



LAWS OF MALAYSIA

REPRINT

Act 517

CHENG HOON TENG TEMPLE (INCORPORATION) ACT 1949

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH
PERCETAKAN NASIONAL MALAYSIA BHD
2006

**CHENG HOON TENG TEMPLE (INCORPORATION)
ACT 1949**

First enacted	1949 (Ord. No. 34 of 1949)
Revised	1994 (Act 517 w.e.f. 7 April 1994)

PREVIOUS REPRINT

<i>First Reprint</i>	2002
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ACT 1949**

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LAWS OF MALAYSIA**Act 517****CHENG HOON TENG TEMPLE (INCORPORATION)
ACT 1949**

An Act to incorporate the Cheng Hoon Teng Temple, Malacca.

[28 September 1949]

Short title

1. This Act may be cited as the Cheng Hoon Teng Temple (Incorporation) Act 1949.

Interpretation

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

“Advisory Committee” means the Committee referred to in section 15;

“Register” means the Register of Members of the Corporation kept under section 6;

“Standing Committee” means the Committee referred to in section 11.

Incorporation

3. The persons whose names are from time to time inscribed in the Register shall be a body corporate (hereinafter called “the Corporation”) and shall have perpetual succession under the name of “The Cheng Hoon Teng Temple”.

Office

4. The Corporation shall have an office at the Cheng Hoon Teng Temple in Jalan To’ Kong (Temple Street), Malacca, or at such other place as may, from time to time, be specified by the Corporation.

Membership of the Corporation

5. (1) The Corporation shall have at least thirty-one members of whom—

- (a) four shall be members of the Standing Committee;
- (b) seventeen shall be members of the Advisory Committee;
and
- (c) ten shall be elected by the Standing Committee:

Provided that the Standing Committee may by special resolution increase the minimum number of members of the Corporation as they think fit.

(2) For the purposes of subsection (1) “special resolution” means a resolution passed by a majority of not less than three-fourths of the members present at a meeting of the Standing Committee duly convened.

(3) If the number of the members of the Corporation shall at any time be less than thirty-one, no business shall be transacted by the Corporation except for the purpose of filling vacancies.

(4) As soon as may be after the commencement of this Act, the Standing Committee shall elect not less than ten persons to be members of the Corporation.

(5) No person shall be eligible for membership of the Corporation unless—

- (a) he is of Chinese origin;
- (b) he has attained the age of thirty years;
- (c) he was born in the Federation or the Republic of Singapore or has ordinarily resided in those territories for a period of ten years immediately preceding his election as a member; and
- (d) immediately prior to his election as a member, he is not a person professing the Christian or Islamic religion.

(6) Every person shall immediately after election as a member of the Corporation, sign the form of consent set out in the Third Schedule, and his name shall not be inscribed in the Register until he shall have signed such form.

(7) The Standing Committee may refuse to admit a person as a member of the Corporation and shall not be bound to give its reasons for such refusal, and in any event the fact that there are already thirty-one members of the Corporation (inclusive of the members of the Standing Committee and of the Advisory Committee) shall be a sufficient reason for refusing to admit a person as a member of the Corporation.

(8) Where the application (the proposal) of a person for membership of the Corporation has been rejected by the Standing Committee, that person shall not apply (be proposed) for membership until the expiration of one year from the date of such rejection.

Register of Members of the Corporation

6. The Standing Committee shall within three months after the commencement of this Act cause to be kept a Register of Members of the Corporation and to be inscribed therein the name, address and occupation of every person elected to be a member of the Corporation and the date of his election.

Termination of membership

7. A member shall cease to be a member of the Corporation in any of the following events:

- (a) if he shall give seven days' notice in writing of his intention to resign by delivering such notice or by sending the same by prepaid registered post addressed to the Corporation at its registered office;
- (b) if he shall be adjudicated bankrupt or have a receiving order in bankruptcy made against him;
- (c) if he shall be found guilty by any Court of an offence punishable with a maximum sentence of imprisonment for a term of six months or upwards and shall by that Court be sentenced to any term of imprisonment:

Provided always that the Standing Committee shall have power by special resolution to re-elect such member immediately in cases arising from motoring and traffic offences and offences of a like nature;

- (d) if he shall become a lunatic;

- (e) if he shall cease to be ordinarily resident in Malacca or become a Christian or a Muslim;
- (f) if, being a member of the Standing Committee, he absents himself from the meetings of such Committee, of which due notice has been given, without special leave of absence obtained from the Chairman of the Corporation on six consecutive occasions and a resolution is passed to that effect at a meeting of the Standing Committee;
- (g) if, being a member of the Advisory Committee and having been duly called upon to do so, he fails, without special leave obtained from the Chairman of the Corporation, to attend meetings of the Advisory Committee on six consecutive occasions and a resolution is passed to that effect at a meeting of the Standing Committee.

Expulsion of members

8. If in the opinion of the Standing Committee any member of the Corporation shall misconduct himself or his affairs, or otherwise be or become unfit to continue to be a member he may, by the vote of two-thirds of the members personally present at a General Meeting of the Corporation specially called to consider the matter, be expelled from the Corporation but he shall at such meeting be given an opportunity of explaining his conduct or the matter giving rise to the calling of the meeting, and no vote shall be passed at such meeting unless such opportunity aforesaid shall have been given. For the purposes of this section, a member shall be deemed to have had an opportunity of attending the said meeting to explain his conduct as aforesaid, if seven clear days' notice of the said meeting specifying the place, the day and the hour of meeting shall be served upon such member either personally or by sending it by registered post addressed to such at his address as is, for the time being, stated in the Register.

Rights on incorporation

9. (1) The Corporation shall have and may use a corporate seal which may, from time to time, be broken, changed, altered or made anew as the Corporation shall deem fit.

(2) The Corporation may sue and be sued in respect of its property and otherwise in all courts.

