

法制業務

Legal Affairs

Humanism

Quality

Sustainability

法規委員會除辦理本會法規委員會法制業務外，並兼辦訴願審議委員會、技師懲戒委員會及技師懲戒覆審委員會業務。

壹、法規委員會業務

一、法規委員會組織

本會之法規委員會委員由具有工程、採購、法律等背景之專家及本會高級人員組成，共計十三人，辦理本會主管法規、行政規則、解釋函令之審議及相關法制事項。

二、委員會議審議情形

- (一) 法規會九十一年計召開委員會議三十五次。
- (二) 委員會議除審查本會主管法規適用疑義外，全年完成審查之法案舉其要者：
 1. 有關政府採購法規，為配合本年度政府採購法之修正公布，提付審查之「政府採購法施行細則部分條文修正案」、「機關委託研究發展作業辦法訂定案」、「電子採購作業辦法訂定案」、「採購契約要項部分條文修正案」、「採購申訴審議規則部分條文修正案」及「工程施工查核小組組織準則訂定案」等計二十九種，均已發布施行。
 2. 有關技師法規，計有「公共工程專業技師簽證規則訂定案」、「技師執業執照換發辦法部分條文修正案」及「工程技術顧問公司管理條例制定案」等三案，前二者已發布施行，後者刻送立法院審議中。

Legal Affairs Committee Responsibilities In addition to handling its own legal matters, the PCC's Legal Affairs Committee also takes care of legal matters for the Commission's Appeals Review Committee, Professional Engineers Disciplinary Committee (First Grade), and Professional Engineers Disciplinary Committee (Second Grade).

I. Operations of the Legal Affairs Committee

1. Organization of the Committee

The Legal Affairs Committee is comprised of experts with engineering, procurement, and legal backgrounds, along with high-ranking PCC personnel, and has a total of 13 members. It handles review and other legal matters related to laws, administrative regulations, and legal interpretations that are under the supervision of the PCC.

2. Status of the Committee's Review Work

- (1) The Legal Affairs Committee held a total of 35 meetings during fiscal year 2002.
- (2) In addition to reviewing doubtful points regarding the application of laws and regulations under PCC supervision, the Committee also completed review of the following major bills, among others, during this year:
 - a. In area of government procurement laws and regulations, in line with the revision of the Government Procurement Law the Committee reviewed the Partial Revision of the Implementation Regulations for the Government Procurement Law, Procurement Operating Guidelines for Agencies Carrying Out Research and Development Projects, Regulations Governing Electronic Procurement Bidding, Partial Revision of the Major Items in Procurement Contracts, Partial Revision of the Regulations Governing the Review of Procurement Complaints, and Organizational Rules for the Construction Auditing Unit. All of these have been promulgated.
 - b. Three laws and regulations related to technicians were reviewed: the Regulations Governing the Certification of Public Construction by Professional Technicians, partial revision of the Rules for the Renewal of Technicians' Licenses, and Management Regulations for Engineering Consulting Firms. The first two of these have been promulgated, and the third has been sent to the Legislative Yuan for deliberation.
 - c. Four laws and regulations related to the promotion of private participation in infrastructure projects were reviewed: a Partial Revision of the Implementation Regulations for the Law for the Promotion of Private Participation in Infrastructure Projects, Partial



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3. 有關促進民間參與公共建設法規，計有「促進民間參與公共建設法施行細則部分條文修正案」、「促進民間參與公共建設法部分條文修正案」、「主辦機關審核民間自行規劃參與公共建設案件應注意事項訂定案」、「促進民間參與公共建設法重大公共建設範圍修正案」等四案，其中除促進民間參與公共建設法部分條文修正案奉行政院核定尚無迫切修法之必要而未核轉立法院審議外，餘均已發布施(分)行。

■ 貳、訴願審議委員會業務

本會訴願審議委員會委員由法規會委員兼任之，辦理本會訴願審議案件。

■ 參、技師懲戒及技師懲戒覆審業務

- 一、本會依技師法第四十四條、技師懲戒及技師懲戒覆審委員會組織規程第一條之一之規定，分別設置技師懲戒委員會及技師懲戒覆審委員會，辦理技師違反技師法相關法規之技師懲戒事宜。委員由具有工程、採購、法律等背景之專家、學者、機關代表及本會高級人員組成。
- 二、本年度共召開技師懲戒委員會三次，懲戒案件統計及處理情形（91.01.01－91.12.06）表列如下：

Revision of the Law for the Promotion of Private Participation in Infrastructure Projects, Points of Attention for Agencies in Charge when Examining Private-Sector Applications to Conduct Self-Planning of Cases for Participation in Infrastructure Projects, and Revision of the Scope of Important Infrastructure Projects under the Law for the Promotion of Private Participation in Infrastructure Projects. With the exception of the Revision of the Law for the Promotion of Private Participation in Infrastructure Projects, which has been sent to the Executive Yuan for approval but has not yet been transferred to the Legislative Yuan for deliberation because there is no urgent need of the revision, all of these have been promulgated and implemented.

■ II. Operation of the Appeals Review Committee

Members of the Appeals Review Committee are concurrently serving members of the Legal Affairs Committee. They handle the review of appeals for the PCC.

■ III. Operation of the Professional Engineers Disciplinary Committees (First and Second Grades)

1. In accordance with the stipulations of Article 44 of the Technician's Law and Article 1-1 of the Organizational Statute of the Professional Engineers Disciplinary Committees (First and Second Grades), the PCC has established a Professional Engineers Disciplinary Committee (First Grade) and Professional Engineers Disciplinary Committee (Second Grade) to handle the punishment of engineers who violate the provisions of the Technician's Law. The membership of the committees is made up of experts, scholars, representatives of government agencies, and high-ranking PCC personnel with backgrounds in engineering, procurement, and law.
2. The Professional Engineers Disciplinary Committees held three meetings during this fiscal year. Numbers of disciplinary cases handled from Jan. 1-Dec. 6, 2002, and the status of their disposition, are shown in the following charts:



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(一) 技師懲戒委員會
Professional Engineers Disciplinary Committee (First Grade)

實體終結 Substantially Completed	懲戒 Disciplined	撤銷執照 Revocation of License	3
		停止執業 Cessation of Practice	8
		申誡 Reprimand	2
		警告 Warning	0
	不予懲戒 Not Disciplined		4
程序終結 Procedurally Completed			3
處理中 In Disposition			92
90年度處理終結案件 Cases Completed in 2001			40
89.01.19-91.12.06 懲戒案件總數 Cases Completed Jan. 19, 2000 - Dec. 6, 2002			152

(二) 技師懲戒覆審委員會
Professional Engineers Disciplinary Committee (Second Grade)

實體終結 Substantially Completed	懲戒 Disciplined	撤銷執照 Revocation of License	0
		停止執業 Cessation of Practice	0
		申誡 Reprimand	0
		警告 Warning	0
	不予懲戒 Not Disciplined		0
程序終結 Procedurally Completed			0
處理中 In Disposition			11
90年度處理終結案件 Cases Completed in 2001			0
89.01.19-91.12.06 懲戒案件總數 Cases Completed Jan. 19, 2000 - Dec. 6, 2002			12