



Lessons Learnt on Infringements of Professional Ethics

Presented by:

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Chairman, Disciplinary Committee



What is Ethics ?

- **Ethics** → Major branch of philosophy → encompassing proper conduct and promoting good living in a community
- **Synonym** for “morally correct” or justified → set of justified moral principles of obligation, rights and ideals
- **Ethics** → can be applied to many areas/fields/industries → engineering ethics, medical ethics, business ethics, religious ethics, political ethics
- **Professional Ethics** → concerns the moral issues that arise because of the specialist knowledge that professionals attain, and how the use of this knowledge should be governed when providing a service to the public

What is Ethics ?

Example :

- Engineer → possess specialist knowledge and training
- Client → places trust in the Engineer that the service provided will be to the client's best interest
- Engineer → must not use the specialist knowledge and training to exploit the Client e.g. incorporating overly high factor of safety in his designs

What is Ethics ?

- Ethics → is about Values

What are Values ?

- Concise Oxford Dictionary → principles or standards of behaviour
- Values → A principle, standard or quality considered worthwhile or desirable
- Our values guide us on what is an appropriate course of action or what is the right thing to do
- Values reflect a person's perception/sense of right and wrong, or what 'ought' to do
- As a Professional, we are governed by a set of basic values

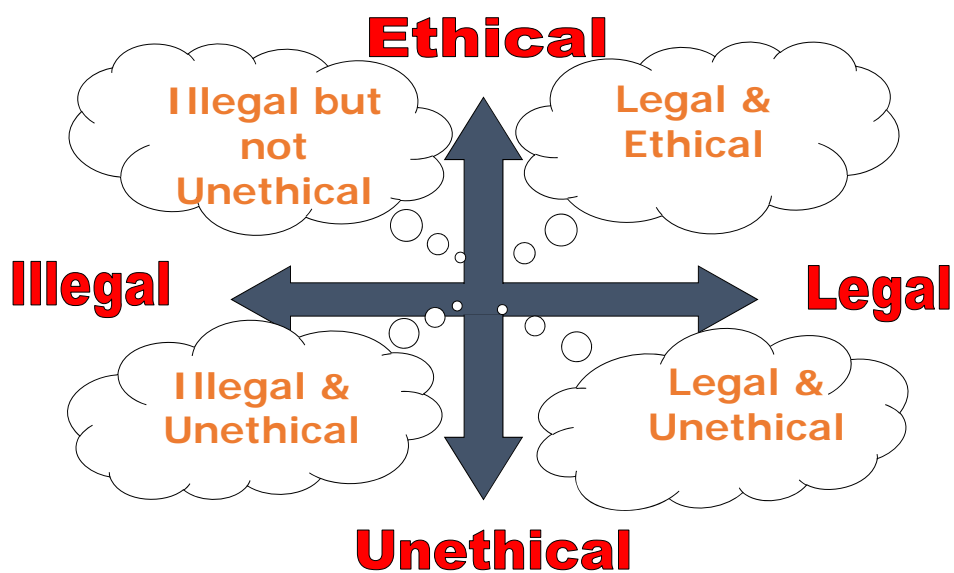
10 Basic Values for Professionals

- i. **Honesty** → tell the truth
- ii. **Legality** → obey the law
- iii. **Privacy** → respect others' rights
- iv. **Quality** → strive for quality products and services for your clients
- v. **Teamwork** → work together to meet mutual objectives
- vi. **Avoid Conflict of Interest** → be loyal to your Employer/Client and observe fair play
- vii. **Cultural Sensitivity** → blend with diverse cultures in the workplace

10 Basic Values for Professionals

- viii. *Social Responsibility* → preserve and protect the public good
- ix. *Professional Growth* → develop and maintain our skills
- x. *Advancing the Profession* → respect and assist our colleagues/ juniors and enhance the reputation of our profession

How is Ethics and Law related ?



Ethics

- All Professional bodies have a Code of Ethics
- However, Ethics → relates to morality → is abstract and difficult to determine
- For purpose of enforcement → Professional bodies set out a Code of Conduct
- Conduct → how we behave

What is a Code of Conduct ?

