

1ST PAM TOWN HALL 2022-2023, 20 AUG 2022 – SUMMARY OF DISCUSSION

Number of registered participants: 45

Preamble

The Town Hall is conducted in order to have an engagement between Council and members, and it is very similar to the PAM Annual General Meeting. Three weeks earlier members have been invited to submit their issues and challenges related to the profession for discussion at the Town Hall.

The Town Hall Zoom Meeting Rules and Etiquette are as follows:

1. Turn on your video or camera, especially when speaking.
2. Stay muted until you speak, raise your hand if you wish to speak.
3. Control background noise to the best of your ability.
4. Listen and don't talk over others.
5. As this is a discussion between members of the institute, you are expected to adhere to decorum. No heckling, harassment, or rude behaviour. You may be muted or removed from the proceedings if you fail to adhere to the Moderator's instructions.
6. If important or related to an ongoing discussion, you may send a chat message related to the topic of discussion so as not to interrupt the person speaking.

The summary of the discussion is as follows:

No	Topic	Summary of Discussion
1	Housing Developer's Act (HDA)	
	The architect's duty under the HDA and Non-HDA EOT.	<p>If you have found yourself as an architect dealing with a non-HDA contract, then you have to go back to check your engagement contract whether you are engaged to perform that role. If you are not engaged in that role, you shouldn't be performing that role for free, you should be performing that role under a negotiated fee. If you are doing a housing project under HDA, it is very well covered under the HDA Act. If you are doing it under non-HDA, the terms of the SPA between the seller and the owner are very unique and very varied, we are not able to comment on those specifically.</p> <p>On the EOT, under HDA, it is stipulated that only the Minister has the right to extend the EOT. Under the non-HDA, it depends on the clauses of the contract.</p> <p>The responsibilities of the architect under HDA includes</p> <ul style="list-style-type: none">- Making sure before the commencement of the construction work that the construction drawing tallies with construction drawing of the SPA.- Take note of the date of the first assembly on site, in other words the architect must be know the timing of the construction on site, because you must deliver within the 24 or 36 months depending on the contract.- In particular, in relation to progress certification, take note of the delivery for timely issuance of progress certification, etc.- The strata title must be done early as the new HDA requires the strata title application to be submitted together with Vacant Possession. The

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		<p>application to the Building Controller has to be done before the handing over of the CCC.</p> <ul style="list-style-type: none"> - Keep track of the Work Permits. - Discuss with the Developer the Work Programs. - During construction, ensure that you get support from all the Consultants for self-certification and confirmation of self-certification. - Understand the Developer’s documentations and requirements. - Upon completion, to issue CPC and CCC etc., and to ensure to get a proper list of defects and looking into the final accounts. <p>If an architect is working with a non-HDA commercial project, the lawyer will ask how to deal with the progress certificate. There are two scenarios, one is to build first then sell or sell first then build. If you sell first then build, then the bank is familiar with the HDA schedule. Then the architect is entitled to ask for the certification work that you are going to do, and also ask for the Sale and Purchase agreement that the Developer is intending to use; because they might implicate the architect in the contract or do something beyond the architect’s scope, so the architect need to be careful.</p> <p>On the question referring to the EOT, is it due to Covid19, because if there is no valid reason, the LAD has to be paid to the purchasers if the housing is not delivered on time.</p> <p>If the EOT is due to Covid19, members may refer to the circular and webinar that was held to discuss this issue.</p>
2.	Fee Issues	
2.1	Stakeholders account and rising costs of doing business.	<p>On Government projects – under the Architects Rules 2010, we are not allowed to charge fees according to the Scale of Minimum Fees. The architect should look at the scope that he/she is carrying out, for example you can reduce your scope so that it can be commensurate with the fee that you are getting. You will not be able to get the full fee, but you may cut down the scope. For example, some Government projects may have a lead consultant arrangement, so you may look into what are your scope and re-structure your fee based on what is required from you.</p> <p>For private sector projects, we as a community should have a discussion on how to resolve this and work collectively to find a solution.</p>
2.2	What is PAM’s stance and action on the non-compliance to SOMF in government, GLC and big, private projects?	
2.3	Our scale of fees is becoming ridiculously low with no end in sight on how low it can be. Developers continuously finding ways to reduce fees.	
2.4	Some developers are not paying their fees and it is too costly to claim through adjudication or lawyers.	
2.5	Issues of low architect fees and non-compliance with the LAM	

