

名 稱： 替代役實施條例施行細則 (民國 92 年 07 月 30 日 修正)

Title: Bylaws of Enforcement Statute for Substitute Services
(as amended on July 30, 2003)

第 1 條 本細則依替代役實施條例 (以下簡稱本條例) 第六十二條規定訂定之。

Article 1 These Bylaws have been incorporated pursuant to Article 62 of Enforcement Statute for Substitute Services (the Statute).

第 2 條 本條例所稱需用機關，係指替代役役男服勤單位之中央各該主管機關；所稱服勤單位，係指替代役役男擔任輔助勤務處所之管理單位。

Article 2 Requisition agency wherever appears in the Statute relates to the central regulating authorities to the service unit where the substitute service draftee performs his duties; and the service unit relates to the control unit to the place where the substitute service draftee performs his support duties.

第 3 條 本條例第四條第一項所定各類替代役，其勤務如下：

一 社會治安類：

(一) 警察役：擔任機動保安警力、守望相助社區巡守、交通助理、矯正機關勤務、收容處所警衛及其他安全維護等相關輔助勤務。

(二) 消防役：擔任救災及傷病患救助等相關輔助勤務。

二 社會服務類：

(一) 社會役：擔任老人與病、殘榮民及身心障礙者之照顧，協助推動社會保險、社會救助、福利服務、國民就業、國民保健、殯葬管理及其他社會福利等相關輔助勤務。

(二) 環保役：擔任環保稽查、檢驗、資源回收、環境清潔維護、輻射建築物偵檢、建築管理、河川管理、水資源管理、集水區保育、山坡地保育、地質調查及動植物保育養護、協助氣象觀測等相關輔助勤務。

(三) 醫療役：擔任山地、離島、偏遠地區、醫療資源缺乏區與相關衛生醫療單位等之醫療保健服務、防疫、稽察及公共衛生之管理等相關輔助勤務。

(四) 教育服務役：擔任山地、離島、偏遠地區、師資缺乏區國民中、小學與特殊教育輔助教學，及協助校園安全、中輟生輔導等教育相關輔助性勤務。

三 其他經行政院指定之類別：其勤務由需用機關擬訂計畫，報經主管機關核轉行政院核定之。

各需用機關應於替代役役男服勤管理規定中，明定前項輔助性勤務之具體項目及內容。

Article 3 Those various types of substitute service referred in Paragraph 1 of Article 4 of the Statute are assigned with the following duties:

1. Social Security:

(1) Police Service: to support mobile security police force, community watch and patrol, traffic control assistance, duties at correction institute, guard to sanctuary, and first aid routines.

(2) Fire Service: to support hazard salvation and first aid routines.

2. Social Services:

(1) Social Services: to support duties of taking care of the aged, the sick, the disabled retired servicemen, and the handicapped, mentally or physically, promoting social insurance, social salvation, welfare services, job placement, national health, funeral and burial control, and other social welfare activities.

(2) Environmental Services: to support environmental audit, inspection, resources recycle, environmental cleaning and maintenance, radiation affected building detection, building control, river control, water resources control, water collection area conservation, slope land conservation, geographic survey, conservation and care of animals and plants, and weather observation.

(3) Medical Services: to support medical and health care services, epidemic control, audit, and control of public health in the mountain area, off-island, remote area and where found shortage of medical supplies and the operation of related medical units.

(4) Educational Services: to support the teaching in national elementary school, junior high schools, and special education institute located in the mountain area, off-island, remote area and where found shortage of faculties; and help maintain campus security, consultation for grade school dropouts and other support duties related to education.

3. Any other type of services designated by Executive Yuan: the requisition agency shall prepare the program for the duties pending supports and submit the program to seek approval by Executive Yuan in care of the regulating authorities.

Each requisition agency shall in its regulations for the control in substitute services draftees in duty services expressly define substantial

items and contents of those duties.

