department and came up with this table.

This was only a minor issue but it shows that everyone has to tell the truth, and I found that his subordinates did not follow the rules. He was in charge of Kai Ching Estate, and I know that he had attended the inspection with the inspectors, in terms of the water tests.

Q. Mr Ho, just answer my question, please. First of all, who didn't follow the rules?

A. I said -- what I mean is that we had to finish the works within four to five months, and Mr Lam said no, we had

10 to 12 months, and I feel that what he said is not the truth, so he shouldn't say anything if it's not the truth. I know that when the inspector came to check the water, he was also present, as far as I know. That's all.

Q. All right.

A. I'm not blaming him for anything.

Q. All right.

A. In his rebuke to my witness statement, and he doesn't agree with the period four to five months; I merely try to give the facts.

Q. He doesn't rebuke you, Mr Ho, because you are wrong.

A. Well, I think I was right. I only gave the facts.

Q. Mr Jason Lam bases his witness statement on information that he's obtained from his and the Housing Authority records. They show that you commenced the common areas, plumbing works in the common areas, in or about November 2011.

A. But at that time we were not in a hurry. I am referring to the peak period, four to five months.

Q. I accept -- I understand you are referring to the peak period. But the position is this, Mr Ho. You commenced the common areas in November 2011, and had all but completed them, 94 per cent of them, by August 2012. Do you understand? It's what you say in your second

statement.

CHAIRMAN: I want to know what the significance is here.

These are side issues. These are not related to the
point.

MR PENNICOTT: I accept that, save that, with respect,
there's been a lot of suggestions that there was a big
rush at the end of Kai Ching.

CHAIRMAN: I think there is a lot of objective evidence.

You can just look at the records in S1 and you can see
when and what had been ordered, and you can see their
work progress, according to these records.

Now, let's look at S1, for example. You can see
that work started in October and November 2011, and by
January 2013 the works were substantially completed, and
in the second half of the year, more work was done and
the schedule was tighter than the earlier phases. And
for the payroll and salaries, all those are similar. We
have been talking about basically more or less the same
thing. So you should just let those things go.

MR PENNICOTT: Mr Chairman, I am happy to let them go, but
on the basis that it's certainly China State's position
that there was no rush.

But more fundamentally, there is no difference, so
far as the matter of timing is concerned, between doing
a joint with lead-free solder and doing a joint with

leaded solder.

CHAIRMAN: Yes, exactly. What Mr Ho is saying is that -- well, he only gave a very simple point. He said he wouldn't allow any improper materials or procedures, because of the tight time period.

A. Yes, I made this very clear, and I know very well that the use of non-compliant material is wrong, and it has nothing to do with the completion period, and for Shui Chuen O Estate Phases 3 and 4, it's scheduled to be complete by June and now we have only five or six months doesn't mean we have to rush everything through.

I think you misunderstood me. I am not trying to blame time for these problems. I don't want to blame them on the time period.

CHAIRMAN: Well, lawyers like to make things very clear when they ask questions.

A. I like defending myself as well, since they are true. In my supplementary witness statement, I don't have to provide a supplementary statement, in fact. You can say whatever you like. So I think the counsel of China State has to review the attitude of its staff or people. They should know their work progress, and their director has visited the site, and perhaps they would say they gave a bonus, they gave me a million dollars.

CHAIRMAN: Are you referring to Kai Ching Estate?

A. Yes. When the incident happened, I didn't know what was going on. All along, I have admitted that I have been wrong. I have said sorry to China State, on their trust in us. I have not been dodging my responsibility. I want to find out the truth. For such minor items, they might not be able to spot them, and it's normal if they couldn't spot them.

I know you are also a victim. As I said in my previous session, I am a culprit. I shoulder all responsibilities. I am just defending what I said because they are the truth. For phases 3 and 4 of Shui Chuen O Estate, the target completion date is June. Now it's already January. So I am very angry if someone says something which are not true.

Cross-examination by DR WONG

DR WONG: Mr Ho, I represent the Water Supplies Department.

I have a few questions for you. I will be direct.

You said, in terms of plumbing materials, there are many options. According to your witness statement, you said Ho Biu Kee has a system in place to ensure that the right materials are used; is that correct?

A. Yes.

Q. Including approved and non-approved materials?

A. Yes.

Q. Do you agree that if the wrong materials are used, they

would affect the drinking water, if wrong materials are used?

A. Well, my understanding is this. I'm not an LP. In my understanding, all suppliers of my company, whenever they submit quotations, they would obtain all the documents, test certificates, job references, and so on. I always tell them to use whatever approved by the Water Supplies Department; you cannot just use whatever you want, because if you use the wrong materials, it makes things complicated and you have to revise everything. It takes time and it costs a lot of materials and it's not good for the company.

From my understanding, there's nothing that's right or not right. I guess you might want to talk about the water certificate, the list of materials.

Q. We have not reached there yet, but please go on. I have not reached there yet.

A. Let me give you an overview of what I know.

For form 46, I think it's inherently problematic, because once construction begins you have to submit form G, but at that time we had nothing. We didn't know which materials would be approved and used, so we can only fill the form using our imagination, and the architects at the Housing Department have different requirements and as such it will be updated all the

time. So the materials actually used eventually would be different from the approved materials originally, and this does not include the plumbing works or plumbing parts. A lot of -- the construction company provides the parts such as taps.

So, from my point of view, I'm not saying I don't pay attention to the Water Supplies Department. I place a lot of emphasis on what's approved by the Housing Department. If Housing did not approve something, they have a right to ask you to redo the whole project and re-install according to the approved materials. So it's like the solder strip -- I focus on the Housing Department approval list, but I understand that if you don't comply, they have the right to say that you broke the rules, you did not use their approved materials, you have to re-install the whole project. Then it's a serious issue.

But subsequently, when the Water Supplies Department were the licensed plumber -- this never occurred in my company but theoretically, they should communicate and ask procurement what was used and revise the table. But this didn't happen. It's something very simple.

Now, I'm telling you the truth. If you don't use -- if you don't follow the Housing Department approved material, then you will have today's outcome, that you

C have to re-install the whole project. So if you had
D a list, you could amend the list. As to whether the
E water contains lead, I don't have that professional
F knowledge. I can't tell. That is all I can tell you.
G All questions regarding Water Supplies Department,
H I cannot answer that. I have no knowledge of that.
I 10-odd, 20 years ago, after the 1980s I had withdrawn
J from work related to the WSD. Previously, I would
K contact WSD officials all the time.

I Please continue. I

J CHAIRMAN: So when you formed the company in 1981, when did
K you list? You were saying -- you were talking about
L listing -- so when did you list? L

M A. I was in plumbing works. A person called Cham Hoi Sang,
N a professor, he worked in Tung Wah Hospital, he
O appreciated my work, and his company, stock code 372,
P I was the director and general manager, and my company,
Q Ho Biu Kee, was right next door. I was working on the
R listed company, and the shareholders were Chau Pak Fong,
S the son of Deng Xiaoping, and my partner sold it to
T Cheung Kong -- sold it to Deng Xiaoping's son and I was
U left alone. So we built a lot of buildings, somebody
V was arrested, the company was without a head for
11 months, and the stock code was given to ITC
Engineering, stock code 372.

DR WONG: Thank you, Mr Ho. I will talk about WSD forms later on. Just now, I asked you a question about material, and you said you paid a lot of attention to the Housing Authority material list, and Ho Biu Kee would have to comply, and used the approved material, otherwise there would be serious consequences.

A. Yes.

Q. Referring to page 18 of your witness statement -- please refer to your witness statement, page 29. In your response to question 6, in (a) --

A. We are not there yet.

Q. Mr Ho, can you read English?

A. I have a Chinese version.

CHAIRMAN: Just ask the question.

DR WONG: In (a) you say that Ho Biu Kee had to submit a list of pipes and fittings for HD approval. Is that correct?

A. Yes.

Q. So you understand that the materials are very important, because it needs approval?

A. The materials?

CHAIRMAN: You have to submit samples to the Housing Department. You understand that submitting samples is important?

A. It's a necessary step. Everything is important.

DR WONG: In (b) you say that the sundry materials used in the plumbing, Mr Kwong knew that it should be lead-free. Even for the sundry materials, even a screw, the HA has requirements. So whether you admit --

A. Yes, I admit screws. The solder material, when you apply heat, it melts.

Q. So whether you admit or not, you know that materials are important. And these materials are made from heavy metals, copper, iron. A lot of these materials are made of heavy metals, copper and iron.

So I would like to direct you to a paragraph in your witness statement. On page 47. K1, page 47.

Mr Ho, I would like to direct you to paragraph (h), but before I ask questions, please read through paragraph (h).

