

# Additional Articles of the Constitution of the Republic of China (Taiwan)

[Adopted by the extraordinary session of the Second National Assembly  
at its 27th Plenary Meeting on May 27, 1992,  
and promulgated by President Lee Teng-hui on May 28, 1992]

## Article 11

In addition to the exercise of its powers and obligations pursuant to Article 27 of the Constitution, the National Assembly shall also exercise its right to confirm the appointment of personnel nominated by the President in accordance with Additional Article 13, Paragraph 1; Additional Article 14, Paragraph 2; and Additional Article 15, Paragraph 2.

The aforementioned right of confirmation shall be exercised at an extraordinary session of the National Assembly convoked by the President and shall not be subject to the restrictions in Article 30 of the Constitution.

When the National Assembly convenes, it shall hear a report on state of the nation by the President, discuss national affairs, and offer counsel. In the event that the National Assembly has not convened for over a year, the President shall convoke an extraordinary session for the aforementioned purpose notwithstanding the restrictions in Article 30 of the Constitution.

Beginning with the Third National Assembly, delegates to the National Assembly shall be elected every four years and the provisions in Article 28, Paragraph 1 of the Constitution shall not apply.

## Article 12

Effective from the 1996 election for the ninth-term President and Vice President, the President and the Vice President shall be elected by the entire electorate in the free area of the Republic of China.

The electoral method for the aforementioned election shall be formulated in the Additional Articles to the Consti-

tion at an extraordinary session of the National Assembly to be convoked by the President before May 20, 1995.

Beginning with the ninth presidential term, the term of office for both the President and the Vice President shall be four years. The President and the Vice President may be re-elected for a second term; and the provisions in Article 47 of the Constitution shall not apply.

Recall of the President and the Vice President shall be executed in accordance with the following provisions:

1) By a motion to recall put forward by one-fourth of all delegates to the National Assembly, and passed with the concurrence of two-thirds of such delegates.

2) By a resolution to impeach adopted by the Control Yuan, and passed as a resolution to recall by two-thirds of all delegates to the National Assembly.

Should the office of the Vice President become vacant, the President shall nominate a candidate within three months and convoke an extraordinary session of the National Assembly to elect a new Vice President, who shall serve out the original term until its expiration. Should the offices of both the President and the Vice President become vacant, the president of the Legislative Yuan shall serve notice on the National Assembly to convoke an extraordinary session within three months to elect a new President and a new Vice President, who shall serve out each respective original term until its expiration.

## Article 13

The Judicial Yuan shall

have a president, a vice president, and a certain number of Grand Justices, all of whom shall be nominated and, with the consent of the National Assembly, appointed by the President; and the pertinent provisions in Article 79 of the Constitution shall not apply.

The Grand Justices of the Judicial Yuan shall, in addition to discharging their duties according to Article 78 of the Constitution, also form a Constitutional Tribunal to adjudicate matters relating to the dissolution of unconstitutional political parties.

A political party shall be unconstitutional if its goals or activities jeopardize the existence of the Republic of China or free, democratic constitutional order.

## Article 14

The Examination Yuan shall be the highest examination body of the state, and shall be responsible for the following matters; and the provisions in Article 83 of the Constitution shall not apply:

1) all examination-related matters,

2) all matters relating to the qualification screening, security of tenure, pecuniary aid in case of death, and retirement of civil servants; and

3) all legal matters relating to the employment, discharge, performance evaluation, scale of salaries, promotion, transfer, commendation and award for civil servants.

The Examination Yuan shall have a president, a vice president, and several members, all of whom shall be nominated, and with the consent of the National Assembly, appointed by the President; and the provisions in Article

84 of the Constitution shall not apply.

The provisions in Article 85 of the Constitution concerning holding examinations in different areas, with prescribed numbers of persons to be selected according to various provinces and areas, shall cease to apply.

#### Article 15

The Control Yuan shall be the highest control body of the state and shall exercise the powers of impeachment, censure and audit; and the provisions in Articles 90 and 94 of the Constitution concerning exercising the power of consent shall not apply.

