

政院所屬各機關因公出國報告書

(出國類別：出席國際會議)

出席 2009 年亞太經濟合作會議(APEC)經濟委員會
(EC2)第二次會議暨相關會議出國報告

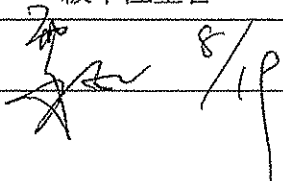
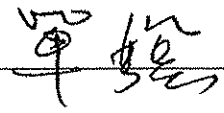
出國人員服務機關	職 稱	姓 名
行政院經濟建設委員會綜計處	處長	曾雪如
行政院經濟建設委員會綜計處	專員	黃仿玉
行政院經濟建設委員會法協中心	研究員	劉美琇
行政院經濟建設委員會法協中心	副研究員	胡蔓莉
行政院經濟建設委員會法協中心	薦任科員	曾瑞乾
台灣大學政治系	副教授	彭錦鵬
台灣大學政治系	副教授	江瑞祥
台灣公共治理研究中心	執行長	陳秋政
行政院研究發展考核委員會研展處	科長	林芳如
行政院研究發展考核委員會研展處	視察	黃子華
行政院研究發展考核委員會研展處	專員	呂雅雯
行政院公平交易委員會	專門委員	胡祖舜
行政院金融監督管理委員會證券期貨局	稽核	李明機

會議地點：新加坡

會議時間：98年7月23日至7月27日

完成報告：98年8月20日

出國報告審核表

出國報告名稱： 出席 2009 年亞太經濟合作會議(APEC)經濟委員會(EC2)第二次會議暨相關會議出國報告		
出國人姓名 (2 人以上，以 1 人為代表)	職稱	服務單位
曾雪如	處長	行政院經濟建設委員會綜計處
出國類別	<input type="checkbox"/> 考察 <input type="checkbox"/> 進修 <input type="checkbox"/> 研究 <input type="checkbox"/> 實習 <input checked="" type="checkbox"/> 其他 出席國際會議 (例如國際會議、國際比賽、業務接洽等)	
出國期間： 98 年 7 月 22 日至 98 年 7 月 28 日	報告繳交日期： 98 年 8 月 20 日	
計畫主辦機關審核意見	<input checked="" type="checkbox"/> 1.依限繳交出國報告 <input checked="" type="checkbox"/> 2.格式完整 (本文必須具備「目的」、「過程」、「心得及建議事項」) <input checked="" type="checkbox"/> 3.無抄襲相關出國報告 <input checked="" type="checkbox"/> 4.內容充實完備 <input checked="" type="checkbox"/> 5.建議具參考價值 <input type="checkbox"/> 6.送本機關參考或研辦 <input type="checkbox"/> 7.送上級機關參考 <input type="checkbox"/> 8.退回補正，原因： <input type="checkbox"/> 不符原核定出國計畫 <input type="checkbox"/> 以外文撰寫或僅以所蒐集外文資料為內容 <input type="checkbox"/> 內容空洞簡略或未涵蓋規定要項 <input type="checkbox"/> 抄襲相關出國報告之全部或部分內容 <input type="checkbox"/> 電子檔案未依格式辦理 <input type="checkbox"/> 未於資訊網登錄提要資料及傳送出國報告電子檔 <input type="checkbox"/> 9.本報告除上傳至出國報告資訊網外，將採行之公開發表： <input type="checkbox"/> 辦理本機關出國報告座談會 (說明會)，與同仁進行知識分享。 <input type="checkbox"/> 於本機關業務會報提出報告 <input type="checkbox"/> 其他 _____ <input type="checkbox"/> 10.其他處理意見及方式：	
審核人	一級單位主管	機關首長或其授權人員
		

說明：

- 一、各機關可依需要自行增列審核項目內容，出國報告審核完畢本表請自行保存。
- 二、審核作業應儘速完成，以不影響出國人員上傳出國報告至「政府出版資料回應網公務出國報告專區」為原則。

出席 2009 年亞太經濟合作會議(APEC)經濟委員會(EC2)第二次會議暨相關會議出國報告

目錄

壹、摘要.....	3
貳、會議經過	
一、經濟委員會第二次會議	6
二、減輕行政負擔策略圓桌討論會	21
三、世界銀行經商便利度報告「執行契約」指標能力建構研討會	25
四、改善投資環境之成功要素分享研討會	28
參、心得建議與後續應辦事項	31
肆、附件	
一：2009 EC2 會議議程 (文件編號：2009/SOM2/EC/001)	
二：2009 EC2 會議文件一覽表 (文件編號：2009/SOM2/EC/000)	
三：Issues Paper for Review of Institutional Frameworks and Processes (Preliminary Draft) (文件編號：2009/SOM2/EC/021)	
四：Report on Prioritisation of Regulatory Reform for Improving the Business Environment (文件編號：2009/SOM2/EC/005)	
五：Possible Issues for Post-LAISR Agenda (Provisional Draft) (文件編號：2009/SOM2/EC/015)	
六：Discussion Paper for the Roundtable on Improving Public Sector Governance Quality: Practice and Measurement (文件編號：2009/SOM2/EC/023)	
七：Chinese Taipei's Recent Experience in Reducing Administrative Burdens (文件編號：2009/SOM2/EC_OECD/)	

壹、摘要

一、會議時間及地點

2009年APEC第二次資深官員會議(SOM2)暨相關論壇會議7月下旬於新加坡舉行，此次我國赴新加坡參加經濟委員會(EC2)第二次會議暨相關會議(7月23日至27日)成員包括經建會綜計處、法協中心以及研考會、公平會、金管會等機關代表。

二、會議目的

結構改革(structural reform)為EC近來之工作重點，2008年並已於澳洲墨爾本召開首度APEC結構改革部長會議(Structural Reform Ministerial Meeting, SRMM)。本次EC2主要目的，即為針對「實施結構改革之領袖議程(LAISR)」進行盤點工作準備，探討金融危機下結構改革之角色，以及LAISR於2010年後之可能發展方向。

三、會議重要結論

(一)執行LAISR盤點工作：2010年APEC領袖們將對EC執行結構改革任務成效進行盤點。日本擔任EC主席，亦為2010年APEC主辦會員體，將彙整近5年來EC在結構改革相關議題之工作進展，並撰寫一綜合性進展報告(concept paper)，以呈交2010年APEC領袖會議。

1. 法制革新

(1)有關APEC提升經商便利度計畫，本次會議通過「開辦企業」、「獲得貸款」、「執行契約」、「跨境貿易」、「取得建築許可」等五項為優先改革領域，後續部長會議則將決定改革目標之設定及主導能力建構之領導經濟體(champion economies)。目前美國、日本、新加坡已表態將

分別出任「開辦企業」、「獲得貸款」、以及「取得建築許可」等領域之領導經濟體。

- (2)通過澳洲所提之「APEC結構改革的體制架構與程序自願性檢視(The APEC Voluntary Reviews of Institutional Frameworks and Processes for Structural Reform)」計畫，該計畫係委由APEC秘書處下具獨立政策分析與研究能力之政策支援小組(Policy Support Unit, PSU)，協助APEC會員體檢視其國內法制架構是否足以帶動結構改革。各會員體可自行決定是否參與該檢視行動，有意願參與檢視之會員體須於2009年10月底前向EC主席辦公室完成確認。PSU將依據自願參加檢視會員體所提供之法制架構資訊，撰擬檢視報告，而接受檢視之會員體則可針對PSU報告初稿表示意見，檢視報告將於2010年EC2會議中進行討論。至於檢視報告是否出版，則由被檢視會員體決定。近期內PSU將提供指導手冊，以說明執行檢視之內容與步驟。

2. 競爭政策

通過 ABAC 提議 2010 年以「程序正義 (procedural fairness)」為重點議題。另，我國公平會將於本(2009)年8月17日至19日假台北市晶華酒店舉行「第五屆APEC競爭政策訓練課程」，主題為「垂直限制及競爭政策與消費者保護政策的互動」。

3. 公部門治理

我方研考會於本次會議中主辦「提升公部門治理品質：實務與衡量」圓桌論壇會議，計有加拿大、日本、紐西蘭、

墨西哥、印尼及我國等6個會員體提出報告。

4. 公司治理

OECD公司治理原則為討論議題重點，美國計劃於本年APEC領袖會議後，於新加坡舉辦「OECD公司治理原則」研討會，討論重點為加強公私部門對公司治理原則評價之溝通與調和。

5. 強化經濟法制基礎架構

未來將以商事法中之公司法與公司破產重整法，以及商務糾紛調解／仲裁機制(dispute settlement mechanisms)，特別是「替代性之糾紛調解(ADR, Alternative Dispute Resolution)」作為討論議題重點。

(二)探討金融危機下結構改革之角色及LAISR於2010年後之可能發展方向：本議題係以腦力激盪的方式進行討論，重點包括：金融危機下結構改革的角色、EC對包容性成長(inclusive growth)及永續成長(sustainable growth)之觀點及可能貢獻，以及LAISR於2010年後之可能發展方向等。為進一步討論並確認上述議題，日本將於2010年8月間召開「高階政策圓桌會議(High-level Policy Round Table)」。

貳、會議經過

一、經濟委員會第二次會議

(一) LAISR 工作計畫方案(LAISR Forward Work Programme)

1. 法制革新

(1) 通過澳洲所提之「APEC 結構改革的體制架構與程序自願性檢視(The APEC Voluntary Reviews of Institutional Frameworks and Processes for Structural Reform)」計畫：該計畫係委由 APEC 秘書處下具獨立政策分析與研究能力之政策支援小組(Policy Support Unit, PSU)，協助 APEC 會員體檢視其國內體制架構是否足以帶動結構改革。各會員體可自行決定是否參與該檢視計畫，有意願參與檢視之會員體須於 2009 年 10 月底前向 EC 主席辦公室完成確認。PSU 將依據自願參加檢視會員體所提供之體制架構與程序資訊，撰擬檢視報告，而接受檢視之會員體則可針對 PSU 報告初稿表示意見，檢視報告將於 2010 年 EC2 會議中進行討論。至於檢視報告是否出版，則由被檢視會員體決定。近期內 PSU 將提供指導手冊，以說明執行檢視之內容與步驟(附件三)。

(2) 美國更新「改善法規編制之公共諮詢(Improving Public Consultation in the Rulemaking Process)研討會」進展：該計畫於今年 EC1 獲得通過，美國規劃在今年 9 月或 10 月於印尼雅加達舉辦「改善法規編制之公共諮詢研討會」，以個案研究方式分享法規編制最新的經驗及實務，有助於推動公民參與法規制定，協助 APEC 會員體了解一般法制基礎、法規主管機關、行政程序在公民參與法規編制的作用，增加非政府組織在法規制定過程的認識。個案研究對象包含印尼、墨西哥、越南、美國等經濟體，預計將於 9 月間完成。

(3) 通過美國提案舉辦「減少開辦企業所需時間討論會(Workshop on Reducing Start-up and Establishment Time of Businesses)」：美國前於本年 EC1 提出「中小企業推動計畫—縮短開辦企業申設時間計畫(SME Promotion Plan : Reducing the Start-up Time by XX percent by 2011)」，當時因 APEC 尚未決定將「開辦企業」列為優先改革領域，所以計畫未獲通過。本次美國重新提案，從原先針對中小企業進行簡化開辦企業程序，擴大為全部企業，並計劃於明(2010)年 EC1 期間於日本廣島舉辦為期 2 天之「減少開辦企業所需時間討論會」，俾提升 APEC 會員體對於世銀經商便利度中關於「開辦企業」指標及次指標(包含申辦所須程序、時間、及最低資本額等)的了解，以及分享推動開辦企業改革之最佳實務、資訊與經驗。日本、秘魯、印尼與墨西哥表示支持該計畫，並同意擔任 co-sponsor。

(4) 日本計劃進行「APEC—OECD 法制革新整合式查核清單(APEC—OECD Integrated Checklist on Regulatory Reform)」檢視。APEC 目前已有美國、香港、我國、澳洲、韓國等 5 個會員體完成 APEC—OECD 法制革新整合式查核清單檢視，日本預訂於明年 EC1 或 EC2 會議中就檢視結果進行報告。

(5) 澳洲將於今年 9 月針對法規制定程序進行跨國比較問卷調查(benchmarking survey)，調查結果將於 2010 年 EC1 會議中進行報告。

2. 競爭政策

(1) APEC 企業諮詢委員(APEC Business Advisory Council, ABAC)提議於 2010 年之「競爭政策/法律小組(CPLG)」會議中討論「程序

正義(procedural fairness)」之議題，我國、美國及澳洲等代表發言表示支持。CPLG 日籍主席 Mr. Toru Aizeki 表示可原則同意列入下次會議中討論，惟此為相當技術性的議題，是否須更具體化，將徵詢其他會員體的意見。

(2) 未來 APEC 競爭政策訓練課程規畫案

(i) CPLG 向 EC 提案，擬將競爭政策訓練課程計畫由一階段 5 年改為 3 年，並提出未來 3 年可能討論的議題，如「競爭政策倡議；結合(merger)、聯合(concerted action)、濫用優勢力(abuse of market power)」。

(ii) 我方公平會代表發言表示，未來 3 年可討論的議題曾在過去的訓練課程中討論多次，建議未來 3 年可集中討論某一特定主題，例如結合，以 3 年的時間深入探討上述議題，同時亦可將「程序公平」融入議題的討論中。CPLG 主席 Mr. Toru Aizeki 表示有關我方公平會的建議，將徵詢其他會員體的意見。

(3) 香港提案於 APEC 競爭政策資料庫中增置參考書目部分，我方代表則發言表示，資料庫各項目的增減須獲得 CPLG 的同意，建議香港可於下次 CPLG 會議中提案討論，我方將配合決議辦理。

(4) 香港口頭提案擬主辦有關能源、運輸、通訊等基礎產業的競爭政策研討會，惟因未有任何書面資料，故未獲各會員體具體回應，EC 主席決議，請香港與 APEC 秘書處確認會議日期後再議。

(5) 我國公平會將於本(2009)年 8 月 17 日至 19 日假台北市晶華酒店舉行「第五屆 APEC 競爭政策訓練課程」，主題為「垂直限制及

競爭政策與消費者保護政策的互動」。

3. 公部門治理

- (1) 由公部門治理小組(PSG FoTC)召集人 Dr. Brian McCulloch 報告 PSG 未來工作計畫，以及說明本年 EC1 會議中紐西蘭主辦「近年公部門變革與良善公部門治理原則」圓桌討論會之成果。
- (2) 在更新計畫提案部分：紐西蘭報告將廣續蒐集彙整公部門治理相關議題之參考書目，俾供會員體參考。加拿大報告撰寫「公部門治理之良好實務原則」與「創新績效管理—提升政府效能 (Management Performance for Innovation: Towards Effective Government)」之規劃與進度。其中，「創新績效管理—提升政府效能」報告將涵蓋加拿大近年來主要的公部門治理方案，包括：法規鬆綁(Web of Rules initiative)、政策配套方案更新(Policy Suite Renewal)與管理課責架構 5 年期評估(Management Accountability Framework Five-Year Evaluation)。
- (3) 在後 LAISR 2010 議題部分：為提升公部門治理品質，促進各會員體在良善公部門治理實務上的經驗交流與分享，紐西蘭與加拿大均肯定公部門治理議題在 EC 中仍有持續討論的必要。

4. 公司治理

- (1) 承續今年 EC1 會議提案，美國更新進度報告今年 APEC 領袖會議後，於新加坡舉辦為期 1-2 天「亞太地區實施 OECD 公司治理原則之公、私部門研討會 (Public-Private Workshop on Implementing the OECD Principles of Corporate Governance in an

Asia-Pacific Context)」，將邀請 APEC 會員體企業代表與政府參加，討論重點在加強公私部門對公司治理原則評價之溝通與調和。

(2) 確定 2010 年 APEC 經濟政策報告(APEC Economic Policy Report) 主題為公司治理。該報告將由美國主導，第一部分由美國負責撰寫，第二部分由日本負責撰寫，第三部分則由各會員體提供公司治理個別經濟體報告(Individual Economy Reports)。美國將與日本討論第一及第二部分擬撰寫之內容，初步規劃第一部分將著重在利害關係者之規範，第二部分則為相關原則及政策，確認後再通知各會員體提供第三部分之個別經濟體報告。

(3) 越南報告 2009 年 7 月 2-3 日舉辦公司治理訓練營(APEC Training Course on Corporate Governance)之執行情況，本次會議計有智利、墨西哥、泰國、中國大陸、越南、馬來西亞、印尼、香港、俄羅斯、巴布亞紐幾內亞、及我國等 11 個會員體參加。主要係幫助 APEC 會員體加強公司治理，並藉此提升公司治理政策制定者之專業能力，提供公司治理原則之相關資訊。

(4) 有關美國主辦「亞太地區實施 OECD 公司治理原則之公、私部門研討會」，其目的與特色如次：

(i) 加強私部門對 OECD 公司治理原則全面而完整性瞭解。

(ii) 將邀請 OECD 或相關機構之專家、企業界董事代表與 APEC 區域性代表共同檢視 OECD 公司治理原則之內涵；另將邀請 APEC 會員體官員擔任主講者。

(iii) 將邀請 ABAC 或區域性之集團企業參與，尤其是鼓勵家族性

或中小型企業參與，以強化該等企業對於 OECD 公司治理原則之遵循。

(iv) 會議將採互動方式進行，以激發 APEC 會員體官員與私部門代表間之溝通討論。

(5) 今年 EC1 會議中，泰國提案舉辦「公司治理與企業社會責任經驗分享研討會」計畫，後因部分會員體對於實施企業社會責任存有困難，建議對實施企業社會責任之目的與必要性應有更具體之方向，爰請泰國再參考各會員體之建議修正計畫內容。經向泰國代表確認相關進度，其表示經考量會員體之建議，目前已不爭取舉辦 APEC 有關企業社會責任研討會，惟泰國另說明業於本年 7 月和 ABAC 舉辦企業社會責任研討會。

5. 強化經濟法制基礎架構

(1) SELI 未來工作報告

- (i) 日本依據印尼、日本、韓國、紐西蘭、秘魯、泰國及我國回復之 SELI 未來重點工作問卷調查結果，報告未來將以商事法中之公司法與公司破產重整法，以及商務糾紛調解／仲裁機制 (dispute settlement mechanisms)，特別是「替代性之糾紛調解 (ADR, Alternative Dispute Resolution)」作為討論議題重點。
- (ii) 前述問卷調查結果同時顯示，APEC 會員體偏好透過政策對話 (policy dialogue)、工作研討會 (workshop)、訓練課程 (training course) 等方式進行資訊分享，此外發展中會員體也相當關切準則 (guidelines) 及查核清單 (checklist) 之建立。
- (iii) SELI 未來除加強與政策支援小組 (PSU) 及其他 APEC 計畫 (如私部門發展，Private Sector Development) 之合作與互動外，澳

洲、印尼及香港代表建議 SELI 應與資深官員會議關心的議題如包容性成長(inclusive growth)相連結。

(iv) SELI 將於明(2010)年 EC1 期間舉辦政策對話圓桌會，屆時將邀請企業界代表(ABAC)與會，討論建立 SELI 相關法規的準則與查核清單之可行性。

(2) 日本將負責 2010 年 APEC 經濟政策報告第 2 章的撰寫，初步將主題設定為 SELI 工作中涉及公司治理的部分(如商業及公司法)，後續尚待與 SELI 及公司治理主席之友進一步討論後確定。

(3) 香港報告「APEC 跨國併購對出口、直接投資及經濟成長的意涵 (Cross-border Mergers and Acquisitions with APEC and Their Implications for Exports, FDI and Economic Growth)」：該報告針對 APEC 會員體於 1980 年至 2007 年之跨國併購資料進行實證分析，檢視 APEC 跨國併購的型態(pattern)、分析跨國併購對國際貿易、外人直接投資及國內生產毛額的影響，並說明實證結果之政策意涵。倘若各會員體對該報告有相關意見，再以電子郵件通知香港。

(二) 執行 LAISR 盤點工作(LAISR 2010 Progress Stock-taking)

1. 2010 年 APEC 領袖們將對 EC 執行結構改革任務成效進行盤點。日本擔任 EC 主席，亦為 2010 年 APEC 主辦會員體，將彙整近 5 年來 EC 在結構改革相關議題之工作進展，並撰寫一綜合性進展報告 (concept paper)，以呈交 2010 年 APEC 領袖會議。
2. 為準備前述進展報告之內容，EC 主席將進行問卷調查，以收集 EC 整體及各會員體於 2009 年 EC2 與 2010 年 EC1 期間所進行之結構

改革進展。另，日本亦將於 2010 年 EC1 會議前後舉辦一研討會，邀請其他論壇及國際組織參與討論結構改革的未來發展方向，而於 2010 年 EC1 大會會議時，針對盤點報告之實質內容進一步討論確定。

(三)改善經商環境法制革新之優先領域(PRIBE, Prioritization of Regulatory Reform to Improve the Business Environment)

1. 有關 APEC 提升經商便利度計畫，包含選取優先改革領域、確定推動改革能力建構的領導經濟體(champion economy)、及設定具體改善目標等 3 大項目。今(2009)年 2 月召開之第一次資深官員會議，決議委由經濟委員會(EC)從世界銀行經商便利度 10 項指標中選定 3-4 項優先改善領域，並將工作結果送第二次資深官員會議(SOM 2)討論。
2. EC 依據 ABAC 的問卷調查、APEC 經商便利度研究及各會員體的回應，建議選取「開辦企業」、「獲得信貸」、「執行契約」、「跨境貿易」、「取得建築許可」等 5 項優先改革領域，並於 SOM 2 獲得通過。後續部長會議將決定改革目標之設定及主導能力建構之領導經濟體。目前美國、日本、新加坡已分別表態出任「開辦企業」、「獲得信貸」、「取得建築許可」之領導經濟體(附件四)。
3. 「PRIBE 改善經商環境指導小組」工作午餐會：EC 主席 Dr. Omori 於 7 月 23 日邀請澳洲、香港、日本、紐西蘭、美國五個主席之友召集人，競爭政策暨法律小組(CPLG)召集人，我國、韓國、新加坡、印尼、秘魯，以及政策支援小組(PSU)主任進行午餐會，就 2009 年及其後改善經商環境、供應鏈連結、能力建構、法制架構檢視等議題交換意見。與會者認為 EC 倡議應與 APEC 倡議結合，並與其他

論壇區隔，尤其在金融風暴後，應促進區域經濟整合，各經濟體除了在結構改革部分改善法制，積極參與法制架構檢視(institutional framework review)，也應刺激國內消費，強化社會安全體系，擴大成長之範疇(growing the pie)，以達到包容性成長(inclusive growth)。EC 主席本年 11 月將向總結資深官員會議提交 EC 包容性成長專題進度報告，因此籲請指導小組所屬會員體提供相關建議與成功實例，以及 EC 在 2010 年結構改革成果盤點後(post-LAISR)之工作方向與包容性成長議題整合的可能性。

(四)2009 年及 2010 年 APEC 經濟政策報告(APEC Economic Policy Report, AEPR)

2009 年 AEPR 主題為法制革新，報告架構分為 3 部分：第一部份為有利改革之法制架構，由澳洲撰寫；第二部份為改善經商環境的法制革新，由新加坡撰寫；第三部份則由會員體分別撰寫個別推動法制革新進展，經建會法協中心已於 5 月初提交我國法制革新報告。此外，美國亦報告 2010 年 AEPR(主題為公司治理)之撰寫計畫。

(五)探討金融危機下結構改革之角色及 LAISR 於 2010 年後之可能發展方向

1. EC 將成立一個指導小組(a small steering group)，將針對包容性成長概念(concept of inclusive growth)及後 LAISR 之可能議題架構進行討論，當然成員包括：EC 主席、2 位副主席、5 個主席之友小組召集人、及 PSU 主任，EC 主席亦歡迎有興趣之會員體參加。
2. EC 主席將於 10 月中旬前完成草擬一反應各會員體關於包容性成長概念的進展報告，俾呈報今年之總結資深官員會議。EC 主席鼓勵各會員體踴躍提供關於包容性成長之經驗(包括成功實例)、觀點與

建議，EC 主席的報告內容將不會引述會員體之名稱。另，EC 主席亦鼓勵各會員體提供關於後 LAISR 之可能議題架構，及與包容性成長概念之連結，同時考量會議討論文件(2009/SOM2/EC/015)中 EC 主席所提出之各項課題。

3. 為進一步討論並確認前述各項議題，EC 原則同意日本於 2010 年夏天召開「高階政策圓桌會議(High-level Policy Round Table)」，並將對會議內容及會議與會層級進一步規劃(附件五)。

(六)「提升公部門治理品質：實務與衡量」圓桌論壇會議(Round Table Discussion on Improving Public Sector Governance Quality: Practice and Measurement)

我國研考會於本次會議中主辦「提升公部門治理品質：實務與衡量」圓桌論壇會議(附件六)，計有加拿大、日本、紐西蘭、墨西哥、印尼及我國等 6 個會員體提出報告，會中各會員體代表踴躍參與討論。