A. What is your question?

Q. I haven't asked you yet. I have not asked you a question yet.

You have told us you have worked in 120-plus public estates.

A. 126.

Q. You say that now there are problems in two estates, you would like the Commission to find why there are problems in two estates; is that correct?

A. Yes, yes.

Q. So now, looking at paragraph (h), you are saying, from Ho Biu Kee's perspective, why did the incidents occur? It's because the Hong Kong SAR has a system failure to ensure that drinking water is lead-free. You say that participants in the public housing development, including the HA, main contractors, plumbing subcontractors, the licensed plumbers, the workers, their focus is in areas other than heavy metals.

So I have two questions for you. First, if you worked on 126 estates and only problems occurred in two estates, and you have identified the question, then why do you think the SAR government has a system failure?

CHAIRMAN: Wait a second. It's not two estates, it's 11 estate; is that correct?

DR WONG: Let's say it's 11 estates, and Ho Biu Kee is responsible for two. So why do you think -- you are a fair person, I want to ask you -- you have made this allegation. You say it's the SAR system failure. Do you think that's not fair?

A. My understanding is -- it's like I see the Water Supplies Department, a problem has occurred, and now you issue eight guidelines. So, if your guidelines were issued earlier, then there would be no problem.

What I mean -- perhaps I have not expressed myself clearly. I should say the HA is very innocent, the

contractors are innocent. My focus is, initially, if you have the guidelines that you have now -- because after the incident I go to the site there is excess lead in water -- first of all, they now have eight guidelines. It's this thick (indicating), there's a stack of forms you need to sign, and then you have to inspect different things.

So my understanding is, if these requirements, the certificates need to be for five years and so on, why didn't you have these guidelines earlier? That's what I mean. I'm not shifting the blame. I have never shifted the blame. I am now -- if you discovered the fault is mine, then the fault would be mine. But it's like the death penalty example I gave you just now, whether it's manslaughter or murder. So if we had the awareness, then we wouldn't have these problems.

I support the Hong Kong government. I love Hong Kong. This is not a big deal. If you are totally correct, then why, after the incident occurred, you need to issue eight guidelines, you have to set so many regulations?

So all the mistakes is from information Lam Tak Sum gave me. They say this and that, the WSD staff are at fault -- I am just expressing my heartfelt opinion. It is not malicious. If I were malicious, I would say --

at the time, my subjective feeling was I did not want the incident to affect the public, but objectively, I felt relieved. I am expressing my emotional rollercoaster ride. If I am sentenced to death, why do I need to drag someone else with me? But subjectively, it seems that it has relieved pressure. I feel better. So I am explaining to you. Now, even if I don't do it, it would still happen.

I can even give you an example. In the 1980s, when I was working on the listed company and was investing in mainland China, I asked the mayor. The mayor was responsible for public security. I asked him, "Do you have any requirement, for death penalty, how many bullets should be used? The death penalty, did anybody ever avoid the death penalty?" He said, "Yes".

So, even without me, there would still be a death penalty.

Now, I don't want some people to suffer. I was at fault. You know, such is life. For the dealings with the WSD, I haven't relied all on my licensed plumber. As I know, a person related to Paul Y said it's his fault and a lot of people -- well, Hong Kong people are very clever. If you are right, why do you have to issue eight guidelines within such a short time and then all the works at all the sites have been stalled?

Now, you suddenly issued guidelines and all materials must have a five-year validity period and people don't have time to do it. So everything has stalled.

Now I said everyone should have responsibility, because everyone is responsible for protecting the society or the country. This is just a general statement. I'm not being specific. This is just a general view.

Now, everyone should help defend their country. If you cannot safeguard the country, you cannot safeguard families.

Now, I have been very sincere.

Q. Mr Ho, let's not be sidetracked. I just want to ask you about your understanding on the WSD's new guidelines or the improvement measures, and because of that you feel that the government appears to have a systematic failure.

A. I am not talking about the government alone. It's a bit of everything.

Perhaps in my next life I should be a lawyer. What you said is irrelevant. That's just my general feeling. If you go into details, you know, let's be fair, the lawyer scolded me for speculating, they said I had to speak the truth. Now I'm more than 60 years old. I'm

tired. I don't know about law.

Q. Mr Ho, I have a second question. You said the participants at the public housing projects did not pay attention to heavy metals. I just want to point out that this might not be accurate. If you are to deal with the materials, very often the materials are made of heavy metals. So if you said your focus -- well, as a participant of public housing projects, you said all their focus was not on heavy metals.

CHAIRMAN: You don't have to ask him this question. I can answer that for you. I know what you mean.

DR WONG: They included in their witness statement.

CHAIRMAN: The key is that I understand it, and I am telling you that I understand.

A. For Mr Lam Tak Sum -- you said you asked me this question, and if you ask a doctor what to do -- well, I am not a doctor so I cannot tell you the answer.

DR WONG: Let's talk about Lam Tak Sum.

When you look at page 18 of your witness statement, question 3 -- you were asked to describe and explain the steps and procedures in the construction and installation of the fresh water plumbing system.

On page 18, question 3 --

A. Sorry, hold on a second, please.

Q. In question 3, you were asked to explain the steps and

procedures in the installation of the fresh water plumbing system in the Kai Ching Estate; right?

In part (b), you explain that the licensed plumber was Lam Tak Sum, and you defined Lam Tak Sum as the licensed plumber; right? That's from your witness statement.

A. "Lam Tak Sum as its licensed plumber to take charge of its part of the plumbing works"?

Q. Yes.

A. Yes.

Q. Now I would like you to look at page 25. You have a very long paragraph. You explain the entire procedure from items (a) to (u). I want you to look at subparagraph (p).

A. Yes.

Q. You said:

"The [licensed plumber, Lam Tak Sum] visited the site from time to time as and when necessary, depending on work progress. His primary task was to ensure that the requirements set out in the Waterworks Ordinance and Regulations were complied with."

That's what you wrote; right?

A. No, that's not what I wrote. Those are the rules. But whether Lam Tak Sum actually visited the site and followed up, I don't know. Well, I said yesterday, the

Water Supplies Department know about it. They had a press conference in the daytime, and by dinner they never told us about it.

Q. If you don't know, then why would you say in your witness statement that he visited the site from time to time, as and when necessary? On what basis did you write this?

A. In theory, they had to visit the site, but whether he actually visited the site -- well, in my response yesterday -- in theory, that's what he should have done, but whether he actually did it, I really don't know.

Q. All right. I have clarified this with you.

A. And he asked me -- he asked Chan Siu Wah or Wong Kwai Hung how many times they visit. You should ask them. They can provide the right data. If you ask me, then I would repeat the same answer; I don't know.

Q. I just want to clarify that, because apparently you mean that you actually know that he visited the site.

All right. Now back to Lam Tak Sum. I need you to look at C19.7, page 14794. There was a set of minutes about a conversation between the WSD and Lam Tak Sum. I would like you to look at paragraph 14:

"The department asked Mr Lam to see if he knew that the leaded solder was used, given that the WSD has banned the use of those materials in the connection, and

Mr Lam said he knew that leaded solder was not allowed."

So, after the incident, had you asked Mr Lam to see if he knows that unleaded material is to be used?

A. I didn't.

Q. Why not? He's your licensed plumber.

A. He gave me a lot of information, and apparently he's correct.

Q. So have you ever asked him anything?

A. I could not reach him, since at that time he was no longer with us, and after that we no longer hired him.

Q. All right.

A. In the afternoon, he would drink two beers. For issues relating to Lam Tak Sum, you should ask him. You should ask him how many times he has visited the site. His version is three or four times. I cannot verify whether he lied. So you should ask China State; you should ask the people China State has met. He said a lot of things randomly, and what he told the Water Supplies Department were impossible. If you ask the Water Supplies Department -- I don't actually know the situation with Mr Lam Tak Sum. I relied on Mr Lam to deal with the WSD.

On his actual knowledge -- well, in my view, he knows a lot. He showed me a pass obtained from the UK. He told me that his grade is equivalent to a director in

Hong Kong. So I relied on him totally. Even a few days prior, he called me and he said, "Boss, you have to compensate me for my losses." I asked him what kind of losses and he said, "I am suffering because of you; it's your fault." He dared say this kind of thing. He's a very strange person.

Even I tried to find him a lawyer, the lawyer refused to stand for him and the lawyer said, "I wouldn't earn this money. I cannot be bothered." So his personality is strange and even the lawyer doesn't want to help. He said he wanted to turn witness, so -- you know, I really don't know about what is the situation with him.

And I know nothing about the plumbing works. I relied on him totally. Before the incident, I trusted him, and in fact he knows a lot of people from the WSD. That's all I can say.

Q. Please look at K1, page 46, paragraph (e).

You have the Chinese version; right?

