



LAWS OF MALAYSIA

Act 733

**KAMPONG BHARU DEVELOPMENT
CORPORATION ACT 2011**

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KAMPONG BHARU DEVELOPMENT CORPORATION ACT 2011

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LAWS OF MALAYSIA

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KAMPONG BHARU DEVELOPMENT CORPORATION ACT 2011

An Act to establish the Kampong Bharu Development Corporation, to make provisions relating to the development of Kampong Bharu, and to provide for consequential and incidental matters.

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ENACTED by the Parliament of Malaysia as follows:

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Kampong Bharu Development Corporation Act 2011.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Interpretation

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

“committee” means any committee established by the Corporation under section 12;

“Kampong Bharu development area” means any area within the vicinity of Kampong Bharu declared by the Minister by order published in the *Gazette* to be developed;

“interest of the Malays” includes the social and economic interests, and the heritage, customs, culture and historical values, of the Malays in Kampong Bharu;

“Chief Executive Officer” means the Chief Executive Officer appointed under section 27;

“Fund” means the Kampong Bharu Development Corporation Fund established under section 35;

“Advisory Council” means the Advisory Council established under section 19;

“Minister” means the Minister charged with the responsibility for the development of Kampong Bharu;

“employee” means any person employed by the Corporation under section 29, and includes the Chief Executive Officer;

“structure plan” has the same meaning assigned to it in the Federal Territory (Planning) Act 1982 [*Act 267*];

“local plan” has the same meaning assigned to it in the Federal Territory (Planning) Act 1982;

“Corporation” means the Kampong Bharu Development Corporation established under section 3;

“appointed date” means the date appointed by the Minister under subsection 1(2).

PART II

THE CORPORATION

Establishment of Corporation

3. (1) A body corporate by the name of “Kampong Bharu Development Corporation” is established.

(2) The Corporation shall have perpetual succession and may sue and be sued in its corporate name.

(3) Subject to and for the purposes of this Act, the Corporation may, upon such terms as it deems fit—

(a) enter into contracts; and

(b) in respect of movable and immovable property and interest in movable and immovable property of every description—

(i) acquire, purchase and take such property and interest; and

(ii) hold, enjoy, convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, such property and interest vested in the Corporation.

Common seal

4. (1) The Corporation shall have a common seal which shall bear a device as approved by the Corporation and the seal may from time to time be broken, changed, altered and made anew as the Corporation thinks fit.

(2) Until a seal is provided by the Corporation, a stamp bearing the words “Kampong Bharu Development Corporation” may be used and shall be deemed to be its common seal.

(3) The common seal shall be kept in the custody of the Chairman or such other person as may be authorized by the Corporation, and shall be authenticated by either the Chairman or such person as may be authorized by the Chairman in writing.

(4) All deeds, documents, and other instruments purporting to be sealed with the common seal of the Perbadanan and duly authenticated shall, until the contrary is proven, be deemed to have been validly executed.

(5) Any deed, document and other instrument which, if executed by a person not being a body corporate, is not required to be under seal may in like manner be executed by a member of the Corporation or any employee of the Corporation authorized in that behalf.

(6) The common seal of the Corporation shall be officially and judicially noticed.

Membership of Corporation

5. (1) The Corporation shall consist of the following members:

- (a) the Chairman, who shall be appointed by the Minister subject to the approval of the Prime Minister;
- (b) the Deputy Chairman, who shall be appointed by the Minister from amongst the owners of the land and the heirs to the land in Kampong Bharu;
- (c) not more than two representatives of the Federal Government who shall be appointed by the Minister;
- (d) the Secretary General of the Ministry of the Federal Territories and Urban Wellbeing or his representative;
- (e) the Commissioner of the City of Kuala Lumpur or his representative;
- (f) a person representing the State Government of Selangor, to be nominated by the Ruler of the State of Selangor, and who shall be appointed by the Minister;
- (g) five persons nominated from amongst the owners of the land and the heirs to the land in Kampong Bharu, who shall be appointed by the Minister; and
- (h) not more than three other persons who shall be appointed by the Minister who, in the opinion of the Minister, have knowledge and experience and shown capacity and professionalism in matters relating to the development, operation and management of the affairs of Kampong Bharu or any other suitable qualifications as the Minister may determine.

(2) The Chairman and the Deputy Chairman appointed under paragraphs (1)(a) and (b) shall be a Malay within the meaning assigned to it under Clause (2) of Article 160 of the Federal Constitution.

