

## 英譯法規內容

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Amendments to Articles 1, 5, 7, 10, 11, 13, 15, 20, 22, 25, 27, 29, 30, 33, 38, 40, 44, 49~52, 53~

55, 58, 59, 63 were amended and the heading of Chapter 5; additions of Articles 3-1, 3-2, 13-1, 18-1, 34-1, 43-1, and 52-1; and the implementation date of Article 30 to be determined by the Executive Yuan were promulgated by Presidential Order N Zong-Yi-Yi-Zi-10000300191 dated January 4, 2012.

法規內文(Content) :

Chapter I General Provisions

Article 1 This Act is enacted for the purposes of regulating expropriation of land, ensuring reasonable land use, safeguarding private properties and promoting public interest. Land expropriation shall be governed by this Act. Matters not provided in this Act shall be governed by other applicable laws.

Where other laws are inconsistent with this Act with regard to expropriation procedures and expropriation compensation standards, this Act shall prevail.

Article 2 The term “competent authority” used in this Act shall be the Ministry of the Interior at the central government level (referred to as the “Central Competent Authority” hereunder), the municipal government at the municipality level, and the county (city) government at the county (city) level.

Article 3 To establish any of the following undertakings for public interest purpose, the State may expropriate private land, to the extent strictly required by such undertakings:

1. National defense undertakings.
2. Communication or transportation undertakings.
3. Public utility enterprises.
4. Water conservancy undertakings.
5. Public health and environmental protection undertakings.
6. Government office buildings, office buildings of local self-governing bodies and other public buildings.
7. Educational, academic and cultural undertakings.
8. Social welfare undertakings.
9. State-owned enterprises.
10. Other undertakings for which land may be expropriated according to law.

Article 3-1 A land use applicant planning to establish an undertaking for public interest purpose should first survey and select the proper location of land and the area of land to be expropriated based on the nature of the undertaking and actual needs, and should, whenever possible, avoid choosing farmland and give priority consideration to public land or land owned by state-owned enterprises without existing land use plan.

For agricultural land subject to expropriation or zone expropriation according to law after it has been designated or rezoned under the Urban Planning Act, the Regional Development Plan Act or the National Park Act, the competent authority in charge of the relevant industry should give consideration to the public interest purpose and necessity of expropriation at the time of designation or rezoning.

If the agricultural land located within the land selected by a land use applicant is exempted from the approval of the regional plan preparing authority with regard to rezoning, the approval of the agriculture authority under the municipal or county (city) government shall first be obtained before the land is changed to non-agricultural land.

Arable and pastoral lands in a special agricultural zone are not subject to expropriation unless it is an interspersed odd piece of land that is difficult to circumvent. However, the preceding provision does not apply to such land that is necessary for use by a national defense, communication or transportation, or water conservancy or a public utility enterprise for erecting power transmission lines, or for use in an infrastructure project already approved by the Executive Yuan.

Article 3-2 When considering expropriating land for establishing an undertaking, a land use applicant shall evaluate the public interest purpose and necessity of such undertaking and carry out overall evaluation and analysis of the following factors:

1. Social factors: Including the size of population affected by the expropriation, the age structure of the affected population, and the extent of effects of the expropriation on the current status of the surrounding communities, the life style of and health risk to disadvantaged groups.
2. Economic factors: Including the effects of the expropriation plan on tax revenue, food security, increase/decrease in jobs or population that might be forced to change, costs of expropriation, public facilities required of governments at all levels, the fiscal expenditure and burden of governments, the agriculture, forestry, fishery and animal husbandry industry chain and the integrity of land use.
3. Cultural and ecological factors: Including changes in natural urban/rural sceneries, cultural relics, living conditions or life style caused by the expropriation plan, and impacts on the ecological environment of the area, surrounding residents or the society as a whole.
4. Sustainable development factors: Including national sustainable development policies, sustainability indicators, and national land use planning.
5. Others: Other relevant factors or factors that should be evaluated based on the individual expropriation plan.

Article 4 Zone expropriation may be carried out in case any of the following circumstances applies:

1. Where all or part of a newly established urban area is to undergo development and construction.
2. Where an old urban area is to undergo renewal to meet its needs for public safety, sanitation, transportation or promoting reasonable land use.
3. Where an agricultural zone or protection zone of urban land is being changed to construction land or an industrial zone is being changed to residential zone.
4. Where any non-urban land is to undergo development and construction.

5. Where a rural community is to undergo renewal in order to improve its public infrastructure or improve public health, or coordinate with the agricultural development planning.
6. Other circumstances where zone expropriation may be carried out according to law.

Where the area of development referred to in Subparagraphs 1 to 3 of the preceding paragraph has been approved by the Central Competent Authority, zone expropriation may be carried out first, and the urban planning shall be promulgated and implemented within one year after the zone expropriation has been publicly announced without subject to the restriction set forth in Article 52 of the Urban Planning Act.

For a development project referred to in Subparagraph 5 of Paragraph 1 hereof, the land use applicant may, together with related authorities, propose the intended development, and submit a plan for the proposed undertaking that has been approved by its superior competent authority in charge of the relevant industry to the Central Competent Authority for approval, and proceed with the zone expropriation after the Central Competent Authority has granted its approval. After the required period for announcement of zone expropriation has expired, the land use applicant shall complete the zone designation of non-urban land or change of land use zoning according to the use plan.

The development referred to in Subparagraph 4 or 6 of Paragraph 1 hereof shall be undertaken in accordance with Paragraph 2 hereof, provided it involves the extension or change of an urban planning project. Otherwise, the development shall be undertaken in accordance with the provisions of the preceding paragraph.

Areas not adjoining each other may be merged together for the undertaking of zone expropriation in accordance with the contents and scope of an urban planning or the plan for the proposed undertaking, and the provisions of the preceding three paragraphs.

Regulations governing the implementation of matters such as the survey and selection of zone expropriation area, formulation and approval of expropriation plan, acquisition of lands, compensation for relocation, construction works, allocation design, cadastration arrangement, settlement of rights, financial settlement and coordination between zone expropriation and urban planning, etc shall be prescribed by the Central Competent Authority.

