

名稱： 家庭因素及替代役體位服補充兵役辦法 (民國 89 年 05 月 31 日 發布)

Title: Regulations for Family Factors & Conversion of Substitute Service to Replacement Service (as published on May 31, 2000)

第 1 條 本辦法依兵役法第十七條第二項規定訂定之。

Article 1 These regulations have been incorporated pursuant to Paragraph 2 of Article 17 of Conscription Law.

第 2 條 役男家庭狀況於下列情形之一者，得申請服補充兵役：

- 一 役男家屬均屬六十歲以上、十八歲以下或患有身心障礙無工作收入，由役男負擔家庭生計主要責任，而役男及其家屬除賴以居住之自用住宅 (含基地) 一棟外，別無其他不動產，或有其他不動產及動產之資產總額在房屋稅納稅起徵點現值以下。
- 二 役男家屬均屬七十歲以上、十五歲以下或患有中度以上身心障礙，無其他家屬照顧者。
- 三 役男家屬患有重度以上身心障礙，無其他家屬照顧者。
- 四 役男父母或兄弟姊妹，服兵役或替代役作戰或因公死亡而為獨子者。前項役男及家屬年齡之計算，以役男申請服補充兵之年為計算基準，並以出生之翌年為一歲計算之。

Article 2 Any draftee found with any of the following events may apply for taking replacement service:

1. All the dependents to the draftee are either at the age over 60 (included), or under 18 (included), or suffering disorder, mentally or physically without income, and there is no other real estate than one self-provided building (foundation included) the draftee and his dependents relying up, or if any other personal and real estate, the total value falls under the baseline of taxable value of the house tax;
2. All the dependents to the draftee are either at the age over 70 (included), or under 15 (included), or suffering medium or worse disorder mentally or physically, and there is the absence of any other dependents to take care;
3. Any dependent of the draftee suffers gravid or even worse metal or physical disorder and there is the absence of any other dependents to take care; or
4. Any of the parents or siblings to the draftee who is taking active service or substitute service, or died in combat and the draftee becomes an only child in the family.

For the purpose of solving the age of the draftee and his dependent, the year the draftee applies for taking the replacement service shall be the reference year and full age shall govern.

第 3 條 前條所稱家屬，係指下列役男親屬：

- 一 父母、子女及配偶。
- 二 兄弟姊妹。

三 祖父母、曾祖父母。

四 役男年滿十八歲以前，已設於同一戶籍且同居共營生活之其他三親等內之血親及姻親。

歸國僑民及大陸地區、香港、澳門來臺役男之家屬，以其在國內設籍為準。

Article 3 The dependent referred in Article 2 hereof shall include the following relatives of the draftee:

1. Parents, child and spouse;
2. Siblings;
3. Grandparents, and great grandparents;
4. Any direct blood and in-law within three grades who have shared the same household registration and lived together with the draftee before he reaches full age of 18.

Any family member who is an Overseas Chinese returning to Taiwan or coming to Taiwan from the Mainland China, Hong Kong, or Macao will be recognized depending on whether such member has created and maintain his/her household registration in Taiwan.

第 4 條 役男之家屬有下列情形者，免予列計：

- 一 因案羈押、判處徒刑在執行或受感訓處分、感化教育中者。
 - 二 失蹤並經戶籍登記有案者。
 - 三 兄弟入贅或姊妹出嫁而未同居共營生活者。
 - 四 已被社會福利機構公費收容安養或有其他扶養義務人者。
- 前項各款情形，於入營前原因消滅者，應恢復家屬計列。

Article 4 Any dependent of the draft when found with any of the following events shall be excluded:

1. Under retention for alleged offense against the law, having been sentenced to an imprisonment and is in jail, under the disposition of correction and is in a correction institute;
2. Listed as a missing person and such missing is officially entered into household registration;
3. Any male sibling married by bearing the family name of his wife's, or female sibling married but not living together with the draftee; or
4. Having already been received and supported by social welfare institute or any other person obligated to support him/her.

