

Title: Enforcement Rules of the Rural Community Land Readjustment Act (promulgated on March 6, 2002)

## **Chapter 1 General Principles**

Article 1 These Enforcement Rules are established according to the Article 34 of the Rural Community Land Readjustment Act (*hereinafter referred to as the Act*).

Article 2 The readjustment area, which is involved with the alteration of the non-urban land use zoning, shall be transacted according to the Regional Planning Law, and the application shall be submitted to the regional planning committee to obtain the permission before the readjustment plan is approved. After finishing the readjustment, the registrations of non-urban land use zoning and land use category shall be transacted directly.

Article 2-1 The called ‘country village’ and ‘aborigine village’ stated in the first Paragraph of the Article 3 of the Act refer to the following land areas, the total area is more than 0.5 hectare; according to the household data, in the last five years, there shall have more than 15 households inhabited each year; in addition, the population shall be more than 50 persons each year. However, when transacting the rebuilding in the disaster area according to the fourth Subparagraph of the first Paragraph of the Article 5 of the Act, the criteria, which are 0.3333 hectare in area, 10 households, and 33 persons in population, shall be reached and above:

1. Country village: It is referred to the area, which is beyond the non-urban land area and not the aboriginal reserved land. In addition, the range is taken the boundary of construction lands of type A and C that is at the distance of 20 meters and within.
2. Aborigine village: It is referred to the aboriginal reserved land, which is beyond the non-urban land area. In addition, the range is taken the boundary of construction lands of type A and C that is at the distance of 25 meters and within.

## **Chapter 2 The Extraction of Readjustment Area**

Article 3 According to the Article 5 of the Act, the metropolitan or the county/city competent authority shall evaluate and select the readjustment area by the following principles:

- (1) A clear topography or man-made surface feature boundary.
- (2) The community population and the demand for construction land.
- (3) The conditions of land use.
- (4) The necessity of regional development or increasing public facilities in necessity.
- (5) The landowner’s tendency.
- (6) The financial plan.
- (7) Other special requirements.

Article 4 After selecting the readjustment area according to the preceding principles, the metropolitan or the county/city competent authority shall attach the planned

readjustment area map and the report of the evaluation and selection, and then submit them to the central competent authority for approval.

The readjustment area map, stated in the preceding Paragraph, shall be marked by the legends on the cadastral map with the boundary and surroundings, the traffic within and surrounded, drainage conditions, and locations of the villages and obvious architectures in the readjustment area.

Article 5 In the first Paragraph of the Article 6 of the Act, the contents of the said proposal and cadastral map of the rural community readjustment shall include the following items:

- (1) The name of readjustment area and its boundary.
- (2) The legal basis.
- (3) The reason of transacting the readjustment and expected benefits.
- (4) Within the readjustment area, the numbers of public and private lands, measured areas, the total number of landowners, non-urban land use zoning, and the inventory of classified lands shall be provided.
- (5) The total number of landowners who agree to transact the readjustment and the total measured area of their lands.
- (6) Within the readjustment area, the numbers and measured areas of the land for road, ditch, river and unregistered land originally owned by the government.
- (7) Within the readjustment area, the numbers and measured areas of historic sites preservation, ecological protection and territory security lands.
- (8) The measured areas and alteration reasons of the altered construction lands by means of adjusting the boundaries of country districts, rural villages and aboriginal villages in the planned readjustment area.
- (9) The estimated expenses of administrative affairs planning design and the costs on the construction works.
- (10) The estimated expenses of public infrastructure lands in the readjustment area, including that the landowner co-shares the items, measured areas and average share ratio of the public facilities.
- (11) The estimated fees of readjustment, including that sums of the construction expenses co-shared by the landowners, sums of compensation for demolition, sums of loan interest, and average share ratio.
- (12) The estimated average share ratio of the landowner in the readjustment area.
- (13) The principles of expense deduction of the original construction land in the readjustment area.
- (14) Financial plan, including finance requirement sums, loans and amortization plan.
- (15) The readjustment working schedule.
- (16) The readjustment area map: the boundaries and surroundings shall be clearly marked on the cadastral map by legends.
- (17) The planning drawings and cadastral overlay maps of the readjustment area.

