



Article Content

Title : Spatial Planning Act CH
Amended Date : 2020-04-21
Category : Ministry of the Interior (內政部)

Chapter I General Provisions

- Article 1** This Act specifically establishes guidelines concerning measures to be taken to cope with climate change, assure land use safety, conserve the natural environment and cultural assets, promote the reasonable allocation of resources and industries, strengthen land consolidation and management mechanisms, and restore sensitive areas and damaged land in pursuit sustainable development.
- Article 2** The competent authority referred to in this Act shall be the Ministry of the Interior at the national level, the municipality government at the municipality level and the county (city) government at the county (city) level.
- Article 3** The following terms, used in this Act, shall be defined as follows.
- 1.Spatial plan: establishment of spatial development plan to set guidelines for the conservation and utilization of resources on the land and in marine under the jurisdiction of the ROC government, to achieve the sustainable development goal.
 - 2.National spatial plan: a plan established with specific objectives and consistent with relevant policies, concerning the land use throughout the country.
 - 3.Municipality or county (city) spatial plan: a plan established for the development and control of land and marine under the jurisdiction of a municipality or county (city) government.
 - 4.Metropolitan area: an area that consists of one or more central cities as the core and municipalities, counties (cities) and townships (towns, cities and districts) that are socially and economically associated closely with the core.
 - 5.Specific area: an area designated by the central competent authority as having particular natural, economic, cultural significance or other properties.
 - 6.Sectoral spatial development strategy: a development strategy that has been established by the competent authority after consultation with the relevant authorities.
 - 7.Functional zone: demarcation of environmental conservation

zones, marine resource zones, agricultural development zones and urban-rural development zones consistent with the characteristics of land resources to facilitate conservation, utilization and management of the land.

8. Growth management: management policies and measures established to promote land use effectively, ensure sustainable development, improve environmental quality and protect social justice, by taking into account the carrying capacity of the environment, public facility service standards and financial burden, user rights and obligations, and profit-loss balance, to regulate urban-rural development and to define the locations and timelines of future development of various areas.

Article 4 The central competent authority shall be responsible for the following.

1. Establishment, announcement, revision and enforcement of the National spatial plan.
2. Review, approval and supervision of the spatial plan that are established by municipality or county (city) governments.
3. Establishment of functional zone demarcated priorities and principles.
4. Establishment of land use permit systems and regulatory measures for land use control.
5. Issuance of land use permits for environmental conservation zones and marine resource zones, review and approval of permit changes and revocation of permits.
6. Other relevant issues.

The competent authorities of municipalities or counties (cities) shall be responsible for the following.

1. Establishment, announcement, revision and enforcement of municipality, county (city) spatial plans.
2. Demarcation of functional zones.
3. Enforcement of land use control measures and establishment and enforcement of municipality and county (city) land use control measures.
4. Issuance of land use permits for agricultural development zones and urban-rural development zones, review and approval of permit changes, and revocation of permits.
5. Other relevant issues.

Article 5 The central competent authority shall release a spatial planning white paper periodically through regular channels, on the Internet, and through other appropriate channels.

Article 6 The basic spatial planning principles are as follows.

1. Spatial planning shall comply with international conventions and regulations and promote sustainable development.
2. Natural conditions, water resources and climate change shall

be taken into consideration in spatial planning to establish the capacity to prevent disasters on land and facilitate emergency responses.

3.Environmental conservation zones shall be used for conservation purposes and other uses may be prohibited or restricted accordingly.

4.Marine resource zones shall be used with resource sustainability taken into consideration; diverse needs shall be consolidated and priorities of uses shall be established.

5.Agricultural development zones shall be used to ensure food security. Important agricultural production environments and facilities shall be safeguarded and fragmented development shall be avoided.

6.Urban-rural development zones shall be guided toward compact development and placed under growth management to create suitable and harmonious living environments and efficient production environments as well as to provide sufficient public facilities.

7.Metropolitan areas shall be developed in sympathy with regional characteristics and the overall development, whereas cross-region consolidation shall be reinforced to achieve the complementation of resources and strengthen regional functions to improve competitiveness.

8.Specific areas shall be developed in manner that takes into account topography, geomorphology, geographic features and cultural characteristics of the region as well as requirements set forth in other regulations.

9.When spatial planning involves indigenous people's land, the traditional cultures, territories and knowledge of such people shall be respected and preserved, and mechanisms to help achieve mutual benefits and prosperity shall be established.

10.Spatial planning shall be conducted with extensive public participation and informational transparency.

11.Environmental conservation shall be considered in land use and fair and efficient regulatory mechanisms shall be established.

Article 7 The Executive Yuan shall recruit and appoint scholars, specialists, representatives from non-governmental organizations and relevant authorities to form a spatial planning committee to meet and conduct the following.

1.Review and approval of the National spatial plan.

2.Coordination of sectoral plans with the National spatial plan.

