



**A BRIEF REPORT ON THE WORK OF  
THE CONTROL YUAN**

January-December

**2008**

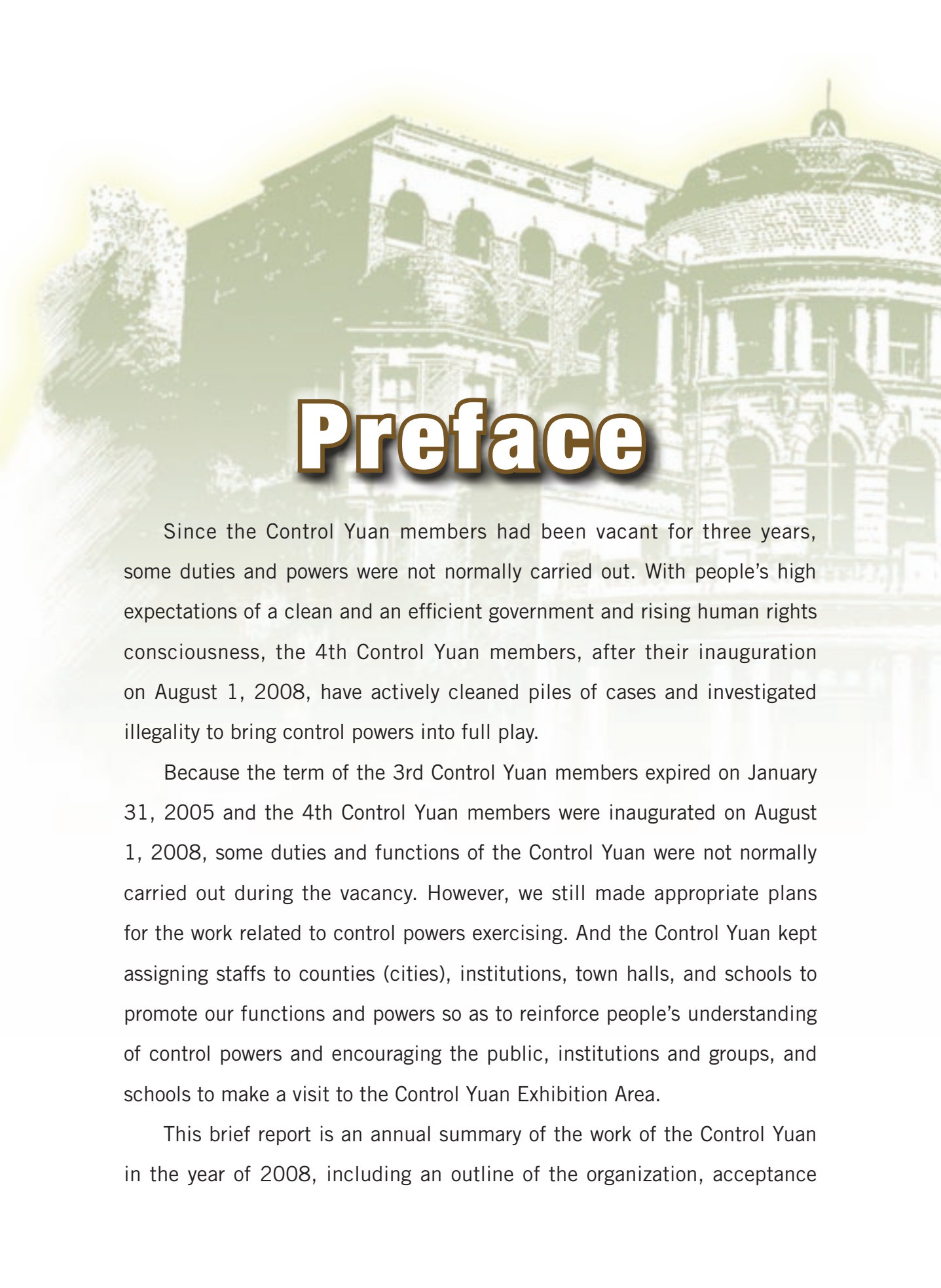


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THE CONTROL YUAN, TAIWAN, REPUBLIC OF CHINA

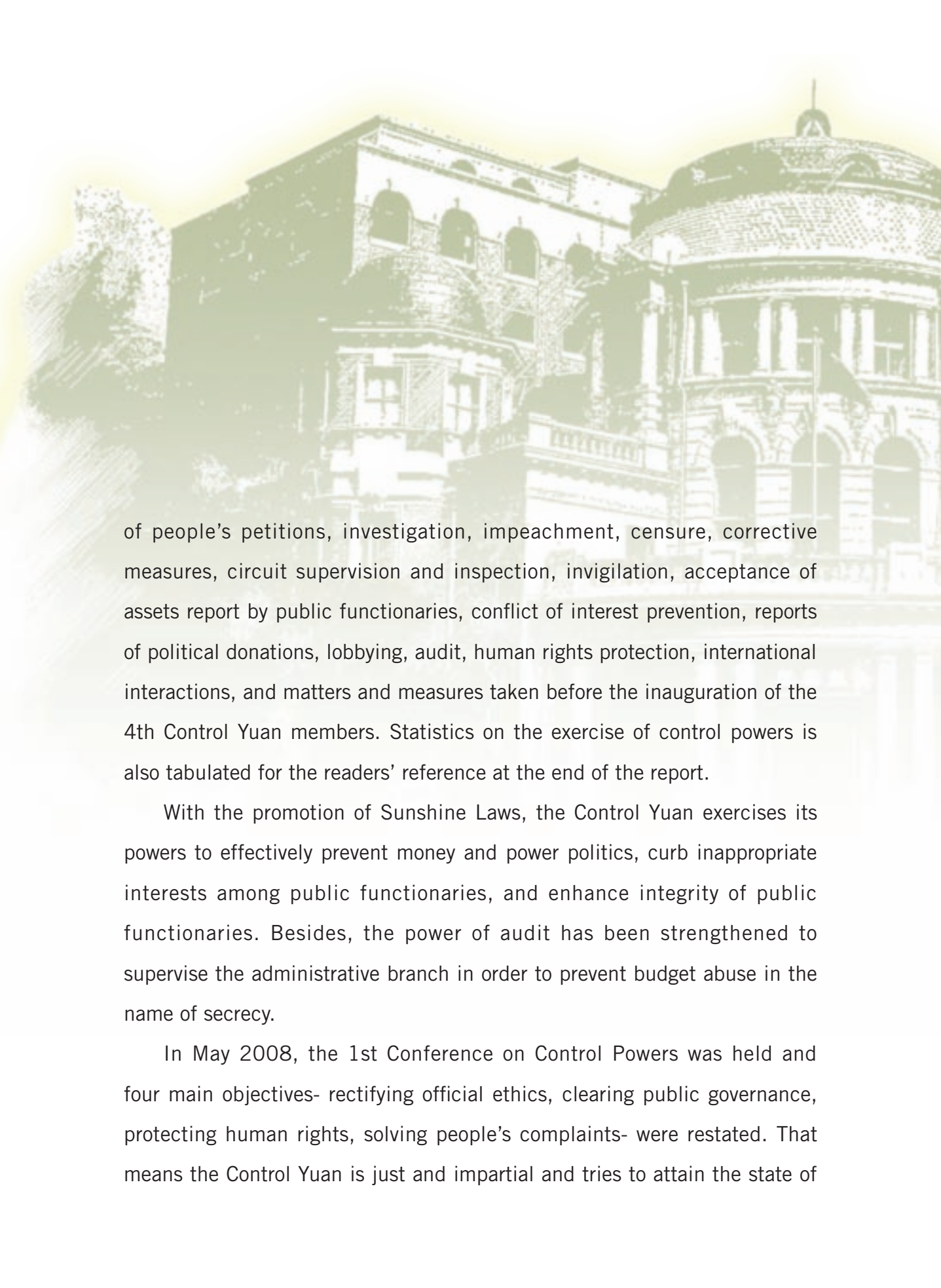


# Preface

Since the Control Yuan members had been vacant for three years, some duties and powers were not normally carried out. With people's high expectations of a clean and an efficient government and rising human rights consciousness, the 4th Control Yuan members, after their inauguration on August 1, 2008, have actively cleaned piles of cases and investigated illegality to bring control powers into full play.

Because the term of the 3rd Control Yuan members expired on January 31, 2005 and the 4th Control Yuan members were inaugurated on August 1, 2008, some duties and functions of the Control Yuan were not normally carried out during the vacancy. However, we still made appropriate plans for the work related to control powers exercising. And the Control Yuan kept assigning staffs to counties (cities), institutions, town halls, and schools to promote our functions and powers so as to reinforce people's understanding of control powers and encouraging the public, institutions and groups, and schools to make a visit to the Control Yuan Exhibition Area.

