

# BOARD OF ARCHITECTS MALAYSIA

(P.O. Box 12695, 50786 Kuala Lumpur)

## GENERAL CIRCULAR NO. 3/1987

**REMINDER to Architects on the  
Architects (Scale of Minimum Fees) Rules 1986  
and  
Adequacy of Professional Services provided to Third Parties**

1. All Architects are reminded that the Architects (Scale of Minimum Fees) Rules 1986 (hereinafter referred to as "the Scale of Fees") which came into force on 21 August 1986 must be followed.
2. This reminder is necessary as the credibility of the profession is currently being placed in jeopardy as a result of actions of a few delinquent Architects, who by ignoring the Scale of Fees or finding ways to circumvent it, have not only violated one of the important provisions of the Architects Act but more importantly as a result, provided unsatisfactory service to third parties.
3. In particular is the application of the Scale of Fees to repetitive housing work which ultimately affects innocent third parties - the purchasers of houses. These third parties have a right to expect their interest to be safeguarded by Architects. Since Architects are employed by developers and therefore have no privity of contract with purchasers, they nevertheless still owe both a moral, a legal (in tort) as well as a professional obligation to ensure that the end product, in as far as those aspects for which they are responsible, must fulfill the terms of the Sales and Purchase Agreement (SPA). These would range from compliance with the plans and qualitative aspects as contracted to the accuracy and absolute reliability of the Architects' certificates for stage completion. The Architect's signature on these certificates is of crucial importance especially when the purchaser has invested not only his lifelong savings but also his future financial commitments. The housing sector is one sector in which the Board has become increasingly more concerned due to the escalating volume of complaints received. The complaints mainly concern serious dissatisfaction by purchasers over the quality of the houses and discredited certificates for stage payment claims.
4. In the course of investigating these complaints, the Board has come to the conclusion that one of the contributory causes is directly related to the level of fees charged for the expected professional consultancy services. The Scale of Fees was derived after taking into account the fact that it is a necessity for every human activity to be profitable, no matter how narrow the margin is, and after years of research and work to provide the minimum level of remuneration for the absolutely minimum level of professional services required in the public interest, as well as to satisfy both the legal requirements of the relevant building legislations and the stage certifications under the SPA. Thus, the inescapable result of inadequate remuneration must either be inadequate service, or even worse, malpractice.
5. However, the Board recognises the fact that even if the minimum fees are received there is still no guarantee that the minimum level of professional service will be provided in return. Thus in the public interest the Board will, in parallel with monitoring the application of the

Scale of Fees, also monitor the adequacy of service provided by Architects and any complaint will be investigated and appropriate action taken.

6. In addition to the provision of service to third parties especially in connection with housing development, Architects are also reminded of the level of service they are expected to render in relation to the requirements of local authorities as follows :-
  1. That in the process of obtaining approval for plans submitted by Architects, they should not delegate their primary responsibilities to others, particularly unregistered persons such as their clients, "project managers" or registered Building Draughtsmen.
  2. That Architects should, as far as practicable, personally attend the main inspections with the local authorities representative, or if they are unable to attend, to ensure that they are adequately represented by suitably qualified persons.
7. Therefore, to achieve the objectives of the Scale of Fees and safeguard the credibility of the profession, particularly with regard to the value of the Architect's signature, it is imperative that all the provisions of the Code of Professional Conduct must be complied with. In addition, every proven unprofessional act relating to the issue of stage payment certificates will be forcefully dealt with. To achieve this objective, the Board (both directly as well as through the Joint LAM/PAM Practice Committee) will investigate all complaints and will impose the most severe disciplinary measures appropriate to the infringement. In addition, the Board will simultaneously ensure that the Scale of Fees will be complied with.
8. The abovementioned actions, already an ongoing involvement of the Board, will now be intensified. Due notice is therefore given to all Architects to heed this serious warning as the consequences for ignoring it will be serious.
9. This Circular is enforced with immediate effect.

By order of Board,

A handwritten signature in black ink, appearing to read 'Hasan bin Mohamed', written over a horizontal line.

(HASAN bin MOHAMED)  
Registrar  
15 December 1987