Title:

Architects self-regulation in Malaysia: Is it possible?

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ABSTRACT

The paper discusses on how a self-regulation model of the architecture practice in dealing with building construction may possibly be implemented in Malaysia. Architects, Engineers and Registered Building Draughtsmen through its respective professional acts and Street, Drainage and Building Act 1974 are defined as Qualified Persons who are entitled to submit plan to local authority for the purpose of getting building plan approval. The present laws require Principal Submitting Person (PSP) to obtain written approval from local authority prior to commencement of building works and to issue Certificate of Completion and Compliance (CCC) upon completion of the construction. Under the Uniform Building Bylaws 1984, a Qualified Person will assume the role as PSP when submitting the plan. This paper also suggests the change in the roles of PSP and local authorities under the new model, where PSP will only be required to deposit building plan to local authority for record and future audit purpose. Thus, the new roles of the local authority will be shifted to carrying out the physical building audit, instead of approving the building plan. In search for the new model, the paper shall also discuss how the developed countries implement professional self-regulatory system, set up self-regulation agency, bench-marking of professional competencies, and strengthening their professional boards.

Keywords: Architects self-regulation, professional self-regulation, building plan self-certification, building legislation, self-policing.

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1.0 Introduction

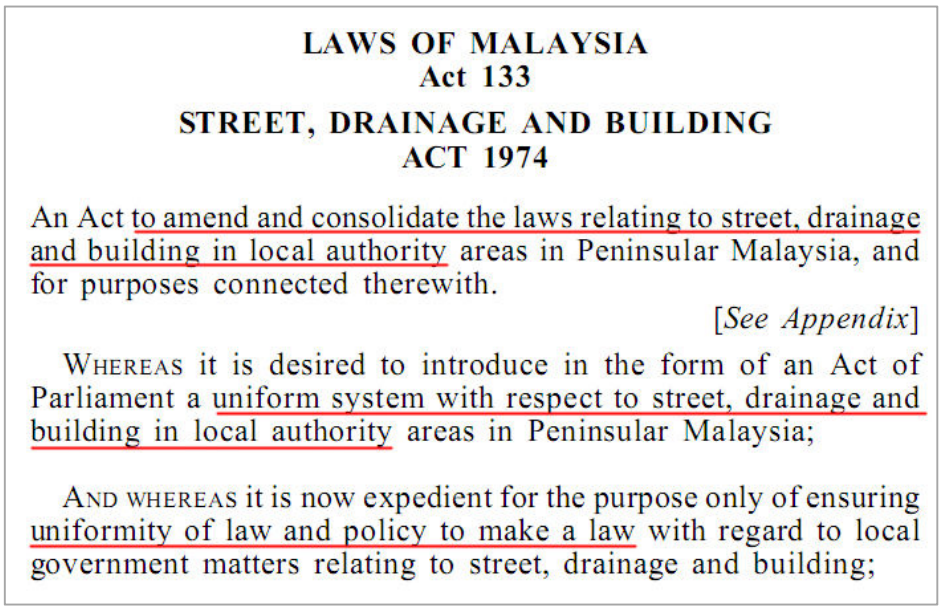
Prior to construction of any building in Malaysia, a 'Qualified Person' is required to submit plan to obtain written approval from the local authority. No structure can be erected without prior written approval from the local authority. The Street, Drainage and Building Act 1974 (Act 133), cites 'Qualified Person' as an architect, engineer or a building draughtsman registered under any written law relating to the registration thereof. These qualified persons are governed by professional bodies through the respective Architects Act (1967) and Engineers Act (1967). Their registration, act and practice are governed by the rules and regulations under these Acts.

The present laws that require the plan to be submitted and to obtain written approval from local authority prior to commencement of building works are inherited from the British legislation.

In 1921, Charles Compton Reade was appointed as the first Government Town Planner for the Federated Malay States to promote the activity of town planning and introduce the planning control. Due to incompetency and lack of understanding of the 'local owners' and builders, British administrators had imposed a planning control to overcome the unresolved sanitary and drainage problems in earlier settlement areas. In 1923, Reade introduced the Town Planning Enactment (1923) with the provision that required plan to be approved by the local council prior to erection of any building. This marked the beginning of British legislation and control in local building construction.

