



# 廉政

法務部調查局

106

工作年報

## ANTI-CORRUPTION YEARBOOK 2017

Investigation Bureau,  
Ministry of Justice  
2018.10



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# Preface

On October 31, 2003, the United Nations passed the United Nations Convention against Corruption (UNCAC) to guide governments toward and provide them with anti-corruption legal systems and policies. Covering preventive measures, conviction and law enforcement, international cooperation, pursuit of unlawful assets and implementation mechanisms, the UNCAC enables countries all over the world to strive for anti-corruption.

After several years, anti-corruption has become an accepted value around the world. On April 24, 2018, President Tsai met the heads of anti-corruption authorities and diplomatic relations delegates from Central American countries. President Tsai said, “Anti-corruption work is a shared issue among all countries. The United Nations also attaches great importance to anti-corruption. Although we are not a full member of the United Nations, our determination to implement an incorrupt government is the same as any country’s.” President Tsai also said, “The quality of a country’s investment environment is closely related to its level of integrity. Our government continues to work on anti-corruption to attract investment in Taiwan.”

To ensure that Taiwan keeps abreast of anti-corruption trends internationally, and out of respect for the ethics rules binding public and private sectors within the country, the Executive Yuan referred to the initiatives of the UNCAC and Transparency International and in 2008 launched the National Integrity Building Action Plan that discloses the goals and strategies of national integrity building in the



hope of creating an incorrupt government and society.

In terms of anti-corruption work, the Investigation Bureau, Ministry of Justice (hereinafter referred to as the Bureau) has long worked with the Agency Against Corruption and prosecutors' offices to investigate vote-buying cases and rectify bureaucracy. The Bureau has six priorities as follows: (1) implement jurisdiction management and call on nationals against corruption, (2) strengthen corruption crackdown and prevent corrupt practices, (3) prevent illicit capital and ensure quality of government procurement, (4) enhance vote-buying crackdown performance and rectify electoral practice, (5) uphold administrative neutrality and (6) implement anti-corruption determination, and uphold procedural justice and strengthen evidence collection, making an all-out effort to achieve an incorrupt government.

This yearbook describes the performance and overview of the Bureau's anti-corruption work in 2017. Upholding the spirit of administration by law and administrative neutrality, the Bureau will continue to prevent corruption and investigate vote-buying cases based on government policy and call for feedback and support from the community.

*Lu, Wen-Chung*

October 2018



# About the Anti-corruption Yearbook

## I. Purpose

The Anti-corruption Division of the Investigation Bureau, Ministry of Justice (hereinafter referred to as the Bureau) compiles and publishes the Anti-corruption Yearbook (hereinafter referred to as the Yearbook) on a yearly basis, aiming at helping readers understand the Bureau's anti-corruption work and yearly investigation status. Through the annual reflection and review of the Yearbook, the Bureau expects to continually refine and adjust its anti-corruption work.

## II. Content

1. Chapter 1, About the Anti-corruption Division of the Investigation Bureau, aims at describing the legal and regulatory basis of anti-corruption work, organizational history, division of work, objectives and priorities of the Bureau's anti-corruption work, hoping that all sectors can understand the organizational structure, business philosophy and implementation methods of the Anti-corruption Division of the Bureau.
2. Chapter 2, Anti-corruption Work Implementation Status and Results, offers the statistical analysis and description of the operation of the Anti-corruption Division of the Bureau in 2017, which encompasses two parts, namely case investigation and proficiency development. (Footnotes are excluded from the English version.)
3. Chapter 3, Summary of Prosecution Cases in 2017, discusses 12 representative cases investigated by the Bureau and referred to the prosecutors' offices in 2017. These cases are arranged according to their case types, so readers can conveniently refer to the criminal patterns and methods of each case type. (This chapter is excluded from the English version.)



### III. Notes

1. For the units referenced in the Yearbook, the year is calendar year, the case is in unit of case, the criminal suspects are in unit of person and the amount is in unit of TWD (Taiwan Dollar). As for the counting of cases, when in the referral stage, each referral is counted as one case per document; in the indictment stage, one indictment is counted as one case. The count of criminal suspects is based on the number of suspects in referral, or as defendants in the indictments. The units of other items are described in articles or figures.
2. The percentage of the figures is according to the actual number of digits necessary, and calculated by rounding.
3. The difference between Corruption/Malfeasance Cases and non-corruption/non-malfeasance cases is based on whether the suspect is defined as a civil servant when violating the applicable law (including those applicable to additional penalties based on Article 134 in Criminal Code); if there is at least one civil servant involved in the case, then it is categorized as a corruption/malfeasance case.
4. Public servant refers to high, middle and low-ranking civil servants, quasi- civil servants, and representatives; non-public servant refers to people other than the above five statuses. High-ranking civil servant refers to civil servants in position levels of 10-14, or equivalent; middle-ranking civil servant refers to civil servants in position levels of 6-9, or equivalent; low-ranking civil servants refer to civil servants in position levels of 5 and below, or equivalent. Quasi civil servant has two definitions: (1) cases referred to or prosecuted by prosecutors before June 30, 2006, and those who were commissioned by government agencies before the amendment of Article 2 of the Anti-Corruption Act; (2) cases referred to or prosecuted by prosecutors after July 1, 2006, and those who were commissioned by the central government, local self-governing organizations, and their subordinate organizations, and were involved in public affairs within the authority of commissioned units according to Subparagraph 2, Paragraph 2, Article 10 of the Criminal Code. Representatives include central and locally elected representatives at all levels.



5. Corruption amount refers to the illegal profits earned by civil servants, quasi-civil servants, or their accomplices while under suspicion of corruption. Profiting amount refers to the illegal profits generated by civil servants with mercenary intention, when utilizing the capacity of their offices. Procurement amount refers to the final tender price or budget amounts in procurement cases that involved illegal collusion. Others refer to crime amounts that did not belong to the above categories.
6. Key applicable laws and Key applicable articles on referral refer to the law applicable to the cases or to the suspects. When the same case or suspect is involved in offenses under two or more applicable laws, the heavier punishable law shall prevail.
7. Education statistics are based on the highest graduation level of the suspects; non-graduates are categorized in the next lower education level.





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The background features a light blue and white ink wash style, with a large, bold blue number '1' on the left. Faint, stylized Chinese calligraphy is visible in the upper half of the image.

1

# About the Anti-corruption Division of the Investigation Bureau



## I. Legal and Regulatory Basis

As stipulated in Article 2 of the pre-amendment Organic Act for the Investigation Bureau, Ministry of Justice, “The Investigation Bureau, Ministry of Justice is in charge of national security and national interest-related investigations and infrastructure security. The aforesaid investigations and infrastructure security are to be defined by the Executive Yuan.” An abridged explanation of what the Executive Yuan has amended and promulgated, over the years, of the Bureau’s administrative responsibility and the portion related to the anti-corruption work is provided below.

In accordance with the Order of Tai-45-(Nei)-Zi No. 4711 dated August 27, 1956, the Executive Yuan promulgated 10 administrative duties to the Bureau, in which corruption and malpractice as prescribed in Item 5 and investigations and infrastructure security upon special orders from higher-ranking authorities in Item 10 are the legal bases for the Bureau in executing the anti-corruption tasks.

At the onset of the second National Assembly representative elections in 1991, the Bureau received instructions from the Executive Yuan and the Ministry of Justice through the means of a special project to join the vote-buying investigation and crackdown work in successive elections; until October 30, 1998, the Executive Yuan approved the Bureau’s nine administrative duties subject to the Official Document No.53381 issued by the Ministry of Justice (1998), and among them, Item 4, prevention of corruption and investigation of vote-buying during elections, has clearly enlisted vote-buying investigation and crackdown as part of the Bureau’s administrative duties, while Item 9 has the text amended to national security and national interest-related investigations and infrastructure security upon special orders from higher-ranking authorities.

On December 19, 2007, per Official Document No.09600170531 issued by the President’s Office, the Organic Act for Investigation Bureau, Ministry of Justice (formerly the Organic Statute for Investigation Bureau, Ministry of Justice) amended and announced all 16 articles, going into effect on March 1, 2008 subject to the Order No.0972260255 dated March 20, 2008 issued by the Executive Yuan. Article 2 of the said law itemizes the Bureau’s 20 administrative duties, and among



them, Subparagraph 4, prevention against corruption and investigation of vote-buying during elections, and Subparagraph 20, national security and national interest-related investigations and infrastructure security upon special orders from higher-ranking authorities, provide the legal and regulatory basis for the Bureau's execution of anti-corruption work.

## II. Organizational History

The Bureau's anti-corruption work, up to May 1979, was handled by Division One of the Bureau. Yet with drastic changes taking place in Taiwan's politics and economy that year, the Executive Yuan, in a bid to deter economic crime, safeguard public equity, and maintain economic order, summoned project meetings on a number of occasions, and, in May of the same year, ordered the Bureau to establish the Economic Crime Prevention Center to take over Division One's pertinent crime investigation operations. The center was declared to and approved by Executive Yuan, subject to the Order No.5584 to begin its formal operation on June 8, 1979. In August of the same year, once again according to the Rectification of Political Practices and Eradication of Corruption Plan the Executive Yuan has promulgated, the said center has been expanded and organized into the Corruption and Economic Crime Prevention Center in order to step up the prevention work against corruption and economic crime.

Subsequently, in response to the increasing anticipation of administrative governance transparency and corruption/malfeasance eradication by all sectors of society, the Bureau, as ordered by the Executive Yuan, subject to the Meeting Resolution of No.2095 in the Executive Yuan with Official Document No.3984 issued by the Ministry of Justice (1989) dated Feb 14, 1989, established the Division Against Corruption in February 1989 to be specifically responsible for handling anti-corruption operations. The Division Against Corruption was manned by 1 Division Director, held concurrently by the Deputy Director General of the Bureau, 1 Executive Officer, 2 Division Deputy Directors, and was supported by 5 sections, where, by its existing manpower, 505 associates were on staff at the time. These associates were assigned to inaugurate Sections and Offices Against Corruption at various field investigation departments and stations. Simultaneously, in Northern,



Central, Southern and Eastern Taiwan, four regional mobile office units were established to be specifically responsible for investigating and processing major corruption/malfeasance cases. At that point, anti-corruption work was segregated from the Bureau's other crime investigation operations as an independent focused taskforce.

In 1990, with further research conducted into operational development and process flow improvement, the anti-corruption work's foremost guiding principle was established: prevention outweighs investigation, and investigation is also made for prevention. A declaration made with the Executive Yuan on October 4, 1990 approved renaming the Division Against Corruption on February 1, 1991 to the Anti-corruption Division subject to the Official Document No.28363 issued by the Ministry of Justice (1990) which not only acts to instruct the field investigation departments and stations, and mobile office units to actively uncover, investigate, and process major corruption/malfeasance cases, but also to actively coordinate various agencies' government employee ethics units and taxation and customs inspection (supervision) units to step up anti-corruption prevention measures in a bid to attain the objectives of rectifying political practices and bringing transparency to administrative governance.

According to the Executive Yuan chairpersons' rulings at the 33rd and 34th security enforcement meetings held on March 26 and April 23 respectively in 1992, in order to step up the prevention, investigation, and processing of public works project fraud cases, the Bureau on May 1, 1992 established the Public Works Project Fraud Prevention Taskforce in the Anti-corruption Division. The Taskforce is responsible for planning, promoting and implementing the operation. All members of the Eastern Region Mobile Office Unit were assigned to form the Major Public Works Project Fraud Investigation and Crackdown Taskforce. This taskforce is specifically responsible for handling major public works project fraud cases, and has also ordered various pertaining field departments, stations and units to step up the integration of government employee ethics officers aimed at enhancing the grasp of information by an active gathering of evidence and pursuit of investigation on such cases.

On January 16, 2002, the Eastern Region Mobile Office Unit was restructured. And also,



in a bid to simplify the verification process of corruption cases and enhance work efficiency by upholding the case guidance consistency principle, the operational task-sharing for various sections under the Anti-corruption Division was readjusted as of July 1 of the same year as follows: Sections 1, 2 and 3 are the Investigation Sections, Section 4 is the Prevention Section, and Section 5 is the General Section. The previous Public Works Project Fraud Prevention Taskforce is now revamped to being under the operations of Section 1, while the vote-buying investigation and crackdown operation once processed by Section 3 was taken over by Section 1, and from September 8, 2006, the vote-buying investigation and crackdown work has been reclassified and taken over by Section 4r.

From 2000 to 2010, with repeated major anti-corruption cases in Taiwan drawing intense coverage by the news media, prompting rising anti-corruption awareness among the masses, the Ministry of Justice formulated an Anti-Corruption Action Plan, and the Executive Yuan on November 30, 2006 approved it to go into effect. Eradicating corruption/malfeasance and upholding administrative governance transparency are approached from two aspects, corruption eradication and corruption prevention, for which the Bureau, in supporting government policy, has convened meetings with internal duty and field duty units on several occasions to study, discuss, and finalize the Stepped-up Anti-corruption Task Proposal, and this is to be manifested through simplifying the case-processing flow, adjusting anti-corruption manpower, amending the performance evaluation guidelines and increasing anti-corruption work performance weighing and administrative rewards, by which to guide all field duty units to raise their energy in actively uncovering the cases, fulfill their powers and responsibilities in active investigation, strictly uphold justice in case processing procedure, accelerate case processing effectiveness, investigate and process major benchmark cases, and also to install a toll-free anti-corruption hotline 0800-007-007 to encourage the general public to send in tips and leads with tangible action to demonstrate their anti-corruption and corruption eradication determination.

The Organic Act for Investigation Bureau, Ministry of Justice, which was announced on December 19, 2007, by the President, went into effect on March 1, 2008 to legalize the Anti-



corruption Division. The Ministry of Justice also amended and announced all of the 27 articles in the Investigation Bureau's Regulations for Departmental Affairs on October 17, 2008, subject to the Order No.0970803813 issued by the Ministry of Justice, which had been implemented on March 1, 2008. Subparagraph 2, Paragraph 1, Article 4 of the said regulations, "The Anti-corruption Division is to carry out its mission through 5 sections", and Article 6, "The Anti-corruption Division oversees the following undertakings: (1) The planning, guidance, coordination, and evaluation of corruption/malfeasance and vote-buying case investigation and prevention work; (2) National security, national interest, and anti-corruption-related investigations specifically entrusted by superior agencies; and (3) Other pertinent anti-corruption undertakings", stipulate the organization and administration of the Anti-corruption Division before April 9, 2012.

### III. Division of Work

The Anti-corruption Division is in charge of the Bureau's anti-corruption operations, and is headed by the Division Director, who oversees the overall management of departmental affairs, and the Division Deputy Director and Senior Secretary who assist with the processing of departmental affairs.

#### 1. Prior to April 9, 2012, the Anti-corruption Division was divided into 5 sections. Each section's division of work is described below:

**Section 1:** In charge of the operational planning and supervision of the investigating and administrative processing of public works fraud cases, and monetary goods and labor rendered procurement fraud cases.

**Section 2:** In charge of the operational planning and supervision of the investigating and administrative processing of general corruption/malfeasance cases in the northern and eastern regions, and cases specifically assigned by superior agencies.

**Section 3:** In charge of the operational planning and supervision on the investigating and



administrative processing of general corruption/malfeasance cases in the central and southern regions, and cases specifically assigned by superior agencies.

**Section 4:** In charge of operations on the planning and execution of the vote-buying investigation and crackdown project, the reexamination and review of the investigation and processing procedure of the referred cases, the review and approval of the study reports of the corruption/malfeasance cases, the installation and update of the internal network anti-corruption database of the Bureau, editing and compiling of the anti-corruption yearbook, and compiling and amending of the anti-corruption work handbook and criminal investigation operations handbook.

**Section 5:** In charge of general operations on the planning, monitoring, evaluation, business statistics, educational training, and performance evaluation of anti-corruption work, organizing of public works consultative committee meetings and irregular operations review meetings, coordinating with and contacting Division 4 of the Taxation Administration, Ministry of Finance among other pertinent units, and processing of the general administrative operations in the Anti-corruption Division.

## **2. As of April 9, 2012, the Anti-corruption Division was temporarily restructured into four sections. Each section's division of work is described below:**

### **Northern Region Investigation Section:**

In charge of the operational planning and supervision on the investigating and administrative processing of public works project fraud cases, monetary goods and labor rendered procurement fraud cases, general corruption/malfeasance cases in the northern region and Kinmen, Matsu and Yilan, and cases specifically assigned by superior agencies.