1.討論重點包括：

- (1)會員體近期採用哪些創新的途徑、方案或工具來評量公部門治理品質？
- (2)會員體採用這些評量工具的動機為何？
- (3)使用這些工具評量公部門治理品質的效益與風險為何？
- (4)會員體在評量公部門治理品質時，面臨那些挑戰？
- (5)有哪些經驗可與會員體分享？

2.會員體簡報重點，摘述如次：

(1)加拿大

加拿大介紹該國幾項公部門治理方案或作法，包括：

- 「政府經濟行動計畫(Government's Economic Action Plan)」，該計畫旨在協助政府部門建立一個能夠提昇效率、更符合成本效益的環境，計畫並重視預算執行績效。
- Strategic Review 用以檢視預算支出是否符合優先施政項目。
- Web of Rules Initiative 著眼於行政法規的鬆綁。
- Reforming Grants and Contributions (Gs & Cs) 用以確認政府補助非營利社區或團體的支用是否符合公平、成本效益及效率等原則。
- Management Accountability Framework (MAF) 係為有效的績效管理評估工具。
- Government-wide Medium-term Planning (MTP) 則是因應景氣後衰退期(2010 年以後)所訂之中程計畫。

(2)日本

日本代表簡要說明該國「品質改革方案(Reform of Quality)」的推展情況，其作法係由各部會提出所謂「業務程序重整(Business Process Re-engineering, BPR)」，來提高政府服務的生產力，以及民眾滿意度，預期效益包括縮短民眾洽公的等待時間、簡化行政流程與提高便捷度等。BPR 的作法如下：先由每個部會選定執行範圍；瞭解公眾的需求或期待後；再檢視既有操作流程，設定改進的面向與目標；各部會所提的 BPR 計畫，預定將於 2009 年 9 月底定案，據以執行。

(3)紐西蘭

紐西蘭說明該國目前並未建立一套公共治理評量架構，因此以公部門績效評估機制為例，說明紐西蘭近來推動「課責文件報告檢討(Review of Accountability Documents, RoADs)」，希望藉此提升政府部門各層級的績效表現。此績效評估架構中包含實務管理的評核指標，可以適用於不同政府層級和單位，據以評量公部門的績效表現、篩選出執政項目的優先次序，並系統性分析個別部門或機構的優缺點，進而促使公部門持續創新改進，因此，RoADs被認為是一種能夠切合國會與各部會首長要求的實務改進作法。

(4)我國

我國介紹目前「台灣公共治理研究中心」所建構的「台灣公共治理指標(Taiwan Public Governance Indicators, TPGI)」體系，據以對台灣公共治理現況進行系統性調查與評估。TPGI公共治理指標體系包括「法治化程度」、「政府效能」、「政府回應力」、「透明化程度」、「防治貪腐」、「課責程度」、「公共參與程度」等7個面向，指標評估的方式包括量化的客觀統計數據與質化的專業主觀評鑑方式。目前TPGI已完成指標體系的建構，並正蒐集2008年主客觀統計調查資料，俾後續完成主客觀資料的轉化及後設分析，及指標系統的修正回饋，以期適時正確反應我國公共治理的成果與現況，並期待與國際組織進行交流。

(5)墨西哥

墨西哥介紹該國三項機制：「改善公共管理的專案計畫2008-2012 (Special Program for the Improvement of Public Management 2008-2012, PMG)」、「績效導向的預算制度(Results-Based Budgeting Focus)」，及「課責性、透明及反貪腐國家計畫2008-2012 (National Program of Accountability, Transparency and Fight against Corruption 2008-2012, PNRCTCC)」，並發展相應指標以衡量公共治理的表現。其中，PMG在改善行政流程方面獲

得人民熱烈的回應，政府相當重視並致力改善。未來墨西哥將致力於增加公民參與決策及對政府的監督，以及推動績效導向的組織文化，以達到透明化、課責性及反貪腐的政策目標。

(6) 印尼

印尼政府建構了「優質治理指標(Good Governance Index, GPG)」來衡量地方政府在執行優質治理原則的成效，指標所採用的優質治理原則為透明化、課責性、公民參與、法治化等 4 項，評估方式係採機關自評。未來印尼政府努力的目標在於，建立公民社會及利害關係人間的信任，並爭取推動公部門改革的政治支持，致力於打擊貪腐，及以分權化方式提高地方政府治理的表現與成效。

3. 綜合討論重點，摘述如次：

(1) 紐西蘭

建議將 APEC 經濟政策報告所列舉出 9 個優質治理原則，納入更新各會員體運用這些原則的實務經驗，以供各會員體參考。

(2) 太平洋經濟合作理事會(PECC)

在公共治理品質提升作法上，提出 3 項議題希望各會員體討論。首先，國際間的經驗與作法是否值得學習。其次，人力資源是公部門運作成功的關鍵因素之一，各會員體的公務人員教育與培訓機制設計。最後，各國對政治力與民意有所衝突時的處理方式。

針對 PECC 的意見，各會員體回應如下：

- 一 加拿大表示該國規劃改革措施時很重視國際經驗，例如在公部門引進了競爭機制，採用了比較宏觀的視野、全面性的策略來執行公部門改革。在人力培訓上，採用「結果導向」的策略，

設立加拿大文官機構，扮演教育及提升公部門人力資源的重要角色。另針對政府的財源窘迫問題，則引入了更多創新的機制，鼓勵公部門提升效率並減少成本，希望能因應財務困境及回應民眾需要。

- 一 EC 主席指出日本目前面臨中央政府冗員過多的問題，政府正試圖找尋可能的解決方式，但是仍在初步的階段，尚需付出更多努力。
- 一 新加坡認為政府如何有效融合行政與政治的運作，並且避免行政部門受政治力的不當干擾，穩定且一致性地提供公共服務，是政府治理的首要課題。此外，政府除了追求績效表現之外，也需要評鑑公務部門是否做正確的事情，以確保政府施政是在一個正確的軌道上運行。
- 一 墨西哥指出針對公部門倫理，墨西哥設立了文官培訓系統，於教育訓練中，特別提供倫理議題的課程。因此，公務人員的教育訓練機制，應可作為一個執行後續行政革新重要的出發點。

(3) 針對公部門治理課題的重要性，各會員體分享看法如次：

- 一 日本認為目前經濟環境不佳，民眾對於公部門的績效需求更加殷切，公部門對於提升績效的壓力更大。而因為經濟狀況不佳，公部門有更多的債務，各部會對於預算支出的控制更顯重要。因此，在討論政府績效的同時，財政或是預算改革應是重要的課題。
- 一 香港指出建立政府績效評鑑時，可試圖建立較為主觀的標準，以免除政治力的干擾，而且在執行上也比較透明化。
- 一 印尼肯定我國舉辦此論壇，並指出評鑑指標具體化的困難。以印尼經驗，在建立評鑑指標時嘗試使用國家統計及相關資料，但因各部會職掌與功能不同，再加上績效資料難以全盤掌握，

跟真實的情況往往有差異，造成在推動績效管理上的困難。印尼表示期待我國或是其他的會員體未來在績效指標建構上，能再提供相關建議及具體作法，以供交流學習。

4.會議之共識與結論：

- (1)公民需求(citizen needs)是公部門治理的核心議題。
- (2)每個會員體都應該漸進且持續改善公部門治理品質。
- (3)公共治理指標體系在監測公部門治理的改善中扮演重要角色。
- (4)全觀性方法(holistic approach)是公部門治理衡量的主要重點。
- (5)應追求創新的衡量方式(innovative measurements)並且持續加以檢視。

(七)EC 運作方式之檢討

1. 針對EC組織章程作成下列結論：EC副主席之任期以2年為一任，現任EC副主席之任期於2011年EC2屆滿；另EC副主席至多2名，修正之EC組織章程自2010年1月1日正式生效。
2. 現任EC副主席澳洲Ms. HK Holdaway因職務調動而卸任；另一現任EC副主席香港Ms. Elley Mao則計畫於2010年卸任；同時，所有會員體一致通過由印尼Ms. Huda Bahweres接任EC副主席。

二、減輕行政負擔策略圓桌討論會(Round Table Discussion on Strategy for Reducing Administrative Burden co-organized by APEC EC and OECD)

本會議係討論如何降低行政負擔之整體策略，包括法制管理革新(regulatory management reform)、組織改造(organizational reengineering)、ICT之運用、良好資訊服務、公部門管理之協調、以及引進法規影響評估(RIA)機制等議題。

(一) OECD 公共治理部(Public Governance Directorate)主任 Dr. Josef Konvitz 以荷蘭為例，說明減輕行政負擔成功的 7 大要素為：

- 1.改革應有高層長期支持，並採政府整體(whole-of-government)策略。
- 2.設立中央專責執行機構，聘用專業人才監督與推動改革。
- 3.改革目標須明確及可量化，執行期限宜合理化。
- 4.建立有創意、行動力與分析能力的多元化專業執行團隊。
- 5.運用誘因機制(incentive mechanisms)推動簡化行政程序改革。例如荷蘭將部會降低行政負擔義務與其預算連結，要求部會達到中央所設定之簡化行政成本目標，若未達目標，則該部會次年預算將依其所造成之行政成本被相對刪減。
- 6.應及早建立溝通行動計畫，並將政府部門、企業及社會大眾等所有相關利益團體均納入。荷蘭政府在改革後期才展開溝通，雖然改革成果出色，大選時仍未能獲得選民支持。
- 7.建置獨立檢視機制，定期向政府高層與社會大眾報告改革進度。

(二) 加拿大以 2007 年該國的預算計畫(budget plan)為例，介紹該國減輕行政負擔之相關作法：

1. 制訂「聯邦法規簡化指令(Cabinet Directive on Streamlining Regulation)」，強調聰明法規(smart regulation)，要求法規制訂應講求效用與效率，符合國際最佳立法規範(international best practices)，2008年分別建立低影響法規(low-impact regulations)及中高影響法規(medium- and high-impact regulations)影響評估分析之參考範例各一。
2. 推行「公文簡化倡議(Paper Burden Reduction Initiative, PBRI)」，2009年3月達成小型企業簡化行政與公文負擔20%之目標。
3. 設置「重大開發計畫管理辦公室(Major Project Management Office, MPMO)」，整合簡化自然資源開發法規評估，目標為將評估期由4年縮減為2年。

(三) 我國由經建會法協中心代表，於會中報告我國藉由法規鬆綁以降低行政負擔之策略與經驗，以取消公司設立最低資本額為例，分享我國如何透過與利益關係人諮商溝通、跨國案例之深入研究比較及政策支持的綜效，化解政府機關、利益團體之見解歧異，解決改革相關資訊不足等障礙，成功透過法規鬆綁達成開辦企業行政程序簡化之經驗(附件七)。會後，世界銀行代表除肯定我方改革努力外，亦表達願意協助我方。

(四) 墨西哥透過有效行政負擔減輕工具與作法改革經驗，重點如次：

1. 建置「聯邦行政程序網路平台(Federal Registry of Formalities)」，將聯邦政府主管之申辦項目與程序上載該平台公告，達到行政程序明確化與透明化。墨國聯邦政府與企業協商後，簡化63項對經濟活動有重大影響之行政措施。此外，2003年至2007年9月，計簡化344項行政程序，2008年至2009年6月，改善145項行政程序。墨國31個地方政府中，已有21省建置行政程序網路平台。
2. 進行法規影響評估分析(RIA)，避免新法制訂增加行政負擔。

3.透過「企業開辦便捷網(Rapid Business Start-up System, SARE)」，低風險企業開辦可在 72 小時內完成申辦程序。今年 SARE 亦建立「品質管理系統(Quality Management System, QMS)」，以擴大便捷網適用範圍。

(五)香港報告推動促進經商倡議減輕行政負擔的經驗，重點如次：

- 1.選定對產業產生重大影響之類別執行法規影響分析，包括簡化並改善行政流程，提供單一窗口服務，進行「產業影響評估(Business Impact Assessment)」，由易而難依次推動，減少不必要的行政程序，藉經驗傳承建構各機關能力。
- 2.服務 e 化，包括產業諮詢、執照申辦、申辦流程查詢，建立公務系統內部及其與外部互動之迅捷、透明的新文化。
- 3.強化與各利益關係人之溝通，包括直接相關申辦人、消費者、供應鏈服務提供者等(香港諮商期為 3 至 6 個月)。

(六)紐西蘭報告建立法制影響評估法制架構背景

- 1.紐西蘭於 2008 年 6 月導入法規管理制度，由財政部負責主管法制影響評估、訂定法制檢視工作計畫及進行法規品質系統策略協調。
- 2.除少數例外，大多數政策均須提出完整法制影響報告(Regulatory Impact Statement)，內容包括環境、經濟、社會、文化等不同層面之成本效益影響。涉及影響經濟成長之重大政策，則由法制影響評估小組進行評估分析，其他政策之影響報告與評估則由相關機關負責，且上開政策影響報告與評估結果均須公布。
- 3.未來兩大挑戰：其一為決策急迫性與優質評估時間之平衡掌握，因深入完整的法制影響評估需要一定時間，對有時間壓力之決策，每每易形成阻礙；另外，法制影響評估標準尚待建立，能力建構如成本效益分析等，尚須訓練養成。

4.紐國未來將借鏡澳洲、英國，改善法規管理制度，並強化法制影響評估規則。

(七)日本執行法制影響評估經驗

- 1.由總務省(Ministry of Internal Affairs and Communications, MIC)負責推動相關部會執行法制影響評估。
- 2.日本 2007 年「政策評估法(Government Evaluation Act)」規定，增修、廢止與制訂法規，均須進行法制影響評估，報告結果須公開。2008 年日本 12 個部會共計完成 157 項法規之法制影響評估。
- 3.法制影響評估內容包括：法規變動之必要性、成本效益分析、間接影響、替代方案比較、專家評析、其他考量因素分析等。

三、世界銀行經商便利度報告「執行契約」指標能力建構研討會 (Investment Experts Group Seminar on EoDB: Enforcing Contracts)

(一)世界銀行經商環境報告「執行契約」指標

- 1.執行契約(enforcing contracts)指標為世界銀行經商環境報告 10 項指標之一，主要評比內容為商業合約因發生違約情事，於法院提起訴訟所需之時間、費用及訴訟程序，藉此評比該國法院之效率。世界銀行指出，法院的效率不佳，將對投資及商業交易帶來不利影響。
- 2.根據世界銀行調查，法院效率不彰將影響銀行對企業的融資並阻礙金融市場的改革。另一項對開發中國家的調查則顯示，商業糾紛解決的效率若能提升 10%，地下經濟活動約可減少 2.3%。此外，迅速、費用合理及公平的法院，最能符合企業發展需求。世界銀行對全球企業的調查顯示，只有 35%的企業認為本國法院是公平、公正及清廉的。
- 3.由於法院改革(court reform)的比例不高，因此與其他指標相比，推動執行契約改革的國家較少。世界銀行提出以下 7 點改革方向供與會者參考：(1)引進案件管理系統(訴訟文件電子化系統)；(2)對程序採取嚴格的時間限制；(3)設立專業商業法庭；(4)增加法官人數；(5)簡化程序；(6)評鑑法官表現；(7)提高案件不得上訴之訴訟標的金額。

(二)美國紐約州 Supreme Court (初審)法院商業法庭制度

紐約州商業法庭於 1995 年設立，以因應該州大量商業、金融活動所衍生的訴訟需求，俾為重大商業糾紛提供快速、公平及專業的解決方法。商業法庭僅審理訴訟標的金額達 15 萬美元以上之違反合約、忠實義務、合夥契約等商業性質事件。商業法庭法官在訴訟成立後，即召集當事人舉行審前會議，決定各項日期並注重時效。商業法庭另設有「法庭外爭端解決方案(Alternative Dispute Resolution Program)」，以調解方式解決糾紛。當商業法庭法官認為案件適合時，可要求二造當事人先行調解，以避免進

入複雜的訴訟程序。商業法庭自 2008 年起實施訴訟文件電子化系統 (Electronic Filing System)，以電子化方式處理相關訴訟文件以加速案件處理程序。

(三) 中國大陸民事訴訟制度最新進展

中國大陸於 2007 年修正其民事訴訟法及相關法規，以強化對民事判決之執行效率。相關重點如下：

1. 擴大執行法院範圍：舊法規定僅能向原受理訴訟法院申請執行，新法擴大範圍，當事人亦可向執行標的物所在地同級法院聲請執行。
2. 強化對執行期間之監督：舊法未規定執行期間，新法規定法院自收到申請執行書後 6 個月未執行，申請人可向上一級法院申請執行。上一級法院可責由原法院在一定期間內執行或逕為執行或令其他法院執行。
3. 明確規範第 3 人異議程序：第 3 人對執行標的提出異議，法院應於 15 日內審查。第 3 人或當事人對法院裁定不服，認為原判決、裁定錯誤者，可依審判監督程序申請再審；與原判決、裁定無關者可另提起訴訟。
4. 延長申請執行期間：舊法規定為 1 年，新法延長申請執行的期間為 2 年。
5. 立即執行措施：當被執行人不履行法律文書確定的義務，並有隱匿、移轉財產之虞，法院可立即採行強制執行措施。
6. 被執行人財產報告義務：被執行人未能履行義務時，應向法院報告目前以及收到執行通知日前一年財產狀況，被執行人拒絕報告或虛假報告者，法院可對其處以罰款或拘留。

(四) 新加坡推動「執行契約」之經驗

新加坡下級法院(subordinate courts)積極推動相關司法改革措施以提升效率，因應社會發展需求。與民事事件相關之主要措施包括：

- 1.建立訴訟文件電子化系統(Electronic Filing System)，律師可以電子化方式向法院陳報訴訟文件，並可透過此系統取得相關文件之電子影本。
- 2.對訴訟標的金額達新幣 20 萬元以上之民事事件者建立特別管理清單(Specially Managed Civil List)。因此類事件通常涉及複雜之法律及事實議題，透過特別管理，可指定專長該領域之法官審理，並控制其訴訟期程及確保不會過度耗費司法及當事人資源。
- 3.建立爭端解決機制(Court Dispute Resolution, CDR)，由法官擔任調解人(mediator)且不收取費用，CDR 無需進入法庭公開審理，因此可節省當事人相關法律費用及時間。如發現爭端在 CDR 過程中無法獲得解決，調解法官可指示雙方當事人踐行必要步驟，以進入法院審理程序，由事實審法官負責審理。

四、改善投資環境之成功要素分享研討會(Capacity Building for Sharing Success Factors in the Improvement of Investment Environment)

經濟委員會(EC)與投資專家小組(IEG)共同舉辦「改善投資環境之成功要素分享研討會」，討論如何改善供應鏈連結(日本、新加坡、加拿大報告)及經商便利度(澳洲、印尼、菲律賓、香港報告)，以吸引投資。因菲律賓之報告係聚焦於自來水普及化，本報告僅就澳洲、印尼、香港經商便利度報告重要結論說明如下：

(一)澳洲報告「外人直接投資體制與自由化(FDI Regimes and Liberalization)」

- 1.影響外人直接投資(FDI)的因素包含勞動成本、基礎建設、國內市場規模、國際化程度、經濟與政治穩定及透明度、租稅誘因及投資制度(法規、爭端解決機制、及勞動法等)。
- 2.開放、穩定、透明的 FDI 制度可以增加 FDI，並有助於擴大 FDI 的效益。
- 3.FDI 自由化政策取決於國家整體發展策略的整合。
- 4.FDI 自由化政策是整體自由化的一環，需要國內市場自由化相關改革的支撐。
- 5.不同國家友善外人投資環境的方法不同，常見的方法包括：提供便利措施、租稅優惠、及經濟特區等，但以經濟特區方式來吸引 FDI，可能會降低 FDI 的外溢效果。
- 6.法律的穩定對於吸引外人投資、處理與當地供應商、勞工團體及政府可能發生的爭端、智財權保護而言相當重要。

(二)印尼報告「藉由改革及強化經濟法制架構以增加外人投資」

投資環境的改革是 APEC 區域合作最重要的項目之一，而吸引外人投

資的原則包括：與投資者進行諮商、整合投資相關法制架構、及檢視投資環境的弱項(weak points)等，並以該國的改革經驗佐證說明如下：

1.與投資者進行諮商

(i) 諮商的品質(quality of consultation)對於投資環境改革有重大的影響，而投資者對改善投資環境的要求是永無止盡的，印尼將投資者的意見與要求視為政府改善投資環境的最佳助力。

(ii) 印尼政府在 5 年前即與外國商會共同合作發展「經濟改革的路徑圖(Roadmap for Economic Reform)」，有助於凝聚改革共識、設定改革的目標，並提供務實的改革方案。在與外國商會諮商的過程中，印尼政府體認到無論是外人投資或是國內投資，風險與報酬及多樣化的投資選擇是影響投資的重要因素，而與企業界諮商及對話則有助於相關利益之調和，並為弱勢產業部門(struggling sectors)尋求配套措施，降低對產業的衝擊。

2.整合投資相關法制架構：良好的投資法規是吸引外人投資及促進國內投資的基礎，印尼的投資相關法規須由國會通過方能生效。印尼國會係獨立之立法機構，行政部門所提的法律草案須在國會進行討論。印尼國會藉由與相關業界的合作，調和各方利益，有助於提高投資相關法規(如投資政策與稅法、投資人保護、及競爭法等)的可行性。

3.檢視投資環境的弱項(weak points)：印尼政府成立 National Team，透過跨部門的合作及減少投資障礙，來促進投資與出口。同時，印尼政府也要求相關商會建立類似 National Team 的機制。

(三)香港報告「APEC 跨國併購對出口、直接投資及經濟成長的意涵」

為檢視 APEC 跨國併購的型態(pattern)、分析跨國併購對國際貿易、FDI 及 GDP 的影響，香港針對 APEC 會員體於 1980 年至 2007 年之跨國併購資料進行實證分析，並說明實證結果之政策意涵，摘要說明如下：

1.實證結果

- (i)APEC 區域內跨國併購數量有激增之現象。
- (ii)工業化國家(美國、加拿大、澳洲)及東亞新興國家是驅動跨國併購成長的主要動力。
- (iii)出口有助於跨國併購。
- (iv)跨國併購活動與該國之 GDP 呈現正相關。

2.政策意涵

- (i)APEC 區域內之跨國併購有助於 GDP 及貿易之成長。
- (ii)貿易自由化不僅有助於貿易，同時也可帶動跨國併購。
- (iii)區域自由協定(Regional Trade Agreements)不能有效促進跨國併購的進行。

參、心得建議與後續應辦事項

一、有關法制革新部分，APEC 各會員體降低行政負擔中，有 3 大趨勢：政府服務普遍 E 化、注重與各利益關係人之溝通，以及提供推動改革的誘因。

(一) 服務 E 化：墨西哥設置中央資訊網，匯集所有申辦行政程序，一般民眾與企業清楚理解准許申辦的事項與相關手續。行政程序因為上網，必須簡明易懂，此舉不僅將行政流程透明化，行政文化亦隨 E 化需求轉變為迅捷、明確、一致、公平，避免法規解釋歧異之弊。有關墨國作法，建議可送相關部會參考。

(二) 政府改革中，除了行政高層的強力支持，與所有利益關係人溝通，形成共識，尤為降低改革阻力之要素。OECD 專家 Dr. Josef Konvitz 指出荷蘭改革因未及早與利益關係人溝通，雖然改革成果出色，大選時仍未能獲得選民支持。此外，香港亦強調不論是政府內各相關部門間之協調，或是政府與私部門甚而一般大眾的溝通，均應納入改革過程，值得我國借鏡。我國可參考墨國企業開辦便捷網概念，將法規依影響性分級，分別訂定不同期限之諮商期，同時建立法規諮商最佳範例，供不同機關參考。

(三) 政府對於推動與執行改革者提供適當的獎勵措施，將可有效鼓勵公務員進行變革與承擔風險。

二、根據世界銀行之調查及研究，法院對商業糾紛事件處理效率，對投資或經商環境，具一定影響。我國在「執行契約」指標排名第 88 名，在 APEC 21 個經濟體排名第 16 名，排名不盡理想，後續似可參考世界銀行所提及包括訴訟文件電子化等 7 項建議，採行相關措施。另紐約州及新加坡同樣均建立訴訟文件電子化系統及針對複雜商業事件採用專庭或建立特別管理機制之作法，亦可供我國參考。

三、有關公部門治理議題之觀察與建議：

(一) 本次會議由我國主持之「提升公部門治理品質：實務與衡量」圓桌

論壇，獲得各會員體積極參與討論。觀察各會員體的討論與經驗分享可知，績效管理、課責、倫理防制貪腐及改善公共服務品質乃是各會員體於公部門治理的重要關切課題。未來我國應可針對這些公共治理議題，續為分享實務經驗，展現我政府改革成果，以及瞭解學習各會員體最新的改革趨勢與作法。

(二) 針對公部門治理議題，除前述論壇外，我國亦於 2008 年主辦「政府績效與成果管理研討會」與「電子治理研討會」。我方近年來積極參與 APEC EC 公部門治理的交流，在促進各會員體分享公部門治理的創新實務上，除已獲印尼等會員體的肯定與支持之外，也促進了以經濟課題為主軸的 EC，能從更全面性、結構性的課題來看待推動經濟改革的相關重要課題。

四、我國近年來於 EC 結構改革領域中有諸多重要參與，例如：我國於 2006 年和美國及香港率先進行「APEC-OECD 法制革新整合式查核清單」自我評量報告；另，於 2008 年辦理「電子治理研討會」等。我將提請 APEC 秘書處將上述成果納入 LAISR 2010 任務進展盤點工作的文件中，後續並將針對 EC 主席準備之進展報告提出綜合性意見。

五、有關我方是否參與「APEC 結構改革的體制架構與程序自願性檢視 (The APEC Voluntary Reviews of Institutional Frameworks and Processes for Structural Reform)」計畫，經建會法協中心將進一步蒐集資料評估我方參與之妥適性。

肆、附 件

附件一： EC2 會議議程(文件編號：2009/SOM2/EC/001)



**Asia-Pacific
Economic Cooperation**

2009/SOM2/EC/001
Agenda item: 2

Draft Annotated Agenda

Purpose: Information
Submitted by: EC Chair



**Second Economic Committee Meeting
Singapore
23-24 July 2009**

**APEC Economic Committee 2
Singapore, 23-24 July 2009
Draft Agenda**

DAY 1

9:00-9:20

- 1. Chair's opening remarks and introductions**
- 2. Adoption of the EC2 plenary agenda**
- 3. Report on SOM2**

The SOM Chair will give a brief presentation on the outcomes of SOM2 and its implications for the work of the Economic Committee.