In 1974, the Street, Drainage and Building Act (Act 133) was enacted to amend and consolidate the laws relating to street, drainage and building in local authority areas in Peninsular Malaysia. Prior to the enactment of Act 133, the building construction in Federation of Malaya was legislated through different provisions of laws inherited from the British i.e. Town Improvement Enactment (1917), Town Planning Enactment (1923), Sanitary Board Enactment CAP 137 (1929), States Town Board Enactments, Municipal Enactments, Municipal Ordinance of Straits Settlements and Local Council Ordinances. The provision in the present Street, Drainage and Building Act 1974 (Act 133) that requires plan to be approved by local authority is inherited from these colonial legislations.

Today, the Qualified Persons are regulated by their professional boards as competent persons to deal with building design and construction. With the provision under the respective professional acts and regulations, the problems faced by Reade ninety years ago is no longer an issue, but the legislation framework set by him still remains.



LAWS OF MALAYSIA
Act 133

STREET, DRAINAGE AND BUILDING ACT 1974

An Act to amend and consolidate the laws relating to street, drainage and building in local authority areas in Peninsular Malaysia, and for purposes connected therewith.

[*See Appendix*]

WHEREAS it is desired to introduce in the form of an Act of Parliament a uniform system with respect to street, drainage and building in local authority areas in Peninsular Malaysia;

AND WHEREAS it is now expedient for the purpose only of ensuring uniformity of law and policy to make a law with regard to local government matters relating to street, drainage and building;

Figure 0.1 : An image capture of Act 133 citation

2.0 Definition of Self-Regulation

Self-regulation can be defined as the process whereby an organisation voluntarily observes and governs its own adherence to their code of ethics, rules, regulations or standards, rather than have a third party such as a governmental entity to regulate and enforce those standards.

In addition, professional self-regulation is when a professional body or a committee under the organisation regulates over their members' ethics, practice and act to the standards of which they are required to maintain their competency and professionalism. Professional self-regulation sometimes involved government intervention via legislation or an agreement between the government and the professional body that grants self-regulatory status. The arrangement typically done between the government and a professional body through a structured legislation framework by delegating the authority to this professional body.

2.1 General Misperception

There is general misperception that 'professional self-regulation' is a way of 'monopoly of power' that promotes self-interest and benefits members of certain professions, instead of promoting the national interest and preserving the public safety and health. Professional self-regulation is also frequently misunderstood as 'deregulating' of business, where business entity has freedom to carry out activities at their own discretion without any governing authority. This negative perception arises from lack of understanding of the professional self-regulation concept.

A good explanation of self-regulation concept is required to prevent prejudice pre-setting of negative perception of professional self-regulation. This would give fairer justifications and turns the implementers and the general public to be more

receptive towards architects' self-regulation. A detail discussion is necessary in explaining how architect's self-regulation can be implemented, thus, with a proper set of legislations and administration frameworks will benefit the nation and preserve the public safety and health.

3.0 Business Regulatory Efficiency Ranking by World Bank

Based on World Bank Doing Business 2013 Report, Malaysia's overall 'Ease of Doing Business' rank is number 12 out of 185 economies. This indicates an improvement in overall ranking from rank number 14 in the preceding year. The measurement was done based on key indicators as listed in Figure 0.2 : Table of Malaysia's key indicators rank in World Bank Doing Business Report 2013 , where 'Dealing with Construction Permit (DCP)' is one of the key indicators in Ease of Doing Business report.

TOPIC RANKINGS	DB 2013 Rank	DB 2012 Rank	Change in Rank
Starting a Business	54	42	↓ -12
Dealing with Construction Permits	96	116	↑ 20
Getting Electricity	28	27	↓ -1
Registering Property	33	62	↑ 29
Getting Credit	1	1	No change
Protecting Investors	4	4	No change
Paying Taxes	15	25	↑ 10
Trading Across Borders	11	12	↑ 1
Enforcing Contracts	33	31	↓ -2
Resolving Insolvency	49	48	↓ -1
Overall Ease of Doing Business	12	14	↑ 2

Figure 0.2 : Table of Malaysia's key indicators rank in World Bank Doing Business Report 2013

- Source: World Bank DB2013

DCP key indicator is the lowest rank among other key indicators for Malaysia. The ranks were over hundred for the past years until major reforms in 2012, which resulted DCP key indicator for 2013 ranking improved from 116 in previous year to 96 out of 185 economies. Even with the introduction of One Stop Centre (OSC) in 2007, the consultants and investors dealing with construction permit still face numerous bureaucracy difficulties, thus, the implementation of OSC does not significantly improves or contributes to the economic development.

