



LAWS OF MALAYSIA

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Act 688

EAST COAST ECONOMIC REGION DEVELOPMENT COUNCIL ACT 2008

As at 1 Januari 2024

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**EAST COAST ECONOMIC REGION DEVELOPMENT
COUNCIL ACT 2008**

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LAWS OF MALAYSIA**Act 688****EAST COAST ECONOMIC REGION DEVELOPMENT
COUNCIL ACT 2008**

ARRANGEMENT OF SECTIONS

PART I**PRELIMINARY**

Section

1. Short title and commencement
2. Interpretation
3. General assurance that power of State Government and other Government entities not affected
4. The East Coast Economic Region

PART II**THE COUNCIL**

5. Establishment of Council
6. Objectives of Council
7. Functions of Council
8. Powers of Council
9. Additional functions and powers of Council
10. Membership of Council
11. Alternate member of Council
12. Council may establish committees
13. Delegation of functions and powers of Council

PART III**CHIEF EXECUTIVE, OFFICERS AND SERVANTS OF COUNCIL**

Section

14. Chief Executive
15. Employment of officers and servants of Council
16. Financial assistance to officers and servants and their dependants

PART IV**EAST COAST ECONOMIC REGION MASTER PLAN**

17. The East Coast Economic Region Master Plan
18. Consultation with State Government
19. Approval and adoption of the East Coast Economic Region Master Plan
20. Review and alteration of the East Coast Economic Region Master Plan
21. Duty to take cognisance of the East Coast Economic Region Master Plan
22. Designated strategic development

PART V**DIRECTION, POLICIES AND STRATEGIES FOR DEVELOPMENT IN THE EAST COAST ECONOMIC REGION**

23. Responsibility of Council
24. Responsibility of Government entity

PART VI**COORDINATION BETWEEN GOVERNMENT ENTITIES IN THE EAST COAST ECONOMIC REGION**

25. Principal coordinating agency
26. Arrangement with Government entity
27. Council may request for information from Government entity
28. Implementation and Coordination Committee

PART VII

FINANCE

Section

29. The Fund
30. Expenditure to be charged on the Fund
31. Authority to sanction expenditure from the Fund
32. Conservation of the Fund
33. Special fund
34. Reserve fund
35. Bank accounts
36. Power to impose fees
37. Power to borrow and raise funds
38. Investment
39. Expenditure and preparation of estimates
40. Financial year
41. Statutory Bodies (Accounts and Annual Reports) Act 1980

PART VIII

OFFENCES AND PENALTIES

42. Offence for failure to disclose interest
43. Obligation of secrecy
44. Offence for giving false or misleading information
45. Offence for unauthorized modification of information in the Council's custody
46. Offence by body corporate and employee

PART IX

GENERAL PROVISIONS

47. Returns, reports, accounts and information
48. Power to establish companies
49. Power to employ professionals

Section

- 50. Protection against suits and legal proceedings
- 51. Public Authorities Protection Act 1948
- 52. Public servants
- 53. Power to make regulations
- 54. Things done in anticipation of the enactment of this Act
- 55. Savings provisions

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

LAWS OF MALAYSIA**Act 688****EAST COAST ECONOMIC REGION DEVELOPMENT
COUNCIL ACT 2008**

An Act to incorporate the East Coast Economic Region Development Council, to provide for the proper direction, policies and strategies in relation to the development within the East Coast Economic Region, to provide for coordination between Government entities in the promotion of trade, investment, tourism and development activities within the East Coast Economic Region, and to provide for matters connected therewith or ancillary thereto.

[13 June 2008, P.U.(B) 244/2008]

ENACTED by the Parliament of Malaysia as follows:

PART I**PRELIMINARY****Short title and commencement**

1. (1) This Act may be cited as the East Coast Economic Region Development Council Act 2008.

(2) This Act comes into operation on such date as the Prime Minister may, after consultation with the State Authorities of Kelantan, Terengganu, Pahang and Johor, appoint by notification in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

“member” means a member of the Council appointed under subsection 10(1) and includes an alternate member appointed under section 11;

“Government entity” means—

- (a) the Federal Government, any State Government or local government; and
- (b) any ministry, department, office, agency, authority, commission, committee, board, council or other body, corporate or unincorporate, of the Federal Government, any State Government or local government, whether established under any written law or otherwise;

“committee” means a committee appointed under section 12;

“Implementation and Coordination Committee” means the Implementation and Coordination Committee appointed under section 28;

“Chief Executive” means the Chief Executive appointed under subsection 14(1) and includes an officer directed to perform the duties of the Chief Executive under subsection 14(6);

“Fund” means the East Coast Economic Region Development Fund established under section 29;

“Council” means the East Coast Economic Region Development Council established under section 5;

“East Coast Economic Region Master Plan” means the East Coast Economic Region Master Plan prepared pursuant to section 17 and includes any alterations to such Master Plan;

“Chairman” means the Chairman of the Council appointed under paragraph 10(1)(a);

“East Coast Economic Region” means the area declared under section 4.

General assurance that power of State Government and other Government entities not affected

3. (1) Nothing contained in this Act shall be construed as reducing or limiting the powers, functions, rights, jurisdiction, duties and responsibilities of the States of Kelantan, Terengganu, Pahang and Johor, and any other Government entity.

(2) The provisions of this Act shall be read together with any written law relating to the States of Kelantan, Terengganu, Pahang and Johor, and any other Government entity and shall not be in derogation of the powers, functions, rights, jurisdiction, duties and responsibilities conferred upon the States of Kelantan, Terengganu, Pahang and Johor, and any other Government entity under any such written law.

The East Coast Economic Region

4. It is declared, for the purposes of this Act, an area that shall be collectively known as the “East Coast Economic Region” which shall comprise the States of Kelantan, Terengganu, Pahang and the Districts of Mersing and Segamat in the State of Johor.

PART II

THE COUNCIL

Establishment of Council

5. (1) A body corporate by the name of the “East Coast Economic Region Development Council” is established.

(2) The Council shall have perpetual succession and a common seal.

(3) The Council may sue and be sued in its own name.

(4) The Council may, subject to and for the purposes of this Act, upon such terms as the Council deems fit—

- (a) enter into contracts;
- (b) acquire, purchase, take, hold and enjoy movable and immovable property of every description and to underwrite or otherwise acquire and hold any securities; and
- (c) convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer, dispose of, or otherwise deal with, any movable or immovable property, including securities, or any interest vested in the Council.

Objectives of Council

6. The objectives of the Council are as follows:

- (a) to stimulate, promote and accelerate the growth of the East Coast Economic Region in an equitable and sustainable manner;
- (b) to stimulate, promote and accelerate the development of the East Coast Economic Region into a world class economic region and a choice destination for investment, work and living; and
- (c) to ensure that social development and sustainable development are kept as priorities whilst driving economic growth in the East Coast Economic Region.

