

# ASE's Misconduct in Taiwan

## Chronicle of ASE's Misconduct

Time	Event
2011-2013	<p>日月光三年(2011-2013 年)25 次環保違規紀錄，平均一年 8 次，共裁罰新台幣 541 萬，可知日月光長期汙染河川已屬累犯，卻沒有任何具體改善，顯示日月光的環境管理系統失能、無效。</p> <ul style="list-style-type: none"> <li>•The ASE has a record of 25 environmental violation incidents from 2011 to 2013, averaging approximately eight violations annually. The fine was NT\$5,410,000 in total.</li> </ul> <p>※ Please see page 7 ” <b>Non-compliance Record of ASE Plants in Kaohsiung</b>” for more information.</p>
2013/10/1	<ul style="list-style-type: none"> <li>•An investigation conducted by the Kaohsiung's Environmental Protection Bureau (EPB) showed abnormalities in ASE' wastewater. The wastewater discharged into the Houjin River was found containing high levels of nickel and other toxic substances. In followed investigations, the EPB discovered that the ASE has added tap water to dilute the wastewater in order to pass the audit.</li> </ul> <p>高雄市環保局查獲日月光疑似將自來水加入廢水稀釋，供稽查人員採樣，再私下將完全沒處理的強酸直接排入後勁溪。</p> <ul style="list-style-type: none"> <li>•Kaohsiung District Prosecutors' Office begun to investigate the case.</li> </ul>
2013/12/10	<ul style="list-style-type: none"> <li>•After a serial of investigation the EBP of Kaohsiung, The ASE's K7 plant was accused of illegally discharging large amounts of untreated industrial wastewater containing nickel and highly acidic, toxic substances into the Houjin River. It affected irrigation water</li> <li>•In respond, the ASE claimed that the accident was caused by improper and negligent management.</li> </ul> <p>日月光指稱高雄 K7 廠排廢汙水，乃應變不當與管理疏失所致。</p> <ul style="list-style-type: none"> <li>• EPA was on the side of Kaohsiung City government which determined to protect the environment by ordering unlawful companies to suspend the operation. EPA also suggested that other local governments should take the same actions.</li> </ul> <p>環保署支持高雄市捍衛國土，以勒令停工嚴懲惡意不法廠商 並籲請各縣市比照辦理。</p>
2013/12/11	<ul style="list-style-type: none"> <li>• MOEA said that it was impossible to ask ASE to return the subsidies that it had enjoyed for several years.</li> </ul>

	<p>經濟部表示無法追討日月光多年來享有的租稅優惠。</p>
2013/12/12	<ul style="list-style-type: none"> <li>• MOEA said that the government should clarify whether ASE's misconduct was on purpose. If not, the government should not tackle this issue arbitrarily given the fact that this might jeopardize foreign investments in Taiwan.</li> </ul> <p>經濟部表示必須先釐清日月光違法行為是否屬於蓄意，若非蓄意，政府不宜貿然處理，否則沒人敢到中華民國投資。</p>
2013/12/13	<ul style="list-style-type: none"> <li>• The EPB and the City's Prosecutors suspend that that the ASE had deliberately discharged toxic wastewater and illegally installed underground piping within its facilities.</li> </ul> <p>日月光 K7 廠長遭收押，檢、環單位查獲該廠涉嫌私接管線，透過加工區加壓站排放到大海，並朝疑公司高層涉嫌授意，且故意排放廢水方向偵辦。</p> <ul style="list-style-type: none"> <li>• The chief operating officer was detained by Prosecutors' Office.</li> </ul> <ul style="list-style-type: none"> <li>• The Citizen of the Earth together with trade unions, the farmers and the neighborhoods of the ASE (including Jianan Village Office at Qiaotou district, Kaohsiung City, Houjin Social Welfare Foundation, Trade Union of Electronic and Information in Taiwan, Kaohsiung City Confederation of Trade Union, Kaohsiung Federation of Labor Unions, and so on) hold a protest press conference in the riverside of the Houjin River and demand the company must compensate the farmers, clean up the environment and ensure workers' rights safeguarded during K7's shutdown.</li> </ul> <p>地球公民基金會、高雄市橋頭區甲南里辦公室、後勁社會福利基金會、台灣電子電機資訊產業工會、高雄市產業總工會、大高雄總工會等團體，結合當地農民和居民召開記者會，呼籲「日月光立即停工、薪水照給」。</p> <ul style="list-style-type: none"> <li>• The NGOs also suggested that the government amend the Water Pollution Control Act to impose heavier penalties according to the seriousness of the pollution caused and the size of the offending company.</li> <li>• Agricultural Bureau of Kaohsiung City has forbidden farmers from harvesting in those affected fields.</li> </ul>
2013/12/14	<ul style="list-style-type: none"> <li>• In response to ASE's incident, Industrial Development Bureau (IDB), MOEA, stated that it would cut the subsidy and restrain investment in ASE in the future if ASE was to be charged with "Major Malicious Misconduct". Meanwhile, the IDB formed a team to investigate the</li> </ul>