The central competent authority shall recruit and appoint scholars, specialists, representatives from non-governmental organizations and relevant authorities to form a spatial planning committee to conduct the following.

1. Review and approval of the National spatial plan drafts and changes.
2. Review and approval of the municipality or county (city) spatial plans.
3. Reconsideration of the municipality or county (city) spatial plans.
4. Review and approval of applications for permits to use environmental conservation zones and marine resource zones, and review and approval of permit changes and revocation of permits
The competent authority of each municipality or county (city) shall recruit and appoint scholars, specialists, representatives from non-governmental organizations and relevant authorities to form a spatial planning committee to conduct the following.
 1. Review and approval of the municipality or county (city) spatial plan drafts and changes.
 2. Review and approval of applications for permits to use agricultural development zones and urban-rural development zones as well as review and approval of permit changes and revocation of permits.

Chapter II Types and Contents of Spatial plans

Article 8 The types of spatial plans are as follows.

1. National spatial plan.
2. Municipality or county (city) spatial plans.

When drawing up the National spatial plan, the central competent authority may consult with relevant authorities in establishing plans for metropolitan areas or specific areas. Municipality or county (city) governments may also jointly work out plan contents for relevant metropolitan areas or specific areas and present these contents for review by the central competent authority for potential inclusion in the National spatial plan. Spatial plans that are established by municipalities or counties (cities) governments may not conflict with the National spatial plan.

National park plans, urban plans and departmental plans that are established by the specific competent authorities may not conflict with the National spatial plan.

Article 9 National spatial plan that is established by the central government shall include the following information.

1. The range and duration of the plan.
2. The objectives of sustainable national land development.
3. Basic surveys and development predictions.
4. Strategies for national spatial development and growth management.
5. Demarcation conditions, demarcation priorities, and land use guidelines for functional zones and sub-zones.

6. Sectoral spatial development strategies.
7. Disaster prevention strategies and climate change adaptation strategies.
8. Principles for demarcation of environmental restoration areas.
9. Undertakings and corresponding responsible agencies.
10. Other related issues.

When the National spatial plan includes contents that concern metropolitan areas or specific areas in accordance with Paragraph 2 of the preceding article, such contents may be presented as attachments.

Article 10 Spatial plans that are established by municipalities or counties (cities) governments shall include the following information.

1. The range and duration of the plan.
2. Instructions set forth in the National spatial plan.
3. Development goals of the municipality or county (city) .
4. Basic surveys and development predictions.
5. The spatial development and growth management plans of the municipality or county (city).
6. Demarcation, adjustment, and land use control principles for functional zones and sub-zones.
7. Sectoral spatial development plans.
8. Climate change adaptation plans.
9. Suggestions for environmental restoration areas.
10. Undertakings and corresponding responsible agencies.
11. Other related issues.

Chapter III Establishment, Announcement, Revision and Implementation of Spatial plans

Article 11 The agencies that are responsible for the establishment, review and approval of the National spatial plan are as follows.

1. National spatial plan: to be established and reviewed by the central competent authority and presented to the Executive Yuan for approval.
2. Municipality or county (city) spatial plans: to be established and reviewed by the competent authority of each municipality or county (city) government and presented to the central competent authority for approval.

If the specific areas in the National spatial plan, as stated in the preceding paragraph, include the land or sea area that belong to indigenous people, then these areas shall be jointly established by the central competent authority and the central competent authority for indigenous peoples in accordance with Article 21 of the Indigenous Peoples' Basic Law.

Article 12 Opinions of scholars, specialists and related non-governmental organizations shall be extensively solicited by holding seminars

or other means in support of the establishment of the National spatial plan.

Each spatial plan shall be publicly exhibited for 30 days and public hearings shall be held before it is presented for review and approval. The dates of the open exhibition and public hearings shall be posted in government gazettes and newspapers as well as on the Internet and publicized through other appropriate channels. Within the public exhibition period, private individuals and groups may present in writing their opinions to the competent authority, indicating their names or titles and addressees. The competent authority shall review such opinions and present them, the results of its review, and the plan, to the Executive Yuan or the central competent authority for decisions.

The process, outcomes, the decisions concerning the opinions from private individuals and groups, and related information of the review, referred to in the preceding paragraph, shall all be posted on the Internet, in government gazettes or publicized through other appropriate channels for public viewing.

Article 13 Once a spatial plan has been approved, the agency that drew up the plan shall publicly announce the implementation thereof within 30 days of receiving the approval document, and it shall also send a copy of the plan to each concerned municipality or county (city) government and township (town, city, district) office, to be publicly exhibited for at least 90 days. At the same time, the outline of the plan shall be published in government gazettes and newspapers as well as on the Internet, and publicized through other appropriate channels. If a municipality or county (city) government fails to make such an announcement, the central competent authority may do so on its behalf.

Article 14 A municipality or county (city) government, having established a spatial plan, may apply for reconsideration of a decision made concerning the plan, by filing such an application before the implementation of the plan is announced, in accordance with the regulations set forth in paragraph of the preceding article. This application may be filed once only. If the original decision is upheld after reconsideration, then the government shall comply with the aforementioned regulations and announce the implementation of the plan.

Article 15 After the National spatial plan has been announced, the competent authorities of municipality or county (city) government shall draw up or revise their spatial plan within the period that has been specified by the central competent authority. However, municipalities or counties (cities)

government that had already announced the implementation of urban plans or national park plans for all their administrative districts may be excluded.

The central competent authority may apply Articles 11 to 13 *mutatis mutandis* and draw up or revise the municipality or county (city) spatial plans for municipalities and counties (cities) that fail to comply with the regulations set forth in the preceding paragraph.

After the implementation of the National spatial plan has been announced, the central competent authority shall revise it every ten years. After the implementation of the municipality or county (city) spatial plan has been announced, the municipality or county (city) competent authority shall revise it every five years. However, under any of the following conditions, the plan may be revised as soon as possible.

1. Damage has occurred as a result of war, an earthquake, a flood, a storm, a fire or any other critical incident.
2. The conservation of resources or prevention of a major disaster is deemed necessary.
3. National defense or important public facilities or a public utility project is deemed necessary.
4. The National spatial plan and the establishment or revision of its contents concerning a metropolitan area or a specific area is deemed necessary.
5. The plan is a municipality or county (city) spatial plan and adjustments are deemed necessary to accommodate the National spatial plan.

The revision of a plan, as described in Subparagraphs 1, 2 and 3 of the preceding paragraph, and related procedures may be simplified. The central competent authority shall establish regulations regarding such simplification.

Article 16 After announcing the implementation of a municipality or county (city) spatial plan, the competent authority of a municipality or county (city) shall notify the local urban planning authority to establish or revise urban plans consistent with the guidelines set forth in the spatial plan.

The central competent authority or the competent authority of the municipality or county (city) may make the urban planning authority responsible for establishment or revision of the urban plan as stated in the preceding paragraph within a given period, or may itself establish or revise urban plans if necessary.

Article 17 In addition to following the guidelines set forth in the spatial plans, the relevant authorities shall also consult the opinions of competent authorities of the same level during the planning stage when establishing sectoral plans that are important and of

scale up to a certain threshold.

When a sectoral plan that is to be executed by the central relevant authority is in conflict with sectoral spatial development strategies or plans of the different level spatial plans, it shall be presented to the central competent authority for coordination by the central competent authority and may be presented to the Executive Yuan for a final decision if such coordination fails.

The central competent authority shall determine the criteria for defining sectoral plans that are important and of scale up to a certain threshold, as stated in Paragraph 1.

Article 18 When competent authorities of various levels need to enter public or private land or buildings to perform investigations or surveys in pursuit of the establishment or revision of spatial plans, the owners, occupants, managers or users of such properties may not refuse. However, to enter land and facilities that are used for national defense purposes, the consent of authorities with jurisdiction over such land and facilities shall be required.

Personnel who enter public or private property for investigation or survey, as stated in the preceding paragraph shall present documentary proof or certificates and notify the owners, occupants, managers or users of the property seven days before entry.

If certain obstacles must be removed or dismantled to conduct an investigation or survey, as referred to in the preceding paragraph, and doing so causes damage to the property of the owners or users, appropriate compensation shall be provided and the amount shall be decided by negotiation.

Article 19 When the competent authority needs to collect, coordinate and consolidate spatial planning information and data concerning environmentally sensitive areas for the establishment of a spatial plan, all relevant authorities shall assist and provide such information and data. The central competent authority shall also survey land cover and monitor land use on a regular basis. The central competent authority shall establish regulations regarding the survey and monitoring , referred to in the preceding paragraph.

Access to the information that is referred to in Paragraph 1 shall be provided in accordance with the Freedom of Government Information Law.

Chapter IV Demarcation of Functional Zone and Land Use Control

Article 20 The demarcation principles that are used in functional zone and sub-zone are as follows.

1.Environmental conservation zones: To be demarcated by natural resources, ecology, landscape, disasters, and the deployment of corresponding disaster prevention facilities, shall be taken into account and areas shall be classified by their degree of environmental sensitivity.

A.Type 1: areas with abundant resources, important habitats, an exceptional landscape or susceptibility to disaster, and with an environment that is highly sensitive.

B.Type 2: areas with abundant resources, important habitats, an exceptional landscape or susceptibility to disaster, and with an environment that is weakly sensitive.

C.Other necessary types.

2.Marine resource zones: to be demarcated by the current states of internal and territorial marine, future developmental requirements, current conservation and utilization of marine resources, traditional use of such resources by indigenous people, and special and other uses, and to be classified according to the needs of the use of marine.

A.Type 1: areas with an exclusive use.

B.Type 2: areas with compatible uses.

C.Other necessary types.