(3) The Corporation may acquire, purchase, lease, take, hold and enjoy for valuable consideration or by way of gift or otherwise movable and immovable property of every description and may sell, exchange, convey, assign, surrender and yield up, mortgage, demise, re-assign, transfer or otherwise dispose of and deal with any movable and immovable property vested in the Corporation upon such terms as the Corporation shall deem fit and shall do and perform all other acts, deeds and things as are conducive to the attainment of the objects and general purposes of the Corporation hereinafter mentioned or are incidental thereto or connected therewith in any manner whatsoever or are likely in any respect to be advantageous to the Corporation.

Objects and purposes

10. The objects and general purposes of the Corporation shall be—

- (a) the promotion, propagation and observance of the doctrines, ceremonies, rites and customs of the Buddhist and other religions (including Confucianism and Taoism, but not including the Christian or Islamic religions) commonly professed or maintained in Malacca by the Chinese Community;
- (b) the maintenance, administration and improvement of and, if necessary, the enlargement and rebuilding of the Cheng Hoon Teng Temple and other Temples which may belong to or be acquired by or under the care or control of the Corporation;
- (c) the maintenance, administration and improvement and, if necessary, the enlargement and development of all burial grounds and other property of whatever description belonging to or acquired by the Corporation whether by way of gift, surrender, purchase, or in any other manner and the development for building or other purpose any land belonging to or under the control of or acquired by the Corporation as aforesaid and the rebuilding or improvement of properties belonging to or under the control of or acquired by the Corporation which is not required for use as a burial ground;
- (d) the establishment of a register of Chinese marriages; the provision and maintenance of a place to be set apart for the solemnization of marriages in accordance with Buddhist

or Chinese practice; the establishment and maintenance of a crematorium for use in accordance with the doctrines of Buddhism, or any other religion commonly professed by the Chinese Community in Malacca;

- (e) such other charitable, humanitarian and religious purposes or objects for the benefit of the Chinese Community of the Federation and the Republic of Singapore including the relief of distress among the Chinese Community of these territories and the provision of adequate facilities for burial of the dead as shall be considered desirable by the Corporation.

Standing Committee

11. (1) The affairs of the Corporation shall be managed by a Standing Committee consisting of not less than four and not more than six members to be styled Thye Lees or Managing Trustees who may exercise all such powers of the Corporation as are not by this Act or any other law in force for the time being required to be exercised by the Corporation in General Meeting.

(2) No person shall be eligible for the office of Thye Lee or Managing Trustee unless—

- (i) he is a member of the Corporation; and
- (ii) his nomination for election is approved by a majority of the Standing Committee.

(3) The first members of the Standing Committee shall be Poh Kim Tiong of No. 55, Jonker Street, Malacca, Chan Teck Chye of No. 30, Second Cross Street, Malacca, Tan Cheng Lock of 96, First Cross Street, Malacca and Loh Kim Swi of 317C, Klebang Besar, Malacca.

(4) The members of the Standing Committee (other than the original members) shall be elected from the members of the Corporation in manner hereinafter appearing.

(5) The four original members of the Standing Committee named in subsection (3) shall retire from office in the order therein set out respectively at the second, third, fourth and fifth Annual General Meetings of the Corporation held after the commencement of this Act. In each case, the retiring member shall be eligible for re-election at the Annual General Meeting at which he retires.

Thereafter each member of the Standing Committee shall retire from office at the Annual General Meeting held next after the expiry of a period of five years from the date of such member's previous election or re-election. Such retiring member shall be eligible for re-election at the Annual General Meeting at which he retires.

(6) If any member of the Standing Committee desires to retire from acting as such he shall give to the Corporation one month's notice in writing of such desire, and his resignation shall take effect from the date of the expiration of such notice or its earlier acceptance by the remaining members of the Standing Committee.

(7) If for any cause any casual vacancy shall occur in the Standing Committee such vacancy may be filled by a member of the Corporation elected by the Standing Committee, and any person so elected shall (unless otherwise arranged at the time of his election) hold office for the remainder of the period during which the member in whose place he shall be elected would have held office had such a vacancy not occurred.

(8) Any member of the Standing Committee with the consent of that Committee may, by writing under his hand, appoint any member of the Corporation (including another member of the Standing Committee) to be his substitute for any period not exceeding three months and every such substitute shall, in the absence from the Standing Committee of the member appointing him, be entitled to attend and vote at the meetings of the Standing Committee and shall have and exercise all powers, rights, duties and authorities of the member appointing him. A member of the Standing Committee may, at any time, revoke the appointment of a substitute appointed by him and, subject to the consent of the Standing Committee, appoint another person in his place, and if a member of the Standing Committee shall die, or cease to hold office, the appointment of his substitute shall thereupon cease and determine. Any member of the Standing Committee who is appointed a substitute under this subsection on behalf of one or more members shall be entitled to vote at a meeting of the Standing Committee on behalf of the member or each of the members so appointing him as distinct from the vote to which he is entitled in his own capacity as a member of the Standing Committee and shall also be considered as two or more members for the purposes of making a quorum of the Standing Committee. Every person acting as a substitute for a member shall alone be responsible to the Corporation for his own acts and defaults, and he shall not be deemed to be agent of or for the member appointing him.

Employment of Secretaries, Treasurers, etc.

12. (1) The Standing Committee may employ and pay a Secretary or Secretaries, Treasurer or Treasurers, auditor or auditors, priests and scholars properly versed in the doctrines of Buddhism, Confucianism or Taoism and such other persons as they consider necessary to assist them in the management of the affairs of and the carrying out of the objects and purposes of the Corporation.

(2) Particulars of the appointments of the persons referred to in subsection (1) and of the election of every member of the Standing Committee including the name, address and occupation of the person appointed, the date of the appointment and the office to which the person was appointed, shall be published in the *Gazette* within twenty-one days after the date of such appointment.

