



海洋事務研究

從海上執法案件探討 海上執法安全現況

Examining the Current State of Safety in Maritime Law Enforcement -- Broaching from Maritime Law Enforcement Cases

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前言

由於台灣為一島國，四面環海，因此國家安全之外來威脅，絕大部分便來自於海上。海巡署自八十九年成立以來，即破獲多起海上重大犯罪案件，諸如民國九十一年三月在淡水外海破獲「穎昇八號」漁船自菲律賓走私大批槍械來台，為

Foreword

As an island nation surrounded by waters, a majority of external threats to Taiwan's national security would come from the sea. Since its inception in 2000, the Coast Guard Administration has since cracked down several major maritime criminal cases, such as busting SS Ying Sheng #8 fishing vessel in the open sea off the coast of Tamsui for attempting to track a substantial lot of guns and fire-



國內治安史上最大宗走私黑槍；民國九十年於東北角海域查獲高雄籍「金發展號」漁船藏匿安毒 63 公斤，為近年海上最大宗走私毒品案件及民國九十一年「福生三號」漁船海上喋血案件，引發當時輿論譁然。然而海巡署也因厲行海上執法工作而有多次海巡隊員遭挾持案件發生。正因海上執法不同於陸上執法有其受天候、環境影響之特殊性，且海上執法是防堵外來不法之第一道防線，加以國內犯罪份子可能從陸域延伸至海上，因此海上執法人員所面對的危險性應較陸上執法為高。本文試從海上執法之潛在危險，藉由分析影響海上執法安全因素，提出檢討與建議，期能對於第一線海上執勤同仁，有所警覺避免危害外，對於執法安全現況不足之改善上，有所參考助益。

影響海上執法安全因素

一、黑槍氾濫問題嚴重

面對治安惡化，行政院不僅指示警政署擴大掃黑緝槍，並決定自今年(九十三)七月起，辦理自首繳交黑槍三個月內免刑。此外配合行政院將成立跨部會的「組織犯罪聯合打擊小組」，海巡署加強執行「鎮海專案」，海關部分迅即建置大型 X 光貨櫃檢查儀等，都為有效遏止黑槍氾濫，統一打擊不法。根據統計指出，多數黑槍均由東南亞國家如菲律賓或東北亞的北韓等對於槍械控管較不嚴密的地方，透過漁船由海上走私進國內，如海巡署於九十一年三月三十日在台北縣淡水外海，破獲國內治安史上最大宗走私黑槍案，當時基隆籍「穎昇八號」漁船即涉嫌自菲律賓走私制式長、短槍共計一百七十三支及手榴彈一批，仿如

arms into Taiwan in March 2002, which remains the largest illicit trafficking case in local law enforcement history; intercepting the Kaohsiung-based SS Jin Fah Chan fishing vessel in open waters off the Northeast Coast for concealing 63 kilograms of Amphetamine in 2001, the largest maritime drug trafficking busting case in recent history; intervening in SS Fu Sheng #3 fishing vessel enthralled in a maritime mutiny case in 2002, which triggered widespread public criticism. Nevertheless, there were several incidents in which Coast Guard patrollers were taken hostages for Coast Guard Administration's stern approach in maritime law enforcement. Different from law enforcement on dry land as may be hindered by unique climatic and environmental conditions, maritime law enforcement continues to serve as a frontline defense against outside intrusion. Moreover, local criminals often stretch their territories from land to sea, the hazard that maritime law enforcement officers confront would be extremely higher than their counterparts on land. The article attempts to analyze safety factors that might hinder maritime law enforcement by examining the potential hazards that are intrinsic in maritime law enforce, and to present a comprehensive overview and recommendation in a move to alert maritime law enforcement associates to avoid hazard, and to bring forth certain yield that would help to improve certain deficiencies in the safety of present law enforcement.