	<p>issue and invited experts to visit ASE's K5, K7 and K11 plants to check how ASE has handled its wastewater. (However, as of today, the IDB has not made the investigation report public.)</p> <p>經濟部工業局表示，若日月光遭高雄市環保局認定屬「惡意重大」違規，未來的任何投資及優惠申請將給予限制，同時工業局已成立「日月光公司廢水排放處理專案查核小組」，邀學者專家訪視日月光 K5、K7、K11 三座廠房的廢水處理，並提出報告。</p> <p>編按：經濟部書面報告資料始終沒有向社會公開。</p>
2013/12/16	<ul style="list-style-type: none"> <li>• ASE chairman Jason Chang held a press conference and apologized over the wastewater scandal. Chang claimed that it was only a single, isolated accident. He also promised to donate at least NT\$100 million each year in environmental protection over 30 years.</li> <li>• The ASE purchased an advertisement on The Wall Street Journal (<a href="http://on.wsj.com/MHrnfG">http://on.wsj.com/MHrnfG</a>) on Dec. 16 in which it denied charges that it had deliberately discharged toxic wastewater and illegally installed underground piping within its facilities. Emphasizing that the water pollution was a single accident and the ASE is a company dedicated to environmental protection with many certificates and awards.</li> </ul> <p>日月光董事長張虔生出面道歉，表示日月光絕對沒有蓄意或惡意排放污水。張虔生並強調，將每年捐助 1 億元、共捐助 30 億元，協助推動台灣的環保工作。但同時，日月光亦於本日在華爾街日報買廣告否認汙染。</p>
2013/12/17	<ul style="list-style-type: none"> <li>• EPA supports the amendment of the Water Pollution Control Act, which currently provided the maximum fine of up to NT\$600,000 dollars. EPA hopes to increase the fine under the principle of punitive damages. EPA also hopes that local government can prevent enterprises from liquidating using provisional seizure.</li> </ul> <p>環保署贊成修法提高《水污染防治法》上限六十萬元的罰鍰、增加「懲罰性處罰」，並希望地方能用「假扣押」，確保事業單位不脫產。</p>
2013/12/19	<ul style="list-style-type: none"> <li>• The CET and two Kaohsiung-based trade unions (Kaohsiung Federation of Labor Unions and Kaohsiung City Confederation of Trade Union) pay a visit to the Kaohsiung City Government.</li> </ul> <p>地球公民基金會、大高雄總工會、高雄市產業總工會拜會高雄市政府，要求日月光停工、保障勞工權益。</p> <ul style="list-style-type: none"> <li>• EPA asked the mayor of Kaohsiung City to present the evidences and clarify whether ASE's case was accidental or a deliberate misconduct.</li> </ul> <p>環保署要求高雄市長對外說明日月光埋暗管偷排是偶發或蓄意之</p>

