



(Unofficial Translation)

**Kingdom of Cambodia
Nation Religion King**

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

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

The Royal Government of Cambodia

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

DECIDES

**Chapter 1
General Provisions**

Article 1:

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

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

Article 2:

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

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

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

Article 3:

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

Article 4:

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

Article 5:

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

Chapter 2 Provincial Administration

Section 1 Provincial Council

Article 6:

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

Article 7:

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

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

Article 8:

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

Article 9:

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

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

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

The provincial council shall facilitate the dissemination and consultative forums.

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

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

Article 10:

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

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

Article 11:

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

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

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

Article 12:

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

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

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

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

Article 13:

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

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

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

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

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

Article 14:

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

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

Article 15:

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

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

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

Article 16:

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

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

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

Article 17:

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

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

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

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

Section 2 Committees of the Provincial Council

Article 18:

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

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

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

Article 19:

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

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

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

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

Article 20:

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

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

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

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

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

Article 21:

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

Article 22:

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

Article 23:

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

Article 24:

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

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

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

Section 3
Provincial Board of Governors

Article 25:

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

Article 26:

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

Article 27:

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

Article 28:

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

Article 29:

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

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

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

Article 30:

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

Article 31:

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

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

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

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

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

Minutes of the meeting shall be prepared for every meeting.

Article 32:

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

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

Article 33:

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

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

Article 34:

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

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

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

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

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

Article 35:

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

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

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

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

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

Article 36:

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

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

Article 37:

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

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

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

Minutes shall be prepared for all meetings.

Article 38:

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

Article 39:

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

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

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

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

Article 40:

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

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

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

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

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

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

Article 41:

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

Section 4
Administration Director of Sala Khet

Article 42:

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

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

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

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

Article 43:

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

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

Article 44:

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

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

Article 45:

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

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

Article 46:

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

Article 47:

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

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

Article 48:

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

Article 49:

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

Section 5 Sala Khet and its Divisions

Article 50:

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

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

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

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

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

Article 51:

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

Article 52:

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

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

Article 53:

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

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

Article 54:

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

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

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

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

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

Article 55:

The Sala Khet shall compose of necessary divisions as followings:

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

Article 56:

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

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

Article 57:

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

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

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

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

Article 58:

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

A). Administration Division:

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

B). Planning and Investment Division:

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

C). Finance Division:

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

D). Human Resource Management Division:

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

E). Inter-Sectoral Division:

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

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

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

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

Article 59:

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

Article 60:

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

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

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

Chapter 3 Municipal Administration

Section 1 Municipal Council

Article 61:

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

Article 62:

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

Article 63:

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

Article 64:

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

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

Article 65:

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

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

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

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

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

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

Article 66:

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

Article 67:

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

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

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

Article 68:

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

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

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

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

Article 69:

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

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

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

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

Article 70:

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

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

Article 71:

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

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

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

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

Article 72:

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

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

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

Article 73:

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

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

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

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

Article 74:

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

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

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

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

Section 2 Municipal Council Committees

Article 75:

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

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

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

Article 76:

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

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

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

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

Article 77:

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

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

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

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

Article 78:

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

Article 79:

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

Article 80:

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

Article 81:

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

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

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

Section 3 Municipal Board of Governors

Article 82:

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

Article 83:

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

Article 84:

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

Article 85:

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

Article 86:

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

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

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

Article 87:

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

Article 88:

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

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

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

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

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

Minutes of the meeting shall be prepared for every meeting.

Article 89:

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

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

Article 90:

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

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

Article 91:

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

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

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

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

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

Article 92:

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

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

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

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

Article 93:

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

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

Article 94:

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

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

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

Minutes shall be prepared for all meeting.