3.Agricultural development zones: to be demarcated by the agricultural production environment, capacity to contribute to food security and quantities of existing agricultural improvement facilities, and to be classified according to the conditions of agricultural production resources therein.

A.Type 1: areas with excellent environments for agricultural production that can contribute to food security or have important agricultural facilities that have been improved.

B.Type 2: areas with decent environments for agricultural production that can contribute to food security and support agricultural diversity.

C.Other necessary types.

4.Urban-rural development zones: to be demarcated by the degree of urbanization and developmental needs, and to be classified according to the level of development.

A.Type 1: areas with higher levels of urbanization and higher concentrations of residential buildings or industrial activities.

B.Type 2: areas with lower levels of urbanization but with a certain concentration of residential buildings or industrial activities.

C.Other necessary types.

New or expansionary urban plans may be approved only if they are located in urban-rural development zones.

- Article 21 The land use principles that are used in functional zone and sub-zone are as follows.
- 1.Environmental conservation zones:
 - A.Type 1: areas where the natural environment is to be protected and other uses are prohibited or restricted.
 - B.Type 2: areas where the natural environment is to be protected as much as possible and conditional uses may be permitted.
 - C.Other necessary types: areas where various degrees of use control are imposed as determined by the characteristics of the environmental resources.
 - 2.Marine resource zones:
 - A.Type 1: areas where public safety and welfare are to be protected or that meet the requirements for conditional exclusive uses, with other uses prohibited or restricted.
 - B.Type 2: areas designated as public access or compatible uses.
 - C.Other necessary types: areas not yet planning or used, where various degrees of use control are imposed as determine by the conditions of the marine resources.
 - 3.Agricultural development zones:
 - A.Type 1: areas to be used for agricultural production and that have production and marketing facilities, with other uses prohibited or restricted.
 - B.Type 2: areas to be used for agricultural production and that have facilities for the development of a related industrial value chain with various degrees of use control imposed according to the characteristics of the industry and other uses prohibited or restricted.
 - C.Other necessary types: areas where various degrees of use control are to be imposed according to the conditions of the agricultural resources.
 - 4.Urban-rural development zones:
 - A.Type 1: areas to be used for a high intensity of residential activities, industrial activities or other urban-rural development activities.
 - B.Type 2: areas to be used for a low intensity of residential activities, industrial activities or other urban-rural development activities.
 - C.Other necessary types: areas where various degrees of use control are to be imposed as determined by prevailing urban-rural development.

- Article 22 nce the implementation of a municipality or county (city) spatial plan has been announced, each competent authority shall act in a manner consistent with the functional zones at various levels and produce corresponding functional zone maps; define the land for designated use and present them to the central competent authority for approval and announcement, and enforce

relevant regulatory measures.

In addition to establishing the functional zone maps, referred to in the preceding paragraph, except for enhancing environmental conservation that allowed to revise occasionally, the competent authorities of municipality or county(city) shall generate such maps within the period specified in the spatial plans, and present them to the central competent authority for approval and announcement.

The central competent authority shall establish regulations to designate the agencies that are responsible for producing the functional zone maps and defining the land for designated use referred to in the two preceding paragraphs, the method of their production, the scales thereof, review and revision procedures, and their announcement.

- Article 23** If lands in other functional zones meet the demarcation principles for environmental conservation zones, then not only will control be imposed according to the land use principles that govern such zones, but also the use of such lands will be prohibited or restricted, as determined by its resources, ecology, landscape, and the characteristics and magnitudes of potential disasters.
- The central competent authority shall establish regulations concerning functional zones, sub-zones and land for designated use; and shall establish regulations concerning converting and scales, the constructible land and building intensity, items, conditions, procedures of land use whose use must be approved only after an application, land use items which do not need an application for approval, prohibited or restricted land use, and land uses to be placed under control. However, areas that are covered by urban plans or national park plans shall be subject to the Urban Planning Law, the National Park Law and related regulations.
- If any of the regulations to be established by the central competent authority, referred to in the preceding paragraph, affect the land or sea area that belongs to indigenous people, then Article 21 of the Indigenous Peoples Basic Law shall apply and the central competent authority shall work with the central competent authority for indigenous peoples to establish such provisions.
- Depending on actual local needs, the competent authorities of municipalities or counties (cities) may act by guidelines that have been set forth in corresponding the National spatial plan to establish control regulations and present them to the central competent authority for approval.
- The land use for national defense, important public facilities

and public utility projects may be approved following application in any functional zone.

