

Subject :

In the matter of the query of the limitation of the effect of Article 9 of the Act on Recusal of Public Servants Due to Conflicts of Interest related to the application for leasing (purchase) and fiduciary operations between Legislators, members of the Control Yuan, and public officials or their related parties of the Executive Yuan, Ministry of Finance and subordinate functionaries that supervise the operation of state-owned enterprises, and the National Property Administration and its subordinate administrative offices and branches.

Description :

Proceeds for the assignment and sale of non-public use national property and royalties from fiduciary operations entail no mandatory, universal, or consistent standard in objectivity. In addition, there is room for exercising discretion in the application. As such, it would be difficult to interpret as no room for human or external intervention and related tunneling of illicit benefits. In other words, this is the subject matter that Article 9 of the Act on Recusal of Public Servants Due to Conflicts of Interest seeks to govern and prevent under the purpose of legislation. If it is for national construction or social charity, and the benefit from the transaction shall be surrendered to the national treasury, it could be construed as no violation of the law.