

# CONTENTS

	Page
<b>Foreword</b>	iii
<b>Abbreviations</b>	ix
<b>Terms of reference</b>	x
<b>Summary terms of reference</b>	xi
<b>1 Introduction</b>	1
1.1 Construction Industry Development Board	2
1.2 Scope of “construction works”	3
1.3 Registration of foreign contractors	4
1.4 Public disclosure of “commercially sensitive information”	7
1.5 Regulatory burdens	7
1.6 Unnecessary Regulatory Burdens	8
<b>2 Objective of study</b>	8
<b>3 Conduct of the study</b>	9
<b>4 Insufficient guidance on which construction works need to be registered with CIDB</b>	10
4.1 Findings	10
4.1.1 Views from business	10
4.1.2 Views of the regulators	10
4.2 Discourse	11
4.2.1 Impact on business	12
4.2.2 Impact on regulator	12

4.3	Options for resolution	13
4.4	Recommendations	14
<b>5</b>	<b>Different registration requirements for foreign contractors</b>	<b>15</b>
5.1	Findings	15
5.1.1	Views from business	15
5.1.2	Views of the regulators	15
5.2	Discourse	16
5.2.1	Literature Review	17
5.2.2	Impact on business	17
5.2.3	Impact on regulator	17
5.3	Options for resolution	18
5.4	Recommendations	19
<b>6</b>	<b>Public disclosure of commercially sensitive information</b>	<b>20</b>
6.1	Findings	20
6.1.1	Views from business	20
6.1.2	Views of the regulators	20
6.2	Discourse	21
6.2.1	Impact on business	24
6.2.2	Impact on regulator	24
6.3	Options for resolution	24
6.4	Recommendations	25
<b>7</b>	<b>References</b>	<b>26</b>

Appendix A: Stakeholders interviewed	27
Appendix B: Requirements for foreign contractors in 19 countries	28
Appendix C: Number and value of projects awarded by status of contractors and project category as of September 2013	30
Appendix D: Information provided in the monthly construction project register	31

## LIST OF BOXES

Box 1	Section 4 subsection (1) of the CIDB Act 1994 (Act 520)	3
Box 2	Interpretation of “construction works” in the CIDB Act 1994 (Act 520)	4
Box 3	Sections 25 and 26 of the CIDB Act 1994 (Act 520)	4
Box 4	Section 4 subsection (1) (h) of the CIDB Act 1994 (Act 520)	7
Box 5	Examples of unnecessary burdens	8
Box 6	Excerpts from Competition Act 2010: A Guide For Business Handbook	23
Box 7	Excerpts from Department Of Public Works standard contract form	24

## LIST OF FIGURES

		Page
Figure 1	Annual GDP contribution and percentage change 2005-2012 of the construction sector	2
Figure 2	Comparative number of projects awarded between local and foreign contractors	6
Figure 3	Comparative project value awarded between local and foreign contractors	6
Figure 4	Sample description provided in the registration requirements and procedures guideline	12
Figure 5	Example of contract details published in the monthly project register of CIDB	22

## LIST OF TABLES

Table 1	GDP by kind of economic activity at constant 2005 prices - percentage share to GDP	1
Table 2	Fees payable	5
Table 3	Local and foreign contractors participation 2011 to 2013	16
Table 4	Requirements that international contractors or construction professionals must comply with when doing business	28

Table 5	Number and value of projects awarded by status of contractors and project category as of September 2013	30
Table 6	Part 1 (Summary of Projects and Total Project Value According To States)	31
Table 7	Part 1 (Lists of Project and its Value According to Companies)	31
Table 8	Part 2 (Highest value projects)	32
Table 9	Part 2 (Project details)	33
Table 10	Part 3 (Highest value projects by contractors)	34
Table 11	Part 3 (Total project value by state)	34
Table 12	Part 3 (Project Details)	35

## ABBREVIATIONS

AELB	Atomic Energy Licensing Board
AGC	Attorney General's Chambers
AGPC	Australian Government Productivity Commission
BNM	<i>Bank Negara Malaysia</i> (Malaysia Central Bank)
CA 2010	Competitive Act 2010
CIDB	Construction Industry Development Board
DOS	Department of Statistics
DOSH	Department of Occupational Health and Safety
EPU	Economic Planning Unit, Malaysia
ETP	Economic Transformation Plan
GDP	Gross Domestic Product
MIDA	Malaysian Investment Development Authority
MITI	Ministry of International Trade and Industry
MBAM	Master Builders Association Malaysia
MOF	Ministry of Finance
MRI	Magnetic Resonance Imaging
MPC	Malaysia Productivity Cooperation
MyCC	Malaysia Competition Commission
NDA	Non-disclosure Agreement
NGO	Non-Governmental Organization
NIOSH	National Institute of Occupational Safety & Health
NKEA	New Key Economic Area
PLC	Practical Law Company
REHDA	Real Estate And Housing Developers' Association Malaysia
RIS	Regulatory Impact Statement
RR	Regulatory Review
RURB	Reducing Unnecessary Regulatory Burden
SME	Small and Medium Enterprises
ST	<i>Suruhanjaya Tenaga (Energy Commission)</i>
WGLIF	Working Group on Institutional and Legislative Framework