

THE TANJUNG BUNGAH WORK SITE TRAGEDY

A WEBINAR PRESENTATION BY

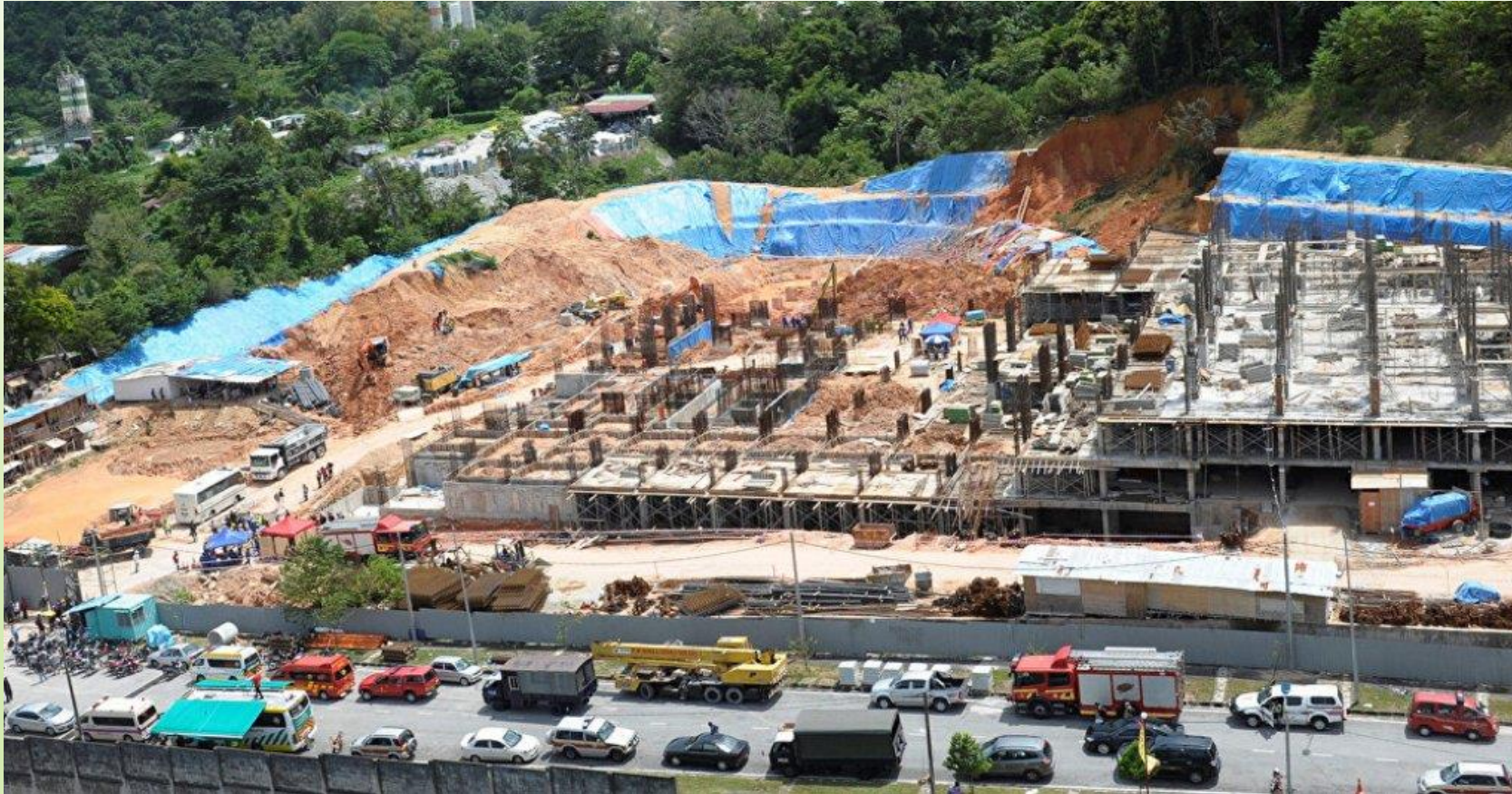
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OBJECTIVE OF THE PRESENTATION

1. Challenges that threatened to lay the blame for the tragedy at the doorstep of the Consulting Architect;
2. Guidelines on how Architects should respond; and
3. The decision of the Commission of Enquiry on whether the Consulting Architect should be held accountable.

