



KINGDOM OF CAMBODIA  
NATION RELIGION KING



**Royal Government of Cambodia**  
No. 195 ANK/BK

**Sub Decree**  
**on**  
**Transformation of**  
**Preah Ang Duong Hospital**  
**to be an Administrative Public Institution**



**THE ROYAL GOVERNMENT**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal decree NS/RKT/0908/1055 dated 25 September, 2008 on the appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July, 1994, promulgated Law on Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram NS/RKM/0196/06 dated 24 January, 1996 promulgated the Law on Establishment of the Ministry of Health,
- Having seen the Royal Kram NS/RKM/0196/18 dated 24 January, 1996 promulgated the Law on Establishment of the Ministry of Economy and Finance;
- Having seen Royal-decree NS/RKM/1297/91 dated 31 December, 1997 on the Judicial Statute of Administrative Public Institution
- Having seen Sub-decree No. 67 ANK.BK dated 22 October, 1997 on the organization and functioning of the Ministry of Health;
- Having seen Sub-decree 04 ANK.BK dated 20 January, 2000 on the organization and functioning of the Ministry of Economy and Finance;
- Refer to the request of the Minister of Health;

**HEREBY DECIDES:**

**Chapter I**

**General Provisions**

**Article 1:**

Preah Ang Dong Hospital, with its abbreviation is PADH (ប្រាសាទព័ន្ធនៃព្រះបាទជ័យវរ្ម័នទី៧), is hereby

decided to transform into the Administrative Public Institute under technical supervision of the Ministry of Health and under the financial support of the Ministry of Economy and Finance.

**Article 2:**

PADH (ម.ព.អ.ខ) is a legal entity with financial autonomy.

PADH (ម.ព.អ.ខ), has its addresses No. 11, corner with of Kramoun Sar Street and Preah Norodom Boulevards, Sangkat Phsar Thmei, Khan Doun Penh, Phnom Penh Capital.

Any changes of this address, in the future, are under the competence authority of the PADH (ម.ព.អ.ខ);

**Article 3:**

PADH (ម.ព.អ.ខ) shall have the following duties:

- To ensure the examination of diagnosis of diseases, provide treatment, and taking care of patients or injuries to eyes, ears, nose, throat, mouth and teeth who have been referred or request for admission in the hospital and provide facility for inpatient depend upon the possibility of the hospital itself. PADH (ម.ព.អ.ខ) may be expended its additional treatment services as required.
- To provide nursing services to either mild or severe patients in accordance with their specialty;
- To provide medical treatment to every patient at their request and within the possibility of organization itself;
- Provide counseling and equal treatment without discrimination and provide the same treatment technique. However, accommodation may vary depend upon the willingness and availability of patients or patients' family following the service fee determined by the hospital;
- Collaborate in medical treatment, prevention, and emergency service;
- Provide emergency rescue or refer the patient to other hospitals for further treatment;
- Provide treatment, prevention and to cure patient following standard of technique;
- Provide proper management of all kinds of emergency treatment and with all kinds of means of the hospital;
- Attend the training and conduct a research in medicine, dental, and pharmaceutical as well as provide training to health staffs.
- Co-operate in providing treatment, prevention, and health education;
- Extend cooperation under the induction of the Ministry of Health.

**Chapter 2**  
**Leading and Managing**  
**Section 1**  
**Board of Directors of PADH**

**Article 4:**

PADH (ម.ព.អ.ខ) shall be led by a board of directors who is broadly authorized to organize the tasks within conditions and provisions stipulated in this Sub decree and the internal regulations of PADH (ម.ព.អ.ខ).

