

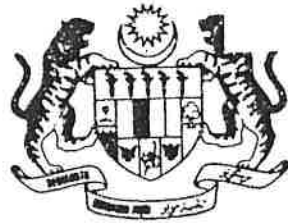
**AKTA KERAJAAN TEMPATAN 1976
(AKTA 171)**

**KAEDAH-KAEDAH PEGAWAI
DEWAN BANDARAYA KUALA LUMPUR
(KELAKUAN DAN TATATERTIB)
(WILAYAH PERSEKUTUAN KUALA LUMPUR) 1989**

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MALAYSIA

Warta Kerajaan
SERI PADUKA BAGINDA
DITERBITKAN DENGAN KUASA

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AKTA KERAJAAN TEMPATAN 1976

**KAEDAH-KAEDAH PEGAWAI DEWAN BANDARAYA
KUALA LUMPUR (KELAKUAN DAN TATATERTIB) 1989**

SUSUNAN KAEDAH-KAEDAH

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PERMULAAN

Kaedah

1. Nama.
2. Pemakaian.
3. Tafsiran.
4. Tatakelakuan.
5. Pekerjaan luar.
6. Hadiah-hadiah, dsb.
7. Keraian.
8. Pemunyaan harta alih atau tak alih.
9. Menyenggara taraf hidup melebihi daripada emolumen rasmi dan pendapatan persendirian yang sah.

Kaedah

10. Meminjam wang.
11. Keterhutangan wang yang berat.
12. Laporan mengenai keterhutangan wang yang berat dsb. daripada mahkamah dan Pegawai Pemegang Harta.
13. Meminjamkan wang.
14. Spekulasi ditegah.
15. Refel dan loteri.
16. Penerbitan buku.
17. Pernyataan awam dilarang.
18. Dilarang bertindak sebagai penyunting, dsb. bagi suratkhobar, dsb.
19. Aktiviti-aktiviti politik.
20. Memulakan prosiding undang-undang dan bantuan guaman.
21. Tidak hadir bertugas tanpa cuti.
22. Melaporkan kerja atau kelakuan yang tidak memuaskan.

BAHAGIAN II

PROSEDUR TATATERTIB

23. Syarat-syarat bagi membuang kerja atau menurunkan pangkat.
24. Perlantikan Lembaga Tatatertib dan Lembaga Tatatertib Rayuan.
25. Prosedur dalam prosiding tatatertib.
26. Prosiding jenayah terhadap seseorang pegawai.
27. Prosiding tatatertib tidak boleh diambil selama belum selesai prosiding jenayah.
28. Akibat pembebasan.
29. Tanah kerja.
30. Gantung kerja.
31. Meninggalkan negeri semasa ditahan kerja atau digantung kerja.

BAHAGIAN III

PERUNTUKAN-PERUNTUKAN KHAS

32. Prosedur dalam hal sabitan.
33. Prosedur dalam hal tahanan, buang negeri, dsb.
34. Kuasa Dato Bandar dalam hal sabitan, tahanan, dsb.

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Kaedah

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37. Tahan kenaikan gaji.
38. Hentikan kenaikan gaji.
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40. Remisyen mengenai penangguhan kenaikan gaji.
41. Turun gaji.
42. Hukuman dikehendaki dicatatkan ke dalam Buku Rekod Perkhidmatan pegawai.

BAHAGIAN V

PELBAGAI

43. Surcaj.
44. Pemberitahu surcaj.
45. Menarik balik surcaj.
46. Mendapat kembali surcaj.
47. Penyampaian dokumen, notis, dsb.
48. Kuasa penyemakan Dato Bandar.
49. Pemansuhan.

AKTA KERAJAAN TEMPATAN 1976

KAEDAH-KAEDAH PEGAWAI DEWAN BANDARAYA
KUALA LUMPUR (KELAKUAN DAN TATATERTIB) 1989

Akte 171. PADA menjalankan kuasa-kuasa yang diberi oleh seksyen 17 (1) Akta Kerajaan Tempatan 1976, Dato Bandar Kuala Lumpur, dengan kelulusan Menteri, membuat kaedah-kaedah yang berikut:

BAHAGIAN I

PERMULAAN

Nama. 1. Kaedah-kaedah ini bolehlah dinamakan **Kaedah-Kaedah Pegawai Dewan Bandaraya Kuala Lumpur (Kelakuan dan Tatatertib) 1989**.

Pemakaian. 2. Kaedah-kaedah ini hendaklah dipakai bagi seseorang pegawai di sepanjang tempoh perkhidmatannya. Tindakan tatatertib boleh diambil terhadap mana-mana pegawai yang melanggar mana-mana peruntukan Kaedah-Kaedah ini.

Tafsiran. 3. Dalam Kaedah-Kaedah ini, melainkan jika konteksnya menghendaki makna yang lain—

Akte 190. “Dato Bandar” ertinya Dato Bandar Kuala Lumpur yang dilantik di bawah seksyen 4 Akta Ibu Kota 1960;

“disabitkan” atau “sabitan” termasuklah suatu pendapat atau suatu perintah yang bermaksud suatu dapatan bersalah oleh suatu mahkamah jenayah di Malaysia atau di luar Malaysia, atau oleh suatu badan yang kompeten yang diberi kuasa untuk menjalankan penyiasatan terus di bawah mana-mana undang-undang bertulis yang menyatakan bahawa orang yang dipertuduhkan atau dituduh itu telah melakukan suatu kesalahan;

“Ketua Jabatan” ertinya seseorang pegawai yang bertanggungjawab mengenai sesebuah jabatan Dato Bandar Kuala Lumpur dan termasuklah seseorang Timbalan Ketua Jabatan yang bertindak bagi pihaknya;

“Lembaga Tatatertib” ertinya Lembaga yang dilantik di bawah kaedah 24 Kaedah-Kaedah ini;

“pegawai” ertinya seseorang anggota tetap, sementara atau kontrak yang bekerja dengan Dato Bandar dan termasuklah pekerja-pekerja dalam Kumpulan Perusahaan dan Pekerja Rendah;

“wang awam” ertinya semua kumpulan wang, pinjaman, amanah atau lain-lain wang dan semua bon, debentur dan lain-lain sekuriti yang diperolehi atau diterima dengan apa cara jua oleh atau bagi pihak Dato Bandar.

4. Yang berikut ialah tatakelakuan bagi pegawai-pegawai yang berkhidmat dengan Dato Bandar (selepas daripada ini dipanggil "perkhidmatan"). Tindakan tatatertib di bawah Kaedah-Kaedah ini boleh diambil terhadap mana-mana pegawai yang melanggar mana-mana peruntukan tatakelakuan ini: Tata-kelakuan.

- (1) Seseorang pegawai hendaklah pada setiap masa dan keadaan menumpukan taat setianya kepada Yang di-Pertuan Agong, negara, Kerajaan dan Dato Bandar;
- (2) Seseorang pegawai tidak boleh—
 - (a) membelakangkan kewajipan awamnya kerana kepentingan persendirianya;
 - (b) berkelakuan dengan sedemikian cara yang mungkin menyebabkan kepentingan persendirianya bercanggah dengan kewajipan awamnya;
 - (c) berkelakuan dengan apa-apa cara yang mungkin menyebabkan syak yang munasabah bahawa—
 - (i) dia telah membiarkan kepentingan persendirianya bercanggah dengan kewajipan-kewajipan awamnya hingga menjejaskan kepentingannya sebagai seorang pegawai awam;
 - (ii) dia telah menggunakan kedudukan awamnya untuk faedahnya;
 - (d) berkelakuan dengan sedemikian cara hingga menjatuhkan reputasi atau menghilangkan kepercayaan terhadap perkhidmatan;
 - (e) kurang kecekapan atau kerajinan;
 - (f) tidak jujur;
 - (g) tidak bertanggungjawab;
 - (h) membawa atau cuba membawa apa-apa bentuk pengaruh atau tekanan luar untuk menyokong atau memajukan sesuatu tuntutan berhubung dengan perkhidmatan sama ada tuntutan itu adalah tuntutannya secara individu atau tuntutan lain-lain anggota perkhidmatan;
 - (i) ingkar perintah, atau berkelakuan dengan apa-apa cara yang boleh ditafsirkan dengan munasabah sebagai ingkar perintah.

5. (1) Kecuali setakat mana dia dikehendaki dalam menjalankan tugasnya atau diberikuasa dengan nyata untuk berbuat demikian oleh Dato Bandar, seseorng pegawai tidak boleh— Perkerjaan luar.

- (a) mengambil bahagian secara langsung atau tidak langsung dalam pengurusan atau perjalanan apa-apa pengusahaan perdagangan, pertanian atau perindustrian;

- (b) mengusahakan apa-apa kerja bagi mana-mana institusi, syarikat, firma atau orang perseorangan untuk mendapatkan upah;
- (c) sebagai seorang pakar, memberi apa-apa laporan atau keterangan pakar, sama ada dengan percuma atau untuk mendapatkan upah; atau
- (d) berfungsi sebagai seorang wasi, pentadbir atau penerima.

(2) Walaupun demikian, seseorang pegawai boleh memohon kebenaran untuk mengusahakan perkhidmatan-perkhidmatan tertentu dari jenis yang disebutkan dalam perenggan (1) kaedah ini bagi faedah dirinya atau faedah saudara-maranya yang dekat atau bagi mana-mana badan yang bukan mencari keuntungan yang dia ada memegang jawatan di dalamnya.

(3) Bagi menimbangkan sama ada kebenaran patut diberi atau tidak, Dato Bandar hendaklah mengambil perhatian tentang tatakelakuan yang ditetapkan dalam kaedah 4 dan, khususnya, hendaklah menjamin bahawa dengan kebenaran itu—

- (a) pekerjaan luar itu hendaklah jangan dilakukan dalam waktu pejabat dan semasa pegawai itu dikehendaki menjalankan tugas-tugas rasminya;
- (b) aktiviti itu tidak akan dengan apa-apa cara menjejaskan kepentingan pegawai itu sebagai seorang pegawai dalam perkhidmatan; dan
- (c) pekerjaan atau pengusahaan itu tidak akan dengan apa-apa cara bercanggah dengan kepentingan Dato Bandar atau menjadi tak konsisten dengan kedudukan pegawai itu sebagai seorang pegawai dalam perkhidmatan.

(4) Seseorang pegawai yang bercuti termasuk bercuti sebelum bersara tidak boleh menerima apa-apa kerja persendirian untuk mendapat upah tanpa mendapat kebenaran bertulis terlebih dahulu daripada Dato Bandar.

(5) Kecuali setakat mana ditetapkan selainnya, segala jumlah wang yang diterima oleh mana-mana pegawai sebagai saraan kerana mengusahakan mana-mana daripada perkhidmatan yang disebutkan dalam perenggan (1) kaedah ini hendaklah dibayar kepada Dato Bandar sebagai deposit sementara menantikan keputusan Dato Bandar mengenai amaun, jika ada, yang boleh disimpan oleh pegawai itu sendiri dan oleh kakitangan pegawai itu.

Hadiah-
hadiah,
dab.

6. (1) Tertakluk kepada peruntukan-peruntukan kaedah ini dan kaedah 7, seseorang pegawai tidak boleh menerima atau memberi, atau membenarkan isteri, anak-anak (jika ada, termasuk anak angkat), ibu-bapa, saudara-maranya atau mana-mana orang untuk menerima atau memberi bagi pihaknya, secara langsung atau tidak

langsung apa-apa hadiah daripada atau kepada mana-mana orang—

- (a) sama ada penerimaan atau pemberian hadiah itu ada dengan apa-apa cara kenamengena dengan pelaksanaan tugas-tugas awam pegawai itu atau tidak; dan
- (b) sama ada atau tidak hadiah itu berupa wang, barang-barang, artikel-artikel, tambang percuma, kemudahan perjalanan, perkhidmatan, keraian atau apa-apa jua faedah lain sama ada yang ketara atau sebaliknya.

(2) Seseorang pegawai tidak boleh menerima daripada mana-mana persatuan, badan atau kumpulan orang, atau daripada mana-mana pegawai lain apa-apa cenderamata yang bernilai tetapi Dato Bandar boleh membenarkan pegawai itu menerima ucapan daripada mana-mana di antara mereka itu, sempena persaraan atau pertukaran pegawai itu dengan syarat bahawa ucapan itu tidak terkandung dalam apa-apa bekas yang berharga.

(3) Kebenaran boleh diberi oleh Dato Bandar atau Ketua Jabatan untuk membolehkan pungutan yuran secara spontan dibuat oleh pegawai-pegawai di bawahnya, atau mengadakan pungutan persendirian yang tidak dirayu-rayu dari kalangan pegawai tersebut, bagi maksud memberi sesuatu hadiah kepada seseorang kakitangan jabatannya sempena persaraan, pertukaran atau perkahwinan kakitangan tersebut atau perkahwinan anak kakitangan tersebut atau sempena apa-apa hal lain yang sesuai.

(4) Jika hal-hal keadaannya menyebabkan sukar bagi seseorang pegawai hendak menolak hadiah atau cenderamata bernilai yang dilarang diterima oleh kaedah ini (misalnya, jika cadangan hendak memberi hadiah itu tidak diberitahu terlebih dahulu) maka hadiah itu bolehlah diterima secara rasmi tetapi dia hendaklah dengan segera yang praktik menghantar satu laporan bertulis kepada Dato Bandar yang mengandungi perihalan lengkap dan anggaran nilai hadiah itu dan hal-hal keadaan hadiah itu diterima. Sementara menunggu keputusan Dato Bandar pegawai itu adalah bertanggungjawab untuk menyimpan hadiah itu dengan selamat.

(5) Apabila menerima laporan yang dibuat di bawah perenggan (4) kaedah ini Dato Bandar hendaklah memutuskan sama ada—

- (a) membenarkan pegawai itu menyimpan hadiah itu; atau
- (b) mengarahkan supaya hadiah itu dikembalikan kepada pemberinya melalui Dato Bandar.

7. Seseorang pegawai tidak boleh memberi atau menerima apa-apa jenis keraian kepada atau daripada mana-mana orang, pertubuhan atau kumpulan orang sekiranya keraian itu dapat dengan apa-apa cara mempengaruhi pelaksanaan tugas rasminya sebagai seorang pegawai dalam perkhidmatan bagi faedah

Keraian.

kepentingan mana-mana orang, pertubuhan, atau kumpulan; atau adalah dengan apa-apa cara tak konsisten dengan peruntukan tatakelakuan yang dinyatakan dalam kaedah 4.

Pemunyaan
harta alih
atau tak
alih.

8. (1) Seseorang pegawai hendaklah pada tarikh dia dilantik ke dalam perkhidmatan dan selepasnya pada bila-bila masa yang dikehendaki oleh Dato Bandar mengisytiharkan kepada Dato Bandar semua harta, sama ada alih atau tak alih (tidak termasuk harta alih yang munasabah digunakan sebenarnya dan pada masa itu olehnya, oleh isteri atau anak-anaknya), kepunyaannya atau yang dipegang oleh seseorang bagi pihak dirinya atau bagi pihak isteri atau anak-anaknya atau jika tidak ada harta seperti itu dia hendaklah melaporkan dengan demikian itu. Dato Bandar hendaklah merekod atau menyebabkan direkod hal ini ke dalam Buku Perkhidmatan pegawai itu.

(2) Jika, selepas membuat perisytiharan di bawah perenggan (1) seseorang pegawai atau isterinya atau anak-anaknya memperolehi apa-apa harta, sama ada alih atau tak alih dengan secara langsung atau tidak langsung (tidak termasuk harta alih yang munasabah diperlukan bagi kegunaannya sendiri, isterinya atau anak-anaknya) dia hendaklah melaporkan segera perolehan itu kepada Dato Bandar.

(3) Jika seseorang pegawai atau isterinya atau anaknya bercadang hendak memperolehi apa-apa harta, sama ada secara langsung atau tidak langsung, sama ada alih atau tak alih, dan perolehan yang dicadang itu adalah tak konsisten dengan peruntukan-peruntukan kaedah 4 perolehan itu tidak boleh dibuat tanpa pegawai itu terlebih dahulu mendapat kebenaran bertulis daripada Dato Bandar.

(4) Bagi memutuskan sama ada kebenaran di bawah perenggan (3) kaedah ini diberi atau tidak Dato Bandar hendaklah mengambil perhatian tentang perkara-perkara yang berikut:

- (a) saiz, amaun atau nilai pegangan, pelaburan, rumah, tanah atau harta itu berbanding dengan emolumen rasmi pegawai itu dan apa-apa pendapatan persendirian yang sah;
- (b) sama ada perolehan atau pegangan itu akan atau mungkin bercanggah dengan kepentingan-kepentingan perkhidmatan, atau menjadi tak konsisten dengan kedudukan pegawai itu sebagai seorang pegawai dalam perkhidmatan atau dengan apa-apa cara tak konsisten dengan tatakelakuan yang dinyatakan dalam kaedah 4;
- (c) pendapat Ketua Jabatan;
- (d) apa-apa faktor lain yang difikirkan perlu oleh Dato Bandar bagi menjaga keutuhan dan kecekapan perkhidmatan.

(5) Di dalam kaedah ini—

“anak” termasuk anak angkat tetapi tidak termasuk anak yang bukan tanggungan pegawai itu;

“harta” termasuklah apa-apa jua perihalan harta yang boleh ditetapkan oleh Dato Bandar dari semasa ke semasa.

9. (1) Jika Dato Bandar atau Ketua Jabatan berpendapat bahawa seseorang pegawai adalah atau didapati—

Menyenggara
taraf hidup
melebihi
emolumen
rasmi dan
pendapatan
persendirian
yang sah.

(a) menyenggara suatu taraf hidup yang melebihi emolumen rasminya dan lain-lain pendapatan persendirian yang sah, jika ada; atau

(b) menguasai atau memiliki sumber-sumber kewangan atau harta, alih atau tak alih, yang nilainya tidak seimbang dengan, atau yang tidak munasabah dijangka boleh diperolehi oleh pegawai itu dengan emolumen rasminya dan apa-apa pendapatan persendirian yang sah;

Dato Bandar atau Ketua Jabatan hendaklah, melalui surat, meminta pegawai itu menjelaskan secara bertulis dalam tempoh 30 hari dari tarikh surat itu diterima bagaimana dia boleh menyenggara taraf hidup tersebut atau bagaimana dia telah mendapat sumber-sumber kewangan atau harta itu.