BACKGROUND OF THE TRAGEDY



PROJECT SITE OF THE DEVELOPMENT: *GRANITO*



LANDSLIPS AT THE PROJECT SITE

- ❖ Three (3) prior Landslips had occurred on 8/8/2016, 5/5/2017 and 11/7/2017;
- ❖ On the morning of 21/10/2017, a group of foreign workers were preparing for the casting of ground beams which was a part of the permanent Works;
- ❖ These Works were being undertaken at an area around a pilecap that was numbered as P179 Mr Yuan Kuok Wern, the assistant site supervisor for the Main Building Contractor then arrived to supervise the ongoing Works; and
- ❖ Around 9am, the tragedy occurred at the man made slope near Pilecap P179 resulting in the loss of 11 souls including Mr Yuan.

“COMMISSION OF ENQUIRY INTO THE WORKSITE INCIDENT AT TANJUNG BUNGAH”

- ❖ The then Penang Governor, Tun Abdul Rahman Abbas had on 6/12/2017 consented to the setting up of a State Commission of Inquiry [SCI] and the SCI was subsequently gazetted on 21/12/2017;
- ❖ The SCI was chaired by former Bar Council chairman Yeo Yang Poh, with geotechnical expert Gue See Sew and forensic geotechnical engineer from Universiti Teknologi Malaysia, Prof Ramli Nazir;
- ❖ The hearing of the SCI lasted over twenty six (26) days and heard testimonies of twenty eight (28) witnesses with opinions of six(6) experts; and
- ❖ The SCI's findings was finally released on 22/7/2019.

