

行政院公共工程委員會 函

地址：11010 台北市松仁路3號9樓
聯絡人：陳信瑞
聯絡電話：(02)87897627
傳真：(02)87897800

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臺北市長安西路342號4樓
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主旨：檢送法務部研編之「台灣·透明—建設廉能新臺灣」說帖乙份，惠請協助向所屬會員宣導，至紉公誼。

說明：

- 一、依法務部99年2月6日法政決字第0991101240號書函辦理。
- 二、旨揭說帖，係法務部以臺灣作為亞太經濟合作組織（Asia-Pacific Economic Cooperation, APEC）會員國，應關注APEC核心議題「反貪污及透明化」為引，分就「馬總統的決心」、「我們的作為」、「廉能新藍圖」及「乾淨政府，誠信社會」等四個面向，以中、英文版本表述政府推動廉能政府決心與成效。另說帖內容電子檔業置於法務部政風司全球資訊網（業務園地—參考資料），可供下載運用。

正本：各技師公會、各工程技術顧問商業同業公會、各建築師公會、臺北縣建築師公會、臺灣區綜合營造工程工業同業公會、台灣中小型營造業協會、台灣省砂石商業同業公會聯合會、台灣區預拌混凝土工業同業公會、台灣區鋼鐵工業同業公會、台灣區水泥工業同業公會、台灣區水泥製品工業同業公會、台灣區瀝青工業同業公會、臺灣區土石採取業同業公會、臺灣區電氣工程工業同業公會、台灣區冷凍空調工程工業同業公會、台灣區水管工程工業同業公會、台灣區環境保護工程專業營造業同業公會、台灣區氣體管工程工業同業公會、台灣區鑿井工程工業同業公會、台灣區電信工程工業同業公會、台灣營造工程協會

副本：本會各處室會組(含附件)

主任委員 范良鎬

本案依分層負責規定授權業務主管決行

建設廉能新臺灣

「人民的信賴是政府最大的資產，
貪污則是人民信賴最大的腐蝕劑。」

～ 馬英九總統

「反貪污及透明化」(Anti-Corruption and Transparency)是APEC的核心議題之一，臺灣作為APEC的一員，自當反貪腐，建構一個廉潔的政府及社會，為國際社會做出貢獻。

馬總統的決心

2008年5月20日馬英九總統上任以來，即以「廉能、專業、永續、均富」為施政方針，並以「廉正、專業、效能、關懷」為公務人員的核心價值，展現推動廉政的決心。馬總統就職時說：

「新政府將樹立廉能政治的新典範，嚴格要求官員的清廉與效能，並重建政商互動規範，防範金權政治的污染。希望每一位行使公權力的公僕，都要牢牢記住『權力使人腐化，絕對的權力使人絕對的腐化』這一句著名的警語。」

在「2008年臺灣國際廉政研討會」(2008/08/11)又強調：

「為什麼把廉能擺在第一位？就是我們重視一個乾淨政府的成立。」、「廉政要成功必須有二個重要因素，第一是政治上的決心，即國家領導人及政府首長要以身作則，才能上行下效。第二是社會上的普遍共識。」、「反貪促廉是新政府的首要工作，希望大家全力來配合，讓

臺灣除了經濟奇蹟的成就之外，也能夠在政治清廉方面，在世界站上重要的地位。」

馬總統甚至引用孔子的哲言「政者，正也，子帥以正，孰敢不正？」自勉，他的決心與毅力不容置疑。行政團隊也以建立廉能的政府為職志，除積極打擊貪腐外，並加速廉政法制建設，強化宣導及教育，使「廉潔」成為人民心中的基本價值。2008年5月行政院研究發展考核委員會民意調查顯示，有6成受訪者對新政府建立廉能政治有信心，我們當然不能讓人民失望。

我們的作為

1. 成立中央廉政委員會，由行政院院長擔任召集人，擬訂廉政政策，建立督導及考核機制。(2008/08/01)
2. 地方政府陸續成立廉政會報，由縣市首長擔任會報召集人，推動基層廉政革新。(2009/02)
3. 實施《公務員廉政倫理規範》，使公務員面對邀宴、饋贈、請託時，有明確的指引。(2008/08/01)
4. 實施陽光法案
 - (1) 《遊說法》建立遊說登記、申報制度，促使遊說公開、透明，以發揮政策參與的功能。(2008/08/08)
 - (2) 《政治獻金法》增設政治獻金的查證、返還、查閱機制。(2008/08/13)
 - (3) 《公職人員財產申報法》擴大申報義務人的範圍並強化查核機制。(2008/10/01)
 - (4) 修正《公職人員利益衝突迴避法》，使該法的相關規範更合理周延。(2009/05/27)

