



# 大陸地區邊境與海防管理之簡介

*Introduction of the Mainland Region's border and coastal defense management*

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## 前言

政府自民國七十六年十一月開放大陸探親後，雙方各層面的往來日益頻繁，交流的形式、管道和層次也不斷地擴增及提升；民國九十年一月一日，金馬地區與大陸福建地區更開始實施小三通，兩岸交流陸續推動幾項重要措施實施或進行規劃但是隨著兩岸交流廣度與深度不斷擴大後，發現不但交流秩序未臻完善，許多因交流而衍生的問題，例如偷渡、槍彈、走私等，卻往往僅單靠台灣方面的管理與法規，而非透過雙方協商與協議來進行管理，且多數台灣人民更由於對大陸地區相關法律和制度不甚熟悉之下，導致問題無法完全而有效地充分解決，同時民眾權益亦無法有效獲得保障。

有鑑於此，本文旨在透過介紹目前大陸地區的邊境與海防管理制度，期能從中獲得進一步的了解，分析大陸地區對於打擊犯罪問題的機制與態度，以爲我國之參考。

## Foreword

Since November 1987 the Taiwan government had abandoned its Marshal Law and took an open policy to let residents visiting their relatives in Mainland, the exchange of various levels between each side has become more frequently, as well as the forms, channels and levels of the exchange have expand and promote continuously. On January 1, 2001, the Kinmen and Matsu areas are set out to conduct so call the Three Small Link with Mainland Fukien Province. The exchange of cross strait has continuously to drive several significant measures to put into practice or to proceed planning, yet following the depth and width of cross strait exchange that continue to expand, it has been found that not only the order of exchange was imperfect but also incurred many problems, such as illegal immigration, firearms and drugs smuggling and so forth. With all these being under Taiwan's Acts unilaterally rather than through mutual coordination and negotiation, let along that a majority of the Taiwan residents are unfamiliar with the Mainland laws and judicial systems to lead to blocking the problems out of being effectively resolved, furthermore the public privilege is less effectively protected.

Among other things, the main purpose of this article is aim to obtain further understanding and make an analysis on the mechanism and attitude of Mainland authorities in combating the crime issues by introducing the Mainland's border and coastal defense management system that could serve as references to the Taiwan authorities.

## 大陸邊境海防的意義、範圍

### 一、大陸邊境海防的意義

邊界，亦稱為國界，是國家領土範圍（包括領土、領水、領空）的界線，是分隔一國領土和他國領土、一國領海和公海，一國領空和和外層空間的界限。邊界又區分為陸地邊界、水域（界江、界河、界湖）邊界、海上邊界（領海的外延）、空中邊界等四個層次。

邊境，是指國界領土的邊緣地區，是緊靠國（邊）界向內陸一定寬度的區域。

海防，是邊防的組成部分，是為保衛國家主權和海洋權益，維護沿海地區的安全與穩定，國家在沿海和管轄海域所採取的軍事措施和安全治安保護措施。

### 二、大陸邊境海防的工作範圍

公安邊防部門的工作範圍主要是在邊境管理區和海防工作區，係根據與毗鄰國家關係、沿海地區之複雜程度、居民人口密度，並基於既有利利益加強安全保衛工作，指導各地居民生產、生活的原則，由省自治區劃定，再轉報至中央國務院核准。陸地邊境管理區，一般依邊境前沿的鄉、鎮的轄區劃定；海防工作區，一般以領海水域、島嶼和沿海前沿的鄉、鎮或村的轄區劃定。

## 大陸邊境海防管理制度

### 一、國界管理制度

大陸的國界管理制度，主要是在保衛國家領土不受侵犯，維護國界標示，維持國界走向界定明確，防止界海（江）改道，防止人員、車輛及船隻非法越境等方面的制度。

## The significance and scope of the Mainland borders and costal defense

### 1.The significance of the Mainland border and costal defense

Territorial borders, also referred to as state borders, define the range of a state territories, including land, sea and air, which also serve to segregate a nation's territory to other adjacent nations' territorial land, sea and open seas, as well as a nation's territorial air space and boundary line that separate the air space. Territorial borders are further divided into four aspects, which are land borders, water bodies – territorial stream, river, lakes, maritime borders – the extension of territorial water, and aerial borders.

Borders refer to the fringe areas of a nation's territorial lands, with an area of specific width inward that borders from adjacent nations.

