



Royal Government of Cambodia

National Committee for Sub-National Democratic Development

**Selected Legal Instruments
of
Sub-National Democratic
Development Reform**

Selected Legal Instruments of Sub-National Democratic Development



NCDD-S

December 2013

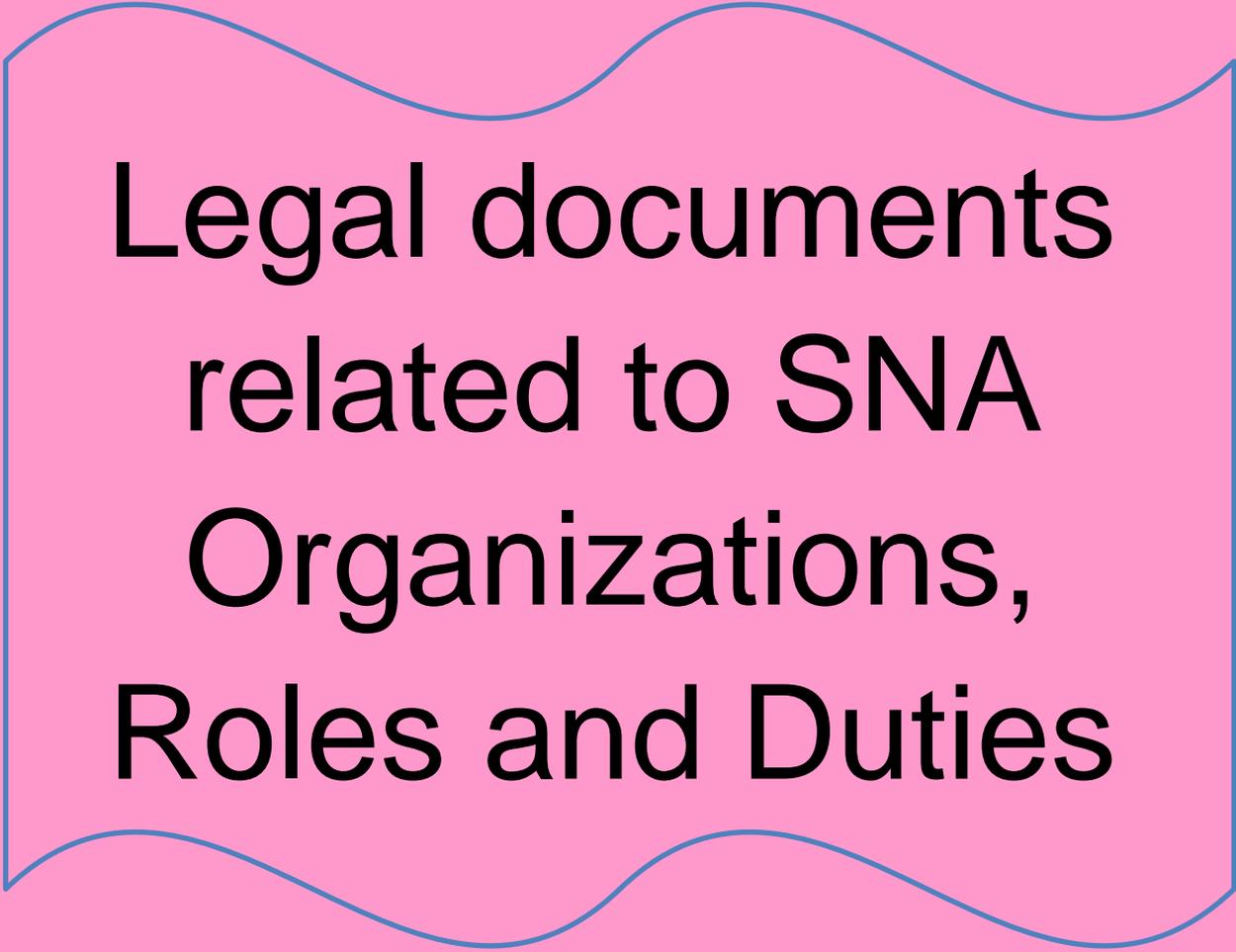
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“Strengthening Performance, Accountability and Civic Engagement”



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**Legal documents
related to SNA
Organizations,
Roles and Duties**

Table of Contents:

I. Legal documents related to SNA Organizations, Roles and Duties

1. **Sub Decree No. 497 ANK/BK** dated 06 Novmeber 2013 on Delegation of Power to Sub National Administration to Appoint, Move and Terminate Civil Servants Working at Sub-National Level
2. **Sub Decree No. 214 ANK/BK** dated 14 December 2009 on Determination of the Remuneration for the Capital, Provincial, Municipal, District and Khan Councilors
3. **Sub Decree No. 215 ANK/BK** dated 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital
4. **Sub Decree No. 216 ANK/BK** dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors
5. **Sub Decree No. 217 ANK/BK** dated 14 December 2009 on Establishment, Organization and Functioning of the Technical Facilitation Committee of the Phnom Penh Capital Council and the Technical Facilitation Committee of the Khan Council of the Phnom Penh Capital
6. **Sub Decree No. 218 ANK/BK** dated 14 December 2009 on Establishment, Organization and Functioning of the Technical Facilitation Committee of the Provincial Council, the Technical Facilitation Committee of the Municipal Council and the Technical Committee of the District Council
7. **Sub Decree No. 219 ANK/BK** dated 14 December 2009 on The Development Plan and Three-Year Rolling Investment Program of the Capital, Provinces, Municipalities, District and Khans
8. **Inter-Ministerial Prakas No. 2417 BrK** dated 23 December 2010 on Development Plan and 3 Years Rolling Investment Program of Capital Province Municipality District Khan
9. **Prakas No. 4273 BrK** dated 30 December 2009 on The Establishment of Offices under Divisions of Phnom Penh Capital Hall, Establishment of Offices under Sala Khan; and the Determination of Roles, Duties and Working Procedures of these Offices

10. **Prakas No. 4274 BrK** dated 30 December 2009 on The Establishment of Offices under Divisions of Sala Khet, Establishment of Offices under Sala Krong and Establishment of Offices under Sala Srok; and the Determination of Roles, Duties and Working Procedures of these Offices
11. **Prakas No. 4275 BrK** dated 30 December 2009 on The Establishment and Functioning of the Women's and Children's Consultative Committees at Capital Council, Provincial Councils, Municipal Councils, District Councils and Khan Councils

II. Legal documents related to Finance

12. **Law No. NS/RKM/0611/011** dated 17 June 2011 on Financial Regime and Assets Management of Sub National Administration
13. **Sub Decree No. 172 ANK/BK** dated 09 October 2012 on District/Municipality Administration Financial Management System
14. **Sub Decree No. 36 ANK/BK** dated 07 March 2012 on Establishment and Functioning of Municipality/District Fund
15. **Inter-Ministerial Prakas No. 324 SHB PK** dated 01 April 2013 on Procedure of the Establishment, Organizing and Function of Procurement Committee and Procurement Unit of Capital, Provincial, District, Khan Administrations
16. **Instruction No. 034 SNN** dated 06 September 2013 on the Establishment of Procurement Committee and Procurement Unit of Capital, Provincial, District, Khan Administrations
17. **Prakas No. 2809 PK** dated 09 July 2013 on Delegation Powers to Provincial Governor for verification of District/ Municipal Fund Transfer Proposal

III. Legal documents related to Function

18. **Sub Decree No. 68 ANK.BK** dated 21 Feb 2013 on Administration Service at Sub National Administration
19. **Sub Decree No. 68 ANK/BK** dated 10 May 2012 on General Process of Transfer of Functions and Resources to the Sub-National Administrations

Sub Decree No. 497 ANK/BK

dated 06 November 2013

On

**Delegation of Power to Sub National
Administration to Appoint, Move and
Terminate Civil Servants Working at
Sub-National Level**



(Unofficial translation)

**Kingdom of Cambodia
Nation Religion King**

The Royal Government of Cambodia

No: 497.ANKr.BK

Sub-Decree

on

Delegation of Power to Sub-National Administration to Appoint, Move and Terminate Civil Servants Working at Sub-National Level

The Royal Government

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0913/903 dated Sept 24, 2013 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94 dated July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0613/012 dated June 20 2013 promulgating the Law on the Amended Article 28 of the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. 06/NS/94 dated Sep 30, 1994 promulgating the Law on Common Statute of Civil Servants of the Kingdom of Cambodia;
- Having seen Royal Kram No. NS/RKM/0508/017 dated May 24, 2008 promulgating the Law on Administrative Management to Capital, Province, Municipality, District, Khan;
- Having seen Royal Decree No. CS/RKT/1297/273 dated Dec 01, 1997 on the Common Principles for Organizing Public Functions of the State;
- Having seen Royal Decree No. NS/RKT/1208/1429 dated Dec 31, 2008 on the Establishment of the National Committee for Sub-National Democratic Development;

- Having seen Sub-Decree No. 215 ANKr.BK dated Dec 14, 2009 on the Roles, Responsibilities and Working Relation of Phnom Penh Capital Council - Board of Governors and Phnom Penh Capital's Khan Council - Board of Governors;
- Having seen Sub-decree No. 216 ANKr.BK dated Dec 14, 2009 on Roles, Responsibilities and Working Relation of Provincial Council-Board of Governors and Municipal Council-Board of Governors and District Council-Board of Governors;
- At the request of the Chair of the National Committee for Sub-National Democratic Development.

Hereby Decides:

**Chapter 1
General Provisions**

Article 1:

This Sub-decree is aimed at promoting accountability of civil servants of Ministries/ Institutions working at sub-national levels with Sub-National Administration.

Article 2:

The goal of this Sub-decree is to delegate power to Sub-National Administration to appoint, move and terminate civil servants working at sub-national levels.

Article 3:

This Sub-decree covers civil servants governed by the Law on Common Statute of Civil Servants of the Kingdom of Cambodia who are working at the sub-national levels including civil servants working at Capital, Provincial, Municipal, District, Khan and civil servants working at sub-national departments/entities of ministries/institutions , except civil servants of custom agencies, treasury, public enterprises and public institutions.

**Chapter 2
Principles**

Article 4:

The execution of power delegated to each Sub-National Administration to appoint, move and terminate civil servants working at sub-national levels in line with this Sub-decree shall be based on the principles of efficiency, consultation, transparency, accountability, equity and impartiality of civil servants in accordance with the Law on Common Statute of Civil Servants of the Kingdom of Cambodia.

Article 5:

Appointment, movement and termination of civil servants working at sub-national levels shall be based on procedures, criteria and propensity set forth in relevant applicable law, royal decree, sub-decree and regulations and provisions of this Sub-decree.

Article 6:

Every meeting of Board of Governors and of Council to discuss and/or approve the request for appointment, movement and termination of civil servants according to Sub-decree shall be done in a confidential manner.

Council shall approve the request for appointment, movement and termination of civil servant in any position through secret voting.

Every minute of such confidential meeting shall not be made public. Council can allow main content of the meeting to be quoted for public dissemination but shall not compromise private information, honor and dignity of the concerned individual.

Council, staff members of Council and relevant officials shall file documentation related to private information, honor and dignity of individuals requesting for appointment or movement or termination as confidential documentation and shall not make such information public.

Chapter 3 Power and Procedures for Appointing, Moving and Terminating Civil Servants

Part 1 Civil Servants Working in Capital, Provincial, Municipal, District, Khan

Article 7:

Capital/Provincial Governor is delegated power to issue Deika to appoint, move and terminate civil servants in the positions lower than the Director of Administration of Capital/Provincial.

Capital/Provincial Governor with approval from his/her respective Board of Governors shall propose the appointment, movement or termination of civil servants in the positions as stated in the first paragraph of this Article to get approval from the respective Council. Upon receiving approval from the Council, the Capital/Provincial Governor shall issue Deika to appoint, move or terminate civil servants in the positions mentioned above.

Candidates for proposed appointment shall be selected from civil servants under Ministry of Interior, who are working in the jurisdiction of the respective Capital/Provincial Council, based on criteria and propensity as identified in the Particular Statute of Civil Servants. In the case that such candidates cannot be

selected, Capital/Provincial Governor with approval from his/her respective Board of Governors and Council shall request for advice from Minister of Interior to transfer officials from Ministry of Interior or other Capital/Provincial or from other ministries/institutions following applicable procedures.

In the case of movement or termination of civil servants in the positions stated in the first paragraph of this Article is required, Capital/Provincial Governor shall call for a meeting to reach consensus within its Board of Governors on specific reasons for the requested movement or termination to get approval from his/her respective Council before issuing Deika on the movement or termination of civil servants in this position.

Article 8:

Capital/Provincial Governor is delegated power to issue Deika to appoint, move and terminate civil servant in the position of Director of Finance Division of the Capital/Provincial.

Capital/Provincial Governor with approval from his/her Board of Governors shall propose appointment, movement or termination of civil servant in this position for review and approval by the Council.

Upon receiving approval from his/her Council, Capital/Provincial Governor shall submit the request to Minister of Interior for review and consulting with Minister of Economy and Finance to approve the request.

Based on the approval above, Capital/Provincial Governor shall issue Deika to appoint, move or terminate civil servant in this position. In the case that there is no approval, Minister of Interior shall notify the Capital/Provincial Governor the justification of such non-approval and/or request the Capital/Provincial Governor to propose new candidate for appointing as civil servant in this position following the procedures set forth in the above paragraphs of this Article.

In the case that movement or termination of civil servant in the position stated in the first paragraph of this Article is required, the Capital/Provincial Governor shall call for a meeting to reach consensus within the Board of Governors on the justification for such movements or termination in order to request for approval from his/her respective Council before submitting the request to Minister of Interior to review and consulting with Minister of Economy and Finance. If necessary, Minister of Interior can order an investigation into the justification of such movement or termination. If the investigation finds that the request is not justifiable, Minister of Interior shall issue a letter to inform the Capital/Provincial Governor that support is not given to the request for movement or termination of this civil servant.

Article 9:

Capital/Provincial Governor is delegated power to issue Deika to appoint, move and terminate civil servants in the positions lower than the Administration Director of Municipal/District/Khan.

Municipal/District/Khan Governor with approval from his/her respective Board of Governors shall propose the appointment, movement, or termination of civil servants

in the positions as stated above to his/her respective Council for review and approval before proposing to the respective Capital/Province Governor.

Candidates for the proposed appointment shall be selected from civil servants under the Ministry of Interior, who are working in the jurisdiction of the respective Municipal/District/Khan Council, based on criteria and propensity as identified in the Particular Statute of Civil Servants. In the case that the Municipality/District/Khan administration does not have candidates with appropriate criteria and propensity for such appointments, Municipal/District/Khan Governor, with approval from his/her respective Board of Governors and Council, shall request for advice from the respective Capital/Provincial Governor to select qualified candidates from the Capital/Province or from other Municipal/District/Khan or to transfer civil servants from other ministries/institutions following applicable procedures.

Based on the request of the Municipal/District/Khan Governor, the Capital/Provincial Governor shall review the criteria and propensity of civil servants to be appointed based on the provisions in the Particular Statute of Civil Servants. If the candidate cannot fulfill the identified criteria and propensity, the Capital/Provincial Governor shall send a letter of notification to the Municipal/District/Khan Governor to select a new candidate, who meets the criteria and propensity. The respective Municipal/District/Khan Governor shall call for a meeting within the Board of Governors to reach consensus, and request for approval from its Council before proposing the new candidate to the Capital/Provincial Governor.

In the case that it is required to move or terminate civil servants in the positions stated in the first paragraph of this Article, the Municipal/District/Khan Governor shall call for a meeting within the Board of Governors to reach consensus, and request for approval from the Council on the justification for the requested movement or termination before proposing to the respective Capital/Provincial Governor. If necessary, the Capital/Provincial Governor can order an investigation into the justification of such movement or termination. If the investigation finds that the request is not justifiable, the Capital/Provincial Governor shall issue a letter to inform the Municipal/District/Khan Governor that support is not given to the request for movement or termination of that civil servant. If the request is found justifiable, the Capital/Provincial Governor shall issue Deika to move or terminate the civil servant as requested.

Article 10:

Capital/Provincial Governor is delegated power to issue Deika to appoint, move and terminate civil servants in the position as the Chief of Administration and Finance Office of Municipal/District/Khan.

Municipal/District/Khan Governor with approval from his/her respective Board of Governors shall propose the request to appoint, move or terminate civil servants in this position to his/her respective Council for review and approval.

Upon the approval of the Council, the Municipal/District/Khan Governor shall submit the request to the respective Capital/Provincial Governor for submitting to the Minister of Interior for review and consultation with the Minister of Economy and Finance for approval.

Based on such approval, the Capital/Provincial Governor shall issue Deika to appoint, move or terminate civil servants in this position. In the case that the approval is not granted, the Minister of Interior shall notify the Capital/Provincial Governor by giving justification of the non-approval and/or request the Capital/Provincial Governor to discuss with the respective Municipal/District/Khan Governor to propose a new candidate for this position following the procedures set forth in the above paragraphs of this Article.

In the case that it is required to move or terminate civil servants in the position stated in the first paragraph of this Article, the Municipal/District/Khan Governor shall call for a meeting within the Board of Governors to reach consensus on the justification for the requested movement or termination in order to request for approval from the Council before submitting to the respective Capital/Provincial Governor.

If necessary, the Capital/Provincial Governor can order an investigation into the justification of such movement or termination. If the investigation finds that the request is not justifiable, the Capital/Provincial Governor shall issue a letter to inform the Municipal/District/Khan Governor that support is not given to the request for movement or termination of the civil servant.

In the case that the Capital/Provincial Board of Governors approves the requested movement and termination, the Capital/Provincial Governor shall submit the request to the Minister of Interior for review and consultation with the Minister of Economy and Finance for approval before issuing Deika to move or terminate civil servants in this position following applicable procedures.

Part 2

Civil Servants Working in Sub-National Departments, Entities and Offices of Ministries/Institutions

Article 11:

Capital/Provincial Governor is delegated power to propose appointment, movement or termination of civil servants under Ministries/institutions in the positions as the Director of Department or equivalent entity at Capital/Provincial level to the Minister or Head of the respective institution.

The Capital/Provincial Governor, with approval from his/her respective Board of Governors and Council shall propose the appointment, movement or termination of civil servants in the position as stated in the first paragraph of this Article for approval from the Minister or Head of the respective institution.

Candidates for the proposed appointment shall be selected from civil servants under each Ministry or institution, who are working in the jurisdiction of the respective Capital/Provincial Council, based on the criteria and propensity as identified in the Particular Statute of Civil Servants. In the case that such candidates cannot be selected, the Capital/Provincial Governor with approval from his/her respective Board of Governors and Council shall request for advice from the Minister or Head of respective institution to transfer officials from the respective Ministry/institution; or from other departments/entities of other Capitals/Provinces; or from other ministries /institutions following applicable procedures.

In the case that it is required to move or terminate civil servants in the positions stated in the first paragraph of this Article, the Capital/Provincial Governor shall call for a meeting within its Board of Governors to reach consensus on specific reasons for the requested movement or termination, and submit to his/her respective Council for approval before submitting the request to the Minister or Head of the respective institution.

If necessary, Minister or Head of the respective institution can order an investigation into the justification of such movement or termination. If the investigation finds that the request is not justifiable, the Minister or Head of the respective institution shall issue a letter to inform the Capital/Provincial Governor that support is not given to the request for movement or termination of the civil servant. If the request is justifiable, the Minister or Head of the respective institution shall issue Prakas to move or terminate the civil servant as requested.

Article 12:

Capital/Provincial Governor is delegated power the power to issue Deika to appoint, move and terminate civil servants under ministries/institutions in the positions lower than Director of department or equivalent entity at Capital/Provincial level.

Director of department/entity shall propose appointment, movement or termination of civil servants in these positions to the capital/provincial Governor. The capital/provincial Governor shall review and discuss this request to reach consensus in the Board of Governors and request for approval from his/her respective Council before issuing Deika to appoint, move and terminate civil servants in these positions following applicable procedures.

Candidates for the proposed appointment shall be selected from civil servants under each Ministry or Institution, who are working in the jurisdiction of the respective capital/provincial Council, based on criteria and propensity as identified in the Particular Statute of Civil Servants. In the case that such candidates cannot be selected, capital/provincial Governor together with the Director of the respective department/entity with approval from his/her respective Board of Governors and Council shall request for advice from the Minister or Head of respective Institution to transfer officials from the respective Ministry/Institution or department/entity of the respective Ministry/Institution in other capital/provinces or from other Ministries/Institution following applicable procedures.

In the case of movement or termination of civil servants in the positions stated in the first paragraph of this Article is required, Director of the respective department/entity shall specify the justification of such requested movement or termination to submit the request to the respective capital/provincial Governor.

If necessary, the capital/provincial Governor can order an investigation in advance into the justification of such movement or termination. If the investigation finds that the request is not justifiable, the capital/provincial Governor with approval from the Board of Governors and Council shall issue a letter to inform the Director of the respective department/entity that support is not given to the requested movement or termination of this civil servant.

If the request is justifiable, the capital/provincial Governor with approval from the Board of Governors shall request for approval from his/her respective Council before issuing Deika to move or terminate this civil servant.

In the case that any civil servant in these positions is found to commit serious misconduct or as required by the law, the capital/provincial Governor with approval from the Board of Governors and Council shall instruct Director of the respective department/entity to request for movement or termination of this civil servant to the capital/provincial Governor. In the case that the Director of the respective department/entity fails to follow the instruction, the capital/provincial Governor with approval from the Board of Governors and Council is entitled to move or terminate civil servant in this position without having request from the Director of the respective department/entity.

Article 13:

Capital/provincial Governor is delegated power to issue Deika to appoint, move and terminate civil servants under ministries/institutions in the positions lower than chief of specialize office or equivalent level at Municipal, District, Khan level.

Municipal/district/khan Governor with approval from his/her Board of Governors shall request for approval from his/her respective Council before proposing for appointment, movement or termination of civil servants in these positions to the Capital/Provincial Governor through the Director of the respective department/entity.

For the requested appointment, movement or termination of civil servants in the positions lower than chief of specialize office or equivalent level at municipal/district/khan level, additional consultation with the chief of the respective specialize office is needed.

Based on the request of the municipal/district/khan Governor and advice from the Director of the respective department/entity, the Capital/Provincial Governor shall review and discuss this request to reach consensus in his/her respective Board of Governors before issuing Deika to appoint, move or terminate civil servants in these positions following applicable procedures.

Candidates for the proposed appointment shall be selected from civil servants under each Ministry or Institution, who are working in the jurisdiction of the respective municipal/district/khan Council, based on criteria and propensity as identified in the Particular Statute of Civil Servants. In the case that such candidates cannot be selected, municipal/district/khan Governor with approval from his/her respective Board of Governors and Council shall request for advice from the Capital/Provincial Governor to coordinate with the Director of respective department/entity to transfer officials from other ministries/institutions or specialize departments/entities in other capital/provinces or municipalities/districts/khans or from other ministries/institutions following applicable procedures.

In the case of movement or termination of civil servants in the positions stated in the first paragraph of this Article is required, the municipal/district/khan Governor with approval from his/her respective Board of Governors and Council shall specify the justification of such requested movement or termination to submit the request to the

respective Capital/Provincial Governor through the Director of the respective department/entity.

If necessary, the Capital/Provincial Governor can order an investigation in advance into the justification of such movement or termination. If the investigation finds that the request is not justifiable, the Capital/Provincial Governor with approval from the Board of Governors shall issue a letter to inform the municipal/district/khan Governor that support is not given to the requested movement or termination of this civil servant.

If the request is justifiable, the Capital/Provincial Governor with approval from the Capital/Provincial Board of Governors shall issue Deika to move or terminate this civil servant up on request.

Article 14:

For appointment, movement and termination of civil servants of entities under ministries/institutions, whose functions are to provide services, which cover the territory of more than one Sub-National Administrations, the Governors of the capital/province, municipality/district/khan, where the entity is located and the head of the respective entity shall follow the procedures set forth in Article 11, 12 and 13 of this Sub-decree by consulting with relevant capital/provincial, municipal/district/khan administrations.

Article 15:

Appointment, movement and termination of civil servants working at sub-national level in other positions not stated in Article 7, 8, 9, 10, 11, 12, 13 and 14 of this Sub-decree shall follow relevant applicable law, royal decree, sub-decree and regulation.

Chapter 4 Monitoring, Review, Evaluation and Support

Article 16:

The National Committee for Sub-National Democratic Development (NCDD) and the Ministry of Civil Service shall coordinate with relevant ministries/institutions to put in place monitoring and evaluation mechanism on the execution of power delegated in accordance with this Sub-decree and to ensure that Council and Board of Governors of Sub-National Administration at all levels execute the power to appoint, move and terminate civil servants in line with applicable law, royal decree, sub-decree and regulation and ensure the principles of efficiency, transparency, accountability, equity and impartiality of civil servants.

NCDD shall report to the Royal Government every six months on the implementation of this Sub-decree.

Article 17:

Capital/Provincial governor shall send Deika to appoint, move and terminate civil servants following this Sub-decree to the Ministry of Civil Service and Minister or Head of the respective institution of the civil servants appointed, moved or terminated within 7 (seven) days of working day after the date of the appointment or movement or termination to review the legality and complete paperwork related to salary, functional allowance, work in civil service and ensure the implementation of applicable procedures.

If the legality review finds that the appointment or movement or termination is done not according to the applicable principles, formalities and procedures, the Minister or Head of the respective institution shall issue a letter of instruction to the Sub-National Administration to make correction accordingly.

In the case that a Sub-National Administration fails to follow this instruction, the Minister or Head of the respective institution shall intervene by issuing Prakas to immediately cancel Deika which does not follow the applicable principles, formalities and procedures.

Article 18:

In the execution of delegated power according to this Sub-decree, relevant ministry/institution shall provide training and capacity building to Sub-National Administration so that they can properly follow the law, royal decree, sub-decree and regulation related to the appointment, movement and termination of civil servants of ministries/institution who are working at sub-national level.

If necessary, Minister or Head of the relevant institution can consult with NCDD to issue additional guidelines as needed.

**Chapter 5
Interim Provisions****Article 19:**

Civil servants working at sub-national levels who have been appointed to a position before this Sub-decree takes effect shall continue to be in that position and continue working until there is a need to move or terminate that position.

**Chapter 6
Final Provisions****Article 20:**

Any other provisions that are contradicted to this Sub-decree shall be abrogated.

Article 21:

Minister in charge of the Office of Council of Ministers, Chair of the National Committee for Sub-National Democratic Development, Minister of Civil Service, Minister, Secretary of State of all relevant ministries/institutions, Council and Board of Governors of all Sub-National Administrations are tasked to implement this Sub-decree from the date of the signature.

Phnom Penh Capital, 06 November 2013

Prime Minister

Samdech Aka Moha Sena Padei Techo **Hun Sen**

Informed to:

Samdech Aka Moha Sena Padei Techo **Hun Sen**, Prime Minister of the Kingdom of Cambodia

Please kindly sign

Deputy Prime Minister, Minister of Ministry of Interior and Chair of NCDD

Sar Kheng

Receiving places:

- *Ministry of Royal Palace*
- *General Secretariat of the Constitutional Council*
- *General Secretariat of the Senate*
- *General Secretariat of the National Assembly*
- *General Secretariat of the Royal Government*
- *Cabinet Office of Samdech Prime Minister*
- *Cabinet Offices of Deputy Prime Ministers*
- *As Article 21*
- *Royal Gazette*
- *Documentation - Archives*

Sub Decree No. 214 ANK/BK

dated 14 December 2009

On

Determination of the Remuneration for the

Capital, Provincial, Municipal, District and

Khan Councilors



(Unofficial Translation)

**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
No. 214 OrNKR.BK**

Sub-Decree

On

**Determination of the Remuneration for the Capital, Provincial, Municipal,
District and Khan Councilors**

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on Establishment and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. SN/RKM/0196/08 dated 24 January 1996 promulgating the Law on Establishment and Functioning of the Ministry of Interior;
- Having seen the Royal Kram No. SN/RKM/0196/18 dated 24 January 1996 promulgating the Law on Establishment and Functioning of the Ministry of Economy and Finance;
- Having seen the Royal Kram No. SN/RKM/0508/016 dated 13 May 2008 promulgating the Law on Public Finance System;
- Having seen the Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 promulgating the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;
- Having seen the Royal Kram No. NS/RKM/0508/018 dated 24 May 2008 promulgating the Law on Elections of the Capital Council, Provincial Council, Municipal Council, District Council and Khan Council;
- Having seen the Royal Kram No. NS/RKM/1208/020 dated 27 December 2008 promulgating the Law on Finance for Management in 2009;
- Having seen the Royal Kram No. 06/NS/94 dated 26 October 1994 promulgating the Law on Common Statute of the Civil Servants of the Royal Government of Cambodia;
- Having seen the Royal Kram No. ChS/RKM/1197/05 dated 06 November 1997 promulgating the Law on General Statute of the Soldiers of the Royal Armed Force;
- Having seen the Royal Decree No. NS/RKT/0501/178 dated 22 May 2001 on the Separate Statute of the National Police Body of Cambodia;
- Having seen the Royal Decree No. NS/RKT/1201/450 dated 01 December 2001 on the Basic Salaries and Salary Benefits of the Civil Servants;

- Having seen the Royal Decree No. NS/RKT/120/1429 dated 31 December 2008 on the Establishment of the National Committee for Sub-National Democratic Development;
- Having seen the Sub-Decree No. 18 OrNkr.BrK dated 12 January 2009 on the Determination of the Number of the Capital Council, Provincial Council, Municipal Council, District Council and Khan Council in the first Mandate;
- Having seen the Sub-Decree No.59 OrNkr.BrK dated 06 October 1997 on the Pension Regime and Pension for Loss of Professional Ability of the Civil Servants of the Kingdom of Cambodia;
- Having seen the Sub-Decree No.114 OrNkr.BK dated 13 November 2002 on the Adjustment to the Implementation of Pension Regime and Loss of Professional Ability of the Civil Servants through a New Salary System;
- Receiving the agreement from the Council of Ministers in the meeting dated 20 November 2009;

DECIDES

Article 1:

This sub-decree aims to determine remuneration for the Capital Councilors, Provincial Councilors, Municipal Councilors, District Councilors and Khan Councilors in accordance with article 28 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans which was promulgated by a Royal Kram no. NS/RKM/0508/017 dated 24 May 2008.

Article 2:

This sub-decree aims to determine:

- Amount of money which should be provided on a monthly basis to each Capital, provincial, municipal, district and Khan councilor.
- Rules for providing remuneration to the councilors who are civil servants and not yet retired, retired civil servants and the councilors who are not civil servants.

Article 3:

The extent of this sub-decree covers only those Capital, provincial, municipal, district and Khan councilors who are presently in their position.

Article 4:

The monthly remuneration of the Capital, provincial, municipal, district and Khan councilors are determined as followings:

- Chairperson of the Capital Council receives 1,000,000 (one million) Riels per month;
- Each member of the Capital and provincial councils receives 800,000 (eight hundred thousand) Riels per month;
- Chairperson of the municipal, district and Khan councils receives 700,000 (seven hundred thousand) Riels per month;
- Each member of the municipal, district and Khan councils receives 500,000 (five hundred thousand) Riels per month.

Article 5:

The remuneration as determined in the article 4 of this sub-decree shall be implemented in accordance with the following rules:

- Members, of all categories of the councils, who are civil servants and not yet retired receive [?] a basic salary, risk benefit, family benefit and this remuneration. In the event that the councilors are civil servants who will be retired in their own institution or lose their professional ability or lose work capability, shall receive a pension or benefit related to their loss of professional ability or benefit related their loss of work capability and other benefits in accordance with provisions of the active legal instruments.
- Members of the councils who are civil servants and have been retired shall receive a pension in the full amount in accordance with determined principles and this remuneration.
- Members of all categories of the councils who are not civil servants shall receive only this remuneration.

Article 6:

The members of the councils who are in their position shall receive remuneration which is included in the annual budget plan of that council.

In the transitional period, the monthly remuneration of the municipal and district councils shall be withdrawn from annual budget of the relevant province.

The provision of monthly remuneration to all categories of the councils shall be implemented from July 2009 onwards.

Article 7:

Any provisions that contradict this sub-decree shall be abrogated.

Article 8:

Minister in charge of the Office of the Council Ministers, Minister of the Ministry of Economy and Finance, Minister of the Ministry of Interior, Minister of the Ministry of Social Affairs, Veterans and Youth Rehabilitation, Chairman of the National Committee for Sub-national Democratic Development, ministers and secretaries of state of all ministries and institutions, the Capital Council and Board of Governors, the provincial councils and boards of governors, municipal councils and boards of governors, district councils and boards of governors, commune councils and Sangkat councils shall be responsible to implement this sub-decree from the date of its signature onwards.

Phnom Penh Capital, 14 December 2009

Prime Minister

Samdech Aka Moha Sena Padei Techo Hun Sen

Copy to:

- Ministry of Royal Palace
- General Secretariat of Senate
- General Secretariat of Parliament
- General Secretary of RGC
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 8
- Royal Affair
- Archives

Sub Decree No. 215 ANK/BK

dated 14 December 2009

On

**Roles, Duties and Working Relationship of
the Phnom Penh Capital Council and Board
of Governors, and the Khan Council and
Board of Governors of the Phnom Penh
Capital**



(Official Translation)

**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
No. 215 OrNKR.BK**

Sub-Decree

On

**Roles, Duties and Working Relationship of the Phnom Penh Capital Council
and Board of Governors, and the Khan Council and Board of Governors of
the Phnom Penh Capital**

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on Establishment and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. SN/RKM/0196/08 dated 24 January 1996 promulgating the Law on Establishment and Functioning of the Ministry of Interior;
- Having seen the Royal Kram No. NS/RKM/0301/05 dated 19 March 2001 promulgating the Law on Administrative Management of Communes/Sangkats;
- Having seen the Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 promulgating the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;
- Having seen the Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of the National Committee for Sub-National Democratic Development;
- Receiving the agreement from the Council of Ministers in the meeting dated 20 November 2009;

DECIDES

**Chapter 1
General Provisions**

Article 1:

This sub-decree aims to determine roles, duties and working procedures of the Phnom Penh Capital Council and Board of Governors, Khan Council and Board of Governors of the Phnom Penh Capital as well as working relationship

between Phnom Penh Capital Administration with the Khan Administrations and Sangkat Administrations in the Phnom Penh Capital; and between these administrations with ministries and institutions of the Royal Government.

Article 2:

The term Phnom Penh Capital Administration used in this sub-decree refers to Phnom Penh Capital Council and Board of Governors.

The term Khan Administration used in this sub-decree refers to Khan Council and Board of Governors.

Article 3:

The Phnom Penh Capital and Khans shall be managed in accordance with conditions stated in the Organic Law and principles of the Unified Administration in order to establish, promote and sustain democratic development through decentralization and deconcentration policy.

Article 4:

The Phnom Penh Capital, Khans and Sangkats of the Phnom Penh Capital shall have their own representative council which was elected in accordance with the Law on Elections of the Capital Council, Provincial Council, Municipal Council, District Council and Khan Council and the Law on Elections of Commune/ Sangkat Councils.

Article 5:

The Capital Administration, Khan Administration and Sangkat Administration receive their authority through the constitution, laws, royal decrees, sub-decrees and other legal framework in accordance with the Law on the Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and the Law on Administrative Management of the Communes/Sangkats.

Chapter 2 Phnom Penh Capital Administration

Section 1 Phnom Penh Capital Council

Article 6:

The Phnom Penh Capital Council, which was established in accordance with the Law on Elections of the Capital Council, Provincial Council, Municipal Council, District Council and Khan Council, is a public representative, guardian and servant for the interests of all citizens in its jurisdiction.

Article 7:

The Phnom Penh Capital Council shall function in accordance with the constitution of the Kingdom of Cambodia, provisions of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats, Laws, Royal Decrees, Sub-Decrees and other active legal framework.

Article 8:

The Phnom Penh Capital Council shall administer tasks for the purpose of establishment, promotion and sustainability of the democratic development as well as perform assigned and delegated functions and duties in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

Article 9:

During the fourth quarter of each year, the Phnom Penh Capital Council shall conduct dissemination and consultative forums in Khans of the Phnom Penh Capital.

The dissemination and consultative forum shall require participation of Capital council and board of governors, Khan councilors and board of governors of the Capital, Sangkat councilors, representatives from citizen communities or/and other relevant people as decided by the Capital council.

The purpose of the dissemination and consultative forum is for the Capital council to report to the Khan councils, Sangkat councils, citizen communities or/and other relevant people on activities of the Capital council within one (01) year period, respond to requests and proposals of the Khan councils, Sangkat councils, people's communities and other relevant people, discuss and clarify issues of the forum participants as well as collect ideas and comments from participants in order to improve responsiveness to the local needs.

The Capital council shall facilitate the dissemination and consultative forums.

The Capital board of governors on behalf on its council shall consolidate and evaluate results of the forum within fifteen (15) days after the forum. The consolidation and evaluation of the forum report should include principles and measures for promoting responsiveness to the local needs within the jurisdiction of the Capital administration. For tasks which are related to role and power of other council categories, the Capital administration shall consult with those relevant councils in order to take up those principles and measures for solving in accordance with their power. For tasks which are related to the roles and powers of the national level, the Capital administration shall report to the Ministry of Interior.

The Minister of the Ministry of Interior may issue additional guidelines on the organization of the dissemination and consultative forum as necessary.

Article 10:

The Phnom Penh Capital Council shall perform its functions and duties related to legislative decisions and executive decisions through by-laws (Deika) and decisions made in the council meetings and shall ensure that those decisions are implemented, monitored and evaluated on a regular basis.

Article 11:

The meeting of the Phnom Penh Capital council is considered valid if the meeting is conducted in accordance with the internal rules of the council.

Any decisions that are made not in accordance with the internal rules of the council, constitution, laws and other legal framework shall not be valid.

The Minister of the Ministry of Interior shall instruct or intervene as necessary in order that the council corrects those decisions that have been made not in accordance with laws.

Article 12:

The Phnom Penh Capital council can assign a committee or a number of committees established in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans or may establish committees or sub-committees to prepare draft Deika or decisions as necessary. In this case, the board of governors shall take a lead in directing administration director and relevant divisions of the Capital Hall to provide legal and technical support as well as other supports to the above committees or sub-committees or working groups.

The Phnom Penh board of governors with assistance of its administration director shall coordinate with divisions of the Capital Hall in drafting Deika or decisions for the Capital council to review, discuss and approve.

The Phnom Penh Capital governor shall instruct the administration director to prepare Deika that were approved by the council in accordance with the determined formats in order to submit and have it signed by the council and place on the stamp of the Phnom Penh Capital Administration.

The Capital Council shall assign the Capital governor to publicly and immediately disseminate as well as to effectively implement the Deika or decisions that have been approved by the council except other provisions provided.

Article 13:

The chairperson of the Phnom Penh Capital Council on behalf of its council has the right to sign and put on the stamp of the Phnom Penh Capital Administration on the following documents:

- Deika or decisions approved by the council;
- Decisions on the establishment of the committees or sub-committees or working groups in accordance with decision of the council meeting;
- Minutes of the meeting that have been approved by the council meeting;
- Requests on demotion of position of the Capital governor or deputy governors based on decision of the council, provisions as stated in the article 152 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Invitation letters to the council meeting;
- Calendar for ordinary meeting of the council for twelve (12) month period;
- Request for change of the Capital councilors;
- Any other tasks which are required by laws and legal framework.

The Capital board of governors shall assist its council in the preparation of the above documents except those documents as identified in dash number 4 above.

The Minister of the Ministry of Interior may issue guidelines on forms of the above documents as necessary.

Article 14:

In every meeting, the Phnom Penh Capital Council shall take legislative decision or executive decision which includes principles and policies of the Capital and measures, formats and procedures as necessary related to:

- Preparation for receiving new functions, duties and resources in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Implementation of the obligatory functions of the Capital council;
- Implementation of the permissive functions of the Capital council;
- Five (05) year development plan and three (03) rolling investment program as well as components of the plan that fall under management and supervision of the same category of councils, each category of the council, ministries, institutions or departments and units of the Royal Government and relevant development partners;
- Annual budget and medium term expenditure framework of the Capital administration;
- Other financial issues of the Capital council;
- Establishment of structures, systems and resources as well as creation of committees, directions and personnel of the Capital council;
- Assignment of duties to the Capital council members to assist in meeting with people and monitoring of tasks as required by the Capital council;
- Management and use of assets of the Capital administration;
- Processes for consultation with the public within jurisdiction of the council and dissemination of information to the citizens;
- Achievements and challenges of works in the jurisdiction of the Capital council;
- Other tasks determined by laws, royal decrees, sub-decrees and legal framework.

Article 15:

Besides these tasks which the Council should make decisions in its meetings as described in the article 14 of this sub-decree, the Phnom Penh Capital council can also make decisions in ordinary or extraordinary meeting on other tasks related to:

- Invitation of the Capital governor or deputy governors or board of governors or relevant individuals to be questioned about the implementation of the council decisions or any events which have taken place in the Phnom Penh Capital or solutions of any urgent or special problems as well as other tasks related to the Phnom Penh Capital Administration;
- Decision allowing research or investigation on any cases which the Capital council considers it is important for the people they represent and decision to disseminate result of the research study or investigation as well as instructions to the Capital board of governors in regard to actions for addressing the issues as result of the investigation;
- Review, research and report to the Ministry of Interior on any cases related to abuse of power as stated in articles 47, 48 and 49 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Review and address any illegal acts committed by the Capital council or Capital council members or Capital board of governors or Capital governor or Capital deputy governors or staff of the Capital council in accordance with the

- principle stated in section 5, chapter 2 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Review and take actions to address local conflicts in accordance with active law and procedures;
 - Review and address appropriately requests or complaints from the people residing within its jurisdiction;
 - Review and approve monthly, quarterly and annual reports prepared by the Capital board of governors;
 - Any other problems as required by laws and legal framework as well as problems considered as necessary by the Capital council and board of governors.

Article 16:

The Capital Council shall use legislative and executive power based on the principles, formats and procedures determined in relevant laws and legal framework.

In the event that any tasks that are the local needs but the law or legal framework does not determine forms and procedures for the use of legislative and executive power for implementing those tasks, the Capital council therefore shall assign the Capital governor to conduct research and set up appropriate forms and procedures in accordance with principles of transparency, accountability and effectiveness and submit them to the council for review and approval in order to solve these tasks or request for comments from the minister of the Ministry of Interior or relevant ministries, institutions to clarify the forms and procedures for addressing those tasks.

In the event that any tasks whose formats and procedures are determined by law and legal framework but they are not clear or not reflect to local situation and cannot be implemented by the Capital council, the Capital council therefore shall assign the Capital board of governors prepare a request for the minister of the Ministry of Interior immediately. The minister of the Ministry of Interior through mechanism of the National Committee for Sub-National Democratic Development (NCDD) shall coordinate with the ministers of relevant ministries and institutions to review and address these tasks.

Article 17:

The Capital board of governors shall be responsible for administering and implementing the approved legislative and executive power of the Capital council on behalf of the council.

The Capital board of governors shall report regularly to its council in every ordinary or extraordinary meeting of the Capital council as stated in the articles 14 and 15 of this sub-decree.

The Capital council shall monitor and evaluate the tasks implemented by the board of governors in order to ensure that the Capital board of governors performs those tasks in accordance with the laws, legal framework and decisions of the Capital council.

The NCDD shall issue guidelines and provide support to the Capital council in development of monitoring and evaluation system for the implementation of the Capital council decisions.

Section 2

Committees of the Phnom Penh Capital Council

Article 18:

The Phnom Penh Capital Council shall have three (03) consultative committees which will be established in accordance with Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans. These committees include:

- Technical Facilitation Committee;
- Consultative Committee on Women and Children Affairs
- Procurement Committee.

The functioning of the above three committees shall be done based on legal framework on establishment and functioning of these committees.

Article 19:

Besides the above three committees, the council may establish additional committees as necessary.

Duties of the additional committees shall not overlap with duties of the three committees determined by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

The Capital council may also establish sub-committees or working groups based on request of the committees or board of governors of the Capital.

The above sub-committees or the working groups shall be primarily accountable to Capital committees or board of governors.

Article 20:

The Capital council may appoint members of the Capital council, governor, deputy governors, staff of the council, community representatives, citizens and other relevant people as necessary to be members of the committee or sub-committee or working group.

The Capital council shall decide on number of each committee members or sub-committee members or working group, appoint chair and deputy chair, and determine establishment and functioning of the established committees or sub-committees or working groups.

Each committee or sub-committee or working group shall consist of an appropriate number of women representatives including positions of chair or deputy chair of the committee or sub-committee or working group.

The Capital council may dissolve the committee or sub-committee or working group and may dismiss any members of the established committee or sub-committee or working group as necessary or in accordance with request of the Capital committee or Capital board governors.

Article 21:

The Capital board of governors may request to the Capital council in order that any committees or sub-committees or working groups established by the Capital council including the three (03) sub-committees required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans to assist study and provide comments on an issue or a number of issues in the jurisdiction of the Capital board of governors.

Article 22:

The Capital council shall be responsible for all decisions and activities of the committees and responsible for the consequences that arise from the activities of those committees.

Article 23:

The Capital council shall instruct the Capital board of governors to provide support on secretariat affairs, legal support and technical assistance as well as other supports to the three (03) committees established in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans or committees or sub-committees or working groups established by the Capital council.

Article 24:

The established committees shall prepare monthly, quarterly, semester and annual reports and other reports as necessary.

The above reports shall be copied to the Capital board of governors in order to consolidate and report to the Capital council.

The Capital council may require any committee to report directly in the council meeting as necessary on any urgent and special task.

**Section 3
Phnom Penh Capital Board of Governors**

Article 25:

The Phnom Penh Capital shall have a board of governors which includes the Capital governor and deputy governors which shall be appointed in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

Article 26:

The governor and deputy governors of the Phnom Penh Capital are not the members of the Phnom Penh Capital council.

Article 27:

The Phnom Penh Capital board of governors shall be accountable to its council with regard to the implementation of council decisions and to the Royal Government with regard to the implementation of the constitution, laws, royal decrees, sub-decrees and legal framework.

Article 28:

The Phnom Penh Capital board of governors is responsible to provide comments and report to the Capital council and is the implementer of decisions of the Capital council which includes legislative and executive decisions.

Article 29:

The Phnom Penh Capital board of governors shall conduct research studies in order to provide comments to the Capital council on tasks related to legislative and executive power so that the council can discuss and approve in its ordinary or extraordinary meeting on:

- Review of functions, duties and resources assigned or transferred to the council and forms and procedures for the implementation of functions, duties and management of those resources;
- Development of strategies, structures, systems and resources in order to receive functions, duties and resources assigned or transferred in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Formulation of five (05) year development plan and three (03) rolling investment program;
- Medium term expenditure framework which shall be updated on an annual basis;
- Preparation of annual budget plan;
- Establishment, adjustment or dissolution of divisions or offices;
- Development of roles, duties and terms of reference of personnel;
- Appointment, promotion of positions and dismissal of staff;
- Development of criteria for selection, appointment, setup salaries and other benefits of Capital council staff;
- Identification of administrative and financial procedures for divisions and council staff;
- Identification of strategies for capacity development of the Capital council, Capital board of governors and Capital council staff;
- Preparation of annual reports on a regular basis to Capital council for review and approval within forty five (45) days after end of each year related to:
 - + Deika and decisions issued by the council and activities and outputs of implementation;
 - + Financial report;
 - + Evaluation on performance of the Capital board of governors and staff of the Capital council;
 - + Measures for improving performance of the Capital council;
 - + Necessary measures for promoting gender;
 - + Other tasks which are considered as important by the Capital council and necessary as part of the annual report;
- Monthly, quarterly and semester reports;
- Establishment of committees or sub-committees or working groups as necessary in order to assist implementation of the Capital council works;
- Formulation of strategies for information dissemination to the public such as information board, display on information on the board and identification of ways for information dissemination to the citizens in its jurisdiction;
- Other tasks determined by laws and legal framework and other tasks required by the Capital council.

Article 30:

Upon receiving the report or information about the abuse of power as stated in articles 47, 48 and 49 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, the Phnom Penh Capital board of governors shall conduct immediate investigation. In the investigation, if the abuse of power is found to be substantiate, the Phnom Penh Capital board of governors shall immediately report to the Phnom Penh Capital council and the minister of the Ministry of Interior.

Article 31:

In the implementation of role and duties as stated in the articles 29 and 30 of this sub-decree and other duties which are considered necessary, the Phnom Penh Capital governors shall take these duties to discuss and facilitate in a meeting in order to get agreement within its board of governors in accordance with legal principle and legal framework as well as decisions and instructions of its council.

The Phnom Penh Capital governor shall be accountable to the Phnom Penh Capital council for all activities of the board of governors.

The Phnom Penh Capital deputy governors shall be accountable to the Capital governor for assigned duties and together with the governor shall be responsible for decisions and activities of the board of governors.

In order to ensure the implementation of these duties, the Phnom Penh Capital board of governors shall meet on a fortnightly basis. The second fortnightly meeting of each month is the monthly meeting.

Besides the fortnightly meeting and monthly meeting, the Phnom Penh Capital board of governors may conduct other meeting as necessary.

Minutes of the meeting shall be prepared at every meeting.

Article 32:

The Phnom Penh Capital board of governors or governor or deputy governors who has decided and/or implemented any task which contradicts to the law and the legal framework or any task within the jurisdiction of the Phnom Penh Capital council that has not been decided by the Phnom Penh Capital council, that decision or activity will not be valid.

The Phnom Penh Capital board of governors or governor or deputy governors shall be accountable to the law with regard to the above decision or activity.

Article 33:

The Phnom Penh Capital board of governors shall conduct meeting to assign duties to the governor and deputy governors and then make a request to the Phnom Penh Capital council for approval of the duties.

The minister of the Ministry of Interior shall issue Prakas related to the guideline on division of duties for the Phnom Penh Capital governor, deputy governors and procedures for implementing those duties.

Article 34:

The Phnom Penh Capital governor shall sign all administrative letters for administering of daily works in order to implement the decisions of the council except the legal framework that requires to be signed by chairperson of the Phnom Penh Capital council on behalf of the council as stated in the article 13 of this sub-decree.

The Phnom Penh Capital governor may authorize right to sign to the deputy governors for documents and administrative letters within the framework of duties given to each deputy governor.

The Phnom Penh Capital governor is responsible for legality, formality and procedures of the documents and letters which have been signed by the deputy governors.

The Phnom Penh Capital governor has the authority to take back the signing right which has been given to any deputy governor who has used this authority not in accordance with the law and procedures. The authorization and taking back of this signing right shall be done in writing and signed by the Phnom Penh Capital governor; and reported to the Capital council.

In necessary case, the minister of the Ministry of Interior may issue a guideline on forms and procedures for authoring the right for signing.

Article 35:

In capacity as a representative of ministries and institutions of the Royal Government in the Phnom Penh Capital, the Capital governor has following duties:

- Provide instruction to line departments, units and agencies of the ministries and institutions in the Capital to implement roles and duties in accordance with law, national policy and legal framework related to each department, unit and agency;
- Coordinate and provide direction to the line departments, units and agencies of the ministries and institutions in the Capital in responding to local priority needs. In case that the task involves many sectors, the governor shall coordinate relevant departments, units and agencies to work together to implement these tasks in accordance with government policy, laws, legal framework and local priority needs. Through the technical facilitation committee, the Phnom Penh Capital council and governor shall coordinate and provide direction to the departments, units and agencies in the Capital in order to integrate plans and budgets of these agencies into the plans and budgets of the Capital council;
- Monitor, evaluate, provide comments and score performance of the directors of the departments, units and agencies of the ministries and institutions in accordance with determined principles;
- Consult with the Phnom Penh Capital council in providing comments for proposed candidates to be appointed as department director and unit chief in the Capital before sending to the minister or head of institution. In case the governor does not support any proposed candidate, the governor shall report in writing with clear reasons to relevant minister or head of institution to consider that report. In case that the minister or head of institution agrees with the report of the governor, the minister or head of the institution shall

change the proposed candidate accordingly. In case that the minister or head of institution studies and found that the report of the governor has no clear reason, the minister or head of the institution shall clarify to the governor in order to accept the proposed candidate. In case that agreement could not be reached between the Capital governor and minister or head of the institution on the proposed candidate the minister or head of the relevant ministry shall report to the head of the Royal Government for review and decision. The Capital governor shall report this case to its council and minister of the Ministry of Interior.

- In the event that an abnormality is found within any department, unit and agency or wrong doing committed by any head of the department, unit and responsible agency, the Capital governor shall immediately instruct that head of the department, unit and responsible agency to correct immediately. In case that the head of the department, unit and agency does not make correction or in case that the abnormality or wrong doing is severe, the Capital governor shall immediately report in writing to the relevant minister or head of institution. The relevant minister or head of institution shall immediately investigate and address this case in accordance with law.
- The Capital governor has the right to request in writing to the minister or head of the institution in order to demote the person from a position from any head of the department, unit and agency who has committed wrong doing which cannot be justified.

In order to ensure that the Capital governor implements the above role and duties, all monthly, quarterly, semester and annual reports of the departments, units and agencies of the ministries and institutions in the Capital to the minister and head of the institution shall be submitted to the Capital governor in order to review and provide comments in advance. If it is agreed, the Capital governor shall sign on that report together with the head of that responsible department, unit and agency. Other reports of the departments, units and agencies of the ministries and institutions in the Capital shall be copied to the Capital Hall.

Article 36:

The Capital governor shall represent the Royal Government, ministries and institutions of the Royal Government in maintaining security, public order, promoting awareness on laws and ensuring implementation of laws as well as protecting citizens and respecting human rights in the Capital.

The Phnom Penh Capital governor is the [chief of steering committee in charge of military](#) of the Phnom Penh Capital in leading and coordinating the relevant departments and units, Khan and Sangkat administrations in order to maintain security and public order in the Phnom Penh Capital.

Article 37:

In the implementation of role and duties as stated in the articles 35 and 36 of this sub-decree, the Capital governor shall divide duties to deputy governors in order to assist him/her in performing the above tasks.

The deputy governor who receives the divided duties shall be accountable for their actions to the Capital governor.

The Capital governor shall call for meeting of the Capital board of governors as necessary to discuss any problem that he/she considers necessary for discussing with the board of the governors in order to promote participation in the implementation of role as the representative of the Royal Government, ministries and institutions.

Minutes shall be prepared for all meeting.

Article 38:

In the implementation of role and duties as stated in the articles 35 and 36 of this sub-decree, the Capital governor shall respect policies of the Royal Government, laws, legal framework and guidelines of the ministries and institutions; and be accountable to the Royal Government, Ministry of Interior, ministries and institutions in accordance with laws and the legal framework.

Article 39:

The Phnom Penh Capital governor with assistance from the administration director of the Capital Hall shall report about activities related the implementation of role as a representative of the Royal Government, ministries and institutions as well as status of those activities in the monthly, quarterly, semester and annual report to the council.

In case that there is any problem related to the implementation of role of the Capital governor as a representative of the Royal Government, ministries and institutions of the Royal Government and that problem impacts on legal interests of the people or claims or complaints from the people, the Capital council may require the Capital governor to report as this as a special case in a meeting of the council.

The Capital council can provide recommendations and instructions to the governor on the implementation of the above role in order to respond to the local priority needs and challenges.

The Capital governor shall be responsible to take appropriate recommendations and instructions from its council in order to coordinate and provide directions to the departments, units and agencies in Phnom Penh Capital in response to those needs and report back to the council.

Article 40:

In event that the Capital governor is absent from office, he/she shall hand over his/her right in writing to a deputy governor to act as acting governor.

If the Capital governor is absent from office but he/she does not hand over his/her right to any deputy governor, the deputy governor, whose name is on the top of the list in the sub-decree on appointment of the Capital deputy governors of the Capital board of governors, shall act as acting governor.

In the event that the acting governor is absent from office, the minister of the Ministry of Interior shall issue a Prakas to assign a Capital deputy governor to act as Capital acting governor.

The acting governor shall report on all tasks implemented to the Capital governor on his/her return to the office.

In necessary case the minister of the Ministry of Interior may issue a guideline on forms and procedures for this handover.

Article 41:

The minister of the Ministry of Interior shall issue a guideline on leave application of the Capital governor, deputy governors and personnel of the Capital council.

Section 4
Administration Director of the Capital Hall

Article 42:

The Phnom Penh Capital council and board of governors shall have an Administration Director which is called Administration Director of the Phnom Penh Capital Hall which will be appointed by the minister of the Ministry of Interior based on request of the Capital Governor and approval of the Capital council.

The administration director of the Phnom Penh Capital Hall shall have three (03) deputy administration directors as assistants which will be appointed by the minister of the Ministry of Interior based on request of the Capital Governor and decision of the Capital council.

The administration director of the Phnom Penh Capital Hall shall be appointed among officials who have a rank from administrator (Anu-Montrey) and above of the body of the administrator of the Ministry of Interior.

The deputy administration director of the Phnom Penh Capital Hall shall be appointed among officials who have a rank from chief of middle level of civil servant (Neay-Kramkar) and above of the body of the middle level of civil servant of the Ministry of Interior.

Article 43:

The qualifications for the appointment of the Phnom Penh Hall administration director and deputy directors shall be determined by a Prakas of the minister of the Ministry of Interior.

If necessary, the minister of the Ministry of Interior may issue a Prakas or guideline on role, duties and working procedures of the Phnom Penh Capital Hall administration director and deputy directors.

Article 44:

The administration director of the Capital Hall plays role as an assistant to the council, board of governors and governor in managing administrative tasks and ensuring sustainability of daily administrative tasks in the Phnom Penh Capital Hall.

In performing this role, the administration director shall report and be accountable to the Capital board of governors, governor and the council.

Article 45:

In the implementation of role as stated in the article 43 of this sub-decree, the administration director has following duties:

- Prepare and submit to the board of governors for reviewing and making decision on daily administrative tasks of the Capital Hall within jurisdiction framework of the board of governors and ensure that these tasks shall be prepared in accordance with laws, legal framework and formats of the administrative letters;
- Prepare and submit, to the Capital board of governors, the rules and principles for implementing Deika and decisions of the council;
- Act as a secretary to the Capital governor and chairperson of the Capital council in the preparation of draft agenda of all council meetings including coordination in the preparation of documents and contents for each agenda of the meeting in accordance with internal rules of the council. The draft agenda, documents and contents prepared by the administration director for submitting to the council meeting shall be submitted to the board of governors for reviewing and providing comments in advance except there are other arrangements required by laws and the legal framework;
- Act as a secretary to the Capital council in the preparation and distribution of meeting invitation letters, preparation of meeting venue and minutes of all council meeting;
- Prepare other tasks for all meeting of the Capital board of governors as instructed by the Capital governor;
- Ensure receiving and distribution of letters and documents properly to members of the Capital council, governor and deputy governors as well as ministries, institutions, departments, units and other stakeholders;
- Ensure that all documents and legal instruments of the Capital council, board of governors and administration are maintained properly and safely;
- Manage and use stamp of the Phnom Penh Capital Administration properly as stated in article 53 of this sub-decree;
- Perform other duties as assigned by the Capital council, board of governors and governor or as required by law and the legal framework.

Article 46:

The administration director of the Capital Hall has the right to participate and contribute ideas in meetings of the Capital council, council committees, sub-committees and working groups and board of governor meeting but he/she will not have the right to vote unless he/she is a member of any council committee or sub-committee or working group of the Capital council.

Article 47:

In participating the meeting as described in the article 45 of this sub-decree and implementing daily works, the Capital administration director may provide comments to the Capital council, committees and working groups of the council and board of the governors on problems related to implementation of the law and technical aspect in order to ensure that decisions and activities of the Capital councils, board of governors and the governor are implemented in accordance with the constitution, law and legal framework as well as determined national standard for safety and quality and promoting effectiveness of works of the Capital Hall.

Article 48:

The Capital administration director under the leadership and instruction of the Capital board of governors and governor shall ensure that all directors of divisions, officials and staff implement works in accordance with law, legal framework, procedures and decisions of its council and board of governors.

Article 49:

The Phnom Penh Capital board of governors or governor may delegate any works to the administration director of the Phnom Penh Capital Hall to provide any suggestions within scope of his/her role and duties and submit to the Capital board of governors or governor to review and approve as necessary.

Section 5
Phnom Penh Capital Hall and its Divisions

Article 50:

The Phnom Penh Capital Hall is the office where the Phnom Penh Capital council and the board of governors regularly work.

The Phnom Penh Capital Hall shall be open regularly in accordance with the official working hours of the State.

During the working hours, the citizens have the rights to:

- Communicate and work with the Phnom Penh Capital council and board of governors;
- Receive information about request and works from the Phnom Penh Capital administration;
- Participate in providing comments or suggestions on any problems.

In between the official working hours or public holidays, the Phnom Penh Capital council and board of governors shall ensure an appropriate number of their officials and personnel will be in the office in order to receive or address any urgent and special requests.

Article 51:

The Phnom Penh Capital administration is the owner and responsible for administering all received letters and documents properly and in accordance with existing laws.

Article 52:

The Phnom Penh Capital administration is the owner and responsible for all letters and documents prepared by the Phnom Penh Capital council or on behalf of the council and by the Phnom Penh Capital board of governors on behalf of the state as well as the owner of equipment, transport means and materials of its administration.

The Phnom Penh Capital administration shall ensure proper and safe maintenance of documents, letters, equipment, transport means and materials of its administration.

Article 53:

The stamp of the Phnom Penh Capital administration shall be provided to the administration director of the Phnom Penh Capital Hall for management so that it can be used by the Phnom Penh Capital council and board of governors.

The minister of the Ministry of Interior shall provide instruction on the management and use of the stamp.

Article 54:

The Phnom Penh Capital administration shall setup appropriate public information boards in front of the Capital Hall which allows people to easily access the boards.

The above public information board shall be used to write or display official information to the public.

The information written and displayed on the board shall be maintained for at least ten (10) days.

Besides the public information board in front of the Capital Hall, the Capital council shall conduct consultations and discussions with the Khan and Sangkat councils to setup other public information boards in appropriate public places in order to display and disseminate information of the Phnom Penh Capital together with relevant Khans and Sangkats.

In addition to the public information boards, the Capital council shall find other means of information dissemination in order to inform about works of the administration to the citizens.

Article 55:

The Phnom Penh Capital Hall shall compose of necessary divisions as followings:

- Administration Division
- Planning and Investment Division
- Finance Division
- Urbanization Division
- Human Resource Management Division
- Inter-Sectoral Division
- Law and Human Right Affair Division
- Waste Management Division.

Article 56:

Each division shall be directly supervised and managed by the division director.

The division director shall be directly responsible and accountable to the administration director of the Capital Hall.

Article 57:

Each division of the Capital Hall as stated in article 55 of this sub-decree shall have a director and maximum two (02) deputy directors as assistants.

Each division of the Phnom Penh Capital Hall shall consist of a number of offices.

Each office shall have a chief and maximum two (02) deputies as assistants.

Conditions for appointment of the division director, division deputy directors, office chief, deputy chiefs, officials and staff of each division shall be based on a separate statute for sub-national administration personnel.

Article 58:

Each division as stated in article 55 of this sub-decree shall serve as a secretary for the Capital council and board of governors in cooperating with sectoral departments and units on the following tasks:

A). Administration Division:

- Letters, documentation and legalization of documents;
- Management and maintenance of Capital administration stamp;
- Communication with the public on issues related to the Capital Hall, information, monthly, quarterly, semester and annual report preparation and display of information on the public information boards;
- Management of statistics, data and civil registration;
- Protocol and international cooperation;
- Support on secretariat works to the Capital council.

B). Planning and Investment Division:

- Five (05) year development plan and three (03) year rolling investment program of the Capital;
- Management of contracts and/or implementation of projects signed with the Capital administration
- Cooperation in feasibility study, preparation of drawings and project proposals for inclusion as part of the Capital development plan and technical support to the Khans and Sangkats on the above tasks;
- Support to development plan and investment program formulation process of Khans and Sangkats as well as implementation of Khan and Sangkat projects;
- Review legality of Deika and decisions of the Khan and Sangkat councils;
- Review and provide recommendations on proposed investments and development projects in the jurisdiction of the Phnom Penh Capital;
- Prepare and update data related to development projects of private sector and other stakeholders of the Capital, Khans and Sangkats.

C). Finance Division:

- Preparation of draft annual budget plan and medium term expenditure framework;
- Finance, budget and financial reports of the Capital;
- Arrangement for audits to be conducted properly in accordance with financial procedures;
- Management of incomes, expenditures and accounts
- Support on financial works to Khans and Sangkats;
- Management of the Capital administration assets;
- Procurement.

D). Urbanization Division:

- Cooperation in the formulation of master plan and land-used plan;

- Works related to land tenure, construction and reparation of constructions as well as addressing problems related to violations of construction rules;
- Formulation of strategy and development for settlement in the Phnom Penh Capital;
- Management of old constructions and heritages of the Capital;
- Development of transportation infrastructures, parks, gardens and public light facilities.

E). Human Resource Management Division:

- Works related to body and personnel under jurisdiction of the Capital council;
- Employment and recruitment plan of advisors, contract staff and laborers;
- Awarding decoration, medals and appreciation certificates to personnel and charitable persons;
- Formulation of strategy for capacity development and training to personnel;
- Development of role, duties and terms of reference personnel;
- Establishment, adjustment or dissolution of divisions or offices under the Capital Hall;
- Determination of administrative procedures for divisions and personnel;
- Dissemination and monitoring on implementation of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats, laws, legal framework and administrative procedures related to personnel, role, duties and terms of reference of personnel.

F). Inter-Sectoral Division:

- Coordination and cooperation on review of functions, resources and responsibilities in order to be transferred to the Capital, Khan and Sangkat administrations;
- Cooperation and coordination on delegation of functions to the Capital, Khans and Sangkats;
- Cooperation and coordination on implementation of functions and duties related to economic activities, improvement of social welfare and public service delivery except functions and duties under responsibilities of other divisions of the Capital Hall as stated in this sub-decree;
- Implementation of new functions and duties transferred to Capital administration except those functions and duties under the responsibilities of other divisions of the Capital Hall as stated in this sub-decree;
- Management of commercial advertisements.

G). Law and Human Right Affair Division:

- Dissemination of laws and legal frameworks and monitoring and evaluation on awareness and implementation of laws;
- Promotion of awareness on human rights, respect of human rights and gender;
- Abuse of power in jurisdiction of the Capital and solution of local conflicts;
- Security, public order and promotion of social safety;
- Coordination on activities of political parties, associations, national and international organizations, non-governmental organizations and labor unions in the Capital;
- Demonstrations and strikes in the Capital;
- Cooperation and coordination on activities related to courts and prison.

H). Waste Management Division:

- Formulation of principles and measures for waste management;
- Communication with relevant institutions and development partners to promote waste management;
- Education and dissemination to the public to promote awareness and participation in waste management;
- Resolution of environmental conflicts related to waste management;
- Management of waste processing and recycling.

Besides the above tasks, each division can perform other tasks as assigned by the Capital board of governors.

Each division shall perform its tasks in accordance with active laws, legal framework and other procedures.

In necessary case, the minister of the Ministry of Interior may issue a guideline on duties and working procedures of the divisions of the Phnom Penh Capital Hall.

Article 59:

Based on role and duties of the divisions of the Phnom Penh Capital Hall as stated in article 58 of this sub-decree, the minister of the Ministry of Interior with agreement of NCDD shall issue Prakas on the establishment, role, duties and working procedures of the offices under each division of the Capital Hall.

Article 60:

Besides the divisions and offices as stated in the articles 55 and 59 of this sub-decree, the Capital board of governors may make requests to the Capital council to establish additional divisions or offices as necessary.

The role and duties of the established divisions or offices shall not overlap with the divisions and offices established by this sub-decree.

The Phnom Penh Capital governor with approval of its council shall make requests to the minister of the Ministry of Interior in order to review and approve the establishment or dissolution or restructure of divisions or offices.

Chapter 3 Khan Administration of the Phnom Penh Capital

Section 1 Khan Council

Article 61:

The Khan council which was elected in accordance with the Law on Elections of the Capital Council, Provincial Council, Municipal Council, District Council and Khan Council is the public representative, the guardian and the servant for public interests of all citizens within its jurisdiction.

Article 62:

Each Khan council shall be supervised and managed of the Phnom Penh Capital council.

Article 63:

The Khan council shall function in accordance with the Constitution of the Kingdom of Cambodia, provisions of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, laws, royal decrees, sub-decrees and other legal framework as well as decisions of the Phnom Penh Capital council related the Khan.

Article 64:

The Khan council shall closely coordinate and cooperate with Sangkat councils and people communities in its Khan in order to identify priority needs in providing services and development, and request or suggestions from people in its Khan in order to integrate into the five (05) year development plan and three (03) year rolling investment program of Phnom Penh Capital as to respond to the needs of the people.

Article 65:

The Phnom Penh Capital council shall appropriately delegate functions and duties to Khan councils so that each Khan council is able to promote participation and ownership of people in order to establish, promote and sustain democratic development in each Khan.

Functions and duties that shall delegate to Khans are the functions and duties that are:

- Located within the jurisdiction of each Khan;
- Can be managed and implemented in the jurisdiction of each Khan council;
- Serve best interest of people in the jurisdiction of each Khan council;
- Have a significant impact in its jurisdiction of each Khan council, and that each Khan can quickly respond to the people with transparency, accountability and better quality.

Article 66:

During June of each year, the Khan council shall organize dissemination and consultative forums in Sangkats within the Khan.

In this dissemination and consultative forum, members of Khan council, Khan board of governors, all members of Sangkat councils, representatives of communities and/ or other stakeholders shall be invited to participated as decided by the Khan council.

The objective of the forum is for the Khan council to inform Sangkats, communities and/ or stakeholders about Khan council activities within a period in between one forum to another; responses to Sangkat council requests, people communities and concerned individuals, discussions and clarifications on issues to forum participants; and collection of ideas and comments from participants in order to improve responses to the needs of the local people.

Chairperson of the Khan council is the facilitator of the dissemination and consultative forum.

The Khan board of governors on behalf of its Khan council shall consolidate and evaluate results of the dissemination and consultative forum within fifteen days (15) after the forum. The consolidation and evaluation of the forum report should

include principles and measures for promoting responsiveness to the local needs within the role and power of the Khan administration. For tasks which are related to role and power of other council categories, the Khan administration shall consult with those relevant councils in order to take up those principles and measures for resolution in accordance with their power. The Khan board of governors shall submit a copy of the above report to the Capital administration for reviewing and solving the tasks which are relevant to the role and authority of the Capital administration. For tasks which are related to the role and power of the national level, the Capital board of governors shall consolidate reports from all Khans and report to the Ministry of Interior and its council.

The Minister of the Ministry of Interior may issue additional guidelines on the organization of the dissemination and consultative forum as necessary.

Article 67:

Each Khan council that receives delegated functions and duties from Phnom Penh Capital council shall be directly responsible for and accountable to local people and to Sangkat councils within its Khan; and shall be responsible for and accountable to Phnom Penh Capital council on legality of the implementation of those delegated functions and duties.

Article 68:

In the implementation of functions and duties delegated from the Capital council, Khan council has authority to make legislative and executive decisions in the meeting, and the Khan shall ensure that these decisions are implemented with regular monitoring and evaluation.

Article 69:

Meeting of the Khan council is considered valid unless it is conducted in accordance with the internal rules of the council.

Any decision made in contradiction to the internal rules of the council, the constitution, laws, royal decrees, sub-decrees, and other legal framework documents shall be invalid.

The minister of the Ministry of Interior shall provide instruction or may intervene as necessary in order that the council makes changes to the decision that had been prepared and in contradiction to the law.

Article 70:

The council may assign a committee or a number of committees established by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, or may establish committees or sub-committees or working groups to draft Deika or decisions as needed. In this case, the Khan board of governors shall instruct the administration director and relevant offices of the Sala Khan to provide legal and technical supports and other supports to the established committees or sub-committees or working groups.

The Khan board of governors with assistance of administration director shall coordinate and provide instruction to offices of Sala Khan to draft Deika or decisions and submit them to the council for review, discussion and approval.

In the preparation of draft Deika or decisions, the Khan administration director may request for consultation with the administration director of Phnom Penh Capital Hall.

The Khan governor shall instruct the administration director to prepare Deika or decisions, that have been approved by the council, in accordance with determined forms; and submit them to chairperson of Khan council for signature in name of its council and get them stamped by Khan administration stamp.

The Khan council shall assign the Khan governor to disseminate immediately in public the Deika or decisions which have been approved by the Khan council except other provisions provided, as well as to implement those Deika and decisions effectively.

Article 71:

The chairperson of the Khan council in the name of council has the right to sign and stamp on following documents:

- Deika or decision that have been adopted by the Khan council;
- Decision on establishment of committees or subcommittees or working groups in accordance with council decisions in the council meeting;
- Minutes adopted by the Khan council meeting;
- Request for demotion of Khan governor or deputy governors from their position as decided by Khan council and in accordance with the provision stated in Article 152 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Invitation letters for the Khan council meeting;
- Meeting calendar for ordinary meeting for twelve (12) month period;
- Request for changing of council members;
- Other duties required by law and other legal framework.

The Khan board of governors shall assist its council in preparation of the above documents except those relate to dash number 4 of this article.

The minister of the Ministry of Interior may issue a guideline on forms of the above documents as necessary.

Article 72:

In all meetings, the Khan council shall make legislative or executive decisions that serve as principles and policies of Khan and measures, formats and working procedures on the relevant issues related to:

- Preparation for receiving new functions, duties and resources delegated from the Capital council;
- Implementation of functions and duties delegated from the Capital council;
- Formulation of development plans and investment programs for inclusion into five (05) year development plan and three (03) year rolling investment program of the Phnom Penh Capital council;
- Implementation of development projects and programs of the Khan;
- Finances, budgets and medium term expenditure framework as determined;
- Other financial issues of the Khan council;
- Establishment of structures, systems and resources as well as creation of committees, offices and personnel of the Khan council;

- Division of duties to the Khan council members in communication with the people and monitoring activities as required by the Khan council;
- Management and use of Khan administration assets;
- Consultation process with the public within its jurisdiction including consultation with Sangkat councils and dissemination of information to citizens within Khan jurisdiction;
- Achievements and challenges related to duties within the Khan council jurisdiction;
- Other duties which are determined by laws, royal decrees, sub-decrees and other legal framework documents.

Article 73:

Besides the duties which have to be decided by the Khan council in the meeting as stated in article 72 of this sub-decree, the Khan council may make decisions in ordinary and extra-ordinary meeting on other tasks which include:

- Invitation of the Khan governor or deputy governors or board of governors or concerned individuals to clarify issues related to the implementation of council decisions or any incidents took place within the Khan or solution to any urgent and special problems as well as other matters related to Khan administration;
- Decision to conduct research study or investigation on any matters that are considered by the Khan council as important for the citizens it represents, and decision to disseminate results of research and investigation as well as giving instruction to the board of governors to take necessary measures for solving issues related to results of the investigation;
- Review, research and report to Ministry of Interior in case of abuse of power of as stated in article 47, 48 and 49 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Review and solve issues related to illegal actions committed by the Khan council or board of governors or governor or deputy governors or personnel of the Khan council as stated in section 5, chapter 2 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Review and take measures to address local conflicts in accordance with active laws and procedures;
- Review and properly address requests or complaints of the people within its jurisdiction;
- Review and adopt monthly, quarterly, semester and annual report that are prepared by the Khan board of governors;
- Other issues that are required by laws and legal framework documents and other issues considered as necessary by the Khan council and board of governors.

Article 74:

The Khan board of governors shall be responsible to implement all legislative and executive powers adopted by the Khan council on behalf of its council.

The Khan board of governors shall report to its council in every ordinary or extra-ordinary meeting of the Khan council as described in articles 72 and 73 of this sub-decree.

The Khan council shall monitor and evaluate tasks carried out by the board of governors in order to ensure that the board of governors implements these tasks properly in accordance with laws, the legal framework and decisions of the Khan council.

NCDD shall issue guidelines for support to the Khan council in preparing monitoring and evaluation system on implementation of the Khan council decisions.

Article 75:

Deika or decisions of the Khan council shall be reviewed by Phnom Penh Capital Council with regard to legality aspect.

The Capital council shall delegate to the Capital board of governors to review legality of these documents.

If the review found that any Deika or decision of the Khan council does not follow the laws, legal framework and principles made by the Capital council, or any decision or task that Khan council has made decision exceeded its jurisdiction delegated by Phnom Penh Capital council, the Capital board of governors shall provide instruction in writing to that Khan council to clarify clearly any specific decision or task or a number of tasks which were decided or implemented inappropriately by the Khan council. Based on this instruction, the Khan council shall properly correct that decision or task within fifteen (15) days after receiving instruction in writing from the Phnom Penh Capital board of governors.

In the event that the Khan council fails to implement the above instruction, the Capital board of governors shall report to the Capital council for decision.

Based on the decision of the Capital council, the Capital governor shall report immediately this matter to Ministry of Interior in order to facilitate and solve it in accordance with existing laws and the legal framework.

Section 2 Khan Council Committees

Article 76:

The Khan council shall have three (03) consultative committees as required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans which include:

- Technical Facilitation Committee
- Consultative Committee on Women and Children Affairs
- Procurement Committee.

The functioning of the above three committees shall be based on legal framework on establishment and functioning of these committees.

Article 77:

In addition to the above three committees, the Khan council may establish additional committees as necessary.

Role and duties of the additional committees shall not overlap with role and duties of the three committees required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

The Khan council may establish sub-committees or working groups as requested by the committees or Khan board of governors.

The sub-committees or working groups shall be primarily accountable to the committees or board of governors of Khan.

Article 78:

The Khan council may appoint members of the Khan council, Khan governor, deputy governors, representatives of Sangkat councils, personnel of the Khan council, of community representatives and relevant stakeholders as members of committees or sub-committees, or working groups as necessary.

The Khan council shall decide on number of members for each committee or sub-committee or working group, appointment of the chief and deputy chief; and establishment and functioning of the committee or sub-committee or working groups.

Each committee or sub-committee or working group shall have an appropriate number of female representatives including positions of chief or deputy chief of the committee or sub-committee or working group.

The Khan council may dissolve any established committee, sub-committee or working group and may terminate any member of the established committee or sub-committee or working as necessary or as per request by committees or Khan board of governors.

Article 79:

The Khan board of governors may request to the Khan council for any established committee or sub-committee or working group including the three (03) committees required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans to assist in study and provide comments on a particular issue or several issues within the jurisdiction of the Khan board of governors.

Article 80:

The Khan council shall be accountable for all decisions and activities of the committees and consequences caused by the activities of these committees.

Article 81:

The Khan council shall advise the board of governors to provide support on secretariat affairs, legal and technical support as well as other supports to the three (03) committees required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans or committees or subcommittees or working groups established by the Khan council.

Article 82:

The established committee shall prepare monthly, quarterly, semester and annually reports as required.

The above reports shall be copied to the Khan board of governors for consolidating and reporting to the Khan council.

The Khan council may require any committee to report directly on any special or urgent matter in the meeting of Khan council as needed.

Section 3 Khan Board of Governors

Article 83:

Each Khan shall have a board of governors comprising of governor and deputy governors who shall be appointed in accordance with the Law on the Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

Article 84:

The Khan governor and deputy governors are not members of the Khan council.

Article 85:

The Khan board of governors shall be accountable to its council for the implementation of all decisions of the Khan council; and to the Royal Government for the implementation of constitution, laws, royal decrees, sub-decrees and other legal framework.

Article 86:

The Khan board of governors has duties to provide advice and report to the council, and is the implementer of all decisions of the Khan council for both legislative and executive decisions.

Article 87:

Based on the delegation of functions and duties from Phnom Penh Capital, the Khan board of governors shall conduct research and provide comments to the Khan council in order to discuss and make legislative and execute decisions in accordance with laws, the legal framework and determined formats and procedures of those delegated functions and duties.

Article 88:

The Khan board of governors shall conduct research in order to provide advice to the Khan council on tasks related to legislative and executive powers of the Khan council so that the council can discuss and approve in its ordinary and extra-ordinary meeting on:

- Review of functions, duties and resources assigned or transferred to the council and forms and procedures for the implementation of functions, duties and management of those resources;
- Development of strategy and structures, systems and resources in order to receive functions, duties and resources delegated from the Phnom Penh Capital administration in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Five (05) year development plan and three (03) rolling investment program in order to include into the five (05) year development plan and three (03) rolling investment program of the Phnom Penh Capital;
- Medium term expenditure framework and update;

- Finances, budgets and assets of Khan;
- Establishment, restructure or dissolution of offices;
- Personnel and body;
- Development of roles, duties and terms of reference of personnel;
- Identification of administrative and financial procedures for offices and personnel of Khan council;
- Development of strategies for capacity development of the Khan council, board of governors and personnel of Khan council;
- Preparation of reports on a regular basis to Khan council for review and approval within forty five (45) days after end of each year related to:
 - + Deika and decisions issued by the Khan council and activities and outputs of implementation;
 - + Financial and budget problems;
 - + Evaluation on performance of the Khan board of governors and personnel;
 - + Necessary measures for improving performance of the Khan council;
 - + Necessary measures for promoting gender equity;
 - + Other tasks which are considered as important by the Khan council and necessary for including to the annual report;
- Monthly, quarterly and semester reports;
- Establishment of committees or sub-committees or working groups as necessary in order to assist implementation of the Khan council works;
- Formulation of strategies for information dissemination to the public such as information board, display of information on the board and identification of ways for information dissemination to the citizens within its jurisdiction;
- Other tasks determined by laws and legal framework and other tasks required by the Khan council.

Article 89:

Upon receiving reports or information on power abuse as stated in the articles 47, 48 and 49 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, the Khan board of governors shall immediately conduct an investigation. In the investigation, if the abuse of power is found to be substantial, the Khan board of governors shall report this immediately to its Khan council as well as to the Phnom Penh Capital council. The Phnom Penh Capital council shall handle this issue in accordance with article 30 of this sub-decree.

Article 90:

In the implementation of role and duties as stated in the articles 87 and 88 of this sub-decree and other duties which are considered necessary, the Khan governor shall take these duties to consult and discuss with its board of governors based on principles of laws and the legal framework as well as decisions and instructions of its council.

The Khan governor shall be accountable to the Khan council for all activities of the board of governors.

The Khan deputy governors shall be accountable to the Khan governor for assigned duties and together with the governor shall be responsible for decisions and activities of its board of governors.

In order to ensure the implementation of these tasks, the Khan board of governors shall meet on a fortnightly basis. The second fortnightly meeting of each month is the monthly meeting.

Besides the fortnightly meeting and monthly meeting, the Khan board of governors may conduct other meeting as necessary.

Minutes of the meeting shall be prepared for every meeting.

Article 91:

The Khan board of governors or governor or deputy governors who has decided or/ and implemented any task which contradicts to the law and the legal framework or any task within jurisdiction of the Khan council that has not been decided by the Khan council, that decision or activity will not be valid.

The Khan board of governors or governor or deputy governors shall be accountable to the laws with regard to the above decisions or activities.

Article 92:

The Khan board of governors shall conduct meeting to divide duties to the governor and deputy governors and then make a request to the council for approval.

The minister of the Ministry of Interior shall issue Prakas related to the guideline on division of duties for the governor, deputy governors and procedures for implementing those duties.

Article 93:

The Khan governor shall sign all administrative letters for administering of daily works in order to implement the decisions of the Khan council except the legal framework that requires to be signed by chairperson of the Khan council on behalf of the council as stated in the article 71 of this sub-decree.

The Khan governor may authorize the right for signing the documents to the deputy governor and administrative letters within the framework of duties given to each deputy governor.

The Khan governor is responsible for legality, formats and procedures of the documents and letters which have been signed by the deputy governor.

The Khan governor has the right to take back the right to sign which has been given to any deputy governor who has used this power not in accordance with the law and procedures.

The Khan governor shall report, on the authorization and taking back of the right to sign, to the Khan council.

In necessary case, the minister of the Ministry of Interior may issue a guideline on formats and procedures for authorizing the right to sign the documents.

Article 94:

In capacity as representative of the Royal Government, ministries and institutions, the Khan governor has duties as followings:

- Provide guidance to the offices, units and agencies of the Royal Government based in its Khan to ensure that those offices, units and agencies properly implement roles and duties in accordance with the law and legal framework;
- Coordinate and provide direction to offices, units and agencies of the ministries and institutions in the Khan in order to respond to priority needs of local people. For activities which are related to multiple sectors, the governor shall coordinate with relevant offices, units and agencies to cooperate in the implementation of those activities based on the Royal Government policies, laws and legal framework and local priority needs. Through the technical facilitation committee of the Khan council, the Khan governor shall coordinate and provide direction to the offices, units and agencies of line ministries and institutions based in the Khan on the integration of their workplans and budgets in order to respond to priority needs of the Khan;
- Review, assess, provide comments and score performance of chiefs of offices and units based in Khan;
- Consult with the Khan council in providing comments on proposed candidates prior for appointment to office, unit and agency chiefs of line ministries and institutions based in Khan. In the case that the governor does not support the proposed candidates, Khan governor shall report in writing with justification to the Capital Governor to coordinate with directors of the departments and units before reporting to relevant minister or head of relevant institutions.
- In the event that there is an irregularity occurred in any office, unit and agency of the Royal Government located in its Khan or in the event that chief of office or chief of unit and responsible persons in the office or unit has committed wrong-doing from their role and duties, the Khan governor shall report in writing immediately to the Capital governor. The Capital governor shall instruct the departments or units in the Capital to investigate this issue, or appoint a committee or working group with participation of relevant Khan administrations to investigate the case immediately in order to report to minister or head of relevant institutions for solution in according with determined procedures;
- The Khan governor has the right to make request in writing to the governor of Phnom Penh Capital to take action in changing or demoting the position of any chief of office or unit or responsible person of the Royal Government agencies who has acted illegally and cannot be justified.

In order for the Khan governor to be able to implement the above duties, all reports of the office, units and agencies of the Royal Government at Khan shall be submitted to the Khan governor for review and comments. If the Khan governor agrees with the report, the governor shall sign on the report together with the head of office, unit and responsible person of those agencies. Other reports of the offices, units and agencies of the ministries and institutions based in Khan shall be copied to the Sala Khan.

Article 95:

The Khan governor shall represent the Royal Government, ministries and institutions of the Royal Government in maintaining security, public order,

promoting awareness on laws and ensuring implementation of laws as well as protecting and respecting human rights to all the people in Khan.

The Khan governor is the [chief of steering committee in charge of military](#) of the Khan in leading and coordinating the relevant offices and units and Sangkat administrations in order to maintain security and public order in the Khan.

Article 96:

In the implementation of role and duties as stated in the articles 94 and 95 of this sub-decree, the Khan governor shall divide duties to deputy governors in order to assist him/her in performing the above tasks.

The deputy governor who receives the divided duties shall be accountable for their actions to the Khan governor.

The Khan governor shall call for meeting of the board of governors as necessary to discuss any problem that he/she considers necessary for discussing with the board of the governors in order to promote participation in the implementation of role as the representative of the Royal Government, ministries and institutions of the Royal Government.

Minutes shall be prepared for all meeting.

Article 97:

In the implementation of role and duties as stated in the articles 94 and 95 of this sub-decree, the Khan governor shall respect policies of the Royal Government, laws, the legal framework and guidelines of the ministries and institutions; and be accountable to the Royal Government, Ministry of Interior, ministries and institutions, instructions from the Capital governor in accordance with laws and legal framework.

Article 98:

The Khan governor with assistance from the administration director shall report about activities related the implementation of role as a representative of the Royal Government, ministries and institutions as well as status of those activities in the monthly, quarterly, semester and annual report to the council.

In case that there is any problem related to the implementation of role of the Khan governor as a representative of the Royal Government, ministries and institutions of the Royal Government and that problem impacts on legal interests of the people or claims or complaints from the people, the Khan council may require the Khan governor to report as a special case to meeting of the council.

The Khan council can provide recommendations and instructions to the Khan governor on the implementation of the above role in order to respond to the local priority needs and challenges.

The Khan governor shall accept recommendations and instructions from its Khan council in order to coordinate and provide guidance and directions to the offices, units and agencies of the ministries and institutions based in Khan in response to those needs and report back to the council.

Article 99:

In event that the Khan governor is absent from office, he/she shall hand over his/her right in writing to a deputy governor to act as acting governor.

If the Khan governor is absent from office but he/she does not hand over his/her right to any deputy governor, the deputy governor, whose name is on the top of the list in the Prakas on appointment of the Khan deputy governors of the board of governors, shall act as acting governor.

In the event that the acting governor is absent from office, the Capital governor shall issue a Deika to assign a deputy governor to act as acting governor and report to the Capital administration so that the administration can report the minister of the Ministry of Interior.

The acting governor shall report on all tasks implemented to the Khan governor upon his/her return to the office.

In necessary case, the minister of the Ministry of Interior may issue a guideline on formats and procedures for this handover.

Article 100:

The minister of the Ministry of Interior shall issue a guideline on leave application of the Khan governor, deputy governors and personnel of the Khan council.

Section 4
Administration Director of the Sala Khan

Article 101:

The Khan council and board of governors shall have an administration director called **Sala Khan Administration Director** which will be appointed by the minister of the Ministry of Interior based on request of the Khan governor with approval of the Khan council.

The Sala Khan administration director shall have two (02) deputy administration directors as assistants which will be appointed by the minister of the Ministry of Interior based on request of the Khan governor with approval of its council.

The Sala Khan administration director shall be appointed among officials who has a position from principal of middle level civil servant (Kramkar Doen Kser) and above of the middle level civil servant body of the Ministry of Interior.

The Deputy governors of Sala Khan shall be appointed among officials who have positions from middle level civil servant (Kramkar) and above of the middle level civil servant body of the Ministry of Interior.

Article 102:

The qualifications for the appointment of the Sala Khan administration director and deputy directors shall be determined by a Prakas of the minister of the Ministry of Interior.

If necessary, the minister of the Ministry of Interior may issue a Prakas or guideline on role, duties and working procedures of the Sala Khan administration director and deputy directors.

Article 103:

The administration director plays role as an assistant to the Khan council, board of governors and governor in managing administrative tasks and ensuring sustainability of the daily administrative tasks in Sala Khan.

In performing this role, the administration director of Sala Khan shall report and be accountable to the Khan board of governors, governor and council.

Article 104:

In the implementation of the role as described in the article 103 of this sub-decree, the administration director has following duties:

- Prepare and submit to the Khan board of governors for reviewing and making decision on daily administrative tasks of the Sala Khan within the authority framework of the board of governors and ensure that these tasks shall be prepared in accordance with laws, legal framework and formats of the administrative letters;
- Prepare and submit the rules and principles for implementing Deika and decisions of the Khan council to the board of governors;
- Act as a secretary to the Khan governor and as a secretary to the chairperson of the Khan council in the preparation of draft agenda of all council meeting including coordination in the preparation of documents and contents for each agenda of the meeting in accordance with internal rules of the council. The draft agenda, documents and contents prepared by the administration director for submitting to the council meeting shall be submitted to the board of governors for reviewing and providing comments in advance except other provisions provided by law and the legal framework;
- Act as a secretary to the Khan council in the preparation and distribution of meeting invitation letters, prepare meeting venue and minutes of all council meeting;
- Prepare other tasks for all meeting of the board of governors as instructed by the Khan governor;
- Ensure receiving and distribution of letters and documents properly to members of the council, governor and deputy governors as well as ministries, institutions, departments, units, offices and other stakeholders;
- Manage and use of Sala Khan stamp properly as stated in the article 112 of this sub-decree;
- Ensure that all documents and legal instruments of the Khan council, board of governors and administration are maintained properly and safely;
- Perform other duties as assigned by the Khan council and board of governors or required by law and other legal framework.

Article 105:

The administration director of Sala Khan has the right to participate and contribute ideas in meetings of the Khan council, council committees, sub-committees and working groups, and board of governor meeting but he/she will not have the right to vote unless he/she is a member of any committee or sub-committee or working group of the Khan council.

Article 106:

In participating the meeting as described in the article 105 of this sub-decree and implementing daily works, the Khan administration director may provide comments to the Khan council, committees, subcommittees and working groups of the council and board of the governors on problems related to law and technical aspect in order to ensure that decisions and activities of the councils, board of governors and the governor are implemented in accordance with the constitution, laws and legal framework as well as determined national standard for safety and quality and promoting high effectiveness of the work of the Sala Khan.

Article 107:

The administration director of Sala Khan under the leadership of Khan board of governors and governor shall ensure that offices, officials, personnel perform their works in accordance with laws, legal framework, procedures and decisions of the Khan council and board of governors.

Article 108:

The Khan board of governors and governor may delegate any tasks to the Khan administration director to provide suggestions within scope of his/her role and duties in order that the board of governors or governor to review and approve as necessary.

Section 5 Sala Khan (Khan Hall) and its Offices

Article 109:

Sala Khan is the office where Khan council and board of governors work.

Sala Khan shall be open regularly in accordance with government working hours.

During working hours, the citizens have the right to:

- Communicate and work with the Khan council and the board of governors;
- Receive information on requests and other duties from Khan administration;
- Participate in giving opinions or making requests on any issues.

In between working hours or public holidays, the Khan council and board of governors shall ensure an appropriate number of their officials and staff of their administration to be in the office for receiving or solving urgent/special requests.

Article 110:

Each Khan administration is the owner and responsible for administering the receipt of all letters and documents in accordance with the existing laws.

Article 111:

The Khan administration is the owner and responsible for all letters and documents that are prepared by the council or on behalf of the Khan council and prepared by the Khan board of governors on behalf of state and all equipment, transport means and other materials of its administration.

The minister of the Ministry of Interior shall provide instruction on the management and use of the stamp.

Article 112:

Stamp of the Khan administration shall be provided to the administration director of Sala Khan for management so that it can be used by the Khan council and board of governors.

The minister of the Ministry of Interior shall provide instruction on the management and use of the stamp.

Article 113:

Each Khan administration shall prepare appropriate public information boards in front of Sala Khan which allow people easily access to the board.

The above information boards shall be used to write or display official information to the public.

The written and displayed information shall be maintained on the board for at least ten (10) days.

Besides the public information board in front of the Sala Khan, the Khan council shall conduct consultations and discussions with the Capital council to establish other public information boards in appropriate public places in order to display and disseminate information of the Khan together with Phnom Penh Capital and relevant Sangkats.

In addition to the public information boards, the Khan council shall find other means of information dissemination in order to inform the citizens about the works of the administration.

Article 114:

Each Sala Khan of the Capital shall consist of a number of offices:

Each office shall be led by a chief and maximum two (02) deputies who will be appointed in accordance with conditions described in a separate statute for sub-national administration personnel.

The chief of each office shall be directly responsible for, and accountable to administration director of Sala Khan.

The above offices shall serve as a secretary to the Khan council and board of governors for important tasks related to:

- Administrative letters;
- Civil registration;
- Management and development of human resources;
- Implementation of development projects and programs, coordination of development cooperation and service delivery in Sangkats of Khan;
- Finances and management of Khan assets;
- Land and constructions;
- Public order, legal affairs, human rights and gender;
- Implementation of delegated functions and duties;
- Tasks determined by laws and legal framework.

Based on the above duties, the minister of the Ministry of Interior through NCDD approval shall issue Prakas on establishment, deployment and functioning of Sala Khan offices as well as conditions for deployment of personnel in those offices.

Chapter 4

Relationship between the Administrations of the Capital, Khans and Sangkats and the Relationship between these Administrations with the Ministries and Institutions of the Royal Government

Section 1

Relationship between the Administrations of the Capital, Khans and Sangkats

Article 115:

The Sangkat and Khan Councils shall be supervised and managed of the Capital Council.

Article 116:

To ensure that the Capital and Khan councils establish, promote and sustain democratic development, the Sangkat councils shall be responsible to:

- Advise and consult with the Capital and Khan councils in order to ensure that the Capital council and Khan councils of the Capital are responsive to the needs of local citizens and shall be accountable to citizens within their jurisdiction;
- Provide recommendations to the Capital and Khan councils on the needs of the citizens that cannot be addressed by Sangkat council, in respect to their capacity and resources;
- Carry out the functions and duties which are delegated by the Capital council;
- Fully cooperate with the Capital and Khan councils in promoting service delivery and local development.

Article 117:

The Khan councils shall organize appropriate consultations with Sangkat councils in order to:

- Coordinate cooperation among the Sangkats in its Khan in order to promote responses to citizen needs;
- Consolidate citizen needs raised by Sangkat councils which cannot be responded by Sangkat councils themselves for consultation with relevant Sangkat councils to find an appropriate way to respond to these needs;
- Provide necessary capacity support to Sangkat councils in order that they are able to receive additional functions and duties delegated from the Capital council in response to the needs of citizens.

Article 118:

The Khan councils shall implement the functions and duties delegated by the Capital council. The Capital council shall ensure the delegation of the appropriate functions and duties to Khan councils.

To delegate the functions and duties to Khan councils, the Capital council shall consult with the relevant Khan and Sangkat councils to jointly discuss the rationale for delegating appropriate functions and duties to Khan councils or to Sangkat councils and necessary conditions for cooperation between Khan

councils and Sangkat councils to carry out those functions and duties.

Article 119:

In order to promote democratic development in the Capital, Khan and Sangkat, each council shall coordinate and create environment for participation of development partners and relevant stakeholders.

Article 120:

The Capital council shall appropriately delegate functions and duties to Sangkat councils to ensure that the Sangkat councils are more capable to establish, promote and sustain democratic development directly to the citizens in each Sangkat.

The delegated functions and duties to Sangkats are those that relate directly to the service delivery, development and daily livelihood needs of the citizens in each Sangkat.

To ensure delegation in accordance with the above principles, the Capital council shall consult with relevant Khan and Sangkat councils as stated in the article 118, paragraph 2 of this sub-decree.

Article 121:

In performing function as a representative of the Royal Government, the Capital board of governors shall lead, instruct and coordinate the Khan board of governors in order to ensure and maintain public order and security and respect and protection of human rights and laws in the Khan jurisdiction.

The Capital board of governors shall ensure that each Khan boards of governors of the Capital cooperate with each other to maintain public order and security and respect and projection of human rights and laws within the Capital jurisdiction.

The Khan governor shall communicate with the Capital board of governors in order to request for advice, guidance and coordination on the above tasks.

Article 122:

The Capital council shall ensure to provide means, materials and resources which include financial and human resources, training and capacity building to the Khan councils and Sangkat councils and personnel of these councils in order to implement the functions and duties delegated by the Capital council.

The Capital council shall conduct legality check on the implementation of the functions and duties delegated to the Khans and Sangkats in order to ensure that Khans and Sangkats implement those functions and duties within a framework of the delegated power and in accordance with the constitution, laws and the legal framework as well as to ensure that Khans and Sangkat councils provide the best response to the needs of citizens.

If necessary, the minister of the Ministry of Interior can issue guidelines on review of the above legality.

Article 123:

The Khan council shall support the Sangkat councils in order to ensure that they implement functions and duties within framework of the delegated power and in accordance with the constitution, laws and legal framework as well as to ensure that Sangkat councils provide the best response to the needs of citizens.

Article 124:

To ensure the sustainable development, the Capital council shall cooperate in study and development of a master plan and land-use plan in the Capital through consultations, coordination and participation from all Khan and Sangkat councils in the Capital as well as communities and relevant stakeholders.

The Master plan and land-use plan shall be prepared in accordance with predetermined principles and procedures.

The Capital council shall ensure that the officially approved master plan and land-use plan shall be respected and implemented appropriately.

The Capital council shall prepare development plans and investment programs and try to coordinate and direct the activities for the development of the Capital based on the master plan and land-use plan.

Article 125:

The Capital board of governors, Khan board of governors and Sangkat chiefs have duties to carry out daily tasks in interaction with the Capital, Khan and Sangkat in accordance on behalf of their council.

Section 2

Relationship between the Administrations of the Capital, Khan and Sangkat with the Ministries and Institutions and Support of the Capital Administration to the Khans and Sangkats

Article 126:

The ministries and institutions shall actively participate and support the process of democratic development through decentralization and deconcentration policy in the Capital, Khans and Sangkats in accordance with the principles of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and the Law on Administrative Management of the Communes and Sangkats.

Article 127:

The ministries and institutions shall formulate workplans to implement the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats and decentralization and deconcentration policy.

Article 128:

Each ministry and institution shall assign and delegate appropriate functions and duties together with financial resources, personnel and capacity to the Capital council in accordance with the provisions as stated in sections 2, 3, 4 and 5 of chapter 5 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats and the provisions as stated in this sub-decree.

Article 129:

The ministries and institutions shall review the laws, legal frameworks and programs related to their responsible sectors and request for amendments and revision to these documents and programs in order to make them consistent with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and Law on Administrative Management of Communes/Sangkats.

Article 130:

The ministries and institutions shall be responsible to determine policies for their sector for the whole country, issue legal framework in order to determine formats and procedures for the Capital council to implement assigned or delegated functions including identification of national standards for safety and quality as well as capacity development strategies for relevant councils to effectively carry out the assigned or delegated functions.

The above formats and procedures and national standards for safety and quality, shall be done based on the decentralization and deconcentration policy.

Article 131:

The ministries and institutions shall cooperate and coordinate with the NCDD and the Ministry of Interior to implement the provisions as stated in the articles 126, 127, 128 and 130 of this sub-decree and other tasks related to the Capital, Khan and Sangkat councils.

Article 132:

The Capital, Khan and Sangkat councils shall perform their functions and duties under the framework of national executive power.

Within the framework of national executive power, the Royal Government has the right to provide instructions and monitor legality of decisions and activities of the councils in order to ensure that the councils properly respect constitution, laws, the legal framework and national policies.

Article 133:

In accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and Law on Administrative Management of Communes/Sangkats, the Capital council shall receive delegation of authority from the Royal Government through this sub-decree in order to provide support, coordination and cooperation with Khan and Sangkat administrations to work together to achieve the national policies.

The minister of the Ministry of Interior in accordance with approval of NCDD shall issue Prakas on principles and procedures related to the above delegations.

Article 134:

The ministries and institutions may directly communicate and cooperate with Khan administration or Sangkat administration as necessary but they have to inform the Phnom Penh Capital administration.

Article 135:

In event that there is any disagreement between the Capital administration and the Khan administrations or Sangkat administrations or between any administrations of the Capital, Khans and Sangkats, the minister of the Ministry of Interior shall facilitate and address these disagreements in accordance with laws and the legal framework.

Article 136:

In performing its work, the Capital council shall communicate with ministries and institutions to consult on support and participation from these relevant ministries and institutions in order to solve the needs of citizens which cannot be addressed by those councils due to their capacity and resources.

If necessary, the ministries and institutions can directly communicate with Khan councils or Sangkat councils.

Article 137:

In the event that there is any disagreement between the ministries/ institutions and Capital, Khan and Sangkat councils, the NCDD shall facilitate and address these disagreements in accordance with laws and legal framework.

In the event that the disagreement cannot be solved, the NCDD shall report to the head of the Royal Government for review and decision.

Article 138:

The Capital board of governors shall implement its daily works in order to ensure the relationship with ministries and institutions on behalf of its council.

The Capital governor shall prepare and sign all administrative letters for communicating from the Capital to the ministries and institutions. The administrative letters from ministries and institutions to the Capital shall be addressed to the Capital governor except other provisions provided.

Upon receiving any letters from the ministries and institutions of the Royal Government and other stakeholders, the Capital governor and Capital board of governors shall clearly identify which authority related to the council and which authority related to the board of governors in taking action on subject matters as stated in the letters.

Chapter 5 Transitional Provisions

Article 139:

Based on provisions of this sub-decree, the minister of the Ministry of Interior shall issue guidelines on sequencing phases, formats and procedures in the establishment of the structures, systems, principles and procedures of the Capital and Khan administrations in order to ensure sustainability of these administrations.

In the absence of the structures and systems which will established in accordance with this sub-decree, the Capital and Khan administrations shall continue implementing present structures and systems until such time.

Article 140:

While waiting the transfer of new and additional functions, duties and resources from the national level, the Capital council and Khan councils in the Capital shall continue implementing functions and duties used to perform by their administration until such time.

The councils shall continue implementing these present functions and duties in accordance with active laws and legal framework; and roles, duties and working procedures as stated in this sub-decree.

The NCDD shall immediately review functions and duties and prepare legal framework in order to delegate or assign these functions and duties properly to the Capital council based on principles of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans; and this sub-decree.

Article 141:

During the absence of the Law on Financial Regime and Management of State Properties at Sub-National Level, the Sangkat council shall continue implementing the sub-decree no.16 OrNKr.BK dated 25 February 2002 on the Commune/Sangkat Funds.

Article 142:

While waiting for the transfer of functions and duties to the Capital council, the NCDD shall ensure that ministries and institutions integrate their development plans and budgets into the development plans and budgets of the Capital council.

Article 143:

The Capital and Khan councils shall continue managing, administering and implementing properly all Deika, decisions, legal framework, contracts, agreements, works, assets, revenues and money that have been managed, administered and implemented by or on behalf of the Capital and Khan administrations in accordance with laws and the legal framework.

Article 144:

In accordance with structures of the Phnom Penh Capital Hall and Sala Khans Hall as stated in articles 55, 57, 58 and 114 of this sub-decree, the minister of the Ministry of Interior shall ensure integration of units and personnel who are civil servants of the Ministry of Interior and presently work in the Phnom Penh Capital Hall and Sala Khan into the new structures.

During the absence of a separate statute on subnational personnel, determination of ranks, level and positions shall be based on the laws, royal decrees, sub-decrees and legal framework related to civil servants.

The minister of the Ministry of Interior shall issue guidelines on formats and procedures for this integration in order to ensure benefits, ranks, levels and positions of the personnel who are presently working in the units of Phnom Penh Capital Hall and Sala Khan.

In the event that the personnel who are civil servants of the Ministry of Interior who are working for the Phnom Penh Capital Hall and Sala Khan have been

integrated into the new structures as determined by this sub-decree, but the personnel needs cannot meet the requirements of the new structures, the Capital council and board of governors and Khan council and board of governors can review and recruit personnel who work as civil servants of other ministries who have appropriate qualification in order to appoint and fill the additional required positions.

The personnel who have integrated into the new structures as determined by this sub-decree, contract staff and other laborers who are working for the Capital Hall and Sala Khan shall be supervised and managed by the Capital council and board of governors and Khan council and board of governors. In the absence of a separate statute on sub-national personnel, the board of governors shall request for approval from its council regarding appointment, change, promotion of rank and level, salary base and other benefits for the personnel; and recruitment of the contract staff, laborers and technical advisors. Based on approval of the council, the governor shall make a request to the minister of the Ministry of Interior in order to prepare for appointment, change and promotion of ranks and level in accordance with active laws and the legal framework.

In necessary case, the minister of the Ministry of Interior can issue guidelines on formats and procedures for appointment, change and promotion of rank and level, salary base and other benefits for personnel and recruitment of contract staff, laborers and technical advisors.

Article 145:

When change or amendment has not been made to the royal decree NS/RKT/1201/450 dated 01 December 2001 on the salary base and benefits of the civil servants and in order to determine the functional salaries for positions in the structures of Capital Hall and Sala Khan as stated in this sub-decree, positions of Capital Hall deputy administration director and Sala Khan deputy administration director, director of divisions, deputy director of divisions, chief and deputy chief of offices of Capital Hall and Sala Khan shall be determined as followings:

- Deputy administration director of Capital Hall and Sala Khan shall have functional salary level equivalent to director of a line department in the Capital;
- Director of divisions shall have functional salary level equivalent to deputy director of the line departments in the Capital;
- Deputy director of divisions shall have functional salary level equivalent to the office chief of the line departments in the Capital;
- Chief and deputy chief of offices of the Capital Hall shall have functional salary level equivalent to chief and deputy chief of offices of the line departments in the Capital;
- Deputy director of Sala Khan Halls shall have functional salary level equivalent to office chief of the line offices in the Capital;
- Chief and deputy chief of offices of Capital Hall and Sala Khan shall have functional salary level equivalent to chief and deputy chief of offices of the line offices in the Khans.

Article 146:

In the absence of the guideline on leave application for the Capital board of governors, Khan board of governors, personnel of the Capital council and

personnel of Khan council, the formats and procedures for leave application shall be implemented in accordance with active guideline and the legal framework.

Article 147:

The NCDD shall conduct research studies in order to integrate the Capital Executive Committee of the Capital Development Committee into the structure of Capital administration as determined by this sub-decree.

In conducting the above studies, the NCDD shall consult and coordinate with ministries, institutions, development partners and other stakeholders to develop appropriate strategies and phases for this integration.

**Chapter 6
Final Provisions**

Article 148:

Any provisions that contradict to this sub-decree shall be abrogated.

Article 149:

The minister in charge of the Office of the Council Ministers, minister of the Ministry of Economy and Finance, minister of the Ministry of Interior, chairperson of the National Committee for Sub-National Democratic Development, ministers and secretaries of state of all ministries and institutions, the Capital council and board of governors, Khan councils and board of governors and Sangkat councils of the Phnom Penh Capital shall effectively implement this sub-decree from the date of its signature onwards.

Phnom Penh Capital, 14 December 2009

Prime Minister

Samdech Aka Moha Sena Padei Techo **Hun Sen**

Copy to:

- Ministry of Royal Palace
- General Secretariat of Senate
- General Secretariat of Parliament
- General Secretary of RGC
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 149
- Royal Affair
- Archives

Sub Decree No. 216 ANK/BK

dated 14 December 2009

On

**Roles, Duties and Working Relationship of
the Provincial Council and Board of
Governors, Municipal Council and Board of
Governors and District Council and Board of
Governors**



(Unofficial Translation)

**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
No. 216 OrNkr.BK**

**Sub-Decree
On
Roles, Duties and Working Relationship of the Provincial Council and Board
of Governors, Municipal Council and Board of Governors and District
Council and Board of Governors**

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on Establishment and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. SN/RKM/0196/08 dated 24 January 1996 promulgating the Law on Establishment and Functioning of the Ministry of Interior;
- Having seen the Royal Kram No. NS/RKM/0301/05 dated 19 March 2001 promulgating the Law on Administrative Management of Communes/Sangkats;
- Having seen the Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 promulgating the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;
- Having seen the Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of the National Committee for Sub-National Democratic Development;
- Receiving the agreement from the Council of Ministers in the meeting dated 20 November 2009;

DECIDES

**Chapter 1
General Provisions**

Article 1:

This sub-decree aims to determine roles, duties and working procedures of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors as well as working

relationship between the provincial administration with municipal administration, district administration, commune administration and Sangkat administration in the province; and between these administrations with the ministries and institutions of the Royal Government.

Article 2:

The term Provincial Administration used in this sub-decree refers to Provincial Council and Board of Governors.

The term Municipal Administration used in this sub-decree refers to Municipal Council and Board of Governors.

The term District Administration used in this sub-decree refers to District Council and Board of Governors.

Article 3:

Provinces, municipalities and districts shall be managed in accordance with conditions stated in the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and principles of the Unified Administration in order to establish, promote and sustain democratic development through decentralization and deconcentration policy.

Article 4:

Provinces, municipalities, districts, communes and Sangkats in the provinces shall be represented by a council which was elected in accordance with the Law on Elections of the Capital Council, Provincial Council, Municipal Council, District Council and Khan Council and the Law on Elections of Commune/ Sangkat Councils.

Article 5:

The provincial administration, municipal administration, district administration, commune administration and Sangkat administration receive their power through the constitution, laws, royal decrees, sub-decrees and other legal framework in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and Law on Administrative Management of Communes/Sangkats.

**Chapter 2
Provincial Administration**

**Section 1
Provincial Council**

Article 6:

The provincial council, which was established in accordance with the Law on Elections of the Capital Council, Provincial Council, Municipal Council, District Council and Khan Council, is a public representative, guardian and servant for the interests of all citizens in its jurisdiction.

Article 7:

The provincial council shall function in accordance with the constitution of the Kingdom of Cambodia, provisions of the Law on Administrative Management of

the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats, laws, royal decrees, sub-decrees and other active legal framework.

Article 8:

The provincial council shall administer tasks in order to achieve the purpose on establishment, promotion and sustainability of the democratic development as well as perform assigned and delegated functions and duties in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

Article 9:

During the fourth quarter of each year, the provincial council shall conduct dissemination and consultative forums in municipalities and districts in the province.

The dissemination and consultative forum shall be participated by provincial councilors and board of governors, municipal councilors and board of governors, district councilors and board of governors, commune and Sangkat councilors in the province, representatives of [people's communities](#) or/and other relevant people as decided by the provincial council.

The purpose of the dissemination and consultative forum is for the provincial council to report to the municipal councils, district councils, commune councils, Sangkat councils, people's communities or/ and other relevant people on activities of the provincial council within one (01) year period, respond to requests and proposals of the municipal councils, district councils, commune councils, Sangkat councils, people's communities and other relevant people, discuss and clarify issues of the forum participants as well as collect ideas and comments from participants in order to improve responsiveness to the local needs.

The provincial council shall facilitate the dissemination and consultative forums.

The provincial board of governors on behalf on its council shall consolidate and evaluate results of the forum within fifteen (15) after the forum. The consolidation and evaluation of the forum report should include principles and measures for promoting responsiveness to the local needs within the jurisdiction of the provincial administration. For tasks which are related to role and authority of other council categories, the provincial administration shall consult with those relevant councils in order to take up those principles and measures for solving in accordance with their authority. For tasks which are related to the role and authority of the national level, the provincial administration shall report to the Ministry of Interior.

The minister of the Ministry of Interior may issue additional guidelines on the organization of the dissemination and consultative forum as necessary.

Article 10:

The Phnom Penh Capital Council shall perform its functions and duties related to legislative decisions and executive decisions through by-laws (Deika) and

decisions made in the council meetings and shall ensure that those decisions are implemented, monitored and evaluated on a regular basis.

Article 11:

The meeting of the provincial council is considered valid unless this meeting is conducted in accordance with the internal rules of the council.

Any decisions that are made not in accordance with the internal rules of the council, constitution, laws and other legal framework shall not be valid.

The minister of the Ministry of Interior shall instruct or intervene as necessary to ensure that the council corrects those decisions that have been made not in accordance with the laws.

Article 12:

The provincial council can assign a committee or a number of committees established in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans or may establish committees or sub-committees to prepare draft Deika or decisions as necessary. In this case, the provincial board of governors shall take a lead in directing administration director of provincial hall (Sala Khet) and relevant divisions of the Sala Khet to provide legal and technical and legal support as well as other supports to the above committees or sub-committees or working groups.

The provincial board of governors with assistance of its administration director of Sala Khet shall coordinate with divisions of the Sala Khet in drafting Deika or decisions for the Capital council to review, discuss and approve.

The provincial governor shall instruct the administration director to prepare Deika that were approved by the council in accordance with the determined formats in order to submit and get it signed by the council and place on the stamp of the provincial administration.

The provincial council shall assign the provincial governor to publicly and immediately disseminate as well as to effectively implement the Deika or decisions that have been approved by the council except other provisions provided.

Article 13:

The chairperson of the provincial council on behalf of its council has the right to sign and put on the stamp of the provincial administration on the following documents:

- Deika or decisions approved by the council;
- Decisions on the establishment of the committees or sub-committees or working groups in accordance with decision of the provincial council meeting;
- Minutes of the meeting with have been approved by the council meeting;
- Requests on demotion of position of the provincial governor or deputy governor based on decision of the council, provisions as stated in the article 152 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Invitation letters to the provincial council meeting;
- Calendar for ordinary meeting of the council for twelve (12) month period;

- Requests on change of the provincial councilors;
- Any other tasks which are required by law and legal framework.

The provincial board of governors shall assist its council in the preparation of the above documents except those documents as identified in dash 4.

The minister of the Ministry of Interior may issue guidelines on forms of the above documents as necessary.

Article 14:

In every meeting, the provincial council shall take legislative decision or executive decision which includes principles and policies of the provincial administration and measures, formats and procedures as necessary related to:

- Preparation for receiving new functions, duties and resources in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Implementation of the obligatory functions of the provincial council;
- Implementation of the permissive functions of the provincial council;
- Five (05) year development plan and three (03) rolling investment program as well as components of the plan that fall under management and supervision of the same category of councils, each category of council, ministries, institutions or departments and units of the Royal Government and relevant development partners;
- Annual budget and medium term expenditure framework of the provincial administration;
- Other financial issues of the provincial council;
- Establishment of structures, systems and resources of the committees, directions and personnel of the provincial council;
- Division of duties to members of the provincial council to communicate with the citizens and monitor implementation of tasks of the provincial council;
- Management and use of assets of the provincial administration;
- Processes for consultation with public in jurisdiction of the council and dissemination of information to the citizens;
- Achievements and challenges of works in the jurisdiction of the provincial council;
- Other tasks determined by laws, royal decrees, sub-decrees and legal framework.

Article 15:

Besides the tasks which the provincial council should make decisions in the meeting as described in the article 14 of this sub-decree, the provincial council can also make decisions in ordinary or extraordinary meeting on other tasks related to:

- Invitation of concerned provincial governor or deputy governor or board of governors or relevant individuals to be questioned about the implementation of the council decisions or any events which have happened in the province or solutions of any urgent or special problems as well as other tasks related to the provincial administration;
- Decision to conduct research studies or investigations on any cases which the council considers it is important for the people they represent and decision to disseminate result of the research study or investigation as well

- as instruct the board of governors in regard to actions for addressing the issues as result of the investigation;
- Review, research and report to the Ministry of Interior on any cases related to abuse of power as stated in articles 47, 48 and 49 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
 - Review and address any illegal acts committed by the provincial council or provincial council members or provincial board of governors or provincial deputy governors or staff of the council in accordance with the principle stated in section 5, chapter 2 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
 - Review and take actions to address local conflicts in accordance with active law and procedures;
 - Review and address appropriately requests or complaints from the people in its jurisdiction;
 - Review and approve monthly, quarterly and annual reports prepared by the provincial board of governors;
 - Any other problems as required by laws and legal framework as well as problems considered as necessary by the provincial council and board of governors.

Article 16:

The provincial council shall use legislative and executive power based on the principles, formats and procedures determined in relevant laws and legal framework.

In the event that any tasks that are the local needs but the law or legal framework does not determine formats and procedures for the use of legislative and executive power for implementing those tasks, provincial council therefore shall assign the board of governors to conduct studies and set up appropriate formats and procedures in accordance with principles of transparency, accountability and effectiveness and submit them to the council for review and approval in order to solve these tasks or may request for advice from the minister of the Ministry of Interior or heads of relevant ministries, institutions to clarify the formats and procedures for addressing those tasks.

In the event that any tasks whose formats and procedures are determined by law and legal framework but they are not clear or do not reflect to local situation and cannot be implemented by the provincial council, the council therefore shall assign the board of governors to prepare a request to the minister of the Ministry of Interior immediately. The minister of the Ministry of Interior through mechanism of the National Committee for Sub-National Democratic Development (NCDD) shall coordinate with the ministers or heads of relevant ministries and institutions to review and address these tasks.

Article 17:

The provincial board of governors shall be responsible for administering and implementing the approved legislative and executive power of the council on behalf of the council.

The provincial board of governors shall report regularly to the council in every ordinary or extraordinary meeting of the council as stated in the articles 14 and 15 of this sub-decree.

The provincial council shall monitor and evaluate the tasks implemented by the provincial board of governors in order to ensure that the board of governors performs those tasks in accordance with the laws, legal framework and decisions of the provincial council.

The NCDD shall issue guidelines and provide support to the provincial council in development of monitoring and evaluation system for the implementation of the provincial council decisions.

Section 2 Committees of the Provincial Council

Article 18:

The provincial council shall have three (03) consultative committees which will be established in accordance with Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans. These committees include:

- Technical Facilitation Committee;
- Consultative Committee on Women and Children Affairs
- Procurement Committee.

The functioning of the above three committees shall be done based on legal framework on establishment and functioning of these committees.

Article 19:

Besides the above three committees, the provincial council may establish additional committees as necessary.

Duties of the additional committees shall not overlap with duties of the three committees determined by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

The provincial council may also establish sub-committees or working groups based on request of the committees or provincial board of governors.

The above sub-committees or the working groups shall be primarily accountable to committees or provincial board of governors.

Article 20:

The provincial council may appoint members of the provincial council, provincial governor, deputy governors, staff of the council, representatives of other council categories within the provincial jurisdiction, representatives of communities, citizens and other relevant people as necessary to be members of the committee or sub-committee or working group.

The provincial council shall decide on number of each committee members or sub-committee members or working group, appoint chair and deputy chair and

determine organization and functioning of the established committees or sub-committees or working groups.

Each committee or sub-committee or working group shall consist of an appropriate number of women representatives including positions of chair or deputy chair of the committee or sub-committee or working group.

The provincial council may dissolve the committee or sub-committee or working group and may dismiss any members of the established committee or sub-committee or working group as necessary or in accordance with request of the provincial committee or board governors.

Article 21:

The provincial board of governors may request to the provincial council that the committees or sub-committees or working groups established by the council including the three (03) sub-committees required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans to assist study and provide comments on an issue or a number of issues in the jurisdiction of the provincial board of governors.

Article 22:

The provincial council shall be responsible for all decisions and activities of the committees and responsible for the consequences that arise from the activities of those committees.

Article 23:

The provincial council shall instruct the board of governors to provide support on secretariat affairs, legal support and technical assistance as well as other supports to the three (03) committees established in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans or committees or sub-committees or working groups established by the provincial council.

Article 24:

The established committees shall prepare monthly, quarterly, semester and annual reports and other reports as necessary.

The above reports shall be copied to the provincial board of governors in order to consolidate and report to the provincial council.

The provincial council may require any committee to report directly in the council meeting as necessary on any urgent and special task.

Section 3
Provincial Board of Governors

Article 25:

Each province shall have a board of governors which includes governor and deputy governors which shall be appointed in accordance with conditions of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

Article 26:

The provincial governor and deputy governors are not members of the provincial council.

Article 27:

The provincial board of governors shall be accountable to its council with regard to the implementation of provincial council decisions and to the Royal Government with regard to the implementation of the constitution, laws, royal decrees, sub-decrees and legal framework.

Article 28:

The provincial board of governors is responsible to provide comments and report to the provincial council and is the implementer of decisions of the provincial council which includes legislative and executive decisions.

