Content

Title：	Operation Directions for Provision of National Non-public Use Land for Passage of Inaccessible Land Ch
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Legislative：	4.Revision of Decree No. 10940011960 by the National Property Administration, MOF on December 17, 2020 3.Revision of Decree No. 10340003000 by the National Property Administration, MOF on March 3, 2014 2.Revision of Decree No. 10240022620 by the National Property Administration, MOF on October 4, 2013 1.Promulgation of Decree No. 0994003172 by the National Property Administration, MOF on December 31, 2010
Content：	Article 1 The operation of national non-public use land used for providing the right of passage for inaccessible land shall be carried out by each branch of the National Property Administration (hereinafter referred to as the executive agency) according to these rules. Article 2 The "inaccessible land" mentioned in these rules refers to the land not fit for ordinary use because there is no suitable access to a public road; or there is road access, but it is not suitable, does not meet the basic requirement of construction, or the access is difficult, so it cannot be used for normal purposes. Article 3 Applicants who can apply for the right of passage through the national non-public use land are holders of the right to use the inaccessible land, including the owner, the holder of superficies, the holder of an agricultural right, the holder of an easement on the real estate, the holder of lien right, the lessee and holders of other rights to use the land, but excluding trustee and adopters of inaccessible national land. Article 4 If a transfer of a part of a piece of land or of the division of a piece of land prevents suitable access to the public road or if a piece of land has no suitable access to the public road after the owner of many pieces of land has transferred some of the land or simultaneously transferred all land to others, the relevant implementation shall be carried out according to where Article 789 of the Civil Code apply unless in the event of circumstances referred to in Article 5 herein. The executive agency shall rely on the registered land/building data available online to determine whether the division or transfer of inaccessible land satisfies the circumstances referred to in Article 789 of the Civil Code. The applicant or stakeholder may also bear the burden of proof voluntarily. Article 5 Where the landowner of inaccessible land, in order to reach the public road, is only entitled to pass through the land owned by the transferee,

transferor, or other petitioners as referred to in Article 789 of the Civil Code (hereinafter referred to as the “land which should be passed through”), the executive agency may agree with the applicant on the provision of national non-public land used for passage with consideration separately, in any of the following circumstances:
(1)Where the land which should be passed through has been used for construction purpose and no space thereof available for the passage;
(2)Where the national non-public land requested for the passage has been used for ditching, or passage insofar as it is not identified as laneways for the time being;
(3)Where the national non-public land requested for the passage refers to a residual part of the land used for the public utilities including public roads and ditches, which is so deformed and narrow that it is impossible to serve any practical use.

Article 6

Unless the plan, uses, or disposition method for the national non-public land has been approved, the executive agency may review the relevant location, topography, and uses of the land, and select the place and method that will cause the least damage to determine the passable area.
The review referred to in the preceding paragraph is conducted for an application for designation of a construction line. The building laws and regulations shall also be considered.
When an application for the right to pass through certain national non-public use land is under review and there is an application for purchase of the land, the latter shall be reviewed and handled first. Other applications aimed at the same target will be reviewed and handled in the order received.

Article 7

If the selected land for passage has already been used or is shared land, it shall be handled according to the following provisions:
1. There are other holders of the right to use the land: Unless the national land is used by others for access, managed by trustees, or used by adopters, the applicant should obtain written consent of the holders of the right to use the land to apply for passage. In the case of the national land requested for the passage under Article 789 of the Civil Code, insofar as a transfer or division of land by the executive agency prevents suitable access to the public road and the applicant expressly states that it is difficult to obtain the written consent from the holders of the right to use the land, the executive agency shall be present to help negotiation.
2. Applicant's occupation: The applicant shall remove any objects on the land unrelated to passage.
3. Occupation by others: If the land is in an area indigenous people have applied for as an aboriginal reservation, the applicant shall obtain the occupier's written consent to apply for passage. As for the remaining land, the applicant shall make a commitment to remove any obstacles by signing an affidavit.
4. Shared land not managed separately: When the executive agency consents to the holder of the right to use the passage, such holder shall be required to obtain the consent of other co-owners.
Applicants who need to obtain written consent to apply for the right of

passage according to the provisions of the preceding paragraph, the executive agency may provide the personal data of the holder of the right of use or occupier if necessary, and inform the applicant that the use of personal data shall comply with the provisions of the Personal Data Protection Law. Any violator shall be punished and liable for damages according to the same law and shall also inform the holder of the right of use or the occupier.

Article 8

When the executive agency grants the right of passage, unless otherwise provided by law, it shall notify the applicant to pay the passage charge and sign an affidavit giving a commitment to comply with the following provisions: (For sample formats of notification letters, see Appendix I and II; for formats of affidavits, see Appendix III and IV.)

