

**NATIONAL COUNCIL OF SOCIAL SERVICE ACT
(CHAPTER 195A, SECTION 37)**

**NATIONAL COUNCIL OF SOCIAL SERVICE (INQUIRY
PROCEEDINGS) REGULATIONS**

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[31st January 2001]

Citation

1. These Regulations may be cited as the National Council of Social Service (Inquiry Proceedings) Regulations.

Definition

2. For the purposes of these Regulations, “Council member” means an organisation granted full or associate membership of the Council under section 15(2) or (3) of the Act.

Complaints or information to be dealt with under these Regulations

3. Where the Board receives any complaint or information which discloses that a Council member —

- (a) has failed to comply with any standard or guideline established by the Council under section 10(d) of the Act;
- (b) has been convicted of an offence involving fraud or dishonesty;
- (c) is guilty of improper or dishonourable conduct which makes the Council member unfit to provide or be involved in the provision of the social service;
- (d) has used or practised any deception, fraud or misrepresentation to promote or procure the nomination or election of any Board member, or procure any decision of the Board or the Council;
- (e) has mismanaged or misapplied any of its funds or properties; or
- (f) has conducted itself in a manner prejudicial to the good name or interests of the Council or any Council member,

the Board shall deal with such complaint or information in accordance with these Regulations.

Board may inquire into or dismiss complaint

4.—(1) Where the Board is satisfied that any complaint or information received by it concerning any Council member discloses a prima facie case for an inquiry, the Board may —

- (a) itself inquire into the complaint or information received;

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- (b) if the complaint or information concerns one of the matters under regulation 3(b) to (f) — refer the complaint or information received to an Inquiry Committee to inquire into the complaint or information on behalf of the Board; or

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- (c) if the complaint or information concerns one of the matters under regulation 3(a) — refer the complaint or information received to the Chief Executive Officer to inquire into the complaint or information.

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(2) Where the Board is satisfied that any complaint or information received by it concerning any Council member does not disclose a prima facie case for an inquiry, the Board shall dismiss the complaint or disregard the information received.

(3) In order to satisfy itself that any complaint or information received concerning a Council member discloses a prima facie case for an inquiry, the Board may direct the Chief Executive Officer to conduct a preliminary investigation into the complaint or information received.

(4) For the purpose of conducting a preliminary investigation under paragraph (3), the Chief Executive Officer may require either or both the complainant and the Council member against whom the complaint is made or in respect of whom the information relates —

- (a) to produce such document for the inspection of the Chief Executive Officer; or
- (b) to furnish such information to the Chief Executive Officer in such form (including a statutory declaration) as he may require.

(5) Where any complaint or information received by the Board arises from the conviction of a Council member for a criminal offence, the Board shall accept the conviction as final and conclusive.

Inquiry Panel

5.—(1) For the purpose of enabling an Inquiry Committee referred to in regulation 4(1)(b) to be constituted, the Board shall appoint an Inquiry Panel comprising persons who do not have any direct interest in the Council or its members.

(2) A member of the Inquiry Panel shall be appointed for a term of 2 years and shall be eligible for re-appointment.

Procedure of Inquiry Committee

6.—(1) An Inquiry Committee referred to in regulation 4(1)(b) shall consist of the following persons, all of whom shall be appointed by the President:

- (a) an office bearer of a Council member that is not associated with the Council member under inquiry; and
- (b) 2 other persons from the Inquiry Panel.

(2) The President shall appoint a member of an Inquiry Committee to be the chairman of the Committee.

(3) The chairman of an Inquiry Committee may at any time summon a meeting of the Committee, and such meeting may be convened, held or conducted, whether wholly or partly, by electronic means.

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(4) All members of an Inquiry Committee personally present shall constitute the quorum of that Committee.

(5) Any question arising at a meeting of an Inquiry Committee shall be determined by a majority of votes of the members of the Committee.

(6) Subject to this regulation, an Inquiry Committee may regulate the conduct of its inquiry as its members see fit.

(7) An Inquiry Committee shall carry out its work expeditiously and shall, subject to paragraph (8), report to the Board not later than 4 months after the date on which any complaint or information is referred to the Committee for an inquiry.