(18) Other items designated by the metropolitan or the county/city competent authority.

The readjustment area, which shall implement soil and water conservation or environmental impact assessment according to the Soil and Water Conservation Act, Slope land Conservation and Utilization Act, or Environmental Impact Assessment Act, shall attach soil and water conservation-related or environmental impact assessment-related documents.

Regarding the tenth Subparagraph of the first Paragraph, the estimated average share ratio of public facilities in the readjustment area; in the eleventh Subparagraph, the estimated average share ratio of readjustment expense; and in the twelfth Subparagraph, the estimated average share ratio of readjustment landowners, the calculation formulas of the aforementioned are in the appendix 1.

Article 6 In the Article 6 of the Act, the said private landowner is based on the land register. However, it is not to apply to the person who inherits, or is under compulsory execution, or acquires the ownership by the judicial decision and those who could provide certificates.

According to the second Paragraph of the Article 6 of the Act, when the preceding paragraph said landowner who proposes an objection during the public announcement, he/she shall state reasons in written form and shall specify the location and measured area of his/her land with his/her name, address, and date signed and stamped to submit to the metropolitan or the county/city competent authority.

Article 7 The metropolitan or the county/city competent authority shall separately transact the revised readjustment proposal or drawings stated in the first Paragraph of the Article 6 of the Act, or the mediation stated in the second Paragraph within thirty days from the next day after the hearing ends or public announcement expires.

Article 8 After the readjustment area is publicly announced for construction prohibition by the metropolitan or the county/city competent authority according to the Article 8 of the Act, the under-construction structure, which has the legal construction permit issued before the announcement of construction prohibition, shall be transacted according to the following regulations:

- (1) After examination, the construction, which does not hinder the readjustment construction or the land re-allocation exchange, shall be approved to proceed according to its original-issued construction permit.
- (2) After examination, the construction, which does hinder the readjustment construction or the land re-allocation exchange, shall be notified to suspend or to improve within a time limit.

Article 9 If necessary, the metropolitan or the county/city competent authority shall commission partial land readjustment works to a corporate or academic organization to transact it.

### **Chapter 3 The Expenses and Construction Work of the Readjustment**

Article 10 The Article 10 of the Act regulates the land value before and after the readjustment. The land value shall be evaluated by the following regulations:

- (1) Before the readjustment, it shall investigate the land location, topography, traffic, using status, actual dealings examples and the public announced current land value to evaluate each land value separately.
- (2) After the readjustment, it shall refer to each street block's location, topography, the traffic, road width, public facilities and the anticipated developing situations to evaluate the block or route value.

Article 11 According to the Article 11 of the Act, the landowners shall co-share the following items:

- (1) The encumbrance of land for the public infrastructure: there are seven kinds of lands including roads, trenches, underground telecommunications and electric power, drainages, plazas, activity centers and greens, and other public facility lands which the landowners in the readjustment area regard the necessity to reach the modern living functions. After deducting the original public roads, trenches, rivers and unregistered lands in the readjustment area, the participating landowners shall share the public facility lands according to the beneficial ratio of his/her land.
- (2) The readjustment expense: it includes the project expense but deducts the government-shared parts, dismantling compensation fees and loan interests. The participating landowners shall share the readjustment expense according to the land beneficial ratio which is evaluated by the cost equivalent land after the readjustment.

The enumerative lands, stated in the first Subsection of the preceding Paragraph, and other public facility lands, which the landowners in the readjustment area regard the necessity to reach the modern living functions, do not include the lands that are acquired by the agreed price or confiscation by the metropolitan or the county/city competent authority before readjustment.

The project expense stated in the second Subsection of the first Paragraph includes construction fees, material fees, regional land preparation fees, boundary sign installation fees, construction management fees and the levied air pollution prevention fees.

Article 12 The original public roads, trenches and river lands in the readjustment area, stated in the first Subsection of the first Paragraph of the preceding Article, refer to those

public lands used practically as roads, trenches and rivers when the readjustment proposal and drawings are approved; in addition, they also refer to the abolished public land used as roads, trenches and rivers, but the abolishment procedure is not completed.

