

Directions for Commercial Ports & Industry-Specific Ports Security Inspection in the Taiwan Area by Coast Guard Agencies

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- I. These rules are established to specify the security inspections enforced by Coast Guard Authority as per Articles 4 and 5 of the Coast Guard Act (referred to as CGA hereafter) and Article 4 of National Security Act.
- II. For the purpose of the Rules, the terms used in the Rules are defined as follows:
 - (1) Commercial port: an international or domestic port as defined in Clause 3 of the Commercial Port Law.
 - (2) Industrial port: an industrial port as defined in Clause 3 of the Rules Governing the Management of Planning, Construction and Operation of Industrial Ports and Docks.
 - (3) Vessel: a sea-going vessel as defined in Clause 3 of the Law of Ships and that has the access to commercial and industrial ports.
 - (4) Personnel: it refers to passengers, vessel crew and those on board of a vessel.
 - (5) Object: it refers to cargo carried by vessels, vehicles or other transportation means, objects related to vessel operations, personal belongings of vessel crew, or carry-on or check-in luggage or belongings of passengers.
 - (6) Vehicle: it refers to power or non-powered vehicles that are defined in Subparagraph 9, Paragraph 1, Clause 2 of the Highway Act and have access to commercial and industrial ports.
 - (7) Other transportation means: it refers to transportation tools on water and on land other than vessels and vehicles.
 - (8) Security inspection: it refers to the inspection enforced as specified in Subparagraphs 2 and 3, Paragraph 1, Clause 4 and Subparagraphs 1 and 2, Paragraph 2, Clause 5 of the CGA and Clause 4 of the National Security Act.

- (9) Domestic line: it refers to a transportation line along which vessels travel between ports of Taiwan for passenger and/or cargo transportation.
- (10) International line: it refers to a transportation line along which vessels travel between ports of Taiwan and those of other countries for passenger and/or cargo transportation.
- (11) Controlled/hazardous substance:
 - 1. Controlled substance: substances for import and/or export control specified in the Items and Methods of Control for Controlled Substances.
 - 2. Hazardous substance: substances listed in the International Maritime Dangerous Goods Code of the International Maritime Organization.
 - 3. Controlled and hazardous substances specified in other applicable laws and regulations.
- III. These rules are established for the security inspections carried out by the Coast Guard Authority (referred to as the Authority hereafter) on personnel, vessels, vehicles and other transportation means that have access to the commercial and industrial ports in Taiwan and the objects carried by them, except for fishing vessels and yachts for which the Rules for Security Inspections of Fishing Ports and Yachts in Taiwan Enforced by Coast Guard Authority and other applicable regulations shall apply.
- IV. The security inspections enforced on personnel, vessels, vehicles and other transportation means that have access to the commercial and industrial ports and the objects carried by them are developed and supervised by the Authority of jurisdiction and carried out by inspection offices.
- V. Security inspection procedure for commercial and industrial ports:
 - (1) Personnel dispatching:
 - 1. The sequence for vessels for security inspection is established based on the estimated time of arrival/departure provided by ship owners (brokers) to port administration.
 - 2. Inspection personnel is dispatched based on the schedule of estimated vessel arrival/departure and led by a person who is or has the authorization as a justice police for inspection.
 - (2) Boarding for inspection:
 - 1. The leader visits and interviews the captain of the vessel for security, and asks him/her to assign one of the crewmembers as the guide for inspection.
 - 2. The members of inspection personnel perform the inspection depending on job assignment and responsibility.
 - 3. At the end of inspection, the inspection personnel, ship broker and captain shall sign on the Vessel Arrival/Departure Inspection Registration (for both international and domestic commercial ports; see Attachment 1) regardless of any fault play. The leader shall present the registration and associated document(s) to the supervisor on duty of the inspection office (or his/her substitute) for approval and the approved registration shall be kept for a

year.

VI. Items of inspection:

- (1) Domestic transportation lines and lines between Kinmen, Matsu, Penghu and Taiwan:
Inspection on personnel, objects and vessels
- (2) International transportation lines, cross-strait lines and mini-three-link lines:
Inspection on personnel and vessels

VII. Time of inspection:

- (1) Boarding inspection schedule shall be established based on inquiries, vessel types, port of origin, lines traveled, port of stop, time of navigation, first arrival, dock of berth, previous criminal record or port facility security.
- (2) Inspections shall also be carried out when the suspicion of fault play is justified.

