

DEPOSITION OF ARCHITECT'S FEES WITH LAM AS STAKEHOLDER

Ar Dr Tan Loke Mun
Lembaga Arkitek Malaysia (LAM)

24 May 2025

BACKGROUND

- | | |
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| 1. | <p>In June 2004, the Prime Minister called for the replacement of the issuance of the Certificate of Fitness of Occupation (CFO) by the local authorities with certification by professionals. The intention was to improve the efficiency of the building delivery system</p> <p>The concept of Lembaga Arkitek Malaysia (LAM) acting as a stakeholder for the Architect's fees came with the introduction of the Certificate of Completion and Compliance (CCC) for all buildings by professionals</p> |
| 2. | <p>Consumer groups and the Home Buyers Association (HBA) had raised their concern as to the independence of professionals to issue the CCC and the potential for conflict of interest as the professionals were paid by their Clients</p> |

3. The proposal for the deposition of the Architect's fees with an independent third party was seen as an acceptable way to overcome this whilst also improving the public's perception as to the independence of the professionals. This was based on the premise that professionals will be able to act more independently when the matter of fees and the fee payment from the Client is taken out of the equation. This proposal was included in LAM's position paper as well as in the numerous meetings and presentations made in the development and implementation of the CCC

4. In June 2005, the proposal was tabled and accepted among members of the Building Industry Presidents Council (BIPC) comprising the stakeholders in the Building Industry namely all the Professional Institutions (PAM, IEM, ACEM, ISM, IPDM), the Real Estate and Housing Developers Association (REHDA) and also the Master Builders Association of Malaysia (MBAM). In addition the proposal was acceptable also to the Home Buyers Association (HBA)

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|----|---|
| 5. | <p>There was thus consensus in the industry to implement the deposition of the Architect's fees with a stakeholder. The proposed stakeholder with the necessary authoritative clout to implement this proposal would be LAM</p> <p>On 28 June 2006, LAM and PAM submitted a memorandum to the Minister of Works proposing LAM as Stakeholder for the Architect's fees to be claimed, deposited and disbursed progressively according to work done</p> |
| 6. | <p>In tabling the amendments to the Architects Act in Parliament in December 2006, the Minister of Works brought up the proposal for LAM to act as stakeholder to overcome public perception on the independence of Architects and the potential for conflict of interest especially in the area of certification and the soon to be implemented CCC</p> |

- | | |
|----|---|
| 7. | <p>In early 2007, the Minister of Works announced the Ministry's support of the proposal for the "Deposition of the Architect's Fees with a Stakeholder" and instructed LAM & Board of Engineers Malaysia (BEM) to prepare the mechanism for implementation</p> <p>LAM's meeting with the Board of Engineers was held on 11 January 2007 when it was agreed, for a start, for LAM to implement the proposal for housing projects</p> <p>(CCC came into force on April 12, 2007 and replaces the certificate of fitness for occupation (CFO) previously issued by the Local Authorities)</p> |
| 8. | <p>LAM at its meeting on 30th August 2007 proceeded to develop and implement the proposal for the "Deposition of the Architect's Fees with a Stakeholder" initially for housing projects with LAM acting as the stakeholder along the lines of the agreed mechanism and flowchart</p> |

9.	<p>On 28th January 2010, the Minister of Works approved the framework and mechanism for the implementation of the "Deposition of the Architect's Fees with a Stakeholder" initially for housing projects with LAM acting as the stakeholder</p>
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10.	<p>PwC Malaysia were appointed to prepare the study and implementation framework for the LAM Stakeholder Fee Management System on 26th August 2017.</p> <p>In 2019 PwC Malaysia were appointed to develop the Stakeholder Fee Management System (LAM-BOS System) and also to provide outsourcing to manage the system.</p> <p>The system has since been completed and is ready for implementation.</p>
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11.	On 27th July 2019, the Minister of Works approved the amendments to the Architects Rules to make it mandatory for the "Deposition of the Architect's Fees with a Stakeholder" for projects with LAM acting as the stakeholder
12.	The proposal obtained the Regulatory Impact Statement (RIS) approval from the Malaysian Productivity Corporation (MPC) on 16 th April 2021
13.	Ministry of Housing and Local Government (KPKT) and Suruhan Pencegahan Rasuah Malaysia (SPRM) in 2018/19 has also requested for the system to be implemented as soon as possible to protect the interest of house buyers, and they be kept updated on its progress
14	Amendment to the Architects Rules were approved on 1 st October 2022 to give the option for the deposition of the architects fees with LAM as stakeholder

APPENDIX F – Regulatory Impact Statement (RIS) approval by Malaysian Productivity Corporation 16 APRIL 2021



PERBADANAN PRODUKTIVITI MALAYSIA (MPC) / MALAYSIA PRODUCTIVITY CORPORATION
 Petai Sastera 64, Jalan Sultan, 48004 Petaling Jaya, Selangor D.E., Malaysia
 Tel : 03 7955 7289, 7955 7650, 7955 7685, 7955 7172, 7955 7180, 7955 7282, 7655 7311
 Fax: 03-7957 0002 (Dok. Inovasi), 7955 7644, 7957 0024 (Dok. Produktiviti), 7954 0765 (Promosi)
 Lorong Produktiviti, Off Jalan Sultan, 48220 Menjalara Jaya, Selangor D.E., Malaysia.
<http://www.mpc.gov.my>
 (Badan Berkanun di bawah Kementerian Pembangunan Antarabangsa dan Industri (MITI))



MPC (PCD) 600-2/2/21

16 April 2021

YBrs. Dr. Ar. Tan Loke Mun,
 LAM Board Member,
 Board of Architects Malaysia,
 Jalan Sultan Salahudin,
 50480 Kuala Lumpur.

Yang Berusaha Dr. Ar Tan,

MAKLUM BALAS PENYATA IMPAK PERATURAN (RIS): PROPOSAL TO AMEND THE ARCHITECTS RULES 1996 FOR THE DEPOSITION OF ARCHITECTS' FEES WITH LEMBAGA ARKITEK MALAYSIA (LAM) AS STAKEHOLDER FOR HOUSING PROJECTS

Adalah saya dengan hormatnya merujuk kepada perkara di atas.

2. Perbadanan Produktiviti Malaysia (MPC) mengucapkan ribuan terima kasih kerana mengemukakan Penyata Impak Peraturan (RIS) bagi *Proposal to Amend the Architects Rule 1996 for the Deposition of Architects' Fees with Lembaga Arkitek Malaysia (LAM) as Stakeholder for Housing Projects*.

3. Berdasarkan penilaian ke atas RIS tersebut, didapati semua elemen yang dikemukakan telah memenuhi kriteria Analisa Impak Peraturan (RIA). Bersama-sama ini dikemukakan Nota Penilaian Akhir untuk rujukan.

4. MPC mengucapkan ribuan terima kasih atas komitmen dan Kerjasama yang telah diberikan.

Sekian, terima kasih.

"BERKHIDMAT UNTUK NEGARA"
"MEMACU PRODUKTIVITI NEGARA"

Saya yang menjalankan amanah,

(ZAHID ISMAIL)
 Timbalan Ketua Pengarah
 Perbadanan Produktiviti Malaysia (MPC)

RIS Final Assessment Note

Date	16 April 2021
Document Assessed	Proposal to Amend the Architects Rules 1996 for the Deposition of Architects' Fees with Lembaga Arkitek Malaysia (LAM) as Stakeholder for Housing Projects
To	Dr. Ar. Tan Loke Mun LAM Board Member Board of Architects Malaysia
Assessed by	Cham Yin Hwa

MPC assesses RIS for consistency and adequacy according to the prescribed process and requirements relates to the quality of the analysis. The preparation of a Regulatory Impact Statement (RIS), shall document the regulatory impact analysis and the process undertaken.

The purpose of this note is to provide early comments regarding the information and depth analysis required for the RIS to be assessed as adequate.

No.	Item	Comment
1.	The problem or issues that give rise to the need for action	• Adequate
2.	The government goals of the proposed action in concrete and measurable terms, with a clear timeline for achieving the benefits	• Adequate
3.	The range of options (regulatory and non-regulatory, as applicable) that may constitute feasible means for achieving the desired objectives	• Adequate

PART IV
CODE OF CONDUCT
AND
CONDITIONS OF ENGAGEMENT

Code of Conduct.

28. (1) An Architect shall in the exercise of his profession, observe and be guided by the provisions of the Code of Conduct for Architect in Part One of the Second Schedule.

(2) A Graduate Architect shall in the exercise of his profession, observe and be guided by the provisions in paragraph 1, paragraph 4 except subparagraphs 4(7), 4(9) and 4(17), subparagraphs 2(4), 2(5), 2(7), 3(1), 3(3), 5(3) and 5(4), and subsubparagraphs 3(5)(b), (c) and (d) of the Code of Conduct for Architect in Part One of the Second Schedule, and references to an “Architect” shall be construed as references to a “Graduate Architect”.

(3) A Building Draughtsman shall in the exercise of his profession, observe and be guided by the provisions of the Code of Conduct for Building Draughtsmen in Part Two of the Second Schedule.

(4) An Interior Designer shall in the exercise of his profession, observe and be guided by the provisions of the Code of Conduct for Interior Designers in Part Three of the Second Schedule.

(5) A Graduate Interior Designer shall, in the exercise of his profession, observe and be guided by the provisions in paragraph 1, paragraph 4 except subparagraphs 4(5), 4(7), 4(15), subparagraphs 2(4), 2(5), 2(6), 3(1), 3(3), 5(3) and 5(4), and subparagraphs 3(5)(b), (c) and (d), of the Code of Conduct for Interior Designers in Part Three of the Second Schedule.

(6) An Inspector of Works shall, in the exercise of his profession, observe and be guided by the provisions of the Code of Conduct for Inspector of Works as may be determined by the Board.

(7) An Architectural Technologist shall, in the exercise of his profession, observe and be guided by the provisions of the Code of Conduct for Architectural Technologist as may be determined by the Board.

Conditions of Engagement.

29. (1) Except with the prior approval of the Board given for special reasons, an Architect shall only enter into an agreement for architectural consultancy services according to –

- (a) the Architects (Scale of Minimum Fees) Rules 2010 [*P.U. (A) 53/2010*];
- (b) the Conditions of Engagement in Part One of the Third Schedule; and
- (c) the Memorandum of Agreement in:
 - (i) Form A, Part One of the Fourth Schedule; or
 - (ii) Form B, Part One of the Fourth Schedule

(3) Except with the prior approval of the Board given for special reasons, a Building Draughtsman shall only enter into an agreement for his services according to the Conditions of Engagement in Part Two of the Third Schedule and the Memorandum of Agreement in Part Three of the Fourth Schedule.

(4) Except with the prior approval of the Board given for special reasons, an Interior Designer shall only enter into an agreement for his services according to the Conditions of Engagement in Part Three of the Third Schedule and the Memorandum of Agreement on Part Two of the Fourth Schedule.

Conditions of Engagement.