Article 13 The readjustment expense, stated in the second Subsection of the first Paragraph of the Article 11, which is paid by the land converting into the price (*hereinafter referred to as the cost equivalent land*), shall be paid by the landowners' lands that have converted into the prices. After selling publicly by tenders, the acquired bidding prices shall be mortgaged. The landowners, who pay by cash, shall apply to the Equalization of Land Rights for the Crofters and Readjustment Working Foundation of the Ministry of Interior or to banks for loans.

Article 14 The land reforming objects or graves, regulated in the first Paragraph of the Article 13 of the Act, are limited to those hindering the allocation of the readjustment land or the constructions that have to be removed.

According to the first and second Paragraphs of the Article 13 of the Act, the metropolitan or the county/city competent authority shall dismantle or move the land reforming object or grave on behalf of the owner. This dismantling or moving expense shall be deducted from the owner's compensation fee. After deducting, if the balance is positive, the owner of the land reforming object or grave shall be notified to receive the balance. If the owner does not receive the balance after the deadline, the balance shall be deposited by laws. If the balance is negative, the owner shall be notified to pay the shortfall before the deadline. If the owner does not pay before the deadline, the compulsory acquisition shall be made to him/her by laws.

Article 15 The procedures of managing the project's planning, design, bidding, construction and final account in the readjustment area are as follows:

- (1) The investigation of present on-site conditions.
- (2) The survey of present on-site conditions.
- (3) The survey and paling of road and trench's central positions.
- (4) The land simulation and allocation map of the readjustment area shall be organized.
- (5) Construction design.
- (6) After the construction design budget and drawings are submitted to the rural community land readjustment committee to be examined, it shall be proposed to the central competent authority for approval.
- (7) Construction bidding.
- (8) On-site layout and construction.
- (9) Construction management.
- (10) Construction inspection and handover.
- (11) Final account's transaction.

The planning and design of the trench construction, which is within the jurisdiction of Irrigation Association, shall be reported to the Irrigation Association to send the personnel to participate in.

Article 16 The civil engineering's underground pipes of public services, such as tap water, telecommunications, electric power, etc. and other necessary facilities, shall be coordinated with each service organization to cooperatively plan, design and construct according to the readjustment schedule. The needed expense shall be added into the construction expense according to the coordination result and shared by the readjustment area.

#### **Chapter 4 Land Distribution and Objection Handling**

Article 17 In order to reach the requirements of the distribution of land readjustment, the following works shall be transacted:

- (1) Inspection and re-inspection of the controlling points.
- (2) Mapping control survey.
- (3) Readjustment area's boundary survey.
- (4) Plotting the blueprint of cadastral map.
- (5) Drawing up the investigation form of the land using right and the land inventory before readjustment.
- (6) Investigating the land right relationship and the using status.
- (7) Surveying the present structures above the ground.
- (8) Evaluating the land value per unit zone.
- (9) Transacting the land registration and land statistics.
- (10) The continuous survey of central pales of the roads and trenches.

Article 18 The procedures of transacting the distribution of land readjustment are as follows:

- (1) Publicly announcing that the land right transferring is suspended and that the encumbrance setting is registered.
- (2) The agreement of combination.
- (3) Calculating the distributable area of each distributed block and drawing up the land distribution working chart.
- (4) Calculating the expenses of public facility land, the readjustment expense or the measured area of cost equivalent land. The summary of the expense calculation shall also be drawn up.
- (5) Transacting the distribution of land exchange.
- (6) Drawing up the draft of land distribution result drawings.
- (7) Transacting a public hearing to receive the opinions from landowners.
- (8) The public announcement and notification of land distribution result.
- (9) Handling the objections.
- (10) Survey, paling and land handover one by one.

(11) Drawing up each land inventory after the readjustment.

Article 19 The second Paragraph of the Article 16 of the Act regulates the land encumbrance of readjustment and the distributed measured area. The calculation formulas are in the appendix 2.

