



A Brief Report on the Work of the Control Yuan

January-December, 2007

The Control Yuan, Taiwan, Republic of China



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Preface

With the promotion and practice of sunshine laws, the goals of sweeping away corruption and establishing a clean and efficient government have stepped into a new stage. Public servants have to go with the trend to transform their roles from regulators to servants on the basis of surging awareness of democracy and the expectations by the public of cleansing out political corruption and protecting human rights. The Control Yuan has seriously exercised duties empowered by the Constitution independently and impartially in order to effectively monitor the performance of government, improve government efficiency, and properly enforce related sunshine laws, which can rectify official ethics and uphold law and discipline.

Because the term of the 3rd Control Yuan members expired on January 31, 2005 and the 4th Control Yuan members have been vacant since

February 1 of the same year, some duties and functions of the Control Yuan were not normally carried out during this period. However, we still increase on-the-job training to enhance staffs' capabilities, deal with affairs in the work plan that can be managed before the inauguration of the 4th Control Yuan members, and make appropriate plans for the work related to control powers exercising.

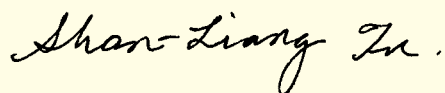
Some doubts about current control system and functions have emerged recently, which means that some people of our society don't sufficiently understand the Control Yuan's roles and work, and also reveals that we have huge working space to promote our work. As a result, we set up the Control Yuan Exhibition Area, encouraging the public, institutions and groups, and schools to make a visit. In addition, during the period of the 4th members vacancy, the Control Yuan assigns staffs to counties (cities), institutions, town halls, schools, and community colleges to promote our functions and powers so as to reinforce people's understanding of control powers.

This brief report is an annual summary of the work of the Control Yuan in the year of 2007, including an outline of the organization, acceptance of people's petitions, investigation, impeachment, corrective measures, circuit supervision and inspection, invigilation, acceptance of assets report by public functionaries, conflict of interest prevention, reports of political donations, 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.

From January to December in 2007, the Control Yuan has received 5,412

complaint cases and also conducted in-depth researches and inspections to find out the crux of the problem so as to be the reference for the 4th Control Yuan members on exercising their powers afterward.

In the vastly changing political and economic society with heightened public awareness regarding civil rights, the institution of the Control Yuan not only has its historical meaning and existence value but also functions well when it comes to rectifying official ethics, protecting human rights, and promoting what is beneficial as abolishing what is bad. Looking into the future, we profoundly look forward to the straightaway inauguration of the 4th Control Yuan members for the purpose of exerting the rights empowered by the Constitution and fully developing our fine tradition of the Control system.

A handwritten signature in black ink, reading "Shang-liang Tu." The signature is written in a cursive, flowing style.

Shang-liang Tu

Secretary General

Taipei, May 2008

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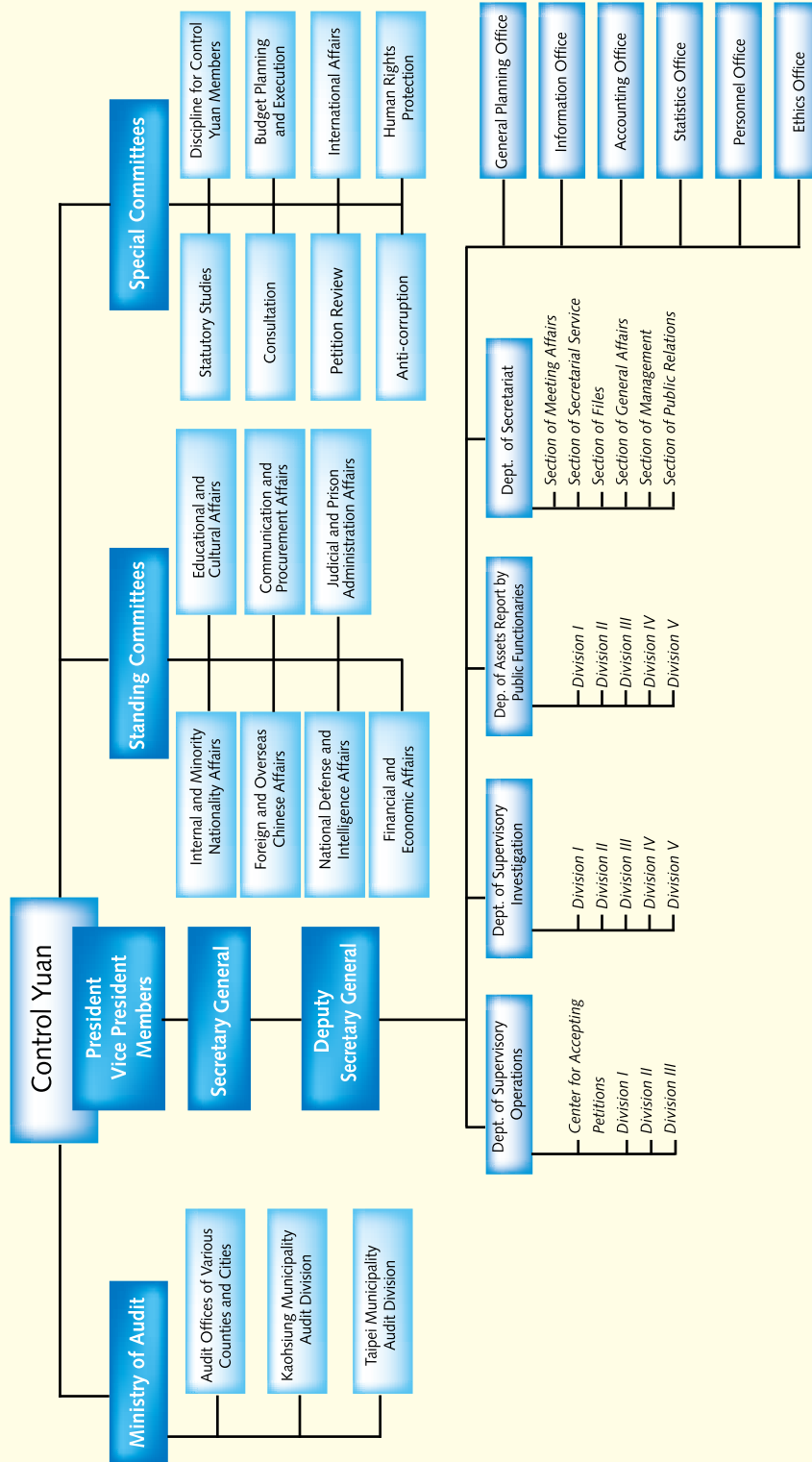
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I. Outline of Organization