29. (1) Except with the prior approval of the Board given for special reasons, an Architect shall only enter into an agreement for architectural consultancy services according to –

- (a) the Architects (Scale of Minimum Fees) Rules 2010 [*P.U. (A) 53/2010*];
- (b) the Conditions of Engagement in Part One of the Third Schedule; and
- (c) the Memorandum of Agreement in:
 - (i) Form A, Part One of the Fourth Schedule; or
 - (ii) Form B, Part One of the Fourth Schedule

7. **FOURTH SCHEDULE** : FORM A
PART ONE [Subparagraph 29(1)(c)(i)]

FORM A
MEMORANDUM OF AGREEMENT
BETWEEN THE CLIENT AND THE
ARCHITECT FOR ARCHITECTURAL
CONSULTANCY SERVICES

OR

8. **FOURTH SCHEDULE** : FORM B
PART ONE [Subparagraph 29(1)(c)(ii)]

FORM B
MEMORANDUM OF AGREEMENT
BETWEEN THE CLIENT AND THE
ARCHITECT FOR ARCHITECTURAL
CONSULTANCY SERVICES AND THE
BOARD AS THE STAKEHOLDER FOR
THE FEES

FORM B
[Subparagraph 29(1)(c)(ii)]

MEMORANDUM OF AGREEMENT BETWEEN THE CLIENT AND THE ARCHITECT
FOR ARCHITECTURAL CONSULTANCY SERVICES AND THE BOARD AS THE
STAKEHOLDER FOR THE FEES

MEMORANDUM OF AGREEMENT made this _____ day of _____ 20 ____

BETWEEN

(hereinafter called "the Client") of the one part,

AND

practising Architect(s) at _____

under the style of *(name of *sole proprietorship/partnership/body corporate)*

(hereinafter called "the Architect") of the other part.

WHEREAS the Client is desirous of appointing the Architect to provide
architectural consultancy services (describe the scope of works)

for the project described herein (indicate the project title and location)

(hereinafter called "the Project").

NOW IT IS HEREBY agreed as follows:

1. The Client hereby appoints the Architect to provide architectural consultancy services for the Project subject to and in accordance with the Conditions of Engagement of an Architect as prescribed in the Architects Rules 1996 and the Architect hereby accepts the appointment for the purpose of providing architectural consultancy services for the Client, subject to and in accordance with the Conditions of Engagement for an Architect.
2. This Memorandum of Agreement, the Conditions of Engagement of an Architect and the Architects (Scale of Minimum Fees) Rules 2010 shall constitute the Agreement between the Client and the Architect.

3. The parties hereby agree that all the fees payable by the Client in accordance with this Agreement shall be deposited as and when they become due and payable, with the Board as a stakeholder in accordance with this Agreement.
4. The Architect shall submit to the Board the duly executed Stakeholder Appointment Form, which to be determined by the Board from time to time, authorizing the Board to administer the Architect's fees on behalf of the Client and Architect.
5. The Architect shall obtain the Client's written confirmation of the completion and acceptance of works upon completion of each phase of works outlined in the Stakeholder Appointment Form. Upon receiving such confirmation, the Architect shall submit his claim to the Client who shall make payment to the Board within the period stipulated in the Stakeholder Appointment Form.
6. During the course of the works, the Architect shall notify the Board of any changes to the overall quantum of the Architect's fees.

IN WITNESS WHEREOF the parties have hereinto set their hands on the day and year first above written.

SIGNED BY:

For and on behalf of the
CLIENT

(Signature of Client)

Name: _____
(Witness)

Address: _____

(Signature of Witness)

SIGNED BY:

For and on behalf of the
ARCHITECT

(Signature of Architect)

Name: _____
(Witness)

Address: _____

(Signature of Witness)

delete whichever is not applicable.

	CURRENT STATUS AND ACTION REQUIRED
15.	The system can now be implemented and made mandatory for Housing projects through the Housing Development (Control and Licensing) Act 1966 (Act 118) and Regulations
16.	With effect from 19.08.2024 the Ministry of Housing and Local Government (KPKT) mandates that all applicants for a Housing Developers license (Licensed Developer) must engage Architectural Consultancy Practices (ACPs) through LAM's stakeholder system for any new project initiated after this date
17.	LAM's General Circular to all Architects and ACPs was issued on 20th December 2024. Roadshows for ACPs, and other industry stakeholders are in progress

Executive Summary

- ❑ This proposal came about as part of the implementation of CCC in 2005 with stakeholder input and was accepted by the Building Industry Presidents Council (BIPC) and the Home Buyers Association (HBA)
- ❑ To overcome the perception as to the independence of Architects and potential for conflict of interest in relation to statutory and contractual Certification and in particular the Certificate of Completion and Compliance (CCC)
- ❑ There is consensus in the industry to implement the deposition of the Architect's fees with a stakeholder; and that professional services and work done ought to be paid
- ❑ The Minister of Works approved its implementation on 28th January 2010
- ❑ Ministry of Housing and Local Government (KPKT) and Suruhan Pencegahan Rasuah Malaysia (SPRM) in 2018/19 has also requested for the system to be implemented as soon as possible to protect the interest of house buyers. We have notified SPRM in December 2024 that the system has been implemented
- ❑ Architectural services involves more than just a commercial contract between employer and professional. It involves statutory submissions, declarations and certification to protect public interest, and impacts third parties such as purchasers and end-users
- ❑ **With effect from 19.08.2024 the Ministry of Housing and Local Government (KPKT) mandates that all applicants for a Housing Developers license (Licensed Developer) must engage Architectural Consultancy Practices (ACPs) through LAM's stakeholder system for any new projects initiated after this date. LAM's General Circular to all Architects and ACPs was issued on 20th December 2024. Roadshows for ACPs, and other industry stakeholders are in progress**



LEMBAGA ARKITEK MALAYSIA

(Board of Architects Malaysia)
Tingkat 17, Blok F, Ibu Pejabat JKR
Jalan Sultan Salahuddin
50582 Kuala Lumpur

Tel: 603 26982878
603 26107087
Fax: 603 26936881
Email: info@lam.gov.my
Web: www.lam.gov.my

Ruj. Kami : LAM40G Jld. 2

5 Julai 2023

YBhg. Dato' Jayaselan a/l K. Navaratnam
Ketua Pengarah
Jabatan Perumahan Negara
Kementerian Pembangunan Kerajaan Tempatan
Aras 30-38, No. 51, Persiaran Perdana, Presint 4
62100 Putrajaya

YBhg. Dato'

**KEPUTUSAN PERBINCANGAN DI ANTARA PIHAK JABATAN PERUMAHAN NEGARA (JPN) DAN
LEMBAGA ARKITEK MALAYSIA (LAM) BERHUBUNG PELAKSANAAN KAEDAH-KAEDAH ARKITEK
(PINDAAN) 2022**

Saya dengan segala hormatnya merujuk kepada perkara yang tersebut di atas. Surat YBhg. Dato' bertarikh 26 Mei 2023 juga dirujuk.

2. Lembaga Arkitek Malaysia (LAM) terlebih dahulu ingin merakamkan ucapan ribuan terima kasih di atas kesudian YBhg. Dato' untuk mengadakan perbincangan dengan LAM pada 12 Mei 2023 yang lalu. LAM amat menghargai kerjasama yang diberikan oleh pihak YBhg. Dato'.
3. Berdasarkan perenggan 4 surat YBhg. Dato', berikut adalah maklumat-maklumat yang diperlukan untuk semakan dan pertimbangan lanjut :
 - (i) Deraf pernyataan Akuan Sumpah (Statutory Declaration) yang akan dimuatnaik ke dalam sistem HIMS – pengguna perlu klik untuk mengesahkan dan mengemukakan dokumen Akuan Sumpah. Sila rujuk Lampiran A
 - (ii) Format Akuan Sumpah yang akan dimuatnaik ke dalam sistem HIMS – format .pdf

Segala kerjasama dan maklumbalas daripada pihak YBhg. Dato' amat dihargai dan didahului dengan ucapan terima kasih.

Sekian.

Yang benar,

(DATIN Ar. YONG RAZIDAH RASHID)
Yang Dipertua
Lembaga Arkitek Malaysia



LEMBAGA ARKITEK MALAYSIA

(Board of Architects Malaysia)
Tingkat 17, Blok F, Ibu Pejabat JKR
Jalan Sultan Salahuddin
50582 Kuala Lumpur

Tel: 603 26982878
603 26107087
Fax: 603 26936881
Email: info@lam.gov.my
Web: www.lam.gov.my

Ruj. Kami : LAM40G Jld. 2

27 Disember 2023

YBhg. Dato' Jayaselan a/l K. Navaratnam
Ketua Pengarah
Jabatan Perumahan Negara
Kementerian Pembangunan Kerajaan Tempatan
Aras 30-38, No. 51, Persiaran Perdana, Presint 4
62100 Putrajaya

YBhg. Dato'

KEPUTUSAN PERBINCANGAN DI ANTARA PIHAK JABATAN PERUMAHAN NEGARA (JPN) DAN LEMBAGA ARKITEK MALAYSIA (LAM) BERHUBUNG PELAKSANAAN KAEDAH-KAEDAH ARKITEK (PINDAAN) 2022

Saya dengan segala hormatnya saya diarah merujuk kepada perkara yang tersebut di atas. Surat Lembaga bertarikh 5 Julai 2023 juga dirujuk.

2. Lembaga Arkitek Malaysia (LAM) terlebih dahulu ingin merakamkan ucapan ribuan terima kasih di atas perbincangan dengan LAM pada 10 November 2023 yang lalu. LAM amat menghargai kerjasama yang diberikan oleh pihak YBhg. Dato'.

3. Berdasarkan perbincangan, disertakan deraf terkini pernyataan Akuan Sumpah (Statutory Declaration) yang akan dimuatnaik ke dalam sistem HIMS seperti di lampiran A.

Segala kerjasama dan maklumbalas daripada pihak YBhg. Dato' amat dihargai.

Sekian terima kasih.

Yang benar,


(DATO' Ar. AZMAN MD HASHIM)
Yang Dipertua
Lembaga Arkitek Malaysia

[Final Statutory Declaration]

**By Developer for Lembaga Arkitek Malaysia (“LAM”) to act as
Stakeholder for Management of Professional Fee**

I, [please insert name and IC no.], the [please insert designation] of [please insert company name] (SSM No.) (hereinafter referred to as “**the Company**”) with registered address at [please insert company registered address] do hereby state and affirm as follows: -

1. The Company will appoint a registered Architect(s) to provide architectural consultancy services for all development projects subject to and in accordance with the Conditions of Engagement of an Architect and Memorandum of Agreement in Form B in accordance with Rule 29(1)(c)(ii) of the Architects Rules 1996.
2. The Company hereby agrees that all the fees due and payable by the Company to the Architect(s) (“**Architect’s Fees**”) in accordance with the Conditions of Engagement shall, as and when they become due and payable, be deposited with LAM as stakeholder.
3. The Company hereby agrees that it will comply and abide with LAM’s rules, regulations and requirements in respect of the placement of the Architect’s Fees with LAM as stakeholder.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act, 1960.

Subscribed and solemnly)
declared by the abovenamed)
at [PLACE] on the)
day of [DATE])

Company Sign/Seal.)