Article 20 Before publicly announcing the distribution result, according to the Article 19 of the Act, the metropolitan or the county/city competent authority shall hold a public hearing to explain to the landowners regarding the land distribution result and to receive the opinions from the landowners. When transacting the preceding public announcement, the following forms and drawings shall be publicly announced all together:

(1) The summary of the expenses of calculations.

(2) The comparison inventories of land distribution before and after the readjustment.

(3) The cadastral map before the readjustment.

(4) The land distribution map after the readjustment.

(5) The land number map before and after the readjustment.

Article 21 When processing the mediation and arbitration according to the Article 20 of the Act, the results of the mediation and arbitration shall be recorded in written form. The established mediation and arbitration case shall be signed and stamped by the persons involved and the record shall be issued to both persons involved.

According to the second Paragraph of the Article 20 of the Act, the objected arbitration case, in which the metropolitan or the county/city competent authority shall prepare the transacting opinions together with the records of mediation and arbitration, shall be submitted to the central competent authority for decision.

Article 22 When the land area, which is distributed to the landowner after the readjustment, does not reach half of the minimum distributed area in the readjustment area and the said landowner cannot receive the distributed land, the metropolitan or the county/city competent authority shall compensate the said landowner in cash, which is according to the original land area before readjustment and evaluates the land value on the original location after the readjustment, within sixty days after the next day of the distribution result has decided. After the readjustment area is decided, the landowner, who does apply to divide the land not due to inheritance or compulsory acquisition and results that the distributed land area does not reach half of the minimum distributed area in the readjustment area, shall be compensated in cash, which is according to the original land area before the readjustment and evaluates the land value on the original location before the readjustment.

When the landowner's distributed land area after the readjustment has reached half of the minimum distributing area in the readjustment area but has not reached the minimum distributing standard area, after the metropolitan or the county/city

competent authority has distributed according to the minimum distributing standard area, if the said landowner apply to abandon the distributed land but to receive cash compensation instead, the calculated compensation shall be based on the said landowner's distributed area and evaluates the land value on the distributed location after the readjustment.

Article 23 The Article 22 of the Act regulates that the notification given to the original landowner or land user to move or hand over shall be done after the land distribution result is decided and the cadastral survey is completed.

Article 24 The landowner, who receives more distributed land area after the readjustment than the distributed area he/she ought to have, the metropolitan or the county/city competent authority shall notify the landowner within thirty days after the readjusted land is taken over. The excess area value shall be evaluated by the land value after the readjustment. The difference of land value shall be paid in a time limit. If the landowner fails to pay the shortfall, the compulsory acquisition shall be made to him.

The landowner, who receives less distributed land area after the readjustment than the distributed area he/she ought to have, the metropolitan or the county/city competent authority shall notify the landowner within thirty days after the readjusted land is taken over. The insufficient land area value shall be evaluated according to the land value after the readjustment. The excess land value shall be issued to the landowner as the compensation. If the landowner does not draw the compensation fee in a time limit, the said fee shall be deposited by the laws.

## **Chapter 5 Right Liquidation and Cadastral Arrangement**

Article 25 According to the Article 23 of the Act, the metropolitan or the county/city competent authority shall transact the transfer registration of other rights according to the original registered sequence and registered items and transfer the registration to the distributed land after the readjustment. The transfer registration of other rights to the one who is distributed by the combination shall be calculated by each land area's ratio before the readjustment as the range of other rights separately. After transferring the registration, the other rights owner shall be notified.

The land, which is finished to registration of restriction before the readjustment, shall be transacted with the transfer registration by the metropolitan or the county/city competent authority according to the preceding Paragraph. In addition, after transferring the registration, the landowner, other rights owner, and the original entrusting organization or the appealing rights person shall be notified separately.

Regarding the undistributed land in the readjustment, which has other rights, cultivation right or finished registration of restriction, the metropolitan or the county/city competent authority shall invite the right owners to negotiate within two

months after the date that confirms the distribution of the readjustment. If the agreement is reached, it shall be transacted by that agreement. If it fails to reach the agreement, the landowner's compensation land value shall be deposited. In addition, the said landowner shall be listed and sent to the registration office to abolish his/her registration directly.

