Content

Title：	Disposal Directions for Occupied National Non-public Use Real Estate Ch
Date：	2023.11.27
Legislative：	15. Revision of Decree No. 11240010810 by the National Property Administration, MOF on November 27, 2023 14. Revision of Decree No. 11040006120 by the National Property Administration, MOF on July 5, 2021 13. Revision of Decree No. 10640003340 by the National Property Administration, MOF on May 9, 2017 12. Revision of Decree No. 10540009790 by the National Property Administration, MOF on September 20, 2016 11. Revision of Decree No. 10240003600 by the National Property Administration, MOF on March 6, 2013 10. Revision of Decree No. 10140011931 by the National Property Administration, MOF on July 27, 2012 9. Revision of Decree No. 0930028254 by the National Property Administration, MOF on September 24, 2004 8. Revision of Decree No. 0910022796 by the National Property Administration, MOF on August 29, 2002 7. Revision of Decree No. 8900016395 by the National Property Administration, MOF on June 22, 2000 6. Revision of Decree No. 84031262 by the National Property Administration, MOF on December 11, 1995 5. Revision of Decree No. 83026379 by the National Property Administration, MOF on December 5, 1994 4. Revision of Decree No. 83006032 by the National Property Administration, MOF on March 22, 1994 3. Revision of Decree No. 78015850 by the National Property Administration, MOF on November 2, 1989 2. Revision of Decree No. 75005393 by the National Property Administration, MOF on April 25, 1986 1. Promulgation of Decree No. 06899 by the Ministry of Finance on June 17, 1985
Content：	Article 1 In order to actively process the occupied national non-public use real estate and protect rights and interests of national property, these Directions are specially established. Article 2 The National Property Administration, Ministry of Finance shall formulate plans for strengthening the handling of occupied national non-public use real estate and include them in the annual administrative plan to strengthen the handling. The executive agencies referred to in these Directions are the branches and offices of the National Property Administration, Ministry of Finance. Article 3 The term "occupancy" mentioned in these Directions refers to the illegal occupancy of national non-public use real estate. Article 4 For national non-public use real estate occupied by government agencies or non-incorporated public enterprises (hereinafter referred to as the occupying agencies), the occupying agencies may apply for expropriation according to law if they need to use the land for official purposes or public needs. However, the occupying agencies that do not apply for expropriation or use the land according to the provisions for expropriation shall be notified to clear the land and return it. If the occupying agencies do not cooperate with the executive agencies for handling, the latter shall coordinate with the former's competent authorities to urge

them to cooperate. If necessary, the executive agencies may resort to justice.

Article 5

If the national non-public use real estate is occupied by non-incorporated public enterprises or people, the executive agency shall understand the causes of the occupancy, process the occupancy on the basis of its nature, properly evaluate the processing method, and avoid disputes. If the National Property Act, or relevant laws or regulations apply to processing the land, the executive agency may lease out the land, sell it, sell it after special approval has been granted, regard it as vacant land and sell it by tender, sell the land under current circumstance, or outsource the land.

If the occupied real estate cannot be processed according to the preceding paragraph, the executive agency shall notify the occupier to clear the land and return it, and handle it as follows:

1. For those who violate relevant laws or land use control, the executive agency shall notify or coordinate with the competent authority to handle it according to law.
2. Take civil action to eliminate the problem.
3. The executive agency may send the case to the local police agency for investigation or directly lodge a legal complaint to the prosecution agency according to Article 320 and Article 349 of the Criminal Law. If the occupancy affects homeland security or public safety, the executive agency shall bring it to justice immediately.

The executive agency shall investigate whether the occupiers who use the occupied real estate as residences need help with resettlement before recovering the occupied real estate, and resettle those who need help by applying to the competent authorities in charge of the business concerned for public rental housing, social housing, or veterans' homes, social welfare institutions, or nursing institutions. The relevant processes will be recorded for future reference and verification.

If the occupiers are in one of the following situations, the executive agency shall help them by applying for relevant grants, subsidies, or allowances to the competent authorities in charge of the business concerned before recovering the real estate according to law and record the process for future reference and verification.