VIII. On inspection, the personnel's proof of identification, passenger or crew list, cargo manifest, license issued to vessel, vehicle or other transportation means shall be checked.

IX. Personnel inspection:

- (1) The inspection shall be carried out primarily using instruments with the assistance of visual inspection.
- (2) Clause 6 of the CGA specifies that, when a person is carrying certain object for which the suspicion of fault play is justified, the object in question shall be surrendered and inspected. If the owner of the object refuses to cooperate, he/she shall undergo a full body search. For the full body search, 2 or more of the Authority's members or a third person not related to the Authority shall present at the scene. When a woman's body is to be searched, the search shall be carried out by a female personnel member.
- (3) When an object that is not a controlled or hazardous substance in nature but presents possible threat to the safety of vessel and/or voyage, it shall be placed under the care of ship owner and the vessel crew alerted to take necessary measures.

X. Object inspection:

- (1) The inspection shall be carried out primarily using instruments with the assistance of visual inspection.
- (2) Carry-on and check-in luggage:
 1. In case that a carry-on or check-in luggage is suspicious, the owner of the luggage shall be asked to open it for inspection.
 2. In case that a carry-on or check-in luggage is not a controlled or hazardous substance in nature but presents possible threat to the safety of vessel and/or voyage, Paragraph 3 of the previous clause shall apply.
- (3) Objects on board a vessel:
 1. The objects are inspected on a random basis. A full inspection is required when intelligence indicates fault play or suspicion is justified.

2. Once the package of a piece of cargo is removed and the cargo inspected, the cargo inspected shall be attached with a sticker indicating the completed inspection and sealed with dedicated tapes.
3. For objects that are approved for importing to Taiwan from Mainland China and those of Taiwan to be transported to Mainland China, the inspection shall be carried out against customs manifest; the customs service shall be called upon to witness the inspection incase that intelligence indicates objects that are not approved for importing from Mainland China or the suspicion of the same is justified.

XI. Vessel inspection:

- (1) The vessels shall be inspected on a random basis. In case that intelligence indicates fault play or the suspicion of the same is justified, a full vessel inspection shall be performed.
- (2) Special attention is required on vessels with previous record of violations and/or smuggling and those that have sailed through regions where the inspection on controlled substances is inadequate.

XII. Guidelines to handle the inspection of hazardous substances:

- (1) The objects shall be inspected against the permit or document of proof provided by port administration and the competent authority of the hazardous substances approving the transportation.
- (2) In case that an inspection is carried out due to the suspicion of fault play, the competent authority of the hazardous substances shall be called upon to witness the inspection and the vessel crew alerted for necessary measures.
- (3) On inspection, the supervisor on duty of the inspection office (or his/her substitute) is the commander at the scene. The inspection personnel shall carry out the inspection according to the type of hazardous substance, with necessary precaution in place to prevent possible fire, and in such a manner that it does not involve visual inspection at close range, skin contact, sniffing or causing impact on the contents.

XIII. Precautions for security inspection:

- (1) The security inspection personnel shall be in uniform or on-duty garment with ID presented.
- (2) Once the inspection clears any safety/security concern, there shall be no deliberate delay caused to or unjustified detention of personnel, or detention of vessel or objects on board.
- (3) When inspecting the cabins of crew members and/or passengers, cargo holds and cargo on board, the ship or cargo owner shall be asked to accompany the inspection. The inspection shall not be carried out without witness. On the discovery of fault play which requires a full body search, Clause 6 of CGA and the Rules for Search and Detention Performed by the Coast Guard Authority shall govern.

- (4) The personnel members scheduled for inspections shall be shown on the “Vessel Arrival/Departure Inspection Registration” (see attachment 2), which will be kept for a year. No change of shifts or requesting others for substitution is allowed without the approval of the supervisor on duty of the inspection office (or his/her substitute).
- (5) At the end of vessel inspection, the inspection data shall be gathered and kept for a year along with the “Vessel Arrival/Departure Inspection Registration.”

XIV. Those who refuse or evade inspection without justification will be prosecuted according to Paragraph 2, Clause 6 of National Security Act.