

**POST CONTRACT RISK ANALYSIS FOR CHINESE  
CONTRACTORS IN MALAYSIA UNDER ONE BELT ONE  
ROAD INITIATIVE**

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## ABSTRACT

Under the One Belt One Road Initiative, more and more Chinese contractors are taking part in international projects. Malaysia is one of the investment hotspot and competition center due to its critical geopolitical importance and stability of economic development. This thesis studied Malaysia's role in the OBOR initiative, and the status of Chinese contractors in Malaysia construction industry. Divide risks into two categories, Horizontal Risks for risks that emanate from the macroenvironment, and Vertical Risks for risks related to a project life cycle. This thesis took an in-depth case study of Exchange 106 Project to review the Horizontal Risks and Vertical Risks at post-contract stage. The Project has achieved even surpassed the technical, quality and HSE target, with schedule target within control, but cost overrun. Political risk is the top alert for Chinese contractors and can be fatal to a project's success/failure. The industry's over-dependence on foreign workers contributes to skilled worker shortage. Payment has been the most disputed issue in Malaysia construction industry and would arise serious cash flow problem to the contractors. Last but not least, Chinese contractors need to improve the ability for systemic claim management.

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## LIST OF ABBREVIATIONS

1MDB	-	1Malaysia Development Berhad
ACCA	-	Association of Chartered Certified Accountants
AI	-	Architect's Instruction
AIIB	-	Asian Infrastructure Investment Bank
APEC	-	Asia-Pacific Economic Cooperation
ASEAN	-	Association of Southeast Asian Nations
BIM	-	Building Information Modeling
BN	-	Barison Nasional
Bomba	-	Fire and Rescue Department of Malaysia
BRCCDI	-	Belt & Road Country Cooperation Development Index
BRI	-	Belt & Road Initiative
BRICS	-	Brazil, Russia, India, China and South Africa
CAI	-	Confirmation of Architect's Instruction
CCC	-	Certificate of Completion and Compliance
CFO	-	Certificate of Fitness for Occupation
CIDB	-	Construction Industry Development Board
COA	-	Certificate of Approval
CPC	-	Certificate of Practical Completion
ECRL	-	East Coast Rail Link Project
FDI	-	Foreign Direct Investment
FIDIC	-	International Federation of Consulting Engineers

GDP	-	Gross Domestic Product
GE 14	-	General Election No.14
GPS	-	Global Positioning System
HDI	-	Human Development Index
HSE	-	Health, Safety & Environment
ICJV	-	International Construction Joint Venture
IEM	-	Institution of Engineers Malaysia
IMF	-	International Monetary Fund
JKKP	-	Department of Occupational Safety and Health, Malaysia
JPP	-	Sewerage Service Department of Malaysia
LD	-	Liquidated Damages
MLJ	-	Malayan Law Journal
MOF Inc.	-	Ministry of Finance Incorporated
M&E	-	Mechanical and Electrical
NPL	-	Non-Performing Loans
NS	-	Nominated Supplier
NSC	-	Nominated Sub-Contractor
OBOR	-	One Belt One Road Initiative
ODI	-	Overseas Direct Investment
PAM	-	Pertubuhan Akitek Malaysia
PH	-	Pakatan Harapan
PMH	-	Project Management Headquarters
PPP	-	Public Private Partnership
PRC China	-	People's Republic of China
PSP	-	Principal Submitting Person
PWD	-	Public Works Department of Malaysia
QAQC	-	Quality Assurance & Quality Control

RM	-	Ringgit Malaysia
RMB	-	Renminbi
RoS	-	Registry of Societies Malaysia
SCO	-	Shanghai Cooperation Organisation
SKM	-	Malaysia Co-Operative Societies Commission
SO	-	Superintending Officer
SSE	-	Shanghai Stock Exchange
SSM	-	Companies Commission of Malaysia
TC	-	Tower Crane
TNB	-	Tenaga Nasional Berhad
TRX	-	Tun Razak Exchange
US	-	United States
WWII	-	World War II

## LIST OF SYMBOLS

m	-	meter
m <sup>2</sup>	-	square meter
sqft	-	square feet
°	-	degree

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# CHAPTER 1

## INTRODUCTION

### 1.1 Background of Study

From the 90's of the 20<sup>th</sup> Century, Chinese contractors have been encouraged to go to foreign countries and take part in international projects. In the 21<sup>st</sup> century, Chinese President Xi Jinping proposed a global and regional development plan, the new One Belt One Road Initiative (OBOR) (Huang Y.P. ,2016).

Under the OBOR, several major projects stand out along the Maritime Silk Road. In South East Asia, two deep water ports will be built in Kuantan (North East of Peninsula Malaysia) and Melaka (South of Peninsula Malaysia) , connecting to Sri Lanka in the South Asia, Yemen in the South West Asia and Greece in the Mediterranean (Silk Road Fund 2019).