9:20-12:45

4. Meetings of "Friends of the Chair" groups

For members to be able to attend all the FotC sessions of their interests, each FotC meeting will be given a non-overlapping time slot.

FotC coordinators will be asked to circulate a one page note, by a week before EC2, that briefly expresses what they plan to discuss during this FotC sessions. This will help participants decide which sessions to attend as well as what to focus on.

9:20-9:25 Request of ABAC on procedural fairness of competition policy

9:25-9:55 **SELI**

9:55-10:25 **Competition Policy**

10:25-11:00 **Coffee Break**

11:00-11:30 **Public Sector Governance**

11:30-12:15 **Regulatory Reform**

12:15-12:45 **Corporate Governance**

12:45-14:30 Lunch Break

13:00-14:30 Working Lunch of the PRIBE Steering Group

14:30-15:30

5. Prioritisation of Regulatory Reform to Improve the Business Environment, Supply Chain Connectivity Initiative (SCI) and an overall review of capacity building programme in the EC

Singapore will be invited to report on the preliminary list of priority areas for regulatory reform to improve the business environment, based on the World Bank's study on the Ease of Doing Business (EoDB) in APEC, the ABAC survey and the EC survey of the priority regulatory reform areas for APEC economies. EC Chair will also update the meeting on the discussions which took place at SOM2 regarding the PRIBE report and the preliminary list of priority areas submitted to SOM2 for consideration.

Peru will be invited to brief EC on its report on the Supply Chain Connectivity Initiative (SCI). EC Chair will provide an updated roadmap of PRIBE, SCI and propose other possible priority areas of

capacity building programmes within the EC based on the results of both the PRIBE report, SCI report and the capacity building survey that was circulated to economies last December.

15:30-16:30

6. APEC Economic Policy Report

1) 2009 AEPR

Part 1 of AEPR: A Regulatory Framework to Facilitate Structural Reform

Australia will brief the EC on the draft of Part 1 of the 2009 AEPR, and member economies will have the opportunity to provide feedback.

Part 2 of AEPR: Regulatory Reform in Enhancing the Domestic Business Environment

Singapore will brief the EC on the draft of Part 2 of the 2009 AEPR, and member economies will have the opportunity to provide feedback.

Part 3 Individual Member Economy's Report

Singapore will brief the EC on the summary of IERs, and member economies will have the opportunity to provide feedback.

2) 2010 AEPR

The US will provide an outline of 2010 AEPR.

16:30-17:00 Coffee Break

17:00-18:00

7. Brainstorming Session on Structural Reform for Restoring the Growth

The aim of this brainstorming session is to discuss possible directions of the structural reform initiatives in APEC taking account of the current economic conditions within the APEC region. The topics of the discussion may include the role of structural reform in addressing the challenges imposed by the current economic crisis and rebuilding the basis for sustainable growth, which in part was discussed at the round table on the implications of the crisis for structural reform at EC1 in February. The discussion will have implications on the directions of the LAISR initiatives in 2010 and the post LAISR agenda. More specifically, possible issues for discussion can be:

- What type of the policy measures could facilitate restoring the growth in the short-run as well as strengthening the basis for growth in the long-run?
- What would be the expected role of structural reform in overcoming the crisis and ensuring long-term growth?
- What needs to be done to ensure that efforts to reap the benefits of globalisation through economic integration and structural reform are not derailed amidst the increasing domestic pressures that are likely to rise against it, especially if global economic growth continues to be weak?
- What policy measures could be taken to facilitate more domestic demand-led growth?
- How should the measures to strengthen human capital and social safety net be designed to facilitate the growth?
- Are the current five LAISR themes still relevant and useful beyond 2010?
- Are there any other policy areas that EC should address beyond 2010?

The discussion will be conducted as a brainstorming session, which is not aimed at producing decisive outcomes. Lively discussion with exchange of ideas among EC members is expected. A brief note for discussion will be prepared by the EC Chair.

18:00-18:30

Meeting of AEPR Coordinating Group

EC Chair, Vice Chairs, Australia, Singapore and the US as well as interested economies will discuss how the 2009 AEPR and 2010 AEPR are to be organised.

DAY 2

9:00-10:00

8. Proposal on carrying out a stock-take of the progress in implementing the LAISR Forward Work Programme and structural reform in APEC economies

EC Chair will propose a process of conducting a stock-take of the progress in implementing the LAISR Forward Work Programme and structural reform in APEC economies. EC was directed in 2008 by ministers responsible for structural reform to report back to APEC Leaders in 2010 on the progress that had been made in these areas.

Possible Issues for Discussion include:

- what are possible deliverables to APEC Leaders in 2010?
- how should the stock-take exercise be carried out?
- what would be the key messages to APEC Leaders?
- what are possible next steps for strengthening efforts on structural reform

10:00-10:15

9. Report from APEC Secretariat Project Management Unit (PMU)

PMU will brief EC on the APEC projects approval process for 2009

10:15-12:30

10. LAISR Forward Work Programme

FotC Coordinators and CPLG Convenor will be invited to update the EC on their respective work programmes, economies with initiatives underway or recently completed will be invited to provide the EC with an update on progress/outcomes of these initiatives; and initiatives/project proposals seeking EC endorsement will be discussed.

Regulatory Reform

- Voluntary or Self-review of Institutional Frameworks and Progresses (Australia)
- Update on a proposed workshop on Public Consultation in the Rule Making Process (the United States)
- Project proposal on the SME Promotion Plan (the United States)
- Proposal on participation in the review of the APEC-OECD Checklist on Regulatory Reform (Japan)

11:00-11:30 Coffee Break

Competition Policy

- Update on a proposed APEC Training Course on Competition Policy (CPLG Convenor)
- Proposal on competition policy issues related to key infrastructure sectors (Hong Kong China)

Public Sector Governance

- Update on the work programme of the public sector governance FotC (New Zealand)

Corporate Governance

- Update on a proposed Workshop on the OECD Principles of Corporate Governance (the United States)

Strengthening Economic and Legal Infrastructure

- (tbd) Refocusing of SELI Work Programme on insolvency, debt collection and corporate restructuring to address the current crisis
- Update on the Seminar on Capacity Building for Sharing Success Factors in the Improvement of Investment Environment-Phase 2 (note: seminar currently scheduled for 27 July)
- Final report on the Study of Cross-border Merger and Acquisition within APEC and their implications for Exports, FDI and Economic Growth (Hong Kong China)

Policy Support Unit (PSU)

- The role of PSU in the EC process (PSU Manager)

12:30-14:00 Lunch Break

14:00-15:00

11. Update on fora work programmes

- Senior Financial Officials' Meeting (SFOM) Chair or Representative – Update on work programme
- Committee on Trade and Investment (CTI) Chair – Update on work programme
- Competition Policy and Law Group (CPLG) Convenor – Update on work programme
- APEC Business Advisory Council (ABAC) Representative – Update on work program, in particular the ABAC EoDB Survey
- (tbd) Pacific Economic Cooperation Council (PECC) Representative – Update on work programme

15:00-16:00

12. Round Table Discussion on the Improving Public Sector Governance Quality: Practice and Measurement

Round table discussion will be led by Chinese Taipei. The aim of the discussion is to provide a platform for economies to exchange practices and experiences related to the measurement of public sector governance. Possible topics for discussion include:

- What innovative approaches, initiatives, instruments or tools have economies recently implemented to measure good public governance (i.e. transparency, integrity, accountability, or overall measurement)?
- What motivated the use of these measurements?
- What benefits or risks resulted from implementing these measurements of good public governance?
- What challenges did economies face in implementing these measurements?
- What key essentials or lessons were learned from economies' experiences?

16:00-16:30

13. Other Business

Review of EC Operations

Discussion led by EC Chair on the follow-up to the proposals made at EC1 on the EC's operation.

Other items

- APEC Secretariat report

14. Chair's closing remarks

附件二： EC2會議文件一覽表(文件編號：2009/SOM2/EC/000)



**Asia-Pacific
Economic Cooperation**

2009/SOM2/EC/000

Agenda item: 13

Document Classification List

Purpose: Consideration
Submitted by: APEC Secretariat



**Second Economic Committee Meeting
Singapore
23-24 July 2009**

Document Classification List

Document No.	Title	Agenda Item	Submitted By	Public Release		Reason for Restriction	Derestriction Date (where applicable)
				Yes	No		
2009/SOM2/EC/000	Document Classification List - Second Economic Committee Meeting 2009	13	APEC Secretariat		√	Internal document	
2009/SOM2/EC/001	Draft Annotated Agenda - Second Economic Committee Meeting 2009	2	EC Chair	√			
2009/SOM2/EC/002	Economic Committee (EC) Chair's Report to Second Senior Officials' Meeting (SOM2)	3	EC Chair	√			
2009/SOM2/EC/003	Summary of the Roundtable Discussion on Public Sector Governance	10	Public Sector Governance FotC		√		
2009/SOM2/EC/004	APEC Business Advisory Council (ABAC) Proposal: Procedural Fairness in Competition Cases	4	ABAC		√	Under consideration	
2009/SOM2/EC/005	Report on Prioritisation of Regulatory Reform for Improving the Business Environment	5	Singapore		√	Under consideration	
2009/SOM2/EC/006	Improving the Business Environment in APEC	5	SOM Chair		√		
2009/SOM2/EC/007	Regional Economic Integration (REI) "Across the Border": Chokepoints in the Supply Chain	5	SOM Chair		√		
2009/SOM2/EC/008	Chain Connectivity Across APEC	5	Peru		√	Under consideration	
2009/SOM2/EC/009	Prioritising Capacity Building Programmes Within the APEC Economic Committee	5	EC Chair	√			
2009/SOM2/EC/009a	Highlights of the Economic Committee Capacity Building Survey Preliminary Results	5	EC Chair	√			
2009/SOM2/EC/009b	Economic Committee Capacity Building Questionnaire Results	5	EC Chair	√			
2009/SOM2/EC/010	APEC Economic Policy Report (AEPR): Draft Chapter 1: A Regulatory Framework to Facilitate Structural Reform	6	Australia		√	Draft	
2009/SOM2/EC/011	Draft APEC Economic Policy Report (AEPR) Chapter 2: Measuring Regulatory Reform to Improve the Business Environment in APEC	6	Singapore		√	Draft	
2009/SOM2/EC/012	APEC Economic Policy Report (AEPR): Draft Chapter 3: Overview - Regulatory Reforms in APEC Economies	6	Singapore		√	Draft	
2009/SOM2/EC/013	APEC Economic Policy Report (AEPR): Compilation of Individual Economy Reports	6	Singapore		√	Draft	
2009/SOM2/EC/014	The Agenda for Inclusive Growth – Discussion Paper	7	SOM Chair		√	Under consideration	

Document No.	Title	Agenda Item	Submitted By	Public Release		Reason for Restriction	Derestriction Date (where applicable)
				Yes	No		
2009/SOM2/EC/015	Possible Issues for Post Leaders' Agenda to Implement Structural Reform (LAISR) Agenda (Provisional Draft)	7	EC Chair	✓		Under consideration	
2009/SOM2/EC/016	The Roadmap of Leaders' Agenda to Implement Structural Reform (LAISR) Stock-Take Exercise in 2010 (Proposal)	8	EC Chair	✓		Under consideration	
2009/SOM2/EC/017	The Global Economic Crisis: Effective Responses and Policy Strategies to Address the Human Impact	10	Policy Support Unit, APEC Secretariat	✓			
2009/SOM2/EC/018	Proposal on Reducing Start-Up and Establishment Time of Businesses	10	United States	✓		Under consideration	
2009/SOM2/EC/019	Consolidated Leaders' Agenda to Implement Structural Reform (LAISR) Forward Work Programme	10	EC Chair	✓		Under consideration	
2009/SOM2/EC/020	Preliminary Draft for the Future Training Course on Competition Law / Policy	10	CPLG	✓		Under consideration	
2009/SOM2/EC/020a	Future Training Course on Competition Law / Policy- Appendix I: Results of the Survey on Training Theme	10	CPLG	✓		Under consideration	
2009/SOM2/EC/021	Issues Paper for Review of Institutional Frameworks (Preliminary Draft)	10	EC Chair, Australia	✓		Draft	
2009/SOM2/EC/021a	Amendments to Issues Paper for Review of Institutional Frameworks	10	EC Chair, Australia	✓		Draft	
2009/SOM2/EC/022	Cross-Border Mergers and Acquisitions Within APEC and Their Implications for Exports, Greenfield Foreign Direct Investment (FDI), and Gross Domestic Product (GDP)	10	Hong Kong, China	✓		Draft	
2009/SOM2/EC/022a	Cross-Border Mergers and Acquisitions Within APEC and Their Implications for Exports, Greenfield Foreign Direct Investment (FDI), and Gross Domestic Product (GDP) - Presentation	10	Hong Kong, China	✓			
2009/SOM2/EC/023	Discussion Paper for the Roundtable on Improving Public Sector Governance Quality: Practice and Measurement	12	Chinese Taipei	✓			
2009/SOM2/EC/024	Review of the Terms of Establishment	13	EC Chair	✓		Under consideration	
2009/SOM2/EC/025	Nomination for Economic Committee (EC) Vice-Chair: CV of Ms Huda Bahweres	13	Indonesia	✓		Under consideration	
2009/SOM2/EC/026	APEC Secretariat Report on APEC Developments	13	APEC Secretariat	✓			
2009/SOM2/EC/027	APEC Report on Structural Reform Activities	13	APEC Secretariat	✓			
2009/SOM2/EC/028	Selected Bibliography of Resources on Competition Policy	10	Hong Kong, China	✓			
2009/SOM2/EC/029	Brainstorming Session on Structural Reform for Restoring Growth	7	Hong Kong, China	✓			

Document No.	Title	Agenda Item	Submitted By	Public Release		Reason for Restriction	Derestriction Date (where applicable)
				Yes	No		
	Hong Kong, China's Experience						
2009/SOM2/EC/030	Restructuring of Future Strengthening Economic Legal Infrastructure (SELI) Activities - Discussion Points on SELI Friends of the Chair (FotC)	4	Japan		√		
2009/SOM2/EC/031	Public Sector Governance: Proposed Roundtable Discussion on Improving Public Sector Governance Quality: Practice and Measurement - A Contribution of the Ministry of Public Administration of Mexico	12	Mexico	√			
2009/SOM2/EC/032	Public Sector Governance in Indonesia	12	Indonesia	√			
2009/SOM2/EC/033	APEC 2009 Agenda - Overview and Update	3	SOM Chair	√			
2009/SOM2/EC/034	Experience Sharing: A New System for Chinese Taipei Public Governance Evaluation	12	Chinese Taipei	√			
2009/SOM2/EC/035	Round Table Discussion - Improving Public Sector Governance Quality - Practice and Management - Japan's Case	12	Japan	√			
2009/SOM2/EC/036	Update by Senior Finance Officials' Meeting (SFOM) Chair	11	SFOM Chair	√			

附件三: Issues Paper for Review of Institutional Frameworks (Preliminary Draft)
(文件編號: 2009/SOM2/EC/021)



**Asia-Pacific
Economic Cooperation**

2009/SOM2/EC/021
Agenda Item: 10

Issues Paper for Review of Institutional Frameworks (Preliminary Draft)

Purpose: Consideration
Submitted by: EC Chair & Australia



**Second Economic Committee Meeting
Singapore
23-24 July 2009**

**Issues Paper for Review of Institutional Frameworks
(Preliminary draft)**

Prepared by EC Chair and Australia

10 July, 2009

Background

EC members discussed the way of implementing the *Review of Institutional Frameworks* at EC1 in February 2009, based on the proposed roadmap on voluntary reviews of institutional frameworks and processes for reform. The issues arising from the discussion include:

- whether there is any added value for those five economies that had already completed the APEC-OECD Checklist to carry out a voluntary review
- whether EC should adopt two tier approach in which volunteer economies can choose either peer or self review
- the expected role of PSU in supporting the review

This paper consists of two parts. The first section proposes some amendments to the roadmap of the review to reflect the comments suggested at EC1. The second section provides a preferred set of attributes of effective institutions or processes that support structural reform in order to help the EC members to understand the nature of the review. The latter, with possible modifications, could be a core part of the first edition of the "Handbook", which will be prepared by the PSU.

1. Proposed amendments to roadmap and processes

The following section summarises the major points of the proposed modifications to the roadmap for review (see Appendix 1 for the modified roadmap).

Processes for review

- A basic framework is kept the same as the original proposal where a consultant or the Policy Support Unit (PSU) is to carry out the reviews and produce a draft report.
- It is made explicit that the volunteering economy has a choice between a self review or a peer review.
- In a self review, the volunteering economy edits the draft report before tabling it for discussion at the Economic Committee.
- In a peer review, the draft report will be tabled for the review at the Economic Committee without a prior screening by the volunteering economy. The volunteering economy has, of course, a chance to make comments on the draft at a peer review session. The report will be finalised by the PSU itself, or by the consultant with the support of the PSU.
- The report may or may not be published depending on the decision of the volunteering economy. If it is to be published, the draft report should either be modified taking account of the EC's discussion or be accompanied by the record of EC's discussion. Even if the report is not published, the agenda of the EC meeting that includes the review as an agenda item will be made a public document.

Proposed schedule

- The PSU has offered to prepare a handbook to help guide the review. The second section of this paper, with possible modification, will be a core part of the first edition of the "Handbook for Voluntary Review of Institutional Frameworks". It will be finalised intersessionally so that economies can start to consider if they are willing to volunteer.
- Volunteering economies will be invited to offer themselves for a review in September so that the first discussion on a draft report can be conducted at EC1 2010.
- After the completion of a few reviews, the Economic Committee should evaluate the scope and

the processes adopted as well as the set of questions and adjust them as required.

- EC's consideration of the review for an economy should take 2-3 hours. If an EC meeting is to review more than one economy, it would need to have a special session in addition to the plenary meeting.
- After reviewing several economies, EC will develop a synthesis report that summarises what EC has so far learnt through the reviews.

Complementary nature with the "APEC-OECD Integrated Checklist on Regulatory Reform

Although the first chapter of the APEC-OECD Integrated Checklist on Regulatory Reform, namely Horizontal Criteria concerning Regulatory Reform, contains similar questions to those listed below, the proposed review has a number of different aspects from the application of the Integrated Checklist.

First, the main focus of the review will be the role of a horizontal institution, although we will pay attention on the functions of sector-specific institutions as well. The review can be conducted without necessarily involving line ministries.

Second, the review is not decomposed with respect to policy fields, such as regulatory, competition and market openness, but seeks for an institution that can cover all such aspects. Its viewpoint is more synthetic and comprehensive.

Third, it focuses on more institutional aspects and policy process than the Integrated Checklist, as an appropriate institutional setting may be effective in making sure that reform orientation is sustained and applied for various issues.

Fourth, the PSU or the consultant will provide a support to the volunteering economy in helping to draft the responses to questionnaire, preparing the initial draft of the review and providing clear recommendations for improving institutional framework.

In summary, the proposed review is broader but more concise than the application of the Integrated Checklist. Thus an economy which has already applied the Integrated Checklist is well recommended to volunteer for this review as they can expect new findings that would result in an improvement in the design and management of a horizontal institution even if there already exists one.

2. Proposed examining points of the review

Although it is difficult to identify a complete set of the attributes of effective reform institutions/process backed by solid empirical analyses, building a broad consensus on a set of "working hypotheses" could provide the reviewers or PSU with rough guiding principles to conduct the review of institutional framework. At a later stage, such working hypotheses should be reviewed periodically to reflect the latest experiences of member economies.

Features of effective institutions that support structural reform

A political economy approach to structural reform examines the political determinants of change and how governments can use institutions, strategies and processes to achieve reform through consensus. The Ministerial Meeting of Structural Reform (SRMM) in 2008 discussed various aspects of a political economy in promoting structural reform. As a part of the discussion at SRMM, a discussion paper titled "The Political Challenges of Structural Reform" (2008/SRMM/002) tried to extract the attributes of effective institutions or processes for reform from the experiences of member economies. The suggested features of reform institutions/processes include:

- 1) **Mandate:** A mandate to undertake policy research, analysis, review and advise government and other stakeholders, including citizens is integral to an effective institutional framework supporting structural reform.
- 2) **Governance:** Membership of the responsible board, commission, taskforce or inquiry should include a range of stakeholder views and interests drawn from different sectors of the economy including government, citizens and business.

- 3) **Budget:** Certain, secure budget funding is necessary to ensure that institutions have adequate resources to perform its role in advancing structural reform free from political interference.
- 4) **Independence:** Institutions should have legal or informal independence from government and not be subject to government policy when performing its role.
- 5) **Authority:** Institutional authority is necessary so that it is a persuasive advocate for reform. The appointment of a strong chairperson who is influential and credible amongst stakeholders, including government, citizens and business, will enhance the authority of an institution.
- 6) **Transparency:** Transparency has two aspects: firstly, institutions should conduct public consultation; and, secondly, analysis and recommendations formulated by the institution and presented to government should be made public.
- 7) **Economy wide perspective:** This means all analysis and recommendations made by the institution are based upon a complete and comprehensive understanding of the net benefits and costs of reform.

A set of questions in Review of Institutional Framework

The following set of questions specified in the proposed review of institutional framework has come out from the discussion at SRMM. Each question is linked to one or several attributes suggested in the aforementioned discussion paper. Appendix 2 summarises the discussion or analyses which could help understanding the aim of questions, drawing on the existing reports including the discussion papers submitted to SRMM, AEPRs and APEC-OECD check-list on regulatory reform.

- a) *What institutions or institutional processes are in place to promote structural reform and policy within the economy?*
This question asks a general setting of framework for reform. Some aspects of the **attribute 1 (mandate) and 5 (authority)** may be relevant.
- b) *Are institutions responsible for presenting an economy-wide perspective or are they focused upon specific sectors or industries? Are institutions or processes in place to facilitate whole of government policy development and coordination?*
This question is directly linked to the **attribute 7 (economy wide perspective)**
- c) *What governance arrangements are in place to ensure that institutions and processes are independent, and are seen to be independent, from government or particular interest groups¹? How do these arrangements ensure that a broad cross section of community perspectives, including government, business and citizens are represented? What factors are important in ensuring that these institutions and processes are authoritative and credible across society?*
This question is directly linked to the **attribute 2 (governance)**.
- d) *Is the analysis and advice provided by policy review institutions presented in a transparent way²? What obligations, if any, are placed upon government to consider, accept or reject their analysis and advice? Is the government required to make public its response?*
This question is linked to the latter half of the **attribute 6 (transparency)**.
- e) *What institutions or processes are in place to facilitate public consultation processes and dialogue? Are these processes transparent?*
This question is linked to the first half of the **attribute 6 (transparency)**.
- f) *Describe how institutions and processes interact to drive structural reform?*
This question asks how regulatory processes or policy tools could help institutions to promote reform. Some elements of the **attribute 1 (mandate)** are relevant.
- g) *What mandate do these institutions have to perform its role? Is this mandate legal or otherwise in nature?*
This question is directly linked to **attribute 1 (mandate)**.

¹ This question has been slightly modified by adding "or particular interest groups" at the end of the sentence.

² This question has also been slightly modified by adding "provided by policy review institutions" following "research and analysis".

h) *Are these institutions or processes required to conform to existing government policy in the provision of its analysis and advice?*

This question asks whether the reform institutions have the mandate to explore alternative options beyond the existing policies. Hence, some aspects of the **attribute 1 (mandate)** are relevant.

i) *Are budget and structural reform policy the responsibility of one institution or body such as a central ministry or department?*

This question is linked to some aspects of the **attribute 5 (authority)**.

j) *Do these institutions and bodies have secure, certain and adequate budget funding to perform its role?*

This question is directly linked to the **attribute 3 (budget)**.

