

《海岸巡防法》中英條文對照表

英譯條文	中文條文
The Coast Guard Act	海岸巡防法
<p>Article 1</p> <p>This Act is enacted for the purposes of maintaining the order of the Waters and the Coast, conserving and sustainably utilizing resources, ensuring national security, and protecting people's rights and interests in the Taiwan area.</p>	<p>第 1 條</p> <p>為維護臺灣地區海域及海岸秩序，與資源之保護利用，確保國家安全，保障人民權益，特制定本法。</p>
<p>Article 2</p> <p>The terms as defined in this Act are as follows:</p> <ol style="list-style-type: none"> 1. Taiwan Area: Taiwan, Penghu, Kinmen, Matsu, and any other areas under the effective control of the Government. 2. Waters: The internal waters of the Republic of China (excluding inland waters), territorial sea, contiguous zone, exclusive economic zone, continental shelf covered by water, and other maritime territories under the jurisdiction of the Republic of China in accordance with laws, treaties, agreements, or international law. 3. Coast: Coastal areas and inshore sandbars extending beyond five hundred meters from the low-water line to the high-water line within the Taiwan Area. 4. Coast Control Zone: Portions of the Taiwan Area's coast jointly demarcated and announced by the Ministry of National Defense, the Ocean Affairs Council, and the Ministry of the Interior according to actual maritime defense needs. 5. Coast Guard Authority (hereinafter referred to as "the Coast Guard"): The Coast Guard Administration and the Ocean Conservation Administration of the Ocean Affairs Council, and their subordinate organizations (authorities). 	<p>第 2 條</p> <p>本法用詞，定義如下：</p> <ol style="list-style-type: none"> 一、臺灣地區：指臺灣、澎湖、金門、馬祖及政府統治權所及之其他地區。 二、海域：指中華民國內水（不含內陸水域）、領海、鄰接區、專屬經濟海域、大陸礁層上覆水域及其他依法令、條約、協定或國際法規定我國得行使管轄權之水域。 三、海岸：指臺灣地區之海水低潮線以迄高潮線起算五百公尺以內之岸際地區及近海沙洲。 四、海岸管制區：指由國防部會同海洋委員會、內政部根據海防實際需要，就臺灣地區海岸範圍內劃定公告之地區。 五、海岸巡防機關（以下簡稱海巡機關）：指海洋委員會海巡署、海洋保育署及其所屬機關（構）。

Article 3

The Coast Guard shall be in charge of the following matters:

1. Control and security maintenance of the Coast Control Zone.
2. Security inspections of inbound and outbound vessels or other means of transport.
3. Investigation and counteraction of smuggling, prevention of illicit entry or exit within the Waters, the Coast, estuaries, or non-trading ports; security inspections on personnel at trading ports; and other criminal investigations.
4. Coordination, investigation, and handling of matters related to foreign affairs concerning the guarding of the Waters and the Coast.
5. Collection and investigation of smuggling intelligence and handling of infiltration and security information.
6. Protection and preservation of the marine environments.
7. Execution of affairs:
 - (1) Control and maintenance of maritime traffic order.
 - (2) Marine salvage, sea disaster rescue, and handling of disputes occurring at sea.
 - (3) Patrol of fishing zones and preservation of fishing resources.
8. Any other matters related to coast guarding.

The work of searching for and collecting national security information within the Waters and the Coast, as stipulated in Item 5 of the preceding paragraph, shall be directed, coordinated, and supported by the National Security Bureau.