5. 增訂「貪污罪被告不說明財產來源罪」，貪污罪被告就其異常增加的財產，有對檢察官說明的義務。(2009/04/22)
6. 增訂「不違背職務行賄罪」，以杜絕「紅包」文化。(2009/10/02 送立法院審議中)
7. 修正《洗錢防制法》，呼應聯合國《制止向恐怖主義提供資助之國際公約》、《防制洗錢金融行動工作小組》(FATF) 打擊資助恐怖行動 9 項特別建議。(2009/06/10)
8. 頒行《國家廉政建設行動方案》，重新擘劃國家廉政建設的藍圖及發展策略。(2009/07/08)

廉能新藍圖

我們參酌《聯合國反腐敗公約》及國際透明組織「國家廉政體系」的概念，重新打造廉政新藍圖，訂頒《國家廉政建設行動方案》，提出 8 項具體作為、44 項策略及 80 項措施，由主政部會設定績效目標，整合政府、企業及民間的力量，全力以赴。具體作為如下：

1. 加強肅貪防貪：強化內外控機制，嚴辦貪污不法。
2. 落實公務倫理：澈底實施《公務員廉政倫理規範》，落實登錄及考核機制。
3. 推動企業誠信：建立企業倫理規範，強化公司治理及社會責任。
4. 擴大教育宣導：強化品格及法治教育，促進民眾參與。
5. 提升效能透明：建立電子化政府，確保資訊透明、公開。
6. 貫徹採購公開：落實政府採購法，維護公平競爭。
7. 實踐公平參政：健全選舉法規，嚴辦賄選，使人才出頭。
8. 參與國際合作：加強跨國交流、防制洗錢、司法互助。

乾淨政府・誠信社會

貪腐，破壞公平原則、扭曲資源分配，也摧毀人民對政府的信心與認同。2008年5月20日我國歷經第2次政黨輪替，人民以選票唾棄貪腐，使臺灣民主政治邁向新的里程碑。在馬總統領導下，我們陸續完成必要的改革。希望在全民的支持下，早日實現乾淨政府、誠信社會的理想。

Building a Clean Taiwan

The people's trust is the greatest asset of governments, and corruption has the most corrosive influence on that trust.

– President Ma Ying-jeou

Anti-Corruption and transparency are core issues of Asia-Pacific Economic Cooperation (APEC). As an APEC member, Republic of China (Taiwan) is committed to making contributions to the international community by fighting corruption and building a clean government.

President Ma's Resolve

Since his inauguration on May 20, 2008, President Ma Ying-jeou has demonstrated his determination to push for clean governance, taking integrity, professionalism, economic sustainability and equitable distribution of wealth as the administration's guiding principles, and demanding that public servants uphold the core values of integrity, professionalism, effectiveness and compassion. In his inaugural address, he stated,

This new administration will push for clean politics and set strict standards for the integrity and efficiency of officials. It also will provide a code for the interaction between the public and private sectors to prevent money politics. I hope every civil servant will keep in mind the well-known adage "Power tends to corrupt, and absolute power corrupts absolutely."

At the 2008 International Anti-Corruption Conference in Taiwan, President Ma further emphasized, "The reason we put integrity first is that we place great importance on the establishment of clean government," adding, "Success in realizing governmental integrity depends on two key elements: First is political will, demanding that heads of state and government set good examples that others can follow. Second is the need for society-wide consensus." Further, he stated, "Fighting corruption and promoting clean government are the top priorities of this new administration. We look forward to everyone's full cooperation, enabling Taiwan to play an important role in the world not only by virtue of its miraculous economic accomplishments, but also through its achievements in governmental integrity."

Taking to heart Confucius's words of wisdom—"Governance is defined by integrity. If the leader embraces integrity, who will dare be corrupt?"—President Ma's resolve and perseverance are unquestionable. His administrative team members likewise take the formation of a clean government as an essential mission. In addition to aggressively combating corruption, they are expediting the establishment of a legal framework conducive to clean government while boosting publicity and educational campaigns to make "integrity" a common value in society.