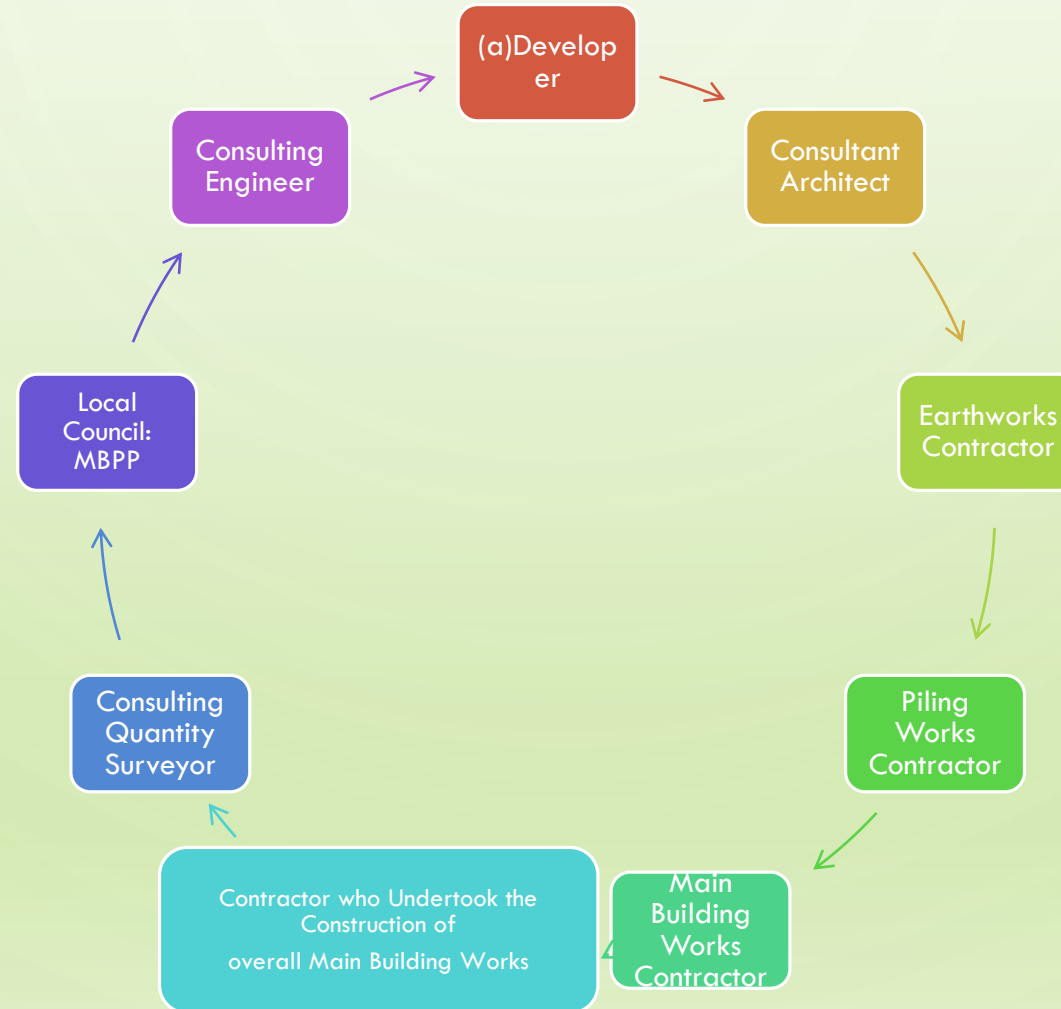
THE SCI'S TERMS OF REFERENCES & SCOPE OF THE INVESTIGATION

- A. To inquire into the cause or causes of the failure of temporary structures in a worksite incident that took place in Tanjung Bungah on Oct 21, 2017 at the Taman Sri Bunga construction site, including whether or not the cause or causes were related to the nearby quarry.
- B. To inquire into whether the failure of the temporary structures, and the resulting deaths and injuries, were due to any negligence, recklessness, breach of professional or legal duty, misconduct, or deliberate act or omission, on the part of any person, company or authority.
- C. To recommend any appropriate legal or other action, if necessary, which ought to be taken against any person, company or authority found to be responsible for the failure and loss of lives and injuries.

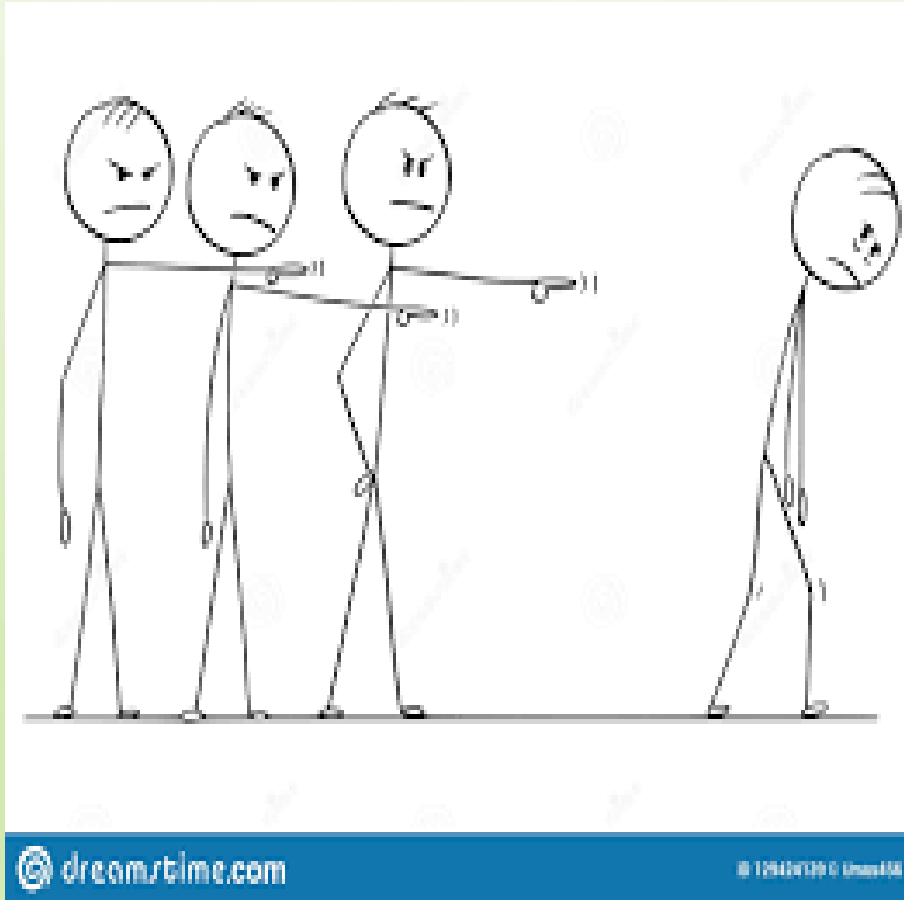
THE SCI'S TERMS OF REFERENCES & SCOPE OF THE INVESTIGATION

- D. To inquire into whether all necessary approvals for or in respect of the project at the construction site had been properly applied for and obtained in accordance with the applicable laws.
- E. To recommend any appropriate measures, and any changes or improvements, to the relevant processes and procedures that ought to be taken or made by any authority or by any other party in order to prevent or avoid the recurrence of similar incidents.
- F. To make any further or other findings and recommendations that may be related or incidental to any or all of the above matters.

PARTIES REQUIRED TO BE EXAMINED IN THE SCI HEARING



WHO IS RESPONSIBLE?




