

An Overview of Taiwan's Legislative Yuan : Procedures and Practices

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I. Introduction

1. Legislative Yuan (LY), 0.6 acres in size, was an all-girls high school during the colonial era. The former auditorium and classrooms were converted into the Assembly Hall, offices, and committee rooms. A Legislators' Office Building and Committee Building were added within the compound. Proposals to relocate the LY have never been adopted. As such, the LY is easily accessible from the street on all sides.



(Front Gate before 1949)



(Now)

I. Introduction (continued)



(Assembly Hall)

I. Introduction (continued)



(Door to a Committee Room)

I. Introduction (continued)



(Committee Building)



(Legislators' Office Building)

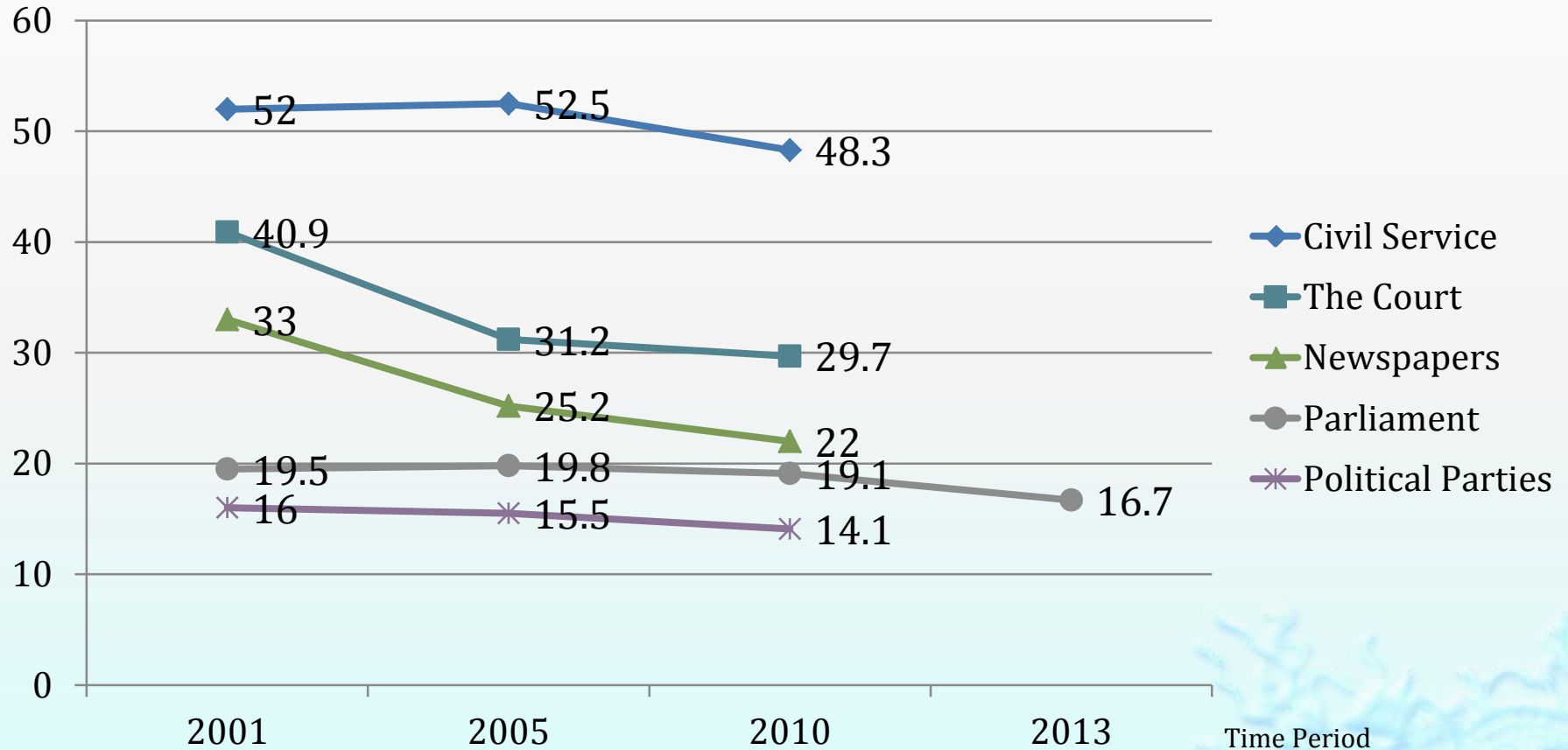
I. Introduction (continued)

2. LY meets twice a year. Each session lasts four months (mid-February to mid-June and mid-September to mid-January).
3. The number of legislators varies over the years: since 2008, 113; before 2008, 225 or less. Each Legislator now employs 8-14 assistants, all paid by the LY.
4. By law, LY's Budget Center has a staff of 59. Legal Bureau and LY Library also have 59 each.