**Article 5** When any land is expropriated, all improvements thereon shall also be so expropriated, except for any of the following circumstances:

1. Where the owner of land improvement requests the possession of improvement and moves it by himself within fifteen (15) days after the expiration of public announcement period.
2. Where the improvements are graves or other memorials that must be relocated.
3. Where the constructional improvement should not have been built according to law.
4. Where the types or quantities of agricultural improvements are incongruous with normal plantation, the incongruous part.
5. Where there exists any provision to the contrary according to other laws.

The land improvements as referred to in the preceding paragraph may, in view of the needs of the proposed undertaking project, be expropriated within three (3) years starting from the date of public announcement of expropriation. However when the owner of land improvement requests the simultaneous expropriation of the improvement before the land use applicant requests expropriation of the land, the land use applicant shall carry out expropriation of both the land and the improvement thereon simultaneously.

For land improvements referred to in Subparagraphs 3 and 4 of Paragraph 1, the municipal or county (city) competent authority may, after the expiration of the public announcement period for expropriation, notify the owners or users of the land improvements to relocate or dismantle the improvements within a prescribed time limit with compensation. After the expiration of the prescribed time limit, the municipal or county (city) competent authority may, together with relevant authorities, directly dispose of improvements.

**Article 6** The provisions of the preceding article shall, *mutatis mutandis*, apply to the expropriation of private improvements on public land, provided the land use applicant has acquired the public land that has been approved for appropriation or development.

**Article 7** Land with historical relics or remains, or registered historical building thereon should be excluded from expropriation whenever possible. If it is impossible to exclude such land from expropriation, the land use applicant shall draft a preservation plan and seek the approval of the competent authority in charge of the relevant industry before proceeding with the expropriation.

**Article 8** In case of any of the following circumstances, land or land improvement owners may apply to the municipal or county (city) competent authority for simultaneous expropriation within one year from the date on which expropriation is publicly announced. Any such application will be rejected past the aforementioned time period:

1. The remaining land after expropriation cannot be put to reasonable use because its area is too small or its shape is not intact.
2. The remaining constructional improvement cannot be used for comparable purposes.

The application referred to in the preceding paragraph shall be made in written form, and may be cancelled in written form before the payment of compensation is distributed. The remaining land or constructional improvements simultaneously expropriated should be compensated for in cash.

**Article 9** Unless the land has been taken by a zone expropriation project, or this Act or other laws provide otherwise, the original landowners of expropriated lands may apply to the municipal or county (city) competent authority for the redemption of their land ownerships within twenty (20) years from the date of public announcement of land expropriation at the price of the original amount of compensation without being subject to the provisions of Article 219 of the Land Act in case any of the following circumstances applies:

1. The land has not begun to be used according to the original expropriation plan three years after the payment of compensation is distributed.
2. The land has not been used for the originally approved undertaking.
3. The land is no longer used according to the original expropriation plan after it has been used accordingly for less than five (5) years.

After receiving an application (from the original landowner) and verifying that the application complies with the preceding paragraph, the municipal or county (city) competent authority shall report to the original authority which approved the expropriation plan. After obtaining approval from the original approving authority, the municipal or county (city) competent authority shall notify the original landowners to repay the originally received compensation for land value as well as additional compensation for land value within six (6) months. The original landowners are deemed forfeiting their redemption right should they fail to repay the compensations within the prescribed time.

Where the circumstance as described in Subparagraph 1 of Paragraph 1 hereof is not attributable to the fault of the land use applicant, the original landowners may apply for the redemption of expropriated land.

The term "having begun to be used" as referred to in Subparagraph 1 of Paragraph 1 hereof shall mean that the construction of the main body of the undertaking has commenced, unless the nature of the undertaking does not require any construction work.

## Chapter II Expropriation Procedures

Article 10 Where the proposed undertaking requires approval by the competent authority in charge of the relevant industry, the land use applicant shall apply to said competent authority for approval of its plan for the proposed undertaking before it applies for the expropriation of land or land improvements.

Prior to submitting its plan for the proposed undertaking to the competent authority in charge of the relevant industry for approval, the land use applicant should hold a public hearing to hear the opinions of affected landowners and interested parties, unless the expropriation is for a national defense undertaking of secretive nature, or unless public hearings or explanatory meetings have been held earlier.

If disputes arise out of the expropriation of a special agricultural zone that will be used in an infrastructure project approved by the Executive Yuan, public hearings shall be held in accordance with the Administrative Procedure Act.

Where the proposed undertaking does not require approval by the competent authority in charge of the relevant industry, the land use applicant shall hold a public hearing before negotiating with the landowners or by other means to reach an agreement on the acquisition of land, unless the proposed undertaking involves a situation covered by the proviso of Paragraph 2 hereof.

Article 11 Prior to applying for the expropriation of lands or land improvements, a land use applicant should negotiate with the owners or by other means to reach an agreement on the price of acquisition, unless there is an urgent need due to public security to use land for an undertaking of national defense, communication or transportation or water conservancy where no such agreement could be reached with land or land improvement owners due to time constraint. If the owners refuse to participate in the negotiation, the land use applicant and owners fail to reach an agreement after negotiation and the applicant is unable to acquire the lands or land improvements by other means, the applicant may apply for expropriation according to this Act.

The negotiation mentioned in the preceding paragraph shall be made in writing with the results clearly stated. If no agreement is reached after negotiation, the results of failing to reach an agreement shall be documented and submitted to the Central Competent Authority at the time of application for expropriation.

Unless it is otherwise provided by law, the preferential right to purchase as provided in other laws does not apply to the price negotiation mentioned in Paragraph 1 hereof.

With respect to the price negotiation mentioned in Paragraph 1 hereof, the applicant should negotiate with the owners based on market value.

The term "market value" referred to in the preceding paragraph shall mean normal transaction price in the market.

