

Content

Title :	Disposal Directions for National Land Located within the Space of Urban Renewal Business Ch
Date :	2021.10.08
Legislative :	<ol style="list-style-type: none">1. Promulgation of Decree No. 0960011017 by the Ministry of Finance on April 11, 20072. Revision of Decree No. 09740010651 by the National Property Administration, MOF on June 25, 20083. Revision of Decree No. 09740026661 by the National Property Administration, MOF on January 10, 20094. Revision of Decree No. 09850003574 by the National Property Administration, MOF on August 3, 20095. Revision of Decree No. 09850005280 by the National Property Administration, MOF on October 15, 20096. Revision of Decree No. 09950000731 by the National Property Administration, MOF on March 11, 20107. Revision of Decree No. 10050001651 by the National Property Administration, MOF on May 18, 20118. Revision of Decree No. 10150002651 by the National Property Administration, MOF on May 31, 20129. Revision of Decree No. 10250001020 by the National Property Administration, MOF on February 20, 201310. Revision of Decree No. 10350010020 by the National Property Administration, MOF on December 4, 201411. Revision of Decree No. 10650001940 by the National Property Administration, MOF on June 2, 201712. Revision of Decree No. 10850001820 by the National Property Administration, MOF on June 20, 201913. Revision of Decree No. 11050003130 by the National Property Administration, MOF on October 8, 2021
Content :	<p>Article 1</p> <p>The Disposal Directions are established in response to the promotion of urban renewal policies, to improve the utilization efficacy of national properties, and to give equal consideration to the benefit to the national treasury.</p> <p>Article 2</p> <p>The authority-in-charge for the Disposal Directions is the National Property Administration (NPA) of the Ministry of Finance (MOF), and the execution authority is branches of the NPA, MOF.</p> <p>Article 3</p> <p>National lands (including public use lands and non-public use lands; the same shall apply below) adopts the principle of agreeing to being included in the renewal area according to the requirements under the Urban Renewal Act (hereinafter, the "Act").</p>

Before the authority for urban renewal approves or verifies the application for renewal area designation, preparation, or alteration of urban renewal business summary, preparation or alteration of the urban renewal business plan or right transfer plan submitted by urban renewal applicants, when making inquiries with the national land management authority within the scope, the management authority shall explicitly state whether the national land is included in the urban renewal.

When the area of national lands within the scope of the renewal area reaches 500m² in total and reaches half of the total land area of the renewal area, except for the urban renewal cases executed by the authority for urban renewal according to requirements under Article 12 of the Act, the execution authority or the management authority of public use land may propose to lead the opinions for performing urban renewal, and it may lead the performance of urban renewal according to requirements of the Act after making reports for approval in accordance with the following procedures:

(I) Execution authority: Report to the authority-in-charge. After being approved by the authority-in-charge through a review, report to the Ministry of Finance for approval.

(II) Management authority of public use land: Report to the competent authority for approval.

When leading the performance of urban renewal in accordance with the requirements in the preceding paragraph, other authorities, public/private enterprises or organizations may be engaged.

Article 4

The national lands within the scope of renewal areas referred in Directions 3, 5 and 8 exclude the following lands:

(I) Lands disposed of according to the requirements under the Act for Rebuilding Old Quarters for Military Dependents.

(II) Lands for public facilities.

(III) Lands disposed of according to the requirements under Article 23 of the Irrigation Act.

Lands for public facilities in Subparagraph 2 in the preceding paragraph shall be subject to the requirements under Direction 12.

Article 5

When the area of national lands within the scope of the renewal area is

less than 500m² in total and is less than one-fourth of the total land area of the renewal area, the national non-public use lands may be sold to implementers according to the requirements under Subparagraphs 3 and 4, Paragraph 3, Article 46 of the Act after the urban renewal business plan is approved, issued, and implemented.

Article 6

When the execution authority acknowledges that joint construction by agreement is adopted for the implementation of the urban renewal business, it shall propose to participate in the business by way of right transfer stated in Direction 8 or handle it by way of selling to implementers as stated in the preceding Direction.

