

Premier Jiang Yi-huah (江宜樺) and the Chinese Nationalist Party (KMT) may have violated the Referendum Act (公投法) through their collaboration in launching a national referendum proposal on the construction of the Fourth Nuclear Power Plant in New Taipei City's (新北市) Gongliao District (公寮), a group of academics and lawmakers said yesterday.

Article 13 of the Referendum Act prohibits the nation's administrative bodies from carrying out referendums or commissioning other organizations to carry out referendums, lawyer Huang Di-ying (黃帝穎) told a press conference organized by the Taiwan Association of University Professors.

However, after Jiang on Feb. 25 mentioned in the legislature that the Executive Yuan intended to resolve the dispute over the plant's construction through a referendum, the KMT caucus followed up by proposing a referendum, which was initiated by KMT Legislator Lee Ching-hua (李慶華) and endorsed by more than 30 KMT lawmakers.

"Several civic groups plan to file a lawsuit against Jiang with the Supreme Prosecutors Office's Special Investigation Division if the referendum proposal is passed in a plenary session of the Legislative Yuan tomorrow," Huang said.

The KMT filed a similar lawsuit in 2008 against then-premier Chang Chun-hsiung (張俊雄) of the Democratic Progressive Party (DPP) administration, accusing Chang of collaborating with then-DPP chairman Yu Shyi-kun (游錫堃) to hold a referendum on the nation's bid for UN membership.

The KMT's move appeared to be a coordinated effort and suggests that the administrative branch would do whatever it takes to complete the construction of the power plant, opposition and anti-nuclear groups said.

They also said that President Ma Ying-jeou's (馬英九) administration is determined to carry on with the construction and that the phrasing of the referendum question was twisted — although the government supports the construction of the power plant, the referendum would ask the public whether or not the construction should be halted.

Academics mull legality of vote

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“The passage of the referendum would put the legislature to shame as KMT legislators would have become puppets of their political party,” said DPP Legislator Cheng Li-chiun (鄭麗君), who was among a group of DPP lawmakers demanding the Control Yuan investigate whether Jiang’s suggestion had violated the law.

As the dispute over the referendum has snowballed and there is no clear resolution in sight, Cheng said the fate of the plant’s construction should be first voted on in the legislature and then put to a national referendum.

Aletheia University assistant law professor Wu Chin-ching (吳錦清) said that a lawsuit would not bring substantial results under the current judicial system, which could simply dismiss the case, and said that filing a civil lawsuit could be a better option.

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