

The Regulations for Non-urban Land Utilization Control

(Promulgated by the Ministry of Interior, March 30, 1976;
Amended, June 15, 2004)

The Regulations for Non-urban Land Utilization

Control

(Promulgated by the Ministry of Interior, March 30, 1976;
Amended, June 15, 2004)

Chapter I. General Principles

Article 1: These Regulations are enacted according to Paragraph 1 of Article 15 of the Regional Planning Act.

Article 2: Non-urban land may be designated as: special agricultural zone, general agricultural zone, industrial zone, village, forest, slope conservation zone, scenic zone, national park, river, specific use zone, etc.

Article 3: Non-urban land shall be assigned, according to the nature of its designated zone, with one of the following use categories: grade A construction land, grade B construction land, grade C construction land, Grade D construction land, land for cultivation or raising livestock, forestry land, fishery land, salt industry land, mining industry land, kiln land, transportation land, water conservancy land, recreation land, land reserved for historical interest, land reserved for natural interest, conservation land, cemetery land, land for specific enterprises, etc.

Article 4: The utilization of non-urban land, except that designated for national parks and thus regulated by the national park authorities, shall be controlled according to its assigned category and regulated by the provisions of the Regulations.

Article 5: After the designation of its zone and the assignment of use category, the land use of non-urban Land shall be regulated by the Municipal Government or the county (city) government, and inspected from time to time by the Village (Township, City,

District) Office of the locality. In case there is any violation of land use control, the Office should report to the Municipal Government or the county (city) government for treatment.

The Village (Township, City, District) Office should appoint staff responsible for undertaking the mentioned inspection.

In order to treat the violation of land use control referred to in Paragraph one, the Municipal Government or the county (city) government shall set up an enforcement team for regular inspection.

The enforcement team of the Municipal Government or the county (city) government, referred to in the preceding paragraph, may request the authority in charge of the business to regularly inspect whether the land is used according to the plan originally approved.

Chapter II. Permitted Use, Building Coverage Ratio and Floor Area Ratio

Article 6: After the designation of use zone and the assignment of use category, any non-urban land shall be used according to its permitted use types and sub-types. But any temporary facilities, identified by the central authority in charge of the business as needed by any important construction program, may be permitted for temporary use if approved by the authority and other government authorities concerned. Upon approval, the central authority in charge of the business shall request the Municipal Government or the county (city) government to notify land offices to note the permitted temporary use and the time limit for such use into the description section of the register. The central authority in charge of the business and the Municipal Government or the county (city) government shall assume the responsibility to ensure that the temporary use is indeed in accord with the approved plan and is demolished according to the time limit and restored to its original form.

If the permitted use and temporary facilities, referred to in the preceding paragraph, are forbidden or restricted by other laws, the provisions of those other laws should be complied with.

See [Attachment One](#) for the permitted use types, sub-types and conditions for each use category.

The Implementation Rules of Non-urban Land Permitted Use shall be enacted by the Ministry of the Interior.

In order to process permitted use cases, the authority in charge of the business may enact the Operation Rules according to actual needs.

Article 6-1: The application for use, which has to be approved according to the provisions of Attachment one of Paragraph three of the preceding article, shall be filed to the authority in charge of the business for approval with the submission of the following documents:

1. Application form for permitted use of Non-urban Land (see [Attachment five](#))
2. Use plan.
3. Copies of land register and cadastral map.
4. Agreement to apply for permitted use.
5. Maps of the layout of land use and location.
6. Other related documents.

The documents referred to in Sub-paragraph three of the preceding paragraph may be exempted from submission if they can be processed by computer.

The documents referred to in Sub-paragraph four of Paragraph one may be exempted from submission if the applicant is the land owner.

If the authority in charge of the business provides a different application form from that referred to in Sub-paragraph one of Paragraph one, the provisions of the authority should be complied with.

Article 7: Any land located in a forest zone, slope conservation zone or scenic zone of slope area shall be subject to the control of forestry land before its assignment of any use category.

Article 8: After the assignment of use category any original use or building which is not in conformity with the provisions of its designated zone may carry on with its original use before the government instructs it to change its use or to demolish the building. The original building shall not be extended or rebuilt unless for renovation.

If any land or building referred to in the preceding paragraph greatly obstructs

public security, hygiene or welfare, the competent Municipal Government or the county (city) government shall instruct it to be changed or terminated, removed, demolished or rebuilt. Any damage incurred shall be appropriately compensated.

Article 9: The building coverage ratio and floor area ratio of non-urban land shall not exceed the following provisions. But the Municipal Government or the county (city) government may, in view of actual need, reduce these after deliberation and report to the Ministry of the Interior for record:

1. Grade A construction land: building coverage ratio 60%, floor area ratio 240%.
2. Grade B construction land: building coverage ratio 60%, floor area ratio 240%.
3. Grade C construction land: building coverage ratio 40%, floor area ratio 120%.
4. Grade D construction land: building coverage ratio 70%, floor area ratio 300%.
5. Kiln land: building coverage ratio 60%, floor area ratio 120%.
6. Transportation land: building coverage ratio 40%, floor area ratio 120%.
7. Recreation land: building coverage ratio 40%, floor area ratio 120%.
8. Cemetery land: building coverage ratio 40%, floor area ratio 120%.
9. Land for specific enterprises: building coverage ratio 60%, floor area ratio 180%.