Functions of Council

7. Subject to section 23, the Council shall perform the following functions:

- (a) to establish directions, policies, strategies and initiatives in relation to the development within the East Coast Economic

Region and the implementation of the East Coast Economic Region Master Plan;

- (b) to promote, stimulate, facilitate, coordinate, evaluate and review any development in the East Coast Economic Region carried out by any Government entity, or body or person, whether local or foreign, and participate in the development of the East Coast Economic Region, including—
 - (i) economic development such as tourism, and agricultural development including the modernization, diversification and commercialization of the agricultural sector;
 - (ii) industrial and commercial development such as the oil and gas and petrochemical industry, manufacturing and other trade and higher value-added activities and new industries;
 - (iii) social development such as public health and the development of health and medical facilities and the advancement of art, and cultural, sports and recreational activities;
 - (iv) human resource development such as the development of public education and educational facilities, including vocational and technical institutions and centres of excellence for research, teaching and training; and
 - (v) infrastructural development such as the development of investment and logistics centre, duty free area, residential area and public amenities, and property development;
- (c) to plan, phase, coordinate, and evaluate and review the activities carried out by any Government entity, or body or person, whether local or foreign, in the East Coast Economic Region which the Council thinks are of strategic

national importance or are in the national interest in furtherance of the objectives of the Council;

- (d) to implement strategies and initiatives for the development of trade and marketing in the East Coast Economic Region;
- (e) to provide advisory and consultancy services relating to investments or potential investments in the East Coast Economic Region including—
 - (i) to advise any Government entity on incentives applicable to investors;
 - (ii) to directly or indirectly approach any investor or potential investor, whether local or foreign, in order to promote private sector investment in the East Coast Economic Region; and
 - (iii) to develop and review criteria for incentives which are directly and exclusively managed and administered by the Council as approved by the Federal Government, from time to time, to be applicable to investors in the East Coast Economic Region, and to process and evaluate the grant of such incentives to eligible investors;
- (f) to identify the necessary skills for the maintenance and expansion of the economy of the East Coast Economic Region and develop strategies and initiatives for ensuring that those skills are developed and maintained;
- (g) to integrate scientific and technological research and its commercial exploitation within the economic framework of the East Coast Economic Region;
- (h) to conduct inquiries, carry out surveys, and collate and analyse information, statistics and factors influencing or relevant to development, business or investment in the East Coast Economic Region, and to publish and disseminate such information, statistics and factors to any Government

entity, body, person and investor or potential investor, whether local or foreign;

- (i) to establish policies, direction, strategies and initiatives in relation to sustainable development, including environmental protection, management and conservation in the East Coast Economic Region; and
- (j) to do all things as are expedient, advantageous or necessary for, or incidental, supplemental or consequential to, the performance of the functions of the Council and the proper and effective administration of the Council in furtherance of the objectives of the Council and the better carrying out of the purposes of this Act.

Powers of Council

8. The Council shall have the power to do all things reasonably necessary or expedient or advantageous for the purpose of discharging its functions, or which are incidental, supplemental or consequential, to the discharge of those functions, and the exercise of those powers, and for the proper and effective administration of the Council in furtherance of the objectives of the Council and the better carrying out of the purposes of this Act, and in particular, but without prejudice to the generality of the foregoing:

- (a) subject to the approval of the Federal Government, to carry on or engage in any commercial activity, profit-making enterprise, joint-ventures, partnership, equity participation or any arrangements for the sharing of profits, union of interest, reciprocal concession or otherwise to co-operate with, act as authorized agent of, in association with or on behalf of, any Government entity, or body or person, whether local or foreign, for the purposes of carrying out development activities in the East Coast Economic Region;
- (b) to take or otherwise acquire shares and securities of any company or business, activity or transaction, capable of being conducted so as, directly or indirectly, to achieve the

objectives of the Council, and to sell, hold, or reissue with or without guarantee or otherwise deal with such shares and securities, or to underwrite or otherwise hold such shares and securities and to dispose of such shares and securities on such terms as the Council may determine;

- (c) to initiate and carry out studies of possible development and redevelopment areas and to propose plans outlining development or redevelopment activities, including identifying suitable locations and other key enablers for such purposes, and carry out surveys to determine if the undertaking and carrying out of the development or redevelopment projects are feasible;
- (d) to make recommendations and provide consultancy and advisory services on the implementation of policies, laws and actions, and uniform standards, guidelines, best practices, and administrative processes and procedures to be applied by any Government entity, body and person, whether local or foreign, for the purpose of facilitating development of the East Coast Economic Region;
- (e) to promote, recommend, facilitate, assist in, coordinate, organize, develop and undertake strategies and initiatives to enhance the international competitiveness of goods and services in the East Coast Economic Region, including strategies and initiatives relating to—
 - (i) the development of strong regional and world class brands;
 - (ii) the dissemination of modern or international best practices or standards for adoption by producers or service providers; and
 - (iii) the achievement of international accreditation or certification by businesses;
- (f) to identify the necessary infrastructure for the maintenance and expansion of the economy of the East Coast Economic

Region in accordance with the East Coast Economic Region Master Plan;

- (g) to receive and channel any funds allocated by Parliament for the provision of infrastructure in the East Coast Economic Region and monitor the construction, implementation, operation and upkeep of such infrastructure;
- (h) to establish, manage and operate any investment fund, whether relating to property, bonds, stock, shares, securities or otherwise, and to dissolve the investment fund on such terms as the Council may determine;
- (i) to develop, promote, recommend, facilitate, organize, coordinate and undertake social development initiatives aimed at alleviating poverty and reducing income disparity in the East Coast Economic Region; and
- (j) to make recommendations to the State Governments of Kelantan, Terengganu, Pahang and Johor and local authorities within the East Coast Economic Region in relation to local government functions and services including local planning control and its regulation, approval or control of all buildings and building operations, the repair and removal of ruinous and dangerous buildings, and the prohibition, closure and demolition of a building of a particular class, design, facade or appearance in the East Coast Economic Region.

Additional functions and powers of Council

9. (1) In addition to the functions assigned to and the powers conferred upon the Council under this Act—

- (a) the Council shall perform such other functions and exercise such other powers conferred upon the Council under any written law;

- (b) the Council may undertake such other functions and exercise such other powers as the Federal Government, the State Government of Kelantan, Terengganu, Pahang or Johor, or any other Government entity may assign to or confer upon the Council;
- (c) subject to subsection (3), the Council may expend such moneys received by the Council from the Federal Government, the State Government of Kelantan, Terengganu, Pahang or Johor, any other Government entity, or body or person, whether local or foreign, to undertake such other functions and exercise such other powers for which such moneys were received by the Council; and
- (d) the Council may carry out any other functions and exercise any other powers that are incidental, supplementary or consequential to any of the functions and powers specified in this section.

(2) In carrying out such additional functions and powers under subsection (1), the Council shall be deemed to be fulfilling its objectives under this Act, and the provisions of this Act shall apply to the Council in respect of the undertaking of such functions and the exercise of such powers.

(3) The moneys received and expended under this section shall be kept in the special fund under section 33, separate and apart from those of the Fund.

Membership of Council

10. (1) The Council shall consist of the following members:

- (a) a Chairman, who shall be the Prime Minister;
- (b) the Deputy Prime Minister;
- (c) the Menteri Besar of the States of Kelantan, Terengganu, Pahang and Johor;

- (d) two Federal Ministers to be appointed by the Prime Minister;
 - (e) a representative of the civil service to be appointed by the Prime Minister; and
 - (f) two members from the private sector with suitable experience or qualifications to be appointed by the Prime Minister.
- (2) The Chief Executive shall be the Secretary to the Council.
- (3) The provisions of the First Schedule shall apply to the Council.
- (4) The Prime Minister may, from time to time, by order published in the *Gazette*, amend the First Schedule.

Alternate member of Council

11. (1) Subject to the approval of the Prime Minister, any member of the Council appointed under paragraphs 10(1)(c), (d) and (e) may appoint an alternate to attend the meetings of the Council in his absence.

(2) When attending meetings of the Council in place of a member, an alternate member shall for all purposes be deemed to be a member of the Council at the relevant meeting in respect of which he is appointed as an alternate of such member.

Council may establish committees

12. (1) The Council may establish such committees as the Council considers necessary or expedient to assist it in the performance of its functions and carrying out of its powers under this Act.

(2) The Council may elect any of its members to be the chairman of any committee.

(3) The Council may appoint any person to be a member of any committee.

(4) Membership of a committee may include one or more individuals from the private sector.

(5) The provisions of the Second Schedule shall apply to a committee.

(6) The Council may, from time to time, by order published in the *Gazette*, amend the Second Schedule relating to a committee.

