

英譯法規內容

法規名稱(Title)： Enforcement Rules for the Regional Plan Act

公發布日(Date)： 2013.10.23

法規沿革：
(Legislative)

- 1.The whole text of 24 articles enacted and promulgated by Order (67) Tai-Nei-Di-Tzu No.779587 of the Ministry of the Interior on January 23, 1978
- 2.The whole text of 23 articles amended and promulgated by Order (77) Tai-Nei-Ying-Tzu No.605828 of the Ministry of the Interior on June 27, 1988
- 3.Articles 2, 3, 6, 13, 15 and 16 amended by Order (86) Tai-Nei-Ying-Tzu No.8673138 of the Ministry of the Interior on July 7, 1997
- 4.Articles 2 and 15 amended by Order (88) Tai-Nei-Ying-Tzu No.8874973 of the Ministry of the Interior on Oct.16, 1999
- 5.Articles 2 and 10~15 amended, and articles 16-1~16~4 supplemented by Order (90) Tai-Nei-Ying-Tzu No.9083494 of the Ministry of the Interior on May 4, 2001
- 6.The whole text of 25 articles amended and promulgated by Order Tai-Nei-Ying-Tzu No.1020320943 of the Ministry of the Interior on October 23, 2013

法規內文(Content)：

Article 1 These Rules are enacted pursuant to Article 23 of the Regional Plan Act (hereinafter referred to as “the Act”).

Article 2 To prepare or alter regional plans pursuant to the Act, the competent authorities may entrust with related departments, academic organizations or other professional institutions to perform research and planning where necessary.

Article 3 To prepare regional plans pursuant to the Act, the competent authorities of all levels may require the related government departments or civil organizations to provide information, and may consult the opinions of authority where necessary. In principle, the term of a regional plan shall be not longer than 25 years.

Article 4 The scope of a regional plan shall be allocated according to the boundary division, natural environment, population distribution, urban system, and industrial structure and distribution as well as other necessary conditions.

The central competent authority shall determine the municipal or county (city)' s jurisdiction boundary of marine in consultation with the relevant authorities.

Article 5 The land-use plan and zoning control referred to in Subparagraph 9, Article 7 of the Act shall cover land-use guidelines, environmental sensitive areas, land-use plans, zones classified or reviewed and altered and etc.

The environmental sensitive areas in the preceding paragraph include natural disasters, ecological preservation, culture landscape, resources reservation and other sensitive areas.

Article 6 Upon examining regional plans, the committee of regional plans of all levels may consult with the related government departments, public institutions, civil organizations or the Regional construction committee about the opinions.

Article 7 The regional plans prepared by municipal or county (city) competent authorities shall abide by the central' s.

After a regional plan is announced and implemented, the contents and construction time sequence of the urban plans and the relevant development or construction undertaking plans within the region shall closely match with the regional plan. Where an urban plan originally promulgated and enforced can' t match with the regional plan, the urban plan shall be thoroughly reviewed and altered.

Where a development or construction undertaking plan within the region that has already been promulgated and enforced before the regional plan is enforced doesn' t meet the regional plan, the competent authority shall notify the executive department to make modification over the unfinished part within a specified time limit.

Article 8 Where the competent authority sends personnel to access public or private-owned lands to carry out investigation or reconnaissance survey according to Article 14 for the purpose of preparing or altering a regional plan, the following provisions shall govern:

1.To access a piece of land surrounded by bounding barriers, prior notice shall be given to the ownership holder or user of the land.

2.Where the overground obstacles must be removed or dismantled, a notice shall be given to the ownership holder or user 10 days before, to notify him/her about the name, address, and date of dismantling or alteration, and determine the time of negotiation on the currency amount of compensation.

Where the above-mentioned notice can' t be sent to the ownership holder or user, it may be delivered to the chief of the local village, and shall be announced in the bulletin board of the department.

Article 9 In any of the following occasions, the compensation that should be given to the proprietary or user pursuant to Paragraph 2, Article 14 and Article 17 of the Act shall be deposited according to the law:

- 1.The person to whom compensation should be offered refuses to accept or can't accept the compensation.
- 2.The whereabouts of the person to whom compensation should be offered is unknown.

Article 10 The regional land shall be applied to land-use plan and zoning control ,and the following provisions:

1.Urban lands: include the lands to which construction prohibition is implemented, located within the range where an urban plan has been issued and in the planned areas allocated in advance according to Article 81 of the Urban Plan Act for the purpose of establishing a new urban plan or enlarging an urban plan; utilization of these lands shall be controlled pursuant to the Urban Plan Act.

2.Non-urban lands: refer to the lands other than urban lands; utilization of these lands shall be controlled pursuant to the utilization control rules of non-urban lands enacted according to Article 15 of the Act.

The lands allocated for national park according to the National Park Act shall be controlled pursuant to the plan of national park.

Article 11 Non-urban lands may be classified into the following zones:

1.Special agricultural zone: productive farmlands or the lands on which important agricultural improvement facilities have once been constructed, for which it is deemed by the competent authority jointly with the regulating department of agriculture that special protection must be performed.

