

Content

Title :	Directions for Implementing Online Participation in Public Policy 
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Legislative :	Promulgated by Order Yuan-Shou-Fa-Zi-Zi No. 1041500911 dated July 17, 2015 Revised by Order Yuan-Shou-Fa-Zi-Zi No. 1051501069 dated August 18, 2016 Revised by Order Yuan-Shou-Fa-Zi-Zi No. 1061500893 dated June 16, 2017 Revised by Order Yuan-Shou-Fa-Zi-Zi No. 1071500579B dated April 11, 2018
Content :	Directions for Implementing Online Participation in Public Policy <i>Promulgated by Order Yuan-Shou-Fa-Zi-Zi No. 1041500911 dated July 17, 2015</i> <i>Revised by Order Yuan-Shou-Fa-Zi-Zi No. 1051501069 dated August 18, 2016</i> <i>Revised by Order Yuan-Shou-Fa-Zi-Zi No. 1061500893 dated June 16, 2017</i> <i>Revised by Order Yuan-Shou-Fa-Zi-Zi No. 1071500579B dated April 11, 2018</i> Chapter 1: General provisions 1. These Directions are made for the purpose of establishing a mechanism for online participation in public policy, to provide those possessing citizenship of the State or those holding a certificate of permanent residency in the State with a Public Policy Online Participation Platform (hereinafter referred to as the Participation Platform) through which to offer creative ideas or policy suggestions concerning the State' s public policy, and form consensus by a process allowing registration of support, and to provide government agencies, when formulating major policies or draft laws & regulations, or when implementing major policies, with a means for open discussion of said policies or laws & regulations, so as to gather opinions from all quarters, in order to unify and amplify capacity for effectual governance. 2. Terms used in these Directions are defined as follows: (1) Participation Platform administrative authority: Refers to the National Development Council (2) Responsible authorities: Refers to the Executive Yuan and its subordinate second-level central agencies

- (3) Proposal: Refers to a public policy suggestion from a person possessing citizenship of the State or holding a certificate of permanent residency in the State, submitted via the Participation Platform.
- (4) Draft laws & regulations: Refers to draft orders of laws & regulations.
- (5) Consultation on policy and draft laws & regulations: Refers to a responsible authority' s proactive use of the Participation Platform for open consultation of public opinion on a major policy, an issue of social concern, or a draft law or draft regulations.

Chapter 2: Proposals

- 3. Proposals include five procedures for, respectively, proposer identification, proposal submission, review, registration of support, and proposal response.
- 4. Proposer identification
 - (1) Eligibility as proposer
 - 1. All persons possessing citizenship of the State or holding a certificate of permanent residency in the State may submit suggestions concerning the State' s public policy, and may use a variety of accounts for logging onto the Participation Platform to submit proposals.
 - 2. Those submitting proposals must agree to comply with the Participation Platform rules for the online submission of proposals and the proposer' s statement of eligibility, in order to ensure the effectiveness of the subsequent proposal procedures.
 - (2) Authentication of proposer' s identity
 - 1. Proposers shall fill in and submit their contact information, including their name, username, telephone number, mobile phone number, email address and postal address.
 - 2. A proposer may submit a proposal only after the Participation Platform has conducted a one-time authentication of the phone number and email address provided by the proposer.

5. Proposal submission

(1) Scope of proposals

1. Limited to matters within the purview of the Executive Yuan and its subordinate agencies at all levels.
2. Proposals involving the functions and powers of the Presidential Office, central authorities at all levels other than the Executive Yuan and its subordinate agencies, and special municipality and city/county governments (hereinafter referred to as “local governments”), and of local people’ s representative bodies at all levels, shall not be subject to these Directions.

(2) Method and principles of proposal

1. Before submitting a proposal, a proposer may refer to the Participation Platform for previous submissions of the same or similar proposals.
2. A proposer may, according to need, choose to make use of the “proposal assistance” service on the Participation Platform, to help polish the title or content of a proposal.
3. The proposer may select the responsible authorities for a proposal; if uncertain, the proposer may request the Participation Platform administrative authority to help determine which authorities the proposal belongs to. The Participation Platform administrative authority may change the responsible authorities chosen by the proposer.
4. As a rule, the proposer may select up to three responsible authorities; if more than three responsible authorities are required, the Participation Platform administrative authority may negotiate with responsible authorities as determined by the scope of the proposal, or increase the number of responsible authorities.
5. A proposer shall submit a proposal in the form as shown in Appendix 1.