Additional set of questions

In addition to the above original set of questions, it would be useful to discuss whether there are any additional questions to cover important elements of reform institutions. The following set of questions is such an example.

k) *In what way do these institutions make sure that they are equipped with sufficient expertise in addressing sectoral issues and that such expertise is not unduly affected by the vested interests?*

This question is linked to the **attributes 4 (independence) and 5 (authority)**.

l) *How much are these institutions equipped with professional staff and/or analytical tool that enables analyses of the impacts of reform, including overall impact on growth?*

This question is linked to the **attributes 3(budget) and 7(economy wide perspective)**.

m) *Have there been any efforts, in terms of institutional setting or management, with an aim to enable the economy to hit the best balance between the continuity/consistency in reform initiative and flexibility to cope with a possible change in the political leadership?*

This question is linked to the **attributes 1 (mandate) and 4 (independence)**.

Possible introductory step

In order to facilitate a kick-start of the review process, it may be a good idea to invite volunteering economies to the introductory process, in which those economies are asked to explain how they have managed each process of reforms based on their experiences of particular successful reforms. More specifically, the following set of initial questions will be asked in the context of those particular reforms. Such introductory step could help volunteering economies to proceed smoothly to the next set of questions described above, while providing the reviewers (PSU or consultant) with useful background information. Moreover, comparison of the samples of successful reforms and the institutional setting of the reviewed economies could enable the reviewers to extract implication of institutional settings for reform relatively easily. An example of the set of initial questions is as follows.

- *How and by which institutions was the problem identified in the first place?*

- *Which institutions or processes developed policy options for solution?*

- *In what way were the stakeholders consulted?*

- *How was the final decision made?*

- *How was this decision communicated within the government?*

- *What processes were required to implement the decision?*

- *How and by which institutions was the effect of the reform evaluated?*

Issues for Discussion

To reach an agreement on the broad direction of the review, EC members would be requested to discuss the following issues.

Q. Is the set of attributes of institutions/processes for reform described above comprehensive enough to cover the experiences of member economies? If not, what should be added?

Q. Do questions in the review of institutional framework appropriately reflect the attributes of institutions/processes for reform? If not, what are the suggested modifications?

Q. How effective would the approach with an introductory step as described above (starting with analyses of successful cases) be? Is there any suggestion for incorporating case studies in a different and more effective way?

Appendix 1

The Roadmap of Voluntary or Self-review of Institutional Frameworks and Processes for reform (revised)

Background

On 3 – 5 August 2008, the Ministers of the APEC economies convened an APEC meeting on structural reform in Melbourne Australia. At the conclusion of the meeting, the Ministers provided the following instructions to the Economic Committee in the Joint Ministerial Statement.

Reviews of institutional frameworks

We agree on the importance of building robust institutional frameworks and processes that can help governments achieve sustainable structural reform.

With the aim of complementing the APEC-OECD Integrated Checklist for Regulatory Reform, we ask the Economic Committee to further develop a process of voluntary reviews or self-review of economies' institutional frameworks that support structural reform. This will assist in building and maintaining effective institutions to support reform efforts.

Action point

We ask the Economic Committee to report back to APEC Leaders through Senior Officials on the progress of developing the voluntary or self review process."

This paper provides an idea as to how the Economic Committee may progress the development and implementation of the reviews based on the discussion at EC1 2009 and preceding EC meetings.

Proposed objective

As per the Joint Ministerial Statement, the objective of the reviews should be to assist the APEC economies to build and maintain effective institutions to support reform efforts.

Proposed scope

The reviews should be aimed at:

- carrying out a review of how reforms are generally initiated and decisions made in the volunteering economy and through this process, identifying key institutions or institutional processes that are in place to promote and drive structural reform and policy;
- analysing the institutions' capacities against an agreed standard set of questions (set out in Appendix 2) ;
- identifying significant gaps, including lack of appropriate institutions; and
- making clear and practical recommendations for the volunteering economy to consider in order to strengthen its institutional framework and processes for reform.

Proposed process for reviews

- Engage a consultant (either paid by member economies' contributions or by APEC funds) or the Policy Support Unit to carry out the reviews.
- Provide the consultant or the PSU with clear terms of reference, including the objective and the scope of the reviews, and a point of contact for the volunteering economy.
- The volunteering economies should provide a point of contact for the consultant or the PSU to engage with and help facilitate information gathering and consultation.
- The consultant or the PSU will carry out the review over 2 – 3 months and produce a draft report with clear recommendations.
- The volunteering economy has a choice between a self review and a peer review.

- In a self review, the volunteering economy edits the draft report before tabling it for discussion at the Economic Committee.
- In a peer review, the draft report will be tabled for the review at the Economic Committee without a prior screening by the volunteering economy. The volunteering economy has, of course, a chance to make comments on the draft at a peer review session. The report will be finalised by the PSU itself or the consultant with a support of the PSU.
- The report may or may not be published depending on the decision of the volunteering economy. If it is to be published, the draft report should either be modified taking account of the EC's discussion or be accompanied by the record of EC's discussion. Even if the report is not published, the agenda of EC that includes the review as an agenda item will be published
- The Economic Committee will provide assistance as necessary for the volunteering economy to implement recommendations.

Appendix 2

Appendix 2 summarises the discussions and analyses relevant to each question of the institutional review, drawing on the existing reports including the discussion papers submitted to SRMM, AEPRs, APEC-OECD check-list on regulatory reform and others.

a) What institutions or institutional processes are in place to promote structural reform and policy within the economy?

Discussion Paper titled “How a Regulatory Reform Framework Facilitates Structural Reform” (2008/SRMM/006) provides a broad picture of mechanisms and institutions to oversee regulatory reform.

Structural reform is often driven by a central oversight body which has primary responsibility for reform. Various other institutions also play an important supplementary role in promoting reform.

- **Central oversight body** vary widely in function and design. Its function often includes the advisory role, the gatekeeper role and the advocacy role.
- **Executive or key policy decision-making body** is a key source of regulation in proposing new laws to parliament and in establishing secondary rules to give effect to primary legislation.
- **Legislative body** such as parliament has formal responsibility for reviewing and enacting primary legislation.
- **Independent regulators** are public bodies in charge of regulating specific aspects of an industry by enforcing rules, dispensing penalties and authorising the issue of licences.
- **Independent, external advisory bodies** are often established to provide official and expert advice to government on specific regulations and aspects of an industry.

b) Are institutions responsible for presenting an economy-wide perspective or are they focused upon specific sectors or industries? Are institutions or processes in place to facilitate whole of government policy development and coordination?

2007 AEPR suggests in its second chapter, “Using Institutions to support Structural Reform”, that a policy review institution needs to look beyond narrow sectional interests, and to consider net gains on the economy as a whole. As tracing though all the economic effects of a particular reform on all the various stakeholders can require considerable analytical capacity, it is important to ensure that a policy review institution has access to analytical resources including skills in modelling and cost benefit analysis.

APEC-OECD check-list suggests that, to avoid unnecessary duplications and contradictions, all appropriate official bodies including authorities of regulation, trade and competition as well as private sector bodies with regulatory responsibilities should be informed and consulted when planning a reform. It is also suggested that a lack of coherence and consistency among central, regional and local regulations may reduce the quality of the reform strategy. Where regulatory powers are shared between levels of government, the establishment of formal mechanisms for coordination within and between governments could increase the benefits of reform.

c) What governance arrangements are in place to ensure that institutions and processes are independent, and are seen to be independent, from government or particular interest groups? How do these arrangements ensure that a broad cross section of community perspectives, including government, business and citizens are represented? What factors are important in ensuring that these institutions and processes are authoritative and credible across society?

Institutions responsible for reform must be seen as independent from particular interests. Reputation of credibility and impartiality of reform institutions can serve to promote reform by fostering consensus on key issues.

In this regard, the governance of the institutions needs to be set to ensure independence through, for example, appointing board members to reflect wide range of community perspectives. **SRMM/002** suggests that the membership of the responsible board, commission, taskforce or inquiry should

include a range of stakeholders' views and interests drawn from different sectors of the economy including government, citizens and business.

As suggested by many studies, the efforts to provide high quality research and to improve transparency in consultation and communication process would also help building credibility and reputation of impartiality.

d) Is the analysis and advice provided by policy review institutions presented in a transparent way? What obligations, if any, are placed upon government to consider, accept or reject their analysis and advice? Is the government required to make public its response?

A policy review institution can improve the quality of policy-making by conducting research and analysis and by informing stakeholders as well as the general public of their outcomes. The quality of analysis underlying reform can affect prospects for both adoption and implementation of reform.

SRMM/002 and 2007 AEPR suggest that a policy review institution needs to ensure the transparency of the arguments and analysis put to it. Conducting public consultation can help increasing transparency. Furthermore, it is also important to ensure that analysis and recommendations formulated by the institution and presented to government should be made public to increase the transparency of its own advice to government.

e) What institutions or processes are in place to facilitate public consultation processes and dialogue? Are these processes transparent?

Effective communication and consultation efforts serve to generate support for reform and to enable the authorities to identify potential problems. **2007 AEPR** suggests that policy development process ideally requires two rounds of consultation, one at the inception of policy review to start develop ideas and again after the preparation of a draft report that outlines the full analysis and possible solutions.

SRMM/002 and 2007 AEPR stress the importance of the role of an independent policy review process or institution in providing analyses and policy options, while building popular acceptance of reform through an ongoing dialogue with all stake holders.

2007 AEPR also suggests that transparency can be increased for example by holding its consultations in the form of public hearings, or by publishing summaries of its consultations shortly afterwards.

f) Describe how institutions and processes interact to drive structural reform?

SRMM/002 refers to the interaction between institutions. An effective institutional framework may comprise one or more institutions or bodies, while the role and interactions between institutions may also differ from time to time. The interaction between the different bodies that make up the institutional frameworks supporting structural reform and the relationship between these institutions and government is a critical factor in determining their effectiveness in advancing structural reform and building consensus. Whilst the outward form of this relationship may vary, high level access to government and senior decision makers is critical.

Regulatory tools and processes for improving the quality of regulation such as Regulatory Impact Analysis (RIA) could help enhancing the performance of institutions responsible for reform. RIA is widely used as a tool for systematically analysing and communicating the impacts of new and existing regulations. Reform institutions or specialised bodies often oversee RIA process and get feedback from the RIA exercise, which, in turn, can be used for planning broad reform policy. Further details of the RIA are described in **SRMM/006**.

g) What mandate do these institutions have to perform its role? Is this mandate legal or otherwise in nature?

SRMM/006 provides some examples of the roles that institutions responsible for reform are expected to play.

- The **advisory role** involves providing advice and support to regulation makers to assist them

in complying with government policies aimed at regulatory quality assurance. This can involve the publication and dissemination of written guidance and the provision of training on topics such as aspects of the RIA processes and techniques. It may also involve a more specific, 'hands on' approach, whereby the central unit provides advice to regulators in the context of their development of particular regulations.

- The **gatekeeper role** involves challenging and controlling the quality of draft regulations. This function centres on the ability of the oversight body to question the technical quality of RIA and of the underlying regulatory proposals and is likely to be based on compliance with a checklist. The gatekeeper function may also involve checking and enforcing compliance with procedural requirements, such as aspects of the consultation process.
- The **advocacy role** involves the promotion of long term regulatory reform framework goals, including policy change, the development of new and improved tools and institutional change. This role sees the oversight body as an active player in the policy formulation process. Sometimes this advocacy role is undertaken by an external body appointed by government.

h) Are these institutions or processes required to conform to existing government policy in the provision of its analysis and advice?

SRMM/002 suggests that independent policy review and advisory bodies commonly have a mandate to act as an independent voice for structural reform that extends beyond an immediate short term timeframe and adopts a long term focus to drive reform.

2007 AEPR also suggests that the policy review agencies should not be bound by current government policy. Such mandate enables policy review institutions to provide a full critique of current government policy settings in conducting its review, which is a necessary first step in developing and promoting structural reform.

g) Are budget and structural reform policy the responsibility of one institution or body such as a central ministry or department?

SRMM/002 suggests the importance of a role of central ministries and agencies in promoting reform. A central ministry with explicit responsibility for structural policy is well placed to advance structural reform on a whole of government basis due to its horizontal, economy wide perspective, access to senior decision makers and capacity to secure budget funding. Its central coordinating role also means it can build consensus by negotiating policy approaches between different, sectoral interests that may exist within the government. Control of the government's budget will also mean a central ministry has the authority to require adherence to, and implementation of, structural reform policy.

Policy coordination from a central ministry perspective is particularly valuable where sectoral or industry based ministries have primary carriage of sectoral policy and an economy wide perspective is needed to maintain the integrity of structural reform policy on a whole of government basis.

h) Do these institutions and bodies have secure, certain and adequate budget funding to perform its role?

As **2007 AEPR** suggests, a policy review institution will be subject to inevitable attack from vested interests, and so needs to protect its credibility and independence in the face of such attacks. Credibility is enhanced if the organisation has the resources to ensure that its analysis is of highest quality. In this sense, secure, certain and adequate budget funding is necessary to ensure that institutions have adequate resources to perform its role in advancing structural reform free from political interference.



**Asia-Pacific
Economic Cooperation**

2009/SOM2/EC/021a
Agenda Item: 10

Amendments to Issues Paper for Review of Institutional Frameworks

Purpose: Consideration
Submitted by: EC Chair and Australia



**Second Economic Committee Meeting
Singapore
23-24 July 2009**

Amendments to Issues Paper for Review of Institutional Frameworks

The following text is to replace the existing section on *Processes for review* on page 2 of the Issues paper.

"Processes for review

- After some discussion, the Friends of the Chair Group on Regulatory Reform agreed on 23 July 2009 that the review will not adopt a two-tiered approach in which volunteering economies can choose either peer or self reviews. Instead, it will have only one approach which will be used consistently for all reviews.
- The Policy Support Unit (PSU) or a consultant with the support of the PSU will carry out the reviews.
- The PSU or a consultant with the support of the PSU will actively engage the volunteering economy throughout the review.
- The PSU or a consultant with the support of the PSU will produce a draft report.
- The volunteering economy will be able to provide, in writing, its response to the draft report. This response will form part of the report to be tabled for discussion at the Economic Committee.
- Following the discussion at the Economic Committee meeting, the PSU or a consultant with the support of the PSU will finalise the report.
- The volunteering economy will decide whether or not the report will be published."

The following text is to replace the existing 2nd dot point of *Proposed schedule* on page 2 of the Issues Paper.

"Volunteering economies will be invited to volunteer themselves for a review in October 2009 so that the first discussion on a draft report can be conducted at EC2 2010."

**附件四：Report on Prioritisation of Regulatory Reform for Improving the
Business Environment (文件編號：2009/SOM2/EC/005)**



**Asia-Pacific
Economic Cooperation**

2009/SOM2/EC/005

Agenda item: 4

Report on Prioritisation of Regulatory Reform for Improving the Business Environment

Purpose: Consideration
Submitted by: Singapore



**Second Economic Committee Meeting
Singapore
23-24 July 2009**

PRIORITISATION OF REGULATORY REFORM FOR IMPROVING THE BUSINESS ENVIRONMENT

Background

1. At SOM 1 in February 2009, APEC Senior Officials and the Economic Committee agreed that the three main elements of an APEC Action Plan on the prioritisation of regulatory reform for improving the business environment would involve:

- (a) Identifying priority areas for regulatory reform, using the 10 *Ease of Doing Business* (EoDB) areas as the basis for prioritisation¹
- (b) Building capacity for reform, with a focus on priority areas identified
- (c) Setting measurable targets for our reform efforts, to demonstrate to businesses that progress has been made through APEC.

2. The EC-World Bank study on *Ease of Doing Business in APEC* noted that economic crisis was a strong impetus for reform. The current economic downturn has indeed added greater urgency for regulatory reform initiatives, to ensure that APEC remains open for trade, businesses are able to flourish and workers are able to find jobs despite difficult conditions.

3. The EC-World Bank study highlighted that a desire by economies to improve competitiveness is a key driver for ensuring successful regulatory reform. It is thus timely for APEC member economies to commit to implementing impactful reforms. Reforms where progress can be measured, so as to send a strong signal to businesses that APEC is moving. Reforms that improve our domestic business environment, foster continued economic growth and development in the Asia-Pacific region, and ultimately ensure a more competitive APEC emerging out of the crisis.

Preliminary List of Priority Areas Identified by the Economic Committee

4. This paper lays out the APEC Economic Committee's preliminary list of priority areas for regulatory reform for SOM2's consideration. The evaluation was prepared by a special EC PRIBE² task force formed at EC1, taking into account feedback and analysis from three different sources:

- (a) Feedback from an ABAC survey of our business stakeholders, to ensure that we are receptive to the needs of businesses
- (b) Feedback from APEC member economies on their reform priorities, to ensure that we are cognisant of the domestic agenda of member economies and can adapt our programmes to meet their needs
- (c) Results of a World Bank consultancy study on the economic impact of regulatory reforms, to ensure that we pursue reforms which are truly impactful in improving APEC's economic competitiveness.

(A) Listening to Stakeholders – ABAC Survey of Business Priorities

5. ABAC conducted a survey³ to determine the top areas of regulatory barriers faced by businesses when doing business in APEC. As businesses are the drivers of growth, employment and economic development in APEC, obtaining and responding to feedback from business stakeholders in APEC is a key focal point of PRIBE. As part of the survey, businesses were asked to identify priority areas for reform as well as recommend possible improvements that APEC member economies could undertake in these priority areas

6. Thus far⁴, the ABAC survey on business priorities has reached out to more than 200 respondents operating across APEC member economies and from a variety of sectors. The top three

¹ Explanatory notes on the World Bank's Doing Business indicators are at Annex A. The strength of the EoDB indicators is that they are tangible figures that can be used to monitor progress. But, we recognise that no indicator is perfect, and even the World Bank has been fine-tuning the indicators over time.

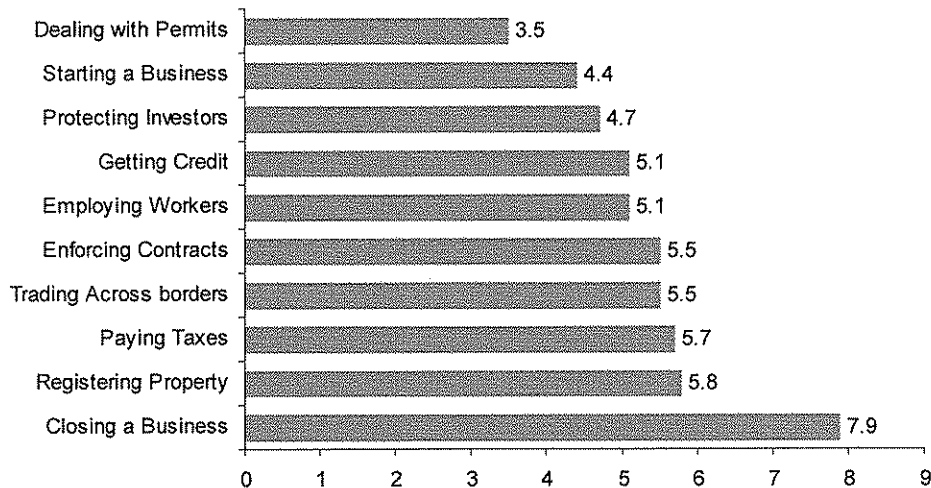
² PRIBE = Prioritisation of Regulatory Reform for Improving the Business Environment.

³ A sample ABAC survey form is at Annex B.

⁴ The ABAC survey was slated to close by end April 09, but the deadline was extended to 30 June 2009 to allow more businesses to respond. The finalised ABAC survey results will be taken into account in the final submission

priorities identified by the responders are in the areas of **Dealing with Permits**, **Starting a Business**, and **Protecting Investors**. The areas of **Employing Workers** and **Getting Credit** are tied 4th. The average rank for various areas is at [Exhibit 1](#).

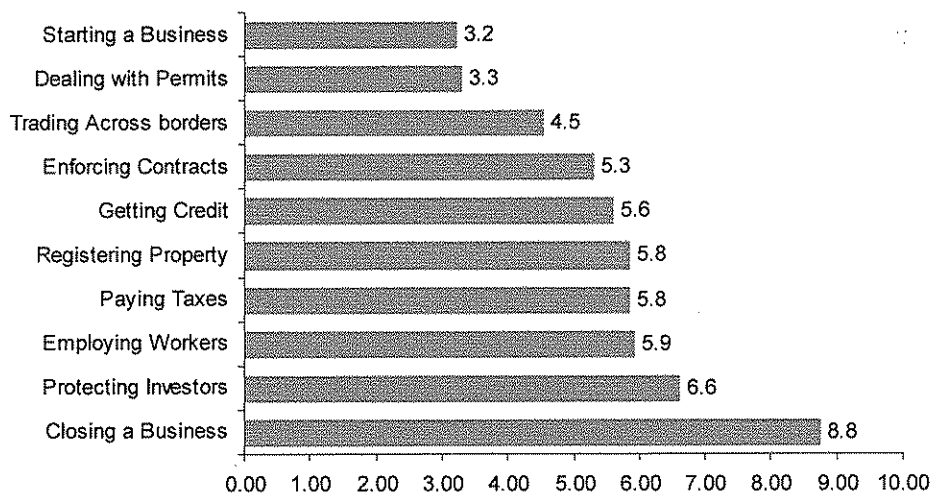
Exhibit 1: Average rank of Priority Areas in ABAC survey



(B) Responding to Demand – EC Survey of Economies' Reform Priorities

7. A similar survey on priority areas for regulatory reform was conducted concurrently by the EC⁵. This PRIBE survey was distributed to APEC member economies, asking for their priority areas for regulatory reform to improve the business environment in APEC. Thus far, responses have been received from almost two-thirds of APEC member economies. From the survey, economies' top five priorities, in order of priority, are **Starting a Business**, **Dealing with Permits**, **Trading Across Borders**, **Enforcing Contracts** and **Getting Credit**. The average rank for the various areas is at [Exhibit 2](#).

Exhibit 2: Average rank of Priority Areas in the EC's PRIBE survey



to SOM2, but has not been incorporated in this version that is being circulated to EC for comments. This version uses the results presented at ABAC1.

⁵ A sample EC survey form is at [Annex C](#).

(C) Ensuring Impact in Action – World Bank Study on Economic Impact

8. A final source of analysis was the EC-World Bank study commissioned by EC in 2008, and completed in 2009, to measure the impact of regulatory reform in APEC on economic outcomes. The EC-World Bank study analysed the impact of regulatory reforms associated with each of the EoDB indicators, and proposed recommendations on how reforms could be carried through to ensure that they achieved their goal of improving the business environment.⁶ Regulatory reform in 3 areas were identified by the World Bank study to be statistically significant in terms of having an impact on economic outcomes, namely **Getting Credit; Starting a Business; and Enforcing Contracts**.

9. Each of these indicators was associated with a different positive economic outcome. For example, an improvement in the credit information index was associated with higher investments. Reducing the time needed for starting a business was associated with higher firm entry rates and credit disbursement to the private sector. These reforms as well as a reduction in the time and number of procedures it takes to enforce contracts were associated with higher investments in external-financing-dependent (i.e., capital-intensive) industries, as investors and banks were probably more comfortable financing businesses in such environments.

10. The EC-World Bank study did not analyse the impact of **Trading Across Borders** on economic outcomes⁷, because a CTI-World Bank study on "Transparency and Trade Facilitation in the Asia-Pacific", completed in 2007, had already analysed the impact from improvements in the EoDB sub-indicators of **Trading Across Borders**. It found that reforms associated with **Trading Across Borders** were significant in improving the collective trade performance of APEC economies⁸.

Piecing the Pieces Together – Priority Reforms for APEC

11. As reform prioritisation needs to take into account all three sources of inputs, **Exhibit 3** brings together the top four/five EoDB indicators⁹ suggested by each data source. Each indicator is given a score of 1 each time it appears in the top five indicators of a specific data source. With the highest score of 3, the first tier of priority indicators are **Starting a Business** and **Getting Credit**. A second tier of priority indicators, with a score of 2, are **Enforcing Contracts; Trading Across Borders; and Dealing with Permits**. These represent the confluence of priority areas identified by all three sources, and form EC's preliminary recommendations on priority areas of regulatory reform to improve the domestic business environment¹⁰.

Exhibit 3: Collation of priority reforms identified from the 3 different sources

	ABAC survey	EC survey	WB study	Final score
Starting a Business	✓	✓	✓	3
Getting Credit	✓	✓	✓	3
Trading Across Borders		✓	✓*	2
Enforcing Contracts		✓	✓	2
Dealing with Permits	✓	✓		2
Employing Workers	✓			1
Protecting Investors	✓			1
Registering Property				0
Paying Taxes				0
Closing a Business				0

* Based on the 2007 CTI-World Bank study on Transparency and Trade Facilitation in the Asia-Pacific

⁶ An Executive Summary of the World Bank study is at Annex D, and the full study is at Annex E.

