

No.	DATE	INQUIRY	RESPONSE FROM TEAM
1.	24 December 2020	<p><b>RE: Borang G1 (Earthworks) – Overall earthworks versus Phasing earthworks</b></p> <p>Engineer ‘A’ appointed as overall earthwork engineer who has submitted and obtained overall Earthworks approval from local council in KM stage. Overall earthworks consist of 220 acres site with 5 plots of land for different phases housing development projects (approx. 40 acres each phase). The overall earthwork approval drawings indicate general platform levels (cut &amp; fill) and external main road levels. Overall Earthworks was carried out and completed.</p> <p>Subsequently, Engineer ‘B’ appointed as Phase Engineer to develop one of the phase (Phase 1 in 40 acres) for housing project. Engineer ‘B’ has designed unit platform levels in specific levels according to the Architect’s planning layout. The design platform is quite detail and more terranes compare with the original overall earthwork drawing by Engineer ‘A’ earlier. No Earthwork submission has been done by Engineer ‘B’ to the local council. Construction for Phase 1 has been completed based on Engineer ‘B’ s design platform levels.</p> <p>During stage of CCC, the Architect is compiling all 21 Borang Gs including Borang G1 – Earthworks from consultants and contractors before issuance of CCC. In this scenario, which are the below Borang G should the architect attach for the compliance with CCC issuance:-</p> <p>1) Borang G1 from Engineer ‘A’ based on previous overall earthworks approval and completed works, or</p> <p>2) Borang G1 from Engineer ‘B’ based on Phase 1 actual completed earthworks (Drawing number in the Borang G1 will state the construction drawing number issued by Engineer ‘B’ since no authority submission has been done earlier), or</p> <p>3) Both Borang G1(s) above from Engineer ‘A’ &amp; ‘B’.</p>	<p>We refer to your query regarding the Form G1 as received on the 28 December 2020 and write to note the following:</p> <ol style="list-style-type: none"> <li>1) You are advised to refer to the relevant Building Bye-laws for the requirements of the various G Forms with respect to the issuance of the CCC.</li> <li>2) This Form G1 (Stage Certification: Earthworks) is the certification from the Earthworks Contractor and Submitting Engineer that they have supervised the earthworks and that to the best of their knowledge, the earthworks is in accordance with the Approved Earthworks Plans.</li> <li>3) Under the Street, Drainage and Building Act, the only party empowered to approve any plan shall be the local authority.</li> <li>4) Based on the above, the Person (other than the Earthworks contractor) who shall be required to sign the Form G1 should be the Registered Engineer responsible for: <ol style="list-style-type: none"> <li>a. submitting the earthworks plans to the local authority for approval and</li> <li>b. supervising the execution of the aforesaid earthworks to ensure that it was in accordance with the Approved Earthworks Plan.</li> </ol> </li> </ol> <p>Please be reminded that it is an offence:</p> <ol style="list-style-type: none"> <li>i. if the Principal Submitting Person (PSP) fails to submit the set of "G" Forms in the time frame as set out within the by-laws and if</li> <li>ii. the works on site deviate from any plan approved by the local authority without the prior written permission of the local authority.</li> </ol>
2.	3 December 2020	<p>I would like to make inquiry on the party who should be responsible for UBBL compliant design.</p> <p>My office has a renovation back in 2017 and cost about 5 mil. We have engaged an ID company &amp; appointed a contractor via tender. Due to time constraint, we have no choice but to renovate the office before submission.</p> <p>We started the renovation in July 2017 &amp; completed in the same year of November. However, the ID company only reverted to us on Bomba’s comments on non-compliance design of our office in July 2020 (as image attached). After checking, we found out that the non-compliance design is due to compartmentation &amp; travel distance to exits which are stipulated in UBBL 1984.</p> <p>Even though, it is obvious that the ID company did not provided professional advice but they claim that it is not their duty or they are not obligated to ensure our office design will be approved by Bomba/authority. In fact, in the contract, their job scope is to obtain relevant government approvals.</p> <p>We would like to seek advice from PAM that:</p> <ol style="list-style-type: none"> <li>1. Did the ID company is in fault because failed to provide professional advice to us as the client? What is the action can be taken?</li> <li>2. The ID company claim that Bomba comments will be vary from each individual officer and they are difficult to predict the actual requirements that they need to comply. is it true?</li> <li>3. What is the by-laws that abided for item A, B, C &amp; D in the layout L27 &amp; item A in the layout L28?</li> <li>4. We have completed the renovation and commenced the business in November 2017 and</li> </ol>	<p>We refer to your queries as received on 3 December 2020. Based on the limited information sent in your email, it is difficult for us to form a complete picture of the issue at hand, but we shall, nevertheless, try to assist you in answering your queries as per the following:</p> <ol style="list-style-type: none"> <li>1. As we do not have any details of your consultant's appointment, we are unfortunately, unable to comment on whether there are any shortcomings in their performance. We would advise that you review their appointment to ascertain their exact scope of works. If the aforesaid consultant is a member of our Institute and you are of the opinion that he has not fulfilled his scope of works, you may lodge a formal complaint with us. As a private association though, please be advised that any disciplinary action by PAM against its members is restricted to either only suspension of their membership or expulsion. If the aforesaid consultant is registered with the Board of Architects (<u>Lembaga Arkitek Malaysia</u>) either as an Architect or an Interior Designer and you still hold to your opinion that he has not fulfilled his scope of works, you may lodge a complaint with the Board. Kindly note that the Board of Architects is the statutory body responsible for regulating the conduct of <i>registered</i> Architects and Interior Designers under the Architects Act. You may also seek legal advice with regards to your rights relative to the service offered by your consultant.