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Construction & Projects

# Prakas on Danger Levels, Risk Avoidance Measures, and Dangerous Construction Management Procedures

On 1 February 2022, the Ministry of Land Management, Urban Planning and Construction ("MLMUPC") issued Prakas No. 047 on the Danger Levels, Risk Avoidance Measures, and Dangerous Construction Management Procedures ("**Prakas 047**") which aims to ensure public health and safety, to avoid risk, and to promote accountability of building owners, building managers and building users as well as to promote efficient management of construction by competent authorities.

Prakas 047 is applicable to all types of construction unless otherwise provided for in separate legal instruments. Competent authorities under Prakas 047 shall refer to the Minister of MLMUPC and Governors of capital city, provincial, municipal, district, and khan administration.

In this Update, we highlight three key features of the Prakas as below.

## 1. Danger Levels

The levels of danger of a building are classified into two types: immediate danger and non-immediate danger. Such classification shall follow the regulations governing technical building standards and other MLMUPC guidelines.

In case of a report concerning dangerous buildings, competent authorities shall arrange for a construction inspector to inspect the quality and safety of the said buildings. Inspections can only be carried out after obtaining the building owner's consent. The inspection hours for areas accessible to the public shall be within their operating hours, and for private areas shall be between 6am to 6pm.

## 2. Risk Avoidance Measures

### *In the case of Immediate Danger*

Competent authorities may carry out the following activities to avoid the risk of immediate danger:

- Evacuate people from dangerous building;
- Identify surrounding buildings that may be affected and evacuate people, as necessary;
- Close off the area to unauthorised personnel and prevent entry and usage of the area;

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- Demolish parts of the buildings that are deemed dangerous;
- Identify the safety zone; and
- Post public notice of measures for avoidance of risk at the site.

### ***In case of Non-immediate Danger***

Competent authorities may order the building owners, building managers and/or building tenants to take the following actions at their own expense:

- Repair, modify or demolish the building or parts of the building;
- Consult with inspectors and certifiers for risk avoidance measures and undertake the given technical advice;
- Enforce the technical recommendations of the inspectors and certifiers;
- Adopt measures to ensure the safety, health, and property of customers, users and neighbours; and
- Post public notice of measures for avoidance of risk at the site.

### **3. Dangerous Construction Management Procedures**

Competent authorities are required to have their own list of dangerous construction for buildings in which they have authority to issue the relevant construction permit. The list shall specify:

- The location of the building;
- Type of construction;
- Purpose of the building;
- Identity of the building owner and building manager;
- The danger level classification; and
- Risk avoidance measures.

Owners and/or managers of buildings that are listed as dangerous construction shall cooperate with the officials of competent authorities to monitor, follow up and take appropriate risk avoidance measures, and shall report any change to the condition of the buildings to the competent authorities.

If you have any queries on the above, please feel free to contact our team members below who will be happy to assist.

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