**Article 5:**

**5.1.** Board of Directors shall have 7 (Seven) members with the following compositions:

- |   |                  |
|---|------------------|
| - The Representative of the Ministry of Health              | Chairperson      |
| - The Representative of the Council of Ministers            | Member           |
| - The Representative of the Ministry of Economy and Finance | Member           |
| - Dignitary with knowledge and experience in health science | Member           |
| - The Representative of Phnom Penh Municipality             | Member           |
| - Director/Head of PADH (ម.ព.អ.ខ)                           | Automated Member |
| - Representative of PADH's (ម.ព.អ.ខ) Staff                  | Automated Member |

**5.2.** The Representative of PADH's (ម.ព.អ.ខ) staff of each term shall be elected from and among PADH's staffs;

**5.3.** The Chairperson and board's members who are not an automate members shall be appointed by the Sub-decree for 3 (three) years term and the position is renewable following the request his/her respective ministry or institution that s/he represents.

**5.4.** This mandate shall be terminated at any time by Sub- decree proposed by the ministry or institution that s/he represent.

**Article 6:**

The board's member shall be selected from active officials who have at least 5 (five) years or experienced dignitary with high specialty in Economy, Health Science, Education, or Legislation and have Khmer nationality and s/he must have good record of non-criminal.

**Article 7:**

**7.1.** The Chairperson of the Board of directors shall have duties to call for meeting and to determine agenda items of the board's meeting.

**7.2.** The Chairperson of the Board of directors may invite the external dignitary whose experience in health science including representative of development partner to attend the board's meeting. However, those invited dignitary have not right to vote for approval, but suggestion.

**Article 8:**

The mission of the Board of Directors is to orient and monitor the functioning of PADH (ម.ព.អ.ខ). Within the mission framework, Board of Director is to:

- Monitor and endorse the PADH's (ម.ព.អ.ខ) development plan in accordance with the Government's direction;
- Monitor and endorse PADH's (ម.ព.អ.ខ) Action Plan;
- Monitor and endorse annual income and expenditure including annual budget of PADH (ម.ព.អ.ខ);
- Monitor and endorse the report on management and annual financing;
- Determine on the organizational chart and overall duties of each office and unit under PADH (ម.ព.អ.ខ) and development in accordance with the requirement of PADH (ម.ព.អ.ខ);
- Define the procedure for recruitment of staff, staff's promotion and PADH's (ម.ព.អ.ខ) staff's remuneration that are not conflicting with the legal provisions or internal regulations applicable for public officials;
- Endorse the number of PADH's (ម.ព.អ.ខ) staff required;
- Endorse contract of public procurement following the regulation on public procurement;
- Any amendment of the internal regulations of PADH (ម.ព.អ.ខ) should get approval of the head of both institutions or line ministries;
- Conduct periodic review on the level of outcome versus PADH's (ម.ព.អ.ខ) Goal and provide suggest for correction action;

**Article 9:**

Allowance for Board's members shall be decided by minister of Economy and Finance following the request of the Board of Directors after having an approval of the Minister of Ministry of Health.

**Article 10:**

10.1. Board of Directors of PADH (ម.ព.អ.ខ) shall hold at least one meeting in 3 (three) months initiated and invited by chairperson or following the request of 2/3 of board's members. In case that the chairperson is busy, the chairperson shall transfer this rights to any member of Board of Directors to lead the meeting. The chairperson of the meeting shall choose a secretary of the meeting and that person must not be member of the Board of Directors. The secretary does not have rights to vote. Financial controller/inspector shall attend the meeting of Board of Directors, but s/he does not have rights to vote.

The meeting agendas and related documents shall be sent to every member of the Board of Directors and relevant ministries as mentioned in this Sub-decree of at least 10 days before meeting sessions.

10.2. The meeting of Board of Director shall be valid when the meeting is attended by more than 50% percent of the total members. The absent member has no rights to send his/her representative to participate in the meeting on his/her owned behalf. Whenever there are not enough quorum, no later than 15 (fifteen) days after immediate previous meeting, the board of director shall call the next meeting. This meeting shall not be restricted with quorum and the meeting shall discuss the same topic of the agendas that has been proposed for the previous meeting. Participated members shall have to sign on the attendance sheet. All decision of the board of directors shall be valid when the approval made by majority of members who are present. In the case of equal voice, the vote of Chairperson shall be prominent.