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	scale of minimum fees.	<p>The architect should not take the job if the fee is too low.</p> <p>Members are informed that the Rules for the 'Architect's Fee with a Stakeholder' is in the final stages and the date of implementation may be by the end of September or early October 2022. Subsequently the Board of Architects Malaysia will plan for a Roadshow.</p> <p>The architect should take own responsibility on the fees issue. If it is not in accordance with the Architects' Act, the architect should report to the Board of Architects Malaysia or not take up the project.</p>
3.	Local Authority / Submission Issues	
3.1	<p>OSC 3.0 Online Digital and Submission Delayed Issues.</p>	<p>The Ministry of Housing and Local Government (KPKT) has established a regular Working Group to look at improving the current OSC 3.0 Plus. The second meeting was held in July 2022.</p> <p>KPKT is:</p> <ol style="list-style-type: none"> 1) collecting information and data from architects on the current challenges architects are facing with the OSC 3.0 Plus. 2) reviewing the OSC 3.0 Plus manual, identifying areas that require improvement. 3) recognize the fact that many local authorities do not implement the OSC 3.0 Plus according to the original intent. These are the information and data that KPKT would like to have. <p>KPKT has formed an online platform for consultants to submit complaints on the local authorities and problems that they are facing in relation to submission delay issues and additional requirements imposed by local authorities.</p>
3.2	<p>Role/Actions of LAM/PAM on Architects who submit CCCs that are not in line with the approval of the approved Building Plan. <i>(ori Q: Peranan LAM/PAM Tindakan Ke atas Arkitek yang mengemukakan CCC yang tidak selaras dengan kelulusan Pelan Bangunan yang di luluskan.)</i></p>	<p>However, it would be more effective if PAM collects the data and summarise the issues to be presented to KPKT. The next meeting is expected to be held in October or November 2022.</p> <p>PAM shall issue on social media and start collecting complaints and issues from members to present to KPKT at the next meeting. Members are requested to submit their feedback with details of local authorities, names of officers, and nature of complainant. Members are assured not to be fearful to submit the details when they submit complaints on local authorities with specific details as members</p>
3.3	<p>KM, BP, Form B & CCC are getting too long/time to complete for a small project (average 4 years).</p>	

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3.4	Our CCC submission in some of the LA has gone out of control and has gone beyond the original spirit of the CCC. Architects are usually tasked to resolve it. Time to involve REHDA to help as they have more resources. Otherwise, we should go back to the CF regime. We have to record the changes made by local authorities in the last 14-15 years.	<p>may remain anonymous.</p> <p>PPC shall issue a Google Form as a format for members to submit their complaints. In the past PAM had collected complaints and the PAM Professional Practice Committee (PPC) shall continue to collect the data on the complaints, of which PAM should have the data of several years for PAM to take further action.</p> <p>Lembaga Arkitek Malaysia (LAM) will also be organising a Town Hall to gather feedback on this issue. The dates will be announced soon.</p>
3.5	Delay from local authority.	<p>The PAM Vice President will lead a proposal to promote for a Professional Architect to sit in each of the local authority, at least in ‘Jabatan Bangunan’, as a step to resolve issues related to delay and other related submission issues such as additional unnecessary requirements, etc.</p>
3.6	Increased government bureaucracy in getting approvals.	
	Issues of the process of submitting and approving building plans for KM and building approval to local authorities and relevant departments which are so tedious, unprofessional, and complicated and take a very long time.	<p>MPC is organizing a platform which would gather all local authorities in one place to discuss matters that have been raised by consultants.</p> <p>On the issue of being blacklisted or fearful, architects are reminded if architects don’t insist, someone else will make the decision. When the local authority wants to do a site visit before the architect issues the CCC, the architect must refuse, and the architect must explain to the client. Architects must make the stand together to submit the CCC according to the UBBL and not succumb to the local authorities’ pressure such that architects will be blacklisted.</p>
4.0	Graduate Issues	
4.1	Graduate architects’ unemployment issues.	<p>The Graduate Committee, PAM NEXT, is planning to organise a Graduate Fair in Nov 2022 or in this Council term where interested graduates and interested employers may set up booths in a physical environment to allow graduates to visit and talk to potential employers and get interviews on the spot.</p>
4.2	We need to address this issue as there are increasing no of graduate architects and architects leaving the profession.	
4.3	Part 1 and Part 2 minimum starting salary scale at private organization.	<p>On the second issue, PAM NEXT is looking into collaborating with PAM Education Committee to discuss on new ways of teaching and build an education model to prepare Graduates to have the extra skills other than architecture should they opt to venture out.</p>

