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The Bangladesh Hi-Tech Park Authority Act, 2010

(Act No 8 of 2010)

[18 March, 2010]

An Act to make provisions for the establishment of hi-tech parks in different places within the country for setting up and development of hi-tech industries in Bangladesh and for the establishment of the Bangladesh Hi-Tech Park Authority for proper management, operation and development thereof.

Whereas it is expedient and necessary for the establishment of hi-tech parks in different places within the country for setting up and development of hi-tech industries in Bangladesh and for the establishment of the Bangladesh Hi-Tech Park Authority for proper management, operation and development thereof;

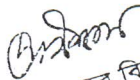
It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Bangladesh Hi-Tech Park Authority Act, 2010.

(2) It shall come into force at once.

2. **Definitions.**- In this Act, unless there is anything repugnant in the subject or context,-

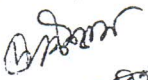
- (1) "Authority" means the Bangladesh Hi-Tech Park Authority establishment under section 3;
- (2) "Chairman" means the Chairman of the Board of Governors;
- (3) "developer" means such a person to whom the construction of physical infrastructure, maintenance and management of a park is assigned through a partnership contract with Government for the purpose of establishing a hi-tech park;


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প্রধান, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

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- (4) "prescribed" means prescribed by rules or regulations made under this Act;
 - (5) "Board of Governors" means the Board of Governors of the Authority;
 - (6) "park" means a place specified for making a hi-tech park by the Government or a place specified by a private entrepreneur for establishing hi-tech parks approved by the Government; and includes any IT park, IT village, technology park, science park established for the industry based on the Information and Communication Technology, Telecommunication and Information & Technology;
 - (7) "regulation" means a regulation made under this Act;
 - (8) "rule" means a rule made under this Act;
 - (9) "Executive Committee" means the Executive Committee of the Authority;
 - (10) "person" means the interested person to invest in the park, individual proprietor, company, partnership, firm or any other organization will also be included under this;
 - (11) "President" means President of the Executive Committee; and
 - (12) "hi-tech industry" means knowledge and capital based, eco-friendly and Information Technology (IT), Information Technology Enabled Services (ITES) and Research and Development (R & D) related industry.

3. **Establishment of the Authority.**- (1) As soon as may be after the commencement of the Act, the Government shall, by notification in the official Gazette and in addition to that optionally in the electronic Gazette, establish an Authority to be called the Bangladesh Hi-Tech Park Authority for the purposes of this Act.

(2) The Authority shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and, by the said name, sue and be sued.


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4. **Head office.**- The head office of the Authority shall be located at Dhaka and the Authority may, with the prior approval of the Government, establish branch offices at any places within the country as it may deem fit.

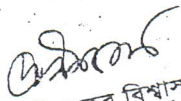
5. **Objects and functions of the Authority.**- The objects of the Authority shall be to establish parks with a view to setting up and development of hi-tech industries at different places within the country by public or private initiative, and to take active steps for its proper management, operation, development and other matters related thereto.

6. **General direction and administration.** - The general direction and administration of the affairs and functions of the Authority shall vest in an Executive Committee which may exercise such powers and discharge such functions as the Authority may exercise and discharge.

(2) The executive committee, in discharging its functions, shall act in accordance with this Act, rules, regulations and in accordance with such orders and instructions as are given and passed by the Government from time to time.

7. **Board of Governors.**- (1) For the purposes of this Act, there shall be a Board of Governors of the Authority which shall consist of the following members, namely:-

- (a) the Prime Minister who shall also be the Chairman of the Board of Governors;
- (b) the Ministers-in-charge of the Ministry of Science and Information & Communication Technology, the Ministry of Industries, the Ministry of Commerce, the Ministry of Finance, the Ministry of Post and Telecommunication, the Ministry of Home, the Ministry of Land, the Ministry of Education, the Ministry of Environment and Forest and the Ministry of Law, Justice and Parliamentary Affairs;
- (c) the Secretaries of the Ministry of Science and Information & Communication Technology, the Ministry of Industries, the Ministry of Commerce, the Ministry of Finance, the Ministry of Law, Justice and Parliamentary Affairs, the Ministry of


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Environment & Forest, the Ministry of Post and
Telecommunication;

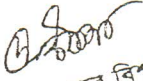
- (d) the Executive Chairman, Board of Investment; and
- (e) the Managing Director, who shall also be its Member Secretary.