Maritime defense, as part of the border defense, refers to what a nation has adopted of military defense and security/law enforcement protective measures in its coastal waters and open waters within its jurisdiction that help to maintain a nation's sovereignty and maritime claim and protect the safety and stability of the coastal area.

### 2.The scope of the Mainland's border and costal defense

The scope of the PRC Public Security Administration border defense work primarily pertains that at the border management area and maritime defense area that concern the relationship with other adjacent countries, the complexity of a coastal area, population density, are taken into the nation's equity of stepping-up security and defense work by installing guidelines to the residents' production and living rules, which are defined by provincial autonomous administration and subject to approval by the central government state department. In land border management areas, normally they are defined by administrative jurisdiction of villages and townships adjacent to a border line; for maritime defense work, they basically are defined by administrative jurisdiction of villages, townships or rural villages adjacent a particularly territorial water, island or coastal front.

## The Mainland border and costal defense management system

### 1.State border management system

The Mainland national border management system primarily serves to defend the nation's territorial land from invasion, protect national border markings, maintain national borders toward a clear definition, and as a system that prevents border sea or stream from changing course, as well as preventing illegal entry of people, vehicles and ships.



(一) 界務管理的方法 由邊境管理部門負責，其管理的方法包括：

- 1、邊界武裝巡邏
- 2、邊界觀察瞭望
- 3、邊界檢查
- 4、邊界聯合檢查

(二) 邊界標示維護的方法

1、分段負責：根據邊界實際情況，邊界雙方按分工區段具體負責。

2、按號負責：根據雙方協定，按照界標的單號和雙號分工負責。

3、按位置負責：位於邊界兩側的界標，雙方各負責位於本國境內的界標。

## 二、邊境居住、通行制度

大陸於邊境管理區實行特定的居住、通行管理制度，對在邊境管理區居住的公民，發給居民身份證，實行戶口管理制度，內地居民進入邊境管理區，須持邊境管理區通行證或其他有效通行證件，在到達目的地後應立即向邊境管理部門申報；另進入邊境地帶、邊境禁區，須持有關部門審查發給的特許通行證。

(一) 實行邊民出入境通行證制度。

(二) 規定出入境活動的口岸、通道。

(三) 限定出入境活動的範圍、時間。

(四) 邊民出入境活動須接受他國管理，遵守他國的法律。

(五) 加強對邊民的管理教育，防止非法出入境，建立正常出入境秩序，打擊各種違法活動。

(1)Methods in border affairs management

The Border Management Department is in charge of this, and methods of management comprise of,

1. Border armed patrol;
2. Border surveillance watch;
3. Border inspection;
4. Joint border inspections.

(2)Methods for maintaining border markings

1. Management by section: the two sides of Strait are working together over predefined task-sharing area and section drafting in accordance with the practical circumstance.
2. Management by numbers: the two sides of Strait are working together in a task-sharing scheme according to the odd and even numbers of the border markings as per mutually-consented border management protocols.
3. Management by location: the two sides are separately responsible for their own border markings within their respectively national borders that are erected between the two sides of a borderline.

## Boder residency and access permission system

The Mainland has conducted a designated residency/access management system in border management areas, which mandates all residents living in a border management area issued with a residency ID, together with a household registry management system, and that all residents from the inland who wish to enter into a border management area would need to present a border management area pass or other valid access documentation, and are required to declare to the Border Management Department upon arrival; in addition, while entering into border areas or restricted territorial borders still requires holding a special pass reviewed and approved by competent authority.

- (1) To implement a border resident entry pass system.
- (2) To regulate the entry ports and paths for arrival and departure activities.
- (3) To restrict the scope and timing of arrival and departure activities.
- (4) All border residents' arrival and departure activities are subject to the jurisdictions of the other countries and to abide by the law of the other countries.
- (5) To step up management awareness education

to border residents in order to prevent illegal arrival and departure by installing a normal arrival/departure order and combating various illegal activities.

### 三、國（邊）界地方口岸、通道制度

口岸是一國允許人員、交通工具、貨物和郵件出入境通行的地方，口岸又可分為三類：

（一）開放口岸：允許本國人和外國人及交通運輸工具通行，屬於國際交通口岸。例如：北京、上海、天津、大連等通有國際航班和國際輪船的地方。

（二）地方口岸：只允許毗鄰國家之間的雙邊居民進出國境。例如：中朝兩國邊境的集安、中緬邊境的畹町、瑞麗。

（三）特許口岸：只有經過特殊批准方可通行。

### 四、邊境前沿生產作業管理制度

大陸為確保邊境安全，防止引發各種涉外事件，對在邊境前沿從事航運、捕撈、流放、水文測量、森林採伐、狩獵、邊境設施維護、界河堤防和引水工程修築、採礦，以及拍攝電影、錄影等生產活動，須經過主管部門同意，轉報邊境縣（市、旗）人民政府批准；可能引起涉外問題的作業活動須報經省、自治區人民政府和國務院主管部門批准，持有效作業證件，於規定的地點、區域、期限內活動。

### 3.State (border) local entry ports, path channel system

Entry ports serve as the threshold that a country allows persons, transportation means, cargo and mails to enter and exit the country; entry ports are divided into three types:

#### (1)Open entry ports

Ports that allow the local residents, foreign nationals, and transportation means to access, which belong to international transportation ports, such as the ports of Beijing, Shanghai, Tianjin, Dalian and similar one that operate international flights and international vessels.

#### (2)Local entry ports

Ports that only allow the residents from both sides of the adjacent countries to enter and exit the state borderlines, i.e. Jian located in Sino-Korean border, Wanding, Ruili located in Sino-Myanmar border.

#### (3) Special-permit-entry ports

Accesses are only given under special approval.

### 4.The border frontline production operating management system

To ensure border's security and prevent the occurrence of foreign-affairs-related incidents, the Chinese authority declares that those engaging in navigation, fishing, discharging, maritime surveillance and measurement, forestry logging, hunting along the borders, border facility maintenance, border river embankment and irrigation project construction and refurbishing, and in production activities such as mining, take moves and film recording are required to obtain approval from the competent authorities, and subject to the approval of an appropriate People's Government of a municipality or county in charge of border administration. And activities that might involve foreign affairs are required to gain approval by a provincial or autonomous regional people's government and the State Department's administrative department in order to conduct such activities in a designated locale, region and within a specified duration holding a valid operating permit.





### 五、船舶及漁船民管理制度

沿海地區的各類船舶的管理，按隸屬關係管轄與監督核定出海船舶，並且登記發證。有關部門與外國或香港、澳門地區合資捕撈，及貿易的船舶應經批准在指定海域作業；國營船舶船員的管理工作由各船舶主管部門負責，集體和個人（含合資）船舶漁民、船民的管理教育工作由所在縣（市）主管單位和公安邊防部門負責。邊境管理部門並可組織漁船民參加沿海打擊各種違法犯罪行為。

#### （一）船民證、船舶戶口簿和船舶戶牌管理

『船民證（含臨時船民證）』、『船舶戶口簿』和『船舶戶牌』分另由市、縣公安局水警分、大隊負責管理發放，未設立水警機構的分別由市、縣公安局治安部門負責發放管理。縣（市）公安部門水警部門可將水上證、簿、牌委託有關鄉、鎮派出所負責發放，日常管理工作仍由水警部門負責。



### 5.Vessel and finishing boat privatized management system

The management of ships sailing along the coastal area falls under a regional jurisdiction and surveillance system, which serves to approve outbound vessels and oversee the registration and issuance of navigation permits. Joint venture fishery activities sought by legitimate local enterprises working with foreign, Hong Kong or Macao operators and trading vessels are required to obtain approval and operate in designated water regions; the management work of state-run vessel crews falls under competent vessel management authorities, while the management and awareness training work for collective and individual (including joint venture) vessels, fishermen and boat people falls under the jurisdiction of local municipal/county authorities and public safety border defense department. The border management department has the rights to organize fishermen and boat dwellers to partake combating various illegal coastal criminal activities.

#### (1) Boat dweller and boat household identity registration and vessel licensing management

The Boat dweller permit (including interim boat dweller permits)", "Boat household registry" and "Vessel license" are separately managed by the municipal/county bureau of public security's maritime police offices, or by municipal/county bureau of public security's law enforcement department in areas that do not have a maritime police organization. The municipal/county bureau of public security's maritime police department has the rights to consign the issuance of navigation permits, registries and license to township/village offices, while the maritime police department remains in charge of the regular administration work.



