

J. Y. Interpretation No.41 (October 20, 1954) *

ISSUE: Shall an enterprise be regarded as a state-owned enterprise if the capital invested in the said enterprise by a state-owned enterprise exceeds 50 percent of the said enterprise's total capital?

RELEVANT LAWS:

Article 3, Paragraph 1, Subparagraph 3 of the Act Governing the Management of State-owned Enterprises (國營事業管理法第三條第一項第三款) .

KEYWORDS:

capital (資本), state-owned enterprise (國營事業), capital of the government (政府資本) .**

HOLDING: The capital invested in another enterprise by a state-owned enterprise should be considered as capital of the government. If the amount of the capital invested by a state-owned enterprise exceeds 50 percent of the total capital of another enterprise, such enterprise falls within the type of state-owned enterprise defined in Article 3, Paragraph 1, Subparagraph 3, of the Act Governing the Management of State-owned Enterprises.

解釋文：國營事業轉投於其他事業之資金，應視為政府資本，如其數額超過其他事業資本百分之五十者，該其他事業即屬於國營事業管理法第三條第一項第三款之國營事業。

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