I. Introduction (continued)

5. Public Attitude toward LY

Percentage %



Sources: 2001-2010 : Larry Diamond "The Maturing of a (Skeptical) Democratic Culture in Taiwan," Brookings, May 2012.
2013 : Taiwan Indicator Survey Research (<http://www.tisr.com.tw/>)

II. The Legislators

1. Distribution of seats among Parties over the years

Time of election	Total	KMT	DPP	NP	PFP	TSU	Non-P
Dec. 1986	73	59 (80.8)	12 (16.4)				2 (2.8)
Dec. 1989	101	72 (71.3)	21 (20.8)				8 (7.9)
Dec. 1992	161	94 (58.4)	51 (31.7)				16 (9.9)
Dec. 1995	164	85 (51.8)	54 (32.9)	12 (12.8)			4 (2.5)
Dec. 1998	225	123(54.7)	70 (31.1)	11 (4.9)			21 (9.3)
Dec. 2001	225	68 (30.2)	87 (38.7)	1 (0.4)	46 (20.4)	13 (5.7)	10 (4.4)
Dec. 2004	225	79 (35.1)	89 (39.6)	1 (0.4)	34 (15.1)	12 (5.3)	10 (4.4)
Jan. 2008	113	81 (71.7)	27 (23.9)		1 (0.9)		4 (3.5)
Jan. 2012	113	64 (56.6)	40 (35.4)		3 (2.7)	3 (2.7)	3 (2.7)

Source: Central Election Commission.
Note: Parenthesis indicates percentage.

II. The Legislators (continued)

2. Until 2008, Legislators had been elected from “single nontransferable vote under multi-member district system.” It means candidates had to compete fiercely with comrades, as well as across party lines. Since 2008, the “Single-District Two-Votes System” allows each district to produce only one Legislator. But competition remains vehement as the Legislators now face greater threats from the local mayors.

II. The Legislators (continued)

3. The percentage of those who could survive three or more elections is quite small. Now, out of 113 Legislators, only 1 legislator (Speaker Wang Jin-Pyng) is serving his 12th term, 1 (Deputy Speaker Hung Hsiu-Chu) her 8th term, 5 others their 7th term. All the rest are serving their 6th term or less.

Percentage of Legislators Re-elected for Third or More Terms

1993 - 1996	1996 - 1999	1999 - 2002	2002 - 2005	2005 - 2008	2008 - 2012	2012 - 2016
8 %	13 %	24 %	16 %	25%	48 %	38%

source: Central Election Commission (<http://web.cec.gov.tw/bin/home.php>).

II. The Legislators (continued)

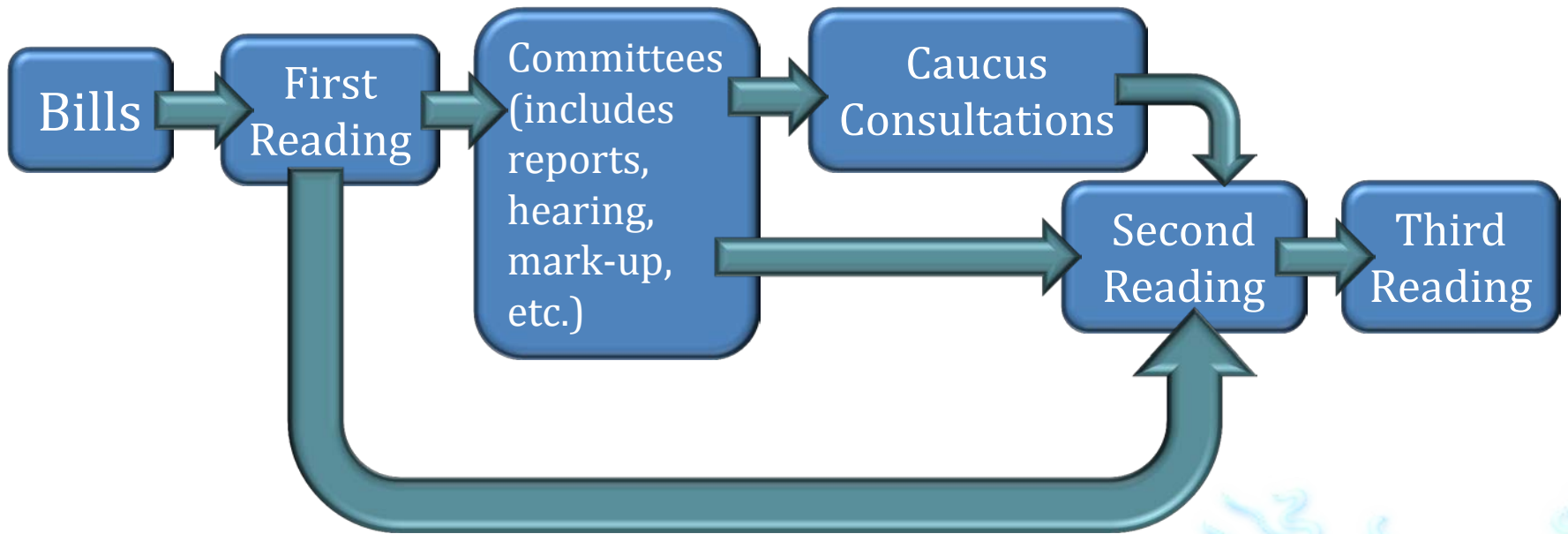
4. Hence, many prefer to spend time at the constituencies, not at the LY. Some even travel daily between the LY and their constituencies, thanks to the High-Speed Rail and free travel expenses. Working the crowd and/or hitting the media is often given higher priority than working hard at legislation.