[SIGNATURE]

[NAME OF SIGNATORY]

Before me,

Commissioner of Oaths.

APPENDIX A – Hansard DR, 12.12.2006, Pg.28

Debate on CCC and the Deposition of Architects Fees with LAM as stakeholder, Dato Seri S Samy Vellu, Minister of Works, Malaysia

“Tuan Yang Di-Pertua, untuk makluman Yang Berhormat bagi Ketereh, fee arkitek adalah berdasarkan satu skala yang telah ditawarkan oleh kerajaan, diwartakan oleh kerajaan.

Saya ingin membawa ke perhatian Ahli-Ahli Yang Berhormat, bahawa ramai pelanggan tidak membayar yuran arkitek, tetapi memerlukan perkhidmatan arkitek seratus peratus. Masalah in telah sekian lama ditanggung oleh para arkitek dan kementerian saya telah membuat keputusan untuk mewujudkan satu sistem di mana sebuah agensi di bawah Lembaga Arkitek Malaysia untuk mengutip bayaran bagi pihak arkitek profesional serta membuat bayaran kepada mereka berdasarkan perkhidmatan yang diberi.

Tuan Yang di-Pertua, Yang Berhormat bagi Seputeh, telah membangkitkan isu sama ada terdapat apa-apa konflik kepentingan oleh seorang arkitek atau jurutera yang mengemukakan pelan-pelan pada masa yang sama mengeluarkan perakuan siap dan pematuhan. Bagi menjawab soalan Yang Berhormat bagi Seputeh, saya berpendapat bahawa tidak terdapat apa-apa conflict of interest dalam kepentingan, dalam perkara ini kerana seorang arkitek mereka bentuk bangunan dan sebagai seorang profesional, beliau juga mengetahui segala selok-belok mengenai bangunan tersebut, di samping itu, beliau juga menyelia secara berkala pembinaan bangunan dan bertanggungjawab mengawasi pendirian bangunan itu, bagi memastikan bahawa pembinaan itu mematuhi undang-undang serta selamat dan layak diduduki.

(Hansard DR 12.12.2006, Pg.28)

APPENDIX B – Relevant BIPC Meeting Minutes

Building Industry Presidents' Council (BIPC)

Secretariat:

Pertubuhan Akitek Malaysia (PAM)
PAM Centre, 4 & 6 Jalan Tangsi,
50480 Kuala Lumpur, Malaysia
Tel : 03-2693 4182
Fax : 03-2692 8782
E-mail : info@pam.org.my
Website : www.pam.org.my

Members:

Real Estate and Housing Developers' Association, Malaysia (REHDA)
Association of Consulting Engineers, Malaysia (ACEM)
Master Builders Association, Malaysia (MBAM)
The Institution of Engineers, Malaysia (IEM)
The Institution of Surveyors, Malaysia (ISM)
Malaysian Institute of Planners (MIP)
Pertubuhan Akitek Malaysia (PAM)

BUILDING INDUSTRY PRESIDENTS COUNCIL (BIPC)

Minutes of 11th Meeting of BIPC held on 22 June 2005, 2.30pm at
REHDA Secretariat, Petaling Jaya

Present

1. Datuk Eddy Chen Lok Loi	BIPC Chairman
2. Dato' Jeffrey Ng Tiong Lip	REHDA
3. Ar. Paul Lai Chu	PAM
4. Ar Datuk P. Kasi	PAM
5. Mr Patrick Wong	MBAM
6. Ir. Yap Yoke Keong	MBAM
7. Mr Chan Fook Cheong	MBAM
8. Ir. Yap Kok Ming	ACEM
9. Ir. Wan Razali Wan Muda	ACEM
10. Ir. Choo Kok Beng	IEM

In attendance

Ms Ng Kuai Heng	REHDA
Puan Rusnani Abdul Rahman	REHDA
Ms Karen Seow	REHDA
Mr Kevin Lim	REHDA
Puan Zarina Ibrahim	PAM
Cik Nik Rosnaha Nik Mustapa	PAM

Datuk Eddy Chen chaired the meeting and called the meeting to order at 2.45pm.

Datuk Eddy Chen thanked all for attending the meeting. He informed that the summary of the meeting would be presented at the Building Industry Dinner.

The ACEM President, Ir. Mohd Rousdin Hassan and the MIP President, Tuan Hj. Mohamed Nazri Jaafar, conveyed their apologies for not being able to attend the meeting.

1.0 CONFIRMATION OF MINUTES OF THE 10TH BIPC MEETING HELD ON 24 JUNE 2004

The minutes were unanimously confirmed as correct records.

2.0 MATTERS ARISING FROM THE MINUTES OF THE 10TH BIPC MEETING HELD ON 24 JUNE 2004

2.1 Strata Titles Issue

The meeting was informed that REHDA was still trying to get a meeting with the Ketua Pengarah Jabatan Tanah & Galian to address the issues of strata title and gated community. The BIPC agreed to request for Datuk Peter Chin's assistance to resolve the issues.

2.2 Presidents' Pre-Roundtable Meeting

REHDA had chaired a dinner discussion on 18 May 2005 to deliberate on urgent issues and had circulated the notes of the discussion.

Minutes of 11th Meeting of BIPC held on 22 June 2005, 2.30pm at REHDA Secretariat, Lot 2C Jalan SS 5D/6, Kelana Jaya, 47301 Petaling Jaya

Page 2 of 4

2.3 Building Industry Dinner

The Building Industry Dinner will be held on 25 June 2005 at Nikko Hotel, Kuala Lumpur. The Guest of Honour would be Datuk Seri Rafidah Aziz, Minister of International Trade and Industries. All Presidents of BIPC have been invited to attend the dinner.

3.0 MATTERS FOR DISCUSSION

3.1 Stakeholders of Architects Fees

Ar Paul Lai Chu, PAM President, informed that PAM was working on the details to advocate fee to be deposited with the Board of Architects Malaysia to ensure independence of certification. The paper was not ready for tabling at BIPC yet. It was waiting to get endorsement from PAM Council. The meeting requested to have a forum for an agreement by all parties and get the consensus of BIPC before presenting to the Ministry.

3.2 Self-certification / Certificate of Completion and Compliance (CCC)

The meeting was informed that the detailed framework on the CCC was not expected to be ready until December 2005 or January 2006. After deliberation on the issue of self-certification, the meeting agreed that BIPC as a group would not agree ISM to certify. The BIPC agreed certification must be seen to be independent and also agreed for self-certification to be the responsibility of Architects and Engineers. PAM expressed concern that CCC was already to be in place, before formalising the details; therefore it was not right for ISM to lobby for ISM to be the certifier. After deliberation, the BIPC concluded it was not right that ISM individually championed its own interest. The BIPC's members present at the meeting would like to seek ISM's clarification on its position.

3.3 Issue on Quality

The meeting agreed that Contractors should adhere to a quality benchmark. The meeting was informed that the Contractors were of the view that there was no need to add another layer of regulatory measures.

PAM expressed its opinion in order to get better quality all parties must be responsible. MBAM was of the view that it was not necessary to have a quality benchmark as all requirements had been specified in the contractor's contract with the developer. The Chairman was of the view that the reason why contractors need to be regulated was because they could not deliver. It was better to be regulated so that the contractor does its job right the first time. Then there would not be the need for architects to ask for tearing down the wall etc and to certify poor workmanship.

The meeting agreed that the issue was that the industry was depending heavily on foreign workers. CIDB was formed to improve the performance of contractors, workers and supervisors but the standard of workmanship still needed to be improved.

After deliberation, the meeting agreed that MBAM establish a proposal to address the issue of shoddy workmanship. The meeting suggested that MBAM hold a forum with CIDB among contractors, clerks-of-works, contractors who are part of developers, etc to address the issue. Dato' Jeffrey Ng, Ar Datuk P. Kasi and Dato' Goh Chye Koon shall bring up the issue on shoddy workmanship at the earliest CIDB Board meeting.

PAM informed that it was preparing a paper on the need for a quality benchmarking for acceptance by the industry. The paper would be tabled at BIPC when ready.

The meeting was informed that the Boards of Architects, Engineers and Surveyors were asked by the Ministry of Works to prepare the framework for the regulation of clerks-of-works. PAM was tasked to prepare the syllabus for the course for clerks-of-works.

APPENDIX B – Relevant BIPC Meeting Minutes

Building Industry Presidents' Council (BIPC)

Secretariat:

Pertubuhan Akitek Malaysia (PAM)
PAM Centre, 4 & 6 Jalan Tangsi,
50480 Kuala Lumpur, Malaysia
Tel : 03-2693 4182
Fax : 03-2692 8782
E-mail : info@pam.org.my
Website : www.pam.org.my

Members:

Real Estate and Housing Developers' Association, Malaysia (REHDA)
Association of Consulting Engineers, Malaysia (ACEM)
Master Builders Association, Malaysia (MBAM)
The Institution of Engineers, Malaysia (IEM)
The Institution of Surveyors, Malaysia (ISM)
Malaysian Institute of Planners (MIP)
Pertubuhan Akitek Malaysia (PAM)

BUILDING INDUSTRY PRESIDENTS COUNCIL (BIPC)

Minutes of the 12th Meeting of BIPC held on **10 October 2005, 7.00pm** at the
Emperor Chinese Restaurant, Sheraton Subang Hotel, Subang, Selangor

Present

1. Datuk Eddy Chen Lok Loi	Chairman BIPC
2. Ir. Yap Kok Ming	Deputy President ACEM
3. Ir. Prof Dr Ow Chee Sheng	President IEM
4. Mr Elvin Fernandez	Council Member ISM
5. Ir. Yap Yoke Keong	Secretary General MBAM
6. Ar. Dr Tan Loke Mun	President PAM
7. Dato' Jeffrey Ng Tiong Lip	President REHDA
8. Mr Ng Seing Liong, JP	Deputy President REHDA
9. Mr Lim Ann Kok	President BMDAM (By invitation)
10. Mr Kumar Tharmalingam	Immediate Past President FIABCI (By invitation)
11. Ms Grace Okuda	Executive Director C&CA (By invitation)

In attendance

Ms Ng Kuai Heng	REHDA
Ms Malini Narayanan	REHDA
Ms Karen Seow	REHDA
Mr Kevin Lim	REHDA
Puan Zarina Ibrahim	PAM/BIPC Secretariat

Datuk Eddy Chen chaired the meeting and called the meeting to order at 7.25pm.

The MIP, ACCCIM and MISIF conveyed their apologies for not being able to attend the meeting.

1.0 CONFIRMATION OF MINUTES OF THE 11TH BIPC MEETING HELD ON 22 JUNE 2005

The minutes were confirmed as correct records.

2.0 MATTERS ARISING FROM THE MINUTES OF THE 11TH BIPC MEETING HELD ON 22 JUNE 2005

2.1 Strata Titles Issue

The meeting was informed that REHDA has still not yet been able to have a meeting with the Ketua Pengarah Jabatan Tanah & Galian to address the issues of strata titles for bungalows and gated community.

