

Construction Industry Council

Guidelines Published by the CIC

1. Purpose

- 1.1 This paper seeks Members' views on the position of the CIC in publishing guidelines.

2. Types of Guidelines

- 2.1 There have been discussions at different committee meetings and council meetings regarding the position of the CIC to take in issuing guidelines for the adoption of the industry.
- 2.2 The following approaches are identified as possible means for presenting the guidelines to the industry:
- (a) as a Code of Practice stating the CIC's standpoint of expecting the industry to adopt the guidelines by complying with the requirements stated therein; or
 - (b) as a set of recommendations of practicable means for adoption by the industry stakeholders should they choose to implement the recommended measures on a voluntary basis.

3. Position of CIC

- 3.1 At the sixth council meeting on 9 December 2009, Members considered that the CIC was a consensus body of the industry and on this basis the guidelines published by the CIC would give the community an impression that the measures in the guidelines would be followed by the industry. On the other hand, Members also pointed out that the CIC does not have power of enforcement and as such could only take on initiatives on an advisory rather than a mandatory basis.
- 3.2 In other words, the guidelines published by the CIC should reflect the approaches recognised by the industry at large while the adoption of the guidelines is of a non-mandatory basis. Hence, Members suggested the following messages should be contained within the "Forward" of the guidelines:
- (a) the guidelines are not meant to be mandatory; and

- (b) feedback from the users to be sought for review and improvement of the guidelines to gain more recognition and adoption in the industry.

A draft sample of a typical “Forward” is attached at Annex A for Members’ reference.

4. Mandatory Application of the CIC Guidelines

- 4.1 While the CIC guidelines are not meant to be mandatory, nevertheless the appropriate authorities concerned can review whether it is appropriate to consider incorporating the recommended measures in the CIC guidelines into their respective code of practices or practice notes to convert the recommended measures into statutory or regulatory requirements if they believe such will improve matters in the construction industry.
- 4.2 The authorities concerned may also consider making reference to the CIC guidelines in regulating the practices of particular trades.
- 4.3 The Secretariat is now discussing with the Labour Department and the legal advisor to ascertain whether the adoption of the CIC guidelines would help mitigate one’s liability. Further details will be provided when available.

5. Advice Sought

- 5.1 Members are requested to consider if the position of the CIC on issuing the guidelines as stated in Paragraph 3 above is appropriate for the CIC to publish the guidelines already endorsed by the CIC and any forthcoming guidelines. Nevertheless it is subject to the outcome of the discussion in Paragraph 4.3 above.