

英譯法規內容

法規名稱 National Park Law

(Title) :

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法規沿革： Presidential Decree Hu-Zong-Yi-Yi-Zi No.09900331461 dated Dec.8, 2010

(Legislative) The Ministry of the Interior of the Republic of China hereby announces the addition of Article 27-1 to the National Park Law as well as the amendment to Article 6 and Article 8.

法規內文(Content) :

Article 1

Be it enacted for the purpose of preserving the nation's unique natural scenery, wild fauna and flora and historic sites and providing public recreation and areas for scientific research, that is hereby created the National Park Law.

Article 2

The administration of national parks shall be subjected this law. The provisions of other laws shall be applicable to those issues/ subjects not covered by this law.

Article 3

The Ministry of Interior is the responsible authority for national parks.

Article 4

The Ministry of Interior may establish a National Planning Commission to designate, alter or abolish areas for national parks. The Commission may review national park management plans. The members of the Commission shall not be paid for their duties.

Article 5

Headquarters shall be established at each national park. General rules of administration shall be enacted for all national parks.

Article 6

The criteria for the selection of national parks shall be as follows:

- 1.Areas having unique landscapes, significant ecological systems, or habitats with 2.biodiversity that are representative of the natural heritage of the nation;
- 3.Areas with important cultural heritage and historical monuments as well as natural and cultural environments of significant cultural and educational elements to serve as venues for cultivation of national identity and long-term preservation efforts by the government is required;

Areas with natural recreational resources and unusual features to serve as tourist destinations and leisure activity venues for the public.

Areas that comply with the criteria prescribed in the preceding subparagraph but are smaller in resources or surface area may still be selected by the competent authority to be national parks.

In line with the established measures of protection, utilization and control as well as the nature of conservation and types of recreation in concern, the competent authority shall act in accordance with the criteria of the first two preceding subparagraphs and classify the areas selected to be national parks or national nature parks to facilitate administration.

Article 7

All decisions pertaining to the establishment and abolition of national parks and the declaration and alteration of their boundaries shall be submitted by the Ministry of Interior to Executive Yuan for approval. These decisions shall be subject to public notice.

Article 8

Terminology

- 1.National park: An area demarcated by the competent authority in accordance with the Law to conserve the unique landscapes and ecological systems in the country on a sustainable basis, as well as to preserve the biodiversity and cultural diversity thereof and provide resources for recreation and research activities of the public.
- 2.National Nature Park: An area demarcated by the competent authority in accordance with the criteria described in the Law despite its smaller resources or surface area.
- 3.The National Park Plan: the general plan established to facilitate administration of the protection, utilization, and development of the entire area of each national park.
- 4.The National Nature Park Plan: the general plan established to facilitate administration of the protection, utilization, and development of the entire area of each national nature park.
- 5.National park enterprise: an enterprise set up in accordance with the National Park Plan to facilitate the recreation and ecological tour activities and protection of national park resources.
- 6.General controlled area: the land or waters inside a national park not belonging to any other classified area and the original permission of use of the land and waters is sustained, including existing villages.
- 7.Recreation area: an area suitable for outdoor recreational activities and reasonable numbers of recreational facilities and limited use of the resources are permitted.
- 8.Historical monument preservation area: an area placed under control to preserve important historical buildings, memorable sites, settlements, historical monuments, ruins, cultural landscapes, relics, as well as recognized ancestral graves, sites of worship, sites of origins, old tribal land, ruins, and historical monuments of the indigenous peoples and preserved in accordance with the indigenous cultures and customs.
- 9.Special landscape area: an area with unique natural landscapes impossible to recreate artificially and development is strictly restricted.
- 10.Ecological reservation: an area requiring strict protection of the natural biological societies and their habitats for the sake of preserving biodiversity or providing ecological research.

Article 9

Within the boundaries of the national park, public land necessary for the execution of the national park plan may be appropriated in accordance with the law. Private land within the park may continue in its present use if it is used in accordance with the Nation Park plan. Private land may be appropriated in accordance with the law to achieve the execution of the Nation Park plan.

Article 10

The Ministry of Interior or its designated agency, for the purpose of investigating the national park area or

altering the national park plan, may assign qualified individuals to enter private and public land to conduct studies and survey. Prior notification of this entry must be given to the landowner. Damage to crops, trees, bamboo or other structures that belong to the landowner and are caused by this entry shall be compensated. The amount of compensation shall be based on an agreement by both parties or arbitrate by a superior authority.

Article 11

The Ministry of Interior shall regulate the national park concessions in accordance with the National Park plan. The responsible authority of the national park shall regulate concessions. When necessary, the concessions may be invested in and operated by the local government, quasi-public corporation or other public or private group after the approval of the national park authority and under the supervision of the national park headquarters.