- A set of internally enforced rules or regulations that members of a Profession must follow
- The main intention is to ensure public safety, prevent exploitation of the Client, and preserve the integrity of the Profession
- A Code of Conduct → **may or may not** have the same status as a Law
- However, the Code of Conduct as set out in Part IV of the Registration of Engineers Regulations 1990 → is a subsidiary legislation enacted under the Registration of Engineers Act 1967

Power to make Regulations

- Section 26 of the Registration of Engineers Act 1967
- The **Board** may with the approval of the Minister **make regulations** to prescribe anything which may be prescribed or is required to be prescribed under the Act or to enable it to perform any of its functions or to exercise any of its powers set out in the Act
- **The Regulations are binding on all registered Persons and ECPs**

History of the Regulations

- 1990 The REGISTRATION OF ENGINEERS REGULATIONS 1990 was enacted (P.U.(A) 128/90)
(Date of operation - 1990)
- 2003 Revisions made to the REGISTRATION OF ENGINEERS REGULATIONS 1990 (Revised 2003) (P.U.(A) 424/2003)
(Date of operation - 10th November 2003)
- 2015 Revisions made to the REGISTRATION OF ENGINEERS REGULATIONS 1990 (Revised 2015) (P.U.(A) 173/2015)
(Date of Operation - 31st July 2015)

PART IV → Code of Conduct



Registration of Engineers Regulations 1990

Part IV

Code of Conduct

Regulations 23 to 33



Regulation 23

- *Conduct of Registered Person*
- Every registered Person shall conduct himself honourably, responsibly, ethically and lawfully
- **honourably → in a way that is honest and fair, or that deserves praise and respect**
- **responsibly → in a way that shows good judgement and the ability to act correctly**
- **ethically → in a way that is morally right or that relates to moral principles**
- **lawfully → in a way that is allowed by law**

Regulation 23

- *Conduct of Registered Person*
- Every registered Person shall conduct himself honourably, responsibly, ethically and lawfully
- Regulation 23 is a “catch-all” Regulation → covers all types and manner of misconduct

Regulation 24

- *Responsibility to employer, client or profession*
- A registered Person shall -
 - (a) discharge his professional duties with due skill, care, diligence and good faith;
- skill → do it well
- care → pay serious attention especially to the details
- diligence → work carefully to ensure it is safe
- good faith → done in an honest and sincere way

Regulation 24

- *Responsibility to employer, client or profession*
- A registered Person shall -
 - (b) at all times hold paramount the safety, health and interest of the public;
- **paramount → more important than anything else**

Regulation 24

- *Responsibility to employer, client or profession*
- A registered Person shall -
 - (c) take reasonable steps to reduce foreseeable adverse effects of professional engineering services on the environment.
- **reasonable → based on good judgement and fair and practical**
- **foreseeable → can be known about or guessed before it happens**
- **adverse → having a negative or harmful effect**

Regulation 25

- *Discharge of duties with fidelity*
- A registered Person shall discharge his duties to his employer or client, as the case may be, with complete fidelity.
- **fidelity** → honest and full support, or loyalty
 - doing the work as if you are doing for yourself
 - not accepting payment from another party

Regulation 26

- *Reputation etc. of a registered Person not to be injured*
- 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.

Regulation 26

- *Reputation etc. of a registered Person not to be injured*
- 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.
- maliciously → in a way that is intended to cause harm, upset or damage, bad intention
- reputation → the opinion people have about someone, the good name of a person
- prospects → the possibility of being successful

Regulation 27


- *Canvassing and advertising prohibited*
- A registered Engineer shall not -
 - (a) canvass or solicit professional employment;
- canvass → try to get support
- solicit → to offer sex for money, usually in a public place
 - to ask for something in a persuasive and determined way

Regulation 27

- *Canvassing and advertising prohibited*
- A registered Engineer shall not -
 - (b) offer any gift or other valuable consideration, or pay a commission or brokerage fee in order to secure professional employment;
- **consideration → a payment for a service**


Regulation 27

- *Canvassing and advertising prohibited*
- A registered Engineer shall not -
 - (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;
 - (c) except as permitted by the Board, advertise in any manner or form in connection with his profession; or



Regulation 27

- **Canvassing and advertising prohibited**
- **A registered Engineer shall not -**
 - (c) **except as permitted by the Board, advertise in any manner or form in connection with his profession; or**




Rev. No.: 2
Date: 25.5.2017

BOARD OF ENGINEERS MALAYSIA


CIRCULAR NO. 005

ADVERTISING BY REGISTERED ENGINEERS

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 (the Board) hereby determines as follows:



Circular No. 005



Rev. No.: 2
Date: 25.5.2017

BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO. 005

ADVERTISING BY REGISTERED ENGINEERS

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 (the Board) hereby determines as follows:

I. INTRODUCTION

1. Recognising the need for the public to have easy access to information on what engineering consultancy services are available and from whom, the Board in pursuance of Regulation 27(c) of the Registration of Engineers Regulations 1990 hereby permits a Professional Engineer or an Engineering Consultancy Practice (ECP) to:

(i) make known to the public the services offered by him or the ECP, and

(ii) seek engagement from potential Clients.

Regulation 27

- *Canvassing and advertising prohibited*
- A registered Engineer shall not -
 - (d) provide engineering services to any person, unless the scope of such services are clearly defined in a written agreement between both parties; or
 - (e) offer, give, solicit or receive, either directly or indirectly, any contribution which may be reasonably construed as having the effect of intent to influencing the award of a contract.

Regulation 27A

- *Canvassing and advertising by an ECP*
- An Engineering consultancy practice shall not -
 - (a) canvass or solicit to provide professional engineering services except as permitted by the Board;
 - (b) offer any gift or other valuable consideration, or pay a commission or brokerage fee in order to provide professional engineering services;
 - (c) except as permitted by the Board, advertise in any manner or form any advertisement in connection with the engineering profession;

Regulation 27A

- *Canvassing and advertising by an ECP*
- An Engineering consultancy practice shall not -
 - (d) provide professional engineering services to any client, unless the scope of the services are clearly defined in a written agreement between both parties; or
 - (e) offer, give, solicit or receive, either directly or indirectly, any contribution which may be reasonably construed as having the effect of intent to influencing the award of a contract.

Regulation 29

- *Restrictions on making payments or placing contracts*
- A registered Person or an ECP shall not be a medium of payment made on his client's behalf unless he is so requested by his client nor shall he, in connection with work on which he is employed, place contracts or orders except with the authority of and on behalf of his client.
- collect money or make payment
- place → to arrange to have / make an order for

Regulation 31

- *A registered Engineer or an ECP is not to intervene or to take over the work of another*
- A registered Engineer or an ECP shall not directly or indirectly -
(a) supplant or attempt to supplant another registered Engineer or an ECP;
- **supplant → to replace, to take over the job, 'potong jalan'**

Regulation 31

- *A registered Engineer or an ECP is not to intervene or to take over the work of another*
- A registered Engineer or an ECP shall not directly or indirectly -
(b) intervene or attempt to intervene in or in connection with engineering work of any kind which to his knowledge has already been entrusted to another registered Engineer or an ECP; or


intervene → to intentionally become involved

Regulation 31

- *A registered Engineer or an ECP is not to intervene or to take over the work of another*
- A registered Engineer or an ECP shall not directly or indirectly -
(c) take over any work of that other registered Engineer or an ECP acting for the same client unless he has -
- **take over → coming in as the 2nd Engineer/ECP to continue the work from the 1st Engineer/ECP, who is withdrawing from the job, or whose services have been terminated by the client**


Regulation 31

- *A registered Engineer or an ECP is not to intervene or to take over the work of another*
- A registered Engineer or an ECP shall not directly or indirectly -
(c) take over any work of that other registered Engineer or an ECP acting for the same client unless he has -
(i) obtained the consent of that other registered Engineer or an ECP; or
- **consent → the 1st Engineer/ECP agrees that the 2nd Engineer/ECP can take over**
- **consent given → through a 'Letter of Release'**




Regulation 31

- A registered Engineer or an ECP is not to intervene or to take over the work of another*
- A registered Engineer or an ECP shall not directly or indirectly -
 - (c) take over any work of that other registered Engineer or an ECP acting for the same client unless he has -
 - (ii) been formally notified by the client that the services of that other registered Engineer or an ECP have been terminated in accordance with the provisions of any contract for professional engineering services entered into between that other registered Engineer or an ECP and the client, provided always that in the case of dispute over non-payment of fees or quantum of any outstanding fees under the contract, the client may request the Board to be the stakeholder.