	相關事證。
2013/12/20	<ul style="list-style-type: none"> <li>• ASE's K7 was ordered to partially suspend operations by the EPB of the Kaohsiung City.</li> </ul> <p>高雄市環保局勒令日月光 K7 廠部分停工。</p> <ul style="list-style-type: none"> <li>• ASE emphasized that its production remains under control despite the suspension of K7.</li> <li>• Ministry of Economic Affairs would continue offering assistance to ASE to help it resume operations as soon as possible.</li> </ul>
2013/12/22	<ul style="list-style-type: none"> <li>• Kaohsiung Mayor Chen Chu (陳菊) held a closed-door meeting with the ASE chairman Jason Chang. ASE expressed its expectation for resume operations at its K7 plant as soon as possible.</li> </ul> <p>董事長張虔生拜訪高雄市長陳菊。</p>
2013/12/23	<ul style="list-style-type: none"> <li>• ASE applied to resume operations three days after it was ordered to shut down.</li> <li>• ASE appealed against the shut-down order but withdraw the appeal later.</li> </ul> <p>日月光提出復工計劃書，同日訴願要求停止執行停工，但下午隨即撤回。</p> <ul style="list-style-type: none"> <li>• Chang Chia-juch, the Minister of Economic Affairs, implied that Taiwan's GDP would be undermined if ASE was to suspend its operation for over three months.</li> </ul> <p>經濟部長張家祝指出若日月光停工逾 3 個月，可能衝擊 GDP。</p>
2013/12/25	<ul style="list-style-type: none"> <li>• 經濟部專案查核小組報告：無具體證據顯示日月光 K7 廠有暗管偷排情形，10/1 違規事件屬「應變能力有問題」。高雄市環保局回應：日月光海放管線未經環保機關許可，屬不合法的「私設管線」；且日月光多次違反水汙法，從 2011~2012 年共被裁罰六次，還是未完全改善。</li> </ul>
2014/1/3	<ul style="list-style-type: none"> <li>• Kaohsiung District Prosecutors' Office indicted five of the ASE's employees for discharging untreated wastewater into the Houjin River. The company was also charged under the Waste Disposal Act. However, the ASE chairman Jason Chang (張虔生) consistently emphasized that he has known nothing about the pollution and was released. ASE executive vice president was released on NT\$5 million bail after questioning and chief operating officer and president were not indicted.</li> </ul> <p>高雄地檢署起訴日月光廠務處長及廢水組工作人員等 5 人，而張虔</p>

	生董事長強調對於廢水排放毫不知情，因此無罪不起訴。
2014/1/7	<ul style="list-style-type: none"> <li>•The CET associated with the Council of Kaohsiung City has held a public meeting, in which the CET demanding for information transparency and public participation over the review of ASE's misbehaviors. 高雄市議會及地球公民基金會合辦公聽會，呼籲透明審查日月光復工計畫。高雄市環保局表示在法規許可範圍內願意做到資訊公開。</li> <li>•ASE held Investor Conference. According to newspaper report, the ASE own orders of Apple WiFi module and fingerprint sensor (used in Apple iPhone 5S) with its high-end packaging technology SiP in last year.ASE may win the order of Apple iWatch with SiP modules inside.</li> </ul>
2014/2/12	<ul style="list-style-type: none"> <li>•CET hosts conference press and release the joint statement signed by 50 environmental and labor organizations from 18 countries. The executive director of International Campaign for Responsible Technology Ted Smith has joined the conference through real-time internet connection. The ASE was accused of being green-wash. 全球 18 個國家 50 個國際組織連署，共同譴責日月光 K7 廠排放廢水一事，要求追究日月光社會責任，並呼籲採購商終止下單給日月光。</li> <li>•Ted Smith wrote to ASE, SONY and TSMC.</li> <li>•ASE has quickly responded the conference. It reiterated that the accident was an individual case. It did not intentionally discharge the waste water, let alone chronic pollution. ASE also claimed that it has started proposing measurements to tackle the pollution produced by K7 and enhanced instant supervision. Moreover, ASE also emphasized that they re-earned the trust among customers by its action, and therefore the operation was fine as usual. 日月光重申事件屬單一意外，絕無蓄意排放汙水，也無長期汙染台灣環境，並已提出 K7 廠汙染改善措施，加強即時監測，強調已用行動取得客戶信任，營運一切正常。</li> </ul>
2014/2/13	<ul style="list-style-type: none"> <li>•Ted Smith received friendly reply from Apple.</li> <li>•The Labor &amp; Human Rights Manager, Supplier Responsibility at Apple Desta A. Raines want to know more about ASE events. 蘋果供應商責任部門主管 Desta A. Raines 希望進一步了解日月光事件。</li> <li>•TSMC responded the letter badly. Elizabeth Sun, the spokesperson of TSMC, emphasized that the</li> </ul>

