



*(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**

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**The Royal Government of Cambodia**

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

**DECIDES**

**Chapter 1  
General Provisions**

**Article 1:**

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

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

**Article 2:**

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

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

**Article 3:**

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

**Article 4:**

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

**Article 5:**

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

## **Chapter 2 Phnom Penh Capital Administration**

### **Section 1 Phnom Penh Capital Council**

**Article 6:**

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

**Article 7:**

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

**Article 8:**

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

**Article 9:**

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

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

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

The Capital council shall facilitate the dissemination and consultative forums.

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

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

**Article 10:**

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

**Article 11:**

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

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

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

**Article 12:**

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

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

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

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

**Article 13:**

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

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

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

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

**Article 14:**

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

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

**Article 15:**

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

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

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

**Article 16:**

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

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

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

**Article 17:**

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

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

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

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

## **Section 2**

### **Committees of the Phnom Penh Capital Council**

#### **Article 18:**

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

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

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

#### **Article 19:**

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

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

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

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

#### **Article 20:**

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

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

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

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

**Article 21:**

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

**Article 22:**

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

**Article 23:**

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

**Article 24:**

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

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

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

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

**Article 25:**

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

**Article 26:**

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

**Article 27:**

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

**Article 28:**

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

**Article 29:**

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

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

**Article 30:**

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

**Article 31:**

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

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

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

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

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

Minutes of the meeting shall be prepared at every meeting.

**Article 32:**

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

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

**Article 33:**

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

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

**Article 34:**

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

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

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

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

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

**Article 35:**

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

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

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

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

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

**Article 36:**

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

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

**Article 37:**

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

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

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

Minutes shall be prepared for all meeting.

**Article 38:**

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

**Article 39:**

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

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

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

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

**Article 40:**

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

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

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

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

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

**Article 41:**

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

**Section 4**  
**Administration Director of the Capital Hall**

**Article 42:**

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

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

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

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

**Article 43:**

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

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

**Article 44:**

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

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

**Article 45:**

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

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

**Article 46:**

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

**Article 47:**

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

**Article 48:**

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

**Article 49:**

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

**Section 5  
Phnom Penh Capital Hall and its Divisions**

**Article 50:**

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

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

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

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

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

**Article 51:**

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

**Article 52:**

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

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

**Article 53:**

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

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

**Article 54:**

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

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

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

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

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

**Article 55:**

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

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

**Article 56:**

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

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

**Article 57:**

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

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

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

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

**Article 58:**

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

**A). Administration Division:**

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

**B). Planning and Investment Division:**

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

**C). Finance Division:**

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

**D). Urbanization Division:**

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

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

**E). Human Resource Management Division:**

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

**F). Inter-Sectoral Division:**

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

**G). Law and Human Right Affair Division:**

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

#### **H). Waste Management Division:**

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

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

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

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

#### **Article 59:**

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

#### **Article 60:**

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

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

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

### **Chapter 3 Khan Administration of the Phnom Penh Capital**

#### **Section 1 Khan Council**

#### **Article 61:**

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

#### **Article 62:**

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

**Article 63:**

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

**Article 64:**

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

**Article 65:**

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

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

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

**Article 66:**

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

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

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

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

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

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

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

**Article 67:**

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

**Article 68:**

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

**Article 69:**

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

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

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

**Article 70:**

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

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

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

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

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

**Article 71:**

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

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

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

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

**Article 72:**

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

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

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

**Article 73:**

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

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

**Article 74:**

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

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

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

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

**Article 75:**

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

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

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

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

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

## **Section 2 Khan Council Committees**

**Article 76:**

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

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

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

**Article 77:**

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

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

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

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

**Article 78:**

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

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

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

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

**Article 79:**

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

**Article 80:**

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

**Article 81:**

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

**Article 82:**

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

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

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

### **Section 3 Khan Board of Governors**

**Article 83:**

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

**Article 84:**

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

**Article 85:**

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

**Article 86:**

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

**Article 87:**

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

**Article 88:**

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

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

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

**Article 89:**

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

**Article 90:**

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

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

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

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

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

Minutes of the meeting shall be prepared for every meeting.

**Article 91:**

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

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

**Article 92:**

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

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

**Article 93:**

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

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

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

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

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

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

**Article 94:**

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

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

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

**Article 95:**

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

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

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

**Article 96:**

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

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

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

Minutes shall be prepared for all meeting.

**Article 97:**

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

**Article 98:**

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

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

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

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

**Article 99:**

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

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

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

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

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

**Article 100:**

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

**Section 4**  
**Administration Director of the Sala Khan**

**Article 101:**

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

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

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

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

**Article 102:**

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

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

**Article 103:**

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

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

**Article 104:**

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

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

**Article 105:**

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

**Article 106:**

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

**Article 107:**

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

**Article 108:**

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

**Section 5**  
**Sala Khan (Khan Hall) and its Offices**

**Article 109:**

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

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

During working hours, the citizens have the right to:

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

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

**Article 110:**

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

**Article 111:**

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

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

**Article 112:**

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

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

**Article 113:**

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

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

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

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

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

**Article 114:**

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

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

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

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

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

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

## **Chapter 4**

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

#### **Section 1**

#### **Relationship between the Administrations of the Capital, Khans and Sangkats**

**Article 115:**

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

**Article 116:**

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

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

**Article 117:**

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

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

**Article 118:**

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

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

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

**Article 119:**

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

**Article 120:**

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

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

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

**Article 121:**

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

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

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

**Article 122:**

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

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

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

**Article 123:**

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

**Article 124:**

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

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

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

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

**Article 125:**

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

## **Section 2**

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

**Article 126:**

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

**Article 127:**

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

**Article 128:**

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

**Article 129:**

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

**Article 130:**

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

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

**Article 131:**

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

**Article 132:**

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

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

**Article 133:**

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

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

**Article 134:**

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

**Article 135:**

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

**Article 136:**

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

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

**Article 137:**

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

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

**Article 138:**

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

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

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

## **Chapter 5 Transitional Provisions**

**Article 139:**

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

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

**Article 140:**

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

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

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

**Article 141:**

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

**Article 142:**

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

**Article 143:**

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

**Article 144:**

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

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

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

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

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

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

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

**Article 145:**

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

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

**Article 146:**

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

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

**Article 147:**

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

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

**Chapter 6  
Final Provisions**

**Article 148:**

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

**Article 149:**

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

Phnom Penh Capital, 14 December 2009

**Prime Minister**

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

**Copy to:**

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