**KEEP
CALM
AND
BLAME
THE ARCHITECTS**

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CONSULTING ENGINEER'S CASE

- Consulting Architect was the Superintending Officer of the Building Works at the time the tragedy occurred; and
- As the Superintending Officer, if the situation on site was determined or viewed to be unsafe for Work, the authority to issue a Stop Work Order on site laid with the Consulting Architect and not them!;

Essentially, it was the Engineer's contention that only the Architect had the power to act in response to the threat of safety on the Project Site.

MBPP' CASE

MBPP in their Written Case referred the Commission to the Undertaking given by the Consulting Architect which was endorsed on the Building Plan.

The Undertaking reads as: -

Saya mengesahkan bahawa pelan-pelan yang dihantar adalah mengikut undang-undang kecil bangunan seragam 1984 dan pindaan-pindaan serta garis panduan-garis panduan dan polisi-polisi Majlis Bandaraya Pulau Pinang

Saya mengesahkan bahawa kerja-kerja pembinaan akan dijalankan dibawah penyeliaan saya (with emphasis)

MBPP' CASE

UNIFORM BUILDING BY-LAWS 1984 G.N. 5178/1984: -

5. Supervision of work

Where under these By-laws any plan, drawing or calculation in relation to any building is required to be submitted by qualified person, no erection or continued erection of that building shall take place unless that qualified person or any person duly authorised by him undertakes the supervision of the erection and the setting out, where applicable, of that building.

STREET DRAINAGE & BUILDINGS ACT 1974 (SDB)

Section 71 provides:-

Where any building or part of a building fails, whether in the course of construction or after completion, or where there is any failure in relation to any earthworks or part of any earthworks, whether in the course of the carrying out of the earthworks or after completion thereof, and the cause of such failure is due to any one or more of the following factors:

*(a) **misconstruction or lack of proper supervision during construction;***

*(b) **misdesign or miscalculation; or***

*(c) **misuse, of such building or part of such building, or of such earthworks or part of such earthworks, the person responsible for—***

*(aa) **such misconstruction or such lack of proper supervision;***

*(bb) **such misdesign or miscalculation; or***

*(cc) **such misuse,***

*shall be liable on conviction to a fine not exceeding *five hundred thousand ringgit or to imprisonment for a term not exceeding ten years or to both.*

STREET DRAINAGE & BUILDINGS ACT 1974 (SDB)

Section 70(9): -

No person shall commence the erection of a building or resume the erection of a building in any case where the work of erection has been suspended for a continuous period exceeding three months unless: -

(a) such work is commenced or resumed, as the case may be, within twelve months from the date on which the plans and specifications of such building were approved by the local authority; and

(b) he has given the local authority four days' notice in writing of his intention to commence or resume such work, as the case may be.

MBPP' CASE

MBPP referred the Commission to a passage in an English Case Authority, ***Brickfield Properties Ltd v Newton (1971)*** where Sachs LJ said:-

“The architect is under a continuing duty to check that his design will work in practice and to correct any errors which may emerge. It savours of the ridiculous for the architect to be able to say...”true my design was faulty, but of course, I saw to it that the contractors followed it faithfully”

MBPP' CASE

Engineer's Undertaking endorsed in the Building Plan:-

“Saya mengesahkan bahawa kerja-kerja akan dijalankan adalah selamat dan kukuh dan bahawa saya bersetuju bertanggungjawab penuh untuk keselamatan dan kekukuhan kerja yang akan dijalankan”

STREET DRAINAGE & BUILDINGS ACT 1974 (SDB)

Section 70(21) provides that:

Before the issuance of a certificate of completion and compliance, it shall be the duties and responsibilities of the principal submitting person to: -

(a) supervise the erection of the building to ensure that the erection is in conformity with the approved plans and the requirements of the provisions of this Act or any by-laws made thereunder;

(b) ensure that the building has been duly constructed and completed in conformity with the approval plans and the requirements of this Act or any by-laws made thereunder and that all technical conditions imposed by the local authority has been duly complied with; and

(c) ensure that the building is safe and fit for occupation.

TANJUNG BUNGAH RESIDENT'S ASSOCIATION[TBRA]'S CASE

TBRA in advancing their case to suggest that liability and responsibility be extended to the Architect placed emphasis on the following:-

- a) That he was the Architect of the Project;
- b) That he was the Principal Submitting Person (PSP) for the layout and building plans;
- c) That he was the Contract Administrator of the Building Works ;
- d) That for the Main Building Works he was the Superintending Officer; and
- e) That (To Quote the Words used by TBRA) his job kicked in when the Building Contractor took over possession of the Worksite.

