Content

Title：	Government Employee Ethics Units Directions for Examination of Materials of Property-Declaration by Public Servants CH
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The Ministry of Justice enacts this Directions so as to conduct the examination of the materials of property-declaration itemized in Subparagraph 5 to 7, 10 and 11 of Paragraph 1 of Article 2 listed on the Act on Property-Declaration by Public Servants.

If the Declaring Person fails to make declaration as the time prescribes, the Government Employee Ethics Unit shall conduct examinations as to any justifiable reasons of non-declaration alleged by the Declaring Person.

The Government Employee Ethics Unit shall conduct examination on Declaring Person's declaration materials if one of the following situations happens:
(1) The petitioner or claimer has indicated the name of the Declaring Person making the property-declaration involved in the cases of untrue declaration or corruption and malfeasance.
(2) The daily income and expenditure of the Declaring Person do not obviously equate the property he declared.
(3) Any difference between the dwellings where the Declaring Person lives, the properties Declaring Person uses does not accord with those declared or there is any undeclared property.
(4) Inquiries made by the legislators / councilors or reported by the media with sufficient evidences provided.
(5) Any adequate evidence concludes that the Declaring Person, by virtue of his public service position, has close or complicated contacts with the businessmen involved.
(6) Any adequate evidence concludes that the Declaring Person has dabbled in places such as gambling houses, bars, disco lounges or any other improper places.
(7) The Declaring Person steps into frequent money transactions or makes default payment to others.
(8) The Declaring Person, when deemed necessary, is in the proceeding of litigation concerning property disputes, or being regarded as suspect in crimes and is currently under investigation by the military or judicial organs.
(9) Other enough evidence attests the untrue declaration or as the suspect of corruption.

In addition to Article 2 and Article 3, the Government Employee Ethics Unit shall conduct sampling examination on Declaring Person's declaration materials based on the following provisions：
(1) Each year within one month after the expiry of the declaration period, the examinees should be selected at minimum of twenty percent (20%) of the total pro rata by way of drawing lots publicly. If the number of the sampling Declaring Persons is less than five (5) persons, the Government Employee Ethics Unit may submit to its superior unit for the combination of drawing lots.
(2) The chief of the organ or the designate shall undertake the preside over the drawing of lots provided in above subparagraph at the respective meeting or in the publicity along with the designation of the personnel to draw lot. The Government Ethics Employee Unit Officers shall be the supervisors during the procedure of drawing lots.

The examination of the declaration materials of the chief in the respective organs shall be conducted by the Government Employee Ethics Unit in its superior organ.

The Government Employee Ethics Unit, if necessary, may directly inquire and borrow relevant files from the pertinent organs/units, other organs/units, groups or individuals

during the conduction of examination.

The above inquiries, borrowing files or notification of inquiries shall be made by the Government Employee Ethics Unit in official documents. If made in the other formation, the record should be kept for reference.

In conducting the examination, the Government Employee Ethics Unit may notify the Declaring Person to clarify. The Declaring Person shall be granted opportunity for clarification if the declaration passed the prescribed period or is untrue. The oral clarification shall be made into the written records with Declaring Person's signature or fingerprint.

The Government Employee Ethics Unit shall be approachable in conducting the inquiries and shall keep confidential of any data or information obtained as well as keep full examination records.

As conducting the examination based on the Directions, the Government Employee Ethics Unit shall have the name list of the Declaring Persons examined, fill in the Examination of Materials of property-declaration Statistics Form, and report the result of the examination to the Government Employee Ethics Units of respective first level organs within two months. The Government Employee Ethics Unit of the respective first level organs shall make re-examination on the necessary ones and submit both the results of examination and that of re-examination to the Ministry of Justice.

The reported cases may be remanded back to the Government Employee Ethics Unit of the respective first level organs for re-examination once the Ministry of the Justice conceives necessary.

If the result of the examination shows that the inconsistent facts in the declaration were not made deliberately by the Declaring Person, the Government Employee Ethics Unit shall notify the Declaring Person the reviewed and correct property information and record such information in a separate form attached to the original declaration. If necessary, the Government Employee Ethics Unit may notify the Declaring Person to make the corrections within the prescribed period accordingly.

If it is found out that the Declaration made by the Declaring Person was inconsistent with facts deliberately, the Government Employee Ethics Unit shall fill in the Penalty Suggestion Form(as Appendix 1) and report it to the Government Employee Ethics Unit of the respective first level organ for examination. The result of the examination shall be submitted to the Ministry of Justice.
The above result of the examination shall be compiled into books by category with the following documents:
(1) Materials received from petitions, claims or information regarding untrue declaration.
(2) Statements made by the organs/units, groups or individuals to which the inquiries were made.
(3) Photocopy of the property-declaration materials.
(4) Materials about the property value for untrue declaration.
(5) Clarification Statements or records made by the Declaring Person.
(6) Any other relevant materials.

If the examined result reveals that any organ/unit, group or individual investigated refuses to clarify without justifiable reasons or gives false statement, the Government Employee Ethics Unit shall fill in the Penalty Suggestion Form (as Appendix 2) and submit it to the Government Employee Ethics Unit of the respective first level organ for examination. The results of the examination shall be subjected to the Ministry of Justice with relevant materials.

In the case of non-declaration which the Declaring Person having known to declare yet failed without justifiable reasons, the Government Employee Ethics Unit shall fill in the Penalty Suggestion Form (as Appendix 3) and submit it to the Government Employee Ethics Unit of the respective first level organs for examination. The results of the examination shall be subjected to the Ministry of Justice with relevant materials.
The above result of examination along with the following documents shall be compiled into books by category:
(1) Statements made by the Declaring Person or records of the same.
(2) Any relevant information concerning the Declaring Person having been notified to make declarations.
(3) Materials concerning whether the Declaring Person declares for the first time.
(4) Any other relevant information.

Penalty cases under Subparagraph 2 of Article 12 of the Act on Property-declaration by Public Servants shall be handled by the Case Review Committee of Property-Declaration by Public Servants Examination convened by the Ministry of Justice.

In examining the penalty cases regarding Paragraph 1 of Article 11 of the Act on Property-Declaration, the Case Review Committee of Property-Declaration by Public Servants under the Ministry of Justice shall conduct in compliance with the Penalty Directions for Cases of Property-Declaration by Public Servants promulgated by the Ministry of Justice.

The person (organs/units, groups and individuals) who gets imposed shall pay the penalty within ten days after receiving the Penalty Decision. If he is unable to pay, he may make an application for monthly installment before the due date, at the maximum of 6 months. Failure to pay during the stipulated time period or failure to pay any one installment shall result in being reported to the Administrative Enforcement Agency for compulsory enforcement.

Data Source：Laws and Regulations Retrieving System