

Content

Title : Matters of Caution for National Non-public Lands to Participate in Urban Renewal [Ch](#)

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4.Revision of Decree No. 10450004850by the National Property Administration, MOF on August 24, 2015
3.Revision of Decree No. 10250001650by the National Property Administration, MOF on March 15, 2013
2.Revision of Decree No. 10150003221 by the National Property Administration, MOF on June 18, 2012
1.Promulgation of Decree No. 09950001880 by the National Property Administration, MOF on May 25, 2010

Content : Article 1

This Matters of Caution for National Non-public Lands to Participate in Urban Renewal (the "Caution Matters") is formulated in accordance with the provisions of the Disposal Directions for National Land Located within the Space of Urban Renewal Business (hereinafter referred to as the "Disposal Directions").

Article 2

In order demarcate renewal areas or units, the competent authority of urban renewal shall consult the competent authority of national lands (including both public and non-public lands hereinafter) regarding any plan for the use of the land, or whether it is agreed to have the national land included in the renewal area or unit. Regarding national lands for public use, the execution authority shall have the competent authority of urban renewal directly contact the respective administrative authority, and handle the matter in accordance with the provisions of Article 3 below. Regarding national non-public use lands, the execution authority shall first gather information about the lands from the national non-public use property management system, and then reply to the competent authority of urban renewal according to the following provisions:

(I) In principle, it is agreed to include in renewal areas or units those national non-public use land. However, it is not agreed to include in renewal areas or units those national non-public use lands with superficies setup thereon, or those reported to and agreed by the organizing authority for improvement and utilization.

(II) For those national non-public use lands that may be put in the leading position for performing urban renewal in line with Paragraph 3 of Article 3 of the Disposal Directions, discussions should be undertaken about whether to proceed as such.

For national non-public use lands within the scope of renewal areas that shall participate in the allocation of premises, lands, or royalties after renewal, according to the entitled rights value in accordance with the provisions of Paragraph 1 of Article 8 of the Disposal Directions, the execution authority shall, when replying to the competent authority of urban renewal, request the applicant or the implementing party who made the consultation request to provide a preliminary planning draft (including development positioning) and discuss with the execution authority about matters, such as building planning and allocation of rights, prior to holding a public hearing on the urban renewal business project.

Article 3

For national public use lands applied to be included in the renewal areas or units under the demarcation, the execution authority shall request, in writing, each respective administrative authority to handle the matter in accordance with the provisions of Article 7 of the Disposal Directions, and to reply, within a time limit, regarding current administrative status about the lands, such as whether the land is to remain as a public use land, whether objects above the ground are staff/dependents dormitories, and the land use situations, so that such reply can be the basis for the discussion of matters of participation in urban renewal.

In the case that the administrative authority's reply indicates no need for the national public use land to remain for public use, as mentioned in the preceding paragraph, prior to converting such land to non-public use land and handing over to the organizing authority that is taking over the land, the execution authority shall express its opinions and handle the allocation operations applied in accordance with the provisions of the Caution Matters, under any of the following circumstances:

- (I) Where an application has not been made to the organizing authority to convert the property into non-public use property, and once it is confirmed that there is no need for the property to remain for public use as per the administrative authority on the report forwarded by the administrative authority, the property is to be converted to non-public use property to be handed over to the organizing authority that is taking over the land, and it is agreed to commission the execution authority to participate in the urban renewal;
- (II) Where an application has been made to the organizing authority to convert the property into a non-public use property, and with the consent of the administrative authority, the execution authority is commissioned to participate in the urban renewal; or
- (III) Where the Ministry of Finance has approved the conversion into a non-public property.

Article 4

Where a national land within the scope of a renewal unit is in line with the provisions of Paragraph 3 of Article 3 of the Disposal Directions, when the execution authority is informed that the owner of the private land has applied to perform urban renewal business on

his/her own or under commission, the execution authority shall indicate to the applicant of urban renewal business that discussion is undertaken whether the national non-public use land is put in the leading position to perform urban renewal.

