



Kingdom of Cambodia

Nation Religion King

Royal Government of Cambodia

No: 97 ANK.BK

Sub Decree

on

**The transformation of Institute of Health Science of the Cambodian Royal Armed Forces (IHS)
to the public administration institution**



Royal Government

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal decree NS/RKT/0908/1055 dated September 25, 2008 on the formation of the Royal Government of the Kingdom of Cambodia
- Having seen the Law on Organization and Functioning of the Council of Minister, promulgated by Kram 02/NS/94 dated July 20, 1994
- Having seen the Law on Establishment of the Ministry of National Defense promulgated by Kram NS/RKM/0196/07 dated January 24, 1996
- Having seen the Law on Establishment of the Ministry of Economics and Finance promulgated by Kram NS/RKM/0196/13
- Having seen the Law on Establishment of the Ministry of Health, promulgated by Kram NS/RKM 0196/06 dated January 24, 1996
- Having seen the Law on Establishment of the Ministry of Education Youth and Sports, promulgated by Kram NS/RKM 0196/01 dated January 24, 1996
- Having seen Royal decree NS/RKM/1297/91 dated December 31, 1997 on the judicial statute of public administration institutions
- Having seen Royal decree NS/RKT/0303/129 on the Recognition of Accreditation of Higher Education
- Having seen sub-decree 65 ANK.BK dated September 14, 2000 on the organization and functioning of the Ministry of National Defense

- Having seen sub-decree 31 ANK.BK dated July 28, 2004 on the modification of structure and changing the name of cabinet of the Ministry of National Defense to the directorate general of the Ministry of National Defense
- Having seen sub-decree 04 ANK.BK dated January 20, 2000 on the organization and functioning of the Ministry of Economics and Finance
- Having seen sub-decree 67 ANK.BK dated October 22, 1999 on the organization and functioning of the Ministry of Health
- Having seen Sub-decree 84 ANK.BK on the Organization and Functioning of the Ministry of Education Youth & Sports dated June 09, 2009
- Having seen sub-decree 61 ANK.BK dated September 21, 2004 on the promotion of Cambodian Royal Armed Forces Health School to the Institution of Health Science of the Cambodian Royal Armed Forces
- Having seen Sub-decree 01 ANKr.BK on the Organization and Management of Higher and Specialized Education Institutes dated January 20, 1992
- Having taken into account the request of the Minister of the Ministry of National Defense

HEREBY DECIDES:

**Chapter I
General Provisions**

Article 1:

Institute of Health Science of the Cambodian Royal Armed Forces in abbreviation "IHS" is to be transferred as Public Administration Institution under technical governance of the Ministry of National Defense and financial governance of the Ministry of Economics and Finance.

Article 2:

IHS is a legal entity with automated finance.

IHS is located at Prey Sandek village, Sangkath Chom Chao, Khan Dangko, Phnom Penh municipality. Relocation of IHS in the future is under the authority of IHS.

Article 3:

IHS bears the following responsibilities:

- Provide training of Bachelor degree of medical science, medical doctor and bachelor of dental science, doctor of dental surgery, bachelor degree of pharmacy, bachelor and associate degree of nurse-midwifery, laboratory technology, medical aid and foundation academic program
- Offering post-graduate program
- Manage and process enrollment selection of general students and army students to pursue in scholarship and tuition-paid program

- Train technical staffs based on the requests of the Ministry of National Defense
- Capacity building for lecturers, professors of college of health science and technical school for medical care
- Prepare curriculum which is recognized by the Ministry of Education Youth & Sports in line with the approval of the Ministry of National Defense
- Conduct research on health science, pharmacy, dental and nursing science
- Research on curriculum, contents and teaching methodology, compile technical documents in both Khmer and foreign language to the needs and for public in general.
- Establish equipment-based for IHS
- Manage medics, staff, labor, students, teachers, doctors and properties of IHS
- Maintain good collaboration/relations with national and international organization, NGOs to keep improving in technical/science research works.