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 2007.

Distribution of Staff by Age in the Control Yuan

Unit: person

Age Distribution	Total	18 ' 24	25 ' 29	30 ' 34	35 ' 39	40 ' 44	45 ' 49	50 ' 54	55 ' 59	60 ' 64	Over 65	Average Age
Total	362	-	10	33	49	67	78	64	37	21	3	45.74
Political Appointee	1	-	-	-	-	-	-	-	-	-	1	67.00
Staff	255	-	9	24	37	42	52	47	22	20	2	45.67
Selected Appointee	73	-	-	-	-	3	17	29	10	13	1	53.14
Recommended Appointee	111	-	4	13	24	26	21	12	8	3	-	42.78
Ordinary Appointee	66	-	5	11	13	13	14	5	3	2	-	41.15
Assistant Clerk	5	-	-	-	-	-	-	1	1	2	1	60.40
Employee	18	-	1	5	6	3	-	-	2	1	-	39.50
Assistant	-	-	-	-	-	-	-	-	-	-	-	-
Technical Worker	54	-	-	1	3	8	20	12	10	-	-	48.56
Janitor	34	-	-	3	3	14	6	5	3	-	-	44.44

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

Unit: person

	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	362	211	151	104	10	94	124	49	64	21
Political Appointee	1	1	-	1	-	1	-	-	-	-
Staff	255	135	120	94	9	85	115	31	12	3
Selected Appointee	73	59	14	39	6	33	32	2	-	-
Recommended Appointee	111	58	53	47	3	44	52	11	1	-
Ordinary Appointee	66	17	49	8	-	8	30	18	9	1
Assistant Clerk	5	1	4	-	-	-	1	-	2	2
Contract-based Employee	18	5	13	8	1	7	6	4	-	-
Assistant	-	-	-	-	-	-	-	-	-	-
Technical Worker	54	50	4	-	-	-	1	6	33	14
Janitor	34	20	14	1	-	1	2	8	19	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 third Control Yuan, nominated and appointed by the President of the ROC with the consent of the National Assembly, began to exercise their powers on February 1, 1999.

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 be the organ to which the public functionaries shall notify in writing. Article 4 of the Political Donations Act stipulates that the Control Yuan be the institute to declare political contributions.

Since the term of the 3rd Control Yuan members has expired on January 31, 2005 and the 4th Control Yuan members have been vacant from February 1 of the same year, some duties were not normally carried out during this period. That leads to no statistics in some parts since then. 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 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 petition to or accuse before the Control Yuan or its members by submitting a detailed account of facts and related data.

The following is a classification of petitions received by the Control Yuan from the 3rd members (February 1999 - January 2005) to December 2007.



Classification of Petitions Received by the Control Yuan

Unit: case

Item	The 3rd Members	2005	2006	2007
Total	100,608	8,560	5,785	5,412
Internal Affairs	35,349	2,859	1,672	1,664
Land Administration	8,890	660	271	234
Construction Administration	9,232	866	595	619
Urban Planning	2,077	138	101	87
Public Construction	1,792	145	85	84
Police Administration	5,004	398	267	315
Other Internal Affairs	8,354	652	353	325
Foreign Affairs	320	57	37	93
National Defense	5,479	375	176	162
Finance	5,498	509	301	325
Economics	9,009	938	555	467
Education	7,309	580	423	425
Transportation	4,032	457	290	247
Judicial Affairs	22,502	1,965	1,420	1,172
Others	11,110	820	911	857