Article 5

For those national premises and lands associated with staff dormitories that are permitted to vacate for sale through tendering, in accordance with the provisions of the Guidelines for Handling National Premises and Lands Associated with Staff Dormitories in Various Central Agencies and Schools, if their locations are in urban renewal areas or units, it is permitted for such properties to participate in the urban renewal in accordance with the Disposal Directions without a need for application for change of the original handling manner as approved.

Article 6

Where the urban renewal business is performed by means of exchange of rights, the execution authority shall inform the performing party of provisions for handling national non-public lands when it is informed of the urban renewal business summary approved by the competent authority of urban renewal, or when the implementing party is convening a public hearing on the urban renewal business project formulated by the implementing party. Meanwhile, the execution authority shall also propose the business tax that shall be borne by the land owners, including such tax in the list of items to be jointly borne by the land owners for the exchange of rights, as well as to request the implementing party to provide the following information (drafts) in due course:

- (I) The land registration data, cadastral maps, public and private land distribution plans, compensation plans for demolition or relocation of objects above the national non-public use land, land use and construction plans, etc. related to the renewal units; pre-renewal values and proportions; post-renewal allocable values and floor area (hereinafter including main and ancillary buildings); principles for selection and allocation, the list of items for joint bearing, and the valuation report adopted in the plan for exchange of rights that is proposed for approval, etc.
- (II) For those intended for application for transferable development rights to be included in the renewal unit:
 1. Description of the volume: Includes total floor area under the transfer development rights, total area sold for the premise, total parking area, total property area covering the premise and the parking area, share holdings of each land owner, and comparisons between the pre- and post-transferable development rights.
 2. Description of financial items: Includes the total amount borne by all land owners, the total value of rights after renewal, the proportions of allocable values and joint bearings after the renewal among all land owners, and comparisons between the pre- and post-transferable development rights.
 3. Description of sources and costs of the transferable development rights.
 4. Analysis of benefits of the transferable development rights: Includes changes in the risk management fee of the implementing party, changes in the value of the allocation among all land owners after renewal, and analysis of remuneration of the transferable development rights for the implementing party and the land owners.

Article 7

Where the urban renewal business is implemented via co-construction under agreement, and the national non-public land within the scope of the business is handled in accordance with the provisions of Article 6 of the Disposal Directions, with the proposition on participating allocation by means of exchange of rights, the execution authority

shall request the implementing party to follow the provisions in the preceding Article, while clearly setting out the selection and allocation principles agreed by the execution authority in the urban renewal business project.

Article 8

Where the urban renewal business project or the rights exchange plan is in line with any of the following conditions, the execution authority may commission professional or technical service vendors (including organizations or institutions) to provide professional or technical assistance:

- (I) Where the area of national non-public use lands within the scope of the renewal unit totals 500 square meters or more;
- (II) Where the area of national non-public use lands within the scope of the renewal unit totals one-half of the total area of the renewal unit;
- (III) Where the area of national non-public use lands within the scope of the renewal unit totals less than 500 square meters, yet the value of the rights after the renewal of national non-public use lands is estimated to be NT\$100 million, as per the implementing party;
- (IV) Where the proportion of the joint bearing for the rights exchange plan accounts for more than 50%; or
- (V) Where the funding for the implementation of the urban renewal business project involves the provision of special planning costs, such as green buildings, intelligent building design, etc.

The commissioning case in the preceding paragraph shall be settled once, so deliberated and determined by the responsible authority of urban renewal at a convened deliberation meeting. During the deliberation period, the execution authority may request the commissioned party to attend the meeting, as necessary.

The area of national non-public use lands specified in Subparagraphs 1 to 3 of Paragraph 1 shall include national public use land in line with the provisions of Paragraph 2 of Article 3.

Article 8-1

Where the execution authority requests the central and local competent authorities of residential properties for assessment of the subject property for the use of public housing, in accordance with the provisions of Subparagraph 3 of Paragraph 1 of Article 8 of the Disposal Directions, if both the central and local responsible authorities of residential properties have such demand for such use, the needs of the central responsible authorities of residential properties shall prevail.

Article 9

When commissioning the stationing authority to participate in subsequent urban renewal processes in accordance with the provisions of Item 4 of Subparagraph 1 of Paragraph 1 of Article 9 of the Disposal Directions, the execution authority shall also inform the competent authority of urban renewal and the implementing party, as well as inform the execution authority and the stationing authority when convening subsequent related meetings, so that the stationing

authority could propose design requirements for the construction planning of office buildings and dormitories, and handle the acceptance of the buildings and lands after the renewal, via an item-by-item hand-over process.

