Royal Government of Cambodia

National Committee for Sub-National Democratic Development

Compilation of Key Legal Instruments of Sub-National Democratic Development Reform

NCDD-S

March 2016

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7. **Prakas No. 2809 PK** dated 09 July 2013 on Delegation Powers to Provincial Governor for verification of District/ Municipal Fund Transfer Proposal
8. **Prakas No. 583 SHV.HM** dated 13 June 2013 on Preparation Approval and Implementation District Municipality Budget
9. **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
10. **Guideline No. 002 SHV** dated 28 January 2014 on Procurement Methods and Procedures of District Municipality and Khan Administration
11. **Instruction No. 034 SNN** dated 06 September 2013 on the Establishment of Procurement Committee and Procurement Unit of Capital, Provincial, District, Khan Administrations
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3. **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
4. **Sub Decree No. 63 ANK/BK** dated 08 September 2013 on Management of the Implemenation of Changing Category, Gradea and Step of Civil Servants
5. **Guideline No. 2202 MS.SNN** dated 4 July 2014 on Procedures of Appoinment, Movement and Termination of Sub-National Civil Servants
6. **Guideline No. 022 SNN** dated 13 July 2009 on Modality and Procedures of Modification of Member of Capital, Provincial, Municipal, District and Khan Council
7. **Guideline No. 038 SNN** dated 21 November on Preparation of Term of Reference for Sub-National Personnel of Capital, Provincial, Municipal, District and Khan

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1. **Sub Decree No. 285 ANK.BK** dated 18 November 2014 on The Selection, Management, Arrangement and Execution of Permissive Functions by Sub-National Administration
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3. **Sub Decree No. 68 ANK/BK** dated 10 May 2012 on General Process of Transfer of Functions and Resources to the Sub-National Administrations

I. Legal Instruments related to Organization, Roles and Duties of Sub-National Administration

(Unofficial Translation)

Kingdom of Cambodia

Nation Religion King

Royal Government of Cambodia

No. 286 ANK.BK

Sub-decree

On

Procedures for the Preparation, Amendment to and Repeal of Deikas of the Capital Council and Provincial, District, Municipal and Khan Councils

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0913/903 date Sep 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 Amendment Law, article 28 of the Law on the Organization and Functioning of the Council of Ministry;
- Having seen the Royal Kram No. NS/RKM/0196/08 date 24 January 1996 promulgating the Law on the establishment and functioning of Ministry of Interior
- 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 Royal Decree No. NS/RKT/1208/1429 dated Dec 31, 2008 on the Establishment of the National Committee for Democratic Development at Sub-National Level;
- Having seen Sub-decree No. 215 OrNKr.BK date 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 date 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;

- As per request of the Chair of National Committee for Democratic Development at Sub-National Level;

HEREBY DECIDES

Chapter 1

General Provisions

Article 1

This Sub-decree has the goal to ensure the Capital, Provincial, Municipal, District and Khan Councils exercise their legislative authority.

Article 2

This Sub-decree has the purpose to determine the procedures for the preparation, amendment to and repeal of Deikas in the nature of general provision of the Capital, Provincial, District, Municipal and Khan Councils.

Article 3

The scope of this Sub-decree covers the application of legislative power of the Capital council, provincial councils, district councils, municipal councils and khan councils.

Article 4

In this sub-decree:

- '**Deika**' refers to a legal rule in the nature of general provision or in the nature of individual provision approved by a council within the limit of the council's authorities and to be enforced within its jurisdiction only; a deika may be an original deika, a deika that amends another deika or a deika that repeals another deika.
- **Deika in the nature of general provision** refers to the implementation guideline or additional clarification on law, royal decree, sub-decree and Prakas and a guideline to implement the tasks under jurisdiction of council. Deika in the nature of general provision shall be approved and signed by council chairperson.
- **Deika in the nature of individual provision** refers to deika related to or address to name. Deika in the nature of individual shall be approved by council and signed by governor.
- **Original Deika** refers to preliminary Deika which is prepared and approved by the council.
- **Jurisdiction** refers to areas, functions, and duties which are under the authorities of a council.
- **Retroactiv**e refers to the authority of execution of Deika on situation or any cases occurred prior to the date of Deika come into effect.
- **Legality control** refers to the assurance that deika of councils shall be prepared in accordance with the existing rule of laws and legal documents.
- **Judicial police** refers to judicial police officers, judicial police agents, other government officials and public agents who are authorized by separate laws

to examine offenses in the scope of the their territorial jurisdiction. The judicial police perform their duties in support of the judicial body. The judicial police have the duty to examine felonies, misdemeanors and petty offenses, to identify and arrest offenders and to collect evidence.

Chapter 2

Key Principles of Issuing a Deika

Article 5

Deika in the nature of general provision shall be approved by the council and signed by the council chairperson.

Article 6

Any Deika that is against any provision of the Constitution of the Kingdom of Cambodia, a Law, a Royal Decree, a Sub-decree or a Prakas shall be invalid.

Article 7

Any Deika that discriminates against an individual, or a specific group of persons, based on factors of race, religion, belief, sex, age, color, nationality, nationality at birth or mental or physical disability shall be invalid.

Article 8

Council shall ensure that relevant stakeholders are consulted during the preparation of Deika except in a necessary case that requires the council to issue Deika for solving a particular problem or for taking any immediate action.

Article 9

A deika approved by a sub-national council shall come into effect on the date the deika was signed unless otherwise a future date is set for some or whole part of deika to come into effect.

Article 10

A Deika cannot have retroactive effect.

Chapter 3

Authority of Council to Issue a Deika

Article 11

A Capital, provincial, municipal, district, and khan councils shall exercise its legislative power through issuance of deikas, amendment to deika, and repeal of deika based on procedure set out by other provisions in this sub-decree.

Article 12

The Capital, provincial, municipal, district, and khan council has the authority to approve deikas that determine, prohibit or oversee activities, procedures, or any works under the scope of functions, duties and resources of councils including:

- Roles, duties and authorities of the council;
- Functions and or resources assigned to the council;

- Functions and or resources delegated to the council in the event that the delegation did not take away partly or fully the authority to approve a deika; and
- Any issues required by the applicable laws, royal decrees or Prakas and legal documents to issue a Deika .

Article 13

A Deika may include provision on monetary fines, apart from criminal punishment and other civil responsibility of other existing regulations for violating one or more provisions in the deika.

Article 14

Procedure for preparing provision on monetary fines by the council deika, and the amount of fines shall be determined by sub-decree as requested by the Minister of Interior and Minister of Economic and Finance.

Chapter 4

Preparation and Approval of Deikas

Section 1

Determination of Need to issue a Deika

Article 15

The need to issue a deika shall be determined based on the requirements of Law, Royal decree, Sub-decree, Prakas, legal documents and/or local needs.

The initiative for determination of need for a deika based on the local needs could be raised by:

- the council chairperson, or
- at least one-third of all councilors, or
- council committees, or
- governor or board of governors, or
- Association of Municipality, District, Khan, Commune, Sangkat in the jurisdiction of respective council,
- 0ne-tenth (1/10) of total households within each council jurisdiction.

Article 16

The need to issue a deika shall be approved by council.

Section 2

Preparation of a Draft Deika

Article 17

The preparation of a draft deika shall be based on principles and other existing laws, royal decree, sub-decrees, legal documents, and/or local needs within the council jurisdiction.

To provide clear basis for preparing a draft deika, the council may conduct a preliminary study on legal framework, and other related legal documents, issues, and

actual needs in their local areas. During the study, the council may seek technical assistance and resources or advisory service from government ministries, departments, institutions, private sector, civil society organization, and other relevant stakeholders.

Article 18

The council shall assign the function for preparing a draft deika to:

- Members of council, or
- Board of governors, or
- Council committees, or sub-committees or working groups, or
- Any units of the council.

A deika shall be prepared based on format of deika determined by the instruction of the Minister of Interior.

Article 19

Council must ensure the participation from relevant stakeholders, especially female; youth; children; vulnerable group and ethnic minority representation, in process of preparing the draft deika.

Article 20

During the preparation process, the council or the board of governors may send a written request for comment from the Minister of Interior if they consider that the issues are sensitive or unclear. The Minister of Interior shall reply back within (30) working days after receiving that request.

Section 3

Consultation on Draft Deika and Public disclosure

Article 21

All draft Deikas shall be consulted with the Women and Children's Consultative Committee and relevant councils committees before sending to board of governors for review and comments for submitting to council for review and agreed on the preliminary draft.

Article 22

The preliminary draft deika shall be consulted with relevant capital, provincial, municipal, district, and khan, and relevant commune/sangkat councils, public and other relevant stakeholders, and shall be informed to the public and disclosed broadly within the council's jurisdiction and in the public space in order to enable the public and relevant stakeholders to know about the content in the draft deika as well as to provide their comments on the draft deika.

The public disclosure lasts for at least ten (10) working days before submitting the draft deika to the council for review and approval except only when there is an emergency to issue deika as set out in Article 08 of this sub-decree.

Article 23

The council shall ensure to have a clear mechanism for collecting feedbacks on the draft deika by providing venue, means and officer in charge to get feedbacks from the public and relevant stakeholders.

Article 24

The governor shall ensure that all feedbacks from the public consultation and public disclosure on the draft deika are taken into consideration for revising the draft deika and for writing a report on the public consultation and public disclosure for attaching with the revised draft deika to be submitted to the council for review and approval.

Section 4

Review and Approval of Deika

Article 25

A revised draft deika shall be submitted to board of governors for review and for submitting to the council for review and approval, by attaching the report on public consultation and public disclosure along with the statement on the process of preparation and the contents of draft deika.

Article 26

After receiving the draft deika, the council chairperson shall organize a council meeting to review and approve the draft deika.

The council chairperson shall ensure that representatives from board of governors, all relevant institutions, units, and experts participate in the council meeting, and shall make it convenient for the public and the relevant stakeholders to join the meeting.

Article 27

The process of council meeting to review and approve on draft deika shall be based on their internal regulation.

The council shall review and approve a draft deika by a vote of more than half of all councillors of the council.

Article 28

After the council reviews and approves the draft deika, the governor shall revise the draft deika for submitting to the council chairperson for signing or do other tasks based on the council decision.

Chapter 5

Amending and Repealing Deikas

Article 29

A council may decide to amend or repeal a deika the council has already approved based on situation, problem, need, or suggestion of local citizens and/or based on existing laws, royal decree, sub-decree, Prakas or other legal documents or instruction from government ministries.

Article 30

A council may amend a deika by adding new articles, or/and revising any articles of the approved deika.

In order to amend a deika, a council must follow the procedure set out in Chapter 4 on preparation and approval of deikas of this Sub-decree.

Article 31

The council may decide to repeal any deika through issuance of its deika.

Chapter 6

Implementation of Deikas

Article 32

A deika is enforceable when it comes into effect as set out in article 9 of this sub-decree.

The council shall ensure that all approved deikas have been disseminated broadly to the public and relevant stakeholders.

Article 33

A deika shall be executed and enforced throughout the jurisdiction of the council as a whole except when it provides otherwise or when any law or legal documents requires the exclusion from Deika of an area with a clear demarcated boundary.

Article 34

The council shall implement and enforce its Deika.

The board of governors shall be responsible to implement and enforce all Deikas in an effective, transparent and accountable manner, and shall report to the council regularly or as decided by the council. To implement the Deika, the board of governor shall ensure participation from departments, units, line offices, public and relevant stakeholders.

If necessary, the council may enforce a Deika through or in collaboration with judicial police officers.

The judicial police officers shall assist the council to enforce a Deika upon written request from the council.

Article 35

The council shall ensure to have the monitoring and evaluation mechanism to monitor and evaluate the implementation of council deika.

Chapter 7

Legality Check of Deikas

Article 36

The Capital, provincial administration shall send every Deika approved by the Capital, provincial Council to the Ministry of Interior for a legality check at least five (05) working days from the day of issuing the Deika.

The Capital, Provincial governors were delegated the tasks of conducting legality check from the Minister of Interior on Deikas approved by Municipal, District and Khan Council.

The Municipal, district and khan administration shall send every deika approved by the Municipal, District, khan council to the respective Capital, Provincial governors for a legality check at least five (05) working days from the day of issuing the Deika.

Article 37

The Ministry of Interior or Capital, Provincial governors has to cooperate with relevant ministries, institutions, departments, units to do the legality check of the councils' deika.

Article 38

In the event that the Ministry of Interior or the Capital, provincial governors that conducts a legality check finds out illegality of the deika , the Ministry of Interior, or the Capital, provincial governors that conduct a legality check shall notify the council in writing with clear reasons or any points contradicts to any provisions of constitution, laws, royal decree, sub-decree and legal documents within thirty (30) working days from the day of receiving the Deika in order for the council to amend the Deika.

The council that approved the deika shall make necessary changes within thirty (30) working days in accordance with the reasons provided by the Ministry of Interior or the respective Capital, provincial governors. In order to amend a deika, a council must follow the procedure set out in Chapter 4 on preparation and approval of deikas of this Sub-decree.

In the event that the council does not revise the deika in accordance with reasons specified by the Ministry of Interior or the Capital, Provincial governors, the Minister of Interior or the Capital, Provincial Governors have to take necessary measure to revise or repeal that deika.

Chapter 8

Separate Provision

Article 39

Deika in the nature of individual provision shall be signed by governor up on the approval of the council.

The issuance of deika in the nature of individual provision must follow the procedure set out in existing legal documents related to the management of human resources, staff working at the sub-national level.

Chapter 9

Interim Provision

Article 40

Any deikas issued by the council or governor issued before this sub-decree is approved are still valid unless there are any change or a preparation of a new deika.

When there is any change or preparation of a new deika, shall follow the provisions set out in this sub-decree.

Chapter 10

Final Provisions

Article 41

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

Article 42

Minister in charge of the Office of Council of Ministers, Minister of Economic and Finance, Minister of Interior, Chair of the National Committee for Democratic Development at Sub-National Level, Ministers, Secretary of State of all relevant ministries/agencies, Councils and Boards of Governors of all Sub-National Administrations are charged to implement this Sub-Decree from the date of its signature.

Phnom Penh, 18 November 2014

Prime Minister

Samdech Aka Moha Sena Padei Techo Hun Sen

Reported to

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

to please kindly sign

Deputy Prime Minister, Minister of Interior and Chair of NCDD

Sar Kheng

Receiving Places:

- *Ministry of Royal Palace*
- *General Secretariat of the Constitution 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 in Article 42*
- *Royal Gazette*
- *Archival – Documentation*

(Unofficial Translation)

Kingdom of Cambodia
Nation Religion King

Royal Government of Cambodia
No: 156 ANKr.BK

Sub-Decree on the Organization and Functioning of Unified Command of Capital, Provincial, Municipal, District, Khan Administrations

The Royal Government

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0913/903 dated Sep 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 Office of Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0196/08 dated Jan 24, 1996 promulgating the Law on the Establishment of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0301/05 dated March 19, 2001 promulgating the Law on Administrative Management of Commune/Sangkat;
- Having seen Royal Kram No. NS/RKM/0508/017 dated May 24, 2008 promulgating the Law on Administrative Management of Capital, Province, Municipality, District, Khan;
- Having seen Sub-Decree No. 215 ANKr.BK dated Dec 14, 2009 on Roles, Responsibilities and Working Relation of the Council and the Board of Governors of the Capital of Phnom Penh and Councils and Boards of Governors of Khans of the Capital of Phnom Penh;
- Having seen Sub-Decree No. 216 ANKr.BK dated Dec 14, 2009 on Roles, Responsibilities and Working Relation of Councils and Boards of Governors of Provinces, Councils and Boards of Governors of Municipalities and Councils and Boards of Governors of Districts;
- As the request of the Minister of Interior.

Hereby Decides:

Article 1

This Sub-decree is aimed at strengthening roles, responsibilities and engagement of Sub-National Administrations (SNAs) in maintaining security, order,

public safety, protection of forestry and fishery resources and protected areas and prevention and suppression of crimes across the country.

Article 2

This Sub-decree is aimed at identifying composition, roles, responsibilities, authorities and working formalities of steering committee in charge of military of capital, provincial, municipal, district, khan (cpmdk) administrations.

Article 3:

This Sub-decree is applicable to SNAs and sub-national line departments and offices of ministries/institutions.

Article 4:

Steering committee in charge of military of cpdmk administrations have the following compositions:

a. Steering committee in charge of military of Capital and Provincial administrations:

1.	Capital/Provincial Governor	Chair
2.	Commander or Vice Commander of Military Region operating in the jurisdiction of the capital/province	Vice Chair
3.	One Deputy Capital/Provincial Governor	Permanent Vice Chair
4.	Commander of Capital/Provincial Military Operation Zone	Vice Chair
5.	Capital/Provincial Police Commissioner	Vice Chair
6.	Commander of Capital/Provincial Military Police	Vice Chair
7.	Director, Capital/Provincial Department of Economy and Finance	Member
8.	Director, Capital/Provincial Department of Agriculture	Member
9.	Director, Capital/Provincial Department of Environment	Member
10.	Director of Capital/Provincial Branch of Custom and Excise	Member
11.	Director of Capital/Provincial Branch of Taxation	Member
12.	Director of Administration of Capital/Provincial Hall	Member
13.	Chief of Forestry Cantonment operating in the Jurisdiction of the Capital/Province	Member
14.	Chief of Fishery Cantonment operating in the jurisdiction of the Capital/Province	Member
15.	Chief ranger operating in the jurisdiction of the Capital/Province	Member
16.	Municipal/District/Khan Governors	Members

b. Steering committee in charge of military of Municipal, District and Khan administrations:

1.	Municipal/District/Khan Governor	Chair

2. One Deputy Municipal/District/Khan Governor — Permanent Vice Chair
3. Commander of Municipal/District Military Operation Division or Team Leader of Special Military Region at Khan level — Vice Chair
4. Municipal/District/Khan Police Commissioner — Vice Chair
5. Municipal/District/Khan Military Police Commissioner — Vice Chair
6. Director for Administration of Municipal/District/Khan Hall — Member
7. Chief of Municipal/District/Khan Office of Agriculture — Member
8. Chief of Municipal/District/Khan Office of Environment — Member
9. Chief of Forestry Division operating in the jurisdiction of Municipality/District/Khan — Member
10. Chief of Fishery Division operating in the jurisdiction of Municipality/District/Khan — Member
11. Commune/Sangkat Chiefs — Members

In addition to the above composition, Chair of the steering committee in charge of military of cpdmk administrations can add directors of line departments/offices of ministries/ institutions operating the jurisdiction of each cpdmk as members of their respective steering committee in charge of military based on situation on the ground.

Article 5

Steering committee in charge of military of cpdmk administrations have the following roles and responsibilities:

- Lead, coordinate and take actions in accordance with laws to maintain and protect security, order, public safety, prevention, control and suppression of crimes including terrorism, thieveries, robberies, production, distribution and use of illicit drugs, pedophilia, trafficking of women and children, all types of violence, gangsters, all types of gambling, illegal use of weapons, destruction of forestry and fishery resources and natural protected areas and other crimes in their respective jurisdictions;
- Timely address any incidents associated with security, order, public safety, destruction of forestry and fishery resources and natural protected areas and crimes in their respective jurisdictions;
- Lead, coordinate and assign tasks to respond to necessities related to military and security tasks in their respective jurisdictions;
- Lead and oversee the implementation of village/commune safety policy in their respective jurisdictions;
- Engage line departments/offices and local communities in maintaining and protecting security, order, public safety, forestry and fishery resources, natural protected areas and preventing and suppressing crimes in their respective jurisdictions;

- Promote cooperation between adjacent SNAs to maintain and protect security, order, public safety, forestry and fishery resources, natural protected areas and prevent and suppress crimes in their shared territories;

Article 6

Steering committee in charge of military of cpdmk administrations has the following authorities and working formalities:

- In the protection and maintenance of security, order, public safety, forestry and fishery resources and natural protected areas in their jurisdiction, steering committee in charge of military of cpdmk administrations will lead and instruct armed forces and competent authorities, relevant line departments/offices including forestry and fishery cantonments and divisions and rangers of natural protected areas to take actions based on applicable laws and regulations. If needed, commanders of the steering committee in charge of military can coordinate, gather forces in their jurisdiction to intervene or report and request for intervention from the national level in case the steering committee in charge of military of Capital and Provincial administration cannot address the situation;
- Members of the steering committee in charge of military of cpdmk administrations shall participate in meetings and implementation as invited and instructed by the Chairs of the steering committee in charge of military of respective cpdmk administrations;
- Chairs of the steering committee in charge of military of cpdmk administrations can invite directors of line departments, offices or other stakeholders to participate in their meetings as necessary;
- In necessary cases, which require military and security confidentiality Chairs of the steering committee in charge of military of cpdmk administrations are entitled to convene meetings by inviting only members dealing with military and security matters to join;
- Steering committee in charge of military of cpdmk administrations shall report on the outcomes of the implementation of their roles and responsibilities to their respective cpdmk councils;
- Steering committee in charge of military of district/municipal/khan administrations shall report regularly on the undertaking of their roles and responsibilities to the unified command of the respective capital/provincial administration;
- Steering committee in charge of military of capital/provincial administrations shall regularly report and request for advice on the undertaking of their roles and responsibilities from relevant ministries/institutions at the national level;
- Steering committee in charge of military of district/municipal/khan administrations shall submit report on monthly, quarterly, semester and annual basis on the undertaking of their roles and responsibilities to the unified command of the respective capital/provincial administration; Steering committee in charge of military of capital/provincial administrations shall tally and submit report on monthly, quarterly,

semester and annual basis on the undertaking of their roles and responsibilities to the Minister of Interior and Ministers of relevant ministries/institutions. If necessary, Minister of Interior can convene meeting of steering committee in charge of military of capital/provincial administrations with relevant ministries/institutions.

Article 7

Steering committee in charge of military of cpdmk administrations shall set up secretariats to assist the work in their respective steering committee in charge of military.

Organization and functioning of the secretariat are determined by Prakas of the Minister of Interior.

Article 8

Sub-decree No. 22 ANKr dated May 09, 1994 on the Establishment of cpdmk steering committee in charge of military and provisions contradicting this Sub-decree are nullified.

Article 9

Minister in charge of the Office of Council of Ministers, Minister of Economy and Finance, Minister of Interior, Ministers of all ministries, Heads of relevant institutions, cpdmk Governors and individuals listed in Article 4 are tasked to implement this Sub-decree effectively from the date of the signature.

Phnom Penh, March 31, 2014

Prime Minister

Samdech Aka Moha Sena Padei Techo Hun Sen

Have informed **Samdech Aka Moha Sena Padei Techo**

Prime Minister to please kindly sign

Deputy Prime Minister, Minister of Interior

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 in Article 9
- Royal Gazette
- Documentation - Archives

(Unofficial 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 coucil;

- 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 deletion 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

(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 expect 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 deletions 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

(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 haft 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 haft 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 provision 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
- Gazette
- Archives

(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 haft 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 haft 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

Royal Government of Cambodia
Ministry of Interior

No. 4273 BrK

Kingdom of Cambodia
Nation Religion King

(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)
Section1
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 immoveable 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 councilor 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 visions, 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 Gazette
- Archives

Royal Government of Cambodia
Ministry of Interior

No. 4274 BrK

Kingdom of Cambodia
Nation Religion King

(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)

Section1
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 immoveable 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 councilor 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 visions, 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

Royal Government of Cambodia
Ministry of Interior

No. 4275 BrK

Kingdom of Cambodia
Nation Religion King

(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 Education, Youth and Sports — Member
- Director or deputy director of the Department Lour 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 Lour 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

Kingdom of Cambodia

Nation Religion King

Royal Government of Cambodia

Ministry of Interior

No: 035 SNN

Guidelines on
Preparation of Report of Sub-National Administration

- Referring to Article 50 of the Law on Administrative Management of Capital, Province, Municipality, District, Khan;
- Referring to Article 39, 53, 66, 67, 68 and 69 of the Law on Administrative Management of Commune/Sangkat;
- Referring to Sub-decree No. 215 ANKr.BK dated Dec 14, 2009 on Roles, Responsibilities and Working Relationship of the Council and the Board of Governors of the Capital of Phnom Penh and Councils and Boards of Governors of Khans of the Capital of Phnom Penh;
- Referring to Sub-decree No. 216 ANKr.BK dated Dec 14, 2009 on Roles, Responsibilities and Working Relationship of Councils and Boards of Governors of Provinces and Councils and Boards of Governors of Municipalities and Councils and Boards of Governors of Districts;
- Referring to Sub-decree No. 22 ANKr.BK dated March 25, 2002 on Delegation of Powers, Roles and Responsibilities to Commune/Sangkat Councils.

To enable Sub-National Administrations (SNAs) to carry out their roles and responsibilities effectively according to the organic law and regulations for the implementation of this law by ensuring that SNAs' reports are consistent, can be consolidated and are of good quality and to facilitate quick and timely support and interventions, Ministry of Interior would like to provide the following guidelines to SNAs in each category to prepare their reports following the templates attached with this guidelines:

1. Objectives of SNAs' Reporting

SNAs' reporting has the following objectives:

- Record progress and achievements made by each SNA in each period to reinforce roles and responsibilities of SNAs;
- Sensitize the public on progress and achievements made by each SNA in each period to strengthen SNAs' accountability toward citizens;
- Record achievements made by each staff member in each period to reinforce roles and responsibilities of each staff member;

- Sensitize the public on achievements made by each staff member in each period to strengthen staff accountability towards citizens and staff accountabilities in the hierarchy of SNAs according to the organic law;
- Identify challenges associated with the undertaking of roles and responsibilities of SNAs, provide suggestions and inputs to address those challenges and propose future directions for SNAs in each specific period.

2. Reporting of Capital/Provincial Administrations

Capital/provincial administrations are required to prepare reports on monthly, quarterly, semester and annual basis according to the template in Annex 1 (for the capital) and Annex 2 (for provinces) for periods specified in this guidelines.

In the preparation of these reports, capital/provincial governor with assistance from capital/provincial administration director shall advise the administrative division of the capital/provincial hall to collect reports from the council's committees, divisions, line departments, specialized units operating in their jurisdiction and municipal/district/khan administrations in the capital/province to draft their monthly, quarterly, semester and annual reports.

Draft monthly, quarterly, semester and annual reports will be submitted to meetings of the capital/provincial board of governors to review and provide inputs before submitting to meetings of the capital/provincial council to discuss and endorse.

After the review and endorsement by the capital/provincial council, the monthly, quarterly, semester and annual reports will be signed by the Governor of the Capital/Provincial Boards of Governors.

The capital/provincial Governor shall prepare monthly, quarterly, semester and annual reports in electronic format and 3 (three) hard copies, one of which is sent to the General Department for Local Administration of Ministry of Interior, another to NCDD Secretariat and the last one is publicly deposited at the capital/provincial hall.

Reporting period and deadlines of monthly, quarterly, semester and annual reports are detailed as follow:

- **Monthly report:** Capital/provincial administration shall prepare reports for each month of the year (12 months) to cover at least 25 days from Day 1 to Day 25 of each month and submit the report before day 10 of the following month.
- **Quarterly report:** Capital/provincial administration shall prepare a report for the first quarter covering a period from January to March and a report for the third quarter covering a period from July to September. The first quarterly report is submitted before the end of April and the third quarterly report is submitted before the end of October. There is no need to prepare reports for the second and fourth quarter.
- **Semester Report:** Capital/provincial administration shall prepare a report for the first semester covering a period from January to June and submit it by July 20. There is no need to prepare a report for semester 2.
- **Annual report:** Capital/provincial administration shall prepare an annual report covering a period from January to December and submit it before the end of February the following year.

In addition to these reports, Capital/Provincial Board of Governors shall advise the council personnel to prepare their individual reports on regular basis following the templates provided in Annex 1 and 2 in timeframes provided in this guideline.

Reports of Capital/Provincial Council's personnel shall cover the outcomes of their performance at the end of each month and shall follow the following structure:

- Administration director of the capital/province submits his/her report to the capital/provincial governor to review and comment;
- Deputy administration director of the capital/province, director of divisions and director of capital/provincial units submit their reports to the administration director of the capital/province to review and comment;
- Deputy directors of capital/provincial divisions, deputy director of units and chiefs of offices under capital/provincial divisions submit their reports to the directors of capital/provincial division to review and comment;
- Deputy Chiefs of offices under capital/provincial divisions and staff members submit their reports to the directors of capital/provincial division to review and comment through their office chiefs.

The governor, administration director , directors of divisions and units of the capital/provincial hall who will review, provide inputs and set directions for implementation shall do so based on the reports submitted and encourage all staff members to prepare and submit their reports properly and regularly.

Staff reports will be used as a basis to appraise staff performance and archived at the capital/provincial hall, without having to send to the Ministry of Interior.

3. Reporting of Municipal, District and Khan Administrations

3.1. Municipal and District Administrations

Municipal/district administration shall prepare monthly, quarterly, semester and annual reports of the municipal/district administration on regular basis using the template provided in Annex 3 following the timeframe provided in this guideline.

In the preparation of these reports, municipal/district governor with assistance from the administration director shall advise the office of administration and finance to collect reports from the council committees, offices and units under the municipal/district hall, technical offices operating in the jurisdiction of the municipality/district and from commune/sangkat administrations in the municipality/district in order to draft monthly, quarterly, semester and annual reports.

Draft monthly, quarterly, semester and annual reports will be submitted to meetings of the municipal/district board of governors to review and provide inputs before submitting to meetings of the municipal/district council to discuss and endorse.

After the review and endorsement by the municipal/district council, the monthly, quarterly, semester and annual reports will be signed by the Governor of the Municipal/District Boards of Governors.

The municipal/district Governor shall prepare monthly, quarterly, semester and annual reports in electronic format and 2 (two) hard copies, one of which is sent to the provincial hall and another is publicly deposited at the municipal/district hall.

Reporting period and deadlines of monthly, quarterly, semester and annual reports of municipal/district administration are detailed as follow:

- **Monthly report:** Municipal/district administration shall prepare reports for each month of the year (12 months) to cover at least 25 days from Day 1 to Day 25 of each month and submit the report before Day 5 of the following month.
- **Quarterly report:** Municipal/district administration shall prepare a report for the first quarter covering a period from January to March and a report for the third quarter covering a period from July to September to submit to the provincial hall before April 10 for the first quarter report and before October 10 for the third quarter report. There is no need to prepare reports for the second and fourth quarter.
- **Semester Report:** Municipal/district administration shall prepare a report for the first semester covering a period from January to June and submit it before July 10. There is no need to prepare a report for semester 2.
- **Annual report:** Municipal/district administration shall prepare an annual report covering a period from January to December and submit it before February 10 the following year.

In addition to these reports, municipal/district Board of Governors shall advise municipal/district council personnel to prepare their individual reports on regular basis following the templates provided in Annex 3 in timeframe provided in this guideline.

Reports of municipal/district council's personnel shall cover the outcomes of their performance at the end of each month and shall follow the following structure:

- Administration director of the municipality/district submits his/her report to the municipal/district governor to review and comment;
- Deputy administration director of the municipality/district, chiefs, deputy chiefs of offices and units and personnel submit their reports to the administration director of the municipality/district to review and comment;

Governor and administration director of the municipality/district who will review, provide inputs and set directions for implementation shall do so based on the reports submitted and encourage and monitor all staff members to prepare and submit their reports properly and regularly.

Reports of the staff of the municipal/district council will be used as a basis to appraise staff performance and archived at the municipal/district hall.

There is no need to send the reports of the staff of the municipal/district council to the provincial hall.

3.2. Khan Administration

Khan administration shall prepare monthly, quarterly, semester and annual reports of the municipal/district administration on regular basis using the template provided in Annex 4 following the timeframe provided in this guideline.

In the preparation of these reports, khan governor with assistance from the administration director of the khan shall advise the office of administration and finance to collect reports from the council committees, offices and units under the

khan hall, technical offices operating in the jurisdiction of the khan and from sangkat administrations in the khan in order to draft monthly, quarterly, semester and annual reports.

Draft monthly, quarterly, semester and annual reports will be submitted to meetings of the board of khan governors to review and provide inputs before submitting to meetings of the khan council to discuss and endorse.

After the review and endorsement by the khan council, the monthly, quarterly, semester and annual reports will be signed by the Governor of Khan Boards of Governors.

The Khan Governor shall prepare monthly, quarterly, semester and annual reports in electronic format and 2 (two) hard copies, one of which is sent to the Capital hall and another is publicly deposited at the municipal/district hall.

Reporting period and deadlines of monthly, quarterly, semester and annual reports of khan administration are detailed as follow:

- **Monthly report:** Khan administration shall prepare reports for each month of the year (12 months) to cover at least 25 days from Day 1 to Day 25 of each month and submit the report before Day 5 of the following month.
- **Quarterly report:** Khan administration shall prepare a report for the first quarter covering a period from January to March and a report for the third quarter covering a period from July to September to submit to the capital hall before April 10 for the first quarter report and before October 10 for the third quarter report. There is no need to prepare reports for the second and fourth quarter.
- **Semester Report:** Khan administration shall prepare a report for the first semester covering a period from January to June and submit it before July 10. There is no need to prepare a report for semester 2.
- **Annual report:** Khan administration shall prepare an annual report covering a period from January to December and submit it before February 10 the following year.

In addition to these reports, Khan Board of Governors shall advise the khan council's personnel to prepare their individual reports on regular basis following the templates provided in Annex 4 in timeframe provided in this guideline.

Reports of khan council's personnel shall cover the outcomes of their performance at the end of each month and shall follow the following structure:

- Administration director of the khan submits his/her report to the khan governor to review and comment;
- Deputy administration director of the khan, chiefs, deputy chiefs of offices and units and personnel submit their reports to the administration director of the khan to review and comment;

Governor and administration director of the khan who will review, provide inputs and set directions for implementation shall do so based on the reports submitted and encourage and monitor all staff members to prepare and submit their reports properly and regularly.

Reports of the staff of the khan council will be used as a basis to appraise staff performance and archived at the khan hall.

There is no need to send the reports of the staff of the khan council to the capital hall.

4. Reporting of Commune/Sangkat Administrations

Commune/sangkat administration shall prepare its monthly and annual reports on regular basis using the template provided in Annex 5 following the timeframe provided in this guideline.

In the preparation of these reports, commune/sangkat chief with assistance from the commune/sangkat clerk shall ask commune/sangkat councilors to collect reports from committees of the commune/sangkat council in order to draft monthly and annual reports.

Draft monthly and annual reports will be submitted to the commune/sangkat chief and revised before submitting to meetings of the commune/sangkat council to review and endorse.

After the review and endorsement by the commune/sangkat council, the monthly and annual reports will be signed by the commune/sangkat chiefs.

Reporting period and deadlines of monthly and annual reports of commune/sangkat administration are detailed as follow:

- **Monthly report:** Commune/sangkat administration shall prepare reports for each month of the year (12 months) to cover at least 25 days from Day 1 to Day 25 of each month and submit the report to municipal/district/khan hall before the end of each month.
- **Annual report:** Khan administration shall prepare an annual report covering a period from January to December and submit it before February 10 the following year.

Commune/sangkat chief shall advise staff members of the commune/sangkat council to prepare their individual reports on regular basis following the templates provided in Annex 5 in timeframe provided in this guideline.

Reports of commune/sangkat council's staff and commune/sangkat clerk shall cover the outcomes of their performance at the end of each month and submit to commune/sangkat chief to review and comment.

Commune/sangkat chief who will review, provide inputs and set directions for implementation shall do so based on the reports submitted and encourage and monitor all staff members to prepare and submit their reports properly and regularly.

Reports of the staff of the commune/sangkat council will be used as a basis to appraise staff performance and archived at commune/sangkat office.

There is no need to send the reports of the staff of the commune/sangkat council to the municipal/district/khan hall.

SNAs shall use report templates as attached in the annexes of this guideline to replace report templates used so far by SNAs including: (1) IP3 report; (2) report of the council and (3) report of cpdmk administration.

General Department for Local Administration of Ministry of Interior shall assign, review and recapitulate reports submitted by capital/provinces to respond and provide feedback to SNAs on regular basis.

Upon receiving this guideline, council and capital board of governors, councils and provincial boards of governors, councils and municipal boards of governors, councils and district boards of governors, councils and khan boards of governors, commune/sangkat councils and relevant units shall arrange the implementation in an effective manner.

Phnom Penh, Oct 16, 2013

Deputy Prime Minister, Minister of Interior

Sar Kheng

Copy to:
- Office of the Council of Ministers
- All ministries/institutions member of NCDD
- General Secretariat of the National Assembly
- General Secretariat of the Senate
- NCDD Secretariat(For Information)
- Documentation - Archival

Kingdom of Cambodia
Nation Religion King

Royal Government of Cambodia

Ministry of Interior

No: 033 SNN

Guidelines
on
The Division of Roles, Duties and Working Procedures for the Board of Governors of Phnom Penh and Boards of Governors of Khan in Phnom Penh

Since taking offices, Ministry of Interior has noticed that Board of Governors of Province, Board of Governors of Municipality and Board of Governors of District have been working hard and cooperating very well within the Board of Governors and have carried out their own duties in line with applicable regulations in the spirit of high responsibility and have achieved remarkable results.

The Law on Administrative Management of Capital, Province, Municipality, District and Khan and regulations on the roles, duties, working relation and working procedures of the Councils and Boards of Governors of the Capital, Province, Municipality, District, Khan identify step-by-step the governance structure and system for the administrations of the Capital, Province, Municipality, District and Khan. On this basis, Ministry of Interior has integrated civil servants who are working at the capital, provincial, municipal, district, khan halls into the new structure.

Article 33 and 92 of the Sub-Decree No. 215 ANKr.BK dated Dec 14, 2009 on the Roles, Duties and Working Relations of the Phnom Penh Capital Council and Board of Governors and Councils and Boards of Governors of Khans in Phnom Penh states that **Minister of Interior shall issue guidelines on the division of Duties to the Governor and Deputy Governors of the Capital and Khans and the working procedures.**

Based on these articles and to strengthen internal unity and working responsibilities and to strengthen the new structure of Sub-National Administration to be capable of promoting development and providing services, Ministry of Interior would like to provide guidelines on working relations between Council and Board of Governors and on the division of roles, duties and working procedures to the Board of Governors of the Capital and Boards of Governors of Khans in Phnom Penh as below:

I. Board of Governors of Phnom Penh Capital

a. Division of Roles and Duties among Members of the Board of Governors of Phnom Penh Capital

Based on the new structure of Phnom Penh Capital Hall, the Board of Governors of Phnom Penh Capital shall convene a discussion meeting to divide tasks among the Governor and Vice Governors of Phnom Penh to take charge of work of divisions and offices as well as tasks of relevant line departments and ask for endorsement from the Council.

The Capital Governor shall divide tasks to among Vice Governors of the Capital within the Board of Governors to assist the work in Phnom Penh Capital Administration. Vice Governors assigned with the duties shall be accountable to the Governor of the Capital on the duties assigned and shall join the Governor to take responsibilities on the decisions and activities within the Board of Governors.

Division of duties within the Board of Governors of Phnom Penh is done as follow:

- **The Governor of Phnom Penh** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order, work in the Division of Human Resource Management and Division of Finance and is responsible for economic and financial affairs, banking affairs, treasury, taxation, custom and excise, CamControl branch, public procurement affairs, labor and vocational training, civil service, counter drug and also serves as the budget manager on behalf of the Council.
- **One Vice Governor** assists the Governor in the work of the Administration Division and tasks related to information, public forum, statistics and civic registration, public relation and international cooperation.
- **One Vice Governor** assists the Governor in the work of Law and Human Rights Division and tasks related to court and prison, national assembly and senate relation and inspection, alternative dispute resolution coordination, liaison with NGOs, political parties, associations and human right affairs.
- **One Vice Governor** assists the Governor in the work of the Planning and Investment Division and tasks related to planning, investment, development and disaster management.
- **One Vice Governor** assists the Governor in the work of the Urban Planning Division and tasks related to public works and transport and urban planning, construction and cadastral.
- **One Vice Governor** assists the Governor in the work of Inter-Sectoral Division and tasks related to women and children, education, youth and sport, tourism, religion and cults, social affairs, veterans and youth rehabilitation, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, safe water, electricity, water resources, meteorology and irrigation, post and telecommunication.
- **One Vice Governor** assists the Governor in the work of Waste Management Division and tasks related to management of solid and liquid waste, environment, health and communicable disease control.

One the basis of these roles and duties, the Governor of the Capital shall convene a discussion to assign Vice Governors to join committees of the Council based on their qualification, experiences, skills and division of duties as stated above.

In addition to the duties provided to Vice Governors, the Governor can also assign additional duties Vice Governors at the request of Phnom Penh Capital Administration.

In the case of change of the Governor or Vice Governor of the Capital, the new Governor or Vice Governors shall continue to carry out the tasks from the outgoing Governor or Vice Governors or accept duties as assigned by the Board of Governors upon the decision from the Council.

After reviewing and discussion in the Board of Governors, the Governor of the Capital shall draft a Decision on the Division of Roles, Tasks and Working Procedures for the Board of Governors of the Capital to request for review and endorsement from the Council in the Council's meeting. Based on the decision of the Council, the Governor of the Capital shall sign the Decision on the Division of Roles, Tasks and Working Procedures for the Board of Governors of the Capital (see the attached template).

If there is disagreement on the proposed draft, the Board of Governors shall take the inputs of the Council into consideration to revise the draft Decision based on the outcomes of the Council's meeting. However, if the Board of Governors perceives the inputs of the Councils as not appropriate and the Board of Governors cannot revise the draft, the Governor of the Capital shall clarify with the Council the justifications, based on which the revision cannot be made to request for endorsement from the Council again.

Decision of the Governor of the Capital is sent to the Ministry of Interior to submit to the Minister to review, endorse and validate. In the case that the Ministry of Interior perceives Decisions of the Capital Governor is not appropriate or is made without sound regulatory basis, Ministry of Interior may send the Decision to the Capital Administration with written comments and recommendations for the Governor to revise the Decision. The Governor of the Capital shall revise the Decision, sign it and then send to the Ministry of Interior to validate again. The Governor of the Capital shall report to the Council on the revision.

When there is an addition or revision of duties of one of Vice Governors or the Board of Governors, the Governor of the Capital shall report to the Ministry of Interior.

b. Working Procedures of the Board of Governors of Phnom Penh

1. Authorization for Signing

The Capital Governor shall sign on administrative documents for daily work according to applicable laws and regulations, except with the regulations require the Council Chairperson of the Capital to sign on behalf of the Council.

The Capital Governor can authorize Vice Governors to sign some necessary documents and administrative letters based on the duties assigned to them. The Capital Governor shall be responsible for legal and procedural correctness of the documents and letters, which Vice Governors are authorized to sign. The Governor is entitled to withdraw the authorization for signing from any Vice Governor who has used this power illegally and not in accordance with procedures. The Governor shall report the authorization and withdrawal of such authorization for signing to the Council.

2. Authorization when the Governor of Phnom Penh is absent

When the Phnom Penh Governor is absent from his jurisdiction, the Capital Governor can provide written authorization to one Vice Governor to be the Vice Governor in charge to ensure continuity of every tasks in the Capital Administration.

In principle, the Vice Governor receiving the authorization from the Governor cannot transfer the authorization to any other Vice Governor.

If the Capital Governor is absent in a way, which the authorization cannot be made, the Vice Governor of the Capital at the top rank in the Sub-Decree on Appointment of Vice Governors of the Board of Governors of Phnom Penh shall serve as the Acting Capital Governor . If the Vice Governor of the Capital at the top rank is transferred out, the Vice Governor in the next lower rank shall be given priority to serve as the Acting Capital Governor.

If the Deputy Governor in charge is absent without any reason, Director for Administration of Phnom Penh Capital Hall shall report immediately to the Ministry of Interior. Minister of Interior shall issue a Prakas to assign a Vice Governor of the Capital as the Acting Capital Governor.

The Acting Capital Governor shall report all tasks implemented to the Governor of the Capital upon his return.

3. Administrative Work, Administrative Letters and Meetings

Administration Director of the Capital Hall serves as the assistant for the Council and Board of Governors of the Capital in arranging administrative work and ensuring continuity of daily administrative work in the Capital Hall. In principle, the Board of Governors shall not create a team of assistants to assist their work outside the structure of Phnom Penh Capital Hall. Administration Director and the structure under the Capital Hall serves as the secretariat and assistants of the Board of Governors of the Capital in undertaking roles and duties as mentioned above.

For all tasks within its jurisdiction, the Board of Governors of the Capital shall lead and advise the Administration Director to ask each responsible Division and Office to conduct studies and researches and propose inputs based on applicable laws and regulations, administrative procedures and financial procedures and then send to the Administration Director to submit to the Vice Governor in charge of each area or sector to review and provide inputs before submitting to the Governor of the Capital to review and endorse according to its procedures and competence.

Every letter and regulation shall be sent through one single channel, which is the Office of Procedure and Document of the Division of Administration of the Capital Hall. Director of the Division of Administration shall report and request for comments from the Administration Director of the Capital Hall to distribute all letters to line offices and divisions to review the administrative format of the documents before submitting to the Vice Governor of the Capital in charge to provide comments. Upon receiving comments from the Vice Governor of the Capital in charge, Director for Administration of the Capital Hall shall submit all the documents to the Capital Governor or Acting Capital Governor to review and endorse.

For essential work, the Capital Governor or the Acting Capital Governor shall convene a consultative meeting with all Vice Governors of the Capital before making any decision.

Directors of Divisions and Chiefs of Offices shall assign officers and staff in each office to implement works based on laws and regulations and administrative procedures, financial procedures and working requirements.

Management, affixing and keeping of the seal of Phnom Penh capital is the responsibility of the Office of Procedure and Document of the Division of Administration of Phnom Penh Capital Hall.

The Capital Governor shall set bi-monthly meetings of the Capital Leadership and the bi-monthly meeting of each month serves as the monthly meeting.

In addition to the bi-monthly and monthly meetings, the Board of Governors of the Capital can also convene adhoc meetings to consult and discuss an issue it perceives as necessary for the discussion in the Board of Governors of the Capital to promote the contribution in the implementation of roles as representatives of the Royal Government and Ministries/Institutions.

Minutes shall be prepared for each meeting. The Board of Governors shall report monthly meeting to the Minister of Interior and the Council in every council meeting.

II. Board of Governors of Khan in the Capital

a. Division of Roles and Duties among Members of the Board of Governors of Khan

Based on the new structure of Khan Hall, the Board of Governors of Khan shall convene a discussion meeting to divide tasks among the Governor and Vice Governors of Khan to take charge of work of offices as well as tasks of relevant sectors and then ask for endorsement from the Council.

The Khan Governor shall divide tasks to among Vice Governors of the Khan within the Board of Governors to assist the work in the Khan Administration. Vice Governors assigned with the duties shall be accountable to the Khan Governor on the duties assigned and shall join the Governor to take responsibilities on the decisions and activities within the Board of Governors.

Division of duties within the Board of Governors of Khan is done as follow:

- **Khan Governor of Phnom Penh** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order and countering drug.
- **One Vice Governor** assists the Khan Governor in the works of the Office of Administration and Finance and assists in the tasks related to women and children affairs, human right affairs, education, youth and sport, information, statistics and civic registration, labor and vocational training, public forum, economic and financial affairs, banking, treasury, taxation, CamControl branch, custom and excise and procurement.
- **One Vice Governor** assists the Khan Governor in the works of the Office of Planning and Development and assists in the tasks related to planning, investment, development and disaster management.
- **One Vice Governor** assists the Khan Governor in the works of the Office of Cross Sectors and assists in the tasks related to tourism, culture, cult and religion, health, social affairs, veterans and youth rehabilitation, public work and transport, safe water, water resources, meteorology and irrigation.
- **One Vice Governor** assists the Khan Governor in the works of the Office of Cross Sectors and assists in the tasks related to urban planning,

construction and cadastral, solid and liquid waste management, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, post and telecommunication and alternative dispute resolution.

One the basis of these roles and duties, the Khan Governor shall convene a discussion to assign Vice Governors to join committees of the Council based on their qualification, experiences, skills and division of duties as stated above.

In addition to the duties provided to Vice Governors, the Governor can also assign additional duties Vice Governors at the request of each Khan Administration.

In the case of change of the Khan Governor or Vice Governor, the new Governor or Vice Governors shall continue to carry out the tasks from the outgoing Governor or Vice Governors or accept duties as assigned by the Board of Governors upon the decision from the Council.

After reviewing and discussion in the Board of Governors, the Khan Governor shall draft a Decision on the Division of Roles, Tasks and Working Procedures for the Board of Governors of Khan to request for review and endorsement from the Council in the Council's meeting.

Based on the decision of the Council, the Khan Governor shall sign the Decision on the Division of Roles, Tasks and Working Procedures for the Board of Governors of the Khan (see the attached template).

If there is disagreement on the proposed draft, the Board of Governors shall take the inputs of the Council into consideration to revise the draft Decision based on the outcomes of the Council's meeting. However, if the Board of Governors perceives the inputs of the Councils as not appropriate and the Board of Governors cannot revise the draft, the Governor of the Khan shall clarify with the Council the justifications, based on which the revision cannot be made to request for endorsement from the Council again.

Decision of the Governor of the Khan is sent to Phnom Penh Capital Administration to submit to the Governor of Phnom Penh Capital to review, endorse and validate. In the case that the Capital Governor perceives Decisions of the Khan Governor is not appropriate or is made without sound regulatory basis, the Capital Governor may send the Decision to the Khan Administration with written comments and recommendations for the Khan Governor to revise the Decision. The Khan Governor shall revise the Decision, sign it and then send to the the Capital Governor to validate again. The Khan Governor shall report to the Council on the revision.

When there is an addition or revision of duties of one of Vice Governors or the Board of Governors, the Khan Governor of the Capital shall report to the Capital Governor.

b. Working Procedures of the Board of Governors of Khan

1. Authorization for Signing

The Khan Governor shall sign on administrative documents for daily work according to applicable laws and regulations, except with the regulations require the Chair of the Council of the Khan to sign on behalf of the Council.

The Khan Governor can authorize Vice Governors to sign some necessary documents and administrative letters based on the duties assigned to them. The

Khan Governor shall be responsible for legal and procedural correctness of the documents and letters, which Vice Governors are authorized to sign. The Governor is entitled to withdraw the authorization for signing from any Vice Governor who has used this power illegally and not in accordance with procedures. The Governor shall report the authorization and withdrawal of such authorization for signing to the Council.

2. Authorization when the Khan Governor is absent

When the Khan Governor is absent from his jurisdiction, the Khan Governor can provide written authorization to one Vice Governor to be Acting Governor to ensure continuity of every tasks in the Khan Administration. In principle, the Vice Governor receiving the authorization from the Governor cannot transfer the authorization to any other Vice Governor.

If the Capital Governor is absent in a way, which the authorization cannot be made, the Vice Governor of the Khan at the top rank in the Prakas on Appointment of Vice Governors of the Board of Governors of Khan shall serve as the Vice Governor in charge. If the Vice Governor of the Capital at the top rank is transferred out, the Vice Governor in the next lower rank shall be given priority to serve as the Deputy Governor in charge.

If the Acting Governor is absent without any reason, Administration Director of the Khan Hall shall report immediately to the Administration of Phnom Penh Capita. The Capital Governor shall issue a Deika to assign a Vice Governor of the Khan as the Acting Governor of Khan Administration and report to the Phnom Penh Capital Council. The Deika of the Capital Governor shall be copied to the Ministry of Interior.

The Acting Governor of the Khan shall report all tasks implemented to the Khan Governor upon his return.

3. Administrative Work, Administrative Letters and Meetings

Administration Director of the Khan Hall serves as the assistant for the Council and Board of Governors of the Khan in arranging administrative work and ensuring continuity of daily administrative work in the Khan Hall. In principle, the Board of Governors shall not create a team of assistants to assist their work outside the structure of the Khan Hall. Administration Director and the structure under the Khan Hall serves as the secretariat and assistants of the Board of Governors of the Khan in undertaking roles and duties as mentioned above.

For all tasks within its jurisdiction, the Board of Governors of the Khan shall lead and advise the Administration Director to ask each responsible Office to conduct studies and researches and propose inputs based on applicable laws and regulations, administrative procedures and financial procedures and then send to the Director for Administration to submit to the Vice Governor in charge of each area or sector to review and provide inputs before submitting to the Khan Governor to review and endorse according to its procedures and competence.

Every letter and regulation shall be sent through one single channel, which is the Office of Administration and Finance of the Khan Hall. Chief of the Office of Administration and Finance shall report and request for comments from the Administration Director of the Khan Hall to distribute all letters to line offices and is tasked to to review the administrative format of the documents before submitting to the Vice Governor of the Khan in charge to provide comments. Upon receiving

comments from the Vice Governor of the Khan in charge, Director for Administration of the Khan Hall shall submit all the documents to the Khan Governor or the Acting Governor to review and endorse.

For essential work, the Khan Governor or the Acting Governor shall convene a consultative meeting with all Vice Governors of the Capital before making any decision.

Chiefs of Offices shall assign officers and staff in each office to implement works based on laws and regulations and administrative procedures, financial procedures and working requirements.

Management, affixing and keeping of the seal of Khan is the responsibility of the Office of Administration and Finance of the Khan Hall.

The Khan Governor shall set bi-monthly meetings of the Khan Leadership and the bi-monthly meeting of each month serves as the monthly meeting.

In addition to the bi-monthly and monthly meetings, the Board of Governors of the Khan can also convene adhoc meetings to consult and discuss an issue it perceives as necessary for the discussion in the Board of Governors of the Khan to promote the contribution in the implementation of roles as representatives of the Royal Government and Ministries/Institutions.

Minutes shall be prepared for each meeting. The Khan Governor shall report monthly meeting to the Governor of Phnom Penh Capital and the Council in every council meeting.

In the implementation of this Guideline, if there is any difficulty, which cannot be resolved, the Board of Governors of Phnom Penh Capital shall consult with its Council and then send a proposal to the Ministry of Interior to review and revise as necessary.

For Khans, the Board of Governors of the Capital shall assist them in implementing the guidelines and send a request to the Ministry of Interior if coordination cannot be done. At the same time, Ministry of Interior will re-assess the effectiveness of the implementation of the Guidelines to make any necessary revision.

Upon receiving the Guidelines, the Council and Board of Governors of Phnom Penh Capital, the Councils and Boards of Governors of Khans and relevant entities shall arrange the implementation in an effective manner.

Phnom Penh, December 28, 2010

Deputy Prime Minister, Minister of Interior

Sar Kheng

CC:
- Office of the Council of Ministers
- All Ministries/Institutions, which are members of NCDD
- General Secretariat of the National Assembly
- General Secretariat of the Senate
- NCDD Secretariat

(For Information)

- Documentation – Archival

Kingdom of Cambodia

Nation Religion King

Phnom Penh Capital Hall

No: ……..

Template for the Capital

Decision

on

The Division of Roles, Duties and Working Procedures

for the Board of Governors of Phnom Penh Capital

The Governor of Phnom Penh Capital

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Kram No. NS/RKM/1196/08 dated Jan 24, 1996 promulgating the Law on the Establishment of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0508/017 dated May 24, 2008 promulgating the Law on Administrative Management of Capital, Province, Municipality, District, Khan;
- Having seen Sub-Decree No. 16 ANKr.BK dated Dec 20, 1993 on the Organization and Functioning of the Ministry of Interior;
- Having seen Sub-Decree No. 215 ANKr.BK dated Dec 14, 2009 on the Roles, Duties and Working Relation between the Council and Board of Governors of Phnom Penh Capital and Councils and Boards of Governors of Khans in Phnom Penh Capital;
- Having seen Prakas No. 4273 PrK dated Dec 30, 2009 on the Establishment of Offices under Divisions of Phnom Penh Capital Hall, Establishment of Offices in Khan Hall and Roles, Duties and Working Procedures of Those Offices;
- Referring to the Guidelines No…. Dated …….. 2010 of the Ministry of Interior on the Division of Roles, Duties and Working Procedures for the Board of Governors of Phnom Penh Capital and Board of Governors of Khans in Phnom Penh;
- Referring to the outcome of the meeting of the Council of Phnom Penh Capital dated ……. 2010.

Hereby Decides:

Article 1:

The Board of Governors of Phnom Penh Capital shall be managed and led by one Capital Governor and six Vice Governors who serve as assistants.

Article 2:

The Capital Governor and Vice Governors shall work together to lead and manage tasks related to spatial administration, security and order, social safety,

promotion of economic and social development and culture within the geographical boundaries of Phnom Penh in line with the policies of the Royal Government, applicable laws and regulations and decision of the Council.

Article 3:

The Capital Governor and Vice Governors shall carry out functions and responsibilities according to the hierarchy and perform roles and duties assigned to them as in Article 04.

Vice Governors of the Capital assigned with the tasks shall be accountable to the Capital Governor on the tasks assigned and together with the Capital Governor, be responsible for the decisions and activities of the Board of Governors.

Article 4:

The Capital Governor and Vice Governors are given the following roles and duties:

1. H.E. ……**the Governor of Phnom Penh Capital**, is in charge of providing overall leadership and direct supervision on general administrative work, security, public order, work in the Division of Human Resource Management and Division of Finance and is responsible for labor and vocational training, civil service, economic and financial affairs, banking affairs, treasury, taxation, custom and excise, CamControl branch and public procurement affairs and also serves as the budget manager on behalf of the Council.
2. Mr./Ms…….**Vice Governor of the Capital**, assists the Governor in the work of the Division of Administration and tasks related to information, public forum, statistics and civic registration, public relation and international cooperation.
3. Mr./Ms…….**Vice Governor of the Capital**, assists the Governor in the work of the Division of Law and Human Rights and tasks related to court and prison, national assembly and senate relation and inspection, alternative dispute resolution coordination, liaison with NGOs, political parties, associations and human right affairs.
4. Mr./Ms…….**Vice Governor of the Capital**, assists the Governor in the work of the Division of Inter-Sectorial and tasks related to women and children, education, youth and sport, tourism, culture, religion and cults, social affairs, veterans and youth rehabilitation, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, safe water, electricity, water resources, meteorology and irrigation, post and telecommunication, health and communicable disease control.
5. Mr./Ms…….**Vice Governor of the Capital**, assists the Governor in the work of the Division of Planning and Investment and tasks related to planning, investment, rural development and disaster management.

6. Mr./Ms…….**Vice Governor of the Capital**, assists the Governor in the work of the Division of Urban Planning and tasks related to public works and transport and urban planning, construction and cadastral.
7. Mr./Ms…….**Vice Governor of the Capital**, assists the Governor in the work of the Division of Waste Management and tasks related to management of solid and liquid waste and environment.

In addition to the duties assigned above, the Capital Governor can also provide additional duties to Vice Governors as per request by Phnom Penh Capital Administration.

Article 5:

In terms of working procedures, the Board of Governors of Phnom Penh Capital shall comply with the Guidelines No. ……. dated , 2010 of the Ministry of Interior on the Division of Roles, Duties and Working Procedures for the Board of Governors of Phnom Penh Capital and Boards of Governors of Khans in Phnom Penh Capital.

Article 6:

Any provision contradicting this Decision is nullified.

Article 7:

Director/Deputy Directors of Administration for Phnom Penh Capital Hall, Directors of Line Departments/Agencies in the Capital, Divisions and Offices under the Structure of the Capital Hall, Governors of All Khans and individuals listed in Article 04 shall implement this Decision from the date of the signature.

