



# LAWS OF MALAYSIA

REPRINT

Act 423

## LEMBAGA PEMBANGUNAN LANGKAWI ACT 1990

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**LEMBAGA PEMBANGUNAN LANGKAWI  
ACT 1990**

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**LAWS OF MALAYSIA****Act 423****LEMBAGA PEMBANGUNAN  
LANGKAWI ACT 1990**

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**LAWS OF MALAYSIA****Act 423****LEMBAGA PEMBANGUNAN LANGKAWI ACT 1990**

An Act to incorporate the Lembaga Pembangunan Langkawi and to provide for matters connected therewith.

[15 March 1990, P.U. (B) 165/1990]

**BE IT ENACTED** by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

**PART I****PRELIMINARY****Short title and commencement**

**1.** This Act may be cited as the Lembaga Pembangunan Langkawi Act 1990 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

**Interpretation**

**2.** (1) In this Act, unless the context otherwise requires—

“company” has the same meaning as that assigned to “corporation” under subsection 4(1) of the Companies Act 1965 [*Act 125*];

“corporation” means a corporation established under section 27;

“Fund” means the fund established under section 16;

“General Manager” means the General Manager appointed under subsection 12(1) and includes any officer directed under subsection 12(5) to perform the duties of the General Manager;

“Joint Chairman” means a Joint Chairman of the Lembaga appointed under section 5;

“Kawasan Lembaga Pembangunan Langkawi” means the area or areas determined by the Minister in accordance with section 9;

“Lembaga” means the Lembaga Pembangunan Langkawi established under section 3;

“Menteri Besar” means the Menteri Besar of Kedah;

“Minister” means the Minister of Finance;

“State” means the State of Kedah.

(2) References to the “Chairman” in this Act shall be construed, unless the context otherwise requires, as references to the Joint Chairmen acting jointly.

## PART II

### THE LEMBAGA

#### **The Lembaga**

3. There is hereby established a body corporate by the name of “Lembaga Pembangunan Langkawi” 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 Act, 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 Lembaga upon such terms as it deems fit.

#### **Functions of the Lembaga**

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

- (a) to promote, stimulate, facilitate and undertake economic and social development in the Kawasan Lembaga Pembangunan Langkawi;

- (b) to promote and stimulate the Kawasan Lembaga Pembangunan Langkawi as a tourist destination and duty free area;
- (c) to promote, stimulate, facilitate and undertake the development of tourism and infrastructure as well as residential, agricultural, industrial and commercial development in the Kawasan Lembaga Pembangunan Langkawi; and
- (d) to co-ordinate the performance, in the Kawasan Lembaga Pembangunan Langkawi, of the activities mentioned in paragraphs (a), (b) and (c).

(2) The Lembaga 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 on all activities, particularly activities relating to tourism, activities which are commercial or industrial in nature and activities of research and training, the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the performance of its functions;
- (b) to initiate preliminary studies of possible development and redevelopment areas and make preliminary plans outlining development or redevelopment activities and preliminary surveys to determine if the undertaking and carrying out of development or redevelopment projects are feasible;
- (c) to co-operate with or act as agent or managing agent of, or otherwise act in association with or on behalf of, the Federal Government or the State Government, any public authority, any company or corporation, or any other body or person;
- (d) to promote and co-ordinate the carrying on of such activities by the Federal Government or the State Government, any public authority, any company or corporation, or any other body or person;
- (e) with the approval of the Minister, to establish or expand, or promote the establishment or expansion of, companies, corporations or other bodies to carry on any such activities either under the control or partial control of the Lembaga or independently;

