

Can We Manage Coastal Area? Will We?—The Institutional Change of the Coastal Area Management of Taiwan

Yuh-fen Kao

National Chengchi University, Taipei, Taiwan, R.O.C.

The Coastal Zone Management Act was finally promulgated in 2015, while Ministry of the Interior was asked to draft a coastal management act in 1991 by Executive Yuan. It was until the government's lifting of martial law in 1987, vigorous activities started prevailing on coastal areas. And relevant legal documents were on sea reclamation for development in the 1980's by Council of Agriculture. The approval of "Taiwan Coastal Area Natural Environment Protection Plan" showed an era of environmental protection in 1980s. However, it was surely not market driven, similar to land development, but some efforts by the administration systems. Through all the years, the efforts were put on drafting plans and these efforts were not quite sounding. The coastal disasters and further climate change caught the attention of relevant NGOs, scholars, politicians, and the society. At the critical juncture the government was made to react to outside demands. And then the Coastal Zone Management Act was passed by Legislative Yuan, establishing an integrated coastal management system in Taiwan. As such, it is proposed to look into this long process of the attempt with the concept of institutional change in order to understand this coastal environmental preservation and protection issue in a broader scope.

Keywords: Integrated Coastal Zone Management (ICZM), institutional change, new institutionalism, coastal area

Introduction

Background

Being composed of numerous islands, Taiwan has abundant seashores and coastal areas. The phrase of "coastal area" used here includes shore land area and offshore areas as a general concept¹. However, the coastal areas were under the patrol of Garrison, affiliated to the Army due to the cross-strait relations ever since 1949. And people were not closed to the sea and the coastal areas. It was until the government's lifting of martial law in 1987, vigorous activities started prevailing on coastal areas.

Therefore, there seemed no need for a set of regulations for coastal area management, while fishing activities were under Fisheries Act. At the time, offshore area was under the jurisdiction of central government and shore

Yuh-fen Kao, Doctoral candidate, Department of Land Economics, National Chengchi University, Taipei, Taiwan, R.O.C.

Correspondence concerning this article should be addressed to Yuh-fen Kao, Department of Land Economics, National Chengchi University, No. 64, Sec. 2, Zhinan Rd., Wenshan Dist., Taipei 11605, Taiwan, R.O.C.

¹ There is a definition of "Coastal Zone" in the Coastal Zone Management Act. According to Article 2, Coastal Zone is "A zone of land, water, seabed, and subsoil designated and announced by the Central Competent Authority based on environmental characteristics, ecological integrity, and management requirements in accordance with the following principles; boundaries for marine area may be drawn using the coordinates of points to link a straight line. (1) Shore land area: The area from the average high tide line to the first provincial highway, coastal road, or mountain ridge. (2) Offshore area: The area from the average high tide line to the 30-meter isobaths or 3 nautical miles towards sea whichever is longer in distance, but not exceeding territorial sea and its seabed and subsoil. (3) Shore land area and offshore area of offshore islands: ...".

land area was under the jurisdiction of local governments. The shore land areas were treated the same as other lands with special landscapes in urban planning. And yet, some parts of the offshore areas were planned in urban plans and were under the regulation of land use planning. Other than that, the usages of and activities on offshore areas were not regulated.

