



*(Unofficial Translation)*

**Kingdom of Cambodia  
Nation Religion King**

**Royal Government of Cambodia  
No. 218 OrNKr.BK**

**Sub-Decree**

**On**

**Establishment, Organization and Functioning of the Technical Facilitation  
Committee of the Provincial Council, the Technical Facilitation  
Committee of the Municipal Council and the Technical Committee of the  
District Council**

**The Royal Government of Cambodia**

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

**DECIDES**

**Chapter 1  
General Provisions**

**Article 1:**

This sub-decree aims to determine the establishment, organization and functions of the Technical Facilitation Committee of the Provincial Council and

the Technical Facilitation Committee of the Municipal Council and the Technical Facilitation Committee of the District Council.

**Article 2:**

The provincial council, municipal council and district council shall establish its own technical facilitation committee to study and provide advise to its council and board of governors regarding problems related to plans, budgets and coordination of the council work with line departments and units of the ministries and with other council categories; and report on problems related to functions and resources which have been assigned or delegated to the provincial council, municipal council and district council.

**Chapter 2**

**Technical Facilitation Committee of the Provincial Council**

**Section 1**

**Composition, Roles and Responsibilities**

**Article 3:**

The technical facilitation committee of the provincial council has membership as follows:

- Provincial governor	Chair
- Provincial deputy governor (01 person)	Deputy chair
- Administration director of Sala Khet	Permanent member
- Provincial councilors (at least 02 persons)	Member
- Directors of line departments and units of the Royal Government at the province	Member
- All directors of the Sala Khet divisions	Member
- Representatives of the Sangkat Association in the province (02 persons)	Member
- Representatives of the Consultative Committee on Women and Children Affairs of the provincial council (01 person)	Member

The deputy chair of the technical facilitation committee of the provincial council shall be proposed by the provincial governor.

The two representatives of Commune/Sangkat Association in the province shall be appointed by the Executive Committee of the Sangkat Association in the province. One of the two representatives must be a woman.

The provincial council shall issue a decision on recognition of the chair, deputy chair and members of the technical facilitation committee of the provincial council. This decision shall be signed by the provincial council chair.

**Article 4:**

The technical facilitation committee of the provincial council has roles and duties to provide advice to the provincial council and board of governors on the following main tasks:

**A. Development Plan and Budget**

- Inclusion of plans and budgets, of the ministries or departments and units of the Royal Government that provide direct services, materials or infrastructure in the jurisdiction of the provincial council, as part of the five (05) year-development plan and three (03) year-rolling investment program, medium term expenditure framework and annual budget of the provincial council;
- Draft and update of the five (05) year development plan, three (03) year rolling investment program;
- Draft of annual workplan and budget of the provincial council;
- Draft and update of the medium term expenditure framework;
- Financial and budget affairs of the provincial council;
- Draft of proposed allocation of the provincial investment funds to support programs of the province;
- Mobilization of resources from relevant partners to support the provincial investment projects;
- Preparation of progress reports related to the implementation of the development plan, investment program and budget of the provincial council.

#### **B. Coordination of the Capital Council with Departments, Units of the Ministries**

- Cooperation, consultation and coordination of tasks of the provincial council with the departments and units of the ministries;
- Coordination of service delivery and development provided by the ministries or by departments and units of the ministries in order to respond to local needs;
- Facilitation of conflict between the tasks of the provincial council with the ministries, departments and units of the ministries; and
- Provide recommendations to the ministries in order to improve service delivery and development in accordance with local needs.

#### **C. Cooperation and Coordination within the Provincial Unified Administration**

- Formulation of consultative and participative mechanisms in the performance of the provincial unified administration;
- Development of systems and working procedures as well as communication of Sala Khet divisions; and
- Solve conflicts in the performance of the Sala Khet divisions.

