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## Administration and Public Sector

### **Prakas No. 1184 (MEF) dated 15 November 2013 on the Adjustment to the Organization and Functioning of the Department of the Resettlement of Impacts of Development Projects**

The Department of Resettlement of Impacts of Development Projects has under its control:

1. The Office of Administration and Finance:

Among its 19 administrative and finance tasks, this Office is also responsible for the implementation of the work on recruitment of private service providers or private consulting firms which provide services on resettlement of the impacts of development projects. With the Offices of Impact Resettlement, it co-reviews the budget proposal before releasing the budget to the institution responsible for making the expenses.

2. The Office of Impact Resettlement 1
3. The Office of Impact Resettlement 2
4. The Office of Impact Resettlement 3

These three Offices have the same tasks and work duties. Among their 11 tasks, they are responsible for participating in the preparation of the social and environmental impact assessments, the preparation of Master Plans on the implementation of plans to resettle the impacts of various development projects, and the review of and comments on Resettlement Action Plans ("RAP").

5. The Office of Resettlement Internal Monitoring ("RIM")

This Office reviews the compliance and consistency with the procedure from the beginning of the measurement phase until the resettlement phase. Importantly, its role is also to prepare response to the complaints lodged by citizens of Commune/Sangkat and District/Khan.

Other tasks and work duties of the five offices are stipulated in the Prakas.

### **Decision No. 1018 (MOI) dated 24 March 2014 on the Establishment of Information Centers for Citizens in City, District, and Khan**

This decision establishes 5 information centers for citizens:

1. One Information Center in Khan Sen Sok, Phnom Penh Capital City
2. One Information Center in the city of Kompong Cham, Kompong Cham Province
3. One Information Center in the city of Prey Veng, Prey Veng Province
4. One Information Center in the city of Svay Rieng, Svay Rieng Province
5. One Information Center in the city of Serei Sophon, Banteay Meanchey province

The duty of information centers is to provide information to citizens about policies, decisions, plans, budgets, services, and to make known the achievements and developments at the national and sub-national levels. The procedures and functioning of these information centers will be stipulated in a notification which will be issued by the National Committee for Sub-National Democratic Development.

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## ABOUT US

BNG Legal is a leading law firm with offices in Phnom Penh and Yangon providing comprehensive legal services to foreign and local clients.

We differentiate ourselves by coupling a deep understanding of the local business environment with international professionalism and integrity.

We facilitate business, investment and trade between Cambodia, Myanmar and the rest of the world through innovative and cost-effective legal services.

Superior knowledge of local protocol, local procedure, and local people is necessary for any business to succeed in Cambodia, Myanmar and throughout Southeast Asia.

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## CAMBODIAN LAW BLOG

[cambodianlaw.wordpress.com](http://cambodianlaw.wordpress.com)

BNG Legal believes expanding access to legal information is crucial to rule of law. To that end, several of our legal professionals write a blog discussing recent developments in the legal landscape.

## LEGAL DATABASE

The laws and regulations in our database are based upon the Official Gazettes, law compendiums and other collections from the ministries and institutions of the Royal Government of Cambodia. These are available to the public through our partner site, [www.bnlegal.net](http://www.bnlegal.net).

### **Sub Decree No. 24 (RGC) dated 17 January 2014 on the Organization and Functioning of the General Secretariat of the Public Financial Management Reform Committee (“the GS-PFMRC”)**

The GS-PFMRC has primary duties to assist the Public Financial Management Reform Committee (“the PFMRC”) as following:

- facilitate daily tasks and review policies, strategies, and action plans;
- facilitate administrative, accounting, finance, public procurement, and logistics;
- comments and propose solutions on challenges and technical problems; and
- cooperate with departments and other units under Ministry of Economic and Finance (“MEF”), development partners, and technical consultants.

The GS-PFMRC is directed by a General Secretariat and several Deputy General Secretariats, who are civil servants of MEF who possess the required qualifications and experiences.

The GS-PFMRC has separate budget to support its process. The budget is contributed by MEF and development partners.

The Secretariat of the PFMRC that was established by Prakas No. 1001 (MEF) dated 8 October 2008 shall continue its functions until establishment of the SG-PFMRC in accordance with this Sub Decree.

### **Sub-Decree No. 39 (RGC) dated 28 January 2014 on the Organization and Functioning of the Ministry of Post and Telecommunications**

The purposes of this sub-decree are to prepare mission, structure, function, duties and to ensure quality and efficiency of the result of work within the Ministry of Post and Telecommunication.

The Ministry performs its duties as a secretary to the Royal Government of Cambodia in leading and supervising the fields of post and telecommunication including communication and information technology.

The structure of the Ministry is divided into a Middle Unit, an Autonomous Unit, and a Local Unit. The Middle Unit consists of a Minister Cabinet, a General Department of Administration, a General Department of Post and Telecommunications, a General Department of Communications and Information Technology, a General Department of Inspection, a National Institute for Post, Telecommunications, Communications and Information Technology, and a Department of Internal Audit. In addition, the Autonomous Unit consists of the Cambodian Telecommunications Regulator and Public Enterprise. Finally, the Local Unit also includes the Provincial Office of Post and Telecommunications.

