

All About the Legislative Reform



***Act Governing the Legislative Yuan's Power and Criminal Code:
Differences between the current article and the proposed amendments***

《Criminal Code》

Chapter 5-1

Chapter Article 141-1

Current
Article

-

-



TPP & KMT's
Version

Contempt of Parliament

A public official who makes false statements at a parliamentary hearing or interpellation on material matters he/she knows shall be sentenced to imprisonment of not more than one year, short-term imprisonment, or a fine of not more than NTD 200,000.



DPP's
Version

No addition proposed

No addition proposed

《Law Governing the Legislative Yuan's Power》

Article 15

Current Article

The president's emergency decree issued in accordance with Article 2, paragraph 3 of the Additional Articles of the Constitution, when presented to the Legislative Yuan for ratification, shall be reviewed by the committee of the whole Yuan without a discussion. The reviewed emergency decree **shall then be voted anonymously at the plenary sitting**. Should the ratification be withheld, the said emergency decree shall forthwith cease to be valid.

Should the president issue an emergency decree and present it for ratification when the Legislative Yuan is in recess, the Legislative Yuan shall hold an ad hoc sitting and ratify the said emergency decree in accordance with the preceding paragraph.

Should the president issue an emergency decree and present it for ratification when the Legislative Yuan is dissolved, the Legislative Yuan shall hold an ad hoc sitting within three days and adopt a resolution within seven days after the sitting is convened. Should the ratification be withheld, the said emergency decree shall forthwith cease to be valid. However, should the emergency decree be issued after the voting date of the new legislator's election, the ratification shall be conducted in accordance with the first paragraph by the newly-elected legislators after they take office.



TPP & KMT's Version

The president's emergency decree issued in accordance with Article 2, paragraph 3 of the Additional Articles of the Constitution, when presented to the Legislative Yuan for ratification, shall be reviewed by the committee of the whole Yuan without a discussion. The reviewed emergency decree **shall then be voted openly at the plenary sitting**. Should the ratification be withheld, the said emergency decree shall forthwith cease to be valid.

Should the president issue an emergency decree and present it for ratification when the Legislative Yuan is in recess, the Legislative Yuan shall hold an ad hoc sitting and ratify the said emergency decree in accordance with the preceding paragraph.

Should the president issue an emergency decree and present it for ratification when the Legislative Yuan is dissolved, the Legislative Yuan shall hold an ad hoc sitting within three days and adopt a resolution within seven days after the sitting is convened. Should the ratification be withheld, the said emergency decree shall forthwith cease to be valid. However, should the emergency decree be issued after the voting date of the new legislator's election, the ratification shall be conducted in accordance with the first paragraph by the newly-elected legislators after they take office.



DPP's Version

No addition proposed

《Law Governing the Legislative Yuan's Power》

Article 15-4

Current Article

After the president reports on the state of the nation, legislators may raise questions regarding the unclear part of the report. The legislators' time for speaking, number of speakers, speaking order, party ratio, and other related matters shall be determined through a party caucus negotiation.

An additional consolidated report may be made in response to a legislator's questions mentioned in the preceding paragraph, with the president's consent.

眾



TPP & KMT's Version

After the president reports on the state of the nation, legislators may **raise oral or written questions** regarding the unclear part of the report.

During the said oral questioning, the president shall provide responses immediately and sequentially. The legislators' time for speaking, number of speakers, speaking order, party ratio, and other related matters shall be determined through a party caucus negotiation.

Regarding the legislator's **written questions** in the first paragraph, **the president shall provide written responses within seven days. The deadline may be extended for five days should the questions be too broad.**



DPP's Version

After the president reports on the state of the nation, legislators may raise questions regarding the unclear part of the report. The legislators' time for speaking, number of speakers, speaking order, party ratio, and other related matters shall be determined through a party caucus negotiation **convened by the president of the Legislative Yuan.**

An additional consolidated report may be made in response to a legislator's statement following the previous paragraph, with the president's consent.