Article 95:

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

Article 96:

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

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

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

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

Article 97:

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

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

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

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

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

Article 98:

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

Section 4
Administration Director of Municipal Hall (Sala Krong)

Article 99:

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

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

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

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

Article 100:

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

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

Article 101:

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

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

Article 102:

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

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

Article 103:

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

Article 104:

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

Article 105:

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

Article 106:

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

**Section 5
Sala Krong and its Offices**

Article 107:

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

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

During working hours, the citizens have the right to:

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

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

Article 108:

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

Article 109:

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

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

Article 110:

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

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

Article 111:

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

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

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

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

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

Article 112:

Each Sala Krong shall consist of a number of offices:

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

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

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

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

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

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

Chapter 4 District Administration

Section 1 District Council

Article 113:

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

Article 114:

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

Article 115:

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

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

Article 116:

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

Article 117:

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

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

Article 118:

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

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

Article 119:

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

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

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

Article 120:

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

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

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

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

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

Article 121:

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

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

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

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

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

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

Article 122:

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

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

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

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

Article 123:

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

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

Article 124:

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

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

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

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

Article 125:

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

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

Article 126:

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

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

Article 127:

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

Article 128:

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

Article 129:

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

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

The minister of the Ministry of Interior shall instruct or intervene as necessary so that the district council corrects those decisions that have been made not in accordance with the laws; and make them in line with the principles as stated in the article 196 of this sub-decree.

Article 130:

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

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

The district board of governors shall instruct the administration director to prepare Deika that were approved by the council in accordance with the determined formats in order to submit and get it signed by the council and put on the stamp of the Sala Srok administration.

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

Article 131:

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

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

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

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

Article 132:

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

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

Article 133:

Besides the tasks which the district council should make decisions in the meeting as described in the article 132 of this sub-decree, the district council can also make decisions in ordinary or extraordinary meeting on other tasks related to:

- Invitation of concerned district governor or deputy governors or board of governors or relevant individuals to be questioned about the implementation of the council decisions or any events which have happened in the district or solutions of any urgent or special problems as well as other tasks related to the district administration;
- Decisions to conduct research studies or investigations on any cases which are considered by the district council as important for the people they represent; and decision to disseminate result of the research study or investigation as well as instruct the district board of governors in regard to actions for addressing the issues as result of the investigation;
- Assess capacity of the commune and Sangkat councils and needs in support to the communes and Sangkats in the district in accordance with principles as stated in the article 122 of this sub-decree;
- Review, research and prepare reports to the Ministry of Interior on cases related to abuse of power as stated in the articles 47, 48 and 49 of Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans;

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

Article 134:

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

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

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

Article 135:

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

The district board of governors shall report regularly to the council in every ordinary or extraordinary meeting of the district council as stated in the articles 132 and 133 of this sub-decree.

The district council shall monitor and evaluate the tasks implemented by the district board of governors in order to ensure that the board of governors

performs those tasks in accordance with the laws, legal framework and decisions of the district council.

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

Section 2 District Council Committees

Article 136:

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

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

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

Article 137:

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

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

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

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

Article 138:

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

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

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

The district council may dissolve any established committee, sub-committee or working group and may terminate any member of the established committee or

sub-committee or working as necessary or as per request by the committees or by the district board of governors.

Article 139:

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

Article 140:

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

Article 141:

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

Article 142:

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

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

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

Section 3 District Board of Governors

Article 143:

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

Article 144:

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

Article 145:

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

Article 146:

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

Article 147:

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

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

Article 148:

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

Article 149:

In the implementation of role and duties as stated in the articles 147 and 148 of this sub-decree and other duties which are considered necessary, the district governor shall take these duties to consult and discuss with its board of governors in based on principles of laws and legal framework as well as decisions and instructions of its council.

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

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

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

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

Minutes of the meeting shall be prepared at every meeting.

Article 150:

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

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

Article 151:

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

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

Article 152:

The district governor shall sign all administrative letters for administering of daily works in order to implement the decisions of the district council except the legal framework that requires to be signed by chairperson of the district council on behalf of the council as stated in the article 131 of this sub-decree.

The district board of governors shall consult each other in order to authorize right for signing to the deputy governors on documents and administrative letters in the framework of duties given to each deputy governor.

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

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

In necessary case, the minister of the Ministry of Interior may issue guidelines on formats and procedures for authoring the right for signing.

