

**LOCAL GOVERNMENT ORDINANCE, 1961
(No. 11 of 1961)**

**KOTA KINABALU MUNICIPAL COUNCIL INSTRUMENT, 1978
(G.N.S. 32 of 1978)**

INSTRUMENT issued by the Yang di-Pertua Negeri under the provisions of section 3 of the Local Government Ordinance, 1961.

1. This Instrument may be cited as the Kota Kinabalu Municipal Council Instrument, 1978.

2. In this Instrument -

"the Council" means the Kota Kinabalu Municipal Council established by clause 3 of this Instrument;

"the Ordinance" means the Local Government Ordinance, 1961;

"Minister" means the Minister of Local Government and Housing.

3. There is hereby established with effect from the 1st day of January, 1979, a Municipal Council to be known as the Kota Kinabalu Municipal Council.

4. The limits of the area under the jurisdiction of the Council are as defined in the First Schedule hereto which area is hereby declared to be a municipality and shall be known as the Kota Kinabalu Municipality. Such area is divided into urban, suburban, country and sea divisions as defined in the Second Schedule. The country and sea divisions shall not be part of the urban area of the Kota Kinabalu Municipality.

4A. The area set out in the First Schedule is declared as rating area and shall be subjected to rates as prescribed by the order made under section 82 of the Ordinance. (G.N.S. 24/2012.)

5. The seal of the Council shall be as the following device:

A circle depicting a casuarina tree with the words "Kota Kinabalu Municipal Council" around the circumference.

6. The Council shall be composed of the President, Vice-President and not more than twenty members who shall be appointed by the Minister.

7. All appointed members shall be appointed for a period of one year.

8. The President who shall be the Chairman of the Council, and the Vice-President, shall be appointed by the Minister for such period being longer than one year as he may determine and such persons shall be members of the State Public Service.

9. The offices of the Council shall be at No. 1 Jalan Bandaran, Kota Kinabalu. Meetings of the Council shall be held either in the Council's offices or in the Community Centre, Lorong Dewan, Kota Kinabalu.

10. The Council shall hold not less than four ordinary meetings each year.

11. The Chairman may at any time and shall, at the request in writing of not less than one-third of the members stating the object of the meeting, call a special meeting of the Council and the day fixed for such meeting shall be within fourteen days of the presentation of such request. The notice of any special meeting shall specify the object of the meeting, and no other subjects than those specified in such notice shall be discussed at such meeting.

12. The quorum at an ordinary or special meeting shall be one more than half of the total membership.

13. Notice of the meeting and place of every meeting of the Council shall be served on every member either personally or by leaving the same at his usual place of residence or at his business address not less than twenty-four hours before such meeting:

Provided that the accidental omission to serve such notice on any member shall not affect the validity of any meeting.

14. The Council may co-opt on any committee appointed under section 27(1) of the Ordinance any Government Officer or any person with professional or special qualifications.

15. In addition to those functions conferred upon the Council by the Ordinance or by any other law for the time being in force, the Council —

- (a) shall perform all the functions specified in paragraphs (21), (23), (46), (49), (50), (51) and (52) of section 49 (1) of the Ordinance;
- (b) shall keep clean all roads, streets and all other public places of which the Council has general control and care;
- (c) shall provide for the burial of paupers in accordance with the religion or custom of the deceased;
- (d) may perform all the functions specified in paragraphs (1), (2), (11), (13), (14), (15), (19), (20), (22), (24), (25), (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), (40), (41), (42), (43), (44), (45), (47), (48), (53), (54), (55), (57), (58), (59), (60), (61), (62), (63), (64), (65), (67), (68), (69), (70), (71), (72) and (73) of section 49 (1) of the Ordinance;
- (e) may regulate and control stopping and parking of vehicles in any vehicle park established by the Council or on any land vested in the Council or under its control;
- (f) may incorporate corporation or company, appoint professional, expert or consultant for the purpose of assisting the Mayor in the performance of its functions, duties or powers conferred upon the Mayor by the Ordinance or by any other law for the time being in force.

16. The Kota Kinabalu Town Board Instrument, 1961, is hereby revoked with effect from 1st January, 1979.

FIRST SCHEDULE

KOTA KINABALU DISTRICT

SECOND SCHEDULE

(a) THE URBAN DIVISION –

- (i) The area of approximately 6,950 acres delineated as Survey Lot No. 01200668 and edged in red on Plan No. 01150227;
- (ii) The area of approximately 60 acres delineated as Survey Lot No. 01200756 and edged in purple on Plan No. 01150227;
- (iii) The area of approximately 4,500 acres delineated as Survey Lot No. 01200668 and edged in green on Plan No. 01150227;
- (iv) The area of approximately 589 acres delineated as Survey Lot No. 01200757 and edged in green on Plan No. 01150227;
- (v) The area of approximately 145 acres delineated as Survey Lot No. 3161 and edged in green on plan No. 01150227;
- (vi) The area of approximately 260 acres [1.052 sq. km] delineated as Survey Lot No. 21126269 and edged in red on Plan No. 01150227.

(b) THE SUBURBAN DIVISION -

- (i) The area of approximately 246 acres delineated as Survey Lot No. 01200000 and edged in brown on Plan No. 01150227;

- (ii) The area of approximately 1,830 acres delineated as Survey Lot No. 01200758 and edged in yellow on Plan No. 01150227;
- (iii) The area of approximately 11,980 acres delineated as Survey Lot No. 01200759 and edged in yellow on plan No. 01150227;
- (iv) The area of approximately 350 acres delineated as Survey Lot No. 01200760 and edged in yellow on Plan No. 01150227.

(c) THE COUNTRY DIVISION -

The remainder of the land area of the Kota Kinabalu District which is not included in paragraphs (a) and (b).

(d) THE SEA DIVISION -

The remainder of the sea area of the Kota Kinabalu District including the islands thereon which is not included in paragraphs (a) and (b).

Dated at Kota Kinabalu, this 30th day of December, 1978.

By His Excellency Command,

DATUK HAJI ABDUL HAMID EGOH,
Clerk to the Cabinet.