

Coast Guard Administration Executive Yuan

Directions for the Handling of Public Petitions

Promulgated under Letter (90)-Shu-Chi-Yen-Tze 0900006999 dated June 5, 2001

Modified (December 24, 2002) by Letter Shu-Chi-Yen-Tze 0910019434

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- I. These Directions are stipulated by the Coast Guard Administration in accordance with Paragraph 1 of Article 170 of the Government Administration Procedures Act and the Directions of the Executive Yuan and the Agencies Thereunder in Handling Public Petitions to better serve public by means of more efficient services in handling public petitions.
- II. Petitions regulated by these Directions include suggestions for improving government administration, inquiries of government administration laws and regulations, reports of lawbreaking or duty negligence committed by public servants, and requests for protection of rights regarding government administration filed to Coast Guard Administration by civilians in either written or spoken forms.
- III. Petitions may be filed in written forms, which include electronic mail and facsimile transmissions.

The written forms referred to in Paragraph 1 of this article should contain the subject of the petition, name of the petitioner, unified number of the petitioner's official identification card or the number of other applicable ID, and contact information.

The contact information stated in Paragraph 2 of this article includes phone number, address, fax number or e-mail address.

- IV. Petitions may be filed orally, and in such cases divisions/departments/offices in charge of such subjects should assign personnel to handle the petition by listening to the petitioner, receiving and documenting material filed, writing down the petitioner's name, official ID number or other applicable ID, contact address and phone number, and reading the documented record aloud to the petitioner or having the petitioner go over the documented record before the petitioner signs or affixes his or her seal on the documented record for the divisions/departments/offices to process the petition.
- divisions/departments/offices concerned may use public facilities or other locations as consulting room to hear public petitions or answer questions from the public regarding government administration.
- V. Divisions/departments/offices in charge of the issues petitioned should handle petitions with care in a lawful, reasonable, prompt, and precise manner.
- VI. Petitions to the Coast Guard Administration shall be handled by the

divisions/departments/offices concerned in charge of the petition subject in principle.

For petitions whose subjects involve the authorities of two or more divisions/departments/offices, the entertaining division/department/office should take the initiative to inform the relevant divisions/departments/offices and handle the case in concert.

In case of disagreement, the chief secretary or higher ranking official shall resolve which division/department/office should be in charge.

In the event that a petition mentioned in Paragraph 1 of this article that involves civil servant ethics or is mishandled by the preceding authority agency, Coast Guard Administration shall handle the issue to another agency as appropriate for handling.

VII. Petitions that fall in the category stated in Paragraph 1 of Article 80 of the Act of Administrative Appeals, which stipulates that “in the case of unlawful or improper decisions on rejected appeals due to overdue filing, the preceding handling agency or its superior agency may, according to their authority, revoke or change the decision”, shall be duly handled by the entertaining division/department/office accordingly.

VIII. After receiving petitions, the division/department/office concerned shall attach the petition material or records to the official document that is to be submitted to the supervising agencies of all levels based on

the principle of delegation of responsibility for reply and opinion, which shall be forwarded to the petitioner or his or her agent or designated person to contact, if having been provided, via official notice, electronic official notice, or other relevant means.

With regard to petitions stated in the preceding paragraph that are filed jointly by multiple petitioners, whose individual contact information is written in the official document and who have not designated an agent or person to contact, the handling agencies should reply to each individual petitioner respectively. For petitions filed jointly by ten or more people, the handling agencies may, in accordance with Article 27 of the Government Administrative Procedures Act, select or appoint one of the petitioners as the person to whom they reply.

- IX. In handling petitions, the division/department/office in charge may, depending on the nature of individual cases, interview the petitioners, hold a hearing, or send officials to conduct on-the-spot investigation.
- X. When replying to petitioners, the divisions/departments/offices in charge should, as the actual situations may justify, elaborate in plain language and positive tone their opinion with regard to the case and its relevant laws and regulations. Copies of the reply should be submitted to the divisions/departments/offices involved.
- XI. When handling petitions, the divisions/departments/offices in charge should keep records of each case, categorize cases, add up the number

of cases in each category, and follow-up on each case. The divisions/departments/offices should establish respective processing time limits within the maximum limit of no more than thirty days for different categories of petitions according to their nature. The divisions/departments/offices that fail to conclude the case within the specified time limit shall submit it to be approved for extension based on the rule of delegation of responsibility and give a written notice to the petitioner to explain the extension.

XII. The people are entitled to file appeals and lawsuits, to request national compensation, and to file petitions in accordance with other legal procedures. Therefore, the divisions/departments/offices that receive petitions should inform the petitioner of such rights or transfer the case to agencies that have authority over the case and make it known to the petitioner.

XIII. After a petition has been processed and reply has been made by the agencies in charge in the Coast Guard Administration, should the petitioner disagree with the results and re-file the petition with this Coast Guard Administration, the divisions/departments/offices that entertain the case may, as the actual situations may justify, either handle the petition based on their power straight or give instructions on how to handle the case and order the preceding handling agency to review the case accordingly. The preceding agency in charge of the case should report to Coast Guard Administration in writing of the

results how the case has been solved.

Petitions stated in the preceding paragraph of this article that involve ethics or are not properly handled shall be processed in accordance with Paragraph 2 of Article 6 of these Directions.