Factors that hinder the security in maritime law enforcement

1. The problem of rampant illicit guns is deemed most severe

To tackle deteriorating law enforcement, the Executive Yuan not only ordered the Police Administration to step up cracking down illicit firearms and also pronounced an exemption from punishment for those who voluntarily surrender their illicit guns in the ensuing three months. Moreover, coordinating to the Executive Yuan's moving to organize a cross-department "joint organized crime fighting task force", the Coast Guard Administration would



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一軍火庫。因此一旦海上查獲走私槍枝，所面對的，更是火力驚人的歹徒，不可不戒慎以對。

二、犯罪份子組織化

以偷渡為例，由於兩岸偷渡之方式，除少數自行偷渡外，現多透過「蛇頭」或「人蛇集團」等組織性之犯罪集團的介入，利用高科技的通訊、導航設備及幾可亂真的證件偽造技術，遊走於兩岸，其犯罪手法不斷的提昇，也使被緝獲之人數相對減少。就緝獲人蛇集團結構而言，又以兩岸分工合作為主要模式。由於偷渡者當中不乏未成年大陸女子，部分因遭受詐欺、綁架或暴力被迫偷渡，其違反人權、人性尊嚴甚為嚴重，間接危害社會治安層面日益擴大。近年來，兩岸犯罪集團更進行跨境合作犯罪，因此海上取締不法不能再像以往單打獨鬥，必須更有組織與目標性的進行。

三、缺乏特種海上執法部隊

依照海岸巡防法第四條，巡防機關掌理諸如海岸管制區之管制及安全維護、入出港船舶之安全檢查事項、查緝走私非法入出國、海域及海岸涉外事務之協調、走私情報之蒐集及安全情報之調查處理等事項。然而就海巡第一線執勤同仁而言，所肩負之工作任務未予以分工，加以工作內容繁雜，因此面對諸如重大案件，往往措手不及。以國內外為例，因應各種恐怖攻擊及重大案件之發生，均成立多個特勤單位，經過完善的訓練及配發新式裝備，以反制火力強大之歹徒避免發生危害；反觀海上執法現況，因案件發生不若陸上次數頻繁，對於海上特種部隊的設置，也就欠缺積極程度。

step up enforcing the "Maritime containment campaign", which calls for the Customs be fitted with large-scale X-ray container inspection scanner and so forth, all made to effectively curtail the spread of illicit firearms and a collective combat of the illicit. As statistics showed that a majority of the firearms had been smuggled in from South-east Asia, such as the Philippines, or from North Korea in Northeast Asia, where gun control was somewhat less stringent, and brought in to the country via fishing vessels, a case in point would be how the Coast Guard Administration had successfully intercepted, in the open waters off the coast of Tamsui on March 30, 2002, the largest illicit gun smuggling case in local law enforcement history; at the time the Keelung-based SS Ying Sheng #8 fishing vessel was involved in trafficking from the Philippines standard long and short handguns totaling 173 and a lot of grenades that were no less than an arsenal. In light of which, what need to be confronted with when it comes to busting trafficked firearms at sea are the unscrupulous outlaws armed with powerful firearms to call for greater scrutiny in counter defense.

2. Criminals are getting organized

Take illegal immigration for example, the methods deployed in cross-strait illegal immigration, except a small number of cases that was investigated by the smugglers themselves, a majority of which had been achieved through the interception of organized crime syndicates, such as People Smuggler or Smuggler Rings, that took to high-tech communication, navigational equipment and close facsimile credential forging technique to dapple between the Taiwan Strait, where the criminal techniques were getting ever sophisticated, with noticeably lesser criminals getting caught. To discern from the organization of people smuggling rings, a main collaboration mode lied in a cross-strait task-sharing collaboration mode. Since the stowaways often contained underage Mainland young women, a portion of them were forced to be smuggled in through fraud, kidnapping, or forceful coercion, where not only their human rights and dignity were severely violated, but the situation could also indirectly hinder social law enforcement to deteriorate. Over