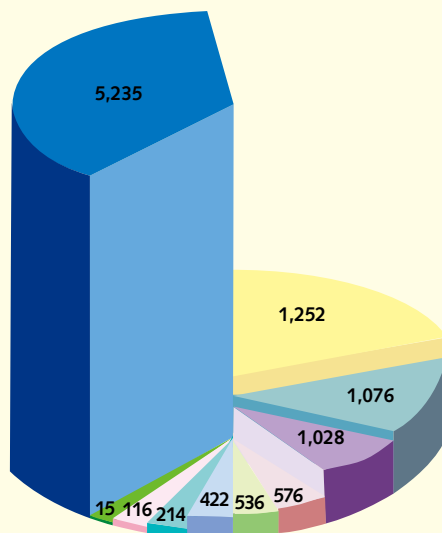
When a petition is received by the Control Yuan, it is first read by a member on duty. The Control Yuan will assign, by rotation, its member(s) to investigate the case if it warrants or commissions a related organization or its higher-up to look into the motion of the Control Yuan. After processing, 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 2007, the Control Yuan handled 5,235 petitions. Of these processed cases, 15, or 0.29%, were proposed investigation; 536 or 10.24% were complemented related data by the investigated organization; 1,028, or 19.64%, were referred to administrative organizations for reference; 1,076 or 20.55%, were concerned with legal or administrative redress procedure; 116, or 2.22% were out of jurisdiction; 214 or 4.09% were requested for further reference; 422, or 8.06% were lack of substantial evidence to process; 1,252, or 23.91%, were merged with other cases; and the remaining 576, or 11.00%, were processed in other ways. The cases handled in 2007 are formulated below.



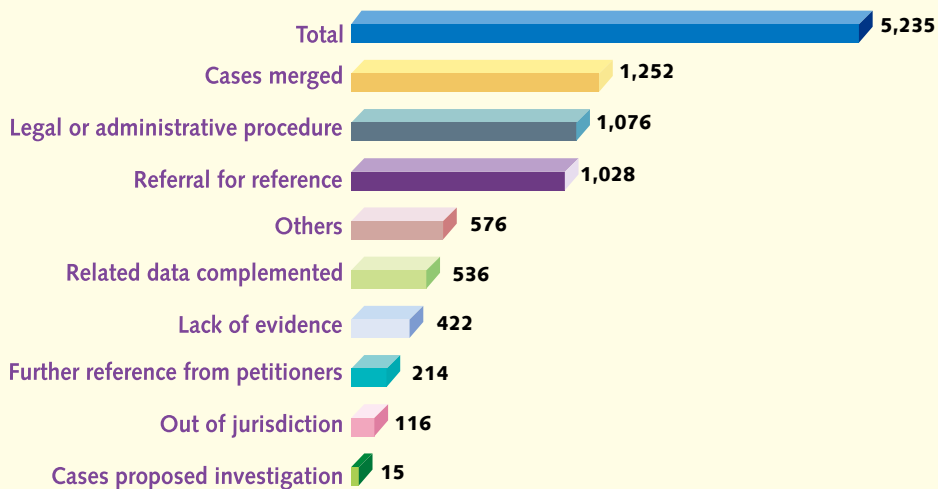
Statistics on Handling People's Petitions

Unit: case



2007

Cases handled (Jan. to Dec. 2007)



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, 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 tabulation of the cases investigated by the Control Yuan from the 3rd members (February 1999-January 2005) to December 2007.



Statistics on Cases Investigated by the Control Yuan

Unit : case

Item	The 3rd Members	2005	2006	2007
Number of cases	3,534	7	-	-
Mode of investigation (cases)				
Assigned by Yuan	1,545	2	-	-
Assigned by Committee	472	-	-	-
Initiated by member(s)	1,517	5	-	-

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 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 law 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 the 3rd members(February 1999-Januray 2005) to December 2007.

Statistics on Cases of Impeachment

Unit: case

Item	The 3rd Members	2005	2006	2007
Cases	123	3	-	-
Result of review				
Established and announced	116	3	-	-
Established but not announced	2	-	-	-
Rejected	5	-	-	-
Cases established				
Classification of cases				
Violation of law	3	1	-	-
Dereliction of duty	-	-	-	-
Both	115	2	-	-
Result of action				
Referral to Discipline	117	3	-	-
Referral to Discipline and to judicial or military agencies	1	-	-	-

The following is a tabulation on impeachment according to positions of the impeached from the 3rd members (February 1999-January 2005) to December 2007.



Statistics on Impeachment According to Positions of the Impeached

Unit: case

Item	The 3rd Members	2005	2006	2007
Persons	302	6	-	-
Official ranks:				
Elected	7	-	-	-
Specially appointed	3	-	-	-
Selected	116	1	-	-
Recommended	75	1	-	-
Delegated	5	-	-	-
Generals	29	-	-	-
Colonels and majors	61	4	-	-
Captains & lieutenants	6	-	-	-
Position classification:				
General administration	28	-	-	-
Land administration	-	-	-	-
Financial administration	7	-	-	-
Economic development	56	-	-	-
Police administration	15	-	-	-
Culture & education	7	-	-	-
Transportation	21	-	-	-
Health	14	2	-	-
Environmental protection	9	-	-	-
Information	-	-	-	-
Foreign affairs	3	-	-	-
Overseas Chinese affairs	3	-	-	-
Judicial affairs	41	-	-	-
National defense	96	4	-	-
Agriculture and forest	2	-	-	-
Audit	-	-	-	-
Budget, accounting and statistics	-	-	-	-
Personnel affairs	-	-	-	-
Technical personnel	-	-	-	-
Others	-	-	-	-

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 have been vacant from February 2005 up to the present, there was no case of censure power exercised.