Article 24 The land use complying with the principles set forth in Article 21 concerning functional zones and sub-zones, that are special and of scale up to a certain threshold, should apply the permits. The application for permits, shall include the documents and plans that are specified in Article 26. The central competent authority shall establish the criteria for determining the aforementioned area and properties of land use. Applicants who have received land use permits, referred to in the preceding paragraph, may not change the functional zone and sub-zone; land reclamation shall be permissible only in urban-rural development zones and must meet the requirements for coastal and marine spatial planning. Applications for use permits, referred to in Paragraph 1, shall be filed with the competent authority of the relevant municipality or county (city). Land use permit applications that involve environmental conservation zone or marine resource zone shall be forwarded to the central competent authority for review and other types of applications shall be reviewed by the competent authorities of municipalities or counties (cities). However, applications that involve areas that span more than two municipalities or counties (cities); applications for approval to use land for national defense, important public facilities or public utility projects that involve two or more functional zones and therefore concern different competent authorities, and applications that involve land reclamation, shall all be reviewed by the central competent authority. Applications for change of use in a plan that has already been approved by the competent authority shall be processed as specified in Paragraphs 1 and 3. However, these procedures may be simplified if the change applied for is not complicated. All competent authorities shall review land use permit applications according to Article 7 and charge review fees. The central competent authority shall establish the regulations regarding such fee charging. After obtaining permits from the competent authority, except for projects that involve reclamation for which applications are processed according to Article 30, applicants shall start using the land in the specified period. Once the specified period expires, the permit shall become invalid. Land use permits for applicants who do not use the land according to approved plans, violate relevant regulations, fail to make improvements within the specified period or have their plans annulled by the relevant authority of specific purpose, soil and water conservation or environmental protection shall be revoked.

The central competent authority shall establish regulations regarding use permit application procedures, application requirements, review procedures and timelines, conditions for changes to be made to approved land use permits and application procedures, invalidation and revocation of the permits and related matters as referred to in Paragraphs 1 and 3 to 6.

Article 25 Having accepted a land use permit application and confirmed that the application meets the pertinent requirements, the competent authority of a municipality or county (city) shall publicly exhibit for 30 days the submitted documents and plans at the office of the township (town, city, district) that has jurisdiction over the location with which the application is concerned; this competent authority shall also hold public hearings before reviewing the application. However, documents and plans that are submitted with applications to be reviewed by the central competent authority, as specified in Paragraph 3 of the preceding article, shall be publicly exhibited for 30 days and public hearings shall be held after the applications have been confirmed as meeting the corresponding requirements and forwarded to the central competent authority by the competent authorities of the relevant municipalities or counties (cities). The time, location and procedure of each public hearing, referred to in the preceding paragraph, shall be posted on the Internet as well as in government gazettes, newspapers or through other appropriate channels for public access. The owners of the land referred to in the land use permit application shall also be notified in writing unless the public hearing has already been held under other regulations and relevant information has already been posted on the Internet for public access, with the landowners already notified in writing thereof. During the public exhibition period, private individuals and groups may present opinions to the competent authority, providing their names or titles and addresses. The competent authority shall compile such opinions within 30 days of the end of the public exhibition period and present them with the application and submitted documents and plans for review. The central competent authority shall establish the regulations regarding the procedures for the public exhibition and public hearings, referred to in the three preceding paragraphs, as well as the procedure for dealing with opinions from private individuals.

Article 26 Land use permit applications that are filed according to Article 24 shall be submitted with the following documents and plans.

- 1.The application and land use plan.
- 2.Proof of consent of owners of land and buildings inside the

area that is covered by the land use plan, unless the applicant may apply for expropriation of the area or re-demarcation in accordance with the Rural Community Land Readjustment Act.

3. Proof of consent of other competent authorities if such consent is required according to other regulations.

4. Proof of consent from the relevant authority.

5. Other required documents.

When reviewing land use permit applications, the competent authority shall consider the suitability of the land use, the service level of transportation and public facilities, as well as the carrying capacity of the natural environment and manmade facilities. Applications that meet the following requirements shall be approved in accordance with the characteristics of functional zones.

1. Environmental conservation zone and marine resource zone:

Plans ensure environmental protection, natural conservation and disaster prevention and include effective measures to restore that is caused to the ecological environment by the proposed use.

2. Agricultural development zones: The integrity of the agricultural production environment and water resources is maintained and fragmental use or uses likely to affect other agricultural production environments are avoided. If agricultural facilities must be built, they must be related to local agricultural production and management.

3. Urban-rural development zones: Urban growth management, the linkage impact of development trends, public construction timelines, and the completeness of water, power and gas supply telecommunications systems.

The central competent authority shall establish regulations regarding the required contents and formats of documents and plans to be submitted with land use permit applications, referred to in the two preceding paragraphs, and the conditions of their approval.

Article 27 Once a land use permit application has been approved according to the preceding article, the competent authority shall issue the land use permit and publicly exhibit the submitted documents and plans in the offices of the relevant municipality or county (city) governments and townships (towns, cities, districts) for no less than 30 days. At the same time, the competent authority may also publish the outline of the spatial plan in government gazettes, newspapers, on the Internet or through other appropriate channels for public access.

Land for designated use, land use allocation, land use items and the intensity, in the approved land use plan shall be considered as the basis for land use control in the area of concern.