Article 12 After failing to reach an agreement according to the provisions of the preceding article, a land use applicant may confer with and request the municipal or county competent authority together with related persons to inspect or survey the interested public or private land or land improvements in case the applicant plans to apply for expropriation of land or land improvements. The owners, occupants, users or custodians may not refuse or interfere with the inspection or survey. However, to inspect or survey a building or fenced off land for inspection or survey, the applicant shall notify the owners, occupants, users or custodians seven (7) days in advance.

Where ground obstacles must be relocated or removed in order to conduct the inspection or survey mentioned in the preceding paragraph that results in damage to the owners or users, the land use applicant should make proper compensation to them as agreed through negotiation.

Article 13 In applying for the expropriation of land or land improvements, a land use applicant shall prepare a detailed expropriation plan and submit it together with a map of the land or a list of the land improvements under expropriation and a map of proposed land use planning to the approving authority for approval, and notify the municipal or (city) competent authority of the same.

When reviewing the application referred to in the preceding paragraph, the Central Competent Authority shall review the following:

1. Is the expropriation for public interest purpose, necessary, appropriate and reasonable?
2. Does the land use applicant have the ability to carry out the undertaking?
3. Does the land expropriated for the proposed undertaking meet the current urban planning, regional planning or national land use planning?
4. Does the proposed undertaking facilitate the proper and reasonable use of land?
5. Is the financial assessment of the proposed undertaking reasonable and viable?
6. Is the resettlement plan proposed in accordance with Article 34-1 of this Act reasonable and viable?
7. Other matters that should be or may be reviewed according to law.

Where the land use applicant has a condition covered by the proviso of Article 27 herein, the condition shall also be stated in the expropriation plan submitted for approval.

If deemed necessary after accepting an application referred to in Paragraph 1 hereof, the Central Competent Authority may meet with interested parties to conduct inspection and produce an inspection record, and mail a copy of the inspection record to all interested parties in fourteen (14) days after its production.

Article 13-1 The expropriation plan referred to in the preceding paragraph shall contain the following particulars and be attached with relevant supporting documents:

1. The reasons for expropriating the land or land improvement.
2. The scope and area of land or land improvement under expropriation.
3. The type of proposed undertaking and its legal basis.
4. An explanation of the necessity of the proposed undertaking project.
5. The course of acquiring the land or land improvement by negotiating a price with the land or land improvement owners or by other means, and the opinions given to the owners.
6. A public interest and necessity evaluation report.
7. The current use conditions of the land and the names and domiciles of the users.
8. The condition of land improvements.
9. Land improvements to be expropriated simultaneously.
10. The use condition of adjoining lands and improvements thereon.
11. Are there historical relics or remains, or registered historical building in the area of expropriation, and if yes, note their current conditions and upkeep measures taken.
12. The holding of hearings, public hearings and explanatory meetings with meeting records and attendance records attached.
13. Names and domiciles of land or land improvement owners, or custodians.

14. The layout for use of lands under expropriation.
15. A brief description of the proposed undertaking and the project progress.
16. Total amount of compensation needed and its distribution.
17. Total amount of funds reserved and sources thereof.
18. If the expropriation involves the land of indigenous people, a written consent of the central competent authority in charge of indigenous affairs.
19. The resettlement plan.

To apply for the expropriation of land improvements only, information and/or documents in Subparagraphs 9 and 14 of the preceding paragraph are not required.

Article 14 The expropriation of land or land improvements shall be subject to the approval of the Central Competent Authority.

Article 15 The Central Competent Authority should invite (appoint) experts, scholars, representatives of civil groups and relevant agencies to review and determine expropriation application cases in a collegial manner.

The experts and scholars mentioned in the preceding paragraph shall comprise scholars in the fields of land administration, environmental impact assessment, city planning, and urban-rural planning. Experts, scholars and representatives of civil groups shall constitute not less than one half of the review panel.

Article 16 When two or more applicants apply for the expropriation of the same land, the comparative importance of the proposed undertaking shall be the criterion where approval is granted. If the proposed undertakings are of the same nature, the order by which the application has been made shall be the criterion whereby approval is granted.

Article 17 Upon the approval of any application for the expropriation of land or land improvements, the Central Competent Authority shall notify the municipal or county competent authority of the same.

Article 18 Upon receiving the notice of approval for an expropriation application from the Central Competent Authority, the municipal or county (city) competent authority shall forthwith make a public announcement and notify the owner(s) of land or land improvements and the holders of other rights thereon in written form.

The period of public announcement referred to in the preceding paragraph shall be thirty (30) days.

Article 18-1 Where the ownerships of the expropriated land or land improvements have been registered, the public announcement and notifications shall be made in accordance with the names and addresses of land or improvement owners and holders of other rights thereon as recorded in the land register or constructional improvement register as of the date of public announcement. The validity of such public announcement and notifications shall extend to land or land improvement owners and holders of other rights thereon who have acquired their rights through inheritance, compulsory enforcement or court decision but have not completed the registration formality prior to the public announcement.

Article 19 Compensation for the expropriated land or land improvements shall be borne by the land use applicant and distributed through the municipal or county (city) competent authority.

Article 20 Compensation for the expropriated land or land improvements shall be paid within fifteen (15) days after the expiration of the public announcement period. The preceding provision does not apply to additional compensation under Paragraph 5 of Article 22 herein.

If a land use applicant fails to hand over the compensation payment to the municipal or county (city) competent authority within fifteen (15) days after the expiration of the public announcement period, the expropriation of the land or land improvement unpaid for becomes invalid thereafter, except in any of the following circumstances:

1. There are objections over the assessed compensation raised during the public announcement period, and the municipal or county (city) competent authority refers the matter to the Land Value Evaluation Committee for reconsideration in accordance with Article 22 herein.
2. The rightful compensation recipients have agreed to the postponement or installment of compensation payment in writing.
3. The rightful compensation recipient refuses or is unable to accept the payment.
4. The whereabouts of the rightful compensation recipient is unknown.