Phnom Penh, , 2010

Capital Governor

Seen and Approved

Phnom Penh, , 2010

Deputy Prime Minister, Minister of Interior

CC:

- Office of the Council of Ministers
- Ministry of Economy and Finance
- State Secretariat of Civil Service
- Cabinet Office of Samdech Prime Minister
- NCDD Secretariat
- As in Article 7
- Documentation – Archival

Kingdom of Cambodia

Nation Religion King

Phnom Penh Capital Hall

……. Khan Hall

No: ……..

Template for Khan

Decision

on

The Division of Roles, Duties and Working Procedures

for the Board of Governors of Khan ……. of Phnom Penh Capital

The Khan Governor

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Kram No. NS/RKM/1196/08 dated Jan 24, 1996 promulgating the Law on the Establishment of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0508/017 dated May 24, 2008 promulgating the Law on Administrative Management of Capital, Province, Municipality, District, Khan;
- Having seen Sub-Decree No. 16 ANKr.BK dated Dec 20, 1993 on the Organization and Functioning of the Ministry of Interior;
- Having seen Sub-Decree No. 215 ANKr.BK dated Dec 14, 2009 on the Roles, Duties and Working Relation between the Council and Board of Governors of Phnom Penh Capital and Councils and Boards of Governors of Khans in Phnom Penh Capital;
- Having seen Prakas No. 4273 PrK dated Dec 30, 2009 on the Establishment of Offices under Divisions of Phnom Penh Capital Hall, Establishment of Offices in Khan Hall and Roles, Duties and Working Procedures of Those Offices;
- Referring to the Guidelines No…. Dated …….. 2010 of the Ministry of Interior on the Division of Roles, Duties and Working Procedures for the Board of Governors of Phnom Penh Capital and Board of Governors of Khans in Phnom Penh;
- Referring to the outcome of the meeting of the Council of Khan …….. ……. 2010.

Hereby Decides:

Article 1:

The Board of Governors of Khan …….shall be managed and led by one Khan Governor and four Vice Governors who serve as assistants.

Article 2:

The Khan Governor and Vice Governors shall work together to lead and manage tasks related to spatial administration, security and order, social safety, promotion of economic and social development and culture within the geographical boundaries of Khan in line with the policies of the Royal Government, applicable laws and regulations and decision of the Council.

Article 3:

The Khan Governor and Vice Governors shall carry out functions and responsibilities according to the hierarchy and perform roles and duties assigned to them as in Article 04.

Vice Governors of the Khan assigned with the tasks shall be accountable to the Khan Governor on the tasks assigned and together with the Khan Governor, be responsible for the decisions and activities of the Board of Governors.

Article 4:

The Governor and Vice Governors of Khan ……. are given the following roles and duties:

1. Mr. ……. **the Governor of Khan …….**, is in charge of providing overall leadership and direct supervision on general administrative work, security, public order and countering drug.
2. Mr./Ms……. **Vice Governor**, assists the Khan Governor in the works of the Office of Administration and Finance and assists in the tasks related to information, women and children affairs, education, youth and sport, human right affairs, non-governmental organizations, political parties, associations, statistics and civic registration, labor and vocational training, economic and financial affairs, banking, treasury, taxation, CamControl branch, custom and excise and procurement.
3. Mr./Ms……. **Vice Governor**, assists the Khan Governor in the works of the Office of Planning and Development and assists in the tasks related to planning, investment, rural development and disaster management.
4. Mr./Ms……. **Vice Governor**, assists the Khan Governor in the works of the Office of Inter-Sectorial and assists in the tasks related to tourism, culture, cult and religion, health, social affairs, veterans and youth rehabilitation, public work and transport, safe water, water resources, meteorology and irrigation.
5. Mr./Ms……. **Vice Governor**, assists the Khan Governor in the works of the Office of Inter-Sectorial and assists in the tasks related to environment, solid and liquid waste management, urban planning, construction and cadastral, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, post and telecommunication and alternative dispute resolution.

In addition to the duties assigned above, the Khan Governor can also provide additional duties to Vice Governors as per request by Khan Administration.

Article 5:

In terms of working procedures, the Board of Governors of the Khan shall comply with the Guidelines No. ……. dated , 2010 of the Ministry of Interior on the Division of Roles, Duties and Working Procedures for the Board of Governors of Phnom Penh Capital and Boards of Governors of Khans in Phnom Penh Capital.

Article 6:

Any provision contradicting this Decision is nullified.

Article 7:

Director/Deputy Directors for Administration for Khan Hall, Chiefs of Line Offices at Khan level, Chiefs of Offices under the Structure of the Khan Hall and individuals listed in Article 04 shall implement this Decision from the date of the signature.

Phnom Penh, , 2010

Khan Governor

CC:

- Ministry of Interior
- Line Departments/Agencies at Capital Level
- NCDD Secretariat
- As in Article 7
- Documentation – Archival

Seen and Approved

Phnom Penh, , 2010

Capital Governor

Kingdom of Cambodia

Royal Government of Cambodia **Nation Religion King**

Ministry of Interior

No: 034 SNN

Guidelines on

The Division of Roles, Duties and Working Procedures for

Board of Governors of Province, Board of Governors of Municipality and Board of Governors of District

Since taking offices, Ministry of Interior has noticed that Board of Governors of Province, Board of Governors of Municipality and Board of Governors of District have been working hard and cooperating very well within the Board of Governors and have carried out their own duties in line with applicable regulations in the spirit of high responsibility and have achieved remarkable results.

The Law on Administrative Management of Capital, Province, Municipality, District and Khan and regulations on the roles, duties, working relation and working procedures of the Councils and Boards of Governors of the Capital, Province, Municipality, District, Khan identify step-by-step the governance structure and system for the administrations of the Capital, Province, Municipality, District and Khan. On this basis, Ministry of Interior has integrated civil servants who are working at the capital, provincial, municipal, district, khan halls into the new structure.

Article 33 Article 90 and 151 of the Sub-Decree No. 216 ANKr.BK dated Dec 14, 2009 on the Roles, Duties and Working Relations of Council and Board of Governors of Province, Council and Board of Governors of Municipality, and Council and Board of Governors of Province, that **Minister of Interior shall issue guidelines on the division of Duties to the Governor and Deputy Governors of Province, Municipality and District and the working procedures.**

Based on these articles and to strengthen internal unity and working responsibilities and to strengthen the new structure of Sub-National Administration to be capable of promoting development and providing services, Ministry of Interior would like to provide guidelines on working relations between Council and Board of Governors and on the division of roles, duties and working procedures to Board of Governors of Province, Board of Governors of Municipality and Board of Governors of District as below:

I. Board of Governors of Province

a. Division of Roles and Duties among Members of the Board of Governors of Province

Based on the new structure of Provincial Hall, the Board of Governors of Province shall convene a discussion meeting to divide tasks among the Provincial Governor and Vice Governors to take charge of work of divisions and offices as well as tasks of relevant line departments and ask for endorsement from the Council.

The Provincial Governor shall divide tasks to among Provincial vice Governors within the Board of Governors to assist the work in the Provincial Administration. Provincial vice Governors assigned with the duties shall be accountable to the Provincial Governor on the duties assigned and shall join the Governor to take responsibilities on the decisions and activities within the Board of Governors.

Division of duties is done as follow:

1. **Division of Duties for Provinces with 5 Members of the Board of Governors**

   - **The Provincial Governor** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order, human resource management, labor and vocational training, civil service affairs, countering drug and also serves as budget manager on behalf of the Council.
   - **One Deputy Governor** assists the Provincial Governor in areas of information, public forum, statistics and civic registration, women and children, education, youth and sport, culture, cults and religion, court and prison, liaison with non-governmental organizations, political parties, associations and human rights.
   - **One Deputy Governor** assists the Provincial Governor in areas of economy and finance, banking, treasury, taxation, custom and excise, CamControl branch and public procurement.
   - **One Deputy Governor** assists the Provincial Governor in areas of planning, investment, tourism, health, sanitation and communicable disease control, environment and natural park protection, solid and liquid waste management, social affairs, veterans and youth rehabilitation, public relation and international cooperation, rural development, natural disaster management and border affairs (for provinces along borders).
   - **One Deputy Governor** assists the Provincial Governor in areas of public work and transport, urban planning, construction and cadastral, national assembly and senate relation and inspection, alternative dispute resolution, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, safe water and electricity, water resources, meteorology and irrigation, post and telecommunication.

2. **Division of Duties for Provinces with 6 Members of the Board of Governors**

   - **The Provincial Governor** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order, and countering drug and also serves as the budget manager on behalf of the Council.

- **One Deputy Governor** assists the Provincial Governor in areas of women and children, culture, cults and religion, information, public forum, liaison with non-governmental organizations, political parties, associations and human rights, statistics and civic registration and national assembly and senate relation and inspection.
- **One Deputy Governor** assists the Provincial Governor in areas of economy and finance, banking, treasury, taxation, custom and excise, CamControl branch and public procurement.
- **One Deputy Governor** assists the Provincial Governor in areas of planning, investment, rural development, public relation and international cooperation, environment and natural park protection, solid and liquid waste management, health, sanitation and communicable disease control, social affairs, veterans and youth rehabilitation, natural disaster management and border affairs (for provinces along borders).
- **One Deputy Governor** assists the Provincial Governor in areas of public work and transport, urban planning, construction and cadastral, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, safe water and electricity, water resources, meteorology and irrigation, post and telecommunication.
- **One Deputy Governor** assists the Provincial Governor in areas of human resource management, labor and vocational training, civil services, education, youth and sport, alternative dispute resolution and court and prison.

3. Division of Duties for Provinces with 7 Members of the Board of Governors

- **The Provincial Governor** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order and countering drug and also serves as the budget manager on behalf of the Council.
- **One Deputy Governor** assists the Provincial Governor in areas of women and children, culture, cults and religion, tourism, information and public relation and international cooperation.
- **One Deputy Governor** assists the Provincial Governor in areas of economy and finance, banking, treasury, taxation, custom and excise, CamControl branch and public procurement.
- **One Deputy Governor** assists the Provincial Governor in areas of public forum, statistics and civic registration, court and prison, national assembly and senate relation and inspection, alternative dispute resolution, liaison with non-governmental organizations, political parties, associations and human rights.
- **One Deputy Governor** assists the Provincial Governor in areas of planning, investment, rural development, social affairs, veterans and youth rehabilitation, environment and natural park protection, solid and liquid waste management, health, sanitation and communicable disease control,

natural disaster management and border affairs (for provinces along borders).

- **One Deputy Governor** assists the Provincial Governor in areas of public work and transport, urban planning, construction and cadastral, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, safe water and electricity, water resources, meteorology and irrigation, post and telecommunication.
- **One Deputy Governor** assists the Provincial Governor in areas of human resource management, labor and vocational training, civil service and education, youth and sport.

Once the basis of these roles and duties, the Provincial Governor shall convene a discussion to assign Deputy Governors to join committees of the Council based on their qualification, experiences, skills and division of duties as stated above.

In addition to the duties provided to Provincial Deputy Governors, the Governor can also assign additional duties Deputy Governors at the request of each Provincial Administration.

In the case of change of the Provincial Governor or Deputy Governor, the new Governor or Deputy Governors shall continue to carry out the tasks from the outgoing Governor or Deputy Governors or accept duties as assigned by the Board of Governors upon the decision from the Council.

After the review and discussion in the Board of Governors, the Provincial Governor shall draft a Decision on the Division of Roles, Tasks and Working Procedures for the Board of Governors of the Province to request for review and endorsement from the Council in the Council's meeting. Based on the decision of the Council, the Provincial Governor shall sign the Decision on the Division of Roles, Tasks and Working Procedures for the Board of Governors of the Province (see the attached template).

If the Council does not agree on the proposed draft, the Board of Governors shall take the inputs of the Council into consideration to revise the draft Decision based on the outcomes of the Council's meeting. However, if the Board of Governors perceives the inputs of the Councils as not appropriate and the Board of Governors cannot revise the draft, the Provincial Governor shall clarify with the Council the justifications, based on which the revision cannot be made to request for endorsement from the Council again.

Decision of the Provincial Governor is sent to the Ministry of Interior to submit to the Minister to review, endorse and validate. In the case that the Ministry of Interior perceives Decisions of the Provincial Governor is not appropriate or is made without sound regulatory basis, Ministry of Interior may send the Decision to the Provincial Administration with written comments and recommendations for the Provincial Governor to revise the Decision. The Provincial Governor shall revise the Decision, sign it and then send to the Ministry of Interior to validate again. The Provincial Governor of the Capital shall report to the Council on the revision.

When there is an addition or revision of duties of one of Deputy Governors or the Board of Governors, the Provincial Governor shall report to the Ministry of Interior.

b. Working Procedures of the Board of Governors of Province

1. Authorization for Signing

The Provincial Governor shall sign on administrative documents for daily work according to applicable laws and regulations, except with the regulations require the Council Chairperson of the Province to sign on behalf of the Council.

The Provincial Governor can authorize Deputy Governors to sign some necessary documents and administrative letters based on the duties assigned to them. The Provincial Governor shall be responsible for legal and procedural correctness of the documents and letters, which Deputy Governors are authorized to sign. The Provincial Governor is entitled to withdraw the authorization for signing from any Deputy Governor who has used this power illegally and not in accordance with procedures. The Provincial Governor shall report the authorization and withdrawal of such authorization for signing to the Council.

2. Authorization during absent of Provincial Governor

When the Provincial Governor is absent from his jurisdiction, the Provincial Governor can provide written authorization to one Deputy Governor to be the acting Governor to ensure continuity of every tasks in the Provincial Administration. In principle, the Deputy Governor receiving the authorization from the Governor cannot transfer the authorization to any other Deputy Governor.

If the Provincial Governor is absent in a way, which the authorization cannot be made, the Deputy Governor of the Province at the top rank in the Sub-Decree on Appointment of Deputy Governors of the Provincial Board of Governors shall serve as the acting Governor. If the Provincial Deputy Governor at the top rank is transferred out, the Deputy Governor in the next lower rank shall be given priority to serve as the acting Governor.

If the Acting Governor is absent without any reason, Administration Director of the Province shall report immediately to the Ministry of Interior. Minister of Interior shall issue a Prakas to assign a Provincial Deputy Governor as the Deputy Governor of the Capital in charge.

The Acting Provincial Governor in charge shall report all tasks implemented to the Provincial Governor upon his return.

3. Administrative Work, Administrative Letters and Meetings

Administration Director of the Provincial Hall serves as the assistant for the Council and Provincial Board of Governors in arranging administrative work and ensuring continuity of daily administrative work in the Provincial Hall. In principle, the Board of Governors shall not create a team of assistants to assist their work outside the structure of the Provincial Hall. Administration Director and the structure under the Provincial Hall serves as the secretariat and assistants of the Provincial Board of Governors in undertaking roles and duties as mentioned above.

For all tasks within its jurisdiction, the Provincial Board of Governors shall lead and advise the Director for Administration to ask each responsible Division and

Office to conduct studies and researches and propose inputs based on applicable laws and regulations, administrative procedures and financial procedures and then send to the Administration Director to submit to the Deputy Governor in charge of each area or sector to review and provide inputs before submitting to the Provincial Governor to review and endorse according to its procedures and competence.

Every letter and regulation shall be sent through one single channel, which is the Office of Procedure and Document of the Administration Division of the Provincial Hall. Director of Administration Division shall report and request for comments from the Administration Director of the Provincial Hall to distribute all letters to line offices and divisions to review the administrative format of the documents before submitting to the Provincial Deputy Governor in charge to provide comments. Upon receiving comments from the Provincial Deputy Governor in charge, Administration Director of the Provincial Hall shall submit all the documents to the Provincial Governor or the Acting Governor to review and endorse.

For essential work, the Provincial Governor or the Acting Governor shall convene a consultative meeting with all Provincial Deputy Governors before making any decision.

Directors of Divisions and Chiefs of Offices shall assign officers and staff in each office to implement works based on laws and regulations and administrative procedures, financial procedures and working requirements.

Management, stamping and stamp keeping of the Provincial capital is the responsibility of the Office of Procedure and Document of the Administration Division of Provincial Hall.

The Provincial Governor shall set bi-monthly meetings of the Provincial Leadership and the bi-monthly meeting of each month serves as the monthly meeting.

In addition to the bi-monthly and monthly meetings, the Provincial Board of Governors can also convene ad-hoc meetings to consult and discuss an issue it perceives as necessary for the discussion in the Provincial Board of Governors to promote the contribution in the implementation of roles as representatives of the Royal Government and Ministries/Institutions.

Minutes shall be prepared for each meeting. The Provincial Governor shall report monthly meeting to the Minister of Interior and the Council in every council meeting.

II. Municipality Board of Governors, District Board of Governors

a. Division of Roles and Duties among Members of the Board of Governors of Municipality/District

Based on the new structure of Municipal/District Hall, the Board of Governors of Municipality/ District shall convene a discussion meeting to divide tasks among the Governor and Deputy Governors of Municipality/District to take charge of work of offices as well as tasks of relevant sectors and then ask for endorsement from the Council.

The Municipal/District Governor shall divide tasks to among Deputy Governors of the Municipality/District within the Board of Governors to assist the

work in the Municipal/District Administration. Deputy Governors assigned with the duties shall be accountable to the Municipal/District Governor on the duties assigned and shall join the Governor to take responsibilities on the decisions and activities within the Board of Governors.

Division of duties is done as follow:

1. **Division of Duties for Municipality/District with 3 Members of the Board of Governors**

1.1. For Municipality with 3 Members of the Board of Governors

- **Municipal Governor** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order, tasks of office of planning and sangkat support office, planning, investment, rural development, countering drug, disaster management and serve as the budget manager on behalf of the Council.
- **One Deputy Governor** assists the Municipal Governor in the works of the Office of Administration and Finance and assists in areas of women and children, education, youth and sport, tourism, culture, cult and religion, health, statistics and civic registration, information, labor and vocational training, economic and financial affairs, banking, treasury, taxation, CamControl branch, custom and excise and procurement.
- **One Deputy Governor** assists the Municipal Governor in the works of the Office of Municipal Development and assists in areas of public works and transport, environment, solid and liquid waste management, urban planning, construction and cadastral, human rights, non-governmental organizations, associations, political parties, alternative dispute resolution, social affairs, veterans and youth rehabilitation, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, safe water, water resources, meteorology and irrigation, and post and telecommunication**.**

1.2. For District with 3 Members of the Board of Governors

- **District Governor** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order, tasks of planning and sangkat/commune support office, planning, investment, rural development, countering drug, disaster management and serve as the budget manager on behalf of the Council.
- **One Deputy Governor** assists the District Governor in the works of the Office of Administration and Finance and assists in areas of women and children, education, youth and sport, tourism, culture, cult and religion, health, statistics and civic registration, information, labor and vocational training, economic and financial affairs, banking, treasury, taxation, CamControl branch, custom and excise and procurement.
- **One Deputy Governor** assists the District Governor in the works of the Office of Cross Sectors and assists in areas of public works and transport, environment, solid and liquid waste management, urban planning, construction and cadastral, human rights, non-governmental organizations, associations, political parties, alternative dispute resolution, social affairs, veterans and youth rehabilitation, agriculture, forestry and

fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, safe water, water resources, meteorology and irrigation, and post and telecommunication**.**

2. Division of Duties for Municipality/District with 4 Members of the Board of Governors

2.1. For Municipality with 4 Members of the Board of Governors

- **Municipal Governor** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order and countering drug and serve as the budget manager on behalf of the Council.
- **One Deputy Governor** assists the Municipal Governor in areas of women and children, human rights, non-governmental organizations, associations, political parties, statistics and civic registration, information, labor and vocational training, economic and financial affairs, banking, treasury, taxation, CamControl branch, custom and excise and procurement.
- **One Deputy Governor** assists the Municipal Governor in areas of planning and sangkat support, investment, rural development, education, youth and sport, tourism, culture, religion, health, social affairs, veterans and youth rehabilitation and disaster management.
- **One Deputy Governor** assists the Municipal Governor in areas of public works and transport, environment, solid and liquid waste management, urban planning, construction and cadastral, alternative dispute resolution, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, safe water, water resources, meteorology and irrigation, and post and telecommunication**.**

2.2. For District with 4 Members of the Board of Governors

- **District Governor** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order and countering drug and serve as the budget manager on behalf of the Council.
- **One Deputy Governor** assists the District Governor in areas of women and children, human rights, non-governmental organizations, associations, political parties, statistics and civic registration, information, labor and vocational training, economic and financial affairs, banking, treasury, taxation, CamControl branch, custom and excise and procurement.
- **One Deputy Governor** assists the District Governor in areas of planning and commune/ sangkat support, investment, rural development, education, youth and sport, tourism, culture, religion, health, social affairs, veterans and youth rehabilitation and disaster management.
- **One Deputy Governor** assists the Municipal Governor in areas of public works and transport, environment, solid and liquid waste management, urban planning, construction and cadastral, alternative dispute resolution, agriculture, forestry and fisheries, forestry administration, fishery

administration, commerce, industry, mine and energy, safe water, water resources, meteorology and irrigation, and post and telecommunication**.**

3. Division of Duties for Municipality/District with 5 Members of the Board of Governors

3.1. For Municipality with 5 Members of the Board of Governors

- **Municipal Governor** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order and countering drug and serve as the budget manager on behalf of the Council.
- **One Deputy Governor** assists the Municipal Governor in areas of economic and financial affairs, social affairs, veterans and youth rehabilitation, banking, treasury, taxation, CamControl branch, custom and excise and procurement.
- **One Deputy Governor** assists the Municipal Governor in areas of women and children, information, labor and vocational training, education, youth and sport, statistics and civic registration, human rights, non-governmental organizations, associations, political parties.
- **One Deputy Governor** assists the Municipal Governor in areas of planning and sangkat support, investment, rural development, tourism, culture, religion, health, and disaster management.
- **One Deputy Governor** assists the Municipal Governor in areas of public works and transport, environment, solid and liquid waste management, urban planning, construction and cadastral, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, safe water, water resources, meteorology and irrigation, and post and telecommunication and alternative dispute resolution**.**

3.2. For District with 5 Members of the Board of Governors

- **District Governor** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order and countering drug and serve as the budget manager on behalf of the Council.
- **One Deputy Governor** assists the District Governor in areas of economic and financial affairs, social affairs, veterans and youth rehabilitation, banking, treasury, taxation, CamControl branch, custom and excise and procurement.
- **One Deputy Governor** assists the District Governor in areas of women and children, information, labor and vocational training, education, youth and sport, statistics and civic registration, human rights, non-governmental organizations, associations, political parties.
- **One Deputy Governor** assists the District Governor in areas of planning and commune/sangkat support, investment, rural development, tourism, culture, religion, health, and disaster management.

- **One Deputy Governor** assists the District Governor in areas of public works and transport, environment, solid and liquid waste management, urban planning, construction and cadastral, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, safe water, water resources, meteorology and irrigation, and post and telecommunication and alternative dispute resolution**.**

One the basis of these roles and duties, the Municipal/District Governor shall convene a discussion to assign Municipal/District Deputy Governors to join committees of the Council based on their qualification, experiences, skills and division of duties as stated above.

In addition to the duties provided to Municipal/District Deputy Governors, the Governor can also assign additional duties Deputy Governors at the request of each Municipal/District Administration.

In the case of change of the Municipal/District Governor or Deputy Governor, the new Municipal/District Governor or Deputy Governors shall continue to carry out the tasks from the outgoing Municipal/District Governor or Deputy Governors or accept duties as assigned by the Board of Governors upon the decision from the Council.

After the review and discussion in the Board of Governors, the Municipal/ District Governor shall draft a Decision on the Division of Roles, Tasks and Working Procedures for the Board of Governors of Municipality/District to request for review and endorsement from the Council in the Council's meeting. Based on the decision of the Council, the Municipal/District Governor shall sign the Decision on the Division of Roles, Tasks and Working Procedures for the Board of Governors of the Municipality/District (see the attached template).

If the Council does not agree on the proposed draft, the Board of Governors shall take the inputs of the Council into consideration to revise the draft Decision based on the outcomes of the Council's meeting. However, if the Board of Governors perceives the inputs of the Councils as not appropriate and the Board of Governors cannot revise the draft, the Governor of the Capital shall clarify with the Council the justifications, based on which the revision cannot be made to request for endorsement from the Council again.

Decision of the Municipal/District Governor is sent to the Provincial Hall to submit to the Municipal/District Governor to review, endorse and validate. In the case that the Provincial Governor perceives Decisions of the Municipal/District Governor is not appropriate or is made without sound regulatory basis, the Provincial Governor may send the Decision to the Municipal/District Administration with written comments and recommendations for the Municipal/District Governor to revise the Decision. The Municipal/District Governor shall revise the Decision, sign it and then send to the the Provincial Governor to validate again. The Municipal/District Governor shall report to the Council on the revision.

When there is an addition or revision of duties of one of Deputy Governors or the Board of Governors, the Municipal/District Governor shall report to the Provincial Governor.

b. Working Procedures of the Board of Governors of Municipality/District

1. Authorization for Signing

The Municipal/District Governor shall sign on administrative documents for daily work according to applicable laws and regulations, except with the regulations require the Chair of the Council of the Municipality/District to sign on behalf of the Council.

The Municipal/District Governor can authorize Deputy Governors to sign some necessary documents and administrative letters based on the duties assigned to each Municipal/District Deputy Governors. The Municipal/District Governor shall be responsible for legal and procedural correctness of the documents and letters, which Deputy Governors are authorized to sign. The Municipal/District Governor is entitled to withdraw the authorization for signing from any Deputy Governor who has used this power illegally and not in accordance with procedures. The Municipal/District Governor shall report the authorization and withdrawal of such authorization for signing to the Council.

2. Authorization during absent of Municipal/District Governor

When the Municipal/District Governor is absent from his jurisdiction, the Municipal/District Governor can provide written authorization to one Deputy Governor to be the Acting Governor to ensure continuity of every task in the Municipal/District Administration. In principle, the Municipal/District Deputy Governor receiving the authorization from the Municipal/District Governor cannot transfer the authorization to any other Deputy Governor.

If the Municipal/District Governor is absent in a way, which the authorization cannot be made, the Municipal/District Deputy Governor at the top rank in the Prakas on Appointment of Deputy Governors of the Board of Governors of the Municipality/District shall serve as the Municipal/District Acting Governor. If the Municipal/District Deputy Governor of the Municipal/District at the top rank is transferred out, the Deputy Governor in the next lower rank shall be given priority to serve as the Acting Governor.

If the Acting Governor is absent without any reason, Administration Director of the Municipal/District Hall shall report immediately to the Provincial Administration. The Provincial Governor shall issue a Deika to assign a Deputy Governor of the Municipality/District as the Deputy Governor of the Khan in charge and report the Provincial Council. The Deika of the Capital Governor shall be copied to the Ministry of Interior.

The Municipal/District Acting Governor shall report all tasks implemented to the Municipal/District Governor upon his return.

3. Administrative Work, Administrative Letters and Meetings

Administration Director of the Municipal/District Hall serves as the assistant for the Council and Board of Governors of the Municipality/District in arranging administrative work and ensuring continuity of daily administrative work in the Municipal/District Hall. In principle, the Board of Governors shall not create a team of assistants to assist their work outside the structure of the Municipal/District Hall. Director for Administration and the structure under the Municipal/District Hall serves as the secretariat and assistants of the Board of Governors of the Municipality/District in undertaking roles and duties as mentioned above.

For all tasks within its jurisdiction, the Municipal/District Board of Governors shall lead and advise the Administration Director to ask each responsible Office to conduct studies and researches and propose inputs based on applicable laws and regulations, administrative procedures and financial procedures and then send to the Administration Director to submit to the Deputy Governor in charge of each area or sector to review and provide inputs before submitting to the Municipal/District Governor to review and endorse according to its procedures and competence.

Every letter and regulation shall be sent through one single channel, which is the Office of Administration and Finance of the Municipal/District Hall. Chief of the Office of Administration and Finance shall report and request for comments from the Director for Administration of the Municipal/District Hall to distribute all letters to line offices and is tasked to to review the administrative format of the documents before submitting to the Municipal/District Deputy Governor in charge to provide comments. Upon receiving comments from the Municipal/District Deputy Governor in charge, Director for Administration of the Municipal/District Hall shall submit all the documents to the Municipal/District Governor or the Deputy Governor in charge to review and endorse.

For essential work, the Municipal/District Governor or Acting Governor shall convene a consultative meeting with all Deputy Governors of the Municipality/District before making any decision.

Chiefs of Offices shall assign officers and staff in each office to implement works based on laws and regulations and administrative procedures, financial procedures and working requirements.

Management, stamping and stamp keeping of Municipality/District Administration is the responsibility of the Office of Administration and Finance of the Municipal/District Hall.

The Municipality/District Governor shall set bi-monthly meetings of the Capital Leadership and the bi-monthly meeting of each month serves as the monthly meeting.

In addition to the bi-monthly and monthly meetings, the Board of Governors of the Municipality/District can also convene ad-hoc meetings to consult and discuss an issue it perceives as necessary for the discussion in the Board of Governors of the Municipality/District to promote the contribution in the implementation of roles as representatives of the Royal Government and Ministries/Institutions.

Minutes shall be prepared for each meeting. The Municipal/District Governor shall report monthly meeting to the Provincial Governor and the Council in every council meeting.

In the implementation of this Guideline, if there is any difficulty, which cannot be resolved, the Provincial Board of Governors shall consult with its Council and then send a proposal to the Ministry of Interior to review and revise as necessary.

For Municipality/District, the Board of Governors of the Province shall assist them in implementing the guidelines and send a request to the Ministry of Interior if coordination cannot be done. At the same time, Ministry of Interior will re-assess the effectiveness of the implementation of the Guidelines to make any necessary revision.

Upon receiving the Guidelines, the Council and Board of Governors of Province, the Councils and Boards of Governors of Municipalities and the Councils and Boards of Governors of Districts and relevant entities shall arrange the implementation in an effective manner.

Phnom Penh, December 28, 2010

Deputy Prime Minister, Minister of Interior

Sar Kheng

CC:

- Office of the Council of Ministers
- All Ministries/Institutions, which are members of NCDD
- General Secretariat of the National Assembly
- General Secretariat of the Senate
- NCDD Secretariat

(For Information)

- Documentation – Archival

Kingdom of Cambodia

Nation Religion King

Template for Province

Provincial Hall

No: ……..

Decision

on

The Division of Roles, Duties and Working Procedures

for the Board of Governors of …….. Province

****

The Governor of …….. Province

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Kram No. NS/RKM/1196/08 dated Jan 24, 1996 promulgating the Law on the Establishment of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0508/017 dated May 24, 2008 promulgating the Law on Administrative Management of Capital, Province, Municipality, District, Khan;
- Having seen Sub-Decree No. 16 ANKr.BK dated Dec 20, 1993 on the Organization and Functioning of the Ministry of Interior;
- Having seen Sub-Decree No. 216 ANKr.BK dated Dec 14, 2009 on the Roles, Duties and Working Relation between the Council and Board of Governors of Province and Councils and Boards of Governors of Municipalities and Councils and Boards of Governors of Districts;
- Having seen Prakas No. 4274 PrK dated Dec 30, 2009 on the Establishment of Offices under Divisions of Provincial Hall, Establishment of Offices in Municipal Halls , Establishment of Offices in District Halls and Roles, Duties and Working Procedures of Those Offices;
- Referring to the Guidelines No…. Dated …….. 2010 of the Ministry of Interior on the Division of Roles, Duties and Working Procedures for Board of Governors of Province, Board of Governors of Municipality and Boards of Governors of District;
- Referring to the outcome of the meeting of the Council of …… Province dated ……. 2010.

Hereby Decides:

Article 1:

The Board of Governors of ……. Province shall be managed and led by one Provincial Governor and ….. Deputy Governor who serves as assistants.

Article 2:

The Provincial Governor and Deputy Governors shall work together to lead and manage tasks related to spatial administration, security and order, social safety, promotion of economic and social development and culture within the geographical boundaries of the Province in line with the policies of the Royal Government, applicable laws and regulations and decision of the Council.

Article 3:

The Provincial Governor and Deputy Governors shall carry out functions and responsibilities according to the hierarchy and perform roles and duties assigned to them as in Article 04.

Provincial Deputy Governors assigned with the tasks shall be accountable to the Provincial Governor on the tasks assigned and together with the Provincial Governor, be responsible for the decisions and activities of the Board of Governors.

Article 4:

The Governor and Deputy Governors of ……. Province are given the following roles and duties:

a. Division of Duties for Provinces with 5 Members of the Boards of Governors:

1. H.E. ……. **the Governor of ……. Province** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order, human resource management, labor and vocational training, civil service, countering drug and also serves as the budget manager on behalf of the Council.

2. Mr./Ms…….. **Provincial Deputy Governor** assists the Provincial Governor in areas of information, public forum, statistics and civic registration, women and children, education, youth and sport, culture, cults and religion, liaison with non-governmental organizations, political parties, associations, human rights and court and prison.

3. Mr./Ms…….. **Provincial Deputy Governor** assists the Provincial Governor in areas of economy and finance, banking, treasury, taxation, custom and excise, CamControl branch and public procurement.

4. Mr./Ms…….. **Provincial Deputy Governor** assists the Provincial Governor in areas of public work and transport, urban planning, construction and cadastral, national assembly and senate relation and inspection, alternative dispute resolution, agriculture, commerce, industry, safe water and electricity, water resources, meteorology and irrigation, post and telecommunication.

5. Mr./Ms…….. **Provincial Deputy Governor**, assists the Provincial Governor in areas of planning, investment, tourism, public relation and international cooperation, health, environment, solid and liquid waste management, social affairs, veterans and youth

rehabilitation, natural disaster management and border affairs (for provinces along borders).

In addition to the duties assigned above, the Capital Governor can also provide additional duties to Deputy Governors as per request by Phnom Penh Capital Administration.

b. Division of Duties for Provinces with 6 Members of the Boards of Governors:

1. H.E. ……. **the Governor of ……. Province** is in charge of providing overall leadership and direct supervision on general administrative work, security, public order, and countering drug and also serves as the budget manager on behalf of the Council.

2. Mr./Ms……. **Provincial Deputy Governor** assists the Provincial Governor in areas of information, women and children, culture, cults and religion, public forum, statistics and civic registration, public relation and international cooperation, national assembly and senate relation and inspection, liaison with non-governmental organizations, political parties, associations and human rights.

3. Mr./Ms……. **Provincial Deputy Governor** assists the Provincial Governor in areas of economy and finance, banking, treasury, taxation, custom and excise, CamControl branch and public procurement.\

4. Mr./Ms……. **Provincial Deputy Governor**, assists the Provincial Governor in areas of public work and transport, urban planning, construction and cadastral, agriculture, commerce, industry, safe water and electricity, water resources, meteorology and irrigation, post and telecommunication.

5. Mr./Ms……. **Provincial Deputy Governor**, assists the Provincial Governor in areas of planning, investment, rural development, natural disaster management, tourism, health, environment, solid and liquid waste management, social affairs, veterans and youth rehabilitation, and border affairs (for provinces along borders).

6. Mr./Ms……. **Provincial Deputy Governor** assists the Provincial Governor in areas of human resource management, labor and vocational training, civil service, education, youth and sport, court and prison, and alternative dispute resolution.

In addition to the duties assigned above, the Capital Governor can also provide additional duties to Deputy Governors as per request by Phnom Penh Capital Administration.

c. Division of Duties for Provinces with 7 Members of the Boards of Governors:

1. H.E. ……. **the Governor of ……. Province** is in charge of providing overall leadership and direct supervision on general

administrative work, security, public order and countering drug and also serves as the budget manager on behalf of the Council.

2. Mr./Ms…….. **Provincial Deputy Governor** assists the Provincial Governor in areas of women and children, culture, cults and religion, tourism, information and public relation and international cooperation.

3. Mr./Ms…….. **Provincial Deputy Governor** assists the Provincial Governor in areas of statistics and civic registration, public forum, court and prison, alternative dispute resolution, national assembly and senate relation and inspection, liaison with non-governmental organizations, political parties, associations and human rights.

4. Mr./Ms…….. **Provincial Deputy Governor** assists the Provincial Governor in areas of economy and finance, banking, treasury, taxation, custom and excise, CamControl branch and public procurement.

5. Mr./Ms…….. **Provincial Deputy Governor**, assists the Provincial Governor in areas of public work and transport, urban planning, construction and cadastral, agriculture, forestry administration, fishery administration, commerce, industry, safe water and electricity, water resources, meteorology and irrigation, post and telecommunication.

6. Mr./Ms…….. **Provincial Deputy Governor**, assists the Provincial Governor in areas of investment, planning, rural development, natural disaster management, health, environment, solid and liquid waste management, social affairs, veterans and youth rehabilitation and border affairs (for provinces along borders).

7. Mr./Ms…….. **Provincial Deputy Governor** assists the Provincial Governor in areas of human resource management, labor and vocational training, civil service and education, youth and sport.

Article 5:

In terms of working procedures, the Board of Governors of the Province shall comply with the Guidelines No. ……. dated , 2010 of the Ministry of Interior on the Division of Roles, Duties and Working Procedures for the Board of Governors of Province and Boards of Governors of Municipality and Board of Governors of District.

Article 6:

Any provision contradicting this Decision is nullified.

Article 7:

Director/Deputy Directors for Administration for Capital Hall, Directors of Line Departments/Agencies in the Province, Divisions and Offices under the Structure of the Provincial Hall, Governor of Municipality and Governors of All Districts and

individuals listed in Article 04 shall implement this Decision from the date of the signature.

Phnom Penh, Date……. Month…… 2010

Provincial Governor

Seen and Approved

Phnom Penh, , 2010

Deputy Prime Minister, Minister of Interior

CC:

- Office of the Council of Ministers
- Ministry of Economy and Finance
- State Secretariat of Civil Service
- Cabinet Office of Samdech Prime Minister
- NCDD Secretariat
- As in Article 7
- Documentation – Archival

Kingdom of Cambodia

Nation Religion King

Template for Municipality/District

Provincial Hall

……. Municipal/District Hall

No: ……..

Decision

on

The Division of Roles, Duties and Working Procedures

for the Board of Governors of ……. District

****

Governor of ……. District

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Kram No. NS/RKM/1196/08 dated Jan 24, 1996 promulgating the Law on the Establishment of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0508/017 dated May 24, 2008 promulgating the Law on Administrative Management of Capital, Province, Municipality, District, Khan;
- Having seen Sub-Decree No. 16 ANKr.BK dated Dec 20, 1993 on the Organization and Functioning of the Ministry of Interior;
- Having seen Sub-Decree No. 216 ANKr.BK dated Dec 14, 2009 on the Roles, Duties and Working Relation between the Council and Board of Governors of Province and Councils and Boards of Governors of Municipalities and Councils and Boards of Governors of Districts;
- Having seen Prakas No. 4274 PrK dated Dec 30, 2009 on the Establishment of Offices under Divisions of Provincial Hall, Establishment of Offices in Municipal Halls , Establishment of Offices in District Halls and Roles, Duties and Working Procedures of Those Offices;
- Referring to the Guidelines No…. Dated …….. 2010 of the Ministry of Interior on the Division of Roles, Duties and Working Procedures for Board of Governors of Province, Board of Governors of Municipality and Boards of Governors of District;
- Referring to the outcome of the meeting of the Council of …… Municipality/District dated ……. 2010.

Hereby Decides:

Article 1:

The Board of Governors of ……. Municipality/District shall be managed and led by one Municipal/District Governor and four Deputy Governors who serve as assistants.

Article 2:

The Municipal/District Governor and Deputy Governors shall work together to lead and manage tasks related to spatial administration, security and order, social safety, promotion of economic and social development and culture within the geographical boundaries of the Municipality/District in line with the policies of the Royal Government, applicable laws and regulations and decision of the Council.

Article 3:

The Municipal/District Governor and Deputy Governors shall carry out functions and responsibilities according to the hierarchy and perform roles and duties assigned to them as in Article 04.

Municipal/District Deputy Governors assigned with the tasks shall be accountable to the Municipal/District Governor on the tasks assigned and together with the Municipal/District Governor, be responsible for the decisions and activities of the Board of Governors.

Article 4:

The Governor and Deputy Governors of ……. Municipality/District are given the following roles and duties:

a. Division of Duties for Municipality/District with 3 Members of the Board of Governors

1. Mr. …… **the Governor of ……. Municipality/District**, is in charge of providing overall leadership and direct supervision on general administrative work, security, public order, work at **the Office of Planning and Sangkat Support or the Office of Planning and Commune/Sangkat Support**, planning, investment, rural development, countering drug, disaster management and serve as the budget manager on behalf of the Council.

2. Mr./Ms……. **Deputy Governor**, assists the Municipal/District Governor in the works of **the Office of Administration and Finance** and assists in areas of information, statistics and civic registration, women and children, education, youth and sport, tourism, culture, cult and religion, health, labor and vocational training, economic and financial affairs, banking, treasury, taxation, CamControl branch, custom and excise and procurement.

3. Mr./Ms……. **Deputy Governor**, assists the Municipal/District Governor in the works of **the Office of Municipal Development or the Office of Cross Sectors** and assists in areas of public works and transport, environment, urban planning, construction and cadastral, human rights, non-governmental organizations, associations, political parties, alternative

dispute resolution, social affairs, veterans and youth rehabilitation, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, mine and energy, safe water, water resources, meteorology and irrigation, and post and telecommunication**.**

In addition to the duties assigned above, the Municipal/District Governor can also provide additional duties to Deputy Governors as per request by Municipal/District Administration.

b. Division of Duties for Municipality/District with 4 Members of the Board of Governors

1. Mr. ……. **the Governor of ……. Municipality/District**, is in charge of providing overall leadership and direct supervision on general administrative work, security, public order and countering drug and serve as the budget manager on behalf of the Council.

2. Mr./Ms……. **Deputy Governor** assists the Municipal/District Governor in areas of information, statistics and civic registration, women and children, human rights, non-governmental organizations, associations, political parties, labor and vocational training, economic and financial affairs, banking, treasury, taxation, CamControl branch, custom and excise and procurement.

3. Mr./Ms……. **Deputy Governor** assists the Municipal/District Governor in areas of environment, public works and transport, urban planning, construction and cadastral, alternative dispute resolution, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, safe water, water resources, meteorology and irrigation, and post and telecommunication**.**

4. Mr./Ms……. **Deputy Governor** assists the Municipal/District Governor in areas of planning, investment, rural development, education, youth and sport, tourism, culture, religion, health, social affairs, veterans and youth rehabilitation and disaster management.

In addition to the duties assigned above, the Municipal/District Governor can also provide additional duties to Deputy Governors as per request by Municipal/District Administration.

c. Division of Duties for Municipality/District with 5 Members of the Board of Governors

1. Mr. ……. **the Governor of ……. Municipality/District**, is in charge of providing overall leadership and direct supervision on general administrative work, security, public order and countering drug and serve as the budget manager on behalf of the Council.

2. Mr./Ms……. **Deputy Governor**, assists the Municipal/District Governor in areas of economic and financial affairs, banking, treasury, taxation, CamControl branch, custom and excise,

procurement and social affairs, veterans and youth rehabilitation.

3. Mr./Ms……. **Deputy Governor**, assists the Municipal/District Governor in areas of information, women and children, human rights, non-governmental organizations, associations, political parties, labor and vocational training, education, youth and sport, statistics and civic registration,.
4. Mr./Ms……. **Deputy Governor**, assists the Municipal/District Governor in areas of public works and transport, environment, urban planning, construction and cadastral, agriculture, forestry and fisheries, forestry administration, fishery administration, commerce, industry, , safe water, water resources, meteorology and irrigation, and post and telecommunication and alternative dispute resolution**.**
5. Mr./Ms……. **Deputy Governor**, assists the Municipal/District Governor in areas of planning, investment, rural development, tourism, culture, religion, health, and disaster management.

In addition to the duties assigned above, the Municipal/District Governor can also provide additional duties to Deputy Governors as per request by Municipal/District Administration.

Article 5:

In terms of working procedures, the Board of Governors of the Municipal/District shall comply with the Guidelines No. ……. dated , 2010 of the Ministry of Interior on the Division of Roles, Duties and Working Procedures for the Board of Governors of Province and Boards of Governors of Municipality and Board of Governors of District.

Article 6:

Any provision contradicting this Decision is nullified.

Article 7:

Director/Deputy Directors for Administration for Municipal/District Hall, Chiefs of Line Offices at Municipal/District level, Chiefs of Offices under the Structure of the Municipal/District Hall and individuals listed in Article 04 shall implement this Decision from the date of the signature.

Phnom Penh, Date……..Month…… , 2010

Municipal/District Governor

Seen and Approved

Phnom Penh, Date……Month……., 2010

Provincial Governor

CC:

- Ministry of Interior
- Line Departments/Agencies at Capital Level
- NCDD Secretariat
- As in Article 7
- Documentation – Archival

Kingdom of Cambodia

Royal Government of Cambodia **Nation Religion King**

Ministry of Interior

No. 035 BrK

Guidelines on

the Establishment and Implementation of Roles, Duties and Working Procedures of Technical Coordinating Committees of Capital Council and Khan Councils of Phnom Penh Capital

In pursuance with Article 114 and Article 126 of the Law on Administrative Management of Capital, Province, Municipality, District, Khan, the Royal Government issued Sub-Decree No. 217 ANKr.BK dated Dec 14, 2009 on the Establishment, Organization and Functioning of the Technical Coordinating Committee of Phnom Penh Capital Council and Technical Coordinating Committees of Khan Councils of Phnom Penh Capital.

The establishment of Technical Coordinating Committees of Councils at these administrative levels is aimed to put in place an appropriate system to ensure consultation, participation and coordination among stakeholders in planning, budgeting, assigning functions and resources, strengthening cooperation within the unified administration at each level, coordinating tasks of councils with departments, units and technical offices as well as in cooperating and consulting with councils of in the same categories and other categories. On this basis, Technical Coordinating Committees will provide advice to their respective Councils to make decision to promote good governance, public service delivery and local democratic development to address the needs of citizens and contribute to poverty reduction.

To date, Ministry of Interior has finalized the integration and restructuring of positions of civil servants who are working in Capital Hall and Khan Halls. After the ceremony to officiate civil servants' positions into the new structure of Capital Hall and Khan Halls, the Capital Hall and Khan Halls have undertaken their roles and responsibilities based on the regulations in place. However, to ensure more effective functioning of the governance system of Capital and Khan administrations and enforcement of the Organic Law and applicable regulations, it is necessary to continue to establish Committees of Capital Council and Khan Councils including Technical Coordinating Committees.

To assist Capital and Khan Administrations to establish their respective Technical Coordinating Committee based on Article 21 of Sub-Decree No. 217 ANKr.BK dated Dec 14, 2009, Ministry of Interior would like to provide guidelines on the Establishment and Implementation of Roles, Duties and Working Procedures of Technical Coordinating Committees of Capital Council and Khan Councils as follow:

A. Composition of Technical Coordinating Committees

1. **Technical Coordinating Committee of the Capital Council** has the following composition:

- Capital Governor	Chair
- One (01) Vice Capital Governor	Vice Chair
- Director for Administration of the Capital	Permanent Member
- At least 02 members of the Capital Council	Members
- Directors of Departments and Units of the Royal Government's Ministries in the Capital	Member
- Directors of all Divisions of the Capital Hall	Member
- All Khan Governors in the Capital	
- 02 Representatives of Association of Sangkat Councils in the Capital	Members
- 01 Representative of the Capital Consultative Committee on Women and Children	Member

2. **Technical Coordinating Committees of Khan Councils** have the following composition:

- Khan Governor	Chair
- One (01) Vice Khan Governor	Vice Chair
- Administration Director of the Khan Hall	Permanent Member
- At least 02 members of the Khan Councilors	Members
- Chiefs of Offices and Units of the Royal Government's Ministries in the Khan	Member
- All Chiefs of Offices of the Capital Hall	Member
- All Sangkat Chiefs in the Khan	Member
- 01 Representative of the Khan Consultative Committee on Women and Children	Member

Capital Governor and Khan Governors shall discuss within their respective Board of Governors to select a Vice Governor of the Capital/Khan, who is assisting in the areas of planning, investment and development as the Vice Chair of the Technical Coordinating Committees of the Capital Council and Khan Councils.

Capital Council and Khan Councils shall convene an ordinary or extra-ordinary meeting to assign council members as members of the Technical Coordinating Committees. Representatives of Capital Councilors and Khan Councilors who take part in Technical Coordinating Committees include:

- 04 Members of Phnom Penh Capital Council
- 03 Members of Each Khan Council

These Council members shall be from parties with seats in the council and shall include female members in case there are female members in the council.

02 representatives from Association of Sangkat Councils in the Capital who are selected to join Technical Coordinating Committee are appointed by the Executive Committee of the Association of Sangkat Councils in the Capital. One of the two representatives must be a woman.

Representative from the Consultative Committee on Women and Children of Capital/Khan Council is appointed by the Consultative Committee on Women and Children of Capital/Khan Council. Her appointment shall be endorsed by Capital/Khan Council.

Capital/Khan Council shall convene meetings of their council to review and approve the decision to recognize Chair, Vice Chair and Members of the Technical Coordinating Committee of Capital/Khan Council (See attached template). This decision is signed by Chairman of Capital/Khan Council.

The Decision to recognize Chair, Vice Chair and Members of the Technical Coordinating Committee of Capital Council shall be copied to NCDD Secretariat, Ministry of Interior and relevant ministries/institutions. The Decision to recognize Chair, Vice Chair and Members of the Technical Coordinating Committee of Khan Council shall be copied to the Capital Hall and NCDD Secretariat.

In the case of addition or replacement of members in the Technical Coordinating Committee, the Council shall re-issue the decision to recognize Chair, Vice Chair and Members of the Technical Coordinating Committee following the procedures prescribed above.

B. Roles and Duties of Technical Coordinating Committee

The roles and duties of the Technical Coordinating Committee of Capital/Khan Council are to provide recommendations to the Councils and Boards of Governors of the Capital and Khans on important areas stated in Article 4 and Article 13 of Sub-Decree No. 217 dated Dec 14, 2009 as follow:

- Development plan and budget
- Coordinating works of Capital/Khan Council with departments, units and offices of ministries/institutions
- Cooperation and coordination within the unified administration of Capital/Khan
- Cooperation and coordination between the Capital Council and Khan Councils and Sangkat Councils in the Capital and cooperation and coordination between Khan Council with Sangkat Councils in Khan and between Khan Council and Sangkat Council
- Cooperation and coordination between the Capital Council (except Khan Council) with Provincial Councils, especially with provincial Councils sharing the border with Phnom Penh
- Works associated with functions and resources
- Some other duties as required by laws and regulations

1. Roles and Duties of the Chair of the Technical Coordinating Committee

Chair of the Technical Coordinating Committee has the following roles and duties:

- Convene meetings and chair every meeting of the Technical Coordinating Committee. If the Chair is absent, the Chair shall authorize the Vice Chair of the Technical Coordinating Committee to convene and chair the meeting on him/her behalf.
- Set an agenda for meetings of the Technical Coordinating Committee according to Article 8, Article 9, Article 17 and Article 18 of Sub-Decree No. 217 ANKr.BK dated Dec 14, 2009.
- Identify stakeholders who will be invited to join meetings of the Technical Coordinating Committee.
- Take overall responsibility in fulfilling the roles and duties of the Technical Coordinating Committee.
- Advise, motivate and supervise Vice Chair, Members, Sub-Committees and Working Groups of the Technical Coordinating Committee in fulfilling their roles and duties.
- Ensure that the Technical Coordinating Committee of Capital Council or Khan Council to properly implement its roles as stated in Article 4 and Article 13 of the Sub-Decree No. 217 ANKr.BK dated Dec 14, 2009.

2. Roles and Duties of the Vice Chair of the Technical Coordinating Committee

Vice Chair of the Technical Coordinating Committee has the following roles and duties:

- Participate in meetings of the Technical Coordinating Committee.
- Substitute the Chair when he/she is absent as authorized by the Chair.
- Cooperate with and provide support to the permanent member in organizing meetings and preparing relevant documents for meetings of the Technical Coordinating Committee as stated in Article 8, 9, 17 and 18 of the Sub-Decree No. 217 ANKr.BK dated Dec 14, 2009.
- Review and provide comments on reports of the Technical Coordinating Committee and relevant documents before submitting them to the Technical Coordinating Committee.
- Perform other duties as assigned by the Chair.

3. Roles and Duties of the Permanent Member of the Technical Coordinating Committee

Permanent Member of the Technical Coordinating Committee has the following roles and duties:

- Coordinate daily administrative tasks and organize meetings of the Technical Coordinating Committee.
- Coordinate researches and provide inputs to the Technical Coordinating Committee on planning, budgeting, cooperation, coordination, introduction of consultative mechanism, proposal of functions and resources which should be assigned or delegated to Capital, Khan and Sangkat

Administration and tasks of the Technical Coordinating Committee as stated in Article 4 and Article 13 of Sub-Decree No. 217 ANKr.BK dated Dec 14, 2009.

- Coordinate researches and provide inputs to the Technical Coordinating Committee on service delivery and local development of departments, offices and units of ministries/institutions.
- Prepare minutes and reports on the results of the meetings of the Technical Coordinating Committee to submit the Council and Board of Governors.
- Lead relevant divisions and offices in the Capital Hall and Khan Hall by cooperating with departments, units, offices and stakeholders to conduct studies and researches and prepare documents, formalities and procedures to submit to the meetings of the Technical Coordinating Committee.
- Perform other duties as assigned by the Chair.

4. Roles and Duties of Members of the Technical Coordinating Committee

Members of the Technical Coordinating Committee have the following roles and duties:

- Participate in meetings of the Technical Coordinating Committee.
- Provide inputs and recommendations in meetings of the Technical Coordinating Committee.
- Participate in researches and prepare relevant documents for meetings of the Technical Coordinating Committee.
- Lead and coordinate the implementation of decisions of the Technical Coordinating Committee approved by the Council in their respective unit.
- Perform other duties as assigned by the Chair.

C. Working Procedures of the Technical Coordinating Committee:

Technical Coordinating Committee of Capital/Khan Council shall meet at least once every two months. The meeting can be held only with the presence of more than half of members of the Technical Coordinating Committee.

Chair of the Technical Coordinating Committee will call for and chair the meeting of the Technical Coordinating Committee. If the Chair is absent, the Vice Chair will call for and chair the meeting.

Decision of the meeting is valid only with endorsement from more than half of members of the Technical Coordinating Committee. If there are equal numbers of voices, the voice of the Chair of the meeting will prevail. Approval of every decision is made by the show of hand.

Every meeting of the Technical Coordinating Committee shall have a minute prepared by the permanent member of the Technical Coordinating Committee and signed by the Chair of the meeting.

The Committee can define proceedings of meeting, approval process, working procedures and division of labor among members of the Committee as necessary.

In the event that a member of the Technical Coordinating Committee of the Capital Council, who is the Administration Director of the Capital Hall, Khan Governor, Director of Department and Unit of Ministries/Institutions of the Royal Government in the Capital, Directors of Divisions of the Capital Hall, are absent, the member can assign his/her authorized representative to participate in the meetings of the committee.

In the event that a member of the Technical Coordinating Committee of Khan Council, who is the Administration Director of the Khan Hall, Sangkat Chiefs, Chiefs of Offices or Units of Ministries/Institutions of the Royal Government in the Khan, Chief of Offices of the Khan Hall, are absent, the member can assign his/her authorized representative to participate in the meetings of the committee.

Capital/Khan Governor may request Capital/Khan vice Governors, officers, technical advisors and stakeholders to participate in the meetings of the committee as necessary. The Capital/Khan vice Governors, officers, technical advisors and stakeholders can provide inputs to in the meetings of the Committee but are not entitled to approve anything.

Each meeting of the Committee shall have prepared agenda.

Capital/Khan Governor with assistance from the Administration Director of the Capital/Khan Hall shall prepare the meeting agenda in advance by taking into account:

- The needs of the Capital/Khan Council.
- The needs of the Board of Governors of the Capital/Khan.
- The needs of Committees of the Capital/Khan Council.
- Requests by at least one-third of members of the Technical Coordinating Committee of the Capital/Khan Council.
- The needs provided by laws or regulations.

Based on the above needs and requests, Capital/Khan Governor shall convene a consultation within his/her Board of Governors to assign one or more divisions or offices of the Capital/Khan Hall to conduct studies to prepare documents and procedures for each agenda.

Administration Director of the Capital/Khan Hall shall lead relevant division and offices in the Capital/Khan Hall to prepare the above documents and procedures by cooperating with relevant departments, units, offices and administrations as necessary. In the preparation of documents and procedures, Administration Director of the Capital/Khan Hall shall take into account the Law on Administrative Management of Capital, Province, Municipality, District, Khan, the Law on Administrative Management of Commune/Sangkat and regulations supporting the implementation of these laws.

After making available documents and procedures for each agenda, Administration Director of the Capital/Khan Hall shall submit them to the Capital/Khan Governor to review and call for meetings of the Committee.

Capital/Khan Governor with assistance from the Administration Director of the Capital/Khan Hall shall prepare a report on the outcome of the Committee’s meeting to submit to the Capital/Khan Council for issues under the competence of the

Capital/Khan Council or submit the Board of Governors of the Capital/Khan for issues under the competence of the Board of Governors of the Capital/Khan. The report of the meeting shall be sent to all members of the Technical Coordinating Committee.

D. Establishment of Sub-Committees or Working Groups

To facilitate its work, the Technical Coordinating Committee of the Capital/Khan Hall may request for establishment of Sub-Committees or Working Groups as necessary or as required by applicable laws and regulations.

Members of the Sub-Committees or Working Groups can be selected from among members of the Technical Coordinating Committee, officers from relevant units of Capital/Khan Hall and relevant departments, units and offices as necessary.

Capital Council and Khan Council shall decide on the Establishment, Organization and Functioning of the Sub-Committees or Working Groups. The Decision shall be signed by the Chair of the Capital/Khan Council based on decisions in their Council's meetings.

E. Capacity Building

General Directorate of Local Administration of the Ministry of Interior with support from NCDD Secretariat is required to provide support and disseminate information to Councils, Boards of Governors, Members of Technical Coordinating Committees and stakeholders on the process for establishing Technical Coordinating Committees, roles, duties and working procedures of this Committee.

Upon receiving this Guideline, the Council, Board of Governors of Phnom Penh, Councils, Boards of Governors of Khan and relevant stakeholders shall arrange the implementation in an effective manner.

Phnom Penh, Dec 28, 2010

Deputy Prime Minister, Minister of Interior

Sar Kheng

CC:

- Office of the Council of Ministers
- All Ministries/Institutions
- NCDD Secretariat
- National League of Commune/Sangkat Councils

"For Information"

- Documentation - Archival

Kingdom of Cambodia

Nation Religion King

Template for Capital/Khan

Phnom Penh Capital Hall/…….. Khan Hall

No: ……

Decision on

The Recognition of Chair, Vice Chair and Members of

The Technical Coordinating Committee of

Phnom Penh Capital or …. Khan

****

Chair of Phnom Penh Capital Council or … Khan Council

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Kram No. NS/RKM/0508/017 dated May 24, 2008 promulgating the Law on Administrative Management of Capital, Province, District, Khan;
- Having seen Royal Kram No. NS/RKM/0508/018 dated May 24, 2008 promulgating the Law on Election of Capital Council, Provincial Council, Municipal Council, District Council, Khan Council;
- Having seen Sub-Decree No. 217 ANKr.BK dated Dec 14, 2009 on the Establishment, Organization and Functioning of the Technical Coordinating Committee of Phnom Penh Capital Council and Technical Coordinating Committees of Khan Councils of Phnom Penh;
- Referring to the Guidelines No. …….. dated …….. 2010 on the Establishment, Organization and Functioning of the Technical Coordinating Committee of Phnom Penh Capital Council and Technical Coordinating Committees of Khan Councils of Phnom Penh;
- Referring to outcomes of the meeting of Phnom Penh Council/…… Khan Council on ……

Hereby Decides:

Article 1:

The following Chair, Vice Chair and Members of the Technical Coordinating Committees of Phnom Penh Capital Council/…. Khan Councils are recognized:

(Request to include Chair, Vice Chair, Permanent Members and Members of Technical Coordinating Committee of Phnom Penh or Khan Council as prescribed in the Guidelines).