#### **D. Cooperation and Coordination between the Provincial Council and the Municipal Council, District Council, Commune Council and Sangkat Council within the Province**

- Development of a consultative mechanisms between the provincial council and the municipal council, the district council, the commune council and the Sangkat council within the province;
- Responding to the recommendations and requests, of the municipal council, the district council, the commune council and the Sangkat council within the province, in the event that they cannot be addressed by those councils; and
- Solving conflicts between the provincial council and the municipal council or/and the district council or/and the commune council or/and the Sangkat council in the province.

### **E. Cooperation and Coordination between the Provincial Council and other related Councils**

- Formulation of consultative mechanisms between the provincial council and the bordering councils and other related councils;
- Facilitation of conflicts between the provincial council and the bordering councils and other related councils.

### **F. Tasks related to Functions and Resources**

- Measures to promote effectiveness on the implementation of functions and resources;
- Preparation of qualifications and the means to receive and implement functions and resources which have been assigned or delegated to the provincial administration;
- Initiation of functions and resources which should be assigned or delegated to the provincial administration;
- Initiation on delegation of functions and resources to the municipal administration, the district administration, the commune administration and the Sangkat administration; and
- Assessment on the implementation of functions and resources that are the responsibility of the provincial administration.

Besides the above tasks, the technical facilitation committee may implement other tasks in accordance with law and the legal framework or in accordance with tasks assigned by its council.

## **Section 2 Working Procedures**

### **Article 5:**

The technical facilitation committee of the provincial council shall conduct meeting at least twice very month. The meeting cannot be conducted unless more than half of the total committee members are present.

The decision of the meeting is only valid unless the number of approving votes is more than haft of the total committee members.

The chair of the committee is the person who will call for a meeting and conduct the meeting of the committee. In the event that the committee chair is absent, the deputy chair will call for the meeting and conduct [lead?] the meeting.

Minutes shall be prepared by the administration director of Sala Khet for every meeting and these minutes will signed by the meeting's chair.

In accordance with this sub-decree, the technical facilitation committee can develop internal rules of their meetings, approve working procedures and divide duties to members of the committee as necessary.

### **Article 6:**

In the event that any members of the technical facilitation committee such as the Sala Khet administration director, municipal governor, district governor, directors of the line departments and units of the ministries in the province,

directors of the Sala Khet divisions are absent, those members can assign their representative to participate in the committee meeting on their behalf.

**Article 7:**

The provincial governor may request the deputy governors, officials, technical advisors and other people to participate in the meeting of the technical facilitation committee as necessary. Those provincial deputy governors, officials, technical advisors and concerned people may provide their comments in the meeting but they do not have the right of approval on any matter.

**Article 8:**

Agenda of the technical facilitation committee meeting should be prepared prior to every meeting. The provincial governor with assistance of the administration director of the Sala Khet shall prepare the agenda of the meeting based on:

- Needs of the provincial council;
- Need of the provincial board of governors;
- Needs of the provincial council committees;
- Requests from at least one third of the total number of the technical facilitation committee members of the provincial council; and
- Requirements of the laws or legal framework.

Based of the above needs and requests, the provincial governor shall consult with its board of governors in order to assign one or more relevant divisions of the Sala Khet to study and prepare documents, formats and procedures in accordance with each agenda.

The administration director of the Sala Khet shall lead the relevant divisions in the study and preparation of documents, formats and procedures as mentioned above in cooperation with relevant departments and units as necessary.

**Article 9:**

The administration director of the Sala Khet shall carry out the study and preparation of the documents, formats and procedures as stated in the article 8 above based on Law on Administrative Management of the Capital, provinces, municipalities, districts and Khans, Law on Administrative Management of the Communes/Sangkats and legal framework for implementing these laws.

After the preparation of the documents, formats and procedures, the Sala Khet administration director shall submit to the provincial governor for review and prepare for meeting of the technical facilitation committee.

**Article 10:**

The provincial governor with assistance of the administration director shall prepare report on result of the meeting of the committee to submit to the provincial council those tasks under the council authority or to the board of the governors for those tasks under the board authority.