Article 153:

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

- Provide guidance to the offices, units and agencies of the Royal Government based in the district to ensure that those offices, units and agencies properly implement roles and duties in accordance with the law and legal framework related to those offices, units and agencies;
- Coordinate and provide direction to offices, units and agencies of the ministries and institutions and agencies based in the municipality in order to respond to priority needs of local people. For activities which are related to multiple sectors, the district governor shall coordinate with relevant offices, units and agencies to cooperate in the implementation of those activities based on the Royal Government policies, laws and legal framework and local priority needs. Through the technical facilitation committee of the district council, the district governor shall coordinate and provide direction to the offices, units and agencies of line ministries and institutions based in district on integration of their workplans and budgets into plans and budgets of the district council;
- Review, assess, provide comments and score performance of chiefs of offices and units of line ministries and institutions based on determined principles;
- Consult with the district council in providing comments on proposed candidates prior to appointment of office and unit chiefs of line ministries and institutions based in the district. In the case that the governor does not support the proposed candidates, he/she shall report in writing with reasons to the provincial governor in order to coordinate with directors of the line departments and units before reporting to relevant minister or head of relevant institutions.
- In the event that there is an irregularity occurred in any office, unit and agency of the ministry and institution located in its district or the event that chief of office or chief of unit and responsible persons in the office or unit has committed wrong-doing of their role and duties, the district governor shall

report in writing immediately to the provincial governor. The provincial governor shall instruct the line department or units in the province, or appoint a committee or working group with participation of relevant district representatives to investigate the case immediately in order to report to relevant minister or head of relevant institution for solving in accordance with procedures;

- The district governor has the right to make requests in writing to the provincial governor to take action to change or demote position of any chief of office or unit or responsible person of any agencies of the ministry and institution who has acted illegally and cannot be justified.

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

Article 154:

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

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

Article 155:

In the implementation of role and duties as stated in the articles 153 and 154 of this sub-decree, the district governor shall divide duties to deputy governors in order to assist him/her in performing the above tasks.

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

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

Minutes shall be prepared for all meetings.

Article 156:

In the implementation of role and duties as stated in the articles 153 and 154 of this sub-decree, the district governor shall respect policies of the Royal Government, laws, legal framework and guidelines of the ministries and institutions; and be accountable to the Royal Government, Ministry of Interior, ministries and institutions in accordance with laws and legal framework.

Article 157:

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

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

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

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

Article 158:

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

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

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

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

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

Article 159:

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

Section 4 Administration Director of District Hall (Sala Srok)

Article 160:

The district council and board of governors shall have an (01) administration director called **Sala Srok Administration Director** which will be appointed by

the minister of the Ministry of Interior based on request of the district governor and approval of the district council.

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

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

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

Article 161:

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

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

Article 162:

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

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

Article 163:

In the implementation of the role as described in the article 162 of this sub-decree, the Sala Srok administration director has following duties:

- Prepare and submit to the district board of governors for reviewing and making decision on daily administrative tasks of the Sala Srok within authority framework of the board of governors and ensure that these tasks shall be prepared in accordance with laws, legal framework and formats of the administrative letters;
- Prepare and submit to the district board of governors rules and principles for implementing Deika and decisions of the district council;
- Act as a secretary to the district governor and chairperson of the district council in the preparation of draft agenda of all council meeting including coordination in the preparation of documents and contents for each agenda of the meeting in accordance with internal rules of the council. The draft agenda, documents and contents prepared by the Sala Srok administration director for submitting to the council meeting shall be submitted to the board of governors for reviewing and providing comments in advance except there are other arrangements required by laws and legal framework;

- Act as a secretary to the district council in the preparation and distribution of meeting invitation letters, prepare meeting venue and minutes of all council meeting;
- Prepare other tasks for all meeting of the district board of governors as instructed by the district governor;
- Ensure receiving and distribution of letters and documents properly to members of the council, governor and deputy governors as well as ministries, institutions, departments, units, offices and other stakeholders;
- Manage and use of Sala Srok stamp properly as stated in the article 171 of this sub-decree;
- Ensure that all documents and legal instruments of the district council, board of governors and administration are maintained properly and safely;
- Perform other duties as assigned by the district council and board of governors or required by laws and other legal framework.