《Law Governing the Legislative Yuan's Power》

Article 22

Current Article

The premier or government officials designated by an interpellator shall respond to the oral interpellation initiated in accordance with Articles 17 and 18. For questions not responded to on-site, the responses shall be provided by correspondence **within 20 days**. The deadline may be extended for five days should the interpellation subjects be too broad.



TPP & KMT's Version

No amendment proposed



DPP's Version

The premier or government officials designated by an interpellator shall respond to the oral interpellation initiated in accordance with Articles 17 and 18. For questions not responded to on-site, the responses shall be provided by correspondence **within 10 days**.

The deadline may be extended for five days should the interpellation subjects be too broad.

《Law Governing the Legislative Yuan's Power》

Article 23

Current Article

While exercising the right of interpellation in accordance with Article 3, paragraph 2, subparagraph 1 of the Additional Articles of the Constitution, apart from complying with Articles 16 to 21, legislators shall include the interpellation subjects in the agenda, which shall be delivered to the Executive Yuan by the Legislative Yuan.

The Executive Yuan shall, **within 20 days** of receiving the said interpellation information in the preceding paragraph, submit a written response to the Legislative Yuan, where the submission will be made known to the interpellator and included in the agenda. However, should the interpellation involve too broad an aspect, the deadline for submission may be **extended for five days**.



TPP & KMT's
Version

No amendment proposed



DPP's
Version

While exercising the right to interpellate in accordance with Article 3, paragraph 2, subparagraph 1 of the Additional Articles of the Constitution, apart from complying with Articles 16 to 21, legislators shall include the interpellation subjects in the agenda, which shall be delivered to the Executive Yuan by the Legislative Yuan.

The Executive Yuan shall, **within 15 days** of receiving the said interpellation information in the preceding paragraph, submit a written response to the Legislative Yuan, where the submission will be made known to the interpellator and included in the agenda. However, should the interpellation involve too broad an aspect, the deadline for submission may be **extended for 10 days**.

《Law Governing the Legislative Yuan's Power》

Article 25

Current Article

The response to an interpellation shall not cover a range wider than the interpellation.

The interpellated shall not withhold a response except for averting obvious and immediate national defence and diplomatic threats or for keeping the matters confidential as required by laws.

The chair may stop it should the interpellated violate the rule set out in the first paragraph.



TPP & KMT's Version

The response to an interpellation shall not cover a range wider than the interpellation, **and the interpellated shall not counter-interpellate.**

The interpellated shall not withhold a response **or data, hide information, give a false response, nor conduct actions contemptuous of the parliament** except for averting obvious and immediate national defence and diplomatic threats or for keeping the matters confidential as required by laws, **with the chair's consent.**

The interpellated shall not be absent without consent of the plenary sitting or the committees.

In case the interpellated violates the rules set out in paragraphs 1 to 3, the chair may stop it, require the interpellated to attend the sitting, and may require the interpellated to respond.

The interpellated who still violates the rules, after stopped, required to attend the sitting, or required to respond by the chair in accordance with the rule in the preceding paragraph, **shall be punishable by a fine between NTD 20,000 and NTD 200,000, which shall be proposed by the chair or the interpellator, petitioned or vetoed by more than five of the attending legislators, and resolved by the plenary sitting.**

The violations in the preceding paragraph shall be rectified within a designated period. **The fine may be imposed consecutively for each violation** should the rectification is not made within the period. For the fines in the previous two paragraphs, **if dissatisfied with the punishment**, the punished **may file an administrative litigation to the administrative court for the jurisdiction where the Legislative Yuan is located** within two months from the next day of receiving the administrative disposition.

Government officials violating the rules in paragraphs 1 to 3, after proposed by the chair or the interpellator, petitioned or vetoed by more than five of the attending legislators, and resolved by the plenary sitting, shall be impeached or punished.

Government officials **shall be investigated for criminal liabilities should they make false statements** during interpellation at the Legislative Yuan.