Circular No. 008



Rev. No.: 4
Date: 9.4.2019

BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO. 008

PROCEDURE FOR A REGISTERED ENGINEER OR AN ENGINEERING CONSULTANCY PRACTICE TAKING OVER THE WORK OF ANOTHER REGISTERED ENGINEER OR AN ENGINEERING CONSULTANCY PRACTICE

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 set out the procedure for taking over the work of a registered Engineer or Engineering consultancy practice by another registered Engineer or Engineering consultancy practice in accordance to Regulation 31 of the Registration of Engineers Regulations 1990 (Revised 2015).

This Circular supersedes Circular No. 1/2006, Guidelines for An Engineer Taking Over the Work of Another (BEM/RD/PPC/02).

1. Regulation 31 of the Registration of Engineers Regulations 1990 (Revised 2015) states:

A registered Engineer or an Engineering consultancy practice shall not directly or

Regulation 32

- *Restrictions on being a director, member or shareholder of contracting and manufacturing company, etc*
- (1) Except with the prior approval of the Board, a registered Engineer in an ECP shall not be a director or executive of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business related to building or engineering.
- (2) If such approval is given, such registered Engineer shall not undertake any contract work wherein he is engaged to provide professional engineering services in such project unless it is in respect of a “design and build” project.

Regulation 33

- *Disclosure of interest*
- Every registered Engineer while acting in his professional capacity shall disclose in writing to his client of the fact if he is a director or member of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business or has any financial interest in any such company or firm or business, with which he deals on behalf of his client.



Circular No. 001



Rev. No.: 1
Date: 27.10.2016

BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO. 001

CODE OF CONDUCT OF REGISTERED PERSON

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 Code of Conduct of registered Person as stated herein below.

This Circular supersedes Circular No. 3/2005, Guidelines for Code of Professional Conduct (BEM/RD/PPC/08).

This Code of Conduct is in addition to Part IV, Code of Conduct of the Registration of Engineers Regulations 1990.



Circular No. 001


1.0 PROFESSIONAL ENGINEER WITH PRACTISING CERTIFICATE

1.1 Registered Professional Engineer with Practising Certificate not to falsify qualification, etc.

- 1.1.1 A registered Professional Engineer with Practising Certificate shall not falsify his qualifications or permit misrepresentation of his or his associates' qualifications. He shall not misrepresent or exaggerate his responsibility in or for the subject matter of previous assignments. He shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures', or past accomplishments.
- 1.1.2 A registered Professional Engineer with Practising Certificate shall check with due diligence the accuracy of facts and data before he signs or endorses any statement or claim. He shall not sign on such documents unless, where necessary, he has made qualifications on errors and inaccuracies.
- 1.1.3 A registered Professional Engineer with Practising Certificate shall respond, within reasonable time, to communication from the Board or any other relevant authority on matters pertaining to his professional service.

- 1.1.2 A registered Professional Engineer with Practising Certificate shall check with due diligence the accuracy of facts and data before he signs or endorses any statement or claim. He shall not sign on such documents unless, where necessary, he has made qualifications on errors and inaccuracies.

- 1.1.3 A registered Professional Engineer with Practising Certificate shall respond, within reasonable time, to communication from the Board or any other relevant authority on matters pertaining to his professional service.



Circular No. 001

1.0

PROFESSIONAL ENGINEER WITH PRACTISING CERTIFICATE

1.1

Registered Professional Engineer with Practising Certificate not to falsify qualification, etc.

1.2

Registered Professional Engineer with Practising Certificate to certify work only if he has control over supervision, etc.


1.2.1

A registered Professional Engineer with Practising Certificate shall 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.

1.2.2

A registered Professional Engineer with Practising Certificate who takes over a piece of work shall assume all liability and responsibility for the works done prior to his taking over.

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Circular No. 001

1.0

PROFESSIONAL ENGINEER WITH PRACTISING CERTIFICATE

1.1

Registered Professional Engineer with Practising Certificate not to falsify qualification, etc.

1.2

Registered Professional Engineer with Practising Certificate to certify work only if he has control over supervision, etc.

1.3


Registered Professional Engineer with Practising Certificate not to accept benefit from more than one party, etc.

1.3.1

A registered Professional Engineer with Practising Certificate shall not accept any benefit or compensation, financial or otherwise, from more than one party for professional engineering services on the same project, or for professional engineering services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

1.3.2

A registered Professional Engineer with Practising Certificate shall disclose all known or potential conflicts of interest that may influence or appear to influence his judgment or the quality of his services.