第 3 條

海巡機關掌理下列事項：

- 一、海岸管制區之管制及安全維護。
 - 二、入出港船舶或其他運輸工具之安全檢查。
 - 三、海域、海岸、河口與非通商口岸之查緝走私、防止非法入出國、執行通商口岸人員之安全檢查及其他犯罪調查。
 - 四、海域與海岸巡防涉外事務之協調、調查及處理。
 - 五、走私情報之蒐集、滲透與安全情報之調查及處理。
 - 六、海洋環境之保護及保育。
 - 七、執行事項：
 - (一) 海上交通秩序之管制及維護。
 - (二) 海上救難、海洋災害救護及海上糾紛之處理。
 - (三) 漁業巡護及漁業資源之維護。
 - 八、其他有關海岸巡防之事項。
- 前項第五款有關海域與海岸巡防涉及國家安全情報部分，應受國家安全局之指導、協調及支援。

Article 4

While performing the duties, the personnel of the Coast Guard may exercise the following powers without exceeding the extent necessary:

1. Conduct security inspections of personnel, vessels, vehicles, or other means of transport and carried goods arriving at or departing from trading ports, upon justified suspicion of violation of security laws.
 2. Inspect inbound and outbound vessels or other means of transport and carried persons/goods at the Waters, the Coast, estuaries, or non-trading ports, including territorial waters, upon justified suspicion of legal violation.
 3. Order vessels sailing in the Waters to present identification documents, navigation records, and any other navigation-related data, when suspicion of law violation is justified.
 4. Order vessels or other means of transport sailing in the Waters to halt or return to port based on appearance, flags, navigation modes, carried personnel, or other abnormal behavior when suspicion of law violation is justified. In case of disobedience, Coast Guard personnel may enforce commands by force solely to prevent the vessel from continuing its voyage.
 5. Pursue, board, inspect, expel, and if necessary, arrest, detain, or exercise lien over vessels or other means of transport sailing in the Waters when they jeopardize the interests, order, or navigational safety within the Waters of the Republic of China.
 6. Perform other duties required by laws, treaties, agreements, or international law.
- In emergencies, Coast Guard personnel may request assistance from neighboring vessels and their crews to exercise the above powers.

第 4 條

海巡機關人員執行職務時，得行使下列職權。但不得逾越必要程度：

- 一、對進出通商口岸之人員、船舶、車輛或其他運輸工具及載運物品，有正當理由，認有違反安全法令之虞時，得依法實施安全檢查。
 - 二、對進出海域、海岸、河口、非通商口岸、航行領海內之船舶或其他運輸工具及其載運人員、物品，有正當理由，認有違法之虞時，得依法實施檢查。
 - 三、對航行海域內之船舶或其他運輸工具，有正當理由，認有違法之虞時，得命船舶出示船舶文書、航海紀錄及其他有關航海事項之資料。
 - 四、對航行海域內之船舶或其他運輸工具，根據船舶外觀、國籍旗幟、航行態樣、乘載人員及其他異常舉動，有正當理由，認有違法之虞時，得命船舶或其他運輸工具停止航行、回航，其抗不遵照者，得以武力令其配合。但武力之行使，以阻止繼續行駛為目的。
 - 五、對航行海域內之船舶或其他運輸工具，如有損害中華民國海域之利益及危害海域秩序行為或影響安全之虞者，得進行緊追、登臨、檢查、驅離；必要時，得予逮捕、扣押或留置。
 - 六、其他依法令、條約、協定或國際法規定得行使之職權。
- 海巡機關人員執行前項職權，若有緊急需要，得要求附近船舶及人員提供協助。

