Content

Title：	National Property Act Ch
Date：	2018.11.21
Legislative：	1.Promulgated by President Order on Jan. 27, 1969 2.Amended and promulgated by President Order 60 Tai Tung (1) Yi Zi No. 810 on May 5, 1971 3.Amended and promulgated by President Order 64 Tai Tung (1) Yi Zi No. 0283 on Jan. 17, 1975 4.Amended and promulgated by President Order 70 Tai Tung (1) Yi Zi No. 0182 on Jan. 12, 1981 5.Amended and promulgated by President Order Hua Tsung (1) Yi Zi No. 1783 on Apr. 6, 1992 6.Amended and promulgated by President Order Hua Tsung (1) Yi Zi No. 8900002260 on Jan. 12, 2000 (Article 42, Article 43, Article 46, Article 47, Article 49, Article 52 and Article 58 are amended, Article 52-1 and Article 52-2 revised and enlarged) 7.Amended and promulgated by President Order Hua Tsung (1) Yi Zi No. 09100075640 on Apr. 24, 2002 (Article 50 and Article 51 are amended) 8.Amended and promulgated by President Order Hua Tsung (1) Yi Zi No. 09200017720 on Feb. 6, 2003 (Article 52-2 are amended) 9.Amended and promulgated by President Order Hua Tsung (1) Yi Zi No. 10000297431 on Jan. 4, 2012 (Article 33, Article 39 and Article 53 are amended.) 10.Amended and promulgated by President Order Hua Tsung (1) Gin Zi No.10700125391 on November 21, 2018 (Article 34 are amended.) （The transactions described in Paragraph 2 of Article 9, Article 12, Article 16, Article 19, Paragraphs 1 and 2 of Article 35, Paragraph 2 of Article 38, Article 39, Paragraphs 2 and 4 of Article 47, Paragraph 4 of Article 49, Article 52-2, Article 53, Paragraph 3 of Article 54, Paragraph 2 of Article 55, Article 63, Article 65, Article 68, and Article 69 were conducted by the National Property Bureau, Ministry of Finance, and transferred to the National Property Administration, Ministry of Finance from January 1, 2013 in accordance with the Order No. Yuan-Tai-Gui-Kui-Zi No. 1010154558 issued by the Executive Yuan on December 25, 2012.）
Content：	Chapter 1　General Principles Article 1 With regard to the acquisition, management, utilization, revenue and disposition of national property, this Act shall prevail. For such matters not specified herein, other relevant laws shall apply. Article 2 “The National Property” is the property defined by laws, or derived from the exercise of government power, purchase through budgets or donation. Unless specified in other relevant laws, all properties not belonging to the private or local government shall be deemed to be the national property.

Article 3
The scope of the national property derived from the preceding article is as follows:
1. Real property: refers to lands, improvements and natural resources.
2. Personal Property: refers to machinery, transportation vehicles and other miscellaneous facilities.
3.Securities: refers to shares or stocks and bonds owned by the nation.
4.Rights: refers to the property rights of superficies, easement, dien, mortgage, mining, fishery, patent, copyright, trademark and others.
Detailed property classification of the Subparagraph 2 of the preceding paragraph shall be determined in accordance with the provisions of the Executive Yuan.

Article 4
The national properties are divided into public-use and non-public use property.
Public use properties are as follows:
1.Official-use property: national property used by government authorities, military offices, public schools, official operations and dormitories.
2.Public use property: national property used for public facilities directly offered by the nation.
3.Enterprises property: national property used by state-owned enterprises. If the state-owned enterprise is a company, however, the national property is only referred to its shares.
All national properties aside from public use properties are non-public use properties. Such properties may be used to produce income or for sale.

Article 5
The utilization or management of the national property aside from the scope of Paragraph 1, Article 3 is determined by other relative decrees:
1.Military materials and equipment.
2.Books, historic materials, antiques and all other materials in the National Palace museum.
3.Productive materials of state-owned enterprises.
4.Other tangible or intangible properties that can be provided for public use or should be preserved.

