

Content

Title :	Directions for Provision of National Non-public Use Land Apply for Development <b>Ch</b>
Date :	2014.07.08
Legislative :	1.Stipulation and promulgation in accordance with Order Tai-Cai-Chan-Guan-zi No. 10040023002 dated September 15, 2011 from the Ministry of Finance 2.Amendment and promulgation in accordance with Order Ta-Cai-Chan-Guan-zi No.10140008621 dated June 4, 2012 from the Ministry of Finance 3.Amendment and promulgation in accordance with Order Tai-Cai-Chan-Guan-zi No.10340013680 dated July 8, 2014 from the Ministry of Finance
Content :	<p><b>Article 1</b></p> <p>The applicant applying for the permission of development, preparation, or installation according to the provisions prescribed by law, shall apply for the acquisition of a certificate of approval for the combined development of national lands within the scope of the application for development, in accordance with the provisions of these Directions.</p> <p><b>Article 2</b></p> <p>The enforcement authority of these Directions shall be the respective Region Branch of National Property Administration, Ministry of Finance</p> <p><b>Article 3</b></p> <p>National land within the scope of the application for development may be approved to provide for applying for development, except for one of the following conditions:</p> <ol style="list-style-type: none"><li>1. It has been approved for the plan, purpose, or disposal method by the Executive Yuan, the Ministry of Finance, the National Property Administration, Ministry of Finance, or an enforcement authority.</li><li>2. It has been applied for appropriation or reserved for public use by a government authority.</li><li>3. It is located within the scope of an urban planning zone.</li><li>4. It pertains to forest land or conservation forest land.</li><li>5. An application has been made for designating it as Land Reserved for Aboriginal Peoples.</li><li>6. Its area reaches 50 percent or more of the total land area within the scope of the application for development.</li><li>7. It is occupied, and the occupant(s) of the premises is investigated by the police and the judicial authorities due to suspicion of unlawful theft or occupation, and the case is not yet closed.</li><li>8. It is occupied. However, one is listed as the object required for legalization of counseling by the competent authorities of the respective industries, which is not limited herein.</li><li>9. The use right is provided. However, the applicant is the holder of the use right without breach of use, which is not limited herein.</li><li>10. Disposition and Revenue may be imposed for non-compliance with the provisions prescribed by law.</li></ol>

11. It is determined by the Ministry of Finance as not appropriate to agree to provide the application for development.

The application of national land or unregistered land required for public utilities is not subject to the restrictions regarding the Subparagraph 3 and the conservation forest land specified in Subparagraph 4, as well as Subparagraphs 6, 8, and 9 of the preceding. One which pertains to the conservation forest land, is occupied, and has provided use rights, may be approved to provide the application for development upon the applicant's submission of the following documents:

1. 1. The certificate document confirmed by the competent authority of the conservation forest land that there are no obstructions to the use of the conservation forest land.
2. An affidavit showing that the applicant agrees to take charge of or dispose of objects on the land.
3. The applicant, when undertaking to apply for the legal use right of the land in accordance with Article 9, shall present the consent to abandon the national land use rights by the rights holder with an affidavit for the disposal of objects on the ground. In the absence or delayed submission of the consent, causing the enforcement authority to disagree to the provision for use, no objection will raise therefrom.

When two or more people respectively apply for the same national land provided for development, their applications will be processed in the order of receipt.

#### Article 4

The applicant shall bear the donation, the payment of feedback fund, or various expenses to which the application for development should be made.

#### Article 5

The applicant who applies to the enforcement authority for providing documents of evidence of joint development of national non-public use lands shall submit the following documents:

1. Plan of the application for development.
2. A list and registration transcription of all the lands within the scope of the application for development.
3. Cadastral map of the development scope in three (3) copies.
4. Identity documents of the applicant.
5. Other documents which need to be supplemented after the review by the enforcement authority.

The applicant, who has acquired the Consent for National Non-public Use Land Provided for Applying for Development (hereinafter referred to as the Consent for Applying for Development) after the effectiveness of these Directions since July 8, 2014, and has re-applied in accordance with the requirements set forth in Paragraph 2 of Article 7 or Paragraph 4 of Article 12, shall submit the documents mentioned above within the validity period of the Consent for Applying for development to apply to the competent authorities of the respective industries for development. Or, they must supplement the application in accordance with the requirements of the competent authorities of the respective industries after the application is made, or submit other documents of evidence sufficient to demonstrate the progress of the application for development.

#### Article 6

The enforcement authority accepting the applicant's application for national non-

public use land provided for development, after examination, handles the application by way of the following:

1. If the requirements are met, the applicant is notified to pay the guarantee deposit and the compensation for years of the occupying period within 30 days, with the statement regarding the obligations and precautions of the application and the attachment of a copy of a blank Letter of Commitment. The applicant, after paying the guarantee deposit and the compensation with an affidavit for the Letter of Commitment, may be issued the Consent for Applying for Development.
2. If the requirements are not met, the application and documents attached are returned.

The forms of the letters of the notification, commitment, and consent for applying for development set forth in the preceding paragraph shall be determined by the National Property Administration, Ministry of Finance. Where the application does not proceed to the payment of the guarantee deposit and compensation before the deadline, the application and documents attached are returned.