Chapter II
Leading and Management
Part 1
Board of Director

Article 3:

IHS shall be led by board of director with comprehensive rights in managing all stated regulations of this sub-degree and internal regulation of IHS.

Article 5:

5.1 Board of director shall compose of the following membership:

- | | |
|--|-------------|
| - Representative of the Ministry of National Defense | Chairman |
| - Representative of the Ministry of Economics and Finance | member |
| - Representative of Council of Minister | member |
| - Representative of the Ministry of Health | member |
| - Representative of the Ministry of Education Youth & Sports | member |
| - Director of IHS | auto member |
| - Representative of IHS staffs | auto member |

5.2 Representative of IHS staffs shall be elected among all members of IHS for each term.

5.3 Chairman and members of board of director which are not the auto members shall be nominated by sub-decree for three years term and can be extended with the request of the line ministries or departments. This term can be terminated at anytime with the request of the line ministries or departments.

Article 6:

Members of board of director shall be selected from active service officers of at least five (5) years or experienced dignitary with high skills in health science, economic, education or law. They should be Khmer citizen with police certificates verify of/about civil penalties or crime free by courts.

Article 7:

7.1 Chairman of board of director is responsible in calling in and defining agenda of meeting of the board of director.

7.2 Board of director might have invited outside dignitary with experienced of health science and representative of development partners to participate in board of director meeting. Those dignitaries can provide suggestion/recommendation but bear no rights in enacting the subjects.

Article 8:

Board of director is responsible in directing and monitoring the process of IHS. Having accounted for this mission body, the board of director shall:

- Monitor and finalize (approve) on the development planning of IHS in line with the government defined directions
- Monitor and finalize on the action plan of IHS
- Monitor and finalize on annual income and expenditure as well as annual budget of IHS
- Monitor and finalize the annual financial report
- Define structure and determine roles and responsibilities to subordinated office and making necessary development of IHS as required
- Define selection process, promotion and incentives of IHS staffs which is not affected to any determined regulations or internal regulations apply to civil officers
- Determine and approve on the number of personnel staffs for IHS
- Approve on public procurement agreement in line with the regulations of public procurement
- Revise internal regulations of IHS within approval of both governing departments of ministries
- Maintain scheduled evaluation on the achievements compare to the set targets of IHS, and making necessary modifications whenever arise.

Article 9:

Allowance for member of board of director shall be defined by Minister of the Ministry of Economics and Finance within the proposal of board of director after approval of Minister of the Ministry of National Defense.

Article 10:

10.1 IHS board of director shall call in regular meeting of every three (3) months through the initiation of the chairman or the propose of members of 2/3 voices or IHS director. In case that the chairman is busy, a member of board of director shall be assigned to lead the meeting. Chairman of the meeting shall select a secretary to take minutes of meeting who is not a member of board of director. The secretary does not have rights in the election. Financial officer shall participate in the meeting of board of director but bears no rights in the election. Agenda and related meeting documents shall be submitted to all members of board of director and relevant ministries as mentioned in this sub-degree of at least ten (10) days in advance of the meeting.

10.2 Meeting of board of director shall be attended by more than fifty (50) percent of the total members to be validated. Absent members can not send their representative to participate on behalf on in the meeting. Whenever there are not enough quorum, a board of director meeting shall be recalled by no later than the next fifteen (15) days with no restriction on the participation of all members, only previous agenda shall be discussed at this meeting. Participated members shall have their name recorded on the attendance sheet. All decision made by board of director can only be considered valid with absolute majority approval of presented members. With equal voice, voice of the chairman of the meeting has been honored.

10.3 Decision of board of director will be recorded in a minutes of meeting which is kept at IHS signed by meeting chairman and secretary (minutes taker). The minutes shall be clearly revealed all discussions made and submitted to all board of director member and concerned ministries no later than ten (10) days of the meeting.