Circular No. 001

1.0 PROFESSIONAL ENGINEER WITH PRACTISING CERTIFICATE


2.0 PROFESSIONAL ENGINEER

2.1 Registered Professional Engineer not to falsify qualification, etc.

2.1.1 A registered Professional Engineer shall not falsify his qualifications or permit misrepresentation of his or his associates' qualifications. He shall not misrepresent or exaggerate his responsibility in or for the subject matter of previous assignments. He shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures', or past accomplishments.

2.1.2 A registered Professional Engineer shall check with due diligence the accuracy of facts and data before he signs or endorses any statement or claim. He shall not sign on such documents unless, where necessary, he has made qualifications on errors and inaccuracies.

2.1.3 A registered Professional Engineer shall respond, within reasonable time, to communication from the Board or any other relevant authority on matters pertaining to his professional service.



Circular No. 001

1.0 PROFESSIONAL ENGINEER WITH PRACTISING CERTIFICATE

2.0 PROFESSIONAL ENGINEER

3.0 GRADUATE ENGINEER


3.1 Registered Graduate Engineer not to falsify qualification, etc.

3.1.1 A registered Graduate Engineer shall not falsify his qualifications or permit misrepresentation of his qualifications. He shall not misrepresent or exaggerate his responsibility in or for the subject matter of previous assignments. He shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures', or past accomplishments.

3.1.2 A registered Graduate Engineer shall check with due diligence the accuracy of facts and data before he signs or endorses any statement or claim. He shall not sign on such documents unless, where necessary, he has made qualifications on errors and inaccuracies.

3.1.3 A registered Graduate Engineer shall respond, within reasonable time, to

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Circular No. 001

1.0 PROFESSIONAL ENGINEER WITH PRACTISING CERTIFICATE

2.0 PROFESSIONAL ENGINEER


3.0 GRADUATE ENGINEER

4.0 ENGINEERING TECHNOLOGIST

4.1 Registered Engineering Technologist not to falsify qualification, etc.

4.1.1 A registered Engineering Technologist shall not falsify his qualifications or permit misrepresentation of his qualifications. He shall not misrepresent or exaggerate his responsibility in or for the subject matter of previous assignments. He shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

4.1.2 A registered Engineering Technologist shall check with due diligence the accuracy of facts and data before he signs or endorses any statement or claim. He shall not sign on such documents unless, where necessary, he



Circular No. 001

1.0 PROFESSIONAL ENGINEER WITH PRACTISING CERTIFICATE

2.0 PROFESSIONAL ENGINEER

3.0 GRADUATE ENGINEER

4.0 ENGINEERING TECHNOLOGIST

5.0 INSPECTOR OF WORKS

5.1 Registered Inspector of Works not to falsify qualification, etc.

5.1.1 A registered Inspector of Works shall not falsify his qualifications or permit misrepresentation of his qualifications. He shall not misrepresent or exaggerate his responsibility in or for the subject matter of previous assignments. He shall not misrepresent pertinent facts concerning employers, associates or past accomplishments.

5.1.2 A registered Inspector of Works shall respond, within reasonable time, to





Lessons Learnt





Case Study 1

Case Study 1

- 1) Mr. AAA is registered with the Board as a Graduate Engineer
- 2) He decided to print name cards with his name printed as 'Ir. AAA, P.Eng.'
- 3) Has AAA committed any offence?

Registration of Engineers Act 1967

Section 7(1)(aa)(iii)

No person shall, unless he is a Professional Engineer be entitled to describe himself or hold himself out under any name, style or title –

- (iii) using the abbreviation “Ir.” before his name or the abbreviation “P.Eng.” after his name;

Case Study 2

Case Study 2

- 1) A complaint is lodged against a registered Person
- 2) The Board sends a letter of enquiry to the registered Person
- 3) There is no response
- 4) The Board sends a reminder
- 5) There is still no response
- 6) The Board sends a final reminder, warning that disciplinary action will be taken if he does not respond within 7 days
- 7) Has the registered Person committed an offence?

Case Study 2

- 8) The registered Person then informs the Board that he did not receive the Board's letters as he had changed his address
- 9) Is this an acceptable excuse?