(3) The Chief Executive Officer of the Corporation shall be the Secretary to the Corporation.

First Schedule

6. (1) The provisions of the First Schedule shall apply to the members of the Corporation.

(2) The Minister may amend the First Schedule by order published in the *Gazette*.

Tenure of office

7. Subject to such conditions as may be specified in his instrument of appointment, a member of the Corporation appointed under paragraph 5(1)(a), (b), (c), (f), (g) or (h) shall, unless he sooner resigns or vacates his office or his appointment is sooner revoked, hold office for a term not exceeding two years and is eligible for reappointment.

Remuneration and allowances

8. (1) The Chairman shall be paid such remuneration and allowances as the Minister may determine.

(2) All other members of the Corporation shall be paid such allowances at the rates as the Minister may determine.

Revocation of appointment and resignation

9. (1) The appointment of any member of the Corporation under paragraph 5(1)(a), (b), (c), (f), (g) or (h) may at any time be revoked by the Minister.

(2) Any member of the Corporation appointed under paragraph 5(1)(a), (b), (c), (f), (g) or (h) may resign from office by giving notice in writing to the Minister.

Vacation of office

10. The office of a member of the Corporation shall be 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; or
 - (ii) an offence under any law relating to corruption;
- (c) if he becomes a bankrupt;
- (d) if he is of unsound mind or is otherwise incapable of discharging his duties;
- (e) in the case of a member of the Corporation other than the Chairman, if he absents himself from three consecutive meetings of the Corporation without leave in writing of the Chairman;
- (f) in the case of the Chairman, if he absents himself from three consecutive meetings of the Corporation without leave in writing of the Minister;
- (g) if his appointment is revoked by the Minister under subsection 9(1); or
- (h) if his resignation under subsection 9(2) is accepted by the Minister.

Temporary exercise of functions of Chairman

11. The Minister may appoint temporarily any member of the Corporation to act as the Chairman for the period when—

- (a) the office of the Chairman is vacant;
- (b) the Chairman is absent from duty or from Malaysia; or
- (c) the Chairman is, for any other reason, unable to perform the duties of his office.

Committees

12. (1) The Corporation may establish any committee as it considers necessary or expedient to assist it in the performance of its functions.

(2) The Corporation may appoint any of its members to be the chairman of a committee.

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

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

(5) The Corporation may revoke the appointment of any member of a committee.

(6) The chairman of a committee may, at any time, resign his office by giving notice in writing to the Corporation.

(7) A member of a committee may, at any time, resign by giving notice in writing to the chairman of the committee.

(8) The Corporation may, at any time, discontinue or alter the constitution of a committee.

(9) A committee may regulate its own procedure.

(10) A committee shall be subject to, and act in accordance with, any direction given to it by the Corporation.

(11) The meetings of a committee shall be held at such times and places as the chairman of the committee may determine.

(12) A committee shall cause—

(a) minutes of all its meetings to be maintained and kept in proper form; and

(b) copies of the minutes of all its meetings to be submitted to the Corporation as soon as practicable.

(13) A committee may invite any person to attend any of its meetings for the purpose of advising it on any matter under discussion but that person is not entitled to vote at the meeting.

(14) Members of a committee or any person invited under subsection (13) may be paid such allowances and other expenses as the Corporation may determine.

Disclosure of interest

13. (1) A member of the Corporation or any committee established under section 12 who has or acquires a direct or indirect interest whether by himself, a member of his family or his associate in relation to any matter under discussion by the Corporation or the committee shall disclose to the Corporation or the committee, as the case may be, the fact of his interest and the nature of that interest.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Corporation or the committee, as the case may be, in which the matter is discussed and, after the disclosure, the member—

- (a) shall not be present or take part in any discussion or decision of the Corporation or the committee, as the case may be, about the matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Corporation or the committee, as the case may be,

when the matter is discussed or decided upon.

(3) A member of the Corporation or a committee who fails to disclose his interest as required under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(4) No act or proceedings of the Corporation or a committee shall be invalidated on the ground that any member of the Corporation or a committee has contravened this section.

