

# SURVEYING CONSULTANCY SERVICES





# Introduction

This booklet is one of a series of 20 booklets prepared by MIDA for the purpose of providing investors with relevant information on establishing projects in the identified services sub-sectors in Malaysia. The complete list of booklets is as follows:

- Booklet 1:** General Policies, Facilities and Guidelines
- Booklet 2:** Regional Operations
- Booklet 3:** Research and Development (R&D) Services
- Booklet 4:** Logistics Services
- Booklet 5:** Specialised Technical Support Services
- Booklet 6:** Information and Communication Technology Services
- Booklet 7:** Environmental Management Services
- Booklet 8:** Distributive Trade Services
- Booklet 9:** Tourism and Travel Related Services
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- Booklet 11:** Legal Services
- Booklet 12:** Accounting, Auditing and Taxation Services
- Booklet 13:** Architectural Consultancy Services
- Booklet 14:** Surveying Consultancy Services
- Booklet 15:** Medical and Health Care Services
- Booklet 16:** Engineering and Energy Consultancy Services
- Booklet 17:** Management Consultancy Services
- Booklet 18:** Market Research Services
- Booklet 19:** Advertising Services
- Booklet 20:** Quick Reference

*The Ministry of International Trade & Industry (MITI) spearheads the development of industrial activities to further enhance Malaysia's economic growth. As an agency under MITI, the Malaysian Investment Development Authority (MIDA) is in charge of the promotion and coordination of industrial development in the country.*

*MIDA is the first point of contact for investors who intend to set up projects in manufacturing and services sector in Malaysia. With its headquarters in Malaysia's capital city of Kuala Lumpur, MIDA has established a global network of 20 overseas offices covering North America, Europe and the Asia Pacific to assist investors interested in establishing manufacturing projects and services activities in Malaysia. Within Malaysia, MIDA has 12 branch offices in the various states to facilitate investors in the implementation and operation of their projects.*

*If you wish to explore investment opportunities in Malaysia, please contact MIDA for more information as well as assistance in your decision-making (please see the last page of contact details of MIDA's headquarters and state and overseas offices).*

# SURVEYING CONSULTANCY SERVICES

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# SURVEYING CONSULTANCY SERVICES

Land and quantity surveying consultancy services (classified under code 74213 of the Malaysia Standard Industrial Classification) includes geological and prospecting activities utilising surface measurements and observation designed to yield information on subsurface structure and the location of petroleum, natural gas and mineral deposits and ground water. This may involve airborne geophysical surveys, hydrological surveys, etc. Also included are map-making and related land surveying activities.

However, it excludes test drilling and test hole boring in connection with petroleum and gas extraction which is classified in item 11200: Services activities incidental to crude oil and natural gas extraction excluding surveying.

The practice of the surveyor's profession involves a broad range of activities which may occur on, above or below the surface of the land or the sea and may be carried out in association with other professionals.

(i) Land Surveyors are involved in:

- Cadastral surveying for the delineation of property boundaries and the issuance and registration of title to land and building (property);
- Geodetic surveying for the provision of major control system for national and international mapping;
- Topographical surveying for the determination of the size, position, shape and contour of the earth for the planning and executing of development projects;
- Engineering surveying and setting-out for construction and facilities management;
- As-built and certification surveys;
- Aerial photography, photogrammetric mapping, digital orthophotography and remote sensing;
- Spatial, land and geoinformation sciences;
- Cartography and map production;
- Hydrographical surveying for coastal zone management, nautical charting and offshore development;
- Oceanographic observation/measurement; and
- Meteorological observation/measurement.

(ii) Quantity Surveyors are involved in:

- Preparing and submitting to any person, organisation or authority in Malaysia, for construction projects, any feasibility study reports, preliminary estimates, cost plans, documents and reports for pre-qualification of contractors, bills of quantities and other tender documents, tender estimates and reports, contract documents and valuation of works for interim payments, variation and final accounts; and
- Providing professional services such as project cost management, value management, risk management, facilities management, project management, construction management, construction claims management, dispute resolution services, technical and construction cost auditing and condition survey.

(iii) Property Consultants and Valuation Surveyors are involved in:

- The whole spectrum of property ownership, development, management, investment and final disposal;
- Ensuring that the built environment is well-managed and enhanced in value and utility for posterity;
- Helping to ensure that the allocation of real estate is maximised through the market mechanism acting as intermediaries; and
- Providing valuations of real estate for the financial institutions to ensure proper and adequate collateral are available and that the risks to lending are adequately covered.

(iv) Building Surveyors are involved in matters relating to building and property maintenance and development including:

- Refurbishment and restoration of old and dilapidated buildings;
- Maintenance and repair of buildings; and
- Building control, building laws and regulations.

