

# 技術鑑定業務 Technical Appraisal

Humanism

Quality

Sustainability

## ■ 壹、工程技術鑑定業務

### 一、機制

為促使公共工程順利推動，消除以往各工程主辦機關人員辦理工程時的保守心態，並扮演工程人員與司法人員溝通認知落差的橋樑，本會爰成立「工程技術委員會」，以政府督導機關中立之角色提供工程技術鑑定及專業諮詢意見，協助司法檢調機關處理公共工程案件。

### 二、辦理情形

九十一年度總共接獲申請鑑定及諮詢案件合計44件，該案件統計資料（如圖一）

### 三、檢討

本會對鑑定成效曾做問卷調查，調查結果：曾囑託本會辦理鑑定的法官、檢察官或調查機關對技委會鑑定及諮詢業務滿意度合計滿意及非常滿意者達86%，顯見技委會的鑑定服務廣受囑託的司法機關好評並已建立工程專業諮詢之聲望。



## I. Assessment of Construction Technology

### 1. Mechanism

To help assure the smooth implementation of public construction, eliminate the conservative attitude held by personnel of agencies carrying out public construction in the past, and bridge the gap in understanding between construction and judicial personnel, the PCC has set up a Committee of Construction Technology to provide, from the neutral stance of a government supervisory agency, the assessment of construction technology and professional consultation needed to help judicial investigative agencies in their handling of public construction cases.

### 2. Status of Operations

The Committee accepted a total of 44 applications for assessment and consultation in 2002. The accompanying tables provide detailed statistics on those cases. (see chart 1)

### 3. Review

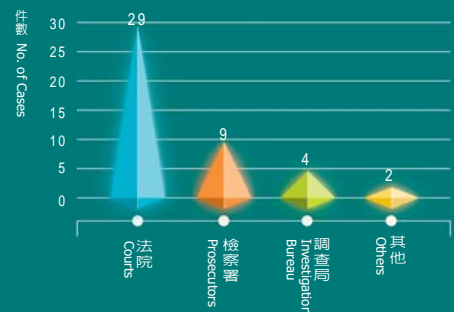
The PCC conducted a questionnaire survey of the results of the assessment work of the Committee of Construction Technology, and the results show that 86% of the judges, prosecutors, and investigative agencies requesting assessment by the Committee are satisfied with the Committee's assessment and consultation. This indicates that the assessment services provided by the Committee have won a favorable response from the requesting judicial



圖一 chart 1

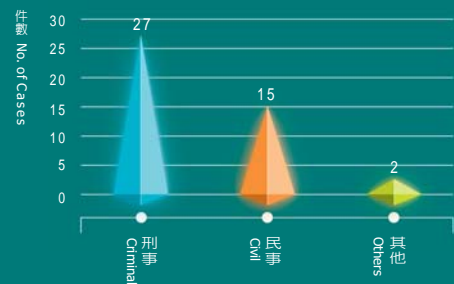
(一)

依屬託單位分  
Cases by Applicant Agency



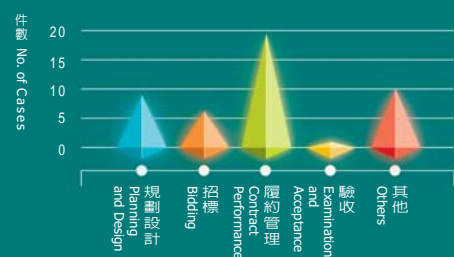
(二)

依案件類別分  
Cases by Type of Case



(三)

依問題類型分  
Cases by Type of Problem



## ■ 貳、九二一震災受損建築物安全鑑定業務

### 一、機制

本小組係依據「九二一震災重建暫行條例」第十七條之一規定，由工程會及內政部組成「九二一震災受損建築物安全鑑定小組」，另頒訂「工程技術鑑定作業手冊」據以受理當事人或主管縣（市）政府所提出，因震災受損建築物安全鑑定事宜有重大爭議案件。

### 二、辦理情形（如圖二）

### 三、檢討與未來工作重點

鑑定，乃使有特別知識經驗之第三人就某事項陳述其判斷之意見，並不涉及人民權利、義務，與應由各該主管機關依法規所應為之全倒、半倒判定，由行政機關就公法上具體事件所為之決定或其他公權力措施，而對外直接發生法律效果之單方行政行為，涉及人民權利、義務之行政處

分，係屬二事。鑑定小組之鑑定結果為最終鑑定，不得異議；鑑定小組之鑑定結論為可修復補強或須拆除之技術判斷，並非鄉（鎮、市、區）公所所為全倒、半倒之行政處分。

未來鑑定小組將繼續扮演協助當事人或主管縣（市）政府就因震災受損建築物應為可修復補強或須拆除之爭議等，提供專業技術意見，敦聘營建工程學、研、產、官各界碩彥、品德操守享有崇高尊譽的學者及專家辦理鑑定業務，協助解決爭議，加速災區重建。



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agencies, and that the Committee has built up a reputation for professionalism in construction consultation.

## II. Safety Assessment of Structures Damaged by the Sept. 21 Earthquake

### 1. Mechanism

In accordance with Article 17 of the Provisional Statute for Sept. 21 Earthquake Reconstruction, the PCC, together with the Ministry of the Interior, has organized a Committee for the Safety Assessment of Structures Damaged in the Sept. 21 Earthquake and has compiled a "Construction Technology Assessment Manual" to use as a basis for accepting cases, from the concerned parties or from county or city governments in charge of the relevant construction, which involve major disputes about the safety assessment of structures damaged in the earthquake.

### 2. Status of Operations (see chart 2)

### 3. Review, and Focus of Future Operations

Assessments allow third parties with specialized know-how and experience to give their opinions on the judgment of certain matters, and do not involve the rights and obligations of the public. These judgments are different from the unilateral decisions or other

public-authority measures taken by administrative agencies in regard to concrete public-law matters, which have legal effect and involve the rights and obligations of the public, in regard to determinations made by the agencies in charge, in accordance with the law, about whether structures are wholly collapsed or partially collapsed. The results of assessment by the Committee for the Safety Assessment of Structures Damaged in the Sept. 21 Earthquake are final, and no objections are permitted. The conclusions of the Committee are technical judgments about whether structures are repairable or have to be demolished, and are not the same as administrative actions taken by township, town, city, or district administration offices about whether structures are wholly collapsed or partially collapsed.

In the future, the Committee for the Safety Assessment of Structures Damaged in the Sept. 21 Earthquake will continue helping the parties involved as well as the county and city governments in charge by providing professional technical opinions regarding disputes about whether structures damaged in the earthquake are repairable or should be demolished, and by recruiting highly accomplished construction engineering scholars and experts with reputations for impeccable integrity from the academic, research, industrial, and governmental sectors to carry out assessment work and assist in resolving disputes so as to speed up reconstruction in the earthquake-affected areas.

圖二 chart 2

九二一震災受損建築物安全鑑定小組辦理情形，截至91年12月31日

Operations of the Committee for the Safety Assessment of Structures Damaged in the Sept. 21 Earthquake, up to 31 Dec., 2002