Article 7

For national public use lands within the scope of renewal areas, the management authority shall comply with the following requirements:

(I) For those with usage abolished: Alter to non-public use property and transfer to the authority-in-charge for management according to the requirements under Articles 33 and 35 of the National Property Act. For those complying with the requirements of the authority-in-charge, before transferring to the authority-in-charge for management, the execution authority may be engaged to perform matters related to urban renewal.

(II) For those with usage not abolished and who clearly meet the requirements to participate in urban renewal for public use purposes:

1. For business assets or special fund assets, participate in the urban renewal according to the requirements of the Act. However, for the allocation of houses or lands as dormitories of executives or dormitories for duties, perform according to the requirements under Item 2.

2. Public use lands other than those stated in the preceding item are performed according to the following methods:

(1) Illustrate the reason to participate in the urban renewal, floor area required (including the main building and the ancillary buildings; the same shall apply below), and other relevant matters, report to the competent authority for approval. After obtaining consent from the authority-in-charge, it may participate in the urban renewal according to the requirements of the Act. However, when central authorities participate in the allocation of houses or lands as offices during urban renewal, they are

exempt from obtaining consent from the arranging authority.

(2) For those participating in the allocation of houses or lands through right transfer, when the floor area allocated exceeds the area approved by the competent authority or agreed to by the authority-in-charge, and the area must necessarily be retained for use, report to the competent authority for verification. When such area does not need to be retained for use or when the consent related to retaining for use is not granted, it shall be altered as non-public use property and transferred to the authority-in-charge for management according to the requirements under Articles 33 and 35 of the National Property Act.

3. Professional or technical service suppliers (including organizations or institutions) may be engaged to provide professional or technical assistance in terms of the house and land allocation plan and the rationale of joint burden after renewal.

Article 8

For national non-public use lands within the scope of renewal areas, according to the following requirements, the execution authority shall select to allocate houses, lands, or royalties after renewal according to the entitled rights value:

(I) For tax-deductible lands, allocate the royalties.

(II) Assess as the office buildings for central authorities: For urban renewal programs subject to the requirements under Article 12 of the Act, those with floor area available for allocation reaching 2,000m² without involving any paid appropriation after renewal.

(III) Dispatch letters to central and local authorities for local residence to make the assessment as public housing: houses and lands available for allocation other than those in the preceding subparagraph or those not assessed as office buildings for central authorities according to the preceding paragraph. However, for houses and lands not for residential use regarding the program planning after renewal, inquiries are exempted.

(IV) Those not assessed as office buildings of central authorities or public housing according to the preceding subparagraphs:

1. For those initially being business assets and special fund assets, select to allocate houses, lands, or royalties after renewal.

2. For the remaining rights value, select to allocate houses and lands

after renewal.

When participating in the allocation of houses and lands after renewal according to the requirements in the preceding paragraph, in the case of applying for the allocation of the same location with other landowners or right transfer stakeholders, and it is certain that there are no other appropriate houses or lands available for allocation based on the negotiation results with the implementer, royalties may be allocated for such parts.

The execution authority may engage professional or technical service suppliers (including organizations or institutions) to provide professional or technical assistance in terms of the house and land allocation plan and the rationale of joint burden after renewal.

The national non-public use lands in Paragraph 1 include lands consigned by the management authority of national public use lands to the execution authority in Subparagraph 1.

Article 9

For the convenience of confirming the allocation method for national non-public use lands before reporting the urban renewal business plan for approval, the implementer is required to provide data related to the estimated floor area available for allocation after renewal within a prescribed period when the execution authority acknowledges that the authority for urban renewal approved the business summary or when the implementer directly prepares the urban renewal business plan and organizes a public hearing. Those assessed as office buildings of central authorities or public housing according to the requirements in Paragraph 1 in the preceding Direction are processed through the following procedure:

(I) Office buildings of central authorities:

1. The execution authority sends a letter to the implementer to indicate that the renewed houses and lands will become the office buildings of central authorities after allocation and forwards it to the authority for urban renewal.
2. After the execution authority reported data related to the floor area available for allocation after renewal, the authority-in-charge shall adjust the entering authorities.
3. The authority-in-charge shall notify relevant authorities of the results

after making adjustments.

4. Entering authorities with allocations shall cooperate with the notices from the authority-in-charge to appropriate the use of national real estate or accept the consignment of the execution authority to participate in the subsequent urban renewal process (including the provision of office building construction planning, design demand, and check and acceptance, and handover of renewed houses and lands).