Article 164:

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

Article 164:

In participating the meeting as described in the article 164 of this sub-decree and implementing daily works, the Sala Srok administration director may provide comments to the district council, committees, subcommittees and working groups of the council and board of the governors on problems related to law and technical aspect in order to ensure that decisions and activities of the councils, board of governors and the governor are implemented in accordance with the constitution, laws and legal framework as well as determined national standard for safety and quality and promoting high effectiveness of the district works.

Article 166:

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

Article 167:

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

Section 5 Sala Srok and its Offices

Article 168:

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

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

During working hours, the citizens have the right to:

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

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

Article 169:

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

Article 170:

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

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

Article 171:

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

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

Article 172:

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

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

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

Besides the public information board in front of the Sala Srok, the district council shall setup other public information boards in appropriate public places in the district as necessary.

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

Article 173:

Each Sala Srok shall consist of a number of offices:

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

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

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

- Administrative letters;
- Civil registration;
- Management and development of human resources;
- Development plans and investment programs;
- Support to communes and Sangkats and coordination of development cooperation and service delivery between communes and Sangkats and between the district with communes and Sangkats;
- Finances and management of assets of the district;
- Land and construction;
- Public order, legal affairs, human rights and gender;
- Implementation of delegated or assigned functions and duties;
- Tasks determined by laws and legal framework.

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

Chapter 5

Support and Relationship between the Administrations of the Province, Municipalities, District, Communes and Sangkats and the Relationship between these Administrations with the Ministries and Institutions of the Royal Government

Section 1

Relationship between the Administrations of the Province, Municipalities, Districts, Communes and Sangkats

Article 174:

The provincial council, municipal council, district council, commune council and Sangkat council shall have its own separate power in making decisions and managing assigned or delegated functions, duties and resources in accordance with Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans and Law on Administrative Management of Communes and Sangkats; and shall ensure sustainability of democratic development in its respective jurisdiction.

Article 175:

Each council category shall make decisions and manage assigned or delegated functions, duties and resources in accordance with laws and legal framework as

well as decisions of the NCDD which are related to those assigned or delegated functions, duties and resources to each category of the councils.

Article 176:

In order to make decisions and managing the assigned or delegated functions and duties which are related to two or more councils, the council shall ensure to have consultation, coordination and cooperation with those relevant councils.

Article 177:

The bordering provincial, municipal, district, commune and Sangkat councils shall communicate, cooperate and consult each other with regard to one or more interrelated functions, duties or problems.

Article 178:

The Sangkat councils in the municipality shall be under supervision and management of the municipal council.

Article 179:

To ensure that the municipal council establishes, promotes and sustains democratic development, the Sangkat councils shall be responsible to:

- Advise and consult with the municipal council in order to ensure that the municipal council is responsive to the needs of local citizens and shall be accountable to citizens within the jurisdiction of the municipality and each Sangkat in the municipality;
- Provide recommendations to the municipal council on the needs of the citizens that cannot be addressed by Sangkat council, in respect to their capacity and resources;
- Carry out the functions and duties which are delegated by the municipal council.

Article 180:

The municipal council shall organize appropriate consultations with Sangkat councils in the municipality in order to:

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

Article 181:

The municipal council shall ensure the delegation of the appropriate functions and duties to Sangkat councils in the municipality.

To delegate the functions and duties to Sangkat councils, the municipal council shall consult with the relevant Sangkat councils to jointly discuss the rationale for appropriateness and effectiveness of functions and duties which should be maintained with municipality or should be delegated to Sangkat councils in the municipality.

Article 182:

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

Article 183:

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

Article 184:

The district council shall be accountable to the citizens in the district for options, decisions and implementation of its works as well as impact of the options and decisions; and implementation of those decisions.

Based on the above principles, the district council shall establish appropriate communication and cooperation with the commune and Sangkat councils in the district in accordance with provisions stated in the articles 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 124, 125 and 126 of this sub-decree.

Article 185:

The provincial council shall cooperate with the municipal and district councils in the province in order to consult with the commune and Sangkat councils in responding to their needs.