**Article 11:**

The technical facilitation committee may request the establishment of sub-committees or working groups or as required by the law and the legal framework to assist its mandate.

Membership of the above sub-committees or working groups may be selected from the technical facilitation committee, officials of relevant units of the Sala Khet, Sala Krong, Sala Srok and departments/units as necessary.

The provincial council shall decide on establishment, organization and functioning of the above sub-committees or working groups. This decision shall be signed by the provincial council chair based on the decision of the council meeting.

**Chapter 3**  
**Technical Facilitation Committee of the Municipal Council**  
**Section 1**  
**Composition, Roles and Duties**

**Article 12:**

The technical facilitation committee of the municipal council has membership as follows:

- Municipal governor	Chair
- Municipal deputy governor (01 person)	Deputy chair
- Sala Krong administration director	Permanent member
- Municipal councilors (at least 02 persons)	Member
- Chiefs of Offices, Units of Ministries of the Royal Government at Sala Krong	Member
- Chiefs of Sala Krong Offices	Member
- All Sangkat chiefs in the municipality	Member
- Representative of the Krong Consultative Committee on Women and Children Affairs (01 person)	Member

The deputy chair of the technical facilitation committee of the municipal council shall be proposed by the municipal governor.

The municipal council shall issue a decision on recognition of the chair, deputy chair and members of the technical facilitation committee of the municipal council. This decision shall be signed by the municipal council chair.

**Article 13:**

The technical facilitation committee of the municipal council has roles and duties to provide advice to the municipal council and board of governors on the following main tasks:

**A. Development Plan and Budget**

- Inclusion of plans and budgets of the ministries or departments and units of the Royal Government that provide direct services, materials or infrastructure in the jurisdiction of the municipal council as part of the five (05) year-development plan and three (03) year-rolling investment program, medium term expenditure framework and annual budget of the municipal council;
- Draft and update the five (05) year development plan, three (03) year rolling investment program;
- Draft the annual workplan and budget of the municipal council;

- Draft and update the medium term expenditure framework;
- Financial and budget affairs of the municipal council;
- Draft of the proposed allocation of the municipal investment funds to support programs of the municipality;
- Mobilization resources from relevant partners to support the municipal investment projects; and
- Preparation of progress reports related to the implementation of the development plan, investment program and budget of the municipal council.

#### **B. Coordination of the Municipal Council with Departments, Units of the Ministries**

- Cooperation, consultation and coordination of tasks of the municipal council with the departments and units of the ministries;
- Coordination of service delivery and development provided by the ministries or by departments, offices and units of the ministries in order to respond to local needs;
- Facilitation of conflict between the tasks of the municipal council with the ministries, departments, offices and units of the ministries; and
- Provide recommendations to the ministries in order to improve service delivery and development in accordance with local needs.

#### **C. Cooperation and Coordination within the Municipal Unified Administration**

- Formulation of consultative and participative mechanisms in the performance of the municipal unified administration;
- Development of systems and working procedures as well as communication of Sala Krong divisions;
- Solve conflicts in the performance of the Sala Krong divisions.

#### **D. Cooperation and Coordination between the Municipal Council and the Sangkat Councils within the Municipality**

- Development of consultative mechanisms between the municipal council and the Sangkat councils within the municipality;
- Respond to the recommendations and requests, of the Sangkat councils within the municipality, in the event that they cannot be addressed by those councils; and
- Solve conflicts between the municipal council and the Sangkat councils within the municipality.

#### **E. Cooperation and Coordination between the Municipal Council and other related Councils**

- Formulation of consultative mechanisms between the municipal council and the bordering councils and other related councils; and
- Facilitation of conflicts between the municipal council and bordering councils and other related councils.