DPP's Version

No amendment proposed

《Law Governing the Legislative Yuan's Power》

Article 29

Current Article

When the Legislative Yuan exercises the power of consent in accordance with Article 104 of the Constitution or Article 5, paragraph 1, Article 6, paragraph 2, and Article 7, paragraph 2 of the Additional Articles of the Constitution, the consent shall be granted after a review by the committee of the whole Yuan without a discussion, followed by **anonymous voting** at the plenary sitting with the consent of a majority of all the legislators.



TPP & KMT's Version

When the Legislative Yuan exercises the power of consent in accordance with Article 104 of the Constitution or Article 5, paragraph 1, Article 6, paragraph 2, and Article 7, paragraph 2 of the Additional Articles of the Constitution, the consent shall be granted after a review by the committee of the whole Yuan without a discussion, followed by **open voting at the plenary** sitting with the consent of a majority of all the legislators.

When the Legislative Yuan exercises **the power of personnel consent** other than the one in the preceding paragraph, the consent shall be granted after a review by the related committees without a discussion, **followed by open voting at the plenary sitting with the consent of a majority of all the legislators.**

The review before exercising the power of personnel consent by the committee of the whole Yuan or by the related committees in the preceding two paragraphs **shall last no shorter than a month** from the day a case to be consented is submitted for review. **During the review, a public hearing shall be held, and experts and scholars in related fields, civil organizations, and righteous gentlemen in the society shall be invited to the review process.** A review report shall be prepared 10 days before the voting at the plenary sitting.



DPP's Version

When the Legislative Yuan exercises the power of consent in accordance with Article 104 of the Constitution or Article 5, paragraph 1, Article 6, paragraph 2, and Article 7, paragraph 2 of the Additional Articles of the Constitution, the consent shall be granted after a review by the committee of the whole Yuan without a discussion, followed by anonymous voting at the plenary sitting with the consent of a majority of all the legislators.

When the Legislative Yuan exercises the power of personnel consent other than the one in the preceding paragraph, the consent shall be granted after a review by the related committees without a discussion, **followed by anonymous voting at the plenary sitting with the consent of a majority of all the legislators.**

During the review in the preceding two paragraphs, a public hearing shall be held, and experts and scholars in related fields, civil organizations, and righteous gentlemen in the society may be invited to **attend the hearing and express their opinions.**

For the exercise of the power of personnel consent in paragraphs 1 or 2, **if the Legislative Yuan has not yet exercise such power 10 days prior to the scheduled start date of the term of the personnel to be consented, the Legislative Yuan shall exercise such power at the upcoming plenary sitting.**

《Law Governing the Legislative Yuan's Power》

Article 30

Current Article

The committee of the whole Yuan reviews and inquires about the nominees' qualifications, competence, and other related matters. The Legislative Yuan requests the president to notify the nominees to be present at the committee to make explanations and respond to interpellation.

If necessary, the committee of the whole Yuan may review the nominees for the presidents and vice presidents of the Judicial Yuan, the Examination Yuan, and the Control Yuan separately from other nominees.



TPP & KMT's Version

The committee of the whole Yuan or **related committees** reviews and inquires about the nominees' qualifications, competence, and other related matters. **The Legislative Yuan requests the president or the nomination agencies to notify the nominees** to be present at the committee to make explanations and respond to interpellation.

If there are multiple nominees, the explanation and interpellation session for each nominee shall be conducted independently.

Before making explanations and responding to interpellation, a nominee **shall sign a written oath on-site, specifying that the nominee will truthfully respond to the interpellation** without hiding, qualifying, adding, and omitting information, except that, for certain questions, the nominee has reasons set out in the Administrative Litigation Act to refuse to testify and explains them on-site.

The committee of the whole Yuan shall review the nominees for the presidents and vice presidents of the Judicial Yuan, the Examination Yuan, and the Control Yuan **separately** from other nominees.



DPP's Version

No amendment proposed

《Law Governing the Legislative Yuan's Power》

Article 44

Current Article

An impeachment is filed to grand justices after being reviewed by the committee of the whole Yuan, **voted anonymously** at a plenary sitting, and approved by two-thirds of all the legislators.



