



Article Content

Title : Irrigation Act CH
Announced Date : 2020-07-22
Category : Council of Agriculture (行政院農業委員會)

Chapter 1:

- Article 1** The legislative intent of this Act is to ensure food safety and agricultural sustainability; promote the development of farmland water conservancy matters; improve the construction, maintenance, and management of farmland water conservancy facilities in order to stabilize the supply of irrigation water needed for the development of agriculture and expansion of irrigation services; maintain agricultural production and upgrade the usage value of farmland; and appropriately handle reform of the system of irrigation associations.
- Article 2** The Competent Authority for this Act is the Council of Agriculture of the Executive Yuan.
- Article 3** Definitions for terms used in this Act are as follows:
1. Farmland water conservancy activities: This refers to the use of manmade or natural methods to undertake farmland irrigation, farmland drainage, or related activities in farmland water conservancy activities areas or within farmland water conservancy facilities areas as demarcated by the Competent Authority.
 2. Farmland water conservancy facilities: This refers to structures and their associated structures used for accessing water, drawing water, transporting water, storing water, drainage, or other activities needed for farmland water conservancy under the jurisdiction of irrigation associations (before the coming into effect of this Act) or newly erected by the Competent Authority (after the coming into effect of this Act).
- Article 4** The Competent Authority shall demarcate farmland water conservancy activities areas based on river systems, the geographical environment, and economic benefits and announce these to the public; the same applies to the alteration or elimination of such areas. In cases where such areas infringe on indigenous people's regions, the Competent Authority shall make public announcements in cooperation with the central Competent Authority for indigenous affairs.

The Competent Authority shall designate irrigation systems within the farmland water conservancy activities areas mentioned in the previous Paragraph, based on the water source situation, overall regional water resource planning and management, agricultural operational planning, and the functions of farmland water conservancy facilities in these areas, and shall announce these systems to the public; the same applies to the alteration or elimination of such systems.

Regulations governing the standards for demarcation of farmland water conservancy activities areas, their alteration, or their elimination (as mentioned in Paragraph 1 of this Article) and the standards for designating irrigation systems, their alteration, or elimination (as mentioned in the preceding Paragraph) and for other relevant matters shall be stipulated by the Competent Authority.

Chapter 2: The Demarcation and Management of Farmland Water Conservancy Facilities Areas

Article 5 The Competent Authority shall demarcate farmland water conservancy facilities areas, as well as manage and maintain them, and shall announce the areas to the public; the same applies to the alteration or elimination of such areas. In cases where such areas infringe on indigenous people's regions, the Competent Authority shall make public announcements in cooperation with the central Competent Authority for indigenous affairs.

Regulations governing the standards for demarcation of farmland water conservancy facilities areas as mentioned in the preceding Paragraph, their management and maintenance, alteration, elimination, or other relevant matters shall be stipulated by the Competent Authority in cooperation with the central Competent Authority for water resources.

Article 6 Farmland drainage in farmland water conservancy activities areas shall conform to runoff allocation plans announced on the basis of the Water Act and to flood prevention plans of the Competent Authority for water resources, to allocate responsibility for flooding in neighboring areas.

Article 7 When the planning, design, and supervision of farmland water conservancy facilities construction projects go beyond a certain scale, the relevant professional engineer certification shall be registered according to law. However, when the Competent Authority is itself handling the project, it must be handled by someone in the Competent Authority who has, in accordance with the law, received the relevant professional engineer certification.

The "certain scale" mentioned in the previous Paragraph shall be

announced by the Competent Authority.

Projects for farmland water conservancy facilities in farmland where readjustment has been arranged based on the Farmland Readjustment Act shall not be subject to the provisions of Paragraph 1 of this Article.

