Content

Title：	Directions for Adoption and Maintenance for National Non-Public Use Cultural Asset Ch
Date：	2018.09.07
Legislative：	1.Promulgation of Decree No. 10740006682 by the National Property Administration, MOF on September 7, 2018
Content：	Article 1 These Directions are established to preserve and maintain the original look, prevent the idling, and enhance the management efficiency of non-public-use national cultural heritages by combining with external resources. Article 2 Branches of the National Property Administration (NPA) of the Ministry of Finance shall be the Execution Agency of these Directions. Article 3 “Non-Public-Use National Cultural Heritage” hereunder shall means the national non-public real estates as designated or registered according to Subparagraphs 1-7 or Subparagraph 9, Paragraph 1, Article 3 of the Cultural Heritage Preservation Act. The auxiliary/ancillary facilities and the related property and articles kept in the book of the cultural heritage specified in the preceding provision shall form part of the adoption target. Article 4 Government agencies (organizations) of all levels, schools, government and private entities (judicial persons), non-entity (judicial person) groups with a representative person or manager, and individual (natural persons) may apply for adoption of non-public-use national cultural heritages according to these Directions. Article 5 Applicants should submit an adoption plan to apply for adoption to the Execution Agency. After the joint review and approval of the NPA branch or office and the competent authority of culture or consult with the competent authority of culture by mail of the adoption plan, the Execution Agency shall sign an adoption contract (format as shown in Annex 1). If the competent authority of culture or owner of the non-public-use national cultural heritage above ground applies for adoption of the non-public-use national land on which the non-public-use national cultural heritage is located, the application review or consultation shall be exempted. When there are two or more applications for adoption of the same adoption target, the Execution Agency shall hold a review meeting to compare the

applications and proceed based on the review results.
After a change in the adoption plan, adopters shall submit a written explanation of the change to the Execution Agency for reference.

Article 6
The adoption plan submitted by applicants shall include the following items:
1.Overall planning of the adoption target, the concept of management and maintenance, or environment beautification.
2. The use planning of the adoption target.
3. The duration of adoption.
4. Other required drawings and the related data.

Article 7
The Execution Agency shall determine the duration of adoption based on individual application, with a maximum of six years.

Article 8
After signing the adoption contract with the applicant, the Execution Agency shall produce a handover record based on the current status of the adoption target and hand it over to the Adopter.

Article 9
During the adoption, the Adopter does not need to pay any fee for the adoption target to the Execution Agency. However, the Adopter shall pay the fees for utilities and the management and maintenance of the adoption target.
Apart from managing and maintaining the adoption target according to the Cultural Heritage Preservation Act and the related laws and regulations, the Adopter shall exercise the due care of a good manager. If a management and maintenance plan is required, the Execution Agency shall establish the plan in collaboration with the Adopter and report the plan to the competent authority of culture for reference.
If the Adopter needs to apply for funding to the competent authority of culture, the Execution Agency shall provide the related assistance.

Article 10
After discovering anomalies, including an appearance change, a color change, equipment damage, and biological hazards, that may cause threat to the value of cultural heritage in the adoption target or its auxiliary/ancillary facilities during routine maintenance or periodic service, the Adopter shall maintain a detailed record of such anomalies and report to the Execution Agency immediately. If the adoption target is stolen, the Adopter shall immediately report to the police.
If the said anomalies tend to expand, the Adopter shall take necessary temporary protection for the damaged area(s) of the adoption target.
For anomalies mentioned in Paragraph 1, the Adopter may apply for renovation and improvement or refurbishment for beautifying the overall landscape design. In the latter case, the Adopter shall submit an application including the related design drawings, construction plans, and

maintenance plans to the Execution Agency. The Adopter shall implement a refurbishment project only with the approval of the Execution Agency and the competent authority of culture. The Adopter shall also pay for the refurbishment.

Article 11
The Adopter shall erect adoption signs (format as shown in Annex 2) in the appropriate locations or positions of the adoption target.
The erection of adoption signs in the preceding paragraph shall not affect the architectural structure and/or the auxiliary/ancillary facilities of the cultural heritage.

Article 12
The Adopter shall abide by the following regulations:
1.Do not close the adoption target; the adoption target should be opened for public visit appropriately.
2.Manage and maintain the adoption target with own efforts. Do not manage and maintain the adoption target through a third party or transfer such rights to a third party.
3.Do not engage in any business activities with the adoption target during the adoption. However, with the prior consent of the Execution Agency, the Adopter may organize public interest activities on a non-profit and non-commercial basis.
4.Under no circumstances shall new construction, expansion or modification of adoption target without approval be allowed. If repair is required, the Adopter shall apply for permission to the Execution Agency and the competent authority of culture according to the Cultural Heritage Preservation Act and the related laws and regulations prior to implementation.
5.After discovering damage or occupation of the adoption target, the Adopter shall immediately eliminate the related harms, restore the adoption target as is, and report to the Execution Agency.
6.Other case-specific matters deemed as necessary by the Execution Agency.

Article 13
Reasons for contract termination:
1.Contract expiration.
2.The Execution Agency may notify the Adopter to terminate the contract at any time under one of the following circumstances, and the Adopter shall not claim compensation (indemnification) of any kind.
(1)The Adopter breaches the contract or violates the regulations specified by law.
(2)The Adopter fails to make improvement for the poor management and maintenance of the adoption target as determined by the Execution Agency and the competent authority of culture by the advised time limit.
(3)The Adopter transfers part of or all of the adoption target for use by a third party without the Execution Agency’s permission.
(4)The Adopter engages in behaviors valid for interfering with the ownership of the adoption target.
(5)The Adopter returns the adoption target for termination of the contract

prior to expiration or suspension of use of the adoption target.
(6)The Execution Agency recovers the adoption target for self-management or dispose the adoption target by law.
(7)The Adopter fails to submit the self-inspection checklists as specified or fill in the self-inspection checklists exactly for three times.

Article 14
During contract termination, except for the need of management and maintenance of cultural heritage as determined by the Execution Agency, the Adopter shall restore the adoption target as is and return it to the Execution Agency. The Adopter shall compensate for the consequential damages for breaching this contract.

Article 15
During the adoption, the Adopter shall fill in the self-inspection checklists (format as shown in Annex 3) and submit it to the Execution Agency for reference every month.
The Execution Agency shall perform documentary (mail) inspection or send staff to perform an onsite inspection of the adoption target regularly or irregularly. The Adopter shall not refuse.

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