

# **CONSTITUTION**

## **PERSATUAN KHENG HAI, SELANGOR DAN KUALA LUMPUR**

### **CLAUSE 1 NAME**

1. The Association shall be known as

**PERSATUAN KHENG HAI, SELANGOR DAN KUALA LUMPUR**

Hereinafter referred to as "the Association".

2. Meaning of name :

3. Level : **Lain-lain**

### **CLAUSE 2 ADDRESS**

1. The registered address is

**NO. 142, (2ND FLOOR), JALAN CHANGKAT THAMBI DOLLAH, OFF JALAN  
PUDU,  
55100 KUALA LUMPUR  
WILAYAH PERSEKUTUAN KUALA LUMPUR**

or at such other place as may from time to time be decided by the Committee; and the postal address is

**NO. 142, (2ND FLOOR), JALAN CHANGKAT THAMBI DOLLAH, OFF JALAN  
PUDU,  
55100 KUALA LUMPUR  
WILAYAH PERSEKUTUAN KUALA LUMPUR**

2. The registered and postal addresses shall not be changed without the prior approval of the Registrar of Societies.

### **CLAUSE 3 OBJECTIVE**

3. The objects of the Society shall be as follow:

3.1 to promote relations and co-operation among members.

3.2 to render mutual assistance among members.

3.3 to promote the welfare of members.

3.4 to aid in public charities.

3.5 to do all lawfull things which are incidental and contive to the benefits of members.

## **CLAUSE 4 MEMBERSHIP**

### **CLAUSE 4 MEMBERSHIP**

4. Membership is to open to our clansman of Malaysian citizen of the age of 18 and above, and good of character, residing in Kuala Lumpur and Selangor, and willing to abide by these rules.

4.1 Application for membership shall be made on a prescribed form as may be determined by the Executive Committee from time to time. Every Applicant shall be proposed by one member and seconded by another member.

4.2 Application of membership shall be approved by the Executive Committee, and no applicant shall be entitled to enjoy the privileges of membership until his application has been approved.

4.3 The Executive Committee may at its discretion reject any application without assigning any reason therefor.

4.4 Membership of the Society shall be Life member only.

4.5 A member with a membership of at least one year shall be entitled to attend and vote and to be elected at the Annual General Meeting and Extra General Meeting of the association.

4.6 A member with a membership of at least one year shall be entitled of the welfare fund and his child/children shall be eligible to apply for a scholarship education funds offered by the association.

## **CLAUSE 5 RESIGNATION AND TERMINATION**

### **5 Expulsion**

A member may be expelled from membership of the Society:

5.1 by reason of unbecoming conduct and behaviour detrimental to the image and welfare of the Society, or

5.2 failing to abide by the Rules of the Society, or

5.3 for failing to pay any subscription or dues under these Rules for four consecutive financial year.

5.4 Every proposal for expulsion shall be made by the Executive Committee to a General Meeting which may confirm the proposal by a resolution of at least two-third of the member present.

5.5 Every member against whom a proposal for expulsion has been made shall have the right of being heard at the a General Meeting.

5.6 A member expelled from membership shall continue to be liable for any subscription and/or dues still owing to the Society before the expulsion and debts owing may be recovered by the Executive Committee in such manner as it think fit.

### **Resignation**

5.7 A member wishing to resign from membership of the Society shall give notice in writing to the General Secretary.

5.8 Every member wishing to resign from membership of the Society shall settle in full all subscriptions and dues payable to the Society.

5.9 The resignation shall be effective from the date of approval by Executive Committee.

5.10 If the President shall cease to hold office for any reason whatsoever, the Deputy President shall hold that office as President until the next General Meeting

in which election of office-bearers are to be held. The vacant office of the Deputy President shall forthwith be filled by the remaining members of the Executive Committee electing one of themselves to be Deputy President who shall hold office as Deputy President until the next General Meeting in which election of office-bearers are to be held.

5.11 If two-third or more of the elected members of the Executive Committee shall at any times cease to be members of the Executive Committee the remaining members shall within seven days of the day when that event occurs elect one of themselves to convene at the shortest possible time and any event not later than thirty days from the date of that event a Special Meeting to elect a new Executive Committee. Until a new Executive Committee has been elected the remaining members of the Executive Committee shall administer the affairs of the Society. Provided that nothing herein shall prevent the re-election of any ex-Executive Committee members.