Delegation of functions and powers of Council

13. (1) The Council may, in writing, delegate any of its functions and powers, other than its power to borrow money or to raise loans—

- (a) to the Chairman;
- (b) to a member of the Council;
- (c) to a committee;
- (d) to the Implementation and Coordination Committee;
- (e) to the Chief Executive; or
- (f) to an officer of the Council.

(2) The Chairman, a member of the Council, a committee, the Implementation and Coordination Committee, the Chief Executive or an officer of the Council to whom the Council has delegated such functions or powers shall be bound to observe and have regard to all conditions, restrictions and other requirements imposed by the Council and all procedures and matters specified by the Council in carrying out such delegated functions or powers.

(3) Any function or power delegated under this section shall be performed and exercised in the name and on behalf of the Council.

(4) A delegation under this section shall not preclude the Council itself from performing or exercising at any time any of the delegated functions or powers.

PART III

CHIEF EXECUTIVE, OFFICERS AND SERVANTS OF COUNCIL

Chief Executive

14. (1) The Council shall appoint a Chief Executive of the Council on such terms as the Council thinks appropriate.

(2) The Chief Executive shall be responsible for—

- (a) the general conduct, administration and management of the functions, activities and day to day affairs of the Council;
- (b) the preparation of programs, schemes and projects for the consideration of the Council;
- (c) the execution of all programs, schemes and projects of the Council;
- (d) the marketing and promotion of the East Coast Economic Region; and
- (e) the carrying out of the decisions of the Council.

(3) The Chief Executive shall be responsible for and have the general control of the officers and servants of the Council.

(4) The Chief Executive shall perform such further duties as the Council may, from time to time, direct.

(5) In discharging his duties, the Chief Executive shall act under the general authority and direction of the Council.

(6) If the post of the Chief Executive is vacant or the Chief Executive is temporarily absent from Malaysia or is temporarily incapacitated through illness or for any other reason from the performance of his duties, the Chairman may direct any officer of the Council to perform the duties of the Chief Executive, including to act as the Secretary to the Council, during such vacancy, temporary absence or incapacity.

Employment of officers and servants of Council

15. (1) The Council shall establish a scheme of service and may, from time to time, employ such number of officers and servants as the Council thinks desirable and necessary to such scheme of service and upon such terms, including terms as to remuneration, allowances and other expenses as the Council considers appropriate, for carrying out the purposes of this Act.

(2) No person shall be eligible for employment as an officer or servant of the Council if he has, directly or indirectly, by himself or through any person or third party, any share or interest in any contract or proposed contract with, for or on behalf of the Council.

Financial assistance to officers and servants and their dependants

16. The Council may provide the following financial assistance on such terms as the Council may determine:

- (a) payment of retirement benefits, gratuities, allowances and other expenses as the Council may determine to the Chief Executive, officers and servants of the Council;
- (b) subsidies, grants, financing or credit facilities, with or without interest, for housing and vehicle purchase, and other compassionate financing or loans, to the Chief Executive, officers and servants of the Council; and
- (c) subsidies, grants, financing or credit facilities, with or without interest, for medical and educational purposes or

scholarships to the Chief Executive, officers and servants of the Council, and their dependents.

PART IV

EAST COAST ECONOMIC REGION MASTER PLAN

The East Coast Economic Region Master Plan

17. (1) The Council shall prepare a draft East Coast Economic Region Master Plan for the East Coast Economic Region.

(2) The Council shall, in the draft East Coast Economic Region Master Plan, formulate in such details as the Council thinks appropriate the following:

- (a) proposals for the overall framework, vision and objectives of the development of the East Coast Economic Region, which shall include objectives and strategies for the physical, economic and social development of the East Coast Economic Region;
- (b) proposals for the planning and implementation of initiatives within the East Coast Economic Region to realize the objectives and strategies referred to in paragraph (a) which shall include initiatives relating but not limited to the following:
 - (i) the objectives, functions, powers and additional functions and powers of the Council under sections 6, 7, 8 and 9 respectively;
 - (ii) the development and expansion of the tourism industry;
 - (iii) the improvement, expansion, centralization, coordination and enhanced management of the oil and gas and petrochemical industry;

- (iv) the development of the industrial sector, including the development of higher value-added industries and new industries;
- (v) the development of sectoral-relevant or industrial-relevant human capital, which includes activities relating to education, training and research;
- (vi) the development of the agricultural sector, including its modernization, diversification and commercialization;
- (vii) the enhancement of the quality of living environment in the East Coast Economic Region;
- (viii) the management and enhancement of social development in the East Coast Economic Region;
- (ix) the management of the use of land in the East Coast Economic Region;
- (x) the achievement or enhancement of international competitive advantage for goods and services in the East Coast Economic Region, which includes activities relating to branding, research, accreditation to international standards and marketing;
- (xi) the attraction of investment in the agricultural, manufacturing and service sectors in the East Coast Economic Region;
- (xii) the provision of incentives for agricultural, manufacturing and service sectors in the East Coast Economic Region;
- (xiii) the provision, integration, improvement, expansion, centralization, coordination and enhanced management and monitoring of utility infrastructure and services in the East Coast Economic Region; and

- (xiv) the promotion of transit-oriented development in the East Coast Economic Region;
 - (c) objectives and strategies for the development and enhancement of logistics, transportation and services infrastructure in the East Coast Economic Region, including but not limited to the following:
 - (i) the enhancement of internal, national and international transport linkages for movement of goods and people; and
 - (ii) the provision and management of an integrated, coordinated and interconnected public transportation system; and
 - (d) measures and initiatives for the protection, management, conservation, preservation, enhancement and sustainable development of natural environmental resources, agricultural resources, sensitive coastal ecosystems, highlands, forests, parks and open spaces in the East Coast Economic Region, including but not limited to the following:
 - (i) the protection of environmentally sensitive areas described in the National Physical Plan under the Town and Country Planning Act 1976 [*Act 172*]; and
 - (ii) the improvement of water, energy and waste management in the East Coast Economic Region.
- (3) The draft East Coast Economic Region Master Plan shall contain, or be accompanied by, such maps, diagrams, illustrations, reports, drawings, models and any other descriptive matters as the Council thinks appropriate for the purpose of explaining or illustrating the proposals in the draft East Coast Economic Region Master Plan, or may in any particular case be specified in directions furnished by the State Government of Kelantan, Terengganu, Pahang or Johor; and the maps, diagrams, illustrations, reports, drawings,

models and other descriptive matters and directions shall be treated as forming part of the draft East Coast Economic Region Master Plan.

Consultation with State Government

18. (1) In formulating its proposals, objectives, strategies, initiatives and measures in the draft East Coast Economic Region Master Plan, the Council—

- (a) shall consult the State Governments of Kelantan, Terengganu, Pahang and Johor;
- (b) shall secure that such proposals, objectives, strategies, initiatives and measures conform generally to the structure plan under the Town and Country Planning Act 1976 of the respective States of Kelantan, Terengganu, Pahang and Johor for the time being in force, whether or not it has come into effect; and
- (c) shall have regard—
 - (i) to any information and other considerations that appears to the Council to be relevant;
 - (ii) to any information and other considerations that the State Government of Kelantan, Terengganu, Pahang or Johor may direct the Council to take into account concerning any proposals, objectives, strategies, initiatives and measures affecting the respective State; and
 - (iii) to national policies and policies of the respective State.

(2) Any Government entity may give such input concerning the role and function of such Government entity in the East Coast Economic Region to the Council for the purposes of formulating proposals, objectives, strategies, initiatives and measures in the draft East Coast Economic Region Master Plan by the Council.

Approval and adoption of the East Coast Economic Region Master Plan

19. (1) When the Council has prepared the draft East Coast Economic Region Master Plan, the Council shall submit the draft East Coast Economic Region Master Plan to the State Governments of Kelantan, Terengganu, Pahang and Johor for approval.