### **Central Region Investigation Section:**

In charge of the operational planning and supervision on the investigating and administrative processing of public works project fraud cases, monetary goods and labor rendered



procurement fraud cases, general corruption/malfeasance cases in the central region and Hualien and Taitung, and cases specifically assigned by superior agencies.

**Southern Region Investigation Section:**

In charge of the operational planning and supervision on the investigating and administrative processing of public works project fraud cases, monetary goods and labor rendered procurement fraud cases, general corruption/malfeasance cases in the southern region and Penghu, and cases specifically assigned by superior agencies.

**Vote-buying Investigation Section:**

In charge of general operations on the planning, monitoring, evaluation, business statistics, training, and performance evaluation of the anti-corruption work; organizing consultation committee meetings for public projects and operations review meetings on an irregular basis; coordinating and contacting the Inspection Division of the Taxation Administration and Internal Affairs Office of the Customs Administration under the Ministry of Finance as well as other units to review coordination among different units; reviewing the planning and execution of the vote-buying investigation and crackdown project, the reexamination and review of the investigation and processing procedure of the referred cases; reviewing and approving the case studies of the corruption/malfeasance cases; building and updating an internal anti-corruption database; editing and compiling the anti-corruption yearbook and manual and criminal investigation manual; handling other administrative work.

### **3. From October 1, 2015, the Anti-corruption Division has four sections. Each section's division of work is described below:**

**Corruption and Malfeasance Intelligence Section:**

Handle the consolidation and analysis of corruption intelligence information through horizontal linkage mechanisms as well as the development, management and maintenance of the Bureau's internal system information; integrate the Bureau's existing database and external public information with corruption intelligence information in line with the current situation of the



Bureau's anti-corruption work, so as to facilitate the fast acquisition of complete information and discover clues to corruption; compile the anti-corruption yearbook starting from 2018.

**Northern Investigation Section:**

Handle public works project fraud cases, property and labor procurement fraud cases, general corruption cases, and investigation cases specially assigned by higher levels; supervise and monitor the administrative planning of the northern region and Kinmen, Matsu, Yilan, Hualien and Taitung.

**Southern Investigation Section:**

Handle public works project fraud cases, property and labor procurement fraud cases, general corruption cases, and investigation cases specially assigned by higher levels; supervise and monitor the administrative planning of the central and southern regions and Penghu.

**Vote-buying Investigation Section:**

Handle comprehensive businesses of planning control and examination, business statistics, training, performance evaluation; preparation of Public Works Advisory Committee meetings and occasional business seminars; coordination and liaison with the Inspection Division of the Taxation Administration and Internal Affairs Office of the Customs Administration under the Ministry of Finance; linking investigator and inspectors; investigating the implementation of the planning and execution of bribery projects; transferring case investigation process and review; reviewing and studying corruption cases; establishing and updating the Bureau's internal network integrity databank; compiling and editing the anti-corruption yearbook and manual and criminal investigation manual; handling other general administrative duties.

## **IV. Objectives**

### **1. Implement Jurisdiction Management and Call on Nationals against corruption**

Jurisdiction management is implemented to control local corruption and bribery and build



public confidence in the Bureau's anti-corruption work. Through case investigation, the Bureau aims to present proactive and active performance to the public and further make an all-out effort to create an incorrupt community.

## **2. Strengthen Corruption Crackdown and Prevent Corrupt Practice**

When human errors or deficiencies in the system identified in the investigation involve the administrative responsibility of civil servants, improper administrative measures or violation of administrative laws, the Bureau collects related data and requests related authorities in charge to handle the cases to strengthen the investigation on administrative malpractice and prevent corruption.

## **3. Prevent Illicit Capital and Ensure Quality of Government Procurement**

According to the investigated cases over the years, the majority are frauds in public works and property or service procurement. For example, township chiefs took advantage of public works projects and procurement to receive kickbacks, bribery or private gains through subcontracting, avoiding investigation, designating suppliers, false prices, leaking basic prices, bid rigging and falsely budgeting. Public opinion representatives, such as township council chairpersons, vice chairpersons, representatives and county/city council members misused their power of supervision to lobby, protect or subcontract public works projects, so as to seek unlawful benefits or misappropriate budgets. This shows that collusion between governments and businesses has not been fully eradicated. The Bureau focuses the anti-corruption work on the prevention of illicit capital in major public works projects and large-amount procurement.

## **4. Enhance Vote-buying Crackdown Performance and Rectify Electoral Practice**

With the vote-buying culture being the main reason leading to the occurrence of corruption



and malfeasance practices, a permanent cure lies in the combination of strength of the prosecution, investigation, and police agencies, where they step up vote-buying investigation and crackdown work on local senior official and representative elections to achieve effectiveness by getting to the root of the problem. Over the years, in response to various public servants, farmers and fishermen's associations, or irrigation association elections, the Bureau invariably sets up a taskforce to support the prosecution agency in executing the vote-buying investigation and crackdown work, and also fully mobilizing its internal duty and field duty associates to uncover and obtain vote-buying information, actively investigate and process vote-buying cases, by which to enforce the government's determination to rectify election practices and maintain election order, and in turn to erect a fair and transparent voting environment.

## **5. Uphold Administrative Neutrality and Implement Anti-corruption Determination**

The general public's image of the government is often formed by matters that occur on their own or around it and seen as a personal loss or a sign of corruption. If government agencies fail to investigate and deal with these matters well, it directly causes public doubt about the government's determination to investigate corruption. Upholding the spirit of administrative neutrality and administration by law, the Bureau makes an all-out effort to investigate major corruption cases listed by the Ministry of Justice in hopes of achieving the objectives of the National Integrity Building Action Plan approved by the Executive Yuan on July 8, 2009 and encouraging integrity and self-discipline.

## **6. Uphold Procedural Justice and Strengthen Evidence Collection**

Focusing on procedural justice and protection of human rights is the evolutionary trend of criminal procedures. After the Code of Criminal Procedure was amended in 2003, the courts and defenses are increasingly strict about investigation procedures. To respect human rights, avoid persecution or influence on evidence due to defective procedures, and raise the conviction rate,



the Bureau has established various investigation procedures and organized development seminars, where colleagues are urged to strictly adhere to laws and regulations and procedural justice. As corruption is a deceitful crime, both parties to bribery have an inevitable stake, which makes it very difficult to collect evidence of crime. Therefore, the Bureau requests colleagues to take a skeptical attitude toward undoubted aspects and seek truth by checking funds and using technological identification.

## V. Priorities

### 1. Case Investigation

#### *(1) Corruption/Malfeasance Cases*

The investigation of civil servants' corruption/malfeasance crimes is the core operation of the Bureau's anti-corruption work. The so-called corruption/malfeasance cases refers to criminal cases where civil servants breach the Anti-Corruption Act stipulated under Paragraph 2, Article 10 of the Criminal Code, the Chapter Offenses of Malfeasance of the Criminal Code, the non-simple Offenses of Malfeasance as stipulated under Article 134 of the Criminal code, or where a civil servant's identity is required as stipulated by other laws before a case may be sustained.

When leads are discovered in corruption/malfeasance cases, the Bureau immediately sets up a case to conduct an investigation and upholds the principle of not charging falsely or condoning. Yet, a number of leads, such as the act of contactor engaging in bid rigging or license borrowing, judicial fraudulent conduct, destruction of state property by members of the general public, acts of breaching environmental protection laws and regulations by members of the general public, may not formally fall under the aforesaid corruption/malfeasance cases, yet, in view of how such behaviors have a high probability of being associated with civil servants, the Bureau also sets up a case to conduct an investigation, and once it has been investigated and it is verified that no civil servants are involved in it, the case would be enlisted as a non-corruption/non-malfeasance case.

Cases where public school teachers, public hospital medical staff and public enterprise



personnel, whose identities are classified as civil servants prior to the amendment of Article 10 of the Criminal Code on July 1, 2006, allegedly involve themselves in corruption/malfeasance crimes, would be classified as corruption/malfeasance cases. Following the amendment of the Criminal Code, the aforesaid personnel have been excluded from the identity of public servants and are no longer under the Anti-Corruption Act; however, the Bureau would still set up cases to conduct investigation on conduct that is constituted as embezzlement, fraud, forging and tempering of documents, and these cases would be enlisted as non-corruption/non-malfeasance cases.

### *(2) Vote-buying Cases*

Instances of soliciting and accepting bribes that breach the Presidential and Vice Presidential Election and Recall Act, Civil Servants Election and Recall Act, the Political Party Act, the Farmers Association Act, the Fishermen Association Act, the Act of Irrigation Association Organization, and the offenses of interference with voting Chapter of the Criminal Code do fall under the scope of vote-buying cases under the Bureau's responsibilities, and are all investigation and crackdown subjects of the Bureau.

### *(3) Judicial Fraud Cases*

Judicial Fraud cases refer to those cases relating to judicial authorities (including all levels of courts, Prosecutors Office and Administrative Enforcement Agency), the judicial police (including the National Police Agency under the Ministry of the Interior, the Coast Guard Administration under the Executive Yuan, the Military Police Command under the Ministry of National Defense, the Agency Against Corruption under the Ministry of Justice and the Bureau), prisons, detention centers, correctional institutions, taxation authority staff, lawyers or other persons taking advantage of the people when dealing with criminal, civil, administrative, enforcement, correctional, investigative, administrative remedies and other cases due to either hastiness, inexperience, being unversed in the law or litigation proceedings, for the purpose of taking bribes, sinecures, reducing responsibility, or blackmailing property as well as inciting and sweeping litigation and other cases to suspects, defendants, parties, litigants, obligors or their families.



## 2. Professional Development

### *(1) Training*

As lifelong learning offers a viable means for civil servants to advance their professional competency to keep up with the times, the Bureau holds anti-corruption work development seminars on a regular basis, holds internal duty and field duty associates' operational opinion exchange meetings on an irregular basis, and also researches and compiles work handbooks based on operational needs and practical views, and uses the internal network, the anti-corruption database of the Bureau to offer the latest information; for example, uploading information, such as the latest laws, regulations and administrative directions, the successful investigation and processing experience of certain special types of cases in the form of case study reports, selective recordings of important resolutions of each prosecutors office's anti-corruption executive group meeting, legal advice, and Ministry of Justice's first instance acquittal case analyses onto the database, in anticipation that Bureau associates would be familiar with various case processing procedures and laws and regulations, by which to step up their practical investigative skills, achieve the goals of mutual observation and learning and experience exchange, and in turn to raise professional standards and enhance work performance.

### *(2) Consultative Meetings*

On December 1, 1993, the Public Works Consultative Committee was established. Taiwan's scholars, experts, and community leaders related to the public works field are hired to be consultative committee members, where they utilize topical discussions or case consultation means to offer various fraud prevention recommendations, by which to step up the investigation and evaluation methods of public works projects to prevent fraud. The commission's range of consultation is as follows:

1. Consultation on the professional knowledge of public works projects.
2. Quality evaluation of public works projects.



3. Exploration and discussion of problems in public works projects.
4. Other matters regarding fraud prevention in public works projects.





The background features a light teal and white watercolor-style wash. Overlaid on this are faint, large-scale Chinese calligraphy characters in a traditional style. A prominent, thick, dark teal vertical brushstroke runs down the left side of the page, partially behind the title text.

# **2** Anti-corruption Work Implementation Status and Results



## I. Case Investigation

Table 2-01 depicts the overall state of case investigations of the Anti-corruption Division of the Bureau in 2017, which is divided into two categories, namely anti-corruption cases and vote-buying cases, with a total of 457 cases investigated in 2017. Among them, 372 cases pertained to anti-corruption cases, which comprised 363 cases that were referred officially to the prosecutors for indictments after investigations, seven cases that were forwarded to the prosecutors with written reports and indicted afterward, and two other cases where the Bureau cooperated with the prosecutors in the investigation, whereby the prosecution agencies have brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio in 2017. Another 85 cases pertained to vote-buying cases whereby the prosecutors brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio in 2017 under the cooperation of the Bureau with prosecutors in case investigation.

To accurately demonstrate the implementation of investigative work regarding corruption/malfeasance prevention and vote-buying investigation and crackdown cases, starting from 2003, the basis of statistical analysis for anti-corruption cases has been refocused from prosecution data to referral data, while the basis of statistical analysis for vote-buying cases is still on the panel data of the prosecutors' office in support of the practical operation state. The case investigation in 2017 will be introduced separately in designated chapters focusing still on referred cases and vote-buying cases.

### 1. Statistics on Referred Cases

The referred cases comprise two major categories, namely corruption/malfeasance and non-corruption/non-malfeasance, which are classified based on the key applicable laws at the time of referral. The corruption/malfeasance case types, before 2014, through mirroring the type of fraud practices prone to occur as demonstrated in the National Integrity Building Action Plan, were divided into 22 categories, namely: public works, procurement, judicial corruption and malfeasance, low enforcement, firefighting, correction, urban planning, construction management,



Table 2-01 Statistics on Case Investigation Performed in 2017

Unit: Case

Category		Number of Cases	Description
Corruption Cases	Referred to Prosecutors	363	Cases were referred to prosecutors after investigations.
	Referred for Prosecution	7	Cases were referred by written reports for <b>prosecution</b> in 2017 after investigations (including deferred prosecutions, summary judgments, or non-prosecutions ex officio).
	Others	2	The Bureau cooperated with prosecutors in the investigation, whereby the prosecution agencies in 2017 brought indictments, summary judgments, deferred prosecutions or non-prosecutions ex officio.
	Subtotal	372	81.4%
Vote-buying Cases		85	The Bureau cooperated with prosecutors in the investigation, whereby the prosecution agencies in 2017 brought indictments, summary judgments, deferred prosecutions or non-prosecutions ex officio., accounting for 18.6%.
Total		457	Note 1: The period for the statistics is between January 1, 2017 and December 31, 2017. Note 2: The section Case Investigation of this Yearbook indicates referred cases and vote-buying cases.

land administration, taxation, customs affairs, financial affairs, medical care, education, company registration, motor vehicle management, funerals and interments, environmental protection, impairment of land conservation, rivers and gravel management, public welfare subsidy, and subvention misuse, while those that were unable to be classified into these specific categories were grouped under the “others” category. Non-corruption/non-malfeasance cases were divided into eight categories, namely: public works, procurement, judiciary fraud, medical care, education, environmental protection, impairment of land conservation, and others.

The category of judiciary fraud has become one of the main focuses of investigation by the Bureau since 1989, as instructed by the superior agency, with a goal to maintain a good judicial culture and to uncover judicial corruption and malfeasance evidence. The two categories, medical



care and education, are a response to the 2005 amendment to the definition of civil servants in Article 10 of the Criminal Code, where in principle physicians in public hospitals, teachers in public schools and staff of state-owned enterprises are no longer defined as civil servants. Thus, corruption/malfeasance laws, such as the Anti-corruption Act, are not applicable to them. However, the division of labor of the operations at the Bureau still assigned the processing of cases involving embezzlement, fraud, abuse of trust, or other criminal offenses of these personnel under the Criminal Code, to the Anti-corruption Division. The two categories, environmental protection and impairment of land conservation, are also matters that the superior agency has assigned as priorities. Since 1999, the responsibilities of the Bureau covers cases, such as excessive cultivation, burial abuse, deforestation, illegal mining of sand and gravel in rivers, excessive digging of gravel on agricultural land, dumping of waste soil, and abuse of industrial waste disposal that simply violate laws, such as the Soil and Water Conservation Act, the Slopeland Conservation and Utilization Act, the Water Act, the Forestry Act, the Urban Planning Law, the Regional Plan Act, the Mortuary Service Administration Act, the Offense of Larceny prescribed in the Criminal Code, and the Waste Disposal Act.

After 2015, the Bureau re-categorized the types of corruption cases to comply with the announcement by the Ministry of Justice entitled Categories and Principles of Special Notation for Corruption Cases. The categories include the following: (1) Supervisory management for industry and commerce, (2) Banking and insurance, (3) Revenue, (4) Customs affairs, (5) Telecommunication regulation, (6) Highway administration, (7) Transportation, tourism and weather, (8) Justice, (9) Legal, (10) Law enforcement, (11) Fire department, (12) Construction, (13) Civil affairs, household registration, military service, and land administration, (14) Immigration and coast guard, (15) Environmental protection, (16) Medical services, (17) Social welfare, (18) Education, (19) Agriculture, forestry, fishery and animal husbandry, (20) River and gravel management, (21) Military affairs, (22) Foreign affairs, (23) National security intelligence, (24) National properties management, (25) State-owned enterprises, (26) Administrative affairs and (27) Others. A total of 27 categories were listed. There are five categories for special corruption case notations, including (1)



Procurement, (2) Vandalizing national lands, (3) Allowances, (4) False claim for public funding and (5) Alternative military service.