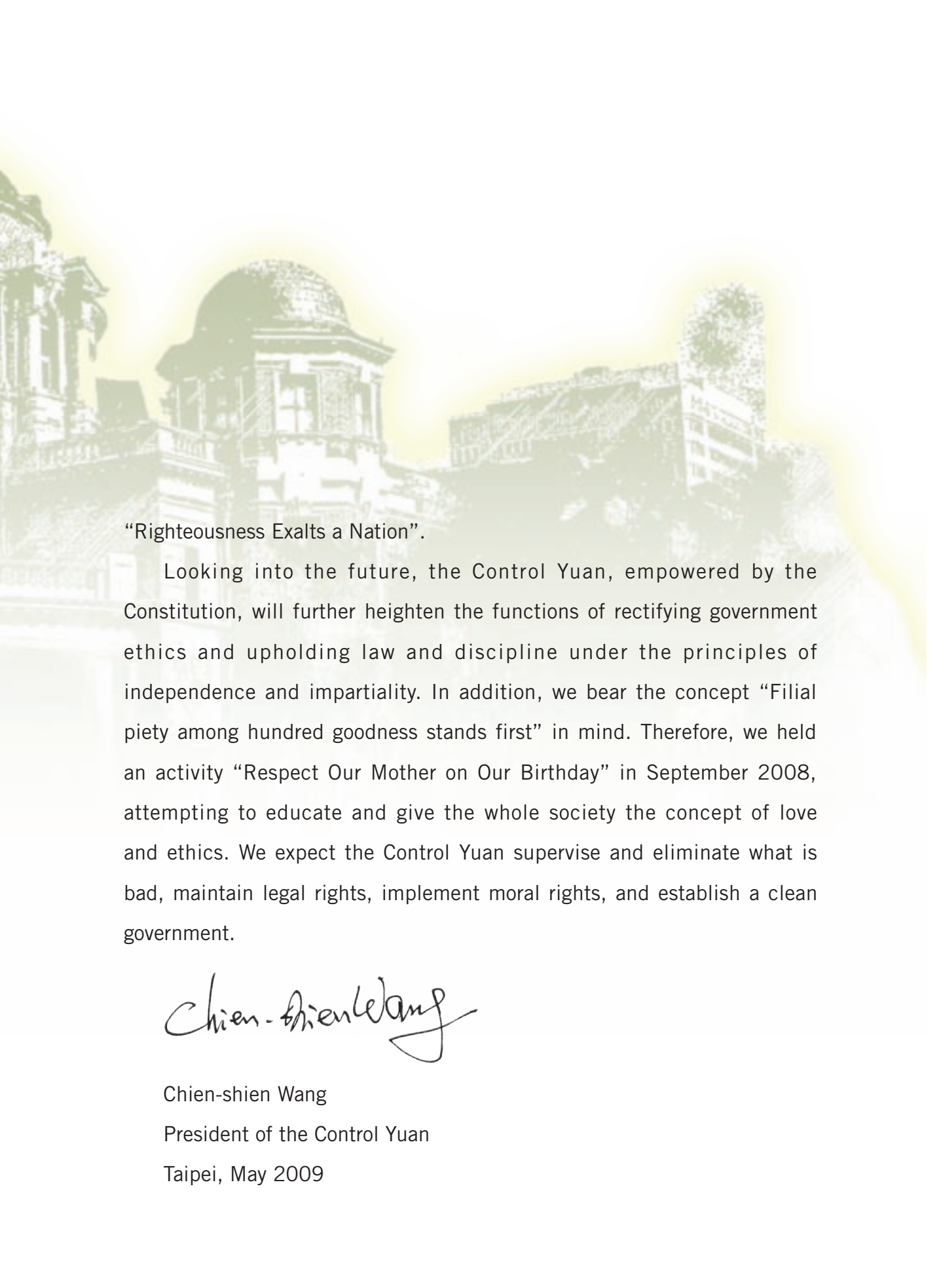
This brief report is an annual summary of the work of the Control Yuan in the year of 2008, including an outline of the organization, acceptance



of people's petitions, investigation, impeachment, censure, corrective measures, circuit supervision and inspection, invigilation, acceptance of assets report by public functionaries, conflict of interest prevention, reports of political donations, lobbying, audit, human rights protection, international interactions, and matters and measures taken before the inauguration of the 4th Control Yuan members. Statistics on the exercise of control powers is also tabulated for the readers' reference at the end of the report.

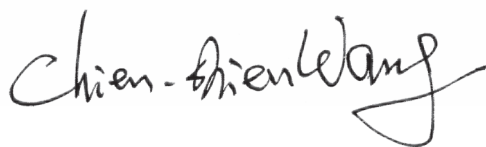
With the promotion of Sunshine Laws, the Control Yuan exercises its powers to effectively prevent money and power politics, curb inappropriate interests among public functionaries, and enhance integrity of public functionaries. Besides, the power of audit has been strengthened to supervise the administrative branch in order to prevent budget abuse in the name of secrecy.

In May 2008, the 1st Conference on Control Powers was held and four main objectives- rectifying official ethics, clearing public governance, protecting human rights, solving people's complaints- were restated. That means the Control Yuan is just and impartial and tries to attain the state of



“Righteousness Exalts a Nation”.

Looking into the future, the Control Yuan, empowered by the Constitution, will further heighten the functions of rectifying government ethics and upholding law and discipline under the principles of independence and impartiality. In addition, we bear the concept “Filial piety among hundred goodness stands first” in mind. Therefore, we held an activity “Respect Our Mother on Our Birthday” in September 2008, attempting to educate and give the whole society the concept of love and ethics. We expect the Control Yuan supervise and eliminate what is bad, maintain legal rights, implement moral rights, and establish a clean government.



Chien-shien Wang

President of the Control Yuan

Taipei, May 2009

# A Brief Report on the Work of the Control Yuan, Republic of China

January-December, 2008

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# **A Brief Report on the Work of the Control Yuan Republic of China**

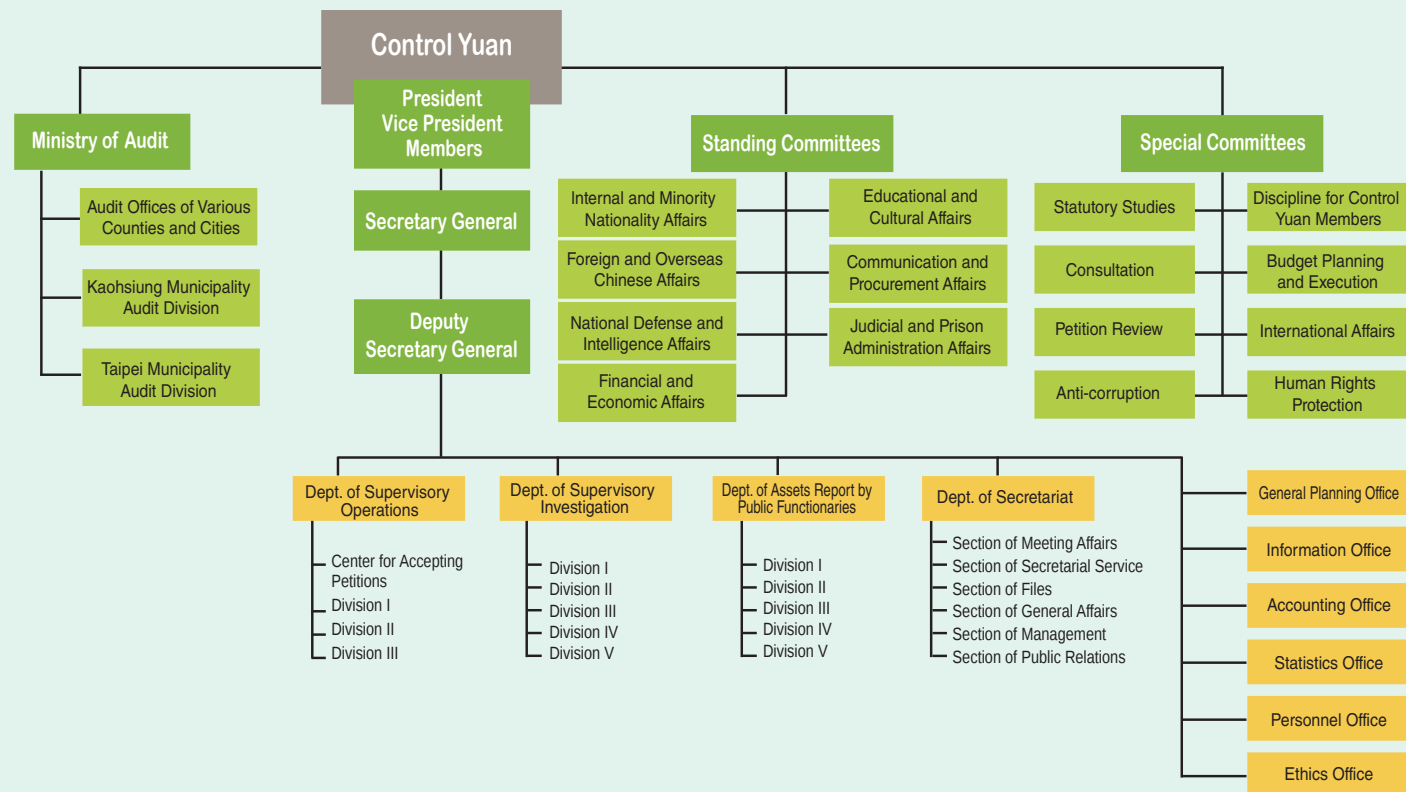
**January-December, 2008**

## **I. Outline of Organization**

According to the revised Organic Law of the Control Yuan and the Organic Law of the Committees of the Control Yuan, promulgated on January 7, 1998, the Control Yuan shall establish a department of supervisory operations, a department of supervisory investigation, a department of assets report by public functionaries, a secretariat, a general planning office, an information office, an accounting office, a statistics office, a personnel office, an ethics office, and seven standing committees on internal and minority nationality affairs, foreign and overseas Chinese affairs, national defense and intelligence affairs, financial and economic affairs, educational and cultural affairs, communication and procurement affairs and judicial and prison administration affairs. Besides, in keeping with related stipulations, the Control Yuan also sets up eight special committees on statutory studies, consultation, petitions review, human rights protection, anti-corruption, discipline for Control Yuan members, budget planning and execution, and international affairs.

According to the Organic Law of the Ministry of Audit and its general rules, the Control Yuan shall set up the Ministry of Audit (National Audit Office) including various audit departments and offices as subordinate agencies.

## Chart of administrative system





The following is the demographic information of the Control Yuan staff by the end of December 2008.