TOWN AND COUNTRY PLANNING ACT 1976 [ACT 172]

Section 21A:

Development proposal report

(1) In addition to the documents and plans required to be submitted under subsection 21(1) for planning permission, the applicant shall submit a development proposal report which shall contain the following:

- (a) the development concept and justification;
- (b) a location map and a site plan;
- (c) particulars of land ownership and restrictions, if any;
- (d) (i) a description of the land including its physical environment, topography, landscape, geology, contours, drainage, water bodies and catchments and natural features thereon;
- (ii) a survey of the trees and all forms of vegetation; and
- (iii) particulars of a building,
which may be affected by the development;
- (e) a land use analysis and its effect on the adjoining land;
- (f) layout plans, the details of which are specified in section 21b; and
- (g) such other matters as may be prescribed by the local planning authority.

TOWN AND COUNTRY PLANNING ACT 1976 [ACT 172]

Section 21B(1)(a)(vii) provides:

21b. Layout plans

(1) The layout plans under paragraph 21a(1)(f) shall show the proposed development and in particular

(a) where the development is in respect of any land:

...(vii) the proposed earthworks, if any;

WHAT AN ARCHITECT NEEDS TO KNOW

Determination of the scope of responsibilities governing the Works related to the said Project.

WHAT AN ARCHITECT NEEDS TO KNOW

Federal Court's decision in the case of **LOH KOK BENG & 49 ORS V LOH CHIAK EONG & ANOR [2015]4 MLJ734: -**

“Nevertheless, it must be reiterated that a claim for negligence must be brought within the scope of duty of care.

It would not be fair, just and reasonable to impose on the respondents (“Architects in that case”) a duty of care for a responsibility which they had not assumed or one which was not within their professional scope of duty”.

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY

- It is essential for Architects to set out clearly the perimeters of what their appointed job scope is and not to stray onto matters that are beyond the expertise.
- This is why it was essential from the commencement of the proceedings to establish that that the Consultant serving as Administrator for both the Earthworks and Piling Contracts was the Consulting Engineer.

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY

Agreement And Conditions of PAM Contract 2006 (Without Quantities)

ARTICLE 4 :

The term 'the Engineer' in the Contract shall mean:

(a) Structural & Civil Engineer:

The first states that the Engineer shall perform the duties expected of his profession and the Architect may from time to time delegate such duties and authority of the Architect to the Engineer as the Architect deems fit

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY

Agreement And Conditions of PAM Contract 2006 (Without Quantities)

Conditions of Contract:

Condition 1.2:

Unless designed by the Architect or Consultant, the Contractor shall be fully responsible for the adequacy, stability and safety of all temporary works and of all methods of construction of the Works, irrespective of any approval by the Architect or Consultant.

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY

1. Board of Engineers Malaysia (Guidelines: 001):The Role and Responsibility of Professional Engineers For Temporary Works during Construction Stage;
2. Board of Engineers Malaysia (Circular: 001):Code of Conduct of Registered Person;
3. Board of Engineers Malaysia (Circular: 004):Supervision of Construction Works;
4. Lembaga Jurutera Malaysia; and
5. Registration of Engineers Regulations 1990.

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY

Code of Conduct of The Registered Person:

1.2 Registered Professional Engineer with practicing certificate to certify work only if he has control over supervision

1.2.2 A Registered professional engineer with practicing certificate shall not certify satisfactory completion of a piece of work only if he has control over the supervision of the construction or installation of that work and only if he is satisfied that the construction or installation has fulfilled the requirements of the engineering design and specifications.

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY

UNDANG-UNDANG KECIL BANGUNAN SERAGAM 1986
BORANG G 1
PERAKUAN BERPERINGKAT : KERJA-KERJA TANAH
[undang-undang kecil 25 atau 27]

Tajuk Projek:

*1. Kami memperakui bahawa kami telah mengawasi dan/atau menjalankan pembinaan dan penyiapan kerja-kerja tanah dan bahawa sepanjang pengetahuan dan kepercayaan kami kerja-kerja itu adalah mengikut Pelan Kerja-Kerja Tanah yang Diluluskan No. Ruj.:..... dan bahawa kami menerima tanggungjawab sepenuhnya ke atas pembinaan dan penyiapan kerja-kerja tanah itu.

	Nama (Perseorangan)	# No. Pendaftaran	Tandatangan
(a) Kontraktor	_____	(Lembaga Pembangunan Industri Pembinaan)	(Tarikh: _____)
(b) Orang yang mengemukakan	_____	(Lembaga Jurutera Malaysia)	(Tarikh: _____)

ATAU

*2. Saya memperakui bahawa borang ini tidak berkaitan.