(2) Setelah penjelasan diterima daripada pegawai yang berkenaan atau jika pegawai itu gagal memberi apa-apa penjelasan, Dato Bandar atau Ketua Jabatan hendaklah melaporkan fakta ini kepada Lembaga Tatatertib dengan menyertakan penjelasan pegawai itu, jika ada. Lembaga Tatatertib boleh berikutan dengan itu mengambil tindakan tatatertib terhadap pegawai itu dengan tujuan buang kerja mengikut kaedah 25 atau mengambil apa-apa langkah sebagaimana yang ia fikirkan patut.

10. (1) Tiada seorang pegawai boleh meminjam daripada mana-mana orang atau menjadi penjamin atau penggerenti kepada mana-mana orang peminjam, atau dengan apa-apa cara menyebabkan dirinya berada di bawah obligasi kewangan kepada mana-mana orang—

Meminjam
wang.

(a) yang secara langsung atau tidak langsung tertakluk kepada kuasa rasminya;

(b) yang dengannya pegawai itu ada atau mungkin ada urusan rasmi;

(c) yang tinggal atau memiliki tanah atau menjalankan urusan di dalam kawasan kuasa rasminya; atau

(d) yang menjalankan perniagaan memberi pinjam wang.

Bagi maksud kaedah ini perkataan “orang” adalah termasuk kumpulan yang diperbadankan atau tidak diperbadankan.

Akta 6.

(2) Seseorang pegawai boleh, bagaimanapun, meminjam menjadi penjamin atau penggerenti kepada seseorang peminjam daripada bank, syarikat insurans, syarikat kerjasama atau syarikat kewangan yang dilesen di bawah Akta Syarikat-Syarikat Kewangan 1969 atau berhutang dengan cara memperolehi barang-barang melalui perjanjian sewa-beli dengan syarat bahawa—

- (a) bank, syarikat insurans, syarikat kerjasama atau syarikat kewangan yang dilesen di bawah Akta Syarikat-Syarikat Kewangan 1969 dari mana pegawai itu meminjam tidaklah secara langsung tertakluk kepada kuasa rasminya;
- (b) pinjaman itu hendaklah jangan membawa kepada skandal awam atau boleh ditafsirkan bahawa pegawai itu telah menyalahgunakan kedudukan awamnya untuk faedah persendirian; atau
- (c) agregat hutangnya tidak menyebabkan atau tidak mungkin menyebabkan dia menanggung keterhutangan wang yang berat sebagaimana yang ditakrifkan di bawah kaedah 11.

(3) Tertakluk kepada perenggan (2), seseorang pegawai boleh menanggung hutang-hutang yang berikut:

- (a) jumlah wang yang dipinjam atas cagaran tanah yang digadai atau digadai-janjikan, jika jumlah wang tersebut tidak lebih daripada nilai tanah tersebut;
- (b) overdraf yang dibenarkan oleh bank;
- (c) jumlah wang yang dipinjam daripada syarikat insurans atas cagaran polisi;
- (d) jumlah wang yang dipinjam daripada Dato Bandar atau syarikat kerjasama;
- (e) jumlah wang yang kena dibayar atas barang-barang yang diperolehi melalui perjanjian sewa-beli.

Keterhutangan wang yang berat.

11. (1) Bagi maksud Kaedah-Kaedah ini ungkapan “keterhutangan wang yang berat” ertinya keadaan keterhutangan seseorang pegawai yang, memandangkan amaun hutang yang ditanggung olehnya, telah sebenarnya menyebabkan kesulitan kewangan yang berat terhadap dirinya; dan tanpa menyentuh pengertian am akan ungkapan tersebut, seseorang pegawai hendaklah disifatkan sebagai berada dalam keterhutangan wang yang berat—

- (a) di mana agregat hutang dan liabiliti yang tidak bercagar seseorang pegawai pada bila-bila masa tertentu adalah melebihi tiga kali emolumen bulannya;
- (b) jika pegawai itu seorang penghutang penghakiman dan hutang penghakiman itu belum lagi dijelaskan dalam tempoh satu bulan dari tarikh hukuman itu; atau

(c) jika pegawai itu seorang bankrap atau seorang pemakan gaji tak solven, mengikut mana yang berkenaan, selagi apa-apa penghakiman terhadapnya yang menyebelah kepada Pegawai Pemegang Harta masih belum ditunaikan.

(2) Keterhutangan wang yang berat daripada apa jua pun sebab selain daripada malang yang tidak dapat dielakkan yang tidak disebabkan dengan apa-apa cara oleh pegawai itu sendiri hendaklah dianggap sebagai menjatuhkan reputasi perkhidmatan dan menyebabkan dia boleh dikenakan tindakan tatatertib.

(3) Jika keterhutangan wang yang berat yang telah berlaku itu adalah hasil malang yang tidak dapat dielakkan, maka Dato Bandar boleh memberi kepada pegawai itu apa-apa bantuan yang difikirkan perlu mengikut hal keadaannya.

(4) Jika seseorang pegawai mendapati bahawa hutangnya menyebabkan atau mungkin menyebabkan keterhutangan wang yang berat kepadanya, maka dia hendaklah segera melaporkan fakta itu kepada Dato Bandar melalui Ketua Jabatannya.

(5) Seseorang pegawai yang gagal atau melengah-lengahkan melapor keterhutangan wang yang berat atau yang melaporkannya tetapi gagal mendedahkan sepenuhnya atau memberi penjelasan yang palsu atau mengelirukan mengenainya, adalah bersalah atas kesalahan melanggar tatatertib yang berat (apa jua pun yang telah menyebabkan keterhutangan wang yang berat itu pada mulanya) dan menyebabkan dia boleh dikenakan tindakan tatatertib.

(6) Selagi seseorang pegawai itu berada dalam keterhutangan wang yang berat dia boleh hilang kelayakan untuk kenaikan pangkat atau memangku sesuatu jawatan yang lebih tinggi atau menanggung kerja suatu jawatan lain di samping tugas-tugas sendiri.

(7) Jika hutang seseorang pegawai mengakibatkan keterhutangan wang yang berat tetapi dia belum dihukum bankrap atau seorang pemakan gaji yang tak solven, maka kesnya hendaklah dikaji semula pada tiap-tiap tahun oleh Dato Bandar.

12. (1) Pendaftar atau Penolong Kanan Pendaftar Mahkamah Tinggi mengenai prosiding dalam Mahkamah Tinggi dan Pendaftar Mahkamah Sesyen mengenai prosiding dalam Mahkamah Sesyen dan Mahkamah Majistret hendaklah melaporkan kepada Dato Bandar kes tiap-tiap seorang pegawai—

Laporan mengenai keterhutangan wang yang berat, dsb. daripada mahkamah dan Pegawai Pemegang Harta.

(a) yang, sebagai seorang penghutang penghakiman tidak didapati dari fail guaman sebagai telah menjelaskan hutangnya dalam tempoh satu bulan dari tarikh penghakiman;

(b) yang telah memfailkan petisyen kebankrapannya sendiri atau untuk mendapatkan perintah pentadbiran pemakan gaji; atau

(c) yang terhadapnya suatu petisyen kebankrapannya oleh pemiutang telah diserahkan.

(2) Pegawai Pemegang Harta hendaklah, sesudah sahaja dia menjalankan penyiasatan yang cukup tentang hal-ehwal seseorang pegawai yang menjadi bankrap atau pemakan gaji yang tidak solven, menyampaikan kepada Dato Bandar—

(a) Pernyataan Hal-Ehwal yang difailkan oleh si bankrap atau pemakan gaji tak solven itu mengikut undang-undang kebankrapan yang berkuatkuasa dari semasa ke semasa;

(b) amaun perintah ansuran yang dicadangkan atau yang dibuat;

(c) sama ada atau tidak Pegawai Pemegang Harta bercadang hendak memulakan apa-apa prosiding lanjut atau tidak dan, jika ada suatu ringkasan sifatnya;

(d) sebab utama kebankrapan itu;

(e) sama ada pada pendapatnya kes itu disebabkan oleh malang yang tidak dapat dielakkan, kelakuan aib atau apa-apa hal keadaan khas yang lain, sama ada yang menyebelah atau tidak menyebelah pegawai itu;

(f) apa-apa perkara lain yang difikirkannya patut disebut menurut budibicaranya.

(3) Setelah menimbangkan laporan di bawah perenggan (2) kaedah ini dan mengambil kira kerja dan kelakuan pegawai itu sebelum dan semenjak dia berada dalam keterhutangan wang yang berat Dato Bandar hendaklah memutuskan sama ada hendak mengambil tindakan tatatertib atau tidak, dan jika dia memutuskan sedemikian, dia hendaklah merujuk perkara berkenaan kepada Lembaga Tatatertib.

(4) Jika tindakan tatatertib diambil dan hukuman yang dikenakan berupa pemberhentian atau penangguhan kenaikan gaji, maka Dato Bandar boleh di atas syor Lembaga Tatatertib, apabila habis tempoh pemberhentian atau penangguhan kenaikan gaji tersebut, memerintah supaya amaun sebanyak kenaikan gaji yang dipulihkan itu ditambah kepada ansuran-ansuran yang kena dibayar kepada Pegawai Pemegang Harta atau kepada mana-mana pemiutang penghakiman.

(5) Seseorang pegawai yang mendapat pembatalan kebankrapannya bolehlah dianggap sebagai telah memulihkan kedudukan kewangannya dengan sepenuhnya.

Meminjamkan
wang.

13. Seseorang pegawai tidak boleh meminjamkan wang dengan faedah sama ada dengan atau tanpa cagaran, dengan syarat bahawa menyimpan wang secara simpanan tetap dalam mana-mana bank atau dalam akaun mana-mana bank atau dalam mana-mana syarikat kewangan yang dilesen di bawah Akta Syarikat-Syarikat Kewangan 1969 atau dalam mana-mana sekuriti atau

saham yang dikeluarkan oleh Kerajaan atau oleh mana-mana badan berkanun, tidaklah dianggap sebagai meminjamkan wang dengan faedah.

14. Seseorang pegawai tidak boleh menspekulasi tentang naik dan turun harga komoditi, sama ada tempatan atau luar negeri, atau membeli atau menjual sekuriti-sekuriti dengan keuntungan.

Spekulasi
ditengah.

15. Seseorang pegawai tidak boleh mengadakan refel atau loteri akan harta persendirian.

Refel dan
loteri.

16. Seseorang pegawai tidak boleh menerbitkan atau menulis apa-apa buku, makalah atau lain-lain karya yang berdasarkan maklumat rasmi terperingkat.

Penerbitan
buku.

17. (1) Seseorang pegawai tidak boleh, sama ada secara lisan atau bertulis atau dengan apa-apa cara lain, membuat apa-apa pernyataan awam berhubung dengan apa-apa polisi, program atau keputusan Dato Bandar dan dia juga tidak boleh mengedarkan apa-apa pernyataan sedemikian sama ada dibuat olehnya atau oleh mana-mana orang lain kecuali dengan kebenaran bertulis terlebih dahulu sama ada secara am atau khusus, daripada Dato Bandar:

Pernyataan
awam di-
larang.

Dengan syarat bahawa Ketua Jabatan atau Timbalannya boleh membuat pernyataan awam sama ada secara lisan atau bertulis atau dengan apa-apa cara lain bagi tujuan—

- (a) memberi apa-apa maklumat faktual berhubung dengan Jabatannya; atau
- (b) memberi apa-apa penjelasan mengenai apa-apa kejadian atau laporan berhubung dengan Jabatannya,

atau mengedarkan apa-apa pernyataan sedemikian, sama ada dibuat olehnya atau timbalannya.

(2) Walau apa pun peruntukan-peruntukan perenggan (1) atau proviso kepadanya seseorang pegawai tidak boleh, sama ada secara lisan atau bertulis atau dengan apa-apa cara lain, membuat apa-apa pernyataan awam yang memudaratkan apa-apa polisi, program atau keputusan Dato Bandar atau yang boleh memalukan Dato Bandar atau membuat apa-apa ulasan mengenai kebaikan-kebaikan atau kekurangan-kekurangan apa-apa polisi, program atau keputusan Dato Bandar atau mengedarkan apa-apa pernyataan sedemikian sama ada dibuat olehnya atau mana-mana orang lain:

Dengan syarat bahawa peruntukan-peruntukan terdahulu dari perenggan ini tidaklah terpakai kepada apa-apa pernyataan awam atau pengedaran apa-apa pernyataan yang teksnya telah diluluskan dengan kebenaran bertulis di bawah perenggan (1).

(3) Bagi maksud kaedah ini, "pernyataan awam" termasuk membuat apa-apa pernyataan atau ulasan kepada akhbar atau kepada awam atau semasa memberi syarahan atau ucapan awam atau dalam mana-mana penyiaran melalui bunyi atau penglihatan.

Dilarang
bertindak
sebagai
penyunting,
dsb. bagi
suratkhabar,
dsb.

18. (1) Seseorang pegawai tidak boleh bertindak sebagai penyunting, atau mengambil bahagian secara langsung atau tidak langsung dalam pengurusan, atau dengan apa-apa cara memberi sumbangan kewangan kepada, mana-mana penerbitan termasuklah suratkhbar, majalah atau jurnal kecuali yang berikut:

- (a) penerbitan-penerbitan jabatan atau kakitangan;
- (b) penerbitan-penerbitan profesional; dan
- (c) penerbitan-penerbitan pertubuhan sukarela yang tidak bercorak politik.

Aktiviti-
aktiviti
politik.

19. (1) Bagi maksud mengambil bahagian dalam kegiatan-kegiatan politik pegawai-pegawai adalah dibahagikan kepada dua kumpulan—

- (a) Kumpulan "A"—Kumpulan ini terdiri daripada pegawai-pegawai yang memegang jawatan-jawatan yang berkehendakkan Ijazah Universiti atau kelayakan profesional atau yang setara dengan kelayakan masuk; dan
- (b) Kumpulan "B"—Kumpulan ini terdiri daripada pegawai yang bukan dalam Kumpulan "A".

(2) Kecuali sebagaimana yang diperuntukkan dalam perenggan (4), seseorang pegawai dalam Kumpulan "A" adalah dilarang mengambil bahagian dalam atau menjalankan aktiviti-aktiviti politik atau memakai mana-mana lambang sesuatu parti politik. Pegawai itu hendaklah mengecualikan dirinya dalam hal-hal politik, dan khususnya dia tidak boleh—

- (a) membuat pernyataan secara terbuka sama ada secara lisan atau bertulis, yang menunjukkan pandangan yang memihak mengenai apa-apa perkara yang menjadi isu di antara parti-parti politik;
- (b) menerbitkan atau mengedarkan buku, artikel atau risalah yang mengemukakan pandangannya yang memihak tentang perkara-perkara mengenai suatu parti politik;
- (c) terlibat dalam merayu sokongan bagi mana-mana calon di suatu pemilihan untuk apa-apa jawatan dalam mana-mana parti politik; atau
- (d) bertindak sebagai seorang agen pilihanraya atau agen pengundian atau dalam apa-apa jawatan untuk atau bagi pihak seseorang calon dalam suatu pilihanraya bagi Dewan Rakyat atau bagi Dewan Negeri.

(3) Seseorang pegawai dalam Kumpulan "B" boleh dilantik sebagai ahli jawatankuasa sesuatu parti politik setelah terlebih dahulu memperoleh kebenaran secara bertulis dari Dato Bandar.

(4) Seseorang pegawai yang bercuti sebelum bersara boleh mengambil bahagian yang aktif dalam aktiviti-aktiviti politik dengan syarat—

(a) dia telah terlebih dahulu mendapat kebenaran Dato Bandar untuk mengambil bahagian dalam aktiviti-aktiviti tersebut; dan

(b) dengan melibatkan diri sedemikian dia tidak melanggar peruntukan Akta Rahsia Rasmi 1972.

Akta 88.

Permohonan bagi mendapatkan kebenaran untuk mengambil bahagian aktif dalam aktiviti-aktiviti politik boleh dibuat pada bila-bila masa sebelum pegawai itu bercuti sebelum bersara.

20. (1) Jika seseorang pegawai berhasratkan bantuan guaman sebagaimana diperuntukkan di bawah perenggan (3) kaedah ini dia tidak boleh memulakan prosiding undang-undang bagi kepentingan peribadinya berhubung dengan perkara-perkara yang berbangkit daripada tugas-tugas awamnya tanpa terlebih dahulu mendapat persetujuan Dato Bandar.

Memulakan prosiding undang-undang dan bantuan guaman.

(2) Seseorang pegawai yang menerima notis mengenai pemulaan prosiding undang-undang yang dicadangkan hendak dibawa terhadapnya berhubung dengan perkara-perkara yang berbangkit daripada tugas-tugas awamnya atau yang menerima apa-apa proses mahkamah berkaitan dengan prosiding undang-undang tersebut hendaklah segera melaporkan perkara itu kepada Dato Bandar untuk mendapat arahan sama ada dan bagaimana notis atau, mengikut mana yang berkenaan, proses mahkamah itu hendak diakuterima, dijawab atau dibela.

(3) Seseorang pegawai yang berhasratkan bantuan guaman untuk mengguna khidmat dan mengarahkan seorang peguambela dan peguamcara bagi maksud prosiding undang-undang berhubung dengan perkara-perkara yang berbangkit daripada tugas-tugas awamnya boleh membuat permohonan kepada Dato Bandar. Permohonan tersebut hendaklah mengandungi segala fakta dan hal keadaan kes itu.

(4) Selepas penerimaannya, Dato Bandar boleh membenar atau menolak permohonan tersebut dan jika dia membenarkan permohonan itu, dia akan memutuskan—

(a) amaun bantuan guaman yang akan dibenarkan;

(b) peguambela dan peguamcara yang hendak diguna khidmat guamannya dan diberi arahan oleh pegawai itu; atau

(c) apa-apa syarat lain yang difikirkan baik oleh Dato Bandar;

dan selanjutnya kepada syarat tersirat bahawa dalam keadaan pegawai itu diaward kos oleh mahkamah di akhir prosiding undang-undang tersebut, maka Dato Bandar tidak akan membuat apa-apa bayaran mengenai bantuan guaman yang telah dibenarkan melainkan jika amaun kos yang telah diaward kepadanya tidak mencukupi untuk membayar caj-caj mengguna khidmat dan mengarahkan seorang peguambela dan peguamcara.

(5) Caj untuk mengambil seseorang peguambela dan peguamcara untuk diguna khidmat dan diarah oleh atau bagi pihak seseorang pegawai dalam prosiding undang-undang berhubung dengan perkara-perkara yang berbangkit daripada tugas awamnya kecuali dengan sebab kebenaran Dato Bandar tidak akan dibayar.

Tidak hadir
bertugas
tanpa cuti.

