

英譯法規內容

法規名稱(Title) : Common Duct Act

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法規內文(Content) :

Chapter One: General Provisions

Article 1

This Act is enacted to promote the construction of Common Duct, to improve the living quality of cities and villages, to integrate the settings of public utilities, to enhance the management of roads, and to maintain the traffic safety and urban appearance. Matters not covered herein shall be governed by other applicable laws or regulations.

Article 2

Terms used in this Act are defined as follows:

Common Duct: The structure built above the earth and underground containing more than two sorts of public utilities, and its facilities including drainage, ventilation, lightening, communication, electricity, and relevant systems of surveillance and detection.

Public Utilities: Piping and wires include electricity, communication (also for military and police use), water, sewage, gas, waste, oil, gaseous body, CATV, street lamp, traffic sign, and others for public use recognized by the competent authorities together with the supervisory authorities of utility agency.

Utility Agency or Organization: Agency or Organization operates the public utilities.

Article 3

The competent authorities referred to in this Act are the Ministry of Interior at the central level, the government at the municipal level, and the hsien (or city) government at the hsien (or city) levels.

Article 4

The competent authority at the central level takes charge of the following affairs:

Stipulates the development policy and strategy of Common Duct.

Prescribes the laws and regulations of Common Duct.

Researches and develops the technology of Common Duct.

Manages the construction of Common Duct in accordance with the nation's significant

projects.

Approves the Common Duct systems proposed by municipal, hsien, or city governments.

Approves and coordinates the construction plan and management of the Common Duct systems which cross over municipality and hsien (or city), or over more than two (2) hsiens (or cities).

Supervises the promotion of Common Duct undertaken by municipality and hsien (or city).

Manages and urges all authorities and agencies to establish the database of all kinds of utility and Common Duct.

Other matters regarding the nation-wide affairs of Common Duct.

Article 5

The competent authorities at municipal level take charge of the following affairs:

Stipulate the regulations of Common Duct that are applicable only in municipality.

Plan the Common Duct system in municipality.

Construct and manage the Common Duct in municipality.

Manage the construction of Common Duct in municipality in accordance with the nation's significant projects.

Other matters regarding the municipal affairs of Common Duct.

Article 6

The competent authorities at hsien (or city) level take charge of the following affairs:

Stipulate the regulations of Common Duct that are applicable only in hsien' s (or city' s) jurisdiction.

Plan the Common Duct system in hsien' s (or city' s) jurisdiction.

Construct and manage the Common Duct in hsien' s (or city' s) jurisdiction.

Manage the construction of Common Duct in hsien' s (or city' s) jurisdiction in accordance with the nation' s significant projects.

Other matters regarding the hsien' s (or city' s) affairs of Common Duct.

Article 7

The competent authorities at each respective level may set up a specific unit in order to plan and manage the Common Duct. Each utility agency (or organization) may set up a specific unit for such coordination.

Chapter Two: Planning and Construction

Article 8

The competent authority at each respective level shall plan the Common Duct system under the jurisdiction after consultation with the relevant utility agency (or organization). The Common Duct system in municipality and hsien (or city) may only be announced to the public after being approved by the competent authority at central level. The same applies to any changes or annulment.

The aforementioned Common Duct system crossing more than two (2) administrative jurisdictions shall be negotiated by the related competent authorities; while the conclusion can not be reached, it shall be submitted to the supervisory competent authority for a decision. The announced Common Duct system shall be overall reviewed every three (3) to five (5) years. But it may also be reviewed at any time in order to match the performance of the nation's important policy or significant projects.

Article 9

The competent authority shall negotiate, according to the announced Common Duct system, with the relevant utility agency (or organization) to stipulate the execution plan and to construct the Common Duct. While the aforementioned negotiation can not be concluded, it shall be submitted to the supervisory competent authority for a decision after consultation with the supervisory authority of the utility agency (or organization) concerned.