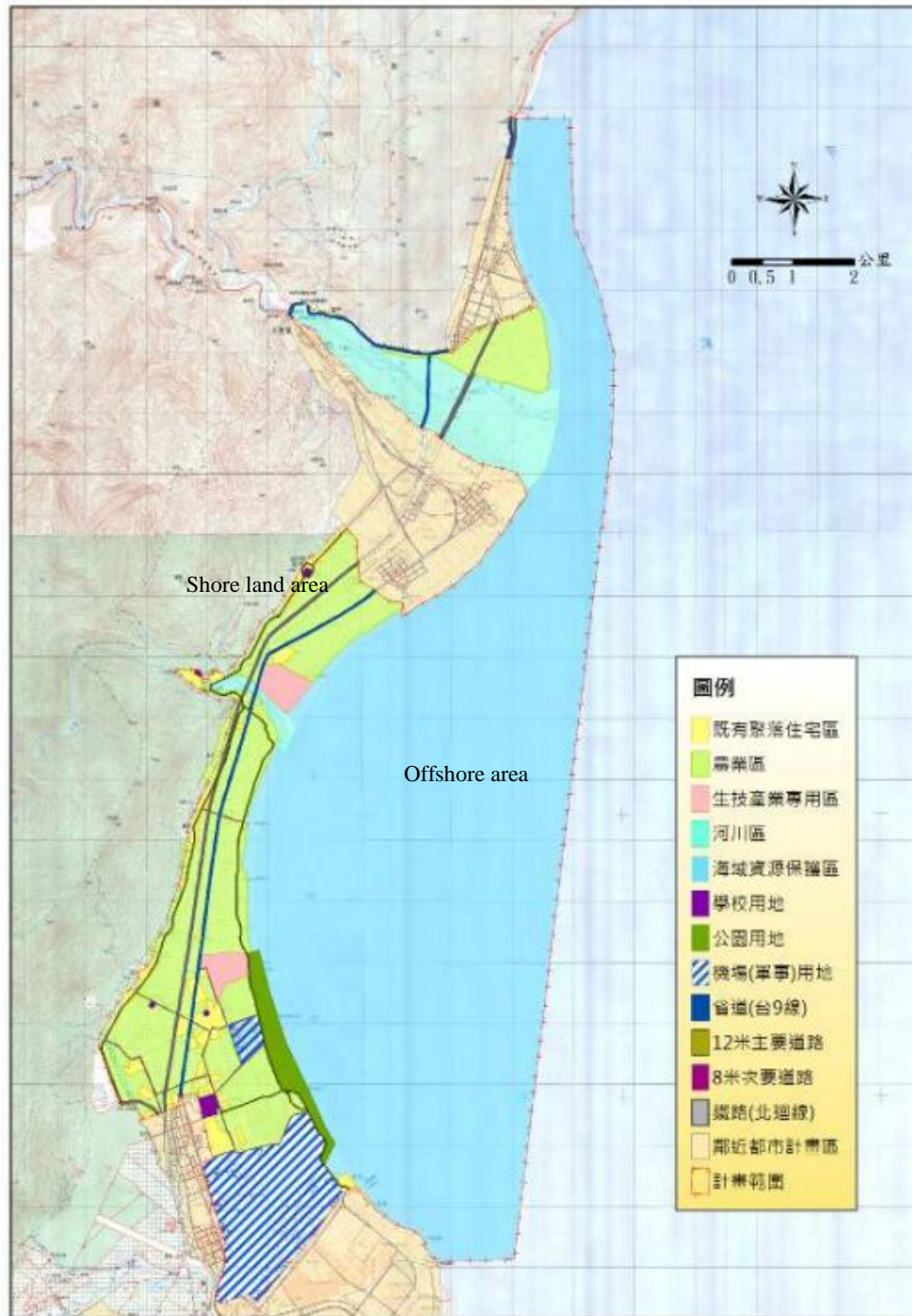


Figure 1. The urban plan of Chi-Hsin Lake (Seven-Star Lake).

Resource: Hualien County Government (2009). The Promulgation of the Urban Plan of Chi-Hsin Lake Scenery Special District. Available at: <https://nlma.gov.tw> (Website of National Land Management Agency).

The Territory Planning System of Taiwan

The above figure shows the territory planning system. Under the Strategic Plan is the level of regional planning by the central government². Then the urban planning is in charge by local governments. The non-urban area is also in charged by local governments complying regulations while the change of landuse of non-urban area exceeding 10 ha. should be sent for review and approval of the central government.

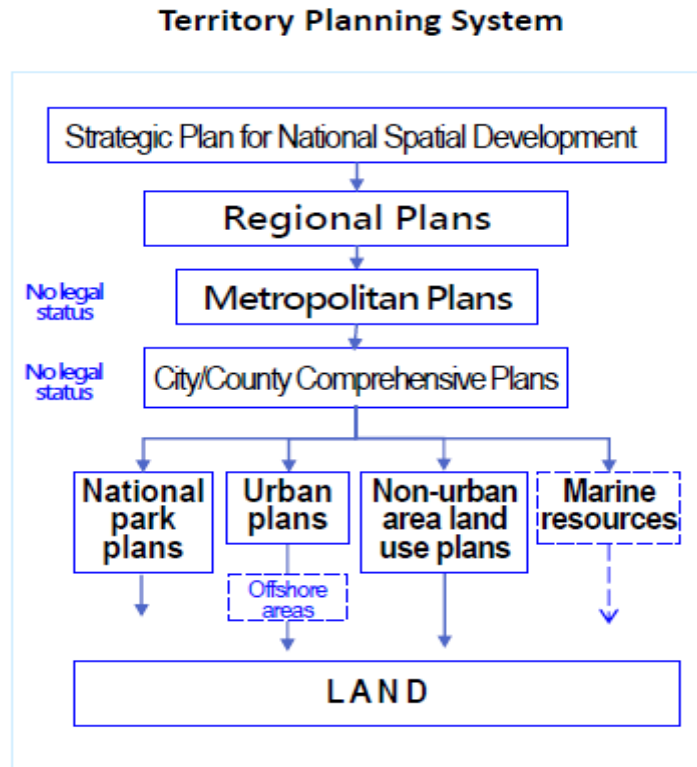


Figure 2. Territory planning system of Taiwan.

