



LAWS OF SARAWAK

REPRINT

Chapter 14

SARAWAK TOURISM BOARD (INCORPORATION) ORDINANCE, 1994

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**SARAWAK TOURISM BOARD
(INCORPORATION) ORDINANCE, 1994**

Date Passed by Dewan Undangan Negeri	7th November, 1994
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LAWS OF SARAWAK

Chapter 14

**SARAWAK TOURISM BOARD
(INCORPORATION) ORDINANCE, 1994**

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation

PART II

SARAWAK TOURISM BOARD

3. Establishment of the Board
4. Functions and powers of the Board
5. Public Authorities Protection Act 1948
6. Public servants
7. Power of the Minister to give directions
8. Reports and information

PART III

DIRECTOR, DEPUTY DIRECTORS
AND OTHER OFFICERS AND SERVANTS

9. Appointment of Chief Executive Officer, *etc.*
10. Ineligibility for appointment
11. Standing Orders with respect to conditions of service and discipline

PART IV
FINANCE

Section

12. The Fund
13. Conservation of the Fund
14. Expenditure to be charged on the Fund
15. Expenditure and preparation of estimates
16. Accounts and audit

PART V
OTHER POWERS OF THE BOARD

17. Delegation by the Board
18. Power to borrow
19. Investment
20. Government loans or grants
21. Power to employ

PART IV
GENERAL

22. Obligation of secrecy
23. Power to make regulations

SCHEDULE

LAWS OF SARAWAK

Chapter 14

**SARAWAK TOURISM BOARD
(INCORPORATION) ORDINANCE, 1994**

An Ordinance to incorporate the Sarawak Tourism Board and to provide for the promotion of tourism in the State and for purposes connected therewith and incidental thereto.

*[1st March, 1995]
(Swk. L.N. 15/95)

Enacted by the Legislature of Sarawak—

PART I

PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Sarawak Tourism Board (Incorporation) Ordinance, 1994, and shall come into force on such date as the Minister may, by notification in the **Gazette*, appoint.

Interpretation

2.—(1) In this Ordinance—

“Board” means the Sarawak Tourism Board established under section 3;

“Chairman” means the Chairman of the Board appointed under section 3;

“Chief Executive Officer” means the Chief Executive Officer of the Board appointed pursuant to section 9;

“Fund” means the Fund established under section 12;

“member” means a member of the Board, and includes an alternate member appointed pursuant to section 3(4);

“Minister” means the Minister in the Government of Sarawak for the time being charged with the responsibility for tourism;

“tourism enterprise” means—

(a) any business which, either wholly or in part, provides or arranges services for visitors to Sarawak by way of transport, accommodation, tours or guides, whether or not such services are provided within Sarawak or outside Sarawak;

(b) any business which caters for carriage of passengers, either by air, land, rail or sea;

(c) any business which, either wholly or in part, retails goods for sale to visitors to Sarawak;

(d) any business or activity related to the promotion of arts, crafts, traditions or cultures of the people of Sarawak; and

(e) any association of such businesses.

[Am. Cap. A60.]

(2) In this Ordinance, a reference to the Yang di-Pertua Negeri shall be construed as a reference to the Yang di-Pertua Negeri acting in accordance with the advice of the Majlis Mesyuarat Kerajaan Negeri or of a member thereof acting under the general authority of the Majlis.

PART II

SARAWAK TOURISM BOARD

Establishment of the Board

3.—(1) There is established in accordance with the provisions of this Ordinance a body corporate by the name of “Sarawak Tourism Board”.

(2) The Board shall be a body corporate with perpetual succession and a common seal, which may sue and be sued in its name and, subject to and for the purposes of this Ordinance, may enter into contracts and may acquire, purchase, take, hold and enjoy movable

and immovable property of every description and may convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with any movable or immovable property or any interest therein vested in the Board upon such terms as it deems fit.

(3) The Board shall consist of the following members who shall be appointed by the Minister:

- (a) a Chairman;
- (b) a Deputy Chairman; and
- (c) not less than six but not more than ten members of whom—
 - (i) at least three shall be persons who are connected with any tourism enterprise but shall not hold any public office;
 - (ii) at least three shall be public officers whose public duties are connected with or incidental to the promotion of tourism or tourism enterprise; and
 - (iii) any other persons as the Minister considers fit and proper to be members of the Board.

[Sub. Cap. A60.]