## **1. LICENSING AND REGISTRATION**

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### **1.1 Registration with Companies Commission of Malaysia**

The setting up of a land and quantity surveying consultancy practice requires the intended professional to register with the Companies Commissions of Malaysia (CCM) under the Registration of Businesses Act, 1956 or incorporate a company under the Companies Act, 2016. A foreign company cannot carry on business in Malaysia unless it incorporates a local company, or registers a branch in Malaysia.

A 'Foreign Company' is defined under the Companies Act, 2016 as:

- a company, corporation, society, association or other body incorporated outside Malaysia, or
- an unincorporated society, association, or other body which under the law of its place of origin may sue or be sued, or hold property in the name of the secretary or other officer of the body or association duly appointed for that purpose and which does not have its head office or principal place of business in Malaysia.

## **1.2 Registration as a Land Surveyor with the Land Surveyors Board**

The Land Surveyors Board, Peninsular Malaysia is the body that regulates the practice of land surveying service in Peninsular Malaysia, while the practice of land surveying service in Sabah has to register with the Sabah Surveyors Board and the practice of land surveying service in Sarawak has to register with the Land Surveyors Board, Sarawak.

### **(a) Registration as a Land Surveyor with the Land Surveyors Board, Peninsular Malaysia**

Under the Licensed Land Surveyors Act, 1958 'licence to practise' means a licence to practise as a licensed land surveyor issued under section 10 and 'licensed land surveyor' means a person whose name has been placed upon the Register and to whom a licence to practise has been issued by the Board.

A licensed land surveyor who intends to go into private practice (sole proprietorship and partnership) in Peninsular Malaysia may apply for a 'licence to practise' from the Board if he or she fulfils the requirements outlined below:

- (i) Graduate in Land Surveying or Survey Science whose degree has been recognised by the Board and must be articulated for a minimum period of two (2) years as an articulated qualified person with a Licensed Land Surveyor who himself has been registered with the Board for a minimum period of five (5) years;
- (ii) The articulated qualified person must serve two (2) years full-time in office and field practice of which minimum of six (6) months on office work and minimum of six (6) months on field work in cadastral surveys;
- (iii) Pass the Board's examination Part I - Cadastral Practice;
- (iv) Submit Practical Task comprising:
  - Three (3) cadastral survey projects;
  - A topographical mapping survey project;
  - An engineering survey project;
  - A photogrammetric mapping or a hydrographic survey project; and
  - A subdivisional layout design project.
- (v) Submit particulars of all the Practical Task and office work carried out by the qualified person while under articleship;

- (vi) The articulated qualified person must pass the Cadastral Practice before he can submit his Practical Task plans and other evidence of his work for examination; and
- (vii) The articulated qualified person will be called for an Oral and Practical Examination. On passing his Oral and Practical Examination, the articulated qualified person will then appear for the 'Viva Voce' before the Land Surveyors Board, and then be placed on the Register as a Land Surveyor upon application.

After registration, the articulated qualified person who intends to go into private practice (sole proprietorship and partnership) in Peninsular Malaysia and Federal Territory Labuan may then apply for a 'licence to practise'. The licence to practise has to be renewed before 31 December of each year.

#### **(b) Registration as a Land Surveyor with the Sabah Surveyors Board**

Subject to the provisions of the Surveyors Ordinance, 1960 and Surveyors Regulations, 1989, a Land Surveyor can apply for registration and licence to practise in Sabah if he or she fulfils the requirements as follows:

- (i) Has attained the age of 21 years and is of good character;
- (ii) Shall normally be resident in Sabah for not less than six (6) months in a calendar year;
- (iii) Possesses a degree or certificate prescribed by the Board;
- (iv) Has passed the Board's examination relevant to the local Ordinance & Regulations and has obtained the certificate of competency issued by the Board after complying with the requirement for articleship under a Licensed Surveyor in Sabah; and
- (v) Has paid the fees for registration/licence as required.

The licence to practise in Sabah has to be renewed before 31 December of each year.