	<p>relationship between TSMC and ASE has been established on the basis of the customer's demands. She also pointed out that the citizens are not supposed to be unreasonable or emotional, but should be prudent instead. People should just wait and see how ASE is going to fix the problems.</p> <p>台積電代理發言人孫又文強調台積電與日月光之間的關係，是建立在客戶指定要求。但她也指出，面對環保問題，不要太不理性、一味感性用事，而不去想大局。接下來社會大眾應等著看日月光，如何去修正他們的問題。</p>
2014/2/14	<p>• ASE's application to resume the operation was turned down in the first-round review by the committee.</p> <p>日月光復工申請，第一次審查未過關。</p> <p>※The experts responsible for the assessment thought that trial plan to resume operation appeared a bit too simplistic. They suggested that ASE should add more details regarding crew allocation, emergency plan, and the conditions of the trial run. ASE should also propose new water pollution control measure plans and reexamine the contingency plans.</p> <p>負責審查的學者專家認為「試車計畫內容稍略」，應補充人力配置、緊急應變及試車操作條件，重提水污染防治措施，並檢討緊急應變措施。</p>
2014/2/19	<p>• CET received inquiry from GES(Please see page 10 CET received inquiry from GES for more information)</p>

PS. On December 16th 2013, Kaohsiung's Environmental Protection Bureau declared that the ASE should pay the cumulative fine of NT\$110 million to compensate for its failure to perform the wastewater and sludge treatments. On January 20<sup>th</sup> 2014, ASE appealed the decision to the Legal Affairs Bureau of Kaohsiung City Government, claiming that according to the principle of proportionality, ASE should not have been fined NT\$110 million for an one-time incident.

高雄市環保局 2013 年 12 月 16 日宣布追繳，日月光 K7 廠自 2007 年至 2013 年 9 月 30 日期間，未妥善處理廢水及污泥費用及孳息總計 1 億 1 千 162 萬 4516 元不當利得。2014 年 1 月 20 日，日月光對此採取行政救濟，堅稱僅有一次意外排放疏失，對遭罰上億元認為不符比例原則。



**Certifications granted to ASE, 2010~2012**

Year	Certifications	Certification Body
2013	ISO 14001:2004 Environmental Management System	TUV NORD CERT
2012	SONY Green Partner SONY	SONY Procurement Office
2011	OHSAS 18001:2007 (Occupational Health & Safety Advisory Services)	TUV NORD CERT
	SA 8000:2008 (Social Accountability 8000 International standard)	TUV NORD CERT
	TOSHMS: 2007 (Taiwan Occupational Health and Safety Systems )	TUV NORD CERT
2010	QC 080000 Hazardous Substance Process Management	ECCB and SGS Taiwan