A. Yes. Which statement are you referring to?

Q. Your own witness statement, K1, page 46, subparagraph (e).

To be fair to you, please look at page 45 first, question 17. You can look at the question first. It's specifically on Kai Ching Estate. The question is

listed on page 45.

I would like you to focus on subparagraph (e) on
page 46.

A. So what's the question?

Q. Since you think that Lam Tak Sum is so competent, why
are you so sure that the LP -- why do you question that
if it's not clear whether the LP understood the
lead-free requirement would apply?

A. It's because I didn't know.

Q. Well, you didn't know, but here you say -- the paragraph
reads:

"Nevertheless it is also not clear whether the LP
understood the 'lead-free' requirement ..."

A. Well, I don't know.

Q. Your personal knowledge --

A. What are you trying to ask?

CHAIRMAN: Just tell me what is your objective with your
question. What answer are you trying to get?

DR WONG: The answer I am trying to get is -- there's no
basis for you to claim that Lam Tak Sum did not
understand the lead-free requirement.

CHAIRMAN: You can just ask the question directly.

A. Lam Tak Sum seems to be knowledgeable so how
am I supposed to speak on his behalf?

CHAIRMAN: I should ask you this way: did Lam Tak Sum know

that the soldering material should be lead-free? You don't know whether he knows, and you also rely on his plumbing professional knowledge; is that right?

A. Yes.

CHAIRMAN: So, if he claims to be so competent and professional, if he is familiar, then theoretically he should know that solder material should be lead-free; is that correct?

A. Yes.

MR YEUNG: (Chinese spoken).

CHAIRMAN: Hang on. What do you intend to do?

MR YEUNG: There's a sentence in paragraph (e).

CHAIRMAN: Hang on. There's no rush. You will have an opportunity later.

DR WONG: Okay. You said that the LP's knowledge you have no way of knowing.

Then, regarding WWO46, you have a very detailed description what has to be done in which part. It's very detailed?

A. Yes, it's very detailed.

Q. After the incident -- I would like to ask you, in the sake of time, you said applications had to be worked out by Lam Tak Sum. But in WWO46, you have given a very detailed description.

So the information regarding WWO46, did your legal

team tell you that, or was that --

A. I will answer you. All the procedures, we have professionals working on it who could answer. I could not give you a haphazard answer.

CHAIRMAN: You had to consult with your team?

A. Well, of course I had to -- I said I had to go to a certain place. For example, you can take a tram to The Peak, and I told you what I did. All the forms. If I knew that I could get a plumbing licence -- and it's meaningless asking me this. This was known after the incident. I had to ask the lawyers, and they had to clarify how the forms were submitted, and so on. If it's form 46, you cannot say it's form 64. I don't know how to answer these questions.

CHAIRMAN: Well, you can answer a simple question with a simple answer.

A. I don't know what he is saying. He's just asking, "You what you want to say. Did you break the law?"

CHAIRMAN: Counsel, all my questions are the same. The simpler the better. You should not go through a lengthy description or lengthy background description. I can tell you that you and I work here every day in the court, listening; of course we understand what you are trying to do. But if you ask a layperson and you give him a long description, people forget what you are

trying to ask; am I right?

So you should put simple questions, such as WWO46 -- you gave us such a lengthy description -- was it your personal experience or did people tell you? You can put that question in one sentence. Then he knows, "Was it my personal knowledge or did people tell me, did people inform me?" Then that's it. Why do you need to spend so much time?

DR WONG: Okay. Thank you.

I would like to ask you about Lam Tak Sum. You mentioned Lam Tak Sum's personality. You said he's out of control.

A. I think so.

Q. So when did you discover his personality issues -- he was out of control, you couldn't supervise him, he wouldn't answer your questions -- when were you aware of that?

A. I think he's very self-centred. He's been working for me for seven or eight years. After each project, he could complete the works, and I would deem him as competent, until 2015. He injured his leg and he couldn't go to construction sites and I had some concern. I said, "How can you inspect the sites?", and he said, "I might not be able to make it."

CHAIRMAN: Was that the reason for firing him?

A. I might be sued for discrimination for physical ability. He previously had worked for me for seven or eight years, and on each occasion the outcome was okay. We got the water permit, we could use the taps, and I thought that was competent enough.

CHAIRMAN: So his question -- you have to listen carefully to his question. If you don't want to waste so much time, then answering his question is very simple. When did you discover his personality issues? You can just answer that.

A. You can say in the beginning. Well, personality does not affect their work. I just look at outcome. Everybody -- I have a character.

DR WONG: That is not in dispute.

A. Well, it's inborn.

CHAIRMAN: Counsel's question was specific. For specific questions, you can answer specifically.

A. I understand what he's asking. You understand that I have a primary education and I am from the mainland. I might inadvertently fall into his trap. So, in the past, I could talk freely.

Go ahead with your question. You asked about character. How is that relevant?

CHAIRMAN: Okay. It really is irrelevant. Exactly. I will allow you the question. I have given you some leeway,

I have given you some flexibility, but if you ask me, it really is irrelevant. So, "When did he have personality problems" -- how is that relevant?

DR WONG: Let me put it directly.

Mr Ho, I want to ask you, regarding Mr Lam's character and personality and his work attitude --

CHAIRMAN: His work attitude? Why don't you ask him directly? He already answered you. There was no problem with the work in the past seven or eight estates, he completed his work; he answered you.

DR WONG: Let me ask -- you are aware that the licensed plumber has liability? He has to inspect the sites, he has to comply with the Waterworks Ordinance requirements. So, in the past seven or eight years, was Mr Lam competent and did he --

A. Yes, I already told you that he did the job, and on each occasion the WSD had approved him and issued the permit, so what more do I need? So I tolerated him.

Just now I answered you, when you talk about personality -- I'm not talking about theft, breaking the law -- people, when they are emotional, they are highly motivated. My daughter is also full of character. She studied overseas and came back to Hong Kong looking for a job, and I told her I know her bosses, and she said, "Don't mention me, otherwise I'll quit." So

personalities are irrelevant. It's hard to answer these questions. You should ask concrete questions. And I don't know what he is trying to ask.

CHAIRMAN: Yes. Do you have any other questions? Please continue.

DR WONG: I would like to ask you another area of questions. Please refer to page 58 of your statement. Question 10, answer (b), the last sentence.

A. Yes.

Q. Do you know there is a fitting, it's called a pressure-reducing valve, the brand is Nelson, and the WSD report says that it is not on the approved list of materials. Are you aware?

A. No. How would I know the details? I would not know all the fittings on the site.

Q. So, if that was the case, then how could you say in your statement that everything complied with the WSD approved list, or if you don't know then how --

A. Well, I know the material, I am aware of it complies, but if you refer to tens of millions of components and one of them doesn't comply, and now totally I know.

Q. You know that in Kai Ching and Kwai Luen, those plumbing fittings were tested, a lot of them were tested; do you know that? The WSD took a lot of Kai Ching Estate and Kwai Luen Estate fittings for testing?

A. So, after the incident, they tested the fittings.

Q. Do you know what the test results were?

A. Yes. The TV announced the results.

Q. What did you learn from the TV?

A. The inappropriate material was used. There was leaching of lead into the water. The form was not reviewed, and we used the Housing Department's sample. That's all I know. And that had serious consequences.

Q. Do you know that when WWO46 was submitted, you had to submit compliant materials?

A. No. As I said, I don't follow up with issues relating to the WSD, so that's the simple answer. I don't know.

DR WONG: All right.

Chairman, I have around five minutes. Can I use that up?

CHAIRMAN: Any other questions? Yes.

Perhaps we should continue in the afternoon. A few more counsel would like to ask questions. So let's take a lunch break and let's resume at 2.30.

(1.01 pm)

(The luncheon adjournment)

(2.33 pm)

CHAIRMAN: Mr Wong, please go on.

DR WONG: Mr Ho, before lunch, you told us that you learned from the TV that at Kai Ching Estate and Kwai Luen

Estate, some pipes were non-compliant? That's what you saw from TV, right, that's what you said this morning?

A. They were non-compliant.

Q. You said you saw on TV that the WSD tested some pipes from Kwai Luen Estate and Kai Ching Estate, as well as valves and fittings, and you know that some of them were non-compliant; do you know?

A. What does it mean by non-compliant? As I understand, we followed the Housing Department's requirements.

CHAIRMAN: I think what he meant by "non-compliant" is that some fittings contains excessive lead.

DR WONG: Yes.