2.2 Stakeholders of Architects Fees

PAM clarified at the meeting that the proposal on the 'Deposition of Architects' Fees with a Stakeholder' would involve an agreed fee and progressive payments through the stakeholder and not one lump sum payment to the stakeholder. The proposal would be presented to the Minister of Works soon.

2.3 The Rising Cost of Doing Business

The cost of doing business is still on the rise. The Chairman noted that the Prime Minister of Malaysia has indicated an attempt to address the issue in the 9th Malaysia Plan Budget.

APPENDIX B – Relevant BIPC Meeting Minutes

Building Industry Presidents' Council (BIPC)

Secretariat:
Pertubuhan Akitek Malaysia (PAM)
PAM Centre, 4 & 6 Jalan Tangsi,
50480 Kuala Lumpur, Malaysia
Tel : 03-2693 4182
Fax : 03-2692 8782
E-mail : info@pam.org.my
Website : www.pam.org.my

Members:
Real Estate and Housing Developers' Association, Malaysia (REHDA)
Association of Consulting Engineers, Malaysia (ACEM)
Master Builders Association, Malaysia (MBAM)
The Institution of Engineers, Malaysia (IEM)
The Institution of Surveyors, Malaysia (ISM)
Malaysian Institute of Planners (MIP)
Pertubuhan Akitek Malaysia (PAM)

BUILDING INDUSTRY PRESIDENTS' COUNCIL (BIPC)

Minutes of the 13th Meeting of BIPC held on 4 July 2006, 2.30pm
at MBAM Secretariat, Desa Business Park,
Taman Desa Off Jalan Klang Lama,
Kuala Lumpur

Present

1. Datuk Eddy Chen Lok Loi	Chairman BIPC
2. Mr Ng Seing Liong, JP	President REHDA
3. Ar Dr Tan Loke Mun	President PAM
4. Mr Patrick Wong	President MBAM
5. Mr Ng Kee Leen	Deputy President MBAM
6. Mr Yap Yoke Keong	Secretary General MBAM
7. Ir. Yap Kok Ming	President ACEM
8. Sr Noushad Ali Naseem Ameer Ali	President ISM
9. Sr Eddie Wong Weng Hong	QS Divisional Chairman ISM
10. Puan Norliza Hashim	President MIP
10. Ir. Tan Yean Chin	Vice President IEM
11. Mr Andrew Ang	MBAM

In attendance

Ms Ng Kuai Heng	REHDA
Ms Karen Seow	REHDA
Puan Zarina Ibrahim	PAM/BIPC Secretariat
Cik Nik Rosnaha Nik Mustapa	PAM/BIPC Secretariat

Datuk Eddy Chen chaired the meeting and called the meeting to order at 2.35pm.

The Chairman congratulated all the newly elected Presidents. He said that the Council should continue to work together as there are still unfinished business. He said that the implementation of CIMP needs to be monitored. He also mentioned the Government had kindly heeded to the Industry's advice to run Build-Then-Sell and Sell-Then-Build concurrently. He also expressed thanks to MBAM for hosting the meeting.

1.0 CONFIRMATION OF MINUTES OF THE 12TH BIPC MEETING HELD ON 10 OCTOBER 2005

The minutes were confirmed as correct records and adopted.

2.0 MATTERS ARISING FROM THE MINUTES OF THE 12TH BIPC MEETING HELD ON 10 OCTOBER 2005

2.1 Strata Titles Issue

The meeting was informed that REHDA has still not been able to have a meeting with the Ketua Pengarah Jabatan Tanah & Galian to address the issues of strata titles for bungalows and gated community. The new Minister of Natural Resources and Environment, Dato' Seri Azmi Khalid had said he would look into the issues. The BIPC hoped that Dato' Seri would be able to get things moving.

Minutes of the 13th Meeting of BIPC held on 4 July 2006, 2.30 pm, MBAM Secretariat,
2nd Floor, Jalan 2/109E, Desa Business Park, Taman Desa Off Jalan Klang Lama, Kuala Lumpur
Page 2

2.2 Stakeholders of Architects Fees

PAM reported that the proposal on the 'Deposition of Architects' Fees with a Stakeholder' has been presented to the Minister of Works. PAM would try to get another discussion with the Minister. PAM is preparing a flow chart summarising the proposal. PAM assured that there would be no advance payment required.

2.3 The Rising Cost of Doing Business

MBAM requested the industry partners to be consistent in supply and payment to meet local demand; otherwise inconsistency would cause delay and other problems. MBAM expressed concern on the pricing of two items, cement and steel bars. The costs of material were stable but reaching the maximum level.

REHDA reported that based on a survey done last year, most of the members cited the rising cost due to building materials such as steel, sand, and other building material. A new survey would be done to see the impact of rise in fuel. The finding of the survey would be reported in 6 weeks time.

3.0 BUILD THEN SELL (BTS) AND SELL & BUILD (S&B)

The BIPC was glad that the Government heeded its advice and announced that Build-Then-Sell and Sell & Build would be implemented concurrently. The meeting agreed to find out the Government's plans with the announcement of BTS. The meeting also agreed to let the market forces dictate and the BIPC would take it from there. The meeting also was informed that the Government would review the effectiveness of implementation of the system after two years.

The Chairman informed that the 10:90 Variant could not easily be carried out, as banks would need to play a major role. There were rules and regulations which the BIPC would have to work out with the Minister of Housing and Local Government (MHLG) in the event of mass pull-out by house buyers.

PAM and HBA held a discussion recently for PAM to better understand the HBA's proposal for the 10:90 Variant of Build-Then-Sell. PAM had sent a team to Australia to study on the Australian model. PAM would keep BIPC informed on the matter.

The Chairman said that the BIPC should look at the proposed SPA for the 10:90 Variant positively and from all different angles. He also suggested BIPC to draft the SPA to be proposed to the Government so that all parties are protected. PAM & REHDA agreed to form a task-force to work on the agreement.

4.0 CERTIFICATE OF COMPLETION AND COMPLIANCE (CCC)

PAM explained that the CCC was just for the Professional Architects & Professional Engineers to take over the Local Authority's administrative role of issuing CF to improve the competitiveness of the Malaysian housing delivery system. At a meeting with the Ministry of Works, PAM discovered that the amendments included provisions in the Architects Act for compulsory Professional Indemnity Insurance (PII) and compensation fund, drafted in by the AG Chambers.

The Chairman suggested that PAM & IEM establish the problems and BIPC would support. PAM and ACEM would prepare a paper to be presented to the Minister of Housing and Local Government (MHLG) or MOW so that the Ministers could bring the Architects' and Engineers' concerns to the Cabinet.

5.0 UNCONTROLLABLE AND UNPREDICTABLE PRICE OF ESSENTIAL BUILDING MATERIALS

The meeting agreed that BIPC would send a memorandum to the Government on uncontrollable and unpredictable prices of essential building materials. MBAM would prepare the paper to be signed by all the Presidents and to be sent to the relevant Ministries.

APPENDIX C – Approval to implement the Deposition of Architects Fees with LAM as Stakeholder by Minister of Works, 28 January 2010



Tel : 03-2711 1100
Fax : 03-2711 1024
Website : <http://www.kkr.gov.my>

(22)dlm.KKR.BPAK.100-18/3
28 Januari 2010

Yang Dipertua
Lembaga Arkitek Malaysia
Ibu Pejabat JKR, Tingkat 17
Jalan Sultan Salahuddin
50582 KUALA LUMPUR
(u.p.: Puan Esah binti Abdullah)

Puan,

CADANGAN MENDEPOSITKAN FI PERUNDING ARKITEK DENGAN LEMBAGA ARKITEK MALAYSIA SEBAGAI PEMEGANG AMANAH

Dengan hormatnya saya merujuk kepada perkara di atas.

2. Sukacita dimaklumkan bahawa Y.B. Menteri Kerja Raya telah bersetuju dengan Cadangan Mendepositkan Fi Perunding Arkitek dengan Lembaga Arkitek Malaysia sebagai Pemegang Amanah.

3. Bersama-sama ini disertakan salinan memo yang telah diluluskan oleh Y.B. Menteri Kerja Raya berhubung perkara di atas untuk rujukan dan tindakan pihak puan.

Sekian, terima kasih.

"BERKHIDMAT UNTUK NEGARA"

Saya yang menurut perintah,

(**HAT YASIN BIN JUNUS**)
Bahagian Pemantauan Agensi & Kemahiran
u.p. Ketua Setiausaha
Kementerian Kerja Raya
Malaysia

s.k.

KSU

TKSU (P)



KSU,

Dengan ini saya bersetuju / ~~tidak bersetuju~~ dengan Cadangan Mendepositkan Fi Perunding Arkitek dengan Lembaga Arkitek Malaysia sebagai Pemegang Amanah.

Ulasan:

- Tiada halangan -

(**DATO' SHAZIMAN BIN ABU MANSOR**)
Menteri Kerja Raya
Malaysia

25 Januari 2010

APPENDIX D – MINUTES OF MEETING 17TH OCTOBER 2018 WITH KPKT DEPUTY MINISTER AND PROFESSIONAL BOARDS

MINIT MESYUARAT BERSAMA-SAMA LEMBAGA PROFESIONAL MENGENAI WAY FORWARD ISU PENGELUARAN SIJIL PERAKUAN DAN PEMATUHAN CCC

Tarikh : 17 Oktober 2018 (Rabu)
Masa : 10.00 Pagi
Tempat : Bilik Perbincangan YBTM
Aras 17
Kementerian Perumahan Dan Kerajaan Tempatan
62100 Putrajaya.

KEHADIRAN :

1. **YBM Senator Dato' Raja Kamarul Bahrin Shah** Pengerusi
Ibni Raja Ahmad Baharuddin Shah
Timbalan Menteri / KPKT
2. **YBhg. Dato' Noor-Ihsan Bin Haji Che Mat**
Ketua Pengarah / JKT
3. **YBrs. Tuan Jayaselan a/l K. Navaratnam**
Ketua Pengarah / JPN
4. **Ar. Sharina Intan Bt. Abdullah**
Pengarah (BPKM) / JKT
5. **Puan Salwa Binti Muharam**
Timbalan Pengarah Bahagian Pemeriksaan Dan Perundingan / SPRM
6. **Encik Zamirzan Bin Puji**
(BPKM) / JKT
7. **Ar. Ooi Tee Lee**
(BPKM) / JKT
8. **Puan Zakiah Binti Hassan**
Ketua Cawangan C Sektor Pemeriksaan Dan Perundingan / SPRM

9. **Puan Zetty Zarina Binti Saharudin**
Cawangan C Sektor Pemeriksaan Dan Perundingan / SPRM
10. **Ar. Naziawaty Binti Ahmad**
(BPKM) / JKT
11. **YBhg. Dato' Ir. Fong Tian Yong**
Lembaga Jurutera Malaysia (LJM)
12. **Ir. Wong Shu Leong**
Lembaga Jurutera Malaysia (LJM)
13. **Ar. Tan Loke Mun**
Lembaga Arkitek Malaysia (LAM)
14. **Ar. Jasmeet Singh Sidhu**
Lembaga Arkitek Malaysia (LAM)
15. **Ar. Ezumi Harzani Bin Ismail**
Lembaga Arkitek Malaysia (LAM)
16. **Ar. Azman bin Md Hashim**
Lembaga Arkitek Malaysia (LAM)
17. **Ar. Mohd Hazwan Hamidi**
Lembaga Arkitek Malaysia (LAM)
18. **Ar. Thirilogachandran a/l Shanmugasundaram**
Lembaga Arkitek Malaysia (LAM)
19. **Puan Mariatul Nurul Hidayah bt Abu Bakar**
Lembaga Arkitek Malaysia (LAM)
20. **Encik Hilmi bin Mazlan**
Lembaga Arkitek Malaysia (LAM)
21. **YBhg. Dato' Ar. Zulkhairi bin Md Zain**
Pertubuhan Arkitek Malaysia (PAM)
22. **YBhg. Datuk Ar. Tan Pei Ing**
Pertubuhan Arkitek Malaysia (PAM)

23. Puan Ezza Atieqah Bt. Md. Harmain

(BPKM) / JKT

24. Puan Fazliaton Bt Ismail

(BPKM) / JKT

25. Encik Mohd Fhaig Amrie Bin Amir Shahfuddin

Pencatat Minit

(BPKM) / JKT

1.0 PERUTUSAN YBM DATO' Pengerusi

1.1 YBM Dato' Pengerusi mengucapkan salam, selamat sejahtera dan mengalu-alukan kedatangan semua ahli mesyuarat ke Mesyuarat Bersama Lembaga Profesional Mengenai *Way Forward* Isu Pengeluaran Sijil Perakuan Dan Pematuhan (CCC).