Article 26 According to the Article 26 of the Act, when transacting the abolishment of the leasing registration, the metropolitan or the county/city competent authority shall issue the land comparison inventory before and after the readjustment to the township/city office, where the land is located, to be transacted directly.

Article 27 According to the Article 27 of the Act, the cadastral survey shall be transacted directly. The working items are as follows:

- (1) Inspecting and re-inspecting surveys of mapping control points, road center pales, boundary pales and the related surveys.
- (2) Single cadastral survey shall be based on the land distribution result, roads, and the related construction locations to be surveyed one by one. The terminus shall be set on the spot.
- (3) When making the single cadastral survey, if the location of the distributed land, road, and the location of the related construction are not conformed to the practical conditions, the inconsistent reason shall be ascertained. The survey result shall be submitted to the metropolitan or the county/city competent authority to transact it.
- (4) According to the cadastral survey rules, the land after the readjustment shall be divided into sections, the sectional boundaries adjusted, and the land numbers re-coded, which shall not exceed five figures in principle.
- (5) The arrangement of the measured area calculations and the original survey drawings.
- (6) If the measured area after the cadastral survey does not conform to the land distribution inventory's area after the readjustment, the metropolitan or the county/city competent authority shall revise the distributed land area and the land value difference and shall notify the landowners.

Article 28 After the cadastral survey of the readjusted land has been finished, the metropolitan or the county/city competent authority shall submit the land distribution comparison inventory and cadastral map before and after the readjustment to the registration office to registration of changes in rights directly. If the shortfall of the land value has to be paid, the registration authority shall be notified and the shortfall shall be noted on the land registry. The transfer of the ownership or the encumbrance setting is prohibited. When the landowner pays the full shortfall, the registration office shall be notified immediately to abolish it and shall revise the related map lists according to the registered result.

Before issuing to the registration office, the land distribution comparison inventory, stated in the preceding Paragraph, shall finish the non-urban land using zoning and establish each land category according to the approved proposal, drawings and the related regulations.

Article 29 If the reforming architecture, which has finished its registration of construction improvements in the readjustment area, is fully or partially dismantled due to the readjustment, the metropolitan or the county/city competent authority shall make a list and send it to register organization for the registration of deletion or registration of change of descriptions directly. The owner of the reforming architecture shall submit or exchange the building ownership certificate within thirty days. If the owner fails to submit or exchange before the deadline, the building ownership certificate shall be announced invalid. When the owner of the reforming architecture receives the compensation fee for the architectural dismantling, the one who has submitted the building ownership certificate shall be reviewed by the metropolitan or the county/city competent authority.

The exchange of the building ownership certificate, stated in the preceding Paragraph, is free of registration and certificate fees.

Article 30 The public utility, which is regulated in the first Paragraph of the Article 29 of the Act, indicates the governmental organization or the possessed institution, which runs the enterprise aiming at public profits, social welfare service, or social rescue. The registered person, when the readjustment has approved, which is stated in the second Paragraph, indicates the one who has registered before the date that the readjusted proposal and drawings are approved.

Article 31 The endowed landowner who has the first refusal or the person who is registered before the readjustment is approved, which is regulated in the second Paragraph of the Article 29 of the Act, shall be notified his/her preferential right in a limit time by the metropolitan or the county/city competent authority. If there are more than two persons have the rights, the preferential right shall be decided by the ballot. The person, who has the preferential right and does not procure after the deadline, is deemed as waiving his/her preferential right.

## **Chapter 6 Supplementary Provisions**

Article 32 When the Central Competent Authority manages the rural community land readjustment according to the second Paragraph of the Article 5 of the Act, the managing procedures shall comply with the Act and its Enforcement Rules. If necessary, the management shall be made jointly with the metropolitan or the county/city competent authority.

The Central Competent Authority manages the land readjustment according to the

second Paragraph of the Article 5 of the Act. The cost equivalent lands shall be registered as national property. The management authority is the Central Competent Authority.

Article 33 The Article 32 of the Act regulates the common lands left by ancestors in the readjustment area. It indicates that on the expiration date of the public announcement of the readjustment proposal and drawings, the common lands are those registered in the land register as sacrificial public utilities or those the acquired reason is inheritance.