When informing the demanding authority to handle the appropriation and commissioning the demanding authority to participate in the subsequent urban renewal process in accordance with the provisions Subparagraph 2 of Paragraph 1 of Article 9 of the Disposal Directions, the execution authority shall clearly state that such appropriation shall be completed prior to the approval of the business project, and also inform the competent authority of urban renewal and the implementing party, for them to subsequently participate in the urban renewal (including proposing design requirements for the construction planning of social buildings, handling the acceptance of the buildings and lands after the renewal via item-by-item hand-over process, etc.) in accordance with the Urban Renewal Act, unless otherwise there is a justifiable cause for implementing the appropriation after the implementation of the business plan, and the demanding authority is timely informed separately for appropriation.

Article 10

When the competent authorities of urban renewal check whether lessees of the national non-public use lands have occupied the land before leasing the lands, the execution authorities are to check whether the matters are dealt with in accordance with the provisions of Subparagraph 2 of Paragraph 1 of Article 42 of the National Property Act (which was put to application prior to July 21, 1993) and make replies accordingly. Where the execution authority is entering into a new lease, or taking over a land base previously leased through another authority, the execution authority not only shall verify the situation of “occupancy before the leasing” based on the information in the file, but also shall request the original administrative authority to re-verify, and reply to the competent authority of urban renewal, while also informing the execution authority accordingly.

Article 11

Operations of the sale through tendering and the lease through tendering shall be ceased for the national non-public use lands in the redevelopment section within the scope of the renewal unit as of the date the urban renewal business summary is approved by the competent authority of urban renewal, or the day after the public hearing is held on the urban renewal business project formulated by the implementing party. Any sales through tendering and leases through tendering that have been announced shall also be ceased. However, the operations of the sale through tendering and the lease through tendering may be resumed if the implementing party fails to formulate and report an urban renewal business project or rights exchange plan for approval within two years after the invalidation or withdrawal of the urban renewal business summary or project, or the cease of the operations of the sale through tendering and the lease

through tendering.

Article 12

Where there are discrepancy of opinions expressed in the urban renewal business project submitted by the implementing party to the competent authority of urban renewal for deliberation, and expressed originally by the execution authority on the rights and interests of national lands, and the allocation of the national lands for use as offices/dormitories of the central authorities, the execution authority shall propose objections to the competent authority of urban renewal, and also inform the implementing party prior to the expiry of the period for public review of the urban renewal business project, provided amendments to the opinions are deemed necessary by the execution authority.

Article 13

For those national non-public use lands allowed to be sold to the implementing party in accordance with the provisions of Article 5 of the Disposal Directions, before the implementing party has paid the purchase price, the execution authority shall still participate in the formulation of the urban renewal business project and the rights exchange plan, and shall apply for the allocation of the premises and lands after the renewal, based on the due rights value.

Regarding the land in the preceding paragraph, it shall not be agreed that the implementing party pays to purchase a part of the land.

From the date the construction responsible authority issues a construction permit for the renewal project with respect to the land in Paragraph 1, the execution authority is to cease accepting applications for purchase made by the implementing party.

Article 14

The execution authority shall apply for allocation in accordance with the following provisions:

- (I) Application for allocation shall be made in accordance with the provisions of Paragraph 1 of Article 8 of the Disposal Directions, except for those situations where the business project was not approved and the execution authority had completed coordination with the implementing party on exchange of rights and allocation of rights, prior to the amendments to the Disposal Directions, which came into effect on June 2, 2017.
- (II) Prior to the approval of the rights exchange plan by the competent authority of urban renewal, the value of rights that shall be allocated shall be based on the value of rights after the renewal of the national lands, as provided by the implementing party.
- (III) In principle, the actual total value of the rights applied for the allocation shall not exceed the value due for the allocation.
- (IV) In principle, for those national lands with total area of 2,000 square meters or more, applications can be made for the allocation of a single building or a building with an independent entrance and exit, after the renewal, as well as the allocation of the portion of the land entitled to by the applicant, where the implementing party is requested to clearly set out the allocation arrangement in the urban renewal business project.