## (二) 船民證、船舶戶口簿和船舶戶牌申請程序

1、集體和個人所有的出海船舶，必須經主管部門檢驗合格發給船舶證照之後，向船籍港邊防（公安）派出所申領『出海船舶戶口簿』。

2、年滿十六歲的漁船民申請出海，須向服務船舶戶口所在地邊防（公安）派出所申領『出海船民證』。

3、申領『出海船舶戶口簿』，船主應填寫『出海船舶戶口簿申請表』，交驗『船舶檢驗證照』及本人『居民身份證』，經邊（公安）派出所審核後，由縣以上公安邊防部門審批、簽發。

4、申領『出海船民證』，申請人應填寫『出海船民證申請表』，交驗本人『居民身份證』；申請人若常住戶口不在服務船舶戶口所在地，尚應出具本人常住戶口所在地公安派出所的證明文件，經邊（公安）派出所審核後，由縣以上公安邊防部門審批、簽發。

5、對於經人民法院判決緩刑、假釋、管制人員或被採取涉嫌違反民、刑事案件之犯罪嫌疑人，經人民法院、鄉鎮人民政府或縣以上主管部門通知不能出海者，公安邊防部門得不簽發或收回『出海船舶戶口簿』、『出海船民證』。



## (2) Boat dweller permit, vessel household registry and vessel license filing procedure

1. All collective and individual outbound vessels are required to secure a vessel license from competent government authorities, and to apply for an "Outbound vessel registry" from the border defense (public security) office where the vessel is registered.

2. Fishermen age over 16 applying for outbound seafaring excursions are required to apply for an "seaward bound fisherman ID" from the local (public security) office of a border defense administration.

3. Ship owners who apply for a "seaward bound vessel registry" are required to fill out a "Seaward bound vessel registry application" along with the vessel inspection certificate and the ship owner residency ID card, reviewed by the border (public security) office, and final approval and certificate issuance granted by a border public security department on a tier of county or higher.

4. To apply for a "seaward bound boat dweller ID", the applicant has to fill out a seaward bound boat dweller ID application" along with the submission of the applicant's "Residency ID card", and subject to a certificate issued by the local public security office citing the applicant as a long-term resident if the applicant's long term residency has not been registered locally, which upon reviewed by the border (public security) office, is subject to final review and document issuance by a border public security defense office on a tier of county or higher.

5. Of those who have been sentenced by the People Court to a probation, parole, or individuals with restricted liberty, or criminal suspects to a civil or criminal case so notified by a People's Court, village or township People's Government, or competent government authorities on a tier of county or higher, the border public security defense department may choose not to issue a "Seaward bound vessel registry" or "Seaward bound boat dweller permit" or proceed to revoke such documentations at its discretion.



### 六、領海制度

一九五八年九月四日大陸政府發表關於領海的聲明，明確規定：大陸的領海寬度為十二海浬。此規定適用於一切領土，包括中國大陸及沿海島嶼。中國大陸及沿海島嶼的領海以連接大陸岸上和沿海外緣島嶼上各基點之間的直線為基線，從基線向外延伸十二海浬的水域為中國的領海，基線以內的水域和島嶼是中國的內海和內海島嶼。

### 大陸口岸保安工作

口岸是中國大陸允許人員、交通工具、貨物和郵件出入境通行的地方，口岸主要是指分布在大陸邊境地區。口岸保安工作檢查的種類又分為：

#### 一、邊防檢查

依據大陸邊防檢查條例第三條規定：「中華人民共和國在對外開放的港口、航空港、車站和邊防通道設立邊防檢查站」，出入境人員必須從開放的，或者指定的口岸通行，接受邊防檢查機關的查驗。檢查的內容主要有以下幾項：

##### （一）證件檢查

依照『中國公民出境入境管理法實施細則』和『外國人入境出境管理法實施細則』規定，出入人員需向邊防檢查站交驗有效護照或其他出入境證件，填交出境、入境登記卡，經邊防檢查站查驗核准後入出境。

### 6.Sea territory system

The sea territory claim announced by the Chinese Government on September 4, 1958 has clearly stipulated that the Mainland sea territories are to extend 12 nautical miles from shore. The stipulation is applicable to all of China territories, including the mainland and costal islets. The sea territories of Mainland China and its coastal islets has its baseline drawn in a straight line connecting the mainland shores and the base point at the outer edge of the coastal islets, where the waters within twelve nautical miles extended from the above baseline are China sea territories. The water regions and islets within the baseline are considered China inner seas and inner sea islets.