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 the 3rd members (February 1999 - January 2005) to December 2007.

Statistics on Cases of Corrective Measures

Unit: case

Item	The 3rd Members	2005	2006	2007
Cases	1,018	36	-	-
Committees:				
Internal and Minority Nationality Affairs	314	10	-	-
Foreign and Overseas Chinese Affairs	15	-	-	-
National Defense and Intelligence Affairs	131	2	-	-
Financial and Economic Affairs	286	12	-	-
Educational and Cultural Affairs	90	5	-	-
Communication and Procurement Affairs	129	5	-	-
Judicial and Prison Administration Affairs	53	2	-	-
Organs sent to:				
Executive Yuan	769	33	-	-
Others	249	3	-	-



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 government, 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 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 on every December on rotation.

Article 3 of the Regulations Governing Circuit Supervision and Inspection 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.
- (6) the handling of people's complaints and other related matters.

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 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.

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



Statistics on Examinations Invigilated by the Control Yuan

Unit: case

Year	No. of Invigilators dispatched	Category					
		Total	Senior exams	Junior exams	Elementary exams	Special exams	Others
The 3rd Members	426	202	29	21	6	120	26
2005	10	3	1	1	1	-	-
2006	-	-	-	-	-	-	-
2007	-	-	-	-	-	-	-

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 1996, 2000 and 2002. 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 3, 5 and 7 of the Act on Assets Report by Public Functionaries and Articles 10, 21 and 21-3 of its enforcement rules, a public

functionary mentioned in the Act shall report his or her assets under the following conditions:



- (1) taking office : the report shall be made within three months.
- (2) regular report : which shall be made once a year between November 1 and December 31.
- (3) trust report : the report of real estate exceeding 6 million NT dollars, or listing stock exceeding 4 million NT dollars in total shall be made within one month after taking office.
- (4) property transaction report : the report of real estate transaction, exchange, or donation and stock trading exceeding 10 million NT dollars shall be made within the given time (two months).
- (5) property correction report : the report initiated by a public functionary to correct his or her former one, in which some information is at fault.
- (6) supplementary property report : the report requested by a report-receiving agency if it considers a public functionary report his or her property with dishonesty. The case will be disposed according to Article 11. If not on purpose, the public functionary will be informed

An explanation meeting is held 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 on February 9 of 2007.



to file supplementary reference before the deadline. Otherwise, the case will also be disposed according to the same Article. In 2007, the Control Yuan received assets report as follows:

- (1) All the 257 officials who took office reported their assets in time.
- (2) There were 1,649 officials requested by the law 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 45 days 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 2007, the Control Yuan has inquired about 375 cases and found 743 cases are reported untruthfully.

Statistics on Cases of Assets Report by Public Functionaries and Cases Reviewed

Unit: person; case

	Item	Taking office	Regular report	Payment report of assistants	Supplementary report	Corrective report	Transaction/Trust report
The 3rd Members	Requested to file	1,729	9,592	604	1,344	565	178
	Reporting in time	1,729	9,549	604	1,344	565	159
	Delayed in reporting	-	43	-	-	-	19
	Case reviewed	2,022	8,324	604	1,344	565	178
2005	Requested to file	143	1,636	1	5	59	54
	Reporting in time	141	1,626	1	5	59	50
	Delayed in reporting	2	10	-	-	-	4
	Case reviewed	143	1,368	1	5	59	54
2006	Requested to file	590	1,206	-	-	73	219
	Reporting in time	583	1,201	-	-	73	202
	Delayed in reporting	7	5	-	-	-	17
	Case reviewed	590	1,384	-	-	73	218
2007	Requested to file	257	1,649	-	-	66	218
	Reporting in time	257	1,644	-	-	66	202
	Delayed in reporting	-	5	-	-	-	16
	Case reviewed	240	1,199	-	-	66	218



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 2007, there is no case fined.

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

According to the provisions of Articles 6 and 8 of the Act on Assets Report by Public Functionaries and Article 22 of its enforcement rules, 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 councilors, magistrates and mayors shall be published regularly in government gazettes. The Act also requires legislators, Taipei and Kaohsiung city councilors to make public and send to the Control Yuan for publication in the gazette the detailed statements of their financial resources used for retaining assistants, renting offices and keeping cars within three months to make their assets public.

According to Item 1 of Article 6 of the Act on Assets Report by Public Functionaries, the approved report of each person shall be put in volumes, numbered, and well kept for public examination and reference.

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 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 28 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 return and transfer of assets report by public functionaries from the 3rd members (February 1999 - January 2005) to December 2007.