#### **(c) Registration as a Land Surveyor with the Land Surveyors Board, Sarawak**

Subject to the provisions of The Land Surveyors Ordinance, 2001 and The Land Surveyors (Registration, Licensing and Practice) Rules, 2003, a person can apply for registration as a Land Surveyor if the following requirements are fulfilled:

- (i) Is a Malaysian citizen who is permanently residing in Sarawak; and
- (ii) Has attained the age of 21 years;  
Provided that the Board may in its discretion grant to any person exemption from any of the requirements in paragraph (i) or (ii) on such terms and conditions as it deems fit.
- (iii) Possesses a degree or equivalent qualification in land surveying from a list of universities or educational institutions published in the Gazette by the Board; Or  
Has passed the examinations prescribed by the Board; Or  
Has passed the professional examination recognised by the Board as carrying exemption from the Board's examinations and has passed such further examination as the Board may prescribe;

- (iv) Has obtained a Certificate of Competency issued by the Board as provided for under rules made under Section 31;
- (v) Has duly paid the fees for registration as set out in the Second Schedule;
- (vi) Any person whose application complies with the requirements and qualifications for registration as stipulated in the Ordinance will be registered in the register of the land surveyors; and
- (vii) A person whose name appears in the register of the land surveyors can apply for a licence to practise as a licensed land surveyor in the form as prescribed by the Board.

The licence to practice as a licensed land surveyor expires on 31 December of the year and maybe renewed annually before 31 January of each year upon payment of the renewal fees as prescribed in the Second Schedule.

Please refer to Land Surveyors Board Malaysia website at [www.ljt.org.my](http://www.ljt.org.my) for latest information and updates.

### **1.3 Registration as a Quantity Surveyor with the Board of Quantity Surveyors Malaysia**

Under the Quantity Surveyors Act, (amended) 2015 1967 “Consulting Quantity Surveying Practice” means a sole proprietorship, partnership or body corporate incorporated under the Companies Act 2016 [Act 125], which is granted by the Board of Quantity Surveyors Malaysia a permit to practice as a Consulting Quantity Surveying Practice under Section 7A.

The Board of Quantity Surveyors Malaysia is the body that regulates the practice of quantity surveying consultancy in Malaysia. The functions of the Board shall be:

- (i) To keep and maintain a Register of Quantity Surveyors;
- (ii) To approve or reject applications for registration or permit to practise under this Act or to approve any such application subject to such conditions or restrictions as it may deem fit to impose;
- (iii) To order the issuance of a written warning or reprimand, the imposition of a fine, suspension, cancellation, removal or reinstatement in accordance with this Act;
- (iv) To fix from time to time with the approval of the Minister the scale of fees to be charged by Consulting Quantity Surveying Practice for professional advice or service rendered;
- (v) To hear and determine disputes relating to professional conduct or ethics of Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice or to appoint a committee or arbitrator or arbitrators to hear and determine such disputes;
- (vi) To act as a stakeholder in a contract for consulting quantity surveying services,;
- (vii) To determine and regulate the professional conduct and ethics of the Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor, Quantity Surveying Technologist or Consulting Quantity Surveying Practice;



- (viii) To hold or cause to be held professional development programmes for Consultant Quantity Surveyor, Professional Quantity Surveyor, Provisional Quantity Surveyor or Quantity Surveying Technologist to further enhance their knowledge in the latest developments relating to the profession;
  - (ix) To appoint a council comprising members of the Board, Consultant Quantity Surveyors or Professional Quantity Surveyors and other persons or institutions as may be determined by the Board to accredit qualifications and to conduct examination as it deems necessary;
  - (x) To nominate any person to represent it on any board, committee or body if requested by an institution, body or society relating to the profession;
  - (xi) To nominate any members of the Board to represent the Board on any board, committee or body in accordance with the relevant laws;
  - (xii) To provide scholarships and other facilities for the promotion of learning and education in connection with quantity surveying, where deemed necessary by the Board;
  - (xiii) To authorise any person to investigate the commission of any offence under this Act or any rules made under this Act; and
  - (xiv) Generally, to do all acts, matters and things as are necessary to carry out the provisions of this Act.
- (a) The requirements for individuals to register with Board of Quantity Surveyors Malaysia are as follows:

Category of Registration	Requirements
Quantity Surveying Technologist	<ul style="list-style-type: none"> <li>• Holds a qualification that is recognised by the Board (Section 10A(1) of the Act) as follows:               <ul style="list-style-type: none"> <li>(i) Non-Accredited QS Degree</li> <li>(ii) Cognate Degree (with QS)</li> <li>(iii) Recognised Diploma in QS with the following requirements:                   <ul style="list-style-type: none"> <li>(a) RISM Probationer Member</li> <li>(b) Working in related construction industries companies</li> <li>(c) Passed at least 3 papers in RISM Direct Final Exam consist of:                       <ul style="list-style-type: none"> <li>• Professional Practice</li> <li>• Measurement (2 papers)</li> <li>• has a permanent address in Malaysia</li> <li>• currently working in quantity surveying related field.</li> </ul> </li> </ul> </li> </ul> </li> </ul>