### The Mainland's harbor security administration

The entry ports are where Mainland China allows the entry and departure of people, transportation means, cargos and mails, which are mainly referring to those located in Mainland's border areas. The types of inspection in entry port security work are further divided into,

#### 1.Border inspection

As stipulated under Article 3 of Mainland's Border Inspection Act, "The People's Republic of China is to install border checkpoints at ports, airports, train stations and border accesses that are open to foreign entry", thereby inbound passengers are required to enter from open ports, or access through designated ports, and are exposed to inspection by the border inspection authorities; the content of inspection primarily comprises of the followings,

##### (1)Travel document check

As stipulated under the "Enforcement of PRC Citizen Arrival, Departure and Immigration Management Act" and the "Enforcement of Foreign National Arrival, Departure and Immigration Management Act", all inbound/outbound passengers are required to present to a border inspection station their valid passport, or other valid entry documents, and submit the arrival/departure card, approved by a border inspection station in order to gain entry or exit the country.

## （二）行李物品檢查

依『邊防檢查條例』第廿七條規定，進出國境的人員應接受邊防檢查站對其行李物品的檢查。邊防檢查站對旅客所攜帶的行李物品的檢查與海關的檢查有原則上的區別，海關對於旅客所攜帶的行李物品、進出口貨物進行檢查、監督，主要是在維護國家經濟利益；邊防檢查站對入出境人員的行李物品實施重點檢查則以保衛國家安全利益出發。

（三）交通運輸工具檢查 根據邊防檢查條例的規定，出入國境的飛機、船舶、火車、汽車及其他運輸工具抵離口岸時，必須接受邊防檢查站的檢查，辦理出入境手續。

## 二、海關檢查

海關檢查是大陸設在口岸上對進出國境的貨物、物品、運輸工具執行監督管理並徵收關稅的機關。

### （一）檢查的內容

檢查的目的是確認旅客所攜帶的行李物是否符合有關規章、法令，並分別予以免稅或納稅。對於外國產品進口實行限制並徵收關稅或禁止的政策。

### （二）檢查程序

大陸海關總署於一九八九年五月十八日起實施出入境旅客選擇『紅綠通道』通關制度。出入境旅客都應當自行申報並且選擇紅或綠通道辦理海關通關手續。

1、紅色通道：出境旅客有下列情形之一者，必須選擇『紅色通道』通關。

### (2) Check of luggage/personal belongs

Article 27 of the "Border Inspection Act" mandates that all inbound and outbound passengers are mandated to receive inspection on their luggage and personal belongings by border defense checkpoints. A principle distinction between border checkpoint inspection on passenger luggage and personal belongings versus customs inspection lies in that the customs inspection and surveillance of passenger luggage and personal belongings, and inbound/outbound cargo has been made to maintain the nation's economic equity, whereas that by border defense inspection station on passenger luggage and personal belongings has been made taking to the stance of defending national security.

### (3) Transportation means inspection

In accordance with stipulations provided under the Border Inspection Act, all inbound/outbound flights, vessels, trains, automobiles and other transportation means are mandated to receive the border inspection station's inspection upon arrival or departure and to complete entry or department formalities.

## 2. Customs inspection

Customs inspection is the agency that Mainland installs at entry ports for executing, monitoring, managing and levying customs tariff and duty on inbound/outbound cargo, articles and transportation means.

### (1) Content of inspection

Mainland China's Head Customs Administration has performed the inbound/outbound passenger's choosing the "Red/Green Isle" customs clearance system since May 18, 1989. All inbound and outbound passengers are to voluntarily declare and choose a red or green isle to complete the customs clearance formality.

### (2) Inspection procedure

1.Red isle: Outbound passengers who meet any one of the following criteria need to choose the "Red isle" to complete customs declaration.





(1) 攜帶文物、貨物、貨樣以其他需辦理出境驗放手續的物品。

(2) 攜帶外幣、金銀及其製品，但未取得有關出境許可的。

(3) 攜帶外幣、金銀及製品數額超出原入境申報數額的。

(4) 攜帶出境物品超出海關規定的限量、限值或其他限制規定。

(5) 未將應復帶出境物品攜帶出境，或攜帶有需復帶入境的物品。

入境旅客有下列情形者，必須選擇『紅色通道』通關，並應持有按規定填寫的『旅客行李申報單』，主動向海關檢查人員辦理行李物品申報手續。

(1) 攜帶海關限量管理及應稅物品。

(2) 申請進口物品。

(3) 攜帶入境旅行自用物品超出範圍（照相機、小型收錄音機、小型攝影機各乙台）。

(4) 攜帶貨樣、展品、專業用品以及其他需辦理入境驗放手續的物品。

(5) 另有分離運輸行李、境內提貨券及應在境內販賣外匯商品。

2、綠色通道：即免驗通道，出入境旅客只要出示申報單或有關單證後，就可以放行。

(1) 持有中國主管部門給予的外交禮遇簽證、護照的外國籍人員。

(2) 海關給予免檢驗禮遇的人員。

(3) 無規定所列必須選擇『紅色通道』通關情事的其他人員。

(1) Those carrying artifacts, commodities, samples and other articles that require undergoing an outbound inspection and release formality;

