

Regulations Governing Water Recreation Activities

Chapter 1: General Provisions

Article 1

These Regulations are enacted pursuant to the provisions of Article 36 of the Statute for the Development of Tourism (hereinafter referred to as “the Statute”)

Article 2

Those engaging in water recreation activities shall comply with the provisions of these Regulations. Matters not provided for in these Regulations shall be governed by other laws and regulations as laid down by the competent central and local authorities.

Article 3

The term “water recreation activities” as used in these Regulations means the following water-related activities:

1. Swimming, surfing, and diving
2. Operating equipment for wind surfing, water-skiing, parasailing, jetskiing, canoeing, rafting, banana boating, and other such activities
3. Other water recreation activities as announced by the Responsible Authority

Article 4

The water management authorities referred to in these Regulations are as follows:

1. For water recreation activities within the jurisdictional boundaries of designated scenic areas and national parks, the designated management authorities thereof;
2. For water recreation activities outside the ambit of the preceding subsection, the municipal or county (city) government with jurisdiction over the location concerned.

The aforementioned water management authorities shall, for the purposes of managing water recreation activities in accordance with these Regulations, publicly announce and impose penalties as prescribed by the Statute.

Article 5

The water management authorities shall make public announcement thereof when imposing restrictions on the types, scope, times and conduct of water recreation activities in accordance with Article 36 of the Statute.

Insofar as the types, scope, times and land use of water recreation activities referred to in the preceding paragraph fall within the scope of the rights and responsibilities of other government authorities, such matters shall be handled as agreed after coordination with the said authorities.

Article 6

Having regard to the state of the environment and resources, the water management authorities must make public announcement of areas in which water recreation activities are prohibited.

Article 7

The water management authorities or administrative agencies acting under their authority should temporarily suspend water recreation activities in full or in part as necessary for protecting the safety of tourists.

Article 8

Those engaging in water recreation activities should abide by the following:

1. Shall not disregard public notices by the water management authorities indicating areas in which activities are prohibited.
2. Shall not disregard public notices by the water management authorities indicating restrictions on the types, scope, time, and conduct of activities.
3. Shall not engage in activities that are detrimental to public safety or endanger other people.
4. Shall not cause water pollution or damage the natural environment or natural landscape.
5. Shall not consume narcotic or hallucinogenic substances or abuse controlled drugs.

Article 9

Insofar as is necessary for the management of water recreation activities and water recreation areas, the water management authorities shall stipulate matters for attention in regard to such activities and shall require, inter alia, that the operators of water recreation activities take out liability insurance and provide qualified lifeguards and life-saving (lifeboat) equipment.

The water management authorities shall post clearly visible notices to indicate the special characteristics of the area of water concerned and matters that those engaging in activities there should abide by or be aware of, and shall also establish all necessary emergency rescue systems.

Operators of water recreation activities who act in breach of the requirements for the provision of qualified lifeguards and life-saving (lifeboat) equipment as referred to in the first paragraph of this Article, shall be deemed as acting in breach of the directive of the water management authorities.

Chapter 2: Itemized Provisions

Part 1: Personal Watercraft (Jetski) Activity

Article 10

The term “personal watercraft activity” refers to activity using a vehicle consisting of a suitably modified vehicle body that can be driven by means of balancing and the operation of a steering device, that can be returned repeatedly to an upright position and driven after overturning, that is propelled by a jet pump and driven by an internal combustion engine, and with the lower side of its upper deck measuring not more than four meters in length from the front end to the back end.

Article 11

A person who hires a personal watercraft should, before driving it, receive safety instruction from the operator providing the personal watercraft for hire.

The teaching material for the aforementioned safety instruction shall

be stipulated and publicly announced by the water management authorities, and their content should include materials as specified in Articles 12 and 13 of these Regulations.

Article 12

The water management authorities shall designate personal watercraft activity zones according to the conditions of each location. When personal watercraft activity is taking place simultaneously with other water activities at the same location, the water management authority must confine the personal watercraft activity to an area of water between two hundred meters and one kilometer offshore as measured from the territorial-water base line or the bank.

The aforementioned water management authority must put up clearly visible signs at the activity zone; from land or entry point, the waterway of the activity zone should be at least thirty meters in width and marked by clearly visible signs.

Personal watercraft activity must not take place at the same time and location as diving, swimming or other non-motorized water recreation activities.

Article 13

A person riding a personal watercraft shall wear a safety helmet and a life jacket that is suitable for personal watercraft activity and that has a whistle attached.