(8) Where an Inquiry Committee is of the opinion that it will not be able to report its findings to the Board within the period specified in paragraph (7) due to the complexity of the matter or serious difficulties encountered by the Committee in conducting its inquiry, the Committee may apply in writing to the Board for an extension of time to submit its report.

(9) No act done by or under the authority of an Inquiry Committee shall be invalid in consequence of any defect that is subsequently

discovered in the appointment or qualification of its chairman or members or any of them.

Powers of Board, Chief Executive Officer and Inquiry Committee during inquiry

7.—(1) For the purpose of an inquiry under regulation 4(1), the Board, the Chief Executive Officer or an Inquiry Committee conducting the inquiry may require any person whom the Board, Chief Executive Officer or Committee believes to have knowledge of the matters relating to the complaint or information being inquired into —

- (a) to produce for inspection any book, document, paper or other record relating to or connected with the subject-matter of the inquiry; and
- (b) to give all information relating to or connected with the subject-matter of the inquiry as the Board, Chief Executive Officer or Committee may require.

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(2) Where a complainant refuses or fails, without lawful excuse, to produce any document or furnish any information required by the Board, Chief Executive Officer or Inquiry Committee under paragraph (1), the Board or the Chief Executive Officer may dismiss the complaint.

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(3) Where a Council member under inquiry refuses or fails, without lawful excuse, to produce any document or furnish any information required by the Board, Chief Executive Officer or Inquiry Committee under paragraph (1), the Board or the Chief Executive Officer may draw such inferences from the refusal or failure as appear proper.

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(4) If the Board, Chief Executive Officer or Inquiry Committee is satisfied that any person is hampering or attempting to hamper the progress of the inquiry, the Board, Chief Executive Officer or Committee may administer a warning to such person.

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(5) If the Board, Chief Executive Officer or Inquiry Committee is satisfied that a person to whom a warning has been administered under paragraph (4) is acting in disregard of the warning, the Board, Chief Executive Officer or Committee shall make a record to that effect and may —

- (a) exclude that person from being present at or participating any further in the inquiry; and
- (b) subject to paragraphs (2) and (3), proceed to complete the inquiry in such manner as it sees fit.

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(6) The Board, Chief Executive Officer or Inquiry Committee may, after considering any explanation given by the Council member in regulation 9, suspend the membership of the Council member until the determination of the Board or Chief Executive Officer under regulation 11 or 12.

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Status of Board, Chief Executive Officer or Inquiry Committee during inquiry

8. The Board, the Chief Executive Officer and an Inquiry Committee in the performance of their functions in respect of an inquiry under these Regulations —

- (a) shall not be deemed to be a judicial or quasi-judicial body;
- (b) shall not be bound to act in a formal manner; and
- (c) shall not be bound by the provisions of the Evidence Act (Cap. 97) or any other written law or rule of law relating to evidence, but may inform themselves on any matter as they see fit.

Right of Council member to be heard

9.—(1) Where an inquiry is being conducted under regulation 4(1), the Board, Chief Executive Officer or Inquiry Committee conducting the inquiry must by way of post, delivery or electronic communication, send to the Council member concerned —

- (a) a copy of the complaint or information received, and such other evidence obtained by the Board, Chief Executive Officer or Committee as the Board, Chief Executive Officer or Committee considers necessary; and

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- (b) a notice inviting the Council member concerned, within 14 days of the date specified in the notice —

- (i) to give to the Board, Chief Executive Officer or Committee any written explanation that the Council member may wish to make; and

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- (ii) to inform the Board, Chief Executive Officer or Committee whether the Council member wishes to appear before and be heard by the Board, Chief Executive Officer or Committee.

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(2) On the expiration of the period specified in the notice referred to in paragraph (1)(b), the Board, Chief Executive Officer or Inquiry Committee shall give the Council member concerned reasonable opportunity to be heard and shall consider any explanation given by the Council member.

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Report of inquiry

10.—(1) Upon completion of an inquiry into any complaint or information received concerning a Council member, the Board, Chief Executive Officer or Inquiry Committee that conducted the inquiry shall prepare a report on its findings which shall include —

- (a) in all cases, all the relevant information and documents that have been obtained during the inquiry; and

- (b) in the case of an inquiry by an Inquiry Committee, the recommendation of the Committee as to how the Council member concerned should be dealt with by the Board.

