

# INTRODUCTION TO ADMINISTRATIVE LAW

## TOPIC 1: Administrative Law and the Administrative Agencies Lesson 1.3 Local Authorities



## Lesson 1.3: Learning Outcomes

- At the end of this topic, students should be able to:
  - Define local authorities.
  - Demonstrate the basic knowledge of local authorities.
  - Develop communication, verbal and written skills, which play an important part in administrative law.
  - Describe about local authorities in Malaysia.

## Definition of local authority

- **Local authority/** local government (Pihak Berkuasa Tempatan) is the administrative body for a small geographic area.
- Most laws for the local authorities is provided under the **Local Government Act 1976.**



## Characteristics of a local authority

- The third level of the government (after Federal & State government)
- Administered by councillors
- Has its own territory
- Subject to the control of State & Federal Government
- Separate unit from other local authority
- May sue and be sued
- Can sign agreements & have properties

## Local authorities in Malaysia

- There are currently 154 local authorities:
  - 12 **city halls/councils**
  - 39 **municipal councils**
  - 98 **district councils**
  - 5 **special and modified local authorities** –  
Labuan Corporation, Putrajaya Corporation,  
Pengerang Local Authority, Tioman Development  
Authority & Kulim Hi-Tech Industrial Park Local  
Authority

# Types of local authorities in Malaysia

## CITY

**City Council (Majlis Bandaraya) or City Hall (Dewan Bandaraya): 12**

KL, Kota Kinabalu, Kuching North (City Hall), Alor Setar, Ipoh, Shah Alam, Petaling Jaya, Miri, Historical Malacca, Johor Bahru, Kuching South, Kuala Terengganu (City Council)

## RURAL

**District Council (Majlis Daerah): 98**

## SPECIAL AND MODIFIED LOCAL AUTHORITY

**Corporation, Development Authority: 5**

Labuan Corporation, Putrajaya Corporation (Federal Territory); South East Johor Municipal Authority (Johor); Kulim Hi-Tech Local Authority (Kedah); Tioman Development Authority (Pahang)

## MUNICIPALITY

**Municipality Council (Majlis Perbandaran): 39**

Kangar (Perlis); Tourism City of Langkawi, Sungai Petani (Kedah); Penang Island, Seberang Perai (Penang); Manjung, Kuala Kangsar, Taiping, Teluk Intan (Perak); Ampang Jaya, Kajang, Klang, Sepang, Selayang, Subang Jaya (Selangor); Seremban, Port Dickson, Nilai (Negeri Sembilan); Hang Tuah Jaya, Alor Gajah, Jasin (Malacca); Johor Bahru Tengah, Batu Pahat, Kluang, Kulai, Muar, Pasir Gudang (Johor); Kuantan, Temerloh, Bentong (Pahang); Kemaman, Dungun (Terengganu); Islamic City of Kota Bharu (Kelantan); Kudat, Sandakan, Tawau (Sabah); Padawan, Sibu, Bintulu (Sarawak)

## Criteria to determine type of local authority

Local authority	Location	Number of population	Annual revenue (RM)
City hall/ council	In urban area	Exceeding 500,000	Exceeding RM100 million
Municipal council	In town area	Exceeding 150,000	Exceeding RM20 million
District council	In rural area	Not exceeding 150,000	Not exceeding RM20 million

# Functions of local authority

1. To collect tax & revenue
2. To control public places
3. To provide sanitary services
4. To control market & buildings
5. To control food establishment
6. To control public toilets
7. To control slaughter-houses
8. To maintain public health
9. To make, amend or abolish by-laws
10. To enforce by-laws
11. To control advertisement





# 1. To collect tax & revenue

- A local authority may collect revenue from the following:
  - Assessment rates
  - Quit rent
  - Government grants
  - Car parking fees
  - Compounds
  - Planning fees
  - Licenses
  - Rentals



## 2. To control public places

- A local authority:
  - Has general control of all places within its territory
  - May erect & maintain buildings in public place for public purpose
  - May permanently close/ divert public street or public place