<p>Article 5</p> <p>The personnel of the Coast Guard may, in order to perform the duties, conduct verification of identity and collect information if necessary. Unless otherwise specified in laws and regulations, the provisions of Chapter 2 and Chapter 4 of the Police Power Exercise Act shall apply mutatis mutandis to their exercise of duties and the rights and reliefs available to them.</p>	<p>第 5 條</p> <p>海巡機關人員為執行職務，必要時得進行身分查證及資料蒐集；其職權之行使及權利救濟，除法規另有規定者外，準用警察職權行使法第二章及第四章規定。</p>
<p>Article 6</p> <p>The captain, controller, owner, or manager of a vessel or other means of transport shall not avoid, obstruct, or refuse inspections conducted by Coast Guard personnel according to Item 1 of Article 4 hereof, nor disobey orders to present documents and information, stop sailing, return to port, or to board or expel a vessel.</p> <p>For persons violating the aforementioned provisions, Coast Guard personnel may exercise the following powers by compulsory enforcement without exceeding the extent necessary.</p> <p>The captain, controller, owner, or manager of a vessel who violates the provision in Paragraph 1 of this Article shall be punished with a fine between NT\$30,000 and NT\$150,000.</p>	<p>第 6 條</p> <p>船舶或其他運輸工具之船長、管領人、所有人或營運人對海巡機關人員依第四條第一項規定所實施之檢查、出示文書資料、停止航行、回航、登臨或驅離之命令，不得規避、妨礙或拒絕。</p> <p>違反前項規定者，海巡機關人員得以強制力實施之，但不得逾必要之程度。</p> <p>違反第一項規定者，處船長、管領人、所有人或營運人新臺幣三萬元以上十五萬元以下罰鍰。</p>
<p>Article 7</p> <p>The personnel of the Coast Guard may, in the course of exercising the powers specified in Article 4 hereof, order a person to surrender her/his belongings for inspection on suspicion of a crime, whenever such suspicion is justifiable. The personnel of the Coast Guard may search the person if the person disobeys the order.</p> <p>The body search can only be carried out in the presence of at least two members of the Coast Guard or a third person to the Coast Guard.</p> <p>A woman may only be searched by a female member of the Coast Guard. However,</p>	<p>第 7 條</p> <p>海巡機關人員行使第四條所定職權，有正當理由，認其有身帶物件且有違法之虞時，得令其交驗該項物件，如經拒絕，得搜索其身體。搜索身體時，應有海巡機關人員二人以上或海巡機關人員以外之第三人在場。</p> <p>搜索婦女之身體，應命婦女行之。但不能由婦女行之時，全程錄影存證者，不在此限。</p>

<p>if no such a female member is available, the entire proceedings of the body search shall be video recorded as evidence.</p>	
<p>Article 8 To combat smuggling, crack down on illicit entry or exit, and investigate any crime, the personnel of the Coast Guard may conduct searches on the nearest roads leading to the Coast, if necessary.</p>	<p>第 8 條 海巡機關人員執行查緝走私、非法入出國及其他犯罪調查職務，必要時得於最靠近進出海岸之交通道路，實施檢查。</p>
<p>Article 9 To combat smuggling, crack down on illicit entry or exit, and investigate any crime, the personnel of the Coast Guard may, in emergency situations, conduct investigations of offenses committed by suspects, search for and seize evidence outside their jurisdiction, and immediately notify the relevant authority.</p>	<p>第 9 條 海巡機關人員執行查緝走私、非法入出國及其他犯罪調查職務，遇有急迫情形時，得於管轄區域外，逕行調查犯罪嫌疑人之犯罪情形及蒐集證據，並應立即知會有關機關。</p>
<p>Article 10 As regards their fight against smuggling, the personnel of the Coast Guard shall hand over to a competent authority their investigation findings and any smuggled goods they have seized. As regards their fight against smuggling, illicit entry or exit, and other criminal investigations, the personnel of the Coast Guard shall hand over any suspect discovered in the course of duty to a competent authority pursuant to law.</p>	<p>第 10 條 海巡機關人員執行查緝走私職務，應將查緝結果，連同緝獲私貨，移送主管機關處理。 海巡機關人員執行查緝走私、防止非法入出國及其他犯罪調查職務，因而發現犯罪嫌疑者，應依法移送主管機關辦理。</p>
<p>Article 11 While performing their duties to investigate crimes, the Coast Guard's senior officers in charge, namely selected officers, captains, superintendents, customs superintendents, and any other senior officers with higher ranks, shall be deemed the judicial police officers defined in Article 229 of the Code of Criminal Procedure of the Republic of China. While performing their duties to investigate crimes, the Coast Guard's senior</p>	<p>第 11 條 海巡機關主管業務之簡任職、上校、警監、關務監以上人員，執行犯罪調查職務時，視同刑事訴訟法第二百二十九條之司法警察官。 前項以外海巡機關主管業務之薦任職、上尉、警正、高級關務員以上人員，執行犯罪調查職務時，視同刑事訴訟法第二百三十條之司法警察官。</p>