### Distribution of Staff by Age in the Control Yuan

Unit : person

| Age Distribution            | Total | 18<br> <br>24 | 25<br> <br>29 | 30<br> <br>34 | 35<br> <br>39 | 40<br> <br>44 | 45<br> <br>49 | 50<br> <br>54 | 55<br> <br>59 | 60<br> <br>64 | Over<br>65 | Average<br>Age |
|-----------------------------|-------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|------------|----------------|
| Total                       | 412   | 2             | 17            | 33            | 52            | 81            | 74            | 72            | 42            | 28            | 11         | 46.05          |
| Political<br>Appointee      | 30    | -             | -             | -             | -             | -             | 1             | 5             | 3             | 11            | 10         | 61.23          |
| Staff                       | 244   | 2             | 11            | 19            | 33            | 46            | 52            | 44            | 23            | 13            | 1          | 45.26          |
| Selected<br>Appointee       | 68    | -             | -             | -             | 2             | 1             | 19            | 24            | 11            | 10            | 1          | 52.66          |
| Recommended<br>Appointee    | 112   | -             | 7             | 12            | 16            | 32            | 25            | 10            | 9             | 1             | -          | 42.66          |
| Ordinary<br>Appointee       | 62    | 2             | 4             | 7             | 15            | 13            | 8             | 9             | 2             | 2             | -          | 41.50          |
| Assistant<br>Clerk          | 2     | -             | -             | -             | -             | -             | -             | 1             | 1             | -             | 1          | 56.00          |
| Contract-based<br>Employee  | 50    | -             | 5             | 13            | 13            | 13            | 2             | -             | 2             | 2             | -          | 37.92          |
| Contract-based<br>Assistant | 1     | -             | 1             | -             | -             | -             | -             | -             | -             | -             | -          | 25.00          |
| Technical<br>Worker         | 53    | -             | -             | -             | 1             | 9             | 15            | 16            | 10            | 2             | -          | 49.53          |
| Janitor                     | 34    | -             | -             | 1             | 5             | 13            | 4             | 7             | 4             | -             | -          | 45.44          |

## Distribution of Staff by Gender and Education Level in the Control Yuan

Unit : person

| Item                     | Total | Gender |        | Education Level |     |     |                      |                |                               |                              |
|--------------------------|-------|--------|--------|-----------------|-----|-----|----------------------|----------------|-------------------------------|------------------------------|
|                          |       | Male   | Female | Graduate School |     |     | University & College | Junior College | Senior High/Vocational School | Junior High School and Below |
|                          |       |        |        | Total           | PhD | MD  |                      |                |                               |                              |
| Total                    | 412   | 232    | 180    | 145             | 23  | 122 | 140                  | 44             | 64                            | 19                           |
| Political Appointee      | 30    | 23     | 7      | 24              | 13  | 11  | 4                    | -              | 2                             | -                            |
| Staff                    | 244   | 124    | 120    | 98              | 9   | 89  | 109                  | 25             | 11                            | 1                            |
| Selected Appointee       | 68    | 51     | 17     | 44              | 7   | 37  | 22                   | 2              | -                             | -                            |
| Recommended Appointee    | 112   | 56     | 56     | 49              | 2   | 47  | 52                   | 9              | 2                             | -                            |
| Ordinary Appointee       | 62    | 16     | 46     | 5               | -   | 5   | 34                   | 14             | 8                             | 1                            |
| Assistant Clerk          | 2     | 1      | 1      | -               | -   | -   | 1                    | -              | 1                             | -                            |
| Contract-based Employee  | 50    | 16     | 34     | 22              | 1   | 21  | 24                   | 4              | -                             | -                            |
| Contract-based Assistant | 1     | -      | 1      | -               | -   | -   | -                    | 1              | -                             | -                            |
| Technical Worker         | 53    | 49     | 4      | -               | -   | -   | 1                    | 6              | 32                            | 14                           |
| Janitor                  | 34    | 20     | 14     | 1               | -   | 1   | 3                    | 8              | 18                            | 4                            |



## II. Functions and Powers

According to Article 7 of the Additional Articles of the Constitution, the Control Yuan shall have 29 members, including a president and a vice president, all of whom shall serve a term of six years. In accordance with this constitutional amendment, the members of the fourth Control Yuan, nominated and appointed by the President of the ROC with the consent of the Legislative Yuan, began to exercise their powers on August 1, 2008.

The provisions of Articles 95, 96, and 97 of the Constitution of the Republic of China, and Article 7 of the Additional Articles of the Constitution of the Republic of China provide the Control Yuan with the powers of impeachment, censure, investigation, audit and proposing corrective measures. According to the Control Act, the Control Yuan and its members may accept petitions from the people, and its members may also make circuit supervision and inspections in different areas. The Examination Invigilation Act stipulates that when the government is to conduct an examination, except the ones which are held for determining the qualifications of the examinees, the Examination Yuan or the organization in charge of the examination shall invite the Control Yuan to dispatch officials for invigilation. Articles 2 and 4 of the Act on Assets Report by Public Functionaries prescribe that the following officials shall report their assets to the Control Yuan: President and Vice-President of the ROC; presidents and vice-presidents of the five Yuans; political appointees; paid presidential advisors, national policy advisors and war strategy advisors of the Office of the President; elected officers on and above the level of township

chief, and elected representatives on and above county/city level. Paragraph 2 of Article 10 of the Act on the Recusal of Public Functionaries Due to Conflict of Interest ordains that the Control Yuan shall be the organ to which the public functionaries shall notify in writing. Article 4 of the Political Donations Act stipulates that the Control Yuan shall be the institute to declare political donations.

Since the term of the 3rd Control Yuan members expired on January 31, 2005 and the 4th Control Yuan members were inaugurated on August 1, 2008, some duties were not normally carried out during this period. That led to no statistics in some parts during the period. The following is a brief account on the exercise of the present Control Yuan's functions and powers.

### **A. Acceptance of people's petitions**

Article 4 of the Control Act provides that the Control Yuan and its members are entitled to accept petitions from the people. As petitions are the main sources for the exercise of control functions and powers, anyone who



*Member on duty accepted complaint cases on October 30, 2008.*

has detected malfeasance of public functionaries at central or local level government, or has found violation of law of the Executive Yuan and its subordinate agencies in government work and public facilities, is entitled to



## Classification of Petitions Received by the Control Yuan

Unit : case

| Item                         | 2008   |
|------------------------------|--------|
| Total                        | 15,865 |
| Internal Affairs             | 4,302  |
| Land Administration          | 1,033  |
| Construction Administration  | 1,071  |
| Urban Planning               | 204    |
| Police & Fire Administration | 785    |
| Social Administration        | 209    |
| Other Internal Affairs       | 1,000  |
| Foreign Affairs              | 124    |
| National Defense             | 781    |
| Finance                      | 1,298  |
| Economics                    | 1,798  |
| Education                    | 952    |
| Transportation               | 864    |
| Judicial Affairs             | 3,923  |
| Others                       | 1,823  |

petition to or accuse before the Control Yuan or its members by submitting a detailed account of facts and related data.

A classification of petitions received by the Control Yuan from January to December 2008 is tabulated on the preceding page.

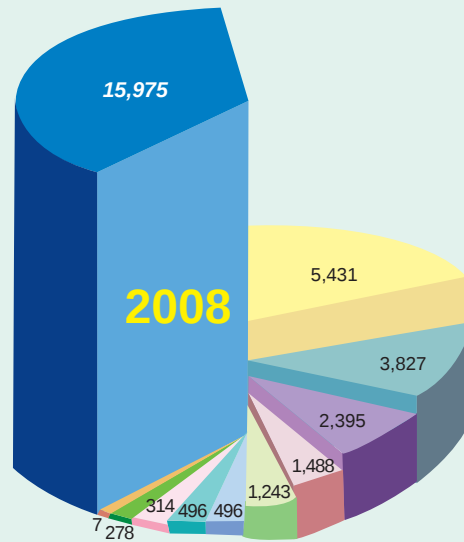
When a petition is received by the Control Yuan, it is first read by a member on duty. The Control Yuan will assign, by rotation, its member(s) to investigate the case if it warrants or commissions a related organization or its higher-up to look into the motion of the Control Yuan. After processing, the Department of Supervisory Operation of the Control Yuan will make a reply to the petitioner unless the petition is anonymous, lacks substance, or is a petition that has been rejected and raised again without the support of new evidence. The cases not replied will be kept on file for reference.

In 2008, the Control Yuan handled 15,975 petitions. Of these processed cases, 278, or 1.74%, were investigated; 496, or 3.10%, were complemented related data by the investigated organization; 7, or 0.04%, were detected without infraction or misconduct; 3,827, or 23.96%, were referred to administrative organizations for reference; 2,395, or 14.99%, were concerned with legal or administrative redress procedure; 314, or 1.97%, were out of jurisdiction; 1,488, or 9.32%, were requested for further reference; 496, or 3.10%, were lack of substantial evidence to process; 5,431, or 33.99%, were merged with other cases; and the remaining 1,243, or 7.79%, were processed in other ways. The cases handled in 2008 are formulated below.

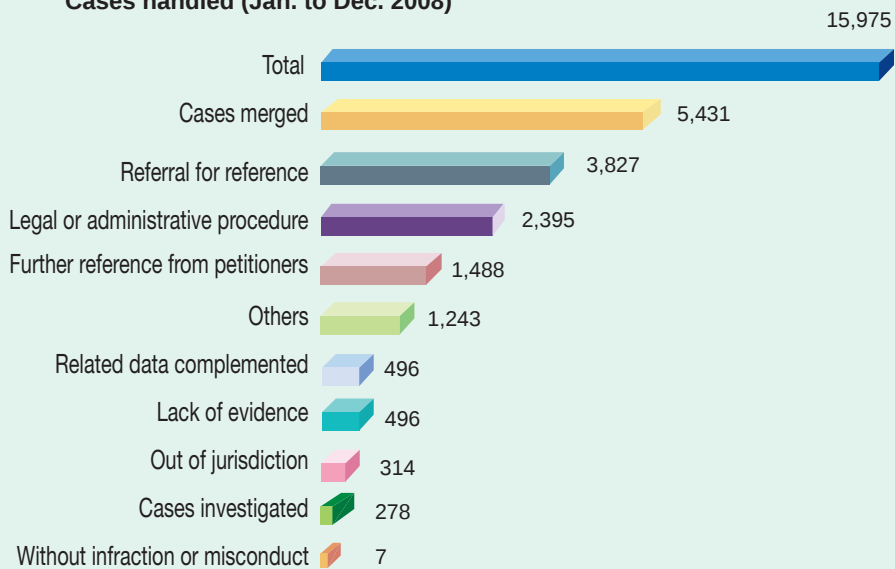


## Handling of People's Petitions

Unit : case



Cases handled (Jan. to Dec. 2008)



## B. Investigation

Articles 95 and 96 of the Constitution provide the Control Yuan with the power of investigation, which is the linchpin of the powers of control. By investigation, the Control Yuan can grasp the facts and the evidence of violations of the law or the misconduct by public functionaries and government agencies. The results of investigation will form the basis of impeachment, censure and corrective measures. The Control Yuan exercises its power of investigation in one of the following three ways: assigning a member or members to make the investigation,



*Members of the Control Yuan visited Zong-Ye Elementary School to inspect the school merger case.*



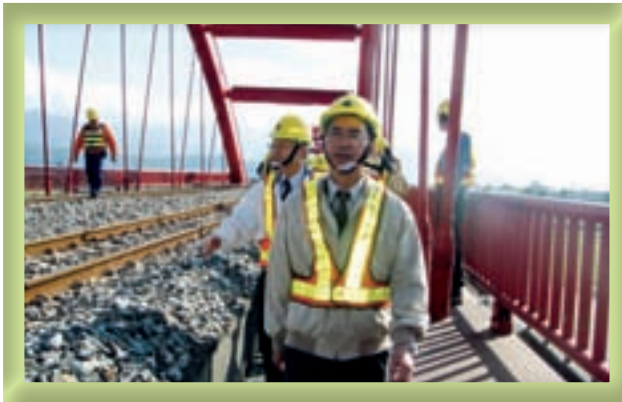
*Members of the Control Yuan visited Lushan Hot Spring Area, Nantou County to inspect the Typhoon Sinlaku damage.*



*Members of the Control Yuan visited Shihmen Reservoir to inspect its operation, maintenance, and renovation.*



*Members of the Control Yuan held a press conference on December 8, 2008 on unused public parking lots.*



*Members of the Control Yuan visited Yuli-Dongli New Line Railway in Hualien County to inspect the improvement project.*



*Members of the Control Yuan invited experts to the consulting meeting on the issue of the diplomatic truce.*

letting its members to investigate on their own motion, or commissioning an organization to do it. If a violation of law or misconduct is established, the original investigating member or other members shall initiate a proposal for impeachment or censure. If the case is not too serious, a committee may decide to let the related organization punish the violator directly. If the Control Yuan finds the Executive Yuan or one of its subordinate organs has done something wrong or any of its measures runs counter to the law, it may propose corrective measures to urge the related organization to correct itself.