(4) Any member appointed under subsection (3) may, with the approval of the Minister, nominate an alternate member who, in the absence or incapacity, of that member, shall be entitled to attend meetings of the Board and who shall have the powers or duties conferred by this Ordinance on a member.

[Sub. Cap. A60.]

(5) The Board may delegate any of its functions and powers to the Chief Executive Officer.

(6) The provisions of the Schedule shall apply to the Board and its members.

(7) The Minister may, with the approval of the Yang di-Pertua Negeri, by regulations made under section 23 amend the Schedule.

(8) The Board shall for the purposes of the Land Code [*Cap. 81 (1958 Ed.)*] be deemed to be a native.

Functions and powers of the Board

4.—(1) The functions of the Board shall be—

(a) to stimulate and promote tourism to and within Sarawak;

(b) to stimulate, promote and market Sarawak as a tourist destination;

(c) to organize, secure and enhance publicity in Malaysia and overseas for tourist attractions in Sarawak;

(d) to engage or assist in the development of tourism in the State and to carry on such activities in association with the Government, any public or local authority, any corporation, any company, any body or any person or as managing agents or otherwise on this behalf, or enter into any arrangement with such bodies or persons for sharing profits, union of interests, co-operation, joint venture or reciprocal concession;

(e) to make recommendations to the Minister on the measures and programmes to be adopted to facilitate and stimulate the development and promotion of the tourism industry in Sarawak and, where approved by the Minister, to implement or assist in the implementation of such measures and programmes; and

(f) to liaise and co-ordinate with and make representation to the Malaysian Tourism Promotion Board or the Federal Ministry of Culture, Arts and Tourism on all matters relating to the enhancement of tourism and the development of the tourism industry in Sarawak.

(2) The Board shall have power to do all things expedient or reasonably necessary for, or incidental to, the performance of its functions, and in particular, but without prejudice to the generality of the foregoing—

(a) to carry out all activities relating to the promotion of tourism which appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its functions;

(b) to co-operate with or act as agent of, or otherwise act in association with or on behalf of any agency or organization, international or otherwise;

(c) to promote and co-ordinate the carrying on of such activities which are connected or related to its functions by any government department, or governmental or non-governmental agency or organization;

(d) to conduct researches, surveys and investigations which are requisite, advantageous or convenient for or in connection with the promotion of the tourism industry or tourist attractions in Sarawak;

(e) to require any government department, or governmental or non-governmental agency or organization to submit information, programmes and reports in respect of its tourism promotion and marketing activities;

(f) to enter into such negotiations and arrangements as the Board considers necessary for the performance of its functions;

(g) subject to any other written law, to assist in the development of tourism enterprises in Sarawak, and in the provision or improvement of tourist facilities and attractions in Sarawak;

(h) to give assistance to any governmental or non-governmental agency or organization appearing to the Board to have facilities for the carrying on of any such activities, including, with the approval of the Minister, financial assistance by the taking up of share or loan capital or by loan or otherwise;

(i) subject to the approval of the Minister, to dispose of capital assets and to use the proceeds from such disposal as the Board deems fit;

(j) to appoint such agents as it may deem fit for the purpose of performing its functions;

(k) with the approval of the Minister, to take, hold or otherwise acquire shares, debentures, stocks or other securities in any company carrying on the business of tourism enterprise, hoteliers, food establishment or transportation agencies;

(l) with the approval of the Minister, to invest any money of the Board in any business which will promote or be conducive to the tourism industry in Sarawak;

(m) with the approval of the Minister, to incorporate or form companies which are either wholly owned by, or as subsidiary of, the Board, or to enter into joint venture or association with other persons or companies to facilitate and promote the attainment of the objectives and functions of the Board or for the promotion of a participation in any tourism enterprise in Sarawak;

(n) to impose fees or any other charges it deems fit for giving effect to any of its functions or powers;

(o) to do such other things as it deems fit to enable it to carry out its functions and powers effectively;

(p) to exercise all powers and perform all duties which, under or by virtue of any other written law, may be vested or delegated to it; and

(q) generally, to do all such matters and things as may be incidental to and consequential upon the exercise of its powers or the discharge of its duties under this Ordinance.

[Am. Cap. A60.]

Public Authorities Protection Act 1948

5. The Public Authorities Protection Act 1948 *[Act 198]*, shall apply to any action, suit, prosecution or proceedings against the Board or any member, officer, servant or agent of the Board in respect of any act, neglect or default done or committed by him in such capacity.