Category of Registration	Requirements
Provisional Quantity Surveyor	<ul style="list-style-type: none"> <li>• Holds a qualification recognised by the Board Of Quantity Surveyors Malaysia (Board) (Section 10(1) (a) of the Act)</li> <li>• Has a permanent address in Malaysia</li> <li>• Every application shall include a processing fee for the amount of RM50.00 and a registration fee for the amount of RM100.00 in money order/bank draft/cheque made payable to the Board. Payment can also be made online via internet banking.</li> </ul>
Provisional Quantity Surveyor	<ul style="list-style-type: none"> <li>• Must be a Provisional Quantity Surveyor (Section 10(2)(a) of the Act)</li> <li>• Has a permanent address in Malaysia</li> <li>• Be physically present in Malaysia for not less than 183 days in the 12 months period prior to the application</li> <li>• Has obtained the practical experience as may be prescribed by the Board (Section 10(2)(b) of the Act)</li> <li>• Has passed a test of professional competence or other professional assessment or examination conducted or sanctioned by the Board (Section 10(2) (c) of the Act)</li> <li>• Every application shall include a processing fee for the amount of RM100.00 and a registration fee for the amount of RM300.00 in money order/bank draft/cheque made payable to the Board. Payment can also be made online via internet banking.</li> </ul>
Consultant Quantity Surveyor	<ul style="list-style-type: none"> <li>• Must be a Professional Quantity Surveyor (Section 10(3)(a) of the Act)</li> <li>• Has a permanent address in Malaysia</li> <li>• Be physically present in Malaysia for not less than 183 days in the 12 months period prior to the application</li> <li>• Has obtained the practical experience as may be prescribed by the Board (Section 10(3)(c) of the Act)</li> <li>• Has passed a further test of professional competence or other professional assessment or examination conducted or sanctioned by the Board (Section 10(3)(d) of the Act)</li> <li>• Every application shall include a processing fee for the amount of RM100.00 and a registration fee for the amount of RM400.00 in money order/bank draft/cheque made payable to the Board. Payment can also be made online via internet banking.</li> </ul>

(b) The List of Accredited Qualifications approved by the Board can be obtained from the Board website at <http://bqsm.gov.my>. The list is to be read together with the Preambles to the list of accredited qualifications and the Guidelines for Advanced Entry into BQSM's Accredited Degree Programmes.

- (c) As the List of Recognised Qualifications is subject to review from time to time, the list current at the time of entry of the applicant into awarding institute of higher learning (IHL) will apply for the purpose of determining the status of the program for registration.
- (d) No person shall unless he is a Consultant Quantity Surveyor or Professional Quantity Surveyor
- (i) may practise or carry on business or take up employment as a Quantity Surveyor under any name, style or title containing the words `Quantity Surveyor`, `Building Economist`, `Building Cost Consultant`, `Project Cost Consultant` or the equivalent thereto in any other language or bearing any other word whatsoever in any language which may reasonably be construed to imply that the person is a Consultant Quantity Surveyor or Professional Quantity Surveyor;
  - (ii) may use or display any sign, board, card or other device representing or implying that the person is a Consultant Quantity Surveyor or Professional Quantity Surveyor;
- (e) A person is not allowed to practise as a consulting Quantity Surveyor, or to collect any fee, charge, remuneration or other form of consideration for any professional advice or services rendered, unless the person has obtained a permit to practise as a Consulting Quantity Surveying Practice approved by the Board under section 7A or 7B.
- (f) A firm or a body corporate may practise as a Consulting Quantity Surveying Practice and recover in any Court any fee, charge, remuneration or other form of consideration for any professional advice or services rendered by it pursuant to its practice as such, if it has the written approval of the Board, and has been issued with a valid permit as a Consultant Quantity Surveyor Practice.
- (g) The requirements for setting up a quantity surveyor practice in Malaysia are as follows:

<b>Type of Establishment</b>	<b>Requirements</b>
Sole Proprietorship	<ul style="list-style-type: none"> <li>• Being the sole principal of the firm, the proprietor must be a Consultant Quantity Surveyor.</li> <li>• Every application shall include a processing fee for the amount of RM100.00 and a registration fee for the amount of RM2,000.00 in money order/bank draft/</li> <li>• Cheque made payable to the Board. Payment can also be made online via internet banking.</li> </ul>
Partnership	<ul style="list-style-type: none"> <li>• Being the partner of the firm, the partner must be a Consultant Quantity Surveyor.</li> <li>• Every application shall include a processing fee for the amount of RM100.00 and a registration fee for the amount of RM2,000.00 in money order/bank draft/ cheque made payable to the Board. Payment can also be made online via internet banking.</li> </ul>

