Content

Title：	Act for Establishment of National Chiang Kai-Shek Cultural Center Ch
Date：	2004.01.20
Legislative：	Promulgated by presidential decree on January 20, 2004 Effective by decree of the Executive Yuan dated at February 9, 2004 from March 1,2004
Content：	Chapter 1 General Principles Article 1 This Act is enacted for the establishment of the National Chang Kai-Shek Cultural Center (hereinafter referred to as “the Center”) to manage and operate the National Theater and Concert Hall, to ensure its role as a national performance art center, to enhance its national artistic and cultural image, to create international competitive advantages, to promote performance art and art education activities for the public, and to uplift cultural standards of the citizenry. Article 2 The Center is a non-departmental public body, and the supervisory authority of the Center is the Ministry of Education. Article 3 The scope of operation for the Center is as follows： 1. Management and operation of the National Theater and Concert Hall. 2. Planning, production and promotion of performance art activities. 3. Publication and issuance of audio-visual publications related to performance art and the cultivation of professional technicians and administrative personnel in performance art. 4. Management and operation of a ticket purchase system. 5. Promotion of international cultural cooperation and exchange. 6. Other operations related to performance art. Article 4 The funds for the Center shall come from： 1. Operational income. 2. Government subsidies. 3. Income from commissioned research and services provided. 4. Donations from domestic and foreign private and public organizations or individuals. 5. Other related income. The government subsidies as mentioned of the above Subparagraph 2 mean personnel expenses, program expenses, marketing and promotion expenses, maintenance and purchase expenses for important facilities of building and fixtures, and other expenses for special repair or maintenance plans. The donations as prescribed in Subparagraph 4 of Paragraph 1 shall be deemed as donations to the government. Article 5 The real estate used by the National Theater and Concert Hall shall remain national property and be entrusted by the supervisory authority to the Center for management. After the establishment of the Center, the operation fund of the former National Chang Kai-Shek Cultural Center shall be abolished and its assets and liabilities shall, in addition to complying with Article 27, be assumed by the Center without being subject to the restrictions set forth in Article 25 and Article 88 of the Budget Act.

Chapter II Organization

Article 6

The Center shall establish a board of directors, which consists of 11 to 15 directors, and the directors shall be selected and recommended by the supervisory authority from the following list of personnel and appointed by the Premier of the Executive Yuan：

1. Representatives of relevant government authority.
2. Scholars and experts in performance arts.
3. Education and cultural academics.
4. Professional operator, manager of civil enterprise or public figures making significant contributions to the Center.

The number of directors selected according to Subparagraph 1 of the above paragraph must not exceed 3 people and the number of directors selected according to Subparagraphs 2 to 4 of the above paragraph must not exceed 6 people respectively.

The Center shall have a supervisory board, which consists of 3 to 5 supervisors. All supervisors shall be selected by the supervisory authority and appointed by the Premier of the Executive Yuan. The same shall apply to the dismissal of the supervisors.

The supervisors shall elect from among themselves an executive supervisor.

Article 7

The term of each director and supervisor shall be three years and the director and supervisor may be appointed a second term. However, the number of renewed members shall not exceed two-thirds of the total number of people and not be less than one-third of the total number of people.

The rules governing the qualifications, the method of appointment, dismissal and replacement, and other relevant matters of the director and the supervisor shall be prescribed by the supervisory authority.

Article 8

The Center shall establish a chairperson of the board of directors who shall be appointed by the Premier of the Executive Yuan at the request of the supervisory authority from among the directors. The same shall apply to dismissal matters.

The chairperson shall be in charge of the general affairs of the board.

Article 9

The board of directors shall have the authority over and the responsibility for the following:

1. Approval of work policy.
2. Deliberation of operation plans and objectives.
3. Fund-raising.
4. Deliberation of the disposal of, or creation of a right in rem jurisdiction over self-owned real estate.
5. Approval of annual budgets and the deliberation of financial statements.
6. The appointment of the Artistic Director.
7. Deliberation or approval of important regulations.

Article 10

The board of directors shall hold a session once every three months, called and chaired by the chairperson of the board, and may hold provisional sessions when necessary.

Article 11

The board of supervisors shall have the authority over and responsibility for the following:

1. Examination of operations and finances.
2. Audit of financial accounts, documents and assets data.
3. Examination of financial statements.
4. Examination or audit of other matters of material importance.

