

Operational Directions for Foreigners to Acquire Land Rights in Taiwan

Promulgated by Letter Tai(77)Nei-Di No.650218 of Ministry of the Interior on Nov.23, 1988

Article 1 amended by Letter Tai(78) Nei-Di No.673803 of Ministry of the Interior on Feb.27,1989

Article 3 amended by Order *Tai (90) Nei-Di-Tzu* No.9076530 of the Ministry of the Interior on April 25, 2001

Articles 1, 3, 4, 5, 7, 8, 9, and 11 amended by Order *Tai (90) Nei-Di-Tzu* No.9070292 of the Ministry of the Interior on Nov.15, 2001

Annex of Article 11 amended by Order *Nei-Di-Tzu* No.0960022544 of the Ministry of the Interior on Feb.26, 2007

Article 1

To apply for acquiring or creating land rights in the territory of the Republic of China, a foreigner shall request the party concerned to submit a certificate produced by a related department of his mother country to prove that the citizens of our country are allowed to acquire or create the same rights in that country. If in that country (e.g., the USA), the regulations on the foreigner's land rights are separately legislated by the administrative regions, a certificate shall be submitted to prove that the citizens of our country may acquire or create the same rights in the corresponding administrative region. If it is known from the existing documents that, the people of our country are allowed by the related treaties or the laws of a foreign country to acquire or create land rights in that country, it is not necessary for the party concerned to submit the aforementioned certificate.

Article 2

For the overseas Chinese who live in foreign countries and have acquired the nationality of a foreign country but still possess the nationality of the Republic of China, the laws and regulations applicable to acquisition or creating of land rights in R.O.C are the same as those applied to the citizens of the Republic of China. The land or building rights already acquired in the Republic of China Taiwan according to law will not be affected by the acquisition of the nationality of foreign countries.

Article 3

If a citizen of our country transfer his rights of lands or buildings acquired in the Republic of China according to law after he loses the nationality of the Republic of China, it is not necessary to apply article 20 of the Land Act.

If a foreigner acquires a piece of land as listed in the subparagraphs of Paragraph 1, Article 17 of the Land Act on account of inheritance, he shall sell the rights of this land to a citizen of the Republic of China within three years after he has finished the inheritance registration; otherwise, the case will be handled in accordance with Paragraph 2, Article 17 of the Land Act.

Article 4

If a foreign legal person applies for acquiring or creating land rights in our country, it shall be first recognized by the laws of country before to act as a subject of rights. To apply for land registration, a foreign company recognized shall submit application in the name of the head office and submit the recognition certificate. However, if inquiry can be made through electronic processing, it is not necessary to submit the aforementioned certificate.

A foreign company applying for registration in accordance with Article 386 of the Company Act may not act as a subject of rights.

Article 5 (Deleted)

Article 6

Whether a foreigner may acquire the industrial lands auctioned by the court or not shall be determined by the court according to law in event of specific lawsuits.

Article 7

The nationality of foreigners shall be determined in accordance with the applicable provisions of foreign-related civil laws.

Article 8

Where a foreigner disposes his real estates in our country, examination shall be made to verify whether he has the capacity of disposition.

The capacity of disposition of a person shall be determined according to the law of his mother country. If a foreigner has not the capacity of disposition or only has limited capacity of disposition according to the law of his mother country, but has complete capacity of disposition according to the law of the Republic of China, he may act as a person of complete capacity to conduct legal acts in the Republic of China.

Where an underage foreigner disposes his real estates in our country, he shall, according to the provisions of the Civil Code, have declaration of will declared or accepted by his legal representative, or acquire the permission or admission of the legal representative.

Article 9

In the event that a foreigner applies for creating land rights, it is not necessary to apply Paragraph 2, Article 20 of the Land Act to handle the case.

Article 10

For a foreign bank, the rights to auction and undertake land rights due to execution of creditor's rights shall be acquired and disposed subsequently in accordance with Article 20 of the Land Act all the same.

Article 11

The format of the brief report on disposal of foreigner's application for acquisition or transfer of land and building right is as shown in the annex below.

Brief Report Form of ○○○ Government on Disposal of Foreigner's Application for Transfer (Acquisition) of Land and Building Rights

Applicant		Name		Passport No. or Resident Certificate No.		Native place (Nation, State or Province)		Address		
Obligee										
Obligor										
Land mark	Township, City, District	Section	Sub-section	Land No.	Use of the land	Area			Scope of the ownership	
						Ha.	mu	m ²		
Land mark	Building No.	Location of building			Doorplate				Area (m ²)	Scope of the ownership
		Township, city, district	Section	Sub-section	Land No.	Township, city, district	Street, Rd, Section	Lane		
Land utilization segmentation or serial number						No infringement of the provision of Paragraph 1, Article 17 of the Land Act			(Mark a "v")	
To be used for the purpose prescribed in Subparagraph ○, Paragraph 1, Article 19 of the Land Act						Complied with the provision of Article 18 of the Land Act			(Mark a "v")	
Purpose of acquisition (mark a "v" in <input checkbox"="" type="checkbox>): <input type="/> Self use <input type="checkbox"/> Investment <input type="checkbox"/> Public welfare										
Remark:										

Registered at: Case Officer:
 Chief:
 Secretary:
 Director:

Approved by: Case Officer:
 Chief:
 Director general/Director: