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BILLS
SUPPLEMENT No. 13

CONTENTS

The following Bills introduced into the House of Representatives are published for general information:

| | Page |
|----------------------------|------|
| Federal Capital Act, 1960 | 307 |
| Land Acquisition Act, 1960 | 317 |

(Presented and read a first time and ordered to be printed,
8th August, 1960.)

A BILL

intituled

An Act to provide for the local government of the Federal Capital and for matters incidental thereto.

[]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Federal Capital Act, 1960, and shall come into force on such date as the Minister may by notification in the *Gazette* appoint.

Short title
and com-
mencement.

2. In this Act, unless the context otherwise requires—
“Advisory Board” means the Advisory Board established under section 5;

Interpre-
tation.

“appointed day” means the day appointed under section 1;

“Commissioner” means the Commissioner appointed under section 3;

“Minister” means the Minister for the time being charged with responsibility for the municipality;

“municipality” means the municipality of Kuala Lumpur.

PART I

THE COMMISSIONER AND ADVISORY BOARD

3. (1) The municipal affairs of the municipality of the Federal capital of Kuala Lumpur shall, on and after the appointed day, be administered by a Commissioner.

Appoint-
ment of
Commis-
sioner.

(2) The Commissioner shall be appointed by the Yang di-Pertuan Agong for a term of five years or, if the Yang di-Pertuan Agong in any particular case so determines, for such shorter term as may be so determined.

(3) Subject to the provisions of this Act, the Commissioner shall hold office upon such conditions as the Yang di-Pertuan Agong may from time to time determine.

(4) If at any time it appears to the Yang di-Pertuan Agong that the removal from office of any person holding the office of Commissioner is necessary in the interests of the effective administration of the affairs of the municipality, he may, without assigning any reason therefor, remove such person from office.

2

OF 1960

(5) The Yang di-Pertuan Agong may from time to time accept the resignation of the Commissioner.

(6) Where by or under this Act or any other written law the Commissioner is empowered to exercise any powers or perform any duties he may by instrument in writing delegate, subject to such conditions and restrictions as may be prescribed in such notification, the exercise of such powers or the performance of such duties to any person described by name or office :

Provided that nothing in this section shall apply to any power to make any subsidiary legislation conferred upon him by or under this Act or any other written law.

Commissioner to be a body corporate.

4. (1) The Commissioner shall be for all purposes a corporation sole under the name of the "Pesuroh Jaya (Kerajaan) Kuala Lumpur" or, in English, the "Commissioner of the Federal Capital of Kuala Lumpur".

(2) The Commissioner shall have an official seal which shall be authenticated by the signature of the person for the time being holding the office of Commissioner, or by any other person authorised by the Commissioner in that behalf.

(3) The seal of the Commissioner shall be officially and judicially noticed, and every document purporting to be issued or made by the Commissioner and sealed with the seal of the Commissioner, authenticated as provided under sub-section (2), shall in any litigation or proceeding be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Commissioner certifying that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of the fact so certified.

Advisory Board.

5. There shall be established for the purpose of this Act a body, to be known as the "Lembaga Penasehat Kuala Lumpur" or, in English, the Advisory Board of the Federal Capital, to advise the Commissioner upon such matters connected with the administration of the municipality as the Yang di-Pertuan Agong may by order prescribe, and upon any questions referred to the Board by the Minister or the Commissioner.

(2) Subject to the provisions of this Act and any regulations made thereunder, the meetings and procedure of the Advisory Board shall be determined by the Board.

(3) All members of the Advisory Board shall be deemed to be public servants within the meaning of the Penal Code.

FEDERAL CAPITAL

3

6. (1) The Advisory Board shall consist of such persons as shall be appointed members thereof by the Yang di-Pertuan Agong by notification in the *Gazette*. Constitution of Advisory Board.

(2) The Yang di-Pertuan Agong may, subject to the provisions of this Act, by regulations provide for the number, nature, appointment, term of office, qualifications, disqualifications, seniority and conditions of retirement of members of the Advisory Board, and for the meetings and procedure of the Board.

7. (1) The Commissioner shall so far as is practicable attend and preside at all meetings of the Advisory Board, and in his absence any member of the Board appointed by the Minister in that behalf in writing or, in the absence of any such member, the senior member of the Advisory Board actually present shall preside. Commissioner to preside at meetings of Advisory Board.