Meetings of Standing Committee

13. (1) The Standing Committee shall meet at least once in every three lunar months for the despatch of business and to discuss the management and affairs of, and matters of interest to, the Corporation and three members of the Standing Committee shall form a quorum:

Provided always that upon the receipt by the Secretary of a requisition by any member of the Standing Committee at any time, the Secretary shall convene a meeting of the Standing Committee within seven days from the date of receipt of such requisition.

(2) The Chairman of the Corporation shall preside at all meetings of the Standing Committee. In his absence the Vice-Chairman of the Corporation shall preside or in the absence of both the Chairman and Vice-Chairman the members shall appoint one of their number to preside.

(3) All questions arising at any meeting of the Standing Committee shall be decided by a majority of votes and each member present shall be entitled to one vote and in the case of an equality of votes the Chairman or the person presiding at the meeting shall have an additional or casting vote.

(4) The Standing Committee shall cause to be kept minutes of the proceedings of all meetings of the Standing Committee and such minutes shall be submitted for confirmation at the next

succeeding meeting of the Standing Committee and if then confirmed, with or without amendment as the case may require, shall be signed by the Chairman or the person presiding at the meeting at which such confirmation is made and thereafter shall be *prima facie* evidence of all proceedings evidenced thereby.

(5) The Standing Committee shall cause proper books of account to be kept and therein to be entered full particulars of all assets and liabilities and of all receipts and disbursements on account of the Corporation and of all other matters and things relative thereto and necessary to explain such entries and the Standing Committee shall cause such books of account to be audited annually by an auditor authorized as such under the Companies Act 1965 [Act 125] and every other law for the time being in force concerning joint stock companies.

(6) Not later than the end of the fifth lunar month in each year according to the old Chinese calendar, the Standing Committee shall cause to be prepared, audited by an auditor authorized as such under the Companies Act 1965 and every other law for the time being in force concerning joint stock companies, and distributed to all members of the Corporation, a statement in the form of a balance sheet containing particulars of all assets and liabilities of the Corporation and an account of the receipts and disbursements during the Chinese lunar year preceding.

Charges on funds of the Corporation

14. Every member of the Standing Committee shall be indemnified out of the funds of the Corporation against all costs, charges, expenses, losses and liabilities incurred by him in the management of the affairs of the Corporation or in the discharge of his duties, and no member of the Standing Committee shall be liable for the acts, defaults or omission of any other member of the Standing Committee, or by reason of his having joined in any receipt for money not received by him personally, or for any loss on account of defect of title to any property acquired by the Corporation or on account of the insufficiency of any security in or upon which any moneys of the Corporation shall be invested, or for any loss incurred through any bank, broker or other agent or for any loss or damage arising from or out of the bankruptcy, insolvency or tortious act of any person with whom any moneys, securities or effects have been deposited or occasioned by any error of judgment or oversight on his part, or for any other loss, damage or misfortune

whatever which shall happen in the execution of the duties of his office or in relation thereto, unless the same shall happen through his wilful act or default.

Advisory Committee

15. (1) The Standing Committee may request all or any of the members of an Advisory Committee to attend at every or any of its meetings to assist and advise the Standing Committee in the management of the affairs of the Corporation.

(2) The Advisory Committee shall consist of not less than seventeen and not more than twenty-four members of the Corporation. Members of the Advisory Committee shall be styled Kay Teohs.

(3) No person shall be eligible as a member of the Advisory Committee unless—

- (i) he is a member of the Corporation; and
- (ii) his nomination for election is approved by a majority of the Standing Committee.

(4) The original members of the Advisory Committee shall be—

Tan Swi Chay	Ho Kim Toon
Cheong Tiong Hak	Guan Kim Lee
Ong Tock Seng	Tan Koon Tiang
Tan Thiam Thye	Tan San Hong
Chee Hong Chiang	Goh Tiow Wan
Ee Yew Kim	Tan Seng Tee
Tan Soo Chong	Chi Sun Cheng
Goh Tiow Chong	Chee Guan Chiang
Wee Soon Teck	

(5) Members of the Advisory Committee (other than the original members) shall be elected from the members of the Corporation in the same manner as near as may be as that provided for the election of members of the Standing Committee.

(6) At the first Annual General Meeting of the Corporation and at each Annual General Meeting of the Corporation held in every succeeding year one-third of the members of the Advisory Committee or if their number is not a multiple of three then the number nearest to one-third, shall retire from office, the members to retire being those who have been longest in office since their last election but as between persons who became members of the Advisory Committee on the same day those to retire shall (unless otherwise agreed amongst themselves) be determined by lot. Retiring members shall be eligible for re-election.

(7) If any member of the Advisory Committee desires to retire from acting as such he shall give to the Corporation one month's notice in writing of such desire and his resignation shall take effect from the expiration of such notice or its earlier acceptance by the Standing Committee.

(8) If for any cause any casual vacancy shall occur in the Advisory Committee such vacancy may be filled by a member of the Corporation elected by the Standing Committee, and any person so elected shall (unless otherwise arranged at the time of his election) hold office for the remainder of the period during which the member in whose place he shall be elected would have held office had such a vacancy not occurred.

Annual Meetings

16. (1) The Corporation shall at least once in every Chinese lunar year not later than the last day of the sixth lunar month according to the old Chinese calendar hold an annual meeting of its members.

(2) The business to be transacted at each annual meeting shall be the consideration of the annual statement of accounts, the consideration of any question raised as to the management of the affairs of the Corporation and when necessary the election of members of the Standing Committee, Advisory Committee and the Chairman of the Corporation.

Extraordinary General Meeting

17. (1) Upon receipt of a requisition by at least two members of the Standing Committee, or of five members of the Advisory Committee or of ten members of the Corporation the Standing Committee shall proceed to convene an Extraordinary General Meeting of the Corporation.

(2) The requisition shall state the objects of the meeting and shall be signed by the persons making it and deposited at the office of the Corporation. The requisition may consist of more documents than one provided the same are duly signed and specify the same or similar objects. Unless called by the Standing Committee no business shall be transacted except those stated in the requisition.