World Bank reported that since 2005 business regulatory practices in world economies for starting a business, paying taxes, dealing with construction permits, registering property, getting credit and enforcing contracts have improved and converge to a competitive standard between the economies. This means that laws, regulations and procedures in these regulatory areas are more similar across economies today than they were in 2005 (World Bank, 2013). These economies consistently improve their competitiveness and it isn't easy for Malaysia to achieve high competitiveness in dealing with construction permit without major reform to the administration system and paradigm shift of the way the construction business is conducted.

3.1 Focus Group on Dealing with Construction Permit (FGDCP)

World Bank Doing Business Reports clearly indicates that Malaysia has major weakness in its construction permit regulatory system. It takes too many procedures and too much time for the public or investors to deal with construction permit.

In December 2011, Ministry of Federal Territories (MFT) together with MPC, DBKL and other stakeholders initiated the setting up of 'Focus Group on Dealing with Construction Permit (FGDCP)'. Among the participating members of the FGDCP are as follow:

- Ministry of Federal Territories (MFT)
- Ministry of Housing and Local Governments (MOHLG)
- Ministry of Works
- Department of Local Government (JKT)
- Pasukan Petugas Khas Pemudahcara Perniagaan (PEMUDAH)
- Malaysia Productivity Corporation (MPC)
- Kuala Lumpur City Hall
- Board of Architects Malaysia (LAM)
- Malaysian Institute of Architects (PAM)
- Board of Town Planners Malaysia (LPBM)
- Board of Engineers Malaysia (LJM)
- Malaysia Communication and Multimedia Commission
- Syarikat Bekalan Air Selangor (SYABAS)
- Tenaga Nasional Berhad (TNB)
- Indah Water Konsortium (IWK)
- Fire and Rescue Department Malaysia (Bomba)
- Petroleum Nasional Berhad (Petronas)

FGDCP has carried out initial comparative study and analysis in dealing with construction permit in major cities and towns in Malaysia. Three indicators in measuring ease of doing business have been adopted in line with World Bank ease of doing business indicators in World Bank report. The indicators in measuring DCP key indicator are:-

i. Time (number of calendar days in dealing with construction permit)
ii. Procedures (number of procedures in dealing with construction permit)
iii. Cost (expenditure in percentage of income per capita)

The result of comparative study by FGDCP in dealing with construction permit in major cities and towns in Malaysia are tabulated in the following table:

Study by FGDCP in Dealing with Construction Permit indicators in major cities and towns in Malaysia in 2012

Rank	Town / City	Percentile Rank	Number of Procedures	Time (Days)	Cost (RM)
1	Kangar	0.03	20	80	RM 6,691.00
2	Kuala Terengganu	0.19	41	89	RM 8,988.00
3	Kota Bharu	0.33	48	89	RM 14,122.00
4	Kuching Utara	0.33	34	218	RM 3,739.00
5	Labuan	0.36	57	111	RM 8,356.00
6	Seremban	0.44	52	64	RM 25,280.00
7	Putarajaya	0.05	80	129	RM 8,001.20
8	Kuala Lumpur	0.56	32	161	RM 30,676.00
9	Shah Alam	0.56	55	106	RM 25,280.00
10	Kuantan	0.58	59	135	RM 12,335.00
11	Melaka Bandaraya Bersejarah	0.61	57	135	RM 30,065.00
12	Kota Kinabalu	0.67	40	278	RM 46,241.00
13	Alor Setar	0.69	51	262	RM 22,169.00
14	Georgetown	0.69	41	196	RM 407,814.00
15	Ipoh	0.69	58	306	RM 10,914.00
16	Johor Bahru	0.75	66	192	RM 18,161.00

Figure 0.3 : Comparative analysis of DCP indicators in major cities and towns in Malaysia

The statistic shows major irregularity in number of days, procedures and cost for each towns and cities with huge differences in procedures and processes that lead to confusion of the citizens and businesses. The study also discovers that getting building plan approval in Malaysia is a very tedious process which may lead to frustration that may scare away foreign investors. The result of the study is then being used as the home base to search for improvements of the processes and procedures in dealing with construction permit.

