

professional engineers board singapore

**SUMMARY OF COMMENTS OF
PUBLIC CONSULTATION ON
PROPOSED AMENDMENTS TO THE
PROFESSIONAL ENGINEERS ACT**

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CONTENTS

1 INTRODUCTION	2
2 SUMMARY OF COMMENTS	2
• Enhance PEB's role as a regulator of and advocate for the profession	
• Address feedback, needs, and development of the industry	
• Clarify and update existing provisions in the PE Act	
3 OTHER COMMENTS	8
4 CONCLUSION	8

SUMMARY OF COMMENTS OF PUBLIC CONSULTATION ON PROPOSED AMENDMENTS TO THE PROFESSIONAL ENGINEERS ACT

INTRODUCTION

1 In June 2017, PEB carried out a public consultation exercise to invite feedback on 16 key proposed amendments to the PE Act. The proposed amendments aim to:

- enhance PEB's role as a regulator of and advocate for the profession;
- address feedback from, needs of, and development of the industry; and
- clarify and update existing provisions in the PE Act.

2 The consultation closed on 10 Jul 2017, and respondents generally supported most of the amendments.

SUMMARY OF COMMENTS

3 20 submissions from industry associations, universities, Government agencies, Professional Engineers (PEs), and members of the public were received. The key feedback received are summarised in the following paragraphs.

(i) Enhance PEB's Role as Regulator and Advocate

Amendment to Section 6(e): Include promotion of the development of professional engineering

4 The proposed amendment to section 6(e) will expand the functions of PEB to include the promotion of the "development of professional engineering". This will allow PEB to be involved in additional activities such as conducting courses, giving out awards, and sponsoring events.

5 A respondent commented that such promotion should apply only to prescribed branches of engineering, while another commented that it should apply to all branches of engineering. Another feedback suggested that PEB confine itself to aspects related to professional engineers and avoid duplicating the efforts of Institute of Engineers Singapore (IES).

6 PEB registers PEs in prescribed branches of engineering, in support of agencies who require registered PEs in these branches to be engaged in work under their purview. For this reason, PEB's regulatory powers are limited to the prescribed branches. PEB's outreach and promotional efforts are also focused on these branches. On the feedback relating to IES, PEB has already been collaborating with IES and will continue to consult and work with them to avoid duplication of efforts.

New Subsection 8(1)(e): Register for persons authorised by PEB to work in collaboration with local PEs

7 The proposed new subsection 8(1)(e) will provide for PEB to keep and maintain a register of persons who have been authorised by the PEB to work in collaboration with local PEs. The proposed register will include the list of Registered Foreign Professional Engineers (RFPEs) that PEB authorises as part of the ASEAN Mutual Recognition Arrangement on Engineering Services, as well as any similar arrangements in future.

8 One respondent highlighted that local PEs should not be reduced to "endorsement PEs" in such collaborative arrangements. Another suggested that an amendment be made to section 6(a) of Act to include mention of this register for completeness.

9 PEB concurs with the feedback that local PEs should not be reduced to an endorsement role in the collaborative arrangement with RFPEs. In this regard, PEs are reminded that the PE (Code of Professional Conduct and Ethics) Rules stipulate that a PE "shall not, for the purpose of obtaining any permit, licence or approval of any public

authority, sign any plans or calculations which neither he nor any member of his staff under his supervision verified, checked or prepared". Separately, the necessary administrative amendments pertaining to this new register, such as including a reference at section 6(a), will be put in place.

Amendment to Section 26A(2): Provide discretionary power

10 Currently, under section 26A, PEB may revoke the licence of, or impose a fine of up to \$20,000 on a licensed professional engineering practice, if the licensee contravenes certain requirements of the PE Act. It is proposed that subsection 26A(2) be amended to give PEB the power and discretion to censure (e.g. issuing a warning letter) licensees, in cases where the offence is less serious. This additional option would allow PEB to better calibrate its actions according to the severity of the contravention.

11 A respondent asked if there would be guidance on the level of penalty in relation to the level of contravention. PEB notes that the situations that warrant a revocation of licence are already specified in section 26A(1). For less serious offences, the issuance of fines and/or censures will be guided by precedent cases.