### 3. To provide sanitary services

- Sanitary services include dealing with:
  - Rubbish (put in bin)
  - Litter (thrown away)
  - Dead animals
  - All kinds of effluent



## 4. To control markets & buildings

- A local authority has the power to control:
  - Markets
  - Lodging houses
  - Houses
  - Premises for public refreshments
  - Shops
  - Stalls
  - Stands



## 5. To control food establishment

- A local authority has the power to issue and revoke license for food establishments:
  - Restaurants
  - Stalls
  - Tables
  - Carts
  - Food trucks



## 6. To control public toilets

- A local authority to establish, maintain & control public toilets.



## 7. To control slaughterhouses

- A local authority to establish, maintain & control slaughterhouses:
  - Poultry (birds & chicken)
  - Hooved livestock (pigs, goats, cows & sheep etc)

## 8. To maintain public health

- A local authority must safeguard and promote the public health and to take all necessary and reasonably practicable measures:
  - To prevent any infectious, communicable or preventable disease
  - To maintain its area in a clean and sanitary condition
  - To prevent and remedy any condition dangerous to health



## 9. To make, amend or abolish by-laws

- A local authority may from time to time **make, amend** or **abolish by-laws** for the better carrying out of its functions.
- By-law is a regulation made by a local authority.
- Among matters that by-laws can be made on:
  - Maintenance of services and control of cleanliness
  - Prevention of nuisance (thing causing inconvenience or annoyance)
  - Establishment and licensing of premises and business
  - Prevention of diseases
  - Provision of penalties



## 10. To enforce by-laws

### Functions relating to enforcement of by-laws:

- Power to create offences and compound (S 102 LGA)
- Power of arrest of person who committed offences under LGA (S 121 LGA)
- Power to enter premises and do inspection (S 110 LGA)
- Power to seize property (S 148 LGA)
- Power to temporary close public places (S 65 LGA)
- Power to take evidence (S 61 LGA)
- Power to direct prosecution (S 120(1) LGA)

## 11. To control advertisement

- Power to regulate placement, license, restrict, prevent or remove the exhibition of advertisements.



## Structure of a local authority

- S 10(1) LGA: The local authority shall consist of the –
  - Chief Executive
  - Not less than 8 and not more than 24 other Councilors
- **Chief Executives:** Mayor (city council), Yang di-Pertua Majlis (municipal) or District Officer (district council).
- Both Chief Executive and Councilors are appointed by the State Authority.
- The term of office of the councilors is maximum 3 years subject to reappointment.

# Structure of a local authority

- S 10(1) LGA: The local authority shall consist of the –
  - Chief Executive
  - Not less than 8 and not more than 24 other Councilors



# Structure of a local authority

- Post of Chief Executive:
  - Mayor (City Council)
  - Yang di-Pertua Majlis (Municipal Council)
  - District Officer (District Council).
- Chief Executive is appointed by the State Government.



## Structure of a local authority

- Conditions for appointment of councillors:
  - Ordinary residents of the local area
  - Wide experience in local government affairs or
  - Achieved distinction in any profession, commerce or industry or
  - Capable of representing the interests of their communities in the local authority area

# Meetings of local authority

- Types of meeting:

Ordinary meeting	Special meeting
S 20 LGA	S 21 LGA
For the despatch of business on such days and at such hours as it may from time to time appoint	Due to urgent or extraordinary circumstances.
Minimum once per month	When there is request in writing of not less than one-third of the Councillors

## Meetings of local authority

- S 23 LGA: All meetings must be open to the public and media.
- However, meetings may be closed in exceptional cases.
- S 27(3) LGA: Minutes of the meetings must be kept at the office for public inspection.
- The local authority makes decision through the meetings.





# Financial sources of local authority

- S 30 LGA:
  - All taxes, rentals, licences payment, fines and charges that are paid to the local authority
  - All charges and profits from trading services/development done by the local authority
  - All interest from investment and revenue from properties of the local authority
  - All revenue from federal government, state government or from other bodies

**THANK YOU.**