Article 21 The rights and obligations of the original owners of expropriated land or land improvements with respect to their land or land improvements end when the compensations they are entitled to are paid in full.

Pending the full payment of the aforementioned compensations, the original owners have the right to continue the use of their land or land improvement, except in situations covered by the proviso of Article 27 herein.

Article 22 If any person with an interest in the expropriated land or land improvement objects to the matters being publicly announced as referred to in Paragraph 1 of Article 18 herein, he shall raise the objection by submitting a written statement to the municipal or county (city) competent authority within the announcement period. Upon receiving an objection, the municipal or county (city) competent authority shall forthwith investigate the matter and notify the interested person of the findings and actions taken in writing.

Where an interested person has objection over the amount of compensation for the expropriated land or land improvement, he may, within thirty (30) days from following the expiration of the public announcement period, raise the objection by submitting a written statement to the municipal or county (city) competent authority. Upon receiving such an objection, the municipal or county (city) competent authority shall forthwith investigate the matter and notify the interested person of the findings and actions taken thereon in writing.

In case the interested person disagrees with the decision referred to in the preceding paragraph, the municipal or county (city) competent authority may refer the matter to the Land Value Evaluation Committee for re-consideration. If the interested person still disagrees with the result of reconsideration, he may file for administrative remedy according to law.

Should the municipal or county (city) competent authority have distributed the compensation in accordance with Article 20 herein, the implementation of an expropriation plan will not be suspended when an interested person raises an objection or files for administrative remedy in accordance with the preceding three paragraphs.

In case the amount of compensation is adjusted based on the result of reconsideration or administrative remedy or the original compensation is determined to be erroneous after the compensation has been distributed in full according to law, any additional compensation thereof shall be paid within three months from the day on which the definitive amount is determined.

Article 23 Any expropriated land or land improvement shall not be subdivided, consolidated, transferred or encumbered, unless the land or land improvement ownership or other rights thereon have been acquired through inheritance, compulsory enforcement or judicial decision prior to the public announcement of expropriation and the registration of rights has been applied for during the public announcement period. Nor shall landowners or users undertake any new constructional improvement, addition or remodeling of existing buildings, or extraction of earth or gravel on the land, or change of landform, or plant more agricultural improvements on the land. In case any of the aforementioned work is ongoing when the public announcement is made, it shall be immediately stopped.

When jointly owned but separately managed farmland is partially expropriated, landowners may apply for subdivision of the co-owned land or swap/transfer of co-owned land before the compensation payment is fully distributed or the distribution of "land in lieu of compensation in cash" (referred to as "land for compensation" hereunder) is approved without being subject to the subdivision and transfer restriction as provided in the preceding paragraph.

Article 24 The ownerships of expropriated land or constructional improvements or other rights thereon shall be recognized as recorded in the land register or constructional improvement register on the date of public announcement of expropriation. However if the ownerships or other rights of land or constructional improvements have been acquired through inheritance, compulsory enforcement or court decision but the registration of ownership or other rights is not yet completed prior to the public announcement, the holders shall file their rights with the municipal or county (city) competent authority for record during the public announcement period.

Where the deed of expropriated land is registered according to Paragraph 2 of the preceding article, the ownership or other rights over the land shall be recognized as recorded in the land register after the registration.

Article 25 In case the owner of an expropriated land or land improvement has deceased and the registration of inheritance has not been completed, the compensation for expropriation may be paid to any of the rightful inheritors according to their respective lawful shares of the inheritance. The preceding provision applies to the case where the inheritors have completed the registration of ownership-in-common.

The provisions of the preceding paragraph shall, *mutatis mutandis*, apply to lands or land improvements for which expropriation compensation has not been paid prior to the promulgation of this Act.

Article 26 The municipal or county (city) competent authorities shall set up a custodian account with the Treasury to keep any compensation monies which are not paid out due to delay, refusal or failure in the receipt of payment without being subject to the Lodgment Act. The municipal or county (city) competent authorities shall deposit the undistributed compensation into the custodian account for keeping within three months from the next day following the expiration of the duration of compensation payment under this Act, and notify the rightful recipients. Compensation deposited shall accrue to the Treasury if the recipient fails to claim the compensation in fifteen (15) years from the date of notice delivery.

The compensation monies kept in the custodian account as referred to in the preceding paragraph shall accrue interest. The accrued interest shall be paid to the rightful recipients of the compensation accordingly.

The undistributed expropriation compensation is deemed paid out when it is deposited into the custodian account for keeping according to the provisions of Paragraph 1 hereof.

Rules governing the keeping of undistributed compensation monies as referred to in Paragraph 1 hereof shall be prescribed by the Competent Authority.

The provisions of the four preceding paragraphs shall, *mutatis mutandis*, apply to undistributed compensation monies that have not completed the lodgment formalities prior to the promulgation of this Act.

Article 27 A land use applicant shall not commence work on the expropriated land until the compensation payment is fully distributed or distribution of "land for compensation" has been approved, unless there is an urgent need to use the land for an undertaking of national defense, communication or transportation, or water conservancy due to public security.

Article 28 After all the compensations for expropriated land or land improvements have been duly paid, or the distribution of "land for compensation" has been approved, the municipal or county (city) competent authority shall notify the original landowners or user thereof to vacate the land within a prescribed time limit.

Where the identity or the whereabouts of the rightful recipients of relocation fees is unknown such that objects that should be relocated are not removed, the municipal or county (city) competent authority shall make a public announcement ordering the removal of such objects within a period of thirty (30) days.

Where objects to be removed from the expropriated area fail to vacate the land within the prescribed time limit, the municipal or county (city) competent authority or land use applicant may act in accordance with the Administrative Execution Act.

Article 29 For graves to be relocated from an expropriation area, the land use applicant shall apply to the local competent authority in charge of graves according to the Municipal Service Administration Act, and produce a detailed documentation of the actions taken therefor and submit it to the municipal or county (city) government for record.