If a specific use zone is drawn up for a business-industrial park according to the land use plan approved by the regional planning authorities, the building coverage ratio and floor area ratio of any construction site inside it, which is assigned as land for specific enterprises, shall be subject to the control of the plan, instead of following Sub-paragraph nine of the preceding paragraph.

If the building coverage ratios and floor area ratios in any land use plan approved by the competent authorities are lower than the provisions of Paragraph one, the control shall be subject to the approved plan.

The building coverage ratios and floor area ratios for use categories other than Paragraph one shall be jointly prescribed by the following central authority in charge of the business and the authorities in charge of construction administration and land administration:

1. Central authority in charge of land classified as cultivation, raising livestock, forestry, ecology conservation, territory conservation and security: the Council of Agriculture, Executive Yuan.
2. Central authority in charge of land classified as fishery: the Bureau of Fisheries, Council of Agriculture, Executive Yuan.

3. Central authority in charge of land classified as salt industry, mining industry and water conservancy: the Ministry of Economic Affairs.
4. Central authority in charge of land reserved for historical interest: the Ministry of the Interior.

Chapter III. Changes of Land Use Zone

Article 10: After the designation of use zone, if any non-urban land has to have its use zone changed due to an application for development, according to the provisions of regional planning, the matter has to be dealt with according to the provisions of the Regulations unless the Act of Upgrading Industries provides to the contrary.

Article 11: Changes of use zone shall be applied to any application of non-urban land to be developed as a village, industrial zone, or specific zone reaching the following scale:

1. Any application for the development of a community reaching 50 households or for a land area more than one hectare shall be changed to a village zone.
2. Any application for the development of industrial use reaching a land area of 10 hectares shall be changed to an industrial zone.
3. Any application for the development of entertainment facilities reaching a land area of five hectares shall be changed to a specific use zone.
4. Any application for the development of a school reaching a land area of 10 hectares shall be changed to a specific use zone.
5. Any application for the development of a golf course reaching a land area of 10 hectares shall be changed to a specific use zone.
6. Any application for the development of a cemetery reaching a land area of five hectares shall be changed to a specific use zone.
7. Any application for the development of other specific enterprises or which cannot be classified as an industrial zone, village zone or scenic zone which reaches a land area of two hectares shall be changed to a specific use zone.

If the changes of use zone, referred to in the preceding paragraph, involve a minimum scale required for development as provided by the provisions of other laws and ordinances, the application shall comply with the provisions of other laws and ordinances.

Article 12: In order to implement regional planning, the government of each tier may draft a scenic zone for those important scenic spots and resorts listed in the regional

plan, and apply for a change to scenic zones according to the procedure provided by the Regulations. The land area shall be more than 25 hectares in principle except for offshore islands.

Article 13: If changes of use zone are required for the development of non-urban land, the applicant shall draw up a development plan and map furnished with related documents, according to the provisions of related examination rules, and apply to the Municipal Government or the county (city) government according to the following procedure:

1. To apply for development permits.
2. To apply for a miscellaneous license.
3. To apply for changes of designated zones and assigned categories.

If permits to develop and to construct reclaiming land have been applied for tidal land according to the provisions of other laws and ordinances, the process prescribed by the provisions of Sub-paragraphs one and two of the preceding paragraph shall be exempted.

Article 14: After receiving the application according to the provisions of the preceding article, the Municipal Government or the county (city) government shall examine the development plan and map and basic data besides consulting with related units, depending on the use of the development plan, for their opinions so as to make concrete initial views. Then the application, together with related plan and map, shall be forwarded to the regional planning committee, through the competent regional planning authorities, for examination according to the provisions of the regional planning and related examination rules and construction laws and ordinances.

The regional planning authorities shall issue development permits and notify the applicant and the Municipal Government or the county (city) government wherein the land is situated after the application referred to in the preceding paragraph has been approved by the regional planning committee.

Article 15: If it is required to have the designated use zone of any non-urban land changed for development, the applicant may submit a development plan to apply for a permit, according to the provisions of related examination rules, when he applies for a development permit; or he may only apply for a permit to change the designated use zone of the development plan first, and then apply for a permit by submitting a plan to change

the use category of the land within the time limit approved by the competent regional planning authorities.

Article 16: If the applicant applies only for a permit to change the designated use zone of the development plan, according to the provisions of the preceding article, he shall apply to the Municipal Government or the county (city) government for a permit by submitting a plan to change the use category of the land within the time limit approved by the competent regional planning authorities. If the application for a permit is not duly filed within this time limit, the permit to change the designated use zone, originally approved by the regional planning examination committee, becomes invalid.

After the plan to change the designated use zone, referred to in the preceding paragraph, is examined by the Municipal Government or the county (city) government based on its documents and is approved by the regional planning examination committee, the competent regional planning authorities shall issue a development permit and notify the applicant and the Municipal Government or the county (city) government wherein the land is situated.

Article 17: The applicant applying to develop land, according to the provisions of Article 15, shall comply with the provisions of laws and regulations in relation to each target enterprise if such provisions provide differently, or if an environmental impact analysis shall be undertaken or if water and soil conservation works shall be implemented according to the provisions of related laws and regulations.

The competent authorities of each target enterprise, of the environmental impact analysis, of water and soil conservation, referred to in the preceding paragraph, or the regional planning authorities may jointly undertake the examination. See [Attachments Two and Two-One](#) for the examination process.

Article 18: If non-urban land is applied to be developed into comprehensive land use, the competent regional planning authorities shall decide, according to the nature of the land use, which authority is in charge of its business.

