

# **Regulations Governing Land Acquisition by Foreigners for Investments in Major National Infrastructure Projects, Overall Economic Development, or Agricultural and Animal Husbandry Industries**

Promulgated by Order Tai-Ni No. 0910082180 of the Executive Yuan on 27 February, 2002

**Article 1** These Regulations are established in accordance with the provisions specified in Paragraph 2, Article 19 of the Land Law (hereinafter referred to as “the Law”).

**Article 2** Investments in major infrastructure projects, overall economic development, or agricultural and animal husbandry industries mentioned in Item 8, Paragraph 1, Article 19 of the Law refer to:

1. Investment in major infrastructure projects means investment in projects approved by the central government authorities concerned or reported to Executive Yuan for approval.
2. Investment in overall economic development means investments as listed below:
  - (1) Development of tourist hotels, entertainment and tourist facilities, sport centers or stadiums.
  - (2) Residences and buildings.
  - (3) Industrial plants or factories.
  - (4) Development of industrial zones, business and industry complexes, high-technology scientific parks and other special zones.
  - (5) Tidal land.
  - (6) Public infrastructure construction.
  - (7) Development of new cities/towns and new communities, or urban renovation.
  - (8) Other permissible investments announced by the central government authorities concerned.
3. Investment in agricultural and animal husbandry industries means investments that comply with the categories and criteria of technical intensive and capital-intensive agriculture specified and announced by the Council of Agriculture (COA), Executive Yuan.

**Article 3** Foreigners acquiring land in compliance with Item 8, Paragraph 1, Article 19 of the Law shall file a land acquisition application with the following required documents required to the competent central government authorities:

1. Identity documents of the applicants; in case of foreign corporate body, the corporate license documents shall be required.
2. Investment proposals.
3. Transcripts of land registration and cadastral maps; in case of land for urban planning, the certificate of land zoning for urban planning shall be submitted; in case of farmland, the

certificate of farmland for agricultural purpose or certification of compliance with restrictions of land use.

4. Reciprocal treaty/agreement documents that are notarized by the ROC embassies, consulates, representative offices or other agencies authorized by the Ministry of Foreign Affairs (MOFA), Taiwan, ROC. This requirement may be waived for applicants from the countries listed in the List of Reciprocal Nations for Foreigners Acquiring Land in Taiwan, ROC.
5. Other relevant documents.

Presentation of the required documents listed in the previous paragraph may be waived if the documents are submitted together with investment proposals or have already been filed.

**Article 4** The license documents required in Item 1, Paragraph 1, of the preceding Article 3 means the licenses that are issued to the foreign corporate body in accordance with the laws of the Republic of China.

**Article 5** The investment proposal referred to in Item 2, Paragraph 1, of Article 3, shall explicitly state the name of the project, land location and requirements as specified by the competent central government authorities.

**Article 6** Reciprocal documents mentioned in Item 4, Paragraph 1, of Article 3 mean the documents issued by the authorities of the applicant's home country stating that the ROC nationals are entitled to enjoy the same rights and interests in these countries. If regulations governing foreigners' acquisition of land rights are formulated by an individual territory administration in the applicant's country, these documents should be documents stating that the ROC nationals are entitled to enjoy the same rights and interests in the said territory administration.

**Article 7** When an investment project by an alien in accordance with Article 3 involves two or more competent central government authorities, the applicant shall submit the application to the one competent central government authorities most closely related to the main project. In case the competent central government authorities fail to determine the nature of the project, the Executive Yuan may designate one competent authority for the project.

**Article 8** The competent central government authority may consult with relevant agencies when reviewing the applications, and invite the applicant to be present for consultation.

**Article 9** The competent central government authority shall notify the applicant of the approval by written confirmation and send a copy of the confirmation to the Special Municipality or County / City Government. If the application is rejected, the central government authority shall state the reasons and notify the applicant in writing.

The content of written approvals shall include:

1. The application duly approved shall be processed in accordance with Paragraph 1, Article 20 of the Law.
2. The exploitation of land involving the assessment of environmental impact, water

conservation, land zoning and alteration of land use and land exploitation shall be made in accordance with laws and regulations relating to individual projects

**Article 10** The format of the application specified in the Regulations shall be determined by the Land Administration Authority of the Central Government.

**Article 11** The Regulations shall come into force on the date of their promulgation.