Further, according to the data from The Spatial Planning White Paper (CPAMI, 2023, p. 16, 46), urban plan areas consist of 13% territory land, and non-urban areas consist of 87% territory land. And more than 80% population are living in urban areas of Taiwan.

Method

The new institutionalism emphasizes on the system itself, the framework of norms, article and the actors, and that the observance, modification, and destruction of the system or the social and economic changes have a significant impact on the maintenance and development of the system. This paper analyzes the issues of coastal management and regional development from the perspective of new institutionalism, and examines the policy process of eventually forcing the administrative system to make adjustments and responses. And the role of the central government played a major part in this attempt of coastal zone management act.

² The Spatial Planning Act was promulgated on January 6, 2016 and came into effect on May 1, 2016. The National Spatial Plan was announced in 2018, and accordingly, Municipality And County (City) Spatial Plans were implemented within 3 years. These two levels of plans shall replace the Regional Plans and City/County Comprehensive Plans in a sense. Upon the announcement of landuse maps of County (City) Spatial Plans, the new system of territory planning shall be in effective on May 1, 2025.

Regarding the institutional changes in the coastal management system in Taiwan, this article will focus on the period from the lifting of martial law (1987) to the promulgation of the Coastal Zone Management Act (2015), so as to understand the legislative operations, policies, and plans related to coastal management in the three decades. Through an analysis of the context and the time frame of attempts made on protection and management of coastal area, we could understand how the management framework or system became to its status quo, and eventually come out the interpretation of the causal relations.

Attributes of Coastal Zone

The Importance of the Coastal Area

The coast is where the sea and the land meet, and they are the boundary with each other. The coast is an interface between marine and terrestrial areas in which sensitive ecosystems providing critical habitat for many species. The coast provides important ecosystem services, such as coastal protection, fisheries, and resources of other living activities, agricultural lands, landscapes, and public heritage. The ecological environment of coral reefs, mangroves, beaches, wetlands and other ecological environments in coastal areas maintains the balance of human usages, species survival, and environmental ecology. The intertidal zone is the most likely place for human destruction, for example, coastal garbage, sewage discharge, and dumping of waste soil threaten intertidal species' survival. Moreover, the intertidal zone is an important site for the mitigation of climate change.

Integrated Coastal Zone Management

The concept of Integrated Coastal Zone Management (ICZM) was set in Earth Summit of Rio de Janeiro in 1992. Agenda 21, by the United Nations in 1992, pointed out that the marine environment composed of oceans, offshore, and coastal areas is an inseparable part of the earth system and an opportunity of sustainable development for human. Further, Agenda 21 states that coastal countries and states should establish Integrated Coastal Zone Management (ICZM) systems for the protection and sustainable development of valuable coastal and marine resources. The concept of Integrated Coastal Zone Management (ICZM) has been then implemented in countries around the world because of the promotion of international organizations. ICZM is a resource management system with an integrative, holistic approach, and an interactive planning process in addressing the complex management issues in the coastal areas (Cicin-Sain, 1993). EU defines ICZM as “a dynamic, multidisciplinary and interactive process to promote sustainable management of coastal zones” (European Environment Agency, 2024).

Efforts on the Coastal Areas Management in Taiwan

This article will focus on the period from the lifting of martial law to the promulgation of the Coastal Zone Management Act, in order to understand the legislation, policies, and plans related to coastal management in the three decades. The Table 1 in Appendix shows a chronical of efforts by the central government no matter how effective they ever functioned (please refer to Appendix).

“Taiwan Coastal Area Natural Environment Protection Plan”

The construction of the institution of coastal management can be traced back to the approval of “Taiwan Coastal Area Natural Environment Protection Plan (I) and (II)” in 1984 and in 1987 (Construction and Planning Agency, 1984; 1987).

Destruction of the sea erosion platform in the northeast coast. The Northern Coastal Highway (i.e., Taiwan Line 2) was opened to traffic in 1970, and the important coastal natural landscape resources were endangered by large amount of traffic, leisure activities, etc. In particular, the sea erosion platforms, were

excavated by the people as Nine-Hole *Haliotis* breeding ponds, and which was widely reported by the media. The Premier, Sun Yun-hsuan, of the Executive Yuan attached great importance to it. The Premier Sun of the Executive Yuan instructed at the Yuan Meeting in April 22, 1982 that the natural landscape along the northern coastal highway has been seriously damaged, and the relevant units are requested to ban it (CPAMI, 2022). The Ministry of the Interior was requested to select those with special value in Taiwan's coastal areas, promptly carry out surveys and replacements of protection areas, and formulate protective measures.