Article 14

The area within a personal watercraft activity zone should be separated into one-way channels for navigation in a clockwise direction. The following rules should be observed when operating a personal watercraft:

1. Meeting oncoming traffic: The two vehicles should both move to their right and pass each other on their left side.
2. Crossing paths: The driver of the personal watercraft on the right should go straight ahead, and the other personal watercraft should turn toward the right and pass behind the vehicle moving straight ahead.
3. Passing from behind: A vehicle overtaking another that is moving straight ahead should pass on the left side of the other vehicle,

while maintaining a suitable distance and clearly indicating its direction.

Part 2: Diving Activity

Article 15

The term “diving activity” includes snorkeling and scuba (aqualung) diving.

The term “snorkeling” as used in the preceding paragraph refers to diving equipped with diving goggles, flippers, and a snorkel; and the term “scuba diving” refers to diving equipped with diving goggles, flippers, a snorkel, and breathing equipment.

Article 16

A person engaging in scuba diving activity should possess a diving certificate issued by a domestic or foreign diving institution.

Article 17

A person engaging in snorkeling activity, in addition to abiding by Article 8 of these Regulations, should also abide by the following:

1. A snorkeling flag should be placed in the middle of the area of water where the snorkeling activity is taking place, and snorkelers should also take floating markers (inflatable floats) to mark their position.
2. Persons engaging in scuba diving activity should be accompanied by a qualified person who holds diving certification issued by a domestic or foreign diving institution and who is familiar with the diving location.
3. Persons engaged in snorkeling or scuba diving activity shall not carry a harpoon gun, shoot fish, or catch marine animals.

Article 18

An operator of a diving business should abide by the following rules:

1. A person employed to take customers to engage in scuba diving activity should possess certification as a qualified diving instructor issued by a domestic or foreign diving institution, and each such employee may take a maximum of ten persons on each aqualung diving activity.

2. A person employed to take customers to engage in snorkeling activity should possess qualifying certification from the responsible authorities or an organization authorized by the said authorities to conduct instruction and training, and each such employee may take a maximum of ten persons on each snorkeling activity.

3. A person engaging in aqualung diving activity should furnish documentary confirmation of his or her possession of diving proficiency certification.

4. A person employed to take customers to engage in diving activity should be fully familiar with the conditions in the diving location, and must accurately inform the divers thereof, including informing them of at least the following matters: the time limit of the activity, the depth limit, the water-current direction, the underwater terrain, dangerous areas, and the concepts and rules of environmental protection; and should stop the activity if he or she fails to receive the compliance of any member of the diving group. He or she should also instruct the divers to take into consideration their weight, state of health, and stamina.

5. Floating diving markers (inflatable floats) should be taken on every diving activity, and a diving flag should be put in place in the diving location.

Article 19

A boat used for taking customers to engage in diving activity, as well as being equipped with essential communication, life-saving and related equipment as prescribed by the Act of Ships and the Regulation for Administering Small Ships , should also be equipped with a platform or ladder as needed by divers for getting on and off the boat.

Article 20

A boat captain or pilot taking customers to engage in diving activity should abide by the following rules:

1. Should report to the port or coastal patrol and protection authorities that he or she is taking customers out to sea to engage

in diving activity.

2. Should make sure prior to departure that communication equipment is in sound working order.
3. Should be fully familiar with the conditions at the diving location, and accurately inform the divers thereof.
4. Should raise a diving flag on the boat at all times when passengers are in the water engaging in diving activity.
5. Should keep the boat at the diving location until the divers have concluded their diving activity and returned to the boat. In the event that a diver has failed to conclude the activity and return to the boat on time, should use communication and related equipment to call for help, should conduct search and rescue in the diving area, and should not sail the boat away from the diving location before support vessels have arrived there.

Part 3: Canoeing Activity

Article 21

The term “canoeing activity” refers to the use for activity on water of a boat that is long and narrow in structure, is not equipped with mechanical means of propulsion, and is propelled by means of a paddle.

Article 22

A person engaging in canoeing activity shall not do so alone in a single vessel, and should wear a life-vest that has a whistle attached to it.

Article 23

An operator of a canoeing business should abide by the following rules:

1. Should be equipped with wireless communication equipment that has a rescue and reporting mechanism, and should require that it be carried by those taking customers on canoeing activity.

2. Customers being taken to engage in canoeing activity should be organized into groups, with one person as a leader, and each group consisting of no more than twenty persons or ten canoes.

