PAM PRACTICE BUREAU

CATEGORY C: BUILDING CONTROL [STREET, DRAINAGE AND BUILDING ACT, UBBL]

NO	DATE	ENQUIRY	RESPONSE FROM TEAM
1.	18 September 2025	I am the owner of a condominium parcel that was recently delivered vacant possession. The property is a serviced apartment governed under the Housing Development Act (HDA) and the Sale & Purchase Agreement (Schedule H of the Housing Development Regulations). The project is under the jurisdiction of DBKL. According to the Uniform Building By-Laws (UBBL) 1984, Clause 42, it is stipulated that: • "…all other habitable rooms be not less than 6.5 square metres in area."; and • "The width of every habitable room in a residential building shall be not less than 2 metres." Upon measurement, the fourth (smallest) bedroom in my unit measures only 5.75 sqm (2.5m × 2.3m). The measurement was taken based on internal room clearance (wall surface finish to wall surface finish). When this concern of non-compliance was raised with the developer, their response was that, measured centre-of-wall to centre-of-wall, the room size complies with the minimum UBBL requirement. The developer cited Section 13(3) of the Strata Titles Act 1985, which states that "…the boundary of any parcel of a building with any other parcel… shall… be taken to be the centre of the floor, wall or ceiling…" However, my understanding is that Section 13(3) of Act 318 only determines ownership boundaries between parcels in a subdivided building. It does not regulate, prescribe, or override the methodology for measuring habitable room dimensions for UBBL compliance.	We refer to your enquiry dated 18 September 2025. The PAM Practice Bureau generally has a policy, for the purposes of transparency and documentation, of not entertaining queries which are submitted anonymously. While we are making an exception in this case, please be reminded that should you have any further queries in the future, we would require your name as well as a contact e-mail address. Based on the information provided, our comments are as follows: 1. Minimum Bedroom Size under Clause 42 of the Uniform Building By-Laws 1984 (UBBL 1984) Clause 42 of the UBBL 1984 stipulates that for any room to be deemed as a habitable room, it shall be required to have a minimum floor area of 6.5 square metres. As the relevant building plan and verified dimensions were not provided, this comment is based on general interpretation. Where the clear internal area measures less than 6.5 square metres, compliance would depend on how the measurement was taken and verified by the approving authority. Kindly also note though that based on your submitted photographs, your measurements would seem to be taken from the face of the tiled skirting and not the face of the tiled wall above. 2. Basis of Measurement – Centre-to-Centre or Clear Internal The UBBL 1984 does not prescribe whether measurements should be taken from the clear internal face or the centre of walls. In common practice, the centre-line measurement method is used for calculating gross floor area (GFA) in building plan submissions, unless otherwise directed by the respective local authority. For other purposes such as strata title computation under the Strata Titles Act 1985 or marketing documentation under the Housing Development (Control and Licensing) Regulations 1989,

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		My queries are as follows: 1. Does a bedroom with a clear internal area of only 5.75 sqm comply with the minimum 6.5 sqm requirement under Clause 42 of the UBBL 1984? 2. Is reliance on the centre-to-centre wall measurement under the Strata Titles Act 1985 relevant or permissible in determining habitable room sizes for compliance under the UBBL? 3. Since the building plan is assumed to have been approved by the authorities, if a purchaser remains unsatisfied with the developer's response, which authority should the matter be referred to — Commissioner of Buildings (COB) or Jabatan Kawalan Bangunan — before escalating to the Homebuyers Tribunal?	different measurement methods apply under their respective regulations and should not be used interchangeably. 3. Recourse and Relevant Authorities Where discrepancies are suspected between the approved plans and the as-built condition, purchasers should first seek clarification from the developer, who may obtain verification from the appointed Architect (Principal Submitting Person) responsible for the submission. If concerns remain unresolved, the matter may be referred to the Building Control Department (Jabatan Kawalan Bangunan) of the respective local authority. In cases involving potential misrepresentation of unit size, purchasers may also lodge a claim with the Tribunal for Homebuyer Claims under the Ministry of Housing and Local Government (Kementerian Perumahan dan Kerajaan Tempatan, KPKT). We trust the above provides general clarification on the matter.
2.	16 June 2025	We are deeply concerned that the Architect proceeded with the issuance of the Certificate of Completion and Compliance (CCC) despite certain physical works, including a missing wall, remaining incomplete on site. This represents a serious lapse in professional responsibility and raises alarming questions regarding the quality and completeness of the works delivered. Such conduct undermines the integrity of the certification process, which exists to ensure full compliance with statutory and contractual requirements before occupancy is granted. The premature issuance of the CCC calls into question the adequacy of site supervision undertaken by the Architect and raises concerns that other critical elements may also have	Thank you for your correspondence dated 16 June 2025 regarding the issuance of the Certificate of Completion and Compliance (CCC) and the discrepancy observed between the Sales and Purchase (S&P) drawings and the completed condition of your unit. We acknowledge your concern and appreciate your effort in raising the matter. While Pertubuhan Akitek Malaysia (PAM) is committed to upholding professional standards, we would like to clarify that PAM is not a regulatory or enforcement body and is therefore not empowered to initiate investigations or undertake the action which you may be looking for in such cases. The appropriate authorities with jurisdiction are as follows:

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		been overlooked. This directly affects the safety, quality, and long-term value of the homes delivered to purchasers. In light of the above, we respectfully urge the relevant authority to investigate this matter thoroughly and take the necessary actions to address the breach. It is imperative that those responsible are held accountable in order to preserve public confidence in the development approval and certification process, and to safeguard the rights and interests of affected homeowners.	• The Lembaga Arkitek Malaysia (LAM) – the statutory body regulating the professional conduct of architects, including the issuance of CCCs. • The Kementerian Perumahan dan Kerajaan Tempatan (KPKT) – the ministry responsible for housing development matters under the Housing Development Act (HDA), including enforcement of the Sale and Purchase Agreement (SPA). • The Local Authority/ Pihak Berkuasa Tempatan (PBT) – the authority under the relevant Uniform Building By-Laws (UBBL) with the power to act on building compliance and CCC matters. Based on the information provided by yourself, it would seem that you have already approached LAM on this issue. Please be advised that for any matters which have already been brought up with LAM, it is PAM's policy to refrain from commenting in order not to interfere with LAM's investigations and findings and would further advise that you continue to follow up with LAM. Nevertheless, you may want to also consider continuing to engage with the developer to seek clarification or rectification as well as contacting KPKT if the issue relates to SPA compliance or delivery of vacant possession. We trust this explanation provides clarity and direction.
3.	20 May 2025	The Developer stated that the building was constructed in accordance with the approved plan, had obtained the CCC from the Architect, and is not obliged to provide access to the water tank. We seek PAM’s advice on the following matters:	We refer to your request for our advice concerning the provision of access to the water tank and related design responsibilities in the development. We appreciate you taking the time to highlight these matters and in response to the specific issues raised, kindly be informed of the following:

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		i) The Architect did not provide access for users to maintain the water tank, such as repairing a malfunctioning float ball or cleaning the tank. ii) This oversight poses significant risks in terms of safety, functionality, user-friendliness, and compliance - including potential leaks or contamination. iii) Such negligence compromises the well-being of shop owners and exposes the property to avoidable hazards, including water damage or system failures. We would appreciate PAM's guidance on how to resolve these issues.	i) Provision for Water Tank Maintenance Access All issues related to water plumbing would fall under the purview of the Suruhanjaya Perkhidmatan Air Negara (SPAN) and they do set requirements for providing access to water tanks as outlined in their "Uniform Technical Guidelines for Water Reticulation and Plumbing". Section C.3.3 c.iii of the above guideline notes that; "If the water storage cistern is placed other than within the roof truss area, it shall be shaded against the sun and be readily accessible for maintenance and replacement; provided that it may also be located in an unshaded area so long as the storage cistern is constructed from materials that are ultra violet resistant." It must be noted though that the above guidelines along with the relevant uniform building by-laws do not provide any definitions or restrictions on what may be deemed as being "readily accessible". ii) Concerns on Safety, Functionality, and Compliance. As far as we are aware, the positioning of water storage tanks on the flat roof of a building is not uncommon and access to water tanks requiring the temporary use of ladders is also not uncommon. Based on the limited information provided, we are not in a position to advise on whether the current location of your tank is safe and functional. Nevertheless, we would advise that you continue to engage with the developer and ask for their advice on the best and safest method of accessing the water tank. You may also consider contacting SPAN as the regulatory body, for their advice and clarification regarding your tank access.