21. (1) Ketidakhadiran bertugas tanpa cuti atau mendapat kebenaran terlebih dahulu atau tanpa sebab yang munasabah boleh menyebabkan seseorang pegawai dikenakan tindakan tatatertib.

(2) Bagi maksud kaedah ini, "ketidakhadiran" termasuk gagal hadir untuk apa-apa jangka masa jua pun pada masa dan di tempat di mana pegawai itu dikehendaki hadir bagi melaksanakan tugas-tugasnya.

(3) Jika seseorang pegawai tidak hadir selama tempoh tidak lebih daripada tujuh hari kerja, dalam mana-mana bulan kalendar, maka atas laporan Ketua Jabatan Lembaga Tatatertib dalam kes di mana difikirkan adalah tidak adil diambil tindakan tatatertib dengan tujuan membuang kerja, boleh menyelesaikan dengan pegawai itu mengikut kaedah 25 dan mengenakan apa-apa hukuman yang difikirkannya patut, dan dalam keadaan itu pegawai itu tidaklah berhak mendapat apa-apa gaji atau saraan selama tempoh yang dia telah tidak hadir.

(4) Jika seseorang pegawai tidak hadir selama tempoh lebih daripada tujuh hari kerja dalam mana-mana bulan kalendar, atau lebih tujuh hari kerja yang berturut-turut, maka fakta itu hendaklah dilaporkan segera oleh Ketua Jabatan kepada Lembaga Tatatertib beserta dengan tarikh-tarikh dan hal keadaan ketidakhadiran itu dan apa-apa maklumat lanjut yang mungkin dikehendaki berhubung dengan pegawai itu. Setelah menimbangkan laporan tersebut, Lembaga Tatatertib boleh kemudiannya mengambil tindakan tatatertib terhadap pegawai itu

mengikut kaedah 25 dengan tujuan membuang kerja atau menurunkan pangkat. Sementara menanti keputusan Lembaga Tatatertib pegawai itu tidaklah berhak mendapat apa-apa gaji atau saraan selama tempoh dia telah tidak hadir itu.

(5) Jika seseorang pegawai tidak hadir bekerja dan tidak dapat dikesan, Ketua Jabatan hendaklah mengarahkan supaya suatu surat "A. T." (Akuan Terima) berdaftar dihantar kepada pegawai itu di alamatnya yang akhir diketahui menghendaki dia memberi penjelasan mengapa dia tidak hadir dan pada masa yang sama mengarahkannya supaya melaporkan diri untuk bekerja dengan serta-merta. Jika dalam tempoh tujuh hari selepas menerima surat tersebut pegawai itu melaporkan diri untuk bekerja, Lembaga Tatatertib hendaklah mengambil tindakan tatatertib sama ada mengikut perenggan (3) atau (4) kaedah ini. Jika tujuh hari selepas pegawai itu menerima surat itu, dia masih tidak hadir atau tiada apa-apa perkhabaran didapati mengenainya atau daripadanya, Ketua Jabatan hendaklah menghantar satu laporan kepada Lembaga Tatatertib sebagaimana dikehendaki di bawah perenggan (4). Setelah menimbang laporan tersebut Lembaga Tatatertib hendaklah mengambil tindakan tatatertib sama ada mengikut perenggan (3) atau (4) kaedah ini, tetapi dalam hal di mana surat tersebut dikembalikan tak terserah, Lembaga Tatatertib hendaklah mengambil langkah untuk memberitahu dalam *Warta* hal yang pegawai itu tidak hadir dan tidak dapat dikesan.

(6) Jika walaupun pemberitahuan telah disiarkan dalam *Warta*, pegawai itu masih tidak kembali bekerja dalam tempoh tujuh hari dari tarikh penyiaran *Warta* itu, pegawai itu hendaklah disifatkan sebagai telah dibuang kerja daripada perkhidmatan berkuatkuasa dari tarikh dia tidak hadir bertugas. Jika dalam tempoh tujuh hari selepas penyiaran *Warta* itu pegawai itu melaporkan diri untuk bekerja, Lembaga Tatatertib hendaklah mengambil tindakan tatatertib sama ada mengikut perenggan (3) atau (4) kaedah ini.

22. (1) Adalah menjadi kewajipan tiap-tiap pegawai untuk menjalankan kawalan dan penyeliaan tatatertib ke atas pegawai bawahannya dan mengambil tindakan yang sesuai dalam tiap-tiap kes pelanggaran mana-mana peruntukan Kaedah-Kaedah ini termasuk kelakuan atau kerja yang tidak memuaskan.

Melaporkan
kerja atau
kelakuan
yang tidak
memuaskan.

(2) Jika gagal berbuat sedemikian, maka pegawai itu hendaklah disifatkan sebagai telah melakukan kesalahan kerana tidak cekap dan dengan demikian dia boleh dikenakan tindakan tatatertib.

BAHAGIAN II

PROSEDUR TATATERTIB

Syarat-syarat bagi membuang kerja atau menurunkan pangkat.

23. Dalam semua prosiding tatatertib di bawah Bahagian ini tiada seorang pegawai boleh dibuang kerja atau diturunkan pangkat melainkan jika dia telah beritahu secara bertulis mengenai alasan-alasan atas mana tindakan yang dicadangkan itu hendak diambil terhadapnya dan dia telah diberi peluang yang munasabah untuk didengar:

Dengan syarat bahawa kaedah ini tidak boleh dipakai bagi kes-kes yang berikut:

- (a) jika Lembaga Tatatertib berpuashati bahawa kerana sesuatu sebab, yang akan direkodkan olehnya secara bertulis, adalah secara praktikalnya tidak munasabah untuk melaksanakan kehendak-kehendak kaedah ini; atau
- (b) jika Yang di-Pertuan Agong berpuashati bahawa demi kepentingan keselamatan Persekutuan atau mana-mana bahagiannya adalah tidak bermanfaat untuk melaksanakan kehendak-kehendak kaedah ini.

Perlantikan Lembaga Tatatertib dan Lembaga Tatatertib Rayuan.

24. (1) Bagi maksud Bahagian ini Dato Bandar boleh melantik suatu Lembaga Tatatertib untuk menjalankan fungsi tatatertib, dan dalam penjalanan fungsi itu, Lembaga Tatatertib hendaklah mempunyai kuasa untuk mengambil tindakan tatatertib dan mengenakan hukuman seperti yang boleh ditetapkan di bawah Kaedah-Kaedah ini.

(2) Tanpa menyentuh perenggan (1), Dato Bandar boleh melantik suatu Lembaga Tatatertib bebas untuk mengendalikan kes-kes berkenaan yang difikirkannya perlu.

(3) Semua tindakan tatatertib yang diambil oleh Lembaga Tatatertib bebas itu hendaklah dikendalikan dengan cara seperti yang diperuntukkan dalam kaedah 25.

(4) Dato Bandar boleh melantik suatu Lembaga Tatatertib Rayuan untuk menerima, menimbang dan memutuskan apa-apa rayuan terhadap keputusan Lembaga Tatatertib dan memberi keputusan atasnya sebagaimana yang difikirkan olehnya sesuai dan patut.

(5) Lembaga Tatatertib Rayuan boleh menurut budibicaranya mengesahkan, mengurangkan, menambah atau mengakaskan hukuman yang dikenakan oleh Lembaga Tatatertib.

Prosedur dalam prosiding tatatertib.

25. (1) Dalam tiap-tiap kes mengenai pelanggaran tatatertib yang dikatakan dilakukan oleh seseorang pegawai, Lembaga Tatatertib hendaklah memberitahu pegawai itu secara bertulis mengenai fakta-fakta pelanggaran tatatertib yang dikatakan terhadapnya itu dan hendaklah memberi peluang kepada pegawai itu untuk membuat representasi secara bertulis, dalam tempoh tidak lebih daripada empat belas hari terhadap tuduhan itu.

(2) Jika pegawai itu membuat representasi dan mengaku pertuduhan itu, Lembaga Tatatertib boleh terus mengenakan mana-mana satu atau lebih daripada hukuman-hukuman yang dinyatakan dalam kaedah 35. Walau bagaimanapun, dalam keadaan Lembaga Tatatertib berpendapat kes itu memerlukan penjelasan lanjut, Lembaga Tatatertib boleh memanggil pegawai itu untuk hadir di hadapan Lembaga Tatatertib dan selepas mendapatkan penjelasan yang difikirkannya perlu mengenakan hukuman yang difikirkannya patut.

(3) Hukuman yang dikenakan di bawah perenggan (2) hendaklah disampaikan kepada pegawai itu secara bertulis.

(4) Jika pegawai itu gagal membuat representasi selepas tamat tempoh yang dinyatakan di bawah perenggan (1), Lembaga Tatatertib hendaklah terus mendengar kes itu.

(5) Pengerusi Lembaga Tatatertib hendaklah memberitahu pegawai itu secara bertulis bahawa pada hari yang dinyatakan, kes terhadapnya akan dibawa di hadapan Lembaga Tatatertib dan dia dikehendaki hadir di hadapan Lembaga itu untuk membebaskan dirinya daripada pertuduhan.

(6) Apabila pegawai itu hadir di hadapan Lembaga Tatatertib, pertuduhan terhadapnya hendaklah diterangkan kepadanya dan dia hendaklah ditanya sama ada dia mengaku atau tidak mengaku pertuduhan itu.

(7) Jika pegawai itu mengaku pertuduhan itu, akumannya hendaklah direkodkan dan Lembaga Tatatertib boleh mengenakan mana-mana satu atau lebih daripada hukuman-hukuman yang dinyatakan dalam kaedah 35.

(8) Jika pegawai itu tidak mengaku pertuduhan itu, Lembaga Tatatertib hendaklah terus mendengar pengadu dan mana-mana saksi dan mengambil semua keterangan yang dikemukakan bagi menyokong kes itu.

(9) Pegawai itu boleh memanggil dan menyoal mana-mana saksi dan boleh diwakili oleh seorang pegawai dalam perkhidmatan Dato Bandar atau seorang peguambela atau peguamcara.

(10) Lembaga Tatatertib boleh melantik seorang pegawai dalam perkhidmatan Dato Bandar untuk membantú Lembaga itu menjalankan prosiding tersebut.

(11) Jika saksi-saksi diperiksa oleh Lembaga Tatatertib, pegawai itu hendaklah dibenarkan memeriksabalas semua saksi-saksi dan tiada keterangan dokumentar boleh digunakan terhadapnya melainkan jika dianya telah terlebih dahulu diberi satu salinannya atau pegawai itu tiada bantahan untuk dokumen itu dikemukakan. Jika pegawai itu membantah dokumen itu dikemukakan, Lembaga Tatatertib hendaklah menangguhkan perbicaraan ke masa depan.

(12) Jika selepas menimbangkan semua keterangan, Lembaga Tatatertib mendapati tiada kes untuk membuktikan pegawai itu bersalah, Lembaga Tatatertib hendaklah merekodkan suatu perintah pelepasan, atau, jika Lembaga Tatatertib mendapati ada suatu kes *prima-facie* untuk membuktikan pegawai itu bersalah, ia hendaklah memanggil pegawai itu membuat pembelaannya.

(13) Jika setelah menimbangkan semua keterangan, Lembaga Tatatertib berpendapat—

- (a) bahawa pegawai itu patut dibuang kerja atau diturunkan pangkat, maka ia hendaklah serta-merta mengarahkan sewajarnya;
- (b) bahawa pegawai itu tidak patut dibuang kerja atau diturunkan pangkat, tetapi patut menerima hukuman yang lebih ringan ia boleh mengenakan ke atas pegawai itu apa-apa hukuman yang lebih ringan sebagaimana yang difikirkannya patut; atau
- (c) bahawa prosiding itu mendedahkan alasan-alasan yang cukup untuk menghendaki supaya pegawai itu bersara demi kepentingan awam, ia hendaklah mengesyorkan kepada Dato Bandar dengan sewajarnya. Soal pencen hendaklah diuruskan di bawah undang-undang pencen yang relevan serta berkuatkuasa.

(14) Jika pegawai itu tidak hadir di Lembaga Tatatertib pada tarikh dan masa yang ditentukan untuk kehadirannya dan tiada cukup alasan diberi untuk penangguhan, Lembaga Tatatertib boleh terus mendengar dan memutuskan pengaduan dan tanpa kehadiran pegawai itu mengenakan mana-mana hukuman menurut perenggan (13) atau boleh menangguhkan perbicaraan itu ke masa depan.

(15) Lembaga Tatatertib hendaklah menyampaikan keputusannya yang dibuat di bawah perenggan (14) secara bertulis kepada pegawai itu.

(16) Pengerusi Lembaga Tatatertib hendaklah menulis semua keterangan yang dikemukakan di hadapan Lembaga Tatatertib.

(17) Pegawai yang terkilan oleh keputusan Lembaga Tatatertib boleh dalam tempoh empat belas hari dari tarikh keputusan itu disampaikan kepadanya merayu kepada Lembaga Tatatertib Rayuan.

Prosiding
jenayah
terhadap
seseorang
pegawai.

26. (1) Jika prosiding jenayah dibawa terhadap seseorang pegawai, Pendaftar atau Penolong Kanan Pendaftar Mahkamah di mana prosiding tersebut dibawa, hendaklah menghantar kepada Dato Bandar satu laporan mengandungi maklumat berikut:

- (a) pada permulaan prosiding tersebut, maklumat yang berikut:
 - (i) pertuduhan atau pertuduhan-pertuduhan terhadap pegawai itu;

- (ii) jika ditangkap, tarikh dan waktu pegawai itu ditangkap;
 - (iii) sama ada pegawai itu dalam jaminan atau tidak; dan
 - (iv) apa-apa maklumat lain yang relevan; dan
- (b) pada akhir prosiding tersebut, penghakiman mahkamah.

(2) Apabila Ketua Jabatan mengetahui bahawa prosiding jenayah sedang dibawa terhadap seseorang pegawainya, dia hendaklah mendapatkan suatu laporan daripada Pendaftar atau Penolong Kanan Pendaftar Mahkamah yang berkenaan yang mengandungi maklumat seperti dalam perenggan 1 (a). Apabila menerima laporan itu, Ketua Jabatan hendaklah memajukannya kepada Lembaga Tatatertib berserta dengan syornya sama ada pegawai itu patut ditahan kerja atau tidak.

(3) Setelah menimbang laporan tersebut dan syor Ketua Jabatan itu, Lembaga Tatatertib boleh, tertakluk kepada kaedah 29, menahan pegawai itu daripada menjalankan tugasnya.

(4) Jika prosiding jenayah terhadap pegawai itu berkeputusan dengan dia disabitkan, Lembaga Tatatertib hendaklah menggantung pegawai itu daripada menjalankan tugasnya dari tarikh sabitannya sementara menanti keputusan di bawah kaedah 32.

(5) Jika prosiding jenayah terhadap pegawai itu berkeputusan dengan dia dibebaskan dan tiada rayuan dibuat terhadap pembebasan tersebut oleh atau bagi pihak Pendakwa Raya, maka pegawai itu boleh menjalankan tugasnya semula dan dia hendaklah dibenarkan menerima bahagian emolumennya yang belum dibayar yang ditahan semasa dia ditahan kerja. Tetapi jika rayuan dibuat terhadap pembebasan tersebut, Lembaga Tatatertib hendaklah memutuskan sama ada pegawai itu patut terus ditahan kerja sehinggalah rayuan tersebut diselesaikan atau tidak.

Dalam kaedah ini, perkataan "pembebasan" termasuklah "pelepasan tanpa pembebasan".

27. Jika prosiding jenayah sedang dibawa terhadap seseorang pegawai, tiada apa-apa prosiding untuk membuang kerja pegawai itu atas apa-apa alasan yang dimasukkan dalam pertuduhan jenayah itu boleh diambil terhadapnya sementara menanti prosiding jenayah itu selesai, tetapi tiada apa-apa jua dalam kaedah ini boleh menghalang tindakan tatatertib diambil terhadapnya semasa prosiding tersebut atas apa-apa alasan lain yang berbangkit daripada kelakuannya semasa melaksanakan tugas-tugasnya.

Prosiding
tatatertib
tidak boleh
diambil
sementara
menanti
selesaiannya
prosiding
jenayah.

Akibat
pembebasan.

28. Seseorang pegawai yang dibebaskan tidak boleh dibuang kerja atas pertuduhan yang dia telah dibebaskan tetapi tiada apa-apa jua dalam kaedah ini boleh menghalang tindakan tatatertib diambil terhadap pegawai itu atas apa-apa alasan lain yang berbangkit daripada kelakuannya dalam perkara itu sama ada berhubungan atau tidak dengan pelaksanaan tugas-tugasnya dengan syarat bahawa alasan-alasan tersebut tidak membangkitkan pada sebahagian besarnya isu-isu yang sama dengan isu-isu atas mana dia telah dibebaskan.

Tahan kerja.

29. (1) Lembaga Tatatertib boleh, jika ia fikirkan patut, menahan daripada menjalankan kerja—

- (a) seseorang pegawai yang prosiding jenayah sedang dibawa terhadapnya sebagaimana diperuntukkan dalam kaedah 26 dan tahan kerja itu boleh dikuatkuasakan mulai dari tarikh dia ditangkap atau dari tarikh saman diserahkan kepadanya; atau
- (b) seseorang pegawai yang prosiding tatatertib dengan tujuan hendak membuang kerja pegawai itu sedang atau akan diambil terhadapnya dan tahan kerja itu boleh dikuatkuasakan mulai dari tarikh sebagaimana dinyatakan dalam perintah tahan kerja itu.

(2) Lembaga Tatatertib boleh menahan kerja seseorang pegawai dalam kes-kes yang berikut:

- (a) apabila sifat kesalahan yang dia dipertuduhkan itu ada kaitan secara langsung dengan tugasnya;
- (b) apabila kehadirannya di pejabat akan menghalang penyiasatan; atau
- (c) apabila dia boleh menyebabkan keadaan serba salah kepada jabatannya jika dibenarkan menjalankan tugas-tugasnya dan tanggungjawab-tanggungjawabnya yang biasa.

(3) Seseorang pegawai yang telah ditahan kerja hendaklah, melainkan dan sehingga dia digantung atau dibuang kerja, dibenarkan menerima bahagian emolument jawatannya, tidak boleh kurang daripada satu perdua banyaknya sebagaimana yang difikirkan patut oleh Lembaga Tatatertib.

(4) Seseorang pegawai yang telah ditahan kerja jika dibenarkan menjalankan tugasnya semula oleh Lembaga Tatatertib hendaklah dibenarkan menerima bahagian emolument yang belum dibayar yang ditahan daripadanya semasa dia ditahan kerja.