Malaysia is one of the most important partners in the OBOR initial. China has been Malaysia's largest trading partner for ten

years from 2009. The bilateral trade between Malaysia and China reached US\$96 billion in 2017. Among the trading between China and the ASEAN countries, 1/5 is from Malaysia (Department of Statistics Malaysia 2019).

Malaysia is a country that “connects oceans”. As per the initial, deep-water ports will be built in Kuantan and Malacca, connecting by a fast track railway line which can allow the trans-shipment of containers, thus avoiding Singapore and it’s US American naval base (Silk Road Fund 2019).

There are a lot of risks in the construction industry. The most notable risk encountered by the Chinese contractors right now is the political risk. Due to the latest general election held on 9<sup>th</sup> May 2018 (GE14), Pakatan Harapan, the main opposition coalition in the Malaysian Parliament, made a historic defeat for the ruling Barisan Nasional coalition, which is the first time change of government occurred in Malaysia since the country’s independence in 1957 (Wikipedia 2019).

Since the new government coming into power, a lot of mega projects backed by China have been cancelled / suspended (Lee L. and Latiff R. 2018). Such as,

1. The East Coast Rail Link (ECRL) Project;

2. The Trans-Sabah Gas Pipeline Project
3. The Multi-Product Pipeline Project

It has caused huge loss to the Chinese contractors. As per Lee L. and Latiff R. 2018, China Communications Construction Co Ltd informed that more than 1,800 of the 2,250 people hired for the ECRL project had been laid off since the suspension.

For international projects, risk management is very critical. It's more critical for Chinese contractors to identify, analyze, respond, monitor and control the risks in Malaysia construction industry.

## **1.2 Problem Statement**

Under the initiative of OBOR, more and more Chinese contractors are coming to Malaysia to explore opportunities. However, the business environment, market standard, contracting conventions, language, standard forms of contract, risk allocation and legal system are quite different from its home country. The associated risks are also different from the ones in China.



The OBOR is widely debated and has garnered positive and negative attention in Malaysia. Since GE 14, the implementation of OBOR has also undergone difficult situations where mega projects were cancelled or put on hold. However, recently the Prime Minister Tun Dr Mahathir Mohamad expressed Malaysia's support for OBOR and had opened green light to most of the suspended projects (Bernama 2019).

The implementation of OBOR in Malaysia would continue, and the Chinese contractors would continue to take projects as usual. To avoid potential loss, it's very important and necessary for Chinese contractors to identify, analyze, respond, monitor and control the risks in this region.

The Exchange 106 Project, launched by previous prime minister Najib Razak as one of the most important projects in the Tenth Malaysia Plan (FMT Reporters 2017), was engaged by one of Chinese state-owned construction company as main contractor. During the construction period, the project had encountered and coped with various risks. The risks would impact the project in terms of cost, time, quality and reputation.

As the Project had been completed for the part of the Chinese Main Contractors, it's necessary to conduct a post completion review to identify the risks occurred during the construction period,

study the consequences, and summarize applicable countermeasures applied and should be applied. Lessons can be learned from the risk management in this Project so that in future projects, Chinese contractors can eliminate the losses at largest.

### **1.3 Research Objective**

The research objectives include:

- (1) to identify the risk faced by Chinese contractors in Malaysia at post contract stage;
- (2) to identify the countermeasures for relative risks.

### **1.4 Scope and Limitation of the Research**

This paper is based on a review of the literature and single case study. The study is limited to the scope of analysis by single-case wide stakeholders. In-depth comparative study is needed to accommodate these contextual factors and examine how risks might

affect the implementation of different projects. More in-depth cross-case comparison would be required. Owing to the dynamism of the Malaysia construction market and the political environment in particular, the review is limited to works published in year 2000 and later.

## **1.5 Significant of Study**

Under the initial of OBOR, a lot of Chinese contractors are engaging in more and more international projects. Malaysia is one of the investment hotspot and competition center due to its critical geopolitical importance and stability of economic development. However, international projects are inherent with potential amounts of risks. This research aims to review and illustrate the risks that emanate from the competitive macroenvironment, as well as risks faced during the process of projects at post-contract stage. An in-depth case study was conducted, lessons and experience can be borrowed so as to reduce costs and efforts for future projects.

## **1.6 Chapter Organization**

This paper is divided into five chapters, organization as follows:

- 1.6.1 Chapter 1 – Introduction
- 1.6.2 Chapter 2 – Literature Review
- 1.6.3 Chapter 3 – Research Design and Methodology
- 1.6.4 Chapter 4 – Research Findings and Discussions – the  
Exchange 106 Project
- 1.6.5 Chapter 5 - Conclusion

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