

英譯法規內容

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Articles 4~7, 9, 16~18, 21 and 22 amended and Articles 15-1~15-5 and 22-1 supplemented by President Order (88) Hua-Tsung (1)-Yi-Tzu No.8900017420 on January 26, 2000

法規內文(Content) :

Chapter 1 General Provisions

Article 1

This Act is enacted to promote conservation and utilization of lands and natural resources, and reasonable distribution of population and industrial activities, so as to accelerate economic development, improve living environment, and enhance public welfare.

Article 2

Regional plans shall be made pursuant to this Act; for the matters not covered by this Act, other laws shall apply.

Article 3

A regional plan referred to in this Act means a regional development plan formulated according to the mutually depended and common-interest relations between geography, population, resources, and economic activities.

Article 4

The competent authorities of regional plan are the Ministry of the Interior at the central government level, the municipal governments at the central administrated municipality level, and the county (city) governments at the county (city) level.

The competent authority of each level shall establish a committee of regional plan to examine regional plans; organic regulations on the foresaid committee shall be prescribed by the Executive Yuan.

Chapter 2 Preparation, Alteration, Approval and Announcement of Regional Plans

Article 5

Regional plans shall be established for the following areas:

- 1.Areas designated by a national integrated development plan or regional integrated development plan.
- 2.Areas allocated centered on the capital, municipalities, provincial capitals, or province (county) administrated cities to promote the actual urban development
- 3.Other areas designated by the Ministry of the Interior.

Article 6

Regional plans shall be prepared according to the following authorities:

- 1.A regional plan that spans two or more provinces (cities) shall be prepared by the central competent authority.
- 2.A regional plan that spans two or more counties (cities) shall be prepared by the central competent authority.
- 3.A regional plan that spans two or more townships (cities) shall be prepared by the county competent authority.

Where a plan that should be prepared according to Subparagraph 3 is not prepared, the upper-level competent authority may prepare or designate a department to prepare the plan in stead depending on the actual circumstance.

Article 7

A regional plan shall use texts and charts to describe the following matters:

- 1.Scope of the region
- 2.Natural environment
- 3.History of development.
- 4.Regional functions.
- 5.Predictions on population and economic growth, land utilization, transportation requirements, and resources development etc.
- 6.Objectives of the plan.
- 7.Urban and rural development patterns.
- 8.Development and conservation of natural resources.
- 9.Land-use plan and land segmentation control.
- 10.Regional industrial development plan.

- 11.Regional transportation system plan.
- 12.Regional public facilities plan.
- 13.Regional tourism and recreation facilities plan.
- 14.Regional environmental protection facilities plan.
- 15.Development sequence of facilities
- 16.Implementers.
- 17.Others.

Article 8

To prepare a regional plan, the department preparing the plan may require the related government departments or civil organizations to provide necessary information, and the departments or organizations shall cooperate in provisioning of the information.

Article 9

Regional plans shall be approved according to the procedure described below:

- 1.Regional plans prepared by the central competent authority shall be examined and approved by the central committee of regional plan, and reported to the Executive Yuan for recording.
- 2.Regional plans prepared by municipal competent authorities shall be examined and approved by municipal committees of regional plan, and reported to the central competent authority for approval.
- 3.Regional plans prepared by county (city) competent authorities shall be examined and approved by county (city) committees of regional plan, and reported to the central competent authority for approval.
- 4.Regional plans prepared by the upper-level competent authority under Paragraph 2, Article 6 shall be approved similarly pursuant to Subparagraph 1 of this article.

Article 10

After a regional plan is approved, the department preparing the plan shall, within 40 days commencing from receipt of the official document of approval, announce to implement the plan, and distribute illustrations of the plan to the concerned local government and township (city) office for exhibition; the term of exhibition shall be not less than 30 days, and the illustrations shall be kept clear and complete for the people to read.

Article 11

After a regional plan is announced and implemented, for the township plan, street plan and

special zone plan that should be prepared, or the existing plans that should be altered according to the regional plan, the local competent authority of urban plan shall finish preparation or alteration procedure within the specified time limit. Otherwise, the upper-level competent authority may prepare or alter the plans in stead.