(2) The State Government of Kelantan, Terengganu, Pahang or Johor may withhold its approval of the draft East Coast Economic Region Master Plan only if the State Government of Kelantan, Terengganu, Pahang or Johor is of the opinion that the draft East Coast Economic Region Master Plan or any part thereof has not been prepared in accordance with the requirements of sections 17 and 18.

(3) For the avoidance of doubt, notwithstanding subsection (2), the State Government of Kelantan, Terengganu, Pahang or Johor may not withhold its approval if any of the requirements in sections 17 or 18 which in the opinion of the State Government of Kelantan, Terengganu, Pahang or Johor has not been complied with is in respect of—

- (a) a matter pertaining not to their respective State;
- (b) a matter contained in the Federal List of the Ninth Schedule to the Federal Constitution; or
- (c) a matter falling within the exclusive purview or responsibility of the Federal Government.

(4) The Council shall publish the fact of the approval of the draft East Coast Economic Region Master Plan by the State Governments of Kelantan, Terengganu, Pahang and Johor—

- (a) at the Council's internet website, in the national language and English language, together with the East Coast Economic Region Master Plan; and
- (b) in three issues of at least one local mainstream newspaper in the national language and one in the English language,

together with the marking by which the approved East Coast Economic Region Master Plan may be identified and a statement of the time when and the place where the East Coast Economic Region Master Plan may be inspected.

(5) Upon approval of the East Coast Economic Region Master Plan by the State Governments of Kelantan, Terengganu, Pahang and Johor—

- (a) in relation to any area within the East Coast Economic Region for which a local plan has yet to receive the assent of a State Authority under the Town and Country Planning Act 1976, the relevant State Planning Committee for such area shall give a direction to the relevant local planning authority under paragraph 12(3)(b) and subsection 12(8) of the Town and Country Planning Act 1976 to incorporate into the draft local plan for the area such contents of the East Coast Economic Region Master Plan as such State Planning Committee may deem relevant or appropriate; and
- (b) in relation to any area within the East Coast Economic Region for which a local plan has received the assent of the State Authority under the Town and Country Planning Act 1976, the relevant State Planning Committee for such area shall give a direction to the relevant local planning authority under subsection 16(2) of the Town and Country Planning Act 1976 to alter such local plan by incorporating such contents of the East Coast Economic Region Master Plan as such State Planning Committee may deem relevant or appropriate.

Review and alteration of the East Coast Economic Region Master Plan

20. (1) The Council or the State Government of Kelantan, Terengganu, Pahang or Johor may propose any review of or alteration to the East Coast Economic Region Master Plan, and the Council and

the State Government affected may jointly review or alter the East Coast Economic Region Master Plan.

(2) Sections 17, 18 and 19 shall apply, with the necessary modifications, in relation to a review and an alteration of the East Coast Economic Region Master Plan as it applies in relation to the preparation of the draft East Coast Economic Region Master Plan and the subsequent approval and adoption by the State Government affected by such review and alteration.

Duty to take cognizance of the East Coast Economic Region Master Plan

21. It shall be the duty of every Government entity, any body or person, whether local or foreign, to take cognizance of, and act in a manner consistent with the contents of the East Coast Economic Region Master Plan, whether or not incorporated into a local plan pursuant to subsection 19(5) —

- (a) in relation to any Government entity, in the performance of the functions and duties of such Government entity, and in the exercise of the powers of such Government entity within the East Coast Economic Region; and
- (b) in relation to any Government entity, or body or person, whether local or foreign, in putting up any proposal for development or other activities, or in carrying out any development or other activities, within the East Coast Economic Region.

Designated strategic development

22. (1) The State Authority of Kelantan, Terengganu, Pahang or Johor, as the case may require, may, at the request of the Council, publish by notification in the relevant State *Gazette*—

- (a) any activity within the East Coast Economic Region which may have a significant economic impact to the East Coast Economic Region as a designated strategic development activity;
- (b) any area or areas in the respective State within the East Coast Economic Region which may have a significant economic impact to the East Coast Economic Region as a designated strategic development area; and
- (c) any designated strategic development activity within any designated strategic development area.

(2) Any Government entity, or body or person, whether local or foreign, intending to carry out any designated strategic development activity, or any development within a designated strategic development area, or any designated strategic development activity within a designated strategic development area, shall first refer such proposed development to the Council for its direction before submitting such proposed development for the approval of the relevant authorities.

(3) The Council shall give directions under subsection (2) for purposes of securing conformity and consistency with the contents of the East Coast Economic Region Master Plan whether or not incorporated into a local plan pursuant to subsection 19(5).

PART V

DIRECTION, POLICIES AND STRATEGIES FOR DEVELOPMENT IN THE EAST COAST ECONOMIC REGION

Responsibility of Council

23. In performing its functions and carrying out its powers under this Act, it shall be the responsibility of the Council—

- (a) to ensure that the functions are performed and the powers are carried out in such a manner in furtherance of the policy

of the Federal Government and the State Governments of Kelantan, Terengganu, Pahang and Johor for the time being in force and in particular the policy relating to the development of the East Coast Economic Region in accordance with the East Coast Economic Region Master Plan;

- (b) in respect of the strategy for the planning of the development and use of all lands and buildings, to have regard to and act within the general framework of—
 - (i) the national policy for the promotion and control of the utilization of land; and
 - (ii) the general policy of the State Governments of Kelantan, Terengganu, Pahang and Johor; and
- (c) to consult and coordinate its acts with the State Governments of Kelantan, Terengganu, Pahang and Johor and any Government entity—
 - (i) having responsibility over the areas of the East Coast Economic Region where the Council proposes to carry out its activities; or
 - (ii) conferred with similar functions and powers as the Council over any matter which the Council proposes to undertake within the East Coast Economic Region.

Responsibility of Government entity

24. It shall be the responsibility of every Government entity—

- (a) to co-operate with and assist the Council in the performance by the Council of its functions and powers under this Act;
- (b) where relevant, to refer to and utilize the information, statistics and factors disseminated by the Council; and

- (c) to give due consideration to the proposed policies, laws and actions to be applied within the East Coast Economic Region as recommended by the Council.

PART VI

COORDINATION BETWEEN GOVERNMENT ENTITIES IN THE EAST COAST ECONOMIC REGION

Principal coordinating agency

25. (1) The Council shall, in coordinating the performance of the activities carried out by any Government entity in the East Coast Economic Region—

- (a) act as the principal coordinating agent or authorized agent on behalf of the relevant Government entity to receive, process and expedite the requisite approvals and administrative actions in relation to applications for approvals in respect of which the Council has entered into an agreement or arrangement under section 26; and
- (b) render administrative services and assistance to the State Governments of Kelantan, Terengganu, Pahang and Johor in connection with matters relating to land within the East Coast Economic Region.

(2) The Council may, in carrying out the role mentioned in paragraph (1)(a)—

- (a) impose on the applicant such fees, costs, contributions or any other charges as may be prescribed in respect of services rendered by the Council; and
- (b) on behalf of the relevant Government entity, collect from the applicant such fees, costs, contributions or any other charges as may be lawfully required by such Government entity in connection with the application.

(3) For the purposes of this section, “approvals” means any approval of any Government entity, whether under any written law or not, and may include approval for or in relation to licence, permit, pass, registration, tax, excise and incentives, required or in connection with trade, investment and development in the East Coast Economic Region.

Arrangement with Government entity

26. (1) Subject to subsection (2), the Council may enter into an agreement or arrangement with any Government entity concerning—

- (a) the carrying out by the Council and the Government entity of any of their respective functions and powers;
- (b) the carrying out or provision by the Council for the Government entity, or by the Government entity for the Council, of any works or services; or
- (c) the collection by the Council on behalf of the Government entity of such fees, costs, contributions or any other charges as may be lawfully required, charged or imposed by such Government entity.