第 4 條 需用機關應於每年二月底前，向主管機關提出下一年度替代役實施計畫及四年人力需求。
前項年度替代役實施計畫及四年人力需求，應包括替代役需求人數、服勤處所、服勤內容、管理方式及所需經費等事項。
主管機關應於每年五月三十一日前，審查需用機關提出之替代役年度實施計畫，並依本條例第四條第二項規定擬訂替代役類別實施順序及人數，報請行政院核定。

Article 4 The requisition agency shall by end of each February submit a substitute enforcement plan for then next year and a 4-year manpower demand plan.
The enforcement plan and the 4-year manpower demand plan referred in the first paragraph shall include the number of the substitute services draftees demanded, description of duties, control means and expenditures needed.
The regulating authorities shall on or before May 31 each year review the annual enforcement plan of substitute services submitted by the requisition agency, and shall set forth the order of enforcement and the number of draftees by the type of the substitute service to report to Executive Yuan for approval pursuant to Paragraph 2 of Article 4.

第 5 條 替代役之徵集權責，區分如下：
一 主管機關會商國防部訂定徵集日期、梯次、地點。
二 主管機關策訂徵集及輸送計畫。
三 直轄市、縣（市）政府依主管機關訂定之徵集計畫轉配賦鄉（鎮、市、區）公所，並製發或授權鄉（鎮、市、區）公所製發替代役徵集令。
四 鄉（鎮、市、區）公所將替代役徵集令於徵集前十日，送達替代役役男。
替代役役男之徵集作業事項，準用徵兵規則之規定辦理。

Article 5 Functional authorities for carrying out the drafting of substitute services are categorized as follows:
1. The regulating authorities and MOD shall meet to decide on the date, phase, and place of introduction of military draftees.
2. The regulating authorities shall develop the draft and transportation plans.
3. The local government shall refer an adapted draft plan developed by the regulating authorities to the Public Office (including the jurisdiction

of a Hsiang, a town, a city, or a district) while producing and issuing the draft order of substitute service or authorizing the Public Office to produce and issue the draft order of substitute service.

4. The Public office shall serve the substitute service draft order to the draftee no later than ten (10) days of the date scheduled for the draft. Regulations for the conscription may also apply to the operation of the draft of the substitute services draftees.

第 6 條 需用機關應依替代役服役類別及役期，分別繕造替代役役男名冊，並於服役期滿前三個月，造具退役名冊，函送主管機關核定；由主管機關依本條例第七條第三項規定製作之退役證明書，於服役期滿時，由需用機關轉發。

Article 6 Depending on the type and term of the substitute service, the requisition agency shall separately produce a list of draftees of substitute service and submit the list no later than three (3) months upon the expiry date of the term of the substitute service to the regulating authorities for approval; the regulating authorities in turn shall produce the certificate of discharge pursuant to Paragraph 3 of Article 7 of the Statute to be issued in care of the requisition agency to the substitute service draftee when discharged.

第 7 條 替代役役男有本條例第十條第一項規定停役情事者，服勤單位應繕造名冊，檢具證明文件，函送需用機關轉請主管機關核定。
經主管機關核定停役者，由直轄市、縣（市）政府辦理停役登記列管及處理，並通知替代役役男及需用機關。

Article 7 In the event that any draftee of the substitute service is subject to the suspended service as provided in Article 10.1 of the Statute, the service unit shall produce a list and submit it together with certificate to seek the approval from the regulating authorities in care of the requisition agency. When the regulating authorities approve the suspended service, the local government shall complete the registration of the suspended service, put it under control, and process accordingly while notifying the same to the draftee of the substitute service and requisition agency.

第 8 條 經核定停役之替代役役男停役原因消滅者，直轄市、縣（市）政府應陳報主管機關核定回役或免予回役；主管機關應將核定結果，通知替代役役男及需用機關。

Article 8 Upon the annulment of the cause of the suspended service previously

approved for the draftee of the substitute service, the local shall report it to the regulating authorities to determine whether a return to the service is required or not, and notify the regulating authorities and the draftee of substitute service of the determination made by the regulating authorities.

第 9 條 本條例第十三條所定軍事基礎訓練及專業訓練，其權責區分如下：

- 一 主管機關辦理訓練方針之訂定及指導。
 - 二 主管機關會同國防部辦理軍事基礎訓練計畫之訂定及執行。
 - 三 需用機關辦理專業訓練計畫之訂定、執行及督考。
 - 三 需用機關辦理專業訓練計畫之訂定、執行及督考。
- 前項第二款國防部辦理軍事基礎訓練之兵力，不列計國軍總員額。

Article 9 Functional authorities for military basic training and professional training specified in Article 13 of the Statute are classified as follows:

1. The regulating authorities shall develop the training guidelines and instructions.
2. The regulating authorities and MOD shall develop and carry out the military basic training programs.
3. The requisition agency shall develop, carry out and supervise the professional training programs.