Using plans to protect the natural environment of coastal areas. Construction and Planning Agency (CPAMI) was separated from Ministry of the Interior (MOI) as an independent department in 1981. The task was assigned to Division of National Park, CPAMI. Wu³ was the planner working on the coastal protection planning.

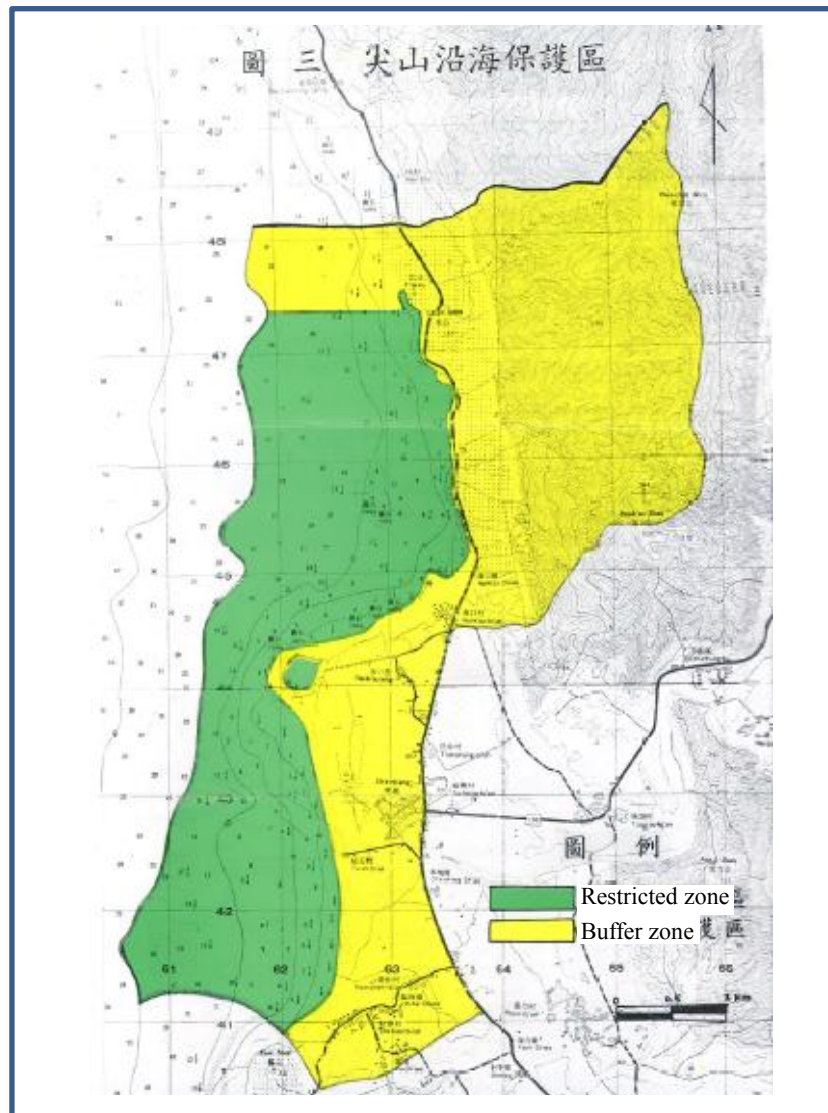


Figure 3. The plan of Jan-Shan coastal protection area.

Resource: Construction and Planning Agency (1984). *Taiwan Coastal Area Natural Environment Protection Plan (I)*. Scanned from its plan.

³ Wu, C. A., former Director of Marine National Park Headquarters, "Discussion on the Promotion of the Coastal Management Act and Its Progressive Actions" (2022, pp. 127-150).

During the time, the Garrison affiliated to the Army participated in meetings, and it was not until the lifting of martial law in 1987 that they withdrew from the planning of the coast⁴ (CPAMI, 2022, p. 132). The construction of the institution of coastal management can be traced back to the approval of “Taiwan Coastal Area Natural Environment Protection Plan (I) and (II)”, approved by the Executive Yuan in 1984 and in 1987. These two plans set designation of 12 coastal protected areas. This plan was the first attempt for the protection of coastal areas in Taiwan, with an emphasis on natural resources preservation. Each coastal protection area consists of a plan defining the boundary and a set of guidelines.