2.Common agricultural zone: the lands used for agriculture and beside special agricultural zone.

3.Industrial zone: allocated by the competent authority jointly with the related departments to promote the overall industrial development.

4.Rural zone: allocated by the competent authority jointly with the related departments to harmonize and improve the rural inhabitancy and production environment and meet the policy requirement of the government for constructing house communities.

5.Forest zone: allocated by the competent authority jointly with the related departments according to the Forest Act and other related laws and decrees to nurse and utilize forest resources, maintain ecological balance, and conserve water sources.

6.Slope conservation zone: allocated by the competent authority jointly with the related departments according to relevant laws and decrees for the purpose of protecting natural ecological resources, landscapes and environment, preventing geological disasters such as corrosion, collapse, landslide and soil erosion, as well as water and soil nursing like conservation of water sources.

7.Scenic zone: allocated by the competent authority jointly with the related departments according to relevant laws and decrees to maintain natural landscape and improve the recreation and tourism environment for the people.

8.National park zone: allocated by the competent authority jointly with the related departments according to the National Park Act to protect the natural landscapes, historical relics, and wild plants and animals as well as their habitats, and provide convenience for the citizens to perform education, amusement and research.

9.River zone: allocated by the competent authority jointly with the related departments according to the Water Resources Act to protect watercourses, guarantee the safety of river guard and the discharge the flow of water.

10.Marine zone: allocated by the competent authority according to relevant laws and the needs of actual marine activities for the purpose of marine resources and land conservation and sustainable development ,preventing marine disasters, and environmental damage.

11.Other utilization zone or special-use zone: allocated and purpose dedicated by the competent authority jointly with the related departments according to relevant laws and decrees to the meet the actual requirements for promoting various objective undertakings.

Article 12 The non-urban land-use zoning map drawn under Article 15 of the Act shall be separately plotted according to the administrative jurisdiction of township (towns, cities, districts), and the proportional scale may not be less than 25,000:1. The borderlines of the utilization areas shall be marked; furthermore, where the borderlines of the public facilities, roads and river lands already approved according to the law can be determined, they shall be marked in the map.

The above-mentioned borderlines of various utilization areas shall be determined according to the topography, over ground articles and other significant signs and the prospectus, and pursuant to the flowing provisions:

1.Where the borderline of a planned range is employed, the borderline of the range shall be used as the segmentation borderline.

2.Where a water bank line or river centerline is employed, the water bank line or river centerline shall be used as the segmentation borderline; in case of displacement of the line, such displacement shall apply.

3. Where a railway line is employed, the railway line shall be used as the segmentation borderline.

4. Where roads are employed, the borderline of a planned road shall be used as the segmentation borderline; in case there is no planned road, the borderline of existing road shall apply.

5. Where the borderline of a piece of land is employed, the borderline of this land on the cadastral map shall be used as the segmentation borderline.

The non-urban land-use zoning map of marine zone shall adopt appropriate coordinate system to determine the borderlines, without being limited by scale may not be less than 25,000:1 on paragraph 1 of this Article.

Article 13 Upon allocating the lands of various purposes pursuant to Article 15 of the Act, except the marine area, the municipal or county (city) competent authority shall district the lands and plot them into the cadastral map according to the range described in the non-urban land-use zoning map and the purposes of the lands and referring to the actual local requirements; where the public facilities lands have been approved and the borderlines can be determined, the lands shall be districted after the borderlines are determined:

1. Type A building lands: used for buildings in the agricultural areas outside the range of sloping fields.
2. Type B building lands: used for buildings in rural areas.
3. Type C building lands: used for buildings in forest areas, slope protection areas, scenic areas, and agricultural areas within the range of sloping fields.
4. Type D building lands: used for building factories and related industrial facilities.
5. Farming and grazing lands: used for farming and grazing production and the facilities
6. Forestry lands: used for forests and the facilities.
7. Aquiculture lands: used for aquiculture and the facilities.
8. Salt industry lands: used for salt production and the facilities.
9. Mining lands: used for mining.
10. Ceramic industry lands: used for brick and tile fabrication and the facilities.
11. Traffic lands: used for railways, roads, express system, harbors, air transportation, meteorology, post, and telecommunication etc as well as the facilities.
12. Water resources conservancy lands: used for water resources conservancy and the facilities.
13. Tourism lands: used for tourism and recreation of the citizens.
14. Historic sites preservation lands: used for preservation of historical relics.
15. Ecological protection lands: used for ecological protection.

16.Territory security lands: used for security of territory.

17.Funeral lands: used for funeral facilities.

18.Marine area: used for all kind of marine activities and relevant facilities.

19.Lands for special objective undertakings: used for special objective undertakings.

After the above-mentioned lands of various purposes are numbered, the municipal or county (city) competent authority shall report to the central competent authority for review and recording. The same for alteration of numbering.

Article 14 Operational methods and procedures of plotting non-urban land-use zoning maps, districting the lands of various purposes, and reviewing the segmentation and the districting pursuant to Subparagraph 1, Paragraph 1, Article 15 of the Act shall be prescribed by the central competent authority.

