



Article Content

Title : Fundamental Science and Technology Act CH

Amended Date : 2017-06-14

Category : National Science and Technology Council (國家科學及技術委員會)

- Article 1 This Act is enacted for the purpose of establishing fundamental guidelines and principles for the government in promoting scientific and technological development so as to raise the standards of science and technology, maintain economic development, strengthen ecological preservation, improve public well-being, boost national competitiveness, and promote the sustainable development of human society.
- Article 2 This Act shall be applicable to the science and technology in the field of humanities and social sciences.
When promoting science and technology, the government shall pay special attention to a balanced development between the field of humanities and social sciences, and other fields of science and technology.
- Article 3 The government shall, within the nation's financial capacity, continue to provide for the expenditures necessary for scientific and technological development projects.
The government shall devote efforts to support the yearly growth of domestic expenditures in research and development, so as to raise such expenditures to an appropriate percentage of the gross domestic product (GDP).
- Article 4 The government shall take necessary measures to maintain the growth of basic research.
- Article 5 The government shall assist public schools, public research institutes (organizations), public enterprises, and juridical persons or organizations to build up human resources, equipment, and technology, so as to advance scientific and technological research and development.
The government shall provide public schools and public research institutes (organizations) producing outstanding scientific and technological research results with the necessary support for acquiring facilities and personnel needed for research and development. Stipulations on the recipients, scope and conditions of such support shall prescribed by the competent authority in other regulations.

For the purpose of promoting the research and development results of applied scientific and technological projects funded by the government, the government shall supervise or assist the research and development units mentioned in Paragraph 1 of this Article to industrialize or commercialize their research results.

Article 6 Projects in scientific and technological research and development to be subsidized, commissioned, or funded by the government, or to be conducted under scientific and technological research and development budgets prepared by public research institutes (organizations) in accordance with law, shall be selected through a process of evaluation or review, and the selection results thereof shall be justified with reasons. The research and development results and its income from such a project may be conferred, in whole or in part, to the executing research and development units for ownership or licensing for use, and are not subject to the National Property Act.

The safekeeping of, use of, income from, and disposition of research and development results and its income referred to in the preceding Paragraph that have been conferred to a public school, public institution (organization) or public enterprise, shall not be subject to Article 11, Article 13, Article 14, Article 20, Article 25, Article 28, Article 29, Article 33, Article 35, Article 36, Article 56, Article 57, Article 58, Article 60, or Article 64 of the National Property Act.

The ownership and utilization of the research and development results and its income referred to in Paragraph 1 and Paragraph 2 of this Article shall be determined based on the principles of fairness and effectiveness by assessing the proportion and contribution of capital and labor, the nature of the research and development result, potential uses, societal benefits, national security, and impacts on the market. Regulations pertaining to the objectives, prerequisites, effective period, scope, proportion (whole or part), registration, administration, allocation of profit, recusal and disclosure of relevant information, intervention by the funding agency into the matter of a third party licensed to implement the research and development result, reclamation of the result by the funding agency as national property, and other relevant procedures shall be arranged and prescribed by the Executive Yuan. Additionally, the competent authorities may prescribe related laws and regulations to enforce such matters.

Unless otherwise prescribed by any treaty or agreement to which this nation is a party, any public school, public research institute (organization), or juristic person or entity

performing procurement for a project mentioned in Paragraph 1 of this Article under a subsidy or commission from the government, or under a scientific and technological research and development budget prepared by a public research institute (organization) in accordance with law, shall not be subject to the regulation of the Government Procurement Act, but shall be supervised by the subsidizing, commissioning or competent agency. Regulations governing the matters of such supervision shall be prescribed by the competent science and technology authority at the central government.

Article 7 For the purpose of promoting scientific and technological development, the government shall consider the impact of overall scientific and technological policies and of individual scientific and technological projects on the environmental ecology.

When conducting a project in scientific and technological development, the government shall provide appropriate levels of expenditures when necessary to study the matters relevant to the impact of such scientific and technological policy or project on social ethics and legal issues.

Article 8 When implementing or conducting scientific and technological research, the scientific and technological research organizations and personnel shall properly fulfill their obligations to safeguard the environmental ecology, the respect for life, and humanitarian ethics.

Article 9 The government shall present a written statement once every two years describing the visions, strategies, and current status of scientific and technological development.

Article 10 The government shall formulate a National Science and Technology Development Plan once every four years reflecting the nation's developmental trends, the needs of society, and the goal of balanced regional development. This Plan shall serve as a basis for formulating scientific and technological policies and promoting scientific and technological research and development. The content of the National Science and Technology Development Plan shall take into consideration the opinions of the Academia Sinica, the scientific and technological research sector, the industrial sector, and relevant social organizations, and shall be reviewed and approved by the Executive Yuan following discussions at the National Science and Technology Conference. The National Science and Technology Conference mentioned in the preceding Paragraph shall be convened once every four years by the Executive Yuan.

Article 11 The National Science and Technology Plan shall include the following matters:

- (1) current status and review of national scientific and technological development;
- (2) overall goals, strategies, and resource planning for national scientific and technological development;
- (3) development goals, strategies, and resource planning for various government agencies and various scientific and technological fields; and
- (4) other important matters pertaining to scientific and technological development.

Article 12 For the purposes of improving capabilities in scientific and technological research and development, encouraging outstanding personnel in scientific and technological research and development, enhancing scientific and technological research facilities, subsidizing the use of research and development results, and to facilitate timeliness and maximize effectiveness, the Executive Yuan shall establish the National Science and Technology Development Fund and formulate budgets for the subsidiary units.

