

Content

Title :	Precautions for the Operation of Changing National Public Use Real Estate to Non-public Use Properties Ch
Date :	2020.11.18
Legislative :	<ol style="list-style-type: none">1. Stipulated in accordance with Letter No. (89)-Tai-NPA-Guan-zi-8900018796 dated July 14, 2000 from Ministry of Finance (MOF)2. Amended in accordance with Letter No. (90)-Tai-NPA-Guan-zi-0900001038 dated January 11, 2001 from Ministry of Finance (MOF)3. Amended in accordance with Letter No. (94)-Tai-NPA-Jie-zi-0940035045 dated November, 16, 2005 from Ministry of Finance (MOF)4. Amended in accordance with Letter No. (100)-Tai-NPA-Guan-zi-09940031791 dated January 5, 2011 from Ministry of Finance (MOF)5. Amended in accordance with Letter No. (103)-Tai-NPA-Jie-zi-10330009330 dated August 18, 2014 from Ministry of Finance (MOF)6. Articles 2, 4, and 7 amended in accordance with Letter No. (107)-Tai-NPA-Jie-zi-10730000090 dated January 17, 2018 from Ministry of Finance (MOF)7. Article 7, and Annexes 5 and 6 amended in accordance with Letter No. (109)-Tai-NPA-Jie-zi-10930003070 dated November 18, 2020 from Ministry of Finance (MOF)
Content :	<p>Article 1</p> <p>The <i>Precautions for the Operation of changing National Public Use Real Estate to Non-public Use Properties (the “Operating Precautions”)</i> are hereby stipulated to facilitate the operation of changing national public use real estate, managed by various administrative agencies, to non-public use properties, through applications.</p> <p>Article 2</p> <p>When the use of public use real estate managed by various administrative agencies is abolished, applications for changing such public real estate shall be made by the administrative agencies to regulatory authorities along with the following documents, in triplicate:</p> <ol style="list-style-type: none">(1) Declaration lists filled in with national real estate to be changed to non-public use properties by type of real estate in accordance with the format shown in Annexes 1 to 3 (hereinafter referred to as the “Declaration List”), including various types of real estate, such as national public use lands, buildings, or land improvements.(2) The latest registration transcripts of the national real estate.(3) Transcripts of land cadastral maps and transcripts of plan views of the buildings.(4) Zoning certificates for land under urban planning. These are not required for land not under urban planning.(5) Supporting documents showing the construction date and the service life of the buildings and land improvements.(6) Photos showing the current state of use.(7) Relevant support documents shall be attached for application cases involving property handover, in accordance with the provisions of the principles for handling occupied national public use real estate managed by various administrative agencies.(8) Lease agreements shall be attached for any real estate involved in leasing relations, and, additionally, the lease location maps if such real estate is partially leased.(9) Cultural asset announcement documents shall be attached for any real estate that is designated or registered as ancient relic, historical building, monumental building, settlement building, archaeological site, historic site, cultural landscape, natural landscape, or natural monument.

For the real estate mentioned in the preceding paragraph, if the use of the land or buildings is only partially abolished, the land administration shall be first contacted for the completion of the property severance registration, where the areas of the portions that are to be changed to non-public use properties must be determined first, before the declaration applications are made.

Article 3

After accepting applications from the administrative agencies for change (of public use real estate) to non-public use properties, the regulatory authorities of national public use properties are to verify the application cases. Once verified to be truthful, the application cases shall be forwarded to the National Property Administration (NPA) of the Ministry of Finance (MOF) along with the Declaration List, and attachments, two copies respectively, of properties to be changed to non-public property use, for the NPA to handle the operation of changes of such properties to non-public properties.

Article 4

Before making applications in accordance with the provisions of Article 2 above, various administrative agencies shall first handle the following matters:

- (1) For those lands that are used for public facilities under urban planning, and regulatory authorities of the target business are involved, the regulatory authorities of the target business shall be notified first for land appropriation within a time limit. Applications by the administrative agencies can be made if the regulatory authorities of the target business fail to handle the appropriation within the time limit.
- (2) For those lands that are designated for public facilities as provided in Article 42 of the *Urban Planning Law* or that are designated for project planning approved by the Executive Yuan, and have been designated for use by specific objects or purposes, changes of the lands for the urban planning or project planning shall be processed first.
- (3) For real estate designated or registered as ancient relics, historical buildings, monumental buildings, settlement buildings, archaeological sites, historic sites, cultural landscapes, natural landscapes, or natural monuments, the regulatory authorities of the target business shall be requested to handle the land appropriation within a time limit. Applications by the administrative agencies can be made if the regulatory authorities of the target business fail to handle the appropriation within the time limit.
- (4) For those buildings with a building use permit which is not yet registered, the land administration shall be contacted for the completion of the initial registration of the building ownership.
- (5) For those buildings that have reached the level of being scrapped upon the expiry of their service life, or have been damaged to a point of losing their original performance or have become unusable prior to the expiry of their service life, they shall be scrapped and demolished as provided, without having to be changed to non-public use properties. Only the national lands on which the buildings are located need be applied for change to non-public properties.
- (6) For those properties originally used as oil depots, gas stations, chemical storage tanks, ammunition depots, ammunition repair factories, waste ammunition disposal factories, chemical factories, arsenals, repair factories, shooting ranges, training grounds, or for other processing uses that were prone to soil and groundwater pollution, survey reports on soil and groundwater pollution shall be attached. Where there is any pollution found, pollution remediation and improvements shall be completed first.

Article 5

When handling site surveys for applications accepted by the NPA for changing national public use real estate to non-public use properties, administrative agencies shall handle the site surveys in cooperation with the branches or offices of the NPA.

Article 6

After national public use real estate is changed to non-public use property and the handover method is determined, with the approval of the MOF forwarded from the NPA, the regulatory authority shall supervise the handover of the property from the administrative agency to the NPA. For any creditor's rights obtained through litigation during the period of property management by the original

administrative agency, the administrative agency shall be responsible for the collection of such creditor's rights.

Article 7

For any real estate approved to be changed to non-public use, the original administrative agency shall fill in the handover list by type of real estate in accordance with the formats shown in Annexes 4 to 6, as well as jointly handle the property handover and change of administrative agency registration with the taking-over administrative agency, along with the following materials forwarded to the branch or office of the NPA:

- (1) Ownership certificates of the land and building improvements (no certificates need to be attached if written certificates are not applicable) or other supporting documents of rights.
- (2) Materials such as lease agreement, contract of use, or setting of rights.
- (3) The latest certificate showing information about income proceeds such as compensations for use, rent, or other usage fees.
- (4) National house tax statement or insurance information.

Where the real estate in the preceding paragraph has been designated or registered as an ancient relic, historical building, monumental building, settlement building, archaeological site, historic site, cultural landscape, natural landscape, or natural monument, such situation shall be clearly stated in the field "Remarks" on the handover list, and the cultural asset announcement document shall be attached.

For the real estate in Paragraph 1, unless the property handover is approved to be handled on the paper "as is", and the original administrative agency shall be responsible for custody and maintenance of the property prior to the handover and disposed of, the original administrative agency shall jointly handle the property handover on site on the date scheduled by the branch or office of the NPA.

Article 8

For real estate approved to be changed to non-public use, the original administrative agency shall handle the property handover in cooperation with the branch or office of the NPA in accordance with the following provisions:

- (1) Before the handover of the land, the original administrative agency shall remove weeds and waste on the ground.
- (2) Before the handover of the house, the original administrative agency shall complete the water cut-off, electricity cut-off, natural gas cut-off, sundries clean-up and empty-out, and the payments of relevant fees, before handling the property handover and turning in the key on site.

Article 9

After the real estate approved to be changed to non-public use is handed over to the NPA for take-over, if it is found that there have been situations such as illegal disposal of waste or soil and groundwater pollution prior to the take-over, the original administrative agency shall be responsible for removal of the waste and improvement and remediation of the pollution.

Article 10

For real estate that has been handed over by the original administrative agency, where any income proceeds or disposal proceeds need to be returned to the user, the original administrative agency shall still be responsible for the custody and maintenance of the real estate and payment of the expenses prior to the disposal of the real estate, as well as shall handle the related handover matter after the disposal of the real estate.

The responsibility for custody and maintenance in the preceding paragraph shall include the original administrative agency's responsibility for removal of the waste, and improvement and remediation of any pollution, under situations such as illegal disposal of waste or soil and groundwater pollution.

Article 11

In the event of a dispute or dissension over the real estate that has been handed over by the original administrative agency, the original administrative agency and its regulatory authority shall provide relevant materials and assistance in handling such dispute or dissension.

Article 12

In accordance with the provisions of Article 39 of the *National Property Act*, for real estate where the appropriation has been abolished with the approval of the Executive Yuan, the subsequent operations for such real estate, needing to be changed to non-public use real estate and handed over to the NPA for take-over, shall be handled in accordance with the provisions of Articles 7 to 11. For real estate approved to be changed to non-public use and needing to be handed over to agencies other than the NPA, the original administrative agency shall handle the handover and takeover matters in cooperation with the taking-over agency.

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