

《海洋污染防治法》中英條文對照表	
英譯名稱	中文名稱
Marine Pollution Control Act	海洋污染防治法
英譯條文	中文條文
Chapter 1: General Principles	第一章 總則
<p>Article 1</p> <p>This Act is enacted for the purposes of preventing and controlling marine pollution, protecting the marine environment, maintaining the marine ecology, safeguarding public health and ensuring the sustainable use of marine resources.</p>	<p>第 1 條</p> <p>為防治海洋污染，保護海洋環境，維護海洋生態，確保國民健康及永續利用海洋資源，特制定本法。</p>
<p>Article 2</p> <p>This Act shall apply to the intertidal zones, internal waters, territorial seas, contiguous zones, exclusive economic zones and the waters superjacent to the continental shelf under the jurisdiction of the Republic of China (R.O.C.).</p> <p>This Act shall also apply to those circumstances in which the discharge of hazardous substances in marine areas outside the areas designated in the foregoing paragraph causes pollution within the areas designated in the foregoing paragraph.</p>	<p>第 2 條</p> <p>本法適用於中華民國管轄之潮間帶、內水、領海、鄰接區、專屬經濟海域及大陸礁層上覆水域。</p> <p>於前項所定範圍外海域排放有害物質，致造成前項範圍內污染者，亦適用本法之規定。</p>
<p>Article 3</p> <p>The competent authority referred to in this Act shall mean the Ocean Affairs Council, at the central government level, the municipal government in special municipalities and the county or city government in counties or cities.</p> <p>The enforcement authority referred to in this Act shall mean the Coast Guard Authority.</p> <p>The assisting enforcement authorities</p>	<p>第 3 條</p> <p>本法所稱主管機關：在中央為海洋委員會；在直轄市為直轄市政府；在縣（市）為縣（市）政府。</p> <p>本法所稱執行機關，指海岸巡防機關。</p> <p>本法所稱協助執行機關，指協助辦理取締、蒐證、移送等事項之軍事、海關或其他相關機關。</p> <p>直轄市、縣（市）主管機關之海域管轄範圍，由中央主管機關劃定。</p>

<p>referred to in this Act are the military, customs or other relevant agencies assisting in the enforcement of suppression, evidence collection and transfers.</p> <p>The jurisdictional scope of marine areas for the competent authorities of special municipalities and counties (cities) shall be delineated by the central competent authority.</p>	
<p>The terms used in this Act are defined as follows.</p> <ol style="list-style-type: none"> <li>1. "Hazardous substance" shall mean a substance designated under the International Maritime Dangerous Goods Code determined by the United Nations International Maritime Organization or a substance that meets the description set out in Annex III to the International Convention for the Prevention of Pollution from Ships.</li> <li>2. "Maritime project" shall mean engagement in exploration, mining, conveyance, construction, the laying pipelines or cables, lines or other infrastructure, repairing, dredging, sand excavation, salvaging, burying, land reclamation, beach nourishment, power generation or other projects within the areas designated in Paragraph 1 of Article 2.</li> <li>3. "Oil" shall mean crude oil, fuel oil, lubricating oil, naphtha, kerosene, volatile oil, or other oils or mixtures containing oil that have been officially announced by the central competent authority.</li> </ol>	<p>第 4 條</p> <p>本法用詞，定義如下：</p> <ol style="list-style-type: none"> <li>一、有害物質：指依聯合國國際海事組織所定國際海運危險品章程或符合防止船舶污染國際公約附錄三所述之物質。</li> <li>二、海域工程：指在第二條第一項所定範圍內，從事之探勘、開採、輸送、興建、敷設、修繕、抽砂、浚漂、打撈、掩埋、填土、養灘、發電或其他工程。</li> <li>三、油：指原油、重油、潤滑油、輕油、煤油、揮發油或其他經中央主管機關公告之油及含油之混合物。</li> <li>四、海洋環境品質標準：指基於國家整體海洋環境保護目的所定之目標值。</li> <li>五、海洋設施：指海域工程所設置之人工結構物。</li> <li>六、排洩：指排放、溢出、洩漏廢（污）水、油、廢棄物、有害物質或其他經中央主管機關公告之物質。</li> <li>七、海洋環境管制標準：指為達成海洋環境品質標準所定分區、分階段之目標值。</li> <li>八、海難：指船舶發生故障、沉沒、擱淺、碰撞、失火、爆炸或其他有關船舶、貨載、船員或旅客之非常事</li> </ol>

<p>4. "Marine environment quality standards" shall mean target values determined for the purpose of protecting the nation's marine environment in its entirety.</p> <p>5. "Marine facility" shall mean a manmade structure installed by a maritime project.</p> <p>6. "Discharge" shall mean the emission, spillage or leakage of wastewater or sewage, oil, waste, hazardous substances or other substances that have been officially announced by the central competent authority.</p> <p>7. "Marine environment control standards" shall mean zone and stage target values determined for the purpose of achieving marine environment quality standards.</p> <p>8. "Shipwreck" shall mean the failure, sinking, grounding, collision, fire, or explosion of a ship or any other unusual accident involving a ship, cargo, crew or passenger.</p> <p>9. "Marine dumping" shall mean the use of ships, aircraft, marine facilities or other facilities to transport substances for dumping, discharge or disposal at sea.</p> <p>10. "Polluting act" shall mean an act that, through the direct or indirect introduction of substances or energy into the marine environment, results or is likely in such deleterious effects as harm to humans, property, natural resources or ecology.</p> <p>11. "Marine waste" shall mean any persistent, manufactured or processed</p>	<p>故。</p> <p>九、海洋棄置：指利用船舶、航空器、海洋設施或其他設施，運送物質至海洋傾倒、排洩或處置。</p> <p>十、污染行為：指直接或間接將物質或能量引入海洋環境，致造成或可能造成人體、財產、天然資源或自然生態損害之行為。</p> <p>十一、海洋廢棄物：指遭人為丟置或遺棄進入海洋之任何人造或經加工之持久性固體。</p> <p>十二、海上焚化：指利用船舶或海洋設施焚化油或其他物質。</p> <p>十三、船舶所有人：指船舶所有權人、承租人、經理人及營運人。</p>
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<p>solid materials discarded, disposed of or abandoned in the marine and coastal environment.</p> <p>12. "Marine incineration" shall mean the use of a ship or marine facility to incinerate oil or other substances.</p> <p>13. "Shipowner" shall mean the owner, lessee, manager and operator of a ship.</p>	
<p>Article 5</p> <p>The enforcement authority shall perform suppression, collection, and transfers pursuant to this Act.</p> <p>The competent authority and enforcement authority may request the assistance of assisting enforcement authorities in the performance of tasks designated in the foregoing paragraph.</p>	<p>第 5 條</p> <p>依本法執行取締、蒐證、移送等事項，由執行機關辦理。</p> <p>主管機關及執行機關就前項所定事項，得要求協助執行機關協助辦理。</p>
<p>Article 6</p> <p>Competent authorities, enforcement authorities and assisting enforcement authorities may dispatch personnel bearing identification documents to enter ports and other premises and to board ships and marine facilities to inspect or assess marine pollution matters and order the provision of relevant information. Those being inspected shall not avoid, obstruct, or refuse.</p> <p>Competent authorities, enforcement authorities and assisting enforcement authorities shall, in circumstances involving military secrets, issue orders in conjunction with the local military authority when issuing orders for the provision of information pursuant to the foregoing paragraph.</p> <p>The central competent authority, in</p>	<p>第 6 條</p> <p>主管機關、執行機關或協助執行機關，得派員攜帶證明文件，進入港口、其他場所或登臨船舶、海洋設施，檢查或鑑定海洋污染事項，並命令提供有關資料；受檢者不得規避、妨礙或拒絕。</p> <p>主管機關、執行機關或協助執行機關，依前項規定命提供資料時，其涉及軍事機密者，應會同當地軍事機關為之。</p> <p>第一項檢查或鑑定涉及軍事事務之程序、方法及其他相關事項之辦法，由中央主管機關會同國防部定之。</p>

<p>conjunction with the Ministry of National Defense, shall determine regulations for inspections and assessments of procedures, methods, and other related matters involving military affairs pursuant to Paragraph 1.</p>	
<p>Article 7</p> <p>Competent authorities and enforcement authorities may designate or commission relevant agencies, organizations or juridical persons or groups to perform tasks related to marine pollution prevention and control, marine pollution monitoring, marine pollution response, marine environment protection and related research and training.</p> <p>The central competent authority shall publish a National White Paper on marine pollution prevention and control, which shall be regularly reviewed and amended in light of developments at home and abroad.</p>	<p>第 7 條</p> <p>主管機關及執行機關得指定或委託相關機關（構）、法人或團體，辦理海洋污染防治、海洋污染監測、海洋污染處理、海洋環境保護及其研究訓練之有關事項。</p> <p>中央主管機關應發布國家海洋污染防治白皮書，並依國內外情勢發展定期檢討修正之。</p>
<p>Chapter 2: Basic Measures</p>	<p>第 二 章 基本措施</p>
<p>Article 8</p> <p>The central competent authority shall consider marine conditions in the determination of marine environment classification and marine environment quality standards.</p> <p>To protect the marine environment or meet the needs of the industry competent authority for special marine environments, the central competent authority may, in accordance with marine environment classification, marine environment quality standards and the characteristics of the marine environment, delineate marine control</p>	<p>第 8 條</p> <p>中央主管機關應視海域狀況，訂定海域環境分類及海洋環境品質標準。</p> <p>為維護海洋環境或應目的事業主管機關對特殊海域環境之需求，中央主管機關得依海域環境分類、海洋環境品質標準及海域環境特質，劃定海洋管制區，訂定海洋環境管制標準，並據以訂定分區執行計畫及污染管制措施後，公告實施。</p> <p>前項污染管制措施，包括污染排放、使用毒品、藥品捕殺水生物及其他中央主管機關公告禁止造成海洋污染之行為。</p>