Article 2:

Roles, duties and working procedures of the Technical Coordinating Committee of Capital Council or … Khan Council shall be undertaken in conformity with Sub-Decree No. 217 ANKr.BK and the Guidelines No. …… as mentioned earlier.

Article 3:

Any provision contradicting this Decision is nullified.

Article 4:

Boards of Governors of the Capital/Khan, Directors of Departments, Heads of Units and Offices at Capital/Khan level, Directiors of Division and Offices under the structure of the Capital/Khan Hall and individuals listed in Article 01 shall implement the decision from the date of the signature.

…….Date Month 2010

Chair of Capital Council/…….. Khan

CC:

- Ministry of Interior
- Relevant Ministries/Institutions
- NCDD Secretariat
- As in Article 4
- Documentation - Archival

Kingdom of Cambodia

Nation Religion King

Royal Government of Cambodia

Ministry of Interior

No. 036 BrK

Guidelines on

the Establishment and Implementation of Roles, Duties and Working Procedures of Technical Coordinating Committees of Provincial Councils, Municipal Councils and District Councils

In pursuance with Article 114 and Article 126 of the Law on Administrative Management of Capital, Province, Municipality, District, Khan, the Royal Government issued Sub-Decree No. 218 ANKr.BK dated Dec 14, 2009 on the Establishment, Organization and Functioning of Technical Coordinating Committees of Provincial Councils, Technical Coordinating Committees of Municipal Councils and Technical Coordinating Committees of District Councils.

The establishment of Technical Coordinating Committees of Councils at these administrative levels is aimed to put in place an appropriate system to ensure consultation, participation and coordination among stakeholders in planning, budgeting, assigning functions and resources, strengthening cooperation within the unified administration at each level, coordinating tasks of councils with departments, units and technical offices as well as in cooperating and consulting with councils of in the same categories and other categories. On this basis, Technical Coordinating Committees will provide advice to their respective Councils to make decision to promote good governance, public service delivery and local democratic development to address the needs of citizens and contribute to poverty reduction.

To date, Ministry of Interior has finalized the integration and restructuring of positions of civil servants who are working in Provincial Halls, Municipal Halls and District Halls. After the ceremony to officiate civil servants' positions into the new structure of Provincial Halls, Municipal Halls and District Halls, the Provincial Halls, Municipal Halls and District Halls have undertaken their roles and responsibilities based on the regulations in place. However, to ensure more effective functioning of the governance system of Provincial, Municipal and District administrations and enforcement of the Organic Law and applicable regulations, it is necessary to continue to establish Committees of Provincial Councils, Municipal Councils and District Councils including Technical Coordinating Committees.

To assist Provincial, Municipal and District Administrations to establish their respective Technical Coordinating Committee based on Article 30 of Sub-Decree No. 218 ANKr.BK dated Dec 14, 2009, Ministry of Interior would like to provide guidelines on the Establishment and Implementation of Roles, Duties and Working Procedures

of Technical Coordinating Committees of Provincial Councils, Municipal Councils and District Councils as follow:

A. Composition of Technical Coordinating Committees

1. **Technical Coordinating Committee of Provincial Council** has the following composition:

- Provincial Governor	Chair
- One Vice Provincial Governor	Vice Chair
- Administration Director of the Province	Permanent Member
- At least 2 members of the Province Council	Members
- Directors of Departments and Units of the Royal Government's Ministries in the Province	Member
- Directors of All Divisions of the Provincial Hall	Member
- All Municipal and District Governor in the Province	Member
- 2 Representatives of Association of Commune Councils in the Province	Members
- 1 Representative of the Provincial Consultative Committee on Women and Children	Member

2. **Technical Coordinating Committee of Municipal Council** has the following composition:

- Municipal Governor	Chair
- One Vice Governor of Municipal	Vice Chair
- Administration Director of the Municipal Hall	Permanent Member
- At least 2 members of the Municipal Council	Members
- Chiefs of Offices and Units of the Royal Government's Ministries in the Municipality	Member
- Chiefs of All Offices of the Municipal Hall	Member
- All Sangkat Chiefs in the Municipality	Member
- 1 Representative of the Municipal Consultative Committee on Women and Children	Member

3. **Technical Coordinating Committee of District Council** has the following composition:

- District Governor	Chair
- One Vice Governor of District	Vice Chair

- Administration Director of the District Hall
  Permanent Member
- At least 2 members of the District Council — Members
- Chiefs of Offices and Units of the
  Royal Government's Ministries in the District — Member
- Chiefs of All Offices of the District Hall — Member
- All Sangkat Chiefs in the District — Member
- 1 Representative of the District Consultative
  Committee on Women and Children — Member

Provincial Governor, Municipal Governor and District Governor shall discuss within their respective Board of Governors to select a Vice Governor of the Province/Municipality/District, who is assisting in the areas of planning, investment and development as the Vice Chair of the Technical Coordinating Committees of the Provincial Council, Municipal Council or District Council.

Provincial Council, Municipal Council and District Council shall convene an ordinary or extra-ordinary meeting to assign council members as members of the Technical Coordinating Committees. Representatives of Provincial Council, Municipal Council or District Council who take part in Technical Coordinating Committees include:

- 4 Members for Province, Municipality and District with between 19 to 21 Council Members
- 3 Members for Province, Municipality and District with between 13 to 17 Council Members
- 2 Members for Province, Municipality and District with between 7 to 11 Council Members

These Council Members shall be from parties with seats in the council and shall include female members in case there are female members in the council.

2 representatives from Association of Commune Councils in the Province who are selected to join Technical Coordinating Committee are appointed by the Executive Committee of the Association of Commune Councils in the Province. One of the two representatives must be a woman.

Representative from the Consultative Committee on Women and Children of Provincial/ Municipal/District Council is appointed by the Consultative Committee on Women and Children of Provincial/Municipal/District Council. Her appointment shall be endorsed by Provincial/Municipal/District Council.

Provincial/Municipal/District Council shall convene meetings of their council to review and approve the decision to recognize Chair, Vice Chair and Members of the Technical Coordinating Committee of Provincial/Municipal/District Council (See attached template). This decision is signed by Chairman of Provincial/Municipal/District Council.

The Decision to recognize Chair, Vice Chair and Members of the Technical Coordinating Committee of Provincial Council shall be copied to NCDD Secretariat, Ministry of Interior and relevant ministries/institutions. The Decision to recognize

Chair, Vice Chair and Members of the Technical Coordinating Committee of Municipal/District Council shall be cc-ed to the Provincial Hall and NCDD Secretariat. Chair, Vice Chair and Members of the Technical Coordinating Committee

In the case of addition or replacement of members in the Technical Coordinating Committee, the Council shall re-issue the decision to recognize Chair, Vice Chair and Members of the Technical Coordinating Committee following the procedures prescribed above.

B. Roles and Duties of Technical Coordinating Committee

The roles and duties of the Technical Coordinating Committee of Provincial/Municipal/ District Council are to provide inputs to the Councils and Boards of Governors of the Province, Municipality and District on important areas stated in Article 4, Article 13 and Article 22 of Sub-Decree No. 218 ANKr.BK dated Dec 14, 2009 as follow:

- Development plan and budget
- Coordinating works of Capital/Khan Council with departments, units and offices of ministries/institutions
- Cooperation and coordination within the unified administration of Province/ Municipality/District
- Cooperation and coordination between the Provincial Council, Municipal Councils, District Councils, Commune Councils and Sangkat Councils in the Province and cooperation and coordination between Municipal/District Council with Commune/Sangkat Councils in District/Municipality and between Municipal/District Council and Commune/Sangkat Council
- Cooperation and coordination between Provincial/Municipal/District Council with other relevant Councils, especially of Provinces/Municipalities/Districts sharing the border with.
- Works associated with functions and resources
- Some other duties as required by laws and regulations

1. Roles and Duties of the Chair of the Technical Coordinating Committee

Chair of the Technical Coordinating Committee has the following roles and duties:

- Convene meetings and chair every meeting of the Technical Coordinating Committee. If the Chair is absent, the Chair shall authorize the Vice Chair of the Technical Coordinating Committee to convene and chair the meeting for him/her.
- Set an agenda for meetings of the Technical Coordinating Committee according to Article 8, Article 9, Article 17, Article 18, Article 27 and Article 27 of Sub-Decree No. 218 ANKr.BK dated Dec 14, 2009.
- Identify stakeholders who will be invited to join meetings of the Technical Coordinating Committee.
- Take overall responsibility in fulfilling the roles and duties of the Technical Coordinating Committee.

- Advise, motivate and supervise Vice Chair, Members, Sub-Committees and Working Groups of the Technical Coordinating Committee in fulfilling their roles and duties.
- Ensure that the Technical Coordinating Committee of Provincial Council, Municipal Council and District Council properly implement its roles as stated in Article 4, Article 13 and Article 22 of the Sub-Decree No. 218 ANKr.BK dated Dec 14, 2009.

2. Roles and Duties of the Vice Chair of the Technical Coordinating Committee

Vice Chair of the Technical Coordinating Committee has the following roles and duties:

- Participate in meetings of the Technical Coordinating Committee.
- Substitute the Chair when he/she is absent as authorized by the Chair.
- Cooperate with and provide support to the permanent member in organizing meetings and preparing relevant documents for meetings of the Technical Coordinating Committee as stated in Article 8, 9, 17,18, 26 and 27 of the Sub-Decree No. 218 ANKr.BK dated Dec 14, 2009.
- Review and provide comments on reports of the Technical Coordinating Committee and relevant documents before submitting them to the Technical Coordinating Committee.
- Perform other duties as assigned by the Chair.

3. Roles and Duties of the Permanent Member of the Technical Coordinating Committee

Permanent Member of the Technical Coordinating Committee has the following roles and duties:

- Coordinate daily administrative tasks and organize meetings of the Technical Coordinating Committee.
- Coordinate researches and provide inputs to the Technical Coordinating Committee on planning, budgeting, cooperation, coordination, introduction of consultative mechanism, proposal of functions and resources which should be handed over or delegated to Provincial, Municipal, District, Commune and Sangkat Administration and tasks of the Technical Coordinating Committee as stated in Article 4, Article 13 and Article 22 of Sub-Decree No. 2187 ANKr.BK dated Dec 14, 2009.
- Coordinate researches and provide inputs to the Technical Coordinating Committee on service delivery and local development in departments, offices and units of ministries/institutions.
- Prepare minutes and reports on the outcomes of the meetings of the Technical Coordinating Committee to submit the Council and Board of Governors.
- Lead relevant divisions and offices in the Provincial/Municipal/District Hall by cooperating with departments, units, offices and stakeholders to

conduct studies and researches and prepare documents, formalities and procedures to submit to the meetings of the Technical Coordinating Committee.

- Perform other duties as assigned by the Chair.

4. Roles and Duties of Members of the Technical Coordinating Committee

Members of the Technical Coordinating Committee have the following roles and duties:

- Participate in meetings of the Technical Coordinating Committee.
- Provide inputs and recommendations in meetings of the Technical Coordinating Committee.
- Participate in researches and prepare relevant documents for meetings of the Technical Coordinating Committee.
- Lead and coordinate the implementation of decisions of the Technical Coordinating Committee approved by the Council in their respective unit.
- Perform other duties as assigned by the Chair.

C. Working Procedures of the Technical Coordinating Committee:

Technical Coordinating Committee of Provincial/Municipal/District Council shall meet at least once every two months. The meeting can be held only with the presence of more than half of members of the Technical Coordinating Committee.

Chair of the Technical Coordinating Committee will call for and chair the meeting of the Technical Coordinating Committee. If the Chair is absent, the Vice Chair will call for and chair the meeting.

Decision of the meeting is valid only with endorsement from more than half of members of the Technical Coordinating Committee. If there are equal numbers of voices, the voice of the Chair of the meeting will prevail. Approval of every decision is made by the show of hand.

Every meeting of the Technical Coordinating Committee shall have a minute prepared by the permanent member of the Technical Coordinating Committee and signed by the Chair of the meeting.

The Committee can define proceedings of meeting, approval process, working procedures and division of labor among members of the Committee as necessary.

In the event that a member of the Technical Coordinating Committee of Provincial Council, who is the Director for Administration of the Provincial Hall, Municipal/District Governor, Director of Department and Unit of Ministries/Institutions of the Royal Government in the Province or Director of Division of the Provincial Hall, is absent, the member can assign his/her authorized representative to participate in the meetings of the committee.

In the event that a member of the Technical Coordinating Committee of Municipal/District, who is the Director for Administration of the Municipal/District Hall, Chiefs of Units of Ministries/Institutions of the Royal Government in the Municipality/District or Chiefs of Offices of the Municipal/District Hall, is absent, the

member can assign his/her authorized representative to participate in the meetings of the committee.

Provincial/Municipal/District Governor may request Provincial/Municipal/District Vice Governors, officers, technical advisors and stakeholders to participate in the meetings of the committee as necessary. The Provincial/Municipal/District Vice Governors, officers, technical advisors and stakeholders can provide inputs to in the meetings of the Committee but are not entitled to approve anything.

Each meeting of the Committee shall have prepared agenda.

Provincial/Municipal/District Governor with assistance from the Director for Administration of the Provincial/Municipal/District Hall shall prepare the meeting agenda in advance by taking into account:

- The needs of the Provincial/Municipal/District Council.
- The needs of the Board of Governors of the Province/Municipality/District.
- The needs of Committees of the Provincial/Municipal/District Council.
- Requests by at least one-third of members of the Technical Coordinating Committee of the Provincial/Municipal/District Council.
- The needs provided by laws or regulations.

Based on the above needs and requests, Provincial/Municipal/District Governor shall convene a consultation within his/her Board of Governors to assign one or more divisions or offices of the Provincial/Municipal/District Hall to conduct studies to prepare documents and procedures for each agenda.

Director for Administration of the Provincial/Municipal/District Hall shall lead relevant division and offices in the Provincial/Municipal/District Hall to prepare the above documents and procedures by cooperating with relevant departments, units, offices and administrations as necessary. In the preparation of documents and procedures, Director for Administration of the Provincial/Municipal/District Hall shall take into account the Law on Administrative Management of Capital, Province, Municipality, District, Khan, the Law on Administrative Management of Commune/Sangkat and regulations supporting the implementation of these laws.

After making available documents and procedures for each agenda, Director for Administration of the Provincial/Municipal/District Hall shall submit them to the Provincial/Municipal/District Governor to review and call for meetings of the Committee.

Provincial/Municipal/District Governor with assistance from the Director for Administration of the Provincial/Municipal/District Hall shall prepare a report on the outcome of the Committee’s meeting to submit to the Provincial/Municipal/District Council for issues under the competence of the Provincial/Municipal/District Council or submit the Board of Governors of the Provincial/Municipal/District for issues under the competence of the Board of Governors of the Province/Municipality/District. The report of the meeting shall be sent to all members of the Technical Coordinating Committee.

D. Establishment of Sub-Committees or Working Groups

To facilitate its work, the Technical Coordinating Committee of the Provincial/Municipal/ District Hall may request for establishment of Sub-Committees or Working Groups as necessary or as required by applicable laws and regulations.

Members of the Sub-Committees or Working Groups can be selected from among members of the Technical Coordinating Committee, officers from relevant units of Provincial/Municipal/District Hall and relevant departments, units and offices as necessary.

Provincial/Municipal/District Council shall decide on the Establishment, Organization and Functioning of the Sub-Committees or Working Groups. The Decision shall be signed by the Chair of the Provincial/Municipal/District Council based on decisions in their Council's meetings.

E. Capacity Building

General Directorate of Local Administration of the Ministry of Interior with support from NCDD Secretariat is required to provide support and disseminate information to Councils, Boards of Governors, Members of Technical Coordinating Committees and stakeholders on the process for establishing Technical Coordinating Committees, roles, duties and working procedures of this Committee.

Upon receiving this Guideline, the Council, Board of Governors of Phnom Penh, Councils, Boards of Governors of Khan and relevant stakeholders shall arrange the implementation in an effective manner.

Phnom Penh, Dec 28, 2010

Deputy Prime Minister, Minister of Interior

Sar Kheng

CC:

- Office of the Council of Ministers
- All Ministries/Institutions
- NCDD Secretariat
- National League of Commune/Sangkat Councils

  "For Information"
- Documentation - Archival

Kingdom of Cambodia

Nation Religion King

Phnom Penh Capital Hall/…….. Khan Hall

No: ……

Template for Province/Municipality/District

Decision on

the Recognition of Chair, Vice Chair and Members of

the Technical Coordinating Committee of …. Province/Municipality/District

Chair of Phnom Penh Capital Council or … Provincial/Municipal/District Council

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Kram No. NS/RKM/0508/017 dated May 24, 2008 promulgating the Law on Administrative Management of Capital, Province, District, Khan;
- Having seen Royal Kram No. NS/RKM/0508/018 dated May 24, 2008 promulgating the Law on Election of Capital Council, Provincial Council, Municipal Council, District Council, Khan Council;
- Having seen Sub-Decree No. 217 ANKr.BK dated Dec 14, 2009 on the Establishment, Organization and Functioning of the Technical Coordinating Committee of Phnom Penh Capital Council and Technical Coordinating Committees of Khan Councils of Phnom Penh;
- Referring to the Guidelines No. …….. dated …….. 2010 on the Establishment, Organization and Functioning of the Technical Coordinating Committee of Phnom Penh Capital Council and Technical Coordinating Committees of Khan Councils of Phnom Penh;
- Referring to outcomes of the meeting of Phnom Penh Council/…… Khan Council on ……

Hereby Decides:

Article 1:

The following Chair, Vice Chair and Members of the Technical Coordinating Committees of …. Provincial/Municipal/District Council are recognized:

(Request to include Chair, Vice Chair, Permanent Members and Members of Technical Coordinating Committee of Provincial/Municipal/District Council as prescribed in the Guidelines).

Article 2:

Roles, duties and working procedures of the Technical Coordinating Committee of ……. Provincial/Municipal/District Council shall be undertaken in conformity with Sub-Decree No. 218 ANKr.BK and the Guidelines No. …… as mentioned earlier.

Article 3:

Any provision contradicting this Decision is nullified.

Article 4:

Boards of Governors of the Province/Municipality/District, Directors of Departments, Heads of Units and Offices at Provincial/Municipal/District level, Heads of Division and Offices under the structure of the Provincial/Municipal/District Hall and individuals listed in Article 01 shall implement the decision from the date of the signature.

…….Date Month 2010

Council Chairperson of ……. Provincial/Municipal/District

CC:

- Ministry of Interior
- Relevant Ministries/Institutions
- NCDD Secretariat
- As in Article 4
- Documentation - Archival

KINGDOM OF CAMBODIA

NATION RELIGION KING

ROYAL GOVERNMENT OF CAMBODIA

MINISTRY OF INTERIOR

N^0: 015 SNN

Phnom Penh, 28 May 2009

GUIDELINE

ON

FORMULATION OF INTERNAL REGULATION FOR COUNCILS OF THE CAPITAL, PROVINCES, MUNICIPALITIES, DISTRICTS, AND KHANS

As reference to article 69 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts, and Khans, put into force by the Royal Decree NS/RKM/0508/017, dated on 24 May 2008, and based on the 2nd ordinary meeting on 22 April 2009 of the National Committee for the Sub-national Democratic Development (NCDD), Ministry of Interior would like instruct the Councils of Capital, Provinces, Municipalities, Districts, and Khans about the principles of formulation and approval of internal regulation as follows:

1. The Procedure of Formulation of Internal Regulations

After the meeting to get the position of the Councils of Capital, Provinces, Municipalities, Districts, and Khans, the councils shall formulate their internal regulations to determine regulations for the meeting and their work procedures. The internal regulation of the council shall be done in Deika form and be approved in the 2nd ordinary meeting, which is held not before 25 days or over 35 days after the 1st ordinary meeting.

To make the councils have basis in formulating and approving the internal regulations appropriately and timely, Ministry of Interior has prepared a sample of internal regulation approved and recognized by the NCDD in the 2nd ordinary meeting held on 22 April 2009, which was attached with this guideline.

This sample of internal regulation is the basic document for the council of the capital, councils of provinces, councils of municipalities, councils of districts, and councils of khans to review and consider formulating their own internal regulation conforming to the policy of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts, and Khans. The content of this sample of internal regulation has regulated the minimum condition in determining measures for the meeting and work procedures for their own councils only. Based on this sample of internal regulation, the councils shall review, modify, or add based on the real circumstances of their own capital, provinces, municipalities, districts, and khans and conform to the laws and regulations to issue their own internal regulation.

2. The Procedure of Approving Internal Regulation

The councils of capital, province, municipality, district, and khan shall discuss and approve their own internal regulation by conforming to the conditions that are regulated in article 66 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts, and Khans. To be eligible, the meeting to approve this internal regulation shall be not less than half of the total number of councilors, and it can be approved by the votes more than half of the total members of the council. In case there are equal votes, the vote of the chairperson of the meeting prevails.

It means:

- If the council has 21 members, there must be at least 11councilors, and approval votes should be at least 11 in favor.
- If the council has 19 members, there must be at least 11councilors, and approval votes should be at least 10 in favor.
- If the council has 17 members, there must be at least 11councilors, and approval votes should be at least 9 in favor.
- If the council has 15 members, there must be at least 11councilors, and approval votes should be at least 8 in favor.
- If the council has 13 members, there must be at least 11councilors, and approval votes should be at least 7 in favor.
- If the council has 11 members, there must be at least 11councilors, and approval votes should be at least 6 in favor.
- If the council has 9 members, there must be at least 11councilors, and approval votes should be at least 5 in favor.

The councils of capital, provinces, municipalities, districts, and khans need to appoint an official to take the minutes of the meeting to approve the internal regulation properly. After having been approved, this internal regulations shall be copied and distributed to all members of the councils of capital, provinces, municipalities, districts, and khans, copy to the governing board of capital, provinces, municipalities, districts, and khans, and copy to Ministry of Interior as well as kept as an archive. In case there is a revision of this document, the Ministry of Interior shall review the content of that. In case the content of that revision is contradictory to the policy of the existing laws and regulations, the Ministry of Interior shall instruct that council to make urgent correction. After getting the guideline from the Ministry of Interior, the councils have to modify in the next ordinary or extraordinary meetings.

All the councils of the capital, provinces, municipalities, districts and khans shall implement this guideline effectively from the date signature onward.

Deputy Prime Minister of Ministry of Interior

(seal and signature)

Sar Kheng

CC:

- Council of Ministers
- Ministry and Institutions under the supervision
- of the Royal Government of Cambodia
- Cabinet of Prime Minister
  "For Information"
- NCDD Secretariat
- Units under the supervision of Ministry of Interior
- City, Province, Municipality, District, and Khan Halls
  "to implement"

- Document – Archive

SAMPLE OF INTERNAL REGULATION

DEIKA

ON

INTERNAL REGULATION OF COUNCILS OF THE CAPITAL, PROVINCES, MUNICIPALITIES, DISTRICTS AND KHANS

THE COUNCILS OF THE CAPITAL, PROVINCES, MUNICIPALITIES, DISTRICTS, AND KHANS

- Having seen the institution of the Kingdom of Cambodia
- Having seen the Royal Decree NO.SO./RO.KO.TO./0908/1055 dated on 25 September 2008 about the appointment of the Royal Government of the Kingdom of Cambodia
- Having seen the Royal Kram 02/NO.SO./94 dated on 20 July 1994, which declared to use the Law on Organization and Process of the Council of Ministers
- Having seen the Royal Kram NO.SO./RO.KO.MO./0196/08 dated on 24 January 1996, which declared to use the Law on Establishing the Ministry of Interior
- Having seen the Royal Kram NO.SO./RO.KO.MO./0508/017 dated on 24 May 2008, which declared to use the Law on Administrative Management of Capital, Province, Municipality, District, and Khan
- Having seen the Royal Kram NO.SO./RO.KO.MO./0508/018 dated on 24 May 2008, which declared to use the Law on the Election to Select Council of Capital, Council of Province, Council of Municipality, Council of District and Council of Khan
- Having seen the Royal KramNO.SO./RO.KO.MO./0508/016 dated on 13 May 2008, which declared to use the Law on Public Finance System
- According to the approval of the council of capital, province, municipality, district, and khan mandate … in the 2nd ordinary meeting dated on day… month… year 200….

DECIDE

CHAPTER 1

About the Meetings of the Council

Article 1

The meetings of the council of the capital, province, municipality, district, and khan consist of two kinds: **ordinary** and **extraordinary meetings**.

The meeting of the council is the meeting session of the council. The duration of each session of the council meeting is based on the agendas of the meeting session of the council.

Article 2

The council of the capital, province, municipality, district, and khan shall have ordinary meetings in their own jurisdiction at least twelve (12) times every year.

The ordinary meeting of the council shall not be held before 25 days and over 35 days after the previous one.

The councils of capital, province, municipality, district, and khan shall approve on the calendar of their own ordinary meetings for the 12 months not later the 2nd ordinary meeting and the calendar for subsequent ordinary meetings every 12 months by specifying clear dates and places.

The council of capital, province, municipality, district, and khan shall publicly disseminate their ordinary meeting calendar not later three (3) days after the councils have approved.

Every meeting of the council shall be implemented in accordance with this internal regulation.

The meetings of the councils shall be done publicly, except in case of necessity that the councils shall hold closed door meeting as regulated in Article 7 of this internal regulation.

Article 3

The chairpersons of the councils shall be the persons who call for members to participate in all meetings of the councils.

All ordinary meetings of the councils shall have invitations that are given to all members of the councils and other stakeholders in at least 3 days before the start of the meeting.

The invitations shall indicate places and dates (time, day, month, and year) and the agenda of the meetings clearly as well as enclosure of relevant documents if any.

Article 4

The councils of capital, provinces, municipalities, districts, and khans may call for extra-ordinary meetings in their own jurisdiction if necessary to solve any immediate or special issues.

The chairpersons of the councils or one third of the total members of councils may propose to have such extraordinary meetings.

The invitations and agenda of the extraordinary meetings have to be given to all council members in at least 2 days before the start of the meeting.

Article 5

The chairpersons of the councils, governors, governing board, one third of total members of the councils, and chairpersons of other commissions of the councils may propose to add in the agenda of the council meetings.

The chairpersons of the councils, with the consultation with the governor, shall prepare the draft agenda for each session of the council meeting in order to submit to the council for approval.

Article 6

The dates and places for the council meetings are posted on public bulletin boards of the councils as well as on other media are available in the capital, provinces, municipalities, districts or khans.

Article 7

The councils of capital, provinces, municipalities, districts, and khans may hold closed door meetings conforming to the guidelines by the Minister of Interior.

CHAPTER 2

About the Meeting Procedures of the Council

Article 8

All the meetings of the councils of capital, provinces, municipalities, districts and khans shall be valid in case the attendance of the members is more than half of the total.

Article 9

The councils of capital, provinces, municipalities, districts and khans shall proceed their meetings based on the following procedures:

1. Review the quorum for the meeting
2. Review and approve the agenda of the meeting such as
   - review and approve the minute of the previous meeting
   - review, discuss, and approve each topic which appears in the agenda
   - review, discuss, and approve various issues
3. Announce the information about the exact date and place for next meeting.

Article 10

In case there are any issues raised or informed, the chairpersons of the meetings may read that statement before starting the meeting based on the agenda.

Article 11

While having the meeting, if the chairperson of the meeting observes that the quorum of the meeting is not enough according to the limit in article 8 of this internal regulation, the chairperson can cancel this meeting. The next meeting will be held the next day until all the agendas of the meeting are approved.

Article 12

Each member of the meeting of capital, province, municipality, district and khan who intends to share ideas shall raise his or her hand to ask for permission from the chairperson of the meeting.

The duration to share ideas for each member is less than 15 minutes per time and the ideas must be relevant to the problem being discussed. The chairperson of the meeting can allow additional 5 minutes if he sees that it is useful for the problem being discussed. This addition can be allowed 2 times for the same problem.

If there is any member of the council that has ideas outside the topic, the chairperson of the meeting shall remind him or her to discuss about the existing problem only. If the chairperson has already reminded, but that member does not conform, the chairperson has the authority to terminate the sharing idea of that member. In case of more serious condition, the chairperson of the meeting can dismiss that member out of the meeting for the agenda that is being discussed. For

other agendas besides that one, the member that has been dismissed can participate as usual.

Article 13

The meeting of the council of capital, province, municipality, district, and khan shall organize a proper place by clearly dividing the places for members of the council, board of governer, stakeholders, and the public. Organizing the seats for each member of the council shall follow age rank by giving priority to the oldest people to sit at the front.

Article 14

All the meetings of the council must be allowed for at least two representatives of the committee of women and children consultation and the chairpersons of other committees of the council to participate, except for the meeting as regulated in Article 7 in this internal regulation.

CHAPTER 3

Deikas and Decisions by the Council

Article 15

For all their own meetings, the council shall issue a Dieka or Decisions other as necessary relevant to:

1. The organization of getting functions, tasks, and new resources conforming to the Law on Administrative Management of Capital, Province, Municipality, District and Khan
2. The functions as the duty of the council
3. The functions as the choices of the council
4. Five-year development plan and three-year investment project, as well as the dimensions of those plans, which are in the management and control of the same councils, other councils, ministries and institutions of the Royal Government, and stakeholders
5. Annual budget plan and medium-term expenditure framework
6. Other various finances
7. The organization of infrastructure, system, and resources as well as the committee, unit, and staff of the council
8. Managing and using property
9. The process of consulting with the public in the council’s jurisdiction and disseminating the information to the citizens
10. Other tasks that are regulated by the law, royal decree, sub-decree, and regulation that are done conforming to the Law on Administrative Management of Capital, Province, Municipality, District, and Khan.

Article 16

The Deika and Decision by the council of capital, province, Municipality, district and khan can be valid in case that Deika and Decision is approved by voting more than half of the whole council members.

In case of having equal votes, the vote of the chairperson of the council meeting is the highest.

All the approvals that do not conform to this internal regulation are invalid.

All the illegal warrants and approvals by the council are invalid.

Article 17

The votes are done by raising hands, except in the approval that is regulated in Article 51 of this internal regulation. The result of the vote to approve will be declared immediately of the votes, vetoes and abstentions that are recorded in the minutes.

Article 18

One-third members of the whole council members can propose to modify the Deika and Decision of the council.

The proposal for this modification shall be written by stating clearly the reason for this modification. The members who propose shall submit this proposal during the ordinary meeting of the council or submit to the administrative chief to report to the chairperson of the council. The council shall review and consider this proposal and add to the agenda of the next ordinary meeting or extraordinary meeting if necessary.

Article 19

The chairperson of the meeting shall appoint to disseminate the information about the Deika and Decision that are approved by the council.

The Deika and Decision by the council have to be posted on the board of public information of the capital, province, municipality, district, and khan and other means of media that have in the capital, province, Municipality, district and khan in at least 5 days after the approval date.

CHAPTER 4

About the Authority of the Chairperson and Members of the Council

Article 20

The chairperson of the council shall be the chairperson of all meetings of the council.

In case the chairperson of the council is absent, a member of the council who is in next rank in the list of candidates with the chairperson of council shall be the chairperson of the meeting.

In case the member of the council that is in the next rank in the list of candidates with the chairperson of the council is absent, a member of the council who is in the top second rank in the list of the candidates of the council shall be the chairperson of the meeting.

In case the member of the council that is in the top second rank in the list of the candidates of the council is absent, a member of the council who is in the next rank in that list of the candidates shall be the chairperson of the meeting.

Article 21

The chairperson of the council has the tasks:

1. Make sure all the meetings of the councils are proceeded democratically, impartially, orderly and without disturbance

2. Enable members of the council to share ideas as regulated in Article 11of this internal regulation
3. Prepare the draft agenda for the meeting of the council
4. Represent the council in managing and communicating with other work in his council's jurisdiction.

Article 22

The members of the council have freedom to share ideas in their own council meetings.

No members of the council are arrested, detained or confronted to any activity or measure with the reason of sharing ideas or voting in the council meeting.

All members of the council cannot share ideas on behalf of the whole council without the permission by the council of capital, province, municipality, district and khan after the meeting.

Article 23

The chairperson of the council can invite governors, deputy governors of capital, province, municipality, district and khan, chairpersons or representatives of departments, units, or stakeholders to participate in any meeting if necessary.

The governors, deputy governors of capital, province, Municipality, district and khan, chairpersons or representatives of departments and units or stakeholders that are invited to attend the meeting have rights to share ideas in the council meeting but cannot vote to approve at all.

Article 24

In case of emergency, the council can invite the governing board or governor and relevant staff of the council to ask and reveal in the ordinary or extraordinary meeting of the council.

In all the meetings, the members of the council can ask the governors of the capital, province, Municipality, district, and khan about the condition of implementing the Decision and Deika of the council as well as the activity of the implementation by the governing board.

Article 25

In all the council meetings of the capital, province, Municipality, district and khan, the public are allowed to participate based on the available seats, except in the secret meeting as regulated in Article 7 of this internal regulation.

Article 26

The chairperson of the meeting has rights to dismiss any member of the council, governing board, stakeholder, and/or the public out of the meeting in case that person is stubborn and causes disorder in the council meeting after the chairperson of the meeting has reminded very often to keep order in the meeting.

CHAPTER 5

About the Council Committee

Article 27

The council committee that is regulated by the Law on Administrative Management of the Capital, Province, Municipality, District and Khan are as below:

- The committee of technical coordination
- The committee of women and children consultation
- The committee of procurement

The organization and the process of the three above committees are based on the sub-decree, declaration of Ministry of Interior and declaration of inter-Ministry of Interior and Ministry of Economics and Finance.

Besides these three committees, the council can set up other committees to help the work of the council if necessary based on the policy as regulated in Article 115, 116, 117, 118, 119, 120, 121, and 122 of the Law on Administrative Management of the Capital, Province, Municipality, District, and Khan.

Article 28

To discuss about any problem that can be added to the agenda in the meeting of the council, the council can appoint a committee that has tasks relevant to that problem to study, research, and propose to their council.

Article 29

Council can appoint more than one committee to cooperate to study, research, and propose on the relevant problems to the council to discuss in their meeting of the council.

The governing board and administrative chief have to give legal, technical, and secretariat support as well as to other committees while the committees are doing research above.

CHAPTER 6

About Functions, Tasks, and Rights of the Governing Board and Administrative Chief

Article 30

The governor and/or the governing board of the capital, province, Municipality, district, and khan can propose to the chairperson of the council to add any agenda into the meeting of the council and can appeal for an extraordinary meeting of the council to check, discuss and approve a special or urgent task that the law and regulation require to get approval from the council.

Article 31

The governing board shall report to the council about the result of Deika and Decision implementation of the council as well as the activities of the implementation by the governing board and other committees of the council from one ordinary meeting to another.

Article 32

The administrative chief is to be an assistant to the council in organizing the agendas of the meeting, relevant documents, invitation cards, and recording the minutes of the council meeting.

Article 33

The administrative chief shall keep safely of all copied documents of the meeting agendas, documents, minutes and key contents of the meeting for the public to check or copy for them who intend to request by paying the prices of that document only.

CHAPTER 7

About the Minutes of the Meeting

Article 34

The minutes of the council meeting have to record the following problems:

1. Place and date (day, month, year and hour) of the meeting
2. Confirmation of a legal meeting (quorum, agenda, adding agenda…)
3. A name list of the council members that are present and absent
4. A name list of the units that are participating in the meeting (if have)
5. The number of the public that are invited to participate (if have)
6. The approval and result of the votes to approve on various problems in the agendas of the meeting as well as the problems that are added into the agendas
7. Agendas, time and place for next meeting
8. Various problems that are recorded
9. The time to close the meeting.

Article 35

The minutes of the meeting are to record the key messages, phrases, and sentences of the discussion, not just summarizing too briefly that loses the meanings of the meeting.

Article 36

The draft of the minutes shall be shared to all the members of the council in at least 3 days before the next meeting.

Article 37

The draft of the minutes of the ordinary or extraordinary meeting of the council is added into the agenda of the next ordinary meeting to approve.

The administrative director is responsible for copying the approved minutes and sharing to all the members of the council, sending to the Ministry of Interior and keeping as archive.

CHAPTER 8

About Missing to Attend the Meeting

Article 38

All council members of the capital, province, Municipality, district and khan have to attend all meetings of the council.

In case of being busy and not able to attend the meeting, the council members have to ask for a written permission to submit to the chairperson of the council at least one day before the meeting.

In case a member of the council walks out of the meeting, he or she is considered to be absent without permission one time.

Article 39

In all the meetings, there must be the collection of the members of the council who are present and who are absent by stating clear reason for the absence.

Article 40

The chairperson of the council can give permission to an absent member of the council in the ordinary meeting only one time. In case of asking for leave permission two times consecutively, he or she must ask the council for approval.

Article 41

The members of the council that are absent in the ordinary meetings two time consecutively due to sickness should have document from the doctor.

Article 42

Any member of the council that after getting the invitation card as regulated in Article 3 and 4 in this internal regulation but not attending the meeting without permission, that member will get disciplinary punishment as regulated in Article 44 of this internal regulation.

CHAPTER 9

About Discipline

Article 43

All members of the council have to obey the following disciplines:

- Conform to the internal regulation of the council continuously
- Abide by the guideline and management of the chairperson of the meeting
- Take responsibility for their tasks and actions that affect the dignity and reputation of the council.

Article 44

The disciplinary punishments for the members of the council are as below:

- The disciplinary punishment for the members of the council that miss the meetings without permission
- The disciplinary punishment for the members of the council during the meeting.

Article 45

The disciplinary punishments for the members of the council that miss the meeting without permission are as below:

- If missing the meeting without permission one time, he or she will get reminded by the chairperson of the council and recorded in the minutes of that meeting.
- If missing the meeting without permission two times inconsecutively during the 12 months, he or she will get reminded by recording in the minutes and deducting the pay of 25% in the month when he or she is absent for the second time.

- If missing the meeting without permission three times inconsecutively during the 12 months, he or she will get written blame and deduct the pay of 50% in the month when he or she is absent for the third time. In case of implementing this disciplinary punishment already and the person is still offending, the council must put this case into the agenda of their ordinary meeting to approve on dismissing that member out of their council.
- If missing the ordinary meeting without permission two times consecutively, he or she loses his or her membership of the council.

The chairperson of the meeting shall send a written letter to remind, blame, punish and dismiss the members of the council to the houses of the members of the council who get those punishments.

Article 46

The money from the punishment will be added into the budget of the council.

Article 47

The disciplinary punishments to the members of the council in the meeting are as below:

- Reminding
- Reminding by recording in the minutes of the meeting
- Dismissing from the meeting

Article 48

The chairperson of the meeting shall remind any member of the council who shares ideas out of the topic being discussed or has ideas more than the given duration by the chairperson of the meeting.

In case of reminding one time and that member still commits wrong again, the chairperson of the meeting will remind again and record in the minutes of the meeting about that reminding. In case that member sill commits wrong again, the chairperson of the meeting must stop that member from sharing his or her ideas.

In case stopping the sharing of ideas but that member is stubborn, the chairperson of the meeting must take measure to dismiss him or her from the council meeting.

Article 49

During the meeting, if any member causes chaos, makes other council members cause chaos in the meeting, scolds, argues, or threatens other council members in the meeting, the chairperson of the meeting shall take measure to make that member conform to the internal regulation and keep order in the meeting. In case that member is still stubborn and disobeys the internal regulation, the chairperson of the meeting shall take measure by recording in the minutes of the meeting and dismissing that member from the meeting.

The chairperson of the meeting can declare for the next meeting if the meeting has chaos that cannot process the meeting.

Article 50

The chairperson of the meeting must prevent from the chaos inside and outside his or her council meeting. In order to achieve this task, the chairperson of

the meeting can use his or her local police force or police military based on the real circumstances.

Article 51

Termination of a council member's position that disobeys this internal regulation and morality of the council, and proposal to terminate a governor or deputy governor's position as regulated in Article 152 of the Law on Administrative Management of the Capital, Province, Municipality, District and Khan have to be done by voting secretly, taking votes more than half of the whole council members (Has an attached sample of ballot).

CHAPTER 10

About Modifying and Disseminating the Internal Regulation

Article 52

One third of the whole council members have rights to propose for modifying this internal regulation.

The proposal for modifying the internal regulation is approved by voting more than half of the whole council members and is brought up to discuss and approve in the next ordinary meeting of the council.

Article 53

The administrative chief is responsible for copying the internal regulation or the content of the modified internal regulation of the council to share to all the council members, Ministry of Interior and stakeholders.

CHAPTER 11

Final Provision

Article 54

This internal regulation shall be put into force after it is approved by the council.

……. Day……Month……Year 200….

Chairperson of the Council

Note: *For the words "capital, province, Municipality, district, and khan" in this sample of the internal regulation, when the council has approved as the official warrant, they must be replaced with a clear name of their own administration, for example Council of Phnom Penh.*

(**Sample)**

Ballot
For Secret Voting of the Council

Agree **:……..** ☐

Disagree **:……..** ☐

Abstention **:……..** ☐

II. Legal Instruments related Financial and Assets Management of Sub-National Administration

ROYAL KRAM

NS/RK/0112/004

I

Preah Bat Samdech Boramniet Norodom Sihamoni

Samanphoum Cheatsasna Rakhatkhateya Khemrarothreas

Puthinthreathoreamohaksat Khemreachnea Somohopheas

Kampuchekreachroathboranaksanti Sopheakmonglea

Sereivibolea Khemarasreypireas

Preah Chao Krong Kampuchea Thipdey

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RD/0908/1055, dated 25 September, 2008, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Kram No. 02/NS/94, 20 July, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RK/0196/18, 24 January, 1996, promulgating the Law on the Establishment of the Ministry of Economy and Finance;
- Having seen the proposal of Samdech Akka Moha Sena Padei TechoHun Sen Prime Minister of the Kingdom of Cambodia and the Minister of Economy and Finance;

Hereby promulgates:

The Law on Public Procurement adopted by the National Assembly on 3 January, 2014 at the seventh session of the National Assembly in the fourth legislature, and for which the Senate has not enough time to examine and provide comments on its text, and the entire content includes the following:

LAW

ON

PUBLIC PROCUREMENT

CHAPTER 1

GENERAL PROVISIONS

Article 1.-

The purpose of this law is to ensure that processes of public procurement for purchase, construction, repair, hire of service and hire of consulting service, are conducted in transparent, accountable, just, efficient, quality, equitable, economic and timely manners, and to ensure a unified public procurement system in the Kingdom of Cambodia.

Article 2.-

This law aims at defining the rules, methods, procedures and structure for the management and implementation of all public procurement in the Kingdom of Cambodia.

Article 3.-

This law covers all public procurement related work in the Kingdom of Cambodia without taking into account source of resource, with the exception of:

- Procurement under the projects financed by development partners which have to be in compliance with the guidelines and procedures as stipulated in the financing agreement. Should the agreement fail to determine any other procurement guidelines and procedures, the procurement process shall be conducted in accordance with the provisions of this law;

- Any procurement affecting the secrecy of national defense and public security which is subject to the decision by the Prime Minister;

- Any concession provided by the state which shall be in compliance with separate laws and provisions.

Article 4.-

The definition of technical terms used in this law shall be determined by the glossary annexed thereto.

CHAPTER 2

ENTITY GOVERNING PUBLIC PROCUREMENT

Article 5.-

The Ministry of Economy and Finance is the competent institution to manage public procurement and to possess the authority to prepare public procurement policy as well as exercise its power as specified in this law and other relevant regulations.

Article 6.-

The Ministry of Economy and Finance shall be assisted by the General Department of Public Procurement to manage public procurement in the Kingdom of Cambodia.

CHAPTER 3

RESPONSIBILITIES OF INSTITUTION IMPLEMENTING PROCUREMENT

Article 7.-

The head of institution implementing procurement shall properly supervise and lead the implementation of public procurement in accordance with the provisions of this law and other relevant regulations.

Article 8.-

All institutions implementing procurement shall establish their procurement committees to be responsible for examining procurement plans and bidding documents, evaluation and contract award, supervising the contract execution and resolving complaints regarding the procurement according to their respective competency.

The head of institution implementing procurement shall be the chairperson of the procurement committee.

The procedures for establishment of procurement committee shall be determined by a Sub-decree.

Article 9.-

The institutions implementing procurement shall have their procurement unit with a clear structure and officials with qualified procurement expertise and shall possess power to implement all public procurement.

The structure of the procurement unit shall rest under direct supervision of the head of institution and the procurement unit shall assist the procurement committee. The procurement unit shall be headed by a chief who shall not hold any position and fulfill any duties in relation to other financial affairs in his/her institution. The chief of procurement unit is the secretary to the procurement committee.

The procedures for establishment, organization and functioning of the procurement unit shall be determined by a Sub-decree.

In case the budget unit is granted the right to be financial manager authorized by the principal financial manager of its ministry, institution, the Minister of Economy and Finance may, as deemed necessary, issue the Prakas on Delegation of Power to the budget unit of that ministry or institution to carry out procurement.

CHAPTER 4

METHODS FOR THE PROCUREMENT OF GOODS, CONSTRUCTION AND SERVICES

Article 10.-

The methods for the procurement of goods, construction and services shall be conducted in compliance with Article 11, Article 12 and Article 13 of this law. The condition for limiting budget and procedures for implementation of each procurement method shall be determined by the Prakas of the Minister of Economy and Finance.

Article 11.-

The method of public competitive bidding is a procurement method for selecting a supplier of goods, construction contractor or service provider, which is open to all bidders both locally and internationally. The public competition bidding method is a procurement method which ensures high transparency and is

encouraged to be carried out in public procurement. The method of public competitive bidding includes:

A- International competitive bidding: The method shall be used for procurement of high cost and complicated project.

B- National competitive bidding: The method is used in case local products, production, services or construction capacity are sufficient.

Article 12.-

Other competitive bidding methods, which are not public competitive biddings, are as follows:

A- Limited bidding is a procurement method designed to select a supplier of goods, construction contractor or service provider, which is used for key complicated procurements, the technical aspects of which cannot be prepared in advance and number of qualified bidders is limited. This method required a prequalification to be conducted;

B- Price consultation is a procurement method designed to select a supplier of goods, construction contractor or service provider, which is used for the procurement of items already available on local market and the sum for such procurement rests at medium scale;

C- Price survey is a procurement method designed to select a supplier of goods, construction contractor or service provider, which is used for the procurement of items already available on local market and the sum for such procurement rests at low scale.

Article 13.-

A separate procurement method shall be used for selecting a supplier of goods, construction contractor or service provider without any bidding. The method shall not be used unless with prior authorization from the Ministry of Economy and Finance. The separate procurement includes:

A- Direct contracting is a procurement method requiring a negotiation in terms of price and technical aspects directly with the goods supplier, construction contractor or service provider in any of the following circumstances:

- Subject of procurement from the same source;

- Subject of procurement already undergone public competitive bidding once and is necessary and urgently needed in nature, and there is insufficient time for the second public competitive bidding;

- The second public competitive bidding is not successful;

- Necessary and urgently needed in nature during the course of natural disaster or other emergencies, and there is a short period of time during which the use of other methods cannot be waited for;

- For the purpose of study research, experiment or development;

B- Extension of the contract is a procurement method which requires a negotiation in terms of price and technical aspects directly with the goods supplier, construction contractor or service provider in any of the following circumstances:

- The subject of procurement is the same to that in the original contract awarded through bidding;

- Within a period of no later than 6 (six) months after the original contract comes into effect, and remains in the same fiscal year;

- The unit price is equal to or lower than that in the original contract; and

- The total value is not greater than 25 (twenty-five) percent of the price in the original contract;

C- Entering into contract with a line unit of state institution is a procurement method which requires a negotiation in terms of price and technical aspects directly with the line unit of the state institution which possesses sufficient resources, machinery, equipment, materials and labor force for execution of the contract;

D- Entering into contract with community is a procurement method designed to encourage local community to use local labor force, knowledge and material to contribute to community development.

CHAPTER 5

PROCUREMENT OF CONSULTING SERVICE

Article 14.-

The consultant may be selected to provide specialized service for project management, implementation of important contracts or provide professional advice on the work of institutional strengthening or capacity building. The consultant may be a consulting firm or individual consultant.

Article 15.-

The consulting firm is selected when the institution implementing procurement is in need of a wide range of interdependent consulting services at the same time. The consulting firm shall be selected based on technical and financial proposals of each consulting firm.

Article 16.-

The individual consultant shall be selected based on the qualification of the consultant to provide service to the institution implementing procurement.

Article 17.-

The methods for the selection of consultant include:

- Quality Based Selection;

- Quality and Cost Based Selection;

- Selection Based on a Fixed Budget;

- Lowest Cost Based Selection;

- Direct Negotiation Based Selection;

- Qualification Based Selection;

Article 18.-

The method for quality based selection shall be used to select consulting company. The method shall be used when the institution implementing procurement

needs a wide range of interdependent consulting services at the same time, mainly focus on the level of technical aspects of those services.

Article 19.-

The method for quality and cost based selection shall be used to select consulting firm when the institution implementing procurement needs to weigh up the quality and price in relation to the level of complexity of the required services.

Article 20.-

The method for selection based on a fixed budget shall be used to select a consulting firm when the institution implementing procurement has limited budget and has a clear goal. The institution implementing procurement shall clearly specify the available budget in order for the consulting firm to submit its technical request according to the budget available.

Article 21.-

The method of lowest cost based selection shall be used to select consulting firm.

The method shall be used when the institution implementing procurement needs standard and well-arranged consulting services.

Article 22.-

The method of direct negotiation based selection shall be used to select consulting firm or individual consultant in special circumstances. The special circumstances suitable for this method include:

- Ongoing work carried out by the consulting firm or individual consultant;
- Most urgent case which requires immediate response; or
- Only one firm or consultant has the capacity and experience.

Article 23.-

The method of qualification based selection shall be used to select individual consultant. The selection based on this method shall take into account knowledge, level of professional expertise, experience and other relevant areas of expertise of the consultant.

Article 24.-

The selection of a consultant shall be publicly announced to open widely for local and international consultants to express their interests.

Article 25.-

The procedures for recruitment of a consultant shall be determined by the Prakas of the Minister of Economy and Finance.

CHAPTER 6

QUALIFICATION OF BIDDERS

Article 26.-

All bidders shall be provided with fair and equal opportunity to engage in the public procurement except for those who are in the blacklist or prohibited by any court of law.

Article 27.-

Bidders shall register their category and classification at the Ministry of Economy and Finance in order to be entitled to engage in public procurement. The Ministry of Economy and Finance shall categorize and classify the bidders according to the degree of their capacity to ensure the contract execution. The procedures for categorization and classification of bidders shall be determined by the Prakas of the Minister of Economy and Finance.

Article 28.-

The determination on prequalification of the bidders shall be done by the institution implementing procurement only for project involving complicated technical aspects. The procedures for prequalification of bidders shall be determined by the Prakas of the Minister of Economy and Finance.

Article 29.-

The institution implementing procurement shall examine and evaluate post qualification of leading bidders before deciding to award the contract. The procedures for post qualification shall be determined by the Prakas of the Minister of Economy and Finance.

Article 30.-

The Ministry of Economy and Finance shall blacklist any bidder, supplier or contractor after finding that they have breached provisions of this law or other regulations applicable to public procurement.

The Ministry of Economy and Finance shall remove the blacklisted bidder, supplier or contractor from the expired blacklist.

The blacklisting and removal from the blacklist shall be publicly announced and copied to institution implementing procurement in the Kingdom of Cambodia.

The procedures for blacklisting and removal from the blacklist and announcement of blacklist shall be determined by the Prakas of the Minister of Economy and Finance.

CHAPTER 7

PROCUREMENT PLAN

Article 31.-

All institutions implementing procurement shall draw up their annual procurement plans. Their procurement plans shall be consistent with the annual budget package.

All expense plans requiring the execution of procurement shall be recorded in the procurement plan. Failing to do so, the disbursement shall not be allowed.

The procedures for planning the procurement shall be determined by the Prakas of the Minister of Economy and Finance.

Article 32.-

The institution implementing procurement shall provide a procurement package for the subject of procurement that are in the same category, in the same or similar nature in accordance with actual need to carry out one procurement exercise in order to increase the quality level of competition, cost and time saving.

Article 33.-

The division of a project into smaller projects with the aim of breaching the procurement method or aligning the discretions of the institution implementing procurement shall be prohibited.

Article 34.-

The procurement planning shall be authorized for adjustment in case deemed necessary. Any adjustment to the procurement plan due to time constrain in order to carry out procurement work or in order to align with the procurement work which has been completed shall be prohibited.

Article 35.-

The institution implementing procurement shall send its annual procurement plans to the Ministry of Economy and Finance to be examined and approved before 31 December prior to the fiscal year.

Article 36.-

The institution implementing procurement shall comply with its annual procurement plans approved by the Ministry of Economy and Finance, and shall prepare and submit procurement reports to the Ministry of Economy and Finance on a regular basis.

CHAPTER 8

PROCEDURES FOR IMPLEMENTATION OF PROCUREMENT

Article 37.-

The institution implementing procurement shall carry out the work of procurement in accordance with the procurement plans and approved bidding documents.

Article 38.-

The procurement units of the institution implementing procurement shall prepare bid announcement to be disseminated to all bidders. The bid announcement shall contain key information as follows:

- Description of type and quantity of goods, construction work, repair or service;
- Name, address, email, telephone and fax of procurement unit;
- Procurement method to be applied;
- Requirements of qualification or prequalification;
- Date of selling, receiving and opening of bidding documents or prequalification documents;

- Clarification on requirements of bid security and performance security;

Article 39.-

The procurement unit shall, in accordance with the provisions of this law, prepare bidding documents in which the requirements and criteria for selection of bidders are clearly specified and submit to the head of institution implementing procurement for examination and signature. With regard to the procurement subject to examination and decision by the Ministry of Economy and Finance, the institution implementing procurement shall seek an approval on the bidding documents from the Ministry of Economy and Finance. The sample of bidding document shall be determined by the Prakas of the Minister of Economy and Finance.

The procurement to be examined and decided by the Ministry of Economy and Finance shall not encompass the procurement executed by the commune/Sangkat.

Article 40.-

The notification on prequalification, bidding and modifications shall be announced on public procurement website and on newspapers, and shall be posted on the notice board of the institution implementing procurement.

Article 41.-

The bidding documents shall be disseminated on public procurement website. The institution implementing procurement shall prepare sufficient bidding documents to be sold to persons who wish to engage in the bidding.

Formalities and price of bidding documents shall be determined by the Prakas of the Minister of Economy and Finance.

Article 42.-

Should there be any request for clarification in writing by any bidder regarding bidding documents, the institution implementing procurement shall respond in writing to all bidders who have received the bidding documents. The institution implementing procurement, if necessary, shall hold a meeting prior to the deadline for the receipt of bidding proposals in order to provide clarification by inviting the bidders who have received the bidding documents to attend.

Article 43.-

The procurement unit shall accept, register and keep the enveloped bidding proposals in a safe place without causing any damage to the original state of the bidding proposal envelop before the date of opening of the bidding proposals. All bidding proposals shall be attached with bid security with the exception of bidding proposals of procurement to be carried out in accordance with the price survey method. The bid security shall be determined by the Prakas of the Minister of Economy and Finance.

Article 44.-

All bidding proposals shall be publicly opened immediately after the deadline for the receipt of bidding proposals. The important information of each bidding proposal shall be announced before the participants who attend the bid opening and it shall be noted in the record of bid opening, followed by the copies of which be made to all bidders and participants.

If less than three bidding proposals are received in the first bidding process, the procurement committee shall not open those bidding proposals, and shall return them to the bidders.

If less than three bidding proposals are received in the first bidding process as stated in the second paragraph above or no bidding proposal has been received or no bidding proposal meet the bidding requirement, a bidding process shall be redone.

In the bidding process being redone, the bid opening process shall be undertaken on the set date regardless of number of bidding proposals received.

Article 45.-

The procurement committee shall inspect and evaluate all biding proposals secretly. The conditions and criteria set forth in bidding documents, information of objection and the minutes of bid opening serve as the basis for evaluating the contract award. Additional conditions and criteria which have not been set forth in bidding document shall not be allowed for the evaluation. The procedures for evaluation of bidding proposal shall be determined by the Prakas of the Minister of Economy and Finance.

Article 46.-

Prior to the commencement of inspection and evaluation of the bidding proposal of each procurement, members of the procurement committee attending the evaluation of contact award shall sign on the declaration on procurement code of conduct as stated in Chapter 11 of this law.

Article 47.-

Upon conclusion of evaluation to select bidders, the institution implementing procurement shall issue a notification of decision on contract award to the winning bidder by copying all losing bidders. With regard to the procurement to be inspected and decided by the Ministry of Economy and Finance, the issuance of notification of decision on contract award shall be done after obtaining an approval from the Ministry of Economy and Finance.

The procurement work to be inspected and decided by the Ministry of Economy and Finance shall be determined by the Prakas of the Minister of Economy and Finance with the exception of the procurement work carried out by the capital/provincial/municipality/district/Khan administration which shall be determined by a Joint Prakas of the Minister of Economy and Finance and the Minister of Interior.

Article 48.-

Should there be no objection within 10 (ten) working days after the issuance of notification on the decision to award the contract, the procurement unit shall request the winning bidder to provide the performance security for the execution of the contract, and shall draw up the procurement contract as stated in Chapter 9 of this law.

Article 49.-

The procurement contract shall be entered into by and between the head of institution implementing procurement and the winning bidder. In case the

procurement contract is subject to examination and decision by the Ministry of Economy and Finance, it requires signature of approval from the Minister of Economy and Finance.

Article 50.-

The institution implementing procurement shall manage the contract in order to ensure proper execution of the contract according to the conditions set forth therein.

Article 51.-

The electronic procurement shall be undertaken through Internet when information technology in the Kingdom of Cambodia is widely used and strong. The procedures for the implementation of procurement work through electronic system shall be determined by the Prakas of the Minister of Economy and Finance.

Article 52.-

Pubic procurement is subject to audit and inspection by the Ministry of Economy and Finance and relevant competent institutions in accordance with provisions of this law and other relevant normative documents in force.

CHAPTER 9

PROCUREMENT CONTRACT

Article 53.-

The preparation of procurement contract shall follow with the provisions of this law, and in line with the conditions set forth in the bidding document and sample contract determined by the Prakas of the Minister of Economy and Finance.

Article 54.-

The procurement contract shall be made in Khmer. The contract, if necessary, may be made in a foreign language by means of translation from the Khmer version of the contract. Should there be any discrepancy between Khmer and foreign language version of the contract, the contract in Khmer shall prevail.

Article 55.-

All procurement contracts shall be paid in Riel with the exception of contract for implementation of overseas procurement project which may be authorized to pay in foreign currency.

Article 56.-

The technical aspects of goods, construction or services set forth in the contract shall be the same to those stated in the bidding documents.

Article 57.-

The contract value shall not exceed the value of the winning bid after adjustment on the figure. The contract price is a fixed price during the contract execution with the exception of some special circumstances in which the contract price may be subject to change with prior authorization from the Ministry of Economy and Finance. The special circumstances in which the contract price may be subject

to change shall be determined by the Prakas of the Minister of Economy and Finance.