(5) For the purposes of this section—

“a member of his family”, in relation to a member of the Corporation or a committee, includes—

- (a) his spouse;
- (b) his parent (including a parent of his spouse);
- (c) his child (including an adopted child or stepchild);

(d) his brother or sister (including a brother or sister of his spouse); and

(e) a spouse of his child, brother or sister; and

“associate”, in relation to a member of the Corporation or a committee, means—

(a) a person who is a nominee or an employee of the member;

(b) a firm of which the member or any nominee of his is a partner;

(c) a partner of the member;

(d) a trustee of a trust under which the member or a member of his family is a beneficiary; or

(e) any corporation within the meaning of the Companies Act 1965 [*Act 125*], 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.

PART III

FUNCTIONS AND POWERS OF THE CORPORATION

Functions of Corporation

14. (1) The functions of the Corporation shall be—

(a) to implement policies, directions and strategies in relation to the development within the Kampong Bharu development area in accordance with the structure plan and local plan prepared under the Federal Territory (Planning) Act 1982;

(b) to act as principal co-ordinating body in relation to the development, redevelopment or improvement of the Kampong Bharu development area;

(c) to promote, stimulate, encourage and facilitate, in the Kampong Bharu development area—

(i) economic, commercial and industrial growth;
and

- (ii) the development of—
 - (A) infrastructure and utility services;
 - (B) residential areas;
 - (C) educational facilities;
 - (D) health care facilities;
 - (E) social, cultural and tourism, and art activities;
and
 - (F) sports and recreational facilities;
- (d) to disseminate such information on potential investment and marketing to investors or potential investors, whether local or foreign, within the Kampong Bharu development area;
- (e) to promote private sector investment in the development specified in subparagraph (c)(ii);
- (f) to identify and recommend strategies and initiatives for the provision of such necessary infrastructure, for the maintenance and expansion of the economy of the Kampong Bharu development area;
- (g) to manage and promote the sale of properties in the Kampong Bharu development area;
- (h) to give advice and consultancy services to any person in relation to the Kampong Bharu development area;
- (i) to require any person who intends to develop the Kampong Bharu development area to submit any documents containing the proposed development to the Corporation;
- (j) to keep and maintain the records and documents relating to the development of Kampong Bharu development area; and
- (k) to do all things expedient or necessary for or incidental to the performance of its functions under this Act.

(2) It shall be the duty of the Corporation in performing its functions under this Act to ensure that the functions be implemented according to the local and structure plan under the Federal Territory (Planning) Act 1982 and any other written laws.

(3) For the purpose of carrying out any of its functions under subsection (1), the Corporation may appoint any agents as it deems fit.

(4) The Corporation shall exercise its functions under subsection (1) in such manner as may be necessary to safeguard, conserve and preserve the interest of the Malays.

Powers of Corporation

15. (1) The Corporation shall have the power to do all things necessary or expedient for or in connection with the performance of its functions.

(2) Without prejudice to the generality of subsection (1), the power of the Corporation shall include the power—

- (a) to require any relevant Government departments and agencies to submit such information as may be required in order for the Corporation to carry out its functions;
- (b) to impose fees or charges for services rendered by the Corporation;
- (c) to appoint such agents, experts or consultants as it deems fit to assist the Corporation in the performance of its functions;
- (d) to formulate and implement human resource development and funding and co-operation programmes for the proper and effective performance of the functions of the Corporation;
- (e) to co-operate with any corporate body or government agencies for the purpose of performing the Corporation's functions;
- (f) to establish or expand, or to promote the establishment or expansion of companies or other bodies to carry on any of its activities;
- (g) with the approval of the Minister, to transfer or dispose of any of its assets; and
- (h) to do anything incidental to any of its functions and powers.

Delegation of Corporation's functions and powers

16. (1) The Corporation may, in writing, delegate any of its functions and powers under this Act to—

- (a) a member of the Corporation;
- (b) a committee; or
- (c) any employee of the Corporation.

(2) Any person delegated with such function or powers shall be bound to observe and have regard to all conditions and restrictions imposed by the Corporation and all requirements, procedures and matters specified by the Corporation.

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

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

Direction by Minister

17. The Corporation shall be responsible to the Minister, and the Minister may, from time to time, give directions not inconsistent with the provisions of this Act and the Corporation shall give effect to all such directions.

Returns, reports, accounts and information

18. (1) The Corporation shall furnish to the Minister, and any public authority as may be specified by the Minister, such returns, reports, accounts and information with respect to its activities and finances as the Minister may, from time to time, require or direct.