(2) The Prime Minister may, if necessary, nominate any Minister, who is also a member of the Board of Governors, to act as the Chairman of the Board of Governors.

(3) The Authority may, with the prior approval of the Prime Minister, co-opt any person who has experience in the related field as the member of the Board of Governors or discharge any member from the Board.

8. **Executive Committee.**- (1) For the purposes of this Act, there shall be an Executive Committee consisting of the following 15 members, namely:-

- (a) the Minister-in-charge of the Ministry of Science and Information & Communication Technology, who shall also be its President;
- (b) the Secretary of the Ministry of Science and Information & Communication Technology, who shall also be its Vice-president;
- (c) the Joint-Secretaries of the Ministry of Industry, the Ministry of Commerce, the Ministry of Finance, the Legislative and Parliamentary Affairs Division, the Ministry of Post and Telecommunication, the Ministry of Environment and Forest;
- (d) 2 (two) persons to be nominated by the Government from amongst the persons having contribution in the field of science and technology;
- (e) the Executive Director of the Bangladesh Computer Council;
- (f) one representative to be nominated by the President of the Federation of Bangladesh Chamber of Commerce and Industry (FBCCI);


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(g) one representative to be nominated by the President of the Bangladesh Association of Software and Information Services;

(h) an officer not below the rank of a Director, to be nominated by the Board of Investment; and

(i) The Managing Director, who shall also be its member secretary.

(2) The person to be nominated as member by the Government shall hold office for three years from the date of his nomination:

Provided that the Government may, if necessary, discharge any member nominated by it at any time before the expiry of his tenure without showing any cause.

(3) A member nominated by the Government under sub-section 1 (d) may resign his office by writing under his hand addressed to the President.

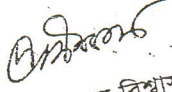
9. Meeting.- (1) The Board of Governors and the Executive Committee shall, subject to the provisions of this section, determine the procedure for their meetings.

(2) The Member-Secretary of the Board shall, in consultation with the Chairman, convene all the meetings of the Board of Governors at such times and places as may be determined by the President.

(3) The meetings of the Executive Committee shall be held at such times and places as may be determined by the President and the Member-Secretary of the Executive Committee shall, in consultation with the President, convene the meeting.

(4) The Chairman of the Board of Governors shall preside over all the meetings of the Board.

(5) The President of the Executive Committee shall preside over all the meetings of the Executive Committee and in his absence, the Vice-President shall preside over the meeting.


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(6) The presence of at least one third of the total number of the members of Executive Committee shall constitute a quorum at a meeting of the Executive Committee.

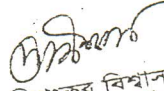
(7) At a meeting of the Executive Committee, each member present shall have one vote and in the event of equality of votes, the member presiding over the meeting shall have a second or a casting vote.

10. Duties and functions of the Executive Committee.-For the purposes of this Act, the Executive Committee shall perform and discharge the following duties and functions, namely:-

- (a) to formulate necessary policy on development, operation, management and control of the park;
- (b) to pass orders or issue instructions necessary for the management of the affairs of the Authority efficiently and smoothly;
- (c) to determine the benefits for the investor in the park;
- (d) to determine the conditions and rates of allotment, rent and lease of land and building spaces within park;
- (e) to determine the terms and conditions of appointing a developer for establishment of parks by public- private partnership; and
- (f) to do such other things as may be necessary to be done in connection with development, expansion and proper management of the park.

11. Appointment of officers and employees.- The Authority may, for the efficient performance of its functions, appoint such number of officers and employees as are required according to the organogram approved by the Government and the terms and conditions of their services shall be determined by regulations.

12. Managing Director.- (1) There shall be a Managing Director of the Authority.


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(2) The Managing Director shall be appointed by the Government and the terms and conditions of his service shall be determined by the Government.

(3) The Managing Director shall be the whole time chief executive of the Authority and he shall-

- (a) be responsible for the execution of the decisions of the Executive Committee; and
- (b) perform such other functions of the Authority as are assigned to him by the Executive Committee.

