



慶祝
中華民國
開國
一百
周年

The ROC's centennial is celebrated at the New Year Day flag-raising ceremony on January 1, 2011.

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At a Glance

- Government restructuring
- Five special municipalities
- Clean, efficient government

The central government of the Republic of China is responsible for ensuring the overall well-being of the nation, including its prosperity and security as well as educational opportunity for all citizens.

Recent major changes in government include measures to streamline the central government's executive branch, whereby the number of ministries and agencies will be reduced from 37 to 29. The revamped structure will include six new ministries—Ministry of Labor, Ministry of Agriculture, Ministry of Health and Welfare, Ministry of Environment and Natural Resources, Ministry of Culture and Ministry of Science and Technology.

At the local level, three new special municipalities—New Taipei City, Taichung City and Tainan City were formed in December 2010 with the aim of more effectively and equitably utilizing public resources.

The ROC Constitution

The Republic of China is a multiparty democracy founded on the ROC Constitution. The Constitution was adopted by the National Assembly 國民大會 in Nanjing on December 25, 1946; was promulgated on January 1, 1947; and took effect on December 25 of that same year. It comprises 175 articles in 14 chapters, plus 12 Additional Articles added in seven rounds of revision between 1991 and 2005.

The document begins by declaring: “The Republic of China, founded on the Three Principles of the People 三民主義, shall be a democratic republic of the people, to be governed by the people and for the people.” Formulated by Sun Yat-sen (see introductory “Biographies”), the

Three Principles of the People are a philosophical blueprint for building the ROC into a modern, forward-looking nation.

The Principle of Nationalism 民族主義 asserts the ROC’s sovereign status and insists on its equal rights in the international community, as well as equality among all ethnic groups within the nation. The Principle of Democracy 民主主義, which assures each citizen the right to exercise political and civil liberties, is the foundation of the government’s organization and functions. The Principle of Social Well-being 民生主義 states that the powers granted to the government must be used to serve the people by developing a prosperous, just society. These three Principles have shaped government policy and legislation in areas ranging from education and land reform to social welfare.

The full text of the Constitution and its Additional Articles can be viewed in Appendix III of this book.



The ROC Constitution was adopted in 1946 and saw seven rounds of revision between 1991 and 2005. It serves as the foundation for the ROC to safeguard people’s rights and freedoms.

Constitutional Rights and Freedoms

The rights and freedoms guaranteed to citizens by the Constitution include equality before the law; the right to work and own property; and the powers of election and of recall and initiative by means of referendum. In line with Article 136 of the Constitution, the system for exercising the right of direct democracy is stipulated in the Referendum Act 公民投票法.

People are also ensured the freedoms of speech, choice of residence, movement, assembly, confidential communication, religion and association. Obtaining an education is considered both a right and a duty of citizens. Rights and freedoms not specified in the Constitution are protected by Article 22, which states, “All other freedoms and rights of the people that are not detrimental to social order or public welfare shall be guaranteed under the Constitution.”

Restrictions on constitutional freedoms are valid only if contained in legislation deemed necessary to prevent infringement on the freedoms of others, respond to emergencies, maintain social order or enhance public well-being. Law enforcement-related affairs—investigations, detention, indictments, trials and punishment—must be carried out in strict accordance with due legal process. In the event individuals' rights are violated by government authorities, they are entitled to compensation by the state.

Fundamental National Policies

The Constitution specifies areas of concern that require supplementary legislation as well as issues of importance to the nation. Chapter XIII of the Constitution, titled “Fundamental National Policies,” contains guidelines on national defense, foreign policy, the economy, social welfare, education and culture. Principles governing a number of other issues—including scientific development, environmental protection, national health insurance and gender equality—are enunciated in the Additional Articles of the Constitution.