Article 12

In accordance with the existing land use and the characteristics of the resources, a national park may be divided into the following zones for management:

- 1.Existing use area
- 2.Recreation area
- 3.Cultural/historic area
- 4.Scenic area
- 5.Ecological protected area

Article 13

The following activities shall be prohibited within the national parks:

- 1.Burning of vegetation or setting fires to clear land;
- 2.Hunting animals or catching fish;
- 3.Polluting water or air;
- 4.Picking or removing flower or any other vegetation;
- 5.Engraving, sketching or defacing trees, bark, stone or signs;
- 6.Littering of fruit skins, paper or any other materials;
- 7.Driving outside of designated areas;
- 8.Any conduct prohibited by the national park authorities.

Article 14

Within existing use areas or recreation areas, the following activities may be allowed after obtaining permission from the national park headquarters:

- 1.Building or demolishing public or private structures, roads, or bridges;
- 2.Filling, draining, altering or expanding the water surface or waterway;
- 3.Prospecting or exploring for minerals, earth or gravel;
- 4.Land clearing and farming;
- 5.Fishing or livestock grazing;
- 6.Constructing aerial cable systems;
- 7.Making use of water and hot springs;
- 8.Advertising or erecting signboards or similar objects;
- 9.Expanding, increasing or altering equipment in existing factories;
- 10.Any permission given under the above sections which effects a large area or is of particular importance shall

be submitted by the National Park Headquarters to the Ministry of Interior for approval.
The Ministry of Interior shall deliberate and make decisions together with other authorities concerned.

Article 15

Within cultural/historic areas, the following activities shall be subject to prior permission from the Ministry of Interior:

- 1.Repairing artifacts or historic monument;
- 2.Repairing or reconstructing buildings;
- 3.Making artificial alterations to original landscapes or landforms.

Article 16

Within cultural/historic areas, scenic areas, ecological protected areas, the following activities shall be permitted to meet specific needs after approval by the National Park Headquarters.

Article 17

Within scenic areas and ecological protection areas, the following activities shall be permitted to meet specific needs after approval by the National Park Headquarters:

- 1.Introducing exotic animals or plants;
- 2.Collecting specimens;
- 3.Using pesticides and herbicides.

Article 18

Ecological protection areas shall be established preferably on public land. Within these areas, the collection of specimens, the use of pesticides and herbicides or the construction of man-made facilities shall be prohibited. However, exceptions may be granted with the permission of the Ministry of Interior for the special needs of scientific research, public safety and park management.

Article 19

Entrance to ecological protection areas may be allowed only after obtaining a permit from the national park headquarters.

Article 20

The decision to allow the use of water resources or mining with scenic areas or ecological protection areas shall be deliberated by the National Park Planning Commission and the submitted by the Ministry of the Interior to the Executive Yuan for approval.

Article 21

Academic institutes may engage in scientific research in the national parks. They must first send their research proposals to the national park headquarters for approval.

Article 22

To promote the educational value of the national parks, the National Parks Headquarters shall employ professional park interpreters to serve visitors and to provide other necessary and appropriate interpretive services.

Article 23

The operating budget of the national parks shall be borne by the National Treasury upon implementation by a public agency. The cost of park concessions shall be borne by the operator in the case of quasi-corporations or other private or public groups. The national park operating budget shall be deliberated by the National Park Planning Commission and then submitted by the Ministry of Interior to Executive Yuan for approval. The Ministry of Interior may accept donations of funds or lands from individuals or groups for the purpose of developing the national parks.

Article 24

Any person who violates Section (1) of Article 13 shall be subject to a fine of up to 1000 yuan (US \$75), and/or term of imprisonment of up to six months.

Article 25

Any person who violates Section (2) or (3) of Article 13, Section (1) through (4), (6), and (9) of Article 14 and any section of Articles 16, 17, and 18, shall be punished with a fine of not more than 1000 yuan, or if the circumstances of the offense are so intense as to cause serious damage to the environment, he or she shall be punished with imprisonment of not more than one year.

Article 26

Any person who violates Section (4) through (8) of Article 13, Section (5) (5), (7), (8), and (10) of Article 14 or any section of Article 19, shall be punished with a fine of not more than 1000 yuan.

Article 27

Any person who violates any provision of this law and is punished in accordance with Article 24 through 26, must restore the damaged area to its original state. If restoration of the area is impossible, or if doing so is extremely difficult, they shall be bound to pay compensatory damages to the national park.

If a person has obligated to restore a damaged area in accordance with the above said but does not do so, the National Park Headquarter may restore the area or instruct a third party to do so, at the cost of the offender.

Article 27-1

The national park regulations shall apply to change and administration of national nature parks as well as punishment for violations.

Article 28

The area in which this law shall be effective shall be determined by the Executive Yuan.

Article 29

The regulations governing the enforcement of this law shall be formulated by the Ministry of Interior and shall be submitted to Executive Yuan for approval.

Article 30

This law shall become effective upon promulgation.