Article 6
The Nation may reserve national land and its improvements to ensure the land utilization of each ethnic group in the national frontier, depending on the local actual situation. The management regulation shall be prescribed by the Executive Yuan.

Article 7
The revenue and disposition of the national property shall be handled in accordance with budget procedures; the revenue should be turned in to the national treasury.
The production of revenue or disposition of state enterprise-use properties shall be determined by regulations and procedures related to the government-owned enterprise during the period of utilization or converting to non-public use property.

Article 8
The national land and its improvement, except for properties of rent producing and Subparagraph 3 of Paragraph 2 of Article 4 for enterprise use, is exempted from land taxes and constructional improvement taxes.

Chapter 2 Organization

Article 9
The Ministry of Finance (hereinafter referred to as MOF) is in overall charge of the national property affairs under the commission of the Executive Yuan.
The MOF shall establish the National Property Administration (hereinafter referred to as NPA) to undertake the preceding affairs; its organization is determined by law.

Article 10
The competent authority of the public use property is in accordance with the Budget Act.
IF the public-use property is utilized by two or more organizations and not administered by the same organization, the Executive Yuan shall appoint its competent authority.

Article 11
The organization that utilizes and manages public use property directly is the administration authority.

Article 12
The NPA is the administration authority of non-public use property, which manages the property under the commission of the MOF.

Article 13
The MOF may entrust the local government or proper institution to manage or operate non-public use national property, depending on the actual situation.

Article 14
The overseas national property is administered by the Ministry of Foreign Affairs and managed by each consulate; the Ministry of Foreign Affairs shall entrust proper institutions to manage it if no consulate in the locality.

Article 15
(Delete)

Article 16
The NPA established the Appraisal Committee of National Property to assess the sale price of national property; its organization is determined by the MOF.

Chapter 3 Management
Section 1 Registration

Article 17
The real property, personal property, securities and rights mentioned in Article 3 shall be registered as national property or identify ownership under relevant regulations.

Article 18
The administration authority shall entrust the land office of municipality or county

(city) to register the national real property.
The relevant procedures of identifying ownership for personal property, securities and rights are assumed by the administration authorities.
Deed of property acquired under this Article, except for provision of Article 26, shall be kept under administration authorities.

Article 19
The NPA or its branches may entrust the land office of municipality or county (city) to register the unregistered land, except for the public use property handled according to the preceding article. The registration may be scheduled to separate periods and districts if necessary.

Article 20
The Ministry of Foreign Affairs or local consulates shall identify the registration procedures of overseas national property ownership in accordance with the Law in the locality.

Section 2 Property Cadastration

Article 21
The administration authority should set up the national property data card and subsidiary ledger, make the category, number, card, keep accounts in reports and submit to competent authorities. The modification shall be handled according to the procedure of the accounting report.

Article 22
The MOF shall compile a general ledger of national property to proceed arrangement, classification and registration of the data sent by administration authority.

Article 23
National property, which is lost, damaged, disassembled or refitted, needs to be scrapped under approval of relevant authority, or sold, or donated under this Act, shall be made a list and summitted to the MOF by administration authorities within 3 months to write off property registration, however, this restriction does not apply to properties involved in civil or criminal cases.

Article 24
The formats of the card, ledger, table and album and the property number mentioned in Articles 21 through 23 shall be prescribed by the MOF consulting with the Directorate General of Budget Accounting and Statistics of the Executive Yuan and the National Audit Office.

Section 3 Maintenance

Article 25
The administration authorities shall maintain and repair national properties with due diligence, and shall not damage or discard them, except for scrapped properties in accordance with the law and regulations.

Article 26

The securities shall be kept by the local National Treasury or its agency.

Article 27
The administrator of the national property of damaging the property with intent or negligence, in addition to the criminal responsibility, shall be delivered by administration authority to the court and responsible for compensation. If the damages occurred under force majeure, however, the responsibility needs to be identified by the Audit authority.