10.4 IHS shall submit to the Council of Minister, Minister of the Ministry of National Defense, Minister of the Ministry of Economics and Finance, and Financial officers of the following documents:

- Minutes of meeting of board of director
- Development planning of IHS
- Annual budget plan
- Annual financial reports

10.3 These documents shall be sent to the person in charge no later than fifteen (15) days.

Part 2 Executive body of IHS

Article 11:

IHS shall manage by director equal to the position of director general. IHS director is the Executive Director.

Article 12:

12.1 IHS director bears full rights in managing and implementing the works stated in this sub-degree in the exception of any other tasks which is under the authorization of board of director.

IHS director bears the following responsibilities:

- Manage meeting of board of director
- Implement all decision made by board of director and to put in action of other policies determined by board of director
- Prepare annual budget for IHS and submit to board of director for approval
- Making report on management, verify financial report and submit to board of director
- Making necessary verification of/about subordinated offices
- Perform on the basis of IHS director in relevant to the number of personnel staffs determined by board of director, respect and maintain all measures regarding to staffs management.
- Maintain and fulfill roles in respective hierarchy off all personnel in IHS defined by board of director on the delegation of rights and authorization of personnel as stated in internal regulations and other regulations.

12.2 IHS director is a representative of the institute in relation with third parties.

12.3 IHS director may propose to the Ministry of National Defense to nominate one or more deputy directors equal to the position of director of department to assist the work as necessary within approval of the board of director.

Part 3 Staffs of IHS

Article 13:

13.1 Permanent staffs of IHS are including of those from the Ministry of National Defense and officers of public functional body of other relevant ministries/departments. Salary and other incentives of those officers will be maintained the same as their ex-institutions which was defined by secretariat of public function.

13.2 IHS may recruit contractual staffs, assistant and non-contractual staffs. Those staffs shall be governed under the internal regulations and the decision of board of director in line with the labor law.

13.3 Staffs, civil officers of IHS shall be governed by the regulations on staffs management determined by board of director. This regulation on staffs management shall not be contradicted with the regulations of law or any other related articles of the civil servants. Board of director shall define bonus/incentive for staff and the modality of payment which should be stated in the internal regulations.

Part 4 Properties of IHS

Article 14:

14.1 IHS has been granted from the Royal government of land and immovable assets which is indicated in the annex of inventory list with the land area of eighty thousand square meters (80,000 sqm²) located at Prey Sandek village, Sangkath Chom Chao, Khan Dangko, Phnom Penh municipality.

14.2 IHS may purchase, exchange or sell movable and immovable assets to accelerate the process of the institution within approval of both governing ministries and the enforced law.

Part 5

Financial management and Accounting of IHS

Article 15:

Financial management and accounting of IHS shall be functioned in line with the public accounting principle stated in article 122 of sub-decree 82 ANK dated November 16, 1995 on the general regulations of public accounting.

Article 16:

16.1 Director of IHS is the front-line manager and shall bear below responsibilities:

- Verify on budget and income
- Manage payment and issue expense order

16.2 Front-line manager may authorize to line-manager or establish revenue agent or advance agent (petty cash) within approval of IHS accountant.

Article 17:

17.1 Financial management and account control shall be conformed to the internal regulations of IHS under the responsibilities of the accountant. This accountant shall be nominated by Proclamation (Prakas) of Minister of the Ministry of Economics and Finance and is supposed to take an oath before deployment. This accountant shall be responsible to the director of IHS and shall participate in board of director meeting as consult agent but bears no voting voice.

17.2 The accountant is responsible for the following tasks:

- collect income
- make necessary expenditure
- secure and manage the application of IHS funds and resources
- maintain judicial documents and manage accounting documents

17.3 Accountant might transfer some authorization to his/her envoy.

Article 18:

18.1 IHS resources come from:

- resources provide by the government at the start-up
- working capital and supported funds stated in national budget

- gifts, aid and legacy in which IHS received
- direct borrowing and state lending money to IHS
- earning and other fees from service charged by IHS
- earning of IHS service properties and the selling of assets/properties allowed by the Royal government
- earning from the tuition fees of students
- earning from IHS properties

18.2 Income, expenditure and capital of IHS is planned in the annual budget of IHS. IHS board of director shall define modality of management and implementation of the budget. All decisions made by board of director regarding to the modality of budget management and implementation shall be approved by Minister of the Ministry of Economics and Finance.