Article 29:

The provincial board of governors shall conduct research studies in order to provide comments to the provincial council on tasks related to legislative and executive power so that the council can discuss and approve in its ordinary or extraordinary meeting on:

- Review of functions, duties and resources assigned or transferred to the provincial council and forms and procedures for the implementation of functions, duties and management of those resources;
- Development of strategy and structures, systems and resources in order to receive functions, duties; and resources assigned or transferred in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Formulation of five (05) year development plan and three (03) rolling investment program;
- Medium expenditure framework which shall be updated annually;
- Preparation of annual budget plan;
- Establishment, adjustment or dissolution of divisions or offices;
- Development of roles, duties and terms of reference of staff;
- Appointment, promotion of positions and dismissal of staff;
- Development of criteria for selection, appointment, setup salaries and other benefits of provincial council staff;
- Identification of administrative and financial procedures for divisions and council staff;
- Identification of strategies for capacity development of the provincial council, board of governors and provincial council staff;
- Preparation of annual reports to provincial council for review and approval within forty five (45) days after end of each year related to:
 - + Deika and decisions issued by the provincial council and activities and outputs of implementation;
 - + Financial report;
 - + Evaluation on performance of the provincial board of governors and staff of the provincial council;
 - + Measures for improving performance of the provincial council;
 - + Measures for promoting gender equity;
 - + Other tasks which are considered as important by the provincial council and necessary for including to the annual report;

- Monthly, quarterly and semester reports;
- Establishment of committees or sub-committees or working groups as necessary in order to assist implementation of the provincial council works;
- Formulation of strategies for information dissemination to the public such as information board, display on information on the board and identification of ways for information dissemination to the citizens in its jurisdiction;
- Other tasks determined by laws and legal framework and other tasks required by the provincial council.

Article 30:

Upon receiving the report or information about the abuse of power as stated in articles 47, 48 and 49 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, the provincial board of governors shall conduct immediate investigation. In the investigation, if the abuse of power is found to be true, the provincial board of governors shall immediately report to the provincial council and the minister of the Ministry of Interior.

Article 31:

In the implementation of role and duties as stated in the articles 29 and 30 of this sub-decree and other duties which are considered necessary, the provincial governor shall take these duties to consult and discuss with its board of governors in accordance with legal principle and other legal framework as well as decisions and instructions of its council.

The provincial governor shall be accountable to the provincial council for all activities of the board of governors.

The provincial deputy governors shall be accountable to the provincial governor for assigned duties and together with the governor shall be responsible for decisions and activities of the board of governors.

In order to ensure the implementation of these duties, the provincial board of governors shall meet on a fortnightly basis. The second fortnightly meeting of each month is the monthly meeting.

Besides the fortnightly meeting and monthly meeting, the provincial board of governors may conduct other meeting as necessary.

Minutes of the meeting shall be prepared for every meeting.

Article 32:

The provincial board of governors or governor or deputy governors who has decided or/ and implemented any task which contradicts to the law and legal framework or any task within jurisdiction of the provincial council that has not been decided by the council, that decision or activity will not be valid.

The provincial board of governors or governor or deputy governors shall be accountable to the law with regard to the above decision or activity.

Article 33:

The provincial board of governors shall conduct meeting to discuss and divide tasks to the governor and deputy governors and then make a request to the council for approval.

The minister of the Ministry of Interior shall issue a guideline on division of duties for the governor, deputy governors and procedures for implementing those duties.

Article 34:

The provincial governor shall sign all administrative letters for administering daily works in order to implement the decisions of the council except the legal framework that requires to be signed by chairperson of the council on behalf of the council as stated in the article 13 of this sub-decree.

The provincial governor may authorize right for signing to the deputy governors on documents and administrative letters in the framework of duties given to each deputy governor.

The provincial governor is responsible for legality, formality and procedures of the documents and letters which have been signed by the provincial deputy governors.

The provincial governor has the right to take back the signing right which has been given to any deputy governor who has used this power not in accordance with the law and procedures. The provincial governor shall report to its council on the authorization and taking back of this signing right.

In necessary case, the minister of the Ministry of Interior may issue a guideline on forms and procedures for authorizing the right for signing.

Article 35:

In the capacity as a representative of ministries and institutions of the Royal Government in the province, the provincial governor has following duties:

- Provide instruction to departments, units and agencies of the ministries and institutions in the province to implement their roles and duties in accordance with law, national policies and legal framework related to each department, unit and agency;
- Coordinate and provide direction to the departments, units and agencies of the ministries and institutions in the province in responding to local priority needs. In case that the task involves many sectors, the provincial governor shall coordinate relevant departments, units and agencies to work together to implement this task in accordance with government policy, law, legal framework and local priority needs. Through the technical facilitation committee, the provincial council and governor shall coordinate and provide direction to the departments, units and agencies of the ministries and institutions in the province in order to integrate their plans and budgets of these agencies into the plans and budgets of the provincial council;
- Monitor, evaluate, provide comments and score performance of the directors of the departments, units and agencies of the ministries and institutions in accordance with determined principles.
- Consult with the provincial council in providing comments for proposed candidates to be appointed as heads of the departments and units of the

ministries and institutions in the province. In case the provincial governor does not support any proposed candidate, the provincial governor shall report in writing with clear reasons to relevant minister or head of institution to consider that report. In case that the minister or head of institution agrees with the report of the provincial governor, the minister or head of the institution shall change the proposed candidate accordingly. In case that the minister or head of institution studies and found that the report of the governor has no clear reason, the minister or head of the institution shall clarify to the governor in order to accept the proposed candidate. In case that agreement could not be reached between the governor and minister or head of the institution on the proposed candidate the minister or head of the relevant ministry shall report to the head of the Royal Government for review and decision. The provincial governor shall report this case to its council and minister of the Ministry of Interior.

- In the event that an abnormality is found within any department, unit and agency or wrong-doing committed by any head of the department, unit and responsible agency, the provincial governor shall immediately instruct that head of the department, unit and agency to correct immediately. In case that the head of the department, unit and agency does not make correction or in case that the abnormality or wrong-doing is severe, the provincial governor shall immediately report in writing to the relevant minister or head of institution. The relevant minister or head of institution shall immediately investigate in order to solve this case in accordance with law.
- The provincial governor has the right to request in writing to the minister or head of the institution in order to demote position from any head of the department, unit and agency who has committed wrong-doing which cannot be justified.

In order to ensure that the provincial governor implements the above role and duties, all monthly, quarterly, semester and annual reports of the departments, units and agencies of the ministries and institutions in the province to the minister and head of the institution shall be submitted to the provincial governor in order to review and provide comments in advance. If it is agreed, the provincial governor shall sign on that report together with the head of that responsible department, unit and agency. Other reports of the departments, units and agencies of the ministries and institutions in the province shall be copied to Sala Khet.

Article 36:

The provincial governor shall represent the Royal Government, ministries and institutions of the Royal Government in maintaining security, public order, promoting awareness on laws and ensuring implementation of laws as well as protecting and respecting human rights to the people in the province.

The provincial governor is the [chief of steering committee in charge of military](#) of the province in leading and coordinating the relevant departments and units, municipal, district, commune and Sangkat administrations in order to maintain security and public order in the province.

Article 37:

In the implementation of role and duties as stated in the articles 35 and 36 of this sub-decree, the provincial governor shall divide duties to deputy governors in order to assist him/her in performing the above tasks.

The deputy governor who receives the divided duties shall be accountable for their actions to the provincial governor.

The provincial governor shall call for a meeting of the board of governors as necessary to discuss any problem that he/she considers necessary for discussing with the board of the governors in order to promote participation in the implementation of role as the representative of the Royal Government, ministries and institutions.

Minutes shall be prepared for all meetings.

Article 38:

In the implementation of role and duties as stated in the articles 35 and 36 of this sub-decree, the provincial governor shall respect policies of the Royal Government, laws, legal framework and instructions of the Royal Government, the ministries and institutions; and be accountable to the Royal Government, Ministry of Interior, ministries and institutions in accordance with laws and legal framework.

Article 39:

The provincial governor with assistance from the administration director of Sala Khet shall report about activities and results related the implementation of role as a representative of the Royal Government, ministries and institutions as well as status of those activities in the monthly, quarterly, semester and annual report to its council.

In event that there is any problem related to the implementation of role of the provincial governor as a representative of the Royal Government, ministries and institutions of the Royal Government and that problem impacts on legal interests of the people or claims or complaints from the people, the provincial council may require the provincial governor to report as a special case to meeting of the council.

The provincial council can provide recommendations and instructions to the provincial governor on the implementation of the above role in order to respond to the local priority needs and challenges.

The provincial governor shall accept recommendations and instructions from its council in order to instruct, coordinate and provide directions to the departments, units and agencies of the ministries and institutions in the province in response to those needs and report back to the council.

Article 40:

In the event that the provincial governor is absent from office, he/she shall hand over his/her right in writing to a deputy governor to act as acting governor.

If the provincial governor is absent from office but he/she does not hand over his/her right to any deputy governor, the deputy governor, whose name is on the

top of the list in the sub-decree on appointment of the provincial deputy governors of the provincial board of governors, shall act as acting governor.

In the event that the provincial acting governor is absent from office, the minister of the Ministry of Interior shall issue a Prakas to assign a deputy governor to act as acting governor.

The provincial acting governor shall report on all tasks implemented to the provincial governor on his/her return to the office.

If necessary, the minister of the Ministry of Interior may issue a guideline on forms and procedures for this handover.

Article 41:

The minister of the Ministry of Interior shall issue a guideline on leave application of the provincial governor, deputy governors and personnel of the provincial council.

Section 4
Administration Director of Sala Khet

Article 42:

The provincial council and board of governors shall have an Administration Director which is called **Sala Khet Administration Director** who will be appointed by the minister of the Ministry of Interior based on request of the provincial governor and approval of the provincial council.

The administration director of Sala Khet shall have two (02) deputy administration directors as assistants which will be appointed by the minister of the Ministry of Interior based on request of the provincial governor and approval of the provincial council.

The administration director of Sala Khet shall be appointed among officials who have a rank from administrator (Anu-Montrey) and above of the body of the administrator of the Ministry of Interior.

The deputy administration director of Sala Khet shall be appointed among officials who have a rank from chief of middle level of civil servant (Neay-Kramkar) and above of the body of the middle level of civil servant of the Ministry of Interior.

Article 43:

Qualification for appointment of the Sala Khet administration director and deputy administration directors shall be determined by Prakas of the minister of the Ministry of Interior.

In necessary case, the minister of the Ministry of Interior may issue a Prakas or guideline on role, duties and working procedures of the Sala Khet administration director and deputy directors.

Article 44:

The Sala Khet administration director plays role as an assistant to the provincial council, board of governors and governor in managing administrative tasks and ensuring sustainability of daily administrative tasks in Sala Khet.

In performing this role, the administration director shall report and be accountable to the provincial board of governors, governor and council.

Article 45:

In the implementation of the role as stated in the article 44 of this sub-decree, the administration director of Sala Khet has following duties:

- Prepare and submit to the provincial board of governors for reviewing and making decision on daily administrative tasks of the Sala Khet in jurisdiction framework of the provincial board of governors and ensure that these tasks shall be prepared in accordance with laws, legal framework and formats of the administrative letters;
- Prepare and submit to the provincial board of governors rules and principles for implementing Deika and decisions of the provincial council;
- Act as a secretary to the provincial governor and a secretary to chairperson of the provincial council in the preparation of draft agenda of all council meeting including coordination in the preparation of documents and contents for each agenda of the meeting in accordance with internal rules of the council. The draft agenda, documents and contents prepared by the administration director for submitting to the council meeting shall be submitted to the board of governors for reviewing and providing comments in advance except there are other arrangements required by law and legal framework;
- Act as a secretary to the provincial council in the preparation and distribution of meeting invitation letters, prepare meeting venue and minutes of all provincial council meeting;
- Prepare other tasks for all meeting of the provincial board of governors as instructed by the provincial governor;
- Ensure receiving and distribution of letters and documents properly to members of the provincial council, governor and deputy governors as well as ministries, institutions, departments, units and other stakeholders;
- Ensure that all documents and legal instruments of the provincial council, board of governors and administration are maintained properly and safely;
- Manage and use stamp of the provincial administration properly as stated in article 53 of this sub-decree;
- Perform other duties as assigned by the provincial council and board of governors or required by law and other legal framework.

Article 46:

The Sala Khet administration director has the right to participate and contribute ideas in meetings of the provincial council, council committees, sub-committees and working groups and board of governor meeting but he/she will not have the right to vote unless he/she is a member of any council committee or sub-committee or working group.

Article 47:

In participating the meeting as described in the article 46 of this sub-decree and implementing daily works, the Sala Khet administration director may provide

comments to the provincial council, committees, sub-committees and working groups of the council and board of the governors on problems related to law and technical aspect in order to ensure that decisions and activities of the provincial councils, board of governors and the governor are implemented in accordance with the constitution, law and legal framework as well as determined national standard for safety and quality and promoting high effectiveness of the provincial works.

Article 48:

The Sala Khet administration director under the leadership and instruction of the provincial board of governors and governor shall ensure that all directors of divisions, officials and staff implement works in accordance with law, legal framework, procedures and decisions of the council and board of governors.

Article 49:

The provincial board of governors or governor may delegate any works to the Sala Khet administration director to provide any suggestions within scope of his/her role and duties and submit to the provincial board of governors or governor to review and approve as necessary.

Section 5 Sala Khet and its Divisions

Article 50:

The Sala Khet is the office where the provincial council and the board of governors work.

The Sala Khet shall be open regularly in accordance with the official working hours of the State.

During the working hours, the citizens have the rights to:

- Communicate and work with the provincial council and board of governors;
- Receive information about request and works from the provincial administration;
- Participate in providing comments or suggestions on any problem.

In between the official working hours or public holidays, the provincial council and board of governors shall ensure an appropriate number of their officials and personnel will stand by in the office in order to receive or address any urgent and special requests.

Article 51:

The provincial administration is the owner and responsible for administering all received letters and documents properly and in accordance with existing laws.

Article 52:

The provincial administration is the owner and responsible for all letters and documents prepared by the provincial council or on behalf of the council and by the board of governors on behalf of the state as well as the owner of equipment, transport means and materials of its administration.

The provincial administration shall ensure proper and safe maintenance of documents, letters, equipment, transport means and materials of its administration.

Article 53:

The stamp of the provincial administration shall be provided to the administration director of Sala Khet for management so that it can be used by the provincial council and board of governors.

The minister of the Ministry of Interior shall provide instruction on the management and use of the stamp.

Article 54:

The provincial administration shall setup appropriate public information boards in front of the Sala Khet which allows people to get accessed easily.

The above public information board shall be used to write or display official information to the public.

The information written and displayed on the board shall be maintained for at least ten (10) days.

Besides the public information board in front of the Sala Khet, the provincial council to setup other public information boards in appropriate public places in order to display and disseminate information to the public.

In addition to the public information boards, the provincial council shall find other means of information dissemination in order to inform about works of the administration to the citizens.

Article 55:

The Sala Khet shall compose of necessary divisions as followings:

- Administration Division
- Planning and Investment Division
- Finance Division
- Human Resource Management Division
- Inter-Sectoral Division

Article 56:

Each division shall be directly supervised and managed by the division director.

The division director shall be directly responsible and accountable to the administration director of Sala Khet.

Article 57:

Each division of the Sala Khet as stated in article 55 of this sub-decree shall have a director and maximum two (02) deputy directors as assistants.

Each division of the Sala Khet shall consist of a number of offices.

Each office shall have a chief and maximum two (02) deputies as assistants.

Conditions for appointment of the division director, division deputy directors, office chief, deputy chiefs, officials and staff of each division shall be based on a separate statute for sub-national administration personnel.

Article 58:

Each division as stated in article 55 of this sub-decree shall serve as a secretary for the provincial council and board of governors in cooperating with sectoral departments and units on the following tasks:

A). Administration Division:

- Letters, documentation and legalization of documents;
- Management and maintenance of provincial administration stamp;
- Communication with public on issues related to the Sala Khet, information, monthly, quarterly, semester and annual report preparation and display of information on the public information boards;
- Management of statistics, data and civil registration;
- Protocol and international cooperation;
- Support on secretariat works to the provincial council.

B). Planning and Investment Division:

- Five year development plans and three year rolling investment programs;
- Management of contracts and/or implementation of projects signed with the provincial administration;
- Support administrative resources and capacity to the municipalities, districts, communes and Sangkats;
- Cooperation in feasibility study, preparation of drawings, cost estimation and project proposals for inclusion into the provincial development plan and technical support to the municipalities, districts, communes and Sangkats on the above tasks;
- Cooperation and support to development plan and investment program formulation process of municipalities, districts, communes and Sangkats as well as capacity building support to the municipalities, districts, communes and Sangkats in project implementation;
- Review and provide comments on proposed investments and development projects of the private sector and other stakeholders in the jurisdiction of the province;
- Prepare and update data related to development projects of of the province, municipalities, districts, communes and Sangkats.

C). Finance Division:

- Preparation of draft annual budget plan and medium expenditure;
- Financial works, budget and financial reports of the province;
- Arrangement for audits to be conducted properly in accordance with financial procedures;
- Management of incomes, expenditures and accounts;
- Support on financial works to municipalities, districts, communes and Sangkats;
- Inventory and assets of the provincial administration;
- Management of the assets of Sala Khet;
- Procurement.

D). Human Resource Management Division:

- Works related to body and management of personnel under jurisdiction of the provincial council;
- Employment and recruitment plan of advisors, contract staff and laborers;
- Awarding decoration, medals and appreciation certificates to personnel and charitable persons;
- Formulation of strategy for capacity development and training to personnel;
- Development of role, duties and terms of reference personnel;
- Establishment, adjustment or dissolution of divisions or offices of Sala Khet;
- Determination of administrative procedures for divisions and terms of reference of the personnel;
- Dissemination and monitoring on implementation of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats, laws, legal framework and administrative procedures related to personnel and role, duties and terms of reference of personnel.

E). Inter-Sectoral Division:

- Coordination and cooperation on review of functions, resources and responsibilities in order to be transferred to the provincial administration and municipal, district, commune and Sangkat administrations within the province;
- Cooperation and coordination on assignment and delegation of functions and resources to the province and municipalities, districts, communes and Sangkats within the province;
- Cooperation and coordination on implementation of functions and duties related to economic activities, improvement of social welfare, tasks related to land, land-used plan, environment, natural resources, parks, management of waste, development of transportation infrastructures and delivery of public services except functions and duties under responsibilities of other divisions of the Sala Khet as stated in this sub-decree;
- Implementation of new functions and duties transferred to provincial administration except those functions and duties under the responsibilities of other divisions of the Sala Khet as stated in this sub-decree;
- Dissemination of laws and legal frameworks; and monitoring and evaluation on awareness and implementation of laws;
- Promotion of awareness on human rights, respect of human rights and gender;
- Abuse of power in jurisdiction of the province and solution of local conflicts;
- Security, public order and promotion of social safety;
- Implementation of new functions and duties which have been transferred to the provincial administration except those functions and duties under responsibilities of other divisions of the Sala Khet as stated in this sub-decree;

Besides the above tasks, each division can perform other tasks as assigned by the provincial board of governors.

Each division shall perform its tasks in accordance with active laws, legal framework and procedures.

In necessary case, the minister of the Ministry of Interior may issue a guideline on duties and working procedures of the divisions of Sala Khet.

Article 59:

Based on role and duties of the divisions of the Sala Khet as stated in article 58 of this sub-decree, the minister of the Ministry of Interior with agreement of NCDD shall issue Prakas on the establishment, role, duties and working procedures of the offices under each division of the Sala Khet.

Article 60:

Besides the divisions and offices as stated in the articles 55 and 59 of this sub-decree, the provincial board of governors may make requests to the provincial council to establish additional divisions or offices as necessary.

The role and duties of the established divisions or offices shall not overlap with the divisions and offices established by this sub-decree.

The provincial governor with approval of its council shall make requests to the minister of the Ministry of Interior in order to review and approve the establishment or dissolution or reorganization of the above divisions or offices.

Chapter 3 Municipal Administration

Section 1 Municipal Council

Article 61:

The municipal council which was elected in accordance with the Law on Elections of the Capital Council, Provincial Council, Municipal Council, District Council and Khan Council is the public representative and the guardian and the servant for public interests of all citizens within its jurisdiction.

Article 62:

The municipal council shall function in accordance with the constitution of the Kingdom of Cambodia, provisions of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, laws, royal decrees, sub-decrees and other active legal framework.

Article 63:

The municipal council shall administer tasks in order to achieve the purpose on establishment, promotion and sustainability of the democratic development as well as perform assigned and delegated functions and duties in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

Article 64:

Each municipal council shall closely coordinate and cooperate with Sangkat councils and people communities in its municipality in order to identify priority needs in providing services and development, and request or suggestions from

people in its municipality in order to integrate into the five (05) year development plan and three (03) year rolling investment program of the municipality.

Article 65:

During June of each year, the municipal council shall conduct dissemination and consultative forums in Sangkats of the municipality.

The dissemination and consultative forum shall be participated by municipal councilors, municipal board of governors and all Sangkat councilors in the municipality, representatives of people communities or/and other relevant people as decided by the municipal council.

The objective of the dissemination and consultative forum is for the municipal council to inform Sangkat councils, communities and/ or stakeholders about municipal council activities within a period in between one forum to another; responses to Sangkat council requests, people communities and concerned individuals, discussions and clarifications on issues to forum participants; and collection of ideas and comments from participants in order to improve responsiveness to the local needs.

Chairperson of each municipal council shall facilitate the dissemination and consultative forums.

The municipal board of governors on behalf on its council shall consolidate and evaluate results of the forum within fifteen (15) after the forum. The consolidation and evaluation of the forum report should include principles and measures for promoting responsiveness to the local needs within the framework of role and power of the municipal administration. For tasks which are related to role and power of other council categories, the municipal administration shall consult with those relevant councils in order to take up those principles and measures for solving in accordance with their power. The municipal board of governors shall submit a copy of this report to the provincial administration to review and address issues related to its role and power. For tasks which are related to role and power of the national level, the provincial board of governors shall consolidate reports from all municipalities in order to report to the Ministry of Interior and its council.

The minister of the Ministry of Interior may issue additional guidelines on the organization of the dissemination and consultative forum as necessary.

Article 66:

The municipal council shall perform its functions and duties related to legislative decisions and executive decisions through by-laws (Deika) and decisions made in the council meetings and shall ensure that those decisions are implemented, monitored and evaluated on a regular basis.

Article 67:

The meeting of the municipal council is considered valid unless this meeting is conducted in accordance with the internal rules of the council.

Any decisions that are made not in accordance with the internal rules of the municipal council, constitution, laws and other legal framework shall not be valid.

The minister of the Ministry of Interior shall instruct or may intervene as necessary in order that the municipal council corrects those decisions that have been made not in accordance with the laws to make them in line with the principles stated in Article 196 of this sub-decree.

Article 68:

The municipal council can assign a committee or a number of committees established in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans or may establish committees or sub-committees or working groups to prepare draft Deika or decisions as necessary. In this case, the municipal board of governors shall take a lead in directing administration director of Sala Krong and relevant offices of municipality to provide legal and technical and legal support as well as other supports to the above committees or sub-committees or working groups.

The municipal board of governors with assistance of its administration director of Sala Krong shall coordinate with offices of municipality in drafting Deika or decisions for the municipal council to review, discuss and approve.

The municipal board of governors shall instruct the administration director of Sala Krong to prepare Deika that was approved by the council in accordance with the determined formats in order to submit and have it signed by the council on behalf of its council and place on the stamp of the municipal administration.

The municipal council shall assign the municipal board of governors to publicly and immediately disseminate as well as to effectively implement the Deika or decisions that have been approved by the council except other provisions provided.

Article 69:

The chairperson of the municipal council on behalf of its council has the right to sign and place on the stamp of the municipal administration on the following documents:

- Deika or decisions approved by the municipal council;
- Decisions on the establishment of the committees or sub-committees or working groups in accordance with decision of the municipal council meeting;
- Minutes of the meeting with have been approved by the municipal council meeting;
- Requests on demotion of position of the municipal governor or deputy governor based on decision of the municipal council and provisions as stated in the article 152 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Invitation letters to the municipal council meeting;
- Calendar for ordinary meeting of the council for twelve (12) month period;
- Requests on change of the municipal councilors;
- Any other tasks which are required by law and legal framework.

The municipal board of governors shall assist its council in the preparation of the above documents except those documents as identified in dash 4.

The minister of the Ministry of Interior may issue guidelines on forms of the above documents as necessary.

Article 70:

In every meeting, the municipal council shall take legislative decision or executive decision which includes principles and policies of the municipal administration; and measures, formats and procedures as necessary related to:

- Preparation for receiving new functions, duties and resources in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Implementation of the obligatory functions of the municipal council;
- Implementation of the permissive functions of the municipal council;
- Five (05) year development plan and three (03) rolling investment program as well as components of the plan that fall under management and supervision of the same category of councils, each category of council, ministries, institutions or departments or offices and units of the Royal Government and relevant development partners;
- Annual budget and medium term expenditure framework of the municipal administration;
- Other financial issues of the municipal council;
- Development of structures, systems and resources including establishment of the committees, offices and personnel of the municipal council;
- Division of duties to the municipal councilors to communicate with citizens and monitor works as required by the municipal council;
- Management and use of assets of the municipal administration;
- Processes for consultation with public in jurisdiction of the municipal council including consultation with Sangkat councils and dissemination of information to the citizens within municipal council jurisdiction;
- Achievements and challenges of works in the jurisdiction of the municipal council;
- Other tasks determined by laws, royal decrees, sub-decrees and legal framework.

Article 71:

Besides the tasks which the municipal council should make decisions in the meeting as described in the article 70 of this sub-decree, the municipal council can also make decisions in ordinary or extraordinary meeting on other tasks related to:

- Invitation of concerned municipal governor or deputy governors or board of governors or relevant individuals to be questioned about the implementation of the council decisions or any events which have taken place in the municipality or solutions of any urgent or special problems as well as other tasks related to the municipal administration;
- Decisions to conduct research studies or investigations on any cases which the municipal council considers it is important for the people they represent; and decision to disseminate result of the research study or investigation as well as instruct the municipal board of governors in regard to actions for addressing the issues as result of the investigation;
- Delegation of functions and duties and support to the Sangkat councils;
- Review, research and report to the Ministry of Interior on any cases related to abuse of power as stated in articles 47, 48 and 49 of the Law on

Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;

- Review and address any illegal acts committed by the municipal council or municipal council members or municipal board of governors or municipal deputy governors or staff of the council in accordance with the principles stated in section 5, chapter 2 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Review and take actions to address local conflicts in accordance with active law and procedures;
- Review and address appropriately requests or complaints from the people in its jurisdiction;
- Review and approve monthly, quarterly and annual reports prepared by the municipal board of governors;
- Any other problems as required by laws and legal framework as well as problems considered as necessary by the municipal council and board of governors.

Article 72:

The municipal council shall use legislative and executive power based on the principles, formats and procedures determined in relevant laws and legal framework.

In the event that any tasks that are the local needs but the law or legal framework does not determine formats and procedures for the use of legislative and executive power for implementing those tasks, the municipal council therefore shall assign the municipal board of governors to conduct research studies and set up appropriate formats and procedures in accordance with principles of transparency, accountability and effectiveness and submit them to the council for review and approval in order to solve these tasks or may request for advice from the minister of the Ministry of Interior or ministers or heads of relevant ministries, institutions to clarify the formats and procedures for addressing those tasks in accordance with principles as stated in the article 196 of this sub-decree.

In the event that any tasks whose formats and procedures are determined by law and legal framework but they are not clear or do not reflect to local situation and cannot be implemented by the municipal council, the council shall assign the board of governors to prepare a request to the minister of the Ministry of Interior immediately in accordance with principles as stated in the article 196 of this sub-decree. The minister of the Ministry of Interior through NCDD mechanism shall coordinate with the ministers or heads of relevant ministries and institutions to review and address these tasks.

Article 73:

The municipal board of governors shall be responsible for administering and implementing the approved legislative and executive power of the council on behalf of the council.

The municipal board of governors shall report regularly to the council in every ordinary or extraordinary meeting of the council as stated in the articles 70 and 71 of this sub-decree.

The municipal council shall monitor and evaluate the tasks implemented by the municipal board of governors in order to ensure that the board of governors performs those tasks in accordance with the laws, legal framework and decisions of the municipal council.

The NCDD shall issue guidelines and provide support to the municipal councils in development of monitoring and evaluation system for the implementation of the municipal council decisions.

Article 74:

Deika or decisions of the Sangkat councils shall be reviewed on legality by municipal Council.

The municipal council shall delegate to the municipal board of governors to review legality of these documents.

If the review found that any Deika or decision of the Sangkat council does not follow the laws, legal framework and principles made by the municipal council, or any decision or task that Sangkat council has made decision exceeded its jurisdiction delegated by the municipal council, the municipal board of governors shall provide instruction in writing to that Sangkat council to clarify clearly any specific decision or task or a number of tasks which were decided or implemented inappropriately by the Sangkat council. Based on this instruction, the Sangkat council shall properly correct that decision or task within fifteen (15) days after receiving instruction in writing from the municipal board of governors.

In the event that the Sangkat council fails to implement the above instruction, the municipal council shall report to the provincial council for decision in order to implement according to the procedures as stated in the article 196 of this sub-decree.

Section 2 Municipal Council Committees

Article 75:

The municipal council shall have three (03) consultative committees as required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans which include:

- Technical Facilitation Committee
- Consultative Committee on Women and Children Affairs
- Procurement Committee.

The functioning of the above three committees shall be based on the legal framework on establishment and functioning of these committees.

Article 76:

Besides the above three committees, the municipal council may establish additional committees as necessary.

Role and duties of the additional committees shall not overlap with role and duties of the three committees required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

The municipal council may establish sub-committees or working groups as requested by the committees or municipal board of governors.

The sub-committees or working groups shall be primarily accountable to the committees or municipal board of governors.

Article 77:

The municipal council may appoint members of the municipal council, municipal governor, deputy governors, representatives of Sangkat councils, personnel of the municipal council, representatives of communities and relevant stakeholders as members of committees or sub-committees, or working groups as necessary.

The municipal council shall decide on number of members for each committee or sub-committee or working group, appoint chief and deputy chief; and determine organization and functioning of the established committee or sub-committee or working groups.

Each committee or sub-committee or working group shall have an appropriate number of female representatives including positions of chief or deputy chief of the committee or sub-committee or working group.

The municipal council may dissolve any established committee, sub-committee or working group and may terminate any member of the established committee or sub-committee or working as necessary or as per request by committees or municipal board of governors.

Article 78:

The municipal board of governors may request to the municipal council for any established committee or sub-committee or working group including the three (03) committees required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans to assist in study and provide comments on a particular issue or several issues within the jurisdiction of the municipal board of governors.

Article 79:

The municipal council shall be accountable for all decisions and activities of the committees and consequences caused by the activities of these committees.

Article 80:

The municipal council shall advise the municipal board of governors to provide support on secretariat affairs, legal and technical support as well as other supports to the three (03) committees required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans or committees or sub-committees or working groups established by the municipal council.

Article 81:

The established committees shall prepare monthly, quarterly, semester and annually reports as required.

The above reports shall be copied to the municipal board of governors for consolidating and reporting to the municipal council.

The municipal council may require any committee to report directly on any special or urgent matter in the meeting of municipal council as needed.

Section 3 Municipal Board of Governors

Article 82:

Each municipality shall have a board of governors comprising of governor and deputy governors who shall be appointed in accordance with conditions of the Law on the Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

Article 83:

The municipal governor and deputy governors are not members of the municipal council.

Article 84:

The municipal board of governors shall be accountable to its council for the implementation of all decisions of the municipal council; and to the Royal Government for the implementation of constitution, laws, royal decrees, sub-decrees and other legal framework.

Article 85:

The municipal board of governors has duties to provide advice and report to the council, and is the implementer of all decisions of the municipal council for both legislative and executive decisions.

Article 86:

The municipal board of governors shall conduct research studies in order to provide advice to the municipal council on tasks related to legislative and executive powers of the municipal council so that the council can discuss and approve in its ordinary and extra-ordinary meeting on:

- Review of functions, duties and resources assigned or transferred to the council and forms and procedures for the implementation of functions, duties and management of those resources;
- Development of strategy and structures, systems and resources in order to receive the assigned or transferred functions, duties and resources in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Five (05) year development plan and three (03) rolling investment program;
- Medium term expenditure framework which shall be updated on an annual basis;
- Annual budget plan;
- Financial affairs and assets of the municipality;
- Establishment, restructure or dissolution of offices;
- Development of roles, duties and terms of reference of personnel;
- Identification of administrative and financial procedures for offices and personnel of municipal council;

- Development of strategies for capacity development of the municipal council, board of governors and personnel of municipal council;
- Preparation of annual reports to municipal council for review and approval within forty five (45) days after end of each year related to:
 - + Deika and decisions issued by the municipal council and activities and outputs of implementation;
 - + Financial reports;
 - + Evaluation on performance of the municipal board of governors and personnel;
 - + Necessary measures for improving performance of the municipal council;
 - + Necessary measures for promoting gender equality;
 - + Other tasks which are considered as important by the municipal council and necessary for including to the annual report;
- Monthly, quarterly and semester reports;
- Establishment of committees or sub-committees or working groups as necessary in order to assist implementation of the municipal council works;
- Formulation of strategies for information dissemination to the public such as information board, display of information on the board and identification of ways for information dissemination to the citizens in its jurisdiction;
- Addressing requests and challenges of Sangkats;
- Delegation of functions, duties and support to Sangkat councils;
- Other tasks determined by laws and legal framework and other tasks required by the municipal council.

Article 87:

Upon receiving reports or information on power abuse as stated in the articles 47, 48 and 49 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, the municipal board of governors shall immediately conduct investigation. In the investigation, if the abuse of power is found to be substantial, the municipal board of governors shall report immediately to the municipal council as well as to the provincial administration in order to report to the minister of the Ministry of Interior.

Article 88:

In the implementation of role and duties as stated in the articles 86 and 87 of this sub-decree and other duties which are considered necessary, the municipal governor shall take these duties to consult and discuss with its board of governors in based on principles of laws and legal framework as well as decisions and instructions of its council.

The municipal governor shall be accountable to the municipal council for all activities of the board of governors.

The municipal deputy governors shall be accountable to the municipal governor for the assigned duties and together with the governor shall be responsible for decisions and activities of its board of governors.

In order to ensure the implementation of these tasks, the municipal board of governors shall meet on a fortnightly basis. The second fortnightly meeting of each month is the monthly meeting.

Besides the fortnightly meeting and monthly meeting, the municipal board of governors may conduct other meeting as necessary.

Minutes of the meeting shall be prepared for every meeting.

Article 89:

The municipal board of governors or governor or deputy governors who has decided or/ and implemented any task which contradicts the law and legal framework or any task within jurisdiction of the municipal council that has not been decided by the municipal council, that decision or activity will not be valid.

The municipal board of governors or governor or deputy governors shall be accountable to the laws with regard to the above decisions or activities.

Article 90:

The municipal board of governors shall conduct a meeting to divide tasks to the governor and deputy governors and then make a request to the council for approval.

The minister of the Ministry of Interior shall issue a guideline on division of duties for the municipal governor, deputy governors and procedures for implementing those duties.

Article 91:

The municipal governor shall sign all administrative letters for administering of daily works in order to implement the decisions of the municipal council except the legal framework that requires to be signed by chairperson of the municipal council on behalf of the council as stated in the article 69 of this sub-decree.

The municipal governor may authorize right to sign the documents and administrative letters to the municipal deputy governors within the framework of duties given to each deputy governor.

The municipal governor is responsible for legality, formats and procedures of the documents and letters which have been signed by the deputy governors.

The municipal governor has the right to take back the right to sign which has been given to any deputy governor who has used this power not in accordance with the laws, formats and procedures. The municipal governor shall report on authorization and taking back of the right to sign to the municipal council.

In necessary case, the minister of the Ministry of Interior may issue a guideline on formats and procedures for authorizing the right to sign.

Article 92:

In the capacity as representative ministries and institutions of the Royal Government in the municipality, the municipal governor has duties as following:

- Provide guidance to the offices, units and agencies of the ministries and institutions based in the municipality to ensure that those offices, units and agencies properly implement roles and duties in accordance with the law, national policies and legal framework related to that office, unit and agency;

- Coordinate and provide direction to offices, units and agencies of the ministries and institutions based in municipality in order to respond to the local priority needs. For activities which are related to multiple sectors, the municipal governor shall coordinate with relevant offices, units and agencies to cooperate in the implementation of those activities based on the Royal Government policies, laws and legal framework and local priority needs. Through the technical facilitation committee of the municipal council, the municipal governor shall coordinate and provide direction to the offices, units and agencies of ministries and institutions based in municipality on integration of their plans and budgets into plans and budgets of the municipal council;
- Review, evaluate, provide comments and score performance of chiefs of offices and units of ministries and institutions based on determined principles;
- Consult with the municipal council in providing comments on proposed candidates prior to appointment of office and unit chiefs of ministries and institutions based in municipality. In the case that the governor does not support the proposed candidates, he/she shall report in writing with clear reasons to the provincial governor in order to coordinate with directors of the departments and units before reporting to the minister or head of relevant institutions.
- In the event that there is an irregularity occurred in any office, unit and agency of the ministries and institutions based in the municipality or in the event that chief of office or chief of unit and responsible persons in the office or unit has committed wrong-doing of their role and duties, the municipal governor shall report in writing immediately to the provincial governor. The provincial governor shall instruct the departments or units in the province, or appoint a committee or working group with participation of relevant municipal administration to investigate the case immediately in order to report to minister or head of relevant institution for solving in accordance with procedures;
- The municipal governor has the right to make requests in writing to the provincial governor to take action to change or demote position of any chief of office or unit or responsible person of any agency of the ministries and institutions who has acted illegally and cannot be justified.

In order for the municipal governor to be able to implement the above duties, all monthly, quarterly, semester and annual reports of the office, units and agencies of the ministries and institutions at municipality shall be submitted to the municipal governor for review and comments. If the municipal governor agrees with the report, the governor shall sign on the report together with the head of office, unit and responsible person of those agencies. Other reports of the offices, units and agencies of the ministries and institutions based in municipality shall be copied to the Sala Krong.

Article 93:

The municipal governor shall represent the Royal Government, ministries and institutions of the Royal Government in maintaining security, public order, promoting awareness on laws and ensuring implementation of laws as well as protecting and respecting human rights to the people in the municipality.

The municipal governor is the [chief of the municipal steering committee in charge of military](#) in leading and coordinating the relevant offices and units and Sangkats in order to maintain security and public order in the municipality.

Article 94:

In the implementation of role and duties as stated in the articles 92 and 93 of this sub-decree, the municipal governor shall divide duties to deputy governors in the board of governors to assist him/her in performing the above tasks.

The municipal deputy governor who receives the divided duties shall be accountable for their actions to the municipal governor.

The municipal governor shall call for meeting of the board of governors as necessary to consult and discuss any problem that he/she considers necessary for discussing with the board of the governors in order to promote participation in the implementation of role as the representative of the Royal Government, ministries and institutions.

Minutes shall be prepared for all meeting.

Article 95:

In the implementation of role and duties as stated in the articles 92 and 93 of this sub-decree, the municipal governor shall respect policies of the Royal Government, laws, legal framework and instructions of the Royal Government, ministries and institutions; and be accountable to the Royal Government, Ministry of Interior, ministries and institutions in accordance with laws and legal framework.

Article 96:

The municipal governor with assistance from the administration director shall report about activities related the implementation of role as a representative of the Royal Government, ministries and institutions as well as status of those activities in the monthly, quarterly, semester and annual report to the council.

In case that there is any problem related to the implementation of role of the municipal governor as a representative of the Royal Government, ministries and institutions of the Royal Government and that problem impacts on legal interests of the people or claims or complaints from the people, the municipal council may require the municipal governor to report as a special case to meeting of the council.

The municipal council can provide recommendations and instructions to the municipal governor on the implementation of the above role in order to respond to the local priority needs and challenges.

The municipal governor shall accept recommendations and instructions from its municipal council in order to coordinate and provide guidance and directions to the offices, units and agencies of the ministries and institutions based in the municipality in response to those needs and report back to the council.

Article 97:

In event that the municipal governor is absent from office, he/she shall hand over his/her right in writing to a deputy governor to act as acting governor.

If the municipal governor is absent from office but he/she does not hand over his/her right to any deputy governor, the deputy governor, whose name is on the top of the list in the Prakas on appointment of the municipal deputy governors of the municipal board of governors, shall act as acting governor.

In the event that the acting governor is absent from office, the provincial governor shall issue a Deika to assign a municipal deputy governor to act as acting governor and report to the provincial administration in order to report the minister of the Ministry of Interior.

The acting governor shall report on all tasks implemented to the municipal governor on his/her return to the office.

In necessary case the minister of the Ministry of Interior may issue a guideline on formats and procedures for this handover.

Article 98:

The minister of the Ministry of Interior shall issue a guideline on leave application of the municipal governor, deputy governors and personnel of the municipal council.

Section 4
Administration Director of Municipal Hall (Sala Krong)

Article 99:

The municipal council and board of governors shall have an administration director called **Sala Krong Administration Director** which will be appointed by the minister of the Ministry of Interior based on request of the municipal governor and approval of the municipal council.

The Sala Krong administration director shall have two (02) deputy administration directors as assistants which will be appointed by the minister of the Ministry of Interior based on request of the municipal governor and approval of its council.

The Sala Krong administration director shall be appointed among officials who has a position from principal of middle level civil servant (Kramkar Doem Kser) and above of the middle level civil servant body of the Ministry of Interior.

The deputy governors of Sala Krong shall be appointed among officials who have positions from middle level civil servant (Kramkar) and above of the middle level civil servant body of the Ministry of Interior.

Article 100:

Qualification for appointment of the Sala Krong administration director and deputy administration directors shall be determined by Prakas of the minister of the Ministry of Interior.

If necessary, the minister of the Ministry of Interior may issue a Prakas or a guideline on role, duties and working procedures of the Sala Krong administration director and deputy directors.

Article 101:

The Sala Krong administration director plays role as an assistant to the municipal council, board of governors and governor in managing administrative tasks and ensuring sustainability of the daily administrative tasks in the Sala Krong.

In performing this role, the administration director of Sala Krong shall report and be accountable to the municipal board of governors, governor and council.

Article 102:

In the implementation of the role as described in the article 101 of this sub-decree, the Sala Krong administration director has following duties:

- Prepare and submit to the municipal board of governors for reviewing and making decisions on daily administrative tasks of the Sala Krong within authority framework of the board of governors and ensure that these tasks shall be prepared in accordance with laws, legal framework and formats of the administrative letters;
- Prepare and submit to the municipal board of governors rules and principles for implementing Deika and decisions of the municipal council;
- Act as a secretary to the municipal governor and chairperson of the municipal council in the preparation of draft agenda of all council meeting including coordination in the preparation of documents and contents for each agenda of the meeting in accordance with internal rules of the council. The draft agenda, documents and contents prepared by the Sala Krong administration director for submitting to the council meeting shall be submitted to the board of governors for reviewing and providing comments in advance except there are other provisions provided by laws and legal framework;
- Act as a secretary to the municipal council in the preparation and distribution of meeting invitation letters, prepare meeting venue and minutes of all council meeting;
- Prepare other tasks for all meeting of the municipal board of governors as instructed by the municipal governor;
- Ensure receiving and distribution of letters and documents properly to members of the council, governor and deputy governors as well as ministries, institutions, departments, units, offices and other stakeholders;
- Manage and use of Sala Krong stamp properly as determined in the article 110 of this sub-decree;
- Ensure that all documents and legal instruments of the municipal council, board of governors and administration are maintained properly and safely;
- Perform other duties as assigned by the municipal council and board of governors or required by laws and other legal framework.

Article 103:

The administration director of Sala Krong has the right to participate and contribute ideas in meetings of the municipal council, council committees, sub-committees and working groups, and board of governor meeting but he/she will not have the right to vote unless he/she is a member of any committee or sub-committee or working group of the municipal council.

Article 104:

In participating the meeting as described in the article 103 of this sub-decree and implementing daily works, the Sala Krong administration director may provide comments to the municipal council, committees, subcommittees and working groups of the council and board of the governors on problems related to law and technical aspects in order to ensure that decisions and activities of the councils, board of governors and the governor are implemented in accordance with the constitution, laws and legal framework as well as determined national standard for safety and quality and promoting high effectiveness of the municipal works.

Article 105:

The administration director of Sala Krong under the leadership of municipal board of governors and governor shall ensure that offices, officials, personnel perform their works in accordance with laws, legal framework, procedures and decisions of the municipal council and board of governors.

Article 106:

The municipal board of governors and governor may delegate any tasks to the Sala Krong administration director to provide suggestions within scope of his/her role and duties in order that the municipal board of governors or governor to review and approve as necessary.

**Section 5
Sala Krong and its Offices**

Article 107:

Sala Krong is the office where municipal council and board of governors work.

Sala Krong shall be open regularly in accordance with government working hours.

During working hours, the citizens have the right to:

- Communicate and work with the municipal council and the board of governors;
- Receive information on requests and other duties from municipal administration;
- Participate in giving opinions or making requests on any issues.

In between working hours or public holidays, the municipal council and board of governors shall ensure an appropriate number of their officials and staff of their administration to be in the office for receiving or solving urgent/special requests.

Article 108:

Each municipal administration is the owner and responsible for managing all received letters and documents in accordance with active laws.

Article 109:

The municipal administration is the owner and responsible for all letters and documents that are prepared by the council or on behalf of the municipal council and prepared by the municipal board of governors on behalf of the government; and all equipment, transport means and other materials of its administration.

Each municipal administration shall ensure proper and safe maintenance of documents, letters, equipment, transport means and materials of its administration.

Article 110:

The stamp of the municipal administration shall be provided to the administration director of Sala Krong for management so that it can be used by the municipal council and board of governors.

The minister of the Ministry of Interior shall provide instruction on the management and use of the stamp.

Article 111:

Each municipal administration shall prepare appropriate public information boards in front of Sala Krong which allow people to get accessed easily.

The above information boards shall be used to write or display official information to the public.

The written and displayed information shall be maintained on the board for at least ten (10) days.

Besides the public information board in front of the Sala Krong, the municipal council shall conduct consultations and discussions with the Sangkat councils to setup other public information boards in appropriate public places in order to display and disseminate information of the municipality together with relevant Sangkats in the municipality.

In addition to the public information boards, the municipal council shall find other means of information dissemination in order to inform about works of the administration to the citizens.

Article 112:

Each Sala Krong shall consist of a number of offices:

Each office shall be led by a chief and a (01) deputy who will be appointed in accordance with conditions described in a separate statute for sub-national administration personnel.

The chief of each office shall be directly responsible for, and accountable to administration director of Sala Krong.

The above offices shall serve as a secretary to the municipal council and board of governors in cooperating with sectoral departments and units on important tasks related to:

- Administrative letters;
- Civil registration;
- Management and development of human resource;
- Implementation of development projects and programs, coordination of development cooperation and service delivery in Sangkats;
- Finances and management of municipal assets;

- Land, construction and urbanization;
- Public order, legal affairs, human rights and gender;
- Implementation of delegated or assigned functions and duties;
- Other tasks determined by laws and legal framework.

Based on the above duties, the minister of the Ministry of Interior through NCDD approval shall issue Prakas on establishment, deployment and functioning of Sala Krong offices as well as conditions for deployment of personnel in those offices.

Chapter 4 District Administration

Section 1 District Council

Article 113:

The district council which was elected in accordance with the Law on Elections of the Capital Council, Provincial Council, Municipal Council, District Council and Khan Council is the public representative and the guardian and the servant for public interests of all citizens within its jurisdiction.

Article 114:

The district council shall function in accordance with the constitution of the Kingdom of Cambodia, provisions of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats, laws, royal decrees, sub-decrees and other active legal framework.

Article 115:

The district council shall establish, promote and sustain democratic development in the district. In order to establish, promote and sustain democratic development, the district council shall:

- Assist the commune and Sangkat councils in the district to establish, promote and sustain democratic development;
- Together with commune and Sangkat councils in the district to promote public participation in governance process in the district, communes and Sangkats in the district;
- Study and respond to needs in the district and requests of the commune and Sangkat councils in the district.

Article 116:

In order to promote accountability of the district council to its people regarding use of legislative and executive power, the district council shall establish mechanisms for consultation and discussion with commune and Sangkat councils in the district in order to ensure that options, decisions and activities of the district council are responsive to the priority needs of the commune and Sangkat councils and people in the district.

Article 117:

In order to promote service delivery and development, the district council shall ensure cooperation and coordination between the commune councils with

Sangkat councils in the district; and between the district council with commune and Sangkat councils as well as cooperation between the district council with bordering councils and other council categories.

Article 118:

In accordance with the process and procedures for formulation of district development plan and investment program, the district council shall conduct consultation and discussion with commune and Sangkat councils in the district in order to include strategies, programs and activities, for responding to the needs and requests of the commune and Sangkat councils into the five (05) year development plan and three (03) rolling investment program of the district, communes and Sangkats.

The district council shall consult and discuss with commune and Sangkat councils in order to include and reflect with each other the annual budget plan and medium expenditure framework of the district council and commune and Sangkat councils in accordance with formats and procedures for formulation of annual budget and medium expenditure framework of the district, communes and Sangkats.

Article 119:

The commune and Sangkat chief on behalf of its council has the right to participate in district council meeting in order to discuss, comment and request, on any task related to benefit its commune and Sangkat, to the district council to review and consider before making decision on that task.

The commune and Sangkat chief who participates in the district council meeting shall respect internal rules of the meeting and have no right to vote in the meeting.

The commune and Sangkat chief shall report to its council and disseminate decisions of the district council meeting to the people.

Article 120:

The district council shall assign a member or a number of members of the council to represent the district council and participate in the meeting of the commune and Sangkat council.

The representative who participates in this meeting shall report to the commune and Sangkat councils on activities and decisions of the district council; and clarify issues raised by the commune and Sangkat councils as well as to collect requests, suggestions and challenges of the communes and Sangkats which cannot be solved by the commune and Sangkat councils.

The district council representative who participates in the meeting of commune and Sangkat councils shall respect internal rules of the meeting but he/she has no right to vote in the commune and Sangkat council meeting.

The district council member who participates in the commune and Sangkat council meeting shall prepare a report, in writing on participation of the above meeting, including requests, suggestions and challenges raised by the commune and Sangkat councils. This report shall be submitted to the district board of

governors to review and address immediately those requests, suggestions or challenges with the framework of power of the district board of governors. For those requests, suggestions and challenges within the framework of the district council role and power, the district board of governors shall conduct studies and consultations and prepare formality for submitting to the district council for review and approval.

Article 121:

During June of each year, the district council shall conduct dissemination and consultative forums in communes and Sangkats of the district.

The dissemination and consultative forum shall participated by district councilors, district board of governors, commune and Sangkat councilors in the district, representatives of people's communities or/and other relevant people as decided by the district council.

The purpose of the dissemination and consultative forum is for the district council to inform commune and Sangkat councils, communities and/ or stakeholders about district council activities within a period in between one forum to another; responses to commune and Sangkat councils requests, communities and concerned individuals, discussions and clarifications on issues to forum participants; and collection of ideas and comments from participants in order to improve responsiveness to the local needs.

Chairperson of each district council shall facilitate the dissemination and consultative forums.

The district board of governors on behalf on its council shall consolidate and evaluate results of the forum within fifteen (15) days after the forum. The consolidation and evaluation of the forum report should include principles and measures for promoting responsiveness to the local needs within the jurisdiction of the district administration. For tasks which are related to role and power of other council categories, the district administration shall consult with those relevant councils in order to take up those principles and measures for solving in accordance with their power. The district governor shall submit a copy of this report to the provincial administration to review and address issues related to its role and power. For tasks which are related to role and power of the national level, the provincial board of governors shall consolidate reports from all districts in order to report to the Ministry of Interior and its council.

The minister of the Ministry of Interior may issue additional guidelines on the organization of the dissemination and consultative forum as necessary.

Article 122:

In order to ensure that the commune and Sangkat councils in the district receive more functions and resources for improving commune and Sangkat capacity in establishing, promoting and sustaining democratic development in each commune and Sangkat, the district council shall conduct consultations with the commune and Sangkat councils related to:

- Evaluation on capacity of each commune and Sangkat council for at least once (01) every year;

- Conduct capacity building training to commune and Sangkat councils and their personnel based result of the above evaluation;
- Conduct education and dissemination of local governance through decentralization and deconcentration to the people in order to promote people participation governance process in the district and communes and Sangkats in the district.

The minister of the Ministry of Interior shall develop system and procedures for the provincial administration to provide support to the district council in formulating the above capacity evaluation system, capacity development system and education system for the people to ensure that the above capacity evaluation shall be conducted in accordance with principles of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and other legal framework as well as to ensure that contents and quality of such education, training and dissemination to the people respond to the contents of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

Article 123:

Based on the evaluation as stated in the article 122 of this sub-decree and after consultation with the commune and Sangkat councils, the district councils shall coordinate and support capacity building on administration or administrative resources required for the commune and Sangkat councils to ensure that the commune and Sangkat councils have sufficient and sustainable administrative capacity and resources to:

- Promote and sustain democratic development or perform required functions and duties;
- Implement administrative capacity and resources including required personnel, equipment, assets and materials.

Article 124:

In implementation and management of the administrative capacity building or administrative resources in the communes and Sangkats, the district council can coordinate to get agreement among two or more commune and Sangkat councils in order to jointly use staff, equipment, assets or materials partially or fully as necessary.

The district council can consult and coordinate with relevant commune and Sangkat councils in order to use staff of the district administration to support administrative capacity and resources to the commune and Sangkat administrations as necessary.

The district staff who are assigned to provide the above support shall be accountable for their activities to the commune and Sangkat councils as well as to the district council with regard to respect and implementation of the duties in accordance with laws and legal framework.

In necessary case, the minister of the Ministry of Interior may issue additional guidelines on establishment of mechanisms for supporting and strengthening the administrative capacity or administrative resources to the communes and Sangkats.

Article 125:

In providing support and assistance on administrative capacity or administrative resources, the district council shall ensure respect of autonomous principles as well as role of the commune and Sangkat councils who were directly elected by the citizens.

In providing support and assistance on administrative capacity or administrative resources, the district council shall promote ownership of the commune and Sangkat councils in performing one or more required duties in each commune and Sangkat but not to replace their work.

Article 126:

In the event that the district council has tried its best effort to support and assist the commune and Sangkat councils, but they are still not able to perform their main and required duties or they cannot effectively promote democratic development, the district council therefore shall consult with those councils to prepare a report in writing with appropriate recommendations immediately to the minister of the Ministry of Interior in order to deal with issue or any requirement which cannot be fulfilled by the district council and the commune or the Sangkat council.

In preparing this report, the district council shall be based on principles stated in the article 196 of this sub-decree.

Article 127:

In the event that the minister of the Ministry of Interior agrees with the report of the district council, the minister shall setup a committee or a working group consisting of relevant stakeholders in order to consult with provincial council, district council, relevant commune and Sangkat councils and other stakeholders on the requirements for developing appropriate means to support those relevant commune or Sangkat councils.

Article 128:

The district council shall perform its functions and duties related to legislative decisions and executive decisions through by-laws (Deika) and decisions made in the council meetings and shall ensure that those decisions are implemented, monitored and evaluated on a regular basis.

Article 129:

The meeting of the district council is considered valid unless this meeting is conducted in accordance with the internal rules of the council.

Any decisions that are made not in accordance with the internal rules of the municipal council, constitution, laws, royal decrees, sub-decrees and other legal framework shall not be valid.

The minister of the Ministry of Interior shall instruct or intervene as necessary so that the district council corrects those decisions that have been made not in accordance with the laws; and make them in line with the principles as stated in the article 196 of this sub-decree.

Article 130:

The district council can assign a committee or a number of committees established in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans or may establish committees or sub-committees to study and prepare draft Deika or decisions as necessary. In this case, the district board of governors shall take a lead in directing Sala Srok administration director and relevant offices of Sala Srok to provide legal and technical and legal support as well as other supports to the above committees or sub-committees or working groups.

The district board of governors with assistance of its Sala Srok administration director shall coordinate with offices of Sala Srok in drafting Deika or decisions for the municipal council to review, discuss and approve.

The district board of governors shall instruct the administration director to prepare Deika that were approved by the council in accordance with the determined formats in order to submit and get it signed by the council and put on the stamp of the Sala Srok administration.

The district council shall assign the municipal board of governors to publicly and immediately disseminate as well as to effectively implement the Deika or decisions that have been approved by the council except other provisions provided.

Article 131:

The chairperson of the district council on behalf of its council has the right to sign and place on the stamp of the municipal administration on the following documents:

- Deika or decisions approved by the district council;
- Decisions on the establishment of the committees or sub-committees or working groups in accordance with decision of the district council meeting;
- Minutes of the meeting with have been approved by the district council meeting;
- Requests on demotion of position of the district governor or deputy governor based on decision of the district council, provisions as stated in the article 152 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Invitation letters to the district council meeting;
- Calendar for ordinary meeting of the council for twelve (12) month period;
- Requests on change of the district councilors;
- Any other tasks which are required by law and legal framework.

The district board of governors shall assist its council in the preparation of the above documents except those documents as identified in dash number 4.

The minister of the Ministry of Interior may issue guidelines on forms of the above documents as necessary.

Article 132:

In every meeting, the district council shall take legislative decision or executive decision which includes principles and policies of the municipality and measures, formats and procedures as necessary related to:

- Preparation for receiving new functions, duties and resources in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Implementation of the obligatory functions of the district council;
- Implementation of the permissive functions of the district council;
- Five (05) year development plan and three (03) rolling investment program as well as components of the plan that fall under management and supervision of the same category of councils, each category of council, ministries, institutions or departments or offices and units of the Royal Government and relevant development partners;
- Annual budget and medium term expenditure framework of the district administration;
- Other financial issues of the district council;
- Establishment of structures, systems and resources of the committees, directions and personnel of the district council;
- Division of duties to the district councilors to communicate with the people and monitor works as required by the district council;
- Management and use of assets of the district administration;
- Processes for consultation with public as well as commune and Sangkat councils in the district and dissemination of information to the citizens in the jurisdiction of the district council;
- Participation in meeting of commune and Sangkat councils by district council representatives;
- Achievements and challenges of works in the jurisdiction of the district council;
- Other tasks determined by laws, royal decrees, sub-decrees and legal framework.

Article 133:

Besides the tasks which the district council should make decisions in the meeting as described in the article 132 of this sub-decree, the district council can also make decisions in ordinary or extraordinary meeting on other tasks related to:

- Invitation of concerned district governor or deputy governors or board of governors or relevant individuals to be questioned about the implementation of the council decisions or any events which have happened in the district or solutions of any urgent or special problems as well as other tasks related to the district administration;
- Decisions to conduct research studies or investigations on any cases which are considered by the district council as important for the people they represent; and decision to disseminate result of the research study or investigation as well as instruct the district board of governors in regard to actions for addressing the issues as result of the investigation;
- Assess capacity of the commune and Sangkat councils and needs in support to the communes and Sangkats in the district in accordance with principles as stated in the article 122 of this sub-decree;
- Review, research and prepare reports to the Ministry of Interior on cases related to abuse of power as stated in the articles 47, 48 and 49 of Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;

- Review and address any illegal acts committed by the district council or district council members or district board of governors or district deputy governors or staff of the council in accordance with the principles stated in section 5, chapter 2 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Review and take actions to address local conflicts in accordance with active law and procedures;
- Review and address appropriately requests or complaints from the people in its jurisdiction;
- Review and approve monthly, quarterly and annual reports prepared by the district board of governors;
- Any other problems as required by laws and legal framework as well as problems considered as necessary by the district council and board of governors.

Article 134:

The district council shall use legislative and executive power based on the principles, formats and procedures determined in relevant laws and legal framework.

In the event that any tasks that are the local needs but the law or legal framework does not determine formats and procedures for the use of legislative and executive power for implementing those tasks, district council therefore shall assign the district board of governors to conduct research studies and set up appropriate formats and procedures in accordance with principles of transparency, accountability and effectiveness and submit them to the council for review and approval in order to solve these tasks or may request for advice from the minister of the Ministry of Interior or relevant ministries, institutions to clarify the formats and procedures for addressing those tasks in accordance with principles as stated in the article 196 of this sub-decree.

In the event that any tasks whose formats and procedures are determined by law and legal framework but they are not clear or do not reflect to local situation and cannot be implemented by the district council, the council therefore shall assign the board of governors to prepare a request to the minister of the Ministry of Interior immediately in accordance with principles as stated in the article 196 of this sub-decree. The minister of the Ministry of Interior through NCDD mechanism shall coordinate with the ministers of relevant ministries and institutions to review and address these tasks.

Article 135:

The district board of governors shall be responsible for administering and implementing the approved legislative and executive power of the council on behalf of the council.

The district board of governors shall report regularly to the council in every ordinary or extraordinary meeting of the district council as stated in the articles 132 and 133 of this sub-decree.

The district council shall monitor and evaluate the tasks implemented by the district board of governors in order to ensure that the board of governors

performs those tasks in accordance with the laws, legal framework and decisions of the district council.

The NCDD shall issue guidelines and provide support to the district council in development of monitoring and evaluation system for the implementation of the district council decisions.

Section 2 District Council Committees

Article 136:

The district council shall have three (03) consultative committees as required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans which include:

- Technical Facilitation Committee
- Consultative Committee on Women and Children Affairs
- Procurement Committee.

The functioning of the above three committees shall be based on legal framework on establishment and functioning of these committees.

Article 137:

Besides the above three committees, the district council may establish additional committees as necessary.

