

# From the Taiwan Provincial Assembly to the Taiwan Provincial Consultative Council: The Readjustment of Organizational Functions and Structure\*

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*According to Art. 9 of the "Additional Articles" of the ROC Constitution, the Taiwan Provincial Assembly (TPA) was to be abolished on December 21, 1998. Another agency named the Taiwan Provincial Consultative Council (TPCC) was created to replace the TPA. Such a change signifies democratic development, constitutional reform, and the reinventing of government in Taiwan. This article describes four historical stages of evolution of the TPA and evaluates different arguments about the transformation of the TPA's organizational functions and structure. The author emphasizes that the status of Taiwan Province shall be diminished gradually to a nominal tier of government, and therefore the TPCC must adjust its functions from a representative assembly to a coordinating and advisory council. The TPCC's organizational structure should thus be streamlined accordingly.*

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In October 1998, the Republic of China's (ROC's) Legislative Yuan passed the third and final reading of the Provisional Statute for the Readjustment of the Functions, Operations, and Organization of the Taiwan Provincial Government (TPG). This statute confirmed that, after downsizing, Taiwan Province should become a nonautonomous local body; that the TPG should become an Executive Yuan agency; and that the status, functions, and organization of the Taiwan Provincial Assembly (TPA)—the province's legislature—should also be adjusted correspondingly.

According to Art. 20 of this downsizing statute, the TPA was to be abolished on December 21, 1998, and a Taiwan Provincial Consultative Council (TPCC) consisting of twenty-one to twenty-nine members would be established. The TPCC members, one of which should be made the chairman, would be nominated by the premier and appointed by the president. During their three-year nonremunerative tenure, their task would be to furnish advice on TPG operations. The organic statute of the TPCC was to be drafted by the Executive Yuan.

On December 24 of the same year, the Executive Yuan approved the appointment of twenty-nine TPCC members with Lin Po-jung as the chairman. On the other hand, the first elected Taiwan Provincial Governor, James Soong, had his tenure end on December 20 and Chao Shou-po, a minister without portfolio, was appointed the new provincial governor. Thus, the drafting of the downsizing statute, which had caused many disputes since the original consensus on downsizing was reached at the National Development Conference in December of 1996, was finally completed. It is likely that Taiwan Province will be restructured as a nominal tier of government in the future.

How should the TPA's organization and functions be readjusted? As one historian pointed out in July 1998, the historical development of the TPA had already become an inseparable part of the postwar "Taiwan experience." In order to "enliven history and pass on experience," the reform

strategy regarding the future TPCC should give serious consideration to: (1) the respect for past experience, checks and balances through division of labor, and the parallel supervision of the administration of the Taiwan Province; (2) a farsighted, pluralized planning for omnidirectional management of the TPCC; and (3) seeking improvement while ensuring continuity.<sup>1</sup> From a public policy perspective, Lin Shui-po observed that since the focus of the media was on the reorganization of the TPG, the transition from the TPA to the TPCC had never been made a discussion theme of great concern. He was concerned that an overly hasty transition might result in the formation of a defective body that would be unable to play due roles, causing a waste of society's limited resources.<sup>2</sup> Relevant government organizations must surely plan and implement such an important organizational reform with great caution.

The objective of this analysis is to provide constructive criticism regarding the functional and organizational readjustments in the TPA's transition to the TPCC. The paper begins with a review of the history of the TPA. Then, in correlation with the 1997 constitutional amendment and the drafting and legislation of the TPG downsizing statute, this paper sums up different reform views and assesses their possible development trends. Then, several possible operational formulas for the future TPCC on the basis of its interaction with the TPG are discussed. Finally, the restructuring proposal made by the TPA Secretariat is compared with the Ministry of the Interior plan.

### **A Historical Retrospective of the TPA**

Is it appropriate to downsize the TPG at the current stage? To answer this question, a brief review of Taiwan's history is necessary.<sup>3</sup>

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<sup>1</sup>Cheng Tsu, "The TPA's Functions and Appraisals in Taiwan's Democratic Development," in *Shengyihui gaizhi xueshu yantaohui lunwenji* (A collection of papers presented at the Forum on the Restructuring of the Taiwan Provincial Assembly) (1988), 62.

<sup>2</sup>Lin Shui-po, "The TPCC's Establishment Orientation, Role Playing, and Value Seeking," *ibid.*, 67.

<sup>3</sup>Yang Cheng-kuan, *Cong xunfu dao shengzhuxi: Taiwansheng zhengfu zuzhi tiaoshi zhi*

To ensure national defense and safe trade along China's southeast coast, the Qing dynasty modified in 1885 its past policy of passive administration of Taiwan. Taiwan was made a province and strenuous efforts were made to promote the construction of Taiwan. However, the Qing dynasty was forced to cede Taiwan to Japan in 1895 under the terms of the Treaty of Shimonoseki after China's defeat in the 1894 Sino-Japanese War. Japan ruled Taiwan for five decades until the end of World War II. After Taiwan's retrocession to the ROC in 1945, the island was administratively divided into eight counties and nine cities. The movement of the ROC's central government to Taipei in 1949 and the subsequent long-term nationalist-communist cross-Strait confrontation created a high degree of overlap between the jurisdiction of the central government and that of Taiwan Province.

To promote local self-government, the ROC's central government redivided in 1950 the eight counties and nine cities into sixteen counties and five cities. Soon, in consideration of administrative reform, President Chiang Kai-shek proposed to merge the organizations of the Executive Yuan with those of the TPG. However, because of such factors as the development of international relations, the constitutional legitimacy of the central government, and the maintenance of political participation channels for local elites, only simple readjustments were made. Thus, the so-called "abolition of the TPG" or "making the TPG a nominal tier of government" was not implemented.<sup>4</sup>

In the 1950s and 1960s, the existence of the TPG with all its departments aroused few questions both because Taiwan's economic miracle needed the guidance of a capable government and because the central government practiced a high degree of power concentration. Basically, the central government was in charge of national defense, foreign relations, and foreign economic and trade ties while the TPG was responsible for

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*yanjiu* (From imperial inspector to governor: A study of the organizational readjustment of the Taiwan Provincial Government) (TPG Information Department, 1990); Liu Tao-yi, *Weishenmo yao fei sheng? Woguo xingzhengqu de jiantao yu tiaozheng* (Why should Taiwan Province be abolished? The review and readjustment of our country's administrative districts) (Taipei: Yangzhi wenhua shiye gongsi, 1997).

<sup>4</sup>Yang, *Cong xunfu dao shengzhuxi*, 129-31.

such domestic affairs as civil affairs, reconstruction, transportation, agriculture, forestry, fishery, and animal husbandry. Moreover, as the provincial governor was appointed by the central government, the central government and the TPG coexisted peacefully.

The situation changed gradually during the 1980s. As the movement for democratic constitutional reform gained momentum, the gradual transformation of the old authoritarian institution produced rather heavy pressure on the relations between the central government and the TPG.<sup>5</sup> Since the lifting of martial law in 1987, central administrative reforms have been continually promoted, and the elections of National Assembly and Legislative Yuan members and the election of the president by popular vote have been held.<sup>6</sup> At the local level, local self-government has been legislated and elections of the provincial governor and Taipei and Kaohsiung city mayors have been held. However, these two reform forces at the central and local levels have come into frequent conflict during operation because the Self-Governance Law for Provinces and Counties and the Municipal Self-Governance Law are short of rational forward-looking designs. Differences between self-government and delegated matters, the allocation of government revenues and expenditures, as well as the discussion of organizational and personnel appointment powers, land planning, and dispute settlement have been the main themes of central-local contention.<sup>7</sup> In December 1996, the National Development Conference reached a consensus on "introducing a two-tiered local government system in order to materialize a thorough reform of local self-government." Concrete measures drafted on the basis of this consensus were discussed and adopted by the

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<sup>5</sup>Huang Chin-tang, *Difang zizhi fazhizhua de yanjiu* (A study of the legislation of local self-government) (Taipei: Yuedan chuban gongsi, 1995), 9-197; Chiang Ta-shu, "The Orientation for the TPG's Organizational Status and Downsizing," *Lilun yu zhengce* (Theory and Policy), no. 43 (1997): 3-17; Chiang Ta-shu, "Reform and Reconstruction of Taiwan's Local Self-Government," *ibid.*, no. 44 (1997): 73-85.

<sup>6</sup>Chiang Ta-shu, "'Reinventing of Government' Needs New Thinking and Drastic Action," *Lilun yu zhengce*, no. 38 (1996): 34-55.

<sup>7</sup>Chao Yung-mao and Huang Chin-tang, *Zhongyang yu difang fenquan wenti ji difang fuhui guanxi zhi yanjiu: Sheng (shi) yu xian (shi) zhengfu anli fenxi* (Division of power between the central and local governments and local government-council relations: An analysis of provincial [municipal] and county [city] government cases) (Taipei: Research, Development, and Evaluation Commission, Executive Yuan, 1998).

National Assembly in 1997 as Art. 9 of the "Additional Articles" of the ROC Constitution.

The above discussion has outlined the historical background regarding the relationship between the central and provincial governments. We now turn to a discussion of the history of the TPA.