- Article 8** No one shall arbitrarily alter or demolish farmland water conservancy facilities. However, in order to increase the usage benefits of land, serve the public interest, provide for the needs of infrastructure, or where surrounding farmland has already been rezoned as not for agricultural use, an applicant may, with an attached plan, apply to the Competent Authority, and after receiving authorization, may alter or demolish such facilities within the scope of the authorization; the applicant shall be responsible for funding.
- Regulations governing the qualifications of applicants as mentioned in the preceding Paragraph, application procedures, the required contents of plans, documents that shall be attached, conditions for authorization, withdrawal of authorization, and other relevant matters shall be stipulated by the Competent Authority.
- Article 9** Land for construction projects needed for construction or improvement of farmland water conservancy facilities shall be acquired through appropriation, establishment of superficies, land easement or rental, purchase by negotiated price, agreement of the landowner, or expropriation.
- Article 10** When there is damage to farmland water conservancy facilities that poses an imminent threat to citizens' lives or the security of their property, the Competent Authority may demolish the facilities; requisition materials, machinery, facilities, or land needed for emergency repairs or actions; draft manpower; or adopt other necessary emergency measures.
- In cases where citizens suffer loss as a result of demolition, requisitions, drafting, or other emergency measures as mentioned in the preceding Paragraph, they may apply to the Competent Authority for compensation. However, where the responsibility for the origin of such loss is attributable to the citizen in question, there shall be no compensation.
- Compensation for loss as mentioned in the preceding Paragraph shall be paid in money, to a maximum amount of the loss actually suffered. Applicants for compensation must apply within two years of becoming aware of the loss. However, in cases where five years have passed following the occurrence of the loss, no application may be made.
- Regulations governing compensation or calculation of value as stipulated in Paragraph 2 of this Article, their standards,

processes, payment methods, and other relevant matters that must be followed shall be stipulated by the Competent Authority.

- Article 11** Land provided for the use of irrigation associations prior to the coming into effect of this law shall continue to be used as before.
- When land as mentioned in the previous Paragraph is state-owned land that can be appropriated for use without compensation, the Competent Authority shall designate a subordinate agency, and after getting the agreement of the managing agency, shall, jointly with this agency, arrange for alteration of the registered managing agency, and the land shall be managed by the designated subordinate agency.
- Land as mentioned in the previous Paragraph may not be listed as an asset of the Farmland Water Conservancy Activities Operational Fund set up in accordance with Article 22, Paragraph 1 of this Act.

Chapter 3: Irrigation and Drainage Management

- Article 12** Farmland water conservancy facilities shall not be concurrently used for other purposes. However, in cases where there is no obstruction to the original functions or maintenance of the facilities, an applicant may, with an attached plan, apply to the Competent Authority for authorization to concurrently use such facilities for other purposes.
- Regulations governing concurrent other uses as mentioned in the preceding Paragraph, their application procedures, the required contents of plans, documents that shall be attached, conditions for authorization, withdrawal of authorization, and other relevant matters shall be stipulated by the Competent Authority.
- Article 13** Within farmland water conservancy facilities areas, no one shall, without the authorization of the Competent Authority, construct irrigation channels (ditches), box culverts, drainage pipelines, or other structures connected to farmland water conservancy facilities (hereafter these are known as “unauthorized structures”).
- For public drainage systems facilities existing before the coming into effect of this Act, these can be used as before, and the previous Paragraph does not apply. However, in cases of improvement, restoration, or demolition of such facilities, there must still be an application for authorization as mentioned in the preceding Paragraph.
- For unauthorized structures built in farmland water conservancy facilities areas before the coming into effect of this Act, the Competent Authority may prohibit their use, close them, or order the builder to demolish them. In cases where there are concerns such structures may pose a hazard to human health, to

agricultural industries, or to biosafety, the Competent Authority may immediately demolish them or take other necessary measures.

Regulations governing applications as mentioned in Paragraph 1 of this Article, their application procedures, documents that shall be attached, conditions for authorization, withdrawal of authorization, and other relevant matters shall be stipulated by the Competent Authority.

Article 14 Within farmland water conservancy facilities areas, no one shall, without the authorization of the Competent Authority, release non-farmland drainage water; this is prohibited in principle for channels specially for the use of irrigation. For cases of requesting the release of non-farmland drainage water as mentioned in the preceding Paragraph, an application, with an attached plan, should be made to the Competent Authority for authorization. The water quality of the drainage water should conform to publicly announced irrigation water quality standards.

Regulations governing the water quality standards as mentioned in the preceding Paragraph, application procedures, the required contents of plans, documents that shall be attached, conditions for authorization, withdrawal of authorization, and other relevant matters shall be stipulated by the Competent Authority acting in coordination with the central Competent Authority for environmental protection.

