Content

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| Title： | Disposal Directions for National Non-public Use Land Provided for Afforestation and Beautification Purposes Ch |
| Date： | 2018.11.30 |
| Legislative： | 1.Revision of Decree No. 09640016461 by the National Property Administration, MOF on September 28, 2007<br>2.Revision of Decree No. 09840008971 by the National Property Administration, MOF on April 20, 2009<br>3.Revision of Decree No. 09840023501 by the National Property Administration, MOF on September 16, 2009<br>4.Revision of Decree No. 10140001581 by the National Property Administration, MOF on February 4, 2012<br>5.Revision of Decree No. 10640004250 by the National Property Administration, MOF on June 7, 2017<br>6.Revision of Decree No. 10740009650 by the National Property Administration, MOF on November 30, 2018 |
| Content： | Article 1<br>The principles are herein set for the purpose of increasing the management benefit of national non-public use land, environment landscaping, and reducing the cost of human labor and cost of management of the branches of the Administration (referred to as the ‘executing agency’ hereinafter).<br><br>Article 2<br>National non-public use land that has not been disposed or prior to usage planning, may be provided to others without charging a management fee to others for green beautification or maintenance (referred to as ‘green beautification case’ hereinafter) in the forms of commission or adoption. However, those having the following conditions should individually comply with the regulations:<br>1. Those who are occupying must comply with one of the following conditions:<br>(1) Where the aboveground objects are plants, flowers, grasses, and trees, the occupying person shall apply and complete payment for compensation for usage over the years. In addition, the occupying person shall sign an affidavit pledging the flowers, grasses, and trees free of charge to the government and assume responsibility for the maintenance thereof.<br>(2) Where there are other aboveground objects on the land, the local government shall be the applicant and commits to dispose of the occupying objects within a certain timeframe.<br>2. Mutually owned land must be processed with the consent of other co-owners or reaching agreement for division or separate management.<br>3. The revenue from disposition should be approved by the agency before being appropriated to other agencies.<br>The national non-public use land within the national park area can only be commissioned to the local government for management according to the previous Paragraph. The use by the commissioned party should comply with related laws and regulations of the national park and acquire the approval |

by the National Park Administrative Office.

Article 3
The maximum timeframe for commissioned or adopted green beautification case is 6 years. The qualification for the applicant and application regulations are as below:
1. Local government or appropriate institution (referred to as ‘the commissioned party’ hereinafter): to be processed according the Article 13 of the National Property Act and approved for commissioning by the executing agency authorized by Ministry of Finance. The commissioned party is defined as in the following:
(1) Local government: agency under direct municipality, county (city) and district offices of villages (towns, city, aborigine resident district of direct municipality).
(2) Appropriate institution: public institution and public or private legal entity established according to law.
2. Central agency, non-legal entity group which have a representative or manager, and person (referred to as ‘adopter’ hereinafter): to be processed as adoption with the approval of executing agency.

Article 4
After approving the green beautification case, the executing agency shall sign a written contract with the applicant (formats are as in Attachment 1, 2). During the contract period, if further commissioned management items or adoption lots are added, a new contract shall be signed.

Article 5
The duties, responsibilities, and related restrictions of the commissioned party or adopter who can plant flowers, grasses, trees only in the national land provided by the executing agency are as the following:
1. Due diligence for care as the manager.
2. No building, constructing obstacle, setting up shops, parking lot, storing disposed waste, excavating stone and gravel, changing original terrain, sabotaging original forest terrain, providing use to certain parties or any other actions that may produce revenue, nor any violation of laws and regulations is permitted.
3. The cost of green beautification or environment maintenance is to be borne by the applicant according to relevant laws and regulations. Signage should be erected at the suitable locations. If the green beautification, maintenance, or signage erection results in damage to other party’s rights, the responsibility for remuneration falls on the applicant without any right to request the executing agency for the responsibility.
4. Providing national land to a third party is prohibited. If the commissioning party is the local government, after acquiring the approval by the executing agency, the local government may outsource the green beautification or maintenance to a third party.
5. During the time of green beautification, there is no need to pay for the land usage to the executing agency. The planted flowers, grasses, and trees will be the national property. The applicant cannot exert any right nor request any payment or remuneration from the executing agency.

6. At the termination of the contract, except plants deemed by the executing agency to facilitate land management and maintenance, the land should be vacated and returned to the executing agency within 15 days. If any breach of contract occurs, the applicant is responsible for damages.
7. Other items to be considered by the executing agency as special cases.

Article 6
Causes for terminating the contract for green beautification case are as follows:
1. Contract has expired.
2. During contract, the executing agency may notify the commissioned party or adopter under one of the following conditions:
(1) The commissioned party or adopter violates the contract or laws and regulations.
(2) The commissioned party or adopter transfers part of or the whole land to other parties without the approval of the executing agency.
(3) The commissioned party or adopter exhibits conducts that are sufficient for obstructing land ownership.
(4) The commissioned party or adopter applies for early termination of the contract and returns the land.
(5) The land is necessary to be retracted to be self-managed or disposed as required by law.

Article 7
The operating procedure for the green beautification cases is as in Attachment 4。

Article 8
During the time of green beautification, the executing agency should inspect in writing or send personnel to inspect on the condition of land usage periodically or from time to time.

Attachment 1—Commissioned Management Contract (as in the file)
Attachment 2—Adoption Contract (as in the file)
Attachment 3—Format of the alert billboard (as in the file)
Attachment 4--Flow chart (as in the file)

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| Attachments： | Attachment 1.pdf<br>Attachment 2.pdf<br>Attachment 3.pdf<br>A achment 4.pdf |

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