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| Title： | Directions for Disposal of Occupied National Public Use Real Estate Managed by Administration Authorities Ch |
| Date： | 2017.04.25 |
| Legislative： | 1.Established by the National Property Administration, Ministry of Finance, in Letter Tai-Cai-Chan-Ju-Jie No. 8700025047 on November 5, 1998.<br><br>2.Amended by the National Property Administration, Ministry of Finance, in Letter Tai-Cai-Chan-Ju-Jie-Zi No. 8900016397 on June 22, 2000.<br>3.Amended by the National Property Administration, Ministry of Finance, in Letter Tai-Cai-Chan-Ju-Jie-Zi No. 0900008817 on April 3, 2001.<br>4.Amended by the Ministry of Finance in Order Tai-Cai-Chan-Jie-Zi No. 0940000785 on January 14, 2005.<br>5.Amended by the Ministry of Finance in Order Tai-Cai-Chan-Jie-Zi No. 09730002153 on April 11, 2008.<br>6.Amended by the Ministry of Finance in Order Tai-Cai-Chan-Jie-Zi No. 09830010130 on September 24, 2009.<br>7.Amended by the Ministry of Finance in Order Tai-Cai-Chan-Jie-Zi No. 10130001781 on April 11, 2012.<br>8.Amended by the Ministry of Finance in Order Tai-Cai-Chan-Gong-Zi No. 10335011732 on June 17, 2014.<br>9.Amended by the Ministry of Finance in Order Tai-Cai-Chan-Gong-Zi No. 10535008870 on August 16, 2016.<br>10.Amended by the Ministry of Finance in Order Tai-Cai-Chan-Gong-Zi No. 10635003760 on April 25, 2017. |
| Content： | Article 1<br>These Disposal Directions are established to facilitate the handling of occupied national public use real estate.<br>As used in these Disposal Directions, the term “occupancy” refers to illegally occupied national public use real estate.<br>Article 2<br>Where national public use real estate is occupied by government agencies, public schools, or non-company-organized government-operated enterprises (hereinafter referred to as “agencies”), and the administration authority determines after careful evaluation that there is a need for public use or a need for the real estate to be used for the competent authorities’ mandated operational purposes, the administration authority shall promptly coordinate with the occupying agency for the vacation and return of the property or other appropriate handling. If the occupying agency fails to cooperate, and the occupying agency is a central government agency, |

the matter may be reported to the competent authority with a request that the Ministry of Finance be asked to assist in resolving the issue. If the occupying agency is a local government agency, the administration authority may coordinate with the competent authority of the occupying agency to urge resolution, and if necessary, may file a civil action to remove the occupant.

For the real estate mentioned in the preceding paragraph, if the administration authority no longer has a need for public use and it is not required for the competent authorities' mandated operational purposes, the administration authority shall notify the occupying agency to apply for appropriation in accordance with the law. If the occupying agency fails to cooperate or is unable to apply for appropriation, except for the situations listed below where the administration authority may sequentially apply for public use property conversion to non-public use property or abolition of appropriation (hereinafter collectively referred to as "apply for public use property conversion to non-public use property"), and transfer it to the National Property Administration of the Ministry of Finance (hereinafter referred to as the "NPA") for takeover under current conditions, the administration authority shall, after clearing the real estate according to the handling methods stipulated in the preceding paragraph, then sequentially apply for public use property conversion to non-public use property.

1.The current situation is that the real estate is used for public facilities constructed or managed by a local government agency, and there are no issues regarding appropriation with compensation, no compensation liability, and no conflict with urban planning. The NPA may, jointly with the local government agency, process the registration of change of administrator.

2.If the real estate belongs to enterprise assets or special fund property, and the current situation is that it is used for public facilities constructed or managed by

another agency, the administration authority or the agency responsible for constructing or managing the public facilities shall assume responsibility for management and maintenance after the transfer of the real estate to the NPA.

Article 3

Where national public use real estate is occupied by parties other than government agencies (hereinafter referred to as "private parties"), and the administration authority determines after careful evaluation that there is a need for public use or a need for the real estate to be used for the competent authorities' mandated operational purposes, the administration authority shall ascertain the cause of the occupation, categorize and handle it accordingly, and properly evaluate the method of recovery. This is to facilitate the use of the real estate according to the predetermined plan, designated purpose, or operational objective, and to avoid disputes.

For occupants using the real estate as a residence, the administration authority, prior to removing the occupation, shall investigate whether the occupants require resettlement assistance. For those who require assistance, the administration authority shall assist them in applying to the competent authority or private organizations for public rental housing, social housing, veterans' homes, social welfare institutions, or nursing institutions in accordance with the law. Relevant processes shall be documented for future reference.

For occupants described in the first paragraph who fall under any of the following circumstances, the administration authority, prior to removing the occupant, shall assist them in applying to the competent authority for relevant subsidies, allowances, or stipends in accordance with the law, and processes shall be documented for future reference.

1.Individuals who are classified as low-income households or middle-to-low-income households under the Public Assistance Act.