⁷ The CTI-World Bank study is attached at Annex F. Annex G contains a summary of what the various World Bank studies found about the most impactful indicators.

⁸ It was estimated by the CTI-World Bank study that improvements in trade policy predictability and simplification, which includes improvements measured by the Trading Across Borders sub-indicators, could improve collective trade performance in APEC economies by US\$148billion.

⁹ EC was asked to identify 3-4 priority areas, but as this is the preliminary list of priority areas, we have taken the liberty to identify up to 5 areas, so that there is a greater element of choice – out of these 5 preliminary areas, 3-4 priority areas can then be identified for APEC. Only 4 areas of significant impact were identified by World Bank studies - as such, World Bank's analysis is restricted to 4 areas.

¹⁰ A more detailed discussion on the EC PRIBE survey findings on these priorities is at Annex H.

Target Setting – Possible Yardsticks to Measure Progress

12. As highlighted during discussions at SOM 1, high-level commitment to measurable improvements is important. Reform targets add impetus and help to sharpen the focus of capacity-building activities, and ensure that they result in concrete outcomes. This is also what businesses are asking for.

13. To demonstrate APEC's commitment to improving the APEC business environment to ameliorate the impact of the current economic crisis, we could set a near-term interim target to be achieved by 2011, so as to demonstrate unequivocally that APEC is moving quickly to address the crisis. A longer-term target could also be set for 2015 to maintain momentum in reform.

i) Improving APEC's Competitiveness: Improvement of X Ranks in the Average Ranking of APEC Economies

14. A possible yardstick of progress made by APEC could be a collective improvement in APEC's average ranking in the priority EoDB indicators. For instance, a target could be set for the **average rank of APEC economies to improve by X places in each priority area**.

15. The EC would however highlight that a target to improve the average rank of APEC economies would be a moving target, as non-APEC economies could also improve in the interim. But, this precisely reflects the "competition" that APEC faces. Setting a moving target would focus APEC economies to ensure that their regulatory reform efforts are targeted at continually improving their business environment to keep up with the competition. This is however not a zero sum game. Besides fostering the growth of businesses in APEC, an improved business environment in APEC would also encourage greater regional and global trade and investment flows beyond APEC, benefiting both APEC and non-APEC economies. APEC's target would also raise awareness of the EoDB indicators globally, which could help create a global impetus to improve the global business environment to the benefit of everyone.

ii) Ensuring Real Improvements: a) Y% Reduction in the Number of Procedures, Cost, and Time

16. The EC-World Bank study defined a "reform" as an improvement of any one of the EoDB sub-indicators in absolute terms by more than 10%. Many of the sub-indicators measure the number of procedures, the cost and the time it takes to complete certain tasks associated with each area. As such, an appropriate yardstick of measurement could then be the percentage change in the value of the sub-indicators. A target that commits APEC to an **average Y% reduction in the number of procedures, cost, and time related to the sub-indicators in a priority area** would automatically translate into tangible improvements in the APEC business environment, clearly articulating how regulatory reforms will make it administratively easier, cheaper and faster to do business in APEC.

17. It is worth noting that 4 out of the 5 preliminary priority areas identified earlier all lend themselves to such a yardstick for measuring improvements. For instance, the number of procedures, the cost and time required to legally start and operate a company are the sub-indicators of the Starting a Business indicator¹¹. Only the sub-indicators of *Getting Credit* do not lend themselves naturally to an *explicit statement of how much easier, cheaper or faster it has become to operate in APEC as a result of our collective efforts at regulatory reform to improve the business environment in APEC*.

b) Improvement of Z Ranks in the Average Ranking of APEC Economies as Compared with the 2009 Ranking Table – Ceteris Paribus

18. A third approach could be to target improvements in APEC's average rank vis-à-vis where the world stood in 2009. This means taking the absolute score for each of the indicators in a subsequent year (say 2010), comparing it with the ranking table in 2009, and figuring out what rank the economy would now stand if all other economies were to remain in their 2009 positions. It is not a moving target

¹¹ Annex A also provided a demarcation of the various sub-indicators under each of the 10 World Bank Doing Business indicators into indicators associated with procedures, cost and time.

as we are calibrating ourselves against the performance of all economies in 2009, i.e., based on the absolute scores in 2009. We could calculate this for all economies and figure out the new average rank of APEC economies based on the 2009 ranking table. The target could then be for the **average rank in each priority area to improve by Z places vis-à-vis the 2009 ranking table.**

19. However, we note that this is a complex concept to communicate to the public, and it may not necessarily be a better target than to outright commit to Y% improvements as suggested in (ii)(a).

Submitted to SOM2 for Consideration

20. The EC is not in a position to determine appropriate values of X, Y or Z, but this could be an issue that Senior Officials could deliberate upon further. However, given that the EC-World Bank study had defined a "reform" as an improvement of any one of the Doing Business indicator by more than 10%, a value for Y that is at least 10 or higher may be more appropriate.

21. This report is submitted to SOM2 by the Economic Committee.

EXPLANATORY NOTES ON EASE OF DOING BUSINESS

The methodology that is used in each of the Ease of Doing Business areas is laid out below. More information can be found at <http://www.doingbusiness.org>.

a. Starting a Business

This topic identifies the bureaucratic and legal hurdles an entrepreneur must overcome to incorporate and register a new firm. It examines the procedures, time, and cost involved in launching a commercial or industrial firm with up to 50 employees and start-up capital of 10 times the economy's per-capita gross national income (GNI).

The sub-indicators are:

- all procedures required to register a firm,
- average time spent during each procedure,
- official cost of each procedure, and
- the minimum capital required as a percentage of income per capita.

b. Dealing with Construction Permits

This topic tracks the procedures, time, and costs to build a warehouse, including obtaining necessary licenses and permits, completing required notifications and inspections, and obtaining utility connections.

The sub-indicators are:

- all procedures to build a warehouse,
- average time spent during each procedure, and
- official cost of each procedure.

c. Employing Workers

Doing Business measures the regulation of employment. It specifically examines the difficulty of hiring, nonstandard work schedules and paid annual leave, and the costs and rules governing redundancy termination.

The sub-indicators are:

- Difficulty of hiring index: Applicability and maximum duration of fixed-term contracts and minimum wage for trainee or first-time employee.
- Rigidity of hours index: Scheduling of nonstandard work hours and annual paid leave.
- Difficulty of firing index: Notification and approval requirements for termination of a redundant worker or a group of redundant workers, obligation to reassign or retrain and priority rules for redundancy and reemployment.
- Rigidity of employment index: A simple average of the above three indices.
- Firing cost: Notice requirements, severance payments and penalties due when terminating a redundant worker, expressed in weeks of salary.

d. Registering Property

This topic examines the steps, time, and cost involved in registering property, assuming a standardized case of an entrepreneur who wants to purchase land and a building that is already registered and free of title dispute.

The sub-indicators are:

- number of procedures legally required to register property,
- time spent in completing the procedures, and
- the costs, such as fees, transfer taxes, stamp duties, and any other payment to the property registry, notaries, public agencies or lawyers. The cost is expressed as a percentage of the property value, assuming a property value of 50 times income per capita.

e. Getting Credit

This topic explores two sets of issues—credit information registries and the effectiveness of collateral and bankruptcy laws in facilitating lending.

The sub-indicators are:

- a Legal Rights Index, which measures the degree to which collateral and bankruptcy laws facilitate lending,
- a Credit Information Index, which measures rules affecting the scope, access, and quality of credit information,
- public credit registry coverage (% of all adults), and
- private credit bureau coverage (% of all adults).

f. Protecting Investors

This topic measures the strength of minority shareholder protections against misuse of corporate assets by directors for their personal gain.

The sub-indicators are:

- transparency of transactions (Extent of Disclosure Index)
- liability for self-dealing (Extent of Director Liability Index)
- shareholders' ability to sue officers and directors for misconduct (Ease of Shareholder Suit Index)
- strength of Investor Protection Index (the average of the three index)

g. Paying Taxes

This topic addresses the taxes and mandatory contributions that a medium-size company must pay or withhold in a given year, as well as measures of administrative burden in paying taxes.

The sub-indicators are:

- total number of tax payments per year
- time it takes to prepare, file and pay (or withhold) the corporate income tax, the value added tax and social security contributions (in hours per year)
- total amount of taxes and mandatory contributions payable by the business as a percentage of commercial profits

h. Trading Across Borders

This topic looks at the procedural requirements for exporting and importing a standardized cargo of goods. Every official procedure is counted -- from the contractual agreement between the 2 parties to the delivery of goods -- along with the time necessary for completion.

The sub-indicators are:

- number of all documents required to export/import goods,
- time necessary to comply with all procedures required to export/import goods, and
- cost associated with all the procedures required to export/import goods

i. Enforcing Contracts

This topic looks at the efficiency of contract enforcement by following the evolution of a sale of goods dispute and tracking the time, cost, and number of procedures involved from the moment the plaintiff files the lawsuit until actual payment.

The sub-indicators are:

- number of procedures from the moment the plaintiff files a lawsuit in court until the moment of payment,
- time in calendar days to resolve the dispute, and
- cost in court fees and attorney fees, where the use of attorneys is mandatory or common, expressed as a percentage of the debt value.

j. Closing a Business

This topic identifies weaknesses in existing bankruptcy law and the main procedural and administrative bottlenecks in the bankruptcy process.

The sub-indicators are:

- average time to complete a procedure,
- cost of the bankruptcy proceedings, and
- the recovery rate, which calculates how many cents on the dollar claimants (creditors, tax authorities, and employees) recover from an insolvent firm.

ABAC - Ease of Doing Business Survey

Drawing reference from the World Bank Doing Business Survey, this ABAC "Ease of Doing Business" Survey identified 10 **areas of doing business*** (such as *Starting a Business, Dealing with Permits, etc*) which companies may find challenging, due to the level or type of regulations implemented by the main APEC# economy they operate in.

* Please click on [Explanatory Note](#) for reference.

The 21 APEC economies are Australia, Brunei Darussalam, Canada, Chile, China, Hong Kong, Indonesia, Japan, Korea, Malaysia, Mexico, New Zealand, Papua New Guinea, Peru, Philippines, Russia, Singapore, Chinese Taipei, Thailand, United States and Vietnam.

Instructions:

For each *Area of Doing Business* from (a) to (j), please rank on a scale of 1 - 10, with 1 being the area which is **most important** for APEC economies to implement reforms and 10 being the area which is **least important** for APEC economies to implement reforms.

1. Ranking for *Areas of Doing Business* (**do not assign the same ranking more than once**):

Area of Doing Business	Ranking:
a. Starting a Business	
b. Dealing with Permits	
c. Employing Workers	
d. Registering Property	
e. Getting Credit	
f. Protecting Investors	
g. Paying Taxes	
h. Trading Across Borders	
i. Enforcing Contracts	
j. Closing a Business	

2. In terms of **Starting a Business**, please select the most important aspect which you feel should be first reformed by the main APEC economy which you operate in:

- Number of procedures to legally start and operate a company
- Time required to complete each procedure
- Cost required to complete each procedure

- Paid-in minimum capital
- Others, pls specify:

3. In terms of **Dealing with Permits**, please select the most important aspect which you feel should be first reformed by the main APEC economy which you operate in:

- Number of procedures to legally build a facility
- Time required to complete each procedure
- Cost required to complete each procedure
- Others, pls specify:

4. In terms of **Employing Workers**, please select the most important aspect which you feel should be first reformed by the main APEC economy which you operate in:

- Difficulty of hiring
- Rigidity of hours
- Difficulty of firing
- Rigidity of employment
- Firing cost
- Others, pls specify:

5. In terms of **Registering Property**, please select the most important aspect which you feel should be first reformed by the main APEC economy which you operate in:

- Number of procedures to legally transfer title on immovable property
- Time required to complete each procedure
- Cost required to complete each procedure
- Others, pls specify:

6. In terms of **Getting Credit**, please select the most important aspect which you feel should be first reformed by the main APEC economy which you operate in:

- Strength of legal rights
- Depth of credit information
- Public credit registry coverage
- Private credit bureau coverage
- Others, pls specify:

7. In terms of **Protecting Investors**, please select the most important aspect which you feel should be first reformed by the main APEC economy which you operate in:

- Extent of disclosure
- Extent of director liability
- Ease of shareholder suits
- Others, pls specify:

8. In terms of **Paying Taxes**, please select the most important aspect which you feel should be first reformed by the main APEC economy which you operate in:

- Number of tax payments for a company

- Time required to comply with 3 major taxes
- Total tax rate
- Others, pls specify:

9. In terms of Trading Across Borders, please select the most important aspect which you feel should be first reformed by the main APEC economy which you operate in:

- Number of documents required to export & import
- Time required to export & import
- Cost required to export & import
- Others, pls specify:

10. In terms of Enforcing Contracts, please select the most important aspect which you feel should be first reformed by the main APEC economy which you operate in:

- Number of procedures to enforce a contract
- Time required to complete each procedure
- Cost required to complete each procedure
- Others, pls specify:

11. In terms of Closing a Business, please select the most important aspect which you feel should be first reformed by the main APEC economy which you operate in:

- Time required to recover debt
- Cost required to recover debt
- Recovery rate for creditors
- Others, pls specify:

12. Reference your answers to Q2 - Q11, please suggest reforms or policies that would address those Areas of Doing Business.

Area of Doing Business	Suggested Reforms:
a. Starting a Business	<input style="width: 250px;" type="text"/>
b. Dealing with Permits	<input style="width: 250px;" type="text"/>
c. Employing Workers	<input style="width: 250px;" type="text"/>
d. Registering Property	<input style="width: 250px;" type="text"/>
e. Getting Credit	<input style="width: 250px;" type="text"/>
f. Protecting Investors	<input style="width: 250px;" type="text"/>
g. Paying Taxes	<input style="width: 250px;" type="text"/>
h. Trading Across Borders	<input style="width: 250px;" type="text"/>
i. Enforcing Contracts	<input style="width: 250px;" type="text"/>
j. Closing a Business	<input style="width: 250px;" type="text"/>

Annex C

SURVEY ON PRIORITISATION OF REGULATORY REFORM FOR IMPROVING THE BUSINESS ENVIRONMENT (PRIBE)

1. This objective of this survey is to identify priority areas of capacity building for reform that is aimed specifically at improving the business environment within APEC. This is just one of the focus areas of the Regulatory Reform FotC. This survey is also not meant to supersede the earlier survey sent out by the EC Chair to determine the economies' demand for capacity building efforts across the 5 LAISR themes.

Instructions:

2. Building on discussions arising from the Senior Officials Meeting I, as well as the joint Economic Committee and Investment Experts Group Seminar held on 16-17 Feb 2009, the format of this survey is built on the World Bank's *Ease of Doing Business* index, though economies can also indicate priority areas beyond these indicators.

3. The World Bank's *Ease of Doing Business* index consists of 10 areas listed below, from (a) to (j). Please rank each area of *Doing Business* on a scale of 1-10, with "1" being the area with the *highest priority* for APEC to implement reform and capacity building efforts and "10" being the area with the *lowest priority*.

Area of Doing Business	Ranking	Area of Doing Business	Ranking
a. Starting a Business		f. Protecting Investors	
b. Dealing with Permits		g. Paying Taxes	
c. Employing Workers		h. Trading Across Borders	
d. Registering Property		i. Enforcing Contracts	
e. Getting Credit		j. Closing a Business	

4. In each area of *Doing Business*, the World Bank has identified several sub-indicators. These are listed below. For each area, please rank the sub-indicators that your economy feels should have the highest priority for reforms and capacity building efforts within APEC.

For instance, in "Starting a Business", you could indicate that "Time required to complete each procedure" should have the highest priority among the 4 sub-indicators, and hence rank it as 1. Lowest priority would be either 3 or 4, depending on the number of sub-indicators in that area.

Starting a Business

<input type="checkbox"/>	Number of procedures to legally start and operate a company
<input type="checkbox"/>	Time required to complete each procedure
<input type="checkbox"/>	Cost required to complete each procedure
<input type="checkbox"/>	Paid-in minimum capital
Any suggestions of how capacity building can be carried out?	

Dealing with Permits

<input type="checkbox"/>	Number of procedures to legally build a facility
<input type="checkbox"/>	Time required to complete each procedure
<input type="checkbox"/>	Cost required to complete each procedure
Any suggestions of how capacity building can be carried out?	

Employing Workers

- | | | | |
|--------------------------|----------------------|--------------------------|------------------------|
| <input type="checkbox"/> | Difficulty of hiring | <input type="checkbox"/> | Rigidity of employment |
| <input type="checkbox"/> | Rigidity of hours | <input type="checkbox"/> | Firing cost |
| <input type="checkbox"/> | Difficulty of firing | | |

Any suggestions of how capacity building can be carried out?

Registering Property

- | | |
|--------------------------|----------------------------------------------------------------------|
| <input type="checkbox"/> | Number of procedures to legally transfer title on immovable property |
| <input type="checkbox"/> | Time required to complete each procedure |
| <input type="checkbox"/> | Cost required to complete each procedure |

Any suggestions of how capacity building can be carried out?

Getting Credit

- | | |
|--------------------------|---------------------------------------------------|
| <input type="checkbox"/> | Strength of legal rights |
| <input type="checkbox"/> | Depth of credit information |
| <input type="checkbox"/> | Public credit registry coverage (% of all adults) |
| <input type="checkbox"/> | Private credit bureau coverage (% of all adults) |

Any suggestions of how capacity building can be carried out?

Protecting Investors

- | | |
|--------------------------|------------------------------|
| <input type="checkbox"/> | Extent of disclosure |
| <input type="checkbox"/> | Extent of director liability |
| <input type="checkbox"/> | Ease of shareholder suits |

Any suggestions of how capacity building can be carried out?

Paying Taxes

- | | |
|--------------------------|-------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Number of tax payments for a company |
| <input type="checkbox"/> | Time required to comply with corporate income tax, value added tax, and social security contributions |
| <input type="checkbox"/> | Total tax rate (% of profit) |

Any suggestions of how capacity building can be carried out?

Trading Across Borders

- | | |
|--------------------------|-------------------------------------------------|
| <input type="checkbox"/> | Number of documents required to export & import |
| <input type="checkbox"/> | Time required to export & import |
| <input type="checkbox"/> | Cost required to export & import |

Any suggestions of how capacity building can be carried out?

Enforcing Contracts

- | | |
|--------------------------|--------------------------------------------|
| <input type="checkbox"/> | Number of procedures to enforce a contract |
| <input type="checkbox"/> | Time required to complete each procedure |
| <input type="checkbox"/> | Cost required to complete each procedure |

Any suggestions of how capacity building can be carried out?

Closing a Business

<input type="checkbox"/>	Time required to recover debt
<input type="checkbox"/>	Cost required to recover debt
<input type="checkbox"/>	Recovery rate for creditors
Any suggestions of how capacity building can be carried out?	

5. Please indicate if there are any additional comments.

6. Please indicate if there are other priority areas in regulatory reforms aimed at improving the domestic business environment that you feel strongly about, that are not listed in the EoDB survey, but for which your economy feels regulatory reform will result in improvements in the business environment of APEC (if any).

7. Please also share examples of useful regulatory reforms currently underway (or had been carried out previously, or planned in the near future) from your economy which are aimed at reducing the regulatory burden on business so as to improve the domestic business environment (if any).

8. Finally, please indicate which member economy you are from, and provide a point of contact from your member economy so that we can ask further clarification questions if required:

The Ease of Doing Business in APEC: The Impact of Regulatory Reforms¹

Executive Summary

The business environment plays a central role in promoting national competitiveness which, in turn, underpins rapid and sustained economic growth. By participating actively in the global economy, APEC economies have benefited from trade, capital flows, and transfers of knowledge to hone their competitiveness, promote employment and raise incomes. There is great diversity among the economies of this group, but all of them have undertaken significant regulatory reform to build stronger market institutions, improve government services, and make it easier to do business in their territories.

This study has three aims: (i) to measure the impact of formal regulations and regulatory changes on aggregate economic outcomes; (ii) to assess the impact of regulatory enforcement across locations and firms; and (iii) to draw lessons from eight economy case studies by evaluating those dimensions of reforms that lie beyond narrowly defined quantitative indicators. While the first two parts of this study mine information from World Bank databases, chiefly the Doing Business indicators and Enterprise Surveys, the third draws upon background reports by knowledgeable experts from the covered economies. The case studies facilitate a discussion of the quality of reform, supplementing the simple counts of reductions in the number of procedures and the costs associated with them.

How does the formal regulatory environment affect aggregate economic outcomes?

Using the Doing Business indicators, which benchmark ten areas of regulation across time, the first finding is that the ranking of economies correlates well with investment, business entry (a proxy for competition), and employment.² Causality is difficult to establish, for several technical reasons. However, the finding, for example, that the rate at which new firms are created is associated positively with how quickly firms can be established in formal regulatory environments provides a powerful rationale for some of the reforms we see in

¹ This study is a product of the World Bank, requested by the Ministry of Trade and Industry of the Republic of Singapore on behalf of the Economic Committee of APEC. The findings, interpretations, and conclusions expressed in the study do not necessarily reflect the views of the Executive Directors of the World Bank or the governments they represent.

² The ten areas covered are: starting a business; transferring property; dealing with construction permits; accessing credit; employing workers; enforcing contracts; protecting investors; trading across borders; paying taxes; and closing a business. The data counts the number of procedures and the time and costs of compliance, relying in inputs from a small number of professionals in each area. The coverage now extends to 181 economies, with six years of data for most. See Doing Business 2008, World Bank, Washington DC and www.doingbusiness.org

APEC economies. Business formation, global integration, and finance are three areas where much of the regulatory effort has focused. There is also some evidence to suggest that reducing delays in the enforcement of contracts can stimulate the growth of investment, while easier entry regulations for firms and greater flexibility in recruitment and layoff rules increase the private sector's access to finance from formal financial institutions. Significantly, for many sets of "improvements" in regulatory reform indicators—for example, expanding credit information—outcomes are better in economies where overall governance (the control of corruption) is better. A general observation about this part of the assessment is that interactions among different regulatory clusters need to be taken into account, and that there may be other unobserved characteristics that could account for observed economic outcomes. The link between changes in outcomes and regulatory reform is complex, and needs to be tested rigorously.

Do gaps between de jure and de facto regulations matter?

While Doing Business captures data on the formal regulatory requirements faced by firms, the Enterprise Surveys provide detailed statistics on the actual experiences of firms.³ By combining the information from both sources, it is possible to gauge the importance of enforcement and the broader governance environment. Specifically, the analysis shows that consistency in enforcement is very strongly associated with higher economic growth. Similarly, although firms spend more time dealing with government officials in economies where regulatory burdens are higher, regulations as well as interactions with officials can be beneficial to growth when the rule of law is stronger. This is also true of other measures of the condition of the business environment, for example, access to finance. More procedures are not always considered to be harmful.

However, there is great variation in enforcement across and within individual economies and across different types of firms, which translates into sizeable differences in the economic outcomes from regulatory reform. Regulations, taxation, and governance are the most significant factors affecting firm performance in middle income economies. For low income economies, the availability of adequate and uninterrupted electricity supplies and access to finance are the top reported constraints. High income economies report much lower levels of constraints overall, although the regulatory framework seems to be the most binding.

Can we learn useful lessons from the in-depth case studies of regulatory reform?

The two previous sections showed that both formal regulations and the enforcement of those regulations determine the effectiveness of regulatory reforms in achieving better economic results. But, analyses that are limited to quantifiable indicators may not tell the whole story. Gaps in the quantitative

³ The data cover over 100 countries, and are based on interviews with more than 70,000 entrepreneurs and senior managers of firms of varying size, sector of operation, and ownership. They include subjective and objective measures of the business environment.

analysis of these two factors can be filled by case studies that describe the political and institutional context in which they operate. Toward this end, the study concludes with case studies of regulatory changes in eight APEC economies.⁴

For low- and middle-income economies, the desire to improve national competitiveness in an increasingly integrated world is a prime motive for initiating regulatory reforms. For economies in transition from one system to another— for example, China and Vietnam— national leaders have grasped the need for root-and-branch regulatory change. However, in all the cases studied, complementary reforms in other parts of the economy were important in supporting successful regulatory change. For example, when policymakers embed regulatory reform within broader reforms of public administration, they increase the probability of success. At the same time, however, changing the mindset of officials turns out to be the most difficult challenge of a public administration reform, especially moving public agencies toward a service orientation. Moreover, the alignment of incentives with goals requires simultaneous action on several fronts, including information, education and communication programs on top of changes in remuneration. The use of IT has proven to be very effective in addressing governance issues, chiefly by permitting the transparent and parallel processing of transactions and reducing the scale of abusive bureaucratic intervention. Finally, extensive and continual consultation with all affected parties, backed up by a systematic monitoring and evaluation mechanism, help make regulatory reforms effective, yet flexible enough to cope with changing needs.

⁴ The 2005 Company Law in China; Customs and Border-Related Reforms in Korea; Real Estate Industry Reforms in Malaysia; Business Registration in Mexico; Secured Transactions in Peru; Credit Reporting Systems in The Philippines; Tax Administration in Thailand; and Land Titling in Vietnam.