6. Where the proposal content presents any of the following situations, the Participation Platform administrative authority may decline to enter the proposal for registration of support and hide the proposal application:
- (1) The scope of the proposal clearly does not comply with the provisions of Item 1 of the preceding subparagraph.
 - (2) It may constitute a threat, obscenity, defamation, deception, or public insult; or the proposal content involves racial, religious or sexual discrimination or personal attack.
 - (3) It infringes another person's rights or legal interests.
 - (4) It may constitute a violation of criminal law or give rise to civil liability; or concerns a judicial case in the process of court adjudication or a case that is under investigation by a prosecutorial agency.
 - (5) It is the draft of a law that the Executive Yuan has already submitted to the Legislative Yuan for deliberation.
 - (6) It concerns an issue of cross-strait affairs, foreign affairs, or national defense.
 - (7) The proposal's demands are unclear or the proposal only involves personal rights and interests, or pertains to a virtual person, matter or thing on the Internet, or pertains to an individual case of commercial autonomous management action, brand or advertising behavior.
 - (8) Other violations of public order or good social custom.
7. After the proposer confirms understanding of the matters set out in the preceding six items and submits the proposal, the proposal will enter the review procedure on the following day.
- (3) Where a proposal is established in accordance with the

provisions of Article 7 Subparagraph 2 as a case requiring government response, no other proposal on the same matter may be submitted within six months from the day on which the responsible authorities complete their response in accordance with the provisions of Article 8.

6. Review

- (1) The Participation Platform administrative authority shall conduct the review in accordance with the substance of a proposal, when necessary may invite the responsible authorities to assist the review, and as a rule shall carry out the review procedure within three working days.
- (2) The review as referred to in the preceding subparagraph shall consist of the following:
 1. Determining whether or not the content of the proposal conforms to the stipulations of the preceding article.
 2. Assessing the scope of the proposal.
- (3) Where review by the Participation Platform administrative authority finds that a proposal meets all stipulations, the procedure for registering support will commence on the following day, and the proposer will be so notified by the Participation Platform administrative authority. Where the review finds a proposal to be questionable, or to be a duplication of a proposal currently in the support-registering procedure, or having content that is unspecific or unclear, the proposal will not be entered into the support-registering procedure, and the Participation Platform administrative authority will reply to the proposer with a specific explanation of the reason.
- (4) Determining the responsible authorities
 1. The Participation Platform administrative authority will determine the responsible authorities according to the substance of the proposal, and use email for notification thereof.

2. The responsible authorities shall confirm that the substance of the proposal correctly falls within their purview, or help determine the responsible authorities to which it belongs. If the substance of the proposal falls under the purview of a subordinate agency of such responsible authority, the responsible authority shall coordinate the handling thereof by the subordinate agency.
 3. When there are two or more responsible authorities, the Participation Platform administrative authority shall coordinate the designation of the principal and assisting authorities. If a dispute arises that cannot be resolved through coordination, the authorities concerned shall all be designated as principal authorities.
 4. The designated responsible authorities shall confirm within ten working days; if no reply is made within this time limit, it shall be deemed as confirmation. In cases involving uncertainty, the Participation Platform administrative authority and the responsible authorities shall confer to make a joint decision.
7. Registration of support
- (1) Eligibility for registering support: All persons possessing citizenship of the State or holding a certificate of permanent residency in the State may use a variety of accounts for logging onto the Participation Platform, and after a one-time authentication by means of mobile phone number, register support for a proposal.
 - (2) To become established as a case requiring response, a proposal must receive 5,000 registrations of support within 60 days.
 - (3) Upon the day following that on which the qualifying threshold for establishment as a case is reached, as stipulated in the preceding subparagraph, the Participation Platform administrative authority will notify the proposer and the responsible authorities; and the responsible authorities shall forthwith undertake to

respond as stipulated in Article 8.

