

出國報告（出國類別：會議、考察）

赴韓國參加法制革新國際研討會暨拜
會韓國法制改革機關出國報告書

服務機關：國家發展委員會、法制協調中心

姓名職稱：林桓副主任委員、羅清榮主任

出國地區：韓國

出國期間：民國 104 年 12 月 8 日至 11 日

報告日期：民國 105 年 3 月 7 日

摘 要

韓國國土交通部長 Yoo Il-ho(Minister of Land, Infrastructure and Transport)致函本會林副主委桓邀請出席該部於2015年12月11日舉辦之「International Symposium on Improving Regulatory Management System Towards Effective and Sustainable Regulatory Reform」法制革新國際研討會，並於會中分享我國推動法規影響評估(Regulatory Impact Assessment, RIA)之經驗，鑑於本會刻正推動規劃國內 RIA 之能力建構，爰另安排拜會韓國政府政策協調辦公室負責法制改革的副部長 Kang Young Chul，藉透過交流精進我國 RIA 相關制度與措施。另我駐韓國代表處亦藉林副主委訪韓之便，安排拜會韓國國會副議長鄭甲潤及即將出任國會產業通商資源委員會委員長之趙慶泰議員，就加強臺韓經貿合作交換意見。

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壹、目的

韓國國土交通部長 Yoo Il-ho (Minister of Land, Infrastructure and Transport) 致函本會林副主委桓邀請出席該部於 2015 年 12 月 11 日舉辦之「International Symposium on Improving Regulatory Management System Towards Effective and Sustainable Regulatory Reform」法制革新國際研討會，並於會中分享我國推動法規影響評估 (Regulatory Impact Assessment, RIA) 之經驗，鑑於本會刻正推動規劃國內 RIA 之能力建構，爰另安排拜會韓國政府政策協調辦公室負責法制改革的副部長 Kang Young Chul，藉透過交流精進我國 RIA 相關制度與措施。另我駐韓國代表處亦藉林副主委訪韓之便，安排拜會韓國國會副議長鄭甲潤及即將出任國會產業通商資源委員會委員長之趙慶泰議員，就加強臺韓經貿合作交換意見。

貳、行程

本次出國期間為 2015 年 12 月 8 日至 11 日，共計 4 日。列表如下：

日期	行程內容	拜會人員/會議出席人員
12 月 8 日 (二)	臺北→韓國(首爾)	
12 月 9 日 (三)	參加法制革新國際研討會	<ul style="list-style-type: none">● Kim Kyunghwan, 1st Vice Minister of Land, Infrastructure & Transport● Oh Kyun, 1st Vice Minister of Government Policy Coordination● Filippo Cavassini, OECD● Stuart Oxenford, Head of the Economic Team at the British Embassy in Korea● 林桓副主委
12 月 10 日 (四)	拜會韓國國會	<ul style="list-style-type: none">● 副議長鄭甲潤● 議員趙慶泰
12 月 11 日 (五)	1. 拜會韓國政府政策協調辦公室	<ul style="list-style-type: none">● 法制革新副部長姜榮哲
	2. (韓國) 首爾→臺北	

參、出席研討會及拜會紀要

一、法制革新國際研討會

研討會由韓國土地、基礎設施和運輸部第一副部長 Kim Kyunghwan 代表主辦單位致開幕詞，並邀請政府政策辦公室第一副部長 Oh Kyun 與智庫 KRIHS 院長 Kim Dongju 分別擔任貴賓致詞，另安排 Yonsei 大學教授 Suh Seunghwan(前韓國土地、基礎設施和運輸部部長)發表專題演講(議程如附件 1)。隨後進行第一個場次，主題為國外法制改革簡介與個案探討，分別邀請 OECD 專家 Filippo Cavassini、本會林桓副主委及英國駐韓國大使館經濟組組長 Stuart Oxenford 簡介 OECD、臺灣與英國之法制改革經驗(林副主委簡報如附件 2)。另邀請四位分別來自不同韓國大學與研究機構的教授與研究員討論韓國的做法。下午舉行的第二個場次，主題為韓國土地、基礎設施和運輸部的法制全方位管理制度(Regulatory Total Management System)，由三位韓國學者分別簡介法規負擔指數制度(Regulatory Burden Index System)、該制度在韓國土地、基礎設施和運輸部的應用、及 Cost-in, Cost-out 與法規負擔指數制度的關聯性。隨後的討論則由韓國法制改革學會會長 Kim Jingook 擔任主持人，並由第一場次的三位外國簡報者(含林副主委)加上另外三位韓國學者共同參與討論。

