Chapter 23 Taiwan Penghu District Prosecutors Office



Section 1 Historical Overview

Shortly after the retrocession of Taiwan, there was no court in the Penghu area. All civil and criminal cases were handled under the jurisdiction of the Taiwan Kaohsiung District Court. For the convenience of the litigant parties so they could avoid the effort of going to Kaohsiung for court hearings, on December 26, 1949, the Taiwan Penghu District Court and its Department of Prosecution were established. On December 1, 1950, the Taiwan Penghu District Court was officially established. After the separation of the court trial system and the prosecution system on July 1, 1980, it was renamed the "Department of Prosecution of Taiwan Penghu District Court." On December 24, 1989, the establishment was renamed the "Taiwan Penghu District Court Prosecutors Office" in conjunction with the amendment of the Court Organization Act. On May 25, 2018, it was again renamed the "Taiwan Penghu District Prosecutors Office," where the wording of "Court" from its organizational name was taken away, in conjunction with the amendment of the Court Organization Act.

Baisha Township Xiyu Township Huvi Townshin Magong City .8 Wang'an Townshi Geographic Territorial Jurisdiction of the Taiwan Penghu District Prosecutors Office Qimei Townshi

Section 2 Territorial Jurisdiction

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Taíwan Penghu Dístríct Prosecutors Offic

Section 3 Office Buildings

I. Early stage of the establishment

During the preparation for the Penghu District Prosecutors Office, the office was a residential premise on a lease basis. In February, 1953, the construction site for the Court and Prosecutors Office was selected at No. 48, Zhonghua Road, Magong City. On October 16, 1953, the construction commenced, and on March 20, 1954, the building was completed and the offices were put to use.

II. Office reconstruction at the original site

Due to the gradual increase in numbers of cases and staff, a two-story joint office building was rebuilt on the original site. In September, 1965, the construction commenced and was completed more than one year later.renovation was completed and the office was put to use.

III. Building addition after the separation of the court trial system and the prosecution system in 1980

As the office space became insufficient, a two-story concrete office building was built on the vacant land in the back of the existing joint office building. In January, 1982, the construction commenced and was completed in June, and the offices were put to use in August.

IV. Construction of a new office building

Due to the gradual increase in numbers of cases and staff over the years, the office building was in need of expansion again. In 1998, the office relocation plan was drafted and the construction of a new office building was approved by the Executive Yuan. On February 24, 2003, the construction commenced (at the address of No. 309, Xiwenao, Xiwen Village, Magong City) and it took more than 4 years to complete. Finally, a good judicial service environment was ready for the public in the Penghu area.

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| Precedence in office | Title | Name | Period in office | Notes |
|-------------------------|--------------------|------------------|-----------------------|--|
| 1 | Leading Prosecutor | Yen, Hsien-Liang | 1950/01/01~1951/06/18 | |
| 2 | Leading Prosecutor | Hsieh,Chung-Tang | 1951/06/18~1954/12/25 | |
| 3 | Leading Prosecutor | Sha,Tsung-Tang | 1954/12/25~1955/04/25 | |
| 4 | Leading Prosecutor | Chao, Tsai-Chen | 1955/04/26~1959/03/26 | |
| 5 | Leading Prosecutor | Chiu,Hung-En | 1959/03/26~1963/08/12 | |
| 6 | Leading Prosecutor | Lai,Chu-Lung | 1963/08/12~1965/09/20 | |
| 7 | Leading Prosecutor | Wang,Chia-Yi | 1965/09/20~1967/07/20 | |
| 8 | Leading Prosecutor | Huang,Tsun-Chiu | 1967/07/20~1969/01/15 | |
| 9 | Leading Prosecutor | Lo,Chi-Yao | 1969/01/15~1972/09/06 | |
| 10 | Leading Prosecutor | Liu,Ching-Yi | 1972/09/06~1974/03/25 | |
| 11 | Leading Prosecutor | Tsai,Chin-Fang | 1974/03/25~1979/01/18 | |
| 12 | Leading Prosecutor | Li,Kuang-Ching | 1979/01/18~1981/01/09 | |
| 13 | Leading Prosecutor | Huang,Chin-Chen | 1981/01/09~1982/11/09 | |
| 14 | Leading Prosecutor | Wu,Ying-Chao | 1982/11/09~1984/07/16 | |
| 15 | Leading Prosecutor | Li,Hsun-Ming | 1984/07/16~1985/03/14 | |
| 16 | Leading Prosecutor | Wu,Kuo-Ai | 1985/03/14~1986/07/24 | |
| 17 | Leading Prosecutor | Hsieh,Shang-Hui | 1986/07/24~1989/12/19 | |
| 18 | Leading Prosecutor | Yeh,Chin-Pao | 1989/12/19~1992/06/03 | The title was changed to Chief Prosecutor on December 24, 1989 |
| 19 | Chief Prosecutor | Huang,Shih-Ming | 1992/06/03~1993/07/28 | |

Section 4 List of Former Chief Prosecutors

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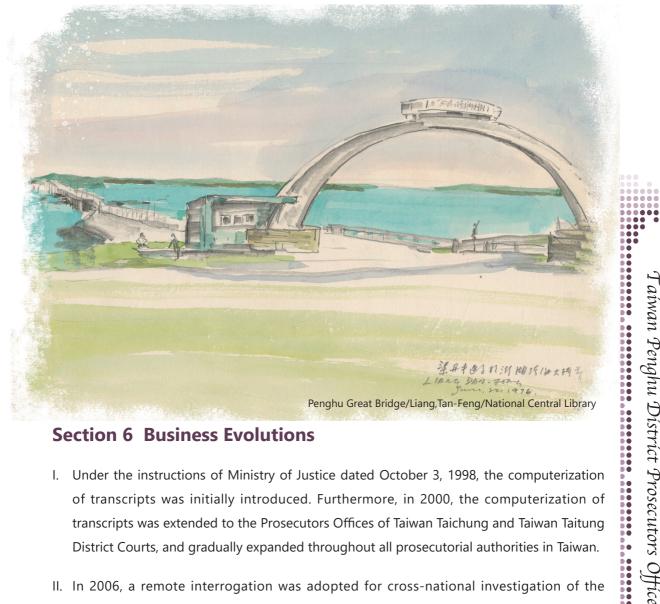
Overview of Prosecutorial Entities

| Precedence in office | Title | Name | Period in office | Notes | |
|-------------------------|------------------|------------------|-----------------------|---|--------|
| 20 | Chief Prosecutor | Lin,Hui-Huang | 1993/07/28~1996/01/15 | | |
| 21 | Chief Prosecutor | Yen,Ta-He | 1996/01/15~1997/08/05 | | Ţ |
| 22 | Chief Prosecutor | Hsieh,Jung-Sheng | 1997/08/05~1999/04/26 | | aíwa |
| 23 | Chief Prosecutor | Lin,Chao-Sung | 1999/04/26~2000/06/27 | | ın Pe |
| 24 | Chief Prosecutor | Chang,Tou-Hui | 2000/06/27~2001/04/27 | Held ad interim from April 27, 2001 to July 16, 2001 by Head Prosecutor Hung,Pei-Ken | nghu D |
| 25 | Chief Prosecutor | Hung,Wei-Hua | 2001/07/16~2003/07/31 | |)ístra |
| 26 | Chief Prosecutor | Shih,Liang-Po | 2003/07/31~2005/03/16 | | íct I |
| 27 | Chief Prosecutor | Hung,Kuang-Hsuan | 2005/03/16~2007/04/12 | | rose |
| 28 | Chief Prosecutor | Chu,Chia-Chi | 2007/04/12~2008/08/01 | | cuto |
| 29 | Chief Prosecutor | Chu,Kun-Mao | 2008/08/01~2010/07/28 | | rs 0 |
| 30 | Chief Prosecutor | Chang,Hung-Mou | 2010/07/28~2011/07/20 | | ffíce |
| 31 | Chief Prosecutor | Lin,Hsiu-Hui | 2011/07/20~2013/03/11 | | |
| 32 | Chief Prosecutor | Kuo,Chen-Ni | 2013/03/11~2015/05/07 | | |
| 33 | Chief Prosecutor | Wang,Chun-Li | 2015/05/07~2016/07/18 | | |
| 34 | Chief Prosecutor | Cheng,Hsin-Hung | 2016/07/18~2018/07/09 | | |
| 35 | Chief Prosecutor | Chuang,Jung-Sung | 2018/07/09~2019/01/31 | | |
| 36 | Chief Prosecutor | Huang, Mou-Hsin | 2019/01/31~2020/03/13 | | |
| 37 | Chief Prosecutor | Li,Chia-Ming | 2020/03/13~2021/05/05 | | |
| 38 | Chief Prosecutor | Chang,Chun-Hui | 2021/05/05 to present | | |