This sub-decree came into force on January 28, 2014 and abrogates the following sub-decrees:

- Sub-Decree No 66 on The Organization and Functioning of the Ministry of Post Telecommunication (1997-10-22);
- Sub-Decree No 86 on The Adjustment and Additional Completion of Some Departments of the Ministry of Post and Telecommunication (2002-08-19);
- Sub-Decree No 05 on The Promotion of the Department of Administration and Training to the General Department (2003-01-28);
- Sub-Decree No 82 on The Promotion of the WTO and ASEAN Office to the International Cooperation Department of the Ministry of Posts and Telecommunication (2005-06-14);
- Sub-Decree No 13 on The Establishment of the Internal Audit Department of the Ministry of Post and Telecommunication (2006-02-17);
- Sub-Decree No 135 on The Establishment of IT and Telecommunication Service Data Management Center of the Ministry of Post and Telecommunication (2008-09-23);
- Sub-Decree No 181 on the Promotion of Inspection Department to Inspection General Department of the Ministry of Post and Telecommunication (2008-11-12).

**Prakas No 1327 (MEF) dated 11 December 2013 on the Organization and Functioning of the Department and Unit under supervision of Public Procurement Department of the Ministry of Economy and Finance.**

The purpose of this Prakas is to determine the organization and functioning of Departments and Units which comes under supervision of the Public Procurement Department. The main purposes are as follows:

- Organizing missions and structure of Departments and Units under the Public Procurement Department;
- Arranging functions and duties of Departments and Units under the Public Procurement Department;
- Guaranteeing quality and efficiency of the outcome in the field of public procurement.
- This Prakas is implementable to all of Departments and Units under the Public Procurement Departments which are:
  - Department of Administrative, Personnel and Planning;
  - Department of Procurement Management on Goods;
  - Department of Procurement Management on Constructions and Services;
  - Department of Procurement Management of Sub-national Administration;
  - Department of Examination and Dispute Resolution
  - Secretariat.

This Sub-Decree is made up of 45 Articles and 8 Chapters detailing duties and structures of the above mentioned Departments and Units.

**Prakas No.1559 (MEF) dated 31 December 2013 on the Establishment of a Team for a Meeting on “One Window Service”, Meeting on Mechanism of Inter-Institution, Meeting related to the work of Special Economic Zones, and other similar Meetings at the Council for the Development of Cambodia (CDC)**

A Team of 13 members from different General Departments and Departments under the Ministry of Economy and Finance is created to perform the followings roles and duties:

- play a role as Headquarters of the Ministry of Economy and Finance for reviewing all documents related to the Meeting on “One Window Service”, Meeting on Mechanism of Inter-Institution, Meeting related to the work of Special Economic Zones and similar Meetings at the CDC and submitting to the Minister of the Ministry of Economy and Finance for decision;
- arrange and manage the above mentioned meetings based on the need of the Team or attend the meeting as per a request from CDC;
- provide recommendation on the real needs of work related to the meetings and facilitate a better Private Development Policy to the Minister for decision;
- initiate the preparation of regulations related to duties of the Team in order to assure the efficiency of the Team as well as the Ministry of Economy and Finance;
- analyze project and investment incentives as well as control the investment project;
- report the result of the evaluation and tasks completed every trimester and every year and suggest necessary methods for improvement in investments to the Minister for and eventually provide further advice;
- fulfill further roles and duties as assigned by the Minister.

## **Education**

**Sub-decree No.153 (RGC) dated 28 March 2014 on National Qualification Framework of Cambodia**

This Sub-decree applies to all forms of higher education and technical and vocational training in the Kingdom of Cambodia. It has a variety of purposes which is mostly and mainly involved with bettering the standard of qualification, providing credit transfer, encouraging the advancement of knowledge, promoting the recognition of Cambodian qualifications at national and international levels.

- Starting from the signature date (28 March 2014), those existing education establishments have 1 year to improve their education and training in order to comply with the framework stipulated in this Sub-decree.
- New education establishments must be in compliance with the provisions of this Sub-decree before commencing their education, trainings.

The detail of the Cambodia's Qualification Framework is stipulated in the Annex of the Sub-decree.

## Health

### Sub-Decree No.33 (RGC) dated 20 January 2014 on the Pharmacist Ethics

The objective of this sub-decree is to promote the professional conscience, accountability, respect of law for medical careers with honor and dignity for the people of Cambodia. This sub-decree applies to all pharmacists registered and certified by the Ministry of Health. A pharmacist is any person who obtains a Bachelor of Pharmacy issued by the Ministry of Health, Ministry of Education, Youth and Sport, or a Bachelor of Pharmacy issued by a higher education establishment that is recognized by the Accreditation Committee of Cambodia.

Among all the obligations detailed in the sub-decree, the pharmacist cannot technically represent more than one pharmacy at a time. The pharmacy is referred to a place where the pharmacist works or is responsible for, such as pharmaceutical manufacturers, pharmaceutical import and export companies, pharmaceutical distribution companies, pharmaceutical importation and distribution companies, pharmaceutical distributors, pharmacy and sub pharmacy. Any pharmacist who violates this sub-decree shall be disciplined by the Cambodian Pharmacist Association.

## Immigration & Naturalization

### Sub Decree No. 157 (RGC) date 01 April 2014 on Establishment of General Department of Immigration under the Ministry of Interior

Based on this Sub-Decree, General Department of Immigration was established to work under the Ministry of Interior ("MOI"). The General Department of Immigration assists the MOI on the matters of leading and managing foreign non-immigrants, foreign immigrants, foreign immigrants who are private investors according to fixed conditions and tasks for refugees. This new department is led by a general director and some vice-directors. Further, it should be noted that the Department of Immigration of the General Commissariat of National Police is subject to the General Department of Immigration.

The General Department of Immigration has its structures as follows:

- Department of Central Administration;
- Managing Department for Foreign Non-Immigrant;
- Managing Department for Foreign Immigrant;
- Managing Department for Foreign Immigrant Foreigner who are private investors;
- Department for International Border Crossing.

The role and responsibility of the General Department of Immigration and those of its department are to be determined by a separate Sub-Decree.