The first people's representative body of Taiwan Province, the Taiwan Provincial People's Political Council (TPPPC, *canyihui*), was established on May 1, 1946. Local self-government was enforced during this long period in several stages. The process doubtlessly had a considerably far-reaching influence on Taiwan's miraculous political and economic development.<sup>8</sup>

### *The TPPPC Period*

Shortly after Taiwan's retrocession to the ROC in 1945, the Administrator's Office promulgated a program for the establishment of various tiers of people's representative bodies in Taiwan Province, stipulating that county and city governments should each establish a county/city advisory council and elect thirty councilors before April 15, 1946. The TPPPC was formally established in Taipei on May 1 of the same year with Huang Chao-chin and Li Wan-chu as the council's speaker and deputy speaker respectively. After the establishment of the TPPPC, the councilors, who were elected from the local elite, tried their utmost to perform their duties as people's representatives. For instance, they returned the provincial government's annual expenditure estimates and examined the estimates only after

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<sup>8</sup>In fact, Taiwan's movement for democratic political consultations can be traced back to the many efforts by Taiwanese to strive for human rights and self-governance during the period of Japanese occupation, including the petitioning campaign for the establishment of a parliamentary body promoted by the Taiwan Culture Association, the call by the Taiwan Civilian Party for reforming the false self-governance system of consultative meetings (*xieyihui*), and the request of the Taiwan Local Self-Governance Federation for complete local autonomy. The comments on and description of the history of the TPA in this section are mainly based on the following works: Cheng Mu-hsin, *Taiwan yihui zhengzhi sishi nian* (Forty years of parliamentary politics in Taiwan) (Taipei: Zili wanbaoshe, 1987); TPA Secretariat, *Taiwansheng yihui chengli wushi zhounian jinian zhuan kan* (Special issue in commemoration of the fiftieth anniversary of the founding of the TPA) (TPA: 1996); Po Ching-chiu, *Difang zhengfu yu zizhi* (Local governments and self-government) (Taipei: Wunan tushu chubun gongsi, 1997), 212-69; Cheng, "The TPA's Functions and Appraisals in Taiwan's Democratic Development," 11-63.

the annual revenue budget and related explanatory materials were also received. They requested that all drafts of provincial laws concerning the people's rights and obligations be submitted to the council for examination and discussion. They addressed sharp interpellation on the defects of provincial administration, such as administrative authoritarianism, corrupt military discipline, embezzlement by officials, discrimination on the basis of people's provincial origins, aggravation of public disorder, and the serious shortage of grains. They passed after heated discussion many proposals regarding political security, economic construction, education, and culture, and furthermore urged that these proposals be implemented by the provincial administration.

Unfortunately, the February 28 Incident took place in the spring of 1947. The arrest or disappearance of many councilors involved in the incident led to the adoption of a withdrawn attitude by the TPPPC. The central government then continued to change the structure of councilors by filling up the vacancies via a selection scheme, which watered down considerably the TPPPC's nature as an elected representative body of the Taiwan people. The orientation of the TPPPC gradually shifted from "reconstructing Taiwan with hearts turned to the motherland" in the early stage of retrocession to "striving for local autonomy" only. Taiwan entered into a martial-law period on May 19, 1949. With the move of the seat of the central government to Taipei later in the same year, how to institute a legal government system in accordance with the constitution became the most important democratic issue. In July 1949, Provincial Governor Chen Cheng set up an Association for the Study of Taiwan Province's Local Autonomy, which proposed eight measures to be implemented within two years as follows: readjusting administrative division, allocating self-governance finance, reinforcing education on self-governance, drafting self-governance laws, training self-governance talents, reelecting people's representative bodies, electing county magistrates and city mayors, and electing the provincial governor.

*From the Provisional TPA to the TPA*

On the pretext that the General Principles for Provincial and County Self-Governance had yet to be instituted, the central government rejected

Chen Cheng's proposal for implementing local self-governance in Taiwan Province alone. Therefore, the TPG drew up a draft Program for the Implementation of Local Self-Governance in Counties and Cities of Taiwan Province. The program, revised and adopted after being submitted to the TPPPC for examination, was promulgated in April 1950 with the approval of the Executive Yuan. The implementation of grass-roots local self-governance began in July of the same year. On the other hand, the TPPPC lost its original representative quality because of the introduction of direct popular elections of county and city councilors and the redemarcation of Taiwan Province's administrative division. Following the promulgation by the Executive Yuan of the Organic Statute of the Provisional Taiwan Provincial Assembly in September 1951, fifty-five members of the Provisional TPA were elected by county and city councilors in November of the same year. The Provisional TPA formally replaced the TPPPC in the following month.

According to Art. 1 of the Organic Statute of the Provisional Taiwan Provincial Assembly, "before the promulgation of the General Principles for Provincial and County Self-Governance and the Self-Governance Law for Provinces, Taiwan Province establishes a provisional assembly according to this statute." Obviously, the provisional assembly was a transitional "quasi-autonomous" people's representative body that was not set up according to normal constitutional procedures. As the members of the Provisional TPA were elected by county and city councilors, they were only indirect representatives of the people. The Provisional TPA remained an indirect representative body until direct popular election was adopted for its reelection in 1954. However, the body's legal authorities and functions were almost the same as those of the TPPPC.<sup>9</sup> The only changes

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<sup>9</sup>The TPPPC's authorities and functions were as follows: (1) to make proposals on provincial reforms; (2) to make proposals on the reform of the central organizations in the province pertaining to the province's local interests; (3) to discuss and approve provincial laws and regulations regarding the people's rights and obligations; (4) to conduct preliminary examination of the province's budgets and financial statements; (5) to discuss and decide matters submitted by the provincial government; (6) to listen to the provincial government's administrative reports and ask questions; (7) to listen to the administrative reports submitted by central organizations in the province and ask questions; (8) to accept petitions from the people; and (9) to exercise other powers prescribed by other laws. It should also be noted



were that the body was given the power to conduct full—rather than just preliminary—examination of the province's budgets and financial statements and that it had the right to interpellate instead of the right simply to ask questions. Later, its right to listen to the administrative reports submitted by central organizations in the province and ask questions was annulled to prevent power-overlapping controversies from arising between the TPA and the Legislative Yuan. As a compensation, the Provisional TPA was given the power to decide on the disposal of provincial properties. The Organic Statute of the Provisional Taiwan Provincial Assembly also stipulated that when necessary, the TPG may report the decisions or reconsiderations regarding cases of the Provisional TPA to the Executive Yuan for examination and modification, and that if a TPA resolution violates national policies and is not annulled even after an Executive Yuan rectification, the Executive Yuan may decide to dismiss the Provisional TPA.

Summing up, the Provisional TPA was essentially an advisory body of the TPG although its organizational status and functions made it a people's representative body. The TPA did not have substantial powers to ensure checks and balances, and its status was not under legal protection, as it could be dissolved at any time. Moreover, the body's difficulties in political consultations were not greatly reduced even when it was formally renamed the TPA in June 1959 according to an Executive Yuan order. Of course, in comparison with the provisional period, the TPA's status and functions were slightly reinforced. The stipulation on the Executive Yuan power to dismiss the TPA was abolished in August 1959. The TPA was given the power to discuss and approve the organic regulations of provincially-owned enterprises in October 1971. It was also decided in June 1977 that the TPG should accept a TPA reconsideration case if two-thirds of the assembly members present at the assembly session maintain the original decision. However, in the early years, the Taiwan governor was appointed by the premier instead of being elected by the people according to the constitution. Owing to the authoritarian leadership of the ruling Kuomintang

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that the provincial laws and regulations adopted by the TPPPC should be reported, via relevant central ministries and commissions, to the Executive Yuan for record keeping and that relevant reports should also be sent to the Legislative Yuan.

(KMT), the TPA, as the highest people's representative body of Taiwan Province, had only rather limited influence on the development of constitutional democracy. This probably had a bearing on the unsuccessful attempt of Lei Chen, editor of *Ziyou Zhongguo* (Free China), to organize a political party. The TPA remained rather inert until the newly-appointed premier Chiang Ching-kuo promoted a localization policy in the early 1970s. In June 1972, TPA Speaker Hsieh Tung-min was appointed governor of Taiwan Province. He and his subsequent successors Lin Yang-kang, Lee Teng-hui, and Chiu Chuang-huan were Taiwanese political elites very different from his predecessors Chou Chih-jou, Huang Chieh, and Chen Ta-ching, who were professional militarymen from the mainland. After that, the TPA gradually developed into an important site for the development of Taiwanese democratic forces. Many TPA members took active and consistent action to strive for democracy, freedom, and the protection of human rights. These efforts included the Chungli Incident of 1977 caused by Hsu Hsin-liang's campaign for Taoyuan County magistrateship and the Formosa Incident of 1979 in Kaohsiung. In short, the efforts of the forces of local autonomy paved the way for the democratic transition of Taiwan's authoritarian government.

#### *Legislation of Local Autonomy*

As far as the KMT-led authoritarian central government was concerned, maintaining four tiers of government with Taiwan Province, Taipei City, and Kaohsiung City as the top tier of local self-government was highly inefficient. However, to symbolically meet the need of constitutional legitimacy, the existence of Taiwan Province and the central government as two separate entities was considered appropriate even though the areas and people under their jurisdiction highly overlapped. Moreover, the interactions between the central government, Taiwan Province, and Taipei and Kaohsiung cities were relatively stable since the provincial governor and the two city mayors were all appointed. This long-existing governing pattern began to suffer from inherent structural tension when the two major demands for constitutional reform—complete reelection of the parliaments (National Assembly and Legislative Yuan) and full implementation of local autonomy—merged after the lifting of martial law in 1987.

