




# **ORDINAN KERAJAAN TEMPATAN 1961 & PELAKSANAAN**

# PENGENALAN

- Jentera pentadbiran kerajaan Malaysia terbahagi kepada tiga kelompok peringkat dalam melaksanakan pentadbiran kerajaan bersandarkan kepada dasar-dasar kerajaan yang memerintah.
- Dalam konteks ini, Perlembagaan Persekutuan (*Federal Constitution*) telah menggariskan dengan jelas tiga kelompok peringkat yang dimaksudkan iaitu jentera-jentera kerajaan di peringkat :
  - a) Kerajaan Persekutuan.
  - b) Kerajaan Negeri.
  - c) **Kerajaan Tempatan**. (Butiran 4, Senarai II-Senarai Negeri Jadual Kesembilan Perlembagaan Persekutuan)

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- Secara umumnya, Pejabat Daerah merupakan jentera pentadbiran Kerajaan yang amat penting.
  - khususnya sebagai perantaraan untuk melaksanakan segala dasar dan program-program Kerajaan di peringkat daerah.
  - Ia juga merupakan nadi dan penghubung langsung antara Kerajaan dengan orang ramai terutamanya di peringkat akar umbi.


# **PENGENALAN: KERAJAAN TEMPATAN DI MALAYSIA**

- Kerajaan Tempatan di Malaysia merupakan kerajaan di peringkat paling rendah dalam sesuatu sistem kerajaan di Malaysia.
- Ia berkuasa untuk mengenakan cukai yang terhad seperti cukai pintu.
- Selain itu agensi kerajaan ini boleh menguatkuasakan undang-undang kecil (by-laws) kepada penduduk yang berada di dalam kawasan pentadbiran mereka.

- Di Sabah, Kerajaan Tempatan dibentuk melalui peruntukan di bawah **Ordinan Kerajaan Tempatan 1961 (“OKT”)**.
- Ordinan ini turut menggariskan tanggungjawab dan fungsi penguasa tempatan di Sabah.
- Kementerian Kerajaan Tempatan dan Perumahan Sabah, yang pertama kali dibentuk selepas pilihan raya Dewan Undangan Negeri (DUN) 1963, mentadbir perjalanan penguasa tempatan di negeri ini.

# TUGAS PBT

- Sistem Kerajaan Tempatan di Malaysia dijalankan berlandaskan prinsip *ultra-vires* (b. Latin untuk melangkaui kuasa) dan juga kecekapan umum (*general competence*).
- Kuasa PBT di Sabah adalah di bawah ***Local Government Ordinance 1961*** (Ordinan Kerajaan Tempatan 1961).
- PBT diserahkan **peranan dan tugas-tugas** berikut:
  1. Kuasa perancang tempatan
  2. Kuasa mengeluarkan lesen
  3. Kuasa mengenakan cukai-cukai tertentu
  4. Membina bangunan, perumahan dan unit-unit perdagangan (pasar, gerai-gerai dsb.)
  5. Kuasa untuk menjalankan fungsi merancang dan menguruskan kawasan bandar
  6. Mengurus dan mengawal lalulintas (termasuk mengurus sistem pengangkutan awam bandaran)
  7. Kuasa untuk merancang dan menyediakan kemudahan-kemudahan awam

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- Fungsi bukan sahaja meliputi tugas wajib malah boleh menjalankan tugas menurut budi bicara sendiri.
  - Tugas wajib – pengumpulan sampah, penyenggaraan lampu-lampu jalan dan juga aktiviti berkaitan kesihatan awam.
  - Fungsi budi bicara pula termasuklah peranan pembangunan seperti menyediakan kemudahan-kemudahan awam, taman-taman rekreasi, perumahan dan juga kegiatan-kegiatan perdagangan.

# TUGAS PBT

- Secara amnya, tugas dan peranan PBT ini boleh dikategorikan kepada 4 perkara:
  1. **Alam sekitar**
  2. **Orang awam**
  3. **Sosial**
  4. **Pembangunan**

## 1. Alam Sekitar

- Tugas ini berkenaan penyenggaraan dan penambahbaikan kawasan persekitaran di bawah bidang kuasa mereka. Ia meliputi perkhidmatan-perkhidmatan seperti pembersihan, pengumpulan dan pembuangan sisa-sisa pejal, perparitan dan pembentungan yang sempurna selain program-program mengindahkan kawasan.