四、欠缺合適之應勤裝備

自從大寮警匪槍戰發生後，海巡署為防止張嫌從海上偷渡，下令各單位加強戒備。第一線執勤同仁，均要求著防彈衣、頭盔應勤，然以張嫌火力為例，除隨身攜帶AK47步槍之外，也有手榴彈，至於短槍也是黑道份子慣用的貝瑞塔手槍。最令警方擔心的，其持有的M4突擊步槍，伸縮式的槍托設計，便於突擊射擊，只要六到七發子彈，就可以貫穿防彈背心，火力強，準度高。警政署近年來也逐漸加速員警裝備之汰舊換新。反觀我們的海上警械應勤裝備，九〇手槍、M16步槍、烏茲衝鋒槍都屬年份較久的裝備，再者舊式的防彈裝備過於笨重均影響海上登檢及警匪對峙時之執勤能力，因此有必要專為海上執法之便利與安全性採購適宜之應勤裝備，以維護執法同仁之安全，反制不法能量。

五、船艇本身欠缺安全掩蔽性

目前海巡隊所使用的巡邏艇，多數為FRP材質製造，且船體設計本身除駕駛室外，欠缺安全掩蔽性設計概念，使執行登檢或警戒人員暴露在危險環境中，當面對歹徒持有穿透性強大火力或手榴彈等攻擊性武器時，以目前執勤船艇本身及裝備而言，欠缺防制及保護能力，對於人員安全部分，即產生很大的顧慮。透過船舶設計防蔽及掩體設施，藉以保護執法人員安全之概念及成立專責特勤中隊，配備精良武器、裝備，相信有助於提升面對重大特殊案件之執勤能量，大幅降低執勤之危險性。

the recent years, with cross-strait criminal syndicates increasingly banded together in cross-boundary crime collaborations, as a result, maritime crackdown moves can no longer be conducted in a lone fight as in the past, but rather be executed in an organized and goal-oriented approach.

3.Lacking a special maritime law enforcement force

As stipulated under Article 4 of the Coast Guard Act, the designated patrol and defense agencies are in charge of overseeing the control and safety maintenance of coastal restricted areas, security inspection measures on all incoming and outgoing vessels and boats, investigating and seizing illegal trafficking from coming in or out of the country, coordination of coastal water and coastline foreign affairs, trafficking intelligence gathering, security intelligence investigation and the like. Yet as far as Coast Guard frontline associates are concerned, no task division on the content of work that they need to should seems to have been sought, coupled with a fastidious nature of their responsibilities, which often caught the personnel by surprise when faced with major incidents. Take domestic and foreign scenarios for example, in order to respond to terrorist attack and major incidents, a number of special duty units are often set up, complete with thorough trainings and allocation of advanced equipment, to avoid leading to hazard when confronted with criminals armed with dynamic firearms. Yet to gauge the state of maritime law enforcement, there seems to be a lack of enthusiasm in setting up special maritime forces, as the number of incident cases may not occur as frequent as that on dry land.

4.Lacking proper duty response equipment

To better prevent the key suspect Chang from smuggling out via the sea following the outbreak of the criminal-police gunfight in Da Liao, the Coast Guard Administration had ordered all its subunits to step up guard alert. Although the frontline duty execution associates were asked to attire in bulletproof vests and helmets, yet in this case, he had not only the AK47 rifle carried with him, but also hand grenades, and short handguns, such as the Berretta, which were also a favorite to the unscrupu-



結論與建議

面對日益嚴重的治安問題，日後海巡人員處理各種海上案件勢必愈趨棘手，因此如何確保執法人員自身安全，相信是首重且當前要面對的課題。其次在執法工作內容方面，應予以分工，儘可能讓第一線執勤同仁，簡單而清楚地知道其所肩負之任務以及如何達成目標，將有助於海巡任務之遂行。針對法規不足部分，持續推動相關法規之立法，期建立一套標準海上執法作業程序，使之更能保護海上執勤同仁於執勤時，避免遭受危害，同時亦能兼顧先進國家保障人權之目標。