In 1987, on the eve of the lifting of martial law, the legalization of local self-government was already a widely-discussed theme of political reform within the KMT. In 1990, President Lee Teng-hui invited political elites, scholars, and experts from home and abroad to a National Affairs Conference to discuss the orientation of national policies, during which the "local system" was one of the five important discussion themes. Summing up the comments and proposals of the conference participants, the main directions for reforming the local system included: (1) the local system should accord with constitutional provisions and be legalized; (2) administrative areas must be redemarcated to distinguish between the people's support for the elected provincial governor and that of the elected president; (3) the provincial governor and Taipei and Kaohsiung mayors should be elected by the people; (4) local governments should be given more authority in such areas as personnel appointment, finance, policing, and education; and (5) the self-government elections of villages and towns should be abolished and their chiefs should be appointed.<sup>10</sup> However, in comparison with other themes of the National Affairs Conference—e.g., the direction of the constitutional amendment, the reform of the parliaments, orienting the central government institution, and mainland China policy and cross-strait relations—the question of local self-government seemed to have received less attention from the political elites of both the ruling and opposition parties. Later, certain reform proposals were included in the Additional Articles of the ROC Constitution. The Legislative Yuan passed the Self-Governance Law for Provinces and Counties on July 3, 1994, according to which elections of the provincial governor and Taipei and Kaohsiung mayors were held for the first time in December of the same year. However, the legalization of local self-government was only nominal because the provisions on local self-government did not substantially improve the past operational defects and many problems related to the division of authority between the central and local governments remained unresolved. In particular, the unrealistic operational structure of having Taiwan Province

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<sup>10</sup>*Guoshi huiyi shilu* (Authentic records of the National Affairs Conference) (Taipei: Secretariat of the National Affairs Conference, 1990), 1331-35.

and Taipei and Kaohsiung cities as the top tier of local government continued to exist.<sup>11</sup>

After the National Assembly confirmed in May 1994 that the ROC president shall be elected by popular vote, discussion began on the legalization of local self-government. Many scholars and politicians predicted or advocated the need to modify the existing status of Taiwan Province. The suggestions on the reorganization of Taiwan Province included downsizing the TPG, establishing a system of "one province and several cities," establishing several provinces, freezing the existing TPG, making Taiwan Province a nominal tier of government, and abolishing Taiwan Province.<sup>12</sup> However, probably because of President Lee's repeated emphasis on his governing ideal that "sovereignty rests with the people," the ruling authorities held the "first election of Taiwan provincial governor in four hundred years" and the "first election of ROC president by popular vote in five thousand years." After the elected provincial governor assumed office in December 1994, the TPG often requested the central government to delegate more authority and financial resources in order to meet the needs of local self-government while the Executive Yuan desired to bypass the TPG and respond to grass-roots demands directly. The increasingly strained relations between the central government and the TPG often affected the implementation of major national policies. The so-called "Yeltsin effect" al-

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<sup>11</sup>Huang, *Difang zizhi fazhuhua de yanjiu*, 19-33.

<sup>12</sup>TPG, *Yinying shengxian zizhifa shishihou difang xingzheng jiguan zuzhi yu quanze tiaoshi zhi yanjiu* (A study of the readjustment of the organization, authorities, and duties of local administrations after the implementation of the Self-Governance Law for Provinces and Counties) (TPG Personnel Department: 1994); TPG, *Taiwansheng zhengfu xingzheng jingjian baogaoshu zhaiyao* (A summary of the report on the administrative simplification of the TPG) (TPG: 1997); Po Ching-chiu, "The Readjustment of Administrative Tiers of Government and Reflections on a Multi-Provincial System," *Kaoquan jikan* (Examination and Personnel Quarterly), no. 9 (1997): 18-21; Chao Yung-ching, *Gongnengxing, ziyixing, xietiaoxing, fuwuxing de xin shengfu jiagou* (A new functional, consultative, coordinating, and service-oriented TPG structure) (Taipei: Chao Yung-ching guohui bangongshi, 1996); Huang, *Difang zizhi fazhuhua de yanjiu*, 293-313; Chiang Ta-shu, "National Development, Tiers of Government, and Administrative Division," *Guojia zhengce shuangzhoukan* (National Policy Biweekly), no. 149 (1996): 2-4; Tsai Chi-yuan, *Taiwan jinglun: Taiwan zhengzhi jingji pinglun xuan* (2) (Taiwan's state affairs: A selection of comments on Taiwan's economy and politics) (Taipei: Tangshan chubanshe, 1997), 131-39; Lin Cho-shui, *Taiwan keyi buyao sheng* (Taiwan may dispense with a province) (Taipei: Lin Cho-shui guohui bangongshi, 1996).

legedly took place. The conflicts between the two governments became hard to avoid, even though both the ROC president and the Taiwan governor were KMT members.<sup>13</sup> Furthermore, the TPG bombarded the central government again and again, with the two governments differing over policy implementation and having bitter disputes concerning the extent of their authorities.<sup>14</sup>

### *National Development and the Reinventing of Government*

In March 1996, under the military threat from mainland China and with U.S. fleets stationed in the Taiwan Strait, Taiwan completed its first presidential election by popular vote. Localization, as defined by the constitution, was thus achieved. In December of the same year, at a National Development Conference convened by President Lee Teng-hui, political elites within and without the ruling party proposed to establish a non-partisan "new government council" under the Presidential Office to promote government reinvention and restructuring so as to establish a simple and efficient two-tiered government system. They all agreed that to reinforce economic development and boost Taiwan's competitive edge, the functions, operations, and organizational setup of the TPG should be readjusted; that a committee should be established to make and carry out readjustment plans; and that the provincial autonomous elections should be frozen.<sup>15</sup> Appraisals of the conference's orientation for future government reinvention, discussion process, and final reports could not reach unanimous agreement.<sup>16</sup> However, after some scholars of legal and political affairs completed their assigned evaluations,<sup>17</sup> the proposals on freez-

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<sup>13</sup>Chiang, "The Orientation for the TPG's Organizational Status and Downsizing."

<sup>14</sup>Chao and Huang, *Zhongyang yu difang fenquan wenti*, 171-78.

<sup>15</sup>*Guojia fazhan huiyi shilu* (Authentic records of the National Development Conference), vol. 1 (Taipei: Secretariat of the National Development Conference, 1996), 744-76.

<sup>16</sup>Hsiao Chuan-cheng, "The Orientation of the National Development Conference and Its Significance," *Lilun yu zhengce*, no. 42 (1997): 3-14; Lin Shui-po, "An Assessment of the National Development Conference by a Theory-Oriented Approach," *Fazheng xuebao* (Journal of Law and Politics) (Tamkang University), no. 7 (January 1997): 1-17.

<sup>17</sup>Huang Teh-fu, "A Study of Local Self-Government and Institutional Reform," in *Guomin dahui xianzheng gaige weiyuanhui changwu weiyuanhui weituo zhuanli yanjiu baogao*

ing the provincial autonomous elections and downsizing the organization of the TPG were adopted as an additional article of the ROC Constitution by the Third National Assembly during an extraordinary session in July 1997.

According to Art. 9 of the "Additional Articles" of the current ROC Constitution, self-governance in the provinces and counties shall include the following provisions which, notwithstanding the restrictions of relevant articles of the constitution, shall be established by the enactment of appropriate laws:

1. A province shall have a provincial government of nine members, one of whom shall be the provincial governor. All members shall be nominated by the premier and appointed by the president of the Republic.
2. A province shall have a provincial consultative council made up of a number of members who shall be nominated by the premier and appointed by the president of the Republic.
3. A county shall have a county council, members of which shall be elected by the people of said county.
4. The legislative powers vested in a county shall be exercised by the county council of said county.
5. A county shall have a county government headed by a county magistrate who shall be elected by the people of said county.
6. The relationship between the central government and the provincial and county governments shall be clearly specified by law.
7. A province shall, by order of the Executive Yuan, supervise matters governed by the counties.

The same article also contains the following stipulations: The terms of office of the members of the Tenth TPA and of the first elected governor

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(Reports of the Studies Commissioned by the Standing Committee of the Constitutional Reform Commission of the National Assembly), ed. Secretariat of the National Assembly, vol. 3 (Taipei: National Assembly, 1997), 1-41; Huang Chin-tang, "A Study of the Local Self-Government Themes Regarding the Constitutional Reform," *ibid.*, 43-81.

of Taiwan Province shall end on December 20, 1998. Elections for members of the TPA and for the governor of Taiwan Province shall be suspended following the conclusion of the terms of office of the members of the Tenth TPA and of the first elected governor of Taiwan Province. Following the suspension of elections for members of the TPA and for the governor of Taiwan Province, modifications of the functions, operations, and organization of the TPG may be specified by law.

The Executive Yuan set up a Committee for the Readjustment of the Functions, Operations, and Organization of the Taiwan Provincial Government. However, the committee did not meet regularly each month to actively promote the integration of various specific downsizing plans as originally scheduled. This was because of the appearance of various political factors, including the replacement of the premier, the elections of county magistrates and city mayors, and the cabinet reshuffle, as well as the wide difference of opinions between the central government and the TPG about the downsizing's orientation and scale. In one year following the amendment to the constitution, various political parties and the central and provincial governments could still not reach a consensus about the orientation of the provincial reform. Concerned, the employees of the TPG even organized a self-rescue association in an attempt to protect their own rights and interests. It was not until the time limit specified by the Constitution (December 20, 1998) was approaching that the ruling authorities made use of party-government coordination and interparty consultations to complete the legislation process of the downsizing statute before the election of the Third Legislative Yuan.

According to Art. 2 of the downsizing statute, Taiwan Province shall be a nonautonomous local body and the TPG shall be an Executive Yuan agency responsible for the following under Executive Yuan supervision: (1) to supervise self-governance affairs of counties and cities; (2) to carry out administrative functions of the TPG; and (3) to carry out other functions as prescribed by law or as authorized by the Executive Yuan. The change in Taiwan Province's status would necessitate a corresponding modification of the status, functions, and structure of the province's legislature, the TPA. Therefore, Art. 20 of the same statute also contains the following stipulations:

The Taiwan Provincial Assembly shall be abolished on December 21, 1998 with its organic statute annulled by the Executive Yuan, and the rights and interests of its government employees shall be protected according to the provisions of this statute. A TPCC consisting of twenty-one to twenty-nine members shall be established. The TPCC members shall be nominated by the premier and appointed by the president, and one of the members shall be made the chairman. During their three-year nonremunerative tenure, the members shall furnish advice on TPG operations. The TPCC's budget shall be made and carried out according to Art. 10 of this statute and the TPCC's organic statute shall be drafted by the Executive Yuan.

