



THE STATUTES OF THE REPUBLIC OF SINGAPORE

HEALTH PROMOTION BOARD ACT

(CHAPTER 122B)

(Original Enactment: Act 5 of 2001)

REVISED EDITION 2002

(31st July 2002)

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT (CHAPTER 275)

Informal Consolidation – version in force from 1/4/2018

Health Promotion Board Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF BOARD

3. Establishment and incorporation of Health Promotion Board
4. Common seal
5. Constitution of Board
6. Chairman may delegate functions
7. Term of office of members
8. Temporary Chairman
9. Meetings and proceedings of Board
10. [*Repealed*]

PART III

FUNCTIONS, OBJECTS, DUTIES AND POWERS OF BOARD

11. Functions, objects and duties of Board
12. Powers of Board
13. Committees
14. Delegation of powers

PART IV

PROVISIONS RELATING TO STAFF

15. Chief Executive, officers and employees, etc.
16. Protection from personal liability
17. [*Repealed*]

PART V

FINANCIAL PROVISIONS

Section

- 18. Financial year
- 19. Minister's approval of estimates
- 20. Funds of Board
- 21. Grants-in-aid
- 22. Borrowing powers
- 22A. Issue of shares, etc.
- 23. Bank accounts
- 24. Application of funds
- 25. Power of investment
- 26. to 29. [*Repealed*]

PART VI

TRANSFER OF PROPERTY, ASSETS, LIABILITIES AND EMPLOYEES

- 30. Transfer to Board of property, assets and liabilities
- 31. Transfer of employees
- 32. Pension rights, etc., of Government employees to be preserved
- 33. No benefits in respect of abolition or reorganisation of office
- 34. Existing contracts
- 35. Continuation and completion of disciplinary and other legal proceedings
- 36. Misconduct or neglect of duty by employee before transfer

PART VII

MISCELLANEOUS

- 37. [*Repealed*]
 - 38. Symbol or representation of Board
 - 39. Preservation of secrecy
 - 40. Composition of offences
 - 41. Regulations
 - 42. Savings
 - The Schedule — Departments
-

An Act to establish the Health Promotion Board, to provide for its functions and powers, and for matters connected therewith.

[1st April 2001]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Health Promotion Board Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“Board” means the Health Promotion Board established under section 3;

“Chairman” means the Chairman of the Board and includes a temporary Chairman appointed under section 8;

“Chief Executive” means the Chief Executive of the Board, and includes any individual acting in that capacity;

[Act 5 of 2018 wef 01/04/2018]

“member” means a member of the Board.

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF BOARD

Establishment and incorporation of Health Promotion Board

3. There is hereby established a body to be known as the Health Promotion Board which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing, or disposing of property, both movable and immovable; and

- (c) doing and suffering all such other acts or things as a body corporate may lawfully do and suffer.

Common seal

4.—(1) The Board shall have a common seal and such seal may from time to time be broken, changed, altered or made anew as the Board thinks fit.

(2) All deeds and other documents requiring the seal of the Board shall be sealed with the common seal of the Board.

(3) All instruments to which the common seal is affixed shall be signed by any 2 members generally or specially authorised by the Board for the purpose or by one member and the Chief Executive.

(4) The Board may, by resolution or otherwise in writing, appoint an officer of the Board or any other agent either generally or in any particular case to execute or sign on behalf of the Board any agreement or other instrument not under seal in relation to any matter coming within the powers of the Board.

(5) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document and shall presume that it was duly affixed.

Constitution of Board

5.—(1) The Board shall consist of —

(a) a Chairman; and

(b) not less than 6 but not more than 10 other members,

all of whom shall be appointed by the Minister.

(2) The Minister may appoint the Chief Executive to be a member of the Board.

Chairman may delegate functions

6. The Chairman may in writing authorise any member to exercise any power or perform any function conferred on the Chairman by or under this Act.

Term of office of members

7.—(1) A member of the Board (including the Chairman) shall hold office on such conditions and for such term, not exceeding 3 years, as the Minister shall specify in the appointment, and may from time to time be re-appointed.

