Content

Title：	Special Statute for the Comprehensive Management of River Basins Ch
Date：	2014.01.29
Legislative：	1.The complete contents of 16 articles announced through Presidential Order Hua-Zong-(I)-Yi-Zi No. 10300013721 on January 29, 2014; and in force until December 31, 2019.

Content：

Article 1
This Statute is established in order to expedite overall management of river basins by preventing floods through homeland planning, comprehensive water management, flood control and river basin management, so as to protect lives and property, enhance quality of life for local residents, and nurture a high quality water resources environment.

Article 2
This Statute shall apply to river and regional drainage, agricultural field drainage, aquaculture drainage, rainwater sewers, upstream slope soil and water conservation, and mudslide and flood control within the jurisdiction of municipalities, counties, and cities as specified in the Comprehensive River Basin Management Plan approved by the Executive Yuan.
Land needed for river and regional drainage management engineering within the jurisdiction of municipalities, counties, and cities under this Statute may be expropriated as project land and will not be restricted by the requirements of Article 82 of the Water Act.

Article 3
In this Statute, the central competent authority shall be the Ministry of Economic Affairs and said authority shall stipulate a Comprehensive River Basin Management Plan jointly with respective central industry competent authorities in accordance with the principles, policies, and preferred sequential order for overall river basin planning and comprehensive water management.
For the said Comprehensive River Basin Management Plan, all river and regional drainage, agricultural field drainage, aquaculture drainage, rainwater sewers, upstream slope soil and water conservation, mudslide and flood control, as well as bridge reconstruction required to be carried out to co-ordinate with provincial highway-related river and regional drainage, within the scope of the plan, shall be implemented with budgetary funds appropriated by the central industry competent authorities under the plan and shall not be restricted by the subrogation procedures and budgetary burdens indicated in Articles 18, 19, and 76 of the Local Government Act.
Central industry competent authorities may outsource, authorize, or sponsor municipal, county, or city governments or irrigation associations to enforce individual tasks under this Statute if necessary.

Article 4
The central competent authority is in charge of the following:
1.Planning and promoting comprehensive river basin management policies.
2.Drafting and promoting the Comprehensive River Basin Management Plan.
3.Reviewing and approving individual implementation plans.
Respective central industry competent authorities are in charge of the following:
1.Jointly drafting and promoting the Comprehensive River Basin Management Plan.
2.Reviewing enforcement plans proposed by municipal, county, city governments and irrigation associations.
3.Appropriating a special budget for the Comprehensive River Basin Management Plan.
4.Supervising tasks performed by municipal, county, city governments and irrigation associations.

Municipal, county, and city governments are responsible for proposing, submitting, and enforcing engineering projects relating to the acquisition of construction land and river and regional drainage, aquaculture drainage, and dredging under this Statute.
Irrigation associations are responsible for proposing, submitting, and enforcing the acquisition of land required for agricultural field drainage management and related engineering projects under this Statute.

Article 5
The central government shall modify the required budget cap of NTD66 billion for the Comprehensive River Basin Management Plan under this Statute and appropriate a special budget from which funds may be set aside, assigned, and deliberated over in phases.
The budget in the preceding paragraph may come from debt financing or sale of shares held by the government in enterprises and is not subject to the restrictions for debt limits each year as indicated in article 5, paragraph 7 of the Public Debt Act. Budget preparation is not restricted by the subsidies available to local governments and the budget burden requirement indicated in articles 30 and 37 of the Act Governing the Allocation of Government Revenues and Expenditures. Budget utilization may be adjusted within the original scope of budget for each of the respective authorities and is not subject to the requirements in articles 62 and 63 of the Budget Act.
For the special budget indicated in paragraph 1, the budget cap for river and regional drainage management is NTD42 billion; that for rainwater sewer management is NTD9 billion; and that for agricultural field drainage, aquaculture drainage, upstream slope water and soil conservation, and mudslide and flood control is NTD15 billion, in order to fulfill the principle of overall river basin management and comprehensive water management.

Article 6
To enforce this Statute, the central competent authority shall form a task force in charge of organizing plan review, oversight, control assessment, policy coordination, research and development, and personnel training, among others. The central competent authority shall establish guidelines for the establishment and operation of the task force.
Individual central industry competent authorities may allocate existing staff to provide the manpower needed or hire people to carry out the respective tasks under this Statute. The related funds will come from the budget appropriated under this Statute.
For staff hired as indicated in the preceding paragraph, while this Statute is being enforced the ratio is not restricted by the 5% quota given in the organizational budget.
As soon as this Statute expires, hired staff as indicated in paragraph 2 may not extend their contracts.

Article 7
To expedite the acquisition of land required for the Comprehensive River Basin Management Plan, parts of the Statute that involve urban planning changes may be expedited or effected in accordance with article 27 of the Urban Planning Act if necessary.
With regard to urban planning changes indicated in the preceding paragraph, when environmental impact assessment is required and soil and water conservation treatment and maintenance is to be enforced, the requirements of article 27-2 of the Urban Planning Act shall be followed.
When reviewing land change applications as part of the procedures for non-urban zoning change under this Statute, regional planning competent authorities at all levels may perform review concurrently with the competent authorities for soil and water conservation, environmental protection, and indigenous peoples, with regard to the soil and water conservation plan and environmental impact assessment.

Article 8
In low-lying areas prone to flooding as a result of land subsidence, in order to minimize flooding and to meet the needs of the Comprehensive River Basin Management Plan, municipal, county or city governments may organize urban land re-planning, zone expropriation, or agricultural land re-planning.

Article 9
To minimize developmental impact and implement river basin control, land development, utilization, or utilization change plans shall prioritize the use of low impact development methods and follow the principle of increasing water permeability, flood retention, and greenery without increasing the burden on downstream rivers and drainage systems, and may not interfere with the collection and drainage functions of original waterways or interfere with the passage of upstream surface runoff.
Article 10

The central competent authority shall submit important contents and related information on the Comprehensive River Basin Management Plan to the Legislative Yuan for reference and publish it in on the Internet.
The central competent authority and the implementing authority shall set up a dedicated webpage for the information to be published on the Internet as indicated in the preceding paragraph to facilitate disclosure of related project information to the public.

Article 11
After measures relating to river and regional drainage, agricultural field drainage, aquaculture drainage, rainwater sewers, upstream slope soil and water conservation, and mudslide and flood control projects are completed, respective local industry competent authorities and irrigation associations shall establish maintenance and management plans. To prevent disasters caused by climate change, disaster prevention and response plans shall also be established, with budget funds to be assigned on a yearly basis to facilitate proper maintenance and management.
For construction completed under this Statute, respective local industry competent authorities or irrigation associations shall complete take over of jurisdiction by the deadline set by respective central industry competent authorities.

Article 12
The central competent authority shall report to the Legislative Yuan each year on implementation status and performance.

Article 13
Utilization of budget funds under this Statute shall be audited by the audit authority according to law.

Article 14
Respective authorities (agencies) and irrigation associations shall follow applicable requirements of the Government Procurement Act.

Article 15
Any surplus of budget funds appropriated under this Statute shall be returned to Treasury in accordance with the Budget Act after the Plan is completed and may not be allocated for other purposes.

Article 16
Enforcement of this StatuteA shall begin on the date it is announced and shall continue until December 31, 2019.

Data Source：Ministry of Economic Affairs R.O.C.(Taiwan) Laws and Regulations Retrieving System