(3) The Standing Committee shall within ten days from the receipt of such requisition aforesaid cause an acknowledgment to be sent to the signatories and shall within one month from the receipt of such requisition cause an Extraordinary General Meeting to be held to discuss the objects specified in the requisition.

(4) If the Standing Committee do not within the time aforesaid cause an Extraordinary General Meeting of the Corporation to be held in manner aforesaid the persons making the requisition or a majority of them may themselves convene the meeting and any meeting convened by such persons shall be convened in the same manner as nearly as possible as that in which such meetings ought to be convened by the Standing Committee.

General Meetings

18. (1) The Annual General Meeting and all Extraordinary General Meetings are hereinafter referred to as General Meetings.

(2) The Standing Committee shall cause to be sent by post to all members of the Corporation whose names appear for the time being on the Register a notice of every General Meeting of the members of the Corporation and such notice shall specify the date, time and place for the holding of the meeting, the general nature of the business to be transacted and, in case of special business, concise particulars thereof, and such notice shall be sent as aforesaid at least seven days prior to any such meeting being held.

(3) Every General Meeting of the Corporation shall be held at the office of the Corporation or at such other place as may be specified by the Standing Committee or if called under subsection 17(4) by the persons making a requisition in the notice calling such meeting.

Chairman of the Corporation

19. (1) Subject to subsection (4) the members of the Corporation in General Meeting shall elect from among the members of the Standing Committee a Chairman of the Corporation who shall hold office for a term of three years.

(2) A Chairman elected pursuant to subsection (1) shall retire from office at the third Annual General Meeting held after his election but shall be eligible for re-election.

(3) A Chairman elected pursuant to subsection (1) or re-elected pursuant to subsection (2) may, during his term of office, retire by giving to the Standing Committee not less than one calendar month's notice of his intention so to do and in such event or in the event of his being unable or unwilling to continue in office until the expiry of his term the Vice-Chairman elected under section 19A shall assume the office of Chairman until the next Annual General Meeting when a Chairman shall be elected in the manner provided for in subsection (1).

(4) The first Chairman of the Corporation shall be the said Chan Teck Chye.

Vice-Chairman of Corporation

19A. (1) The Standing Committee shall at the first meeting subsequent to the Annual General Meeting at which a Chairman is elected pursuant to subsection 19(1) or is re-elected pursuant to subsection 19(2) elect from among its members a Vice-Chairman of the Corporation who shall hold office for a term of three years but shall be eligible for re-election.

(2) A Vice-Chairman elected or re-elected pursuant to subsection (1) may during his term of office, retire by giving to the Standing Committee not less than one calendar month's notice of his intention so to do and in such event or in the event of his being unable or unwilling to continue in office until the expiry of his term or in the event of his assuming the office of Chairman pursuant to subsection 19(3) the Standing Committee shall at its next meeting elect a Vice-Chairman in his place.

Proceedings at General Meetings

20. (1) Seven members of the Corporation shall form a quorum at all General Meetings.

(2) The Chairman of the Corporation shall preside at all meetings of the Corporation but if at any meeting he be not present the Vice-Chairman of the Corporation shall preside or if neither the Chairman nor the Vice-Chairman be present the meeting shall appoint a member of the Standing Committee to preside.

(3) Every question arising at a General Meeting shall be decided by a majority vote on a show of hands or on a ballot if a ballot be demanded by the Chairman or the person presiding at such General Meeting or by not less than five of the members present at such General Meeting. Every Member shall have one vote and in the case of an equality of votes the Chairman or the person presiding at the meeting shall have an additional or casting vote. The Chairman or the person presiding at a General Meeting of the Corporation shall cause minutes to be kept of all proceedings at such General Meeting.

Notices

21. Whenever, under this Act, a notice or other document is required to be sent to a member of the Corporation, such notice or other document shall, if sent by post addressed to such member at his address as is, for the time being, stated in the Register, be deemed to have been served at the latest within forty-eight hours after the same shall have been posted, and in proving such service it shall be sufficient to prove that the cover containing the same was properly addressed and put into a Post Office. A certificate in writing, signed by at least two members of the Standing Committee, that the letter, envelope or wrapper, was so addressed and posted shall be deemed to be conclusive evidence thereof. The non-receipt of any notice or other document by any member shall not invalidate the proceedings at any meeting.

Seal of the Corporation

22. The seal of the Corporation shall be kept at the office of the Corporation and shall not be affixed to any document except by the authority of a resolution of the Standing Committee and in the presence of at least two members of the Standing Committee and the Secretary or the person acting as Secretary, and such members

of the Standing Committee and the Secretary or the person acting as Secretary shall sign every instrument to which the seal shall be affixed in their presence and such signatures shall be conclusive evidence of the fact that the Seal has been properly affixed.

Documents of the Corporation

23. (1) The Register, the minutes of proceedings at all General Meetings of the Corporation and at all meetings of the members of the Standing Committee, and the books of account of the Corporation shall be kept at the office of the Corporation and shall at all reasonable times be open for inspection by any member of the Corporation provided that the written permission of the Chairman of the Corporation be obtained prior to such inspection.

(2) The title deeds and securities of the Corporation shall be kept at such place and in such custody as the Chairman of the Corporation with the approval of the Standing Committee shall decide and the Chairman of the Corporation shall be responsible for their safe custody.

Vesting of properties

24. (1) The several persons mentioned in the third column of the First and Second Schedules or the survivors or survivor of them or the personal representative or representatives of the last survivor of them, being the persons or person in whom are vested the respective estates and interests mentioned in the second column of these Schedules in the lands hereditaments and premises specified in the first column of the said Schedules, are hereby divested of such estates and interests and such estates and interests are hereby vested in the Corporation subject nevertheless to all conditions of tenure incident thereto and to any trust affecting the same but with full power, subject as aforesaid, for the Corporation as such Trustees to deal with the property so vested in accordance with this Act.