(2) The returns, reports, accounts and information shall be in such form and shall contain such information relating to the proceedings and policy of the Corporation and any other matter as the Minister may from time to time specify.

PART IV

THE ADVISORY COUNCIL

Advisory Council

19. (1) There is established an Advisory Council for the purpose of advising the Corporation in carrying out its functions and powers under this Act.

(2) The advice of the Advisory Council to the Corporation under subsection (1) shall be on matters relating to the interest of the Malays in Kampong Bharu and any other matter referred to it by the Corporation in relation to the development of Kampong Bharu.

(3) The advice of the Advisory Council shall be examined, studied and, if appropriate, shall be adopted by the Corporation.

Members of Advisory Council

20. (1) The Advisory Council shall consist of the following members who shall be appointed by the Minister:

(a) a Chairman; and

(b) not more than fourteen persons being representatives from the Kampong Bharu community.

(2) For the purpose of this section, “Kampong Bharu community” means the owners of the land and the heirs to the land in Kampong Bharu, including the owners of the land and the heirs to the land in Kampong Bharu who are—

(a) members of the non-governmental organization which has an interest in the development of Kampong Bharu; or

(b) involved in commercial activities in Kampong Bharu.

(3) Where any member appointed under subsection (1) ceases to be a member of the Advisory Council for any reason provided under this Act, the Minister may appoint any other person to fill the vacancy.

(4) The provisions of the Second Schedule shall apply to the members of the Advisory Council.

(5) The Minister may amend the Second Schedule by order published in the *Gazette*.

Tenure of office

21. A member appointed under section 20 shall, unless he sooner resigns or vacates his office or his appointment is sooner revoked, hold office for such period not exceeding two years and shall be eligible for reappointment for a term as the Minister may determine, but not exceeding two years.

Revocation of appointment and resignation

22. (1) The appointment of any member of the Advisory Council under section 20 may be revoked by the Minister.

(2) A member of the Advisory Council may, at any time, resign his office by giving written notice addressed to the Minister.

Temporary exercise of functions of Chairman

23. (1) The Minister may appoint any member of the Advisory Council to act temporarily as the Chairman for the period when—

- (a) the office of the Chairman is vacant;
- (b) the Chairman is absent from duty or from Malaysia; or
- (c) the Chairman is, for any other reason, unable to perform the duties of his office.

(2) A member appointed under subsection (1) shall, during the period in which he is performing the functions of the Chairman under this section, be deemed to be the Chairman.

Vacation of office and filling of vacancy

24. The office of a member of the Advisory Council appointed under section 20 shall be 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; or
 - (ii) an offence under any law relating to corruption;
- (c) if he becomes a bankrupt;
- (d) if he is of unsound mind or is otherwise incapable of discharging his duties;
- (e) in the case of the Chairman, if he absents himself from three consecutive meetings of the Advisory Council without leave of the Minister in writing;
- (f) in the case of a member of the Advisory Council other than the Chairman, if he absents himself from three consecutive meetings of the Advisory Council without leave of the Chairman in writing;
- (g) if his appointment is revoked by the Minister; or
- (h) if his resignation is accepted by the Minister.

Disclosure of interest

25. The provisions of section 13 shall apply *mutatis mutandis* to the members of the Advisory Council.

Allowances

26. The Chairman and all other members of the Advisory Committee may be paid such allowances as the Minister may determine.

PART V

EMPLOYEES OF THE CORPORATION

Chief Executive Officer

27. (1) The Minister, with the approval of the Prime Minister, shall appoint a Chief Executive Officer.

(2) The Chief Executive Officer appointed under subsection (1) shall be a Malay within the meaning assigned to it under Clause (2) of Article 160 of the Federal Constitution.

(3) The appointment under subsection (1) shall be made on such terms and conditions as may be determined by the Minister.

(4) The Chief Executive Officer shall be paid such remuneration and allowances as may be determined by the Minister.

(5) The Corporation shall vest in the Chief Executive Officer such power and impose upon him such duties as may be determined by the Corporation.

(6) The Chief Executive Officer shall be responsible for the overall administration and management of the functions and the day-to-day affairs of the Corporation.

(7) The Chief Executive Officer shall have general control of the employees of the Corporation.

(8) The Chief Executive Officer shall perform such other duties as the Corporation may, from time to time, direct.

(9) In discharging his duties, the Chief Executive Officer shall act under the general authority and direction of the Corporation.