<p>zones, determine marine environment control standards, and, after the determination of zone implementation plans and pollution control measures based on these zones and standards announce them for implementation.</p> <p>The pollution control measures in the foregoing paragraph shall cover the discharge of pollution, the use of toxicants or chemicals to catch or kill aquatic organisms and other acts that cause marine pollution that the central competent authority has officially announced and prohibited.</p>	
<p>Article 9</p> <p>Competent authorities shall, in accordance with marine environment classification, install marine environment monitoring stations or facilities in their respective marine jurisdictions, officially publish monitoring results at regular intervals and adopt appropriate control measures. When necessary, each industry competent authority may announce the restriction of the use of a marine area.</p> <p>Interfering with or damaging monitoring stations or facilities installed by competent authorities pursuant to the foregoing paragraph shall be prohibited.</p> <p>All categories of port management authorities and enterprises shall evaluate the use of the port zones under their jurisdiction, conduct water quality and sediment testing in the port zones and adopt measures in accordance with this Act and other related regulations to prevent, eliminate and mitigate pollution in the port zones under their jurisdiction.</p>	<p>第 9 條</p> <p>主管機關應依海域環境分類，就其所轄海域設置海域環境監測站或設施，定期公布監測結果，並採取適當防治措施；必要時，各目的事業主管機關並得公告限制海域之使用。</p> <p>對主管機關依前項設置之監測站或設施，不得干擾或毀損。</p> <p>各類港口管理機關及事業機構應評估所轄港區使用狀況，辦理港區水質及底泥檢測，並依本法及其他相關規定採取措施，以防止、排除或減輕港區之污染；必要時，直轄市、縣（市）主管機關及相關機關應配合共同採取適當防治措施。</p> <p>各類港口目的事業主管機關應輔導所轄港區之污染改善。</p> <p>第一項海域環境監測項目、監測站或設施設置基準、採樣分析方法、第三項各類港口之港區水質與底泥檢測及其他相關事項之辦法，由中央主管機關會商各目的事業主管機關定之。</p>

<p>When necessary, the special municipality, county or city competent authorities and relevant agencies shall cooperate to adopt appropriate prevention and control measures.</p> <p>All categories of port industry competent authorities shall provide guidance for pollution abatement in the port zones under their jurisdiction.</p> <p>The central competent authority in consultation with each industry competent authority shall determine the marine environment monitoring items, monitoring stations or facility installation standards and sampling analysis methods in Paragraph 1 and the regulations of water quality and sediment testing of all categories of ports and other relevant matters in Paragraph 3.</p>	
<p>Article 10</p> <p>The Executive Yuan may establish a major marine pollution incident handling special task force to handle major marine pollution incidents. The central competent authority may establish a marine pollution incident handling working group to handle general marine pollution incidents.</p> <p>The central competent authority shall formulate major marine pollution contingency plan for responding major marine pollution emergencies and shall submit this plan to the Executive Yuan for approval. To deal with marine pollution emergencies within the scope of their jurisdictions, special municipality, county or city competent authorities shall formulate a marine pollution contingency</p>	<p>第 10 條</p> <p>為處理重大海洋污染事件，行政院得設重大海洋污染事件處理專案小組；為處理一般海洋污染事件，中央主管機關得設海洋污染事件處理工作小組。</p> <p>為處理重大海洋污染緊急事件，中央主管機關應擬訂重大海洋污染緊急應變計畫，報請行政院核定之；為處理管轄範圍內之海洋污染緊急事件，直轄市、縣（市）主管機關應訂定海洋污染緊急應變計畫，報請中央主管機關備查。</p> <p>前項緊急應變計畫，應包含分工、通報系統、監測系統、訓練、設施、處理措施及其他相關事項。</p>

<p>plan and submit it to the central competent authority for future reference. The contingency plan in the foregoing paragraph shall include a division of tasks, a notification system, a monitoring system, training, facilities, handling measures, and other related matters.</p>	
<p>Article 11</p> <p>The central competent authority shall levy marine pollution prevention and control fees on the following entities:</p> <ol style="list-style-type: none"> <li>1. Operators who engage in marine dumping with the permission of the central competent authority.</li> <li>2. Importers who receive or transport crude oil or other designated substances—by the central competent authority in the intertidal zones, internal waters, or territorial seas of the R.O.C.</li> <li>3. Operators of marine projects or users of marine facilities up to the scale announced by the central competent authority.</li> </ol> <p>The central competent authority shall, in consultation with relevant government agencies, prescribe the timing of the imposition of the foregoing marine pollution control fees, the items to be levied, the rates to be levied, the payers, the manner of levy, the payment deadlines, the criteria for reduction or exemption, and other matters to be observed.</p>	<p>第 11 條</p> <p>中央主管機關應向下列對象徵收海洋污染防治費：</p> <ol style="list-style-type: none"> <li>一、經中央主管機關許可從事海洋棄置者。</li> <li>二、在我國潮間帶、內水、領海範圍內接收、運輸原油或其他經中央主管機關公告指定物質之進口業者。</li> <li>三、從事海域工程或利用海洋設施達中央主管機關公告之規模者。</li> </ol> <p>前項海洋污染防治費之徵收時間、徵收項目、徵收費率、徵收對象、徵收方式、繳納期限、減免及其他應遵行事項之辦法，由中央主管機關會商有關機關定之。</p>
<p>Article 12</p> <p>The central competent authority may establish a Marine Pollution Prevention and Control Fund. The sources of the</p>	<p>第 12 條</p> <p>中央主管機關得設置海洋污染防治基金；其基金來源如下：</p> <ol style="list-style-type: none"> <li>一、海洋污染防治費。</li> </ol>

<p>Fund are as follows:</p> <ol style="list-style-type: none"> <li>1. Marine pollution prevention and control fees.</li> <li>2. Income from the reimbursement of contingency measures, clean-up and treatment costs incurred by the relevant government agencies seeking compensation as stipulated in this Act.</li> <li>3. Interest accrued on the Fund.</li> <li>4. Other relevant income.</li> </ol>	<ol style="list-style-type: none"> <li>二、各有關機關依本法求償採取應變措施、清除及處理所生費用歸墊之收入。</li> <li>三、基金孳息收入。</li> <li>四、其他有關收入。</li> </ol>
<p>Article 13</p> <p>The Marine Pollution Prevention and Control Fund shall be dedicated exclusively to national marine pollution prevention and control, contingency measures, clean-up, treatment and other related marine pollution prevention and control work, and it shall be used for the following purposes:</p> <ol style="list-style-type: none"> <li>1. Costs incurred by the relevant government agencies in adopting contingency measures and performing clean-up and treatment work in the event of pollution of the sea or the threat of pollution of the sea.</li> <li>2. Costs incurred in carrying out marine environmental quality monitoring and damage surveys in the event of marine pollution.</li> <li>3. Costs incurred in purchasing response equipment and materials for marine pollution prevention and control.</li> <li>4. Costs incurred by the relevant government agencies in claiming compensation and being involved in litigation under this Act;</li> <li>5. Employment of personnel required to carry out marine pollution prevention</li> </ol>	<p>第 13 條</p> <p>海洋污染防治基金應專供全國海洋污染防治與應變措施、清除、處理及其他有關海洋污染防治工作之用，其用途如下：</p> <ol style="list-style-type: none"> <li>一、發生污染海洋或有污染海洋之虞時，各有關機關採取應變措施、清除及處理所需費用。</li> <li>二、海洋污染發生時，執行海洋環境品質監測及損害調查所需費用。</li> <li>三、購置海洋污染防治及應變設備、資材之費用。</li> <li>四、各有關機關依本法求償及涉訟之費用。</li> <li>五、執行海洋污染防治及收費工作所需人員之聘僱。</li> <li>六、補助與獎勵海洋污染防治研究及技術開發。</li> <li>七、其他與海洋污染防治工作有關之支出。</li> </ol>

<p>and control and fee collection work.</p> <p>6. Grants and incentives for marine pollution control research and technology development.</p> <p>7. Other expenses related to marine pollution prevention and control work.</p>	
<p>Article 14</p> <p>The jurisdictional authorities over terrestrial surface water bodies and surface water bodies other than the sea adjacent to the waters specified in Paragraph 1 of Article 2 shall adopt measures to prevent, eliminate or reduce the pollution of the sea by waste.</p>	<p>第 14 條</p> <p>與第二條第一項所定水域相連之陸域及海洋以外地面水體，其轄管機關應採取措施，以防止、排除或減輕廢棄物污染海洋。</p>
<p>Article 15</p> <p>Those engaged in oil conveyance, marine projects, marine dumping, or other activities that may cause marine pollution reaching the scale announced by the central competent authority shall first submit a contingency plan sufficient to prevent and handle marine pollution and a letter of financial guarantee or liability insurance policy for the compensation of pollution damages. They may engage in such activities only after receiving approval from the central competent authority.</p> <p>The central competent authority shall determine the contents of the contingency plan in the foregoing paragraph.</p> <p>The central competent authority in consultation with the Financial Supervisory Commission shall determine the amount of the letter of financial guarantee or the maximum compensation liability of the liability insurance policy in Paragraph 1.</p>	<p>第 15 條</p> <p>從事油輸送、海域工程、海洋棄置或其他可能造成海洋污染之行為達中央主管機關公告之規模者，應先提出足以預防及處理海洋污染之緊急應變計畫及賠償污染損害之財務保證書或責任保險單，經中央主管機關許可後，始得為之。</p> <p>前項緊急應變計畫之內容，由中央主管機關定之。</p> <p>第一項財務保證書之保證額度或責任保險單之賠償責任限額，由中央主管機關會商金融監督管理委員會定之。</p> <p>主管機關於海洋發生緊急污染事件時，得要求第一項之業者或其他海洋相關事業，提供污染處理設備、專業技術人員協助處理，所需費用由污染行為人負擔；必要時，得由海洋污染防治基金代為支應，再向污染行為人求償。</p>