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| Precedence in office | Title | Name | Period in office | Notes |
|-------------------------|-----------------|------------------|-----------------------|--|
| 1 | Head Clerk | Liu,Ying-Chun | 1950/01/01~1950/08/19 | |
| 2 | Head Clerk | Wei,Te-Chang | | |
| Acting | Head Clerk | Li,Yun-Ching | 1950/08/19~1951/04/01 | Concurrently handled by Prosecutors |
| 3 | Head Clerk | Liu,Chih-He | 1951/09/08~1957/01/09 | |
| 4 | Head Clerk | Ting,Chin-Sheng | 1957/01/11~1959/02/13 | |
| 5 | Head Clerk | Lin,Ching-Shou | 1959/03/26~1963/09/16 | |
| 6 | Head Clerk | Cho,Ting-Chiung | 1963/09/01~1975/07/01 | |
| 7 | Head Clerk | Cheng,Wan-Fu | 1975/10/24~1999/07/16 | |
| 8 | Chief Secretary | Cheng,Cheng-Ping | 1999/11/16~2010/03/02 | |
| 9 | Chief Secretary | Wei,Hui-Mei | 2010/03/24 to present | |

Section 5 List of Former Chief Secretaries



Section 6 Business Evolutions

I. Under the instructions of Ministry of Justice dated October 3, 1998, the computerization of transcripts was initially introduced. Furthermore, in 2000, the computerization of transcripts was extended to the Prosecutors Offices of Taiwan Taichung and Taiwan Taitung District Courts, and gradually expanded throughout all prosecutorial authorities in Taiwan.

- II. In 2006, a remote interrogation was adopted for cross-national investigation of the business negligence of China Airlines causing air crash. This interrogation of related people over online video conference marks the first instance of exerting modern information technology in cross-national interrogation in the judicial history of Taiwan, also opened up a new cooperative model between Taiwan and the United States in cross-national investigation.
- III. On April 30, 2013, Penghu Court of the Kaohsiung Branch Court of the Taiwan High Court was inaugurated and opened for business. Prosecutors from the Kaohsiung Prosecutors Office under the Kaohsiung Branch Court of the Taiwan High Court must go to the Penghu Court for the hearing, and the Clerk Division of the Penghu District Prosecutors Office was the contact window for court hearing business.

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Section 7 Excerpts of Major Cases

I. The air crash of China Airlines on May 25

On the afternoon of May 25, 2002, a Boeing 747-200 of China Airlines with flight no. Ocl-611 took off from Taoyuan Chiang Kai-Shek Airport, scheduled to fly to Hong Kong. There were 225 people on board, including 206 passengers and 19 crew members. At about 15:28 on May 25, 2002, the flight disappeared from the radar screen when it was about 10 nautical miles northwest of Magong City, Penghu County, at an altitude of 35,000 feet. The tower controller made an emergency call according to the procedure, yet received no response, then followed the emergency notification procedures. All relevant units immediately set up emergency response centers for search and rescue for the missing flight. Through investigation, it was found that the plane disintegrated in the air above the northern waters of Mudou Island of Penghu before falling into the sea. All 225 crew members and passengers on board were killed, including You, Jih-Cheng (former legislator) and Li, Tsung-Ao (a salesperson of China Airlines, also a son of former Director-General Lee, Cheng-Shih of Works Bureau of Hong Kong). This air crash marks the most disastrous casualty in Taiwan history.

After the air crash, all Prosecutors, Clerks, and administrative staff of the Penghu District Prosecutors Office were on standby, and specially contracted and voluntary forensic medical examiners were contacted and on standby for the examination work. Forensic medical examiners and inspectors from the Institute of Forensic Medicine of the Ministry of Justice were also asked to provide help. The corpses transported to the working site were numbered, photos were taken, and characteristics of the remains were recorded and registered. DNA samples were taken from the victims' family members and sent for identification, fingerprint cards filed at the Criminal Investigation Bureau were taken for comparison with the victims' fingerprints, and characteristics of the corpses (along with photos) were provided for identification by family members. An autopsy certificate was issued once the identity of the corpse was verified through inquiries.