DETAILS ON PRIORITY EODB INDICATORS

1. The EC survey has identified a preliminary list of five priority indicators, namely **Starting a Business**, **Enforcing Contracts**, **Getting Credit**, **Trading across Borders** and **Dealing with Permits**. Broadly, high income economies and middle/low income economies emphasize their use as valid benchmarks. The priorities of high income economies are presented in Exhibit H.1 while that of middle/low income economies are presented in Exhibit H.2. For low-income economies, Starting a Business is an even higher priority, possibly because of a need to carry out regulatory reforms in this area to enable business start-ups and spur economic growth. For each priority indicator, APEC economies have also identified key sub-indicators that are most important for regulatory reforms, and both high income and middle/low income economies broadly agree on these indicators.

Exhibit H.1 Average rank of Priority Areas in High Income Economies

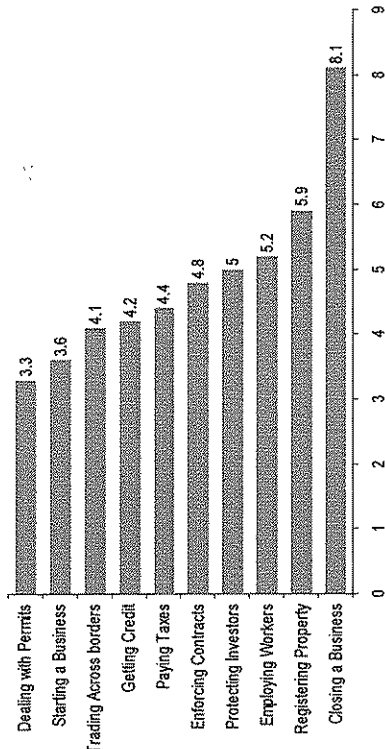
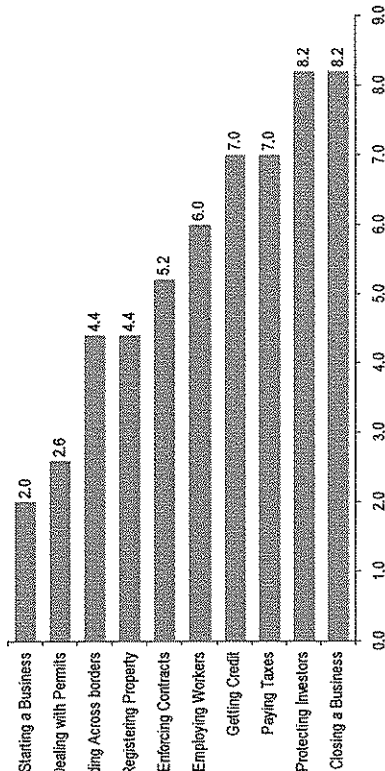


Exhibit H.2 Average rank of Priority Areas in Middle/Low Income Economies



2. There is much that APEC economies can learn from each other in these priority indicators. According to the EC-World Bank Study, APEC economies have carried out a total of 41 reforms in the priority indicators from 2003 to 2008. In addition, some APEC economies were highly ranked in the Doing Business survey to begin with. More impressively, according to the EC-World Bank study, many APEC economies had carried out extensive reforms in these five areas over 2003-2008. Moving forward, APEC economies could share their collective

experience and engage in constructive capability-building activities. This will allow APEC to raise its regulatory standards for the region as a whole. These findings are summarized in Exhibit H.3.

Exhibit H.3: Key Sub-Indicators, Reforms and Best-Practice APEC Economies

	Starting a Business	Enforcing Contracts	Getting Credit	Trading Across Borders	Dealing with Permits
Top 2 Sub-Indicators	<ul style="list-style-type: none"> No. of Procedures needed to start a business Min. Paid-in Capital 	<ul style="list-style-type: none"> No. of Procedures needed to enforce contract Time taken to enforce contract 	<ul style="list-style-type: none"> Strength of Legal Rights Private Credit Bureau Coverage 	<ul style="list-style-type: none"> Costs associated with exports and imports Documentation needed for exports and imports 	<ul style="list-style-type: none"> Costs incurred in obtaining permits Time needed to obtain permits
No. of APEC economies reforming over 2003-8	<ul style="list-style-type: none"> 14 	<ul style="list-style-type: none"> 3 	<ul style="list-style-type: none"> 10 	<ul style="list-style-type: none"> 9 	<ul style="list-style-type: none"> 5
Top 3 APEC reformers (improvement over 2003-8)	<ul style="list-style-type: none"> Japan (100%) New Zealand (92%) China (87%) 	<ul style="list-style-type: none"> Vietnam (17%) Peru (15%) Philippines (14%) 	<ul style="list-style-type: none"> Peru (133%) Indonesia, China, Vietnam (100%) 	<ul style="list-style-type: none"> Thailand (75%) HKC (71%) Canada (50%) 	<ul style="list-style-type: none"> Singapore (63%) Korea (39%) HKC (35%)
Top 3 Best-Practice APEC Economies (rank)	<ul style="list-style-type: none"> New Zealand (1st) Canada (2nd) Australia (3rd) 	<ul style="list-style-type: none"> HKC (1st) US (6th) Korea (8th) 	<ul style="list-style-type: none"> Malaysia (1st) HKC (2nd) New Zealand, US, Australia, Singapore (5th) 	<ul style="list-style-type: none"> Singapore (1st) HKC (2nd) Thailand (10th) 	<ul style="list-style-type: none"> New Zealand (2nd) Singapore (2nd) Thailand (12th)

The Ease of Doing Business in APEC: The Impact of Regulatory Reforms

Prepared by the World Bank*
for the Economic Committee, APEC

June 10, 2009

* The findings, interpretations, and conclusions expressed in the study do not necessarily reflect the views of the Executive Directors of the World Bank or the governments they represent.

The Ease of Doing Business in APEC: The Impact of Regulatory Reforms

Preface

This report was prepared by the World Bank at the request of the Ministry of Trade and Industry of the Republic of Singapore on behalf of the Economic Committee of APEC. The principal authors are Deepak Bhattasali, Mary C. Hallward-Driemeier, and Yue Li.

This report is in three parts. We have taken a number of approaches to address the issue of the impact of regulatory reforms. Part I looks at cross-economy variation, sector variation within an economy at a point in time, and aggregate variation within economies over time, using the Doing Business indicators that are produced annual by the World Bank Group. Part II uses firm-level data from the World Bank's detailed Enterprise Surveys, looking at issues of enforcement and interactions of regulations with other dimensions of the business environment. Part III contains eight in-depth case studies to examine the significant factors shaping individual reform efforts.

The case studies of regulatory reform in eight APEC economies are based on inputs provided by experts on each of the economies. They include: Hongbin Cai (China), Junsok Yang (Korea), Mahani Zainal Abidin, Izzatina Aziz, Steven Wong and Terence Too (Malaysia), Miriam Bruhn (Mexico), Raha Shahidsaless (Peru), Marjo Elevado (Philippines), Cheanchom Tongjen and Kirida Bhaopichitr (Thailand), and Vo Dang Hung (Vietnam).

We would like to thank Christopher Tan and Wei Yang Cheong of the Ministry of Trade and Industry of the Republic of Singapore and participants in two meetings organized by the APEC Economic Committee (in Peru and Singapore) for helpful comments on earlier versions of these reports.

The Ease of Doing Business in APEC: The Impact of Regulatory Reforms¹

Executive Summary

The business environment plays a central role in promoting national competitiveness which, in turn, underpins rapid and sustained economic growth. By participating actively in the global economy, APEC economies have benefited from trade, capital flows, and transfers of knowledge to hone their competitiveness, promote employment and raise incomes. There is great diversity among the economies of this group, but all of them have undertaken significant regulatory reform to build stronger market institutions, improve government services, and make it easier to do business in their territories.

This study has three aims: (i) to measure the impact of formal regulations and regulatory changes on aggregate economic outcomes; (ii) to assess the impact of regulatory enforcement across locations and firms; and (iii) to draw lessons from eight economy case studies by evaluating those dimensions of reforms that lie beyond narrowly defined quantitative indicators. While the first two parts of this study mine information from World Bank databases, chiefly the Doing Business indicators and Enterprise Surveys, the third draws upon background reports by knowledgeable experts from the covered economies. The case studies facilitate a discussion of the quality of reform, supplementing the simple counts of reductions in the number of procedures and the costs associated with them.

How does the formal regulatory environment affect aggregate economic outcomes?

Using the Doing Business indicators, which benchmark ten areas of regulation across time, the first finding is that the ranking of economies correlates well with investment, business entry (a proxy for competition), and employment.² Causality is difficult to establish, for several technical reasons. However, the finding, for example, that the rate at which new firms are created is associated positively with how quickly firms can be established in formal regulatory environments provides a powerful rationale for some of the reforms we see in APEC economies. Business formation, global integration, and finance are three areas where much of the regulatory effort has focused. There is also some evidence to suggest that reducing delays in the enforcement of contracts can stimulate the growth of investment, while easier entry regulations for firms and greater flexibility in recruitment and layoff rules increase the private sector's access to finance from formal financial institutions. Significantly, for many sets of "improvements" in regulatory reform indicators—for example,

¹ This study is a product of the World Bank, requested by the Ministry of Trade and Industry of the Republic of Singapore on behalf of the Economic Committee of APEC. The findings, interpretations, and conclusions expressed in the study do not necessarily reflect the views of the Executive Directors of the World Bank or the governments they represent.

² The ten areas covered are: starting a business; transferring property; dealing with construction permits; accessing credit; employing workers; enforcing contracts; protecting investors; trading across borders; paying taxes; and closing a business. The data counts the number of procedures and the time and costs of compliance, relying in inputs from a small number of professionals in each area. The coverage now extends to 181 economies, with six years of data for most. See Doing Business 2008, World Bank, Washington DC and www.doingbusiness.org

expanding credit information—outcomes are better in economies where overall governance (the control of corruption) is better. A general observation about this part of the assessment is that interactions among different regulatory clusters need to be taken into account, and that there may be other unobserved characteristics that could account for observed economic outcomes. The link between changes in outcomes and regulatory reform is complex, and needs to be tested rigorously.

Do gaps between de jure and de facto regulations matter?

While Doing Business captures data on the formal regulatory requirements faced by firms, the Enterprise Surveys provide detailed statistics on the actual experiences of firms.³ By combining the information from both sources, it is possible to gauge the importance of enforcement and the broader governance environment. Specifically, the analysis shows that consistency in enforcement is very strongly associated with higher economic growth. Similarly, although firms spend more time dealing with government officials in economies where regulatory burdens are higher, regulations as well as interactions with officials can be beneficial to growth when the rule of law is stronger. This is also true of other measures of the condition of the business environment, for example, access to finance. More procedures are not always considered to be harmful.

However, there is great variation in enforcement across and within individual economies and across different types of firms, which translates into sizeable differences in the economic outcomes from regulatory reform. Regulations, taxation, and governance are the most significant factors affecting firm performance in middle income economies. For low income economies, the availability of adequate and uninterrupted electricity supplies and access to finance are the top reported constraints. High income economies report much lower levels of constraints overall, although the regulatory framework seems to be the most binding.

Can we learn useful lessons from the in-depth case studies of regulatory reform?

The two previous sections showed that both formal regulations and the enforcement of those regulations determine the effectiveness of regulatory reforms in achieving better economic results. But, analyses that are limited to quantifiable indicators may not tell the whole story. Gaps in the quantitative analysis of these two factors can be filled by case studies that describe the political and institutional context in which they operate. Toward this end, the study concludes with case studies of regulatory changes in eight APEC economies.⁴

For low- and middle-income economies, the desire to improve national competitiveness in an increasingly integrated world is a prime motive for initiating regulatory reforms. For economies in transition from one system to another— for example, China and Vietnam— national leaders have grasped the need for root-and-branch regulatory change. However, in all the cases studied, complementary reforms in other parts of the economy were important in supporting successful regulatory change. For example, when policymakers embed regulatory reform within broader

³ The data cover over 100 countries, and are based on interviews with more than 70,000 entrepreneurs and senior managers of firms of varying size, sector of operation, and ownership. They include subjective and objective measures of the business environment.

⁴ The 2005 Company Law in China; Customs and Border-Related Reforms in Korea; Real Estate Industry Reforms in Malaysia; Business Registration in Mexico; Secured Transactions in Peru; Credit Reporting Systems in The Philippines; Tax Administration in Thailand; and Land Titling in Vietnam.

reforms of public administration, they increase the probability of success. At the same time, however, changing the mindset of officials turns out to be the most difficult challenge of a public administration reform, especially moving public agencies toward a service orientation. Moreover, the alignment of incentives with goals requires simultaneous action on several fronts, including information, education and communication programs on top of changes in remuneration. The use of IT has proven to be very effective in addressing governance issues, chiefly by permitting the transparent and parallel processing of transactions and reducing the scale of abusive bureaucratic intervention. Finally, extensive and continual consultation with all affected parties, backed up by a systematic monitoring and evaluation mechanism, help make regulatory reforms effective, yet flexible enough to cope with changing needs.

The Ease of Doing Business in APEC: The Impact of Regulatory Reforms

Part I: Impact on Aggregate Economic Outcomes Evidence from Doing Business Data*

Abstract: This paper uses several approaches to examine the relationship between measures of regulations and regulatory reforms with economic outcomes (growth, investment, firm entry, unemployment). Doing Business indicators are analyzed across economies at a point in time, across sectors within economies, and within economies over time. The relationships between the Doing Business indicators and economic outcomes are strongest looking at cross-economy correlations. Looking across sectors within an economy also indicates that sectors more exposed to certain regulations are indeed affected by them relatively more. Looking over time, those with weaker initial indicators have generally been more likely to introduce reforms. There is some evidence that changes in indicators are associated with higher rates of investment, firm entry and lower unemployment, particularly when allowing for variations across economies and over time. However, when applying the more stringent test of looking at the effects of reforms *within* economies over time, the relationship is no longer robust for most of the indicators. Allowing the impact to vary by broader measures of institutional quality does provide additional insights, with the impact of reforms being somewhat more significant in better-governed economies. A more stringent test, the panel estimates, are hard to estimate precisely given the relatively short period covered by the data, and will be worth reexamining as the data series expand.

* The findings, interpretations, and conclusions expressed in the study do not necessarily reflect the views of the Executive Directors of the World Bank or the governments they represent.

附件五: Possible Issues for Post LAISR Agenda (Provisional Draft)

(文件編號: 2009/SOM2/EC/015)



**Asia-Pacific
Economic Cooperation**

2009/SOM2/EC/015

Agenda Item: 7

Possible Issues for Post LAISR Agenda (Provisional Draft)

Purpose: Consideration
Submitted by: EC Chair



**Second Economic Committee Meeting
Singapore
23-24 July 2009**

Possible Issues for Post LAISR agenda (Provisional draft)

Note: This paper is prepared for the discussion at a Brainstorming Session on Structural Reform for Restoring the Growth

6 July, 2009

1. Background

APEC economies have been hit by the most severe financial crisis that they have ever experienced. To address the challenges that APEC economies are facing, the Economic Committee (EC) held, in February 2009, a round table discussion exploring the implications of the global financial crisis on structural reform (see Annex for the summary record of the round table). The round table discussion raised some new important topics that need to be addressed in promoting structural reform and in pursuing a more balanced and sustainable growth. These topics include:

- a) Priority reform areas for resuming growth such as research and development, innovation including green technology, and entrepreneurship; investment in infrastructure; greater international collaboration on transparency; and further deregulation to improve the business environment
- b) Importance of social resilience initiatives including social safety nets, investing in human capital and measures for increasing employability
- c) Focus on long-term issues such as environment and aging population to building the basis for sustainable growth
- d) Necessity for more domestically driven growth to increase resilience

Looking ahead, a number of the above topics that EC identified in the February round table are likely to be further discussed at the upcoming meetings of the APEC Ministers Responsible for Trade (MRT), SOM2 and the SOM-SFOM Symposium. SOM Chair has indicated that a discussion on addressing the crisis and preparing for recovery is on the draft agenda for the MRT with particular focuses on "inclusive growth" and "sustainable growth". The former implies a form of growth whose benefits are shared more widely across society, while the latter is aimed at pursuing growth strategies that produce a lower carbon footprint. On "inclusive growth", the SOM-SFOM Symposium and SOM2 will examine the key elements of economic restructuring (e.g. industrial upgrading, worker retraining) and social resilience (e.g. social safety nets, income supplements), with a view to initiating a capacity building programme for sharing experiences.

Although these topics go beyond the current remit of EC, it would be worthwhile for EC to consider the possibility of these areas being incorporated in some way into the post LAISR agenda beyond 2010. While it may not necessarily be feasible for the EC to take a lead on these issues, the EC could play an important role in helping to shape an APEC strategy towards addressing these new policy issues, as well as provide an EC input on individual initiatives put forward by SOM.

While the importance of pursuing structural reform remains unchanged even in the midst of a global financial crisis, it may be a good time for the EC to consider how it could streamline the existing activities under the current five priority LAISR themes. We should also examine the key areas that would form the focus of our activity in a post LAISR framework beyond 2010.

2. Issues for discussion

EC will hold a brainstorming session on structural reform for restoring the growth at EC2 plenary on 23 July. The aim of this brainstorming session is to discuss the new challenges posed by the current global financial crisis and to exchange views on the possible scope of the post LAISR agenda beyond 2010, including how we may accommodate some of the new policy areas outlined above.

More specifically, the main issues for discussion will include two sets of questions. One is on what needs to be done (A) and the other is on how EC should identify and choose priority areas (B).

A. Global economic condition and its policy implication

- a) **Challenges posed to the prospect of growth in the region**

Besides the weaknesses in the financial sector, the current crisis has revealed the vulnerability of APEC economies in many areas. In particular, the deterioration of labour market conditions indicated by higher unemployment rates poses threats to most vulnerable groups including youth, women and the elderly. Lack of sufficient social safety nets and effective tools to increase employability exacerbates the damage on human capital, which could constrain the growth prospect in the long-term.

Some APEC economies share a common economic structure which is characterised by heavy dependence on exports of manufactured goods and close mutual connection through complex supply chains. This economic structure appears to be vulnerable to a large shock to the world economy. Shifting to a growth led more by domestic demand requires further reforms in domestic markets, especially in the services sector, and a boost in consumption through a reduction in precautionary savings that are generated by the insufficient coverage of social security.

To take a longer-time horizon, an ageing population and climate change will be the most significant challenges for many APEC economies.

A study conducted by PECC¹ suggests that an aging population could reduce per capita growth and damage the fiscal position in many APEC economies. This implies the need to ensure efficient provision of social welfare services as well as strengthening the basis for growth to mitigate the decline in the working age population.

In terms of sustainable growth, both developed and developing members of APEC will be urged to strengthen efforts to reduce carbon emissions over the next several decades. To avoid serious damage to economic growth, the adoption of energy efficient technology and products will be one of the most urgent tasks for many APEC economies.

Q1. What are the most serious constraints on long-term growth of APEC economies?

Q2. How urgently do APEC economies need to address those challenges?

b) Expected role of APEC

Since APEC is a forum for facilitating economic growth, cooperation, trade and investment in the Asia-Pacific region, APEC needs to tackle challenges that could pose a threat to its ultimate goals. The most important and urgent task is to prevent the spread of scepticism about the benefit of globalisation and to ensure that regional economic integration and structural reform allow us to enjoy those benefits. In this regard, APEC should continue to strengthen the efforts for promoting long-term growth by addressing constraints, while paying attention to the issues related to social resilience, which could be a major threat to trade and growth.

As mentioned earlier, the issues related to "inclusive growth" and "sustainable growth" are scheduled to be discussed at the coming MRT, SOM2 and SOM-SFOM Symposium. On "inclusive growth", SOM Chair proposes to share experiences in the areas of social resilience and economic restructuring through capacity building programmes. There might also be scope to address such issues via other means, for example through a study on monitoring and reviewing the social development in the region. On sustainable growth, SOM Chair proposes to discuss this issue in the context of avoiding trade barriers related to environmental goods.

Q3. What needs to be done to ensure that efforts to reap the benefits of globalisation through economic integration and structural reform are not derailed amidst the increasing domestic pressures that are likely to rise against it, especially if global economic growth continues to be weak?

Q4. How could APEC address the issues related to long-term growth?

Q5. What would be the best approach towards building social resilience?

¹ "Aging and Economic Growth Potentials in the Pacific Region", Structural project of Pacific Economic Outlook, Pacific Economic Cooperation Council, 2007

B. Implication for EC and the post-LAISR agenda

c) Role of structural reform in the current conjuncture

When the EC established the APEC Work Plan on LAISR towards 2010 (LAISR2010) in 2005, the world economy was enjoying a boom and world trade was growing significantly. However, since the onset of the global financial crisis, these positive developments have begun to reverse, posing a number of new challenges to APEC economies. Although the importance of continuing structural reform was reaffirmed by all the EC members at EC1 this year, the priority of certain reforms might have shifted to those that address the problems incurred by the crisis.

Furthermore, as nearly four years have passed since the adoption of LAISR2010, progress has already been made in various areas of reform. Notably, EC has published three editions of APEC Economic Policy Report, which cover the benefits of structural reform in general, public sector governance and competition policy, while a new edition focusing on regulatory reform is in the pipeline. EC has also conducted a wide range of meetings including an inaugural Ministerial Meeting on Structural Reform, seminars, training courses, symposiums and round tables. In taking stock of all that EC has achieved since 2005, and in light of the current global situation, now is a good opportunity for the EC to review, update, and adjust where required, the existing five LAISR themes.

d) Possible new priority areas for the post-LAISR agenda beyond 2010

Given the dramatic changes in the economic circumstances and the need to address new challenges arising from the crisis, the scope of the post-LAISR agenda is likely to be broader than that of the current LAISR framework.

e) The emphasis on behind-the-border structural reform issues

In the past, EC devoted most of its time and work on economic outlook issues as well as macroeconomic policies. In 2005, with the LAISR mandate given by Ministers, EC focussed its attention on structural reform issues with a recognition that regional integration should be accompanied by behind-the-border measures in addition to the at-the-border measures. Recently, EC has started to discuss, to a certain extent, across-the-boarder measures as well.

Assuming that EC continues to commit itself to pursuing structural reform, there may be several new possible directions that EC could consider giving more attention to. One example would be more emphasis on the interaction between structural reform and regional economic integration (REI). SCl is an obvious example of where these two issues intersect, but there may be other issues with important but less apparent interaction. Such issues may lead to the development of greater collaboration between EC and other APEC committees and sub-fora. Involvement of experts from line ministries would be also helpful in this regard.

Another possibly new direction for the EC would be a stronger focus on the economic effects of structural reform. Although it is often difficult to quantify exactly the benefits of reform, more discussion on the positive effects of reform, including the macro-economic impacts, would be helpful to maintain and strengthen the momentum for reform. In this regard, the PSU has proposed to carry out a study that seeks to analyse the tangible benefits arising from structural reform. The World Bank's EoDB study is also in line with this idea.

In considering the post-LAISR agenda and any new directions that it should take, it is also important that we first assess the level of support among economies for how the EC has progressed to date.

Q6. Is there broad support in your economy on what EC has been pursuing in the recent past?

Q7. How do you feel for EC attaching more importance on the interaction of regional integration and/or economic impacts of reform?

(f) Uneven weights among the current 5 LAISR agenda

As we are just initiating a stock-take exercise of LAISR, it may be a little bit too early to conclude what we have learned through LAISR. However, it has become increasingly apparent that the intensity of work-load has been unevenly distributed among the five LAISR themes:

As is seen in the recent PRIBE initiative, Regulatory Reform issues are wide-ranging and they are behind almost all structural issues. There are many regulatory issues related to regional integration. SELI can also be wide-ranging but so far its focus has not much been discussed.

On the other hand, Corporate Governance and Public Sector Governance have both regulatory aspects as well as non-regulatory aspects. They have less direct linkages with regional economic integration. As for Competition Policy, it has many important linkages with regulation.

Thus, there has been a concentration of activities in the area of Regulatory Reform. This imbalance may need to be addressed in designing the post LAISR agenda. One option would be, as is currently taken, to establish another group to deal with "hot issues" while leaving general issues to be addressed in the Regulatory Reform FotC, but there may be other, possibly more drastic, solutions.

Q8. What are the possible ways to rebalance the burden among the 5 FotC groups?

(g). Approach toward sector-specific issues

Another point that needs to be discussed would be how we should involve line ministries if we are to deepen discussion in specific areas of regulatory reform or competition policy.

Although the current EC members have a good understanding of the importance of general reform initiatives, they may not necessarily have particularly deep sector-specific knowledge. One obvious option is to invite line ministry experts to EC, but they may not be willing to participate, especially if there are other fora in which they discuss sector-specific regulatory issues (eg. the Competition Policy and Law Group). We may have to specify our own perspective which is different from such fora.

Q9. How much and in what way should we go into sector-specific issues? What should be the comparative advantage of EC in discussing sector-specific issues?

(h). Ways of selecting priority areas

In identifying the post-LAISR priority areas, there can be different approaches.

One would be based on surveys on demand or potential benefits. The recent PRIBE approach is a typical example of this.

