

J. Y. Interpretation No.8 (October 27, 1952) *

ISSUE: Is an employee of a state-owned enterprise considered as a civil servant under the Criminal Code?

RELEVANT LAWS:

the Corporate Act (公司法); the Criminal Code (刑法).

KEYWORDS:

corporation limited by shares (股份有限公司), state-owned enterprise (公營事業機關), corporate affairs (公司職務), civil servant (公務員).**

HOLDING: Where a corporation limited by shares is incorporated under the Company Act, such a corporation is deemed a state-owned enterprise if the government owns more than 50 percent of the total shares of the corporation. All personnel who are engaged in corporate affairs pursuant to the law shall be considered as civil servants under the Criminal Code.

解釋文：原呈所稱之股份有限公司，政府股份既在百分之五十以上，縱依公司法組織，亦係公營事業機關，其依法令從事於該公司職務之人員，自應認為刑法上所稱之公務員。

* Translated by Li-Chih Lin, Esq., J.D.

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