1.2 YBM Dato' Pengerusi memaklumkan bahawa mesyuarat ini diadakan untuk membincangkan isu pengeluaran CCC dan *way forward* Lembaga Profesional dalam menangani isu pengeluaran CCC oleh PSP terutamanya bagi projek perumahan.

2.0 PERBINCANGAN

2.1 Wakil JKT Ar. Sharina Intan selaku Pengarah Bahagian Kawalan Pemajuan (KM) membentangkan isu CCC dan cadangan penyelesaian yang telah dijalankan di peringkat KPKT.

Makluman

2.2 Mesyuarat Bersama Lembaga Profesional Mengenai Isu Pengeluaran CCC yang telah dipengerusikan oleh YBhg. Dato' Sri KSU KPKT pada 19 September 2018 telah membincangkan isu pengeluaran CCC, data kesalahan dan cara mengatasi isu yang terlibat. 4 isu pengeluaran CCC telah dikenalpasti daripada mesyuarat tersebut.

Makluman

2.2 Isu pelaksanaan CCC yang pertama adalah pelaksanaan konsep *self-regulation* dan *self-certification* dalam pengeluaran CCC tidak dilaksanakan secara kompeten oleh profesional. Oleh itu, Lembaga Profesional diarahkan untuk memantapkan pengetahuan dan kompetensi para profesional berkenaan CCC.

Tindakan: LAM & LJM

2.3 Isu pelaksanaan CCC yang kedua adalah peranan pemaju sebagai *paymaster* (majikan) kepada PSP, di mana PSP kadangkala didesak oleh pemaju untuk mengeluarkan CCC dengan segera agar VP dapat dikeluarkan. Oleh yang demikian, LAM telah mengambil inisiatif untuk Pemaju menandatangani Yuran Profesional Perunding Arkitek kepada LAM sebagai pemegang amanah agar PSP dapat melaksanakan tanggungjawab statutori dalam pengeluaran CCC dengan tatacara yang betul.

Tindakan: LAM

2.4 Isu pelaksanaan CCC yang ketiga adalah tiada pegawai tapak yang melaksanakan *standing supervision* yang sama-sama turut memperakukan borang-borang G. Oleh yang demikian, pihak LJM dan LAM telah bekerjasama untuk melibatkan *Inspector Of Works* (IOW) dengan memasukkan perakuan IOW bagi tred yang terlibat di dalam Borang G. Pertambahan perakuan tersebut memerlukan pindaan ke atas UBBL dan akan mengambil masa yang panjang untuk melaksanakannya.

Tindakan: LAM, LJM & JKT

- 2.5 KPKT juga mendapati tindakan tatatertib yang dikenakan oleh Lembaga Profesional ke atas kesalahan yang dilakukan oleh profesional tidak memberi impak yang tinggi. Oleh itu, KPKT mencadangkan agar para profesional dikenakan tindakan yang lebih berat mengikut Akta Lembaga Profesional masing-masing.

Tindakan: LAM & LJM

- 2.6 JKT telah mencadangkan 2 penambahbaikan berkaitan isu pengeluaran CCC di dalam Proses 4 dan Proses 6 di dalam Manual OSC 3 Plus yang akan dilaksanakan pada tahun hadapan.

Makluman

- 2.6.1 Melalui Proses 4 iaitu Pemeriksaan Interim, PBT digalakkan untuk menjalankan pemeriksaan tapak semasa kemajuan kerja di tapak adalah di antara 50%-70%. Pemeriksaan ini merupakan satu kaedah *check and balance* di peringkat PBT untuk sebarang ketidakpatuhan yang berlaku. Terdapat peruntukan Seksyen 70(23)(a)(b) – Akta Jalan Parit & Bangunan (Akta 133), di mana PBT boleh mengeluarkan notis bertulis membetulkan ketidakpatuhan dan arahan bertulis menahan pengeluaran CCC sehingga ketidakpatuhan dibetulkan.

Makluman

- 2.6.2 Walau bagaimanapun, YBM Dato' Pengerusi mencadangkan agar pemeriksaan tapak boleh dijalankan pada bila-bila masa dalam tempoh pembinaan mengikut kapasiti PBT masing-masing dan ahli mesyuarat bersetuju dengan cadangan tersebut.

Tindakan: JKT

- 2.6.3 Melalui Proses 6 pula iaitu Pendepositan CCC, JKT mencadangkan penyerahan salinan CCC atau *Partial CCC* kepada Pemaju / Pemilik hendaklah berlaku selepas pendepositan CCC diselesaikan di PBT. Walau bagaimanapun, wakil daripada LAM mencadangkan untuk mengekalkan prosedur sedia ada dan ahli mesyuarat bersetuju dengan cadangan tersebut.

Makluman

- 2.7 Wakil LJM membentangkan kesalahan yang dilakukan oleh Jurutera (PSP & SP) dalam bentuk kesalahan dan tindakan yang telah diambil mengikut tahun sejak CCC dilaksanakan. Wakil LJM memaklumkan bahawa Jurutera tidak terlibat sebagai PSP dalam pengeluaran CCC bagi projek perumahan.

Makluman

- 2.8 Wakil LAM memaklumkan Lembaga Arkitek Malaysia sedang dalam usaha untuk menyediakan *LAM Stakeholder Fee Management System* dan telah bekerjasama dengan REHDA dan *House Buyer's Association* (HBA) dalam mendapatkan input bagi memantapkan sistem ini. Sistem ini juga dicadangkan boleh diakses melalui telefon bimbit melalui aplikasi yang sedang dibangunkan oleh vendor yang dipilih melalui proses tender oleh Lembaga Arkitek Malaysia.

Makluman

- 2.9 Wakil LAM juga menyatakan bahawa sistem ini akan siap dibangunkan sepenuhnya pada awal tahun hadapan dan dicadangkan akan diimplementasi pada pertengahan tahun 2019. Peraturan – peraturan Arkitek (*Architect's Rules*) bagi Akta Arkitek 1967 (Akta 117) juga akan dipinda untuk memandatorikan

implementasi sistem ini bagi semua projek perumahan. Pihak LAM juga bercadang untuk mengadakan *roadshow* untuk menghebahkan penggunaan sistem ini bersama pihak REHDA setelah sistem mula diimplementasi pada pertengahan tahun hadapan.

Tindakan: LAM

- 2.10 Wakil LJM menerangkan secara ringkas cadangan perakuan *Inspector of Works (IOW)* di dalam Borang-borang G yang berkenaan. Setiap IOW perlu berdaftar dengan Lembaga masing-masing dan perlu mempunyai kelayakan minimum untuk pendaftaran tersebut. Bagi setiap Borang G, berkemungkinan mempunyai beberapa IOW yang dinamakan *Site Supervising Team* di bawah 1 kontraktor / subkontraktor yang sama.

Makluman

- 2.11 Lembaga Jurutera Malaysia dan Lembaga Arkitek Malaysia sedang bekerjasama dalam memperhalusi prosedur untuk memantapkan pelaksanaan perakuan IOW tersebut. Semua pihak yang terlibat akan dimaklumkan melalui Pekeliling, *roadshow*, dan notis sebelum pelaksanaan tersebut dikuatkuasakan.

Tindakan: LJM & LAM

- 2.12 Wakil dari SPRM, Puan Salwa Binti Muharram membentangkan hasil pemeriksaan SPRM terhadap amalan, sistem dan tatacara kerja berhubung pengeluaran siap dan pematuhan CCC oleh para profesional. Pihak SPRM memaklumkan pemeriksaan ini dijalankan rentetan dari aduan yang telah diterima berkenaan CCC yang dikeluarkan bagi Projek Perumahan Penjawat Awam Malaysia (PPAM) Bukit Jalil sedangkan mempunyai banyak kerosakan dan terdapat rumah yang belum siap sepenuhnya (*oustanding works*).

Makluman

- 2.13 Wakil daripada SPRM memaklumkan terdapat 4 kelemahan yang dikenal pasti oleh pihak SPRM dalam penguatkuasaan CCC yang dijalankan oleh KPKT. Antara yang dimaklumkan adalah prosedur berkaitan perakuan bangunan (Borang G12) yang tidak mempunyai mekanisme *check and balance*. Ini kerana tiada kewajipan kepada PBT untuk membuat pemeriksaan ke atas bangunan sebelum CCC dikeluarkan.

Makluman

- 2.14 Wakil daripada SPRM juga memaklumkan terdapat pemantauan yang kurang efisien daripada badan-badan kawal selia seperti pihak KPKT yang tidak menerima laporan daripada LAM/LJM berkaitan jumlah dan jenis aduan yang diterima daripada pembeli serta tindakan-tindakan yang telah diambil terhadap PSP.

Makluman

- 2.15 Wakil daripada SPRM juga memaklumkan Lembaga Profesional tidak memberi sebarang hebahan berkaitan senarai PSP yang telah diambil tindakan di bawah Akta Arkitek 1976 (Akta 117)/ Akta Pendaftaran Jurutera 1976 (Akta 138) serta kod etika profesional kepada orang awam sebagai rujukan. Mesyuarat bersetuju agar Lembaga Profesional mengambil tindakan terhadap perkara ini.

Tindakan : LJM & LAM

- 2.16 Wakil daripada SPRM juga memaklumkan penguatkuasaan peruntukan kesalahan di bawah Akta 118 dan Akta 133 yang dilakukan oleh PBT dan badan-badan kawal selia lain yang kurang efektif.