The comprehensive land use referred to in the preceding paragraph shall denote a change of multiple types of use zone or any development of many land uses.

Article 19: When the applicant applies for a development permit according to the provisions of Sub-paragraph one of Paragraph one of Article 13, he shall sign an agreement with the Municipal Government or the county (city) government wherein the

land is situated according to the content of the plan approved by the regional planning examination committee, or according to the provisions of the related laws and regulations of each target enterprise, if the approved plan or the related laws and regulations so provide.

The agreement referred to in the preceding paragraph shall be notarized by a court before the competent regional planning authorities issue development permits.

Article 20: After the competent regional planning authorities issue development permits, the Municipal Government or the county (city) government shall publicly announce the content of the development permits at the Municipal Government or the county (city) government or the Village (Township, City, District) Office for 30 days.

Article 21: The Municipal Government or the county (city) government shall report to the competent regional planning authorities to abrogate the original development permits, and then notify the applicant, with a duplicate copy to the competent regional planning authorities, if one of the following conditions applies to the applicant:

1. The application for miscellaneous certificates is not duly filed within the time limit after the issue of development permits.
2. In case there is any violation of the laws and regulations of the approved land use plan, target enterprise, environmental impact analysis or of the water and soil conservation related laws and regulations, and without showing any improvement after the competent authorities address the said matter and request an improvement within a prescribed time limit.

Once the development permit is abrogated, according to the preceding paragraph, the Municipal Government or the county (city) government shall act according to the provisions of Paragraph two of Article 37 if the registration of change of designated use zone and the land concerned have been completed.

Article 22: If the applicant changes the development plan after the competent regional planning authorities have issued the development permit, he shall act according to the provisions of Articles 13 to 20. But if the change of development permit conforms to the following conditions, the competent regional planning authorities may depute the Municipal Government or the county (city) government to examine the matters related to the permit.

1. There is no extension to the area of the building site and lot numbers.
2. There is no increase of land use intensity and no change of the nature of land use.
3. There is no change to the major infrastructures and public facilities originally permitted for development.

If the applicant changes the slope land development plan, which was exempted from examination for approval by the competent regional planning authorities before the Regulations amended on July 1, 2004, the competent regional planning authorities may authorize the Municipal Government or the county (city) government to examine the issue of the permit.

Article 23: The applicant shall apply either for miscellaneous certificates or for the permit to proceed with water and soil conservation works within one year from receiving the notification of the development permit, in order to undertake miscellaneous works for soil preparation, drainage and public facilities. He shall also apply for use licenses after the completion of miscellaneous construction. After passing the examination of the Municipal Government or the county (city) government, the applicant shall transfer the related public facilities to the competent Municipal Government or the county (city) government or the Village (Township, City, District) Office before he may apply for a change of designated zone and assigned use category. If the applicant fails to apply for miscellaneous certificates or permits for water and soil conservation works within the time limit due to other causes, he may apply for an extension by stating the reasons. The period of each extension shall not be more than one year and the application for extension shall be limited to no more than twice.

The items for examination of the miscellaneous works and the related forms, maps and documents for application referred to in the preceding paragraph shall be prescribed by the Ministry of the Interior.

Article 24: If the contents of miscellaneous works have been identified by the Municipal Government or the county (city) government as being not a hindrance to water and soil conservation, or the miscellaneous works shall be jointly constructed with the buildings, the application for miscellaneous certificates may be jointly filed with the application for construction certificates, and the applicant may apply for changes of registrations of designated use zone and assigned use categories in advance.

Article 25: The related public facilities of permitted non-urban land development

shall be constructed according to the contents of the development plan, and subdivided for the registration of transfer of ownership to the competent Municipal Government or the county (city) government or the Village (Township, City).

If due to the provisions of the preceding article, the related public facilities, referred to in the preceding paragraph, cannot be completed before applying for a change of registration of designated zone and assigned use category, the developer may apply for the change of registration in advance after he submits a recognizance with guarantee money, if the Municipal Government or the county (city) government agrees. But the construction of related public facilities shall be completed before the application of use certificates and shall be approved to be up to standard by the Municipal Government or the county (city) government after examination.

If the registration of transfer of ownership, referred to in Paragraph one, is to a Village (Township, City), the Village (Township, City) Office shall assign its staff to jointly examine.

Article 26: If the applicant shall, according to the provisions of related regulations, construct public facilities, pay the development effect charge, donate land or hand over money in lieu of land or feedback contribution, when he applies for non-urban land development, he shall subdivide the donated land and public facility land first for the registration of transfer of ownership, and pay development effect charge, money in lieu of land or feedback contribution, then the Municipal Government or the county (city) government shall change the registration of designated zone and assigned use category, and request land offices to note this on the description section of the register with the approved use items of the enterprise plan.

Chapter IV. Changes of Use Category of Land

Article 27: The application for conversion of assigned category of land shall be limited to the permitted categories of its originally designated use zone except to undertake changes of designated use zone and assigned category according to the provisions of Chapter III.

The principle for changes of assigned categories permitted for the designated use zone, referred to in the preceding paragraph, shall be undertaken according to the

provisions of [Attachment III](#), unless the Regulations provide to the contrary.

The Implementation Rules of Non-urban Land Converted Use shall be enacted by the Ministry of the Interior.

