

# REQUIREMENT FOR PROVISION OF PROFESSIONAL SERVICES

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*ENGINEERING SERVICES*

*MALAYSIA*

# Questionnaire on the Requirements for Provision of Professional Services

## Services Sub-Sector: *Engineering* Country Name: *Malaysia*

### Notes:

- Where there are different requirements/regulations/procedures for locals and foreigners, please specify in your responses.
- Briefly please define the main terms and acronyms used in your responses to the questionnaire (if applicable).

### I. Regulation and Organisation of this Professional Services

1. Please describe in general the structure and organisation of this sub-sector and how it is being regulated in your country. This could include:

- The range of the activities regularly practised by the professionals in this sub-sector in your country. Please indicate which of these activities that are NOT regulated in your country, if any.
- Explanation of whether this sub-sector is regulated by law, self-regulated by a professional body, or a combination of both; whether the regulation is centralised or decentralised; etc.
- List of concerned professional bodies and/or ministries/government agencies, the functions of each of them, and how they interact in regulating this sub-sector.

2. Please list down the relevant legislations/rules and regulations regulating this sub-sector in your country.

**A: *Engineering Sector in Malaysia is regulated by the Registration of Engineers Act 1967 (Revised 2002). The Board of Engineers Malaysia is the guardian of this sub sector.***

### II. Qualification Requirements

3. What are the qualification requirements for individual practitioners in your country in terms of:

- professional education (e.g. whether shall be university/higher education degree, post-graduate education etc)
- professional examination/assessment
- work experience
- practice and training
- language skills

**A: *Engineers must have basic engineering degrees that are recognised by the Board of Engineers Malaysia. Engineers must be registered as Graduate Engineers with BEM. Exam to be conducted after 3 years of registration.***

4. Please specify the number of years/months required for each of the above, as well as the availability of alternative routes (e.g. degree route and non-degree route) to achieve the qualifications required. If different qualification requirements exist for different activities or types of work, please specify.

**A: Degree route - 6 years after SPM or O level**  
**Non degree route - IEM/BEM Examination**  
**Engineering Council Examination (ECE)**

5. Are there any other qualification requirements apart from those set out in Q.3 above (e.g. minimum age, registration with a professional body, restriction on the scope of practice, place of origin/citizenship/residency requirements)? Please specify.

**A: Temporary Engineer (Non Citizen of Malaysia) must be registered with Professional Bodies of his home country and must have at least 180 days residential requirement in Malaysia. Registration will be based on project to project basis. Temporary Engineer cannot hold directorship in company.**

6. Who conducts/supervises the professional examination/assessment?

**A: Professional Assessment Examination (PAE) will be conducted by examiners appointed by BEM.**

7. Are the professional examinations/assessments conducted at regular intervals? Please specify the frequency, fees charged, and differences in practice adopted by individual provinces/states.

**A: PAE conducted upon application. Fee is RM200.00.**

### **III. Qualification Procedures**

8. What are the procedures involved in order to qualify as a professional in this sub-sector, including the approving authorities involved, their respective requirements, the fees charged and the timelines that need to be observed? How long does it normally take to complete the procedures?

**A: i. Application form (Form B1) to be submitted to BEM**  
**ii. Obtained at least 3 years practical experience**  
**iii. Have sit for PAE or obtained MIEM (Member of the Institute of Engineers Malaysia)**  
**iv. Fee - RM350.00**  
**This exercise will usually takes 2 months to approve.**

### **IV. Recognition Arrangements**

9. Are there any existing mechanisms (e.g. automatic recognition or mutual recognition arrangements at government level or between professional bodies) to take account of qualifications, experience, expertise, license etc. acquired or obtained by foreign professionals in another country? Please explain the mechanism and specific requirements.

**A: No, at the moment.**

10. Please give a brief explanation of foreign reciprocity provisions/requirements for granting registration to professionals from foreign countries, if any.

## V. Licensing Requirements

### (a) For Individuals

11. Apart from the qualification requirements mentioned above, what are the licensing requirements for individuals in your country, for example:

- membership in a professional body
- registration with the relevant ministry or any other institution
- absence of criminal record
- taking of an oath
- minimum and/or maximum age
- subscription to a professional indemnity insurance (including any minimum specification)
- place of origin/citizenship/residency requirement
- continuing professional development (CPD)
- others (please specify)

If different licensing requirements exist for different activities, please specify.

**A: Not relevant**

### (b) For Firms (Including Regulations Governing Establishment)

12. Are professional firms regulated? If yes, are there any specific licensing requirements, for example:

- legal form in which one can establish (e.g. partnership, incorporation, other)
- minimum capital
- minimum/maximum number of partners
- qualifications of individual partners
- membership in a professional body
- incorporation or registration with the relevant ministry or any other institution
- requirements regarding natural persons carrying out professional services on behalf of the firm, including any restrictions on foreign firms employing local professionals
- requirements regarding ownership (voting rights) of the firm, including place of origin/citizenship/residency requirements of board of directors and restrictions on partnership with local firms.
- requirements regarding management/administration of the firm, including place of origin/citizenship/residency requirements of board of directors, minimum number/percentage of local directors, managers etc.
- others (please specify)

**A: Yes, it includes the corporate company, Partnership and Sole Proprietor. Minimum paid up capital for corporate is RM50,000.00. All directors/partners must be Professional Engineer.**

If different requirements exist for different activities, please specify.

13. Is the use of international or foreign firms names restricted? Please specify.

**A: Not relevant, Foreign firm is not permitted to operate.**

## **VI. Licensing Procedures (For Both Individuals and Firms)**

14. What are the procedures required for application for license and/or renewal of license, including the authorities involved, their respective requirements (including documentation), and fees charged? How long does it normally take to obtain or renew a license? Please specify in case of differences between individuals and firms.

**A: Submit CPD records for individual and Form 49 of the MAA for corporate company. RM200.00 for individual and RM1,000.00 for corporate, Partnership and Sole proprietor. The process will take roughly 2 months.**

## **VII. Regulations Governing Entry and Temporary Stay of Natural Persons for the Purpose of Supplying the Professional Services**

15. Is the entry and stay of professionals subject to labour market tests or any other restrictions? Please specify.

**A: Subject to domestic Regulation as in Q 5 above.**

## **VIII. Professional Ethics**

16. What activities/disciplines are subject to professional ethical codes? Please specify the main policy objectives of these codes.

**A: Offences under S 15 of the Act and Part IV of the Regulations of Engineers Act.**

17. Which body or institution develops this code and monitors its implementation? What are the consequences in case of breach of the ethical code by a professional or a firm?

**A: BEM monitors the implementation and the consequence for breaching the Act is spell out under Section 15(1A)**

## **IX. Appeal Mechanisms and Dispute Resolution Procedures**

18. Do individuals or firms have the right to appeal if their application is rejected or their license withdrawn?

**A: Yes, it is provided under S. 20 - 23 of the Act.**

19. What body or institution is responsible for the resolution of disputes?

**A: Not relevant.**

20. Please provide a summary of the mechanism/procedures and a list of relevant legislation/regulations.

**A: As answered in Q 18.**

## **X. Additional Information**

21. Is it possible to obtain further or updated information on the regulatory regimes of the professional services concerned through web-sites, journals, or brochures? What sort of information is included? Please give details.

**A:** Web-site address [www.bem.org.my](http://www.bem.org.my).

**Information on Functions of BEM, various Registration, the Act, Guidelines, Scale of Fees, publications, Registered Engineers etc.**

22. Please provide contact details (name, address, fax, telephone, email address, etc.) of the persons who can provide further information/clarification on this sub-sector in your country.

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