Type of Establishment	Requirements
Body Corporate	<ul style="list-style-type: none"> <li>• A board of directors where at least two-thirds of its members are Consultant Quantity Surveyors;</li> <li>• At least seventy percent of its share equity are held by Consultant Quantity Surveyors and the remaining share equity may be held by - <ul style="list-style-type: none"> <li>(i) any person;</li> <li>(ii) any body corporate; or</li> <li>(iii) any person and body corporate</li> </ul> </li> <li>• A Consultant Quantity Surveyor who is managing the day to day affairs of a body corporate registered as a Consulting Quantity Surveying Practice must possess the necessary expertise and shall be physically present in Malaysia for not less than one hundred and eighty three-days in any one calendar year.</li> <li>• A minimum paid-up capital of RM50,000.00</li> <li>• Every application shall include a processing fee for the amount of RM100.00 and a registration fee for the amount of RM2,000.00 in money order/bank draft/cheque made payable to the Board. Payment can also be made online via internet banking.</li> </ul>
Consortium/ Joint Ventures	<ul style="list-style-type: none"> <li>• All the members of the consortium or joint venture are Consulting Quantity Surveying Practices</li> <li>• Every application shall include a processing fee for the amount of RM100.00 and a registration fee for the amount of RM2,000.00 in money order/bank draft/cheque made payable to the Board. Payment can also be made online via internet banking.</li> </ul>
Multi-Disciplinary Body Corporate	<ul style="list-style-type: none"> <li>• Has a board of directors comprising of Consultant Quantity Surveyor, Professional Engineer with Practising Certificate or Architect. At least one director responsible for the provision of consulting quantity surveying services shall be a Consultant Quantity Surveyor under section 10(3) of the Act and to the satisfaction of the Board.</li> <li>• Total combined shares, held by the Consultant Quantity Surveyor, Professional Engineer with Practising Certificate, Architect, body corporate practising as a Consulting Quantity Surveying Practice, body corporate providing professional engineering services or body corporate providing architectural consultancy services, must be a minimum of 70% of overall equity of the body corporate (MDP), of which the Consultant Quantity Surveyor or the body corporate practising as Consulting Quantity Surveying Practice hold a minimum share of 10% [QS Act Section 7B(2)(b)(i)].</li> </ul>

Type of Establishment	Requirements
	<ul style="list-style-type: none"> <li>The balance maximum 30% of the overall equity can be held by any other persons, including persons belonging to a profession allied to quantity surveying, engineering or architectural [QS Act 7B(2)(b)(ii)], such as accountant, lawyer, valuer, land surveyor and any other profession approved by the Board.</li> <li>Minimum paid-up capital of the body corporate (MDP) as determined by the Minister shall be RM150,000.00. [QS Act Section 7B(2)(c)]</li> <li>Every application shall include a processing fee for the amount of RM100 and a registration fee for the amount of RM1,000 in money order/bank draft/ cheque made payable to the Board. Payment can also be made online via internet banking.</li> </ul>

- (h) The number of practices permitted by the Board to each Consultant Quantity Surveyor to practise shall be a maximum of two (2) practices, i.e. in a partnership and a body corporate; or a partnership and MDP; or a body corporate and a MDP. The Board may at its absolute discretion approve a Consultant Quantity Surveyor who is a partner in a partnership or a director in a body corporate to be a director in a MDP or vice-versa, provided always it is with the full knowledge and consent in writing of the other partner(s) or director(s) respectively.
- (i) Every 'Certificate of Registration' or 'Permit to Practise' issued by Board of Quantity Surveyors Malaysia expires on 31 December of each year and must be renewed before 31 January of the following year.

Please refer to Board of Quantity Surveyors Malaysia website at [www.bqsm.gov.my](http://www.bqsm.gov.my) for latest information and updates.

#### **1.4 Registration as Valuers, Appraisers and Estate Agents with the Board of Valuers, Appraisers and Estate Agents Malaysia**

The Board of Valuers, Appraisers and Estate Agents is the body that regulates the practice of valuers, appraisers and estate agent consultancy in Malaysia.

Under Section 23 of the Valuers, Appraisers and Estate Agents Act, 1981 no registered valuer, appraiser or estate agent shall practise valuation, appraisal or estate agency or has the right to recover in any court any fee, charge or remuneration for any professional advice or services rendered by him pursuant to his practice unless he practises as a sole proprietor of a sole proprietorship, a partner of a partnership, a shareholder or director of a body corporate registered with the Board, or as an employee of such sole proprietorship, partnership or body corporate.