In implementing the above communication and cooperation, the commune and Sangkat councils in the province shall be responsible to:

- Provide comments and conduct consultations and monitoring in order to ensure that the provincial council, municipal council and district council are still responsible for responding to the needs of local people; and accountable to all people in the province;
- Provide recommendations to the provincial, municipal and district councils on people needs which cannot be addressed by the commune and Sangkat councils in regard to their capacity and resources;
- Fully cooperate with the provincial, municipal and district councils in promoting service delivery and local development.

Article 186:

The provincial board of governors, municipal board of governors, district board of governors and commune and Sangkat chiefs are responsible for implementing daily works in communication with each other between the province, municipalities, districts, communes and Sangkats on behalf of their council.

Section 2**Relationship between the Administrations of Province, Municipalities, Districts, Communes and Sangkats with Ministries and Institutions, and the Support of the Provincial Administration to Municipalities, Districts, Communes and Sangkats**

Article 187:

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

Article 188:

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

Article 189:

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

Article 190:

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

Article 191:

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

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

Article 192:

The ministries and institutions shall cooperate and coordinate with the NCDD and the Ministry of Interior to implement the provisions as stated in the articles 187, 188, 189, 190 and 191 of this sub-decree and other tasks that are related to the provincial, municipal, district, commune and Sangkat councils.

Article 193:

The provincial, municipal, district, commune and Sangkat councils shall perform their functions and duties under the framework of national executive power.

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

Article 194:

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

Article 195:

The provincial council shall communicate and cooperate with the NCDD, ministries and institutions in allocating functions, resources and assets, management and mobilization of resources as well as monitor and redeployment of personnel between national level with administrations of provinces, municipalities, districts, communes and Sangkats in the provinces.

The provincial council shall ensure appropriate consultations with the administrations of municipalities, districts, communes and Sangkats in the province to serve as a basis for consultations with the NCDD, ministries and institutions on the above tasks.

In accordance with decisions of the NCDD, the provincial council shall ensure that coordination with municipal, district, commune and Sangkat administrations in the province in order to allocate functions, resources and assets, management and mobilization of resources as well as monitor and redeployment of personnel according to specific situation of each area including urban and rural areas in the province.

The provincial council shall ensure that the municipal, district, commune and Sangkat administrations perform their assigned or delegated functions and duties in accordance with constitution, laws, legal framework and national policies.

Article 196:

The provincial council shall receive delegation of power on behalf of the Royal Government to support and check legality on decisions and activities of the municipal, district, commune and Sangkat administrations to order to ensure that these administrations perform their assigned and delegated functions and duties in accordance with constitution, laws, legal framework and national policies.

The delegation of power includes:

- Assessment and development of appropriate strategy for support to capacity development to the municipal, district, commune and Sangkat councils as well as personnel of these councils;
- Direction, coordination and support to the municipal, district, commune and Sangkat councils in implementing assigned functions, duties and resources in accordance with laws, legal framework and national policies;
- Ensuring that the municipalities and districts provide appropriate support to

Sangkats in the municipality and communes and Sangkats in the district.

The provincial council shall perform the above tasks in respect to autonomy of the municipalities, districts, communes and Sangkats and in accordance with the principles of Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, Law on Administrative Management of Communes/Sangkats, this sub-decree, legal framework and decisions of the NCDD.

The provincial council shall delegate functions related to support and legality check to the provincial board of governors in order to implement daily works. In the implementation of the daily works, the boards of governors is the line of communication between the Royal Government, ministries and institutions with the provincial, municipal, district, commune and Sangkat administrations as well as support to the municipal, district, commune and Sangkat administrations in the province.

The provincial board of governors shall request for guiding principles and prepare reports on the implementation the above role and duties in every ordinary meeting of its council.

In necessary case, the provincial council can conduct ordinary meeting in order to review and discuss on the above support and delegation.

The minister of the Ministry of Interior based on decision of NCDD shall issue Prakas on principles and procedures related the above delegation.

Article 197:

The provincial governor on behalf of the board of governors and council is a signatory of administrative letters in communications as stated in the article 196 of this sub-decree.

Documents and letters from the Royal Government, ministries and institutions of the Royal Government to the provincial, municipal, district, commune and Sangkat administrations shall be sent through the provincial administration.

The provincial governor shall ensure a proper and timely distribution of the above documents and letters to relevant administrations or individuals.