</li> <li>2. Historically, it is not unheard of that different officers at the <i>Jabatan Perkhidmatan Bomba Dan Penyelamat Malaysia</i> (Bomba) may have different interpretations of the relevant Building By-laws. Nevertheless, it is our experience that this is <u>uncommon</u> with regards to issues like the <i>means of escape and compartmentation</i> as these are issues which require <u>substantiation</u> on the plans (and calculations) which are to be submitted.</li> </ol>

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		<p>we have chasing after the ID company for CCC. However, they have provided all kind of excuses for the prolonged submission and only reverted to us on Bomba's comments in July this year. Did the ID company violate any rules/by-laws for the prolonged/delayed submission?</p>	<p>3. The By-laws regulating the relevant issues in your layouts may be found under Part VII of the Uniform Building By-laws 1984. We would advise that you consult your consultant on the impact of the By-laws with regards to your layouts.</p> <p>4. As we have neither details of your consultant's appointment nor details of your project, we are unable to comment on the submission of plans nor whether there has been any violation of any By-laws.</p> <p>In addition to the above, we would also offer the following advice:</p> <p>a). In general, renovation works would require a renovation permit, subject to guidelines and requirements by the local authority. Application of such permit shall be carried out by a <u>qualified person or Principal Submitting Person (PSP)</u>.</p> <p>b). In your case (reference made to the floor plans which attached in your email), it appears the renovation(s) involves substantial internal office partitioning that would require consideration for design and compliances with passive firefighting design, i.e. - compartmentation, escape routes/dead end limits, etc; and active firefighting system, i.e. - sprinklers, emergency lighting, detection, etc; all in compliance with the Uniform Building By-law ('UBBL') and relevant regulations set by Bomba. Instead of a renovation permit, such extensive alterations may require a Building Plan ('BP') approval.</p> <p>We would advise that you check with your consultant or the local authority on the permit applicable to your case.</p> <p>c). Under the provisions of the Street, Drainage and Building Act and the UBBL</p> <ul style="list-style-type: none"> <li>i. the BP shall be submitted by a Principal Submitting Person ('PSP').</li> <li>ii. an approval by the local authority shall be obtained prior to commencement of work;</li> <li>iii. a Certificate of Completion and Compliance ('CCC') by the PSP shall be obtained prior to occupation of the building</li> </ul> <p>d). Principal Submitting Person ('PSP') means a qualified person who is either a Professional Architect, Professional Engineer or building draughtman as registered under the relevant Act and is legitimately allowed to submit building plans to the local authority. In your case, involvement of such a PSP will be required, and we advise that you refer to the local authority for the right PSP.</p> <p>e). An approval of Building Plan shall also involve approval by Bomba, as well as other technical departments / agencies; all subject to requirements by the local authority.</p> <p>f). With reference to you query on Bomba requirements, please be informed that fire safety plans (Bomba) involving passive and active design, shall strictly comply with the UBBL, as gazetted by the relevant state and other rules and regulations set by Bomba. The appointed PSP shall be in the position to advise you on the compliances.</p> <p>g). In addition to the above, we would like to caution you that, if your renovation work(s) is subjected to a Building Plan approval by the local authority, the followings are serious offenses under the law, and may be subject to prosecution -</p> <ul style="list-style-type: none"> <li>i. commencement of work prior to approval of building plan</li> <li>ii. occupation of a building prior to obtaining of a CCC</li> </ul> <p>h). As this matter involves the safety and health of the occupants, we urge you to look into this issue seriously and to take any appropriate actions as soon as possible.</p> <p>i). If you require an independent inspection, advice and recommendations, you may contact or any registered Architect. Alternatively, you may also contact Architect Centre SB (a subsidiary of PAM) that offers such a service. (<a href="http://www.architectcentre.com.my/about-us/">http://www.architectcentre.com.my/about-us/</a>)</p>