A. In other words, some tested plumbing fittings were non-compliant. Yes, I know.

Q. After you knew about it, did you find out the reason?

A. We are reviewing the reason that non-compliant solder was used.

CHAIRMAN: That's not what we are talking about. For some valves, those plumbing fittings were made from metal. According to the British Standards, the contents have been stipulated, and specifically the lead content cannot exceed a specific percentage. The WSD found that in some fittings, the lead content exceeds the British Standards, it exceeds that specified or allowed by the British Standards. However, it was found that even

though there is excessive lead, they were not the reason of the presence of excessive lead in the pipes.

A. I didn't pay attention to that.

DR WONG: Now, you said you weren't very familiar with the water permits. Do you agree that when the WSD approves water connection to a site or housing estate, they would rely on the submissions given to the authorised person or licensed plumber?

CHAIRMAN: You don't have to ask this question.

DR WONG: Finally, I would like to look at a paragraph of your witness statement. Page 31, at (g). Please let me know once you have read it. Item (g).

The first question, was this paragraph your personal opinion or was it instructed by your lawyer?

A. (Chinese spoken).

Q. It was your opinion, right?

A. No, it was the opinion of the trade, as well as -- if the Water Supplies Department approves a water permit, then it's generally considered okay.

Q. I would like you to look at B3.1, page 1164, in other words the interim report of the Housing Authority. B3.1, page 1164. At the top, subparagraph (b).

A. I don't see it. It's in English. I don't understand. Can you tell us what it's about?

Q. The grammar and the description of this paragraph is

basically the same as your subparagraph (g). Did you
come up with this opinion after reading this paragraph?

A. I don't know English and nothing can change my mind.

What are you coming at?

Q. I just want to point out that this paragraph was copied.

A. The content of the witness statement is my view. The
lawyer asked me to read it and I said it wasn't
necessary because that was my opinion. It was only the
second time I read it, yesterday.

CHAIRMAN: So are you saying that the Housing Department
would try to come up with this paragraph?

DR WONG: (Chinese spoken).

A. (Chinese spoken).

CHAIRMAN: All right. Let's not argue about that.

DR WONG: I have no other questions.

Cross-examination by MR LAM

MR LAM: Mr Ho, I represent Shui On. Please look at S1.

CHAIRMAN: He represents Shui On.

MR LAM: Please look at page 102.

CHAIRMAN: He calls you "Brother Biu".

MR LAM: Chairman, this is about Kwai Luen Estate.

A. All right.

Q. Starting from 4 June, or starting from April until
October, over this period of eight months, according to
the chairman, WL50D tin strips were used, and from April

to December it's a time span of eight months, and over these eight months, there were about 1,007 flats. Do you agree that the time is more than adequate?

A. Yes.

Q. And up until March 2014, we are talking about a period of 11 months. At that time, at Kwai Luen Estate, you had about ten months; do you agree?

A. For Kwai Luen Estate, I didn't visit the site by the time of completion. The structures of both companies are different. Our person in charge has a different approach. So, in my supplementary witness statement, I didn't dispute the issue of time. I have always said that even if time was tight, it is not an excuse for using non-compliant materials.

Q. All right, I understand. At Kwai Luen Estate, you only visited the site once or twice; right?

A. Yes.

Q. So, in other words, for the other questions, perhaps I would ask your subordinates, including Mr Wong Kwai Hung.

Now let's look at page 104, since you have the bundle already. Do you have the bundle?

A. Yes.

Q. This is a delivery note from Prosperity. If you look at the client name, it's Ho Biu Kee. Delivery address:

Kwai Shing Circuit, in other words the Kwai Luen Estate site. The signature is "Kin". I believe it's your successor, Mr Leung Wai Kin?

A. Yes, Mr Leung signed on it.

Q. So, in April 2013, someone ordered these items to be delivered to the Kwai Luen Estate site, and Kin from Ho Biu Kee received and signed?

A. Yes. As I explained yesterday, Leung Wai Kin -- I'm not sure if you were here yesterday.

Q. That was my question.

A. The two of them were very close and they communicate with each other, but for details you have to ask them.

Q. A witness from Shui On said that we never had knowledge that we had used solder strips, because Ho Biu Kee was the receiving party.

A. Not just Shui On. The same goes for China State.

Q. Shui On has worked with you many times, and basically Shui On trusts Ho Biu Kee in terms of your reputation or workmanship, and there haven't been any issues in your collaborations until now?

A. We have worked with Shui On for 32 years, and I really appreciate their culture. My success now was due to Shui On in no small part. They trust me a lot. My price is never higher than the market price. It's often lower. And I have not filed claims to Shui On. In the

past eight years I have not made any money. For So Uk Estate I will lose at least \$10 million. So, according to your manager, Mr Au, he said we abused their trust and made \$100,000. I feel very sad that he made such claim.

Q. So, before this incident, Ho Biu Kee had a good representation, and we believe you had a lot of goodwill in plumbing?

A. Well, for four straight years I had received the plumbing subcontract, for four consecutive years. You can see (opening a newspaper) -- four straight years, I was outstanding contractor. I had received a lot of press interviews, and I quoted Shui On as an example. I started doing work for Shui On since 1984, and some 20-odd years ago I already built a company that was very systematic, and I participated in a lot of quality construction projects.

So this is confirmation from Shui On.

MR LAM: I don't have any further questions, Chairman.

Cross-examination by MR YIN

MR YIN: Mr Ho, I represent the Housing Authority. I just have one clarification that I need to seek. Please listen carefully.

A. (In English) Okay.

Q. I hope it's not controversial.

A. It's not controversial. If I don't understand, I need to clarify with you.

Q. Just now, the chairman had said lawyers like to paint a very detailed picture, and you see, in your written statement, there is an area that seems -- there seems to be an allegation against the Housing Authority, but upon closer scrutiny, that might not be the case, because you seem so say that is what Lam Tak Sum told you. So I would like to direct you to that part.

A. I never blamed the Housing Authority.

Q. Please refer to question 10, the response to question 10. It's page 38 of bundle K1. The question is, after the incident, some plumbing fittings -- there was some discrepancy with what was declared in form WWO46. Now, according to your witness statement, the deviated plumbing materials, according to the LP, that is Mr Lam Tak Sum, he had notified the Housing Department that these parts should be amended, should be changed, and it should be forwarded to the WSD for approval. However, the building service engineer, BSE, said that it was not necessary because the Housing Department would clarify that with the WSD, so they did not need to notify the WSD.

Now, according to this, first of all, you heard this from Lam Tak Sum; is that correct?

A. I had read that in the newspapers. I think it is not probable. Lam Tak Sum, did he contact HD staff?

I don't think so. He could not contact Housing Department staff directly, and the Housing Department staff would not speak on his behalf. So I think that could not have happened. Tomorrow, you should ask Lam Tak Sum what did he say, who did he talk to.

Q. I will ask you one further question. From China State witnesses, we are aware that the Housing Department does not have a BSE. It's the main contractor, they have a BSE on site, not the HD. So, from this perspective, if Lam Tak Sum says the HD BSE tells him something, that doesn't match.

A. Well, you should direct that question to Lam Tak Sum. I did not say that. I read the newspapers. When Ada was giving evidence, I felt it was not probable. The HD, they don't have such low-level staff. They would not say that. Their work attitude, their professionalism, should be much better. That could not have been the case. Even if they had said that, we would not believe them. If a BS says that, then I would not take it at face value. That's not possible.

CHAIRMAN: Anybody else, further questions?

Re-examination by MR YEUNG

MR YEUNG: Mr Ho, I just have a few questions to clarify.

The first question: when did Lam Tak Sum join Ho Biu Kee? You say you don't recall which year, but you recall that he worked seven or eight years.

A. He worked seven or eight years.

Q. Did you mention when he joined your company?

I would like to direct you to page 15 of your witness statement.

A. Which page?

Q. Page 15, paragraph 19.

Do you see here Lam Tak Sum, in 2009, started to work for Ho Biu Kee -- that is your knowledge; right? That is your understanding; right?

A. Okay.

Q. A second question. Before Lam Tak Sum joined, there was another plumber working for Ho Biu Kee, Law Foo Hay, because his name was mentioned in the documents bundle.

Another point is that this morning, the WSD counsel referred to the witness bundle, K1, page 46, question 17(e). If you refer to the translated version, it's L1/2225.22.

So the question is, there is no way you can confirm or understand whether the plumber had an understanding of the plumbing material requirements? So when you wrote that, what was the basis for saying that? We have a bracket in paragraph (e) that says that Mr Lam, when

he took the examination for becoming a licensed plumber,
heavy metals were not in the syllabus.

A. You can refer to his interview in the news, and you can
see what his stance is on this issue. He said it is not
his problem. He was shifting the responsibility.

MR YEUNG: Thank you. I have no further questions.

CHAIRMAN: Thank you, Mr Ho. You have concluded giving
evidence. You can leave.

WITNESS: Thank you.

