

## 外國人投資國內重大建設整體經濟或農牧經營取得土地辦法

中華民國 91 年 2 月 27 日院臺內字第 0910082180 號令訂定

外國人投資國內重大建設整體經濟或農牧經營取得土地辦法(中、英文版)

### ◆ 第 1 條

本辦法依土地法（以下簡稱本法）第 19 條第 2 項規定訂定之。

Article 1: These Regulations are established in accordance with the provisions specified in Paragraph 2, Article 19 of the Land Law (hereinafter referred to as “the Law”).

### ◆ 第 2 條

本法第 19 條第 1 項第 8 款所稱重大建設、整體經濟或農牧經營之投資，其範圍如下：

一、重大建設之投資，係指由中央目的事業主管機關依法核定或報經行政院核定為重大建設之投資。

二、整體經濟之投資，係指下列各款投資：

- (一) 觀光旅館、觀光遊樂設施、體育場館之開發。
- (二) 住宅及大樓之開發。
- (三) 工業廠房之開發。
- (四) 工業區、工商綜合區、高科技園區及其他特定專用區之開發。
- (五) 海埔新生地之開發。
- (六) 公共建設之興建。
- (七) 新市鎮、新社區之開發或辦理都市更新。
- (八) 其他經中央目的事業主管機關公告之投資項目。

三、農牧經營之投資，係指符合行政院農業委員會公告之農業技術密集與資本密集類目及標準之投資。

Article 2: Investments in major infrastructure projects, overall economic development, or agricultural and animal husbandry industries mentioned in Item 8, Paragraph 1, Article 19 of the Law refer to:

A·Investment in major infrastructure projects means investment in projects approved by the central government authorities concerned or reported to Executive Yuan for approval.

B·Investment in overall economic development means investments as listed below:

- (1)Development of tourist hotels, entertainment and tourist facilities, sport centers or stadiums.
- (2)Residences and buildings.
- (3)Industrial plants or factories.
- (4)Development of industrial zones, business and industry complexes, hightechnology scientific parks and other special zones.
- (5)Tidal land.
- (6)Public infrastructure construction.
- (7)Development of new cities/towns and new communities, or urban renovation.

(8) Other permissible investments announced by the central government authorities concerned.

C. Investment in agricultural and animal husbandry industries means investments that comply with the categories and criteria of technical intensive and capital-intensive agriculture specified and announced by the Council of Agriculture (COA), Executive Yuan.

◆ 第 3 條

外國人依本法第 19 條第 1 項第 8 款規定申請取得土地，應填具申請書，並檢附下列文件，向中央目的事業主管機關為之：

一、申請人之身分證明文件；其為外國法人者，應加附認許之證明文件。

二、投資計畫書。

三、土地登記簿謄本及地籍圖謄本；屬都市計畫內土地者，應加附都市計畫土地使用分區證明；屬耕地者，應加附農業用地作農業使用證明書或符合土地使用管制證明書。

四、經我國駐外使領館、代表處、辦事處及其他外交部授權機構驗證之平等互惠證明文件。但已列入外國人在我國取得或設定土地權利互惠國家一覽表之國家者，得免附。

五、其他相關文件。

前項應檢附之文件，於申請人併案或前送審之投資計畫案已檢附者，得免附。

Article 3: Foreigners acquiring land in compliance with Item 8, Paragraph 1, Article 19 of the Law shall file a land acquisition application with the following required documents required to the competent central government authorities:

A. Identity documents of the applicants; in case of foreign corporate body, the corporate license documents shall be required.

B. Investment proposals.

C. Transcripts of land registration and cadastral maps; in case of land for urban planning, the certificate of land zoning for urban planning shall be submitted; in case of farmland, the certificate of farmland for agricultural purpose or certification of compliance with restrictions of land use.