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			We trust this explanation provides clarity on PAM's role and the appropriate avenues for further action. Please do not hesitate to contact us if you require any further information. Thank you for your email regarding the matter of water tank access in your enquiry. We wish to reiterate that the PAM Practice Bureau (PB) is a committee established under Pertubuhan Akitek Malaysia (PAM) to provide general professional insights on matters affecting the built environment. As such, our role is to provide broad guidance on issues raised, but not to represent individuals in any formal or legal capacity. As previously advised in our correspondence dated 10 June 2025, this matter pertains to the regulatory requirements under the Suruhanjaya Perkhidmatan Air Negara (SPAN) and should be further clarified with both SPAN and your developer, who remains the responsible party in ensuring compliance with relevant standards and providing safe and practical access solutions. Kindly also note that the Practice Bureau functions as a collective panel of professional members, and there is no designated person-in-charge (PIC) for individual cases. All correspondence is managed and responded to collectively by the panel in its advisory capacity. Should you require specific, case-based professional advice or site inspection services, we recommend that you consider appointing an independent, qualified building inspector. A professional inspection report can provide objective documentation to support your case. For

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			assistance, you may contact Architect Centre Sdn Bhd (https://www.architectcentre.com.my/). We trust the above clarifies the role of the Practice Bureau and the appropriate avenues for your next course of action.
4.	21 April 2025	(Continuation from query submitted on 9 April 2025) Thank you for your response dated 21.4.2025, which I have noted with appreciation. Regarding the “falsified survey plan,” I confirm that I reported this issue, supported by relevant drawings, to the Sabah Surveyors Board over two years ago. Additionally, I have lodged a complaint with the Board of Architects Malaysia (LAM), which is currently under investigation. I understand that your response is provided as general clarification. In this context, I have one general question: Is the amended development plan typically prepared before or after the completion of the final as-built survey?	Thank you for your email dated 21 April 2025. We acknowledge your continued engagement and the points raised therein. Please find our response as follows: *Ongoing Investigations by LAM and Sabah Surveyors Board* We note your confirmation that formal complaints have been lodged with both the Board of Architects Malaysia (LAM) and the Sabah Surveyors Board, and that these matters are currently under review by the respective regulatory authorities. In accordance with PAM Practice Bureau’s internal policy, once a matter has been officially submitted to LAM for investigation, we will refrain from offering further commentary, opinion, or clarification on related issues - to avoid any perception of interference, duplication, or conflict with LAM’s statutory role as the regulatory body empowered under the Architects Act 1967. *Email Sent to PAM Sabah Chapter* We also acknowledge your email dated 23 April 2025 addressed to PAM Sabah Chapter, which has been copied to the PAM Secretariat. Kindly be informed that PAM Sabah Chapter operates as the regional arm of Pertubuhan Akitek Malaysia, functioning under the same Constitution and sharing PAM’s institutional objectives in promoting and supporting the profession.

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			However, we wish to clarify that both PAM and its Chapters are not enforcement or regulatory authorities, and we do not have jurisdiction to investigate complaints or disputes involving project implementation, local authority approvals, or inter-professional accountability. PAM's role remains that of a professional body providing general guidance and advocacy in support of architects and the profession. We hope this clears up any unintended expectations regarding the role of PAM and its Chapters in such matters. *Email Sent to the Sabah Surveyors Board* We also acknowledge receipt of your email dated 29 April 2025 addressed to the Sabah Surveyors Board, which was copied to PAM. We take note of the issues raised therein and your stated intention to pursue the matter through legal counsel. *No Interference in Ongoing Regulatory Proceedings* As the relevant authorities are currently seized of the matters raised, PAM will respect the regulatory processes in place and shall not interfere or participate further in these ongoing investigations. We trust that the relevant bodies will carry out their duties in accordance with their respective mandates. We trust the above provides clarity. Should there be future developments that relate to PAM's general role in the profession, we remain available to assist within our scope.
5.	9 April 2025	Sir, is an architect as the Principal Submitting Person responsible for submitting a falsified as-built survey, given to	We refer to your query dated 9 April 2025 regarding the responsibilities of the Principal Submitting Person (PSP), in particular in relation to the

