

Content

Title :	Operation Procedures for Agreement of Adjusting Geography of National Non-public Use Land 
Date :	2013.10.01
Legislative :	1.Stipulation and promulgation in accordance with Order No. Tai-Cai-Chan-Ju-Guan-zi-10040002781 dated March 17, 2011 from National Property Administration (NPA) of Ministry of Finance (MOF) 2.Amendment and promulgation in accordance with Order No. Tai-Cai-Chan-Shu-Guan-zi-10240020711 dated October 1, 2013 from National Property Administration (NPA) of Ministry of Finance (MOF) (pertaining to Articles 1, 2, 5, 6, 7, 8, and 9
Content :	<p>Article 1</p> <p>The <i>Regulations</i> are hereby stipulated to facilitate the Regional Branches (hereinafter referred to as the “Executive Agency”) of the National Property Administration (NPA), Ministry of Finance, in handling application cases made by land owners concerning the agreement of topographic adjustment of adjacent national non-public use lands, as provided in Article 6 of the <i>Directions for Disposal of Private Land Owner to Apply for Annexation and Use of Adjacent National Non-public Use Land</i> (hereinafter referred to as the “<i>Directions for Annexation</i>”).</p> <p>Article 2</p> <p>Where the Executive Agency does not approve the sale after review, applicants may apply to the Executive Agency for agreement of topographic adjustment, along with the attachment of the original supporting documents for the purchase of the adjacent national non-public use lands, and the topographic adjustment plan, within 30 days of the delivery of the notice of cancellation of purchase application, or within the validity period of the certificate for the annexation and use of public and private fragmented lands (hereinafter referred to as the “Annexation and Use Certificate”).</p> <p>The content of the topographic adjustment plan in the preceding paragraph shall include description, scope of rights, areas before and after the adjustment, and location drawings of the national and the applicants’ real estate.</p> <p>Article 3</p> <p>If any of the following circumstances pertain to national and private lands within the scope of agreement of topographic adjustment, the application shall not be approved:</p> <ol style="list-style-type: none">1. The national land is legally used by others from whom the consent is not available; or2. The private land is used by others or under public use (such as leased, lent, with the establishment of superficies, already occupied, established roads/ditches, statutory vacant land for legitimate houses, etc.). <p>Article 4</p> <p>Where the setting of a mortgage exists on the private land within the scope of topographic adjustment, consent from the mortgagee must first be obtained, to transfer such mortgage over to the private land acquired after the agreement of the topographic adjustment is made.</p> <p>Article 5</p> <p>The Executive Agency shall handle the topographic adjustment so that the national and private lands are both adjacent to the road, can both be built on separately, and in the following ways:</p> <ol style="list-style-type: none">1. For those circumstances falling under the provisions of Subparagraph 3, Paragraph 1, Article 3

of the *Directions for Annexation*:

- (1) Adjustment is made according to the scope of the merged use stated in the original Annexation and Use Certificate.
 - (2) Adjustment is made based on the original area in situ.
 - (3) Adjustment is made in the principle of making the land square and tidy.
2. For those circumstances falling under the provisions of Subparagraph 4, Paragraph 1, Article 3 of the *Directions for Annexation*:
 - (1) Adjustment is made according to the scope of the annexation and use stated in the original Annexation and Use Certificate.
 - (2) Adjustment is made according to the original areas of both lands.
 3. For those circumstances falling under the provisions of Subparagraphs 5 to 7, Paragraph 1, Article 3 of the *Directions for Annexation*:
 - (1) Adjustment is made according to the scope of the annexation and use stated in the original Annexation and Use Certificate or in annexation with the adjacent national lands.
 - (2) Adjustment is made according to the original areas of both lands.

Article 6

With reference to the circumstances specified in Subparagraphs 5 to 7, Paragraph 1, Article 3 of the *Directions for Annexation*, where the private land area within the scope of annexation and use is less than a minimum construction unit, the area including private land shall be adjusted as a minimum construction unit which, after the adjustment, can be sold through tendering in the name of national non-public use land or along with the adjacent national non-public use land.

Article 7

The regulations governing the agreement of topographic adjustment handled by the Executive Agency include the following steps:

1. Application received.
2. Joint inspection.
3. Negotiation on the adjustment plan.
4. Price evaluation.
5. Determination of the negotiated adjustment plan.
6. Execution of the agreement (see Annex for the format of the agreement).
7. Payment.
8. Handling of the real estate severance and registration matters according to the results of the agreement.

Article 8

Where the agreement of topographic adjustment is established, the following matters shall be handled:

1. Filling out an application for land re-survey, along with the attachment of the Annexation and Use Certificate and the agreement.
2. After the agreement of topographic adjustment is made, the land value shall be assessed according to the Appraisal Regulations for National Property. Where the land value increases or decreases therefrom, the values of the lands involved shall be adjusted. Based on the piece of land with a decreased post-adjustment value, a declaration application shall be made to the tax collection authority for the transfer of the portion of the decreased land current value. Meanwhile, the land value added tax must be paid.
3. The applicant shall apply to the land administrative office where the land is located for the boundary adjustment and re-survey as well as the change in registration of the land description.
4. Expenses such as re-survey, registration, and rights deeds associated with the agreement of topographic adjustment shall be equally shared by both the Executive Agency and the applicant, and the matters therein shall be handled in accordance with the relevant provisions of the

Cadastral Survey Regulations, Regulations of The Land Registration, etc.

Article 9

The Executive Agency is to periodically contact applicants to determine, via mutual negotiation, the adjustment plan related to the application cases of agreement of topographic adjustment. If the applicant fails to attend the negotiation or the negotiation on the agreement fails, the Executive Agency shall cancel the application case.

Attachments : Appendix.pdf.pdf

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