

LEMBAGA JURUTERA MALAYSIA  
BOARD OF ENGINEERS, MALAYSIA  
d/a KEMENTERIAN KERJA RAYA MALAYSIA  
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Tarikh : 21.6.89  
(Date)

To All Professional Engineers

### **SUPERVISION OF CONSTRUCTION OF PROJECTS**

As you are aware, Local Authorities require plans pertaining to engineering works to be submitted by qualified persons; and 'qualified person' means any engineer registered under Section 8 of the Registration of Engineers Act in the appropriate engineering discipline.

2. It is the intention of the Ministry of Housing and Local Government that Local Authorities should only allow qualified persons to supervise and certify completion of construction of engineering aspects of building projects. For this purpose, the Uniform Building By-laws had been passed under the Street, Drainage and Building Act, 1974. By-law 5 states that where any plan, drawing or calculation in relation to any building is required to be submitted by any qualified person, no erection or continuation of 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. In simple language, this means that the submitting person shall supervise the construction.
3. Of late, the Board of Engineers, Malaysia has had to deal with several cases where the consulting engineers have carried out the structural design of buildings, obtained the approval from the Local Authorities for the structural plans but left it to the developers to engage their own staff to supervise the construction. The Consulting Engineers were not engaged to carry out or take full charge of the full time supervision but they undertook to sign the completion certificates for the construction. In the cases being investigated by the Board, there were structural defects in the buildings resulting from poor site supervision.
4. All Professional Engineers are strongly advised not to certify completion of construction (if they have not carried out full time supervision, or if supervision has not been carried out by staff under his direct control). Otherwise, they would be taking great risks under the provisions of Section 71 of the Street, Drainage and Building Act, 1974 including amendments of 1978 thereto. That section is reproduced and attached hereto. Your attention is also drawn to Rule 25 of Part IV, Code of Professional Conduct of the Registration of Engineers Rules (under the Act) which states that a Registered Engineer shall order his conduct so as to uphold the dignity, standing and reputation of the profession. False certification undermines the dignity and reputation of the profession. Rule 26 states that a Registered Engineer in his responsibility to his employer and the profession shall have full regard to public interest. The Board would like to warn all Professional Engineers not to sign certificates of completion of construction of buildings or engineering works not supervised by them or by staff directly under their control. If they do so, they would have contravened Rule 25 and Rule 26 and action will be taken against them under Section 15 of the Registration of Engineers Act. The action under Section 15 of the Act will be either suspension of registration up to 6 months or cancellation of registration. The Board of Engineers, Malaysia will not hesitate to take appropriate action under the Registration of Engineers Act against any Professional Engineer who has misconducted himself in this respect.

Yours faithfully



(TAN SRI DATO' IR. TALHA BIN H.J. MOHD. HASHIM)  
*President, Board of Engineers, Malaysia*

## Section 71 of the Street, Drainage and Building Act, 1974

71. 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 -

*Penalty for failure of building or earthwork.*

- (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 fifty thousand dollars or to imprisonment for a term not exceeding ten years or to both.

Building is defined in the Act as follows:-

"building" includes any house, hut, shed or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall, fence, platform, staging, gate, post, pillar, piling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge, or any structure support or foundation connected to the foregoing;