(2) All moneys and movable property held by any person on behalf of the Cheng Hoon Teng Temple or any other temple deity or funds under its management or control and all moneys subscribed for the purposes of the Corporation and all properties movable purchased or agreed to be purchased with such moneys shall be vested in the Corporation and the same all subscriptions and donations to the Corporation shall be held by the Corporation in trust for the purposes in this Act declared.

Investment of Corporation funds

25. (1) The funds of the Corporation may be invested in any of the investments authorized from time to time by law for the investment of trust funds.

(2) Sections 4 to 15 of the Trustee Act 1949 [*Act 208*] shall apply as near as may be to the members of the Standing Committee for the time being.

Rules

26. (1) The Standing Committee may make, and when made vary or revoke, rules not inconsistent with this Act—

- (a) to prescribe the conditions relating to eligibility for membership of the Corporation and the method of election;
- (b) to regulate the election of members of the Standing Committee, Advisory Committee and Chairman of the Corporation;
- (c) to regulate the calling and conduct of meetings of the Standing Committee and Advisory Committee and their procedure in transacting business;
- (d) for the appointment of subcommittees to whom may be delegated powers to manage any temple, burial ground or other property of the Corporation;
- (e) to allocate duties to and to regulate the exercise of executive powers by the Standing Committee and Subcommittee of the Corporation;
- (f) to regulate the collection of subscriptions for the purposes of the Corporation;
- (g) to regulate the keeping and presentation of accounts;
- (h) to regulate the appointment, conduct and dismissal of servants of the Corporation;
- (i) to provide for the creation and upkeep of a register of Chinese marriages, and for the conduct of marriage ceremonies solemnized in accordance with the practice of Buddhism, Confucianism or Taoism;
- (j) to regulate funeral ceremonies solemnized in accordance with the practice of Buddhism, Confucianism or Taoism;

- (k) to regulate the manner in which all religious service, religious instruction and the preaching of sermons may be conducted;
- (l) for any other purposes necessary or expedient in the management of the affairs and the carrying into effect of the objects and purposes of the Corporation.

(2) Rules so made shall be certified under the hand of the Chairman of the Corporation, shall be published in the *Gazette* and shall not be effective until the expiration of one month from the date of such publication.

Saving of rights

27. Nothing in this Act shall affect the rights of His Majesty, His Heirs and Successors, or the rights of Their Highnesses the Rulers, and Their Successors, or the rights of any body politic or corporate, or of any other persons except such as are mentioned in this Act and those claiming by, through, from or under them.

FIRST SCHEDULE

[Subsection 24(1)]

<i>Particulars of property</i>	<i>Estate and Interest held</i>	<i>In whom vested</i>	<i>Name of trust</i>
1. All that piece of land situate at Third Cross Street in the Town and Settlement of Malacca now known as Town Area XV and Government resurvey No. 23 and containing by the same resurvey an area of 3,300 square feet together with the buildings thereon erected and known as Municipal No. 12, Third Cross Street, Malacca.	Fee simple	Tan Kim Seng, President of Cheng Hoon Teng Hood Cho Temple.	Cheng Hoon Teng Temple.
2. All that piece of land situate at Jonker Street in the Town and Settlement of Malacca now known as Town Area XIII and resurvey an area of 7,328 square feet together with the buildings thereon erected and known as Municipal Nos. 110 and 112, Jonker Street, Malacca.	Fee simple	Tan Jiak Whye and Tan Hoon Guan as trustees of Cheng Hoon Teng, Malacca Chinese Temple.	Cheng Hoon Teng Temple.
3. All that piece of land situate at Temple Street in the Town and Settlement of Malacca now known as Town Area XIII and Government resurvey lot No. 48 part together with buildings thereon erected and known as Municipal Nos. 25, Temple Street, Malacca.	Fee simple	Part vested in Chua Yen Keng, Tan Chin Seng, trustees and Lee Ting Guan and Koh Eng Chean, members of the Chinese Temple Cheng Hoon Teng.	Cheng Hoon Teng Temple.
4. All that piece of land situate at Goldsmith Street in the Town and Settlement of Malacca and now known as Town Area XIII and Government resurvey part lot No. 48 together with the buildings thereon erected and known as Municipal No. 21, Temple Street, Malacca.	Fee simple	Chan Say Peng, Sit Kee Ann, Chan Cheng Siew and E Kong Guan as trustees of the Chinese Temple known as Cheng Hoon Teng.	Cheng Hoon Teng Temple.
5. All that piece of land situate at Temple Street in the Town and Settlement of Malacca now known as	Fee simple	Chan Say Peng, Sit Kee Ann, Chan Cheng Siew and E	Cheng Hoon Teng Temple.

<i>Particulars of property</i>	<i>Estate and Interest held</i>	<i>In whom vested</i>	<i>Name of trust</i>
Town Area XIII and Government resurvey lot No. part 48 and containing together with items 13 and 14 above by the same resurvey a total area of 30,280 square feet together with the buildings thereon erected and known as Municipal No. 23, Temple Street, Malacca.		Kong Guan as trustees of the Chinese Temple known as Cheng Hoon Teng.	
6. All that piece of land situate at Temple Street in the Town and Settlement of Malacca and now known as Town Area XI and marked lot No. 37,125 and containing an area of 17,078 square feet together with the buildings thereon erected.	Fee simple	Tan Kim Seng and Chee Yam Chuan and Chua Yen Keng as trustees of the Chinese Temple Fund designed Cheng Hoon Teng.	Cheng Hoon Teng Temple.
7. All that piece of land situate at Temple Street in the Town and Settlement of Malacca and now known as Town Area XIII and Government resurvey lot No. 57 and containing by the same resurvey an area of 1,456 square feet together with the buildings thereon erected and known as Municipal No. 3, Temple Street, Malacca.	Fee simple	Tan Jiak Whye, trustee of the property belonging to the Chinese Temple known as Cheng Hoon Teng.	Cheng Hoon Teng Temple.
8. All that piece of land situate at Heeren Street in the Town and Settlement of Malacca and now known as Town Area XII and Government resurvey lot No. 55 and containing by the same resurvey an area of 1,488 square feet together with the buildings thereon erected and known as Municipal No. 120, Heeren Street, Malacca.	Fee simple	Tan Kim Seng, President, Cheng Hoon Teng Hoon Cho Temple.	Cheng Hoon Teng Temple.
9. All that piece of land situate at Bunga Raya in the Town and Settlement of Malacca Town Area XX, lot No. 1,599-2 resurvey lot No. 118 containing an area of 1,653 square feet together with the buildings thereon erected and known as Municipal No. 12, Bunga Raya Road, Malacca.	Fee simple	Tan Kim Seng for and on behalf of Tapekong Matjo.	Cheng Hoon Teng Temple.