Article 28: To apply for the change of assigned use category, the following documents shall be submitted to the Municipal Government or the county (city) government wherein the land is situated for approval and tariffs shall be paid accordingly:

1. Application form for changing the assigned use category of non-urban land (See [Attachment Four](#)) .
2. Approval documents for the enterprise plan.
3. Agreement to apply for changing the assigned use category.
4. Copies of land registers and cadastral maps.
5. Land use plan and location map.
6. Other relevant documents.

The documents, referred to in Sub-paragraph four of the preceding paragraph, may not be submitted if they are able to be duly processed by computer.

The following applications are exempted from the submission of the documents referred to in Sub-paragraphs two and five of Paragraph one:

1. The land is odd or narrow and small which conforms to the provisions of Article 35, Sub-paragraphs one and two of Paragraph one of Article 35-1.
2. A notice to demolish, issued by the authorities applying for compulsory purchase, is submitted according to the provisions of Articles 38 and 40, or use certificates of buildings are submitted according to the provisions of Article 39.
3. It conforms to the provisions of Article 38-1.
4. Any application of land located in a village zone is to be changed to Grade B construction land.
5. Any application of land is to be changed to land for cultivation or raising livestock or forest land.

If the application conforms to the provisions of Sub-paragraph three of Paragraph one of Article 35-1, the documents referred to in Sub-paragraph two of Paragraph one shall be exempted.

If the applicant is the landowner, the documents referred to in Sub-paragraph three of Paragraph one shall be exempted.

If the enterprise plan meets the situation referred to in Paragraphs two and three of Article 30, the permits issued by the competent regional planning authorities shall be submitted. If the land applied for development is located in a slope land area and its area is less than 10 hectares, a document to prove its construction area being exempted from restriction shall be submitted.

Article 29: If the applicant shall pay feedback contribution according to the provisions of laws, the Municipal Government or the county (city) government shall notify the applicant to pay when it approves the change of assigned use category. The Municipal Government or the county (city) government shall request land offices to change the registration of assignment after the applicant has paid.

Article 30: The applicant shall draw up a enterprise plan when he applies for the conversion of assigned category of non-urban land.

If a conversion of its assigned category has to be carried out, as provided by Article 11 or Article 12, to any enterprise plan referred to in the preceding paragraph, it shall be dealt with according to the procedure, provided by Chapter III, and the end result following examination.

The provisions of Chapter III relating to the procedures for conversion of use category shall, *mutatis mutandis*, apply to the application for a conversion of use category within the original use zone for the enterprise plan referred to in Paragraph one, or shall apply to any conversion of a development plan which will reach a scale large enough to influence the purpose of the original designation of use zone as provided by Article 11, unless there is no need to carry out any conversion of use category.

The enterprise plan referred to in Paragraph one shall be reported to the authority of the Municipal Government or the county (city) government which is in charge of the business for approval, unless the conditions referred to in the previous two paragraphs apply. The mentioned authority has to request the opinion of the authority which is in charge of the business before conversion and other government authorities concerned for consent before approval. But if the application shall be filed to the central authority in charge of the business or the consent of the central authority shall be sought after, according to the provisions of regulations, it shall be so dealt with. In order to examine the enterprise plans, the authority in charge of the business after conversion may, in view of actual need, draw up the Operational Rules for Examination.

When the applicant applies for the conversion of use category based on the enterprise plan approved by the authority in charge of the business referred to in the preceding paragraph, the Municipal Government or the county (city) government shall request the land offices to effect the change of registration and to note the approved use items of the enterprise plan on the description section of the register upon the approval.

When the applicant applies for a change of the enterprise plan according to Paragraph three or Paragraph four, the Municipal Government or the county (city) government shall deal with the matter according to the provisions of Article 26 or request the land offices to note the approved use items of the enterprise plan on the description section of the register.

Article 31: After the competent authorities in charge of industry issue the certificate of industrial land according to the provisions of Article 53 of the Act of Upgrading Industries, or the Ministry of Economic Affairs issues any proving documents according to the provisions of Paragraph five of Article 70-2 of the same Act, then non-urban land, which is adjacent to Grade D construction land or adjacent to land located in any designated industrial zone of an urban plan, may be converted to Grade D construction land, but no more than needed, if any one of the following conditions applies or where the supply of land located in such a designated industrial zone in practice fails to meet market demand:

1. Facilities are to be set up to prevent pollution.
2. Necessary roads are to be opened up, or widened.
3. Operations are to be expanded of industrial undertakings identified by the Ministry of Economic Affairs as causing little pollution.
4. Headquarters of enterprises are to be expanded.

For the situation referred to in Sub-paragraph three of the preceding paragraph, the founders of the undertakings shall plan to convert 10% of the total area concerned for green land, and apply for the conversion of the assigned use category to conservation land, and pay feedback contribution according to the related provisions of the Act of Upgrading Industries and the Agriculture Development Act, then the remaining land can be converted to Grade D construction land °

Those founders who have not completed the donation of green land as a buffer by December 31 1999, may opt to comply with the provisions of the preceding paragraph or of Paragraph two of Article 13 of the Regulations valid before the amendment made on March 26 2001. But those who opt for the provisions of the preceding paragraph shall

report to the Ministry of Economic Affairs for approval in advance if there is any change to their expansion plans.

If the application is filed to convert the assigned use category of non-urban land adjacent to a designated industrial zone, according to Paragraph one, where the supply of land located in such a zone in practice fails to meet market demand, then the building coverage ratio and floor area ratio of that non-urban land after conversion shall not exceed those ratios of the land in that designated industrial zone.