Article 15 Guidelines governing testing methods used by the Competent Authority for irrigation water quality as mentioned in Paragraph 2 of the preceding Article, quality control, and other relevant measures shall be stipulated by the Competent Authority acting in coordination with the central Competent Authority for environmental protection.

Article 16 The following actions are prohibited in farmland water conservancy facilities areas:

1. Filling in or obstructing water channels.
2. Damaging ponds, water channels, or their associated structures.
3. Opening, closing, moving, or damaging sluice gates or their associated structures.
4. Discarding spent clay or waste.
5. Removing or piling up soil or stone.
6. Other actions that obstruct the safety or functions of farmland water conservancy facilities.

The unauthorized drawing off of irrigation water in farmland water conservancy facilities areas is prohibited. However, in cases where the drawing off of irrigation water occurs in designated irrigation systems as mentioned in Article 4,

Paragraph 2 or where authorization has been applied for and received from the Competent Authority, this prohibition shall not apply.

Regulations governing the applications as mentioned in the proviso in the preceding Paragraph, their application procedures, documents that shall be attached, conditions for authorization, withdrawal of authorization, and other relevant matters shall be stipulated by the Competent Authority.

- Article 17 The Competent Authority may, depending on local irrigation requirements, set up water conservancy committees in farmland water conservancy activities areas. Positions on a water conservancy committee, which will have one chairman, will be unpaid, and each committee shall assist in promoting management of irrigation water under its jurisdiction.
- Regulations governing water conservancy committees as mentioned in the preceding Paragraph, their establishment, duties, membership, methods for producing a committee chairman, scope of their authority, and other relevant matters shall be stipulated by the Competent Authority.

Chapter 4: Irrigation Management Organizations and Personnel in Farmland Water Conservancy Activities Areas

- Article 18 The Competent Authority, in order to arrange for irrigation management in farmland water conservancy activities areas, may establish irrigation management organizations within its subordinate agencies, to handle the following matters:
1. Distribution and management of farmland water conservancy water.
 2. Maintenance of orderly use of irrigation water and guidance of water conservancy committee affairs.
 3. Construction, management, improvement, and maintenance of farmland water conservancy facilities.
 4. Disaster prevention and post-disaster response measures for farmland water conservancy facilities.
 5. Personnel management of professional staff in irrigation management organizations (hereafter known as farmland water conservancy personnel).
 6. Management of and revenue earning from assets belonging to the Farmland Water Conservancy Activities Operational Fund.
- Training and advanced study for professional staff in irrigation management organizations as mentioned in the preceding Paragraph shall be handled by a juridical person set up with funding provided by the Competent Authority.
- Regulations governing the establishment of irrigation management organizations as mentioned in Paragraph 1 of this Article, the scope of their authority, and other relevant matters shall be stipulated by the Competent Authority.

- Article 19** For personnel employed by appointment by an Irrigation Association under Article 22 the Act of Irrigation Association Organization prior to the coming into effect of this Act, the Competent Authority shall, after the coming into effect of this Act, continue to employ them as farmland water conservancy personnel; moreover, their positions should at an equivalent grade to the positions they held when originally employed by an Irrigation Association.
- Recruitment and assessment of newly employed farmland water conservancy personnel in irrigation management associations as mentioned in the last Paragraph shall be conducted by the Competent Authority.
- Regulations governing farmland water conservancy personnel, their recruitment and assessment, their hiring, remuneration, starting or leaving of jobs, performance appraisals, incentives or punishments, retirement, dismissal, bereavement compensation, insurance, and other protections of their rights, as well as personnel management, shall be stipulated by the Competent Authority.
- The provisions of the Labor Standards Act do not apply to farmland water conservancy personnel.
- Article 20** For technicians, janitorial staff, contract employees whose hiring has been approved by the Competent Authority, and security personnel hired by an Irrigation Association prior to the coming into effect of this Act, subordinate agencies of the Competent Authority shall, after the coming into effect of this Act, continue to employ them, based on relevant laws and regulations and their original hiring conditions.
- The Labor Standards Act does not apply to contract employees as mentioned in the preceding Paragraph.
- Article 21** The Competent Authority shall invite scholars and experts, local people, and farmers who actually cultivate the land to organize farmland water conservancy consultative councils in each locality; the number of farmers shall not be lower than two-thirds of the council.
- The water conservancy consultative councils as mentioned in the previous Paragraph may provide water supply services, mediation of disputes between farmers, and other relevant consultation services; the members of water conservancy consultative councils shall be unpaid.