- (f) to give assistance to any public authority, any company or corporation, or any other body or person, appearing to the Lembaga 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;
- (g) with the approval of the Minister, to underwrite or otherwise acquire any stock and shares in any public or private company, and to dispose of the same on such terms and conditions as the Lembaga may, with the approval of the Minister, determine;
- (h) to require government departments and governmental and non-governmental agencies engaged in carrying out, or intending to carry out, development in the Kawasan Lembaga Pembangunan Langkawi to submit reports regarding their activities or proposed activities containing such particulars and information as may be specified by the Lembaga;
- (i) with the approval of the Minister, to dispose of capital assets and to use the proceeds from such disposal as directed by the Minister;
- (j) to appoint such agents as it may deem fit for the purpose of performing its functions;
- (k) to impose fees or any other charges it deems fit for giving effect to any of its functions or powers;
- (l) to regulate, coordinate and undertake development, including the development of infrastructure, in the Kawasan Lembaga Pembangunan Langkawi; and
- (m) to do such other things as it deems fit to enable it to carry out its functions and powers effectively.

(3) Subject to section 8, it shall be the responsibility of the Lembaga in performing its functions under this Act to ensure that the functions are performed in such manner as shall be in furtherance of the policy of the Government for the time being in force and in particular the policy relating to the development of tourism, investment and foreign exchange in the Kawasan Lembaga Pembangunan Langkawi.



(4) Notwithstanding subsections (1), (2) and (3), the Lembaga shall, before performing any of its functions involving development planning, first consult the State Government.

### **Membership of the Lembaga**

5. (1) The Lembaga shall consist of the following members:

- (a) two Joint Chairmen, one of whom shall be the Menteri Besar and the other appointed by the Prime Minister; and
- (b) three other members who shall be appointed by the Prime Minister after consultation with the Menteri Besar.

(1A) The General Manager shall be an *ex-officio* member of the Lembaga.

(2) The provisions of the First Schedule shall apply to the Lembaga.

### **Public Authorities Protection Act 1948**

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

### **Public servants**

7. All members, officers and servants of the Lembaga, 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**

8. The Lembaga shall be responsible to the Minister, and the Minister may from time to time give directions not inconsistent with the provisions of this Act and the Lembaga shall, as soon as possible, give effect to all such directions.

## **The Kawasan Lembaga Pembangunan Langkawi**

**9.** (1) For the purposes of this Act, the Minister may, with the concurrence of the State Government, from time to time determine by notification in the *Gazette* the area or areas within which the Lembaga shall perform its functions under this Act and such area or areas shall be known as the “Kawasan Lembaga Pembangunan Langkawi”.

(2) Notwithstanding any other written law, it shall be the responsibility of the Lembaga to perform, in the Kawasan Lembaga Pembangunan Langkawi, the functions provided by this Act.

### **Returns, reports, accounts and information**

**10.** (1) The Lembaga shall furnish to the Minister, and such public authority as may be directed by the Minister, such returns, reports, accounts and information with respect to its property and activities as the Minister may from time to time require or direct.

(2) Without prejudice to the generality of the provisions of subsection (1), the Lembaga shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister and, if so directed by the Minister, to the State Government or any other public authority a report dealing with the activities of the Lembaga during the preceding financial year and the report shall be in such form and shall contain such information relating to the proceedings and policy of the Lembaga as the Minister may from time to time specify.

## **PART III**

### **CHAIRMAN, OFFICERS, SERVANTS**

#### **The Chairman**

**11.** (1) Any function, power or duty which under this Act is to be performed, exercised or discharged by the Chairman shall be performed, exercised or discharged by the Joint Chairman acting jointly.

(2) Without prejudice to the other provisions of this Act, the Chairman shall perform such duties as the Minister may, from time to time, determine.

## **The General Manager**

**12.** (1) The Lembaga may, with the approval of the Minister, appoint a principal executive officer, designated as “General Manager”, from among the officers appointed under section 13, and vest him with such powers and impose upon him such duties as may be determined by the Lembaga.

(2) The General Manager shall be responsible for—

- (a) the preparation of programmes, schemes and projects for the consideration of the Lembaga;
- (b) the execution of all programmes, schemes and projects of the Lembaga; and
- (c) the carrying out of the decisions of the Lembaga and the directions of the Chairman.