The definition of coastal zone which includes coastal land and coastal waters was established early at the time (refer to Note 1). Addressed in the Guidelines for the public sectors, it was necessary to draft natural environment protection act for coastal areas as soon as possible. However, its legality has always been questioned because the plan was approved based upon the administration power but not any statute.

The emergence of the idea to draft coastal area management law. In 1989, the 34th Committee Meeting of the Environmental Protection Group of the Executive Yuan made a conclusion: “...The Coastal Area Management Law, which is planned to be drafted by Construction and Planning Agency of Ministry of the Interior, has been listed as one of the key tasks for 1989”. After the work plan was approved by the director of CPAMI, Wu started to working on the draft of Coastal Zone Management Act in 1990. The draft was with reference to the research report on coastal management regulations in 1984 by Professor Ke Je-dong of the Department of Law, National Taiwan University, and referred basically to the Coast Zone Management Act of the United States of 1972 (CPAMI, 2022, p. 68, 72-74). At that time, the legislative work was sponsored by the National Park Division of CPAMI which focused on resource conservation and protection. Therefore, emphases of the legislative work of Coastal Act were on the sustainable use of coastal resources and the protection of people’s public right of way. And finally the original version of the Coastal Act (Draft) completed in February, 1991.

The planning concept tended to the management model of national parks. The coast of Taiwan was divided and planned into northern, central, southern, and eastern regions, and would set up a number of national park management offices. In other words, the management model is mainly based on natural resource conservation and the establishment of a dedicated organization for management, but the Executive Yuan did not support this management model⁵ (CPAMI, 2022, p. 172).

Using Measures of Sea Reclamation to Regulate Developments

Management measures of sea reclamation for development. On the one hand, the coast was regarded as marginal land, and thus there were NIMBY facilities established such as garbage dumps, and on the other hand, cities and counties, having not enough hinterland for development, turned to the coastal areas for land reclamation. For example, Chang-bin Industrial Parks and Yun-lin Mai-liao Industrial Parks. Therefore, the Executive Yuan instructed the Ministry in 1991 to be responsible for the legislative work of the Coastal Act and also the “Management Measures of Sea Reclamation for Development”.

At this point of time, the Director Pan of CPAMI handed over this task to the Division of Comprehensive Planning, considering that the tasks assigned by the Executive Yuan were not only for natural conservation, but

⁴ Because Garrison controlled the activities on the coast, which happened to protect the landscape and natural resources of the Taiwan’s coast.

⁵ Lin, B. H., former Director of Comprehensive Planning Division (reorganized as National Land Planning Division), “Discussion on the Promotion of the Coastal Management Act and Its Progressive Actions” (2022, pp. 171-191).

also included the management of development. And all kinds of developments on the coastal areas were carrying out one after another. We cannot wait for the passage of the Coastal Act. In particular, large-scale developments of Sea Reclamation often cause groin effects. Then it was decided that the “Management Measures of Sea Reclamation for Development” was the first to go (CPAMI, 2022, pp. 111-112). Further, on April 30, 1993, the Ministry of the Interior decree issued the “The Management Measures of Sea Reclamation for Development”.

Using Measures to cope up with the demand of lands. The Measures was to deal with the reclamation of land to cope with the need of constructing industrial zones in Taiwan, and was not a holistic coastal management. Article 1 of the Measures states that “these Measures are formulated for the purpose of developing and managing reclaimed land and promoting the conservation and utilization of land and natural resources”. “Reclaimed Land” refers to land that has been drained by natural sedimentation or construction of embankments in coastal areas. Examining the framework of the measures, it mainly regulates the developments of reclaimed land, not coastal protection, preservation of coastal ecologies, or intertidal conservation, etc. In fact, there was not much attention put on the concepts and purposes of coastal environmental protection.

“Taiwan Coastal Zone Management Plan” (Draft). After taking over the tasks of coastal managements, CH2M HILL Cos., Ltd. in USA was entrusted to carry out the survey and planning of Taiwan’s coastal resources, and to develop the “Taiwan Coastal Zone Management Plan”. The CPAMI prepared this draft plan in 1999 for the purposes of protection, natural resource conservation, disasters protection, and resource development of coastal environment. The Plan was reported to The Committee of Regional Planning and the members were very supportive. However, the Plan was sent to the Executive Yuan for reviewing, but returned for the plan’s lacking of legal status⁶. Yes, the Coastal Act was in the process of legislation. There was no legal basis for the plan and it was not a statutory plan, so it was temporarily put down.

Integrated Development Program for Sustainable Coasts

In the absence of a specific law on coastal management at that time, the administrative authority could only use “policies” and “plans” as environmental management tools.

