



Department of Civil Engineering  
The University of Hong Kong



Centre for Infrastructure and  
Construction Industry Development

## SEMINAR

jointly organised by  
**Department of Civil Engineering and CICID, HKU**

Supported by the **LARC Study Group – of CIB W113 and HKU CICID**

# ENLIGHTENMENT OR PUNISHMENT – WHICH APPROACH IS PRODUCING THE BETTER RESULTS IN IMPROVING BEHAVIOUR IN THE UK CONSTRUCTION INDUSTRY?

by

**Jim Mason**

Department of Construction and Property  
Faculty of Environment and Technology  
University of the West of England, United Kingdom

Date: Wednesday 03 November 2010

Time: 4.00 – 5.00 pm

Venue: Room **404, T.T. Tsui Building**, The University of Hong Kong, Pokfulam Road, Hong Kong

### ABSTRACT

The major development in terms of government sponsored initiatives since 2009 in the United Kingdom has come in the shape of Never Waste a Good Crisis (Wolstenhorne 2009). The report is subtitled “a report into progress since Rethinking Construction and thoughts for our future.” This document has pedigree as the inheritor of the movement for improvement in the industry in the last seventeen years since the Latham report (Latham, 1994). This report will be dispassionately reviewed by the speaker as the culmination of the “enlightenment” approach.

Punishment in the form of fines totalling £129 million levied on 103 main contractor companies has been dished out in the last two years. This has taken the form of an investigation into price fixing and bid rigging within the construction industry by the Office of Fair Trading - a non ministerial government department created by the Fair Trade Act 1973. Such behaviour has been condemned as anti-competitive and was outlawed in the United Kingdom by the Competition Act 1998. The seminar will investigate the background to the investigation, the reaction and improvements it has brought about.

Both approaches to improvement will then be analysed in order to provide a commentary on their current impact and the future directions the industry may embark upon as a result.

### ABOUT THE SPEAKER

Jim Mason is a Senior Lecturer in Law with the Department of Construction and Property, Faculty of the Built Environment, University of the West of England. He is programme leader for Quantity Surveying and has recently established an industry supported Masters programme in Law for Construction Professionals.

Jim is a solicitor specialising in the discipline of construction law; and his research is in the area of collaborative contracts, partnering, good faith and the ethical improvement of the construction industry. He has published widely in refereed journals and conferences. He is a member of the editorial board of the International Journal of Law in the Built Environment. Jim is heavily involved in the CIB Working Commission W113 in Law and Dispute Resolution in which he is joint co-ordinator of the LARC study group and a member of the COPA study group.

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