The zones referred to in the preceding paragraph with any of the following situations may commission to the municipal or county (city) competent authority to approve :

1.Correct the classification of the zones.

2.Delineate or review and alter zones for enforcing resources conservation.

3.Delineate zones that area totaling less than one hectare.

Article 15 A development plan as referred to in Subparagraph 2, Paragraph 1, Article 15-1 of the Act shall include the following contents:

1.Development content analysis.

2.Base environment analysis.

3.Substantial development plan.

4.Public facilities operating management plan.

5.Preparation and drainage works of plane lands.

6.Other matters that shall be included.

The “related documents” referred to in Subparagraph 2, Paragraph 1, Article 15-1 of the Act means the following documents:

1.List of applicants.

2.List of designers.

3.List of cadastral.

4.Related information on attestation (signature) technicians.

5.Certificates of the rights of lands and buildings.

6.Documents indicating the consent of the related regulating departments or public authority.

7.Other documents.

The contents listed in the above two paragraphs shall be determined in the regulations on examination operations depending on the nature of the development plan.

Article 16 After accepting a case of application for development, where the development plan and related documents need to be supplemented, the municipal or county (city) competent authority shall notify the applicant to make supplementation within a specified time limit; in case supplementation is not made in the time limit, the municipal or county (city) competent authority shall explain the process of disposal, and report the case to the department preparing regional plans for examination and approval.

During examination and approval of the case, where supplementation needs to be made, the competent authority shall notify the applicant to supplement within a specified time limit; in case supplementation is not finished within the time limit, the authority shall reject the application.

Article 17 The “60 days” prescribed in Article 15-4 of the Act means 60 days commencing from the next day after the municipal or county (city) competent authority accepts the case of application for development plan.

The “90 days” prescribed in Article 15-4 of the Act means 90 days commencing from the next day after the competent authorities accepts the case and the applicant pays off the examination fee.

Article 18 Following the announcement and implementation of the municipal or county (city) regional plans, the development plan as referred to in Subparagraph 2, Paragraph 1, Article 15-1 of the Act shall be examined and permitted by the municipal or county (city) competent authority. However, a specific scale or above, special conditions, allocated in the environmental sensitive areas or the conditions designated by the central competent authority, the development plan shall be examined and permitted by the central competent authority.

Before the announcement and implementation of the municipal or county (city) regional plans, except the proviso referred to preceding paragraph, the development plan as referred to in Subparagraph 2, Paragraph 1, Article 15-1 of the Act may commission to the municipal or county (city) competent authority to examine and permit.

A specific scale or above, special conditions or allocated in the environmental sensitive areas referred to in the preceding paragraph, shall be stipulated by the central competent authority.

Article 19 To carry out control of regional land utilization, municipal or county (city) competent authority shall cooperate with the related departments to periodically execute overall investigation on the current situation of land utilization, and record the results of investigation into atlas (cards).

Article 20 After reporting the non-urban land-use zoning map and the classification results of the lands of various purposes to the central competent authority for review and reference according to Article 15 of the Act, the municipal or county (city) competent authority shall announce and notify the proprietary about the foresaid information pursuant to Article 16 of the Act, and shall execute land-use control according to the ordinance of non-urban land-use since the day of announcement.

Where a landownership holder finds something wrong or omitted in the land-use zoning borderlines or classification of lands, he/she shall, in written form, apply for correction within 30 days commencing from announcement.

Where the above-mentioned application for correction is proved to be true, the municipal or county (city) competent authority shall report it to the central competent authority for review and correction, and shall reply to the applicant.

Except the marine area, the classification results of the lands of various purposes shall be recorded in the land registry; the same for alteration.

Article 21 After control of regional land-use is carried out under the Act, where the regional plan is altered pursuant to Article 13 of the Act, the municipal or county (city) competent authority shall immediately review the related non-urban land-use zoning maps and the classification of lands, and make alteration where necessary.

Article 22 According to the actual requirements and Article 18 of the Act, the authorities of all levels may employ related personages to establish a Regional construction committee to perform the tasks prescribed in Article 19 of the Act, and the establishment regulations shall be prescribed by the corresponding authority. Where the regional construction committee is not established, the tasks prescribed in Article 19 of the Act shall be handled by the designated departments of the authority.

Article 23 The regional construction committee of each level or the department handling its tasks shall widely promote regional construction affairs, and actively induce the development of regional development and construction undertakings, and where necessary, may

invite relevant departments and public or private organizations to hold various professional seminars on regional construction, or entrust academic organizations to carry through professional research on regional development and construction.

Article 24 When a regional construction committee or the department handling its tasks executes assistance or suggestions pursuant to Article 19 of the Act, the related departments and public institutions shall provide cooperation as much as they can. Where the assistance is covered in a staged construction plan of regional public facilities and the budget estimate, the related departments shall match with the plan to establish the implementation and the annual budget.

Article 25 These Rules will take effect as the date of promulgation.