### Chapter III Compensation for Expropriation

Article 30 The value of expropriated land shall be compensated based on its current market value. The value of land reserved for public facilities in the urban planning area shall be compensated based on the average market value of its adjoining lands not reserved for public facilities.

The market value referred to in the preceding paragraph shall be forwarded by the municipal or county (city) competent authority to the Land Value Evaluation Committee for determination.

Municipal or county (city) competent authorities should constantly survey the market values within their jurisdiction and ask its Land Value Evaluation Committee to determine the extent of change in the market values of expropriated lands once every six months as basis for adjusting the compensation for expropriation.

The market value survey and assessment procedure, method and matters of compliance therefor with respect to the determination of market values mentioned in the preceding three paragraphs shall be prescribed by the Central Competent Authority.

Article 31 The compensation for expropriated constructional improvements shall be determined based on their replacement cost at the time of expropriation.

The compensation for agricultural improvements shall be determined based on the value of the ripened crops thereof, provided the crops are due to ripen in less year from the date of expropriation, or based on the cost incurred in their planting and cultivation with reference to their current value, provided the crops are due to rip more than one year from the date of expropriation.

The compensation for constructional and agricultural improvements shall be jointly determined by the municipal or county (city) competent authority and the re authorities. The criteria for the assessment of compensation for constructional and agricultural improvements shall be prescribed by the Central Competent Authority.

Article 32 The paid expenses on land amelioration incurred shall be compensated, provided the land has been issued a construction license or the agricultural land has bee ameliorated prior to the public announcement of expropriation decision and the works thereon are stopped in accordance with Paragraph 1 of Article 23 herein.

Article 33 If the expropriated land or land improvement was originally provided for legal business operations, the loss sustained due to the cessation of business or shrink business scale as a result of land or land improvement expropriation shall be compensated.

The criteria for the assessment of compensation referred to in the preceding paragraph shall be prescribed by the Central Competent Authority.

Article 34 Relocation fees shall be dispensed in case the expropriated land or land improvement has any of the following situations:

1. Relocation is carried out in accordance with Subparagraph 1 or 2, Paragraph 1 of Article 5 herein.
2. There are people who have registered as members of the households six months before the public announcement of expropriation and must be relocated. The six-mon limit does not apply if the household registration was carried out due to marriage or birth.
3. There are powered machineries, raw materials for production or facilities for operation that must be relocated.
4. All the improvements on any land must be relocated due to part of the land being expropriated.
5. There are aquaculture products or livestock that must be relocated.

The criteria for the assessment of relocation fees shall be prescribed by the Central Competent Authority.

Article 34-1 If there are low-income households or medium-low income households with facts of inhabitation one year before the public announcement of expropriation, su household members become homeless or are in similar situation due to the expropriation of the constructional improvements they live in, and their situations are found the social workers of the municipal or county (city) government, the land use applicant shall draft a resettlement plan and include it in the expropriation plan.

The resettlement plan referred to in the preceding paragraph include housing placement, mortgage interest subsidy, rent subsidy, etc.

Article 35 The liabilities borne by any expropriated land or constructional improvements shall be settled up to the limit of compensation payable for the expropriated land constructional improvement by the municipal or county (city) competent authority at the time of distributing compensation payment, unless the compensation is effecte distribution of land for compensation in accordance with Articles 41 and 42 herein.

The liabilities referred to in the preceding paragraph means the value of other rights and compensation for land value the lessees of farmland are entitled to unde arable land rent reduction contract.

Article 36 The existing other rights over any expropriated land or constructional improvements shall be extinguished as a result of expropriation. The municipal or county competent authority shall notify the parties concerned to negotiate the value of such rights by themselves within a prescribed time limit, and then pay off the right holde behalf of the owners according to the result of negotiation. The compensation shall be handled in accordance with Article 26 herein if the owners and the right holders i reach an agreement.

Article 36-1 Rules governing the calculation of compensation for expropriated land or land improvement, the rightful recipients, and documents required for receiving the compensation payment shall be prescribed by the Central Competent Authority.

#### Chapter IV Zone Expropriation

Article 37 After the area for zone expropriation is determined following survey, the municipal or county (city) competent authority shall, in view of actual needs and with from the superior competent authority, make a separate or simultaneous public announcement, prohibiting the new construction, addition, remodeling or reconstruction existing buildings, or extraction of earth and gravel on the land, or change of landform.

The prohibitory period referred to in the preceding paragraph shall not be more than one year and six months.

Article 38 In applying for zone expropriation of land, the land use applicant shall prepare a zone expropriation plan, a map of the expropriated land and a map of proposec planning, and submit them to the local municipal or county (city) competent authority. The local competent authority will hold a public hearing inviting the applicant ar landowners to attend and then submit the application to the Central Competent Authority for approval.

The provisions referred to in the preceding paragraph shall, *mutatis mutandis*, apply to zone expropriation project applied for by the Ministry of the Interior to th Executive Yuan for approval.

Article 39 Lands under zone expropriation shall be compensated in accordance with Article 30 herein. Except where the compensation for land value is imputed to constr land for compensation as applied by the landowners, the municipal or county (city) competent authority shall handle the remaining compensation items according to the provisions of Articles 31 to 34.

The total area of land for compensation shall be 50 per cent of the total area under zone expropriation in principle, unless it is otherwise approved by the superic competent authority under special circumstances. Notwithstanding the foregoing, the total area of land for compensation shall comprise not less than 40 per cent of the under zone expropriation. For readjusted agricultural lands within the area of zone expropriation, at least 45 per cent of the readjusted land shall be distributed as land f compensation.

Article 40 Original landowners who are unwilling to receive cash as compensation for their lands under zone expropriation may, during the public announcement period f expropriation, apply to the municipal or county (city) competent authority in writing for distribution of land for compensation by enclosing related supporting documen municipal or county (city) competent authority shall forthwith review the application and notify the applicant of the result in writing.

When landowners apply for distribution of land for compensation in accordance with the preceding paragraph, they may apply with all or part of the compensati are entitled to for their expropriated land.