Role and duties of the additional committees shall not overlap with role and duties of the three committees required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

The district council may establish sub-committees or working groups as requested by the committees or district board of governors.

The sub-committees or working groups shall be primarily accountable to the committees or district board of governors.

Article 138:

The district council may appoint members of the district council, district governor, deputy governors, representatives of commune and Sangkat councils, personnel of the district council, representatives of communities and relevant stakeholders as members of committees or sub-committees, or working groups as necessary.

The district council shall decide on number of members for each committee or sub-committee or working group, appoint chief and deputy chief; and determine organization and functioning of the established committees or sub-committees or working groups.

Each committee or sub-committee or working group shall have an appropriate number of female representatives including positions of chief or deputy chief of the committee or sub-committee or working group.

The district council may dissolve any established committee, sub-committee or working group and may terminate any member of the established committee or

sub-committee or working as necessary or as per request by the committees or by the district board of governors.

Article 139:

The district board of governors may request to the district council for any established committee or sub-committee or working group including the three (03) committees required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans to assist in study and provide comments on a particular issue or several issues within the jurisdiction of the district board of governors.

Article 140:

The district council shall be accountable for all decisions and activities of the committees and consequences caused by the activities of these committees.

Article 141:

The district council shall advise the district board of governors to provide support on secretariat affairs, legal and technical support as well as other supports to the three (03) committees required by the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans or committees or sub-committees or working groups established by the district council.

Article 142:

The district committees shall prepare monthly, quarterly, semester and annually reports as required.

The above reports shall be copied to the district board of governors for consolidating and reporting to the district council.

The district council may require any committee to report directly on any special or urgent matter in the meeting of district council as needed.

Section 3 District Board of Governors

Article 143:

Each district shall have a board of governors comprising of governor and deputy governors who shall be appointed in accordance with conditions of the Law on the Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans.

Article 144:

The district governor and deputy governors are not members of the district council.

Article 145:

The district board of governors shall be accountable to its council for the implementation of all decisions of the district council; and to the Royal Government for the implementation of constitution, laws, royal decrees, sub-decrees and other legal framework.

Article 146:

The district board of governors has duties to provide advice and report to the council, and is the implementer of all decisions of the district council for both legislative and executive decisions.

Article 147:

The district board of governors shall conduct research studies in order to provide advice to the district council on tasks related to legislative and executive powers of the district council so that the council can discuss and approve in its ordinary and extra-ordinary meeting on:

- Review of functions, duties and resources assigned or transferred to the council; and formats and procedures for the implementation of functions, duties and management of those resources;
- Development of strategies and structures, systems and resources in order to receive functions, duties and resources delegated or transferred in accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Five (05) year development plan and three (03) rolling investment program;
- Medium term expenditure framework which shall be updated on an annual basis;
- Annual budget plan;
- Finances and assets of the district;
- Establishment, restructure or dissolution of offices;
- Development of roles, duties and terms of reference of staff;
- Identification of administrative and financial procedures for offices and personnel of district council;
- Development of strategies for capacity development of the district council, board of governors and personnel of district council;
- Preparation of reports on a regular basis to district council for review and approval within forty five (45) days after end of each year related to:
 - + Deika and decisions issued by the district council and activities and outputs of implementation;
 - + Financial reports;
 - + Evaluation on performance of the district board of governors and personnel;
 - + Necessary measures for improving performance of the district council;
 - + Necessary measures for promoting gender equality;
 - + Other tasks which are considered as important by the district council and necessary for including to the annual report;
- Monthly, quarterly and semester reports;
- Establishment of committees or sub-committees or working groups as necessary in order to assist implementation of the district council works;
- Formulation of strategies for information dissemination to the public such as information board, display on information on the board and identification of ways for information dissemination to the citizens in its jurisdiction;
- Cooperation and support to the commune and Sangkat councils in the district;
- Addressing requests, suggestions and challenges of the commune and Sangkat councils in the district;
- Other tasks determined by laws and legal framework and other tasks required by the district council.

Article 148:

Upon receiving reports or information on power abuse as stated in the articles 47, 48 and 49 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, the district board of governors shall immediately conduct investigation. In the investigation, if the abuse of power is found true, the district board of governors shall report immediately to its district council as well as to the provincial administration in order to report to the minister of the Ministry of Interior.

Article 149:

In the implementation of role and duties as stated in the articles 147 and 148 of this sub-decree and other duties which are considered necessary, the district governor shall take these duties to consult and discuss with its board of governors in based on principles of laws and legal framework as well as decisions and instructions of its council.

The district governor shall be accountable to the district council for all activities of the board of governors.

The district deputy governors shall be accountable to the district governor for assigned duties and together with the governor shall be responsible for decisions and activities of its board of governors.

In order to ensure the implementation of these tasks, the district board of governors shall meet on a fortnightly basis. The second fortnightly meeting of each month is the monthly meeting.

Besides the fortnightly meeting and monthly meeting, the district board of governors may conduct other meeting as necessary.

Minutes of the meeting shall be prepared at every meeting.

Article 150:

The district board of governors or governor or deputy governors who has decided or/ and implemented any task which contradicts to the law and legal framework or any task within jurisdiction of the district council that has not been decided by the district council, that decision or activity will not be valid.

The district board of governors or governor or deputy governors shall be accountable to the laws with regard to the above decisions or activities.

Article 151:

The district board of governors shall conduct meeting to divide tasks to the governor and deputy governors and then make a request to the council for approval.

The minister of the Ministry of Interior shall issue guidelines on division of duties for the district governor, deputy governors and procedures for implementing those duties.

Article 152:

The district governor shall sign all administrative letters for administering of daily works in order to implement the decisions of the district council except the legal framework that requires to be signed by chairperson of the district council on behalf of the council as stated in the article 131 of this sub-decree.

The district board of governors shall consult each other in order to authorize right for signing to the deputy governors on documents and administrative letters in the framework of duties given to each deputy governor.

The district governor is responsible for legality, formats and procedures of the documents and letters which have been signed by the deputy governors.

The district governor has the right to take back the signing right which has been given to any deputy governor who has used this power not in accordance with the laws, formats and procedures. The district board of governors shall report on authorization and taking back of the signing right to the district council.

In necessary case, the minister of the Ministry of Interior may issue guidelines on formats and procedures for authoring the right for signing.

Article 153:

In capacity as a representative of the Royal Government, ministries and institutions in the district, the district governor has duties as followings:

- Provide guidance to the offices, units and agencies of the Royal Government based in the district to ensure that those offices, units and agencies properly implement roles and duties in accordance with the law and legal framework related to those offices, units and agencies;
- Coordinate and provide direction to offices, units and agencies of the ministries and institutions and agencies based in the municipality in order to respond to priority needs of local people. For activities which are related to multiple sectors, the district governor shall coordinate with relevant offices, units and agencies to cooperate in the implementation of those activities based on the Royal Government policies, laws and legal framework and local priority needs. Through the technical facilitation committee of the district council, the district governor shall coordinate and provide direction to the offices, units and agencies of line ministries and institutions based in district on integration of their workplans and budgets into plans and budgets of the district council;
- Review, assess, provide comments and score performance of chiefs of offices and units of line ministries and institutions based on determined principles;
- Consult with the district council in providing comments on proposed candidates prior to appointment of office and unit chiefs of line ministries and institutions based in the district. In the case that the governor does not support the proposed candidates, he/she shall report in writing with reasons to the provincial governor in order to coordinate with directors of the line departments and units before reporting to relevant minister or head of relevant institutions.
- In the event that there is an irregularity occurred in any office, unit and agency of the ministry and institution located in its district or the event that chief of office or chief of unit and responsible persons in the office or unit has committed wrong-doing of their role and duties, the district governor shall

report in writing immediately to the provincial governor. The provincial governor shall instruct the line department or units in the province, or appoint a committee or working group with participation of relevant district representatives to investigate the case immediately in order to report to relevant minister or head of relevant institution for solving in accordance with procedures;

- The district governor has the right to make requests in writing to the provincial governor to take action to change or demote position of any chief of office or unit or responsible person of any agencies of the ministry and institution who has acted illegally and cannot be justified.

In order for the district governor to be able to implement the above duties, all reports of the office, units and agencies of the Royal Government at district shall be submitted to the district governor for review and comments. If the district governor agrees with the report, the governor shall sign on the report together with the head of office, unit and responsible person of those agencies. Other reports of the offices, units and agencies of the ministries and institutions in the district shall be copied to Sala Srok.

Article 154:

The district governor shall represent the Royal Government, ministries and institutions of the Royal Government in maintaining security, public order, promoting awareness on laws and ensuring implementation of laws as well as protecting and respecting human rights to the people in the district.

The district governor is the [chief of the district steering committee in charge of military](#) in leading and coordinating the relevant offices and units and commune and Sangkat administrations in order to maintain security and public order in the district.

Article 155:

In the implementation of role and duties as stated in the articles 153 and 154 of this sub-decree, the district governor shall divide duties to deputy governors in order to assist him/her in performing the above tasks.

The district deputy governor who receives the divided duties shall be accountable for their actions to the district governor.

The district governor shall call for meeting of the board of governors as necessary to discuss any problem that he/she considers necessary for discussing with the board of the governors in order to promote participation in the implementation of role as the representative of the Royal Government, ministries and institutions.

Minutes shall be prepared for all meetings.

Article 156:

In the implementation of role and duties as stated in the articles 153 and 154 of this sub-decree, the district governor shall respect policies of the Royal Government, laws, legal framework and guidelines of the ministries and institutions; and be accountable to the Royal Government, Ministry of Interior, ministries and institutions in accordance with laws and legal framework.

Article 157:

The district governor with assistance from the administration director shall report about activities related the implementation of role as a representative of the Royal Government, ministries and institutions as well as status of those activities in the monthly, quarterly, semester and annual report to the council.

In case that there is any problem related to the implementation of role of the district governor as a representative of the Royal Government, ministries and institutions of the Royal Government and that problem impacts on legal interests of the people or claims or complaints from the people, the district council may require the district governor to report as a special case to meeting of the council.

The district council can provide recommendations and instructions to the governor on the implementation of the above role in order to respond to the local priority needs and challenges.

The district governor shall accept recommendations and instructions from its district council in order to coordinate and provide guidance and directions to the offices, units and agencies of the ministries and institutions based in the district in response to those needs and report back to the council.

Article 158:

In event that the district governor is absent from office, he/she shall hand over his/her right in writing to any of the deputy governors to act as acting governor.

If the district governor is absent from office but he/she does not hand over his/her right to any deputy governor, the deputy governor, whose name is on the top of the list in the Prakas on appointment of the municipal deputy governors, shall act as acting governor.

In the event that the acting governor is absent from office, the provincial governor shall issue a Deika to assign a deputy governor to act as acting governor and report to the provincial administration in order to report the minister of the Ministry of Interior.

The acting governor shall report on all tasks implemented to the district governor on his/her return to the office.

In necessary case the minister of the Ministry of Interior may issue a guideline on formats and procedures for this handover.

Article 159:

The minister of the Ministry of Interior shall issue a guideline on leave application of the district governor, deputy governors and personnel of the district council.

Section 4 Administration Director of District Hall (Sala Srok)

Article 160:

The district council and board of governors shall have an (01) administration director called **Sala Srok Administration Director** which will be appointed by

the minister of the Ministry of Interior based on request of the district governor and approval of the district council.

The Sala Srok administration director shall have two (02) deputy administration directors as assistants which will be appointed by the minister of the Ministry of Interior based on request of the district governor and approval of its council.

The Sala Srok administration director shall be appointed among officials who has a position from principal of middle level civil servants (Kramkar Doem Kser) and above of the middle level civil servant body of the Ministry of Interior.

The deputy governors of Sala Krong shall be appointed among officials who have positions from middle level civil servants (Kramkar) and above of the middle level civil servant body of the Ministry of Interior.

Article 161:

Qualification for appointment of the Sala Srok administration director and deputy administration directors shall be determined by Prakas of the minister of the Ministry of Interior.

In necessary case, the minister of the Ministry of Interior may issue a Prakas or guideline on role, duties and working procedures of the Sala Srok administration director and deputy directors.

Article 162:

The Sala Srok administration director plays role as an assistant to the district council, board of governors and governor in managing administrative tasks and ensuring sustainability of the daily administrative tasks in the Sala Srok.

In performing this role, the administration director of Sala Srok shall report and be accountable to the district board of governors and governor and council.

Article 163:

In the implementation of the role as described in the article 162 of this sub-decree, the Sala Srok administration director has following duties:

- Prepare and submit to the district board of governors for reviewing and making decision on daily administrative tasks of the Sala Srok within authority framework of the board of governors and ensure that these tasks shall be prepared in accordance with laws, legal framework and formats of the administrative letters;
- Prepare and submit to the district board of governors rules and principles for implementing Deika and decisions of the district council;
- Act as a secretary to the district governor and chairperson of the district council in the preparation of draft agenda of all council meeting including coordination in the preparation of documents and contents for each agenda of the meeting in accordance with internal rules of the council. The draft agenda, documents and contents prepared by the Sala Srok administration director for submitting to the council meeting shall be submitted to the board of governors for reviewing and providing comments in advance except there are other arrangements required by laws and legal framework;

- Act as a secretary to the district council in the preparation and distribution of meeting invitation letters, prepare meeting venue and minutes of all council meeting;
- Prepare other tasks for all meeting of the district board of governors as instructed by the district governor;
- Ensure receiving and distribution of letters and documents properly to members of the council, governor and deputy governors as well as ministries, institutions, departments, units, offices and other stakeholders;
- Manage and use of Sala Srok stamp properly as stated in the article 171 of this sub-decree;
- Ensure that all documents and legal instruments of the district council, board of governors and administration are maintained properly and safely;
- Perform other duties as assigned by the district council and board of governors or required by laws and other legal framework.

Article 164:

The administration director of Sala Srok has the right to participate and contribute ideas in meetings of the district council, council committees, sub-committees and working groups, and board of governor meeting but he/she will not have the right to vote unless he/she is a member of any committee or sub-committee or working group of the district council.

Article 164:

In participating the meeting as described in the article 164 of this sub-decree and implementing daily works, the Sala Srok administration director may provide comments to the district council, committees, subcommittees and working groups of the council and board of the governors on problems related to law and technical aspect in order to ensure that decisions and activities of the councils, board of governors and the governor are implemented in accordance with the constitution, laws and legal framework as well as determined national standard for safety and quality and promoting high effectiveness of the district works.

Article 166:

The administration director of Sala Srok under the leadership of district board of governors and governor shall ensure that offices and personnel perform their works in accordance with laws, legal framework, procedures and decisions of the district council and board of governors.

Article 167:

The district board of governors and governor may delegate any tasks to the Sala Srok administration director to provide suggestions within scope of his/her role and duties in order that the board of governors or governor to review and approve as necessary.

Section 5 Sala Srok and its Offices

Article 168:

Sala Srok is the office where district council and board of governors work.

Sala Srok shall be open regularly in accordance with government working hours.

During working hours, the citizens have the right to:

- Communicate and work with the district council and the board of governors;
- Receive information on requests and other duties from district administration;
- Participate in giving opinions or making requests on any issues.

In between working hours or public holidays, the district council and board of governors shall ensure an appropriate number of their officials and staff of their administration to stand by in the office for receiving or solving urgent/special requests.

Article 169:

Each district administration is the owner and responsible for managing all received letters and documents in accordance with active laws.

Article 170:

The district administration is the owner and responsible for all letters and documents that are prepared by the council or on behalf of the district council and prepared by the district board of governors on behalf of government and all equipment, transport means and other materials of its administration.

Each district administration shall ensure proper and safe maintenance of documents, letters, equipment, transport means and materials of its administration.

Article 171:

The stamp of the district administration shall be provided to the administration director of Sala Srok for management so that it can be used by the district council and board of governors.

The minister of the Ministry of Interior shall provide instruction on the management and use of the stamp.

Article 172:

Each district administration shall prepare appropriate public information boards in front of Sala Srok which allow people to get accessed easily.

The above information boards shall be used to write or display official information to the public.

The written and displayed information shall be maintained on the board for at least ten (10) days.

Besides the public information board in front of the Sala Srok, the district council shall setup other public information boards in appropriate public places in the district as necessary.

In addition to the public information boards, the district council shall find other means of information dissemination in order to inform about works of the administration to the citizens.

Article 173:

Each Sala Srok shall consist of a number of offices:

Each office shall be led by a chief and a (01) deputy who will be appointed in accordance with conditions described in a separate statute for sub-national administration personnel.

The chief of each office shall be directly responsible for, and accountable to administration director of Sala Srok.

The above offices shall serve as a secretary to the district council and board of governors in cooperating with sectoral departments and units on important tasks related to:

- Administrative letters;
- Civil registration;
- Management and development of human resources;
- Development plans and investment programs;
- Support to communes and Sangkats and coordination of development cooperation and service delivery between communes and Sangkats and between the district with communes and Sangkats;
- Finances and management of assets of the district;
- Land and construction;
- Public order, legal affairs, human rights and gender;
- Implementation of delegated or assigned functions and duties;
- Tasks determined by laws and legal framework.

Based on the above duties, the minister of the Ministry of Interior through NCDD approval shall issue Prakas on establishment, deployment and functioning of Sala Srok offices as well as conditions for deployment of personnel in those offices.

Chapter 5

Support and Relationship between the Administrations of the Province, Municipalities, District, Communes and Sangkats and the Relationship between these Administrations with the Ministries and Institutions of the Royal Government

Section 1

Relationship between the Administrations of the Province, Municipalities, Districts, Communes and Sangkats

Article 174:

The provincial council, municipal council, district council, commune council and Sangkat council shall have its own separate power in making decisions and managing assigned or delegated functions, duties and resources in accordance with Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and Law on Administrative Management of Communes and Sangkats; and shall ensure sustainability of democratic development in its respective jurisdiction.

Article 175:

Each council category shall make decisions and manage assigned or delegated functions, duties and resources in accordance with laws and legal framework as

well as decisions of the NCDD which are related to those assigned or delegated functions, duties and resources to each category of the councils.

Article 176:

In order to make decisions and managing the assigned or delegated functions and duties which are related to two or more councils, the council shall ensure to have consultation, coordination and cooperation with those relevant councils.

Article 177:

The bordering provincial, municipal, district, commune and Sangkat councils shall communicate, cooperate and consult each other with regard to one or more interrelated functions, duties or problems.

Article 178:

The Sangkat councils in the municipality shall be under supervision and management of the municipal council.

Article 179:

To ensure that the municipal council establishes, promotes and sustains democratic development, the Sangkat councils shall be responsible to:

- Advise and consult with the municipal council in order to ensure that the municipal council is responsive to the needs of local citizens and shall be accountable to citizens within the jurisdiction of the municipality and each Sangkat in the municipality;
- Provide recommendations to the municipal council on the needs of the citizens that cannot be addressed by Sangkat council, in respect to their capacity and resources;
- Carry out the functions and duties which are delegated by the municipal council.

Article 180:

The municipal council shall organize appropriate consultations with Sangkat councils in the municipality in order to:

- Coordinate cooperation among the Sangkats in its municipality in order to promote responses to citizen needs;
- Consolidate citizen needs raised by Sangkat councils which cannot be responded by the Sangkat councils themselves for consultation with relevant Sangkat councils to find an appropriate way to respond to these needs;
- Provide necessary capacity support to Sangkat councils in order that they are able to receive additional functions and duties delegated from the municipal council.

Article 181:

The municipal council shall ensure the delegation of the appropriate functions and duties to Sangkat councils in the municipality.

To delegate the functions and duties to Sangkat councils, the municipal council shall consult with the relevant Sangkat councils to jointly discuss the rationale for appropriateness and effectiveness of functions and duties which should be maintained with municipality or should be delegated to Sangkat councils in the municipality.

Article 182:

The municipal council shall ensure to provide means, materials and resources which include financial and human resources, training and capacity building to the Sangkat councils and personnel of these councils in order to implement the functions and duties delegated by the municipal council.

Article 183:

The municipal council shall support the Sangkat councils in order to ensure that they implement functions and duties within framework of the delegated power and in accordance with the constitution, laws and legal framework as well as to ensure that the Sangkat councils provide the best response to the needs of citizens.

Article 184:

The district council shall be accountable to the citizens in the district for options, decisions and implementation of its works as well as impact of the options and decisions; and implementation of those decisions.

Based on the above principles, the district council shall establish appropriate communication and cooperation with the commune and Sangkat councils in the district in accordance with provisions stated in the articles 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 124, 125 and 126 of this sub-decree.

Article 185:

The provincial council shall cooperate with the municipal and district councils in the province in order to consult with the commune and Sangkat councils in responding to their needs.

In implementing the above communication and cooperation, the commune and Sangkat councils in the province shall be responsible to:

- Provide comments and conduct consultations and monitoring in order to ensure that the provincial council, municipal council and district council are still responsible for responding to the needs of local people; and accountable to all people in the province;
- Provide recommendations to the provincial, municipal and district councils on people needs which cannot be addressed by the commune and Sangkat councils in regard to their capacity and resources;
- Fully cooperate with the provincial, municipal and district councils in promoting service delivery and local development.

Article 186:

The provincial board of governors, municipal board of governors, district board of governors and commune and Sangkat chiefs are responsible for implementing daily works in communication with each other between the province, municipalities, districts, communes and Sangkats on behalf of their council.

Section 2**Relationship between the Administrations of Province, Municipalities, Districts, Communes and Sangkats with Ministries and Institutions, and the Support of the Provincial Administration to Municipalities, Districts, Communes and Sangkats**

Article 187:

The ministries and institutions shall actively participate and support the process of democratic development through decentralization and deconcentration in the province, municipalities, districts, communes and Sangkats in accordance with the principles of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and Law on Administrative Management of Communes/Sangkats.

Article 188:

The ministries and institutions shall formulate workplans to implement the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats and policy of decentralization and deconcentration.

Article 189:

Each ministry and institution shall assign and delegate appropriate functions and duties together with financial resources, personnel and capacity to the provincial, municipal, district, commune and Sangkat councils in accordance with the provisions as stated in sections 2, 3, 4 and 5 of chapter 5 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats and the provisions as stated in this sub-decree.

Article 190:

The ministries and institutions shall review the laws, legal frameworks and programs related to their responsible sectors and request for amendments to these documents and programs in order to make them consistent with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and Law on Administrative Management of Communes/Sangkats.

Article 191:

The ministries and institutions shall be responsible to determine policies for their sector for the whole country, issue legal framework in order to determine formats and procedures for the provincial, municipal, district, commune and Sangkat councils to implement assigned or delegated functions including identification of national standards for safety and quality as well as capacity development strategies for relevant councils to effectively carry out the assigned or delegated functions.

The above formats and procedures and national standards for safety and quality, shall be done based on the decentralization and deconcentration policy.

Article 192:

The ministries and institutions shall cooperate and coordinate with the NCDD and the Ministry of Interior to implement the provisions as stated in the articles 187, 188, 189, 190 and 191 of this sub-decree and other tasks that are related to the provincial, municipal, district, commune and Sangkat councils.

Article 193:

The provincial, municipal, district, commune and Sangkat councils shall perform their functions and duties under the framework of national executive power.

Within the framework of national executive power, the Royal Government has the right to provide instructions and monitor legality of decisions and activities of the councils in order to ensure that the councils properly respect constitution, laws, legal framework and national policies.

Article 194:

In accordance with the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and Law on Administrative Management of Communes/Sangkats, the provincial council shall receive delegations from the Royal Government through this sub-decree in order to provide support, coordination and cooperation with municipal, district, commune and Sangkat councils to work together to achieve the national policies.

Article 195:

The provincial council shall communicate and cooperate with the NCDD, ministries and institutions in allocating functions, resources and assets, management and mobilization of resources as well as monitor and redeployment of personnel between national level with administrations of provinces, municipalities, districts, communes and Sangkats in the provinces.

The provincial council shall ensure appropriate consultations with the administrations of municipalities, districts, communes and Sangkats in the province to serve as a basis for consultations with the NCDD, ministries and institutions on the above tasks.

In accordance with decisions of the NCDD, the provincial council shall ensure that coordination with municipal, district, commune and Sangkat administrations in the province in order to allocate functions, resources and assets, management and mobilization of resources as well as monitor and redeployment of personnel according to specific situation of each area including urban and rural areas in the province.

The provincial council shall ensure that the municipal, district, commune and Sangkat administrations perform their assigned or delegated functions and duties in accordance with constitution, laws, legal framework and national policies.

Article 196:

The provincial council shall receive delegation of power on behalf of the Royal Government to support and check legality on decisions and activities of the municipal, district, commune and Sangkat administrations to order to ensure that these administrations perform their assigned and delegated functions and duties in accordance with constitution, laws, legal framework and national policies.

The delegation of power includes:

- Assessment and development of appropriate strategy for support to capacity development to the municipal, district, commune and Sangkat councils as well as personnel of these councils;
- Direction, coordination and support to the municipal, district, commune and Sangkat councils in implementing assigned functions, duties and resources in accordance with laws, legal framework and national policies;
- Ensuring that the municipalities and districts provide appropriate support to

Sangkats in the municipality and communes and Sangkats in the district.

The provincial council shall perform the above tasks in respect to autonomy of the municipalities, districts, communes and Sangkats and in accordance with the principles of Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats, this sub-decree, legal framework and decisions of the NCDD.

The provincial council shall delegate functions related to support and legality check to the provincial board of governors in order to implement daily works. In the implementation of the daily works, the boards of governors is the line of communication between the Royal Government, ministries and institutions with the provincial, municipal, district, commune and Sangkat administrations as well as support to the municipal, district, commune and Sangkat administrations in the province.

The provincial board of governors shall request for guiding principles and prepare reports on the implementation the above role and duties in every ordinary meeting of its council.

In necessary case, the provincial council can conduct ordinary meeting in order to review and discuss on the above support and delegation.

The minister of the Ministry of Interior based on decision of NCDD shall issue Prakas on principles and procedures related the above delegation.

Article 197:

The provincial governor on behalf of the board of governors and council is a signatory of administrative letters in communications as stated in the article 196 of this sub-decree.

Documents and letters from the Royal Government, ministries and institutions of the Royal Government to the provincial, municipal, district, commune and Sangkat administrations shall be sent through the provincial administration.

The provincial governor shall ensure a proper and timely distribution of the above documents and letters to relevant administrations or individuals.

Article 198:

The ministries and institutions may directly communicate and cooperate with municipal administration or district administration or commune administration or Sangkat administration as necessary but they have to inform the provincial administration.

Article 199:

In event that there is any disagreement between the provincial administration and the municipal administration or district administration or commune administration or Sangkat administration or between any administrations of these administrations, the Ministry of Interior shall facilitate and address these disagreements in accordance with laws and legal framework.

Article 200:

In the event that there is any disagreement between the ministries and institutions of the Royal Government and the provincial council, municipal council, district council, commune council and Sangkat council, the NCDD shall facilitate and address these disagreements in accordance with laws and legal framework.

In the event that the disagreement cannot be solved, the NCDD shall report to the head of the Royal Government for review and decision.

Chapter 6 Transitional Provisions

Article 201:

Based on provisions of this sub-decree, the minister of the Ministry of Interior shall issue guidelines on phases, formats and procedures in the establishment of the structures, systems, principles and procedures of the provincial, municipal and district administrations in order to ensure sustainability of these administrations.

In the absence of the structures and systems which will be established in accordance with this sub-decree, the provincial, municipal and district administrations shall continue implementing present structures and systems until there is a new setup.

Article 202:

While waiting for the transfer of new and additional functions, duties and resources from the national level, the provincial, municipal and district councils in the shall continue implementing functions and duties used to perform by their administration until there is a new setup.

The councils shall continue implementing these present functions and duties in accordance with active laws and legal framework; and roles, duties and working procedures as stated in this sub-decree.

The NCDD shall immediately manage to review functions and duties and prepare legal framework in order to delegate or assign these functions and duties properly to the provincial, municipal and district councils based on principles of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans; and this sub-decree.

Article 203:

During the absence of the Law on Financial Regime and Management of State Properties at Sub-National Level, the Sangkat council shall continue implementing the sub-decree no.16 OrNkr.BK dated 25 February 2002 on the Commune/Sangkat Funds.

Article 204:

While waiting the transfer of functions and duties to the provincial, municipal and district councils, the NCDD shall ensure that ministries and institutions of the Royal Government integrate their development plans and budgets into the development plans and budgets of the provincial council and other council categories in the province.

Article 205:

The provincial, municipal and district councils shall continue managing, administering and implementing properly all Deika, decisions, legal framework, contracts, agreements, works, assets, revenues and money that have been managed, administered and implemented by or on behalf of the provincial, municipal and district administrations in accordance with active laws and legal framework.

Article 206:

In accordance with structures of the Sala Khet, Sala Krong and Sala Srok as stated in articles 112 and 173 of this sub-decree, the minister of the Ministry of Interior shall ensure integration of units and personnel who are under civil servant body of the Ministry of Interior and presently work in the Sala Khet, Sala Krong and Sala Srok into the new structures.

During the absence of a separate statute on sub-national personnel, determination of ranks, level and positions shall be based on the laws, royal decrees, sub-decrees and legal framework related the civil servants.

The minister of the Ministry of Interior shall issue guidelines on formats and procedures for this integration in order to ensure benefits, ranks, levels and positions of the personnel who are presently working in the units of Sala Khet, Sala Krong and Sala Srok.

In the event that the personnel under civil servant body of the Ministry of Interior who are working for the Sala Khet, Sala Krong and Sala Srok have been integrated into the new structures as determined by this sub-decree, but it cannot meet the requirement of the new structures, the provincial council and board of governors, municipal council and board of governors and district council and board of governors can review and recruit personnel under civil servant body of other ministries who have appropriate qualification in order to appoint and fill the additional required positions.

The personnel who have integrated into the new structures as determined by this sub-decree, contract staff and laborers who are working for the Sala Khet, Sala Krong and Sala Srok shall be supervised and managed by the provincial council and board of governors, municipal council and board of governors and district council and board of governors. In the absence of a separate statute on sub-national personnel, the board of governors shall request for approval from its council regarding appointment, change, promotion of rank and level, salary base and other benefits for the personnel; and recruitment of the contract staff, laborers and technical advisors. Based on approval of the council, the governor shall make a request to the minister of the Ministry of Interior in order to prepare for appointment, change and promotion of ranks and level in accordance with active laws and legal framework.

In necessary case, the minister of the Ministry of Interior can issue guidelines on formats and procedures for appointment, change and promotion of rank and level, salary base and other benefits for personnel and recruitment of contract staff, laborers and technical advisors.

Article 207:

When change or amendment has not been made to the royal decree NS/RKT/1201/450 dated 01 December 2001 on the salary base and benefits of the civil servants and in order to determine the functional salaries for positions in the structures of Sala Khet, Sala Krong and Sala Srok as stated in this sub-decree, positions of Sala Khet deputy administration director and Sala Krong deputy administration director, Sala Srok deputy administration director, director of divisions, deputy director of divisions, chief and deputy chief of offices of Sala Khet; and chief and deputy chief of offices of Sala Krong and Sala Srok shall be determined as followings:

- Deputy administration director of Sala Khet shall have functional salary level equivalent to director of line department in the province;
- Director of divisions shall have functional salary level equivalent to deputy director of the line departments in the province;
- Deputy director of divisions shall have functional salary level equivalent to the office chief of the line departments in the province;
- Chief and deputy chief of offices of the Sala Khet shall have functional salary level equivalent to chief and deputy chief of offices of the line departments in the province;
- Deputy administration director of Sala Krong and Sala Srok shall have functional salary level equivalent to office chief of the line offices in the province;
- Chief and deputy chief of offices of Sala Krong and Sala Srok shall have functional salary level equivalent to chief and deputy chief of offices of the line offices in the district.

Article 208:

The One Window Service Office and Ombudsman Office, which were established by the decision No. 47 SSR of the Royal Government dated 11 June 2003 and principle on continuation of these offices, shall be used as management structure and system for relevant administrative levels.

The board of governors of the relevant administrative levels shall manage the one window service office and be directly accountable to its council.

Article 209:

In the absence of the guideline on leave application for the provincial board of governors, municipal board of governors, district board of governors, personnel of the provincial council, personnel of municipal council and personnel of district council, the formats and procedures for leave application shall be implemented in accordance with active guideline and legal framework.

Article 210:

The NCDD shall conduct research studies in order to integrate the Provincial Executive Committee of the Provincial Rural Development Committee into structure of provincial administration as determined by this sub-decree.

In conducting the above studies, the NCDD shall consult and coordinate with ministries, institutions, development partners and other stakeholders to develop appropriate strategies and phases for this integration.

Chapter 7 Final Provisions

Article 211:

Any provisions that contradict to this sub-decree shall be abrogated.

Article 212:

The minister in charge of the Office of the Council Ministers, minister of the Ministry of Economy and Finance, minister of the Ministry of Interior, chairperson of the National Committee for Sub-National Democratic Development, ministers and secretaries of state of all relevant ministries and institutions, the provincial council and board of governors, municipal councils and board of governors, district councils and board of governors, commune councils and Sangkat councils shall be responsible for implementing this sub-decree from the date of its signature onwards.

Phnom Penh Capital, 14 December 2009

Prime Minister

Samdech Aka Moha Sena Padei Techo **Hun Sen**

Copy to:

- Ministry of Royal Palace
- General Secretariat of Senate
- General Secretariat of Parliament
- General Secretary of RGC
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 212
- Royal Affair
- Archives

Sub Decree No. 217 ANK/BK

dated 14 December 2009

On

**Establishment, Organization and
Functioning of the Technical Facilitation
Committee of the Phnom Penh Capital
Council and the Technical Facilitation
Committee of the Khan Council of the
Phnom Penh Capital**



(Unofficial Translation)

**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
No. 217 OrNKR.BK**

Sub-Decree

On

**Establishment, Organization and Functioning of the Technical Facilitation
Committee of the Phnom Penh Capital Council and the Technical
Facilitation Committee of the Khan Council of the Phnom Penh Capital**

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on Establishment and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. SN/RKM/0196/08 dated 24 January 1996 promulgating the Law on Establishment and Functioning of the Ministry of Interior;
- Having seen the Royal Kram No. NS/RKM/0301/05 dated 19 March 2001 promulgating the Law on Administrative Management of Communes/Sangkats;
- Having seen the Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 promulgating the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;
- Having seen the Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of the National Committee for Sub-National Democratic Development;
- Receiving the agreement from the Council of Ministers in the meeting dated 20 November 2009;

DECIDES

**Chapter 1
General Provisions**

Article 1:

This sub-decree aims to determine the establishment, organization and functioning of the Technical Facilitation Committee of the Phnom Penh Capital Council and the Technical Facilitation Committee of the Khan Council of the Phnom Penh Capital .

Article 2:

The Phnom Penh Capital Council and Khan councils of the Capital shall establish its own technical facilitation committee to study and provide advise to its council and board of governors regarding problems related to plans, budgets and coordination of work with line departments and units of the ministries and other council categories; and problems related to functions and resources which have been assigned or delegated to the Capital council and Khan councils.

Chapter 2
Phnom Penh Capital Technical Facilitation Committee
Section 1
Composition, Roles and Responsibilities

Article 3:

The technical facilitation committee of the Phnom Penh Capital has membership as follows:

- Capital governor	Chair
- Deputy governor (01 person)	Deputy chair
- Capital administration director	Permanent member
- Capital councilors (at least 02 persons)	Member
- Directors of line departments and units of the Royal Government at the Capital	Member
- All directors of the Capital Hall divisions	Member
- Representatives of the Sangkat Association in the Capital (02 persons)	Member
- Representatives of the Consultative Committee on Women and Children Affairs of the Capital (01 person)	Member

The deputy chair of the technical facilitation committee of the Capital council shall be proposed by the Capital Governor.

The two representatives of Sangkat Association in the Capital shall be appointed by the Executive Committee of the Sangkat Association in the Capital. The two representatives must include one woman.

The Capital council shall issue a decision on recognition of the chair, deputy chair and members of the technical facilitation committee of the Capital council. This decision shall be signed by the Capital Council Chair.

Article 4:

The technical facilitation committee of the Capital Council has roles and duties to provide advice to the Capital Council and its Board of Governors on the following main tasks:

A. Development Plan and Budget

- Inclusion of plans and budgets of the ministries or departments and units of the Royal Government that provide direct services, materials or infrastructure in the jurisdiction of the Capital Council as part of the five (05) year-development plan and three (03) year-rolling investment program, medium term expenditure framework and annual budget of the Capital council;
- Draft and update of the five (05) year development plan, three (03) year rolling investment program;
- Draft of annual workplan and budget of the Capital council;
- Draft and update of the medium term expenditure framework;
- Financial and budget affairs of the Capital council;
- Draft of proposed allocation of the Capital investment funds to support programs of the Capital;
- Mobilize resources from relevant partners to support Capital investment projects; and
- Prepare progress reports related to the implementation of the development plan, investment program and budget of the Capital council.

B. Coordination of the Capital Council with Departments, Units of the Ministries

- Cooperation, consultation and coordination of tasks of the Capital Council with the departments and units of the ministries;
- Coordination of service delivery and development provided by the ministries or by departments and units of the ministries in order to respond to local needs;
- Facilitation of conflict between the tasks of the Capital council with those of the ministries, departments and units of the ministries;
- Provision of recommendations to the ministries in order to improve service delivery and development in accordance with local needs.

C. Cooperation and Coordination within the Capital Unified Administration

- Formulation of consultative and participation mechanisms in the performance of the Capital unified administration;
- Development of systems and working procedures as well as communication of Capital Hall divisions; and
- Solve conflicts in the performance of the Capital Hall divisions.

D. Cooperation and Coordination between the Capital Council and the Khan and Sangkat Councils within the Capital

- Develop a consultative mechanisms between the Capital Council and Khan and Sangkat councils within the Capital;
- Respond to the recommendations and requests of the Khan or Sangkat councils in the event that they cannot be addressed by those councils;
- Solve conflicts between the Capital Council and the Khan council or/and Sangkat councils.

E. Cooperation and Coordination between the Capital Council and other related Councils

- Formulation of consultative mechanisms between the Capital council and the bordering councils and other related councils; and

- Facilitation of conflicts between the Capital Council and the bordering councils and other related councils.

F. Tasks related to Functions and Resources

- Measures to promote effectiveness on the implementation of functions and resources;
- Preparation of qualifications and means to receive and implement the functions and resources which have been assigned or delegated to the Capital administration;
- Initiation of functions and resources which should be assigned or delegated to the Capital administration;
- Initiation on delegation of functions and resources to Khan administration and Sangkat administration;
- Assessment on the implementation of functions and resources that are responsible by the Capital administration.

Besides the above tasks, the technical facilitation committee may implement other tasks in accordance with law and the legal framework or in accordance with tasks assigned by its council.

Section 2 Working Procedures

Article 5:

The technical facilitation committee of the Capital Council shall conduct meetings at least twice every month. The meeting cannot be conducted unless more than half of the total committee members are present.

The decision of the meeting is valid unless the number of approving votes is more than half of the total committee members.

The chair of the committee is the person who will call for meeting and chair the meeting of the committee. In the event that the committee chair is absent, the deputy chair will call for the meeting and chair the meeting.

Minutes shall be prepared by the administration director of the Capital Hall for each meeting and signed by the meeting chair.

In accordance with this sub-decree, the technical facilitation committee can develop internal rules of the meeting, approve working procedures and divide duties to members of the committee as necessary.

Article 6:

In the event that any members of the technical facilitation committee such as the Capital Hall Administration Director, Khan governors, directors of the line departments and units of the ministries in the Capital, directors of the Capital Hall divisions are absent, those members can assign their representative to participate in the committee meeting on their behalf.

Article 7:

The Capital Governor may request the deputy governors, officials, technical advisors and other people to participate in the meeting of the technical facilitation committee as necessary. Those Capital deputy governors, officials,

technical advisors and other people may provide their comments in the meeting but they do not have the right to decide at the meetings.

Article 8:

Agenda of the technical facilitation committee meeting will be prepared prior to every meeting. The Capital governor with assistance of the administration director of the Capital Hall shall prepare the agenda of the meeting based on:

- Needs of the Capital Council;
- Need of the Board of Governors;
- Needs of the council committees;
- Requests from at least one third of the total number of the technical facilitation committee members of the Capital Council; and
- Requirements of the Laws or legal framework.

Based of the above needs and requests, the Capital Governor shall consult with its board of governors in order to assign one or more relevant divisions of the Capital Hall to study and prepare documents, formats and procedures in accordance with each agenda.

The Administration Director of the Capital Hall shall lead the relevant divisions in the study and preparation of documents, formats and procedures as mentioned above in cooperation with relevant departments and units as necessary.

Article 9:

The Administration Director of the Capital Hall shall carry out the study and preparation of the documents, formats and procedures as stated in the article 8 above based on Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of the Communes/Sangkats and the legal framework for implementing these laws.

After the preparation of the documents, formats and procedures, the Capital Hall Administration Director shall submit these materials to the Capital Governor for review and prepare for meeting of the technical facilitation committee.

Article 10:

The Capital Governor with assistance of the Administration Director shall prepare report on result of the meeting of the committee for submitting to the Capital Council those tasks under the council's authority and to the board of the governors for those tasks under the board's authority.

Article 11:

The technical facilitation committee may request for the establishment of sub-committees or working groups or as required by the law and the legal framework to assist its work.

Membership of the above sub-committees or working groups may be selected from the technical facilitation committee, officials of relevant units of the Capital Hall, Sala Khan and departments/units as necessary.

The Capital Council shall decide on establishment, organization and functioning of the above sub-committees or working groups. This decision shall be signed by the Capital Council chair based on the decision of the council.

Chapter 3
Technical Facilitation Committee of the Khan Council
Section 1
Composition, Roles and Duties

Article 12:

The technical facilitation committee of the Khan council of the Phnom Penh Capital has membership as follows:

- Khan governor	Chair
- Deputy governor (01 person)	Deputy chair
- Sala Khan administration director	Permanent member
- Khan councilors (at least 02 persons)	Member
- Chiefs of Offices, Units of Ministries of the Royal Government at Sala Khan	Member
- Chiefs of Sala Khan Offices	Member
- All Sangkat chiefs in Khan	Member
- Representative of the Khan Consultative Committee on Women and Children Affairs (01 person)	Member

The deputy chair of the technical facilitation committee of the Khan council shall be proposed by the Khan governor.

The Khan council shall issue a decision on recognition of the chair, deputy chair and members of the technical facilitation committee of the Khan council. This decision shall be signed by the Khan council chair.

Article 13:

The technical facilitation committee of the Khan council has roles and duties to provide advice to the Khan council and board of governors on the following main tasks:

A. Development Plan and Budget

- Draft and update of the five (05) year development plan, three (03) year rolling investment program in order to include into the five (05) year-development plan and three (03) year-rolling investment program of the Capital;
- Draft of annual workplan and budget of the Khan council;
- Draft and update of the medium term expenditure framework;
- Mobilize resources from relevant partners to support the Khan investment projects;
- Cooperate on the implementation of inter-Sangkat projects; and
- Prepare progress reports related to the implementation of the development plan, investment program and budget of the Khan council.

B. Coordination of the Khan Council with Offices, Units of the Ministries

- Cooperation, consultation and coordination of tasks of the Khan council with the offices and units of the ministries;
- Coordination of service delivery and development provided by the ministries or by offices and units of the ministries in order to respond to local needs;
- Facilitation of conflicts between the tasks of the Khan council with the ministries, departments, offices and units of the ministries; and
- Provide recommendations for improvement of service delivery and development in accordance with local needs.

C. Cooperation and Coordination within the Khan Unified Administration

- Formulation of consultative and participation mechanisms in the performance of the Khan unified administration;
- Development of systems and working procedures as well as communication of Sala Khan offices; and
- Facilitation of conflicts regarding performance of the Sala Khan offices.

D. Cooperation and Coordination between the Khan Council and Sangkat Councils within Khan

- Development of consultative mechanisms between the Khan council and Khan council; and between Khan council and Sangkat councils within Khan;
- Responding to the recommendations and requests of the Sangkat councils in the event that they cannot be addressed by the Sangkat councils; and
- Facilitation of conflicts between Khan council and Sangkat councils and between Sangkat council and Sangkat council.

E. Cooperation and Coordination between the Capital Council and other related Councils

- Formulation of consultative mechanisms between the Capital council and the bordering councils and other related councils; and
- Facilitation of conflicts between the Capital council and the bordering councils and other related councils.

F. Tasks related to Functions and Resources

- Measures to promote effectiveness on the implementation of delegated functions and resources;
- Preparation of qualifications and means to receive and implement the functions and resources which have been delegated to the Khan administration;
- Initiation of functions and resources which should be delegated to the Khan administration and Sangkat administrations;
- Initiation on delegation of functions and resources to Khan administration and Sangkat administration; and
- Assessment on the implementation of functions and resources which have been delegated by the Capital administration.

Besides the above tasks, the Khan technical facilitation committee may receive other tasks to implement in accordance with law and the legal framework or in accordance with tasks assigned by its council.

Section 2 Working Procedures

Article 14:

The technical facilitation committee of the Khan council shall conduct meetings at least twice every month. The meeting cannot be conducted unless more than half of the total committee members are present.

The decision of the meetings is valid only if the number of approving votes is more than half of the total committee members.

The chair of the committee is the person who will call for meeting and chair the meeting of the committee. In the event that the committee chair is absent, the deputy chair will call for the meeting and chair the meeting.

Minutes shall be prepared by the administration director of the Sala Khan for every meeting and signed by the meeting chair.

In accordance with this sub-decree, the Khan technical facilitation committee may develop internal rules of its meetings, approve working procedures and divide duties to members of the committee as necessary.

Article 15:

In the event that any members of the technical facilitation committee such as the Sala Khan administration director, Sangkat chiefs, chiefs of offices and units of the ministries, chiefs of Sala Khan offices absent, those members can assign their representative to participate in the committee meeting on their behalf.

Article 16:

The Khan governor may request Khan deputy governors, officials, technical advisors and other people concerned to participate in the meeting of the technical facilitation committee as necessary. Those Khan deputy governors, officials, technical advisors and concerned people may provide their comments in the meeting but they do not have the right to approve on any matter.

Article 17:

Agenda of the Khan technical facilitation committee meeting will be prepared prior to every meeting. The Khan governor with assistance of the administration director of Sala Khan shall prepare the agenda of the meeting based on:

- Needs of the Khan council;
- Needs of the Khan board of governors;
- Needs of the council committees;
- Requests from at least one third of the total number of the technical facilitation committee members of the Khan council; and
- Requirements of the Laws or the legal framework.

Based of the above needs and requests, the Khan governor shall consult with its board of governors in order to assign one or more relevant offices of the Sala Khan to study and prepare documents, formats and procedures in accordance with each agenda.

The administration director of Sala Khan shall lead the relevant offices in the study and preparation of documents, formats and procedures as mentioned above in cooperation with relevant offices and units of ministries at Khan and relevant administrations as necessary.

If necessary, the Sala Khan administration director may request for advice and support from the administration director of Capital Hall in the study and prepare the above documents, formats and procedures.

Article 18:

The administration director of the Sala Khan shall carry out the study and preparation of the documents, formats and procedures as stated in the article 17 above based on Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of the Communes/Sangkats and the legal framework for implementing these laws as well as instructions of the Capital Council and/or Capital Board of Governors.

After the preparation of the documents, formats and procedures, the Sala Khan administration director shall submit to the Khan governor for review and prepare for meeting of the technical facilitation committee.

Article 19:

The Khan governor with assistance of the administration director of Sala Khan shall prepare report on the results of the meeting of the committee to submit to the Khan council those tasks under the council's authority and to the Khan board of the governors for those tasks under the board's authority.

Article 20:

The Khan technical facilitation committee may request for establishment of sub-committees or working groups or as required by the law and the legal framework or as instructed by the Capital Council and/or Capital Board of Governors to assist its work.

Membership of the above sub-committees or working groups may be selected from the Khan technical facilitation committee, officials of relevant offices of Sala Khan, Sangkat councilors and relevant offices/units as necessary.

The Khan council shall decide on establishment, organization and functioning of the above sub-committees or working groups. This decision shall be signed by the chair of the Khan council based on decision of the council meeting.

Chapter 4 Support

Article 21:

If necessary, the Minister of the Ministry of Interior may issue additional guidelines on the implementation of roles, duties and working procedures of the technical facilitation committee of the Capital Council and the technical facilitation committee of the Khan council based on this sub-decree.

Article 22:

The Minister of the Ministry of Interior shall conduct capacity building [development] training to the members of the councils, board of governors, administration director, technical facilitation committee and personnel of the Capital Hall and Sala Khan as well as other relevant people in order to support the work of the technical facilitation committees.

Chapter 5 Final Provisions

Article 23:

Any provisions that is in contradiction to this sub-decree shall be abrogated.

Article 24:

Minister in charge of the Office of the Council Ministers, Minister of the Ministry of Economy and Finance, Minister of the Ministry of Interior, Chairman of the National Committee for Sub-National Democratic Development, ministers and secretaries of state of all ministries and institutions, the Capital Council and Board of Governors, Khan councils and boards of governors and Sangkat councils shall be responsible to implement this sub-decree from the date of its signature onwards.

Phnom Penh Capital, date.....2009

Prime Minister

Samdech Aka Moha Sena Padei Techo **Hun Sen**

Copy to:

- Ministry of Royal Palace
- General Secretariat of Senate
- General Secretariat of Parliament
- General Secretary of RGC
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 24
- Royal Affair
- Archives

Sub Decree No. 218 ANK/BK

dated 14 December 2009

On

**Establishment, Organization and Functioning
of the Technical Facilitation Committee of the
Provincial Council, the Technical Facilitation
Committee of the Municipal Council and the
Technical Committee of the District Council**



(Unofficial Translation)

**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
No. 218 OrNKr.BK**

Sub-Decree

On

**Establishment, Organization and Functioning of the Technical Facilitation
Committee of the Provincial Council, the Technical Facilitation
Committee of the Municipal Council and the Technical Committee of the
District Council**

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on Establishment and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. SN/RKM/0196/08 dated 24 January 1996 promulgating the Law on Establishment and Functioning of the Ministry of Interior;
- Having seen the Royal Kram No. NS/RKM/0301/05 dated 19 March 2001 promulgating the Law on Administrative Management of Communes/Sangkats;
- Having seen the Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 promulgating the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;
- Having seen the Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of the National Committee for Sub-National Democratic Development;
- Receiving the agreement from the Council of Ministers in the meeting dated 20 November 2009;

DECIDES

**Chapter 1
General Provisions**

Article 1:

This sub-decree aims to determine the establishment, organization and functions of the Technical Facilitation Committee of the Provincial Council and

the Technical Facilitation Committee of the Municipal Council and the Technical Facilitation Committee of the District Council.

Article 2:

The provincial council, municipal council and district council shall establish its own technical facilitation committee to study and provide advise to its council and board of governors regarding problems related to plans, budgets and coordination of the council work with line departments and units of the ministries and with other council categories; and report on problems related to functions and resources which have been assigned or delegated to the provincial council, municipal council and district council.

Chapter 2

Technical Facilitation Committee of the Provincial Council

Section 1

Composition, Roles and Responsibilities

Article 3:

The technical facilitation committee of the provincial council has membership as follows:

- Provincial governor	Chair
- Provincial deputy governor (01 person)	Deputy chair
- Administration director of Sala Khet	Permanent member
- Provincial councilors (at least 02 persons)	Member
- Directors of line departments and units of the Royal Government at the province	Member
- All directors of the Sala Khet divisions	Member
- Representatives of the Sangkat Association in the province (02 persons)	Member
- Representatives of the Consultative Committee on Women and Children Affairs of the provincial council (01 person)	Member

The deputy chair of the technical facilitation committee of the provincial council shall be proposed by the provincial governor.

The two representatives of Commune/Sangkat Association in the province shall be appointed by the Executive Committee of the Sangkat Association in the province. One of the two representatives must be a woman.

The provincial council shall issue a decision on recognition of the chair, deputy chair and members of the technical facilitation committee of the provincial council. This decision shall be signed by the provincial council chair.

Article 4:

The technical facilitation committee of the provincial council has roles and duties to provide advice to the provincial council and board of governors on the following main tasks:

A. Development Plan and Budget

- Inclusion of plans and budgets, of the ministries or departments and units of the Royal Government that provide direct services, materials or infrastructure in the jurisdiction of the provincial council, as part of the five (05) year-development plan and three (03) year-rolling investment program, medium term expenditure framework and annual budget of the provincial council;
- Draft and update of the five (05) year development plan, three (03) year rolling investment program;
- Draft of annual workplan and budget of the provincial council;
- Draft and update of the medium term expenditure framework;
- Financial and budget affairs of the provincial council;
- Draft of proposed allocation of the provincial investment funds to support programs of the province;
- Mobilization of resources from relevant partners to support the provincial investment projects;
- Preparation of progress reports related to the implementation of the development plan, investment program and budget of the provincial council.

B. Coordination of the Capital Council with Departments, Units of the Ministries

- Cooperation, consultation and coordination of tasks of the provincial council with the departments and units of the ministries;
- Coordination of service delivery and development provided by the ministries or by departments and units of the ministries in order to respond to local needs;
- Facilitation of conflict between the tasks of the provincial council with the ministries, departments and units of the ministries; and
- Provide recommendations to the ministries in order to improve service delivery and development in accordance with local needs.

C. Cooperation and Coordination within the Provincial Unified Administration

- Formulation of consultative and participative mechanisms in the performance of the provincial unified administration;
- Development of systems and working procedures as well as communication of Sala Khet divisions; and
- Solve conflicts in the performance of the Sala Khet divisions.

D. Cooperation and Coordination between the Provincial Council and the Municipal Council, District Council, Commune Council and Sangkat Council within the Province

- Development of a consultative mechanisms between the provincial council and the municipal council, the district council, the commune council and the Sangkat council within the province;
- Responding to the recommendations and requests, of the municipal council, the district council, the commune council and the Sangkat council within the province, in the event that they cannot be addressed by those councils; and
- Solving conflicts between the provincial council and the municipal council or/and the district council or/and the commune council or/and the Sangkat council in the province.

E. Cooperation and Coordination between the Provincial Council and other related Councils

- Formulation of consultative mechanisms between the provincial council and the bordering councils and other related councils;
- Facilitation of conflicts between the provincial council and the bordering councils and other related councils.

F. Tasks related to Functions and Resources

- Measures to promote effectiveness on the implementation of functions and resources;
- Preparation of qualifications and the means to receive and implement functions and resources which have been assigned or delegated to the provincial administration;
- Initiation of functions and resources which should be assigned or delegated to the provincial administration;
- Initiation on delegation of functions and resources to the municipal administration, the district administration, the commune administration and the Sangkat administration; and
- Assessment on the implementation of functions and resources that are the responsibility of the provincial administration.

Besides the above tasks, the technical facilitation committee may implement other tasks in accordance with law and the legal framework or in accordance with tasks assigned by its council.

Section 2 Working Procedures

Article 5:

The technical facilitation committee of the provincial council shall conduct meeting at least twice very month. The meeting cannot be conducted unless more than half of the total committee members are present.

The decision of the meeting is only valid unless the number of approving votes is more than haft of the total committee members.

The chair of the committee is the person who will call for a meeting and conduct the meeting of the committee. In the event that the committee chair is absent, the deputy chair will call for the meeting and conduct [lead?] the meeting.

Minutes shall be prepared by the administration director of Sala Khet for every meeting and these minutes will signed by the meeting's chair.

In accordance with this sub-decree, the technical facilitation committee can develop internal rules of their meetings, approve working procedures and divide duties to members of the committee as necessary.

Article 6:

In the event that any members of the technical facilitation committee such as the Sala Khet administration director, municipal governor, district governor, directors of the line departments and units of the ministries in the province,

directors of the Sala Khet divisions are absent, those members can assign their representative to participate in the committee meeting on their behalf.

Article 7:

The provincial governor may request the deputy governors, officials, technical advisors and other people to participate in the meeting of the technical facilitation committee as necessary. Those provincial deputy governors, officials, technical advisors and concerned people may provide their comments in the meeting but they do not have the right of approval on any matter.

Article 8:

Agenda of the technical facilitation committee meeting should be prepared prior to every meeting. The provincial governor with assistance of the administration director of the Sala Khet shall prepare the agenda of the meeting based on:

- Needs of the provincial council;
- Need of the provincial board of governors;
- Needs of the provincial council committees;
- Requests from at least one third of the total number of the technical facilitation committee members of the provincial council; and
- Requirements of the laws or legal framework.

Based of the above needs and requests, the provincial governor shall consult with its board of governors in order to assign one or more relevant divisions of the Sala Khet to study and prepare documents, formats and procedures in accordance with each agenda.

The administration director of the Sala Khet shall lead the relevant divisions in the study and preparation of documents, formats and procedures as mentioned above in cooperation with relevant departments and units as necessary.

Article 9:

The administration director of the Sala Khet shall carry out the study and preparation of the documents, formats and procedures as stated in the article 8 above based on Law on Administrative Management of the Capital, provinces, municipalities, districts and Khans, Law on Administrative Management of the Communes/Sangkats and legal framework for implementing these laws.

After the preparation of the documents, formats and procedures, the Sala Khet administration director shall submit to the provincial governor for review and prepare for meeting of the technical facilitation committee.

Article 10:

The provincial governor with assistance of the administration director shall prepare report on result of the meeting of the committee to submit to the provincial council those tasks under the council authority or to the board of the governors for those tasks under the board authority.

Article 11:

The technical facilitation committee may request the establishment of sub-committees or working groups or as required by the law and the legal framework to assist its mandate.

Membership of the above sub-committees or working groups may be selected from the technical facilitation committee, officials of relevant units of the Sala Khet, Sala Krong, Sala Srok and departments/units as necessary.

The provincial council shall decide on establishment, organization and functioning of the above sub-committees or working groups. This decision shall be signed by the provincial council chair based on the decision of the council meeting.

Chapter 3
Technical Facilitation Committee of the Municipal Council
Section 1
Composition, Roles and Duties

Article 12:

The technical facilitation committee of the municipal council has membership as follows:

- Municipal governor	Chair
- Municipal deputy governor (01 person)	Deputy chair
- Sala Krong administration director	Permanent member
- Municipal councilors (at least 02 persons)	Member
- Chiefs of Offices, Units of Ministries of the Royal Government at Sala Krong	Member
- Chiefs of Sala Krong Offices	Member
- All Sangkat chiefs in the municipality	Member
- Representative of the Krong Consultative Committee on Women and Children Affairs (01 person)	Member

The deputy chair of the technical facilitation committee of the municipal council shall be proposed by the municipal governor.

The municipal council shall issue a decision on recognition of the chair, deputy chair and members of the technical facilitation committee of the municipal council. This decision shall be signed by the municipal council chair.

Article 13:

The technical facilitation committee of the municipal council has roles and duties to provide advice to the municipal council and board of governors on the following main tasks:

A. Development Plan and Budget

- Inclusion of plans and budgets of the ministries or departments and units of the Royal Government that provide direct services, materials or infrastructure in the jurisdiction of the municipal council as part of the five (05) year-development plan and three (03) year-rolling investment program, medium term expenditure framework and annual budget of the municipal council;
- Draft and update the five (05) year development plan, three (03) year rolling investment program;
- Draft the annual workplan and budget of the municipal council;

- Draft and update the medium term expenditure framework;
- Financial and budget affairs of the municipal council;
- Draft of the proposed allocation of the municipal investment funds to support programs of the municipality;
- Mobilization resources from relevant partners to support the municipal investment projects; and
- Preparation of progress reports related to the implementation of the development plan, investment program and budget of the municipal council.

B. Coordination of the Municipal Council with Departments, Units of the Ministries

- Cooperation, consultation and coordination of tasks of the municipal council with the departments and units of the ministries;
- Coordination of service delivery and development provided by the ministries or by departments, offices and units of the ministries in order to respond to local needs;
- Facilitation of conflict between the tasks of the municipal council with the ministries, departments, offices and units of the ministries; and
- Provide recommendations to the ministries in order to improve service delivery and development in accordance with local needs.

C. Cooperation and Coordination within the Municipal Unified Administration

- Formulation of consultative and participative mechanisms in the performance of the municipal unified administration;
- Development of systems and working procedures as well as communication of Sala Krong divisions;
- Solve conflicts in the performance of the Sala Krong divisions.

D. Cooperation and Coordination between the Municipal Council and the Sangkat Councils within the Municipality

- Development of consultative mechanisms between the municipal council and the Sangkat councils within the municipality;
- Respond to the recommendations and requests, of the Sangkat councils within the municipality, in the event that they cannot be addressed by those councils; and
- Solve conflicts between the municipal council and the Sangkat councils within the municipality.

E. Cooperation and Coordination between the Municipal Council and other related Councils

- Formulation of consultative mechanisms between the municipal council and the bordering councils and other related councils; and
- Facilitation of conflicts between the municipal council and bordering councils and other related councils.

F. Tasks related to Functions and Resources

- Measures to promote effectiveness on the implementation of functions and resources;

- Preparation of qualifications and means to receive and implement the functions and resources which have been assigned or delegated to the municipal administration;
- Initiation of functions and resources which should be assigned or delegated to the municipal administration;
- Initiation of delegation of functions and resources to the Sangkat administrations within the municipality; and
- Assessment of the implementation of functions and resources that are the responsibility of the municipal administration.

Besides the above tasks, the municipal technical facilitation committee may implement other tasks in accordance with law and the legal framework or in accordance with tasks assigned by its council.

Section 2 Working Procedures

Article 14:

The technical facilitation committee of the municipal council shall conduct meetings at least twice every month. These meetings cannot be conducted unless more than half of the total committee members present.

