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| Title : | Regulations for the Enforcement of National Property Act Ch |
| Date : | 2010.07.23 |
| Legislative : | <ol style="list-style-type: none">1.Promulgated by the Executive Yuan Order Tai-59-Tsai-Tze 2585 dated March 27, 19702.Amended and promulgated by the Executive Yuan Letter Tai-64-Tsai-Tze 3136 dated April 30, 19753.Amended and promulgated by the Executive Yuan Letter Tai-70-Tsai-Tze 13133 dated September 14, 19814.Amended and promulgated by the Executive Yuan Letter Tai-72-Tsai-Tze 3603 dated February 28, 19835.Amended and promulgated by the Executive Yuan Order Tai-89-Tsai-Tze 32478 dated November 15, 20006.Amended and promulgated by the Executive Yuan Order Yuan-Tai-Tsai-Tze No.0960005783 dated March 2, 20077.Article 10, 17, 31, 32, 43-2 and 48-1 are amended and promulgated by Executive Yuan Order Tai-89-Tsai-Tze 0990032235 dated July 23, 2010 (The transactions described in Article 13, Article 14, Paragraph 2 of Article 15, Article 18, Article 27, Article 33, Article 36, Article 38, Article 39, Article 41, Paragraph 2 of Article 42, Paragraph 2 of Article 43-2, Article 48-1, Article 49, Article 53, Article 55-2, Paragraphs 3 and 5 of Article 55-3, Paragraph 2 of Article 65, Article 66, Article 68, Article 68-1, Paragraphs 1 and 2 of Article 71, Article 72, Article 73, Article 74 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 : | <p>Chapter 1 General Principles</p> <p>Article 1</p> <p>These Regulations are hereby enacted according to the provision of Article 76 of the National Property Act (below to be called as this Act).</p> <p>Article 2</p> <p>According to the paragraph 1 of Article 2 of this Act, the term “property derived by Acts” indicates the nation acquiring its property right by other law; the term “from exercise of government power” indicates the nation taking over, confiscating and expropriating property right by exercising of government power; the term “due to budget expenditure” indicates the construction or purchase of property by budget appropriation; the term “due to receiving contribution” indicates the property contributed to the government of Republic of China internally or externally.</p> <p>Article 3</p> <p>The term “all properties not belonging to private or local government”</p> |

mentioned in paragraph 2 of Article 2 of this Act indicates the real estate unregistered or the property ownership uncertainly belonging to private or local government.

Article 4

The term “land and improvement” , its definition defined by Land Law. The term “natural resources” indicates virgin forest, natural gas, geothermal energy, hot spring, water resources, underground resources and seabed resources.

Article 5

The term “personal property” mentioned in subparagraph 2 of paragraph 1 of Article 3 of this Act indicates durable life over 2 years and its value over given amounts.

A given amounts of the foregoing paragraph shall be determined in accordance with property and goods standard classification specified by the Executive Yuan.

Article 6

The national property of the subparagraph 1, 2, 4 of Article 5 of this Act managed or utilized by other correlative decrees shall be converted to non-public use property while disposal action is taken.

Article 7

(Deleted)

Chapter 2 Organization

Article 8

The term “the competent authority of public use property” mentioned in Article 10 of this Act indicates the organization specified in the paragraph 2 of Article 3 of Budget Law.

Article 9

The term “the administration authority” mentioned in Article 11 of this Act indicates organization or school which can use public use property directly; is set up by law and has its own organic structure and budget, in the meantime, can send a dispatch to another government office.

The term “independent budget” of the foregoing paragraph shall mean basic unit budget, branch budget of basic unit budget, auxiliary unit budget, branch budget of auxiliary specified in Article 16 of the Budget Law.

Article 10

(Deleted)

Article 11

According to Article 14 of this Act, while the Ministry of Foreign Affairs entrusts overseas national property to proper institutions to manage, the Ministry of Foreign Affairs shall inform the Ministry of Finance.

Chapter 3 Management

Section 1 Registration

Article 12

National property belonging to real estate shall be registered as national ownership under Civil Law and Land Law; those belonging to personal property, securities and rights shall be determined as national ownership under Civic Law and relevant special law.