In order to look into the criminal responsibility and the cause of the air crash, it took the

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Overview of Prosecutorial Entities

Prosecutor of the Penghu District Prosecutors Office nine months in the investigation and it was found that the accident was related to the fatigue of the metal skin on the tail. It was also found that on February 7, 1980, when the aircraft flew under flight no. CI-009 in Kai Tak Airport, Hong Kong, the tail skin was damaged by rubbing against the ground. At that time, only an aluminum plate equivalent to the size of the damage was used to cover the damaged area. After the tail damage was confirmed, China Airlines conducted a permanent maintenance from May 23 to 26, 1980. During the subsequent overhaul, China Airlines failed to replace the entire skin in accordance with the Boeing Structural Repair Manual ("SRM") issued by Boeing. After years of flights, the improperly repaired tail showed the phenomenon of metal fatigue. Therefore, by means of cross-national online video conference, the defendant Sun, *-Chang (a former aircraft maintainer of China Airlines, but now located in Washington) was interrogated, marking the first instance of cross-national online video conference in the judicial history of Taiwan. On April 25, 2006, the Prosecutor prosecuted Sun, *-Chang for causing death of others due to business negligence, and requested imprisonment for two years, along with suspension of punishment for five years, from the Court considering the following situations: the defendant Sun, *-Chang behaved well without other previous convictions; the repair and maintenance that he was responsible for on the tail of the subject aircraft took place from May 23 to 26, 1980, i.e. more than 25 years ago; Sun, *-Chang was already 84 years old and had been retired for many years, thus it was impossible for Sun, *-Chang to have another opportunity to repair aircraft again; this case was due to negligence causing the accident, in which the defendant was not subjectively malignant; and China Airlines had reached a settlement with the families of the 212 victims. Later, the Penghu District Court transferred the case to Taipei District Court for trial of this case on the grounds of incorrect jurisdiction. Nevertheless, it was not easy to subpoen athe defendant to Taiwan for the trial. In 2012, after the death of Sun, *-Chang, the Taipei City Court announced that the case was not accepted.



II. The tax evasion case associated with land donation in Wangan Township

ciupment you buy.
cisc (tax discs) In Britain, a tax dia.
all round piece of paper displayed on cars a motorcycles which proves that the owner ha paid road tax.
tax eva/sion Tax evasion is the crime of not paying the full amount of tax that you should be available.
tax-free Tax-free is used to describe intervent plan.
ven (tax havens)

This case ooriginated from a report dated October 26, 2006 by the United Daily News, stating that "Wangan Township of Penghu County accepted land donation from major taxpayers in Taiwan since 2002 for tax saving purpose. A total of 9,776 reserved lands for public facilities have been donated by landlords across Taiwan, with total land value amounting to more than 48 billion

NTD. The above donation acts were suspected linking criminality, and the Penghu District Prosecutors Office thus initiated investigation from the lead of the news report.

The Penghu District Prosecutors Office compiled the following information of the above donations provided by Wangan Township Office in chronological order: name of the donors, ID number of the donors, time of the donation, parcel number, size and value of the donated land, as well as name of the land agents. The Prosecutor then immediately requested the annual individual income tax documents (only those involving the land donation) declared by the land donors from each branch of National Taxation Bureau nationwide according to the abovementioned compiled list. Meanwhile, efforts were made in studying the relevant laws and regulations. From the study the Prosecutor discovered that since January 1, 2004, any individual making land donations must provide specific evidence showing the actual cost of the land acquisition, thus to be deducted within the scope of "listed deduction amount" on the individual income tax declaration based on the factual value. Otherwise, the tax authorities would determine the deductible amount according to the criteria approved by the Ministry of Finance (i.e. 16% of the current land value). Therefore, if a false price of the purchase was documented in the contract, and then used for land donation, which was listed on the annual report of individual income tax to the tax collection authorities for tax evasion, then the land donor's

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conduct may constitute the offence of making false business reports or statements, and the offence of fraudulent tax evasion.

