

CONSTITUTION

PERTUBUHAN PERSAUDARAAN LIM, KOTA KINABALU, SABAH

CLAUSE 1 NAME

1. The Association shall be known as

PERTUBUHAN PERSAUDARAAN LIM, KOTA KINABALU, SABAH

Hereinafter referred to as "the Association".

2. Meaning of name : **The Association shall be known as Pertubuhan Persaudaraan Lim, Kota Kinabalu, Sabah hereinafter referred to as the**

3. Level : **Negeri**

CLAUSE 2 ADDRESS

1. The registered address is

**3RD FLOOR, LOT 13-3, BLOCK C, LINTAS SQUARE, JALAN LINTAS, LUYANG,
88300 KOTA KINABALU
SABAH**

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

**3RD FLOOR, LOT 13-3, BLOCK C, LINTAS SQUARE, JALAN LINTAS, LUYANG,
88300 KOTA KINABALU
SABAH**

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

CLAUSE 3 OBJECTIVE

The main aims and objects of the Association are as follow:-

- (a) To foster fraternity among the Chinese of surname "Lim" origin;
- (b) To promote friendship amongst members;
- (c) To strengthen the unity amongst members;
- (d) To provide for the welfare of the members without contravening the definition of "mutual benefit" under Section 2 of the Societies Act, 1966.

CLAUSE 4 MEMBERSHIP

CLAUSE 4 MEMBERSHIP

(1) There are four types of memberships as follows:

(a) Ordinary Member Membership shall be open to all Malaysian citizens of surname "Lim" descent and spelt as in Chinese character 'LIM', residing in Kota Kinabalu, Sabah for at least a year, having good conduct, proper occupation and having attained the age 21 and willing to observe the Rules of Association.

(b) Life Member Any member who pays a lump sum of RM1,000.00 (Ringgit Malaysia One Thousand) in addition to the entrance fee of RM10.00 (Ringgit Malaysia Ten) shall be made a life member and no future subscriptions need to be paid. A life member shall be entitled to vote and hold office.

(c) Associate Member The spouse of a member can be admitted as an Associated Member of the Association and will enjoy same benefits as an ordinary member except he/she is not entitled to vote and not entitled to be elected as neither a member of the Executive Committee nor the chairman of any sub-committee.

(d) Senior Member Any member who attains the age of 70 and being an active member for the last 3 consecutive years is upgraded as Senior Member with annual subscription waived. A senior member shall be entitled to vote and hold office.

(2) Every application for membership shall be on a prescribed form and shall be proposed by two existing members and shall be forwarded to the Secretary who shall, at the first convenient opportunity, submit it to the Committee for approval. The Committee may at its discretion reject any application without assigning any reason therefore.

(3) Every applicant whose application has been approved as aforesaid shall, upon payment of the prescribed entrance fee and first annual subscription be admitted as a member of the Association and shall be entitled to all the privileges of membership.

(4) No University or university college student shall be admitted as a member of the Association without the prior written consent of the Vice-Chancellor of the University concerned.

PRIVILEGES AND DUTIES OF MEMBERS

(1) Every member must comply with the laws of the nation and the rules of the Association.

(2) Any member who has been a member of the Association for more than a year shall be entitled to vote and hold office.

(3) Every member has the right to attend the General Meeting of the Association and to express his opinion on matters relating to the Association.

(4) Every member must pay all dues stated in Rule 5 of the Association.

CLAUSE 5 RESIGNATION AND TERMINATION

RESIGNATION AND EXPULSION

(1) Any member who wishes to resign from the Association shall give 7 days notice in writing to the Secretary and shall pay up all dues.

(2) Any member who fails to comply with the rules of the Association or has acted in a manner to bring disrepute upon the Association may be expelled or suspended for a period time as the committee deems fit. Before the Committee expels or suspends the member, the member shall be informed of the grounds for such expulsion or suspension in writing and be given an opportunity to explain and absolve herself in person. Such suspension or expulsion shall be enforced, unless otherwise reversed by a general meeting upon appeal by the said member.

(3) Any member who has resigned or has been expelled shall not make any demands from the Association.

CLAUSE 6 SOURCE OF INCOME

ENTRANCE FEES, SUBSCRIPTION AND OTHER DUES

(1) The entrance fee and subscriptions payable shall be as follows:

- (a) Entrance fee: RM 10.00 (Ten Ringgit only)
- (b) Annual Subscription for Ordinary Member : RM30.00 (Thirty Ringgit only)
- (c) Annual Subscription for Associate Member : RM15.00 (Fifteen Ringgit only)

(2) All annual subscriptions shall be payable to the Treasurer before the 30th of November annually.