## **CLAUSE 6 SOURCE OF INCOME**

Entrance fee,Subscriptions etc

a)Every member shall pay an entrance fee of RM50.00 payable on application for membership. This sum shall be refunded if the application is rejected. All members shall be exempted from the payment of annual subscription.

b)Privileges of Membership

Every member shall be entitled to enjoy all the privileges and benefits available to all member in accordance to these Rules.

Without limiting the generalilty of Rules 6.1 and subject to these rules,every member shall have the right:

i)to attend and speak at the General Meeting of the Society.

ii)to propose and second applicants for membership in the Society.

iii)to elect or be elected as office-bearer of the Society in the Executive Committee.

c)Duties of Members

i)Every member shall abide by the Rules of the Society.

ii)Every member shall promptly pay all such dues or special donations as may be approved by a General Meeting of the Society.

d)Income

The income of the Society shall be derived from the following:

i)Entrance Fees

ii)Special donations

iii)Income from any assets which the Society may beneficially own.

## **CLAUSE 7 GENERAL MEETING**

### **CLAUSE 7 GENERAL MEETING**

#### General Meeting

- a)The General Meeting of the Society shall be the supreme authority of the Society.
- b)A general meeting may be:
- c)Annual General Meeting, or
- d)Special General Meeting.
- e)A resolution passed at a General Meeting shall be binding on the Executive Committee and all members.
- f)At least one General Meeting to be known as the Annual General Meeting shall be held not later than 30th June annually. At least two weeks notice shall be given of every general meeting. Copies of the audited annual accounts of the Society for the previous year shall be made available at the registered office of the Society for the perusal of members, during the Annual General Meeting.
- g)Not less than half of the total membership of the Society or twice the total of the Executive Committee (whichever is less)present in person shall constitute a quorum for a General Meeting. If a quorum is not present, the General Meeting shall be adjourned for one hour, after that those members present shall be a quorum, and the meeting can proceed, but they shall no power to alter the rules of the Society or to make decision affecting the whole membership. All business transacted shall be decided by the majority of votes.
- h)A Special General Meeting must be called by President as directed by the Executive Committee or on the request in writing of 30 members or more. The meeting must be convened within four weeks on receipt of the request by members and not less than 30 members requesting for the meeting must be present. The agenda shall be limited to the subject contained in the request by members. The meeting shall be cancelled if there is no quorum and a Special General Meeting shall not be convened within a period of six months on similar grounds.

#### Proceedings of the Meeting

Subject to provision of Rules 5,12,16 and 17,resolutions at a General Meeting shall be carried by a simple majority of the members present.

- a)Resolutions at a meeting of the Executive Committee shall be carried by a simple majority of members present.
- b)In the event of equality of votes,the Chairman of the meeting shall have a second casting vote.

### CLAUSE 8 COMMITTEE

#### CLAUSE 8 COMMITTEE

##### Executive Committee

- a)The managements of the Society shall be vested in the Executive Committee.
- b)The Executive Committee shall consist twenty-seven members. The Society shall hold its election of office-bearers once in every three years in its General Meeting to elect twenty-five members. The President during his tenure of office be empowered to appoint two(2)ordinary committee members.
- c)No person shall hold the office of the President, Secretary General, Treasurer for more than six(6)years from the date he is elected or two (2)terms whichever earlier.
- d)The Executive Committee shall meet at least once in two months, or as often as may be deemed necessary. One half of the Executive Committee present shall

constitute a quorum.

e)Two weeks prior to the expiration of term of office, the Executive Committee shall convene an Annual General Meeting to elect a new Executive Committee, and all the existing Committee Members shall be eligible for re-election.

f)The election shall be as follows:-

i)The Executive Committee shall fix the date of election.

ii)The Executive Committee shall elect an Election sub-committee to monitor the election.

Nomination Form can be collected from the association office.

iii)All candidates standing for the election must have a proposer and a seconder, and the

candidates must sign on the nomination form accepting the nomination, and return the nomination form to the Election sub-committee 14 days before the Date of Election.

g)After the nomination form is closed, the Election sub-committee shall compile a list of the candidates. Members must come personally with his or her identity card to collect the ballot paper and cast his or her ballot at the same time.

h)The 25(Twenty-five)members who obtained the highest number of votes, shall be the elected new Executive Committee Members.