Public servants

6. All members, officers and servants of the Board, while discharging their duties as such members, officers and servants, shall be deemed to be public servants within the meaning of the Penal Code [Act 574].

Power of the Minister to give directions

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

Reports and information

8.—(1) The Board shall furnish to the Minister such information with respect to its property and activities as the Minister may from time to time require or direct.

(2) The Board shall, not later than the 30th day of June of each year, cause to be made and transmitted to the Minister a report dealing with the activities of the Board during the preceding year and the report shall contain such information relating to the proceedings and policy of the Board as the Minister may from time to time specify.

(3) For the purpose of subsection (2), the financial year of the Board shall be a period of twelve months ending on the 31st day of December in any year.

[Am. Cap. A60.]

PART III

DIRECTOR, DEPUTY DIRECTORS
AND OTHER OFFICERS AND SERVANTS

Appointment of Chief Executive Officer, etc.

9.—(1)(a) The Board, with the approval of the Minister, shall appoint a fit and proper person, on such terms and conditions as the Board may determine, to be the Chief Executive Officer of the Board.

(b) The Chief Executive Officer shall, in addition to such duties or powers conferred upon him by this Ordinance, have such duties and powers as may be conferred upon him by the Board.

[Am. Cap. A60.]

(2) The Board shall, with the approval of the Minister, appoint a Deputy Chief Executive Officer and such number of officers and servants as are necessary to assist the Chief Executive Officer in the carrying out of his functions under this Ordinance on such terms and conditions, including remuneration, as may be determined by the Board with the approval of the Minister.

(3) The Chief Executive Officer shall, subject to the direction of the Board on matters of policy, be charged with the day to day administration and management of the affairs of the Board.

(4) The Chief Executive Officer shall be responsible to the Chairman acting on behalf of the Board.

(5) The Chief Executive Officer shall have the general control of the Deputy Chief Executive Officer and other officers and servants of the Board.

(6) The Board may, with the approval of the Minister, vest the Chief Executive Officer and the Deputy Chief Executive Officer with such powers and impose upon them such duties as may be determined by the Board.

(7) The Chief Executive Officer and the Deputy Chief Executive Officer shall perform such further duties as the Board may from time to time direct.

[Am. Cap. A60.]

(8) If the Chief Executive Officer is temporarily absent from the State or is temporarily incapacitated through illness or for any other sufficient reason from the performance of his duties, the Board may direct the Deputy Chief Executive Officer to perform his duties during such temporary absence or incapacity.

[Am. Cap. A60.]

Ineligibility for appointment

10. No person shall be eligible for employment as an officer or servant of the Board if he has, directly or indirectly, by himself or his partner, any share or interest in any contract or proposed contract with, for or on behalf of the Board.

Standing Orders with respect to conditions of service and discipline

11.—(1) The Board may, from time to time, with the approval of the Minister, make Standing Orders with respect to the conditions of service and discipline of its officers and servants.

(2) The Standing Orders made under this section may include provisions for—

(a) the appointment, dismissal, discipline, pay, leave and appeals against dismissal or disciplinary action;

(b) the interdiction with reduction in salary or in other remuneration;

(c) the suspension without salary or other remuneration; or

(d) the pensions, gratuities, allowances, provident fund or other superannuation benefits,

of an officer or servant of the Board.

(3) The Standing Orders made under this section shall create such disciplinary offences and provide for such disciplinary punishments as the Board may deem appropriate, and the punishments so provided may extend to dismissal or reduction in rank.

(4) The Standing Orders made under this section shall, in prescribing the procedure for disciplinary proceedings, provide for an opportunity for representations to be made by the person against whom the disciplinary proceedings are taken before a decision is arrived at by the Board on the disciplinary charge laid against such person.

PART IV
FINANCE

The Fund

12.—(1) There is established, for the purposes of this Ordinance, a Fund to be administered and controlled by the Board.

(2) The Fund shall consist of—

(a) such sums as may be appropriated from time to time by the Dewan Undangan Negeri;

(b) such sums as may be paid from time to time to the Board from advances or loans made by the Board;

(c) moneys earned by the operation of any project, scheme or enterprise financed from the Fund;

(d) moneys earned or arising from any property, investments, mortgages, charges or debentures acquired by or vested in the Board;

(e) any property, investments, mortgages, charges or debentures acquired by or vested in the Board;

(f) sums borrowed by the Board for the purposes of meeting any of its obligations or discharging any of its duties; and

(g) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions, powers and duties.