<p>Competent authorities may demand that the businesses in Paragraph 1 or other marine-related enterprises provide pollution handling equipment and professional technical personnel to assist with handling when an emergency pollution incident occurs in the sea. The marine polluter shall bear responsibility for all necessary expenses. When necessary, the Marine Pollution Prevention and Control Fund may be used first to pay expenses and subsequently be reimbursed through claims against the marine polluter.</p>	
<p>Article 16</p> <p>The marine polluter shall bear responsibility for the clean-up of marine pollution. When necessary, the industry competent authority or competent authority may first adopt emergency measures and may perform clean-up and treatment work on behalf of the polluter. The polluter shall bear responsibility for all expenses incurred by emergency measures or clean-up and treatment work. Those that cause marine pollution due to the circumstances in one of the following subparagraphs shall not be punished.</p> <ol style="list-style-type: none"> <li>1. Fleeing a disaster or ensuring the safety of a ship, an aircraft, a seawall or other major facility;</li> <li>2. Acts involving national defense, natural disasters, war or other acts performed in accordance with regulations or orders;</li> <li>3. Acts performed with the permission of the central competent authority to prevent, eliminate or mitigate</li> </ol>	<p>第 16 條</p> <p>海洋污染應由污染行為人負責清除之。必要時，目的事業主管機關或主管機關得逕行採取應變措施、清除及處理；其因應變措施、清除及處理所生費用，由污染行為人負擔。</p> <p>因下列各款情形之一造成海洋污染者，不予處罰：</p> <ol style="list-style-type: none"> <li>一、為緊急避難或確保船舶、航空器、海堤或其他重大工程設施安全。</li> <li>二、為維護國防安全或因天然災害、戰爭或依法令之行為。</li> <li>三、為防止、排除或減輕污染、保護環境或為特殊研究需要，經中央主管機關同意。</li> </ol> <p>第一項海洋污染清除、處理之方法、方式及其他應遵行事項之辦法，由中央主管機關定之。</p>

<p>pollution, protect the environment or to meet special research needs.</p> <p>The central competent authority shall determine regulations for clean-up and treatment work and other binding matters of marine pollution in Paragraph 1.</p>	
<p>Article 17</p> <p>Industry competent authorities shall inspect all kinds of marine facilities, fishery facilities and other artificial structures that are permitted to be put in place, laid or deployed within the areas prescribed in Paragraph 1 of Article 2, and shall require the formulation and implementation of decommissioning plans.</p> <p>The industry competent authority, regarding to those who fail to implement the decommissioning plan upon the expiry of the permit in accordance with the preceding paragraph, or the competent authority, regarding to those who engage in the acts referred to in the preceding paragraph without permission, may order improvement within a certain time limit. If the improvement is not completed by the end of the period, the facilities or artificial structures shall be considered marine waste and may be cleaned up and treated on behalf of the owner at the owner's expense.</p> <p>If the owner as described in the preceding paragraph is unknown or cannot be notified, the improvement order, clean-up and treatment shall be carried out by public notice.</p>	<p>第 17 條</p> <p>各目的事業主管機關應查核經許可於第二條第一項所定範圍內投設、敷設或佈放之各類海洋設施、漁業設施及其他人工構造物，並要求訂定、執行除役計畫。</p> <p>各目的事業主管機關對許可期限屆滿未依前項除役計畫執行者，或主管機關對未經許可而為前項行為者，得限期令其改善；屆期未改善者，該設施或人工構造物視為海洋廢棄物，並得代為清除、處理，所生費用由所有人負擔。</p> <p>前項所有人不明或無法通知者，以公告方式為之。</p>
<p>Chapter 3: The Prevention of Pollution from Pollution from Land-based Sources</p>	<p>第 三 章 防止陸上污染源污染</p>

<p>Article 18</p> <p>Those who do not receive the permission of the central competent authority may not discharge wastewater or sewage into the following areas adjacent to the sea:</p> <ol style="list-style-type: none"> <li>1. Nature reserves or geological parks.</li> <li>2. National parks or national nature parks.</li> <li>3. Wildlife protected areas or major wildlife habitats.</li> <li>4. Aquatic organism propagation and conservation zones.</li> <li>5. Other areas that the central competent authority has officially announced as areas requiring special protection.</li> </ol> <p>The central competent authority in consultation with the relevant industry competent authorities shall determine rules for applications for permission, conditions, review procedures, repeal, content changes of discharge permits, the suspension of use of facilities, the maintenance and recordkeeping, and other binding matters for discharge permits for wastewater or sewage in the foregoing paragraph.</p>	<p>第 18 條 非經中央主管機關許可，不得排放廢(污)水於與海域相鄰接之下列區域：</p> <ol style="list-style-type: none"> <li>一、自然保留區、地質公園。</li> <li>二、國家公園、國家自然公園。</li> <li>三、野生動物保護區、野生動物重要棲息環境。</li> <li>四、水產動植物繁殖保育區。</li> <li>五、其他經中央主管機關公告需特別加以保護之區域。</li> </ol> <p>前項廢(污)水排放許可之申請、條件、審查程序、廢止、排放許可之內容變更、設施停用、排放紀錄製作與備查及其他應遵行事項之辦法，由中央主管機關會商相關目的事業主管機關定之。</p>
<p>Article 19</p> <p>Those who engage in any of the following acts that result or is likely to result in serious pollution of the sea or shall immediately adopt measures to prevent, eliminate or mitigate such pollution and shall notify the competent authority and the industry competent authority without delay:</p> <ol style="list-style-type: none"> <li>1. Marine discharge;</li> <li>2. Coastal discharge;</li> <li>3. Transfer, stacking or treatment of</li> </ol>	<p>第 19 條</p> <p>從事下列各款行為之一，致嚴重污染海洋或有嚴重污染海洋之虞時，應即採取措施以防止、排除或減輕污染，並即通知主管機關及目的事業主管機關：</p> <ol style="list-style-type: none"> <li>一、海洋放流。</li> <li>二、海岸放流。</li> <li>三、轉運、堆置或處理廢棄物。</li> <li>四、存放營建工地之貨品或營建材料。</li> <li>五、存放化學品。</li> <li>六、運輸油或化學品。</li> <li>七、港埠作業。</li> </ol>

<p>waste;</p> <p>4. Storage of goods or construction materials from construction sites;</p> <p>5. Storage of chemicals;</p> <p>6. Transportation of oil or chemicals;</p> <p>7. Harbor operations;</p> <p>8. Other acts announced by the central competent authority as having the potential to cause pollution.</p> <p>The competent authority may order the polluter in the foregoing paragraph to adopt necessary response measures, and when necessary, the competent authority may directly adopt response measures and perform clean-up and treatment work. The polluter at issue shall bear responsibility for all expenses incurred by response measures, clean-up and treatment.</p>	<p>八、其他經中央主管機關公告具污染潛勢之行為。</p> <p>主管機關得命前項污染行為人採取必要之應變措施，必要時，主管機關並得逕行採取應變措施、清除及處理；其因應變措施、清除及處理所生費用，由污染行為人負擔。</p>
<p>Chapter 4: The Prevention of Pollution from Maritime Projects and Marine Facilities</p>	<p>第四章 防止海域工程及海洋設施污染</p>
<p>Article 20</p> <p>Those who use marine facilities to engage in the exploration or extraction of oil, the conveyance of oil or chemical substances, or the discharge of wastewater or sewage reaching the scale announced by the central competent authority shall first submit marine pollution prevention and control plan that state clearly the contents of marine pollution prevention tasks, marine monitoring and response measures, and other matters designated by the central competent authority and receive approval from the central competent authority before they may engage in such activities.</p>	<p>第 20 條</p> <p>利用海洋設施從事探採油礦、輸送油、化學品或排放廢(污)水達中央主管機關公告之規模者，應先檢具海洋污染防治計畫，載明海洋污染防治作業內容、海洋監測與應變措施及其他中央主管機關指定之事項，報經中央主管機關許可後，始得為之。</p> <p>取得前項許可者，應持續執行海洋監測，並定期向主管機關申報監測紀錄；其利用海洋設施探採油礦或輸送油時，應製作探採或輸送紀錄。</p>

