行政院國家科學委員會專題研究計畫 成果報告

台商及大陸企業經營管理與會計研究--子計畫一:過渡經濟國家的公司違規舞弊、會計師產業專精度、與分析師行為關聯性之研究:來自中國的證據 研究成果報告(精簡版)

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行政院國家科學委員會專題研究計畫成果報告

過渡經濟國家的公司違規舞弊、會計師產業專精度、與分析師行為關聯性之研究:來自中國的證據

Corporate fraud, CPA expertise, and analyst behavior: Evidence from China

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一、中文摘要

近年來美國一系列知名企業的會計醜聞相繼曝光,公司治理的有效性受到世界各國政府主管機關與投資大眾的強烈關注。同樣地,處於過渡經濟(transition economy)的中國資本市場亦爆發出一證券的公司舞弊案件。治理機制有效運用的機率。由於其他國家,因此,本資學上,是不會影響上,是不過一點,

實證結果發現:(1)其他情況相同下,控制股東並非國有的公司,受到違規處理的機會或頻率比較小;(2)控制股東為法人的公司,公司受到違規處理的機會或頻率比較小。(3)控制股東如為國家掌控的機下,公司受到違規處理的機會或頻率比較小。(5)在中國,資本的機會或頻率比較小。(5)在中國,資本會或頻率比較大。(6)法律環境愈成熟的省域類率比較大。(6)法律環境愈成熟的省

份,公司受到違規處理的機會或頻率比較大。(7)政府融入法律環境愈成熟的省份,公司受到違規處理的機會或頻率比較大。

關鍵詞:公司違規處理、機制環境

Abstract

A growing body of studies shows that economic and political institutions shape a country' corporate ownerships, governance, accounting properties, corporate policies, and auditors' function. One important institutional factor that affects firm and auditor behavior is the role of government in business and CAP firms. In the context of China, this institutional features derived from government include government ownership, market failure, and legal failure. Given the fact that institutional features vary across provinces or cities, the tendency for companies or managers to fraud have attracted a lot attention in recent years.

This project will hand collect data used to measure institutional features of transition economy, i.e. government ownership, market failure, and legal failure, in the context of China. In addition, this project will explore the association between the corporate fraud, ownership structure, corporate institutional features of transition economy, i.e. government ownership, market failure, and legal failure in the context of China. We find that (1) Firm are likely to be subject to fraud when their control stakeholders are non-state, with higher proportion institutional investors, and foreign investors, and firms who are located in provinces with more mature capital market, environment.

Keywords: Firm fraud, institutional features

二、緣由與目的

近年來美國一系列知名企業的會計醜 聞相繼曝光¹,公司治理的有效性受到世界 各國政府主管機關與投資大眾的強烈關 注,有鑑於此美國證管會(SEC)在2002年通 過沙班氏/歐克斯利法案(Sarbanes-Oxley Act, 2002), 在該法案之下成立公開公司會 計 監 督 委 員 會 (Public Companies Accounting Oversight Board, PCAOB),同時 針對公司治理制定相關規定,遏止公司舞 弊的發生2。同樣地,除已開發國家之外, 在過渡轉型的經濟體系的國家,如中國大 陸中國,資本市場亦爆發出一連串的公司 舞弊案件,例如中科創業、億安科技、博 時基金、銀廣夏、東方電子、藍田股份等 著名上市公司被中國證監會(China Securities Regulatory Commission, CSRC)

調查並移送司法機關,同時亦發佈相關法令維護資本市場有效的運作³。在1994至2004年10月,上市公司計有485家(次),由於違規事件而受到證監會處罰,或是被交易所公開譴責。這些違法違規行為,對於大陸資本市場的發展形成了一大阻礙。中國資本市場與經濟發展,近來已經受到世界各郭的重視,因而探討違規違法的原因,受到產官學界的重視。