Political Reforms

To deal with the threat posed by the Chinese Communist Party during the Chinese Civil War, the National Assembly adopted the Temporary Provisions Effective During the Period of National Mobilization for Suppression of the Communist Rebellion 動員戡亂時期臨時條款 in 1948. Thereby, presidential powers were greatly expanded while protection of basic freedoms and rights were seriously eroded for the duration of the emergency period. The Temporary Provisions also allowed for the president and vice president of the ROC to be re-elected indefinitely despite the two-term restriction stipulated by the Constitution.

Following the end of martial law in 1987, the National Assembly abolished the Temporary Provisions in 1991, with the aim of more effectively implementing constitutional democracy as well as fostering healthy development of relations with mainland China. In that same year, President Lee Teng-hui 李登輝 decreed the end of the Period of National Mobilization for Suppression of the Communist Rebellion. (See Chapter 6, “Cross-strait Relations.”)

The past two decades have witnessed a number of major reforms in the ROC's political system accomplished through amendments to the Constitution in the form of Additional Articles proposed by the Legislative Yuan (Legislature) 立法院 and ratified by the National Assembly. Six rounds of constitutional revision in 1991, 1992, 1994, 1997, 1999 and 2000 initiated direct popular elections for the offices of ROC president and vice president; instituted regular elections for all seats in the Legislative Yuan; granted the Legislative Yuan power to initiate a no-confidence vote against the premier (president of the Executive Yuan 行政院); gave the president of the ROC authority to dissolve the Legislative Yuan; reformed the Control Yuan 監察院; and reduced the scope of authority and operations of the Taiwan Provincial Government 臺灣省政府.

In 2004, the Legislative Yuan passed an additional package of proposals for constitutional amendments on issues regarding parliamentary organization, changes in the system for electing legislators, transfer of power to ratify proposed constitutional amendments from the National Assembly to the general electorate through referendum, and abolition of the National Assembly. The reason for abolishing the National Assembly was that it would no longer perform its original constitutional functions of initiating proposals to amend the Constitution, ratifying such proposals and electing the nation's president and vice president. In 2005, the

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package was ratified by an ad hoc National Assembly elected for the specific purpose of debating and voting on whether to adopt the proposed amendments.

Since 2005, the Central Election Commission (CEC) 中央選舉委員會 has merged various types of elections in order to reduce financial and social costs and meet public expectations. By amendments to the Local Government Act 地方制度法 in February 2010, the terms of office of incumbent heads of local governments and members of representative councils will terminate at the same time in late December 2013. Thereafter, seven types of local government elections will be held simultaneously. Meanwhile, on April 19, 2011, the CEC announced the commissioners' consensual decision to merge the national-level presidential and legislative elections of 2012.

Central Government

The central government consists of the Office of the President and five branches, or *yuan*s—the Executive Yuan, the Legislative Yuan, the Judicial Yuan 司法院, the Examination Yuan 考試院 and the Control Yuan.

Presidency

The president of the ROC is the head of state and commander-in-chief of the Armed Forces (see Chapter 7, “National Defense”). As head of state, the president represents the nation in foreign relations and at state functions, and may conclude international agreements. The president is further empowered by the Constitution to appoint and remove top civil and military officials; promulgate laws; dissolve the Legislative Yuan in the event it dismisses the premier through a vote of no confidence; help resolve disputes between branches of the central government; and issue emergency decrees in response to national security threats or other crises.