Article 12

After a regional plan is announced and implemented, the related development or construction undertaking plans within the region shall closely match with the regional plan; where necessary, the undertaking plans shall be amended, or the competent authority may be suggested to alter the regional plan.

Article 13

After a regional plan is announced and implemented, the department preparing the plan shall thoroughly review the plan and make necessary alteration every 5 years according to the actual development situation. But review and alteration may be performed at any time due to any of following causes:

- 1.Occurrence of or to avoid serious disasters.
- 2.Initiation of important development or construction undertakings.
- 3.Suggestion of the Regional construction committee.

Alteration of regional plans shall be performed according to the procedure prescribed in Article 9 and Article 10;where necessary, the upper-level competent authority may execute alteration similarly pursuant to Paragraph 2, Article 6.

Article 14

For the purpose of preparing or altering a regional plan, the competent authority may send personnel to access public or private-owned lands to perform investigation or reconnaissance survey. Where a piece of land is surrounded by bounding barriers, prior notice shall be given to the landownership holder or the user; in case the notice can' t be sent to the person, it may be announced publicly.

To implement the above-mentioned investigation or reconnaissance survey, proper compensation shall be provided for the losses caused to the landowners or the user due to removal or dismantling of the overground obstacles. The currency amount of compensation shall be agreed upon through negotiation. Where the negotiation fails to reach an agreement, the case shall be reported to the upper-level government for determination.

Chapter 3 Control of Regional Land Utilization

Article 15

After a regional plan is announced and implemented, for the non-urban lands other than prescribed in Article 11, the concerned municipal or county (city) governments shall work out non-urban land-use zoning maps according to the land-use plan of non-urban lands, classify the lands of various purposes, and report to the upper-level competent authority for review and recording prior to implementation of control. The same for the procedure of alteration. The control rules shall be prescribed by the central competent authority. The above-mentioned non-urban land-use zoning maps shall be plotted separately for every township (city), and important buildings or significant marks and the section registered in the land register shall be utilized to mark the location of the lands.

Article 15-1

After overall review of a regional plan is finished and it is announced and implemented, for the non-urban lands other than prescribed in Article 11 that meet the land-use plan of non-urban lands, alteration of segmentation shall be performed according to the following provisions:

1. Where the land-use zoning needs to be reviewed and altered for the purpose of strengthening the conservation of resources, the municipal or county (city) government may directly execute alteration of zoning with the approval of the upper-level competent authority.
2. For the purpose of development and utilization, according to the regional plan, an applicant may submit a development plan enclosed with related documents to the municipal or county (city) government. After the application is reported to and permitted by the authority preparing the regional plan, alteration of zoning may be executed. Before to permit the plan referred to in Subparagraph 2 of the preceding paragraph, the authority preparing the regional plan shall submit the application for development to the committee of regional plan for examination.

Article 15-2

For an application for development submitted according to Subparagraph 2, Paragraph 1 of the preceding article, where it is confirmed through examination that the following conditions are satisfied, the development may be permitted:

1. The application is suitable and reasonable for land utilization.
2. The application doesn't infringe the land utilization or environmental protection plan

established by the central, municipal or county (city) government based on the central or local autonomous laws and regulations.

3.Appropriate plans have been made for protection of environment, conservation of the nature, and prevention of disasters.

4.The application can match with the water supply, nearby traffic facilities, drainage system, electric power, telecommunication, and rubbish disposal and other public facilities, equipments and services.

5.The certificates of the rights of the lands and buildings in the area to be developed have been acquired.

The operational regulations on the above-mentioned examination shall be prescribed by the central competent authority through negotiation with related authorities.

Article 15-3

After the permission of the authority preparing the regional plan is acquired according to Subparagraph 2, Paragraph 1 of Article 15, and before classification or alteration of land utilization is executed, the applicant shall finish classification and alteration of the land-use for public facilities with in the development area, and have them registered as owned by the municipality, county (city) or township (city), and pay the development impact fees to the municipal or county (city) government for the purpose of improving or increasing public facilities; the foresaid development impact fees may be substituted by the buildable lands within the development area.

