

J. Y. Interpretation No.20 (July 10, 1953) *

ISSUE: Are the cadres of a local political party, medical personnel of a public-run hospital “public officers”?

RELEVANT LAWS:

Articles 103 of the Constitution (憲法第一百零三條) .

KEYWORDS:

public office (公職) .**

HOLDING: Provincial (political) party headquarters and women’s provincial working committees are civil organizations, so naturally their director and trustee positions are not the so-called public offices in accordance with Article 103 of the Constitution. As to medical personnel, since their practice is dependent upon the obtaining of a license and is under the constant supervision of authorized government agencies, their business is clearly incompatible with the control power and should be regarded as a profession as indicated in the same provision. Public

解釋文：省黨部、省婦女工作委員會均係人民團體，其主任委員及理事，自非憲法第一百零三條所謂公職。至醫務人員，既須領證書始得執業，且經常受主管官廳之監督，其業務與監察職權顯不相容，應認係同條所稱之業務，公立醫院為國家或地方醫務機關，其院長及醫生並係公職，均在同條限制之列。

* Translated by Professor Andy Y. Sun.

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hospitals are state or local medical agencies whose director and doctors hold public offices and are subject to the restriction of the same provision.