(2) Any member of the Board may resign from his office at any time by giving not less than one month's notice in writing to the Minister.

(3) The Minister may at any time revoke the appointment of any member as he considers necessary in the interest of the effective performance of the functions of the Board under this Act, or in the public interest.

(4) If a member dies or resigns or has his appointment revoked, the Minister may appoint any person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(5) The Board shall pay to the Chairman and other members of the Board, out of the funds of the Board, such salaries, fees and allowances as the Minister may, from time to time, determine.

Temporary Chairman

8. If the Chairman is absent from Singapore, or for any other reason unable to discharge his functions, the Minister may appoint one of the members to act as a temporary Chairman.

Meetings and proceedings of Board

9.—(1) At all meetings of the Board, 5 members shall form a quorum.

(2) The Chairman shall preside at all meetings of the Board and, in his absence, the members present shall elect one of their number to preside.

(3) Meetings of the Board shall be held at such times and places as the Chairman may determine.

(4) All questions arising at any meeting shall be decided by a majority of votes of the members present and voting.

(5) At any meeting of the Board, the Chairman or, in his absence, the member presiding at the meeting shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act and the Public Sector (Governance) Act 2018, the Board may regulate its own proceedings.

[Act 5 of 2018 wef 01/04/2018]

10. *[Repealed by Act 5 of 2018 wef 01/04/2018]*

PART III

FUNCTIONS, OBJECTS, DUTIES AND POWERS OF BOARD

Functions, objects and duties of Board

11.—(1) Subject to the provisions of this Act, the functions, objects and duties of the Board shall be —

- (a) to advise the Government, either of its own motion or upon request made to it by the Minister, on all matters connected with the promotion of good health and healthy lifestyles amongst the people of Singapore, including the formulation of policies, the creation of conditions and the provision of public facilities that are conducive to the promotion of good health and healthy lifestyles amongst the people of Singapore;
- (b) to devise, organise and implement —
 - (i) programmes and other activities for or related to the promotion of good health and healthy lifestyles amongst the people of Singapore;
 - (ii) health education programmes; and
 - (iii) programmes and other activities for or related to the prevention or detection of diseases;
- (c) to collaborate with any organisation to devise, organise and implement, or to provide support or assistance to any

organisation in devising, organising and implementing, any of the programmes or activities referred to in paragraph (b);

- (d) to monitor and conduct investigations and research into any matter relating to the health and nutritional statuses of the people of Singapore;
- (e) to promote a healthy food supply in Singapore;
- (f) to determine, establish and recommend —
 - (i) nutritional standards and dietary guidelines; and
 - (ii) guidelines for the provision of nutritional information;
- (g) to provide healthcare services (including medical, dental, health-screening and immunisation services) to school children and such other persons or class of persons as the Board thinks fit;
- (h) to provide consultancy services to Government departments, members of the healthcare industry and the private sector on matters relating to health education, the preservation and promotion of health, healthy lifestyles and healthy dietary practices and the prevention and detection of diseases;
- (i) to represent the Government internationally on matters related to or connected with health education, the preservation and promotion of health and the prevention and detection of diseases; and
- (j) to carry out such other functions as are imposed upon the Board by or under this Act or any other written law.

(2) The Minister may give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.

[Act 5 of 2018 wef 01/04/2018]

(3) Nothing in this section shall be construed as imposing on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

Powers of Board

12. The Board shall have power to do anything for the purpose of discharging its functions, objects and duties under this Act, or which is incidental or conducive to the discharge of those functions, objects or duties and, in particular, may —

- (a) enter into such contracts as may be necessary or expedient for the purpose of discharging its functions, objects or duties;
- (b) with the approval of the Minister, acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Act and for the same purposes may sell, lease, mortgage, or otherwise alienate or dispose of any property so acquired;
- (c) with the approval of the Minister, form or participate in the formation of any company, partnership or joint venture as a shareholder or partner or in any other capacity and to share profits;
- (d) organise such courses and other programmes as the Board thinks necessary or desirable for the discharge of its functions, objects or duties;
- (e) collect, analyse, compile, publish or disseminate information of a statistical nature relating to —
 - (i) the health or nutritional statuses of the people of Singapore; or
 - (ii) such other subject-matter as may be necessary for the discharge of the functions, objects or duties of the Board;
- (f) provide technical, consultancy or advisory services to any Government agency or to any other person or body in Singapore or elsewhere on any matter related to or connected with the functions, objects or duties of the Board;