1. Low-income households or low-middle-income households according to the Public Assistance Act.
2. Members of families in hardship according to the Act of Assistance for Family in Hardship
3. Those who receive livelihood subsidies according to the People with Disabilities Rights Protection Act.
4. Those medium-low income senior citizens who receive livelihood subsidies according to the Senior Citizens Welfare Act.

Article 6

Before the occupier obtains the legal use right of the occupied real estate or clears and returns it, the executive agency shall collect the retroactive use charge from the occupier according to the provisions of the unjust enrichment of the Civil Code. However, the occupiers shall be exempted from paying the use charge, pay half of it, or be allowed to defer the payment under the following circumstances:

1.If the occupier is a central government agency (including non-incorporated public enterprises), it shall be exempted from paying the use charge.
2. If the occupier is a local government agency and it uses the occupied real estate as a public facility for unspecified people without earning profit, it shall be exempted from paying the use charge.
3. If the occupier clears and returns the occupied real estate to meet the deadline before the executive agency files a civil action, the former shall be exempted from paying the use charge.
4. If the occupier clears and returns the occupied real estate but misses the deadline set by the executive agency before the executive agency files a civil action, or if the occupier clears and returns the occupied real estate after the executive agency files a civil action but before the

judgment of first instance and the lawsuit is withdrawn or a settlement is reached, half the use charge shall be collected.
5. If the occupier applies for additional registration of the occupied real estate as an aboriginal reserve and that is approved by the Executive Yuan, the occupier shall be exempted from paying the use charge and the collected payment shall be refunded. During the period of application, the payment of use charge shall be deferred. However, when the National Property Administration, Ministry of Finance provides the opinion that it does not approve of the occupier's application, it shall collect the retroactive use charge according to the regulations.
6. If the occupier or the temple or religious group applies for the donation of public land in accordance with the Regulations Governing National Property Donated to Temples and Churches and the application is approved, it shall be exempted from paying the use charge from the date of application. During the application period, the retroactive use charge shall be deferred. If the application for the gift is not approved, the retroactive use charge shall be collected according to the regulations.
7. The incorporated public enterprise using national real estate approved by the Executive Yuan such that the real estate shall be valued as an investment or valued additionally as an investment shall be exempted from paying the use charge. If the approval is not granted, the retroactive use charge shall be collected.
8. The occupier who applies for the return of national real estate in accordance with the law shall be exempted from paying the use charge, and the collected use charge shall be refunded. During the application period, the retroactive use charge shall be deferred. If the application is not approved, the retroactive use charge shall be collected according to the regulations.
9. For any occupied national real estate that is designated or registered as a cultural heritage in accordance with the provisions of the Cultural Heritage Preservation Act, the occupier, who submits an application and obtains the right to use the occupied real estate according to law, shall be allowed to pay half the use charge. If the occupier obtained the right to use through a contract of adoption of cultural heritage that was entered into with the executive agency for the first time, and the contract duration is five years or more, then the payment of the remaining half of the retroactive use charge shall be deferred; and, if the adoption duration expires without any breach of contract, or the contract is terminated by the executive agency for reasons not attributable to the adopter, then the remaining half of the retroactive use charge shall be exempted; otherwise, it shall be collected according to the regulations.
10. The occupier in one of the situations described in Paragraph 4 of Article 5 shall be exempted and the retroactive use charge shall be deferred. If the occupier is no longer in one of the situations mentioned above or has expanded the occupancy, the retroactive use charge shall be collected according to the regulations.
11. Where the occupier stops occupying national real estate, or the ownership of the occupied national real estate is transferred, or the management agency of the national real estate changes, then the occupier shall be exempted from the use charge if the total amount of the use charge owed by the occupier does not exceed NT$300. However, such exemption shall not be applicable to an occupier who stops occupying the national real estate and was exempted from the use charge in accordance with the provisions of this subparagraph, for re-occupying the national real estate.
12. The cases of the transferred/sold relocation bases of demolition households for public construction on scholastic land before the effective date of the amendment of these Directions on November 27, 2023, were approved to simplify the procedures and exempted from investigation. The use of the space above the adjacent national land outside the scope of the relocation bases, which is found to be a case of transfer/selling that had not been included at the time of transfer/selling, is exempted from paying the use charge.
If the occupier has paid the fee for using public river bank to the competent authority concerned, the use charge shall not be collected for the same period.
The use charge collected according to the provision of Paragraph 1 shall