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(2) The Board may share the report mentioned in paragraph (1), including any of its findings or contents, with the relevant authorities as the Board thinks necessary.

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Determination by Board

11.—(1) Upon completion of its inquiry or upon considering the report of an Inquiry Committee, the Board may —

- (a) if dissatisfied that there is sufficient evidence for the Board to determine the matter, require the Committee to inquire further into the complaint or information received, or else undertake such further inquiry itself;
- (b) if satisfied that there is no sufficient cause for disciplining the Council member concerned —
 - (i) dismiss the matter; or
 - (ii) advise the Council member concerned, orally or in writing, on the steps to be taken to improve or regularise its practice or conduct; or
- (c) if satisfied that there is sufficient cause for disciplining the Council member concerned —
 - (i) censure the Council member, orally or in writing, warning the Council member against further improper conduct;

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- (ii) suspend the membership of the Council member for a period not exceeding 3 years, subject to such conditions as the Board sees fit; or

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- (iii) terminate the membership of the Council member.

(2) The Board shall record every decision made by it under paragraph (1) and its reasons for making such decision.

[G.N. No. S 47/2001]

(3) The Board must inform the Council member in writing of its decision in paragraph (1) and the reasons for the decision.

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Determination by Chief Executive Officer

12.—(1) Upon completion of the Chief Executive Officer's inquiry, the Chief Executive Officer may —

- (a) if satisfied that there is no sufficient cause for disciplining the Council member concerned —
 - (i) dismiss the matter; or
 - (ii) advise the Council member concerned, orally or in writing, on the steps to be taken to improve or regularise its practice or conduct; or
- (b) if satisfied that there is sufficient cause for disciplining the Council member concerned —
 - (i) censure the Council member, orally or in writing, warning the Council member against further improper conduct;
 - (ii) suspend the membership of the Council member for a period not exceeding 3 years, subject to such conditions as the Chief Executive Officer sees fit; or
 - (iii) terminate the membership of the Council member.

(2) The Chief Executive Officer must record every decision made by him or her under paragraph (1) and his or her reasons for making the decision.

(3) The Chief Executive Officer must inform the Council member in writing of the decision in paragraph (1) and the reasons for the decision.

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Appeal to Board

13.—(1) Any Council member may, within 21 days of the notice of the decision of the Chief Executive Officer mentioned in regulation 12(1), appeal against the decision to the Board.

- (2) Any appeal under paragraph (1) must —
- (a) be in writing; and
 - (b) state the issues for the appeal, the reasons against the decision and the reasons supporting the appeal.
- (3) Where the Chief Executive Officer decides to suspend or terminate the membership of the Council member and the Council member appeals the decision under paragraph (1), the decision that is appealed against is stayed pending the determination of the appeal by the Board.
- (4) On appeal under paragraph (1) to the Board, the Board may determine the case in such manner as it thinks fit and may —
- (a) confirm, set aside or modify the decision to which the appeal relates; or
 - (b) give such directions in such manner as the Board thinks fit, including a direction to the Chief Executive Officer to review the decision to which the appeal relates.
- (5) The decision of the Board in paragraph (4) is final and must be communicated to the Council member in writing.

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Mode of communication

14. In these Regulations, where the Board or Chief Executive Officer is required to inform the Council member in writing, the Board or Chief Executive Officer may so do by post, delivery or electronic communication.

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LEGISLATIVE HISTORY
NATIONAL COUNCIL OF SOCIAL SERVICE (INQUIRY
PROCEEDINGS) REGULATIONS
(CHAPTER 195A, RG 2)

This Legislative History is provided for the convenience of users of the National Council of Social Service (Inquiry Proceedings) Regulations. It is not part of these Regulations.

1. G. N. No. S 47/2001 — National Council of Social Service (Inquiry Proceedings) Regulations 2001

Date of commencement : 31 January 2001

2. 2002 Revised Edition — National Council of Social Service (Inquiry Proceedings) Regulations

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3. G.N. No. S 298/2022 — National Council of Social Service (Inquiry Proceedings) (Amendment) Regulations 2022

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