Chapter 5: Funding for Farmland Water Conservancy Activities

- Article 22** The Competent Authority shall, in order to handle water conservancy activities and fund the operations of irrigation management organizations as mentioned in Article 18, establish the Farmland Water Conservancy Activities Operational Fund,

whose funding sources shall be as follows:

1. Appropriations through the government budget process.
2. Income from fees collected for applications in farmland water conservancy facilities areas based on Article 12, Paragraph 1, Article 13, Paragraph 1, and Article 14, Paragraph 2, as well as fees collected from users based on the provisions of Article 25.
3. Rental and interest income.
4. Income from disposal or revenue activation of assets.
5. Other income.

The uses of the Operational Fund as mentioned in the preceding Paragraph shall be as follows:

1. Expenditures for the construction, improvement, maintenance, or management of farmland water conservancy activities.
2. Expenditures for matters related to prevention of disasters and post-disaster response measures for farmland water conservancy activities.
3. Personnel costs for staff for farmland water conservancy activities.
4. Expenditures for matters related to the rental or acquisition of land needed for the use of farmland water conservancy facilities belonging originally to an Irrigation Association.
5. Other expenditures related to farmland water conservancy activities.

The Farmland Water Conservancy Activities Operational Fund as mentioned in Paragraph 1 of this Article shall set up individual accounts for each farmland water conservancy activity.

The income listed in the Sub-Paragraphs of Paragraph 1 of this Article shall be exempted from the Business Tax.

- Article 23 Following the reform of the system of Irrigation Associations, their assets and debts shall be summed up and taken over by the state, and shall be incorporated into and managed by the Farmland Water Conservancy Activities Operational Fund set up in accordance with Paragraph 1 of the preceding Article. When assets are transferred to the Farmland Water Conservancy Activities Operational Fund for management as mentioned in the preceding Paragraph, the transfer shall be exempt from all taxes. To finance the costs of farmland water conservancy activities, assets taken over by the state as mentioned in Paragraph 1 of this Article shall be handled in a manner to activate revenue in their use, revenues, or disposition, and are not subject to the restrictions in Article 28, Chapter 4, or Chapter 6 of the National Property Act; regulations governing their revenue activation, fee acceptance, and other relevant matters shall be stipulated by the Competent Authority. Any agency which makes receives appropriations according to law shall arrange compensated appropriations.

Assets as mentioned in Paragraph 1 of this Article shall not be subject to the limitations related to uncompensated appropriation or substitution of public land in the proviso in Article 43, Paragraph 1 of the Land Expropriation Act, in Article 60, Paragraph 1 of the Equalization of Land Rights Act, or in Article 11, Paragraph 2 of the Rural Community Land Readjustment Act.

After reform of the system of Irrigation Associations, in cases where as a result of reorganization of land ownership it is discovered that land originally belonging to an Irrigation Association as registered by the land administration of the relevant municipality, county, or city has the notation "state-owned" in the column for owner, the managing organization shall be a subordinate agency designated by the Competent Authority.

Article 24 To meet the needs of maintaining the operations of farmland water conservancy facilities, the Competent Authority shall appropriate funding in the annual budget to the Farmland Water Conservancy Activities Operational Fund set up on the basis of Article 22, Paragraph 1 of this Act.
The standards for calculating the yearly appropriation mentioned in the preceding Paragraph shall be stipulated by the Competent Authority.

Article 25 In cases where the topography requires the Competent Authority to supply irrigation water through pressurization, the Competent Authority may collect additional fees related to the operation and maintenance of facilities.
The standards for fees as mentioned in the previous Paragraph shall be stipulated by the Competent Authority.

Article 26 The Farmland Water Conservancy Activities Operational Fund shall each year appropriate part of the proceeds from asset disposal for the rental or acquisition of usage rights of land that shall continue to be used as before as stipulated in Article 11, Paragraph 1 of this Act.