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		him by the surveyor, to the authorities, DBKK? I am writing to seek clarification regarding the responsibilities of architects under the building regulations applicable in Sabah in 2019, particularly in relation to the Occupancy Certificate (OC) issued for Project A on October 2, 2019. The building regulations in Sabah at that time - likely the Sabah Building By-Laws 1964 or its amendments - governed the process, outlining architects' responsibilities in plan submission and compliance certification. These by-laws were tailored to Sabah's local context but shared similarities with the Uniform Building By-Laws 1984 in terms of professional duties. In your email to me dated 14.10.2022, you stated, 'We have also been led to understand that there is a current, legal dispute between yourself and the Developer. Apart from not being able to comment based on the information we have received, we hope you understand that we are also unable to add any further advice lest it may be misconstrued as interference within the above-mentioned dispute.' Now that there is no legal dispute, I hope you will please help me with my predicament. Under the building by-laws in Sabah in 2019, architects were required to: • Submit and obtain approval for building plans. • Supervise construction to ensure compliance with approved plans and structural integrity.	issuance of the Occupancy Certificate (OC) for the project you have mentioned, and the submission of related plans under the applicable building by-laws in Sabah at the time. We provide the following feedback: **Role of the PSP and Regulatory Framework** Under the regulatory framework in force in Sabah in 2019, a PSP—typically a registered architect—was responsible for submitting the requisite building plans and documents to the local authority in accordance with the statutory requirements then in effect. The OC, however, is issued at the discretion of the local authority upon satisfaction of applicable conditions and submission of relevant certifications. **Coordination with Other Professionals** It is standard industry practice for PSPs to coordinate the submission of documents prepared by other qualified professionals, such as engineers and licensed land surveyors. The PSP relies in good faith on the competency and statutory responsibility of these professionals for the content and accuracy of their respective documents. **Allegation of Falsified Survey Plan** We note your reference to a "falsified survey plan." As this is a serious allegation and no documentary evidence was enclosed, we are not in a position to comment on the specifics of the matter. Should you have concerns regarding the authenticity or accuracy of a survey plan, we recommend that you consider referring the matter to

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		• Certify compliance during construction stages, contributing to the issuance of an Occupancy Certificate (OC) by the local authority, as was the practice in Sabah at that time. The PAM Contract 2018 complements these by-laws by outlining the architect's contractual duties, such as monitoring progress, issuing certificates, and ensuring the works align with contract documents. An architect certifying the setting out of a building under the PAM Contract 2018 would declare, to the best of their knowledge and belief, that the works comply with approved plans, accepting responsibility for this certification. In the case of Project A, XYZ Architect, who I understand acted as the Principal Submitting Person (PSP), claims they are not responsible for submitting a falsified survey plan to the authorities. I find this difficult to accept, as it raises questions about professional accountability under Sabah's regulatory framework at the time. Under the building by-laws in Sabah in 2019 (e.g., Sabah Building By-Laws 1964 or its amendments), the PSP - typically the architect - was responsible for submitting building plans to the local authority for approval, ensuring compliance with legal and technical standards. This includes verifying that accompanying documents, such as survey plans, structural drawings, and site plans, meet regulatory requirements. While the survey plan itself is typically prepared by a licensed land surveyor, the architect, as PSP, integrates it into the building	the Sabah Surveyors Board, which is the relevant authority overseeing the practice of licensed surveyors in Sabah. **Scope of PAM's Role** PAM is a professional institute with the role of supporting and advancing the architectural profession. We are not a regulatory, investigative, or disciplinary body, and do not adjudicate specific complaints or disputes. Our response is intended as a general clarification only and should not be construed as legal advice or comment on any specific case. **On Lodging a Complaint** Should you believe a professional duty has been breached and you have been directly affected, a formal complaint may be submitted to the relevant authority, supported with documentary evidence. Please note that regulatory processes typically require the complainant to demonstrate that they are the directly affected party or to substantiate the claim with credible documentation. We trust the above provides general clarification. For any further action, we recommend engaging with the appropriate authorities and, where necessary, seeking independent professional or legal advice.

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		plans and submits it as part of the approval process, implicitly endorsing its integrity. If the survey plan was falsified, the architect's claim of non-responsibility hinges on whether they knowingly submitted false information or failed to exercise due diligence. The building by-laws in Sabah in 2019 imposed a duty on the PSP to ensure that submitted plans, including survey plans, complied with regulatory standards and were accurate to the best of their knowledge. Submitting a falsified survey plan - whether intentionally or negligently - could breach this duty. Furthermore, the Architects Act 1967 (Act 117), enforced by the Board of Architects Malaysia (LAM) and applicable across Malaysia, including Sabah, requires architects to uphold professional standards. Submitting falsified documents - directly or indirectly - could violate LAM's Code of Professional Conduct, particularly provisions on integrity and competence. XYZ Architect argues they relied on the surveyor's expertise. However, courts and professional bodies often hold PSPs accountable for reasonable due diligence. Ignorance or blind reliance on others is rarely a complete defense. As PSP, they are not merely a conduit for passing documents to the authorities; they are gatekeepers of compliance. Submitting a falsified survey plan - whether they prepared it or not - falls within their sphere of oversight. The building by-laws in Sabah in 2019 and LAM's standards suggest that architects cannot fully absolve themselves by pointing fingers at others,	

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		especially without evidence of due diligence. If the falsification was blatant or detectable, their failure to flag it undermines their professional duty. I would appreciate PAM's guidance on this matter, particularly whether an architect acting as PSP in 2019 could reasonably disclaim responsibility for a falsified survey plan submitted under their oversight.	