

Content

Title : Directions for Disposal of Private Land Owner to Apply for Annexation and Use of Adjacent National Non-public Use Land **Ch**

Date : 2016.09.30

Legislative : 1. Directions for Disposal of Private Land Owner to Apply for Annexation and Use of Adjacent National Non-public Use Land in accordance with Order No. Tai-Cai-Chan-Guan-zi-09940012391 dated July 1, 2010 from the Ministry of Finance.
2. Amended and promulgated in accordance with Order No. Tai-Cai-Chan-Guan-zi-09940030170 dated December 30, 2010 from the National Property Administration (NPA), Ministry of Finance (MOF), (pertaining to Articles 3 and 5)
3. Amended and promulgated in accordance with Order No. Tai-Cai-Chan-Guan-zi-10140014410 dated August 13, 2012 from the National Property Administration (NPA), Ministry of Finance (MOF), (pertaining to Articles 4 and 5)-
4. Amended and promulgated in accordance with Order No. Tai-Cai-Chan-Guan-zi-10240007860 dated April 26, 2013 from the National Property Administration (NPA), Ministry of Finance (MOF), (pertaining to Articles 1, 3, 5, 6, 7 and 8)
5. Amended and promulgated in accordance with Order No. Tai-Cai-Chan-Guan-zi-10540009941 dated September 30, 2016 from the National Property Administration (NPA), Ministry of Finance (MOF), (pertaining to Articles 5 and 8)

Content : Article 1

The *Directions* 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 cases of purchasing national non-public use land in accordance with the provisions of Paragraph 3 of Article 49 of the *National Property Act*.

Article 2

For those cases of purchase of national non-public use lands within the scope of annexation and use, applications can be made to the Executive Agency, along with attachment of the following documents:

1. Application for purchasing national non-public use real estate;
2. The certificate (within the validity period) for the annexation and use of public and private fragmented lands (hereinafter referred to as the “Annexation and Use Certificate”) issued by the local government, or any official document for merged construction use with the adjacent lands, as recognized by the local government;
3. Applicant's identification document;
4. Transcripts of registrations and transcripts of cadastral maps, issued within the last three months, for each parcel of land within the scope of annexation and use;
5. A waiver of the purchase right of the owners of the private land who have not jointly purchased the lands within the scope of annexation and use;
6. For those purchase cases that are handled by a commissioned party, a power of attorney shall be attached, unless the commissioning relationship has already been clearly stated on the application for the purchase of national non-public use real estates; and
7. Other documents that must be attached, as stipulated by the Executive Agency during the review of the case.

Article 3

If any of the following circumstances pertain to national and private lands within the scope of annexation and use, the purchase shall not be approved:

1. Those lands that are covered by the plans, uses, or handling methods approved by the Executive Yuan, Ministry of Finance, or the National Property Administration of Ministry of Finance;

2. Those lands applied by government agencies for appropriation;
3. Those lands that can be used for independent construction, and the private land within the scope of annexation and use range which can also be used for independent construction;
4. Those lands that are larger than the area of the private land within the scope of annexation and use, adjacent to the road, and can be used for independent construction after the topographic adjustment with the private land;
5. Those lands that are larger than the area of the private land within the scope of annexation and use, and can be used for independent construction after being merged with the adjacent national land, and the area of the private land is less than the minimum construction unit;
6. Those lands that can be used for independent construction as is or after being merged with the adjacent national land; except for those lands where the national land within the scope of annexation and use range is the sole land with which the private land should be merged for construction, and whole or part of the remaining national land after the sale can still be used for independent construction; or
7. Those lands that can be used for independent construction as is or after being merged with the adjacent national land, with an area of more than 330 square meters (inclusive), in municipalities directly under the Central Government, or, an area of more than 500 square meters (inclusive) in other administrative areas, and are adjacent to the road. Except for those lands where the national land within the scope of merged use range is the sole land with which the private land should be merged for construction, and whole or part of the remaining national land after the sale can still be used for independent construction, even though with the an area of less than 330 square meters in municipalities directly under the Central Government, or an area of less than 500 square meters in other administrative areas.

Cases of purchase of national lands described below can be handled, except under any of the circumstances of Subparagraphs 1 or 2 in the preceding paragraph: Those national non-public use lands purchased within the scope of annexation and use, that can be used for independent construction after being merged with the adjacent national land; yet cannot be used as is for independent construction; with an area of more than 330 square meters (inclusive) in municipalities directly under the Central Government. Or, an area of more than 500 square meters (inclusive) in other administrative areas, and an area smaller than the private land; where the national land within the scope of annexation and use range is the sole land with which the private land should be merged for construction, and whole or part of the remaining national land after the sale can still be used for independent construction.

Article 4

For private lands within the scope of annexation and use, under any of the following circumstances, cases are not handled for the purchase of the national and private lands within the scope of annexation and use:

1. Those lands that are severed, after February 3, 1989 - the effective date of the *Directions*, from the land that originally could be used for independent construction; or
2. Those lands, where whole or part of them were originally acquired through the merged use of the fragmented lands.

Cases of purchase of national lands described below can be handled: Those national lands within the scope of annexation and use in the preceding paragraph, cannot be used for independent construction after being merged with the adjacent national land.

Article 5

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Article 6

Those national non-public use lands not subject to sale as described in Subparagraphs 3 and 4 of Paragraph 1 of Article 3, may be handled through agreement of topographic adjustment.

Those national non-public use lands not subject to sale as described in Subparagraphs 5 to 7 of Paragraph 1 of Article 3, upon the application of the purchaser, may be handled by the Executive Agency in any one of the following methods:

1. Handle the national lands through agreement of topographic adjustment;
2. Sell the national lands through tendering; except for those national non-public use lands with an area of more than 1,650 square meters (inclusive);
3. For those national non-public use lands with an area of less than 1,650 square meters, and those private lands within the scope of annexation and use with an area less than the minimum construction unit; first, the minimum construction unit is handled under the agreement of topographic adjustment with the private land. Next, the post-adjustment national non-public use lands are sold alone through tendering, or sold along with the merged adjacent national non-public use land; or
4. Have the purchaser purchase private lands within the scope of annexation and use.

After the national non-public use land, described in Subparagraph 2 in the preceding paragraph, is

successfully sold through tendering, the purchaser, with the right of first refusal, may purchase the national non-public use land within the scope of annexation and use at the final bid price.

After the national non-public use land, described in Subparagraph 3 in the preceding paragraph, is successfully sold through tendering, the purchaser, with the right of first refusal, may purchase the national non-public use land within the scope of minimum construction unit at the final bid price.

Article 7

The regulations governing the handling methods in Paragraphs 1 and 2 in the preceding article shall be separately stipulated by the National Property Administration, Ministry of Finance.

Article 8

For those cases that were accepted but have not been settled prior to the implementation of the amendments to the *Directions*, the regulations at the time of the application shall prevail; except for those cases pertaining to the determination of the merger with adjacent national land.

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