



Chapter 2

Fuchien kinmen District Prosecutors Office

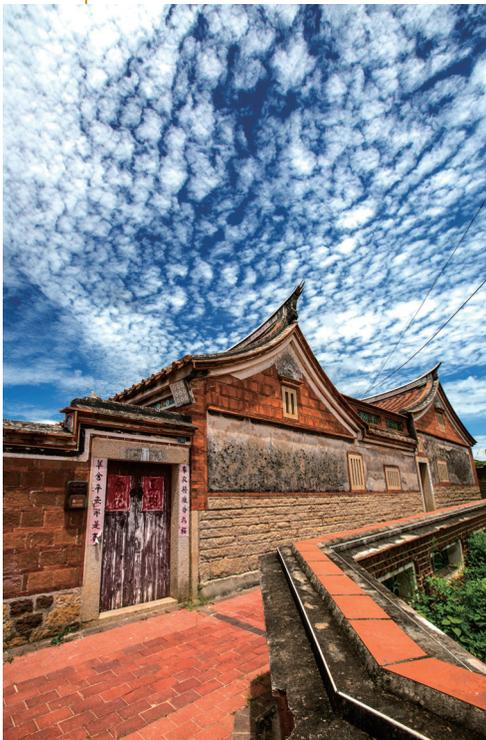


Section 1 Historical Overview

Kinmen County was formerly under the jurisdiction of Tongan County, Fuchien Province. In 1915, Kinmen County was separated from Tongan County and became an independent County itself, where the county governor was also in charge of judicial affairs. In 1945, after the victory of the Second Sino-Japanese War, the "Judicial Department of Kinmen County" was established. In 1956, Fuchien Kinmen District Court was established with its Prosecutors Department, both were under the jurisdiction of the Ministry of Judicial Administration. On July 1, 1980 after the separation of the court trial system and the prosecution system, it was renamed the "Fuchien Kinmen District Court Prosecutors Department." On December 31, 2004, Lienchiang District Court Prosecutors Office was established which also took over the jurisdiction of Matsu. On December 22, 1989, this Kinmen Prosecutors establishment was renamed the "Fuchien Kinmen District Court Prosecutors Office" in conjunction with the amendment of the Court Organization Act. On May 25, 2018, it was again renamed the "Fuchien Kinmen District Prosecutors Office," where the wording of "Court" from its organizational name was taken away, in conjunction with the amendment of the Court Organization Act.

Section 2 Territorial Jurisdiction

The jurisdiction of the Kinmen Prosecutors establishment covers Jincheng Township, Jinhu Township, Jinsha Township, Jinning Township, Lieyu Township, and Wuqiu Township in Kinmen County.



An elegant historical residence which was completely preserved • kinmen (完整唯美的古厝 • 金門) / Liu, Ming-Chen / Construction and Planning Agency, Ministry of the Interior/

Section 3 Office Buildings

In March 1956, the Judicial Department of Kinmen County, which was established in 1945, was restructured into the "Fuchien Kinmen District Court" and the "Fuchien Kinmen District Court Prosecutors Department" was also established. Since the original office was insufficient, the Court temporarily used the rooms on the wing of the Chen family's ancestral hall as the office, and the Prosecutors Department leased a residential premise as an office. In 1962, a plan was under the way in building a new office building. In July 1963, the construction commenced. In December 1963, the construction was completed and the Court and the Prosecutors Department were both relocated to the new office building.

Section 4 List of Former Chief Prosecutors

Precedence in office	Title	Name	Period in office	Notes
1	Leading Prosecutor	Chen, Ying-Hsing	1956/03~1957/05	
2	Leading Prosecutor	Tan, Yu-Mei	1957/05~1971/08	
3	Leading Prosecutor	Wang, Pi-Ju	1971/08~1979/12	
Acting	Leading Prosecutor	Tsao, Ching-Hui	1979/12~1980/06	
4	Leading Prosecutor	Hsiao, Shun-Shui	1980/06~1982/06	
5	Leading Prosecutor	Wang, He-Hsiung	1982/06~1983/06	
6	Leading Prosecutor	Li, Hsun-Ming	1983/06~1984/07	
7	Leading Prosecutor	Tseng, Yung-Fu	1984/07~1986/08	
8	Leading Prosecutor	Chao, Chang-Ping	1986/08~1989/07	
9	Leading Prosecutor	Lin, Chieh-Te	1989/07~1991/03	The title was changed to Chief Prosecutor on December 24, 1989
10	Chief Prosecutor	Hsieh, Wen-Ting	1991/03~1993/02	
11	Chief Prosecutor	Chen, Tsung-Ming	1993/02~1994/04	
12	Chief Prosecutor	Chiang, Ming-Tsang	1994/04~1996/01	
13	Chief Prosecutor	Wang, Chung-Yi	1996/01~1997/08	
14	Chief Prosecutor	Lin, Ling-Yu	1997/08~1999/04	
15	Chief Prosecutor	Tsai, Ching-Hsiang	1999/04~2000/06	
16	Chief Prosecutor	Lin, Yung-Yi	2000/06~2001/04	Held ad interim from April, 2001 to July, 2001 by Head Prosecutor Huang, Chao-Kuei
17	Chief Prosecutor	Chu, Chao-Liang	2001/07~2003/08	