In accordance with this reform orientation, the Ministry of the Interior drafted a proposal on the operational readjustment principles for the reorganization of the TPA into the TPCC,<sup>18</sup> specifying detailed plans on the TPCC's status, functions, legal basis, and operational and organizational readjustment.

### An Assessment of Provincial Reform Plans

The evolutionary process from the TPPPC in 1946 to the Provisional TPA in 1951 and to the TPA in 1959 and the gradual expansion of the TPA's authorities and functions until 1995—including the 1990 stipulation that the appointed provincial governor must have the approval of the TPA and the adoption in 1994 of a Self-Governance Law for Provinces and Counties—reflects that the development of Taiwan's local self-governance has been in coordination with the country's slow development of democratic constitutional rule. During the early stage of this period, the organization's status gradually developed from an advisory body into a people's representative body. However, shortly after receiving complete legal autonomy, the status of Taiwan Province was modified again because the 1996 election of the ROC president by popular vote and the proposals of the subsequent National Development Conference led the National Assembly to amend the constitution and approve the freeze of provincial au-

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<sup>18</sup>Ministry of the Interior, *Taiwansheng yihui gaizhi wei sheng ziyihui yewu tiaozheng yuanze jianyi shu* (Proposal on the operational readjustment principles for the reorganization of the TPA into the TPCC) (Taipei: Civil Affairs Department, Ministry of the Interior, 1998).



tonomous elections and the downsizing of the TPG. In coordination with this change, the TPA had to be reorganized into the TPCC and thus became an advisory body again. Judging from the perspective of constitutional rule, the ROC government's recognition that the two sides of the Taiwan Strait are ruled by two separate governments was most likely the root cause of this change. The consideration that the downsizing of the TPG could improve administrative efficiency was also an important factor. Therefore, any evaluation of the TPCC's status and operational readjustment should give consideration to the aforementioned historical evolutionary process, the reorientation of the provincial system in particular.

Previously, there were wide differences over the plan for the reform of the provincial system after the freezing of provincial autonomous elections. These differences occurred not only between the central government and the TPG, but also among political parties and scholars of legal and political affairs. Although not much dispute arose over the TPG's future status as a nonautonomous body, highly controversial was whether or not the TPG would retain "public legal entity" status after the downsizing. The Council of Grand Justices was requested by New Party (NP) Legislator Hao Lung-pin to render a constitutional ruling on the future status of the provincial administration. Finally, the dispute was more or less resolved after the adoption of the downsizing statute by the Legislative Yuan and the publication of the ruling of the Council of Grand Justices in their Interpretation No. 467.

As scholars have deduced, in the early stage, there were three major types of downsizing plans. According to these plans, the body would be: a general administrative public legal entity, a pure state agency, or a nominal tier of government.<sup>19</sup> From a pragmatic viewpoint, the TPG pointed out

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<sup>19</sup>Huang Chin-tang, "The Basic Problems of the Administrative Organization Law," in *Xingzheng fa* (Administrative laws), ed. Weng Yueh-sheng, vol. 1 (Taipei: Hanlu tushu gongsi, 1998), 333-42; Chao Yung-mao and Huang Cheng-ti, *Difang zizhi lifa jiandu de yanjiu* (A study of the legislative supervision of local autonomy) (Research report commissioned by the TPG's Commission for Economic Development, Research and Evaluation, 1998), 137-41; Shih Mei-chiang and Chiu Chang-tai, *Taiwansheng zhengfu gongneng yewu yu zuzhi tiaozheng zhi yanjiu* (A study of the readjustment of the TPG's functions, operations, and organization), (Research report commissioned by the TPG's Commission for Economic Development, Research and Evaluation, 1998), 149-57; Chiang Ta-shu and

that since the ROC Constitution regards the provinces as a tier of local government and contains clear provisions about the authorities and duties of provincial governments, the TPG is a public legal entity and whether autonomous elections are held is not a premise of this status. The TPG, therefore, maintained that it should be a public legal entity after the downsizing.<sup>20</sup> By contrast, the central government did not directly tackle the "public legal entity" issue, but proposed specific plans according to Art. 9 of the Additional Articles of the Constitution, which says that a province is an Executive Yuan agency responsible for the supervision of self-government affairs of counties and cities. Moreover, four draft versions were proposed by Democratic Progressive Party (DPP) legislators Su Huan-chih, Lin Cho-shui, Shen Fu-hsiung, and Huang Erh-hsuan. They emphasized that after the abolition of the gubernatorial and TPA elections, Taiwan Province shall neither be an autonomous body nor a public legal entity. Furthermore, NP Legislator Feng Ting-kuo's proposal was similar to that of the TPG. Therefore, the downsizing statute was finally legislated through cooperation between the KMT mainstream forces and the DPP, despite strong NP opposition. Art. 2 of this statute clearly stipulates that the TPG shall be an Executive Yuan agency and Taiwan Province shall be a nonautonomous body.

From a theoretical perspective, is there any appropriate pattern for the future reform of the provincial system? Huang Chin-tang has proposed two possible orientations: the public legal entity of construction (*ying-zaowu gongfaren*) and the symbolic public legal entity (*xiangzhengxing gongfaren*). The former emphasizes that Taiwan Province shall enjoy operational and decisionmaking autonomy only in areas created and allowed

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Hsueh Hua-yuan, *Sheng xujihua hou Taipei shizheng yinying duice zhi yanjiu* (A study of Taipei City's correspondent administrative policies after Taiwan Province is made a nominal tier of government) (Research report commissioned by Taipei City's Commission of Research, Development and Evaluation, 1998), 42-54.

<sup>20</sup> *Gongdao zizai renxin, qing dajia lai pingpingli: Taiwansheng zhengfu gongneng yewu yu zuzhi tiaozheng zhanxing tiaoli (cao'an) neizhengbu, shengzhengfu jianyi tiaowen duizhao-biao* (Let everyone judge according to conscience: A comparison table of the proposals of the Ministry of the Interior with those of the TPG for the draft of the Provisional Statute for the Readjustment of the Functions, Operations, and Organization of the TPG) (TPG: 1998), 12.

by the constitution and laws; that it shall become an independent, technical, and professional organization (similar to the Central Bank and the National Palace Museum); and that it shall no longer be a public legal entity of local autonomy with power to handle general regional affairs. The latter stresses that the TPG shall be symbolically representative of the people in the province and enjoy autonomy only in very limited areas such as the preservation of TPG documents or local literature and art, and that the TPG's substantive authorities shall be greatly reduced to become a central government agency responsible for supervising county/city self-government.<sup>21</sup>

Learning from the experiences of Germany and France, Chao Yung-mao and others proposed a "two-phase downsizing" and a "regional administrative office" pattern. The former means that in the transitional period of the downsizing, the TPG may be an administrative body with public legal entity status. This body, in addition to executing Executive Yuan orders in supervising county/city self-government affairs, shall handle provincial assets and liabilities as the representative of the interests of the people in the province. The latter emphasizes that, although the TPG shall no longer retain the public legal entity status, it can be transformed into an integrated regional administrative center through legal authorization.<sup>22</sup> In addition, Shih Mei-chiang and Chiu Chang-tai proposed two other possible formulas: the general acceptance of TPG organs by the central government and the transformation of the TPG into a professional and functional regional planning center. The former advocates that the businesses and personnel of TPG organs should be completely integrated with those of the corresponding departments of the central government. The professional regional center concept emphasizes the handling of trans-county/city affairs. In short, the central government shall be responsible for policymaking; the TPG for planning, coordination, liaison, and supervision; and the county/city governments for the practical enforcement work.<sup>23</sup>

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<sup>21</sup>Huang, "The Basic Problems of the Administrative Organization Law," 337-40.

<sup>22</sup>Chao Yung-mao, *Difang zhengfu cengji jianhua ji qi zuzhi xingtai zhi yanjiu* (A study of the simplification of local government tiers and their organizational forms) (Research report commissioned by the Department of Civil Affairs, Ministry of the Interior, 1997); Chao and Huang, *Difang zizhi lifa jiandu de yanjiu*, 137-38.

<sup>23</sup>Shih and Chiu, *Taiwansheng zhengfu gongneng yewu yu zuzhi tiaozheng zhi yanjiu*, 152-57.