Temporary exercise of functions of Chief Executive Officer

28. The Minister may appoint any employee of the Corporation to act as the Chief Executive Officer during any period when—

(a) the office of the Chief Executive Officer is vacant;

- (b) the Chief Executive Officer is absent from duty or from Malaysia; or
- (c) the Chief Executive Officer is, for any other reason, unable to perform the duties of his office.

Appointment of employees of Corporation

29. The Corporation may, from time to time, appoint and employ such number of employees as it thinks necessary and upon such terms as it considers appropriate for carrying out the purposes of this Act.

Conditions of service

30. The Corporation may, with the approval of the Minister, determine the conditions of service of its employees.

Loans, scholarships and advances

31. The Corporation may grant loans, scholarships and advances to its employees for such purposes and on such terms as the Corporation may determine.

Payment of retirement benefits, *etc.*

32. The Corporation may make arrangements for the payment to its employees and their dependants of such retirement benefits, pensions, gratuities and other allowances as the Corporation may determine subject to the Statutory and Local Authorities Pensions Act 1980 [*Act 239*].

Surcharge

33. (1) An employee of the Corporation may be surcharged if it appears to the Corporation that he—

- (a) has failed to collect money owing to the Corporation for the collection of which he is or was responsible;

- (b) is or was responsible for any improper payment of money from the Corporation or for any payment of money which is not duly approved;
- (c) is or was responsible, directly or indirectly, for any deficiency in, or for the destruction of, any money, store or other property of the Corporation;
- (d) has failed to make any payment, or is or was responsible for any delay in the payment from the Corporation, of any money to any person to whom such payment is due under any law, or under any contract, agreement or arrangement entered into between that person and the Corporation; or
- (e) being or having been an accounting officer, fails or has failed to keep proper accounts or records.

(2) In this section, “accounting officer” includes an employee who is charged with the responsibility—

- (a) to collect, receive or account for, or who in fact collects, receives or accounts for, any money of the Corporation;
- (b) to disburse, or who does in fact disburse, any money of the Corporation; or
- (c) to receive, keep in custody, dispose of or account for, any store and property of the Corporation, or who in fact receives, keeps in custody, disposes or accounts for such store and property.

(3) The Corporation shall, before a person is surcharged, serve on him a written notice calling on him to show cause why he should not be surcharged.

(4) If a satisfactory explanation is not received within fourteen days from the date a notice is served on a person under subsection (3), the Corporation may—

- (a) in the case of any of the acts or omissions mentioned in paragraphs (1)(a), (b) and (c), surcharge against the person a sum not exceeding the amount not collected, or of the improper payment made, or of the value of the deficiency in the property or of the property destroyed; and

- (b) in the case of any of the acts or omissions mentioned in paragraphs (1)(d) and (e), surcharge against the person such sum as the Corporation thinks fit.

(5) The Corporation shall notify the person surcharged in respect of any surcharge made under subsection (4).

(6) Notwithstanding subsections (4) and (5), the Corporation may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been made, and the Corporation shall forthwith notify the person surcharged of the withdrawal.

(7) The amount of any surcharge made under subsection (4) and not withdrawn under subsection (6) shall be a debt due to the Corporation from the person surcharged and may be sued for and recovered in any court at the suit of the Corporation and may also, if the Corporation directs, be recovered by deduction—

(a) from the salary of the person surcharged; or

(b) from the pension of the person surcharged,

by equal monthly installments not exceeding one-fourth of the total monthly salary or pension, as the case may be, of that person.

Corporation may adopt regulations, etc.

34. The Corporation may, with the approval of the Minister, adopt with such modifications as it deems fit any regulations, rules, policies, circulars and directives enacted or issued by the Federal Government in relation to any matter under this Part.

PART VI

FINANCE

The Fund

35. (1) For the purpose of this Act, a fund to be known as the “Kampong Bharu Development Corporation Fund” is established.

(2) The Fund shall be controlled, maintained and operated by the Corporation.

