



ADVISORY NOTE TO MEMBERS OF ACEM

GAZETTED ORDERS OF PEMBANGUNAN SUMBER MANUSIA BERHAD (AMENDMENT OF FIRST SCHEDULE) ORDER 2021

UPDATE 04 June 2021

- 1) This Advisory Note to ACEM Members is in relation to the above Order.
- 2) ACEM requested for a meeting with the YB Menteri Sumber Manusia to reaffirm that the Engineering Consulting industry is exempted from registering with PMSB as per letter (91)PMSB/1/2/44 Klt.3 dated 30 September 2005. ACEM has not received any notification that this exemption has been rescinded.
- 3) The office of the Minister advised ACEM to meet the CEO of PMSB and that was to be on 31 May 2021. However due to unavoidable circumstance, this was then delegated to the COO of PMSB and the meeting was held on 2 June 2021.
- 4) At the meeting:
 - a. ACEM stressed that the exemption is still valid since there was no notification that this exemption has been rescinded.
 - b. That this exemption was the outcome of high-level discussions involving the Minister of Finance II, the Minister of Human Resource, the Minister of Works and the Minister of International Trade and Industry. Their decision considered justifications forwarded by the industry.
 - c. ACEM also pointed out that the exclusion of Engineering Consultant under the Schedule of Exemption of Levy in the Pembangunan Sumber Manusia Berhad (Exemption of Levy) Order 2021 indicates that the exemption is still valid.
 - d. In response, PMSB stated that a series of new Orders issued on the widening of the scope of industries required to be registered with PMSB now includes Engineering Consultancy services. PMSB will share the relevant document with ACEM.
 - e. ACEM noted that there are differences of interpretations and opinions on matters raised.
 - f. ACEM informed the meeting that this issue will be brought up to the YB Senior Minister of Works as well as the President of the Board of Engineers.
 - g. ACEM also re-emphasised that the exemption is still valid and therefore has advised its members that in the meantime, to defer registration with PMSB.



5) Next Steps:

- a. ACEM will study the documents to be provided by PMSB.
- b. ACEM will request for a meeting and raise this matter with the Senior Minister of Works and the President of the Board of Engineers.
- c. ACEM will also seek legal opinion on this matter.
- d. ACEM is not aware of any Regulatory Impact Assessment (RIA) performed prior to the introduction of this regulation and will therefore seek clarification from the relevant authority.

Thank you.

Datuk Ir Mohd Adnan bin Mohd Nor
PRESIDENT

04 June 2021