II. The Legislators (continued)

5. Eight Standing Committees (before 2008, twelve)

- ◆ Internal Administration Committee
- ◆ Foreign and National Defense Committee
- ◆ Economics Committee
- ◆ Finance Committee
- ◆ Education and Culture Committee
- ◆ Transportation Committee
- ◆ Judiciary and Organic Laws and Statutes Committee
- ◆ Social Welfare and Environmental Hygiene Committee

III. Procedures



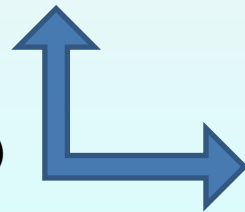
IV. Committees

1. Each of the 8 standing committees has two chairpersons (until 2008, three chairpersons) — usually one KMT, one DPP member. They alternate in chairmanship every other week.
2. No seniority system. A freshman could serve as chairman. I chaired in 2 out of 6 sessions in 2005-2008. Hence neither party could dominate the agenda.
3. Each committee now averages 14 legislators. One third (i.e. 5 Legislators) would make a quorum. And three Legislators present (including the chairperson) could decide anything.
4. Committees normally meet on Mondays, Wednesdays and Thursdays. All meetings are open to the media. Hence, the tendency is to feed the media, not to debate the merits of the issues at hand.

IV. Committees (continued)



(Questioning a Minister)



IV. Committees (continued)

5. Each Legislator could serve and vote in only one committee. He (She) could hop around different committees each year (each session, until 2008.) Most do. Hence little accumulation of expertise.
6. Each Legislator could visit other unaffiliated committees, speak on topics under discussion and question the administration officials (usually ministers) present. Hit-and-run legislators often follow the headlines of the day, far outnumber those serving legislators, and tend to grill the ministers on minute details.

IV. Committees (continued)

7. Each Minister should report to its counterpart committee at least once each session. Committee chairs could also summon one or more Ministers for questioning on any working day. A “popular” Minister could easily spend more than 20 full days in LY Committees each year. Deputy Ministers and below are usually not accepted by LY. To prepare for “odd” questions, Ministers usually bring along a large entourage of high officials to the LY.

V. Caucus Consultations

1. Caucus Consultations came into existence in February 1997, was incorporated into law in January 1999, which was revised in January 2002 and April 2008. Both substantive and procedural issues are discussed and decided there.
2. The number of party caucuses varies each term:

Year	Number	Caucuses
1993	4	
1996	6	
1999	7	
2002	5	KMT, DPP, PFP, Non-P, TSU
2005	5	KMT, DPP, PFP, Non-P, TSU
2008	3	KMT, DPP, Non-P
2012	5->4->3	KMT, DPP, TSU

V. Caucus Consultations (continued)

3. Before 2008, 5 Legislators could form a caucus. From 2008, the threshold was lowered to only 3.
4. Participants include two members of each party (usually the whips) and the rapporteur of the committee where the bill was first considered. The Speaker, Deputy Speaker or the Party who sponsors the bill in question chairs the consultations. Those bills chaired by the Speaker have a 95% chance to be passed, according to one study.

V. Caucus Consultations (continued)

5. The signature of each participant is required for any bill to be passed. Each party and participant could thus veto any bill. Parties are made equal in power regardless of their number of seats. For instance, in 2008-12, KMT (81 seats), DPP (27) and Non-party (4) were equal inside the CC room. And in 2012-now, KMT (64), DPP (40) and TSU (3) are also equal. A serious distortion of democratic values indeed.
6. Once passed in the Caucus Consultations, a bill would go straight into the second and third reading skipping the Committees altogether and become a law unless challenged by 8 or more Legislators. Voting is then required to override the CC decision. However, no such case is known so far. The CC could also change parts or all of the Committee version arbitrarily.