Article 28
The competent authority or administration authority shall not dispose or make profits from public use property, however, this restriction does not apply to making profits not against the enterprise purpose or original purpose.

Article 29
National property abroad shall not be disposed without the approval of the Ministry of Foreign Affairs and agreement of the MOF. While encountering international emergency, however, proper handling is permitted, which shall be reported to the Ministry of Foreign Affairs and forwarded to the MOF and relevant authorities.

Article 30
The competent authority or administration authority shall file a written-off prosecution in accordance with the provisions of Code of Civil Procedure after investigating and identifying that the national property right is registered by false approaches, and entrust the land office of municipality or county (city) to make objection registration.
The applicant and registrant who make false registration mentioned in the preceding paragraph shall be delivered to courts for lawsuit.

Article 31
The administrators of the national property shall not be involved in purchase/dispose or renting national property, or any conducts dispositioning and profiting in favor of administrators themselves.
Acts violating the preceding paragraph are invalid.

Chapter 4　Utilization
Section 1 Purpose of public use property

Article 32
The public use property should be utilized in accordance with predetermined plans, stipulated purposes or enterprise purposes; of which, the enterprise use property should still be utilized in accordance with operating budget procedures.
Unless otherwise specified in Acts, administration authorities shall plan the development, utilization, and management of natural resources appropriately and efficiently.

Article 33
The public use property shall convert to the non-public use property when its purpose is abolished. The land expropriated by Laws shall be governed by the provisions of the Land Act and the Land Expropriation Act.

Article 34
Based on the national policy, the MOF shall convert public use property into non-public use property after the agreement of competent authority and approval of the Executive Yuan.
For the public use property in any of the following situations, the MOF may require the administration authority to propose an activation of utilization plan before a deadline, and it may convert the property into non-public-use property and handed over to the NPA for management, if necessary. However, the recovery of the national real property appropriated shall be reported to the Executive Yuan for abolishment by the MOF in advance:
1.Abolishment of the intended use.
2.Idling.
3.Inactive or uneconomical use.
The MOF shall make agreement with competent authority to exchange the category of public and non-public property, after the approval of the Executive Yuan.

Article 35
The competent authority shall supervise the administration authority to deliver the property to the NPA to take over when the property is converted into non-public use. But the formerly enterprise use property shall be handled by the original competent authority of the enterprise in accordance with the budget procedure.
Upon approval of the conversion of non-public use property into public use property, the NPA will transfer it to the competent or administration authority of public use property for takeover.

Article 36
Based on the actual need, the competent authority shall convert the purpose of official use property and public use property within the stipulated purpose, and use such property between these stipulated purposes.
If the converting purpose or use between stipulated purposes referred to in the preceding paragraph involves a change in the competent authority, the competent authorities concerned shall make an agreement and obtain approval from the MOF.

Article 37
The property acquired by the contribution, which is within the scope of the provision of Article 3, shall be reported by the authority accepted the contribution to the MOF, and the MOF shall submit it to the Executive Yuan to appoint the competent authority according to the purpose.

Section 2 The appropriation of non-public use property

Article 38
Each government authority may apply to appropriate the non-public-use real property for official use or public use. However, appropriation is not allowed in any of the following situations:
1.Locating in prosperous area, the purpose of application for appropriation with no special needs.
2.For the purpose of dormitory.
3.Violating the provisions of zoning of regional or urban planning.

For the appropriation of preceding paragraph, the applying authority shall submit the land use plan and drawings to the superior authority for verification, and after the agreement of the NPA, to the Executive Yuan for approval.

Article 39

After appropriated for public use, non-public use property with any one of situations in the following shall be taken back by the MOF. However, the withdrawal of the appropriated land shall be done after it has been submitted to the Executive Yuan for abolition of appropriation.