(Orang utama yang mengemukakan)

No. K.P., jika tiada badan yang berkaitan berkenaan dengan pendaftaran
* Potong mana-mana yang tidak berkenaan.

UNDANG-UNDANG KECIL BANGUNAN SERAGAM 1986
BORANG G 4
PERAKUAN BERPERINGKAT : STRUKTUR
[undang-undang kecil 25 atau 27]

Tajuk Projek:

*1. Kami memperakui bahawa kami telah mengawasi dan/atau menjalankan pembinaan dan penyiapan kerja-kerja struktur dan bahawa sepanjang pengetahuan dan kepercayaan kami kerja-kerja itu adalah mengikut Pelan Struktur yang Dideposit No. Ruj.:..... dan bahawa kami menerima tanggungjawab sepenuhnya ke atas pembinaan dan penyiapan kerja-kerja struktur itu.

	Nama (Perseorangan)	# No. Pendaftaran	Tandatangan
(a) Kontraktor	_____	(Lembaga Pembangunan Industri Pembinaan)	(Tarikh: _____)
(b) Orang yang mengemukakan	_____	(Lembaga Jurutera Malaysia)	(Tarikh: _____)

ATAU

*2. Saya memperakui bahawa borang ini tidak berkaitan.

(Orang utama yang mengemukakan)

No. K.P., jika tiada badan yang berkaitan berkenaan dengan pendaftaran
* Potong mana-mana yang tidak berkenaan.

The determination of who signed the G Forms would therefore be essential.

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY

This is because amongst the G Forms, Form G1 is for Earthworks while Form G4 is for structural and under those G Forms, they contained the words:-

“ Kami Memperakui bahawa kami telah mengawasi dan/atau menjalankan pembinaan dan penyiapan kerja-kerja tanah”

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY

Rev. No.: 1
Date: 25.5.2017



BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO.004

SUPERVISION OF CONSTRUCTION WORKS

In exercise of the powers conferred by paragraph 4(1)(f) of the Registration of Engineers Act 1967 [Act 138], the Board of Engineers Malaysia hereby determines the following:

1. Street Drainage and Building Act 1974 (Act 133) requires plans pertaining to engineering works to be submitted by qualified person. The 'qualified person' means any Professional Engineer with Practising Certificate registered under Section 8 of the Registration of Engineers Act 1967 in the appropriate engineering discipline.
2. Act 133 only allows qualified person to supervise and certify completion of construction of engineering aspects of building works. No erection or continuation of erection of building works shall take place unless that qualified person or any person duly authorised by him undertakes the supervision of the works. This means that the submitting person shall supervise the construction works.
3. A submitting person shall not certify completion of construction works unless he or any person duly authorised by him has carried out supervision. Where another engineer takes over the works of the previous engineer, he shall ensure all works are done properly before certifying completion of construction.

[326th Board Meeting / 25th May 2017]



DATO' SRI Ir. Dr. ROSLAN BIN MD. TAHA
President
BOARD OF ENGINEERS MALAYSIA

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY

Bil. Tuan: D/A Ibu Pejabat JKR
Jalan Tun Ismail
Kuala Lumpur
Telefon: 03-987022 Ext. 243

Bil. Kamil: TRANSLATION

Tarikh:

To: All Local Government Authorities (through the Ministry of Housing & Local Government)

Subject: SUBMISSION OF PLANS by Architects, Professional Engineers and Registered Building Draughtsmen

This joint letter is addressed to you to clarify the situation pertaining to the problematical subject of who is permitted to submit what plans to your authority for approval. The enclosed copies of the three Appendices listing various types of works and projects for which Building Plans or Engineering Plans are required to be submitted to Local Authorities, are the result of the deliberations by the Board of Architects and the Board of Engineers and represent the joint decision of the two Boards. We seek your acceptance and immediate implementation of the joint Boards' decision.

APPENDIX A.A.1 This Appendix lists the various works and projects, the Building Plans of which may only be submitted by Architects.

A.2 Also, under the provision of Section 8(2) of the Registration of Engineers Act 1967 (Revised 1974), which reads:

"Nothing in this Section shall prohibit any person who, on the appointed date, was registered with any Government department, Local Authority or Statutory Authority for the purpose of submitting plans, drawings, schemes, proposals, reports, designs or studies to that department or authority, subject to such restrictions or conditions as may be imposed under such registrations."

permits Professional Engineers who were registered with your Authority prior to the coming into force of the Registration of Engineers Act 1967 to continue to submit the types of plans, etc. to you for approval subject to the restrictions or conditions as might have been imposed under such registration then.