<p>Those who have obtained permission pursuant to the foregoing paragraph to engage in the exploration or extraction of oil or the conveyance of oil shall continuously perform marine monitoring and regularly report monitoring records to the competent authority, and shall maintain records of exploration, extraction or conveyance when using marine facilities.</p>	
<p>Article 21</p> <p>Wastewater or sewage, oil, waste, hazardous substances or other polluting substances that have been designated and officially announced by the central competent authority may not be discharged, leaked or dumped into the sea. However, those who receive permission from the central competent authority may discharge oil, wastewater or sewage into the sea. Records of discharges shall be maintained accordingly.</p> <p>The records in the latter portion of Paragraph 2 of the foregoing article and in the foregoing paragraph shall be prepared, reported and kept on file for at least ten years pursuant to the regulations of the central competent authority.</p> <p>The central competent authority in consultation with the industry competent authority shall determine regulations for applications for permission, conditions, review procedures, repeal, changes to discharge permission, the suspension of facilities, which shall be filed for future reference, and other binding matters for the discharge of oil, wastewater or</p>	<p>第 21 條</p> <p>廢（污）水、油、廢棄物、有害物質或其他經中央主管機關指定公告之污染物質，不得排洩或傾倒於海洋。但經中央主管機關許可者，得將油、廢（污）水排放於海洋；其排放並應製作排放紀錄。</p> <p>前條第二項後段及前項紀錄，應依中央主管機關規定製作、申報，並至少保存十年。</p> <p>第一項但書排放油、廢（污）水於海洋許可之申請、條件、審查程序、廢止、排放許可之內容變更與設施停用備查及其他應遵行事項之辦法，由中央主管機關會商目的事業主管機關定之。</p>

<p>sewage into the sea in the proviso of Paragraph 1 of this article.</p>	
<p>Article 22</p> <p>Those who engage in marine projects or use marine facilities that cause or is likely to cause serious marine pollution shall promptly adopt measures to prevent, eliminate or mitigate pollution and shall promptly notify the competent authorities and industry competent authorities.</p> <p>The competent authority may order the polluter in the foregoing paragraph to adopt the required response measures, and when necessary, the competent authority may directly adopt response measures and perform clean-up and treatment work. The polluter at issue shall bear responsibility for all expenses incurred by response measures, clean-up and treatment.</p>	<p>第 22 條</p> <p>從事海域工程或利用海洋設施致嚴重污染海洋或有嚴重污染海洋之虞時，應即採取措施以防止、排除或減輕污染，並即通知主管機關及目的事業主管機關。</p> <p>主管機關得命前項污染行為人採取必要之應變措施，必要時，主管機關並得逕行採取應變措施、清除及處理；其因應變措施、清除及處理所生費用，由污染行為人負擔。</p>
<p>Chapter 5: The Prevention of Pollution from the Disposal of Waste at Sea</p>	<p>第 五 章 防止海上處理廢棄物污染</p>
<p>Article 23</p> <p>Those who engage in marine dumping may engage in such activities only after receiving permission from the central competent authority.</p> <p>The central competent authority in consultation with the industry competent authority shall determine regulations for applications, conditions, review procedures, repeal, work procedures for implementing marine dumping, changes to permission and other binding matters for the permission in the foregoing paragraph.</p>	<p>第 23 條</p> <p>從事海洋棄置者，應向中央主管機關申請取得許可後，始得為之。</p> <p>前項許可之申請、條件、審查程序、廢止、實施海洋棄置作業程序與許可內容變更及其他應遵行事項之辦法，由中央主管機關會商目的事業主管機關定之。</p>
<p>Article 24</p> <p>The central competent authority shall</p>	<p>第 24 條</p> <p>中央主管機關應依物質棄置於海洋對</p>

<p>announce Category A, Category B and Category C for the dumping of substances in the sea based on the impact on the marine environment.</p> <p>Category A substances may not be dumped in the sea. The time period, quantity and the working procedures for dumping of Category B substances shall be permitted by the central competent authority. Category C substances may be dumped only during the period and within the total quantity limits permitted by the central competent authority.</p>	<p>海洋環境之影響，公告為甲類、乙類或丙類。</p> <p>甲類物質，不得棄置於海洋；乙類物質，棄置時間、數量及作業方式應取得中央主管機關許可；丙類物質，於中央主管機關許可之期間及總量範圍內，始得棄置。</p>
<p>Article 25</p> <p>Marine dumping shall be performed in the areas designated by the central competent authority.</p> <p>The central competent authority shall delineate and officially announce the marine dumping zones in the foregoing paragraph based on marine environment classification, marine environmental quality standards and marine water quality conditions.</p> <p>The managers of ships, aircraft or marine facilities that engage in marine dumping shall maintain marine dumping records and regularly report these records to the central competent authority and accept inspection. The inspected person shall not evade, obstruct or refuse the inspection.</p>	<p>第 25 條</p> <p>實施海洋棄置作業，應於中央主管機關指定之區域為之。</p> <p>前項海洋棄置作業區域，由中央主管機關依海域環境分類、海洋環境品質標準及海域水質狀況，劃定公告之。</p> <p>實施海洋棄置之船舶、航空器或海洋設施之管理人，應製作執行海洋棄置作業之紀錄，並定期將紀錄向中央主管機關申報及接受查核；受查核者不得規避、妨礙或拒絕。</p>
<p>Article 26</p> <p>Those who cause or is likely to cause serious marine pollution due to engagement in marine dumping shall promptly adopt measures to prevent, eliminate or mitigate pollution and shall promptly notify the competent authorities</p>	<p>第 26 條</p> <p>從事海洋棄置作業致嚴重污染海洋或有嚴重污染海洋之虞時，應即採取措施以防止、排除或減輕污染，並即通知主管機關及目的事業主管機關。</p> <p>主管機關得命前項污染行為人採取必要之應變措施，必要時，主管機關並得</p>

<p>and competent authorities.</p> <p>The competent authority may order the polluter in the foregoing paragraph to adopt the required response measures, and when necessary, the competent authority may directly adopt response measures and perform clean-up and treatment work. The polluter at issue shall bear responsibility for all expenses incurred by response measures, clean-up and treatment.</p>	<p>逕行採取應變措施、清除及處理；其因應變措施、清除及處理所生費用，由污染行為人負擔。</p>
<p>Article 27</p> <p>With regard to the dumping of ships, aircraft, marine facilities and other artificial structures in the sea, the provisions of Articles 23 to 26 shall apply mutatis mutandis.</p> <p>With regard to the needs of the fisheries, an application for permission from the central fishery competent authority is required before the placement of artificial fishing reefs or other fishery facilities. The central competent authority in conjunction with the central fishery competent authority and central shipping administration authority shall determine regulations for the applications, conditions, review procedures, repeal of construction, inspection of facilities, management, pollution prevention and control, and other binding matters for the permission.</p>	<p>第 27 條</p> <p>棄置船舶、航空器、海洋設施或其他人工構造物於海洋，準用第二十三條至第二十六條規定。</p> <p>為漁業需要，應向中央漁業主管機關申請許可，始得投設人工魚礁或其他漁業設施；其許可之申請、條件、審查程序、廢止投設作業、設施檢查、管理、污染防治及其他應遵行事項之辦法，由中央主管機關會同中央漁業及中央航政機關定之。</p>
<p>Article 28</p> <p>Marine incineration shall not be conducted except in cases of emergency posing a serious threat to human health, personal safety, or the marine environment and with the consent of the</p>	<p>第 28 條</p> <p>除因嚴重威脅人體健康、人身安全或海洋環境之緊急情況，經中央主管機關同意者外，不得從事海上焚化。</p>

central competent authority.	
Chapter 6: The Prevention of the Pollution of the Sea by Ships	第六章 防止船舶對海洋污染
<p>Article 29</p> <p>When necessary, the port management authority or enforcement authority may, in conjunction with the competent authority, inspect the marine pollution prevention certificates or certifying documents, Shipboard Oil Pollution Emergency Plan, operation manuals, the Oil Record Book, Cargo Record Book, Garbage Record Book and other designated documents of each authority. The inspected person shall not evade, obstruct, or refuse the inspection.</p>	<p>第 29 條</p> <p>港口管理機關或執行機關於必要時，得會同主管機關查驗船舶之海洋污染防止證明書或證明文件、船上污染應急程序、操作手冊、油、貨紀錄簿、員工生活垃圾紀錄簿及其他經各該機關指定之文件；受檢者不得規避、妨礙或拒絕。</p>
<p>Article 30</p> <p>The wastewater or sewage, oil, waste and other polluting substances of a ship shall remain on board, be discharged into onshore reception facilities with the exception of those circumstances in which they may in accordance with the regulations be discharged into the sea, and shall be cleared and treated of in accordance with the Waste Disposal Act and other relevant acts and regulations.</p> <p>All categories of port management authorities and enterprises shall install reception facilities for the pollutants in the foregoing paragraph and perform necessary disposal work depending on the needs of management and may collect handling expenses. Port management authorities and enterprises shall formulate collection standards for handling expenses and submit them to the industry competent authority for</p>	<p>第 30 條</p> <p>船舶之廢（污）水、油、廢棄物或其他污染物質，除依規定得排洩於海洋者外，應留存船上、排洩於岸上收受設施，並依廢棄物清理法等相關法規規定清除、處理。</p> <p>各類港口管理機關及事業機構應視管理需求設置前項污染物之收受設施及為必要之處理，並得收取處理費用；其收費標準，由港口管理機關及事業機構擬訂，報請目的事業主管機關核定之。</p> <p>各類港口管理機關及事業機構對所轄港口收受及處理污染物之數量，應分別作成紀錄及保存，並於每年四月十五日前，向中央主管機關申報前一年度紀錄。</p>