1. The purpose is abolished.
2. The original purpose has been changed.
3. Aside from the use of original purpose, making other use for profit without approval.
4. Letting others use without approval.
5. Building sites vacated for more than one year without starting construction.

Section 3 Borrowing of non-public use property

Article 40

The non-public use property may be borrowed for temporary or emergency official use or public use by a government authority, military office, or public school. The period of borrowing shall not be longer than three months. If the property is land, no construction is allowed.

The procedure for borrowing of preceding paragraph shall be agreement between the borrowing authority and the administration authority and informing the MOF.

Article 41

After being borrowed, non-public use property with one of situations in the following items, should be taken back by the administration authority:

1. The borrowing purpose ceases to exist.
2.Making profit in additional to the original purpose.
3.Letting others use without approval.

When taking back the property, no claim may be made for the compensation upon addition, improvement or repair of non-public use property during borrowing period.

Chapter 5 Revenue

Section 1 Lease of non-public use property

Article 42

The non-public use real property shall be leased by tendering. However, if one of the following requirements is met, the non-public use real estate may be leased directly:

1.The lease term expired within 6 months.
2.Those who have utilized the real property in deed before July 21, 1993, and are willing to pay the compensation for the whole period of utilization.
3.Those who may purchase the real property in accordance with the law.

The lease agreement of the non-public real property shall be put in writing, or it shall be invalid.

If the leasehold relation has become without a definite period in accordance with the law, the tenant shall institute covenant in writing within stipulated period; if not, the administration authority shall terminate the leasehold relation.

The lease term and regulations for the leasing and management of non-public real property referred to in the preceding paragraph shall be prescribed by the MOF and promulgated after the approval of the Executive Yuan.

Article 43

The lease term of the non-public use real property shall be determined under the provisions in the following items:

1. Constructional improvement, 5 years or less.

2. Building lot, 20 years or less.

3.Other land, 6 to 10 years.

When the lease term expires, it shall be renewed.

The rent of the non-public use real property is determined by the relevant Land Acts; such matters not specified in Land Acts shall be prescribed by the MOF referring to the actual situation and then submitted to the Executive Yuan for approval. However, for the lease by tendering or for business, the rent shall not be limited by the relevant Land Acts.

Article 44

Unless prescribed by the provisions of other relevant laws, the leased real property shall be taken back and the lease agreement terminated in case of any of the following situations:

1.When converted into public use property based on the national policy.

2.When tenant changes the agreed purpose.

3.When developing, utilizing or rebuilding, and the withdrawal becoming necessary.

The tenant shall claim for compensation if the lease agreement terminated by the proceeding subparagraph land 3. And the standard shall be approved by the MOF.

When the lease agreement is terminated, the leased real property shall be taken back without compensation, except that for the part of the addition or improvement approved by the leasing authority the tenant shall claim compensation. If property is damaged, the tenant shall restore it to its original condition.

Article 45

The non-public use personal property shall not be leased out in principle. However, based on the national policy or treasury profit, if it is necessary to temporarily lease out personal property before putting it to an appropriate use, personal property may be leased out after specifically approved by the MOF.

Section 2 Utilizing of non-public use property

Article 46

The national farmland may be provided for leasing or sale; the regulations shall be prescribed by the Ministry of Interior consulting with the MOF and then approved by the Executive Yuan.

Leasing is allowed for those of the marginal land and coastland that can be developed for enterprise use such as sightseeing or bathing beach etc. Leasing or sale is allowed for those that can used for enterprise use such as forestation, land-reclamation and cultivation etc. The regulations shall be prescribed by MOF in conjunction with the relevant government authorities and then be approved by the Executive Yuan.

Article 47
The non-public use real property may provide for development by the law.
The NPA may handle the following matters by means of entrust, cooperation and trust in keeping with regional planning and urban planning:
1.Land improvement.
2.Constructing official or public houses.
3.Other enterprises not for constructing houses.
The improved lands shall be sold by tendering. However if there is special situation and suitable to be handled by means of creation of superficies or other ways, the case shall be approved by the Executive Yuan.
If the enterprises in the paragraph 2 involve the investment by the NPA in accordance with its program, the NPA shall draw up a budget.