(3) Any member who allows his arrears to exceed two years subscriptions shall receive a written notification signed by or on behalf of the Secretary, and shall be denied the privileges of membership until he settles his account.

(4) Any member who allows his arrears to exceed three (3) years subscriptions shall automatically cease to be a member of the Association, and the Committee may direct that legal action be taken against him, provided that they are satisfied that he has received due notice of his debts.

(5) The Committee shall have the power to fix a re-entrance fee for any person who has allowed his membership to lapse through arrears.

(6) Special subscriptions or levies for particular purposes may be raised from members by resolution of the general meeting of the Association. If any member

fails to pay such subscription within such period as may be resolved, the amount due shall be treated in the same way as arrears of annual subscription.

CLAUSE 7 GENERAL MEETING

GENERAL MEETING

(1) The supreme authority of the Association is vested in a general meeting of the members. At least one-half of the total voting membership or twice the total number of the Committee members whichever is the lesser, must be present at a general meeting for its proceeding to be valid and to constitute a quorum.

(2) If half an hour after the time appointed for the meeting a quorum is not present, the meeting shall be postponed to a date (not exceeding 30 days) to be decided by the Committee; and if a quorum is not present half an hour after the time appointed for the postponed meeting, the members present shall have the power to proceed with the business of the day but they shall not have the power to alter the rules of the Association or to make decisions affecting the whole membership.

(3) An Annual General Meeting shall be held as soon as possible after the close of each financial year but not later than 31st March on a date and at a time and place to be decided by the Committee.

(4) The business of the Annual General Meeting shall be

- (a) To confirm the minutes and resolutions of the previous Annual General Meeting.
- (b) To receive the Committee's report on the workings of the Association during the previous year.
- (c) To receive the Treasurer's report and audited accounts of the Association for the previous year.
- (d) To elect a Committee and to appoint an Auditor for the next two years, and
- (e) To deal with such other matters as may be put before it.

(5) The Secretary shall send to all members at least 15 days before the meeting a notice of the Annual General Meeting stating the date, the time and the place and agenda including minutes of the previous meeting and audited accounts of the Association for the previous year to all members, and this notice shall also be prominently displayed at the registered office or place of meeting of the Association.

(6) Motions for discussion at the meeting must be sent to reach the Secretary 7 days before the meeting.

EXTRAORDINARY GENERAL MEETING

(1) An Extraordinary General Meeting of the Association shall be convened whenever the Committee deems it desirable or at the joint request in writing of not less than 10 members stating the objects and reasons for such meeting. The Chairman shall upon receipt of the requisition and within 30 days convene an

Extraordinary General Meeting to discuss only the matters in the agenda.

(2) Notice and agenda for an Extraordinary General Meeting shall be forwarded by the Secretary to all members at least 15 days before the date fixed for the meeting.

(3) Rules 7 (1) and 7 (2) of the Association regarding the quorum and the postponement of an Annual General Meeting shall apply also to an Extraordinary General Meeting, but with the proviso that if no quorum is present after half an hour from the time appointed for a postponed Extraordinary General Meeting requisitioned by members the meeting shall be cancelled, and no extraordinary general meeting shall be requisitioned for the same purpose until after a lapse of at least six months from date thereof.

CLAUSE 8 COMMITTEE

COMMITTEE

(1) A Committee consisting of the following who shall be termed the office-bearers of the Association, shall be elected once in every two years at the Annual General Meeting.

A Chairman
A Deputy Chairman
5 Vice Chairmen
A Secretary
A Treasurer
A Deputy Treasurer
11 Ordinary Committee members

(2) Election of the above office-bearers shall be conducted as follows:

(a) At the Annual General Meeting, names for a minimum of 17 persons shall be proposed and seconded and election shall be by a simple majority vote. The 17 persons with the highest number of votes shall form the Committee.

(b) The elected 17 persons shall within 7 days from the date of election elect among themselves form the above office-bearers. The Chairman has the right to appoint not more than 4 persons to fill the maximum of 11 Ordinary Committee members.

(3) The Committee shall hold office for a term of two years. All the office-bearers shall be eligible for re-election.

(4) The office-bearers of the Association and every officer performing executive functions in the Association shall be Malaysian citizens.

(5) The duties of the Committee are as follows:

(a) To organize and supervise the day-to-day activities of the Association.

(b) To make decisions on matters affecting its running within the general policy laid

down by the general meeting.

(c) To keep the record and documents of the Association.