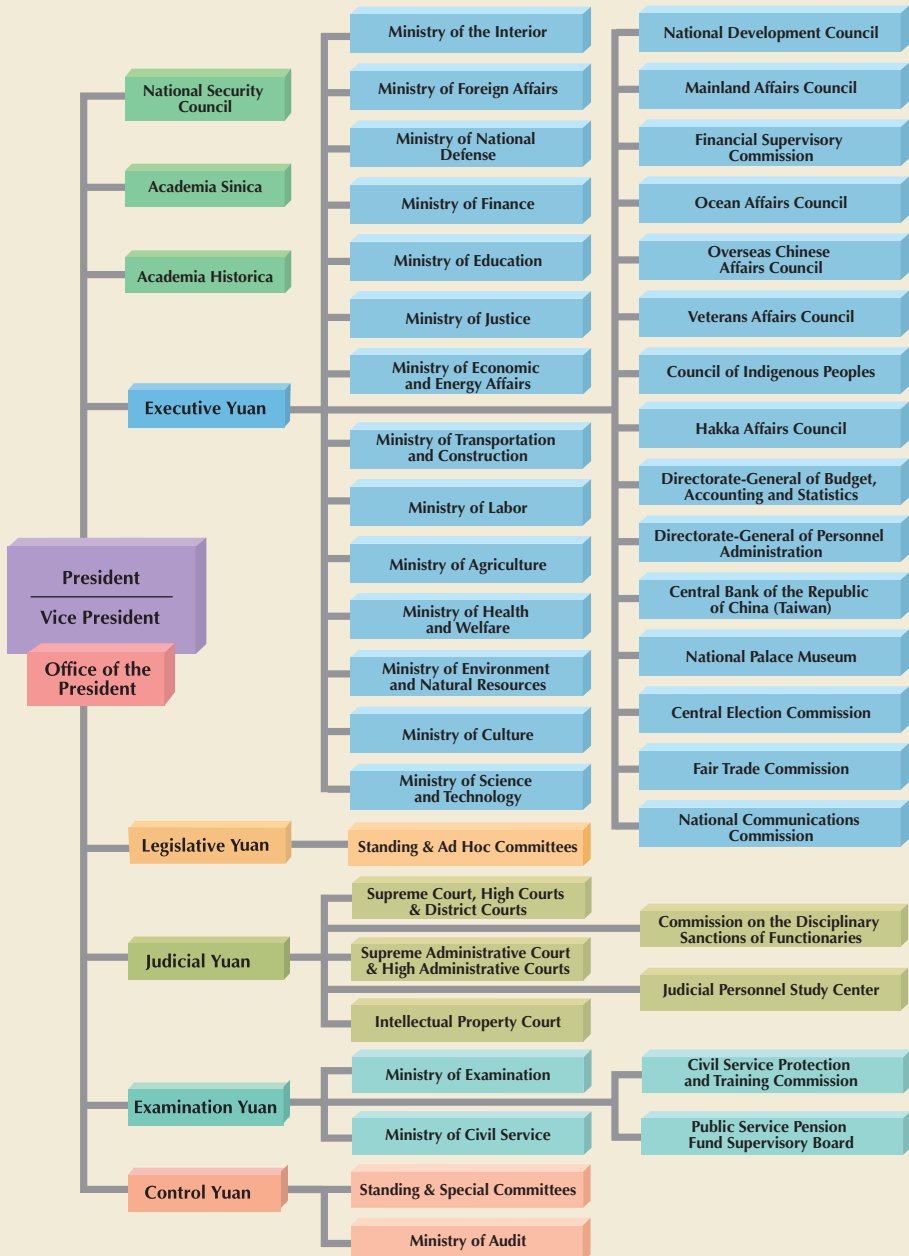
With respect to the last point, emergency decrees must be ratified by the Legislative Yuan within 10 days of issuance. Should the Legislative Yuan withhold ratification, emergency decrees are immediately annulled. In the event disagreements arise between the Executive Yuan and the Legislative Yuan, for example, the president of the ROC may call a meeting of the presidents of the two branches—the premier and the legislative speaker—to work out a solution.

Under the direct administrative jurisdiction of the Office of the President are Academia Sinica 中央研究院, Academia Historica 國史館 and the National Security Council 國家安全會議. Academia Sinica scholars are widely reputed as being among the nation's top researchers in many disciplines in both the physical and social sciences. Academia Historica is the custodian of the national archives and other important historical items. And the National Security Council is charged with assisting the president in addressing issues that concern the nation's critical interests (see Chapter 7, “National Defense”).