Gantung
kerja.

30. (1) Seseorang pegawai yang digantung/daripada menjalankan tugas-tugasnya di bawah kaedah 32 dan 33 tidak boleh dibenarkan menerima apa-apa bahagian emolumentnya yang belum dibayar yang ditahan darinya semasa dia ditahan kerja, dan juga dia tidak dibenarkan menerima apa-apa emolument mulai dari tarikh dia digantung kerja.

(2) Jika prosiding tatatertib berkeputusan dengan dia dibuang kerja maka dia tidaklah berhak menerima apa-apa bahagian emolumennya yang belum dibayar tetapi, jika hukuman itu adalah lain daripada buang kerja, maka bolehlah dipulangkan kepadanya bahagian emolumen yang ditahan darinya itu sebagaimana yang difikirkan patut oleh Lembaga Tatatertib.

31. (1) Seseorang pegawai yang sedang ditahan kerja atau digantung kerja tidak boleh meninggalkan Malaysia tanpa kebenaran daripada Dato Bandar.

Meninggalkan
negeri
semasa
ditahan
kerja atau
digantung
kerja.

(2) Jika prosiding jenayah sedang diambil terhadap seseorang pegawai di negara asing, pegawai itu hendaklah ditahan kerja mengikut kaedah 29 dan hendaklah ditempatkan di dalam jagaan perwakilan Malaysia di negara itu dan tidak dibenarkan meninggalkan negara itu.

BAHAGIAN III

PERUNTUKAN-PERUNTUKAN KHAS

32. Jika prosiding jenayah terhadap seseorang pegawai berkeputusan dengan dia disabitkan, atau jika rayuan terhadap sabitannya ditolak, maka Ketua Jabatan berkenaan hendaklah memohon kepada Pendaftar atau Penolong Kanan Pendaftar Mahkamah yang relevan satu salinan penghakiman Mahkamah itu. Setelah menerima penghakiman tersebut, Ketua Jabatan hendaklah menghantarkannya kepada Lembaga Tatatertib beserta dengan butir-butir penuh rekod perkhidmatan pegawai itu yang lalu dan syor Ketua Jabatan sama ada pegawai itu patut dibuang kerja atau diuruskan halnya dengan cara lain bergantung kepada jenis dan beratnya kesalahan yang dilakukan berbanding dengan setakat mana ia telah menjatuhkan reputasi perkhidmatan.

Prosedur
dalam kes
sabitkan.

33. (1) Jika telah dibuat sesuatu perintah tahanan, pengawasan, kediaman terhad, buang negeri atau deportasi terhadap seseorang pegawai, atau jika telah ada sesuatu perintah yang mengenakan ke atas pegawai itu apa-apa bentuk sekatan atau pengawasan sama ada dengan bon atau sebaliknya di bawah mana-mana undang-undang berhubung dengan keselamatan Persekutuan atau mana-mana bahagiannya, pencegahan jenayah, tahanan pencegahan, kediaman terhad, buang negeri, imigresen atau perlindungan bagi wanita dan gadis, Ketua Jabatan hendaklah memohon satu salinan perintah itu daripada pihak berkuasa yang berkenaan dan setelah menerimanya, hendaklah mengemukakan satu laporan beserta dengan butir-butir penuh mengenai rekod perkhidmatan pegawai itu yang lalu kepada Lembaga Tatatertib dan Ketua Jabatan hendaklah mengesyorkan kepada Lembaga Tatatertib sama ada pegawai itu patut dibuang kerja, diturunkan pangkat atau diuruskan halnya dengan cara lain bergantung kepada setakat mana dia telah menjatuhkan reputasi perkhidmatan.

Prosedur
dalam kes
tahanan,
buang
negeri, ddb.

(2) Setelah menerima laporan tersebut daripada Ketua Jabatan, Lembaga Tatatertib hendaklah serta merta menggantung pegawai itu daripada menjalankan tugas-tugasnya.

Kuasa
Lembaga
Tatatertib
dalam
kes-kes
sabitah,
tahanan dsb.

34. (1) Walau apa pun peruntukan dalam kaedah 23, jika setelah menimbangkan laporan dan dokumen-dokumen yang dikemukakan oleh Ketua Jabatan mengikut kaedah 32 dan 33 (1), Lembaga Tatatertib berpendapat bahawa pegawai itu patut dibuang kerja atau diturunkan pangkat, maka ia boleh dengan serta merta mengarahkan sewajarnya, atau jika ia berpendapat bahawa pegawai itu patut dikenakan hukuman yang lebih ringan atau diuruskan halnya dengan cara lain, Lembaga Tatatertib boleh serta merta mengenakan ke atas pegawai itu apa-apa hukuman yang lebih ringan, atau menguruskan hal pegawai itu mengikut apa-apa cara sebagaimana yang ia fikirkan patut.

(2) Jika disebabkan keputusan mengenakan hukuman yang lebih ringan itu pegawai itu tidak dibuang kerja, maka emolumennya sepanjang tempoh dia digantung kerja hendaklah mengikut kepada budibicara Dato Bandar.

BAHAGIAN IV

HUKUMAN

Hukuman
tatatertib.

35. Lembaga Tatatertib boleh mengenakan ke atas seseorang pegawai mana-mana satu atau apa-apa gabungan dua atau lebih daripada hukuman yang berikut:

- (a) amaran;
- (b) celaan;
- (c) denda;
- (d) perlucuthakan gaji;
- (e) ~~hentikan kenaikan gaji;~~
- (f) ~~tanggunkan kenaikan gaji;~~
- (g) turun gaji;
- (h) turun pangkat;
- (i) buang kerja.

Denda atau
perlucut-
hakkan gaji.

36. Jika Lembaga Tatatertib berpendapat bahawa seseorang pegawai patut dihukum dengan dikenakan membayar denda atau dilucuthakkan gaji, ia boleh berbuat demikian mengikut peruntukan-peruntukan yang berikut:

- (a) apa-apa denda yang dikenakan pada sesuatu masa tidak boleh lebih daripada suatu amaun yang sama banyak dengan tiga hari gaji pokok pegawai berkenaan, dan jika seseorang pegawai didenda lebih daripada sekali dalam

mana-mana satu bulan, agregat denda yang dikenakan ke atasnya dalam bulan itu tidak boleh lebih daripada amaun yang sama banyak dengan lima belas peratus daripada gaji pokok bulanannya;

- (b) perlucuthakan gaji yang dikenakan ke atas seseorang pegawai kerana tidak hadir bekerja tanpa cuti atau sebab yang munasabah di bawah kaedah 21 (3) dan 30 (2) tidak boleh dikira sebagai denda di bawah kaedah ini dan, oleh yang demikian, tidaklah tertakluk kepada perenggan (a) di atas berkaitan dengan amaun maksimum denda pada mana-mana masa yang tertentu dalam mana-mana bulan yang tertentu. Amaun gaji yang dilucuthakan kerana tidak hadir bekerja tanpa cuti atau sebab yang munasabah melainkan jika selainnya diputuskan oleh Lembaga Tatatertib hendaklah dihitung dengan merujuk kepada tempoh sebenar pegawai itu tidak hadir bekerja;
- (c) segala denda dan perlucuthakan hendaklah dipotong daripada emolumen bulanan pegawai berkenaan dan hendaklah dibayar kepada Dato Bandar.

37. (1) Dalam hal kerja atau kelakuan yang tidak memuaskan, Ketua Jabatan boleh pertama sekali menahan kenaikan gaji untuk tempoh tidak lebih daripada tiga bulan. Kenaikan gaji boleh ditahan tanpa memberi amaran terlebih dahulu, atas alasan kerja tak cekap, tetapi amaran mestilah diberi secara bertulis, pada masa kenaikan gaji itu ditahan, menyatakan bahawa kenaikan gaji akan diberhentikan atau ditangguh jika kerja pegawai itu tidak bertambah baik dalam tempoh kenaikan gajinya itu ditahan. Di akhir tempoh tersebut kenaikan gaji itu akan dipulihkan sama ada mulai dari tarikh ianya ditahan ataupun hal keadaan yang dilaporkan kepada Lembaga Tatatertib.

Tahan
kenaikan
gaji.

(2) Jika hukuman menahan kenaikan gaji dikenakan ke atas seseorang pegawai, dia tidaklah, berhak dalam tempoh hukuman itu berkuatkuasa, mendapat apa-apa kenaikan gaji yang terhak baginya. Walau bagaimanapun, di akhir tempoh tersebut dia adalah berhak mendapat kenaikan gaji yang terhak kepadanya tetapi telah ditahan darinya itu melainkan, jika kenaikan gajinya itu dihentikan atau ditangguhkan atas arahan Lembaga Tatatertib.

38. (1) Hukuman hentikan kenaikan gaji boleh dikenakan oleh Lembaga Tatatertib bagi apa-apa tempoh dan apabila dikenakan ke atas seseorang pegawai, dia tidaklah berhak mendapat apa-apa kenaikan gaji bagi dan sepanjang tempoh hukuman itu berkuatkuasa; dan di akhir tempoh tersebut dia, bagaimanapun, akan mendapat gajinya mengikut kadar yang sepatutnya kena dibayar kepadanya sekiranya kenaikan gajinya itu telah tidak dihentikan.

Hentikan
kenaikan
gaji.

(2) Hukuman ini tidaklah mengubah tarikh kenaikan gaji pegawai yang dikenakan hukuman ini dan juga tidaklah menyebabkan pegawai itu kehilangan kekananannya.

Tanggung
kenaikan
gaji.

39. (1) Hukuman menangguh kenaikan gaji boleh dikenakan oleh Lembaga Tatatertib bagi apa-apa tempoh yang tidak kurang daripada tiga bulan dan apabila dikenakan ke atas seseorang pegawai, dia tidaklah berhak mendapat apa-apa kenaikan gaji bagi dan sepanjang tempoh hukuman itu berkuatkuasa.

(2) Hukuman ini adalah juga mendatangkan akibat-akibat yang berikut ke atas pegawai yang dikenakan hukuman itu:

- (a) tarikh kenaikan gajinya hendaklah diubah kepada tarikh bila hukuman itu tamat tempohnya;
- (b) tarikh kenaikan gajinya hendaklah tetap sama seperti yang telah diubah di bawah perenggan (a) sehingga dia mencapai tanggagaji maksimumnya; dan
- (c) pegawai itu hendaklah menanggung kehilangan kekananan selama tempoh yang sama dengan tempoh hukuman itu.

Remitan
mengenai
penangguhan
kenaikan
gaji.

40. (1) Seseorang pegawai yang dikenakan hukuman penangguhan kenaikan gaji boleh, bagaimanapun, memohon kepada Lembaga Tatatertib untuk mendapat remitan atas hukuman itu. Permohonan tersebut boleh dibuat pada bila-bila masa tidak awal daripada tiga tahun dari tarikh hukuman itu tamat tempohnya.

(2) Untuk mendapatkan remitan, kerja dan kelakuan pegawai itu mestilah telah bertambah baik supaya dapat Ketua Jabatan memberi syor yang positif kepada Lembaga Tatatertib supaya remitan yang dipohon itu diluluskan.

(3) Apa-apa remitan atas hukuman ini tidak boleh dalam hal keadaan apapun memulihkan apa-apa jua kehilangan kekananan pegawai itu.

Turun gaji.

41. (1) Jika seseorang pegawai telah mencapai tanggagaji maksimum dalam tingkatannya, Lembaga Tatatertib boleh mengenakan ke atas pegawai itu hukuman turun gaji untuk suatu tempoh yang difikirkannya patut:

Dengan syarat bahawa hukuman itu tidak boleh lebih daripada tiga kenaikan gaji dalam segmen gaji di mana dia berada pada masa hukuman ini dikenakan.

(2) Hukuman ini mempunyai akibat-akibat yang sama seperti dalam kaedah 39.

Hukuman
dikehendaki
dicatatkan
ke dalam
Buku Rekod
Perkhidmatan
pegawai.

42. Dato Bandar hendaklah mengarahkan supaya tiap-tiap hukuman yang dikenakan ke atas seseorang pegawai di bawah Kaedah-Kaedah ini, dicatatkan dalam Buku Rekod Perkhidmatan pegawai itu dengan menyatakan butir-butir hukuman itu.

BAHAGIAN V

PELBAGAI

43. Walaupun apa-apa yang terkandung di dalam Kaedah-
Kaedah ini, jika didapati oleh Lembaga Tatatertib bahawa Surcaj.
seseorang pegawai—

- (a) telah gagal memungut sebarang wang yang terhutang kepada Dato Bandar di mana beliau adalah atau telah bertanggungjawab memungutnya;
- (b) adalah atau telah bertanggungjawab terhadap salah pembayaran wang awam Dato Bandar atau apa-apa pembayaran wang awam yang tidak diperakui dengan sewajarnya;
- (c) adalah atau telah bertanggungjawab terhadap sebarang kekurangan, kehilangan atau pemusnahan apa-apa wang awam, setem, jaminan, atau harta lain Dato Bandar;
- (d) telah gagal menyelenggara akaun yang betul atau rekod kewangan yang beliau bertanggungjawab untuknya;
- (e) telah gagal membuat sebarang bayaran, atau adalah atau telah bertanggungjawab terhadap sebarang kelewatan pembayaran wang awam Dato Bandar kepada mana-mana orang yang sepatutnya menerima bayaran itu di bawah mana-mana undang-undang atau di bawah apa-apa kontrak, perjanjian atau peraturan yang telah dibuat antara orang tersebut dengan Dato Bandar,

dan jika suatu huraian yang memuaskan tidak dikemukakan kepada Lembaga Tatatertib, dalam tempoh yang telah ditetapkan oleh Lembaga Tatatertib, terhadap kegagalan memungut, salah pembayaran, bayaran yang tidak diperakui sewajarnya, kekurangan, kehilangan atau kemusnahan, atau kegagalan menyelenggara akaun atau rekod kewangan dengan betul, atau gagal membuat bayaran, atau lewat membuat bayaran, Lembaga Tatatertib boleh mengenakan surcaj terhadap pegawai tersebut sejumlah wang yang tidak melebihi amaun yang tidak dipungut, bayaran berkenaan, kekurangan atau kehilangan atau nilai harta yang termusnah, mengikut mana yang berkenaan; dan berhubung dengan kegagalan menyelenggara akaun atau catatan kewangan yang betul, atau kegagalan membuat bayaran, atau kelewatan membuat bayaran, Lembaga Tatatertib boleh mengenakan surcaj terhadap pegawai tersebut sejumlah wang yang difikirkan patut.

44. Pengerusi Lembaga Tatatertib hendaklah memberitahu Pemberi-
pegawai yang telah dikenakan surcaj itu tentang penangguhan surcaj.
yang dikenakan di bawah kaedah 43.

Menarik
balik
surcaj.

45. Lembaga Tatatertib boleh pada bila-bila masa menarik balik apa-apa surcaj di mana penerangan yang memuaskan telah diterima atau selainnya jika didapati surcaj tidak patut dikenakan, dan Pengerusi Lembaga Tatatertib hendaklah memberitahu pegawai itu.

Mendapat
kembali
surcaj.

46. Amaun apa-apa surcaj yang dibuat di bawah kaedah 43 dan tidak ditarik balik di bawah kaedah 45 boleh didapatkan kembali dengan memotong gaji pegawai yang dikenakan surcaj itu dengan ansuran bulanan yang sama yang tidak melebihi satu-perempat jumlah gaji bulanan pegawai itu dan jika pegawai itu telah hampir bersara daripada ganjarannya dan di dalam kes lain dengan memulakan prosiding sivil untuk mendapat kembali jumlah yang masih belum dijelaskan.

Penyampaian
dokumen,
notis, dsb.

47. (1) Tiap-tiap pegawai hendaklah memberi kepada Ketua Jabatannya alamat kediamannya atau apa-apa perubahan mengenainya yang akan menjadi alamatnya bagi maksud menyampaikan kepadanya apa-apa jua notis atau dokumen di bawah Kaedah-Kaedah ini atau bagi maksud memberitahunya mengenai apa-apa perkara yang berkaitan dengan Kaedah-Kaedah ini.

(2) Apa-apa dokumen, notis atau pemberitahuan yang ditinggalkan dekat atau diposkan melalui pos biasa ke alamat penyampaian yang diberi di bawah perenggan (1) hendaklah disifatkan sebagai telah pun disampaikan atau diberitahu dengan sewajarnya kepada pegawai itu.

Kuasa
penyemakan
Dato Bandar.

48. Dato Bandar boleh pada bila-bila masa memanggil dan memeriksa rekod apa-apa prosiding tatatertib dan boleh mengurangkan, menambah atau mengakaskan apa-apa hukuman yang dikenakan ke atas mana-mana pegawai.

Pemansuhan.
P.U. (A)
143/81.

49. Kaedah-Kaedah Pegawai Dewan Bandaraya (Kelakuan dan Tatatertib) 1981 adalah dengan ini dimansuhkan.

Diperbuat pada 10hb Mac 1989.
[PHEU³. 3/82; PN. (PU³) 328/15.]

DATO' ELYAS BIN QMAR,
Dato Bandar Kuala Lumpur

Diluluskan pada 20hb Mac 1989.

ABDUL GHAFAR BIN BABA,
Timbalan Perdana Menteri

LOCAL GOVERNMENT ACT 1976
CITY HALL OF KUALA LUMPUR OFFICERS (CONDUCT
AND DISCIPLINE) RULES 1989

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LOCAL GOVERNMENT ACT 1976
CITY HALL OF KUALA LUMPUR OFFICERS (CONDUCT
AND DISCIPLINE) RULES 1989

IN exercise of the powers conferred by section 17 (1) of the Local Government Act 1976, the Commissioner of the City of Kuala Lumpur, with the approval of the Minister, makes the following rules: Act 171.

PART I

PRELIMINARY

1. These Rules may be cited as the **City Hall of Kuala Lumpur Officers (Conduct and Discipline) Rules 1989**. Citation.

2. These Rules shall apply to an officer throughout the period of his service. The breach of any provision of these Rules shall render an officer liable to disciplinary action. Application.

3. In these rules, unless the context otherwise requires— Inter-pretation.

“Commissioner” means the Commissioner of the City of Kuala Lumpur appointed under section 4 of the Federal Capital Act 1960; Act 190.