Article 58.-

All contracts shall require performance security with the exception of the contract awarded through the price survey procurement method, contract entered into with individual consultant and contract entered into with competent unit of state institution. The winning bidder shall provide performance security before the contract takes effect. The amount of performance security shall be equal to that stated in the bidding documents. The performance security shall be determined by the Prakas of the Minister of Economy and Finance.

The performance security shall be impounded and paid to the state budget should the winning bidder refuse to execute the contract in force or breach the contract conditions, and, consequently, the contract is prematurely terminated by the institution implementing procurement.

The performance security shall be valid until the expiration of quality guarantee on commodities, construction or services.

Article 59.-

The handover and receipt shall be made according to the size, quantity, quality, technical specification, and the timeframe of the handover-receipt schedule set forth in the contract and shall be subject to inspection by the handover-receipt committee.

The procedures for establishment of the hand-receipt committee shall be determined by the Prakas of the Minister of Economy and Finance.

Article 60.-

The institution implementing procurement shall arrange to pay the contract amount to the goods supplier, construction contractor or services provider based on the conditions set forth in the contract.

Article 61.-

The winning bidder may subcontract some parts of the project to a third party; however, a prior written consent of the institution implementing procurement shall be sought. In case the procurement contact is subject to inspection and decision by the Ministry of Economy and Finance, the institution implementing procurement shall seek an approval from the Minister of Economy and Finance.

Should the winning bidder be authorized to subcontract to a third party, he/she shall be held responsible before the institution implementing procurement for the implementation of the entire contract.

CHAPTER 10

DISPUTE AND COMPLAINT RESOLUTION

Article 62.-

The institution implementing procurement concerned shall be responsible for the examination and resolving complaint filed by the bidder at each stage of procurement.

Complainants who disagree with the decision made by the institution implementing procurement concerned may file his/her complaint to the Ministry of Economy and Finance for review and resolution.

The formalities and procedures of the complaint and resolution at the institution implementing procurement and the Ministry of Economy and Finance shall be determined by a Sub-decree.

Article 63.-

Complainants who disagree with the decision made by the Ministry of Economy and Finance may file his/her complaint to competent court of the Kingdom of Cambodia.

CHAPTER 11

PROCUREMENT CODE OF CONDUCT

Article 64.-

During the course of public procurement process, the chair, vice chair and members of the procurement committee, procurement officials, bidders as well as other officials and staff who are involved in the work of procurement shall abide by the procurement code of conduct.

The procurement code of conduct shall be determined by the Prakas of the Minister of Economy and Finance.

CHAPTER 12

PENALTIES

Article 65.-

All levels of public civil servants breaching the provisions of this law or proven to have been engaged in irregularities in the public procurement process shall be subject to administrative punishment in accordance with the laws and provisions in force. The administrative punishment is not a hindrance to accusation and criminal conviction in accordance with the laws and provisions in force of the Kingdom of Cambodia.

Article 66.-

Any bidder, contractor or supplier proven to have been engaged in corruption, fraud, collusion or coercion in the public procurement process or providing false or incorrect evidence when filing complaint during the procurement process shall be immediately stopped from the ongoing public procurement or his/her current contract shall be terminated promptly and blacklisted.

The punishment is not a hindrance to accusation and criminal conviction in accordance with the laws and provisions in force of the Kingdom of Cambodia.

Article 67.-

All levels of public civil servants, bidders, contractors or suppliers and other relevant stakeholders proven to have been engaged in corruption, fraud, collusion or coercion in the public procurement process shall be punished according to civil code and provisions in force of the Kingdom of Cambodia.

Article 68.-

Any act in the public procurement process through bidding aiming at getting rid of bidders or damaging the bidding by means of gift, pledge, agreement or other means in bad faiths shall be punished to 6 (six) months to 2 (two) years imprisonment, and monetary fine from 1 000 000 (one million) to 4 000 000 (four million) riels.

Article 69.-

Any act in the public procurement process through bidding aiming at hindering freedom to bidding by means of violence, coercion or threat shall be subject to 1 (one) year to 3 (three) years imprisonment, and monetary fine of 2 000 000 (two million) to 6 000 000 (six million) riels.

Article 70.-

Any attempt to commit a misdemeanor as stated in Article 68 and Article 69 of this law shall be subject to the same level punishment as though it has been committed.

Article 71.-

With regard to the misdemeanor stated in Article 68 and Article 69 of this law, one or more supplementary penalties as stated in Article 53 (type of supplementary penalties) of the Penal Code, may be declared.

Article 72.-

The legal entity may be declared being criminally responsible according to the terms stated in Article 42 (Criminal Responsibility of a Legal Entity) of the Penal Code for the misdemeanor committed as stated in Article 68 and Article 69 of this law.

The legal entity shall be subject to monetary fine of from 20 000 000 (twenty million) to 100 000 000 (one hundred million) riels as well as one or more supplementary penalties as stated in Article 168 (supplementary penalties applicable to legal entities) of the Penal Code.

Article 73.-

The offense of corruption stated in this law and in the other laws and provisions in force of the Kingdom of Cambodia also falls under the competency of the Anti-Corruption Unit, the only competent unit to investigate and file a corruption case to the court.

Other units and individuals who have known the offenses of corruption stated in this law and in other laws and provisions in force of the Kingdom of Cambodia shall file their complaints regarding those offenses to the Anti-corruption Unit or capital/provincial anti-corruption office.

CHAPTER 13

TRANSITIONAL PROVISION

Article 74.-

Sub-decree No. 105 S.E., dated 18 October, 2006, on the Public Procurement and existing legal standard documents relevant to the public procurement shall be valid until a new normative document supersedes in accordance with the spirit of this law.

CHAPTER 14

FINAL PROVISION

Article 75.-

Any provision contrary to this law shall be abrogated.

Article 76.-

This law shall be pronounced as urgent.

Royal Palace, January 14, 2012

Royal Signature and Stamp

NORODOM SIHAMONI

R.L. 1201.041

Having informed His Majesty the King

For Royal Signature

Prime Minister

Signature

Samdech Akka Moha Sena Padei Techo HUN SEN

Having informed

Samdech Akka Moha Sena Padei Decho

HUN SEN, the Prime Minister of

the Kingdom of Cambodia

Deputy Prime Minister, Minister of

Economy and Finance

Signature

KEAT CHHON

No. 34 C.

For Copy and Distribution

Phnom Penh, 17 January, 2012

First Deputy Secretary General of the Royal Government

(Signed and stamped)

SOY SOKHA

GLOSARY ANNEXED TO

THE LAW ON PUBLIC PROCUREMENT

- **Procurement** refers to purchases or availability of a goods, construction, services or consulting services through methods laid down in this law.
- **Procurement work** refers to procurement processes starting from preparation of bidding documents until receipt of goods, construction, services or consulting services.
- **Public Procurement** refers to procurement work carried out by the ministries, capital, provincial, city, district, Khan, commune, Sangkat institutions, public enterprises, administrative public establishments, other financial autonomous entities and public private partners.
- **Institution Implementing Procurement** refers to ministries, institutions, capital, provinces, municipalities, districts, Khans, communes, Sangkats, public enterprises, administrative public establishments, other financial autonomous entities and public private partners that carry out procurement work.
- **Budget units** refers to units competent in taking the responsibilities and ownership for the implementation of work activities managing and supervising budget as well as monitoring the outcome of the implementation of work activities and for the implementation of the budget by itself in accordance with principles and procedures of the ministries, institutions.
- **Procurement officials** refers to the chief, vice chief and all officials of the procurement units of the institutions implementing procurement.
- **Bidding** refers to the procurement processes in which bidding proposals are submitted, received and evaluated in anticipation of contract award.
- **Bidding document** refers to the documents prepared by the institution implementing procurement and firstly provided to bidders to use for the preparation of bidding proposal including application for bidding, invitation to join the bidding, request for proposal submission, invitation to join the determination of prequalification, instructions to bidders, technical specifications, scope of work, term of reference and terms of contract.
- **Bidding proposal** refers to documents including bidding documents filled out by bidders and a number of attached documents required in the bidding documents submitted by the bidders to the institution implementing procurement for the purpose of supplying goods, acceptance of construction, providing services or consulting services.
- **Goods** refers to liquid, solid, gas items which are valuable or of economic value including machinery, tools, materials, equipment, supplies, medicines and various products including electricity.
- **Construction** refers to all activities in relation to construction work, repair work, renovation, installment, digging, pumping and similar works which require labor force, machinery, equipment and technology.
- **Service** refers to activities in relation to labor force, equipment or technology that bring benefits to the public institution, but not including construction work and consulting services.

- **Bidder** refers to natural persons or legal entities who wish to engage in the public procurement works and submitted bidding proposals or proposal of interest.
- **Leading bidder** refers to bidders who attended the bidding and his/her bidding proposal is evaluated by the procurement committee that it is most responsive before post qualification.
- **Consulting service** refers to skilled service provided by consulting firm or individual consultant in relation to any project or constitutional strengthening or capacity building.
- **Consultant** refers to individual consultant or consulting company whose occupation is to provide intellectual service. The consulting firm may be commercial company or other legal entities.
- **Supplier** refers to the individual or firm entering into a goods sale contract with the institution implementing procurement.
- **Contractor** refers to sole proprietorship, firm or consultant entering into a contract on construction, repair work, service or consulting service with the institution implementing procurement.
- **Subject of Procurement** refers to goods, construction, services or consulting services which are subject to bidding, price consulting, price survey or price negotiation.
- **Procurement package** refers to a collection of a number of procurement subjects of the same or similar type grouped together for one procurement exercise.
- **Procurement code of conduct** refers to the code of which the participants engaging in the public procurement work have to be aware of and honestly abide by the legal regulations in force, and properly adhere to their roles and functions.
- **Audit** refers to regular inspection on an annual basis by the Ministry of Economy and Finance for all public procurement implemented and which falls under the decision of the institution implementing procurement.
- **Blacklist** refers to the list prohibiting the participation of bidders in the public procurement process decided by the Ministry of Economy and Finance.
- **Fraud** refers to an interpretation that deceives an event in order to influence public procurement process.
- **Collusion** refers to the scheme or arrangement set up by two or more bidders in order to establish an artificial bidding price of no genuine competition or caused to have an effect on the activities of any party in the public procurement process or on the execution of the contract.
- **Coercion** refers to the prohibition or threat, either directly or indirectly, that endangers an individuals or his/her property in order to have an effect on his or her participation in the public procurement process or on the execution of the contract.

The Final Draft SNFL from Office of Council Ministers to National Assembly

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Unofficial Translation

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.

Article12

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.

Article13:

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.

Article25

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.

Article28

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 envelops 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.

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.

1. 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.

Article56

This law shall be declared as urgent.

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(Unofficial Translation)

Kingdom of Cambodia
Nation Religion King

The Royal Government of Cambodia
No. 13 ANKr.BK

Sub-Decree on
Procedures for Establishing, Organizing and Functioning of the Procurement Committee and Procurement Unit

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0913/903 dated September 24, 2013 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/1213/1393 dated December 21, 2013 on the Adjustment and Supplement of Members of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94 dated July 24, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0196/18 dated January 24, 1996 promulgating the Law on the Establishment of Ministry of Economy and Finance;
- Having Royal Kram No. NS/RKM/0611/011 dated June 17, 2011 promulgating the Law on Financial Regime and Asset Management of Sub-National Administration;
- Having seen Royal Kram No. NS/RKM/0112/004 dated January 14, 2012 promulgating the Law on Public Procurement;
- Having seen Sub-Decree No. 488 ANKr.BK dated October 16, 2013 on the Organization and Functioning of the Ministry of Economy and Finance;
- Having seen Sub-Decree No. 105 ANKr.BK dated October 18, 2006 on Public Procurement;
- At the request of the Minister of Economy and Finance.

Hereby Decides:

Chapter 1
General Provision

Article 1:

The Goal of this Sub-Decree is to introduce a steering mechanism for the implementation of public procurement in procurement implementing institutions to ensure smooth leading, management and implementation of public procurement for the purchase, construction, renovation, service rental and consulting service rental with transparency, accountability, fairness, efficiency, quality, equality, saving and timeliness as well as to ensure a unified public procurement system in the Kingdom of Cambodia.

Article 2:

The Objective of this Sub-Decree is to introduce a regulatory framework for establishing, organizing and functioning of Procurement Committee and Procurement Unit in all procurement implementing institutions in the Kingdom of Cambodia.

Article 3:

This Sub-Decree covers all procurement implementing institutions including ministries, institutions, capital, provinces, municipalities, districts, khans, communes, sangkats, public enterprises, public administrative institutions, other financially autonomous units and public-private partners, which are implementing public procurement in the Kingdom of Cambodia.

Article 4:

Definitions of terminologies used in this Sub-Decree are provided in a glossary annexed to the Law on Public Procurement promulgated by Royal Kram No. NS/RKM/0112/004 dated January 14, 2012.

Chapter 2

Procurement Committee

Article 5:

All procurement implementing institutions shall establish a Procurement Committee by Prakas, decision or Deika to manage and lead the undertaking of public procurement according to the principles, rules, methodologies and procedures prescribed applicable laws and regulations.

For public enterprises, public administrative institutions and other financially autonomous units, the establishment of the procurement committee shall be done by the Executive Agency with approval from the Board of Directors.

Article 16:

Procurement Committee has the following composition:

- Head of the Procurement Implementing Institution — Chair
- Deputy Head of Leadership of the Procurement Implementing Institution (1 or 2 persons) — Vice Chair
- Chief and/or Deputy Chief of the unit in charge of financial affairs which can be a General Secretariat, General Directorate, Department or Office (1 or 2 persons) — Member
- Chief of the Procurement Unit — Secretary

Procurement Committee may have representatives from technical units dealing with procurement as a full member, depending on each project.

Actual compositions of the Procurement Committee shall be determined by Prakas, Decision or Deka of the Head of the procurement implementing institution.

Article 7:

Head of the procurement implementing institution can engage technical officers from his/her own institution or technical officer from other institutions if there is no technical officer in his/her own institution, who can provide relevant technical inputs.

Article 8:

All members of the Procurement Committee shall participate in meetings as invited by the Chair. If the Chair is absent, the meeting can proceed as invited by the Vice Chair, who has been authorized by the Chair.

Article 9:

Essential duties of the Procurement Committee include:

- Review and endorse the draft annual procurement plan prepared by the Procurement Unit before submitting to Ministry of Economy and Finance to review and approve.
- Supervise and provide guidance to the Procurement Unit to follow the procurement plan properly.
- Review, assess and set pre-qualification criteria for complicated procurement.
- Review the amount of each procurement package by verifying with the procurement plan before starting the procurement process.
- Review and endorse bidding documents within its decision-making scope or forward bidding documents to the Ministry of Economy and Finance to review and approve for procurement to be reviewed and approved by Ministry of Economy and Finance.
- Convene meetings to open bidding request, consult price, collect quotes or negotiate price.
- Convene meetings to assess and award contract.
- Assess and evaluate the qualifications of the leading bidder before awarding the contract or forward to the Ministry of Economy and Finance to review and approve the bidding paperwork to be reviewed and approved by the Ministry of Economy and Finance before awarding the contract.
- Notify the winner on the contract award and copied to the losing bidders.
- Publish the results of the bidding publicly.
- Manage and follow up the implementation of the contract.
- Engage representatives from the Ministry of Economy and Finance to observe every stage of the public procurement, except the stage when the contract is assessed and awarded.
- Review and resolve complaints related to procurement in their respective competence.

- Prepare and submit quarterly, semester and annual reports on procurement implementation to the Ministry of Economy and Finance.

Chapter 3

Procurement Unit

Article 10:

All procurement implementing institutions shall establish a procurement unit by Prakas, Decision or Deika with a clear structure and sufficient number of technical officers with specialization in public procurement and have sufficient right to take charge of all public procurement undertakings.

Procurement unit is directly under the Head of the Institution and serves as the secretariat of the Procurement Unit.

For public enterprises, public administrative institutions and other financially autonomous units, the establishment of the Procurement Unit is to be done by the Executive Committee with approval from the Board of Directors.

Article 11:

Procurement Unit is led by a Chief with assistance from two Deputy Chiefs. The Chief of the Procurement Unit shall not have any roles and duties associated with financial affairs of his/her institution.

For procurement implementing institution, which is a Ministry or an institution, the Chief of the Procurement Unit has equal rank as Deputy Director of Department.

For procurement implementing institution, which is public enterprise, public administrative institution and other financially autonomous units, the Chief of the Procurement Unit has equal rank under Deputy Director of Department as determined by the Board of Directors.

Article 12:

Chief of the Procurement Unit shall possess the following qualifications:

- Education level from Bachelor of Economics or Finance up
- At least 3 years experience in economics or finance
- Experience with public procurement trainings with certificate from the Ministry of Economy and Finance.

Article 13:

The Procurement Unit serves as the secretariat of the Procurement Committee with the following essential duties:

- Prepare annual procurement plan and/or revised procurement plan if necessary.
- Prepare bidding documents for each category of procurement based on the sample bidding documents prescribed by Ministry of Economy and Finance.
- Prepare and public notice on bidding.
- Sell or provide bidding documents to those who wish to take part in the bidding process.

- Receive bidding requests and provide clarifications to bidders if there is any question related to the bidding.
- Prepare and manage bidding requests including any relevant documents received properly and safely before open the bidding proposals.
- Arrange venue, where bidding requests can be opened.
- Open bidding requests publicly with oversight from the Procurement Committee.
- Prepare report or minutes on the opening of bidding request, price consultation, quotes or price negotiation.
- Coordinate technical assessment on bidding requests.
- Respond to questions related to the bidding request assessment reports.
- Prepare a notice on contract award to the winners bidding and copied to all losing bidders.
- Publish the bidding outcomes.
- Draft the contract following the regulations and sample contract prescribed by Ministry of Economy and Finance.
- Follow up with the implementation of the contract by cooperating with technical officers and other relevant officers.
- Follow up with the payment of the contract amount with suppliers, sub-contractors or consultants.
- Prepare quarterly, semester and annual reports on procurement undertakings.

Chapter 4

Particular Provisions

Article 14:

Procedures for establishing, organizing and functioning of the Procurement Committee and Procurement Unit of Capital, Provincial, Municipal, District, Khan Administrations shall be determined by an Inter-Ministerial Prakas between Ministry of Interior and Ministry of Economy and Finance.

Article 15:

Procedures for establishing, organizing and functioning of the Procurement Committee and Procurement Unit of Commune/Sangkat Administrations shall be determined by an Inter-Ministerial Prakas between Ministry of Interior and Ministry of Economy and Finance.

Article 16:

Procedures for establishing, organizing and functioning of the Procurement Committee and Procurement Unit of Public-Private Partners shall be determined by a Prakas of the Minister of Economy and Finance.

Chapter 5

Transitional Provisions

Article 17:

Before the Inter-Ministerial Prakas between Ministry of Interior and Ministry of Economy and Finance as stated in Article 15 above, the procedures for Procedures for establishing, organizing and functioning of the Procurement Committee and Procurement Unit of Commune/Sangkat Administrations shall follow applicable regulations.

Chapter 6

Final Provision

Article 18:

Any provision contradicting this Sub-Decree is nullified.

Article 19:

Minister in charge of the Office of Council of Ministers, Minister of Economy and Finance, Ministers of all ministries, Heads of all relevant institutions are tasked to implement this Sub-Decree from the date of the signature.

Phnom Penh, Feb 23, 2015

Prime Minister

Samdech Aka Moha Sena Padei
Techo Hun Sen

Informed Samdech Aka Moha Sena Padei Techo Hun Sen to please sign

Minister of Economy and Finance

Aun Poin Moniroath

Receiving Places:

- Ministry of Royal Palace
- General Secretariat of the Constitution Council
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- General Secretariat of the Royal Government
- Cabinet Office of Samdech Aka Moha Sena Padei Techo Prime Minister
- Cabinet offices of Deputy Prime Ministers
- As in Article 19
- Royal Gazette
- Documentation - Archival

(Unofficial Translation)

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 Municipal/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 pursuance 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 31 December.

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.

Article28

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 Minster

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

(Unofficial Translation)

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;
- 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;
- 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:

(a) Equal Share: 40% shall be allocated to each District/Municipal Administration in equal size.

(b) Population: 20% shall be allocated proportionate to the population of each District/Municipal Administration based on official data from the Ministry of Planning.

(c) 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

(d) 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

(a) Recurrent expenditures relating to District/Municipal administrative operation costs.

(b) 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

(a) Recurrent expenditures related to the provision of local services and the operation of facilities and infrastructure used to deliver those services.

(b) 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 Minster

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

KINGDOM OF CAMBODIA

Nation Religion King

Ministry of Economy and Finance

No. *275* MEF-*P*

PRAKAS

On Expenditure Procedure Using Petty Cash Advance

for Sub-national Administration

The Minister of Economy and Finance

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RD/0913/903, dated September 24, 2013, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RD/1213/1393, dated December 21, 2013, on Adjustment and Addition of Members 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/RK/0196/18, dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Economy and Finance;
- Having seen Royal *Kram* No. NS/RK/0301/05, dated March 19, 2001, promulgating the Law on the Management of Commune/Sangkat Administration;
- Having seen Royal Kram No. NS/RK/0508/017, dated 24 May, 2008, promulgating the Law on Administrative Management of Capitals, Provinces, Cities, Districts, Khans;
- Having seen Royal Kram No. NS/RK/0508/016, dated May 13, 2008, promulgating the Law on Public Financial System;
- Having seen Royal Kram No. 06/NS/94, dated October 30, 1994, promulgating the Law on the Common Statutes of Civil Servants of the Kingdom of Cambodia;

- Having seen Royal Kram No. NS/RK/0313/004, dated March 21, 2013, promulgating the Law on the Amendment to Articles 9 and 10 of the Law on the Common Statutes of Civil Servants of the Kingdom of Cambodia

- Having seen Royal Kram No. NS/RK/0611/011, dated June 17, 2011, promulgating the Law on Financial Regime and Management of Property of Sub-national Administration;

- Having seen Sub-decree No. 488 S.E, dated 16 October, 2013, on the Organization and Functioning of Ministry of Economy and Finance;

- Having seen Sub-decree No. 216 S.E, dated July 22, 2014, on Daily Subsistence Allowance for Domestic and overseas missions for National and Sub-national Levels;

- Having seen Sub-decree No. 82 S.E, dated November 16, 1995, on General Regulations of the Public Accounting;

- Having seen Sub-decree No. 81 S.E, dated November 16, 1995, on the Establishment of Financial Control over the State Budget Expenditure within Ministries, Provinces, Cities, Autonomous Cities, Phnom Penh Capital and Administrative Public Organizations;

- Having seen Sub-decree No. 26 S.E, dated 2 April, 2002, on the Financial Management System of Communes and Sangkats;

- Having seen Sub-decree No. 172 S.E, dated 9 October, 2012, on the Financial Management System of Municipal and District Administrations;

- As per necessity of the Ministry of Economy and Finance;

Hereby decides:

Chapter 1

General Provision

Article 1.-

This *Parkas* aims at determining expenditure procedure using petty cash advance for sub-national administrations.

Article 2.-

The purpose of this *Prakas* is to improve the efficiency, effectiveness of expenditure using petty cash advance in a timely, transparent and accountable manners

Article 3.-

The scope of this *Prakas* covers the application of expenditure procedures using petty cash advance for Sub-national administrations.

Chapter 2

Establishment of Petty Cash Advance and Appointment of

Petty Cash Advance Holders

Section 1

Establishment of Petty Cash Advance

Article 4.-

The petty cash advance is a mechanism for expenditure on administrative operation in a regular and urgent basis at a small amount that is unable to wait the normal procedures for issuance of payment order. The items of expenditure using petty cash advance are as follows:

- Regular necessary expenses for administrative affairs including purchase of small amount of materials and minor repairs;

- Expenses on urgent and special relief;

- Expenses for daily subsidiary allowance for domestic and international mission.

Article 5.-

Annex to petty cash advance for capital/provincial administration and for Municipal/District/Khan administrations (Sample of Annex 1 to this Prakas) shall be established by selecting the content of expenditure classification based on accounts and sub-accounts of Chapter 60 “purchase”; Chapter 61 “Services”; Chapter 62 “Social Benefits” and Chapter 65 “Subsidiaries” which are necessary expenses for administrative operation; however, the expenses shall be at the maximum amount not exceeding 30 percent of selected credit in each chapter.

In the Annex to petty cash advance, expense credit selected from an account and sub-account shall not be required to be at equal amount of 30 percent of the total credit in each account and sub-account; it may be less or larger according to the necessity of expense, but the total expense credit in each chapter shall not be greater than 30 percent of the selected credit in each chapter to be established as petty cash advance.

The Annex to petty cash advance for Commune/Sangkat administrations (Sample of Annex 2 to this Prakas) for necessary expenses on administrative affairs shall be established by total credit of current expense minus total credit of personnel burden (Chapter 64) and current expense to be settled according to normal procedures (expense shall be in compliance with procedures for public procurement and contribution from council association of commune, Sangkat …).

Article 6.-

The amount of revolving cycle for petty cash advance shall be determined as follows:

- One-sixth of petty cash advance's credit for Capital/Provincial administrations;

- One-fourth of petty cash advance's credit for Municipal/District/Khan and Commune/Sangkat administrations.

The mechanism for revolving cycle and replenishment shall be made according to the following principles:

- First amount of petty cash advance shall be less than or equal to that of revolving cycle of petty cash advance;

- Each settlement of petty cash advance shall not be greater than the amount of the revolving cycle of petty cash advance;

- The settlement of petty cash advance shall be authorized several times according to actual needs without limitation on the time period; however, it shall not be greater than the annual credit but shall ensure the sustainability of expenses on administrative operation until the end of each fiscal year;

- The amount of petty cash advance shall be replenished after each settlement with the exception of settlement after expiration date of final cash disbursement determined by the Prakas on Annual Revenue and Expenditure Account Closure of the Ministry of Economy and Finance.

Article 7.-

The petty cash advance for sub-national administrations shall be established once a year at the beginning of each fiscal year and shall be determined as follows:

- The petty cash advance for Capital/Provincial administrations shall be established by a decision of the governor of the Capital/Provincial board of governors through the Capital/Provincial Department of Economy and Finance and Capital/Provincial Treasury (Sample of Annex 3 to this Prakas);

- The petty cash advance for Municipal/District/Khan administrations shall be established by a decision of the governor of the Municipal/District/Khan board of governors through the Capital/Provincial Department of Economy and Finance and Capital/Provincial Treasury (Sample of Annex 3 to this Prakas);

- The petty cash advance for Commune/Sangkat administrations (Sample of Annex 4 to this Prakas) shall be established by a decision of the commune chief or Sangkat chief through the Capital/Provincial Treasury;

Section 2

Appointment of Petty Cash Advance Holder

Article 8.-

The petty cash advance holder may be assisted by some deputies as per necessity.

The appointment of petty cash advance holder and his or her deputies shall be determined as follows:

- For the Capital/Provincial administrations (Sample of Annex 5 to this Prakas), the appointment shall be made by a decision of the governor of the Capital/Provincial board of governors through the Capital/Provincial treasury;

- For the Municipal/District/Khan Administrations (Sample of Annex 5 to this Prakas), the appointment shall be made by a decision of the governor of the Municipal/District/Khan board of governors through the Capital/Provincial treasury;

- For Commune/Sangkat administrations (Sample of Annex 6 to this Prakas), the appointment shall be made by a decision of commune or Sangkat chief through the Capital/Provincial treasury;

Article 9.-

The petty cash advance holder and his or her deputies shall be selected among the civil servants who are of good qualification and understanding of accounting and are competent in properly managing expenses using petty cash advance in an effective manner.

Section 3

Responsibility of the Advance Petty Cash Holder

Article 10.-

In compliance with Article 25 of the Sub-decree No. 82 S.E, dated November 16, 1995, the petty cash advance holder and his or her deputies shall be responsible by their own for administrative, civil, and criminal sanction, and for keeping cash fund that they has received and spent, keeping all letters and controlling accounting register of the operation.

Chapter 3

Process of Petty Cash Advance

Section 1

Withdrawal of Petty Cash Advance

Article 11.-

After the appointment, the petty cash advance officer shall fill out a form to request the opening of petty cash advance account at the Capital/Provincial Treasury.

Article 12.-

The petty cash advance officer shall provide one copy of the decision on appointment of petty cash advance officer and a copy of the decision on the establishment of petty cash advance by attaching the annex of petty cash advance to public accountant and financial controller, except for the Commune/Sangkat administration that is required to provide those documents only to the public accountant. The petty cash advance officer and the financial controller shall then keep the credit on a temporary basis on monitoring slip for credit use according to expenditure classification of the annex to petty cash advance equivalent to the amount of credit of petty cash advance. The public accountant, however, shall keep the credit of equivalent amount to that of revolving cycle of petty cash advance on a temporary basis.

Article 13.-

For the withdrawal of petty cash advance at the first revolving cycle, the petty cash advance holder may request to withdraw petty cash advance equivalent to or a lesser amount of that of the revolving cycle through withdrawal card of petty cash advance which is duly signed without specifying the item of expenses and requesting approval from the financial controller.

Section 2

Expenses and Settlement of Petty Cash Advance

Article 14.-

In principle, the expenses and settlement of petty cash advance shall be accompanied by proper vouchers. Prior to the expenses of petty cash advance, the petty cash advance holder shall seek expense approval from the budget manager or person authorized by the budget manager. After the approval for expenses has been granted, the petty cash advance holder shall carry out the settlement of expenses by requiring the petty cash advance payee to sign on the voucher certifying the received amount.

Article 15.-

All expense vouchers shall be accompanied by the expense approval, invoices or expense vouchers which are settled by the petty cash advance holder with acknowledgement of the budget manager or his or her authorized representative.

Article 16.-

The amount for each expense approval or expense voucher shall be determined at the maximum as follows:

- 1,500,000 (one million five hundred thousand) riels for Capital/Provincial administrations;

- 1,000,000 (one million) riels for Municipal/District/Khan administrations;

- 500,000 (five hundred thousand) riels for Commune/Sangkat administrations;

The above expense approval shall be exceptional for urgent and special relief and expenses with specific regime which are settled according to actual expenses.

The petty cash advance holder shall strictly avoid the split of expense vouchers according to places or purposes of expenses, time, expense amount and elements of expense item with the aim of evading the implementation of public procurement procedures.

Article 17.-

If finding justifying documents of expense being correct, the budget manager shall issue regulatory mandate in order to disburse the petty cash advance for the expense and send it to the financial controller for approval (except for Commune/Sangkat administrations where approval from the financial controller is not required). However, in the event that the budget manager finds a number of justifying documents of expense being incorrect, the budget manager shall send them back to the petty cash advance holder for correction.

Article 18.-

The financial controller may send regulatory mandate and justifying documents for expense of Capital/Provincial administrations and of the Municipal/District/Khan administrations back to the budget manager for correction if they are found incorrect and insufficient. If they are found correct, the financial controller shall grant approval and regulatory mandate and send relevant justifying documents of expense to public accountant by attaching a copy of relevant justifying documents in order for the public accountant to examine and take further action. The public accountant shall return regulatory mandate and relevant documents of expense that are found incorrect or insufficient to the budget manager through the financial controller by specifying the shortfall. After regulatory mandate or justifying documents of expense have been corrected, the budget manager shall resend them to the financial controller, and they shall be forwarded to the public accountant.

The public accountant may send regulatory mandate and justifying documents of expense of Commune/Sangkat administrations back to the budget manager for correction if they are found incorrect and insufficient by specifying the shortfall. After regulatory mandate and justifying documents of expense have been corrected, the budget manager shall resend them to the public accountant.

If they are found correct and sufficient, the public accountant shall settle the regulatory mandate and then record it in the credit use monitoring slip and consider it as budge expenditure as well as record the amount in the account of petty cash advance holder.

The petty cash advance holder may then withdraw money from the public accountant through petty cash advance withdrawal slip.

Article 19.-

The budget manager may issue regulatory mandate of an amount of less than or equivalent to that of a revolving cycle of petty cash advance, but he or she is not allowed to issue regulatory mandate for settlement of petty cash advance of an amount equivalent to that of a revolving cycle of petty cash advance for any account or sub-account alone.

Article 20.-

The expense using petty cash advance shall follow the cycle of petty cash advance which is divided into four stages as follows:

- Petty cash advance holder withdrawing petty cash advance;

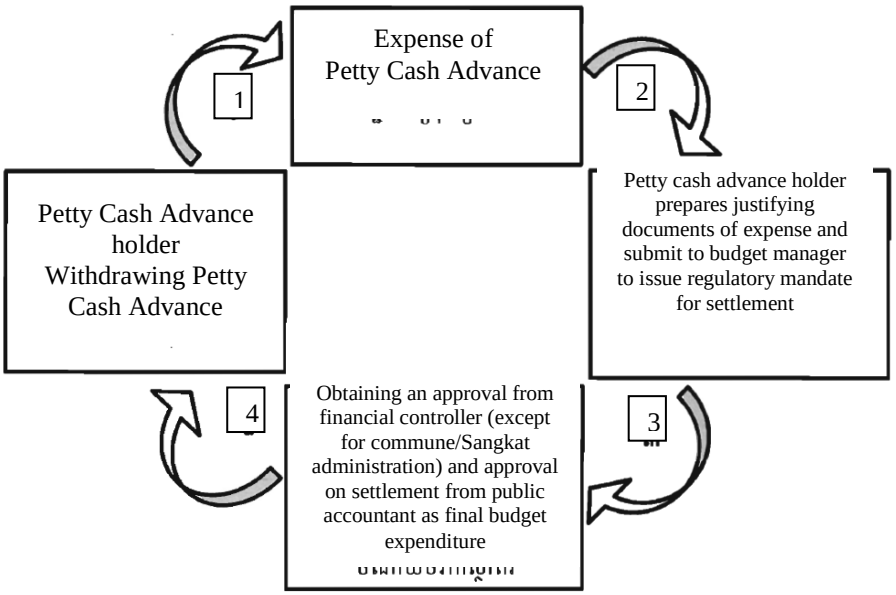
- Spending of petty cash advance;

- Petty cash advance holder prepares justifying documents to submit to the budget manager to issue regulatory mandate for settlement;

- Obtaining an approval from financial controller (except for the commune/Sangkat administration) and approval on settlement from the public accountant as final budget expenditure.

The expense process according to the cycle of petty cash advance shall fall under the supervision of the public accountant.

Diagram of the cycle of petty cash advance has been determined as follows:



Section 3

Rules for Implementation at the End of Fiscal Year

Article 21.-

At the end of fiscal year, in case of any remaining petty cash advance, the petty cash advance holder shall return it to a public accountant in order for him/her to register for liquidation of the petty cash advance.

Article 22.-

The petty cash advance holder shall collect justifying documents of expenditure for budget manager in order for him/her to issue regulatory mandate and submit them to financial controller (except for commune/Sangkat administration) and a public accountant no later than 31 December of the fiscal year in order to settle the liquidation of petty cash advance in the fiscal year in a timely manner.

Chapter 4

Petty Cash Advance Account

Section 1

General Principle

Article 23.-

The petty cash advance holder shall more or less keep the double entry book and simplify according to the scope of petty cash advance. The accounting book of the petty cash advance holder shall comprise of cash journal, general diary and ledger.

The petty cash advance holder shall make financial statement of petty cash advance which requires account balance sheet of petty cash advance.

The accounting registration and statement of petty cash advance shall be recorded and arranged subsequently from the beginning until the end of each fiscal year. In the first week of January at the beginning of the following fiscal year, the petty cash advance holder shall resume the implementation of management for which the first revolving cycle shall follow the decision on the establishment of petty cash advance in the year it is being implemented.

Article 24.-

The accounting book of the petty cash advance holder consists of the followings:

- Cash journal: Designed to record the amount of petty cash advance received from the public account, expensed amount and the remaining amount;

- General diary – ledger: Designed to record the transaction of petty cash advance into two parts as follows:

1- General diary: Designed to record the transaction of petty cash advance on a daily basis according to orders including sequence, date, reference such as revenue voucher and expense voucher, account number of petty cash advance, description, amount on debit and amount on credit;

2- Ledger: Designed to record the transaction of petty cash advance on a daily basis according to amount on debit and amount on credit of each petty cash advance account. The ledger shall be subject to aggregation at the end of each month to serve as the basis for preparing the account balance sheet of monthly petty cash advance.

General diary – ledger shall be subject to aggregation at the end of each month with certified signatures by the petty cash advance holder, director of finance division / chief of administration and finance office and the budget manager.

The statement of petty cash advance shall contain the balance sheet of petty cash advance account which records the transaction of total petty cash advance on a monthly basis according to the amount on the debit and the amount on credit of the petty cash advance account. The balance sheet of petty cash advance account details the movement and balance according to the sequences of account numbers of petty cash advance from small to large.

At the end of each month, the petty cash advance holder shall close the bookkeeping and prepare the balance sheet of petty cash advance account with certified signatures from the petty cash advance holder and director of finance division / chief of administration and finance office and budget manager, and send a copy to a public accountant no later than day 15th of the following month.

Section 2

Account bookkeeping Held by a Public Accountant

Article 25.-

The transaction of petty cash advance shall be monitored by a public accountant. The account bookkeeping held by the public accountant is as follows:

A- Disbursement to the petty cash advance holder

Recording:

Debit of petty cash advance holder account (No. 1401)

Credit of financial account (No. 1101, 1105, 1106, 1301)

Justifying documents: Withdrawal voucher of petty cash advance.

B- Receiving regulatory mandate and justifying documents of expenditure

Recording:

Debit of budget expense account (6 ….)

Credit of petty cash advance holder account (No. 1401)

Justifying documents: regulatory mandate and justifying documents of expenditure.

C- Closing the transaction of petty cash advance

When receiving the remaining fund returned by the petty cash advance holder, the following shall be recorded:

Debit of financial account (No. 1101, 1105, 1106, 1301)

Credit of petty cash advance holder account (1401).

Justifying documents: Request for payment and payment voucher or credit declaration from the bank.

Section 3

Account bookkeeping Held by Petty Cash Advance holder

Article 26.-

The accounts held by petty cash advance holder are as follows:

- Petty cash advance account at the treasury (No. 1118) used for recording the amount of petty cash advance received from a public accountant;

- Check account for clearance (No. 1116) used for recording the amount of check received from a public accountant awaiting bank clearance;

- Cash account (No. 1301) used for recording the amount of daily income and cash expense;

- Expense account prior to mandating (No. 1505) used for recording the amount spent prior to the issuance of regulatory mandate

- Account of justifying documents of expenditure submitted of the petty cash advance holder (No. 1507) used for recording the total sum of the justifying documents of expenditure attached with regulatory mandate submitted to the treasury awaiting settlement.

The bookkeeping held by the petty cash advance holder is as follows:

A. Receiving check provided by a public accountant

Recording:

Debit, account, check for clearance (No. 1116)

Credit, account, petty cash advance from treasury (1118)

B. Cash disbursement from the bank

Recording:

Debit, account, cash account (No. 1301)

Credit, account, check for clearance (No. 1116)

C. Disbursement for Expense

Recording:

Debit, account, expense prior to mandating (No. 1505)

Debit, account, cash (No. 1301)

D. Submission of justifying documents of expenditure and regulatory mandate to the treasury

Recording:

Debit, account, justifying documents of expenditure submitted (No. 1507)

Credit, account, expense prior to mandating (No. 1505)

E. Settlement of petty cash advance according to approval from a public accountant on regulatory mandate and justifying documents of expenditure

Recording:

Debit, account, petty cash advance from the treasury (No. 1118)

Credit, account, justifying documents of expenditure submitted (No. 1507)

F. Returning the balance to a public accountant

Recording:

Debit, account, cash advance from treasury (1118)

Credit, account, cash (No. 1301)

The petty cash advance holder shall prepare income voucher, expense voucher, debit notification and credit notification according to each transaction.

Section 5

Monitoring of Petty Cash Advance

Section 1

General Principles

Article 27.-

All petty cash advance shall fall under the monitoring of its budget manager. Meanwhile, the petty cash advance holder shall fall under the monitoring and verification of the General Inspectorate and on-site monitoring by competent authority.

Section 2

Monitoring of Justifying Documents

Article 28.-

The budget manager shall be responsible for monitoring the followings:

- The budget manager shall require the petty cash advance holder to provide monthly and annual account balance sheet of petty cash advance, statement and record of on-site monitoring of the work of petty cash advance undertaken by a public accountant;

- The budget manager shall monitor justifying documents of expenditure provided by petty cash advance holder and shall ensure that all documents are subject to duly and genuine handover and acceptance between the petty cash advance holder and payee, and examine that the petty cash advance holder has settled only authorized petty cash advance.

Article 29.-

The financial controller shall be responsible for monitoring the followings:

- The petty cash advance holder shall provide financial controller with documents of expenditure relevant to regulatory mandate (except for the commune/Sangkat administration);

- The financial controller shall monitor and provide approval on the correctness of regulatory mandate and attached documents of expenditure (except for commune/Sangkat administration).

Article 30.-

The duties of a public accountant are to monitor the followings:

- the petty cash advance holder shall provide a public accountant with account balance sheet of petty cash advance as well as files or information about the work of petty cash advance;

- a public accountant shall monitor regulatory mandate and justifying documents of expenditure for the settlement of the spent petty cash advance as in

cash withdrawal mandate following regular procedures for which the public accountant shall further monitor that the petty cash advance holder has settled only authorized petty cash advance.

Section 3

On-site Monitoring

Article 31.-

The budget manager, public accountant, inspector-general and officials of other competent institutions may carry out on-site monitoring or verification of the management work of the petty cash advance holder. The monitoring shall be carried out without prior notice. The budget manager and the public accountant may assign their agent under their supervision to carry out on-site monitoring. The agent shall possess a proper appointment letter or mission letter.

The monitoring shall be carried out in relation to the followings:

- Fund and price;

- Termination and approval being granted on all paperwork;

- Preparation of balance sheet of petty cash advance account;

- Transaction of account and various justifying documents in relation to organization and functioning of the petty cash advance.

Article 32.-

On-site monitoring by the budget manager or his/her representative shall be carried out frequently. In principle, the monitoring of fund and price applied shall be carried out every quarter.

The monitoring by the public accountant shall be carried out at least once a year.

Each monitoring shall be accompanied by proper and clear report or record in which the findings shall be hi-lighted. These documents shall be provided to the petty cash advance holder in order for him or her to take note of and provide his or her response and they shall be returned to the monitoring agent and budget manager.

Chapter 6

Final Provisions

Article 33.-

Any provisions contrary to the content of this Parkas shall be abrogated.

Article 34.-

The chief of cabinet, secretary-general, director-general of the General Department of National Treasury, director-general of the General Department of Finance, Sub-National Administration, director-general of all General Departments, inspector-general of the General Inspectorate, heads of all units under the supervision of the Ministry of Economy and Finance and all levels of sub-national administrations, shall undertake to implement this Prakas according to their respective duties from the date of signature.

Phnom Penh, March 10, 2015

Minister of Economy and Finance

(Signed and stamped)

AUN PORNMONIROTH, PhD.

CC:

- Office of the Council of Ministers
- Ministry of Civil Service
- General Secretariat of the Royal Government
- Cabinet of Samdech Akka Moha Sena Padei Techo Prime Minister
- Cabinets of Excellencies the Deputy Prime Ministers
- As stipulated in Article 4
- Royal Gazettes
- Records – Archives

Sample Annex 1

(Annex attached with the decision on the establishment of petty cash advance for Capital, provincial / municipal, district, Khan Administration)

Kingdom of Cambodia
Nation Religion King

Capital, Provincial / Municipal, District, Khan Office of....

Table of Annex to Petty Cash Advance for the Year.....
of the Capital, Provincial / Municipal, District, Khan Office of.....

Chapter	Account	Sub-account	Description	Financial Law year.....	Selected credit	Petty Cash Advance Credit	Regular Settlement Credit	Credit of one revolving cycle of petty cash advance	Percentage
				1	2	3	4=2-3	5=3/6 cycle (capital, province) 5=3/4 cycle (municipality, district, Khan)	6=3/2
			Grand Total						
60			purchase						
	6001		supplies and maintenance						
		60011							
	.....	.....							
61			services						
	.....	.....							
62			social benefits						
	.....	.....							
65			subsidies						
	.....	.....							

Seen and verified
Day ..... month ..... year.....
Director of Capital, Provincial Treasury

Seen and verified
Day ..... month ..... year.....
Director of Department of Economy and Finance

Seen and verified
Day ..... month ..... year.....
Director of Finance Division/ Office Chief

Day ..... month ..... year.....
Petty Cash Advance holder

No.: .....
Seen and.....
Day..... Month ..... year.....
Capital, Provincial Governor of Board of Governors / Municipal, District, Khan Governor of Board of Governors

Sample Annex 2

(Annex attached with the decision on the establishment of petty cash advance for Commune, Sangkat administration)

Kingdom of Cambodia
Nation Religion King

Commune/Sangkat Office of.....

Table of Annex to Petty Cash Advance for the Year.....
of the Commune/Sangkat Office of.....

Chapter	Account	Sub-account	Description	Financial Law for the year.....	Selected credit	Petty Cash Advance Credit	Regular Settlement Credit	Credit of one revolving cycle of petty cash advance	Percentage
				1	2	3	4=2-3	5=3/4 cycle	6=3/2
Grand Total									
60			purchase						
	6001		supplies and maintenance						
		60011							
	.....	.....							
61			services						
	.....	.....							
62			social benefits						
	.....	.....							
65			subsidies						
	.....	.....							

Seen and verified

Day ..... month ..... year.....

Director of Capital,

Provincial Treasury

Day ..... month ..... year.....

Petty Cash Advance holder

No.: .....

Seen and .....

Day ..... month ..... year.....

Commune/Sangkat Chief

Sample Annex 3

Sample of the Decision on the Establishment of Petty Cash Advance at

Capital, Provincial / Municipal, District, Khan Administration of .....

Decision

On

The Establishment of Petty Cash Advance for the Year .....

At Capital, Provincial / Municipal, District, Khan Administration of .....

- Having seen the Constitution of the Kingdom of Cambodia;

- Having seen Royal Decree No. NS/RD/0913/903, dated September 24, 2013, on the Appointment of the Royal Government of the Kingdom of Cambodia;

- Having seen Royal Decree No. NS/RD/1213/1393, dated December 21, 2013, on Adjustment and Addition of Members 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;

- Royal *Kram* No. NS/RK/0196/18, dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Economy and Finance;

- Having seen Royal Kram No. NS/RK/0508/016, dated May 13, 2008, promulgating the Law on Public Financial System;

- Having seen Roal *Kram* No. ..... dated on the day of ....., month of ..... year of ....., promulgating the Law on Finance for the Management of the Year.....

- Having seen Sub-decree No. 488 S.E, dated 16 October, 2013, on the Organization and Functioning of Ministry of Economy and Finance;

- Having seen Sub-decree No. ..... S.E, dated on the day of ....., month of ..... year of ....., on the Organization and Functioning of ..... (ministry/ institution/ unit)

- Having seen Sub-decree No. 82 S.E, dated November 16, 1995, on General Regulations of the Public Accounting;

- Having seen Sub-decree No. 81 S.E, dated November 16, 1995, on the Establishment of Financial Control over the State Budget Expenditure within Ministries, Provinces, Cities, Autonomous Cities, Phnom Penh Capital and Administrative Public Organizations;

- Having seen Prakas No. 004 SHV.M.BrK, dated January 15, 1996, on the implementation of general rule of public accounting;

- Having seen Prakas No. 189 SHV.BrK, dated February 22, 2013, on the operationalization of economic classification of budget content of national and sub-national administration;

- Having seen Prakas No. 211 SHV.BrK, dated March 04, 2013, on the operationalization of accounting content of budget account plan of national and sub-national administration;

- Having seen Prakas No. ..... SHV.BrK, dated on the day of ..... on expenditure procedure using petty cash advance for sub-national administration;

- As per necessity of the economic and financial work;

Hereby Decides

Article 1:

Petty cash advance Chapter 60 “purchase”, Chapter 61 “services”, Chapter 62 “social benefits”, Chapter 65 “subsidies” at Capital, Provincial / Municipal, District, Khan Administration of ..... for items of expense as stated in article 5 of the Prakas numbered ..... SHV.BrK, dated on the day of ..... on expenditure procedure using petty cash advance for sub-national administration.

Table of annex to petty cash advance has been determined as an annex to this decision.

Article 2:

The sum per revolving cycle of the petty cash advance shall be determined as in the table of annex to petty cash advance.

Article 3:

Any provision contrary to this decision shall be abrogated.

Article 4:

Administrative Director of ..... Capital/Province, Capital/Provincial Department of Economy and Finance, Capital/Provincial Treasury of ..., Capital, Provincial / Municipal, District, Khan administration of..... shall undertake to implement this decision according to their respective duties from the date of signature.

Done in ....., ... (day) ..... (month) ..... (year)

Governor of the Board of Governors of Capital, Province

Municipality, District, Khan of .....

CC:

- Ministry of Economy and Finance

(to be informed)

- As in article 4 (to be implemented)

Sample Annex 4

Sample of the Decision on the Establishment of Petty Cash Advance at

Commune/Sangkat of .....

Decision

On

The Establishment of Petty Cash Advance for the Year .....

At Commune/Sangkat of .....

- Having seen the Constitution of the Kingdom of Cambodia;

- Having seen Royal Decree No. NS/RD/0913/903, dated September 24, 2013, on the Appointment of the Royal Government of the Kingdom of Cambodia;

- Having seen Royal Decree No. NS/RD/1213/1393, dated December 21, 2013, on Adjustment and Addition of Members 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;

- Royal *Kram* No. NS/RK/0196/18, dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Economy and Finance;

- Having seen Royal Kram No. NS/RK/0508/016, dated May 13, 2008, promulgating the Law on Public Financial System;

- Having seen Roal *Kram* No. ..... dated on the day of ....., month of ..... year of ....., promulgating the Law on Finance for the Management of the Year.....

- Having seen Sub-decree No. 488 S.E, dated 16 October, 2013, on the Organization and Functioning of Ministry of Economy and Finance;

- Having seen Sub-decree No. ..... S.E, dated on the day of ....., month of ..... year of ....., on the Organization and Functioning of ..... (ministry/ institution/ unit)

- Having seen Sub-decree No. 82 S.E, dated November 16, 1995, on General Regulations of the Public Accounting;

- Having seen Sub-decree No. 81 S.E, dated November 16, 1995, on the Establishment of Financial Control over the State Budget Expenditure within Ministries, Provinces, Cities, Autonomous Cities, Phnom Penh Capital and Administrative Public Organizations;

- Having seen Prakas No. 004 SHV.M.BrK, dated January 15, 1996, on the implementation of general rule of public accounting;

- Having seen Prakas No. 938 SHV, dated December 31, 2002, on payment system and commune/Sangkat account;

- Having seen Prakas No. 189 SHV.BrK, dated February 22, 2013, on the operationalization of economic content of budget account of national and sub-national administration;

- Having seen Prakas No. 211 SHV.BrK, dated March 04, 2013 on the operationalization of accounting content of budget account plan of national and sub-national administration;

- Having seen Prakas No. ..... SHV.BrK, dated on the day of ..... on expenditure procedure using petty cash advance for sub-national administration;

- As per necessity of the economic and financial work;

Hereby Decides

Article 1:

Petty cash advance Chapter 60 “purchase”, Chapter 61 “services”, Chapter 62 “social benefits”, Chapter 65 “subsidies” at Commune/Sangkat of ..... for items of expense as stated in article 5 of the Prakas numbered ..... SHV.BrK, dated on the day of..... on expenditure procedure using petty cash advance for sub-national administration.

Table of annex to petty cash advance has been determined as an annex to this decision.

Article 2:

The sum per revolving cycle of the petty cash advance shall be determined as in the table of annex to petty cash advance.

Article 3:

Any provision contrary to this decision shall be abrogated.

Article 4:

Director of Capital/Provincial treasury of ....., the chief of..... Commune/Sangkat shall undertake to implement this decision according to their respective duties from the date of signature.

Done in....., ... (day) ..... (month) ..... (year)

Chief of ..... Commune/Sangkat

CC:

- Ministry of Economy and Finance

(to be informed)

- As in article 4 (to be implemented)

Sample Annex 5

Sample of the Decision on the Appointment of Petty Cash Advance Holder

of Capital, Provincial / Municipal, District, Khan Administration

Decision

On

The Appointment of Petty Cash Advance Holder

of Capital, Provincial / Municipal, District, Khan Administration

- Having seen the Constitution of the Kingdom of Cambodia;

- Having seen Royal Decree No. NS/RD/0913/903, dated September 24, 2013, on the Appointment of the Royal Government of the Kingdom of Cambodia;

- Having seen Royal Decree No. NS/RD/1213/1393, dated December 21, 2013, on Adjustment and Addition of Members 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;

- Royal *Kram* No. NS/RK/0196/18, dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Economy and Finance;

- Having seen Royal Kram No. NS/RK/0508/016, dated May 13, 2008, promulgating the Law on Public Financial System;

- Having seen Royal Kram No. 06/NS/94, dated October 30, 1994, promulgating the law on common statute of civil servants of the Kingdom of Cambodia;

- Having seen Roal *Kram* No. ..... dated on the day of ....., month of ..... year of ....., promulgating the Law on Finance for the Management of the Year.....

- Having seen Sub-decree No. 488 S.E, dated 16 October, 2013, on the Organization and Functioning of Ministry of Economy and Finance;

- Having seen Sub-decree No. ..... S.E, dated on the day of ....., month of ..... year of ....., on the Organization and Functioning of ..... (ministry/ institution/ unit)

- Having seen Sub-decree No. 82 S.E, dated November 16, 1995, on General Regulations of the Public Accounting;

- Having seen Sub-decree No. 81 S.E, dated November 16, 1995, on the Establishment of Financial Control over the State Budget Expenditure within Ministries, Provinces, Cities, Autonomous Cities, Phnom Penh Capital and Administrative Public Organizations;

- Having seen Prakas No. 004 SHV.M.BrK, dated January 15, 1996, on the implementation of general rule of public accounting;

- Having seen Prakas No. 189 SHV.BrK, dated February 22, 2013, on the operationalization of economic classification of budget content of national and sub-national administration;

- Having seen Prakas No. 211 SHV.BrK, dated March 04, 2013, on the operationalization of accounting content of budget account plan of national and sub-national administration;

- Having seen Prakas No. ..... SHV.BrK, dated on the day of ..... on expenditure procedure using petty cash advance for sub-national administration;

- As per necessity of the economic and financial work;

Hereby Decides

Article 1:

Civil servant(s) of..... Capital, Provincial / Municipal, District, Khan Administration is appointed as follows:

1. Mr./Mrs. ..... (Name), ... (Position), being a petty cash advance holder of.....

2. Mr./Mrs. ..... (Name), ... (Position), being a deputy petty cash advance holder of.....

(Appointed as per necessity)

Article 2:

Any provision contrary to this decision shall be abrogated.

Article 3:

..... Capital, Provincial / Municipal, District, Khan Administration, Director of Capital/Provincial Treasury of ....., and person(s) concerned as in article 1 shall undertake to implement this decision according to their respective duties from the date of signature.

Done in ....., ... (day) ..... (month) ..... (year)

Governor of the Board of Governors of Capital, Province

Municipality, District, Khan of .....

CC:

- Ministry of Economy and Finance

(to be informed)

- As in article 3 (to be implemented)

- Documentation – Archive

Sample Annex 6

Sample of the Decision on the Appointment of Petty Cash Advance Holder

At Commune/Sangkat of .....

Decision

On

The Appointment of Petty Cash Advance Holder

of Commune/Sangkat of .....

- Having seen the Constitution of the Kingdom of Cambodia;

- Having seen Royal Decree No. NS/RD/0913/903, dated September 24, 2013, on the Appointment of the Royal Government of the Kingdom of Cambodia;

- Having seen Royal Decree No. NS/RD/1213/1393, dated December 21, 2013, on Adjustment and Addition of Members 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;

- Royal *Kram* No. NS/RK/0196/18, dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Economy and Finance;

- Having seen Royal Kram No. NS/RK/0508/016, dated May 13, 2008, promulgating the Law on Public Financial System;

- Having seen Royal Kram No. 06/NS/94, dated October 30, 1994, promulgating the law on common statute of civil servants of the Kingdom of Cambodia;

- Having seen Roal *Kram* No. ..... dated on the day of ....., month of ..... year of ....., promulgating the Law on Finance for the Management of the Year.....

- Having seen Sub-decree No. 488 S.E, dated 16 October, 2013, on the Organization and Functioning of Ministry of Economy and Finance;

- Having seen Sub-decree No. ..... S.E, dated on the day of ....., month of ..... year of ....., on the Organization and Functioning of ..... (ministry/ institution/ unit)

- Having seen Sub-decree No. 82 S.E, dated November 16, 1995, on General Regulations of the Public Accounting;

- Having seen Sub-decree No. 81 S.E, dated November 16, 1995, on the Establishment of Financial Control over the State Budget Expenditure within Ministries, Provinces, Cities, Autonomous Cities, Phnom Penh Capital and Administrative Public Organizations;

- Having seen Prakas No. 004 SHV.M.BrK, dated January 15, 1996, on the implementation of general rule of public accounting;

- Having seen instructive Prakas No. 938 SHV, dated December 31, 2002, on payment system and commune/Sangkat account;

- Having seen Prakas No. 189 SHV.BrK, dated February 22, 2013, on the operationalization of economic classification of budget content of national and sub-national administration;

- Having seen Prakas No. 211 SHV.BrK, dated March 04, 2013, on the operationalization of accounting content of budget account plan of national and sub-national administration;

- Having seen Prakas No. ..... SHV.BrK, dated on the day of ..... on expenditure procedure using petty cash advance for sub-national administration;

- As per necessity of the economic and financial work;

Hereby Decides

Article 1:

Civil servant(s) of ..... commune/Sangkat administration is appointed as follows:

1. Mr. /Mrs..... (Name) ,..... (Position), being a petty cash advance holder of.....

2. Mr. /Mrs..... (Name) ,..... (Position), being a deputy petty cash advance holder at.....

(Appointed as per necessity)

Article 2:

Any provision contrary to this decision shall be abrogated.

Article 3:

Director of Capital/Provincial Treasury, Chief of..... Commune/Sangkat and person(s) concerned as in article 1 shall undertake to implement this decision according to their respective duties from the date of signature.

Done in ....., ... (day) ..... (month) ..... (year)

Chief of Commune/Sangkat of .....

CC:

- Ministry of Economy and Finance

(to be informed)

- As in article 3 (to be implemented)

- Documentation - Archive

Kingdom of Cambodia

Nation Religion King

Royal Government of Cambodia

Ministry of Interior

No. 2809 BrK

Phnom Penh, 9 July 2013

(Unofficial Translation)

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 Kingdome 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, 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

Kingdom of Cambodia

Nation Religion King

Ministry of Economy and Finance

No. 583 SHV-HM

Phnom Penh, 13 June 2013

Prakas

on

Preparation, Adoption and Implementation of Budget for Municipalities and Districts

- Referring to Law on Financial Regime and Property Management for Sub-National Administrations, promulgated by Royal Decree No. NS/RKM/0611/ 011, dated 17 June 2011
- Referring to Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khan, promulgated by Royal Decree No. NS/RKM/0508/017, dated 24 May 2008
- Referring to Sub-Decree No. 36 ANK.BK dated 07 March 2012 on the Establishment and Functioning of the Municipal and district Fund
- Referring to Sub-Decree No. 172 ANK.BK dated 09 October 2012 on Financial Management System of Municipal/ District Administration.