The president and the vice president are elected as a ticket and win office by receiving a plurality of the popular vote. Their term of office is four years, and they may be re-elected to serve one consecutive term.

The ROC is sometimes described as having a semi-presidential system because the president does not exercise direct administrative authority over the executive branch. Nevertheless, the president exerts considerable influence over the operations of the various branches of the central government through his power to appoint the premier and other top officials. As the president's appointment of the premier does not require confirmation by the Legislative Yuan, the premier's policy-making normally adheres closely to guidelines laid out by the president.

Structure of the Central Government After Executive Yuan Reorganization (Implementation period: Jan. 1, 2012 ~ Dec. 31, 2014)



Executive Yuan

The Executive Yuan is the executive branch of the ROC government, headed by the premier. The premier is directly appointed by the president, while other members of the Executive Yuan Council, or Cabinet—comprising the vice premier, ministers, chairpersons of commissions and ministers without portfolio—are appointed by the president on recommendation of the premier. In addition to supervising the subordinate organs of the Executive Yuan, the premier explains administrative policies and reports to the Legislative Yuan and responds, either orally or in writing, to the interpellations of legislators. For laws to take effect after enactment by the Legislative Yuan, they must be promulgated by the president and countersigned by the premier. In the event of vacancies in both the presidency and the vice presidency, the premier performs the duties of the president for up to three months.

Currently, there are eight ministries and 29 other Cabinet-level organizations under the Executive Yuan. To streamline the central government and improve its effectiveness, while at the same time enhancing flexibility within its departments, the Cabinet proposed several government-restructuring bills to the Legislative Yuan, which were enacted and promulgated in early 2010. Among them are amendments to the Basic Code Governing Central Administrative Agencies Organizations 中央行政機關組織基準法 and the Organizational Act of the Executive Yuan 行政院組織法. In addition, the Central Government Agency Personnel Quota Act 中央行政機關總員額法 and the Provisional Act for Adjustment of Functions and Organizations of the Executive Yuan 行政院功能業務與組織調整暫行條例 have come into force.

As a result, the number of Cabinet-level organizations will be reduced from 37 to 29. After restructuring, over the period January 1, 2012 to December 31, 2014, the Executive Yuan will consist of 14 ministries,

eight councils, three independent agencies and four additional organizations. Six new ministries will be created through the reorganization or consolidation of existing agencies, including Ministry of Labor, Ministry of Agriculture, Ministry of Health and Welfare, Ministry of Environment and Natural Resources, Ministry of Culture and Ministry of Science and Technology. Meanwhile, several agencies will cease to exist after their functions are transferred to other commissions or ministries. These include the Mongolian and Tibetan Affairs Commission 蒙藏委員會, the National Youth Commission 行政院青年輔導委員會, the Atomic Energy Council 行政院原子能委員會, the Public Construction Commission 行政院公共工程委員會, the Council for Economic Planning and Development 行政院經濟建設委員會, the Sports Affairs Council 行政院體育委員會 and the Government Information Office 行政院新聞局.

Further, the Legislative Yuan enacted a law in April 2011 enabling certain state-run organizations to be operated as independent administrative juridical persons to facilitate flexible recruitment and procurement processes. These include the Chung-Shan Institute of Science and Technology 中山科學研究院 under the Ministry of National Defense, the National Sports Training Center 國家運動選手訓練中心 under the Ministry of Education, and the National Science and Technology Center for Disaster Reduction 國家災害防救科技中心, currently under the Executive Yuan's National Disasters Prevention and Protection Commission 行政院災害防救委員會 and the National Science Council 行政院國家科學委員會.

Legislative Yuan

The Legislative Yuan is the central government's sole law-making body. It comprises 113 legislators, one per electoral district, who serve four-year terms and are eligible to stand for re-election indefinitely.

Legislators elect from their ranks the legislative speaker, or president of the Legislative Yuan. The speaker is responsible for coordinating operations of the Legislative Yuan. This includes facilitating communication and compromise between legislators regarding contentious aspects of legislation.

