

**RURB-DCP Webinar Series No. 26/2020:
BUILDING CONTROL IN KUALA LUMPUR**

Saya memperakui bahawa barang
carang/perkhidmatan yang dipesan
telah dilaksanakan dengan memuaskan
dan sempurna.

Tandatangan:
Name: Mohamad Azrol Mohamad Dali
Jawatan: Timbalan Pengarah RURB/NCS
Tarikh: 25 November 2020

Date : 10th November 2020
Time : 9.30am – 11.30am
Panelist : En Ismawijaya Zah Mohamed Jais
Timbalan Pengarah, Jabatan Kawalan Bangunan DBKL
Moderator : Tn Hj Syamsul Arman Yap
MPC Associate, Architect/Healthcare Facilities Consultant

OVERVIEW

This webinar session discussed the roles of Department of Building Control or Jabatan Kawalan Bangunan (JKB) in Dewan Bandaraya Kuala Lumpur (DBKL), reference to regulations and issues at development stages, followed by a Q&A session. The scope of discussion is limited to development control in Kuala Lumpur only.

PRESENTATION SUMMARY

The presentation elaborated the roles of JKB as one of the departments under DBKL planning sector. The department's main responsibilities include processing of applications and issuance of approvals of building plans and building permits as well as providing technical comments; site monitoring from commencement of work until completion; and, enforcement of laws on offenses against the acts, among its other peripheral roles.

JKB performs the building control function in the Federal Territory of Kuala Lumpur (WPKL) through a delegation of powers by the Mayor of Kuala Lumpur under several acts and guidelines, some specific only to DBKL; Street, Drainage and Buildings Act 1974 [Act 133], and Local Government Act 1976 [Act 171] which are also adopted by other PBTs, in addition to Federal Capital Act 1960, Building By-Laws (WPKL) 1985 and other guidelines adopted by Federal Territory of Kuala Lumpur.

This webinar discussed in detail the building control processes in all four development stages with overviews on important subjects:

(i) planning and approval stage:

- legal requirement for Kelulusan Pelan Bangunan (KPB) and Kebenaran Mendirikan Bangunan (KMB);
- reducing unnecessary regulatory burdens with introduction of One Stop Centre (OSC), Commissioner of Building (COB), Certificate of Completion and Compliance (CCC);
- JKB's initiatives to adopt to OSC system

(ii) construction stage:

- legal working hours on construction site;
- importance of Borang B and RCDC;
- hoarding permit fee exemption;
- road hindrance and disturbance;
- requirement for project signboard and catch platform;

(iii) occupancy stage:

- CCC
- Borang F/F1 and Borang G1-G2

(iv) post-occupancy stage:

- inspections of building over 10 years with height above 5-storey;
- dilapidated buildings; and
- buildings in an endangering/threatening state
- audit access for accessibility requirements.

Further, the presentation elaborated on the legal offences under each development stage and their penalties subject to Street, Drainage and Building Act 1974 [Act 133], Building By-Laws (WPKL) 1985 and amendments in force. Every so often offences at the planning and approval stage are committed due to lack of knowledge on the requirements for submission, misinformation from contractors to owners, owners

seeking to complete projects in a haste or interested third parties taking advantage on owners.

JKB is entrusted to enforce the action against the offences which include compound fines, premise/site closure or building/structure demolition according to the act. Law enforcement, as well as cooperation from Principal Submitting Person (PSP) and other agencies e.g. CIDB and DOSH, is as crucial to combat issues with construction works that do not abide by the law.

QUESTIONS AND COMMENTS

Questions related to these topics were raised by the moderator and attendees:

(i) CCC:

- JKB DBKL are not committed to conducting final inspections for CCC, even with applications from PSP, as it is not in the provisions of the law for JKB to endorse for clearance before PSP can issue CCC. Temporary buildings on construction sites also do not require inspections by JKB. To facilitate the construction of temporary buildings in the future, JKB is planning to conduct an engagement session to provide a good practice guideline for applicants.
- The panelist also elaborated Subsection 70(23) Act 133 further: withholding of issuance of CCC by local authority is not the first action enforced in the events of construction non-compliance with the approved plans. JKB instead facilitate PSP to rectify/comply with the conditions and resubmit the plans for endorsement before issuing CCC. Withholding power is exercised only if the conditions are not complied with, and only until the non-compliance has been rectified.
- Borang F1 (Partial CCC) is valid under DBKL context, however, the jurisdiction over vacant possession falls under the purview of Ministry of Housing and Local Government (KPKT). Act 118 stipulated that Borang F1 cannot be accepted for vacant possession of residential buildings. It is iterated that Borang F1 works in a different mechanism from previous

Temporary Certificate of Fitness (TCF), however the perception that both the former and latter are similar still remains. Further elaboration on this issue may be directed to KPKT.

(ii) Early commencement of works prior to obtaining KMB and land matters approval:

- DBKL has taken an initiative with Jabatan Perancangan Infrastruktur (JPIF) to allow commencement of earthworks on site if approval for earthworks are in order. Applicants may submit Borang B earthworks to JPIF through OSC to begin earthworks while awaiting KMB. Building construction works may only commence once KMB is obtained. This goes the same for Borang B to commence building works after receiving KMB. On the other hand, renewal of KMB and building plans may be submitted directly to JKB.
- Another attendee queried the need for Development Order (DO) resubmission if the building façade and plan change yet gross floor area and building height remains the same. For cases like this, JKB will raise the matter to OSC meeting for Planning Department to comment whether a DO amendment is called for. For changes on quantity of temporary building on site, temporary building plans have to be resubmitted for permit issuance.

(iii) JKB's role in site monitoring:

- The panelist also explained in detail the role of DBKL in ensuring safety and cleanliness on areas surrounding construction sites during site monitoring. Frequent integrated site monitoring and cooperation with other technical agencies are crucial to ensure uniform enforcement. The idea of engaging professionals as a second eye to DBKL in site monitoring is welcomed, however, the cost that the municipality has to bear would have to go through the top management before one can be appointed.

(iv) JKB's initiative to raise awareness on permit requirement:

- Discussed in the presentation earlier were the lack of knowledge of some owners on the need for permits. As DBKL's initiative to raise awareness

among end-user/building owners on permit requirement, guidelines for building owners' reference are made available on the Department of Building Control websites. Before these guidelines are set out JKB conducted engagement sessions with building owners and relevant agencies.

(v) COVID-19 impacts on the workflow of JKB:

- When discussing the impact of COVID-19 on the workflow of JKB, the panelist shared that JKB's way of working has been adopted to comply with the standard operating procedures set for personnel on site, including JKB officers attending for inspection.

CONCLUSION

JKB plays an important role to regulate the construction processes throughout the development cycle. It is unequivocal that DBKL's initiatives to expedite the approval process is insofar commendable. The lively discussion in today's session suggests that certainly more can be done, especially to subjects of land matters and planning permissions in the future.

A recording of the discussion is available at:

https://www.facebook.com/watch/live/?v=377734763432347&ref=watch_permalink

Presentation slides can be accessed via: https://drive.google.com/file/d/1s6Tg-68PZKzZ3EVrhJhg2mmn_tmGf0nC/view?usp=sharing

Prepared by:

RURB-DCP Secretariat

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