二、拜會韓國國會

1. 日期及地點：2015 年 12 月 10 日，首爾國會大廈。
2. 與會人員：
 - (1) 鄭副議長甲潤、趙議員慶泰
 - (2) 本會林副主任委員桓、法制協調中心羅主任清榮
 - (3) 駐韓國代表處石大使定、經濟組顏組長國瑞
3. 拜會紀要：

鄭副議長係韓國國會議員中，唯一經營中小企業經驗超過 30 年之資深議員，趙議員則將出任產業通商資源委員會委員長。雙方爰就兩國經貿合作及中小企業發展現況及面臨問題等交換意見。林副主委表示，現在年輕人創業與以前不同，呈現直接朝國際市場發展之趨勢。並稱中小企業之發展可有 3

種類型：(1)與大企業形成供應鏈關係；(2)中小企業間相互合作或合併；(3)推動創業。另我國發基金在各階段都有不同補助計畫，其中「併購投資基金」促進中小企業跨國合作，包括以色列、德國等國之業者亦有申請記錄，政府對基金之運作僅提供大方向，惟投資標的組合，須與我國具有技術合作或供應鏈關係。鄭副議長表示，韓臺經貿交流在中國大陸因素下仍能持續發展頗堪欣慰，且朴槿惠總統曾在 11 月 APEC 領袖會議期間表達關心韓臺經貿合作之重要性，因此將與趙議員共同努力，協助增進韓臺關係。

三、拜會韓國政府政策協調辦公室

1. 日期及地點：2015 年 12 月 11 日，首爾中央政府聯合辦公大樓。

2. 與會人員：

- (1) 法制改革副部長 Kang Young Chul
- (2) 國發會林副主任委員桓、法制協調中心羅主任清榮
- (3) 駐韓國代表處石大使定、經濟組顏組長國瑞

3. 機關簡介：

政府政策協調辦公室(Office for Government Policy Coordination, OPC)協助總理處理各種任務，負責指導、調整和監督總理辦公室所屬的中央行政機關；規劃及調整國家重點政策；管理、分析和評估與社會風險，衝突和懸而未決問題有關之政策；實施法制改革；及總理特別交辦事項。其中法制改革處(Regulatory Reform Office)主要負責法制政策、法制創新與規畫及法詁評估管理等業務。組織圖如附件 3。

4. 訪談紀要：

K 副部長表示依據行政法規架構法(Framework Act on Administrative Regulations)，行政部門如擬增修法規，原則均須進行法規影響評估(Regulatory Impact Analysis)，為協助各機關進行評估，政府政策協調辦公室開發線上填報系統，各機關須按頁填入所有欄位資訊，否則無法繼續進行，在填完例如增修訂的原因、有無替代方案，成本效益分析等，且在計算成本時，將連結到政府的統計資料庫，以使各機關採用的成本一致，系統在最後會自動產生評估報告。該報告需經 OPC 檢視通過後，方能續提交 Ministry of Government

Legislation。

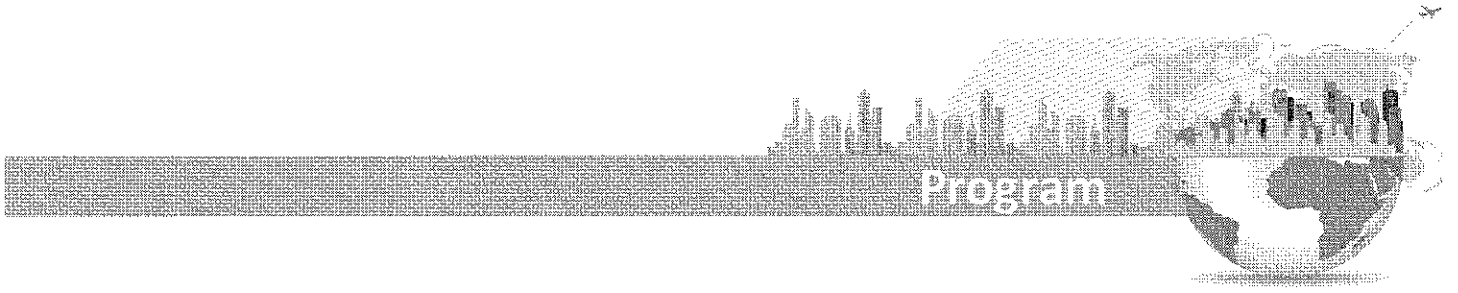
K 副部長另介紹韓國法制改革建言平臺 Regulatory Reform Sinmungo，一般民眾或企業界均可在線上登打建言，OPC 將檢視並要求主管機關在 14 天內回覆。若建言合理，主管機關將在 3 個月內檢討增修法規的必要性，倘確有必要，將提送法制改革委員會(Regulatory Reform Committee)檢視適法性及影響評估。另 OPC 接受韓國美國商會建議，於 2015 年 7 月建置外國投資者的法規資訊入口網站 <http://e.better.go.kr/engMain.laf>，俾增加法規資訊的透明度。法制改革建言平臺簡介如附件 4。