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		<p>Many graduate architects do not know that the salary issue is directly related to the fee issue. If we don't increase or maintain the scale of fees, it is very difficult for companies to offer desirable starting salaries for Part 1 and Part 2 graduates.</p> <p>There is also a government-led program for unemployed professional degree graduates, 'Protégé Program' (protégé.com.my) that PAM NEXT could engage with the relevant Government agency, where graduates could work in the Management or Construction sector. PAM Southern Chapter is working with the Johor State on the same, but it is called the 'Skill Project' at the State level.</p>
5.0	Architect's Fee with Stakeholder	
5.1	What happened to the previously proposed idea of LAM as stakeholder for collecting fees on behalf of Architects. What is PAM's view on it.	<p>On PAM's side, PAM is pushing for the Minister of Finance and waiting for the timeline.</p> <p>As mentioned earlier, the system is in place, it is just waiting for the Rules to be passed by the AG Chamber. The AG Chamber has given an indication that the Architect's Fees with Stakeholder should be able to be carried out by end of September or early October 2022.</p>
5.2	Stakeholders Account and Rising Cost of Doing Business.	
5.3	After 14 years our stakeholders account which form under the agreement to implement the CCC is not being implemented. We should address this issue and inform housing purchasers association as they were the ones that was concerned that we as architects are paid directly by the developers.	<p>The Act does not allow it to be mandatory but in the Rules, provisions are provided for two options. LAM will be carrying out a road show to brief members how the system works.</p> <p>A group of members working with LAM and PwC will be preparing the video on the system and it is hoped to get the video ready before the implementation of the system.</p>
6.0	Institute Issues	
6.1	Ordinary and Corporate member in PAM renewal certificate.	The PAM Membership Renewal Certificate is using the constitutional term for the class 'Ordinary Member' under the category 'Corporate Membership'.
6.2	Way forward for architectural in practice and education.	It was contended that the quality of architectural graduates currently coming out into the industry is poor and unable to perform basic scope of work required of a fresh degree level graduate such as design work, presentation, technical knowledge, working drawings, construction details, etc. It was suggested to look into the architectural programs