Supervisor may exercise the supervision power individually, and the executive supervisor shall attend meetings of the board of directors on behalf of all supervisors.

Article 12

A director or supervisor shall attend meetings of the board of directors or the board of supervisors in person, and may not designate a proxy to attend the meeting.

Article 13
A director, supervisor, and the artistic director shall strictly comply with the principle of recusal, and may not abuse the power, opportunities or means arising from his/her position to seek gains for himself/herself or related persons. The scope of recusal shall be prescribed by the supervisory authority.
A director, supervisor, and artistic director may not be a spouse or relative by blood or marriage within three degrees of kinship to another director, supervisor, or the artistic director.

Article 14
The chairperson, directors and supervisors of the Center all are unpaid positions.

Article 15
The Center shall establish an artistic director who shall be appointed by the board of directors at the request of the chairperson. The artistic director shall manage all affairs of the Center and represent the Center externally under supervision of the board of directors.
The artistic director shall have the authority over and responsibility for the following:
1. Approval of annual plans.
2. Planning of annual budgets and submission of financial statements.
3. Appointment of subordinate personnel.
4. Execution and supervision of the operations.
5. Approval of other operation plans.

Article 16
The organization of the Center and all rules of personnel management, internal audit, procedural matters, and other important regulations shall, upon resolution be adopted by the board of directors, and be submitted to the supervisory authority for approval.
The new staff members of the Center who do not have civil servant status shall be governed by their personnel regulations, and their rights and obligations shall be clearly set forth in their contracts.
A spouse or relative by blood or marriage within three degrees of kinship of a director, supervisor, or the artistic director may not hold a position in general affairs, accounting or personnel with the Center.

Article 17
The Center may establish subordinate operational organizations and artistic affiliate with the approval of the supervisory authority.

Chapter III Operation and Supervision

Article 18
The Center shall draft it operation plans and formulate its operation objectives, and submit them to the supervisory authority for approval.

Article 19
The budget and final accounts of the Center shall be prepared and audited in pursuance of the following procedures:
1. Before the commencement of each fiscal year, the Center shall prepare an annual budget based on annual work plans and shall, upon being adopted by the board of directors, submit the same annual budget to the supervisory authority for their records.
2. Within two months after the end of each fiscal year, the Center shall present its work achievements and financial statement reports to the board of supervisors for deliberation and to the supervisory board for approval, and shall then submit the same reports to the supervisory authority for approval.
The audit authority may audit the financial statement reports prescribed in Subparagraphs 2 of the preceding paragraph. The audit results may be sent

to the supervisory authority or relevant authorities for any necessary action.

Article 20
The supervisory authority has the following supervisory power over the Center:
1. To inspect the assets and financial condition of the Center.
2. To evaluate the operation (business) performance of the Center.
3. To appoint and dismiss directors or supervisors.
4. To impose necessary punishment on any director or supervisor who violates the law while on duty.
5. To revoke, change, terminate or suspend operations; demand timely improvement; or impose other penalties in the event that the Center violates the Constitution or other laws and regulations.
6. To approve the disposal of, or creation of a right in rem jurisdiction over, real estate owned by the Center.
7. To supervise other matters as prescribed by the law.

Article 21
In order to perform the evaluation described in Subparagraph 2 of the proceeding article, the supervisory authority shall establish an evaluation committee. Besides government representatives, the evaluation committee members should include scholars, experts and impartial persons which shall constitute not less than one half of the total members.
The supervisory authority shall prescribe rules governing the constitution of the aforesaid committee, items, method, procedure of evaluation, and other matters concerning the evaluation performance of the Center.