K 副部長並說明行政部門須於年初提交法制改革計畫(Regulatory Reform Plan)，年底將由 OPC 檢討執行情形，作為各機關績效評估的標準，由於佔 25% 的比重，所以各行政部門首長均相當重視。

K 副部長最後提到韓國國會議員習以提出法案修正案之數目作為其問政表現，而目前立法部門所提法案草案毋須經過 RIA，亦引人詬病。

肆、心得與建議

- 一、本會林副主委此次訪韓係應韓國國土交通部長正式邀請出席法制革新國際研討會，並擔任專題演講及評論；並獲安排前往政府政策協調辦公室拜會副部長級官員，據我駐韓國代表處石大使定表示，係屬年來首次，適顯示韓方對林副主委出訪之重視。
- 二、本次訪韓目的，係期藉 RIA 實務經驗分享與交流，裨益我國後續 RIA 之推動作法。目前本會推動 RIA 之作法為持續辦理機關人員培訓，強化法規影響評估之能力建構；製作法規影響評估手冊協助相關機關強化能力；強化公眾諮詢品質，於目前一般法規命令之預告期間至 14 天，屬配合國際相關協定者，則不得少於 60 日。
- 三、本會法規鬆綁建言平台已參酌韓國做法，在版面設計及操作上，更為友善。
- 四、審視我國與先進國家差異，建議我方持續關注 APEC、OECD 與先進國家就法制革新之發展趨勢，積極參與相關會議，循序精進相關能力。初期要求行政機關就相關政策強化影響之說明，並期許於推動 2 至 3 年後，進一步要求機關就相關影響評估提出量化之分析說明。



TIME	Contents	
08:30~09:00	Registration	
09:00~09:30	Opening speech	Kim Kyunghwan, 1st Vice Minister of Land, Infrastructure and Transport
	Congratulatory1	Oh Kyun, 1st Vice Minister of Government Policy Coordination
	Congratulatory2	Kim Dongju, President of KRHS
	Keynote speech	Suh Seunghwan, Professor, Yonsei University (Former Minister of Land, Infrastructure and Transport)
9:30~9:50	Break time	
Session 1: Introduce about Abroad case of Regulatory Reform		
09:50~11:00	Presenter	"Regulatory Management: key trends across OECD countries" - Filippo Cavassini, OECD
		"RIA Practices and Challenges in Taiwan" - Lin Huan, Deputy Minister, National Development Council of Taiwan
		"Better Regulation: Better for Everyone. How regulatory reform can help business and improve protection for the public and the environment." - Stuart Oxenford, Head of the Economic Team at the British Embassy
11:00~11:10	Break time	
11:10~12:00	Moderator	Lee Seonguh, Professor, Department of Public Administration, Hansung University
	Discussant	Kim Juchan, Professor, Department of Public Administration, Kwangwoon University
		Yang Junsok, Professor, Economics Dept, The Catholic University of Korea Rhee Zusun, Senior Vice President, SK Research Institute for SUPEX Management
12:00~13:30	Luncheon	
Session 2: Ministry of Land, Infrastructure and Transport's Regulatory Total Management System		
13:30~14:40	Presenter	"Regulatory Burden Index System: Concept, Methodology, Application" - Kim Songjune, Professor, School of Public Administration & Director, Graduate Program in American Studies Kyungpook National University(KNU), Korea
		"Regulatory Burden Index System in Ministry in Land, Infrastructure and Transport" - Lee Hyukwoo, Professor, Department of Public Administration, PaiChai University, Korea.
		The Connection between "Cost-in, Cost-out" and "Regulatory Burden Index System" - Hong Saheum, Lee Dongwoo, Ph.D, Korea Research Institute for Human Settlements, Korea
14:40~14:50	Break time	
14:50~15:50	Moderator	Kim Jinguok, President of The Korean Society for Regulatory Reform
	Discussant	Fillippo Cavassini, OECD
		Lin Huan, Deputy Minister, National Development Council of Taiwan
		Stuart Oxenford, Head of the Economic Team at the British Embassy
		Go Yongyi, Head of the Regulatory Reform Team at the Federation of Korean Industries Mo Changhwan, Ph.D, The Korea Transport Institute(KOTI) An Hokyoeung, President of Alplus E&C
15:50	Closing Session	