<i>Particulars of property</i>	<i>Estate and Interest held</i>	<i>In whom vested</i>	<i>Name of trust</i>
10. All that piece of land situate at Kampong Pantei in the Town and Settlement of Malacca now known as Town Area XIV, Government resurvey lot No. 234 and containing by the same resurvey an area of 2,080 square feet together with the buildings thereon erected and known as Municipal No. 48, Kampong Pantei, Malacca.	Fee simple	House vested in Tan Hoon Chiang, Tan Jiak Kim and Lee Keng Liat as trustees of the Chinese Temple, Cheng Hoon Teng. Land vested in Tye Chong Yah.	Cheng Hoon Teng Temple.
11. Land and Houses Nos. 70, 72 and 74, Bunga Raya, Malacca.	Possessory title. Title deeds mislaid	Present trustees.	Cheng Hoon Teng Temple.
12. All that piece of land situate in the district of Batu Berendam in the Settlement of Malacca, marked lot No. 6,853, division 38 and now known as Government resurvey lot Nos. 439, 443 and 442 and containing by the same resurvey an area of 214 acres 3 roods 22 poles.	Fee simple	Tan Kim Seng.	Jelotong Burial Ground.
13. All that piece of land situate in the district of Batu Berendam in the Settlement of Malacca, lot No. 452 containing an area of 57 acres 2 roods 10 poles.	Licence to occupy as a Burial Ground	The present trustees of the Cheng Hoon Teng Temple, Malacca.	Jelotong Burial Ground.
14. All that piece of land situate at Heeren Street in the Settlement of Malacca, marked lot No. 47,978 now known as Town Area XVII resurvey lot No. part 45 containing an area of 1,080 square feet (No. 49, Heeren Street).	—	Tan Jiak Whye and Tan Hun Guan as trustees of Chinese Temple, Cheng Hoon Teng.	Tye Chong Yah.
15. All those three pieces of land situate at Blacksmith Street, Malacca now known as Town Area XVI, lot No. 75 containing an area of 705 square feet together with the buildings thereon erected and known as Municipal Nos. 57B, 57C, and 57D, Blacksmith Street, Malacca.	Fee simple	Tan Tjiko as Captain China, Malacca, as trustees for the sick.	Tye Chong Yah.

<i>Particulars of property</i>	<i>Estate and Interest held</i>	<i>In whom vested</i>	<i>Name of trust</i>
16. All that piece of land situate at Heeren Street, in the Town and Settlement of Malacca and now known as Government resurvey Town Area XVII, part of lot No. 45 and containing an area of 2,673 square feet together with the buildings thereon erected and known as Municipal No. 49, Heeren Street, Malacca.	Fee simple	Part vested in Captain of the Tjoa Kiamoko for the benefit of the Chinese Temple and part vested in Tan Jiak Whye and Tan Hun Guan, trustees of the Chinese Temple, Cheng Hoon Teng.	Tye Chong Yah.
17. All that piece of land situate at Bunga Raya, in the Town and Settlement of Malacca and now known as Town Area XXI and resurvey lot No. 248 and containing an area of 13,694 square feet together with the buildings thereon erected and known as Municipal Nos. 62, 64 and 66, Wolferstan Road, Malacca.	Possessory Title. Title Deeds mislaid	Present trustees.	Tye Chong Yah.
18. All that piece of land situate in the mukim of Bukit China, in the Settlement of Malacca, now known as Town Area XXII, resurvey lot Nos. 73 and 74 and containing by the same resurvey an area of 106 acres 30 poles.	Fee simple	Chinese Temple Toapekong Tye Chong Yah for the benefit and use of the Chinese inhabitants of the Settlement of Malacca.	Tye Chong Yah.
19. All that piece of land situate in the mukim of Bukit China, in the Town and Settlement of Malacca, now known as Town Area XXI, resurvey lot No. 255 containing an area of 43,729 square feet together with the buildings thereon erected and known as Municipal Nos. 53, 59, 61, 73, 75, 77, 81, 83, 69, 79 and 85, Lorong Bukit China, Malacca.	Fee simple	Captain of Chinese Tan Tjojiko.	Tye Chong Yah.
20. All that piece of land situate at Jonker Street, Malacca, now known as Town Area XIII lot No. 2 containing an area of 2,304 square feet together with the buildings thereon erected and known as Municipal Nos. 36 and 38, Jonker Street, Malacca.	Fee simple	Part vested in Tan Boon Guan for and on behalf of the Tapekong Swun Lan and part in Lia Tjan Bin for the Chinese Tapekong Tay Tjongia.	Tye Chong Yah.