For landowners who apply for distribution of land for compensation, their rights and obligations in association with their lands end when they receive the notice approval of the distribution of land for compensation issued by the municipal or county (city) competent authority. Landowners who have been approved to receive land compensation or have received compensation payment for their expropriated land may apply to the municipal or county (city) competent authority to switch to the distribution of cash compensation or distribution of land for compensation based on the original compensation for land value. The municipal or county (city) competent authority will approve after obtaining the consent of the land use applicant.

Landowners who apply to switch to distribution of cash compensation or distribution of land for compensation according to the preceding paragraph shall make application within one month from the date of notice of approval of distribution of land for compensation, or the date the cash compensation is paid in full, or the date of compensation for land value being deposited into the custodian account, and such application is allowed once only. For applications for switching to distribution of land compensation, the municipal or county (city) competent authorities shall ask the applicant to return the compensation for land value to be switched to land for compensation before granting the approval.

For applications for distribution of land for compensation, the municipal or county (city) competent authorities are not subject to the time limit for distribution of compensation as provided in Paragraph 1, Article 20 herein.

The municipal or county (city) competent authorities shall, after planning the allocation of lands to be distributed to landowners whose applications for distribution of land for compensation have been approved, request the registry authority to carry out the registration of land ownership, and notify the original landowners to take over presenting themselves on the sites during a specific period. If any original landowner fails to do so as instructed, the land shall be deemed to have been taken over.

Article 41 When there is a lease contract on, or other rights over, or a registration of restriction on a farmland for which the landowner has applied for distribution of land compensation, the municipal or county (city) competent authority shall notify the applicant to settle those matters himself and submit supporting documents within a prescribed time limit, unless it is otherwise provided in Article 42.

If the applicant fails to take actions according to the preceding paragraph, the municipal or county (city) competent authority shall disapprove the distribution of compensation.

The municipal or county (city) competent authority shall pay compensation in cash within fifteen (15) days after the decision of non-distribution of land for compensation.

Article 42 When there is a mortgage or *dien* created on the original land for which the landowner has applied for the distribution of land for compensation, the original landowner and the right holders may apply for the creation of a mortgage or *dien* on the distributed land by submitting supporting documents agreeing to cancel the original mortgage or *dien*.

The scope of rights, value, precedence of the mortgage or *dien* created on the distributed land for compensation according to the preceding paragraph shall be determined based on the agreement reached between the original landowner and the holder of other rights.

The mortgage or *dien* created according to Paragraph 1 hereof shall be registered simultaneously with the registration of ownership of land for compensation. The transfer of other rights shall be notified after the completion of the registration.

Article 43 Any administrator of public land located within the area of zone expropriation shall provide the land to the competent authorities in charge of expropriation for planning and allocation by receiving a payment in cash or by receiving the distribution of land back. But lands which have been used for the purposes referred to in Subparagraph 2, Paragraph 1 of Article 44 prior to zone expropriation shall be allocated to the competent authorities in charge of zone expropriation for uniform planning and development without consideration.

For public land provided by receiving a payment in cash according to the preceding paragraph, Article 30 shall, *mutatis mutandis*, apply to the calculation of land value. For public land provided by receiving the distribution of land back, the area of land to be distributed back shall be calculated according to the ratio of land for compensation to zone expropriation, and be distributed back to the original administrator. The distribution of land back to the original administrator should give priority consideration to lands allocated for public facilities other than those enumerated in Subparagraph 2, Paragraph 1 of Article 44 and be dealt with according to the zone expropriation plan.

Article 43-1 A special agricultural zone may be set up in the area of zone expropriation for farming by original landowners who apply for allocation of land with the cash compensation for land value they have already received.

The principles for the planning of the special agricultural zone referred to in the preceding paragraph, the qualifications, conditions and operating procedure for land allocation, the area of land applied for and other matters of compliance shall be prescribed by competent authorities at various levels.

Article 44 After planning and preparation, the lands located within the area of zone expropriation shall be handled in the following manners, except for lands that are distributed back to the original administrators in accordance with Article 43 or allocated in accordance with Article 43-1:

1. Lands for compensation shall be distributed back to the landowners. The area of land for compensation each landowner is entitled to shall be calculated by the municipal or county (city) competent authority based on the value of land a landowner is entitled to receive, which is calculated in proportion to the ratio of his entitled compensation for land value and the total compensation for land value for the zone expropriation, and then divided by the unit value of the actually distributed land.
2. Lands used for roads, ditches, parks, green fields, children's play grounds, public squares, car parks, public athletic grounds, and primary schools shall be registered in the ownership of municipality, county (city), village (township) without consideration.
3. The competent authorities may, based on the needs of their financial plan, allocate lands designated for public facilities other than those mentioned in the preceding subparagraph to government agencies that need lands with or without consideration or assign/sell those lands to public enterprises as indicated in the expropriation plan.
4. Lands used for public housing, settlement of aborigines or for special projects approved by the Executive Yuan may be transferred/sold.
5. Other construction lands may be sold or leased through bidding or be created with superficies.

In case the area of lands distributed back to the original owners according to the preceding paragraph is less than the area of a minimum building unit, the landowner may apply for consolidation within a prescribed time limit. When no such application is made within the prescribed time limit, the municipal or county (city) competent authorities shall distribute payment in cash according to the compensation for land values to the original owners within thirty (30) days from the expiration of the prescribed time limit.

Lands used for public facilities other than those mentioned in Subparagraph 2 of Paragraph 1 hereof shall be handled in accordance with Subparagraph 5 of Paragraph 1 hereof, provided such public facilities may be privately run.

The prices of lands allocated or transferred/sold and the minimum bid prices of lands referred to in Subparagraphs 3 to 5 of Paragraph 1 shall take the total development cost as base and be assessed by the conditions of location, topography, transportation, width of road, the conditions of public facilities and expected development.

The term of leasing through bidding or the creation of superficies according to Subparagraph 5 of Paragraph 1 hereof shall not be more than ninety-nine (99) years.

