

The shame of overpaid pensions

Written by Taipei Times Editorial
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On Tuesday, a bill to recover wrongfully paid government pensions — under a regulation passed in 1971 that allowed KMT officials who held public office to add years worked as a party official to their civil service record — passed its third legislative reading.

About 381 retirees, including former vice president Lien Chan (連戰), former Examination Yuan president John Kuan (關丹) and Chinese Nationalist Party (KMT) Vice Chairman Jason Hu (胡建星), who are paid retirement benefits based on their combined service will have their retirement payments recalculated and be required to return excess payments.

This is intended to display the government's determination to carry through reform, but many of those affected say that applying the bill retroactively and requiring that payments be returned is unreasonable.

The 1971 regulation was the result of an abnormal situation. In the one-party state, there was a revolving door between the government and the KMT. After some time in government, officials transferred to the KMT to gain more experience, and party position sometimes even outranked government positions. It was normal for the party to train government officials and even direct government policy.

We just have to look at Beijing today to understand that party secretaries have more power than provincial governors or ministers, and to understand what it was like in Taiwan during the one-party state era.

Since officials could move freely between the KMT and the government, benefits continued seamlessly, which of course was the main reason for the system that accepts service in the KMT as qualifying for national pension payments.

Constitutional interpretations 5, 7 and 12 — issued in 1952 and 1953 — state that party secretaries, legislators and party officials were not civil servants, making the practice unconstitutional. However, at the time, the party overruled everything and the Council of Grand Justices' interpretation fell on deaf ears.

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The government continued to condone combining government and party duties. The Examination Yuan was guilty of dereliction of duty and violation of the Constitution, but it was also powerless. The practice has remained and has not been addressed, even though the KMT has lost government power on two occasions.

Given the democratic and legal sophistication of Taiwan and Taiwanese today, a practice that unfairly exploits government resources should be recognized as a violation of social justice and should no longer be tolerated. Yet historical inertia and the stubborn resistance put up by remnants of the one-party state prevented the Democratic Progressive Party (DPP) from shaking up the party-state during its first presidential term, when it did not control the legislature.

This time, the DPP has the political clout to pursue this goal, and it can no longer turn a blind eye.

The government's personnel system may be flawed, but those who enjoy the benefits of combined years of service do not do so out of greed; the regulations are not their fault.

Still, accepting such unreasonable income is shameful. Returning the overpayments to the government would give them peace of mind. If they are not enjoying an adequate income after their retirement, returning the money could mean economic problems, but the act has incorporated a minimum income level and it would only affect those that have a monthly income of NT\$25,000 or more.

The combined years of service regulation resulted from historical factors, and the facts of the situation are abundantly clear. Fewer than 400 people would be affected. This is a first step toward ending an unjust system and correcting past wrongs.

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