Hsu Tzung-li, a professor of constitution law, contended that, from the angle of "constitutional division of powers," the TPG should not have public legal entity status after the downsizing is complete. He explained that whether a body exercising public authority should be separated from the parent state legal entity and become an independent legal person depends on whether it has a definite realm of self-government affairs. Since Art. 9 of the Additional Articles of the Constitution specifies the freeze of Taiwan Province's autonomous affairs, with the exception of the supervision of county/city self-government affairs by order of the Executive Yuan, the TPG can only be reoriented into a central government agency stationed in the locality similar to a "province" of traditional China. He also commented on the fact that the constitutional amendment proposal contained an explanation that the TPG shall remain a public legal entity. He said that since a central government agency and a public legal entity are by nature contradictory and cannot coexist simultaneously, and since the proposal is not a part of the texts of the constitution but is rather only a reference material for the interpretation of the constitution, it is not legally binding. Hsu opined that if the provision of the Enterprise Law that a company is regarded as "not yet dissolved" in the liquidation process is applied, the TPG may be considered "still having public legal entity status" in the realm of downsizing objectives and operations during the transitional period, but its public legal entity status will cease to exist after the completion of the downsizing process.<sup>24</sup>

When Legislator Hao Lung-pin requested the Council of Grand Justices to interpret relevant constitutional provision, he endorsed that the TPG shall be a local public legal entity. Chang Cheng-hsiu retorted by pointing out the differences among the division of political powers, the division of administrative powers, and the delegation of administrative powers, as well as the difference between "resident self-government" and "group self-government." He held that as the constitutional amendment has already abolished the TPG's autonomous status, unless the amendment also stipulates clearly that the TPG is a public legal entity, there is no real

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<sup>24</sup>Hsu Tzung-li, "After Downsizing, the TPG Should Not Have the Public Legal Entity Status," *Zhongguo shibao* (China Times) (Taipei), April 22, 1998, 11.

basis to deduce a constitutional conclusion that the TPG should necessarily be a public legal entity from such arguments as "a province is a link of the local system," "the TPG-TPA relations are those of component forces," or "the TPG may institute laws applicable only in the province."<sup>25</sup>

Tsai Tzung-chen had the same opinion as Chang's. She pointed out that the future Taiwan Province would be a body without an adequate "direct democracy" foundation and thus it would be inappropriate to advocate any exercises of rights and obligations by the province as a public legal entity. According to Art. 9 of the Additional Articles of the Constitution, the provincial governor, members of the provincial government, and members of the provincial consultative council shall be nominated by the premier and appointed by the president. This has made the provincial government an administrative organ under the central government. Therefore, if the legislators shall enable the TPG to enjoy the public legal entity status and certain self-government rights, it will not only contradict with the constitutional amendment objective of simplifying local government tiers, but also be a deviation from the basic principles of constitutional democracy and a violation of the constitution.<sup>26</sup>

On the basis of such national development ideas as reinforcing county/city self-government and implementing thorough government reinvention, this author holds that the TPG should become an Executive Yuan agency without public legal entity status and be thoroughly restructured in accordance with the existing operational pattern of the Fujian Provincial Government (FPG).<sup>27</sup> According to Art. 2 of its present Organic Statute,

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<sup>25</sup>Chang Cheng-hsiu, "On Whether Taiwan Province Should Be a Public Legal Entity: A Comment on the Request for Interpretation of the Constitution Submitted by Legislator Hao Lung-pin," *Zhongguo difang zizhi* (China's Local Self-Government) 51, no. 8 (1998): 4-9.

<sup>26</sup>Tsai Tzung-chen, "An Appropriate Revision Orientation of the Future Basic Local Self-Government Law Based on a Constitutional Perspective" (Paper presented at the Symposium on the Division of Local Self-Government Authorities and Duties sponsored by the Department of Public Policy and Administration, National Chi Nan University, Nantou County, May 15-16, 1998), 7-11.

<sup>27</sup>Chiang, "National Development, Tiers of Government, and Administrative Division"; Chiang, "The Orientation for the TPG's Organizational Status and Downsizing"; Chiang Ta-shu, "The TPCC's Organizational Design and Personnel Management," in *Shengyihui gaizhi xueshu yantaohui lunwenji*, 121-51; Chiang and Hsueh, *Sheng xujihua hou Taipei shizheng yinying duice zhi yanjiu*, 52-53.

the FPG, under Executive Yuan command and supervision, has the following functions: (1) to handle and supervise the general administrative affairs of Fujian Province; (2) to transmit affairs between the central government and local governments under Fujian Province's jurisdiction; and (3) to coordinate and supervise the self-government affairs of Fujian Province. However, Fujian Province's responsibilities, according to these stipulations, may be entrusted to the charge of relevant central government organizations or county governments. In other words, the FPG is a nominal tier of government. By following the same direction, the organizational restructuring of the TPG could better meet the people's expectation for simplifying government organizations, shortening administrative procedures, improving administrative efficiency, and clarifying government responsibilities. At the same time, these changes would also accord with the constitutional amendment that reduces the province's function to supervision of county/city self-governance affairs.

If the adoption of the TPG downsizing statute was the result of active maneuvering of the Legislative Yuan and Executive Yuan, the subsequent passing of Interpretation No. 467 by the Council of Grand Justices could then be considered as a passively-reached compromise between the different opinions of academics and pragmatists about the TPG's restructuring. The interpretation points out in its "statement of reason" that this is not a case about whether certain laws have violated the constitution, but a case in which the requester had doubts in the application of constitutional provisions when exercising authorities and performing duties. In its text, the interpretation emphasizes the following: The TPG's status as a tier of local government is not lost, but as it has neither the self-government affairs stipulated by the constitution nor the right to set up provincial organs, the TPG is certainly not a public legal entity in the nature of an autonomous local body. However, if various downsizing laws do not clearly stipulate the transfer of the province's conventional authorities to the state or counties and cities, then, the TPG still has the public legal entity status within the limits of this category of affairs. After the publication of this interpretation, those who supported the argument that the TPG should have the public legal entity status emphasized that the downsizing statute seemed to have violated the constitution and must be revised correspondingly as soon

as possible. However, the mainstream opinion, with the Executive Yuan as the main representative, pointed out that whether the TPG shall have the public legal entity status within certain limits depends on the will of legislators, and that in a short period to come, revision of the downsizing statute is unnecessary.<sup>28</sup>

Summing up, unless there is a significant change in the seat structure of the Legislative Yuan, under the dual pressure of government reinvention and local autonomy, the reform trend, with the existing downsizing statute as the basis, will move further toward the transformation of the TPG into a nominal tier of government. Premier Vincent Siew formally declared in October 1998 that the TPG downsizing will be completed in three stages within two years. During the first stage, from December 21, 1998 to June 30, 1999, the Executive Yuan will appoint the provincial governor and set up the provincial government. However, all provincial departments and bureaus will remain organizationally unchanged and all employees, including department and bureau heads, will retain their original posts. During the second stage, from July 1999 to the end of 2000, the restructuring of the TPG's functions, operations, and organization and the work of personnel readjustments and transfers will be completed. During the third stage, beginning on January 1, 2001, the transitional period will end and the TPG will operate normally according to the provisions of the Local System Law.<sup>29</sup>

### **Reorientation of the TPCC's Organization and Functions**

The transformation of the TPA into the TPCC certainly involves the readjustment of its organization, status, and functions. Basically, such readjustment must be in line with the reform of the TPG. In the future Taiwan Province will no longer be an autonomous local body, and the TPCC will not exist as a provincial legislature and cannot even perform its previous

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<sup>28</sup>*Zhongguo shibao*, October 23, 1998, 2.

<sup>29</sup>*Ibid.*, October 31, 1998, 1.

functions in the TPPP period. In other words, the original organization and functions should be revised on a large scale to enable the TPCC to become an advisory body in accordance with the provision of the amended constitution concerning the freeze of provincial assembly elections and the appointment of TPCC members. Some may contend that the TPG and the TPCC should be parallel and equal provincial organizations because Art. 9 of the Additional Articles of the Constitution stipulates that a province shall have a provincial government and a provincial consultative council.<sup>30</sup> However, in 1997, there were too many diverse proposals and controversies on the constitutional amendment and thus careful consideration was not given to the reorganization of the TPA.<sup>31</sup> Moreover, from a theoretical perspective, whether an advisory body is parallel and equal in organizational status to the organization it advises is still a question open to discussion.<sup>32</sup>

Art. 20 of the TPG downsizing statute holds that the TPA shall be abolished on December 21, 1998 and a TPCC consisting of twenty-one to twenty-nine members shall be established to provide advice to TPG operations—two steps which were carried out. Obviously, the TPA's existence as a provincial legislature became unnecessary after provincial self-government was frozen. The important questions that have remained, however, are numerous: What kinds of functions should the new advisory body, the TPCC, have? What different authorities should the TPG and the TPCC have? How should the TPG and the TPCC work in cooperation with an appropriate division of labor? What kind of interactive mechanisms should

<sup>30</sup>TPA Secretariat, *Taiwansheng yihui zuzhi xiankuang ji weilai gaizhi wei sheng ziyihui zhi gouxiang* (The TPA's current organization and some ideas for its restructuring into the TPCC) (TPA: 1998), 1-3; Lin, "The TPCC's Establishment Orientation," 67-69; Chen Yang-teh and Wei Chih-yen, "A Preliminary Exploration into the TPCC's Legal Reorientation, Functions, and Powers," in *Shengyihui gaizhi xueshu yantaohui lunwenji*, 93.

<sup>31</sup>*Disanjie guomin dahui dierci huiyi shilu* (Authentic records of the second session of the Third National Assembly) (Taipei: National Assembly Secretariat, 1998), 127-586; Ke San-chi, "The Constitutional Amendment Regarding the Transformation of the TPA into the TPCC: Evolution and Future Projects," in *Shengyihui gaizhi xueshu yantaohui lunwenji*, 5.

<sup>32</sup>Chi Chun-chen, "The Organizational Management of the New Local Government after the Constitutional Amendment," *Zhongguo difang zizhi* 51, no. 1 (1998): 28-29; Chiang, "The TPCC's Organizational Design and Personnel Management," 137-38.



be set up? All these questions are the focus of the planning for the future provincial reform. In the course of the provincial system reform, the TPA published in 1998 a pamphlet entitled *The TPA's Current Organization and Some Ideas for Its Restructuring into the TPCC*<sup>33</sup> and also cosponsored in July of the same year a Forum on the Restructuring of the TPA with Tunghai University's Department of Political Science to explore an appropriate restructuring of its own organization, operations, and functions.