綜上所述,各國證券主管機關認為公司 institutional 治理機制有效運作,能夠降低公司違規處理 的機率。由於中國資本市場特性迥異於其他 國家,因此,本文將探討在中國特殊的股權 結構及法律制度環境下,是否會影響上市公 司治理機制的有效性,進而導致公司發違規 業的會計聽 處理的機率。

> 本計劃認為控制股東為政府的公司(不 論是中央政府或地方政府,他的經營團隊通 常由政府單位所指派,受到內部或外部 (Wang, Wong, and Xia, 2005)的監督力量較 小,因此預期這類的公司管理階層進行違法 違規行為機率較大。其次,法人機構的股東 對於公司監督的力量相對較其它股東大 (Shleifer and Vishny, 1996) 因此, 我們 認為法人股東對於抑制公司管理階層進行 違法違規行為具有正面的幫助。接著,本文 認為境外股份受的發行當地國家較多的規 定限制,因此管理當局受到的制約較大,且 能夠境外發行股票的公司其公司治理結構 較好,故本文認為有發行境外股份的公司與 公司管理階層違法違規行為呈負向關係。最 後,我們想瞭解國家組織特性是否會影響公

¹ 安隆(Enron)、世界通訊(Worldcom)、必治妥施貴寶 (Bristol-Myers Squibb)、愛德發通訊(Adelphia)、奎斯特通訊 (Qwest Communications)、泰可國際(Tyco)、環球電訊(Global Crossing)、美國線上時代華納(AOL Time Warner)等。

² 沙氏法案針對了公司治理架構建置了三道監控系統,首先為加強獨立董事及審計委員會的職能以負責監督公司內部之管理階層,其次為強化外部會計師的獨立性,最後為成立專責組織(PCAOB)負責監控資本市場的運作。因此,該法案對於公司治理的內外部機制有極深的影響。

³ 例如最高法院於 2002/1/15 發佈「關於受理證券市場因虛假陳述引發的民事侵權糾紛案件有關問題的通知」,於同年 12/26 又發佈「最高人民法院關於審理證券市場因虛假陳述引發的民事賠償案件的若干規定」以保護公司股東的權益。此外, 2002 年 1 月 7 日中國證監會、國家經貿委聯合發佈《上市公司治理準則》以強化中國上市公司的治理機制。

司治理的品質---管理階層違法違規行為的 機率,本文認為控制股東不論是中央或地方 政府,特別是地方政府的影響程度最大。

基於上述的原因,本計畫擬探討幾個問題:探討公司與公司主管違規處理舞的因素,特別是財務舞弊。包括:

- (1) 機制環境:包括國有股與非國有股的持份比重、資本市場的成熟度、法律環境的完整度等。
- (2) 公司治理結構。特別是大陸的特有公司 治理機制的情況
- (3) 法人因素。

三、研究假設及樣本選取與資訊蒐集

- H_vol1:其他情況相同下,控制股東並非 國有的公司,受到違規處理的機會或頻 率比較小。
- H_vol2:在中國,控制股東為法人的公司, 公司受到違規處理的機會或頻率比較 小。
- H_vol3:在中國,控制股東如為國家掌控的法人時,公司受到違規處理的機會或頻率,大於非國家掌控的機構法人。
- H_vol4:在中國,發行境外股愈多的公司, 公司受到違規處理的機會或頻率比較 小。
- H_vol5:在中國,資本市場愈成熟的省份, 公司受到違規處理的機會或頻率比較 大。
- H_vol6:在中國,法律環境愈成熟的省份, 公司受到違規處理的機會或頻率比較 大。
- H_vol7:在中國,政府融入法律環境愈成 熟的省份,公司受到違規處理的機會或 頻率比較大。
- H_INS1:其他情況相同下,控制股東並非