Among all the land donors under investigation, only Hu, *-Wen (see No. (97)-Zhenzi-287 by the Penghu District Prosecutors Office) had his residence registered in Penghu and declared his individual income tax in Penghu. Chen, *-Mei (see No. (96)-Zhen-zi-555 by Penghu District Prosecutors Office) was the broker who handled land donation and tax evasion matters for Hu, *-Wen. Therefore, the Penghu District Prosecutors Office only had jurisdiction over the two people. After the Prosecutor subpoenaed the defendants Hu, *-Wen and Chen, *-Mei, both of them frankly admitted their offenses. Hu, *-Wen also agreed to restitute the taxes, while Chen, *-Mei was prosecuted. Subsequently, in Judgement No. (96)-Yi-zi-80 by the Penghu District Court, Chen, *-Mei was sentenced six months for the offense of making false business reports or statement.

III. The corruption case of land sale in Wangan Township

Since 2002, Wangan Township, Penghu County, had accepted land donations from major taxpayers in Taiwan for the purpose of tax mitigation and tax evasion for these taxpayers. A total of 9,776 pieces of reserved land for public facilities have been donated by landlords across Taiwan, with total value amounting to more than 48 billion NTD. This turned to be a scheme targeting huge interest from lande volume transfer coveted by dishonest corporates and politicians.

Lin, *-Ta was the Chairman of Ju * Urban Renewal Co., Ltd. and the Director of Kuan * Hsin Real Estate Co., Ltd. ("K*H Company"). In order to benefit Lan, *-Feng (the Chairman of the K*H Company), Lin, *-Ta had helped Lan, *-Feng in acquiring the 1,026 pieces of land (out of the abovementioned 9,776 pieces of land), while indirectly benefiting Lin, *-Ta's ex-wife (a supervisor of K*H Company) and himself. Moreover, Lin, *-Ta also approached Councilor Yeh, *-Hsien of Penghu County, and conspired with Yeh, *-Hsien, Yeh, *-Ju (the younger brother of Yeh, *-Hsien, also the Township Mayor of Wangan Township), and Hsu, *-Hui (a friend of Yeh, *-Hsien), about the sale of the abovementioned lands for profit. Yeh, *-Hsien then



arranged Lai, *-Yin, Tsai, *-Jung (former engineers of the senior grade 10 working at the Water Resources Agency), to serve as secretary and contracted technician of the Finance and Economy Section of the Wangan Township Office to be responsible for undertaking bidding and land sale business. They illegally bundled road lands and reserved lands for public facilities for a total of 1,026 transactions, resold such bundled lands for prices many times higher than their original value, reaping profits of more than 200 million NTD.

On January 4, 2013, the investigation of this case was concluded by the undertaking Prosecutor, and Yeh, *-Ju (Wangan Township Mayor), Yeh, *-Hsien (Penghu County Councilor), Hsu, *-Hui, and Lai, *-Yin (Wangan Township Office Secretary), and Tsai, *-Jung and Lin, *-Ta (contracted technicians in the Finance and Economy Section), were prosecuted for jointly seeking profit, assisting in profiting, and committing bribery against civil servants' duties. As for Lan, *-Feng (the Chairman of the K*H Company), he was originally determined for not to prosecute, but was otherwise overruled by the Kaohsiung Branch , Taiwan High Prosecutors Office. On April 8, 2015, Yeh, *-Ju et al., were sentenced by the Kaohsiung Branch of the Taiwan High Court to imprisonment ranging from six years and six months to 12 years, along with the deprivation of their citizens' rights ranging from three to eight years.

After investigating the profit-making case derived from the corruption case of land donation in Wangan Township, the new intelligence reported by the Southern Investigation Office of Agency against Corruption ("SIO, AAC") of the Ministry of Justice indicated that in the process of land bidding for tax deduction in the 2011, relevant personnel of the Wangan Township had illegally accepted bribes from vendors, thus initiating immediateinvestigation to collect evidence. In this case, prior to the approval of the urban renewal plan by the New Taipei City Government, Yeh, *-Hsien et al. had already accepted huge bribes pertaining to the four pieces of land ("the subject lands") located in Yonghe District, New Taipei City, and illegally sold the subject lands to a urban regentrification company in New Taipei City. The company therefore profited at least 21,831,065 NTD from the illegal acquisition of the land in Wangan Township for tax deduction. The defendants including Yeh, *-Hsien received a total of at least 3.7 million NTD in bribes from Tsai, *-Tsung.