MR YEUNG: Chairman, I would like to call Mr Kwong Ka Fu to
give evidence.

MR KEVIN KWONG KA FU (affirmed)

CHAIRMAN: Please take a seat, Mr Kwong. When you speak,
you need to speak into the microphone, and speak up,
please.

Examination-in-chief by MR YEUNG

MR YEUNG: Mr Kwong, we know you have prepared a witness
statement for the Commission. The witness statement was
prepared on 3 December 2015. That is in witness
bundle K and I will read it out to you. So please
listen carefully.

A. I need to listen to the interpretation.

Q. (Statement read in English)

(In English) That was dated 3 December 2015.

(Via interpreter) Mr Kwong, you heard the witness

statement read just now, and is that your signature at the end?

A. Yes, correct.

Q. You have read the witness statement. Do you confirm the contents are true and accurate?

A. Yes.

Q. Are you willing to adopt this witness statement, the contents, as your evidence?

A. Yes.

Q. I have one question for you. Do you know Chan Siu Wah?

A. Yes.

Q. He has prepared a witness statement as well. It is in K3, page 2399. There is one paragraph that mentions you, in paragraph 42, in page 2399. Perhaps I should read it out:

"According to Ho Biu Kee's instructions, diameters of less than 54 millimetres, they will use a carbon natural gas -- liquified gas torch, and for larger diameters than 67 millimetres will use oxyacetylene torches, and according to my memory, we had not used pipes with a diameter of between 54 and 67 millimetres. Mr Kwong of Ho Biu Kee, he would be responsible for managing the subcontractors and their instructions and Kai Ching Estate was no exception."

So Mr Kwong, that is you, before each project

C begins, they would contact the subcontractors; do you
agree? C

D A. I disagree. During construction works, I am not D
E familiar with this material and the sizes, and so on. E
Technically, I am not familiar with the specifications.

F Q. So you would not contact the site supervisors and you F
G would not instruct them? G

H A. No. H

I MR YEUNG: I have no further questions for you. Other I
J counsel will have questions for you, so please listen J
carefully.

K Cross-examination by MR SHIEH K

L MR SHIEH: Mr Kwong, first of all, we'll start with your L
M personal background. At page 2249, this is your witness M
statement, the beginning.

N You are now a quantity surveyor. Previously, you N
received training at the Vocational Training Institute?

O A. Yes. O

P Q. You joined Ho Biu Kee in 1997-1998. Before Ho Biu Kee, P
what did you do before you graduated?

Q A. Once I graduated, I joined Ho Biu Kee. Q

R Q. So your work, a lot of times you need to read R
S construction contracts. Construction contracts, we S
T know, are as thick as a book. As a quantity surveyor, T
U you would have to read bills of quantities. In bills of U
V

quantities, there are a lot of components, and they have different requirements.

In our case, it involves soldering materials. We are focused on soldering materials for joining pipes. So your understanding, it's not indicated in the BQ, in the bill of quantities?

Other witnesses have mentioned you are aware of the construction contract requirements. That is, soldering material for pipes should not contain lead.

A. I am aware.

Q. Was this hearsay or was it through reading the building contracts?

A. My understanding from reading the contracts.

Q. Since the contracts, the BQ, you mainly read the BQ, they don't talk about soldering material; of course, other areas. So do you mean that in reading other parts of the building contracts, not the BQ, you understand that there is a requirement for solder material?

A. Of course. Aside from BQ, I need to read the specifications. In the specifications, I understand it mentions this part.

Q. Previously, we had gone through the specs, so instead of digging out the file -- so the relevant specifications mention the relevant British Standards?

A. Yes, the wording says "lead-free".

Q. It doesn't mean there's no lead. It just means that it has to be less than a certain percentage.

A. I knew that after the incident.

Q. Well, verbally you understand that it's called "lead-free"?

A. Yes.

Q. So your work in the company includes tendering and planning. At page 2250, answer 2(a), the first sentence, you were responsible for tendering and planning for the two estates.

We would like to know -- Mr Ho Man Piu mentioned you would do some analysis. You read the BQ, you did some numerical analysis, and you told them, "This project, we need to do this type of work and we estimate the costs will be such and such", then Mr Ho will make a decision on the tender price. So, in general, is that the procedure?

A. Yes.

Q. When you conducted the analysis, did you estimate the costs of material? Is that part of your work?

A. Well, basically, we don't calculate the costs, because we have done it so many years; we have a standard price for Housing Department projects. Ultimately, we have to calculate how much discount we --

CHAIRMAN: Could you speak up, into the mic.

MR SHIEH: But you have some standard prices; is that what you mean?

A. Yes.

Q. But it doesn't include soldering material.

A. Because the BQ doesn't have soldering material, it doesn't include soldering material.

Q. So Ho Biu Kee has to foot the bill for soldering material? They have to absorb these costs; right?

A. Of course.

CHAIRMAN: I don't really understand. For the standard pricing, does it mean that Ho Biu Kee would charge Shui On a specific amount instead of standard pricing or something for public housing estates?

A. The costs are often standard. Standard units would be used. So basically, we have our own price lists, on the prices of different materials. For example, the plumbing parts.

COMMISSIONER LAI: So does it mean that the prices quoted by your own company or the prices established by your company, and they differ from company to company?

A. Right.

CHAIRMAN: For copper pipes, for example, you have a standard price for the price per square metre -- per metre, right, something like that?

A. Correct.

MR SHIEH: As you conduct the analysis, you would consider the costs of filler metal, right, or small fittings; have you done that?

A. No. Under the bills of quantities, the majority of the costs comes from pipes and valves. For sundry items, they are very minor, and we do not incorporate it into the costs.

Q. But the fact is, they do cost. So do you consider them very minor, and even if you don't include them in the calculation, you can still make enough money?

A. For the so-called standard price lists, I would --
CHAIRMAN: Can you repeat that, please.

A. In my standard price lists for pipes, I have already incorporated a specific percentage for small fittings.

CHAIRMAN: For example, if copper pipes cost \$10 per metre, 50 cents would go to solder; right?

A. Yes.

CHAIRMAN: And people have always said that filler metals only compose a small percentage, but for your company, in terms of Kwai Luen Estate or Kai Ching Estate, how many per cent -- how many per cent of the contract goes to the filler metals?

A. Around 5 per cent.

CHAIRMAN: All right.

MR SHIEH: Therefore, as you carried out the analysis, you

never obtained any quotations or did any calculations on the expected usage of solder, so you haven't done this step; right? But as a norm, whenever an item was mentioned in the bills of quantities, you would build in a certain percentage for filler metals?

A. Yes.

Q. As a norm, for contracts, for building contracts of the Housing Authority, there are certain items and parts and they are of a mandatory nature. Samples must be submitted to the Housing Authority for approval. Do you know that?

A. Yes.

Q. Do those belong to PLU2?

A. As I know, samples must be submitted for everything. Which part are you referring to in the PLU? Do you mean PLU2 under the specifications. As far as I remember, PLU2 is on sanitary fittings, and in these two projects, Ho Biu Kee was not the supplier for sanitary fittings.

Q. I understand. For these two projects, sanitary fittings were used. Well, let's not think about PLU1 or 2.

Whether or not it's a contractual requirement, most or all fittings must have samples submitted to the Housing Authority for approval. Does it include filler metals?

I understand that solder is covered.

A. Yes.

Q. Now let me ask you some questions about the solder. So, as a norm, you have established procedures for submitting samples for solder; right?

A. Yes.

Q. Once you know that you successfully win a bid for the projects and that you need to submit samples of solder, can you tell me what the work flow looks like? I know that solder is only a minor item, so what are your procedures, first of all?

A. We have worked with Prosperity for many, many years.

Q. Let's pause here. When you joined Ho Biu Kee, had Ho Biu Kee started collaborating with Prosperity?

A. Yes. When I took over the project, at the beginning I wasn't very experienced and I didn't know a lot of companies, so I had no recollection of their relationship at that time.

CHAIRMAN: When the sample submission was passed on to you -- when did you take over the sample submission procedure?

A. Around 2003, during the time of SARS.

MR SHIEH: At that time, Prosperity was already an established supplier of Ho Biu Kee. I know there are norms, but did any of your colleagues or supervisors tell you that solder would be ordered from Prosperity, or did you find that out yourself?

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A. I knew that Prosperity specialises in filler metals.

Q. Did you know about that from your colleagues or your former colleagues?

A. Yes.

Q. You knew Prosperity supplies filler metals.

A. Yes.

Q. So as you prepared the submission, since you required samples of filler metals, you would approach Prosperity; right?

A. Yes.

Q. After you knew that you needed solder, how did you approach Prosperity?

A. I would call their staff.

Q. Would you approach Mr Chow?

A. Yes, I would call Mr Chow.

Q. Prosperity doesn't have an office; they have a shop, right?

A. I'm not sure because I have never visited them.

Q. You said you approached --

CHAIRMAN: I don't think it's a store.