國

有的公司,受到違規處理的程度比較 輕。

H_INS2:在中國,法人持股愈多的公司,管

理階層受到違規處理的程度比較輕。

- H_INS3:在中國,發行境外股愈多的公司, 公司受到違規處理的程度比較輕。
- H_INS4:在中國,資本市場愈成熟的省份, 公司受到違規處理的程度比較重。
- H_INS5:在中國,法律環境愈成熟的省份, 公司受到違規處理的程度比較重。
- H_INS6:在中國,政府融入法律環境愈成熟

的省份,公司受到違規處理的程度比較 重。

本研究樣本係選取自在大陸深圳及 上海交易所掛牌上市公司。另外,由於金 融和保險等產業因其性質特殊,故排除在 樣本的選取範圍之內。此外由於中國大陸 的股份制企業仍屬試驗性質,因此其股份 有限公司的出現絕大多數皆由政府的若 干部門經改組而成立某個股份制企業,這 些公司皆無所謂的歷史資料,所有的資 料,均係該公司改制成立之後才有資料, 故樣本資料的起始是自 1990 年開始才有 資料,然而中國公司控制股東結構的樣本 自 1999 年起才有資料,因此本研究以 1999 年至 2006 年之曆年制上市公司為樣 本。本研究財務資料係取自國泰安 (CSMAR)資料庫。財務數據將取自國泰安 公司提供的「中國上市公司財務數據 庫」; 違約事件數據將取自國泰安公司提 供的「中國上市公司違約處理研究數據 庫」;至於公司機制等背景的資料(包括 資本市場成熟度、法律成熟度的替代變 數),由於 National Economic Research Institute: China Reform Foundation 僅有 2001 的指標,因而本計畫將援例自行用人工,收集研究期間各年的替代變數所需的 資料,收集的資料來源在該報告書上都有。

四、實證研究結果與討論

根據實證研究結果發現: 就受到違規處理的機會或頻率而言:

- (1) 其他情況相同下,控制股東並非國有的 公司,受到違規處理的機會或頻率比較 小;
- (2) 控制股東為法人的公司,公司受到違規 處理的機會或頻率比較小。
- (3) 控制股東如為國家掌控的法人時,公司受到違規處理的機會或頻率,大於 非國家掌控的機構法人。
- (4) 發行境外股愈多的公司,公司受到違規 處理的機會或頻率比較小。
- (5) 在中國,資本市場愈成熟的省份,公司 受到違規處理的機會或頻率比較大。
- (6) 法律環境愈成熟的省份,公司受到違規 處理的機會或頻率比較大。
- (7) 政府融入法律環境愈成熟的省份,公司 受到違規處理的機會或頻率比較大。

就受到違規處理的輕重而言:

- (1) 其他情況相同下,控制股東並非國有的 公司,受到違規處理的程度比較輕。
- (2) 在中國,資本市場愈成熟的省份,公司 受到違規處理的程度比較重。
- (3) 在中國,法律環境愈成熟的省份,公司 受到違規處理的程度比較重。
- (4) 在中國,政府融入法律環境愈成熟的省份,公司受到違規處理的程度比較重。

五、計畫成果自評

(一)對研究方面:

本研究對於學術界具有下列貢獻。第一,對於審計學文獻而言,本文發現不同的大陸機制背景對於公司違規處分會有不同的影響。第二,本研究也發現大陸各省份的發展情況,對於違規處罰的情況,對於違規處罰的情況,有不同的影響,因而對於未來研究各省發展不同的影響,因而對於未來研究各省發展成熟度對於盈餘品質等會計相關問題,也起了拋磚引玉的效果。

(二)對管理者方面:

對於台商到大陸投資者而言,本研究 結果提供了具參考的價值。那就是,機制 背景對於台商所面的的可能影響,有一個 了解,特別是哪些因素會影響到公司違規 的情況,可以未雨綢繆,事前防止。這些 發現,可以作為管理當局決策的參考公司。

(三)對投資者方面:

報表使用人可以經由公司所機制背景、法人結構,反推出公司可能會受到違規處分的機會以及情結的輕重。此可以使報表使用人在作投資等決策時,有所參考,比較有所依據。

(四)面對證期會及其他管制機關方面

本文實證結果也具有政策性的含 意。本研究發現,對於台灣以及大陸管制 管制機關,例如證期局,作為參考。

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出席國際學術會議心得報告

報告人姓名	金成隆	服務機構 及職稱	國立政治大學會計系教授
時間	2008/08/03-2008/08/06	本會核定	07 2410 H 004 025 MV2
會議地點	Anaheim, C. A.	補助文號	97-2410-H-004-035-MY2
會議	2008 美國會計學協會年度研討會		
名稱	2008 American Accounting Association Annual Meeting		
發表	(中文)國外機構所有權比例是否會影響新興市場的揭露政策?		
論文 題目	(英文)Does foreign institutional ownership motivate firms in emerging markets to increase voluntary disclosure?		
	(中文) 審計品質是否與性別有關		
	(英文) Sex matters: Gender difference differences in audit quality		

一、 參加會議經過

AAA 2008 Annual Meeting 的主題為 BUILDING OUR ACCOUNTING COMMUNITY. 此一社群包括所有教學與研究的會計學者,領與包括 financial accounting, managerial, taxation, auditing, governmental, systems 等,研究主題包括 the public interest, gender issues, or accounting history 等。我們提早到會場,以便與世界各國學者交流。原則上我都是參加 financial accounting, 與 auditing 的場次,會後並與她/他們交換意見,希望未來有機會能保持聯繫與合作。 此次年會中,我門也參加了華人會計教授學會的學者交流,認識了世界各國的傑出華會計學者,收 穫頗豐。

This AAA process as below:

- (1) 97/8/2 From Taipei to Hong Kong and transport to L. A. by Cathay Pacific airplane
- (2) 97/8/3 Registration and attend the AAA meeting
- (3) 97/8/4 Attend the AAA meeting
- (4) 97/8/5 Present my paper and attend other section
- (5) 97/8/6 Final AAA meeting

二、 與會心得

AAA annual meeting conference 為全球及美國會計學術屆最盛大的研討會。 每當八月年度會議展開,世界各國或地區的會計專家學者聚集於此,討論與交流非常熱列。有些熱門的場次,甚至座無虛席。會場詢問時間中,問題相當的深入與尖銳、考量點也相當的宏觀,令人深刻體會到表達技巧與學術研究嚴謹兼具的重要。

此次發表的文章題目為 Does foreign institutional ownership motivate firms in emerging markets to increase voluntary disclosure? 以及 Sex matters: Gender difference differences in audit quality,目前文獻甚少討論國外機構所有權比例是否會影響新興市場的揭露政策?以及審計品質是否與性別有關等問題。我們利用台灣單一及特殊的研究資料,進行相關問題的探討。在這 Session 中與會文章評論教授和參與學者,給予本人部份具有貢獻的意見。

参加此次 2008 AAA annual meeting,可說獲益良多,看到美國會計學術進步,值得學習外,對於本身之專業而言,亦可藉由參與即聆聽精采的論文發表場次外,與各地相同研究領域的菁英相處,並就研究主題進行研討的過程穫益匪淺,且瞭解到目前研究主題之未來趨勢。

三、建議

個人相當期望國科會對此一補助政策能持續實施。而實質經費的補助,才能引發國內學者到國外發表論文的動機,以及克服經濟上之難題,使台灣的研究成果得以在國際學術場合中展露。如果可能,可以給予研究優良者依年內二次或是三次出國的補助。

四、攜回資料名稱及內容

- 1. 2008 AAA 大會議程乙份;
- 2. 2008 AAA 大會紀念背包 3 個
- 3. 2008 AAA 會議論文光碟一片及與會學者名錄一本;
- 4. 其它 2008 AAA 相關研討會的補充資料。

五、其他

非常感謝國科會給予補助此次研討會。