

## **CITY OF KOTA KINABALU ENACTMENT 1996**

(No. 15 of 1996)

### **CITY OF KOTA KINABALU (ADVISORY BOARD) DIRECTIONS 2000**

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#### **ARRANGEMENT OF DIRECTIONS**

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## **CITY OF KOTA KINABALU (ADVISORY BOARD) DIRECTIONS 2000**

In exercise of the powers conferred by section 12 (1) of the City of Kota Kinabalu Enactment 1996, the Chief Minister makes the following directions:

### **Short title and commencement.**

1. These Directions may be cited as the City of Kota Kinabalu (Advisory Board) Directions 2000 and shall come into force on the 2<sup>nd</sup> day of February 2000.

### **Composition of the Advisory Board.**

2. The Advisory Board, hereinafter referred to as “the Board” established under section 6 of the Enactment shall consist of -

- (a) an officer from the Chief Minister’s Department charged with the responsibilities for the City of Kota Kinabalu; and
- (b) two members nominated by the State Cabinet; and
- (c) twelve other members who do not hold any whole-time office in any of the public services and the majority of whom shall be persons ordinarily resident in the City of Kota Kinabalu who have wide experience in local government affairs or who have achieved distinction in any profession, commerce or industry, or are otherwise capable of representing the interests of their communities in the City of Kota Kinabalu.

### **Terms of office.**

3. (1) A member under paragraph (b) of the direction 2 shall hold office until his nomination is withdrawn by the State Cabinet or until another person is appointed in his place on the nomination of the State Cabinet.

(2) A member under paragraph (c) of direction 2 shall hold office for such term, not exceeding three years from the date of his appointment, as may be specified in his instrument of appointment and shall be eligible for reappointment

**Qualification to be appointed as member of the Board.**

4. Subject to the provisions of direction 5 of this Directions, every person not being a company, association or body of persons corporate or unincorporate, and not being under the age of twenty-one years, who -

- (a) is a Malaysian citizen;
- (b) has been ordinarily resident in Sabah for the last ten years immediately preceding the date of his appointment;
- (c) is at such date resident or has his normal place of employment in the City of Kota Kinabalu area; and
- (d) has, for the twelve months immediately preceding such date, been ordinarily resident, or had his normal place of employment, within such City of Kota Kinabalu area;

shall be eligible to be appointed as a member of the Board.

**Disqualifications.**

5. (1) Notwithstanding the provisions of direction 4 of this Directions, a person shall be disqualified for appointment as a member who -

- (a) is, by his own act, under any acknowledgement of allegiance, obedience of adherence to a foreign power or State;
- (b) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth;
- (c) holds or is acting in any officer or place of profit in the gift or disposal of the City of Kota Kinabalu which he is appointed;
- (d) is a party to, or a partner in a firm, or a director or manager of any company, which is a party to any subsisting contract with the City of Kota Kinabalu for or on account of the public service and has not, within one month before the date of his appointment, published in the English language in a newspaper circulating in the area of the City of Kota Kinabalu a notice setting out the nature of such contract and his interest of such firm or company therein;

- (e) being a person possessed with professional qualifications, is disqualified, otherwise than at his own request, in any part of the Commonwealth from practising his profession by the order of any competent authority made in respect of him personally:

Provided that disqualification for appointment under this paragraph shall not exceed a period of ten years from the date of such order;

- (f) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any rule or any statute for the time being in force in Sabah;
- (g) has, in any part of the Commonwealth, been sentenced to death or to imprisonment (by whatever name called) for a term of or exceeding twelve months, or has been convicted of any offence involving dishonesty, and has not been granted a free pardon:

Provided that, if ten years or more have elapsed since the termination of the imprisonment or, in the case of an offence involving dishonesty in respect of which no sentence of imprisonment has been passed, since the date of conviction, the person convicted shall not be disqualified for appointment by reason only of such conviction;

- (h) is serving in the Armed Forces or of the Police Force of the Federation;
- (i) other than District Chiefs, Native Chiefs and Headmen, is in the employment of the Federal or any State Government unless he has obtained the prior approval of the Federal or State Government, as the case may be, for such appointment;
- (j) Is disqualified for membership of the City of Kota Kinabalu by any enactment, rule or any statute for the time being in force in Sabah;
- (k) is a member of an Authority other than that to which he is appointed.

(2) For the purpose of this direction -

- (a) a person serving or appointed to serve a committee of an Authority; and
- (b) a person serving or appointed to serve two or more Authorities,

shall be deemed to be a person holding, or acting in, or appointed to hold or act in, an office or place of profit in the gift or disposal of the City of Kota Kinabalu concerned, or of each of such Authorities, as the case may be.

**Resignation and absence of members.**

6. (1) It shall be competent for any appointed member of the City of Kota Kinabalu to resign his seat or membership by giving notice in writing of his intention to resign to the Mayor.

(2) Any appointed member of the City of Kota Kinabalu who without leave of absence or the written permission of the Mayor first had and obtained absents himself from three consecutive ordinary meetings of the City of Kota Kinabalu shall *ipso facto* become disqualified from continuing to be a member:

Provided that attendance as a member at a meeting of any committee of the City of Kota Kinabalu shall be deemed for the purposes of this direction to be attendance at a meeting of the City of Kota Kinabalu.

(3) The City of Kota Kinabalu may grant leave of absence from meetings of the City of Kota Kinabalu for a period not exceeding nine months to an appointed member of the City of Kota Kinabalu who desires to proceed out of the State of Sabah. During the period of his absence the City of Kota Kinabalu may, with the consent of the Mayor, co-opt a person to discharge the duties of such member:

Provided that if any member is absent from the State of Sabah for a period exceeding nine months his place in the City of Kota Kinabalu shall be deemed to be vacant.

(4) A person co-opted to discharge the duties of a member shall during the period for which he is co-opted have the same rights and powers in all respects as the members whose duties he is discharging has when present.

**Secretary of the Board.**

7. (1) The Director-General of the City of Kota Kinabalu shall be the Secretary of the Board and shall be responsible for calling all meetings of the Board, keeping all records and minutes and carrying out such other duties as may be directed by the Mayor or the Board.

2. In the absence of the Director-General of the City of Kota Kinabalu, such other officer of the Mayor as may be appointed by him shall carry out the duties of the Secretary of the Board.

**Revocation of membership.**

8. The appointment of a member of the Board may be revoked by the appointing authority at any time without assigning any reason therefor and without having to give the appointed member of the Board an opportunity of being heard.

**Allowance.**

9. A member of the Board shall be paid -

(a) a monthly allowance of five hundred ringgit; and

(b) an allowance of two hundred and fifty ringgit for attending any meeting of the Board or of its committee.

**Quorum.**

10. No business except that of adjournment shall be transacted by the Board if objection is taken by any member present that there are less than the majority of members present apart from the person presiding.

**Decision by majority.**

11. Subject to section 8(2) of the Enactment, a decision of the members of the Board present and voting at a meeting of the Board shall be deemed to be a decision of the Board.

**Meetings of the Board.**

12. (1) The Board shall hold at least six ordinary meetings each year.

(2) A special meeting of the Board may be called at any time by the Mayor and shall be called at the request of any four members.

Made at Kota Kinabalu the 12<sup>th</sup> day of June 2000.

DATUK SERI PANGLIMA HAJI OSU HAJI SUKAM,  
*Chief Minister, State of Sabah.*