(d) To employ and dismiss employees of the Association.

(e) To carry out the resolutions of general meeting.

(f) To appoint sub-committees if required for carrying out the duties of the Committee.

(g) The Committee may not act contrary to the expressed wishes of the general meeting without prior reference to it and shall always remain subordinate to the general meeting.

(h) It shall furnish a report to each Annual General Meeting on its activities during the previous year.

(6) The Committee shall meet at least once in every three (3) months, and seven (7) days notice of each meeting shall be given to the members. The Chairman acting alone, or not less than three of its members of the Committee acting together may call for a meeting of the Committee. At least one half of the Committee members must be present for its proceedings to be valid and to constitute a quorum.

(7) Where any urgent matter requiring the approval of the Committee arises and it is not possible to convene a meeting, the Secretary may obtain such approval by means of a circular letter. The following conditions must be fulfilled before a decision of the Committee is deemed to have been obtained;

(a) the issue must be clearly set out in the circular and forwarded to all members of the Committee;

(b) at least one-half of the members of the Committee must indicate whether they are in favour or against the proposal; and

(c) the decision must be by a majority vote. Any decision obtained by circular letter shall be reported by the Secretary to the next Committee Meeting and recorded in the minutes thereof

(8) Any member of the Committee who fails to attend three consecutive meetings of the Committee without satisfactory explanation shall be deemed to have resigned from the Committee.

(9) In the event of the death or resignation of a member of the Committee, the candidate who received the next highest number of votes at the previous election for the post affected shall be invited to fill the vacancy. If there is no such candidate or if such candidate decline to accept office, the Committee shall have the power to co-opt any other member of the Association to fill the vacancy until the next Annual General Meeting.

(10) The Committee shall give instructions to the Secretary and other officers for the conduct of the affairs of the Association. It may appoint such organizers and such staff as it deems necessary. It may suspend or dismiss any organizer or member of the staff for neglect of duty, dishonesty, incompetence, refusal to carry out the decisions of the Committee, or for any other reason which it deems fit and sufficient in the interest of the Association.

(11) The Committee shall submit the annual returns of the Association to the Registrar of Societies as required under Section 14(1) of the Societies Act, 1966.

CLAUSE 9 DUTIES OF OFFICE BEARERS

DUTIES OF OFFICE-BEARERS

(1) The Chairman

He shall during his term of office preside at all general meetings and all meetings of the Committee and shall be responsible for the proper conduct of all such meetings. He shall have the casting vote and shall sign the minutes of such meetings at the time they are approved. He shall represent the Association in all external affairs.

(2) The Deputy Chairman

He shall assist the Chairman in the performance of his duties and deputize for the Chairman during the latter's absence.

(3) The Vice Chairmen

They shall assist the Chairman and the Deputy Chairman in the performance of their duties and the senior Vice Chairman shall deputize for the Chairman and the Deputy Chairman during their absence.

(4) The Secretary

He shall conduct the business of the Association in accordance with the rules and shall carry out the instructions of the general meeting and of the Committee. He shall be responsible for conducting all correspondence and keeping all books, documents and papers except the accounts and financial records. He shall attend all meetings and record the proceedings. He shall maintain a membership register with particulars of name, age, identity card number, occupation and address of every member.

(5) The Treasurer

He shall be responsible for the finances of the Association. He shall keep account of all its financial transactions and shall be responsible for their correctness.

(6) The Ordinary Committee Members shall assist the above officers in the management of the Association.

CLAUSE 10 FINANCIAL PROVISION

FINANCIAL PROVISIONS

(1) The financial year of the Association shall commence on 1st of January and end on 31s December annually.

(2) Subject to the following provisions in this rule, the funds of the Association may

be expended for any purpose necessary for the carrying out of its objectives, including the expenses of its administration, the payment of salaries, allowance and expenses to its office-bearers and paid staff, and the audit of its accounts, but they shall not account be used to pay the fine of any member who may be convicted in a court of law.

(3) The Treasurer may hold a petty cash advance not exceeding RM300.00 (Three hundred ringgit only) at any one time. All money in excess of this sum shall at once be deposited in a bank approved by the Committee. The bank account shall be in the name of the Association.

(4) All cheques or withdrawal notice on the Association's account shall be signed jointly by the Treasurer and the Chairman (as Group 1) or the Treasurer and the Deputy Chairman (as Group 2). In the absence of the Treasurer, the Deputy Treasurer shall replace the Treasurer as the official signatory,

(5) No expenditure exceeding RM 1,000.00 (One thousand ringgit only) at any one time shall be incurred without the prior sanction of the Committee, and no expenditure exceeding RM10,000.00 (Ten thousand ringgit only) in any one time shall be incurred without the prior sanction of a general meeting. Expenditure of less than RM 1,000.00 (One thousand ringgit only) may be approved by the Chairman together with the Deputy Chairman or the Treasurer.