(2) Any agreement or arrangement entered into under subsection (1)—

- (a) shall be with the consent of the Prime Minister in the case of any Government entity of the Federal Government;
- (b) shall be with the consent of the respective State Government of Kelantan, Terengganu, Pahang or Johor in the case of any Government entity of such State Government; and
- (c) shall be subject to and in accordance with the laws governing the powers and functions of the relevant Government entity.

Council may request for information from Government entity

27. In order for the Council to carry out effectively the functions and powers of the Council and the role of the Council as the principal coordinating agency the Council may request—

- (a) from any Government entity, such assistance and such information in their possession as may be required by the Council; and
- (b) from any Government entity and body and person, whether local or foreign, engaged in carrying out or intending to carry out development in the East Coast Economic Region to submit reports, containing such particulars and information as may be specified by the Council, regarding their activities or proposed activities.

Implementation and Coordination Committee

28. (1) The Council shall appoint an Implementation and Coordination Committee for each of the State of Kelantan, Terengganu, Pahang and Johor.

(2) The Implementation and Coordination Committee for each of the State of Kelantan, Terengganu, Pahang and Johor shall consist of a chairman and such members to be appointed by the Prime Minister after consulting the Menteri Besar of the respective State.

(3) Membership of the Implementation and Coordination Committee may include one or more individuals from the private sector.

(4) A member of the Implementation and Coordination Committee for each of the State of Kelantan, Terengganu, Pahang and Johor may appoint an alternate member to attend a meeting of the Implementation and Coordination Committee on his behalf if such member is, for any reason, unable to attend and such alternate member shall when attending meetings of the Implementation and

Coordination Committee for all purposes be deemed to be a member of the Implementation and Coordination Committee.

(5) The Implementation and Coordination Committee of each of the State of Kelantan, Terengganu, Pahang and Johor shall be responsible—

- (a) for identifying proposed major and strategic development and investment in the East Coast Economic Region with regard to their respective States;
- (b) for monitoring the status of all applications relating to the proposed major and strategic development and investment identified pursuant to paragraph (a);
- (c) for coordinating the roles and activities of all relevant Government entities to expedite the implementation of the proposed major and strategic development and investment identified pursuant to paragraph (a);
- (d) for liaising with the Council or any of its delegates on the status of the implementation of the proposed major and strategic development and investments identified pursuant to paragraph (a);
- (e) for identifying any difficulties or issues arising during the implementation of the proposed major or strategic development and investments identified pursuant to paragraph (a);
- (f) for taking or recommending appropriate steps and administrative actions to resolve the difficulties or issues identified pursuant to paragraph (e); and
- (g) for performing any other functions or duties as directed by the Council.

(6) The provisions of the Second Schedule shall apply to the Implementation and Coordination Committee.

(7) The Council may, from time to time, by order published in the *Gazette*, amend the Second Schedule relating to the Implementation and Coordination Committee.

PART VII

FINANCE

The Fund

29. (1) A fund to be known as the “East Coast Economic Region Development Fund” is established and shall be administered and controlled by the Council.

(2) The Fund shall consist of—

- (a) such sums as may be provided by Parliament for the purposes of this Act from time to time;
- (b) all moneys earned by the operation of any project, scheme or enterprise financed from the Fund;
- (c) all moneys earned or arising from any property, investment, investment fund, mortgage, charge or debenture acquired by or vested in the Council;
- (d) any property, investment, investment fund, mortgage, charge or debenture acquired by or vested in the Council;
- (e) all moneys earned from consultancy and advisory services and any other service rendered by the Council;
- (f) fees, costs, contributions and other charges imposed by the Council under this Act;
- (g) all other sums or property, other than sums mentioned in paragraph 25(2)(b), which may in any manner become payable to or vested in the Council in respect of any matter incidental to its functions, powers and duties;

- (h) such sums as may be paid to the Council from time to time from loans made by the Council;
- (i) sums borrowed by the Council for the purposes of meeting any of its obligations or discharging any of its duties; and
- (j) all other moneys lawfully received by the Council.

Expenditure to be charged on the Fund

30. The Fund shall be expended for the following purposes:

- (a) paying any expenses, costs or expenditure lawfully incurred or accepted by the Council in the performance of its functions or the exercise of its powers under this Act including survey and legal fees and costs and other fees and costs;
- (b) purchasing or hiring plant, equipment, machinery and materials, acquiring land and other assets, and erecting buildings, and carrying out any other works and undertakings in the performance of the functions or the exercise of the powers of the Council under this Act;
- (c) repaying any moneys borrowed under this Act and the interest due on the borrowed moneys;
- (d) paying for the allowances and other expenses of the members of the Council, the Implementation and Coordination Committees and any committee, and any person invited to attend meetings of the Council, the Implementation and Coordination Committees and any committee;
- (e) paying for the remuneration, allowances and other expenses of the Chief Executive, officers and servants of the Council including the granting of loans and advances, superannuation allowances, retirement benefits, pensions and gratuities;

- (f) granting financial assistance or credit facilities, with or without interest, or any contribution, for educational purposes or scholarships or any other purposes as the Council may approve to any person;
- (g) contributions and donations to any person; and
- (h) generally paying any expenses for carrying into effect the provisions of this Act.

Authority to sanction expenditure from the Fund

31. (1) Without prejudice to section 13 and other provisions of this Act, the Council may delegate to the Chairman, a member of the Council, the Implementation and Coordination Committees, a committee, the Chief Executive or officer of the Council, the authority to sanction expenditure from the Fund or any other moneys vested in and under the control of the Council up to such limit as the Council shall specify.

(2) The Chairman, a member of the Council, the Implementation and Coordination Committees, a committee, the Chief Executive or an officer of the Council, authorized to sanction such expenditure from the Fund shall be bound to observe and have regard to all conditions and restrictions imposed by the Council and all requirements, procedures and matters specified by the Council.

(3) The authority to sanction expenditure from the Fund delegated under this section shall be performed and exercised in the name and on behalf of the Council.

(4) A delegation of the authority to sanction expenditure from the Fund under this section shall not preclude the Council itself from performing or exercising at any time any of such delegated function.

Conservation of the Fund

32. It shall be the duty of the Council to conserve the Fund by so performing its functions and exercising its powers under this Act to secure that the total revenues of the Council are sufficient to meet all sums properly chargeable to its revenue account, including depreciation and interest on capital, taking one year with another.

Special fund

33. (1) The Council shall establish, receive and manage funds for the purposes specified in the Third Schedule.

(2) The accounts of the funds under subsection (1) shall be kept separate and apart from those of the Fund.

(3) The Prime Minister may, from time to time, by order published in the *Gazette* amend the Third Schedule.

Reserve fund

34. The Council shall establish and manage a reserve fund within the Fund.

Bank accounts

35. The Council shall open and maintain an account or accounts with such banks in Malaysia as the Council thinks fit, and every account shall be operated upon as far as practicable by cheques signed by any person as may be authorized by the Council for such purpose from time to time.

Power to impose fees

36. (1) Notwithstanding any other provision in this Act on the power of the Council to impose fees, costs or any other charges, the

Council may impose such other fees, costs or charges as it deems fit for anything done by the Council under this Act in furtherance of the objectives of the Council and for giving effect to any of the functions and powers of the Council.

(2) Where any person fails to pay any fees, cost and charges imposed by the Council, such fees, costs and charges remaining unpaid shall be deemed to be a debt due to the Council and may be sued for and recovered in any court from such person.

Power to borrow and raise funds

37. The Council may from time to time, with the approval of the Prime Minister and the Minister of Finance, borrow at such rate of interest and for such period and upon such terms as to the time and method of repayment, and create or issue any debentures, stocks or any other financial instruments and otherwise as the Prime Minister and the Minister of Finance may approve for the purpose of raising any sums required by the Council for meeting any of its obligations or discharging any of its duties and including for the purposes of the special fund under section 33.

Investment

38. (1) The moneys of the Council, insofar as they are not required to be expended by the Council under this Act, shall be invested in such manner as the Prime Minister may approve.