→ **APPENDIX B.B.1** This Appendix lists the works and/or services, the Engineering Plans, reports and specifications of which may only be submitted by Professional Engineers.

APPENDIX C.C.1 This Appendix lists the works, projects and/or services which are in the overlapping "grey" area, the plans, reports and specifications of which may be submitted by either an Architect or a Professional Engineer.

Please note that in both the Appendices A and C, these lists do not impinge on the rights of those Registered Building Draughtsmen who may continue to submit Building Plans to you for approval provided that they are within the limitations specified in their Certificates of Registration.

We trust that with the guidance of this letter and the three Appendices you will be able to determine the various registered persons who are entitled to submit the various Plans. Should you have any doubts on any points please do not hesitate to address them to the Joint Committee. The queries will be considered and a ruling given to you simultaneous with an appropriate circular to all the other Local Authorities to achieve uniformity of application.

Yang benar

LEMBAGA AKITEK MALAYSIA

(Chan Kong Yew)
Yang Di-Pertua

LEMBAGA JURUTERA MALAYSIA

(Chin Thean Huah)
Yang Di-Pertua

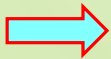
APPENDIX B: No person shall submit any Engineering Plans, reports and specifications for the underlisted works and or services, unless he is a Professional Engineer, except for any architectural works required, such architectural plans shall be submitted by an Architect.

A Airport runways & aprons Airconditioning & Mechanical ventilation systems	I Incinerators Infrastructural services of housing schemes	→ S Structural systems Surface railways Slipways Solid waste disposal plants Shipyards Satellite tracking stations Storage tanks Storm sewers & drains Subsoil drainage systems Subways Sanitary installation systems (for multi storey buildings)
B Bridges Bulk handling complexes	J Jetties	T Taxiways Tunnels Transmission towers T.V. transmission towers
C Carparking areas Chimneys Causeways Crushing plants Collieries Coffer dams Crane gantries Cable car systems Cement plants	L Liquid waste disposal plants	U Underground railways
D Drainage schemes Dams Docks Distillation & desalination plants Dredging & reclamation works	M Marine structures & facilities Mechanical services & installations Mass rapid transit systems Minings Mines	V Ventilation systems
E Electrical services installations Earthworks Environmental pollution control plants Electrical switchrooms Embankments Electrical distribution systems & stage lightings	O Oil & gas tanks Oil refinery plants	W Wharves Water distillation plants Waterworks Water & waste water & environmental pollution control plants Water distribution lines hot/cold water services
→ F Foundations Flood bunds Fire protection services	P Pipe lines Pillings Parade grounds Pumping grounds Pumping stations Plumbing services Ports Public address systems	Q Quays Quarries
G Grinding plants Gasworks	→ R Major retaining walls Roadworks, public Reclamations Reservoirs Refineries Roadside furniture & traffic signals Refrigeration installation & cold stores	S Sewerage works Stabilising earth structures
→ H Harbours		

Definition:

1. Architect: Architect means an Architect registered under Section 5(a) of the Architects Act, 1967 (Revised 1973).
2. Professional Engineer: Professional Engineer means a Professional Engineer registered under Section 5(1)(a) of the Registration of Engineers Act 1967 (Revised 1974).

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY



PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY



PART IV		
CODE OF CONDUCT		
23.	Every registered Person shall conduct himself honourably, responsibly, ethically and lawfully.	Conduct of registered Person. [P.U. (A) 173./2015]
24.	A registered Person shall –	Responsibility to employer, client or profession. [P.U. (A) 173./2015]
	(a) discharge his professional duties with due skill, care, diligence and good faith;	[P.U. (A) 173./2015]
	(b) at all times hold paramount the safety, health and interest of the public; and	[[P.U. (A) 173./2015]
	(c) take reasonable steps to reduce foreseeable adverse effects of professional engineering services on the environment.	[P.U. (A) 173./2015]
25.	A registered Person shall discharged his duties to his employer or client, as the case may be, with complete fidelity.	Discharge of duties with fidelity. [P.U. (A) 173./2015]
26.	A registered Person shall not maliciously injure or attempt to maliciously injure whether directly or indirectly, the professional reputation, prospects or business of another registered Person.	Reputation etc. of a registered Person not to be injured. [P.U. (A) 173./2015]
27.	A registered Engineer shall not –	Canvassing and advertising prohibited.
	(a) canvass or solicit professional employment;	
	(b) offer any gift or other valuable consideration, or pay a commission or brokerage fee in order to secure professional employment;	[P.U. (A) 173./2015]