not be refunded except as provided in Subparagraph 5 and Subparagraph 8. If the national non-public use real estate has been occupied since the time on or after March 6, 2013, or was occupied before March 6, 2013 and returned after the occupier had cleared it but has been occupied again, the occupier shall not enjoy the preferential treatment as provided in Subparagraph 3 and Subparagraph 4.
If the occupier files a lawsuit to retrieve the seizure, he/she shall enjoy the preferential treatment provided in Paragraph 1 after he/she has paid the lawsuit-related costs. However, if a determined judgment, a certificate of determined payment order, a creditor's certificate, or other enforcement title has been obtained, all the retroactive use charge shall be collected.
Article 7
The retroactive use charge for the occupancy period shall be collected from the actual occupier according to standards in the attached table depending on the situations of occupancy. If the occupier fails to pay the use charge before the deadline, the executive agency shall request the occupier to pay the interest for the period from the deadline for payment to the date of actual payment in accordance with Paragraph 1, Article 229 of the Civil Code. However, the occupier in one of the following situations shall be exempted from paying the interest for the period overdue:
1. The occupier has paid off or applied for payment of the use charge in installments before the executive agency requests the court to issue a payment order or appeals for unjust enrichment.
2. The occupier has obtained the legal right to use the occupied real estate according to law.
3. Other special circumstances that have been determined by the National Property Administration, Ministry of Finance to be advantageous to management.
The occupier is allowed to pay the use charge provided in the preceding paragraph in installments.
The occupier shall pay the use charge and interest on it according to the court's final verdict (including the enforcement title with the same effect as the final verdict). The occupier, who applies for payment in installments and promises to pay the interest for the period from the day after the application date to the day the use charge is paid off according to the enforcement title if he/she does not make the payment according to the prescribed method, shall pay the interest for the period ended on the day the application for payment in installments is submitted.
The number of installments in the two preceding paragraphs shall be determined at the discretion of the occupier's financial ability.
Article 8
Occupied national non-public use real estate in one of the following circumstances may be regarded as vacant land and can be sold by tender according to Article 53 of the National Property Act:
1. The land that is used for growing vegetables, rice, bamboo, fruit trees, weed trees, or other field crops.
2. The land on which there are simple sheds or container houses not for residential use.
3. The land on which there are simple pens and coops.
4 The land on which there are wells, storage reservoirs, fishing ponds, paving, courtyards, or a cement or asphalt layer.
5. The land on which there are abandoned bomb shelters or bunkers.
6. The land on which there are barriers, flower stands, fences, slope protection, retaining walls, or billboards.
7. The land on which there are piles.
8. The land on which there are simple stalls or parking lots with related facilities.
9. The land used for ditches and alleys constructed privately.
10. The land of which the occupancy has been deemed to be simple by the agency in charge of the sale by tender.
Article 9
The occupied national non-public use real estate in one of the following circumstances needing to be handled urgently can be sold by tender according to Subparagraph 3, Paragraph 2, Article 54 of the National Property Act with the approval given by the Ministry of Finance.
1. A state-owned house used by several households, cannot be divided, and

	no agreement can be obtained to jointly make up a lease procedure. 2. A national building site on which a state-owned house has been sold and the owner of the house did not purchase the building site before the deadline. 3. National land, on which the house's owner or his/her family members have been drafted during the Period of Mobilization and entitled to be protected according to the "Statute of Favors for Military Servicemen and Their Dependents," that can be handled after the favors have been terminated. 4. National land, which has been occupied for building houses with a deformed pattern and determined by the local competent authority not to be used for construction alone, and the certificate of consolidation of public deformed land for use shall not be issued according to laws or regulations. 5. National land leased in the name of afforestation, cultivation, or farming, for which the lessee has violated the lease agreement and used it for construction but cannot be cleared in the short term after the termination of the lease. 6. The occupied national land on which temples or churches have been built and cannot be cleared in the short term. 7. The national real estate of which the use has been deemed to be complicated and cannot be vacated in the short term by the agency in charge of the sale by tender.
Attachments：	Attachment.odt

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