Precedence in office	Title	Name	Period in office	Notes
18	Chief Prosecutor	Tsai,Jui-Tsung	2003/08~2005/03	
19	Chief Prosecutor	Liu,Chia-Fang	2005/03~2007/04	
20	Chief Prosecutor	Chang,Wen-Cheng	2007/04~2008/08	
21	Chief Prosecutor	Chen,Hung-Ta	2008/08~2010/05	Held ad interim from May, 2010 to July, 2010 by Head Prosecutor Chen,Ming-Chin
22	Chief Prosecutor	Chang,Chin-Tu	2010/07~2013/03	
23	Chief Prosecutor	Chiang,Kuei-Chang	2013/03/11~2014/05/26	
24	Chief Prosecutor	Huang,He-Tsun	2014/05/27~2015/05/06	
25	Chief Prosecutor	Wang,Wen-Te	2015/05/07~2016/07/17	
26	Chief Prosecutor	Hsu,Hsi-Hsiang	2016/07/18~2018/07/08	
27	Chief Prosecutor	Mao,Yu-Tseng	2018/07/09~2019/01/30	
28	Chief Prosecutor	Hung,Chia-Yuan	2019/01/31~2020/03/12	
29	Chief Prosecutor	Chang,Yun-Chi	2020/03/13~2021/05/04	
30	Chief Prosecutor	Tai,Wen-Liang	2021/05/05 to present	

Section 5 List of Former Chief Secretaries

Precedence in office	Title	Name	Period in office	Notes
1	Chief Secretary	Sun,Kuo-Tsui	1980/10/22~2014/01/16	
2	Chief Secretary	Tung,Hsiu-Chen	2014/06/24 to present	

Section 6 Excerpts of Major Cases

I. The case of corruption, etc. suspected of being committed by Magistrate Chen, *-Tsai of Kinmen County, et al.

In 1995, the Kinmen Kaoliang Liquor Inc. (“KKL”) believed that it could not meet the market demand by producing just one single kind of 58% liquor. Therefore, it actively developed liquor products with low alcohol content. In April, 1999, a product named “Ice Wine” was developed, which was registered with the Bureau of Central Standard (now renamed the Intellectual Property Office (“IPO”)) of the Ministry of Economic Affairs and prepared to go public.

Believing there was profit to be made, Kinmen County Magistrate Chen, *-Tsai, who was also the Chairman of KKL at the time, conspired with General Manager Hsin, *-Te of KKL, et al. to commit fraud by taking advantage of the opportunity of handling the production and marketing of the low-alcohol content kaoliang liquor. With the intention to let the Asian Excellent Spirits Corp. profit from the rights of marketing the 38% kaoliang liquor, Chen, *-Tsai disclosed to Wu, *-Liang, the responsible person of Asian Excellent Spirits Corp., KKL’s plan in developing the low-alcohol liquor. Subsequently, Wang, *-Ming, the Deputy Head of the Research and Development Team of KKL, contacted the Deputy General Manager Li, *-Chin of the Asian Excellent Spirits Corp. for Asian Excellent Spirits Corp. to manufacture the low-alcohol liquor. However, Wang, *-Ming and Li, *-Chin failed to succeed in manufacturing the 38% kaoliang liquor. Chen, *-Tsai, et al. intended to let the Asian Excellent Spirits Corp. obtain the production and marketing rights, so Wang, *-Ming held a wine tasting party on the Ice Wine made by KKL and on the 38% liquor made by the Asian Excellent Spirits Corp. According to the wine tasting committee, it was agreed that Ice Wine tasted better, which made Wang, *-Ming worry that the Asian Excellent Spirits Corp. would not be able to obtain the production and marketing rights. So Wang, *-Ming wrote up a false report and let the Asian Excellent Spirits Corp.’s 38% liquor be adopted by KKL. Later, the Asian Excellent Spirits Corp. even changed the assigned sales prices, made payments of management and distribution

expenses, and implemented promotion incentives, etc. without authorization. Moreover, the Asian Excellent Spirits Corp. deliberately violated the contractual provisions “Manufacturers are not allowed to subcontract” agreed with KKL by subcontracting the contract to Hui Shung Corp. The General Manager of Hui Shung Corp. then gave kickbacks to Asian Excellent Spirits Corp., which allowed Wu, *-Liang to obtain illegal benefits over 227.1 million NTD.