Chapter IV Protection of the Rights of Personnel and Current Employees

Article 22
All permanent and temporarily assigned civil servants working at the former National Chang Kai-Shek Cultural Center (hereinafter referred to as the "Original Authority") under civil service employment laws shall be transferred to the Center on the date of restructuring, and shall retain their status as civil servants (hereinafter referred to as "Retained Employees"). Matters pertaining to their appointment, service, penalties, evaluation, training, education, remuneration, insurance, protection of rights, right of assembly, retirement, severance, survivor relief and welfare shall be governed by related civil service laws that were originally applicable. Notwithstanding, where any matter is not governed by the aforementioned laws, the Executive Yuan and the Examination Yuan shall prescribe separate regulations for such matters.
The management of Retained Employees that are personnel officers; budgetary, accounting and statistics officers; ethics officers, shall be the same as that of civil servants.
Except for the head of the Center, employees described in the two preceding paragraphs may use the originally applicable organizational act when applying for promotions or undergoing qualification reviews.
Employees described in Paragraph 1 and 2 of this Article may have a position in the Center at any time by applying for retirement or severance under the appropriate civil service retirement or severance laws. Such persons shall not receive an additional lump sum relief payment, and shall be subject to the personnel regulations enforced by the Center.

Article 23
Where a civil servant of the Original Authority declines to be transferred to the Center or demonstrates unsuitability to serve after the evaluation of the Center, the original superior authority shall assist the civil servant in transferring to another position within one year, or the civil servant may apply for retirement or severance on the date of the restructuring of the authority under the originally applicable laws and receive an additional lump sum relief payment equivalent to seven months of salary. Notwithstanding, if this civil servant has reached the mandatory retirement age, he or she will receive an additional payment based on the calculation of the number of months of his/her early retirement.
If this civil servant described in preceding paragraph holds a paid

position in a government agency within seven months after the effective date of his/her retirement or severance, that government agency shall collect or deduct from his/her salary the full amount of the previously received relief payment and transfer it to the treasury.
The lump sum relief payment described in the two preceding paragraphs shall refer to the civil servants basic (seniority) pay at the month of effective retirement or severance, professional differential pay, supervisory and managerial duty differential pay.

Article 24
Where the employment contract of a current contract-based worker hired by the Original Authority according to the Contract-based Worker Employment Act or the Executive Yuan and Subordinate Agencies Contracted-Employment Regulations (hereinafter referred to as the "Original Authority's Contract-based Worker") has not expired, and this worker declines to be transferred to the Center and resigns from the position on the date of the restructuring of the authority, he/she will be subject to the Regulations of Granting Severance Savings Fund for Contract Employees of Government Agencies and Public Schools, and will receive an additional lump sum remuneration equivalent to seven months of salary according to his/her salary of the last month before his/her resignation. Notwithstanding, if the contract of the worker is soon to expire, he/she will receive a remuneration based on calculation of the number of months of his/her early termination of employment. Where the worker withdraws from the Public Servants Insurance or Labor Insurance, he/she will receive a compensation for any loss of years of insurance coverage.
If this worker described in preceding paragraph holds a paid position in a government agency within seven months after the effective date of his/her resignation, that government agency shall collect or deduct from his/her salary the full amount of the previously received remuneration and transfer it to the treasury. If this worker re-joins the Public Servants Insurance or Labor Insurance and upon the collection of the pension payment or Old-Aged Benefits, the insurer shall deduct his/her compensation received previously for the loss of years of insurance coverage and return the amount to the superior authority of the Original Authority without being subject to the restrictions set forth in Article 18 of the Civil Servant and Teacher Insurance Act or Article 29 of the Labor Insurance Act, whereby the insured's or beneficiary's right to receive insurance pay may not be subject to transfer, offset, attachment or guarantee. Notwithstanding, where the amount of the pension payment or Old-Aged Benefits applied is lower than the original compensation, only the amount of compensation which is equivalent to the amount of the pension payment or Old-Aged Benefits must be returned.
The compensation prescribed in the two preceding paragraphs for the loss of years of insurance coverage under Public Servants Insurance or Labor Insurance shall be subject to the payment standards prescribed in Article 14 of the Civil Servant and Teacher Insurance Act or Article 59 of the Labor Insurance Act.
An Original Authority's Contract-based Worker who is transferred to the Center on the date of the restructuring of the authority due to the operational needs of the Center shall apply for a resignation on the same day, and receive Termination Pay Savings pursuant to the Regulations of Granting Severance Savings Fund for Contract Employees of Government Agencies and Public Schools without an additional remuneration equivalent to seven months of salary and compensation given for the years of insurance coverage lost. Where the worker loses his/her years of insurance coverage due to his/her withdrawal from the Public Servants Insurance, the compensation prescribed in second and preceding paragraphs shall be applied to cover his/her loss. The worker shall be employed according to the personnel regulations enforced by the Center.

