

Content

Title :	Regulation for the Organization and Administration of Agricultural Technology Parks <b>Ch</b>		
Date :	2014.08.07		
Legislative :	1.Full text of 25 articles enacted and promulgated by the Council of Agriculture, Executive Yuan, per Order Nung-Shou-Sheng-Yuan-Chou-Tzu No. 0934002601 on September 30, 2004 2.Amendment to Articles 9, 10, 17 promulgated on April 13, 2009. 3.Amendment to Articles 15, 17 promulgated on August 7, 2014.		
Content :	Article 1	The Regulation is enacted pursuant to Article 18 of the Act of Establishment and Administration of Agricultural Technology Parks (hereinafter referred to as “the Act” ).	
	Article 2	The Agricultural Technology Park Administration (hereinafter referred to as “the Administration” ) shall set up a review panel to review Park Enterprises’ enrollment applications. The director-general of the Administration shall, as the chair of the panel, convene meetings for case review at any time. When the case requires special approval of a competent authority, the representative of the authority shall be invited to join the review process. The review panel shall consist of eleven (11) to seventeen (17) members with the director-general of the Administration as the apparent member. The remaining members shall be engaged by the Administration. The quota of the external members engaged shall not be less than half of the members. When a meeting of the review panel is convened, at least two-thirds of the members shall be present, and more than half of which shall be the external members. Resolutions shall be adopted only by the consent of two-thirds of the attending members.	
	Article 3	The business plans submitted by the applicants shall contain the follows: n abstract; n operating objectives and schedule; n outline of the core technology; n market analysis; n marketing strategy; n pollution prevention; n financial plan (including risk analysis and economic benefits); and n research and development.	
	Article 4	With regard to the operations in the Park, the accounting of the Park organizations shall set up independent books.	

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Article 5     The majority of the managerial personnel of the incubation centers shall have at least two (2) years of experience in the investment, research, development, manufacturing, marketing or technical service in the technology industry.

The applicants of incubation centers and research institutions shall only lease land or factory buildings for the establishment in the Park after the Administration grants its approval of residency.

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Article 6     The business plans submitted by the incubation centers shall contain the following items:

- 1.abstract;
- 2.operating objectives;
- 3.operating strategy and approach;
- 4.operating schedule;
- 5.service functions and market status;
- 6.competency and risk analysis;
- 7.management team;
- 8.financial plan;
- 9.demands for space, facilities, public utilities and other resources;
- 10.ideas for collaborations and service partnership;
- 11.public safety, health and environmental protection work;

and

- 12.qualifications of those who apply to become resident enterprises in the incubation centers.

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Article 7     The incubation centers may engage in the following businesses:

- 1.provision of space and facilities along with administrative management support;
- 2.promotion, consultation and support of technology, research, development, and marketing;
- 3.exchange of information and intelligence along with promotion and support of the utilization of intellectual property rights;
- 4.consultation and support of business service and management;
- 5.provision and support of space and facilities for testing and verification work;
- 6.human resource training and promotion of industrial cooperation;
- 7.consultation assistance or participation in investment and fund raising;
- 8.publication and demonstration of new products and technology; or
- 9.other businesses as provided for in the laws and regulations.

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- Article 8     The incubation centers shall enhance the establishment of service partnership with corporations and institutions in and outside the Park, nearby universities and other incubation centers.
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- Article 9     Applicants to the incubation centers shall propose the operation plans to the incubation centers for approval. The incubation centers shall report the businesses that have been received permission to reside in the incubation centers (hereinafter referred to as the “resident enterprises” ) and space and facilities to be furnished to the resident enterprises, ideas for allocating service resources, and the environmental management plan to the Administration for the record.
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- Article 10    The resident enterprises shall start their residency in the incubation centers within three (3) months from the next day of receiving the approval notice; failure to do so without a prior approval for extension of the aforesaid deadline shall be deemed as forfeiting their residency. The resident enterprises must complete the business registration before starting the operation. The residency period shall last three (3) years; if deemed necessary, an extension of no longer than three (3) years may be granted once. Upon actual requirement, the resident enterprises may apply for early moving out of the incubation centers. The incubation centers shall, within one (1) month from the next day the resident enterprises move out of the centers, file the information with the Administration.
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- Article 11    Any alterations to the business items of those resident enterprises that have already moved in the incubation centers shall be approved by the incubation centers and filed with the Administration through the incubation centers. If the resident enterprises operate in contrary to the approved plan, the incubation centers shall notify the said resident enterprises to make improvements before a prescribed deadline and report such a case to the Administration. If the resident enterprises fail to comply, the resident enterprises shall cease their operations. The incubation centers may also order the said resident enterprises to vacate the premises before a prescribed deadline.
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- Article 12    If the incubation centers intend to close down business, the incubation centers shall make proper arrangement for those resident enterprises with unexpired residency based on their wish prior to closing down business.
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Article 13 For the establishment of the research institutions, the applicants shall submit the applications and business plans, which shall contain an outline of the core technology. Article 6 hereof shall apply mutatis mutandis.

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Article 14 The Administration may establish a task force to review the cases regarding the applications of residency in the incubation centers and research institutions. Article 2 hereof shall apply mutatis mutandis.

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Article 15 he Park enterprises, incubation centers, and research institutions shall commence the implementation of the business plans within six (6) months from the next day after their residency has been approved. If they fail to comply after the prescribed deadline, the Administration may revoke the approval of their residency.