(2) Subject to and in accordance with any written law, the Council may establish, manage and operate any investment fund in accordance with its specified purposes, whether relating to property, stock, shares or otherwise, and to dissolve the investment fund on such terms as the Council may determine.

Expenditure and preparation of estimates

39. (1) The expenditure of the Council up to such amount as may be authorized by the Prime Minister for any one year shall be defrayed out of the Fund.

(2) Before the beginning of September of each year, the Council shall submit to the Prime Minister an estimate of the expenditure, including the expenditure for development projects, for the following year in such form and containing such particulars as the Prime Minister may direct.

(3) The Prime Minister shall, before the beginning of the following year, notify the Council of the amount authorized for expenditure generally or of the amounts authorized for each description of expenditure.

(4) The Council may at any time submit to the Prime Minister a supplementary estimate of its expenditure for any one year and the Prime Minister may allow the whole or any part of the additional expenditure included in the supplementary estimate.

(5) The Prime Minister may direct the Council to submit a copy of the estimate or supplementary estimate, as the case may be, to such other public authority as may be specified in the direction.

Financial year

40. The financial year of the Council shall begin on 1 January and end on 31 December of each year.

Statutory Bodies (Accounts and Annual Reports) Act 1980

41. The Statutory Bodies (Accounts and Annual Reports) Act 1980 [Act 240] shall apply to the Council.

PART VIII

OFFENCES AND PENALTIES

Offence for failure to disclose interest

42. Any member of the Council who fails to disclose his interest as required under paragraph 6 of the First Schedule and any member of a committee and the Implementation and Coordination Committee who fails to disclose his interest as required under paragraph 6 of the Second Schedule commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Obligation of secrecy

43. (1) Except for any of the purposes of this Act or for the purpose of any civil or criminal proceedings under any written law, no member of the Council, member of the Implementation and Coordination Committees, member of a committee or person invited to attend any meetings of the Council, the Implementation and Coordination Committees or any committee, or the Chief Executive or officer or servant of the Council shall disclose or provide or cause any person to disclose or provide, any information or document which has been obtained by him or to which he has access in the course of his duties and which is not published pursuant to this Act.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Offence for giving false or misleading information

44. (1) Any person who discloses or provides, or causes any person to disclose or provide, information to the Council which he knows or has reason to believe is false or misleading commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit.

(2) If any person who commits an offence under subsection (1) is one whose profession is regulated under any written law, he shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit.

(3) Any body corporate which discloses or provides, or causes any person or body corporate to disclose or provide, information to the Council which the body corporate knows or has reason to believe is false or misleading commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit.

Offence for unauthorized modification of information in the Council's custody

45. (1) A person commits an offence if he does any act or omission or causes any person to do any act or omission, which he knows will cause unauthorized modification of any information, statistic or other data, whether in electronic form or otherwise, in the possession, custody or control of the Council.

(2) For the purposes of this section—

- (a) it is immaterial that the act or omission in question is not directed—
 - (i) any particular information, statistic or data;
 - (ii) information, statistic or data of any kind; or
 - (iii) any information, statistic or data held in any particular location;
- (b) it is immaterial whether an unauthorized modification is, or is intended to be, permanent or merely temporary; and
- (c) a modification, including any act or omission that contributes towards causing such a modification, of any information, statistic or data takes place if—

- (i) such information, statistic or data is altered or erased;
- (ii) any new information, statistic or data is introduced or added to such information, statistic or data; or
- (iii) any event occurs which impairs the ability of the Council to have access to such information, statistic or data.

(3) Any person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit, or be liable to a fine not exceeding one hundred and fifty thousand ringgit if the act is done with the intention of causing injury as defined in the Penal Code [*Act 574*].

(4) If any person who commits an offence under this section is one whose profession is regulated under any written law, he shall, on conviction, be liable to a fine not exceeding one hundred and fifty thousand ringgit, or be liable to a fine not exceeding two hundred thousand ringgit if the act is done with the intention of causing injury as defined in the Penal Code.

(5) Any body corporate which commits an offence under this section shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit, or be liable to a fine not exceeding two hundred and fifty thousand ringgit if the act is done with the intention of causing injury as defined in the Penal Code.

Offence by body corporate and employee

46. (1) Where a body corporate commits an offence under this Act, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate, or was assisting in such management, shall be deemed to be guilty of that offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves—

- (a) that the offence was committed without his knowledge, consent or connivance; and
- (b) that he took all reasonable precautions and had exercised due diligence to prevent the commission of the offence.

(2) Where any person would be liable under this Act to any punishment or penalty for any act, omission, neglect or default done by him, he shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any employee or agent of his, or of the employee of such agent, if such act, omission, neglect or default was committed—

- (a) by his employee in the course of his employment;
- (b) by the agent when acting on his behalf; or
- (c) by the employee of such agent in the course of his employment by such agent or otherwise on behalf of the agent.

PART IX

GENERAL PROVISIONS

Returns, reports, accounts and information

47. (1) The Council shall furnish to the Prime Minister, and such public authority as may be directed by the Prime Minister, such returns, reports, accounts and information with respect to its property and activities as the Prime Minister may, from time to time, require or direct.

(2) Without prejudice to the generality of subsection (1), the Council shall, as soon as may be practicable after the end of each financial year, cause to be made and transmitted to the Prime Minister and, if so directed by the Prime Minister, to any other public authority a report dealing with the activities of the Council during the preceding financial year.

(3) The report under subsection (2) shall be in such form and shall contain such information relating to the proceedings and policy of the Council as the Prime Minister may, from time to time, specify.

Power to establish companies

48. The Council shall have the power to establish or expand, or promote the establishment or expansion of companies under the *Companies Act 1965 [*Act 125*] or other bodies—

- (a) to perform any of its functions or carry out any of its powers; or
- (b) to carry out and have the charge, conduct and management of any project, scheme or enterprise which has been planned or undertaken by the Council in the performance of its functions or the exercise of its powers.

Power to employ professionals

49. (1) The Council may employ, appoint and pay agents, contractors and technical advisers, including advocates and solicitors, bankers, surveyors, valuers and other persons, to transact any business, and carry out any project, scheme or enterprise.

(2) No person shall be eligible for employment pursuant to subsection (1) if he has, directly or indirectly, by himself or through any person or third party, any share or interest in any contract or proposed contract with, for or on behalf of the Council.

Protection against suits and legal proceedings

50. No action, suit, prosecution or other proceedings shall lie or be brought, instituted or maintained in any court against—

*NOTE—The Companies Act 1965 [*Act 125*] has since been repealed by the Companies Act 2016 [*Act 777*] w.e.f. 31 January 2017—see subsection 620(1) of Act 777.

- (a) the Chairman;
- (b) the Council;
- (c) any member of the Council, any member of the Implementation and Coordination Committees, or any member of a committee;
- (d) the Chief Executive, any officer or servant of the Council;
or
- (e) an agent of the Council or any other person lawfully acting on behalf of the Council,

in respect of any act, neglect, default or omission done by him or it in good faith in carrying out his or its powers, functions and responsibilities under this Act in such capacity.

Public Authorities Protection Act 1948

51. Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Council or against any member of the Council, any member of the Implementation and Coordination Committees, any member of a committee, or the Chief Executive, officer or servant or agent of the Council in respect of any act, neglect, default or omission done by it or him in such capacity.

Public servants

52. Every member of the Council, the Implementation and Coordination Committees, any committee, the Chief Executive, any officer, servant or agent of the Council, while discharging his duty under this Act as such member, Chief Executive, officer, servant or agent, shall be deemed to be a public servant within the meaning of the Penal Code.

Power to make regulations

53. The Council may, with the approval of the Prime Minister, make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Act, and without prejudice to the generality of the foregoing, regulations may be made for prescribing fees, costs and any other charges under paragraph 25(2)(a) and in such other cases as may be determined by the Council.