After receiving such illegal benefits from Hui Shung Corp., Wu, *-Liang indirectly paid the kickbacks to Chen, *-Tsai through Chen, *-Tsai’s son Chen, *-Jen, by taking advantage of the opportunity of Chen, *-Jen’s working as a Manager at the Kinmen Branch of President Securities Corporation, and concealed the fact that Chen, *-Tsai received the illegal benefits. Wu, *-Liang also remitted 500,000 NTD bribes to Councilor Tsai, *-Yu, so that in the interpellation, Tsai, *-Yu would not inquire about and supervise the case of the production and marketing of the 38% liquor, which was in violation of Tsai’s duties.

District Prosecutors Office. After the trial, the Kinmen District Court of first instance found all the defendants guilty. After the appeal, and the trial of second instance, Chen, *-Jen and Tsai, *-Yu were ruled not guilty by the Fuchien High Court Kinmen Branch Court, whereas Chen, *-Mu was commuted from a sentence to imprisonment for a fixed term of three years down to one year and six months, along with a suspension of punishment for four years. Chen, *-Tsai, et al. continued to appeal, and finally until the retrial of fourth instance, the Fuchien High Court Kinmen Branch Court ruled all the six defendants not guilty, including Wang, *-Ming, Wu, *-Liang, Chen, *-Tsai, et al.

II. The case of corruption committed by Magistrate Li, *-Shih of Kinmen County, et al.

Hsu, *-Che and Huang, *-Wen were respectively the responsible persons of Firich Enterprises Company Limited and Hiyes Corporation Ltd. During the Li, *-Shih’s election campaign, Hsu, *-Che and Huang, *-Wen successively sponsored 10+ or 20+ million NTD into Li, *-Shih’s campaign funds. On December 5, 2009, Li, *-Shih He was elected as the Magistrate and on December 20, 2009 started to serve as the 5th Magistrate of Kinmen County.

Later, Hsu, *-Che and Huang, *-Wen intended to promote the “Case of the Marketing and General Dealer of the High-priced Kinmen Kaoliang Liquor Brand” through KKL. Therefore, on July 8, 2011, they hosted a banquet for Li, *-Shih and Su, *-Ying couple at Hsu, *-Che’s residence, “The Palace Mansion” located at Taipei, where the Li, *-Shih couple was given a bribe of 1 million NTD. It was hoped that Li, *-Shih could help reduce the price of the aged wine base by giving pressure on the KKL.

At two occasions in the evaluation meetings of KKL, Li, *-Shih instructed to reduce the list price of aged wine base by 10% again, and to reduce the price to the dealers to a discount price of 40% off, while other evaluation committee members all advocated a discount price of 30% off to the dealers. Finally, a resolution of discount price of 30% off was approved. On July 19, 2011, the undertaking personnel of Kinmen County Government approved the case for reference according to the usual practice. However, Li, *-Shih delayed in signing the resolution until July 26, 2011. Along with his signing, he put down an instruction, “All proposed details are approved, except for the reference price of the high-priced white liquor, which needs to be studied and re-evaluated.” So basically, he only agreed to the reduced list price of 10% off for reference, but still refused to agree to give dealers a discount price of 30% off. Later, due to internal decision-making issues of the KKL, KKL did not initiate the bidding process for the said case, and naturally Hsu, *-Che and Huang, *-Wen was not awarded with the bid, either.

Based on the testimony of Hsu, *-Che, et al. and the official documents of the Kinmen County Government, the Prosecutor believed that Li, *-Shih was suspected of committing the crime of corruption listed in the Anti-Corruption Act. Totally 15 defendants were involved in the case. Most of them received the treatment of deferred prosecution and non-prosecution, except for Li, *-Shih and Su, *-Ying couple who were sentenced to imprisonment for eight years and four years, respectively, in the trial of first instance. After an appeal, the couple was acquitted in the trial of second instance. At present, the case is still in the trial of third instance after an appeal made by the Prosecutor of Kinmen Branch of Fuchien High Prosecutors Office.

Section 7 Cover page of the History of Prosecutors Office and the link of global website



壽與國同
金門地區司法百年紀要

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