The National Science and Technology Development Fund shall be used in accordance with the needs of national scientific and technological development and research personnel, shall be evaluated through public procedures, and shall establish a system for assessing effectiveness.

Article 13 Part of the research and development results and its income from such scientific and technological research and development projects that have been conferred to the government under subsidy, commission, or funding from the central government, or under scientific and technological research and development budgets prepared by public research institutes (organizations) in accordance with law, shall be appropriated in accordance with the budgeting procedures of the subsidiary units to the National Science and Technology Development Fund for safekeeping and use. Certain percentage of the National Science and Technology Fund shall be allocated to promote the popularization of scientific knowledge to the general public. Regulations governing the matters of such popularization shall be prescribed by the competent science and technology authority at the central government.

The Academia Sinica may apply to its competent authority for approval to establish an Academia Sinica Research Fund. Aside from part of the research and development results and its income mentioned in Paragraph 1 of this Article that shall be appropriated to the National Science and Technology Development

Fund for safekeeping and use, any part of the research and development results and its income that have been conferred to the Academia Sinica, shall be appropriated in accordance with the budgeting procedures of the subsidiary units to the Academia Sinica Research Fund mentioned in the preceding Paragraph.

Article 14 To advance the research, development, and applications of science and technology, the government shall take necessary measures in the following matters in order to improve the working conditions of scientific and technological personnel, and create a sound environment for scientific and technological research:

- (1) training scientific and technological personnel;
- (2) promoting the employment and interchange of scientific and technological personnel;
- (3) cultivating, guiding and rewarding female scientific and technological personnel;
- (4) optimizing the performance of scientific and technological research organizations;
- (5) encouraging entrepreneurship in scientific and technological personnel; and
- (6) rewarding, supporting, and promoting scientific and technological research.

Article 15 The government shall confer favorable treatment, provide insurance, or take other necessary measures for scientific and technological personnel employed by the government to engage in highly specialized, hazardous, or important topics of research, or to work in special circumstances.

Scientific and technological personnel with major achievements in scientific and technological research shall be provided necessary awards in order to honor their contributions.

The favorable treatment, insurance, and other necessary measures awarded for personnel with major achievements referred to in Paragraph 1 and Paragraph 2 of this Article shall be prescribed by the competent authorities in charge of the relevant industries at the central government.

Article 16 To ensure truthfulness and optimize the creative potential of scientific and technological research, the government shall, unless otherwise restricted by law, protect the research freedom of scientific and technological personnel.

Article 17 To create sound methods of recruiting scientific and technological personnel, the government may establish public and fair means of screening qualifications, so that government agencies or government research organizations may hire personnel as deemed necessary. The government shall also enact laws to

appropriately ease the restrictions on the hiring of civil servants.

To make full use of the scientific and technological workforce, necessary measures may be taken to increase personnel transfer and exchange among civil servants, college and university teachers, and scientific and technological personnel of research organizations and businesses.

To recruit outstanding scientific and technological personnel from abroad, necessary measures shall be taken to ensure the quality of living and working conditions for an appropriate period of time. The necessary measures shall be prescribed by the competent authorities in charge of the relevant industries at the central government. Regulations governing the prerequisites, protection of rights and interests, and other matters relating to the education of the children of these personnel recruited from abroad shall be prescribed by the Ministry of Education.

Research personnel in public schools at the junior college level and above or public research institutions (organizations) who, due to scientific research needs, must use technology as investment capital or hold concurrent jobs, shall not be subject to Article 34 of the Act of Governing the Appointment of Educators; Article 13, Paragraph 1 of the Civil Servants Work Act, which prohibits business operation and limits the total shares held in a business to 10%; or Article 13, Paragraph 2 and Article 14 of the Civil Servants Work Act, which restrict research personnel from holding other positions concurrently. Relevant provisions of the Act on Recusal of Public Servants Due to Conflict of Interest shall be complied.

The determination of research personnel in public schools at the junior college level and above or public research institutions (organizations) mentioned in the preceding Paragraph, the types and number of jobs the research personnel may concurrently hold, the proportion of investment using technology as capital, disclosure of relevant information of business operation, recusal of interest, supervision, audit, and other matters to be observed under this Article shall be established by the Executive Yuan together with the Examination Yuan.

Article 18 To further the development of scientific and technological research in the private sector, the government may take measures to provide monetary, tax, and financial incentives.

Article 19 The government may provide necessary assistance to support the private sector's scientific and technological development projects that conform to the goals of the National Science and Technology Development Plan.

- Article 20 To promote scientific and technological research and development, the government shall formulate policies on the flow of scientific and technological information, take comprehensive planning measures, establish relevant information networks and information systems for domestic and overseas scientific and technological research and development, and cultivate information processing personnel in order to facilitate the enhancement and effective use of scientific and technological information.
- Article 21 To raise the standards of science and technology, the government shall devote efforts to promoting international scientific and technological collaborations; advancing the international exchange and utilization of personnel, technologies, facilities, and information; and participating in international collaborations on development and research.
- Article 22 To increase citizens' interest and understanding of scientific and technological knowledge, the government shall continue to promote scientific and technological education at schools and in communities so as to enhance citizens' capacity for science and technology.
- Article 23 This Act shall come into effect upon the date of promulgation.