4.0 The Need for Self-Regulation

In 2011 and 2012, FGDCP guided by Mr Alejandro Espinosa Wang from World Bank, learning from the best practice from other economies such as Taiwan, Singapore, New Zealand, Hong Kong and Georgia, has formulated a new set of plan submission procedures and plan approval processes that expected to improve the DCP indicator drastically.

The new model known as OSC 1Submission was then introduced in June 2012 which mainly collaborate the approval process between the local authorities' internal departments and external technical agencies. The system requires a huge collaboration framework where the processes between the departments and agencies being collaborated by One Stop Centre (OSC) unit. It is a great model, ideal for a properly coordinated development project limited to a three storeys building with a site area of not more than 1.5 acre. However, there are a lot of technical limitations in this model such as limitation in capacity of water usage demand, electricity power supply, and type of telecommunication system and sewerage system, which are limited to only certain category of building usage.

Presently, there is no complete model in dealing with building construction that offer wholly solutions to improve the process and procedure that expedite the building plan approval process, therefore, the searching for a better system has to continue. Nowadays, various systems have been used by world economies to improve the system. Many of these countries keep on exploring and improving their systems and becoming very competitive in attracting international investors.

It is becoming very challenging for Malaysia to be world class competitor in offering its home ground for foreign investment. A new revolution in the way building construction being regulated is very much in need. This paper will research on a new regulatory method that would be the approach needed in the administration and business system reforms to be competitive in dealing with construction permits. This new regulatory model would not just facilitate the process and improve the efficiency in construction industry, but potentially be the way forward in dealing with construction permit, which is to be known as 'Architects Self-Regulation Model'.

5.0 The current issues with Building Plan approval by local authority

Government's effort to improve Malaysia's competitiveness frequently clogged when comes to building construction. Furthermore, the three-tier administration of federal government, state government and local government (local authority) worsen the situation when come to implementation of policies set up by federal administration. There are too many red tapes and bureaucracy in the 'three-tier government' structure that affects construction permit. Among the major problems hindering the smooth process of development and dealing with construction permits are:

- **Inconsistency of Practice by Local Authority**

The current practice by local authority requires Architect to submit building plan for approval prior to construction. Contrarily, the engineering plans submitted by Engineers are deemed accepted as deposited plan for records and future reference. Thus, plan approval by local authority is not required for engineering plan, although the laws require both architecture and engineering plans to be approved by local authority.

- **Incompetency to Evaluate Plans**

Local authority chooses not to issue approval to the engineering plan as it contains complex engineering calculations beyond the competency of the evaluating personnel. In some cases, the requirement for getting building plan and engineering plan approval from local authority is no longer practical due to incompetency of local authority personnel to evaluate the plans.

- **Legislation Disparity**

The practice of local authority selecting to evaluate and approve only building plan submitted by Architect but not the engineering plan submitted by Engineer is an act of 'legislation disparity' by practice.

- **Dangerous Compromise on Safety and Health**

Local authorities' act of not evaluating the engineering plans without a proper establishment of self-regulation procedures and regulations is a dangerous compromise to public safety and health. The requirement for local authority approval should not be waived without being backed up with a complete set of professional self-regulation procedures.

- **Irregularity of Practice by Local Authority**

Submitting persons also face irregularity of practice by different local authorities which hinder the smooth process of obtaining building plan approval. This is proven through the data gathered by FGDCP as shown in Figure 0.3 : Comparative analysis of DCP indicators in major cities and towns in Malaysia, observing the local authorities' process and procedures in dealing with construction permit.

- **Bureaucracy Exertion and Abuse of Power**

The plan submission and approval bureaucracy entails to delay in getting building construction permit and affects the constructions industries. The abuse of power by some local authority personnel has also worsened the situation.