The following is a



*Members of the Control Yuan visited Sinpi Bridge for the investigation case "Maintenance and management of old and worn bridges along provincial highways in Taiwan".*

tabulation of the cases investigated by the Control Yuan from January to December 2008.

### Cases Investigated by the Control Yuan

Unit : case

| Item                                        | 2008 |
|---------------------------------------------|------|
| Number of cases                             | 291  |
| Mode of investigation (cases)               |      |
| Assigned by Yuan                            | 199  |
| Assigned by Committee                       | 37   |
| Initiated by member(s)                      | 55   |
| Number of times members make investigations | 440  |

Note : Since the 4th Control Yuan members were inaugurated on August 1, 2008, statistics tabulated was from August to December of 2008.



### C. Impeachment

Impeachment is a vital power of the Control Yuan for ensuring an honest government and rectifying government ethics. Both the Additional Articles of the Constitution and the Control Act empower the Control Yuan to impeach central and local government officials involved in dereliction of duty or other violations of law. A



*The Control Yuan held a review meeting on an impeachment case.*



*Members of the Control Yuan voted for an impeachment case.*

case of impeachment can be forwarded to the disciplinary agency only after it is proposed by at least two members, reviewed by more than nine other members and approved by at least a half of them. If the case involves criminal code or military law, it shall be referred to the competent judicial or military organization for action according to the law.

The following is a tabulation of the cases of impeachment from January to December 2008.

## Cases of Impeachment

Unit : case

| Item                                                        | 2008 |
|-------------------------------------------------------------|------|
| Cases                                                       | 17   |
| Result of review                                            |      |
| Established and announced                                   | 15   |
| Established but not announced                               | 1    |
| Rejected                                                    | 1    |
| Cases established                                           | 16   |
| Classification of Cases                                     |      |
| Violation of law                                            | 1    |
| Dereliction of duty                                         | -    |
| Both                                                        | 15   |
| Result of action                                            |      |
| Referral to Discipline                                      | 16   |
| Referral to Discipline and to judicial or military agencies | -    |

Note : Since the 4th Control Yuan members were inaugurated on August 1, 2008, statistics tabulated was from August to December of 2008.

The following is a tabulation on impeachment according to positions of the impeached from January to December 2008.



## Impeachment According to Positions of the Impeached

Unit : case

| Item                              | 2008 |
|-----------------------------------|------|
| Persons                           | 26   |
| Official ranks :                  |      |
| Elected                           | -    |
| Specially appointed               | 2    |
| Selected                          | 14   |
| Recommended                       | 7    |
| Delegated                         | 2    |
| Generals                          | -    |
| Colonels & majors                 | 1    |
| Captains & lieutenants            | -    |
| Position classification :         |      |
| General administration            | 2    |
| Land administration               | -    |
| Financial administration          | -    |
| Economic development              | 6    |
| Police administration             | 3    |
| Culture & education               | -    |
| Transportation                    | 4    |
| Health                            | -    |
| Environmental protection          | -    |
| Information                       | -    |
| Foreign affairs                   | 1    |
| Overseas Chinese affairs          | -    |
| Judicial affairs                  | 9    |
| National defense                  | 1    |
| Agriculture and forest            | -    |
| Audit                             | -    |
| Budget, accounting and statistics | -    |
| Personnel affairs                 | -    |
| Technical personnel               | -    |
| Others                            | -    |

Note : Since the 4th Control Yuan members were inaugurated on August 1, 2008, statistics tabulated was from August to December of 2008.

## **D. Censure**

The power of censure is used when the Control Yuan deems that a law-breaking or derelict public functionary needs to be suspended from duty or be dealt with other immediate measures. The Control Act provides that a case of censure shall be reviewed by three or more members of the Control Yuan other than the initiating member(s) and approved by at least a half of them, and that the case shall be referred to the censured official's superior for action. If the case involves violation of the criminal code or military law, it shall be sent directly to the competent court or military court for action. If his or her official in charge or superior fails to act, or if two or more Control Yuan members deem the action taken is improper, a case of impeachment may be initiated. If the censured official is impeached, his or her higher-up in charge or superior shall be held responsible for the neglect of duty.

Since the 4th Control Yuan members were inaugurated on August 1, 2008, there was no case of censure power exercised in the year.



### **E. Corrective measures**

Article 96 of the Constitution of the ROC stipulates that the Control Yuan, according to different subordinate organs of the Executive Yuan, shall set up various committees to supervise if there is any violation of law or derelict public functionary. Article 97 of the Constitution says, the Control Yuan, based on reviews and resolutions by various committees, may propose corrective measures and forward to the Executive Yuan and its subordinate organs for improvement.

Article 24 of the Control Act provides that the Control Yuan, after investigating the work and measures of the Executive Yuan and its subordinate organs, may propose corrective measures to the Executive Yuan or its subordinate organs for improvement if the proposed measure is examined and approved by related committees. Article 25 of the same Act and Article 20 of its Enforcement Rules set out that after receiving the demand for correction, the Executive Yuan or its related organs shall immediately make appropriate improvement or take actions and shall reply to the Control Yuan within two months. If it fails to reply to the Control Yuan in time about its improvement and action, the Control Yuan may, through a resolution by its related committees, question in writing or notify the responsible officials of the Executive Yuan or related organs to come to the Control Yuan for questioning. If the Control Yuan deems the reply of the Executive Yuan or related organs calls for further investigation, it may call upon related organs for explanation or ask the members in charge of the original investigation or investigators to check out

on the spot. If an executive organ is found procrastinating with pretenses and refuse to take appropriate action for improvement, it may initiate a proposal of impeachment against the head of the organ if the case is established by its investigation.

The following is a tabulation of the cases of corrective measures from January to December 2008.

### Cases of Corrective Measures

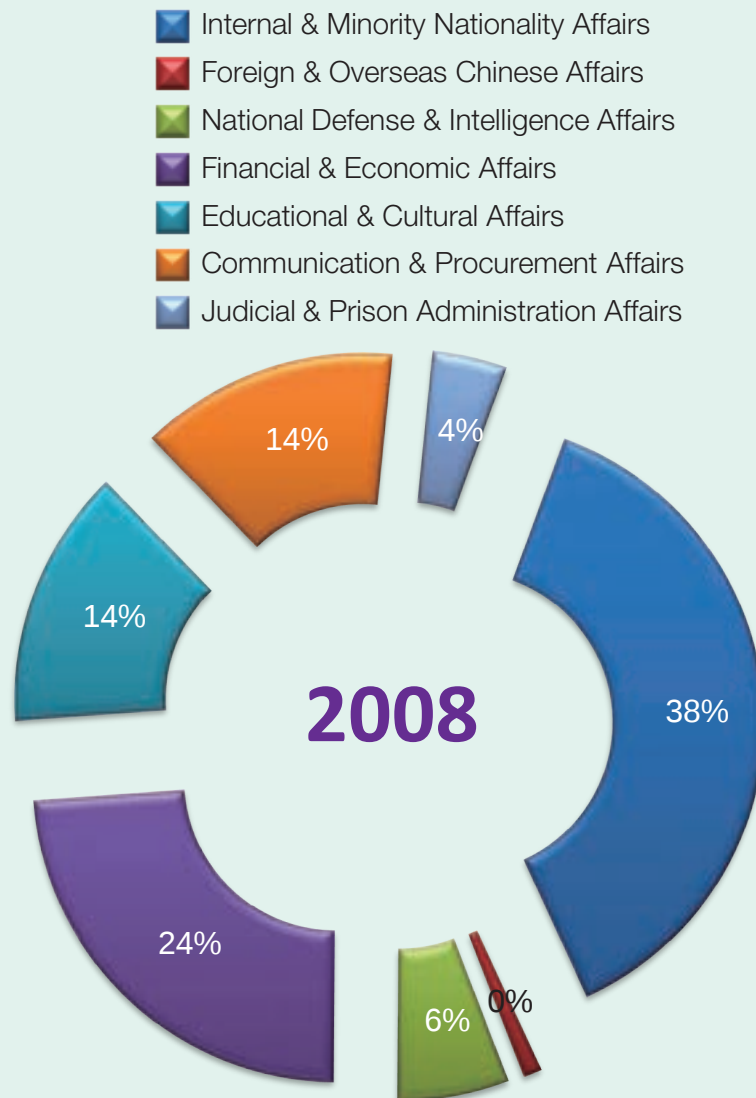
Unit : case

| Item                                       | 2008 |
|--------------------------------------------|------|
| Cases                                      | 50   |
| Committees :                               |      |
| Internal and Minority Nationality Affairs  | 19   |
| Foreign and Overseas Chinese Affairs       | -    |
| National Defense and Intelligence Affairs  | 3    |
| Financial and Economic Affairs             | 12   |
| Educational and Cultural Affairs           | 7    |
| Communication and Procurement Affairs      | 7    |
| Judicial and Prison Administration Affairs | 2    |
| Organs sent to :                           |      |
| Executive Yuan                             | 42   |
| Others                                     | 8    |

Note : Since the 4th Control Yuan members were inaugurated on August 1, 2008, statistics tabulated was from August to December of 2008.