- (4) The proposer may withdraw a proposal at any time before it is established as a case for response, but may not withdraw it after it is thus established. Withdrawn proposals will be archived in a dedicated location of the Participation Platform, where they will be available for searches and reference.
- (5) Support for a proposal is to be registered by clicking on a support button that counts supporting clicks. Participating supporters may express opinions, and may not cancel their registration of support.
- (6) During the support-registering procedure, the proposal will be open for the posting of comments. The responsible authorities shall pay heed in a timely manner to the progress of support.
- (7) If, when a proposal has already entered the support-registering procedure, the responsible authorities determine that its content does not fall under the purview of the Executive Yuan or its subsidiary agencies at all levels, they shall notify the Participation Platform administrative authority; the Participation Platform administrative authority shall, after explaining the reason, remove the proposal, and notify the proposer.

8. Proposal response

- (1) The responsible authorities of each proposal shall pay heed to opinions from all quarters, and shall assess the feasibility of incorporating the proposal into policy implementation.
- (2) Where proposals are the same or similar, the principal responsible authority (or authorities) may combine them for attending to as one case. Where already established as a case, after they have been combined and a concrete response formulated, the responses shall be made separately.
- (3) The principal responsible authority (or authorities) shall formulate a concrete response to a proposal that

has been established as a case, communicating with the proposer to understand what the proposal is asking for, and may convene a meeting for study and discussion of the proposal, inviting the proposer to attend and give explanation. Data and records of communication with the proposer and study & consultation meetings, with the consent of the proposer, shall in principle be publicly disclosed in their entirety; records may be made by means of speech abstract, verbatim transcript, full video recording, live streaming, etc., and made public after confirmation by the meeting participants, for full disclosure of the case handling process.

- (4) The formal response and explanation may be issued through a press conference, a press release, or other means of informing the general public, indicating decisions made on the proposal (taken into consideration, accepted or partially accepted, or dismissed, etc.) and the reasons therefor. Information on the response shall also be openly posted on the Participation Platform.
- (5) The responsible authorities shall have a time period of two months for processing and responding to an established proposal. But if the responsible authorities are unable to complete their response within this time period, it may be extended for a period of no more than two months, and the reason for the extension shall be explained on the Participation Platform. If the responsible authorities finish processing the case before the extension period expires, they may make their response at any time therein.
- (6) An established case will remain open for comment during the processing period.
- (7) The Participation Platform administrative authority may survey the proposer and registered supporters of an established proposal as to their level of satisfaction with the responsible authorities' conduct and response.
- (8) Where a proposal is not established, the responsible

authorities may still undertake to respond if so needed.
(9) The responsible authorities' response shall be in the format as shown in Appendix 2.

9. Temporary suspension of proposals and support: In periods of national elections, proposal submission and support registration will be temporarily suspended for the 60 days leading up to polling day.

Chapter 3: Consultation on policy and draft laws & regulations

10. When planning major policies or addressing issues of social concern, the responsible authorities may proactively use the Participation Platform to consult the general public and facilitate focused discussion by the general public.

The responsible authorities shall proactively make public announcement on the Participation Platform of draft laws and all draft regulations and directions stipulated by the Executive Yuan to be publicly announced for at least sixty days, to consult public opinion; and the responsible authorities may also, according to operational needs, make public announcement on the Participation Platform of other draft laws.

11. When implementing major policies of social concern, the responsible authorities may use the Participation Platform to invite the public to monitor the progress of implementation.

12. In the process of planning or executing major policies, the responsible authorities may use various means of communication both online and offline to consult opinion from all quarters under the principle of collaborating with all of the people, in order to ensure that the policies are sound and complete, and that they align with the will of the people.

When the responsible authorities consult opinion from all quarters as prescribed in the preceding paragraph, they may survey trends in public opinion on a specific issue

among persons possessing citizenship of the State or holding a certificate of permanent residency in the State in a particular locality or age group, to serve as reference for policy implementation.

For policy consultation as referred to in Article 10 Paragraph 1 and in the preceding article, the responsible authorities may themselves set the duration thereof according to the complexity and actual needs of the policy concerned.

13. Policy consultation response

(1) First step response: During a period of policy consultation, the responsible authorities shall, at appropriate times, respond in a concise and expeditious manner.

(2) Comprehensive response: Within ten working days following the expiration of a period of policy consultation, the responsible authorities shall compile a comprehensive analysis, and make a comprehensive response, with the format of the response as shown in Appendix 3. But if the responsible authorities are unable to complete the response within this time, it may be extended, with such period of extension not exceeding ten working days, and the reason for the extension shall be explained on the Participation Platform. If the responsible authorities complete this undertaking before the extension period expires, they may make their response at any time therein.