RIA Practices and Challenges in Taiwan

林桓(Huan Lin)

Deputy Minister, National Development Council, Taiwan

9 December 2015

Outline

- I. The Meaning and Goals of RIA
- II. Current Practices in Taiwan
- III. Challenges
- IV. Follow-up Efforts

I. The Meaning and Goals of RIA

RIA and GRP

- The APEC Economic Leaders' Meeting of November 2011 promoted *Strengthening Implementation of Good Regulatory Practices (GRP)* ; GRP means harmonization of the laws and regulations of a state
- *Regulatory Impact Analysis (RIA)*, from the aspect of Taiwan, means a rulemaking process for a compulsory/mandatory statute or regulation by a competent agency of the government. The process is to ensure the costs and benefits related to the outcome of the enforcement of a law is properly assessed and evaluated before the law is enacted or revised
- The RIA is treated by Taiwan as a vehicle to reach the goal of the GRP

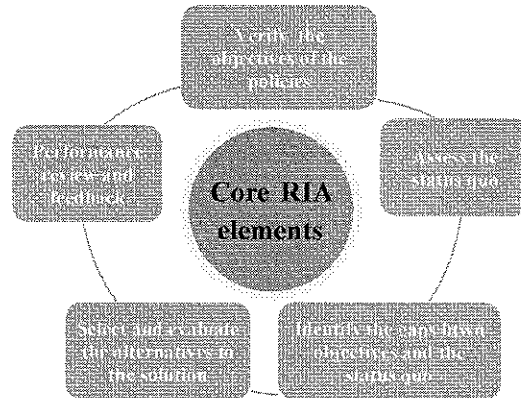
I. The Meaning and Goals of RIA

Goals of RIA

- Information dissemination
 - Reduce the coordination cost: the public consultation in the RIA provides a platform for the public choice
 - Reduce the compliance cost: the voluntary disclosure of preparatory works by the agency facilitates the planning of adjustment by the interested parties to the coming requirement
 - Reduce the search cost: the information of interested parties will be directly corrected and assessed by the agency
- Multi-value assessment
 - RIA is neither a mathematical calculation of economic benefits and costs generated from implementing the regulatory controls nor the results of acceptable and scientific calculations. Instead, the RIA observes, reflects, and assesses gains and losses of both economic and non-economic values in the social and public spheres.
- Value-added for rulemaking
 - Any regulatory mandate by the government is a cost to the society. Unless the government can prove a probable net benefit can be created through the mandatory requirement, there shall not be a law be enacted
- Prevent discrepancy btwn legal context and the implementation
 - "Saying is one thing and doing is another" is a popular comment on our legal system. The RIA shifts the aspect of rulemaking to consider the social impacts of implementation of alternatives will have the regulatory mandate to be consistent with the social expectation