Conservation of the Fund

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

Expenditure to be charged on the Fund

14. The Fund shall be expended for the purpose of—

(a) paying any expenditure lawfully incurred by the Board, including legal fees and other fees and costs, and the salaries, remuneration and allowances of members, officers and servants appointed and employed by the Board, including superannuation allowances, provident fund, pensions and gratuities;

(b) paying any other expenses, costs or expenditure properly incurred or accepted by the Board in the performance of its functions or the exercise of its powers under section 4;

(c) purchasing or hiring equipment, vehicles, machinery, stores and any other materials, acquiring land and erecting buildings, and carrying out any other works and undertakings in the performance of its functions or the exercise of its powers under section 4;

(d) repaying any moneys borrowed under this Ordinance and the interest due thereon; and

(e) generally, paying any expenses for carrying into effect the provisions of this Ordinance and any regulations made hereunder.

Expenditure and preparation of estimates

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

(2) Before the beginning of July of each year, the Board shall submit to the Minister an estimate of the expenditure for the following year in such form and containing such particulars as the Minister may direct; and the Minister shall, before the beginning of the following year, notify the Board of the amount authorized for expenditure generally or the amounts authorized for each description of expenditure.

(3) The Board may at any time submit to the Minister a supplementary estimate for any one year and the Minister may allow the whole or any part of the additional expenditure included therein.

Accounts and audit

16.—(1) The Board shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year, and shall submit the same to the Auditor General or other auditor appointed by the Board for audit.

(2) On or before the 31st day of March each year or within such extended period as the Minister may permit in writing, the Board shall cause a copy of the statement of accounts to be transmitted to the Minister, together with a copy of any report or observations made by the auditor on that statement or on the accounts of the Board.

(3) The Minister shall cause a copy of every such statement and report or observations to be laid on the table of the Dewan Undangan Negeri.

PART V

OTHER POWERS OF THE BOARD

Delegation by the Board

17. The Board may, by an instrument in writing under the common seal, delegate to any person or body such of its duties as may be necessary to be performed in or outside Sarawak:

Provided that any such person or body shall have no control over the Fund and shall act in all respects in accordance with the direction of the Board.

Power to borrow

18. The Board may, from time to time, raise loans from the Government under section 20 or, with the approval of the Minister, borrow, at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the Minister may approve, any sums required by the Board for meeting any of its obligations or discharging any of its duties.

Investment

19. The assets of the Board shall, in so far as they are not required to be expended by the Board under this Ordinance, be invested in such manner as the Minister may approve.

Government loans or grants

20. The Government may, upon the recommendations of the Minister, make advances to the Board, either by way of grant or by way of loan, or partly by grant or partly by loan, and upon such terms and subject to such conditions as the Government may think fit for the purpose of assisting the Board to perform any function which it is empowered to perform by virtue of this Ordinance.

Power to employ

21. The Board may employ and pay agents and technical advisers, including advocates and solicitors, bankers, stockbrokers, surveyors, valuers and other persons, to transact any business or to do any act required to be transacted or done in the performance of its functions, the exercise of its powers or the discharge of its duties or for the better carrying into effect the purposes of this Ordinance.

PART VI
GENERAL

Obligation of secrecy

22.—(1) Except for any of the purposes of this Ordinance or for any civil or criminal proceedings under any written law, no member, officer or servant of the Board shall disclose any information which has been obtained by him in the course of his duties and which is not published in pursuance of this Ordinance.

(2) Any person contravening subsection (1) shall be guilty of an offence: Penalty, a fine of five thousand ringgit and imprisonment for one year.

Power to make regulations

23.—(1) The Minister may, with the approval of the Yang di-Pertua Negeri, make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Ordinance.

(2) Without prejudice to the generality of subsection (1), regulations may be made for—

(a) prescribing the manner in which documents, cheques and instruments of any description shall be signed or executed on behalf of the Board;

(b) prescribing the responsibilities and control of officers and servants of the Board;

(c) imposing fees in such cases as may be determined by the Minister;

(d) providing generally for the performance of the functions, the exercise of the powers and the discharge of the duties of the Board under the provisions of this Ordinance.

(3) Regulations under this section—

(a) may provide penalties for contravening any of the provisions thereof, which may extend to a fine of five thousand ringgit and imprisonment for one year; and

(b) may provide for offences under this Ordinance and regulations made hereunder to be compounded by the Board, the persons who may compound, the limit of the sum of money to be collected by the Board for compounding such offences and the procedure and forms to be complied with in compounding.