“convicted” or “conviction” includes a finding or an order involving a finding of guilt by a criminal court in Malaysia or elsewhere, or by a competent body conferred with the power to conduct summary investigation under any written law that the person charged or accused has committed an offence;

“Disciplinary Board” means the Board appointed under rule 24 of these Rules;

“Head of Department” means an officer who is in charge of a department of the Commissioner and includes a Deputy Head of Department to act on his behalf;

“officer” means a person in the permanent, temporary or contractual employment of the Commissioner and includes workers in the Industrial and Manual Group;

“public moneys” means all revenue, loan, trust and other moneys and all bonds, debentures and other securities whatsoever raised or received by or on account of the Commissioner.

4. The following is the code of conduct of officers in the service of the Commissioner (hereinafter referred to as “the service”). The breach of any of the provision of this code by an officer renders him liable to disciplinary action under these Rules: Code of conduct.
 - (1) An officer shall at all times and on all occasions give his loyalty and devotion to the Yang di-Pertuan Agong, the country, the Government and the Commissioner;

(2) An officer shall not—

- (a) subordinate his public duty to his private interests;
- (b) conduct himself in such a manner as is likely to bring his private interests into conflict with his public duty;
- (c) conduct himself in any manner likely to cause a reasonable suspicion that—
 - (i) he has allowed his private interest to come into conflict with his public duties so as to impair his usefulness as a public officer;
 - (ii) he has used his public position for his advantage;
- (d) conduct himself in such a manner as to bring the service into disrepute or to bring discredit thereto;
- (e) lack efficiency or industry;
- (f) be dishonest;
- (g) be irresponsible;
- (h) bring or attempt to bring any form of outside influence or pressure to support or advance a claim relating to the service whether the claim is his individual claim, or that of other members of the service;
- (i) be insubordinate, or conduct himself in any manner which can reasonably be construed as being insubordinate.

Outside
employment.

5. (1) Save insofar as he is required in the course of his duty or is expressly authorised by the Commissioner to do so, an officer shall not—

- (a) take part directly or indirectly in the management or proceedings of any commercial, agricultural or industrial undertaking;
- (b) undertake for reward any work for any institution, company, firm or private individual;
- (c) as an expert, furnish any report or give expert evidence, whether gratuitously or for reward; or
- (d) function as an executor, administrator or receiver.

(2) An officer may nonetheless apply for permission to undertake specified services of the type mentioned in paragraph (1) of this rule for the benefit of himself or his close relatives or for any non-profit making body of which he is an office holder.

(3) In considering whether or not permission should be granted, the Commissioner shall have regard to the code of conduct laid down in rule 4 and, in particular, shall ensure that by such permission—

- (a) the outside employment shall not take place during office hours and during such time when the officer is required to perform his official duties;
- (b) the activity does not in any way tend to impair the officer's usefulness as an officer of the service; and
- (c) the occupation or undertaking does not in any way tend to conflict with the interest of the Commissioner or be inconsistent with the officer's position as an officer of the service.

(4) An officer on leave including leave prior to retirement shall not accept any private employment for reward without prior written permission of the Commissioner.

(5) Save insofar as it may otherwise be prescribed, all sums received by any officer by way of remuneration for rendering any of the services mentioned in paragraph (1) of this rule shall be paid to the Commissioner as deposit pending the decision of the Commissioner as to the amount, if any, which may be retained by the officer personally and by members of his staff.

6. (1) Subject to the provisions of this rule and rule 7, an officer shall not receive or give, nor shall he allow his spouse, children (if any, including adopted children), parents, relatives or any person to receive or give on his behalf, directly or indirectly any present from or to any person—

Presents,
etc.

- (a) whether or not the receipt or the giving of such present is in any way connected with the performance of the officer's public duties; and
- (b) whether or not such present is in the form of cash, goods, articles, free passages, travel facility, service, entertainment, or any other benefits whatsoever tangible or otherwise.

(2) An officer shall not receive from any association, body or group of persons, or from any other officer any token of value but the Commissioner may permit the officer to receive an address from any of them, on the occasion of the officer's retirement or transfer provided that such address is not enclosed in any receptacle of value.

(3) Permission may be granted by the Commissioner or the Head of Department to enable the collection of spontaneous subscriptions by officers under him, or private uncanvassed collections from amongst the said officers, for the purpose of making a presentation to a member of the staff of his department

on the occasion of the said member's retirement, transfer or marriage or the marriage of the said member's child or any other appropriate occasion.

(4) Where the circumstances make it difficult for an officer to refuse a present or token of value the receipt of which is prohibited by this rule (for example where no previous notice or intention to offer a present has been given) it may formally be accepted but he shall as soon as practicable submit a report in writing to the Commissioner containing the full description and estimated value of the present and the circumstances under which it was received. Pending the decision of the Commissioner the officer shall be responsible for the safe custody of the present.

(5) Upon receipt of the report under paragraph (4) of this rule the Commissioner shall decide either—

- (a) to permit the officer to retain the present; or
- (b) to direct that the present be returned to the giver through the Commissioner.

Entertainment.

7. An officer shall not give or accept entertainment of any description to or from any person, organization, or group of persons where such entertainment could in any manner influence the performance of his official duties as an officer of the service in favour of the interest of any person, organization, or group; or as being in any way inconsistent with the provision of the code of conduct laid down in rule 4.

Ownership
of movable
or immovable
property.

8. (1) An officer shall on his appointment to the service and thereafter at any time as required by the Commissioner declare to the Commissioner all property, whether movable or immovable (excluding movable property which is reasonably in actual and current use by him, his spouse, or his children), belonging to him or held by any person on his behalf or on behalf of his spouse or children or if there is no such property he shall report accordingly. The Commissioner shall record or cause to be recorded this fact in the officer's Record of Service Book.

(2) Where, after making a declaration under paragraph (1) an officer or his spouse or children acquires any property, whether movable or immovable either directly or indirectly (excluding movable property which is reasonably required for personal use by him, his spouse or children) he shall report immediately such acquisition to the Commissioner.

(3) Where an officer or his spouse or child proposes to acquire any property, either directly or indirectly, whether movable or immovable, and the proposed acquisition is inconsistent with the provisions of rule 4 the acquisition shall not be made without the officer having first obtained the permission in writing from the Commissioner.

(4) In deciding whether or not to grant permission under paragraph (3) of this rule the Commissioner shall have regard to the following:

- (a) the size, amount or value of the holding, investment, house, land or property in relation to the officer's official emoluments and any legitimate private means;
- (b) whether the acquisition or holding thereof will or is likely to conflict with the interests of the service, or be inconsistent with the officer's position as an officer of the service or in any way inconsistent with the code of conduct laid down in rule 4;
- (c) the opinion of the Head of Department;
- (d) any other factor which the Commissioner may consider necessary for upholding the integrity and efficiency of the service.

(5) In this rule—

“property” includes property of any description as may be prescribed by the Commissioner from time to time;

“child” includes an adopted child but does not include a child who is not dependent on the officer.

9. (1) Where the Commissioner or the Head of Department is of the opinion that any officer is or appears to be—

- (a) maintaining a standard of living which is beyond his official emoluments and other legitimate private means, if any; or
- (b) in control or in possession of pecuniary resources or property, movable or immovable, the value of which is disproportionate to, or which could not reasonably be expected to have been acquired by the officer with his official emoluments and any legitimate private means;

Living beyond official emoluments and legitimate private means.

the Commissioner or the Head of Department shall, by letter, call upon the officer to explain in writing within a period of 30 days from the receipt of such letter how he is able to maintain the said standard of living or how he came by his pecuniary resources or property.

(2) Upon receipt of the explanation from the officer concerned or if the officer fails to give any explanation, the Commissioner or the Head of Department shall report this fact to the Disciplinary Board enclosing the officer's explanation, if any. The Disciplinary Board may thereupon take disciplinary action against the officer with a view to dismissal in accordance with rule 25 or take such steps as it may deem fit.

Borrowing
money.

10. (1) No officer may borrow from any person or stand as surety or guarantor to any borrower, or in any manner place himself under any pecuniary obligation to any person—

- (a) who is directly or indirectly subject to his official authority;
- (b) with whom the officer has or is likely to have official dealings;
- (c) who resides or possesses land or carries on business within the local limits of his official authority; or
- (d) who carries on the business of money lending.

For the purpose of this rule the word "person" shall include a body corporate or unincorporated.

As 6.

(2) An officer may, however, borrow or stand as surety or guarantor to any borrower from banks, insurance companies, co-operative societies, or finance companies licensed under the Finance Companies Act 1969 or incur debt through acquiring goods by means of hire-purchase agreements provided that—

- (a) such banks, insurance companies, co-operative societies or finance companies licensed under the Finance Companies Act 1969 from which the officer borrows are not directly subject to his official authority;
- (b) such borrowing shall not lead to public scandal or be construed that the officer has abused his public position to his private advantage; or
- (c) the aggregate of his debts does not or is not likely to cause him serious pecuniary indebtedness as defined under rule 11.

(3) Subject to paragraph (2), an officer may incur the following debts:

- (a) sums borrowed on the security of land charged or mortgaged, where the said sums do not exceed the value of the said land;
- (b) overdrafts allowed by banks;
- (c) sums borrowed from insurance companies on the security of policies;
- (d) sums borrowed from the Commissioner or co-operative societies;
- (e) sums due on goods acquired by means of hire-purchase agreements.

Serious
pecuniary
indebtedness.

11. (1) For the purpose of these Rules the expression "serious pecuniary indebtedness" means the state of an officer's indebtedness which, having regard to the amount of debts incurred

by him, has actually caused serious financial hardship to him; and without prejudice to the general meaning of the said expression, an officer shall be deemed to be in serious pecuniary indebtedness—

- (a) where the aggregate of an officer's unsecured debts and liabilities at any given time exceeds the sum of three times his monthly emoluments;
- (b) where he is a judgement debtor and the judgement debt has not been settled within one month of the date of the judgement; or
- (c) where he is a bankrupt or an insolvent wage earner, as the case may be, for so long as any judgement against him in favour of the Official Assignee remains unsatisfied.

(2) Serious pecuniary indebtedness from whatever cause other than the result of unavoidable misfortune not contributed to in any way by the officer himself shall be regarded as bringing the service into disrepute and shall render him liable to disciplinary action.

(3) If serious pecuniary indebtedness which has occurred is the result of unavoidable misfortune, the Commissioner may give the officer such assistance as the circumstances appear to warrant.

(4) If an officer finds that his debts cause or are likely to cause serious pecuniary indebtedness to him, he shall forthwith report this fact to the Commissioner through his Head of Department.

(5) An officer who fails or delays in reporting his serious pecuniary indebtedness or who reports the same but fails to disclose its full extent or gives false or misleading account thereof, shall be guilty of a serious breach of discipline (whatever the first cause of the indebtedness may be) and shall render himself liable to disciplinary action.

(6) As long as an officer is in serious pecuniary indebtedness he may be disqualified for promotion or acting in a higher appointment or covering another post in addition to his duties.

(7) Where an officer's debts amount to serious pecuniary indebtedness but he has not been adjudged a bankrupt or an insolvent wage earner, his case shall be reviewed annually by the Commissioner.

12. (1) The Registrar or Senior Assistant Registrar of the High Courts in respect of proceedings in the High Courts and Registrars of the Session Courts in respect of proceedings in the Sessions and Magistrates Courts shall report to the Commissioner every case of an officer—

Report of
serious
pecuniary
indebtedness,
etc. from
courts and
Official
Assignee.

- (a) who, being a judgement debtor, does not appear from the file of the suit to have settled the debt within one month from the date of judgement;

- (b) who has filed his own petition in bankruptcy or for a wage earner's administration order; or
- (c) against whom a creditor's petition in bankruptcy has been presented.

(2) The Official Assignee shall, as soon as he has sufficiently investigated the affairs of an officer who is a bankrupt or an insolvent wage earner, communicate to the Commissioner—

- (a) the Statement of Affairs filed by the bankrupt or an insolvent wage earner in accordance with the bankruptcy law in force from time to time;
- (b) the amount of instalment order proposed or made;
- (c) whether or not the Official Assignee proposes to initiate any further proceedings and, if so a brief indication of their nature;
- (d) the main cause of the bankruptcy;
- (e) whether in his opinion the case involves unavoidable misfortune, dishonourable conduct or any other special circumstances, favourable or unfavourable to the officer;
- (f) any other matter which in his discretion he thinks it proper to mention.

(3) On consideration of the report under paragraph (2) of this rule and having regard to the officer's work and conduct before and since he has been in serious pecuniary indebtedness the Commissioner shall decide whether to take disciplinary action, and if he so decides, he shall refer the matter to the Disciplinary Board.

(4) If disciplinary action is taken and the punishment imposed takes the form of a stoppage or deferment of increment, the Commissioner may on the recommendation of the Disciplinary Board, on the expiry of the said stoppage or deferment of increment, order that an amount equivalent to the restored increment be added to the instalments payable to the Official Assignee or any judgement creditor.

(5) An officer who obtains annulment of his bankruptcy may be treated as having fully restored his credit.

Lending
money.

13. An officer shall not lend money at interest whether with or without security, provided that placing money on fixed deposit in any bank or in an account in any bank or in any finance company licensed under the Finance Companies Act 1969 or in any security or stocks issued by the Government or by any statutory body, shall not be regarded as lending money at interest.

Speculation
forbidden.

14. An officer shall not speculate in the rise and fall in prices of commodities, whether local or foreign, or purchase or sell securities on margin.

15. An officer shall not hold raffles or lotteries of his private property. Raffles and lotteries.

16. An officer shall not publish or write any book, article or other works which is based on classified official information. Publication of books.

17. (1) An officer shall not, either orally or in writing or in any other manner, make any public statement relating to any policy, programme or decision of the Commissioner nor shall he circulate any such statement whether made by him or any other person except with the prior written permission whether of a general or a specific nature, of the Commissioner: Prohibition of public statement.

Provided that the Head of Department or his deputy may make public statement either orally or in writing or in any other manner for the purpose of—

- (a) providing any factual information relating to his Department; or
- (b) providing any clarification in respect of any incident or report relating to his Department,

or circulate any such statement, whether made by him or his deputy.

(2) Notwithstanding the provisions of paragraph (1) or the proviso thereto an officer shall not, either orally or in writing or in any other manner, make any public statement which is detrimental to any policy, programme or decision of the Commissioner or which may embarrass the Commissioner or make any comment on the merits or demerits of any policy, programme or decision of the Commissioner or circulate any such statement whether made by him or any other person:

Provided that the foregoing provisions of this paragraph shall not apply to any public statement or the circulation of any statement the text of which had been approved by a written permission under paragraph (1).

(3) For the purpose of this rule, "public statement" includes the making of any statement or comment to the press or to the public or in the course of any public lecture or speech or any broadcast by sound or vision.

18. An officer shall not act as the editor, or take part directly or indirectly in the management of, or in any way make financial contributions to, any publication including newspaper, magazine or journal except the following: Prohibition on acting as editor, etc. of newspapers, etc.

- (a) department or staff publications;
- (b) professional publication; and
- (c) publications of non-political voluntary organization.

Political
activities.

19. (1) For the purpose of participating in political activities officers are divided into two groups—

- (a) Group "A"—This group comprises of the officers who are holding appointments requiring a University Degree or professional qualifications or equivalent as the entry qualification; and
- (b) Group "B"—This group comprises of officers not in Group "A".

(2) Except as provided in paragraph (4), an officer in Group "A" is prohibited from taking part in or carrying on political activities or wearing any emblem of a political party. Such officer shall maintain a reserve in political matters, and in particular he shall not—

- (a) make a statement in public orally or in writing, so as to adopt a partisan view on any matter which is an issue between political parties;
- (b) publish or circulate books, articles or leaflets setting forth his partisan views on matters pertaining to a political party;
- (c) engage in canvassing in support of any candidate at an election to any office in any political party; or
- (d) act as an election agent or a polling agent or in any capacity for or on behalf of a candidate at an election to the Dewan Rakyat or any State Legislative Assembly.

(3) An officer in Group "B" may be appointed as committee member of any political party after first obtaining the written approval of the Commissioner.

(4) An officer who is on leave prior to retirement may participate actively in political activities provided—

- (a) he has obtained prior approval of the Commissioner to participate in such activities; and
- (b) by being so engaged he does not contravene the provisions of the Official Secrets Act 1972.

Act 88.

An application for permission to participate actively in political activities may be made at any time before he goes on leave prior to retirement.

Institution
of legal
proceedings
and legal aid.

20. (1) Where an officer desires legal aid as provided under paragraph (3) of this rule he shall not institute legal proceedings in his own personal interests in connection with matters arising out of his public duties without the prior consent of the Commissioner.

(2) An officer who receives a notice of the intended institution of legal proceedings against him in connection with matters arising out of his public duties or who receives any process of court relating to the said legal proceedings shall immediately report the

matter to the Commissioner for instructions as to whether and how the notice or, as the case may be, the process of court is to be acknowledged, answered or defended.

(3) An officer who desires legal aid to retain and instruct an advocate and solicitor for the purpose of legal proceedings in connection with matters arising out of his public duties may make an application to the Commissioner. The said application shall contain all the facts and circumstances of the case.

(4) On receipt thereof the Commissioner may approve or reject the said application and where he approves such an application he shall decide—

- (a) the amount of legal aid to be approved;
- (b) the advocate and solicitor to be retained and instructed by the officer; or
- (c) any other conditions which the Commissioner may consider advisable;

and to a further implied condition that in the event of the officer being awarded cost by the court at the conclusion of the said legal proceedings, no payment in respect of the legal aid so approved will be made by the Commissioner unless the amount of cost so awarded to him is insufficient to meet charges for retaining and instructing an advocate and solicitor.

(5) Charges for employing an advocate and solicitor retained and instructed by or on behalf of an officer in legal proceedings in connection with matters arising out of his public duties otherwise than by virtue of approval by the Commissioner will not be paid for.

21. (1) Absence without leave or prior permission or without reasonable cause shall render an officer liable to disciplinary action. Absence without leave.

(2) For the purpose of this rule, "absence" includes failure to be present for any length of time whatsoever at a time and place where the officer is required to be present for the performance of his duties.

(3) Where an officer is absent for a period not exceeding seven working days, in any calendar month, upon report by the Head of Department the Disciplinary Board in cases where it is not considered justifiable to initiate disciplinary action with a view to dismissal, may deal with the officer in accordance with rule 25 and impose such punishment as it may deem fit and in that event, the officer shall not be entitled to any salary or remuneration for the period of his absence.

(4) Where an officer is absent for a period exceeding seven working days in any calendar month, or exceeding seven working days consecutively, that fact shall forthwith be reported by the Head of Department to the Disciplinary Board together with the dates and the circumstances of the absence and any further information which may be required concerning the officer. Upon consideration of the said report, the Disciplinary Board may then institute disciplinary action against the officer in accordance with rule 25 with a view to dismissal or reduction in rank. Pending the decision of the Disciplinary Board the officer shall not be entitled to any salary or remuneration for the period of his absence.

