

Content

Title : Directions for the Joint Ownership of National and Private Lands [Ch](#)

Date : 2019.04.24

Legislative : 1. Stipulated and published by the Ministry of Finance the National Property Administration Letter, Tai-Tsai-Chan-Chu-II No.85000842, January 12, 1996
2. Amended and published by the Ministry of Finance the National Property Administration Letter (of Articles 1 and 6), Tai-Tsai-Chan-Chu-II No.85018971, August 12, 1996
3. Amended and published by the Ministry of Finance the National Property Administration Letter (of Articles 1, 2, 4, 5, 6, 7 and 8), Tai-Tsai-Chan-Kuan No.0900000288, January 4, 2001
4. Amended and published by the Ministry of Finance the National Property Administration Letter (of Article 4), Tai-Tsai-Chan-Chu-Kuan-zi No.0900010797, April 24, 2001
5. Amended and published by the Ministry of Finance the National Property Administration Letter, Tai-Tsai-Chan-Chu-Kuan-zi No.0910018613, July 19, 2002
6. Amended and published by the Ministry of Finance the National Property Administration Order (of Article 1), Tai-Tsai-Chan-Chu-Kuan-zi No.0940020653, July 8, 2005
7. Amended and published by the Ministry of Finance the National Property Administration Order (of Article 1), Tai-Tsai-Chan-Chu-Kuan-zi No.10040023411, September 28, 2011
8. Amended and published by the Ministry of Finance the National Property Administration Order, Tai-Tsai-Chan-Shu-Kuan-zi No.10340017160, August 20, 2014
9. Amended and published by the Ministry of Finance the National Property Administration Order, Tai-Tsai-Chan-Shu-Kuan-zi No.10340023660, October 30, 2014
10. Amended and published by the Ministry of Finance the National Property Administration Order (attachment to Article 7: Operation process chart for cases where other co-owners dispose of the entire parcel of joint ownership of national and private land pursuant to Article 34-1 of the Land Act), Tai-Tsai-Chan-Shu-Kuan-zi No.10440009640, June 30, 2015
11. Amended and published by the Ministry of Finance the National Property Administration Order (of Articles 4 and 7), Tai-Tsai-Chan-Shu-Kuan-zi No.108400034801, April 24, 2019

Content : Article 1

To facilitate the effective utilization of the joint ownership of national and private lands, except under the following circumstances, the national portion shall not be subject to division, and shall be managed or disposed of in accordance with relevant regulations:

1. When there is an independent usage plan in place.
2. When the private portion owner (hereinafter referred to as "other co-owner") intends to dispose of the entire parcel of land at a price below the estimated market value at that time.
3. When the area of the national portion requested for sale exceeds 500 square meters and sale is not permitted under the relevant provisions.

The term "division" as used in these directions refers to the division of co-owned property.

Article 2

The division of national portion in co-owned land shall be handled in accordance with the "Operating Directions for Handling Joint Ownership Division of State-private Co-owned Land," for either negotiated division or court-ordered division.

In cases where other co-owners dispose of the entire parcel of joint

ownership of national and private land pursuant to Article 34-1 of the Land Act, and either Subparagraph 1, Paragraph 1, Article 1 applies or Subparagraph 2 applies but does not meet the requirements for exercising the priority purchase right as specified in Article 4, said co-owners shall apply for provisional disposition and initiate a co-owned property division lawsuit. When the budget for the required security deposit for the provisional disposition is insufficient for the current year, the following amounts shall be sequentially reported for approval and temporarily advanced from custodial funds, with reimbursement upon case closure:

1. For amounts of NT\$50 million or less, temporary advancement shall be approved by the National Property Administration (NPA), Ministry of Finance.
2. For amounts from NT\$50 million to NT\$200 million, temporary advancement shall be approved by the Ministry of Finance.
3. For amounts exceeding NT\$200 million, temporary advancement shall be approved by the Executive Yuan.

Article 3

When the national portion of the joint ownership of national and private land is to be sold, and the purchaser is not the other co-owner, unless otherwise provided by law, the priority purchase right shall be exercised in accordance with Paragraph 4, Article 34-1 of the Land Act, with notice given to the other co-owners within a specified period. If multiple co-owners exercise the priority purchase right, they shall collectively acquire the property in proportion to their respective shares.

Article 4

When other co-owner, in accordance with Article 34-1 of the Land Act, inquires whether the NPA intends to exercise the priority purchase right over the entire parcel of the joint ownership of national and private lands, the NPA may exercise such a right if the sale price is below the estimated market value at the time, and the land meets the following conditions:

1. The land is currently a buildable vacant lot or is treated as such.
2. The area of the national portion, or the total area when combined with adjacent national buildable land, exceeds 500 square meters, with a suitable shape for integrated planning and utilization, or the national portion already has a usage plan in place.

For exercising the priority purchase right under the preceding paragraph, the required expenses shall be processed in accordance with the Government Procurement Act and budgetary procedures.

The term "treated as a vacant lot" in Subparagraph 1, Paragraph 1 refers to cases that meet the criteria specified in Article 8 of the Disposal Directions for Occupied National Non-public Use Real Estate, allowing them to be considered as vacant land.

The joint ownership of national and private lands that are wholly or partially designated as public facility land, land used to offset taxes, or unable to be auctioned by the national tax collection agencies subject to branches of Administrative Enforcement Agency, Ministry of Justice, shall not be eligible for exercising the priority purchase right over private portion.

Article 5

When other co-owner disposes of their private portion, or the private portion is auctioned, and inquires whether the NPA intends to exercise the priority purchase right, the NPA shall not exercise such a right unless a usage plan is already in place for the national portion.

The priority purchase and required expenses in the preceding paragraph shall be handled in accordance with the Government Procurement Act and budgetary procedures.

Article 6

The national portion in the joint ownership of national and private buildings, and the joint ownership of national, public and private lands or buildings, may be handled in accordance with the provisions of these Directions.

Article 7

(Cancelled)