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3.	26 November 2020	<p>We recently had to submit Borang B online (Majlis Bandaraya Shah Alam) before we started work on site as per standard requirement. We were informed that upon acknowledgement from the PBT, Submitting Person may submit the hard copy officially. Can the Submitting Person instruct the Contractor to start work after 4 days of the digital submission, or do we need to wait for official submission of hard copy, which may take more than 4 days, depending on the vagaries of the PBT internal processes.</p>	<p>In accordance with Street Drainage and Building Act, Section 90(9)(b) erection of a building can commence upon</p> <ol style="list-style-type: none"> <li>the approval of the building plan</li> <li>the PSP giving the Local Authority (LA) 4 days' notice in writing of his intention to commence (which is the Borang B as stated in UBBL by law 22).</li> </ol> <p>In our opinion, as long as the notice has been given to the L.A (either digital copy or hardcopy) with its receipt acknowledged, the work shall be able to commence.</p> <p>Apart from the above, we would also advise the architect to approach the local authority to check on the status of the Borang B, digital and hardcopy submission.</p>
4.	26 November 2020	<p>Earthworks and piling contract due for completion soon. Main buildings work under next construction phase - maybe will only commence in three years' time. On CCC, do we need to get the Borang G1,G2 and G3 prepared and signed now but only submitted upon completion of the main building works?</p>	<p>If the sub-structural and main building works are under the same approved set of building plans and the construction is done in 2 stages, you should get the forms signed off by the appropriate contractors for each of the relevant stages as and when the related work is completed and continue compiling the forms as the work on site progresses. Final submission of the complete set of collated G forms shall only be carried out upon final completion of the works.</p> <p>However, for contract administration, you should ensure that the piling as built drawings are documented by a licensed land surveyor from the piling contractor as a condition for the practical completion of the piling works. This is to mitigate any claims in the future by the contractor of main building works after award.</p> <p>Please also be reminded that under Section 70(9) of the Street, Drainage and Building Act, works which have been suspended for more than 3 months, can only resume if a new notice of commencement (<i>Borang B</i>) is submitted.</p>
5.	11 November 2020	<p><b>Responsibility of Architect &amp; Developer</b></p> <p>Our friend has died and left behind a factory building completed in early 1990s with few temporary CFs of 6 months duration. Understand it was built individually by specific architect/developer.</p> <p>Heard from deceased's colleague, the developer has gone bankrupt and ran away. Only outstanding issues listed in the CF were the public drains outside and the landscaping outside. These were in reasonably good conditions even now. Local taxes have been paid timely these years.</p> <ol style="list-style-type: none"> <li>His children were puzzled these years why their dad did <b>not</b> pursue CF issue with the architect. Unable to trace any related correspondence. Was the architect in anyway responsible in his professional duties on CF matter? Or was it the local authority's responsibility by law to issue permanent CF those outdoor issues were over? Or permanent CF deemed issue after certain period.</li> <li>How much can that architect do at this time? Will he be upset because not his job at all to secure permanent CF?</li> <li>Will renovate or rebuild this old building bring about new CCC and solve old CF issue? To what extent must the renovation be done to reach the level of new CCC?</li> <li>Will raising such issue now caused much potential problems to the deceased family”.</li> </ol>	<p>We refer to your e-mail dated 11 November 2020 and write directly in reply to your queries as follows:</p> <ol style="list-style-type: none"> <li>Under the Building Bye-laws, the Architect as the person who originally submitted plans for the building, is the only person who is allowed to apply for the Certificate of Fitness of Occupation (C.F.). Nevertheless, an Architect can only apply for the C.F. if his Client agrees to carry out the work in accordance to the local authority's requirements and once completed, if his Client instructs him to apply for the aforesaid C.F.. The Architect is not empowered to act unilaterally without his Client's express instructions.</li> </ol> <p>The local authority is the only body that is empowered to issue the C.F. but they can only do so once the building has been completed in accordance to the approved plans/their requirements and there is an undertaking by the Architect of such completion (via the "<i>Borang E</i>"). Based on the information received, we are unable to comment as to whether the outstanding issues regarding the drains and landscaping were ever completed/dealt with.</p> <p>Temporary C.F.'s are normally only valid for a specific period with renewal up to the local authority's discretion. There are no provisions in the Bye-laws for an automatic conversion of a temporary C.F. into a permanent one.</p> <ol style="list-style-type: none"> <li>If the file for the building remains <i>open</i> at the local authority, only the current Architect can apply for the C.F. As we are not aware of his original scope of works, we are also not able to comment on whether the application for the C.F. was his responsibility.</li> <li>As noted in the above item 2., if the file remains open, the local authority may require the permanent C.F. to be issued first before allowing any applications to either renovate or demolish and rebuild.</li> <li>We are unable to answer for the local authority with regards to their views on the occupation of a building with an expired, temporary C.F. but would note that occupation of a building without a C.F. is an offence under the Street, Drainage and Building Act for which a building owner (and their successors-in-title) may be held liable for.</li> </ol> <p>Apart from the above, we would also advise that the building owner approach the local authority to check on the current status of the original building plan approval and seek their advice on whether a permanent C.F. can/needs to be issued.</p>