# TUGAS PBT

## 2. Orang awam

- Peranan ini termasuklah perkhidmatan-perkhidmatan rumah penyembelihan, perkhidmatan veterinar, pengangkutan, kawasan-kawasan pengkebumian dan juga tempat membakar mayat.
- Di samping itu, PBT turut bertanggungjawab menguruskan sistem kebersihan dan sisa pejal, membersihkan parit-parit dan jalan-jalan, malah menyenggara keseluruhan persekitaran di kawasannya. Pelesenan gerai-gerai jualan, peniaga-peniaga kecil-kecilan, pekedai dan pengusaha perniagaan yang secara lahiriahnya boleh mengganggu ketenteraman awam turut dipertanggungjawabkan kepada PBT.

# TUGAS PBT

## 3. Sosial

- Beberapa kawasan perbandaran yang lebih besar dan membangun turut menyediakan kemudahan-kemudahan sosial seperti pusat penjagaan anak-anak, klinik-klinik di bawah program kesihatan mereka, ambulans dan juga kenderaan jenazah. Selain itu, mereka turut menyenggara air-air pancut, menyediakan pencahayaan jalan-jalan awam dan kemudahan-kemudahan lainnya serta menyediakan tenaga buruh manual dan membantu Kerajaan Negeri atau Pejabat-pejabat Daerah dalam penganjuran kemudahan-kemudahan sosial secara *ad hoc* di peringkat Negeri mahupun Daerah.

# TUGAS PBT

## 4. Pembangunan

- Peranan ini lebih menurut budi bicara PBT tersebut. Walaupun PBT dianggap sebagai alat penting dalam pemodenan sosio-ekonomi setempat, kekurangan sumber kewangan dan kemampuan fizikal mengekang takat dan fungsi yang boleh mereka sediakan. Dalam hal ini, Majlis-majlis Daerah selalunya menghadapi masalah.

# **MAJLIS BANDARAYA (SABAH)**

- Majlis Bandaraya merupakan pihak kuasa tempatan yang mentadbir kawasan bandar yang besar.
- Dewan Bandaraya Kota Kinabalu (Mayor).

# MAJLIS PERBANDARAN (SABAH)

- **Majlis Perbandaran** ialah nama bagi sebuah **Kerajaan Tempatan** atau **PBT** yang mentadbir sebuah kawasan bertaraf perbandaran.
- Majlis Perbandaran Sandakan
- Majlis Perbandaran Tawau
- Lembaga Bandaran Kudat

# MAJLIS DAERAH (SABAH)

- Majlis Daerah ialah nama bagi sebuah Kerajaan Tempatan atau PBT yang mentadbir kawasan luar bandar.
- Majlis Daerah Beaufort, Majlis Daerah Beluran, Majlis Daerah Keningau, Majlis Daerah Kinabatangan, Majlis Daerah Kota Belud, Majlis Daerah Kota Marudu, Majlis Daerah Kuala Penyu, Majlis Daerah Kunak, Majlis Daerah Lahad Datu, Majlis Daerah Nabawan, Majlis Daerah Papar, Majlis Daerah Penampang, Majlis Daerah Ranau, Majlis Daerah Semporna, Majlis Daerah Sipitang, Majlis Daerah Tambunan, Majlis Daerah Tenom, Majlis Daerah Tuaran, Majlis Daerah Putatan, Majlis Daerah Pitas, Majlis Daerah Tongod.

# LOCAL GOVERNMENT ORDINANCE 1961 (OKT 1961 )

➤ Mengandungi 110 seksyen, 15 Bahagian.