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY

“Principal submitting person”

In a Project where there are these 2 Consultants, the Undertaking provided by the Engineer as the submitting Engineering Consultant in the Earthwork Plans and Layout Plans is essential because of the following parts of Street Drainage & Buildings Act 1974: -

Section 3 Interpretation

“principal submitting person” means a qualified person who submits building plans to the local authority for approval in accordance with this Act or any by-laws made thereunder and includes any other qualified person who takes over the duties and responsibilities of or acts for the first mentioned qualified person

“qualified person” means a Professional Architect, Professional Engineer or a building draughtsman registered under any written law relating to the registration thereof”

“submitting person” means a qualified person who submits plans other than building plans to the local authority or relevant statutory authority in accordance with this Act or any by-laws made thereunder and includes any other qualified person who takes over the duties and responsibilities of or acts for the first mentioned qualified person.

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY

Section 70(20)

No certificate of completion and compliance shall be issued except by a principal submitting person in accordance with the time, manner and procedure for the issuance thereof as prescribed by this Act or any by-laws made thereunder.

PRINCIPLE ON ASSUMPTION OF RESPONSIBILITY

Undertaking on the Approval Plan:-

“saya mengesahkan bahawa kemajuan ini tidak akan mengganggu sistem saliran di sekeliling kawasan ini, saya mengesahkan bahawa kerja-kerja yang akan dijalankan adalah selamat dan kukuh dan bahawa saya bersetuju bertanggungjawab penuh untuk keselamatan dan kekukuhan kerja yang akan dijalankan. Saya mengesahkan bahawa alas dan binaan boleh menahan muatan tambahan dan/atau kegunaan baru.”

Undertaking on the Earthwork Plan:-

“saya bertanggungjawab terhadap segala reka bentuk, penyeliaan dan pengawasan bagi semua kerja-kerja yang berhubung dengan kerja tanah, bertanggungjawab sepenuhnya untuk penyeliaan untuk reka bentuk concrete, wall, cerun batu, tapak adalah stabil dan saya bertanggungjawab ke atas kestabilannya”.

Undertaking on the Layout Plan:-

“Saya mengesahkan bahawa kerja yang dijalankan adalah selamat dan bahawa saya bertanggungjawab penuh untuk keselamatan dan kekukuhan kerja yang akan dijalankan”.

POSSIBLE LEGAL CONSEQUENCES

*“Pilihan samaada hendak kemukakan KM sahaja
ataupun
secara serentak KM bersama Pelan Bangunan Bersama Pelan Kerja Tanah”*

FINDINGS OF THE COMMISSION OF ENQUIRY INTO THE WORKSITE INCIDENT AT TANJUNG BUNGAH

BULETIN MUTIARA

Admin
August 28, 2019



REPORT OF THE COMMISSION OF ENQUIRY INTO THE WORK-SITE INCIDENT AT TANJUNG BUNGAH IN THE STATE OF PENANG



22nd July 2019

1

FINDINGS OF THE COMMISSION OF ENQUIRY INTO THE WORKSITE INCIDENT AT TANJUNG BUNGAH

- *For Any acceptance of the Role as V.O of any Project, there must be clear demarcation of Duties;*
- *There must be clear exclusion of responsibility on Engineering Matters;*
- *It is missing in the Present common practice in the Building Industry;*

FINDINGS OF THE COMMISSION OF ENQUIRY INTO THE WORKSITE INCIDENT AT TANJUNG BUNGAH

➤ *The Commission is NOT convinced that
section A.1.2 of BQ in the LAM Contract 2006
is clear enough;*



FINDINGS OF THE COMMISSION OF ENQUIRY INTO THE WORKSITE INCIDENT AT TANJUNG BUNGAH

➤ *Deputizing of duties is a different thing from disclaimer of responsibility*



FINDINGS OF THE COMMISSION OF ENQUIRY INTO THE WORKSITE INCIDENT AT TANJUNG BUNGAH

- *Continuation to ignore the present deficiency in the R&M Contracts on clearly spelling out the job scope and duties of the SO, would leave Architects subjecting themselves to the very real possibility of a different interpretation by the Courts of their contract.*



**Architects could in future
have to shoulder some liability.**

QUESTIONS & ANSWERS SESSION



CONTACT US

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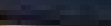
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📱 SCAN ME

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