Content

Title：	Regulations For Private Institution Applying To Participate In The Infrastructure Project Under Its Own Planning Ch
Date：	2025.12.16
Legislative：	1.Promulgated by the Ministry of Finance Tai-Tsai-Tsu-Tzi No. 10525504460 Order dated April 11, 2016. All 17 articles shall take effect from the date of promulgation. 2.Promulgated by the Ministry of Finance Tai-Tsai-Tsu-Tzi No. 10925522310 Order dated September 11, 2020. All 17 articles shall take effect from the date of promulgation. 3.Full text (18 Articles), amended and promulgated per Ministry of Finance Decree No. Tai-Cai-Cu-Zi 11025525030, dated October 21, 2021, and to take effect on the date to be decided by the Ministry of Finance. (Full text to take effect on January 1, 2022, per Ministry of Finance Decree No. Tai-Cai-Cu-Zi 11025531440, dated December 9, 2021). 4. Full text (18 Articles), amended and promulgated per Ministry of Finance Decree No. Tai-Cai-Cu-Zi 11425536740, dated December 16, 2025, and to take effect from the date of promulgation.
Content：	**Article 1** These Regulations are enacted in accordance with Paragraph 6, Article 46 of the Act for Promotion of Private Participation in Infrastructure Projects (the "Act"). **Article 2** The methods to acquire land and facilities needed by a private institution applying for participation in an infrastructure project under its own planning according to Paragraph 1, Article 46 of the Act are as follows: 1.The private institution provides private land and facilities needed by the project: The applying private institution acquires the ownership of, or the right to use, the private land and/or facilities needed by the project by itself rather than be provided with or assisted in the acquisition of the land or the facilities by the competent authority according to the applicable provisions of the Act. 2.The competent authority provides the land and the facilities needed for the project: The competent authority provides the land and the facilities needed for the project according to the applicable provisions of the Act. **Article 3** To process private institutions' applications for participating in infrastructure projects under their own planning or to meet policy demands, the competent authority shall issue policy announcements. The timing of making the policy announcements referred to in the preceding paragraph shall be the following: 1.After the applicant submits a project outline to the competent authority, the authority considers whether the project outline meets the policy needs. 2.The competent authority issues a policy announcement according to its policy needs. The policy announcement referred to in Paragraph 1 shall specify matters in accordance with Paragraph 3, Article 71 of the Enforcement Rules of the Act, and shall include an invitation to private institutions to submit feasibility assessment reports. **Article 4** A project outline referred to in Subparagraph 1, Paragraph 2 of the preceding article shall contain the following particulars:

1.The applicant's basic information.
2.Basic information about the land and the facilities, including the scopes of the land and the facilities to be utilized, and the methods of acquiring or providing the land and the facilities.
3.Ideas of the planning, including ideas of utilizing the land and/or facilities;
4.Assessment of public use and public interests.
5.Matters that require assistance from the government.
6.Other matters regarding the project outline.
If the competent authority finds that an applicant's project outline does not meet the policy needs after evaluating the outline, the competent authority shall reject the outline.

Article 5

The feasibility assessment report submitted by an applicant in accordance with Paragraph 3, Article 3 shall include the following matters, which shall be declared by the competent authority in the policy announcement:
1.Purposes of the infrastructure, and the development items and methods of private participation in the infrastructure.
2.Benefits to be achieved from private participation and benefits to the government.
3.Market.
4.Technology.
5.Financing.
6.Laws.
7.Acquisition of land and facilities.
8.Environmental impacts.
9.Threats to national security and information security concerns
10.Needed commitments and cooperation from the government.
11.Other particulars.
Where the development items set forth in Subparagraph 1 of the preceding paragraph include operation of an ancillary business, the targets to be achieved through the infrastructure project, and the items and the details of the targets shall be indicated.
The schedule and method for acquiring the ownership of or the right to use the land and/or facilities, and the duration of the ownership or the right to use shall be indicated in the matters stated in accordance with Subparagraph 7 of Paragraph 1.