The decision of the meeting is valid only if the number of approving votes is more than half of the total committee members.

The chair of the committee is the person who will call for meeting and conduct the meeting of the committee. In the event that the committee chair is absent, the deputy chair will call for the meeting and conduct the meeting.

Minutes shall be prepared by the administration director of the Sala Krong at every meeting and signed by the meeting chair.

In accordance with this sub-decree, the municipal technical facilitation committee may develop internal rules of their meetings, approve working procedures and divide duties to members of the committee as necessary.

Article 15:

In the event that any members of the technical facilitation committee such as the Sala Krong administration director, Sangkat chiefs, chiefs of offices and units of the ministries, chiefs of Sala Krong offices are absent, those members can assign their representative to participate in the committee meeting on their behalf.

Article 16:

The municipal governor may request municipal deputy governors, officials, technical advisors and other people to participate in the meeting of the technical facilitation committee as necessary. Those municipal deputy governors, officials, technical advisors and other people may provide their comments in the meeting but they do not have the right to approve any decision of the meeting.

Article 17:

Agenda of the municipal technical facilitation committee meeting will be prepared prior to every meeting. The municipal governor with assistance of the administration director of Sala Krong shall prepare the agenda of the meeting based on:

- Needs of the municipal council;
- Needs of the municipal board of governors;
- Needs of the council committees;
- Requests from at least one third of the total number of the technical facilitation committee members of the municipal council; and
- Requirements of the Laws or the legal framework.

Based of the above needs and requests, the municipal governor shall consult with its board of governors in order to assign one or more relevant offices of the Sala Krong to study and prepare documents, formats and procedures in accordance with each agenda.

The administration director of Sala Krong shall lead the relevant offices in the study and preparation of documents, formats and procedures as mentioned above in cooperation with relevant offices and units of ministries at municipality and relevant administrations as necessary.

Article 18:

The administration director of the Sala Krong shall carry out the study and preparation of the documents, formats and procedures as stated in the article 17 above based on Law on Administrative Management of the Capital, provinces, municipalities, districts and Khans, Law on Administrative Management of the Communes/Sangkats and the legal framework for implementing these laws.

After the preparation of the documents, formats and procedures, the Sala Krong administration director shall submit these materials to the municipal governor for review and prepare for the meeting of the technical facilitation committee.

Article 19:

The municipal governor with assistance of the administration director of Sala Krong shall prepare a report on the results of the meeting of the committee to submit to the municipal council those tasks under the council authority and to the municipal board of the governors for those tasks under the board authority.

Article 20:

The municipal technical facilitation committee may request for the establishment of sub-committees or working groups or as required by law and the legal framework.

Membership of the above sub-committees or working groups may be selected from the municipal technical facilitation committee, officials of relevant offices of Sala Krong, representatives of the Sangkat councilors and other relevant offices/units as necessary.

The municipal council shall decide on the establishment, organization and functioning of the above sub-committees or working groups. This decision shall

be signed by the chair of the municipal council based on decision by the council.

Chapter 4
Technical Facilitation Committee of the District Council
Section 1

Composition, Roles and Duties

Article 21:

The technical facilitation committee of the district council has membership as follows:

- District governor	Chair
- District deputy governor (01 person)	Deputy chair
- Sala Srok administration director	Permanent member
- District councilors (at least 02 persons)	Member
- Chiefs of Offices, Units of Ministries of the Royal Government at district	Member
- All chiefs of Sala Srok Offices	Member
- All commune and Sangkat chiefs within the district	Member
- Representative of the District Consultative Committee on Women and Children Affairs (01 person)	Member

The deputy chair of the technical facilitation committee of the district council shall be proposed by the municipal governor.

The district council shall issue a decision on recognition of the chair, deputy chair and members of the technical facilitation committee of the municipal council. This decision shall be signed by the district council chair.

Article 22:

The district technical facilitation committee of the district council has roles and duties to provide advice to the district council and board of governors on the following main tasks:

A. Development Plan and Budget

- Inclusion of plans and budgets of the ministries or departments and units of the Royal Government that provide direct services, materials or infrastructure in the jurisdiction of the district council as part of the five (05) year-development plan and three (03) year-rolling investment program, medium term expenditure framework and annual budget of the district council;
- Draft and update of the five (05) year development plan, three (03) year rolling investment program;
- Draft of annual workplan and budget of the district council;
- Draft and update of the medium term expenditure framework;
- Financial and budget affairs of the district council;
- Draft of proposed allocation of the district investment funds to support programs of the district;
- Mobilize resources from relevant partners to support the district investment projects;

- Prepare progress reports related to the implementation of the development plan, investment program and budget of the district council.

B. Coordination of the District Council with Departments, Units of the Ministries

- Cooperation, consultation and coordination of tasks of the district council with the departments and units of the ministries;
- Coordination of service delivery and development provided by the ministries or departments, offices and units of the ministries in order to respond to local needs;
- Facilitation of conflict of any tasks of the district council with the ministries, departments, offices and units of the ministries; and
- Provide recommendations to the ministries in order to improve service delivery and development in accordance with local needs.

C. Cooperation and Coordination within the District Unified Administration

- Formulation of consultative and participative mechanisms in the performance of the district unified administration;
- Development of systems and working procedures as well as communication of Sala Srok divisions; and
- Solve conflicts in the performance of the Sala Srok divisions.

D. Cooperation and Coordination between the District Council and the Commune Councils and Sangkat Councils within the District

- Developing consultative mechanisms between the district council and the commune councils and the Sangkat councils within the district;
- Responding to the recommendations and requests, of the commune councils and the Sangkat councils within the district, in the event that they cannot be addressed by those councils; and
- Solving conflicts between the district council and the commune councils and the Sangkat councils within the district.

E. Cooperation and Coordination between the District Council and other related Councils

- Formulation of consultative mechanisms between the district council and the bordering councils and other related councils; and
- Facilitation of conflicts between the district council and the bordering councils and other related councils.

F. Tasks related to Functions and Resources

- Measures to promote effectiveness on the implementation of functions and resources;
- Preparation of qualifications and means to receive and implement the functions and resources which have been assigned or delegated to the district administration;
- Initiation of functions and resources which should be assigned or delegated to the district administration;
- Initiation on delegation of functions and resources to the commune administration and Sangkat administrations within the district; and

- Assessment on the implementation of functions and resources under the responsibility of the district administration.

In addition to the above tasks, the district technical facilitation committee may implement other tasks in accordance with law and the legal framework or in accordance with tasks assigned by its council.

Section 2 Working Procedures

Article 23:

The technical facilitation committee of the district council shall conduct meetings at least twice every month. These meetings cannot be conducted unless more than half of the total committee members are present.

The decision of the meeting is only valid unless the number of approving votes is more than half of the total committee members.

The chair of the committee is the person who will call for meeting and chair the meeting of the committee. In the event that the committee chair is absent, the deputy chair will call for the meeting and chair the meeting.

Minutes of the meetings shall be prepared by the administration director of the Sala Srok and signed by the meeting chair.

In accordance with this sub-decree, the district technical facilitation committee may develop its own internal rules of the meeting, approve working procedures and divide duties to members of the committee as necessary.

Article 24:

In the event that any members of the technical facilitation committee such as the Sala Srok administration director, commune and Sangkat chiefs, chiefs of offices and units of the ministries, chiefs of Sala Srok offices are absent, those members can assign their representative to participate in the committee meeting on their behalf.

Article 25:

The district governor may request district deputy governors, officials, technical advisors and other people to participate in the meetings of the technical facilitation committee as necessary. Those district deputy governors, officials, technical advisors and other people may provide their comments in the meeting but they do not have the right to approve any decision of the meeting.

Article 26:

Agenda of the district technical facilitation committee meeting will be prepared prior to every meeting. The municipal governor with assistance of the administration director of Sala Srok shall prepare the agenda of the meeting based on:

- Needs of the district council;
- Needs of the district board of governors;
- Needs of the council committees;

- Requests from at least one third of the total number of the technical facilitation committee members of the district council; and
- Requirements of the Laws or legal framework.

Based of the above needs and requests, the district governor shall consult with its board of governors in order to assign one or more relevant offices of the Sala Srok to study and prepare documents, formats and procedures in accordance with each agenda.

The administration director of Sala Srok shall lead the relevant offices in the study and preparation of documents, formats and procedures as mentioned above in cooperation with relevant offices and units of ministries at district and relevant administrations as necessary.

Article 27:

The administration director of the Sala Srok shall carry out the study and preparation of the documents, formats and procedures as stated in the article 26 above based on Law on Administrative Management of the Capital, provinces, municipalities, districts and Khans, Law on Administrative Management of the Communes/Sangkats and the legal framework for implementing these laws.

After the preparation of the documents, formats and procedures, the Sala Srok administration director shall submit to the municipal governor these materials for review and prepare for the meeting of the technical facilitation committee.

Article 28:

The district governor with assistance of the administration director of Sala Srok shall prepare a report on the results of the meeting of the committee to submit to the district council those tasks under the council's authority and to the district board of the governors for those tasks under the board's authority.

Article 29:

The district technical facilitation committee may request for establishment of sub-committees or working groups or as required by the law and legal framework.

Membership of the above sub-committees or working groups may be selected from the district technical facilitation committee, officials of relevant offices of Sala Srok, representatives of the commune and Sangkat councilors and relevant offices/units as necessary.

The district council shall decide on the establishment, organization and functioning of the above sub-committees or working groups. This decision shall be signed by the chair of the district council based on the decision of the council meeting.

Chapter 5 Support

Article 30:

If necessary, the Minister of the Ministry of Interior may issue additional guidelines on the implementation of roles, duties and working procedures of the

technical facilitation committee of the provincial council, the technical facilitation committee of the municipal council and the district technical facilitation committee of the district council based on this sub-decree.

Article 31:

The Minister of the Ministry of Interior shall conduct capacity building training to the members of the councils, board of governors, administration director, technical facilitation committee and personnel of the Sala Khet, Sala Krong and Sala Srok as well as other relevant people in order to support the technical facilitation committees.

**Chapter 6
Final Provisions**

Article 32:

Any provisions that contradict to this sub-decree shall be abrogated.

Article 33:

Minister in charge of the Office of the Council Ministers, Minister of the Ministry of Economy and Finance, Minister of the Ministry of Interior, Chairman of the National Committee for Sub-National Democratic Development, ministers and secretaries of state of all ministries and institutions, the provincial councils and boards of governors, municipal councils and boards of governors, district councils and boards of governors, commune councils and Sangkat councils shall be responsible to implement this sub-decree from the date of its signature onwards.

Phnom Penh Capital, date.....2009

Prime Minister

Samdech Aka Moha Sena Padei Techo **Hun Sen**

Copy to:

- Ministry of Royal Palace
- General Secretariat of Senate
- General Secretariat of Parliament
- General Secretary of RGC
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 33
- Royal Affair
- Archives

Sub Decree No. 219 ANK/BK

dated 14 December 2009

On

**The Development Plan and Three-Year
Rolling Investment Program of the Capital,
Provinces, Municipalities, District and Khans**



(Unofficial Translation)

**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
No. 219 OrNkr.BK**

SUB-DECREE

On

**The Development Plan and Three-Year Rolling Investment Program of the Capital,
Provinces, Municipalities, Districts and Khans**

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on Establishment and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. SN/RKM/0196/08 dated 24 January 1996 promulgating the Law on Establishment and Functioning of the Ministry of Interior;
- Having seen the Royal Kram No. SN/RKM/0196/11 dated 24 January 1996 promulgating the Law on Establishment and Functioning of the Ministry of Planning;
- Having seen the Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 promulgating the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;
- Having seen the Royal Kram No. NS/RKM/0301/05 dated 19 March 2001 promulgating the Law on Administrative Management of Communes/Sangkats;
- Having seen the Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of the National Committee for Sub-National Democratic Development;
- Receiving the agreement from the Council of Ministers in the meeting dated 20 November 2009;

DECIDES

**Chapter 1
General Provisions**

Article 1:

The purpose of this sub-decree is to define the principles, mechanisms and procedures for consultation in the formulation, management and implementation of the development plan and three years rolling investment program of sub-national administrations as required by Article 38 and 39 of the Law on

Administrative Management of Capital, Provinces, Municipalities, Districts and Khans.

Article 2:

Sub-national administrations in this sub-decree refer to Capital, province municipality, district and Khan.

Article 3:

This sub-decree does not apply to the development planning of communes and Sangkats except for activities relating to the participation of commune/Sangkat councils in municipality, district and Khan planning.

The development plan and investment program of the Khans and Sangkats shall be included into the development plan and investment program of the Phnom Penh Capital.

The development plan and investment program of the Sangkats in the municipality shall be included into the development plan and investment program of the municipality.

Article 4:

The development plan of the sub-national administrations shall be used on a strategic basis for guiding decision making in development and in preparation of a three-year rolling investment program which will be financed through the Medium Term Expenditure Framework and annual budget of the sub-national administrations; and resources and budgets from other sources. The preparation of the Medium Term Expenditure Framework and Annual budget shall apply in accordance with the procedures of the Ministry of Economy and Finance.

Chapter 2

Common Principles for the Formulation of Sub-National Development Plan and Three-Year Rolling Investment Program

Article 5:

The formulation of sub-national development plan and three-year rolling investment program shall be conducted in accordance with principles as follows:

- Information sharing ;
- Transparency;
- Consistency and harmonization;
- General consultative participation;
- Responsiveness to the needs;
- Democratic accountability;
- Socio-economic effectiveness and accuracy;
- Ensuring natural resources and environment sustainability; and
- Ensuring equity.

Chapter 3

Mechanisms and Duties in the Formulation and Implementation of Development Plan and Three-Year Rolling Investment Program

Article 6:

The council is responsible to:

- Issue general policy guidance for preparation the contents of development plan and preparation the three-year rolling investment program by maintaining consistency with the Medium Term Expenditure Framework and annual budget; and resources and budget from other sources;
- Review and approve the work calendar for preparation of development plan, three-year rolling investment program;
- Review and approve the development plan in the first year of its mandate and three-year rolling investment program in every year;
- Review and approve the amendment of development plan as necessary;
- Validate results, of the monitoring and evaluation on the implementation of the development plan and three-year rolling investment program, reported by board of governors.

Article 7:

The technical facilitation committee of the councils is responsible to:

- Coordinate the participation of all stakeholders in the process of development plan and three-year rolling investment program preparation;
- Review and provide comments to council before the council approves the draft development plan and three-year rolling investment program;
- Review and provide comments to council on the progress on implementation of the development plan and the three-year investment program.

Article 8:

The board of governors is responsible to:

- Lead preparation of the development plan and three-year rolling investment program annually at their administrative level in accordance with the guidance of council as defined in article 6 above by ensuring the consistency between the contents of development plan and three-year rolling investment program; and principles of the national and higher sub-national administrations in order to respond to the needs of citizens;
- Lead workshops and consultative forums in preparation of the development plan and the three-year rolling investment program;
- Submit the council for review and approve the development plan, three-year rolling investment program;
- Manage and monitor the progress of the implementation of development plan, three-year rolling investment program;
- Report to all ordinary meetings of the Council with necessary recommendations to promote the implementation of the five-year development plan and three-year rolling investment program including the components of the plan that are under the management and oversight of:
 - Joint councils;
 - Other councils;
 - Ministries, institutions or units of the Royal Government; and
 - Other relevant partners.
- Ensure rapid interventions to solve any unforeseen difficulties or issues during the implementation of development plan and three-year rolling investment program.

Article 9:

With agreement from the council and support from the technical facilitation committee, the Capital and provincial board of governors shall establish a working group responsible for the formulation of the development plan and investment

program. The working group on the formulation of the development plan and investment program shall be, at least, composed of following members:

- | | |
|--|------------------|
| - Capital/ provincial governor | Chair |
| - A Capital/ provincial deputy governor | Deputy Chair |
| - Capital/ provincial administration director | Member |
| - Director of the Capital/ Provincial
Department of Planning | Permanent Member |
| - Director of the Capital/ Provincial
Department of Economy and Finance | Member |
| - Director of the Finance Division of the Capital/
Provincial Council | Member |
| - Chief or a representative of the Women and Children
Consultative Committee | Member |
| - Directors or representatives of the Capital/ Provincial
Departments and Units | Member |
| - Directors or representatives of the Divisions of the
Capital Hall and Sala Khet | Member |

Article 10:

With agreement from the council and support from the technical facilitation committee, the municipal, district and Khan board of governors shall establish a working group responsible for the formulation of the development plan and investment program. The working group on the formulation of the development plan and investment program shall be, at least, composed of following members:

- | | |
|--|------------------|
| - Municipal/district/Khan governor | Chair |
| - A municipal/district/Khan deputy governor | Deputy Chair |
| - Municipal/district/Khan administration director | Member |
| - Chief of the Municipal/District/Khan
Office of Planning and Statistic | Permanent Member |
| - Chief of the Municipal/District/Khan
Office of Economy and Finance | Member |
| - Chief of the Administration and Finance Office of
Sala Krong, Sala Srok and Sala Khan | Member |
| - Chief or a representative of the Women and Children
Consultative Committee | Member |
| - Representative of the Commune/Sangkat Support Unit | Member |
| - Directors or representatives of the Capital/ Provincial
Departments and Units | Member |
| - Chiefs or representatives of the Offices of the
Sala Krong, Sala Srok and Sala Khan | Member |

Article 11:

The working group on formulation of the development plan and investment program has the following duties:

- Prepare a work calendar plan for preparation of the development plan and three-year rolling investment program for submitting to the board of governors;
- Assist the board of governors in preparation of workshops and consultative forums in the formulation processes of development plan, three-year rolling investment program; and
- Drafting the development plan and three-year rolling investment program based on results of workshops and consultative forums.

Chapter 4

Procedures for the Formulation of the Development Plan and Three-Year Rolling Investment Program

Article 12:

In the first year of the mandate, the council shall prepare a development plan which is valid for five-year period and prepare a first three-year rolling investment program of its administration. The three-year rolling investment program shall be updated annually.

Article 13:

In the formulation and implementation of the development plan and three-year rolling investment program, the council shall consult with:

- All citizens within its jurisdiction;
- Other categories of councils within its jurisdiction;
- Relevant ministries, institutions and units of the Royal Government; and
- Other relevant stakeholders.

Article 14:

The methodology for consultative meeting on the formulation of the development plan and three-year rolling investment program shall be determined by the council according to their needs.

All decisions of the meeting on formulation of the development plan and three-year rolling investment program are inputs for the council in reviewing and approving the draft of the development plan and three-year rolling investment program.

Article 15:

In the meeting on the formulation of the Capital and provincial development plan and three-year rolling investment program shall be participated by the chairpersons of the municipal councils, district councils and Khan councils and chiefs of the municipal, district and Khan women and children committees of within the Capital and province.

Article 16:

In the meeting on the formulation of the municipal, district and Khan development plan and three-year rolling investment program shall be participated by the chiefs of the commune and Sangkat councils and commune/Sangkat focal persons responsible for women and children affairs within the municipality, district and Khan.

Chapter 5

Approval and Implementation Arrangements of the Development Plan and Three- Year Rolling Investment Program

Article 17:

The development plan and three-year rolling investment program shall be approved by supporting votes of more than half of the total number of councilors.

Article 18:

The proposal for amendment of the development plan and three-year rolling investment program shall be approved by supporting votes of more than half of the total number of councilors.

Article 19:

The development plan and three-year rolling investment program which has been approved by the councils of Capital and province shall be maintained: one copy at Capital Hall and Sala Khet, one copy at the Capital/ Provincial Department of Planning and another one copy at the Ministry of Interior and the Ministry of Planning.

Article 20:

The development plan and three-year rolling investment program which has been approved by the councils of municipality, district and Khan shall be maintained: one copy at the Capital Hall and Sala Khet, one copy at the Capital / Provincial Department of Planning and another copy at the Sala Krong, Sala Srok and Sala Khan.

Article 21:

The council shall publicly and immediately disseminate the development plan and three-year investment program in after its approval in order to inform the public and all stakeholders.

Article 22:

The council shall instruct to the board of governors on the implementation arrangements of approved development plan and three-year rolling investment program with transparency, accountability, participation and effectiveness.

Article 23:

In case the council is dissolved before its mandate, the new council who takes over the office may accept the whole development plan and three-year rolling investment program of the former council or it may revise the development plan for the remaining period of its mandate.

Article 24:

The development plan and the three-year rolling investment program remain valid until a new development plan and three-year rolling investment program are approved by the council during the term of the next mandate.

Chapter 6

Monitoring, Evaluation and Reports

Article 25

The council shall arrange for monitoring on the progress of implementation of development plan and three-year rolling investment program; and relevant activities which are implemented by government agencies and non-governmental organizations and private sector within their jurisdiction.

Article 26:

At the end of each fiscal year, the board of governors shall submit report annually to the council on the implementation of three-year rolling investment program for review. The report shall include:

- The progress of implementation in previous year.
- Direction for implementation in next year.
- Overall conclusion.

Article 27:

The council shall approve and submit the annual report on implementation of three-year rolling investment program to all levels of relevant authorities within 30 (thirty) days after the completion of each fiscal year.

Article 28:

The detailed guidelines for preparation and implementation of development plan and three-year rolling investment program as determined this sub-decree shall be defined and may be updated in accordance with the actual requirements by an Inter-Ministerial Prakas of the Ministry of Interior and the Ministry of Planning.

Chapter 7 Final Provisions

Article 29:

Any provisions that contradict to this sub-decree shall be abrogated.

Article 30:

Minister in charge of the Office of the Council Ministers, Minister of the Ministry of Economy and Finance, Minister of the Ministry of Interior, Minister of the Ministry of Planning, Chairman of the National Committee for Sub-National Democratic Development, ministers and secretaries of state of all ministries and institutions, Capital council and board of governors, provincial councils and boards of governors, municipal councils and boards of governors, district councils and boards of governors, commune councils and Sangkat councils shall be responsible to implement this sub-decree from the date of its signature onwards.

Phnom Penh Capital, 14 December 2009

Prime Minister

Samdech Aka Moha Sena Padei Techo **Hun Sen**

Copy to:

- Ministry of Royal Palace
- General Secretariat of Senate
- General Secretariat of Parliament
- General Secretary of RGC
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 30
- Royal Affair
- Archives

Inter-Ministerial Prakas No. 2417 PK

dated 23 December 2010

On

**Development Plan and 3 Years Rolling
Investment Program of Capital Province**

Municipality District Khan

Kingdom of Cambodia

Nation Religion King

Ministry of Interior and Ministry of Planning

No.2417 BrK

Inter-Ministerial Prakas

on

**Preparation of Development Plan and Three-Year Rolling Investment Program of
Capital, Provinces, Municipalities, Districts, Khans**

Minister of Interior and Minister of Planning

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0908/1055 dated 15 July 2004 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94 dated 20 July 1994 on the Promulgation of Law on the Organizing and Functioning of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0196/08 dated 24 January 1996 on the Promulgation of Law on the Establishment of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0196/11 dated 24 January 1996 on the Promulgation of Law on the Establishment of Ministry of Planning;
- Having seen Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 on the Promulgation of Law on the Administrative Management of Capital, Provinces, Municipalities, Districts, Khans;
- Having seen Royal Kram No. NS/RKM/0301/05 dated 19 March 2001 on the Promulgation of Law on the Administrative Management of Communes, Sangkats;
- Having seen Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of the National Committee for Sub National Democratic Development;
- With reference to Sub Decree No.215 ANK.BK dated 14 December 2009 on the Roles, Duties and Working Relationship of Phnom Penh Capital Council and Board of Governors, and the Khan Capital Council and Board of Governors;

- With reference to Sub Decree No.216 ANK.BK dated 14 December 2009 on Roles, Duties and Working Relationship of Provincial Council and Board of Governors, Municipal Council and Board of Governors, District Council and Board of Governors;
- With reference to Sub Decree No.219 ANK.BK dated 14 December 2009 on Development Plan and Investment Program of the Capital, Provinces, Municipalities, Districts, Khans;
- With reference to Sub Decree No.152 ANK.BK date 6 December 2010 on the Modification of Article 12 of Sub Decree on the Development Plan and Three-Year Rolling Investment Program of the Capital, Provinces, Municipalities, Districts, Khans;
- With reference to the Decision of the 5th NCDD meeting on 16 November 2010.

DECIDE

CHAPTER 1

GENERAL PROVISIONS

Article 1:

The purpose of this Prakas is to provide guidance to Capital, Provincial, Municipal, District, Khan Council in preparation, adoption and implementation of their development plan and three-year (03) rolling investment program for their administration with participation of and consultation with relevant stakeholders within the jurisdiction in accordance with technical guidelines on preparation of development plan and investment program of Capital, Provinces, Municipalities, Districts, Khans under the validity of this Inter-Ministerial Prakas.

Article 2:

Capital, Provincial, Municipal, District, Khan Council shall prepare a five-year (05) development plan at the latest in the second year of its mandate. The development plan of Capital, Provinces, Municipalities, Districts, Khans is a strategic document for the development of, and a basis for preparation of three-year (03) rolling investment program of the Capital, Province, Municipality, District, Khan which is subject to update annually.

Article 3:

Capital, Provincial, Municipal, District, Khan Council shall ensure that the development plan and budget plan of ministries, institutions, departments, units and relevant stakeholders under its jurisdiction are included in its five-year development plan, three-year (03) rolling investment program, medium term expenditure and annual budget.

Article 4:

The development plan and three-year rolling investment program of Khans and the development and investment program of Sangkats shall be included in the development plan and three-year rolling investment program of the Capital where the Khans and Sangkats fall under its jurisdiction.

The development plan and three-year rolling investment program of Sangkats shall be included in the development and three-year rolling investment program of Municipality where the Sangkats fall under its jurisdiction.

Article 5:

The development plan and three-year rolling investment program approved by Capital, Provincial, Municipal, District, Khan Council are formal documents of which each council shall publicly and immediately disseminate in its jurisdiction.

CHAPTER 2

MECHANISM AND DUTIES IN PREPARATION AND IMPLEMENTATION OF DEVELOPMENT PLAN AND THREE-YEAR ROLLING INVESTMENT PROGRAM

Article 6:

The process of preparation of development plan and three-year rolling investment program shall under the supervision of and oversight by Capital, Provincial, Municipal, District, Khan Council. Key duties of the council are as follows:

- Oversee and participate in the process of preparation of development plan and three-year rolling investment program;
- Provide policy guidance on the process of preparation of development plan and three-year rolling investment program;
- Review and approve working schedule for the process of preparation of development plan and three-year rolling investment program;
- Review and approve the development plan and three-year rolling investment program;
- Review and approve request for modification of the development plan and three-year rolling investment program;
- Monitor and evaluate annually the implementation of the development plan and three-year rolling investment program;

Article 7:

Capital, Provincial, Municipal, District, Khan Council Committees shall have the following key duties in the process of preparation of the development plan and three-year rolling investment program:

- Participate in the process of preparation of the development plan and three-year rolling investment program;
- Coordinate the participation of all relevant stakeholders in the process of preparation of development plan and three-year rolling investment program;
- Beside this, the Technical Facilitation Committee of Capital, Provincial, Municipal, District, Khan Council shall have duties in review and comment the draft development plan and three-year rolling investment program before they are reviewed and approved by council.

Article 8:

Capital, Provincial, Municipal, District, Khan Board of Governors shall have the following key duties in the process of preparation of development plan and three-year rolling investment program:

- Lead and coordinate with relevant stakeholders the preparation of the development plan and three-year rolling investment program in accordance with council's guidance;
- Lead workshops and consultative forums in the process of preparation of development plan and three-year rolling investment program;
- Submit the draft development plan and three-year rolling investment program to council for review and approval;
- Monitor and evaluate the implementation of the development plan and three-year rolling investment program.

Article 9:

Planning Working Group of the Capital, Provinces, Municipalities, Districts, Khans shall have the following key duties in the process of preparation of development plan and three-year rolling investment program:

- Develop draft policy guidelines of the council;
- Develop draft working schedule for the process of preparation of development plan and three-year rolling investment program;
- Lead and coordinate the process of preparation of the development plan and three-year rolling investment program;
- Organize workshops and consultative forums with relevant stakeholders in the process of preparation of the development plan and three-year rolling investment program;

- Prepare draft development plan and three-year rolling investment program.

Article 10:

Divisions and offices of the Capital, Provinces, Municipalities, Districts, Khans Administration shall have the following key duties in the process of preparation of development plan and three-year rolling investment program:

- Assist the council and board of governors in leading and coordination of process of preparation, adoption, monitoring and evaluation of implementation of the development plan and three-year rolling investment program;
- Cooperate with Planning Working Group in leading and coordination of preparation of the development plan and three-year rolling investment program;
- Participate in situational analysis and consultation of preparation of the development plan and three-year rolling investment program;
- Coordinate and participate in training on the preparation of the development plan and three-year rolling investment program.

CHAPTER 3

PROCESS OF PREPARATION OF THE DEVELOPMENT PLAN AND THREE-YEAR ROLLING INVESTMENT PROGRAM OF CAPITAL, PROVINCES, MUNICIPALITIES, DISTRICTS, KHANS

Article 11:

Capital, Provincial, Municipal, District, Khan Council shall prepare its development plan and three-year rolling investment program through the process of participation of and consultation with citizens; other categories of councils; Capital, Province, Municipality, District, Khan administration office; departments; relevant units; civil society; private sector and other relevant stakeholders within its jurisdiction.

In order to prepare the development plan and three-year rolling investment program with quality and in compliance with the principles as provided in Article 5 of Sub Decree No.219; Capital, Provincial, Municipal, District, Khan Council shall clearly develop policy guidelines and planning schedule based on the local priority needs, potential of the Capital, Province, Municipality, District, Khan and policy of the nation.

The council's policy guidelines shall be developed through Deika or council's decision.

All expenses for the preparation of development plan and three-year rolling investment program shall be covered by each council budget.

Article 12:

The following key substances shall be included in the five-year development plan of Capital, Provincial, Municipal, District, Khan Council:

- **Socio-economic situation:** briefly describe the information about current situation and challenges related to the issues of socio-economic, land use, natural resources and environmental management, disaster management, climate change and the situation of administration management.
- **Development framework:** describe the vision, goals, objectives and development strategy and medium term expenditure framework of the development plan.
- **Monitoring and evaluation of implementation of the development plan:** describe the responsible persons and participants involve in the evaluation, methodology of the evaluation and preparation of report.

Article 13:

Capital, Provincial, Municipal, District, Khan Council shall take into consideration the following activities when preparing the development plan:

- Preparation for the preparation of the development plan;
- Dissemination of information on process and procedures of preparation of the development plan;
- Preparation of the development plan through situational analysis and preparation of the development framework; and
- Adoption of the development plan.

Article 14:

The following key substances shall be included in the five-year development plan of the Capital, Provincial, Municipal, District, Khan Council:

- **Socio-economic situation:** brief description of information about current socio-economic situation and challenges, and priority needs of the Capital, Province, Municipality, District, Khan.
- **Three-year rolling investment plan:** description of investment plan, medium term expenditure framework, and action plan for the implementation of the first year plan of the three-year rolling investment program.
- **Monitoring and evaluation of the implementation of investment program:** description about responsible persons and participants involve in the evaluation, methodology of the evaluation and preparation of report.

Article 15:

Capital, Provincial, Municipal, District, Khan Council shall prepare its three-year rolling investment program based on the development plan. The three-year rolling investment program shall be updated annually. Key activities of the process of preparation of the three-year rolling investment are as follows:

- Situational analysis with focus on problems and priority needs identification;
- Preparation of three-year rolling investment program;
- Adoption of the three-year rolling investment program.

Article 16:

Ministry of Planning shall assist Capital, Provincial, Municipal, District, Khan Council in preparation of information on the progress of implementation of Cambodian Millennium Development Goals; compilation of socio-economic situation of Capital, Province, Municipality, District, Khan; Commune/Sangkat database and other database related to the preparation of the development plan and three-year rolling investment program of the Capital, Provinces, Municipalities, Districts, Khans.

Article 17:

After reviewing and approval from Capital, Provincial Council on the draft development plan of the Capital, Province; Board of Governors of the Capital, Province shall modify the draft base on the council decision and submit the revised draft to the Capital, Provincial Governor for review and forwarding to the NCDD Secretariat. The NCDD Secretariat shall copy the draft to Ministry of Interior, Ministry of Planning, and Ministry of Economy and Finance and shall coordinate, review and consult the draft with the above mentioned three ministries and other relevant institutions to conduct legality check and comment on consistency of the draft plan with the national policies, laws and regulations. After reviewing and comment, the NCDD Secretariat shall prepare a statement to seek for opinion and submit to Minister of Interior for review and endorsement. The review and comment on the draft development plan shall take place within 30 days after receiving request for review and comment of the Capital, Provincial Governor. This duration of 30 days includes the timeframe for consultation with relevant ministries, institutions; communication with the Capital, Provincial Governor to explain on and consent to comments provided by Ministry of Interior on the draft development plan of the Capital, Province.

In the event that there is no consent on the draft plan between the Capital, Provincial Governor and Ministry of Interior; Ministry of Interior shall report to and seek for coordination and solution from NCDD.

If there is no written response from Ministry of Interior to the Capital, Provincial Governor within 30 days; the draft development plan shall be considered as endorsed by Ministry of Interior.

Article 18:

After reviewing and approval from Municipal, District, Khan Council on the draft development plan of the Municipality, District, Khan; Board of Governors of the Municipality, District, Khan shall revise the draft based on the council decision and submit the revised draft to the Municipal, District, Khan Governor for review and forwarding to the Capital, Provincial Governor to conduct legality check and comment on consistency of the draft plan with the national policies, laws and regulations. The Capital, Provincial Governor by closely cooperation with relevant departments and units shall review and comment the draft within 30 days after receiving request for review and comment from the Municipal, District, Khan Governor. This duration of 30 days include the timeframe for communication with the Capital, Provincial Governor to explain and give consent to the comments provided by the Capital, Provincial Governor on the draft development plan of the Municipality, District, Khan.

In the event that there no consent on the draft plan between the Municipal, District, Khan Governor and the Capital, Provincial Governor; the Capital, Provincial Governor shall report to and seek for coordination and solution from NCDD.

If there is no written response from the Capital, Provincial Governor to the Municipal, District, Khan Governor within 30 days; the draft development plan shall be considered as endorsed by the Capital, Provincial Governor.

In the review and comment on the draft development plan, Governor of the Capital, Province shall take into account the legality and consistency of draft plan with the national policies, law on Administrative Management of Capital, Provinces, Municipalities, Districts, Khans and relevant regulations.

Article 19:

Capital, Provincial, Municipal, District, Khan Board of Governors shall publish, deliver and publicly disseminate the council approved development plan and three-year rolling investment program of the Capital, Province, Municipality, District, Khan and shall keep it at Capital, Province, Municipality, District, Khan administration office; Capital, Provincial Planning Department; Municipal, District, Khan Planning Office and deliver to Ministry of Planning, Ministry of Interior, Ministry of Economy and Finance and other relevant stakeholders.

Article 20:

The development plan and three-year rolling investment program of Capital, Province, Municipality, District, Khan and revised version of the plan and program shall be approved by

more than half vote of the total members of Capital, Province, Municipality, District, Khan council.

In the event that the Capital, Provincial, Municipal, District, Khan Council is dissolved before its mandate as provided in Article 24 of the Law on Administrative Management of Capital, Provinces, Municipalities, Districts, Khans; the new Capital, Provincial, Municipal, District, Khan Council may completely take over or partly modify the development plan and three-year rolling investment program for the rest of its mandate.

CHAPTER 4

IMPLEMENTATION OF THE DEVELOPMENT PLAN AND THREE-YEAR ROLLING INVESTMENT PROGRAM OF CAPITAL, PROVINCES, MUNICIPALITIES, DISTRICTS, KHANS

Article 21:

After approval of the development plan and three-year rolling investment program; the Capital, Provincial, Municipal, District, Khan Council shall provide guidance to the Capital, Provincial, Municipal, District, Khan Board of Governors to implement the plan and program with transparency, accountability, participatory and effectiveness.

Article 22:

Capital, Provincial, Municipal, District, Khan Governor shall implement projects and activities of the development plan and the three-year rolling investment program in accordance with the laws and regulations in relation to the public procurement including procurement of construction, materials or goods and services etc.

CHAPTER 5

MONITORING, EVALUATION AND REPORTING

Article 23:

Capital, Provincial, Municipal, District, Khan Council shall provide guidance to the Capital, Provincial, Municipal, District, Khan Governor to monitor and evaluate the implementation of the development plan and the three-year rolling investment program including the projects and activities implemented and managed within the jurisdiction of the council by:

- The same categories of council;
- Other categories of council;

- Departments, units;
- Other relevant stakeholders such as civil society and private sector.

Article 24:

Capital, Provincial, Municipal, District, Khan Board of Governors shall evaluate the outcome and achievement of the implemented three-year rolling investment program with transparency, effectiveness and participatory from relevant stakeholders.

Capital, Provincial, Municipal, District, Khan Board of Governors shall evaluate the outcome, achievement and impact of the implementation of the development plan of the Capital, Province, Municipality, District, Khan within the last 6 months of the council's mandate with transparency, effectiveness and participatory from relevant stakeholders.

The procedure of the evaluation of the development plan and the three-year rolling investment program of the Capital, Provinces, Municipalities, Districts, Khans shall follow the instruction of the NCDD.

Article 25:

Capital, Provincial, Municipal, District, Khan Board of Governors at the end of each year shall prepare annual report on the implementation of the three-year rolling investment program for the council review and approval.

The substances of the report are as follows:

- Working progress in the past;
- Next steps for the upcoming year;
- Conclusion.

Beside this annual report on the progress of the implementation of the three-year rolling investment program; the Capital, Provincial, Municipal, District, Khan Board of Governors shall regularly prepare other reports for the council.

Article 26:

Capital, Provincial, Municipal, District, Khan Council shall approve the annual report on the implementation of the three-year rolling investment program and report on the outcome of the monitoring and evaluation in not more than 45 days after the end of each year.

The annual report of the Capital, Provinces shall be submitted to the National Committee for Sub National Democratic Development, Ministry of Interior, Ministry of Planning, Ministry of Economy and Finance and other relevant stakeholders.

The annual report of the Municipalities, Districts, Khans shall be submitted to the National Committee for Sub National Democratic Development, Ministry of Interior, Ministry of Planning, Ministry of Economy and Finance and other relevant stakeholders.

The annual report approved by the Capital, Provincial, Municipal, District, Khan Council shall be kept at the Capital, Province, Municipality, District, Khan administration office; Capital, Provincial, Municipal, District, Khan Planning Department and Office.

CHAPTER 6

ARRANGEMENT AND DISSEMINATION OF THE INSTRUCTION ON THE PREPARATION OF THE DEVELOPMENT PLAN AND THE THREE-YEAR ROLLING INVESTMENT PROGRAM OF CAPITAL, PROVINCE, MUNICIPALITY, DISTRICT, KHAN

Article 27:

Ministry of Planning and as a head of the sub-committee for sub-national development plan of NCDD shall cooperate with Ministry of Interior, Ministry of Economy and Finance, NCDD Secretariat, ministries, institutions and other relevant stakeholders to disseminate and provide guidance on the application of this technical guidelines on preparation of the development plan and three-year rolling investment program of the Capital, Provinces, Municipalities, Districts, Khans in accordance with the key substances and activities as provided in Article 13, 14, 15 and 15 of this Prakas.

Article 28:

Ministry of Planning and as a head of the Sub-committee for sub-national development plans of NCDD may modify the guidelines on preparation of the development plan and three-year rolling investment program of the Capital, Provinces, Municipalities, Districts, Khans as necessary after discussion with Ministry of Interior, NCDD Secretariat and other relevant stakeholders.

Article 29:

Ministry of Planning and as a head of the Sub-committee for sub-national development plans of NCDD shall cooperate with the NCDD Secretariat and other relevant stakeholders in preparation of documents, dissemination programs and trainings on procedures of preparation of the development plan and three-year rolling investment program of the Capital, Provinces, Municipalities, Districts, Khans for all relevant stakeholders at national and sub national level as provided in this guidelines.

CHAPTER 7
FINAL PROVISIONS

Article 30:

This Prakas shall not prevail over the Inter-Ministerial Prakas on Preparation of Development Plan and Investment Program of Communes, Sangkats. However, the two Prakas shall be closely linked, particularly for Sangkats in the Capital and Sangkats in Municipality jurisdiction.

Article 31:

Any Prakas and guidelines in contradiction to this Inter-Ministerial Prakas shall be abrogated.

Article 32:

This Prakas shall come into effect from the date of signature.

Phnom Penh, 27 December 2010

Deputy Prime Minister

Senior Minister

Minister of Interior

Minister of Planning

Sar Kheng

Chhay Thorn

Receiving Places:

- *Ministry of the Royal Palace;*
- *General Secretariat of the Senate;*
- *General Secretariat of the National Assembly;*
- *Office of the Council of Ministers;*
- *Cabinet of Samdach Prime Minister;*
- *Members of NCDD;*
- *Relevant Ministries, Institutions;*
“for information”
- *Capital, Provinces, Municipalities, Districts, Khans and Commune/Sangkat administration offices*
“for implementation”
- *Archives*

Prakas No. 4273 BrK

dated 30 December 2009

On

**The Establishment of Offices under Divisions
of Phnom Penh Capital Hall, Establishment
of Offices under Sala Khan; and the
Determination of Roles, Duties and Working
Procedures of these Offices**



(Unofficial translation)

**PRAKAS
ON
The Establishment of Offices under Divisions of Phnom Penh Capital Hall,
Establishment of Offices under Sala Khan; and the Determination of Roles, Duties
and Working Procedures of these Offices**

Deputy Prime Minister, Minister of the Ministry of Interior

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Kingdom of Cambodia;
- Having seen Royal Kram No. 02 NS/94 dated 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. 06 NS/94 dated 30 October 1994 promulgating the Law on Common Statute of the Civil Servants in Kingdom of Cambodia;
- Having seen Royal Kram No. NS/RKM/0196/08 dated 24 January 1996 promulgating Law on the Establishment of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 promulgating Law on Administrative Management of the Capital, Provinces, Municipalities, Districts, and Khans;
- Having seen Royal Kram No. NS/RKT/030/05 dated 19 March 2001 promulgating Law on Administrative Management of the Communes/ Sangkats;
- Having seen Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of National Committee for Sub-National Democratic Development;
- With reference to Sub-Decree No 215 OrNKR.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital;
- With reference to decision of NCDD third meeting dated 15 September 2009.

DECIDES

Chapter 1

The Divisions and Offices under the Capital Hall (Sala Reachtheani)

Section 1

The Establishment of Offices and Roles and Duties of the Offices under the Divisions of the Capital Hall

Article 1:

Sala Reachtheani is the working office of the Capital Council and Board of Governors.

The Sala Reachtheani shall be regularly opened according to public working hours.

During working hours, people have the rights to:

- Communicate and interact with the members of the council or board of governors
- Receive information on the requests and other issues from provincial administration;
- Participate in providing comments or suggestions on any issues.

In between working hours or official public holidays, the Capital council and board of governors shall ensure an appropriate number of staff and officials of its administration to be present in the office in order to receive or address urgent or special requests.

Article 2:

Based on 58 of the sub-decree No 215 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital, the Sala Reachtheani shall compose of divisions as followings:

- Administration Division
- Planning and Investment Division
- Finance Division
- Urbanization Division
- Human Resource Management Division
- Inter-Sectoral Division
- Law and Human Right Affair Division
- Waste Management Division.

Each division shall perform its roles and duties as stated in the article 58 of the sub-decree No 215 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital.

Each division shall be composed of offices as determined in this Prakas.

Each office shall be led by one (01) chief and have a maximum two (02) deputy chiefs as assistants.

The conditions for appointment of director or deputy directors of each division shall based on a separate statute of sub-national administration personnel.

Article 3:

The **Administration Division** has subordinated offices as follows:

- Protocol and Documentation Office
- Public Relation and International Cooperation Office
- Report Consolidation and Information Office
- Statistic and Civil Registration Office
- Council Secretary Office.

Each office is the secretariat to the director of the Administration Division and has roles and duties as followings:

1. Protocol and Documentation Office:

- Receive and distribute incoming and outgoing letters, telephones, faxes;
- Receive the request for legalization of letters and other documents;
- Be responsible for management and maintain the official stamp;
- Be responsible for the library and its documentation;
- Prepare weekly activity schedule of the Capital board of governors;
- Maintain security and public order in Sala Reachtheani.

2. Public Relation and International Cooperation Office:

- Communicate, receive and provide information to the public who come to communicate with members of the Sala Reachtheani;
- Be responsible for protocol and prepare for greeting ceremonies for national and international delegations who visit the Sala Reachtheani; and cooperate in organizing national ceremonies, inaugurations of achievements, meetings and other ceremonies of the province;
- Engage in friendship with province and municipality partners;
- Prepare memorandum of understanding documents or other agreements between Phnom Penh Capital and province and municipality partners; and between Capital and international organizations;
- Cooperate and receive support from province and municipality friendship and from national and international organizations; and
- Monitor and evaluate cooperation between the Phnom Penh Capital and province and municipality partners and international organizations.

3. Report Consolidation and Information Office:

- Collect information about public opinion and events that will be used as a basis for preparation of information for the Capital council and board of governors so that they be addressed on time;
- Collect information on the general situation of all sectors, reports from divisions, from Khans and Sangkats within the Capital as a basis for preparing weekly, monthly, semester and annual reports;
- Prepare and display information on the public information boards;
- Cooperate in preparing information or other programs for broadcasting on radio, television and other media;
- Prepare newsletters, magazines and the homepage of the Capital administration;
- Prepare and manage information technology system of the Capital administration; and
- Prepare meeting and minutes of the meeting of the Capital board of governors.

4. Statistic and Civil Registration Office:

- Responsible for the Census and management of population statistics in the Capital;
- Analyze and evaluate income situation and migration of the people in the Capital;

- Support, follow up, monitor and promote civil registration;
- Monitor and issue Khmer nationality identification cards in accordance with determined procedures;
- Conduct research, analyze and evaluate births, marriages and deaths for the purpose of civil registration;
- Review, monitor and evaluate marriage registration of Cambodian citizens with foreigners;
- Disseminate legal instruments related to population statistic and civil registration; and
- Study and assess the needs related to means and materials for civil registration in the Capital.

5. Council Secretary Office

- Prepare agenda, invitation letters and minutes of meetings of the Capital council and its committees;
- Cooperate in preparing documents for each agenda of the meetings of the Capital council and its committees;
- Maintain minutes of the meetings, Deika, decisions and other documents of the council and its committees;
- Organize meeting venue of the Capital council and council committees;
- Cooperate with relevant divisions and offices of Sala Reachtheani and media in order to disseminate information to the public on results and decisions of the meetings as well as other information of Capital council and their committees; and
- Cooperate in organizing dissemination forums in Khans within the Capital and prepare reports on the output of the forums.

Article 4:

The **Planning and Investment Division** has subordinated offices as follows:

- Planning Office
- Local Support Office
- Investment Office
- Poor's Community Development Office

Each office is the secretary to the director of the Planning and Investment Division, and has the following roles and duties:

1. Planning Office:

- Cooperate and coordinate in preparing annual workplan and budget of the Capital;
- Cooperate and coordinate in preparing the draft of the Capital five (05) year development plan and three (03) year rolling investment program;
- Cooperate in implementing of the five (05) year development plan and three (03) rolling investment program of the Capital;
- Cooperate in preparing progress reports on the implementation of the development plan and the investment program of the Capital;
- Communicate and cooperate with departments and units regarding data, maps and priority needs of the Khans and Sangkats;
- Manage contracts and monitor the implementation of the contracts in the Capital investment programs;

- Manage, monitor and consolidate reports on the implementation of contracts signed between the Capital administration and implementing agencies;
- Cooperate in conducting feasibility studies for projects, prepare designs, cost estimates and prepare project proposals;
- Review progress reports on the implementation the Khan and Sangkat development plans.

2. Local Support Office

- Coordinate and support to Khans and Sangkats in the formulation of five (05) year development plan and three (03) year rolling investment program;
- Coordinate and provide support to Khans and Sangkats in the formulation and implementation of their projects;
- Support Khans and Sangkats in study of projects, prepare designs, cost estimation and prepare proposals;
- Review legality of Deika and decisions of the Khans and Sangkats;
- Monitor and evaluate work performance of the Khan and Sangkat councils in the implementation of legal framework and administration of tasks of the Khans and Sangkats;
- Support Khans in reviewing legality of Deika and decisions of Sangkats;
- Study on establishment, dissolution, division, integration and change of names of villages, Sangkats and Khans; and the relocation of Sala Khan and Sangkat Office (Sala Sangkat);
- Coordinate and promote effective cooperation from ministries, institutions, departments, units, NGOs, international organizations, private sector and other development partners to support capacity development of Khan and Sangkat administrations and assist in mobilizing resources for development of the Khans and Sangkats.

3. Investment Office

- Cooperate with departments and units in reviewing and providing comments to encourage investments in the Capital;
- Cooperate with departments and units in monitoring and implementation of mechanisms to encourage investments in the Capital;
- Cooperate in studies on principles, policies to promote investments in the Capital;
- Prepare programs, contents and investment documents;
- Review and provide comments on investments and development proposals of the private sector and other stakeholders within the jurisdiction of the Capital.

4. Poor's Community Development Office

- Study and establish Poor's Communities;
- Manage data of the Poor's communities;
- Formulate participatory community development plans;
- Promote ownership of the communities in the formulation of development projects and mobilization of resources from stakeholders;
- Monitor and evaluate development projects and use of Poor's Community development fund;

- Organize programs to exchange experience within community and from one community to other community;
- Credit provision on small business for the Poor's Communities;
- Development statute of getting loan and payment back to the credit;
- Monitor and evaluate use of the credit;
- Tasks related to one village one product and find market for the products;
- Study on locations and problems related to the settlement of the Poor's communities;
- Study and seek partners for development of infrastructure and settlement of the Poor's Communities;
- Seek and provide credit on construction of settlement for the Poor's Communities.

Article 5:

The **Finance Division** has subordinated offices as follows:

- Finance Office
- Accounting Office
- Property Management Office
- Procurement Office

Each office is the secretary to director to the Finance Division, and has the following roles and duties:

1. Finance Office

- Prepare annual budget and medium term expenditure framework of Capital administration;
- Cooperate and prepare financial procedures and use of the Capital administration budget;
- Monitor and evaluate the implementation of the procedures and the usage of the Capital administration budget;
- Cooperate and prepare legal instruments on revenue collection in accordance with predetermined principles;
- Take action to promote all kinds of revenue collection for the budget of the Capital administration;
- Prepare all mandates for cash withdrawal and all requests for expenses;
- Prepare financial reports.

2. Accounting Office

- Manage petty cash revenues, petty cash advances and accounts of the Capital administration;
- Register and manage all kinds of revenues of the Capital;
- Prepare reports on incomes, expenditures and budgets by account of the Capital administration;
- Prepare and make salary payments to officials and staff of Sala Reachtheani;
- Receive request for payment (mandate) and prepare documents for cash withdrawals;
- Review and make payments for all expenses;
- Manage equipment/ materials and other assets warehouse; and
- Cooperate and prepare reports on budget payments of the Capital.

3. Property Management Office

- Manage all kinds of movable, immovable properties of the Capital administration;
- Prepare and manage inventory list of movable and immovable properties;
- Cooperate in preparing principles for administration of moveable immovable properties; and
- Prepare documents for liquidation, sale, lease and investment of all kinds of properties of the Capital administration.

4. Procurement Office

- Manage procurement tasks of the Capital administration; and
- Prepare reports on procurements.

Article 6:

The **Urbanization Division** has subordinated offices as follows:

- Urbanization Office
- Development and Construction Management Office

Each office is the secretary to director to the Urbanization Division, and has the following roles and duties:

1. Urbanization Office

- Cooperate in development of master plan on land-use and land-used plan for the Capital;
- Review and provide comments on development projects in order to align with the master plan on land-use and land-used plan;
- Monitor, evaluate and prepare reports on the implementation of master plan on land-use, land-used plan and construction plan;
- Identify strategies for formulation and development of settlement in the Capital;
- Analyze and evaluate the population growth and socio-economic problems related to the settlement;
- Manage and develop gardens, parks and public lights.

2. Development and Construction Management Office

- Tasks related to land titling
- Tasks related new constructions and renovations;
- Review and provide comments on violation on constructions;
- Manage old constructions and heritages in the Capital;
- Cooperate in identifying principles for development, maintenance and reparation of transportation infrastructures in the Capital;
- New settlement, maintenance of order, urbanization and solution of land conflicts outside court system.

Article 7:

The **Human Resource Management Division** has subordinated offices:

- Personnel Management Office
- Capacity Development Office

Each Office is the secretary to the director of the Human Resource Management Division, and has the following roles and duties:

1. Personnel Management Office:

- Prepare plans for use of civil servant body and personnel of the Capital administration;
- Recruitment of officials and staff, officials and staff in their probation period and permanent employment of officials and staff in the civil servant body;
- Prepare and maintain personnel files of officials and staff of the Capital administration;
- Develop roles, duties and administrative procedures of the division and offices of Sala Reachtheani; and monitor and evaluate their implementation;
- Prepare terms of reference for officials and staff; and monitor and evaluate their implementation;
- Study and prepare plan for use and recruitment of technical advisors and all types of contract staff;
- Review and provide comments on requests for appointment of positions, change of duties and staff movement; and leave requests of all officials and staff of the Capital administration;
- Review, research and provide comments on personnel scoring and recommendations on promotion and upgrade of officials and staff of Sala Reachtheani;
- Prepare and maintain files of officials and staff who reach retirement age and maternity leave, putting the civil servant body outside their own institution putting outside the position, putting outside the supervision, keep vacant with no salary and transfer of body;
- Prepare requests for awarding decorations, medals and letter of appreciation for officials and staff of the Capital administration and/or other persons who contribute to the administration;
- Make requests in the implementation of policy for personnel benefits for officials and staff who have resigned from their positions, lost their ability to perform on a professional basis and/or have deceased;
- Prepare requests for establishment or rearrangement or dissolution of divisions or offices of Sala Reachtheani;
- Review and provide comments on the request for establishment or rearrangement or dissolution of offices of Sala Khan;
- Review and provide comments in identifying composition of committees, sub-committees and working groups of the Capital council and board of governors.

2. Capacity Development Office:

- Study and define strategies and programs for capacity development to officials and staff of the Capital administration;
- Conduct training need assessment and prepare training programs for officials and staff of the Capital administration;
- Cooperate and prepare training documents and materials and conduct training for officials and staff of the Capital administration;
- Provide comments on selection and assignment of officials and staff to participate in study tours, exchange visits and short or long courses in the country or abroad;
- Disseminate organic laws, laws, legal instruments, administrative and financial procedures; and roles, duties of divisions and offices, including terms of reference for staff and officials.

Article 8:

The **Inter-Sectoral Division** has subordinated offices:

- Economic and Social Affair Office
- Commercial Advertisement Office

Each office is the secretary to the director of the Inter-Sectoral Division, and has the following roles and duties:

1. Economic and Social Affair Office

- Manage statistic on all of types of businesses and productions /firms in the Capital;
- Cooperate with the departments and units in the implementation of economic and social affairs in accordance with delegation from the ministries and institutions;
- Study and make comments on development of economic sector and business activities in the Capital;
- Determine principles of management of markets and slaughterhouses;
- Cooperate and coordinate in the review of functions, responsibilities and resources to be transferred to the Capital administration as well as transfer of functions and resources to Khans and Sangkats;
- Cooperate and coordinate to promote service delivery on education, health and hygiene in the Capital;
- Cooperate in education and dissemination of information on disease prevention and public health services;
- Cooperate and coordinate in solving problems related to assistance relief work for the poor people, retirees, handicaps, orphans, vagabonds, homeless people;
- Take actions to prevent damage from natural disaster, social incidents and other emergencies;
- Solve problems related to labor, jobs and vocational training;
- Promote healthcare for women and children;
- Promote gender mainstreaming in all social activities;
- Facilitate and create good environment for the people regarding cultural beliefs, religions and traditions in the Capital;
- Coordinate inter-sectors activities in order to promote a good environment for all types of local economic activities and promote investments and development of private sector in the Capital.

2. Commercial Advertisement Office

- Develop provisions related to installation of commercial advertisement posters, electricity boxes, banners, trade marks and mobile advertisements;
- Review and provide comments on locations of commercial advertisements;
- Prepare statistic on commercial advertisements in order to develop short term and long term commercial advertisement plan and formulate master plan on commercial advertisement.

Article 9:

The **Law and Human Right Affair Division** has subordinated offices:

- Public Safety Office
- Law Affair and Local Conflict Resolution Office

Each office is the secretary to the director of the Law and Human Right Affair Division, and has the following roles and duties:

1. Public Safety Office

- Define principles and measures on usage of transportation means in the Capital and coordinate their implementation;
- Define principles and measures on traffic safety in the Capital and facilitate their implementation;
- Manage the traffic system and all kinds transportation within the Capital;
- Determine principles and measures in the prevention of crime and put in measure to minimize crimes as well as maintain safety in the Capital;
- Cooperate and research addicted people and prepare policies on the prevention and fighting against addicted substances;
- Manage My Opportunity Center and other centers for treating drug addicts;
- Cooperate and coordinate with youth rehabilitation centers for drug addicted people in the Capital;
- Participate in meeting of the [Capital Military Steering Committee](#) and monitor the implementation of decisions of the meeting.

2. Law Affair and Local Conflict Resolution Office

- Abuse of power within the Capital jurisdiction;
- Receive, review and provide comments on local conflict resolution;
- Receive, review and provide comments on complaints of the people about the administrations within the Capital jurisdiction;
- Provide comments on implementation of delegated power related to the implementation and respect of laws;
- Conduct dissemination of laws, monitor and evaluate awareness and implementation of law;
- Educate, disseminate and promote awareness about the human rights and respect of human rights;
- Participate in the meeting of the Capital Military Steering Committee and cooperate in monitoring of the implementation decisions of this meeting.

Article 10:

The **Waste Management Division** has subordinated offices:

- Environmental Impact Monitoring and Technique Office
- Waste Collection and Management Office

Each office is the secretary to the director of the Waste Management Division, and has the following roles and duties:

1. Environmental Impact Monitoring and Technique Office

- Manage data on waste;
- Formulate waste management plan;

- Develop principles and measures for waste management;
- Communicate with relevant institutions and development partners to promote waste management;
- Disseminate and educate the public in order to promote awareness and participation in the waste management;
- Cooperate with expertise and local authorities in order to prevent from environmental impact caused by the waste;
- Solve environmental disputes caused by the waste.

2. Waste Collection and Management Office

- Manage waste disposal places;
- Manage activities related to waste collection and transport services;
- Manage waste recycle and processing;
- Manage liquid waste pumping and storage;

Article 11:

Besides roles and duties of the divisions of Sala Reachtheani as stated in Paragraph 2, Article 2 of this Prakas and the roles duties of the offices described in Articles 3, 4, 5, 6, 7, 8, 9 and 10 of this Prakas, each division and the subordinated office may receive additional permanent duties as necessary.

The administration director shall make requests to the Capital board of governors in order to get approval from its council, on the assignment of the additional permanent duties to any divisions and offices.

In the implementation of daily tasks, if there are any urgent and new tasks which are not determined in the specific duties of the division and office, the administration director shall immediately request advice from the governor in order to assign those tasks to a specific division and/or office to take charge according to established procedures. The administrative director, then, shall report on this to the Capital council. After implementation, if the new tasks are found to be permanent in nature, the administration director shall implement the principles as stated in paragraph 1 and 2 of this Article.

Each office shall administer its roles and duties in accordance with existing laws, legal instruments and determined procedures and terms of reference.

Article 12:

Besides the above divisions and offices, the Capital board of governors may request to the Capital council to create, reorganize or dissolve one or a number of divisions or offices as necessary.

In the event that there is a need to establish additional divisions or offices, these divisions or offices shall not duplicate roles and duties with the division or office that have been established by the sub-decree No 215 OrNKr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital and offices established by this Prakas.

Based on decision from its council, the Capital governor shall make request to the Minister of Ministry of Interior for review, decision and /or prepare formality for creating or dissolving or reorganizing the above divisions or offices.

Section 2

Working Procedures of the Divisions and Subordinated Offices

Article 13:

Each division shall be under direct responsibility, supervision and management of the director of the division.

Each director of the division shall be responsible and accountable to the administrative director of Sala Reachtheani.

The administrative director of Sala Reachtheani shall be responsible and accountable to the board of governors and its council.

Article 14:

The each office shall be under direct responsibility, supervision and management of the chief of the office.

Each chief of the office shall be responsible and accountable to the director of its division and the administration director of Sala Reachtheani.

Article 15:

Based on provisions as stated in the sub-decree No 215 OrNKr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital and principles as stated in this Prakas, the Capital administration director with the assistance from the human resource management division as a secretary shall lead and coordinate all divisions of Sala Reachtheani to determine administrative procedures for divisions and subordinated offices under each division as well as to define terms of reference for division director and deputy director, chief and vice chief of the offices, officials and staff of all offices under divisions of Sala Reachtheani for submitting to the board of governors and the council for review and approval.

The Capital administration director with assistance of the finance division as a secretary shall determine financial procedures for the use of materials and budgets of the Sala Reachtheani divisions and offices for submitting to the Capital board of governors and the council for review and approval.

The administrative and financial procedures including terms of reference for officials and staff shall be signed by the Capital governor.