14. Draft laws & regulations consultation response

(1) First step response: During the period of public announcement of a draft law or draft regulations, the responsible authorities shall, at appropriate times, briefly describe their method of attending to public opinion.

(2) Comprehensive response: Within ten working days after a draft law is submitted by the Executive Yuan to the Legislative Yuan for deliberation, and on the day of announcement of a draft regulatory order, the

responsible authorities shall make a comprehensive response as to whether public opinion has been adopted and the reasons therefor. But the responsible authorities need not make a comprehensive response if they have already made a concrete and complete response to public opinion during the period of public announcement as referred to in the preceding subparagraph.

15. Where an advertisement or a public opinion that corresponds to one of the situations as specified in Article 5 Subparagraph 2 Item 6 Sub-items 2, 3, 4, 7 and 8 is posted in the discussion area, the responsible authorities shall proactively hide or remove the posted comment, or notify the Participation Platform to attend to it.

The Chapter 4: Administration

16. A deputy head, spokesperson or secretary-general of a responsible authority shall be responsible for supervising matters related to these Directions.

A responsible authority may form a working group for undertaking the requirements of the public policy online participation mechanism.

A responsible authority shall assign at least one staff member from the appropriate unit to act as liaison officer, to facilitate notification of relevant matters by the Participation Platform administrative authority.

17. The Participation Platform administrative authority shall at regular intervals compile a report of all proposals and the status of policy consultation responses for presentation to the Executive Yuan.

Chapter 5: Openness and transparency principles

18. Information that may be made open to the public includes the usernames of those submitting proposals to the Participation Platform, the review procedure, the accounts or usernames of participating supporters, and the responses of the responsible authorities. The names,

contact telephone (or mobile phone) numbers, postal addresses and email addresses of proposers are not to be made open to the public.

Proposals that are hidden in accordance with the provisions of Article 5 Subparagraph 2 Item 6 will not be made open to the public.

19. For policy consultation via the Participation Platform, information that may be made open to the public includes the responsible authorities, the policy issues, the draft law or regulations, the usernames and comments of discussion participants, and the voting statistics. The discussion participants' email addresses and voting information are not to be made open to the public.
20. Information that is made open to the public as prescribed in the preceding two articles may be provided for general use through the Government Open Data Platform.

Chapter 6: Supplementary provisions

21. Supplementary provisions

- (1) Depending on the familiarity of persons possessing citizenship of the State or holding a certificate of permanent residency in the State with the Participation Platform, and the volume of support for proposals, the Participation Platform administrative authority may, when appropriate, adjust the support-registering procedure and threshold prescribed in Article 7.
- (2) No proposal is to be deleted from the Participation Platform, and every proposal—whether established, not established, withdrawn, or removed—is to be archived in a dedicated location of the Participation Platform and made available for searches and reference.
- (3) “Proposal assistance” is a means for proposers themselves to open up an online consultation and solicit collaborators. A proposal may be open for proposal assistance for up to 30 days; if this time period expires without the proposal's entry into the proposal submission procedure, the proposal will be archived in a dedicated location of the Participation Platform and

made available for searches and reference.

- (4) When the responsible authorities survey trends in public opinion on a particular issue in accordance with the provisions of Article 12 Paragraph 2, the Participation Platform administrative authority shall assist said authorities with identity verification.
- (5) Local governments, and central government agencies at all levels other than the Executive Yuan and its subordinate agencies, may apply the provisions of the preceding subparagraph, *mutatis mutandis*, when using the Participation Platform to survey trends in public opinion on particular issues. The proposer and supporter login account numbers can be used across agencies on the Participation Platform.
- (6) The Participation Platform administrative authority may, depending on the progress made in the Platform's promotion, set a reward mechanism to encourage proactive participation by all of the people and by employees of the Executive Yuan and its subordinate agencies.
- (7) The process for making proposals and registering support is as shown in the flowchart in Appendix 4.
- (8) Local governments, and central government agencies other than the Executive Yuan and its subordinate agencies, may refer to these Directions when establishing their own rules for measures related to the handling of proposals, policy consultation, and law & regulations consultation.

Attachments : 1070411_公共政策網路參與實施要點_法協修正後_ENG_Final.pdf

Data Source : National Development Council Laws and Regulations Retrieving System