

Subject :

In the matter of the query of the limit of the effect of Article 9 of the Act on Recusal of Public Servants Due to Conflicts of Interest on the application for leasing (purchase) and fiduciary operations between Legislators and members of the Control Yuan or their related parties and the National Property Administration of the Ministry of Finance and its subordinate administrative offices and branches.

Description :

In cases of the appointment of fiduciary operations through bidding for leasing, bidding for sale, and public invitation to tender with the establishment of a universal and consistent bottom price (which is the official price), and there is no particular counterparty and no specificity that conveyance of unjust interests is not a concern, the application of the Act on Recusal of Public Servants Due to Conflicts of Interest could be excluded. Conversely, if there is room for discretion for deciding the bottom price and the procedure of invitation to tender, it shall be construed as an act of transaction under Article 9 of the Act on Recusal of Public Servants Due to Conflicts of Interest.

If cases with sale, lease, or appointment of fiduciary operations are concluded and in effect, where voluntary recusal should be necessary but the reverse is true, the previous act of consent thereof should be nullified. Likewise, the effect of related agreements shall be determined by the Civil Code and the terms and conditions inscribed in the agreements.