

Content

Title : Regulation for Counseling and Governance of Recreation Agriculture [Ch](#)

Date : 2011.03.24

Legislative :

- 1.Promulgated on December 30, 1992
- 2.Amendment to all Articles Promulgated on December 31, 1996
- 3.Amendment to all Articles Promulgated on April 30, 1999
- 4.Amendment to all Articles Promulgated on July 31, 2000
- 5.Amendment to all Articles Promulgated on January 11, 2002
- 6.Amendment to all Articles Promulgated on February 27, 2004
- 7.Amendment to all Articles Promulgated on February 20, 2006
- 8.Amendment to Article 21 Promulgated on April 6, 2006
- 9.Amendment to Articles 16, 28 Promulgated on May 21, 2009
- 10.Amended and promulgated on March 24, 2011

Content : **Chapter 1 The General**

Article 1

This Regulation is set up to comply with the requirement in the Paragraph 3, Article 63 of the Agriculture Development Ordinance.

Article 2

Matters in this Regulation of the other agency' s concern shall be undertaken by the governing agency in association with the concerned agency.

Article 3

(Excluded)

Chapter 2 Planning andCounseling for Recreation Agriculture District

Article 4

Area with the following features is permissible for planning recreational agriculture dis-trict:

- 1. Distinctive agricultural features of the local district;
- 2. Rich landscape resources;
- 3. Rich ecological and valuable cultural heritages for conservation.

The land area requirement applying for designation as recreational agriculture dis-trict is the following hereafter:

- 1. 50 - 600 hectares in exclusively non-urban district;
- 2. 10 - 100 hectares in exclusively urban district;
- 3. 25 - 300 hectares in the mix of non-urban and urban districts.

On the necessity of the natural circumstance or local trade development, the top limit of the area requirement in the preceding paragraph is allowable to relax to a certain ex-tent. Recreational agriculture district approved by the central agency prior to 11 January 2002, the date the Amendment effective, is exempted from the Para 2 on the top limit of area requirement.

Article 5

Recreational agriculture district is designated by the central agency on the planning document submitted by the competency agency of province-city or county (city). In the case of the district situating beyond province-city boundary or encompassing two and more counties (cities), it is for one of the competency agencies on agreement with the others to formulate the planning document.

To the area satisfying the provisions of the Para 1 to 3 of the preceding article, the local resident, recreational farm manager, farmers association or the township (city/town/district) hall is allowable to initiate planning proposal to the local competency agency of province-city or county (city) for planning.

Contents of the planning document or planning proposal for recreational agriculture district are the following hereafter.

1. Name and Planning objective;
2. Site description:
 - (1). Location Map: boundary of the recreational agriculture district on the latest aerial-photo basic map of aerial-photo with the scale of one to five thousands;
 - (2). Boundary Map: on dyeline print of the cadastral map with the scale under one to five thousands;
 - (3). Cadastres book;
 - (4). Landuses zoning statistical figure for urban district; figures of landuses zoning and landuses designation classes for non-urban district;
3. Restriction matters on development and utilization;
4. Core resources of recreational agriculture;
5. Holistic development plan;
6. Management model and promotion organization;
7. Improvement of the existing facilities, planning and maintenance for the facilities and environment;
8. Ex-ante benefits;
9. The others of recreational agriculture district concern.

Change of the name or boundary of recreational agriculture district shall follow the provision of the Para 1 for approval of the central agency.

The central agency shall proclaim the name and boundary of the recreational agri-culture district upon designation, and publish it in the Government Gazette; and ditto in the change or revocation.

The central agency shall proclaim format of the planning document and planning proposal, and the examination provisions.

Article 6

Development of recreation agriculture district in the following areas shall comply with the respective regulation: forest, watershed of major reservoir, natural reserve, specific soil and water conservation, wildlife protection, important wildlife habitat, coast nature protection, and national park.

Article 7

The cottage, in recreation agriculture district designated by the central governing agency with business permit under the Lodging Governance Regulation, may provide retailing agricultural product and dining services.

Article 8

The central governing agency may provide assistance and counsels on public facilities to recreation agriculture district.

Recreation agriculture district, following its plan, may provide the

facilities under-mentioned for the public.

1. Security protection,
2. Parking lot,
3. Pavilion,
4. Out-looking,
5. Indication and interpretation billboard,
6. Sanitation,
7. Hiking trails,
8. Soil and water conservation,
9. Environmental protection,
10. Landscape,
11. Other facilities approved by local governing agency for the recreation agriculture.

The land requirement for the preceding facilities is the responsibility of the township (city/town/district) hall to coordinate for landuse permit and to acquire the landuse consent from the landowner(s).