- (g) become a member or affiliate of any international body the functions, objects or duties of which are similar to those of the Board;
- (h) charge fees or commissions for services rendered by the Board or for the use of any of its facilities;
- (i) carry out promotional or publicity activities in any form;
- (j) receive donations, grants, gifts, subsidies or contributions from any source, and raise funds by all lawful means;
- (k) publish or sponsor the publication of works concerning the preservation and promotion of good health, health education or any other matter related to the functions, objects or duties of the Board;
- (l) grant loans to officers or employees of the Board for any purposes specifically approved by the Board as are likely to increase the efficiency of its officers or employees;
- (m) provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of officers or employees of the Board and members of their families; and
- (n) provide training for employees of the Board and to award scholarships or otherwise pay for such training.

Committees

13.—(1) The Board may, from time to time, appoint committees consisting of one or more persons (whether members of the Board or not) and define or vary the terms of reference of those committees.

(2) Subject to this Act and the Public Sector (Governance) Act 2018 and to the control of the Board, each committee appointed under this section may regulate its procedure in such manner as the committee thinks fit.

[Act 5 of 2018 wef 01/04/2018]

Delegation of powers

14.—(1) The Board may, from time to time, in respect of a specified matter or class of matters, by writing, delegate any of its powers to a member, officer or committee of the Board.

(2) Every member, officer or committee purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) *[Deleted by Act 5 of 2018 wef 01/04/2018]*

PART IV**PROVISIONS RELATING TO STAFF****Chief Executive, officers and employees, etc.**

15.—(1) There must be a Chief Executive of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

(3) The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, such other officers, employees, consultants and agents as may be necessary for the effective performance of its functions.

[Act 5 of 2018 wef 01/04/2018]

Protection from personal liability

16.—(1) No suit or other legal proceedings shall lie personally against any member, officer or employee of the Board or other person acting under the direction of the Board for anything which is in good

faith done or intended to be done in the execution or purported execution of this Act or any other written law.

(2) Where the Board provides a service to the public whereby information is supplied to the public, neither the Board nor any of its employees involved in the supply of such information shall be liable for any loss or damage suffered by any member of the public by reason of any error or omission of whatever nature appearing therein or however caused if made in good faith and in the ordinary course of the discharge of the duties of such employees.

17. *[Repealed by Act 5 of 2018 wef 01/04/2018]*

PART V

FINANCIAL PROVISIONS

Financial year

18. The financial year of the Board shall begin on 1st April of each year and end on 31st March of the succeeding year.

Minister's approval of estimates

19.—(1) A copy of all annual estimates of revenue and expenditure and supplementary estimates must, upon their adoption by the Board, be sent without delay to the Minister.

(2) The Minister may approve or disallow any item or portion of any item shown in the annual estimates or supplementary estimates.

(3) The Minister must return the annual estimates or supplementary estimates as amended under subsection (2) to the Board, and the Board is bound by the Minister's decision.

(4) However, the Board may transfer all or any part of moneys assigned to one item of expenditure to any item under the same head of expenditure in any estimates approved by the Minister.

[Act 5 of 2018 wef 01/04/2018]

Funds of Board

20. The funds of the Board shall consist of —

- (a) all moneys transferred to the Board under section 30;
- (b) all moneys received by the Board by way of grants or subsidies;
- (c) all gifts, donations and contributions to the Board;
- (d) all fees, charges, commissions, rents, interests, dividends and other income accruing to the Board;
- (e) all moneys borrowed by the Board under this Act;
- (f) all moneys recovered or collected by the Board or any officer or employee thereof (including sums collected for the composition of offences) under this Act or any other written law administered by the Board; and
- (g) all other moneys lawfully received by the Board for the purposes of the Board.