Statistics on Return and Transfer of Assets Report by Public Functionaries

Unit: person

Period	Reason to return			Transfer		
	Total	Leaving office	Death	Total	In	Out
The 3rd Members	1,974	1,914	60	56	38	18
2005	101	93	8	8	4	4
2006	113	107	6	7	7	-
2007	315	309	6	13	12	1



The Act on Assets Report by Public Functionaries has been implemented over 13 years since September 1, 1993. During these years only Article 7 of the Act has been revised twice on July 20, 1994 and July 12, 1995. Considering the importance of the Act for rectifying government ethics, it is essential to make an overall review of the Act. The Act on Assets Report by Public Functionaries amendments passed the third reading On March 5 of 2007 in the Legislative Yuan and promulgated by the President of the Republic of China on March 21 of 2007. The effective date of the amended Act shall be determined by the Executive Yuan in conjunction with the Examination Yuan and the Control Yuan.

In alignment with government policies of sweeping away black gold and avoiding corruption, the broader definition of public functionaries who shall declare their assets have to be included in the new Act. Besides, the Fluctuant Property-Declaration system fell below expectation and the Compulsory Trust system instead will take its place to work with the Trust Act and the Trust Companies Act. The ancillary regulations to the Compulsory Trust system are added to make officials' property transactions more transparent so as not to violate the conflict of interest rules. In addition, administrative penalties are added to impose fines on an official for untrue declaration or unusual property increase without justified reasons and for purposely concealing assets in order to promote uncorrupted and efficient politics. Last but not least, Article 1 and 9 of the Additional Articles of the Constitution of the Republic of China pertaining to National Assembly and self-government

in the provinces and counties have been revised; the Regulations on Retirement Payment for the Political Appointees have been abolished while the Act Governing the Payment of Compensation to Surviving Dependents of Public Functionaries was enacted; the Administrative Execution Act and other related acts were revised as well. Therefore, related stipulations of the Act on Assets Report by Public Functionaries have to be revised.

I. Conflict of interest prevention cases

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 in July 2000. In accordance with this Act, the Executive Yuan, the Examination Yuan and the Control Yuan jointly issued the enforcement rules to put them into effect in March 2002.

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.



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

Unit: case

Year	Accepting and investigating fined cases				Cases closed & investigated	Cases not closed in the period
	Total	Cases out of jurisdiction	Cases within jurisdiction and investigated			
			Revealed by people	Forwarded by government agencies		
The 3rd Members	21	2	-	19	4	15
2005	14	1	-	13	13	15
2006	15	3	3	9	14	13
2007	10	-	-	10	9	14

Statistics on Conflict of Interest Prevention by Public Functionaries

Unit: case

Year	Cases initiated and informed by public functionaries			
	Total	Cases out of jurisdiction	Cases reviewed	Cases not closed
The 3rd Members	5	-	5	-
2005	2	-	2	-
2006	1	-	1	-
2007	1	-	1	-

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.

The Department of Assets Report by Public Functionaries of the Control Yuan is in charge of the

affairs to disclose political contributions. According to Articles 10, 14, 15, 16, 19, 20, 21, 24, 25, 26, 27 and 28, the Control Yuan is responsible for related matters as follows: (1) to approve of opening political accounts of political parties, political groups and candidates; (2) to approve of changing or closing political contribution accounts of political parties, political groups and candidates; (3) to handle candidates' disclosures of accounting reports



An explanation meeting is held to explain Political Donations in the Control Yuan in September 2007.



An explanation meeting is held to explain Political Donations in Changhua County in October 2007.



and put in volumes and issue in the gazettes or post on the website; (4) to accept candidates' balance reports of the political contribution accounts; (5) to review accounting report of political contributions 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; (7) to handle the affairs of demanding and returning payment to the treasury of the fined cases against the Political Donations Act.

Statistics on Political Donations Based on Election

Unit: account

Year	Applied accounts						Announced	Accounting reports	
	Total (Number of times)	Approved	Disapproved	Changed	Closed	Balanced		Received	Announced
Total	5,371	3,751	31	24	90	1,475	3,865	3,436	3,423
2004	443	412	2	4	25	-	441	42	37
2005	1,898	1,714	10	5	13	156	1,732	433	356
2006	2,497	1,328	17	10	23	1,119	1,361	2,702	2,776
2007	533	297	2	5	29	200	331	259	254

Statistics on Political Donations Based on Political Party and Political Group

Unit: account

Year	Applied accounts						Announced	Accounting reports	
	Total (Number of times)	Approved	Disapproved	Changed	Closed	Balanced		Received	Announced
Total	36	28	-	2	4	2	34	33	32
2004	7	7	-	-	-	-	7	-	-
2005	5	4	-	-	1	-	5	6	6
2006	7	6	-	1	-	-	7	12	11
2007	17	11	-	1	3	2	15	15	15

K. 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:

Statistics on Cases Reported by the National Audit Office to the Control Yuan

Unit: case

Year	Total	Methods of Disposition					
		(Proposed) Investigated	Forwarded to other organs to investigate	Merged	For reference	Put on file	Others
The 3rd Members	940	130	43	31	676	8	52
2005	228	11	42	2	107	-	66
2006	282	35	35	8	115	-	89
2007	277	6	48	14	119	-	90

L. 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;
- 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.

Statistics on Human Rights Cases Reviewed by the HRPC

Unit: case

Category	The 3rd Members	2005	2006	2007
Total	384	15	-	-
Politics	19	-	-	-
Judiciary	142	7	-	-
Military	42	-	-	-
Disadvantaged	9	2	-	-
Labor	6	-	-	-
Women	6	-	-	-
Aboriginal	8	-	-	-
Environment	12	1	-	-
Community	26	3	-	-
Culture & Education	21	-	-	-
Economic	48	2	-	-
Others	45	-	-	-

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 128 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 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



Vice Secretary-General Mr. Ji-shiung Chen of the Control Yuan, accompanied by the Representative of Taipei Mission in Sweden Mr. Jong-jen Chiu, meets Swedish Chief Parliamentary Ombudsman, Mr. Mats Melin.