Article 8-1

The competency agency of province-city or county (city) shall inspect and maintain the public facilities in recreational agriculture districts in their administration on routine basis per annum, and report to the central agency for examination.

The competency agency of province-city or county (city) shall comprehensively re-view the recreational agriculture districts in their administration, quinquennially. Review scope shall include the short-, medium- and long-term plans for management software and hardware facilities, and readjust the planning document duly in time for examination of the central agency.

For guidance of recreational agriculture development, the central agency shall evaluate the recreational agriculture districts in every two years.

The evaluation sets up 100 marks as the full score for classification: those scoring above 90 marks classified in Excellent Class, Class A for 80 to 90 marks, Class B for 70 to 80 marks, Class C for 60 to 70 marks, and Class D for those under 60 marks.

The competency agency of province-city or county (city) shall formulate guidance plan to improve the recreational agriculture districts in D Class. Should they result to D Class out of re-evaluation, the central agency shall proclaim to revoke the designation to the recreational agriculture districts.

Chapter 3 Establishment Application of Recreation Farm

Article 9

(Excluded)

Article 10

To set up recreational farm, the agrarian land shall not be less than 90% of the recreational farm or below 0.5 hectare, also shall satisfy the following provisions:

1. Recreational farm application shall be on the entire area of each lot;
2. Shall have at least one direct access to the road above township grade;
3. Area shall be in a complete shape, not scattering. But exemption is provided for one of the following circumstances:
 - (1). Waterway or trail therein under six-meter wide with safety measures without hindrance to recreational activities;
 - (2). Separation due to public facilities after Preparation

Consent for Recreational Farm secured;
(3). Application of those in recreational agriculture districts
in two lots and each lot exceeding 0.1 hectare.
The land area of waterway, trail or public facilities in the preceding Item
(1) and (2) of Clause 3 shall be excluded from the area account of the
preceding Para.

Article 11

Development and utilization of recreation farm shall comply with the
requirement of respective regulation of related urban planning, regional
planning, soil and water conservation, slopeland conservation and
utilization, building code, environmental impact assessment, tourism
development, and the other relevant ordinances.

Article 12

The application for the establishment-preparation of recreation farm shall
be made to the local governing agency; shall the land locate in two local
authorities or more, it is to the local governing agency of larger portion
of the land.

Article 13

The application for establishment-preparation shall complete the
application form and the following documents.

1. Management Program,
2. The cadastres of the farmland

Implementation of the recreation agriculture facilities in the management
program may be in phases pending upon the necessity; but it shall
concurrently describe the work scope and schedule of each phase.

The formats of the preceding application form and management program, and
the examination requirements of the management program are for the central
governing agency to proclaim.

Article 14

For the establishment-preparation application of less than ten hectares, it
is the local agricultural governing agency in association with related
departments to examine the application and to issue the consent document
for the establishment preparation upon requirements satisfied. For those
over and inclusive of ten hectares, it is the central governing agency to
issue the consent document after the examination of the local governing
agency.

To the management program with development in phases, it is on the
completion of each phase against the schedule approved to apply for or to
replace the permit registration certificate.

Article 15

The applicant, upon acquiring the consent document from the governing
agency, shall apply to the local governing agency for the use-permit for
the recreation agriculture facilities. Those involved with the
designation change of the non-urban land, the applicant shall formulate a
business development program for approval from the local governing
agency.

Shall the landuse designation change for the preceding business development
program exceed two hectares; it is necessary to change the landuse

zoning.

The format, contents and examination guidance of the preceding business development program is for the central governing agency to proclaim.

Article 16

In the recreational farm, facilities and management of lodging, catering, processing (brewing) the farm's products, exhibit (sale) of farm products and rural artifacts, education-narration center, and the relevant, if their permit or registration required by law, they shall be secured prior to business operation.

The duration for recreational farm to secure Permit Registration of Recreational Farm is limited to four years from the date Preparation Consent of Recreational Farm is-sued.

Recreational farm with business plan failing in securing Permit Registration of Recreational Farm in the duration on rightful reasons, may apply to the competency agency of province-city or county (city) or the central agency for extension in three months prior to expiration. Duration for each extension is limited to two years and two extensions; but, exemption for those on one of the following circumstances.

1. Due to public works and reconfirmed as inexorable by the competency agency for the public works as to result to completion impossible in the preparation duration are permissible for three extensions.
2. Those with business plans approved by the competency agency of province-city or county (city) and earmarked for specific guidance and assistance of the central agency are permissible for three extensions. In three months prior to expiration of the third extension duration, the ultimate extension is applicable to those having demolished or secured demolition document(s) to the existing facilities not allowable for lawful documents by building regulations, and the remaining facilities having already secured building erection permits.