The Legislative Yuan's functions and powers include general legislative power; hearing reports by government officials and questioning them on government policies and their implementation; reviewing budgetary bills and audit reports; confirming presidential nominations to top government posts, including members of the Control Yuan and Examination Yuan and the Judicial Yuan's Constitutional Court justices; and initiating proposals to amend the Constitution subject to ratification by popular referendum.

Further, the Legislative Yuan is empowered to help settle disputes involving local governments; initiate no-confidence votes against the premier; review and confirm emergency decrees issued by the ROC president; and impeach the ROC president or vice president.

To enable legislators to carry out their responsibilities without being subjected to undue pressures, they are granted certain immunities by the Constitution. They are not legally liable for votes cast or statements made in the Legislative Yuan. And, except in case of *flagrante delicto*, they cannot be arrested or detained without consent of the Legislative Yuan.

Judicial Yuan

The central function of the Judicial Yuan is to oversee the operations of the nation's court systems, the largest of which hears criminal and civil cases and comprises district courts, high courts and a Supreme Court 最高法院. Issues of fact are adjudged by district courts and high courts, while the Supreme Court considers only issues of law.

The Administrative Court system, consisting of regional high administrative courts and a Supreme Administrative Court 最高行政法院, adjudicates cases in which individuals, groups of persons or juridical persons seek remedies to violations of laws or regulations allegedly committed by government organizations. The high administrative courts hand down judgments on questions of both fact and law, while the Supreme Administrative Court reviews only questions of law.

Cases involving alleged violations of intellectual property laws and regulations may, under certain circumstances and at various stages of litigation, be referred to a specialized Intellectual Property Court 智慧財產法院, which began operations in 2008.

Through its Commission on the Disciplinary Sanctions of Functionaries 公務員懲戒委員會, the Judicial Yuan also hands down decisions on administrative discipline of government employees who have been censured or impeached by the Control Yuan for malfeasance or for having been found by a court of law to be guilty of violating criminal or civil laws. Depending on the severity of the offense in question, the commission may mete out punishments including demotions, salary reductions, demerits, reprimands, suspension from office or dismissal. In the case of political appointees, only dismissals and reprimands are applicable.

Judges in the ROC's court systems are not appointed to their positions by a political leader, nor can local judges be elected. Like career civil servants in the executive branch, judges are selected through an examination process, but the process is designed and administered by the Judicial Yuan rather than by the Examination Yuan. Those who pass the examination undergo an intensive course of training at the yuan's Judicial Personnel Study Center 司法人員研習所. And those who complete the course successfully are

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appointed as lifetime judges in one of the above-mentioned court systems. Judges who serve in the Intellectual Property Court must additionally receive specialized training in IP legal affairs.

At the apex of the ROC's judicial system are the Justices of the Constitutional Court 司法院大法官. The court's 15 justices render rulings, referred to as "interpretations," on the constitutionality of laws, legal procedures and government actions; make recommendations concerning rectification of inconsistencies between different laws and regulations; and preside over impeachment trials of the national president or vice president if the Legislative Yuan passes an impeachment resolution.

The justices, including the Judicial Yuan president and vice president, are nominated and appointed by the ROC president with the consent of the Legislative Yuan. Since 2003, they have served staggered terms of eight years and may not serve a second term consecutively.

Examination Yuan

The Examination Yuan is responsible for administering the nation's civil service system. The primary rationale for having this independent branch of government is to ensure equality of opportunity among candidates for government employment and to set uniform standards, salaries and benefits throughout the central government as well as local governments.

This branch of government comprises a president, a vice president and up to 19 members, all of whom are appointed to six-year terms by the ROC president with consent of the Legislative Yuan. At the end of their terms, they may be reappointed. Subordinate organizations under the Examination Yuan include the Ministry of Examination 考選部, the Ministry of Civil Service 銓敘部, the Civil Service Protection and Training Commission 公務人員保障暨培訓委員會 and the

Public Service Pension Fund Supervisory Board 公務人員退休撫卹基金監理委員會.