Article 6

After an applicant submits a feasibility assessment report, the competent authority shall preliminarily evaluate the application as follows:
1.Reviewing the feasibility assessment report, and asking for the assistance of experts or scholars in the review, if necessary.
2.Conducting public hearings in accordance with Paragraph 2, Article 6-1 of the Act.
3.Where negotiations with the applicant involve commitments and cooperation by the government that require funding from the government budget, a report shall be submitted to the Executive Yuan or the relevant local government for approval in accordance with the provisions of the Act.
4.Approving the feasibility assessment report.
Where there are two or more applicants, after reviewing the feasibility assessment reports under Subparagraph 1 of the preceding paragraph, the competent authority may select multiple applicants and determine their priorities based on the completeness of the reports and their effects on public interest benefit. After notifying each applicant of its decision, the competent authority shall conduct the preliminary evaluation under Subparagraphs 2 to 4 of the preceding paragraph for the applicant with the highest priority. If the preliminary evaluation for the applicant with the highest priority is not completed, the competent authority may proceed with the preliminary evaluation in accordance with the previously determined order of priority.
Where the feasibility assessment report has been approved through the preliminary evaluation by the competent authority under Paragraph 1, and the land and facilities needed are privately owned, more than one applicant

may be approved. Where the land and the facilities needed are provided by the competent authority, only one applicant shall be approved.

Article 7

Where a private institution applies for construction of an infrastructure on private land and using private facilities provided by the private institution itself, if the private institution's application passes the preliminary review, the competent authority shall inform the applicant that it shall file an application with the competent authority by submitting an investment proposal and a draft concession agreement.

Subject to the nature of the project, the investment proposal referred to in the preceding paragraph shall contain the following particulars:

1.Purpose of the infrastructure, and the development items and methods of private participation in the infrastructure.

2.The land and facilities utilization plan.

3.The construction plan.

4.The operation plan.

5.The financial plan.

6.The letter of intent for financing issued by the financial institution.

7.Needed commitments and cooperation from the government.

8.Other documents required by the applicable laws.

The particulars required to be stated in the draft concession agreement under Paragraph 1 shall at least include the matters set forth in Article 11 of the Act.

Article 8

Where a private institution applies for construction of an infrastructure on private land and using private facilities provided by the private institution itself, and the private institution's application passes the preliminary review, the competent authority shall organize a selection committee for reviewing the private institution's investment proposal referred to in Paragraph 1 of the preceding article. The competent authority shall include the approved investment proposal in the draft concession agreement proposed by the applicant in accordance with Paragraph 1 of the preceding paragraph, and proceed with contract negotiations.

Article 9

Where a private institution applies for construction of an infrastructure on private land and using private facilities provided by the private institution itself, after the institution's investment proposal is approved by the competent authority, the applicant shall proceed with the preparatory work from the day after receipt of the competent authority's notice within the approved time limit, as well as sign the concession agreement with the competent authority, and construct and/or operate the infrastructure in accordance with the law.

The applicant may apply to the competent authority for extension of the time limit referred to in the preceding paragraph for not more than one year by filing a written application before the expiration of the time limit. If no concession agreement is signed before the expiration of the time limit, the competent authority shall revoke the approval of the application.

Article 10

Where the competent authority provides the land and/or facilities needed by the project, after the project passes the competent authority's preliminary review, the competent authority shall prepare an open solicitation on the basis of the feasibility assessment reports approved by the preliminary review within a specified time period.

The open solicitation under the preceding paragraph shall contain the following particulars:

1.Name of the infrastructure project.

2.Purposes of the public infrastructure.

3.Summary of the feasibility assessment report and summary of the preliminary review, including the suggestions or oppositions of the attendees of the public hearings. If any suggestions or oppositions are not

adopted, the reasons shall be stated.
4.Basic information about the land and the facilities permitted to be utilized, including the scopes of the land and/or facilities provided by the competent authority.
5.Category of the infrastructure project open for application and the means of private participation.
6.Concession period of the infrastructure project and the minimum functions and benefits to be achieved.
7.The scope of the ancillary enterprises allowed for private investment and the concession period for the land needed.
8.The qualification requirements for the applicants.
9.The items and standards of evaluation of applications.
10.Where a project passes the preliminary review, the preferential terms.
11.The date of announcement, the deadline for submitting applications, the application procedures, method and deadline for explanation of application, and collection and return of application deposit.
12.The place and method for obtaining the tender documents, the price, and the method of payment.
13.The applicability of treaties or agreements
14.The matters authorized or entrusted by the competent authority in accordance with Paragraphs 2 or 3 of Article 5 of the Act.
The competent authority shall forward the preferential terms referred to in Subparagraph 10 of the preceding paragraph proposed by the applicant whose project outline has passed the preliminary review to the selection committee for approval.
If any major obligations or rights listed in the open solicitation referred to in Paragraph 1 may be changed, this shall be stated clearly, and the procedure for such change shall also be provided.