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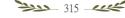
Taiwan Penghu Dístríct Prosecutors Office

After the investigation was completed by the Prosecutor, the defendants Yeh, *-Hsien, Yeh, *-Ju, Hsu, *-Hui, Kao, *-Hsiang, et al., were prosecuted for accepting bribes and seeking profits in violation of the civil servant's duties. The Prosecutor also requested from the Court the seizure and confiscation of the abovementioned illegal gains in accordance with Paragraph 1 of Article 10 of the Anti-Corruption Act. In October, 2016, the Court sentenced Yeh, *-Hsien, the middleman Liao, *-Chen, et al., to imprisonment ranging from eight years to 12 years and six months, along with the deprivation of their citizens' rights ranging from five to eight years. In addition, Tsai, *-Tsung was sentenced to one year, along with the deprivation of his citizen's rights for two years and suspension of punishment for five years. The subject land shall be returned to the Wangan Township Office, Penghu County.

IV. The case of fraudulently claiming preferential oil for fishing boats

I 2008, the Fisheries Agency budgeted 1,752,830,000 NTD of oil subsidies for fishing purposes. However, the final account amount was as high as 2,544,750,000 NTD, which was about 800 million NTD higher than the budgeted amount. Regular marine fuel oil was subsidized by 14% by the Fisheries Agency, and was exempt from commodity tax and business tax. Among the more than 1,800 fishing boats and rafts in the Penghu area, some of the fishing boats gave up fishing and became only dedicated in selling preferential oil to make huge profits by the price gap. At the same time, they supplied fresh water and daily living materials to fishing boats from China in exchange for their fish catches, enabling fishing boats from China to continue to fish in the waters of Penghu. Since the budget of the government subsidies for marine fuel oil came from the tax payers, this cheating act was no different from putting the hard-earned money of taxpayers nationwide to their private pockets of the group that fraudulently claimed the preferential marine fuel oil. This was definitely not the original intention of the government's subsidy. On top of the depletion of fish resources in Penghu, this fraudulent act would inevitably affect the livelihood of fishermen in Penghu.

Hence, since August 1, 2008, the Penghu District Prosecutors Office had tried to learn about the situation of the fraudulent claim of preferential marine fuel oil, and had convened



two meetings on fraudulent claims of preferential marine fuel oil for powered fishing boats. Furthermore, the meetings concluded that after the prosecution, the Fisheries Agency should be notified as to report to the Council of Agriculture to withdraw or revoke the relevant fishing licenses based on the disposition guidelines, so that the violating fishing boats would no longer be able to claim preferential marine fuel oil from CPC Corporation with the fishery license, hoping to reap the effect of immediate deterrence to the violations. On February 25, 2009, the next day after the second meeting, under the Prosecutor's direction, an investigation team was set up, which initially aimed at the 40 fishing boats that had been reported. When these fishing boats declared for departure from the port, the investigation team was to conduct inspections of the engine specifications, voyage records, main oil tanks, auxiliary oil tanks, and whether there were fishing tools on-board, etc. When these fishing boast returned to the port for customs declaration, the investigation team was to check whether there were any fish catches in addition to these items checked upon departure. If all the cabins of the fishing boats were changed to fuel tanks, it could be deemed that such boat was not meant for fishery use, and should be transferred to Penghu District Prosecutors Office for investigation. Meanwhile, letters would be sent to the Fishery Agency to request withdrawal or revocation of the fishing license according to the law.

From January 1, 2009 to August, 2011, the Penghu District Prosecutors Office had investigated and concluded 119 cases and 135 people, prosecuted 93 cases and 102 people, announced deferred prosecution for four cases and four people, applied for summary judgement on three cases and three people, and ruled "not to prosecute" for 19 cases and 26 people in total. If these achievements on the average could save 40 million NTD in government public money each month, then about 500 million NTD of public money could be saved each year. In addition, in all cases of fraudulent claim of preferential marine fuel oil for fishing boats prosecuted by the Penghu District Prosecutors Office, the fraud claims totally amounted to more than 500 million NTD. Based on the investigation results by the Penghu District Prosecutors Office, the Fisheries Agency of the Executive Yuan shall recover the illegal gains of these fraudulent fishermen through due process of law.