(2) Those carrying foreign currency, gold/silver and their byproducts that are not accompanied by relevant outbound clearance permit;

(3) Those carrying foreign currencies, gold/silver and their byproducts whose amount has exceeded that declared previously at arrival;

(4) Those carrying outbound goods whose volume exceeds customs regulation by volume, value, or other restrictions;

(5) Those failing to carry out goods that are mandated to be carried, or carrying articles that needs to be brought back at entry.

Inbound passengers who meet the following criteria need to choose the “Red isle” to complete the customs clearance formality, and are required to fill out the “Passenger luggage declaration form” with which to voluntarily claim to the customs inspector conducting luggage and article declaration formality.

(1) Those carrying customs volume restricted and/or taxable goods;

(2) Those applying for the importation of goods;

(3) Those carrying articles that exceed the volume permitted by an inbound passenger, i.e. limiting to one camera, compact radio and compact camcorder each;

(4) Those carrying samples, display goods, professional appliances and other articles subject to inbound inspection and release formality;

(5) Those with follow-up luggage, local merchandise redemption coupons and foreign exchange denominated merchandise to be sold domestically.

2.Green isle: referring to be waived from inspection, where inbound and outbound passengers only need to present the declaration form or pertinent proof of receipt to gain free-of-inspection.

(1) Foreign nationals holding a diplomatic visa issued by the Chinese authorities or a valid foreign passport;

(2) Those given the customs privilege of waived inspection;

(3) Those of other personnel not specified but need to choose the “Red isle” to complete the customs declaring formality.

### 三、衛生檢疫

衛生檢疫是一國政府為防止傳染病由國外傳入或者由國內傳出，保護人體健康而採取的一切監測預防措施。

#### （一）檢查的內容

大陸國境衛生檢疫機關不僅對來自其他國家或地區的外國人進行衛生檢疫，而且對出國或回國的國內公民以及華僑、港、澳、台胞也進行衛生檢疫。

#### （二）檢查程序

##### 1、對中國公民衛生檢疫的程序

一九八六年十二月通過『中華人民共和國國境衛生檢疫法』和一九八九年二月由其國務院批准公布的『中華人民共和國國境衛生檢疫法實施細則』，以及國務院一九八七年十二月批准公布的『愛滋病監測管理的若干規定』，對大陸國境衛生檢疫制度的原則、內容、對象及實施方法等作出了明確規定。一九八九年十二月，大陸衛生部和公安部門聯合發出了『關於中國公民出入境提交健康證明的通知』。從一九九〇年一月一日起，凡是經批准出國的留學、勞務、移居人員，出國時間在一年以上者，在出國前必須至當地的衛生檢疫機關辦理體檢，預防接種和領取健康證明等有關證件；應當持有健康證明的出境者，未能出具健康證明的，口岸衛生檢疫機關將阻止其出境；出國之後，凡於國外居住三個月以上的國內公民，在入境時必須出具所在國家或地區的衛生檢疫機關或公立醫院的健康證明。

### 3. Quarantine inspection

Quarantine serves as a surveillance and preventive measure that a state government adopts for safeguarding national health, and helps to prevent the introduction of foreign diseases or local disease carriers from spreading the diseases.

#### (1) Content of inspection

The Chinese border quarantine inspection agencies not only conduct quarantine inspection on foreign nationals coming from other countries and territories, but also mandates that quarantine inspection be conducted to inbound and outbound local Chinese citizens, overseas Chinese and residents from Hong Kong, Macao and Taiwan.

#### (2) Inspection procedure

##### 1. Quarantine inspection procedure for Chinese residents

The "PRC Border Quarantine and Immunization Act" promulgated in December 1986, the "Enforcement of PRC Border Quarantine and Immunization Act" approved and announced by the State Department in February 1989, and the "AIDS Surveillance Stipulations" approved and announced by the State Department in December 1987 have come to provide a set of principles concerning the content, subjects and tangible implementation of the Chinese border quarantine and immunization system. In December 1989, the mainland Health Department and Public Security Department have jointly announced a "Notice for PRC Citizen's Submission of A Health Certificate upon Arrival and Departure". Effective January 1, 1990, all individuals approved for overseas study, providing labor or seeking immigration traveling over one year overseas are required to undergo physical examination, receive vaccination shots and obtain a health certification at the local quarantine agency prior to leaving the country; those who are specified to present a health certificate but fail to do so may be stopped by port quarantine authorities from exiting the country; upon leaving the country, Chinese citizens who reside overseas for a period of more than three months are required to submit a health certificate issued by a health quarantine agency or public hospital in the host country or territory.