Case Study 3

Case Study 3

- 1) A Client appoints a PEPC as the C&S consultant for a highrise Apartment Block next to a cliff
- 2) The PEPC proposes 200 No. soil nails to stabilize the cliff slope
- 3) The Client asked the PEPC to reduce the number of soil nails
- 4) The PEPC did a re-design and manages to reduce the number of soil nails by 25% (50 No.)
- 5) Has the PEPC committed an offence?
- 6) Has the PEPC over-design the first round?

Case Study 4

Case Study 4

- 1) A Client appoints a PEPC as the C&S consultant for a highrise Apartment Block next to a cliff
- 2) The PEPC proposes 200 No. soil nails to stabilize the cliff slope
- 3) The Client asked the PEPC to reduce the number of soil nails
- 4) The PEPC did a re-design and manages to reduce the number of soil nails by 5% (10 No.)
- 5) The Client is not happy and ask the PEPC to reduce the number to 100. If not, he will sack the PEPC and find another PEPC.
- 6) Can the PEPC obey the Client?

Case Study 5

Case Study 5

- 1) A PEPC was appointed as the Civil consultant for the design and construction of a highway together with the erection of a number of traffic signboards along the highway
- 2) He assigned his IOW to supervise the installation of the signboards
- 3) Two years after the completion of the work, 5 signboards collapsed under the strong wind and heavy rainfall during a storm
- 4) An investigation team discovered that the collapsed signboards did not comply with the specifications and construction drawings
- 5) The footings of the signboards were only buried 300 mm in the ground and not the specified 1,500 mm

Case Study 5

6. Who is the responsible party for the collapse?
7. Is it the Contractor?
8. Is it the PEPC?
9. Is it the IOW?

Case Study 6

Case Study 6

- 1) 2 Engineers, PEPC-1 and PEPC-2, are short-listed to be the consultant for a Mega Project of a GLC
- 2) PEPC-1 tells the CEO of the GLC that PEPC-2 has a poor record in that most of his (PEPC-2) jobs are over-designed and over-shoots the budget
- 3) Has the PEPC-1 committed an offence?


Case Study 7

Case Study 7

- 1) 2 Engineers, PEPC-1 and PEPC-2, are short-listed to be the consultant for a Mega Project of a GLC
- 2) PEPC-2 sought the assistance of a *runner* to see the Minister responsible for the GLC
- 3) At the meeting, PEPC-2 sought the support of the Minister to be appointed as the consultant for the Mega Project
- 4) Has the PEPC-2 committed an offence?



Case Study 8



Case Study 8

1) A client invites a PEPC to be the engineering consultant for his project

Syarikat ABC

Ir. AAA
AAA Consulting Engineers

Dear Ir. AAA

Project : Construction of a Factory in Lot 12345, Taman Sri Mada, Shah Alam

Syarikat ABC would like to appoint you to be the C&S Consultant for the above factory.

If you accept this appointment, please indicate your acceptance by signing below. Your acceptance will constitute a legally binding agreement between us.

Yours Faithfully,

Mohd Najib
Mohd bin Najib
Managing Director

_____ooOOooo_____

Reply slip

I _____ of _____

accept this appointment to be the C&S Consultant for the above factory.

(_____)

Case Study 8

- 1) A client invites a PEPC to be the engineering consultant for his project
- 2) The PEPC accepts the offer
- 3) Has the PEPC committed an offence?

Syarikat ABC

Ir. AAA
AAA Consulting Engineers

Dear Ir. AAA

Project : Construction of a Factory in Lot 12345, Taman Sri Muda, Shah Alam

Syarikat ABC would like to appoint you to be the C&S Consultant for the above factory.

If you accept this appointment, please indicate your acceptance by signing below. Your acceptance will constitute a legally binding agreement between us.

Yours Faithfully,

Mohd Nazib
Mohd bin Najib
Managing Director

—————ooOOOoo—————

Reply slip

I, Ir. AAA of AAA Consulting Engineers
accept this appointment to be the C&S Consultant for the above factory.