Ministry of Economy and Finance would like to provide instruction on important principles and procedure for preparation, adoption and implementation of budget for municipal and district administration as follows:

1. Definition and Objectives of Budget

1.1. Budget is a legal instrument that authorize municipal and district council to plan for income and expenses and entitle it with authorities to implement the income and expenses in accordance with the approved budget plan.

1.2. Budget intends to show annual finance for implementation of policies of the municipal and district administration and the implementation of role and duties of the municipal and district administration and to serve as a means to implement internal control system to ensure that there is available financial resources for expenses sustainably in accordance with legal instruments and to ensure that actual expenses are under the level of the approved budget.

2. General Principles

Budget of the municipal and district administration shall be prepared in accordance with the following principles:

2.1. Budget of the municipal and district administration shall be prepared into two parts:

I. Current Budget: This part includes current income and expenses. Current expenses shall be ensured by current incomes.

II. Capital Budget: This part includes capital income and expenses. Capital expenses shall be ensured by capital incomes.

- In each of the parts, the planned total expenses shall not exceed the planned total income.
- Current surplus is positive result from the current incomes minus current expenses.
- Current surplus shall be used for the benefit of capital budget.
- In the capital budget part, total expenses shall equal to the total capital income plus current surplus (if have).
- Capital income cannot be used for current expenses except determined by a separate provisions.

2.2. Preparation of income and expenses categories by municipal and district administration shall be made based on the forms and classification of budget contents determined by the Ministry of Economy and Finance.

2.3. Budget of District administration shall include all incomes and expenses District administration regardless of the sources or characteristics.

2.4. Budget of the municipal administration shall include all incomes and expenses of the municipal administration and Sangkat administrations under the scope of its authorities regardless of the source or characteristics.

2.5. Budget of municipal administration is the budget package inclusive of budget of Sangkat administration under the municipality.

2.6. Budget of the municipal and district administration shall reflect all priority expenses in the five years development plan, medium-term expense framework and the three years rolling investment program.

2.7. Budget of the municipal and district administration shall start from 1st of January and end on 31st December of the year.

2.8. All incomes and expenses shall be part of an agreed budget of the municipal and district administration.

2.9. Budget of the municipal and district administration shall include all incomes and expenses of each municipal and district administration.

2.10. Planned total expenses shall be wholly ensured by planned total income.

2.11. Income from each of the target shall not be planned to be paid only on the expenses that target except it is permitted by a separate provision and approved contract.

2.12. Income shall be collected and expenses shall be used according to approved budget line.

2.13. Income shall be collected and shown as total amount without deduction for any expenses.

3. Income and Expense of the Municipal and district Administration

3.1. Income

A. Financial resources of the municipal and district administration includes:

- Income from local sources (tax and non-tax)
- Income from the national level
- Other incomes as determined by the laws or other legal instruments.

A.1 Income from the national level includes:

- Shared income
- Fund transfer from the national budget and
- Service fees from performing functions implemented by municipal and district administration as government ministry/institution
- Municipal and district administration are annual national budget a conditional fund transfer and unconditional fund transfer from the national budget
- Shared incomes with national administration and municipal and district administration shall be considered as unconditional fund transfer. Type and proportion of income shall be determined by a sub-decree.
- At the time when commune/Sangkat fund transfer systems are not modified, contribution and fund transfer for commune and Sagkat shall be done under the same budget entity for that municipal administration (municipal administration and its subordinate Sagkat administration).
- Commission and income received from performing agency roles shall be considered as conditional fund transfer.
- All incomes for implementing obligatory tasks assigned by the national administration shall be considered as conditional fund transfer.

A.2 Income from local sources

Local tax incomes: are those incomes from taxes and tariff as established and determined by law within the framework of the Law on Taxation for the total benefits of municipal and district administration.

Sharing of types and proportion of the income tax and tariff at the local levels between each sub-national administration shall be determined by a sub-decree.

Local tax incomes include:

- Incomes from renting properties belonging to municipal and district administration.

- Incomes from service fees paid by service users for the services provided by the municipal and district administration.
- Incomes from administrative fees for issuing permission letters, licenses, issuing administration documents and provision of other administrative services.
- Donation from sources inside and outside of the scope of authorities of each municipal and district council.
- Service fees and other incomes as determined by laws and other legal instruments.

Sharing incomes between municipal and district administration and other sub-national administration are income from local sources.

B. Current Income may originate from the following sources:

B.1 Tax incomes: are the incomes received by the municipal and district administration through provisions in other legal instruments.

B.2 Non-tax incomes includes:

- Revenues from the municipal and district properties are incomes from rent or utilization of state properties by the municipal and district administration, profits from concession, revenue from enterprises of the municipal and district administration, and revenue from other properties.
- Revenue from services are income received from administrative services, cadastral services, issuing of license for business, construction services and other services.
- Income from imposing fine and punishment are incomes received from imposing fine, punishment and incomes which the municipal and district administration contribute to suppress different forms of crimes.
- Income from subsidy or donation are income received from state unconditional subsidy (municipal and district fund transfer), conditional subsidy from the state, subsidy from ministries (delegated functions), subsidy from provincial level, income from performing agency functions, contribution from people, donors and incomes from other sources of supports.
- Other incomes: Incomes received from auction of unused mobile and immobile properties and other incomes.

C. Capital Income of Municipal and District Administration comes from the Following Sources:

- Surplus from current budget: As stated in point 2 of the General Principles above.
- Capital subsidy are incomes received from support to contribute to investments such as: unconditional subsidy from the state (fund transfer for municipal and district as a part of local development component), state subsidy (conditional), subsidy from different ministries (delegated functions), provincial subsidy, subsidy from different project programs, non-budgetary subsidy and other subsidies.

3.2. Expenses

A. Expenses in the budget plan of the municipal and district administration shall be planned in a way to allow the municipal and district administration to perform the following activities:

- Expenses on administrative operations including the operational expenses of the Council.
- Expenses on performing assigned or delegated obligatory functions in according with articles 222, 223, 225, and 226 of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khan.
- Expenses on performing optional functions based on the discretion of the council.
- Expenses on performing other roles and tasks as determined by laws or other instruments.

Municipal and district administration shall use conditional fund transfer to ensure expenses with the following purposes:

- Manage, handle and implement mandatory tasks assigned or delegated to them.
- Continue to manage or handle and implement optional functions as performed by ministries/institutions.

Municipal and district administration shall use unconditional fund transfer resources to ensure expenses with the following purposes:

- Perform their tasks according to the laws.
- Perform their tasks to create, encourage and ensure sustainability for democratic development within their scope of authorities.
- Their administrative expenses, and
- Manage, handle and implement optional functions.
- Contributed resources of the general administrative operation components and local development components of the municipal and district fund as stated in Article 12 of Sub-Decree 36 ANK.BK, dated 07 March 2012, on the Establishment and Functioning of the Municipal and district Fund shall be recorded as current income and capital income to assure the following current and capital expenses:

A.1 Any current expenses related to the use of capital resources of operational components of the municipal and district administration are as follows:

- Expenses on salary and other burdens for the governor, deputy governor of the municipal and district Board of Governors.
- Expenses on salary and other burdens for staff of the municipal and district administration
- Expenses on allowance for members of the municipal and district Council
- Expenses on administrative operations of the municipal and district administration, including operational expenses of the Council.

- Expenses on fixing and maintenance of equipment and administrative buildings;
- Expenses on rent, water, electricity, stationary, communication and transport.
- Other current expenses of the municipal and district administration.

A.2 Current expenses involving the use of funding resources from the local development components of the municipalities and district are those current expenses related to provision of basic services, operation of basic infrastructure and other equipment used to provide such services including:

- Expenses on repairing and maintenance of infrastructures built or managed by the municipal and district administration.
- Expenses on hired labour or other current expenses involved in the operation of the local infrastructure and provision of relevant services.
- Expenses on provision of social protection services for poor and vulnerable local population.
- Expenses on institutional capacity building and human resources.
- Expenses on supporting development programs of local organizations and communities.
- Other non-capital expenses for the benefits of well-being of the local communities or the support provided to local economic development and natural resource management within the scope of authorities of the municipality and District.

A.3 Capital expenses involved in the use of fund resources from the administrative operational components by the municipal and district administration are expenses related to development or procurement of fixed assets such as buildings, office equipment, furniture, means of transportation which are used for administrative causes.

A4. Capital expenses involved in the use of fund resources from the local development components by the municipal and district are expenses related investment for local development including:

- Development of infrastructures plan which are not under responsibilities of other public agents.
- Support local economic development in partnership with local community based organizations and other private partners.
- Provide co-funding for development of social and economic infrastructure or provision of other services in partnership with other municipalities and districts or with other national agencies.
- Other capital expenses for the benefit of well-being of local communities or that support local economic development and natural resource management within the scope of authorities of the municipality and District.

A.5 Municipal and district administration shall plan budge credit for their use of local development components for the types of expenses as set out in point “A2” and

“A4” above in an amount at least equal to the resources transferred from development components off the municipal and district fund.

B. Current expenses include:

- Purchase: Expenses on purchase of equipment for any maintenance tasks conducted by the municipalities and District such as equipment to provide maintenance, supplies for administrative work, small items, furniture and tools, equipment, energy, water and other supplies.
- External services: Expenses on external services provided by enterprises, state entities, or physical or legal persons such as service contract, rent, fee for training, maintenance and repair, insurance fee, laboratory fee, service charge fees, fee for using rights, transportation fee, and other relevant expenses.
- External services: Expenses on other external services not mentioned above including: hiring external staff, public relations and media, payment for fees within the country, payment for fees outside the country, postal and telecommunication fees, bank charge, and other fees.
- Staff burden: Expenses on staff burden such as salary, bonuses, allowances, incentives and social contribution fund for board of governors, council, permanent staff, non-staff personnel, probationary staff and other staff-related expenses.
- Subsidies and social supports: Expenses for subsidies to commune, Sangkat, social support and contributions for social and cultural organizations and expenses in the form of subsidies and other forms of support.
- Unplanned expenses: Expenses for this budget line shall not exceed 5% of the total budget. The unplanned budget shall be used to ensure the responsibilities of the municipal and district administration which are mentioned in the initial credit plan but do not have sufficient credit or there is no planed credit.
- The municipal and district board of governors shall propose for approval from their Council when there is a need to use credit in the unplanned budget; and this does not require an adjustment in the budget.

C. Capital expenses include:

- Abstract long-term asset management: Expenses on fee for research and development, survey, planning, concession, patent, license, and other similar types of fees.
- Tangible long-term asset management: Expenses on purchase and improvement of land and natural resources, expenses on construction, buildings and infrastructure, equipment, technique, materials and hand tools as well as expenses on purchase of fixed assets classified as capital expenses. Expenses on abstract and tangible long-term assets management are expenses on administrative operational development and local development investment of the municipalities and District
- .

4. Process for Budget Preparation and Adoption of Municipal and District

4.1. Principles relevant to budget preparation of municipal and district administration

Budget preparation of municipal and district administration shall follow the following principles:

4.1.1. Budget preparation of municipal and district administration shall be based on the principles set out in point 1 regarding General Principles.

4.1.2. Budget of the municipal and district administration shall be prepared and adopted through public announcement.

4.1.3. Current expenses for operation of different current and future infrastructure shall be planned properly in the current budget part.

4.1.4. Income plan shall be made based on realistic estimation and shall consider all factors that may impact the size of income to be collected in that budget year.

4.1.5. In case the annual budget plan of the municipal and district administration is not adopted before 1st January of that implementation year, the governor of the municipal and district board of governor shall be entitled to:

- Spend a monthly expense at a rate of 1/12 of the previous year budget according to available resource
- Collect revenue according to approved conditions as last year.

4.2. Process for budget preparation of the municipal and district administration

Budget strategic plan and budget plan of the municipal and district administration shall be prepared by the governor of the board of governors and approved by the Council according the following procedures:

A. <u>Preparation of budget strategic plan</u>

A.1 After receiving instructions regarding preparation of budget strategic planning as set out by the Minister of Economy and Finance, governor of the municipal and district board of governor shall start to prepare budget strategic plan for the upcoming year with assistance from the chief of Administration and Finance Office. The preparation of budget strategic plan shall be based on some documents as follows:

- Instruction regarding preparation of budget strategic plan issued by Minister of Economy and Finance
- Five years development plan and three years rolling investment plan of municipal and district administration
- Medium-term expense framework.

A.2 Budget strategic plan shall determine common objectives for budget of the upcoming year based on priority expenses (both capital and current expenses) within the level of revenue predicted to be collected or received by the municipal and district administration.

A.3 Governor of the municipal and district board of governor shall submit the draft of budget strategic plan to the board of governor meeting for review and suggestion to their council.

A.4 Municipal and district council shall review and approve the budget strategic plan in a public meeting by 07 May at the latest.

The governor of the municipal and district board of governor shall revise the draft strategic plan based on the result from the discussion meeting of the board of governor and the council.

A.5 After the budget strategic plan is approved by the council, governor of the municipal and district Board of governor shall submit it to the provincial board of governor in order for them to assign the provincial department of economy and finance to incorporate together and send it further to the Ministry of Economy and Finance by 15 May at the latest.

B. <u>Budget plan preparation</u>

B.1 After receiving the instruction circular on technique for budget plan preparation for municipal and district administration issued by Ministry of Economy and Finance, the governor of the municipal and district board of governor shall prepare budget plan for their municipal and district administration with assistance from the chief of administration and finance office.

Preparation of the budget plan by the municipal and district administration shall base on some documents as follows:

- Instruction circular on technique for budget plan preparation for municipal and district administration
- Budget strategic plan
- Medium-term expense framework
- Financial report from the previous year
- Most updated information on the budget implementation from the previous year
- Notification of the Ministry of Economy and Finance on annual municipal and district resource contribution and annual commune and Sangkat resource contribution for Sangkat administration under municipal administration.
- Other incomes to be received by municipal and district administration based on different legal instruments.

For budget of Sangkat administration under municipal administration, the municipal council shall determine budget for Sangkat under its scope of authorities and notify the Sangkat council before 15th of May. Each of Sangkat council shall prepare and approve their budget according to the budget limitation determined by municipal council before 30th of May. The budget package of each Sangkat administration shall reflect:

- Expenses on allowance for members of Sangkat council and village officials.
- Expenses on general administration.

- List of activities and priority investment plan.

Sangkat shall send their budget package to the municipal administration in order for them to incorporate this into the budget of the municipal administration.

Governor of the municipal board of governor shall incorporate budget packages of all Sangkat under its scope of authorities together with its own budget to make one budget for the municipal administration before submitting it to the council for review and approval.

B.2 Governor of the municipal and district board of governor shall take the budget plan to consult with the council's committee for women and children to identify means and methods to solve gender inequality problems and the actual needs of women and children so that to incorporate these into the municipal and district budget plan.

The municipal and district council shall ensure that the committee for women and children participate and discuss in the process of budget plan preparation.

B.3 With an intention to ensure that activities planned in the budget of the municipal and district administration are interconnected and complementary with activities plan of ministries/institutions to be implemented in their scope of authorities, in the process of this budget planning, the governor of the municipal and district board of governor shall ensure that technical coordination committee of the municipal and district council has conducted studies and provided suggestions regarding coordination with activity and budget plans of the ministries/institution or their department and entities that will provide services, materials or infrastructure directly within their scope of authorities. In this sense, the governor of the municipal and district board of governor must consult with the municipal and district technical coordination committee to obtain a basis for preparation of the budget plan.

B.4 Budget of the municipal and district administration shall have some documents as follows:

- Annual budget plan
- Memorandum of budget presentation
- Summary table regarding annual investment programs in the three years rolling investment program
- Operation program for annual service delivery
- 1st semester report regarding budget of the implementation year

Memorandum of budget presentation shall include: Economic and financial estimations that serve as a basis of the budget plan and that link to the development plan and investment program as well as contribution from the local population.

The attached summary table regarding annual investment programs in the three years rolling investment plan shall provide detailed information about projects that the municipal and district administration intends to provide financial contribution and implement in the upcoming year. Each project shall outline objectives of the investment and provide information about benefits, expected costs and schedule of implementation as well as estimated cost of operation and income to be collected from the operation of the project.

The attached operation program for annual service delivery shall provide detailed information about quality and quantity of the operation and maintenance of infrastructure by the municipal and district administration for the upcoming year including expected operational cost and maintenance plan.

B.5 Governor of the municipal and district board of governor, on behalf of the Council, shall disseminate and conduct public consultation on the budget plan at least two weeks before the meeting of the municipal and district council in order to collect inputs from the population and relevant stakeholders within their scope of authorities by their own means; they shall also review and revise the budget plan based on inputs received from the public and relevant stakeholders. Governor of the municipal and district board of governor shall publicly announce the budget plan through the following mechanism:

- Post on the public information board of the municipal and district administration.
- Print copies for consultation in the municipal and district office.
- Disseminate through other means considered by the municipal and district council to allow more people to participate in the review on their budget plan.

Governor of the municipal and district board of governor shall prepare report regarding public consultation and preparation of budget of the municipal and district administration.

B.6 Governor of the municipal and district board of governor shall submit the budget plan and relevant document to the meeting of the board of governor for review and comments prior to submitting it to their council by 15th of June at the latest. Governor of the municipal and district board of governor shall revise the budget plan based on the result of the discussion meeting of the board of governor.

The meeting of the municipal and district board of governor on the annual budget plan shall be composed of the following components:

- The municipal and district board of governor
- Chief of administration and chief of office in charge of administration and finance of the municipal and district administration
- Other relevant stakeholders
- Chief of Sangkat and representatives of the planning and budgeting committee of the Sangkat (for municipal budget).

The purposes of the meeting of the municipal board of governor on the annual budget plan are to:

- present the proposed expense plan of the Sangkat council;
- create opportunities for cooperation between nearby Sangkat councils;
- determine functions or activities that the municipal administration can delegate to the Sangkat council;
- Other issues relevant to the process of annual budget preparation.

B.7 District council shall conduct public meeting in order to review, discuss and approve the budget plan by 30th of June by the latest.

In the meeting of the municipal and district council to approve the budget plan, the municipal and district council and the board of governor shall proceed as follows:

- Prepare rationale regarding municipal and district budget planning;
- Ensure that the date and venue of the council meeting is announced publicly at least two weeks prior to the meeting date;
- Ensure that the venue for council meeting is accessible to as many participants as possible;
- Invite people who are living within their scope of authorities to participate as observers in the council meeting;
- Ensure that there is minutes of the council meeting;
- The council must ensure that in the process to review, discuss and approve the budget plan, recommendations of the committee for women and children are reflected in the budget plan of the municipal and district administration;
- The council must ensure that interested local population can participate in the council meeting on the review and approval of the budget plan of the municipal and district administration;
- The council is entitled to change budget plan submitted by the governor of the municipal and district board of governor in case such changes do not violate any laws, guidelines or principles of budget preparation;
- Governor of the municipal and district board of governor shall participate in the council meeting but they do not have voting rights;
- Governor of the municipal and district board of governor shall revise the budget plan based on the result of the council meeting.

B.8 After the budget plan is approved by the council, the governor of the municipal and district board of governor shall send the budget plan and relevant documents to department of economy and finance and the governor of the provincial board of governor within the first week of July. The budget plan and relevant documents to be submitted include:

- Budget plan;
- Budget strategic plan;
- Summary table regarding annual investment programs in the three years rolling investment program;
- Operation program for annual service delivery;
- Minutes of the council meeting on review, discussion and approval of the budget plan of the municipal and district administration;
- Report on public consultation in the budget preparation process; for municipalities, this report shall include the consultation with Sangkat council.

B.9 After receiving the budget plan from the municipal and district administration, the governor of the provincial board of governor shall ensure that provincial department of economy and finance will combine all the budget plans of

the municipal and district administrations within the province and then send it to Ministry of Economy and Finance by 15 July at the latest.

During August, the governor of the provincial board of governor along with the department of economy and finance will coordinate with the administrative director of the provincial hall in order to organize a conformity review program and verification on the budget plan of all municipal and district administrations.

C. <u>Conformity Review</u>

C.1 In the process to review conformity, the governor of the provincial board of governor along with the chief of department of economy and finance must conduct review and verification according to the following principles:

- Budget plan is prepared in accordance with defined budget category format, process and procedures;
- Budget plan is organized in accordance with conditions attached to the use of resources from specific sources;
- Credit planned in accordance with necessary expenses principles of the municipal and district administration;
- Budget plan has actual balance between expenses and income;
- Local people participated in the process to prepare budget of the municipal and district;
- The municipal and district council discussed and approved the budget plan in a public meeting;
- Other conditions required by laws or other provisions are fulfilled.

C.2 The conformity review shall be proceeded as follows:

- Governor of the provincial board of governor along with the chief of economy and finance and the director of the financial office shall review the budget plan and relevant documents by implementing the conformity review principles as set out in point C.1 above with participation from governors of respective municipal and district board of governors and other stakeholders;
- Governor of municipal and district board of governor shall participate in this meeting on behalf of the council and report the result of this meeting to their council.

C.3 In case budget plan of a municipal and district administration was not prepared in accordance with the conformity review principles, governor of the provincial board of governor shall notify the governor of the municipal and district board of governor in writing mentioning reasons, insufficient points and specific recommendation and ask them to revise it again according to the existing procedures before 15 of September to ensure consistency with the requirements of the conformity review.

Governor of the municipal and district board of governor shall review and revise their budget plan following the notification by the governor of the provincial board of governor and submit it to the municipal and district council for review and approval according to existing procedure before 30th of September.

If the budget plan already complies with the conditions of the conformity review, governor of the provincial board of governor along with the chief of department of economy and finance shall confirm their approval on the budget plan document and issue a written notification to the governor of the municipal and district board of governor. The notification shall be attached with budget document and initial signature of the governor of provincial board of governor and provincial stamp on every page.

Governor of the provincial board of governor shall send a copy of the notification and approved budget document to the department of economy and finance and provincial treasury.

D. Adoption of Budget Plan

Budget plan of all municipal and district administration shall be incorporated by the Ministry of Economy and Finance to form as a part of budget plan of the sub-national administration and become a chapter in the annual financial law to be reviewed and approved by the Council of Ministers and then submitted to the National Assembly and Senate for review and adoption.

After the annual financial law is adopted, Minister of Economy and Finance will issue a Prakas to allocate budget package of each municipality and District to implement and copy this to Ministry of Interior, General Director of the General Department of Treasury, governor of municipal and district board of governor, chief of department of economy and finance, and chief of provincial treasury for implementation.

4.3. Timetable for Preparation and Adoption of Municipal and district Budget

Municipal and district administration shall prepare and adopt their annual budget according to the following timetable:

Step	Process or Activities	Timeframe
Preparation of budget strategic plan	- Governor of the municipal and district board of governor shall prepare budget strategic plan; - Municipal and district council approve on the budget strategic plan; - Governor of the municipal and district board of governor submit the budget strategic plan to the governor of the provincial board of governor.	1 March to 15 May
Preparation of budget plan	- Governor of the municipal and district board of governor prepare budget plan; - Governor of the municipal and district board of governor disseminate publicly the initial budget plan in order to collect inputs from the local population; - Governor of the municipal and district board of governor submit the municipal and district budget to the council for review and approval;	01-30 of June.

	- Governor of the municipal and district board of governor submit the municipal and district budget to the provincial governor for conformity review.	
Incorporation of budget plan	- Provincial department of economy and finance incorporate provincial budget with the budget of municipalities and Districts within the province into a single document as defined by the Ministry of Economy and Finance and submit it to the Ministry.	01-15 of July
Conformity review	- Governor of the provincial board of governor conduct conformity review on the budget plan - Governor of the provincial board of governor confirm the approval on the budget plan and issue written notification to the Governor of the municipal and district board of governor	01-31 August
Revision of the budget plan	- Governor of the provincial board of governor notify in writing to the municipal and district board of governor about the non-conformities - Municipal and district administration revises, reviews and approves on the budget plan again.	Before 15 of September Before 30 of September
Allocation of budget package	- Governor of the provincial board of governor notify to the municipal and district board of governor about the annual budget package for municipal and district administration to be implemented after receiving notification from the Ministry of Economy and Finance.	From 1 to 31 January.

5. Budget Implementation

5.1. Principles Relevant to Budget Implementation

Budget implementation of Municipal and district administration shall follow the following principles:

5.1.1. Governor of the municipal and district board of governor, on behalf of the council, is the manager of budget of municipal and district administration. Governor of the municipal and district board of governor are entitled to implement the collection of income, promise expenses and make payments within the limitation of the approved budget.

5.1.2. Chief of Sangkat under a municipality is the delegated manager of the budget package delegated to them by the municipal board of governor. Chief of Sangkat is entitled to receive income, promise expenses and make payments within the limitation of budget approved by Sangkat Council and delegated by the municipal governor; the chief of Sangkat who is the delegated manager shall keep their sample signature with the assigned accountant at the provincial treasury. All income and

expense operations of Sangkat administration shall be made through the saving account of the Sangkat administration as registered at the provincial treasury.

5.1.3. Governor of the municipal and district board of governor can delegate the decision for budget implementation in writing to a deputy to act as a delegated manager. The deputy governor of that municipality and district shall perform their duties under the responsibility and control of the governor of the municipal and district board of governor. The governor and deputy governor shall keep their sample signature at with the assigned accountant at the provincial treasury.

5.1.4. Provincial treasury shall perform a duty as municipal and district accountant and shall perform the following tasks:

- Collect or receive income of the municipal and district administration;
- Review and pay expenses according to payment receipt issued by the fund manager or delegated manager;
- Implement municipal and district financial accounting system in accordance with the existing principles and provisions;
- Prepare financial accounting report by the specified deadlines; and
- Keep all documents and justification letters of the operation and accounting book of the municipality and district for a period not less than 10 years.

5.1.5. Each governor of the municipal and district board of governor shall open a saving account at the provincial treasury. Municipal and district administration shall use this saving account to manage its budget income and expenses.

5.1.6. Governor of the municipal and district board of governor shall ensure the monitoring of budget implementation in accordance with the procedures of accounting system and budget payment of the municipal and district administration.

5.2. Income Management

- Direct incomes of the municipal and district administration shall be determined and collected in accordance with provisions in a separated law.
- Income from unconditional fund transfer and conditional fund transfer shall be received in accordance with conditions as set out in the Sub-Decree on Unconditional Fund Transfer and Conditional Fund to each municipality and district.

5.3. Expense Management

5.3.1. Municipal and district administration shall implement their expenses in accordance and within the limitation of credit in the chapter, account and sub-account within the approved annual budget.

5.3.2. The process for expenses of the municipal and district administration shall follow the following steps:

- Promise of expense
- Budget clearing
- Mandate and

- Payment

The promise of expense, budget clearing, mandate and payment shall be implemented in accordance with provisions and procedures set out in the Instruction Circular on the Implementation of Payment System and Accounting Procedures of the Municipal and District Administration.

5.3.3. For payment of budget of a Sagnkat under a municipality, the municipality shall follow the Sub-Decree on Commune/Sangkat Financial Management System and instruction Prakas on Payment System and Accounting System of Commune/Sangkat except any provisions that are contrary to the Law on Financial Regime and Property Management for Sub-National Administrations. After the chief of Sangkat issue payment attached with relevant documents to the municipal accounting, the chief of Sangkat shall notify in writing regarding the release of payment to beneficiary and the municipal administration.

5.3.4. Provincial department of economy and finance shall conduct inspection after the promise of expense, budget clearing and payments by the municipal and district administration at the site by defined schedule. The governor of the municipal and district board of governor shall ensure that the inspector has sufficient authorities to review documents, financial statements, and achievements and make sure that there is full cooperation from staff members of the municipal and district administration.

5.4. Initial budget adjustment

Initial budget might be adjusted during the budget year due to modification in the expense and income credit based on the actual changes in economic, social and financial situations that impact the initial prediction of income or expenses or in response to immediate needs during the budget year.

5.4.1. In the initial budget adjustment, the municipal and district administration is entitled to:

- Reduce the planned expense credit in case the planned income is not achievable;
- Increase expense credit on planned activities or for new activities in case the actual income of the municipal and district administration has increased above the planned annual income;
- Move internal credit in the budget of the municipal and district administration from the current budget part to the capital budget part within the initial budget without causing any changes in the total amount of the initial budget;

5.4.2. Budget adjustment shall be implemented in the same way as the process of initial budget preparation. However, if it is a movement of credit to serve a necessary need in the budget implementation of municipal and district administration, this shall be done as follows:

- Regulation of credit from a sub-account to another or from one account to another within the budget of the municipal and district administration, the governor of a municipal and district board of governor shall request for approval and decision from the municipal and district council and send it to

the governor of the provincial board of governor, chief of department of economy and finance and chief of provincial treasury.

- Regulation of credit from one chapter to another within the budget of municipal and district administration, this requires recognition from the governor of the provincial board of governor along with the chief of department of economy and finance after being reviewed, approved and decided by the municipal and district council.

5.4.3. Governor of municipal and district board of governor shall provide documents regarding adjustment or regulation of credit in the budget of municipal and district administration to the governor of provincial board of governor, chief of department of economy and finance and chief of provincial treasury within 10 days at the latest after the adjustment or regulation is approved by the council.

5.5. Closing of Budget

At the end of a budget year, the governor of the municipal and district board of governor shall prepare to close the budget in order to submit to the municipal and district council for review and approval. The closing of budget shall be conducted as follows:

5.5.1. The municipal and district accountant shall prepare a draft report to close the annual budget.

The municipal and district accountant shall submit the draft to close the annual budget to the governor of the municipal and district board of governor.

The governor of the municipal and district board of governor shall ensure that the report to close annual budget is prepared before **15 February of the next year**.

5.5.2. At the end of a budget year, the governor of the municipal and district board of governor shall be responsible to match the financial report prepared by the municipal and district accountant with credit utilization monitoring document and income monitoring document managed by the administration and finance office of the municipal and district administration.

5.5.3. The chief of administration and finance office and the municipal and district accountant shall match their reports. In necessary cases, researches shall be conducted for discrepancies found between the budget accounting book managed by the administration and finance office of the municipal and district administration and the financial accounting book managed by the municipal and district accountant at the provincial treasury.

5.5.4. Governor of the municipal and district board of governor shall submit the report regarding closing of accounting book and detailed report on budget implementation to the board of governor meeting for review and comments prior to submitting it to the council for review and approval.

5.5.5. Governor of the municipal and district board of governor shall submit the report regarding closing of accounting book and detailed report on budget implementation to their council for review and approval within three months at the latest after the closing date of each budget year.

5.5.6. The governor of the municipal and district board of governor shall send the report regarding budget closing and decision regarding budget closing of the municipal and district council to the governor of the provincial board of governor and

department of economy and finance to verify legality and then the department of economy and finance shall aggregate it and send to the Ministry of Economy and Finance by 30 April of the next year at the latest.

5.5.7. Governor of the provincial board of governor shall notify in writing regarding the legality review to the governor of municipal and district board of governor within 20 days at the latest after receiving the decision regarding the budget closing from the governor of the municipal and district board of governor.

Provincial council, governor of the provincial board of governor, municipal and district council, governor of the municipal and district board of governor, Sangkat council, chief of Sangkat shall implement this instruction Prakas effectively from the date of signature.

Deputy Prime Minister

Minister of Economy and Finance

Keat Chhun

CC:

- Secretariat General of the Senate
- Secretariat General of the National Assembly
- Cabinet of Samdech Prime Minister
- National Committee for Sub-National Democratic Development
- Council of Ministers
- Ministry of Interior

"For information"

- Provincial Administration
- Municipal and District Administration
- Provincial Department of Economy and Finance
- Provincial Treasury

"For implementation"

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Kingdom of Cambodia

Nation Religion King

Ministry of Economy and Finance

No. 324 SHV PK

Inter-Ministrial Prakas

On

Procedure of the Establishement, 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, semi annually and annual procurements.

Sangkat administrations in the municipalities shall report to municipal administrations their monthly, quarterly, semi annually 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	**Minister of Economy and Finance**
Sar Kheng	**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 Minister
- Secretariat of National Committee for Sub-national Democratic Development (NCDD-S)
- As Article 23
- Archives

Kingdom of Cambodia

Nation Religion King

Ministry of Economy and Finance

No. 002 SHV.RLS

GUIDELINES

on

METHODS AND PROCEDURES OF MUNICIPALITY, DISTRICT, KHAN PROCUREMENT

With reference to Law on Administrative Management of Capital, Municipality, District, Khan (Article 136 and 137) promulgated by Royal Kram No. NS/RKM/0508/017 dated 24 May 2008, Law on Public Procurement promulgated by Royal Kram No. NS/RKM/0112/004 dated 14 January 2012, Law on Financial Regime and Asset Management of Sub-national Administration promulgated by Royal Kram No. NS/RKM/0611/011 dated 17 June 2011, Sub Decree No. 172 ANK.BK dated 9 October 2012 on Financial System Management of Municipal, District Administration and Inter-Ministerial Prakas between Ministry of Economy and Finance and Ministry of Interior No. 324 SHV.PK dated 1 April 2013 on Procedures of Establishment, Organization and Functioning of Procurement Committee and Procurement Entity of Capital, Province, Municipality, District, Khan Administration; Ministry of Economy and Finance hereby issues the following guidelines on procurement methods and procedures of Municipality, District, Khan Administration:

1. General Principles

1.1. Definition of Technical Glossary in Procurement

Technical Glossaries for the purpose of these provisions have meaning as follows:

Procurement Proposal	Refers to bidding documents and other annexes as required by bidding documents of which submitted by bidders to the institution in charge of procurement for the purpose of supplying goods, civil works, services delivery or consultant services.
Bid Security	is secured money deposited by bidder before taking part in the bid to ensure that the win bidder will accept and contracting with Municipality, District Khan administration in accordance with the timeframe as

	specified by contract awarding notice.
Bidder	refers to natural or legal person who wish to engage in procurement of Municipality, District, Khan administration by submitting bid proposal or expression of interest.
Bid	refers to procurement process where bid proposals are submitted, accepted and evaluated for purpose of contract awarding.
Bidding Documents	refers to documents prepared by Procurement Entity and firstly provided to bidders to use for preparing bid proposals. These documents includes bid application form, calling for bid, request to submission of proposal, invitation to determination of prequalification, guidelines for bidders, technical specifications, scope of work, terms of references (ToR) and contract terms and conditions.
Consultant	refers to individual consultant or consultancy firm specialized in delivery of intellectual services.
Consultant Service	refers to expertise service delivered by consultancy firm or individual consultant in relation to any projects or for institutional or capacity development.
Contract	is an agreement between Municipality, District, Khan administration and suppliers, contractors, service providers or consultants to supply goods, perform civil works, deliver services or consultant services.
Performance Security	is a sum of secured money deposited by win bidder to ensure its obligations performance in accordance with contract terms and conditions. This secured amount of money shall be retained by Municipality, District, Khan administration in the event that the bidder fails to fulfill its obligations as the contract terms and conditions.
Goods	refers to liquid, solid things or gas with value and economic interest such as machinery, equipment, materials, food medical supplies, and other products including electricity.
Civil work	refers to any activities related to construction, maintenance, renovation, assembling, excavation works and similar works which utilized workforce, machinery, equipment and technology.
Procurement	refers to purchase or acquiring of goods, civil works, services or consultant services through methods as specified by this provisions.

Procurement Process	refers to procurement process starting from the date of preparing bidding documents until receiving of goods, civil works, services or consultant services.
Service	refers to activities related to the utilization of workforce, equipment or technology which bring benefit to Municipality, District, Khan administration excluded civil works and consultant services.
Utilizing Entity	is entity or office of Municipality, District, Khan administration who propose for procurement.

1.2. General Principles of Procurement Act

Municipality, District, Khan Administration shall implement the procurement of goods, civil works, services or consultant services in accordance with the following principles:

1.2.1. Transparency

- The methods and procedures of Municipality, District, Khan procurement shall be publicly announced by all means of communication as possible;
- The procurement shall be done in the open and clearly manner to enable citizens and relevant stakeholders be aware the procurement process and procedures;
- Bidding information shall be widely announced;
- In all cases and circumstances, the procurement shall be done in compliance with standard bidding documents and contracts;
- The result of the bid shall be made publicly available;
- Procurement Committee may invite citizen representatives and/or relevant stakeholders to attend as an observer at every stages or each of any stages of procurement as possible;
- At every stage, the procurement shall be clearly recorded. The records and related documents shall be properly maintained, and made accessible for public and relevant stakeholders upon demand.

1.2.2. Accountability

- Roles, duties and obligations of the committee, entity, officers and personnel of Municipality, District, Khan administration shall be clearly determined;
- Responsibilities and reporting system of procurement shall be clearly established, and procurement related officers shall have a good understanding about the responsibilities and reporting system;
- Procurement act shall be documented and properly maintained in order to facilitate the auditing and evaluation of the Municipality, District, Khan procurement performance.

1.2.3. Equality

- Suppliers, contractors and service providers or consultants who are eligible to take part in the bidding shall be under the equal, competitive and fair treatment.
- All bidding documents shall be systematically evaluated based on criteria as specified by the bidding documents.

1.2.4. Effectiveness

- The procurement shall be conducted in accordance with the public procurement related laws, rules and regulations enforced;
- The procurement of goods, civil works and services or consultant services shall base on the proper bidding documents, consultation fees and fees survey documents, especially the accurate technical specifications, quality and quantity standard;
- The procurement shall be conducted in accordance with the timeframe and procurement plan.

1.2.5. Economy

- The Municipality, District, Khan administration shall try to conduct the procurement of goods, civil works, services or consultant services based on requirement, timeframe and reasonable cost;
- The quality of the goods, civil works and services or consultant services meet with the technical specifications, standard and fee rate;
- In order to ensure the economy, the following factors should take into account:
  - Bidding price;
  - Environmental impacts;
  - Risk in contract performance caused by the insufficient experience or resources of the bidder which lead to failure of fulfillment of obligations;
  - The appropriateness of the goods, civil works or services;
  - The expiry date of the good, civil works or services;
  - Expenditure for the operation, maintenance and services delivery;
  - Delivery and acceptance timeframe;
  - Cost of outward freight;
  - Cost of stocks;
  - Procurement Timeframe.

1.2.6. Integrity

- The procurement shall conducted in a proper way and good faith with code of conduct showing the high integrity to ensure the public interest;
- All relevant stakeholders in the procurement process shall not involve with any corruption, accessory, fraud or force;
- Person involves in the procurement process shall declare and disclose the conflict of interest prior taking part in the evaluation of the bidding or consultation fees or fees survey.

1.2.7. Competitiveness

- A maximum number of bidders shall attend the bid;

- The procurement process shall be conducted through bid in an open competitive way unless otherwise specified by the Law on Public Procurement;
- An equal competitive among participants shall be ensured in the procurement process, and no influence from any bidders on the outcome of the bid.

2. Roles and Duties

2.1. Municipal, District, Khan Council

The Municipal, District, Khan Council shall have roles and duties as follows:

- Establish Procurement Committee;
- Review and approve draft annual procurement plan;
- Ask Procurement Committee to reporting on the implementation of procurement;
- Approve monthly, quarterly, semester and annual procurement report;
- Take coordination measures to resolve claims, disputes arising during the various stages of procurement of which cannot be solved by the committee.

2.2. Municipal, District, Khan Governor of Board of Governors

Municipal, District, Khan Governor of Board of Governors shall be responsible as follows:

- Be responsible for the overall implementation of procurement;
- Ensure that the annual procurement plan is developed and updated as necessary, and all the procurement processes are implemented in accordance with the plan;
- Call for meeting and chair the Procurement Committee meeting;
- Ensure that there are sufficient officers and personnel work for the Procurement Entity;
- Give notice on decision of contacting;
- Ensure that there are investigations on any complains;
- Ensure that the contract performance is in accordance with contract terms and conditions.

2.3. Municipality, District, Khan Procurement Committee

Municipality, District, Khan Procurement Committee shall be responsible as follows:

- Firmly follow the procurement code of conduct;
- Review and provide suggestion on draft annual procurement plan developed by Procurement Entity in order to submit to the council for review and approval before submission to Capital, Provincial Department of Economy and Finance for review and approval;
- Direct Procurement Entity to properly implement as plan;
- Hold meeting to set up prequalification for complex procurement process;

- Review the amount of money of each procurement package prior the commencement of procurement process;
- Review and endorse bidding documents within its authorization;
- Hold meeting to open bid proposal, consultation fees and fees survey or negotiation;
- Monitor and evaluate the qualification of the bid winner prior contract awarding;
- Give notice on contract awarding to the bid winner and copy to all the bid losers;
- Direct the Municipal, District, Khan Procurement Entity to announce the outcome of the open bid;
- Report about the procurement process to the council during the ordinary or extraordinary meeting as necessary and as required by the council;
- Submit monthly, quarterly, semester and annually procurement implementation report to Department of Economy and Finance after it is approved by the council;
- Resolve procurement related complains fall under its jurisdiction.

2.4. Municipal, District, Khan Procurement Entity

Municipal, District, Khan Procurement Entity shall be responsible as follows:

- Develop annual procurement plan and amended procurement plan as necessary;
- Prepare bidding documents for each type of procurement based on template bidding documents as determined by Ministry of Economy and Finance;
- Prepare and make announcement of notice on each procurement;
- Sell or provide bidding application forms;
- Receive bid proposals and provide explanation to bidders in the event of any procurement related inquiries;
- Keep and maintain bid proposals properly and safely, and manage all relevant documents prior to opening of the bid proposals;
- Arrange venue for opening of bid proposals;
- Publicly open bid proposals under the control of Procurement Committee of Municipality, District, Khan administration;
- Prepare report or minutes on opening of bid proposals;
- Facilitate the evaluation of the bid proposal technical specification;
- Answer inquiries related to the bid evaluation report;
- Submit contract awarding notice to the bid winner and copy to all the bid losers;
- Prepare draft contract as in accordance with determined contract standard;
- Announce the outcome of the open bid;
- In cooperation with technical and other relevant specialized officers, follow up the contract performance;
- Prepare monthly, quarterly, semester and annual procurement implementation report;

2.5. Utilizing Entity

Utilizing Entity is an office of Municipality, District, Khan administration in charge of implementation of specific activities as specified by the procurement and annual budget plan. This entity has duties as follows:

- Prepare and submit procurement request to the Procurement Entity for incorporating into draft annual procurement plan of the Municipality, District, Khan administration;
- Prepare technical specifications and terms of reference (ToR);
- Provide additional explanation on its procurement request to Procurement Committee;
- In cooperation with Procurement Entity, monitor contract performance to especially ensure the quality and quantity control of civil works, goods and services as specified by the contract terms and conditions prior payment;
- Report to the Procurement Entity any failures of performance of the contract terms and conditions;
- Request the Procurement Entity for adjustment of contract.

2.6. Contractors and Suppliers

Goods suppliers (refer to as Suppliers), contractors, services providers (refer to as providers) and consultant services providers (refer to as consultant) have duties as follows:

- Take part in the competitive bid without accessory, fraud, force and corruption;
- Follow properly the contract terms and conditions;

2.7. Sub-Contractors or Sub-Suppliers

Subcontracting of the whole contract is not allowed. The lead suppliers, contractors, service providers may subcontract to sub suppliers, subcontractors, sub-service providers, to implement any parts of the contract if there is consent from the employer. The sub supplier, subcontractors, sub-service providers shall conclude contract with the lead suppliers, contractors, service providers rather than with the employer. In the event that sub suppliers, subcontractors, sub-service providers cause any mistakes; the lead suppliers, contractors, service providers shall be wholly liable by guaranteeing that those mistakes shall be justified. The employer shall not directly resolve any matters with the sub suppliers, subcontractors, sub-service providers.

For the civil works related contract, the lead contractors, with prior consent from the employer, may partly subcontract to subcontractors where the cost shall not exceed forty (40%) percent of the value of contract. The subcontractor shall be the one in the list of contractors matched with the concluded contract.

2.8. Capital Provincial Department of Economy and Finance

Capital, Provincial Department of Economy and Finance with delegated power from Ministry of Economy and Finance shall have duties as follows:

- Review and approve procurement plan of Municipality, District, Khan administration;
- Review and approve procurement process of Municipality, District, Khan administration fall under the jurisdiction of Ministry of Economy and Finance;
- Collect monthly, quarterly, semester, and annual procurement implementation report of Municipality, District, Khan Administration, and submit a conclusion report to the General Department of Public Procurement.

3. Procurement Plan

3.1. Purpose

The development of procurement plan is to promote and enhance budget management mechanism of Municipality, District, Khan administration with transparency, accountability, effectiveness and economy in order increase the confidentiality in budget management of the Municipality, District, Khan administration.

3.2. Procurement Plan Development Principles

- Municipality, District, Khan administration shall develop their annual procurement plan and submit to Capital, Provincial Department of Economy and Finance for review and approval no later than 31 December of fiscal year;
- Procurement plan shall include any procurement plans of civil works, goods, services and consultant services, local development activities and general administration operation planned by the Municipality, District, Khan Administration for implementation in the next fiscal year;
- Procurement plan shall consist of the following key information:
  - Items description or project name;
  - Utilizing Entity;
  - Estimated cost;
  - Procurement methods;
  - Timeframe for each step of the procurement process;
  - Budget for settlement at each quarter.

3.3. Development of Procurement Plan

In order to develop a clear, complete and reliable procurement plan, the Procurement Entity shall take into consideration the following key tasks:

- Use the development and investment plan, and annual budget of Municipality, District, Khan administration as a basis for the development of annual procurement plan;
- Collect needs or projects as reflected in the annual budget plan including goods, civil works, services and consultant services;
- Study the technical specifications of the goods, civil works, services, work conditions and other necessary specification of each procurement item which is an important part of the bidding documents to gain wider competitive;

- Collect the needs of goods, civil works, services and consultant services which fall under the same or similar category and technical specifications or serve for the same purpose or use for the same time known as collective procurement. Collective procurement is a collection of goods, civil works, services or consultant services having the same or similar technical specifications, grouping into one category for one procurement;
- Use the market price as a basis for estimating unit cost, total cost and total cost for one procurement item or one collective procurement or one package procurement or one project at each procurement process;
- Determine a proper procurement method based the total cost and complex technical specifications of each project or procurement item;
- Analyze and set up timeframe for each step of the procurement process related to each project.

The processes of development of procurement plan are as follows:

- Utilizing Entity shall prepare and submit procurement proposal, technical specifications and terms of reference to the Procurement Entity;
- Procurement Entity shall conclude the procurement proposal for development of draft annual procurement plan of Municipality, District, Khan Administration, and submit this together with an modified procurement plan if necessary to the Procurement Committee for review and comments;
- Procurement Committee shall hold meeting to review and comment on the procurement plan prior submission to the council for review and approval;
- The council shall hold meeting to review and approve the draft procurement plan before submission to the Capital, Provincial Department of Economy and Finance for review and approval;
- Capital, Provincial Department of Economy and Finance shall review and approve the draft within five (05) working days after receiving the draft from the Municipality, District, Khan Administration.

3.4. Implementation Plan

- Municipality, District, Khan administration may request for modification of their procurement plan if necessary. It is required, in case of any modifications, to have adequate supporting documents confirming the credit flow for the expenditure of each modified procurement item including but not limited to declaration of additional credit or regular credit. The modification of procurement plan due to inadequate timeframe for the procurement process or rearrangement of the procurement process which already took place shall be prohibited.
- Procurement Entity shall monitor and report the implementation of procurement to the Procurement Committee.
- Procurement Committee, after monthly, quarterly, semester, and annual procurement implementation report is being approved by their council, shall submit it to the Capital, Provincial Department of Economy and Finance.

4. Procurement Categories and Methods

4.1. Procurement Categories

The procurement categories of Municipality, District, Khan Administration are:

- Procurement of goods;
- Procurement of civil works;
- Procurement of services; and
- Procurement of consultant services

4.2. Procurement Methods

The methods for procurement of goods, civil works and services of Municipality, District, Khan administration are:

- **Open competitive bidding method:**
  - International competitive bidding;
  - Domestic competitive bidding;
- **Other competitive bidding method:**
  - Limited bidding;
  - Consultation Fees;
  - Canvassing
- **Other methods of procurement process**
  - Direct contracting;
  - Subcontracting;
  - Contracting with specialized state institution;
  - Contracting with community;

4.2.1. International Competitive Bidding

The international competitive bidding shall imply the following circumstances:

- Applying on the procurement item with the amount of money as specified by Prakas of Minister of Economy and Finance;
- Announcement is being made through media in national and foreign language for which subsequently published within at least two (02) years. This announcement shall last no later than sixty (60) days prior the opening of bid proposals;
- Bid security is required of which its value shall not less than two percent (02%) of the total bid value;
- There are at least three (03) bid proposals. These proposals shall be valid not later than sixty (60) days after the date of meeting for opening of bid proposals.

4.2.2. Domestic Competitive Bidding

The domestic competitive bidding shall imply the following circumstances:

- Procurement item with the amount of money as specified by Prakas of Minister of Economy and Finance;
- Announcement shall be made though media in national and foreign language for which subsequently published within at least two (02) years. This announcement shall last no later than thirty (30) days prior the opening of bid proposals;
- Bid security is required of which its value shall not less than two percent (02%) of the total bid value;

- There are at least three (03) bid proposals. These proposals shall be valid not later than sixty (60) days after the date of meeting for opening of bid proposals.

4.2.3. Limited Bidding

This method shall imply the following circumstances:

- Procurement items which have complex technical specifications or cannot prepare technique in advance or there are few qualified bidders, and have the amount of money as specified by Prakas of Minster of Economy and Finance;
- Invitation to bid is made to at least three (03) bidders or an announcement is made through at least two (02) national media with widely circulation. This announcement shall be last for no less than sixty (60) days prior the opening of bid proposals;
- There is deposit guarantee letter to secure the bidding of which its value shall not less than two percent (02%) of the total bidding price;
- There are at least three (03) bidding proposals. These proposals shall be valid not later than sixty (60) days after the date of meeting for opening of bidding proposal.

4.2.4. Consultation Fees

This method shall imply the following circumstances:

- Procurement items with the amount of money as specified by Prakas of Minister of Economy and Finance;
- Publicly announced though media in national language for which subsequently published within at least two (02) years. This announcement shall last no later than thirty (30) days prior the opening of proposal for consultation fees;
- Bid security is required of which its value shall not less than two percent (02%) of the total bid value;
- There are at least three (03) consultation fees proposals. These proposals shall be valid not later than thirty (30) days after the date of meeting for opening of consultation fees proposals.

4.2.5. Canvassing

This method shall imply the following circumstances:

- Procurement items with the amount of money as speecified by Prakas of Minister of Economy and Finance;
- Announcement and bid security is not required;
- At least three (03) goods suppliers or civil works contractors or services providers are selected and invited to submit quotations through letter or facsimile;
- The invitation to submit the quotations shall not less than seven (07) days;
- The canvassing proposal shall be valid within thirty (30) days after the date of opening of canvassing.

4.2.6. Direct Contracting

Direct contracting is a procurement method where cost and technical negotiation with goods suppliers or civil works contactors or services providers is required for the following circumstances:

- Procurement items have only one source;
- Procurement items was already conducted through open competitive bid, and they are urgent needs, and there is insufficient time for second open competitive bid;
- The second open competitive bid is unsuccessful;
- There is urgent needs during the time of natural disaster or other emergency, and it is not possible to apply other method due to time constrain;
- For research, experiencing or development purpose.

The direct contracting is applicable unless there is prior consent from the Department of Economy and Finance who shall give its consent or objection no less than five (05) working days after receiving the proposal from the Municipality, District, Khan Administration.

Announcements or submission of bid security is not required for this method; nevertheless, performance security is required.

4.2.7. Contract Renewal

It is a method where a direct negotiation of cost and technique with supplier of goods, civil work contractor or services provider is required for the following circumstances:

- The items are the same as those in the initial contract awarded through the bid;
- Its duration shall not exceed six (06) months after the initial contract entered into force, and be in the same fiscal year;
- Unit cost is equal or lower than the unit cost as specified by the initial contract;
- The total cost shall not exceed twenty five percent (25%) of the initial contract.

Contract renewal is applicable unless there is prior consent from the Department of Economy and Finance who shall give its consent or objection no later than five (05) days after receiving proposal from the Municipality, Disitrict, Khan Administration.

Announcements or submission of bid security is not required for this method; nevertheless, performance security is required.

4.2.8. Contracting with State Specialized Institution

This is a method which requires a direct negotiation of cost and technique with any state specialized agencies that have adequate machineries, equipment, materials and work force. This method is applicable for the following cases:

- The scope of work cannot be predicted in advance;

- The scope of work is small or the location and geographical area is not favorable or remote which is less interesting for companies to bid;
- Additional work is necessary to avoid possible delay of the existing work being operated by private contractor;
- There is natural disaster or requirement for immediate intervention.

Contracting with the state specialized institution is applicable unless there is consent from the Department of Economy and Finance. This department shall provide its consent or objection no later than five (05) working days after receiving the proposal from the Municipality, District, Khan Administration.

Announcements or submission of bid and performance security are not required for this method; however, a deduction of ten percent (10%) of payment subject to be paid at each phase is required.

4.2.9. Contracting with Community

This method is applied to encourage local community to contribute to the community development by utilizing their local work force, knowledge and materials.

This method shall apply for the following circumstances:

- Increase utilizing local labour, knowledge and materials for contribution to the community development;
- Create jobs for local community and promote community ownership;
- Develop skills and capacity for community in contract performance.

Contracting with community is applicable unless there is consent from the Department of Economy and Finance. This department shall provide its consent or objection no later than five (05) working days after receiving the proposal from the Municipality, District, Khan Administration.

Announcements or submission of bid or performance security is not required for this method; however, a deduction of ten percent (10%) of payment subject to be settled at each phase is required.

4.3. Procurement of Consultant Services

This procurement shall apply for selection consultant to provide expertise in project development, contract performance or institutional development. This method includes:

- Quality based selection;
- Quality and cost based selection;
- Budget limit based selection;
- Lowest cost based selection;
- Direct negotiation based selection;
- Merit based selection.

4.3.1. Quality based selection

This method is applicable for the selection of consultant when the Municipality, District, Khan Administration needs a number of consultants who relevance at the same time with main focus on the quality level of the services without taking into consideration their cost. This method is suitable for the following categories of consultant services:

- Complex consultant services or technical specifications in setting up terms of reference which required high initiative assistance from consultant;
- The consultant service has a long term impact, and aims at seeking for an excellent technical expert;
- The consultant service may be utilized in different ways where this type of proposal is incomparable.

4.3.2. Quality and Cost based Selection

This method is applicable for selection of consultant when Municipality, District, Khan Administration needs to balance either technical quality or cost of the services.

4.3.3. Budget Limitation based Selection

This method is used for the selection of consultant when the Municipality, District, Khan Administration has limited budget for certain objectives. The Municipality, District, Khan Administration shall clearly specify the budget available to enable the consultants to raise their proposal that matches with the budget.

4.3.4. Lowest Cost based Selection

This method is used for selection of consultants when the Municipality, District, Khan administration needs of consultant service based on competitive cost. This method is suitable for the following services:

- Standard services (general standard);
- Professional standard services;
- Consultant qualifications are expected to deliver an equal quality services.

4.3.5. Selection based on direct negotiation

This method is used for the selection of consultant in special circumstances as follows:

- Work remains from previously which is required to fulfill by the consultant;
- Most urgent case which is required immediate action;
- There is only one qualified and experience consultant.

4.3.6. Merit based selection

This method is used for the selection of individual consultant based on knowledge, level of professional skills, experience and other relevant skills.

5. Procurement Procedures

5.1. Procedures of Procurement of Goods, Civil Works and Services

5.1.1. Open Competitive Bid

a. Identification of qualification of eligible bidder

Eligible bidders are those whose name listed in a list of eligibility acknowledgement. The list of bidders shall be developed by the Department of Economy and Finance.

Municipality, District, Khan administration shall fairly and equally provide opportunity to bidders whose name are the list to attend all procurement processes of the Municipality, District, Khan excluded those are in a black list or prohibited by court.

b. Steps of Open Competitive Bid

The open competitive bid shall have the following steps:

Step		Activity
1	Preparation of bidding documents	• Verify procurement items to ensure the proposed items exist in the procurement and budget plan; • Prepare details technical specifications as required; • Prepare bidding documents; • Request for endorsement on the bidding documents in advance from the Department of Economy and Finance as required.
2	Notice on bid and sale of bidding documents	• Make announcement of bid or prequalification through available communication means such as information board or stand, website of Municipality, District, Khan administration (if available), procurement website, newspaper and other means (if possible); • Upload bidding documents on website of Municipality, District, Khan administration (if available) and public procurement website; • Produce adequate bidding documents; • Sell bidding documents to bidders in equal manner; • Provide written response to all bidders inquiries; • Arrange meeting before the closing date for application if necessary to make clarification of any inquiries of bidders;
3	Acceptance and filling of bid proposals	• Accept bid proposals at the date specified by notice for bid; • Record received bid proposals with clear date

		of receiving; • Filling the bid proposals at a safe place until the date of penning of bid.
4	Opening of bid proposals	• Call for Procurement Committee meeting with presence of bidders and other relevant stakeholders to open the bidding proposals; • Immediately open the bid after the closing date for application; • Prepare minutes of the meeting
5	Evaluation of bid proposals	• Call for Procurement Committee meeting; • Evaluate bid proposals based on the meeting minutes of opening of bid and criteria specified by the bidding documents; • Provide recommendations on contract awarding to any bidder whose bid proposal is suitable and lower price; • Prepare minutes of the meeting.
6	Checking and Evaluation of post qualification	• Check and verify the legal, technical and financial requirement of the first leading bidder; • Give notice to the first leading bidder in the event that the bidder found unqualified after checking and evaluation of post qualification; • Give some times for this first leading unqualified bidder to complain against the notice; • Check and verify the validity and accuracy of bidding related documents submitted by the subsequence leading bidders in case the first leading bidder is unqualified; • In the event that there is no any leading bidders meet the post qualification, the Procurement Committee shall announce that “the bidding is fails”, and shall prepare bidding proposals and make an announcement for the second time.
7	Contract awarding	• Municipality, District, Khan governor shall give notice on contract awarding to the bid winner; • Send the notice on contact awarding to all bid losers, post it on the information board, and upload to public procurement website, and website of the Municipality, District, Khan administration (if available); • Accept and verify documents on performance security provided by the bid winner.