The guarantee deposit set forth in Paragraph 1 shall be calculated and charged based on the currently assessed present value of national land for the current period at the time of application, while that of unregistered land is calculated and charged based on the highest of the currently assessed present values of adjacent lands with the same nature of use. The guarantee deposit may be paid in one of the following ways, however, it shall be paid in NT\$100,000 where amount does not reach NT\$100,000 (same as below).

1. Cash.
2. A pledge established on a certificate of time deposit at a local financial institution.
3. Written joint and several guarantee of a local bank.

The form of the written joint and several guarantee of a bank set forth in Subparagraph 3 of the preceding paragraph shall be determined by the National Property Administration, Ministry of Finance, of which the validity period starts from the next day after the expiration validity period of the Consent for Applying for Development, plus 90 days.

#### Article 7

The Consent for Applying for Development is provided to the applicant only for applying for development. The applicant, before obtaining the legal use right, must not use the national land, and the original holder of the legal use right must not use the land in breach of contract.

The validity period of the Consent for Applying for Development is two years, and re-application may be available upon the expiration of the validity period.

The guarantee deposit shall be calculated and charged based on the currently assessed present value of land at the time of application, while that of unregistered land is calculated and charged based on the highest of currently assessed present values of adjacent lands with the same nature of use. However, it shall be paid in NT\$100,000 where the assessed present value of land does not reach NT\$100,000.

If the applicant occupies the national land during the validity period of the Consent for Applying for development, the guarantee deposit shall be

confiscated, the Consent for Applying for development shall be revoked, the compensation shall be additionally charged, and the land shall be vacated and returned within a prescribed period. However, national land that has been occupied when the enforcement authority agrees to the Consent for Applying for Development with no expansion of the scope of occupation is not limited herein.

#### Article 8

The enforcement authority, after issuing the Consent for Applying for Development, shall appoint staff to visit the site every six months to examine whether the applicant has occupied, expanded the scope of occupation, or used the national land in violation of the purpose set forth in the original contract of use.

#### Article 9

The applicant shall, within three months from the day after the permission of the development, preparation, or installation, apply to the enforcement authority for the use of land. The overdue applicant is denied the use of the land.

The application for the use of land by the applicant shall be handled by the enforcement authority in accordance with the Disposal Directions for National Non-public Use Land Located within the Authorized Space for Development, established by the Ministry of Finance.

The payable royalty, performance bond, or land sale price is for the application for the use of land as specified in the preceding paragraph. The enforcement authority will offset charges with the original guarantee deposit, interest free. The applicant is notified by the enforcement authority to make up the difference, if any, before the payment deadline specified in the relevant provisions for the offer for sale or consigned operation.

#### Article 10

The enforcement authority shall revoke the Consent for Applying for Development, and notify the applicant and the relevant competent authorities of the respective industries, in any of the following circumstances:

1. The application for development is rejected by the competent authorities of the respective industries upon review.
2. The permit for the development is revoked by the competent authorities of the respective industries, or the permit for the development, preparation, or installation license is revoked by a public notice.
3. The applicant has not submitted an application to the enforcement authority for obtaining the land use right within three months from the day after the permission for the development, preparation or installation is granted. Or, those national lands which the land use right has already been provided and the applicant has not, within the three-month period, according to Subparagraph 3 of Paragraph 2 of Article 3, submitted the consent to abandon the national land use right by the right holder, with an affidavit for the disposal of objects on the ground.
4. The applicant fails to supplement the royalty, performance bond, or the difference on the sale price of the land within the time limit notified by the enforcement authority.
5. The applicant has (expanded) occupied the national land (scope) within the validity period of Consent for Applying for Development.

#### Article 11

The enforcement authority shall, upon the clarification that the applicant, within the validity period of Consent for Applying for Development, has not (expanded) occupied the national land (scope), refund the paid guarantee deposit with interest free in any of the following circumstances:

1. The Consent for Applying for Development has been revoked in accordance with the Subparagraphs 1 to 4 of the preceding Article.
2. The applicant fails to re-apply within one month after the day of the expiration of the validity period of the Consent for Applying for Development.

#### Article 12

The applications for development that have been accepted but not yet approved before the promulgation of these Directions shall be handled in accordance with the Directions. The following national lands within the scope of the application for development may be approved to provide for applying for development:

1. Those located within the scope of urban planning, which are not zoned to residential zones or commercial zones.
2. Those with an area which exceeds 50 percent or more of the total land area within the scope of the application for development.

Where, prior to the promulgation of these Directions, a contract for applying for the consent for development has been engaged, a certificate of consent for development of the national non-public use land has been issued, and the application for development is pending in the examination procedure of the competent authorities of the respective industries, the applicant, who submitted the application prior the expiration of the contract duration, after paying the guarantee deposit and the compensation in accordance with the provisions of Article 6, with an affidavit for the Letter of commitment, may be issued the Consent for Applying for Development accordingly.

The application for development that has been accepted but not yet approved prior to the promulgation of the amendment to the Directions shall be handled in accordance with the amended provisions.

For the application specified in Paragraphs 1 and 2 and that of which the validity period of the Consent for Applying for Development has expired prior to the promulgation of the amendment to the Directions, the applicant shall re-apply in accordance with the amended provisions.