Grants-in-aid

21. For the purpose of enabling the Board to carry out its functions under this Act, the Minister may, from time to time, make grants-in-aid to the Board of such sums of money, as the Minister may determine, out of moneys to be provided by Parliament.

Borrowing powers

22. The Board may, from time to time, for the purposes of this Act raise loans from the Government or, with the consent of the Minister, from any other source.

Issue of shares, etc.

***22A.** As a consequence of the vesting of any property, rights or liabilities of the Government in the Board under this Act, or of any capital injection or other investment by the Government in the Board in accordance with any written law, the Board shall issue such shares

* This section came into operation on 15 July 2002 *vide* G.N. No. S 342/2002.

or other securities to the Minister for Finance as that Minister may from time to time direct.

[5 /2002]

Bank accounts

23. The Board shall open and maintain one or more accounts with such bank or banks as the Board thinks fit and every such account shall be operated by such person or persons as may, from time to time, be authorised in that behalf by the Board.

Application of funds

24. The funds of the Board shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Board and in making any payment that the Board is authorised or required to make.

Power of investment

25. The Board may invest its funds in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).

[45/2004 wef 15/12/2004]

26. to 29. *[Repealed by Act 5 of 2018 wef 01/04/2018]*

PART VI

TRANSFER OF PROPERTY, ASSETS, LIABILITIES AND EMPLOYEES

Transfer to Board of property, assets and liabilities

30.—(1) As from 1st April 2001, such movable and immovable property vested in the Government as may be determined by the Minister for Finance and used or managed by any of the departments as specified in the Schedule and all assets, interests, rights, privileges, liabilities and obligations of the Government relating to any such department shall be transferred to and shall vest in the Board without further assurance, act or deed.

(2) If any question arises as to whether any particular property, or whether any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Board under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

(3) Any immovable property to be transferred to and vested in the Board under subsection (1) shall be held by the Board upon such tenure and subject to such terms and conditions as the President may determine.

Transfer of employees

31.—(1) As from 1st April 2001, all persons who immediately before that date were employed by the Government in any of the departments as specified in the Schedule shall be transferred to the service of the Board on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) Until such time as terms and conditions of service are drawn up by the Board, the scheme and terms and conditions of the Government shall continue to apply to every person transferred to the service of the Board under subsection (1) as if he were still in the employment of the Government.

Pension rights, etc., of Government employees to be preserved

32.—(1) The terms and conditions to be drawn up by the Board shall take into account the terms and conditions of service (including salaries and accrued rights to leave) enjoyed by the persons transferred to the service of the Board under section 31 while in the employment of the Government.

(2) Any term or condition relating to the length of service with the Board shall recognise the length of service of the persons so transferred while in the employment of the Government to be service with the Board.

(3) Nothing in the terms and conditions to be drawn up by the Board shall adversely affect the conditions that would have been applicable

to persons transferred to the service of the Board as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

(4) Where a person has been transferred to the service of the Board under section 31, the Government shall be liable to pay to the Board such portion of any pension, gratuity or allowance payable to the person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Board.

(5) Where any person in the service of the Board, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the Board or is discharged from such service, the Board may grant to him or to such other person or persons wholly or partly dependent on him, as the Board thinks fit, such allowance or gratuity as the Board may determine.

No benefits in respect of abolition or reorganisation of office

33. Notwithstanding the provisions of the Pensions Act (Cap. 225), no person who is transferred to the service of the Board under section 31 shall be entitled to claim any benefit under that Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Board.

Existing contracts

34. All deeds, contracts, schemes, bonds, agreements, instruments and arrangements, subsisting immediately before 1st April 2001 to which the Government is a party and relating to any of the departments as specified in the Schedule or to any person transferred to the service of the Board under section 31 shall continue in force on and after that date and shall be enforceable by or against the Board as if the Board had been named therein or had been a party thereto instead of the Government.