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		<p>offered in the IPTA and IPTS.</p> <p>The above concerns have been highlighted at many platforms and for several years at LAM's <i>Majlis Akreditasi dan Peperiksaan Senibina Malaysia</i> (MAPSM), at universities, and workshops at LAM MAPSM, by the PAM Education Committee. The issue may be due to the IPTA and IPTS currently carries out the internship after completion of the semester instead of before the final year practiced in the past. Furthermore, for some IPTA and IPTS, the internship period is for two to three months only which the fraternity views are insufficient to train the student to work in a practicing firm.</p> <p>As part of the architectural program, there is also a subject to teach students on technical drawings however it is only one subject. It is expected that students to learn and practice based on individual students' interest and passion.</p> <p>It was clarified that instead of making sweeping remarks about the poor quality of fresh graduates of the degree level, principals of architectural firms should look at the several aspects causing the issues which are complex.</p> <p>One of the issues is that architecture is a very broad degree and there are many students graduating with many levels of qualifications – 1st class degree, 2nd class upper degree, 2nd class lower degree and 3rd class degree. The graduate with a 3rd class degree will find it difficult to get a job because the quality of the degree is very low. The principal also needs to determine the quality of the graduates he or she is employing based on their qualifications. If you are employing a graduate with a 1st class degree, your expectation should be equal to the quality of the degree.</p> <p>The next level of complication is that the principal is getting older while the graduates are very young. There is a gap where there used to be a middle level of expertise architects which now have been taken away by the developers. The good graduates also have been taken by our neighbouring counterparts in Singapore and Australia mainly because they have an economics advantage.</p>
6.3	Repository of data for architectural profession - practice notes, detailing, project	The PAM Resource Centre is working step by step towards a repository of data (collection of Practice Notes, CPD-related papers, videos, presentations,

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	management etc. as listed in LAM Scale of fees; access to training - skilling in collaboration with CIDB, MITI or other.	etc., magazines and publications, etc.) so that they can be accessed by members online. It is targeted to be completed by the end of 2022.
6.4	Lack of architectural policies, apart from Malaysian Architectural Policy (MAP) pertaining to cities, towns currently under local authorities where architects are in minimum representation.	<p>The main objectives identified in the Promotion of Professionals Committee (POP) is to establish updated policies, hoping to address all the issues addressed in this item.</p> <p>The POP Committee has also collated a memorandum that had been submitted to the government to be included in the Malaysia 2023 Budget. A similar memorandum has also been submitted to the Ministry of International Trade and Industries (MITI). The Committee is currently working on a similar memorandum to be submitted to CIDB.</p> <p>The Committee is working progressively to establish the policies and targeted to be able to share them with members before the end of Council term 2022-2023.</p> <p>The policy papers will be PAM's stand for any press questions directed to PAM and so that PAM's position is clear on all matters related to the profession and Institute.</p>
7.0	Business	
7.1	Avoidance of compulsory contribution (KWSP, SOCSO) among the architectural firms. How strict LAM or PAM is with this issue.	The aggrieved employee should make the necessary complaints against the firms if their employers are not paying the compulsory contributions to KWSP, SOCSO, etc. The government agencies will take immediate action and are usually on the side of the employee.
8.0	Other Matters	
8.1	Public spaces, tropical architecture, identity, heritage, family friendly amenities, toilets, etc. (may follow UIA Work Programme for example).	<p>The various policies that POP is working on relates to all the topics raised in this item, for example public spaces, family friendly amenities, toilets fall under the Quality of the Built Environment Policy. The policies that POP is drawing up echo closely the Committees within the structure of PAM.</p> <p>With regard to the UIA Work Programmes, PAM Committees are in tandem with UIA, for example, for UIA Heritage WP there is PAM Heritage and Conservation Committee.</p>
8.2	Professional promotion and public knowledge about need for Architect and service.	One of the key functions of PAM is to create understanding for the public of what is an architect, what does an architect do, the functions of an

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		<p>architect etc. PAM has the POP Committee working on promotions and PPC Committee doing regular engagements with the public if the public has issues on practice matters. As we are approaching 100 years of PAM next year in 2023, we will surely increase the promotion activities at all levels.</p> <p>POP is not only creating policies, but also has lined up a series of activities and programmes that promote the architects and the profession, for example one of the programmes is 'SinggahKL' where members of the public are allowed to visit selected buildings to understand the work of the architect that has contributed to the success of the building.</p> <p>Another programme is POP Workshops, talking to various professionals of small, medium, and large firms to share their experience with the public.</p> <p>POP is also working on a series of videos and radio interviews to tell the public about the functions of the architect.</p>

***** END OF REPORT *****