The Capital board of governors shall lead the administration director to regularly conduct monitoring and evaluation on the implementation of the procedures and terms of reference of personnel; and prepare a report to its council.

Article 16:

All tasks within its jurisdiction, the Capital board of governors shall lead and instruct the administration director in assigning tasks to the divisions and offices in conducting studies, research and provide comments in accordance with the principles of the existing laws and legal instruments and administrative and financial procedures. Results of the studies and research then shall be sent to the administration director for submission to the responsible deputy governor for

review and to make comments in accordance with formality, procedures and its authority before submitting them to the Capital governor for review and approval.

The directors of divisions and chiefs of offices shall administer officials and staff in each office to implement their jobs based on existing laws, legal instruments and based on administrative and financial procedures and their terms of reference.

Article 17:

The administration director shall define meeting schedules with the administration deputy directors, directors and deputy directors of the divisions, chiefs and vice chiefs of the offices of Sala Reachtheani.

The director of each division shall define meeting schedules with chiefs and vice chiefs of the offices.

The above meeting is a joint meeting to review results, progress or challenges in order to identify directions, measures or ask for advice from different tiers of the administration for review and final solution.

Minutes of these meetings shall be prepared.

Article 18:

The Capital board of governors shall lead and provide instructions to the administration director in preparing design of a plan for a training program and capacity development, to the directors and deputy directors of the divisions, chiefs and vice chiefs of the offices and officials and staff of Sala Reachtheani, on professional skills and professional ethics as well as roles and duties, administrative and financial procedures and terms of reference of the officials and staff in order to improve work effectiveness in the Sala Reachtheani.

Chapter 2

The Offices under the Khan Governor Office (Sala Khan) of the Phnom Penh Capital

Section 1

The Establishment of the Offices and Roles, Duties of the Offices under Sala Khan of the Phnom Penh Capital

Article 19:

The Sala Khan is the working office of the Khan Council and Board of Governors.

The Sala Khan shall be open according to public working hours.

During working hours, people have the right to:

- Communicate and work with the Khan council and board of governors
- Receive information on the requests and other materials from the Khan administration; and
- Participate in providing comments or suggestions on any other issues.

In between working hours or on official public holidays, the Khan council and board of governors shall ensure an appropriate number of staff and officials of its administration to be in the office in order to receive or address urgent or special requests.

Article 17:

Based on 58 of the sub-decree No 215 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital, each Sala Khan shall compose of offices as follows:

- Administration and Finance Office
- Planning and Development Office
- Inter-Sectoral Office

Each office shall be led by one (01) chief and one (01) vice chief as an assistant.

The conditions for the appointment of the chief of the office and vice chief of Sala Khan and deployment of the officials and staff in the offices of Sala Khan shall be based on the Statute for Personnel of Sub-National Administration.

The above offices shall serve as a secretariat for the Khan council and board of governors on the following duties:

1. Administration and Finance Office:

- Administrative tasks, letters, public relation and protocols;
- Manage and maintain the official Khan stamp as determined procedures;
- Manage population statistics and civil registrations;
- Manage personnel, body, salaries and benefits of officials and staff of Sala Khan;
- Cooperate in preparing administrative and financial procedures and terms of reference of the officials and staff of Sala Khan;
- Provide training and capacity development to officials and staff of Sala Khan;
- Study and provide comments on creation, reorganization and dissolution of offices of Sala Khan;
- Financial affairs and asset management of Khan administration;
- Prepare draft agenda, content for each agenda and documents of the meetings of the Khan council and its committees;
- Prepare and distribute invitation letters, venue and taking minutes of all meetings of the council and its committees, and meetings of the board of governors;
- Receive and properly distribute letters and documents to the Khan councilors, governor and deputy governors as well as ministries, departments, institutions, departments, units, offices and relevant people;
- Maintain in good order and with safety all documents and legal instruments of the Khan council, board of governors and Khan administration;
- Prepare monthly, quarterly, semester, and annual reports;
- Prepare and display information on the information boards and find other means to disseminate information to the public within the Khan;
- Cooperate in the preparation for dissemination and consultative forums at Sangkats within the Khan.

2. Planning and Development Office:

- Study and prepare development plan and investment programs in order to include into the five (05) year development plan and three (03) rolling investment program of the Capital;
- Implement projects and development programs of Khan;
- Assess and provide comments on capacity of Sangkat councils and the needs for support;
- Respond to requests, suggestions and challenges of Sangkats;
- Support Sangkat councils in the preparation and implementation of Sangkat development plans;
- Coordinate and support development cooperation and service delivery in Sangkats of Khan;
- Other tasks required by laws, legal framework and as required by the Khan council and board of governors.

3. Inter-Sectoral Office:

- Take responsibility for tasks related to land and construction;
- Take responsibility for tasks related to economic and social affairs, culture, religion, environment, waste, hygiene and gardens in accordance with delegation from the Capital administration;
- Implement functions and duties relegated from the Capital administration;
- Public order, law and human right affairs;
- Abuse of power and local conflict resolution.

Article 21:

Besides roles and duties of the offices as stated in Article 20 of this Prakas, each office may receive additional permanent duties as necessary.

The administration director shall make requests to the Khan board of governors in order to get approval from its council, on the assignment of the additional permanent duties to any offices.

In the implementation of daily tasks, if there are any urgent and new tasks which are not defined as part of specific duties of the offices, the administration director shall immediately request the advice from the governor in order to assign those tasks to a specific office to take charge according to procedures. The administration director, then, shall report on this to the council. After the implementation of these new tasks, if they are found to be permanent duties in nature, the administration director shall implement the principles as stated in paragraph 1 and 2 of this Article.

Each office shall administer its roles and duties in accordance with existing laws, legal instruments, procedures and terms of reference.

Article 22:

Besides the above offices, the Khan board of governors may request to the municipal council to create, rearrange or dissolve one or a number of offices as necessary.

In the event that there is a need to establish additional offices, these offices shall not contain roles and duplicated roles and duties with the offices that have been established by this Prakas.

Based on decision from its council, the Khan governor shall make a request to the Capital governor in order to request to the Minister of Ministry of Interior for review, decision and /or prepare formally the creation or dissolution or rearranging the above division or offices.

Section 2

Working Procedures of the Offices under Sala Khan

Article 23:

Each office shall be under direct responsibility, supervision and management of the chief of the office.

Each chief of the office shall be responsible and accountable to the administration director of Sala Khan.

The administration director of Sala Khan shall be responsible and accountable to the board of governors, governor and its council.

Article 24:

Based on provisions as stated in the sub-decree No 215 OrNKr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital and principles as stated in this Prakas, the Khan administration director with the assistance from the Administration and Finance Office as a secretariat shall lead and coordinate all offices of Sala Khan to determine financial and administrative procedures, use of materials and budgets for the offices of Sala Khan as well as to define terms of reference for chiefs, vice chief of the offices, officials and staff of Sala Khan for submitting to the Khan board of governors and the council for review and approval.

The administrative and financial procedures including terms of reference for officials and staff shall be signed by the Khan governor.

The Khan board of governors shall lead the administrative director to regularly conduct monitoring and evaluation on the implementation of the procedures and terms of reference; and prepare a report for its council.

Article 25:

All tasks within the jurisdiction of the Khan administration, the Khan board of governors shall lead and instruct the administration director in assigning tasks to the offices in conducting studies, research and provide comments in accordance with the principles of the existing laws and legal instruments and administrative and financial procedures. Results of the studies and research then shall be sent to the administration director for submission to a responsible deputy governor for review and comment in accordance with formality, procedures and its authority before submitting them to the Khan governor for review and approval.

The chiefs of the offices shall administer officials and staff in each office to implement their jobs based on existing laws, legal instruments and based on administrative and financial procedures and the determined terms of reference.

Article 26:

The Khan administration director shall define meeting schedules with the administration deputy directors, chiefs and vice chiefs of the offices of Sala Khan to review results, progress or challenges in order to identify directions, counter measures or ask for advice from different tiers of the administration's leaders for review and solution.

Minutes of each meeting shall be prepared and shall be reported to the Khan council and board of governors.

Chapter 3 Transitional Provisions

Article 27:

The functional remuneration of the directors and deputy directors of the divisions, chiefs and vice chiefs of the offices of Sala Reachtheani, and chiefs and vice chiefs of the offices of Sala Khan shall be implemented in accordance with the article 145 of the sub-decree No 215 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital.

Article 28:

In the absence of a separate Statute on Sub-National Administration Personnel, the Capital governor with approval from the Capital council, shall propose appointment of officials for the positions of director and deputy directors of the divisions, and chiefs and vice chiefs of the offices of Sala Reachtheani to the minister of the Ministry of Interior for review and approval in accordance with determined principles and procedures. With regard to the proposal for appointment of the chief and vice chiefs of the offices of Sala Khan, the Capital governor based on a request from the Khan governor and with approval from the Khan council shall make a request to the Minister of the Ministry of Interior for review and approval in accordance with determined principles and procedures.

The ranks of the civil servants that have qualifications for the above positions shall be determined as follows:

- Director of division shall hold a rank from chief middle rank civil servant (Neay Kram Kar) and above of the middle rank civil servant body of the Ministry of Interior;
- Deputy director of division shall hold a rank from the principal middle rank civil servant (Neay Kram Kar Doem Kser) and above of the middle rank civil servant body of the Ministry of Interior;
- Chief of offices of Sala Reachtheani shall hold a rank from the principal middle rank civil servant (Neay Kram Kar Doem Kser) and above of the middle rank civil servant body of the Ministry of Interior;
- Vice chief of offices of Sala Reachtheani shall hold a rank from the middle rank civil servant (Kram Kar) and above of the middle rank of civil servant body of the Ministry of Interior;
- Chief of offices of Sala Khan shall hold a rank from middle rank civil servant (Kram Kar) and above of the middle rank civil servant body of the Ministry of Interior;
- Vice chief of offices of Sala Khan shall hold a rank from chief of secretary (Neay Lekha Thika) and above of the secretary body of the Ministry of Interior.

Article 29:

In the integration of present officials and staff of Sala Reachtheani, Sala Khan into the new structure of this Prakas, the provincial council and board of governors, the municipal council and board of governors and the district council and board of governors shall implement the article 144 of the sub-decree No 215 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital.

**Chapter 5
Final Provisions****Article 30:**

Any provisions that are contradicted to this Prakas shall be abrogated.

Article 31:

The Phnom Penh Capital council and board of governors, the Khan council and board of governors of the Phnom Penh Capital; and all units under the Ministry of Interior shall implement this Prakas from the date of signature onwards.

Phnom Penh Capital, 30 December 2009

Deputy Prime Minister, Minister of the Ministry of Interior

Sar Kheng

Copy to:

- Office of the Council of Ministers
- State Secretariat for Civil Service
- All Ministries/ Institutions
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 31
- Royal Affair
- Archives

Prakas No. 4274 BrK

dated 30 December 2009

On

**The Establishment of Offices under Divisions
of Sala Khet, Establishment of Offices under
Sala Krong and Establishment of Offices
under Sala Srok; and the Determination of
Roles, Duties and Working Procedures of
these Offices**



(Unofficial translation)

**PRAKAS
ON**

The Establishment of Offices under Divisions of Sala Khet, Establishment of Offices under Sala Krong and Establishment of Offices under Sala Srok; and the Determination of Roles, Duties and Working Procedures of these Offices

Deputy Prime Minister, Minister of the Ministry of Interior

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Kingdom of Cambodia;
- Having seen Royal Kram No. 02 NS/94 dated 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. 06 NS/94 dated 30 October 1994 promulgating the Law on Common Statute of the Civil Servants in Kingdom of Cambodia;
- Having seen Royal Kram No. NS/RKM/0196/08 dated 24 January 1996 promulgating Law on the Establishment of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 promulgating Law on Administrative Management of the Capital, Provinces, Municipalities, Districts, and Khans;
- Having seen Royal Kram No. NS/RKT/030/05 dated 19 March 2001 promulgating Law on Administrative Management of the Communes/ Sangkats;
- Having seen Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of National Committee for Sub-National Democratic Development;
- With reference to Sub-decree No. 216 OrNKR.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors;
- With reference to decision of NCDD third meeting dated 15 September 2009.

DECIDES

Chapter 1

The Divisions and Offices under the Provincial Hall (Sala Khet)

Section 1

The Establishment of Offices and Roles and Duties of the Offices under the Divisions of Sala Khet

Article 1:

The Sala Khet is the working office of the Provincial Council and Board of Governors.

The Sala Khet shall be regularly opened according to public working hours. During working hours, people have the rights to:

- Communicate and interact with the members of the council or board of governors
- Receive information on the requests and other issues from provincial administration;
- Participate in providing comments or suggestions on any issues.

In between working hours or official public holidays, the provincial council and board of governors shall ensure an appropriate number of staff and officials of its administration to be present in the office in order to receive or address urgent or special requests.

Article 2:

Based on 58 of the Sub-decree No. 216 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors, the Sala Khet shall compose of divisions as followings:

- Administration Division
- Planning and Investment Division
- Finance Division
- Human Resource Management Division
- Inter-Sectoral Division.

Each division shall perform its roles and duties as stated in the article 58 of the Sub-decree No. 216 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors.

Each division shall be composed of offices as determined in this Prakas.

Each office shall be led by one (01) chief and have a maximum two (02) deputy chiefs as assistants.

The conditions for appointment of director or deputy directors of each division shall based on a separate statute of sub-national administration personnel.

Article 3:

The **Administration Division** has subordinated offices as follows:

- Protocol and Documentation Office
- Public Relation and International Cooperation Office
- Report Consolidation and Information Office
- Statistic and Civil Registration Office
- Council Secretary Office.

Each office is the secretariat to the director of the Administration Division and has roles and duties as followings:

1. Protocol and Documentation Office:

- Receive and distribute incoming and outgoing letters, telephones, faxes;
- Receive the request for legalization of letters and other documents;
- Be responsible for management and maintain the official stamp;
- Be responsible for the library and its documentation;
- Prepare weekly activity schedule of the provincial board of governors;
- Maintain security and public order in Sala Khet.

2. Public Relation and International Cooperation Office:

- Communicate, receive and provide information to the public who come to communicate with members of the Sala Khet;
- Be responsible for protocol and prepare for greeting ceremonies for national and international delegations who visit the Sala Khet; and cooperate in organizing national ceremonies, inaugurations of achievements, meetings and other ceremonies of the province;
- Engage in friendship with province and municipality partners;
- Prepare memorandum of understanding documents or other agreements between province and province and municipality partners; and between province and national and international organizations;
- Cooperate and receive support from province and municipality friendship and from national and international organizations; and
- Monitor and evaluate cooperation between province and province and municipality partners and international organizations.

3. Report Consolidation and Information Office:

- Collect information about public opinion and events that will be used as a basis for preparation of information for the provincial council and board of governors so that they be addressed on time;
- Collect information on the general situation of all sectors, reports from divisions, from municipalities, districts and communes and Sangkats in district as a basis for preparing weekly, monthly, semester and annual reports;
- Prepare and display information on the public information boards;
- Cooperate in preparing information or other programs for broadcasting on radio, television and other media;
- Prepare newsletters, magazines and the homepage of the provincial administration;
- Prepare and manage information technology system of the provincial administration; and
- Prepare meeting and minutes of the meeting of provincial board of governors.

4. Statistic and Civil Registration Office:

- Responsible for the Census and management of population statistics in the province;
- Analyze and evaluate income situation and migration of the people in the province;
- Support, follow up, monitor and promote civil registration;
- Monitor and issue Khmer nationality identification cards in accordance with determined procedures;

- Conduct research, analyze and evaluate births, marriages and deaths for the purpose of civil registration;
- Review, monitor and evaluate marriage registration of Cambodian citizens with foreigners;
- Disseminate legal instruments related to population statistic and civil registration; and
- Study and assess the needs related to means and materials for civil registration.

5. Council Secretary Office

- Prepare agenda, invitation letters and minutes of meetings of the council and council committees;
- Cooperate in preparing documents for each agenda of the meetings of the council and its committees;
- Maintain minutes of the meetings, Deika, decisions and other documents of the council and its committees;
- Organize meeting venue of the provincial council and council committees;
- Cooperate with relevant divisions and offices of Sala Khet and media in order to disseminate information to the public on results and decisions of the meetings as well as other information of provincial council and their committees; and
- Cooperate in organizing dissemination forums at municipalities and districts within the province and prepare reports on the output of the forums.

Article 4:

The **Planning and Investment Division** has subordinated offices as follows:

- Planning Office
- Local Support Office
- Investment Office

Each office is the secretary to the director of the Planning and Investment Division, and has the following roles and duties:

1. Planning Office:

- Cooperate and coordinate in preparing annual workplan and budget of the province;
- Cooperate and coordinate in preparing the draft of the provincial five (05) year development plan and three (03) year rolling investment program;
- Cooperate in implementing of the five (05) year development plan and three (03) rolling investment program;
- Cooperate in preparing progress reports on the implementation of the development plan and the investment program;
- Review report on the implementation of development plans of the municipal, district, commune and Sangkat development councils;
- Compile and update data related to the provincial, municipal, district, commune and Sangkat development projects;
- Communicate and cooperate with departments and units on data, maps and priority needs of the province, municipalities, districts, communes and Sangkats;

- Review and make recommendations to the provincial governor regarding endorsement on the development plans by the municipalities, districts, communes and Sangkats;
- Manage contracts and monitor the implementation of the contracts in the provincial investment programs; and
- Cooperate in conducting feasibility studies for projects, prepare designs, cost estimates and prepare project proposals.

2. Local Support Office

- Coordinate and support to municipalities, districts, communes and Sangkats in the formulation of five (05) year development plan and three (03) year rolling investment program;
- Coordinate and provide support to municipalities, districts, communes and Sangkats in the implementation of the development plan, the investment program and projects as requested;
- Support the municipalities, districts, communes and Sangkats in study of projects, prepare designs, cost estimation and prepare proposals;
- Prepare, manage, monitor and consolidate reports on the implementation of all contracts signed by the Provincial Administration and implementing agencies;
- Follow up, monitor, evaluate and support capacity building and work performance of the municipal, district, commune and Sangkat councils;
- Study and evaluate response to the needs of the commune and Sangkat councils by the provincial council, municipal councils and district councils; and response to the needs of the municipal and district councils by the provincial council;
- Support to the municipalities and districts in reviewing legality of Deika and decisions of the communes and Sangkats;
- Review legality of Deika and decisions of the municipal and district councils; and
- Study on establishment, dissolution, division, integration and change of names of villages, communes and Sangkats, districts and municipalities; and the relocation of Sala Krong, Sala Srok, Commune Office (Sala Khum) and Sangkat Office (Sala Sangkat) within the province.

3. Investment Office

- Cooperate with departments and units in reviewing and providing comments to encourage investments in the province;
- Cooperate with departments and units in monitoring and implementation of mechanisms to encourage investments in the province;
- Cooperate in studies on principles, policies to promote investments in the province;
- Prepare programs, contents, investment documents and national and international cooperation; and
- Review and provide comments on investments and development proposals of the private sector and other stakeholders within the jurisdiction of the province.

Article 5:

The **Finance Division** has subordinated offices as follows:

- Finance Office
- Accounting Office
- Property Management Office
- Procurement Office

Each office is the secretary to director to the Finance Division, and has the following roles and duties:

1. Finance Office

- Prepare annual budget and medium term expenditure framework of provincial administration;
- Cooperate and prepare financial procedures and use of the provincial administration budget;
- Follow up, monitor, and evaluate the implementation of the procedures and the usage of provincial administration budget;
- Cooperate and prepare legal instruments on revenue collection in accordance with predetermined principles;
- Take action to promote all kinds of revenue collection for the budget of provincial administration;
- Review all mandates for cash withdrawal and all requests for expenses;
- Research all sources of revenues of Sala Khet;
- Provide support to municipalities and districts in the preparation and implementation of municipal and district budgets;
- Provide support to municipalities and districts so that they can provide support to Communes and Sangkats on preparation and implementation of budgets;
- Review and make recommendations to the provincial governor on the endorsement of budgets of the municipalities, districts, communes and Sangkats; and
- Prepare financial reports.

2. Accounting Office

- Manage petty cash and accounts of the provincial administration;
- Register and manage all kinds of revenues;
- Prepare reports on incomes, expenditures and budgets of the provincial administration;
- Prepare and make salary payments to officials and staff of Sala Khet;
- Receive request for payment (mandate) and prepare documents for cash withdrawals;
- Review and make payments for all expenses;
- Manage equipment/ materials and other assets warehouse; and
- Cooperate and prepare reports on provincial budget payments.

3. Property Management Office

- Manage all kinds of movable, immovable properties of the provincial administration;
- Prepare and manage inventory list of movable and immovable properties;
- Prepare principles for administration of moveable immovable properties; and

- Prepare procedures of liquidation, sale, lease and investment of all kinds of properties of the provincial administration.

4. Procurement Office

- Manage procurement tasks of the provincial administration; and
- Prepare reports on procurements.

Article 6:

The **Human Resource Management Division** has subordinated offices:

- Personnel Management Office
- Capacity Development Office

Each Office is the secretariat to the director of the Human Resource Management Division, and has the following roles and duties:

1. Personnel Management Office:

- Prepare plans for use of civil servant body , officials and staff of the provincial administration;
- Recruitment of officials and staff, officials and staff in their probation period and permanent employment of officials and staff in the civil servant body;
- Prepare and maintain personnel files of officials and staff of the provincial administration;
- Develop roles, duties and administrative procedures of the division and offices of Sala Khet; and monitor and evaluate their implementation;
- Prepare terms of reference for officials and staff; and monitor and evaluate their implementation;
- Study and prepare plan for use and recruitment of technical advisors and all types of contract staff;
- Review and provide comments on requests for appointment of positions, change of duties and staff movement; and leave requests of all officials and staff of the provincial administration;
- Review, research and provide comments on personnel scoring and recommendations on promotion and upgrade of officials and staff of Sala Khet;
- Prepare and maintain files of officials and staff who reach retirement age and maternity leave, putting the civil servant body outside their own institution putting outside the position, putting outside the supervision, keep vacant with no salary and transfer of body;
- Support to municipalities and districts on the management of officials and staff of the municipalities, districts, communes and Sangkats;
- Research and provide comments on personnel sanctions, removal of personnel from their position and removal of officials and staff from the administration;
- Prepare requests for awarding decorations, medals and letter of appreciation for officials and staff of the provincial administration and/or other persons who contribute to the administration;

- Make requests in the implementation of policy for personnel benefits for officials and staff who have resigned from their positions, lost their ability to perform on a professional basis and/or have deceased;
- Prepare requests for establishment or rearrangement or dissolution of divisions or offices of Sala Khet;
- Review and provide comments on the request for establishment or rearrangement or dissolution of offices of Sala Krong and Sala Srok; and
- Review and provide comments in identifying composition of committees, sub-committees and working groups of the council and board of governors.

2. Capacity Development Office:

- Research and define strategies and programs for capacity development to officials and staff of the provincial administration;
- Conduct training need assessment and prepare training programs for officials and staff of the provincial administration;
- Cooperate and prepare training documents and materials and conduct training for officials and staff of the provincial administration;
- Provide comments on selection and assignment of officials and staff to participate in study tours, exchange visits and short or long courses in the country or abroad;
- Disseminate organic laws, laws, legal instruments, administrative and financial procedures; and roles, duties of divisions and offices, including terms of reference for staff and officials; and
- Cooperate and support in capacity development for officials and staff of municipal, districts, commune and Sangkats administrations.

Article 7:

The **Inter-Sectoral Division** has subordinated offices:

- Economic and Social Affair Office
- Development Management and Construction Office
- Legal Affair and Public Safety Office

Each office is the secretariat to the director of the Inter-Sectoral Division, and has the following roles and duties:

1. Economic and Social Affair Office

- Manage statistic on all of types of businesses and productions /firms in the province;
- Cooperate with relevant departments and units in accordance with delegation from the ministries, in monitoring and evaluation of all types of businesses and productions/ firms;
- Study and make comments on local economic development and business activities in the province;
- Determine principles of management of markets and slaughterhouses;
- Cooperate and coordinate in the review of functions, responsibilities and resources to be transferred to the provincial administration;
- Cooperate and coordinate in the review of functions, responsibilities, and resources to be transferred to the municipalities, districts, communes and Sangkats;

- Cooperate and coordinate to promote service delivery on education, health and hygiene in the province;
- Cooperate in education and dissemination of information on disease prevention and public health services;
- Take measures to protect public properties, maintain cultural properties, national heritage and environmental and natural resources;
- Cooperate and coordinate in solving problems related to assistance relief work for the poor people, retirees, handicaps, orphans, vagabonds, homeless people;
- Take actions to prevent damage from natural disaster, social incidents and other emergencies;
- Solve problems related to labor, jobs and vocational training;
- Promote healthcare for women and children;
- Promote gender mainstreaming in all social activities;
- Facilitate and create good environment for the people regarding cultural beliefs, religions and traditions in the province;
- Coordinate inter-sectors activities in order to promote a good environment for all types of local economic activities and promote investments and development of private sector in the province.

2. Development Management and Construction Office

- Cooperate in developing the provincial land management plan;
- Review and provide comments on development projects to make them consistent with the provincial land management plan;
- Implement tasks related to land ownership rights,
- Monitor, evaluate and prepare reports on the implementation of the provincial land management plan and construction plan;
- Determine principles for management older buildings and heritage sites in the province;
- Review and make comments on any violations of construction work;
- Cooperate in determining principles in development, maintenance and reparation of all transportation infrastructure within the province;
- Implement tasks related to new settlements, maintaining order, urbanization and conflict resolution outside the court system.

3. Legal Affair and Public Safety Office

- Define principles and measures on usage of transportation means in the province and coordinate their implementation;
- Define principles [guidelines] and measures on traffic safety in the province and facilitate their implementation;
- Manage the traffic system and all kinds transportation within the province;
- Determine principles and measures in the prevention of crime and put in measure to minimize crimes as well as maintain safety in the province;
- Cooperate and research addicted people and prepare policies on the prevention of drug abuse and put in measures to minimize drug use;
- Manage centers for treating drug addicts;
- Take charge of abuse of power within the provincial jurisdiction;
- Receive, review and provide comments on local conflict resolution;
- Receive, review and provide comments on complaints of people about the administrations within the provincial jurisdiction;

- Disseminate laws and legal instruments, monitor and evaluate their understanding and implementation of the laws;
- Educate, disseminate and promote understanding and respect of human rights; and
- Participate in meeting of the Provincial Security Steering Committee and monitor the implementation of decisions of the meeting.

Article 8:

Besides roles and duties of the Sala Khet divisions as stated in Paragraph 2, Article 2 of this Prakas and the roles duties of the offices described in Articles 3,4,5,6, and 7 of this Prakas, each division and the subordinated office may receive additional duties as necessary.

The administration director shall make requests to the provincial board of governors in order to get approval from its council, on the assignment of the additional permanent duties to any divisions and offices.

In the implementation of daily tasks, if there are any urgent and new tasks which are not determined in the specific duties of the division and office, the administration director shall immediately request advice from the governor in order to assign those tasks to a specific division and/or offices to take charge according to established procedures. The administrative director, then, shall report on this to the council. After implementation, if the new tasks are found to be permanent in nature, the administrative director shall implement the principles as stated in paragraph 1 and 2 of this Article.

Each office shall administer its roles and duties in accordance with existing laws, legal instruments, procedures and terms of reference.

Article 9:

Besides the above divisions and offices, the provincial board of governors may request to the provincial council to create, reorganize or dissolve one or a number of divisions or offices as necessary.

In the event that there is a need to establish additional divisions or offices, these divisions or offices shall not duplicate roles and duties with the division or office that have been established by the Sub-decree No. 216 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors” and offices established by this Prakas.

Based on decision from its council, the provincial governor shall make request to the Minister of Ministry of Interior for review, decision and /or prepare formality for creating or dissolving or reorganizing the above divisions or offices.

Section 2

Working Procedures of the Divisions and Subordinated Offices

Article 10:

Each division shall be under direct responsibility, supervision and management of the director of the division.

Each director of the division shall be responsible and accountable to the administrative director of Sala Khet.

The administrative director of Sala Khet shall be responsible and accountable to the board of governors and its council.

Article 11:

The each office shall be under direct responsibility, supervision and management of the chief of the office.

Each chief of the office shall be responsible and accountable to the director of its division and the administration director of Sala Khet.

Article 12:

Based on provisions as stated in the Sub-decree No. 216 OrNKr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors” and principles as stated in this Prakas, the provincial administrative director with the assistance from the human resource management division as a secretary shall lead and coordinate all divisions of Sala Khet to determine administrative procedures for divisions and subordinated offices under each division as well as to define terms of reference for director, deputy director, chief and vice chief of the offices, officials and staff of all offices for submitting to the board of governors and the council for review and approval.

The provincial administration director with assistance of the finance division as a secretary shall determine financial procedures for the use of materials and budgets of the Sala Khet divisions and offices for submitting to the board of governors and the council for review and approval.

The administrative and financial procedures including terms of reference for officials and staff shall be signed by the provincial governor.

The provincial board of governors shall lead the administrative director to regularly conduct monitoring and evaluation on the implementation of the procedures and terms of reference of personnel; and prepare a report to its council.

Article 13:

All tasks within its jurisdiction, the provincial board of governors shall lead and instruct the administrative director in assigning tasks to the divisions and offices in conducting studies, research and provide comments in accordance with the principles of the existing laws and legal instruments and administrative and financial procedures. Results of the studies and research then shall be sent to the administrative director for submission to the responsible deputy governor for review and to make comments in accordance with formality, procedures and its authority before submitting them to the provincial governor for review and approval.

The directors of divisions and chiefs of offices shall administer officials and staff in each office to implement their jobs based on existing laws, legal instruments and based on administrative and financial procedures and their terms of reference.

Article 14:

The administrative director shall define meeting schedules with the administration deputy directors, directors and deputy directors of the divisions, chiefs and vice chiefs of the offices of Sala Khet.

The director of each division shall define meeting schedules with chiefs and vice chiefs of the offices.

The above meeting is a joint meeting to review results, progress or challenges in order to identify directions, measures or ask for advice from different tiers of the administration for review and final solution.

Minutes of these meetings shall be prepared.

Article 15:

The board of governors shall lead and provide instructions to the administration director in preparing design of a plan for a training program and capacity development, to the directors and deputy directors of the divisions, chiefs and vice chiefs of the offices and officials and staff of Sala Khet, on professional skills and professional ethics as well as roles and duties, administrative and financial procedures and terms of reference of the officials and staff in order to improve work effectiveness in the Sala Khet.

Chapter 2**The Offices under the Municipal Governor Office (Sala Krong)****Section 1****The Establishment of the Offices and Roles, Duties of the Offices under Sala Krong****Article 16:**

The Sala Krong is the working office of the Municipal Council and Board of Governors.

The Sala Krong shall be open according to public working hours.

During working hours, people have the right to:

- Communicate and work with the council and board of governors
- Receive information on the requests and other materials from the municipal administration; and
- Participate in providing comments or suggestions on any other issues.

In between working hours or on official public holidays, the municipal council and board of governors shall ensure an appropriate number of staff and officials of its administration to be in the office in order to receive or address urgent or special requests.

Article 17:

Based on 58 of the Sub-decree No. 216 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors, District Council and Board of Governors, each Sala Krong shall compose of offices as follows:

- Administration and Finance Office
- Planning and Sangkat Support Office
- Municipality Development Office

Each office shall be led by one (01) chief and one (01) vice chief as an assistant.

The conditions for the appointment of the chief of the office and vice chief and deployment of the officials and staff in the offices shall be based on the Statute for Personnel of Sub-National Administration.

The above offices shall serve as a secretariat for the municipal council and board of governors on the following duties:

1. Administration and Finance Office:

- Administrative tasks, letters, public relation and protocols;
- Manage and maintain the official municipal stamp;
- Manage population statistics and civil registrations;
- Manage personnel, body, salaries and benefits of officials and staff of Sala Krong;
- Cooperate in preparing administrative and financial procedures and terms of reference of the officials and staff of Sala Krong;
- Provide training and capacity development to officials and staff of Sala Krong;
- Study and provide comments on creation, rearrangement and dissolution of offices of Sala Krong;
- Prepare draft agenda, content for each agenda and documents of the meetings of the municipal council and its committees;
- Prepare and distribute invitation letters, venue and taking minutes of all meetings of the council and its committees, and meetings of the board of governors;
- Receive and properly distribute letters and documents to the municipal councilors, governor and deputy governors as well as ministries, departments, institutions, departments, units, offices and relevant people;
- Maintain in good order and with safety all documents and legal instruments of the municipal council, board of governors and municipal administration;
- Prepare monthly, quarterly, semester, and annual reports;
- Prepare and display information on the information boards and find other means to disseminate information to the public within the municipality;
- Cooperate in the preparation for dissemination and consultative forums at Sangkats within the municipality;
- Study and provide comments on the legality of decisions made by Sangkat councils;
- Take responsibility for financial tasks, budget and property management of the municipal administration;
- Manage petty cash of the municipality;
- Cooperate in monitoring and payments of all expenses; and
- Be responsible for procurement, audit and financial reports of the municipality.

2. Planning and Sangkat Support Office:

- Study and prepare the municipal five (05) year development plan and three (03) year rolling investment programs;
- Implement projects and development programs; and facilitate development cooperation and service delivery between Sangkats within the municipality;
- Study, evaluate and provide comments on capacity of Sangkat councilors and the needs for their support;
- Respond to requests, suggestions and challenges of Sangkats;
- Support Sangkat councils in the preparation and implementation of Sangkat development plans;
- Communicate and cooperate with relevant institutions and units on modification of data, maps and priority needs of Sangkats and municipality;
- Enter and update data related to municipalities and Sangkats;
- Review reports on the implementation of municipal and Sangkat development plans;
- Mobilize resources for development of the municipality and Sangkats;
- Review conditions of Sangkats in order to receive functions and resources; and
- Monitor and evaluate the use of municipal and Sangkat investment funds.

3. Municipal Development Office:

- Cooperate with relevant departments and units in conducting research and provide comments on development of the municipality;
- Cooperate in preparing land-use master plan and land use plan in accordance with the special situation of the municipality;
- Be responsible for tasks related to land ownership, construction of buildings and renovation of buildings including cooperation in solving violation of construction work;
- Study and assess the situation of temporary settlements, development of new settlement areas and construction of these settlements;
- Study and analyze of population growth, local economic growth, poverty in the municipality and impact its on development of the municipality;
- Implement the transferred or delegated functions and duties;
- Cooperate study and coordinate delegation of functions and resources to Sangkats;
- Take responsibility for public order, legal and human rights affairs;
- Take responsibility for conflict resolution in the municipal jurisdiction in accordance with exiting laws and procedures;
- Take responsibility for tasks related to economic development, social affairs, culture, religion and protection of environment, natural resources, heritage, resorts, historic sites that are defined by the laws and legal instruments.

Article 18:

For those municipalities in which operate an one window office and ombudsman office citizen needs to be established, shall implement the legal instruments on the establishment and functions of these offices.

Article 19:

Besides roles and duties of the offices as stated in Article 17 of this Prakas, each office may receive additional permanent duties as necessary.

The administration director shall make requests to the municipal board of governors in order to get approval from its council, on the assignment of the additional permanent duties to any offices.

In the implementation of daily tasks, if there are any urgent and new tasks which are not defined as part of specific duties of the offices, the administration director shall immediately request the advice from the governor in order to assign those tasks to a specific office to take charge according to procedures. The administrative director, then, shall report on this to the council. After the implementation of these new tasks, if they are found to be permanent duties in nature, the administrative director shall implement the principles as stated in paragraph 1 and 2 of this Article.

Each office shall administer its roles and duties in accordance with existing laws, legal instruments, procedures and terms of reference.

Article 20:

Besides the above offices, the municipal board of governors may request to the municipal council to create, rearrange or dissolve one or a number of offices as necessary.

In the event that there is a need to establish additional offices, these offices shall not contain roles and duplicated roles and duties with the offices that have been established by this Prakas.

Based on decision from its council, the municipal governor shall make a request to the Minister of Ministry of Interior for review, decision and /or prepare formally the creation or dissolution or rearranging the above division or offices.

Section 2**Working Procedures of the Offices under Sala Krong****Article 21:**

Each office shall be under direct responsibility, supervision and management of the chief of the office.

Each chief of the office shall be responsible and accountable to the administrative director of Sala Krong.

The administrative director of Sala Krong shall be responsible and accountable to the board of governors, governor and its council.

Article 22:

Based on provisions as stated in the Sub-decree No. 216 OrNKR.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors” and principles as stated in this Prakas, the municipal administrative director with the assistance from the Administration

and Finance Office as a secretariat shall lead and coordinate all office of Sala Krong to determine financial and administrative procedures, use of materials and budgets for the offices of Sala Krong as well as to define terms of reference for chiefs, vice chief of the offices, officials and staff of Sala Krong for submitting to the municipal board of governors and the council for review and approval.

The administrative and financial procedures including terms of reference for officials and staff shall be signed by the municipal governor.

The municipal board of governors shall lead the administrative director to regularly conduct monitoring and evaluation on the implementation of the procedures and terms of reference; and prepare a report for its council.

Article 23:

All tasks within the jurisdiction of the municipality, the municipal board of governors shall lead and instruct the administrative director in assigning tasks to the offices in conducting studies, research and provide comments in accordance with the principles of the existing laws and legal instruments and administrative and financial procedures. Results of the studies and research then shall be sent to the administrative director for submission to a responsible deputy governor for review and comment in accordance with formality, procedures and its authority before submitting them to the municipal governor for review and approval.

The chiefs of the offices shall administer officials and staff in each office to implement their jobs based on existing laws, legal instruments and based on administrative and financial procedures and the determined terms of reference.

Article 24:

The municipal administrative director shall define meeting schedules with the administration deputy directors, chiefs and vice chiefs of the offices of Sala Krong to review results, progress or challenges in order to identify directions, counter measures or ask for advice from different tiers of the administration's leaders for review and solution.

Minutes of each meeting shall be prepared and shall be reported to the municipal council and board of governors.

Chapter 3

The Offices under the District Governor Office (Sala Srok)

Section 1

The Establishment of the Offices and Roles, Duties of the Offices under Sala Srok

Article 25:

The Sala Srok is the working office of the District Council and Board of Governors.

The Sala Srok shall open according to public working hours.

During working hours, people have the rights to:

- Communicate and interact with the council and board of governors

- Receive information on the requests and other works from district administration; and
- Participate in providing comments or suggestions on any issues.

In between working hours or official public holidays, the district council and board of governors shall ensure an appropriate number of staff and officials of its administration to be in the office in order to receive or address urgent or special requests.

Article 26:

Based on 58 of the Sub-decree No. 216 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors, District Council and Board of Governors, each Sala Srok shall be comprised of offices as follows:

- Administration and Finance Office
- Planning and Commune/Sangkat Support Office
- Inter-Sectoral Support Office

Each office shall be led by one (01) chief and one (01) vice chief as an assistant.

The conditions for the appointment of the office chief and vice chief and deployment of the officials and staff in the offices of Sala Srok shall be based on the Statute for Personnel of Sub-National Administration.

The above offices shall serve as a secretariat for the district council and board of governors on the following duties:

1. Administration and Finance Office:

- Conduct administrative tasks, issue letters, conduct public relations and other protocols;
- Manage and maintain the official municipal stamp;
- Population statistic and civil registrations;
- Manage personnel, , salaries and benefits of officials and staff of Sala Srok;
- Cooperate in preparing administrative and financial procedures and terms of reference of the officials and staff of Sala Srok;
- Provide training and capacity development to officials and staff of Sala Srok;
- Study and provide comments on creation, reorganization and dissolution of offices of Sala Srok;
- Prepare a draft agenda, content for each agenda and documents of the meeting of the district council and its committees;
- Prepare and distribute invitation letters, venue and minutes of all meetings of the council and its committees and meetings of the board of governors;
- Receive and properly distribute letters and documents to the district councilors, governor and deputy governors as well as ministries, departments, institutions, departments, units, offices and relevant people;

- Maintain properly with safety all documents and legal instruments of the district council, board of governors and district administration;
- Prepare monthly, quarterly, semester, and annually reports;
- Prepare and display information on the information boards and find other means to disseminate information to the public within the district;
- Cooperate in the preparation for dissemination and consultative forums at communes and Sangkats within the district;
- Study and provide comments on the legality of decisions made by commune and Sangkat councils within the district;
- Take responsibility for financial tasks, budget and property management of the district administration;
- Manage petty cash of the district;
- Cooperate in monitoring and payments to all expenses; and
- Take responsibility for procurement, audit and financial reports of the district.

2. Planning and Commune/Sangkat Support Office

- Study and prepare the district five (05) year development plan and three (03) year rolling investment programs including components of the plan that are managed and provide joint oversight by same councils, different categories of the councils, ministries, institutions, departments or offices and units of the government and development partners;
- Implement projects and development programs; and facilitate development cooperation and service delivery between communes and Sangkats within the district;
- Support the communes and Sangkats to analyze and evaluate their development process within the district;
- Support the communes and Sangkats within the district in their preparation of budgets;
- Cooperate in reviewing and providing recommendations to the district governor on endorsement of commune and Sangkat budgets;
- Study, evaluate and provide comments on capacity development of the commune and Sangkat councils within the district; and the needs for their support;
- Respond to requests, suggestions and challenges of communes and Sangkats within the district;
- Support commune and Sangkat councils within the district in the preparation and implementation of commune and Sangkat development plans;
- Communicate and cooperate with relevant institutions and units on modification of data, maps and priority needs of the district and communes and Sangkats within the district;
- Enter and update data related to district, communes and Sangkats;
- Review reports on the implementation of municipal, commune and Sangkat development plans;
- Mobilize resources for development of the district, communes and Sangkats;
- Support communes and Sangkat within the district to enable them to receive more functions and resources; and
- Monitor and evaluate the use of district, commune and Sangkat investment funds.

3. Inter-Sectoral Office

- Study and provide comments on the formulation of strategies and establishment of structures, systems and resources in order to receive functions, duties and resources which have been assigned or delegated in accordance with determined laws and legal instruments;
- Be responsible for land and construction tasks including application for land tenure, construction, reparation, dismantling and renovations of buildings;
- Implement the transferred or delegated functions and duties;
- Cooperate study and coordinate delegation of functions [public services?] and resources to Sangkats;
- Take responsibility for public order, legal and human rights affairs;
- Take responsibility for conflict resolutions in the district jurisdiction in accordance with exiting laws and procedures;
- Take responsibility for tasks related to local economy, social affairs, culture, religions and protection of environment, natural resources, heritage, resorts, historic sites that are defined by the laws and legal instruments.

Article 27:

For those districts in which one window office and ombudsman office citizen need to be established, districts shall implement the legal instruments on the establishment and functioning of these offices.

Article 28:

Besides roles and duties of the offices as stated in Article 26 of this Prakas, each office may receive additional permanent duties as necessary.

The administration director shall make requests to the district board of governors in order to get approval from its council, on the assignment of the additional permanent duties to any office.

In the implementation of daily tasks, if there are any urgent and new tasks which are not determined in the specific duties of the offices, the administration director shall immediately request advice from the governor in order to assign those tasks to a specific office to take charge according to procedures. The administrative director, then, shall report on this to the council. After the implementation of the new tasks, if these tasks are found to be permanent duties in nature, the administrative director shall implement the principles [guidelines?] as stated in paragraph 1 and 2 of this Article.

Each office shall administer its roles and duties in accordance with existing laws, legal instruments, procedures and terms of reference.

Article 29:

Besides the above offices, the district board of governors may request the district council to create, reorganize or dissolve one or a number of offices as necessary.

In the event that there is a need to establish additional offices, these offices shall not contain duplicated roles and duties with the offices that have been established by this Prakas.

Based on decision from its council, the district governor shall make a request to the Minister of Ministry of Interior for review, decision and /or prepare formality for creating or dissolving or rearranging the above division or offices.

Section 2

Working Procedures of Offices under Sala Srok

Article 30:

Each office shall be under direct responsibility, supervision and management of the chief of the office.

Each chief of the office shall be responsible and accountable to the administrative director of Sala Srok.

The administrative director of Sala Srok shall be responsible and accountable to the board of governors, governor and its council.

Article 31:

Based on provisions as stated in the Sub-decree No. 216 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors, District Council and Board of Governors” and principles as stated in this Prakas, the district administrative director with the assistance from the Administration and Finance Office as a secretary shall lead and coordinate all offices of the Sala Srok to determine financial and administrative procedures, use of materials and budgets for the offices of Sala Srok as well as to define terms of reference for chiefs, vice chief of the offices, officials and staff of Sala Srok for submitting to the district board of governors and the council for review and approval.

The administrative and financial procedures including terms of reference for officials and staff shall be signed by the district governor.

The district board of governors shall lead the administrative director to regularly conduct monitoring and evaluation on the implementation of the procedures and terms of reference; and prepare a report to its council.

Article 32:

All tasks within the jurisdiction of the district, the district board of governors shall lead and instruct the administrative director in assigning tasks to the offices in conducting studies, research and provide comments in accordance with the principles of the existing laws and legal instruments and administrative and financial procedures. Results of the studies and research then shall be sent to the administrative director for submission to a responsible deputy governor for review and comment in accordance with procedures and its authority before submitting these materials to the district governor for final review and approval.

The chiefs of the offices shall administer officials and staff in each office to implement their jobs based on existing laws, legal instruments and based on administrative and financial procedures and the determined terms of reference.

Article 33:

The district administrative director shall define meeting schedules with the administration deputy directors, chiefs and vice chiefs of the offices of Sala Srok to review results, progress or challenges in order to identify solutions, measures or ask for advice from different tiers of administration leaders for review and solution.

Minutes shall be prepared and shall be reported to the district council and board of governors.

Chapter 4 Transitional Provisions

Article 34

The functional remuneration of the directors and deputy directors of the divisions, chiefs and vice chiefs of the offices of Sala Khet, and chiefs and vice chiefs of the offices of Sala Krong and Sala Srok shall be implemented in accordance with the article 207 of the Sub-decree No. 216 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors.

Article 35:

In the absence of a separate Statute on Sub-National Administration Personnel, the provincial governor with approval from the provincial council, shall propose appointment of officials for the positions of director and deputy directors of the divisions, and chiefs and vice chiefs of the offices of Sala Khet to the minister of the Ministry of Interior for review and approval in accordance with determined principles and procedures. With regard to the proposal for appointment of the chief and vice chiefs of the offices of Sala Krong and chief and vice chiefs of Sala Srok, the provincial governor based on a request from the municipal and district governor and with approval from the municipal and district council shall make a request to the Minister of the Ministry of Interior for review and approval in accordance with determined principles and procedures.

The ranks of the civil servants that have qualifications for the above positions shall be determined as follows:

- Director of division shall hold a rank from chief middle rank civil servant (Neay Kram Kar) and above of the middle rank civil servant body of the Ministry of Interior;
- Deputy director of division shall hold a rank from the principal middle rank civil servant (Neay Kram Kar Doem Kser) and above of the middle rank civil servant body of the Ministry of Interior;
- Chief of offices of Sala Khet shall hold a rank from the principal middle rank civil servant (Neay Kram Kar Doem Kser) and above of the middle rank civil servant body of the Ministry of Interior;
- Vice chief of offices of Sala Khet shall hold a rank from the middle rank civil servant (Kram Kar) and above of the middle rank of civil servant body of the Ministry of Interior;
- Chief of offices of Sala Krong and Sala Srok shall hold a rank from middle rank civil servant (Kram Kar) and above of the middle rank civil servant body of the Ministry of Interior;

- Vice chief of offices of Sala Krong and Sala Srok shall hold a rank from chief of secretary (Neay Lekha Thika) and above of the secretary body of the Ministry of Interior.

Article 36:

In the integration of present officials and staff of Sala Khet, Sala Krong and Sala Srok into the new structure of this Prakas, the provincial council and board of governors, the municipal council and board of governors and the district council and board of governors shall implement the article 206 of the Sub-decree No. 216 OrNkr.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors.

Chapter 5 Final Provisions

Article 37:

Any provisions that are contradicted to this Prakas shall be abrogated.

Article 38:

The provincial council and board of governors, the municipal council and board of governors and the district council and board of governors and all units under the Ministry of Interior shall implement this Prakas from the date of signature onwards.

Phnom Penh Capital, 30 December 2009

Deputy Prime Minister, Minister of the Ministry of Interior

Sar Kheng

Copy to:

- Office of the Council of Ministers
- State Secretariat for Civil Service
- All Ministries/ Institutions
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 38
- Royal Affair
- Archives

Prakas No. 4275 BrK

dated 30 December 2009

On

The Establishment and Functioning of the

Women's and Children's Consultative

Committees at Capital Council, Provincial

Councils, Municipal Councils, District

Councils and Khan Councils



(Unofficial Translation)

Prakas

on

The Establishment and the Functioning of the Women's and Children's Consultative Committees at Capital Council, Provincial Councils, Municipal Councils, District Councils and Khan Councils

The Deputy Prime Minister, Minister of the Ministry of Interior

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Cambodia;
- Having seen Royal Kram No. 02/NS/94 dated 20 July 1994 Promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RKM/0196/08 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Interior;
- Having seen the Royal Kram No. NS/RKM/0105/002 dated 17 January 2005, promulgating the Law on the Establishment of the Ministry of Women's Affairs;
- Having seen the Royal Kram No. NS/RKM/0508/017 dated May 24, 2008 promulgating the Law on the Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;
- Having seen the Royal Kram No. NS/RKM/0301/05 dated Mach 19, 2001 promulgating the Law on the Administrative Management of the Communes/Sangkats
- Having seen the Royal Kram No. NS/RKM/1208/1429 dated December 31, 2008 on the Establishment of the National Committee for Sub-National Democratic Development;
- Having seen Sub-decree No. 215 OrNKR.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, and the Khan Council and Board of Governors of the Phnom Penh Capital;
- Having seen Sub-decree No. 216 OrNKR.BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors;
- Referring to decision of the third meeting of the National Committee for Sub-National Democratic Development dated 15 September 2009;

DECIDES

PART 1 GENERAL PROVISIONS

Article 1:

This Prakas has a purpose to determine the establishment and functioning of the Women's and Children's Consultative Committees, abbreviated as WCCC, at the Phnom Penh capital council, provincial councils, municipal councils, district councils and Khan councils.

Article 2:

The Phnom Penh Capital Council, provincial councils, municipal councils, district councils and Khan councils shall establish a WCCC which has the authority and duties to provide advice and recommendations to the councils, board of governors, governors, and other committees of the councils on issues related to gender equality, women, youth and children within the authority, functions and duties of the councils.

PART 2 COMPOSITION, STRUCTURE AND DUTIES

Article 3:

The Women and Children Consultative Committee of the Capital and provincial councils has the following composition:

- | | |
|--|------------------|
| - A female councilor selected by the council | Chairperson |
| - A councilor selected by the council | Vice chairperson |
| - A female deputy governor | Vice chairperson |
| - Director or deputy director of the Department of Social Affairs, Veterans and Youth Rehabilitation | Vice chairperson |
| - Director or deputy director of the Department of Women's Affairs | Permanent V.c |
| - A deputy administration director | Member |
| - Director or deputy director of the Department of Planning | Member |
| - Director or deputy director of the Department of Health | Member |
| - Director or deputy director of the Department of Rural Development | Member |
| - Director or deputy director of the Department Education, Youth and Sports | Member |
| - Director or deputy director of the Department Labour and Vocational Training | Member |
| - Director or deputy director of Department of Agriculture | Member |
| - Commissioner or a representative of the Police Commissariat | Member |
| - Director or deputy director of Inter-Sectoral Division | Member |
| - Chairperson or deputy chairperson of Association of Commune/Sangkat Councils | Member |
| - Representatives from other institutions or units as needed | Member |

The Women and Children Consultative Committee of the municipal, district and Khan councils has the following composition:

- | | |
|--|------------------|
| - A female councilor selected by the council | Chairperson |
| - A councilor selected by the council | Vice chairperson |

- A female deputy governor	Vice chairperson
- Chief or deputy chief of the Office of Social Affairs Veterans and Youth Rehabilitation (if any)	Vice chairperson
- Chief or deputy chief of the Office of Women's Affairs	Permanent V.c
- A deputy administration director	Member
- Chief or deputy chief of the Office of Planning	Member
- Chief or deputy chief of the Office of Health	Member
- Chief or deputy chief of the Office of Rural Development (if any)	Member
- Chief or deputy chief of the Office Education, Youth and Sports	Member
- Chief or deputy chief of the Office Labor and Vocational Training	Member
- Chief or deputy chief of the Office of Agriculture	Member
- Inspector or a representative of the Police Inspection	Member
- Chief or deputy chief of relevant Office of Sala Krong, Sala Srok and Sala Khan	Member
- Focal person responsible for women and children affairs of the Commune and Sangkat	Member
- Representatives from other institutions or units as needed	Member

The Capital Council, provincial councils, municipal councils, district councils and Khan councils shall issue a decision to recognize the chairperson, vice chairperson and all members of their Women and Children Consultative Committee.

In the event that the council has no female councilor, the council shall select female deputy governor as the chairperson of the women and children consultative committee.

This decision shall be signed by the chairperson of the council.

Article 4:

In order to promote participation of the women, the Capital Council, provincial councils, municipal councils, district councils and Khan councils shall make their efforts to ensure an appropriate number of the female members in the this committee.

Article 5:

The women and children consultative committee can make a request to its council to establish sub-committees or working group as required by laws or other legal instruments and as needed in order to assist the committee in conducting research studies or providing comments on problems related to its duties.

Article 6:

The WCCC, through the council, has the authority to invite chairperson(s) or representative(s) of the committees of the Capital Council, provincial councils, municipal councils, district councils, Khan councils, commune councils and Sangkat councils, directors of departments, units and youth and children groups related to women, youth and children affairs or other relevant persons to participate in meetings and to provide relevant information to this committee.

Article 7:

The WCCCs have the following duties:

- Participate in the development of a strategic vision for development in the jurisdiction of the council, and the achievement of gender equality and the provision of services with regard to women, youth and children;
- Collect and analyze information and data related to the achievement of gender equality and issues and needs of women and children and integrate this information into the Council Five (05) Year Development Plans and the Three (03) Year Rolling Investment Program;
- Prepare its workplan and annual budget and to incorporate them into the workplan and budget of the council
- Participate in the formulation, monitoring and evaluation of the annual work plan and budget of the Council in order to promote gender equality and to address issues concerning women, youth and children;
- Provide recommendations and advocate for action to the councils, and through the council to the board of governors, and other committees of the council, on issues related to gender equality and women, youth and children within the jurisdiction of the councils;
- Cooperate and provide support to the WCCCs of the other councils in resolving any problems or requests which cannot be addressed by those committees in performing their functions;
- Provide suggestions and recommendations to the council or boards of governors on appropriate measures to be taken by competent authorities and citizens to resolve issues and prevent harm relating to women, youth and children;
- Seek and receive information related to the work of the WCCC;
- Promote understanding of laws and policies related to gender equality and women, youth and children issues in the jurisdiction of the councils;
- Promote information collection by the communities on what happens regularly regarding gender equality, women, youth and children in order to take necessary measures for a response;
- Advocate for women to participate in decision-making relating to development within the councils' jurisdiction;
- Provide suggestions and recommendations to promote communication, collaboration and coordination between different categories of councils, departments, units, service providers, NGOs, volunteer groups and communities to ensure activities are implemented to help women, youth and children;
- Monitor the implementation of policies on gender equality and the situation of women, youth and children, especially to identify disparities in access to services, and to recommend means for addressing disparities;
- Report on a regular basis to the council on gender equality, women's empowerment and issues involving youth and children;
- Support all efforts to mobilize funds for work within the councils' jurisdiction; and
- Perform other duties as assigned by the council.

Article 8:

The councils, board of governors and committees shall thoroughly take into account the recommendations of the WCCC and shall decide whether it can take action within its jurisdiction.

Article 9:

The WCCC is entitled to participate in any meeting of the council, its committees, and the board of governors, except confidential meetings. The WCCC may assign a maximum of two of its members to participate in meetings of the council, board of governors, and the committees of the council. The assigned representatives shall have the full right to contribute in the meeting in the same manner as other members.

In the event that the assigned representatives are councilors, they are entitled to vote in council meetings, but they have no rights to vote in the board of governors meeting.

Article 10:

To participate in these meetings, the WCCC is entitled to receive the agenda and documents of the meeting in the same manner as other members of the meeting.

Article 11:

The WCCC shall prepare and submit report on a monthly, quarterly, semester and an annual basis to its council.

Article 12:

The annual report of the WCCC shall include:

- The general situation of women's participation in promoting democratic development and the status of children under jurisdiction of the council;
- Achievements and challenges of the WCCC, and recommendations for strengthening this committee; and
- Recommendations for improving women's participation in promoting democratic development.

Part 3

Roles and Duties of Committee Members

Article 13:

The chairperson of the WCCC is responsible for:

- Chairing all meetings of the committee. If the chairperson is absent, the chairperson shall assign any one of the deputy chairs of the committee to preside over the meeting;
- Overseeing the integration of gender equality and women, youth and children needs into the Five (05) Year Development Plan and the Three (03) Year Rolling Investment Program of the council;
- Ensuring that suggestions and recommendations of the committee raised in committee meetings and its tasks are included in the council workplans and budgets;
- Advocating and motivating the councils to ensure that appropriate levels of funding are allocated in the investment fund of the council to support social services and economic development projects in the areas under the council jurisdictions;
- Encouraging and motivating other committee members in overseeing and monitoring of the committee activities take place within the council jurisdiction; and
- Assisting the council to mobilize resources to respond to the promotion of gender equality and the needs of women, youth and children as raised in the

Council Five (05) Year Development Plans and Three (05) Year Rolling Investment Programs.

Article 14:

The vice chairpersons shall have the following roles and duties:

- Participate in meetings of the committee;
- Act in the interim when the chairperson is absent and through the delegation of the chairperson;
- Cooperate and support the permanent vice chairperson of the committee to promote the activities set forth for the whole committee to ensure the effective implementation of the committee tasks;
- Provide advisory assistance and relevant technical expertise to the chairperson and permanent vice chairperson, concerning the committee activities;
- Review reports of the committee before submitting to the committee meeting; and
- Fulfill other tasks as assigned by the chairperson.

Article 15:

The permanent vice chairperson has the following roles and duties:

- Coordinating the day-to-day administration and preparation of the committee meetings;
- Conducting studies, research and providing suggestions to the WCCC on promotion of gender equality and needs of the women, youth and children in the Five (05) Year Development Plans and Three (03) Year Rolling Investment Programs of the council;
- Assisting, coordinating and contributing to ensure that gender equality and women, youth and children needs are well-integrated into the annual workplan and budget of the council;
- Assisting committee members in monitoring and evaluating the implementation of activities with regard to gender equality and women, youth and children issues within the jurisdiction of the council, and preparing activity reports on these activities for the committee;
- Collaborating and coordinating with other committee members and relevant units to ensure the effective implementation of the committee decisions of the committee as approved by the council;
- Participating and coordinating to enable collection and analysis of information and data related to gender equality and women, youth and children needs in order to include it as part of the committee affairs; and
- Performing other duties as assigned by the chairperson.

Article 16:

The committee members have roles and duties as followings:

- Participate in meetings of the committee;
- Provide suggestions and recommendations on establishing, promoting and sustaining democratic development related to gender equality and women, youth and children issues;
- Participate in the collection and analysis of information and data related to gender equality and women, youth and children issues and their inclusion in the committee affairs;
- Coordinate and advocate for the integration of gender equality and women, youth and children needs related to individual sector into the Council Five (05) Year Development Plan and the Three (03) Year Rolling Investment Program;

- Participate in monitoring the implementation of conformity with international conventions, such as the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention of the Rights of the Child (CRC), and the Protocol to Prevent, Suppress and Punish Trafficking of Persons in order to promote gender equality and needs of women, youth and children within the jurisdiction of the council;
- Participate in the review, discussion, and adoption process relating to the draft quarterly, semester and annual workplans of the committee and report on their implementation as related to the individual sectors of the council; and
- Participate in preparing the activity reports of the council;

Article 17:

In order to raise an issue or any number of issues to the council or/and board of governors, the WCCC shall organize a meeting.

The WCCC shall organize ordinary monthly, quarterly, semester and annual meetings on a regular basis with agendas and relevant documents. At these meetings, the committee shall:

- Review and adopt its monthly, quarterly, semester and annual workplans;
- Discuss the process and challenges related to the goals of the workplan and propose recommendations for solutions to impediments;
- Discuss the next steps for implementing the workplans of the committee; and
- Review and discuss the reports or minutes of the committee meeting before submitting them to the council.

In necessary cases, the WCCC may conduct extraordinary meeting in accordance with invitation of the chairperson or at the request of the council or at the request of the board of governors or at the request from one third of the total number of the committee members.

Article 18:

All meetings of the committee shall be valid only if the number of committee members present in the meeting is more than half of the total number of members of the committee.

The decision of the committee meeting shall be valid only if the number of approving votes is more than half of the total number of the committee members. In the event that the number of votes is equal, the vote of the chairperson will decide the outcome (superiority).

There shall be minutes of all meetings of the committee.

Article 19:

The meetings of the WCCC shall be conducted in public. The committee may also conduct confidential meetings in cases such as rape or child molestation, where the protection and care of individual privacy is of the utmost importance.

In necessary cases, the Minister of the Ministry of Interior shall issue a guideline on the organization of the above confidential meetings.