Control Yuan

The Control Yuan is an independent watchdog body comprised of 29 members and the Ministry of Audit 審計部. All members, including the Control Yuan president, as well as the head of the ministry—the auditor-general—are appointed by the ROC president with the consent of the Legislative Yuan for a term of six years, which may be renewed.

The Control Yuan is mandated to investigate complaints of malfeasance or criminal acts committed by public servants or agencies and to censure or impeach them. Individuals are able to initiate such investigations without having to expend legal fees, while Control Yuan members are empowered to launch investigations on their own initiative. Through the Ministry of Audit, the Control Yuan also exercises the power to monitor the propriety of government organizations' expenditures.

Depending upon their findings, Control Yuan members may vote simply to prescribe corrective measures to an offending government agency or public servant and demand progress reports on their implementation within a specified time. In cases of serious infractions, they may issue censures to or impeach public servants, resulting in punishment meted out by the Judicial Yuan's Commission on the Disciplinary Sanctions of Functionaries or, in cases involving military personnel, by the Ministry of National Defense. In instances where the watchdog agency concludes that crimes have been committed, it refers such cases to both courts and the commission.

Local Government

The governments of Taiwan Province and Fujian Province 福建省 (including the Kinmen Islands 金門列島 and the Matsu



This well-preserved Baroque-style edifice, which originally served as the Taipei Prefecture Hall during the Japanese colonial era, now houses the Control Yuan, the central government's independent watchdog body.

Islands 馬祖列島) have been drastically downsized, and most of their functions have been transferred to central government departments.

There are three levels of autonomous local government: special municipalities, counties and provincial municipalities, and county municipalities and townships. Their statuses are determined by their populations and various legally prescribed economic, cultural and other criteria. In terms of population, a region of over 1.25 million people may be accorded special-municipality status; an area with a population of over 500,000 can qualify as a provincial municipality; and an area with a population of over 150,000 may rank as a county municipality.

The mayors and magistrates as well as representative council members of cities, towns and counties are elected to terms of four years. Local governments obtain the bulk of their budgets through a revenue-sharing arrangement whereby funds are allocated to them by the central government in accordance with standard criteria concerning such factors as population and economic development.

Taiwan's administrative map has been reshaped by the inauguration of three new special municipalities and the expansion of an existing one in December 2010, in accordance with amendments to the Local Government Act enacted in April 2009 and February 2010. The three new ones are:

- New Taipei City 新北市, originally Taipei County 臺北縣;
- Taichung City 臺中市, formed through the merger of the original Taichung City with Taichung County 臺中縣; and
- Tainan City 臺南市, formed through the merger of the original Tainan City with Tainan County 臺南縣.

Meanwhile, the previously existing special municipality of Kaohsiung City 高雄市 merged with Kaohsiung County 高雄縣 to become today's expanded Kaohsiung City special municipality. The status of the special municipality and national capital, Taipei City 臺北市, remains unchanged. Further, Taoyuan County 桃園縣 was designated by the Executive Yuan as a provisional special municipality effective January 1, 2011.



President Ma Ying-jeou and Premier Wu Den-yih (third and second from right) together with Control Yuan President Wang Chien-shien (far left), Judicial Yuan President Rai Hau-min (second from left) and Executive Yuan Secretary-General Lin Join-sane applaud the inauguration of the Agency Against Corruption on July 20, 2011.

Expected benefits of transformation into special municipalities and the enlargement of an existing one include enhanced governmental effectiveness and better coordination of public resources, as well as a stronger voice for their residents in national affairs.

Clean Government

To boost transparency of government operations, in August 2007 the Legislative Yuan passed the Lobbying Act 遊說法, which took effect in August 2008. The law requires lobbyists to register their lobbying activities, while central and local government officials and elected representatives must inform responsible agencies of their communications with lobbyists.

