

Content

Title :	Directions for Sale of National Non-public Use Land Mixed with Private Land, Inability to Use Alone 
Date :	2011.05.06
Legislative :	1.Stipulation and promulgation in accordance with Order No. Tai-Tsai-Chan-Kuan-zi 10040007251 dated May 6, 2011 from the Ministry of Finance
Content :	<p>Article 1 The sale of national non-public use land in accordance with the provisions of Subparagraph 6 of Paragraph 1 of Article 52-1 of the National Property Act, and Subparagraph 2 of Paragraph 3 of Article 55-1 of the Regulations for the Enforcement of the National Property Act, shall be handled in accordance with these Directions.</p> <p>Article 2 The applicant, who applies to purchase national non-public use land mixed with private land and is unable to be used alone, shall provide documents of evidence that the local government does not issue the certificate of incorporated use of public and private fragmented lands.</p> <p>Article 3 Being mixed with private land refers to one of the following. (1) The national non-public use land is completely surrounded by private lands. (2) Two sides (or more) of the national non-public use land are private lands. (3) One side (or more sides) of the national non-public use land is private land, while one side (or more sides) thereof is the land of public facilities of urban planning, land for public passage, or ditches for public drainage.</p> <p>Article 4 “Unable to be used alone” refers to national non-public use land or those adjacent to the national land, located in a residential zone, commercial zone, or industrial zone under urban planning, or non-urban land classified into Type A, B, C, or D construction land, with one of the following circumstances. (1) Where it is inaccessible to a road. (2) Where it is accessible to the road which, 1. Does not reach the width or depth of the minimum area of the construction site as specified by the municipal or county (city) government; or 2. It has reached the width or depth of the minimum area of the construction site specified by the municipal or county (city) government, however, the applicant has submitted documents of evidence that the land is determined as unable to be for construction use alone by the municipal or county (city) government.</p> <p>Article 5 The national non-public use land may be offered for sale, provided that it is in compliance with the provisions of Article 2 to the preceding Article, without one of the following circumstances. (1) Where it has been reserved for public needs.</p>

(2) Where it has been approved for the plan, purpose, or disposal method by the Executive Yuan, the Ministry of Finance, or the National Property Administration, Ministry of Finance.

(3) Where it has been applied for appropriation by a government authority.

Article 6

Where the lands adjacent to the national non-public use land are not all owned by the purchase requisitioner, in addition to joint requisition, the consent that the other owners of adjacent lands have agreed for the requisitioner to purchase the national non-public use land shall be obtained. However, the consent may be exempted, provided that the other adjacent lands have one of the following circumstances.

(1) Where they are the lands of public facilities of urban planning.

(2) Where they are currently used for roads and ditches.

(3) Where they have been used for construction purpose and licensed.

(4) Where the land has been acquired from the same national non-public use land upon partition by means of purchase.

(5) The land owner is a state-owned or public institution of a company organization, or a public juristic person, and upon notification to reply whether there is an intention for purchase or not within a prescribed period, has replied of no intention for purchase, or is deemed as no intention for purchase, due to no reply made within said period.

(6) Inability to use jointly with the national non-public use land has been determined according to the factual situation.