The minimum practical training and experience required for a candidate to be registered as a valuer are:

- (i) He shall possess a degree that is recognised by the Board.
- (ii) He must possess two (2) years post-qualifying practical training and experience in
- (iii) Malaysia under a registered valuer.
- (iv) He has passed the Test of Professional Competence set by the Board.

The minimum practical training and experience required for a candidate to be registered as an estate agent are:

- (i) He shall possess a degree that is recognised by the Board.
- (ii) He has two (2) years post-qualifying practical training and experience in Malaysia under a registered estate agent in a registered estate agency firm.
- (iii) He has passed the Test of Professional Competence set by the Board.

The requirements for setting up a valuer, appraiser or estate agents practice in Malaysia are as follows:

Type of Establishment	Requirements
Sole Proprietorship	<ul style="list-style-type: none"> <li>• Being the sole principal of the firm, he/she must be a registered valuer or registered appraiser or registered estate agent.</li> <li>• Every application shall include the processing fee of RM325 to the Board.</li> </ul>
Partnership	<ul style="list-style-type: none"> <li>• All partners of the partnership are:               <ul style="list-style-type: none"> <li>(i) in the case of a valuation practice, solely registered valuers.</li> <li>(ii) in the case of an appraisal practice, solely registered appraisers.</li> <li>(iii) in the case of an estate agency practice, solely registered estate agents.</li> </ul> </li> <li>• The shares in the partnership are held:               <ul style="list-style-type: none"> <li>(i) in the case of the valuation practice, solely by registered valuers.</li> <li>(ii) in the case of an appraisal practice, solely by registered appraisers.</li> <li>(iii) in the case of an estate agency practice, solely by registered estate agents.</li> </ul> </li> </ul>

Type of Establishment	Requirements
	<ul style="list-style-type: none"> <li>• Satisfies all the conditions specified by the Board</li> <li>• In the case of a partnership, an application shall be accompanied by a copy of the partnership agreement.</li> <li>• Every application shall be accompanied by the processing fee of RM575 to the Board.</li> </ul>
Body Corporate	<ul style="list-style-type: none"> <li>• All directors and shareholders of the body corporate are:               <ul style="list-style-type: none"> <li>(i) in the case of a valuation practice, solely registered valuers.</li> <li>(ii) in the case of an appraisal practice, solely registered appraisers.</li> <li>(iii) in the case of an estate agency practice, solely registered estate agents.</li> </ul> </li> <li>• The shares in the body corporate are held:               <ul style="list-style-type: none"> <li>(i) in the case of the valuation practice, solely by registered valuers.</li> <li>(ii) in the case of an appraisal practice, solely by registered appraisers.</li> <li>(iii) in the case of an estate agency practice, solely by registered estate agents.</li> </ul> </li> <li>• Satisfies all the conditions specified by the Board</li> <li>• In the case of a body corporate incorporated under the Companies Act, 1965 an application shall be accompanied by a copy of the Memorandum and Articles of Association (M&amp;A).</li> <li>• Every application shall be accompanied by the processing fee of RM575 to the Board.</li> </ul>

A valuer, appraiser or estate agent must apply for an 'authority to practise' from the Board if he/she intends to go into private practice. The 'authority to practise' for Valuer, Appraiser and Estate Agent Consultancy Practice expires on 31 December of each year and is renewable before the 31 of December and has an extended period till 21 March of the following year.

A firm shall not be registered by a name that, in the opinion of the Board, is:

- (i) Undesirable.
- (ii) Likely to deceive or cause confusion to the public or would be contrary to law.
- (iii) Identical with a name belonging to a different registered firm and entered in the Register of Firms in respect of that firm.
- (iv) So nearly similar to a name belonging to a different registered firm as it is likely to deceive or cause confusion.

Please refer to Board Of Valuers, Appraisers and Estate Agents Malaysia website at [www.lppeh.gov.my](http://www.lppeh.gov.my) for latest information and updates.

## 1.5 Registration with Ministry of Finance (MOF)

Any consulting firm wishing to tender for Government contracts shall register with MOF using the codes specified by MOF.