Article 13

Personal property, securities and rights which belong to the public use property, their ownership is determined by the administration authority; as for non-public use property, its ownership is determined by the National Property Administration.

Article 14

Registration of the non-public use property, its administration authority is the National Property Administration.

Article 15

The term “unregistered national land” under Article 19 of this law indicates the following national unregistered land under subparagraph 2 of Article 2 of this Act:

1. The tidal land.
2. The reclaimed gulf land.
3. The reclaimed river land.
4. Waste road, waste ditch, waste dike.
5. Other unregistered land.

The foregoing unregistered land, except that land of waste road, waste ditch, waste dike belongs to local government, the National Property Administration shall consult land office of municipality or county(city) to do cadastral survey firstly, then entrust land office to register national ownership.

Lands, mentioned in each subparagraph of paragraph 1, are invested and developed by local government, those land can be owned by local government after gaining the approval of the Executive Yuan.

Article 16

The overseas national property is entrusted proper institutions to manage by the Ministry of Foreign Affairs, the procedure for determining its ownership shall be done by entrusted institution.

Section 2 Property Cadastration

Article 17

(Deleted)

Article 18

A general ledger of national property stipulated in Article 22 of this Act shall be established by the National Property Administration, the Ministry of Finance.

Article 19

(Deleted)

Article 20

The scrapped procedure of national property, which is lost, damaged, disassembled or refitted, shall follow the rules of relevant regulations.

Article 21

National real estate, which is scrapped based on the foregoing article or sold or donated under this Act and written off property register, shall be completed registration of demolition or registration of transfer in ownership by administration authority.

Section 3 Maintenance

Article 22

National property managed by administration authority should be prevented from possible disasters in advance except to do proper maintenance constantly; and shall be insured according to property nature, value and budget. Moreover, national property shall be rebuilt or scrapped according to the procedure if it was damaged due to disasters.

Article 23

National property managed by administration authority shall have its property cadaster set up, those belonging to personal property shall make category, number and paste metal tag or brand; those belonging to building of real estate shall nail a sign.

Article 24

Securities shall be classified, numbered, recorded in detail and entrusted national treasury or its agent to manage.

Securities of consignment management of the foregoing paragraph, administration authority shall receive payment while the principal paid or securities chosen by lot or an interest coupon expired or interest on shares issued.

The administrator of administration authority, damaging property interest with intent or negligence due to exceeding a time limit to receive payment, shall take responsibility according to Article 27 of this Act.

Article 25

The term “disposal” mentioned in Article 28 of this Act indicates sale, exchange, donation or encumbrance on other rights; the term “revenue” indicates leasing or utilization.

The term “not contrary to its enterprise aim” mentioned in proviso of Article 28 of this Act indicates competent authority or administration authority which can offer managing property to others to use according to its organic law or regulations in charge; the term “not contrary to its primary use” indicates administration authority which uses its property according to plan and specified use, moreover, others can use its property at the same time.

Administrator concerned violates the specification of Article 28 and Article 29 of this Act, the competent authority or administration authority shall seek out the responsibility and charge for losses; if administrator involved in criminal responsibility shall be delivered to the court.

Chapter 4 Utilization

Section 1 Purpose of Public Use Property

Article 26

The term “purpose abolition of public use property” indicates one of following items:

1. Primary use and enterprise purpose exterminated.
2. Original use organization abolished and no other organization to succeed.
3. Failure to use in accordance with predetermined plans, stipulated purposes or enterprise purposes and pass over one year.
4. The time limit of primary use expired.
5. No continuing use needed due to reality.

Public use property under one of the foregoing items, original administration authority shall report to competent authority automatically; those property unappropriated use shall report to the Ministry of Finance to convert into the non-public use property by competent authority.

Land appropriation approved according to the paragraph 2 of Article 38 of

this Act, if appropriation authority can not use land within one year due to reality situation, appropriation authority can apply to the Ministry of Finance for extension of deadline but not over 6 months.