Using policies as tools to confine public projects. Amongst these efforts, the Executive Yuan approved “The Integrated Development Program for a Sustainable Coast” in 2007. One of the goal is to ensure zero loss of the natural coast line. The program is a positive action in response to the trend of sustainable development. “The Integrated Development Program for a Sustainable Coast (2nd ed.)” was approved by the Executive Yuan in 2013. This program was a set of policies on the infrastructure of fishing ports, roads along the coast, seawalls, leisure and tourism, survey and planning for coastal areas. These policies should be complied by all level of governmental agencies in the planning and reviewing for budget allocation of their projects and constructions. And these policies were brought into line with the governments decisions.

Using policies with budgetary subsidy to encourage restorations. A Pilot Program for the Restoration and Landscape Improvement in Coastal Areas (2004-2009) was approved by the Executive Yuan on July 7, 2008. The plan was aimed at conservation of the coastal environment and restoration of its landscape. It was executed in a form of budgetary subsidy according to the competitions of proposals by local governments. In addition, a group of professional and scholars on sustainable coasts was set up by CPAMI in the service for local governments. The 2nd phase of the 6-Year Program (2009-2014) was approved again in 2009, even though the

⁶ The review process of the plan by the Executive Yuan needs to be clarified.

name was changed to “Water and Green Design Plan—The Restoration and Landscape Improvement in Coastal Zones” due to the change of political parties of the central government.

Using a statutory planning to include coastal management. It was until April 4, 2009, when Chi-Hsin Lake (Seven-Star Lake) urban planning project was sent for reviewing by Hualien County Government. A bay area was included and planned in the draft plan. Then the central government (CPAMI) noticed and raised the question that local governments have the right to do the planning of offshore areas. And yet, that has been the case for many urban plans for years (refer to Figure 1). So, marine area was included in the planning area of regional planning, and Marine Zone was added in “The Changes of the Northern, Central, Southern, and Eastern Region Plans of Taiwan (the 1st Review)”, approved in 2010.

Further, the “National Guidance of Regional Plans”, approved by the Executive Yuan in 2013, stipulates a special chapter on “Coastal Areas”. The chapter drew up a set of land use guidelines for coastal areas in consider of natural environment preservation and disaster protection. The “National Guidance of Regional Plan” is formulated in accordance with the Regional Planning Act, and therefore the chapter is incorporated coastal area management into the territorial planning system. The “National Guidance of Regional Plan” also initially established a framework for coastal management⁷.

The Coastal Zone Management Act

The protest to the developments on Sugihara Coast, Tai-dong County. Sugihara Coast is on the south of Duran Bay and is “belonged” to the A-mei tribe and their adjoin-land. There were six land development applications along the short coast of Sugihara Coast. How individual development projects affected the overall coastal environment was not addressed fully in their development plans and did not meet the expectations of citizen groups for coastal environmental management. The point was lacking of a comprehensive plan for the coastal area. Further, should and how should Sugihara Coast and Duran Bay be developed? The question was never asked to the aborigines who inhabited here generation by generation.

The Development Project of Beautiful Bay Resort, one of the six developments on Sugihara Coast, is a BOT project contracted by Tai-dong County. The process of the development project avoided the environmental assessment. It was the first case of winning administration litigation by locals and NGOs in 2009. However, Tai-dong County government insisted the development of the resort and issued the building permit in 2010. Finally, the Supreme Administrative Court made the judgement in 2012 that the approval of the environmental assessment of the resort by Tai-dong County was illegal. The protest of the developments on Sugihara Coast, located in Tai-dong County, Taiwan around 2011, was another driven force for the legislation of a coastal management act.

The Coastal Zone Management Act passed finally. The Executive Yuan sent the Coastal Act (Draft), revised by the Division of Comprehensive Planning, to the Legislative Yuan for deliberation on June 10, 1997 for the first time. And of course the draft was not approved. And then they sent it again for deliberation in the year of 1997, 2000, 2002, 2008, 2014.

Finally, the Coastal Zone Management Act was passed and enacted on February 4, 2015. Addressed in Article 1, “This Act is enacted to maintain natural systems, ensure zero loss of the natural coast, respond to climate change, prevent coastal disasters and damage to the environment, protect and restore coastal resources,

⁷ The author of this article prepared the draft of the chapter on coastal areas while working in the Comprehensive Planning Division, CPAMI.

implement integrated coastal zone management, and promote the sustainable development of coastal zones”. The Coastal Zone Management Act builds up a framework of integrated management.