To provide a big picture and specific statistical data, non-corruption/non-malfeasance related cases should be categorized according to the aforementioned standards as well, so as to categorize the performance of the Bureau realistically; in addition, the Bureau does not specify the nature of procurement projects related to engineering, financial and labor or categorize the amounts into tiers.

### *(1) Statistics on Referred Cases over the Years*

Table 2-02 shows statistical data for the number of cases regardless of categories, the total number of people involved and the amount of money involved in 2017.

A total of 363 corruption cases were referred to prosecution authorities, of which the “corruption cases” included 152 cases of 525 people, containing 243 civil servants and quasi-civil servants, 23 representatives of public opinion, and 259 non-public officials in 2017. Compared with 2016, the number of referred cases increased by 16, an increase of 11.8% (16 cases vs. 136 cases); the number of referred criminal suspects decreased by 172, a decrease of 24.7% (172 persons vs. 697 persons).

Among the 152 corruption cases, the major categories of those referred were law enforcement, civil affairs, household registration, military service, and land administration, construction and others. The modes of these cases are described as follows:

1. There were 52 people in 20 cases in the category of law enforcement which mainly covered gambling places, prostitution or women’s courtesy venues, leak of confidential information or inquiries of income information and blackmailing or deception of property related to the following three businesses:
  - (1) Criminal investigation, such as accepting bribes from illegal gold buyers without eradication, reporting or crackdown or leaking information before seizure; inciting others to hold drugs and seizing to plot for personal performance; blackmailing suspects of intimidation cases.
  - (2) Administrative bans, such as accepting bribes from prostitution or women’s courtesy



Table 2-02 Statistics on Referred Cases in 2017

Unit: Case, Person, NTD

Category	Item	Number of Cases	Number of Suspects			Amount of Money Involved in Cases			
			Civil Servant (including Quasi Civil Servant)	Public Opinion Representative	Non-civil Servant	Corruption	Profiting	Procurement	Others
Corruption/Malefeasance	Revenue	2	3	-	2	515,500	3,050,134	-	-
	Transportation, Tourism and Weather	2	5	-	1	-	500,000	-	-
	Justice	-	-	-	-	-	-	-	-
	Legal	1	1	-	5	30,000	70,000	-	-
	Law Enforcement	20	24	-	28	14,030,900	1,535,000	-	-
	Fire Department	2	3	-	-	70,687,307	-	-	-
	Construction	13	16	-	43	6,213,138	85,764,336	355,861,593	-
	Civil Affairs, Household Registration, Military Service and Land Administration	17	20	-	4	8,589,331	2,178	-	1,000,000
	Immigration and Coast Guard	1	3	-	-	2,425,700	-	-	-
	Environmental Protection	3	5	-	1	115,540	320,357,506	-	-
	Medical Services	4	10	-	13	4,264,770	580,000	-	-
	Social Welfare	1	4	-	-	131,915	-	-	-
	Education	6	8	-	28	6,950,000	298,500	59,019,895	7,461,570
	Agriculture, Forestry, Fishery and Animal Husbandry	6	15	-	7	38,833,712	837,316	-	-
	Military Affairs	11	25	-	12	604,461,701	15,336,740	2,880	-
	National Properties Management	1	8	-	-	-	787,400	-	-
	State-owned Enterprises	2	2	-	2	2,250,000	784,350	-	-
	Administrative Affairs	9	9	2	7	11,914,060	4,688	-	-
	Others	51	82	21	106	46,815,937	755,549,551	9,000,000	37,600,000
	Subtotal	152	243	23	259	818,229,511	1,185,457,699	423,884,368	46,061,570
Non-corruption/Non-malefeasance	Customs Affairs	1	-	-	3	-	-	4,735,104	-
	Transportation, Tourism and Weather	1	-	-	3	-	-	249,060	-
	Justice	2	-	-	3	-	-	-	230,000
	Legal	2	1	-	1	-	-	-	800,000
	Fire Department	1	1	-	-	-	-	-	-
	Construction	2	-	-	8	-	-	11,133,200	-
	Civil Affairs, Household Registration, Military Service and Land Administration	2	2	-	2	-	-	-	2,490,400
	Immigration and Coast Guard	1	1	-	-	-	-	-	-
	Environmental Protection	27	-	-	80	-	-	31,071,904	-
	Medical Services	9	-	-	25	-	-	14,387,936	-
	Social Welfare	1	1	-	-	-	-	-	-
	Education	14	11	-	31	-	-	24,088,989	4,318,053
	Agriculture, Forestry, Fishery and Animal Husbandry	9	-	-	18	-	-	-	-
	River and Gravel Management	4	-	-	14	-	-	150,652,743	11,168,000
	Military Affairs	19	2	-	55	-	-	303,604,257	-
	National Properties Management	9	-	-	12	-	-	-	-
	State-owned Enterprises	13	-	-	51	-	-	443,184,207	21,323,637
	Administrative Affairs	2	-	-	10	-	-	2,238,800	267,919
	Others	92	9	1	239	-	-	660,706,310	15,332,159
	Subtotal	211	28	1	555	-	-	1,646,052,510	55,930,168
Total		363	271	24	814	818,229,511	1,185,457,699	2,069,936,878	101,991,738



venues without rummage or seizure; blackmailing a party in general public disputes; sheltering violators or setting free drunk drivers in traffic accidents.

(3) Inquiries of confidential information, such as inquiring about others' date of birth, name, age, vehicle records, household registration records, ID pictures and criminal records and leaking such information to consignors in violation of internal regulations.

2. There were 17 cases of 24 people in the category of civil affairs, household registration, military service, and land administration who mainly committed the following crimes: Borough chiefs who took advantage of their positions by writing off the funding of grassroots work in cleaning the environment within the district office by exaggerating employment wages and numbers to defraud allowed subsidies; borough chiefs forged community patrol records and related documents to defraud allowed subsidies; borough chiefs who falsely claimed the rents of community centers and defrauded property; social welfare departments of local governments who colluded with land operators to defraud the controlled disabled of their land.
3. There were 59 people in 13 cases in the category of construction with the following main offenses: Civil servants permitted construction without compliant land zoning or lawful application and issued licenses for usage illegally; civil servants in charge of public works who received bribes and free travel from suppliers to falsely budget the specific construction items in design changes, apply for typhoon loss and price adjustment and forge the attendance records upon construction acceptance, so as to let the suppliers pass the acceptance; civil servants in charge of supervising public works who received bribes to shelter suppliers to add plastic pipes, broken bricks and steel to construction backfill; civil servants who requested bribes from builders when dealing with disputes over road use; public works contractors who bribed civil servants in charge to pass the acceptance; civil servants in charge of public works who did not record inspections in official documents according to the on-site situation.
4. The "Others" category included the following main offenses: county/city council members



used head counts or false salaries to defraud the council of public assistant subsidies; civil servants acted as the chairpersons of the construction companies under their supervision within three years after their departure to five years before their departure, which violated Article 14-1 of the Civil Servant Work Act.

A total of 584 people in 211 “non-corruption cases” referred in 2017 comprised 28 civil servants and quasi civil servants, 1 representative of public opinion, 555 non-public officials and, compared with 2016, there was an increase of 18 cases of 91 people, at an increase rate of 9.3% (18 cases/193 cases) and 18.5% (91 persons/493 persons), respectively.

The investigation of non-corruption/non-malfeasance cases primarily begins after the verification of the evidence about the alleged involvement of civil servants in corruption/malfeasance, where a portion of criminal evidence on corruption/malfeasance is deemed unclear, or the law a civil servant has breached is other than the charge of corruption/malfeasance; thus, eventually, these are referred to the prosecutors’ office as non-corruption/non-malfeasance cases. Of said types of cases, the content is often closely related to the civil servants’ ethics and government agencies’ image even though the said civil servants are not suspected of being involved in corruption/malfeasance directly. Consequently, the investigation of such types of cases also contributes greatly to establishing a clean government.

Table 2-03-2 depicts the types of corruption cases from 2015 to 2017 categorized in compliance with the announcement by the Ministry of Justice entitled Categories and Principles of Special Notation for Corruption Cases.

According to the statistics using the new classification, construction, civil affairs, household registration, military service, and land administration and law enforcement accounted for a higher percentage of corruption cases from 2015 to 2017; most of the cases falling into construction and civil affairs, household registration, military service, and land administration were associated with public works projects and procurement, showing that unworthy civil servants or public opinion representatives sought unlawful benefits mainly from government procurement. In most of the cases falling into law enforcement, police officers took advantage of their power or opportunity to



**Table 2-03-1 Statistics on Referred Cases from 2010 to 2014  
(Items and Categories of Old Referred Cases)**

Unit: Case

Category \ Year		2010	2011	2012	2013	2014	Total
Corruption/Malfeasance	Public Works	59	58	46	45	36	244
	Procurement	38	53	61	156	32	340
	Judicial Corruption and Malfeasance	1	2	3	4	3	13
	Law Enforcement	24	35	24	40	29	152
	Fire Department	2	1	2	2	-	7
	Correction	6	2	4	1	1	14
	urban Planning	1	5	1	-	-	7
	Construction Management	5	7	5	3	8	28
	Land Administration	3	7	2	3	2	17
	Revenue	2	-	2	2	1	7
	Customs Affairs	2	7	1	4	4	18
	Financial Affairs	1	-	-	-	-	1
	Medical Care	2	8	-	2	2	14
	Education	5	4	7	2	4	22
	Company Registration	-	-	-	-	-	-
	Motor Vehicle Management	1	1	2	2	1	7
	Funeral and Interment	7	4	2	-	1	14
	Environmental Protection	8	12	5	5	5	35
	Impairment of Land Conservation	-	1	-	-	3	4
	River and Gravel Management	1	2	1	-	-	4
	Public Welfare Subsidy	1	1	1	3	1	7
	Subvention	1	9	4	6	5	25
	Others	80	85	47	48	37	297
	Subtotal	250	304	220	328	175	1,277
Non-corruption/Non-malfeasance	Public Works	101	73	69	69	61	373
	Procurement	128	119	105	107	136	595
	Judiciary Fraud	7	10	14	6	9	46
	Law Enforcement	-	-	-	-	1	1
	Fire Department	-	-	-	-	1	1
	urban Planning	-	-	-	-	17	17
	Customs Affairs	-	-	-	-	1	1
	Financial Affairs	-	-	-	-	1	1
	Medical Care	4	3	1	2	4	14
	Education	10	14	17	6	3	50
	Environmental Protection	3	13	22	11	19	68
	Impairment of Land Conservation	17	18	16	12	65	128
	Others	24	20	14	12	9	79
	Subtotal	294	270	258	225	327	1,374
Total		544	574	478	553	502	2,651



**Table 2-03-2 Statistics on Referred Cases from 2015 to 2017**  
**(Categories of Old Referred Cases Promulgated by Ministry of Justice)**

Unit: Case

Category		Year	2015	2016	2017	Total
Corruption/Malfeasance	Supervisory Management for Industry and Commerce		1	2	-	3
	Revenue		3	1	2	6
	Highway Administration		1	1	-	2
	Transportation, Tourism and Weather		-	1	2	3
	Legal		5	5	1	11
	Law Enforcement		19	27	20	66
	Fire Department		-	2	2	4
	Construction		14	13	13	40
	Civil Affairs, Household Registration, Military Service and Land Administration		13	14	17	44
	Immigration and Coast Guard		-	2	1	3
	Environmental Protection		7	6	3	16
	Medical Services		1	1	4	6
	Social Welfare		3	2	1	6
	Education		10	7	6	23
	Agriculture, Forestry, Fishery and Animal Husbandry		2	6	6	14
	River and Gravel Management		2	4	-	6
	Military Affairs		7	3	11	21
	Foreign Affairs		1	-	-	1
	National Properties Management		-	4	1	5
	State-owned Enterprises		1	5	2	8
	Administrative Affairs		4	8	9	21
	Others		44	22	51	117
	Subtotal		138	136	152	426
Non-corruption/Non-malfeasance	Supervisory Management for Industry and Commerce		-	1	-	1
	Customs Affairs		-	1	1	2
	Highway Administration		1	-	-	1
	Transportation, Tourism and Weather		2	8	1	11
	Justice		-	-	2	2
	Legal		3	-	2	5
	Law Enforcement		-	2	-	2
	Fire Department		-	-	1	1
	Construction		5	10	2	17
	Civil Affairs, Household Registration, Military Service and Land Administration		1	4	2	7
	Immigration and Coast Guard		-	4	1	5
	Environmental Protection		17	18	27	62
	Medical Services		5	6	9	20
	Social Welfare		-	-	1	1
	Education		22	26	14	62
	Agriculture, Forestry, Fishery and Animal Husbandry		-	7	9	16
	River and Gravel Management		2	6	4	12
	Military Affairs		9	14	19	42
	National Security Intelligence		1	-	-	1
	National Properties Management		-	5	9	14
	State-owned Enterprises		9	23	13	45
	Administrative Affairs		-	1	2	3
	Others		168	57	92	317
	Subtotal		245	193	211	649
Total			383	329	363	1,075



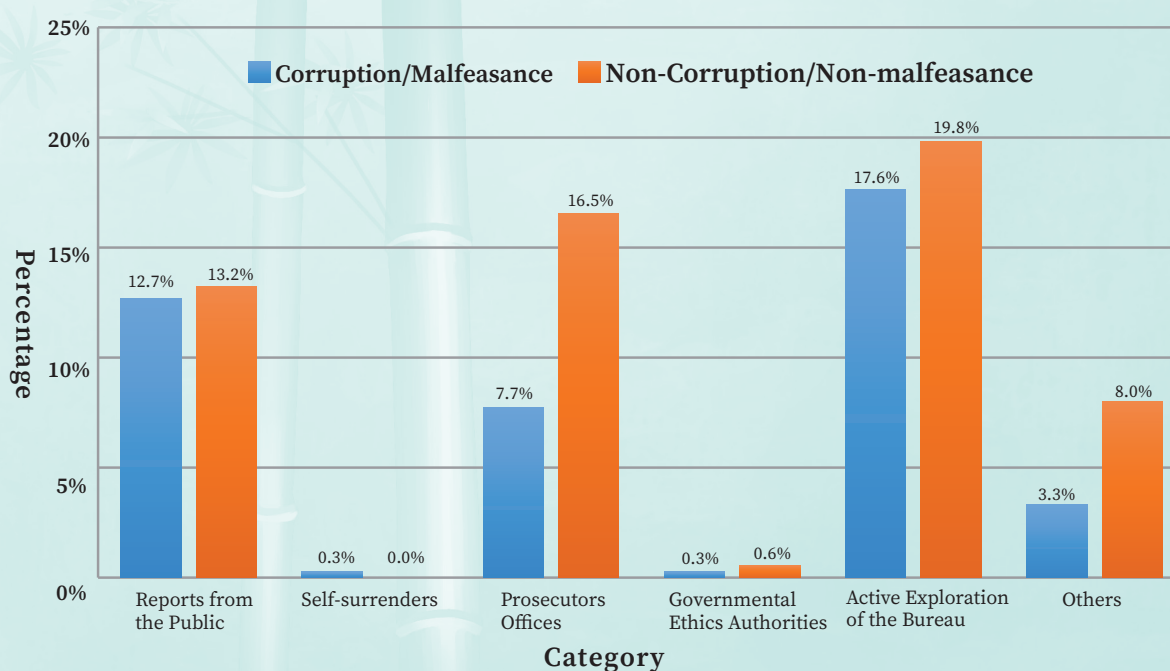
maintain order, to investigate or seek to collude with casino operators, prostitutes or gangsters or request or receive bribes from them or blackmail the stakeholders, or incited others to make drugs or guns to increase personal performance. As investigations and bans have high mandatory power and require many people's cooperation in an agency, such corruption cases often have a chain effect and involve a large number of suspects.

Table 2-04 depicts the number of clue sources of cases referred by the Bureau in 2017, and Figure 2-01 presents the proportion of clue sources of referred cases to all referred cases.