10.3. The decision of the board of directors shall be documented and signed by the Chairperson and the secretary, then keep it at PADH (ម.ព.អ.ខ). This minute shall be clearly reflected all contents of the discussion, then make copies and send to all members of the board and relevant ministries latest than 10 days after meeting.

10.4. PADH (ម.ព.អ.ខ) shall send following documents to the ministers in charge of Council of Ministers, Minister of Health, Minister of Economy and Finance, and Finance Inspector/auditor:

- the minute of the Board's meeting;
- Development plan of PADH (ម.ព.អ.ខ);
- Annual budget plan;
- Report on annual management and financial statement.

10.5. These documents shall be sent to those relevant actors latest 15 days after the meeting.

## **Section 2**

### **Executive body of PADH (ម.ព.អ.ខ)**

#### **Article 11:**

PADH (ម.ព.អ.ខ) shall be managed by a director of hospital, appointed by Sub decree following the request of the Minster of Ministry of Health. This hospital director is the Executive Director.

#### **Article 12:**

12.1. Director of **PADH (မြ.ဂ်.န.ခ)** is fully authorized to manage and implement his/her duties as stated in this Sub-decree excluding tasks that are directly under the competence of the board of directors. The Director of **PADH (မြ.ဂ်.န.ခ)** shall have duties as the following:

- Organize the Board's Meeting,
- Implement all decisions made by the board of directors and put in action of the other policies determined by the board of directors;
- Prepare annual budget of **PADH(မြ.ဂ်.န.ခ)** and submit it to the board of directors for viewing and approval;
- Make report of annual management activities, control annual financial account, and submit these documents to the board of directors for checking;
- When necessary, issue job description for each subordinated unit/office;
- Employ all vacant positions of **PADH(မြ.ဂ်.န.ခ)** that approved by the board of directors and comply with regulation on staff management;
- Perform duty in accordance with the hierarchy of **PADH(မြ.ဂ်.န.ခ)** approved by the board of directors and in accordance with the internal regulations and other related rules;

12.2. Director of **PADH ( မြ.ဂ်.န.ခ)** shall perform as representative of the **PADH (မြ.ဂ်.န.ခ)** in relations with third party;

12.3. Director of **PADH ( မြ.ဂ်.န.ခ)** shall propose nomination of one or more deputy directors to Ministry of Health through the board of directors. Director and deputy of director shall have education in management.

### Section 3 Staffs of **PADH (မြ.ဂ်.န.ခ)**

#### **Article 13:**

13.1. Permanent staffs of **PADH (မြ.ဂ်.န.ခ)** are staff of public functions who transferred from Ministry of Health or other State's Institutions. The same amount of salary and other remunerations of those public servants that approved by Ministry of Public Functions shall be maintained.

13.2. **PADH (မြ.ဂ်.န.ခ)** may recruit contract staffs, assistants, and floating staffs. Those staff shall comply with all provisions of internal regulations and decisions of the board of directors and in accordance with Labor Law.

13.3. **PADH's (ម.ណ.អ.ខ)** staff shall be governed by staff's regulation determined by the board of directors. These principles shall not be contrary to provisions of other relevant laws and regulations for those civil servants of public function as well as for civil officials (Civil servant).

Board of Director shall determine incentive for staff including modality of payment as stated in the internal regulations.

#### **Section 4**

#### **Property of PADH (ម.ណ.អ.ខ)**

##### **Article 14:**

**PADH (ម.ណ.អ.ខ)** will receives its first capital from the State such as land and other non-moveable assets as listed in annex in accordance with the final list of inventory with the total area of land is square meters 7,721 (Seven thousands seven hundred and twenty one), and it is located at Lot No. 11 of the corner between Kromoun Sar street and Norodom Boulevards, in Sangkar Phsar Thmei 1, Khan Doun Penh, Phnom Penh Capital.