Any dependent of the draftee as referred in any of the preceding paragraph shall be recognized as a dependent of the draftee when the cause justifying the exclusion has ceased to be before the draftee commences to take his active service.

第 5 條 役男或其家屬有認領、收養、招贅、離婚、終止收養，或年齡變更等情事，以該役男年滿十八歲以前，已辦竣戶籍登記者為限。但役男本人被收養者，以役男年滿十歲以前，已辦竣戶籍登記為限。

Article 5 Any adoption of a child born out of wedlock, adoption, demanding of a son-in-law to bear the family name of the bride, divorce, termination of adoption or correction of age to the draftee or his dependent shall be recognized as having duly completed with the household registration

before the draftee reaches his full age of eighteen (18); however, if the draftee is an adopted son, such dependent shall be recognized as having duly completed with the household registration at a time before the draftee reaches his full age of ten (10).

第 6 條 役男及其家屬領有月退休金、終身俸、年撫卹金者，應併入役男家屬收入計算。

領有一次退休 (伍) 金、撫卹金、保險金、存款、接受贈與或在役男申請補充兵役前三年內所移轉或變賣之財產，扣除下列支出，其餘併入前項收入計算：

- 一 役男及其家屬確無其他收入者，得依最低生活標準，扣除每年生活支出。
- 二 役男及其家屬因傷病住院醫療費用，得檢附公私立醫院出具之診斷證明及收據，查證屬實者，憑據核實扣除。
- 三 家屬喪葬費，依照公務人員委任第五職等本俸五級眷屬喪葬補助標準扣除之。

役男家屬所有之收入，因臨時災害致減少或損失時，不得扣除計算。但遭遇災害確屬無力回復者，不在此限。

Article 6 Any monthly pension, lifetime pension, and annual relief shall be accountable for the purpose of determination of the income of the dependents of the draftee.

Any pension paid in a lump sum, relief, insurance payment, deposit, gift or the assets transferred or sold in last three (3) years before the application for the replacement service shall be accountable for the income referred in the preceding paragraph after deduction of the following expenses:

1. Less the annual life support expenses according to the minimum living standard, if it is provided that the draftee and his dependents do not have any other income;
2. Less the medical expenses as incurred to the draftee and his dependents, as authorized and as evidenced by the certificate of diagnosis and receipt executed by a public or private hospital;
3. Less the funeral charges to the draftee's independent at the rate of the funeral subsidy payable to the deceased dependent of the public service of the fifth job rank with basic payment of level 5.

All the income of the dependents of the draftee shall not be accountable for the purpose hereunder when subject to reduction or loss as a result of any provisional hazard unless such reduction or loss is proved not recoverable.

第 7 條 鄉 (鎮、市、區) 公所應隨同役男徵兵檢查體檢通知書，發給役男因家庭因素申請服補充兵役通知書。

役男符合第二條規定申請要件者，應於入營前填具役男因家庭因素申請服補充兵役調查審核表二份，檢附戶籍謄本、財稅資料及有關之證件 (明)，向戶籍所在地鄉 (鎮、市、區) 公所申請服補充兵役。

Article 7 The local Public Office shall issue together with the draft-to-be physical examination notice another notice of application for replacement service

by the draftee due to family factors.

The draftee meeting the requirements specified in Article 2 hereof, shall before reporting to the camp complete two (2) copies of the investigation and authorization form of draftee applying for replacement service due to family factors, submitted together with a duplicate of household registration, tax payment information and related documents and/or certificates to file the application with the local Public Office for taking the replacement service.