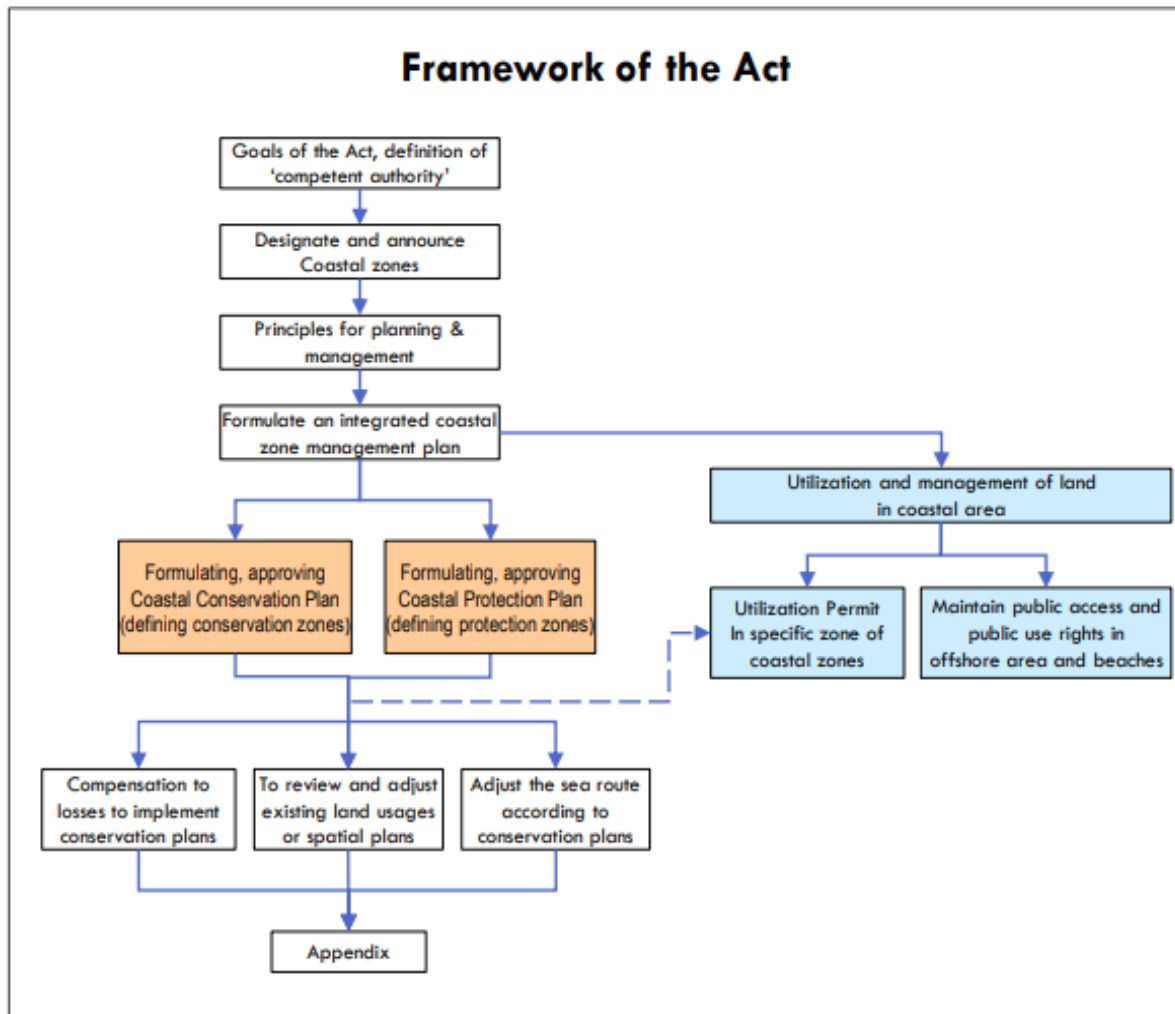


Figure 4. The Framework of The Act.

Resource: Construction and Planning Agency (2016). *News Released on December 28, 2016*. Available at: <https://ws.moi.gov.tw> (Website of Ministry of The Interior, Taiwan, R.O.C.) Reproduced from its figure.

The Coastal Zone Management Act establishes an integrated coastal management system in Taiwan. The Act defines the scope of integrated coastal management into two major parts, coastal preservation and coastal protection which are implemented by the coastal preservation plan and the coastal protection plan.

In Article 7, a set of nine principles was set for the planning and the management of coastal zones.