The military force included in the military basic training programs sponsored by MOD as referred in Subparagraph 2 shall be excluded for the purpose of summation of the authorized size of the national army.

第 10 條 本條例第十四條所定管理幹部之甄選，得由需用機關依考核成績擇優甄選，經幹部在職訓練合格後，核定為管理幹部，擔任領導及考核管理工作。前項管理幹部員額，以不超過需用機關服勤替代役役男總人數十分之一為原則。但辦理軍事基礎訓練所需管理幹部員額，不在此限。

Article 10 For the management cadres referred in Article 14 of the Statute, the requisition agency will select from the candidates proved with excellent performance, followed with on-job training provided to the successful candidates who will be officially qualified as the management cadres upon the successful completion of the training to undertake leadership and performance evaluation duties: Provided, however, the authorized size of the management cadres as referred in the first sentence herein shall not be greater than ten percent (10%) of the in-service draftees of the substitute services in the requisition agency with the exception that those management cadres are required for sponsoring the military basic

training programs.

第 11 條 依本條例第二十四條第一款規定宣誓之誓詞如下：

余敬謹宣誓；效忠中華民國，恪遵政府法令，服從長官命令，盡忠職守，嚴守秘密，如違誓言，願受嚴厲之處分。謹誓。

Article 11 The oath provided in Paragraph 1 of Article 24 of the Statute shall read as follows:

I, (name of the person taking the oath), do hereby solemnly swear that I shall be loyal to the Republic of China, strictly observe government laws and regulations, obey the commands given by my senior officers, faithfully do my duties, keep strict confidentiality, and I shall unconditionally surrender myself to the most severe disposition if I have committed any breach against the oath.

第 12 條 替代役役男犯本條例第五十二條或第五十三條之罪者，應由服勤單位移請司法機關究辦，並副知需用機關；犯本條例第五十四條之罪者，應由主管機關移請司法機關究辦，並副知需用機關或直轄市、縣（市）政府；犯本條例第五十五條之一第一項之罪者，應由直轄市、縣（市）政府移請司法機關究辦，並副知主管機關。

Article 12 In committing the crime set forth in Article 52 or 53 of the Statute, the draftee in substitute service shall be referred by the service unit to the judicial institute for prosecution while notifying the requisition agency; In committing the crime set forth in Article 54 of the Statute, the draftee in substitute service shall be referred by the regulating authorities to the judicial institute for prosecution while notifying the requisition agency or the local government; and In committing the crime set forth in Paragraph 1 of Article 55-1 of the Statute, the draftee in substitute service shall be referred by the local government to the judicial institute for prosecution while notifying the regulating authorities.

第 13 條 本條例第六十條所定經費編列權責如下：

- 一 軍事基礎訓練經費，由主管機關編列。
- 二 替代役役男之薪給、主副食、服裝、保險、撫卹及其家屬生活扶助經費，由主管機關編列。
- 三 專業訓練經費，由需用機關編列；管理、住宿等經費，由服勤單位編列。

Article 13 Functional authorities for the preparation of the budget of expenditures

as provided in Article 60 of the Statute shall be assigned as follows:

1. The regulating authorities shall prepare the budget of the expenditures required in carrying out the military basic training.
2. Payroll, primary and secondary provisions, uniforms, insurances, pension and supports to dependents of the draftees taking substitute services shall be prepared and budgeted by the regulating authorities.
3. Expenditures for professional training shall be prepared and budgeted by the requisition agency; and for management and accommodation, by the service unit.

第 14 條 中華民國六十九年次以前出生有履行兵役義務尚未徵集入營之役男，申請服替代役者，由主管機關會商國防部專案辦理。

Article 14 For any draftee born in or before the year of 1980 obligated with performing the military service not yet been drafted into the camp is applying for taking the substitute service, the application will be handled as a project by the regulating authorities jointly with MOD.

第 15 條 本細則所定之相關文書格式，由主管機關定之。

Article 15 The regulating authorities shall respectively specify the format of each of those forms set forth by these Bylaws.

第 16 條 本細則自本條例施行之日施行。
本細則修正條文自發布日施行。

Article 16 These Bylaws shall become operative on the same date the Statute is published.
These Bylaws as amended shall become operative on the day they are published.