The scope and standard of the above-mentioned development impact fees as well as other related affairs shall be prescribed by the central competent authority.

A foundation may be established for the development impact fees referred to in the first paragraph; the incomes, expenditures, storage, and utilization of the foundation shall be prescribed by the municipal or county (city) competent authority.

The development impact fees referred to in the first paragraph may be levied for urban lands.

Article 15-4

For a case of application for development submitted according to Subparagraph 2, Paragraph 1 of Article 15-1, the municipal or county (city) government shall, within 60 days commencing from accepting the application,

report it to the authority preparing the regional plan to handle examination for permission, and the authority shall inform the applicant about the result of examination within 90 days. However, in special occasions, it may be postponed for one time, and the term of

postponement may not exceed the originally prescribed time limit.

Article 15-5

Where the municipal or county (city) government doesn't report the case to the authority preparing the regional plan for examination according to the preceding article, the upper-level competent authority may command it to report within a specified time limit; where the government doesn't report within in the foresaid time limit, the upper-level competent authority may directly examine and approve or disapprove the application.

Article 16

Upon implementing land-use zoning control of non-urban lands according to Article 15, the municipal or county (city) government shall publicize the non-urban land-use zoning maps and the classifying results; and the classifying results shall be notified to the landowners. Duplicated copies of the above-mentioned segmentation maps shall be distributed to the township (city) offices for storage, and for the people to read free of charge at any time.

Article 17

During implementation of a regional plan, appropriate compensation shall be provided for the damages caused by alteration of utilization or dismantling of the land ameliorants that do not meet the land-use zoning plan. The currency amount of compensation shall be agreed upon through negotiation between the two parties. In case the negotiation fails to reach an agreement, the local municipal or county (city) government shall report the case to the upper-level government for determination.

Chapter 4 Promotion of Regional Development and Construction

Article 18

To promote the implementation of regional plans and the construction of public facilities, the central, municipal and county (city) competent authorities may invite the related authorities, public bodies, academic institutions, mass organizations, and public or private enterprises to establish the Regional construction committee.

Article 19

The tasks of the Regional construction committee are as follows:

- 1.Suggestion on regional plans.
- 2.Suggestion on regional development and construction undertaking plans.

- 3.Coordination of individual development and construction undertakings.
- 4.Assistance in collection of funds for construction of regional public facilities.
- 5.Promotion for implementation of regional development and construction plans.
- 6.Other promotional affairs related to regional construction.

Article 20 After a regional plan is announced and implemented, the regulating authorities of individual undertakings shall match with the regional plan and the suggestions of the Regional construction committee to separately work out time schedules of development or construction and compile annual budgets, and carry out development or construction pursuant to the time schedules.

Chapter 5 Penal Provisions

Article 21

Anyone who utilizes the lands with infringement of Paragraph 1 of Article 15 will be fined by the governing municipal or county (city) government a sum of NT\$60,000~300,000, and will be ordered to alter or stop utilization, or dismantle the overground articles and return the lands to original conditions within a specified time limit.

In case of disobedience to the above-mentioned order of altering or stopping utilization or dismantling the overground articles and returning the lands to the original conditions, consecutive punishment may be executed for each time of infringement, and water and electric power supply will be shut off, and coercive dismantling or other measures for returning the lands to original conditions may be taken; the expenses shall be assumed by the owner, user or manager of the land or overground articles.

The fines referred to in the above two paragraphs shall be paid within the specified time limit; otherwise, the case will be transferred to the court for coercive execution.

Article 22

Anyone who infringes the provisions of the preceding article and doesn't alter land utilization or dismantle the buildings and return the lands to original conditions within the specified time limit will be subject to the Administrative Execution Act, and will be condemned to fixed-term imprisonment or penal servitude for up to 6 months.

Article 22-1

The authority preparing the regional plan or the upper-level competent authority may charge examination fees for examination of applications for land development pursuant to this Act,

and the charging standards shall be prescribed by the central competent authority.

Chapter 6 Supplementary Provisions

Article 23

Enforcement Rules for this Act will be prescribed by the Ministry of the Interior, and reported to the Executive Yuan for approval.

Article 24

This Act will take effect as of the date of promulgation.