(V) When the implementing party notifies the land owners of the selection of the premise and land under the allocation, if a draft of the rights exchange plan is not provided or if the information is insufficient enough to make the selection, reasons therein may be provided, and the implementing party may be requested to extend the selection and allocation, and delay the date for public drawing of lots, while the competent authority of urban renewal must also be informed.

(VI) In principle, the location applied for allocation shall be as centralized as possible, taking into account the following principles when necessary:

1. The main location and section of the national land before the renewal.
2. The properties located at the margin shall be considered first.

(VII) For post-renewal buildings for mixed use of shop and residential purposes, applications for allocation of residential units shall prevail in principle, except where the national land was originally adjacent to a road which allows the application for the allocation of shops, based on the ratio of the area of each national land adjacent to the road to the total land area of the renewal unit.

(VIII) When applying for the allocation of buildings such as office premises, residential premises, shops, etc., applications for the allocation of sufficient parking spaces shall be based on the principle of selection and allocation in the urban renewal business project, with priority given to statutory parking spaces. In principle, locations of the parking spaces should be the same as the locations of the premises, and close to ground level.

(IX) When applying for the allocation of royalties in accordance with the provisions of Article 8 of the Disposal Directions, the execution authority may negotiate with the implementing party about closing time for the allocation of the royalties, where the implementing party is requested to clearly state the agreement thereof in the rights exchange plan, in accordance with the provisions of the Regulations on Implementation of Rights Exchange for Urban Renewal.

(X) Where there are sale and purchase contracts executed in the renewal unit, the national non-public use lands arranged for payments by installments shall apply for the allocation of the post-renewal premises and lands based on the purchasers' opinions or commissioning arrangements. For other outstanding purchase application cases, separate applications for allocation can be made accordingly, in respect of the value of the rights of the lands due for allocation.

Any of the following circumstances shall not be subject to the restrictions to the application for the allocation of the locations, as described in Paragraph 6 above:

(I) Where the execution authority and other rights holders apply for allocation of the same target, where the applications cannot be

processed through coordination by the implementing party as requested by the execution authority, and the execution authority may apply separately for the allocation of the locations without duplication with other locations; or

(II) Where discrepancies exist between the value of the rights of the national lands due for allocation, and the total value in the applications already made for the allocation, then, according to results of deliberation or approval of the rights exchange plan, the execution authority shall adjust the target of allocation.

When applications for allocation are handled according to Subparagraph 6 of Paragraph 1 above, where the same target is involved for rights holders and the coordination by the implementing party fails, and the target applied for the application is subject to the payment of the price difference, royalties shall be allocated according to the post-renewal value of rights due for allocation with respect to the portion of price difference.

For those properties assessed for use as offices/dormitories of the central authorities in accordance with Paragraph 1 of Article 8 of the Disposal Directions, that have been deployed for use by approved stationing authorities in accordance with the provisions of Subparagraph 1 of Paragraph 1 of Article 9 of the Disposal Directions, the stationing authorities may apply for the allocation of the premises and lands after renewal, in accordance with their own requirements, without being subject to the restrictions of the provisions of Subparagraphs 6 to 8 of Paragraph 1 above.

Article 15

When the execution authority notifies the implementing party of the opinions for the allocation under application, the implementing party shall also be informed of the following matters:

(I) Where there is a duplication of target locations under the applications made by multiple rights holders, the implementing party should carry out coordination among the right holders before the public drawing of lots is processed.

(II) Where there are sale and purchase contracts executed, payments by installments, and applications for the sale of national non-public use lands, the implementing party is to coordinate the allocation of premises and lands in accordance with the intention of the purchaser, after the purchaser has completely paid the purchase price and acquired ownership of the land.

(III) Where discrepancies exist between the value of the rights of the national lands due for allocation and the total value in the applications already made for the allocation, according to the results of deliberations or approval of the rights exchange plan, when the execution authority needs to adjust the target allocation, the implementing parties shall cooperate with the execution authority and not pay any price difference in principle.