Hungarian Parliamentary Commissioner for Data Protection and Freedom of Information Dr. Attila Péterfalvi meets with Secretary General of the Control Yuan Mr. Shan-liang Tu.



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 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:

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;



Head of International Division at the Office of Swedish Parliamentary Ombudsman (JO) Ms. Marianne von der Esch calls on Secretary General of the Control Yuan Mr. Shan-liang Tu.

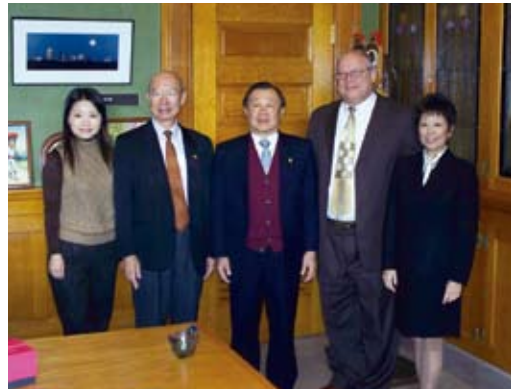


Secretary General of the Control Yuan Mr. Shan-liang Tu and Senior Advisor Dr. Louis R. Chao, accompanied by the Representative of Taipei Economic and Cultural Office in Peru Mr. Lien-sheng Huang, attend the 12th Annual Congress of Iberoamerican Federation of Ombudsman (FIO) in Lima.

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 twelve 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 that 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 20 international conferences and accomplished several circuit



Secretary General of the Control Yuan Mr. Shan-liang Tu and Senior Advisor Dr. Louis R. Chao call on the President of International Ombudsman Institute Mr. William P. Angrick and his deputy Ms. Ruth Cooperrider in Iowa, USA.



Inspector General Mr. Shian-shiung Kim and Inspector of the Minister's Office Mr. Shichih Yin from the Ministry of Justice in Korea, accompanied by a former member of the Control Yuan Mr. Chiou-shan Lin, visit the Control Yuan Exhibition Area.



supervisions.

In addition, the Control Yuan has 21 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 2007 are tabled below.

Conferences Attended in 2007

Conference	Place	Date
12th Annual Congress of Iberoamerican Federation of Ombudsman (FIO)	Lima (Peru)	16 Nov. -30 Nov. 2007

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 have been vacant since February 1 of the same year, 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 reinforces 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 would be dealt with. The Yuan also makes appropriate management for the work related to exercising the control powers.

From February 2005 to December 2007, the Control Yuan has received 39,585 cases (including people's petitions, official replies, investigation, impeachment, corrective measure, investigation reports asking for improvement, invigilation, inspection, audit, etc.) and 14,482 cases of assets report by public functionaries, conflict of interest prevention, and political donations. In accordance with the above contingency plans, 53,206 cases have been handled in advance, among which 29,991 cases cannot complete official procedures since the control powers shall be executed by the Control



Yuan members according to the Constitution and the Control Law.

The measures taken before the inauguration of the 4th Control Yuan members can be classified into 3 parts. A brief working report from February 1, 2005 to December 31, 2007 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 are 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 would be submitted for 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 107 measures as an expedient way to cope with related affairs. As long as the Control Yuan members are inaugurated and approved, the follow-up work will be continued.
3. Promotion for the Control powers: In order to enhance the promotion for the Control powers, build up the public understanding of our Control system, and combine them with circuit supervision, the Control Yuan requests all cities and counties to arrange lectures on the exercise of the Control powers in their institutions, schools, town halls, and community colleges, etc. In 2007, the Yuan gave 40 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 have been vacant since February 1 of the same year, some duties and functions were not normally carried out during this period. However, we still increase on-the-job training to enhance staffs' capabilities, deal with affairs in the work plan that can be managed before the inauguration of the 4th Control Yuan members, and make appropriate plans for the work related to control power exercising.

From January to December 2007, the Control Yuan has received 5,412 complaint cases. In 2007, the Control Yuan made deep investigations into cases such as the crashes of a UH-1H helicopter of the ROC Army's Aviation and Special Forces Command Air Cavalry 601 and of a Air Force F-5F fighter jet; fatal accident casualties of a van falling into a deep ravine en route to the Sky Ladder Scenic Area in the Chushan Township of Nantou County and a tour bus falling into a valley in Yangde Boulevard - Yonggong Road intersection which would likely to be caused by brake failure; violation of law on ractopamine pork test by the Department of Health under the Executive Yuan; Taipei City Government 's negligence of Maokong Gondola operation and risk management; the explosion of China Airlines Flight CI-120 Boeing 737-800 in Okinawa Prefecture's Naha airport; casualties caused by an underground firecracker factory explosion in Mioli County; an outbreak of bacillary dysentery at Beitun Elementary School in Taichung City due to tap water contamination; the HengChia Gas Station in Taipei City found mixing



gasoline with methanol for illegal profit. These will be the reference for the 4th members exercising their powers after their inauguration.