Article 25
Where a current stationed police worker of the Original Authority is employed pursuant to the Regulations Governing Establishment and Management of Police Stationed at Various Institutions, Schools and Organizations (hereinafter referred to as "Original Authority's Stationed

Police”)declines to be transferred to the Center or demonstrates unsuitability to serve after the evaluation of the Center, the original superior authority shall assist the stationed police worker in transferring to another position, or the stationed police worker may apply for retirement or severance under the originally applicable laws on the date of the restructuring of the authority and receive a lump sum remuneration equivalent to seven months of salary. Notwithstanding, if the stationed police worker has reached the mandatory retirement age, he or she will receive an additional payment based on calculation of the number of months of his/her early retirement. Where the worker withdraws from the Public Servants Insurance, he/she will receive a compensation for any loss of years of insurance coverage.

If the stationed police worker described in the preceding paragraph holds a paid position in a government agency within seven months after the effective date of his/her retirement or severance, that government agency shall collect or deduct from his/her salary the previously received lump sum remuneration and transfer it to the treasury. If this worker re-joins the Public Servants Insurance and upon the collection of the Old-Aged Benefits, the insurer shall deduct his/her compensation received previously for the loss of years of insurance coverage and return the amount to the superior authority of the Original Authority without being subject to the restrictions set forth in Article 18 of the Civil Servant and Teacher Insurance Act, whereby the insured’s or beneficiary’s right to receive insurance pay may not be subject to transfer, offset, attachment or guarantee. Notwithstanding, where the amount of Old-Aged Benefits applied is lower than the original compensation, only the amount of compensation which is equivalent to the amount of Old-Aged Benefits needs to be returned.

The lump sum remuneration in the two preceding paragraphs shall refer to the stationed police worker’s basic (seniority) pay at the month of effective retirement or severance, professional differential pay, supervisory and managerial duty differential pay. The compensation given for the years of insurance coverage lost shall be subject to the payment standards prescribed in Article 14 of the Civil Servant and Teacher Insurance Act.

An Original Authority’s Stationed Police Worker who is transferred to the Center due to the operational needs of the Center on the date of the restructuring of the authority shall apply for retirement or severance on the same day under the originally applicable laws without an additional lump sum remuneration equivalent to seven months of salary, and shall be employed according to the personnel regulations enforced by the Center.

Article 26

Where a current janitor (including technician or driver) of the Original Authority (hereinafter referred as “Original Authority’s Janitor”) who is employed by business management declines to be transferred to the Center or demonstrates unsuitability to serve after the evaluation of the Center, the original superior authority shall assist the janitor in transferring to another position, or the janitor may apply for retirement or severance under the originally applicable laws on the date of the restructuring of the authority (agency) and receive a lump sum relief payment equivalent to seven months of salary. Notwithstanding, if the janitor has reached the mandatory retirement age, he/she will receive an additional lump sum relief payment based on calculation of the number of months of his/her early retirement. Where the worker withdraws from the Labor Insurance, he/she will receive a compensation for any loss of years of insurance coverage.

If the janitor described in preceding paragraph holds a paid position in a government agency within seven months after the effective date of his/her retirement or severance, that government agency shall collect or deduct from his/her salary the previously received relief payment and transfer it to the treasury. If this worker re-joins the Labor Insurance and upon the collection of the Old-Aged Benefits, the insurer shall deduct his/her compensation received previously for the loss of years of insurance coverage and return the amount to the superior authority of the Original Authority without being subject to the restrictions set forth in Article 29 of the Labor Insurance Act, whereby the insured’s or beneficiary’s right

to receive insurance pay may not be subject to transfer, offset, attachment or guarantee. Notwithstanding, where the amount of Old-Aged Benefits applied is lower than the original compensation, only the amount of compensation which is equivalent to the amount of Old-Aged Benefits needs to be returned.
The lump sum relief payment in the two preceding paragraphs shall refer to the janitor's basic (seniority) pay at the month of effective retirement or severance, and professional differential pay. The compensation given for the years of insurance coverage lost shall be subject to the payment standards prescribed in Article 59 of the Labor Insurance Act.
An Original Authority's Janitor who is transferred to the Center due to the operational needs of the Center on the date of the restructuring of the authority shall apply for retirement or severance on the same day under the originally applicable laws without an additional lump sum relief payment equivalent to seven months of salary and be employed according to the personnel regulations enforced by Center.