<p>approval.</p> <p>All categories of port management authorities and enterprises shall record and keep on file for the quantities of pollutants received and treated in the ports under their jurisdiction, and they shall report the previous year's records to the central competent authority by April 15 annually.</p>	
<p>Article 31</p> <p>Ships shall be equipped with pollution prevention equipment and may not pollute the sea.</p> <p>Ships loading, unloading or transporting oil, chemical substances or other cargo that might cause pollution of the sea shall adopt appropriate prevention measures of a spill.</p>	<p>第 31 條</p> <p>船舶應設置防止污染設備，並不得污染海洋。</p> <p>船舶裝卸或載運油、化學品及其他可能造成海洋污染之貨物，應採取適當防制排洩措施。</p>
<p>Article 32</p> <p>1. When the construction, repair, demolition, salvage, or tank cleaning or hull cleaning of a ship cause or is likely to cause marine pollution, the following measures shall be adopted, and polluting substances shall be removed:</p> <p>1. Appropriate equipment for the containment or removal of floating oil on the surface of the waters surrounding work areas shall be set up.</p> <p>2. Appropriate reception facilities in work areas for waste oils, wastewater or sewage, waste and other hazardous substances shall be provided.</p> <p>3. The discharge into the sea of oils, waste oils, wastewater or sewage,</p>	<p>第 32 條</p> <p>船舶之建造、修理、拆解、打撈、清艙及船身清洗，致污染海洋或有污染海洋之虞者，應採取下列措施，並清除污染物質：</p> <p>一、於施工區域周圍水面，設置適當之攔除浮油設備。</p> <p>二、於施工區內，備置適當廢油、廢（污）水、廢棄物及有害物質收受設施。</p> <p>三、防止油、廢油、廢（污）水、廢棄物、殘餘物及有害物質排洩於海洋。</p> <p>四、其他經中央主管機關指定之措施。</p>

<p>waste, residue and hazardous substances shall be prevented.</p> <p>4. Other measures designated by the central competent authority shall be adopted.</p>	
<p>Article 33</p> <p>When shipwreck or other accident occurs that causes or is likely to cause marine pollution, the captain and shipowner shall promptly adopt measures to prevent, eliminate or mitigate pollution and shall promptly notify the shipping administration authority, port management authority, enterprises and special municipality, county or city competent authority.</p> <p>For the circumstance in the foregoing paragraph, the competent authority may order the shipmaster and shipowner to adopt necessary response measures, and when necessary, the competent authority may directly adopt response measures, clean up, and dispose of. The owner of the ship at issue shall bear responsibility for all expenses incurred by response measures, clean-up, and disposal.</p>	<p>第 33 條</p> <p>因發生海難或其他意外事件，致污染海洋或有污染海洋之虞時，船長及船舶所有人應即採取措施以防止、排除或減輕污染，並即通知航政機關、港口管理機關、事業機構及直轄市、縣（市）主管機關。</p> <p>前項情形，主管機關得命船長及船舶所有人採取必要之應變措施，必要時，主管機關並得逕行採取應變措施、清除及處理；其因應變措施、清除及處理所生費用，由該船舶所有人負擔。</p>
<p>Article 34</p> <p>The competent authority may direct a foreign-flag ship to berth at a port in the R.O.C. and prohibit it from sailing, departing or order its relocation until it has paid off the fine or provided sufficient collateral when a foreign ship carrier that has not established a branch office by law in the R.O.C. has been fined for violating this Act. The same shall apply to any ships that, after departure, re-enter the territorial waters of the R.O.C.</p>	<p>第 34 條</p> <p>未在我國依法設立分公司之外國籍船舶運送業，其船舶違反本法而經處罰鍰者，於繳清罰鍰或提供足額擔保前，主管機關得命該船舶泊靠我國港口，禁止其航行、開航或要求移航；開航後，復駛入我國領海者，亦同。</p> <p>前項情形，港口管理機關、事業機構應協助規劃船席、泊靠船席及限制該船舶出港；必要時，主管機關得要求執行機關強制其泊靠至指定席位。</p>

<p>For the circumstance in the foregoing paragraph, the port management authority and enterprises shall assist in the planning of the berth, the berthing of the ship and the forbidding of the ship's departure from the port. Where necessary, the competent authority may instruct the enforcement authority to compel the ship to moor in a designated berth.</p>	
<p>Chapter 7: Liability and Remedy</p>	<p>第七章 責任及救濟</p>
<p>Article 35</p> <p>For the costs incurred in adopting emergency measures and performing clean-up and treatment work, relevant government agencies may claim compensation under this Act, including the following:</p> <ol style="list-style-type: none"> <li>1. The costs of taking measures to prevent, monitor, eliminate or mitigate marine pollution.</li> <li>2. The costs of carrying out marine or coastal environmental improvement and monitoring.</li> <li>3. The costs of conducting marine quality monitoring and damage surveys in the event of marine pollution.</li> <li>4. The costs of sampling and analyzing oil products and pollutants.</li> <li>5. The costs of cleaning up and treating marine waste arising from marine pollution incidents.</li> <li>6. The review, consultation and travel expenses of domestic and overseas experts.</li> <li>7. The costs of overtime, travel, meals, postage, fuel, rental vehicles, and the rent for contingency premises, etc., for personnel carrying out emergency</li> </ol>	<p>第 35 條</p> <p>各有關機關依本法求償採取應變措施、清除及處理所生費用，包括下列項目：</p> <ol style="list-style-type: none"> <li>一、防止、監控、排除或減輕海洋污染措施所需費用。</li> <li>二、執行海洋或海岸環境改善及監測之費用。</li> <li>三、海洋污染發生時執行海洋品質監測及損害調查之費用。</li> <li>四、油品、污染物採樣分析費用。</li> <li>五、因海洋污染事件產生海洋廢棄物之清除、處理費用。</li> <li>六、國內外專家審查、諮詢及差旅費用。</li> <li>七、執行應變措施、清除及處理所需人員之相關加班、差旅、誤餐、郵電、油料、交通運輸工具租賃、應變處所租金等費用。</li> </ol>

measures, clean-up and disposal work.	
<p>Article 36</p> <p>The shipowner shall bear liability for compensation for the damage caused by the pollution of the sea by a ship.</p> <p>The shipowner of a ship with a gross tonnage of 400 or more tons, or of an oil tanker or chemical tanker with a gross tonnage of 150 or more tons, shall purchase liability insurance or provide a guarantee based on the gross tonnage of the ship, and may neither suspend nor terminate the insurance or guarantee.</p> <p>The central competent authority, in consultation with the Financial Supervisory Commission, shall determine the amount of the liability insurance coverage or guarantee in the foregoing paragraph.</p>	<p>第 36 條</p> <p>船舶對海洋污染產生之損害，船舶所有人應負賠償責任。</p> <p>船舶總噸位四百以上之一般船舶及總噸位一百五十以上之油輪或化學品船，其船舶所有人應依船舶總噸位，投保責任保險或提供擔保，並不得停止或終止保險契約或提供擔保。</p> <p>前項責任保險或擔保之額度，由中央主管機關會商金融監督管理委員會定之。</p>
<p>Article 37</p> <p>Claimants for compensation for marine pollution damage may seek compensation directly from the liability insurer or seek compensation against the guarantee.</p>	<p>第 37 條</p> <p>海洋污染損害之賠償請求權人，得直接向責任保險人請求賠償或就擔保求償之。</p>
<p>Article 38</p> <p>The competent authority may order a foreign-flag ship that has not established a branch office by law in the R.O.C. to berth at a R.O.C. port, prohibit it from sailing, departing or order its relocation, and forbid the owner and important crew of the ship leaving R.O.C. in case of default in or in case of nonperformance of the liability for damages and costs arising from the violation of this Act. The same shall apply to any ships that, after departure, re-enter the territorial seas of</p>	<p>第 38 條</p> <p>未在我國依法設立分公司之外國籍船舶因違反本法所生之損害賠償責任及費用負擔，於未履行前或有不履行之虞者，主管機關得命該船舶泊靠我國港口，禁止其航行、開航或要求移航，並得限制船舶所有人及重要船員離境；開航後，復駛入我國領海者，亦同。但經提供足額擔保者，不在此限。</p> <p>前項情形，港口管理機關、事業機構應協助規劃船席、泊靠船席及限制該船舶出港；必要時，主管機關得要求執行機關強制其泊靠至指定席位。</p>

<p>the R.O.C., except where sufficient collateral has been provided.</p> <p>For the circumstance in the foregoing paragraph, the port management authority and enterprises shall assist in the planning of the berth, the berthing of the ship and the forbidding of the ship's departure from the port. Where necessary, the competent authority may instruct the enforcement authority to compel the ship to moor in a designated berth.</p> <p>Where the amount of guarantee provided under the proviso set out in Paragraph 1 is not sufficient to cover the costs incurred by the relevant government agencies in adopting emergency measures and performing clean-up and treatment work, as well as the amount of damages, the shipowner shall replenish the collateral within the time limit notified by the competent authority.</p>	<p>依第一項但書規定提供之擔保金額，不足以支付各有關機關採取應變措施、清除與處理所生費用及損害賠償金額時，船舶所有人應於主管機關通知之期限內補足擔保。</p>
<p>Article 39</p> <p>The competent authority and each competent authority may seek compensation for all expenses incurred by emergency measures, clean-up and treatment set forth in this Act. Their right to seek compensation for expenses shall take precedence over mortgage rights, lien rights and creditor rights.</p> <p>To secure the creditor rights of compensation for damage, the compensation sought by the competent authority and each industry competent authority for all expenses incurred by emergency measures, clean-up and disposal, the fines imposed pursuant to this Act, and the benefits recovered under</p>	<p>第 39 條</p> <p>主管機關及各目的事業主管機關依本法採取應變措施、清除及處理所生費用，其求償權優於抵押權、留置權及一般債權。</p> <p>為保全本法之損害賠償債權、主管機關與各目的事業主管機關採取應變措施、清除及處理所生費用之求償、依本法裁處之罰鍰及第六十三條追繳所得利益之履行，主管機關及各目的事業主管機關得免提供擔保向法院或行政法院聲請假扣押、假處分。</p>