Sarawak Law

SCHEDULE

(Section 3(6) and (7))

REGULATIONS OF THE BOARD

Appointment, revocation and resignation

1.—(1) A member of the Board shall, subject to such conditions of appointment, hold office for a term not exceeding three years and is eligible for re-appointment.

(2) The appointment of any member may at any time be revoked by the Minister without assigning any reason therefor.

(3) A member may at any time resign his office by letter addressed to the Minister.

(4) The Chief Executive Officer may at any time resign his office by letter addressed to the Board and to the Minister in accordance with the terms and conditions of service applicable to his case.

(5) Every member shall devote such time to the business of the Board as is necessary to discharge his duties effectively.

[Am. Cap. A60.]

Vacation of office

2.—(1) The office of a member of the Board shall be vacated—

(a) if he dies;

(b) if there has been proved against him, or he has been convicted on, a charge in respect of—

(i) an offence involving fraud, dishonesty or moral turpitude;

(ii) an offence under any law relating to corruption or under section 22; or

(iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;

(c) if he becomes bankrupt;

(d) if he is of unsound mind or is otherwise incapable of discharging his duties;

(e) if he absents himself from three consecutive meetings without leave of the Board;

(f) in the event of his resignation being accepted by the Minister or, in the case of the Chief Executive Officer, by the Board with the approval of the Minister; or

(g) if his appointment is revoked by the Minister.

(2) Where any person ceases to be a member by reason of any of the provisions of this Ordinance, another person shall be appointed in his place in accordance with the provisions applying.

Remuneration

3. There may be paid to members of the Board such remuneration, travelling expenses and allowances as the Minister may determine.

Meeting

4.—(1) The Board shall meet at least once in every two months and the Chairman or the Deputy Chairman, where the Chairman is absent, shall have power to convene a meeting of the Board whenever he deems it necessary.

(2) Subject to this Ordinance, the Board shall determine its own procedure.

(3) The quorum necessary for the transaction of business of the Board at any meeting shall be five members.

The Board may invite others to meetings

5. The Board may request any person (not being a member of the Board) to attend any meeting or deliberation of the Board for the purpose of advising it on any matter under discussion, but any person so attending shall have no right to vote at the said meeting or deliberation.

Common seal

6.—(1) The Board shall have a common seal which shall bear such device as the Board shall approve and such seal may from time to time be broken, changed, altered or made anew as the Board may think fit.

(2) Until a seal is provided by the Board, a stamp bearing the words “Sarawak Tourism Board” may be used and shall be deemed to be the common seal.

(3) The common seal shall be kept in the custody of the Chairman or such other person as may be authorized by the Board and all deeds, documents and other instruments requiring the seal of the Board shall be sealed accordingly in the presence of two members of the Board who shall sign every such deed, document or instrument to which such seal is affixed; and such signing shall without further attestation be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Board.

(4) The common seal of the Board shall be officially and judicially noticed.

Disclosure of interest

7. A member of the Board having, directly or indirectly, by himself or his partner, any interest in any company or undertaking with which the Board proposes to make any contract or having any interest in any such contract or in any matter under discussion by the Board shall disclose to the Board the fact of his interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Board and unless specifically authorized thereto by the Chairman, such member shall take no part in any deliberation or decision of the Board relating to the contract or matter.

Minutes

8.—(1) The Board shall cause minutes of all meetings of the Board to be maintained and kept in a proper form, and shall transmit a copy of such minutes to the Minister.

(2) Any minutes made of meetings of the Board shall, if duly signed, be admissible in evidence in all legal proceedings without further proof and every meeting of the Board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereof to have been duly qualified to act.

Validity of acts and proceedings

9. No act done or proceedings taken under this Ordinance shall be questioned on the ground of—

- (a) any vacancy in the membership of, or of any defect in the constitution of, the Board;
- (b) the contravention by any member of the Board of regulation 7; or
- (c) any omission, defect or irregularity not affecting the merits of the case.

[List of Amendments]

SARAWAK TOURISM BOARD (INCORPORATION)

21

LAWS OF SARAWAK

Chapter 14

**SARAWAK TOURISM BOARD
(INCORPORATION) ORDINANCE, 1994**

LIST OF AMENDMENTS

Amending Law	Short Title	In force from
Swk. L.N. 15/95	Date of Commencement of the Ordinance	1.3.1995
Cap. A60	Sarawak Tourism Board (Incorporation) (Amendment) Ordinance, 1998	1.1.1999