18.3 Front-line manager shall prepare budget and submit to board of director no later than September 30 of each year. The budget shall be maintained the balance between income and expenditure.

18.4 According to article 13 of this sub-degree, salary and other incentives for civil servants in the public functioning cadre working in IHS is the burden of state budget.

18.5 State supported allowance planned in the national budget for IHS is to cover particularly for the expenditure of water and electricity.

18.6 Research and analysis budget in case of emergency shall be made in contract between the Royal government and IHS and clearly indicate the responsibilities of each party.

Article 19:

19.1 Accounting tasks of IHS are including of the following:

- general accounting shall be made in two parts one is national treasury budget operation and another is third party operation
- applying of fixed, materials and value accounting practices
- Analyse accounting if necessary

Accounting of IHS shall:

- in line with principles defined by proclamation (Prakas) of Minister of the Ministry of Economics and Finance
- be respected to accounting norms of IHS determined by decision of board of director. The accounting norms shall be granted approval from Minister of the Ministry of Economics and Finance

19.2 Annual financial report of IHS shall be prepared by an accountant and front-line manager attached with management report and submit to board of director to verify and approve no later than three (3) month from the closing data.

Article 20:

IHS fund is a public fund which is required to deposit in an account at the national treasury unless stated otherwise by the proclamation (Prakas) of Minister of the Ministry of Economics and Finance.

**Part 6
IHS Fiscal term**

Article 21:

There should be no any counter-regulation stated by law, IHS shall be put under the legitimacy of fiscal terms.

**Part 7
IHS Procurement**

Article 22:

Decision made regarding to the implementation and monitoring of IHS procurement shall be governed by enforced laws and regulations concerning to the matter.

**Chapter III
Part 1
Technical Governing Body**

Article 23:

23.1 Fifteen (15) days after the meeting of board of director, IHS director shall submit to Minister of Ministry of National Defense and Minister of the Ministry of Economics and Finance of development program and annual budget plan for approval. Minister of the Ministry of Economics and Finance is granted a period of one (1) month from the acknowledged date to verify and prepare necessary suggestions/recommendations for Minister of the Ministry of National Defense. The two technical governing bodies have a period of two (2) months from the date of receiving consigned documents by IHS director to approve on the documents.

23.2 Letter of approval shall be signed by Minister of the Ministry of National Defense or representative and send to IHS director and circulates to Minister of the Ministry of Economics and Finance. IHS director shall forward this information to board of director instantly.

Whereof no response from Minister of the Ministry of National Defense within the deadline, the development program or annual budget is considered validate and approve. If there is objection from the Minister of the Ministry of National Defense on such development program or annual budget, chairman of board of director shall call in meeting immediately to discuss and find out solutions to such objection.

IHS development program and any budget expenditure shall not be made if the objection raised by Minister of the Ministry of National Defense has not yet been settled.

Regular expenditure is allocated to use by applying absolutely twelve-divided system in case of there is any objection from Minister of the Ministry of National Defense.

Article 24:

24.1 Minister of the Ministry of National Defense can oppose to the consigned documents as stated in article 10 at 10.4 of this sub-decree in which consist of minutes of meeting of board of director and annual financial report. Minister of the Ministry of National Defense has a period of one (1) month to raise all of the objections.

24.2 IHS director shall inform to board of director the contents of objection of Minister of the Ministry of National Defense. Board of director meeting shall be held immediately to discuss and find out solutions to such objection. If board of director cannot officially accept this kind of objection, the decision of board of director on the matter shall be promptly and clearly inform of such reasons in formal written to Minister of the Ministry of National Defense.