<p>Article 63, the competent authority and each competent authority may, without providing security, enforce provisional seizure of debtor property to the court or the administrative court.</p>	
<p>Chapter 8: Penal Provision</p>	<p>第 八 章 罰 則</p>
<p>Article 40</p> <p>The offender who has violated the first part of Paragraph 2 of Article 24, or Paragraph 1 of Article 27 as applied mutatis mutandis to the first part of Paragraph 2 of Article 24, by dumping the Category A substances announced under Paragraph 1 of Article 24, or Paragraph 1 of Article 27 as applied mutatis mutandis to Paragraph 1 of Article 24, into the sea or those who engage in marine incineration of hazardous substances in violation of the provisions of Article 28 shall be punished by imprisonment for a period of not exceeding three years, and may be fined between NT\$1 million and NT\$5 million.</p> <p>If serious marine pollution results from the commission of an offense specified in the preceding paragraph, the punishment shall be imprisonment for a period of not exceeding seven years, and a fine between NT\$30 million and NT\$100 million may be imposed.</p> <p>An attempt to commit a crime in Paragraph 1 shall be punished.</p> <p>If serious marine pollution results from the commission of an offense specified in the foregoing paragraph, the punishment shall be imprisonment for not more than seven years, and a fine between NT\$30 million and NT\$100 million may be</p>	<p>第 40 條</p> <p>違反第二十四條第二項前段或第二十七條第一項準用第二十四條第二項前段規定，棄置依第二十四條第一項公告或依第二十七條第一項準用第二十四條第一項公告之甲類物質於海洋，或違反第二十八條規定從事有害物質之海上焚化者，處三年以下有期徒刑，得併科新臺幣一百萬元以上五百萬元以下罰金。</p> <p>犯前項之罪，因而致嚴重污染海洋者，處七年以下有期徒刑，得併科新臺幣三千萬元以上一億元以下罰金。</p> <p>第一項之未遂犯罰之。</p>

<p>imposed.</p> <p>An attempt to commit an offense under Paragraph 1 of this article shall be punishable.</p>	
<p>Article 41</p> <p>The offender who has violated Article 18, Paragraph 1 and discharge wastewater or sewage into areas adjacent to the sea without permission shall be punished by imprisonment for a period of not exceeding five years and may be fined up to NT\$100 million.</p>	<p>第 41 條</p> <p>違反第十八條第一項規定，未經許可而排放廢（污）水於與海域相鄰接之區域者，處五年以下有期徒刑，得併科新臺幣一億元以下罰金。</p>
<p>Article 42</p> <p>The offender who has violated Article 20, Paragraph 1 and use marine facilities without permission to engage in the exploration or extraction of oil, the conveyance of oil or chemical substances, or the discharge of wastewater or sewage shall be punished by imprisonment for a period of not exceeding five years and may be fined between NT\$300,000 and NT\$30 million.</p>	<p>第 42 條</p> <p>違反第二十條第一項規定，未經許可利用海洋設施從事探採油礦、輸送油、化學品或排放廢（污）水者，處五年以下有期徒刑，得併科新臺幣三十萬元以上三千萬元以下罰金。</p>
<p>Article 43</p> <p>The offender who has application or reporting obligations pursuant to this Act and who applies based on knowingly false information or reports false information or makes false entries in documents prepared in the course of business shall be punished by imprisonment for a period of not exceeding three years, short-term imprisonment, or a fine between NT\$300,000 and NT\$5 million, or all of the above.</p>	<p>第 43 條</p> <p>依本法規定有申請或申報義務，明知為不實之事項而申請、申報不實或於業務上作成之文書為虛偽記載者，處三年以下有期徒刑、拘役或科或併科新臺幣三十萬元以上五百萬元以下罰金。</p>
<p>Article 44</p>	<p>第 44 條</p>

<p>The offender who fails to comply with an order to suspend work issued by the competent authority pursuant to Article 48, Article 50 or Article 55 shall be punished by imprisonment for a period of not exceeding two years, short-term imprisonment or a fine between NT\$500,000 and NT\$10 million, or all of the above.</p>	<p>不遵行主管機關依第四十八條、第五十條或第五十五條規定所為之停工命令者，處二年以下有期徒刑、拘役或科或併科新臺幣五十萬元以上一千萬元以下罰金。</p>
<p>Article 45</p> <p>The statutory responsible person or managerial or supervisory personnel of a juridical person who commits an offense under Articles 40 to 44 shall be subject to the punishment prescribed for such offense with the penalty increased by up to one-half.</p> <p>Where the statutory responsible person of a juridical person, or the agent, employee, or other working personnel of a juridical person or natural person, in the performance of business, commits an offense under Articles 40 to 44, the perpetrator shall be punished pursuant to the provisions of the respective article violated, and the said juridical person or natural person shall also be subject to the fine prescribed in the respective article.</p>	<p>第 45 條</p> <p>法人之負責人或監督策劃人員犯第四十條至第四十四條之罪者，加重其刑至二分之一。</p> <p>法人之負責人、法人或自然人之代理人、受僱人或其他從業人員，因執行業務犯第四十條至第四十四條之罪者，除依各該條規定處罰其行為人外，對該法人或自然人亦科以各該條之罰金。</p>
<p>Article 46</p> <p>Employers may not discharge, demote and transfer, reduce wage or otherwise take any adverse action against its dedicated enterprise or an employee for disclosing an action that violates this Act to the competent authority or judicial authority, serving as a witness in a litigation process or refuses to participate in an action that violates this Act.</p>	<p>第 46 條</p> <p>雇主不得因受僱人或利害關係人向主管機關或司法機關揭露違反本法之行為、擔任訴訟程序之證人或拒絕參與違反本法之行為，而予解僱、降調、減薪、損害其依法令、契約或習慣上所應享有之權益，或其他不利之措施。</p> <p>雇主為前項不利措施者，無效。</p> <p>受僱人或利害關係人因第一項規定之行為受有不利措施者，雇主對於該不利</p>

<p>Adverse action of employers as prescribed in the preceding paragraph shall be null and void.</p> <p>If an employee or stakeholder is penalized by the employer for a reason prescribed in Paragraph 1, the employer shall bear the burden of proof that such adverse sanction has nothing to do with the conduct specified in Paragraph 1. If an employee or stakeholder who participated in actions violating the provisions of this Act and under criminal responsibility discloses such action to the competent authority, or confess or surrender to judicial authority, resulting in the uncover of other principal criminals or accomplices, the penalty for this person shall be reduced or exempted.</p>	<p>措施與第一項規定行為無關之事實，負舉證責任。</p> <p>受僱人或利害關係人曾參與依本法應負刑事責任之行為，而向主管機關揭露或向司法機關自白或自首，因而查獲其他正犯或共犯者，減輕或免除其刑。</p>
<p>Article 47</p> <p>The offender who has violated Article 15, Paragraph 1 and engage in oil conveyance, maritime projects, marine dumping or other activities without a permit that might cause marine pollution shall be fined from NT\$300,000 to NT\$100 million.</p> <p>Those who fail to assist in the handling of an emergency pollution incident pursuant to Article 15, Paragraph 4 shall be fined from NT\$500,000 to NT\$50 million.</p>	<p>第 47 條</p> <p>違反第十五條第一項規定，未經許可從事油輸送、海域工程、海洋棄置或其他可能造成海洋污染之行為者，處新臺幣三十萬元以上一億元以下罰鍰。</p> <p>未依第十五條第四項規定協助處理緊急污染事件者，處新臺幣五十萬元以上五千萬元以下罰鍰。</p>
<p>Article 48</p> <p>The offender who has violated Article 31, Paragraph 2 or Article 32 shall be fined according to the following amount based on the size of the ship and may be ordered to make improvements within a deadline. Those who fail to make improvements by the deadline may be fined per violation.</p>	<p>第 48 條</p> <p>違反第三十一條第二項或第三十二條規定者，依其船舶規模處下列額度之罰鍰，並得限期令其改善；屆期未改善者，得按次處罰；情節重大者，得令其停工：</p> <p>一、總噸位四百以上之一般船舶及一百五十以上之油輪或化學品船：新臺幣一百萬元以上三千萬元以下。</p>