TPP & KMT's Version

An impeachment is filed to grand justices after being reviewed by the committee of the whole Yuan, **voted openly** at a plenary sitting, and approved by two-thirds of all the legislators.



DPP's Version

No addition proposed

《Law Governing the Legislative Yuan's Power》

Article 47

Current Article

Agencies that have been requested to provide documents shall provide them within five days, unless with legal or legitimate reasons to refuse so doing. If the requested documents have been requested by the judicial or control organs in advance, the agencies shall provide reasons and a copy of the documents.

If an agency, with legitimate reasons, cannot provide a copy of the documents, it shall prove that the documents have been requested by other agencies.

During the period of a document request, the agency requested for the documents shall assign personnel to deliver the documents to a place designated by the Legislative Yuan for investigation and is responsible for keeping the documents intact.



TPP & KMT's Version

The Document Request Committee or task force may, for exercising the power of investigation, **require government agencies, military units, juridical persons, groups, or related personnel in the society to provide related documents, data, and files within five days.**

If the said related documents, data, and files have been requested by the judicial or control organs in advance, the agencies shall provide reasons and a copy of the documents.

The Document Request Committee or task force may, when necessary, for exercising the power of investigation, inquire of related personnel and require him/her to be present at the investigation and testify. However, the related personnel shall be notified of the place for inquiry five days prior to the designated date.

During the period of a request, the government agency, military unit, juridical person, group, or related personnel in the society that has been requested to provide the said documents, data, and files shall assign personnel to deliver the objects to a place designated by the Legislative Yuan for investigation. The Legislative Yuan shall assign personnel responsible for keeping the requested objects intact.



DPP's Version

Agencies (organizations) that have been requested to provide documents, data, or other items shall provide the requested objects within a period of five days, unless with legal or other legitimate reasons to refuse so doing. If the related documents, data, or items have been requested by the judicial or control organs in advance, the agencies (organizations) shall provide reasons and a copy of the documents. If an agency (organization), with legitimate reasons, cannot provide a copy of the documents, it shall provide the reasons.

The period in the preceding paragraph may be extended or shortened by the Document Request Committee's resolution, but the period shall not be shortened by less than three days.

Agencies (organizations), with legitimate reasons, may request the Document Request Committee to return the requested documents, data, or other items.

《Law Governing the Legislative Yuan's Power》

Article 48

Current Article

Government agencies or public officials that violate this Law by hiding or refusing or procrastinating to provide documents requested by the Legislative Yuan may, with a resolution of the plenary sitting, be handed over to the Control Yuan for correction measures, censure, or impeachment in accordance with the law.



TPP & KMT's Version

Government agencies or public officials that violate this Law by hiding or refusing or procrastinating to provide documents, data, or files requested by the Legislative Yuan may, with a resolution of the plenary sitting, be handed over to the Control Yuan for correction measures, censure, or impeachment in accordance with the law.

Juridical persons, civil groups, or related personnel in the society that violate this Law by hiding or refusing or procrastinating to provide documents, data, or files requested by the Legislative Yuan may, with a resolution of the plenary sitting, be punishable by a fine between NTD 10,000 and NTD 100,000. The fine may be imposed for each violation until rectified.

Should the punished be dissatisfied with the fine in the preceding paragraph, he/she may file an administrative litigation to the administrative court for the jurisdiction where the Legislative Yuan is located within two months from the next day of receiving the administrative disposition.



DPP's Version

When the Document Request Committee is exercising its power of investigation, agencies (organizations), without legitimate reasons, shall not hide or refuse or procrastinate to provide documents, data, or items, or refuse to attend the investigation hearing to express their opinions.

Any violation of the rule in the preceding paragraph shall be submitted to the plenary sitting for a resolution. The violator may be punishable by a fine between NTD 10,000 and NTD 300,000. The fine may be imposed consecutively for each violation.