Article 10

The competent authority at each respective level may stipulate, according to actual demands or the application of related authority (or organization), the Common Duct project after consultation with the relevant utility agency (or organization) for the area not being covered by the announced Common Duct system; and afterward submit it to the supervisory authority for approval. The aforementioned project shall be included in the Common Duct system and be announced to the public according to the provisions of Article 8.

Article 11

The Common Duct shall be constructed with precedence in the projects of new town development, new community development, village community renewal and reallocation, regional requisition, urban land reallocation, urban renewal area, mass rapid transit system, underground railway, and other significant ones. While the implementing area is located within the Common Duct system, the respective competent authority shall integrate, after consultation with the concerned engineering authority and relevant utility agency (or organization), the execution plan of Common Duct into the concerned significant projects and

perform it.

Article 12

In constructing urban roads, the electricity wires shall be buried underground, and the Common Duct shall be planned according to the urban development and demand. The built Common Duct shall contain the utilities that were previously buried under the roads. But those utilities that are considered not applicable to be contained by the competent authority shall be excluded.

Article 13

The competent authority shall delimit the forbidden range of road excavation and announce it to the public, while stipulating the execution plan of Common Duct. However, those do not affect the construction of Common Duct may be excluded with the approval of the competent authority.

Article 14

The Common Duct system shall be delimited in principle within the right of way. But for engineering necessity it may also over-pass and under-pass the private and public land, or attach to the buildings and structures. However, it shall be undertaken in the place and with the manner of minimal damages, and to compensate with negotiation.

While the aforementioned private land can no longer be properly used due to the passing through of Common Duct system, the owner of the land may file a requisition of land from the first day of construction to the end of one (1) year after its completion; the competent authority can not refuse this request.

Regarding the aforementioned over-passing and under-passing the land, the review regulations of using procedure, range, boundary delimitation, registration, requisition, compensation shall be prescribed by the central competent authority.

Article 15

In order to build the Common Duct, the necessary actions concerning the other underground facilities shall be consulted beforehand with the owner of the facility or related authority (or organization).

Article 16

After the completion of Common Duct, the excavation on the roads containing Common Duct shall be forbidden except the special cases with the approval of the competent authority.

Chapter Three: Management and Usage

Article 17

The competent authority shall conduct the management of Common Duct, if necessary the management may be entrusted to the original investors or specific agencies. The regulations of management shall be prescribed by the competent authority after consultation with the relevant utility agency (or organization).

Article 18

While the Common Duct crosses two (2) administrative jurisdictions, the related competent authorities shall conduct a co-management after negotiation. In case the agreement can not be concluded, the supervisory competent authority shall assign the management to one of the two parties.

Article 19

The inspection and management of the public utilities and their accessory facilities set in the Common Duct shall be conducted by the utility agency (or organization) concerned; and regular inspection and necessary actions shall be taken. The evaluation method for the aforementioned regular inspection shall be prescribed in the regulations of management.

Article 20

Entering or using the Common Duct shall be permitted beforehand by the competent authority. But the permission beforehand for entering or usage by the relevant technicians or enforcing officials in case of emergency shall be excluded. After the completion of the aforementioned entering or usage, they shall submit a report to the competent authority for record. As for the improper usage or using without permission, the competent authority may take necessary actions, and the violator shall defray the cost incurred. The permission details of entering or usage pursuant to the first sentence of preceding Paragraph shall be prescribed in the regulations of management.

Chapter Four: Cost and Allotment

Article 21

The regulations of allotment regarding the cost of construction and management shall be prescribed by the central competent authority after consultation with the supervisory authorities of utility agencies. After the completion of the construction of Common Duct,

the additional utility that did not previously share the construction cost shall be charged with the fee of using by the competent authority. The fee schedule shall be prescribed in the regulations of management.

Article 22

For the expenditure of the management and maintenance of Common Duct, the competent authority shall appropriate after consultation with the related utility agencies (or organizations) from the fixed ratio of the regulations of allotment prescribed in Article 21. A special account shall be set up for this appropriation, and the accounts shall be settled in the end of the year.

