

Content

Title :	Directions of Review and Determination of Superficies for Setting Up Superficies of State-Owned Non-Public Land for Special Projects Handled by the Industrial Development Administration of the Ministry of Economic Affairs 
Date :	2024.03.13
Legislative :	1.Revision by Decree No. Chan-Chet-11300256820 by the Industrial Development Administration, Ministry of Economic Affairs on March 13, 2024.
Content :	1.For the purpose of handling matters relating to the determination of policy implementation needs, promotion of government programs, and the public interest under Subparagraph 3 of Point 3 and Point 11 of the Operation Directions for Establishment of Superficies on National Non-public Use Land (hereinafter referred to as the “Operation Directions”), as well as matters relating to the market price evaluation, set the recommendation report and contract for setting superficies, the Industrial Development Administration, Ministry of Economic Affairs (hereinafter referred to as the “Administration”) hereby establishes these Review and Determination Principles. 2.The scope of enterprises eligible to apply for determination under these Review and Determination Principles shall be limited to industries under the Administration’s jurisdiction for industrial assistance. 3.The terms “policy implementation needs,” “promotion of government programs,” and “public interest,” as referred to in Subparagraph 1, Paragraph 1, Point 11 of the Operation Directions, mean that the following conditions are satisfied: (1)The investment plan is a high-value-added and low-pollution plan. (2)The enterprise will create employment opportunities above a specified threshold during the term of the superficies. An applicant that satisfies the conditions prescribed in the preceding paragraph and also meets any one of the following conditions may be accorded priority in determination: (1)The applicant has been recognized by the Ministry of Economic Affairs (hereinafter referred to as the “Ministry”) as an Outstanding Enterprise or designated as a key enterprise targeted for Potential Enterprise assistance. (2)The applicant has obtained an official document of an Operational Headquarters Identification issued by the Administration in accordance with the Regulations Governing the Identification of Operations Headquarters. (3)The applicant has obtained an approval letter issued by the Ministry under the Program for Encouraging Domestic and Foreign Enterprises to Establish Research and Development Centers in Taiwan. (4)The applicant has passed the review or Identification process for a subsidy, assistance, or other relevant program publicly announced by the Ministry and has obtained the relevant supporting documents. 4.An applicant that satisfies the conditions prescribed in the preceding Point shall submit the following documents to the Administration when applying for determination: (1)An application form. (2)Documents proving the applicant’s eligibility. (3)An investment and operations plan. (4)A land-use control and reporting plan. 5.The Industrial Policy Division of the Administration (hereinafter referred to as the “Policy Division”) shall serve as the point of contact. The division responsible for the applicant’s industry sector (hereinafter referred to as the “Responsible Division”) shall establish a review committee and convene a meeting to review the following matters: (1)The conditions prescribed in Point 3.

(2)The required documents prescribed in each Subparagraph of the preceding Point.
(3)Other matters that must be submitted to the review meeting for review or confirmation.
The review committee prescribed in the preceding paragraph shall consist of seven members. One member shall serve as the convener and shall be the director or deputy director of the Responsible Division. The remaining members shall consist of:

- (1)One expert or scholar in a relevant field.
- (2)One representative of the National Property Administration, Ministry of Finance.
- (3)One representative of the Bureau of Industrial Parks, Ministry of Economic Affairs.
- (4)One representative of the Sustainable Development Division of the Administration.
- (5)One representative each from the competent economic affairs authority or unit and the competent environmental protection authority or unit of the special municipality, county, or city in which the land is located.

A meeting of the review committee prescribed in Paragraph 1 may be convened only when at least one-half of its members are present.

After the applicant's required documents have passed review and determination by the review committee, the Administration shall notify the applicant via official document and send a copy of the notification to the National Property Administration, Ministry of Finance.

Where any required document is missing, incomplete, or illegible, the Administration shall notify the applicant to make corrections or provide supplementary information within a specified period. If the applicant fails to do so within that period, or if the documents remain incomplete after correction or supplementation, the Administration shall reject the application in writing.

6.For an application approved by the Administration following review and determination, the Administration shall proceed in accordance with the procedures prescribed in the Operation Directions. After requesting the National Property Administration, Ministry of Finance, to provide its preliminary review opinion, the Administration shall submit, in sequence, the evaluation report, recommendation report and format of the contract for setting superficieses to the National Property Administration, Ministry of Finance.

7.The Administration may commission a juristic person or organization to prepare the evaluation report, recommendation report and format of the contract for setting superficieses prescribed in the preceding Point.

Before the documents prescribed in the preceding paragraph are submitted, the Responsible Division shall provide opinions based on the needs and professional requirements of the relevant industry. The Policy Division shall then invite the Responsible Division, experts, and scholars to convene a meeting to review and confirm the documents.

The Administration shall consult with the National Property Administration, Ministry of Finance, regarding the proposed format of the contract for the establishment of superficieses in order to reach a consensus.

8.After the Ministry of Finance has approved the terms of the rights under the project-based establishment of superficieses and the relevant procedures have been completed, the Administration shall regularly supervise and inspect the use of the land by the holder of the superficieses.

Cases subject to the regular supervision and inspection prescribed in the preceding paragraph shall be registered and monitored by the Policy Division. During the term of the contract for the establishment of superficieses, the Responsible Division shall, once every three years, supervise and inspect the holder's use of the land in accordance with the land-use control and reporting plan and other relevant information. The results of such supervision and inspection shall be submitted in writing to the regional branch of the National Property Administration, Ministry of Finance, having jurisdiction over the location of the land.