Some doubts about the Control Yuan's functions and performances have emerged recently, which means that some people of our society don't sufficiently understand the Control Yuan's roles and functions, and also reveals that we have huge working space to promote our work. As a result, we set up the Control Yuan Exhibition Area, encouraging the public, institutions and groups, and schools to make a visit. In addition, during the period of the 4th members vacancy, the Control Yuan assigns staffs to counties (cities), institutions, town halls, schools, and community colleges to promote our functions and powers so as to reinforce people's understanding of control powers.

In view of some significant corruptions happening in today's political, economic, and social environment, if the Control Yuan members can investigate malfeasance in time and correct and impeach the illegitimacy, the control powers will be fully exercised to protect people's rights. We deeply expect that the Legislative Yuan could confirm the appointments of the Control Yuan members as soon as possible to maintain the Constitution order, to ensure political stability, to normally exercise the Control Yuan's powers, and finally to stand up for people's utmost benefits.

VI. Tabulation of Exercise of Control Powers

1. From February 1999 to December 2007

Unit: case

Item Year	Petitions received	Cases investigated	Corrective measures proposed	Impeachment cases initiated	Censure cases initiated
Total	120,378	3,560	1,046	120	10
Feb.-Dec 1999	17,073	758	185	14	2
2000	15,877	674	195	31	3
2001	16,670	514	154	15	1
2002	17,697	558	157	15	-
2003	17,734	585	154	24	3
2004	15,570	464	165	18	1
2005	8,560	7	36	3	-
2006	5,785	-	-	-	-
2007	5,412	-	-	-	-