Other actions taken to combat corruption in recent years include the enactment of regulations limiting the value and sources of gifts that public servants may accept, and amendment of the Anti-Corruption Statute 貪污治罪條例 in April 2009, making it a crime for defendants in corruption-related cases to refuse to reveal their sources of personal assets.

Reflecting such efforts, Taiwan's ranking in the Corruption Perceptions Index released by Transparency International in October 2010—No. 33 out of 178 nations—was up six notches from its 2008 ranking.

As part of an effort to build cleaner government, the Agency Against Corruption 法務部廉政署, dedicated to prevention, investigation and prosecution of corruption, began operations in July 2011 under the Ministry of Justice. In its initial stage, approximately 240 staffers were recruited from the National Police Agency 內政部警政署, the Investigation Bureau 法務部調查局 and the ethics departments of government agencies.

To ensure administrative neutrality and press freedom, the Legislative Yuan in January 2011 approved an amendment to the Budget Act 預算法, which prohibits government agencies, state-run businesses and foundations, as well as enterprises in which the government holds a majority stake, from engaging in embedded advertising. In addition, promotions of government policy or messages to the public in the media must be clearly labeled as such, along with the name of the sponsoring agency.

e-Government Development

For many years, ROC central and local governments have striven to improve their services by utilizing the Internet and other information and communications technologies (ICT). In addition to electronic exchange of documents between government offices, e-government advances in recent years include establishment of an online government procurement information system, creation of a database enabling the public to view the full text of laws, and mechanisms to ensure online information security.

In 2008, the Cabinet-level Research, Development and Evaluation Commission (RDEC) 行政院研究發展考核委員會 drew up a four-year Ubiquitous Government Network Plan 優質網路政府計畫(2008-2011) with funding of approximately NT\$10 billion (US\$338.87 million) to create a comprehensive array of government services accessible via the Internet.

Through e-government development programs, agencies have implemented ICT infrastructure consolidation and shared services, thus achieving greater cost-effectiveness and better service quality. A case in point is the Executive Yuan Data Center Consolidation Project 行政院及所屬委員會共構機房, which has consolidated the ICT infrastructures of seven participating agencies and has been certified as ISO 20000-compliant. Meanwhile, the Government Service Network (GSN) 政府網際服務網 has consolidated Internet

connections of government agencies, thereby saving around NT\$3.6 billion (about US\$122 million) annually, while effectively shielding agencies from spam and malware. And through intranet application consolidation, 11 agencies share services via a government-to-employees (G2E) platform.

Public utilization of simplified, integrated e-government services has in recent years increased substantially. In 2010, for example, 67.1 percent of personal income tax reports were filed online, while 97.8 percent of businesses filed tax reports online. According to a 2010 user survey conducted by the RDEC, 78 percent of the respondents were aware of government online services, 65.5 percent were satisfied with government website information updates and 67.4 percent were satisfied with the benefits of e-government services. Another 2010 *Digital Divide Survey* 99年數位落差調查 from the RDEC showed that 86.5 percent of citizens were satisfied with the MyEGov government-entry portal.

In the *Global Information Technology Report 2010-2011* released by the World Economic Forum, Taiwan is ranked sixth among the 138 countries included in the report's Networked Readiness Index. This ranking, up five notches from the previous year, is the second-highest in Asia after Singapore. Within that index, Taiwan ranks fifth and second, respectively, in its government readiness and government usage subindices.

RELATED WEBSITES

- Office of the President: <http://www.president.gov.tw>
- Executive Yuan: <http://www.ey.gov.tw>
- Legislative Yuan: <http://www.ly.gov.tw>
- Judicial Yuan: <http://www.judicial.gov.tw>
- Examination Yuan: <http://www.exam.gov.tw>
- Control Yuan: <http://www.cy.gov.tw>
- MyEGov: <http://www.taiwan.gov.tw>