PART 4
SUPPORT MECHANISM

Article 20:

The council shall provide secretarial support and other support to the WCCC.

Article 21:

The WCCC of the Capital Council and provincial councils shall assist its respective councils in responding to the needs, and shall provide support to the municipal councils, district councils, khan councils, commune councils and Sangkat councils in resolving problems related to women, youth and children in each commune and Sangkat.

PART 5
FINAL PROVISIONS

Article 22:

Any provisions that contradict to this Prakas shall be abrogated.

Article 23:

The Phnom Penh Capital Council and board of governors, the provincial councils and boards of governors, municipal councils and boards of governors, district councils and boards of governors, the Khan councils and boards of governors of the Phnom Penh Capital and units of the Ministry of Interior shall implement this Prakas from the date of its signature onwards.

Phnom Penh Capital, 30 December 2009

Deputy Prime Minister, Minister of the Ministry of Interior

Sar Kheng

Copy to:

- Office of the Council of Ministers
- State Secretariat for Civil Service
- All Ministries/ Institutions
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 23
- Royal Affair
- Archives



**Legal documents
related to Finance**

Law no. NS/RKM/0611/011

dated 17 June 2011

On

Financial Regime and Assets Management

of Sub National Administration

**Law
on
Financial Regime and Property Management
of Sub-National Administrations**

CHAPTER 1 GENERAL REGULATIONS

Article 1

This law has its goal to identify the financial regime and property management of the Sub-National Administrations of Kingdom of Cambodia.

Article 2

This law has its objective to establish the sources of financial resource to enable Sub-National Administrations to have appropriate possibility for sustainable local democratic development and to promote the implementation of the Royal Government's decentralization and deconcentration policy for poverty reduction.

Article 3

The scope of this law does apply for the financial regime and property management of the Capital, Provincial, Municipality, District and Khan Administrations in the Kingdom of Cambodia.

The scope of this law does not apply for the financial regime and property management of commune/sangkat administration, except for any provisions that are defined in this law.

Article 4

The administrations of the Capital, Province, Municipality, District, Khan, Commune and Sangkat hereafter called “Sub-National Administrations”, is defined as a public legal entity which have their own property, financial resources and budget.

Within the framework of this law, the term “Sub-National Administrations” refers to the administrations of the Capital, Province, Municipality, District and khan.

Article 5

The management of financial affairs and budgets of Sub-National Administrations shall be complied with the basic principles specified in Articles 2, 5 and 6 of the Public Finance System Law.

CHAPTER 2 THE AUTHORITY AND MANAGMENT OF FINANCE AND PROPERTY OF SUB-NATIONAL ADMINISTRATIONS

Article 6

Each Council shall represent and take action on behalf of the citizens and shall manage public financial affairs in order to promote democratic development in a sustainable manner within its jurisdiction. The Council shall manage its public financial affairs effectively, transparently and accountable for its citizens and for the Royal Government with the Ministry of Economy and Finance as its état-major.

Article 7

In the financial and property management, the Sub-National Administration **Council** shall be responsible for the following:

- To review and approve the development plan, three-year rolling investment programme, and the medium-term expenditure framework;
- To review and approve the budget strategic plan and draft annual budgets submitted by the Governor, with the right to make changes to the draft budget, as long as these changes do not abuse any law, regulations or budget preparation principles;
- To review and approve any amendment to the budget at the request of the Governor;
- To review and approve the year-end financial statements;
- To review and approve the disposal of the sub-national administration's property in accordance with established rules and regulations;
- To monitor the financial and budget management performance of the Governor;
- To review and approve any contracts, agreements which make financial commitments or benefits beyond the current financial year.

Article 8

The Governor of Boards of Governors of the Capital, Province, Municipal, District and Khan shall have role to represent the ministries of the Royal Government within each Council's jurisdiction. The Governor of the Board of Governors on behalf of the Council, in all financial affairs, is the directed executor through by-law and decision of the council in the implementation of this law.

Article 9

The Governor of the Boards of Governors of Sub-National Administrations shall be responsible for the following:

- To formulate the development plan, three-year investment programme, and the medium-term expenditure framework and update these annually;
- To prepare the budget strategic plan and annual budget plan.
- To implement the annual work plan and budget as approved by the Council in compliance with established financial management rules and procedures;
- To report to the Council, on a regular basis, on the implementation of the annual work plan and budget;
- To prepare annual financial report, annual revenue and expenditure statements and other reports, and submit these to the Council for review within the established time frame;
- To report to the Ministry of Economy and Finance and other relevant ministries and institutions on regular basis with regard to the financial performance and position of the sub-national administration, after approval of these reports by the Council;
- To manage the public property within the Council's jurisdiction and safeguard any properties assigned to the Council by the national government in accordance with the legal framework and established regulations.

Article 10

The Chief of Finance of the Sub-National Administration is responsible to assist the Council and Governor of Board of Governors directly to fulfill the duties identified in Articles 7 and 9.

The Chief of Finance shall perform the above mentioned roles and responsibilities in coordination with the Director of Administration and in collaboration with other units of the Sub-National Administration.

The Chief of Finance of Sub-National Administration shall be responsible for the financial management under the authority of the Governor of Board of Governors of Sub-National Administration.

The Chief of Finance shall be appointed by the Council and upon approval by the Minister of Economy and Finance based on the proposal of the Minister of Interior.

The selection process and required qualifications for the Chief of Finance shall be prescribed by inter-ministerial Prakas of the Minister of Interior and the Minister of Economy and Finance.

Article 11

For the financial affairs under the provisions of Chapter 3 of this law, the Governor of the Board of Governors, on behalf of the Council, is the Direct Budget Holder and responsible for preparing and executing the budget of the Sub-National Administration.

In budget execution, pursuant to the provisions of Public Finance Law, the Governor of the Board of Governors, on behalf of the Council, shall order the collection of revenue, make spending commitments, and order payments based on the sub-national administration's approved budget and shall be also responsible to manage, open and close the administrative account.

Article 12

The Governor of the Board of Governors of Sub-National Administration may delegate in writing, the decision-making authority on budgetary matters to any Deputy Governor of the Board of Governors as the delegated Budget Holder who shall act under the responsibility and control of the Governor. The Direct Budget Holder and the delegated Budget Holder are required to provide a sample of their respective signatures with the Public Accountant.

Article 13:

Khans and Sangkats under the Capital shall have their budgets included in the Capital budget. Khan Governors and Sangkat Chiefs are delegated by the Capital Governor as delegated Budget Holders for their respective budgets.

Sangkats which are under a Municipality shall have their budget included in the Municipality budget. Sangkat Chiefs are delegated by the Municipal Governor as delegated Budget Holder for their respective budgets.

The modality, structure and procedure for integrating the budgets of Khans and Sangkats into Capital budget and the Sangkat budget into a Municipal budget shall be prescribed by Prakas of the Minister of Economy and Finance after consultation with the Minister of Interior.

Article 14

Cash management of Sub-National Administrations shall be ensured by the Public Accountant of the Treasury who shall carry out their tasks follow the order of Budget Holder of the Sub-National Administration by strictly obey the established principles of financial control and public accounting management.

Article 15

The Treasury of the Sub-National Administration shall act as Public Accountant for the Sub-National Administration and shall be responsible for the following tasks:

- Collect or receive revenues of Sub-National Administrations;
- Execute payment orders issued by the Governors of Sub-National Administrations;
- Manage and release budget of the Sub-National Administrations;
- Prepare financial reports on regular basis;
- File and safeguard all documents supporting transactions and accounting records of Sub-National Administrations.

Article 16

The Director of the Department of Economy and Finance, the Director of the Treasury, the Director of the Tax Branch or Tax Office located within jurisdiction of the Sub-National Administration are the delegated recipients of authority from the Minister of Economy and Finance for the purpose of supporting the Sub-National Administration's Council and Board of Governors in the implementation of this law.

CHAPTER 3
BUDGETS OF SUB-NATIONAL ADMINISTRATIONS

SECTION 1
BUDGET MANAGEMENT PRINCIPLES

Article 17

Sub-national administrations shall have financial resources and appropriate budgets to carry out their functions for the economic and social development within their respective jurisdictions. The annual budget of the Sub-national Administration shall be made and to include all authorized resource sources and responsibilities so as to ensure a balanced budget.

Sub-National Administration's budget shall be under the provisions of the Public Finance System Law.

Article 18

The budgets of Sub-National Administrations shall be prepared and approved annually. The fiscal year of Sub-National Administration budgets starts on 1 January and ends on 31 December of the same year.

The budgets of Sub-National Administrations shall be prepared and approved so that there is a balance between revenues and expenditures and in accordance with the format and budget classification as defined by Prakas of the Minister of Economy and Finance.

Article 19

The sub-national administration's budget shall be formulated, adopted and executed in accordance with the following principles:

- Full information about budget formulation and adoption must be disclosed;
- All expenditures and revenues must be part of a unified budget;
- The budget shall include all expenditures and all revenues of the concerned Sub-National Administration;
- Revenues must be collected and accounted for based on their gross amount such that no expenditure shall be offset from collected revenues;
- No revenue shall be earmarked for the payment of a specific expenditure unless such earmarking is permitted or required by separate regulations;
- Total planned expenditures must be fully covered by total expected revenues;
- No revenue or expenditure shall be collected or undertaken outside the approved budget.

Article 20

Each Sub-National Administration shall prepare, adopt and implement a Medium Term Expenditure Framework.

The Medium Term Expenditure Framework shall specify the realistic forecasts of the revenue for a medium term, along with a provision on how any such revenue shall be allocated to the various categories of expenditures of Sub-National Administration.

The format of the Medium Term Expenditure Framework, as well as the modalities of its formulation and adoption, shall be prescribed by Prakas of the Minister of Economy and Finance.

Article 21

The sub-national administrations shall have no right to borrow, provide loans, issues bonds and other financial instruments and undertake any other direct or indirect actions which give rise to a direct or indirect debt or financial obligation to the Royal Government of Cambodia. Sub-National Administrations shall get prior agreement from the Minister of Interior and Minister of Economy and Finance for obtaining of grant financing.

Article 22

Sub-National Administrations shall manage and use their budgets in an effective manner, transparently and with accountability to its citizens and the Royal Government with the Ministry of Economy and Finance as its état-major.

SECTION 2

RESPONSIBILITIES AND FINANCIAL RESOURCES OF SUB-NATIONAL ADMINISTRATIONS

Article 23

Budget expenditures of Sub-National Administrations shall include:

- Administrative operations;
- Expenditures for performance of obligatory functions;
- Expenditures for performance of permissive functions; and
- Expenditures for performance of other roles and responsibilities as determined by laws or other legal regulations.

Article 24

Revenues of Sub-National Administration shall include:

- Local source revenue;
- National source revenue;
- Other revenue as determined by law or other legal regulations.

Article 25

Local source revenues shall include tax and non-tax revenue:

1. Local tax revenues are tax and duty revenue defined by the Law in the framework of tax law as being of exclusive benefit to the budgets of Sub-National Administrations. The distribution of the types and proportion of local tax and duty revenue to each Sub-National Administration shall be determined by a sub-decree.

2. Local non-tax revenue includes:

- Revenues generated from the rental of property of Sub-National Administration, services fees and other revenues.
- The distribution of local non-tax revenue to each Sub-National Administration and the table of maximum rates for service fees and other non-tax revenue collection shall be determined by sub-decree as proposed by the Minister of Economy and Finance, with agreement from the Minister of Interior.
- Donations received from inside and outside of a Council's jurisdiction;
- Revenues from other sources as determined by law or other legal regulations.

Article 26

National source revenues are:

- Shared revenue;
- Funds transferred from the national budget, and
- Service fees for agent functions carried out by a Council on behalf of the ministries and agencies of the government.

Article 27

Shared revenue is revenue that is to be shared between the national administration and the relevant Sub-National Administrations. The type and distribution of such shared revenue shall be determined by law or sub-decree proposed by the Minister of Economy and Finance in agreement with the Minister of Interior.

Article 28

Fund transferred from the national budget shall include both conditional transfers and unconditional transfers.

Sub-National Administrations shall receive conditional and unconditional transfers from the national budget made in installments basic for each year.

Procedures and modalities for the transfer of fund from national budget to Sub-National Administrations shall be determined by sub-decree as proposed by the Minister of Economy and Finance and in agreement with the Minister of Interior.

Article 29

Conditional transfers are the fund that Sub-National Administrations shall be used for:

- Administering, managing and implementing one or more obligatory functions transferred to the Sub-National Administration through delegation or assignation of functions or
- Continuing of administering and implementing one or more permissive functions previously implemented by the government ministry or institution; or
- One or more other defined obligatory purposes.

Procedures, modalities and condition for the transfer of conditional transfers shall be determined by sub-decree as proposed by the Minister of Economy and Finance and in agreement with the Minister of Interior.

Article 30

Unconditional transfers are the fund that Sub-National Administrations shall be used for:

- Fulfilling its legal duties;
- Fulfilling functions and duties related to establishing, promoting and sustaining democratic development;
- Covering its administrative costs; and
- Selecting, administering and implementing permissive functions.

Sub-National Administrations have the right to receive annually the unconditional transfers from the state budget based on a transparent allocation criteria and formula.

Procedures, modalities and condition for the transfer of unconditional transfers shall be determined by sub-decree as proposed by the Minister of Economy and Finance and in agreement with the Minister of Interior.

Article 31

The State shall establish the District/Municipality Fund with its separate account at the National Treasury in order to receive unconditional transfers from the State budget and to receive funds from other sources for the benefit of a District/Municipality budget. The unconditional fund transferred from the State budget to the District/Municipality Fund shall be made in installments during each year based on a specific formula or rate and predictable in the medium term.

The allocation from the District/Municipality Fund to each District/Municipality Administration shall be made annually based on transparent allocation criteria and formula. The establishment of operating rules of the District/Municipality Fund shall be determined by sub-decree as proposed by the Minister of Economy and Finance with agreement from the Minister of Interior.

Article 32

Sub-National Administrations may derive revenue from fulfilling the role of agent for a specific function or functions on behalf of the government's line ministries and institutions.

Article 33

Sub-National Administrations may receive agency functions to be fulfilled on behalf of the government, government's ministries or institutions based on law and other legal regulations.

Sub-National Administrations may discuss and agree with national line ministries, institutions, departments and technical units of national government to fulfill the specific functions through contract or other agreement, specifying the tasks, timing, outputs and fees to be received.

Rules, procedures and modalities for the use of the budget to fulfill the above mentioned agency functions shall be determined by Prakas as proposed by the Minister of Economy and Finance with agreement from the Minister of Interior.

SECTION 3 FORMULATION AND ADOPTION OF SUBNATIONAL ADMINISTRATION BUDGET

Article 34

The strategic budget plan and draft budget of each Sub-National Administration shall be prepared by the Governor of the Board of Governors and adopted by its Council in accordance with procedures defined by Prakas of the Minister Economy and Finance.

A consolidated sum of all draft Sub-National Administration budgets constitute a budget envelop which shall be submitted for approval to the National Assembly and Senate within the framework for reviewing and approving the Annual Budget Law. The budget envelop constituting the sum of all Sub-National Administrations shall be allocated to each Council by Prakas of Minister of Economy and Finance following approval of the Annual Budget Law by the National Assembly and Senate.

Article 35

The budgets of Sub-National Administrations shall be prepared in accordance with the following calendar:

1- Preparation of a Strategic Budget Plan (from March to May):

The Minister of Economy and Finance shall issue the instruction on the preparation of the strategic budget to all ministries, institutions, and units to inform each Council about programmes and budget projections in their respective sectors that are expected to be implemented within the jurisdiction of each Council. The Governor of a Sub-National Administration, on behalf of the Council, shall prepare the Strategic Budget Plan based on the Development Plan, Investment Programme and Medium Term Expenditure Framework of each administration of Sub-National Administration and then submit the Strategic Budget Plan to the Council for review and approval and then to the Department of Economy and Finance for consolidation and submission to the Ministry of Economy and Finance by 15th May.

2- Preparation of Budget Envelop (from June to September):

In the first week of June, the Minister of Economy and Finance shall prepare a circular on technical guidelines for budget preparation, specifying formats and procedures for budget preparation and relevant supporting documentation to be attached with and shall issue this circular to Sub-National Administrations to prepare its detailed plan of revenue and expenditure. The Governor of the Board of Governors of each Sub-National Administration shall prepare the draft detailed plan of revenue and expenditure based on the circular on technical guidelines for budget preparation and the sub-national administration's priority policies including all budget sources to be implemented in its the respective jurisdiction.

The draft budget of Sub-National Administration shall be prepared by the Governor of Board of the Governors of each Sub-National Administration with assistance from its Chief of Finance of the Council and officials of the Department of Economy and Finance. The Governor of Board of the Governors, on behalf of its Council, shall disseminate the draft budget to the public to obtain feedback from the citizen and other stakeholders within its jurisdiction. Following further review and revision, the Governor shall then submit the draft budget to the Council for discussion and approval in a public meeting no later than 30th June.

For the purpose of District and Municipal budget preparation, the Minister of Economy and Finance shall delegate the Governor of Provincial Board of Governors to be responsible for providing technical support, with provincial department of Economy and Finance as the *état-major*, to ensure that District and Municipal budget preparation is done in accordance with provisions of this law and with all regulations and procedures as defined at the national level. The Governor of the Provincial Board of Governors shall report to the Council in its regular meetings about the process of this technical support.

The Governor of the Provincial Board of Governors shall ensure that the official of the Department of Economy and Finance consolidates the Provincial budget, together with the District and Municipal budgets, into a budget format as defined by the Ministry of Economy and Finance and enclose with the draft budget and descriptive explanations of the Province, Municipal and District. This shall all be submitted to the Ministry of Economy and Finance by no later than 15th July.

The Ministry of Economy and Finance shall aggregate the budgets of all Sub-National Administrations for each year.

For the entire month of August, the Ministry of Economy and Finance shall conduct legality control checks and endorsements of the Capital, Provincial, Municipal and District budgets.

The Minister of Economy and Finance may delegate the function of conducting legality control checks to its competent unit or any authority at the Sub-National Administration level as deemed necessary.

The process of legality control checks shall include participation from the Governors of the Board of Governors of Capital, Province, Municipal and District administrations as representatives of the respective Councils as the budget's owner; representative from the Ministry of Interior and other officials as determined by the Ministry of Economy and Finance. In the process of legality control checks, the Ministry of Economy and Finance or its delegated authority shall check and verify that the sub-national administration budgets are in compliance with the following principles of legality control:

- Budgets are formulated in accordance with a defined format, budget classifications, modalities and procedures;
- Participation of local people and stakeholders in the budgeting process;
- Appropriations are in accordance with mandatory expenditures;
- Draft budget was planned in accordance with any conditions, including earmarks, attached to the use of resources from specific sources;
- Balance of budget revenue and budget expenditure is assured; and
- Proper deliberation and approval of the budget by the Council in a public meeting.

In case the review by Ministry of Economy and Finance or the Ministry of Economy and Finance's delegated authority finds that Sub-National Administration budget is not in line with the principles of legality control checks as defined above, the Ministry of Economy and Finance or the Ministry of Economy and Finance's delegated authority shall decide and revise it and notify in writing to the Governor of the Board of Governors of Sub-National Administration to revise the draft budget in accordance with the established procedures.

3- Approval of Sub-national Administrations' Budgets (from October to December):

In the first week of October, the Ministry of Economy and Finance shall submit the sub-national administration a draft budget which is one chapter of Annual Budget Law to the Council of Ministers for review and approval. Following such approval, the draft Annual Budget Law will then be submitted to the National Assembly in the first week of November

for approval, followed by submission to the Senate in first week of December for final endorsement before 25 December.

Article 36

In case the draft budget has not been approved before January 1 of the new fiscal year, the Governors of Sub-National Administrations have the right to collect revenue on the same condition of the previous year's budget appropriation and to ensure the monthly expenditure up to an amount equal to one-twelfth of the previous year's budget.

SECTION 4
BUDGET EXECUTION OF SUB-NATIONAL ADMINISTRATIONS

Article 37

To carry out the transaction of revenue and expenditure, each Sub-National Administrations shall hold a deposit account at relevant Sub-National treasury.

Article 38

The budgets of Sub-National Administrations may be amended during the fiscal year in response to changes in the economic and financial conditions that impact on revenue and expenditure forecasts. Budget amendments shall be prepared, reviewed, adopted and endorsed in accordance with procedures defined in Article 35 of this law.

Article 39

Changes in the allocation of budget funding (internal credit) for within a Sub-National Administration budget shall be made in accordance with conditions defined by the circular of the Minister of Economy and Finance. The Minister of Economy and Finance may delegate authority to a Sub-National Administration to make reallocation of its budget in the event of an emergency, if deemed to be necessary.

Article 40

Contingency allocation budget of Sub-National Administrations may be used to cover any expenditure for which no allocation has been specified in the initial approved budget or for any appropriation in addition to other expenditures of the Sub-National Administration. The Governors shall seek approval from the Council when there is a need to use contingency allocation budget.

Article 41

Projects or programmes that have not been completed during the fiscal year shall be included for continuation in their implementation during the subsequent fiscal year budget.

Article 42

In the event that of Sub-National Administration budget execution results in a deficit, the Sub-National Administration shall take all self-regulated actions to ensure a balanced budget. In the event that actual revenue of Sub-National Administration budget during the fiscal year increases to a level above the annual plan, planned budget expenditure may be increased or reallocated for the benefit of budget of the Sub-National Administrations as

determined by Prakas of the Minister of Economy and Finance and in accordance with the level of surplus. At the end of a fiscal year, any budget surplus of Sub-National Administration shall be recorded to the result account of the National Treasury.

Article 43

The annual financial statements of Sub-National Administrations are subject to be inspection and audit by competent institutions. The purposes of inspection and audit are for assurance of transparency, accountability and efficiency of financial information and to evaluate the budget execution of Sub-National Administrations in accordance with the public financial management system.

Inspection and audit reports that include the opinions of the Councils of Sub-National Administrations shall be disclosed to the public.

Article 44

Financial and accounting transactions shall be conducted in accordance with the rules of financial monitoring, public procurement management and general provisions of public accounting as defined by other law and legal regulations.

Article 45

The budget execution of Sub-National Administrations shall be a chapter of the **Law on General State Budget Outturn**. In compliance with unified accounting principles, the Governor of the Board of Governors of a Sub-National Administration is responsible for preparing and providing a report to the Minister of Economy and Finance on the execution of the budget, and any other information deemed to be necessary, at the end of each fiscal year.

Article 46

At the end of the fiscal year, each Governor of the Board of Governors of a Sub-National Administration shall reconcile the administrative account with account managed by Public Accountant of Treasury and prepare a budget execution report and other necessary information for submission to the Council for review and approval, then submitted it to the Department of Economy and Finance for consolidation as a Capital/Provincial report and then submit it to Minister of Economy and Finance for consolidation as a draft budget execution of the Sub-National Administration to be included as a chapter of the draft Law on General State Budget Outturn that shall be submitted for review and approval by the National Assembly and Senate.

CHAPTER 4

MANAGEMENT OF SUBNATIONAL ADMINISTRATIONS PROPERTY

Article 47

The properties of Sub-National Administration include properties transferred from the State and properties acquired by their own funds. The State transfers and assigns the occupation and use right of some State public properties and State private properties which are the fixed assets and under each council's jurisdiction to Sub-National Administration in accordance with the decisions of the State.

The transfer and assignment of State properties to Sub-National Administration shall be made by sub-decree as proposed by the Minister of Economy and Finance in agreement with the Minister of Interior. Properties subject to any such transfer and assignment are to be processed in returnable condition.

Article 48

The transfer of properties from the National level to Sub-National Administration for the benefit of the public use or to fulfill the demand of public services shall be appropriated together with the functions transferred to each Sub-National Administration.

Article 49

Sub-National Administrations are entitled to manage, use and generate income from State properties transferred to the Sub-national administration and Sub-National Administration shall properly maintain those properties has no right to sell, rent or transfer the ownership or transfer the use of those properties without prior approval from the Minister of Economy and Finance in agreement with the Minister of Interior.

Article 50

The properties acquired by Sub-National Administrations from their own revenues are their own properties. The Sub-National Administrations have the right to make their own decisions on how to manage, use and derive revenue from such properties within the conditions defined by the relevant provisions of regulations in force.

Article 51

Sub-National Administrations shall prepare an inventory list of all properties and to update that inventory list annually. The updated inventory list shall be submitted to the Ministry of Economy and Finance for the purpose of consolidation into a list of all State properties.

**CHAPTER 5
SEPARATED PROVISIONS**

Article 52

The implementation of this law to be in line with necessary requirements and based on actual situation of each Sub-National Administration, including Commune and Sangkat Administrations, the Minister of Economy and Finance shall consult with the Minister of Interior to propose a sub-decree or issue a separate Prakas for each Sub-National Administration.

**CHAPTER 6
PENALTY PROVISIONS**

Article 53

Councilors and all categories and all positions of public officials who are currently working and those who have previously worked and found to not comply with the provisions of this Law in fulfillment of their assigned roles and functions will be punished in accordance with laws and regulations for disciplinary actions which remain valid regardless of any criminal

charges and civil code and shall compensate the budget of Sub-National Administrations for the value of any losses and damages of properties or public money including the interest of the lost and damaged cost resulting from these actions.

**CHAPTER 7
TRANSITIONAL PROVISION**

Article 54

Law and any provisions related to the Law on Province/Municipality Financial Regime and Property which previously implemented shall be valid till the new law and legal regulations come to replace them in accordance with the spirit of Law on Administrative Management of the Capital, Province, Municipal, District and Khan, Public Finance Law and this Law.

**CHAPTER 8
FINAL PROVISIONS**

Article 55

The law on Province/Municipal financial regime and property promulgated by Royal Decree CS/RKM/098/03 dated 25th February 1998 and other provisions which are the results of the amendment of the law on Province/Municipal financial regime and property that are contradicted to this law shall be abrogated.

Article 56

This law shall be declared as urgent.

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charges and civil code and shall compensate the budget of Sub-National Administrations for the value of any losses and damages of properties or public money including the interest of the lost and damaged cost resulting from these actions.

**CHAPTER 7
TRANSITIONAL PROVISION**

Article 54

Law and any provisions related to the Law on Province/Municipality Financial Regime and Property which previously implemented shall be valid till the new law and legal regulations come to replace them in accordance with the spirit of Law on Administrative Management of the Capital, Province, Municipal, District and Khan, Public Finance Law and this Law.

**CHAPTER 8
FINAL PROVISIONS**

Article 55

The law on Province/Municipal financial regime and property promulgated by Royal Decree CS/RKM/098/03 dated 25th February 1998 and other provisions which are the results of the amendment of the law on Province/Municipal financial regime and property that are contradicted to this law shall be abrogated.

Article 56

This law shall be declared as urgent.

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Sub Decree No. 172 ANK/BK

dated 09 October 2012

On

District/Municipality Administration Financial

Management System



**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
No. 172 ANK.BK**

**Sub-Decree
On
Municipality/District Administration Financial Management System**

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Kingdom of Cambodia;
- Having seen Royal Kram No. 02 NS/94 dated 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0196/08 dated 24 January 1996 promulgating Law on the Establishment of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0196/18 dated 24 January 1996 promulgating Law on the Establishment of Ministry of Economy and Finance;
- Having seen Royal Kram No. NS/RKM/0196/16 dated 13 May 2008 promulgating Law on Public Finance System;
- Having seen Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 promulgating Law on Administrative Management of the Capital, Provinces, Municipalities, Districts, and Khans;
- Having seen Royal Kram No. NS/RKT/0611/011 dated 17 June 2011 promulgating Law on Financial Regime and Property Management of Sub-national Administrations.
- Having seen Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of National Committee for Sub-National Democratic Development;
- Having seen Sub-decree No. 40 ANKR.BK dated 15 February 2005 on the Establishment and Functioning of Internal Audit in the Line Ministries, Agencies and Public Enterprises.
- With reference to the request of the Minister of interior and the Minister of Economy and Finance.

DECIDES

**Chapter I
General Provision**

Article 1

The goal of this sub-decree is to ensure the management of budget, finance and property of Municipality/District Administration conducted in the accountable, transparent and effective

manner to establish, promote and sustain democratic development; and fulfilling the duties which have been assigned and delegated.

Article 2

The objective of this sub-decree is to define the Municipal/District Financial Management System pursuant to Article 52 of the Law on Financial Regime and Property Management of Sub-national Administrations.

Article 3

This sub-decree has the scope to be applied by all Municipal/District Administrations at the sub-national administrations.

Article 4

Municipal/District Administration Financial Management System shall be prepared based on the basic principles of the Law on Public Finance System, the law on Financial Regime and Property Management of Sub-National Administration and the law on Public Audit. The Municipal/District Administration Financial Management System consists of the rules and procedures relating to the following:

1. Budget preparation and execution
2. Accounting system
3. Financial Reporting
4. Property management and
5. Accounts and Operations Audit

Article 5

Sangkat councils in the Municipality shall be under control and management of Municipal council.

Municipality council shall delegate functions, duties along with appropriated resources to Sangkat councils within its jurisdiction.

Sangkat Councils in Municipalities shall have their budgets in the Municipality budget. Sangkat Chiefs are delegated budget administrators from Governor of Municipal Board of Governors for their respective budgets.

Article 6

Each Municipal/District shall prepare, approve and execute its Medium Term Expenditure Framework.

Medium Term Expenditure Framework is the projected expenditure document of Municipality/District administration for the period not less than 3 years and not more than five years by specifying the realistic forecasts of the revenue, along with a provision on how such revenue shall be allocated to the various categories of expenditures of the Municipal/District Administration.

The modalities for preparation and approval of the Medium Term Expenditure Framework shall be defined by Prakas of the Minister of Economy and Finance.

Article 7

The Ministry of Economy and Finance shall issue the instruction on strategic budget preparation to Municipal/District Administrations to enable Municipality/District Administrations prepare their strategic budget plans timely.

Chapter II **Budget Preparation and Execution of Municipal/District Administration** **Section 1** **Revenue and Expenditure of Municipal/District Administration**

Article 8

The Municipal/District budget constitutes the legal act that appropriates and authorizes Municipal/District resources and expenditures which must be balanced on an annual basis.

The Municipal/District fiscal year starts on January 1 and ends on December 31.

The District budget shall include all District revenues and expenditures regardless of their origin or nature.

The Municipal budget shall include all revenues and expenditures of Municipal and Sangkats within its jurisdiction regardless of their origin or nature.

The Municipal/District budget must reflect spending priorities emerging from its 5-year development plan, Medium Term Expenditure Framework and 3-Year Rolling Investment Program including the needs of Commune/Sangkat within its jurisdiction.

Article 9

The Municipal/District budget shall be formed of two sections:

- Section 1: Recurrent revenues and expenditures
- Section 2: Capital revenues and expenditures.

Total expenditures shall balance with total revenues. During the budget preparation and revision, the surplus in Section 1 shall be used as revenue in Section 2.

Capital revenues shall not be used for financing recurrent expenditures unless otherwise permitted by specific regulations.

Article 10

Preparation of the Municipal/District revenue and expenditure plan shall be made in accordance with the format and budget classification issued by the Minister of Economy and Finance.

Article 11

The revenues of Municipal/District Administration shall be defined by and collected in accordance with specific regulation.

The expenditures of Municipal/District Administration shall be managed and executed in accordance with provisions defined in chapter 5 of this sub-decree.

Section 2

Budget Preparation and Approval of Municipal/District Administration

Article 12

The draft budget of the Municipal/District Administration shall be prepared under the responsibility of the Governor of Municipal/District Board of Governors based on the strategic budget plan, medium term expenditure framework and 3-year rolling investment program which have been approved by the council.

The Governor of Municipal/District Board of Governors shall ensure that the annual draft budget shall include the projects or programmes that have not been completed during previous fiscal year for continuing their implementation in the subsequent fiscal year in accordance with updated medium term expenditure framework, 3-year rolling investment program approved by the council.

The Governor of Municipal/District Board of Governors shall consult with Municipal/District Technical Facilitation Committee to coordinate the work plan and budget of line ministries, agencies or departments, units of line ministries that provide direct services, materials or infrastructure within the DMA jurisdiction, to promote and achieve the development plan implementation effectively.

The Governor of Municipal/District Board of Governors shall submit the draft strategic budget plan and draft annual budget to the meeting of board of governors for reviewing and providing comments to the council.

The Governor of Provincial Board of Governors has received delegation from the minister of economy and finance to provide technical support to Municipal/District on the preparation of the draft annual budget, with the assistance also of provincial department of economy and finance and provincial Division of finance.

Article 13

The Municipal council shall determine the budget envelope for each Sangkat, after receiving the notification of CS Fund allocations from Ministry of Economy and Finance, and notify to the Sangkat councils accordingly. Each Sangkat shall draft its budget based on the budget envelop determined by the Municipal council and submit to its council for reviewing and approval, then send Sangkat budget back to the Municipal council no later than 1st June. The preparation and integration of Sangkat budget into the Municipal budget shall be defined by the Prakas of Minister of Economy and Finance after consulting with the Minister of Interior.

Article 14

The Municipal Administration shall provide support to Sangkat budget preparation and approval based on development plan, strategic budget plan, 3 years rolling investment program of municipality and the people needs in its jurisdiction.

The Sangkat councils in the municipality shall be invited to participate and having the right to provide comments during the meeting of the Municipal council to review and approve its budget.

Article 15

The Governor of Municipal/District Board of Governors, on behalf of its council, shall ensure, provide the opportunity and establish other mechanisms for the local citizens and other stakeholders to participate in the process of budget preparation and in the Municipal/District council meeting to review and approve its draft budget.

Each Governor of Municipal/District Board of Governors, on behalf of its council, shall disseminate the draft budget to the public at least 1 week before the council meeting to collect comments from local citizens and other stakeholders. The Governor of Municipal/District Board of Governors shall review and revise the draft budget based on the comments of the local citizens and other stakeholders then submit it to the council for reviewing and approval.

The council shall approve the draft budget by section and each category in the public meeting by 30th June and submit the approved draft budget to the Governor of Provincial Board of Governors and provincial line department of economy and finance.

Article 16

The Governor of Provincial Board of Governors, after receiving Municipal/District draft budget, shall ensure that the Provincial Department of Economy and Finance consolidates all Municipal/District budgets within its province, into a budget format as defined by the Ministry of Economy and Finance.

The Municipal/District draft budget shall be attached along with relevant documents as follows:

- Strategic budget plan and legal documents for supporting the forecasting of revenues and expenditure.
- Report on citizens and stakeholders consultation in the budget preparation process. Particularly for the Municipality this report shall include the consultation with Sangkat councils.
- Report on the current year budget execution.
- Summary table of 3-year investment program, medium term expenditure framework and annual service delivery operation program.
- The minutes of Municipal/District council deliberation on the draft budget.

Article 17

Minister of Economy and Finance shall delegate its authority to Governor of Provincial Board of Governors that after consultation with the Director of the Provincial Finance Department to review and endorse the Municipal and District budgets by inviting the Governors of Municipal and District administrations as representatives of the respective Municipal/District Councils as the budget owners and other stakeholders as determined by the Governor of Provincial Board of Governors.

The reviewing and endorsement of the Municipal/District budget defined in paragraph 1 shall be conducted during the month of August of each year.

In the process of reviewing and endorsement, the Governor of Provincial Board of Governors after consultation with the Director of the Provincial Finance Department shall check and verify the compliance with the following principles:

- Draft budgets are prepared in accordance with a defined format, budget classifications, modalities and procedures;
- Participation of local people and stakeholders in the budget preparation process;
- Appropriations are in accordance with mandatory expenditures;
- Draft budgets are planned in accordance with conditions attached to the use of earmarked resources from specific sources;
- Ensuring the balance of budget revenue and expenditure and
- Deliberation and approval of the budget by the Council in a public meeting.

Article 18

The Governor of the Provincial Board of Governors and the Director of Provincial Department of Economic and Finance shall endorse the Municipal/District draft budget and notify in writing to the Governor of Municipal/District Board of Governors the result of the reviewing and endorsement if the Municipal/District draft budget has fulfilled the principles of reviewing and endorsement as defined in Article 17 of this Sub-Decree. The notification shall be attached with supporting document with signature of the governor of the provincial board of governors and provincial stamp on each page.

The Governor of the Provincial Board of Governors shall copy this notification and supporting budget document which have been endorsed to the provincial economy and finance department and the provincial treasury.

Article 19

In case of the Governor of Provincial Board of Governors and the Director of the Provincial Department of Economic and Finance find that the Municipal/District budget is not in line with the principles of the reviewing and endorsement as defined in Article 17 of this sub-decree, it shall be notified in writing to the Governor of Municipal/District Board of Governors to revise in accordance with enforced procedures before 15th of September.

The Governor of Municipal/District Board of Governors shall revise the draft budget in accordance with the notification of the governor of provincial board of governor and resubmit the revised draft budget to the council for reviewing and approval before 30th September.

The Ministry of Economy and Finance shall aggregate the Municipal/District budgets which have been endorsed into consolidated sub-national administration draft budget which is one chapter of the Annual Budget Law.

Article 20

The Minister of Economy and Finance, after the Annual Budget Law is effective, shall issue the Prakas on Municipal/district budget envelop allocation to each Municipal/District administration to execute and copy to the Ministry of Interior, the Governor of Provincial Board of Governors, the Director of Provincial Treasury and the Director of Provincial Economy and Finance Department.

The Municipal Administration shall issue bylaw to delegate the budget and administration to Sangkats within its jurisdiction for executing their budget.

Article 21

If the annual draft budget of the Municipal/District is not approved before January 1 of periodical year, the Governor of the Municipal/District will have the right to collect revenue on the same condition of the previous year's approved budget and to commit the monthly expenditure up to an amount equal to one-twelfth of the previous year's budget till the new budget is approved.

Section 3 **Budget Execution of Municipal/District Administration**

Article 22

Each Municipal/District Administration shall open a deposit account at the provincial treasury to serve for its revenue and expenditure budget operation.

Article 23

The budgets of Municipal/District may be amended during the fiscal year in response to changes in the economic and financial conditions that have impact on initial revenue and expenditure forecasts.

The budget amendment shall be prepared, reviewed, adopted and endorsed in accordance with procedures defined in Section 2 of this sub-decree.

Article 24

Internal credit movement of Municipal/District budget is the credit reallocation within a category of expenditure that does not make change to the budget credit of expenditure category or to the investment project of the initial approved budget. The internal credit movement of Municipal/District budget shall be defined by the Prakas of the Minister of Economy and Finance. The Minister of Economy and Finance may delegate authority to a Sub-National Administration to make credit reallocation of its budget in the event of emergency, in case of necessity.

Article 25

The appropriation of the contingency budget shall not be more than 5% of the total budget. The appropriation of the contingency budget may be used to cover any expenditure for which allocation has not been specified in the initial approved budget or for additional appropriation which benefit to other expenditures of the Municipal/District Administration.

When there is a need to use the appropriation of contingency budget, the Governor of Municipal/District Board of Governors shall seek approval from the Council.

Article 26

The projects or programmes that have not been completed during the fiscal year shall be included into subsequent fiscal year budget for continuing of implementation when these

planned expenditures are reflected in the annual investment program on the basis of updated 3-year rolling investment program which is approved by the council.

Article 27

At the end of fiscal year:

- The Governor of Municipal/District Board of Governors is responsible for preparing the annual budget execution statement along with other important information and submit to the council for review, approval and issuance of the “Resolution on Closing of the Administrative Account” in accordance with the procedures defined by the Minister of Economy and Finance.
- The Municipal/District accountant at Provincial Treasury shall prepare the accounting closure and accounting report.
- The Municipal/District accountant and chief of administration and finance office of the Municipal/District shall review, reconcile, correct any discrepancy and agree on accounting closure report, then submit it to the Governor of Municipal/District Board of Governors.

The accounting closure reporting and annual budget execution statement shall reflect the actual budget execution, property and finance position of the Municipal/District Administration.

Sangkats in the Municipality shall report its annual budget execution to the Municipal administration.

Article 28

The Governor of Municipal/District Board of Governors shall submit to the meeting of board of governors the annual budget execution statement for review and provide comments to its council.

The Municipal/District Council shall approve the annual budget execution statement and issue the “Resolution on Closing of the Annual Budget” which shall:

- State the actual expenditures and revenues achieved during the fiscal year
- Cancel any unused budget appropriations
- State the projects or programmes which have not been completed and will be continued (implemented) over during the subsequent year.

The Governor of Municipal/District Board of Governors shall submit the approved annual budget execution statement and the council’s resolution on closing of the annual budget to the Governor of Provincial Board of Governors and the provincial department of economy and finance. The Governor of Provincial Board of Governors shall ensure that the provincial department of economy and finance consolidates all Municipal/District annual budget execution statements within its province, then submit to the Ministry of Economy and Finance attached with the resolution on closing of the annual budget of each Municipal/District for legality control checks and consolidate as draft sub-national administration budget settlement and be a chapter of the State’s law on general budget settlement to be approved by the national assembly and senate.

Chapter III

Accounting System of Municipal/District Administration

Article 29

The Municipal/District Administration's accounting system shall be implemented to:

- Record all financial transactions of the Municipal/District Administration
- Produce timely, accurate financial reports which can be subject to control and verification
- Provide the basis for monitoring Municipal/District budget execution.

The Municipal/District Administration's accounting shall include:

- *Financial Accounting*: is the recording of financial transactions which operate through the Municipal/District deposit account at provincial treasury; and to produce timely, accurate financial report and provide Municipal/District Administration's financial position information.
- *Budgetary Accounting*: is the monitoring and reporting on the execution of the budget in order to ensure that the expenditure commitments are made in accordance with approved appropriations and revenues shall be consistent with planned budget.

Article 30

The Municipal/District Administration's financial accounting shall be accrual-based which will be applied step by step based on actual situation, following the double-entry recording method.

The Municipal/District Administration's accounting records shall be consistent with the Municipal/District Administration's budget classification which is defined by the Minister of Economy and Finance.

Article 31

The provincial treasury shall function as Municipal/District Administration's Accountant, and shall carry out the following tasks:

- To collect and/or acknowledge receipt of Municipal/District Administration's revenues.
- To execute payment orders issued by the Governor of Municipal/District Board of Governors and Sangkat chief as delegated budget administrator from Municipal/Governor on its budget execution.
- To handle and release Municipal/District funds
- To record Municipal/District Administration's financial transactions in accordance with the principles specified in Article 30 of this sub-decree.
- To prepare periodic financial accounting reports
- To file and safeguard all documents supporting Municipal/District Administration's transactions and accounting records.

Article 32

The Governor of Municipal/District Board of Governors, on behalf of the council, is the principal budget administrator of its budget, order the collection of revenue, commit expenditures, make verification, and order payments based on the Municipal/District Administration's approved budget and as the person who manages, opens and closes the administrative account.

The Governor of Municipal/District Board of Governors may delegate in writing to any Deputy Governor the budget authorization, as delegated budget administrator who shall act under the responsibility and control of the Governor of Municipal/District board of governor.

The Sangkat chief in the Municipality is the delegated budget administrator from the Municipal Governor for Municipal budget which is delegated to the Sangkat.

The principal budget administrator and the delegated budget administrator are required to lodge specimen signatures with the public accountant.

Article 33

The duties of authorizing expenditures and making payments shall not be assigned to the same person.

Article 34

The Minister of Economy and Finance may authorize the Municipal/District administration to manage all or part of its cash transactions through an account opened at a duly licensed commercial bank.

Article 35

The Municipality/District administration shall be allowed to make payments of expenditures below a certain amount through the “petty cash advance” account.

The Governor of Municipal/District Board of Governors shall appoint staff members of the Municipality/District administration to be the petty cash advance manager and petty cash advance deputy manager.

The threshold, procedures of opening petty cash advance account and the appointment of petty cash advance manager shall be defined by Prakas of the Minister of Economy and Finance.

The petty cash advance manager shall be accountable for the safety of funds and supporting documents, and keeping records of processed transactions. The petty cash advance manager shall perform his tasks under the joint control of the Governor of Municipal/District Board of Governors and Municipal/District accountant.

Article 36

The Governor of Municipal/District Board of Governors shall appoint staff member of the Municipal/District administration to be the payment agent who is responsible for withdrawal of cash from deposit account at provincial treasury to pay the salaries, allowances and other benefits of the Municipality/District councillors, board of governors and staff. The procedures for the establishment and appointment of payment agent shall be defined by Prakas of the Minister of Economy and Finance.

Article 37

The Governor of Municipal/District Board of Governors may establish non-tax Revenues, and appoint staff member of the Municipality/District administration to be the non-tax

revenue collection officer to collect the non-tax revenues as defined by the Minister of Economy and Finance.

Chapter IV

Financial Report of Municipal/District Administration

Article 38

The financial report shall be prepared to:

- Monitor and reflect the revenue and expenditure operations of the Municipal /District Administration by comparing with approved budget;
- Evaluate the Municipal /District financial position by providing information about the sources and uses of financial resources;
- Enable the Municipal/District council, board of governors and other relevant staff to assess the progress of planned activities implementation and identify the weakness for action and improvement
- Allow the authorities, local citizens and other stakeholders monitor and evaluate the budget execution of Municipality/District Administration.

Article 39

The Municipality/District Administration shall prepare the following reports:

- a) Monthly, Quarterly, Six-Month and Annual Budget Execution Reports in the form of a “Revenues and Expenditures Statement” based on the budget classification system. The report shall compare actual achievements with approved budget, and identify the encountered challenges during the budget execution.
- b) Annual Financial Statement, including:
 - Annual Budget Execution Statement
 - Reconciliation Statement of the Municipal/District deposit account against budgetary accounting records maintained by the Municipal/District Administration.
 - Fixed assets Statement.

The Sangkats in the Municipality shall prepare and submit to the Municipal Administration the monthly, quarterly, six-month reports for monitoring the budget execution of Sangkats and consolidate into budget statement of the Municipal Administration.

The above statements shall be prepared in the formats which are defined by the Prakas of the Minister of Economy and Finance.

Article 40

Financial reports shall be prepared by the Municipal/District accountant, and reconciled with the budgetary accounting records maintained by the Municipal/District Administration.

The Governor of Municipal/District Board of Governors shall submit the reports as specified in Article 39 of this sub-decree to the board of governors’ meeting for reviewing and providing comments to the Municipal/District council and submit to the Municipal/District council for review and approval in accordance with the calendar defined by the Prakas of Minister of Economy and Finance.

The Governor of Municipal/District Board of Governors, after obtaining approval from the council, shall:

- Submit these reports to the Governor of Provincial Board of Governors and provincial department of economy and finance for consolidating, and then submit to the National Committee for Sub-national Democratic Development Secretariat, Ministry of Interior and the Ministry of Economy and Finance.
- Disclose these reports to the public.

Chapter V
Budget Management of Municipal/District Administration
Section 1
Expenditure Cycle

Article 41

The Municipal/District Administration shall execute its expenditures within the appropriations in accordance with the chapter, account and sub-account which are specified by the approved annual budget.

The Municipal/District Administration spending process shall include the following stages:

1. Commitment
2. Verification
3. Payment Order
4. Payment

Article 42

The Municipal/District Administration's Expenditure Commitment shall be made by the principal or delegated budget administrator of the Municipal/District Administration's budget.

When doing the expenditure commitment, the principal or delegated budget administrator shall apply the following principles:

- The expenditure is proposed under the correct category
- The appropriation is available in the budget under appropriate budget classification and;
- The expenditure is included in the procurement plan.

The expenditures which will be procured and committed shall follow the law on public procurement and other enforced procedures, rules and regulations of public procurement.

Article 43

The verification is the identification of Municipal/District obligation to liquidate the petty cash advance and pay the contractor, supplier who have fulfilled the conditions as stated in the contract.

In the verification process, the principal or delegated budget administrator of the Municipal/District budget shall assure that:

- Constructions have been completed, Goods have been delivered or Services rendered in accordance with the contract.
- Invoices are correct in respect of their amount and their relevance to the transaction.

Article 44

After completing the verification process, the principal or delegated budget administrator of the Municipal/District budget shall review the position of Municipal/District deposit account and issue the payment order, in case the position of deposit account has availability to pay, together with supporting documents and forward to Municipal/District accountant.

Article 45

The Municipal/District accountant shall process the payment to the beneficiary designated in the payment order.

Prior to payment, the accountant shall have to check and confirm that:

- The signature of the principal or delegated budget administrator is correct
- The competent person has certified that goods have been received or that services have been rendered in accordance with the contract
- The invoice and any other supporting documents are correct and suitable for payment
- The creditor is correctly identified in accordance with the contract
- Payment is requested under the correct expenditure category, and sufficient appropriations are available in that category
- The position of the Municipal/District deposit account covers the payment and;
- The supporting documents are correct.

In case any of the above-mentioned conditions are not fulfilled, the accountant shall have the right to suspend the payment, and notify in written the Governor of Municipal/District Board of Governors the reasons for suspending the payment and the proposed corrective measures.

Section 2 Public Procurement

Article 46

The procurement of goods, construction, service and consultant services shall apply the enforced methods and procedures of public procurement which are specified by law, rules and other regulations on public procurement.

Article 47

The procurement of Sangkats in the Municipality shall be implemented by the Sangkat procurement committee. The Municipal Administration has responsibility to monitor the procurement conducted by the Sangkat in the Municipal.

Chapter VI Properties of Municipal/District Administration

Article 48

The properties of Municipal/District Administration shall include two types:

- Properties transferred from the State and
- Properties acquired by their own including from donations.

Article 49

The Municipal/District Administration shall have the rights may manage, use and generate income from properties transferred from the State ,and shall properly maintain, has no right to sell, rent, transfer the ownership or transfer the use of those properties without prior approval from the Minister of Economy and Finance after having agreement from the Minister of Interior.

Article 50

The properties acquired by the Municipal/District Administration from their own are their own properties; the Municipal/District Administration have the right to decide on how to manage, use and take advantage from such properties within the conditions defined by law and other legal regulations.

Article 51

The Municipal/District Administration shall have the right to sell, or transfer the ownership or the use of properties acquired by their own.

The sale or transfer of the ownership or use of properties which acquired by their own shall comply with the following procedure:

- The Municipal/District council shall form an “ad hoc committee” to process the sale or transfer ownership or the use of the concerned properties.
- The sale or transfer ownership or the use of properties process must be transparent, and open to public competitive tenders.
- The Governor of Municipal/District shall decide on the sale or transfer ownership or the use of properties based on recommendation made by the ad hoc committee on behalf of the council.

Article 52

The sale or transfer ownership or the use of donated properties of Municipal/District Administration shall be in accordance with any conditions specified in the grant agreement between the Municipal/District Administration and the donor.

In the absence of such conditions, the provision of Article 51 shall apply.

Article 53

The Municipal/District Administration shall prepare an inventory list of all properties and update annually then submit to the provincial department of economy and finance for consolidation into an inventory list of State properties.

Article 54

The properties which are maintained by Sangkats in the Municipality shall be identified as the properties of the Municipality administration. The Municipality administration shall delegate the right to Sangkat in Municipality to use those properties on behalf of the Municipality administration; the delegation shall be revocable.

The Sangkat has the right to manage, use and generate income from those properties assigned by the Municipality and shall properly maintain and has no right to sell, rent, transfer the ownership or transfer the use of those properties without any prior approval from the Municipality.

Chapter VII

Audit of Municipal/District Account and Operation

Article 55

The Municipal/District Council shall ensure that the internal control mechanisms embodied in the management system are enforced to achieve the objectives as follows:

- The established management system is comprehensive, appropriate and effective.
- Resources are used in accordance with the approved budget, within the enforced laws and regulations;
- Resources are safeguarded against waste, loss, and misuse; and
- Reliable financial data are produced, and fairly disclosed in reports.

The Municipal/District Council shall appoint staff member of Municipal/District Administration to be Internal Auditor. The Internal Auditor is responsible to assist the Governor of Municipal/District to conduct regular monitoring on budget and financial management in accordance with relevant legal documents as defined by the ministry of economy and finance.

Article 56

The Municipal/District annual financial statements shall be subjected to audit by authorized institutions.

The purpose of audit is to ascertain the reliability and fairness of financial information, evaluate the Municipal/District administration budget performance, and assess management systems and procedures. The audit report, including the Municipal/District council comments, shall be disclosed to the public.

Article 57

The Municipal/District accounts and operations may be audited by national institutions, or by independent auditors as it may be required by external contributors to the Municipal/District finances.

Article 58

The Governor of Provincial Board of Governors shall ensure that consultative audit is provided to the Municipal/District on a regular basis, in the form of technical assistance and capacity building in financial and operations management of Municipal/District Administration.

Article 59

Citizens shall have the right to monitor the performance of the Municipal/District Council and Administration. To this end, the Governor of Municipal/District Board of Governors shall ensure that:

- Information on the Municipal/District administration activities and accounts are regularly disclosed to the public
- Public hearings and consultations are conducted.
- Citizens are encouraged and invited to attend Municipal/District council meetings.

Chapter VIII Transitional Provisions

Article 60

For year 2012, the budget of Sangkats in the Municipality shall continue to be implemented in accordance to sub-decree no. 26 ANKR dated 02nd April 2002 on Commune/Sangkat Financial Management System and sub-decree no. 16 dated 25th February 2002 on Commune/Sangkat Fund.

The surplus of 2012 Sangkat budget shall be carried over to the following year.

Article 61

When the procedures on planning of Municipality and Sangkat in Municipality have not been revised, Sangkat in Municipality shall prepare and execute its budget through the Municipality budget.

Article 62

The procurement of Sangkat in Municipality shall apply the rules and regulations of Commune/Sangkat procurement till they are replaced by new rules and regulations.

Chapter IX Separated Provisions

Article 63

The minister of Economy and Finance, in agreement with the minister of Interior and under the coordination of National Committee for Sub-National Democratic Development, shall issue Prakas, guidelines to implement the provisions of chapters I to VII of this sub-decree.

Chapter X Penalty Provision

Article 64

The councillors, all categories and positions of public officials who are currently working and those who had previously worked and found that they have not complied with the provisions of this Sub decree in fulfilment of their assigned roles and functions, shall be disciplinarily punished in accordance with laws and regulations enforced ,including any criminal charges and other civil responsibilities, and shall compensate the budget of Municipal/District for the value of any losses and damages of properties or public money including the interest of the lost and damaged cost resulting from these misconducts.

Chapter XI Final Provisions

Article 65

Any provisions that contradict this Sub-Decree shall be abrogated.

Article 66

The Minister for the Council of Ministers, the Minister of Interior, the Minister of Economy and Finance, the Ministers and the Secretary of State of all line ministries and relevant institutions, the Chief of Provincial Councils, the Governor of Provincial Board of Governors, the Chief of the District/Municipal Councils, the Governor of Municipal/District Board of Governors, and the Chief of Sangkat Councils in the Municipality shall be responsible for effective implementation of this sub-decree from the date of its signature onwards.

Phnom Penh, dated 09 October 2012

Prime Minister

Sign and Seal

Samdech Aka Moha Sena Padei Techo Hun Sen

**Taken note to inform
Samdech Prime Minister for signature**

Minister of Interior

Minister of Economy and Finance

Sar Kheng

Keat Chhon

Copy to:

- Ministry of Royal Palace
- Secretariat General of Constitutional Council
- Secretariat General of Senate
- Secretariat General of National Assembly
- General Secretary of Royal Government
- Cabinet of Samdech Prime Minister
- Cabinet of Deputy Prime Minister
- As prescribed in article 66
- Official Gazette
- Documents-Archive

Sub Decree No. 36 ANK/BK

dated 07 March 2012

On

Establishment and Functioning of

Municipality/District Fund



**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
No. 36 OrNKR.BK**

**Sub-Decree
On
The Establishment and Functioning of the District/Municipal Fund**

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
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- Having seen Royal Kram No. NS/RKM/0196/08 dated 24 January 1996 promulgating Law on the Establishment of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0196/18 dated 24 January 1996 promulgating Law on the Establishment of Ministry of Economy and Finance;
- Having seen Royal Kram No. NS/RKM/0196/16 dated 13 May 2008 promulgating Law on Public Finance System;
- Having seen Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 promulgating Law on Administrative Management of the Capital, Provinces, Municipalities, Districts, and Khans;
- Having seen Royal Kram No. NS/RKT/0611/011 dated 17 June 2011 promulgating Law on Financial Regime and Property Management of Sub-national Administrations.
- Having seen Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of National Committee for Sub-National Democratic Development;
- With reference to the request of the Minister of interior and the Minister of Economy and Finance.

DECIDES

**Chapter 1
General Provision**

Article 1

The goal of this sub-decree is to define the establishment and functioning of the District/Municipal Fund established under the Law on Financial Regime and Property Management of Sub-National Administrations.

Article 2

The objective of this sub-decree is to define the legal framework for providing specific financial resources to the District and Municipality Administrations in an equitable, sustainable and predictable manner to support local development within their jurisdictions.

Article 3

The scope of this sub-decree covers the management of the District/Municipal Fund for the provision of unconditional transfers from the national budget and from other sources to contribute to financing the following activities:

- Fulfilling the Administrations' legal duties;
- Fulfilling functions and duties to establish, promote and sustain democratic development;
- Covering administrative costs; and
- Administering and implementing permissive functions

Chapter 2 Resources and Administration of the Fund

Article 4

The sources of the District/Municipal Fund include:

- Contributions from the recurrent revenue of the national budget
- Contributions from development partners and financial institutions under the framework of financial cooperative
- Any other resources as permitted by laws or regulations

Article 5

The transfers from the national budget to the District/Municipal Fund account shall be determined for a period of three (3) years on the base of the medium term expenditure framework of the general state budget.

The transfers from the national budget to the District/Municipal Fund account for the period of 2012 to 2014 shall be made as follows:

- Fiscal Year 2012 equals 0.80% of the recurrent revenue of national budget adopted in 2011.
- Fiscal Year 2013 equals 0.80% of the recurrent revenue of national budget adopted in 2012.
- Fiscal Year 2014 equals 0.80% of the recurrent revenue of national budget adopted in 2013.

Article 6

In case there are contributions from development partners or financial institutions or charitable persons through the national budget system to support District/Municipal development, the Ministry of Economy and Finance shall arrange the procedure to deposit funds directly into the national budget revenue through the national treasury. At the same time the additional credit, having the same amount as the revenue deposited in the national budget, shall be identified by a Prakas from the Minister of Economy and Finance and transferred to the District/Municipal Fund account through a subsidized payment order in accordance with the purpose of the contribution.

Article 7

The resources of the District/Municipal Fund shall be managed through a Separate Account at National Treasury. This account shall reflect the revenue transactions from all sources of the District/Municipal Fund, as prescribed in article 4 of this sub-decree, and expenditure transactions which are transferred annually from the account to the beneficiary account of the District/Municipality as prescribed in article 13 of this sub-decree.

The financial year's ending balance of the District/Municipal Fund shall be carried over to the subsequent year.

Article 8

The Ministry of Economy and Finance shall manage the District/Municipal Fund and have the following responsibilities:

- Allocate the District/Municipal Fund to each District/Municipal administration as prescribed in article 11 of this sub-decree.
- Notify to District/Municipal administrations their respective annual allocation from the District/Municipal Fund prior to the preparation of their annual budget and the medium term resource allocation which the District/Municipal administrations shall receive.
- Prepare monthly, quarterly and annual reports of District/Municipal Fund implementation for submission to the Royal Government of Cambodia through the National Committee for Sub-National Democratic Development.

Article 9

The National Committee for Sub-National Democratic Development (NCDD), after coordinating with MOI and MEF, shall:

- Review and provide recommendations to the Royal Government of Cambodia (RGC) for any changes to the District/Municipal Fund's purpose, rules and other principles.
- Provide recommendations to the Royal Government of Cambodia on the percentage of the national budget's contribution to the District/Municipal Fund.

- Identify the targets for mobilization of external resources for the District/Municipal Fund.
- Adopt the formula, criteria and parameters for the distribution of the District/Municipal Fund's resources.
- Enable independent evaluations of District/Municipal Fund implementation to be carried out by a competent audit authority.
- Report to the RGC on District/Municipal Fund implementation every six months.
- Make interventions regarding District/Municipal Fund transfers when deemed necessary.

The NCDD and representatives of District/Municipal Councils shall consult on all matters pertaining to policies and operations of the District/Municipal Fund implementation.

The NCDD shall coordinate with the Ministry of Interior to identify the procedure and formality for the selection of District/Municipal Council representatives and participate in the consultation on any matters pertaining to the implementation of the District/Municipal Fund.

The NCDD Secretariat shall be directly responsible for assisting the NCDD to fulfil the provisions of this article.

Article 10

The Ministry of Interior shall:

- Monitor the District/Municipal Administrations regarding the use of the District/Municipal Fund resources.
- Report to NCDD on the use of District/Municipal Fund resources by the District/Municipal Administrations
- Request intervention from NCDD and the Ministry of Economy and Finance on the transfer of District/Municipal Fund resources to District/Municipal Administrations when deemed necessary.

Chapter 3 Allocation, Transfer and Use of the Fund's Transfers

Article 11

The annual resource allocation to each District/Municipal Administration shall be based on a formula to ensure equity and transparency. The criteria and related parameters used for the formula shall be made known to the general public. The fund allocations to District/Municipal Administrations form part of the District/Municipal Administration's annual revenue budget.

The above criteria and related parameters shall be determined for a period of at least three (3) years. The revision of criteria and related parameters shall be made based on sound technical or policy analysis and justification in order to ensure the equitable allocation of the District/Municipal Fund to each District/Municipal Administration.

