

Laws

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Laws and Regulations

Special Act Governing the Management of Shihmen Reservoir and Its Catchment Area

Promulgation History

A total of eight articles promulgated on January 27, 2006 under Presidential Decree Hua-Zong-Yi-Zi-09500012581; effective for a period of six years from the date of promulgation

Content

Article 1

This Act is set forth pursuant to Article 83 of the Budget Act to ensure the functioning of Shihmen Reservoir, preserve the water environment of its upstream catchment area and effectively improve the water supply capability of Shihmen Reservoir so as to safeguard the water use rights of residents.

Matters not specified in this Act shall be governed by other applicable laws.

Article 2

The central authority under this Act is the Ministry of Economic Affairs; the central executive agencies under this Act are government agencies responsible for budget preparation; the local executive agencies are the governments of Taipei County, Taoyuan County, Hsinchu County and Ilan County.

The central authority will undertake the following tasks:

- 1.Planning and promoting policies concerning the remediation of Shihmen Reservoir and its catchment area.
- 2.Drafting and promoting remediation plan for Shihmen Reservoir and its catchment area and implementation plans for each phase.
- 3.Establishing the mechanisms for ecological survey, evaluation and communicating with the local residents and groups concerning the Shihmen Reservoir and catchment area remediation plan.
- 4.Reviewing and approving the implementation programs proposed by the central executive agencies.

The central executive agencies will undertake the following tasks:

- 1.Preparing special budget for the Shihmen Reservoir and catchment area remediation plan.
- 2.Drafting, promoting and executing the implementation programs for each phase.
- 3.Overseeing the execution of tasks under this Act by county (city) governments.
- 4.Approving the workplans proposed by county (city) governments.
- 5.Executing the Shihmen Reservoir revitalization and water supply works.
- 6.Coordinating with the central authority with regard to the execution of the aforementioned tasks.

The local executive agencies will act according to relevant laws and regulations as well as its vested authority.

The central authority shall report the implementation of this Act to the Legislative Yuan each year.

Article 3

This Act applies to the environmental cleanup and restoration of the storage and catchment area of Shihmen Reservoir, and the construction of facilities to improve the high turbidity of raw water in the water supply area of Shihmen Reservoir.

The central authority shall draft the Shihmen Reservoir and catchment area remediation plan from the priority perspectives of environmental and ecological conservation, preservation of landforms, and environmental restoration of catchment area, and where necessary, considering the banning of business activities in hazardous areas, and related compensation and housing assistance.

The central executive agencies will formulate the implementation program by phases according to the remediation plan referred to in the preceding paragraph and submit the programs for review by the Shihmen Reservoir and Catchment Area Management Taskforce mentioned in Article 5 herein and approval by the central authority.

Information on the implementation programs referred to in the preceding paragraph should be fully and publicly disclosed, and a mechanism for consulting the local residents and eco-conservation experts should be established to make sure the eco-environment will not be damaged by any related construction.

Article 4

The outlay for works mentioned in the foregoing article as planned by the central government according to this Act shall be capped at NT\$25 billion and proposed as special budget.

The budgeting in the preceding paragraph is not subject to the restriction of not being used as current expenditures as provided in Article 23 of the Budget Act.

With respect to the outlay in the first paragraph, NT\$13 billion of which shall be raised by debt financing or sale of government' s equity in enterprises

without being subject to the annual cap of debt financing as provided in the fifth paragraph, Article 4 of Public Debt Management Act. The remaining NT\$12 billion will be funded as a special budget under the Special Statute for Increasing Investment in Public Construction; the preparing procedure, drawing and dispensing, and duration of the special budget shall be proceeded according to this Act without being subject to the restrictions under the Special Statute for Increasing Investment in Public Construction.

Article 5

For the implementation of this Act, the central authority shall organize a Shihmen Reservoir and Catchment Area Management Taskforce in line with the specialties of engineering, water conservancy, environmental protection, and ecology to handle the tasks of plan (program) review, oversight, control assessment and policy coordination. The Taskforce will function on assignment basis and may be staffed by full-time professionals to assist in the performance of assignments. The manpower needed for the staffing will be the regular or contracted personnel of the central executive agencies. During the implementation period of this Act, the renewal percentage of contracted personnel in the preceding paragraph is not subject to restrictions provided under the Employment Improvement Scheme for Executive Yuan and Subordinate Agencies and the limit of five percent (5%) of agency personnel. The contracted personnel in the first paragraph hereof may not be renewed after the expiration of this Act.

Article 6

Where land needed for expediting the execution of tasks specified in Article 3 herein involves change of urban planning, the local executive agencies should expedite the change process or proceed to make changes according to Article 27 of the Urban Planning Act; where the land needed involves the change of non-urban land use, the change shall be proceeded according to the Regional Planning Act.

Article 7

A catchment area remediation scheme should include the following particulars:

- 1.Any new check dam construction plan shall accord to the basic laws concerning indigenous people.
- 2.Existing check dams should undergo dredging, demolishing or other improvement works.
- 3.The opening of new industrial road is prohibited, and existing industrial roads should undergo necessary improvement, which however excludes road upgrade or broadening.
- 4.Environmental and ecological restoration of Shihmen Reservoir and catchment area, review and banning of land use, care for local residents, and necessary measures facilitating the remediation and restoration of Shihmen Reservoir and catchment area.

Article 8

This Act shall be in force from the date of promulgation for a period of six years.

Note

The English translation is for reference only. In case of discrepancy between the Chinese and English versions, the Chinese version shall prevail.

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