**Table 2-04 Statistics on Sources of Referred Cases in 2017**

Unit: Case

Category	Reports from the Public	Self-surrenders	Prosecutors Offices	Governmental Ethics Authorities	Active Exploration of the Bureau	Others	Total
Corruption/Malfeasance	46	1	28	1	64	12	152
Non-corruption/Non-malfeasance	48	-	60	2	72	29	211
Total	94	1	88	3	136	41	363



**Figure 2-01 Ratio of Sources of Referred Cases in 2017**



The result of the analysis is as follows:

1. Sources of the top three clues were those actively explored by the Bureau, those reported by the public and those handed over by prosecutors' offices. Among the sources of corruption cases in various clues, the first two were those actively explored by the Bureau and those reported by the public, while the top two clue sources of non-corruption cases were those actively explored by the Bureau and those handed over by prosecutors' offices.
2. The number of established cases with clues provided from the government employee ethics units accounted for 0.8% of the overall number of clues. After the establishment of the Agency Against Corruption, Ministry of Justice (hereinafter referred to as the AAC), most clues to corruption cases identified by the government employee ethics units were referred to the AAC, and the number of cases referred to the Bureau for investigation was significantly reduced.
3. The clue sources actively explored by the Bureau ranked the highest of all clue sources, accounting for about 37.5% (136 cases/363 cases) and ranking at the top in terms of the number of clue sources of corruption cases and non-corruption cases. This was mainly because our colleagues from field service units investigated their jurisdictions or used relations to uncover the evidence involved, and then voluntarily presented the case for investigation and reference. This shows that such clues are still the foundation of the Bureau's operation, as well as a unique and intangible asset in the implementation of fighting against corruption.
4. The number of established cases with clues reported by the public ranked the second highest among all clue sources, showing that people were still willing to provide quality clues to the Bureau in the hope of eradicating malpractice.

## *(2) Statistics on Applicable Laws of Referred Cases*

Table 2-05 depicts the statistics on the key applicable laws of referred cases in 2017.



Table 2-05 Statistics on Key Applicable Laws of Referred Cases in 2017

Unit: Case

Category		Applicable Law	Anti-Corruption Act	Government Procurement Act	Criminal Code	Others	Total
Corruption/Malfeasance	Revenue		2	-	-	-	2
	Transportation, Tourism and Weather		1	-	1	-	2
	Legal		1	-	-	-	1
	Law Enforcement		10	-	10	-	20
	Fire Department		2	-	-	-	2
	Construction		10	-	3	-	13
	Civil Affairs, Household Registration, Military Service and Land Administration		12	-	5	-	17
	Immigration and Coast Guard		1	-	-	-	1
	Environmental Protection		3	-	-	-	3
	Medical Services		3	-	1	-	4
	Social Welfare		1	-	-	-	1
	Education		4	-	2	-	6
	Agriculture, Forestry, Fishery and Animal Husbandry		4	-	2	-	6
	Military Affairs		10	-	1	-	11
	National Properties Management		1	-	-	-	1
	State-owned Enterprises		2	-	-	-	2
	Administrative Affairs		9	-	-	-	9
	Others		43	-	7	1	51
	Subtotal		119	-	32	1	152
Non-corruption/Non-malfeasance	Customs Affairs		-	1	-	-	1
	Transportation, Tourism and Weather		-	1	-	-	1
	Justice		-	-	1	1	2
	Legal		-	-	1	1	2
	Fire Department		-	-	1	-	1
	Construction		-	1	1	-	2
	Civil Affairs, Household Registration, Military Service and Land Administration		-	-	2	-	2
	Immigration and Coast Guard		-	-	1	-	1
	Environmental Protection		-	4	2	21	27
	Medical Services		-	9	-	-	9
	Social Welfare		-	-	1	-	1
	Education		-	7	7	-	14
	Agriculture, Forestry, Fishery and Animal Husbandry		-	-	2	7	9
	River and Gravel Management		-	3	1	-	4
	Military Affairs		-	19	-	-	19
	National Properties Management		-	-	6	3	9
	State-owned Enterprises		-	11	1	1	13
	Administrative Affairs		-	1	1	-	2
	Others		-	58	13	21	92
	Subtotal		-	115	41	55	211
Total			119	115	73	56	363



A total of 363 cases were referred by the Bureau in 2017, including corruption cases and non-corruption cases as follows:

### 1. Corruption Cases

The largest number of 119 cases was referred under the applicable laws stipulated in the Anti-Corruption Act, accounting for 78.3% (119 cases/152 cases). The first three applicable laws stipulated in the Anti-Corruption Act were Subparagraph 2, Paragraph 1, Article 5, fraudulently making others deliver personal property or a third person's property under cover of legal authority, (52 cases), Subparagraph 4, Paragraph 1, Article 6, directly or indirectly seeking unlawful gains for oneself or for others in matters under his charge or supervision, (27 cases) and Subparagraph 5, Paragraph 1, Article 4, demanding, taking or promising to take bribes or other unlawful profits by the acts that violate official duties, (14 cases). Details are given in Table 2-08.

It is followed by 32 referred cases under the applicable laws stipulated in the Criminal Code, accounting for 21% (32 cases/152 cases); among them, cases involving law enforcement were the highest (10 cases), most of which committed the crime of a civil servant who discloses secrets relating to matters other than national defense prescribed in Article 132 of the Criminal Code (6 cases); in most cases, police officers were entrusted to inquire about and leak others' identity, pictures or vehicle records in violation of internal regulations. Among the provisions of the Criminal Code based on which the cases were referred, Article 213 or Article 216 was mostly violated by 15 cases making a false entry of documents.

### 2. Non-corruption Cases

Among non-corruption cases, 115 cases were referred under the Government Procurement Act, accounting for 54.5% (115 cases/211 cases), of which the majority were 90 referred cases where a person committed fraud or used any other illegal means to make the supplier unable to tender or cause the opening of tenders to have an incorrect result (commonly known as fraudulent bid rigging) specified in Paragraph 3, Article 87, followed by 17 referred cases where a person borrowed or assumed any other's name or certificate to tender, with the intent to adversely affect the result of procurement or to gain illegal benefits (commonly known as borrowed license bid rigging) specified



in Paragraph 5, Article 87, and followed by 4 referred cases where a person caused the supplier not to tender or not to proceed with price competition, with the intent to adversely affect the price of award or to gain illegal benefits (commonly known as joint big rigging) specified in Paragraph 4, Article 87.

As mentioned before, unworthy civil servants or public opinion representatives sought unlawful benefits mainly from government procurement. Therefore, the Bureau focused the clues to corruption on such cases. The clues to some of the aforesaid cases investigated by the Bureau under the Government Procurement Act were the collusion of civil servants; however, upon investigation, it turned out to be bidders' malpractice, and the bidders were referred to the prosecutors' offices according to the Government Procurement Act as non-corruption cases. Such cases were the incidental results of the Bureau's anti-corruption work, which curbed unworthy suppliers' damage to the free market, promoted fair competition and maintained the quality of public works; they were also beneficial to an incorrupt government image.

Among non-corruption cases, 47 cases were referred under the Criminal Code, accounting for 49.4% (41 cases/211 cases), of which the majority were 12 referred cases that committed the offense of larceny or unlawful occupancy of state-owned land and buildings, stacked goods or state-owned land sandstone prescribed in Article 320, followed by 11 cases of forging or altering documents or putting into circulation prescribed in Articles 210 to 216. A total of 55 cases were referred under other laws, accounting for 26.1% (55 cases/211 cases). These laws included the Slope Land Conservation and Utilization Act (3 cases), the Soil and water Conservation Act (12 cases), the Regional Plan Act (11 cases), the Urban Planning Law (7 cases), the Forestry Act (2 cases), the Waste Disposal Act (17 cases), the Attorney Regulation Act (2 cases) and the Simple Life Insurance Act (1 case).

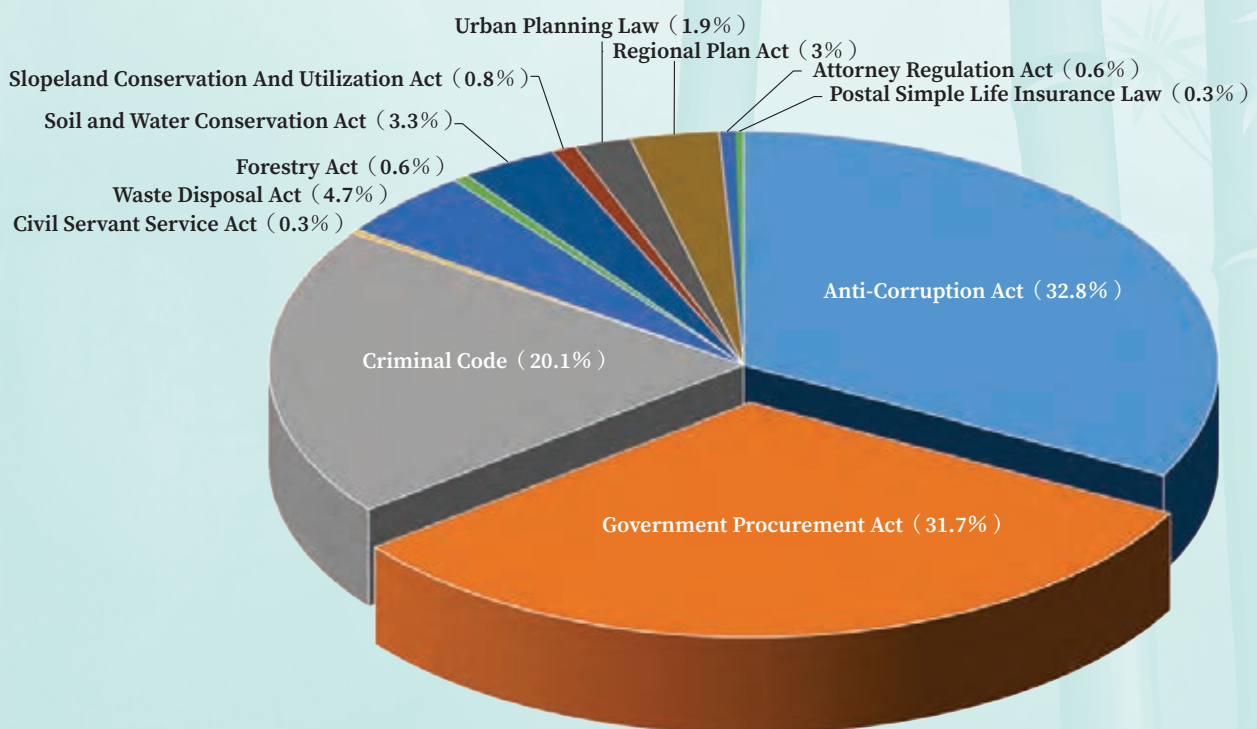
To respond to the emphasis of central public opinion representatives, the National Conference on Judicial Reform and the public on territory conservation and environmental protection, the Bureau established the action plan for the Territory Conservation Criminal Investigation Project in March 2017, aiming at unworthy groups or gangsters suspected of occupying territory,



misappropriating sandstone or national forests, using land excessively or committing environmental crimes. In May 2017, the Bureau worked with the prosecutors' offices to quickly and strictly investigate on a large scale in hopes of deterring unworthy operators, groups or gangsters from destroying the country, the environment and resources and maintaining national sustainability.

The laws applicable to the aforesaid investigation projects include the Slopeland Conservation and Utilization Act, the Soil and water Conservation Act, the Urban Planning Law, the Regional Plan Act, the Forestry Act, the Waste Disposal Act, the Water Pollution Control Act, the Water Act, the Mortuary Service Administration Act and Article 320 of the Criminal Code. According to the applicable laws based on which the aforesaid non-corruption cases were referred, a total of 64 cases fell under the project, which was a great achievement.

Table 2-06 depicts the number of referred cases from 2013 to 2017 by key applicable laws. Figure 2-02 shows the ratio of cases referred in 2017 by key applicable laws.



**Figure 2-02 Ratio of Key Applicable Laws of Referred Cases in 2017 (1)**  
(by Number of Cases)



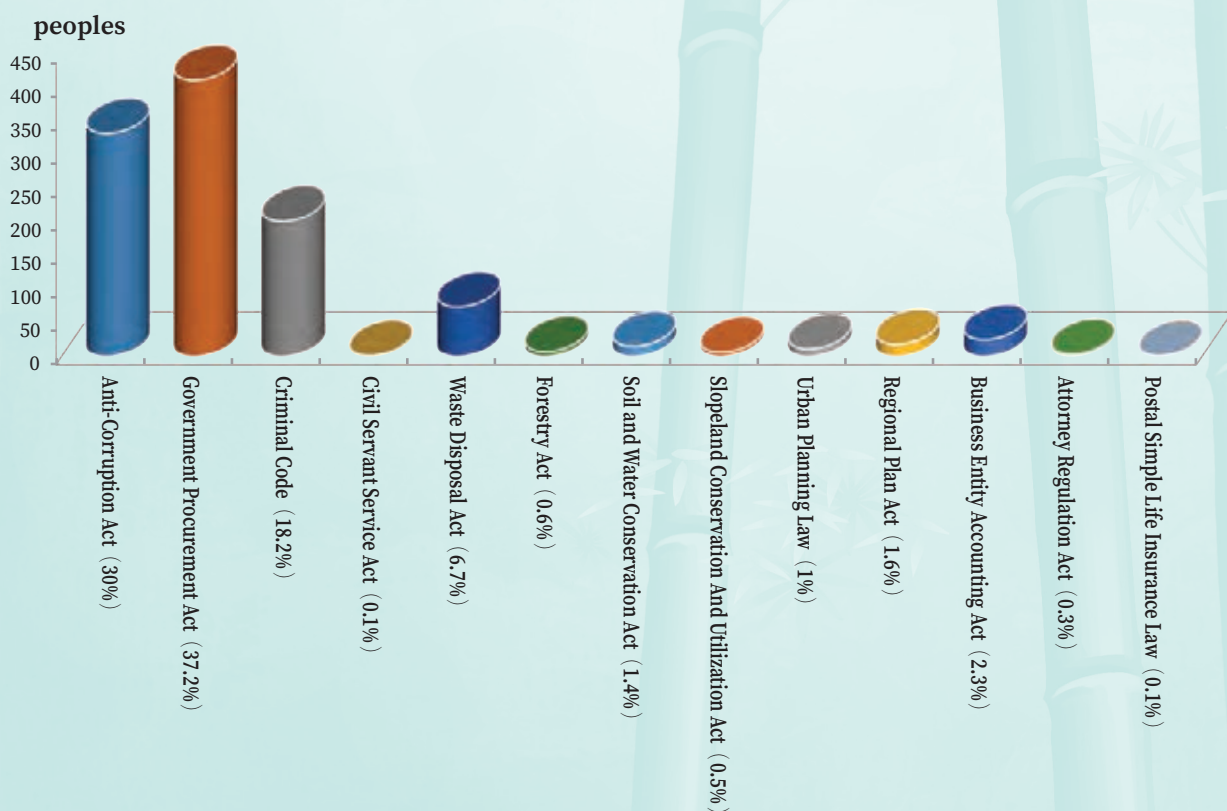
**Table 2-06 Statistics on Key Applicable Laws of Referred Cases over the Past 5 Years (1) (by Number of Cases)**

Year Law	2013		2014		2015		2016		2017	
	Number of Cases	Percentage	Number of Cases	Percentage	Number of Cases	Percentage	Number of Cases	Percentage	Number of Cases	Percentage
Anti-Corruption Act	299	54.1%	145	28.9%	115	30.0%	119	36.2%	119	32.8%
Government Procurement Act	157	28.4%	169	33.7%	179	46.7%	127	38.6%	115	31.7%
Criminal Code	74	13.4%	132	26.3%	63	16.4%	64	19.5%	73	20.1%
Narcotics Hazard Prevention Act	1	0.2%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Criminal Code of the Armed Forces	-	0.0%	-	0.0%	-	0.0%	1	0.3%	-	0.0%
Civil Servant Service Act	1	0.2%	3	0.6%	1	0.3%	-	0.0%	1	0.3%
Waste Disposal Act	10	1.8%	18	3.6%	10	2.6%	8	2.4%	17	4.7%
Forestry Act	1	0.2%	1	0.2%	1	0.3%	-	0.0%	2	0.6%
Soil and Water Conservation Act	3	0.5%	10	2.0%	3	0.8%	4	1.2%	12	3.3%
Slopeland Conservation And Utilization Act	2	0.4%	7	1.4%	-	0.0%	1	0.3%	3	0.8%
Urban Planning Law	-	0.0%	2	0.4%	-	0.0%	-	0.0%	7	1.9%
Regional Plan Act	4	0.7%	14	2.8%	7	1.8%	5	1.5%	11	3.0%
Attorney Regulation Act	-	0.0%	-	0.0%	1	0.3%	-	0.0%	2	0.6%
Water Act	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Water Pollution Control Act	1	0.2%	1	0.2%	1	0.3%	-	0.0%	-	0.0%
Tax Collection Act	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Computer-Processed Personal Data Protection Act	-	0.0%	-	0.0%	1	0.3%	-	0.0%	-	0.0%
The Classified National Security Information Protection Act	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Political Donations Act	-	0.0%	-	0.0%	1	0.3%	-	0.0%	-	0.0%
Postal Simple Life Insurance Law	-	0.0%	-	0.0%	-	0.0%	-	0.0%	1	0.3%
Total	553	100.0%	502	100.0%	383	100.0%	329	100.0%	363	100.0%



Over the years, the highest percentage of applicable laws to anti-corruption cases was the Anti-Corruption Act, followed by the Government Procurement Act and the Criminal Code. In 2017, 119 cases were referred under the Anti-Corruption Act, accounting for 32.8% of all referred cases (119 cases/363 cases); 115 cases were referred under the Government Procurement Act, accounting for 31.7% of all referred cases (115 cases/363 cases); 73 cases were referred under the Criminal Code, accounting for 15.4% of all referred cases (56 cases/363 cases). Most of the referred cases were non-corruption cases, and the environmental cases were referred mainly under the Waste Disposal Act that ranked in fourth place over the past five years.