XIV. For petitions on subjects that fall in any of the following categories, the divisions/departments/offices in charge shall deny the petitions based on the delegation of responsibilities; the petitions may be registered for reference:

- (I) Where the petition lacks concrete facts or is filed by an unidentified person or a person without a contact address.
- (II) Where a petition whose subjects have been duly processed and expressly responded but is filed in repetition.
- (III) Where the petitions is found having contained names, addresses, contacting phone numbers, or e-mail addresses that prove false or nonexistent.
- (IV) Where the petitions have been filed with both competent and non-competent authorities, according to the nature of the subject.

With regard to petitions that have been filed to Coast Guard Administration or the superior agencies and have been attended as falling in the category defined in Subparagraph 2 of the preceding paragraph of this article, Coast Guard Administration may close the

case simply by informing the petitioner of the reply date and the coding of the documented record via mail with a copy to be sent to the assigning agency.

XV. When a complaint is filed against a staff employee during the period of transfer or promotion at the C.G.A., unless the complaint is investigated and verified by the units in charge or the staff is released on bail, put into custody, prosecuted or is found guilty by the judicial authorities, which must be documented in the performance appraisal, the transfer or promotion will not be affected.

XVI. For petitions whose subjects that fall in the following categories, the divisions/departments/offices in charge should advise the petitioners to follow proper legal procedures:

- (I) Cases that are still under investigations by the prosecutor, the police, or other government investigating agencies
- (II) Cases that are the subject of ongoing legal proceedings or that have been filed for administrative remedy.
- (III) Cases on which a verdict or decision has been rendered or in which certain legal procedures have been completed.

XVII. Petitions should be documented and filed on a case-by-case basis by the divisions/departments/offices for categorizing, summarizing, and regular analysis of results as the basis for recommendations to be

submitted to the heads of divisions/departments/offices and
Department of Planning for further improvement in handling petitions.

XVIII. Department of Planning of the Coast Guard Administration should regularly look into and evaluate the performance of their subordinate agencies in handling petitions and collect statistical information of the petitions and the way they are handled.

Such information will be used for overall evaluation and analysis in which recommendations for further improvements will be made and submitted to the divisions/departments/offices or the subordinate agencies for better performance.

XIX. For petitions which are attributable to be kept confidential, the divisions/departments/offices which entertain the petitions should be subject to non-disclosure obligations in the handling.

XX. The divisions/departments/offices in charge which perform well in handling petitions shall be rewarded and those which violate these Directions shall be disciplined or punished in accordance with relevant laws and regulations as the actual situations may justify.

XXI. All information regarding precautionous alertness shall be prudently handled. All matters necessary to prevent grievance and direct conflict with public shall be taken in due time before too late so that all public petitions will be solved peacefully and rationally.

XXII. To effectively process any petition submitted to the Coast Guard

Administration by a person/people, the division of responsibilities of units concerned is described below:

(I) Where the petition is advised in advance and the units concerned are allowed sufficient time to process the petition, the roles and division of responsibilities of units concerned are:

1. Department of Planning: Any petition submitted to the CGA should be notified to Department of Planning for controlling and following up on the petitions.
2. The competent units: The competent units shall arrange the location of meeting with the petitioner/petitioners, coordinate with other internal units concerned to perform their roles and fulfill division of responsibilities, and report to the Chief Secretary for preliminary examination after the petition is handled properly.
3. Department of Intelligence: Department of Intelligence is responsible for verifying the intelligence regarding the petition, dealing with issues related to the petition by turning to the adequate unit, and planning for evidence collection and recording on the scene. Whenever any intelligence which civilians intend to petition at the CGA's headquarters is verified, designated person should be sent to the competent units immediately, and documents should be signed for and

processed by the unit staff.

4. Department Of Ethics: Department Of Ethics shall coordinate with the local police to secure the scene and direct the Maritime Patrol Directorate General's and the Coastal Patrol Directorate General's Internal Affairs Offices to cooperate in handling petitions.
5. Assignment Command Center: Assignment Command Center shall monitor the overall development of the incident and report to the senior executives of the CGA and the units concerned in due time.
6. Secretariat office: Secretariat office should direct Coastal Patrol Directorate General Guard Company in charge of the CGA headquarters security details, set up meeting room, and receive petitioner(s). Secretariat office shall provide advice on dealing with the media, receive journalists, and if necessary, prepare statements or arrange briefings/interviews with the press.
7. Legal Affairs Committee: Legal Affairs Committee shall provide consultation regarding the petitions.
8. Coastal Patrol Directorate General Guard Company: The Guard Company shall secure the CGA headquarters and videotape the process of petitioning on the scene. Where petitioner(s) lose control, the Guard Company shall cooperate with the local

police to safeguard the CGA headquarters.

- (II) Where the petition is not advised in advance and the units concerned lack sufficient time to process, the roles and division of responsibilities of units concerned are: The Captain of Coastal Patrol Directorate General Guard Company (or his/her deputy) shall receive the petitioner(s) and notify Secretariat Office to reach the site to clarify the issues and proceed with the petition in accordance with the preceding paragraph.

XXIII. Any petitioner who files false claims against C.G.A. staff therefore damaging the image of the authority or infringing upon the rights of others shall be punished severely. If criminal liability is involved, the authority shall investigate thoroughly and take legal action.

XXIV. All agencies under the Coast Guard Administration shall enact respective operating rules on the grounds of these Directions.