(3) The General Manager shall have general control of the other officers and servants of the Lembaga.

(4) The General Manager shall perform such further duties as the Lembaga may from time to time direct.

(5) If the General Manager is temporarily absent from Malaysia or is temporarily incapacitated through illness or for any other sufficient reason from the performance of his duties, the Lembaga may direct any other officer to perform his duties during such temporary absence or incapacity.

## **Appointment of officers and servants of the Lembaga**

**13.** (1) Subject to any regulations made under section 14, the Lembaga may appoint on such terms and conditions as it may think desirable such officers and servants as may be necessary for carrying out the purposes of this Act.

(2) No person shall be eligible for employment as an officer or servant of the Lembaga 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 Lembaga.

**Regulations with respect to conditions of service**

**14.** The Lembaga may, from time to time, with the approval of the Minister, make regulations with respect to the conditions of service of its officers and servants.

**Regulations with respect to discipline**

**15.** (1) The Lembaga may, from time to time, with the approval of the Minister, make regulations with respect to the discipline of its officers and servants.

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

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

(b) the suspension without salary or other remuneration,

of an officer or servant of the Lembaga during the pendency of disciplinary proceedings.

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

(4) The regulations 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 Lembaga on the disciplinary charge laid against such person.

**PART IV****FINANCE****The Fund**

**16.** (1) There is hereby established, for the purposes of this Act, a fund to be administered and controlled by the Lembaga.

- (2) The Fund shall consist of—
- (a) such sums as may be provided from time to time for those purposes by the Parliament or the State Legislative Assembly;
  - (b) such sums as may be paid from time to time to the Lembaga from loans made by the Lembaga;
  - (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 Lembaga;
  - (e) any property, investment, mortgages, charges or debentures acquired by or vested in the Lembaga;
  - (f) sums borrowed by the Lembaga 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 Lembaga in respect of any matter incidental to its functions, powers and duties.

### **Conservation of Fund**

**17.** It shall be the duty of the Lembaga to conserve the Fund by so performing, exercising and discharging its functions, powers and duties under this Act as to secure that the total revenues of the Lembaga 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.

### **Reserve fund**

**18.** The Lembaga shall establish and manage a reserve fund within the Fund.

### **Expenditure to be charged on the Fund**

- 19.** The Fund shall be expended for the purpose of—
- (a) granting loans under section 26;

- (b) paying any expenditure lawfully incurred by the Lembaga, including survey and legal fees and costs and other fees and costs, and the remuneration of officers and servants appointed and employed by the Lembaga, including superannuation allowances, pensions or gratuities;
- (c) paying any other expenses, costs or expenditure properly incurred or accepted by the Lembaga in the performance of its functions or the exercise of its powers under section 4;
- (d) purchasing or hiring plant, equipment, 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;
- (e) repaying any moneys borrowed under this Act and the interest due thereon; and
- (f) generally, paying any expenses for carrying into effect the provisions of this Act.

### **Expenditure and preparation of estimates**

**20.** (1) The expenditure of the Lembaga 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 September of each year, the Lembaga shall submit to the Minister an estimate of the expenditure (including the expenditure for development projects) 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 Lembaga of the amount authorized for expenditure generally or of the amounts authorized for each description of expenditure.

(3) The Lembaga 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.

(4) The Minister may direct the Lembaga to submit a copy of the estimate or supplementary estimate, as the case may be, to the State Government or to such other public authority as may be specified in the direction.

**Statutory Bodies (Accounts and Annual Reports) Act 1980**

**21.** The provisions of the Statutory Bodies (Accounts and Annual Reports) Act 1980 [Act 240] shall apply to the Lembaga and any corporation established under this Act.