According to Art. 18 of the Self-Governance Law for Provinces and Counties, the TPA's original functions are as follows: (1) to pass provincial statutes; (2) to approve the provincial administrative budget; (3) to approve the provincial government's levying of special, provisional, and additional taxes; (4) to decide on the disposal of provincial properties; (5) to approve the TPG's organic statute and the organic statutes of provincial enterprises; (6) to discuss and approve the provincial government's proposals; (7) to screen the auditor's reports on provincial accounts; (8) to approve motions by assembly members; (9) to accept petitions from the people; and (10) to exercise other functions provided for by law or central laws and regulations. Art. 28 of the same law also stipulates that the provincial governor has the obligation to present a report on the work of the provincial government to the TPA, and TPA members have the right to interpellate the provincial governor and TPG departmental chiefs. Moreover, the TPA also uses the time between sessions and various opportunities to conduct investigations, case studies, and other activities, such as promoting our country's relations with foreign countries, bringing greetings and entertainment to soldiers, conveying condolences, and attending discussion meetings and other gatherings. Summing up, the TPA's activities consist of six major categories: listening to reports, interpellating, screening, approving, inspecting and investigating, and promoting foreign relations, greeting soldiers, and conveying condolences.<sup>34</sup>

Facing the readjustment of the TPG's functions and organization, the TPA Secretariat proposed in 1998 that since the TPA has abundant human

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<sup>33</sup>TPA Secretariat, *Taiwansheng yihui zuzhi xiankuang*.

<sup>34</sup>*Ibid.*, 4-5; Po, *Difang zhengfu yu zizhi*, 243-57.

resources, software and hardware facilities, and decades of experience in procedural affairs and in serving the people, the TPCC, after the restructuring, may also provide information on local self-government, conduct procedural workshops, and perform other services in addition to giving advice regarding major provincial decisionmaking and supervision of county/city self-government affairs.<sup>35</sup> The Secretariat emphasized:

The TPA's original operations and functions have not only effectively alleviated the people's complaints and woes, but also obtained considerable welfare for the people in the province. In the future, these functions will not be completely replaced by the Legislative Yuan and county/city councils if an appropriate and effective operational mechanism is not promptly planned and instituted. Therefore, the future TPCC should, by means of joint consultation, study, provide advice, sum up, coordinate, screen, and make reform suggestions concerning major provincial decisionmaking and supervision of county/city self-government affairs as well as accepting complaints and petitions from the people so that it will be able to reconcile the opinions of the central government and those of county/city governments and alleviate the direct impact of the will of the grass roots on the central government.

The TPA Secretariat referred to the TPA's relevant functions during the period when it was still the TPPPC, pointing out that at that time the TPPPC was a typical advisory body on provincial affairs with its members partially elected and partially appointed, with its decisions not legally binding for the TPG. The Secretariat considered this formula valuable for consideration in restructuring the functions of the future TPCC, and suggested that the future TPCC should have the following functions: (1) to study, provide advice on, sum up, coordinate, and screen major provincial decisionmaking; (2) to study, provide advice on, sum up, coordinate, and screen provincial supervision of county/city self-government affairs; (3) to make suggestions on provincial administrative reform; (4) to provide counsel regarding provincial construction plans; (5) to handle affairs authorized by the central government; (6) to accept petitions from the people; (7) to collect and provide information on the development of local self-government; (8) to collect, compile, and exhibit historical materials on local self-government; (9) to train procedural talents; (10) to provide conference services and conduct workshops; and (11) to exercise other powers

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<sup>35</sup>TPA Secretariat, *Taiwansheng yihui zuzhi xiankuang*, 1-10.

prescribed by law or endowed by the regulations promulgated by the central government. Moreover, it was suggested that the TPCC may listen to the report on provincial administration presented by the provincial governor, review provincial administration problems, and make suggestions.<sup>36</sup>

According to this suggestion, the supposed functions of the future TPCC seem to be quite similar to those of the early TPPPC or the present National Assembly, that is, a legislative or political consultative body with a popular basis but incomplete authorities. The proposed roles for the TPCC are to pose questions and uncover their reasons, pass on knowledge and historical experiences, be a channel for people's opinions, provide policy advice, be a bridge among governments, supervise the work of the provincial government, conduct studies of parliamentary politics, and alleviate the complaints of the people.<sup>37</sup> In a concrete manner, supporters of this reform idea stressed that having inherited the TPA system, the TPCC can perform the following functions: (1) to conduct studies of, offer counsel on, sum up, coordinate, and screen provincial administrative affairs prescribed by law after the downsizing of the TPG; (2) to study, advise, coordinate, and screen affairs regarding the supervision of county/city self-government; (3) to make suggestions on provincial administrative reform and offer advice regarding provincial construction plans; (4) to handle affairs authorized by the central government; (5) to accept petitions from the people; (6) to collect, compile, study, and provide information on the development of local self-government; (7) to collect, compile, and exhibit, and study historical materials on local self-government; and (8) to train procedural talents, provide conference services, and sponsor workshops.<sup>38</sup>

However, such a restructuring concept emphasizing the preservation of the TPA's original organization and functions contradicts with the objective of the recent constitutional amendment to freeze and downsize the Taiwan Province. According to Chi Chun-chen, director of the Civil Affairs Department of the Ministry of the Interior, whether the TPG has the

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<sup>36</sup>Ibid., 8-9, 22.

<sup>37</sup>Lin, "The TPCC's Establishment Orientation," 72-75.

<sup>38</sup>Chen and Wei, "A Preliminary Exploration into the TPCC's Legal Reorientation," 112.

public legal entity status will have significant influence on the growth and decline of the TPCC's political consultative role. However, according to Art. 9 of the Additional Articles of the Constitution, even if the TPG enjoys the public legal entity status, the TPCC will still be a body without legislative powers. Therefore, it should be appropriate to readjust the equal relationship between the TPCC and the TPG to an unequal one, or to make the provincial governor the responsible person of the TPCC, so that the TPCC may still play the role of supervising the decisionmaking regarding county/city self-government when it does not have legislative powers.<sup>39</sup> Simply speaking, in Chi's opinion, the TPCC is neither a political consultative nor a control body, but an advisory organization; thus, the design to make the TPCC organizationally parallel and equal to the TPG is unnecessary. He suggested that the TPCC should become an organization under the TPG, either with an operational relationship similar to that between the Central Election Commission and the Ministry of the Interior,<sup>40</sup> or with an organizational setup like the urban planning commissions under various governments.<sup>41</sup>

Without doubt, in the search for an appropriate design for the TPCC's organizational setup and functions, this "administrative commission" model is worthy of reference. Supporters even hold that this model should be the top limit for the TPCC's future setup because a design deviating from this orientation will not only contradict with constitutional amendments, but will also generate obstacles to the council's development. Moreover, they contended that to give the TPCC the possibility of further development and enable it to function efficiently, the planners should give consideration to making the TPCC a "consultative, quasi-legislative, and

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<sup>39</sup>Chi, "The Organizational Management of the New Local Government," 28.

<sup>40</sup>The Central Election Commission was set up in accordance with Art. 8 of the Public Officials Election and Recall Law. The commission's main tasks are to plan, hold, command, and supervise the elections and recalls of government heads and people's representatives of all levels. It consists of eleven to nineteen members with a unsalaried three-year tenure, nominated by the premier and appointed by the president. One of these members is made the chairman to enforce the commission's resolutions, direct the commission's routine affairs, and command and supervise the staff.

<sup>41</sup>Chi Chun-chen, "A Feasible Design for the TPCC's Organization and Functions," *Zhong-guo difang zizhi* 51, no. 4 (1998): 4-6.

quasi-judicial" body in order to form an organizational "administrative commission" mechanism necessary for a central government agency. Concretely speaking, their design for the TPCC's functions includes: (1) responding to the TPG's requests for advice; (2) volunteering suggestions on provincial administrative affairs; (3) establishing itself as a research center of local self-government; and (4) playing a mediating role in the TPG's supervision of county/city self-government affairs.<sup>42</sup>

No matter whether or not it will be reoriented toward the "administrative commission" model, the TPCC will undoubtedly be an administrative organization operating according to the collegiate system. Comparative empirical studies show that the United States, Japan, and Germany have different definitions for administrative commissions.<sup>43</sup> Therefore, to decide whether a collegiate body is an administrative commission, we should look into its designed functions, organizational structure, and operational pattern. Grand Justice Wu Keng has divided the ROC's central government commissions into three categories: the collegiate, single-head, and mixed commissions. He emphasized that an organization with the name of a commission may not necessarily be a collegiate body. Only those organizations actually operating according to the collegiate system are true collegiate commissions.<sup>44</sup> According to an analysis by this author in 1993, collegiate administrative organizations can be divided into "consultative-coordinating," "independent-regulating," "participating-screening," and "single-head-implementing" types according to the objective of establishment, organizational structure, operational procedure, and functional assessment. What scholars usually called administrative commissions are actually "independent-regulating" collegiate organizations.<sup>45</sup>

If this analysis is used to assess Chi Chun-chen's proposal that the

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<sup>42</sup>Editorial, *Zhongguo difang zizhi* 51, no. 7 (1998): 2-3.

<sup>43</sup>Hsu Ching-fu and Huang Chin-tang, *Xingzheng weiyuanhui zuzhi gongneng zhi yanjiu* (A study of the organization and functions of administrative commissions) (Taipei: Research, Development and Evaluation Commission, Executive Yuan, 1994).

<sup>44</sup>Wu Keng, *Xingzhengfa zhi lilun yu shiyong* (The theory and practice of the Administrative Law), fourth edition (Taipei: Sanmin shuju, 1998), 176.

<sup>45</sup>Chiang Ta-shu, "An Analysis of the Types of Collegiate Administrative Organizations," *Fazheng xuebao*, no. 1 (July 1993): 203-39.