The competent authorities in charge of industry shall inspect, according to Article 54, whether the land is used according to the originally approved plan. In case there is any violation of use, and the approved enterprise plan is canceled by the competent authorities in charge of industry, then the Municipal Government or the county (city) government shall request the land offices to restore the original assignment of use category and notify landowners.

Article 32: If any land, located outside any industrial zone but within the area permitted for establishing factories according to laws, is surrounded by or mixed up with Grade D construction lands, an application to convert it to Grade D construction land may be filed if it has been identified by the competent authorities in charge of industry as being appropriate to be merged for industrial use.

Article 33: If any land, located outside any industrial zone is surrounded by or mixed up with lands originally assigned as Grade D construction land, an application to convert it to Grade D construction land may be filed if it has an area less than two hectares and has been identified, by the competent authorities in charge of industry, as suitable for low pollution and high value added undertakings.

The competent authorities in charge of industry shall inspect, according to Article 54, whether the land is used according to the originally approved plan. In case there is any violation of use, and the approved undertaking plan is canceled by the competent authorities in charge of industry, the Municipal Government or the county (city) government shall request the land offices to restore the original assignment of use category and notify landowners.

Article 34: For any kiln land, except from where earth is excavated, located in any general agricultural zone, slope conservation zone or specific zone, an application to

convert it to Grade D construction land may be filed if it has been examined and identified by the competent authorities in charge of industry as proper for industrial use.

Article 35: For any odd or narrow land adjacent to Grade A or Grade C construction land or to land for specific enterprises, which has been used for residential construction under public housing, labor housing or government special programs, an application to convert it to Grade A or Grade C construction land may be filed if it conforms to one of the following provisions:

1. It is surrounded by land for specific enterprises which is used for all types of construction purpose, and its area is no more than 0.12 hectare.
2. It is surrounded by roads and ditches or by roads, ditches and land for specific enterprises which is used for all types of construction sites or construction purpose, and its area is no more than 0.12 hectare.
3. It is concave into land for an enterprise which is used for all types of construction sites or construction purpose, and its area is no more than 0.12 hectare and the width of the gap is less than 20 meters.
4. It is narrow and longish and cramped between lands for specific enterprises which are used for all types of construction sites or construction purpose, residential zone, commercial zone, industrial zone, roads and ditches, etc. The width of the land is no more than 10 meters on average. It will specifically not hinder the neighboring environment for agricultural production after conversion.
5. Its area is no more than 0.012 hectare, and it is adjacent to other lands with different categories.

Roads and ditches and land for specific enterprises which is used for all types of construction sites or construction purpose referred to in the preceding paragraph denotes transportation land, water conservancy land and all types of construction sites, and land for specific enterprises assigned before April 3 1989 when the Taiwan Provincial Standard to Resolve the Conversion of the Assignment of Odd Non-urban Land was promulgated, or unregistered land actually used for roads and ditches (but those roads, ditch facilities and land for specific enterprises used for construction purpose which are planned to be built by the government are not bound by the mentioned time limit), and the average width is more than four meters. If both are adjacent to each other their widths may be added together for the measurement of width. Each area referred to in the preceding paragraphs may be increased by no more than 10% if it is necessary to form intact landform.

The landowner shall affix the copies of land registers and cadastral maps of related surrounding lands as attachment if he separately applies for the conversion of assignment of several lands which conforms to the provisions of Sub-paragraphs one to three of Paragraph one. The county (city) government shall consider the matter as an entity before approval.

Land for specific enterprises which is used for construction purpose referred to in Paragraph one is limited to the land which is used for non-agricultural purpose, and which has been considered by the county (city) government as suitable for the issuance of a construction license.

If the land referred to in Paragraph one is located in an agricultural zone which is outside slope land area, then it will be converted into Grade A construction land. If it is located in a forest zone, slope conservation zone, scenic zone or agricultural zone which is inside slope land area too, then it will be converted into Grade C construction land.

Article 35-1: Any odd and fragmented non-urban land located at the edge of a village zone may be converted into construction land after application if there is no prohibition or restriction to build imposed by laws, neither is it considered by the Municipal Government or the county (city) government as land necessary for quarantine, and conforms to any one of the following provisions:

1. Any land adjacent to a village zone which is surrounded and isolated by obvious demarcation lines such as roads and ditches etc, and having an area of no more than 0.12 hectare.
2. Any concave strip of land entering a village zone which is linked to the village zone on three sides, and having an area of no more than 0.12 hectare.
3. Any concave strip of land entering a village zone which is surrounded by natural demarcation lines such as roads and ditches etc, or is isolated by land used for government organizations, schools or military purposes, and having an area of no more than 0.5 hectare.

The definition of roads and ditches referred to in the preceding paragraph and of their widths shall be identified according to the provisions of Paragraph two of the preceding Article. Each area referred to in Sub-paragraphs one and two of the preceding paragraph may be increased by no more than 10% if it is necessary to form intact landform.

The provisions of Paragraph three of the preceding Article shall be applied if the landowner separately applies for the conversion of assignment of several lands which all conform to the provisions of every sub-paragraph of Paragraph one.

When examining the application based on the provisions of sub-paragraphs of the preceding Paragraph, the county (city) government may forward the application to the Non-urban Land Use Assignment Examination Team of its county (city) for examination before approval or otherwise is made.