最後，針對上述影響執法安全因素，提出幾點拙見如下：

一、依照船舶特性作任務分工

以先進國家美、日為例，其海域執法力量之任務分工，大抵依照船舶功能性作不同劃分，諸如巡邏(視)、消防、特殊警備救難艇以及具特殊功能性之測量船、航線標置船、設標船、燈塔巡邏船、放射能調查艇及專責港口、內陸、沿海安全等船艇，空中載具部分則有各型定翼機、旋翼機等。儘管現我海巡艦、艇之籌獲有逐漸朝向分工及專責化的趨勢(如籌建RB 搜救艇、近岸巡邏艇等特殊功能船艇)，然而往往案件一發生，便通報線上各船舶前往處理，而忽略了各船舶本身應勤能力之差異性(諸如吃水、耐航、耐浪、人員配置及安全等因素)，因此建議日後除應針對船舶特性作任務分工，在指管系統及通訊聯繫上亦能加強作一體性的指揮調度，相信對於提升工作內容單一性及技能專業化，會有正面幫助。

二、以有效組織取代單艇巡邏

lous gangsters. Yet what worried the police the most was their possession of the M4 assault rifles, fitting with a flexible handle, that could easily puncture the bulletproof vest in just six to seven shots of bullets, with dynamic firing power and great precision. The Police Administration has been steadily upgrading the policemen's gears in recent years; yet to examine the administration's maritime defense and duty-response gears, not only the 90 handgun, M16 rifle, Wutz rifle were out of date, but the older and heavy bullet dodging equipment could further hinder duty execution in maritime vessel boarding inspection and at times of criminal-police standoffs, which leads to the necessity to outfit maritime law enforcement officers with convenient and safe duty response equipment that would safeguard the law enforcement associates' safety and counterbalance the firearms of the unscrupulous.

5. Vessels are lacking self-defense shielding

With a majority of the patrol vessels operated by the Coast Guard squads fabricated in FRP material, coupled with the absence of a safety shielding design concept in ship hull design except the steering chamber, this invariably expose the vessel boarding personnel and guard personnel to a risky environment. Besides, when confronting bandits holding powerful firearms or hand grenades with dynamic penetrability, the current state of the duty patrol vessels and their equipment that lack defense and protective capabilities could create grave concerns for personnel safety. Incorporating vessel design with shielding and camouflaging facilities that would poise to enhance the concept of better protecting the safety of the law enforcement personnel, together with launching a designated special-duty squadron that is equipped with fine weaponry, supplies, would reasonably help to improve duty execution dynamics in major and unique cases, and greatly reduce the hazards in duty execution.

Conclusion and recommendation

As it becomes inevitable that a host of maritime cases Cost Guard patrollers need to respond to would become



由於近來治安惡化，加上黑槍氾濫、犯罪組織化，在龐大的金錢利誘下，犯罪者往往膽大妄為，因此優勢警力成為遏阻歹徒囂張氣燄之不二手段。以往各轄在同一時段受限於人力不足，常只有一艘巡邏艇人力(約六至八人)負責轄區巡邏、攔檢，加上受限於海上執勤之特殊性，實際登檢往往只剩三至四員，危險性因此增加，此時若有另一艘船艇人員在旁戒護，藉由優勢警力且可於必要時相互支援之嚇阻作用，相信歹徒較不致於有肆無恐，相對上可降低歹徒的攻擊欲望。

三、成立專責特種部隊有其必要性

儘管海洋總局下設一特勤隊，然而要訓練出具備有處理特種狀況能力的隊伍，絕非體能訓練或專精小艇操演即可應付。從人員選拔、師資遴選、各種狀況模擬演練、訓練場所、經費、福利及裝備等都應加以考量，以這次防逃專案期間，洋總局將部分特勤人員派駐南部各海巡隊，藉以因應張嫌犯罪集團可能俟機偷渡出境所發生的抗拒圍捕行動，然而以警政署出動為數龐大的特勤中隊人員，在配置精良裝備下尚有人員因此受傷且讓歹徒脫逃的結果看來，就本計劃執行安全性上，似乎有其欠缺考慮周延之處。