Part I – Preliminary

*Part II – Establishment of Local Government Authorities*

*Part III – Composition of Authorities*

*Part IV – Meeting and Proceedings of Authorities Meetings*

*Part V – Functions of Authorities*

*Part VI – By-Laws*

*Part VII – Financial Provisions*

*Part VIII – Staff and Employees*

*Part IX – Property of Authorities*

*Part X – Rating*

## *Sambungan...*

Part XI – Cesses


Part XII – *Recovery of Rates and Other Amount Due*


Part XIII – *Supervision and Control*

Part XIV – *Miscellaneous*

Part XV - *Repeals and Transition*



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- **“Authority”** *means any District Council, Town Board or Municipal Council established under the provisions of section 3;*
  - **“District Council”** *means a District Council established under the provisions of section 3;*
  - **“function”** *includes powers and duties;*

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- **“Instrument”** *means an Instrument issued by the Yang di-Pertua Negeri under the provisions of section 3 and where used in relation to an Authority means the Instrument, including any amendments thereof, for the time being in force relating to such authority;*
  - **“rating area”** *means any urban area and any other area declared in an Instrument to be a rating area;*

# Establishment of Authorities (S.3)

**3.** *Subject to the provisions of this Ordinance the Yang di-Pertua Negeri may by Instrument published in the Gazette establish such District Councils, Town Boards, or Municipal Councils in any part of Sabah as he may think necessary or expedient for the purposes of local government.*

# **SURATCARA (s.6)**

- Isi kandungan Suratcara (s.6) - nama PBT, tarikh, had kawasan pentadbiran, meterai PBT, komposisi PBT, tentukan pejabat dan penetapan fungsi.
- Suratcara boleh menetapkan bahawa apa-apa fungsi PBT tidak boleh dilaksanakan dalam mana-mana kawasan yang ditetapkan dalam Suratcara.
- Selain itu, Suratcara juga boleh mengecualikan pemakaian mana-mana peruntukan Ordinan kepada PBT/kawasan/bahagian kawasan.

- Penggunaan rubber stamp jika belum ada seal/meterai.
- Selain itu, PBT boleh menyediakan wad/bahagian, pengecualian wad/bahagian daripada kawasan bandar, mengisytiharkan kawasan rating area dalam kawasan bandar, method pelantikan ahli PBT, memperuntukkan pemilihan ahli tambahan atau jawatankuasa tambahan di bawah s.27 tertakluk kepada terma dan syarat, bayaran perbelanjaan dan elaun Pengerusi atau ahli PBT, Pengerusi/Timbangan Pengerusi boleh memegang jawatan lebih daripada 1 tahun, Pengerusi/Timb. Pengerusi boleh dilantik oleh semua ahli PBT/oleh kelas tertentu atau ahli tertentu,...

# Standing Orders (s.22)

**22. (1) Subject to the provisions of this Ordinance and any Instrument an Authority may, with the prior approval of the Minister, make standing orders for the regulation of its proceedings and business and respecting the matters to be referred and the functions to be delegated to any committee thereof and may, subject to such approval, vary or revoke such orders.**

**(2) Such standing orders may make provision for the payment of transport and attendance allowances to members of the Authority and members of a committee or divisional committee who are not members of the Authority.**

# **Interest of Members of Authority in contracts (s.23)**

**23.** (1) *No member of an Authority shall be disqualified by his office from entering into any contract with the Authority, nor shall any such contract entered into by or on behalf of an Authority in which any member shall be in any way directly or indirectly interested be liable, on account of such interest, to be avoided or set aside, nor shall any member so contracting or being so interested be liable to account to the Authority for any profit realized by any such contract or arrangement by reason only of being a member.*



*(2) For the purposes of this section a person shall be deemed to be indirectly interested in a contract or other matter if-*

*(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the matter under consideration; or*


*(b) he is a partner or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the matter under consideration:*

*Provided that—*


*(i) this subsection shall not apply to membership of or employment under any other Authority or any association of persons who as a public body and not for their own profit provide any public utility;*

*(ii) a member of a company or other body shall not by reason only of his membership be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body.*






*(3) Notwithstanding the provisions of subsection (1) it shall be the duty of every member to disclose to such Authority the nature and extent of any interest whatsoever, whether direct or indirect, he, his spouse, any member of his family, any partner or any nominee of his, may have in any contract, proposed contract or matter due to be considered or as soon as possible after the acquisition of his interest.*



*(4) No member of an Authority shall vote upon or take part in or be present at the discussion of any contract, proposed contract or other matter in any meeting of such Authority in which he himself, his spouse, any member of his family, any partner or any nominee of his, either directly or indirectly, has any interest.*