AAA
(Ir. AAA)

Case Study 8

- 1) A client invites a PEPC to be the engineering consultant for his project
- 2) The PEPC accepts the offer
- 3) Has the PEPC committed an offence?
- 4) **Yes** : Regulation 27(d)

Case Study 9

Case Study 9

- 1) A Client appoints a PEPC as the C&S consultant for a highrise Office Tower Block
- 2) The Scope of Work requires the C&S consultant to call for tenders
- 3) The PEPC completes the design, prepares the Tender Table Documents (TTD) and calls for tenders
- 4) In the call for tenders, prospective Tenderers may buy a set of TTD by making a payment of RM1,000 to the bank account of the PEPC's ECP.
- 5) Has the PEPC committed an offence?

Case Study 10


Case Study 10

- 1) A Client appoints PEPC-1 as the consultant for an industrial project
- 2) The Client is unhappy with the work of PEPC -1 and discharges him
- 3) The Client then appoints PEPC-2 to complete the work
- 4) PEPC-2 commences work immediately
- 5) PEPC-1 complains to the Board on the conduct of PEPC-2
- 6) Has PEPC-2 committed an offence?


Case Study 11

Case Study 11

- 1) A Client appoints PEPC-1 as the consultant for an industrial project
- 2) In response to PEPC-1's query, the Client confirmed in writing that there is no engineer appointed earlier
- 3) PEPC-1 commences work immediately
- 4) Another engineer PEPC-2 complains to the Board on the conduct of PEPC-1, claiming that he had previously submitted plans for the same project and same Client
- 5) Has PEPC-1 committed an offence?



Circular No. 008



Rev. No.: 4
Date: 9.4.2019

BOARD OF ENGINEERS MALAYSIA


CIRCULAR NO. 008

PROCEDURE FOR A REGISTERED ENGINEER OR AN ENGINEERING CONSULTANCY PRACTICE TAKING OVER THE WORK OF ANOTHER REGISTERED ENGINEER OR AN ENGINEERING CONSULTANCY PRACTICE

3. For the purposes of Regulation 31(c):-

3.1 A Second Engineer or Second Engineering consultancy practice shall check with his or its prospective client namely the Client and the relevant Local Authority, if applicable, whether there is a First Engineer or First Engineering consultancy practice whose appointment has not being properly terminated, or where there is a dispute over non-payment of fees, before accepting any work. If there is, the Second Engineer or Second Engineering consultancy practice shall write to the First Engineer or First Engineering consultancy practice for a Letter of Release for him or it to take over the work.

3.2 If the appointment of the First Engineer or First Engineering consultancy



Case Study 12

Case Study 12

- 1) A Client appoints PEPC-1 as the consultant for an industrial project
- 2) When the project is 90% completed, PEPC-1 withdraws as the Engineer for the project
- 3) The Client then engages PEPC-2 to complete the work
- 4) PEPC-2 requested and obtains a Letter of Release from PEPC-1
- 5) PEPC-2 takes over as the Engineer for the project and commences work immediately
- 6) The project is completed
- 7) One year later, cracks appear due to excessive settlement

Case Study 12

- 8) The Client complains to the Board
- 9) The Board investigates both PEPC-1 and PEPC-2
- 10) PEPC-2 claims that the settlement is due to the poor foundation works carried out under PEPC-1
- 11) Which engineer (PEPC-1 or PEPC-2) is responsible?

Case Study 13

Case Study 13

- 1) Mr. AAA is interested to become an engineer
- 2) His family owns a large contracting company and his father wants him to become an engineer
- 3) When he finished school, he enrolled in the engineering faculty of a local university
- 4) On graduation, Mr. AAA worked with an ECP to gain design experience
- 5) At the same time, his father appointed him as a Director in the family contracting company
- 6) After passing the PAE and later the PCE, he started his own ECP

Case Study 13

- 7) He was appointed the consultant for an industrial project
- 8) After completing the design, he called for tenders for the project
- 9) His family contracting company was one of the tenderers and was successful in winning the tender for the project
- 10) Has Ir. AAA committed any offence?

Infringement of the Regulations

- Any infringement of the Regulations is punishable under Part IV of the Registration of Engineers Act 1967
- The penalties under Subsection 15(1A) are any or any combination of the following :
 - (a) the issuance of a written warning or reprimand;
 - (b) the imposition of a fine not exceeding RM 50,000;
 - (c) the suspension of registration for a period not exceeding two years;
 - (d) the cancellation of registration.



BEM
EMPOWERING ENGINEERING

Q & A





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THANK YOU

BOARD OF ENGINEERS MALAYSIA
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