Content

Title：	Disposal Directions for Issuing Land Use Right Consent Letters to State-owned Enterprises or Local Government-owned Enterprises Prior to the Sale of National Land Ch
Date：	1995.06.20
Legislative：	1.Stipulated by Ministry of Finance Letter, Tai-Tsai-Chan-Ⅱ-Zi No.12922, August 6, 1985 2.Sent to the offices by the Ministry of Finance the National Property Administration Letter, Tai-Tsai-Chan-Ⅱ-Zi No.13232, August 10, 1985 3.Amended by the Ministry of Finance Letter (of Article 5), Tai-Tsai-Chan-Ⅱ-Zi No.84015193, June 20, 1995
Content：	Article 1 These Disposal Directions are specifically formulated to facilitate the urgent use of national land by state-owned enterprises or local public enterprises (hereinafter referred to as “public enterprises”) for engineering purposes. Article 2 When public enterprises require the use of national land for business purposes, they shall, in accordance with Article 50 of the National Property Act, report to their respective competent authorities or provincial (municipal) governments for referral to the Ministry of Finance for approval of the sale, and obtain the consent of the audit agency. In case of urgent engineering needs, they may apply for a land use right consent letter by prepaying a security deposit in accordance with these Disposal Directions. However, prior use will not be permitted under any of the following circumstances: (1) The required land has been identified as already being used by the public enterprise. (2) The business plan of the enterprise has been approved but the application for purchase has not been made in a timely manner. The term “urgent engineering needs” in the preceding paragraph refers to situations where the purchase of land through normal procedures cannot meet the project schedule requirements, and is limited to cases where the public enterprise has not delayed the purchase application. Article 3 The requirements for applying and issuing land use right consent letters as stipulated in the preceding article shall be strictly reviewed and determined by the respective competent authorities or provincial (municipal) governments. Article 4 Upon review and confirmation by the competent authorities or provincial (municipal) governments that the application meets the requirements specified in Article 2, in order to save time, the land registration transcript (not required for unregistered land) and the required land area

map (marked in color on the cadastral map) shall be submitted to the Ministry of Finance together with the land purchase application. A copy, along with attachments, shall be sent to the branches of the National Property Administration. Upon receipt of the copy, the regional office shall immediately dispatch personnel to conduct an on-site inspection and verify relevant information. If the conditions stipulated in these Disposal Directions are met, a land use right consent letter may be issued after collecting a security deposit based on the assessed value. The results of the inspection shall be reported to the National Property Administration and forwarded to the Ministry of Finance for approval of the sale.

Article 5

When the branches of the National Property Administration issue land use right consent letters, in addition to observing the current restrictions on the sale of national land, they should also pay attention to the following matters:

(1) No violation of the local land use zoning control.

(2) In the case of leased land, the public enterprise shall coordinate with the lessee to obtain a written agreement to terminate the lease before proceeding. If there are rent arrears and the public enterprise is required to pay compensation, the public enterprise shall undertake to deduct the compensation from the compensation paid to the lessee.

(3) In the case of occupied land, the matter shall be processed after the occupation is removed. However, this restriction does not apply if the public enterprise undertakes to deduct the usage compensation from the compensation it is required to pay and removes the occupation itself.

(4) In addition to the provisions of Subparagraphs 2 and 3 above, the public enterprise shall also provide a written commitment on the following matters:

a. After the National Property Administration completes the assessment process, the public enterprise is willing to settle the prepaid security deposit based on the assessed value, with the difference to be refunded or supplemented.

b. If the subject of the application is unregistered land, the public enterprise shall also undertake that “if for any other reason, the ownership of the land cannot be registered as national property, it agrees to return the original security deposit without interest and negotiate with the registered owner to resolve the issue.”

c. If the sale is not approved due to legal reasons, the public enterprise agrees to return the original security deposit without interest and unconditionally return the land to its original state.

d. If the public enterprise has no intention to purchase the non-building land after the termination of the agricultural or aquaculture lease, it agrees to pay the compensation already paid by the National Property Administration.

Article 6

After receiving the security deposit and issuing the land use right consent letter in advance, the branches of the National Property Administration shall maintain close contact with the relevant public enterprises to

expedite the completion of the sale procedures, settle the difference in the sale price, issue the title transfer certificate, and jointly handle the transfer of ownership registration.

Article 7
These Disposal Directions shall be implemented upon approval by the Ministry of Finance.

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