6.0 Steps to be taken in Implementing Architects Self-regulation

The steps required in finding the best self-regulation approach and in implementing it are:-

- To correct general misconception of self-regulation
- To identify the advantages and disadvantages in self-regulation models
- To establish the stakeholders' perceptions and preferences
- To formulate a self-regulatory model for architecture practice
- To test the workability and identify the advantages of the new model

6.1 How Architect Self-regulation Benefits the Industry

Among the direct benefits from the implementation of architects self-regulation in the construction industry are:-

6.1.1 Faster Process in Obtaining Building Plan Approval

Self-regulation possibly is a better way of regulating the procedures and process in obtaining building plan approval and issuance of building certificate for occupation. It shall reduce the lead time prior to construction as building plan detail checking by the local authority is not required. The survey indicates that, self-certification of building plan by the Architects will shorten the time required in obtaining construction permit by approximately 3 months to 18 months for every project.

6.1.2 Elimination of Bureaucracy Exertion and Abuse of Power

The professional self-certified building plan will not require local authority's approval; hence, it eliminates excessive dealing with local authority, bureaucracy exertion and abuse of power by local authority.

6.1.3 Improvement of Professional Architects Competency Level

An accreditation council for self-regulation shall be set up under the professional governing bodies which will be responsible to ensure the competencies and professionalism of its members through professional discourses, trainings and education. Competency benchmarking and testing will be carried out prior to enabling self-regulation of its members. Only accredited professional members are allowed to self-certify building plan.

6.1.4 Preservation of Public Safety and Health

The present practice by local authorities to accept and deem approve the structural plan, plumbing layout and sanitary plan (engineering plans) submitted by engineers without proper self-regulating measures is a dangerous compromise to public safety and health. With the new self-regulation, the governing professional bodies are obliged to ensure the competency of its members to protect the public.

6.1.5 Practical Enforcement of Building Codes Compliancy

Currently, local authority check the building codes compliancy through the submitted plans, it is not a compulsory requirement for local authority to inspect the newly completed building. The new self-regulation model will shift the roles of local authority, instead of checking the plan; the local authority can use their resources to audit the physical building periodically to ensure compliancy to building bylaws and to prevent illegal renovation and modification after completion.

6.1.6 Improvement of Workforce Efficiency

With less bureaucracy, less going forward and backward in getting building plan approval and CCC; local authorities, developers and the professionals can utilise their resources more efficiently to research, design and develop better solutions for the projects. Local authorities shall then focus more on preparing clear regulations and guidelines to be adhered by PSP and SP, thus reduce the ambiguity in local guidelines. These guidelines shall make it easier for architects and engineers to comply with local authority's requirements; hence, less time is required to prepare the self-certified plan. It shall also allow the professionals to utilise their resources more efficiently and could be utilised to handle more projects, thus improve productivity.

6.1.7 Reduction of Project Cost and Unnecessary Expenditure

Efficient utilisation of resources and shorter lead time in getting construction permit will save the project overall cost. Based on the Property Industry Survey 2013 by Real Estate and Housing Developers Association (REHDA), in a housing development project, compliance cost can be 15% to 25% of the purchase price. With a more efficient compliance process, the compliance cost can be significantly reduced, thus, reduce overall project cost.

6.1.8 Avoidance of Work Redundancies

Self-certification of building plan by the Architect will avoid the plan from being unnecessarily changed and amended to suit personal opinions and preferences of the local authority's personnel. Hence, it avoids unnecessary abortive works.

With better efficiency and competency level; less redundancy, time and cost, the self-regulation model would create a better business and administrative environment in construction industry. Subsequently, it will attract more investments and encourage positive development in other related business such as manufacturing, hotel (hospitality), retails, corporate, transportation, education, health etc. because all these activities need buildings.

7.0 Self-Regulation Theory

There are several studies on self-regulations since 1940s. The studies mainly focus on desirable behaviour, internal strengths in controlling urges, behaviour reaction to surroundings and the change of environment by the behaviours. Among popular theories in self-regulation is the *'social cognitive theory'* by Albert Bandura. In this theory, the behaviour development is influenced by the environment and internal personal factor (Bandura, 1986).