Table 2-07 depicts the number of suspects referred from 2013 to 2017 by key applicable laws. Figure 2-03 shows the ratio of suspects referred in 2017 by key applicable laws.



**Figure 2-03 Ratio of Key Applicable Laws of Referred Cases in 2017 (2)**  
(by Number of Suspects)



**Table 2-07 Statistics on Key Applicable Laws of Referred Cases over the Past 5 Years (2) (by Number of Suspects)**

Law	2013		2014		2015		2016		2017	
	Number of Suspects	Percentage	Number of Suspects	Percentage	Number of Suspects	Percentage	Number of Suspects	Percentage	Number of Suspects	Percentage
Anti-Corruption Act	1,532	57.2%	831	46.5%	631	43.5%	493	41.4%	333	30.0%
Government Procurement Act	604	22.5%	504	28.2%	577	39.8%	440	37.0%	413	37.2%
Criminal Code	460	17.2%	327	18.3%	183	12.6%	182	15.3%	202	18.2%
Narcotics Hazard Prevention Act	1	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Controlling Guns, Ammunition and Knives Act	2	0.1%	-	0.0%	-	0.0%	-	0.0%	-	0.0%
Criminal Code of the Armed Forces	-	0.0%	-	0.0%	-	0.0%	1	0.1%	-	0.0%
Civil Servant Service Act	1	0.0%	3	0.2%	1	0.1%	-	0.0%	1	0.1%
Waste Disposal Act	18	0.7%	67	3.7%	20	1.4%	28	2.4%	74	6.7%
Forestry Act	23	0.9%	1	0.1%	13	0.9%	-	0.0%	7	0.6%
Soil and Water Conservation Act	4	0.1%	21	1.2%	6	0.4%	6	0.5%	15	1.4%
Slopeland Conservation And Utilization Act	1	0.0%	12	0.7%	-	0.0%	3	0.3%	6	0.5%
Urban Planning Law	-	0.0%	2	0.1%	-	0.0%	-	0.0%	11	1.0%
Regional Plan Act	4	0.1%	19	1.1%	10	0.7%	9	0.8%	18	1.6%
Business Entity Accounting Act	24	0.9%	-	0.0%	-	0.0%	25	2.1%	25	2.3%
Money Laundering Control Act	5	0.2%	-	0.0%	-	0.0%	2	0.2%	-	0.0%
Attorney Regulation Act	-	0.0%	-	0.0%	1	0.1%	-	0.0%	3	0.3%
Computer-Processed Personal Data Protection Act	-	0.0%	-	0.0%	1	0.1%	-	0.0%	-	0.0%
Wildlife Conservation Act	-	0.0%	-	0.0%	-	0.0%	1	0.1%	-	0.0%
Water Pollution Control Act	-	0.0%	2	0.1%	7	0.5%	-	0.0%	-	0.0%
Political Donations Act	1	0.0%	-	0.0%	1	0.1%	-	0.0%	-	0.0%
Postal Simple Life Insurance Law	-	0.0%	-	0.0%	-	0.0%	-	0.0%	1	0.1%
Total	2,680	100.0%	1,789	100.0%	1,451	100.0%	1,190	100.0%	1,109	100.0%



In 2017, the number of criminal suspects referred under the Government Procurement Act was 413, accounting for 37.2% of all referred cases (368 persons/1,109 persons); 333 suspects were referred under the Anti-Corruption Act, accounting for 30.0% of all referred cases (333 persons/1,109 persons), followed by 202 suspects referred under the Criminal Code, accounting for 18.2% of all referred cases (173 persons/1,109 persons). From 2013 to 2016, the applicable laws by which cases were referred were the Anti-Corruption Act, the Government Procurement Act and the Criminal Code, same as that in 2017. The number of suspects who were referred under the Waste Disposal Act was also significant and ranked fourth to sixth place over the past five years.

In addition, a total of 25 persons in five cases were referred under Article 71 of the Business Entity Accounting Act in 2017, ranking the 5th place. The main suspects of these five cases violated the Anti-Corruption Act and fell under corruption cases. Among these 25 persons, most of them were persons in charge, managers or accountants of private companies.

Table 2-08 shows the number of cases referred under the applicable laws prescribed in the Anti-Corruption Act from 2013 to 2017.

Over the past five years, the first four places were Subparagraph 2, Paragraph 1, Article 5, fraudulently making others deliver personal property or a third person's property under cover of legal authority, (291 cases), Subparagraph 4, Paragraph 1, Article 6, directly or indirectly seeking unlawful gains for oneself or for others in matters under his charge or supervision, (165 cases), Subparagraph 5, Paragraph 1, Article 4, demanding, taking or promising to take bribes or other unlawful profits by the acts that violate official duties (112 cases) and Subparagraph 3, Paragraph 1, Article 5, demanding, taking or promising to take bribes or other unlawful profits by an act that belongs to the official duties (95 cases). The aforesaid provisions also ranked among the first four places in the respective year.

In 2017, a total of 119 cases, all of which were corruption cases, were mainly referred under the Anti-Corruption Act, accounting for 32.8% of all referred cases (119 cases/363 cases), in which 52 cases committed a crime of fraudulently making others deliver personal property or a third person's property under cover of legal authority stipulated in Subparagraph 2, Paragraph 1, Article



**Table 2-08 Statistics on Key Applicable Laws of Referred Cases over the Past 5 Years (1) — in Accordance with the Criminal Code**

Unit: Case

Article	Paragraph	Subparagraph	Details of the Anti-Corruption Act	2013	2014	2015	2016	2017
4	1	1	Stealing or misappropriating public equipment or property.	12	7	8	12	3
4	1	2	Acquiring valuables or property through the use of undue influence, blackmail, forced acquisition, forced seizure, or forced collection.	8	5	4	3	3
4	1	3	Inflating the prices and quantities of, or taking kickbacks from, public works or procurements under his or her charge.	19	10	3	6	5
4	1	5	Demanding, taking or promising to take bribes or other unlawful profits by the acts that violate the official duties.	28	25	15	30	14
5	1	1	Withdrawing or withholding public funds without authorization with an intent to profit, or unlawfully collecting taxes or floating government bonds.	-	-	-	-	-
5	1	2	Fraudulently making others to deliver personal property or a third person's property under cover of legal authority.	157	24	26	32	52
5	1	3	Demanding, taking or promising to take bribes or other unlawful profits by an act that belongs to the official duties.	25	25	22	10	13
6	1	1	With the intent to profit, withholding public funds or public property which should be lawfully distributed.	1	-	-	-	-
6	1	2	Committing malfeasance while raising funds or requisitioning land or other properties.	-	-	-	-	-
6	1	3	Stealing or misappropriating private property or equipment that is in his or her possession due to official position but not for official use.	2	3	7	-	1
6	1	4	Directly or indirectly seeking unlawful gains for oneself or for others in matters under his charge or supervision while clearly knowing the act violates the law.	43	43	28	24	27
6	1	5	Using the opportunity provided by one's position or status for unlawful gains for oneself or for others in matters under his or her charge or supervision while clearly knowing the act violates the law, the statutes or orders authorized by the law, the mandate of the position, the self-governance statute, the self-governance regulations, the rules of commission, or the code for regulating unspecified people that have the effect of the law.	4	1	-	1	1
6-1			If the prosecutor has found during the investigation that a civil servant and his or her spouse or under-aged children have had inconsistent increase in property or income at the time of the commission to the offense or within three years thereafter, the suspect may be ordered to make an account of the increased property or income but fails to make a account without reasonable excuse, cannot make a credible account or makes a false account.	-	1	-	-	-
11	1		Any person who tenders a bribe or other unjust valuables, promises to give anything of value or gives anything of value to a person subject to Article 2 of the Act in return for that person's performing or omitting against his or her official duties.	-	1	2	-	-
13	1		The immediate superior who has actual or direct proof that a person under their supervision has committed one or more of the acts listed in the Act and has failed to expose case to the competent authorities.	-	-	-	1	-
Total				299	145	115	119	119



5, followed by 27 referred cases that committed a crime of directly or indirectly seeking unlawful gains for oneself or for others in matters under his charge or supervision stipulated in Subparagraph 4, Paragraph 1, Article 6, and followed by 14 referred cases that committed a crime of demanding, taking or promising to take bribes or other unlawful profits by acts that violate official duties stipulated in Subparagraph 5, Paragraph 1, Article 4.

The aforesaid crimes are described separately as follows:

**1. Fraudulently making others deliver personal property or a third person's property under cover of legal authority stipulated in Subparagraph 2, Paragraph 1, Article 5**

This is a crime often committed by civil servants. Such crime can be broadly classified into two categories: (1) use false headcount, invoices or other certificates to defraud public funds from relevant agencies, such as declaring travel expenses or meal expenses that were inconsistent with actual spending, applying for rent subsidies by concealing the purchase of houses or declaring assistant fees with a false list of assistants; and (2) take advantage of the public not understanding civil servants job content, scope of authority or operating rules to defraud the public of money, such as defrauding service fees by exaggerating the influence of authority or defrauding fees with false service.

Usually the first category accounted for the majority, by which the suspects took the opportunity to request funding knowing that the cost was not paid, fake transactions, not holding activities but presenting fake documents, invalid staff roster to apply for salary reimbursement in order to profit through such cheating ways. In addition to government agencies, law enforcement and the military, the suspects included borough chiefs, township representatives and county/city council members.

Among 52 referred cases of this crime in 2017, 16 cases involved municipal or county/city council members who used false headcounts or salary to defraud public funds from county/city councils or used a false sign-in sheet to defraud attendance fees; 10 cases involved borough chiefs or secretaries who falsely declared the wages of grassroots work in cleaning the environment within the district office; 9 cases involved civil servants who used false attendance records to defraud the



attendance salary, activity expenses, travel expenses, transportation fees or overtime pay; and 2 cases involved driving or assigning business cars for private use.

## **2. Directly or indirectly seeking unlawful gains for oneself or for others in matters under his charge or supervision stipulated in Subparagraph 4, Paragraph 1, Article 6**

A total of 27 referred cases involved this crime, among which eight cases were associated with government procurement and three cases were associated with public works projects. The main offenses were as follows: Civil servants designated the awarded suppliers that had participated in the design planning in violation of the Government Procurement Act; civil servants improperly added the specific qualifications or special specifications to the tender documents to cause the specific suppliers to be awarded; civil servants sheltered suppliers to claim construction payments with forged construction pictures or false receipts; civil servants were conscious that a contractor was behind schedule and had failed to complete the work prescribed in the contract before the deadline, but still allowed the contractor to pass the acceptance inspection and let it successfully obtain payment; employees of state-owned enterprises established companies using the false headcount and had the companies bid for the projects which they were in charge of and assisted the companies in securing the bid and being awarded.

Other non-government procurement cases are as follows: Civil servants of the tourism department of a county government sheltered hotel operators from fines by not recording the actual inspection result in the documents; civil servants allowed farmers who did not suffer from loss to obtain subsidies in violation of regulations governing allowances and subsidies against natural disasters; tax officers were conscious that tax payers did not meet the requirements for exemption from punishment but allowed them to pay the tax without being punished; persons in charge of indigenous reserves in district offices were conscious that applicants did not meet the Regulations on Development and Management of the Lands Reserved for Indigenous People but still approved their agricultural rights and allowed them to obtain the rent and the subsequent ownership of land.

## **3. Demanding, taking or promising to take bribes or other unlawful profits by acts that violate official duties stipulated in Subparagraph 5, Paragraph 1, Article 4**



A total of 14 referred cases involved this crime, among which four cases were associated with government procurement falling under public works projects. The main offenses were as follows: County/city council members and township chiefs colluded to designate the specific suppliers for public works projects and received kickbacks for a certain percentage of the project amount; persons in charge of procurement and acceptance received bribes in cash or women's courtesy at hotels to help suppliers secure the bids by falsely budgeting, rigging the bids or leaking information on procurement requirements, specifications and basic prices; persons in charge of procurement and acceptance were conscious that suppliers' performance did not meet the bid requirements but received bribes to pass the acceptance and allow suppliers to obtain unlawful benefits.

Of other cases not involving government procurement, the majority were five cases associated with law enforcement. The main offenses were as follows: Accepting bribes from casino operators without eradication, reporting or crackdown or leaking information before seizure; accepting bribes from prostitution or women's courtesy venues without rummage or seizure.

Table 2-09 shows the number of cases referred under the applicable laws prescribed in the Criminal Code from 2013 to 2017.

The table shows the crimes which the referred cases committed from 2013 to 2017, including the common fraud (111 cases), stipulated in Paragraph 1, Article 339, the offense of occupying real property (59 cases) stipulated in Paragraph 2, Article 320, the offense of making a false entry in an official document (51 cases) stipulated in Paragraph 1, Article 213, the defense of a civil servant's disclosing secrets relating to matters other than national defense (30 cases) stipulated in Paragraph 1, Article 132, the offense of larceny (23 cases) stipulated in Paragraph 1, Article 320 and the offense of a non-civil servant's disclosing secrets relating to matters other than national defense (6 cases) stipulated in Paragraph 2, Article 132. Most of the aforesaid crimes also came out top in the respective year.

In 2017, a total of 73 cases, including 32 corruption cases and 41 non-corruption cases, were referred under the Criminal Code, accounting for 20.1% of all referred cases (73 cases/363 cases).

The former mostly belonged to the offense of making a false entry in an official document



**Table 2-09 Statistics on Key Applicable Laws of Referred Cases over the Past 5 Years (2) (in Accordance with the Criminal Code)**

Unit: Case

Article	Paragraph	Offense	2013	2014	2015	2016	2017
122	2	Offense of accepting bribes and breaching one's duties	1	-	-	-	-
123	1	Quasi-bribery-taking	-	1	-	-	-
129	2	A civil servant intercepting or embezzling money or objects that should be issued to people	1	-	-	-	1
132	1	A civil servant disclosing a non-state secret (excluding national defense secrets) without authorization	5	12	-	6	7
132	2	A civil servant disclosing a non-state secret (excluding national defense secrets) without authorization due to negligence	-	-	-	2	3
132	3	A non-civil servant disclosing a non-state secret (excluding national defense secrets) without authorization	1	-	4	-	1
134		Regulations of punishment increase on public officials that commit offenses	-	-	-	1	5
157	1	Luring someone to enter a lawsuit and then taking the case	-	1	-	-	-
159		Openly and without authority wearing the uniform or badge or making use of the official title of a public official	-	-	-	-	1
165		Destruction of criminal evidence	-	1	-	-	-
169	1	Malicious accusation	-	1	-	-	-
185	3	Offence of attempting to endanger the safety of public traffic	-	-	-	1	-
187-2	1	Offence of nuclear radiation emission	-	-	-	1	-
210		Offence of forging or altering private documents	1	6	1	1	2
211		Offence of forgoing or altering official documents	1	2	-	-	4



Article	Paragraph	Offense	2013	2014	2015	2016	2017
213		A civil servant fraudulently filling in something on official documents	12	7	10	9	13
214		Causing a civil servant to make fraudulent entries into official documents	1	1	-	1	1
215		Fraudulently filling in something on private documents due to business	4	1	2	2	1
216		Using the forged, falsified, or false information-entry documents	2	5	-	-	5
217	1	Forging a seal, the impression of a seal, or a signature	-	-	-	1	-
217	2	Using a seal, the impression of a seal without authority	-	1	-	1	-
231	2	A civil servant harboring a person who makes a male or female to have sexual intercourse or make an obscene act with a third person	-	1	-	-	-
268		Frequent gambling crime	1	1	-	-	-
304	1	Offense of coercion	-	1	1	-	-
320	1	Larceny	1	4	14	-	4
320	2	Larceny of real estate	3	42	-	6	8
321	1	Larceny accompanied with gangs or weapons, or by way of intrusion, or performing at night	-	-	-	1	-
335	1	Embezzlement	1	1	3	-	1
336	1	Embezzling properties possessed on the occasion of official matters or public welfare	-	-	2	2	1
336	2	Embezzling properties possessed on the occasion of profession or business	1	2	-	1	2
339	1	Fraud (illegally gaining properties)	33	26	23	21	8
339	2	Fraud (illegally gaining profits)	-	-	2	-	1
339	3	Failure of fraud	1	2	-	1	-
339-4	2	Offenses of aggravated fraud	-	-	-	2	1
342	1	Abuse of trust	4	13	1	3	3
342	2	Attempt on breach of trust	-	-	-	1	-
Total			74	132	63	64	73



stipulated in Article 213 or Article 216, followed by the offense of disclosing secrets relating to matters other than national defense, such as police officers' leaking others' personal information or procurement staff's leaking confidential tender documents, stipulated in Article 132; in addition, some cases committed the offense of taking advantage of authority or opportunity by the official position to intentionally commit an offense other than malfeasance under the Criminal Code and being subject to the increased punishment stipulated in Article 134.