(2) The Commissioner or other person presiding at any meeting of the Advisory Board shall cast his vote whenever necessary to avoid an equality of votes, but shall not vote in any other case.

8. (1) Minutes shall be kept of all proceedings of the Advisory Board. Minutes.

(2) At every ordinary meeting of the Advisory Board the Minutes of the last preceding meeting shall be confirmed, with or without amendment, as the case may require, before proceeding to the despatch of any other business.

9. The Commissioner may, after consultation with the Minister, act in opposition to the advice given to him by the Advisory Board, if in any case he shall think fit to do so; but in any such case— Commissioner may act in opposition to Advisory Board.

(a) he shall record fully in writing, for inclusion in the Minutes, the grounds and reasons for his decision;

(b) it shall be competent for any member of the Advisory Board to require that there shall be recorded in the Minutes any advice or opinion that he may have given upon the question in dispute, and the grounds therefor.

10. The Public Authorities Protection Ordinance, 1948, shall apply to any action, suit, prosecution or proceeding against the Commissioner or the Advisory Board or against any member, officer, servant or agent of the Commissioner in respect of any act, neglect or default done or committed by him in such capacity. Public authorities protection. 19 of 1948.

4

OF 1960

Powers and
duties of
Commis-
sioner.

11. (1) The Commissioner shall, subject to the provisions of this Act, have and may exercise all the powers and perform all the duties conferred or imposed upon the Municipal Councillors of Kuala Lumpur, the President and any Councillor or officer thereof immediately before the appointed day.

(2) Subject to the provisions of this Act and any order made under sub-section (2) of section 16, wherever in any written law, deed, document or other instrument, the operation of which has not lapsed or been discharged prior to the appointed day, there appears the name of the Municipal Councillors of Kuala Lumpur, such law, deed, document or other instrument shall, unless the context otherwise requires, be read and construed as if there were substituted therefor the corporate name of the Commissioner.

Power of
Minister to
issue
directions.

12. (1) The Minister may from time to time give the Commissioner directions of a general character, and not inconsistent with the provisions of this Act, on the policy to be followed in the exercise of the powers conferred and the duties imposed on the Commissioner by or under this Act in relation to matters which appear to him to affect the interests of the municipality, and the Commissioner shall as soon as possible give effect to all such directions.

(2) The Commissioner shall furnish the Minister with such returns, accounts and other information with respect to the property and activities of the Commissioner as the Minister may from time to time require.

Annual
report.

13. (1) The Commissioner shall, as soon as practicable after the end of each year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Commissioner during the preceding year, and containing such information relating to the policy of the Commissioner and the affairs of the municipality as the Minister may from time to time direct.

(2) The Minister shall cause a copy of every such report to be laid on the table of the Dewan Negara and the Dewan Ra'ayat.

Law Officers,
etc., em-
powered
to appear
for Com-
missioner.

14. The Attorney-General, the Solicitor-General, and any Federal Counsel may appear and plead and do all other things necessary in respect of any litigation or proceeding in any court in the Federation in respect of any matter affecting the Commissioner or the affairs of the municipality.

FEDERAL CAPITAL

5

PART II

BOUNDARIES OF THE MUNICIPALITY

15. (1) In accordance with the provisions of Clause (1) of Article 154 of the Constitution the municipality of Kuala Lumpur as constituted and existing on Merdeka Day shall be the Federal Capital.

Power to determine boundaries of Federal Capital.

(2) The Yang di-Pertuan Agong may, with the approval of the Ruler of the State of Selangor, by order alter the boundaries of the municipality.

(3) The Minister shall cause a copy of every order made under sub-section (2) to be laid on the table of the Dewan Negara and the Dewan Ra'ayat.

(4) The Yang di-Pertuan Agong may by notification in the *Gazette* from time to time divide the municipality into districts or other sub-divisions and exempt from the operation of this Act or of any written law affecting the municipality such place or places within the boundaries of the municipality as may be specified in such notification.

(5) Any exemption under sub-section (4) shall not exempt any person residing within any such place from the operation of any written law relating to rates or taxation.

