



## WEEKLY LAW UPDATE SEPTEMBER 04, 2007

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*The Ministry of Economy and Finance issues Instructional Circular on Implementation of Prakas on Granting Professional Certificate and License for Evaluation Service and Real Estate Service.*

*The Ministry of Labor and Vocational Training issues Circular on Wages of Night Work.*

### CREATION OF COMMITTEE TO DETERMINE SURFACE/AREA AND SITES OF LAKES IN THE KINGDOM OF CAMBODIA

#### ■ ADMINISTRATION 2007

- Sub-Decree #101 (RGC) on Creation of Committee for Determining Area/Surface and Sites of Lakes in the Kingdom of Cambodia (August 15, 2007).

Decided to create a committee for determining surface/area and sites of lakes within the Kingdom of Cambodia with composition as follows: 1) H.E. Lim Keanhor, Minister of Water Resources and Meteorology, as Chairman; 2) H.E. Im Chhun Lim, Senior Minister and Minister of Land Management, Urban Planning and Construction, as Vice-Chairman; 3) H.E. Chan Sarun, Minister of Agriculture, Forestry and Fisheries, as Member; 4) H.E. Bun Hean, General Director of Technical Affairs of the Ministry of Water Resources and Meteorology, as Member; 5) H.E. Nao Thuok, President of Fisheries Administration of the Ministry of Agriculture, Forestry and Fisheries, as Member; and Governors of provinces-municipalities, as Members.

The committee for determining surface/area and sites of lakes within the Kingdom of Cambodia shall have the following duties: to engage personal staff of Samdech Prime Minister of the Royal Government of Cambodia in order to examine and follow up activities of using lakes in the Kingdom of Cambodia; to study and determine area and sites of lakes to be submitted to Samdech Prime Minister of the Royal Government of Cambodia for review and decision; to inspect, raise comments and request approval from the Head of the Royal Government to cancel all documents in relation to clearing/occupying lakes across the Kingdom of Cambodia; and to report on the



implemented work results to the Head of the Royal Government. The committee for determining surface/area and sites of lakes in the Kingdom of Cambodia shall have the right to use stamp of the Ministry of Water Resources and Meteorology and shall have its separate budget.

## APPOINTMENTS

### ■ 2007

- Royal Decree NS/RKT/0807/379 on Appointment of H.E. Yav Bunmeng as First Member of the Electricity Authority of Cambodia with equal rank to Under-Secretary of State for extended term (August 22, 2007).
- Royal Decree NS/RKT/0807/378 on Appointment of H.E. Ly Channa as Advisor to the Ministry of Water Resources and Meteorology with equal rank to Under-Secretary of State in addition to his current position (August 22, 2007).
- Sub-Decree #654 (RGC) on Appointment of Mr. Uy Thuon as Deputy General Director of the General Department of Information and Audiovisual of the Ministry of Information (August 18, 2007).
- Sub-Decree #691 (RGC) on Appointment of Mr. Mak Ra as Deputy Governor of Pursat Province (August 20, 2007).
- Sub-Decree #689 (RGC) on Appointment of Mr. Phan Chanthul, official from the Ministry of Agriculture, Forestry and Fisheries, as Deputy Governor of Prey Veng Province (August 20, 2007).
- Sub-Decree #624 (RGC) on Appointment of Mr. Kol Sam Ol as Deputy Governor of Kandal Province and Mr. Heng Thiem as Governor of Kien Svay district (July 31, 2007).
- Sub-Decree #664 (RGC) on Appointment of Tuy Sok Cheng as Chief of Legal Affairs Department, Mr. Uk Kampul as Chief of Publishing House Management Department, and Mr. Pet Raksmeay as Chief of Department of Information Technology and Communication of the Ministry of Information (August 10, 2007).
- Sub-Decree #663 (RGC) on Appointment Mrs. Hou Sovannika as Assistant of H.E. Sok Chinda, Personal Advisor to Samdech Prime Minister of the Royal Government of Cambodia, with equal rank to Department Chief in addition to her current position (August 10, 2007).
- Sub-Decree #656 (RGC) on Appointment of Mr. Prach Sopheaktra as Member of the Secretary Team of Samdech Prime Minister of the Royal Government of Cambodia with equal rank to Chief of Department (August 18, 2007).
- Sub-Decree #650 (RGC) on Appointment of Mr. Nuon Danhil as Deputy General Director of the General Department of Information and Audiovisual of the Ministry of Information (August 06, 2007).

## IMPLEMENTATION OF PRAKAS ON GRANTING PROFESSIONAL CERTIFICATE AND LICENSE FOR EVALUATION SERVICE AND REAL ESTATE SERVICE

### BUSINESS/COMMERCE

#### ■ 2007

- Instructive Circular #002 (MEF) on Implementation of Prakas on Granting Professional Certificate and License for Evaluation Service and Real Estate Service (August 03, 2007).

**Real estate service**, provided in Article 2 of Prakas No. 142 SHV.BrK.UH, dated February 13, 2007, on Grant/Provision of Professional Certificate and License, refers to: (i) businesses



which are operated by companies in relation to purchase, sale, construction for sale, rent/lease, mortgage/pledge of land and houses/apartments, and those properties belonging to companies; (ii) businesses which are conducted by companies regarding purchase, sale, rent, mortgage of land and houses based on a contract/agreement or fees; "**Business**" refers to services provided by companies for the purpose of commissioning in buying, selling, renting, mortgaging property which are owned by customers, who are either a natural person or legal entity. Real estate evaluation service refers to any evaluation/assessment, which is properly made in accordance with specialization and professional code of conduct, with responsibility for such evaluation to be in line with market value. Any evaluation of real estate shall be made independently, without fraud, without bias and without creating any misunderstanding in respect of value/price of the evaluated real estate.