Article 198:

The ministries and institutions may directly communicate and cooperate with municipal administration or district administration or commune administration or Sangkat administration as necessary but they have to inform the provincial administration.

Article 199:

In event that there is any disagreement between the provincial administration and the municipal administration or district administration or commune administration or Sangkat administration or between any administrations of these administrations, the Ministry of Interior shall facilitate and address these disagreements in accordance with laws and legal framework.

Article 200:

In the event that there is any disagreement between the ministries and institutions of the Royal Government and the provincial council, municipal council, district council, commune council and Sangkat council, the NCDD shall facilitate and address these disagreements in accordance with laws and legal framework.

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

Chapter 6 Transitional Provisions

Article 201:

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

In the absence of the structures and systems which will be established in accordance with this sub-decree, the provincial, municipal and district administrations shall continue implementing present structures and systems until there is a new setup.

Article 202:

While waiting for the transfer of new and additional functions, duties and resources from the national level, the provincial, municipal and district councils in the shall continue implementing functions and duties used to perform by their administration until there is a new setup.

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

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

Article 203:

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

Article 204:

While waiting the transfer of functions and duties to the provincial, municipal and district councils, the NCDD shall ensure that ministries and institutions of the Royal Government integrate their development plans and budgets into the development plans and budgets of the provincial council and other council categories in the province.

Article 205:

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

Article 206:

In accordance with structures of the Sala Khet, Sala Krong and Sala Srok as stated in articles 112 and 173 of this sub-decree, the minister of the Ministry of Interior shall ensure integration of units and personnel who are under civil servant body of the Ministry of Interior and presently work in the Sala Khet, Sala Krong and Sala Srok into the new structures.

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

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

In the event that the personnel under civil servant body of the Ministry of Interior who are working for the Sala Khet, Sala Krong and Sala Srok have been integrated into the new structures as determined by this sub-decree, but it cannot meet the requirement of the new structures, the provincial council and board of governors, municipal council and board of governors and district council and board of governors can review and recruit personnel under civil servant body of other ministries who have appropriate qualification in order to appoint and fill the additional required positions.

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

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

Article 207:

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

- Deputy administration director of Sala Khet shall have functional salary level equivalent to director of line department in the province;
- Director of divisions shall have functional salary level equivalent to deputy director of the line departments in the province;
- Deputy director of divisions shall have functional salary level equivalent to the office chief of the line departments in the province;
- Chief and deputy chief of offices of the Sala Khet shall have functional salary level equivalent to chief and deputy chief of offices of the line departments in the province;
- Deputy administration director of Sala Krong and Sala Srok shall have functional salary level equivalent to office chief of the line offices in the province;
- Chief and deputy chief of offices of Sala Krong and Sala Srok shall have functional salary level equivalent to chief and deputy chief of offices of the line offices in the district.

Article 208:

The One Window Service Office and Ombudsman Office, which were established by the decision No. 47 SSR of the Royal Government dated 11 June 2003 and principle on continuation of these offices, shall be used as management structure and system for relevant administrative levels.

The board of governors of the relevant administrative levels shall manage the one window service office and be directly accountable to its council.

Article 209:

In the absence of the guideline on leave application for the provincial board of governors, municipal board of governors, district board of governors, personnel of the provincial council, personnel of municipal council and personnel of district council, the formats and procedures for leave application shall be implemented in accordance with active guideline and legal framework.

Article 210:

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

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

Chapter 7 Final Provisions

Article 211:

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

Article 212:

The minister in charge of the Office of the Council Ministers, minister of the Ministry of Economy and Finance, minister of the Ministry of Interior, chairperson of the National Committee for Sub-National Democratic Development, ministers and secretaries of state of all relevant ministries and institutions, the provincial council and board of governors, municipal councils and board of governors, district councils and board of governors, commune councils and Sangkat councils shall be responsible for implementing this sub-decree from the date of its signature onwards.

Phnom Penh Capital, 14 December 2009

Prime Minister

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

Copy to:

- Ministry of Royal Palace
- General Secretariat of Senate
- General Secretariat of Parliament
- General Secretary of RGC
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 212
- Royal Affair
- Archives