(6) As soon as possible after the end of each financial year, a statement of income and expenditure and balance sheet for the year shall be prepared by the Treasurer and audited by the Auditor appointed under Rule 11. The audited accounts shall be submitted for the approval of the next Annual General Meeting, and copies shall be made available at the registered office or place of meeting of the Association for perusal of members.

CLAUSE 11 AUDITORS

AUDITOR

(1) A person, who shall not be an office-bearer of the Association, shall be appointed by the Annual General Meeting as an Auditor. His tenure of office shall be for two years.

(2) The Auditor shall be required to audit the accounts of the Association for the year, and to prepare a report or certificate for the Annual General Meeting. He may also be required by the Chairman to audit the accounts of the Association for any period within his tenure of office at any date, and to make a report to the Committee.

CLAUSE 12 PROPERTY ADMINISTRATOR

TRUSTEES

(1) Three trustees shall be appointed at the general meeting and shall hold office during the pleasure of the Association. They shall have vested in them all immovable property whatsoever belonging to the Association upon execution of a deed of trust.

(2) The trustees shall not sell, withdraw or transfer any of the property of the Association without the consent and authority of a general meeting of members.

(3) A trustee may be removed from office by a general meeting on the grounds that, owing to ill health, unsoundness of mind, absence from the country or for any other reasons, he is unable to perform his duties or unable to do so satisfactorily. In the event of death, resignation or removal of a trustee the vacancy shall be filled by a new Trustee to be appointed by a general meeting as soon as possible.

CLAUSE 13 INTERPRETATION

INTERPRETATION OF RULES

(1) Between Annual General Meetings the Committee shall interpret the rules of the Association and when necessary, determine any point on which the rules are silent.

(2) Except where they are contrary to or inconsistent with the policy previously laid down by the general meeting, the decisions of the Committee shall be binding on all members of the Association unless and until countermanded by a resolution of a general meeting.

CLAUSE 14 ADVISOR / PATRON

The Committee may recommend to the general meeting any member of good reputation and virtue or any member who has rendered special services to the Association to be appointed as Honorary Chairman or Advisor, or any retired committee member who has been a committee member for more than 20 years to be appointed as Life Honorary Advisor, provided that the person to be appointed expresses his consent in writing.

CLAUSE 15 PROHIBITION

(1) None of the following games shall be played in the premises of the Association: Roulette, Lotto, Fan-Tan, Poh, Peh Bin, Belangkai, Pai Kau, Tau Ngau, Tien Kow, Chai Ji Kee, Sam Cheong, Twenty-One, Thirty-One, Ten and half, all games of Dice, banker's games, video games and all games of mere chance.

(2) Neither the Association nor its members shall attempt to restrict or in any other manner interfere with the trade or prices or engage in any Trade Union activities as defined in the Trade Union Act, 1959.

(3) The Association shall not hold any lottery, whether confined to its members or not, in the name of the Association or its office-bearers, committee or member.

(4) The Association shall not pay out any benefits as defined under Section 2 of the Societies Act, 1966 to any of its members or member's dependent.

CLAUSE 16 **AMENDMENT OF CONSTITUTION**

These rules may not be altered or amended except by a resolution of a general meeting. Application for any such alterations or amendments shall be made to the Registrar of Societies within 60 days from the date of the decision to make the change or amendment and shall take effect from the date of their approval by the Registrar of Societies.

CLAUSE 17 **DISSOLUTION**

(1) The Association may be dissolved by a resolution of not less than four-fifths (4/5) of the total membership at a general meeting specially convened for the purpose.

(2) In the event of the Association being dissolved as provided above, all debts and liabilities legally incurred on its behalf shall be fully discharged and the remaining funds shall be disposed of in such manner as may be decided upon by a general meeting.

(3) Notice of dissolution shall be given within fourteen (14) days of the dissolution to the Registrar of Societies.

CLAUSE 18 **FLAG, LOGO AND BADGE**

1. Flag

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Description

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2. Logo



Description

The Logo of the Association consists of a globe with the Chinese character LIM at the centre and is in Red colour. The ocean are coloured in Blue and land in Green. A Yellow ring with rays of lights surrounding the globe. This Logo symbolizing people of different colours and races are united globally and shine forever.

3. Badge

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Description

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