14.2. **PADH (ម.ណ.អ.ខ)** may purchase, exchange or sell moveable and immoveable assets that are necessary for the operation of the **PADH (ម.ណ.អ.ខ)** after having approval from the two lines Ministries and pursuance to the existing laws.

#### **Section 5**

#### **Financial and Accounting Management of PADH (ម.ណ.អ.ខ)**

##### **Article 15:**

The financial and accounting management of **PADH (ម.ណ.អ.ខ)** shall be implemented in accordance with principles of public accounting as inscribed in Article 122 of Sub-decree No. 82 ANK/BK, dated November 16, 1995 on General Regulations of Public Accounting.

##### **Article 16:**

16.1. Director of **PADH (ម.ណ.អ.ខ)** is the front line manager of **PADH (ម.ណ.អ.ខ)** and shall be responsible for:

- Control the budget and settle all incomes;
- Manage payment and issue expense order;

16.2. The Front-line Manager may authorize to line manager or may establish revenue agent or advance agent (petty cash) with approval of **PADH's (ម.ណ.អ.ខ)** accountant.

**Article 17:**

17.1. The application of financial management and account control shall be pursuant to the internal regulations of **PADH (ម.ព.អ.ខ)** and it is under the responsibility of accountant. This Accountants shall be appointed by Prakas (proclamation) of Minister of the Ministry of Economy and Finance, and shall take oath before resuming to the office. The accountant shall take responsibility before the director of **PADH (ម.ព.អ.ខ)** and s/he shall participate in the meeting of the board of directors as consulting agent, but has no rights to vote.

17.2. The accountant shall have duties as the following:

- Collect income;
- Release money for all expenses;
- Secure and manage the application of **PADH's (ម.ព.អ.ខ)** fund and resources;
- Keep all legal letters and manage accounting documents;

17.3. Accountant may delegate certain authority to his/her subordinate.

**Article 18:**

18.1. The resources of **PADH (ម.ព.អ.ខ)** are included the followings:

- Initial resources provided by Government at the startup of **PADH (ម.ព.អ.ខ)**;
- Subsidy for functioning and another subsidy as capital as stipulated in National Budget;
- Aids, donation, and other assistances in which **PADH (ម.ព.អ.ខ)** received;
- Directly borrowing and money that the State borrows for **PADH (ម.ព.អ.ខ)**;
- Earning and other fees from service charged by **PADH (ម.ព.អ.ខ)**;
- Profit earning from **PADH's (ម.ព.អ.ខ)** properties and incomes generate from selling properties under permission of the Government;
- Interest of the properties given to **PADH (ម.ព.អ.ខ)**;

18.2. The regular income, expenditure, and capital of **PADH (ម.ព.អ.ខ)** shall be budgeting in the annual budget of **PADH (ម.ព.អ.ខ)**. **PADH's (ម.ព.អ.ខ)** board of directors shall define modality of management and implementation of its budget. All decisions made by the board of directors related to modality of financial management and implementation shall be approved by Minister of Ministry of Economy and Finance.



18.3. PADH's (ម.ព.អ.ខ) front line manager shall prepare budget plan and submit it to the board of directors for approval not later than the 30<sup>th</sup> of September of each year. The budget shall be maintained the balance between income and expenditure.

18.4. Pursuant to above Article 13, salary and other benefits of regular staff of public functions who work for PADH (ម.ព.អ.ខ) are covered by State's budget.

18.5. Government's subsidy budgeted in National Budget shall be specially used for electrical and water utilities only.

18.6. Fee for analytical research and functioning process and for emergency shall be made in agreement between the State and PADH (ម.ព.អ.ខ) and this must be clearly specified partial contribution of each party to the agreement.