The latter mostly belonged to the offense of larceny or unlawful occupancy of state-owned land or land sandstone stipulated in Article 320 and the offense of fraudulence, including public funds embezzled by employees of state-owned enterprises or public and private school teachers, stipulated in Article 339.

### (3) Statistics on Suspects

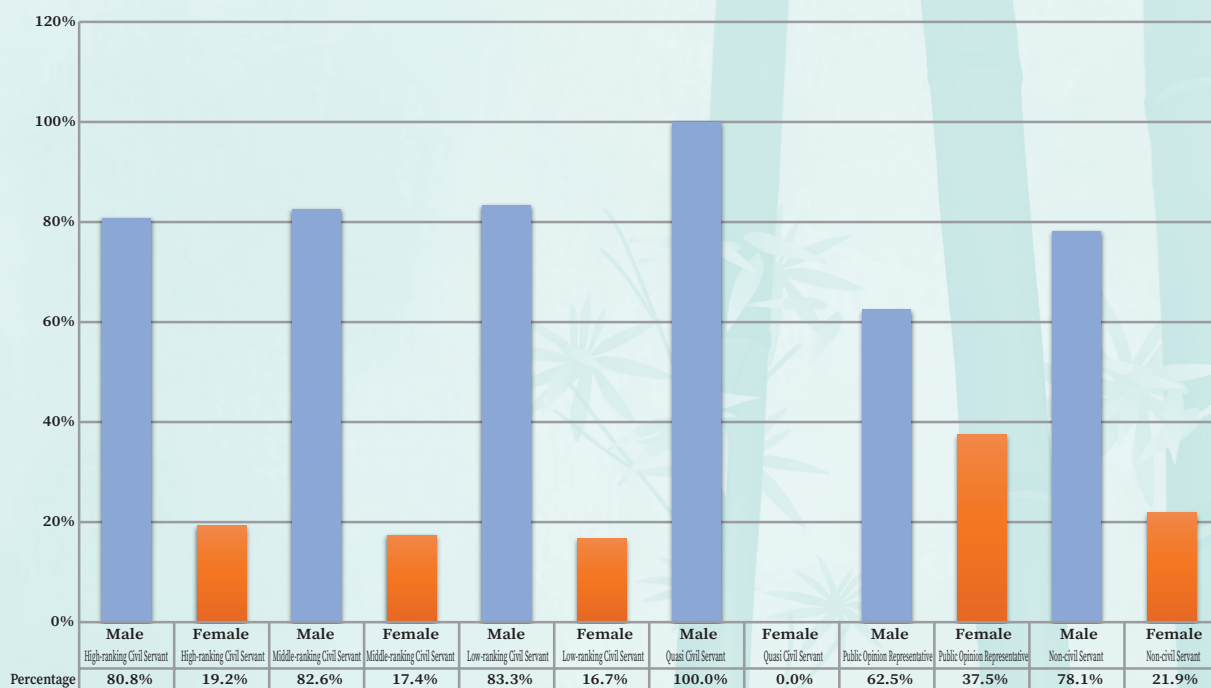
Table 2-10 shows the identity and gender of referred suspects from 2013 to 2017. Figure 2-04 shows the ratio of gender and identity of referred suspects in 2017.

**Table 2-10 Statistics on Suspect Profiles in Referred Cases over the Past 5 years (by Status and Gender)**

Unit: Person

Year	Category	High-ranking Civil Servant		Middle-ranking Civil Servant		Low-ranking Civil Servant		Quasi Civil Servant		Public Opinion Representative		Non-civil Servant		Total
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female		
2013		164	37	327	56	224	46	192	51	51	21	1,183	328	2,680
		201		383		270		243		72		1,511		
2014		72	1	162	25	86	9	101	33	18	3	1,057	222	1,789
		73		187		95		134		21		1,279		
2015		32	2	110	17	115	16	27	11	14	5	845	257	1,451
		34		127		131		38		19		1,103		
2016		25	4	111	19	103	30	60	11	10	7	646	164	1,190
		29		130		133		71		17		810		
2017		21	5	133	28	65	13	6	-	15	9	636	178	1,109
		26		161		78		6		24		814		
Total		314	49	843	145	593	114	386	106	108	45	4,367	1,149	7,070
		363		988		707		492		153		5,516		





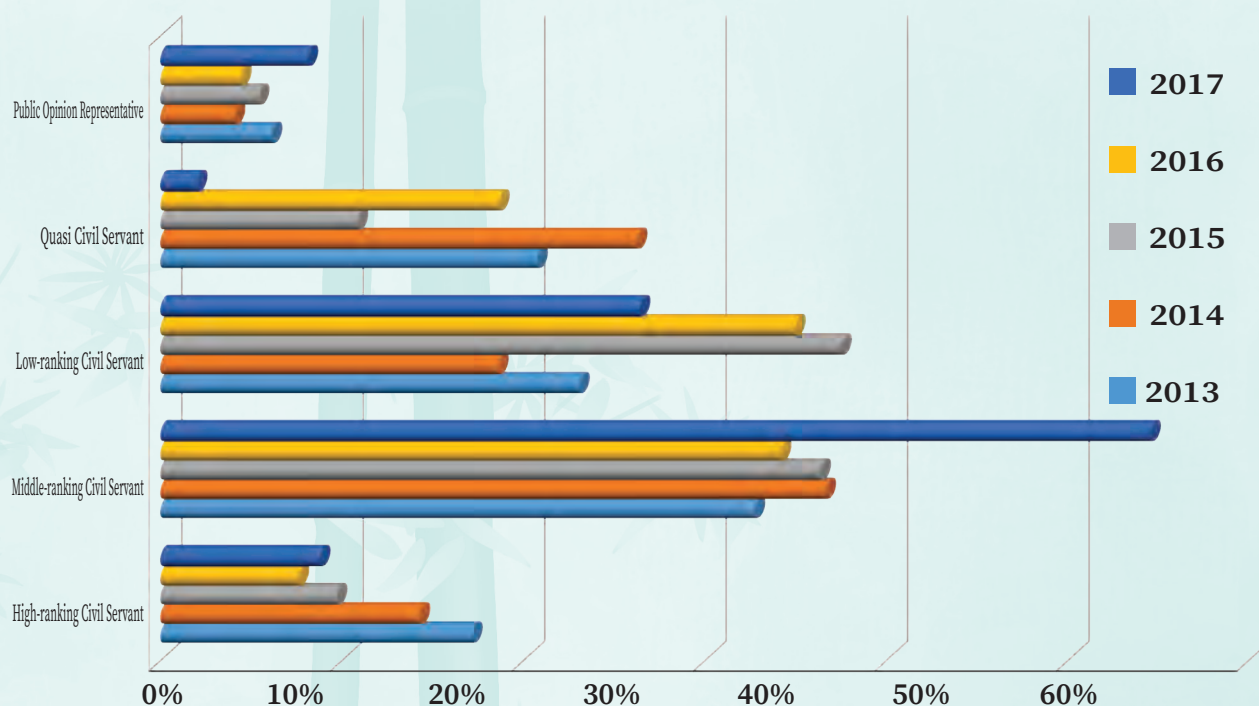
**Figure 2-04 Ratio of Suspects' Gender and Status in Referred Cases in 2017**

Of the 1,109 criminal suspects referred in 2017, 876 were male suspects, accounting for 79% (876 persons/1,109 persons). High, medium and low-ranking male civil servant suspects accounted for 80.8% (21 persons/26 persons), 82.6% (133 persons/161 persons) and 83.3% (65 persons/78 persons), respectively. The proportion of males in corruption cases was significantly higher than that of females, and the historical data also showed the same situation.

Figure 2-05 shows the proportion of the referred public servants, quasi-public servants and public opinion representatives from 2013 to 2017. In 2017, the medium-ranking civil servants accounted for the highest proportion, 54.6%, followed by 26.4% of low-ranking civil servants, 8.8% of high-ranking civil servants and 2% of quasi civil servants. The proportion trend over the past 5 years showed the same situation.

Table 2-11 shows the number of referred suspects in 2017 by key applicable laws.

A total of 215 civil servants, quasi civil servants and public opinion representatives were referred under the Anti-Corruption Act in 2017, which is the most widely applicable law to civil



**Figure 2-05 Ratio of Public Servants' Status in Referred Cases over the Past 5 Years**

**Table 2-11 Statistics on Suspect Profiles in Referred Cases in 2017 (1)  
(by Key Applicable Laws and Status)**

Unit: Person

Status \ Law	Anti-Corruption Act	Government Procurement Act	Criminal Code	Others	Total
High-ranking Civil Servant	21	-	4	1	26
Middle-ranking Civil Servant	112	1	47	1	161
Low-ranking Civil Servant	54	1	22	1	78
Quasi Civil Servant	6	-	-	-	6
Public Opinion Representative	22	1	1	-	24
Non-civil Servant	118	410	128	158	814
<b>Total</b>	<b>333</b>	<b>413</b>	<b>202</b>	<b>161</b>	<b>1,109</b>



servants suspected of corruption/malfeasance. Among 118 non-civil servants referred under the Anti-Corruption Act, 51 of them committed corruption/malfeasance stipulated in Articles 4 to 6 with civil servants and 67 of them committed bribery stipulated in Article 11. The bribe recipients include the tax collector of a revenue service office under the National Taxation Bureau, the head of Civil Service Ethics Office under the River and Coast Division of the Water Resources Agency, Ministry of Economic Affairs, the section chief of Occupational Training Center under the Ministry of Labor, the head of substation of the Forest District Office under the Forestry Bureau, the director of a public hospital and military hospital, the director of general affairs of a nation university, the clerk and engineer of public works and construction management division of a local government, the administrator of a mortuary services office, the county/city council members, borough chiefs, the staff of the Inspection Office under the Coast Guard Administration, the engineering planner of the Marine Corps, police officers of county/city governments and the staff of Taiwan Power Company and Taiwan International Ports Corporation, Ltd. who were responsible for procurement.

The highest number of suspects referred under the Anti-Corruption Act in a single case was 13. This case involved drug salespersons who collectively bribed the director of Pharmaceutical Affairs Division of a military hospital into proposing their drugs to the military bid for selection and leaking confidential information on military medicine.

In 2017, a total of three civil servants were referred under the Government Procurement Act, including two military officers and one township representative. Those involved in the cases committed the offence stipulated in Article 87 of the Government Procurement Act with non-civil servants, which were not related to their positions and powers; a total of 410 non-civil servants were referred, accounting for 37% (410 persons/1,109 persons) of all referred cases. Based on the statistics in the yearbooks over the past 10 years, the situation has remained the same, indicating that the trend of trying to manipulate the chance of winning the bids for government projects or procurement has never diminished.

Table 2-12 shows the number of referred suspects in 2017 by education.

Excluding unknown education, the table shows that the higher the level of civil servants, the



**Table 2-12 Statistics on Suspect Profiles in Referred Cases in 2017 (2)  
(by Education and Status)**

Unit: Person

Status \ Education	Master or Above	University	College	Senior High	Junior High or Below	Unknown	Total
High-ranking Civil Servant	10	10	2	1	-	3	26
Middle-ranking Civil Servant	47	50	30	9	7	18	161
Low-ranking Civil Servant	5	21	32	10	-	10	78
Quasi Civil Servant	2	4	-	-	-	-	6
Public Opinion Representative	4	5	7	7	1	-	24
Non-civil Servant	45	150	140	219	151	109	814
Total	113	240	211	246	159	140	1,109

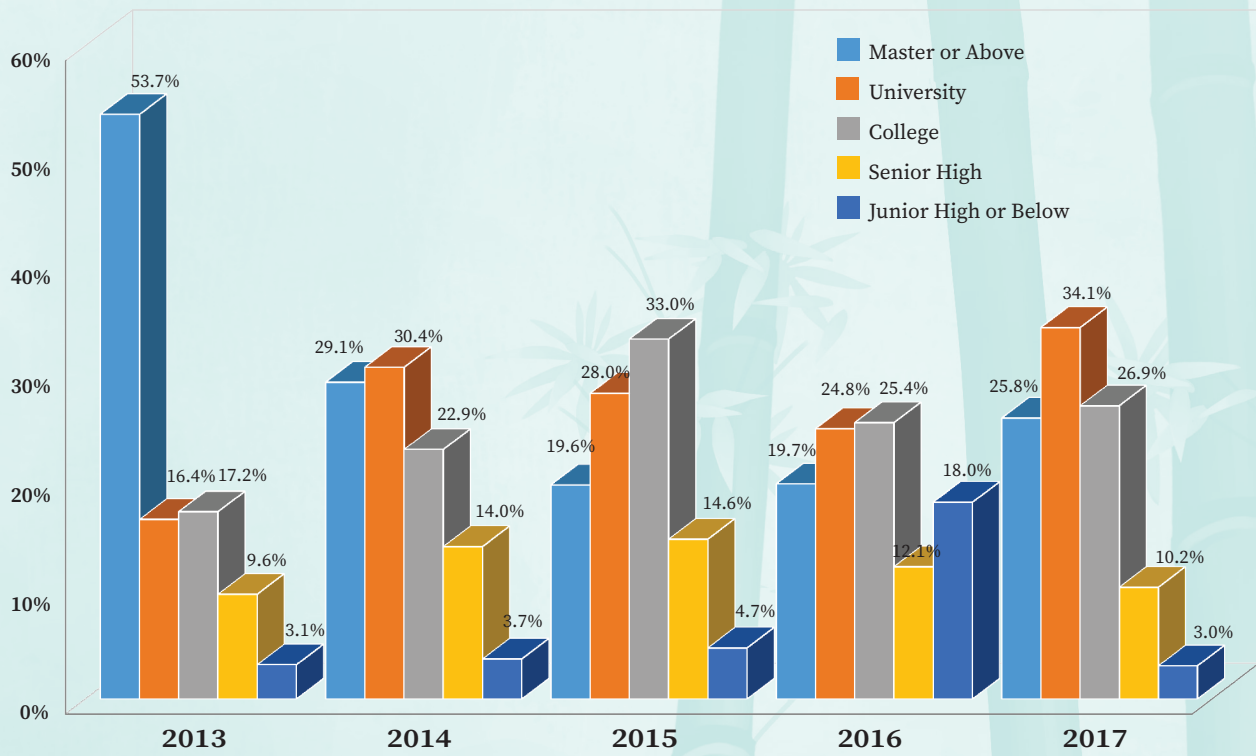
higher the education; the education of public opinion representatives was average; the education of most non-civil servants was high school, followed by college and university.

Figure 2-06 shows the ratio of education of civil servants referred from 2013 to 2017.

A total of 264 civil servants (including civil servants, quasi civil servants and public opinion representatives) referred in 2017 had confirmed education, including the majority at 34.1% (90 persons/264 persons) holding an university diploma, followed by 26.9% (71 persons/264 persons) holding a college diploma; the master's degree or above accounted for 25.8% (68 persons/264 persons); the senior high degree accounted for 10.2% (27 persons/264 persons) and the junior high degree or below only accounted for 3% (8 persons/264 persons).

The overall distribution of education from 2013 to 2017 was similar. University and college degrees ranked the top two. Although the percentage varied each year, the gap was small. In 2017, the percentage of university degree increased slightly. Over the past three years, the percentage of senior high diplomas has decreased year by year. In 2017, the senior high degree only accounted for





**Figure 2-06 Ratio of Public Servants' Education in Referred Cases over the Past 5 Years**

10.2%. It is worth noting that the master's degree or above has maintained a higher percentage over the past five years. In 2017, the master's degree or above accounted for 25.8%, which was related to the general promotion of educational attainment and the increasing willingness to engage in civil service in the country.