Article 28 The central competent authority shall collect environmental conservation fees from any applicant who receives land use permits to cover expenses related to the environmental conservation. The competent authorities of municipalities and counties (cities) shall also collect impact fees from applicants, which shall be used to improve or construct public facilities. Impact fees may be paid in the form of constructible land inside the areas that are covered by land use permits. After collecting the impact fees stated in the preceding paragraph, the competent authorities of municipalities and counties (cities) shall use these funds in a certain period for the purposes specified in the preceding paragraph. If they fail to do so, applicants may request the competent authorities of municipalities and counties (cities) to return the impact fees. The collection of impact fees, referred to in Paragraph 1, is intended to support the implementation of spatial plans, or similar fees are to be collected under other regulations, then the impact fees may be reduced or not collected. The central competent authority shall establish regulations regarding the collection, the rates, periods in which the funds must be used, usage, reduction and exemption of impact fees and return of impact fees, the payment of impact fees with constructible land, and related matters of environmental conservation fees and impact fees, referred to in the three preceding paragraphs. Each competent authority of municipality or county (city) may set up a fund of the collected impact fees and shall establish regulations with respect to the administration and utilization of the fund.

Article 29 After receiving a land use permit from the competent authority, each applicant shall undertake the following before beginning to use the land according to the approved plan.

1. Delineate areas to be registered as for public facilities and belonging to the municipality or county (city) or township (town, city, district) and transfer the ownership of such areas to the municipality or county (city) government or township (town, city).
2. Pay the environmental conservation fee to the central competent authority and the impact fee to the competent authority of the municipality or county (city).
3. Change the land for designated use according to the land use plan.

Public facilities shall be completed in stages according to the land use plan and must pass inspections before the applicant can obtain use permits for these facilities; the applicant must also register such facilities as the property of the municipality or

county or township (town, city) before the competent authority may issue use permits for buildings in areas that are not for public facilities. However, applicants who have offered to provide services in place public facilities and have obtained the consent of the competent authorities of municipality or county (city) or the building authority, are excluded.

Article 25 of the Land Act shall not apply when an applicant constructs public facilities in the land for public facilities, as stated in the preceding paragraph.

The central competent authority shall establish regulations regarding the procedure to be followed after applicants have been given permission to use the land, the means of operation, the undertakings, public facility items and related matters. If relevant provisions in other regulations apply, then the registration of ownership of the land for public facilities and of the facilities thereon, as stated in Paragraphs 1 and 2, shall be conducted accordingly. If the ownership is to be transferred to the municipality or county (city) or township (town, city), then the applicant may register such transfers by presenting the permission documents that are specified in Article 27. The registering agency need not issue an ownership certificate when processing such a transfer of registration but is required to notify the relevant municipality or county (city) government or township (town, city) office after the registration has been completed.

Article 30 As set forth in Article 24, after applications for land reclamation permits are obtained, applicants shall present their land reclamation engineering plans and pay the bond within the specified period. After the competent authority of the concerned municipality or county (city) has approved the plans and the land reclamation has been completed accordingly, the applicant may proceed with the undertakings specified in Paragraph 1 of the preceding article.

If a land reclamation plan involves national defense or is deemed by the central competent authority as raising public safety issues that are likely to affect municipalities or counties (cities), then the approval of the central competent authority shall be required.

If an application for land reclamation, as stated in Paragraph 1 is not filed, a land use permit that has been obtained under Article 24 shall lose its validity. If a land reclamation plan is rejected or not approved, then the reviewing agency shall ask the central competent authority to revoke the land use permit that was obtained by the applicant under Article 24. The central competent authority shall establish regulations regarding the contents of land reclamation engineering plans,

the formats of documents and plans to be submitted, the application timeline, extensions, bond amount, reduction and exemption, payment, expenditure, return, land reclamation engineering management, and related matters.

Application for land reclamation shall comply with other regulations that include relevant provisions. Otherwise, applications shall be filed according to the timeline specified in Paragraph 1.

Article 31 The provisions in Articles 25 and 27 regarding public exhibition, public hearings and the public announcement shall not apply if the contents of the land use plans involve national secrets or contain information that is designated by other laws and regulations as confidential or restricted.

Article 32 After announcing a functional zone map, the competent authority of each municipality or county (city) shall act according to the regulations set forth in the Act and impose land use control. Besides reparation of existing legal buildings and facilities or buildings and facilities that were built before the implementation of regional plans, or facilities that are not subject to the land use control provisions set forth in Paragraph 2 or 4 of Article 23, no new construction or reconstruction may be conducted. If necessary, the competent authority of the municipality or county (city) may assess the situation and order a change of land use or require that the users of existing legal buildings and facilities to relocate, providing appropriate compensation for costs incurred from relocation. Before ordering a change of land use or relocation, the competent authority of the municipality or county (city) may allow uses that were permitted before the implementation of regional plans, original legal uses, or change the use of such buildings and facilities to that is less against to the purposes.

When changing constructible land to non-constructible land in a spatial plan, the competent authorities of municipalities or counties (cities) shall provide compensation for damage thus incurred.