(ii) Address Feedback, Needs and Development of the Industry

New Subsection 10(7): Allow builders to employ PEs to undertake certain prescribed works necessary for the builders' projects

12 PEB proposed a new subsection 10(7) to enable a builder to employ PEs for certain prescribed works necessary for the progress of the builders' projects (e.g. temporary works), without the need for the builder to be a licensed professional engineering practice. The proposed amendment would raise the professionalism and standing of our builders by encouraging them to employ PEs to assist them.

13 One respondent suggested that the builder's PE be required by law to see through the design and construction stages of the temporary works. Another

respondent asked if it would be useful to clarify whether the term “employ” refers to part- or full-time employment.

14 In general, the responsibility of the builder’s PE is different from that of the PE appointed as the project’s Qualified Person under the Building Control Act. The builder’s PE’s period of responsibility for temporary works may be shorter than the project duration. In addition to the period of responsibility, the scope of responsibility of the PE may also need to be stipulated. PEB is of the view that these should be specified in the subsidiary legislation of the relevant agencies and not in the PE Act. Separately, there is no need to further clarify the term “employ”, because it has always been used in the Act to refer to either full- or part-time employment.

Amendment to Section 15(2): Delink obtaining of qualifications and taking of prescribed examinations

15 The proposed amendment in section 15(2) to delink the obtaining of qualifications and the taking of the prescribed examinations will give PEB the flexibility to allow, for example, engineering undergraduates to sit for the Fundamentals of Engineering Examination (FEE) after they have completed the 3rd year of their studies. In addition, the Board proposes to amend section 15(2)(a) of the Act in respect of practical experience so that the duration and the nature of such experience can be prescribed in detail in the Rules.

16 One respondent suggested that the FEE be taken after at least 2 years of working experience to ensure that the engineers continue to be familiar with basic engineering principles.

17 Applicants for PE registration are required to go through 2 professional registration examinations (in addition to an interview) – the Fundamentals of Engineering Examination (FEE) and the Practice of Professional Engineering Examination (PPE). The purpose of the amendment is to allow PE applicants to take the FEE exam before they start work. The standard of the FEE will be maintained and

continue to be pegged to that of a full 4-year engineering program. The current prerequisites for candidates applying to sit for the PPE, which includes having 2.5 years of relevant work experience, will remain. PEB thus assessed there to be no need to impose a 2-year work experience requirement for the FEE.

(iii) Clarify Existing Provisions

Amendment to Section 10: Provide clarification that particular requirements apply only to prescribed branches of Engineering

18 PEB proposed the amendment to clarify that the requirements in section 10 (which deals with illegal practice) apply only to prescribed branches of engineering (currently chemical, civil, mechanical and electrical engineering). In addition, it is proposed that section 10(5) be amended to clarify the categories of persons permitted to supply and/or offer to supply professional engineering services.

19 One respondent suggested that all engineers (not just those in the prescribed branches) performing engineering work should be required to be registered. This would enhance the status and quality of the engineering profession in Singapore. The respondent suggested that the registration system could be two-tiered, with engineers in the prescribed branches of engineering being required to fulfil more stringent requirements. Another respondent commented that it would be useful to clarify the difference between “the supply of” and “the offer to supply” professional engineering services in section 10(5).

20 To clarify, PEB registers PEs in prescribed branches in support of agencies who require registered PEs in these branches to be engaged in work under their purview. The development, registration, and regulation of the PE profession is therefore limited to these branches. PEB had earlier considered and consulted on a two-tiered registration framework. However, after considering the feedback received, PEB decided not to do so.

21 The proposed amendments to section 10(5) will address the feedback to clarify the difference between the terms “the supply of” and “the offer to supply”, defining who can “supply” professional engineering services, and who can “offer to supply” professional engineering services.

OTHER COMMENTS

22 One respondent commented that PEs should upgrade themselves in areas related to management, communication and finance, so as to be able to take on the challenges of the digital economy. The respondent also felt that the PE Act should provide guidelines in certain key areas such as preventive maintenance and design against terrorist attacks.

23 PEB fully agrees that PEs should continually upgrade themselves. PEB will continue to work with other professional bodies and associations, such as IES, ACES, and the universities to encourage and provide opportunities for PEs to develop their skills and competence. On the suggestion relating to guidelines, PEB’s view is that the development of such guidelines should be led by the relevant agencies, and where helpful, in consultation with the professional engineering community.

CONCLUSION

24 PEB would like to express its appreciation to all who have taken the time and effort to submit their comments. Overall, the respondents were supportive of the proposed changes, and these will be tabled in Parliament.