V. Caucus Consultations (continued)

7. Unlike Committees, Caucus Consultations could take place any day during the session, as long as the chair calls for it.
8. Rules against “conflicts of interest” do not apply here.
9. Until the 2008 reform, Caucus Consultations were totally untransparent. Only the final result and signatures showed up in print. No explanations were ever given on those bills (statistically over half) which turned out differently from their Committee versions. The reform of 2008 requires video-taping or tape-recording of the consultations as well as explanations of the before/after differences. Unfortunately the new regulations remain largely on paper, according to interviews. No doubt, Caucus Consultations are the darkest corner in Taiwan’s democracy.

V. Caucus Consultations (continued)

10. Thanks to Caucus Consultations, Legislators are spared the trouble to study and debate most of the bills. Most bills are passed during the Caucus Consultations without the Legislators even knowing about them. When I was a Legislator in 2005-2008, I cast my vote in the Assembly Hall only 1 day each session – on its final day. That day, 10-30 bills would be passed. Almost without exception that final day would last through midnight. This past spring term, 30+ bills were passed on May 20, another 30+ on May 30. Caucus Consultations thus allows the Legislators literally maximal time to engage in non-legislative duties. It appears there is little incentive among the Legislators to reform this practice.

VI. Number of Bills Passed in LY¹

Year	Number
1992 - 1995	200
1995 - 1998	262
1998 - 2001	526
2001 - 2004	472
2005 - 2008	393
2008 - 2012 ²	684
2012 - 2014 ³	335

Source: Parliamentary Library, Legislative Yuan (<http://npl.ly.gov.tw/do/www/lawStatistics#>)

Note: ¹ These bills do not include resolutions on budgets, treaties, nominations, etc.

² Beginning 2008, each term is extended from 3 to 4 years.

³ Only 5 sessions have expired this term.

VII. General Interpellation and others

1. A unique feature of LY, and long in existence, requires the Premier, along with ALL 30+ Ministers, to appear in LY's Assembly Hall two full days a week (Tuesdays and Fridays) and answer questions from each of the 113 Legislators. He (She) could pick any one or more Ministers to stand beside the Premier. The rest just sit idling. Depending on the number of Legislators (113 or 225) and time mandated (30 or 40 minutes), this practice easily costs the Premier and all the Ministers 20 to 40 working days a year.



(Premier Standing All Day Answering Questions) →

VII. General Interpellation and others (continued)



(One Legislator vs. Entire Cabinet)

VII. General Interpellation and others

(continued)

2. Another unique feature of the LY, in existence since 2000, is called the Forum of National Affairs. Every Friday, 9-10 a.m., Legislators line up to give 3-minute speeches on any national affairs. Topics are mostly driven by media interest and/or partisan struggles.
3. The Ethics Committee exists in name only. It rarely, if ever, met to pass judgment on a Legislator's unseemly behavior or conflict of interest.

VII. General Interpellation and others

(continued)

4. The Sergeant at Arms also exists in name. The Speaker is authorized by law (LY Organization Law) and bylaw (Sergeant at Arms Duty Rules) to call in the Sergeant at Arms to maintain order in LY. But despite repeated appeals by the Legislators, no such action has been taken. Legislative process could thus be blocked “physically” by a few Legislators rendering the majority powerless, or even by outside forces, as seen in recent student protests.

VIII. Current Issues

1. Out of 21 cross-strait agreements signed after 2008, 19 required neither amendment nor new legislation. They went into effect after being submitted to the Executive Yuan for approval and LY “for record,” in accordance with Article 5 of the Governing Statute. Two others (ECFA and IPR) were submitted to LY “for consideration” and passed.
2. Services Agreement and Establishment of Offices would require amendments and are awaiting LY consideration.

VIII. Current Issues (continued)

3. Supervisory Agreement requires new legislation. Partisan positions are widely apart. For instance, one non-Administration version demands renewed consideration of all 21 Agreements.
4. Free Economic Pilot Zones also requires new legislation and awaiting LY consideration. Again, Parties are at odds.

IX. Conclusion

1. Legislators are busy mostly with non-legislative matters.
2. Standing Committees are mostly perfunctory.
3. Caucus Consultations are undemocratic, untransparent, yet decisive.
4. Speaker and party whips are the real legislators.
5. Speaker Wang is by far the most powerful person, even “the silent real king” as an editorial recently titled him.
6. The feud between President Ma and Speaker Wang is at the root of the current stalemate in LY, as it sabotages the relationship between Executive Yuan and Legislative Yuan, paralyzes KMT and its caucus in LY, emboldens the DPP to take a more hardline position, and gives outside forces (e.g., the “students”) room to intervene.

THANK YOU!!