Another possibility is to set a guideline in view of the comparative advantage of APEC and to take up priority areas in light of such a guideline. Taking account of the current global economic crisis, possible examples for such a guideline would be the following:

- i) reforms that would enable all the people to enjoy the benefits of regional integration*
- ii) reforms that would make economies more resilient to shocks*
- iii) reforms that would lead to a growth more dependent on domestic demand*

Of course, there may be others and there is some overlapping in the above three. So we may wish to incorporate all of these elements into a set of guidelines.

Yet another approach would be to set priority areas on an ad-hoc basis, reflecting the interest of member economies. Here, the implicit criterion would be how much economies find it useful to learn from the experience of others.

Q10. Among the above three approaches, which seem most appealing? Should we rather take a hybrid approach combining all of the three?

3. Proposed processes

It is proposed that a **small steering group** be set up within EC to further discuss a concept of a new agenda for the EC and the possible scope of the post-LAISR framework. To follow up on the discussion arising from the round table, the steering group will work intersessionally on developing the shape a concept of a new agenda.

For further developing the post-LAISR agenda and its roadmap, Japan will host a **High-level Policy Round Table** around the summer of 2010. High-level participants from the governments including ministerial or deputy level, academics and representatives of business will be invited to discuss the possible elements of the post-LAISR agenda. Further details of the meeting will be announced at EC2.

4. Arrangements of the brainstorming session

As the brainstorming session is not aimed at producing decisive outcomes, lively discussion with exchange of ideas among EC members is expected. EC Chair will make some introductory remarks with an explanation on the process for considering the post-LAISR agenda. Following the EC Chair remarks, any member is welcome to provide his/her own ideas. Any early inputs to the EC Chair office on any of the above issues would be welcome. As for the proposal on the High-level Policy Round Table, we would appreciate the submission of EC members' responses by **13 July** so that we can help facilitate discussion of this issue at SOM2.

**Summary Record of the Roundtable discussion:
"Implications of the Global Financial Crisis on Structural Reform"
February 2009, Singapore**

EC Chair outlined the key issues that would form the basis for the roundtable discussion (Document 2009/SOM1/EC/007), including how we should maintain and strengthen the structural reform initiatives against the headwinds of the economic crisis, and how we can avoid the possible spread of protectionism or moral hazard in implementing emergency policy measures.

The following economies made presentations during the roundtable discussion: Hong Kong China, Chile, Chinese Taipei, Japan, Singapore, the United States, Australia, Indonesia, Mexico, Viet Nam, Canada, Lead Shepherd of Human Resource Development Working Group (HRDWG), Representative of ABAC and Manager of PSU. The presentation made by Chinese Taipei drew on document 2009/SOM1/EC/031rev1.

The key lessons from the presentations are as follows:

- Concerns were expressed on the risks that emergency policy measures not only "at the border" but also "behind the border" could contain protectionism implications. The importance of economies not falling back in terms of market opening and trade and investment facilitation in the current crisis was reemphasised as removing market impediments is greatly beneficial in the longer term to improving overall efficiency, growth and development. In this regard, many stressed the need to reaffirm Leaders' commitment made in Lima in November 2008 to refrain from implementing new barriers to trade.
- Despite concerns that the crisis could reverse momentum for structural reforms, many economies have continued efforts to promote structural reform measures. Several economies reported that the strategies to address the crisis taken by the economies were composed of both short term measures aimed at expanding domestic demand and promoting employment and longer term structural reform measures aimed at improving the business environment and increasing productivity and competitiveness.
- Encouraging views were expressed on the importance of taking advantage of the crisis to create political consensus to pursue structural reform. It was stressed that a series of measures was required to activate the domestic market, increase employment, increase the integrity of the financial system by strengthening regulation, and to increase the economy's growth potential through investing in human capital and creating more investor-friendly regulations. In this regard, it was suggested that the EC might have a role in identifying priority structural reform measures that would help in the recovery of financial and capital markets, and thus reduce the length and cost of the crisis. One idea mentioned was reviewing insolvency and bankruptcy laws in a way that would effectively address those companies that are no longer competitive.
- Several economies mentioned their specific structural reform measures which had been implemented as a part of the measure to address the crisis. Those key reform areas include: an emphasis on research and development, innovation, and entrepreneurship; investment in infrastructure, particularly those for increasing connectivity; more efficient legal framework; greater international collaboration on transparency; the measures addressing environment and elderly care; and further deregulation to improve the business environment. It was suggested by the PSU manager that abolishing so-called "nuisance taxes", which is a material red-tape administrative burden on the corporate sector, could provide a long-term structural benefit without having a huge impact on the economy's fiscal position.
- Several economies stressed the necessity for more domestically driven growth, given the fact that the export-oriented economies may suffer more from the current crisis. It was suggested that those economies dependent heavily on export should expand domestic demand through targeted fiscal expenditure and social security reforms, while structural reform measures may have a role to play in each of the above areas. In this regard, it was stressed that structural reform efforts should reflect the implications of macroeconomics.

- Many economies stressed the need to pay more attention to human resource development. This could prevent protectionism through a reduction in income disparities. It can also allow the economy to shift the labour force into promising industries. Increased employability could lead to smaller precautionary savings. However, possible conflicts may arise when setting policy targets in times of crisis. For example, tension could develop between increasing productivity and increasing participation in the workforce. A number of economies recognised the importance of focusing on social inclusiveness and bringing people back to employment.
- The Lead Shepherd of the HRDWG discussed the importance of social safety nets in the current crisis, and how the work of the HRDWG in this area might ease the burden on EC in terms of promoting structural reform. HRDWG would shortly be submitting a project proposal for APEC funding which had three objectives: (a) monitoring performance of social safety nets and related interventions; (b) building HRDWG members own capability to assess the effectiveness of social safety nets and related interventions; and (c) analysis of what is and is not working from these interventions. HRDWG Lead Shepherd expressed interest in working closely with the EC as this project progresses.
- ABAC expressed its appreciation for the various measures taken by governments, as well as APEC, to tackle the current crisis. ABAC also strongly supported structural reform, which it regarded as important for sustaining economic growth.
- EC Chair, in summarising the roundtable discussion, was encouraged by the range of views that had been expressed by members on how economies could take advantage of the current crisis to promote structural reform initiatives. EC Chair concluded by leaving open the possibility of a follow-up roundtable discussion on this topic at EC2.

**附件六: Discussion Paper for the Roundtable on Improving Public Sector
Governance Quality: Practice and Measurement
(文件編號: 2009/SOM2/EC/023)**



**Asia-Pacific
Economic Cooperation**

2009/SOM2/EC/023

Agenda Item: 12

**Discussion Paper for the Roundtable on Improving
Public Sector Governance Quality: Practice and
Measurement**

Purpose: Information
Submitted by: Chinese Taipei



**Second Economic Committee Meeting
Singapore
23-24 July 2009**

**Improving Public Sector Governance Quality:
Practice and Measurement**

Discussion Paper for the Roundtable on Improving Public Sector Governance Quality:
Practice and Measurement

2009 APEC Economic Committee Meeting 2
23-24 July 2009
Singapore

Introduction

The EC "Friends of the Chair" Group on Public Sector Governance has proposed that a one hour Roundtable Discussion on *Improving Public Sector Governance Quality: Practice and Measurement* be held during the 2009 EC2 plenary meeting. The aim of the discussion is to provide a platform for economies to exchange practices and experiences related to the measurement of public sector governance.

This Roundtable Discussion follows from the Roundtable Discussion on Recent Public Sector Changes and Principles of Good Public Sector Governance that was held at EC1 2009. At EC1, economies shared information on recent public sector changes in the region and reflected on the general principles of good public sector governance. At EC2, this Roundtable Discussion will focus specifically on how economies measure the performance of public sector governance.

Good public sector governance strengthens the national economic environment and improves public service performance. In the last two decades, developing principles and indicators to evaluate public sector governance has evolved into a core issue for international organizations and governments. Based on proposed guidelines and general principles of good public governance, it is the goal of this roundtable discussion to offer a forum for economies to share practices and experiences regarding the measurement of public sector governance. Economies are invited to present how good governance principles are applied to measure and improve the quality of public governance performance.

APEC EC established the framework of good governance in the 2007 APEC Economic Policy Report, and provided nine generalized high-level principles to economies, including:

- Rule of law
- Transparency
- Accountability
- Managing the performance of public sector agencies
- Public sector ethics and probity
- Responsiveness of stakeholders
- Political and bureaucratic structures
- Good policy and institutions
- Risk management

Besides APEC, the OECD, the United Nations and the World Bank have also engaged in developing indicators and researching public sector governance in recent years. This roundtable supports discussion and interaction among economies to understand how those high-level principles of good public governance are put into practice and are used to measure and to improve governance quality in various economic contexts.

Implications focusing on building an integral indicator of public governance or on measuring a specific aspect of governance, such as transparency, accountability, integrity or responsiveness, are all welcomed in this discussion.

Format

We propose that one hour be allocated to the roundtable discussion during EC2, and that the format of this discussion would be as follows:

- Introduction by Chinese Taipei (5 minutes)
- Presentations from economies (Canada, Japan, New Zealand, Chinese Taipei and other economies on a voluntary basis, each for 5-10 minutes)
- General discussion, framed around the above questions (15 minutes)
- Wrap-up remarks by Chinese Taipei (5 minutes)

Discussion topics

To stimulate a focused and beneficial discussion, the FoC group requested economies to consider and submit a response on a voluntary basis to the following questions

- What innovative approaches, initiatives, instruments or tools have economies recently implemented to measure good public governance (i.e. transparency, integrity, accountability, or overall measurement)?
- What motivates the use of these measurements?
- What benefits or risks resulted from implementing these measurements of good public governance?
- What challenges did economies face in implementing these measurements?
- What key essentials or lessons were learned from economies' experiences?

Submissions from Canada, Japan, New Zealand and Chinese Taipei (in alphabetical order) have been collected and synthesized as below to facilitate discussion.

Synthesis of Submissions

- What innovative approaches, initiatives, instruments or tools have economies recently implemented to measure good public governance (i.e. transparency, integrity, accountability, or overall measurement)?

The approaches to or measurements of good public governance vary in different economies. Some economies have taken actions to decrease unnecessary administrative burden, rules, regulations and directions, such as heavy paper work and complicated and overlapping procedures. Measures of empowerment and deregulation are also employed to eliminate barriers obstructing government efficiency.

Canada's Economic Action Plan

Implementing the Government's Economic Action Plan has provided the Treasury Board Secretariat with an opportunity to promote and test its broader management agenda focused on creating an enabling environment to help departments deliver on priorities quickly and effectively. As such, efforts have been made to provide departments with increased authorities as the basis of greater autonomy and ownership over their various programs, and more discretion as to how best to deliver results for Canadians. Further actions, like *Web of Rules Initiative* (to scrutinize the unnecessary regulations), *Strategic Reviews* (to ensure budgets are implemented in an efficient way) and *Reforming Grants and Contributions* (to manage grants and contribution delivery across government) are also adopted to improve the quality of public governance.

Japan's Reform of Quality

Japan has launched 'Reform of Quality', which aims to raise the productivity of government service and citizens' satisfaction by promoting 'Business Process Re-engineering' (BPR). The process includes:

(1) Choosing the area of BPR by each ministry; (2) Figuring out needs/assessments of the public; (3) Reviewing the process of the operation and optimizing the process so as to meet the targeted goal; (4) the specific content of the BPR Plan will be decided by end-September, 2009 and will be revised in 2010 and 2011 according to expert groups' review and opinions.

On the other hand, some economies regard measurement of good public governance as the basic infrastructure for quality improvement of PSG and attempt to develop some more quantitative methods. For example, Chinese Taipei has launched the 'Chinese Taipei Public Governance Indicator' for measuring the performances of public sector governance.

Chinese Taipei's Chinese Taipei Public Governance Indicator (CTPGI)

CTPGI consists of 7 indicators, including *Rule of Law, Government Efficiency, Responsiveness, Transparency, Corruption Control, Accountability and Public Participation*. Each indicator contains 2 to 5 sub-dimensions to systematically evaluate the quality of PSG of Chinese Taipei. The evaluation of each dimension relies on both subjective and objective data. The source of subjective data comes from the

questionnaire survey answered by the representatives of an evaluation committee from academia, enterprises and government. The objective data is principally gathered from the statistical figures released by the national government and international organisations. CTPGI uses a meta-analysis approach to synthesize data collected from expert opinions, international organizations, domestic statistics, and research reports.

Some economies provide the comprehensive framework to evaluate the performance of PSG. New Zealand, for example, has launched a performance improvement framework by The Treasury and State Services Commission (SSC). The framework is expected to drive improvement at the agency level as well as the sector and system level.

New Zealand's performance improvement framework

The framework consists of:

1. A comprehensive model for performance improvement at an agency, sector and system level interlinking management practices and results, including indicators of good management practices.
2. A cycle of formal performance assessments that assesses performance, identifies priority areas for action, and ensures that these are implemented to drive improvement.
3. An improved central agency approach to assessing, supporting, informing and focusing performance across the State Services.
4. An analytical tool that will identify strengths and weaknesses in individual agencies, sectors, and ultimately at a system level, and drives initiatives for improvement.

- What motivates the use of these measurements?

In order to respond to increasing citizens' demands and expectations of public services, many economies launched initiatives to enhance the quality of PSG. Economies aim to demonstrate the improvement in a clear-cut way to the public. The importance of periodical evaluation of public sector performance is also mentioned, which not only ensures the budgets are spent properly, but also sets the adequate standard of performance that should be achieved.

- What benefits or risks resulted from implementing these measurements of good public governance?

Benefits

Economies have mentioned that implementing performance management is beneficial to respond to citizens' expectations adequately, such as shortening waiting time, simplifying and accelerating procedures and improving convenience. By regularly publishing the results of a PSG quality review, government transparency could be improved and public trust in government could be increased in the long run.

One of the most obvious improvements has been seen in governments' expenditure management system. The use of meaningful evidence to assess

performance ensures alignment of programs and spending with government priorities, effectiveness, efficiency and value for money.

Canada's Strategic Reviews

The two previous rounds of Strategic Reviews, covering 38 federal organizations and approximately 45% of direct program spending, identified aggregate ongoing savings and reallocations of almost C\$1 billion. Strategic Reviews are a key element of the Government's expenditure management system and feed into the Budget planning process.

Risks

- ✓ Continuous documents reviews may lead to extra administrative workloads.
 - ✓ Periodically published results of a PSG review could be used as political ammunition and a more agile governmental response to communicate with the civil society and to tackle the issues is required.
- What challenges did economies face in implementing these measurements?

Economies find that shifting public sector culture to achieve the reforms is a major challenge. The primary obstacles to achieving government-wide reform are the scope of the changes required, the complexity of the processes to be reformed and the need for a fundamental shift in attitude (culture shift). It is also challenging to create an environment to facilitate the reform strategies. Economies trying to measure the quality of PSG encounter further challenges when collecting suitable and periodically comparable data. Under these circumstances, establishing reliable indicators becomes to a complex task.

Chinese Taipei's major challenge when implementing CTPGI

The main challenge of building CTPGI at this stage is to select reliable primary data suitable for time-series analysis. Although Chinese Taipei has gathered several relative international indicators to construct the seven dimensions of public sector governance, different releasing periods and the change of releasing contents of these reference indicators make the task difficult. Researchers also face extra challenges when distinguishing the operational definition of two dimensions: *Responsiveness* and *Government Efficiency*. Further discussions are still required to avoid overlap when constructing indicators of these two dimensions.

- What key essentials or lessons were learned from economies' experiences?
- ✓ Monitoring the performance of public sector governance with a time-series basis is essential for good governance. Although obvious improvements towards public governance performance are not observed in the short-term, efforts aiming to improve public sector performances should not be given up easily.
 - ✓ Promoting the participation of academia and civil society may be a helpful and innovative strategy to improve the quality of public sector governance.

Appendix 1: Economy Responses

Canada

1. ***What innovative approaches, initiatives, instruments or tools have economies recently implemented to measure good public governance (i.e. transparency, integrity, accountability, or overall measurement)?***

Budget Implementation

Implementing the Government's Economic Action Plan has provided the Treasury Board Secretariat with an opportunity to promote and test its broader management agenda focused on creating an enabling environment to help departments deliver on priorities quickly and effectively. The evolving management agenda affirms the importance of balanced and risk-sensitive oversight and emphasizes a results-focused, risk-sensitive and principles-based approach that moves away from a more traditional "command and control" style of management. As such, efforts have been made to provide departments with increased authorities as the basis of greater autonomy and ownership over their various programs, and more discretion as to how best deliver results for Canadians.

- TBS has recently introduced two mechanisms to streamline departmental interactions with Treasury Board (TB) regarding budget-related items:
 - similar requests for spending authorities are now bundled together in abbreviated submission process (TB Aide-Memoire)
 - departmental omnibus submissions allow departments to introduce a variety of authority requests under one cover
- TBS' Office of the Comptroller General (OCG) is scrutinizing the internal audit and risk-targeted delivery of advice by chief audit executives to senior management in order to manage risks associated with expedited funding processes.
- TBS is playing a lead role in the development of periodic reports to Parliament on the implementation of Budget 2009 and has developed a reporting framework to track the implementation of budget initiatives, including the development of standardized templates for tracking progress and performance reporting, in consultation with Finance, PCO and key departments.

Spending on the Right Priorities

This key pillar of effective government aims to ensure that taxpayers' money supports activities which reflect government priorities, is efficiently spent and achieves results. Two initiatives in particular represent leading approaches in this regard:

- ***Strategic Reviews.*** Launched in 2007, Strategic Reviews of existing spending are a key element of the Government's expenditure management system and ensure alignment of programs and spending with government priorities, effectiveness, efficiency and value for money. A key component of Strategic Reviews includes the use of meaningful evidence to assess performance (i.e.,

use of performance measurement frameworks, evaluations, audits, benchmarking, international comparisons)

- **Renewed Policy on Evaluation:** In effect since April 1, 2009, this policy is part of a wider effort to update, strengthen and refine the suite of TB policies governing government operations. The new policy on evaluation uses a risk-based approach to planning evaluation coverage of direct program spending within federal departments and agencies.

Management Performance in Support of Innovation

In 2008-09, TBS launched a government-wide action plan to quicken the pace of change towards a management regime that is more conducive to innovation to deliver better results for Canadians. Among the areas where work will continue over the medium-term are:

- **Web of Rules Initiative.** The government is scrutinizing the burden imposed on departments and agencies by Treasury Board policies, directives, standards and other internal rules and regulations. The web of rules is the totality of these prescriptive, overlapping, and opaque rules and reporting requirements, coupled with outdated and inefficient administrative processes and systems within the government that stifle innovation and impair the ability of public servants to deliver services to Canadians.
- Addressing the web of rules requires both immediate action and long term solutions to support the cultural shift necessary to eliminate the rules which impede effectiveness and impose unnecessary checks, generating a risk-averse environment and providing few incentives for innovation.

Immediate action is focused on: eliminating ineffective and unnecessary rules; reducing the reporting burden; and, modernizing administrative processes and systems. While measures that comprise this multi-year initiative have enabled the Government of Canada to achieve some success by clearing away some obstacles or barriers to more effective government, and disentangling the web of rules, efforts in 2009-10 will be focused on moving forward to support and encourage more innovative government.

- **Reforming Grants and Contributions (Gs & Cs).** A comprehensive Action Plan has been developed to bring management excellence to the administration of grants and contribution delivery across government, ensuring that the government delivers these programs in a fair, cost-effective and efficient manner. Federal grant and contribution programs support the work of thousands of community non-profit organizations across the country that serve the needs of communities in ways that are more efficient and more effective than governments operating through direct programming
- The Action Plan is now in its second year of implementation. A Centre of Expertise at TBS provides overall stewardship to this reform and whole-of-government leadership.
 - Six Departments have pioneered a number of improvements and tools, and together have made a significant contribution to advancing the

reform initiative. This progress is now being shared in order to expand the impact of change across more Departments.

- Implementation of the Action Plan will result in fundamental changes to the way all federal departments understand, design, manage and account for their Gs and Cs programs. The key vehicle for change is the implementation of risk management principles for all aspects of Grants and Contributions management.
- **Management Accountability Framework (MAF).** After five years of application, an independent evaluation was recently undertaken to examine MAF as a management performance assessment tool, its methodology and administrative practices (reducing reporting burden and streamlining administration), and the benefits of MAF relative to costs. Implementation of the Evaluation Report's recommendations will start in 2009, and will focus on:
 - Implementing a risk/priority-based approach;
 - Strengthening the assessment methodologies to incorporate overarching principles for assessing managerial performance;
 - Strengthening governance to involve client departments in bringing in changes to the MAF process and strengthening collaboration in using the MAF results to drive departmental and government-wide improvements;
 - Improving engagement and communications with stakeholders; and,
 - Formalizing a role within TBS to oversee the assessment methodologies and the management of horizontal issues and action plans.
- **Risk Management.** The goal is to achieve an appropriate balance across government between risk, innovation and control, in order to improve decision-making and results, optimize the allocation of resources, and increase flexibility and innovation. TBS is strengthening risk management across the government in two ways: first, by adopting risk-based approaches to TBS activities, and second, by acting as an enabler of effective risk management within other federal organizations, generating a broad policy framework to lay out core principles in this regard, and establishing a centre of excellence in risk management.

Government-wide Medium-term Planning (MTP)

- In February 2009, the Clerk launched an integrated MTP process to position the federal government for the post-recession environment (2010 and onwards). In support of this work, the government is launching discussions, consultations and other activities related to the future role of government, including its institutional relevance and alternative governance models. This process will examine a variety of drivers and dynamics, engage senior management across government and leverage international expertise in the development of a medium-term agenda for Canada.
 - In addition to highlighting some key external and internal trends that are driving the need for change in public sector management, and the opportunities and challenges that this has created, it is expected that this work will lead to the development of some possible future directions to broaden and deepen the current management agenda in order to respond to these trends.

2. ***What motivated the use of these measurements?***

- Public sector reform efforts, in Canada and abroad, reflect the importance of responsive, flexible and more innovative government to address significant public policy challenges. A variety of economic, demographic and technological pressures are combining to focus increased attention on the enabling role of government management reforms and approaches to finding solutions.
- In terms of the recent innovative approaches to implementing the Government's Economic Action Plan an accelerated approach was adopted to ensure the timely movement of funds to departments for spending on economic stimulus measures.
- The Third Report of the Prime Minister's Advisory Committee on the Public Service (February 2009) and the Sixteenth Annual Report from the Clerk to the Prime Minister on the Public Service of Canada both recommended strengthening federal risk management capacity and adopting a government-wide principles-based approach to risk management. These reports have bolstered initial efforts to improve federal risk management.
- The reform of Gs and Cs management processes has been called for by the Auditor General (2006), federal departments, and their recipient groups for some time. The government appointed a Blue Ribbon Panel in June 2006 to review policies and practices related to Gs and Cs and identify opportunities for improvement. Key conclusions were that fundamental change in the way the federal government manages its Gs and Cs programs was required; that not only was it possible to simplify administration while strengthening accountability, but that it was absolutely necessary to do the first in order to ensure the latter and that making the necessary changes to an area of government as vast and complex as Gs and Cs would require sustained leadership at the political and senior public service levels. The Auditor General had also echoed concerns regarding the need to reduce administrative burden, by applying sensible risk management to the rules surrounding how we monitor and report on Gs and Cs.
- Refining MAF provides an opportunity, after five years of successful application, to reflect evolving performance expectations and standards critical in shifting the risk avoidance culture to one of risk management and innovation.
- The recently launched MTP exercise recognizes that it is critical to highlight the significant role that the management agenda plays in creating an environment in government that directly or indirectly stimulates, enables or constrains capacity to support economic growth.

3. ***What benefits or risks resulted from implementing these measurements of good public governance?***

- Budget Implementation: the unprecedented efforts to accelerate the investments contained in the Economic Action Plan are now paying dividends, with 80% of this fiscal year's (2009-2010) initiatives already being implemented. Furthermore, Canada continues to be in the strongest financial position of any G-7 country. The development of these expedited processes has also provided an opportunity to further test or develop the government's management capacity to engage in intelligent risk-taking.
- Strategic Reviews: The two previous rounds of Strategic Reviews, covering 38 federal organizations and approximately 45% of direct program spending, identified aggregate ongoing savings and reallocations of almost \$1 billion. Strategic

Reviews are a key element of the Government's expenditure management system and feed into the Budget planning process.

- MAF: is now being used to gauge management performance in all departments and agencies. Organizations are demonstrating year-over-year improvements in their management capacity and performance with favourable progress achieved in management priority areas. MAF allows the government to identify organizations as having high- and low- levels of management performance, helping generate a management agenda more attuned and responsive to different needs and capacities.
- Gs and Cs: Implementation of government reforms will result in fundamental changes to the way all federal departments understand, design, manage and account for their Gs and Cs programs. From the recipient point of view, this will enable a shift in focus from unnecessary reporting burden, to a greater emphasis on service to clients and achieving results. The key vehicle for change is the implementation of risk management principles for all aspects of Grants and Contributions management.
- MTP: The focus on public sector governance in the context of government-wide medium-term planning recognizes that developing sophisticated and comprehensive approaches to Canada's public policy challenges over the medium term will all fall short of their intended aim without the foundation of an effective management regime. It is widely accepted that sound public sector management is essential to a well-managed and innovative public service and to the success of efforts on all policy fronts.