2.Individuals who are members of families in hardship as defined by the Act of Assistance for Family in Hardship.

3.Individuals who receive living subsidies in accordance with the People with Disabilities Rights Protection Act.

4.Individuals who receive living allowance for mid or low-income senior citizens in accordance with the Senior Citizens Welfare Act.

The methods of recovery referred to in the first paragraph include:

1.Coordinating with the occupants for vacation and return of the real estate.

2.Notifying or coordinating with the competent authority to handle the matter in accordance with relevant laws or usage regulations, if there is a violation of relevant laws or usage controls.

3.Filing a civil action to remove the occupant.

4.Reporting the matter to the local police authority for investigation in accordance with Articles 320 and 349 of the Criminal Code of the Republic of China, or directly filing a complaint with the prosecutor’s office.
Cases where the occupation affects national land security or public safety shall be given priority for referral.

5.Other appropriate handling methods that can remove the occupant.

Article 4

Where national public use real estate is occupied by private parties, and the administration authority no longer has a need for public use and it is not required for the competent authorities’ mandated operational purposes, the administration authority shall, after clearing the real estate according to the handling methods stipulated in the preceding Article, sequentially apply for public use property conversion to non-public use property and transfer it to the NPA for takeover. However, if the

occupation case does not involve any of the circumstances listed in the following subparagraphs, and meets one of the conditions listed in the second paragraph, the administration authority may submit supporting documents and apply for transfer to the NPA for takeover under current conditions.

1.The above-ground building is currently used as dormitory/family quarters.

2.The existing above-ground building is not currently used as dormitory/family quarters, but the national real estate was used for dormitory/family quarters during the period it was managed by the administration authority. This excludes cases where the entire real estate is located on land designated for public facilities within the urban planning zone.

3.The occupant of the national building is using the building due to their employment relationship, or has inherited the use of the building from a user with such an employment relationship.

4.The original national building on the national land has been demolished and rebuilt as a private building.

5.The administration authority has previously provided compensation for the structures on the land.

6.The administration authority has obtained a final court judgment, or an enforceable title with the same effect as a final court judgment, for the recovery of the occupied national real estate.

7.The administration authority is in the process of litigation to remove the occupant of the occupied real estate.

The circumstances referred to in the proviso of the preceding paragraph shall mean any of the following:

1.The administration authority appropriated the occupied real estate managed by the NPA and applies for public use property conversion to non-public use property within one

year from the date the Executive Yuan approved the appropriation.

2.There are legal reasons that prevent the removal of the occupant.

3.The occupied real estate became national property after the implementation of the National Property Act, due to the administration authority's handling of acquisition, takeover (excluding takeover cases where the ownership of Taiwan Provincial Government property was transferred to the national government), confiscation, expropriation (including joint expropriation but where the provisions of Articles 9, 49, or 52-1 of the Land Expropriation Act do not apply), purchase, or initial registration, and the property was already occupied when the administration authority acquired it, and has never been used for public purposes.

4.After the real estate is transferred to the NPA for takeover, it can be leased, sold, or have compensation or indemnity fees collected from the user according to regulations. The administration authority shall submit the following documents to the NPA for review and approval of the takeover under current conditions:

(1) Cases where leasing or sale is permitted:

A.An application from the applicant(s) who are eligible to apply for lease or purchase (hereinafter referred to as "applicants") according to the law, and have supporting documents proving their eligibility for lease or purchase.

B.When the applicant is not the occupant, a written proviso stating the commitment to handle the occupation issue on their own after leasing or purchasing the national real estate shall be provided. When the applicant is the occupant, the following documents shall be provided:

(A)Proof of payment of usage compensation fees up to the month prior to the administration authority's application for public use property conversion to non-public use property. However, for occupants who are eligible for direct lease under the provisions of each subparagraph of Paragraph 1, Article 42 of the National Property Act, and whose usage compensation fees have been approved by the administration authority for installment payments, and who provide a written proviso that they agree to comply with the NPA's installment payment regulations after the transfer of the national real estate to the NPA, they may submit proof of payment of installments up to the month prior to the administration authority's application for public use property conversion to non-public use property.

(B)A written proviso stating that after the transfer of the national real estate to the NPA, if the applicant is unable to lease or purchase the real estate, they will unconditionally vacate and return the real estate upon notification by the NPA.

(2)Cases where compensation or indemnity fees can be collected for use: The current situation is that the occupant has installed equipment related to the power industry, telecommunications industry, or water supply, and the occupant provides a written proviso that they are willing to pay compensation or indemnity fees to the NPA according to regulations to obtain the right of use.

(3)Other documents as required by the NPA.

Article 5

Where national public use real estate is occupied, and the

administration authority is engaged in litigation proceedings to remove the occupant, during the course of the legal proceedings, the administration authority may, on a case-by-case basis, and in accordance with Articles 189 and 190 of the Code of Civil Procedure, reach an agreement with the occupant to suspend the legal proceedings and negotiate a resolution to the occupation issue.