Things done in anticipation of the enactment of this Act

54. All acts and things done on behalf of the Council in preparation for or in anticipation of the enactment of this Act and any expenditure incurred in relation thereto shall be deemed to have been authorized under this Act, provided that the acts and things done are consistent with the general intention and purposes of this Act; and all rights and obligations acquired or incurred as a result of the doing of those acts or things including any expenditure incurred in relation thereto shall upon the coming into operation of this Act be deemed to be the rights and obligations of the Council.

Savings provisions

55. (1) The provisions of this Act shall not apply to or affect—

(a) in relation to a Government entity—

- (i) any project undertaken by, or any project approved or awarded to, any Government entity before the date of the coming into operation of this Act; and
- (ii) unless otherwise decided by the Prime Minister, any proposed project of any Government entity in respect of which approval or award is pending on the date of the coming into operation of this Act; and

(b) in relation to a person—

- (i) any project undertaken by, or any project approved or awarded to, any person before the date of the coming into operation of this Act; and
- (ii) any proposed project of any person in respect of which approval or award is pending on the date of the coming into operation of this Act.

(2) The execution or continued execution of any project, or approval or award of any proposed project which is pending, except in respect of any proposed project in relation to which a direction has been made by the Prime Minister under subparagraph (1)(a)(ii), shall not be affected by the coming into operation of this Act and for such purposes it shall be treated as if this Act had not been enacted.

FIRST SCHEDULE

[Section 10]

Appointment, revocation and resignation

1. (1) The appointment of a member of the Council under paragraphs 10(1)(d) and (e) of the Act shall be for such duration and on such terms as the Prime Minister may determine.

(2) A member of the Council appointed under paragraph 10(1)(f) of the Act shall, subject to such terms as may be specified in his instrument of appointment, hold office for a term not exceeding two years and is eligible for reappointment for a maximum period of three consecutive terms.

(3) The appointment of a member under paragraph 10(1)(f) of the Act may at any time be revoked by the Prime Minister, without assigning any reason for the revocation.

(4) A member appointed under paragraph 10(1)(f) of the Act may at any time resign his office by letter addressed to the Prime Minister.

Vacation of office

2. The office of a member of the Council appointed under paragraph 10(1)(f)

of the Act is vacated—

- (a) if he dies;
- (b) if there has been proved against him, or he has been convicted on, a charge in respect of—
 - (i) an offence involving fraud, dishonesty or moral turpitude;
 - (ii) an offence under any law relating to corruption or under this Act; or
 - (iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;
- (c) if he becomes a bankrupt;
- (d) if he is of unsound mind or is otherwise incapable of discharging his duties;
- (e) if he absents himself from three consecutive meetings of the Council without leave of the Chairman;
- (f) if his resignation is accepted by the Prime Minister; or
- (g) if his appointment is revoked by the Prime Minister.

Meetings of the Council

3. (1) The Council shall meet at such times and places as the Chairman may determine.

(2) The Chairman shall preside at a meeting of the Council or in the absence of the Chairman, the Deputy Prime Minister shall preside.

(3) The Chairman who presides at a meeting of the Council and four other members shall constitute a quorum at any meeting of the Council.

(4) Subject to subparagraph (5), the Chairman who presides at a meeting of the Council and every member present at such meeting of the Council shall be entitled to one vote.

(5) For the avoidance of doubt, in all meetings of the Council the vote of the Chairman who presides at a meeting of the Council shall be counted as one.

(6) Decisions of the Council shall be made by unanimous vote of members present and entitled to vote at the relevant meeting.

Council may invite others to meetings

4. (1) The Council may invite any other person to attend any meeting or discussion of the Council for the purpose of advising the Council on any matter under discussion, but any person so attending shall have no right to vote at the meeting or discussion.

(2) Any person invited to attend any meeting or discussion of the Council under subparagraph (1) may be paid allowances and such other expenses as the Council may determine.

Resolution without meetings

5. (1) A resolution is taken to have been passed at a meeting of the Council if—

- (a) all members of the Council have been informed of the proposed resolution, or reasonable efforts have been made to inform all members of the Council of the proposed resolution; and
- (b) without meeting, all of the members of the Council indicate agreement with the resolution in accordance with the method determined by the Council under subparagraph (2).

(2) Subparagraph (1) applies only if the Council—

- (a) decides that the subparagraph applies; and
- (b) decides the method by which members of the Council are to indicate agreement with the resolutions.

Disclosure of interest

6. (1) Any member of the Council who has or acquires a direct or indirect interest by himself, through a member of his family or his associate in relation to any matter under discussion or deliberation by the Council shall disclose to the Chairman presiding at the meeting of the Council, the fact of his interest and the nature of that interest.

(2) A disclosure under subparagraph (1) shall be recorded in the minutes of the meeting of the Council in which the matter is discussed or deliberated and, after the disclosure, the member—

- (a) shall not be present in any discussion or deliberation, or decision of the Council, when the matter is discussed or deliberated, or decided upon; and

- (b) shall be disregarded for the purpose of constituting a quorum of the Council when the matter is discussed or deliberated, or decided upon.
- (3) For the purposes of this paragraph—
 - (a) “a member of his family”, in relation to a member of the Council includes—
 - (i) his spouse;
 - (ii) his parent, including a parent of his spouse;
 - (iii) his child, including an adopted child or stepchild;
 - (iv) his brother or sister, including a brother or sister of his spouse; and
 - (v) a spouse of his child, brother or sister; and
 - (b) “associate”, in relation to a member of the Council means—
 - (i) a person who is a nominee or an employee of the member;
 - (ii) a firm of which the member or any nominee of his is a partner;
 - (iii) a partner of the member;
 - (iv) a trustee of a trust under which the member or a member of his family is a beneficiary; or
 - (v) any corporation within the meaning of the *Companies Act 1965, of which the member or any nominee of his or a member of the member’s family is a director or has a substantial shareholding in the corporation.

Live participation by video links, etc.

7. The Chairman may authorize a meeting by, or a member to participate in any meeting of the Council by, live video, television links or other appropriate communication or multimedia facilities.

*NOTE—The Companies Act 1965 [Act 125] has since been repealed by the Companies Act 2016 [Act 777] w.e.f. 31 January 2017—see subsection 620(1) of Act 777.

Minutes

8. (1) The Council shall cause minutes of all its meetings to be maintained and kept in a proper form.

(2) Any minutes made of a meeting of the Council shall, if duly signed by the Chairman presiding at such meeting, be admissible in evidence in all legal proceedings without further proof.

(3) Every meeting of the Council in respect of the proceedings of which minutes have been made in accordance with subparagraphs (1) and (2) shall be deemed to have been duly convened and held and all members thereof to have been duly qualified to act.

Common seal

9. (1) The Council shall have a common seal which shall bear such device as the Council shall approve and such seal may be broken, changed, altered or made anew as the Council may think fit.

(2) Until a seal is provided by the Council, a stamp bearing the words “East Coast Economic Region Development Council” may be used and shall be deemed to be the common seal of the Council.

(3) The common seal shall be kept in the custody of the Chief Executive or such officer of the Council as may be authorized by the Chief Executive in writing, and shall be authenticated by the Chief Executive or such authorized officer; and all deeds, documents or other instruments purporting to be sealed with that seal, authenticated as specified in this subparagraph, shall, until the contrary is proved, be deemed to have been validly executed.

(4) Notwithstanding subparagraph (3), any document or instrument which if executed by a person who, not being a body corporate, would not be required to be under seal may in like manner be executed by the Council; and any such document or instrument may be executed on behalf of the Council by any officer or servant of the Council generally or specially authorized by the Chief Executive in that behalf.

(5) The common seal of the Council shall be officially and judicially noticed.