Conditions that must be fulfilled for registration with MOF:

- (i) Firm with accumulated/paid-up capital as follows:
  - Sole proprietorship - minimum of RM50,000
  - Partnership - minimum of RM50,000
  - Sdn. Bhd. - minimum of RM50,000
- (ii) The firm needs to have a legitimate office address, either leased or own property.
- (iii) The business premise is not allowed to use the address of on-line office, P.O.Box, mailing box office services and other premises where the traceability and capacity of the firm is difficult to be determined.
- (iv) The firm must have at least three (3) staffs under permanent employment and contribute to the Employees Provident Fund (EPF) with the following composition:
  - a) one (1) professional staff with academic qualification of at least a degree in related field;
  - b) one (1) semi-professional with academic qualification of at least a diploma in related field; and
  - c) one (1) clerk.
- (iv) The owner of the firm must be appointed as a full-time Director, and can be appointed as the professional staff or the management, but is not allowed to be appointed as a worker in the firm.
- (v) The owner of the firm must have the necessary professional qualification in the field of expertise applied for in accordance with the provision of the laws and regulations and is required to submit relevant CV/work experience.
- (vi) The professional staff and the semi-professional staff are required to submit their first degree or diploma together with their relevant CV/work experience.
- (vii) All equity/share-holders must have at least five (5) years of working experience in the field of expertise applied for after obtaining their first degree.
- (viii) The field of expertise submitted for registration with MOF must be consistent with the practising licence issued by the respective Professional Boards.
- (ix) The consulting firm needs to have an active current account.
- (x) For professions whose ethics of service are governed by the Professional Boards, the equity/share-holders shall be registered with their respective Professional Boards. The field of expertise to be registered with MOF will be the expertise approved by the Professional Boards.



- (xi) For professions whose ethics of service are yet to be governed by the Professional Boards, the field of expertise to be registered with MOF will be based on the academic qualification and the working experiences of the owner.
- (xii) The consulting firm is required to submit its registration certificate with the Professional Board as compliance with the provisions of the Act of the Professional Board for purposes of carrying out consultancy services.
- (xiii) Land surveying firm must have a team of surveyors comprising surveyor, technician and draughtsman under permanent employment and contribute to EPF.

Application must be made only through [www.eperolehan.gov.my](http://www.eperolehan.gov.my)

Please refer to the above website for policy of registration, registration code and other relevant information.

## 1.6 Licence/Registration with PETRONAS

### General Requirements for Application of PETRONAS Licence/Registration

- (i) The company must be registered with CCM as a Private Limited Company (Sendirian Berhad) or Limited Company (Berhad)  
Or  
Be registered with the Registrar of Business as a Land Surveyor, Quantity Surveyor, Architect or other related professional bodies.
- (ii) The company must have a paid-up capital in the form of ordinary shares of not less than RM100,000 (for Licence) and RM10,000 (for Registration).
- (iii) The company must have a stable financial status i.e. shareholder's fund must be positive
- (iv) The company must meet Bumiputera participation requirement at the level of equity, Board of Directors, management and employment based on the Standardised Work and Equipment Categories (SWEC) applied, i.e. either 30%, 51% or 100%.

Note:

- (a) *Minimum percentage of Bumiputera participation varies and depends on the scope and mode of operation. The minimum percentage of Bumiputera participation for a particular SWEC can be found in the SWEC list in the PETRONAS website and it may change from time to time subject to the review by PETRONAS.*
- (b) *For company applying for renewal of licence/registration for SWEC that requires a minimum of 51% Bumiputera content and which has a Berhad Company as a shareholder, if the company does not fulfil the Bumiputera requirement stipulated in (iv), the company will be given flexibility as long as the shares of the Berhad Company is held at least 35% by Bumiputera and Bumiputera participation at the levels of Board of Director, Management and employment are not less than 51%.*
- (c) *If the SWEC applied for requires 100% Bumiputera participation, the 100% requirement is only for equity, while the minimum Bumiputera requirement for the other levels are as follows:*

- *Minimum 75% Bumiputera participation for Board of Director;*
  - *Minimum 75% Bumiputera participation for Management; and*
  - *Minimum 51% Bumiputera participation for company's employment.*
- (v) The company must be registered with the relevant statutory bodies, professional bodies or Government departments as stipulated in the SWEC appendix.
- (vi) In the case of an agent, the appointment letter as an exclusive agent must be issued directly from the foreign manufacturer/principal and addressed to the local agent. Appointment as agent must at least cover the oil and gas industry in Malaysia. An appointment from stockist, representatives from distributor and manufacturer or local principal is not accepted.

### **Licence/Registration for Foreign Companies**

Foreign companies may also participate in tenders and works in the upstream sector of the oil and gas industry in Malaysia, by

- (a) appointing a local company as an exclusive agent representing them. The appointed agent must apply for the PETRONAS licence and must comply with the general requirements for PETRONAS Licencing / Registration; or
- (b) forming a new joint-venture (JV) company with a local company. The JV company may submit its licence application to PETRONAS and must comply with the general requirements for PETRONAS Licencing / Registration.

Applicants are advised to refer to the PETRONAS website at [www.petronas.com.my](http://www.petronas.com.my) to access the SWEC list, the minimum technical requirements for the related SWEC and the mode of operations offered for each scope.