**Awards, 2010-2012**

Year	Awards	Awarded by
2012	Certificate of Cleaner Production Assessment	Industrial Development Bureau, Ministry of Economic Affairs
	Taiwan Corporate Sustainability Award	Taiwan Institute for Sustainable Energy
	Taiwan CSR Award--Bronze	Taiwan Institute for Sustainable Energy
	National Healthy Workplace Award- Health Promotion Pilot 全國績優健康職場-健康促進健康領航獎	Department of Health, the Executive Yuan
	Five Star Organization for Labor Security 勞安優良單位五星獎	Council of Labor Affairs, the Executive Yuan
2011	Model Company of Clean Production 清潔生產楷模	Industrial Development Bureau, Ministry of Economic Affairs
	Taiwan Green Classics Awards	Ministry of Economic Affairs
	National Invention & Creation Awards--Contribution Award	Ministry of Economic Affairs
	The 12th place in the Top 50 Common Wealth Corporate Citizenship Award	CommonWealth Magazine
	Taiwan CSR Award--Honorable Mention	Taiwan Institute for Sustainable Energy
2010	Taiwan CSR Award--Honorable Mention	Taiwan Institute for Sustainable Energy

**ASE Purchasers**

Apple, SONY, TSMC, Intel, MediaTek, Qualcomm, Broadcom, Infineon, Marvell, Texas Instruments, Lantiq, Alchip, CSR, Maxim, Silicon Image, SMIC, SMSC, VITESSE, NXP
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### Non-compliance Record of ASE Plants in Kaohsiung

Date	Plant	Violation	Penalty(NTD)
2011	3/4	K5 Water pollution prevention and control measures were not adopted 未採行水污染防治措施	270,000
	7/27	K7 Inconsistent with registration and permits 與許可登記事項不符	10,000
	7/27	K5 Water Pollution Control Act- Article 14 , Paragraph 2 水污染防治法第 14 條第 2 項	10,000
	8/18	K7 Diluting wastewater 稀釋廢水	10,000
	8/23	K5 Effluent water failed to meet the standard 放流水不符標準	260,000
	8/23	Packing Plant Air pollution emissions failed to meet the standard 空汙排放不符標準	100,000
	10/28	K5 High effluent conductivity 放流水導電度過高	10,000
	10/28	K7 Diluting wastewater; Effluent water failed to meet the standard 稀釋廢水,放流水不符標準	140,000
	10/31	K1 Effluent water failed to meet the standard 放流水不符標準	140,000
	11/16	Head Office Effluent water failed to meet the standard 放流水不符標準	230,000
	1/31	Head Office Effluent water failed to meet the standard 放流水不符標準	200,000
2012	3/1	K5 Inconsistent with registration and permits 與許可登記事項不符	20,000
	3/23	K7 Effluent water failed to meet the standard 放流水不符標準	200,000
	5/22	K7 Effluent water failed to meet the standard 放流水不符標準	600,000
	6/5	K11 Effluent water failed to meet the standard 放流水不符標準	140,000



	9/6	K5	Water pollution prevention and control measures are not adopted 未採行水污染防治措施	10,000
	9/13	K7	Effluent water failed to meet the standard 放流水不符標準	600,000
	9/25	K5	Water pollution prevention and control measures are not adopted 未採行水污染防治措施	0
	11/27	K5	Effluent water failed to meet the standard 放流水不符標準	0
2013	2/13	K7	illegally discharged wastewater via an faulty pipeline system 私設管線將廢水排入工業區汙水下水道	600,000
	10/1	K7	Diluting wastewater; Effluent water failed to meet the standard 稀釋廢水,放流水不符標準	600,000
	11/13	K7	Inconsistent with registration and permits 與許可登記事項不符	0
	12/1	K5	1. Unreported broken effluent flow meter 2. Buffer tanks were inconsistent with registration and permits. 3. Only one sediment pump was at work, inconsistent with registration and permits 1.放流水表故障未報備 2.緩衝槽與許可登記不符 3.沉澱池幫浦僅一台操作與許可登記不符	600,000
	12/11	K11	Emergency tanks, neutralization tanks and marine discharge pipes were inconsistent with registration and permits 1.備用槽與許可不符 2.中和池數量與許可不符 3.海放管與許可不符	600,000
	12/11	K11	Unsealed intermediate bulk containers (IBCs) for electroplating sludge 貯存電鍍汙泥的太空包未密封	60,000
	Total			5,410,000