I)Unless otherwise provided, any casual vacancy in the Executive Committee caused by resignation, death or whatsoever reason the Executive Committee may appoint another member to fill the vacancy until the General Meeting in which elections of office-bearers are held.

j)A member of the Executive Committee failing to attend 3 consecutive meetings of the Executive Meeting shall be deemed to have vacated his office and the Executive Committee shall proceed to fill his vacancy as a casual vacancy.

k)The Executive Committee shall present an annual report and accounts to the Annual General Meeting, a copy of which must be sent to every member.

l)The salaried staff of the Society shall not hold any position in the Executive Committee.

m)To appoint from time to time such committee or sub-committee as it deems fit to consider and deal with any specific matter.

n)To establish a Disciplinary Committee consisting of five members to advise the Executive Committee on matters of discipline in the Society.

o)To take whatsoever disciplinary action it deems fit against any member, including suspension or expulsion of a member.

p)To make such bye-laws for the elections of office-bearers provided always that no such bye-laws shall be inconsistent with these Rules.

q)To represent the views of the Society on any matter whatsoever which affects the interest of the Society or its members.

r)To raise, collect or receive any donation or contribution in money or in kind for the attainment of the objects of the Society.

s)To print and publish newspaper, periodicals and pamphlets for disseminating information on all matters relating to the objects of the Society.

t)To take all such other steps not specifically enumerated in these Rules for the effective implementation of the provisions of these Rules or for the well-being of the Society.

Office Bearers

The Executive Committee shall within two weeks of their election meet to elect among their member the following office-bearer:

- a)One President
- b)One Deputy President
- c)Five Vice-Presidents
- d)The General Secretary and the Deputy General Secretary
- e)The Treasurer and the Deputy Treasurer
- f)One Chief Officer and one Assistant Chief Officer, responsible for education, Welfare and Social Relation.
- g)Eight Ordinary Committee Members.
- h)The President upon his being elected be empowered two Ordinary Committee Members. All office-bearer shall on as honorary basic.

## **CLAUSE 9 DUTIES OF OFFICE BEARERS**

### **9 Powers and Duties of Office Bearers**

The power and duties of office-bearers shall be as follows:

9.1 The President shall manage and conduct the affairs of the Society and shall be the chairman at all meetings. He shall represent the Society in all external affairs.

9.2 The Deputy President shall in the absence of the President act on his behalf.

c)The General Secretary shall carry out the daily routine works of the Society, sign documents and have custody of the Society records etc. He shall keep an up to date membership register containing full particulars of members.

9.3 The Assistant General Secretary shall assist the General Secretary to discharge his duties of the Society and in the absence of the General Secretary to discharge his duties of the Society and act in his stead.

9.4 The Treasurer shall be in charge of receipts and disbursements of funds of the society, custody of the account books, etc.

9.5 The Assistant Treasurer shall in the absence of the Treasurer act on his behalf.

9.6 The Education Officer shall be responsible for the education affairs of the Society.

9.7 The Assistant Education Officer shall in the absence of the Education Officer act on his behalf.

9.8 The Welfare Officer shall be in charge of the welfare of the Society and fellow clansman.

9.9 The Assistant Welfare Officer shall in the absence of the Welfare Officer act on his behalf.

9.10 The Social Relations Officer shall in accordance with the directions of the Executive

Committee represent the Society in social matter.

9.11 The Assistant Social Relations Officer shall in the absence of the Social Relations Officer act in his behalf.

## **CLAUSE 10 FINANCIAL PROVISION**

### **10 Bank Account**

10.1 The funds of the Society (save a sum of RM500.00 below which may be kept by the Treasurer) shall be deposited under the names of the Society in local banking corporation which the Executive Committee shall decide. The bank account shall be in the name of the Society.

10.2 All cheques issued by the Society shall be jointly signed by two of the three office-bearer namely the President, the Treasurer and the General Secretary and shall also bear the stamp of Society.

#### Expenditure

10.3 The President be empowered to approve expenditure not exceeding RM3,000.00 and The General Secretary be approved expenditure not exceeding RM1,000.00.

10.4 Any expenditure exceeding Rm3,000.00 and below RM10,000.00 shall be made with the prior approval of the Executive Committee.

10.5 Any expenditure exceeding RM10,000.00 other than the ordinary expenses shall only be made with the prior approval of a General Meeting.

#### Accounts and Audit

10.6 All accounts of the Society shall be balanced once a year and shall be certified by the external auditors who shall be approved Company Auditors. The financial of the Society shall commence on 1st January of each year.