Article 11
The tender documents specified in Subparagraph 12, Paragraph 2 of the preceding Article shall, in addition to the contents of the open solicitation specified in the preceding paragraph, indicate the following:
1.Application instructions.
2.Draft concession agreement.
3.Appendices: documents related to the case or the land concerned.
The application instructions referred to in Subparagraph 1 of the preceding paragraph shall include the following matters:
1.The main contents and format of the investment proposal.
2.The application evaluation method and schedule.
3.The commitments and cooperation from the competent authority.
4.The deadlines for contract negotiation and signing.

Article 12
Where the competent authority provides the land and/or facilities needed by the project, the competent authority shall openly solicit applicants, and inform each applicant having passed the preliminary review that it should file an application by submitting an investment proposal within a given time limit in accordance with Subparagraph 1, Paragraph 2 of the preceding Aritcle.

Article 13
Where the competent authority provides the land and/or facilities needed by the project, after a private institution's application passes the preliminary review, the competent authority shall organize a selection committee for handling the following matters:
1.Deciding the items and standards of evaluation of applications referred to in Subparagraph 9, Paragraph 2, Article 10, and the application evaluation method referred to in Subparagraph 2, Paragraph 2, Article 11.
2.Deciding the preferential terms referred to in Subparagraph 10, Paragraph 2, Article 10.
3.Selecting and evaluating outstanding investment proposals.

Article 14
If the competent authority finds that the project outline or the

feasibility assessment report submitted by a private institution applying for participating in the infrastructure project under its own planning is incomplete, does not meet the procedure or format requirements, or contain ambiguous information, the competent authority may inform the applicant that it should submit the omitted information or documents or make corrections or clarifications within a given time limit. Failure to submit the omitted information or documents, or make corrections or clarifications within the given time limit shall be deemed to have waived the right to submit the omitted information or documents, or make corrections or clarifications.
If the applicant fails to submit the omitted information or documents, or to make corrections or clarifications to the feasibility assessment report within the given time limit, the competent authority may decide that the preliminary evaluation is not approved.

Article 15
If an application filed by a private institution for participating in the infrastructure project under its own planning fails to meet the needs, or fails the preliminary review, the review or the evaluation, the outcome shall be forwarded by the competent authority to the head of the competent authority or the person authorized by the head for approval and published on the information network of the competent authority, as well as be notified to the applicant in writing within 14 days from the day after the decision.
If no applicant responds to the policy announcement or the open solicitation, or no applicant passes the qualification review, or no applicant completes contract negotiations or signs the agreement, this shall be published on the information network of the competent authority.

Article 16
The competent authority shall, within one year, finish evaluating the application filed by a private institution for participating in the infrastructure project under its own planning. If necessary, the evaluation period may be extended once for a period not exceeding six months; special circumstances may be exempt from this restriction.
The evaluation period referred to in the preceding paragraph shall start on the day after the competent authority declares the policy announcement to the day the written notice of the evaluation outcome is given to the applicant. However, where a private institution submits a project outline before the competent authority's policy announcement is made, the evaluation period shall start from the day after the project outline is served on the competent authority.
The period referred to in the preceding paragraph does not include the periods given to applicants for submitting omitted information or documents or making corrections or clarifications, or the periods in which private institutions are invited to submit feasibility assessment reports or investment proposals.
The special circumstances referred to in Paragraph 1 shall be determined by the authority in charge, which is forbidden to delegate its subordinate entities or to commission other entities (institutions) to conduct such determination.

Article 17
If a private institution applying for participation in the infrastructure project under its own planning mistakenly files its application with an agency (institution) subordinate to the competent authority, the agency (institution) shall, within seven days from the day after receipt of the application, forward the application to the competent authority, or ask for authorization to handle the matter in accordance with Paragraph 2 of Article 5 of the Act, and notify the applicant thereof.

Article 18
These Regulations shall take effect from the date of promulgation.