Makluman

- 2.17 Selain itu tiada tenaga pakar dilantik menganggotai Bahagian Penguatkuasaan di JPN KPKT untuk menjalankan penguatkuasaan ke atas kesalahan-kesalahan Pemaju di bawah Akta 118.

Tindakan: JPN

- 2.18 Pihak SPRM juga memaklumkan tiada tindakan diambil terhadap kontraktor yang menjalankan kerja-kerja pembinaan yang tidak mengikut spesifikasi dan *standard* yang telah ditetapkan.

Tindakan: CIDB

- 2.19 Selain itu, pihak SPRM juga telah mengenalpasti sistem pengurusan aduan yang longgar di peringkat KPKT. Ini adalah kerana tiada saluran aduan yang jelas seperti pusat setempat untuk menguruskan aduan berkaitan CCC untuk di ambil tindakan.

Makluman

- 2.20 Proses aduan yang longgar juga dikenalpasti berlaku di LAM oleh pihak SPRM. Proses pengurusan aduan longgar ini telah menyebabkan sesuatu kes tidak diambil tindakan dengan segera & sewajarnya.

Tindakan: LAM

- 2.21 Oleh yang demikian, pihak SPRM telah mencadangkan agar pihak KPKT untuk menambahbaik buku panduan kaedah pelaksanaan pengeluaran perakuan siap dan pematuhan (CCC) untuk dijadikan panduan kepada para profesional. Selain itu, pihak KPKT dicadangkan agar memasukkan pelaksanaan lawatan tapak oleh PBT sebelum Borang G12 (bangunan) diperakukan oleh pihak PSP. Pihak KPKT juga disarankan untuk memantapkan tindakan penguatkuasaan di peringkat PBT.

Tindakan: JKT

- 2.22 Selain itu, pihak SPRM juga mencadangkan agar pihak-pihak yang terlibat untuk memperkasa pemantauan pelaksanaan CCC dengan mewujudkan jawatankuasa pemantau serta menambahbaik sistem pengurusan aduan dengan mewujudkan sistem pengurusan aduan secara berpusat. Lembaga Profesional juga disarankan untuk menghebahkan senarai-senarai PSP yang telah di ambil tindakan.

Tindakan: JKT, JPN, CIDB, LAM & LJM

3.0 Hal-hal lain

- 3.1 YBM Dato' Pengerusi meminta pihak CIDB dan SPRM untuk menyertai mesyuarat akan datang dan membuat kenyataan dari semasa ke semasa untuk mencapai matlamat pembangunan kerajaan.

Tindakan: JKT, SPRM & CIDB

- 3.2 YBM Dato' Pengerusi memaklumkan Proses P4 di dalam OSC 3 Plus perlu dikemaskini bagi memantapkan peranan PBT berkenaan pelaksanaan CCC.

Tindakan: JKT

4.0 Penutup

YBM Dato' Pengerusi mengucapkan terima kasih kepada semua ahli mesyuarat yang hadir dan berharap semua pihak dapat memainkan peranan masing-masing dalam menangani isu ini. Mesyuarat ditangguhkan pada jam 1.30 tengahari.

**Bahagian Perundingan Kawalan Pemajuan,
Jabatan Kerajaan Tempatan
Kementerian Perumahan dan Kerajaan Tempatan
19 Oktober 2018**

Disediakan oleh :



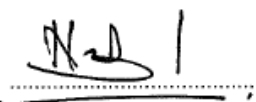
Ar. Naziawaty Binti Ahmad
Penolong Pengarah (Bahagian Kawalan Pemajuan)
JKT, KPKT

Disemak oleh:



Ar. Sharina Intan Binti Abdullah
Pengarah (Bahagian Kawalan Pemajuan)
JKT, KPKT

Disahkan oleh:



YBhg. Dato' Noor-Ihsan bin Haji Che Mat
Ketua Pengarah JKT, KPKT

NON-COMPLIANCE	DISCIPLINARY ACTION TAKEN			
	REPRIMAND	FINES (RM)	SUSPENSION	CANCELLATION
Fraudulent CCC / Any Certification	√	50,000	√ (Min. 6 Months)	
Premature Stage Certification	√	100,000		
Premature Issuance Of CCC	√	30,000 – 100,000		
Supplanting	√	10,000 – 50,000		
Selling Signature				
Non-Declaration Of Interest				
Non-Compliance Of CCC	√	50,000	√ (Min. 6 Months)	
Malpractice/Illegal Practise	√			
Wrongful Submission To Local Authority	√	5,000		
Late Deposition Of CCC (More Than 14 Days)				
Dishonesty/Untruthful To The Board	√	5,000	√ (Min. 6 Months)	
Wrongly And/Or Negligently Claimed Qualifications	√			

Tindakan dan denda yang telah dikenakan kepada PSP di antara tahun 2014 hingga tahun 2017.

12

YEAR	TOTAL COMPLAINT	TYPE OF COMPLAINT			
		CCC	DEFECTS	CONTRACT	OTHERS
2014	44	16	4	4	20
2015	53	21	8	6	18
2016	61	23	12	7	19
2017	86	34	15	6	31
2018	52	19	6	6	21

Jumlah aduan CCC, Kecacatan dan Kontrak yang diterima oleh LAM di antara tahun 2014 hingga tahun 2018

APPENDIX E – APPROVAL FROM MINISTER OF WORKS ON 24 JULY 2019 TO AMEND THE ARCHITECTS RULES TO ENABLE THE IMPLEMENTATION OF THE STAKEHOLDER SYSTEM

1.0 LATAR BELAKANG

Pada Jun 2014, Perdana Menteri Malaysia telah menggantikan Perakuan Kelayakan Menduduki (Certificate of Fitness for Occupation – CFO) oleh pihak berkuasa tempatan bagi meningkatkan kecukupan sistem penyiapan bangunan.

Konsep di mana Lembaga Arkitek Malaysia (LAM) bertindak sebagai pemegang amanah (stakeholder) untuk fi Arkitek bagi sistem Sijil Perakuan Siap dan Pematuhan (Certificate of Completion and Compliance – CCC) untuk semua jenis bangunan oleh para profesional seperti yang diumumkan oleh Perdana Menteri.

Pada 28 Januari 2010, Menteri Kerja Raya telah meluluskan pelaksanaan 'Pendevisitan Fi Arkitek dengan Pemegang Amanah' bermula dengan projek-projek perumahan di bawah Akta Pemajuan Perumahan (kawalan dan Perlesenan) 1996 di mana LAM bertindak sebagai pemegang amanah (stakeholder).

LAM telah dipertanggungjawabkan untuk membangunkan sistem yang boleh menguruskan dan memantau sistem pengurusan fi ini.

2.1 LAM STAKEHOLDER FEE (FOURTH SCHEDULE)

Lanjutan pelaksanaan 'LAM Stakeholder Fee Management', LAM perlu membuat pindaan sewajarnya terhadap Kaedah-Kaedah Arkitek 1996 bagi menguatkuasakan keperluan pendevisitan fi Arkitek untuk projek pembangunan. Bagi fasa permulaan, ia akan dilaksanakan terhadap projek-projek perumahan.

Pindaan terhadap Kaedah-Kaedah Arkitek 1996 ini meliputi penambahan terhadap 'Fourth Schedule'.

(LAMPIRAN B)

2.2 Pendaftaran Pertubuhan Perbadanan dengan Pengarah Tunggal

Sehubungan dengan pindaan terhadap Akta Syarikat 2016 (Akta 777), LAM mencadangkan supaya pindaan terhadap Kaedah-Kaedah Arkitek 1996 dibuat bagi membenarkan Pertubuhan Perbadanan Kesenibinaan dimiliki oleh entiti tunggal.

Cadangan pindaan terhadap Kaedah-Kaedah Arkitek 1996 tersebut adalah dengan menambah Kaedah 30A(2).

(LAMPIRAN C)

3.0 KELULUSAN / ULASAN

Bagi membolehkan tindakan sewajarnya diambil, LAM dengan ini memohon kelulusan YB Menteri Kerja Raya.

YB Menteri Kerja Raya :

Tidak ada halangan. Saya bersetuju.

[Signature]

24.7.2019.

Lembaga Arkitek Malaysia
Julai 2019

APPENDIX F – Regulatory Impact Statement (RIS) approval by Malaysian Productivity Corporation 16 APRIL 2021



PERBADANAN PRODUKTIVITI MALAYSIA (MPC) / MALAYSIA PRODUCTIVITY CORPORATION
 Petai Sastera 64, Jalan Sultan, 48004 Petaling Jaya, Selangor D.E., Malaysia
 Tel : 03 7955 7289, 7955 7650, 7955 7685, 7955 7172, 7955 7180, 7955 7282, 7655 7311
 Fax: 03-7957 0002 (Dok Invois), 7955 7644, 7957 0024 (Dok Produktiviti), 7954 0765 (Promosi)
 Lorong Produktiviti, Off Jalan Sultan, 48220 Menjalara Jaya, Selangor D.E., Malaysia.
<http://www.mpc.gov.my>
 (Badan Berkanun di bawah Kementerian Pembangunan Antarabangsa dan Industri (MITI))



MPC (PCD) 600-2/2/21

16 April 2021

YBrs. Dr. Ar. Tan Loke Mun,
 LAM Board Member,
 Board of Architects Malaysia,
 Jalan Sultan Salahudin,
 50480 Kuala Lumpur.

Yang Berusaha Dr. Ar Tan,

MAKLUM BALAS PENYATA IMPAK PERATURAN (RIS): PROPOSAL TO AMEND THE ARCHITECTS RULES 1996 FOR THE DEPOSITION OF ARCHITECTS' FEES WITH LEMBAGA ARKITEK MALAYSIA (LAM) AS STAKEHOLDER FOR HOUSING PROJECTS

Adalah saya dengan hormatnya merujuk kepada perkara di atas.

2. Perbadanan Produktiviti Malaysia (MPC) mengucapkan ribuan terima kasih kerana mengemukakan Penyata Impak Peraturan (RIS) bagi *Proposal to Amend the Architects Rule 1996 for the Deposition of Architects' Fees with Lembaga Arkitek Malaysia (LAM) as Stakeholder for Housing Projects*.

3. Berdasarkan penilaian ke atas RIS tersebut, didapati semua elemen yang dikemukakan telah memenuhi kriteria Analisa Impak Peraturan (RIA). Bersama-sama ini dikemukakan Nota Penilaian Akhir untuk rujukan.

4. MPC mengucapkan ribuan terima kasih atas komitmen dan Kerjasama yang telah diberikan.

Sekian, terima kasih.

"BERKHIDMAT UNTUK NEGARA"
"MEMACU PRODUKTIVITI NEGARA"

Saya yang menjalankan amanah,

(ZAHID ISMAIL)
 Timbalan Ketua Pengarah
 Perbadanan Produktiviti Malaysia (MPC)

RIS Final Assessment Note

Date	16 April 2021
Document Assessed	Proposal to Amend the Architects Rules 1996 for the Deposition of Architects' Fees with Lembaga Arkitek Malaysia (LAM) as Stakeholder for Housing Projects
To	Dr. Ar. Tan Loke Mun LAM Board Member Board of Architects Malaysia
Assessed by	Cham Yin Hwa

MPC assesses RIS for consistency and adequacy according to the prescribed process and requirements relates to the quality of the analysis. The preparation of a Regulatory Impact Statement (RIS), shall document the regulatory impact analysis and the process undertaken.