#### **Article 19:**

19.1. Accounting tasks of PADH (ម.ព.អ.ខ) are included as the following:

- General accounting shall be made into two (2) parts, one of which is an operational budget of treasury and another transaction is implement with the third party;
- Accounting of non-furniture, material and cost accounting;
- Accounting analysis if necessary;

The accounting of PADH (ម.ព.អ.ខ) shall:

- be in line with rules set by the Prakas of Minister of Economy and Finance;
- strictly comply with the chart account of PADH (ម.ព.អ.ខ) decided by board of directors;

This chart account shall be approved by Minister Economy and Finance;

19.2. The report on management and annual financial statement of PADH (ម.ព.អ.ខ) shall be prepared by an accountant and front-line manager attached with management report, then submit to the board of directors for reviewing and approval no later than 3 (three) months from the closing date of account.

#### **Article 20:**

PADH's (ម.ព.អ.ខ) Fund is a public fund that is required to deposit in an account at the National Treasury unless otherwise stated by Prakas of the Minister of Economy and Finance.

### **Section 6**

#### **Fiscal Regime of PADH (ម.ព.អ.ខ)**

#### **Article 21:**

Unless there is contradictory provision of the law otherwise PADH (မြ.ဂ.န.ခ) shall be put under the general jurisdiction of fiscal regime.

## **Section 7**

### **Procurement of PADH (မြ.ဂ.န.ခ)**

#### **Article 22:**

Decision, implementation, and monitoring on procurement over PADH (မြ.ဂ.န.ခ) shall be governed by all existing laws and regulations that are related to this mater.

## **Chapter III**

### **Line of Technical Governing Body**

#### **Section 1**

##### **Line of Technical Governing**

#### **Article 23:**

23.1. Within fifteen (15) days after the meeting of the board, the director of PADH (မြ.ဂ.န.ခ) shall submit the development program and annual budget plan to the Minister of Health and Minister of Economy and Finance for approval. One month after receiving the papers, the Minister of Economy and Finance shall provide his/her comments to Minister of Health. Minister of health shall have a period of two (2) months starting from the date of acknowledgement the receipt of documents submitted by PADH (မြ.ဂ.န.ခ) to approve all requests.

23.2. Letter of approval shall be signed by Minister of Health or his/her representative and send back to PADH's (မြ.ဂ.န.ခ) director and make a copy to Minister of Economy and Finance. PADH's (မြ.ဂ.န.ခ) director shall immediately notify this information to the board of directors.

In case that Minister of Health does not response within the said duration, the development program or annual budget plan shall be considered as acknowledgement and approve.

If there is objection from the Minister of Health on such development program or annual budget plan, Chairman of the Board shall call for a meeting immediately to discuss and find out solutions to such objection.

PADH's ( ၂.၈.၈.၂ ) development program and budget expenditure shall not be applicable if the objection made by Minister of Health did not resolve.

When there is objection from Minister of health, the regular expenditure shall be segregated into twelve (12) parts only for transaction.

**Article 24:**

**24.1** Minister of Health may oppose to the consigned documents as stated in Article 10, of point 10.4 of this Sub-decree as stated above; which include the minute of Board's meeting together with the report of management and annual financial statement. Minister of Health has a period of one (1) month to voice objections.

**24.2** PADH's ( ၂.၈.၈.၂ ) director shall notify board of directors the contents of the objection of Minister of Health. Board of directors shall conduct the meeting immediately and find out solutions to such objection. If board of directors may not endorse the said objection, then a written response with explaining the reason shall be made immediately to the Minister of Health.

**Article 25:**

**25.1** Minister of Health may cancel or suspend the decision of the Board or PADH's ( ၂.၈.၈.၂ ) director if such decision composes of the following matters:

- contrary to the objectives of the Institute,
- contrary to the law and regulations,
- the decision is made by an authority that has no rights for approval, or the decision is made contrary to the legality of the meeting of the board.

**25.2** The cancellation or suspensions shall be made by the Prakas of Minister of Health by indicating of personal idea or due to the complaints of the concerned parties. The cancellation or suspensions of the decision shall be made in writing and send to Director of PADH ( ၂.၈.၈.၂ ); and the director of PADH ( ၂.၈.၈.၂ ) shall immediately notify this information to the board of directors.