PART V

OTHER POWERS OF THE LEMBAGA

**Delegation of functions, powers or duties of the Lembaga**

**22.** (1) The Lembaga may, subject to such conditions, limitations or restrictions as it thinks fit to impose, delegate to either of the Joint Chairman or to the General Manager any function, power or duty, as the Lembaga may determine, vested in or imposed on the Lembaga by this Act, except the power to borrow money, raise loans or make regulations; and any function, power or duty so delegated may be performed, exercised or discharged by the Joint Chairman or General Manager, as the case may be, in the name and on behalf of the Lembaga.

(2) Without prejudice to the generality of subsection (1) and to the other provisions of this Act, the Lembaga may delegate to either of the Joint Chairman or to the General Manager authority to sanction expenditure from the Fund or any other moneys vested in and under the control of the Lembaga up to such limit as the Lembaga shall specify.

**Power to borrow**

**23.** (1) The Lembaga may, from time to time, 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 Lembaga for meeting any of its obligations or discharging any of its duties.

(2) The Lembaga may from time to time, with the approval of the Minister, borrow money by the issue of bonds, debentures or stock of such class and value and upon such terms as it may, with

the approval of the Minister, deem expedient, for all or any of the following purposes:

- (a) the provision of working capital;
- (b) the performance of the functions, the exercise of the powers and the discharge of the duties of the Lembaga under this Act;
- (c) the performance of such additional functions as may be undertaken by the Lembaga under this Act;
- (d) the redemption of any shares or stock which it is required or entitled to redeem; and
- (e) any other expenditure properly chargeable to capital account.

### **Investment**

**24.** The assets of the Lembaga shall, in so far as they are not required to be expended by the Lembaga under this Act, be invested in such manner as the Minister may approve.

### **Power to employ**

**25.** The Lembaga 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 Act.

### **Power to grant loans**

**26.** In the performance of its functions, the exercise of its powers or the discharge of its duties the Lembaga may, with the approval of the Minister, grant loans, and such loans may be granted subject to such terms and conditions as the Lembaga may, with the approval of the Minister, deem fit to impose in particular cases.



### **Power to establish corporations**

**27.** (1) The Lembaga may from time to time, with the approval of the Minister, by order published in the *Gazette*, establish a corporation, by such name as the Lembaga may think fit, to carry out and have the charge, conduct and management of any project, scheme or enterprise which has been planned or undertaken by the Lembaga in the performance of its functions, the exercise of its powers or the discharge of its duties.

(2) The provisions of the Second Schedule shall apply to every corporation established by the Lembaga under subsection (1).

### **Compulsory acquisition of land**

**28.** (1) When any immovable property, not being State land, is needed to be acquired by the Lembaga for the purposes of this Act, such property may be acquired in accordance with the provisions of any written law for the time being in force in the State relating to the acquisition of land for a public purpose, and any declaration required by any such written law that such land is so needed may be made notwithstanding that compensation is to be paid by the Lembaga, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose in accordance with such written law.

(2) All expenses and compensation payable for the acquisition of any immovable property under this section shall be paid by the Lembaga.

(3) Where any immovable property has been acquired under this section, the Lembaga shall extract the necessary documents of title in respect of such property and shall pay any rent to which such property may be subject.

## PART VI

### GENERAL

**29.** (*Deleted by Act 478*).

**Obligation of secrecy**

**30.** (1) Except for any of the purposes of this Act or for the purpose of any civil or criminal proceedings under any written law, no member, officer or servant of the Lembaga 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 Act.

(2) Any person contravening subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand ringgit or to both.

**Power to make regulations**

**31.** (1) The Lembaga may, with the approval of the Minister, make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Act.

(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 Lembaga;
- (b) prescribing the responsibilities and control of officers and servants of the Lembaga;
- (c) imposing fees in such cases as may be determined by the Lembaga;
- (d) providing for such matters in connection with shares, stock, bonds, debentures or debenture stock issued under this Act as may appear necessary or expedient to the Lembaga, and, in particular, for regulating the method of issue, transfer, redemption or other dealing with such shares, stock, bonds, debentures or debenture stock;
- (e) prescribing the manner in which and the terms and conditions on which loans may be granted by the Lembaga under section 26; and
- (f) providing generally for the performance of the functions, the exercise of the powers and the discharge of the duties of the Lembaga under the provisions of this Act.