### 2、外國人衛生檢疫的程序

大陸依『外國人入境出境管理法』和『國境衛生檢疫法』及國務院批准公布的『愛滋病監測管理的若干規定』等法律，規定所有入境人員在入境時，必須詳實填寫健康聲明卡，並交國境衛生檢疫機關查驗；其中至中國定居或居留一年（或留學一學年）以上的外國人，在申請入境簽證的同時，須交驗所在國公立醫院或經過所在國公證機關公證的私立醫院的愛滋病血清檢查證明，並經中國駐外使、領事館認證，證明自簽發之日起六個月內有效。

## 大陸海上治安工作

### 一、海上治安工作的意義

依大陸當局將海上治安工作主要任務包括：在沿海和海上緝私、緝毒；反偷渡外逃；打擊海上搶劫及其它違法犯罪活動；防範和打擊情報派遣、心戰策反等間諜活動；防範、調查、處理漁船民非法越境，船舶糾紛或進入禁漁區引起的治安事故，漁民糾紛及因此導致的海上集體械鬥；實施緊迫權、登臨權等國家管轄權；調查處理外籍船舶違反大陸邊防管理法規造成的涉外事件；海上發生的其他刑事、治安案件。

### 2. Quarantine inspection procedure for foreign nationals

As per the “Foreign National Arrival, Departure and Immigration Management Act”, the “State Border Quarantine Immunization Act” and the “AIDS Surveillance Management Regulations” issued by the State Department, the Chinese authorities stipulate that all inbound passengers are to truthfully declare the health declaration card upon arrival, which is to be submitted to the border quarantine and immunization authorities for inspection. For those foreign nationals who intend to stay in China for one year attending business or study, are also required to submit an AIDS blood screening certificate issued by a local public hospital or by a private hospital duly authenticated by a notary agency in the host country at the time of filing for an entry visa, which is valid for a period of six months from the date of visa issuance upon duly authenticated by a foreign Chinese embassy or consulate.

## The Mainland's maritime security administration

### 1.The significance of the Mainland Ocean Security Administration

Some of the major tasks that the Chinese authorities sought in terms of maritime law enforcement comprise of, clampdown against illicit coastal and maritime smuggling, crackdown against narcotic trafficking, and crackdown against illicit people smuggling; combating maritime piracy and other illegal criminal activities; preventing and combating against intelligence collection, propaganda spreading and related espionage activities; preventing, investigating, and presiding fishermen illegal border trespassing, vessel disputes, or security breach incidents arisen from illegal entry, fishermen disputes, and maritime mutiny occurred as a result of which; enforcing state jurisdictional rights, such as high speed chase, vessel boarding inspection; investigating and presiding foreign affairs incidents involving foreign registered vessels breaching the Mainland's border defense management laws and regulations; overseeing other maritime related criminal and law enforcement cases.

## 二、海上執法邊防船艇特徵及勤務

### （一）船艇的特徵

目前沿海各省公安邊防部門均已配備巡邏艇、水上摩托車等，海警分隊巡邏艇船艏舷兩側刷製有白色黑體『海警 32XXX』船號。邊防分局巡邏艇船艏兩側刷製白色黑體『公邊 32XXX』船號，駕駛台正面以紅色油漆塗刷黑體『公安邊防』和英文『CHINA POLICE』字樣，駕駛台上方安裝警示燈，船艏安裝有高射機槍，船艇甲板艙部正中位置懸掛國旗，船艇整體顏色為藍灰色。

### （二）執勤人員裝備

巡邏艇執勤官兵統一著武警制式警服（士兵著迷彩服），左臂佩有『中華人民共和國公安』臂章。警官左胸前佩有『B32XXXX』警號、戴武警制式大帽、著武警制式皮鞋。士兵戴迷彩帽、著武警制式膠鞋、救生衣。

### （三）海上執勤檢查船舶的程序

公安巡邏艇對船舶和人員實施檢查時，應當嚴格按照規定著裝，佩帶執勤標誌，攜帶執勤證件、文件。執勤官兵使用警械、武器應嚴格按照『中華人民共和國人民警察使用警械和武器條例』規定執行。檢查時必須表明身份，出示證件，在對方人員的陪同下由兩名官兵進行檢查，實施檢查後，填寫『船舶檢查登記表』、『人員檢查登記表』。

