

## **Press release: ASE sentence too lenient to stop future illegal activity**

On 20 October 2014 the Kaohsiung District Court found Advanced Semiconductor Engineering Inc. (ASE) guilty of releasing untreated industrial wastewater into the Houjin River.

In addition to a fine of NT\$3 million (US\$ 98,700) imposed on the company, the K7 plant director Su Ping-Shou and three other employees were given suspended sentences ranging from 16 to 22 months for violations of the Waste Disposal Act. In response to the court ruling, Citizen of the Earth, Taiwan has the following points to state:

1. ASE Inc. has repeatedly released untreated wastewater into the Houjin River. They deliberately diluted discharged wastewater to mislead the inspectors and caused significant damage to the agriculture and fishing industries downstream. It is hard to believe that ASE's factory workers would willingly break the law without encouragement from the top level management, however the highest level workers that were charged were the ASE plant managers and directors, who were given suspended sentences, and the company chairman Chang Chien-sheng escaped without being charged. It therefore appears that nobody is taking responsibility for the long-term pollution violations. This verdict is not in keeping with the public's concept of social justice.
2. ASE has been polluting the Houjin River over many years causing serious damage to the environment. Over the last three years ASE has violated the Water Pollution Control Act 25 times. These are not isolated incidents. For a company with an annual income of over NT\$200 billion a fine of NT\$3 million is in no way an effective deterrent. We hereby call upon the Legislative Yuan to support the NGOs' joint proposal to amend the Water Pollution Control Act to include the prohibition of wastewater dilution and bypass discharge. We also ask for violations of this act to be considered for prosecution under criminal law and a harsher fine imposed.
3. ASE is responsible for the discharge of strong acid and heavy metal into the Houjin River. However, as there are various possible sources of pollution upstream it is hard to conclude that ASE committed offenses against public safety. The court decision is unacceptable to us as ASE has not been required to give evidence to prove its innocence nor has the Environmental Agency provided any supporting evidence to show the pollution was from sources other than ASE. We urge the Kaohsiung District Prosecutors' Office to appeal the judgment, and for both the Environmental Protection Administration and the Environmental Protection Bureau to conduct an environmental survey of the affected Houjin River.
4. ASE has resumed operation of the K7 plant, yet the damage to the Houjin River remains and the affected downstream agriculture and fishing industries have not received any compensation. This clearly implies that ASE is not willing to take on the financial responsibility for the damage it has caused to the environment. This irresponsible behavior clearly demonstrates the need for inclusion of Corporate Social Responsibility (CSR) into legislation.