*(5) Nothing in subsection (3) or (4) shall have application to an interest in a contract or other matters which a member of an Authority or other person may have as a ratepayer or an inhabitant of the area.*



(6) *The Minister may, subject to such conditions as he may think fit to impose, remove any disability imposed by this section in any case in which the number of members of the Authority so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to him that it is in the interests of the inhabitants of the area that the disability should be removed.*

(7) *No member of an Authority shall, under cover of his office, exact or accept any promise, fee or reward whatsoever, other than his lawful remuneration, in respect of any contract or matter affecting the Authority.*

(8) *Every Authority shall cause to be maintained a record, in a book kept for the purpose, of all disclosures made under the provisions of this section.*

***(9) Any member of an Authority contravening any of the provisions of subsections (3), (4) and (7) shall be guilty of an offence and shall be liable on conviction to a fine of one thousand ringgit and to imprisonment for a term not exceeding six months and shall be disqualified from continuing to be a member of such Authority, and shall be liable to account to the Authority for any profit which may accrue to him from any such contract or matter:***

*Provided that a prosecution for an offence under this section shall not be instituted without the consent in writing of the State Attorney-General.*

# **FUNGSI PBT DI BAWAH ORDINAN KERAJAAN TEMPATAN 1961 ("OKT")**

- **Bahagian V, seksyen 36 hingga 49E OKT.**
- *Power to accept gifts – S.36*
- *Power to contract – S.37*
- *Public places, streets etc., in urban areas – S.38*
- *Recovery of cost of new streets in urban area – S.39*
- *Plans for new streets in urban area – S.40*
- *Streets declared vested – S.41*
- *Repair of private street in urban area – S.42*
- *Rural roads – S.43*
- *Fencing of plots in urban areas – S.44*
- *Naming and numbering of streets – S.45*

## *Sambungan...*

- *Designation of fire-hydrants – S.46*
- *Construction of footways – S.47*
- *Cultivation of crops, etc – S.47A*
- *Canalisation of streams in urban areas – S.48*
- ***Functions – S.49***
- *Nuisance to be abated – S.49A*
- *Nuisance liable to be dealt with summarily under this Ordinance – S.49B*
- *Notice requiring abatement of nuisance – S.49C*
- *Order for demolition of house unfit for habitation – S.49D*
- *Power to proceed where cause of nuisance arises outside area of Authority – S.49E*

# Power to Accept Gifts (s.36)

**36.** *An Authority may accept, hold and administer any gift of property for any public purpose, or for the benefit of the inhabitants of the area or any part thereof, and may execute any works, including works of maintenance and improvement, incidental or consequential on the exercise of the powers conferred by this section.*

# POWER TO CONTRACT

## S.37

*37.(1) An Authority may enter into any contract necessary or desirable for the discharge of any of its functions under this or any other Ordinance:*

*Provided that an Authority shall not without the prior approval of the Minister or the Cabinet, as the case may be enter into any contract of a value exceeding such amount as may be directed in respect of such Authority by the Cabinet.*



Sambungan...

*(2) Any contract made by an Authority shall be made in accordance with the standing orders of such Authority, or, in the case of the absence of these, in accordance with directions of the Minister and in the case of contracts for the supply of goods and materials or for the execution of works to the value of two thousand ringgit and upwards, such standing orders or directions shall—*

- (a) require that notice of the intention of the Authority to enter into the contract shall be published and tenders invited; and*
- (b) regulate the manner in which such notice shall be published and such tenders given*

*Provided that an Authority may, with the consent of the Minister, lawfully enter into a contract without publishing notice of the intention to enter into the same.*

# **FUNGSI PBT DI BAWAH (s.49)**

- *Advertising, Agriculture, Animals, Buildings, Burials, Education, Housing, Land, Licensing, Markets, Public amenities, Relief, Vehicles, Miscellaneous.*
- *An Authority may perform or shall perform any other function, whether similar to those, enumerated in this section or not, which may be specifically assigned to an Authority by the Instrument.*

# **NILAI-NILAI BUDAYA CEMERLANG**

- ✓ Amanah
- ✓ Integriti
- ✓ Disiplin
- ✓ Kualiti



**SEKIAN DAN TERIMA KASIH**