Article 48
The non-public use personal property shall provide for investment based on the need of the national policy and treasury profits.

Chapter 6 Disposition
Section 1 Disposition of non-public use real property

Article 49
The non-public use real property shall be sold to the leaseholders.
The scope about the sale in the preceding paragraph shall be prescribed by the Executive Yuan.
The non-public use real property that shall annex adjacent land identified by the local government shall be sold to the owner of the adjacent land.
The sale in the first and third paragraphs shall be handled by the NPA.

Article 50
The non-public use real property shall be sold to the central government-owned enterprise or local government-owned enterprise for the business need.
The sale in the preceding paragraph shall be handled by the competent authority conferring with the MOF for approval and agreed by the Audit authority.

Article 51
The non-public use real property shall be sold to the society, culture, education, charity, relief organizations for the needs of the public welfare enterprise or the charity and rescue enterprise.
The sale in the preceding paragraph shall be handled by the competent authority conferring with the MOF and submitted to the Executive Yuan for approval as well as agreed by the Audit authority.

Article 52
The non-public use land shall be sold to provide for the use of constructing public housing or for encouraging the investment.
The sale in the preceding paragraph shall be handled under the Public Housing Act and other regulations.

Article 52-1
The non-public use real property shall be reported to the MOF for approval to sell

specifically in case of any of the following situations:
1.The national house occupying private lands.
2.The national house has been sold, but the building lot has not.
3.The national portion of the joint ownership of real property.
4.National real property within the scope of obtaining the whole development permission.
5.The land category is “grave” with tombs on it but not belongs to the cemetery.
6.Others not included in the proceeding five subparagraphs have special use situations and location.
The non-public use real property that is not suitable for sale by tendering based on the need of national infrastructure projects shall be approved by the Executive Yuan for specific sale.
In order to enhance the value of non-public use real property, the non-public use real property may be exchanged with the real property owned by others after the specific approval of the MOF. The regulations shall be prescribed by the MOF and approved by the Executive Yuan.

Article 52-2
The non-public use real property that has been used for building and dwelling since Dec.31, 1946 until now, the user shall, before Jan. 13, 2015, submit the relevant documents and apply for sale to the NPA or its branches. When the application is approved, the value of the land shall be valuated based on the first announced the present value of land if its area is less than 500㎡.

Article 53
Non-public use vacant house, land with no specific use and its area is less than 1,650 square meters shall be sold by public tendering by the NPA. If its area is 1,650 square meters or more, it shall not be sold by public tendering.

Article 54
If the use of the non-public use real property has no leasehold relations or is not in accordance with the provision of Subparagraph 2 of Paragraph 1 of Article 42, the real property shall be taken back for sale by tendering or for development.
In case of any of the following situations, the real property shall be sold by tendering under current situation when approved by the MOF:
1.Approved by the MOF to take over under current situation.
2.Having graves on or used as graveyard when taking over.
3.With complex use, not able to be vacated and sold to tender within a short time and with special situation to be sold urgently.
The sale by tendering in the preceding paragraph shall be handled by the NPA.

Section 2 Disposition of non-public use personal property, securities and rights

Article 55
The non-public use personal property that cannot be used any more shall be sold by tendering, or after disassembled, refit or sell by tendering with the remained parts.
The sale by tender, disassembling or refitting in the preceding paragraph shall be handled by the NPA after reporting to the MOF and then submitted to the Audit authority for scrapping.

Article 56
Securities shall be sold after the approval of the Executive Yuan.
The sale in the preceding paragraph shall be agreed by the Audit authority and is handled by the MOF in accordance with the Securities and Exchange Act.