TPCC should be organizationally oriented toward an administrative commission, we should ask what type of collegiate organization Chi had in mind. If Chi means to make the TPCC an "independent-regulating" administrative commission, we should remember that as regards all "independent-regulating" administrative commissions similar to the Central Election Commission, their objective of establishment emphasizes independence and detachedness; the composition of their members stresses professional ability, partisan balance, and tenure protection; their operational procedures include regular meetings and majority-rule decision-making; and their functions are often related to certain control tasks prescribed by law. If Chi means to make the TPCC a "participating-screening" commission like the urban planning commissions under governments of various levels, we should note that although these commissions may sometimes be called administrative commissions (as they function as independent screening bodies), their objective of establishment places more stress on improving the decisionmaking quality via participation by experts; their members, with a relatively shorter tenure than that of the members of "independent-regulating" administrative commissions, are also selected according to professional ability and partisan balance; and decisions are also made by majority rule but meetings are less frequent, usually once in several weeks or even several months. The results of their studies are sent to organization heads as a reference tool useful for decisionmaking but do not have direct disciplinary sanction effects. Therefore, both the "independent-regulating" and "participating-screening" commissions emphasize professionalism and detachedness, although the former is a permanent administrative organ and the latter a task force.

Obviously, these two organizational designs are not completely in line with the TPCC's major function—to provide advice on provincial affairs. The design of "single-head-implementing" commissions, such as the Executive Yuan's Council of Labor Affairs and the National Youth Commission, obviously contradicts with the TPCC's expected functions. By contrast, the permanent "consultative-coordinating" commissions are established to study specific policies or plans and public opinions are taken into consideration in the formation course so that more flexibility is allowed for the composition of their members as well as their operational

procedures. This author thus considers that these commissions constitute a valuable reference model for the future organizational setup of the TPCC.

Of course, the reorientation of the TPCC's functions depends on the Executive Yuan's decision on the TPG's future status and size. If the restructuring of the TPG develops toward "making the province a nominal tier of government" in accordance with the spirit of the downsizing statute, this author presumes that a relatively good restructuring plan is to assign to the TPCC symbolic consultative and coordinating functions similar to the senior presidential advisors and Executive Yuan advisors. First, since the 1997 constitutional amendment, the transfer of the TPA's political representative function has been considerably achieved by the increase in Legislative Yuan seats.<sup>46</sup> Second, although both the TPG and the TPA are agencies of the central government according to Art. 9 of the Additional Articles of the Constitution, the fact that the downsizing statute—targeting originally at the TPG—also includes stipulations about the TPCC shows that the lawmakers had the intention to define the TPCC as a subordinate organization of the TPG. On the other hand, if in the future the TPG still enjoys autonomy in certain operations (i.e., having public legal entity status within specified limits), the demarcation of functions and powers between the TPG and the TPCC might become controversial. This is because when a "single-head-implementing" type TPG Council and a "consultative-coordinating" type TPCC have to supervise county/city self-government affairs by Executive Yuan orders but at the same time also have to act as a check in certain provincial self-government affairs, many conflicts and difficulties will arise both in institutional design and practical operations. Yet, if this becomes the reality, the organizational setup of the Board of Directors and the Board of Supervisors of the Central Bank might be another valuable reference model for the restructuring of the TPCC.<sup>47</sup> Without

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<sup>46</sup>After the 1997 constitutional amendment, to coordinate with the reform of the provincial system, the total number of legislators was increased from 164 to 225. The increase of 61 Legislative Yuan seats was less than the original 79 seats on the TPA. However, some of the assemblymen were already elected county magistrates or city mayors in 1997, and the majority of the rest joined the 1998 legislative election. The result was that 49 out of 59 were elected legislators. Those elected thus have a new political stage. See *Zhongguo shibao*, November 7, 1998, 5; *ibid.*, December 6, 1998, 6.

<sup>47</sup>The so-called "Central Bank organizational model" is clearly stipulated in Chap. 2 of the

doubt, relevant operational rules should be clearly stipulated in the future Local System Law and the Executive Yuan should be authorized to draw up an adequate framework in the TPCC Organic Statute.<sup>48</sup>

### **Designs for the TPCC's Organizational Setup**

The organizational setup of a newly established organization should be designed to meet the needs of its planned functions and the division of labor based on specialization. However, since the TPA was reorganized as the TPCC, it will certainly carry a historical burden, particularly regarding the readjustment and appropriate replacement of its original units and personnel. The discussion of this problem includes two essential parts: (1) the TPCC's composition and operational mechanism; and (2) the TPCC's staff units and subordinate organizations. Part one might involve the political representation problem, and part two the consideration for functional specialization.

#### *The TPCC's Composition and Operational Mechanism*

Art. 9 of the Additional Articles of the Constitution says that a province shall have a provincial consultative council made up of a number of members who shall be nominated by the premier and appointed by the

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Central Bank Law. The main points are as follows: The bank shall have a board of directors of eleven to fifteen members, nominated by the Executive Yuan and appointed by the President for a five-year tenure. The governor of the bank shall be an ex-officio member and the chairman of the board. The bank shall have a board of supervisors of five to seven members, nominated by the Executive Yuan and appointed by the President for a three-year tenure. The chairman of the Board of Supervisors shall be elected by board members. Moreover, according to the Meeting Regulations for the Central Bank's Board of Supervisors, the supervisors may attend the meetings of the Board of Directors and state their views, but have no voting right; the Board of Supervisors may invite relevant department heads of the bank to attend its meetings; and as a result of the arrangement of the Board of Directors, the supervisors may attend joint meetings of the two boards.

<sup>48</sup> According to the present Organic Statute of the TPCC, the future TPCC shall have only four functions: (1) to provide counsel and suggestions on provincial administrative reform; (2) to provide counsel regarding the supervision of the self-government affairs and construction plans of county/city governments; (3) to conduct investigations, analyses, and studies regarding the development of local self-government; and (4) to exercise other powers prescribed by law or endowed by the laws promulgated by the central government.



president of the Republic. Art. 20 of the TPG downsizing statute stipulates that "the TPCC shall have twenty-one to twenty-nine members, nominated by the premier and appointed by the president; one of the members shall be made the chairman; and enjoying a three-year nonremunerative tenure, the members shall furnish advice on TPG operations." Will this organizational size be appropriate? What roles will the chairman play? What kind of operational mechanism will be established? All these questions deserve careful consideration.

According to the Self-Governance Law for Provinces and Counties and relevant provisions of the TPA Organic Statute, the TPA consists of seventy-nine members, elected for a four-year tenure by the people in the province by all the counties, cities, and aborigines in the province. The members may be reelected. If four or more than four TPA seats are to be elected by a county or city, one of these seats should be preserved for female candidates. The TPA has a speaker and a deputy speaker, elected via secret vote by its members. The speaker handles assembly affairs and convenes and presides over meetings. If the speaker cannot perform the aforesaid duties, the deputy speaker will take over. If both the speaker and the deputy speaker cannot perform the aforesaid duties, an assembly member appointed by the speaker will take over. Except for its establishment meeting, each TPA shall hold a session every six month, which, including legal holidays and other meeting suspensions, must not last more than ninety days. When requested by the provincial governor or more than one-third of assembly members, or when the speaker deems necessary, an extraordinary session shall be convened and the session, including legal holidays and meeting suspensions, must not last more than twenty days. Moreover, the TPA has six permanent screening committees in charge of civil affairs, finance, construction, agriculture and forestry, education, and transportation and communications. When special issues arise, special screening committees can be established in accordance with the decision of the chairman of a TPA session or the resolution of the session.

The aforementioned TPA Secretariat's 1998 proposal suggested that the future TPCC should have forty-one to forty-nine members who, with a tenure of one or two years, should be nominated by the premier and appointed by the president according to the following composition: (1) nine

persons representing relevant ministries and commissions of the Executive Yuan; (2) twenty-one to twenty-nine persons representing counties and cities, with each county and city having one to three representatives in accordance with the total number of its population; (3) two persons representing the aborigines, one representing those living in mountainous areas and the other representing those living in the plains; (4) three to nine specialists and scholars; and (5) at least one-fifth of these representatives should be women.<sup>49</sup> This suggestion regarding the TPCC's composition seems to give more emphasis to political representation than to functional specialization and does not completely conform to the organizational principles for ordinary consultative bodies. However, with an eye to achieving a smooth restructuring process, Chi Chun-chen was inclined to support such a "political power distribution" model. He said that the model could enhance the completion of relevant legislative process. Chi even emphasized that the balance of seats among political parties should also be taken into consideration.<sup>50</sup>

The TPA Secretariat's proposal also endorsed the following: The TPCC has a chairman and a vice-chairman,<sup>51</sup> nominated by the premier and appointed by the president. The chairman handles council affairs and convenes and presides over meetings. If the chairman cannot perform the aforesaid duties, the vice-chairman will take over. If both the chairman and the vice-chairman cannot perform the aforesaid duties, a council member appointed by the chairman will take over. The TPCC holds a session every six months, which, including legal holidays and meeting suspensions, should not last more than fifteen days, although the session may be extended when necessary. When requested by the provincial governor or more than one-third of council members, or when the chairman deems necessary, an extraordinary session may be convened and the extraordinary

<sup>49</sup>TPA Secretariat, *Taiwansheng yihui zuzhi xiankuang*, 21.

<sup>50</sup>Chi, "A Feasible Design for the TPCC's Organization and Functions," 9.

<sup>51</sup>In fact, in an earlier version of the Organic Statute for the TPCC (Draft), the TPA Secretariat suggested that the TPCC should have a speaker and a deputy speaker. The Secretariat made the change in its 1998 proposal probably because Chi Chun-chen's comment that the term "speaker" usually means a leader of a parliamentary mechanism.

session must not last more than five days. The sessions are convened and presided over by the chairman. The TPCC may also establish various screening committees. The establishment rules for these committees are to be drawn up by the TPCC itself; they are then reported to the Executive Yuan for future reference and copies are to be sent to the TPG.<sup>52</sup> Judging by all this, the TPA Secretariat obviously hoped to keep most of the organizational structure of the TPA as it only changed the names of the chiefs, reduced the number of members, and shortened the duration of sessions.