- (3) Regulations under this section—
- (a) may provide that any act or omission in contravention of any provision thereof shall be an offence; and
  - (b) may provide for the imposition of penalties for such offence, which penalties shall not exceed one thousand ringgit.

### **Things done in anticipation of the enactment of this Act**

**32.** All things done by any person or authority on behalf of the Lembaga in the preparation of and towards the proper implementation of any of the provisions of this Act, and any expenditure incurred in relation thereto, in anticipation of the enactment of this Act shall be deemed to have been authorized by this Act, and all rights acquired or obligations incurred on behalf of the Lembaga from anything so done shall upon the coming into force of this Act be deemed to be the rights and obligations of the Lembaga.

### **Period of operation**

**33.** (1) This Act shall be in operation for a period of twenty years from the date of coming into force, but such period may be extended, by an order made by the Minister, to such further period or periods as may be determined by agreement between the Federal Government and the State Government.

(2) Any order made under subsection (1) shall be published in the *Gazette* and be laid before both Houses of Parliament.

### **Dissolution of the Lembaga**

**34.** (1) Upon this Act ceasing to be in operation the Lembaga shall stand dissolved.

(2) The Minister shall, six months before the Act ceases to be in operation, give directions on the dissolution and winding up of the Lembaga, including directions with respect to the corporations and companies, if any, established under this Act.

- (3) Upon the dissolution of the Lembaga—
- (a) all powers, rights, privileges, duties, liabilities and obligations of the Lembaga shall devolve on the Government;
  - (b) all land vested in the Lembaga shall vest—
    - (i) in respect of land acquired pursuant to section 28, and land which has been purchased by the Lembaga, in the \*Federal Lands Commissioner for the purpose of the Government; and
    - (ii) in respect of State land which has been alienated to the lembaga by the State Authority, in the State Secretary, Kedah, for the purpose of the State, provided that an amount of compensation as may be agreed to between the Federal Government and the State Authority shall be paid to the Federal Government by the State Authority in respect of any development made by the Lembaga on the said land.
  - (c) all property and assets, other than land, which were vested in the Lembaga or in any other person on its behalf shall vest in the Government;
  - (d) any deed, bond, agreement or instrument to which the Lembaga was a party shall have effect as if the Government were substituted for the Lembaga as a party thereto and as if any reference therein to the Lembaga were a reference to the Government;
  - (e) all civil proceedings or causes of action by or against the Lembaga or any person acting on its behalf may be continued or instituted by or against the Government.

(4) Subject to subsection (3), the winding up of the Lembaga shall be conducted in such manner as may be determined by the Minister.

(5) If any difficulty or anomaly arises in connection with the implementation of the provisions of subsection (3), the Minister may, by order, make such modifications therein as may appear to him to be necessary for removing such difficulty or anomaly.

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\*NOTE—The title of the office of the Federal Lands Commissioner is now known as the Director General of Land and Mines (Federal)—see P.U. (B) 324/1970.

FIRST SCHEDULE

[Subsection 5(2)]

**Appointment, revocation and resignation**

1. (1) A member of the Lembaga, other than the Menteri Besar and the General Manager, shall, subject to such conditions as may be specified in his instrument of appointment, hold office for a term not exceeding three years and is eligible for reappointment.

(2) The appointment of any member, other than the Menteri Besar and the General Manager, may at any time be revoked by the Prime Minister without assigning any reason therefor.

(3) A member, other than the Menteri Besar and the General Manager, may at any time resign his office by letter addressed to the Prime Minister.