第 8 條 鄉 (鎮、市、區) 公所受理役男申請服補充兵役案件後，依下列規定辦理：

- 一 將役男因家庭因素申請服補充兵役調查審核表及有關資料及證件 (明) 交由各村里幹事，由其調查役男家屬人口、年齡、過去職業、身體健康情形與現在有無工作、家庭收入及生活環境等。
- 二 鄉 (鎮、市、區) 公所依前款之調查結果，申請表內須由有關單位審核蓋章 (或摘列覆文內容)。並得向當事人或其他有關機關 (含他鄉、鎮、市、區) 實地複查後，簽註明確意見，於三十日內，將調查審核表、有關資料及證件 (明) 轉報直轄市、縣 (市) 政府核辦。

Article 8 Upon accepting the application for taking the replacement service filed by a draftee, the local Public Office shall:

1. Refer the investigation and authorization form of draftee applying for replacement service due to family factors and related information and documents/certificates to the village and neighborhood clerks to investigate into the population, age, occupation in the past, health condition, employment, family income and living environment status quo of the dependents of the draftee; and
2. Review the results of the investigation referred in the preceding subparagraph to check if the appropriate units have respectively operate the seal of authorization in the application form (or summarize the contents of the replies in the official acts); and may have in-situ review with the party concerned or any other agency involved (including those from other jurisdictions) and sign to express specific comments; then submit within thirty (30) days all the investigation and review forms, related information and documents/certificates to the local government for authorization.

第 9 條 直轄市、縣 (市) 政府收到鄉 (鎮、市、區) 公所轉報申請服補充兵役案件，依下列規定辦理：

- 一 依鄉 (鎮、市、區) 公所轉報資料，於三十日內逐一審查後，再行簽報核定，並將核定結果以書面通知鄉 (鎮、市、區) 公所 (連同附還原各種調查審核表各一份)，及副知申請役男 (由鄉、鎮、市、區公所轉發)。經核定不合格者，應說明其原因。
- 二 直轄市、縣 (市) 政府認有必要時，得實地複查或向有關機關查證後核定之。但因情形特殊者，得敘明理由並擬具具體意見陳報內政部核處。

前項核定結果直轄市、縣 (市) 政府及鄉 (鎮、市、區) 公所對合格或不合格者，均應將核定機關、時間、文號及不合申請原因，分別摘登役男兵

籍表 (一) 備註欄及有關冊籍。

Article 9 Upon receiving the cases of application for taking the replacement service referenced by the local Public Office, the local government shall:

1. Examine case by case according to the information referenced by the local Public Office within thirty (30) days, then sign to report authorization; and notify in writing the local Public Office the results of the authorization (together with the return of one copy each of the original investigation and review forms) while notifying the applicant draftee in care of the local Public Office. If the application is rejected, cause for the rejection shall be stated.

2. When deemed as necessarily by the local government, an in-situ review or verification with authorities concerned shall be made before the authorization of the application. However, in any special case, the local government may seek the authorization from MOI by expressly stating the reasons and proposing feasible comments.

According to the results of the authorization referred in the preceding paragraph, the local government and the local Public Office shall respectively summarize and enter in the column of Remarks of the conscription register form (1) and related books and records the time, reference of the official act and institute of the authorization and cause of rejection disregarding the application has been authorized or not.

第 10 條 役男或其家屬，接到不合服補充兵役通知書後，如有不服者，得於接到通知書十日內提出申復，原鄉（鎮、市、區）公所查實後轉報直轄市、縣（市）政府複核。

申請案件經駁回後，其有新原因發生者，得於入營前另提出申請。

Article 10 Any defiance by the draftee or his dependent upon receiving the notice advising the draftee is not qualified to take the replacement service, may file the application for a review within ten (10) days upon the receipt of the notice with the same Public Office serving the notice; when the application for review is proved justified by the Public Office, an authorization from the local government shall be sought in care of the Public Office.

If there is any new cause rises after the application is rejected, the draftee may separately file the application for taking replacement service before reporting to the camp.