The central competent authority shall establish regulations regarding compensation referred to in the two preceding paragraphs, and related matters.

Article 33 If the government deems necessary the acquisition of land, buildings or facilities to enforce environmental protection and ecological conservation, then the relevant authorities shall act according to the other law and appropriate funds to purchase or expropriate such properties.

Article 34 If an applicant for a land use permit violates this Act or orders that have been established in accordance with this Act, and the competent authority is negligent in supervision, then citizens or public interest groups whose rights and interests had been violated may present written statements that include detailed descriptions of such negligence to the competent authority. If the competent authority still fails to take necessary action under law within 60 days of receiving such written statements, the said citizens or public interest groups may file with the Administrative Court lawsuits against the competent authority for negligence in the execution of its duty. The Administrative Court may order the defendant, the competent authority, to pay the lawyer's fees, appraisal costs and other litigation expenses of the plaintiffs. The central competent authority shall define the format of the written statement that is referred to in Paragraph 1.

Chapter V Environmental Restoration

Article 35 The relevant authority may demarcate the following areas as environmental restoration areas to carry out restoration works.

- 1.Areas with a high potential for mudslides.
- 2.Areas with severe landslides.
- 3.Areas with severe land subsidence.
- 4.River basins with deteriorating ecological environments or safety hazards.
- 5.Areas where the ecological environment has seriously deteriorated.
- 6.Other areas that exhibit high geological sensitivity or are likely to have a severe impact on environmental conservation.

The central competent authority shall consult with the relevant authorities to establish regulations regarding demarcation, announcement and repeal of environmental restoration areas. The central competent authority shall coordinate relevant authorities to identify the agency responsible for demarcating environmental restoration areas, and shall request the Executive Yuan to identify that agency if the coordination among agencies fails.

Article 36 In principle, environmental restoration areas shall be used for conservation, and development and the installation of any facilities shall be prohibited. The demarcating agency shall establish restoration plans and execute them after they have been approved by the central relevant authority. If such areas include indigenous people's land, then the demarcating agency shall invite indigenous tribal settlements to send representatives to participate in plan establishment and

execution and management.

The restoration plans that are referred to in the preceding paragraph shall be comprehensively reviewed every five years. If changes are deemed necessary, the responsible agency shall request the Executive Yuan to approve such changes. The central competent authority shall define the objectives and contents of the restoration plans, the criteria by which they shall be changed, and conditions for the prohibition and restriction of uses, or the acceptance of compatible uses.

When executing the restoration plans that are referred to in Paragraph 1, the each relevant authority may act under law to purchase or expropriate private land and legal buildings in the area if necessary.

- Article 37 If existing settlements or buildings and facilities in environmental restoration areas are assessed by the central relevant competent authority or the municipality or county (city) government with jurisdiction over the area as having safety hazards, restriction of occupancy or forced relocation may not be imposed unless the immediate danger is expected. If areas are assessed as having safety hazards, referred to in the preceding paragraph, then the central relevant competent authority, municipality or county (city) shall establish appropriate placement plans and complementary measures, and obtain the consent of the residents to build homes that favor ecological sustainability on safe and suitable land to accommodate those residents and assist in their settling, finding employment, schools and retirement homes, and preserving their traditional culture. If necessary, the Executive Yuan shall coordinate and consolidate such undertakings.

Chapter VI Penalty Provisions

- Article 38 Land users who engage in activities of a certain scale or of particular nature that is inconsistent with the principles of functional zone and sub-zone shall be subject to fines of no less than NT\$1 million but no more than NT\$5 million, to be imposed by the competent authority of the municipality or county (city) with jurisdiction over the area.
- Under one of the following circumstances, the competent authority of the municipality or county (city) with jurisdiction over the area shall impose a fine of no less than NT\$300,000 but no more than NT\$1.5 million on the offender.
- 1.Land use up to a certain scale or with a particular purpose that complies with the principles of functional zone and sub-zone without a permit.
 - 2.Land use inconsistent with the land for designated use and allocation, items and intensity in the approved land use plan.

The competent authority of the municipality or county (city) with jurisdiction over the area shall impose a fine of no less than NT\$60,000 but no more than NT\$300,000 on land users who violate the land use control regulation set forth in Paragraph 2 or 4 of Article 23.

The competent authority of the municipality or county (city) with jurisdiction over the area may order land users who have penalized under the regulations set forth in the three preceding paragraphs to apply for a land use change, stop using the land or dismantle buildings thereon to restore the land to its original condition. If the user runs a business on land under land use control, then the competent authority may order the suspension of the business and notify the relevant authority to revoke part or the entire registration of the business.

If a land user fails to comply with an order to apply for land use change, to stop using the land or to dismantle buildings thereon, to restore the land to its original condition or to suspend business operations, then the competent authority may impose a fine according to the regulations set forth in Paragraphs 1 to 3 for each violation and act under relevant regulations in the Administrative Execution Act to cut off water and power supplies, dismantle buildings, or take other measures to restore the land to its original condition; the offender shall be responsible for all expenses incurred.