Article 27

When public use property approved to convert into non-public use property and hand over to the National Property Administration, for those belonging to real estate shall be handed over under a vacant lot and handle registration for changes of management organization except organizations concerned obtain agreement of the National Property Administration and approval of the Ministry of Finance due to a special situation; for those belonging to personal property, organizations concerned shall keep the status quo of property in good conditions.

Article 28

The competent authority of public use property shall convert the purpose of official and public use property within the stipulated purpose or exchange this kind of property for use or take over the use by succeeding organization due to using organization reorganized or combined, the competent authority shall inform the Ministry of Finance.

Article 29

The property acquired by the contribution according to Article 37 of this Act, the competent authority shall specify administration authority to handling national registration or determine the procedure on ownership. The foregoing property acquired by the contribution with attached conditions, the donee authority shall inform the Ministry of Finance and submit it to the Executive Yuan for approval.

Section 2 The Appropriation of Non-Public Use Property

Article 30

Each government authority appropriating the non-public use real estate according to Article 38 of this Act shall get appropriation applications ready and its forms shall be specified by the Ministry of Finance.

Article 31

Each government authority appropriates non-public use real estate according to paragraph 1 of Article 38 of this Act, its application name must be as follows:

1. Central organization, school at all levels, applied by its name of each organization, school.
2. Municipality, County(City) Government and their subordinate organization, school, applied by its name of each organization, school; Village(Town, City) Office, applied by its name of Village(Town, City)

Office; Municipality, County(City) Council, applied by its name of each council; Village (Town, City) Council, applied by the name of Village(Town, City) Office.

3. Organizations, schools, troops under the Ministry of National Defense and its Subordinate Agencies, applied by the name of Armaments Bureau of the Ministry.

4. Provincial Government and its subordinate organization, applied by the name of Provincial Government and its subordinate organization; Provincial Advisory Assembly, applied by the name of Provincial Advisory Assembly.

Article 32

The term "superior authority" mentioned in paragraph 2 of Article of this Act indicates following organizations:

1. Central organization, school at all levels mentioned in the foregoing subparagraph 1 indicate presidential office or each yuan, ministry, committee, department, bureau.

2. Municipality, County(City) Government and their subordinate organization, school mentioned in subparagraph 2 of the foregoing article indicate Municipality or County(City) government; Village(Town, City) office, their superior authority indicates county government; Municipality, County(City) Assembly, their superior authority indicate each assembly.

3. Armaments Bureau mentioned in subparagraph 3 of this article, its superior authority indicates the ministry of National Defense.

4. Provincial government and its subordinate organization mentioned in subparagraph 4, their superior authority indicates provincial government; provincial advisory assembly, its superior authority indicates provincial advisory assembly.

The term "verifying the facts" mentioned in subparagraph 1 of paragraph 1 of Article 38 of this Act indicates that to decide a appropriation is allowed or not by utilization plan, needed area, maps and expenditure budget drafted by the appropriation organization.

Article 33

The term "prosperous area" mentioned in subparagraph 1 of paragraph 1 of Article 38 of this Act indicates commercial district of urban planning or land price over a given amount which is decided by the National Property Administration.

Article 34

Appropriating national land for construction purpose, construction area must be computed by standard of building coverage ratio, however, land needed by defense and communication important facilities or needed by training organization is not subject to restrictions.

Appropriating national land for constructing office, barracks and school building shall make possible use of building height in order to promote land utilization value.

Article 35

(Deleted)

Article 36

Non-public use real estate after appropriation, the National Property Administration can send a officer to investigate its utilization on-the-spot.

Article 37

(Deleted)

Article 38

While appropriating national land, accepted appropriation organization reorganized or combined and succeeding organization taking over the utilization shall ask branch offices of the National Property Administration to investigate firstly and report to the Ministry of Finance for reference.

Section 3 Borrowing of Non-Public Use Property

Article 39

To apply borrowing of non-public use property according to Article 40 of this Act shall get borrowing application ready and its forms shall be specified by the National Property Administration.

Article 40

Stipulation of Article 31 of this Regulations can be applied to borrow non-public use real estate.