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

**Vacation of office**

2. (1) The office of a member of the Lembaga, other than the Menteri Besar and the General Manager, 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 30; 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 Lembaga;
- (f) in the event of his resignation being accepted by the Prime Minister;  
or
- (g) if his appointment is revoked by the Prime Minister.

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

**Remuneration or allowance**

3. There may be paid to members of the Lembaga or any other person (not being an officer or servant of the Lembaga who is within the ambit of the provisions of this Act relating to the terms and conditions of service applicable to his case) such remuneration or allowance as the Minister may determine.

**Meetings**

4. (1) The Lembaga shall meet at least once in every two months.

(2) The quorum of the Lembaga shall be four.

(3) Subject to the provisions of this Act, the Lembaga shall determine its own procedure.

**Lembaga may invite others to meetings**

5. The Lembaga may request any person (not being a member of the Lembaga) to attend any meeting or deliberation of the Lembaga 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 Lembaga shall have a common seal which shall bear such device as the Lembaga shall approve and such seal may from time to time be broken, changed, altered or made anew as the Lembaga may think fit.

(2) Until a seal is provided by the Lembaga, a stamp bearing the words "Lembaga Pembangunan Langkawi" may be used and shall be deemed to be the common seal of the Lembaga.

(3) The common seal shall be kept in the custody of either of the Joint Chairman or such other person as may be authorized by the Lembaga, and shall be authenticated by the Joint Chairman or such authorized person or by any officer authorized by either of them in writing; and all deeds, documents and other instruments purporting to be sealed with the said seal, authenticated as aforesaid, shall, until the contrary is proved, be deemed to have been validly executed:

Provided that any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the Lembaga; and any such document or instrument may be executed on behalf of the Lembaga by any officer or servant of the Lembaga generally or specially authorized by the Lembaga in that behalf.

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

**Disclosure of interest**

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

**Minutes**

8. (1) The Lembaga shall cause minutes of all its meetings to be maintained and kept in a proper form.

(2) Any minutes made of meetings of the Lembaga shall, if duly signed, be admissible in evidence in all legal proceedings without further proof and every meeting of the Lembaga 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 thereat to have been duly qualified to act.

**Validity of acts and proceedings**

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

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

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SECOND SCHEDULE

[Subsection 27(2)]

**Power of the Lembaga to make regulations in respect of corporation**

1. The Lembaga shall, on or before the date on which any corporation is established under section 27, make regulations in respect of such corporation defining—

- (a) the purposes and objects for which the corporation is established;
- (b) the rights, powers, duties and functions of such corporation;

- (c) the system of management thereof; and
- (d) the relations between such corporation and the Lembaga and the Lembaga's rights of control over such corporation.

### **Limitation on power to establish corporation**

2. Nothing in paragraph 1 shall be deemed to authorize the Lembaga to make regulations to establish any corporation for any purpose or object more extensive in scope than the purposes or objects for which the Lembaga has been constituted or to confer on any corporation any right, duty, power or function which is not within the rights, duties, powers, or functions of the Lembaga under this Act.

### **Effect of regulations**

3. Subject to the provisions of this Act and of any regulations made under section 31, any regulations made under paragraph 1 shall be binding on the corporation in respect of which they were made and shall have effect for all purposes as if they had been enacted in this Act.

### **Amendment of regulations**

4. The Lembaga may at any time amend, revoke or add to any regulations made under paragraph 1 in respect of any corporation.

### **Register of corporations**

5. The Lembaga shall keep a register in the prescribed form of all corporations established by it under section 27 and such register, together with copies of all regulations made under paragraphs 1 and 4, shall be open to public inspection at such place or places and at such time as it may prescribe.

### **Winding up**

6. (1) The Lembaga may, with the approval of the Minister, by order published in the *Gazette*, direct that any corporation established by it be wound up and dissolved.

(2) Upon the dissolution of any corporation under this paragraph the assets of the corporation after discharging all its liabilities shall be transferred to and shall vest in the Lembaga.

