

臺灣海洋污染防治應變機制之研究

Study on the Strain Mechanism of Marine Pollution Control

Contingency in Taiwan

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中文摘要

阿瑪斯船舶漏油事件中可發現《海洋污染防治法》設置之必要性，該法立意雖好，但對於海洋污染防治應變計畫的審查機制上，仍存不少有待改善空間。目前我國政府在處理海洋污染事件時，係依據《商港法》、《海洋污染防治法》與《海難災害防救業務計畫》來進行應變處理及進行裁罰，但不論是環保署所訂定《海洋污染防治法》或組改後成立承接法規主政的海洋保育署，均無對海洋污染防治應變計畫進行追蹤及審查機制。再者，現今海洋污染防治應變機制在執行時，不時常需跨部會繁複聯繫溝通與協調，致使整體行政效率易受影響。最後，我國係採行一罪不二罰制度，所以部份受罰者常藉由引用商港法規定最高 150 萬罰金來規避其他法規的更高額罰金行徑，致使影響港口海洋污染防治與應變救護實際執行成效上，難以彰顯有成。因此本文藉由組改成立的海洋保育署之際，擬建構一套海洋污染防治之評鑑機制，除可提供專責機關對於海洋污染防治組織成員及海洋污染防治應變計畫進行一系列的查驗機制規範外，亦可藉此強化現有海洋污染防護能力。

關鍵字：海洋污染防治法、評鑑機制、海洋污染防治應變計畫、環境保護署、海洋保育署。

Abstract

The necessity of setting up the Marine Pollution Control Act can be found from the oil spill incident of Amorgos. The marine pollution control contingency planning has defects although its norm is well intended. In fact, when dealing with marine pollution incidents, Taiwan's government carries out emergency treatment and punishment in accordance with the Commercial Port Act, the Marine Pollution Control Act, and Marine Operation Plan of Disaster Prevention and Protection. However, Environmental Protection Department or Ocean Affairs Council are not contingency to marine pollution control contingency planning follow up and evaluation mechanism. Moreover, when implementation of marine pollution control and response mechanism, it needs to communicate and coordinate with multiple departments, which makes the overall administrative efficiency vulnerable. Finally, Taiwan adopts the system of "one crime without two punishments". Therefore, some punishees use the Commercial Port Act to provide a maximum fine of 1.5 million to avoid the higher fine acts, which makes it difficult to show the effectiveness of the marine pollution. This paper proposes to establish of evaluation mechanism for marine pollution control contingency planning, when the Ocean Affairs Council established through organizational reform. Which can provide a series of evaluation mechanism specifications for the dedicated agency, and strengthen existing marine pollution evaluation mechanism situation.

Keywords: Marine Pollution Control Act, Evaluation Mechanism, Marine Pollution Control Contingency Planning, Environmental Protection Department, Ocean Affairs Council.