



(Unofficial Translation)

**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
No. 217 OrNKR.BK**

Sub-Decree

On

**Establishment, Organization and Functioning of the Technical Facilitation
Committee of the Phnom Penh Capital Council and the Technical
Facilitation Committee of the Khan Council of the Phnom Penh Capital**

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 functioning of the Technical Facilitation Committee of the Phnom Penh Capital Council and the Technical Facilitation Committee of the Khan Council of the Phnom Penh Capital .

Article 2:

The Phnom Penh Capital Council and Khan councils of the Capital 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 work with line departments and units of the ministries and other council categories; and problems related to functions and resources which have been assigned or delegated to the Capital council and Khan councils.

Chapter 2
Phnom Penh Capital Technical Facilitation Committee
Section 1
Composition, Roles and Responsibilities

Article 3:

The technical facilitation committee of the Phnom Penh Capital has membership as follows:

- Capital governor	Chair
- Deputy governor (01 person)	Deputy chair
- Capital administration director	Permanent member
- Capital councilors (at least 02 persons)	Member
- Directors of line departments and units of the Royal Government at the Capital	Member
- All directors of the Capital Hall divisions	Member
- Representatives of the Sangkat Association in the Capital (02 persons)	Member
- Representatives of the Consultative Committee on Women and Children Affairs of the Capital (01 person)	Member

The deputy chair of the technical facilitation committee of the Capital council shall be proposed by the Capital Governor.

The two representatives of Sangkat Association in the Capital shall be appointed by the Executive Committee of the Sangkat Association in the Capital. The two representatives must include one woman.

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

Article 4:

The technical facilitation committee of the Capital Council has roles and duties to provide advice to the Capital Council and its 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 Capital 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 Capital 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 Capital council;
- Draft and update of the medium term expenditure framework;
- Financial and budget affairs of the Capital council;
- Draft of proposed allocation of the Capital investment funds to support programs of the Capital;
- Mobilize resources from relevant partners to support Capital investment projects; and
- Prepare progress reports related to the implementation of the development plan, investment program and budget of the Capital council.

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

- Cooperation, consultation and coordination of tasks of the Capital 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 Capital council with those of the ministries, departments and units of the ministries;
- Provision of recommendations to the ministries in order to improve service delivery and development in accordance with local needs.

C. Cooperation and Coordination within the Capital Unified Administration

- Formulation of consultative and participation mechanisms in the performance of the Capital unified administration;
- Development of systems and working procedures as well as communication of Capital Hall divisions; and
- Solve conflicts in the performance of the Capital Hall divisions.

D. Cooperation and Coordination between the Capital Council and the Khan and Sangkat Councils within the Capital

- Develop a consultative mechanisms between the Capital Council and Khan and Sangkat councils within the Capital;
- Respond to the recommendations and requests of the Khan or Sangkat councils in the event that they cannot be addressed by those councils;
- Solve conflicts between the Capital Council and the Khan council or/and Sangkat councils.

E. Cooperation and Coordination between the Capital Council and other related Councils

- Formulation of consultative mechanisms between the Capital council and the bordering councils and other related councils; and

- Facilitation of conflicts between the Capital 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 Capital administration;
- Initiation of functions and resources which should be assigned or delegated to the Capital administration;
- Initiation on delegation of functions and resources to Khan administration and Sangkat administration;
- Assessment on the implementation of functions and resources that are responsible by the Capital 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 Capital Council shall conduct meetings at least twice every month. The meeting cannot be conducted unless more than half of the total committee members are present.

The decision of the meeting is 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 shall be prepared by the administration director of the Capital Hall for each meeting and signed by the meeting chair.

In accordance with this sub-decree, the technical facilitation committee can develop internal rules of the meeting, 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 Capital Hall Administration Director, Khan governors, directors of the line departments and units of the ministries in the Capital, directors of the Capital Hall divisions are absent, those members can assign their representative to participate in the committee meeting on their behalf.

Article 7:

The Capital 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 Capital deputy governors, officials,

technical advisors and other people may provide their comments in the meeting but they do not have the right to decide at the meetings.

Article 8:

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

- Needs of the Capital Council;
- Need of the 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 Capital Council; and
- Requirements of the Laws or legal framework.

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

The Administration Director of the Capital Hall 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 Capital Hall 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 the legal framework for implementing these laws.