Discussion and Conclusions

On Coastal Zone Management

The enforcement of Coastal Zone Management Act in 2015 is a milestone of coastal area management in Taiwan. The institutionalization of coastal management can be traced back to the approval of “Taiwan Coastal Area Natural Environment Protection Plan (I) and (II)” in 1984 and in 1987, and the designation of 12 coastal

areas for protection. With an emphasis on natural resources preservation, the plan was the first attempt by governments for the protection of coastal areas in Taiwan in responding to the destruction of the sea erosion platform and the angers of the society. However, its legality has always been questioned because the plan was approved based upon the administration authority. Further, on April 30, 1993, the Ministry of the Interior decree issued the “The Management Measures of Sea Reclamation for Development”. The Measures was made to deal with the reclamation of lands to cope with the urgent needs of constructing industrial zones in Taiwan, and was not for a holistic coastal management. In the absence of a specific law on coastal management at that time, the administrative authority could only use “policies” and “plans” as environmental management tools. Amongst these efforts, the Executive Yuan approved the “The Integrated Development Program for a Sustainable Coast” in 2007 which was an important progress in response to the trend of sustainable development. The “National Guidance of Regional Plan” in 2013 stipulated a special chapter on “Coastal Areas”. The chapter drew up a set of land use guidelines for coastal areas in consider of natural environment preservation and disaster protection. Therefore, the chapter incorporated coastal area management into the territorial planning system. The “National Guidance of Regional Plan” also initially established a framework for coastal management with legal basis. Throughout all the years, the efforts were put on drafting plans and these efforts were not quite sounding. The protest on the development of Sugihara Coast, coastal disasters, and the issue of sea-level rising caught the attention of the locals, scholars, and NGOs, and further climate change. And finally, the Coastal Zone Management Act was enacted in 2015 with all the efforts of three decades. And the Act set an administration framework of coastal management as a mechanism for coastal affairs. At the critical juncture the government was made to react to the outside demands.

The process of institutional change of the coastal management system in Taiwan was to meet the needs of socio-economic changes, but the change of the system gave rise to new management and development issues as well.

Through analyzing the socio-economic process of the institutional adjustments, we can understand the socio-economic forces and government policies in driven of the institutional change of coastal management in Taiwan. It seems that the process of the institutional change of coastal management was a result of government policies and statues. It is more likely seen as forced institutional change, however. When the legislative initiative of the coastal act was not possible, it was turned to the territorial planning system. We may understand it as evidences of path dependence, but the legislation process of costal management act exposes the lacking of political will of the administration system to a certain extent.

Afterword

To give a picture of the development in Taiwan during the three decades, the fact that Hsinchu Science Park, the first Science Park in Taiwan, was opened in December 15, 1980. Taiwan Semiconductor Manufacturing Company Limited (TSMC) was founded in 1987, with headquarters and main operations located in Hsinchu Science Park, Taiwan. After three decades, TSMC’s market capitalization (US\$168.4 billion) surpassed the giant Intel (US\$165.7 billion) for the first time in March 2017. Having been a pro-development administration, the government did go through a long way to pass the coastal management act. The National Park Agency, Ministry of Interior was established, separated from the Construction and Planning Agency (now as National Land Management Agency), and took over the affairs of coastal management finally.

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Appendix

Table 1

Programs and Plans for Coastal Areas in Taiwan

Year	Program/plan	Attribution
1984 (I) 1987 (II)	Taiwan Coastal Area Natural Environment Protection Plan (I) & (II)	Plan with no legal basis, but approved by the government
1993	The Measures for the Development of Sea Reclamation (by Ministry of the Interior)	Law
1997	The Coastal Act was sent for the first time to review by the Legislative Yuan	
1999	Taiwan Coastal Zone Management Plan (1999 Draft)	Plan (draft)
2006	Taiwan Coastal Zone Management Plan (2006 Draft)	Plan (draft)
2007 (1st ed.) 2009	The Integrated Development Program for a Sustainable Coast (1st ed. & revised ed.)	Policy
2008	A Pilot Program for the Restoration and Landscape Improvement in Coastal Areas (2009-2014)	Policy w/ budgetary subsidies
2013 (2nd ed.)	The Integrated Development Program for a Sustainable Coast (2013-2016)	Policy
2013	National Guidance of Regional Plan (a specific chapter on Coastal Areas)	Plan w/ legal status
2014	The program for the restoration and landscape improvement in coastal areas (2015-2020)	Policy w/ budgetary subsidies
2014	The Coastal Act was sent for the fifth time to review by the Legislative Yuan	
2015	Coastal Zone Management Act was passed by the Legislative Yuan	Law
2017	The Integrated Coastal Management Plan	Policy
2023	National Park Agency, Ministry of Interiors was established.	Administration Reorganization

Reference: by the author of this paper.