Article 27
The accumulated deficit due to the restructuring of the Original Authority may be covered by the original superior authority through making yearly adjustments from the scope of the annual budget and without being subject to the restrictions set forth in Articles 62 and 63 of the Budget Act.
The additional relief payments and compensation given for the years of insurance coverage lost due to the restructuring of the Original Authority may be covered by the Original Authority and the original superior authority through yearly adjustments from the scope of the annual budget without being subject to the restrictions set forth in Articles 62 and 63 of the Budget Act.

Article 28
Neither the lump sum relief payment nor the monthly remuneration mentioned in this Act shall apply to a person who has received additional payment due to his/her retirement, severance or resignation in coordination with the downsizing, merging, subordinating, restructuring or abolition of an authority (agency) or school pursuant to the relevant laws or regulations.

Article 29
Where a person who is suspended or terminated from duty (including pending removal from duty) or takes an unpaid leave is transferred to the Center due to the restructuring of the Original Authority, the Original Authority shall list the names and hand over the list to the Center to continue the enforcement. If a person taking unpaid leave applies for early reinstatement, the application shall be approved. A person, who resumes his/her position and/or resumes receiving his/her salary declines to be transferred, may apply for retirement or severance pursuant to this Act.

Article 30
Articles 22, 23 and 27 through 29 apply to persons employed by the Original Authority under the Act Governing the Appointment of Educators.

Chapter V Accounting and Finance

Article 31
The fiscal year adopted by the Center shall be the same as that of the government.

Article 32
The accounting system of the Center shall be approved by the board of the directors and be reported to the central BAS (Budget, Accounting and Statistics) unit for approval prior to implementation.
The center shall mandate a certified public accountant to provide auditing and attestation of its financial statements.

Article 33
The Center, depending on its required operations, may procure public real estate after its establishment. The price of land shall be based on the announced current land value. The price of constructional improvement shall

be based on its current value as assessed by the tax authority. Where the tax authority has not assessed the value that year, the value shall be based on an assessment made by the public property management authority.
Where a government authority approves and disburses allocations to the Center to purchase property for a designated purpose, that property shall be deemed public property.
Except for the public property prescribed in the preceding paragraph, all property acquired by the Center shall be deemed as self-owned property.
The matters related to management, use and profits of the public property shall be governed by other applicable statutes; for such matters not specified in other statutes, the supervisory authority shall prescribe regulations for such matters.
Upon the abolition of use of public property, the property shall be handed over to the public property management authorities.

Article 34
A government authority's approval and disbursement of allocations for the Center shall be governed by the legal budgetary procedure and supervised by the audit authority.
The Center shall draft revenue and expenditure management regulations, concerning its own budget and its utilization and management matters, and file them with the supervisory authority for their records.

Article 35
Debt raised by the Center shall be limited to self-liquidating loans. Where debt cannot be repaid by self-liquidation according to the outcome of budget implementation, the Center shall promptly review and propose improvement measures to the supervisory authority for approval.

Article 36
Where the Center conducts procurement, the Center shall act according to the principles of openness and fairness, as well as treaties or agreements which are concluded by the Republic of China, and the Center shall formulate its own procurement regulations and submit them to the supervisory authority for approval and implementation which should not be subjected to the restrictions set forth in the Government Procurement Law.

Article 37
The relevant information of the Center shall be made available to the public pursuant to the related requirements of the Freedom of Government Information Law. The Center shall take the initiative in making its annual financial statements and annual operational (business) information available to the public.

Article 38
A person objecting to an adjudication given by the Center may file an administrative appeal to the supervisory authority in accordance with the Administrative Appeal Act.

Chapter VI　Supplementary Provisions
Article 39
If the establishment purposes of the Center cannot be achieved, the supervisory authority may be entitled to take necessary measures or dissolve the Center upon submission to and approval by the Executive Yuan.
Where the Center is dissolved, the retained employees should be assisted by the supervisory authority to be transferred to other positions, or to apply for retirement or severance according to applicable civil servant laws and regulations. Employment contracts with other persons should be terminated, and the remaining assets should be turned over to the treasury with all debts borne by the supervisory authority.

Article 40
The enforcement date of this Act shall be determined by the Executive Yuan.