Table 2-13 shows the number of elected civil servants referred from 2013 to 2017. Among them, 24 public opinion representatives at all levels and 29 heads of local governments were referred in 2017 as follows:

#### 1. County/City Council Member

The main offences committed by the 20 referred county/city council members were as follows: 12 county/city council members used false headcount or salary to defraud assistant fees from



**Table 2-13 Statistics on Elected Public Servants Referred over the Past 5 Years**

Unit: Person

Public Opinion Representative		2013	2014	2015	2016	2017	Total	Chief of Local Self-governing Body	2013	2014	2015	2016	2017	Total
Legislative Yuan	Legislator	-	-	1	-	-	1	County/City Mayor	1	1	-	-	-	2
	Speaker	-	-	1	-	-	1	Township Chief	29	9	8	6	7	59
County/City Council	Vice Speaker	1	1	-	-	-	2	Village Chief	50	6	11	13	22	102
	Member	44	6	12	18	20	100							
Township Council	Chairperson	4	4	3	-	2	13							
	Vice Chairperson	1	1	1	-	1	4							
	Representative	25	9	1	1	1	37							
Total		75	21	19	19	24	158	Total	80	16	19	19	29	163

county/city councils during their service term; 7 county/city council members used a false sign-in sheet to claim attendance fees, transportation fees and meal fees during meetings; one county/city council member colluded with the borough chief to award the bid for the public works project to a specific supplier and obtain a kickback at a certain percentage of the project amount.

## 2. Township Council Representative, Chairperson and Vice Chairperson

A total of two chairpersons, one vice chairperson and one representative were referred. The main offenses were as follows: These two chairpersons forged the employment and attendance records of temporary employees to fraudulently obtain their salary; one vice chairperson and one representative falsely applied for the agricultural subsidy against natural disasters using the farmer's identity and borrowed a company's license to bid for the government project, respectively. The aforesaid two cases committed the fraud stipulated in Article 339 of the Criminal Code and the offense of borrowing any other's license to bid stipulated in Paragraph 5, Article 87 of the Government Procurement Act, respectively, and were irrelevant to the use of authority.



### 3. Borough Chief

A total of six township chiefs and one district chief were referred. The main offenses were as follows: four of them took advantage of their power to lead bids and received bribes or agreed on a kickback of a certain percentage of the project amount in advance to secure or designate specific suppliers to be awarded or pass acceptance; one of them took advantage of the duty to organize activities and defrauded property with false receipts; one of them claimed the operating expense with false receipts in a gathering held by the district office; when acting as the member of the Indigenous Reserve Review Committee, an indigenous township chief was conscious that the applicants did not meet the requirements for agricultural rights but still allowed them to obtain the rent and the subsequent ownership of land; one of them drove the official car for private purposes in violation of the official car regulations.

### 4. Village Chief

A total of 22 village chiefs were referred. The main offenses were as follows: A total of 14 village chiefs took advantage of their positions by writing off the funding of grassroots work in cleaning the environment within the district office by exaggerating employment wages and numbers to fraudulently obtain allowed subsidies; a village chief took advantage of the power to propose the renovation of the district office and request the bribe from the builder; most of the remaining cases were the forgery of patrol records, false claim for the rent of an activity center or forgery of activity receipts.

## 2. Statistics on Vote-buying Cases

Elections that the existing law regulates in terms of vote-buying conduct can be divided into two domains: civil servants election and non-civil servants election. The former encompasses nine types of election, namely the president/vice president, legislators, mayors of special municipalities, county/city mayors, township chiefs, village chiefs, councilors of special municipalities, county/city council members, township council representatives. The latter encompasses four types of election, namely the farmers' association representatives and employees, fishermen's association representatives and employees, irrigation association executive directors and commissioner and persons in charge of political parties and persons at a central, municipal, and county/city level.



The working objectives of the bribery crackdown missions that the Bureau executes are defined according to the differences in category and nature of the various types of elections by drafting specific project working plans for the respective division holding the purview, where they spearhead the bribery crackdown force, supported by the Navigation Investigation Division and backup manpower from the four region mobile offices from Northern, Central, Southern, and Eastern Taiwan and the Bureau's head office, to complete the various project missions with maximum bribery crackdown energy.

Vote-buying cases tallied in the yearbook refer to the cases, following the Bureau's support of the prosecution agency with investigation, which the prosecutors' office has proceeded to file for public prosecution, apply for summary judgment, by deferred prosecution, or by ex officio non-prosecution, and due to the nature of these cases being different than those referred through the anti-corruption category the two are tallied separately.

Given that the circumstances of applying for summary judgment, deferred prosecution, or ex officio non-prosecution are rulings the prosecutor makes that are applicable to summary procedural cases or minor cases, which in nature are similar to prosecution, where the accused are deemed to have allegedly committed the crime different from the absolute non-prosecution cases as stipulated under Article 252 of the Code of Criminal Procedure, the yearbook, for the convenience of description, hereby classifies them as prosecuted cases.

### *(1) Statistics on Prosecuted Cases over the Years*

Table 2-14 shows the number of prosecuted vote-buying cases which the Bureau investigated between 1996 and 2017. Table 2-15 shows the number of suspects prosecuted over the past 10 years. Taking the village chiefs' vote-buying cases in 2017 for example, no election of village chiefs was organized in 2017; the figures in the table represents the vote-buying cases pertaining to elections which were held in 2016 or earlier and prosecuted in 2017 upon the Bureau's investigation and evidence gathered. Data associated with the elections of the year are marked in red, to facilitate the understanding of the anti-bribery result of each election.

As of 2017, a total of 85 cases were investigated and prosecuted. The results of prosecution for cases referred by the Bureau in 2017 and prosecuted after December 31, 2017 will be disclosed in



**Table 2-14 Statistics on Vote-buying Cases Prosecuted over the Years (by Number of Cases)**

Unit: Case

Year	Category of Election	President and Vice President	Municipality Mayor	County/City Mayor	Township Chief	Village Chief	Legislator	Municipality Council Member	County/City Council Member	Township Representative	Farmers' Association	Fishermen's Association	Irrigation Association	Total
1996		1	-	-	2	-	51	-	-	-	-	-	-	54
1997		-	-	3	1	-	3	-	-	-	42	3	-	52
1998		-	-	12	15	13	8	-	32	9	3	-	-	92
1999		-	-	3	2	4	25	-	1	2	1	1	-	39
2000		6	-	1	-	-	1	-	2	-	1	-	-	11
2001		1	-	9	1	7	41	-	1	7	81	7	-	155
2002		-	-	23	57	98	46	-	141	60	9	1	-	435
2003		2	-	2	7	31	5	-	19	12	3	-	-	81
2004		7	-	-	2	-	20	3	-	-	-	-	-	32
2005		-	-	8	85	1	116	-	143	-	16	-	-	369
2006		1	1	36	94	95	4	3	185	77	1	-	-	497
2007		1	1	5	6	34	1	24	3	16	-	-	-	91
2008		5	-	-	3	8	127	2	2	1	-	-	-	148
2009		1	-	1	9	2	4	-	22	-	60	3	-	102
2010		-	-	14	67	56	4	2	130	49	8	1	11	342
2011		-	-	1	5	122	-	64	1	23	2	-	1	219
2012		5	-	-	1	6	30	-	-	3	1	-	-	46
2013		-	-	-	-	2	1	-	1	-	74	1	-	79
2014		-	-	-	2	8	1	1	4	6	4	-	13	39
2015		-	-	2	44	117	-	32	83	79	1	-	1	359
2016		-	-	-	5	11	37	1	8	4	-	-	1	67
2017		-	-	-	-	1	1	-	-	-	70	10	3	85
Total		30	2	120	408	616	526	132	778	348	377	27	30	3,394

Note 1: A figure in red indicates a year with election.

Note 2: Before 2003, category "County/City Mayor" includes the election of "Municipality Mayor"; category "County/City Council Member" includes the election of "Municipality Council Member".

Note 3: The elections of public opinion representatives include those of the president and vice president of the Legislative Yuan, the speaker and vice speaker of a municipality council, the speaker and vice speaker of a county/city council and the chairperson and vice chairperson of a township council. The elections of farmers' associations and fishermen's associations include those of representatives, directors and supervisors. The elections of irrigation associations include those of the president and committee members.

Note 4: In addition to the major indictment cases, the statistics also include summary judgments, deferred prosecutions and non-prosecution ex officio.



**Table 2-15 Statistics on Vote-buying Cases Prosecuted over the Past 10 Years (by Number of Suspects)**

Unit: Person

Year	Category of Election	President and Vice President	Municipality Mayor	County/City Mayor	Township Chief	Village Chief	Legislator	Municipality Council Member	County/City Council Member	Township Representative	Farmers' Association	Fishermen's Association	Irrigation Association	Total
2008		28	-	-	8	33	653	3	4	2	-	-	-	731
2009		2	-	2	29	22	29	-	77	-	260	5	-	426
2010		-	-	39	304	172	15	12	773	195	39	2	46	1,597
2011		-	-	11	13	616	-	532	1	80	5	-	1	1,259
2012		8	-	-	4	18	208	-	-	16	3	-	-	257
2013		-	-	-	-	3	3	-	6	-	170	2	-	184
2014		-	-	-	17	19	3	4	7	33	18	-	82	183
2015		-	-	6	144	638	-	206	379	341	10	-	1	1,725
2016		-	-	-	25	31	388	5	107	6	-	-	1	563
2017		-	-	-	-	4	3	-	-	-	395	33	7	442
Total		38	-	58	544	1,556	1,302	762	1,354	673	900	42	138	7,367

Note 1: A figure in red indicates a year with election.

Note 2: The elections of public opinion representatives include those of the president and vice president of the Legislative Yuan, the speaker and vice speaker of a municipality council, the speaker and vice speaker of a county/city council and the chairperson and vice chairperson of a township council. The elections of farmers' associations and fishermen's associations include those of representatives, directors and supervisors. The elections of irrigation associations include those of the president and committee members.

Note 3: The accused may be candidates, persons who conduct bribes, bribe receivers or other criminals connected with vote-buying cases.

the anti-corruption yearbook of the year of prosecution.

The potential people accused of vote-buying cases include the candidates and their vote captains, family and friends and even those receiving bribes. For the grassroots elections of county/city council members, township chiefs, township representatives and village chiefs and the elections of fishermen's associations and farmers' associations, the prosecution of candidates accounts for a higher percentage; for the elections of county/city mayors and legislators, the percentage of vote captains prosecuted is often higher than the percentage of candidates prosecuted due to a relatively



wider constituency, more detailed division of labor and an evidence-based legal system.

The main task of the Bureau in 2017 was to investigate vote-buying cases pertaining to the election of 2017 farmers' associations and fishermen's associations organized on February 19, 2017. The election of farmers' associations, which is a non-statutory political election, still has a considerable impact on the overall electoral atmosphere of society. Farmers' associations and fishermen's associations are important social networks for elected civil servants and public opinion representatives, and their members are closely related to local politics. Such associations have the nature of public welfare, and their cadres' duties are closely related to the livelihood of farmers and fishermen; moreover, most farmers' associations and fishermen's associations have a credit department, making them important hubs of people, funds and electoral resources. The fair election of such associations is of necessity.

To ensure that the election of civil servants were absolutely fair, the Bureau, according to the principle of administrative neutrality, initiated investigation projects and allocated administrative resources to gradually launch each task in line with the election schedules and the key points of bribery investigation of the Ministry of Justice. Among 85 vote-buying cases investigated by the Bureau in 2017, 70 cases involved farmers' associations, 10 cases involved fishermen's associations, three cases involved irrigation associations and one case involved both legislators and village chiefs. The summary of prosecution is described as follows:

### **1. Election of Farmers' Associations and Fishermen's Associations**

A total of 428 persons in 80 cases were prosecuted. The election of member representatives of farmers' associations and fishermen's associations started from February 19, 2017, and the election of chairpersons of national fishermen's associations ended on May 4, 2017. Following the prosecutors' command, the Bureau took over vote-buying cases regarding the candidates for member representatives, directors and supervisors, chairpersons and secretaries in the grassroots election of farmers' associations and fishermen's associations in Taipei City (3 cases), New Taipei City (21 cases), Keelung City (1 case), Taoyuan City (14 cases), Miaoli County (6 cases), Taichung



City (6 cases), Changhua County (1 case), Nantou County (3 cases), Yunlin County (3 cases), Chiayi County (2 cases), Tainan City (7 cases), Kaohsiung City (5 cases), Pingtung County (4 cases), Yilan County (1 case), Hualien County (1 case) and Taitung County (2 cases); among these vote-buying cases, the majority were those regarding the candidates for member representatives.

The mode of vote-buying cases was mainly cash, followed by gifts. Candidates and their vote captains or employees of farmers' associations and fishermen's associations bought votes from members. Among the prosecuted cases, existing secretaries and chairpersons colluded with member representatives and directors to support the specific candidates by buying votes from members in the election of member representatives and directors and supervisors, so as to be reelected and secure existing benefits. The number of prosecuted cases and suspects shows that the practice of vote-buying in the grassroots election of farmers' associations and fishermen's associations was still ubiquitous.

## **2. Election of Irrigation Associations**

A total of seven persons in three cases in Kaohsiung City (2 cases) and Yunlin County (1 case) were prosecuted. During the by-election of chairpersons and the committee, the candidates' vote captains bought votes from members with voting rights using cash or gifts.

## **3. Election of Legislators**

A total of three persons in one case in Pingtung County were prosecuted. In 2015, the association chairperson of a candidate for legislator treated people with voting rights to a banquet free of charge and arranged for the candidate to toast table by table in the name of community gathering. The chairperson was referred by the Bureau in December 2015 and prosecuted in January 2017.

## **4. Election of Village Chiefs:**

A total of four persons in one case in Chiayi County were prosecuted. In the by-election of a village chief, the candidates colluded with residents in other villages to relocate to the villages and vote on the day of election, so as to cause an incorrect voting result.



## *(2) Statistics on Applicable Articles of Prosecuted Cases*

Of the existing law that bans and also clearly stipulates a criminal penalty for vote-buying conduct, in the domain of civil servants elections, the presidential/vice presidential elections are deemed more unique and important, and thus, are independently stipulated in the Presidential and Vice Presidential Election and Recall Act, and the other types of civil servants elections are stipulated in the Civil Servants Election and Recall Act, and of those not stipulated by said two laws, relevant stipulations in the offenses of interference with voting Chapter of the Criminal Code are applied; non- civil servant elections are separately regulated, according to the type of organizations that stages the elections, under the Farmers Association Act, the Fishermen Association Act, the Act of Irrigation Association Organization and the Political Party Act.

On December 6, 2017, the Legislative Yuan promulgated the Political Party Act totaling 46 articles. According to Article 33, vote-buying agreements between electors and electees and running in or withdrawing from the election in exchange of interests with respect to the election of the person in charge and the staff at central, municipal and county/city levels in a political party are subject to punishment.

The legislative ground for Article 33 only shows that Article 33 is passed by consultation. According to the Legislative Yuan's 9th Term 4th Session Consultation Meeting Minutes dated November 7, 2017, Article 33 was approved according to the articles proposed by the Ministry of the Interior. The Organic Laws and Statutes Bureau, Legislative Yuan describes the considerations for the establishment of Article 33 as follows: "Political parties are by nature in the public interest. Regulating vote-buying cases regarding the election of political parties enables incorrupt politics from within political parties; besides, political figures are often trained to serve for political parties. With the regulated election of political parties, people with talent and outstanding moral character can be elected to serve the political party and the country through a fair election".

Table 2-16 depicts the key applicable laws to the accused prosecuted in the vote-buying cases and the number of the accused in 2017.



