

Content

Title :	Directions for Public Facilities Use of Spot and Linear Provided by National Non-public Use Land Ch
Date :	2021.03.09
Legislative :	1.Promulgation of Decree No.10140019111 by the National Property Administration, MOF on September 12, 2012 2.Revision of Decree No.10240008263 by the National Property Administration, MOF on April 26, 2013 3.Revision of Decree No.10740005190 by the National Property Administration, MOF on July 18, 2018 4.Revision of Decree No.10800043610 by the National Property Administration, MOF on April 16, 2019 5.Revision of Decree No.11040001900 by the National Property Administration, MOF on March 09, 2021
Content :	<p>Article 1</p> <p>These <i>Directions</i> shall apply to cases that involve government agencies or schools at all levels (hereinafter referred to as the “applying entities”) requiring the establishment and use of spot or linear public facilities on national non-public use land due to official business or public needs.</p> <p>The applying entities referred to in the preceding paragraph refer to government agencies or schools that are established according to the law, have independent organizations and budgets, and can send official communications. The <i>Directions</i> are not applicable to those government-owned enterprises or institutions that are non-incorporated public enterprises, except for those public facilities specified in Subparagraph 9 of Paragraph 1 of Article 3 of the <i>Directions</i>.</p> <p>Article 2</p> <p>The executive agencies of the <i>Directions</i> are those subordinate region branches and offices of the National Property Administration (“NPA”), Ministry of Finance (“MOF”).</p> <p>Article 3</p> <p>Applying entities may be approved to establish public facilities on national non-public use lands that are not yet approved for plans, purposes, or processing modes, except for those leased farmlands subject to the <i>37.5% Arable Rent Reduction Act</i>, under the premises of non-issuance of the letter of consent on the rights to use the lands. Those public facilities approved for establishment thereon include the following:</p> <ol style="list-style-type: none">(1) Drainage ditches, box culverts, common water meters, and underground pipeline facilities.(2) Bus stop signs and bus shelters.(3) Street lamps, traffic lights, directional signs, billboards, landmarks, fire hydrants, and navigation facilities.(4) Guardrails required for traffic or pedestrian safety.(5) Water and soil conservation treatment and facilities related to remediation of creeks in the wild, treatment of landslide, and improvement of agricultural roads.(6) Relevant monitoring, surveilling, and testing facilities.(7) Public facilities related to rural regeneration, recognized and implemented by the branch offices of Soil and Water Conservation Bureau, Council of Agriculture, Executive Yuan.(8) Facilities related to temporary rail engineering for railway construction.(9) Relevant facilities for prevention and treatment of the collapse of lands for maintaining the safety of state-run railway lines.(10) Water conservancy facilities used on farmlands according to the law. <p>Under any of the following circumstances applicable to the national non-public use lands applied for use, matters that shall be handled first by applying entities are as follows:</p>

- (1) For those lands where funds obtained through treatment of the lands are allocated to an agency:
The applying entities shall first obtain the consent of the agency.
- (2) For those lands where the land use rights are provided: The applying entities must obtain a permit and a letter of undertaking from the individual with the right to use.

Article 4

For those national non-public use lands that are approved for the establishment of public facilities, the executive agency shall enter into a written contract with the applying entity, except for those lands on which the public facilities are approved to be established as stated in Subparagraph 5 of Paragraph 1 in the preceding article, where an official letter of consent shall be issued by the executive agency.

Under any of the following circumstances applicable to national non-public use lands approved for use, the applying entity shall be informed of the following matters via the specific contract or in the official letter of consent:

- (1) For occupied lands: Where the national land is occupied, the applying entity is requested to remove the items occupying the land on its own.
- (2) For co-owned lands that are not under separate management: Where the national land is co-owned without separate management, the applying entity shall independently seek from other co-owners the consent for the establishment of public facilities.

After the contract stated in Paragraph 1 is signed, where the area and number of national non-public use lands required by the applying entity reduce, such matter may be handled in the form of contract swapping with the consent of the executive agency.

For those national non-public use lands approved for use as specified in Paragraph 1 above, the applying entity is not required to pay the land use fee to the executive agency, whereas the executive agency may regularly or occasionally check the land use status by letter or assign staff to perform site inspections.

Article 5

The permit and the letter of undertaking from the individual with the right to use, as mentioned in Subparagraph 2, Paragraph 2, of Article 3, as well as the contract format and operating flow chart for the establishment and use of spot and linear public facilities on national non-public use land as stated in Paragraph 1 of Article 4 shall be stipulated by the NPA separately.