Before the conclusion of the legal proceedings mentioned in the preceding paragraph, if the administration authority confirms that none of the circumstances described in the first six subparagraphs of the proviso in Paragraph 1, Article 4 apply, and provides supporting documentation to the NPA for review and confirmation that the conditions of Subparagraph 4, Paragraph 2, Article 4 are met, the administration authority may, after the occupant has paid the relevant litigation costs and a litigation settlement has been reached, apply for public use property conversion to non-public use property and transfer it to the NPA for takeover under current conditions for subsequent handling.

Where the administration authority has already obtained a final court judgment, or an enforceable title with the same effect as a final court judgment, the timing for the recovery of the occupied national real estate may be determined on a case-by-case basis.

Article 6

Where national public use real estate is occupied, the administration authority shall, in accordance with Article 179 of the Civil Code regarding unjust enrichment, retroactively collect usage compensation fees from the occupant for the period of occupation. Except where there are grounds for interruption of the statute of limitations as stipulated in Article 129 of the Civil Code, the collection shall retroactively cover a maximum of five years from the month prior to the date of notification, and continue forward until the date of vacation and return of the real estate. The administration authority may agree to interest-free installment payments,

where the number of installments shall be determined at the discretion of the occupant's financial capability.
Except for the circumstances stipulated in Article 9, the usage compensation fees mentioned in the preceding paragraph may be waived,
reduced, or deferred according to the following provisions:

1.Central government agencies occupying the real estate: Fees are waived.

2.Local government agencies occupying the real estate for use as public facilities available to the general public and generating no revenue: Fees are waived.

3.Occupants who vacate and return the national real estate before a lawsuit is filed to remove the occupant: Fees are waived. If legal proceedings have already commenced, and the occupants vacate and return the national
real estate before a first-instance judgment, fees may be reduced on a case-by-case basis, and a litigation settlement shall be pursued. However, this provision does not apply if the national real estate was occupied after September 24, 2009, or if it was
occupied before September 24, 2009, vacated by the occupant, and then re-occupied.

4.Occupants who apply to have the national land reclassified and incorporated as lands reserved for aboriginal people, and whose application is approved by the Executive Yuan: Fees are waived, and any previously collected
amounts shall be refunded. During the application period, collection is deferred. If the administration authority expresses disagreement with the reclassification and incorporation, the fees shall be collected according to regulations.

5.Occupants who apply for the return of national real estate in accordance with the law, and whose application is approved: Fees are waived, and any previously collected amounts shall be refunded. During the application
period, collection is deferred. If the application is not approved, the fees shall be collected according to

regulations.

6.Occupants who meet one of the conditions listed in Paragraph 3 of Article 3: Collection is deferred. If the occupant's status changes to no longer meet those conditions, or if the occupied area is expanded, the fees shall be collected according to regulations.

In the circumstances described in the preceding paragraph, usage compensation fees already collected will not be refunded, except in the cases of Subparagraphs 4 and 5.

Article 7

Except for the circumstances stipulated in Article 9 or where otherwise provided by laws and regulations, usage compensation fees for the period of occupation shall be calculated, according to the circumstances of the occupation, with reference to the standards in the attached table of Article 7 of the Disposal Directions for Occupied National Non-public Use Real Estate; or they may be calculated according to the standard in Item 1 of the attached table, with any circumstances of the occupation.

Article 8

If the occupant fails to pay the usage compensation fees before the payment deadline, the administration authority shall, in accordance with Articles 229 and 233 of the Civil Code, demand payment of late payment interest, calculated at the statutory interest rate from the day following the payment deadline until the date of actual payment.

However, except for the circumstances stipulated in Article 9, late payment interest may be waived if the occupant is willing to continue paying the usage compensation fees or cooperate with the relevant procedures of the administration authority.

Article 9

Where the administration authority has already obtained a final court judgment, an order for payment with a certificate of finality, a certificate of creditor's rights, or other enforceable title with the same effect as a final court judgment for usage compensation fees and late payment interest, it shall

collect the full amount according to the judgment/order/title, and the relevant provisions of Articles 6 through 8 shall not apply.
If the occupant applies for installment payments to settle the compensation for use and the delayed interest mentioned in the preceding paragraph, and agrees that in the event of failure to make payments as agreed, they shall repay the delayed interest accrued from the day following the installment application date to the settlement date based on the original enforcement title, the delayed interest shall be calculated up to the installment application date. The number of installments shall be determined at the discretion of the occupant’s financial capability.
Article 10
Where occupied national real estate managed by government agencies was acquired before the implementation of the National Property Act, and either has never been used for public purposes since acquisition, or its public use was discontinued before the implementation of the National Property Act, the administration authority may submit the original registration transcript and a statement of facts, and transfer the real estate to the NPA for takeover under current conditions in accordance with Article 72 of the Regulations for the Enforcement of National Property Act. Prior to the transfer, the collection of usage compensation fees and late payment interest shall be handled with reference to the provisions of Articles 6 through 9.

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