8	Contracting	• Municipality, District, Khan governor and bid winner shall sign off the contract
9	Contract Performance	• Municipality, District, Khan administration shall have obligations in management and oversight contract performance; • Contractor or supplier shall have obligations in performance of contact in accordance with its terms and conditions; • Amend the contract if necessary; • Final delivery and acceptance (goods, civil works or services);

c. Descriptions of Goods, Civil Works and Services

- Municipality, District, Khan Procurement Entity shall ensure that there is details and clear description of technical specifications of goods, civil works or services for a basis in the preparation of bidding documents and contraction execution.
- Description of goods shall specify in details its technical conditions and cost (details estimated cost).
- Description of civil works shall have the following three (03) consistent documents:
  - Technical design;
  - Details description of technical specifications;
  - Quotations (details estimated cost)
- Description of Services can be a details description or terms of reference.

d. Preparation of bidding documents

- Municipality, District, Khan Procurement Entity shall prepare bidding documents to submit to the Municipality, District, Khan Procurement Committee for review and approval.
- Municipality, District, Khan governor shall submit the bidding documents to Department of Economy and Finance for endorsement for the case of procurements subject to review and approve by Ministry of Economy and Finance.
- The bidding documents aim to provide any necessary information to the bidders to enable them to prepare a complete bidding proposal. Those documents are:
  - Instruction for bidder;
  - Contract terms and conditions;
  - Details description of technical specifications;
  - Technical or sample design or catalog;
  - Bidding application form;
  - Quotation or form of price schedule;
  - Declaration of procurement code of conduct

- Guidelines for bidder shall consist the following key information:
  - Items description (goods, civil works, services);
  - Description of how to fill in the bidding documents;
  - Category and classification of eligible bidder;
  - Criteria for determination of qualification and evaluation;
  - Term of contract;
  - Payment schedule;
  - Place and time where bidder can collect the bidding documents;
  - Fee of bidding documents;
  - Date, time and place for lodging documents and open bid proposals;
  - Description of process of lodging, opening and evaluation of bidding proposal;
  - Determination of post qualification of the leading bidder;
  - Bid security;
  - Performance security;
  - Validity of bidding proposal;
  - Description of process of clarification and modification of bidding proposal;
  - Rights to modify the quantity outcome of contract.
- **Contract terms and conditions** are the details conditions subject to be executed under a contract including the obligations of parties to the contract and resolution of issues or disputes arising from the parties to the contract.
- **Criteria for determination of qualification and evaluation** define the specification of pre and post qualification of bidders and the evaluation of the bidding proposal.
- **Technical design** is a design reflects the size and shape of the civil works acquired by Municipality, District Khan administration.
- **Details description of technical specifications** is a description of the technical conditions and standard that ensures the quality of the civil works, goods and services acquired by Municipality, District Khan administration.
- **Bidding application form** is a form used by bidders to apply for bid.
- **Quotation or form of price schedule** is a form used by bidders to describe the works, goods and materials, and its quantity.
- **Procurement code of conduct** is a details description of code of conduct which bidders, Procurement Committee and other relevant stakeholders need to be aware of, and implement with good faith during the procurement process.

e. Setting up prequalification of bidders

- Prequalification of bidders shall be set up before the commencement of procurement process. This prequalification is applicable only for project with complex technical specifications.
- Municipality, District, Khan Procurement Committee shall check the qualification of all bidders who respond the notice on prequalification check to determine whether or not their qualification match with the criteria specified by the bidding documents. Municipality, District,

Khan Administration shall then prepare a list of bidders whose qualification are matched with the criteria and invite them to submit their bidding proposal.

f. Notice for Bid

- Procurement Entity shall prepare notice for bid for Municipal, District, Khan governor review and signature. This notice shall be publicly announced for not less than sixty (60) days for the international competitive bid and not less than thirty (30) days for domestic competitive bid before the date of opening of bid, and shall post on the information board or stand, website of the Municipality, District, Khan administration (if available), public procurement website, newspaper and other means of announcement (if possible). This notice shall include the following key information:
  - Description of category and quantity of goods, civil works, renovation works or services;
  - Total estimated cost;
  - Name, address, email, telephone, and fax of Procurement Entity;
  - Procurement method applied;
  - Qualification or prequalification;
  - Date, time and place sale, receiving and opening of bidding or prequalification documents;
  - Fee of bidding documents;
  - Confirmation of requirement of bid and performance security.
- Procurement Entity shall:
  - Produce sufficient bidding documents;
  - Make an announcement or uploading of bidding documents on the information board or stand, website of Municipality, District, Khan administration (if available), public procurement website, newspaper and other means of announcement (if possible);
  - Record name of all bidders;
  - Record all inquiries related to the bid;
  - Provide written answers on bid related inquiries, and share them with all bidders, and attach them to annex of the bidding documents;
  - Municipality, District, Khan administration may, for the civil works contract, arrange a meeting before opening of bid to enable the bidders aware of the technical specifications, contract terms and conditions, and project location.
  - Submission and maintenance of bidding documents shall be made as follows:
  - Bidder shall prepare three (03) copies of bidding documents (one original, and two photo copies). In case of conflict between the original and photo copy, the original copy shall prevail.
  - Bidder shall submit the original bidding proposal in an envelope sealing and marking "**Original Copy**", and the two photo copies in two different envelopes marking "**Photo Copy**". The three envelopes shall put together in one big sealed envelope.
  - Bidder shall mark the three envelopes side and outside the following information:
    - ✓ Name of Municipality, District, Khan administration;

- ✓ Name and code number of the project;
- ✓ Name and address of the bidder;
- ✓ "**Open before the date and time of opening of bid is prohibited**".

- Bidder shall deliver the envelope to the Procurement Entity at the time and place as specified by the notice for bid.
- The Procurement Entity shall accept the bid proposal and issue a receipt to bidder of which specify the number, and date and time of the receiving. The Procurement Entity shall reject any bid proposal envelope without proper sealing and marking.
- The Procurement Entity shall keep the bidding proposals in a locker. This locker shall be maintained in a safety place.
- The key of the locker shall be kept by chief of the Procurement Entity.
- The locker shall be locked until an official time for opening of bidding proposals.
- Any bidding proposals submitted later than the closing date for the application shall not be considered, and shall be returned to bidders. Opening of these bidding proposals is prohibited.

- Modification and withdrawal of bidding proposal
  - Bidder may modify and/or withdraw the bid proposal by giving written notice to the Municipality, District, Khan Procurement Entity prior the losing date for application. The notice shall put in an envelope sealing and marking as follows:
    - ✓ "**Modification of bidding proposal**" or "**Withdrawal bidding proposal**";
    - ✓ Name of Municipality, District, Khan administration;
    - ✓ Name and code number of the project;
    - ✓ Name and address of the bidder;
  - Withdrawing bid proposal after the closing date for application and during the period of validity of the bid is prohibited. In the event that the withdrawing is made in any case above, the bid security shall be retained and paid to the revenue of the concerned Municipality, District, Khan administration.
  - The bid proposal is not allowed to make any modifications after the closing date for application.

g. Opening of Bid

- Meeting for opening of bid is an open meeting. The Procurement Committee shall convince the meeting in accordance with the scheduled date and time. The meeting can be convinced unless more than half of the members of the Procurement Committee are present in the meeting.
- The process of opening of bid shall be done as follows:
  - Chairperson of the Procurement Committee shall officially announce the open bid and key principles of the bid;
  - Bidders or their representatives, citizens and relevant stakeholders shall be invited to this opening of bid meeting. The meeting is still able to convince although in the absence of some or all bidders.

- Chairperson of the Procurement Committee shall open the envelopes in front of members of committee and participants;
- The envelopes shall be properly checked and ensure that they are in original condition;
- The envelopes shall be counted and put in front of the Procurement Committee to enable all participants clearly see them;
- Bidders are not allowed to make any modifications or submission of any additional documents during the opening of bid;
- Name of bidders, name of companies, value of bids and amount of bid security shall be announced and recorded on a blackboard when open bid;
- Bidders shall confirm the accuracy of information is being announced and recorded it when it relevant to their bids. The bidders may complain if their bids is not opened or any irregularities are found;
- Members of the Procurement Committee whose presence in the meeting shall make initial signature on each bids opened;
- Secretary of the Procurement Committee, before closing of bid, shall show the box used for keeping envelopes to the meeting;
- Secretary of the Procurement Committee shall prepare minutes of the meeting with signature of committee members who are present in the meeting. The minutes shall be copied to all bidders and participants.

- In the event that there are less than three bids are received during the first open bid, the Procurement Committee shall not open the bid and shall return them to the bidders. In this case an announcement "**The bids is fails**" shall be made, and another bid shall be rearranged.
- For the rearrangement of the bid, the Procurement Committee shall open bid at the planned date without bearing to the number of bid proposal received.

h. Evaluation of Bids

- Meeting for evaluation of bid is a closed meeting. This meeting can be convinced unless there are more than half of the Procurement Committee members are present.
- All presence members of the committee shall sign off a declaration of code of conduct before starting the evaluation process.
- The committee shall monitor and evaluate the bids one-by-one. Criteria and conditions as specified by the bidding documents, information on objection, and minutes on opening of bid are the basis for the evaluation.
- Chairperson of the committee may invite experts related to the procurement items to comment.
- The evaluation has three steps as follows:
  - Preliminary check;
  - Technical evaluation;
  - Financial evaluation.

- Preliminary check is a step to screen for invalid and valid bids. Invalid bids are bids with incomplete conditions or do not match with the requirement of bidding documents. These kinds of bids shall not be considered for next steps. Valid bids are:
  - bids submitted by eligible bidders;
  - bids that correctly and completely fulfill the requirements of the bidding documents;
  - bids correctly used the bidding documents issued by Procurement Entity;
  - bids with proper signatures;
  - bids attached with documents concerning the bid security, and correct amount of security as required.
- **Technical Evaluation** is a step to determine bids that match with technical conditions as specified by bidding documents. In this step, the Procurement Committee shall:
  - Carefully check and evaluate the fulfillment of all valid bids with the technical specifications;
  - Check samples, and record the result of the check (if necessary);
  - Reject bids that are not fulfill with the technical specifications as specified by bidding documents. Any bids rejected shall not be considered for next steps.
- **Financial Evaluation** is a step to check and evaluate quotation of the dvalid and technically fulfilled bids. In this evaluation, the Procurement Committee shall:
  - Carefully check the accuracy of arithmetical to ensure (1) number of unit, (2) unit cost, (3) total cost of each item which is the result of multiplication of unit number and unit price, and (4) total cost which is the result of arithmetical sum of total cost of each item.
  - Verify total cost in number and in words;
  - Justification of arithmetical:
    - ✓ If the unit cost is decimal number with wrong kabiet, the total cost of each item is an official cost;
    - ✓ If the unit cost of any items is not filled in the financial proposal, the highest Entity price of the same item offered by any bidders shall be extracted. Then calculate the total cost of that item.
    - ✓ If the total cost of each item is different from the multiplication of unit cost and unit number, the unit cost shall be used as an official cost for calculation.
    - ✓ If the total cost is different from the subtotal of each item, the total cost of each item shall be officially used for calculation of the total cost.
    - ✓ If the total cost in number is different from in word, the correct total cost in word or in number shall be officially used for the bid.
  - Bidders shall accept the arithmetical justification made by the Procurement Committee.

- The Procurement Committee, after the evaluation, shall classify the bids in accordance with the total price of the bids with bottom-up order, identify leading bidders subject to be checked, and evaluate post qualification.
- The Procurement Committee, at the end of evaluation, shall prepare an evaluation report signed by all committee members who are present in the meeting.

i. Checking and Evaluation of Post Qualification of Leading Bidders

- The Procurement Committee shall check and evaluate the post qualification of the leading bidders within ten (10) working days after the bid evaluation meeting starting from the first leading bidder.
- The check and evaluation of post qualification of the leading bidder is a process of reviewing of legal, technical and financial capability of the bidders as required and specified by the bidding documents.
- **Legal requirement:** is a process of checking and verification to ensure that the leading bidders are not in black list or prohibited by court, and are holding valid license or permit.
- **Technical requirement:** is a process of checking and verification of actual status and evidences to ensure the accuracy and true documents related to the technical capability submitted by the leading bidders.
- **Financial requirement:** is a process of checking and verification of actual status and evidences related to the assets, cash, and financial situation declared by the leading bidders.
- In the process checking and evaluation of post qualification of the leading bidders, the Procurement Committee shall:
  - Check the true copy of the documents;
  - Inquire agent of any institutions as suitable to ensure that the documents and information submitted by the leading bidders are accurate and no fraud;
  - Conduct other investigation as necessary.
- The Procurement Committee shall prepare a report of checking and evaluation of the post qualification of the leading bidders.
- In the event that the first leading bidder is not qualified, the Procurement Committee shall reject the bid, and process the checking and evaluation of post qualification of the second leading bidder. In the event that the second leading bidder is still unqualified, the Procurement Committee shall subsequently carry on this process subsequently on the next order of leading bidders. The committee shall clearly specify reasons of rejection in its report.
- In the event that there is no any qualified leading bidders, the committee shall reject all the bids and declare that "**The bid is fails**". In this case, the committee may provide the following recommendations:
  - Announce a second bidding;
  - Request for approval from the Department of Economy and Finance to apply the method of direct contracting if necessary and if no adequate time for carrying on second open

competitive bid or if the second open competitive bid was failed.

j. Contract Awarding

- Municipal, District, Khan governor shall decide the result of the bid based on the recommendations of the Procurement Committee. However, the governor is not entitled to justify the recommendations of the committee.
- Municipal, District, Khan governor shall issue notice on contract awarding to the bid winner and copy to all the bid losers, and publicly announce by giving ten (10) working days for all bidders to claim against the result. The issuance of such notice can be made upon there is consent from the Department of Economy and Finance for the procurement process which is subject to be reviewed and approved by this Department.
- In the event that the bid winner rejects not to accept the contract within the validity of the bid, the bid security of that bidder shall be retained and paid to the revenue of the concerned Municipality, District, Khan administration whilst the bidder is subject for black list. The Procurement Committee shall check and evaluate post qualification of the next leading bidder.

k. Conclusion of Contract

- In the event that there are not any claims against the notice of contract awarding, a contract can be concluded within no later ten (10) working days after the issuance of the notice, and during the validity period of the bid. In the event that there are any claims against the notice as such, the contract can only be concluded upon the claims are resolved, and during the validity period of the bid.
- In the event that there are not any claims against the notice after ten (10) working days of issuance or after the claims are resolved, the Procurement Entity shall prepare contract documents, and request the bid winner to submit documents on performance security and relevant documents.
- Contract documents include:
  - Contract terms and conditions;
  - Technical design;
  - Details description of technical specifications;
  - Quotation (or budget proposal) of the bid winner;
  - Work schedules;
  - Map of project location (physical outcome);
  - Documents on performance security;
  - Notice on the contract awarding;
  - Other documents (if necessary)

l. Contract Performance

- Municipality, District, Khan administration shall manage and monitor the contract performance to ensure that it goes well in accordance with its terms and conditions. The contract peformance shall be

regularly monitored, particularly during some important technical steps.

- Suppliers or contractors or services providers shall have obligations in execution of contact in accordance with its terms and conditions.
- Contract can be amended if there is consent between Municipality, District, Khan administration and suppliers or contractors or services providers. For the procurement which is subject to be reviewed and decided by Ministry of Economy and Finance, the amendment can be made upon there is prior consent from the ministry.
- Payment can be only settled for the completed quantity and quality of works, goods or services in accordance with the terms and conditions of contract. The Municipality, District, Khan administration may settle the payment in advance to the non-profit suppliers or contractors or services providers to enable them to start performing contract. The amount of advance payment shall not exceed twenty percent (20%) of the total value of the contract, and it shall depreciate by deduction of the same amount at the subsequence payement until it is completed.
- Suppliers or contractors or services providers shall, at each payment, submit request for payemnt to the Municipality, District, Khan administration. After receiving the request, the Municipality, District, Khan administration shall assign the Procurement Entity to prepare progress report on the contract execution and submit to the Procurement Committee for verification and comparison with the actual outcome of the contract execution, and making decision about the payment. In the event that the Procurement Committee agrees with the payment, the Municipal, District, Khan governor shall issue order for payment to the suppliers, contractors or services providers.
- Municipality, District, Khan administration is entitled to terminate contract in case of suppliers, contractors or services providers do not follow the terms and conditions of the contract. In this case, the performance security shall be retained and paid to the revenue of the concerned Municipality, District, Khan administration, and the suppliers, contractors or services providers shall be subject for black list.
- Delivery and acceptance of goods, civil works and services shall take place at the time and place as stipulated in the contract terms and conditions. The Procurement Committee shall check and evaluate the quantity, quality and technical specifications of the goods, civil works and services to ensure that they correctly meet the contract terms and conditions. The result arising from the delivery and acceptance of goods, civil works and services shall be clearly recorded.

5.1.2. Other Competitive Bidding Methods

a. Determination of Qualifications of Eligible Bidders

The determination of qualifications of eligible bidders under this method shall be the same as the open competitive bid. However, it is required under the method of limited bid that Municipality, District, Khan administration shall conduct prequalification check of bidders before submission of bid proposal.

b. Applicable Procurement Steps of Other Competitive Bidding

The steps applied in this method are the same as the steps applied in the open competitive bid. However, an additional step of prequalification check is required under the method of limited bid. This additional step shall be applied after the notice for bid.

c. Descriptions of Goods, Civil Works and Services

The descriptions of goods, civil works and services for this method shall be the same as the open competitive bid. However, an additional step of prequalification check is required under the method of limited bid. This additional step shall be applied after the notice for bid.

d. Preparation of Bidding Documents, Documents for Consultation Fees and Documents for Fees Survey

- **Preparation of bidding documents for limited bid method** shall be implemented the same as the preparation of bidding documents for open competitive bid.
- **Preparation of Documents for Consultation Fees**
  - Municipality, District, Khan Procurement Entity shall prepare documents for consultation fees to submit to the Municipality, District, Khan Procurement Committee for review and approval.
  - The documents for consultation fees aim to provide necessary information to bidders to enable them to prepare a complete bid price. The documents are:
    - ✓ Instruction for bidders;
    - ✓ Terms and conditions of contract;
    - ✓ Criteria for determination of qualification and evaluation;
    - ✓ Details description of technical specifications;
    - ✓ Technical design or sample or catalog;
    - ✓ Quotation or form price schedule;
    - ✓ Application of consultation fees;
    - ✓ Declaration of code of conduct
- Preparation of Documents for Fees Survey
  - Municipality, District, Khan Procurement Entity shall prepare fees survey documents to submit to the Municipality, District, Khan Procurement Committee for review and approval.
  - The documents aim to provide necessary information to bidders to enable them to prepare a complete fees survey proposal. These documents are:
    - ✓ Invitation to fees survey;
    - ✓ Contract terms and conditions;
    - ✓ Details description of technical specifications;
    - ✓ Technical design or sample or catalog;
    - ✓ Form of quotation;
    - ✓ Application form for fees survey;
    - ✓ Declaration of code of conduct.
- **Identification of Prequalification of Bidders**

The identification of prequalification of bidders shall only be applied to the limited bid. The identification process shall be the same as the process in the open competitive bid.

Municipality, District, Khan Procurement Committee shall invite bidder to conduct prequalification check for one or more contracts with similar category, and shall announce in the same way as the open competitive bid. The committee shall submit to bidders whose response is made against the invitation by specifying the scope of contract and conditions for prequalification. All bidders who apply and fulfill the criteria shall be allowed to join the bid and provided the outcome of the prequalification.

e. Notification of Bidding, Consultation Fees and Fees Survey

- **Notice on Limited Bid:** Municipality, District, Khan shall give notice on the limited bid in the same way as the notification process in the open competitive bid. However, this notice shall only be delivered to the bidders who fulfill the prequalification criteria.
- **Invitation to Consultation Fees:** Municipality, District, Khan Procurement Committee shall announce the invitation via national language newspaper which is subsequently published within at least two (02) years. In the event that less than three quotations received, the committee shall delay the opening of consultative fees and re-announce to directly invite good reputation bidders to submit quotations.

f. Invitation to Fees Survey: Municipality, District, Khan Procurement Committee shall instruct procurement entity to directly approach at least three well-known companies for inquiries via email or telephone. Surveyors shall have at least seven (07) days to submit their quotations.

g. Opening of Bid, Consultation Fees and Fees Survey Proposal

The procedures of open limited bid, consultation fees and fees survey shall be the same as the procedures of open competitive bid.

h. Evaluation of Bid, Consultation Fees and Fees Survey Proposal

The procedures of evaluation of limited bid, consultation fees and fees survey shall be the same as the procedures of open competitive bid.

i. Checking and Evaluation of Post Qualification of Leading Bidders

The application of the procedures of post qualification check and evaluation of leading bidders in the limited bid is the same the application in the open competitive bid. It is not required to apply this procedure for the fees survey.

j. Contract Awarding

The procedures of contract awarding are the same in the open competitive bid.

k. Contracting

The procedures of contracting are the same in the open competitive bid.

5.1.3. Other Procurement Method

a. Direct Contracting

The procedures of the direct contracting are as follows:

- The Procurement Entity shall request for direct contracting by giving clear reasons, name of suppliers, contractors or service providers.

The request shall be submitted to the Procurement Committee for review and approval.

- Municipality, District, Khan administration shall submit a written request for direct contracting to Department of Economy and Finance for review and permission.
- Department of Economy and Finance shall give its consent or rejection in writing to the Municipality, District, Khan administration not less than five (05) working days after receiving the request.
- After approval, the Procurement Entity shall invite suppliers, contractors or service providers to submit their quotations and relevant documents.
- The Procurement Committee shall check and take into consideration the technical specifications and cost.
- The procedures of contract awarding and conclusion are the same the procedures applied in the open competitive bid.

b. Procedures of Contract Renewal

The procedures of contract renewal are as follows:

- The Procurement Entity shall request for renewing contract by giving clear reasons, name of suppliers, contractors or service providers. The request shall be submitted to the Procurement Committee for review and approval.
- Municipality, District, Khan administration shall submit a written request for renewing contract to Department of Economy and Finance for review and permission.
- Department of Economy and Finance shall give its consent or rejection in writing to the Municipality, District, Khan administration not less than five (05) working days after receiving the request.
- After approval, the Procurement Entity shall invite suppliers, contractors or service providers to negotiate price for renewing the contract.
- The Procurement Committee shall negotiate price.
- The procedures of contracting are the same as the procedures applied in the open competitive bid.

c. Procedures of Contracting with State Specialized Entity

The procedures of contracting with state specialized entity are as follows:

- The Procurement Entity shall request to the Procurement Committee for review and approval by giving clear reasons, name of the state specialized entity.
- Municipality, District, Khan administration shall submit a written request to Department of Economy and Finance for review and permission.
- Department of Economy and Finance shall give its consent or rejection in writing to the Municipality, District, Khan administration not less than five (05) working days after receiving the request.
- After approval, the Procurement Entity shall invite the state specialized entity to submit quotations and relevant documents.
- The Procurement Committee shall check and negotiate the technical specifications and cost.

- The procedures of awarding contract and contracting are the same the procedures applied in the open competitive bid.

d. Procedures of Contracting with Community

The procedures are as follows:

- The Procurement Entity shall request to the Procurement Committee for review and approval by giving clear reasons, name community.
- Municipality, District, Khan administration shall submit a written request to Department of Economy and Finance for review and permission.
- Department of Economy and Finance shall give its consent or rejection in writing to the Municipality, District, Khan administration not less than five (05) working days after receiving the request.
- After approval, the Procurement Entity shall invite the community to submit quotations and relevant documents.
- The Procurement Committee shall check and negotiate the technical specifications and cost.
- The procedures of awarding contract and contracting are the same the procedures applied in the open competitive bid.

5.2. Procurement of Consultant Service

- The procurement of consultant service is different from the procurement of goods, civil works and services for reasons that goods, civil works and services have certain quantity whilst consultant service is uneasy to define its quantity. Another difference is that consultant service mainly focuses on the quality rather than cost (although cost is more often an important factor).
- Guidelines for consultant aim to provide necessary information for consultant to prepare proposal in response to the needs of the project such as information on submission of proposal, opening of proposal, evaluation and comparison of proposal and contract awarding.
- It is not required under the procurement of consultant service to submit bid proposal, but it is required the consultant to submit **application for consultant service**.
- This application is necessary for the procurement process. In the list of technical specifications of the terms of reference and contract shall describe the necessary needs, and information for the consultant to develop proposal for consultant service.

5.2.1. Qualification of Eligible Consultant to Apply for Consultant Service

All qualified consultants can apply to Municipality, District, Khan administration for consultant service, excluded those are in the black list or prohibited by court.

5.2.2. Steps of Procurement of Consultant Service

The process of procurement of consultant has key steps as follows:

Step	Activity

1	Preparation of bidding documents	• Verify the item of procurement to ensure that proposed the item exist in procurement and annual budget plan; • Develop terms of references (ToR); • Prepare bidding documents; • Request for endorsement from Department of Economy and Finance on the bidding documents in advance are required.
2	Notice for bid	• Make announcement of bid through information system such as information board or stand, website of Municipality, District, Khan administration (if available), website of public procurement, newspaper and other means (if possible); • Upload bidding documents on website of of Municipality, District, Khan administration (if available), website of public procurement; • Produce adequate bidding documents; • Provide written response to all consultants' inquiries; • Arrange meeting prior the date of closing application to provide clarification by inviting consultant who receive bidding documents to attend this meeting.
3	Receiving and maintenance of proposal	• Receive proposal for consultant service by the date as specified by notification for bid; • Record the received proposal by clearly specifying the date of receiving; • Maintain the proposal at safe place until the date of opening of proposal.
4	Opening of proposal	• Call for a meeting among the Procurement Committee and consultants whose proposals are made, and other relevant stakeholders to open the proposals; • Open proposal immediately after closing of application; • Prepare minutes of the meeting.
5	Evaluation of proposal	• Call for a meeting of the Procurement Committee; • Evaluate proposal based on the minutes

		of meeting for opening of proposal, and criteria as specified by bidding documents.; • Provide recommendation on contract awarding to consultant whose proposal is suitable and has lower cost; • Prepare minutes of the meeting.
6	Contract Awarding	• Municipal, District, Khan governor shall issue notice on contract awarding; • Send the notice to other consultant who loss the bid, and post it on information board or stand, and upload on website of public procurement and website of Municipality, District, Khan administration (if available); • Receive and verify performance security (for the case of consultancy firm).
7	Contracting	• The contract shall be signed by Municipality, District, Khan governor.
8	Contract performance	• Municipality, District, Khan administration has obligation of supervision, monitoring and controlling the performance of contract; • Consultant has obligation of performance of contract in accordance with the contract terms and conditions; • Modify contract if necessary. • Delivery and acceptance of the consultant service.

5.2.3. Development of Terms of Reference (ToR)

The Procurement Entity shall ensure that the ToR for consultant service is developed and submitted to the Procurement Committee for review and approval. The ToR shall be divided into six sections as follows:

- Working Experience: is a description of situation and environment which serviced is needed;
- Purpose: is expected tasks to be achieved with good outcome;
- Scope of service: is the tasks to be performed by consultant;
- Training: is the number of trainings to be provided by consultant;
- Outcome and time schedule: are the identified number or quantity of outcome through a monthly or completion report. Recommendations shall also be included in these reports.
- Services and other means: are services and means provided by the employer to consultant.

5.2.4. Preparation of Consultant Service Bidding Documents

- Municipality, District, Khan Procurement Entity shall prepare consultant service bidding documents and submit to the Municipality, District, Khan Procurement Committee for review and approval.
- Municipality, District, Khan governor shall submit the consultant service bidding documents to the Department of Economy and Finance for endorsement in case of any procurements which reviewing and approval from Ministry of Economy and Finance is required.
- The bidding documents aim at provide any necessary information to consultant to enable him/her to prepare a complete proposal. These documents are as follows:
  - Invitation;
  - Instruction for consultant;
  - ToR;
  - Contract terms and conditions;
  - Forms of technical proposal;
  - Forms of financial proposal;
  - Financial negotiation;
  - Declaration of code of conduct
- **Invitation:** is a letter issued by the Procurement Committee to inivte any qualified consultants to express of interest in provision of service. The invitation shall include key information such as type and source of financial support, project title, contract title and code.
- **Instruction** shall provide the following key information:
  - Name and address of employer;
  - Description of intended services;
  - Number of staffs required for the consultant service;
  - Qualification of eligible consultant to the bid (working experience and qualification);
  - Amount of project budget;
  - Procurement method used for selection of consultant service;
  - Place and time that consultant can receive bidding documents;
  - Documentation/application fee;
  - Date and time for submission and opening of proposal;
  - Description of procedures of submission, opening and evaluation of proposal;
  - Duration of consultant service delivery;
  - Payment schedule.
- **Terms of Reference (ToR)** (as specified in section 5.2.3).
- **Contract Terms and Conditions:** is a details description of conditions for contract performance including but not limited to obligations of each party and rules for governing disputes resolution arising from the contract performance.
- **Form of Technical Proposal:** is documents related to the technical specification which is subject to be dealt with by consultant.
- **Form of Financial Proposal:** is documents related to service fee which is subject to be dealt with by consultant.
- **Financial Negotiation:** is a negotiation on the service fee as specified by the financial proposal in order to reach an agreement.

- **Declaration of Code of Conduct:** is a description of code of conduct of which the consultant and relevant stakeholders need to be aware of and implement the procurement process in good faith.

5.2.5. Submission, Acceptance and Opening of Technical Proposal

- Consultant shall provide initial sign on all pages of the original copy of the technical proposal.
- Consultant shall prepare three (03) copies of the technical proposal with his/her signature (one original and two photo copies), and put together in an envelope sealing and marking **"Technical Proposal"**.
- The envelope shall be submitted to Municipality, District, Khan administration at the determined date, time and place.
- Municipal, District, Khan Procurement Committee shall not open the proposal if it is submitted later than the deadline of the application. The proposal in this case shall be returned to the proposal owner.
- Meeting for opening of the proposal is a public meeting. The Procurement Committee shall convince the meeting at the determined time and date. This meeting can be convinced if there is more than half presence of the total number of committee members in the meeting.
- Municipal, District, Khan Procurement Committee shall not open the financial proposal at the time of opening technical proposal.
- The process of opening of technical proposal is the same as the process of open competitive bid.

5.2.6. Evaluation of Technical Proposal

- The evaluation of technical proposal is to identify any proposals that meet the technical specifications as specified by the consultant service bidding documents.
- Any proposals which do not have adequate score shall be rejected and not be considered for next step.
- Technical proposal evaluation is a close meeting. This meeting can be convinced if there is more than half presence of the total committee members in the meeting.
- All members of the committee shall sign on the declaration of code of conduct before starting the proposal evaluation.
- The Procurement Entity shall prepare and share an evaluation sheet of each evaluation to all committee members. The evaluation sheet shall organize into sections or categories such as biography, work plan, methodology, experience and training program etc.
- Chairperson of the committee shall set up timeframe for the committee member in conducting the evaluation. This timeframe shall be flexible in accordance with the technical aspect of the technical proposal (simple or complex).
- Each committee member shall separately conduct an independence evaluation based on the deadline. In the evaluation, the committee members shall not discuss on points in the technical proposal.
- The committee's secretary shall read each evaluation sheet twice (02) when the first time is for general observation and the second time is for scoring.

- The committee members shall evaluate by scoring on the evaluation sheet in accordance with its sections or categories. The scoring shall follow the scores as specified by the bidding documents.
- The committee's secretary shall:
  - Collect the evaluation sheet from the committee members;
  - Sum up the score in accordance with its sections or categories;
  - Divide the total scores of each section or category with the number of committee members who do the evaluation;
  - Sum up the total score of the each technical proposal.
- The Procurement Entity shall prepare and submit the evaluation report to the chairperson of the Procurement Committee for review and signature.
- The Procurement Committee shall notify in writing to any consultants whose the proposal does not get or meet the score as determined. In this case that proposal shall be returned to the concerned consultant.
- The Procurement Committee shall give written notice consultants whose the proposals get the score as determined by specifying the date of opening of financial proposal.

5.2.7. Submission, Receiving and Opening of Financial Proposal

- Consultant shall provide initial sign on all pages of the original financial proposal.
- Consultant shall prepare three (03) copies of the proposal with his/her signature (one original and two photo copies), and put together in an envelope with sealing and marking **"Financial Proposal"**.
- The envelope shall be submitted to Municipality, District, and Khan Administration at the determined date, time and place.
- Municipal, District, Khan Procurement Committee shall not open the proposal if it is submitted later than the deadline, and shall return it to the proposal owner.
- Meeting for opening of the proposal is a public meeting. The Procurement Committee shall convince the meeting within a week after notice of opening of the proposal. This meeting can be convinced if there is more than half presence of the total number of committee members in the meeting.
- The process of opening of financial proposal is the same as the process of opening of technical proposal.

5.2.8. Evaluation of Financial Proposal

- The evaluation of financial proposal is a process of checking and evaluation of quotation price of the technical proposal which is valid and responsive to the technical specification.
- Financial proposal evaluation is a close meeting. This meeting can be convinced if there is more than half presence of the total committee members in the meeting.
- All members of the committee shall sign off a declaration of code of conduct before starting the evaluation.
- In the evaluation, the committee shall:
  - Verify the number in the financial proposal with the technical proposal;
  - Verify and justify arithmetical number. The procedure of justification is the same as the procedure used in the open competitive bid as well.

- The Procurement Committee shall evaluate by scoring each proposal.
- **In the event that the selection method based on quality and cost**, the proposal with lower cost shall get 100 scores whilst the other proposal shall be calculated in accordance with the process as specified by the bidding documents. The Procurement Committee shall sum up the total technical and financial scores together, and then invite the consultant who get the higher scores (technical and financial scores) to negotiate the price.
- **In the event that the selection based on limited budget,** the Procurement Committee shall select and invite the consultant whose the fee proposal is lower and meet the amount of limited budget whilst the technical proposal is high to contract negotiation.
- **In the event that the selection based on the lowest cost,** the Procurement Committee shall select and invite consultant whose the fee proposal is lowest with acceptable technical scores to contract negotiation.
- When the process of budget evaluation is finish, the Procurement Committee's secretary shall prepares a budget proposal report to all committee members who is present in the evaluation meeting for signature.

5.2.9. Contract Negotiation

- Contract negotiation is a negotiation between the Procurement Committee with invitee consultant in order to reach an agreement of all points and signature.
- In technical negotiation, the committee shall mainly take into account the ToR by reviewing the technical specifications, methodology, working schedule, personnel, structure and other requests. In principle, it is not allowed to modify or change the ToR or technical proposal and any personnel at this stage. In the event that there is change of any personnel, a prior consent from the Department of Economy and Finance is required.
- In the financial negotiation, the committee shall review the rate and service fees, payable expenditure and bank guarantee.
  - Review rate and service fees: the Procurement Committee shall review salary, bonus, social and leave allowance, and other expenses specified by financial report confirmed by an independence auditor.
  - Review payable expenditures: The Procurement Committee shall review the fees such as observation, office rental and office supply, local transportation, computer rental, move in and out, insurance and printing.
  - Review bank guarantee: The Procurement Committee shall review the settlement made for the consultant includes advance payment based on the cash flow as planned by the guarantee.

    During the financial negotiation, the Procurement Committee shall request for prior consent from the Department of Economy and Finance regarding the negotiation of Entity cost variation which may be decrease or increase of 15% of the original proposal.

- When the technical and financial negotiation is finish, the Procurement Committee and consultant shall check the draft contract terms and conditions to finalizing the contract negotiation and reaching a preliminary agreement.

- In the event that the negotiation between the Procurement committee and consultant with top high scores is fail, the second top high score consultant shall be invited to the contract negotiation. This negotiation shall follow the same procedures as the previous negotiation with the first top high scores consultant as well.

5.2.10. Contract Awarding

- Municipal, District, Khan governor shall decide the outcome of the bid based on the recommendations of the Procurement Committee. Municipal, District, Khan governor is not entitled to modify the recommendations of the committee.
- Municipal, District, Khan governor shall give notice on contract awarding to the selected consultant. The notice shall be copied to other unsuccessful consultant and publicly announced, by giving ten (10) days for questioning. For the procurement which is subject for review and approval by the Ministry of Economy and Finance, the notice as such shall be issued after approval from the Department of Economy and Finance.
- In the event that the winner consultant rejects the contract during the validity of the proposal, that consultant shall be identified in the black list.

5.2.11. Conclusion of Contract

- In the event that there is no objection, the contract can be signed within ten (10) working days after the issuance of notice on contract awarding and during the validity of the proposal. In case of objection against the notice, the signature can be made upon the objection is resolved and during the validity of the proposal.
- After ten (10) working days' notice on contract awarding without any objections against the notice or they are resolved, the Procurement Entity shall prepare contract documents.
- Municipal, District, Khan governor and the winner consultant shall sign the contract immediately once it is prepared by the Procurement Entity.
- The contract documents are:
  - Contract terms and conditions;
  - Terms of Reference (ToR);
  - Technical Proposal;
  - Financial Proposal;
  - Working schedule;
  - Notice on contract awarding;
  - Other documents (as necessary).

5.3. Contract Performance

- Municipality, District, Khan administration shall manage, monitor and evaluate contract performance to ensure that it properly performed in accordance its terms and conditions. The monitoring and evaluation of the contract performance shall be done regularly, especially at during the key technical stages.
- Consultant has obligations to perform contract in accordance with its terms and conditions.

- The contract may be amended as agreed by Municipality, District, Khan administration and consultant. For the procurement which is subject to be reviewed and decided by Ministry of Economy and Finance, the amendment can be done upon prior consent from Department of Economy and Finance.
- Payment can be settled upon the quantity and quality of the service provided by the consultant fulfills the contract terms and conditions. Municipality, District, Khan administration may make an advance payment for the expense payable only where this amount of this advance payment does not exceed the amount of the first two months of expense payable, and consultant shall have bank guarantee acknowledged by the Municipality, District, Khan administration.
- Consultant shall submit request for payment to Municipality, District, and Khan Administration at each payment. Municipality, District, Khan Administration after receiving the request shall ask the Procurement Entity to prepare contract performance progress report and submit to the Procurement Committee for check, verify and compare the performance progress with the actual outcome before payment decision. In the event that the committee agrees with payment, Municipal, District, Khan Governor shall issue an order for payment to the consultant.
- Municipality, District, Khan Administration is entitled to terminate contract in the event that the consultant does not follow the contract terms and conditions. That consultant shall then be identified in the black list.

6. Maintenance of Documents

Bidding documents, proposals and contracts shall be separately maintained for each procurement process at Municipality, District, Khan administrative office for not less than ten (10) years.

7. Dispute Resolution and Claim

- Bidders who against any decisions related to any steps before contracting are entitled to bring a claim to:
  - The Procurement Committee; or
  - Municipal, District, Khan council in case the claim is not resolved within fifteen (15) days or the resolution of the Procurement Committee is not satisfy;
  - Department of Economy and Finance in the event that the claim is not resolved within fifteen (15) days or the resolution of Municipal, District, Khan council or the Procurement Committee is not satisfy;
  - Court in the event that the claim is not resolved within fifteen (15) days or the resolution of the Capital, Provincial Department of Economy and Finance is not satisfy.
- The Procurement Committee, Municipal, District, Khan council and Capital, Provincial Department of Economy and Finance shall review and resolve a claim or respond to the person who bring the claim within fifteen (15) days after receiving the claim.
- Dispute and claim resolution after the conclusion of contract shall follow the contract terms and conditions.

Municipality, District, Khan Administration; Capital, Provincial Department of Economy and Finance; Capital, Provincial Treasury shall effectively implement this guidelines from the date of signature.

Phnom Penh, 28 January 2014

Minister of Economy and Finance

Dr. Aun Pornmoniroth

Copied to:

- General Secretariat of Senate;
- General Secretariat of National Assembly;
- Cabinet of Samdech Prime Minister;
- National Committee for Sub National Development (NCDD);
- Office of the Council of Ministers;
- Minister of Interior;
- Capital, Provincial Offices
  "for information"
- Municipality, District, Khan administrative offices;
- Capital, Provincial Department of Economy and Finance;
- Capital, Provincial Treasury
  "for implementation"
- Archive

Kingdom of Cambodia

Nation Religion King

Royal Government of Cambodia

Ministry of Interior

No. 034 SNN

(Unofficial Translation)

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 Minster 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 Minster 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

Sar Kheng

Receiving Places:

- *Office of the Council of Ministers;*
- *Ministries, Institutions members of NCDD;*
- *Council for Administrative Reform;*
- *NCDD Secretariat;*
- *Archives.*

Kingdom of Cambodia

Nation Religion King

Ministry of Economy and Finance

No: 002 SHV.HM

Phnom Penh, June 13, 2013

Circular

on

The Implementation of Procedures for the Payment System and Accounting System of Municipal/District Administrations

- Referring to the Law on Public Financial System promulgated by Royal Kram No. NS/RKM/0508/016 dated May 13, 2008;
- Referring to the Law on Administrative Management of Capital, Province, Municipality, District, Khan promulgated by Royal Decree No. NS/RKM/0508/017 dated May 24, 2008;
- Referring to the Law on Financial Regime and Asset Management of Sub-National Administrations promulgated by Royal Kram No. NS/RKM/0611/011 dated June 17, 2011;
- Referring to the Law on Public Procurement promulgated by Royal Kram No. NS/RKM/0112/004 dated January 17, 2012;
- Referring to Sub-Decree No. 172 ANKr.BK dated October 09, 2012 on Financial Management System of Municipal and District Administrations;
- Referring to Sub-Decree No. 81 ANKr.BK dated November 16, 1995 on the Initiation of Financial Control on State Budget Expenditure in Ministries, Provinces, Municipalities, Autonomous Municipalities, Phnom Penh Capital and Public Administrative Organization;
- Referring to Sub-Decree No. 82 ANKr.BK dated November 16, 1995 on the General Rule of Public Accounting;
- Referring to Prakas No. 285 SHV.PrK dated June 14, 2012 of the Ministry of Economy and Finance on the Introduction of Economic Classification for Chart of Account of the Sub-National Administrations.

Ministry of Economy and Finance would like to provide guidance on the key principle of procedures for payment system and accounting system of municipal and district administrations as follow:

1. General Principles

Procedures for payment system and accounting system of municipal/district administration shall conform to the following principles:

1.1. The Municipal/District Governor of the Board of Governors is the budget manager on behalf of the Council and is fully authorized to implement revenues and expenditure based on the approved budget plan.

1.2. The Municipal/District Governor of the Board of Governors may delegate the authorization on budget approval to one of Deputy Governors as the authorized budget manager. The authorized budget manager shall work under the responsibility and oversight of the Municipal/District Governor of the Board of Governors.

1.3. Chiefs of Sangkats in the Municipality are budget managers authorized by the Municipal Governor of the Board of Governors for the budget package delegated by the Municipality. Sangkat Chiefs shall be accountable to the Municipal Governor on the implementation of this budget package.

1.4. The Municipality/District Governor of the Board of Governors and the authorized budget manager (Deputy Governor and Sangkat Chiefs, who are authorized budget manager) shall provide signature specimens to the designated accountant.

1.5. The Governor of the Board of Governors, an authorized budget manager, and all Municipal/District officers are not allowed to hold cash or pay for any expenditure, except when advanced petty cash holder, revenue holder, and agent provide.

1.6. Provincial Department of Economy and Finance oversees the budget of the Municipal/District Administration within 03 working days after the payment orders are issued.

1.7. Provincial treasury shall serve as the municipal/district accountant to undertake the following tasks:

- Collect or receive revenues of municipal/district administration;
- Review and settle the expenses based on the payment order issued by the budget manager or authorized budget manager using the municipal/district financial accounting system according to applicable rules and regulations;
- Prepare periodical financial accounting reports and
- Keep all documents, justification letters of transactions, and accounting registers of the municipality/district for no less than 10 years.

1.8. The Municipal/District Governor of the Board of Governors shall open a deposit account of the Municipal/District Administration at the Provincial Treasury and this account is used for revenue and expenditure transaction of the Municipal/District Administration. Sangkats under the municipality shall

open their deposit accounts at the provincial treasury for revenue and expense transaction delegated by the municipal administration.

1.9. Municipal/District Administration may open an account at a commercial bank with a prior permission from the Minister of Economy and Finance.

1.10. Municipal/District Administration is obliged to monitor, consolidate, verify and analyze in a systematic manner on financial budget transactions and prepare periodic reports.

2. Payment System of the Municipal/District Administration

2.1. Revenue and Expenditure Program Management

Revenue and expenditure program is the plan of revenue collection and expenditure execution in the fiscal year based on the approved budget, which indicates methods and dates of mobilization, collection and receipt of revenue from transfers and collection, and defines phases as well as indicates methods and dates for the settlement of budget expenditure.

a. Formulation of Revenue and Expenditure Program

a.1. Based on the annual planned budget, the Municipal/District Governor of the Board of Governors should formulate revenue and expenditure program for each quarter and submit to the Provincial Department of Economy and Finance and the Provincial Treasury.

a.2. Before formulating revenue and expenditure program for each quarter, the Municipal/District Governor of the Board of Governors shall collect information from relevant offices and units to schedule when revenue can be collected and timing of the expense settlement.

a.3. Revenue and expenditure program for each quarter should be formulated based on the approved annual budget, strategic budget plan and annual procurement plan by indicating:

- expected revenue (revenue directly collected by the municipality/district and revenue from the transfer)
- Dates and amount of revenue expected to receive and to be collected
- Date and amount of expenses to be settled

b. Implementation of Revenue and Expenditure Program

b.1. The revenue and expenditure program is disseminated to subordinating offices and relevant units.

b.2. The Municipal/District Governor of the Board of Governors shall update information by including any revenue and expenditure program not implemented into the revenue and expenditure program of the next quarter or when the Governor of the Board of Governors receives additional information on the revenue or committed expenditure.

b.3. The Municipal/District Governor of the Board of Governors shall implement the revenue and expenditure program in compliance with the following rules:

- Payment is done during the set period and at the set amount;

- Collection and receipt of revenue are done during the set period and at the set amount;
- Actual actions are taken to resolve any issues arisen from unmatched planned revenue and expenditure.

2.2. Cycle of the Expenditure

2.2.1. Expenditure of Municipalities/Districts and Sangkats in the Municipality shall fulfill the two requirements as follow:

- Correct expenses according to the approved budget
- Expenses are according to applicable regulations

2.2.2. Expenditure process of Municipal/District administration and Sangkats in the Municipality includes the following stages:

- Expense commitment
- Liquidation
- Issuance of payment order
- Settlement of payment

The Municipal/District Governor of the Board of Governors and Chiefs of Sangkats in the Municipality are responsible for the expense commitment, liquidation and issuance of payment order.

The accountant of the Municipality/District and Sangkat is responsible for settlement of payment.

a. <u>Expenditure Commitment</u>

Expenditure commitment is the decision of the budget manager or authorized budget manager, which defines payment obligation of all forms of expenditure of the Municipal/District administration and Sangkats in the Municipality to the benefactors.

The Municipality/District Governor of the Board of Governors and Chiefs of Sangkats in the Municipality on behalf of the Council or authorized budget managers are authorized to decide on committed expenditure. Before committing to any expenditure, Governor of the Board of Governors or the authorized budget manager shall ensure that:

- The proposed expenditure are correct according to the budget categories
- Vacancy of the credit in the budget journal and correctness based on the chart of account and
- The proposed expenditure for procurement shall be included in the procurement plan.

b. <u>Liquidation</u>

The liquidation is done after the goods, construction and services are delivered or received from suppliers or service providers. Liquidation is aimed at ensuring that the payment obligations are valid and confirming the actual amount to be paid. The liquidation shall follow the following processes:

- Review of payment obligations: Contractors, suppliers or service providers are entitled to claim for payment when the work is achieved following the requirements stated in the contract and the amount owed is valid.
- Confirmation of the actual amount to be paid: Verification on the correctness of the invoice, contract, reports on the delivery and receipt of goods, construction, services of contractors or suppliers. The invoices shall be certified by the budget manager.

c. Issuance of Payment Orders

Upon confirming the correctness of the above points, the chief of the Municipal/ District Office of Administration and Finance shall prepare to issue payment orders by attaching justification letters to submit to the Municipal/District Governor of the Board of Governors to sign and send to the Provincial Department of Economy and Finance to do financial control and then send to the accountant of Municipality/Districts at the Provincial Treasury. The Governor of the Board of Governors shall notify the benefactors of the payment (contractors or suppliers) on the issuance of payment orders. Payment for Sangkats in the Municipality shall follow the Sub-Decree on Financial Management System of Communes/Sangkats. After the Sangkat Chief issues payment order with attached justification letters to the Sangkat accountant, the Sangkat Chief shall notify the benefactors of the payment (contractors or suppliers) on the issuance of payment orders.

The Municipal/ District Governor of the Board of Governors shall follow up with the payment orders sent to the Provincial Treasury for payment through monitoring slips on the use of credit.

d. Settlement of Payment

The accountant of the Municipality/District shall make payment by providing cash or issuing cheques to contractors, suppliers or their authorized persons. Before making payment, the accountant of the Municipality/District shall review the following items:

- Payment orders are signed by the qualified budget manager
- Payment requests are correct based on the categories of expenses and there is enough vacant credits in the expense categories
- Goods, construction and services are confirmed to properly receive or deliver
- Invoices and documents for payment are correct and sufficient
- Benefactors are correct according to the contract
- There is enough funds in the deposit account of the Municipality/District to make payment
- The validity of the amount owed is correct
- Withholding and rejection

If the above requirements are not fulfilled, the accountant of the Municipality/District can suspend the payment and immediately notify the Governor of the Board of Governors by stating the reasons and additional suggestions. The Governor of the Board of Governors and the accountant shall discuss to find solutions based on the payment procedures.

Upon receiving the notification from the accountant of the Municipality/District, the Governor of the Board of Governors shall:

- Make correction
- Take necessary measures to respond as instructed by the accountant of the Municipality/District and send the corrected or supplement justification letters back to the accountant of the Municipality/District

The Provincial Department of Economy and Finance, Provincial Treasury and Provincial Division of Finance shall provide assistance and support to Municipality/District on the execution of the budget expenditure.

The Governor of the Board of Governors with assistance from the Municipal Office of Administration and Finance shall provide supports to Sangkats in the Municipality on the execution of the budget.

Every month, the accountant of the Municipality/District shall provide the Governor of the Board of Governors a revenue and expenditure report and a register of the deposit account transacted so far.

2.3. Payment of Salary, Bonus and Allowance

The Disbursement agent of the Municipal/District administration is obliged to pay salary, bonus and allowances of councilors using the following procedure:

2.3.1. The Municipal/District Governor of the Board of Governors shall issue a decision to nominate officers in the Office of Administration and Finance of the Municipal/District Hall as the disbursement agent and alternate disbursement agent.

2.3.2. The disbursement agent and alternate disbursement agent shall open an account and deposit signature specimen at the Provincial Treasury.

2.3.3 The disbursement agent and alternate disbursement agent shall be under the oversight of the Governor of the Board of Governors and the accountant of the Municipality/District.

2.3.3. The disbursement agent and alternate disbursement agent have the following tasks:

- Prepare a table of payment of salaries, bonuses and allowances and justification letters to submit to the Municipal/District Governor of the Board of Governors to sign.
- Prepare payment orders of salaries, bonuses and allowances by attaching the table of payment of salaries, bonuses and allowances of the Council, Board of Governors and staff.
- Prepare withdrawal slips to withdraw money from the deposit account of the disbursement agent.
- Keep cash at a safe place in the Municipal/District Hall.
- The disbursement agent and alternate disbursement agent takes personal responsibilities over the cash they hold.
- Send the tables of payment of salaries, bonuses and allowances signed by members of the Councils, Board of Governors and staff to the Provincial Treasury. If there is any leftover cash, it should be deposited back into the deposit account of the Municipality/District.

2.4. Advance Petty Cash

Advance petty cash will be established early fiscal year after the budget plan is approved for administrative expenditures which are urgent, in small amount and one cannot wait for the issuance of payment orders following normal procedures including: special emergency fund, regular necessary expenses, travel allowance, mission allowance, and expenses for small items. Municipal/district administration has the right to administer advance petty cash with the following procedures:

2.4.1. Advance petty cash shall be established by Decision of the Municipal/District Governor of the Board of Governors with inputs from the Provincial Treasury and then sent to the Provincial Treasury to implement by attaching the annex table, which determines the cycle of the advance petty cash. The annex table is developed to cover selected expenditure classifications in sub-accounts and account of chapter 60, 61, 62 and 65, which are all necessary expenditure for administrative transaction with the maximum threshold of 30 percent of the credit in chapters chosen to establish the advance petty cash. For internal proportion in the table, exactly 30 percent is not required, i.e. it can be more or less as required by expenses but it should not exceed 30 percent of the total credit chosen to establish the advance petty cash.

2.4.2. The amount in the cycle is 1/8 of the 30 percent of the credit chosen to establish the advance petty cash.

2.4.3. The Municipal/District Governor of the Board of Governors shall issue a decision to nominate officers in the Office of Administration and Finance of the Municipal/District Hall as the Petty Cash Advance Holder and the Petty Cash Advance Deputy Holder with inputs from the Provincial Treasury. The holder and deputy holder shall open an account and deposit their specimen signatures at the Provincial Treasury.

The holder and deputy holder of advance petty cash take personal responsibilities on the cash they hold.

2.4.4. In order to obtain the initial advance petty cash, the advance petty cash holder of the Municipality/District shall sign on the withdrawal request slip and then send to the accountant of the Municipality/District at the Provincial Treasury without attaching any document.

2.4.5. The advance petty cash holder shall prepare a balance sheet of the advance petty cash on monthly basis to submit to the budget manager to sign and then send to the Provincial Treasury.

2.4.6. Expenditure per card from the advance petty cash holder shall not exceed 1,000,000 Riels (One Million Riels Only).

2.4.7. In every round of expenditure, the advance petty cash holder of the Municipality/District shall request for expenditure approval from the budget manager.

2.4.8. The advance petty cash holder of the Municipality/District shall record every revenue and expenditure transaction in the cash book following the samples provided by the Provincial Treasury.

2.4.9. The advance petty cash holder is entitled to replenish the amount of the advance petty cash after the Municipal/District Administration had already

prepared payment orders to settle previous advance petty cash already spent by attaching the following documents:

- Settlement request
- Expenditure recording and budget oversight slips
- Cover letter on the issuance of payment orders
- Cover letter of the justification letters
- Expenditure approval provided by the budget manager
- Expenditure report of the advance petty cash for each expense item
- Expenditure cards
- Invoices certified by the budget manager

2.4.10. The budget manager can issue payment orders in an amount smaller or equal to the amount withdrawn from the Provincial Treasury. Payment orders are issued based on the expenditure classification as stated in the annexed tables. However, payment order cannot be issued in a single cycle in the amount of a sub-account or an account.

2.4.11. Advance petty cash holder is not allowed to deposit a part or all amounts in a private or state bank.

2.4.12. All advance petty cash holders are under the oversight of the budget manager and the designated accountants. At the same time, advance petty cash holders are also under on-the-spot control and verification of Financial Inspectorate and competent overseeing authorities. The control shall be undertaken without prior notice and shall be done frequently on the spot. Cash control shall be done at least once every quarter. In every control, there must be a proper report or note on the findings. These reports or notes shall be provided to the advance petty cash holders to check and approve, then sent to the control agent and budget manager. The control agent and advance petty cash holder shall sign on the cash count table of the advance petty cashier.

2.4.13. In order to obtain advance petty cash, relevant staff shall request for expenditure approval from the budget manager through the Chief of the Office of Administration and Finance of the Municipality/District.

2.4.14. Upon receiving the expenditure approval, the advance petty cash holder shall provide expenditure cards and reimburse fund to relevant staff and require them to sign on the expenditure cards to confirm receipt of cash.

2.4.15. The advance petty cash holder shall collect expenditure slips to liquidate the amount of advance petty cash by submitting to the budget manager to check and confirm:

- If the actual amount is more than the amount provided by advance petty cash amount, additional expenditure cards shall be made; however, if the actual amount is less than the amount provided by advance petty cash, advance petty cash holder shall prepare a revenue slip for the remaining amount.
- All revenue and expenditure transactions related to the advance petty cash shall be recorded in the cash register.

- At the end of the fiscal year, advance petty cash holder shall collect justification letters for the expenditure, and send to the budget manager to issue payment order to settle the expenditure, and the remaining amount shall be paid into the cash account of the Provincial Treasury or the Current Account of the Provincial Treasury at a bank branch no later than December 31.

2.5. Petty Revenue

In principle, every collected budget revenue of the Municipality/District shall be paid immediately into the deposit bank account of the Municipal/District Administration at the Provincial Treasury, while small and regularly-collected non-fiscal revenue is allowed to be collected and kept through petty revenue holder to be paid to the Provincial Treasury as determined by Ministry of Economy and Finance.

This means the Municipal/District Governor the Board of Governors may issue a decision to nominate officers in the Office of Administration and Finance as the holder and deputy holder of the petty revenue if necessary. The Governor of the Board of Governors can manage and administer petty revenue through the following procedures:

2.5.1. Establishment of Petty Revenue

Establishment of petty revenue shall be done at the beginning of fiscal year. The Municipal/District Governor of the Board of Governors shall send the letter to request for the establishment of the petty revenue by attaching the Decision on the Establishment of Petty Revenue and annexed table by selecting revenue budget classification in relevant accounts and sub-accounts, except revenues to be collected through contracts and then send to the Provincial Treasury to review and provide comments, then send to the Governor of the Board of Governors to sign and send back to the Provincial Treasury for implementation.

2.5.2. Appointment of Petty Revenue Holder:

The Municipal/District Governor of the Board of Governors shall appoint a petty revenue holder and a deputy holder by selecting officers from the Office of Administration and Finance with good qualification and knowledge of accounting, and then send their names to the Provincial Treasury. The petty revenue holder and deputy holder shall open an account and deposit their specimen signatures at the Provincial Treasury.

2.5.3. Collection of Revenue

The petty revenue holder and deputy holder shall collect revenue in cash or cheques based on the tariff set by the Ministry of Economy and Finance.

2.5.4. Petty Revenue Holder and Deputy Holder

The petty revenue holder and deputy holder can keep cash no more than Riels 2,000,000 (Two Million Riels Only) and are prohibited from spending the cash revenue received. If the amount is higher, petty revenue holder or deputy holder shall deposit all cash collected into the Provincial Treasury or the bank branch.

- Every 25th of January to November and 31st of December, the holder shall produce revenue slips based on the chart of account for the amount of revenue collected during the month from the 26th of the previous month to the 25th of this month in three copies for the budget manager.

- The budget manager shall sign the revenue slips after confirming that the budget registration is done correctly and then send to the designated accountant.
- After confirming the correctness, the designated accountant shall sign the revenue slips and send back to the revenue holder.

2.5.5. Responsibilities of the Petty Revenue Holder and Deputy Holder

The petty revenue holder and deputy holder of Municipal/District Administration are responsible for:

- Administrative sanction
- Criminal sanction
- Direct responsibilities over cash and funds

2.5.6. Accounting Register of Petty Revenue Holder

In principle, the petty revenue holder shall be responsible for double-entry register including:

- Cash register
- Journal
- Account balance sheet

2.5.7. Preparation and Operation of Accounts of Petty Revenue Holders

The accounts used by the petty revenue holders include:

- Petty revenue fund deposit account at the treasury (No. 46)
- Temporary revenue account (No. 47)
- Current account for cheque purpose (No. 51)
- Cash account (No 53)

2.5.8. Control of Petty Revenue

The petty revenue holder shall be under the oversight of the budget manager, designated accountant, financial inspectorate, non-fiscal revenue department and other competent authorities. The control can be done on paper or on the spot.

2.5.9. Duration of the Control

As a general principle, the control by budget manager or by his/her representative shall be done as frequently as possible and the control by the designated accountant shall be done at least once a year.

2.5.10. Documents to be Established

Matching shall be accompanied by reports or notes produced by the persons who match documents provided to the holders to take note and then provide answers back to the matching agents.

3. Accounting System of Municipal/District Administration

Municipal/District administration is obliged to monitor, verify, consolidate and analyze in a systematic manner on budget and financial transactions, and prepare

periodical report correctly and consistently through the implementation of the accounting system of the municipal/district administration.

Accounting system of the Municipal/District administration employs two mechanisms:

- Budget accounting: monitor and report on budget execution of the Municipal/District administration and
- Financial accounting: register and report on financial transactions of the Municipal/District administration

3.1. Budget Accounting

Municipal/District administration shall implement budget accounting when monitoring and reporting on budget execution to ensure that expenditure are done at the level of credit allowed and the revenue is consistent with the planned budget. Budget accounting system shall operate as follow:

3.1.1. The Municipal/District Governor of the Board of Governors is responsible for monitoring the implementation of the accounting budget.

