Content

Title：	Principles for Provision of National Non-public Use Marginal Land for Adoption for Environmental Protection Purposes Ch
Date：	2021.02.17
Legislative：	1.Promulgation of Decree No. 10840000520 by the National Property Administration, MOF on January 30, 2019 2.Revision of Decree No. 11040000800 by the National Property Administration, MOF on February 17, 2021
Content：	Article 1 These Regulations are established to enhance the management efficiency of non-public-use marginal national land for the sustainable development of the environment and to save the labor and funds of NPA. Article 2 The NPA (hereinafter called the “Authority-in-Charge”) and its branches (hereinafter called the “Execution Agency”) shall handle applications for adoption of national non-public use land for promotion of environmental protection. Article 3 Terms and definitions 1. “Non-Public-Use Marginal National Land” refers to the national non-public use land in coastal areas, wetlands, ponds, mountainsides and any areas identified by the competent authority as environmentally sensitive or indispensable for ecological protection. 2. “Environmental Protection Group” (hereinafter called “EPG”) refers to the environmental protection business entities (judicial persons) approved for establishment by the Environmental Protection Administration (EPA) of the Executive Yuan, and organizations (juridical associations) approved for establishment by the Ministry of the Interior and a municipal or county (city) government for environmental protection and ecological conservation. Article 4 The Execution Agency shall capture the information of non-public-use, not-suitable-for-development marginal national land within the jurisdiction, and regularly screen the catalogue of land without disposition or use planning (hereinafter called the “Land Catalogue”) for EPG’s reference. EPGs interested in adopting any of such land may submit an adoption plan to apply for adoption to the Execution Agency. If an environmental protection group is interested in adopting non-public-use marginal national land that is not in the Land Catalogue, it may also submit an adoption plan to apply for adoption with the Execution Agency. In the case of areas identified by the competent authority as environmentally sensitive or indispensable for ecological protection, the group shall also submit the competent authority’s written decision, unless the Execution Agency has already obtained the decision. Then the Execution Agency shall print out, compile, and archive the same. Article 5 An adoption plan shall include the following items: 1.The overall planning, management and maintenance, or concept of environmental beautification of the adoption target. 2.Adoption duration. 3.Other necessary drawings and related data. Article 6 The maximum duration of adoption for promotion of environmental protection

is six years. After reviewing the adoption plan submitted by the EPG for compliance with the requirements in Point 3, the Execution Agency shall report to the Authority-in-Charge to hold a review meeting with the representative of related agencies, scholars, and experts.
Where the adoption target requested by the environmental protection group is identified by the competent authority as an area environmentally sensitive or indispensable for ecological protection, or there is another applicant for the same adoption target, the competent authority may be invited to attend the review meeting referred to in the preceding paragraph altogether.
When there are two or more applications for adopting the same target, the Execution Agency shall compare the applications at the review meeting referred to in Paragraph 1 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.
If the EPG desires to continue the management and maintenance after the previous adoption for promotion of environmental protection expires, it shall make a new application to the Executive Agency for the Authority-in-Charge to handle the application according to the procedures in Paragraph 1.

Article 7
After the approval of the Authority-in-Charge, applicants will not need to pay management fees of any kind to adopt the adoption target. The Authority-in-Charge shall sign an adoption contract (format as shown in Annex 1) with the applicant.

Article 8
The EPG applying for adoption of national non-public use land for promotion of environmental protection shall implement the following on the adoption target based on its founding aims:
1.Affairs in relation to the organization and maintenance of the environment and ecological restoration.
2.Organization of activities in relation to environmental protection and ecological conservation.
3.Establishment of simple facilities with the consent of the Execution Agency and without violating land use control and related laws and regulations such as the Coastal Zone Management Act and the Wetlands Preservation Act, and without the need of a written consent issued by the execution agency.

Article 9
Responsibility, obligation, and the related limitations of the EPG
1.Exercise the due care of a good administrator.
2.Assist with patrol and control and the production of patrol and control records (format as shown in Annex 2), and report the current land status to the Execution Agency regularly.
3.Do not provide the land for use by a third party.
4.During adoption, the EPG does not need to pay the land use fee to the Execution Agency. After adoption expires, the EPG shall communicate with the succeeding EPG of the related simple facilities established as requested in Paragraph 3 of Point 8. If the latter determines such facilitates are beneficial for land management and maintenance, the EPG will not need to vacate them.
5.All plants grown during adoption are owned by the country. The EPG shall not claim for any rights or request the Execution Agency to pay fees or compensations in any form.
6.During contract termination, the EPG shall vacate the crops and return the land to the Execution Agency within 15 days, except for plants and crops and items (subparagraph 4) that can be retained according to related regulations. Adopters should compensate for the consequential damages for breaching this contract.
7.Other case-specific matters deemed as necessary by the Execution Agency.

Article 10
During the adoption, the EPG may seek assistance from the Execution Agency

under the following circumstances:
1.After discovering disposal of waste on or occupation of the adoption target, the EPG shall report to the Execution Agency as quickly as possible.
2.If the provision of seedlings, technical assistance, and funds from the Council of Agriculture, Executive Yuan, is required, the EPG may contact the Execution Agency to request for assistance.

Article 11
During the adoption for promotion of environmental protection, the Execution Agency shall perform an on-site survey at least once per year. The survey results shall be inserted into the Non-Public-Use Marginal National Land Environmental Protection Adoption Application Checklist (see Attachment 3). Where any deficiency needs to be improved, it shall also issue the Non-Public-Use Marginal National Land Environmental Protection Adoption Application Continuous Improvement Form (see Attachment 4) and deliver the same to the adopter, requiring the adopter to complete the Form within a specific time limit.
The Execution Agency shall also report the survey results for the previous year to the Authority-in-Charge for future reference by the end of January each year.

Article 12
Reasons for termination of contract in adoption for promotion of environmental protection:
1.Contract expiration.
2.The Execution Agency may notify the EPG to terminate the contract at any time under one of the following circumstances during the contract is in force.
(1)Adopters breach the contract or violate the regulations specified by law.
(2)Adopters transfer part of or all of the adoption target for use by a third party without the Execution Agency’s permission
(3)Adopters engage in behaviors valid for interfering with the ownership of the adoption target.
(4)Adopters return the adoption target for termination of the contract prior to expiration.
(5)The adoption target is recovered for self-management or disposition target by law.

Article 13
Annex 5 shows the process of handing applications for adoption of national land for promotion of environmental protection.

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