

摘要

位處基隆市山坡地區的國定古蹟二沙灣砲台，經年累月受自然氣候影響，早已難如初期堅實，再加上近年公共設施(如快速道路、公園廣場)緊鄰闢建，以及山坡坡角民間房舍違規侵建等，使得砲台城牆龜裂及坡地坍塌警訊發生多起；諸多警訊顯示管理上、法制面均有不足。因此，本研究依據水土保持法、文化資產保存法暨相關法令的規定，剖析此文化資產保育及經營相關面向，企圖研擬出維護國家重要文化資產的保育計畫。

查目前的文化資產保存法暨其相關子法，對古蹟定著土地如何保育，並無明確規範，尚屬不確定法律概念層次，遑論技術審查規範等範疇。以致開發所造成毀損之處分，僅能在事件發生後採事後罰則，這樣效果有限，認定也困難。也因此導致政府部門徵用或使用古蹟定著土地暨劃設古蹟保存區時，開發單位無明確技術規範可資遵循，往往造成國家資源之浪費，而難以周全。本研究係以水土保持的保育觀點，針對國定古蹟二沙灣砲臺，於目的事業主管機關(文化部文化資產局)劃設古蹟保存區計畫之過程進行探討可能不足的態樣，並在現行相關法令架構下，循水土保持法，融入文化資產保存法擬定保育計畫，以利提升國家文物保存價值、尋出降低自然災害方法；主要係藉由水土保持計畫之規劃，並採用都市計畫法劃定古蹟保存區範圍，以土地管理之強制性手段法律之強禁止性規定進行管理，達到國定古蹟永續保育、保存的目的。

關鍵詞：水土保持、水土保育區劃設、保育經營。

Abstract

The national historic monument, Urshawan Battery (also known as Tenable Gate of the Sea 海門天險) in Keelung city, is no longer as solid as initial condition due to the influence of climate. Some public constructions and facilities, such as the expressway and the park, as well as squatters are built near it in recent years. The battery's wall subjected to the problem of cracked and the alerts of collapsing slide were raised many times. Lots of warning signs show that the monument lacks complete management strategies and laws for operation. According to the Soil and Water Conservation Act, Cultural Heritage Preservation Act and some other related laws, this study analyzes the conservative and operational phases of the monument, and proposes a plan to protect the nation's important cultural heritage. There is no clear regulation for how to preserve immovable lands in current Cultural Heritage Preservation Act and related sub-laws. The situation is still on the indefinite legal stage, not to mention the disciplines for tech examination. As a result, to punish the damaging developments, the government can only rely on taking penalties afterward, which is not very effective and hard to determine. Moreover, lack of laws also makes developers have no disciplines to follow when the government requisites immovable lands of heritages and plans heritage areas. From the perspective of soil and water conservation, this study tries to find out inadequate patterns in the competent authority's (Bureau of Cultural Heritage, Ministry of Culture) process of planning the heritage area. Besides, the study integrates both the Cultural Heritage Preservation Act and the Soil and Water Conservation Act to draft a conservation plan in order to add the national monument's value, and come up with strategies to lower disastrous damage in the future. In summary, this study makes a proposal with the soil and water conservation plan, use the

Urban Planning Law to allocate the heritage preservation area, and management suggestions based on compulsory laws of land management for the purpose of preserving national monuments are proposed.

Keywords: Soil and Water Conservation , Soil and Water Conservation Located, Conservation management