Rules governing the selling or leasing through bidding, or the creation of superficies according to Subparagraph 5 of Paragraph 1 hereof shall be prescribed by competent authorities at various levels.

**Article 45** When undertaking zone expropriation, the municipal or county (city) competent authority shall estimate the average development cost of lands under zone expropriation and take into consideration the location, topography, transportation, width of road, the conditions of public facilities and expected development of each district after zone expropriation so as to assess the street value or district land value of each road or street after zone expropriation. The estimated value, after being assessed by the land value appraisal committee, shall be the base for the calculation of area of land for compensation to be distributed back to the original landowners.

**Article 46** When the area of land for compensation actually received by an owner of land under zone expropriation differs from the area of land for compensation he is entitled to, the following provisions shall apply:

1. If the actually received area of land for compensation is more than the area of land for entitled compensation, the landowner shall be asked to pay the difference in land value for the excess portion based on the assessed land value after zone expropriation.
2. If the actually received area of land for compensation is less than the area of land for entitled compensation, the landowner shall receive the difference in value for the deficit based on the assessed land value after zone expropriation.

Any failure to effect payment for the difference in land value referred to in Subparagraph 1 of the preceding paragraph after the expiration of the prescribed time limit shall be brought to the court for compulsory enforcement.

The transfer of ownership or the creation of other rights shall not be allowed for land for compensation on which the difference in land value has not been paid or settled.

**Article 47** Existing constructions or the lands used for private school, social welfare, philanthropic undertakings, or religious groups that have completed the registration and are located within the area of zone expropriation and do not hinder in any way the undertaking of the urban planning project or the zone expropriation plan. The percentage of the reduction shall be decided by the competent authority in view of the actual situation and be clearly indicated in the zone expropriation plan.

**Article 48** The provisions of Chapters II and III shall, *mutatis mutandis*, apply to the procedure of and compensation for zone expropriation not provided in this Chapter.

## **Chapter V Cancellation and Revocation of Expropriation**

**Article 49** The land use applicants shall properly use the expropriated land according to the approved plan and the established time limit. Before completing the use of land according to the expropriation plan, the applicant shall review its undertaking project every year, and its superior authority in charge of the undertaking shall put the project under control. In case of any of the following situations, the expropriation shall be cancelled:

1. The land originally expropriated is no longer located within the area of land for project use due to operational errors.
2. The urban planning project has been regulated to be developed by means of joint venture, urban land consolidation or other means when the expropriation is publicly announced. The preceding provision does not apply to land to be developed by means of joint venture when the landowners are unwilling to participate in the joint development.

The expropriation of land that has been publicly announced shall be revoked in case of any of the following situations:

1. The land originally expropriated is no longer located within the area of land for project use due to change in project design.
2. The proposed undertaking is changed or the proposed undertaking project is cancelled, the development approach has changed, or the method of acquisition has changed before the land is to be used according to the expropriation plan.
3. All or part of the land originally expropriated is no longer needed due to the change of circumstances after land use has commenced according to the expropriation plan and has not been completed.

When the expropriation of land or land improvement is cancelled or revoked according to the preceding two paragraphs, the expropriation of jointly expropriated remaining land or improvement shall be cancelled or revoked simultaneously, unless the remaining part has been transferred or used for other purposes.

The provisions referred to in the preceding three paragraphs shall, *mutatis mutandis*, apply to those expropriated lands publicly announced prior to the promulgation of this Act.

**Article 50** The cancellation or revocation of expropriation shall be applied by the land use applicant to the Central Competent Authority.

Where expropriated land has any of the situations provided in the subparagraphs of Paragraph 1 or Paragraph 2 of the preceding article but the land use applicant has not applied for cancellation or revocation of expropriation, the original landowners may request the cancellation or revocation of expropriation with the municipal or county competent authority.

After receiving a request according to the preceding paragraph, the municipal or county (city) competent authority shall review the case together with the land use applicant and other relevant authorities. If the request is found to comply with the rules, the land use applicant shall make an application in accordance with the provisions of Paragraph 1 hereof; if not, the municipal or county (city) competent authority shall reply to the original landowners with the review decision.

Where the original landowner disagrees with the result of review referred to in the preceding paragraph, the landowner may appeal to the Central Competent Authority for the cancellation or revocation of expropriation in thirty (30) days starting from the service of the letter from the municipal or county (city) competent authority. If the application is found to comply with the rules, the Central Competent Authority may directly cancel or revoke the expropriation; if not, the Central Competent Authority shall notify the original landowner of the review decision. Where the original landowner disagrees with the review decision, he may file for administrative remedy according to the Administrative Procedure Act.

Where expropriated land has any of the situations provided in the subparagraphs of Paragraph 1 or Paragraph 2 of the preceding article but the land use applicant has not applied for cancellation or revocation of expropriation, the municipal or county (city) competent authority shall meet with the land use applicant and other relevant authorities to review the case, and then apply to the Central Competent Authority for cancellation or revocation of expropriation.



Article 51 The Central Competent Authority shall notify the municipal or county (city) competent authority of a decision on the original case after approving the cancellation or revocation of an expropriation.

Upon receiving the notification of cancellation or revocation of expropriation from the Central Competent Authority, the municipal or county (city) competent authority shall publicly announce the decision for thirty (30) days and notify the original landowners to pay off the amount payable by them within a given time period and then return their originally owned lands back to them. If the landowner fails to pay off the amount payable within a given time period, he will not receive the land back and may not apply for redemption of the land pursuant to Article 9 herein.

The time period referred to in the preceding paragraph shall not be less than six months.

The amount payable referred to in Paragraph 2 hereof shall include the compensation for land value, additional compensation for land value and relocation fees. If persons or objects provided in Paragraph 1 of Article 34 have moved out or been removed, the landowner is not required to pay relocation fees.

The compensation for land value referred to in the preceding paragraph shall include the amount of money received by the holders of other rights or the lessees of farmland if the land has other rights created or the farmland has a lease contract thereon before the expropriation.