(5) Where an officer is absent and cannot be traced, the Head of Department shall cause to be sent to the officer's last known address an "A.R." (Acknowledged of Receipt) registered letter requiring him to give an explanation as to his absence and at the same time directing him to report for duty at once. If within seven days after the receipt of the letter the officer reports for duty, the Disciplinary Board shall institute disciplinary action either under paragraph (3) or (4) of this rule. If seven days after the receipt of the letter by the officer, he is still absent or nothing is heard of or from him, the Head of Department shall proceed to submit a report to the Disciplinary Board as required under paragraph (4). Upon consideration of the said report the Disciplinary Board shall institute disciplinary action either under paragraph (3) or (4) of this rule, but in case where the said letter is returned undelivered, the Disciplinary Board shall take steps to notify in the *Gazette* the fact of the officer's absence and his untraceability.

(6) If despite notification in the *Gazette*, the officer fails to return for duty within a period of seven days from the date of the publication of the *Gazette*, the officer shall be deemed to have been dismissed from the service with effect from the date of his absence. If within seven days after the publication of the *Gazette* the officer reports for duty, the Disciplinary Board shall institute disciplinary action either under paragraph (3) or (4) of this rule.

Reporting
unsatisfactory
work or
conduct.

22. (1) It is the duty of every officer to exercise disciplinary control and supervision over his subordinates and to take appropriate action in every case of the breach of any of the provisions of these Rules including unsatisfactory work or conduct.

(2) Failure to do so shall deem the officer guilty of inefficiency and renders him liable to disciplinary action.

PART II

DISCIPLINARY PROCEDURE

23. In all disciplinary proceedings under this Part no officer shall be dismissed or reduced in rank unless he has been informed in writing of the grounds on which it is proposed to take action against him and has been afforded a reasonable opportunity of being heard:

Conditions
for dismissal
or reduction
in rank

Provided that this rule shall not apply to the following cases:

- (a) where the Disciplinary Board is satisfied that for some reason, to be recorded by it in writing, it is not reasonably practicable to carry out the requirements of this rule; or
- (b) where the Yang di-Pertuan Agong is satisfied that in the interest of the security of the Federation or any part thereof it is not expedient to carry out the requirements of this rule.

24. (1) For the purpose of this Part the Commissioner may appoint a Disciplinary Board to exercise the disciplinary functions, and in exercise of its functions, the Disciplinary Board shall have the powers to take disciplinary action and impose such punishment as may be provided under these Rules.

Appointment
of Disciplinary
Board and
Disciplinary
Appeal Board.

(2) Notwithstanding paragraph (1), the Commissioner may appoint an independent Disciplinary Board to deal with such cases as he may deem necessary.

(3) All disciplinary action taken by the independent Disciplinary Board shall be dealt with in the manner as provided in rule 25.

(4) The Commissioner may appoint a Disciplinary Appeal Board or Boards to receive, consider and decide any appeal against the decision of the Disciplinary Board and give such decision thereon as it deems fit and proper.

(5) The Disciplinary Appeal Board may in its discretion confirm, reduce, enhance or reverse the punishment passed by the Disciplinary Board.

25. (1) In every case of an alleged breach of discipline by any officer, the Disciplinary Board shall inform the officer in writing of the facts of the breach of discipline alleged against him and shall give the officer an opportunity of making a representation in writing, within a period of not less than fourteen days against the allegation.

Procedure
in Disciplinary
proceedings.

(2) If the officer furnishes a representation and admits the charge, the Disciplinary Board may proceed to impose any one or more of the punishments specified in rule 35. However, in the event that the Disciplinary Board is of the opinion that the case requires further clarification, the Disciplinary Board may call the

officer to appear before the Disciplinary Board and upon obtaining such clarification as may be necessary impose such punishment as it considers fit.

(3) The punishment imposed under paragraph (2) shall be conveyed to the officer in writing.

(4) If the officer fails to furnish any representation after the expiry of the period as specified under paragraph (1), the Disciplinary Board shall proceed to hear the case.

(5) The Chairman of the Disciplinary Board shall in writing inform the officer that on a specified day, the case against him will be brought before the Disciplinary Board and he is required to appear before the Board and exculpate himself.

(6) When the officer appears before the Disciplinary Board, the charge against him shall be explained to him and he shall be asked if he admits or does not admit the charge.

(7) If the officer admits the charge, the plea shall be recorded and the Disciplinary Board may impose any one or more of the punishments specified in rule 35.

(8) If the officer does not admit the charge, the Disciplinary Board shall proceed to hear the complainant and any witnesses and take all such evidence as may be produced in support of the case.

(9) The officer may call and examine any witness and may be represented by an officer in the service of the Commissioner or by an advocate or solicitor.

(10) The Disciplinary Board may appoint an officer in the service of the Commissioner to assist the Board in conducting the proceedings.

(11) If witnesses are examined by the Disciplinary Board, the officer shall be allowed to cross-examine all the witnesses and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or the officer has no objection to such documents being produced. If the officer objects to the production of such document, the Disciplinary Board shall adjourn the hearing to a future day.

(12) After considering all the evidence, if the Disciplinary Board finds that no case has been made out against the officer, the Disciplinary Board shall record an order of discharge, or, if the Disciplinary Board finds that a *prima-facie* case has been made out against the officer, it shall call on the officer to enter on his defence.

(13) If, upon considering all the evidence the Disciplinary Board is of the opinion—

- (a) that the officer should be dismissed or reduced in rank, it shall forthwith direct accordingly;
- (b) that the officer does not deserve to be dismissed or reduced in rank, but deserves some lesser punishment it may inflict upon the officer such lesser punishment as it may deem fit; or
- (c) that the proceedings disclose sufficient grounds for requiring the officer to retire in the public interest, it shall recommend to the Commissioner accordingly. The question of pension will be dealt with under the relevant pensions laws enforced.

(14) If the officer does not appear at the Disciplinary Board on the date and time appointed for appearing and no sufficient ground is shown for an adjournment, the Disciplinary Board may proceed to hear and determine the complaint and impose any punishment in the absence of the officer in accordance with paragraph (13) or may adjourn the hearing to a future day.

(15) The Disciplinary Board shall convey its decision made under paragraph (14) to the officer in writing.

(16) The chairman of the Disciplinary Board shall take down in writing all evidence adduced before the Disciplinary Board.

(17) An officer aggrieved by the decision of the Disciplinary Board may within fourteen days from the date the decision is conveyed to him appeal to the Disciplinary Appeal Board.

26. (1) Where criminal proceedings are instituted against an officer, the Registrar or the Senior Assistant Registrar of the Court in which the said proceedings are instituted, shall send to the Commissioner a report containing the following information:

Criminal
proceedings
against an
officer.

- (a) at the commencement of the said proceedings, the following information:
 - (i) the charge or charges against the officer;
 - (ii) if arrested, the date and time when the officer was arrested;
 - (iii) whether or not he is on bail; and
 - (iv) other relevant information; and
- (b) at the conclusion of the said proceedings, the judgement of the court.

(2) Upon becoming aware that criminal proceedings are being instituted against an officer, the Head of Department shall obtain a report from the Registrar or Senior Assistant Registrar of the Court concerned containing the information as in paragraph 1 (a). Upon receipt of the report, the Head of Department shall forward it to the Disciplinary Board together with his recommendation as to whether or not the officer should be interdicted from duty.

(3) Upon consideration of the said report and the recommendation of the Head of Department, the Disciplinary Board may, subject to rule 29, interdict the officer from the exercise of his duty.

(4) Where criminal proceedings against the officer result in his conviction, the Disciplinary Board shall suspend the officer from the exercise of his duties from the date of his conviction pending its decision under rule 32.

(5) Where criminal proceedings against the officer result in his acquittal and no appeal is lodged against the said acquittal by or on behalf of the Public Prosecutor, the officer shall be allowed to resume duty and he shall be allowed to receive the unpaid portion of his emoluments withheld from him whilst under interdiction. But where an appeal is lodged against the said acquittal, the Disciplinary Board shall decide whether or not the officer should continue to remain under interdiction until the said appeal is finally disposed of.

In this rule, the term "acquittal" includes a "discharge not amounting to acquittal".

No disciplinary proceedings during the pendency of criminal proceedings.

27. Where criminal proceedings are being instituted against an officer, no proceedings for his dismissal upon any grounds involved in the criminal charge may be taken against him pending the conclusion of the criminal proceedings, but nothing in this rule shall prevent disciplinary action from being taken against him during the said proceedings on any other ground arising out of his conduct in the performance of his duties.

Consequences of acquittal.

28. An officer who is acquitted shall not be dismissed on the charge upon which he is acquitted but nothing in this rule shall prevent disciplinary action from being taken against the officer on any other grounds arising out of his conduct in the matter whether or not connected with the performance of his duties provided that the said grounds do not raise substantially the same issues as that on which he is acquitted.

Interdiction.

29. (1) The Disciplinary Board may, if it thinks fit, interdict from the exercise of his duty—

- (a) an officer against whom criminal proceedings are being instituted as provided for in rule 26 and such interdiction may be made effective from the date of his arrest or the date on which summonses are served on him; or

- (b) an officer against whom disciplinary proceedings with a view to dismissal are about to be taken and such interdiction may be made effective from the date as specified in the interdiction order.

(2) The Disciplinary Board may interdict an officer in the following cases:

- (a) when the nature of the offence with which he is charged is directly related to his duties;
- (b) when his presence in the office would hamper investigation; or
- (c) when he may be a source of embarrassment to his department if allowed to carry on his usual duties and responsibilities.

(3) An officer who has been interdicted shall, unless and until he is suspended or dismissed, be allowed to receive such portion of the emoluments of his office, not being less than one half as the Disciplinary Board may think fit.

(4) An officer under interdiction if allowed to resume duty by the Disciplinary Board shall be allowed to receive the unpaid portion of the emoluments which had been withheld from him whilst under interdiction.

30. (1) An officer who is suspended from the exercise of his duties under rules 32 and 33 shall not be allowed to receive any of his emoluments withheld from him whilst under interdiction, nor shall he be allowed to receive any emoluments from the date of his suspension. Suspension.

(2) If the disciplinary proceedings result in his dismissal he shall not be entitled to any unpaid portion of his emoluments, but if the punishment is other than dismissal, he may be refunded such portion of the emoluments withheld from him as the Disciplinary Board may think fit.

31. (1) An officer who is under interdiction or suspension shall not leave Malaysia without the permission of the Commissioner. Leaving the country whilst under interdiction or suspension.

(2) If criminal proceedings are being taken against an officer in a foreign country, the officer shall be interdicted in accordance with rule 29 and shall be placed in the custody of the Malaysian mission in that country and he shall not be allowed to leave that country.

PART III

SPECIAL PROVISIONS

32. Where criminal proceedings against an officer result in his conviction, or where his appeal against his conviction has been dismissed, the Head of Department concerned shall apply to the Procedure in case of conviction.

Registrar or Senior Assistant Registrar of the relevant Court for a copy of the judgement of the Court. Upon receipt of the said judgement, the Head of Department shall submit the same to the Disciplinary Board together with full particulars of the officer's past record of service and recommendation of the Head of Department as to whether the officer should be dismissed from the service or otherwise dealt with depending on the nature and gravity of the offence committed in relation to the degree of disrepute which it brings to the service.

Procedure
in case of
detention,
banishment,
etc.

33. (1) Where there has been made against an officer an order of detention, supervision, restricted residence, banishment or deportation, or where there has been an order imposing upon such officer any form of restriction or supervision by bond or otherwise under any law relating to the security of the Federation or any part thereof, prevention of crime, preventive detention, restricted residence, banishment immigration or protection of women and girls, this Head of Department shall apply for a copy of the order from the appropriate authority and upon receipt thereof, shall submit a report together with full particulars of the officer's past record of service to the Disciplinary Board and the Head of Department shall recommend to the Disciplinary Board as to whether the officer should be dismissed from the service, reduced in rank or otherwise dealt with depending on the degree of disrepute which the officer brings to the service.

(2) Upon receipt of the report from the Head of Department, the Disciplinary Board shall forthwith suspend the officer from the exercise of his duties.

Power of
Disciplinary
Board in
cases of
conviction,
detention,
etc.

34. (1) Notwithstanding anything in rule 23, if after considering the report and documents submitted by the Head of Department in rules 32 and 33 (1), the Disciplinary Board is of the opinion that the officer merits dismissal or reduction in rank, he may forthwith direct accordingly, or if it is of the opinion that the officer should be inflicted with a lesser punishment or otherwise dealt with, the Disciplinary Board may forthwith inflict upon the officer such lesser punishment or deal with him in such manner as he may deem fit.

(2) If as a result of the lesser punishment the officer is not dismissed, the question of his emoluments during the period of his suspension shall be at the discretion of the Commissioner.

PART IV

PUNISHMENT

Disciplinary
punishment.

35. A Disciplinary Board may impose on an officer any one or any combination of two or more of the following punishments:

- (a) warning;
- (b) reprimand;

- (c) fine;
- (d) forfeiture of salary;
- (e) stoppage of increment;
- (f) deferment of increment;
- (g) reduction of salary;
- (h) reduction in rank;
- (i) dismissal.

36. Where the Disciplinary Board considers that an officer should be punished by payment of a fine or forfeiture of salary, it may do so in accordance with the following provisions: Fine or forfeiture of salary.

- (a) any fine imposed on any one occasion shall not exceed an amount equal to three days' basic salary of the officer concerned, and if an officer is fined on more than one occasion in any single month, the aggregate of the fine imposed on him in that month shall not exceed an amount equal to fifteen per centum of his monthly basic salary;
- (b) forfeiture of salary imposed on an officer for being absent without leave or reasonable cause under rules 21 (3) and 30 (2) shall not be considered as fine under this rule and, therefore, shall not be governed by paragraph (a) above relating to the maximum amount of fine on any particular occasion or in any particular month. The amount of salary forfeited for being absent without leave or reasonable cause unless otherwise decided by the Disciplinary Board shall be calculated with reference to the actual period in which the officer had absented himself;
- (c) all fines and forfeiture shall be deducted from the monthly emoluments of the officer concerned and shall be paid to the Commissioner.

37. (1) In case of unsatisfactory work or conduct, the Head of Department may in the first instance withhold an increment for a period not exceeding three months. An increment may be withheld without prior warning, on the ground of inefficient work, but warning must be given in writing, at the time when it is withheld, that it will be stopped or deferred if the officer's work does not improve during the period that the increment is withheld. At the end of this period the increment will either be restored as from the date on which it was withheld or the circumstances reported to the Disciplinary Board. Withholding of increment.

(2) Where withholding of increment is imposed upon an officer, he shall not, during the period in which it is effective, be entitled to receive any increment that may be due to him. At the end of the said period, however, he shall be entitled to receive the increment

which was due to him but has been withheld from him unless on the direction of the Disciplinary Board, his increment has been stopped or deferred.

Stoppage
of increment.

38. (1) The punishment of stoppage of increment may be imposed by the Disciplinary Board for any period and when imposed upon an officer, he shall not for and during the period in which the punishment is effective, be entitled to any increment; and at the end of the said period, however he will draw his salary at the rate which would have been payable to him if his increment had not been so stopped.

(2) This punishment does not alter the increment date of the officer upon whom it is imposed nor does it entail any loss of seniority of that officer.

Deferment
of increment.

39. (1) The punishment of deferment of increment may be imposed by the Disciplinary Board for any period of not less than three months and when imposed upon an officer, he shall not for and during the period in which the punishment is effective, be entitled to any increment.

(2) This punishment shall also have the following consequences upon the officer on whom it is imposed:

- (a) his incremental date shall be altered to the date on which the punishment expires;
- (b) his incremental date shall continue to be the same as has been altered under paragraph (a) until he reaches the maximum of his scale; and
- (c) the officer shall suffer the loss of seniority by a period equal to that of the punishment.

Remission
of deferment
of increment.

40. (1) An officer upon whom the punishment of deferment of increment is imposed may, however, apply to the Disciplinary Board for a remission of the punishment. The said application may be made at any time not earlier than three years from the date on which the punishment expires.

(2) To earn a remission, it shall be necessary for the work and conduct of the officer to have so improved as to have earned a positive recommendation from the Head of Department to the Disciplinary Board that the remission applied for should be approved.

(3) Under no circumstances shall any remission of this punishment restore any loss of seniority to the officer.

41. (1) Where an officer has reached the maximum of the salary scale of his grade, the Disciplinary Board may impose upon an officer the punishment of reduction of salary for such period as it may think fit: Reduction of salary.

Provided that the punishment shall not be more than three increments in the salary segment in which he is at the time when this punishment is imposed.

(2) The consequences of this punishment shall have the same effect as in rule 39.

42. For every punishment imposed on an officer under these Rules the Commissioner shall cause to be entered in the Record of Service Book a note containing particulars of the punishment. Punishment to be entered into the officer's Record of Service.

PART V

MISCELLANEOUS

43. Notwithstanding anything contained in these Rules, if it appears to the Disciplinary Board that any officer— Surcharge.

- (a) has failed to collect any moneys owing to the Commissioner for the collection of which he is or was responsible;
- (b) is or was responsible for any improper payment of public moneys of the Commissioner or for any payment of public moneys which is not duly vouched;
- (c) is or was responsible for any deficiency in, loss of or for the destruction of, any public moneys, stamps, securities, or other property of the Commissioner;
- (d) has failed to keep proper accounts or financial records for which he is responsible;
- (e) has failed to make any payment, or is or was responsible for any delay in the payment, of public moneys of the Commissioner 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 Commissioner,

and if a satisfactory explanation is not, within a period specified by the Disciplinary Board furnished to the Disciplinary Board with regard to the failure to collect, improper payment, payment not duly vouched, deficiency, loss or destruction, or failure to keep proper accounts or financial records, or failure to make payment, or delay in making payment, the Disciplinary Board may impose surcharge on the said officer a sum not exceeding the amount of any such amount not collected, such payment, deficiency, or loss

or the value of the property destroyed, as the case may be; and with regard to the failure to keep proper accounts or financial records, or the failure to make payment, or the delay in making payment, the Disciplinary Board may impose surcharge on the said officer such sum as the Disciplinary Board may think fit.

Notification
of surcharge.

44. The Chairman of the Disciplinary Board shall thereupon notify the officer surcharged of the imposition made under rule 43.

Withdrawal
of surcharge.

45. The Disciplinary Board 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 Chairman of the Disciplinary Board shall thereupon notify the officer.