Article 57
Disposition upon property rights of Subparagraph 4 of Paragraph 1 of Article 3 shall be approved by the competent authority or the MOF in accordance with its category.

Section 3 Evaluation

Article 58
Evaluation methods of the national property shall be drawn out by the Appraisal Committee of National Property and submitted by the MOF to the Executive Yuan for approval. The value for the land on sale shall be handled in accordance with the relevant regulations.
The value of the securities is approved by the MOF.

Article 59
The assessed value of non-public use property reaching the examined amount in the Audit Act shall be agreed by the Audit authority.

Section 4 Contribution

Article 60
If contributing of the overseas national property to foreign governments or their citizens is necessary, the case shall be submitted to the Executive Yuan for approval.
The contribution of the domestic national property is limited to the personal property. However, the real property currently used by temples or churches may be donated to the corporate bodies instituted by these temples and churches if necessary to be consistent with the preexisting religious beliefs of the society.
The contribution regulations in the preceding paragraph is Prescribed by the Execution Yuan.

Chapter 7 Inspection
Section 1 Property inspecting

Article 61
In addition to the inspection of national property by Audit Authority at any time under the Audit Act and regulations, the competent authorities shall regularly and occasionally inspect the property management, utilization, revenue, and disposition on properties managed by each administration authority or overseas entrusted organization.

Article 62
The MOF shall inquire of competent authorities and entrusted organizations about the management of public property anytime.

Article 63
The MOF shall examine at any time the management or operation of nonpublic property

administered by NPA or entrusted operating enterprise organizations, and identify whether the uses changed after appropriating or borrowing.

Section 2 Property Report

Article 64
Administration authorities or entrusted organization shall draw up modificatory plans for public properties before the beginning of every fiscal year, and submit them to competent authorities for verification, and then to the MOF for examination.

Article 65
The NPA and entrusted operating enterprise organizations shall draw up administering or operating plan for non-public properties before every fiscal year beginning and submit it to the MOF for examination and approval.

Article 66
The MOF should, before every fiscal year beginning, give audit comments on plans for public and non-public properties mentioned in Article 64 and Article 65 and turn them to the Executive Yuan; items related to disposition shall be included in general annual budget of Central Government.

Article 67
Administration authorities and entrusted organizations shall compile public properties catalog and add-and-subtract forms of properties and submit them to competent authorities for collecting, and be transferred to the MOF, Directorate General of Budget, Accounting and Statistics, and the National Audit Office.

Article 68
The NPA and entrusted operating enterprises organizations shall, when every fiscal year ending, compile non-public properties catalog and add-and-subtract forms of properties, and submit them to the MOF and transfer them respectively to Directorate General of Budget, Accounting and Statistics, and the National Audit Office.

Article 69
The MOF shall, when every fiscal year ending, compile master catalog of properties upon data provided by each competent authority and the NPA etc., and summit it to the Executive Yuan to be assembled into general final annual accounts of Central Government.

Article 70
The format of plan, catalog and form in Articles 64 through 69 is drawn up by MOF after consulting with Directorate General of Budget, Accounting and Statistics, and the National Audit Office.

Chapter 8 Supplementary Provisions

Article 71
If a person in charge of National Property violates Article 21, i.e. he fails to record accrued account, and conceals or misappropriates property, his penalty shall be increased by up to one half.

Article 72
National Property having been embedded or sunk, its regulations on excavation and salvage are prescribed by the Executive Yuan.

Article 73
National Property discovered due to a report after failing to take over, or recovered due to a report after being concealed by others, or salvaged and dug due to a report, the person making such a report shall be bestowed an award of ten percent of less of the total value of such properties.

Article 74
(Delete)

Article 75
The area in which this Act shall be effective shall be determined by the Executive Yuan.

Article 76
The Enforcement rules of this Act shall be prescribed by the Executive Yuan.

Article 77
This Act shall be enforced from the date of promulgation.

Data Source：Ministry of Finance, R.O.C. Laws and Regulations Retrieving System