Article 12

The resources of the District/Municipal Fund shall be divided into components as follows:

- General Administrative Operation Component
- Local Development Component.

The resources of each component of the District/Municipal Fund shall be set as follows:

- A. The size of the general administrative operation component's resources shall be determined by unit, measure and norm as follows:
 - Total number of District/Municipal councillors and the allowances of District/Municipal councillors.
 - Total number of District/Municipal Governors, deputy Governors and staff members and their respective salaries.
 - Other District/Municipal administrative operations costs which will not exceed 24% of the total District/Municipal Fund's resources after deducting the total amount of District/Municipal councillors' allowances and District/Municipal Governors, deputy Governors and staff members' salaries.
- B. The size of the local development component's resources will equal the total District/Municipal Fund resources after deducting the general administrative operation component's resources.

Article 13

The resources under the two Components of the District/Municipal Fund shall be distributed between the District/Municipality Administrations according to the following rules:

- (1) **Resources of the General Administrative Operation Component** shall be allocated between the District/Municipal Administrations in accordance with the following norms:
 - (a) The allowance costs of the District/Municipal Councillors
 - (b) The salary costs of the Governor and Deputy Governors
 - (c) The salary costs of District/Municipal personnel based on the staff members determined by the Ministry of Interior for each District/Municipal Administration.
 - (d) Other District/Municipal administrative operation costs shall be allocated to District/Municipal Administrations based on the following index:
 - Equal Share: 40% shall be allocated to each District/Municipal Administration in equal size
 - District/Municipal Councillors: 20% shall be allocated proportionate to the number of councillors in each District/Municipal Administration.
 - Board of Governors: 20% shall be allocated proportionate to the number of governor/deputy governors in each District/Municipal Administration.

- Staff members: 20% shall be allocated proportionate to the number of staff members in each District/Municipal Administration.

(2) **Resources of the Local Development Component** shall be allocated to each District/Municipal Administration based on the following calculation:

- Equal Share: 40% shall be allocated to each District/Municipal Administration in equal size.
- Population: 20% shall be allocated proportionate to the population of each District/Municipal Administration based on official data from the Ministry of Planning.
- Poverty Index: 20% shall be allocated proportionate to the poverty index of each District/Municipal Administration based on official data of the Ministry of Planning
- Commune/Sangkat Numbers: 20% shall be allocated proportionate to the number of communes/sangkats within each District/Municipality based on official data from the Ministry of Interior.

The criteria and percentage of each index for allocation of the resources of the Local Development Component shall be revised when deemed necessary, subject to compliance with the provisions of Article 11 of this Sub-Decree.

Article 14

District/Municipal Administrations shall use the transfers from the District/Municipal Fund to finance, in part, any of the following expenditures provided that they are reflected in the District/Municipal approved budget and do not violate the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans, Law on Public Finance System and any other national laws and regulations enforced.

1) Use of General Administrative Operation Component's Resources

- Recurrent expenditures relating to District/Municipal administrative operation costs.
- Capital expenditures relating to the construction or acquisition of fixed assets such as buildings, office equipment and furniture and transport equipment, which are intended for administrative purposes.

2) Use of Local Development Component's Resources

- Recurrent expenditures related to the provision of local services and the operation of facilities and infrastructure used to deliver those services.
- Capital expenditures relating to investments in local development

Article 15

Based on the total funds to be transferred to the District/Municipal Administration, the Minister of Economy and Finance shall issue the transfer order from the national budget account into a separate account of the District/Municipal Fund held in the National Treasury according as defined below:

- 50% of the total fund resource by May 31
- 80% of the total fund resource by August 31
- 100% of the total fund resources by October 31

The transfers of District/Municipal Fund resources to each District/Municipal Administration shall be made in four (4) instalments on a quarterly basis. At the beginning of the first quarter, the Ministry of Economy and Finance shall order the transfer of 1/4 of the total annual fund for each District/Municipal administration automatically. Thereafter the District/Municipal Administrations shall submit to the Ministry of Economy and Finance requests for fund transfers for the second, third and fourth quarters through the Ministry of Interior early in the third month of each quarter. The Ministry of Interior will verify conditions of access to the fund transfer including the revenue and expenditure statement from the previous quarter along with basic supporting documents and the estimated revenue and expenditure statement for the subsequent quarter.

The procedure for verification of conditions of access to the fund transfer, the formats for the quarterly revenue and expenditure statement and the estimated revenue and expenditure report, and the basic supporting documents shall be defined by a joint Prakas of the Minister of Economy and Finance and the Minister of Interior.

Chapter 4 Transitional Provisions

Article 16

For the financial year 2012, before the District/Municipal Administrations have their own budgets, the transfer of funds to each District/Municipality shall be recorded in detail within the provincial budget for each District/Municipal administration and the provincial governor shall delegate to each District/Municipal governor the role of delegated budget administrator for both revenues and expenditures for budget execution with a separate deposit account within the provincial account.

If there are any financial contributions from development partners within the financial year 2012, those resources shall be allocated and transferred to the District/Municipal deposit account for direct implementation.

Chapter 5 Final Provisions

Article 17

Any provisions that contradict this Sub-Decree shall be abrogated.

Article 18

The Minister for the Council of Ministers, the Minister of Economy and Finance, the Minister of Interior, the Chairman of NCDD, Provincial Councils, Provincial Governors, District/Municipal Councils, District/Municipal Governors shall be

responsible for effective implementation of this sub-decree from the date of its signature onwards.

Phnom Penh, 07 March 2012

Prime Minister

**Samdech Aka Moha Sena Padei Techo
Hun Sen**

**Taken note to inform
Samdech Prime Minister for signature**

Minister of Interior

Minister of Economy and Finance

Sar Kheng

Keat Chhon

Copy to:

- Royal Palace
- Secretariat General of Constitutional Council
- Secretariat General of Senate
- Secretariat General of National Assembly
- Cabinet of Samdech Prime Minister
- As prescribed in article 18
- Official Gazette
- Documents-Archive

Inter-Ministerial Prakas No. 324 SHB.BrK

dated 01 April 2013

On

**Procedure of the Establishment, Organizing
and Function of Procurement Committee and**

Procurement Unit of Capital, Provincial,

District, Khan Administrations

Kingdom of Cambodia
Nation Religion King



Ministry of Economy and Finance

No. 324 SHV BrK

Inter-Ministrial Prakas

On

Procedure of the Establishment, Organizing and Functioning of Procument Committee and Procurement Unit of Capital, Provincial, Municipal, District, Khan Administrations



Minister of Interior and Minister of Economy and Finance

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of the Kingdom of Cambodia
- Having seen Royal Kram No. 02 NS/94 dated 20 July 1994 on the Promulgation of Law on the Organizing and Functioning of the Council of Ministers
- Having seen Royal Kram No. NS/RKM/0196/08 dated 24 January 1996 on the Promulgation of Law on the Establishment of Minister of Interior
- Having seen Royal Kram No. NS/RKM/0196/18 dated 24 January 1996 on the Promulgation of Law on the Establishment of Ministry of Economy and Finance
- Having seen Royal Kram No. NS/RKM/0508/016 dated 13 May 2008 on the Promulgation of Law on Public Financial System
- Having seen Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 on the Promulgation of Law on Administrative Management of Capital, Provinces, Municipalities, Districts, Khan Administration
- Having seen Royal Kram No. NS/RKM/0611/011 dated 17 June 2011 on the Promulgation of Law on Financial Regime and Assets Management of Sub-national Administration
- Having seen Royal Kram No. NS/RKM/0112/004 dated 14 January 2012 on the Promulgation of Law on Public Procurement

- With reference to Sub Decree No. 16 ANK dated 20 December 1993 on the Organizing and Functioning of Minister of Interior
- With reference to Sub Decree No. 04 ANK dated 11 February 2000 on the Organizing and Functioning of Ministry of Economy and Finance
- With reference to Sub Decree No. 06 ANK dated 11 February 2000 on the Establishment of Department of Local Finance of Ministry of Economy and Finance
- With reference to Sub Decree No. 60 ANK dated 31 July 1995 on the Establishment of Department of Public Procurement of Ministry of Economy and Finance
- With reference to Sub Decree No. 215 ANK dated 14 December 2009 on Roles, Duties and Working Relationship between Phnom Penh Capital Council and Board of Governors and Phnom Penh Khan Council and Board of Governors
- With reference to Sub Decree No. 216 ANK dated 14 December 2009 on Roles, Duties and Working Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors
- With reference to Sub Decree No 172 ANK. BK dated 9 October 2012 on Financial Management System of Municipal, District Administration

HEREBY DECIDE

Chapter 1

General Provisions

Article 1:

The purpose of this Prakas is to determine procedure of the establishment, organizing and functioning of procurement committee and unit of Capital, Provincial, Municipal, District, Khan Administrations.

Article 2:

Capital, Provincial, Municipal, District, Khan Councils shall each organize procurement committee to ensure the management, supervision and implementation of public procurements for purchasing, construction, renovation, hiring services and advisory services are smoothly conducted with transparent, accountable, effectively, quality, equity, economically and timely manner.

Article 3:

The Capital, Provincial, Municipal, District, Khan Procurement Committee shall be established by the decision of the Capital, Provincial, Municipal, District, Khan Councils.

Article 4:

The Capital, Provincial, Municipal, District, Khan Procurement Unit shall be under the structure of the Capital, Provincial, Municipal, District, Khan Administration Office.

Article 5:

Khan and Sangkat administrations in the capital shall report to capital administration their monthly, quarterly, semiannually and annual procurements.

Sangkat administrations in the municipalities shall report to municipal administrations their monthly, quarterly, semiannually and annual procurements.

Chapter 2

Procurement Committee

Article 6:

Capital, Provincial, Municipal, District, Khan Procurement Committee shall have the following composition:

- | | |
|--|---------------|
| - Governor of Capital, Province | Chairman |
| - Deputy Governor Capital, Province | Vice Chairman |
| - Director of Economic and Finance Department | Vice Chairman |
| - At least 3 Councilors of Capital, Province | Members |
| - Capital, Provincial Administration Director | Member |
| - Director of Finance Division | Member |
| - Director of Capital, Provincial Procurement Unit | Secretary |

Deputy governor who is a vice chairman of the procurement committee shall be proposed by governor of board of governors of the capital, province.

The capital, provincial councilors who are members of the procurement committee shall be selected by the capital, provincial councils.

Article 7:

Municipal, District, Khan Procurement Committee shall have the following composition:

- | | |
|--|---------------|
| - Governor of Municipality, District, Khan | Chairman |
| - Deputy Governor of Municipality, District, Khan | Vice Chairman |
| - At least 3 Councilors of Municipality, District, Khan | Members |
| - Administration Director of Municipality, District, Khan | Member |
| - Chief of Administration and Finance Office of Municipality, District, Khan | Member |
| - Chief of Procurement Unit of Municipality, District, Khan | Secretary |

The composition as a vice chairman of the Municipal, District, Khan procurement committee shall be proposed by the Municipal, District, Khan governor.

The Municipal, District, Khan Councilors who are members of the procurement committee shall be selected by the municipal, district, Khan council.

Article 8:

The chairman of Capital, Provincial, Municipal, District, Khan procurement committee, during each procurement process, shall appoint, for some certain procurements, members who are technical officers from state units or institutions or externally hired by using budget of the Capital, Provincial, Municipal, District, Khan Administration and/or may also invite experts from their internal administration or other state units/institutions for advices.

Members of the procurement shall be automatically dissolved once the procurement is completely finished.

Article 9:

Members of Capital, Provincial, Municipal, District, Khan Procurement Committee shall attend meetings as invited by the chairman.

Article 10:

Decision of the Capital, Provincial, Municipal, District, Khan Procurement Committee shall be made by majority votes. In the event of equal votes, the vote of the chairman shall be predominance.

Article 11:

The Capital, Provincial Procurement Committee shall have the following key duties:

- Respectively follow the code of conduct of procurement.
- Review and comment on annual draft procurement plan prepared by Procurement Unit in order to submit to council for review and endorsement before submission to Ministry of Economy and Finance for review and approval.
- Instruct procurement unit to correctly follow the procurement plan.
- Hold meetings to evaluate and determine qualification for complex procurement.
- Review amount of money of each procurement package before starting procurement process.
- Review and endorse bid documents within under the scope of its decision. For procurement to be reviewed and decided by the Ministry of Economy and Finance, the bid documents shall be submitted to this Ministry for review and approval.
- Hold meetings to open the bid proposal, price consultation, quotation or negotiation.
- Hold meetings to evaluate and award contract.

- Review and re-evaluate the qualification of the higher bidder before deciding to award contract.
- Inform the successful bidders and copy to the unsuccessful ones about the decision of awarding contract.
- Publicly announce the result of the bid.
- Manage and monitor the execution of the contract.
- Report to council during their ordinary or extraordinary meeting, as necessary and required by the council, about the procurement process.
- Submit monthly, quarterly, semi annually and annual report to Ministry of Economy and Finance after approval by the council.
- Invite representatives of Ministry of Economy and Finance to observe each step of procurement, except the evaluation step for awarding contract.
- Solve procurement related complaints which fall under its competency.

Article 12:

Municipal, District, Khan Procurement Committee shall have the following key duties:

- Respectively follow the procurement code of conduct.
- Review and comment on annual draft procurement plan prepared by Procurement Unit in order to submit to council for review and endorsement before submission to Ministry of Economy and Finance for review and approval.
- Instruct procurement unit to correctly follow the procurement plan.
- Hold meetings to evaluate and determine qualification for complex procurement.
- Review amount of money of each procurement package before starting the procurement process.
- Review and endorse bid documents within under the scope of its decision.
- Hold meetings to open the bid proposal, price consultation, quotation or negotiation.
- Hold meetings to evaluating and awarding contract.
- Review and re-evaluate the qualification of the higher bidder before deciding to award contract.
- Inform the successful bidders and copy to the unsuccessful ones about the decision of offering contract.
- Publicly announce the result of the bid.
- Report to its council during its ordinary or extraordinary meeting, as necessary and required by the council, about the procurement process.
- Submit monthly, quarterly, semi annually and annually report to Ministry of Economy and Finance after approval by their council.
- Solve procurement related complaints which fall under its competency.

Chapter 3

Procurement Unit

Article 13:

Capital, Provincial, Municipal, District, Khan Procurement Unit shall have its structure under Capital, Provincial, Municipal, District, Khan Administration Office and serves as a secretariat for the Procurement Committee of Capital, Provincial, Municipal, District, Khan Administration. Head of the Procurement Unit is a secretary of Procurement Committee.

Capital, Provincial, Municipal, District, Khan Procurement Unit shall be chaired by one (01) head and assisted by two (02) deputy heads who should not have any another roles and duties related to other financial affairs in their Capital, Provincial, Municipal, District, Khan Administration.

Article 14:

Capital, Provincial Procurement Unit shall have an equal level to Capital, Provincial Division. Head and deputy heads of the Capital, Provincial Procurement Unit shall have an equal rank to director and deputy directors of the Capital, Provincial Division.

Municipal, District, Khan Procurement Unit shall have an equal level to the Municipality, District, Khan Administration Office. Head and deputy heads of Municipal, District, Khan Procurement Unit shall have an equal rank to chief and deputy chief of Municipal, District, Khan Offices.

Article 15:

The head and deputy heads of Capital, Provincial, Municipal, District, Khan Procurement Unit shall be appointed or removed by the Capital, Provincial, Municipal, District, Khan Council at the request of Capital, Provincial, Municipal, District, Khan governor after getting approval on the appointment qualification from Minister of Economy and Finance at the request of Minister of Interior. The conditions for appointment of head and deputy heads of the Capital, Provincial, Municipal, District, Khan Procurement Unit shall base on a particular statute of personnel of sub national administrations. Head of the Procurement Unit shall full fill the following additional qualifications:

- Has educational background in at least Bachelor Degree in Economic or Finance.
- Has at least 3 years working experience in the field of economic or finance.
- Has been trained on procurement field with certificate certified by Ministry of Economy and Finance.

Article 16:

Capital, Provincial, Municipal, District, Khan Procurement Unit shall have duties as follows:

- Prepare draft annual procurement plan and modification procurement plan when necessary.

- Prepare bid documents for each type of procurement base on bid documents format determined by Ministry of Economy and Finance.
- Prepare and disseminate information on each procurement.
- Sale or provide bid documents to those who are willing to join the bid.
- Receive bid proposal and provide clarification to bidders in case there are any questions related to the bid.
- Properly and safely keep received bid proposal and manage all relevant documents before opening the bid proposal.
- Arrange location for opening the bid proposal.
- Publicly arrange the opening bid under the supervision of the Capital, Provincial, Municipal, District, Khan Procurement Committee.
- Prepare report or minutes of the opening bid.
- Coordinate the technical evaluation of the bid proposal.
- Respond to questions in relation to the evaluation report of bid proposal.
- Send notification on awarding of contract to successful bidder and copy to all the unsuccessful ones.
- Prepare draft contract in compliance with the determinate contract standard.
- Publicly announce the result of the bid.
- In cooperation with technical and other relevant specialized officers, monitor the execution of the contract.
- Prepare monthly, quarterly, semi annually and annual report on the implementation of procurement.

Article 17:

Procurement office of capital, provincial divisions, as defined by Prakas No. 4273 PK dated 30 December 2009 on the Establishment of Offices under Divisions of Phnom Penh Capital Hall, Establishment of Offices under Khan Office; and the Determination of Roles, Duties and Working Procedures of these Offices; and Prakas No. 4274 PK dated 30 December 2009 on the Establishment of Offices under Divisions of Provincial Office, Establishment of Offices under Municipal Office and Establishment of Offices under District Office; and the Determination of Roles, Duties and Working Procedures of these Offices, shall be transferred to enabling the establishment of a separate procurement unit under the structure of office of capital, provinces, municipalities, districts, Khans.

Capital, provincial administrations shall transfer chief, deputy chiefs, staffs, personnel, equipments, materials, means and procurement related tasks of procurement office of finance division of the capital, provincial office to the procurement unit of the capital, provincial administration office as newly established in accordance with the spirit of this Prakas.

Municipal, district administrations shall transfer staffs, personnel, equipments, materials, means and procurement related tasks of administration and finance office of the municipal, district

administrations to procurement unit of the municipal, district administration office as newly established in accordance with the spirit of this Prakas.

In the event of appointment of head of procurement unit selected among other candidates rather than the existing chief of procurement office and in the event of request for replacement of head of procurement unit in the future, the proposed candidate shall have qualification as mentioned in article 15 of this Prakas.

Chapter 4

Transitional Provisions

Article 18:

Ministry of Economy and Finance shall delegate powers to Provincial Department of Economy and Finance to:

- Review and approve the procurement plan of Municipality, District, Khan Administration; and
- Review and approve the procurement of Municipality, District, Khan Administration that fall under the competency of Ministry of Economy and Finance.

Article 19:

At the time of unavailability of a particular statute of personnel of sub national administrations, capital, provincial governors, with reference to the decision of the capital, provincial councils, shall raise proposal on appointment or replacement of chairman and vice chairman of the capital, provincial procurement unit to minister of interior for review and approval in accordance with principles and procedures in place. Capital, provincial governors, with request of municipal, district, Khan governors and with approval from municipal, district, khan councils, shall submit proposal to minister of interior for review and decision on the appointment or replacement of head or deputy heads of municipal, district, khan procurement unit in accordance with principles and procedures in place.

Article 20:

Base on article 14 above, the functional salary of head and deputy heads of Capital, Provincial, Municipal, District, Khan Procurement Unit shall follow article 145 of Sub Decree No. 215 ANK BK dated 14 December 2009 on Roles, Duties and Working Relationship of the Phnom Penh Capital Council and Board of Governors, Phnom Penh Khan Council and Board of Governors and article 207 of Sub Decree No. 216 ANK BK dated 14 December 2009 on Roles, Duties and Relationship of the Provincial Council and Board of Governors, Municipal Council and Board of Governors and District Council and Board of Governors District Council and Board of Governors.

Article 21:

Base on the spirit of law on the Administrative Management of Capital, Provinces, Municipalities, Districts, Khans and law on Public Procurement, the implementation of procurement in Capital, Provinces, Districts, Khans require prior preparation of mechanism and procedure for appointment and capacity development. These processes shall immediately put in practice once this Prakas comes into effective to enabling Municipality, District, Khan Administrations to start implementing their procurements in a timely manner in 2013.

At the time the above mentioned processes have not yet completed, the procurements at Municipal, District, Khan Administrations shall follow the existing mechanism and procedures in place at the Capital, Provincial Administrations.

Chapter 5

Final Provisions

Article 22:

Any provisions contrary to this Prakas shall be abrogated.

Article 23:

Capital, Provincial, Municipal, District, Khan Councils and Board of Governors, Sangkat Councils, subordinated units of Ministry of Economy and Finance and Ministry of Interior shall effectively implement this Prakas from the date of signature onward.

Phnom Penh, 01 April 2013

Minister of Interior

Sar Kheng

Minister of Economy and Finance

Keat Chhon

Copy to:

- General Secretariat of Senate
- General Secretariat of National Assembly
- Office of the Council of Ministers
- All ministries/institutions
- Cabinet of Samdech Akka Moha Sena Padei Techo Prime Mminister
- Secretariat of National Committee for Sub-national Democratic Development (NCDD-S)
- As Article 23
- Archives

Instruction No. 034 SNN

dated 06 September 2013

On

**The Establishment of Procurement Committee
and Procurement Unit of Capital, Provincial,
District, Khan Administrations**

(Unofficial Translation)

Kingdom of Cambodia

Nation Religion King

Royal Government of Cambodia

Ministry of Interior

No. 034 SNN

Phnom Penh, 6 September 2013

Instruction

on

**Establishment of Procurement Committee and Unit of
Capital, Provincial, Municipal, District, Khan Administrations**

With reference to Inter-ministerial Prakas No. 324 SHV.BrK dated 01 April 2013 of Ministry of Interior and Ministry of Economy and Finance on Procedure of Establishment, Organizing and Functioning of Procurement Committee and Unit of Capital, Provincial, Municipal, District, Khan administrations; Ministry of Interior hereby provide the following instruction on the procedure of the establishment of procurement committee and unit of Capital, Provincial, Municipal, District, Khan administrations:

1. The Establishment of Procurement Committee of Capital, Provincial, Municipal, District, Khan Administrations

a. The Establishment of Procurement Committee of Capital, Provincial, Administrations

Procurement Committee of Capital, Provincial administrations shall have composition as determined by Article 6 of Inter-ministerial Prakas No. 324 SHV.BrK, dated 01 April 2013.

Capital, Provincial Governor of Board of Governors with their internal consent shall decide to select one deputy governor for the position of deputy head of the procurement committee of their Capital, Province.

Capital, Provincial Council shall arrange meeting to decide on the selection of at most three (03) councilors as candidatures for members of the Procurement Committee for which female councilors should also be considered as candidatures for the selection. Chairperson of the Capital, Provincial Council shall submit a list of successful selected candidates to Capital, Provincial governor of the board of governors in order

to include in the proposed composition of the Capital, Provincial Procurement Committee.

At the time of receiving the list of candidates and after identification of a deputy governor as a candidature for the deputy head of the Committee; the Capital, Provincial governor of board of governors shall prepare a draft decision on the establishment, organizing and functioning of Capital, Provincial Procurement Committee by adding other composition as provided in Article 6 of Inter-ministerial Prakas No.324 SHV.BrK, dated 01 April 2013 for submission to the Capital, Provincial Council review and approval.

Capital, Provincial Council shall arrange meeting for review and approval the above mentioned draft in accordance with its internal rules.

Base on decision of the Capital, Provincial council; governor of board of governors shall prepare a final draft decision on the establishment, organizing and functioning of procurement committee for council chairperson's signature.

b. The Establishment of Procurement Committee of Municipal, District, Khan Administrations

The Procurement Committee of the Municipal, District, Khan administrations shall have composition as provided in Article 7 of Inter-ministerial Prakas No.324 SHV.BrK, dated 01 April 2013.

Municipal, District, Khan governor of board of governors with consent from its board of governors shall decide to select one deputy governor as a candidature for the deputy head of its Procurement Committee Municipal, District, Khan administrations.

Municipal, District, Khan Council shall arrange meeting to decide on the selection of at most three (03) councilors as candidatures for members of the Procurement Committee for which female councilors should also be considered as candidatures for the selection. Municipal, District, Khan Council Chairperson shall submit in written a list of selected councilors to the Municipal, District, Khan governor of board of governors to include in the proposed composition of Municipal, District, Khan Procurement Committee.

After receiving the list of candidates for members of the Procurement Committee and identifying a deputy governor as a candidature for the deputy head of the Committee; the Municipal, District, Khan governor of board of governors shall prepare a draft decision on the establishment, organizing and functioning of Procurement Committee of the Municipal, District, Khan administrations by adding other compositions as provided in Article 7 of Inter-ministerial Prakas No.324 SHV.BrK, dated 01 April

2013 for submission to the Municipal, District, Khan Council for review and approval.

Municipal, District, Khan Council shall arrange meeting to review and approve the above mentioned draft in accordance with its internal rules.

Base on the Council's decision, governor of board of governors shall prepare a final draft decision on the establishment, organizing and functioning of procurement committee for council chairperson's signature.

2. The Establishment of Procurement Unit of Capital, Provincial, Municipal, District, Khan Administrations

With reference to Article 4, 13 and 17 of Inter-ministerial Prakas No.324 SHV.BrK dated 01 April 2013, procurement unit of the Capital, Provincial, Municipal, District, Khan administrations shall be established within the structure of the Capital, Provincial, Municipal, District, Khan administration office. In this regard, it is not necessary for Capital, Provincial, Municipal, District, Khan administrations to request or issue council decision or Deika to establish its procurement unit.

Capital, Provincial, Municipal, District, Khan Procurement Unit shall be chaired by one (01) head and at most two deputy heads as assistants.

In order to nominate and appoint officers for the above mentioned positions, the Capital, Provincial, Municipal, District, Khan administrations shall follow the following principles:

a. Nomination and appointment of Officers for the Position of Head and Deputy Head of Procurement Unit of Capital, Provincial Administrations

Capital, Provincial governor of board of governors shall consult with and have consent from its board of governors to identify candidates based on qualification, capacity and working experience to propose for nomination and appointment for the position of head and/or deputy head of Procurement Unit of Capital, Provincial Administrations.

a.1. In the event that the head and/or deputy head candidates of procurement unit of the Capital, Provincial Administrations is current chief and/or vice chief of Procurement Office of Finance Division of the Capital, Provincial administration office:

- Capital, Provincial governor of board of governors shall raise a request of proposed candidates for the head and/or deputy head of the procurement

unit of the Capital, Province administrations and submit to Capital, Provincial Council for review and approval.

- After receiving the request, the Capital, Provincial Council shall arrange meeting for review and approval in accordance with its internal rules.
- After the council approval, governor of board of governors shall raise the request for appointment of head and/or deputy head of procurement unit of Capital, Province administrations attached with minutes of governor and council meeting to Minister of Interior for review and approval in accordance with principles and the applicable procedures.

a.2. In the event that the candidate for the head and/or deputy head of procurement unit of Capital, Province administrations is not current chief and/or vice chief of procurement office of finance division of the Capital, Provincial administration office:

- Capital, Provincial governor of board of governors with consent from its board of governors shall raise and submit a request of candidates for the head and/or deputy head of procurement unit of Capital, Province administrations to the Capital, Provincial Council for review and approval. The request shall clearly explain the reasons not to propose for nomination of current chief and/or vice chief of procurement office of finance division of the Capital, Province administration office as the candidatures for the head and/or deputy head of procurement unit.
 - The proposed candidates for nomination and appointment as head of procurement unit of the Capital, Provinces shall be selected among civil servants with body framework of Ministry of Interior and who are working within the jurisdiction of the Capital, Provincial Council in accordance with the qualifications as provided in Article 15 of Inter-ministerial Prakas No.324 SHV.BrK, dated 01 April 2013.
 - In the event that the candidate as such cannot be selected, the Capital, Provincial governor of board of governors with consent from its board of governors and council shall seek for opinion from Minister of Interior to request for transfer civil servants from Ministry of Interior or other Capital, Provincial administration office or civil servants with body framework of other ministry/institution in accordance with the applicable procedures.
- After receiving the request of proposed candidates for the head and/or deputy head of procurement unit of Capital, Province administrations; the Capital, Provincial council shall arrange meeting for review and approval in accordance with its internal rules.

- After council approval; the Capital, Provincial governor of board of governors shall raise and submit the request for nomination and appointment of the head and/or deputy head of procurement unit of Capital, Provincial administration attached with minutes of board of governors and council meeting to Minister of Interior for review and approval in accordance with existing principles and procedures.
- After the appointment of head and/or deputy head of procurement unit, the Capital, Province administration shall transfer its personnel, equipment, materials, means and tasks related to the procurement from procurement office of finance division of the Capital, Provincial administration office to procurement unit of the Capital, Province administrations.

b. Nomination and Appointment of Head and/or Deputy Head of Procurement Unit of Municipality, District, Khan Administrations

The nomination and appointment of head and/or deputy head of procurement unit of Municipality, District, Khan Administrations shall follow the following procedures:

- With consent from the Municipal, District, Khan board of governors; the governor of board of governors shall raise and submit the proposed candidate for the head and/or deputy head of procurement unit of Municipal, District, Khan administrations to council for review and approval.
 - The proposed candidate for the position of head of procurement unit of Municipal, District, Khan administrations shall be selected among civil servants with body framework of Ministry of Interior and who is working within the jurisdiction of the Municipality, District, Khan based on qualifications as provided in Article 15 of Inter-ministerial Prakas No.324 SHV.BrK dated 01 April 2013.
 - In the event that the candidate as such cannot be selected, the governor of board of governors of Municipality, District, Khan with consent from its board of governors and council can seek for opinion from the Capital, Provincial governor of board of governors to select candidates with qualification as provided in Article 15 of Inter-Ministerial Prakas No.324 SHV.BrK dated 01 April 2013, from other Capital, Province administration office or Municipal, District, Khan administration office or request for transfer staffs from other ministry, institution in accordance with the applicable procedures.
 - In the event that the candidate of head of the procurement unit as such cannot be selected as defined by the above two mentioned points, the Municipal, District, Khan governor of board of governors with consent from its board of governors and council shall select two (02) maximum candidates with appropriate qualification to propose for appointment as

the deputy head of the procurement unit of Municipal, District, Khan administrations.

- When receiving the request of proposed candidates for the head and/or deputy head of the procurement unit of the Municipal, District, Khan administrations; the Municipal, District, Khan council shall arrange meeting for review and approval in accordance with its internal rules.
- After the council review and approval; the Municipal, District, Khan governor of board of governors shall raise a request of appointment of the head and/or deputy head of the procurement unit of the Municipality, District, Khan administrations to governor of Capital/Provincial board of governor to submit to the Minister of Interior for review and approval in accordance with the principles and the applicable procedures.
- After appointment of the head and deputy head of the procurement unit; the Municipal, District, Khan administrations shall transfer its staffs, personnel, equipment, materials, means and procurement related tasks from procurement office of finance division of the Municipal, District, Khan administration office to the Municipal, District, Khan procurement unit.
- In the event that the head of the procurement unit cannot be appointed; the Municipal, District, Khan governor of board of governors with consent from its board of governors and council shall select a deputy head of the procurement unit to overall in charge and serve as a secretary of the procurement unit.

3. Council Meeting in Relation to the Proposed Candidate for the Position of Head and/or Deputy Head of the Capital, Provincial, Municipal, District, Khan Procurement Unit

Every meetings of the council to discuss and approve the request of proposed candidates for the position of head and/or deputy head of the Capital, Provincial, Municipal, District, Khan Procurement Unit shall be confidentially conducted. The council shall approve though confidential voting. The minutes of the meetings shall not be publicized. The council may extract the main substances of the meeting for publicly dissemination but it shall not affect the private information, honor and dignity of the person.

At the receipt of this instruction, the Capital, Provincial, Municipal, District, Khan administrations shall effectively implement.

**Deputy Prime Minister,
Minister of Interior**

Receiving Places:

- *Office of the Council of Ministers;*
- *Ministries, Institutions members of NCDD;*
- *Council for Administrative Reform;*
- *NCDD Secretariat;*
- *Archives.*

Sar Kheng

Prakas No. 2809 BrK dated 09 July 2013

On

Delegation Powers to Provincial Governor

for verification of District/ Municipal Fund

Transfer Proposal

(Unofficial Translation)

**Royal Government of Cambodia
Ministry of Interior
No. 2809 BrK**

**Kingdom of Cambodia
Nation Religion King
Phnom Penh, 9 July 2013**

Prakas
on
Delegation of Power to Provincial Governor for
Verification of Municipality, District Fund Transfer Proposal



Deputy Prime Minister, Minister of Interior

- With reference to the Constitution of the Kingdom of Cambodia;
- With reference to Royal Decree NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- With reference to Royal Kram No. 02 NS/94 dated 20 July 1994 on Promulgation of Law on Organizing and Functioning of the Council of Ministers;
- With reference to Royal Kram NS/RKM/0196/08 dated 24 January 1996 on Promulgation of Law the Establishment of Ministry of Interior;
- With Reference to Royal Kram NS/RKM/0508/016 dated 13 May 2008 on Promulgation of Law on Public Financial System;
- With reference to Royal Kram NS/RKM/0508/017 dated 24 May 2008 on Promulgation of Law on the Administrative Management of Capital, Municipality, District, Khan;
- With reference to Royal Kram NS/RKM/0611/011 dated 17 June 2011 on Promulgation of Law on Financial Regime and Assets Management of Sub National Administration,
- With reference to Royal Kram NS/RKM/0112/004 dated 17 January 2012 on Promulgation of Law on Public Procurement,
- With reference to Sub Decree No. 16 ANK.BK dated 20 December 1993 on Organizing and Functioning of Ministry of Interior;
- With reference to Sub Decree No. 36 ANK.BK dated 7 March 2012 on Organizing and Functioning of Municipality and District Fund;
- With reference to Sub Decree No.172 ANK.BK dated 9 October 2012 on Municipality, District Financial Management System.

DECIDES

Article 1:

Delegate power to provincial governor for verification of fund transfer proposal of 2nd, 3rd and 4th quarter each year of Municipality, District located in the jurisdiction of the concerned province before submission the transfer proposal to Ministry of Economy and Finance.

Article 2:

Municipal, District administrations, through its provincial governor, shall submit its fund transfer proposal attached with a revenue and expenditure report of previous quarters, an estimated revenue and expenditure report for the next quarters and other supporting documents to Ministry of Economy and Finance for verification.

Article 3:

Provincial governor with technical support from Provincial Department of Economy and Finance, Treasury and Finance Division shall verify Municipality, District fund transfer proposal based on the procedures as defined by joint Prakas of Ministry of Economy and Finance and Ministry of Interior.

In the event that the proposal is not compliance with the defined conditions, the provincial governor within a maximum of five (05) working days after receiving proposal from each Municipality, District shall provide a written notice to the Municipality, District by giving clearly reason and guidance about the points that modification should be made. After receiving the notification, the concerned Municipality, District shall review and modify its proposal and resubmit the revised version to the provincial governor once again.

In the event that the proposal is compliance with the defined conditions, the provincial governor within a maximum of five (05) working days after receiving proposal from each Municipality, District shall forward the proposal to Ministry of Economy and Finance and copy to Ministry of Interior.

Article 4:

General Department of Logistic and Finance, General Department of Local Administration of Ministry of Interior shall cooperate with NCDD Secretariat, Ministry of Economy and Finance and other relevant institutions to support and provide capacity development to provincial governor and officers of relevant units at provincial level and shall monitor and evaluate the implementation of the delegated power.

Article 5:

General Department of Logistic and Finance; General Department of Local Administration and relevant units of Ministry of Interior; Provincial, Municipal and District governor shall effectively enforce this Prakas from the date of signature onward.

Deputy Prime Minister

Minister of Interior

Sar Kheng

Copy to:

- General Secretariat of the Senate;
- General Secretariat of the National Assembly;
- Office of the Council of Ministers,
- Cabinet of Samdech Aka Moha Sena Padei
Techo Hun Sen, Prime Minister
- Ministries, Institutions members of NCDD
“for information”
- As Article 5
“for implementation”
- Archives



**Legal documents
related to Functions**

Sub Decree No. 68 ANK.BK

dated 21 Feb 2013

On

Administration Service at Sub National

Administration



(Unofficial Translation)

Kingdom of Cambodia

Nation Religion King

Royal Government of Cambodia

No. 68 ANK.BK

Sub Decree

on

Administrative Service Delivery at Sub National Administrations



- Having seen the constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 on the promulgation of Law on Organizing and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RKM/0196/08 dated 24 January 1996 on the promulgation of Law on the Establishment of the Ministry of Interior;
- Having seen the Royal Kram No. NS/RKM/0196/18 dated 24 January 1996 on the promulgation of Law on the Establishment of Ministry of Economy and Finance;
- Having seen the Royal Kram No. NS/RKM/0301/05 dated 19 March 2001 on the promulgation of Law on Administrative Management of Communes/Sangkats;
- Having seen the Royal Kram No. NS/RKM/0508/017 dated 22 May 2008 on the promulgation of Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;
- Having seen the Royal Kram No. NS/RKM/0508/016 dated 13 May 2008 on the promulgation of Law on Public Financial System;
- Having seen the Royal Kram No. NS/RKM/0611/011 dated 17 May 2011 on the promulgation of Law on Financial Regime and Assets Management of Sub National Administrations;

- Having seen the Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of the National Committee for Democratic Development at Subnational Level;
- Having seen Sub Decree No.16 ANK.BK date 20 December 1993 on the Organizing and Functioning of Ministry of Interior;
- Having seen Sub Decree No.04 ANK.BK date 20 January 2000 on the Organizing and Functioning of Ministry of Economy and Finance;
- Having seen Sub Decree No.215 ANK.BK dated 14 December 2009 on the Roles, Duties and Working Relationship of Phnom Penh Capital Council and Board of Governors, and the Khan Capital Council and Board of Governors;
- Having seen to Sub Decree No.216 ANK.BK dated 14 December 2009 on Roles, Duties and Working Relationship of Provincial Council and Board of Governors, Municipal Council and Board of Governors, District Council and Board of Governors;
- Having seen to Sub Decree No.68 ANK.BK dated 10 May 2012 on General Process of Transfer Functions and Resources to Sub National Administrations;
- With reference to Decision No.12 SSR of the Royal Government dated 30 June 2008 on the Establishment of One Window Service Office and Ombudsman at Districts, Khans Level;
- With reference to the request of Minister of Interior and Minister of Economy and Finance.

DECIDES

CHAPTER 1

GENERAL PROVISIONS

Article 1:

The purpose of this Sub Decree is to ensure the administrative service delivery at sub national administrations with quality, transparency, efficiency and timely manner in response to the needs of the citizens and businessman.

Article 2:

The goal of this Sub Decree is to define principle, mechanism, formality, procedure, category, delivery timeframe and fee of administrative service at sub national administrations.

Article 3:

The scope of this Sub Decree covers the administrative service delivery at sub national administrations.

CHAPTER 2

PRINCIPLE OF ADMINISTRATIVE SERVICE DELIVERY

Article 4:

The delivery of administrative service at sub national administrations shall base on the principle of decentralization and deconcentration to ensure transparency, accountability, efficiency, equality, sustainability and participatory from the citizens and businessman.

Article 5:

Rules, formalities and procedures of administrative service delivery and service fee shall be compliance with the applicable laws, Royal Decree, Sub Decree, Prakas and regulations.

Article 6:

The category, fee, delivery timeframe and validity of the administrative service of sub national administrations shall be determined by Inter-Ministerial Prakas of Minister of Interior and Minister of Economy and Finance.

The category, fee, delivery timeframe and validity of the administrative service delegated by ministries/institutions to the sub national administrations shall be determined by Inter-Ministerial Prakas of Minister of Economy and Finance and concerned ministry/institution.

Article 7:

The delivery and fee charge of administrative service that is not compliance with the rules, formalities and procedures of the applicable laws, Royal Decree, Sub Decree, Prakas and regulations shall be considered as illegal act.

CHAPTER 3

MECHANISM OF ADMINISTRATIVE SERVICE DELIVERY

Article 8:

Capital, Provincial, Municipal, District, Khan and Commune, Sangkat administrations shall develop mechanisms of administrative service delivery to the citizens and businessman in consistent with the principles as provided in chapter 2 of this Sub Decree.

Article 9:

Municipal, District, Khan administrations that have mechanism of administrative service delivery through one window service office shall continue implementing this mechanism.

Article 10:

Capital, Provincial, Municipal, District, Khan and Commune, Sangkat administrations that do not have mechanism of administrative service delivery through the one window service office shall prepare this mechanism of one window service office to deliver administrative service in its jurisdiction.

The organization and functioning of the one window service office mechanism of Capital, Provincial, Municipal, District, Khan and Commune, Sangkat administrations shall be determined by Prakas of Minister of Interior after decision of the National Committee for Sub National Democratic Development (NCDD).

CHAPTER 4

CATEGORY, FEE, DELIVERY TIMEFRAME AND VALIDITY

OF ADMINISTRATIVE SERVICE

Article 11:

Capital, Provincial administrations shall deliver administrative service in accordance with its category, fee, delivery timeframe and validity defined by Inter-Ministerial Prakas of Ministry of Interior and Ministry of Economy and Finance.

Article 12:

Capital, Provincial administrations shall deliver administrative service delegated by ministries/institutions in accordance with its category, fee, delivery timeframe and validity defined by Inter-Ministerial Prakas of Ministry of Economy and Finance and each concerned ministry/institution.

Capital, Provincial governor shall receive the delegated power on behalf of Minister of the concerned ministry/institution in signing decision related to the administrative service delivery which fall under the authority of departments, units as defined by a Joint Prakas of Minister of Economy and Finance and Minister of concerned ministry/institution.

Ministries/institutions shall continue to share decision making authority in relation to the administrative service delivery to the Capital, Provincial administrations in order to bring administrative service closer to the service consumers.

Line departments and units at the capital, provincial level shall serve as secretary to the Capital, Provincial governor in execution of the power delegated by ministries/institutions.

The administrative service fee which belongs to the Capital, Provincial administrations shall be paid at the Capital, Provincial administration office.

NCDD, if necessary, shall coordinate the division of this authority.

Article 13:

Municipal, District, Khan administrations that have administrative service delivery mechanism through one window service office shall continue to deliver the administrative service delegated by ministries/institutions. The service fee, delivery timeframe and validity shall follow the Joint Prakas of Minister of Economy and Finance and Minister of concerned ministry/institution.

Article 14:

Municipal, District, Khan administrations that do not have administrative service delivery mechanism through the one window service office are allowed to deliver administrative service by its category, fee, delivery timeframe and validity in accordance with the Joint Prakas of Minister of Economy and Finance and Minister of concerned ministry/institution the same as Municipal, District Khan administrations that have one window service office too.

Ministries/institutions shall continue delegating power of administrative service delivery to the Municipal, District Khan administrations in order to bring the administrative service closer to the service consumers.

Municipal, District Khan governor shall receive the delegated power on behalf of Minister of concerned ministry/institution in signing decision related to the administrative service delivery as provided in the above mentioned paragraph.

Line offices and/or departments at the Capital, Provincial, Municipal, District, Khan level shall serve as secretary to Municipal, District, Khan governor on the above mentioned task.

NCDD, if necessary, shall coordinate the division of this authority.

Article 15:

Municipal, District, Khan administrations shall be allowed to deliver its administrative service by category, fee, delivery timeframe and validity of the service determined by Inter-Ministerial Prakas of Minister of Interior, and Minister of Economy and Finance.

Service fee which belongs to the Municipal, District, Khan administrations shall be paid at the Municipal, District, Khan administration office.

Article 16:

Commune, Sangkat administrations shall deliver the administrative service by its category, fee, delivery timeframe and validity which related to the civil registration service and some licensing and which does not fall under the authority of ministry, institution, department, unit and the Capital, Provincial, Municipal, District, Khan administrations.

The category, fee, delivery timeframe and validity of the administrative service of Commune, Sangkat administrations shall be determined by Inter-Ministerial Prakas of Minister of Interior and Minister of Economy and Finance.

Article 17:

Capital, Provincial, Municipal, District, Khan and Commune, Sangkat administrations, after its council decision, may request for modification or addition of category, fee, delivery timeframe and validity of administrative service which is already determined.

This request shall be decided by Inter-Ministerial Prakas of Minister of Interior and Minister of Economy and Finance.

Article 18:

Capital, Provincial, Municipal, District, Khan and Commune, Sangkat administrations shall publicly post on the information board or by other means of dissemination the list of administrative service category, fee, delivery timeframe and validity at the place where the service is delivered.

Article 19:

In the event of necessity, Minister of Interior based on the decision of NCDD may issue an instruction on rules, formalities and procedures of administrative service delivery at the sub national administrations to ensure the efficiency of the administrative service delivery.

CHAPTER 5

**SUPERVISION AND MANAGEMENT DERIVED OF REVENUE FROM
ADMINISTRATIVE SERVICE DELIVERY**

Article 20:

The officer in charge of administrative service delivery at the collection of administrative service fees shall issue receipt issued by Ministry of Economy and Finance.

The unit delivery the administrative service shall keep monthly and annually ledgers and receipts in accordance with the defined principle.

Article 21:

Revenue of the Capital, Provincial, Municipal, District, Khan, Commune, Sangkat administrations derived from the administrative service delivery shall be paid to the national and/or sub national budget in accordance with the defined principle.

The incentive bonus for officers working at the Capital, Provincial, Municipal, District, Khan, Commune, Sangkat administrations shall be determined by Inter-Ministerial Prakas of Minister Interior and Minister of Economy and Finance.

Article 22:

The incentive bonus derived from the administrative service delivery of the line ministries, institutions, departments, units, and derived from the delegated administrative service delivery shall be shared to the Capital, Provincial, Municipal, District, Khan, Commune, Sangkat administrations to use as incentives for sub national staffs in accordance with Prakas of Minister of Economy and finance and decision of the NCDD.

CHAPTER 6

MONITORING AND EVALUATION MECHANISM

Article 23:

Capital, Provincial, Municipal, District, Khan, Commune, Sangkat administrations shall establish, at its administration level, a system for monitoring and evaluation, and irregularity resolution of administrative service delivery.

The formality and procedure of the establishment of the system shall be instructed by Ministry of Interior.

CHAPTER 7

FINAL PROVISIONS

Article 24:

Sub Decree No.62 ANK.BK dated 24 June 2002 on Fee of Civil Registration Paper and Stamp shall be abrogated.

The fee of civil registration paper and service shall follow the provisions of this Sub Decree.

Article 25:

Any provisions contradict to this Sub Decree shall be abrogated.

Article 26:

Minister in charge of the Council of Ministers, Minister of Interior, Minister of Economy and Finance, the National Committee for Sub National Democratic Development, Ministers/Secretaries of State of relevant ministries/institutions, and sub national administrations shall implement this Sub Decree from the date of signature onward.

Phnom Penh, 21 February 2013

Prime Minister

Samdech Akka Moha Sena Padei Techo **Hun Sen**

Have submitted to Samdech Akka Moha Sena Padei Techo

Hun Sen, Prime Minister of the Royal Government of Cambodia for signature

Minister of the Ministry of Interior

Minister of Economy and Finance

Sar Kheng

Kheat Chhon

Receiving Places:

- Ministry of the Royal palace
- Secretariat General of Constitution Council
- Secretariat General of the Senate
- Secretariat General of the National Assembly
- Secretariat General of Royal Government
- Cabinet of Samdech Akka Moha Sena Padei Techo
Hun Sen Prime Minister of the Kingdom of Cambodia
- Cabinet of Deputy Prime Ministers
- As stipulated in Article 26
- Official Gazette
- Archives

Sub Decree No. 68 ANK/BK

dated 10 May 2012

On

General Process of Transfer of Functions

and Resources to the Sub-National

Administrations

(Unofficial Translation)



**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
No. 68 ANK.BK**

**Sub-Decree
On
General Processes of Transfer of Functions and Resources to the Sub-
National Administrations**

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on Establishment and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. SN/RKM/0196/08 dated 24 January 1996 promulgating the Law on Establishment and Functioning of the Ministry of Interior;
- Having seen the Royal Kram No. NS/RKM/0301/05 dated 19 March 2001 promulgating the Law on Administrative Management of Communes/Sangkats;
- Having seen the Royal Kram No. NS/RKM/0508/016 dated 13 May 2008 promulgating the Law on Public Finance System;
- Having seen the Royal Kram No. NS/RKM/0508/017 dated 24 May 2008 promulgating the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;
- Having seen the Royal Kram No. NS/RKM/0611/011 dated 17 June 2011 promulgating the Law on Financial Regime and Property Management for Sub-national Administrations
- Having seen the Royal Decree No. NS/RKT/1208/1429 dated 31 December 2008 on the Establishment of the National Committee for Sub-National Democratic Development;

- Having seen the Sub-Decree No. 23ANR.BK dated 27 January 2009 on Establishment and Functioning of the Secretariat of the National Committee for Sub-National Democratic Development;
- Having seen the Sub-Decree No. 234ANR.BK dated 19 January 2012 on the amendment to the Articles 4, 8, 12, 13, 15, 16 and 17 of the Sub-Decree No. 23ANR.BK dated 27 January 2009 on Establishment and Functioning of the Secretariat of the National Committee for Sub-National Democratic Development;
- Receiving the agreement from the Council of Ministers in the meeting dated 27 April 2012.

DECIDES

Chapter 1 General Provisions

Article 1:

This sub-decree aims to ensure that the transfer of functions and resources from ministries, Institutions, departments, units and authorities at all levels to the Sub-National Administrations shall be carried out in a systematic manner with phasing, rationale, coordination, consultation, transparency and equity in order to improve the effectiveness of public service delivery and development.

Article 2:

The purpose of this sub-decree is to determine the general process and timeframe for transferring functions and resources to the Sub-National Administrations as required under the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans and the Law on Administrative Management of Communes/Sangkats.

Article 3:

This sub-decree has a scope of application to the transfer of functions and resources from ministries, institutions, departments, units and authorities at all levels to the Sub-National Administrations, and between Sub-National Administrations.

Article 4:

For the purpose of this sub-decree:

- “Functions” refer to acts or activities including the provision of public services, infrastructures and other mechanisms.
- “Councils” refer to the Capital Council, Provincial Councils, Municipal Councils, District Councils, Khan Councils, Commune and Sangkat Councils;
- “Resources” refer to properties, finance, revenues, personnel and capacity.
- “Asset” refers to machineries, vehicles, equipment, furniture, materials, offices, letters, documents, public land, public real estates, public building or public infrastructures such as bridges, canals, roads or similar items.

- “Sub-National Administrations” refer to the Capital, Province, Municipality, District, Khan, Commune and Sangkat.
- “Obligatory Functions” refer to mandatory functions that shall be managed and performed by sub-national administrations according to standards and procedures defined by law, royal decree or sub-decree or legal instruments.
- “Permissive Functions” refer to optional functions that sub-national administrations may or may not choose to implement.
- “Transfer” refers to the assignment or delegation of functions.
- “Assignment of Function” refers to the transfer of the ownership of the function, authorities and resources to sub-national administrations to respond to community needs.
- “Delegation of Function” refers to the transfer of functions, responsibilities, power and discretions to sub-national administrations to administer and implement functions on behalf of the delegating authorities based the delegation requirement. The delegation authorities maintain the ownership of the delegated functions.
- “Systematic Transfer” refers to the transfer of functions accompanied by the transfer of appropriate resources.

Chapter 2

General Process of Transfer of Functions and Resources

Section 1

Principles

Article 5:

The transfer of functions and resources to sub-national administrations shall be carried out through an orderly, consultative, systematic, transparent and equitable process.

Article 6:

In the process of functional transfer priority shall be given to necessary activities which directly impact on poverty reduction, livelihood improvement of the people and local development.

Article 7:

Functions should be assigned or delegated by applying the following principles:

- Relevant to jurisdiction of the council;
- Manageable and practical for the council’s jurisdiction;
- Beneficial and useful for residents within the council’s jurisdiction;
- Capable of making a major impact within the council’s jurisdiction.

Functions should be assigned or delegated by:

- Ensuring that the transfer of commensurate financial, human and other resources follow the transfer of functions;

- Ensuring a transparent and consultative process with the participation of the Ministries and Institutions and representatives of the recipient sub-national administrations as facilitated by the National Committee for Democratic Development at Sub-National Level with an abbreviation “NCDD” and its Secretariat ; and
- Ensuring minimal disruption to the ongoing operations of the Royal Government.

Article 8:

The NCDD shall review the responsibilities and functions of ministries, institutions, departments, units and authorities at all levels to identify functions to be transferred to sub-national administrations.

Article 9:

The NCDD, assisted by its Sub-Committee on Functions and Resources and its Secretariat, shall oversee, coordinate, support and monitor the process of transfer of functions and resources, which will be the responsibility of the Ministries and Institutions.

Section 2 Mapping of Functions

Article 10:

Ministries, Institutions, departments, units and authorities at all levels shall carry out a mapping exercise to identify:

- All current actual functions, and units which manage and exercise functions that fall within their jurisdiction;
- The legal framework under which the functions are exercised;
- The current actual financial resources spent to exercise their functions;
- Current actual human resources assigned to the exercise of the functions;
- Equipment, materials and any other resources assigned to the exercise of the functions.

Article 11:

The NCDD shall produce a Functional Mapping Guideline which will be used by the Ministries, Institutions, departments, units and authorities at all levels as the basis for carrying out the mapping exercise.

Once the mapping exercise has been completed, the Ministries and Institutions shall submit a copy of the final report to the NCDD for review and approval.

Section 3 Review of Functions

Article 12:

Once the result of the mapping exercise has been approved by the NCDD, the Ministries and Institutions shall review the functions, related regulatory and service delivery responsibilities to establish what should be transferred to sub-national administrations.

Article 13:

The review of functions shall be carried out in accordance with:

- Articles 215, 216, 217, 218, 219, 220 and 221 of the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans;
- The approved function mapping report;
- The principles set out in Articles 5, 6 and 7 of this Sub-decree; and
- Any decisions or guidelines provided by the NCDD.

Article 14:

The NCDD, Ministries and Institutions shall ensure that there is coherence in the review of functions in any sector that involves more than one Ministry or Institution and must consult with involved Ministries, Institutions as well as other national and sub-national stakeholders.

Article 15:

Where functions are to be transferred to sub-national administrations, the review process shall also identify the resources that are to be transferred along with the functions, together with any capacity development plans that may be required to ensure proper management, supervision and implementation of these functions and resources.

Article 16:

The Ministries and Institutions shall determine their new roles and responsibilities after the transfer of functions.

The determination of the new roles and responsibilities include policy development, standard setting and oversight; and identifying of any capacity development requirements associated with these new roles and responsibilities.

Article 17:

The NCDD shall produce a Functional Review Guideline which shall be used by the Ministries, Institutions, departments, units and authorities at all levels as the basis for carrying out the review of functions.

Once the review of functions has been completed, the Ministries and Institutions shall submit a copy of the final report to the NCDD for review and approval.

Section 4

Capacity Development to Receive Functions and Resources

Article 18:

The Ministries, Institutions, departments, units and authorities at all levels shall be responsible for building the capacity of the sub-national administrations to

receive functions and resources over time under the supervision of the NCDD as stipulated in Article 235 of the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans.

Article 19:

The Ministries, Institutions, departments, units and authorities at all levels shall formulate plans for capacity development to equip sub-national administrations to properly receive functions; and to properly manage, supervise and implement those function to at least the same or above standards that currently apply.

Article 20:

The formulation of the plans for capacity development shall be carried out in close collaboration and consultation between national and sub-national levels.

Section 5 Transfer of Functions and Resources

Article 21:

The assignment and delegation of functions shall be done by law, royal decree, sub-decree or other legal instrument, in accordance with Article 238 of the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans.

Article 22:

The transfer of functions to sub-national administrations shall be carried out in accordance with Articles 233, 234, 235, 236, 237, 238, 239 and 240 of the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans.

The transfer of financial resources for performing functions transferred to sub-national administrations shall be carried out in accordance with the provisions of Section 6 of Chapter 5 of the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans, and the provisions of Section 2 of Chapter 3 of the Law on Financial Regime and Property Management for Sub-national Administrations.

The transfer of asset for performing functions transferred to sub-national administrations shall be carried out in accordance with the provisions of Section 7 of Chapter 5 of the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans, and the provisions of Chapter 4 of the Law on Financial Regime and Property Management for Sub-national Administrations.

Article 23:

The NCDD shall review all the draft laws, royal decrees, sub-decrees and other legal instruments that transfer functions and resources to sub-national

administrations to ensure consistency with the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans and with this sub-decree.

Article 24:

The transfer of functions to Communes/Sangkats shall exclude the sectors stipulated in the Article 45 of the Law on Administrative Management of Communes/Sangkats.

The transfer of functions to Capital, Provinces, Municipalities, Districts and Khans shall exclude the sectors or functions which are exclusively reserved for national Ministries and Institutions.

Article 25:

Processes and procedures for the transfer of financial resources shall be defined by the laws, royal decrees, sub-decrees or Prakas transferring the functions.

Section 6 Implementing Agencies

Article 26:

The NCDD, assisted by its Sub-Committee on Functions and Resources and its Secretariat, has overall responsibility to the Royal Government for reviewing and transferring functions and resources in accordance with the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans.

The NCDD shall periodically report to the Royal Government on the progress of review and transfer of functions and resources.

The implementing ministries and institutions shall periodically report to the NCDD on the progress of review and transfer of functions and resources.

Article 27:

Ministries and Institutions have primary responsibility to the NCDD for mapping, reviewing and transferring functions and resources.

Article 28:

The sub-national administrations have responsibility for contributing to the functional transfer process whereby they receive and manage new functions and resources.

Article 29:

The Capital and Municipal Administrations have responsibility to review their functions in accordance with the principles set out in Article 5, 6 and 7 of this sub-decree in order to identify which of their functions together with corresponding resources should be delegated to Khan and Sangkat Administrations.

Section 7 Support mechanisms

Article 30:

The NCDD shall ensure that the transfer of functions and resources to sub-national administrations shall be carried out through a systematic, orderly, rational, consultative, transparent and equitable process.

Article 31:

The Sub-Committee on Functions and Resources has responsibilities to assist and advise as well as provide recommendations to the NCDD on all matters related to the duties and responsibilities of the NCDD in identifying and transferring functions and resources to the sub-national administrations.

The NCDD Secretariat are responsible for assisting the Sub-Committee on Functions and Resources and the NCDD on technical, coordination and consultative matters as well as technical and financial support to the functional transfer process.

Chapter 3 Transitional Provisions Section 1

Process of Transfer of Functions and Resources for Priority Sectors or Activities

Article 32:

The NCDD shall give priority over the period 2012-2013 to transfer of functions and resources in the following sectors or activities:

- Agriculture;
- Education;
- Forestry, fishery, natural resources and environment;
- Health, nutrition and services for people including other needs of women, men, youth, children, vulnerable groups and indigenous people;
- Industry and support to economic development;
- Land use;
- Cadastral Works and Constructions;
- Electricity production and distribution;
- Water management;
- Particular or special needs for the Capital, Province, Municipality, District, Khan, commune and Sangkat including tourism, historical sites and cultural heritage;

- Social Welfare;
- Rural Development.

It shall be paid close attention to the transfer of infrastructures, means, materials and facilities that are necessary to support the management and exercise of the above assigned or delegated functions.

Article 33:

Ministries, Institutions, departments, units and authorities at all levels responsible for functions in the priority sectors or activities as indicated in Article 32 shall complete and submit its functional mapping and review reports to the NCDD for review and approval no later than 2012.

After the NCDD has approved its functional mapping report and its report on review of functions, Ministries, Institutions, departments, units and authorities at all levels shall carry out a process of transferring functions, along with the transfer of necessary and appropriate financial and human resources and other resources, following phases to begin no later than 2013.

Article 34:

Ministries, Institutions, departments, units and authorities at all levels responsible for functions which are not in the above priority sectors or activities shall follow the same mapping and review process, and shall submit their functional mapping and review reports for transfer of functions not later than 2013.

Article 35:

The detailed timeframe, phases and processes by which Ministries, Institutions, departments, units and authorities at all levels start transferring functions and appropriate financial, human and other resources shall be determined by the decision of the NCDD.

Section 2 Transfer of Human Resources

Article 36:

In the absence of laws or regulations or a separate statute for personnel of sub-national levels, processes and procedures for the transfer of human resources shall be defined by the laws, royal decrees, sub-decrees or Prakas transferring those functions and in accordance with the provisions of the Section 8 of Chapter 5 of the Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans.

Chapter 4 Final Provisions

Article 37:

Any provisions that contradict this sub-decree shall be abrogated.

Article 38:

The National Committee for Sub-National Democratic Development, Minister in charge of the Office of the Council Ministers, Minister of the Ministry of Interior, minister of the Ministry of Economy and Finance, Chairman of the National Committee for Democratic Development at Sub-National Level, ministers and secretaries of state of all ministries and institutions, and all Sub-national Administrations shall effectively implement this sub-decree from the date of its signature onward.

Phnom Penh Capital, 10 May 2012

Prime Minister

Samdech Aka Moha Sena Padei Techo Hun Sen

Copy to:

- Ministry of Royal Palace
- General Secretariat of Constitutional Council
- General Secretariat of Senate
- General Secretariat of Parliament
- General Secretary of Royal Government
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 38
- Royal Gazette
- Archives