Recovery
of surcharge.

46. The amount of any surcharge made under rule 43 and not withdrawn under rule 45 may be recovered by deduction from the salary of the officer surcharged by equal monthly instalments not exceeding one-fourth of the total monthly salary of the officer and if the officer is about to retire from his gratuity and in any other case by instituting civil proceedings for the recovery of the outstanding amount.

Service
of document,
notice, etc.

47. (1) Every officer shall furnish to his Head of Department the address of his residence or any change thereof which shall be his address for the purpose of serving on him notice or document whatsoever under these Rules or for the purposes of communication with him in any matter in relation to these Rules.

(2) Any document, notice or communication left at or posted by ordinary post to the address for service supplied under paragraph (1) shall be deemed to have been duly served upon or communicated to the officer.

Revisionary
power of the
Commissioner.

48. The Commissioner may at any time call for and examine the record of any disciplinary proceedings and may reduce, enhance or reverse any punishment passed on any officer.

Repeal.
P.U. (A)
143/81.

49. The City Hall Officers (Conduct and Discipline) Rules 1981 is hereby repealed.

Made the 10th March 1989.
[PHEU². 3/82; PN. (PU²) 328/15.]

DATO' ELYAS BIN OMAR,
Commissioner of the City of Kuala Lumpur

Approved the 20th March 1989.

ABDUL GHAFAR BIN BABA,
Deputy Prime Minister

P.U.(A) 204/90

7. The principal By-laws are amended by inserting after by-law 21 the following new heading:

"PART IV
GENERAL".

8. The principal By-laws are amended by inserting after by-law 21 under the new heading "GENERAL", the following new by-laws 21A and 21B:

Suspension
or cancellation
of licence.

21A. The Commissioner may at any time suspend or cancel the licence of any food establishment if there has been a breach of the conditions or restrictions of the licence or any contravention of the provisions of these By-laws:

Provided that nothing in this by-law shall preclude the licensee from being liable to prosecution.

Closure
of insanitary
food estab-
lishment.

21B. (a) The Commissioner may in writing order the closure forthwith of any food establishment if he is of the opinion that such food establishment is reasonably suspected of being or is likely to become a source of infection and the licensee of the food establishment who fails to comply with such order shall be guilty of an offence.

(b) The Commissioner may take any steps necessary to close the food establishment if the licensee fails to comply with the order issued under paragraph (a).

(c) The Commissioner may after due inquiry allow the food establishment to be reopened if he is satisfied that the source of infection has been removed."

Made the 8th May 1990.
[PHEU² 12/77; PN. (PU²) 328/7 Pt. II.]

DATO' ELYAS BIN OMAR,
Commissioner of the City of Kuala Lumpur

Confirmed the 4th June 1990.

DR MAHATHIR BIN MOHAMAD,
Prime Minister

P.U. (A) 204.

AKTA KERAJAAN TEMPATAN 1976

KAEDAH-KAEDAH PEGAWAI DEWAN BANDARAYA KUALA LUMPUR
(KELAKUAN DAN TATATERTIB) (PINDAAN) 1990

PADA menjalankan kuasa-kuasa yang diberi oleh seksyen 17 (1) Akta Kerajaan Tempatan 1976, Dato Bandar Kuala Lumpur dengan kelulusan Menteri, membuat kaedah-kaedah yang berikut:

1. Kaedah-kaedah ini bolehlah dinamakan Kaedah-Kaedah Pegawai Dewan Bandaraya Kuala Lumpur (Kelakuan dan Tatatertib) (Pindaan) 1990.

Pindaan
kaedah 3
P U (A)
17/189

2. Kaedah 3 Kaedah-Kaedah Pegawai Dewan Bandaraya Kuala Lumpur (Kelakuan dan Tata tertib) 1989, yang disebut "Kaedah-Kaedah ibu" dalam kaedah-kaedah ini, adalah dipinda dengan menggantikan tafsiran "Ketua Jabatan" dengan tafsiran baru yang berikut—

" "Ketua Jabatan" ertinya seseorang pegawai yang bertanggungjawab mengenai sesebuah jabatan, unit, bahagian atau seksi Dewan Bandaraya Kuala Lumpur dan kecuali berkaitan dengan kaedah 24 termasuk Timbalan Ketua Jabatan yang bertindak bagi pihaknya;"

Pindaan
kaedah 25

3. Kaedah 25 Kaedah-Kaedah ibu adalah dipinda—

(a) dengan memasukkan selepas sahaja perkataan "peguamcara" yang terdapat dalam perenggan (9), perkataan-perkataan "dan apa-apa fee, kos atau perbelanjaan yang berkaitan dengannya hendaklah ditanggung oleh pegawai itu";

(b) dengan memasukkan selepas sahaja perkataan "Tata tertib" yang terdapat dalam garisan pertama perenggan (16) perkataan-perkataan "atau mana-mana pegawai yang dilantik oleh Pengerusi"; dan

(c) dengan menomborkan semula perenggan (9) sebagai perenggan (12) dan perenggan-perenggan (10), (11) dan (12) masing-masing sebagai perenggan-perenggan (9), (10) dan (11).

Pindaan
kaedah 29

4. Kaedah 29 Kaedah-Kaedah ibu adalah dipinda—

(a) dengan menggantikan perkataan-perkataan "menahan", "tahan" dan "ditahan" di mana-mana jua terdapat dalamnya masing-masing dengan perkataan-perkataan "menggantungkan", "gantungan" dan "digantung"; dan

(b) dengan memotong perkataan-perkataan "digantung atau" yang terdapat dalam perenggan (3).

Pemindahan
kaedah 30

5. Kaedah-kaedah ibu adalah dipinda dengan menggantikan kaedah 30 dengan kaedah 30 baru yang berikut—

"Gantung
kerja.

30. (1) Seseorang pegawai yang digantung daripada menjalankan tugas-tugasnya di bawah kaedah 32 dan 33 boleh dibenarkan menerima apa-apa bahagian emolumentnya tidak kurang daripada satu perdua banyaknya sebagaimana yang difikirkan patut oleh Lembaga Tata tertib.

(2) Jika prosiding tata tertib berkeputusan dengan dia dibuang kerja pegawai yang digantung daripada menjalankan tugas-tugasnya di bawah kaedah 32 dan 33, maka dia tidaklah berhak menerima apa-apa bahagian emolumentnya yang belum dibayar tetapi jika hukuman itu adalah lain daripada buang kerja maka bolehlah

dipulangkan kepadanya bahagian emolumen yang ditahan darinya itu sebagaimana yang difikirkan patut oleh Lembaga Tatatertib."

6. Kaedah 31 kaedah-Kaedah ibu adalah dipinda—

Pindaan
Kaedah 31

- (a) dengan memotong perkataan-perkataan "ditahan atau" yang terdapat dalam perenggan (1); dan
- (b) dengan menggantikan perkataan "ditahan" yang terdapat dalam perenggan (2) dengan perkataan "digantung"

Diperbuat pada 11hb Mei 1990.
[PHEU². 3/82; PN. (PU²) 328/15.]

DATO' ELYAS BIN OMAR,
Datuk Bandar Kuala Lumpur

Diluluskan pada 4hb Jun 1990.

DR MAHATHIR BIN MOHAMAD,
Perdana Menteri

LOCAL GOVERNMENT ACT 1976

CITY HALL OF KUALA LUMPUR OFFICERS (CONDUCT AND DISCIPLINE) (AMENDMENT) RULES 1990

In exercise of the powers conferred by section 17 (1) of the Local Government Act 1976, the Commissioner of the City of Kuala Lumpur, with the approval of the Minister, makes the following rules: Act 171

1. These rules may be cited as the City Hall of Kuala Lumpur Officers (Conduct and Discipline) (Amendment) Rules 1990. Citation

2. Rule 3 of the City Hall of Kuala Lumpur Officers (Conduct and Discipline) Rules 1989 which in these rules is referred to as the "principal Rules" is amended by substituting the definition of "Head of Department" with the following new definition— Amendment
of rule 3
P.U. (A)
171/89

" "Head of Department" means an officer of the Commissioner who is in charge of a department, unit, division or section of City Hall of Kuala Lumpur and except in relation to rule 24 includes the Deputy Head of department, unit, division or section, if any, to act on his behalf;".

3. Rule 25 of the principal Rules is amended—

Amendment
of rule 25

- (a) by inserting immediately after the word "solicitor" appearing in paragraph (9) the words "and any fees, costs or expenses incurred thereby shall be borne by the officer";
- (b) by inserting immediately after the word "Board" appearing in the first line of paragraph (16) the words "or any officer appointed by the Chairman"; and
- (c) by renumbering paragraph (9) as paragraph (12) and paragraphs (10), (11) and (12) as paragraphs (9), (10) and (11) respectively.

amendment
rule 29

4. Rule 29 of the principal Rules is amended—

- (a) by substituting for the words "interdict", "interdiction" and "interdicted" wherever they appear in the rule the words "suspend", "suspension" and "suspended" respectively; and
- (b) by deleting the words "suspended or" appearing in paragraph (3).

amendment
rule 30

5. The principal Rules is amended by substituting rule 30 with the following new rule 30

Suspension. 30. (1) An officer who is suspended from the exercise of his duties under rules 32 and 33 shall be allowed to receive such portion of the emoluments of his office, not being less than one half as the Disciplinary Board may think fit.

(2) If the disciplinary proceedings result in the dismissal of an officer who is suspended from the exercise of his duties under rules 32 and 33, he shall not be entitled to receive any of the unpaid portion of his emoluments, but if the punishment is other than dismissal he may be refunded such portion of the emolument withheld from him as the Disciplinary Board may think fit."

amendment
rule 31

6. Rule 31 of the principal Rules is amended—

- (a) by deleting the words "interdicted or" appearing in paragraph (1); and
- (b) by substituting for the word "interdicted" appearing in paragraph (2) the word "suspended".

Made the 11th may 1990.

[PHEU². 3/82; PN. (PU²) 328/15.]

DATO' ELYAS BIN OMAR,
Commissioner of the City of Kuala Lumpur

Approved the 4th June 1990.

DR MAHATHIR BIN MOHAMAD,
Prime Minister

P.U.(A) 58/92

Service of
document,
notice,
etc.

52. (1) Every enforcement officer shall furnish to the Head of Enforcement Directorate the address of his residence or any change thereof which shall be his address for the purpose of serving on him notice or document whatsoever under these Rules or for the purposes of communication with him in any matter in relation to these Rules.

(2) Any document, notice or communication left at or posted by ordinary post to the address for service supplied under paragraph (1) shall be deemed to have been duly served upon or communicated to the enforcement officer.

Revisionary
power of the
Commissioner.

53. The Commissioner may at any time call for and examine the record of any disciplinary proceedings and may reduce, enhance or reverse any punishment passed on any enforcement officer.

Made the 16th October 1991.

[JHEU2. 3/82 (91)-EO; PN. (PU²) 328/15 Jld. III.]

TAN SRI DATO' ELYAS BIN OMAR,
Commissioner of the City of Kuala Lumpur

Approved the 31st December 1991.

DR MAHATHIR BIN MOHAMAD,
Prime Minister

P.U. (A) 58.

AKTA KERAJAAN TEMPATAN 1976

KAEDAH-KAEDAH PEGAWAI DEWAN BANDARAYA KUALA LUMPUR (KELAKUAN DAN TATATERTIB) (PINDAAN) 1992

Akta 171.

PADA menjalankan kuasa-kuasa yang diberi oleh seksyen 17(1) Akta Kerajaan Tempatan 1976, Dato Bandar Kuala Lumpur, dengan kelulusan Menteri, membuat kaedah-kaedah yang berikut:

Nama.

1. Kaedah-Kaedah ini bolehlah dinamakan **Kaedah-Kaedah Pegawai Dewan Bandaraya Kuala Lumpur (Kelakuan dan Tatatertib) (Pindaan) 1992.**

Pindaan
kaedah 3.
P.U. (A)
171/89.

2. Kaedah 3 Kaedah-Kaedah Pegawai Dewan Bandaraya Kuala Lumpur (Kelakuan dan Tatatertib) 1989, yang disebut "Kaedah-Kaedah ibu" dalam kaedah-kaedah ini, adalah dipinda—

(a) dengan memasukkan, selepas takrif "Lembaga Tatatertib" takrif baru "pegawai penguatkuasa" yang berikut:

' P.U. (A) "pegawai penguatkuasa" mempunyai erti yang sama seperti dalam Kaedah-Kaedah Pegawai Penguatkuasa Dewan Bandaraya Kuala Lumpur (Kelakuan dan Tatatertib) 1992;' dan

- (b) dengan memasukkan, selepas perkataan-perkataan “Pekerja Rendah” yang terdapat dalam takrif “pegawai”, perkataan-perkataan “tetapi tidak termasuk pegawai penguatkuasa”.

3. Kaedah 18 Kaedah-Kaedah ibu naskah bahasa kebangsaan adalah dipinda dengan memotong angka “(1)”. Pindaan
kaedah 18.

4. Kaedah 26 Kaedah-Kaedah ibu adalah dipinda dengan menggantikan perkataan-perkataan “ditahan kerja” dan “menahan” di mana-mana jua terdapat masing-masingnya dengan perkataan-perkataan “digantung kerja” dan “menggantung”. Pindaan
kaedah 26.

5. Kaedah 29 Kaedah-Kaedah ibu adalah dipinda— Pindaan
kaedah 29.

- (a) dengan menggantikan nota birai dengan nota birai baru yang berikut:

“Penggantungan kerja seseorang pegawai yang prosiding jenayah atau tatatertib sedang dibawa terhadapnya.”.

- (b) dengan menggantikan perkataan-perkataan “yang digantung” yang terdapat dalam perenggan (4) naskah bahasa kebangsaan, perkataan-perkataan “yang ditahan”.

6. Kaedah 30 Kaedah-Kaedah ibu naskah bahasa kebangsaan adalah dipinda, dalam perenggan (2), dengan memotong perkataan-perkataan “dia dibuang kerja” yang terdapat dalam baris 2 dan dengan memasukkan selepas angka “33” perkataan-perkataan “dibuang kerja”. Pindaan
kaedah 30.

7. Kaedah 31 Kaedah-Kaedah ibu adalah dipinda dengan membatalkan perkataan-perkataan “ditahan kerja atau” yang terdapat di nota birai. Pindaan
kaedah 31.

8. Kaedah 33 Kaedah-Kaedah ibu naskah bahasa Inggeris adalah dipinda dengan menggantikan perkataan “this” yang terdapat di baris 8 perenggan (1) dengan perkataan “the”. Pindaan
kaedah 33.

9. Kaedah 45 Kaedah-Kaedah ibu adalah dipinda dengan menggantikan perkataan-perkataan “pada bila-bila masa” dengan perkataan-perkataan “dalam satu tahun atau apa-apa tempoh lanjut seperti yang dibenarkan oleh Dato Bandar”. Pindaan
kaedah 45.

10. Susunan Kaedah-Kaedah kepada Kaedah-Kaedah ibu adalah dipinda— Pindaan
susunan
Kaedah-
kaedah.

- (a) dengan menggantikan perkataan-perkataan “Tanah kerja” dalam kaedah 29 dengan perkataan-perkataan “Penggantungan kerja seseorang pegawai yang prosiding jenayah atau tatatertib sedang dibawa terhadapnya.”;

- (b) dengan menggantikan perkataan-perkataan "Dato Bandar" dan perkataan "hal" dalam kaedah 34 masing-masing dengan perkataan-perkataan "Lembaga Tatatertib" dan perkataan "kes-kes"; dan
- (c) dengan menggantikan perkataan "Pemberitahu" dalam kaedah 44 naskah bahasa kebangsaan dengan perkataan "Pemberitahuan".

Diperbuat pada 16hb Oktober 1991.
[PHEU. 2/3/82; PN. (PU²) 328/15 Jld. III.]

TAN SRI DATO' ELYAS BIN OMAR,
Dato Bandar Kuala Lumpur

Diluluskan pada 31hb Disember 1991.

DR MAHATHIR BIN MOHAMAD,
Perdana Menteri

LOCAL GOVERNMENT ACT 1976

CITY HALL OF KUALA LUMPUR OFFICERS (CONDUCT AND DISCIPLINE) (AMENDMENT) RULES 1992

Act 171. IN exercise of the powers conferred by section 17(1) of the Local Government Act 1976, the Commissioner of the City of Kuala Lumpur, with the approval of the Minister, makes the following rules:

Citation. 1. These rules may be cited as the **City Hall of Kuala Lumpur Officers (Conduct and Discipline) (Amendment) Rules 1992.**

Amendment of rule 3. P.U. (A) 171/89. 2. Rule 3 of the City Hall of Kuala Lumpur Officers (Conduct and Discipline) Rules 1989 which in these rules is referred to as the "principal Rules" is amended—

(a) by inserting, after the definition of "Disciplinary Board" the following new definition of "enforcement officer":

' P.U. (A) "enforcement officer" has the same meaning as in the City Hall of Kuala Lumpur Enforcement Officers (Conduct and Discipline) Rules 1992.; and

(b) by inserting, after the words "Manual Group" appearing in the definition of "officer", the words "but does not include an enforcement officer".

Amendment of rule 18. 3. Rule 18 of the national language text of the principal Rules is amended by deleting the figure "(1)".

Amendment of rule 26. 4. Rule 26 of the principal Rules is amended by substituting for the words "interdict", "interdicted" and "interdiction" wherever they appear the words "suspend", "suspended" and "suspension" respectively.

5. Rule 29 of the principal Rules is amended—

Amendment
of rule 29.

- (a) by substituting for the marginal note the following new marginal note:

“Suspension of an officer against whom criminal proceedings or disciplinary proceedings are being instituted.”.

- (b) by substituting for the words “yang digantung” in paragraph (4) of the national language text the words “yang ditahan”.

6. Rule 30 of the national language text of the principal Rules is amended, in paragraph (2), by deleting the words “dia dibuang kerja” in line two and by inserting after the figure “33” the words “dibuang kerja”.

Amendment
of rule 30.

7. Rule 31 of the principal Rules is amended by deleting the words “interdiction or” appearing in the marginal note.

Amendment
of rule 31.

8. Rule 33 of the English language text of the principal Rules is amended by substituting for the word “this” appearing in line 8 of paragraph (1) the word “the”.

Amendment
of rule 33.

9. Rule 45 of the principal Rules is amended by substituting for the words “at any time” the words “within one year or any extended period as may be granted by the Commissioner”.

Amendment
of rule 45.

10. The Arrangement of Rules to the principal Rules are amended—

Amendment
of Arrangement
of Rules.