#### **F. Tasks related to Functions and Resources**

- Measures to promote effectiveness on the implementation of functions and resources;

- Preparation of qualifications and means to receive and implement the functions and resources which have been assigned or delegated to the municipal administration;
- Initiation of functions and resources which should be assigned or delegated to the municipal administration;
- Initiation of delegation of functions and resources to the Sangkat administrations within the municipality; and
- Assessment of the implementation of functions and resources that are the responsibility of the municipal administration.

Besides the above tasks, the municipal technical facilitation committee may implement other tasks in accordance with law and the legal framework or in accordance with tasks assigned by its council.

## **Section 2 Working Procedures**

### **Article 14:**

The technical facilitation committee of the municipal council shall conduct meetings at least twice every month. These meetings cannot be conducted unless more than half of the total committee members present.

The decision of the meeting is valid only if the number of approving votes is more than half of the total committee members.

The chair of the committee is the person who will call for meeting and conduct the meeting of the committee. In the event that the committee chair is absent, the deputy chair will call for the meeting and conduct the meeting.

Minutes shall be prepared by the administration director of the Sala Krong at every meeting and signed by the meeting chair.

In accordance with this sub-decree, the municipal technical facilitation committee may develop internal rules of their meetings, approve working procedures and divide duties to members of the committee as necessary.

### **Article 15:**

In the event that any members of the technical facilitation committee such as the Sala Krong administration director, Sangkat chiefs, chiefs of offices and units of the ministries, chiefs of Sala Krong offices are absent, those members can assign their representative to participate in the committee meeting on their behalf.

### **Article 16:**

The municipal governor may request municipal deputy governors, officials, technical advisors and other people to participate in the meeting of the technical facilitation committee as necessary. Those municipal deputy governors, officials, technical advisors and other people may provide their comments in the meeting but they do not have the right to approve any decision of the meeting.

### **Article 17:**

Agenda of the municipal technical facilitation committee meeting will be prepared prior to every meeting. The municipal governor with assistance of the administration director of Sala Krong shall prepare the agenda of the meeting based on:

- Needs of the municipal council;
- Needs of the municipal board of governors;
- Needs of the council committees;
- Requests from at least one third of the total number of the technical facilitation committee members of the municipal council; and
- Requirements of the Laws or the legal framework.

Based of the above needs and requests, the municipal governor shall consult with its board of governors in order to assign one or more relevant offices of the Sala Krong to study and prepare documents, formats and procedures in accordance with each agenda.

The administration director of Sala Krong shall lead the relevant offices in the study and preparation of documents, formats and procedures as mentioned above in cooperation with relevant offices and units of ministries at municipality and relevant administrations as necessary.

**Article 18:**

The administration director of the Sala Krong shall carry out the study and preparation of the documents, formats and procedures as stated in the article 17 above based on Law on Administrative Management of the Capital, provinces, municipalities, districts and Khans, Law on Administrative Management of the Communes/Sangkats and the legal framework for implementing these laws.

After the preparation of the documents, formats and procedures, the Sala Krong administration director shall submit these materials to the municipal governor for review and prepare for the meeting of the technical facilitation committee.

**Article 19:**

The municipal governor with assistance of the administration director of Sala Krong shall prepare a report on the results of the meeting of the committee to submit to the municipal council those tasks under the council authority and to the municipal board of the governors for those tasks under the board authority.

**Article 20:**

The municipal technical facilitation committee may request for the establishment of sub-committees or working groups or as required by law and the legal framework.

Membership of the above sub-committees or working groups may be selected from the municipal technical facilitation committee, officials of relevant offices of Sala Krong, representatives of the Sangkat councilors and other relevant offices/units as necessary.

The municipal council shall decide on the establishment, organization and functioning of the above sub-committees or working groups. This decision shall

be signed by the chair of the municipal council based on decision by the council.