The commencement of the implementation of the business plans as referred to in the preceding paragraph shall mean the situation where the Park Enterprises, incubation centers, and research institutions have applied to the Administration for approval to construct their own factory buildings or to rent factory buildings or business premises on the leased land, and the construction or the renting process has been completed, after their residency has been approved.

With regard to the duration prescribed in Paragraph 1 hereof, those with justified causes may apply to the Administration for an extension of no longer than three (3) months.

Park enterprises that have rented business premises shall apply to the Administration for approval to construct their own factory buildings or to rent factory buildings on the leased land, and the construction or the renting process shall be completed within three years from the next day after their residency has been approved.

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Article 16 The Park Enterprises, incubation centers, and research institutions shall operate in accordance with the business plans. Any alterations to the plans shall be approved by the Administration.

The Administration may dispatch personnel at any time to inspect the compliance status of the Park Enterprises, incubation centers and research institutions. The Administration shall notify those that fail to comply to make improvements before a given deadline.

The said Park Enterprises, incubation centers, and research institutions shall submit an improvement plan to the Administration within two (2) months from the next day of receiving the aforementioned notification. If fail to comply, the Administration may revoke the approval of residency.

The Administration may request the review panel as set forth in Article 2 hereof to review the alteration plans as referred to in Paragraph 1 and the improvement plan as referred to in the preceding paragraph.

If the improvement plan is deemed infeasible by the review results as referred to in the preceding paragraph, the Administration may set a period of one (1) month requiring the concerned Park Enterprises, incubation centers, and research institutions to revise the said improvement plan. If the revised improvement plan is deemed infeasible again by the review results, or if there is no revised improvement plan filed by the deadline, the Administration may revoke the approval of residency.

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Article 17 Park enterprises that have been granted residency shall post a surety bond , within two (2) months from the next day after their residency has been approved. The amount shall be calculated at the rate of 3% of the total approved capital and shall not be lower than NT\$100,000. The payment shall be made in cash, promissory notes or checks issued by financial institutions, certified checks, postal money orders, pledged certificates of deposit by financial institutions, or government bonds.

If the resident enterprises fail to complete the company or branch office registration pursuant to Paragraph 2, Article 15 of the Act or fail to pay the surety bond as prescribed in the preceding paragraph, the Administration shall revoke the approval of their residency; for those who do not rent land, factory buildings or business premises and who have posted the surety bond, the surety bond shall be refunded with no interest. However, with justified causes, applications to the Administration for an extension of no longer than three (3) months may be granted.

Any Park Enterprises with the Park Enterprise Registration License for less than a year that require further expansion due to business needs shall post a surety bond of 3% of the total approved capital increase.

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- Article 18 With regard to the examination of business business plans pursuant to Article 17, Paragraph 2 of the Act, the Administration shall organize an evaluation team to make an on-site evaluation that includes the follows:
1. Status of paid-in capital: The amount of paid-in capital required to complete the investment; and if the status of operation, profit/ loss and the debt ratio are satisfactory;
  2. Production equipment: Whether the equipment are properly installed and meet the investment plan and if the test run has been successful;
  3. Product items: Whether product items meet the original approved range and if the originally planned major product has been developed and sold in the marketplace;
  4. Hi-tech personnel: The high-tech personnel ratio should meet the original investment plan;
  5. Research and development: Whether the research and development plan has been fully implemented;
  6. Safety, hygiene and working condition: That must meet the requirements as prescribed in related laws and statutes concerning safety, hygiene and working condition;
  7. Environmental protection: Waste water and gas, waste and noise vibration, use of toxic chemical substances and recovery rate of water used shall all meet with the established requirements and the environmental impact assessment as well.
- The members of the evaluation team as referred to in the preceding paragraph shall be appointed by the director-general of the Administration; experts and scholars may be recruited. The Administration shall refund, with no interest, the guarantee fees to those deemed implementing in compliance with the business plans after the evaluation.
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- Article 19 The Administration may evaluate the business plan of an Incubation Center and research institution. Paragraphs 1 and 2 of the preceding Article shall apply *mutatis mutandis*.
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- Article 20 Once the approval of residency is revoked, the Park Enterprise, Incubation Center, and research institution shall, within two (2) months, move from the Park. The Park Enterprise shall, according to the Company Act, proceed with the formalities for relocation or cancellation of the company registration with the Administration.
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- Article 21 The guarantee fees shall not be refunded to those Park Enterprises that have their approval of residency revoked by the Administration or move from the Park on their own will while the business plans are incomplete.
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- Article 22 Living service businesses that establish service premises within the Park shall fill out the application forms and file the same along with an establishment plan and other relevant documents with the Administration. The said establishment plan shall at least contain the follows:
- 1.organization structure;
  - 2.operating functions;
  - 3.service specialties; and
  - 4.resource requirements.
- Customs agencies, bonded goods transportations, construction businesses, periodical passenger transport businesses, and other businesses required the approval of the competent authorities pursuant to the laws and regulations shall establish their businesses in the Park with the documents of the approval issued by the competent authorities.
- Those with no permanent operational premises established or personnel dispatched shall only enter the Park for business operations after a plan regarding the operations in the Park is filed with the Administration and the registration is completed.
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- Article 23 The approved living service businesses shall complete leasing land or operational premises and start the business operations within six (6) months from the day of approval. Failing to do so without an extension approved by the Administration, the approval of establishment may be revoked.
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- Article 24 The norms of the business plans or establishment plans of the Park organizations may be announced by the Administration.
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- Article 25 The Regulation shall be enforced as of the date of promulgation.
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Data Source : MONISTRY OF AGRICULTURE Laws and Regulations Retrieving System