- (a) by substituting for the word “Interdiction” in rule 29 the words “Suspension of an officer against whom criminal proceedings or disciplinary proceedings are being instituted.”;

- (b) by substituting for the word “Commissioner” in rule 34 the words “Disciplinary Board”; and

- (c) by substituting for the word “Pemberitahu” in rule 44 of the national language text the word “Pemberitahuan”.

Made the 16th October 1991.

[PHEU. 2/3/82; PN. (PU²) 328/15 Jld. III.]

TAN SRI DATO' ELYAS BIN OMAR,
Commissioner of the City of Kuala Lumpur

Approved the 31st December 1991.

DR MAHATHIR BIN MOHAMAD,
Prime Minister

P.U.(A) 134/93



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Warta Kerajaan
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AKTA KERAJAAN TEMPATAN 1976

**KAEDAH-KAEDAH PEGAWAI DEWAN BANDARAYA KUALA LUMPUR
(KELAKUAN DAN TATATERTIB) (PINDAAN) 1993**

PADA menjalankan kuasa yang diberikan oleh subseksyen 17(1) Akta Kerajaan Tempatan 1976, Dato Bandar Kuala Lumpur, dengan kelulusan Menteri, membuat kaedah-kaedah yang berikut:

1. (1) Kaedah-Kaedah ini bolehlah dinamakan **Kaedah-Kaedah Pegawai Dewan Bandaraya Kuala Lumpur (Kelakuan dan Tatatertib) (Pindaan) 1993** dan tertakluk kepada perenggan (2) hendaklah disifatkan telah mula berkuatkuasa pada 1hb Januari 1992.

Nama dan mula
berkuatkuasa.

(2) Kaedah 3 dan 4 Kaedah-Kaedah ini hendaklah mula berkuatkuasa pada tarikh Kaedah-Kaedah ini disiarkan dalam *Warta*.

2. Kaedah 3 Kaedah-Kaedah Pegawai Dewan Bandaraya Kuala Lumpur (Kelakuan dan Tatatertib) 1989, yang disebut "Kaedah-Kaedah ibu" dalam Kaedah-Kaedah ini, adalah dipinda—

Pindaan
kaedah 3,
P.U. (A)
171/89.

- (a) dengan memasukkan selepas ungkapan 'P.U. (A)' yang terdapat dalam nota birai takrif 'pegawai penguatkuasa', angka '57/92'; dan
- (b) dengan memasukkan, selepas takrif "pegawai" takrif baru yang berikut:

' "Sistem Saraan Baru" ertinya Sistem Saraan Baru sebagaimana yang dilaksanakan melalui Pekeliling Perkhidmatan Bil. 9 Tahun 1991.'

- Pindaan
kaedah 35. 3. Kaedah-Kaedah ibu adalah dipinda dengan memotong
perenggan (e) dan (f) kaedah 35.
- Pemotongan
kaedah 37, 38,
39 dan 40. 4. Kaedah-Kaedah ibu adalah dipinda dengan memotong kaedah
37, 38, 39 dan 40.
- Penggantian
kaedah 41. 5. Kaedah-Kaedah ibu adalah dipinda dengan menggantikan
kaedah 41 dengan yang berikut:
- "Turun gaji. 41. (1) Jika Lembaga Tatatertib berpendapat bahawa
seseorang pegawai patut dikenakan hukuman turun gaji,
ia hendaklah berbuat demikian mengikut peruntukan
yang berikut:
- (a) apa-apa penurunan tidak boleh melebihi—
 - (i) berkenaan dengan seseorang pegawai di
bawah Laporan Jawatankuasa Kabinet
1976, tiga kenaikan gaji dalam segmen
gaji yang di dalamnya pegawai itu berada
pada masa hukuman itu dikenakan;
 - (ii) berkenaan dengan seseorang pegawai di
bawah Sistem Saraan Baru, tiga
pergerakan gaji secara mendatar dalam
jadual gaji yang di dalamnya pegawai itu
berada pada masa hukuman itu dikenakan,
bergantung kepada beratnya pelanggaran
tatatertib itu;
 - (b) tempoh hukuman yang dikenakan tidak boleh
kurang daripada dua belas bulan tetapi tidak boleh
melebihi tiga puluh enam bulan pada sesuatu
masa tertentu.
- (2) Tarikh kenaikan gaji, atau tarikh pergerakan gaji,
mengikut mana-mana yang berkenaan, bagi seseorang
pegawai yang dikenakan hukuman ini hendaklah
diubah—
- (a) dalam hal kenaikan gaji, kepada tarikh apabila
habisnya tempoh hukuman itu;
 - (b) dalam hal pergerakan gaji, kepada tarikh
pergerakan gaji yang berikutnya selepas habisnya
tempoh hukuman itu."

Dibuat pada 18hb Mac 1993.
[JHEU². 3/82; PN. (PU²) 328/15 Jld. IV.]

DATO' DR MAZLAN BIN AHMAD,
Dato' Bandar Kuala Lumpur

Diluluskan pada 14hb April 1993.

DR MAHATHIR BIN MOHAMAD,
Perdana Menteri

LOCAL GOVERNMENT ACT 1976

CITY HALL OF KUALA LUMPUR OFFICERS (CONDUCT AND
DISCIPLINE) (AMENDMENT) RULES 1993

IN exercise of the powers conferred by subsection 17(1) of the Local Government Act 1976, the Commissioner of the City of Kuala Lumpur, with the approval of the Minister, makes the following rules: *Act 171.*

1. (1) These Rules may be cited as the **City Hall of Kuala Lumpur Officers (Conduct and Discipline) (Amendment) Rules 1993** and subject to paragraph (2) shall be deemed to have come into force on the 1st January 1992. *Citation and commencement.*

(2) Rules 3 and 4 of these Rules shall come into force on the date of publication of these Rules in the *Gazette*.

2. Rules 3 of the City Hall of Kuala Lumpur Officers (Conduct and Discipline) Rules 1989, which in these Rules are referred to as the "principal Rules", is amended— *Amendment of rule 3.*

(a) by inserting after the expression 'P.U. (A)' appearing in the marginal note of the definition 'enforcement officer', the figure '57/92'; and

(b) by inserting after the definition of "Head of Department", the following new definition:

' "New Remuneration System" means the New Remuneration System as implemented by Pekeliling Perkhidmatan Bil. 9 Tahun 1991.'

3. The principal Rules are amended by deleting paragraphs (e) and (f) of rule 35. *Amendment of rule 35.*

4. The principal Rules are amended by deleting rules 37, 38, 39 and 40. *Deletion of rules 37, 38, 39 and 40.*

5. The principal Rules are amended by substituting for rule 41 the following: *Substitution of rule 41.*

"Reduction of salary." 41. (1) Where the Disciplinary Board considers that an officer should be punished with reduction of salary, it may do so in accordance with the following provision:

(a) any reduction shall not exceed—

(i) in respect of an officer under the Cabinet Committee Report 1976, three salary increments in the salary segment in which the officer is in at the time the punishment is imposed;

(ii) in respect of an officer under the New Remuneration System, three salary movements horizontally in the salary

schedule in which the officer is in at the time the punishment is imposed,

depending on the severity of the breach of discipline;

(b) the period of punishment imposed shall not be less than twelve months but shall not exceed thirty six months on any one occasion.

(2) The incremental date, or the date of salary movement, as the case may be, of an officer imposed with this punishment shall be altered—

(a) in the case of salary increment, to the date on which the punishment expires;

(b) in the case of salary movement, to the date of the next salary movement after the punishment expires.”.

Made the 18th March 1993.

[JHEU². 3/82; PN. (PU²) 328/15 Jld. IV.]

DATO' DR MAZLAN BIN AHMAD,
Commissioner of the City of Kuala Lumpur

Approved the 14th April 1993.

DR MAHATHIR BIN MOHAMAD,
Prime Minister

P.U.(A) 135/93

schedule in which the officer is in at the time the punishment is imposed, depending on the severity of the breach of discipline;

- (b) the period of punishment imposed shall not be less than twelve months but shall not exceed thirty six months on any one occasion.

(2) The incremental date, or the date of salary movement, as the case may be, of an officer imposed with this punishment shall be altered—

- (a) in the case of salary increment, to the date on which the punishment expires;
- (b) in the case of salary movement, to the date of the next salary movement after the punishment expires.”.

Made the 18th March 1993.
[JHEU². 3/82; PN. (PU²) 328/15 Jld. IV.]

DATO' DR MAZLAN BIN AHMAD,
Commissioner of the City of Kuala Lumpur

Approved the 14th April 1993.

DR MAHATHIR BIN MOHAMAD,
Prime Minister

P.U. (A) 135.

AKTA KERAJAAN TEMPATAN 1976

KAEDAH-KAEDAH PEGAWAI PENGUATKUASA DEWAN BANDARAYA KUALA LUMPUR (KELAKUAN DAN TATATERTIB) (PINDAAN) 1993

Akta 171. PADA menjalankan kuasa yang diberikan oleh subseksyen 17(1) Akta Kerajaan Tempatan 1976, Dato Bandar Kuala Lumpur, dengan kelulusan Menteri, membuat kaedah-kaedah yang berikut:

Nama dan mula
berkuatkuasa.

1. (1) Kaedah-Kaedah ini bolehlah dinamakan **Kaedah-Kaedah Pegawai Penguatkuasa Dewan Bandaraya Kuala Lumpur (Kelakuan dan Tatatertib) (Pindaan) 1993** dan tertakluk kepada perenggan (2) hendaklah disifatkan telah mula berkuatkuasa pada mula berkuatkuasanya Kaedah-Kaedah Pegawai Penguatkuasa Dewan Bandaraya Kuala Lumpur (Kelakuan dan Tatatertib) 1992.

P.U. (A) 57/92.

(2) Kaedah 3 dan 4 Kaedah-Kaedah ini hendaklah mula berkuatkuasa pada tarikh Kaedah-Kaedah ini disiarkan dalam *Warta*.

2. Kaedah 3 Kaedah-Kaedah Pegawai Penguatkuasa Dewan Bandaraya Kuala Lumpur (Kelakuan dan Tata tertib) 1992, yang disebut "Kaedah-Kaedah ibu" dalam Kaedah-Kaedah ini, adalah dipinda dengan memasukkan, selepas takrif "pegawai penguatkuasa", takrif baru yang berikut:

Pindaan
kaedah 3.

"Sistem Saraan Baru" ertinya Sistem Saraan Baru sebagaimana yang dilaksanakan melalui Pekeliling Perkhidmatan Bil. 9 Tahun 1991.

3. Kaedah-Kaedah ibu adalah dipinda dengan memotong perenggan (e) dan (f) kaedah 35(1).

Pindaan
kaedah 35.

4. Kaedah-Kaedah ibu adalah dipinda dengan memotong kaedah 37, 38, 39 dan 40.

Pemotongan
kaedah 37, 38,
39 dan 40.

5. Kaedah-Kaedah ibu adalah dipinda dengan menggantikan kaedah 41 dengan yang berikut:

Penggantian
kaedah 41.

"Turun gaji. 41. (1) Jika Lembaga Tata tertib berpendapat bahawa seseorang pegawai penguatkuasa patut dikenakan hukuman turun gaji, ia hendaklah berbuat demikian mengikut peruntukan yang berikut:

(a) apa-apa penurunan tidak boleh melebihi—

(i) berkenaan dengan seseorang pegawai penguatkuasa yang di bawah Laporan Jawatankuasa Kabinet 1976, tiga kenaikan gaji dalam segmen gaji yang di dalamnya pegawai penguatkuasa itu berada pada masa hukuman itu dikenakan;

(ii) berkenaan dengan seseorang pegawai penguatkuasa yang di bawah Sistem Saraan Baru, tiga pergerakan gaji secara mendatar dalam jadual gaji yang di dalamnya pegawai penguatkuasa itu berada pada masa hukuman itu dikenakan,

bergantung kepada beratnya pelanggaran tata tertib itu;

(b) tempoh hukuman yang dikenakan tidak boleh kurang daripada dua belas bulan tetapi tidak boleh melebihi tiga puluh enam bulan pada sesuatu masa tertentu.

(2) Tarikh kenaikan gaji, atau tarikh pergerakan gaji, mengikut mana-mana yang berkenaan bagi seseorang

pegawai penguatkuasa yang dikenakan hukuman ini hendaklah diubah—

- (a) dalam hal kenaikan gaji, kepada tarikh apabila habisnya tempoh hukuman itu;
- (b) dalam hal pergerakan gaji, kepada tarikh pergerakan gaji yang berikutnya selepas habisnya tempoh hukuman itu.”.

Dibuat pada 18hb Mac 1993.

[JHEU². 3/82 (91)-EO; PN. (PU²) 328/15 Jld. IV.]

DATO' DR MAZLAN BIN AHMAD,
Dato Bandar Kuala Lumpur.

Diluluskan pada 14hb April 1993.

DR MAHATHIR BIN MOHAMAD,
Perdana Menteri

LOCAL GOVERNMENT ACT 1976

CITY HALL OF KUALA LUMPUR ENFORCEMENT OFFICERS (CONDUCT AND DISCIPLINE) (AMENDMENT) RULES 1993

Act 171. In exercise of the powers conferred by subsection 17(1) of the Local Government Act 1976, the Commissioner of the City of Kuala Lumpur, with the approval of the Minister, makes the following rules:

Citation and commencement.

P.U. (A) 57/92.

1. (1) These Rules may be cited as the **City Hall of Kuala Lumpur Enforcement Officers (Conduct and Discipline) (Amendment) Rules 1993** and subject to paragraph (2) shall be deemed to have come into force on the coming into force of the City Hall of Kuala Lumpur Enforcement Officers (Conduct and Discipline) Rules 1992.

(2) Rules 3 and 4 of these Rules shall come into force on the date of publication of these Rules in the *Gazette*.

Amendment of rule 3.

2. Rule 3 of the City Hall of Kuala Lumpur Enforcement Officers (Conduct and Discipline) Rules 1992, which in these Rules are referred to as the “principal Rules”, is amended by inserting, after the definition of “Head of the Enforcement Directorate”, the following new definition:

“New Remuneration System” means the New Remuneration System as implemented by Pekeliling Perkhidmatan Bil. 9 Tahun 1991.”.

Amendment of rule 35.

3. The principal Rules are amended by deleting paragraphs (e) and (f) of rule 35(1).

4. The principal Rules are amended by deleting rules 37, 38, 39 and 40. Deletion of rules 37, 38, 39 and 40.

5. The principal Rules are amended by substituting for rule 41 the following: Substitution of rule 41.

"Reduction of salary.

41. (1) Where the Disciplinary Board considers that an enforcement officer should be punished with reduction of salary, it may do so in accordance with the following provision:

(a) any reduction shall not exceed—

- (i) in respect of an enforcement officer who is under the Cabinet Committee Report 1976, three salary increments in the salary segment in which the enforcement officer is in at the time the punishment is imposed;
- (ii) in respect of an enforcement officer who is under the New Remuneration System, three salary movements horizontally in the salary schedule in which the enforcement officer is in at the time the punishment is imposed,

depending on the severity of the breach of discipline;

(b) the period of punishment imposed shall not be less than twelve months but shall not exceed thirty six months on any one occasion.

(2) The incremental date, or the date of salary movement, as the case may be, of an enforcement officer imposed with this punishment shall be altered—

- (a) in the case of salary increment, to the date on which the punishment expires;
- (b) in the case of salary movement, to the date of the next salary movement after the punishment expires."

Made the 18th March 1993.

[JHEU². 3/82 (91)-EO; PN. (PU²) 328/15 Jld. IV.]

DATO' DR MAZLAN BIN AHMAD,
Commissioner of the City of Kuala Lumpur

Approved the 14th April 1993.

DR MAHATHIR BIN MOHAMAD,
Prime Minister

P.U. (A) 246.

PERLEMBAGAAN PERSEKUTUAN

PERATURAN-PERATURAN PEGAWAI AWAM
(KELAKUAN DAN TATATERTIB) (PINDAAN) 2002

P.U. (A) 246.

Mengambil
bahagian dalam
politik

21. (1) Kecuali sebagaimana yang diperuntukkan dalam subperaturan (3) seseorang pegawai dalam Kumpulan Pengurusan Tertinggi dan Kumpulan Pengurusan dan Profesional adalah dilarang mengambil bahagian dalam aktiviti politik atau memakai mana-mana lambang sesuatu parti politik, dan khususnya dia tidak boleh --

- (a) membuat apa-apa pernyataan awam, sama ada secara lisan atau bertulis, yang memberikan suatu pandangan yang berat sebelah atas apa-apa perkara yang menjadi isu antara parti-parti politik;
- (b) menerbitkan atau mengedar buku, makalah atau risalah yang mengemukakan pandangannya yang berat sebelah atau pandangan orang lain, tentang apa-apa perkara yang berkaitan dengan mana-mana parti politik;
- (c) terlibat dalam merayu undi bagi menyokong mana-mana calon pada suatu pilihan raya umum, pilihan raya kecil, atau apa-apa pilihan raya untuk apa-apa jawatan dalam mana-mana parti politik;
- (d) bertindak sebagai ejen pilihan raya atau ejen tempat mengundi atau atas apa-apa sifat untuk atau bagi pihak seseorang calon dalam sesuatu pilihan raya bagi Dewan Rakyat atau bagi mana-mana Dewan Undangan Negeri;
- (e) masuk bertanding untuk apa-apa jawatan dalam mana-mana parti politik; atau
- Ø memegang apa-apa jawatan dalam mana-mana parti politik; atau

(2) Seseorang pegawai dalam Kumpulan Sokongan boleh bertanding atau memegang jawatan atau dilantik ke dalam apa-apa jawatan dalam suatu parti politik setelah terlebih dahulu mendapatkan kelulusan bertulis Ketua Pengarah Perkhidmatan Awam atau Ketua Setiausaha Kementerian yang berkenaan, mengikut mana-mana yang berkenaan.

(3) Walau apa pun peruntukan subperaturan (1), seseorang pegawai yang dibenarkan bercuti sehingga ke tarikh persaraannya bagi maksud menghabiskan cutinya yang terkumpul boleh mengambil bahagian dalam aktiviti politik dengan syarat bahawa

- (a) pegawai itu terlebih dahulu telah mendapatkan kelulusan bertulis Ketua Pengarah Perkhidmatan Awam atau Ketua Setiausaha Kementerian yang berkenaan, mengikut mana-mana yang berkenaan; dan
- (b) dengan penglibatan sedemikian pegawai itu tidak melanggar peruntukan Akta Rahsia Rasmi 1972.