After the preparation of the documents, formats and procedures, the Capital Hall Administration Director shall submit these materials to the Capital Governor for review and prepare for meeting of the technical facilitation committee.

Article 10:

The Capital Governor with assistance of the Administration Director shall prepare report on result of the meeting of the committee for submitting to the Capital Council those tasks under the council's authority and to the board of the governors for those tasks under the board's authority.

Article 11:

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

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

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

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

Article 12:

The technical facilitation committee of the Khan council of the Phnom Penh Capital has membership as follows:

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

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

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

Article 13:

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

A. Development Plan and Budget

- Draft and update of the five (05) year development plan, three (03) year rolling investment program in order to include into the five (05) year-development plan and three (03) year-rolling investment program of the Capital;
- Draft of annual workplan and budget of the Khan council;
- Draft and update of the medium term expenditure framework;
- Mobilize resources from relevant partners to support the Khan investment projects;
- Cooperate on the implementation of inter-Sangkat projects; and
- Prepare progress reports related to the implementation of the development plan, investment program and budget of the Khan council.

B. Coordination of the Khan Council with Offices, Units of the Ministries

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

C. Cooperation and Coordination within the Khan Unified Administration

- Formulation of consultative and participation mechanisms in the performance of the Khan unified administration;
- Development of systems and working procedures as well as communication of Sala Khan offices; and
- Facilitation of conflicts regarding performance of the Sala Khan offices.

D. Cooperation and Coordination between the Khan Council and Sangkat Councils within Khan

- Development of consultative mechanisms between the Khan council and Khan council; and between Khan council and Sangkat councils within Khan;
- Responding to the recommendations and requests of the Sangkat councils in the event that they cannot be addressed by the Sangkat councils; and
- Facilitation of conflicts between Khan council and Sangkat councils and between Sangkat council and Sangkat council.

E. Cooperation and Coordination between the Capital Council and other related Councils

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

F. Tasks related to Functions and Resources

- Measures to promote effectiveness on the implementation of delegated functions and resources;
- Preparation of qualifications and means to receive and implement the functions and resources which have been delegated to the Khan administration;
- Initiation of functions and resources which should be delegated to the Khan administration and Sangkat administrations;
- Initiation on delegation of functions and resources to Khan administration and Sangkat administration; and
- Assessment on the implementation of functions and resources which have been delegated by the Capital administration.

Besides the above tasks, the Khan technical facilitation committee may receive other tasks to implement 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 Khan council shall conduct meetings at least twice every month. The meeting cannot be conducted unless more than half of the total committee members are present.

The decision of the meetings 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 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 shall be prepared by the administration director of the Sala Khan for every meeting and signed by the meeting chair.

In accordance with this sub-decree, the Khan technical facilitation committee may develop internal rules of its 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 Khan administration director, Sangkat chiefs, chiefs of offices and units of the ministries, chiefs of Sala Khan offices absent, those members can assign their representative to participate in the committee meeting on their behalf.

Article 16:

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

Article 17:

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

- Needs of the Khan council;
- Needs of the Khan 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 Khan council; and
- Requirements of the Laws or the legal framework.

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

The administration director of Sala Khan 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 Khan and relevant administrations as necessary.

If necessary, the Sala Khan administration director may request for advice and support from the administration director of Capital Hall in the study and prepare the above documents, formats and procedures.

Article 18:

The administration director of the Sala Khan 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 as well as instructions of the Capital Council and/or Capital Board of Governors.

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

Article 19:

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

Article 20:

The Khan technical facilitation committee may request for establishment of sub-committees or working groups or as required by the law and the legal framework or as instructed by the Capital Council and/or Capital Board of Governors to assist its work.

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

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

Chapter 4 Support

Article 21:

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 Capital Council and the technical facilitation committee of the Khan council based on this sub-decree.

Article 22:

The Minister of the Ministry of Interior shall conduct capacity building [development] training to the members of the councils, board of governors, administration director, technical facilitation committee and personnel of the Capital Hall and Sala Khan as well as other relevant people in order to support the work of the technical facilitation committees.

Chapter 5 Final Provisions

Article 23:

Any provisions that is in contradiction to this sub-decree shall be abrogated.

Article 24:

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 Capital Council and Board of Governors, Khan councils and boards of governors 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**

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