**Chapter 4**  
**Technical Facilitation Committee of the District Council**  
**Section 1**

**Composition, Roles and Duties**

**Article 21:**

The technical facilitation committee of the district council has membership as follows:

- District governor	Chair
- District deputy governor (01 person)	Deputy chair
- Sala Srok administration director	Permanent member
- District councilors (at least 02 persons)	Member
- Chiefs of Offices, Units of Ministries of the Royal Government at district	Member
- All chiefs of Sala Srok Offices	Member
- All commune and Sangkat chiefs within the district	Member
- Representative of the District Consultative Committee on Women and Children Affairs (01 person)	Member

The deputy chair of the technical facilitation committee of the district council shall be proposed by the municipal governor.

The district council shall issue a decision on recognition of the chair, deputy chair and members of the technical facilitation committee of the municipal council. This decision shall be signed by the district council chair.

**Article 22:**

The district technical facilitation committee of the district council has roles and duties to provide advice to the district council and board of governors on the following main tasks:

**A. Development Plan and Budget**

- Inclusion of plans and budgets of the ministries or departments and units of the Royal Government that provide direct services, materials or infrastructure in the jurisdiction of the district council as part of the five (05) year-development plan and three (03) year-rolling investment program, medium term expenditure framework and annual budget of the district council;
- Draft and update of the five (05) year development plan, three (03) year rolling investment program;
- Draft of annual workplan and budget of the district council;
- Draft and update of the medium term expenditure framework;
- Financial and budget affairs of the district council;
- Draft of proposed allocation of the district investment funds to support programs of the district;
- Mobilize resources from relevant partners to support the district investment projects;

- Prepare progress reports related to the implementation of the development plan, investment program and budget of the district council.

#### **B. Coordination of the District Council with Departments, Units of the Ministries**

- Cooperation, consultation and coordination of tasks of the district council with the departments and units of the ministries;
- Coordination of service delivery and development provided by the ministries or departments, offices and units of the ministries in order to respond to local needs;
- Facilitation of conflict of any tasks of the district council with the ministries, departments, offices and units of the ministries; and
- Provide recommendations to the ministries in order to improve service delivery and development in accordance with local needs.

#### **C. Cooperation and Coordination within the District Unified Administration**

- Formulation of consultative and participative mechanisms in the performance of the district unified administration;
- Development of systems and working procedures as well as communication of Sala Srok divisions; and
- Solve conflicts in the performance of the Sala Srok divisions.

#### **D. Cooperation and Coordination between the District Council and the Commune Councils and Sangkat Councils within the District**

- Developing consultative mechanisms between the district council and the commune councils and the Sangkat councils within the district;
- Responding to the recommendations and requests, of the commune councils and the Sangkat councils within the district, in the event that they cannot be addressed by those councils; and
- Solving conflicts between the district council and the commune councils and the Sangkat councils within the district.

#### **E. Cooperation and Coordination between the District Council and other related Councils**

- Formulation of consultative mechanisms between the district council and the bordering councils and other related councils; and
- Facilitation of conflicts between the district council and the bordering councils and other related councils.

#### **F. Tasks related to Functions and Resources**

- Measures to promote effectiveness on the implementation of functions and resources;
- Preparation of qualifications and means to receive and implement the functions and resources which have been assigned or delegated to the district administration;
- Initiation of functions and resources which should be assigned or delegated to the district administration;
- Initiation on delegation of functions and resources to the commune administration and Sangkat administrations within the district; and

- Assessment on the implementation of functions and resources under the responsibility of the district administration.

In addition to the above tasks, the district technical facilitation committee may implement other tasks in accordance with law and the legal framework or in accordance with tasks assigned by its council.

## **Section 2 Working Procedures**

### **Article 23:**

The technical facilitation committee of the district council shall conduct meetings at least twice every month. These meetings cannot be conducted unless more than half of the total committee members are present.

The decision of the meeting is only valid unless the number of approving votes is more than half of the total committee members.

The chair of the committee is the person who will call for meeting and chair the meeting of the committee. In the event that the committee chair is absent, the deputy chair will call for the meeting and chair the meeting.

Minutes of the meetings shall be prepared by the administration director of the Sala Srok and signed by the meeting chair.