5. After the right transfer plan is approved, issued, and implemented, should the floor area allocated to an entering authority exceed the area agreed to by the authority-in-charge and the area must be retained for use, when the area exceeds 200m², it shall be reported to the competent authority to forward to the authority-in-charge for verification. When the area is less than 200m², the entering authority shall report to the competent authority for approval and notify the authority-in-charge and execution authority.

(II) Public housing: In the case that the execution authority notifies the authority in demand for the appropriation of national real estate, before the completion of the appropriation, consign the authority to participate in the subsequent urban renewal process (including the provision of the construction planning, design demand, and check and acceptance for social housing, and handover of renewed houses and lands).

The entering authorities received allocations in Item 4, Subparagraph 1, and the authority in demand of public housing in Subparagraph 2 in the preceding paragraph may engage professional or technical service suppliers (including organizations or institutions) to provide professional or technical assistance in terms of the house and land allocation plan and the rationale of joint burden after renewal.

Article 10

For national non-public use lands in the rebuilding sections within the scope of the renewal area, except for those applying for sales according to the requirements under Article 52-2 of the National Property Act, those approved for sale by the Executive Yuan, or those accepted by the Ministry of Finance due to special circumstances, the execution authority shall suspend accepting applications for rental and acquisition from the date on which the urban renewal business summary was approved by the competent

authority or from the second day to the date on which the implementer directly prepares the urban renewal business plan and organizes a public hearing. Accepted cases may be continued until closing.

Within two years from the invalidity or cancellation or the suspension of acceptance of the urban renewal business summary or plan in the preceding paragraph, when the implementer fails to prepare the urban renewal business plan or right transfer plan and report it for approval, the execution authority may resume the use.

Article 11

When the remaining area of the national land that initially participated in the allocation according to the requirements of Paragraph 1, Direction 8 is, after being sold according to the requirements in Paragraph 1 of the preceding Direction, less than 500m² in total and fails to reach one-fourth of the total land area of the renewal area, it must comply with the requirements in Direction 5.

Article 12

The lands for public facilities that are national lands within the scope of the renewal area shall comply with the following requirements:

(I) Implement by way of right transfer:

1. Regarding lands for seven public facilities stated in Article 51 of the Act, those subject to the paid appropriation that complies with the qualifying provision in Paragraph 1 of paid or non-paid division principle for appropriation of real estate between governmental authorities, collect cash compensation. For the remainder, perform non-paid appropriation and reserve for offsetting.

2. The lands other than those in the preceding item participate in the allocation.

(II) Implement by way of joint construction by agreement: Implement sales according to requirements under Subparagraph 4, Paragraph 3, Article 46 of the Act. For public use lands, alter as non-public use properties first according to requirements.

Article 13

After the urban renewal business plan is approved, when the sales application made by the implementer and the sales application accepted according to Paragraph 1, Direction 10 is in competition, handle the

accepted applications according to Paragraph 1, Direction 10 until closing, and then, handle the sales application made by the implementer. For those with the preferential right to buy stated in the law, they shall be handled after the owner of the preferential right to buy waives the rights or is deemed having waived the right.

Article 14

Regarding urban renewal areas with subsidies approved by the Ministry of the Interior according to the “Urban Renewal Facilitation Program” election or “Urban Renewal Demonstration Plan” approved by the Executive Yuan, for national non-public use lands confirmed by the Ministry of the Interior in terms of the compliance with suspended disposals within the scope, the execution authority shall cooperate in the suspension of sales by tender, sales, and the establishment of superficies. For leases, conditions and times for the termination and recovery of lands, and the non-issuance of the land use right certificate shall be stated in the lease.

For national lands complying with suspended disposals within the scope of urban renewal areas in the preceding paragraph, the execution authority or the management authority of the public use land shall cooperate according to the confirmed overall development strategies and the implementation methods of urban renewal.

Article 15

National-owned property on land in the scope of renewal areas shall be disposed of in combination with the national lands where they are located. When the lands where they are located is not national lands, collect cash compensation.

Article 16

Matters of notice for national non-public use lands participating in urban renewal shall be otherwise established by the authority-in-charge.