The cost in case of emergency caused by natural disasters shall be defrayed by the aforementioned special account. But the cost in case of emergency caused by artificial sabotages shall firstly be defrayed by the aforementioned special account, and shall be recovered from the violators.

Article 23

According to the application of the utility agencies (or organizations), the central competent authority may offer a loan to them to defray the responsible allotment in the construction of Common Duct. The central competent authority may set up the Construction Fund of Common Duct to defray the aforementioned loan.

Chapter Five: Penalties

Article 24

Arson or by gunpowder, steam, electric power, gas, or other explosive to sabotage the Common Duct with human being thereinto, violators shall be subject to life imprisonment or imprisonment of not less than seven (7) years. Violators against the aforementioned crimes by negligence shall be subject to imprisonment of not more than one (1) year, detention, or in lieu thereof a criminal fine of not more than NT\$300,000. The same applies to the convict guilty of an attempted offense against the first sentence of this Paragraph. Anyone who is ready to commit the crimes described in the first sentence of this Paragraph shall be subject to imprisonment of not more than one (1) year, detention, or in lieu thereof a criminal fine of not more than NT\$200,000.

Article 25

Arson or by gunpowder, steam, electric power, gas, or other explosive to sabotage the Common

Duct without human being thereinto, violators shall be subject to imprisonment of not less than three (3) years, but not more than ten (10) years. Violators against the aforementioned crimes by negligence shall be subject to imprisonment of not more than six (6) months, detention, or in lieu thereof a criminal fine of not more than NT\$200,000. The same applies to the convict guilty of an attempted offense against the first sentence of this Paragraph.

Article 26

Pouring liquid to soak or sabotage the Common Duct with human being thereinto shall be subject to life imprisonment, or imprisonment of not less than five (5) years. Violators against the aforementioned crimes by negligence shall be subject to imprisonment of not more than one (1) year, detention, or in lieu thereof a criminal fine of not more than NT\$300,000. The same applies to the convict guilty of an attempted offense against the first sentence of this Paragraph.

Article 27

Pouring liquid to soak or sabotage the Common Duct without human being thereinto shall be subject to imprisonment of not less than one (1) year, but not more than seven (7) years. Violators against the aforementioned crimes by negligence shall be subject to imprisonment of not more than six (6) months, detention, or in lieu thereof a criminal fine of not more than NT\$200,000. The same applies to the convict guilty of an attempted offense against the first sentence of this Paragraph.

Article 28

Sabotage the Common Duct or making it become unusable with the manner besides that of Articles 24, 25, 26, and 27, the violators shall be subject to imprisonment of not less than six (6) months, but not more than five (5) years. The same applies to the convict guilty of an attempted offense against the first sentence of this Paragraph.

Article 29

Violators against the first sentence of Article 20, using the Common Duct without permission, shall be punished by an administrative fine of three (3) times to ten (10) times of the fee of using. This may be cumulatively fined.

Article 30

Violators against the first sentence of Article 20, entering the Common Duct without permission or improper usage, shall be punished by an administrative fine of NT\$30,000 to

NT\$150,000.

Article 31

Presumptuous excavation within the range of road delimited and announced according to Article 13, or excavation on the road that the Common Duct passes pursuant to Article 16, violators shall be punished by an administrative fine of NT\$300,000 to NT\$1,500,000; they shall recover it to original condition. Aforementioned violators who fail to follow the forbidden order issued by the competent authority may be fined cumulatively for each day of noncompliance.

Article 32

If any administrative fine imposed pursuant to this Act is not paid within the prescribed period described by the competent authorities, the case shall be referred to court for compulsory execution.

Chapter Six: Supplemental Provisions

Article 33

The enforcement rules of this Act and the Design Specifications of Common Duct shall be prescribed by the central competent authority.

Article 34

This Act shall become enforceable upon the date of promulgation.