3. A person taking customers to engage in canoeing activity should be fully familiar with the conditions at the activity location, and accurately inform the participants thereof, including at least informing them of the time limit of the activity, the speed of the water current, dangerous areas, and the concepts and rules of environmental protection.

4. Life-saving floating markers should be carried on every activity.

Part 4: Rafting Activity

Article 24

The term “rafting activity” refers to activity conducted on a river involving the operation of an inflatable rubber watercraft.

Article 25

An operator of rafting activities shall register with the water management authorities prior to engaging in such activities in a water recreation activity management zone.

Participants in rafting activities are required to receive safety instruction prior to engaging in such activities.

The content of the aforementioned safety instruction shall be stipulated and announced by the water management authorities.

Article 26

A person engaging in rafting activity is required to wear a life-vest and safety-helmet, and the life-vest should have a whistle attached.

Chapter 3: Supplementary Provisions

Article 27

A person engaging in water recreation activity that is not of a profit-seeking nature and in which one of the following situations

occurs shall be subject to punishment by the water management authorities in accordance with Article 60, Paragraph 1 of the Statute:

1. Violation of the stipulations as to matters that those engaging in water recreation activity are required to abide by as set out in Article 8 of these Regulations

2. Violation of the stipulation requiring the receipt of safety instruction prior to operation as set out in Article 11, Paragraph 1 of these Regulations

3. Violation of the zonal restriction on personal watercraft activity as set out in Article 12, Paragraph 1 of these Regulations, or the stipulation against operation a personal watercraft at the same time and location as non-motorized water recreation activity as set out in Article 12, Paragraph 3

4. Violation of the requirement to wear a safety-helmet and a life-jacket with a whistle attached as set in Article 13 of these Regulations

5. Violation of the traffic rules as set out in Article 14 of these Regulations

6. Violation of the requirement for possession of diving proficiency certification as set out in Article 16 of these Regulations

7. Violation of the stipulations as to matters that those engaging in diving activity are required to abide by as set out in Article 17 of these Regulations

8. Violation of the stipulations as to matters that captains or pilots are required to abide by as set out in Article 20 of these Regulations

9. Violation of the requirement to wear a life-jacket with a whistle attached or of the prohibition against conducting the activity alone in a single boat as set out in Article 22 of these Regulations

10. Violation of the requirement to report to the water management authorities prior to engaging in rafting activity as set out in Article 25, Paragraph 1 of these Regulations, or the requirement to first undergo safety instruction as set out in Article 25 Paragraph 2 of these Regulations

11. Violation of the requirement to wear a life-jacket with a whistle attached and also to wear a safety-helmet as set out in Article 26 of these Regulations.

Article 28

A person engaging in water recreation activity that is of a profit-seeking nature and in which one of the following situations occurs shall be subject to punishment by the water management authorities in accordance with Article 60, Paragraph 2 of the Statute:

1. Violation of the stipulations as to matters that those engaging in water recreation activities are required to abide by as set out in Article 8 of these Regulations

2. Violation of the requirement to provide qualified lifeguards and life-saving (lifeboat) equipment in relation to the matters for attention stipulated by water management authorities as set out in Article 9, Paragraph 1 of these Regulations

3. Violation of the zonal restriction on personal watercraft activity as set out in Article 12, Paragraph 1 of these Regulations, or the stipulation against operating a personal watercraft at the same time and location as non-motorized water recreation activity as set out in Article 12, Paragraph 3

4. Violation of the traffic rules as set out in Article 14 of these Regulations

5. Violation of the stipulations as to matters that those engaging in diving activity are required to attend to as set out in Article 17 of these Regulations

6. Violation of the matters that operators of diving businesses are required to abide by as set out in Article 18 of these Regulations

7. Violation of the stipulations as to matters that captains or pilots are required to abide by as set out in Article 20 of these Regulations

8. Violation of the stipulations as to matters that operators of canoeing activity businesses are required to abide by as set out in Article 23 of these Regulations

9. Violation of the requirement to report to the water management authorities prior to engaging in rafting activity as set out in Article 25, Paragraph 1 of these Regulations

Article 29

Categories of water recreation activities that are not listed in Article 3 of these Regulations shall be made subject to the general and supplementary provisions hereof as determined by the Responsible Authority and announced by the management authorities.

Article 30

The format of all documents and forms as required by these Regulations shall be decided by the Responsible Authority.

Article 31

These Regulations shall come into force on the date of promulgation.