If the land referred to in Paragraph one is located in an agricultural zone which is outside slope land area, then it will be converted into Grade A construction land. If it is located in a forest zone, slope conservation zone, scenic zone or agricultural zone which is inside slope land area too, then it will be converted into Grade C construction land.

Article 36: Any land located in a special agricultural zone may be converted into transportation land if it has been used as a road.

Article 37: If lands of various categories have been assigned or converted according to the plan approved by the authority in charge of the business the said authority shall notify the Municipal Government or the county (city) government of the locality when the enterprise plan is canceled.

After receiving the notification referred to in the preceding paragraph, the Municipal Government or the county (city) government shall immediately deal with the matter according to the following provisions and notify the landowner.

1. The original use category shall be maintained if the land use of the approved plan has been completed accordingly unless an application to convert the assignment of use category has been filed according to laws.
2. The original use category for the land, which has been used for construction according to laws but has not been completed based on the approved plan, shall be maintained unless an application to convert the assigned use category has been filed according to laws. The remaining land, which has not been used for construction, shall be converted to the category based on the nature of its land use before use assignment or to its former category.
3. The land, which has not been developed according to the approved plan, shall be converted to the category based on the nature of its land

use before use assignment or to its former category.

Article 38: The owner of any non-urban land, which is classified as Grade A construction land, Grade B construction land or Grade C construction land, and where the residential construction on it was pulled down due to compulsory purchase being located within the area of an important construction plan approved by the Executive Yuan between July 9 1989 and May 25 1996, may apply for the conversion of use category of his own land unless one of the following conditions applies:

1. There is a resettlement plan by the compulsory purchase applicant.
2. The land has been assigned as transportation land, water conservancy land, land reserved for historical interest, land reserved for natural interest, conservation land, or is located in an industrial zone or river zone.
3. The site and the building on it belong to different owners, unless the difference is due to inheritance, or a gift between relations within the third degree, or the owners of the site and the building are direct blood relations.

If the land referred to in the preceding paragraph is located in an agricultural zone which is outside slope land area, then it will be converted into Grade A construction land. If it is located in a forest zone, slope conservation zone, scenic zone or agricultural zone which is inside slope land area, then it will be converted into Grade C construction land.

The application for conversion of assignment, according to the provisions of Paragraph one, shall be confined to self owned land within the same county (city), and the application shall be filed within three years of the public announcement of compulsory purchase. The application shall not be accepted if it passes the time limit.

The area applied for conversion of assignment shall not exceed the area of the original construction site. But if the area of land to be compulsorily purchased is the same as the area of land used for residential purpose which is demolished due to compulsory purchase, the area of its statutory vacant lot based on its building coverage ratio may be added for the application of conversion

Article 38-1: In order to reconstruct housing located in a 921 Earthquake area, the landowner of Grade A, B or C construction land located in the area 15 meters left or right of the Chelungpu Fault which has been publicly announced, according to the provisions of Article 4-1 of the Building Regulation for Regional Planning Area, by the county (city)

government as a building control area, may apply for the conversion of assignment of other lands owned by him, and apply at the same time to convert the original Grade A, B or C construction land to conservation land where there was a legal building on before the calamity but where the building has fallen down or been demolished by the owner, unless one of the following conditions applies:

1. The landowner has been resettled by another governmental plan.
2. The self owned land has been classified as transportation land, water conservancy land, land reserved for historical interest, land reserved for natural interest, conservation land or is located in a industrial zone or river zone.
3. The site and the building on it belong to different owners, unless the difference is due to inheritance, or a gift between relations within the third degree, or the owners of the site and the building are direct blood relations.

If the land referred to in the preceding paragraph is located in an agricultural zone which is outside slope land area, then it will be converted into Grade A construction land. If it is located in a forest zone, slope conservation zone, scenic zone or agricultural zone which is inside slope land area, then it will be converted into Grade C construction land.

The application for conversion of assignment for self owned land, according to the provisions of Paragraph one, shall be confined to land within the same county (city) and self owned before the 921 Earthquake, and the application shall be filed to the county government within two years of the revised Regulation promulgated on March 26 2004. The application shall not be accepted if it passes the time limit.

The area applied for conversion of assignment shall not be more than the area of the original construction site. But if the area of the original building is the same as the area of the site, the area of its statutory vacant lot based on its building coverage ratio may be added for the application of conversion.

If any one of the conditions provided by Article 35 or Article 35-1 applies to the adjacent land after the application of the conversion of assignment, no further application for conversion shall be filed again.

Article 39: The area and height for reconstruction on the non-urban land, which is compulsorily purchased for building an important transportation undertaking by the government, shall not exceed that of the demolished building if the reconstruction has

been approved by the Executive Yuan and the occupancy permit has been issued.

The provisions of Paragraph two of the preceding article relating to the conversion of use assignment shall, *mutatis mutandis*, apply to the construction site referred to in the preceding paragraph.

Article 40: For any non-urban land which has been assigned as Grade A, B or C construction land, its landowner or administrator, if it is public land, may apply for the conversion of use assignment of adjacent land, if the land is compulsorily purchased or appropriated for undertaking public construction by the government and where the legal building on it is demolished, and the remaining land is odd-sized, fragmented and smaller than the minimum unit area required for construction prescribed by the Regulations for Using Fragmented Land, unless one of the following conditions applies. The area for conversion is set by deducting the area of the remaining land from the minimum unit area required for construction prescribed by the Regulations for Using Fragmented Land:

1. An application for the conversion of use assignment of self owned land has been filed according to the provisions of Article 38.
2. There is a resettlement plan by the compulsory purchase applicant.
3. If the adjacent land has been assigned as transportation land, water conservancy land, land reserved for historical interest, land reserved for natural interest, conservation land, or is located in an industrial zone or river zone.
4. The site and the building on it belong to different owners, unless the difference is due to inheritance, or a gift between relations within the third degree, or the owners of the site and the building are direct blood relations.