Bandura's theory views the quality of human behaviour as the product of a dynamic culmination of three elements, which are internal personal factors, behavioural, and surrounding influences. This explains how human minds translate the results of their personal behaviour, informs and affects their environments. It is a looping process where their internal personal factors (cognition and biological events) inform to change their behaviour to adapt to an environment, thus the environments are affected when behaviours change.

In his book, Bandura explain how triadic reciprocity (Bandura, 1991) is formed from these interactions that became the foundation of his reciprocal determinism concept. He has changed his 'social learning theory' to 'social cognitive theory' highlighting that cognition is very important element in human ability to receive and deliver information, self-regulate, perform behaviours and setting the environments.

While changing human cognition and biological events are almost impossible by external force, social cognitive theory supports that it can be altered by environmental influences. Basically, strict enforcement of rules and regulations may not be able to directly change human personality and permanently solve organisational self-regulation setback, but consistent education, trainings and competency improvement shall change the organisational practice environment, thus, altered the internal personal factors (cognition) and the behaviour of its members.

7.1 Personal Integrity

Bandura (1991)'s triadic reciprocity explains well how the environment and the behaviour give the message to an individual affecting the internal personal behaviour. A positive environment shall promote adherence to moral principles and develops individual integrity.

Adherence to moral or religious principles, biological events and internal personal factors are the three major components in the development of human personal integrity character. An individual with high integrity quality shall possess a strong sense of commitment and honesty in his act and judgement (Poe & Tate, 1994).

The character of an individual's integrity shall also be defined by his standard of moral and ethical behaviour. A person with high integrity quality usually defends what is morally or ethically right, hence act as the role model for others to follow. Nonetheless, the definition of moral and ethical are subjective and varies depending on personal belief.

7.2 Organisational Self-Regulation Approach

The practice of architecture in Malaysia is governed by Board of Architects Malaysia. One of the obligation placed upon this governing body is enforcement of the laws and regulations to regulate the professionals under its purview (Malaysia, 1967). The next equally important is to improve the level of competency of its professional members, either by education, training or setting higher standard to be adhered.

Self-regulating profession usually has discretion to restrict entry and impose additional requirement in term of training programmes and human capitals, and play active roles in selection of perspective candidates. The rules and regulations are frequently set up by the professional bodies itself, for the rationale to better suit the competency level in establishing the educational profile and to evaluate the quality of the applicant (Bortolotti, 1999). In some self-regulatory systems, the rules are established by government or developed by regulatees with the approval from government (Priest, 2013).

The basic philosophy of a self-regulatory model is that if there is no risk of harm to the public, there is no need for any form of government intervention, including self-regulation, which might limit who can provide a service (Randall, 2000).

The common setback in self-regulating professions is the high degree of potential harm to both individuals and society when they are practiced incompetently or dishonestly. Improper practice of architecture or engineering is not only inconvenient, but it can also be dangerous. Therefore, these professions require rigorous regulation to protect the public interest (Douglas, 2010). In countering this setback, the professional body need to establish and implement various regulations. The proper enforcement of these regulations is crucial in protecting the public safety

and health. The professional regulatory body must ensure that the services provided by its members are delivered in an ethical manner.

Organisational self-regulation set up need to possess legal authority to allow it to perform its function, which includes the authority to set up qualification standards in admitting members into the organisation; the right to formulate their code of professional conducts and the right to establish regulations which enable the governing body to expel non-adherence member.

A governing body should give priority to the public interest and not the interest of the profession, although it is frequent that the public interest and profession interest can be the same. Some professions establish separate professional associations to protect the interests of their professions, whereas, the governing bodies regulating the respective profession protect the interest of the public. Due to the intermittently conflicting interest between the public and the profession, government usually requires a separation between profession governing body and professional association (Bayles, 1986). In Malaysian architecture profession setup, Board of Architect Malaysia is the governing body, whereas Malaysian Institute of Architects is the professional association established to promote the good practice of its members and for further development of the profession.