1. National land is provided for passage only. Applicants applying for a construction permit on inaccessible land are prohibited from building any construction on national land.
2. Applicants shall be responsible for any damage to others or the rights and interests of the executive agency caused by passage through or installation of relevant facilities.
3. When passage has been occupied or obstructed, if it is in the area indigenous people have applied for as an aboriginal reservation, the applicant shall obtain the occupier's written consent to apply for the passage. As for the remaining land, the applicant shall handle the removal of the obstruction by themselves.
4. Applicants who need to install passage-related facilities on national land shall first obtain the consent of the authority in charge of the business concerned and the executive agency. The applicant is responsible for the installation costs, construction safety, and maintenance management.
5. When an applicant applies for the early return of national land, the relevant facilities shall be removed on schedule according to the notification of the executive agency and the national land shall be returned in its original condition, unless the executive agency agrees to retain them and the applicant donates them to the government.
6. After the passage charge is paid, the relevant refund operation shall be carried out according to these rules.
7. The applicant is willing to inform the executive agency and let it recover the national land without raising objections or demanding any compensation if there is other passage in the future.
8. The applicant shall cooperate with the executive agency to carry out any change in management or the transfer of ownership without raising objections or demanding any compensation if the national land is needed for public use or is to be disposed of according to regulations in the future.
9. If the holder of the right of passage is not the original one because the ownership or right of use of inaccessible land is transferred in the future, the applicant is prohibited from applying for a refund of the paid charge accordingly. As for the installment payment that has not been paid, the applicant shall, together with the transferee of the ownership or right of use, apply to change the name of the holder of the right of passage and the method for installment payment, or the two parties agree that one of

the parties shall pay off the charge in one lump sum without objection. If the national land has been involved in accepted application for changes in management or transfer of ownership when the executive agency notifies the applicant of the payment of passage charge and signs an affidavit, the executive agency shall notify the applicant of the accepted application together with the notice.

Article 9

The passage charge is calculated and collected according to the following provisions:

1. Charge for providing passage only: The annual charge is collected based on the annual interest rate of 5% of the current declared land value at the time the passage application is approved, and 50 years' annual charges are calculated at one time and may be paid in installments. The charge shall not be collected when the term expires . In the circumstances referred to in Article 5 herein, the charge shall be collected by the current declared land value at that time plus 40% with the same interest rate.

2. Charge for providing a designated construction line for inaccessible land, and the issue of a construction license: The total amount is collected by a one-time payment, which is 30% of the current announced land value plus 60 years' annual charges with an annual interest rate of 5% of the declared land value at the time the passage application is approved. The payment shall not be paid in installments, and the charge shall not be collected when the term expires. In the circumstances referred to in Article 5 herein, the amount shall be collected by the current declared land value at that time plus 40% with the same interest rate.

3. During the term of passage, when the holder of the right of passage requests a change of the place of the passage, he/she shall reapply and pay the charge according to the regulations.

4. If the applications for passage through the same piece of national land are accepted separately, the charge shall be calculated and collected on a case-by-case basis.

Article 10

After the charge is collected, the holder of the right of passage is allowed to apply for a refund if one of the following occurs:

1. The holder of the right of passage does not need the passage any longer and can receive a refund with no interest on the prepaid charge for the passage of the remaining period from the day the land is cleared of the relevant facilities to the end of the term.

2. The holder of the right of passage who obtains the ownership or other right to use the land can receive a refund with no interest on the prepaid charge for the passage of the remaining period from the day he/she obtains the ownership or other right to use the land to the end of the term.

3. In the case of applying for the designation of a construction line, if it is no longer necessary to use the passage area for the designation as a construction line, because the construction license has not been obtained, changed, withdrawn, or cancelled after the designation of the construction line is completed, the prepaid charge for the period from the day the application is submitted to the end of the term shall be refunded with no interest.

When the land for which the right of passage has been approved is

expropriated or transferred to another agency according to law, or the ownership of the land is transferred due to disposition according to regulations, the executive agency shall notify the holder of the right of passage that the charge received shall not be refunded, and notify the agency expropriating the land, the agency as the transferee of the land, or the new owner of the land of the area of passage at the same time.
When the land for which the right of passage has been approved is expropriated or transferred to another agency according to law and the holder of the right of passage under the circumstances specified in Paragraph 1 applies for the refund of the charge, the executive agency shall handle the refund in accordance with Paragraph 1 after contacting the management agency of the land and confirming the circumstances.

Article 11

After the applicant has paid off the passage charge and signed the affidavit, the executive agency issues the official letter of approval to the applicant (example format is shown in Appendix V and VI).

Article 12

The national non-public use land that must be provided for passage upon the court judgment shall be handled according to the main body of the judgment. If the main body of the judgment is not specified, it shall be handled according to these directions.

Article 13

For details of the handling process of the holder of the right of passage applying for passage through national land, please see Appendix VII.

Article 14

In the case of applying for the use of national non-public use land according to the provisions of other adjacent relations of the Civil Law, unless otherwise stipulated in other laws and regulations, the case can be handled based on these rules depending on the situation of the case. As for the charge, the annual charge is an annual interest rate of 5% of the current declared land value at the time the application is approved, and 50 years of annual charge is collected by one-time payment or paid in installments.

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Attachments：	Attachment 1.pdf Attachment 2.pdf Attachment 3.pdf Attachment 4.pdf Attachment 5.pdf Attachment 6.pdf Attachment 7.pdf

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