MR SHIEH: You asked Prosperity for samples. So how did you describe it to them?

A. Solder for plumbing works.

Q. Yes, so you mentioned soldering materials for fresh water plumbing works.

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A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 37	
C	A. Yes.	C
D	Q. And Prosperity would supply them?	D
E	A. They supplied this brand to us.	E
F	Q. I am sure you are very familiar with it, the green reels of FRY lead-free solder. (Indicating).	F
G	A. Yes.	G
H	Q. Before these two affected estates, Ho Biu Kee was involved in a lot of other projects, and for the sample submission, you have always asked him for the solder by phone, and every time they would deliver a reel of FRY lead-free solder?	H
I	A. Yes.	I
J	Q. When you asked Prosperity for FRY, FRY would supply a set of documents; right?	J
K	A. Yes.	K
L	Q. Would you specifically ask them to show it, or it's understood?	L
M	A. Well, it's understood. It's common practice. Even if they are not deliver by hand, they would email to us or use other channels to send them over.	M
N	Q. For every project, whenever you request samples, you have to obtain a new set, right?	N
O	A. Yes.	O
P	Q. Because there might be changes. A new set of documents are required.	P
Q		Q
R		R
S		S
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V		V

A. Yes.

Q. Sometimes it's well known that when you ask for a sample -- if you ask for a sample this year and if you ask for a sample next year, you will always be given the same reel.

Are you aware that every time you ask for samples, they would give you the same thing?

A. I don't really understand your question.

Q. Every time you asked Prosperity for solder for fresh water pipes -- well, before the incident at these two housing estates, every time they gave you a reel of FRY lead-free solder. So, after you took over the submission work, they always gave you the same item. So, before these two projects, every time you called them, you should have known that they would give you a roll of solder. So this is not something you need to pay attention to?

A. Right.

COMMISSIONER LAI: Were these sample usually free?

A. Yes, as far as I know.

MR SHIEH: I would like you to look at B15.1, page 37822. This is the submission for Kai Ching Estate. This is part of the submission, on page 37822. You can see Prosperity Building Materials Ltd. That's the English name of the company. You see the title, "Major job

reference, FRY Powerflow flux lead-free solder wire".

They had used FRY, so it's a portfolio or track record.

So this is a very standard document which basically says that it's correct to use these materials, and you would pass them on to the main contractors and they would submit them to the Housing Department for approval.

A. Right.

Q. Now let's have a look at page 37811. This is the submission sent to the Housing Department. Personally, you did not handle this document; right?

A. Yes.

Q. But you were aware that as you submitted the paperwork to Shui On or China State, they would consolidate your submission and send them to the Housing Department?

A. Yes, I know.

Q. And it contains all sorts of information. When you look at page 37820, these were obtained from Prosperity, to be passed on to China State and in turn the Housing Department?

A. Yes.

CHAIRMAN: I would like to pause here. Now, you said you looked at the things. In the fourth point you mentioned it as well, the fourth bullet point, "(In English) Meeting the health and safety requirements for potable water supplies". Have you seen this?

A. Basically, for these catalogues, as I know, according to the specifications, the main requirement is lead-free, and I see these requirements and I would return them -- I would submit them.

CHAIRMAN: What I want to know is apart from the knowledge that it was lead-free, you also knew that this is for the health and safety of potable water.

A. I wouldn't read this catalogue in detail.

CHAIRMAN: Do you understand my point? You said there are many reasons for using lead-free wire, for instance some technical requirements. Your lead might not be -- sometimes, the solder cannot be applied with lead, and that's the exact reason. Do you agree with what I said?

A. Yes, I do.

CHAIRMAN: So at the time, were you not aware?

A. No, I didn't pay attention to this.

MR SHIEH: You were only aware that it should not contain lead. But the reasons, you did not explore those reasons?

A. Correct.

Q. So the main contractor would submit that and would get approval. So it was just a standard procedure, you had anticipated those results.

So I would like to ask you, when you understood that it had been approved, do you have any standard practice

within Ho Biu Kee; that is, the person responsible or the site supervisor, whoever decided to use which material, they were aware of this project and they had to use this soldering material? There was a mechanism to ensure within Ho Biu Kee that they were aware?

A. No. No.

Q. You are very honest. So if you know that it had been approved, and there's no procedure to produce a table to include this sundry item, this solder material, a circular or a table, to notify internal staff of Ho Biu Kee, and if you order material from Prosperity then you have to specify FRY?

A. No.

Q. So the construction workers wouldn't tell you about it?

A. No.

Q. Over time, would they be aware -- it's something else, but you didn't have a circular or notice?

A. No.

Q. So internally, within the office, those responsible for placing procurement orders is Jess and Ms Wong Wai Ping and Mr Ho's personal assistant. So for these people placing orders, was there any mechanism to notify them?

A. Yes.

Q. Would they over time be aware, that's a separate issue, but there was no mechanism?

A. No.

Q. That might not be a problem of itself. Some people can operate on auto-pilot, so to speak. So you received approval from the Housing Department. You anticipated that the material would be used.

A. We just needed approval.

Q. You knew that HD would have to approve material, and your expectation and the HD expectation was to use the approved material?

A. We do not communicate --

Q. Who did you not communicate with?

A. I did not communicate with procurement.

Q. Would you know how procurement staff knew about the approved material?

A. They would know that they would have to procure from Prosperity.

Q. You knew they would have to procure from Prosperity. How would they communicate with Prosperity? What would they order?

A. As far as I know, they would use the material lists and place orders with Prosperity, and Prosperity would deliver the required goods to the site.

Q. So staff responsible for procurement, and the site staff -- the site staff, how would they communicate with the procurement staff? How would they communicate the

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message of what material they needed?

A. I am only aware of the material list.

Q. There was only a material procurement list for them to fill out what they needed. But how they filled it out, what terminology or how they described it, you don't know?

A. Correct.

Q. Don't you think that there is a missing link in between -- don't you think there's a missing link, there is a lost message between -- in the whole process?

A. You can say there was a lack of communication.

Q. Lack of communication -- as a matter of fact, you don't know when the construction site staff, when they procured, so you don't know how they describe the purchase order, and your procurement department staff, when they receive a message that they need to procure a list of material, including soldering material, when they place an order with Prosperity, what description, how do they place order, you don't know?

A. I didn't know.

Q. In the company structure, you weren't responsible for purchasing this material such as soldering material? Your work was just planning, tendering-related work. So the hands-on stuff of procurement was not your responsibility?

A. Not my responsibility.

CHAIRMAN: So submission and procurement are two separate jobs?

A. Yes, we separate the jobs.

MR SHIEH: Now, these sundry items are miscellaneous. In paragraph 2(d), you did not establish formal procurement contracts; you would just place them as you needed them?

A. Yes.

Q. Did you know that on the site, which site supervisors or the contractors in each block -- which staff had the authority to place procurement orders? Do you know who had the authority to place orders?

A. I knew the site supervisors could. The others, I'm not sure who else had authority.

COMMISSIONER LAI: Let me ask you, as far as you know, Prosperity had only provided one sample, this sample?

A. Yes.

COMMISSIONER LAI: There were no other samples?

A. No.

MR SHIEH: To prevent misunderstanding, each time some messengers or couriers would deliver something to you, a green roll (indicating). Just now, the Commissioner asked you -- you have not seen these long strips, the WL50 flat strip?

A. Not before the incident.

CHAIRMAN: You have seen silver brazing?

A. I have seen the strips after the incident.

MR SHIEH: What about silver strips?

A. Are you referring to strips? I have seen those.

Q. But not this long strip.

CHAIRMAN: So set aside the Housing Department. Your

company also does work for the Buildings Department, hospitals. So for fresh water plumbing, you have worked in Ho Biu Kee for so long. For fresh water plumbing soldering material, you would only use that green solder?

A. Yes, just one, the green solder roll.

Q. We have heard that you are aware that when the site ordered material, they did it through a fax. The site supervisor would write down their request and fax it to the office. You said the site supervisor had the authority to place orders, but in Kai Ching Estate -- the site supervisor was Chan Siu Wah; you knew who he was?

A. Yes.

Q. He was based on the site; right?

A. Yes.

Q. And you were based in the office. So did you know that aside from Chan Siu Wah, would the site supervisor have authority to fax procurement orders? Were there other

staff who had authority to send procurement requests?

A. I don't know whether others had the authority.

Q. I would like to direct you to your witness statement, page 2253. Let's look at 3(a). You say that in your dealing with Prosperity, you mentioned the solder material was used for joining water pipes in public housing estates.