In regulating any profession, governing bodies may adopt several types of organisational self-regulation approach. The type of self-regulation approach can be categorised into three main classes i.e. *(a) registration, (b) certification,* and *(c) licensure* (Randall, 2000). Each category has different degree of restrictions in regulation process that explained by Randall (2000) as follow:

a. ***Registration*** is a simple process to officially record the names, address, and means of communication etc. to ensure registered parties are contactable. It has the least onerous procedures that can be done by a simple process although sometimes it may set a stringent verification process. This approach is not actually hazard prevention, but, it is more likely an error *'correction approach'*, in which, it does not monitor the act of the registered party, instead the registrar shall only give the registered information to the affected party for the latter's further remedial actions.

b. ***Certification*** is basically the process of qualification endorsement of a person's who has fulfilled the predetermined requirements. It normally has a more onerous set of requirements to be fulfilled as compared to *registration*. Usually, certification will allow a privilege to the certificate's bearer to use a special designated title. The qualifications of the certificate's bearer will be made known to public, so that the public can make an informed decision engaging such person.

c. ***Licensure*** is a process of recognising an individual's knowledge or qualification, and his ability to achieve certain standard in delivering the regulated services. This approach has the most onerous requirement to be fulfilled by its prospectus member and it also set the most restrictive professional regulation. The recognised members must possess adequate knowledge of his works and fulfilled certain degree of competency level,

thus provides a special privilege to the occupational group to set criteria and select who can practice the profession. The public interest will be protected as the licence to practice the profession will only be issued to a person whom has fulfilled the requirements set by the governing body and possess certain level of competency in delivering the services.

7.3 Self-Regulation Agents

Most professional occupational groups are regulated by the related profession governing bodies or the relevant government agencies. However, several specific functions under this professional occupation may be novated to (a) a special function sub-committee under the agency or (b) a third party. Limited authorities are delegated to them to perform the function of keeping records and regulating the specific practice requirements of its registered members.

Similarly, professional self-regulation usually governed by its regulatory body, however, enforcing a specific function under the professional practice can be delegated to other setup or a third party. Enforcement mechanisms often require the introduction of special 'observers' or 'regulator agents' that actively monitor the behavior of the other agents (Boella, Torre, & Verhagen, 2009).

7.4 Professional Self-Regulation Implementation in Developed Countries

In New York, self-certification known as "professional certification" was initiated in 1995 to help ease a permit backlog and stimulate developments. This initiative allows architects and engineers to confirm that their plans are compliant with applicable laws, rather than submit plans to local authority for approval. Designers also contended that inspecting their own plans saves three to four months' time for every project. However, it was alarming to note that from an audit conducted by the New York Department of Building (DOB) in 2006 revealed that 57 percent of self-certified new building plans in that particular year failed to comply with building codes (Davis, 2007). To curb the problem, a new 'self-certification bill' was proposed which enables the DOB to prevent architects from self-certifying if they have misrepresented plans in the past. New York 'self-certification bill' is a good example where professional self-regulation can be regulated through legislation to ensure public safety and health is not compromised.

United Kingdom implements a competent person scheme to self-certify certain types of building work without the need of getting building plan approval from authority, and the building owners benefit from lower prices as there are no building control fees. The competent person will be assessed to make sure he meets the level of competency required before accepted under the competent person scheme (Service, 2013).

There are a number of local authorities in the west that practice smart regulation which permit several categories of building plan to be self-certified by professional. The Department of Building in Chicago is an example of a city that implemented the self-certification programme. The Chicago self-certification

programme simplifies and streamlines the permit review process for eligible projects by allowing qualified architects and structural engineers to self-certify plans filed with the department do not contain any false information and are in compliance with the requirements of the Chicago Building Code (Emanuel, 2009).

In Ontario, Canada, the practice of architects are self-governed by its professional association. In order to protect the interest of the public, the Government of Ontario establishes the Architects Act to be abided by the association. The association is also required to administer the Architects Act and to take action against the members whom does not follow the Act or by-laws.

In the 70s there are several regulatory reforms happened in the UK and US. Many regulations have been reform across the party lines, as well as regional and states influences. Self-regulation and deregulation of business policy became symbol of progressive economic thinking (Gow, 1997).