## Cases of Corrective Measures Based on Category



## **F. Circuit supervision and inspection**

Article 3 of the Control Act says that members of the Control Yuan may conduct circuit supervision in different areas. The supervisory tour covers both central and local government agencies. The central level includes the Executive Yuan, the Judicial Yuan, the Examination Yuan and their subordinate organs. On the local level, the agencies to be supervised and inspected are the provincial governments, the city governments under the direct jurisdiction of the Executive Yuan, the various county and city governments and their subordinate organs. The supervisory tours of the central government are



*Committee on Foreign and Overseas Chinese Affairs of the Control Yuan inspected the Overseas Compatriot Affairs Commission of the Executive Yuan.*



*Members of the Control Yuan visited Taipei Emergency Operations Center (EOC) to inspect its operation and management.*



*Members of the Control Yuan visited the Chai Mountain Military Restricted Area in Kaohsiung City to know more about non-permitted buildings.*



*Members of the Control Yuan visited Taipei County Government to receive a briefing.*



*Members of the Control Yuan visited Jhulin Bridge in Hsinchu County to inspect maintenance and management of old and worn bridges.*



*Members of the Control Yuan visited Dali, Taichung County to inspect Taichung Living Circle C707 Project.*

conducted by Control Yuan members assigned by related committees in accordance with their necessities. The supervision and inspection of the Executive Yuan are conducted jointly by the conveners of various committees with the Committee on Internal and Minority Nationality Affairs as the organizer. The supervisory tours of the local governments are divided into twelve zones of responsibility according to the administrative division. Members for the supervisory teams are decided at the plenary meeting held in every December on rotation.

Article 3 of the Regulations Governing Circuit Supervision and Inspection



*Members of the Control Yuan visited Tainan County Government to receive a briefing.*



*Members of the Control Yuan visited Dounan Township, Yunlin County to inspect road collapse of Dongming Bridge.*



*Members of the Control Yuan visited Erlin Township Library and the cultural activity center in Changhua County.*



*Members of the Control Yuan visited Kaohsiung County Government to receive a briefing.*



*Members of the Control Yuan visited Yilan County Government to receive a briefing.*



*Members of the Control Yuan visited Taitung Historic Rail to inspect its improvement.*



stipulates the tasks of the supervisory tours as to see:

(1) the execution of a government agency's administrative programs and budget;

(2) the fulfilment of various major policies;

(3) the performance of public functionaries;

(4) the implementation of the cases of corrective measures;

(5) the conditions of society and people's livelihood; and

(6) the handling of people's complaints and other related matters.



*Members of the Control Yuan visited Jinning Township, Kinmen County to inspect de-mining program of National Army.*

## G. Invigilation

The Examination Invigilation Act provides that when the Examination Yuan or other organs hold examinations, except the qualification ones, it shall invite the Control Yuan or its field organs to dispatch invigilators. If the examination is conducted by organizing an examination committee, the Control Yuan shall be asked to send its members to serve as invigilators. If the examination



*Members of the Control Yuan made their round of inspection in 2008 for Examination on Professional and Technical Personnel and Architect.*

is conducted by officials of the Examination Yuan or by a related organization it entrusts, the invigilation may be conducted by persons dispatched by the supervisory organ of the locality. If irregularities, such as oiling the wheels or exchanging test papers, are detected, the invigilators shall report the case to the Control Yuan for action according to the Act. After the examination is over, the invigilators shall file a report to the supervisory organization.



*Members of the Control Yuan made their round of inspection in 2008 for Special Examination on Local Government Employees.*



*Members of the Control Yuan made their round of inspection in 2008 for Special Examination on Civil Aviation Personnel and Special Examination on Investigation Agents of the Ministry of Justice Investigation Bureau.*

The following is a tabulation of invigilation by the Control Yuan dispatched personnel.



## Examinations Invigilated by the Control Yuan

Unit : case

| Year | No. of invigilators dispatched | Category |              |              |                  |               |        |
|------|--------------------------------|----------|--------------|--------------|------------------|---------------|--------|
|      |                                | Total    | Senior exams | Junior exams | Elementary exams | Special exams | Others |
| 2008 | 56                             | 28       | 7            | 5            | -                | 14            | 2      |

Note : Since the 4th Control Yuan members were inaugurated on August 1, 2008, statistics tabulated was from August to December of 2008.

## H. Acceptance of assets report by public functionaries

The Act on Assets Report by Public Functionaries was promulgated by the President of the ROC on July 2, 1993, and put into effect on September 1 of the same year. The Enforcement Rules of the Act were jointly enacted on August 20 of the same year by the Executive Yuan, the Examination Yuan and the Control Yuan. Some Articles of the rules have been revised in 1994, 1995, 2007 and 2008. The Department of Assets Report by Public Functionaries of the Control Yuan is now in charge of assets report by public functionaries. The following is a brief account on its operations:

### 1. Assets report

According to Articles 2 and 4 of the Act on Assets Report by Public Functionaries, the following officials shall declare assets to the Control Yuan: President and Vice-President of the ROC; presidents and vice-presidents of the

Executive, Legislative, Judicial, Examination and Control Yuan; political appointees; paid presidential advisors, national policy advisors and war strategy advisors of the Office of the President; chiefs of governmental



*An explanatory meeting was held in 2008 to explain the Act on Assets Report by Public Functionaries and the Act on Recusal of Public Functionaries Due to Conflict of Interest in Miaoli County Government.*

agencies at all levels at Twelfth rank and above; chairpersons and vice-chairpersons of the headquarters and branches of the state-owned enterprises, and directors and supervisors representing the government or the state-owned shares in private juristic entities; principals of public junior colleges and above, and subsidiary institutions of such schools; chief officers at all levels above the rank of major general in the military; governors at above village/township/city level elected pursuant to the Public Officials Election and Recall Act; elected representatives at all levels; and judges and prosecutors at twelfth rank and above. The main categories of assets reports are classified as follows:

- (1) taking office: according to Article 3 of the Act on Assets Report by Public Functionaries, the report shall be made within three months after inauguration.
- (2) regular report: according to Article 3 of the Act on Assets Report by Public Functionaries, public functionaries shall make regular assets



report annually.

According to Paragraph 5 of Article 9 of the Enforcement Rules of the Act, the regular report shall be made between November 1 and December 31 of each year. However, in the case of the assets report already made upon inauguration according to Paragraph 1 of Article 3 of the Act, the regular report shall be made annually between November 1 and December 31 from next year.

(3)taking acting post: according to Paragraph 2 of Article 2 of the Act, a public functionary by nature of agent as manifested in Paragraph 1 of Article 2 of the Act shall also make assets report. But such acting position serving not up to three months, the assets report is exempted.

(4)taking concurrent post: according to Paragraph 2 of Article 9 of the Enforcement Rules of the Act, a public functionary holding a concurrent post as manifested in Paragraph 1 of Article 2 of the Act shall also make assets report. But such position holding not up to three months, the assets report is exempted.

(5)leaving office or discharged from acting post:



*An explanatory meeting was held in 2008 to explain the Act on Assets Report by Public Functionaries and the Act on Recusal of Public Functionaries Due to Conflict of Interest in Kaohsiung City Council.*

according to Paragraph 2 of Article 3 of the Act, the report-requested public functionary shall declare assets to the original report agencies within two months after being discharged from his/her position or acting post.

(6)trust report: according to Paragraph 1 of Article 7 of the Act, President, Vice-President, presidents and vice-presidents of the five Yuans, political appointees, chairpersons and vice-chairpersons of the headquarters and branches of the state-owned enterprises, mayors of special municipalities, and governors of the counties/cities shall make trust report.

(7)transaction report: according to Article 8 of the Act, legislators and special municipality councilors shall make property transaction report annually.

(8)correction report: according to Paragraph 1 of Article 6 of the Regulations Governing Examination and Browsing of Materials of Assets Report by Public Functionaries, if the report-requested public functionary finds some information at fault in his/her assets report, he or she shall make a correct report to the original report agencies but the former one shall not be replaced.

(9)supplementary property report and additional notification: according to Article 10 of the Regulations Governing Examination and Browsing of Materials of Assets Report by Public Functionaries, if the report receiving agency considers a public functionary reports his/her property with dishonesty on purpose, the case shall be disposed according to Paragraph 4 of Article 12 of the Act on Assets Report by



Public Functionaries and Paragraph 2 of Article 10 of the Regulations Governing Examination and Browsing of Materials of Assets Report by Public Functionaries. If not on purpose, the report receiving agency, after reviewing, shall attach a supplementary correctness to the original report and inform the public functionary of supplementary. The public functionary shall file the supplementary correct documents to the original report agency after receiving the above notification.

In 2008, the Control Yuan received assets report as follows:

- (1) All the 262 officials who took office reported their assets in time.
- (2) There were 8,333 officials requested by the Act to report their annual regular assets to the Control Yuan.

## **2. Review of assets report**

Article 6 of the Act on Assets Report by Public Functionaries provides that a report-receiving agency shall review the report files and put them into volumes for public examination and reference within two months after they have been received. According to Article 5 of the Regulations Governing Examination and Browsing of Materials of Assets Report by Public Functionaries, the receiving agency shall make item-by-item checks based on the descriptions of the report.

## **3. Assets report inquiry**

According to Article 7 of the Regulations Governing Examination and Browsing of Materials of Assets Report by Public Functionaries, if a public functionary is on suspicion of reporting his or her property untruthfully, the case, on the base of the Act on Assets Report by Public Functionaries, will be reviewed item by item. To ensure the genuine report, the Control Yuan

has made regulations of addressing complaints and inquiries about public functionaries assets report. In 2008, the Control Yuan has inquired about 349 cases and found 1,635 cases were reported untruthfully, including those pending in previous years.

### **Cases of Assets Report by Public Functionaries and Cases Reviewed in 2008**

Unit : person; case

| Item                 | Requested to filed | Reported in time | Delayed in reporting | Cases reviewed |
|----------------------|--------------------|------------------|----------------------|----------------|
| Total                | 8,333              | 8,332            | 1                    | 1,254          |
| Taking office        | 263                | 262              | 1                    | 220            |
| Taking acting post   | 10                 | 10               | -                    | -              |
| Regular report       | 7,318              | 7,318            | -                    | 959            |
| Leaving office       | 20                 | 20               | -                    | -              |
| Supplementary report | 11                 | 11               | -                    | 11             |
| Corrective report    | 49                 | 49               | -                    | 44             |
| Trust report         | 658                | 658              | -                    | 20             |
| Trust notification   | 4                  | 4                | -                    | -              |

Note : Since there were no concurrent post report, transaction report, discharged from acting post report, discharged from concurrent post report, and change report of trust contract, statistics of these items was not included into the table.