Article 16

Where the national non-public use land that was originally an asset of the business located within the scope of the renewal unit, and the area of such asset accounts for one half of the total area of the national non-public use land within the scope of the renewal unit,

the execution authority may commission the original administrative authority to handle the operations of allocation under the applications in accordance with the provisions of Articles 14 and 15 above.

Article 17

With the consent of the administrative authority of the national public property in the renewal unit, the execution authority may commission the administrative authority to handle the operations of allocation under the applications with respect to the national non-public use lands within the scope of the renewal in accordance with the provisions of Articles 14 and 15 above.

Article 18

For those national lands for public facilities within the scope of an urban renewal business project that are implemented by means of exchange of rights, where such lands are not any of the seven public facilities subject to joint responsibility bearing as prescribed in Paragraph 1 of Article 51 of the Urban Renewal Act, the allocation of the post-renewal premises, and lands or royalties, shall be adopted for the allocation of value of the rights due for allocation after the renewal, except for those that are given priority for the allocation in accordance with the provisions of Paragraph 3 of Article 51 of the Urban Renewal Act.

Article 19

Where the urban renewal business is implemented by means of exchange of rights, and the urban renewal business project clearly states that the national lands used for public facilities are changed to not for public use facilities along with the urban project, matters shall be handled in the following manner:

- (I) For lands that are any of the seven public facilities subject to joint responsibility bearing as prescribed in Paragraph 1 of Article 51 of the Urban Renewal Act: Matters shall be handled in accordance with the provisions of Subparagraph 1 of Paragraph 1 of Article 12 of the Disposal Directions.
- (II) For lands that are not any of the seven public facilities subject to joint responsibility bearing as prescribed in Paragraph 1 of Article 51 of the Urban Renewal Act: The value assessment shall be based on the land use zoning of the urban renewal project at the time of the approval of the urban renewal business project, and the allocation of the post-renewal premises and lands or royalties shall be adopted for the allocation of the value of the rights due for allocation after the renewal.

Article 20

For those national lands that may be put in a leading position for performing urban renewal in line with Paragraph 3 of Article 3 of the Disposal Directions, except for those implementing parties that have formulated and submitted urban renewal business projects to the competent authorities of urban renewal for deliberation, the execution authority shall handle matters according to the following provisions:

- (I) Where the area of national lands within the scope of the renewal

unit (including those under the proposed demarcation) account for at least four fifths of the total area of the renewal unit, the materials that are submitted to the organizing authority shall include opinions of the main party leading the handling of the urban renewal, along with an assessment form (see attached form for details), cadastral map, and a cadastral map marked on a relief map.

(II) Where the area of national lands within the scope of the renewal unit (including those under the proposed demarcation) account for at least one-half (yet less than four fifths) of the total area of the renewal unit, the materials that are submitted to the organizing authority shall include opinions of the main party leading the handling of the urban renewal, along with an assessment form (see attached form for details), cadastral map, and a cadastral map marked on a relief map, except when applicants of urban renewal business have obtained the consent of more than one-tenth of the owners of the private lands and private legal buildings, respectively, within the scope of the renewal unit, provided the following conditions are met:

1. The total area of the leased and occupied national lands is less than one-third of the total area of the national land.
2. The total number of illegal occupied premiseholds and lessees on the national land is less than 30.
3. The number of owners of the private land and private legal buildings, respectively, in the renewal unit, is less than 30.

(III) Where applicants of urban renewal business have obtained the consent of more than one-tenth of the owners of the private lands and private legal buildings, respectively, within the scope of the renewal unit, as mentioned in the preceding subparagraph, the applicants for urban renewal business shall be requested to provide copies of the registered transcripts of the private lands and private legal buildings within the scope of the renewal unit, copies of the consent from such owners, as well as affidavits attesting that all copies of consents provided are genuine. Otherwise, the undersigned of the affidavit is willing to bear legal liability should there be any false copies provided.

(IV) The leased and occupied area and the number of owners, as mentioned in the Subparagraph 2 above, is calculated as follows:

1. Where the total area of leased and occupied land is less than one-third of the total area of the national land, the area is calculated as 34 % of the area of the national land and all decimal digits are rounded up unconditionally.
2. Those illegal occupied premiseholds, occupied areas, lessees, and leased areas of the national land should be calculated according to the contents of the national non-public use property management system. In terms of the number of premiseholds, one address is counted as one premisehold. If information is not clear in the management system, surveys shall be conducted first. For national lands that are public use properties, respective administrative authorities shall be

consulted for clarification.