All types of applications for PETRONAS licence/registration must be made through online systems known as 'Supplier Relationship Management' (SRM), 'Registration of Supplier (ROS)' or 'Supplier Self Service (SUS)'.

### **1.7 Business Licence**

Companies intending to set up an office are required to obtain a business premise/signboard licence from the respective local authorities, depending on the nature of the business activity.

There are 155 local authorities in Malaysia which are responsible for approving business premise and signboard licences. The requirements for obtaining a business premise/signboard licence may vary according to the conditions requirements set by each local authority.

Applicants are advised to contact the relevant local authority (based on the location of the business premises) regarding the specific rules and regulations pertaining to business premise/signboard registration. The fees may vary according to each of the local authorities.

Contact details for local authorities are available in the Quick Reference Booklet in this series.

## 2. EQUITY POLICY

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To increase local participation in business, the Government encourages joint-ventures between Malaysian and foreign investors.

Companies intending to provide surveying consultancy services to PETRONAS must comply with the stipulated Bumiputera equity requirements [refer to 1.6].

The Government had announced that surveying services would be liberalised and the Quantity Surveyors Act, 1967 is being amended to allow foreign professionals to own and set up surveying firms in Malaysia. Please refer to MITI website [www.miti.gov.my](http://www.miti.gov.my) for information on liberalisation.

### 2.1 Multi-Disciplinary Practice

Under the Quantity Surveyors Act, 1967, 7B subsection (2), 'the body corporate that applies for approval to practise under subsection (1) Quantity Surveyors Act, 1967 must be incorporated under the Companies Act, 1965 and

- (a) has a board of directors comprising registered Quantity Surveyors, Professional Engineers and/or Professional Architects.
- (b) has shares held by the persons mentioned in paragraph (a) and any of the following persons and/or bodies corporate where:
  - (i) the registered Quantity Surveyors, Professional Engineers, Professional Architects, bodies corporate practising as consulting Quantity Surveyors bodies corporate providing professional engineering services and/or bodies corporate providing architectural consultancy services hold a minimum combined share of 70% of the overall equity of that body corporate, of which the Professional Surveyor and/or bodies corporate providing professional Surveying services hold a minimum share of 10%; and
  - (ii) any other persons, including persons belonging to a profession allied to engineering, architecture or quantity surveying, being a professional approved in writing by the board regulating the profession of engineering, architecture or quantity surveying, respectively, hold a maximum share of 30%, of the overall equity of the body corporate; and
- (c) has a minimum paid-up capital which shall be an amount to be determined by the Minister.

Please refer to Board of Quantity Surveyors Malaysia website at [www.bqsm.gov.my](http://www.bqsm.gov.my) for latest information and updates.

### 3. SPECIFIC IMMIGRATION PROCEDURES

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#### 3.1 Employment of Foreign Quantity Surveyors

Under section 10A (1) of the Quantity Surveyors Act, 1967 a foreign Quantity Surveyor may apply to the Board to be registered as a temporary registered Quantity Surveyor in such manner as may be prescribed by the Board.

Under section 10A (6) of the Quantity Surveyors Act, 1967 a foreign Quantity Surveyor means a Quantity Surveyor who is not a citizen or a permanent resident of Malaysia. A foreign Quantity Surveyor who wishes to work in Malaysia needs to obtain a letter of support from the Board of Quantity Surveyors Malaysia before submitting an application for Employment Pass to the Immigration Department.

The requirements for obtaining temporary registration are as follows:

Items	Requirements
Academic qualification	Has the qualification that is recognised by the Board
Working experience	Has the necessary expertise in Malaysia
Physical presence in Malaysia	At least 180 days a year
Employment	Must work in Malaysia

Before applying for the Employment Pass, the company or organisation must apply for approval of the related post from the Expatriate Committee of the Immigration Department.

Upon approval of the expatriate posts, companies should forward their applications for Employment Passes to the Immigration Department for endorsement. The spouse and children of the expatriate can apply for Dependant Passes once the expatriate has been issued with the Employment Pass. The Dependant Pass may be applied together with the application, for the Employment Pass or after the Employment Pass is approved. The spouse and children of the expatriate who enter the country on a visit (temporary employment or professional) will be issued a visit (social) pass.



**Malaysian Investment Development Authority**

MIDA Sentral, No.5, Jalan Stesen Sentral 5, Kuala Lumpur Sentral, 50470 Kuala Lumpur, Malaysia

Tel: (603) 2267 3633 Fax: (603) 2274 7970 Website: [www.mida.gov.my](http://www.mida.gov.my)

E-mail: [investmalaysia@mida.gov.my](mailto:investmalaysia@mida.gov.my)

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