**Table 2-16 Statistics on Vote-buying Cases Prosecuted in 2017 (by Key Applicable Laws and Number of the Accused)**

Unit: Person

Applicable Law		Disciplinary Action	Indictment	Summary Judgment	Deferred Prosecution	Non-prosecution Ex Officio	Total
Civil Servants Election And Recall Act	Paragraph 1, Article 99 (Offering Bribes to Voters)		1	-	-	-	1
The Farmers Association Act	Subparagraph 1, Paragraph 1, Article 47-1 (Eligible Voters Taking Bribes)		4	1	-	6	11
	Subparagraph 2, Paragraph 1, Article 47-1 (Offering Bribes to Eligible Voters)		210	2	144	28	384
The Fishermen Association Act	Subparagraph 1, Paragraph 1, Article 50-1 (Eligible Voters Taking Bribes)		3	-	2	-	5
	Subparagraph 1, Paragraph 1, Article 50-1 (Offering Bribes to Eligible Voters)		17	-	10	1	28
The Act of Irrigation Association Organization	Subparagraph 2, Paragraph 1, Article 38-1 (Offering Bribes to Eligible Voters)		2	2	3	-	7
Criminal Code	Paragraph 1, Article 143 (Eligible Voters Taking Bribes)		2	-	-	-	2
	Paragraph 2, Article 146 (Procuring an Incorrect Result from Voting by Fraud or Other Illegal Means)		-	-	4	-	4
Total			239	5	163	35	442

Among the vote-buying cases prosecuted in 2017, a total of 395 persons were prosecuted under the Farmers Association Act, accounting for 89.4% (395 persons/442 persons); a total of 33 persons were prosecuted under the Fishermen Association Act, accounting for 7.5% (33 persons/442 persons); a total of 7 persons were prosecuted under the Act of Irrigation Association Organization, accounting for 1.6% (7 persons/442 persons). The aforesaid vote-buying cases prosecuted under the applicable laws were described separately as follows:



### **1. The Farmers Association Act and the Fishermen Association Act:**

The member representatives of farmers' associations and fishermen's associations are elected among members; the elected member representatives convene the member representative assembly to elect directors and supervisors; the elected directors and supervisors form the board of directors and supervisors to elect chairpersons and managing supervisors, respectively; the secretaries are appointed upon a majority of directors' resolution. As a secretary is an administrator in charge of association affairs, he/she has the authority to appoint and direct the employees of the farmers' association and execute association affairs. Thus, secretaries have a great influence on the operation of association affairs and are the actual power of the associations. Although they are not elected directly among members of member representatives, they are the commanders behind the scenes.

As mentioned above, the cadres of farmers' associations and fishermen's associations are elected layer by layer. To be elected, directors and supervisors or above or candidates often collude with lower cadres or candidates to buy votes from people with voting rights in advance and even before the public announcement or registration of the election. According to the existing practice, such advance bribery is considered the commencement of bribery; after representatives are elected and obtain a right to vote, the elements of committing bribery are established as they become people with voting rights.

As lower cadres or candidates are often manipulated by upper cadres or candidates, they collude in vote-buying activities. As a result, suspects in the same case often include lower and upper cadres or representative electors and electees. The degree of involvement in vote-buying cases is determined based on the role of the suspect and whether suspect is the chief instigator, and the prosecutors in charge will decide on different punishments accordingly. For such cases, the percentage of suspects subject to deferred prosecutions and non-prosecutions ex officio is higher. Among the vote-buying cases in 2017, suspects subject to deferred prosecutions and non-prosecutions ex officio accounted for 44.6% of all suspects.

### **2. The Act of Irrigation Association Organization:**

The president and the advisory committee of an irrigation association are elected among



members. Before 2010, no punishment for vote-buying cases was regulated, making it difficult to maintain the fairness of elections. In view of this, the Legislative Yuan added Article 38-1 and Article 38-2 of the Act of Irrigation Association Organization in accordance with the Farmers Association Act on April 30, 2010 to regulate the punishment for vote-buying agreements between electors and electees and preventing others from running for election by violence or coercion.

A total of seven persons were prosecuted under the Act of Irrigation Association Organization in 2017 (including deferred prosecutions). In the by-election of a president and the advisory committee, the candidates and their vote captains bought votes from members with voting rights by cash or gifts.

On January 17, 2018, the Legislative Yuan amended the Act of Irrigation Association Organization. According to Article 40, from the date of implementation of the Act, national irrigation associations are changed to public agencies, and the terms of the existing president and the advisory committee of the irrigation association extend to September 30, 2020. If the president falls vacant or the term of the president expires, the supervising authority shall appoint the president. The election of the president and the advisory committee will no longer be held.

### *(3) Statistics on Vote-buying Modes*

Vote-buying cases, by soliciting or accepting bribes, are distinguished by law into two categories, namely bribery and other improper gains; bribery means money or other property that can be calculated in money; other improper gains means any tangible or intangible gains other than bribery that are sufficient for people's needs or desires.

The legal basis of the aforesaid other improper gains is for criminal elements to cater to the ever-changing social trends and technological development. To enable candidates and voters to understand the boundaries of legal guidelines, the Supreme Prosecutors Office has promulgated the Illustrated Vote-Buying Criminal Conduct Examples for the general public to refer to and abide by, with timely revisions and amendments made alongside the state of practical implementation development, and of the latest amended version on November 14, 2011, it not only listed the 23



types of tangible vote-buying modes on which the practical legal practicing sector had reached a consensus, but also listed the collective provision of soliciting, promising, or presenting other forms of bribes or improper gains as Type 24, in a bid to prevent any omission, which will curtail candidates or their supporters from having any opportunistic mindsets.

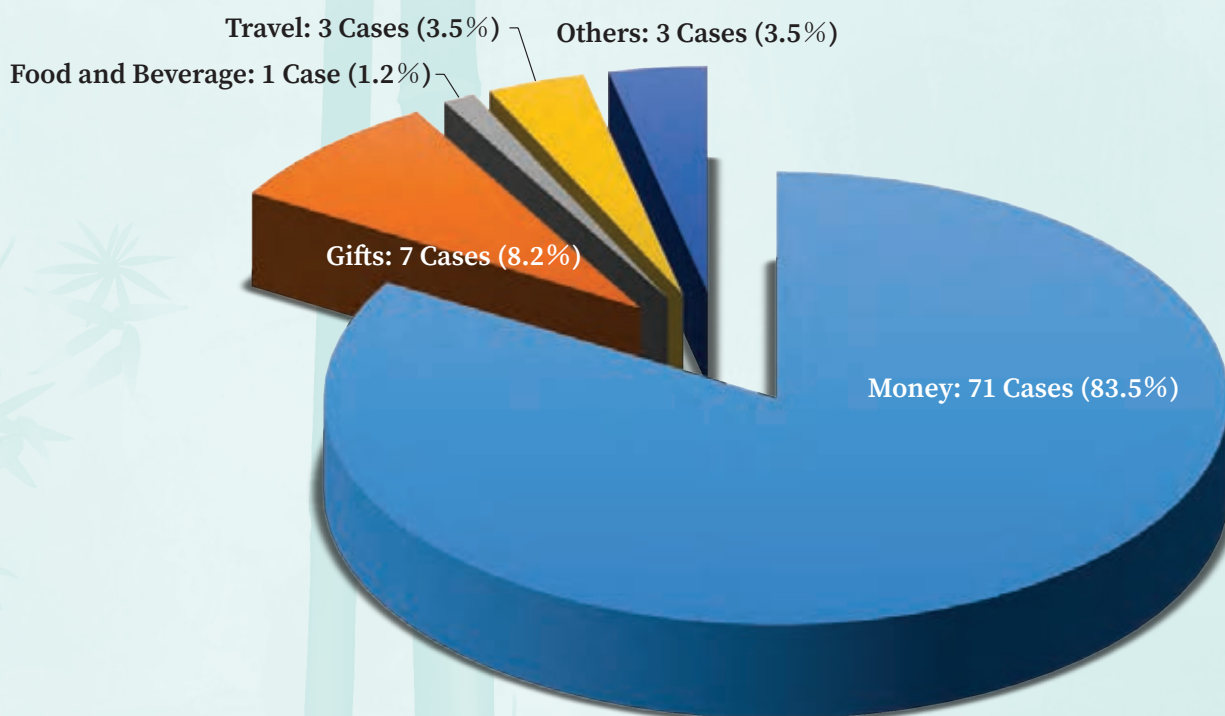
Because of the different types of election, bribery is regulated separately in the Presidential and Vice Presidential Election and Recall Act, the Civil Servants Election and Recall Act, the Criminal Code, the Farmers Association Act, the Fishermen Association Act; however, the elements and structure of bribery are similar, that is, to agree with persons with a right to vote not to exercise their right to vote or to exercise their right to vote in a certain way by soliciting, promising or presenting bribes or other improper gains. By examining vote-buying cases the Bureau has investigated over the years, some of the more common vote-buying modes can be summarized into five major types, namely vote-buying with money, vote-buying with gifts, vote-buying with food and beverages, vote-buying with travel and vote-buying with funding donations.

Table 2-17 and Figure 2-07 show the modes of prosecuted vote-buying cases which the Bureau investigated over the past six years.

**Table 2-17 Statistics on Modes of Vote-buying Cases over the Past 6 Years**

Unit: Case

Year \ Mode	Money	Gifts	Food and Beverage	Travel	Funding Donations	Others	Total
2012	36	-	2	-	-	8	46
2013	75	2	-	-	-	2	79
2014	31	5	1	-	-	2	39
2015	302	14	8	1	1	33	359
2016	56	1	3	-	-	7	67
2017	71	7	1	3	-	3	85
Total	571	29	15	4	1	55	675



**Figure 2-07 Ratio of Modes of Vote-buying Cases in 2017**

The vote-buying modes are described separately as follows:

### **1. Vote-buying with Money:**

In 2017, a total of 71 money vote-buying cases were prosecuted, which accounted for 83.5% of 85 cases prosecuted in the year, while a total of 571 cases were prosecuted over the past six years, which accounted for 84.6% of 675 prosecuted cases. This mode of vote-buying accounted for the highest percentage, indicating that vote-buying with money is the direct and efficient mode of vote-buying for candidates or their supporters.

Among these 71 money vote-buying cases, 69 cases involved the election of farmers' associations and fishermen's associations; further, the amount of money for vote-buying involving the election of member representatives fell between NT\$1,000 and NT\$5,000 per vote. The amount of money for vote-buying in few constituencies under more intense competition fell between



NT\$10,000 and NT\$15,000. The amount of money for vote-buying involving the election of directors and supervisors mostly fell between NT\$20,000 and NT\$50,000 per vote. The amount of money for vote-buying involving the election of chairpersons and managing supervisors fell between NT\$100,000 and NT\$300,000 per vote.

A total of two cases involved the election of irrigation associations. The amount of money for vote-buying involving the election of association members was NT\$500 per vote. The amount of money for vote-buying involving the election of an association chairperson was NT\$1,000 per vote

## **2. Vote-buying with Gifts:**

In 2017, a total of seven gift vote-buying cases were prosecuted, which accounted for 8.2% of 85 cases prosecuted in the year, while a total of 29 cases were prosecuted over the past 6 years, which accounted for 4.3% of 675 prosecuted cases. Among these seven gift vote-buying cases, six cases involved the election of farmers' associations and fishermen's associations and one case involved the election of irrigation associations. Gifts for vote-buying were tea gift boxes (three cases), alcohol (two cases), soy sauce and food.

In this mode of vote-buying, candidates bestowed gifts in excuse of festival customs or hospitality, by which to garner voters' favor and ask them to support their being elected or sway them from their decisions.

## **3. Vote-buying with Food and Beverages:**

In 2017, a total of one food and beverage vote-buying case was prosecuted, which accounted for 1.2% of 85 cases prosecuted in the year, while a total of 15 cases were prosecuted over the past six years, which accounted for 2.2% of 675 prosecuted cases. The cadre of the legislative candidate treated residents who had nothing to do with the community association free of charge in the name of the community association's gathering and arranged the candidate to toast table by table.

## **4. Vote-buying with Travel:**

In 2017, a total of three travel vote-buying cases were prosecuted, which accounted for 3.5% of 85 cases prosecuted in the year, while a total of four cases were prosecuted over the past six years, which accounted for 0.6% of 675 prosecuted cases. All of these cases involved the election of



farmers' associations and fishermen's associations.

This mode of bribery was seen in the election of chairpersons and managing supervisors of farmers' associations and fishermen's associations. Candidates for chairpersons, managing supervisors or secretaries often treated the elected member representatives or directors and supervisors to free travel before the election of chairpersons or directors and supervisors to buy votes and avoid the representatives being bribed by competitors. Such travel would last until the date of the member representative assembly or director and supervisor meeting to allow the representatives to vote at the meeting. In recent years, such an obvious mode of vote-buying with travel has declined due to investigations by the government.

#### 5. Others:

In 2017, a total of three cases could not be categorized in the aforesaid types, accounting for 3.5% of 85 cases prosecuted in the year. Among these three cases, two cases involved the election of farmers' associations and fishermen's associations; one case promised to secure a position inside the farmers' association after the candidate was elected; one case promised to help the voters obtain the agricultural subsidies after the candidate was elected; one case involved the false relocation of household registration for the election of village chiefs stipulated in Paragraph 2, Article 146 of the Criminal Code.

In addition, there were different opinions on whether the false relocation of household registration prescribed in Paragraphs 2 and 3, Article 146 of the Criminal Code is applicable to the election of farmers' associations and fishermen's associations, and the front-line law enforcement didn't know whose suggestion to follow. The Bureau proposed this issue for discussion in the 2017 Seminar on Investigation of Elections of Farmers' Association and Fishermen's Associations. The issue was later brought by the Taiwan High Prosecutors' Office to the Ministry of Justice for study.

According to the Ministry of Justice's reply, the right to vote prescribed in the chapter, Offenses of Interference with Voting, from Articles 142 to Article 148 of the Criminal Code refers to the right to vote at a political election duly authorized by law. Although farmers' associations have the nature of public welfare, they are non-statutory political bodies; therefore, the false relocation of household



registration prescribed in Paragraphs 2 and 3, Article 146 of the Criminal Code is not applicable to the election of farmers' associations.

## **II. Professional Development**

### **1. Seminars on Anti-corruption Development**

To assist the internal and external colleagues in charge of case handling to better understand the laws and regulations, enhance various investigation techniques and absorb new knowledge of case handling, so as to increase professional knowledge and skills and the integrity of their work, the Bureau organized development seminars or short-term seminars from time to time. In terms of curriculum arrangement, colleagues who were experienced in outbound logistics operations were invited to explain, discuss or share experience in leads discovery, evidence collection, evidence judgment, legal application, due legal procedures and increase in the conviction rate; judicial officers and professors of law were also invited to hold seminars on investigation practices.

The Anti-corruption Division organized the Seminar on Crime Investigation on June 21, 2017 and held the Seminar on Major Corruption/Malfeasance Case Study in Northern, Central, Southern and Eastern Taiwan on December 18, 22, 25 and 29, 2017, respectively, which trained 510 internal and external section chiefs, deputy supervisors, secretaries, division chiefs and case officers who were in charge of integrity operations.

The development seminars organized in 2017 emphasized the due process of examination and the discovery and investigation of major corruption cases. Professor Yang, Yun-Hua of National Chengchi University was invited to discuss the due process of examination of criminal suspects in the Seminar on Crime Investigation. These seminars were organized to improve colleagues' professional knowledge, evidence collection skills and anti-corruption performance in accordance with the due process of law.



## 2. Online Exchange and Learning

Thanks to the increasingly convenient Internet technology, information conveyance, exchange, and integration are able to transcend regional boundaries without any time constraint. Through utilizing the Internet database, the objectives of information integration and convenient access can now be achieved. In light of this, the Anti-corruption Division launched the internal network Anti-corruption Database of the Bureau at the end of 2004, by which to attain the anticipated functions of joint learning and sharing, and to compile case investigation and processing-related laws and regulations, practical views on the substantive laws and procedural laws, various operational guidelines of the Bureau, and the internal duty and field duty associates' routine work results, experiences, and reflections, with the database presenting categories, namely the bulletin board, operations profile, anti-corruption laws and regulations, operational guidelines, case study reports, reference literature, yearbooks and bribery crackdown areas, which are updated regularly, in anticipation of sharing with the Bureau associates and attaining the ideology of refining professional competency and innovative working mentality.

With consent of the lecturers, the discussions and presentation slices in the Seminar on Crime Investigation and the Seminar on Major Corruption/Malfeasance Case Study in Northern, Central, Southern and Eastern Taiwan organized in 2017 were posted in the aforesaid Anti-corruption Database for colleagues' learning online.

## 3. Case Study Reports

The Bureau had the field units in charge of the anti-corruption cases causing high attention or involving institutional reforms or personnel changes in the year compile the case study reports from time to time. The case study reports covered the discovery, investigation and evidence collection of cases and systems related to the cases to be reviewed and were posted in the aforesaid Anti-corruption Database for colleagues' reference.



# 廉政

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106 工作年報

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《水調歌頭·詠竹》

有節骨乃堅，無心品自端。

幾經狂風驟雨，寧折不易彎。

依舊四季翠綠，不與群芳爭艷，

揚首望青天。

——唐·詩人 錢樟明



法務部調查局

Investigation Bureau, Ministry of  
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