Validity of acts and proceedings

10. No act or omission done or proceedings taken by the Council under this Act shall be questioned or invalidated on the ground of—

- (a) any vacancy in the membership of, or any defect in the constitution of, the Council;

- (b) a contravention by any member of the Council of the provisions of paragraph 6;
- (c) the presence or participation of a member or person not entitled to be present or participate; and
- (d) any omission, defect or an irregularity not affecting the merit of the case.

Procedure

11. Subject to this Act, the Council may regulate its own procedure.

Allowances

12. There may be paid to the members of the Council such allowances and other expenses as the Prime Minister may determine.

Members of Council to devote time to business of the Council

13. Every member of the Council shall devote such time to the business of the Council as may be necessary to discharge his duties effectively.

SECOND SCHEDULE

[Sections 12 and 28]

Interpretation

1. In this Schedule, unless the context otherwise requires—

- (a) “member of committee” means a member of a committee appointed under section 12 of the Act, and a member of the Implementation and Coordination Committee appointed under section 28 of the Act, and includes an alternate member of a member of the Implementation and Coordination Committee;
- (b) “committee” means a committee appointed under section 12 of the Act and the Implementation and Coordination Committee appointed under section 28 of the Act; and
- (c) “chairman” means the chairman of the respective committee, or the chairman of the Implementation and Coordination Committee, as the

case may be, and includes a member of a committee acting as chairman under subparagraph 3(2).

Appointment, revocation and resignation

2. (1) A member of a committee shall hold office for such term as may be specified in his letter of appointment and is eligible for reappointment.

(2) In relation to a committee appointed under section 12 of the Act, the Council may revoke the appointment of any member of the committee without assigning any reason for the revocation.

(3) In relation to the Implementation and Coordination Committee appointed under section 28 of the Act, the Prime Minister may revoke the appointment of any member of the Committee without assigning any reason for the revocation.

(4) Any member of a committee may at any time resign by giving a notice in writing to the Prime Minister.

(5) The Council may at any time discontinue or alter the constitution of a committee.

Meetings of a committee

3. (1) A committee shall meet at such times and places as the chairman of the committee may determine.

(2) The chairman shall preside at a meeting of the committee or in the absence of the chairman, the members present at the meeting shall appoint a chairman from amongst them.

(3) The chairman who presides at a meeting of a committee and two other members shall constitute a quorum of any meeting of a committee.

(4) Subject to subparagraph (5), the chairman who presides at a meeting of a committee and every member present at such meeting of the committee shall be entitled to one vote.

(5) For the avoidance of doubt, in all meetings of a committee the vote of the chairman who presides at a meeting of the committee shall be counted as one.

(6) Decisions of a committee shall be made by a majority of votes of members present and entitled to vote at the relevant meeting.

(7) Notwithstanding subparagraph (6), if on a question to be determined by a committee, there is an equality of votes, the chairman who presides at a meeting shall have a casting vote.

Committee may invite others to meetings

4. (1) A committee may invite any person to attend any meeting or discussion of the committee for the purpose of advising the committee on any matter under discussion, but any person so attending shall have no right to vote at the meeting or discussion.

(2) Any person invited to attend any meeting or discussion of a committee under subparagraph (1) may be paid allowances and such other expenses as the Council may determine.

Resolution without meetings

5. (1) A resolution is taken to have been passed at a meeting of a committee if—

- (a) all members of the committee have been informed of the proposed resolution, or reasonable efforts have been made to inform all members of the committee of the proposed resolution; and
- (b) without meeting, all of the members of the committee indicate agreement with the resolution in accordance with the method determined by the committee under subparagraph (2).

(2) Subparagraph (1) applies only if a committee—

- (a) decides that the subparagraph applies; and
- (b) decides the method by which members of the committee are to indicate agreement with the resolutions.

Disclosure of interest

6. (1) Any member of a committee who has or acquires a direct or indirect interest by himself, through a member of his family or his associate in relation to any matter under discussion or deliberation by the committee shall disclose to the chairman who presides at the meeting of the committee the fact of his interest and the nature of that interest.

(2) A disclosure under subparagraph (1) shall be recorded in the minutes of the meeting of the committee in which the matter is discussed or deliberated and, after the disclosure, the member—

- (a) shall not be present in any discussion or deliberation, or decision of the committee, when the matter is discussed or deliberated, or decided upon; and
- (b) shall be disregarded for the purpose of constituting a quorum of the committee when the matter is discussed or deliberated, or decided upon.

(3) For the purpose of this paragraph—

- (a) “a member of his family”, in relation to a member of a committee includes—
 - (i) his spouse;
 - (ii) his parent, including a parent of his spouse;
 - (iii) his child, including an adopted child or stepchild;
 - (iv) his brother or sister, including a brother or sister of his spouse; and
 - (v) a spouse of his child, brother or sister; and
- (b) “associate”, in relation to a member of a committee means—
 - (i) a person who is a nominee or an employee of the member;
 - (ii) a firm of which the member or any nominee of his is a partner;
 - (iii) a partner of the member;
 - (iv) a trustee of a trust under which the member or a member of his family is a beneficiary; or
 - (v) any corporation within the meaning of the *Companies Act 1965 of which the member or any nominee of his or a member of the member’s family is a director or has a substantial shareholding in the corporation.

*NOTE—The Companies Act 1965 [Act 125] has since been repealed by the Companies Act 2016 [Act 777] w.e.f. 31 January 2017—see subsection 620(1) of Act 777.

Live participation by video links, etc.

7. The chairman may authorize, a meeting by, or a member to participate in any meeting of a committee by, live video, television links or other appropriate communication or multimedia facilities.

Minutes

8. (1) A committee shall cause minutes of all its meetings to be maintained and kept in a proper form.

(2) Any minutes made of a meeting of a committee shall, if duly signed by the chairman presiding at the meeting, be admissible in evidence in all legal proceedings without further proof.

(3) Every meeting of a committee in respect of the proceedings of which minutes have been made in accordance with subparagraphs (1) and (2) shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

(4) A committee shall cause copies of the minutes of all its meetings to be submitted to the Council as soon as may be practicable.

Validity of acts and proceedings

9. No act or omission done or proceedings taken by any committee under this Act shall be questioned or invalidated on the ground of—

- (a) any vacancy in the membership of, or any defect in the constitution of, the committee;
- (b) a contravention by any member of the Council or committee of the provisions of paragraph 6;
- (c) the presence or participation of a member or person not entitled to be present or participate; and
- (d) any omission, defect or an irregularity not affecting the merit of the case.

Procedure

10. Subject to this Act and any directions of the Council a committee may regulate its own procedure.

Committee subject to directions of Council

11. A committee shall be subject to and act in accordance with any direction given to the committee by the Council.

Allowances

12. There shall be paid to the members of a committee such allowances or other expenses as the Chairman of the Council may determine.

Members of committee to devote time to business of the committee

13. Every member of a committee shall devote such time to the business of the committee as may be necessary to discharge his duties effectively.

THIRD SCHEDULE

[Section 33]

1. Tourism Fund
 2. Bumiputera Commercial and Industrial Community (BCIC) and Small Medium Enterprises (SME) Leverage Fund
 3. Heritage and Handicraft Fund
 4. Real Estate Trust Fund
 5. Poverty Fund
 6. Biodiversity and Biotechnology Fund
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LAWS OF MALAYSIA

Act 688

**EAST COAST ECONOMIC REGION DEVELOPMENT
COUNCIL ACT 2008**

LIST OF AMENDMENTS

| Amending law | Short title | In force from |
|--------------|---|---------------|
| Act A1664 | East Coast Economic Region Development Council (Amendment) Act 2022 | 01-01-2024 |

LAWS OF MALAYSIA**Act 688****EAST COAST ECONOMIC REGION DEVELOPMENT
COUNCIL ACT 2008****LIST OF SECTIONS AMENDED**

| Section | Amending authority | In force from |
|---------|--------------------|---------------|
| 4 | Act A1664 | 01-01-2024 |