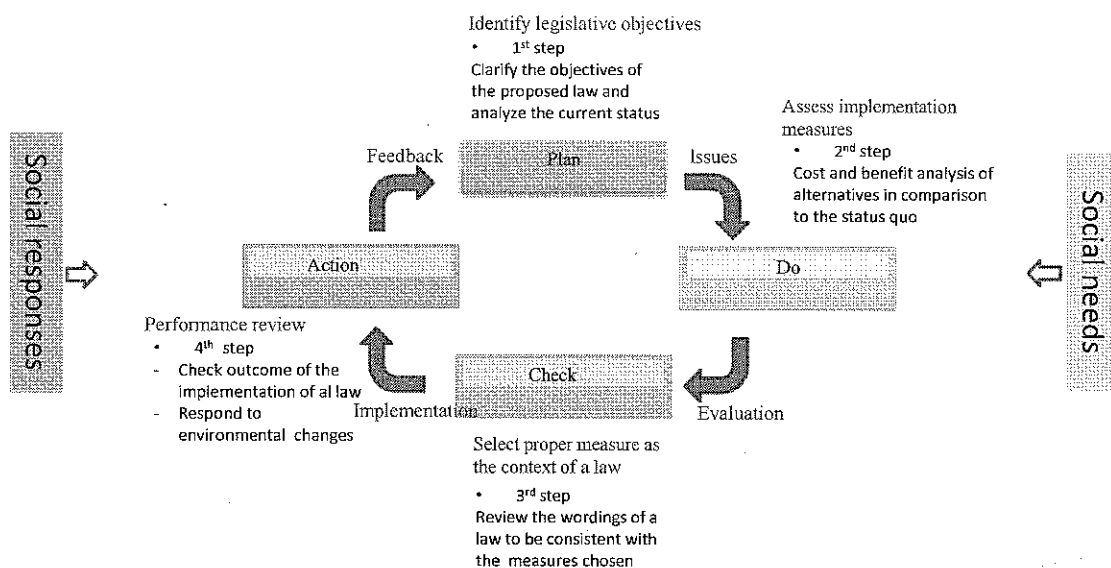
I. The Meaning and Goals of RIA

- Key elements of the RIA Mechanism



I. The Meaning and Goals of RIA

- PDCA cycle to implement RIA



II. Current Practice in Taiwan

The RIA Mechanism

- Legal basis:
 - Based on the Premier's order rather than a law, in 2004 the Government integrated the RIA principle into the regulation making procedure. In 2013 the " Gender Impact Assessment " was established requiring to be include in the RIA report
- Capacity Building:
 - In 2012 and 2014 Taiwan held an international conference on RIA, inviting APEC as well as the Korean scholars and NZ, AU experts to Taiwan to share their experiences with the Taiwan government
 - Regular courses for the RIA training have been incorporated as a part of courses for government officers since 2014

II. Current Practices in Taiwan

Publication of the Laws and Regulations

- Advance notice of the draft of regulations
 - The drafts of regulations related to WTO TBT/SPS are published for public comments by the agency for a period of at least 60 days: the drafts of other regulations are at least 14 days
 - A membership of the government gazette is provided with an option for automotive notice of any new drafts once it is published
- Single window of regulatory information
 - A single window website (law.moj.gov.tw) lists the whole context of laws and regulations of Taiwan
- Public participation in open governance
 - the Public Policy Participation Network Platform is created for the public to initiate the proposal to the government for drafting a law

II. Current Practices in Taiwan

Performance review

- The operation of RIA report is limited to the draft of a statute, not a regulation
- The requirement of RIA report is lenient to the agencies as doing a form of check list
- Want of the incentives by public participation in the rulemaking process in areas related to general welfares
- Short of capacity and incentives of government officers to conduct the RIA process