Chapter 6: Penalty Provisions

Article 27 Violations of Article 16, Paragraph 1 that endanger public safety are punishable by up to five years imprisonment and a fine of between NT\$100,000 and NT\$500,000.
Violations mentioned in the preceding Paragraph that lead to death for a person or persons are punishable by life imprisonment or imprisonment of seven years or longer and a fine of between NT\$200,000 and NT\$1 million. Violations that lead to serious injury are punishable by three to ten years imprisonment and a fine of between NT\$150,000 and NT\$600,000.

- Article 28** Use of violence, threats, or other illegal methods to compel management personnel to open or close water gates or sluice gates in farmland water conservancy facilities areas is punishable by up to five years imprisonment, detention, or/and a fine of between NT\$60,000 and NT\$300,000.
Violations as mentioned in the preceding Paragraph that endanger public safety are punishable by up to seven years imprisonment and a fine of between NT\$100,000 and NT\$500,000.
In cases in which violations as mentioned in the preceding two paragraphs are committed by groups of people, the punishment shall be increased by half.
An attempt to commit the offense mentioned in Paragraph 1 of this Article shall be punishable.
- Article 29** Violations of Article 14, Paragraph 1, in which persons release non-farmland drainage water without the authorization of the Competent Authority, are punishable by a fine of between NT\$30,000 and NT\$600,000.
The failure of non-farmland drainage water released with authorization as mentioned in Article 14, Paragraph 2 to conform to water quality standards is punishable by a fine of between NT\$3,000 and NT\$30,000.
When the person committing a violation as mentioned in the preceding Paragraph is part of an enterprise announced by the Competent Authority, the act is punishable by a fine of between NT\$3,000 and NT\$600,000.
In any of the situations mentioned in the preceding three Paragraphs, where there are also concerns of a hazard posed to agricultural industries, biosafety, or human health, the maximum fine shall be increased to NT\$20 million.
For cases of offenders penalized based on the preceding four Paragraphs, the Competent Authority may order the offender to improve within a specified time limit; in cases in which improvements have not been completed within the specified time limit, the offender may be punished separately for each additional violation. In serious cases, the drainage water release authorization may be withdrawn.
- Article 30** In any of the following situations, the Competent Authority may impose fines of between NT\$6,000 and NT\$30,000, and may order the offender to improve within a specified time limit; in cases in which improvement has not been completed within the specified time limit, the offender may be punished separately for each additional violation.
1. Violations of Article 8, Paragraph 1, in which farmland water conservancy facilities are altered or demolished without authorization from the Competent Authority or in which alteration or demolition goes beyond the scope of the

authorization.

2. Violations of Article 12, Paragraph 1, in which concurrent use is made without authorization from the Competent Authority.

3. Violations of Article 13, Paragraph 1, in which unauthorized structures are set up within farmland water conservancy facilities areas without the authorization of the Competent Authority.

4. Violations of Article 16, Paragraph 1, for cases of prohibited actions in farmland water conservancy facilities areas.

5. Violations of Article 16, Paragraph 2, in which irrigation water in farmland water conservancy facilities areas is drawn off without the authorization of the Competent Authority.

Article 31 In a situation as mentioned in Article 29, Paragraph 1 or in Sub-Paragraphs 4 or 5 of the preceding Article, if the offense is slight, the offender can first be ordered to improve within a specified time limit, and where improvement has already been completed, the punishment can be reduced or eliminated. The standards for determining whether offenses are slight and for the reduction or elimination of punishments as mentioned in the preceding Paragraph shall be stipulated by the Competent Authority.

Chapter 7: Supplementary Provisions

Article 32 For uses of the following types of land for purposes other than water conservancy activities applied for according to law, the agreement of the Competent Authority shall be secured:

1. Land used for activities of an Irrigation Association prior to the coming into effect of this law and whose land use category is water conservancy land.

2. Land appropriated, purchased at a negotiated price, or expropriated by the Competent Authority according to law and which is provided for use for water conservancy facilities.

3. Land which is announced as being in a farmland water conservancy facilities area based on Article 5, Paragraph 1 of this Act

A detailed inventory of land as mentioned in the previous Paragraph shall be announced by the Competent Authority.

Article 33 The Enforcement Rules for this Act shall be stipulated by the Competent Authority.

Article 34 The date on which this Act comes into effect shall be stipulated by the Executive Yuan.

Starting from the date on which this Act comes into effect, the Act of Irrigation Association Organization shall no longer apply.

Web site : Laws & Regulations Database of The Republic of China