According to the subsequent consultations between the Ministry of the Interior and the TPA, which were reported to and approved by the Executive Yuan, the composition<sup>53</sup> and future operational mechanism of the TPCC are approximately as follows: The TPCC has twenty-one to twenty-nine members who are nominated by the premier and appointed by the president for a three-year tenure. Although TPCC members are not salaried, they may draw research fees, and may also draw meal and transportation fees when the TPCC is in session. Every six months, the TPCC holds a session that must not last more than fifteen days. When necessary, extraordinary sessions which must not last more than five days may be convened, but not more than four times per year. The TPCC may invite the provincial governor to deliver work reports at its sessions.

Unless the TPG becomes a nominal tier of government immediately and completely, this design for the TPCC's organizational setup, which makes it something between a people's representative body and a consultative organization, should in principle be appropriate for the readjustment and transitional period. To enable the TPCC to have the operational flexibility of "consultative-coordinating" bodies, this author suggests that the

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<sup>52</sup>TPA Secretariat, *Taiwansheng yihui zuzhi xiankuang*.

<sup>53</sup>Most of the twenty-nine TPCC members approved by the Executive Yuan are former provincial assemblymen, legislators, national assemblymen, and speakers of county/city councils. Their appointment was considered by critics as "rewards for partisan services" because the original planned combination of county/city representatives, aborigines, scholars and experts, and public interest groups had been ignored. Moreover, the name list failed to accord fair treatment to the political interests of various quarters. As a result, all the appointed council members could not be sworn in on the day when the council was established and the council could not begin operations immediately. See *Zhongguo shi-bao*, December 25, 1998, 4.

TPCC's sessions should neither be held too often nor last too long. As regards the operational structure, the TPA's system of permanent committees should be abandoned. However, it may be operationally necessary for the TPCC to establish some ad hoc task forces to perform its consultative-coordinating functions regarding provincial affairs.

#### *The TPCC's Staff Units and Subordinate Organizations*

According to Art. 26 of the original TPA Organic Statute, the TPA has a secretary-general and a deputy secretary-general; by order of the speaker, the secretary-general handles assembly affairs and commands and supervises assembly staff; and the deputy secretary-general assists the secretary-general in handling assembly affairs. Art. 29 of the same statute stipulates that each TPA committee has a chief secretary who, by order of the convener, handles committee affairs and commands and supervises committee staff; and that it has also a secretary and a clerk. Art. 33 stipulates that the TPA has a secretariat, which heads seven units: the procedural section, the general affairs section, the documentary section, the secretarial office, the law and regulation research office, the public relations office, and the library. Arts. 34 and 35 also stipulate the existence of an accounting office and a personnel office. In 1998, the TPA had 334 employees, including 106 staff members within the authorized setup; 27 regular contract staff members and workers; 77 technicians, drivers, and workers; 99 temporary technicians and workers; and 25 temporary workers employed during the assembly sessions.<sup>54</sup>

In comparison with the Legislative Yuan, the TPA's staff units were smaller in size.<sup>55</sup> Therefore, the personnel readjustment problem arising from the downsizing of the TPA should be less complicated. According to the aforementioned TPA Secretariat's 1998 proposal, to coordinate with the readjustment of its functions and the simplification of its operations, the

<sup>54</sup>TPA Secretariat, *Taiwansheng yihui zuzhi xiankuang*, 7.

<sup>55</sup>In 1997, the Legislative Yuan had 785 employees, including 265 staff members within the authorized setup; 144 regular contract staff members; and 414 guards, technicians, and workers. See Ku Teng-mei et al., *Lifa lilun yu shiwu* (Legislative theories and practices) (Taipei County: National Open University, 1997), 130-36.

TPCC should adjust the organizational structure of its secretariat, trim some of its staff units, and establish new subordinate organizations responsible for research and consultation; the collection, compilation, and exhibition of historical materials; and procedural studies and conference services. In brief, the TPA Secretariat advocated a readjustment of the TPA's existing subordinate organizations to provide sound staff services to the TPCC and the opening up of close to twenty hectares of TPA area to the other organizations and the public. According to the TPA plan, the TPCC Secretariat should consist of three sections that are respectively in charge of procedural affairs, administration, and public affairs. The TPA Secretariat also held that the TPCC should set up three new subordinate organizations, including a local self-government research and consultative center responsible for studying provincial affairs and local self-government problems, editing and distributing relevant publications, and providing relevant materials and information; a museum of historical materials concerning local self-government responsible for the collection, compilation, and exhibition of such materials; and a center responsible for procedural studies and provisions of conference services.<sup>56</sup>

Later, as a result of the repeated consultations between the Ministry of the Interior and the TPA, the TPCC Organic Statute was approved by the Executive Yuan. The statute decides on the reduction of the size of TPCC staff while adopting the reform framework proposed by the TPA Secretariat in 1998. The TPCC thus has a secretary-general and a deputy secretary-general, with the procedural, research, and administrative sections under their direction. Its total employees have been reduced to forty-six people. Regarding whether or not the local self-government research and consultative center, the museum of historical materials concerning local self-government, and the procedural study and conference service center are to be established, the issues have yet to be considered in coordination with the downsizing of the TPG.<sup>57</sup>

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<sup>56</sup>TPA Secretariat, *Taiwansheng yihui zuzhi xiankuang*, 9-11, 25-27.

<sup>57</sup>Ministry of the Interior, *Taiwansheng yihui gaizhi wei sheng ziyihui yewu tiaozheng yuanze jianyishu*.

Judging by contemporary government reinvention and organizational reform theories, this author agrees in principle to these ideas for the TPCC restructuring, especially the plan to establish a museum of historical materials on local self-government and a center for procedural studies and conference services. The museum may help preserve relevant documents on the development of local self-government in Taiwan and the center may enhance the implementation of grass-roots self-government and may also improve the procedural quality.<sup>58</sup> In fact, it will be possible for these two organizations to operate independently from the TPCC as their operations will bring in some self-compensating incomes. This will probably be an appropriate reform model if entrepreneurial management is also adopted and if private investment is introduced (as a BOT case, for example).

However, the above-mentioned reform plan seems to have adopted much of the original division of labor among TPA units. As a consultative body, the TPCC has no fixed affairs to attend to and does not meet frequently. Thus, is the maintenance of a headquarters and a secretariat necessary? Should a procedural section and a research section be established under the secretariat? Is it necessary to establish a study and consultative center? Should the center become an independent public welfare legal entity in the form of a foundation, or should it be merged into the museum of historical materials on local self-government? All these questions still require careful appraisal and detailed planning.<sup>59</sup>

As both the TPCC and the TPG will be central government agencies in the future, it seems that the organizational setup of the TPCC should also be governed by relevant provisions of the Drafted Organizational Criterion Law for Central Government Organizations to be passed by the Legislative Yuan. Therefore, if the TPCC is an Executive Yuan organization parallel and equal to the TPG in status (i.e., a grade-II organization), its organizational setup should be determined by law and its internal units should be

<sup>58</sup>Wu Chieh-ying and Hsu Chu-hsiung, "A Proposal on the Effective Planning of the TPA Area after the Restructuring," in *Shengyihui gaizhi xueshu yantaohui lunwenji*, 155-75; Ou Hsin-hung and Chen Hao-tan, "A Preliminary Discussion on the Establishment of a Study and Consultative Center of Local Self-Government under the TPCC," *ibid.*, 181-202.

<sup>59</sup>Chiang, "The TPCC's Organizational Design and Personnel Management," 140-50.

"departments" (*si*) with subordinate "sections" (*ke*). If the TPCC is a consultative body subordinate to the TPG (i.e., a grade-III organization), its organic statute may be determined by an Executive Yuan order and reported to the Legislative Yuan for record keeping, and its internal units should be "divisions" (*zu*) with subordinate "sections." As regards the personnel and accounting units, if the TPCC is a grade-II organization, it can establish a personnel office and an accounting office; but if it is a grade-III organization, or if its authorized setup consists of less than one hundred employees, it should entrust its personnel and accounting operations to the care of relevant units of its superior organization or to the care of appointed staff of its other units. Moreover, as the TPCC has already been restructured from a people's representative body into an administrative organization, it should establish an administrative conduct supervisory unit, or entrust such supervisory work to the care of relevant unit of its superior organization or to the care of appointed staff of its other units.

### **Conclusion**

Following the steps of the TPG's downsizing, the TPA was formally reorganized into the TPCC in December 1998. Although this highest local people's representative body was abolished, its significance in the development of Taiwan's parliamentary politics and constitutional reform still deserves serious consideration. As regards the TPCC that replaced the TPA, the readjustment of its organizational setup and functions needs careful planning and implementation by relevant organizations in charge. The reform of the provincial system in this stage is an inevitable result of the government reinvention trend arising after the lifting of martial law. Before the retirement of all senior people's representatives at the central level, the TPA was not only the operational center of Taiwan's local self-government, but also an important site for the inception of the ROC's democratization movement. However, with the rise of the global administrative reform trend in the post-Cold War period, our four-tiered government system became an obstacle to operational efficiency and its streamlining has been the key to boosting our competitive edge in the international community. The

1997 constitutional amendment thus decided to freeze self-government provincial elections and downsize the TPG's functions, operations, and organization. In coordination with the TPG's reorganization, the TPCC became an organization providing counsel on provincial affairs.

Considering the heated discussion about the future organizational status of the TPG, the reorganization of the TPA into the TPCC has not received due attention from relevant organizations and society in general. This study has revealed the tendency to make the TPG a nominal tier of government. On this basis, this author proposes that the "consultative-coordinating" collegiate organization may be an appropriate operational model for the future TPCC, and that it should also be appropriate to carry out feasibility studies as to the establishment of a museum of historical materials on local self-government and a procedural study and conference service center with the existing valuable resources in the TPCC area.