Continuation and completion of disciplinary and other legal proceedings

35.—(1) Where on 1st April 2001, any disciplinary proceedings were pending against any employee of the Government transferred to the service of the Board, the proceedings shall be carried on and completed by the Board.

(2) Where on 1st April 2001, any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order, ruling or decision had been made thereon, the committee shall complete the hearing or investigation and shall make such order, ruling or direction as it could have made under the authority vested in it before that date.

(3) Any order, ruling or direction made by a committee pursuant to this section shall be treated as an order, a ruling or a direction of the Board and have the same force or effect as if it had been made by the Board pursuant to the authority vested in the Board under this Act.

(4) All proceedings or causes of action pending or existing immediately before 1st April 2001 by or against the Government in respect of any of the departments specified in the Schedule may be continued, completed and enforced by or against the Board.

Misconduct or neglect of duty by employee before transfer

36. The Board may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the Government, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Government and if this Act had not been enacted.

PART VII**MISCELLANEOUS**

37. [*Repealed by Act 5 of 2018 wef 01/04/2018*]

Symbol or representation of Board

38.—(1) The Board shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit such symbol or representation in connection with its activities or affairs.

(2) Any person who uses a symbol or representation identical with that of the Board, or which so resembles the Board's symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Preservation of secrecy

39.—(1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or where required or allowed by the provisions of any written law, no person who is or has been a member, an officer, an employee or an agent of the Board or a member of a committee of the Board shall disclose any information relating to the affairs of the Board or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions.

[Act 5 of 2018 wef 01/04/2018]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

Composition of offences

40.—(1) The Chief Executive or any officer authorised by him may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum of money not exceeding \$1,000.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of the offence.

Regulations

41. The Board may, with the approval of the Minister, make regulations for any or both of the following purposes:

- (a) regulating the proceedings of the Board or of the committees of the Board; and
- (b) providing for or prescribing any matters which are necessary or convenient to be provided for or prescribed for carrying out or giving effect to the provisions of this Act.

Savings

42. In so far as it is necessary to preserve the effect of any document issued by or relating to any of the departments specified in the Schedule, any reference in such document to any such department shall be construed as a reference to the Board.

[43]

THE SCHEDULE

Sections 30(1), 31(1), 34, 35(4) and 42

DEPARTMENTS

1. National Health Education Department.
2. Department of Nutrition.
3. School Health Service.
4. School Dental Service.
5. Health Promotion Division Administration.

LEGISLATIVE HISTORY

HEALTH PROMOTION BOARD ACT (CHAPTER 122B)

This Legislative History is provided for the convenience of users of the Health Promotion Board Act. It is not part of the Act.

1. Act 5 of 2001 — Health Promotion Board Act 2001

Date of First Reading : 12 January 2001
(Bill No. 2/2001 published on
13 January 2001)

Date of Second and Third Readings : 22 February 2001

Date of commencement : 1 April 2001

2. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002 (Consequential amendments made by)

Date of First Reading : 3 May 2002
(Bill No. 7/2002 published on
4 May 2002)

Date of Second and Third Readings : 24 May 2002

Date of commencement : 15 July 2002

3. 2002 Revised Edition — Health Promotion Board Act

Date of operation : 31 July 2002

4. Act 45 of 2004 — Trustees (Amendment) Act 2004 (Consequential amendments made to Act by)

Date of First Reading : 21 September 2004
(Bill No. 43/2004 published on
22 September 2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 15 December 2004

5. Act 5 of 2018 — Public Sector (Governance) Act 2018

Date of First Reading : 6 November 2017 (Bill No.
45/2017 published on
6 November 2017)

Date of Second and Third Readings : 8 January 2018

Date of commencement : 1 April 2018

COMPARATIVE TABLE
HEALTH PROMOTION BOARD ACT
(CHAPTER 122B)

The following provisions in the Health Promotion Board Act 2001 (Act 5 of 2001) have been renumbered by the Law Revision Commissioners in this 2002 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Health Promotion Board.

2002 Ed.	Act 5 of 2001
<i>Omitted</i>	42
42	43