#### **4. Punishment of dishonest reports**

To punish those public functionaries who fail to report their assets in time or truthfully, the Control Yuan shall impose fines and publish their names in accordance with the Act on Assets Report by Public Functionaries. In 2008, there were 181 cases fined up to the amount of NT\$15,430,000 .

#### **5. Publishing the reports in the gazette as open files to the public**

According to the provision of Article 6 of the Act on Assets Report by



Public Functionaries, the assets report of the President and Vice-President of the ROC, presidents and vice-presidents of the five Yuans, politically appointed officials, legislators, Control Yuan members, Taipei and Kaohsiung city mayors and councilors, magistrates and mayors shall be published regularly in government gazettes and post on the website.

In 2008, there were 857 assets reports published in the gazette.

### Assets Report by Public Functionaries and Accounting Report of Political Donations Published in the Gazette

Unit : case

| Year | Assets Report              |                  | Accounting Report of Political Donations |           |                 |                 |                  |           |                 |                 |
|------|----------------------------|------------------|------------------------------------------|-----------|-----------------|-----------------|------------------|-----------|-----------------|-----------------|
|      |                            |                  | Report should be published               |           |                 |                 | Report published |           |                 |                 |
|      | Report should be published | Report published | Total                                    | Candidate | Political Party | Political Group | Total            | Candidate | Political Party | Political Group |
| 2008 | 857                        | 857              | 329                                      | 287       | 39              | 3               | 329              | 287       | 39              | 3               |

## 6. Return and transfer of assets report

Article 14 of the Act on Assets Report by Public Functionaries and Article 27 of its enforcement rules before amendment in July 2008 provide that if the report-requested official leaves his or her position and need not to report assets any more, the report file shall be returned after a year through the organization where he or she has worked. If the official is dead, the file shall be returned to his or her spouse or closest relatives.

Article 23 of the Enforcement Rules of the Act on Assets Report by Public Functionaries stipulates that if the report-receiving agency changes resulting from a transfer of the official, the original receiving agency shall send the files to the new one.

The following is a tabulation on transfer of assets report by public functionaries from January to December 2008.

| Transfer of Assets Report by Public Functionaries |          |     |     |
|---------------------------------------------------|----------|-----|-----|
| Year                                              | Transfer |     |     |
|                                                   | Total    | In  | Out |
| 2008                                              | 150      | 148 | 2   |

## I. Conflict of interest

In order to promote clean and competent politics, government ethics, and to avoid corruption and unjust profits gaining, the President of the ROC has promulgated the Act on Recusal of Public Functionaries Due to Conflict of Interest on July 12, 2000, and put into effect on July 14 of the same year.

Since the Act is enacted to aim at promoting reliance of the public on policymaking procedures, the nature of punishment is focused on the violation



of obligations. Articles 5, 6, 7, 8, 9, 11 and Paragraphs 1 and 2 of Article 10 of the Act indicate that the term conflict of interest refers to interests obtained by a public functionary or his/her related persons either directly or indirectly through any act or omission in the course of performing his/her duties. A public functionary shall recuse himself/herself as soon as he/she is aware of the conflict of interest, and shall act in accordance with the following provisions: (1) in case as an elected representative, the public functionary is prohibited to participate in the deliberation and voting on the proposal involving his/her personal interests; and (2) in case other than the preceding subparagraph, the public functionary shall cease to perform his/her official duty, and that duty shall be exercised by the duty agent. Under the circumstance stated in the above paragraph, the public functionary shall notify in writing to the organs prescribed by Article 4 of the Act on Assets Report by Public Functionaries for record. Action such as consent, denial, decision, suggestion, proposal and

investigation made by a public functionary other than elected representative in respect of the issue involved before recusal shall be null and void, and all the preceding actions shall be renewed by his/her duty agent. A public



*An explanatory meeting was held in 2008 to explain the Act on Assets Report by Public Functionaries and the Act on Recusal of Public Functionaries Due to Conflict of Interest in Hualien County Council.*

functionary shall not seek interests for himself/herself or for his/her related persons by manipulating his/her official power, opportunities or any method under his/her official duty. Related persons of a public functionary shall not seek interests for himself/herself or for the aforementioned public functionary by requesting relevant persons in the organ, speaking for the same, or by other improper means. Moreover, a public functionary and his/her related persons shall not conduct transactions such as sales, lease and contracting etc. with the organ with which the public functionary serves or under his/her supervision. To those public functionaries in violation of the provisions stipulated in the Act, a penalty shall be imposed in accordance with Articles 14, 15, 16 and 17 of the Act.

To comply with the Act and rules, the Control Yuan has carried on receiving, reviewing, investigating and punishing regulations about related cases to avoid the conflict of interest. Also, the Control Yuan has set up operation standards to address these cases.

### Accepting and Investigating Fined Cases of the Conflict of Interest Prevention by Public Functionaries

Unit : case

| Year | Cases not closed at the beginning of the period | Accepting and investigating fined cases |                           |                                        |                        |                                  |                        | Cases closed & investigated |                        | Cases not closed at the end of the period |                        |
|------|-------------------------------------------------|-----------------------------------------|---------------------------|----------------------------------------|------------------------|----------------------------------|------------------------|-----------------------------|------------------------|-------------------------------------------|------------------------|
|      |                                                 | Total                                   | Cases out of jurisdiction | Cases within jurisdiction investigated |                        |                                  |                        |                             |                        |                                           |                        |
|      |                                                 |                                         |                           | Revealed by people                     |                        | Forwarded by government agencies |                        |                             |                        |                                           |                        |
|      |                                                 |                                         |                           | Investigated by members                | Investigated by staffs | Investigated by members          | Investigated by staffs | Investigated by members     | Investigated by staffs | Investigated by members                   | Investigated by staffs |
| 2008 | 46                                              | 11                                      | -                         | -                                      | -                      | 4                                | 7                      | -                           | 21                     | 4                                         | 32                     |



## **J. Political donations**

In order to normalize and manage political contributions, promote citizens' political participation, protect fairness and justice of different political activities, and elevate the development of democratic politics, President of the ROC promulgated the Political Donations Act on March 3, 2004, and put into effect on April 2 of the same year. Some articles of the Act were amended again on August 15, 2008.

The Department of Assets Report by Public Functionaries of the Control Yuan is in charge of the affairs to disclose political contributions. According to the Act, the Control Yuan is responsible for related matters as follows: (1) to approve of opening political donation accounts of political parties, political groups and candidates; (2) to approve of changing or closing political donation accounts of political parties, political groups and candidates; (3) to handle candidates' disclosures of accounting reports and put in volumes and issue in the gazettes or post on the website; (4) to accept candidates' balance reports of the political donation accounts; (5) to review accounting report of political donations disclosed by political parties, political groups and candidates; (6) to impose fine on violation of the Political Donations Act, to forward fined cases to administrative execution if delay to pay the fine, and to make replies aiming at those suing cases; and (7) to handle the affairs of demanding and returning payment to the treasury of the fined cases against the Political Donations Act.

## Political Donations Based on Election

Unit : account

| Year | Applied accounts           |          |             |         |        |          | Announced | Accounting reports |           |
|------|----------------------------|----------|-------------|---------|--------|----------|-----------|--------------------|-----------|
|      | Total<br>(Number of times) | Approved | Disapproved | Changed | Closed | Balanced |           | Received           | Announced |
| 2008 | 169                        | 8        | -           | -       | -      | 161      | 8         | 249                | 253       |

## Political Donations Based on Political Party and Political Group

Unit : account

| Year | Political donation accounts |          |             |         |        |                     | Accounting reports        |                |                   |                     |
|------|-----------------------------|----------|-------------|---------|--------|---------------------|---------------------------|----------------|-------------------|---------------------|
|      | Applied accounts            |          |             |         |        | Post on the website | Report should be received | Filing in time | Delayed in filing | Post on the website |
|      | Total<br>(Number of times)  | Approved | Disapproved | Changed | Closed |                     |                           |                |                   |                     |
| 2008 | 6                           | 2        | -           | 2       | 2      | 6                   | 26                        | 21             | 5                 | 26                  |

## K. Lobbying

In order to create an open and transparent procedure for lobbying to prevent from tortuosity benefits feeding and assure the sunshine politics, the Lobbying Act was promulgated by the President of the ROC on August 8, 2007, and was enacted on August 8, 2008. To comply with the Act, the Department of Assets Report by Public Functionaries of the Control Yuan is



responsible for receiving, reviewing, investigation and punishment of lobbying cases. Besides, the Control Yuan has set up operation standards to address these cases.

Article 2 of the Lobbying Act stipulates that the term lobbying mentioned in this Act refers to the behavior that lobbyist intends to affect the lobbied party or its agency about the formulation, enactment, modification or annulment of laws, government policies or legislation by any oral or written communication direction directly to the lobbied party or its designee. The term lobbyist used in this Act refers to individual, legal person, organization permitted to establishment or file for record or group constituted by special purpose with representative; and individual or profit corporation designated for lobbying. The lobbied party includes president, vice president, legislators or representative bodies at various levels; chief and deputy chief of special municipality, county/city and township/city; and persons specified in Paragraph 1 of Article 2 of Political Appointees Pension Statues. Therefore, the President, Vice-President, Members and Secretary-General of the Control Yuan are all classified as the lobbied party. According to Article 5 of the Lobbying Act, this Act is unapplicable to following acts: civil servants who perform public duties according to laws; the personnel accredited or dispatched by foreign government of internal organization among governments who perform duties assigned; and people or organizations address their opinion via application, petition, pleading and statement of opinion. In addition, according to Article 29 of the Act, punishment on those who serving as president, vice president, legislator or persons specified in Paragraph 1 of Article 2 of Political Appointees

Pension Statutes shall be implemented by the Control Yuan.

Articles 13, 14, 15 and 16 of the Lobbying Act indicate that lobbyist shall, before lobbying, file registration with the Department of Assets Report by Public Functionaries of the Control Yuan case by case with those items specified in the Act. Once the lobbying registration is approved, any change of preceding registration shall file the modification registration within five days from the date of change. The termination registration shall be filed within ten days from the termination of lobby. The modification registration may be filed in ten days before expiry of lobbying term if necessary. If the registrations above are unconfirming with legal procedures, the Control Yuan shall order the lobbyist to correct them by a deadline. In case that lobbyist proceeds the lobbying restricted by the Act, the Control Yuan shall not accept the registration and shall notify the lobbyist in writing; while the lobbied party shall refuse the lobbying. As to the lobby allowed but not legally registered, the lobbied party shall refuse it. However, the lobbied party or the Control Yuan shall notify the lobbyist to make up the registration by a deadline if unable to refuse it timely. Lobbied person shall, after receiving lobbying materials, inform the Department of Assets Report by Public Functionaries of the Control Yuan of the lobbyist, lobbying time, place and method, as well as content of lobbying for registration within seven days.