Did you give so much detail in your dialogue with Prosperity? Did you tell them that it was used for fresh water pipes? Did you mention that it was used for public rental housing?

A. (Chinese spoken).

Q. You just said it was for fresh water plumbing and you would assume that Prosperity would give you the relevant material.

A. Yes.

Q. You then said:

"(In English) ... Prosperity then proposed that we should use 'FRY' lead-free solder wire and Powerflow flux."

There wasn't any proposal mechanism, you asked them to provide you a sample and they gave you a green roll. There was no choice -- there was no discussion or anything?

A. No.

Q. You asked for a sample and they gave you this.

A. Yes.

Q. Looking at 3(c), it says after the lead in water

incident, you found out from a purchase officer of

Ho Bui Kee certain incidents about Mr Chan Siu Wah.

First of all, I would like to ask, from which

procurement staff did you learn about this information?

Because, in your witness statement, you only mention

"purchase officer", singular. So did you hear from one

person or many people? Because you later on refer to

"they". Who did you hear it from?

A. I heard from Ms Chiu, Jess.

Q. You heard it from Jess.

Then you refer to "they". So aside from Jess, did

you hear it from anybody else?

A. I only recall Ms Chiu. I heard it from her.

Q. You heard it from her?

A. That was after the incident.

Q. It was in a casual conversation or did you take the

initiative?

A. It was in a conversation.

Q. You did not --

A. I was in a more passive position.

Q. So you were in the office, and then had a conversation,

she might have taken the initiative. So you did not

A	<i>Annex: Realtime English Transcription based on floor / Simultaneous Interpretation</i>	A
B	Commission of Inquiry into Excess Lead Found in Drinking Water	B
	Day 37	
C	take the initiative to find out what occurred?	C
	A. Right.	
D	Q. So, anyway, it was a conversation and it was not	D
E	a deliberate question and she mentioned this.	E
	A. Correct.	
F	Q. And she told you that procurement department heard or	F
G	was instructed by Chan Siu Wah that they had to order	G
H	solder strips. This is written in English. So how did	H
I	Ms Chiu convey this message? She wouldn't use English.	I
	She would say Kai Ching Estate required what?	
	A. Solder strip.	
J	Q. So Ms Chiu told you that Chan Siu Wah, as the person in	J
K	charge of site work for Kai Ching, told the procurement	K
L	staff that Kai Ching Estate needed solder strip for	L
	solder material.	
M	So, in your memory, she told you some pipes required	M
N	solder strip, is that correct, or what did she say?	N
	A. Yes.	
O	Q. I'm not trying to test how much you remember, but in	O
P	Kai Ching Estate there are some pipes.	P
	A. Yes.	
Q	Q. Did Ms Chiu explain to you in detail that within	Q
R	Kai Ching Estate, which pipes needed to use solder	R
S	strips and which don't?	S
	A. No.	
T		T
U		U
V		V

Q. This morning, Chan Siu Wah said -- you said Chan Siu Wah said some pipes in Kai Ching Estate require lead strips. So, as far as you remember, what are the differences between these solder strips and reels of solder wire supplied by Prosperity? On the other hand, what relationship is there between this lead and the presence of lead in water? So your conversation with Ms Chiu wouldn't have come out of nowhere after the incident.

A. (Chinese spoken).

Q. In other words, you know about the lead in water incident, and Chan Siu Wah said some projects or works require solder strips, so did you understand that and what's the correlation with lead?

A. At that time, no.

Q. So, in your conversation with Ms Chiu, you knew that Kai Ching Estate is not using the solder strips you have always been using. Did you try to look into where or when the solder would be used?

A. No.

Q. At that time, have you ever seen this type of tin strips or solder strips afterwards?

A. Yes, I did.

Q. So Ms Chiu showed you; right?

A. No, we obtained some samples from Prosperity.

Q. (Chinese spoken).

CHAIRMAN: So the box contains strips?

A. Yes, strips.

CHAIRMAN: They only give you strips, not the whole box.

A. Yes, not the box.

MR SHIEH: There's a background to it, and the background is that there's lead in drinking water, and Ms Chiu told you that Chan Siu Wah said, apart from ordering the normal materials, you should order some solder strips as well. At that time, and from the TV or other channels, were you aware of the origin of green "gun", it might be due to the fact that the solder might contain lead? In your conversation with Ms Chiu, were you aware of sufficient news reports?

A. I didn't pay a lot of attention to media reports. That was my speculation only.

Q. So, to put 2 and 2 together, have you formed a conclusion for yourself? Would it be possible that Chan Siu Wah ordered Ms Chiu to order the wrong material?

A. (Chinese spoken).

Q. Have you at least thought about it? Has it ever crossed your mind?

A. Can you repeat that?

Q. Ms Chiu told you that Chan Siu Wah suggested to use solder strips for Kai Ching Estate, to connect some

pipes. So, after hearing what he said, has it ever crossed your mind that the presence of lead in drinking water might be due to the use of this new type of solder for Kai Ching Estate?

A. No. In the fresh water plumbing system, there are a lot of things. There are pipes and valves. So I never thought which part would be the real reason.

CHAIRMAN: So you didn't even consider that possibility?

A. No.

MR SHIEH: Now let's look at (d). You said:

"At the material times" -- so at the time -- "my colleagues did not know that the solder strips might contain lead; nor were they aware of the requirements that the solder strips should be 'lead-free'. They simply asked for the supply of 'solder strips' from Prosperity and Ho Biu Kee was then supplied with WL50D ..."

So Ms Chiu told you all of that afterwards?

A. Yes, I knew about it afterwards.

Q. Were you told by Ms Chiu?

A. Yes.

Q. In your conversation with Ms Chiu, you knew about the term "solder strips". Mr Chan Siu Wah suggested using solder strips for Kai Ching. So, from Ms Chiu or someone else, did you know that for the reels of FRY

solder you used to order from Prosperity, how would your procurement staff describe this item?

A. I didn't pay attention.

Q. You were aware that Mr Chan Siu Wah suggested solder strips. Did you try to find out what the reels of solder were?

A. No, I didn't find out.

Q. I would like you to look at 7(e) of your witness statement. You said China State should know that solder strips were used for Kai Ching Estate. You then gave some examples. For Mr Lam Kai Wong from China State -- he was China State's building services engineer -- according to his witness statement, he admitted that he received two delivery notes and they were submitted to the Housing Department's project clerk of works via China State.

Now, I want to know about your knowledge. So you didn't personally submit those delivery notes to China State; right?

A. Yes.

Q. These notes were sent to the site, and the site staff would receive and sign on the forms?

A. Yes.

Q. And you would submit all those to China State, without passing through you; right?

A. Without passing through me.

Q. You said that you believed China State should know that solder strips were used for Kai Ching Estate. Did you base your opinion on the fact that some delivery notes would be submitted via China State? Was it your deduction? It wasn't because of your direct liaison with anyone from China State?

A. No, we didn't talk about it.

Q. So that was just your deduction? If they were passed to you, you would have been sure; right?

A. Yes.

Q. But if they said they had not read it, you would not insist on it.

A. Right.

Q. Every time you called Prosperity for samples, you would tell them that you want solder for plumbing works.

Would there be any other circumstances in which you would describe or use other language to describe this reel of solder? Would you use words like "reel" or "FRY" or would you just mention "solder"?

A. Just "solder", and when I said I wanted solder, they didn't just include this reel; they included silver solder sticks as well.

Q. Some special pipes require silver solder sticks.

CHAIRMAN: And flux as well.

MR SHIEH: They would submit the whole set; right? They
won't just give you a reel of solder.

A. Right.

Q. So soldering materials include materials required for
a standard fresh water plumbing system, and there would
be solder and flux; right?

A. Yes.

Q. Have you heard anyone else call this FRY solder "solder
wire"?

A. Yes.

Q. Under what circumstances?

A. I cannot recall. That might be jargon.

Q. Before the lead in water incident, had you heard about
it, or did you only hear about it after the incident?

A. I just heard from others. I have no recollection.

Whenever solder is mentioned, they know what to supply.

We didn't specify solder strip or solder wire.

Q. So all along you have been using the word "solder", and
these are sundry items. To be honest, you might not
have learned about it at VTC.

A. I have no recollection.

Q. You might have studied something more significant.

A. I studied building services.

Q. So you wouldn't study the difference between solder wire
and solder?

A. I specialised in building services.

Q. So you would only call them soldering materials. So my question was, when did you hear about this jargon, "solder wire", or who in the trade would use that term?

A. My colleagues in the company.

Q. When they described "solder wire", what were they referring to; do you have any recollection?

A. For solder wire, my logical deduction would be this one.

Q. Now, you have always ordered reels of solder and sticks from the supplier. Do you know that they are called silver soldering sticks?