The purpose of this note is to provide early comments regarding the information and depth analysis required for the RIS to be assessed as adequate.

No.	Item	Comment
1.	The problem or issues that give rise to the need for action	• Adequate
2.	The government goals of the proposed action in concrete and measurable terms, with a clear timeline for achieving the benefits	• Adequate
3.	The range of options (regulatory and non-regulatory, as applicable) that may constitute feasible means for achieving the desired objectives	• Adequate



Overview of the LAM BOARD ONLINE Stakeholder System (lam-bos)

HISTORY & ARCHITECT'S OBLIGATIONS

Ar. Sarly Adre Sarkum
Lembaga Arkitek Malaysia

26 APRIL 2025

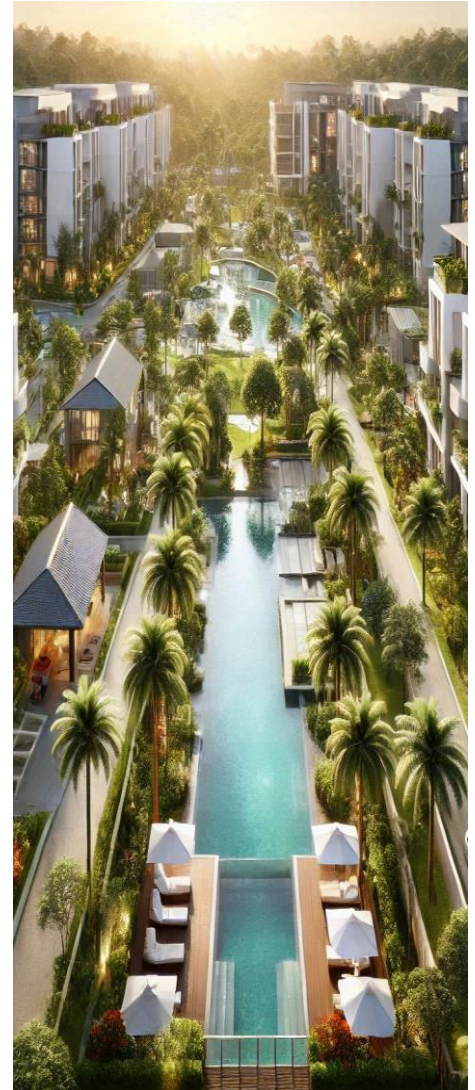
Summary of Topics

- What is the Fee Stakeholder System (LAM-BOS)?
- Key Objectives and Scope of the System
- Architect's Obligations:
 - During Project Registration
 - Throughout Project Lifecycle
- Reporting and Compliance Requirements
- Benefits to Stakeholders
- Common Challenges and Best Practices



Introduction to the Fee Stakeholder System

- Definition: A centralized fee management platform managed by Lembaga Arkitek Malaysia (LAM)
- Purpose:
 - Ensure transparency and accountability in architectural fee management.
 - Address conflicts of interest and promote public trust
- Mandate: Mandatory for all new housing projects since 19 August 2024
- Architect Circular issued 20 December 2024
- System live 1 January 2025
- Scope: Primarily housing projects, with optional use for other types of developments.



Introduction to the Fee Stakeholder System

DIGITALISED AND IMPROVED ECO-SYSTEM FOR MALAYSIAN HOUSING

Managed by

Jabatan
Perumahan
Negara
JPN

Kementerian
Pembangunan
Kerajaan
Tempatan
KPKT



KEMENTERIAN PERUMAHAN
DAN KERAJAAN TEMPATAN

HIMS

Housing Integrated
Management system

Access and inputted
Mainly by the
Developer

LAM-BOS

LAM Board Online
Stakeholder System

Access and inputted
Mainly by the
Architect

Managed by

Lembaga
Arkitek
Malaysia
LAM

Kementerian
Kerja Raya
KKR



KEMENTERIAN KERJA
RAYA MALAYSIA

General Circular by LAM

- General Circular 1/2024 dated 20th Dec 2024 was published by LAM outlining the responsibilities of the architect and usage of the system
- Release on 1 January 2025



LEMBAGA ARKITEK MALAYSIA

Tingkat 17, Ibu Pejabat JKR, Jalan Sultan Salahuddin, 50582 Kuala Lumpur
Peti Surat 12695, 50786 Kuala Lumpur

Tel : 03-26982878/26107087 Faks : 03-26936881
E-mel : info@lam.gov.my Web : www.lam.gov.my

GENERAL CIRCULAR NO. 1/2024

DEPOSITION OF ARCHITECTS FEES WITH BOARD OF ARCHITECTS MALAYSIA (LAM) AS STAKEHOLDER

1.0 INTRODUCTION

- 1.1. Pursuant to the Amendments to the Architects Rules 1996 on 1st October 2022, the FOURTH SCHEDULE PART ONE FORM B [Subparagraph 29(1)(c)(ii)] provides for the Architect's client to deposit the Architect's fees with the Board of Architects Malaysia (LAM) as stakeholder.
- 1.2. With effect from 19.08.2024 the Ministry of Housing and Local Government (KPKT) mandates that all applicants for a Housing Developers license (Licensed Developer) must engage Architectural Consultancy Practices (ACPs) through LAMs stakeholder system, as described in Para 1.1 above, for any new project initiated after this date.
- 1.3. KPKT will notify existing Licenced Developers to submit this declaration via the Jabatan Perumahan Negara (JPN) Housing Integrated Management System (HIMS@JPN-KPKT) portal for new projects initiated under their existing licences.

2.0 DEPOSITING OF ARCHITECTS FEES WITH LAM AS STAKEHOLDER

- 2.1. With effect from 19.08.2024 all Architect's fees for projects governed under the Housing Development (Control and Licensing) Act (HDA) 1966 [Act 118] shall be deposited with LAM as stakeholder.

- 2.2. Architects shall ensure that the appointment by Licensed Developers for their Architectural Consultancy Practice (ACP) is as per the Memorandum of Agreement in the FOURTH SCHEDULE PART ONE FORM B [Subparagraph 29(1)(c)(ii)] of Architects Rules 1996. The scope of works, fees, agreed schedule of payment, if none is stated, shall be in accordance with the schedule for basic architectural services as outlined in the Architects (Scale of Minimum Fees) Rules 2010.
- 2.3. Architects fees in relation to the Client's project shall include all Supplementary Services and Additional Services as defined under the Architects (Scale of Minimum Fees) Rules 2010.
- 2.4. Upon its appointment, the ACP shall register the project with LAM's Online Stakeholder System (LAM-BOS System) (<https://www.lam-bos.gov.my>). Each registered project shall be assigned a registration number.
- 2.5. LAM shall impose a management charge amounting to 0.3% of the Architect's fees by way of deducting from such fees received, together with Government Service Tax (if applicable) at the prevailing rate.
- 2.6. The ACP is permitted to proceed with its services upon registration with the LAM-BOS System.
- 2.7. Upon completion of each phase of work as outlined above, the ACP shall obtain the Client's written confirmation that the particular phase of work has been completed and accepted by the Client. The ACP shall then submit an invoice to the Client who shall then make payment to LAM. The ACP shall upload the Client's written confirmation and the invoice to the LAM-BOS System.
- 2.8. LAM-BOS System will issue reminders and notices as required. Upon LAM receiving the Client's written confirmation, ACP's invoice and Client's payment, LAM will release the net amount due to the ACP.
- 2.9. The ACP is required to notify LAM via the LAM-BOS System of any changes relating to their appointment for architectural services for the project. This includes any addition or omission to the scope of work, fees, schedule or method of payment, project status and appointment status such as termination of services or suspension of services, etc.

- 2.10. Upon completing the architectural consultancy services for the project, the ACP shall notify via the LAM-BOS System of the completion.
- 2.11. Information on the LAM-BOS System is available from the Frequently Asked Questions section available at (<https://www.lam-bos.gov.my>).

All ACPs are required to comply with this directive. Any non-compliance, breach or contravention will be considered a violation of the General Circular.

By Order of the Board of Architects Malaysia,

(Ar. HANI YULIATI BINTI MOHD LASA)
Registrar

20 December 2024

Distribution: All registered members

General Circular No.1/2024

1.0 INTRODUCTION

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General Circular No.1/2024

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- 2.4 Upon its appointment, the ACP shall register the project with LAM's Online Stakeholder System (LAM-BOS System) (lam-bos.gov.my). Each registered project shall be assigned a registration number

General Circular No.1/2024

- 2.5 LAM shall impose a **management charge amounting to 0.3%** of the Architect's fees by way of deducting from such fees received, together with Government Service Tax (if applicable) at the prevailing rate.
- 2.6 The ACP is permitted to proceed with its services upon registration with the LAM-BOS System.
- 2.7 Upon completion of each phase of work as outlined above, the ACP shall obtain the Client's written confirmation that the particular phase of work has been completed and accepted by the Client. The ACP shall then submit an invoice to the Client who shall then make payment to LAM. The ACP shall upload the Client's written confirmation and the invoice to the LAM-BOS System.
- 2.8 LAM-BOS System will issue reminders and notices as required. Upon LAM receiving the Client's written confirmation, ACP's invoice and Client's payment, LAM will release the net amount due to the ACP.

General Circular No.1/2024

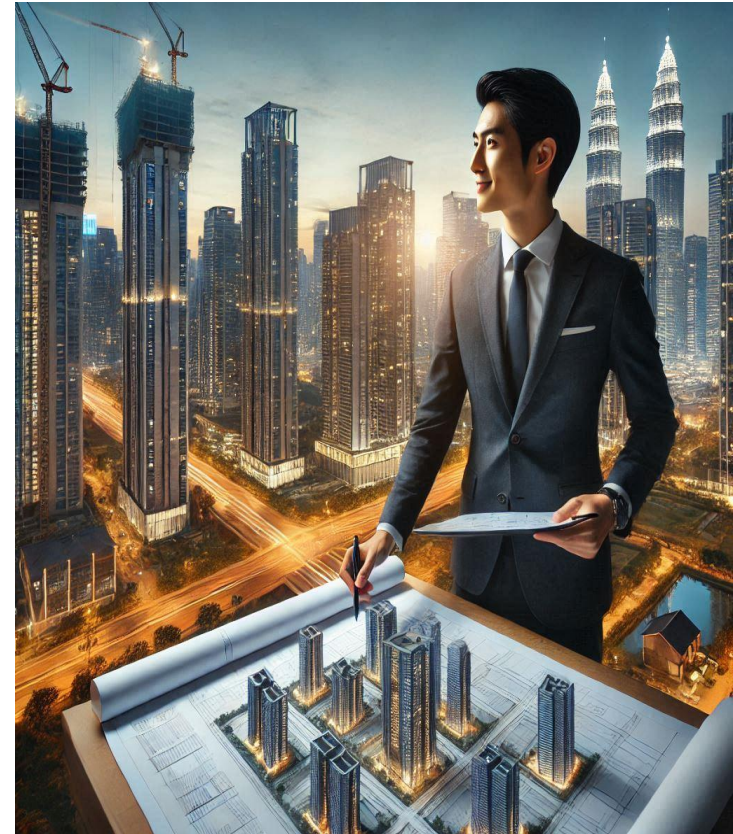
- 2.9 The ACP is required to notify LAM via the LAM-BOS System of any changes relating to their appointment for architectural services for the project. This includes any addition or omission to the scope of work, fees, schedule or method of payment, project status and appointment status such as termination of services or suspension of services, etc.
- 2.10 Upon completing the architectural consultancy services for the project, the ACP shall notify via the LAM-BOS System of the completion.
- 2.11 Information on the LAM-BOS System is available from the Frequently Asked Questions section available at lam-bos.gov.my

All ACPs are required to comply with this directive. Any non-compliance, breach or contravention will be considered a violation of the General Circular.