<p>officers in charge, namely recommended officers, lieutenants, inspectors, senior customs officers, and any other senior officers with higher ranks, with the exception of those specified in the preceding paragraph, shall be deemed the judicial police officers defined in Article 230 of the Code of Criminal Procedure of the Republic of China.</p> <p>While performing their duties to investigate crimes, the Coast Guard's members, with the exception of those specified in the two preceding paragraphs, shall be deemed the judicial police constables defined in Article 231 of the Code of Criminal Procedure of the Republic of China.</p> <p>Any person mentioned in the three preceding paragraphs shall receive special training for judicial police before he/she is permitted to perform his/her law enforcement duties, unless he/she already belongs to the judicial police. The regulations governing training institutions, courses, withdrawal from training, appraisals, certifications, and other relevant matters shall be formulated by the Ocean Affairs Council.</p>	<p>前二項以外之海巡機關人員，執行犯罪調查職務時，視同刑事訴訟法第二百三十一條之司法警察。</p> <p>前三項人員，除原具司法警察身分者外，須經司法警察專長訓練，始得服勤執法；其訓練機構、課程、退訓、考核、證書及其他相關事項之辦法，由海洋委員會定之。</p>
<p>Article 12</p> <p>The Coast Guard shall coordinate and liaise closely with national defense, the police, customs, and other related authorities, and request assistance from competent authorities in performing their duties.</p> <p>The Ocean Affairs Council shall formulate regulations governing the coordination and liaison mentioned in the preceding paragraph in conjunction with the relevant competent authorities.</p>	<p>第 12 條</p> <p>海巡機關與國防、警察、海關及其他相關機關應密切協調、聯繫；關於協助執行事項，並應通知有關主管機關會同處理。前項協調、聯繫辦法，由海洋委員會會同有關機關定之。</p>
<p>Article 13</p> <p>To perform their duties, the Coast Guard shall be equipped with vessels, aircraft, vehicles, weapons, ammunition, high-tech monitoring systems, and any other</p>	<p>第 13 條</p> <p>海巡機關執行職務得配置設備與性能合適之艦艇、航空器、車輛、武器、彈藥、高科技監控系統及其他必要之器械。</p>

<p>requisite instruments whose specifications and functions enable the Coast Guard to carry out their tasks.</p> <p>The aforementioned vessels, aircraft, vehicles, weapons, ammunition, and monitoring systems shall be numbered and bear emblems; their standardization shall be decided by the Coast Guard.</p>	<p>前項艦艇、航空器、車輛、武器、彈藥、監控系統等，應予編號，並附加專用標誌；其制式，由海巡機關定之。</p>
<p>Article 14</p> <p>To perform their duties, the personnel of the Coast Guard may use weapons and other requisite instruments; and the use of such weapons and requisite instruments shall be prescribed in separate laws.</p>	<p>第 14 條</p> <p>海巡機關人員執行職務時，得使用武器及其他必要之器械；其使用辦法，以法律定之。</p>
<p>Article 15</p> <p>All Coast Guard personnel shall, while performing their duties, wear uniforms or be able to present valid identification.</p> <p>The Ocean Affairs Council shall be responsible for standardizing the uniforms and identification documents referred to in the preceding paragraph.</p>	<p>第 15 條</p> <p>海巡機關人員執行職務時，應穿著制服或出示證明文件。前項制服、證明文件之制式，由海洋委員會定之。</p>
<p>Article 16</p> <p>To facilitate performance of their duties, the Coast Guard may establish a dedicated hotline to receive public reports.</p> <p>Any person who, without justification, continues to call the dedicated hotline after being instructed to cease or who makes a false report shall be punished with a fine between NT\$3,000 and NT\$15,000.</p>	<p>第 16 條</p> <p>海巡機關為執行職務，得設置專線電話受理民眾報案。無故撥打專線電話經勸阻不聽或故意謊報案件者，處新臺幣三千元以上一萬五千元以下罰鍰。</p>
<p>Article 17</p> <p>This Act shall take effect on the date of promulgation.</p>	<p>第 17 條</p> <p>本法自公布日施行。</p>