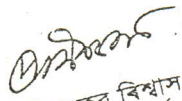
13. **Committee.**- (1) The Executive Committee may form such other committee or committees as may be necessary to assist in the discharge of its functions.

(2) The committee appointed under sub-section (1) shall consist of such number of members as are determined by the Executive Committee and discharge its functions in accordance with the procedure determined by the Executive Committee.

14. **Establishment of warehouses.** - Notwithstanding anything contained in any other law for the time being in force, the Authority may, for the interest of the park, set up, maintain and operate warehouse, if necessary, with the prior approval of the Government, in accordance with the Customs Act, 1969 (Act no IV 1969) for import of raw materials; packaging materials, semi-processed goods, accessories etc, required in the hi- tech industries set up in any park in Bangladesh.

15. **Special tax facilities for hi-tech park.**- Notwithstanding anything contained in any other law for the time being in force, the Government may,-

- (a) by notification in the official Gazette and in addition optionally in the electronic Gazette, provide special tax benefits to the hi-tech industries set up within the park, with the consent of the National Board of Revenue; and
- (b) for the purpose of clause (a), introduce special arrangement in order to provide export and import activities in the hi-tech


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industries set up within the park under the Customs Act, 1969 (Act No IV of 1969).

16. **Bonded facilities.**- The Authority may, with the consent of the National Board of Revenue, provide bonded facilities for the following cases, namely:-

- (a) any custom duty, sales tax, octroi or excise duty or import license or permit fee or any other charges on any goods including raw materials imported into a park; and
- (b) any duty or any other charges on any goods exported from a park or used within the country.

17. **Permission for setting up park.**- (1) A person desiring to set up a park with a view to establishing hi-tech industry shall make an application to the Authority for permission in the form prescribed by rules.


(2) The Authority shall, on receipt of an application made under subsection (1), be convinced with all the documents submitted and grant a permission within such time and in such manner and form as may be prescribed.

(3) If the Authority does not consider the application properly made, it may reject the application within such time and in such manner as may be prescribed after giving the applicant the opportunity of being heard and it shall inform the applicant in writing about the rejection mentioning the actual reasons thereof.

18. **Terms and conditions of the permission letter, etc.** - (1) The terms and conditions of the permission letter granted under section 17 shall be determined by rules.

(2) The permission or the title acquired under section 17 shall not be transferable and such transfer shall be void.

(3) The Authority may incorporate in the permission letter any condition consistent with the Act or rules made thereunder at the time of permission and the Authority may, at any time, change the condition.


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(4) If any condition under sub-section (3) is changed the person who has been given permission shall be bound to obey it.

19. Permission for setting up hi-tech industries in the park, etc.- A person who intends to set up a hi-tech industry in the park shall make an application to the Authority in such form as may be prescribed by rules:

Provided that, if any developer is appointed by the Authority, the applicant shall apply through the developer and if the park is set up by any private entrepreneur the applicant shall apply through the entrepreneur.

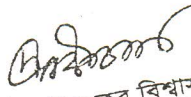
20. Appointment of developer.- Any developer may be appointed subject to the terms and conditions determined by any person or, as the case may be, by the Authority for the purpose of establishing a hi-tech industry.

21. One-stop service.- The Authority may, subject to receiving appropriate fee and service charge, provide one stop service facilities to the person or developer interested to set up hi-tech industries in a park, namely:-

- (a) permission to select land in the park;
- (b) resident and non-resident visa;
- (c) work permit;
- (d) construction permit;
- (e) allotment or rent or lease of plots in the park with a view to establishing hi-tech industry;
- (f) connection and supply of water, gas, electricity, telephone, etc.;
- and
- (g) other acts in connection with the park.

22. Declaration of park.- The Government may, by notification in the official Gazette and in addition to that in the electronic Gazette, declare any place or places mentioned therein and any place or places granted to any person as a park for the purposes of this Act.

23. Allotment of land etc, in a park.- (1) The Authority may, subject to such terms and conditions as may be determined by it, allot, rent or lease out any land and building space in a park to a person who has been granted permission under section 19 to set up a hi-tech industry in the park.


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