To processing the ultimate extension application of the preceding Clause 2, the competency agency of province-city or county (city) shall set up a task team of building and fire departments, the professionals and the academic to assess a reasonable duration for completing construction and use permit of the facilities and check-point schedule to the central agency for the extension approval and the duration. The maximum duration shall be four years.

The competency agency of province-city or county (city) shall examine the progress of each facility against the check-point schedule approved by the central agency. Those, with facilities not duly being completed against the approved schedule, shall be reported to the central agency to revoke the final duration approval and to resort to the provisions of the Clause 3, Article 17.

Article 17

Recreational farm of preparation consent shall follow the business plan to secure uses permit to the facilities or to pursue the facilities development. Upon completion of the works in the business plan and securing lawful documents to the facilities, they shall re-port to the competency agency of province-city or county (city) for examination, upon the examination satisfaction, to be referred to the central agency Registration Permit of Recreational Farm.

Setting up application for recreational farm, all facilities in the business plan in place already and lawful use documents for the existing facilities secured, may submit the application form, business plan, landuses cadastres and the relevant document(s) to the competency agency of province-city or county (city), upon examination satisfaction on the consistence with the business scope, to issue preparation consent paper and to re-fer to the central agency to issue permit registration certificate. To those failure in completing all facilities in the business plan against

the specified schedule and to secure permit registration certificate, the central agency or the competency agency of province-city or county (city) shall revoke their preparation consent papers, uses permit and business plan and report to the central agency to revoke their permit registration certificate.

Article 18

The land of the recreation farm with establishment-preparation permitted or obtained already the permit registration is not eligible to affiliate into the application of the other recreation farm.

The public land within the recreational farm applying for landuse designation change shall coordinate the management agency for consent to be affiliated for the designation or change of the designation.

Shall it be necessary to contribute feedback fee in the landuse change for the recreational farm; it follows the Regulation for the Feedback Fee Contribution and Allocation of Changing Agricultural Landuse.

Chapter 4 Facility in Recreation Farm

Article 19

Agriculture facilities permissible in recreational farm are as the following:

1. Lodging;
2. Catering;
3. Processing (brewing) workshop for the farm products;
4. Exhibit (sale) for farm products and rural artifacts and narration and education center
5. Ticket office
6. Safety and security;
7. Pavilion;
8. Overlooking;
9. Sanitation;
10. Farming experiencing;
11. Ecology experiencing;
12. Safety precaution;
13. Car park;
14. Interpretation board;
15. Camp;
16. Recreational trail;
17. Soil-water conservation;
18. Environmental protection;
19. Farm trail;
20. The other recreational agriculture facilities approved by the competency agency of province-city or county (city).

Unless use permitted by law otherwise, shall the area of recreational farm satisfy the following provisions; it is allowable for the facilities of the preceding Clause 1 to 4 and by resorting to relevant regulations to pursue landuses re-zoning or uses permit:

1. Exceeding one hectare in non-sloping land;
2. Exceeding one hectare in urban sloping land or ten hectares in non-urban district.

The total land area for the facilities in the preceding paragraph shall not exceed ten percents of the recreational farm in total and limited to two hectares; shall the recreational farm in excessive of two hundred hectares, it is allowable for five hectares.

The land area for recreation farm in the Para 2 shall encompass sloping land and non-sloping land, the sloping land criteria is to apply; in a mix of urban and non-urban districts, it is the criteria of non-urban district to apply. Shall part of the land locate in a national park; it is subject to the control of national park plan.

The recreational agriculture facilities of Item 5 to 20 in the Para 1 shall

apply for uses permit by relevant regulations; their area in total shall not exceed ten percents of the agrarian area of the recreational farm, but the area for soil-water conservation, environmental protection and farm trail are excluded.

The examination provisions for permissible uses application of recreational agricultural facilities shall be proclaimed by the central agency.

In recreational farms, the total area of non-agrarian land, farm cottage, and the facilities in agrarian land shall not exceed forty percents of the recreational farm. But, those facilities of the Item 3, Para Two, and Article 8 of the Examination Regulations for Application of Agrarian Land for Agriculture Facilities Uses are excluded.

Article 20

The principle for all the facilities in a recreation farm is for the purpose of agricultural management without undue hazard to the nature, culture or landscape.

The building height of the preceding facilities shall be consistent with the existing building administration regulation or under 10.5 meters high; but out-looking facilities or the facilities for the purposes of public safety or environmental preservation with the safety evidence and approved by the central governing agency are exempted.