3.1.2. The Municipal/District Governor of the Board of Governors shall prepare a monitoring slip for the use of credit based on the approved budget, monitoring slip for the use of credit and monitoring slip for revenue for each item in the budget account.

3.1.2.1 Monitoring slip on the use of credit

Monitoring slip on the use of credit is used to:

- Record the amount of cash spent into the monitoring slip on the use of credit on regular basis after an expenditure is committed or payment orders are issued (monitoring slip for the use of credit for committed expenditure and payment).
- After recording each committed expenditure or payment into the monitoring slip for the use of credit, the unused credit should be calculated.

Monitoring slip on the use of credit shall present the following information for each item in the budget:

- Approved credit
- Accumulated amount of committed expenditures and/or liquidated expenditures (for the payment orders sent to the accountant of the Municipality/District at the Provincial Treasury) and
- The remaining credit

3.1.2.2 Revenue Monitoring Slip

- Record the actual amount of revenue into the revenue monitoring slip when those revenues are collected by the Municipal/District administration (direct revenue) or by transferring from the national level and from other sources.

- After recording the amount of revenue received into the revenue monitoring slip, the remaining revenue to be collected or received will be calculated.

Revenue monitoring slip shall indicate information on the revenue for each item in the budget as follow:

- Planned revenue
- Revenue already collected or received
- Revenue to be collected or received

3.1.2.3 At the end of the month, the Municipal/District Governor of the Board of Governors shall ensure that the information presented on the revenue monitoring slip and the monitoring slip on the use of credit match with the report on monthly budget execution prepared by the accountant of the Municipality/District.

3.2. Financial Accounting

Financial accounting shall conform to the following principles:

3.2.1. Accounting register based on the principles of accumulative accounting, which will be introduced gradually.

3.2.2. Accounting transaction shall follow the double entry principle in which:

- Each transaction shall be reflected in two different accounts and
- The amount recorded on debit side shall be equal to the amount recorded on credit side of each transaction

3.2.3. Account classification shall follow the chart of public accounts and the chart of budget classification determined by the Minister of Economy and Finance.

3.2.4. At the end of each year, current revenue account, current expenditure account and other accounts shall be closed for report preparation. Current revenue account and current expenditure account shall have a balance of zero and will be re-opened early next year. Other accounts with balance or zero balance will be also re-opened. The balance will be deferred to the following year for accounts with balance.

4. Financial and Budget Reports of Municipal/District Administration

The Financial Report of Municipal/District Administration is used as the basis for:

- the Municipal/District Governor of the Board of Governors to check the budget execution by comparing with the approved budget.
- assessing the financial situation of the Municipality/District by providing information on level and sources of resources and how to use them to achieve the goals of the Municipality/District.
- the Municipal/District Council to assess the performance of the Municipal/District Governor and
- performing audits on accounting transactions and budget execution of the Municipal/District administration.

a. Budget Report

The Municipal/District Governor of the Board of Governors is required to prepare the following documents:

- Reports on the execution of monthly and annual revenue and expenditure to verify with the designated accountant.
- Report on assets
- Detail reports on annual activities of the Municipal/District Administration which elaborate and assess performance and public service delivery, comparing with the directions set in the plan, local socio-economic condition and impacts on the well-being of citizens by the transaction of the Municipal/District administration.
- Other reports as required by the Municipal/District council determined by the Ministry of Economy and Finance.

b. Financial Report

The accountant of the Municipality/District shall prepare the following reports:

- Periodical reports on revenue and expenditure on monthly and annual basis
- Monthly and annual account balance report
- Annual balance sheet
- Report on the result of annual budget execution
- Matching table of budget deposit accounts of the Municipality/District at the treasury and
- Annexed tables as required

4.1. The accountant of the Municipality/District shall submit these reports to the Municipal/District Governor to match with the budget monitoring table and endorse.

4.2. The Municipal/District Governor of the Board of Governors shall review and submit monthly and annual reports to meetings of the Board of Governors as follow:

- Monthly revenue and expenditure reports by the 15th of the following month
- Annual revenue and expenditure reports and detail annual reports on the implementation of the action plan by the 31st of January of the following year

4.3. The Municipal/District Governor of the Board of Governors shall submit monthly and annual reports to meetings of the Municipal/District Council to discuss and endorses as follow:

- Monthly revenue and expenditure reports by the 20th of the following month
- Annual revenue and expenditure reports and detail annual reports on the implementation of the action plan by the 28th of February of the following year

- Within a week after the discussion and endorsement by the Municipal/District Council, the Governor of the Board of Governors shall submit monthly and annual revenue and expenditure reports and detail annual reports on action plan implementation to the Provincial Hall, Provincial Department of Economy and Finance, Provincial Treasury for public disclosure.

The Governor of the Board of Governors of Province, Governor of the Board of Governors of Municipality/District, Director of Provincial Department of Economy and Finance and Director of Provincial Treasury shall implement this circular effectively from the date of the signature.

Deputy Prime Minister

Minister of Economy and Finance

Keat Chhon

CC:

- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Cabinet Office of Samdech Prime Minister
- NCDD Secretariat
- Office of the Council of Ministers
- Ministry of Interior
- Provincial Hall

  "For Information"
- Municipal/District Hall
- Provincial Department of Economy and Finance
- Provincial Treasury

  "For Implementation"
- Documentation - Archival

III. Legal Instruments related to Planning of Sub-National Administration

ROYAL GOVERNMENT OF CAMBODIA
NATIONAL COMMITTEE FOR SUB-NATIONAL DEMOCRATIC DEVELOPMENT (NCDD)

POLICY ON SNA PLANNING SYSTEM

AUGUST, 2014

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Acronyms

C/S	Communes/Sangkats
D/M/K	Districts/Municipalities/Khans
DMF	District/Municipal Fund
IP	Investment Program
LDA	Local Development Agenda
LUMP	Land Use Management Plan
MEF	Ministry of Economy and Finance
MOI	Ministry of Interior
MOP	Ministry of Planning
NA	National (RGC) Administration
OL	The Law on Administration management of the Capital, Provinces, Municipalities, Districts and Khans, aka “The Organic Law”
PBC	Planning and Budgeting Committee
PWG	Planning Working Group
SDF	Spatial Development Framework
5YDP	Five Years Development Plan
SNA	Sub-national administration
SOP	Service Operation Program
TFC	Technical Facilitation Committee

Preface

The Organic Law on Administrative Management of the Capital, Province, Municipality, District and Khan and the Law on Administrative Management of the Commune and Sangkat give authority to Councils of Sub-National Administrations to prepare and approve their development plan and 3-year rolling investment program with participation by all relevant stakeholders. Development Plans (DP) and Investment Programs (IP) are the key tools for SNAs to identify problems, to prioritize real needs and to determine the potential of local resources and interventions to respond to the needs of local citizens.

To assist SNAs to develop DP and IP in a rational and effective manner following the characteristics of its own administration, the Royal Government of Cambodia (RGC) has issued a Policy on the SNA Planning System by setting out the vision, goals, objectives, principles and relevant strategies to guide SNAs, to increase the effectiveness and efficiency of its decision making and also to mobilize support from line departments and relevant stakeholders to respond to the needs of citizens and to promote local economic development.

On behalf of the RGC, I would like to express my appreciation to the National Committee on Sub-National Democratic Development (NCDD) and to the Ministry of Planning for leading and coordinating the development of this important policy paper and to line Ministries, Development Partners and Civil Society organizations for their contributions.

I do expect that line Ministries, Development Partners, SNAs and relevant stakeholders will continue to support the preparation and development of SNA planning to ensure that the goal of Decentralization and De-concentration Reforms may be achieved.

Phnom Penh, 18 November 2014
Prime Minister

Hun Sen

Policy Framework
on
Planning System at Sub-National Level

1. Introduction

The implementation of the strategic framework for Decentralization and De-concentration Reforms is a key step of SNA governance reform in Cambodia intending to strengthen and promote local democracy and socio-economic development and effectively contribute to addressing poverty reduction.

The implementation of the democratic governance system has contributed to the strengthening of accountability, transparency, responsiveness, equity, gender equality and non-discrimination. Since the 2002 Commune Sangkat (CS) council election, the CS planning system has been introduced as an instrument for commune/sangkat planning and decision making on policies promoting local development in a manner that is responsive to local priority needs of both male and female citizens through direct consultations with citizens and civil society organizations.

Based on the experience of the CS reform, the Royal Government of Cambodia has been encouraged to extend the scope of the decentralization and deconcentration reform to include other sub-national administrative levels. Therefore, in 2009, Sub-National Councils were elected at the level of the Capital, Province, Municipality, District and Khan through indirect elections.

The Sub-National Councils are public, legal entities that have authority and autonomy in decision making under national law to promote public service delivery for both male and female citizens and to development their local areas. In this context, it is required to review and change the current centralized management system into a decentralized multi level management system that is in line with principles of democratic governance recognizing the different entities of SNAs.

The planning system is a critical part of the governance system at sub-national level relating to the process of democratic decision making where the councils formulate the visions, goals, and the development framework describing what they intend to achieve within their mandate.

This policy intends to provide guidance on how to revise the planning system at sub-national level, to become a multi-level governance system, that reflects the different SNA entities promoting effective and autonomous decision making and local development within jurisdictions to better respond to the needs of both male and female citizens.

2. Rationale

Based on the Organic Law (OL), the formulation of Development Plans and Investment Programs is a mandate of the SNA Council. These planning systems are an important instrument whereby the Council can promote local development and respond to the needs of local citizens.

To support SNA to develop their plans, many regulations and guidelines have been developed and issued. These regulations and guidelines, however, do not provide clear guidance on how to organize and formulate plans according to the various types of SNAs and also do not have a clear mechanism to support SNAs to make autonomous, political decisions and to coordinate and allocate budgets at national and sub-national level.

The SNAs could not operate as autonomous budgetary units when they prepared their first plans and investment programs because the relevant legal framework for sub-national financial management were not prepared and operationalized. This had a negative impact on the SNA planning process, especially for district and municipal administrations.

The policy intends to provide guidance on how to revise the regulations and guidelines within the spirit of the Organic Law and to clarify the different types of planning (jurisdictional and corporate) that the SNAs are required to undertake. The jurisdictional plan is carried out by multiple actors within the geographic jurisdiction of the SNA to mobilize resources from ministries, institutions and relevant stakeholders whereas the corporate plan will allocate and utilize the SNA's own resources.

3. Vision

The vision of this policy is to improve the planning system at the sub-national level and to harmonize it with the different characteristics of SNAs. The sub-national planning system shall be autonomous and distinct but aligned with the national planning system, ensuring effective allocation and use of resources from other sources. These resources need to effectively address the priority needs of citizens, promoting socio-economic development and balancing the eco-system.

4. Goals and objectives

4.1 Goals

The goal of this policy is to provide clear guidance for planning and local development at sub-national level. It is meant to improve autonomous, decentralized planning of each SNA within their mandate. The plans of each SNA will ensure the integration of sector planning, clarifying the division of responsibilities, be responsive to local development needs and ensure a timely and effective contribution to the achievement of the national strategic development plan

4.2 Objectives

To achieve the above-mentioned goals, the policy identifies two main objectives to be implemented as follows:

- To provide guidance on how to review and improve the planning system and planning exercises at sub-national level in accordance with the different characteristics of SNAs; and
- To provide guidance on the support mechanism and capacity development mechanism to assist SNAs to prepare and implement the planning process.

5. Scope

This planning policy covers the entire sub-national planning system including the Capital, Province, Municipal, District, Khan, Commune and Sangkat administrations.

6. Principles of Planning System at sub-national level

6.1 Planning and Local Autonomy

SNAs are “legal entities” which are bound to operate under national laws and State control. Each SNA has their own autonomy to develop plans and to manage their own resources (resources allocated from the national level and/or resources mobilized at local level) to implement assigned or delegated functions and to carry out permissive functions of their own choice to better respond to the local priorities and needs of both male and female citizens.

6.2 Planning and Multi-Level Governance

The decentralization and deconcentration reform has introduced a multi-level governance system in which each level will be responsible to develop and implement their own policies in cooperation and coordination with administrations at other levels. In this context, national administrations, SNAs and other institutions at sub-national level will effectively share responsibility for cooperation, coordination and accountability developing plans within jurisdictions that respond to the priorities and needs of female and male citizens at the local level.

6.3 Responsiveness

The SNA planning systems must respond to prioritized needs of local male and female citizens, be in line with the protection of long term potential natural resources and to contribute to the achievement of the national strategic development plan.

6.4 Type of Planning for different administrations

SNAs shall prepare DP and IP in accordance with their own administration characteristics. The SNA has “legal entities” belonging to distinct sub-national governance and administration systems but also related to other administrations and shall therefore cooperate and coordinate with each other. The planning system will reflect the different types of administrations, depending on the characteristics of their localities such as metropolitan, region/province, urban or rural. To reflect the different types of administration, it is required to develop different types of plans as following:

1. Capital Planning (such as Phnom Penh Capital)
2. Provincial Planning
3. Urban Planning (such as Municipalities and their Sangkats)
4. Rural Planning (such as Districts and their Communes and Sangkats)

7. Strategy

In order to achieve the above mentioned goals and objectives, the planning policy needs to be implemented under the following 5 strategies:

- Organize the planning system to fit different types of SNAs
- Organize and revise the planning mechanism of SNAs
- Organize and revise the planning instruments of SNAs

- Organize and revise the timeframe of planning development of SNAs
- Organize and revise the institutions for provision of support to SNA planning

7.1 Strategy 1: Organize the planning system into different types of SNAs

The sub-national planning system is organized into 4 distinct territorial sub-systems and related types of planning:

- **Capital Planning:** The Capital Plan shall include the capital plan and the plans of other administrations under the capital, such as khans and sangkats, by integrating them into a unified capital plan while respecting the autonomy of the Khans and Sangkat in order to ensure consistency in development (infrastructure construction and service delivery). Khan and Sangkat plans are under the control of the capital. The Khan Planning must be coordinated with Sangkat Planning under the control of the Khan Administration to ensure that Khan planning compliments and supports Sangkat planning. The Sangkat planning involves direct consultation and negotiation with local citizens. Khan and Sangkat planning are a part of capital planning. The consultation with and participation by residents and civil society in the process of formulating the capital plan are key principles.
- **Provincial planning:** Provincial planning is coordinated with the planning of Districts and Municipalities within the province. It is meant to compliment and support the plans prepared by Districts and Municipalities to improve effectiveness and responsiveness to local development priorities. Provincial planning does not involve the consolidation of plans prepared by Districts, Municipalities, Communes and Sangkats in the province. The consultation and participation of citizens and civil society in the process of formulating the Regional Plan is an important principle.
- **Urban Planning:** Urban planning is a consolidated plan between municipalities and sangkat. This plan shall respect the autonomy of the sangkats within the municipality in order to ensure consistency in development activities (infrastructure construction and service delivery) and to integrate municipal planning with the planning of the sangkat under the control of the municipalities into unified urban planning. Sangkat planning within the municipalities involves direct consultation and negotiation with local citizens. Sangkat planning is one part of municipal planning. Moreover, consultation and participation of citizens and civil society in the formulation process of Urban Planning is an important principle.
- **Rural Planning:** Rural Planning involves district planning and commune planning. District planning coordinates the planning of communes within the district while ensuring that district planning complements and supports the commune plans and effectively responds to local development needs. District planning does not consolidate the plans that are prepared by communes and sangkat in the district. Commune and Sangkat planning within a district is planning that directly consults and negotiates with local male and female citizens and is not a part of the district planning. Moreover, consultation and participation of citizen and civil society in the formulation of rural planning is an important principle.

7.2 Strategy 2: Organize and revise the planning divisions of SNAs

To carry out the sub-national planning exercise and to be in line with the territorial types of planning identified above, there is a need to reorganize and revise the planning divisions of SNAs as follows:

- Technical Facilitation Committee (TFC – for CP and MDK administration)
- Planning Working Group (PWG – for CP and MDK administration))

a) **CP-MDK Technical Facilitation Committee (TFC)**

Sub-national planning is a process of policy development and technical work which is led by CP and MDK councils and receives technical support from Boards of Governors and line departments or offices. The TFC is a committee of the CP and MDK councils which is responsible for analysis and the provisional of inputs to councils and boards of governors on planning and budgeting and plays a coordination role with line departments and with other councils.

Related to planning, this committee is a key mechanism to ensure that all development plans and budgets of line departments in its territory are included in the council development plan and investment program. Furthermore, this committee also helps the council in others tasks related to the annual work plan and budget, financial works, budget allocation to support prioritized projects and reporting on the implementation of the development plan and investment program.

Capacity development and strengthening the performance of TFCs is a condition to ensure that this committee can perform its role as an advisory unit to provide inputs to its Council and Board of Governors.

b) CS Planning and Budgeting Committee

At the Commune and Sangkat level, the CS Chief forms the CS planning and budgeting committee. This committee is a mechanism to assist in preparation of CS development plan and investment program.

7.3 Strategy 3: Organize and revise the planning instrument of SNAs

To reflect and emphasize on the local development agenda at the sub-national level and to develop plans of each SNA, it is required to reorganize and revise the planning instruments as follows:

a). The 5-year Development Plan of SNA has two parts: the **five-year Local Development Plan** is the first component and the **five-year Local Development Agenda** is the second component.

- **The five-year Local Development Plan** is the unified Development Plan of each SNA that includes the development plans of ministries, institutions or departments, divisions of government, civil society and the private sector who provide services, materials or infrastructure within the jurisdiction of the SNA council.
- **The five-year Local Development Agenda** is the *Corporate Plan* of each SNA and presents the Council's political program describing what they intend

to achieve within their mandate and for which they will be held accountable by the citizens and by the state. The local development agenda has 3 components: 1) investment framework, 2) service delivery framework and 3) regulatory measures. The SNAs must prepare their own local development agenda based on their own resources, functions and authority. The local development agenda is the basis for preparing the three-year rolling investment program and budget and also for the monitoring and evaluation of the performance of the SNA.

b). The three-year Rolling Investment Program is the medium-term investment framework for implementation of the five-year Local Development Agenda using the SNA's own resources. The three-year, rolling investment program must be prepared on the basis of the Local Development Agenda and be updated every year. The three-year, rolling investment program has three components as follows:

- The **Investment Program** includes projects to establish public infrastructure assets and capacity development with a defined start and end date;
- The **Service Operation Program** includes service delivery activities to respond to local needs and opportunities.
- The **Issuing of administration letters** includes a plan developed by the SNA for the drafting, approval and issuance of legislative and/or administration letters to address the needs of the people.

7.4 Strategy 4: Organize and revise the timeframe of SNA planning

The timeframe of the planning exercise undertaken by each SNA must be aligned with those of other SNAs as well as those of institutions of the national administration. The alignment of the timeframe will make it easier for SNAs and the institutions of national administration to coordinate, support, and integrate its planning into development plans of SNAs.

The timeframe of SNA planning must be aligned with the timeframe of the SNA budget preparation. A well coordinated and aligned planning system will ensure the effectiveness of budget allocations and budget utilization of SNA, to better respond to local priority needs in time.

7.5 Strategy 5: The institutions of planning support system of SNAs

To insure the capacity development and quality of planning of SNAs to perform tasks as mentions in strategy 1, 2, 3 and 4 of this policy paper, MoP coordinates with NCDDS, MOI, MEF and relevant line ministries to initiate, lead, review and revise legal documents and guidelines related to SNA planning and also to disseminate and capacitate SNAs to apply these new revised guidelines and legislatives.

8. Action Plan

To achieve the vision, goal, objectives, and strategies, the actions to be implemented are as follows:

- Disseminate and capacitate line ministries and SNAs on the planning policy
- Review and revise the sub-decree of development plans and 3 years rolling investment program of Capital, Provinces, Municipalities, Districts, and Khans

- Review and update the guideline on establishment of mechanisms for SNA planning
- Review and revise the inter-ministerial Prakas and technical guideline of development planning and the 3 years rolling investment program of capital, province, municipal, district and khan
- Review and revise the inter-ministerial Prakas and guideline of Commune/Sangkat development planning and communes/sangkat investment program.
- Capacitate SNAs on revised SNA planning guidelines
- Develop guideline on preparation of progress report for SNA investment program implementation and its M&E
- Each SNA must develop its own plan to be in line with all revised regulations.

9. Monitoring and Evaluation

The National Committee for Democratic Development at Sub-National Level (NCDD) has the duty to monitor and evaluate the policy implementation process.

10. Conclusion

This sub-national planning policy reflects the necessary change that is needed in a decentralized multi-level governance system. The policy reflects the autonomy given to the sub-national level to develop plans and budgets within their mandate and jurisdiction. The policy also makes a distinction between the jurisdictional and corporate plan. The jurisdictional plan is carried out by multiple actors within the geographic jurisdiction of the SNA and involves mobilized resources from ministries, institutions and other relevant stakeholders whereas the corporate plan, prepared by the council, is the actual political program describing what they intend to achieve within their mandate. They will also be held accountable for the corporate plan by the citizens and the State. The corporate plan is also used for measuring the tasks assumed by the council within their mandate.

This policy also confirms the establishment of an effective support system for planning and budget preparation at sub-national level through a clear definition of the roles and responsibilities of concerned ministries and institutions at the national and sub-national level which will ensure the capacity development and quality of SNA planning that promotes social economic development at the local level based on the principles of sub-national democratic development.

(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 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 Affairs
- Archives

Kingdom of Cambodia

Nation Religion King

Ministry of Interior and Ministry of Planning

No. 3514 BrK

Inter-Ministerial Prakas on

the Amendment of Article 1 of the Inter-Ministerial Prakas on the Formulation of three-year rolling Development Plan and Plan of Capital, Province, Municipality, District, Khan

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 July 15, 2004 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 Office of Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0196/08 dated Jan 24, 1996 promulgating the Law on the Establishment of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0196/11 dated Jan 24, 1996 promulgating the Law on the Establishment of Ministry of Planning;
- Having seen Royal Kram No. NS/RKM/0301/017 dated May 24, 2008 promulgating the Law on Administrative Management of Capital, Province, Municipality, District, Khan;
- Having seen Royal Kram No. NS/RKM/0301/05 dated March 19, 2001 promulgating the Law on Administrative Management of Commune, Sangkat;
- 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 Roles, Responsibilities and Working Relation of Council and Board of Governors of Phnom Penh Capital and Councils and Boards of Governors of Khan in Phnom Penh Capital;
- Having seen Sub-Decree No. 216 ANKr.BK dated Dec 14, 2009 on Roles, Responsibilities and Working Relation of Councils and Boards of Governors of Provinces and Councils, Boards of Governors of Municipalities and Councils and Boards of Governors of Districts;

- Having seen Sub-Decree No. 219 ANKr.BK dated Dec 14, 2009 on Development Plan and Investment Program of Capital, Province, Municipality, District, Khan;
- Having seen Sub-Decree No. 152 ANKr.BK dated Dec 06, 2010 on the Amendment of Article 12 of the Sub-Decree on three-year rolling Development Plan and Investment Program of Capital, Province, Municipality, District, Khan;
- Based on the outcome of the 8th NCDD Meeting on May 30, 2013

Hereby Decide:

Article 1:

Amend Article 1 of the Inter-Ministerial Prakas No. 2417 Br.K dated Dec 27, 2010 on Development Planning and three-year-rolling Investment Programming of Capital, Province, Municipality, District, Khan as follow:

New Article 1:

This Prakas is aimed at providing guidelines to Capital, Provincial, Municipal, District, Khan Councils on the formulation, endorsement and implementation of the three-year-rolling Development Plan and Investment Program for their respective administration with participation of and consultation with all relevant stakeholders in their jurisdiction based on the Technical Guidelines on the Formulation of Development Plan and Investment Program of Capital, Province, Municipality, District, Khan, revised in October, 2013.

Article 2:

This Prakas is effective from the date of the signature.

Phnom Penh, Oct 30, 2013

Deputy Prime Minister	Senior Minister
Sar Kheng	Chhay Than

Receiving Places:

- Ministry of Royal Palace
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Office of Council of Ministers
- Cabinet Office of Samdech Prime Minister
- NCDD Members
- Relevant Ministries/Institutions

  "For Information"
- Capital/Provincial/Municipal/District/Khan/Commune/Sangkat Hall

  "For Functioning"
- Documentation - Archival

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*

IV. Legal Instruments related to Personnel Management of Sub-National Personnel

Royal Decree

NS/RKT/1014/1175

on

General Principles of Organization of the State Civil Service

We

Preah Koruna Preah Bath Samdech Preah Boramneath Norodom Sihamoni

Samanphumcheatsasna Rakhotkhateyya Khemrarathreas Puthiktreatharamohaksat

Khemreachnea Samohapheas Kampuchekreachrathboromsanti Sopheakmakola Sereyvibola Khemrasreypireas Preahchaokrongkampucheathebdey

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Royal Decree No. NS/RKT/0913/903 dated 24 September 1993 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. 06/NS/94 dated 30 October 1994 promulgating the Law on Common Statute of Civil Servants of the Kingdom of Cambodia
- Having seen Royal Kram No. NS/RKT/0999/11 dated 18 September 1999 promulgating the Law on Amendement of Article 51 of the Law on Common Statute of Civil Servants of the Kingdom of Cambodia
- Having seen Royal Kram No. NS/RKT/0313/004 dated 21 March 2013 promulgating the Law on Amendement of Article 9 and Article 10 of the Law on Common Statute of Civil Servants of the Kingdom of Cambodia
- Having seen the proposal of **Samdach Akka Moha Sena Padei Techo Hun Sen**, Prime Minister of the Kingdom of Cambodia

Hereby Orders

Chapter 1

General Provisions

Article 1.

This Royal Decree is aimed to identify the new general priciples of organization of the state civil service as well as the category, grade, and step defined by the particular statutes.

Article 2.

The objectives of this Royal Decree is to arrange civil servants to be under the body; to determine positions, categories, grades, steps, and salary indexs; and to

arrange the intergration of civil servants of sub-national and national ministries/institutions into new categories, grades, steps, and salary indexs.

Article 3.

This Royal Decree shall be applied to civil servants who are working for sub-national and national ministries/ institutions governed by the Law on Common Statute of Civil Servants of the Kingdom of Cambodia**.**

Chapter 2

Body

Article 4.

The body of civil servants refers to a group of civil servants who receive educations, working experiences, and knowledge as well as perform works in the same sector.

Each body shall be divided into 3 categories which are category A, B, and C.

Article 5.

Each body shall be arranged to have a clear defining and division of the type of positions, positions description, and competence/qualification of each position with attaching to categories, grads, and steps.

Article 6.

Each body shall be determined by Royal Decree and shall be established by relevant ministries/institutions in collaboration with the Ministry of Civil Service. The arrangement of civil servants'careers in the body shall be complied with the provisions of the Law on Common Statute of Civil Servants of the Kingdom of Cambodia and this Royal Decree.

The arrangement of categories and positions in the body shall be complied with provisions of Chapter 3 and Chapter 4 of this Royal Decree.

Chapter 3

Position Arrangement

Article 7.

All sub-national and national ministries/institutions shall clearly arrange and define all positions to match with each body and number of positions which are the work demands in the structure of administration management, work operations, and performing of mission and functions of ministries/institutions.

The defining and division of type of positions in the body for supporting the work operations and missions of ministries/institutions and public entities at both national and sub-national level shall be determined by the Sub-Decree with having the advice from the Ministry of Civil Service and the Ministry of Economy and Finance.

Article 8.

A position performed by a civil servant in public service shall be a permanent position which is required to perform a full-time job in according to a number of hours and times determined by the Royal Government. Each position shall be at least specified with the following information:

1- Type of body, category, grade, and step
2- Name of position in the body
3- Competence/qualification of position
4- Positions description indicating the functions, unit/entity, and workplace

A civil servant shall be not allowed to hold more than one permanent position within the same ministry/institution or within different ministry/institution.

Chapter 4

Category

Article 9.

A category of civil servants of each body is a group of civil servants who have the same or similar qualifications or educations and ability to hold the same positions or perform the same functions in the same body.

Article 10.

All 3 categories of civil servants of each body shall be arranged in according to the minimum education requirements of such a body for entering into the category and level of the category.

The classification of grade and step division of each category shall be applied in compliance with the provisions of chapter 5 of this Royal Decree.

Article 11.

Civil servants in Category **A** shall include functions in positions related to direction/leadership, management, inspection, audit, education, research, providing advice, policy, planning, and other responsibilities according to the body.

The minimum educational level required to enter a body in Category **A** shall be a Bachelor's Degree or equivalent. The particular statute of the body may impose a minimum educational level above Bachelor's Degree. In such case, the civil servant shall be granted a step increase upon the permanent employment.

Article 12.

Civil servants in Category **B** shall include functions regarding the preparation of the work for implementation and approval of responsible officials, training related tasks, ensuring the work operations, and supporting the civil servants in Category A according to the body.

The minimum educational level required to enter a body in Category **B** shall be a secondary education diploma (baccalaureate) plus 2 years of studies certified by a degree. The particular statute of the body may impose a minimum educational level above 2 years of studies certified by a degree, but shall not be equivalent to the number of years of studies determined in Category A of the same body. In such case, the civil servant shall be granted a step increase upon the permanent employment.

Article 13.

Civil servants in Category **C** shall include functions regarding the preparation of office work, secretarial services, training related tasks in a primary level, and normal operations requiring a particular skills or know-how required by the body.

The particular statute of the body may impose a minimum educational level on general knowledge or skills certified by a degree or a certificate, but this imposition shall not be the same requirements determined in Category B of the same body.

Article 14.

The category of each body shall be necessarily established in according to the following requirements:

a. attachment of the category to a body
b. classification of the category into which type of categories
c. general mission of the category
d. positions, positions description, and relevant qualifications/competence
e. minimum qualifications required to enter into the category and the procedures concerning the external or internal competitive examinations
f. guidelines concerning the probationary period
g. structure of the body including division of the category into grades or steps, and the defining of the positions)
h. rules for holding the positions and promotion of step and grade

Chapter 5

Grades, Steps, and Basic Salary Index

Article 15.

Grade is a rank of category in each body. The category A and category B are divided into 3 grades. Each grade responds to positions or all relevant functions that consists of higher responsibilities.

Article 16.

Category C is not divided into grade.

Category C consists of 10 steps in which step number 10 is the lowest step and step number 1 is the highest step.

Article 17.

Each category (category A and category B) consist of 14 steps by dividing into grade and step as follows:

- Grade 3 is the lowest grade which consists of 4 steps by starting from step number 4 to step number 1.
- Grade 2 is a higher grade which consists of 4 steps by starting from step number 4 to step number 1.
- Grade 1 is the highest grade which consists of 6 steps by starting from step number 6 to step number 1.

Article 18.

The step of grade of category A and category B and the step of category C shall be determined an index indicating the level of remuneration which is a basis salary of civil servants.

Category	Grade													
A	3				2				1					
	Step				Step				Step					
	4	3	2	1	4	3	2	1	6	5	4	3	2	1
	Salary Index				Salary Index				Salary Index					
	345	354	364	379	394	410	426	443	461	479	496	513	531	550
Category	**Grade**													
B	3				2				1					
	Step				Step				Step					
	4	3	2	1	4	3	2	1	6	5	4	3	2	1
	Salary Index				Salary Index				Salary Index					
	300	308	318	331	344	358	369	380	393	407	421	436	453	470
Category	**Step**													
C	10	9	8	7	6	5	4	3	2	1				
	Salary Index													
	265	274	284	295	307	321	335	352	370	390				

Chapter 6

Integration into new category, grade, and step

Article 19.

Civil servants of current category A, B, C, and D shall be integrated based on category, grade and step.

The above integration shall be arranged the current civil servants into category, grade, and step consisting of a higher level or salary index or at least equivalent to their current level or salary index of the step.

Article 20.

Civil servants of current category A shall be integrated into new category, grade, and step as determined in the following list:

Current Category, Grade and Step	Current level of salary index modified after increasing 40,000 Riels per month
A.1.1	576
A.1.2	554
A.1.3	532
A.1.4	508
A.1.5	483
A.1.6	462
A.2.1	513
A.2.2	504
A.2.3	493
A.2.4	480
A.2.5	463
A.2.6	445
A.2.7	428
A.2.8	413
A.2.9	399
A.2.10	387
A.3.1	451
A.3.2	446
A.3.3	440
A.3.4	433
A.3.5	425
A.3.6	416
A.3.7	407

Current Category, Grade, and Step required to integrate into new category, grade, and step	New Category, Grade, and Step	New Salary Index	Monthly additional allowance
A.1.1	A.1.1	550	40,000
A.1.2			7,000
A.1.3			
A.2.1	A.1.2	531	
A.1.4	A.1.3	513	
A.2.2			
A.1.5	A.1.4	496	
A.2.3			
A.2.4			
A.1.6	A.1.5	479	
A.2.5			
A.2.6	A.1.6	461	
A.3.1			
A.3.2			
A.2.7	A.2.1	443	
A.3.3			
A.3.4			
A.2.8	A.2.2	426	
A.3.5			
A.3.6			
A.2.9	A.2.3	410	
A.3.7			
A.3.8			

Current Category, Grade and Step	Current level of salary index modified after increasing 40,000 Riels per month	Current Category, Grade, and Step required to integrate into new category, grade, and step	New Category, Grade, and Step	New Salary Index	Monthly additional allowance
A.3.8	395	A.2.10	A.2.4	394	
A.3.9	385	A.3.9			
A.3.10	375	A.3.10	A.3.1	379	
A.3.11	366	A.3.11			
A.3.12	357	A.3.12	A.3.2	364	
A.3.13	349	A.3.13	A.3.3	354	
A.3.14	341	A.3.14	A.3.4	345	

A monthly additional allowance as defined in the above list shall grant solely to civil servants in step A.1.1 and A.1.2 of current category required to integrate into step A.1.1 of new category A.

Article 21.

Civil servants of current category B shall be integrated into new category, grade, and step as defined in the following list:

Current Category, Grade, and Step	Current salary index modified after increasing 80,000 Riels per month	Current Category, Grade, and Step required to integrate into new category, grade, and step	New Category, Grade, and Step	New Salary Index
B.1.1	438	B.1.1	B.1.1	470
B.1.2	427	B.1.2	B.1.2	453
B.1.3	413	B.1.3	B.1.3	436
B.1.4	397	B.1.4	B.1.4	421
B.1.5	377	B.1.5	B.1.5	407
B.1.6	361	B.2.1		
B.2.1	393	B.1.6	B.1.6	393
B.2.2	386	B.2.2		
B.2.3	378	B.2.3	B.2.7	380

Current Category, Grade, and Step	Current salary index modified after increasing 80,000 Riels per month
B.2.4	369
B.2.5	359
B.2.6	348
B.2.7	336
B.2.8	325
B.2.9	315
B.2.10	305
B.3.1	350
B.3.2	346
B.3.3	342
B.3.4	337
B.3.5	332
B.3.6	326
B.3.7	319
B.3.8	312
B.3.9	304
B.3.10	296
B.3.11	289
B.3.12	283
B.3.13	278
B.3.14	273

Current Category, Grade, and Step required to integrate into new category, grade, and step	New Category, Grade, and Step	New Salary Index
B.2.4		
B.2.5	B.2.2	369
B.2.6	B.2.3	358
B.3.1		
B.3.2		
B.2.7	B.2.4	344
B.2.8		
B.2.9		
B.2.10		
B.3.3		
B.3.4		
B.3.5		
B.3.6	B.3.1	331
B.3.7		
B.3.8	B.3.2	318
B.3.9	B.3.3	308
B.3.10	B.3.4	300
B.3.11		
B.3.12		
B.3.13		
B.3.14		

Article 22.

Civil servants of current category C shall be integrated into new category, grade, and step as defined in the following list:

Current Category, Grade, and Step	Current salary index modified after increasing 80,000 Riels per month
C.1.1	315
C.1.2	307
C.1.3	298
C.1.4	288
C.1.5	276
C.1.6	265
C.2.1	286
C.2.2	281
C.2.3	275
C.2.4	268
C.2.5	263
C.2.6	263
C.2.7	263
C.2.8	263
C.2.9	263
C.2.10	263
C.3.1	263
C.3.2	263
C.3.3	263
C.3.4	263
C.3.5	263
C.3.6	263
C.3.7	263

Current Category, Grade, and Step required to integrate into new category, grade, and step	New Category, Grade, and Step	New Salary Index
	C.1	390
	C.2	370
	C.3	352
C.1.1	C.4	335
C.1.2	C.5	321
C.1.3	C.6	307
C.1.4	C.7	295
C.2.1		
C.1.5	C.8	284
C.1.6		
C.2.2		
C.2.3		
C.2.4		
C.2.5	C.9	274
C.2.6		
C.2.7		
C.2.8		
C.2.9		
C.2.10		
C.3.1		
C.3.2		
C.3.3		

Current Category, Grade, and Step	Current salary index modified after increasing 80,000 Riels per month
C.3.8	263
C.3.9	263
C.3.10	263
C.3.11	263
C.3.12	263
C.3.13	263
C.3.14	263
	263

Current Category, Grade, and Step required to integrate into new category, grade, and step	New Category, Grade, and Step	New Salary Index
C.3.4		
C.3.5		
C.3.6		
C.3.7		
C.3.8		
C.3.9		
C.3.10		
C.3.11		
C.3.12		
C.3.13		
C.3.14		
	C.10	265

Article 23.

Civil servants in D.14 to D.1 of current category D, where the salary index level after modification of basic salary 80,000 Riels per month is 263, shall be integrated into step 10 (C.10) of new category C where its salary index level is 265.

Article 24.

The Ministry of Civil Service shall arrange the above integration through information technology system (IT system).

New category, grade, and step of civil servants shall be taken into account on 01 January 2015 onward.

Chapter 7

Transitory Provision

Article 25.

Current particular statutes of bodies for civil servants shall be incorporated in according to each category and body as well as modified them in compliance with provisions of this Royal Decree.

Article 26.

All applicable regulations related to civil servants management shall still valid for implementation until the new regulations are developed to modify the management of civil servants in according to provisions of this Royal Decree.

Chapter 8

Final Provisions

Article 27.

The Royal Decree No. CHS/RKT/1297/273 dated 01 December 1997 on the general principls of the organization of the state civil service shall be replaced by this Royal Decree and any provision contradicting to this Royal Decree shall be repealed.

Article 28.

Samdach Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia shall in charge of implementing this Royal Decree starting from the date of the signature.

The Royal Palace, 02 October 2014

Signature and stamp

Norodam Sihamoni

Submitted for approval of the King by
Prime Minister

Signature

Samdach Akka Moha Sena Padei Techo Hun Sen

Submitted for information to **Samdach Akka Moha Sena Padei Techo Hun Sen**, Prime Minister, by
Minister of Ministry of Civil Service
Signature

Pech Bunthin

No. 1203 S.N
Important documents for circulation
Phnom Penh, 06 October 2014
Secretary General of the Government
Signature

Soy Sokha

(Unofficial Translation)

KINGDOM OF CAMBODIA

NATION RELALIGION KING

ROYAL GOVERNMENT OF CAMBODIA

Policy on Human Resource Management and Development at Sub-national Administration

Preface

Law on Administrative Management of Capital/Provinces Municipalities Districts/Khans provides a regulatory framework within which the Capital/provinces municipalities districts/Khans as a public legal entity must be governed by principles of unified administration in order to create, promote and sustain democratic development through the decentralization and de-concentration policy, and to facilitate public administrative actions within its jurisdiction. According these principles, a structure, system, and work procedure of Capital/Provinces Municipalities Districts/Khans need to be restructured including system of human resource management and development which is one of the most essential and necessary tasks.

In this sense, to provide a long-term roadmap, the Royal Government has set a **policy on human resource management and development at sub-national administration** by defining objectives, strategies, and specific phases for restructuring and implementing the system of human resource management and development at sub-national administration with certainty, ownership, accountability, effective response to actual development requirement of sub-national administration and in line with the transfer of functions and resources to sub-national administration, as well as to ensure the consistency with the public administrative and financial management reform programs of the Royal Government.

In the name of Royal Government of the Kingdom of Cambodia, I would like to appreciate National Committee for Democratic Development at Sub-National Level (NCDD) for their coordination and preparation of this important document, and to express deep thanks to the development partners for their financial supports and technical assistance in the process of reforms in democratic development at the national level.

I firmly believe that ministries, national-level institutions, sub-national administration, development partners, and other stakeholders will provide further support and contribute in developing and implementing the system of human resource management and development at sub-national administration in line with the oriented principles of this policy in order to ensure the goal of democratic development reform is obviously achieved.

Phnom Penh, 18 April, 2014

Prime Minister

Samdech Akka Moha Sena Padei Techo Hun Sen

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I. Introduction

1. Background

From the 1990s to the new millennium, the state human resource management dramatically changed as a result of reconciliation and integration policy under the wisdom and wise leadership of **Samdech Akka Moha Sena Padei Techo Hun Sen prime minister of the Kingdom of Cambodia**. One of the effective policies that has brought peace and development to Cambodia is **"the integration policy".** The integration is referred to the combination of civil servants and military personnel of all conflicting parties, resulting from the Win-Win strategy of **Samdech Aka Moha Sena Padei Techo Hun Sen.** The integration is a key that have brought the national unified administration.

It is noted that after the integration, the Royal Government has made significant achievements such as the war was put to an end and the national reconciliation was made; the national unity was built and the whole country is at peace; the country development has been speeded up; and the civil servants were successfully integrated into the new cadre of employment.

The Royal Government of Cambodia initiated a reform of decentralization with the establishment of elected Councils in rural Communes and urban Sangkats with the 2001 Law on the Administration and Management of Communes and Sangkats. On 17 June 2005, the Royal Government officially promulgated the Strategic Framework for Decentralization and Deconcentration. Resulting from the implementation of its policy of Sub-National Democratic Development (SNDD) and the progress of implementing Commune/Sangkat decentralization reform, Law on Administrative Management of the Capital, Provinces Municipalities, Districts and Khans ("Organic Law") and Law on the Elections of Capital Council, Provincial Councils, District/Municipal/Khan Councils was enacted and put into operation. Based on these laws, the election of the first mandate of sub-national councils was conducted in 2009.

Furthermore, the Organic Law requires sub-national administration to be governed by principles of unified administration in order to strengthen state unified body to facilitate public administrative actions of their jurisdictions. Based on these principles, system of state human resource management and development required to be modified.

To oversee the implementation of the RGC's sub-national democratic development (SNDD) policies and strategies, the National Committee for Democratic Development at Sub-National Level (NCDD) is establishes. The NCDD developed the National Program for Sub-National Democratic Development 2010 – 2019 (NP-SNDD), and this was approved by the RGC on 28 May 2010. The NP-SNDD was officially launched in 9th, August 2010 at a national forum presided over by Samdech Akka Moha Sena Padei Techo HUN SEN, Prime Minister of Kingdom of Cambodia.

2. Rationalization

The Law on Administrative Management of Capital, Provinces, Municipalities, Districts, and khans required the system of human resource management and development to be reviewed and reorganized concurrently with the process of the transfer of functions and resources for the purpose of establishing a body of personnel at sub-national administration.

This policy, therefore, will provide guiding principles for establishing the system of human resource management and development at sub-national administration with certainty, efficiency, ownership and responsive to actual situation and development of the country.

Organization and implementation of policy on human resource management and development at sub-national administration is an essential mean to actively participate in improving efficiency and effectiveness of the implementation of Policy on Human Resource in Public Administration and to be in consistent with:

- Law on Common Statute of Civil Servants of the Kingdom of Cambodia
- Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans
- Law on the Management of Commune/Sangkat
- National Program for Public Administrative Reform
- Public Financial Management Reform Program
- National Program for Democratic Development at Sub-National Level
- Strategic Plan of Gender Mainstreaming in the Civil Service.

II. Definition and Scope

Human resource management and development at sub-national administration refers to the application of management actions and utilization of human resource at sub-national administration within the frame work of efficiency, productivity and responsive to job requirement and an execution of enhancement and expansion of capacity of staff and civil servants through development of knowledge, skills, experiences, and changing behavior and attitude of civil servants from managers to service providers with culture of services, motivation, loyalty, morality and high professionalism.

Approaches of human resource management and development at sub-national administration refers to human resource planning, performance management, recruitment and selection, movement of administrative status of civil servants, system of reward and sanction, redeployment of personnel, leave, code of conduct, remuneration system, training, career development and social security scheme for civil servants.

Personnel to councils are referred to personnel of sub-national administration who are civil servants and non-civil servants. Personnel who are not the civil servants consist of the contract staff, part-timers and technical advisors who act as an assisting staff working for units of councils but they are not civil servants.

Personnel of sub-national administration include:

1. Personnel who are selected and appointed by the council

These personnel are civil servants recruited and nominated by the councils when there is a need of human resources to perform their tasks and duties in response to job requirement performed by the councils within their jurisdictions.

2. Personnel who are redeployed and transferred to councils. These staff include:
    - Personnel who are integrated into new management structures and existing civil servants in the new management structures of Capital, Provinces, Municipalities, Districts and Khans

- Personnel transferred from other Ministries or institutions to the council within the transfer of functions and resources to sub-national administration.

3. Personnel who are appointed and assigned to work with the councils.

These personnel are, appointed by the Royal Government, central ministries and institutions, and assigned to work with sub-national councils following the requirements of the Royal Government.

This policy applies at sub-national administration.

III. Vision

The vision of this policy is to ensure the management and utilization of sub-national human resources within the framework of productivity, efficiency and effectiveness in response to the requirement of sub-national democratic development and national development.

IV. Goal and objectives

1. Goal

The goal of this policy is to delegate authorities to sub-national administration to improve sub-national human resource management and development to be more competent, productive, loyal, motivated, morale and professionalism.

2. Objectives

This policy contributes to this overall goal with the following specific objectives:

Objective 1: to establish a body of personnel of sub-national administration.

Objective 2: to develop and operate a permanent system of human resource management and development within sub-national administrations in response to the actual local requirement and in line with national standards.

Objective 3: to strengthen and expand capacity, skills, knowledge, experience, moral and professionalism, and understanding of laws, policies and regulatory frameworks of the Royal Government.

V. Strategy

This policy shall be implemented by the following strategies:

1. Strategy to reach objective 1

A. Preparation of transitional regulatory framework

Preparation of transitional regulatory framework is to set a guidelines or provisional procedures to manage sub-national personnel before the permanent legal framework for sub-national personnel has been prepared and promulgated. During the transitional period, some necessary guidelines and procedures need to be issued for delegating some authorities to sub-national administration in managing and utilizing their human resources. To be a smooth and efficient implementation of provisional regulations requires:

- Publicizing and implementing relevant regulations.

- Establishing a working group to support the implementation of relevant regulations.
- Evaluating the results of the implementation of provisional regulations to take experience and used as input for developing permanent regulatory framework.

B. Developing permanent regulatory framework

In order for achieving democratic development and performing functions transferred from the central government ministries and institutions, a permanent regulatory framework for sub-national personnel is needed. This requires establishing a **Particular Statute on Body of Personnel of Sub-National Administration that:**

- Is consistent with the Law on Common Statute of Civil Servants of the Kingdom of Cambodia.
- Ensure the provision of authority to sub-national administration in their human resource management and development.
- Ensure the application of principles of efficiency, transparency, accountability and equity in managing and utilizing of sub-national human resource.
- Sets flexible procedures for enabling the transfer in and out of sub-national and national civil servants as well as the protection of benefits for those civil servants
- Gives priority to women, ethnic minorities, and disabled persons in the recruitment into the civil service cadre, promotion and appointment, and other incentives.
- Ensure not increasing number of personnel in the Civil Service.

The Particular Statute also needs to clarify the long-term status of the above mentioned personnel:

- Controlling budget: budget for salaries and other benefits shall be included in the Council budget and managed by the Councils of sub-national administration.
- Personnel control: control for the overall personnel numbers and the possibility to deploy this personnel within the Council jurisdiction.
- Recruitment: Planning and recruiting civil servants and contracted staff is conducted by the Councils with an accurate monitoring and evaluation to make sure that number of civil servants are not increased.
- Performance management: personnel of the Councils must be under direct management and supervision of the board of governors on behalf of their councils.

Meanwhile, the transfer of management of personnel to sub-national administration shall be gradually conducted, before and after a particular statute of body of personnel of sub-national administration is officially promulgated. The transfer shall apply the following approaches:

- Delegating authorities or jurisdiction of personnel management to sub-national administration

- Transferring functions, duties and responsibilities and decision making to sub-national administration
- Delegation and transfer of functions, duties, authorities, jurisdictions and resources to sub-national administration shall be timely defined by laws or Royal decree or Sub-decree or Prakas.

Moreover, preparation of the particular statute based on the above principles requires relevant regulations to be reviewed to ensure consistency.

2. Strategy to reach objective 2

A. Developing system of human resource management and development for the sub-national administration

Developing system of human resource management and development at sub-national administration shall focus mainly on the following approaches:

A.1. Human resource planning

Sub-national human resource planning should be focused mainly on reviewing and reorganizing sub-national organizational structures, position description, annual human resource planning, and clear division of work and duties.

A.2. Performance Management

Organization and implementation of performance management system at sub-national administration shall be applied the following approaches:

- Position descriptions
- Establishing clear objectives and direction of work based on job description
- Defining indicators and expected results
- Defining terms of employment and contract of employment
- Establishing work plan and action plan
- Regular performance evaluation and report
- Applying system of reward and sanction
- Preparing and applying monitoring and evaluation system

A.3. Human Resources Development

Human resource development at sub-national administration shall be focused on the following approaches:

- Describing sub-national administrations' current competency profiles
- Establishing a Human Resources Development Information System (HRDIS)
- Defining capacity development requirement for sub-national personnel and minimum period of annual training for each personnel
- Preparing human resource development plan based on gap analysis from workforce management on unit level
- Implement HRD activities

A.4. Personnel Management

The management of sub-national personnel shall be focused on the following approaches:

- Recruitment: shall be conducted based on plan and be recruited based on principles of a transparent, fair and equity of competitive examination and merit based with priorities given to women, disabled person and ethnic minority.
- Promotion and Progression: principles and mechanism must be established for promotion of grades, ranks and appointment by taking into account of seniority, qualification and performance.
- Transfer and secondment: principles and mechanism for transfer and secondment must be established.
- Conduct and Discipline: establish code of conduct and clearly define rules and mechanism for enforcing disciplines.
- Exit from the Civil Service: defining principles of departure from the Civil Service for civil servants such as retirement, professional incapability, volunteer departures, disciplinary measures and death as well as defining principles of termination of contracted staff, advisors and part-timer.

B. Implementation of the system for human resource management and development at sub-national administration

National Committee for Democratic Development at Sub-National Level (NCDD), Ministry of Civil Service, and Ministry of Interior shall define rules and fundamental principles for human resource management and development in the Particular Statute on Sub-National Personnel Management.

3. Strategy to reach objective 3

In order to strengthen and expand capacities, skills, knowledge, and experience to implement the permanent system of human resource management and development at sub-national administration, the following approaches shall be applied.

A. Transitional Stage:

A.1. Developing the capacities on HRM and HRD within the Human Resource Directions of Capital/Provincial Administration and Administration and Finance Offices of Municipalities, Districts and Khan focusing on:

- Planning, coordinating and conducting training to enhance HRM and HRD skills
- Developing guidelines and manuals providing advice on how to use the different HRM and HRD instruments.

A.2. Modeling the application of HRM and HRD instruments in selected sub-national administrations as defined in the aboveA.1.

B. Permanent Stage:

B.1. Establishing support structures for HRM and HRD focusing on:

- Relevance General Departments of Ministry of Civil Service shall provide technical support and monitor sub-national human resource management and development.

- Establishment of Department of Civil Service at Capital and Provinces to assist Board of Governors in managing civil servants working at sub-national level in order to support sub-national human resource management and development.
- Establish National Institute for Sub-National Administration and Regional School of Local Administration.
- Extension of the functions and capacities of existing training institutions, especially Royal School of Administration.

B.2. Based on modeling experiences approved final HRM and HRD instruments shall be applied in all sub-national administrations.

VI. Implementation

1. The implementing and relevant institutions

- National Committee for Democratic Development at Sub-National Level, Ministry of Civil Service and Ministry of Interior are leading implementing institutions.
- The Sub-Committee on Sub-National Personnel of NCDD has its duties to lead, orientation, and coordination for establishing policies, strategies and regulatory frameworks concerning to human resource management and development at sub-national administration.
- Ministry of Civil Service and Secretariat of National Committee for Sub-national Democratic Development (NCDD-S) act as secretariat for coordinating the implementation.
- The above mentioned institutions are responsible for coordinating relevance ministries and institutions, and sub-national administration in implementing this policy.

2. Mechanism establishment

- National Committee for Democratic Development at Sub-National Level, Ministry of Civil Service and Ministry of Interior should collaboratively establish national Training Institution (National Institute for Sub-National Administration) and at sub-national level (Regional School of Local Administration).
- Ministry of Civil Service should establish supporting mechanism such as establishing Capital/Provincial Department of Civil Service and human resource management and development supporting unit of Ministry of Civil Service.

3. Action Plan

The implementing institutions have to develop an action plan and a consolidated and detailed budget planning which shall be carried out in the following phases:

- Preparation and operation of transitional regulations (2013)
- Preparation and endorsement of a particular statute for sub-national personnel (2013-2014)

- Preparation other related legal instruments for carrying out of particular statute for sub-national personnel (2013-2014).
- Dissemination, implementation, and evaluation of transitional implementation of particular statute for sub-national personnel and related legal instruments (2014-2015)
- Human resource and organizational development (2014-2019)
- Amendment and revision of particular statute for sub-national personnel and other related legal instruments based on evaluation results of transitional implementation of regulations to ensure a full and efficient implementation of system of human resource management and development at sub-national administration (2016-2019).

4. Technical and financial support

Ministries and relevance institutions shall prepare their budget plan to support the implementation of activities identified in this policy.

NCDD shall make effort to mobilize technical assistance and financial support from development partners in making contribution to the policy implementation.

VII. Monitoring and Evaluation

The National Committee for Democratic Development at Sub-National Level (NCDD) has the duty to monitor and evaluate the policy implementation process. The NCDD Secretariat act as secretariat to assists NCDD in implementing this duty.

VIII. Conclusion

This policy paper demonstrates an additional new progress in the context of human resource management and development at sub-national administration. This progress is a methodological change in management and organization of personnel of sub-national administration in order to be in consistent with decentralization and deconcentration policy, policy on human resource in the public administration, Law on Common Statute of Civil Servants of the Kingdom of Cambodia, Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, as well as to significantly contribute to democratic development at sub-national level.

In the meantime, this policy indicates its vision to develop a system of human resource management and development at sub-national administration. This includes goal and objectives to be carried out to ensure support and reinforcement of good governance in the state human resources management. Additionally, identified strategies to be implemented to ensure that sub-national human resource is capable of providing public services within the framework of efficient, accountable, quality, professionalism and responsive to actual local requirement.

An implementation of identified strategies is to lay a strong foundation for the Royal government to strengthen ownership, accountability, efficiency and effectiveness in the context of human resource management and development at sub-national administration. In general, this policy shall institutionalize:

First: permanent legal framework for managing sub-national personnel in accordance with practical requirement of sub-national administration and the protection of benefits for sub-national personnel.

Second: System of human resource management and development at sub-national administration that create favorable conditions for coordinating and strengthening human resource management and capacity development in the Civil Service within consistency and efficiency.

Third: Enhancing and expanding the implementation of gender mainstreaming strategy in the Civil Service at sub-national administration and deeply anchoring public understanding of gender mainstreaming strategy in order to translate labor force, intelligence and active participation of both men and women in promoting economic and local society development as well as in ensuring the country's democratic development process with progressiveness, prosperity and harmonization.

Fourth: Active participation in strengthening and expanding democratic development at sub-national level, reducing poverty of local people and laying strong economic foundation to sustain the country's development process through the management and utilization of human resource at sub-national administration within the framework of productivity, efficiency and effectiveness.

This policy, if properly implemented, shall be able to promote system of human resource management and development in Cambodia responsive to the context of nation, region and the globe.

The policy is considered and endorsed by NCDD in the 8th NCDD Meeting on the 30th of May, 2013, and approved by the Royal Government.

(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 Governmen 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 Managemen 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, Responsiblities 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 Administation 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 civl 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/instituions 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 fullfil 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 delgated 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 submiting 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 Govenor 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 insitution 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 municipalies/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 Ministryof 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 Mininsters, 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

Receving 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 Goverment*
- *Cabinet Office of Samdech Prime Minister*
- *Cabinet Offices of Deputy Prime Ministers*
- *As Article 21*
- *Royal Gazette*
- *Documentation - Archives*

Kingdom of Cambodia
Nation Religion King

Royal Government of Cambodia
No. 63 ANKr.BK

Sub-Decree
on
Management of the Implementation related to the Changes of Category, Rank and Grade of Civil Servant

****

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/1189/72 dated Nov 30, 1998 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. 06/NS/94 dated Oct 26, 1994 promulgating the Law on Common Statutes of Civil Servants of the Kingdom of Cambodia;
- Having seen Royal Decree No. CS/RKT/1297/273 dated Dec 01, 1997 on the Common Principles on the Organization of Civil Functions of the State;
- Having seen Royal Decrees on Particular Statutes of Civil Servants;
- Having seen Royal Decree No. NS/RKT/1201/450 dated Dec 01, 2001 on Basic Salary and Subsidiary Allowances of Civil Servants;
- Having seen Sub-Decree No. 88 ANKr.BK dated Sep 05, 2001 on the Integration of Civil Servants into New Category;
- With endorsement from the Council of Ministers in a plenary session on Aug 29, 2003.

HEREBY DECIDES:

Article 1:

This Sub-Decree aimed at managing the implementation of changes of categories, ranks and grades by education degrees and positions of civil servants.

Article 2:

The changes of category and rank by education degrees shall not be allowed except as stated in Article 3 of this Sub-decree.

Article 3:

The change of category by education degrees can be done only through internal examination of the Ministry which manages the category.

The changes of category rank and grade by education degrees can also be done for civil servants who have received salary based on their education degrees and who have been appointed to a position and the new position is lower than the category based on education degrees.

Article 4:

Criteria for internal examination to change the category shall be determined by the State Secretariat of Civil Service, Office of the Council of Ministers and relevant Ministries/ Institutions.

Article 5:

In necessary cases, since the category and rank of the official requested for appointment do not match the new position, that official can only be assigned to that position. In this particular case, the official who accepts the position is entitled to any allowances set for the position and the official will move up the grade in his/her category and rank before assigning to the new position. Category and rank are not adjusted for the new position.

Article 6:

Any provision contradicting this Sub-decree is nullified.

Article 7:

Minister in charge of the Office of the Council of Ministers, Secretary of State of the State Secretariat for Civil Service, Minister of Economy and Finance, Ministers, Secretaries of State of all Ministries/Institutions are tasked to implement this Sub-decree in their respective roles from the date of the signature.

