



## Article Content

**Title :** Regulations for the Auction of Domestic Land and Improvements Acquired by Foreigners That Are Not Used in Accordance with Regulations  CH

**Announced Date :** 2003-10-01

**Category :** Ministry of the Interior ( 內政部 )

- Article 1 The Regulations were established in accordance with Article 20 Item 4 of the Land Law (hereinafter referred to as the Law).
- Article 2 For land acquired by foreigners in accordance with Article 19 Item 1-8 that is not used in the stipulated period and manner, except when an extension is applied for and approved by central competent authorities, the central competent authorities shall notify the municipality or country (city) government of the land office to inform the land owner to sell the land within three years after receipt of the notification.  
For land owners that do not sell the land within the stipulated period of time, the municipality or country (city) government shall notify the central competent authorities to determine if the land is being used in accordance with the objectives of the originally approved investment plan based upon the following criteria:  
1. After verifying that use is in accordance with the objectives of the originally approved investment plan, the central competent authorities shall set the auction terms and conditions and related auction review items and pass them to the municipality or country (city) government to conduct the auction.  
2. After verifying that continued use does not need to be in accordance with the objectives of the originally approved investment plan, the central competent authorities shall revoke the originally approved investment plan and pass the relevant regulations to the municipality or country (city) government to restore the original use controls for the land and then hold the auction.
- Article 3 The land owner shall be notified prior to the auction held by the municipality or country (city) government. Where there are other rights, the holders of other rights shall be notified.
- Article 4 If there is any objection regarding auction matters, the objections shall be submitted in writing to the municipality or country (city) government within fifteen days after the land

owner receives the notification sent under the prior Article. The agency shall finish handling the case prior to the auction announcement. The person who submitted the objections shall be notified of the handling of the previous item's objections. If not satisfied with the administrative remedy process should be followed within 30 days of notification receipt.

- Article 5 Land auctions shall be in principle auctions of entire plots or blocks of land. If still not auctioned off after the second auction, the municipality or country (city) government shall divide up the land into separate plots or blocks for auction based on use conditions and planning suitability. If Article 2 Item 2-1 is applicable, the auction of separated plots or blocks of land shall be subject to the approval of central competent authorities.
- Article 6 Postal tenders are used for municipality or country (city) government-held auctions.
- Article 7 The rights and obligations of bidders should be stated on bidding documents for auctions held by municipalities or country (city) governments.
- Article 8 Public legal persons, private legal persons and natural persons that may acquire a permit for this real estate within the territory of the Republic of China in accordance with the law may participate in the bid for land and other improvement auctioned in accordance with the Regulations except for those auction conditions determined separately by central competent authorities under Article 2 Item 2-1.
- Article 9 The following items shall be arranged by the municipality or country (city) government prior to the auction.
- 1.Registration of request: During the announced auction, request that the land office record information related to the auctioned land and improvements shall be recorded in the other registration item column in the land register in accordance with Article 20 Item 3 of the Land Law.
  - 2.Land survey and verification status: Photos of land site surveying should be made into survey records, which contain the following items:
    - (1) Land use conditions such as the name of the owner if there are works or crops on the land.
    - (2) The tenant and reason for tenancy when the tenant of the property is not the mortgager or debtor.
  - 3.Information checking and preparation: Check property registration information and prepare land and building registration transcript, cadastral map transcript and location

map for viewing.

4. Notification: Auction announcement 14 to 16 days prior to the bid opening is required, then announcement should be made 10 days prior to the bid opening.

5. Site marking: A sign shall be erected at the site of the auction.

Article 10 The municipality or country (city) government shall set the minimum bid based upon announced current land values and building (agricultural) improvement acquisition compensation assessment standards.

Article 11 The following items shall be listed on the auction notification:

1. Legal basis.
2. Land and other improvement signs and area.
3. Land use and ownership status.
4. Setting of other rights.
5. Urban planning zoning and non-urban planning use designation.
6. Auction minimum price and deposit amount.
7. Auction date and location.
8. Instruction to bidder, bid form pick-up time and location.
9. Regulations regarding preferential right to purchases.
10. Other necessary items.

Circumstances of Article 2 Item 2-1 shall be listed at the time of announcement. The contents shall conform to the auction terms and conditions set down by the central competent authorities and related auction review items.

The public announcement under item 2 shall be posted in a nationwide newspaper for three or more consecutive days.

Article 12 Bid participation by bidders shall be subject to the following regulations:

1. Filling out the bid form: List bidder, subject, bid amount and commitments. Natural persons shall list name, citizen identification number, address and telephone number. Legal persons shall enter name of legal person, address, telephone number, legal person registration or company registration code and name of legal representative. The bid amount shall be entered in complex Chinese numerals.