According to a public opinion poll conducted by the Research, Development and Evaluation Commission of the Executive Yuan in May 2008, about 60 percent of respondents expressed confidence in the newly elected government's ability to build clean government. The Ma administration will surely strive not to disappoint them.

Actions by the Government

1. A Central Integrity Commission was established on August 1, 2008, with the Premier serving as its head. The commission is mandated to establish policies that promote clean government and systems that provide guidance, monitor performance and assess policy implementation.
2. Local governments have established integrity committees to promote reforms that help ensure clean government at the grassroots level, with county magistrates and city mayors serving as the heads of the committees. (February 2009)
3. The Integrity and Ethics Directions for Civil Servants were promulgated on August 1, 2008, providing clear guidelines for civil servants to follow when dealing with invitations to banquets, gift giving and requests for favors.
4. A number of sunshine laws have been enacted and implemented:
 - (1) The Lobbying Act has established an application and registration system for lobbying activities, rendering them more open and transparent so that they can serve their function of enabling the private sector to participate in policy-making. (August 8, 2008)
 - (2) Amendments to the Political Donations Act provide augmented mechanisms for verifying and returning political contributions and

- accessing and reviewing records of such contributions. (August 13, 2008)
- (3) Amendments to the Act on Property-Declaration by Public Servants have broadened the scope of public servants obligated to declare assets and have strengthened the review system. (October 1, 2008)
 - (4) Draft amendments to the Act on Recusal of Public Servants Due to Conflicts of Interest are designed to make various rules stipulated in the law more reasonable and complete. (May 27, 2009)
 - (5) The law was amended to designate as a crime “refusal of those indicted for corruption to explain sources of assets,” stipulating that such persons are obligated to explain to prosecutors the sources of unusual increases in assets. (April 22, 2009)
 - (6) Another amendment was drafted to curb “red envelope culture” by designating “bribery without violation of duties” as a crime. (Forwarded to the Legislative Yuan for deliberation on October 2, 2009)
 - (7) The Money Laundering Control Act was amended so as to bring it into line with the International Convention for the Suppression of the Financing of Terrorism and the 9 Special Recommendations on Terrorist Financing issued by the Financial Action Task Force on Money Laundering (FATF). (June 10, 2009)
 - (8) A National Integrity Building Action Plan was promulgated as a blueprint and developmental strategy for reorganizing efforts to build a clean government. (July 8, 2009)

New Blueprint for a Clean, Competent Government

In formulating the National Integrity Building Action Plan as the new blueprint for clean government, we have used as reference the concepts underpinning the United Nations Convention against Corruption and Transparency International’s National Integrity System. The plan comprises eight specific actions, 44 tactics and 80 measures whereby key ministries and commissions will set goals for effectiveness and integrate the strengths of government, private enterprise and the public as a whole to forcefully pursue such goals. The concrete actions are as follows:

1. *Strengthening anti-corruption measures*: enhancement of internal and external control mechanisms, strict action against corruption and other illegal behavior

2. *Upholding public-sector ethics*: implementation of the Integrity and Ethics Directions for Civil Servants, including maintenance of detailed records of private-sector contacts (meetings with lobbyists, gifts, etc.), and performance evaluations
3. *Promoting corporate credibility*: establishment of business ethics guidelines to strengthen corporate governance and social responsibility
4. *Expanding public guidance*: reinforcement of educational programs focusing on character building and rule of law, encouragement of public participation in maintaining ethical standards
5. *Increasing efficiency and transparency*: construction of e-government, ensuring information transparency and accessibility
6. *Enhancing the openness of government procurement*: implementation of the Government Procurement Act, ensuring fair competition
7. *Ensuring fair participation in politics*: establishment of sound electoral laws and forceful action against vote-buying so as to allow talented individuals to run for public office
8. *Participating in international cooperative efforts*: enhancement of transnational exchanges, prevention of money laundering, mutual assistance in law enforcement

**A Clean Government,
An Honest Society**

Corruption undermines the principles of fairness, distorts the distribution of resources and destroys the public's trust in and identification with the government. Our nation's second transfer of power between political parties on May 20, 2008 reflected the public's rejection of corruption through the ballot box and marked a new milestone in Taiwan democratization. Under the leadership of President Ma, we have completed a series of necessary reforms. We hope that, with the people's full support, the ideals of a clean government and an honesty society will soon be realized.