In accordance with this sub-decree, the district technical facilitation committee may develop its own internal rules of the meeting, approve working procedures and divide duties to members of the committee as necessary.

### **Article 24:**

In the event that any members of the technical facilitation committee such as the Sala Srok administration director, commune and Sangkat chiefs, chiefs of offices and units of the ministries, chiefs of Sala Srok offices are absent, those members can assign their representative to participate in the committee meeting on their behalf.

### **Article 25:**

The district governor may request district deputy governors, officials, technical advisors and other people to participate in the meetings of the technical facilitation committee as necessary. Those district deputy governors, officials, technical advisors and other people may provide their comments in the meeting but they do not have the right to approve any decision of the meeting.

### **Article 26:**

Agenda of the district technical facilitation committee meeting will be prepared prior to every meeting. The municipal governor with assistance of the administration director of Sala Srok shall prepare the agenda of the meeting based on:

- Needs of the district council;
- Needs of the district board of governors;
- Needs of the council committees;

- Requests from at least one third of the total number of the technical facilitation committee members of the district council; and
- Requirements of the Laws or legal framework.

Based of the above needs and requests, the district governor shall consult with its board of governors in order to assign one or more relevant offices of the Sala Srok to study and prepare documents, formats and procedures in accordance with each agenda.

The administration director of Sala Srok shall lead the relevant offices in the study and preparation of documents, formats and procedures as mentioned above in cooperation with relevant offices and units of ministries at district and relevant administrations as necessary.

**Article 27:**

The administration director of the Sala Srok shall carry out the study and preparation of the documents, formats and procedures as stated in the article 26 above based on Law on Administrative Management of the Capital, provinces, municipalities, districts and Khans, Law on Administrative Management of the Communes/Sangkats and the legal framework for implementing these laws.

After the preparation of the documents, formats and procedures, the Sala Srok administration director shall submit to the municipal governor these materials for review and prepare for the meeting of the technical facilitation committee.

**Article 28:**

The district governor with assistance of the administration director of Sala Srok shall prepare a report on the results of the meeting of the committee to submit to the district council those tasks under the council's authority and to the district board of the governors for those tasks under the board's authority.

**Article 29:**

The district technical facilitation committee may request for establishment of sub-committees or working groups or as required by the law and legal framework.

Membership of the above sub-committees or working groups may be selected from the district technical facilitation committee, officials of relevant offices of Sala Srok, representatives of the commune and Sangkat councilors and relevant offices/units as necessary.

The district council shall decide on the establishment, organization and functioning of the above sub-committees or working groups. This decision shall be signed by the chair of the district council based on the decision of the council meeting.

## **Chapter 5 Support**

**Article 30:**

If necessary, the Minister of the Ministry of Interior may issue additional guidelines on the implementation of roles, duties and working procedures of the

technical facilitation committee of the provincial council, the technical facilitation committee of the municipal council and the district technical facilitation committee of the district council based on this sub-decree.

**Article 31:**

The Minister of the Ministry of Interior shall conduct capacity building training to the members of the councils, board of governors, administration director, technical facilitation committee and personnel of the Sala Khet, Sala Krong and Sala Srok as well as other relevant people in order to support the technical facilitation committees.

**Chapter 6  
Final Provisions**

**Article 32:**

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

**Article 33:**

Minister in charge of the Office of the Council Ministers, Minister of the Ministry of Economy and Finance, Minister of the Ministry of Interior, Chairman of the National Committee for Sub-National Democratic Development, ministers and secretaries of state of all ministries and institutions, the provincial councils and boards of governors, municipal councils and boards of governors, district councils and boards of governors, commune councils and Sangkat councils shall be responsible to implement this sub-decree from the date of its signature onwards.

Phnom Penh Capital, date.....2009

**Prime Minister**

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

**Copy to:**

- Ministry of Royal Palace
- General Secretariat of Senate
- General Secretariat of Parliament
- General Secretary of RGC
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 33
- Royal Affair
- Archives