D. Reciprocal treaty/agreement documents that are notarized by the ROC embassies, consulates, representative offices or other agencies authorized by the Ministry of Foreign Affairs (MOFA), Taiwan, ROC. This requirement may be waived for applicants from the countries listed in the List of Reciprocal Nations for Foreigners Acquiring Land in Taiwan, ROC.

E. Other relevant documents.

Presentation of the required documents listed in the previous paragraph may be waived if the documents are submitted together with investment proposals or have already been filed.

◆ 第 4 條

前條第 1 項第 1 款認許之證明文件，係指該外國法人依我國法律規定認許之證明文件。

Article 4: The license documents required in Item 1, Paragraph 1, of the preceding Article 3 means the licenses that are issued to the foreign corporate body in accordance with the laws of the Republic of China.

◆ 第 5 條

第 3 條第 1 項第 2 款之投資計畫書，應載明計畫名稱、土地所在地點及其他中央目的事業主管機關規定之事項。

Article 5: The investment proposal referred to in Item 2, Paragraph 1, of Article 3, shall explicitly state the name of the project, land location and requirements as specified by the competent central government authorities.

◆ 第 6 條

第 3 條第 1 項第 4 款之平等互惠證明文件，係指申請人之本國有關機關所出具載明該國對我國人民得取得同樣權利之證明文件。但該外國有關外國人土地權利之規定，係由各行政區分別立法者，為我國人民在該行政區取得同樣權利之證明文件。

Article 6: Reciprocal documents mentioned in Item 4, Paragraph 1, of Article 3 mean the documents issued by the authorities of the applicant's home country stating that the ROC nationals are entitled to enjoy the same rights and interests in these countries. If regulations governing foreigners' acquisition of land rights are formulated by an individual territory administration in the applicant's country, these documents should be documents stating that the ROC nationals are entitled to enjoy the same rights and interests in the same territory administration.

◆ 第 7 條

外國人依第 3 條規定申請時，其投資計畫涉及二以上中央目的事業主管機關者，申請人應依其投資事業之主要計畫案，向該管中央目的事業主管機關申請；該中央目的事業主管機關無法判定者，由行政院指定之。

Article 7: When an investment project by a foreigner in accordance with Article 3 involves two or more competent central government authorities, the applicant shall submit the application to the one competent central government authorities most closely related to the main project. In case the competent central government authorities fail to determine the nature of the project, the Executive Yuan may designate one competent authority for the project.

◆ 第 8 條

中央目的事業主管機關審核申請案件，必要時得會商相關機關為之，並得邀申

請人列席說明。

Article 8: The competent central government authority may consult with relevant agencies when reviewing the applications, and invite the applicant to be present for consultation.

◆ 第 9 條

中央目的事業主管機關核准申請案件後，應函復申請人，並副知土地所在地之直轄市或縣（市）政府；未經核准者，應敘明理由函復申請人。

前項核准函復之內容，應敘明下列事項：

一、申請案件經核准後，應依本法第 20 條第 1 項規定之程序辦理。

二、申請取得之土地，其使用涉及環境影響評估、水土保持、土地使用分區與用地變更及土地開發者，仍應依相關法令及程序辦理。

Article 9: The competent central government authority shall notify the applicant of the approval by written confirmation and send a copy of the confirmation to the municipal or county government where the land is located. If the application is rejected, the central government authority shall state the reasons and notify the applicant in writing.

The content of written approvals shall include:

A · The application duly approved shall be processed in accordance with Paragraph 1, Article 20 of the Law.

B · The exploitation of land involving the assessment of environmental impact, water conservation, land zoning and alteration of land use and land exploitation shall be made in accordance with laws and regulations relating to individual projects.

◆ 第 10 條

本辦法所定申請書格式，由中央地政機關定之。

Article 10: The format of the application specified in the Regulations shall be determined by the Land Administration Authority of the Central Government.

◆ 第 11 條

第十一條 本辦法自發布日施行。

Article 11: The Regulations shall come into force on the date of their promulgation.