第 11 條 直轄市、縣（市）政府及鄉（鎮、市、區）公所對經核准服補充兵役者，應建立專案管理名冊列管。經查明其申請內容有不實或其他不當情形者，自核准之日起至常備兵役徵集年次範圍內，應由戶籍所在地鄉（鎮、市、區）公所以書面通知直轄市、縣（市）政府原核准之補充兵役原因消滅，並副知申請役男，當事人未在十日內提出申復者，直轄市、縣（市）政府應即核發撤銷通知書，並依下列規定補行徵集或召集：

一 未經補充兵役徵訓者，即按原抽籤軍種兵科列入適當梯次補徵服常備兵役。

二 已經補充兵役徵訓者，即造具補充兵應召服常備兵役人員名冊送國防部所屬權責單位實施臨時召集，按原抽籤軍種兵科併入適當梯次補服

常備兵役，其曾受補充兵役徵訓時間，准折算常備兵役期。
前項第二款已經補充兵役徵訓應召集補服常備兵役者，於臨時召集入營時，一律不辦緩召或儘後召集，其有因事不能如期入營或不能應召時，得申請延期入營或不能應召，由國防部所屬權責單位依規定核定之。

Article 11 Both of the local government and the local Public Office shall separately create maintain a project of control list of those draftees approved for taking the replacement service. If any false representations or any other improper condition found in the contents of the application, the local Public Office at where the household registration is maintained for the applicant draftee in question shall, within the range commencing from the date of the approval until the specific conscription year for the draft of regular service, notify in writing the local government that the cause justifying the approval of taking replacement service is ceased to be while notify the same to the applicant draftee; and in the absence of application for review filed by the party concerned within ten (10) days upon being notified, the local government shall issue to the applicant draftee a notice of withdrawal of the approval and prescribe a later draft or call as follows:

1. If the applicant draftee has not yet been drafted for taking the training of replacement service, he shall be included in the draft of a proper phase to take the regular service depending on the division of the military service as originally determined in the lot drawing; or
2. If the applicant draftee has already taken the training of replacement service, a list of replacement service called for taking regular service shall be produced and submitted to the originator unit of MOD to prescribe a provisional call, and the applicant draftee shall be included in he draft of a proper phase to take the regular service depending on the division of the military service as originally determined in the lot drawing; and the duration served during the training of replacement service shall be converted to that of the regular service.

Upon reporting to the camp as required in the provisional call, the application draftee having completed the training of replacement service and called to take the regular service as described in Subparagraph 2 of the preceding paragraph is not allowed for any deferred call or last call. In the event of any cause justifying the prevention from reporting to camp on the date specified or from answering the call, the draftee may apply for an extended reporting to the camp or a prevention of answering to the call and the originator unit of MOD shall authorize the application according to applicable procedure.

第 12 條 役男於緩徵期間，應於緩徵原因消滅後，依本辦法規定程序申請服補充兵役。

Article 12 Any draftee pending draft shall apply for taking the replacement service pursuant to these Regulations upon the cause of the draft is ceased to be.

第 13 條 替代役體位未服替代役者，應服補充兵役。

前項人員經判定體位後，戶籍所在地鄉（鎮、市、區）公所應列冊造送直轄市、縣（市）政府轉報內政部核定。

Article 13 Any draftee qualified to take the substitute service determined by the grade of his physical condition failing to take the substitute service shall take the active replacement service.

After the draftee referred in the preceding paragraph when having been determined with the grade of his physical condition, the local Public Office at where the household register of the draftee is maintained shall produce a list and submit it to seek the authorization by MOI in care of the local government.

第 14 條 直轄市、縣（市）政府應於每年一月底前將上一年核定服補充兵役情形調製清查統計表，陳報內政部、國防部，並依國防部所定梯次徵集入營。

Article 14 Before end of each January, the local government shall produce a statistical statement on the survey of the replacement service authorized in then preceding year and submit the statement respectively to MOI and MOD while completing the draft operation for the phase as specified by MOD.

第 15 條 本辦法所需書表格式，由內政部定之。

Article 15 MOI shall specify the format each for those forms required to be produced under these Regulations.

第 16 條 本辦法自發布日施行。

Article 16 These Regulations shall become operative on and after the day they are published.