

# **The Enforcement Disposal Program for National Non-Public Use Land**

## **I. Program Objective**

In 2010, the Control Yuan reported that the Ministry of Finance and its subordinate, the National Property Administration (formerly known as the National Property Administration, hereinafter referred to as the NPA), have failed in their administration of national non-public use lands for a prolonged period of time, and have low performance in the clean-up and disposal of occupied national non-public use lands. In response, the Ministry of Finance approved “The Program for the Enforcement of the Disposal of Occupied National Non-Public Use Land” on October 21, 2010, with a yearly plan set forth by the NPA to comprehensively investigate occupied lands, starting with lands of large area, high value, or of importance to national security. The target is to tackle 10% of occupied lands each year, with each regional branch and office selecting the top 50 cases in land area and value within its jurisdiction as the priority targets.

Over the past years, the NPA has spared no effort to dispose of the occupied national lands and has taken over buildings and land delivered by other competent authorities and accepted to offset inheritance tax. Although the NPA has achieved its yearly target to dispose of 10% of occupied lands, there remains a huge volume of occupied real estate. With the NPA’s limited human resources and funds, it is not possible to dispose of all targets within a short time frame. In an effort to strengthen the performance in clean-up and disposal of the national non-public use lands, the present Program is established to increase the volume of occupied real estate checked and disposed of each year and retrieve the lands as soon as possible.

## **II. Implementation**

### **A. Sub-project for clean-up checks:**

1. The NPA will commission private surveyors to conduct clean-up checks utilizing relevant illustrations and information (e.g., National Land Information and Illustration Service Platform, aerial photograph or satellite images and such information and data) to compare and clarify the borders. To improve checking efficiency, the NPA uses volunteers and alternative military servicemen to assist in the checking of national non-public use lands and the routine inspection of their conditions.
2. The clean-up check of a total of 246,514 cases of occupied lands and 776 occupied buildings are expected to be completed from 2014 to 2019. The actual number of checked cases for each year is subject to the available budget passed by the Legislative Yuan. Priority targets include the following occupied lands:
  - i. Lands of high value or large area.
  - ii. Lands affecting soil and water conservation, national land security, or ecological sensitivity or landscaping maintenance & upkeep (such as plots of land in forest areas, national parks, river zones, hilly land, coastal areas, serious land subsidence areas, national scenic areas, forest recreation areas, or reservoir catchment zones).
  - iii. Other occupied plots of land that call for preferential clean-up checks due to coordinated programs.

### **B. Sub-projects of disposal:**

1. Pursuant to the "Guiding Fundamentals for Government Agencies to Dispose of Occupied National Non-Public Use Real Estate," an occupant within the specified time limit who duly obtains the statutory right to use the occupied land according to relevant laws and regulations or vacates and returns the occupied national land real estate, may

be subject to charges of reimbursement for years of use and unjust enrichment under the Civil Code. In concert with the local government authorities, police authorities and competent authorities in charge of the relevant industry, the NPA shall exercise government and public authority in the checks to remove unlawful occupation. In order to enhance the disposal of occupied national lands and improve management both systematically and technically, the NPA will conduct regular patrols, continue to promote the concept of law abidance to the public, and work to quickly amend relevant laws and regulations.

2. The disposal of a total of 270,000 cases of occupied lands and 776 occupied buildings are expected to be completed from 2014 to 2019, with regional branches and offices selecting the top 50 cases in land area and value (based on current land value) within its jurisdiction as the priority targets. The actual number of disposed cases for each year is subject to the available budget passed by the Legislative Yuan. After the occupied national land is successfully retrieved, land plots involved in national land security, ecological sensitivity and scenic protection shall be transferred to the appropriate competent authority for management. Other land plots retrieved from occupation shall be activated in various ways (improvement & utilization, consigned operation, and green beautification) to maximize benefits.

### III. Expected Benefits

#### A. Quantitative benefits:

1. It is expected that the clean-up checks of more than 240,000 cases of occupied land and 776 occupied buildings will be completed, as well as the disposal and retrieval of 270,000 cases and 776 buildings.
2. Reimbursement of approximately NT\$6.4 billion is expected to be collected.
3. By means of lease, lease through open tender and consigned operation as well as such multiple channels of use, approximately NT\$10.2 billion in rent and royalties is expected.

#### B. Non-quantitative benefits:

1. Make good use of all resources, accelerate the clean-up checks of all national non-public use real estate, fully understand land and building conditions, clarify property cadastration, and implement sound management.
2. Occupied lands involving national land security, ecological sensitivity and scenic protection are priority targets for retrieval. To carry out the policy of national land preservation, the retrieved lands are then handed over to the appropriate competent authority for sound management and maximum benefits.
3. The central and local governments work together to remove occupiers, curb unlawful occupation, carry out principles of fairness and justice, and create better urban and natural environments.