<p>In severe circumstances, they may be ordered to suspend work:</p> <ol style="list-style-type: none"> <li>1. Ships with a gross tonnage of 400 tons or above, and oil tankers or chemical tankers with a gross tonnage of 150 tons or above: NT\$1 million to NT\$30 million.</li> <li>2. Ships that do not reach the scale of the preceding subparagraph: NT\$300,000 to NT\$3 million.</li> </ol>	<p>二、未達前款規模之船舶：新臺幣三十萬元以上三百萬元以下。</p>
<p>Article 49</p> <p>The offender who has violated Article 38 Paragraph 3 and fail to supplement the collateral within the time limit notified by the competent authority shall be fined NT\$600,000 to NT\$30 million and may be ordered to supplement by a deadline. The penalty may be imposed per violation when failing to supplement by the deadline.</p>	<p>第 49 條</p> <p>違反第三十八條第三項規定，未於主管機關通知期限內補足擔保者，處新臺幣六十萬元以上三千萬元以下罰鍰，並得限期令其補足；屆期未補足者，得按次處罰。</p>
<p>Article 50</p> <p>The offender in one of the following circumstances shall be fined NT\$300,000 to NT\$30 million and may be ordered to make improvements within a deadline. Those who fail to make improvements by the deadline may be fined per violation. In severe circumstances, an order for suspension of work may be issued:</p> <ol style="list-style-type: none"> <li>1. The failure to adopt measures to prevent, eliminate or mitigate pollution pursuant to Article 19, Paragraph 1, Article 22, Paragraph 1, Article 26, Paragraph 1, Article 27, Paragraph 1 applied to Article 26, Paragraph 1 or Article 33, Paragraph 1.</li> <li>2. The failure to comply with an order of</li> </ol>	<p>第 50 條</p> <p>有下列情形之一者，處新臺幣三十萬元以上三千萬元以下罰鍰，並得限期令其改善；屆期未改善者，得按次處罰；情節重大者，得令其停工：</p> <ol style="list-style-type: none"> <li>一、未依第十九條第一項、第二十二條第一項、第二十六條第一項、第二十七條第一項準用第二十六條第一項或第三十三條第一項規定，採取防止、排除或減輕污染措施。</li> <li>二、未依第十九條第二項、第二十二條第二項、第二十六條第二項、第二十七條第一項準用第二十六條第二項或第三十三條第二項規定之主管機關命令辦理。</li> </ol>

<p>the competent authority pursuant to Article 19, Paragraph 2, Article 22, Paragraph 2, Article 26, Paragraph 2, Article 27, Paragraph 1 applied to Article 26, Paragraph 2 or Article 33, Paragraph 2.</p>	
<p>Article 51 Any offender who commits any of the following acts shall be punished by a fine of between NT\$300,000 and NT\$30 million:</p> <ol style="list-style-type: none"> <li>1. The violation of Article 23, Paragraph 1 or Article 27 Paragraph 1 applied to Article 23, Paragraph 1, by dumping Category B or Category C substances announced in accordance with Article 24, Paragraph 1 into the sea without permission.</li> <li>2. The violation of Article 23, Paragraph 2 or Article 27, Paragraph 1 applied to Article 23, Paragraph 2 of the provisions concerning marine dumping working procedures or the contents of the marine dumping permit.</li> <li>3. The violation of Article 25, Paragraph 1 or Article 27, Paragraph 1 applied to Article 25, Paragraph 1 by carrying out marine dumping in non-designated zones.</li> </ol>	<p>第 51 條 有下列情形之一者，處新臺幣三十萬元以上三千萬元以下罰鍰：</p> <ol style="list-style-type: none"> <li>一、違反第二十三條第一項或第二十七條第一項準用第二十三條第一項規定，未經許可棄置依第二十四條第一項公告之乙類或丙類物質於海洋。</li> <li>二、違反依第二十三條第二項或第二十七條第一項準用第二十三條第二項所定辦法中有關海洋棄置作業程序或海洋棄置許可內容之規定。</li> <li>三、違反第二十五條第一項或第二十七條第一項準用第二十五條第一項規定，於非指定區域實施海洋棄置。</li> </ol>
<p>Article 52 The offender who has violated Article 30, Paragraph 1 and discharge wastewater or sewage, oil, waste or other polluting substances into the sea shall be fined according to the following amount based on the size of the ship and may be ordered to make improvements within a deadline.</p>	<p>第 52 條 違反第三十條第一項規定，將廢（污）水、油、廢棄物或其他污染物質排洩於海洋者，依其船舶規模處下列額度之罰鍰，並得限期令其改善；屆期未改善者，得按次處罰：</p> <ol style="list-style-type: none"> <li>一、總噸位四百以上之一般船舶及一百五十以上之油輪或化學品船：新臺</li> </ol>

<p>Those who fail to make improvements by the deadline may be fined per violation:</p> <ol style="list-style-type: none"> <li>1. Ships with a gross tonnage of over 400 tons and oil tankers or chemical tankers with a gross tonnage of over 150 tons: NT\$300,000 to NT\$30 million.</li> <li>2. Ships that do not reach the scale of the preceding subparagraph: NT\$30,000 to NT\$3 million.</li> </ol>	<p>幣三十萬元以上三千萬元以下。 二、未達前款規模之船舶：新臺幣三萬元以上三百萬元以下。</p>
<p>Article 53</p> <p>The offender who has violated pollution control measures that have been officially announced pursuant to Article 8, Paragraph 2 or violate main text of Article 21, Paragraph 1 shall be fined NT\$200,000 to NT\$20 million and may be ordered to make improvements within a deadline. Those who fail to make improvements by the deadline may be fined per violation.</p>	<p>第 53 條</p> <p>違反依第八條第二項公告之污染管制措施或第二十一條第一項本文規定者，處新臺幣二十萬元以上二千萬元以下罰鍰，並得限期令其改善；屆期未改善者，得按次處罰。</p>
<p>Article 54</p> <p>Any offender who commits any of the following acts shall be punished by a fine of between NT\$100,000 and NT\$10 million and may be ordered to remove the pollution within a specified period. Those who fail to remove pollution by the deadline may be fined per violation:</p> <ol style="list-style-type: none"> <li>1. Those who fail to clean up pollution pursuant to the first part of Article 16, Paragraph 1.</li> <li>2. The violation of Article 28 to engage in marine incineration.</li> </ol>	<p>第 54 條</p> <p>有下列情形之一者，處新臺幣十萬元以上一千萬元以下罰鍰，並得限期令其清除污染；屆期未清除污染者，得按次處罰：</p> <ol style="list-style-type: none"> <li>一、未依第十六條第一項前段規定清除污染。</li> <li>二、違反第二十八條規定從事海上焚化。</li> </ol>
<p>Article 55</p> <p>Any offender who commits any of the following acts shall be fined NT\$100,000 to NT\$10 million, and may be ordered to</p>	<p>第 55 條</p> <p>有下列情形之一者，處新臺幣十萬元以上一千萬元以下罰鍰，並限期令其改善；屆期未改善者，按次處罰；情節重</p>

<p>make improvements within a deadline. Those who fail to make improvements by the deadline shall be fined per violation. In severe circumstances, an order for suspension of work may be issued:</p> <ol style="list-style-type: none"><li>1. Those who fail to implement the permitted contingency plan pursuant to Article 15, Paragraph 1.</li><li>2. Violating the provisions regarding the methods of marine pollution clean-up and disposal work in the regulations determined pursuant to Article 16, Paragraph 3.</li><li>3. Discharging wastewater or sewage into areas adjacent to the sea without permission pursuant to Article 18, Paragraph 1.</li><li>4. Violating the provisions regarding discharge permits with regard to a change in contents, the suspension of facility use, and the maintenance or referencing of discharge records in the regulations determined pursuant to Article 18, Paragraph 2.</li><li>5. Those who fail to perform the permitted marine pollution prevention and control plan pursuant to Article 20, Paragraph 1.</li><li>6. Violating the provisions regarding discharge permits with regard to a change in contents or a recording of suspension of facility use in the regulations determined pursuant to Article 21, Paragraph 3.</li><li>7. Violating the provisions regarding construction, facility inspection, management or pollution controls in the regulations determined pursuant to</li></ol>	<p>大者，得令其停工：</p> <ol style="list-style-type: none"><li>一、未依第十五條第一項規定許可之緊急應變計畫執行。</li><li>二、違反依第十六條第三項所定辦法中有關海洋污染清除、處理之方法或方式之規定。</li><li>三、違反第十八條第一項規定，未經許可而排放廢（污）水於與海域相鄰接之區域。</li><li>四、違反依第十八條第二項所定辦法中有關排放許可之內容變更、設施停用、排放紀錄製作或備查之規定。</li><li>五、未依第二十條第一項規定許可之海洋污染防治計畫執行。</li><li>六、違反依第二十一條第三項所定辦法中有關排放許可之內容變更或設施停用備查之規定。</li><li>七、違反依第二十七條第二項所定辦法中有關投設作業、設施檢查、管理或污染防治之規定。</li></ol>
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<p>Article 27, Paragraph 2.</p>	
<p>Article 56 The offender has violated Article 36, Paragraph 2 by failing to obtain liability insurance or provide a guarantee based on the gross tonnage of the ship, or by suspending or terminating the insurance contract or guarantee shall be fined NT\$600,000 to NT\$3 million.</p>	<p>第 56 條 違反第三十六條第二項規定，未依船舶總噸位投保責任保險或提供擔保，或停止、終止保險契約或提供擔保者，處新臺幣六十萬元以上三百萬元以下罰鍰。</p>
<p>Article 57 Any offender who fail to make the notifications required pursuant to Article 19, Paragraph 1, Article 22, Paragraph 1, Article 26, Paragraph 1, Article 27, Paragraph 1 applied to Article 26, Paragraph 1 or Article 33, Paragraph 1 shall be fined NT\$300,000 to NT\$1.5 million.</p>	<p>第 57 條 未依第十九條第一項、第二十二條第一項、第二十六條第一項、第二十七條第一項準用第二十六條第一項或第三十三條第一項規定為通知者，處新臺幣三十萬元以上一百五十萬元以下罰鍰。</p>
<p>Article 58 Any offender who evade, obstruct or refuse an inspection, appraisal, order, audit or examination performed pursuant to Article 6, Paragraph 1, Article 25 Paragraph 3, Article 27 Paragraph 1 applied to Article 25, Paragraph 3 or Article 29 shall be fined NT\$300,000 to NT\$1.5 million, and may be fined per violation and the inspection, appraisal, audit or examination may be compulsorily enforced.</p>	<p>第 58 條 規避、妨礙或拒絕依第六條第一項、第二十五條第三項、第二十七條第一項準用第二十五條第三項或第二十九條規定所為之檢查、鑑定、命令、查核或查驗者，處新臺幣三十萬元以上一百五十萬元以下罰鍰，並得按次處罰及強制執行檢查、鑑定、查核或查驗。</p>
<p>Article 59 The offender who has violated the official announcement restricting the use of a marine area pursuant to the latter part of Article 9, Paragraph 1 or those who violate the same Article, Paragraph 2 by interfering with or damaging a monitoring station or facility shall be</p>	<p>第 59 條 違反第九條第一項後段限制海域使用之公告，或違反同條第二項規定，干擾、毀損監測站或設施者，處新臺幣二十萬元以上一百萬元以下罰鍰，並得限期令其改善；屆期未改善者，得按次處罰。</p>