Article 41

Borrowing organization of non-public use property, while borrowing term half month before expired or stop utilization on the way, shall inform branch offices of the National Property Administration to take over periodically and can not have any disposition without authorization.

Article 42

Borrowing organization safekeeping the borrowed property shall fulfill its duty as a manager.

Borrowing organization violating the foregoing stipulation so as to cause manage shall compensate for the loss according to price stipulated by the National Property Administration.

Article 43

Borrowed property damaged or lost due to irresistible force, borrowing organization shall inform lending organization the actual situation within 3 days and lending organization shall stop lending relation, recall borrowed property or handle the procedure of damaging or scraping if borrowed property is confirmed in uselessness.

Chapter 5 Revenue

Section 1 Leasing of Non-Public Use Property

Article 43-1

The term “leasing by tender” indicates through open tender to lease national non-public real property to tender winner.

Article 43-2

Non-public use real estate, which may be sold according to subparagraph 3 of paragraph 1 of Article 42 of this Act, can be leased directly; it means that real estate can be sold according to the stipulation of this Act or other laws. However, any one of following real estate shall not be leased:

1. National land decided by local government must be annexed to adjacent land for construction use.
2. Real estate for countervailing tax.
3. On account of land expropriation, consolidation, purchase at declared value, purchase at negotiated value or realization and buying an estate, those lands are incorporated in operational development.
4. Land for public housing.
5. The industrial area arranged by the Ministry of Economic Affairs according to the abolished Act for Enhancing Enterprise Promotion, or land designated and established as industrial zones according to Act for Enhancing Enterprise Innovation, and the arrangement, designation or establishment of land should not be applied by industrial enterpriser or industry developers.
6. National house using others land.
7. National real estate approved within area of corporate development.
8. Land not a public cemetery but its land category is grave and has grave on it.
9. Other special situations not suitable for leasing.

Real estate to lease directly in accordance with the foregoing stipulation can be leased by the National Property Administration directly without having approval for sale by the authority concerned; but if the sale must be approved by the competent authority in charge of relevant enterprise according to law, the competent authority in charge of relevant enterprise shall examine and consider the sale firstly and then handle the leasing.

Article 44

(Deleted)

Article 45

(Deleted)

Article 46

(Deleted)

Article 47

Leasing ways, lease term, rental calculation standard and other agreed events of non-public use personal property shall be decided specially by the Ministry of Finance according to reality while approving of leasing property out.

Section 2 Utilization of Non-Public Use Property

Article 48

To handle matters stipulated in paragraph 2 of Article 47 of this Act, National Property Administration shall draw up a working plan and get approval from the Ministry of Finance.

The foregoing plan shall include the following items:

1. Plan origins.
2. Plan basis.
3. Plan scope and its real estate right situations.
4. Plan objective.
5. Land use status quo and utilization control stipulation.
6. Handling ways.
7. Handling organization and term.
8. Rights and obligations between handling organization and agency of consignment, cooperation or trust.
9. Disposal ways for improved land.
10. Ways of raise expenditures.
11. Benefit assessment.

Article 48-1

The National Property Administration handling matters stipulated in subparagraph 2, 3 of paragraph 2 of Article 47 of this Act can get approval from the Ministry of Finance to specify specialized and capable government organization or public enterprise agency to do the business.

Article 48-2

To handle the items stipulated in paragraph 2 of Article 47 of this Act by entrusted way shall specify Republic of China as consigner and beneficiary of trust.

Article 48-3

To handle the items stipulated in paragraph 2 of Article 47 of this Act, the National Property Administration shall sign a contract with consignment, cooperation or trust agency.

Chapter 6 Disposition

Section 1 Disposition of Non-Public Use Real Estate

Article 49

Regarding disposal or establishing liability or leasing term over 10 years of non-public use real estate, the National Property Administration shall get approval from the Ministry of Finance to handle these business according to this Regulations and report a prepared list to the Executive Yuan for reference.

Article 50

(Deleted)

Article 51

(Deleted)

Article 52

(Deleted)

Article 53

The term “direct user” mentioned in paragraph 1 of Article 49 of this Act indicates that lessee is using national non-public use real estate and signs a leasing contract with the National Property Administration or its branch offices.