By Order of the Board of Architects Malaysia,

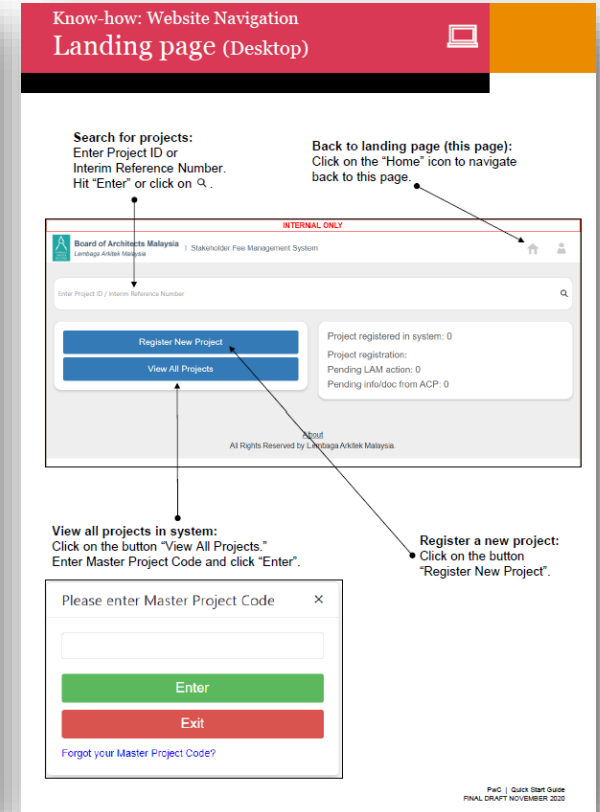
Key Objectives of LAM-BOS

- Transparency: Centralized management eliminates ambiguity in payment processing
- Conflict-Free Certification: Ensures that architects can act independently without financial pressures
- Accountability: Tracks payments and project milestones systematically
- Security: Protects both architects and developers by ensuring payments are tied to work progress
- NOT Magic Bullet to solve all problems but a start towards better practice environment



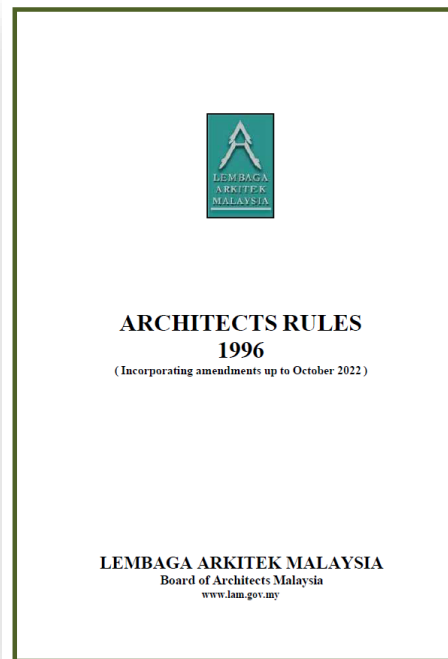
LAM-BOS USER GUIDE

- LAM and PWC have create a user manual with step by step information on each of the process and procedure of the system
- The Guide Book would be openly available for download at the LAM-BOS portal



Architect's Obligations - Project Registration

- Need to use our FORM B from the Amended Architect Rules 1996 (October 2022 Amendment)
- FORM B [Subparagraph 29(1)(c)(ii)] is the **MEMORANDUM OF AGREEMENT BETWEEN THE CLIENT AND THE ARCHITECT FOR ARCHITECTURAL CONSULTANCY SERVICES AND THE BOARD AS THE STAKEHOLDER FOR THE FEES**
- The scope of works, fees, agreed schedule of payment, if none is stated, shall be in accordance with the schedule for basic architectural services as outlined in the Architects (Scale of Minimum Fees) Rules 2010.

The image shows the first page of Form B, titled 'PART ONE' and 'FORM B [Subparagraph 29(1)(c)(ii)]'. The main heading is 'MEMORANDUM OF AGREEMENT BETWEEN THE CLIENT AND THE ARCHITECT FOR ARCHITECTURAL CONSULTANCY SERVICES AND THE BOARD AS THE STAKEHOLDER FOR THE FEES'. The form contains several lines for text entry, including 'MEMORANDUM OF AGREEMENT made this day of 20', 'BETWEEN (hereinafter called "the Client"), of the one part, AND practising as Architect(s) at', and 'WHEREAS the Client is desirous of appointing the Architect to provide architectural consultancy services (describe the scope of works)'. There are also lines for 'for the project described herein (indicate project title and location)' and '(hereinafter called "the Project")'. The page number '77' is visible at the bottom right.

MEMORANDUM OF AGREEMENT BETWEEN THE CLIENT AND THE ARCHITECT FOR ARCHITECTURAL CONSULTANCY SERVICES AND THE BOARD AS THE STAKEHOLDER FOR THE FEES

PART ONE

FORM B [Subparagraph 29(1)(c)(ii)]

MEMORANDUM OF AGREEMENT BETWEEN THE CLIENT AND THE ARCHITECT FOR ARCHITECTURAL CONSULTANCY SERVICES AND THE BOARD AS THE STAKEHOLDER FOR THE FEES

MEMORANDUM OF AGREEMENT made thisday
of 20

BETWEEN
(hereinafter called "the Client"), of the one part,

AND
practising as Architect(s) at

* under the style of (name of *sole proprietorship/partnership/body
corporate)
.....
(hereinafter called "the Architect") of the other part.

WHEREAS the Client is desirous of appointing the Architect to
provide architectural consultancy services (describe the scope of works)
.....

.....
for the project described herein (indicate project title and location)

.....
(hereinafter called "the Project")

NOW IT IS HEREBY agreed as follows:

1. The Client hereby appoints the Architect to provide architectural consultancy services for the Project subject to and in accordance with the Conditions of Engagement of an Architect as prescribed in the Architects Rules 1996 and the Architect hereby accepts the appointment for the purpose of providing architectural consultancy services for the Client, subject to and in accordance with the Conditions of Engagement for an Architect.
2. This Memorandum of Agreement, the Conditions of Engagement of an Architect and the Architects (Scale of Minimum Fees) Rules 2010 shall constitute the Agreement between the Client and the Architect.
3. The parties hereby agree that all the fees payable by the Client in accordance with this Agreement shall be deposited as and when they become due and payable, with the Board as a stakeholder in accordance with this Agreement.
4. The Architect shall submit to the Board the duly executed Stakeholder Appointment Form, as to be determined by the Board from time to time, authorizing the Board to administer the Architect's fees on behalf of the Client and Architect.
5. The Architect shall obtain the Client's written confirmation of the completion and acceptance of works upon completion of each phase of works outlined in the Stakeholder Appointment Form. Upon receiving such confirmation, the Architect shall submit his claim to the Client who shall make payment to the Board within the period stipulated in the Stakeholder Appointment Form.
6. During the course of the works, the Architect shall notify the Board of any changes to the overall quantum of the Architect's fees.

IN WITNESS WHEREOF the parties have hereinto set their hands on
the day and year first above written.

SIGNED BY :

.....
for and on behalf of
the CLIENT
.....
(Signature of Client)

Name :
(Witness)

Address :

.....
.....
(Signature of Witness)

SIGNED BY :

.....
.....
for and on behalf of the
ARCHITECT
.....
(Signature of Architect)

Name :
(Witness)

Address :

.....
.....
(Signature of Witness)

* delete whichever is not applicable

Architect's Obligations - During the Project Lifecycle

- Change in Project Scope
 - Architect to notify LAM of any change in Project scope
 - Architect to change mode of Payment
- Final Reporting:
 - Architect to notify LAM-BOS upon project completion to close accounts.
- Dispute Resolution:
 - Work with clients and LAM to resolve any payment discrepancies before project closure.
- Document Archiving:
 - Ensure that all project details and approvals are accurately recorded in the system.



Reporting and Compliance Requirements

- Mandatory Reporting:
 - Appointment details
- Project status updates.
 - Scope changes and fee adjustments
- Compliance Standards:
 - Adherence to the General Circular and Architects Rules 1996. Timely updates to avoid delays in payment or regulatory breaches
- Penalties for Non-Compliance:
 - Disciplinary actions, fines, or project delays for breaches.



Where is the money kept?

- The money is kept in a separate account from other LAM accounts
- The account is specific for the LAM-BOS platform
- Transaction will only be done with this account
- For privacy purposes only limited number of LAM staff will have access to this account
- Several layer of safeguards and approval layers within LAM to ensure check and balance



Benefits of the Fee Stakeholder System

- For Architects:
 - Secure, guaranteed payments tied to completed work.
 - Transparent fee management eliminates client disputes.
 - Easy resolution and pre-empting if project is problematic
- For Developers:
 - Payments linked to verified work progress.
 - Simplifies fee tracking and management.
- For the Public:
 - Enhances trust in architectural certifications (e.g., CCC).
 - Promotes professionalism in the industry



Architect Workflow Overview

Step-by-Step Process:

1. Inform Client to access HIMS system that they will use LAM-BOS
2. Secure your Appoint as Architect
3. Register project on LAM-BOS.
4. Confirm project details and terms with the architect is correct.
5. Ensure client Sign off invoices and documentation for completed work stages.
6. Deposit relevant payments to LAM.
7. LAM verifies and disburses payments to the architect.
8. Repeat **steps 3 – 5** accordingly
9. Notify project completion and close account on LAM-BOS.



CONCLUSION

- Recap: Architects play a crucial role in ensuring the success of the Fee Stakeholder System as the party responsible with interacting with the system is the architect
- Call to Action: Embrace the LAM-BOS system for improved transparency and professionalism. Please help to improve the system via constructive feedback
- Closing Statement: Together, we can create a better more transparent business environment for all



Q&A via the FAQ

- In practice, numerous situations arise that require accommodation within the LAM-BOS system. To address this need, LAM has established a dynamic FAQ platform. This FAQ system is designed to evolve continuously, with regular updates reflecting emerging inquiries and the latest developments
- Please scan the QR code for the initial FAQ and the following to submit questions to the FAQ. Most common questions will be included in the FAQ
- Queries can also be sent via fees@lam.gov.my



For Viewing the FAQ



For asking and adding questions