PART III

TRANSITIONAL PROVISIONS

16. (1) Subject to the provisions of this Act, the provisions of the Municipal Ordinance of the Straits Settlements and the Town Boards Enactment of the Federated Malay States as in force in relation to the municipality and of any other written law affecting the municipality, and in force immediately before the appointed day shall, until amended or revoked by the authority having power to do so under the provisions of the Constitution or of this Act or any other written law, continue in force on and after the appointed day with such modifications as may be made therein under this section; and unless the context otherwise require references therein—

Existing laws, etc.
S.S. Cap.
133.
F.M.S. Cap.
137.

(a) to the Municipal Councillors of Kuala Lumpur or to the President or to any Councillor thereof shall be construed as references to the Commissioner;

(b) to the Ruler or Ruler in Council shall be construed as references to the Minister,

as the circumstances may require.

6

OF 1960

(2) The Yang di-Pertuan Agong may within the period of two years beginning with the appointed day by order amend, adapt or repeal any written law affecting the municipality and in force immediately before the appointed day if he shall consider it expedient or necessary to do so for the purpose of bringing the provisions of such written law into accord with the provisions of this Act or of removing any difficulties arising with respect to the transitional provisions of this Act.

Transfer of
property, etc.

17. (1) Subject to the provisions of this section and to any direction of the Yang di-Pertuan Agong, all property and assets which immediately before the appointed day were vested in the Municipal Councillors of Kuala Lumpur or in any person on behalf of such Councillors shall on the appointed day vest in the Commissioner.

(2) All land immediately before the appointed day vested in or reserved under the provisions of any written law relating to land for the purpose of the Municipal Councillors of Kuala Lumpur shall, upon the appointed day, as the case may be vest in or be deemed to be reserved for the purpose of the Commissioner.

Existing
contracts
and pro-
ceedings.

18. (1) Subject to the provisions of this Part, all deeds, bonds, agreements, instruments, and working arrangements subsisting immediately before the appointed day and affecting any of the property transferred under section 17 shall be of full force and effect against or in favour of the Commissioner, and enforceable as fully and effectually as if, instead of the Municipal Councillors of Kuala Lumpur, or any person acting on behalf of such Councillors, the Commissioner had been named therein or had been a party thereto.

(2) Subject to the provisions of this Act, any proceedings or cause of action pending or existing immediately before the appointed day by or against the Municipal Councillors of Kuala Lumpur or any person acting on behalf of such Councillors may be continued or instituted by or against the Commissioner as it might have been by or against the Municipal Councillors of Kuala Lumpur or such person if this Act had not been enacted.

Continuance
of agree-
ments of
service, etc.

19. Every person who immediately before the appointed day was employed by the Municipal Councillors of Kuala Lumpur shall upon the appointed day be deemed to be transferred to the service of the Commissioner upon the same terms and conditions of service as those obtaining immediately before the appointed day.

FEDERAL CAPITAL

7

20. All the powers conferred upon the Ruler in Council of the State of Selangor by section 3 of the Municipal Ordinance (Extended Application) Ordinance, 1948, shall in relation to the municipality, be deemed to be conferred, on and after the appointed day, upon the Yang di-Pertuan Agong.

Powers relating to the Municipal Ordinance.

21. (1) On the coming into force of this Act Parts I and II of the Local Authorities Elections Ordinance, 1950, shall cease to apply to the municipality, and any order then subsisting under section 52 of such Ordinance in relation to the municipality shall thereupon determine.

Repeal
52 of 1950.

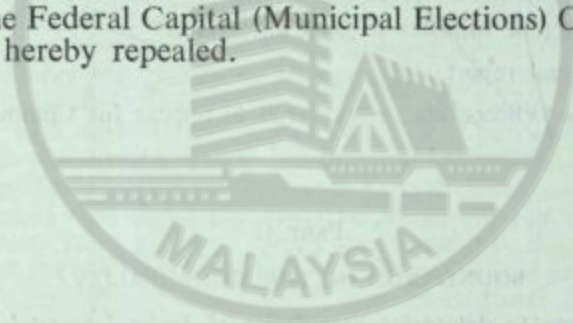
Sel. G.N.
194/60.

(2) The Constitution of the Municipality of Kuala Lumpur, promulgated under section 4 of the Local Authorities Elections Ordinance, 1950, as from time to time amended, is hereby repealed, and any person who immediately before the appointed day was the President or a Councillor of the Council established under the Municipal Ordinance and such Constitution shall on the appointed day cease to be such President or Councillor, as the case may be.

Sel. G.N.
351/51.