If the land referred to in the preceding paragraph is located in an agricultural zone, which is outside slope land area, then it will be converted into Grade A construction land. If it is located in a forest zone, slope conservation zone, scenic zone or agricultural zone, which is inside slope land area, then it will be converted into Grade C construction land.

Article 41: An application may be filed to convert the assigned category of land needed for an agriculture plan, which is specially assisted and guided by the competent authorities in charge of agriculture, to be land for specific enterprises.

Article 42: The government may apply to convert the assigned category of land which is planned for housing construction programs or resettlement programs for those

whose lands are compulsorily purchased, to an appropriate category if the programs have been approved by the competent authorities in charge of the enterprise, based on the nature of the land use of the approved plan. It shall be converted into Grade A construction land if located in an agricultural zone but used for residential purpose.

If there are conditions attached to the approved plan referred to in the preceding paragraph, the use assignment shall not be converted before the conditions have been satisfied.

Article 43: If the competent authorities have approved their renewal plan, the public cemeteries, located in an agricultural zone or forest zone, may be converted to be cemetery land according to the approved plan.

Article 44: Any application to convert the assigned category to recreation land shall be dealt with according to the following provisions:

1. The applicant shall set up the needed green land and public facilities according to the enterprise plan. The area set up for green land shall not be less than 30% of the area whose category is converted. But the principle to set up green land in a scenic zone shall not be subject to this limit, if, when based on the need to develop a tourism industry, a project has been drawn up by the central authority in charge of the business, after seeking consultation with other government authorities concerned, and which has been approved by the Executive Yuan.
2. The land under application to be converted from green land to conservation land, referred to in the preceding sub-paragraph, shall be managed and maintained by its developer or landowner, and no further application for development may be filed or included in other development projects; and the remaining land shall be converted to an appropriate category according to the approved land use plan after the public facilities have been completed and passed examination.

Article 44-1: An application to convert to recreation land the land which is located in a special agricultural zone and is needed for tourist hotels, may be filed if it is identified by the Ministry of Communications to be situated within the area decided by the Executive Yuan as an area where the total space for tourist hotels is controlled by the authorities.

The enterprise plan and the conversion of use assignment, referred to in the

preceding paragraph, shall conform to the provisions of the preceding article, and in addition it shall border a road and shall conform to the related provisions of the Building Code.

Article 45: Any application to construct housing on land on an offshore island or aboriginal reservation area, which has been classified as land for cultivation or raising livestock, fishery land or forestry land, shall be of self owned land and conform to the following conditions. The application to convert it into the appropriate category based on the nature of the land use of the approved plan may be filed once only after the Municipal Government or the county (city) government approves according to Article 30:

1. If none of the applicants of an offshore island area or their spouses or minor children in the same household owns any self occupied housing, or if no application to convert use assignment, according to the provisions of use control on non-urban land utilization for special region, has been approved, and documents to prove that his household has been registered for more than two years are submitted.
2. Besides the condition mentioned in the preceding sub-paragraph, the applicant from an aboriginal reservation area shall have aboriginal status and not have acquired any housing, constructed by the government, according to Article 46.
3. The area of the site for any housing construction plan shall not exceed 330 square meters.

If the land referred to in the preceding paragraph is located in an agricultural zone, which is outside slope land area, then it will be converted into Grade A construction land. If it is located in a forest zone, slope conservation zone, scenic zone or agricultural zone, which is inside slope land area, then it will be converted into Grade C construction land.

Article 46: Where any housing construction plan in an aboriginal reservation area is integrally planned by a Village (Township, City, District) Office and approved by the Municipal Government or the county (city) government according to Article 30, an application to convert its assignment to the proper category, according to the nature of land use indicated in the approved plan, may be filed.

If the land is located in an agricultural zone, which is outside slope land area, then it will be converted into Grade A construction land. If it is located in a forest zone, slope conservation zone, scenic zone or agricultural zone, which is inside slope land area, then it will be converted into Grade C construction land.

Article 47: If non-urban land has been approved for the government to set up refuse clearance and treatment facilities or as a place to pile up or to treat construction earth materials, then its enterprise plan shall include a reuse plan and shall be examined by the authority in charge of the business, jointly with other government authorities concerned, for approval. After the completion of use, an application to convert its assignment to a proper category, based on the reuse plan, may be filed according to the provisions of related regional planning laws.

The procedure referred to in the preceding paragraph shall be implemented if the reuse plan has been revised.

Article 48: For any application to convert the use category of land located in any kind of use zones within slope land area, if it is not for development and construction, a water conservation and soil plan shall be drawn up affixed with a water and soil conservation completion license issued by the competent water and soil conservation authorities according to the provisions of related laws concerning water and soil conservation; if it is for development and construction, the completion license for miscellaneous works, issued by the competent construction authorities, shall be affixed for the application to convert the use category, according to the nature of land use indicated in the approved plan, unless one of the following conditions applies:

1. Any application to convert Grade A, B, C or D construction land to any construction land of another grade according to these Regulations.
2. The government organization compulsorily purchases or appropriates the land and applies to convert the use category at the same time.
3. The land, which may be compulsorily purchased according to the provisions of Article 3 of the Compulsory Purchase Act, is acquired by negotiation or through other approaches.