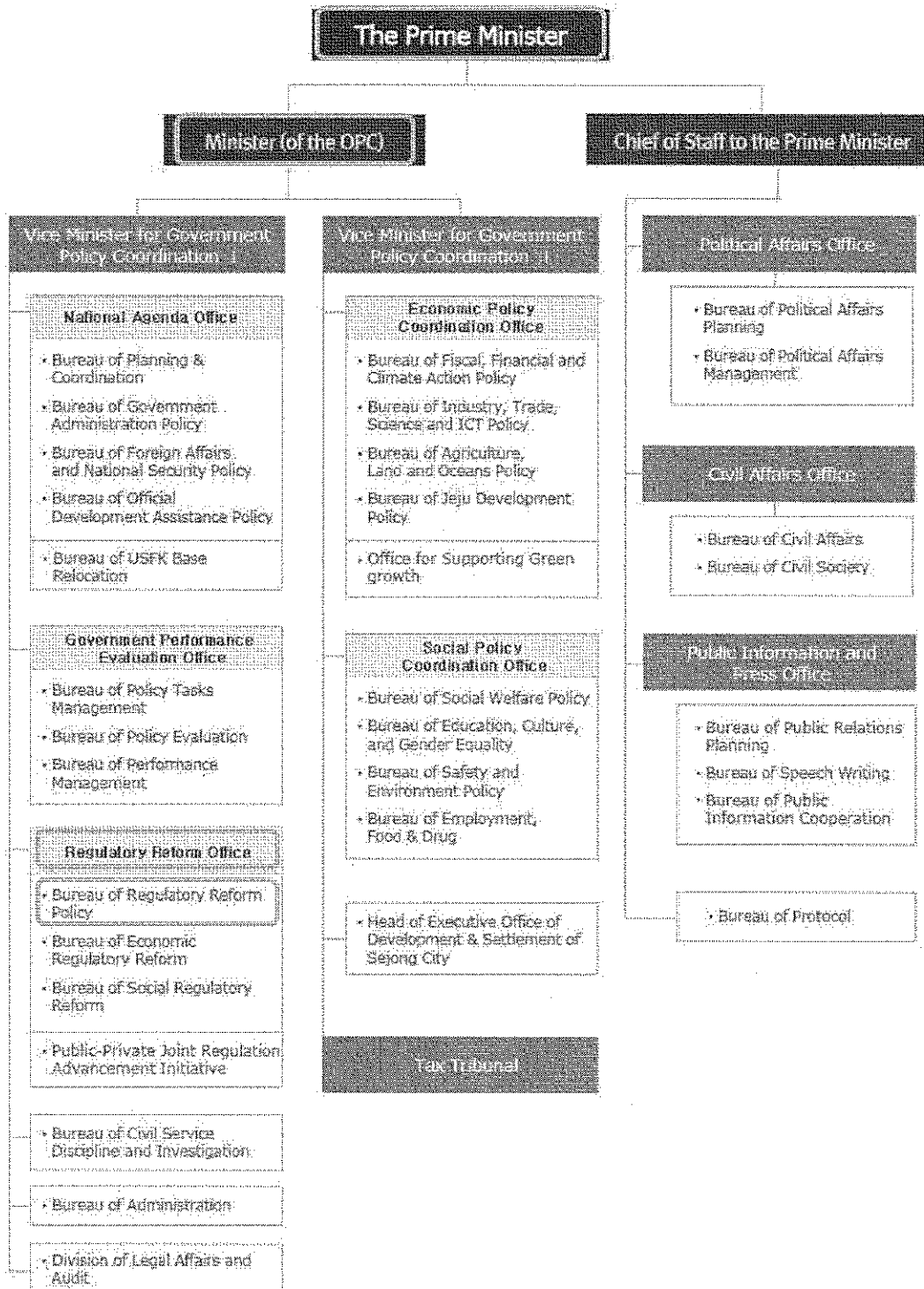
III. Challenges

- Outcry for transparency by the private sector
 - Recently the various trade associations are asking to participate in the rulemaking process in terms of the issues they are concerned
- Mandate by TPPA
 - Chapter 25 of the Trans-Pacific Partnership (TPP) "Regulatory Coherence" demands the signatory to accept and implement the RIA
- Delay of rulemaking process
 - Public consultation invites interested parties to participate. A bias may drive the direction of a draft. Conflicting viewpoints will broaden the gaps of positions so as to be difficult to fairly evaluate the cost and benefits from pros and cons of a draft
- Dilemma of incentives for performance
 - To increase the accountability of government officers will drive the RIA process to become a rigid formality of paper working; to reduce the mandate will cause them to ignore the necessary RIA methods in rulemaking process

IV. Follow-up Efforts

- Two-tiers approach
 - First to promote capacity building by
 - ✓ stipulating a RIA operation manual,
 - ✓ providing training course with case study,
 - ✓ affording credits for the government officers who have delivered effective RIA report,
 - ✓ educating the society to exercise their rights to participate in public consultation of RIA rulemaking process and
 - ✓ exchanging the experiences with foreign governments
 - Second to realize in the rulemaking process by
 - ✓ direct supervision of a designated office to selectively review the RIA process of agencies,
 - ✓ Enactment of a legal duty for the agencies to conduct RIA in drafting a law, and
 - ✓ Conferring a legal standing to the interested party to challenge the law which is short of proper RIA process

Thanks for your attention!




Revamping Regulatory Information Portal (On-Line)

- √ Regulatory Reform Sinmungo opened, acceptance rate exceeding 40%
- * (procedure) responding within 14 days after receiving petition → explaining in detail if not accepted → recommending regulatory changes by the Regulatory Reform Committee
- * (compared to 2013) received cases increased more than 25.7 times, acceptance rate 5 times greater

- √ Adding regulatory information portal for foreign investors
- * accepting proposal by the President of AMCHAM Korea at the 3rd Regulatory Reform Ministerial Meeting in May 2015
- * opening regulatory reform sinmungo for foreigners, providing legislative information and regulatory improvement cases

Regulatory Information Portal for Foreign Investors (Main Screen)



1 Regulatory Reform Sinmungo
Submit suggestions on regulatory improvement & feedbacks are provided

2 Legislative Information
Information on regulatory legislation is provided & opinions are received

3 Regulatory Improvement Cases
Regulatory improvement cases are introduced by different areas

<http://e.better.go.kr>