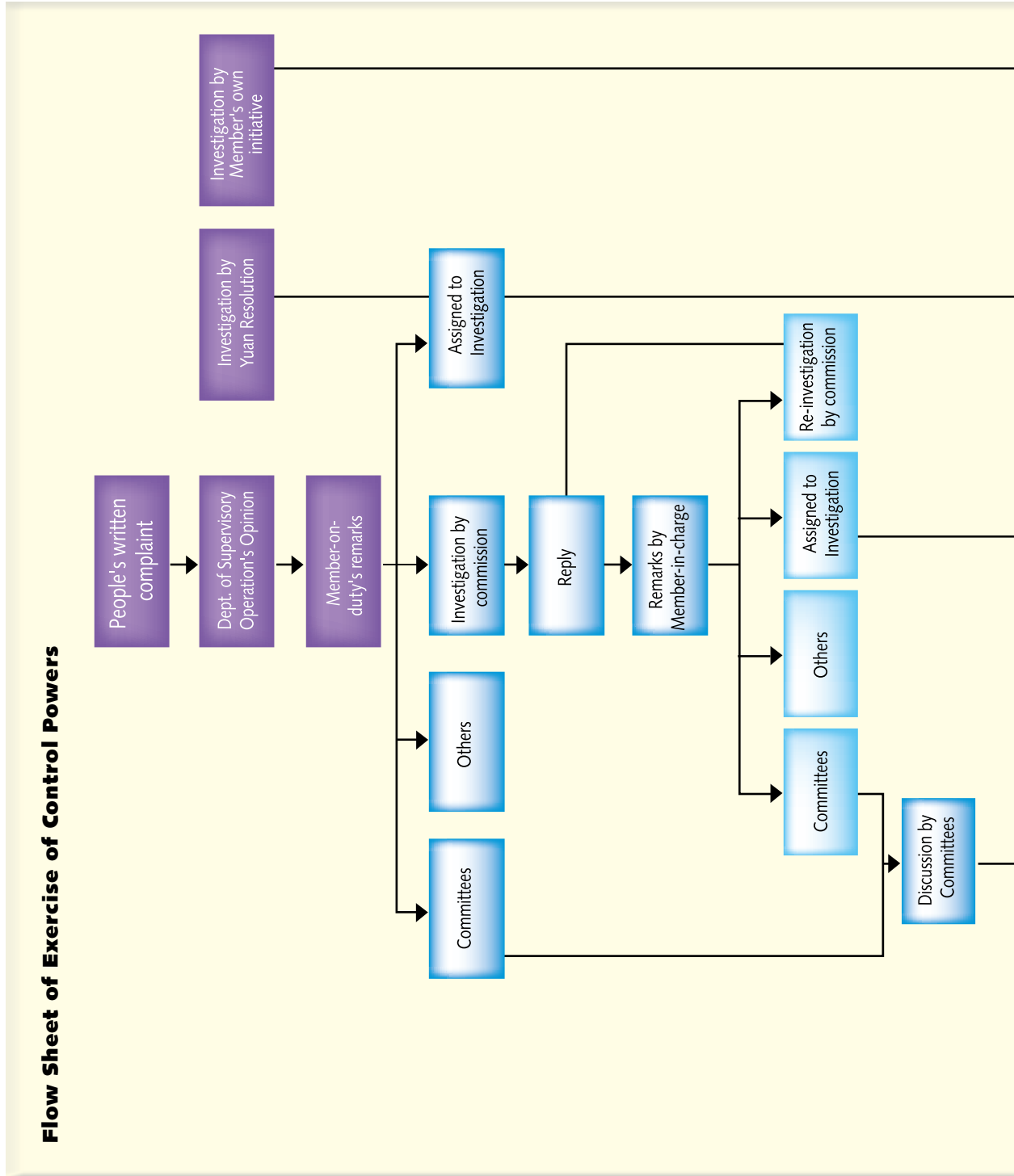


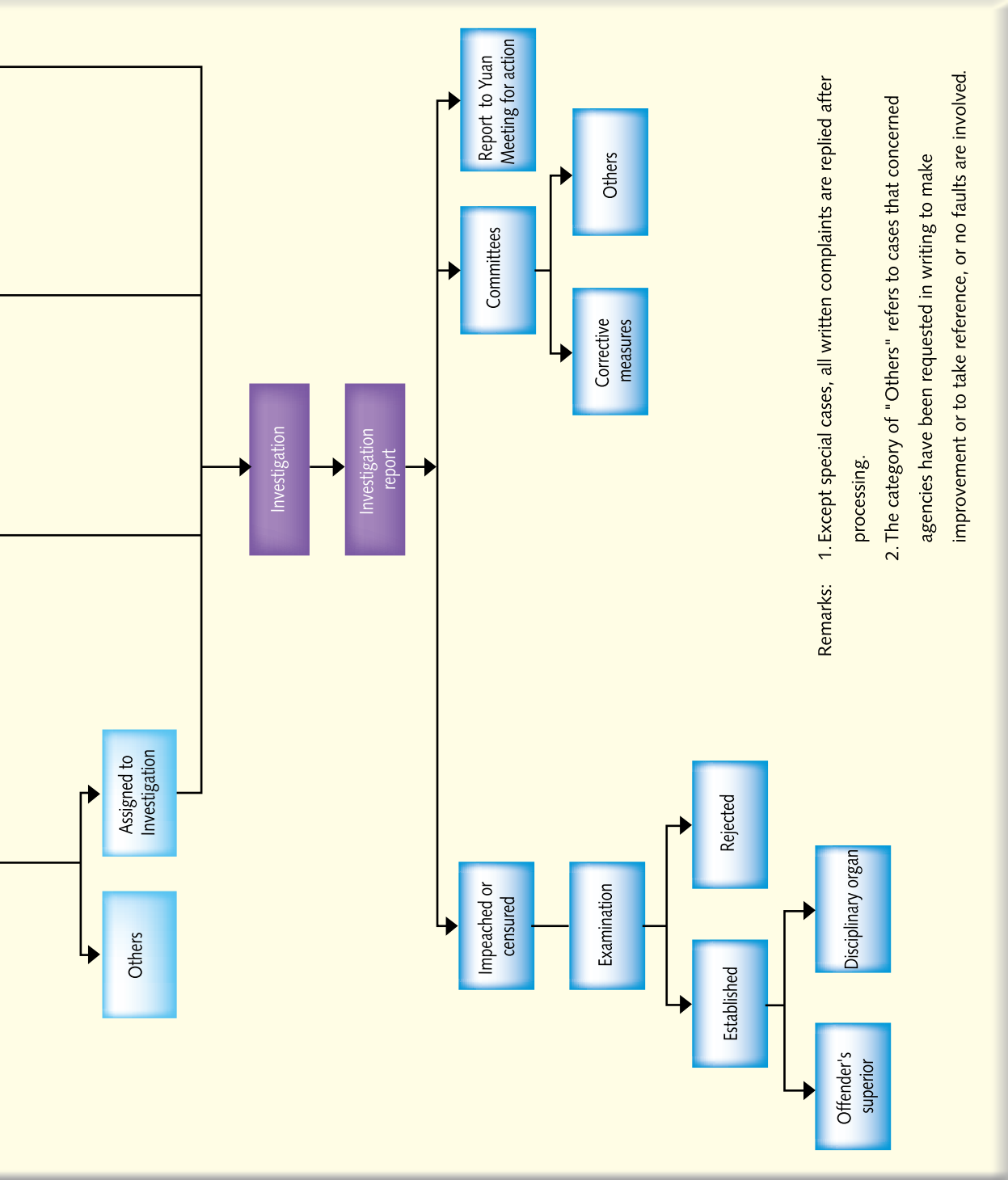
2. From January to December 2007

Unit: case

Item Month	Petitions received	Cases investigated	Corrective measures proposed	Impeachment cases initiated	Censure cases initiated
Total	5,412	-	-	-	-
JAN.	530	-	-	-	-
FEB.	291	-	-	-	-
MAR.	522	-	-	-	-
APR.	439	-	-	-	-
MAY	475	-	-	-	-
JUN.	428	-	-	-	-
JUL.	496	-	-	-	-
AUG.	488	-	-	-	-
SEP.	416	-	-	-	-
OCT.	443	-	-	-	-
NOV.	461	-	-	-	-
DEC.	423	-	-	-	-

VII. Appendix





Remarks: 1. Except special cases, all written complaints are replied after processing.
 2. The category of "Others" refers to cases that concerned agencies have been requested in writing to make improvement or to take reference, or no faults are involved.





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