<i>Particulars of property</i>	<i>Estate and Interest held</i>	<i>In whom vested</i>	<i>Name of trust</i>
21. All that piece of land situate at Second Cross Street, in the Settlement of Malacca, now known as Town Area XV, resurvey lot No. 52 and containing an approximate area of 2,630 square feet together with the buildings thereon erected and known as Municipal Nos. 11 and 13, Second Cross Street, Malacca.	—	Trustees of Cheng Oon Ting Temple.	Poh San Teng.
22. All that piece of land situate at Tranquerah Section I in the Town and Settlement of Malacca, marked lot No. 47,958 and known as Town Area XVII and resurvey lot No. 9 and containing an area of 605 square feet.	Fee simple	Tan Jiak Whye and Tan Hoon Guan, as trustees of C. H. Teng, Malacca Chinese Temple.	Poh Siak Kuay.
23. All that piece of land situate in First Cross Street in the Town and Settlement of Malacca and now known as Town Area XVI and resurvey lot No. 49 and containing by the same resurvey an area of 1,200 square feet together with the buildings thereon erected and known as Municipal No. 25, First Cross Street, Malacca.	Fee simple	Tan Hoon Chiang, Tan Jiak Kim and Lee Keng Liat as trustees of the Chinese Temple, Cheng Hoon Teng.	Poh Siak Kuay.
24. All that piece of land situate at Banda Hilir in the Town and Settlement of Malacca, marked lot No. 1,349 and known as Town Area XXIX and Government resurvey lot No. 169 and containing by the recent resurvey an area of 1 rood and 23 poles together with the buildings thereon erected and known as Municipal No. 191, Banda Hilir, Malacca.	Fee simple	Poh Kim Tiong, Chan Kang Swi, Chan Teck Chye and Tan Hoon Siang as trustees of Cheng Hoon Teng.	Yong Chuan Tian Temple.
25. All that piece of land situate in the mukim of Padang Temu, in the Settlement of Malacca, marked serial No. 164, General No. 2,666 and containing an area of 9 acres 1 rood 19 poles.	Customary land	Chan Kang Swi, E Kong Guan, Poh Kim Tiong, and Koh San Lin as trustees of Cheng Hoon Teng Temple.	Suay Pho Hood Keok Kang Temple.

<i>Particulars of property</i>	<i>Estate and Interest held</i>	<i>In whom vested</i>	<i>Name of trust</i>
26. All that piece of land situate at Bunga Raya in the Town and Settlement of Malacca, Town Area XX, lot No. 1,599, resurvey lot No. 59 containing an area of 2,020 square feet together with the buildings thereon erected and known as Municipal No. 14, Bunga Raya Road, Malacca.	Fee simple	Ong Teng Tat, Manager and trustee to the Fund known as Tong Sian Sia Sek Ji Kiak.	Tong Sian Seah.
27. All that piece of land situate at Banda Hilir, in the Settlement of Malacca now known as Town Area XXVII and resurvey lot No. 30 and containing by the same resurvey an area of 18 poles together with the buildings thereon erected and known as Municipal Nos. 70 and 72, Banda Hilir, Malacca.	Fee simple	Ong Teng Tat as trustees of the Institution called Tong Sian Sia.	Tong Sian Seah.
28. All that piece of land situate at Heeren Street in the Settlement of Malacca, marked lot No. 30 and now known as Town Area XVII, resurvey lot No. part 9 containing an area of 1,950 square feet together with the buildings thereon erected and known as Municipal No. 9, Heeren Street, Malacca.	—	Tan Jiak Kim, Tan Hoon Chiang and Lee Keng Liat, trustees of the Fund of the Chinese Temple, Cheng Hoon Teng.	Poh Siak Kuay.
29. All that piece of land situate at Bunga Raya, in the Town and Settlement of Malacca, marked lot No. 1,689 and now known as Town Area XX and resurvey lot No. 1, and containing by the same resurvey an area of 3,351 square feet.	Fee simple	Tan Kim Seng, President of Cheng Hoon Teng Hood Cho Temple.	—
30. The old brick and plank house roofed with tiles known as No. 63 (old No. 78), Lorong Bukit China, Malacca, on the land situate in the mukim of Bukit China belonging to “Tye Chong Yah” Trust.	—	Poh Kim Tiong, Loh Kim Swi and Chan Teck Chye trustees of Cheng Hoon Teng Temple.	Tye Chong Yah.

<i>Particulars of property</i>	<i>Estate and Interest held</i>	<i>In whom vested</i>	<i>Name of trust</i>
<i>Personal property</i> — RM7,445.50 and interest payable thereon being moneys in Court paid under Malacca reference No. 1 of 1936.	—	Present trustees.	Cheng Hoon Teng Temple.

SECOND SCHEDULE

[Subsection 24(1)]

<i>Particulars of property</i>	<i>Estate and Interest held</i>	<i>In whom vested</i>	<i>Name of trust</i>
1. All that piece of land situate at Heeren Street in the Town and Settlement of Malacca marked lot No. 25 and now known as Government resurvey as Town Area XVI, lot No. 36 containing an area of 2,176 square feet together with the buildings thereon erected and known as Municipal Nos. 6 and 8, Heeren Street, Malacca.	Fee simple	Tjan Tian Quee.	Poh San Teng.
2. All that piece of land situate at Blacksmith Street in the Town and Settlement of Malacca, marked lot No. 27 and now known as Town Area XVI, resurvey lot No. 78 and containing by the same resurvey an area of 1,904 square feet together with the buildings thereon erected and known as Municipal Nos. 5 and 7, Blacksmith Street, Malacca.	Fee simple	Tjun Tjun, Captain of the Chinese of Malacca.	Poh San Teng.
3. All that piece of land situate at First Cross Street in the Town and Settlement of Malacca, marked lot No. 24 and now known as Town Area XVI, resurvey lot No. 57 and containing by the same resurvey an area of 1,376 square feet together with the buildings thereon erected and known as Municipal No. 16, First Cross Street, Malacca.	Fee simple	Chinese inhabitants Malacca of the Tay Song Kongsi.	Poh San Teng.