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Taíwan Penghu Dístríct Prosecutors Office

V. The air crash of TransAsia Airways on July 23

A t 17:43 on July 23, 2014, flight no. GE-222 of TransAsia Airways departed from Kaohsiung International Airport to Magong, Penghu. At 19:06 on the same day, the airplane lost contact with the tower of Magong Air Station. At 19:08, it crashed in Xixi Village, Huxi Township, Penghu County, and crashed into nine residential houses, resulting in the death of 48 people on board, including Pilot Li, *-Liang, Co-Pilot Chiang, *-Hsing, crew members, and passengers, as well as the injuries of 10 people on board with minor and major injuries, and five villagers from Xixi Village injured. This accident casued heavy casualties.

After receiving the notification and confirmation of the plane crash, the Penghu District Prosecutors Office immediately discussed with the Police Bureau of the Penghu County Government, directed the police and fire squad to search for evidence, to place the corpses and remains of the victims in body bags in the correct order of the time being found. The body bags were numbered and photographed, ready for identification, evidence collection and examination. At about 9:45 p.m. on July 26, 2014, the examination and claim of the remains were completed.

On the day of the incident, the Central Weather Bureau issued a land warning for the typhoon Matmo to Penghu local residents. Although the warning was lifted at 17:40, the weather condition at that time was still extremely unstable, and thunderstorms were stranded in the air. Ching, *-Wu, a high-ranking officer, was not familiar with the standard of minimum visibility required for civil aircrafts to use the runway in landing. Under the extremely unstable weather at the time, landing on runway 20 inside the airport would objectively increase the risk of landing failure and air crash, in comparison to the landing on runway 02. Nevertheless, Ching, *-Wu did not grant permission to the flight to use runway 02 for landing.

At 19:03:39 on the same day, Li, *-Feng, the airport controller, granted the aircraft permission to land, but carelessly failed to inform the crew members that the visual range of the runway had dropped to 600 meters. Pilot Li, *-Liang and Co-Pilot Chiang, *-Hsing also did not notice that the minimum descending height for VOR approach to runway 20 was 330

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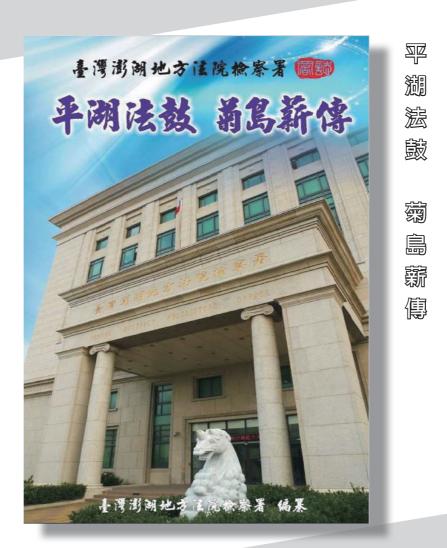
feet (approximately 100 meters). In case of failure to obtain the visual references required for the identification of the runway environment, the pilots should not continue to land and instead shall go around. Moreover, when the aircraft passed the missed approach point (about 2,000 meters from the end of the runway), they failed to execute the procedure for missed approach point, causing the air crash.

At the conclusion of the investigation, the undertaking Prosecutor believed that the defendants, Pilot Li, *-Liang et al. were responsible for giving rise to the air crash due to business negligence , thus committing the crime of death from business negligence in accordance with Paragraph 2 of Article 276 of the Criminal Code. Pilot Li, *-Liang and Co-Pilot Chiang, *-Hsing unfortunately died on the spot of the air crash, and were ruled not to prosecute. The Prosecutor prosecuted Ching, *-Wu and Li, *-Feng according to the law. The court of the first instance found Ching, *-Wu and Li, *-Feng not guilty, and the Prosecutor appealed. On August 7, 2016, the Kaohsiung Branch Court of the Taiwan High Court dismissed the appeal. The case was finalized.



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Section 8 Cover page of the History of Prosecutors Office and the link of global website



The Chronicle of the Taiwan Penghu District Prosecutors Office

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https://www.phc.moj.gov.tw/292419/292571/292577/573293/