Article 52 The other rights originally created or the lease contract of farmland originally made before expropriation will not be restored after the cancellation or revocation of expropriation. But for mortgage or *dien* on the distributed land for compensation as applied for by the original landowner and the holders of other rights pursuant to Article 34 herein, the original mortgage or *dien* may be restored.

Article 52-1 The preceding two articles shall, *mutatis mutandis*, apply to the payoff of compensation for expropriation, the return of land and the handling of originally created rights and farmland lease if the expropriated land has any of the following situations:

1. The expropriation is cancelled or revoked by the Central Competent Authority in accordance with the Administrative Procedure Act.
2. The expropriation is cancelled or revoked by the order of the administrative authority following an application by an affected party or interested party pursuant to Article 113 of the Administrative Procedure Act.
3. The expropriation is cancelled or revoked based on an administrative remedy decision.

Article 53 The provisions of the preceding five articles shall, *mutatis mutandis*, apply to the cancellation or revocation of expropriated land improvements.

Article 54 When the expropriation of land is cancelled or revoked, the expropriation of land improvements thereon that were expropriated together with the land shall also be cancelled or revoked, unless the improvements have been entirely destroyed.

In case the value of the land improvements referred to in the preceding paragraph has depreciated since the time of expropriation and is still suitable for certain original land use, the land use applicant may assess the value of the existing portion, and simultaneously undertake the cancellation or revocation of expropriation therefor.

Article 55 If the owner of the land with expropriation cancelled or revoked is the same as the owner of land improvements with expropriation cancelled or revoked together with the land, the owner shall pay off the amount payable on both the land and improvement before the land and existing improvements are returned to him.

## Chapter VI Supplementary Provisions

Article 56 It may be noted in the expropriation plan that the expropriated land may be offered to private organizations for investment and construction by way of trust, joint venture, mandated development, mandated management, collaboration in business operations, creation of superficies or leasing.

The lands being applied for expropriation before the promulgation of this Act and having been applied to the Central Competent Authority for record may be offered to private organizations for investment and construction in a manner as provided in the preceding paragraph.

Article 57 When carrying out an undertaking provided in Article 3 herein, the land use applicant may negotiate with the landowners to reach an agreement on the acquisition of superficies on the needed space if its undertaking has to pass through the private lands from above or underneath. The provisions regulating the acquisition of superficies by expropriation shall, *mutatis mutandis*, apply when no agreement could be reached. However the place and method which will cause the least injury to the landowner shall be chosen.

If the land referred to in the preceding paragraph is no longer suitable for certain use due to the implementation of the undertaking, the landowners may, from the time construction works commence, up to one year after the completion of the construction work, request the land use applicant to expropriate the ownership of the land, to which the applicant may not refuse.

The consideration originally received by the landowner for the creation of superficies referred to in the preceding paragraph shall be deducted from the compensation for land value.

Rules governing the compensation for superficies shall be prescribed jointly by the central competent authority in charge of the relevant industry and the Central Competent Authority.

Article 58 The State may requisition private land or land improvements for undertaking temporary public works.

If the duration of requisition will be longer than three years or if the requisition will happen twice or more with a combined duration of more than three years, the land use applicant shall notify the landowners in writing before applying for the requisition. The owners of private land or land improvements may request the applicant to return their ownerships within thirty (30) days from the date of receiving such notice, to which the applicant may not refuse.

Owners of lands or land improvements expropriated by request according to the preceding paragraph are not allowed to apply for redemption of their lands or land improvements pursuant to Article 9 herein.

The provisions of Chapter II shall, *mutatis mutandis*, apply to the requisition of lands or land improvements. However in case of urgent circumstances that public interest will be gravely harmed if the use of land or land improvement is delayed, the land use applicant may first use the land or land improvement after obtaining approval from the Central Competent Authority.

Compensation for the use of land or land improvement shall be calculated starting from the date of public announcement of requisition and paid to the landowners or holders of superficies, *dien*, servitude of real property, agricultural right, *yungtien* (right of permanent tenancy) or the right of cultivation in one lump sum within fifteen days after the expiration of the public announcement period. The yearly compensation for land shall be 10 per cent of the announced current land value on the 15<sup>th</sup> day after the expiration of the public announcement period, whilst that for improvements shall be 10 per cent of compensation for expropriation. In case the duration of requisition

than one year, the compensation shall be calculated on a monthly basis. In case the duration of requisition is less than one month, the compensation shall be calculated on a daily basis.

The payment of compensation for the use of land or land improvement referred to in the preceding paragraph may be postponed or dispensed in installment, subject to the consent of the compensation recipient.

The provisions of Article 31 in respect to compensation shall, *mutatis mutandis*, apply to the requisition of private improvements when the improvement must be dismantled or cannot be restored to their original condition before the requisition, except when the owner has given consent to the method of use.

Article 59 If the use purpose of private land changes after the land has been expropriated and used according to the approved plan, the land administration authority shall make a public announcement for one month when selling the land by public tender. The original landowner or his inheritors shall have the preferential right to purchase the land on the same terms offered. However such preferential right to purchase shall be deemed forfeited if the landowner or his inheritor does not express their intention to exercise such preferential right within ten (10) days after the closing of the public tender.

The provisions of the preceding paragraph shall apply when lands expropriated simultaneously according to Paragraph 1 of Article 8 herein must be sold by public tender together with the originally expropriated land.

The provisions of the preceding two paragraphs do not apply to zone expropriation.

Article 60 Any expropriation publicly announced before the promulgation of this Act but is still ongoing shall continue until the case is closed in accordance with the applicable rules and regulations in force at the time the expropriation was publicly announced.

Article 61 The application for the redemption of lands expropriated before the promulgation of this Act shall be carried out in accordance with the applicable rules and regulations in force before the promulgation of this Act.

Article 62 The enforcement rules of this Act shall be stipulated by the Central Competent Authority.

Article 63 This Act shall come into force on the date of its promulgation.

The date of implementation for Article 30 of this Act amended on December 13, 2011 will be determined by the Executive Yuan.