<i>Particulars of property</i>	<i>Estate and Interest held</i>	<i>In whom vested</i>	<i>Name of trust</i>
4. All that piece of land situate at Banda Hilir in the Settlement of Malacca, marked lot No. 1,281/1 and now known as Town Area XXV and marked lot No. 1,281/2, containing an area of 1 rood 4 poles together with the buildings thereon erected and known as Municipal No. 101, Banda Hilir, Malacca.	Fee simple	Tan Jiak Whye and Chua Kye Tye, trustees of the Fund of the Banda Hilir, Chinese Joss or Idol designated Ban Ee Lek Twa Pek Kong.	Banda Hilir Twa Pek Kong.
5. All that piece of land situate at Banda Hilir in the Settlement of Malacca, marked lot No. 1281/2 now known as Town Area XXV and containing an area of 36 poles together with the buildings thereon erected and known as Municipal No. 103, Banda Hilir, Malacca.	Fee simple	Captain of the Chinese Tjoa Kiauw Ko for and on behalf of the Chinese Community of Dato.	Banda Hilir Twa Pek Kong.
6. All that piece of land situate at Jonker Street in the Town and Settlement of Malacca and now known as Town Area XIII and resurvey lot No. 25 and containing by the same resurvey an area of 3,040 square feet together with the buildings thereon erected and known as Municipal No. 106, Jonker Street, Malacca.	Fee simple	Tapekong Poen Kieeng.	Poon Keng Twa Pek Kong.
7. All that piece of land situate in the mukim of Bukit China, in the Settlement of Malacca and now known as Town Area XXIII and Government resurvey lot No. 72 and having by the same resurvey an area of 20,163 square feet together with the buildings thereon erected and known as Municipal Nos. 44 and 46, Bukit China Road.	Fee simple	Chinese Captain Tjan Tjorn It for and on behalf of the Tapekong Poon King.	Poon King Twa Pek Kong.
8. Two pieces of land situate at Goldsmith Street and Blacksmith Street in the Town and Settlement of Malacca	Fee simple	Chan Say Peng, Tan Hoon Chiang, Tan Hoon Guan, Li Keng Liat and	Kay Teoh Kuay.

<i>Particulars of property</i>	<i>Estate and Interest held</i>	<i>In whom vested</i>	<i>Name of trust</i>
and now known as Town Area XIV and resurvey lot Nos. 95 and 62 respectively and containing by the same resurvey an area of 1,056 square feet together with the buildings thereon erected and known as Municipal No. 38, Goldsmith Street and No. 4, Blacksmith Street, Malacca.		Tan Kwi Lim, trustees of the property of the Tua Pe Kong of Kiticke.	
9. All that piece of land situate at Kandang, in the Settlement of Malacca, marked lot No. 975 and containing an area of 1 acre 2 roods 14 poles.	Fee simple	Sit Boon Tiong, trustee of Choo Ong Yah.	Ong Yah Kong.
10. All that piece of land situate at Banda Hilir, in the Settlement of Malacca, marked No. 1,350 and now known as Town Area XXIX and Government resurvey lot No. 168 and containing by the same resurvey an area of 1 rood 36 poles.	Fee simple	Dato Ong Yah and Ong Tiong Biaun, Tiong Liong Ko for and on behalf of the Chinese Temple of the Dato called Ong Hoon.	Ong Yah Kong Banda Hilir Temple.
11. All that piece of land situate at Kubu, in the Settlement of Malacca, marked as lot No. 37,059 and now known as Town Area IX, Government resurvey lot No. 49 and containing by the same resurvey an area of 1,410 square feet.	Fee simple	Hun Ong Yah Kongsu.	Ong Yah Kong Temple, Kubu.
12. All that piece of land situate in the mukim of Klebang, in the Settlement of Malacca, marked General No. 3,040 containing an area of 3 roods 12 poles and comprised in E.M.R. No. 409.	Customary land	Trustee of Siang Tek Kong.	Siang Tek Kong Temple.
<i>Personal property—</i>			
RM 1,550	Present trustees	—	Poon Keng Twa Pek Kong.

<i>Particulars of property</i>	<i>Estate and Interest held</i>	<i>In whom vested</i>	<i>Name of trust</i>
RM 2,000	Present trustees	—	Yong Chuan Tian (Banda Hilir Twa Pek Kong).
RM 587.70	Present trustees	—	Kandang Choo Ong Yah.
RM 944.50	Present trustees	—	Twa Pek Kong Tranquerah.
RM 1,300	Present trustees	—	Sam Poh Chay (Bukit China).
RM 1,000	Present Trustees	—	Twa Pek Kong Klebang.
RM 3,000	Present trustees	—	Seow Lan Whay.
RM 1,000	Present trustees	—	Chee Yam Chuan.

THIRD SCHEDULE

[Subsection 5(6)]

- | | |
|--|--|
| (a) Here insert full name of applicant. | (a) I, |
| (b) Here insert full address of applicant. | (b) of
being (1) upward of 30 years of age and a non-Christian and non-Muslim and |
| (c) Here insert either having been born in “the Federation or the Republic of Singapore” or “having ordinarily resided in “the Federation or the Republic of Singapore” for not less than 10 years”. | (c) (2) |
| (d) Here insert occupation. | (d) who am
hereby consent to my election as a member of the Cheng Hoon Teng Temple and to the inscription of my name in the Register of Members; and agree to abide by the rules and regulations of the said Cheng Hoon Teng Temple for the time being. |

Dated this day of 200

LAWS OF MALAYSIA

Act 517

**CHENG HOON TENG TEMPLE (INCORPORATION)
ACT 1949**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Ord. 46/1955	Cheng Hoon Teng Temple (Incorporation) (Amendment) Ordinance 1955	04-07-1955

LAWS OF MALAYSIA**Act 517****CHENG HOON TENG TEMPLE (INCORPORATION)
ACT 1949****LIST OF SECTIONS AMENDED**

Section	Amending authority	In force from
13	Ord. 46/1955	04-07-1955
19	Ord. 46/1955	04-07-1955
19A	Ord. 46/1955	04-07-1955
20	Ord. 46/1955	04-07-1955