## 2.The characteristics and duties of the Mainland's maritime law enforcement and border patrol vessels

### (1) Characteristics of boats and vessels

Presently the coastal provinces' Border Public Security Defense Departments are outfitted with patrol vessels, water motorcycle and the similar one, where the maritime squadron's patrol vessels have black imprint against white background of "Police 32XXX" identifying the vessel number appeared on two sides of the bow. The border defense precinct patrol boats have black imprint against white background of "Public Security Border defense 32XXX" imprinted on the two side of the bow, with black imprint against red background on the console of "Public security border defense" in Mandarin and "China Police" in English; beacon light is mounted above the console, and starburst of the boat is equipped with high-range machine gun, and at the center of the ship deck flies the RPC national flag, with the overall vessel painted in a blue grayish color.

### (2) Law enforcement personnel's equipment

The vessel patrol duty officers and servicemen are attired in the standard armed police uniform, and servicemen in camouflage attires, with a "PRC public security" badge displayed on their left arm. Police officers wear a "B32XXXX" police badge, and are outfitted with a standard large-brimmed police hat, standard police shoe; servicemen are attired in camouflage hat, standard armed police vinyl shoe and life jacket.

### (3) Maritime vessel inspection execution procedure

When conducting vessel and crew inspection, the public security patrol vessels are asked to strictly follow the armament specified above, display duty badges, and carry duty execution ID and documents. The police weaponry and arms that the duty officers and servicemen carry are subject to strict adherence to the "PRC people's police weaponry and arms operating act". At inspection, the officers and servicemen are required to identify themselves and present their ID badges, and to conduct the inspection as accompanied by personnel of the party being inspected. Following an inspection, a "Vessel inspection log" and the "Crew inspection log" are to be filled out.





### 結語

所謂「知此知彼、百戰百勝」，兩岸之間日趨頻繁的互動，人民之間的往來，各項經貿交易等活動，已是不爭的事實；再加上大陸對於開放兩岸進行小三通的態度，並准許其沿海漁民私下與台灣漁民及直接進行商品的交易，台灣地區的漁民其實早已直接通行於兩岸之間，成為治安和防疫漏洞；為減少對台灣地區治安產生之衝擊，或可能帶來的疾病危機，實有必要對於目前大陸的邊防管理制度進行了解，預先妥適研擬具體可行作為以資因應，並從其中謀取對於共同打擊犯罪的合作模式。例如目前兩岸對於偷渡之共識，人蛇集團妄顧人命的做法，致使不時傳出大陸偷渡女子慘遭溺斃的案例，因此兩岸治安部門對此泯滅人性的犯罪行為，橫行於兩岸間的蛇頭，已有採取嚴格打擊的共識，以目前我海巡署為例，就曾多次將現藏匿大陸地區之台灣從事人蛇仲介者之資料轉交大陸公安部門，由其直接於大陸緝捕到案，徹底瓦解人蛇集團組織，保障兩岸人民生命安全。

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### Conclusion

As the sun Tzu said that “If you know the enemy and know yourself, you need not fear the result of a hundred battles”, it remains irrefutable of the private exchange and various forms of economic and trade exchange, coupled with the Mainland’s stances towards the Three small link, and its tolerance of Chinese fishermen to trade with their Taiwanese parts, yet the factual direct trade conducted by Taiwan’s fishermen does present certain loopholes in security and quarantine concerns. To lessen the potential impact to the Taiwan area’s law enforcement, or the potential ramification of diseases, it is deemed prudent to gain further understanding to Mainland China’s border defense management system in order to draft tangible and feasible response, and to derive a collaboration mode for crime fighting. For instance, with the Cross-Strait consensus on illicit people smuggling fights against the inhumane tactics by people smuggling rings that often resulted in the tragedy of drowning females, the law enforcement authorities from both sides have since come to a consensus in fighting the criminal acts of the people smugglers that overrun between the Strait and engaging in such brutal ignorance of human lives. Take the example of Taiwan’s Coast Guard Administration, it has turn over data in several occasions pertaining to Taiwanese people smuggling makers hiding in the Mainland areas to Mainland’s public security department, and/or to conduct case arrest in the mainland that would help to dismantle such people smuggling groups and better protect the lives and safety of people across the strait.

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