The 'Key Questions' to be answered before implementing self-regulation are:-

i. If implemented with a proper legislation and administration framework, will professional self-regulation benefit the nation and preserve the public safety and health?

ii. How self-regulation shall affects the roles and responsibilities of local authorities and the professionals?

iii. How self-regulation can improve the competency of the local authority personnel and the professional Architects?

iv. What is the best model of professional self-regulations should be implemented within Malaysia legislation and economic environment?

8.0 Conclusion

There are several models of building permit self-certification being practiced around the world. The characteristic of the models are shaped by the local building codes, the level of awareness and competency of the professionals. The model should be customised and tailored to meet the needs of the city. Standardisation of the model isn't practical until the building legislation and level of professional competency are standard. In Malaysia context, it is predictable that the political will and government policies will be the main determining factors in shaping self-regulation model besides the level of awareness and competency of our professionals.

The way forward in improving the dealing with construction permit, i.e getting building plan approval, works inspections, testing for clearance and issuance of CCC, is by implementing professional self-regulation system. In 2007, the move towards self-certification and self-regulation was implemented by the government when self-certification of building completion and compliance by the Professional Architects and Professional Engineers was introduced replacing the traditional

certification by local authority. The government just need to move another step forward in dealing with building plan approval, to allow the building plan submitted by Professional Architects to be deemed approved and accepted as deposited plan. Local authorities have been practicing this for decades in accepting the structural plan submitted by Engineer, hence, the practice should be formalised and applied to both structural and building plan, **isn't that possible?**

REFERENCES

Bandura, Albert. (1986). *Social foundations of thought and action: a social cognitive theory*: Prentice-Hall.

Bandura, Albert. (1991). Social Cognitive Theory of Self-Regulation. *Organizational Behavior and Human Decision Processes*
50(2), 248-287.

Bayles, Michael D. (1986). Professional Power and Self-Regulation. *Business and Professional Ethics Journal, 5*(2), 26-46.

Boella, Guido, Torre, Leendert van der, & Verhagen, Harko. (2009). Introduction to Normative Multiagent Systems. Retrieved from Universita Degli Studi Di Torino website: http://www.di.unito.it/~guido/torino2008/articoli/articoli/80-cmot06.pdf

Bortolotti, Bernado. (1999). Barriers to entry and the self-regulating professions *Organized Interest and Self-Regulation - An Economic Approach* (pp. 131-157). New York: Oxford University Press.

Davis, Dorian (Producer). (2007, 30 May 2013). Architectural Record Daily News. *Architectural Record Web Site*. Retrieved from http://archrecord.construction.com/news/daily/archives/071018self.asp

Douglas, Darryl. (2010). *The Architects Act - General Regulations and Bylaws* (D. Douglas Ed.). Alberta: Alberta Associations of Architects.

Emanuel, Rahm. (2009). Rules and Regulation for Self-Certification Program. *City of Chicago official website*. Retrieved from An Overview of Self-Certification Program
website:
https://www.cityofchicago.org/content/dam/city/depts/bldgs/general/SPR/2013SCRulesRegs.pdf

Gow, David John. (1997). Business and Government as Regulation *Business-Government Relations: Concepts and Issue* (pp. 101-123). Melbourne: Nelson ITP.

Malaysia. (1967). *Act 117 - Architects Act 1967*. Kuala Lumpur: Lembaga Architect Malaysia Retrieved from http://www.lam.gov.my/download/newlamform/Act2007(A4).pdf.

Poe, Steven C., & Tate, C. Neal. (1994). Repression of Human Right to Personal Integrity in the 1980s: A Global Analysis. *The American Political Science Review, 8*(4).

Priest, Margot. (2013). Ottawa Law Review - Five models of self-regulation. *University of Ottawa*. www.rdo-olr.uottawa.ca

Randall, Glen E. (2000). Understanding Professional Self-Regulation. *Ontario Association of Veterinary Technicians*. http://www.oavt.org/self_regulation/docs/about_selfreg_randall.pdf

Service, Government Digital (Producer). (2013, May 30). Government of UK - Housing and Local Services : Competent person scheme. *Government of UK*. Retrieved from https://www.gov.uk/building-regulations-competent-person-schemes/overview

World Bank. (2013). Doing Business 2013: Smarter Regulations for Small and Medium-Size Enterprises. Washington, DC.