

J. Y. Interpretation No.69 (December 5, 1956) *

ISSUE: May a public functionary holding two posts concurrently by law receive the benefits for the second post?

RELEVANT LAWS:

Article 14, Paragraph 2, of the Public Functionary Service Act
(公務員服務法第十四條第二項) .

KEYWORDS:

concurrent serving (兼職) , public expenditure (公費) , salary (薪俸) .**

HOLDING: Pursuant to Article 14, Paragraph 2, of the Public Functionary Service Act, the sentence “A civil servant who serves concurrently as a legislator shall not draw salaries for both positions and receive benefits from the public expenditure for both” clearly means that a civil servant who is concurrently serving as a legislator may only draw the salary and receive benefits from the public expenditure for his or her original post. However, a civil servant may draw his or

解釋文：公務員服務法第十四條第二項所謂依法令兼職者不得兼薪及兼領公費，當係指兼職之公務員僅能支領本職之薪及公費而言。其本職無公費而兼職有公費者自得支領兼職之公費。

* Translated by Lawrence L. C. Lee.

** Contents within frame, not part of the original text, are added for reference purpose only.

122 J. Y. Interpretation No.69

her salary and receive benefits from the public expenditure under the circumstance where his or her original post is a non-paid position.