Chapter 5 Management and Supervision of Recreation Farm

Article 21

Those recreational farm applicants, approved for development in phases by the Para 2 of the Article 14, may present the completed facilities of each phase to the competency agency of province-city or county (city) for examination, upon satisfaction referring to the central agency to issue (replace) Permit Registration of Recreational Farm.

The preceding permit registration certificate shall specify the approved business areas, facility items and sizes completed of each phase, and limit to the permitted uses.

The facilities in the Para 1 classified as buildings by building regulations shall secure building use permit.

Application for Permit Registration of Recreational Farm shall be charged with fee provided in the Regulations of Fee Standards for possessing Permit application and issuing certificate of the agricultural competency agency. Those recreational farm applicants in the situation of being incapable of completing all the facilities in the business plan in the specified duration, they shall apply to the competency agency of province-city or county (city) for changing the business plan in three months prior to expiration.

Article 22

Change of the name, the reliability person, business items, or business recess, reopening of recreational farm shall report in advance to the competency agency of province-city or county (city) to approve to refer to the central agency for change or approval of Permit Registration of Recreation Farm, unless the situation extraordinary otherwise.

Change in the contents of business plan, the land area or boundary of recreational farm shall apply against the procedure in Para 1 of Article 14 for approval.

Recreational farm to recess the business for more than one month shall apply to the competency agency of province-city or county (city) for recess approval.

The preceding business recess duration shall not be longer than one year; those with rightful reasons may apply for the recess extension in 15 days

prior to the recess duration expired, but limited to one year only. Recreational farms to reopen the business shall report to the competency agency of province-city or county (city) in 15 days prior to the recess duration expired.

To those failures in approval application for business recess against Para 3, Para 4 or reopening the business against the preceding paragraph prior to the recess duration ex-pired, the competency agency of province-city or county (city) shall report to the central agency to revoke their Permit Registration of Recreational Farm.

To the termination of recreational farm business, the reliability person, in one month after the date termination effective de facto, shall report to the competency agency of province-city or county (city) to refer to the central agency to revoke their Permit Registration of Recreational Farm.

Article 23

Recreation farm shall complywith Corporation Act, Business Registration Act, Tourism Development Ordinance, Food Hygiene Administration Regulation, Unified Licensing Regulation for Profit-Making Business, Regulation for Profit-Making Business Registration, Business Taxation Act, Income Tax Act, Property Taxation Regulation, Land Tax, and relevant regulations to apply for business registration and tax paying.

Article 24

The competency agency of province-city or county (city) shall coordinate the other competency agencies of concern to inspect the recreational farms on preparation consent or permit registration certificates approved regularly or irregularly, and to command those in breach of the provisions in the Regulations to improve by a specific date. To those failures in improvements in the specified duration, punitive enforcement against relevant legislations shall be served. To those deemed to jeopardize the public safety, it is permissible by resorting to relevant legislations to terminate the use of the part or the all.

To those recreational farms critically involving with those situations specified in the Article 71 of The Regulations for Agricultural Development, the competency agency of province-city or county (city) shall revoke their preparation consent papers or to present to the central agency to revoke their permit registration certificates.

The lawful cottage erected in the recreational farm with Permit Registration is al-lowable to apply for management of home stay in accordance with Provisions for the Management of Home Stay Facilities.

Article 25

(Excluded)

Article 26

The recreation farm may apply for the permit for using the recreation farm badge registered by the central governing agency.

Article 27

The central governing agency may provide assistance in financing arrangement or provide management counsel to the recreation farm with establishment approval and registration.

The local governing agency based on their existing circumstance of

the recreation agriculture development may initiate their autonomy ordinance to implement the mechanism of total volume control on recreational farm.

Chapter 6 The Supplement

Article 28

Those recreational farms, earmarked for specific guidance and assistance prior to this Regulations (Amendment) effective on the date of 6 April 2006 but their legitimate registrations did not complete nor their Preparation Content revoked, may follow the following measures.

1. Applying for changing the business plan for development in phases in the provisions of the Article 21.
2. Shall the preparation duration expire but intend to continue the preparation; they shall apply, against the Para 3 of Article 16, for extension in three months from the date of 24 March 2011, the Amendment of the Regulations into implementation.
3. Those with valid preparation duration shall pursue the Para 3 of Article 16.

The competency agency of province-city or county (city) may also apply to the central agency for inviting the other competency agencies of concern to set up a task team for guidance and assistance.

Article 29

To promote the development of recreation agriculture the central governing agency may pursue evaluation on the recreation agriculture districts and recreation farms for originating further counsel and promotion.

Article 30

The Regulation will be into effect from the date of promulgation.

Data Source : MONISTRY OF AGRICULTURE Laws and Regulations Retrieving System