Article 17 of the Act stipulates that lobbyist shall prepare the financial statements of funding spent on lobbying and file report with the lobbied government agency by May 31 of each year and as managing the termination registration. Article 18 of the Act indicates that the lobbied government



agency shall keep the filing financial statement in accordance with registration items set forth in Articles 13 and 16 of the Act and shall publicize to the telecommunication network or governmental notices or other publications quarterly. Besides, Article 19 of the Act provides that any person may browse, transcribe, photocopy or photograph preceding registration and financial statements.

## **L. Audit**

According to Article 7 of the Additional Articles of the Constitution, the power of audit shall be part of the control powers. Article 104 of the Constitution sets forth that the Control Yuan shall have an auditor-general, who shall be nominated and appointed by the President of the ROC, with the consent of the Legislative Yuan. Article 1 of the Control Act, Article 4 of the Organic Law of the Control Yuan and Article 3 of the Law of Audit provide that the Control Yuan shall set up a Ministry of Audit (National Audit Office) under it to exercise the power of audit over the financial activities of government agencies. Article 10 of the Law of Audit provides that the power of audit shall be exercised by auditors independently, free from any interference. Article 60 of the Constitution, Article 28 of the Law of Final Statement, and Article 34 of the Law of Audit stipulate that the Control Yuan shall directly scrutinize the annual financial statement of the government, request the president to promulgate the finally audited government's annual financial report, and investigate and handle the dishonest financial cases reported by the National Audit Office. The following is a tabulation on dishonest financial cases reported

by the National Audit Office to the Control Yuan:

### Cases Reported by the National Audit Office to the Control Yuan

Unit : case

| Year | Total | Methods of Disposition |                                                |        |                  |             |        |
|------|-------|------------------------|------------------------------------------------|--------|------------------|-------------|--------|
|      |       | Investigated           | Forwarded to<br>other organs to<br>investigate | Merged | For<br>reference | Put on file | Others |
| 2008 | 239   | 26                     | 31                                             | 6      | 175              | 1           | -      |

Note : Others refer to cases pending at the end of December 2008.

## M. Human rights protection

The protection of human rights is gaining more and more attention worldwide. It is an important barometer of the standard of a nation's democracy and legal system, and it has become a focal issue in the international community. The Human Rights Protection Committee (HRPC) of the Control Yuan was set up in May 2000 to work for protection of human rights in the Republic of China. The HRPC supports human rights and handles human rights cases without outside interference. The committee also collects information on human rights issues from domestic and international sources.

Moreover, the Control Yuan is empowered to press the government to correct deficiencies in its handling of human rights cases.



According to Article 4 of the Rules Governing the Establishment of Human Rights Protection Committee, the HRPC is composed of nine to eleven members of the Control Yuan, all of whom shall serve a term of one year headed by a convener appointed by the president of the Control Yuan. The functions and missions of the HRPC are listed as follows:

1. Discovering human rights violation cases and proposing to investigate;
2. Reviewing and studying human rights cases and offering suggestions;
3. Providing suggestions on human rights bills;
4. Communicating with domestic and international human rights institutions and collecting relevant information;
5. Researching how to promote human rights education; and
6. Handling other matters related to human rights protection.

The HRPC often consults with domestic human rights organizations to better understand the human rights situation. It also keeps close relations with international organizations.

## Human Rights Cases Reviewed by the HRPC

Unit : case

| Item              |                      | 2008 |
|-------------------|----------------------|------|
| Total             |                      | 16   |
| Category of Case  | Politics             | -    |
|                   | Judiciary            | 9    |
|                   | Environment          | 2    |
|                   | Society              | 3    |
|                   | Culture & education  | -    |
|                   | Economics            | -    |
|                   | Others               | 2    |
| Category of Right | Children & juveniles | 1    |
|                   | Elderly              | -    |
|                   | Women                | 1    |
|                   | Foreign spouses      | -    |
|                   | Aboriginal           | -    |
|                   | Disadvantaged        | -    |
|                   | Military             | 1    |
|                   | Total                | -    |
|                   | Labors               | -    |
|                   | Domestic             | -    |
|                   | Foreign              | -    |
|                   | Judicial victims     | 9    |
|                   | Others               | 4    |



### III. International Interactions

The International Ombudsman Institute (IOI), established in 1978, is a worldwide organization of ombudsman offices. It is incorporated as a non-government organization and its Secretariat lies in Edmonton, Canada. The purpose of the IOI is to promote the concepts of ombudsman and human rights protection, and to encourage their development throughout the world. Up to the present, there are 132 countries or regions participating in the IOI as its members.

The Control Yuan's successful accession to the International Ombudsman Institute made it a Voting Member (now called



*President of Court of Auditors of Republic of El Salvador Mr. Hernán Contreras and Mrs. Contreras visited the Control Yuan and President Wang Chien-shien presented them a bronze medal.*



*Members of the Control Yuan Louis R. Chao, Ger Yeong-kuang, and Chou Yang-sun attended the 13th Annual Congress of Iberoamerican Federation of Ombudsman (FIO).*

Institutional Member) of the IOI in August 1994. In December of the same year, in order to facilitate all international business effectively, the Control Yuan reached a resolution at the 24th Plenary Meeting of the second Control Yuan to prepare the establishment of an International Affairs Committee (IAC). “The Provisions for Establishment of International Affairs

Committee” was approved at the 26th Meeting of Members of the second Control Yuan in January 1995. The purpose is to strengthen exchanges and cooperation with international ombudsman organizations, to actively participate in international activities and to raise our image in the international community.

According to Article 3 of the Provisions for Establishment of International Affairs Committee, the IAC is composed of five members of the Control Yuan



*The Chancellor of Justice of Sweden Göran Lambertz gave a speech on “Clean Government” in the Control Yuan.*



*Members of the Control Yuan Louis R. Chao, Ger Yeong-kuang, and Chou Yang-sun visited the U.S. Government Accountability Office.*



and the Secretary General, all of whom shall serve a term of one year and shall be appointed by the president of the Control Yuan. The functions and missions of the IAC are as follows:



*Mr. William P. Angrcik II, President of the International Ombudsman Institute (IOI) and the U.S. Citizens' Aide of State of Iowa, and Mrs. Angrcik visited Taiwan.*

1. To propagate the ideas and achievements of the ombudsman system of the Control Yuan;
2. to support and participate in the study of ombudsman jurisdiction worldwide;
3. to participate in international training programs for the ombudsman or its staff members;
4. to search and collect relevant information and resources about international ombudsman organizations;
5. to exchange ombudsman experience and information in the international community; and
6. to support and participate in international conferences.

It has been fourteen years since the establishment of the IAC. Each year, members of the IAC participate actively in international and regional ombudsman conferences. Moreover, the IAC regularly invites distinguished

guests from different countries who have made great contributions in this field to visit Taiwan so as to enhance bilateral communications with each other.

Up to now, the IAC has totally taken part in 23 international conferences and accomplished several circuit supervisions.

In addition, the Control Yuan has 25 successful cases regarding the invitation to honorable guests from different countries since 1999. International activities participated by members of the International Affairs Committee during the year of 2008 are tabled below.



## Conferences Attended in 2008

| Conference                                                                                                                                                                                                                    | Place                    | Date                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 24th Australasian and Pacific Ombudsman Regional Conference (APOR)                                                                                                                                                            | Melbourne<br>(Australia) | 24 – 31 Mar.<br>2008     |
| 24th Annual Conference of Council of Canadian Administrative Tribunals (CCAT)                                                                                                                                                 | Gatineau<br>(Canada)     | 22 Jun. – 1 Jul.<br>2008 |
| 13th Annual Congress of the Ibero-american Federation of the Ombudsman (FIO) and 7th Ordinary General Assembly of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas (RIN) | Merida<br>(México)       | 17 – 27 Nov.<br>2008     |

## International Guests Received in 2008

| Distinguished Guest                                                                                              | Country     | Date             |
|------------------------------------------------------------------------------------------------------------------|-------------|------------------|
| Mr. and Mrs. Niti Wirudchawong<br>Director of Inspection Bureau I of the<br>Office of Thai Ombudsman             | Thailand    | 6 Jun. 2008      |
| Mr. and Mrs. Hernán Contreras<br>President of Court of Auditors of<br>El Salvador                                | El Salvador | 19 Aug. 2008     |
| Mr. and Mrs. Göran Lambertz<br>Swedish Chancellor of Justice                                                     | Sweden      | 28 Oct. 2008     |
| Mr. and Mrs. William P. Angrick II<br>President of International Ombudsman<br>Institute and Iowa State Ombudsman | USA         | 8 – 12 Dec. 2008 |



## **IV. Matters and Measures Taken Before the Inauguration of the 4th Control Yuan Members**

Because the term of the 3rd Control Yuan members expired on January 31, 2005 and the 4th Control Yuan members were inaugurated on August 1, 2008, some duties and functions of the Control Yuan were not normally carried out during this period.

In order to maintain the constitutional system and protect civil rights of this country, the Control Yuan held an emergent meeting and made contingency plans on January 31, 2005 by then president Fredrick F. Chien, aiming at dealing with complaints from the people, violation of law and dereliction of duty by civil servants, assets report by public functionaries, and political donations. During the period from February 1, 2005 till the inauguration of the 4th Control Yuan president, vice president and members, the Control Yuan reinforced much on-the-job training to increase staffs' capabilities. Besides, those affairs that could be conducted before the inauguration of the 4th Control Yuan members were also dealt with. The Yuan also made appropriate management for the work related to exercising the control powers.

From February 2005 to July 2008, the Control Yuan received 46,377 cases (including people's petitions, official replies, investigation, impeachment, corrective measure, investigation reports asking for improvement, invigilation, inspection, audit, etc.) and 15,295 cases of assets report by public functionaries, conflict of interest prevention, and political donations. In accordance with the above contingency plans, 61,172 cases were handled in advance, among which 34,880 cases could not be completed by official procedures. These incompleted cases have being handled in accordance with

normal procedures after the 4th Control Yuan members were inaugurated on August 1, 2008.