(3) The Fund shall consist of—

- (a) such sums as may be provided from time to time by Parliament;
- (b) all or any part of the fees, costs and charges imposed by or payable to the Corporation;
- (c) all moneys derived from the sale, disposal, lease or hire of, or any other dealing with, any property, mortgages, charges or debentures vested in or acquired by the Corporation;
- (d) all moneys and property which may in any manner become payable to or vested in the Corporation in respect of any matter incidental to its functions and powers;
- (e) such sums as may be provided by the Federal Government for the development of any Kampong Bharu development area;
- (f) all moneys earned from the operation of any project, scheme or enterprise;
- (g) all moneys derived as income from investments by the Corporation;
- (h) sums borrowed by the Corporation for the purpose of this Act;
- (i) all moneys earned from consultancy and advisory services provided by the Corporation;
- (j) such contribution or investment granted by any person for the purpose of development of the Kampong Bharu development area; and
- (k) all other moneys lawfully received by the Corporation.

Expenditure to be charged on the Fund

36. The Fund may be expended for the following purposes:

- (a) paying any expenditure lawfully incurred by the Corporation, including fees and costs;

- (b) paying the remuneration, allowances, benefits and other expenses of the members of the Corporation, members of the committees, members of the Advisory Board and employees of the Corporation;
- (c) purchasing or hiring equipment, machinery and any other materials, acquiring land and any assets, and carrying out any other works and undertakings in the performance of its functions and in the exercise of its powers;
- (d) repaying any moneys borrowed under this Act and the interest due on the borrowed moneys;
- (e) granting loans, scholarships and advances to its employees; and
- (f) generally, paying any expenses for carrying into effect the provisions of this Act.

Conservation of the Fund

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

Reserve fund

38. The Corporation shall establish and maintain a reserve fund within the Fund.

Expenditure and preparation of estimates

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

(2) Before 1 September of each year, the Corporation shall submit to the Minister an estimate of the expenditure for the following financial year in such form and containing such particulars as the Minister may direct.

(3) The Minister shall, before the beginning of the following financial year, notify the Corporation of the amount authorized for expenditure generally or of the amounts authorized for each description of expenditure based on the estimate prepared under subsection (2).

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

Bank accounts

40. The Corporation shall open and maintain an account or accounts with such financial institution or financial institutions in Malaysia as the Corporation, after consulting with the Minister, thinks fit; and every such account shall be operated as far as practicable by cheques signed by the Chairman and Chief Executive Officer or any two members of Corporation as may be authorized by the Chairman in writing for that purpose from time to time.

Power to borrow

41. The Corporation may, from time to time, borrow in such form and on such terms as may be approved by the Minister with the concurrence of the Minister of Finance, any money required by the Corporation for meeting any of its obligations or discharging any of its duties.

Investment

42. The moneys of the Corporation shall, in so far as they are not immediately required to be expended by the Corporation under this Act, be invested in such manner as the Minister may, with the concurrence of the Minister of Finance, approve.

Payment to the Federal Consolidated Fund

43. The Corporation may, on the instruction of the Government, cause to be paid to the Federal Consolidated Fund such amount of its current annual surplus after the third year of its operation.

Limitation on contracts

44. The Corporation shall not, without the approval of the Minister and the concurrence of the Minister of Finance, enter into any contract under which the Corporation is to pay or receive an amount exceeding ten million ringgit.

Financial procedure

45. Subject to this Act and with the approval of the Minister, the Corporation shall determine its own financial procedure.

Financial year

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

Accounts and reports

47. (1) The Corporation shall cause proper accounts of the Fund and proper reports of its activities to be kept and shall, as soon as practicable after the end of each financial year, cause to be prepared for that financial year—

(a) a statement of accounts of the Corporation which shall include a balance sheet and an account of income and expenditure; and

(b) a statement of its activities.

(2) The Corporation shall as soon as possible send a copy of the statement of accounts certified by the auditors and a copy of the auditors' report to the Minister who shall cause them to be laid before both Houses of Parliament.

Statutory Bodies (Accounts and Annual Reports) Act 1980

48. The Statutory Bodies (Accounts and Annual Reports) Act 1980 [*Act 240*] shall apply to the Corporation.

PART VII

GENERAL

Prosecution

49. A prosecution for any offence under this Act shall not be instituted except by or with the consent in writing of the Public Prosecutor.

Public servant

50. All members of the Corporation and of any committee, and employees and agents of the Corporation, while discharging their duties under this Act as such members, employees or agents, shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Public Authorities Protection Act 1948

51. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Corporation or against a member of the Corporation, a member of a committee, and an employee or agent of the Corporation in respect of any act, neglect or default done or committed by it or him in good faith or any omission by it or him in good faith, in such capacity.