A. Yes.

Q. These are required to join copper pipes?

A. Yes.

Q. Before the incident, you only knew about a single type of lead-free material?

A. Yes.

Q. But you didn't try to find out more because they are not the focus of your work?

A. Yes.

CHAIRMAN: So you wouldn't look at the orders; right?

A. Right.

CHAIRMAN: For Shui Chuen O Estate -- the orders were on reels of solder wires; have you seen those?

A. No.

MR SHIEH: So you don't handle these orders; right?

A. (Chinese spoken).

Q. The site would fax these orders to Ms Wong, and this is not something you would handle on a day-to-day basis, so as you said, you wouldn't know how they would be described.

All right. Now, for Kwai Luen Estate, according to your witness statement, 3(f), page 2254, you said:

"(Partially in English) A similar request for solder strips was made by Mr Wong Kwai Hung in respect of Kwai Luen Estate project."

Mr Wong was also responsible for Kwai Luen Estate and made the same request for solder strips. You only knew about it afterwards; right? How did you know about it?

A. I knew about it from Mr Wong Kwai Hung.

Q. You heard about this from Wong Kwai Hung, not Ms Chiu; right?

A. No.

Q. Did Mr Wong Kwai Hung explain to you why solder strips were used for Kwai Luen Estate?

A. No, he didn't talk about that. Now, we had a chat and we knew about it.

Q. What do you mean?

A. At Kwai Luen Estate, solder strips were used.

Q. So he told you he had ordered solder strips, he had used solder strips in Kwai Luen Estate. Did he tell you that he decided to use solder strips?

A. Not that I recall.

Q. So he told you that he used solder strips in Kwai Luen Estate. So this occurred in a dialogue, but there must have been some context. Why would he tell you that he was using solder strips in Kwai Luen Estate?

A. Because, after the incident, he had -- the site staff came back to the office to discuss this issue, and he gave me this message.

Q. As I said, there was a context.

So, after the incident, Wong Kwai Hung came back to the office. You were in a conversation and he said that he was using solder strips in Kwai Luen Estate. So did he ever mention that because they used solder strips, there was excessive lead in the water?

A. No.

Q. But did that flash in your mind that that occurred, just like your dialogue with Ms Chiu? You did not take the initiative and investigate further?

A. Correct.

Q. Regarding the archiving of documents, material procurement orders, when they were faxed to the office, you weren't responsible for archiving?

A. No.

Q. The purchase orders, they were not kept by you as well?

A. No.

Q. One possibility -- it's just a possibility but I am pointing it out to you -- first of all, do you know whether FRY solder wire and the WL50 solder strips have any price difference?

A. No.

Q. Would it be possible that at the company, relevant colleagues might pick up this sample that's just for show, that's just a routine procedure for the Housing Authority, they wanted to insist on lead-free solder, but later on they would order cheaper solder that contains lead, to save money? Do you think that was possible?

A. I don't know the price of the two materials.

Q. As you said, even if you did do tender, you did not investigate into the price of sundry -- of these minor metal components; is that what you mean?

A. Yes.

Q. Mr Ho Man Piu, after the incident occurred, he became a person of interest in the media. Ho Biu Kee was responsible for Kai Ching Estate. Did he come back to the office and start questioning staff on what happened? Did he ask you?

A. No.

Q. Did you see him raise his voice? Did you see him ask
Jess or Ms Wong?

A. No.

Q. So these rolls of FRY solder and solder strip, are you
aware that they melt at a lower temperature?

A. Well, I know after the incident.

Q. But you didn't know at the time?

A. No.

Q. How did you know after the incident?

A. I read reports.

Q. Nobody from the company told you?

A. No.

MR SHIEH: Okay. Thank you. I have no other questions.

Questioning by THE COMMISSIONERS

CHAIRMAN: I would like to ask, did Mr Ho ever, prior to the
lead in water incident -- he's the boss -- in his daily
work?

A. He didn't ask.

CHAIRMAN: What is his level of involvement?

A. (Chinese spoken).

CHAIRMAN: I didn't hear you.

A. He would manage. He would inspect the construction
site. He would ask if there were any problems.

CHAIRMAN: So it was high-level management. Did he ever ask

about material procurement?

A. He did not mention that to me.

CHAIRMAN: You don't know. Did he ever look into material
submissions?

A. No.

CHAIRMAN: He never dealt with that?

A. No.

CHAIRMAN: Your company office doesn't have a lot of staff;
right? Did he instruct the procurement staff how to do
their job? What was his level of involvement?

A. Well, basically, when we won a tender, I would submit
the BQ to the procurement department, and we would talk
about all the contents of the BQ.

CHAIRMAN: Your company does a lot of Housing Authority
work, so it should be very formulaic, it's very
standard; there's not much to ask?

A. Everybody is almost on auto-pilot.

COMMISSIONER LAI: Did you contact Mr Lam Tak Sum?

A. Very minimal.

COMMISSIONER LAI: So, in your tender or planning, you did
not need to liaise with Mr Lam?

A. No.

CHAIRMAN: So, even in your calculations, you didn't need to
confer with him? So quantity surveyors would do
everything, and you didn't even need to consult him

regarding materials?

A. We will just comply with the contract.

CHAIRMAN: I know. I understand. I am not sure if you

know, but the licensed plumber, they have to submit

a WWO46 part I, or the annex material. When you compile

the annex, was it auto-pilot? Did you have to consult,

confer with Mr Lam?

A. He compiled that list.

CHAIRMAN: Did he confer with you what materials to submit

for this project?

A. He didn't ask me.

CHAIRMAN: Did he ask anybody?

A. I'm not sure. I don't know.

CHAIRMAN: You are responsible for sample submissions.

A. He didn't ask me. He might ask other colleagues.

CHAIRMAN: So how did he ask your colleagues? Did he ask

face-to-face or make a phone call?

A. Sometimes he would visit the office.

CHAIRMAN: How often does he come to the office?

A. Very infrequently.

CHAIRMAN: Once a month, twice a year, once a week; how

often?

A. Less than once a month.

CHAIRMAN: Okay. Then, after filling out the annex I

form -- you don't know where he gets that information;

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

B Commission of Inquiry into Excess Lead Found in Drinking Water Day 37 B

C he fills it out himself -- we found out that whether C

D that material was used or whether there were any D

E changes, that's another matter. E

F A. Yes. F

G CHAIRMAN: So we are aware that a Housing Department project G

H lasts two or three years. How much communication did H

I you have? I

J A. Less than a few sentences a year. J

K CHAIRMAN: So, finally, we now know -- let's put it another K

L way. Ultimately, would he know what material was used? L

M A. I cannot conjecture. He filled out that form, he had to M

N fill out the form, and if he filled out the form, N

O I think he would be able to find out, because he would O

P be on the site; or the main contractor staff, I'm not P

Q sure whether they could -- Q

R CHAIRMAN: Well, you don't come into contact with him? R

S A. Correct. S

T CHAIRMAN: Is he a lone wolf? T

U A. What do you mean? U

V CHAIRMAN: Your boss described him as a character, he's got V

a personality. V

A. Yes, I agree. V

COMMISSIONER LAI: Do you have contact with other site V

supervisors? V

A. Yes. V

COMMISSIONER LAI: This is a special case?

A. He is a licensed plumber.

CHAIRMAN: So why would that be special?

A. The others are site supervisors; I would be in contact with them.

MR SHIEH: So, as a licensed plumber, as the witness said.

CHAIRMAN: So site supervisors and you, what contact do they have with you?

A. I would compile salary statements, I would ask about the progress; there would be communication.

CHAIRMAN: So that's something apart from sample submissions; that's salaries.

MR SHIEH: I have one follow-up.

Further cross-examination by MR SHIEH

Q. Just now, the chairman asked you how did Lam Tak Sum fill out the WSD forms, and they would use a list of material. You said you didn't know how he found out. At least you didn't tell him.

So, after you got Housing Department approval, apart from soldering material, so in general you receive Housing Department approval. There's a lot of components in a project, so you have a stack of material that's approved. So you or any other colleagues, would you type up a list of all approved materials? So do they have this model or component approved by the

Housing Department, we have to use this model, and so on? Would you compile a table, aside from soldering material?

A. No.

Q. But did your colleagues do so?

A. I don't know. I'm not sure.

Q. Because I want to ask you, were there any such tables, and would Lam Tak Sum have seen such a table of all approved material; would he be aware through such means?

A. No. I don't know.

CHAIRMAN: I think other lawyers have questions, so please attend at 10 o'clock tomorrow. Thank you. We will continue tomorrow.

(16.29 pm)

(The hearing adjourned until 10.00 am the following day)

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