**Article 26:**

Wherever necessary,, and in accordance with the existing procedure, regulations and laws, Minister of Health may conduct an inspection or reviewing the performance of the PADH ( ၂.၈.၈.၂ ).

**Section 2**  
**Line of Financial Governing Body**

**Article 27:**

27.1 Within fifteen (15) days after the meeting of the board of directors, **PADH's (ဖ.ဂ်.န.ခ) director shall submit the** annual financial statement to Minister of Economy and Finance and Minister of Health. Within one month period after receiving the documents, Minister of Health shall provide suggestions to Minister of Economy and Finance. Minister of Economy and Finance has a period of two (2) months from the date of submission of documents by **PADH's (ဖ.ဂ်.န.ခ) director** to approve on the documents.

27.2 Letter of approval signed by Minister of Economy and Finance or Minister's representative shall be sent to **PADH's (ဖ.ဂ်.န.ခ) director** and copy to Minister of Health. **PADH's (ဖ.ဂ်.န.ခ) director** shall immediately notify about the approval to the board of directors.

In case that there is no response from Minister of Economy and Finance within the said periods as mentioned above, the annual financial statement is considered approved.

If there is objection from the Minister of Economy and Finance on the report, Chairperson of board of directors shall call for meeting immediately to discuss and find out solutions to such objection.

In case that there is no solution to the objection raised by Minister of Economy and Finance, the annual financial statement shall not be considered approved.

#### **Article 28:**

The decisions as mentioned below made by the board of directors or **PADH's (ဖ.ဂ်.န.ခ) director** shall be requested for prior approval from Minister of Economy and Finance and Minister of Health after consultation with financial controlling officers:

- Decision on the exceptional of loan which exceed limitation as set in the Prakas of Minister of Economy and Finance;
- Decision on agreement for borrowing money, agreement for guaranteeing or any type of similarity;
- Decision on the selling and transferring of titles of immovable assets,

#### **Article 29:**

Minister of Economy and Finance shall nominate one (1) financial controlling officer to post at **PADH's (ဖ.ဂ်.န.ခ)**. The said officer shall be responsible for conducting the pre and post-audit over the financial transaction of **PADH's (ဖ.ဂ်.န.ခ)** in accordance with Sub-decree No. 81 ANK/BK dated November 16, 1995

**Article 30:**

- 30.1 The management of front-line manager of PADH's (ម.ព.អ.ខ) is under the monitoring of General Financial Inspectorate of the Ministry of Economy and Finance.
- 30.2 The management of accountant shall be under the monitoring of Central Accounting Department of the National Treasury and General Financial Inspectorate of the Ministry of Economy and Finance.
- 30.3 When necessary and in accordance with the provisions of the existing laws and other related regulations, Minister of Economy and Finance may conduct verification, inspection and monitoring over PADH's (ម.ព.អ.ខ).

**Chapter IV**  
**Final Provisions**

**Article 31:**

Any provisions contrary to the contents of this Sub-decree shall be deemed abrogated.

**Article 32:**

Minister in charge of the Council of Ministers, Minister of Economy and Finance, Ministers of Health, Ministers, Secretaries of State of concerned ministries and institutions shall comply with this Sub-decree from date of the signature.

Phnom Penh, 1 November, 2012  
**Prime Minister**

**Samdech Akka Moha Sena Padei Techo HUN SEN**

*Receivers:*

- *Ministry of Royal Palace*
- *Secretariat of the Constitutional Council*
- *Secretariat General of Senate*
- *Secretariat General of National Assembly*
- *Secretary General of the Royal Government*
- *Cabinet of Samdach Prime Minister*
- *Cabinet of H.E. Deputy Prime Ministers*
- *As mentioned in article 32*
- *Royal Gazettes*
- *File -archives*