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Title : Principles Governing the Appropriation with Compensation of National Real Estate which is Payment-in-kind on Unpaid Taxes by Local Governments Developing Public Facilities [Ch](#)

Date : 2012.08.07

Legislative : 1. Established under Letter Tai-Cai-Chan-Jie-Zi No. 10100224151 dated August 7, 2012, of the Ministry of Finance

## Content : Article 1

These Principles are established to assist local governments in accelerating the development of public facilities and acquiring required national real estate which is payment-in-kind for unpaid taxes.

## Article 2

To develop public facilities, local governments may apply to use national real estate which is payment-in-kind for unpaid taxes through appropriation with compensation. Upon the consent of the legislative agency, the local government must commit to deducting the compensation fee from the disposal income of the tax credit benefit in kind and pay it to the treasury as payment toward unpaid taxes prior to appropriation and use in advance.

If the said national real estate which is being applied for under appropriation with compensation fulfills any of the following circumstances, the local government shall pay compensation or refund to the National Property Administration, Ministry of Finance (the “NPA”) in a lump sum after the appropriation is approved, and shall not adopt the deduction method in the preceding paragraph:

- (1) If the real estate is leased farmland with compensation to be paid to the lessee according to Paragraph 3, Article 11 of the Equalization of Land Rights Act.
- (2) If the real estate partially exceeds the tax credit, with an amount refundable to the taxpayer according to Article 48 of the Enforcement Rules of the Estate and Gift Tax Act.

The consent of the local legislative agency, commitments of local governments, and the agreed deduction amount in Paragraph 1 shall be stated in the real estate appropriation plan.

## Article 3

In accordance with these Principles, upon receiving the appropriation application, the NPA shall determine whether it conforms to regulations, and report to the Executive Yuan for approval of the appropriation with compensation. With the Executive Yuan’s consent, the local government may use the real estate in advance and conduct registration change of the management agency.

## Article 4

When settling the income of tax credit benefit in kind, Branch Offices of the NPA shall provide the reduction amount agreed by local governments to the taxation offices, and provide a copy of the settlement to relevant agencies.

The settlement and deduction operations shall be determined after discussions made between the NPA and relevant agencies.

## Article 5

After the full payment of the compensation for appropriation of national real estate which is payment-in-kind for unpaid taxes, Branch offices of the NPA shall notify local governments of the transfer registration of ownership.

## Article 6

Regarding national real estate which is payment-in-kind for unpaid taxes, the local governments shall be responsible for the house tax, land value tax, or construction benefit fees that accrued from the date on which the Executive Yuan approved the appropriation.