Obligation of secrecy

52. (1) Except for any of the purposes of this Act or for the purposes of any civil or criminal proceedings under any written law or where otherwise authorized by the Corporation—

- (a) no member of the Corporation or any of its committees or any employee or agent of the Corporation or any person attending any meeting of the Corporation or any of its committees, whether during or after his tenure of office or employment, shall disclose any information obtained by him in the course of his duties and which is not published in pursuance of this Act; and

- (b) no other person who has by any means access to any information or document relating to the affairs of the Corporation shall disclose such information or document.

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

Representation in civil proceedings

53. Notwithstanding the provisions of any other written law—

- (a) in any civil proceedings by or against the Corporation;
- (b) in any civil proceedings against any employee in relation to the performance of his functions under this Act; or
- (c) in any other civil proceedings in which the Corporation is required or permitted by the court to be represented, or to be heard, or is otherwise entitled to be represented or to be heard,

any person authorized by the Corporation for that purpose may, on behalf of the Corporation or the said employee, institute such proceedings or appear in such proceedings and may make all appearances and applications and do all acts in respect of such proceedings on behalf of the Corporation or employee.

Power to establish companies

54. The Corporation may establish companies under the Companies Act 1965 to carry out and have charge, conduct and management of any activities which have been planned or undertaken by the Corporation in the performance of its functions or the exercise of its powers.

Power to make regulations

55. (1) The Minister may, after the consultation with the Corporation, make regulations as may be expedient or necessary for giving full effect or the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations may be made for or in respect of all or any of the following matters:

- (a) prescribing the manner in which the records and documents to be managed relating to the development of Kampong Bharu shall be kept and maintained;
- (b) prescribing fees or charges for services provided by the Corporation; and
- (c) providing for such other matters as are necessary for giving effect to the provisions of this Act.

FIRST SCHEDULE

[Section 6]

Times and places of meetings

1. (1) The Corporation shall hold as many meetings as are necessary for the efficient performance of its functions and such meetings are to be held at such places and times as the Chairman may decide, provided that the Chairman shall not allow more than two months to lapse between meetings.

(2) The Chairman shall call for a meeting if requested to do so in writing by the Minister.

Quorum

2. The Chairman and at least half of the members of the Corporation shall form a quorum at any meeting of the Corporation.

Casting vote

3. If on any question to be determined by the Corporation there is an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.

Corporation may invite others to meetings

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

(2) A person invited under subparagraph (1) shall be paid such allowances as may be determined by the Corporation.

Minutes

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

(2) The minutes of meetings of the Corporation, if duly signed, shall, in any legal proceedings, be admissible as *prima facie* evidence of the facts stated in the minutes without further proof.

(3) Every meeting of the Corporation 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 at the meeting to have been duly qualified to act.

Procedure

6. The Corporation may regulate its own procedure.

Validity of acts and proceedings

7. No act done or proceeding taken under this Act shall be questioned on the ground of—

- (a) any vacancy in the membership of, or any defect in the constitution of, the Corporation; or
- (b) any omission, defect or irregularity not affecting the merits of the case.

Members to devote time to business

8. The members of the Corporation shall devote such time to the business of the Corporation as is necessary to discharge their duties effectively.

SECOND SCHEDULE

[Subsection 20(3)]

Times and places of meetings

1. (1) The Advisory Council is to hold as many meetings as are necessary for the efficient performance of its functions and such meetings are to be held at such places and times as the Chairman may decide, provided that the Chairman shall not allow more than two months to lapse between meetings.

(2) The Chairman shall call for a meeting if requested to do so in writing by the Minister.

Quorum

2. The Chairman and at least half of the members of the Advisory Council shall form a quorum at any meeting of the Advisory Council.

Casting vote

3. If on any question to be determined by the Advisory Council there is an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.

Advisory Council may invite others to meetings

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

Minutes

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

(2) The minutes of meetings of the Advisory Council, if duly signed, shall, in any legal proceedings, be admissible as *prima facie* evidence of the facts stated in the minutes without further proof.

(3) Every meeting of the Advisory Council 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 at the meeting to have been duly qualified to act.

Procedure

6. The Advisory Council may regulate its own procedure.

Validity of acts and proceedings

7. No act done or proceeding taken under this Act shall be questioned on the ground of—

- (a) any vacancy in the membership of, or any defect in the constitution of, the Advisory Council; or
- (b) any omission, defect or irregularity not affecting the merits of the case.