3. The number of owners of the private lands and private legal buildings should be calculated according to the number of people recorded in the transcripts of the registration from the land administration authorities. In the case that a building has not been registered before, the number of people is calculated as one person per address, based on the address plate affixed on-site, or the building-related inquiry system provided by government authorities (such as Taipei City Government Geographic Information Website).

Article 21

For cases deemed suitable by the execution authority for leading the performance of urban renewal, operations shall be temporarily suspended for leasing, purchase, and sale through tendering of the national non-public use premises and lands, from the date those cases are reported to the organizing authority, according to the provisions of the preceding article. Such operations may be resumed once the results are approved and conveyed by the Ministry of Finance or the organizing authority.

From the date of receipt of the letter from the Ministry of Finance approving the cases of leading the performance of urban renewal, the execution authority should cease to accept applications for operations of leasing, purchase, and sale through tendering of the national non-public use premises and lands within the scope of the urban renewal. Any sales through tendering and leases through tendering that have been announced shall be ceased. Any cases that have been accepted for leasing or purchase shall also be cancelled.

Those cases of leasing or purchasing national non-public use premises or lands in the preceding two paragraphs, that have been notified of contracting or making payments shall continue to be handled until the completion of the case.

Article 22

For those areas approved for subsidy by the Ministry of the Interior in accordance with the "Accelerate the promotion of urban renewal program" or the "Urban renewal demonstration project" approved by the Executive Yuan, the national non-public use lands within the scope of the areas under subsidy shall be handled by the execution authority according to the following provisions:

(I) Early planning period:

1. The execution authority should attend relevant planning meetings at proper times, and describe the land management and use situations according to the land registration information. They also should attend meetings of the urban renewal promotion task force of the Executive Yuan or Ministry of the Interior to confirm the overall development strategies and implementation methods for urban renewal, and to express that no situations of appropriation with payment are involved in the implementation of urban renewal by means of exchange of rights for cases of urban renewal handled in accordance with the provisions of Article 12 of the Urban Renewal Act. Where the floor area of the building that can be allocated after the renewal of the national land reaches 2,000 square meters, such post-renewal buildings can be planned as office premises and

dormitories as needed by the central authorities. With the consent of the planning authority for early planning, the national non-public use lands are reported in writing to the organizing authority for deployment.

2. Where there are national public use lands within the scope of the renewal unit, and the administrative authority is consulted whether such lands are retained for public use, if public use is to be abolished, the lands shall be handled in accordance with the provisions of Paragraph 2 of Article 3 above, prior to the handover of the lands to the organizing authority that is taking over the lands.

(II) Upon the completion of early planning, the Ministry of the Interior shall determine if the suspension disposition of the case is necessary:

1. Matters shall be handled in accordance with the overall development strategies and implementation methods for urban renewal.

2. From the date of receipt of the details or lists of the target national non-public use premises and lands for suspension disposition, operations should be ceased for accepting purchase applications and sales through tendering. Any sales through tendering and leases through tendering that have been announced shall be ceased. Any cases that have been accepted for leasing or purchase shall also be cancelled. However, those cases that have been notified of making payments shall continue to be handled until the completion of the case.

3. For national non-public use premises and lands under suspension disposition, where there are lease through tendering, commissioned operations, improved use, or green beautification purpose, authorities in need of the lands shall clearly state the handling methods and schedules, and reported to the urban renewal promotion task force of the Executive Yuan or Ministry of the Interior for approval before handling the matter.

4. Where the Ministry of the Interior determines no need for the suspension disposition, the execution authority shall request the relevant authorities to convey the message, in writing, of lifting the suspension disposition on the national non-public use premises and lands, and once the suspension disposition restriction is lifted, the matters shall be handled in accordance with the provisions of the National Property Act and related regulations.

Attachments : 5-1Matters of Caution for National Non-public Lands to Participate in Urban Renewal-attachedtable.pdf

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