(3) The Federal Capital (Municipal Elections) Ordinance, 1958, is hereby repealed.

32 of 1958.



8

OF 1960

TABLE OF CONTENTS

Section

1. Short title and commencement.
2. Interpretation.

PART I

THE COMMISSIONER AND ADVISORY BOARD

3. Appointment of Commissioner.
4. Commissioner to be a body corporate.
5. Advisory Board.
6. Constitution of Advisory Board.
7. Commissioner to preside at meetings of Advisory Board.
8. Minutes.
9. Commissioner may act in opposition to Advisory Board.
10. Public authorities protection.
11. Powers and duties of Commissioner.
12. Power of Minister to issue directions.
13. Annual report.
14. Law Officers, etc., empowered to appear for Commissioner.

PART II

BOUNDARIES OF THE MUNICIPALITY

15. Power to determine boundaries of Federal Capital.

PART III

TRANSITIONAL PROVISIONS

16. Existing laws, etc.
17. Transfer of property, etc.
18. Existing contracts and proceedings.
19. Continuance of agreements of service, etc.
20. Powers relating to the Municipal Ordinance.
21. Repeal.

FEDERAL CAPITAL

9

EXPLANATORY STATEMENT

With the amendment to Article 154 of the Constitution effected by the Constitution (Amendment) Act, 1960, it is now possible for Parliament to legislate in relation to local government in the Federal capital of Kuala Lumpur: and it is the object of the above Bill to provide for such local government, and to place the responsibility for such government upon the Federation.

2. In order to bring the administration of the Federal capital directly under the control of the Federal Government, it is proposed in the Bill that a Minister should be made responsible for the affairs of the Municipality (see the definition of "Minister" in *clause 2*), and that the day-to-day administration of the capital should be entrusted to a Commissioner, whose office will be a body corporate under the name of *Pesuroh Jaya (Kerajaan) Kuala Lumpur* or, in English, "Commissioner of the Federal capital of Kuala Lumpur" (*clause 4*). Appointments to the office of Commissioner will be made by His Majesty (*clause 3*), for a term of up to five years, and the person so appointed may in certain circumstances be removed from office, and may resign (*clause 3 (4) and (5)*).

3. It is proposed that the Commissioner, who will be subject to the general direction of the Minister (*clause 12*) will be assisted by an Advisory Board, to be known as the *Lembaga Penasehat Kuala Lumpur* (*clause 5*) constituted in accordance with regulations to be made under *clause 6*: all appointments to the Board being made by His Majesty. The Commissioner will preside at all meetings of the Board, and he may only act in opposition to the advice of the Board after prior consultation with the Minister (*clause 9*). The Commissioner will, subject to the provisions of the Bill, assume all the powers and duties vested in the Municipal Council of Kuala Lumpur immediately before the date (termed "the appointed day") on which the Bill is brought into force (*clause 11*): a provision further implemented by the provisions of Part III of the Bill, which contains transitional provisions intended to ensure that the proposed change-over will be effected with a minimum of dislocation: existing laws affecting the Municipality will continue in force, together with any rating provisions thereunder; existing contracts, etc., will be unaffected; and property vested in the present body corporate will, on the appointed day, vest in the Commissioner (*clauses 16 to 19*).

4. Part II of the Bill deals with the boundaries of the Federal capital, and provides (*clause 15*) machinery for amendment of the existing boundaries, by enabling the Yang di-Pertuan Agong, with the approval of His Highness the Ruler of the State of Selangor, by order to alter the boundaries of the capital. Any such order must be laid before both Houses of Parliament. Further, by *clause 15 (4)* the Yang di-Pertuan Agong may, for administrative purposes, etc., divide the capital into districts, and exempt prescribed areas from the operation of laws affecting the Municipality generally. The Bill also contains ancillary provisions relating to the submission of an annual report on the activities of the Commissioner, which the Minister must cause to be laid before both Houses of Parliament (*clause 13*); enabling the Law Officers and Federal Counsel to act on behalf of the Commissioner in legal proceedings (*clause 14*); and applying the Public Authorities Protection Ordinance, 1948, to the Commissioner (*clause 10*).

10

OF 1960

5. Upon the appointed day the Federal Government will thus become responsible for the administration of the Federal capital, although the new body corporate will, subject to the Bill, possess the same degree of financial autonomy as the present Council.