The measures taken before the inauguration of the 4th Control Yuan members could be classified into 3 parts. A brief working report from February 1, 2005 to July 31, 2008 is as follows :

1. Dealing with affairs in the work plan that could be managed before the inauguration of the 4th Control Yuan members: There were 140 matters, not involved in any decision by Control Yuan members, proposed by different departments of the Control Yuan to carry out. Working report of these affairs has been submitted to the Control Yuan members after their inauguration.
2. Appropriate management for the work related to exercising control powers: According to the Act, Control Yuan members themselves shall deal with those affairs related to making decisions. However, to meet the practical need before the inauguration; for example, political contributions and people's complaints, different units of the Yuan proposed 108 measures as an expedient way to cope with related affairs. After the Control Yuan members were inaugurated and approved, the follow-up work has been continued.
3. Promotion for the control powers: In order to enhance the promotion of the control powers, build up the public understanding of our control system, and combine them with circuit supervision, the Control Yuan requested all the cities and counties to arrange lectures on the exercise of the control powers at different institutions, schools, town halls, and community colleges, etc. In 2008, the Yuan gave 41 lectures in different areas.



## V. Conclusion

Because the term of the 3rd Control Yuan members expired on January 31, 2005 and the 4th Control Yuan members were inaugurated on August 1, 2008, some duties and functions were not normally carried



*President Wang Chien-shien hosted the 6th Plenary Meeting of the Control Yuan on December 9, 2008.*

out during this period. In order to minimize the impacts, the Control Yuan still increased on-the-job training to enhance staffs' capabilities and made a contingency plan to deal with the matters and measures that could be managed by our staffs during the vacancy of Control Yuan members.

The jurisdiction of the Control Yuan is to supervise government ethics and to enhance integrity and efficiency of the public functionaries. In 2008, the Control Yuan kept following the improvement progress made by executive agencies on the following important cases: collapse of Hofong Bridge, landslide in Lushan Hot Spring Scenic Area, and rock collapse of sunlit tunnel in Shinyi Township of Nantou County caused by the Typhoon Sinlaku; malfeasance and misconduct in the management and early-notice of the import of China toxic milk powder to Taiwan; violation of law on audit and management of the money

laundry scandal conducted by former President Chen Shui-bian and his family; negligence of misusing state affairs fund and refusing expenses audited by the Ministry of Audit; the case of alleged waste of taxpayers' money by Taitung County Magistrate Kuang Li-chen who took many overseas inspection trips for personal purposes; unused airport facilities caused by negligence and incomplete complementary measures on weekend direct charter flights across the Taiwan Strait; negligence and misconduct by Financial Supervisory Commission of the Executive Yuan in the supervision and management of Structured Note; negligence in crisis-management procedures in the fire at the Department of Emergency Medicine of National Taiwan University Hospital; and the case of the diplomatic termination between the Republic of Macedonia and the Republic of China which cost a huge amount of money and national pride.

From January to December 2008, the Control Yuan has received 15,865 complaints and investigated 291 cases. After investigation, those cases involved in dereliction of duty and violation of law, the Control Yuan approved 16 impeachment cases against 26 officials, and proposed 50 cases of corrective measures to the Executive Yuan and its subordinate organs for improvement in total 74 organs (some organs have been corrected more than once). For cases not serious after investigation, the related committees have reviewed those cases and passed resolutions to send 66 official letters to recommend executive agencies to improve and to punish 348 public servants, all of whom have been punished by the agencies.

In view of preventing the corruptions from happening in political, economic



and social environment, the Control Yuan will sustain the spirit of innovation to continue administrative improvement, upgrade the efficiency of complaint processing, and implement the enforcement of Sunshine Laws. Furthermore, the Control Yuan has to enhance correspondence and collaboration among prosecutors, investigation and government ethics agencies, to protect human rights, and to participate actively in international ombudsman activities so as to promote interaction and cooperation of global ombudsman institutions.

## VI. Tabulation of Exercise of Control Powers

### 1. From February 1999 to December 2008

Unit : case

| Year \ Item          | Petitions received | Cases investigated | Corrective measures proposed | Impeachment cases initiated | Censure cases initiated |
|----------------------|--------------------|--------------------|------------------------------|-----------------------------|-------------------------|
| <b>Total</b>         | 136,243            | 3,851              | 1,096                        | 136                         | 10                      |
| <b>Feb.-Dec 1999</b> | 17,073             | 758                | 185                          | 14                          | 2                       |
| <b>2000</b>          | 15,877             | 674                | 195                          | 31                          | 3                       |
| <b>2001</b>          | 16,670             | 514                | 154                          | 15                          | 1                       |
| <b>2002</b>          | 17,697             | 558                | 157                          | 15                          | -                       |
| <b>2003</b>          | 17,734             | 585                | 154                          | 24                          | 3                       |
| <b>2004</b>          | 15,570             | 464                | 165                          | 18                          | 1                       |
| <b>2005</b>          | 8,560              | 7                  | 36                           | 3                           | -                       |
| <b>2006</b>          | 5,785              | -                  | -                            | -                           | -                       |
| <b>2007</b>          | 5,412              | -                  | -                            | -                           | -                       |
| <b>2008</b>          | 15,865             | 291                | 50                           | 16                          | -                       |

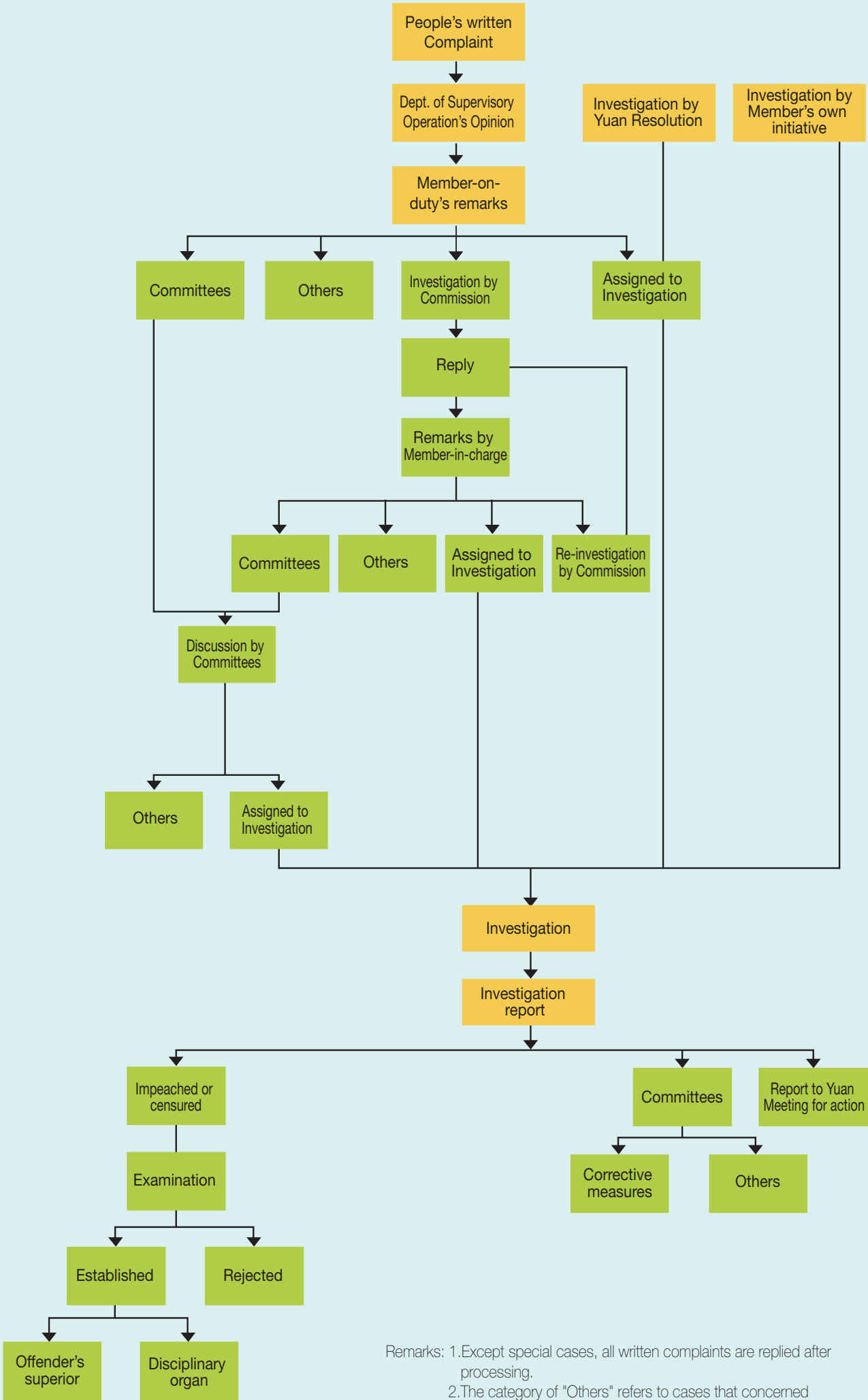


## 2. From January to December 2008

Unit : case

| Month \ Item | Petitions received | Cases investigated | Corrective measures proposed | Impeachment cases initiated | Censure cases initiated |
|--------------|--------------------|--------------------|------------------------------|-----------------------------|-------------------------|
| <b>Total</b> | 15,865             | 291                | 50                           | 16                          | -                       |
| <b>JAN.</b>  | 397                | -                  | -                            | -                           | -                       |
| <b>FEB.</b>  | 316                | -                  | -                            | -                           | -                       |
| <b>MAR.</b>  | 464                | -                  | -                            | -                           | -                       |
| <b>APR.</b>  | 439                | -                  | -                            | -                           | -                       |
| <b>MAY</b>   | 466                | -                  | -                            | -                           | -                       |
| <b>JUN.</b>  | 511                | -                  | -                            | -                           | -                       |
| <b>JUL.</b>  | 1,022              | -                  | -                            | -                           | -                       |
| <b>AUG.</b>  | 2,712              | 159                | -                            | -                           | -                       |
| <b>SEP.</b>  | 2,421              | 32                 | 1                            | 3                           | -                       |
| <b>OCT.</b>  | 2,434              | 32                 | 9                            | 6                           | -                       |
| <b>NOV.</b>  | 2,262              | 32                 | 18                           | 4                           | -                       |
| <b>DEC.</b>  | 2,421              | 36                 | 22                           | 3                           | -                       |

Flow Sheet of Exercise of Control Powers





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January-December

# 2008

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