2. Deposit payment: The amount is calculated at a rate of ten percent of the minimum bid (the amount is rounded up to the nearest thousand dollar). Limited to payment by postal money order, crossed check from a domestically operating bank, trust & investment corporation, credit union, post office, farmer or fishermen's association or certified check. The deposit should be placed in a sealed envelope together with the bid form and sent by registered mail to the P.O. box designated by auctioning agency before the mail box is opened. Late deposits shall not be accepted and will be returned in their original form.

For the crossed check in above item 2, the drawer and drawee of t  
is the financial institution.

Article 13 For landowners who have signed the transfer contract and reported the current value during the notification period of the municipality or country (city) government auction, the copies of the contract documents and current value application shall be submitted to the municipality or country (city) government to apply to stop the auction.

The auction shall be stopped after the municipality or country (city) government receives the above application and its authenticity is verified by review.

After the auction is stopped, the municipality or country (city) government shall notify the administration agencies under its jurisdiction to complete the land and other improvement transfer registration. After revoking the auction registration, the land office shall inform the central competent authorities, municipality and country (city) government of the status.

If the transfer registration of the above transfer is not performed within two months after approval is given to stop the auction, the municipality or country (city) government shall hold another auction in accordance with the Regulations. After the new auction is held, the landowner may not apply again to stop the auction under item one.

Article 14 If there are preferential rights for auctioned land and improvements, those with preferential rights the awarding of the bid shall prepay the appropriate deposit amount within ten days of the day following notification receipt to indicate willingness to make the preferential purchase. The preferential right shall be deemed to be forfeited if payment is not made within the stipulated period.

For those deemed to have forfeited their preferential right, the municipality or country (city) government shall present certification documents when applying to register the ownership transfer in accordance with Article 97 of the Land Registration Rules.

Article 15 In the event that auctions held in accordance with the Regulations that have no bidders or nullified bidding after two invitations for bids, the municipality or country (city) government shall consider an appropriate reduction of the price and announce that another auction will be held. The price reduction shall not exceed ten percent.

If there are still no bidders or the bidding is nullified when the announced auction is held as stipulated in the above item, the municipality or country (city) government shall announce again a ten percent or less reduction of the minimum bid price

again. If there are still no bidders or the bidding is nullified, the above percentage is made to the minimum price until the aucti

Article 16 If any one of the following conditions occurs with the land and its improvements during the period of the auction held by the municipality or country (city) government, the auction procedure should be stopped and a request be made to the land office to revoke the auction registration.

1.A court request is made for sealing, provisional seizure, provisional disposition or bankruptcy registration.

2.Expropriation announcement.

3.Notification of transfer prohibition is made by the municipality or country (city) government in accordance with the law.

4.The auction is stopped in accordance with the provisions of Article 13.

Article 17 The municipality or country (city) government shall notify the owner and the holders of other rights the following bid result items:

1.Winning bid price.

2.Land value-added tax and related taxes owed.

3.Auction basis of enforcement fees.

The municipality or country (city) government shall allocate the proceeds in the order stipulated in above Articles 2 and 3. The owner shall be notified to collect the remaining amount if any within a three-month period. If not collected within the stipulated time, the amount shall be put on deposit in accordance with regulations.

Article 18 Following bid opening verification, the successful bidder shall pay the full amount in one lump sum within thirty days of the day following the bid opening unless otherwise stipulated.

Article 19 Following bid opening verification, the municipality or country (city) government shall notify the bid winner to make payment in one lump sum within the period stipulated on the auction announcement. The deposit of the bid winner shall be set against the price and not be returned.

If the bid winner applies for a loan with a financial institution using the real estate gained through the bid as collateral to pay the marked price, the payment method shall be determined by the municipality or country (city) government. Holders of preferential rights that apply for a loan using the purchased real estate as collateral to pay the marked price, the provisions of the above two items shall apply.

Article 20

The hand-over time and method for the auctioned land and improvements shall be determined as follows:

1.The municipality or country (city) government shall conduct the hand over within 15 days after full payment is made by the bid winner.

2.A written record of the hand-over is kept as a rule. Write handover completed in the other item column of the handover log and note that handover was made in current state.

Article 21 After the bid winner completes payment for the auctioned land and improvements in accordance with the auction terms and conditions,the municipality or country(city) government shall issue a transfer of title to the bid winner and notify the land office and central competent authorities. If a mortgage is being taken out, the municipality or country (city) government shall first pay off mortgage guaranteed debts and request the land office to revoke the mortgage registration and auction registration.

The bid winner must individually apply for the register of right transfer at the land office with the above transfer of title.

Article 22 The auction notification, bid form, instructions to bidders and other documents used in association with the regulations shall be determined by the municipality or country (city) government.

Article 23 The Regulations shall come into force on the date of their promulgation.

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Web site : Laws & Regulations Database of The Republic of China (Taiwan)