Necessary water and soil conservation treatment and maintenance shall be completed upon development and construction when any conversion of use category is undertaken according to the proviso of the preceding paragraph.

The water and soil conservation completion license referred to in Paragraph one shall not be binding if the competent water and soil conservation authorities consider its issue is impossible upon the application to convert the use category.

Article 49: Cancelled.

Article 49-1: The Municipal Government or the county (city) government shall set up a special examination team upon receiving any application to convert use category unless one of the following conditions applies:

1. Any one of the conditions is exempted from the drawing up of the enterprise plan provided by Paragraph three of Article 28.
2. The application is to convert use category of land which is not slope land.

When the special examination team examines the conversion of use category of slope land, the land within the area of the enterprise plan shall not be planned for construction purpose if it has been found that one of the following conditions applied according to related construction laws and ordinances:

1. The gradient of the land is too steep.
2. The land has unsound geological structure, fragmented stratum, active faults or forward slopes which might slide.
3. The existing mine, mound of waste earth, tunnel and their surroundings on the land might jeopardize security.
4. The land suffers from river bank erosion or backward erosion which might jeopardize the security of its foundation.
5. The land suffers from potential collapse or flood.
6. The land is forbidden from construction according to the provisions of other laws.

Article 50: When examining any application to convert use category, the Municipal Government or the county (city) government shall notify the applicant to modify the area applied for conversion if one of the following conditions applies:

1. The use of adjacent land would be affected after the conversion of use category.
2. The land would be fragmented as a result.

Article 51: When the Municipal Government or the county (city) government approves the conversion of use category and notifies the applicant, both central authorities in charge of the businesses before and after the conversion shall be notified with duplicate copies at the same time.

Chapter V. Supplementary Provisions

Article 52: Cancelled.

Article 52-1: If the enterprise plan drawn up by the applicant is located within any slope land area, its area shall not be less than 10 hectares unless one of the following applies:

1. The permitted use is based on the provisions of Article 6.
2. It is undertaken according to the provisions of Articles 31 to 40, Articles 45 and 46.
3. It is involved with the building needed for the development of public facilities, the utility industries, charity, social welfare, medical care and health, education and cultural undertakings or other public works, and has been approved by the Municipal Government or the county (city) government according to the examination rules provided by the central authority in charge of the business.
4. It is involved with public facilities for agricultural production and distribution which are needed by the local people and has been promoted by the central authority in charge of agriculture.
5. An application has been made to develop amusement facilities on the land which exceeds five hectares.
6. A plan, to develop amusement facilities on the land located in scenic zones, has been drawn up by the central authority in charge of the business based on the need to develop tourism after consulting other government authorities concerned, and which has been approved by the Executive Yuan.
7. Land consolidation in a rural community is being undertaken.
8. Any use for construction is permitted by the provisions of other laws.

Article 53: The control of architectural aspects on non-urban land shall comply with the provisions of the Building Regulations for Areas Subject to Regional Planning and related laws. The land within slope land areas shall also comply with the provisions of the Building Regulations for Slope Land

Article 54: When non-urban land is assigned with use category or its assignment of use category is converted according to the enterprise plan approved by the authority in charge of the business, or has been agreed by the authority in charge of the business to be used, the authority in charge of the business shall inspect whether it is used according to

the originally approved plan. In case there is any violation of use, the authority shall request an enforcement team of the Municipal Government or the county (city) government according to the related provisions and notify the landowner.

Article 55: In case there is any violation of the provisions of these Regulations as well as of the provisions of other special laws and ordinances, the matter shall be dealt with by the competent authority in charge of the special laws and ordinances jointly with the land office.

Article 56: Any application to convert use category shall be subject to the collection of fees. The amount of fees shall be prescribed by the Ministry of the Interior °

Article 57: If before the revised Regulations promulgated on November 7, 1993, any Grade D construction land or kiln land, except from where earth is excavated, located in any special agricultural zone or general agricultural zone, had been the subject of application to the competent authorities in charge of industry or kiln industry for approval to convert to non-industry land or non-kiln industry land according to the provisions of Article 14 of the original Regulations, or an application to convert the assignment of use category to Grade A construction land had been filed to the Municipal Government or the county (city) government, the application case may carry on according to the provisions even though its procedures had not been completed.

The application for approval to convert to non-industry land or non-kiln industry land by the competent authorities in charge of industry or kiln industry, referred to in the preceding paragraph, shall be filed before December 31, 1994, to the Municipal Government or the county (city) government. No application filed after the time limit shall be accepted.

After the revised Regulations promulgated on March 26, 2001, the Municipal Government or the county (city) government shall notify the applicant to supplement or to correct, if it is necessary, within six months after examining any received application referred to in the preceding paragraphs. If no supplement or correction is made after the time limit, the government shall dismiss the original application and shall not accept it again.

Article 58: When the applicant applied for the conversion of use category according to Article 34 or the preceding Article, a joint application to convert the land, which is located in the enterprise plan and surrounded by or mixed up with kiln land or Grade D construction land, may be filed if their total area is less than one hectare and less than

10% of the total area of the enterprise plan.

Article 59: These Regulations shall come into force on the day of its promulgation.