4. What challenges did economies face in implementing these measurements?

- Meeting the expectations of Canadians and sustaining an increased level of government intervention will be a challenge due to rising costs, increasing demands and diminishing capacity resulting from pressures to reduce debt in the face of a diminished tax base and demographic pressures.
- Risk management: There are significant challenges to fully implementing risk management in government, as it presents a different way of doing business, both within TBS and in other federal organizations. A risk-smart culture requires a shift from rules and risk avoidance to flexibility, innovation, risk tolerance and risk mitigation. This shift needs to occur at many levels: the public service, the political level and the public.
- Gs and Cs: The primary obstacles to achieving government-wide reform are the scope of the changes required, the complexity of the processes to be reformed and the need for a fundamental shift in attitude (culture shift) from risk aversion to risk management. Sustained leadership is being provided by the Deputies Committee to overcome these barriers.

New Zealand

While, New Zealand is supportive of good governance and enhancing governance, we have not established any specific measures of our governance framework. As a result, our response will talk about our approach to supporting performance in the public sector.

Recent changes to the accountability documents

In a past response to APEC Economic Committee in February 2009, we discussed that we had restructured the accountability documents to provide for clearer specification of what was being purchased, and much more focus on reporting to Select Committees on both agency and sector performance.

We have yet to produce our first set of annual reports based on the new specification, so we are only part way through the implementation process. The focus for annual reports is on telling a performance story building off the improved ex ante specification in the Statement of Intent and Information Supporting the Estimates.

The most recent work on improving governance and the accountability document has been focused on training people in good performance measurement. This training has reinforced how to specify outcomes, impacts and outputs and how outcomes, impacts and outputs together tell a performance story.

With the current economic environment, Ministers continue to focus on the government's fiscal situation in New Zealand. The need for efficient and effective spending means that performance information is increasingly important for decision making.

What innovative approaches, initiatives, instruments or tools have economies recently implemented to measure good public governance (i.e. transparency, integrity, accountability, or overall measurement)?

The New Zealand Government has not implemented any new approaches to measuring public governance. The New Zealand government is focused on ensuring that the systems and processes in place are used to support performance.

A change of government has meant less progress on improving output measures and more focus on ensuring that the public sector is aligned to the priorities of Ministers and producing the right outputs. The current government has had an exchange of letters between the Prime Minister and Ministers to agree on the priorities for each Minister. These priorities have then been reflected in the accountability documents. The New Zealand accountability documents (presented to Parliament with the budget) detail the links between the appropriations and the government's priorities.

To respond to the economic crisis, the Minister of Finance has engaged directly with chief executives and asked them to undertake a line by line review of their expenditure forecasts to identify savings. This has involved identifying those programmes that are inconsistent with or not effective in achieving the government's priorities.

The Treasury and State Services Commission (SSC) are working this year to pilot and refine the performance improvement framework. The performance improvement framework is an initiative to drive performance improvement across the state sector. The

framework is expected to drive improvement at the agency level as well as the sector and system level. The framework consists of:

- A comprehensive model for performance improvement at an agency, sector and system level interlinking management practices and results, including indicators of good management practices
- A cycle of formal performance assessments that assesses performance, identifies priority areas for action, and ensures that these are implemented to drive improvement
- An improved central agency approach to assessing, supporting, informing and focussing performance across the State Services
- An analytical tool that will identify strengths and weaknesses in individual agencies; sectors; and ultimately at a system level, and drive initiatives for improvement

We are also picking up ideas from our indigenous population's approach to stewardship. For example they take a very long view of stewardship that is seen in the way they hold assets for the long term and seek to manage them for the long term. The Treasury has been working on a capital asset management approach for capital intensive departments, that takes a longer term view of capital requirements and expenditure than our traditional four year budget focus.

Staff turnover in agencies continues to be an issue as people working on accountability documents leave the public service, move to other agencies or other areas within agencies. The high staff turnover limits the amount of knowledge and skills in good quality specification available to achieve a step change in the accountability documents across government.

The Treasury, SSC and the Office of the Auditor-General (OAG) are working together to develop long term indicators of improvement in quality performance information. This work is not yet complete. The aim is to be able to measure whether the quality and level of performance disclosure is increasing over time. The Treasury, SSC and OAG plan to develop indicators based on the significant areas of expenditure and to measure the information in the existing accountability documents. The objective is to create an indicator or indicators that test whether the work undertaken by the Treasury, SSC and OAG support departmental and Ministerial decision making through enhanced transparency in government.

Benefits

The benefits we expect from understanding the level of disclosure that we have in accountability documents are:

- Understanding what impact the work of SSC, Treasury and OAG is having on performance reporting, and whether we need to change what we are doing
- Whether the level of performance information reporting is improving over time

Risks

The risks to the work to improve performance information and transparency are:

- Continued high turnover of staff working on the accountability documents

- Accountability documents are viewed as compliance documents and are not seen as useful by departments and Crown entities
- That there is a focus on the negative aspects of performance, reported out of context from overall performance

Chinese Taipei

- What innovative approaches, initiatives, instruments or tools have economies recently implemented to measure good public governance (i.e. transparency, integrity, accountability, or overall measurement)?

Building a series of reliable indicators to monitor the integral government performance is essential to the accomplishment of good governance. To pursue this objective, Chinese Taipei has endeavored to establish 'Chinese Taipei Public Governance Indicator' (CTPGI), an innovative holistic evaluation tool, to trace the governance quality of public sector in several key dimensions annually. The Research, Development and Evaluation Commission (RDEC) of Chinese Taipei is leading the innovation and commissioned National Taiwan University (NTU) to initiate Taiwan Public Governance Research Center (TPGRC) in 2008 to facilitate academic and practical discussion on CTPGI.

CTPGI incorporates 7 key dimensions of public sector governance (PSG) proposed by APEC, the OECD and the World Bank. It aims to illustrate the quality of PSG via synthesizing the subjective and objective data. More details are described below.

The content of CTPGI

To monitor the holistic performance of PSG, CTPGI consists of 7 indicators, including *Rule of Law, Government Efficiency, Responsiveness, Transparency, Corruption Control, Accountability and Public Participation*. Each indicator contains 2 to 5 sub-dimensions to systematically evaluate the quality of PSG of Chinese Taipei. (See Chart 1)

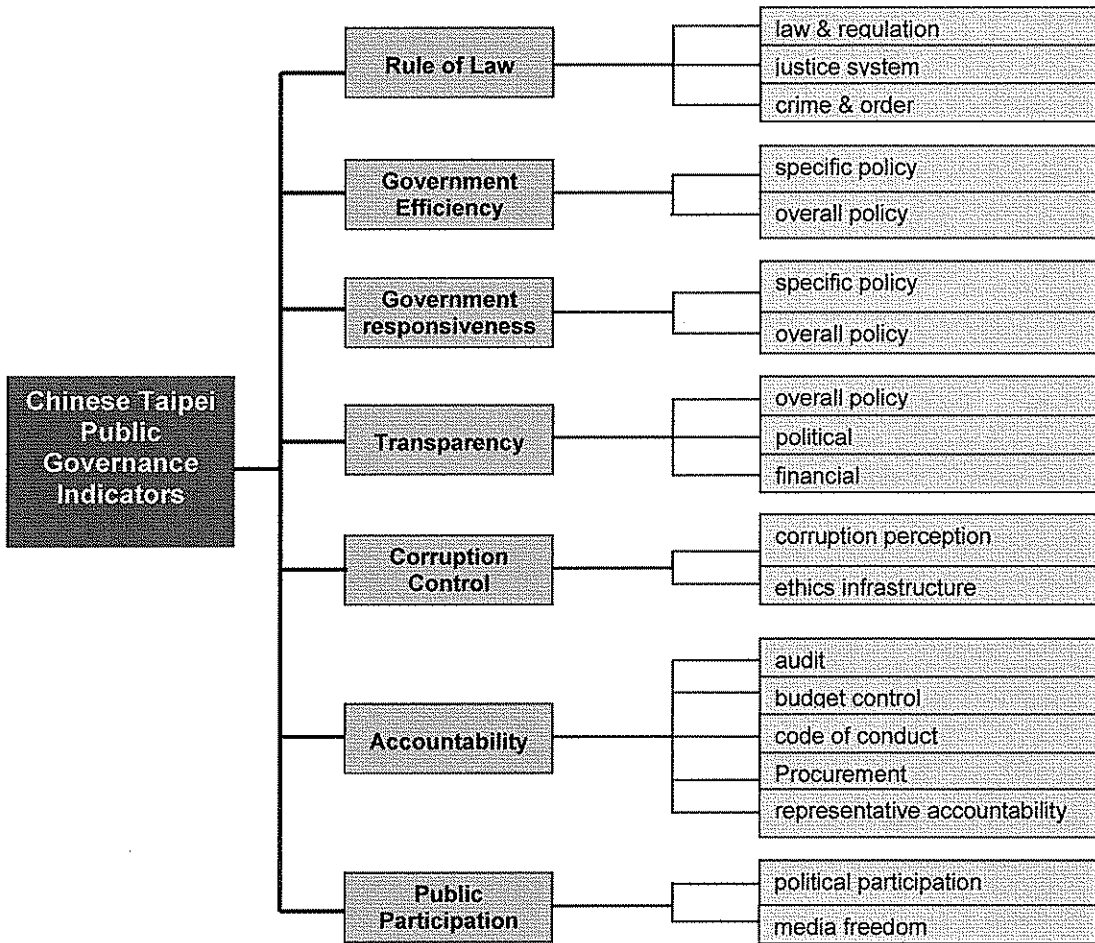
Data Source and Analysis

CTPGI uses a meta-analysis approach to synthesize data collected from expert opinions, international organizations, domestic statistics, and research reports. The evaluation of each dimension relies on both subjective and objective data. The source of subjective data comes from the questionnaire survey answered by the representatives of an evaluation committee from the academia, enterprises and government. The survey topics are selected by the TPGRC and the questionnaires are created with reference to national and international research. Before distribution, the questionnaires are tested by experts to ensure their reliability and validity. Each year, experts from enterprises, government and academia are invited, on the basis of their professional positions, to participate in an expert panel and to give their assessments of Chinese Taipei's achievements in public governance.

The objective data is principally gathered from the statistical figures released by the national government and international organisations. For example, data from World Bank, OECD and International Institution for Management Development (IMD) are the main references.

To sum up, CTPGI is an innovative approach that has been used to measure Chinese Taipei's performance of public governance. As a creative tool of governance evaluation, CTPGI intends to become the important reference for Chinese Taipei. While the initiative of CTPGI is in its beginning stage, the consentaneous structure of objective data source still requires elaborated discussions among the academia, enterprises, public sector, and the civil society.

Chart 1



● What motivates the use of these measurements?

Good governance in the public sector is the cornerstone of economy growth, national competitiveness, and democracy development. Chinese Taipei recognizes the importance of PSG and urges to develop practical measurements of PSG for following reasons.

1. To create a comprehensive measurement of PSG and shed lights on strategic administrative reform

Monitoring government performance has long been an important issue and has interested numerous researchers in Chinese Taipei. However, past research and evaluations merely focus on one or few specific dimensions of government performance instead of concentrating on a more holistic review of the quality of PSG. Chinese Taipei is aware that the comprehensive measurement of the quality of PSG is the foundation of improvement. Considering performance of each key dimension of PSG simultaneously can generate a cross-cutting insight of strategic administrative reform beyond departmental boundaries. Therefore, Chinese Taipei prioritizes the task of the establishment of CTPGI and devotes to create a measuring method of the quality of PSG.

2. To set a baseline and time-series analysis of the performance of PSG

Periodical comparison of the performance of PSG can guide efforts of advancement accordingly and provide more robust evidence to formulate strategic administrative reform. However, due to high complexity and vast resources required, a robust time-series analysis of the performance of PSG remains absent. Chinese Taipei recognizes the government must play an important role to facilitate the establishment of long term measurement of PSG. Research independence is also essential to avoid political bias and ensure the trustworthiness of the measurement. As a result, RDEC commissioned NTU to initiate the independent research center, TPGRC, to integrate perspectives of the measurement of PSG.

- What benefits or risks resulted from implementing these measurements of good public governance?

Due to increased complications of social problems and higher public expectations for government accountability, the public sector faces the new challenges of responding to and satisfying citizens' expectations. Chinese Taipei believes that independent CTPGI Research Annual Report plays an important role in responding to the civil society by publishing the governance performance of the public sector. The results of periodical measurement not only identify improvements and deteriorations in the key dimensions of governance, but also provide rooms for rational discussion over holistic government performance. These discussions could deepen democracy and contribute to strategic actions to improve international competitiveness of Chinese Taipei.

Although regular publishing of the results of CTPGI could increase government transparency, public trust in government may not necessary improve accordingly in short term as we expect. One of the risks needs to face is that dissatisfying results of the measurement could be used as political ammunition and a more agile governmental response to communicate with the civil society and to tackle the issues is required.

- What challenges did economies face in implementing these measurements?

The main challenge of building CTPGI at this stage is to select reliable primary data suitable for time-series analysis. Although Chinese Taipei has gathered several relative international indicators to construct the seven dimensions of PSG, different releasing periods and the change of releasing contents of these reference indicators make the task difficult. Researchers of TPGRC also face extra challenge when distinguishing the operational definition of two dimensions: *Responsiveness* and *Government Efficiency*. Further discussions are still required to avoid overlap when constructing indicators of these two dimensions.

The establishment of CTPGI is only the first step to carry out good governance. In the long run, the real challenge lies in the employment of TGPI results to improve the quality of PSG. While increasing governance performance involves cross-departmental efforts, successful strategic reform used to improve the quality of PSG demands high collaboration and intense communication across departments. It is still a long road of transforming measurement results into responding measures to improve the quality of PSG.

- What key essentials or lessons were learned from economies' experiences?

Measuring the quality of PSG is the starting point of strategic improvement. We must know how the government performs in order to propose improvement targets and plans. Although Chinese Taipei has found that there are plenty challenges needed to be tackled, the establishment of CTPGI is too important to give up.

As reviewing the research process to date, we suggest that government support and participation of the academia and civil society are both essential to make a trustworthy time-series analysis possible. Although the government has the resources and bears the accountability to carry out such complex and long term measurement, cooperation with the academia and civic participation can help bring innovative strength into the public sector to build measurement of the quality of PSG. The initiative of TPGRC has simulated rich discussion among the government, the academia and civil society as a good start. As the research of CTPGI is still in its early stage, we expect to have more exchange of indicator construction of PSG with other economies to advance the research results.

Round Table Discussion
Improving Public Sector Governance Quality
- Practice and Management -

Japan's Case

24 July, 2009

Second Economic Committee Meeting
Asia Pacific Economic Cooperation

1. *What innovative approaches, initiatives, instruments or tools have economies recently implemented to measure good public governance (i.e. transparency, integrity, accountability, or overall measurement)?*

- ◆ In "Basic Policy 2009 for Economic and Fiscal Reform" (Cabinet Decision, 23 June, 2009), the promotion of "**Reform of Quality**" is initiated in addition to "Reform of Quantity" towards "Simple and Warm Government" as a task of the administrative reform
- ◆ Outline of "Reform of Quality" in the Government of Japan

<Aim of the Reform>

- 1) Improving productivity of administrative services
- 2) Enhancing "Customer Satisfaction" to meet public expectations
→Promotion of "**Business Process Re-engineering**"(BPR)

<Process of the Reform>

- 1) Choosing areas of BPR for each ministry
(e.g.: counter service, subsidy provision, permit procedure, application and issuance of licences....)
- 2) Figuring out needs of/assessment by the public
→ **setting a target goal is necessary as an indicator of improvement**
- 3) Reviewing and optimising operational processes so as to meet the target goal
→ **utilising methods used in private sectors, and taking advice from private sectors where applicable**
- 4) The BPR Plan of each ministry for 2009 will be decided by late-September
→ **each ministry will decide BPR plan for 2010 and 2011 by the end of previous years.**

2. *What motivates the use of these measurements?*

- ◆ The target goal is set to facilitate the public understanding of the achievement of BPR.

3. *What benefits or risks resulted from implementing these measurements of good public governance?*

- ◆ Shortening waiting time, simplifying/speeding up procedures, and improving convenience are expected, though depending on areas of BPR.

4. *What challenges economies face in implementing these measurements?*

- ◆ Creating an environment which facilitates BPR is required.
(e.g.: Prime Minister's Award, encouraging bottom-up suggestions, and collaboration with those in charge of personnel/policy evaluation system)

5. *What key essentials or lessons were learned from economies' experiences?*

- ◆ This exercise has just started, and the outcome will be reviewed at the end of this year. Then the BPR Plan will be revised accordingly.

附件七：Chinese Taipei's Recent Experience in Reducing Administrative Burdens (文件編號：2009/SOM2/EC_OECD/)

Chinese Taipei's Recent Experience in Reducing Administrative Burdens

Michelle Mei-hsiu Liu
Chief of the Legal Section
Center for Economic Deregulation and Innovation
Council for Economic Planning and Development

July 25, 2009

1

Strong Political Support

Since the new administration took office in May 2008, "deregulation" has been a key policy priority for revitalizing the economy. The Premier has instructed ministries to:

- ☛ pursue rigorous deregulation.
- ☛ first "loosen" a "control" mentality, then review regulations with a more relaxed perspective instead.
- ☛ invite reform proposals from top down, bottom up and via all other channels.
- ☛ make regulatory reform the vehicle for improving the quality and efficiency of public governance.
- ☛ conduct systematic review of regulation to avoid the reemergence of redundant regulation over time, after a particular area is deregulated.

2

Defining Reform Policy

Deregulation and Rebuilding

In July 2008, the Cabinet announced “deregulation and rebuilding” as the main theme of medium-term policy. The goal is to increase competitiveness through deregulation and tax reform, investment and infrastructure building, and clean and efficient governance.

3

Target Areas for Reform

Entry barriers to the service industry

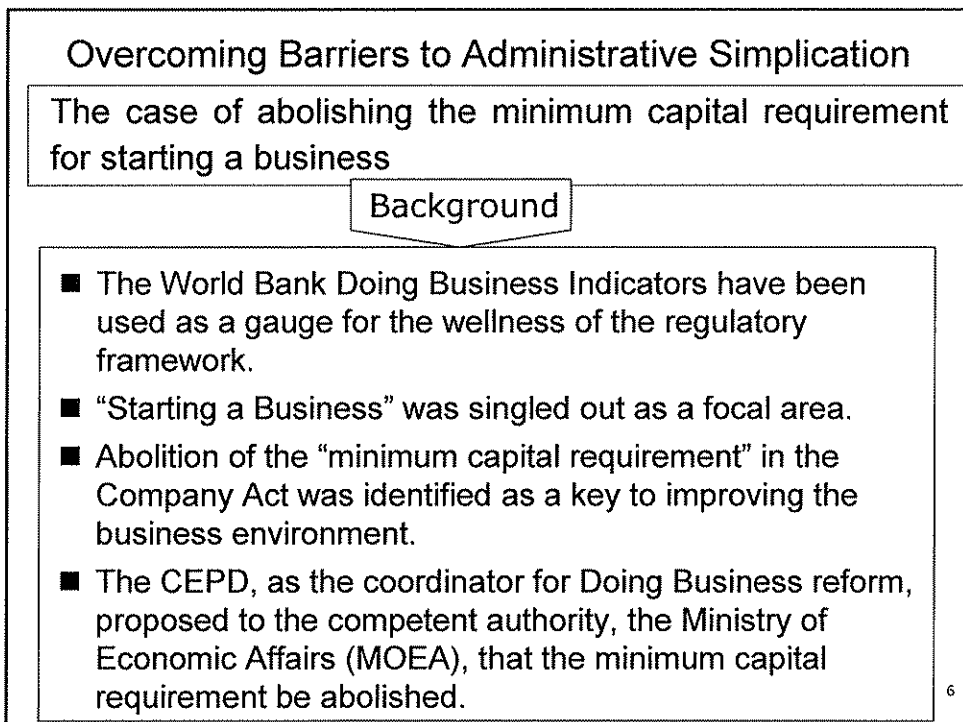
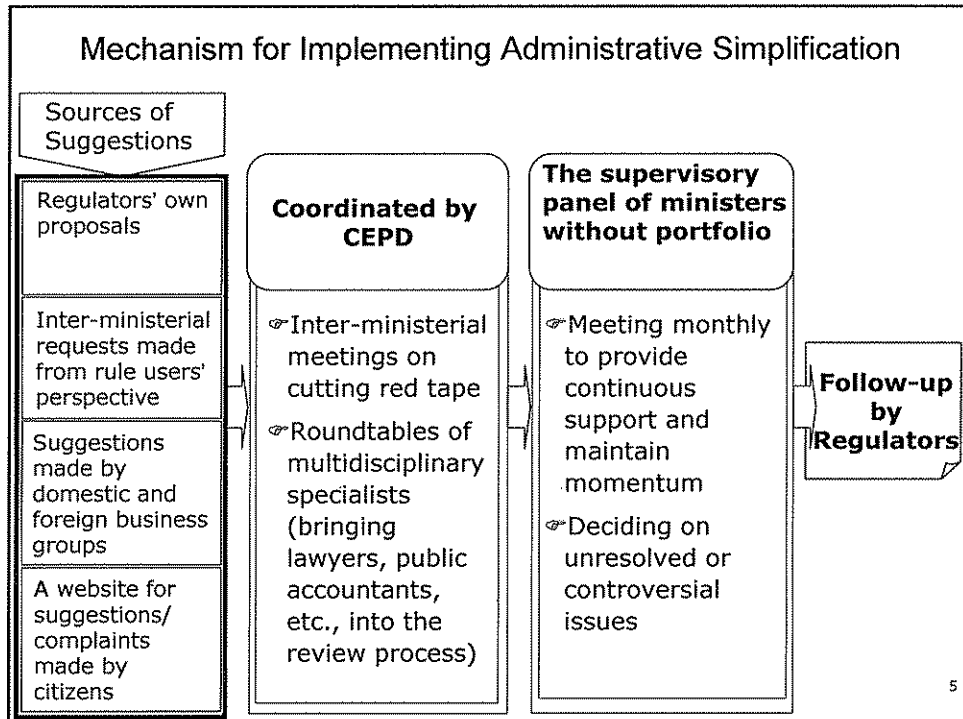
Flows of capital and human resources

Reform Policy

Cross-industry business operation

Regulation of business operation

4



Overcoming Barriers to Administrative Simplification

Barriers to the Reform

■ Resistance to change

The MOEA

- 1) worried that without the minimum capital requirement for company incorporation, it would encourage criminal activities such as using a company as a tool to commit fraud or cheating;
- 2) argued that the CEPD's proposal was inconsistent with the domestic legal system, i.e., the civil law system.

7

Overcoming Barriers to Administrative Simplification

Barriers to the Reform

■ Conflicting interests

Despite business groups' welcome for the proposal, accountants opposed the change because of their interest in the existing requirement, in the Company Act, to obtain an audit certificate from an independent CPA as a prerequisite for setting up a new company.

■ Lack of information and supporting data

The CEPD's original proposal was based solely on the World Bank's survey result, without other references or discussion of such matters as cost and benefit analysis.

8

Overcoming Barriers to Administrative Simplification

Steps taken to overcome barriers

■ Research and analysis

- ↳ The CEPD presented a comparative study on different countries, which highlighted how Japan, though also a civil law-based economy, abolished the minimum capital requirement in 2005.
- ↳ The MOEA was willing to re-evaluate the reform proposal after further analyzing the cost and benefit.

9

Overcoming Barriers to Administrative Simplification

Steps taken to overcome barriers

■ Intensive consultations with stakeholders

- ↳ The CEPD's vice chairman visited the MOEA to explain the rationale of the reform proposal and try to win the ministry's support for it.
- ↳ The MOEA invited CPA associations, business groups, lawyers and corporate law specialists to discuss the reform proposal.
- ↳ The MOEA and the CEPD met with representatives from 4 major CPA associations to stress the need for reform of the minimum capital requirement.

10

Overcoming Barriers to Administrative Simplification

Steps taken to overcome barriers

■ Powerful support

- ↳ The panel of ministers without portfolio passed a resolution that instructed the MOEA to draft a revision of the Company Act to delete the minimum capital requirement.
- ↳ On April 14, 2009, the legislature passed the amendment to abolish the minimum capital requirement.

11

Sustaining the Momentum

- ☞ The recent administrative simplification was started with a manageable scope in “economic regulations.” The reform is being extended to non-economic issues, with an emphasis on reducing bureaucratic procedures across the board.
- ☞ A website has been created to enhance public participation in administrative reform. A visitor can make deregulatory suggestions, read reform proposals made by others along with the relevant government response, and check the progress of regulatory changes.
- ☞ The mechanism for implementing administrative deregulation remains at work to sustain the reform momentum.

Thank you

12