

PAM Professional Practice Forum 6.0

ORGANISED BY



PAPER - 5

“Liberalisation : The Malaysian Architect’s Dilemma.”

BY

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INTRODUCTION

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58 years ago (1957) Malaya declared Independence or *Merdeka* from the British with the **spirit of self-determination** to govern and establish Laws and guidelines for the development of the people, the culture, the economy and the country.

Professional human resource planning and development has always been part and parcel of the national programme together with the creation of other relevant Laws to establish a **civil society with respect, pride and integrity**.

The Architectural profession is one sector of human development identified in the quest for Nation Building.

INTRODUCTION**2**

The Architects Act 1967 or Law of Malaysia Act 117 was passed through Parliament as the basis of an ethical culture for Professional Architectural Practice.

The Architects Act 1967 is **explicit in spirit, contents and purpose.**

It was drafted and deliberated by our peers, reviewed by the Judiciary and finally passed as Malaysia Law Act 117, to protect public interests and ensure ethical compliance and accountability upon the registered professionals.

Of course, the Architects Act is read with Laws of other professions and Laws of the country.

CURRENT SCENARIO**3**

Change is inevitable.

Global consideration and influence is also inevitable.

To be relevant, to stay ahead and abreast with the world, we must respond appropriately and positively to all current pressures to exploit our rather modest professional standing in Malaysia within the challenges of the global stage.

Since inception, the Architects Act 1967, nine (9) Amendments were made to suit the changing socio economic and political needs, albeit to accommodate other national and international aspirations, such as participating in the World Trade Organisation (WTO) and ASEAN Free Trade Area (AFTA).

CURRENT SCENARIO

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The current tenth (10) amendment seek to omit the '**Citizenship**' and '**Permanent Resident**' requirement for registration under *Section 10.(3)*, and the opening of non-professional shareholders of up to **30% to non-professionals**, shall change and modify the Malaysian landscape of Architectural practices and professional obligations.

A word of caution. In Malaysia's noble '*hype and enthusiasm*' to be a global player and achieving Developed Nation status, we must not be easily persuaded by arguments for '**Level Playing Fields**' and '**Liberalisation**' of business opportunities without first understanding the **irreversible effects and implications** to our national Professional Aspirations, Heritage, Identity and Net Economic Gains and or Losses every time we '**open our doors**'.

CURRENT SCENARIO

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We must thoroughly evaluate and negotiate the reciprocating and corresponding opportunities especially with our stakeholders on a '**win – win quid pro quo**' basis and not at the expense of our Professional Integrity and Pride when dealing with our counterparts from the more Developed Nations.

Simply stated, their mission is to serve and gain and strictly commercial. Malaysian have to serve and build the country.

The following are some common Malay proverbs relevant to the situation with regard to how the amendments can affect us.

"*Indah Kata Dari Rupa*"

and

"*Jangan Menang Sorak, Kampung Tergadai*"

So **what, when, where** and **how** are the Architect's Dilemma ?

The Malaysian Architects Dilemma lies within various dynamic segments and context of our society.

Firstly, the existence of the Architect Act 1967 Act 117 is the **fundamental principle** and **ethical guideline** for the practice of Architecture in Malaysia. It has a dual purpose in spirit for the protection of the public and disciplining the Architects. Ignoring or removing it can lead to chaos and lawlessness.

The Act has been evolutionary inspired from the RIBA format as adapted from pre-independence. It is an **indispensable document** which requires occasional review and appropriate amendments to suit contemporary situations. It is '**man made**', unlike the Quran, and can therefore be amended in the better interest of the public and profession.

Thus when reviewing and amending the terms and clauses in the Act much **thought and effort** must be given to the implications and consequences of changing the '**status quo**' and the existing rights of the '**stakeholders**' i.e the Architects.

The Union of International Architects (UIA) has always agreed and encouraged the concept for Architectural collaboration between and among International Architects bringing **mutual and positive benefits** with **equal professional responsibility and liability**.

The proposed amendment is '**fait accompli**'. So, when **Section 10.(3)** of the Act is removed, the rules for registration should ensure legal accountability i.e the Architects can be **jointly and severally** sue and be sued in the Malaysian Courts of Law.

Secondly, our National Professional Human Resource development has not met the UIA's recommended number of **3,000 Architects** to serve Malaysia's population of 30 million or (0.01%).

Today we have only **1,879 Registered Architects** or **62.6%** of our need in spite of setting up several local LAM-PAM accredited schools and training students abroad.

While the number of graduate Architects has increased, the rate of annual professional registration has been dismal, due to low passing rate for the LAM-PAM Part III Professional Practice Examinations and perhaps '**reluctance**' of graduates to participate. As such this undermines the National Plan for developing Professional Human Resources. A motivation strategy may be required.

Thirdly, the practice of Architecture in Malaysia is governed by the Architects Act and enforced by LAM and PAM with defined Code of Conduct and penalties.

Unfortunately, the enforcement of the terms of the Code of Conduct has not been effective and gave rise to **blatant breaches**. Should they not be acted and corrected it may become a norm. Often, LAM and PAM have been referred as the '**Toothless Tiger**' .

Likewise other issues on '**cunning and creative offices**' that succumbent the Act should also be handled by PAM. Perhaps, during this forum we can discuss such shortcomings of the existence of '**Surrogate Architects**', '**Bogus Architects**', '**Designers**', etc.

Fourthly, the mandatory LAM approved Scale of Professional Fees has been a perennial problem and '**nightmare**' among practising Architects. Professional Architects have been '**bullied**' by '**unscrupulous Clients**' with underpayments quoted below the mandatory LAM Scale Fees, and are often pitched against each other in negotiations.

The Federal Treasury enforces the use of the mandatory Scale since February 2008. However, other agencies, some GLC's and private clients do not subscribe to the LAM Scale which is a **blatant breach** of the Law.

Yet, nothing is done in the public interest to educate such Clients and curtail such practices. Often, individual Architects have to '**educate**' the Clients at the risk of losing a job. Perhaps, LAM can effectively enforce use of the Scale by collecting on behalf of the practices for a fee !

Fifthly, the entire Architect community must '**step back**' , ponder and look deeply into their Professional existence, fate and relevance in the context of the local and global market and to decide as to where they wish and visualise their effective participation towards the built environment and building the country.

Notwithstanding the relatively small number of Architects in the country, Architects must focus and decide on their choice of existence to be '**Champions**' and '**Heroes**' within the competitive Local and Global Markets depending on their ambition, preferences and capabilities.

CONCLUSION**12**

In conclusion and with the amendments to the Architects Act due for gazette, all Malaysian Architects, especially the younger generations should seriously review their status, seek advice and create greater inter-professional networking among professionals and with local and foreign investors to face the new challenges and opportunities with pride, respect and integrity because only you can do that.

As the saying goes, the ball is in your court so please respond with yet another Malay proverb...

"Tepuk Dada, Tanya Selera"

***WabillahiTaufik-WalhidayahWassalamualaikum
Warahmatullahi-Wabarakatuh.***