## **Response to the international appeal from SE Group(2014/02/12)**

1. ASE remains firmly committed to the environmental protection in Taiwan. All criticism are respected. 日月光永遠關懷台灣環境日月光對於各界的批評都予以尊重。
2. The industrial wastewater discharge at ASE Kaohsiung K7 facility, October 1st, 2013, is an isolated, unintended and short-term case.  
高雄 K7 廠 10 月 1 日廢水外洩屬單一意外事件，絕無蓄意排放污水，且絕無長期污染台灣環境。
3. ASE will further fulfill its commitment to improve wastewater treatment process. A wastewater central control room has been established at K7 Plant, which provides comprehensive real-time monitoring on copper ions, nickel ions and pH values of each tank. An early warning system and an effluent quality testing electronic kanban are also introduced to achieve information transparency. In addition, a water recycling plant with a capacity of 20,000 tons/day within the Kaohsiung Nantze Export Processing Zone is scheduled to begin operation in May, 2014. ASE is determined and confident to set the model for environmental protection and labor security.  
日月光將進一步落實改善廢水處理的承諾至於有關廢水處理，本公司建立 K7 廢水設備中央控制室，增設全面即時監視放流池的銅離子、鎳離子等與各槽的 pH 值，並設立即時警報系統，且設置放流水質檢測值電子看板讓資訊完全透明化。高雄廠區最新的 20,000 噸中水處理回收廠預計 5 月啟動，日月光有決心及信心成為環保及工安的模範生。
4. ASE has built trust with global customers. ASE has no comment on singular customer's opinion, but would like to stress that it will keep on active communication with customers and will meet their demands with action. Normal operations of ASE are unaffected.  
日月光已用行動取得全球客戶的信任。日月光無法對單一客戶發表評論，但在此強調將與客戶持續的積極溝通並用具體行動達到客戶的要求，目前營運一切正常。



**CET received inquiry from GES**

----- Forwarded message -----

From: **IzabelaZurowska**<[izabela.zurowska@ges-invest.com](mailto:izabela.zurowska@ges-invest.com)>

Date: 2014-02-19 20:56 GMT+08:00

Subject: Inquiry from GES

To: "[citizenoftheearth.tw@gmail.com](mailto:citizenoftheearth.tw@gmail.com)" <[citizenoftheearth.tw@gmail.com](mailto:citizenoftheearth.tw@gmail.com)>

Dear Citizen of the Earth,

I work as a Research Analyst at GES that provides analysis and engagement services on ESG issues to institutional investors. Please see more details below.

We are investigating the allegations regarding the Advanced Semiconductor Engineering Inc. (ASE). Being aware of your involvement in this case, I would like to ask if you could possibly provide us with some more insight into the situation.

We would like to learn more about the pollution problem in Kaohsiung Province as from the press reports we have learned that despite the fact that Kaohsiung City Government Environmental Protection Bureau had confirmed the presence of nickel and other heavy metals in the Houjing Creek, it is still not proved that it had originated with the ASE factory. Do you have information or reports that could confirm K7 factory's is responsibility for the pollution?

Also, we would like to know more about the restoration of the affected water and land the company has allegedly failed. Could you tell us more about the situation? Have you been in contact with the farmers and fishermen allegedly harmed by the pollution?

Please do not hesitate to contact me with questions regarding our analysis should there be any uncertainties.

We look forward to hearing from you in the near future.

Yours sincerely,

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