Article 54

(Deleted)

Article 55

The term “society, culture, education, charity relief organizations” mentioned in Article 51 of this Act indicates a corporate body established by law.

The foregoing organization applying for purchase of non-public use real estate shall prepare an enterprise plan firstly to point out money source and report to its competent authority in charge of relevant enterprise for

examination and pass on to the Executive Yuan for approval as well as agreed by Audit authority.

Article 55-1

The sale handled according to paragraph 1 of Article 52-1 of this Act, its sale objects are as follows:

1. National house occupying private lands, its land owner.
2. National house sold, building lot not sold yet, its current house owner.
3. National portion of the joint ownership of real estate, other joint owner.
4. National real estate within the scope of obtaining whole development permission, its developer.
5. Land category is "grave" with tomb on it but not belongs to the cemetery, its owner of the grave.
6. Other special use situations and location, its actual requirer.

The so-called "obtaining whole development permission" mentioned in foregoing paragraph shall get approval from each competent authority in charge of the relevant enterprise or municipality, county(city) competent authority.

The term "special use situations or location" indicates one of the following situations:

1. Land utilized by private and legal building and hard to recover.
2. Land mixed with private land, inability to use alone.
3. Land used for public enterprise decided by competent authority in charge of the relevant enterprise.
4. Land provided for necessary use verified by competent authority concerned.
5. True status of land verified as a special situations by the Ministry of Finance.

Article 55-2

The sale stipulated in Article 52 and Article 52-2 of this Act is applied at the National Property Administration or its branch offices.

Article 55-3

The term "non-public use real estate" mentioned in Article 52-2 of this Act indicates non-public use real estate beyond the following items:

1. Real estate for countervailing tax.
2. Land of public facilities.
3. Real estate can not owned by private according to law.
4. Real estate for original dormitory or family dormitory use.

The term "direct user" mentioned in Article 52-2 of this Act indicates the following persons who use real estate before this Act amended and executed on January 14,2000 and keep using until real estate sold:

1. National land occupied by private building which includes main body building with its dwelling place or subordinate facilities, direct user refers to owner of main body building or actual dividing user.

2. National housing and land, direct user refers to dwelling user who has household registration.

Actual dividing user as mentioned in subparagraph 1 of foregoing paragraph indicates legal heir of building owner's legacy and needed to divide use according to true status. The situations needed to divide use, subparagraph 1 of foregoing paragraph and dwelling place of main body building or verifying standard for subordinate facilities are decided by the National Property Administration.

The term "first announced land current value" mentioned in Article 52-2 of this Act indicates first announced land current value specified by the Equalization of Land Rights Act. When handling first announced land current value of the section, for those unregistered land, sectional average value of land value section of the land located shall be specified as its first announced land current value; for those no land value for the section, average sectional land value of adjoining land value section shall be specified as its announced land current value.

Data of land current value of foregoing paragraph, branch offices of the National Property Administration shall consult with local land offices to offer.

Handling sale for national non-public use housing or land over 500m² in area according to Article 52-2 of this Act, sale price shall be estimated in accordance with Appraisal for National Property.

Article 56

(Deleted)

Article 56-1

National non-public use real estate sold by tendering according to paragraph 2 of Article 54 of this Act, real estate shall be handed over to the winner under current situation.

Article 57

National house using other public land or other public house using national building land or house and land co-owned by central and local government, a party after gaining agreement from the other party can entrust any party to sell. Sale money shall be submitted to every public treasury respectively. National and other public real estate adjoining each other, if combined sale is more advantage, they can be handled according to the foregoing paragraph.

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

Article 58

The so-called personal property after disassembling and refitting with the remained parts mentioned in Article 55 shall be sold by tender if it is not

offered for public use or investment or temporary leasing.

Article 59

Securities, not able to sell according to the stipulation of paragraph 2 of Article 56 of this Act, shall be sold by public tender but approved by the Executive Yuan not subject to this restrictions.