## CLAUSE 11 AUDITORS

### CLAUSE 11 AUDITORS

#### 11 Internal Auditors

11.1 The General Meeting may elect one or two persons not members of the Executive Committee as internal auditors who shall hold office for three years and shall be eligible for reappointment.

11.2 The internal auditors shall examine each year's account and may present a report upon them to the Annual General Meeting if they consider appropriate.

11.3 They may be required by the President to audit the Society's account for any period within their tenure of office and make a report to the Executive Committee. The internal auditors shall draw the attentions of the Executive Committee to funds having been expended in breach of the Society's rules or resolution.

## CLAUSE 12 PROPERTY ADMINISTRATOR

### CLAUSE 12 PROPERTY ADMINISTRATOR

#### 12 Property

12.1 In accordance to Section 9(b) of the Society Act 1966, all immovable properties shall be registered in the name of the Society. The current President, Secretary and Treasurer shall be signatories to documents for all the purchase, sale, mortgage or transfer of immovable properties. Their appointments shall be duly registered by the Registrar of Societies.

12.2 Unless prior mandate is given by seventy-five percent of members attending the General Meeting, the above signatories shall not execute any sale, purchase,

mortgage or transfer document in connection with the immovable properties.

## **CLAUSE 13 INTERPRETATION**

### **CLAUSE 13 INTERPRETATION**

#### **13 Interpretation**

13.1 Between Annual Meetings the Executive Committee shall interpret the Rules of the Society and when necessary determine any points on which the rules are silent. Except where they are contrary or inconsistent with the policy previously laid down by the General Meeting, the decision of the Executive Committee shall be binding on all matters of the Society unless and until countermanded by a resolution of a General Meeting.

13.2 In the event that any decision or act of any Office-bearer, committee or subcommittee is inconsistent or in conflict with that of the Executive Committee, the Executive Committee's decision or act shall prevail. Any decision of the Executive Committee on whether any decision or act of any Office-bearer, committee or subcommittee is inconsistent or in conflict shall be final and conclusive and shall not be subject to question by or in any court of law.

13.3 Unless otherwise provided in these rules, where powers are conferred on any person or body in these Rules to appoint, such person or body shall also have the power to terminate such appointment in like manner.

13.4 In case of any dispute as to the interpretation, construction, rendering or meaning of the interpretation, construction, rendering or meaning determined and fixed by the Executive Committee shall be final and conclusive and not subject to question by or in any court of law.

## **CLAUSE 14 ADVISOR / PATRON**

#### **14. Advisor/Patron**

The Committee shall if it deems fit and necessary appoint qualified persons to be the Advisor or Patron of the Society. The person appointed must give his consent in writing.

## **CLAUSE 15 PROHIBITION**

#### **15 Prohibitions**

15.1 All forms of gamblings, the smoking of opiums and the taking of drugs shall be prohibited in the premises of the Society.

15.2 The funds of the Society shall not be used to pay the fines imposed by the court of law.

15.3 The Society shall not attempt to restrict or in any other manner interfere with trade or prices or engage in any trade union activities.

15.4 The Society shall not hold any lottery, whether confined to its members in the name of the Society or of its officers.



15.5 The Society shall not participate in politics or allow its fund or premises to be used for political purposes.

15.6 The Society shall not have any affiliation or connection outside malaysia.

## **CLAUSE 16 AMENDMENT OF CONSTITUTION**

### **16.Amendment to Rules**

Amendment or additions to these Rules shall be made except at a General Meeting and adopted by at least two-third of the members present and they shall not come into force without the prior sanction of the Registrar of Society. Any amendment to the rules shall be forwarded to the Registrar of Society within 60 days of being passed by the General Meeting.

## **CLAUSE 17 DISSOLUTION**

### **17.Dissolution**

17.1 The Society shall not be dissolved except with the consent of not less than two-thirds of the members of the Society present in person at a General Meeting convened for the purposed.

17.2) In the event of the Society being dissolved as provided above the assets shall be used to settle debts and liabilities legally incurred on behalf of the Society, and the balance thereof shall be disposed of at the discretion of a General Meeting.

c) Notice of dissolution signed by the Executive Committee will be given within 14

days of dissolution to the Registrar of Society.

## CLAUSE 18 FLAG, LOGO AND BADGE

### 1. Flag

-

Description

-

### 2. Logo



Description

(i) Green represent bountiful harvesting

(ii) Red represent advancement and progress of community

(iii) Yellow represent the unity and cooperation

### 3. Badge

-

Description

-