Article 34 After the readjustment project is completed, according to the related laws and regulations, each public facility shall be handed over to each administrative authority to take over and maintain it.

Article 35 The subject of the issued certificate of the shared expense of the readjustment is based on the landowner registered in the land registry before the expiration date of the public announcement of the land distribution results. However, the one who proposes the objection according to the first Paragraph of the Article 20 of the Act shall be based on the mediated, conciliated or ruled landowners.

Article 36 During the readjustment period, the lands, which could remit the land value tax or farmland rate according to the law, shall be registered and submitted to the tax administration agencies by the metropolitan or the county/city competent authority within thirty days from the expiration date of the public announcement of the readjustment proposal and cadastral map.

Article 37 The readjusted land shall be registered and submitted to the tax administration agencies to remit the land value tax or farmland rate according to the law by the metropolitan or the county/city competent authority within thirty days from the readjustment completion date.

The readjustment completion date stated in the preceding Paragraph indicates the date that finishes all cadastral survey, land registration, project inspection, on-site boundary identification and land handover.

Article 38 The formats of documents and tables stated in the Enforcement Rules are regulated by the central competent authority.

Article 39 The Enforcement Rules are implemented from the day of promulgation.

## Appendix 1

The formulas for the estimated average share ratio of public facilities in the readjustment area, average share ratio of readjustment expense, and average share ratio of readjustment landowners.

1. The average share ratio of public facilities in the readjustment area

Total area of the public facility land — Area of road, ditch, river, and unregistered land originally owned by the government before the readjustment

=

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Total readjustment area — Area of road, ditch, river, and unregistered land originally owned by the government before the readjustment

2. The average share ratio of readjustment expense

Sums of the construction expense co-shared by the landowner(s) + Sums of compensation for demolition + Sums of loan interest

=

—————  
Average land value after readjustment × (Total readjustment area — Area of road, ditch, river, and unregistered land originally owned by the government before the readjustment)

3. The average share ratio of readjustment landowners = Average share ratio of public facilities in the readjustment area + Average share ratio of readjustment expense

## Appendix 2

The formulas for the land encumbrance of readjustment and the distributed measured area.

1. Share coefficient of public facility land in readjustment area: (B)

(Total area of the public facility land — Area of road, ditch, river, and unregistered land originally owned by the government before the readjustment) × Average land value before readjustment

$$= \frac{\text{(Total area of the public facility land — Area of road, ditch, river, and unregistered land originally owned by the government before the readjustment)} \times \text{Average land value before readjustment}}{\text{(Total readjustment area — Area of road, ditch, river, and unregistered land originally owned by the government before the readjustment)} \times \text{Average land value after readjustment}}$$

2. Share coefficient of readjustment expense: (C)

Sums of the construction expense co-shared by the landowner(s) + Sums of compensation for demolition + Sums of loan interest

$$= \frac{\text{Sums of the construction expense co-shared by the landowner(s)} + \text{Sums of compensation for demolition} + \text{Sums of loan interest}}{\text{(Total readjustment area — Area of the public facility land)} \times \text{Average land value after readjustment}}$$

3. Buoyant ratio of the land parcel before and after readjustment: (A)

Land value of the land parcel after readjustment

$$= \frac{\text{Land value of the land parcel after readjustment}}{\text{Land value of the land parcel before readjustment}}$$

4. Distributed area of each land parcel after readjustment: (G)

$$= a \times (1 - A \times B) \times (1 - C)$$

Legend:

a: It indicates the original land parcel before readjustment. If the distribution after readjustment is not according to the original block, the estimated distribution block's land parcel area before readjustment (a') shall be calculated first.

$$a' = \frac{a \times \text{Land parcel's unit price before readjustment at the original location}}{\text{Average unit price of the estimated distribution block's land parcel before readjustment}}$$

A: Buoyant ratio of the land parcel before and after readjustment

B: Share coefficient of public facility land in readjustment area

C: Share coefficient of readjustment expense

G: Distributed area of each land parcel after readjustment