When the situation that is described in Paragraph 1, Subparagraph 1 of Paragraph 2, or Paragraph 3, occurs, but the offender cannot be located, the competent authority of the municipality or county (city) shall order the users managers and owners of the land or buildings thereon to stop using the facilities or restore the land to its original condition within a given period. If these parties fail to comply, then the competent authority of the municipality or county (city) may take necessary action in accordance with the Administrative Execution Act.

If the land or buildings on such land are government properties, then the managers, after receiving notices to restore the land to its original condition within a given period, may draw up improvement plans and submit them to the competent authority for review, and the order shall no longer apply. However, if a negative impact on public safety is deemed imminent, the managers shall restore the land to the original condition or immediately make improvements.

Article 39 If the situation that is described in Paragraph 1, 2 or 3 of the preceding article` occurs and causes accidents, then the offender shall be subject to a prison term of no more than seven years as well as a fine no more than NT\$5 million. If deaths

happen as a result, then the offender shall be subject to a prison term of no less than five years but no more than 12 years and a fine of no more than NT\$10 million. If the offense causes serious injuries, then the offender shall be subject to a prison term of no less than three years but no more than ten years as well as a fine of no more than NT\$7 million.

Any crops, tools, working materials and machines involved in the offenses that are described in the preceding paragraph shall be confiscated, whether it belongs to the offender or not.

Article 40 Competent authorities of municipalities and counties (cities) shall enhance their land use violation inspections and appropriate a certain percentage of fines imposed under Article 38 to encourage the public to report unlawful land use. The central competent authority shall establish regulations regarding objects, criteria, scope, and related matters of incentives to encourage the public to report unlawful land use, referred to in the preceding paragraph.

Chapter VII Supplementary Provisions

Article 41 The central competent authority shall consult with relevant authorities to define the areas of marine to be placed under the jurisdiction of the competent authorities of municipalities and counties (cities).

The Coast Guard Administration shall provide vehicles and protection when competent authorities of different levels investigate and collect evidence concerning violations of this Act in the marine under their jurisdiction.

Article 42 The central competent authority shall establish the definition of important public facilities or public utility projects that are referred to in Subparagraph 3 of Paragraph 3 of Article 15 and Paragraph 5 of Article 23.

Article 43 The government shall consolidate the resources of national spatial research institutions; promote national spatial planning research, and designate a central-level judicial person or institution for national spatial planning research projects if necessary.

Article 44 The central competent authority shall set up the Sustainable Development Fund. The sources of the fund shall include the following.

- 1.Environmental conservation fees that are collected from applicants for land use permits.
- 2.Funds that have been appropriated by the government according to the budgeting procedure.
- 3.A percentage of fees that are collected by the Taiwan Water

Corporation.

4.A percentage of fees that are collected by the Taiwan Power Company.

5.A percentage of fines that are imposed for violations of this Act.

6.Private donations.

7.Accrued interest from the fund.

8.Other income.

Starting on the day when this Act goes into effect, the central competent authority shall set up an annual budget to be appropriated from the government, as stated in Subparagraph 2 of the preceding paragraph, based on the results of a review of, and changes to, the spatial plan review. The total amount to be appropriated in the ten years after this Act goes into effect shall not be less than NT\$50 billion. Funds will be obtained from the sources referred to in Subparagraphs 3 and 4 in the 11th year after this Act takes effect. The central competent authority shall establish regulations regarding the items of addition fees to be collected, the calculation of the certain percentages, time of payment, duration and procedures, and related matters under Subparagraphs 3 to 5 of this Article. The Sustainable Development Fund shall be utilized for the following purposes.

1.Payment of compensation under this Act.

2.Spatial planning research and surveys, and land use monitoring.

3.Provision of subsidies from the source of funds stated in Subparagraph 5 of Paragraph 1 for use by the competent authorities of municipalities and counties (cities) in investigating violations and encouraging the public to report unlawful land use.

4.Expenses needed for other environmental conservation undertakings.

Article 45 The central competent authority shall announce the National spatial plan within two years after this Act takes effect. The competent authorities of municipalities and counties (cities) shall announce the implementation of municipality and county (city) spatial plans on the date specified by the central competent authority within three years after the announcement of the implementation of the National spatial plans; they will also publicly post the functional zone maps on the date specified by the central competent authority within four years after the announcement of the implementation of municipality and county (city) spatialplans. The Regional Planning Act shall cease to apply on the day the

competent authorities of municipalities and counties (cities) publicly post the functional zone maps.

Article 46 The central competent authority shall establish rules for the enforcement of this Act.

Article 47 The Executive Yuan shall determine the effective date of this Act within one year after this Act is promulgated.
The amendments to this Act shall come into force from the date of promulgation.

Web site : Laws & Regulations Database of The Republic of China (Taiwan)