(3) The winding up of a corporation under this paragraph shall be conducted in such manner as the Lembaga may prescribe.



**Corporations to be bodies corporate**

7. Every corporation established under section 27 shall be a body corporate by such name as the Lembaga shall give to it and shall have perpetual succession, and a common seal and may sue and be sued in such name and, for the purpose of carrying into effect the project, scheme or enterprise for which it has been established, may enter into contracts and may hold and deal in or with any immovable or movable property and may do all other matters and things incidental or appertaining to a body corporate not inconsistent with the provisions of this Act and subject to such restrictions or limitations as may be prescribed by the Lembaga in each case.

**Common seal of corporations**

8. (1) Every corporation shall have a common seal which shall bear such device as the corporation, with the approval of the Lembaga, may approve and such seal may from time to time be broken, changed, altered or made anew as the corporation, with the approval of the Lembaga, may think fit.

(2) Until a seal is provided by the corporation, a stamp bearing the name of the corporation encircling the letters "LPL" may be used and shall be deemed to be the common seal of the corporation.

(3) The common seal shall be kept in the custody of such person as may be authorized by the corporation, and shall be authenticated by such person; and all deeds, documents and other instruments purporting to be sealed with the said seal, authenticated as aforesaid, shall, until the contrary is proved, be deemed to have been validly executed:

Provided that any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the corporation; and any such document or instrument may be executed on behalf of the corporation by any officer or servant of the corporation generally or specially authorized by the corporation in that behalf.

(4) The common seal of every corporation shall be officially and judicially noticed.

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**LAWS OF MALAYSIA****Act 423****LEMBAGA PEMBANGUNAN LANGKAWI ACT 1990**

## LIST OF AMENDMENTS

| Amending law | Short title  | In force from |
|--------------|--|---------------|
| Act 478      | Revocation of Exemption From<br>Payment of Stamp Duties Act 1992 | 21-02-1992    |
| Act A882     | Lembaga Pembangunan Langkawi<br>(Amendment) Act 1994             | 04-03-1994    |

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**LAWS OF MALAYSIA****Act 423****LEMBAGA PEMBANGUNAN LANGKAWI ACT 1990****LIST OF SECTIONS AMENDED**

| Section        | Amending authority | In force from |
|----------------|--------------------|---------------|
| 2              | Act A882           | 04-03-1994    |
| 5              | Act A882           | 04-03-1994    |
| 12             | Act A882           | 04-03-1994    |
| 22             | Act A882           | 04-03-1994    |
| 29             | Act A478           | 21-02-1992    |
| 34             | Act A882           | 04-03-1994    |
| First Schedule | Act A882           | 04-03-1994    |

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**LEMBAGA PEMBANGUNAN LANGKAWI (EXTENSION OF PERIOD OF  
OPERATION) ORDER 2009**

**PU(A) 442/2009**

ACT 423

14 DECEMBER 2009

JIL 53; NO 25; 14 DECEMBER 2009; TAMBAHAN NO 142; PERUNDANGAN (A)

**IN** exercise of the powers conferred by subsection 33(1) of the **Lembaga Pembangunan Langkawi Act 1990**[*Act 423*], the Minister makes the following order:

**1. Citation**

This order may be cited as the **Lembaga Pembangunan Langkawi (Extension of Period of Operation) Order 2009**.

**2. Extension of period of operation**

The Federal Government and the State Government of Kedah, by agreement, extend the operation of the Act for the period from 15 March 2010 to 14 March 2020.

Made 11 December 2009

[LPL. 100-36/15; PN(PU2)484]

**DATO' SRI MOHD. NAJIB BIN TUN HAJI ABDUL RAZAK**

*Minister of Finance*

*[To be laid before the Dewan Rakyat and Dewan Negara pursuant to subsection 33(2) of the  
Lembaga Pembangunan Langkawi Act 1990]*