Pursuant to Article 14 of Prakas No. 142 SHV.BrK.UH, dated February 13, 2007, on Granting Professional Certificate and License of Assessment Service and Real Estate Service, any companies providing evaluation services or services of real estate as identified above without having a license from the Ministry of Economy and Finance shall be fined in an amount of **10 (ten) million Riel**. In cases where companies carry on their business without applying for the license from the Ministry of Economy and Finance, those companies shall be fined **20 (twenty) million Riel** and closed immediately, and then shall be required to complete application forms for licenses at the Ministry of Economy and Finance.

## ADMINISTRATIVE FEES FOR COMMERCIAL REGISTRATION

- Inter-Ministerial Prakas #679 (MEF) on Administrative Fees for Commercial Registration (August 07, 2007).

Administrative fees for commercial registration shall be allowed to be charged. Administrative fees for commercial registration, deregistration and issuance of certificates shall be determined as follows: (1) **Commercial Company**: 420,000 Riel for commercial registration, 200,000 Riel for deregistration and 60,000 Riel for certificate; (2) **Sole Proprietorship or trader subject to tax on profit**: 120,000 Riel for commercial registration, 60,000 Riel for deregistration and 20,000 Riel for certificate. Payment and receipt of revenue from the administrative fees for commercial registration shall be implemented through the revenue office at the Ministry of Commerce. Prakas No. 514 SHV.ThH, dated July 17, 2000, on Determination of Fees for Application Form for Commercial Registration, Deregistration or Issuance of Certificates of the Ministry of Economy and Finance and Prakas No. 162 MOC/M2004, dated August 23, 2004, on Determination of Fees for Application Form for Commercial Registration shall be repealed.

## DETERMINATION OF FEES FOR LICENSE OF MOVIE AND VIDEO

### INTELLECTUAL PROPERTY

#### ■ 2007

- Inter-Ministerial Prakas #647 (MEF) on Fee Determination for License of Movie and Video (July 26, 2007).

The Department of Movie Arts and Cultural Publication of the Ministry of Culture and Fine Arts shall be allowed to determine fees for licenses and extension of licenses in relation to authorization for shooting, reviewing text of writers and reviewing substance of images relating to the movie and video sector for: (i) all film and video production companies both local and foreign companies; (ii) all producers who produce movies or videos; (iii) importers and exporters of movie or video productions; (iv) service providers of service in relation to movie or video production. Fees for licenses and extension of licenses for production of movies and videos, fees for reviewing text of literature, conversation/dialogue, songs, documentary text for making films or shooting videos in the Kingdom of Cambodia, and fees



for reviewing substance of images/pictures, granting visa/authorization, Cambodian and foreign works of movies or videos shall be determined in the table attached to this Prakas. Any production companies or natural persons carrying on a business without applying for a license and having inspection and authorization from the Ministry of Culture and Fine Arts, or using expired licenses shall be fined as provided in Article 7 of Sub-Decree No. 63 ANKr.BK, dated September 04, 2000, on Management and Inspection of Movie and Video Arts. All formalities in applying for a license and authorization for shooting and inspection as set out in Article 1 above shall be implemented in accordance with procedure on management and inspection of movie and video arts of the Ministry of Culture and Fine Arts.

## WAGES OF NIGHT WORK BY THE MINISTRY OF LABOR AND VOCATIONAL TRAINING

### ■ LABOR 2007

- Circular #185 (MOLVC) on Wages of Night Work (August 14, 2007).

Owners and Directors of factories, enterprises, establishments as well as employees, who are within the scope of the implementation of the Labor Law, are informed that new Articles 139 and 144 of the Law on Labor have been officially promulgated from July 20, 2007 onwards. In order to effectively implement the two amended Articles and to ensure harmony between employees and employers as well as to achieve high work productivity, owners and directors of factories, enterprises, establishments and employees-workers are required to implement as follows: (1) workers who work at night from **22:00 pm to 05:00 am**, whether it is shift work or permanent work, those workers are paid at the rate of **130%** of the wage of the daytime work. For workers, who have worked at night and received wages and other benefits through mutual consent/agreement between employees and employers in the past shall remain until the expiry of the validity of such consent/agreement; (2) Circular No. 024 SKBY, dated October 19, 1999, shall be deemed abrogated.

**PLEASE NOTE THAT** many of the laws and regulations in this DFDL Mekong Weekly Law Update will be published weekly in Khmer in the "Official Gazette of the Kingdom of Cambodia" which is produced by the Office of the Council of Ministers. We encourage subscription to this Official Gazette (for more information contact Mrs Chhay Vannoeun at 855 12 937 947 or 855 23 880 635, Official Gazette and Computer Service Department of the Council of Ministers). We also note that the Council of Jurists of the Council of Ministers maintains a web page of Cambodian laws at: [www.bigpond.com.kh/Council\\_Of\\_Jurists](http://www.bigpond.com.kh/Council_Of_Jurists).

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Please note that 3 Cambodian qualified lawyers are also collaborating with us on a full-time basis but, because of the Cambodian Bar rules, we cannot publish their names on our Profile.