Phnom Penh, 08 September 2003

Prime Minister

Hun Sen

- Receiving Places:
  - Ministry of Royal Palace
  - General Secretariat of the Senate
  - General Secretariat of the National Assembly
  - General Secretariat of the Royal Government
  - Cabinet Office of Samdech Prime Minister
  - As in Article 7
  - Documentation - Archival

No: 333 AKRB

Have copied correctly from the original version for dissemination to all provinces/municipalities and entities under the Ministry for implementation

Phnom Penh, Sep 22, 2003

Director General

Sak Setha

KINGDOM OF CAMBODIA

NATION RELIGION KING

MINISTRY OF CIVIL SERVICES

No. 2202 មស. សណន

INSTRUCTION

ON

PROCEDURES OF APPOINTMENT, MOVEMENT AND TERMINATION OF SUB-NATIONAL CIVIL SERVANTS

According to Law on Amendment of Article 28 of the Law on Organization and Functioning of the Council of Ministers, the Royal Government has issued Sub Decree No. 497 ANK BK dated 6 November 2013 on the Delegation of Power to Sub-National Administrations in Appointment, Moving and Termination of Sub-National Civil Servants.

In order to ensure the effective application of the Sub Decree, Ministry of Civil Services hereby issues this instruction on procedures of appointment, moving and termination of sub-national civil servants as follows:

I. PRINCIPLES

Any appointment, moving and termination of sub-national civil servants shall be done based on the effective, consultative, transparent, accountable, equitable, fair, and neutral civil servant principles in consistent with the Law on Common Statute of Civil Servants of the Kingdom of Cambodia and other relevant applicable regulations.

In order to ensure the above mentioned principles, any appointment, moving and termination of sub-national civil servants shall be implemented as follows:

- The appointment of civil servant shall be done in accordance with the actual number of vacant position, mission, workload, request and duty by avoiding any appointment exceed the number as identified by the structure of each Capital, Provincial, Municipal, District, Khan or the structure of specialized specialized department, division, office.
- The movement of civil servants shall follow the principle of specific mandate and justification.
- The termination of civil servants shall be done for the case of professional disqualification, placement out of original category, disciplinary sanction resulting from a transgression or a professional breach as specified by the Law on Common Statute of Civil Servants of the Kingdom of Cambodia and Sub Decree No. 10 ANK BK dated 28 January 1997 on Procedures for Imposing Disciplinary Sanctions on Civil Servants.
- The Board of Governors and council meetings for discussion and/or approval on the request for appointment, moving and termination of civil servant shall be confidentially convened.
- The council shall approve the request for appointment, moving and termination of civil servant through a confidential vote.

- A significant assessment meeting as in specialized with the principles and procedures specified by this instruction is necessary for any appointment, moving and termination of civil servant.
- Women civil servant or civil servant with disability shall be taken into account and prioritized.
- The appointment of any position in the structure of Capital, Provincial, Municipal, District, Khan or specialized specialized department, division, office shall be only applied on the civil servants of the concerned ministry/institution. If necessary, civil servant from other ministry/institution shall be selected for the appointment if his/her category is already transferred in accordance with the applicable procedures. It is prohibited the appointment of civil servant in the probationary or civil servant unregistered in the civil Services.
- The appointment of civil servant in any position shall base on his/her qualification and requirement to hold the position as determined by Royal Decree on Particular Statute and conditions as thereof provided in this instruction.
- In the event that the civil servant with requirement to hold the position cannot be selected, a qualified civil servant can be assigned to perform the duty. In this case the respective civil servants entitled to functional allowance and can be promoted steps and grades within his/her category as prior assigned to the new position.
- A civil servant with a significant grade or step cannot be assigned to work under supervision of other civil servant with lower grade or step unless it is necessary and agreed by the respective civil servant with higher grade or step.

II. PROCEDURES

The appointment, moving and termination of civil servants shall follow the following procedures:

A. Appointment, Moving and Termination of Civil Servant of Capital, Provinces, Municipalities, Districts, Khans

A.1. Position Lower than Capital/Provincial Administration Director

The procedures of appointment, moving and termination of civil servant with position lower than Capital/Provincial Administration Director shall follow the following steps:

Step 1:

Capital/Provincial Administration Director with assistance from Human Resource Management Division shall convene meeting with relevant divisions or units to discuss and select the proposed candidates for appointment, moving and termination from the above position. A meeting minutes which clearly provides justification of the appointment or moving or termination is required.

The identification of proposed candidates for the appointment or moving or termination shall primarily take into consideration the civil servant of Ministry of Interior working in the jurisdiction of the respective capital/provincial council. At least two candidates shall be selected for the appointment based on his/her qualification and requirement to hold the position as defined in the annex of this instruction.

The Administration Director upon getting an approval from the meeting shall prepare a request attached with other relevant documents as defined in annex III of this instruction for Board of Governors review and approval.

Step 2:

The Capital/Provincial Board of Governors after receiving the request for appointment or moving or termination of civil servant shall convene a meeting to review and discuss for consensus on the selection of one (01) candidate with suitable qualification and requirement to hold the position for the appointment or for the justification for moving or termination of a civil servant from a position. A meeting minutes and report is required.

After getting approval from the meeting above, Board of Governors with assistance from the Administration Director shall prepare a request attached with other relevant documents as defined in annex III of this instruction for council review and approval.

In the event that a candidate with suitable qualification and requirement to hold the position cannot be selected, the Capital/Provincial governor, after getting approval from the respective council shall request for advice from Minister of Interior to transfer civil servant from Ministry of Interior or from other Capital/Provincial or from other ministry/institution in accordance with the applicable procedures.

Step 3:

After receiving request from the Capital/Provincial governor, council chairperson shall convene council meeting to review and approve the request in accordance with procedures as provided in section IV of this instruction.

Step 4:

After getting council approval, the Capital/Provincial governor shall issue Deika for appointment or moving or termination of the proposed civil servant and/or take any additional necessary action in accordance with council decision and advice.

Step 5:

The Capital/Provincial governor, after the date of issuance Deika as above, shall send it together with relevant documents as defined in section V of this instruction to Ministry of Interior and Ministry of Civil Services within seven (07) days of working day for legality check and preparation of salary and category.

The principles of legality check are defined in section V of this instruction.

A.2. Civil servant with position of director of Capital/Provincial Finance Division

The procedures of appointment, moving and termination of civil servant with position of Director of Capital/Provincial Finance Division shall follow the following steps:

Step 1:

Capital/Provincial Administration Director shall convene meeting with Human Resource Management Division to discuss and select proposed candidates for appointment, moving and termination from the position of Director of Finance Division. The meeting shall clearly determine the justification of the appointment or moving or termination.

The identification of proposed candidate for the appointment or moving or termination shall primarily take into consideration the civil servant of Ministry of Interior working within the jurisdiction of the respective capital/provincial council. At

least two candidates shall be selected for the appointment based on his/her qualification and requirement to hold the position as defined in the annex of this instruction.

The Administration Director upon the approval from the above meeting shall prepare request attached with other relevant documents as defined in annex III of this instruction for Board of Governors review and approval.

Step 2:

The Capital/Provincial Governor of Board of Governors after receiving the request for appointment or moving or termination of civil servant shall convene a meeting to review and discussion for consensus on the selection of one (01) candidate with the most suitable qualification and requirement to hold the position for the appointment or for having the necessary justification for moving or termination of a civil servant from the position. A minutes and report of the meeting are required.

After getting an approval from the meeting above, the governor of Board of Governors with assistance from the Administration Director shall prepare request attached with other relevant documents as defined in annex III of this instruction for council review and approval.

In the event that a candidate with suitable qualification to hold the position cannot be selected, the Capital/Provincial Governor, after getting council approval shall request for advice from Minister of Interior to transfer civil servant from Ministry of Interior or from other Capital/Provincial Office or from other ministry/institution in accordance with the applicable procedures.

Step 3:

After receiving request from the Capital/Provincial governor, council chairperson shall convene council meeting to review and approve the request in accordance with procedures as provided in section IV of this instruction.

Step 4:

After having council approval, the Capital/Provincial governor shall respectively submit the request attached with relevant documents as defined in section III of this instruction to Minister of Interior for review and consultation with Minister of Economy and Finance for approval.

Step 5:

After getting council approval from Minster of Interior, the Capital/Provincial governor shall issue Deika for appointment, moving and termination of the civil servant in this position.

In the event that the request of the Capital/Provincial governor is rejected, Minister of Interior shall notify the Capital/Provincial governor the reasons of the rejection, and ask the governor to propose new candidate for the respect position.

Proposing new candidate for the position shall follow the step 1 to 5 again.

Minister of Interior in case of necessary may ask for pre-investigation on the justification of the request for moving or termination of civil servant from this position. In the event that the investigation shows that no proper justification of the request is found, Minster of Interior shall notify the capital/provincial governor on the

disagreement with the request for moving or termination of the civil servant from the position.

Step 6:

After the date of issuance of above Deika on the appointment or moving or termination of civil servant, the Capital/Provincial governor shall send the Deika attached with documents as defined in section III of this instruction to Ministry of Interior and Ministry of Civil Services no later than seven (07) days of working day for legality check and preparation of relevant documents, salary and category.

The principles of legality check are defined in section V of this instruction.

A.3. Position lower than Municipal/District/Khan Administration Director

The appointment or moving or termination of civil servant in the position lower than Municipal/District/Khan Administration Director shall follow the steps as follows:

Step 1:

Municipal/District/Khan Administration Director with assistance from the Municipal/District/Khan Administration and Finance Office shall convene meeting with heads of offices or relevant divisions to discuss and select proposed candidates for appointment or moving or termination in these positions. Meeting minutes which clearly provides justification of the request for the appointment or moving or termination is required.

The identification of proposed candidates for the appointment or moving or termination shall primarily take into consideration the civil servants of Ministry of Interior working within the jurisdiction of the respective Municipal/District/Khan council. At least two (02) candidates shall be selected for the appointment based on his/her qualification and requirement to hold the position as determined in the annex of this instruction.

The Administration Director upon having an approval from the meeting shall prepare request attached with other relevant documents as defined in annex III of this instruction for the respective Board of Governors review and approval.

Step 2:

The Municipal/District/Khan Governor of Board of Governors after receiving request for appointment or moving or termination of civil servant shall convene Board of Governors meeting to review and discuss for consensus on the selection of one (01) candidate with the most suitable qualification and requirement to hold the position for the appointment or for having the necessary justification for moving or termination of a civil servant from any position. A clear meeting minutes and report are required.

After getting approval from the meeting above, the governor of Board of Governors with assistance from the Administration Director shall prepare request attached with other relevant documents as determined in annex III of this instruction for the respective council review and approval.

In the event that a candidate with suitable qualification and requirement to hold the position cannot be selected, the Municipal/District/Khan governor, after getting Board of Governors and council approval may request for advice from the respective Capital/Provincial governor on the selection of suitable candidates from

other Capital/Provincial or Municipal/District/Khan or transfer from other ministry/institution in accordance with the applicable procedures.

Step 3:

After receiving request from the Municipal/District/Khan governor, council chairperson shall convene council meeting to review and approve the request in accordance with procedures as provided in section IV of this instruction.

Step 4:

After council approval, the Municipal/District/Khan governor shall respectively submit the request attached with relevant documents as defined in section III of this instruction to the respective Capital/Provincial governor for issuance of Deika on appointment or movement or termination of the proposed civil servant or taking any additional action based on the respective council decision and advice.

Step 5:

After receiving request from the Municipal/District/Khan governor, the Capital/Provincial governor shall review the appropriateness of the qualification and requirement to hold the position of the proposed candidates for appointment or the justification of the request for moving or termination proposed by the Municipal/District/Khan governor.

Capital/Provincial governor if necessary may ask for pre-investigation on the justification of the request for moving or termination of civil servant from this position. In the event that the investigation shows that no justification of the request is found, capital/provincial governor shall issue a letter notifying the capital/provincial governor on the disagreement with the request for moving or termination of the civil servant from the position.

Step 6:

In the event that the proposed candidate for appointment or moving or termination is suitable, the capital/provincial governor shall issue Deika on appointment or movement or termination of the proposed position within ten (10) days of working day after receiving request from the Municipal/District/Khan governor.

In the event that proposed candidates do not match with the qualification and requirement as determined, the capital/provincial governor shall issue a letter notifying Municipal/District/Khan governor to select new suitable candidates for replacement. In this case, the respective Municipal/District/Khan governor shall select new candidates by following the step 1 to step 4 above again.

Step 7:

After the date of issuance of above Deika on the appointment or moving or termination of civil servant, the respective capital/provincial governor shall send the Deika attached with documents as defined in section III of this instruction to Ministry of Interior and Ministry of Civil Services within a period of no later than seven (07) days of working day for legality check and preparation of relevant documents, salary and category.

The principles of legality check is defined in section V of this instruction.

A.4. Position of Chief of Administration and Finance Office of Municipality/District/Khan

The appointment or moving or termination of civil servant in the position of chief of administration and finance office of Municipality/District/Khan shall follow the steps as follows:

Step 1:

Municipal/District/Khan administration director and deputy director shall convene a meeting to discuss and select proposed candidates for appointment or moving or termination of civil servant in the position of chief of administration and finance office. Meeting minutes which clearly provides the justification of the request for the appointment or moving or termination is required.

The identification of proposed candidates for the appointment shall primarily take into consideration the civil servants of Ministry of Interior working within the jurisdiction of the respective Municipal/District/Khan council. At least two (02) candidates shall be selected for the appointment based on his/her qualification and requirement to hold the position as determined in the annex of this instruction.

The Administration Director upon having an approval from the meeting shall prepare request attached with other relevant documents as defined in annex III of this instruction for the respective Board of Governors review and approval.

Step 2:

The Municipal/District/Khan Governor of Board of Governors after receiving the request for appointment or moving or termination of civil servant shall convene its Board of Governors meeting to review and discuss for consensus on the selection of one (01) candidate with the most suitable qualification and requirement to hold the position for the appointment or for having the necessary justification for moving or termination of a civil servant from this position. A clear meeting minutes and report are required.

After getting approval from the meeting above, the respective Municipal/District/Khan governor of Board of Governors with assistance from the Administration Director shall prepare request attached with other relevant documents as determined in annex III of this instruction for the respective council review and approval.

In the event that a candidate with suitable qualification to hold the position cannot be selected, the Municipal/District/Khan governor, after getting approval from the respective Board of Governors and council may request for advice from the respective Capital/Provincial governor on the selection of suitable candidates from other Capital/Provincial or Municipal/District/Khan or transfer from other ministry/institution in accordance with the applicable procedures.

Step 3:

After receiving request from the Municipal/District/Khan governor, council chairperson shall convene council meeting to review and approve the request in accordance with procedures as provided in section IV of this instruction.

Step 4:

After getting council approval, the Municipal/District/Khan governor shall respectively submit the request attached with relevant documents as defined in section III of this instruction to the respective Capital/Provincial governor to forward to Minister of Interior for review and consultation with Minister of Economy and Finance for approval.

Step 5:

After receiving request from the Municipal/District/Khan governor, the Capital/Provincial governor shall review the appropriateness of the qualification and requirement to hold the position of the proposed candidates for appointment or the justification of the request for moving or termination proposed by the Municipal/District/Khan governor.

Capital/Provincial governor if necessary may ask for pre-investigation on the justification of the request for moving or termination of civil servant from this position. In the event that the investigation shows that there is no justification found, the capital/provincial governor shall issue a letter notifying the capital/provincial governor on the disagreement with the request for moving or termination of the civil servant from the position.

In the event that the Capital/Provincial governor agrees with the request for the appointment or moving or termination, he/she shall submit request attached with relevant documents as defined in section III of this instruction to Minister of Interior for review and consultation with Minister of Economy and Finance for approval.

In the event that the proposed candidates do not match with the qualification and requirement as determined, the capital/provincial governor shall issue a letter notifying Municipal/District/Khan governor to select new suitable candidates for replacement. In this case, the respective Municipal/District/Khan governor shall select new candidates by following the step 1 to step 4 above again.

Step 6:

After getting approval from Minister of Interior, Capital/Provincial governor shall issue Deika on appointment or movement or termination of the civil servant in this position.

In the event that the request is rejected, Minster of Interior shall notify the Capital/Provincial governor by giving justification of the rejection and/or ask the respective Capital/Provincial governor to discuss with the respective Municipal/District/Khan governor to propose new candidates for the appointment in this position.

Step 7:

After the date of issuance of above Deika on the appointment or moving or termination, the respective Capital/Provincial governor shall send the Deika attached with documents as defined in section III of this instruction to Ministry of Interior and Ministry of Civil Services within a period of no later than seven (07) days of working day for legality check and preparation of relevant documents, salary and category.

The principles of legality check are defined in section V of this instruction.

B. Appointment, Movement, Termination of Civil Servants of Specialized Departments/Entities and Offices at Sub National Level

B.1. Position of Director of Capital/Provincial Department or Equivalent Entities

Capital/Provincial governor in the appointment or moving or termination of civil servant from the position of director of Capital/Provincial Department or Equivalent Entities has the right to request to the concerned minister or head of institution.

The appointment or movement or termination of civil servant in the above position shall follow the steps as follows:

Step 1:

Capital/Provincial governor of Board of Governors shall convene Board of Governors meeting to discuss and select proposed candidates for the appointment or moving or termination of civil servant in the above position.

The governor may invite key relevant stakeholders to the meeting for advice if necessary.

A meeting minute which provides clear justification of the appointment or movement or termination is required.

The identification of proposed candidates for the appointment shall primarily take into consideration the civil servants of the concerned ministry/institution working within the jurisdiction of the respective Capital/Provincial council based on the qualification and requirement to hold the position as defined in the annex of this instruction.

In the event that a suitable candidate cannot be selected, the Capital/Provincial governor, after getting approval from the Board of Governors and council may request for advice from the minister of the concerned ministry/institution on the transfer of civil servant from the concerned ministry/institution or its specialized department/entityin other capital/province or other ministry/institution in accordance with the applicable procedures.

Step 2:

After getting approval from the Board of Governors on the proposed candidates for appointment or the justification of the request for moving or termination from the above position, the Capital/Provincial governor shall submit a request attached with relevant documents as defined in section III of this instruction to council chairperson for the respective council review and approval.

Step 3:

The Capital/Provincial council chairperson upon receiving request from the Capital/Provincial governor shall convene council meeting to review and approve the request in accordance with the procedures as defined in section IV of this instruction.

Step 4:

After getting council approval, Capital/Provincial governor shall submit the approved request attached with relevant documents as defined in section III of this instruction to the concerned minister/head of institution for review and approval.

The concerned minister/head of institution may ask for pre-investigation on the justification of the request for moving or termination of civil servant from this position if necessary. In the event that the investigation shows that no justification of the request is found, the concerned minister/head of institution shall issue a letter

notifying the capital/provincial governor on the disagreement with the request for moving or termination of the civil servant. In the event that the request has a significant justification, the concern minister/hear of institution shall issue Prakas on the movement or termination of the civil servant as requested. The decision of the concerned minster/head of institution on his/her agreement or disagreement with request shall be made within a period of no later than fifteen (15)days of working day after receiving the request from the respective Capital/Provincial governor.

In the event that there is no common agreement between the Capital/ Provincial governor and the concerned minster/head of institution on the proposed candidate for appointment or moving or termination, minister of civil Services shall coordinate with the concerned minister/head of institution and the Capital/Provincial governor and/or report to the head of the Royal Government for review and decision.

B.2. Position of Lower than Capital/Provincial Specialized Departments or Equivalent Entities

The appointment or movement or termination of civil servant in the above position shall follow the steps as follows:

Step 1:

The concerned specialized department/entity shall convene internal meeting among its leadership to discuss and select proposed candidates for appointment or moving or termination from the above position. A meeting minutes providing clear justification of the appointment or movement or termination is required.

The identification of proposed candidates for the appointment shall primarily take into consideration the civil servants of the concerned ministry/institution working within the jurisdiction of the respective Capital/Provincial council. At least two (02) candidates shall be selected for appointment in the above position based on the qualification and requirement to hold the position as defined in the annex of this instruction.

The concerned specialized department/entity, after getting approval from the above meeting, shall prepare request attached with relevant documents as defined in section III of this instruction for the respective Capital/Provincial governor review and approval.

Step 2:

The Capital/Provincial Governor of Board of Governors after receiving request for appointment or moving or termination of civil servant shall convene Board of Governors meeting with participation of director of the concerned specialized department/entity to review and discuss for consensus on the selection of one (01) candidate with the most suitable qualification and requirement to hold the position for the appointment or the necessary justification for moving or termination of a civil servant from the position. A clear meeting minutes and report of the meeting are required.

After getting approval from the meeting above, the Capital/Provincial governor of Board of Governors with assistance from the Administration Director shall prepare a request attached with other relevant documents as defined in annex III of this instruction for the respective council review and approval.

In the event that a suitable candidate cannot be selected, the Capital/ Provincial governor and director of the concerned specialized department/division with approval from the respective Capital/Provincial Board of Governors and council may request for advice from the concerned minister or head of institution to transfer civil servant from the concerned ministry/institution in other capital/province or from other ministry/institution in accordance with the applicable procedures.

The Capital/Provincial governor may ask for pre-investigation on the justification of the request for moving or termination of civil servant from this position if necessary. In the event that the investigation shows that no justification of the request is found, the governor with approval from the respective Board of Governors shall issue a letter notifying the director of the concerned specialized department/ division on his/her disagreement with the request for moving or termination of the civil servant.

In the event that any civil servant in these positions is found irregularity or 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 event 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.

Step 3:

After receiving the request of capital/provincial Governor, capital/provincial Chairperson shall organize the council meeting to review and approve on the above request following the procedures as defined in section IV of this instruction.

Step 4:

Upon the approval of the council, capital/provincial governor shall issue Deika to appoint, move and terminate civil servant in this proposed position or take neccessary action based on decision and advices of the council.

The decision onagreement or disagreement with the request of the director of respective department/entity shall be done withing 30 days of working day.

Step 5:

After the date of issuing Deika on apppoinment or mvement or termination, Capital/provincial Governor shall send the Deika attached with relevant documents as defined in section III of this instruction within 07 (sevent) days of working day to the respective ministry/institution and Ministry of Civil Servicess for legality check and preparation of documentsrelated to salary and category.

The principles of legality check is determined in section V of this instruction.

B.3. Positions lower than chief of specialized office or equivalent at Municipality/District/Khan

The appointment, movement and termination of civil servants in the position lower than chief of specialized office or equivalent at Municipal/District/Khan shall follow the following steps:

Step 1:

Municipal/District/Khan Governor shall convene Board of Governor Meeting for discussion, matching and selection the proposed candidates for the appointment, movement and termination of the above position. Meeting minuteswhich provides the clear justification of such requestfor moving or termination of civil servant is required. If neccessary, Municipal/District/Khan Governor may invite director of respctive specialized department/entity/office to the meeting.

The selection of proposed candidates for the appointment shall primarily take into consideration the civil servants of the respective ministry/institutionworking in the jurisdiction of the respective Municipal/District/Khan Council, based on suitable qualification and requirementto hold the position as dertermined in this instruction.

In the event that a suitable candidate cannot not be selected, 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 coordiante with director of respective ministry/institution to transfer civil servants from the respective ministry/instituion in other Capital/Province/Municipality/District/Khanin accordance with the applicable procedures.

Step 2:

Upon the approval from the Board Governors, the Municipal/District/Khan Governor shall submit a request attached with documents as defined in section III of this instruction for appointment or moving or termination of civil servants in these positions to the his/her council for review and approval.

Step 3:

After receiving the request of Municipal/District/Khan Governor, Municipal/District/Khan council chairperson shall convene council meeting to review and approve above request in accordance with the procedures as determined in section IV of this instruction.

Step 4:

After getting approval from the council, the Municipal/District/Khan Governor shall submit a request attached with relevant documents as determined in section III of this instructionto Capital/Provincial Governor through the respective director of department/entity to issue Deika to appoint, move and terminate the civil servant in this proposed position or shall take neccessary action based on decision and advices of its council. Director of the respective department/institution shall review and provide advices on the request to Capital/provincial Governor within 05 (five) days of working day after receiving the request.

Step 5:

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 to issue Deika to appoint, move or terminate civil servants in these positions or can ask for an investigation into the justication of such appiontment, movement or termination.

If the investigation finds that the request is not justified, the Capital/Provincial Governor with approval from the Board of Governors shall issue a letter to notify the respective Municipal/District/Khan Governor on the disagreement with the request.

Step 6:

After the date of issuing Deika for apppoinment or mvement or termination, Capital/provincial Governor shall send the Deikaon the appointment or movement or termination of civil servantattached with relevant documents as definedin section III of this instruction within 07 (sevent) days of working day to respective ministry/institution and Ministry of Civil Servicess for legality check and prepareation of documentsrelated to salary and category.

The principles of legality check is determined in section V of this instruction.

B.4. The appointment, movement or termination of civil servants of entities under ministries/institutions withfunctions of services delivery which cover more than one sub-national administrationsterritory

For the appointment or moving or termination of civil servants of entities under ministries/institutions, whose functions to provide services delivery which cover the territory of more than one Sub-National Administrations, the head of Capital/Provincial/Municipal/District/Khan governor of where the entity is located and the head of the respective entity shall follow the procedures as set forth in section B.1, B.2 and B.3 by consulting with relevant Capital/Provincial/Municipal/ District/ Khan administrations.

III. Required Documents for the Appointment, Movement and Termination of Civil Servants

In the processs of appointment or movement or termination of civil servants at sub-national administrations, all neccessary documents are required to use as a basis for discussion, evaluation, reviewing and approval.

Thosse documents shall be prepared in the following seperate steps for submitting to board of governors, council, andrelevant ministries/institutions:

A. Documents for submitting to Board of Governorsare as:
- Request letter of Administrative Director;
- Minutes of consultative meeting between Administrative Director and the management of the entity;
- List of proposed civil servants for appointment or movingor termination;
- Personal biography (for appointment or movement);
- Relevant personal documents such as certificate(s), degree(s), letter of individual provision related to the latest position, category, grade and step.

B. Documents for submitting to council are as:
- Request letter of Governor;
- Minutes of consultative meeting of Board of Governors;
- List of proposedcivil servants for the appointment or moving or termination;
- Personal biography (for appointment or movement);
- Related personal documents such as certificate(s), degree(s), letter of individual provision related to latest position, category, grade and step.

C. Documents for attaching with the request of municipality/district/khan governor for submitting to capital/provincial governor included:
   - Request letter of municipal/district/khan Governor;
   - Minutes of consultative meeting of municipal/district/khan council;
   - List of proposed civil servants for the appointment or moving or termination;
   - Personal biography (for appointment or movement);
   - Related personal documents such as certificate(s), degree(s), letter of individual provision related to latest position, category, grade and step.

D. Documents for attaching with the request of director of provincial specialized department/entity for submittign to capital/provincial governor are as:
   - Request letter of director of department/entity;
   - Minutes of the management meeting of department/entity;
   - List of proposed civil servants for the appointment or moving or termination;
   - Personal biography (for appointment or movement);
   - Related personal documents such as certificate(s), degree(s), letter of individual provision related to latest position, category, grade and step.

E. Documents for attaching with the request of Capital/Provincial Governor for submitting to ministry/institution are as:
   - Request letter of capital/provincial governors;
   - Minutes of the meeting of capital/provincial Council; or municipal/district/khan council in the event that the proposed appointment, movement or termination in the posistion of office chief of administration and finance at municipality, district, khan level;
   - List of proposed civil servants for the appointment or moving or termination;
   - Personal biography (for appointment or movement);
   - Related personal documents such as certificate(s), degree(s), letter of individual provision related to latest position, category, grade and step.

F. Documents for submitting to ministry/institution after issuance ofDeika are as:
   - Deika to appoint or move or terminate of civil servants;
   - Minutes of the meeting of capital/provincial, municipal, district, khan council;
   - Report on the process of appointment, movement or termination of civil servants;
   - List of proposed civil servants for the appointment or moving or termination;
   - Personal biography (for appointment or movement).

IV. Board of Governors and Council Meeting

All meetings of board of governors and council to discuss and/or approve the propoposed appointment or movement or termination of civil servants working at the sub-national administration shall be done in confidential manner, public and the civil servants are not allowed to attend this meetingwith exception for the civil servants who have neccessary duties in facilitation and organizing the meeting process.

A. Board of Governors Meeting

Board of Governors shall discuss to reach concensus on the proposed appointment or movement or termination of civil servants. The discussion shall base on qualification and requirement to hold the position as determied for each positionas defined in the annex of this instruction, and the specific justification for the proposed appointment or movement or termination of civil servants.

B. Council Meeting

Governor or representative of board of governors shall report to the council meeting by specifying the needs and justification of the request for appointment, movement or termination of civil servants for his/her council to review and approve.

Council shall approve on the request for appointment, movement or termination of civil servants throught confidential voteto agree or disagree with the proposed candidates based on qualification and requirement to hold the positions and justification to move or termination of those civil servants.

After the report of governor or representatives of board of governors, council may request for additional clarifications on other justifications for a basis prior to vote for approval or disapproval on the proposed candidates.

Any approval on the request for appointment, movement or termination of civil servants in any positions shall be valid only if the supporting votes of more than half of the total members of the council. In the event that the number of votes are equal, the vote of the meeting chairperson shall be prevailed.

In the event that council do not have sufficient votes to approve as stated above, the council shall recommend and request to the board of governors to review, evaluate and change the candidates and/or ask to facilitate the process for appointment, movement again in order to prepare the request to the council for review and re-approval.

For the appointment, movement or termination of civil servants at capital, provincial level, if the council do not have sufficient votes to approve in the second meeting of the council, capital, provincial governor shall report and request for advices from the Ministry of Interior and or respective ministries, institutions to immediately review and approve.

For the appointment, movement or termination of civil servants at municipal, district, khan level, if the council do not have suffient votes to approve in the second meeting, the Council/Municipal/District/Khan governor shall report to and request for advices from the Capital/Provincial governor to immediately review and approve.

The minutes of such confidential meeting shall not be made public. If neccessary, the details content of agenda related to confidential issues shall be noted seperately and shall only be disseminated to the councilors . Council can allow to extract the main content of the meeting for public dissemination but shall not make any impact to the private information, honor and dignity of the respective person.

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

V. Legality Check of Deika of Capital/Provincial Governor

Capital/Provincial governor shall send Deika on appointment, movement and termination of civil servants withing his/her jurisdiction by attaching with the documents as defined in section III of this instruction to the Ministry of Civil Services and the respective institutions within 7 (seven) days of working day after the date of the appointment or movement or termination for legality check and preparation of documents related to salary, category and ensuring the implementation in accordance with the applicable procedures.

Ministry of Interior has the competence to conduct the legality check of Deika on the appointment or movement or terminiation of civil servants working at the Capital/Province/Municipality/District/Khan.

Each Ministry/ institution has the competence to conduct the legality check of Deika on the appointment or movement or termination of civil servants working at the respective specialize departments/entities and offices.

In the event that the Deika on the appointment or moving or termination does not comply with the applicable principles, formalities and procedures, the respective ministry/institution shall notify the Sub-National Administration within sevent (07) days of working day afer receiving the Deika.

Ministry of Civil Servicess has the competence to review and prepare documents related to salary and category.

In the event that the legallity check finds that the appointment or movement or termination does not comply wiht the applicable principles, formalities and procedures, the respective ministry/institution shall issue a letter of instruction to the Sub-National Administration to review and make correction accordingly. In the event that a Sub-National Administration fails to follow this instruction, the respective minisstry/institution shall urgently intervene by issuing Prakas to revoke the Deika which is not compliance with the applicable principles, formalities and procedures.

Upon receiving this instruction, all ministries/institutions, Capital/Provincial/ Municipal/District/Khan Councils and Board of Governors, and specialize departments/entities shall disseminate and implement effectively.

Phnom Penh, 04 Jully 2014

Minister of Civil Services

Pech Bunthen

Receving places:

- *Office of Council of Ministers*
- *General Secretariat of the Royal Goverment*
- *Cabinet Office of Samdech Prime Minister*
- *Cabinet Offices of Deputy Prime Ministers*
- *Ministries, institutions*
- *Secretariat of NCDD*
- *Sub-National Administrations*
- *Royal Gazette*
- *Documentation - Archives*

Appendix: Instruction 2202, dated 04 July, 2014

Procedures of the appointment, movement or termination of Sub-National Administrations civil servants

Requirement and qualification to hold the positions

Requirement to hold the position	Category, Grade	Qualification
Capital/Provincial		
- Deputy director of administration at Capital/Province - Head of Division at Capital/Province	Chief of Kramkar official	- At least 05 years experiences served in civil Services - Have experiences and capability in leadership and managerial work - Be initiative - Possess morality, kindness and professionalism - Be good solidarity and responsible - Be in good health
- Head of procurement unit at Capital/Province		- At least 05 years experiences served in civil Services - Hold associate degree in economic or finance - At least 3 years experienced in economic or finance work - Be trained in public procurement certified by Ministry of Finance and Economy - Be responsible - Be in good health
- Deputy head of division at Capital/Province - Deputy head of procurement unit at Capital/Province	Principal kramkar	- At least 04 years experiences served in civil Services - Have experiences and capability in leadership and managerial work

- Chief of office at Capital/Province	official	- Be initiative - Possess morality, kindness and professionalism - Be good solidarity and responsible - Be in good health
- Vice chief of office at Capital/Province	Kramkar official	- At least 03 years experiences served in civil Services - Have experiences and capability in leadership and managerial work - Be initiative - Possess morality, kindness and professionalism - Be good solidarity and responsible - Be in good health
Requirement to hold the position	**Category, Grade**	**Qualification**
Municipal/District/Khan		
- Deputy director of Administration at Municipal/District/Khan - Chief of office at Municipal/District/Khan	Kramkar official	- At least 04 years experiences served in civil Services - Have experiences and capability in leadership and managerial work - Be initiative - Possess morality, kindness and professionalism - Be good solidarity and responsible - Be in good health
- Chief of procurement unit at Municipal/District/Khan		- At least 04 years experiences served in civil Services - Hold associate degree in economic or finance - At least 3 years experienced in economic or finance work

		- Be trained in public procurement certified by Ministry of Finance and Economy - Be responsible - Be in good health
- Vice chief of office at Municipality/District/Khan - Vice chief of procurement unit at Municipal/ District/khan	General administrative official	At least 03 years experiences served in civil Services - Have experiences and capability in work performance - Be initiative - Possess morality, kindness and professionalism - Be good solidarity and responsible - Be in good health
Requirement to hold the position	**Category, Grade**	**Qualification**
Specialize department, entity at Capital/Province		
- Director of Departments/entities	Grade 3 of Category A	- At least 05 years experiences served in civil Services - Have experiences and capability in leadership and managerial work - Be initiative - Possess morality, kindness and professionalism - Be good solidarity and responsible - Be in good health
- Deputy director of department/entities	Grade 1 of Category B	- At least 04 years experiences served in civil Services - Have experiences and capability in leadership and managerial work - Be initiative - Possess morality, kindness

		and professionalism - Be good solidarity and responsible - Be in good health
- Chief of office	Grade 2 of Category B	- At least 04 years experiences served in civil Services - Have experiences and capability in leadership and managerial work - Be initiative - Possess morality, kindness and professionalism - Be good solidarity and responsible - Be in good health
- Vice chief of office	Grade 3 of Category B	- At least 03 years experiences served in civil Services - Have experiences and capability in leadership and managerial work - Be initiative - Possess morality, kindness and professionalism - Be good solidarity and responsible - Be in good health
Requirement to hold the position	**Category, Grade**	**Qualification**
Specialize office, entity at Municipal/ District/Khan		
- Chief of offices/entities	Grade 3 of Category B	- At least 04 years experiences served in civil Services - Have experiences and capability in leadership and managerial work - Be initiative - Possess morality, kindness and professionalism - Be good solidarity and

		responsible - Be in good health
- Vice chief of offices/entities	Grade 1 of Category C	- At least 03 years experiences served in civil Services - Have experiences and capability in work performance - Be initiative - Possess morality, kindness and professionalism - Be good solidarity and responsible - Be in good health

Kingdom of Cambodia

Royal Government of Cambodia **Nation Religion King**

Ministry of Interior

No. 022 SNN

Guidelines on

Formalities and Procedures to Change Members of Capital, Provincial, Municipal, District and Khan Councils

Pursuant to the Law on Administrative Management of Capital, Province, Municipality, District, Khan and Royal Decree No. NS/RKT/0509/573 dated May 28, 2009, which stipulates validation and change of members of Capital Council, Provincial Council, Municipal Council, District Council and Khan Council, Ministry of Interior would like to provide guidelines on the formalities and procedures for changing members of Capital Council, Provincial Council, Municipal Council, District Council and Khan Council as follow:

1. Requirements and Fulfillment of Formalities on the Change of Council Members

According to Article 22 of the Law on Administrative Management of Capital, Province, Municipality, District, Khan, a member of Capital Council, Provincial Council, Municipal Council, District Council and Khan Council shall lose his/her membership if any of the following cases occur:

1. He/she loses qualifications and conditions to stand for the election of the council;
2. He/she resigns from the council by submitting a written letter of resignation to the chairperson of the council;
3. He/she passes away;
4. He/she fails to attend the ordinary meeting of the council more than two (02) times consecutively without prior authorization;
5. He/she is dismissed from being a councilor in accordance with a law, procedure, internal rule or code of ethics of the council;
6. He/she is convicted by a court for a criminal or misdemeanor offence;
7. He/she loses membership of his/her political party.

For each of the cases above, for every request to change a councilor, the following formalities should be fulfilled:

1. In the case that he/she loses qualifications and conditions to stand for the election of the council, the request of the concerned councilor to change the councilor should be attached with a certifying letter or a report on reasons that he/she loses qualifications and conditions to stand for the election based on Article 21 of the Law on Administrative Management of Capital, Province, Municipality, District, Khan and Article 17 of the Law on Election of Capital Council, Provincial Council, Municipal Council, District Council, Khan Council.
2. In the case that he/she resigns from the council, the concerned councilor shall submit a written request to his/her Council Chairperson and the request to change the council shall be attached with the request submitted by the concerned councilor.
3. In the case that he/she passes away, the request of the concerned councilor shall be attached with a copy of death certificate issued by competent authority.
4. In the case that he/she fails to attend the ordinary meeting of the council more than two (02) times consecutively without prior authorization, the request to change the councilor shall be attached with the minutes and participant lists of the two meetings of the council.
5. In the case that he/she is dismissed from being a councilor in accordance with a law, procedure, internal rule or code of ethics of the council, the request to change the councilor shall be attached with the report and minute of the meeting, in which a decision is made to dismiss the concerned councilor.
6. In the case that he/she is convicted by a court for a criminal or misdemeanor offence, the request to change the councilor shall be attached with the court judgment or the court's final verdict.
7. In the case that the councilor is dismissed as a member of his/her political party, the concerned political party should report to the council by attaching a letter or decision of the political party, which dismisses the concerned councilor from membership of the party based on the statute or internal regulation of the party.

2. Formalities and Procedures to Change Councilor in Each Category

In the case that a member loses his/her membership from a council following the conditions described above, during the term of the council, a candidate at the next order to him/her in the same list as the candidate, who loses his/her membership should be selected to replace him/her for the remaining period of the mandate as stated in Article 23 of the Law on Administrative Management of Capital, Province, Municipality, District, Khan. Ministry of Interior shall decide and announce the losing of membership in the council in the above cases.

Formalities and procedures to change councilor in each category are prescribed as follow:

a. Change of Capital/Provincial Council

When a member of Capital or Provincial Council loses membership from the Council, Council Chairperson of the Capital or Provincial shall prepare paperwork on the urgent request to change to the Minister of Interior to review and approve by attaching relevant documents as stated earlier.

Council Chairperson shall report to his/her councilors the replacement of the councilor in between ordinary meetings of the Council.

b. Change of Municipal/District/Khan Council

When a member of Municipal, District or Khan Council loses membership from the Council, Council Chairperson of the Municipal, District or Khan shall prepare paperwork on the urgent request to change to the Ministry of Interior to review and approve by attaching relevant documents as stated earlier. Council Chairperson shall report to his/her councilors the replacement of the councilor in between ordinary meetings of the Council.

Such request to change shall be immediately submitted to the Capital or Provincial Governor. Capital or Provincial Governor shall review the request to change and ensures that the replacement possesses the requirement as prescribed in the procedures. If found correct, Capital or Provincial Governor shall write a Deika to forward all documents received from the Municipal, District or Khan Council to the Minister of Interior to review and approve in a timely manner as provided by the law.

If any of the requirement provided by the Law is missing, the Capital or Provincial Governor shall submit a written letter to the Municipal, District or Khan Council on the missing requirement and request them to fulfill within a specific timeframe as required by the law to ensure that the replacement of a councilor can be done within the timeframe provided by the Law. The Capital or Provincial Governor shall write a Deika attaching the request of the Municipal, District or Khan Council, relevant documents and letters related to the fulfillment of the missing requirements to the Minister of Interior to review and endorse. The Capital or Provincial Governor shall report on the replacement of the Municipal, District or Khan Council member in every ordinary meeting of the council.

Upon receiving the Guidelines, Councils and Boards of Governors of Capital, Provinces, Councils and Boards of Governors of Municipality, District, Khan and relevant agencies shall arrange the dissemination and implementation in an effective manner.

Phnom Penh, July 13, 2009

Deputy Prime Minister, Minister of Interior

Sar Kheng

CC:

- Office of the Council of Ministers
- Ministry of Economy and Finance
- National Election Committee
- Relevant Political Party

  (For Information)
- Capital/Provincial Hall

  (For Implementation and Distribution to Municipal, District, Khan Halls)
- Documentation - Archival

Kingdom of Cambodia
Nation Religion King

Royal Government of Cambodia
Ministry of Interior

No: 038 SNN

Guidelines on the Formulation of Term of Reference for Staff of Capital, Provincial, Municipal, District, Khan Administrations

Referring to Article 162 of the Law on Management of Capital, Province, Municipality, District and Khan, Board of Governors are required to provide recommendations and submit to their respective council to decide on the terms of reference of their staff and criteria for staff selection.

Referring to Sub-Decree No. 215 ANKr.BK dated Dec 14, 2009 on Roles, Duties and Working Relationship of the Council and Board of Governors of Phnom Penh, Councils and Boards of Governors of Khans in Phnom Penh and Sub-Decree No. 216 ANKr.BK dated Dec 14, 2009 on Roles, Duties and Working Relationship of Councils and Boards of Governors of Provinces, Councils and Boards of Governors of Municipalities and Councils and Boards of Governors of Districts.

Referring to Article 15 and 24 of Prakas No. 427 BrK dated Dec 30, 2009 on the Establishment of Offices under the Office of Phnom Penh Capital Hall, the Establishment of the Office of Khan Hall and Roles, Duties and Working Formalities of those offices and referring to Article 12, Article 22 and Article 31 of Prakas No. 4274 BrK dated Dec 30, 2009 on the Establishment of Offices under the Office of Provincial Hall, the Establishment of Office of District Hall and Roles, Duties and Working Formalities of those offices.

Based on these provisions, Ministry of Interior would like to provide the following guidelines on the formulation of Term of Reference for Staff of Capital, Provincial, Municipal, District, Khan Administrations.

1. Objectives

The formulation of this Term of Reference is aimed to strengthen quality, effectiveness and responsibilities of staff working in the structure of capital, provincial, municipal, district and khan halls.

2. Principles

All staff members of the structure of capital, provincial, municipal, district and khan halls with positions from Director for Administration down shall have Term of Reference.

The Term of Reference is used as the basis for (a) Undertaking of roles and duties of staff; (b) Capacity development of staff and (c) Performance appraisal of staff.

In the formulation process of the Term of Reference, Capital, Provincial, Municipal, District, Khan Governors shall ensure discussion with and inputs from staffs in the structure of capital, provincial, municipal, district and khan halls.

3. Procedures for Formulating Term of Reference

3.1. Drafting of Term of Reference

Capital, Provincial, Municipal, District, Khan Governors shall instruct and provide orientation to heads of all entities under the structure of capital, provincial, municipal, district and khan halls to formulate ToR for each of their staff members.

Upon receiving instruction and orientation from the Governor, chief of each entity shall:

- Study the roles, duties and responsibilities provided, scope of work and situation of officials and staff working their entity;
- Determine position for each staff (example: deputy director of the finance office in charge of accounting, accounting officer, etc.) and assign tasks and responsibilities to each staff based on their ability, knowledge, skills and experiences as well as determine the accountability line (under whose supervision and report to whom?).

Each position is placed under management and reporting hierarchy as follow:

No.	Position	Under direct supervision and report to:
a) Capital/Provincial Administration		
1	Administration Director	Board of Governors, Governor and Council
2	Deputy Director of Administration, Chiefs of Divisions, Chief of Unit	Director for Administration
3	Deputy Director of Divisions and Chief of Offices	Director of Division
4	Deputy Chief of Unit	Chief of Unit
5	Deputy Chief of Office, Staffs and personnel	Chief of Office
B) Municipal/District/Khan Administration		
1	Administration Director	Board of Governors, Governor and Council
2	Deputy Director for Administration, Office Chief and Chief of Unit	Director for Administration
3	Deputy Office Chief, Deputy Chief of Unit, Staff and Personnel	Office Chief and Chief of Unit

Then, each Chief of Unit shall:

- Prepare ToR following the template attached with this Guidelines (Annex)
- Convene internal meeting to discuss the draft ToR
- Submit the draft ToR to the Division of Human Resource Management (for capital and provincial administration) or Office of Administration and Finance (for municipal, district, khan administration)

3.2. Review and Adoption of the draft ToR

The Division of Human Resource Management of Capital/Provincial Hall and Office of Administration and Finance of Municipal/District/Khan Hall shall review and provide feedback on the draft ToR received from chief of each unit and submit to the Director for Administration of Capital/Provincial/Municipal/District/Khan Administration for review and comment.

Upon receiving the draft ToR, Director for Administration of Capital/Provincial/Municipal/ District/Khan Administration shall convene a meeting to review and comment on the draft ToR. For Capital/Provincial Administration, participants in this meeting include Deputy Director for Administration, Director/Deputy Director of Division and Chief and Deputy Chief of Unit. For Municipal/District/Khan Administration, participants in the meeting include Deputy Director for Administration, Chief and Deputy Chief of Office and Chief and Deputy Chief of Unit. After being reviewed and commented, the draft ToR is submitted to the Board of Governors for review and comment.

Upon receiving the draft ToR from the Director for Administration, Capital/Provincial/ Municipal/District/Khan Governor shall convene a meeting of their respective Board of Governors to review and comment the draft ToR. After being reviewed and commented, the draft ToR is submitted to the Council for review and comment.

Upon receiving the draft ToR from the Governor, the Council shall convene a meeting to review and adopt the draft ToR.

The ToR adopted by the Council shall be signed by the Governor of the Capital/Province/ Municipality/District/Khan.

A copy of signed ToR is given to the individual concerned, one copy is archived at the Capital/Provincial/Municipal/District/Khan Hall and another copy is sent to Ministry of Interior.

3.3. Dissemination of ToRs

After the ToRs are signed by the Capital/Provincial/Municipal/District/Khan Governor, each unit shall disseminate to their staff by inviting each staff member to a meeting at a time to explain and advise on how to carry out their roles and responsibilities.

Each unit chief shall ensure that each staff member understand clearly the meeting and how to undertake their duties and responsibilities.

3.4. Update or Amendment of ToR

ToRs should be updated or amended regularly to fit with the situation, duties and responsibilities and staff of each unit. In updating or amending the ToR, staff members shall follow the rules and procedures as prescribed above.

Upon receiving this guideline, Capital Council, Capital Board Governor, Provincial Council, Provincial Board of Governors, Municipal Council, Municipal Board of Governors, District Council, District Board of Governors, Khan Council, Khan Board of Governors and units under Capital/Provincial/Municipal/District/Khan Hall shall arrange the implementation in an effective manner.

Phnom Penh, Nov 21, 2013

Deputy Prime Minister, Minister of Interior

Sar Kheng

CC:

- Office of the Council of Ministers
- All Ministries/Instuitions, which are members of NCDD
- General Secretariat of the National Assembly
- General Secretariat of the Senate
- NCDD Secretariat
- “For Information”
- Documentation - Archival

Annex: Template

Letterhead of the Capital/Provincial/Municipal/District/Khan Hall

Terms of Reference

Name of Staff	
Position	
Workplace	
Under direct supervision of	

1. Background

The introduction and implementation of Decentralization and Deconcentration reform are an important step forward in local governance reform process in Cambodia. The implementation of D&D reform began with the indirect election of Commune/Sangkat council in 2002. Successful implementation of D&D reform at commune/sangkat level through efforts and contribution from all stakeholders and learning-by-doing approach is an incentive for the Royal Government of Cambodia to expand the scope of D&D reform at sub-national level across the country, while at the same time reforms in this stage has become more complex and in-depth.

Main objectives of D&D reforms include (1) restructuring and implementing governance system of sub-national administration to promote and strengthen local democracy; (2) promoting local socio-economic development and (3) contributing to effective poverty reduction.

To achieve the main objectives of this reform, the Royal Government has introduced (a) a Strategic Framework on D&D reform on June 17, 2005 to provide concept, vision and key principles for the preparation of D&D reform; (b) the Law on Administrative Management of Capital, Province, Municipality, District and Khan and the Law on Election of Capital Council, Provincial Council, Municipal Council, District Council, Khan Council, on May 24, 2008 to provide a regulatory framework for the establishment and functioning of capital, provincial, municipal, district and khan administrations under the principle of democratic governance; (c) 10-Year National Program for Sub-National Democratic Development (2010-2019) on May 28, 2010 to provide a roadmap for the implementation of this reform over the long-run and (d) First three-year Implementation Plan (2011-2013) of the National Program on Nov 30, 2010 to provide a strategic approach to begin implementing the complex and in-depth process. In addition, the Royal Government has also introduced regulations related to structure, system and procedures for the management and performance of sub-national administration.

Based on these policy frameworks and legal regulations, Capital, Provincial, Municipal, District, Khan Councils have been successful elected on 17 May 2009, Capital, Provincial, Municipal, District, Khan have been appointed and the structure of Capital, Provincial,

Municipal, District, Khan Halls has been restructured, the structure of Capital/Provincial Executive Committee and personnel of the Ministry of Interior working at Capital, Provincial, Municipal, District, Khan levels are integrated into the new structure of Capital, Provincial, Municipal, District, Khan pursuant to the Law on Administrative Management of Capital, Province, Municipality, District, Khan. Currently, these councils, boards of governors and personnel are performing their duties based on the mandate, roles and responsibilities prescribed under the framework of the new structure and governance system.

2. Duties and Responsibilities

…….(Position) ……. has the following duties and responsibilities:

- *…….*
- *…….*
- *…….*
- *…….*
- *…….*
- *…….*

3. Reporting

……. *(Position) ……*is required to submit monthly report on his/her performance to……..

This ToR is approved by the Council ……. in …… (ordinary or extra-ordinary) meeting on ……. (date) …….

……,Date…..Month…..Year……

Governor

V. Legal Instruments related to Functions Transffered to Sub-National Administration

(Unofficial Translation)

Kingdom of Cambodia

Nation Religion King

Royal Government of Cambodia

No. 285 ANK.BK

Sub-Decree on

The Selection, Management, Arrangement and Execution of Permissive Functions by Sub-National Administration

The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0913/903 dated Sep 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/0196/08 dated Jan 24, 1996 promulgating the Law on the Establishment functioning of Ministry of Interior;
- Having seen Royal Kram No. NS/RKM/0301/05 dated March 19, 2001 promulgating the Law on Administration and Management of Commune/Sangkat;
- Having seen Royal Kram No. NS/RKM/0508/017 dated May 24, 2008 promulgating the Law on the Management and Administration of Capital, Province, Municipality, District, Khan;
- Having seen Royal Kram No. NS/RKM/0611/0171 dated June 17, 2011 promulgating the Law on Financial Regime and Management of Assets of Sub-National Administration;
- Having seen Royal Kram No. NS/RKM/0112/004 dated Jan 14, 2012 promulgating the Law on Public Procurement;
- Having seen Royal Decree No. NS/RKT/1208/1429 dated Dec 31, 2008 on the Establishment of the National Committee for Democratic Development at Sub-National Level;
- Having seen Sub-Decree No. 16 ANKr.BK dated Feb 26, 2002 on Commune/Sangkat Fund;
- Having seen Sub-Decree No 22 ANKr.BK date March 25, 2002 on Decentralization of power on role and duty to commune/sangkat.

- Having seen Sub-Decree No. 26 ANKr.BK dated Apri 02, 2002 on Commune/Sangkat Financial Management System;
- Having seen Sub-decree No. 215 OrNKr.BK date 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 date 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;
- Having seen Sub-Decree No. 219 ANKr.BK dated Dec 14, 2009 on Development Planning and Three-Year Rolling Investment Programming of Capital, Province, Municipality, District, Khan;
- Having seen Sub-Decree No. 36 ANKr.BK dated March 07, 2012 on the Organization and Functioning of District, Municipal, Khan Fund;
- Having seen Sub-Decree No. 172 ANKr.BK dated Oct 09, 2012 on Financial Management System of District, Municipal, Khan Administration;
- As per request of the Chair of the National Committee for Democratic Development at Sub-National Level;

Hereby Decides:

Chapter 1

General Provisions

Article 1

This Sub-decree is aimed at promoting the responsibility of Sub-National Administration (SNA) to exercise their authorities in executing their selected permissive functions to promote local service delivery and development with accountability, transparency, efficiency and equity manner and response to the needs of citizens in their jurisdiction.

Article 2

The objective of this Sub-decree is to determine principles, procedures and resources for selecting, managing, arranging and executing permissive functions of Sub-National Administration.

Article 3

This Sub-Decree covers all levels of Sub-National Administration in selection, management, arrangement and execution of permissive functions, which have never been managed, arranged and executed by the Royal Government's ministries, institutions, units s and/or functions under the mandates of ministries, institutions, units and these ministries, institutions, units have no objection for Sub-National Administration to select and execute those functions.

This Sub-Decree does not cover permissive functions, which Sub-National Administration continues to manage, arrange and implement from the Royal Government's ministries, institutions, units after the ministries, institutions; units transferred them to the Sub-National Administration.

Article 4

Terms used in this Sub-Decree are defined as follows:

- **Function**: refers to acts or actions including delivery of public services, infrastructure and other means.
- **Permissive function:** refers to any functions that are chosen by Sub-National Administration within the framework of this Sub-Decree. Permissive functions include:
  + Any functions no under the mandates of any ministries, institution, units of the Royal Government and
  + Any functions under the mandates of the Royal Government's ministries, institutions, units but relevant ministries, institution, units have no objection for Sub-National Administration in selecting and executing these functions.

Chapter 2

Principles

Article 5

The selection of permissive functions by Sub-National Administration shall be based on the following principles:

- Are not prohibited by existing laws, legal documents;
- Are under the jurisdiction of the council;
- Can be managed and implemented efficiently based on the ability and resources of sub-national council;
- Serve or provide benefits mainly to citizens in the jurisdiction of the council;
- Are based on the need of citizens or local priorities in their jurisdiction, especially the needs of women, children and the vulnerable people.

Article 6

Norms, procedures and resources for managing, arranging and executing permissive functions shall be determined at the discretion of the council of each Sub-National Administration.

Article 7

The management, arrangement and execution of permissive functions shall be based on the principles of efficiency, transparency, accountability, consultation, inclusiveness and equity.

Chapter 3

Procedures for Selecting, Managing, Arranging and Executing Permissive Functions

Article 8

One or a number of permissive functions chosen by Sub-National Administration shall be included in the development plan and investment program of respective sub-national administrations.

Council shall update its investment plan on an annual basis by incorporating new permissive functions or revised permissive functions based on the needs of citizens or local priorities.

Article 9

Sub-National Administration may pro-actively select one or a number of permissive functions to execute based on the needs of citizens or local priorities in their jurisdiction and their administrative, technical and financial capacities.

In selecting permissive functions, each sub-national council may consult with relevant joint councils or other categories of council as deemed necessary.

Decision on any function(s) shall be approved by the council.

In the event that decision to select function(s) under the mandate of ministries; institutions; units, Sub-National Administration may coordinate and consult in advance with those relevant ministries, institutions, units before obtaining approval from the council.

Article 10

Ministries; institutions; units can object to the selection of permissive functions by Sub-National Administration which are fall under its mandates. The objections to the selection of permissive functions shall be made in written during the process of development plan or investment program formulation or revision.

The objections by ministries; institutions; units shall be based primarily on:

- Issues concerning capacities of the Sub-National Administration in managing, arranging and executing the permissive functions;
- Overlap with the ministries, institutions, units' plans and other sub-national councils

Article 11

Sub-National Administration can manage, arrange and execute permissive functions:

- On its own or;
- By cooperating with other Sub-National Administrations or relevant ministries, institutions, units;
- By cooperating with private sector, civil society or other relevant stakeholders.

Article 12

Governors of Capital, Province, Municipality, District, Khan and Commune/Sangkat Chiefs shall ensure the execution of permissive functions approved by their respective council in an efficient manner.

Article 13

Sub-National Administration is entitled to revise or terminate their selected permissive functions.

Chapter 4

Resources for Executing Permissive Functions

Article 14

In the management, arrangement and execution of permissive functions, Sub-National Administration can use their own resources, donations from sources internal and external to their jurisdiction and/or revenue from other sources permitted by laws and regulations.

Article 15

Sub-National Administration can collect fees from the delivery of services related to their permissive functions.

Revenue collected from the delivery of services related with permissive functions is budget revenue of the Sub-National Administration and can be used to cover part or whole costs of the delivery of the services.

Schedule of fees to be collected as revenue from the use of services related to permissive functions shall be determined by inter-ministerial Prakas of Minister of Economy and Finance and Minister of Interior at the request of the Sub-National Administration.

Article 16

In planning, budgeting and implementing procurement procedures related to permissive functions, Sub-National Administration shall comply with applicable regulations and guidelines on the planning, budgeting and procurement procedures, except there is a particular regulation applicable to the permissive functions.

Chapter 5

Support, Oversight, Monitoring and Evaluation

Article 17

To ensure effective management, arrangement and execution of permissive functions, the National Committee for Democratic Development at Sub-National Level may coordinate with other relevant ministries, institutions; and stakeholders to provide technical support, capacity and other necessary means to Sub-National Administration.

Article 18

Council shall arrange monitoring, oversight and evaluation on the management, arrangement and execution of permissive functions.

Governors of Capital, Province, Municipality, District, Khan and Commune/Sangkat Chiefs shall report on the outcomes of on the management, arrangement and execution of permissive functions to their respective council.

Article 19

If necessary, the National Committee for Democratic Development at Sub-National Level may issue technical document to assist Sub-National Administration in selection, management, arrangement and executing permissive functions.

Chapter 3

Final Provisions

Article 20

Any provisions contrary to this Sub-decree shall be abrogated.

Article 21

Minister in charge of the Office of Council of Ministers, the Minister of Economy and Finance, the Minister of Interior, Chairperson of the National Committee for Democratic Development at Sub-National Level, the Ministers,

Secretary of State of all relevant ministries, institutions, Councils and Boards of Governors of all Sub-National Administrations are charged to implement this Sub-Decree from the date of its signature onward.

Phnom Penh, 18 November 2014

Prime Minister

Samdech Aka Moha Sena Padei Techo
Hun Sen

Reported to

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

to please kindly sign

Deputy Prime Minister, Minister of Interior and Chair of NCDD

Sar Kheng

Receiving Places:

- *Ministry of Royal Palace*
- *General Secretariat of the Constitution Council*
- *General Secretariat of the Senate*
- *General Secretariat of the National Assembly*
- *General Secretariat of the Royal Goverment*
- *Cabinet Office of Samdech Prime Minister*
- *Cabinet Offices of Deputy Prime Ministers*
- *As in Article 21*
- *Royal Gazette*
- *Archival - Documentation*

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 Aka Moha Sena Padei Techo **Hun Sen**

Have submitted to Samdech Aka 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

(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

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