四、加速汰換不適用裝備

目前服勤的船艇由於部分已交船下水超過十年的時間，因此當時配發之裝備，部分損壞，部分已不敷使用。以防彈裝備而言，除要求防彈能力外，是否適合船艇跑動中穿著及合身與否，將影響到員警執勤效能。其他諸如警械裝備之更新，高科技設備於海域執法之應用(包括太空、空中、表面、水中、海床、指管通情監偵系統、整

ever more difficult when confronting the increasingly deteriorating law enforcement issues, how to ensure the law enforcement officers' safety has emerged as an important topic to be tackled with for the present. What comes next in terms of the content of law enforcement a task division scheme, which would allow the frontline associates understand clearly and straightforward the mission they need to shoulder and how to tackle the objectives, and be supportive of their completing assigned maritime patrol missions. In addressing the deficiency in legal guidelines, it is prudent to continue pushing for the legislation of various laws in anticipate to instill a set of comprehensive maritime law enforcement operating procedures, which would help to safeguard the associated from hazard in maritime duty execution and to showcase the objective of human rights protection common in developed countries. Lastly, focusing on safety concerns that might hinder maritime law enforcement as stated earlier, the author wishes to present some viewpoints as follows.

1. Assigning mission task-sharing by vessel characteristics

Take U.S. and Japan for example, the mission task-sharing in their maritime law enforcement tends to be divided by vessel functions; for instance, patrol (surveillance), fire, special police defense and rescue vessels, surveying ships fitted with special functions, navigation route buoyant marker ships, buoyant placement ships, lighthouse patrol ships, radiation patrol boats, and designated harbor, inland and coastal safety patrol boats; and aerial carrier devices that come in various models of fixed wing aircraft, propeller aircraft and so forth. And in spite that logistical planning of Taiwan's patrol vessels and boats is broaching towards a task sharing and specialized trend (such as allocating and building sailing devices of unique functions, namely the RB search boat, near coast patrol boat and such), yet as vessels are deployed through the dispatch system at the onset of an incident case, there is a tendency to overlook the differentials in a vessel's response capabilities (such as resistance against draught, navigability, surge breaker, personnel allocation and



合資訊管理系統等)，藉以避免員警暴露在高危險環境中。同時各項應勤裝備應是以安全、人性化為出發點作考量，以歐美各國建造新型巡防艦艇為例，諸如乘員設施、適航性、空調狀況、隔間安全及噪音、爆震等都須遵照相關國際規範要求。另外，可引進各國現使用之各項現代化應勤裝備，以提升我海域執勤的能力。

五、強化各項應勤訓練

目前洋總局對於在職人員的教育訓練多以進修性、學術性及換照性的訓練為主，對於增進平時工作技能的專業性及有關實務應用所開設的課程或訓練則略顯不足，加以外勤同仁多擔服繁重例行巡邏任務，使平時訓練的時間嚴重被壓縮，甚至流於型式。近年來，民眾對於消防工作的滿意度大幅提升，無非是其脫離警察機關獨立後，工作內容較之以往不再複雜且專業化，更重要的是平時將訓練視為重點，模擬狀況發生及操練各項裝備，均有助於事情發生後妥善處理避免危害。

六、增進與友軍交流協助

近年來由於行政院所屬各行政機關預算大幅減縮，許多裝備與人員訓練經費大幅縮減，以致於軟硬體改善應勤能力部分無法順利進行，只好透過與友軍或他單位的交流、協助來彌補我們海域執法能力不足，如警政署有訓練精良的特種部隊及相關專家；消防署於救災維護上有其獨到處，國軍本身更擁有強大的人員裝備，透過彼此交流互助，相互支援，除可提升我們執法能力外，將有助於強化國家整體行政效能。（作者任職於第一【基隆】海巡隊隊員）

safety factors), hence it is advisable that mission task-sharing in the future be taking to a vessel characteristic-based orientation that can be integrated into a collective command and dispatch system through the command control system and in practical communication and contacts, which are believed to provide positive yield in improving the uniformity of tasks and professionalize the skills.