<p>fined NT\$200,000 to NT\$1 million and may be ordered to make improvements within a deadline. Those who fail to make improvements by the deadline may be fined per violation.</p>	
<p>Article 60 Any offender who commits any of the following acts shall be fined NT\$200,000 to NT\$1 million, and may be ordered to make improvements within a deadline. Those who fail to make improvements by the deadline may be fined per violation:</p> <ol style="list-style-type: none"> <li>1. The failure to conduct monitoring or make report pursuant to the preceding section of Article 20, Paragraph 2.</li> <li>2. The failure to prepare or file records pursuant to the first part of Article 20, Paragraph 2 or Article 21, Paragraph 2.</li> <li>3. The failure prepare or file records pursuant to the preceding part of Article 25, Paragraph 3 or Article 27, Paragraph 1 applied to the first part of Article 25, Paragraph 3.</li> </ol>	<p>第 60 條 有下列情形之一者，處新臺幣二十萬元以上一百萬元以下罰鍰，並得限期令其改善；屆期未改善者，得按次處罰： 一、未依第二十條第二項前段規定監測或申報。 二、未依第二十條第二項後段、第二十一條第二項規定製作或申報。 三、未依第二十五條第三項前段或第二十七條第一項準用第二十五條第三項前段規定記錄或申報。</p>
<p>Article 61 Any offender who fail to pay fees within the deadline pursuant to the regulations of Article 11, Paragraph 2 shall pay, in addition to said fees, interest that shall accrue daily based on the fixed annual interest rate for a one-year time deposit with the postal savings system on the day of the payment deadline. Those who still fail to make payments 90 days after the payment deadline shall be fined NT\$6,000 to NT\$300,000.</p>	<p>第 61 條 未依第十一條第二項所定辦法中有關繳納期限之規定繳納費用者，應依繳納期限當日郵政儲金一年期定期存款固定利率按日加計利息，一併繳納；逾期九十日仍未繳納者，處新臺幣六千元以上三十萬元以下罰鍰。</p>
<p>Article 62 The amount of fine imposed pursuant to this Act shall be determined in</p>	<p>第 62 條 依本法處罰鍰者，其額度應依污染特性及違規情節裁處。</p>

<p>accordance with the pollution characteristics and the circumstances of the violation.</p> <p>The central competent authority shall determine the criteria for imposing fines in the foregoing paragraph.</p>	<p>前項裁罰準則，由中央主管機關定之。</p>
<p>Article 63</p> <p>Any offender who obtain benefited from violating this Act, apart from being fined certain amounts pursuant to the regulations of this Act, the benefit gained may be demanded to be recovered to an extent within the scope of gain.</p> <p>A person who, for the benefit of another, commits an act that results in that other person being punishable for violating obligations under the Act committed by him or her for the benefit of said person, has received no penalty although gaining benefits in property as a result of such act may be demanded to have such benefits in property returned to an extent within the scope of gain.</p> <p>If a person is punishable for violating obligations under the Act but another person who, although gaining benefits in property as a result of such act is not penalized, the latter may be demanded to have such benefits in property returned to an extent within the scope of gain.</p> <p>The recovery of benefits under the preceding three paragraphs shall be made by the competent agency imposing the sanction through an administrative disposition. The term “benefits” includes positive benefits and negative benefits, the latter referring to costs that should</p>	<p>第 63 條</p> <p>違反本法義務行為而有所得利益者，除應依本法規定裁處一定金額之罰鍰外，並得於所得利益之範圍內，予以追繳。為他人利益而實施行為，致使他人違反本法義務應受處罰者，該行為人因其行為受有財產上利益而未受處罰時，得於其所受財產上利益價值範圍內，予以追繳。</p> <p>行為人違反本法義務應受處罰，他人因該行為受有財產上利益而未受處罰時，得於其所受財產上利益價值範圍內，予以追繳。</p> <p>前三項追繳，由為裁處之主管機關以行政處分為之；所稱利益得包括積極利益及應支出而未支出或減少支出之消極利益，其核算、推估及其他相關事項之辦法，由中央主管機關定之。</p>

<p>have been incurred but were avoided or reduced. The central competent authority shall determine the method to calculate or estimate the amount of the returning benefit and other related matters.</p>	
<p>Article 64</p> <p>The public may state the facts or submit evidence to report the competent authority the violations of this Act.</p> <p>Upon verification that the report in the preceding paragraph is true and fines imposed, as the fines reach specific amounts, the authority may allot a specific percentage of the actual collected fines as a reward for the informants.</p> <p>The competent authority shall keep the identity of the informant confidential.</p> <p>The regulations governing the jurisdiction of the complaints received by the competent authority, the processing time period, the reward to informant, confidentiality and other matters to be complied with mentioned in the preceding three paragraphs shall be prescribed by the central competent authority.</p>	<p>第 64 條</p> <p>民眾得敘明事實或檢具證據資料，向主管機關檢舉違反本法之行為。</p> <p>前項檢舉經查證屬實並處以罰鍰者，其罰鍰金額達一定數額時，得以實收罰鍰總金額收入之一定比例，提充獎金獎勵檢舉人。</p> <p>主管機關對於檢舉人之身分資料應予保密。</p> <p>前三項主管機關受理檢舉案件之管轄、處理期間、檢舉人獎勵額度、檢舉人身分保密及其他相關事項之辦法，由中央主管機關定之。</p>
<p>Chapter 9: Supplementary Provisions</p>	<p>第 九 章 附 則</p>
<p>Article 65</p> <p>Competent authorities shall collect review fees, certificate fees, and other official charges for the review of, permitting for and issuance of permits for all applications accepted pursuant to this Act. The central competent authority in consultation with the relevant authorities shall determine the regulations for fees collection.</p>	<p>第 65 條</p> <p>主管機關依本法受理各項申請之審查、許可及核發許可證，應收取審查費及證明書費等規費；其收費辦法，由中央主管機關會商有關機關定之。</p>
<p>Article 66</p>	<p>第 66 條</p>

<p>When a perpetrator violates this Act or regulations or orders issued under the authorization of this Act and the competent authority is negligent in enforcement, victims or public interest groups may notify the competent authority in writing, stating the specific details of such negligent enforcement. For those that competent authorities still have failed to carry out enforcement in accordance with the law within sixty days from the date the written notification is received, the victims or public interest groups may bring an action directly before the administrative court, naming the competent authority as the defendant, to seek a judgment ordering it to perform its duties.</p> <p>When issuing a verdict on the lawsuit in the foregoing paragraph, the administrative court may, on its own authority, order the defendant competent authority to pay the appropriate lawyer fees, detection and appraisal fees and other litigation costs to plaintiffs who have made specific contributions to the prevention of marine pollution.</p>	<p>行為人違反本法或依本法授權訂定之法規命令者，主管機關疏於執行時，受害人民或公益團體得敘明疏於執行之具體內容，以書面告知主管機關。主管機關於書面告知送達之日起六十日內仍未依法執行者，受害人民或公益團體得以該主管機關為被告，對其怠於執行職務之行為，直接向行政法院提起訴訟，請求判令其執行。</p> <p>行政法院為前項判決時，得依職權判令被告機關支付適當律師費用、偵測鑑定費用或其他訴訟費用予對海洋污染防治有具體貢獻之原告。</p>
<p>Article 67</p> <p>When this Act involves international affairs, the central competent authority may adopt and implement the rules, regulations, standards, recommendations and procedures set forth under the relevant international conventions or agreements and their annexes.</p>	<p>第 67 條</p> <p>本法涉及國際事務者，中央主管機關得參照有關國際公約或協定及其 annexes 所定規則、辦法、標準、建議或程序，發布施行。</p>
<p>Article 68</p> <p>The central competent authority shall prescribe the enforcement rules of this</p>	<p>第 68 條</p> <p>本法施行細則，由中央主管機關定之。</p>

Act.	
Article 69 This Act shall take effect on the date of promulgation, except for the effective dates of Articles 11 and 17, which shall be prescribed by the Executive Yuan.	第 69 條 本法除第十一條及第十七條之施行日期由行政院定之外，自公布日施行。