Article 25:

25.1 Minister of the Ministry of National Defense may cancel or suspend the decision made by board of director or IHS director if such decision composes of the following matters:

- contradict to goal and objectives of the institution
- contraction to law and regulations
- was done by an unauthorized personnel/bodies or by unlawful meeting of board of director

25.2 The cancellation or suspension shall be made by proclamation (Prakas) of Minister of the Ministry of National Defense and indicate of personal idea or with complaints from concerned parties. Cancellation or suspension of the decision shall be made in written to IHS director and s/he has to report immediately to board of director.

Article 26:

Minister of the Ministry of National Defense may assign inspection and monitoring performance to relevant IHS tasks wherever necessary to the conditions and modality of enforced laws and regulations.

Part 2

Financial Governing Body

Article 27:

27.1 Fifteen (15) days after the meeting of board of director, IHS director shall submit annual financial report to Minister of the Ministry of Economics and Finance and Minister of the Ministry of National Defense. Minister of the Ministry of National Defense is granted a period of one (1) month from the dated of acknowledge consigned documents to provide necessary suggestions/recommendations to Minister of the Minister of Economics and Finance. Minister of the Ministry of Economics and Finance has a period of two (2) months from the date of submission of documents by IHS director to approve on the documents.

27.2 Letter of approval which signed by Minister of the Ministry of Economics and Finance or representative shall be sent to IHS director and circulate to Minister of the Ministry of National Defense. IHS director shall report immediately to board of director.

Whereof no response from Minister of the Ministry of Economics and Finance within the deadline, the annual financial report is considered validate and approve. If there is objection from the Minister of the Ministry Economics and Finance on the report, chairman of board of director shall call in meeting immediately to discuss and find out solutions to such objection.

Annual financial report shall not be considered approve if the objection raised by Minister of the Ministry of Economic and Finance has not yet been settled.

Article 28:

Below decisions made by board of director or IHS director shall be requested for approval in advance from Minister of the Ministry of Economics and Finance and Minister of the Ministry of National Defense within the suggestions of the financial monitoring offices:

- Decision on the selling and transferring of immovable assets
- Decision on the exceptional of loan which is excess to the determination defined by proclamation of Minister of the Ministry of Economics and Finance
- Decision on money lending/borrowing agreement, letter of guarantee or similar letters

This decision shall be conform to the procedures of enforced laws and regulations.

Article 29:

Minister of the Ministry of Economics and Finance shall nominate one financial controlling officer at IHS. The officer is responsible for pre and post-check of related IHS financial matters in line with enforced laws and regulations.

Article 30:

30.1 The management of front-line manager of IHS is under the monitoring of General Inspectorate Department of the Ministry of Economics and Finance.

30.2 The management of accounting is under the monitoring of department of accounting of the National Treasury and general inspectorate of the Ministry of Economics and Finance.

30.3 Minister of the Ministry of Economics and Finance may assign inspection and monitoring performance to relevant IHS tasks wherever necessary to the conditions and modality of enforced laws and regulations.

**Chapter IV
Final Provisions**

Article 31:

Any provisions contradict to the contents of this sub-decree shall be deem abrogated.

Article 32:

Minister in charge of council of minister, Minister of the Ministry of Economics and Finance, Minister of the Ministry of National Defense, Ministers, Secretary of State of concerned ministries, departments shall implement in their respective competencies of this sub-decree from date of the signature.

Phnom Penh, 20 June 2009

Minister

Presented for the signature of

*Samdach Aka Moha Sena Padei Decho
Minister of the Kingdom of Cambodia*

Samdach Aka Moha Sena Padei Dekcho HUN SEN

Deputy Prime Minister, Minister of the Ministry of National Defense

Tear Banh

Receivers:

- Ministry of Royal Palace
- Secretariat General of Constitutional Council
- Secretariat General of Senate
- Secretariat General of National Assembly
- Secretariat General of the Royal Government
- Cabinet of Samdach Minister
- Cabinet of Excellencies Deputy Prime Minister
- As mentioned in article 32
- Royal affairs
- Documents