The Control Yuan shall have 29 members, including a president and a vice president, all of whom shall serve a term of six years and shall be nominated, and with the consent of the National Assembly, appointed by the President. The provisions in Articles 91 through 93, and in Additional Articles 3 and 4, as well as Article 5, Paragraph 3 of the Constitution concerning the members of the Control Yuan shall cease to be applicable.

Impeachment proceedings by the Control Yuan against a public functionary in the Central Government, or against personnel of the Judicial Yuan or the Examination Yuan shall be initiated by two or more members of the Control Yuan, and be investigated and voted upon by a committee of not less than nine of its members notwithstanding the restrictions in Article 98 of the Constitution.

In the case of impeachment by the Control Yuan of Control Yuan personnel for dereliction of duty or violation of the law, the provisions of Article 95 and Article 97, Paragraph 2 of the Constitution, as well as the foregoing paragraph shall apply.

A motion by the Control Yuan impeaching the President or the Vice President must be initiated by more than half of all the members of the Control Yuan and passed by more than two-thirds of all such members for it to be submitted to the National Assembly notwithstanding the restrictions in Article 100 of the Constitution.

Members of the Control Yuan must be beyond party affiliation and independently exercise their powers and discharge their responsibilities in accordance with the law.

The provisions in Articles 101 and 102 of the Constitution shall cease to apply.

#### Article 16

Provisions of Additional Article 15, Paragraph 2 shall take effect with the nomination of Second Control Yuan members.

The Second Control Yuan members shall assume their offices on February 1, 1993. Provisions of Additional Article 15, Paragraph 1, and Paragraphs 3 through 7 shall take effect on the same date.

Provisions of Additional Article 13, Paragraph 1 and Article 14, Paragraph 2 relating to the appointment of the personnel of the Judicial Yuan and the Examination Yuan shall take effect on February 1, 1993. Nominations of personnel made before January 31, 1993 shall still be approved by the Control Yuan before appointment by the President. Incumbent personnel, however, need not be re-nominated and re-appointed before the expiration of their terms.

#### Article 17

The system of local governments in the provinces and counties shall include the following provisions, which shall be established by the enactment of appropriate laws notwithstanding the restrictions in Article 108, Paragraph 1, Item 1; Articles 112 through 115; and Article 122 of the Constitution:

1) There shall be a provincial assembly in each province and a county council in each county. Members of the provincial assembly and the county council shall be elected by the people of the province and the people of the county, respectively.

2) The legislative power of a province and that of a county shall be exercised by the provincial assembly and the county council, respectively.

3) In a province, there shall be a provincial government with a provincial governor. In a county, there shall be a county government with a county magistrate. The provincial governor and the county magistrate shall be elected by the people of the province and the people of the county, respectively.

4) The relationship between the province and the county.

5) The self-governance of provinces is subject to supervision by the Executive Yuan, while the self-governance of counties is subject to supervision by the provincial government.

#### Article 18

The State shall encourage development of and investment in science and technology, facilitate the upgrade of industry, promote the modernization of agriculture and fishery, emphasize the exploitation and utilization of water resources, and intensify international economic cooperation.

Environmental and ecological protection shall be given equal consideration with economic and technological development.

The State shall inaugurate universal health insurance coverage and promote the research and development of both modern and traditional medicines.

The State shall protect the dignity of women, safeguard their personal safety, eliminate sexual discrimination, and further substantive equality between the sexes.

The State shall safeguard the rights of the handicapped and disabled to insurance, medical care, education, training, employment assistance, support for daily living needs and relief, so as to help them attain independence and further their careers.

The State shall accord to the aborigines in the free area legal protection of their status and the right to political participation. It shall also provide assistance and encouragement for their education, cultural preservation, social welfare and business undertakings. The same protection and assistance shall be given to the people of Kinmen and Matsu areas.

The State shall accord to Chinese nationals residing overseas protection of their rights to political participation.

*Additional Articles 1-10 were adopted by the National Assembly on April 22, 1991, promulgated by the president on May 1, 1991. For full text see FCJ May 2, 1991.*

*(The Free China Journal, 23.6.1992)*