2. Substituting lone vessel patrol with effective organization

As marred by recent deteriorating law enforcement, coupled with illicit guns running rampant and criminals getting organized as lured by lucrative rewards driving the criminals to commit outlandish criminal acts, a dynamic police force has emerged as the only means to curtail the outlaws' flagrant schemes. As was hindered by a shortage of manpower at various jurisdictions in certain times, it was not uncommon that a patrol vessel's manpower of approx. 6 to 8 individuals was responsible for patrolling and intercepting vessel inspection over a squadron's jurisdictional waters, which could often leave a vessel manned by just 3 to 4 personnel as might be hindered by the unique nature of maritime duty execution, as the hazard relatively increased. Under such circumstances, the presence of another vessel's personnel in close vicinity in guarded protection does provide an intimidating effect through mutual support when needed relying on superior police force, which would definitely contain the outlaws' fearlessness and relatively cut down the criminals' desire to launch an attack.

3. There is a necessity in launching a designated special mission force

Notwithstanding a designated special duty squadron was instilled under the Maritime Patrol Directorate General, training a team that is capable of responding to a variety of extraordinary circumstances does rely on more than just physical fitness training or advanced small vessel training. But logistics such as personnel selection, teaching faculty screening, simulation drilling for a host of scenarios, training field, funding, benefits and equipment would also need to be taken into account. For



example, during the escape prevention campaign, when Maritime Patrol Directorate General had dispatch some of the special duty personnel to station at various Coast Guard squads in the south in a move to better respond to probable arrest resistance by criminal groups attempting to smuggle out the suspect Chang, yet what the enormous special duty squadron personnel deployed by Police Administration, who were fitted with fine equipment that still allowed the bandit to escape would render the security of the campaign's execution to lack comprehensiveness.

4.Speeding up retiring unsuitable equipment

With some of the vessels in active duty approaching a ten-year mark since their initial delivery and sail launching, some of the equipment allocated then have been damaged since and some have gone beyond the present operating demands. In the case of bullet proofing equipment, besides the issues of bullet proof capabilities, there is also the question whether the equipment were suitable to support the vessel in motion and whether they were fitting or otherwise, as all of which could come to hinder the policemen's duty execution performance. Other concerns such as police weaponry and equipment update, high-tech equipment in maritime law enforcement applications (including at aerospace, aerial, surface, under water, seabed, referring to intelligence surveillance systems, integrated information management systems and so forth), which would help to prevent subjecting policemen to high-risk environments. In the meantime, it is prudent to take into account whether a host of duty response equipment had been sought with a safety and humanized orientation, as can be seen in newer models of frigate vessels built by countries in Europe and the U.S., where seating facilities, navigability, air-conditioning, partition safety, noise proofing, shockproof and so forth would need to comply with relevant international guideline. In addition, it is also viable to introduce various modernized duty response equipment that are currently in used by industrialized countries so to better excel Taiwan's maritime duty execution capabilities.

5.Strengthening various duty response training

Presently as the Maritime Patrol Directorate General's education and training for current employees are largely focusing on advance study, academic and licensing replacement training, its courses and trainings staged for routine working skill proficiency and relevant practical implementation applications have appeared slightly inadequate, coupled with many field duty associates who are assigned to heavy routine patrol missions, only further severely compressed the available training hours, or in worse cases fallen into a mere formality. In recent years, a significant surge in the public's satisfaction toward the fire administration lies none other than in the agency's becoming independent form the Police Administration, which has freed its missions to be more professional and less hindered by complex bureaucracy, a more important factor rests on the fact that routine training has now been enlisted as a key focus that aims to simulate a host of probable scenarios and the hands-on maneuver of various rescue equipment, all of which have come to aid a proper post-incident response to curtail hazards from spreading.

6.Excelling the exchanged assistance with allied forces

As substantial funding for equipment and personnel training had been axed following a drastic budget cut by the Executive Yuan in recent years had come to hinder a smooth execution of duty respond maneuver, in terms of the firmware and software are concerned, a viable alternative has been to step up the exchange with allied forces and other related operating units in order to counterbalance the administration's deficiencies in maritime law enforcement, and a case in point would be to rely on mutual exchange and backup utilizing the Police Administration's finely trained special forces and experts; the Fire Administrations' keen expertise in disaster rescue and containment; and the Armed Forces' dynamic manpower and equipment, which is believed to be beneficial not only in excelling the administration's law enforcement dynamics but also conducive in strengthening the nation's overall administrative efficiency. (The author is a member of Keelung's first Coast Guard squadron)