Article 60

The so-called disposition upon property rights approved by the competent authority or the Ministry of Finance in accordance with its category mentioned in Article 57 of this Act indicates public property rights disposed through approval by competent authority of public use property and non-public property rights disposed through approval by the Ministry of Finance.

Section 3 Evaluation

Article 61

The term “evaluation methods” mentioned in paragraph 1 of Article 58 of this Act refers to calculation ways and estimation standard.

Article 62

(Deleted)

Section 4 Contribution

Article 63

While contributing overseas national property to foreign governments or their citizens specified in Article 60 of this Act, for those public use real estate needed to take urgent step, original administration authority can obtain a approval from the Executive Yuan to handle it not necessary to follow the procedure for public use property converted into non-public use property specified in Article 35 of this Act.

Chapter 7 Inspection

Section 1 Property Inspection

Article 64

Regular inspection specified in Article 61 of this Act shall put into operation after a final financial statement decided in every fiscal year; irregular inspection shall put into operation based on actual situations; inspector shall submit the inspection report to competent authority for approval after finishing inspection within 20 days.

Article 65

Inquiry specified in Article 62 of this Act can be done by sending a staff to visit or by an inquiry in writing; but special situation can be done by a special case inspection.

The Ministry of Finance can authorize the National Property Administration to do foregoing inquiry.

Article 66

The National Property Administration sending a staff to do on-the-spot surveying, observation, inspection, investigation according to stipulation of this Regulations shall issue a national property ID for appointee to carry and use.

Section 2 Property Report

Article 67

The so-called "modificatory plan for public property" mentioned in Article 64 of this Act shall include modification or abolition of using purpose, modification or exchange of property classification, exchanging use of every kind of property and a prepared proposal for requesting appropriation of non-public use real estate.

Article 68

According to Article 69 of this Act to compile master catalog of national property shall be done by the National Property Administration, the Ministry of Finance.

Chapter 8 Supplementary Provisions

Article 68-1

Items, specified in this Act and needed to handle by the Executive Yuan, the Ministry of Finance, or the National Property Administration, can entrust other organizations or appoint subordinate organizations to carry out.

Article 69

The term "property failed to take over" mentioned in Article 73 of this Act indicates property owned by the nation but not taken over or utilized by governments at all levels; the term "property concealed by others" indicates property unknown to be owned by the nation but discovered by report and known to be owned by the nation.

If foregoing property belongs to unregistered land, reporter can not obtain premiums.

Article 70

Premiums bestowed on reporter according to Article 73 of this Act, its standard is specified as followings:

1. Property failed to take over: personal property, giving 8% premiums of total value of property; real estate, giving 4% premiums of total value of property.
2. Property concealed by others: personal property, giving 10% premiums of total value of property; real estate, giving 5% premiums of total value of property.
3. Property embedded, sunk: handled by regulations for applying excavation and salvage of national embedded, sunk property.

Personal property mentioned in every subparagraph of foregoing paragraph, reporter's premiums can be given by goods according to specified standard.

Article 71

Premiums bestowed according to Article 73 of this Act, its reported property needs to register in accordance with law, government-assessed price shall be the basis to compute it when registration procedure is completed; its reported property needs not to register, government-assessed price shall be the basis to compute it when checking and accepting and taking over occurs; if there is no government-assessed price, price appraised by the National Property Administration shall be the basis to compute it.

The foregoing premiums are issued by the National Property Administration after getting approval of the Ministry of Finance, but budget procedure shall be completed later.

Article 72

After enforcement of this Act, national property managed by central and local government organization, its safekeeping, use, revenue and disposal not inconsistent with the specification of this Act shall be changed to manage according to this Act. Non-public use property shall be listed and handed over to the National Property Administration by original managing organization according to this Act.

Article 73

Before enforcement of this Act, regarding lawsuit of national real estate dispute not concluded and verdict not reached or verdict reached but not ended, if the party concerned asks to disposes according to this Act or this Regulation, the National Property Administration can terminate the case by actual situations.

Article 74

Every kind of operation procedures specified in this Act and this

Regulation shall be enacted by the National Property Administration.

Article 75

This Regulations are effective from the date of its publication.

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