

Content

Title :	The Enforcement Rules for the Forestry Act Ch
Date :	2006.03.01
Legislative :	<p>1.Promulgated on January 31, 1935.</p> <p>2.Amendment to all Articles promulgated on February 28, 1948.</p> <p>3.Amendment to all Articles promulgated on January 10, 1956.</p> <p>4.Amendment to Articles 6, 60, 66 promulgated on February 13, 1969.</p> <p>5.Amendment to all Articles promulgated on June 30, 1987.</p> <p>6.Deletion of Article 25 promulgated on August 31, 1998.</p> <p>7.Amendment to Articles 3, 5, 11, 13, 19 promulgated on January 19, 2000.</p> <p>8.Amendment to all Articles promulgated on March 1, 2006.</p>
Content :	<p>Article 1</p> <p>The Enforcement Rules are established and regulated in accordance with Article 57 of the Forestry Act (hereinafter referred to as this Act).</p> <p>Article 2</p> <p>The ownership of forests and all forest rights other than ownership, except for those registered by law as publicly or privately owned, shall generally belong to the state.</p> <p>Article 3</p> <p>Forestland as used in Paragraph 1, Article 3 of this Act is defined as follows:</p> <p>1. A land designated for forestry purpose under Article 3 of the Non-Urban Land Use and Control Rules and land subject to forestland control under Article 7 of the same Rules;</p> <p>2. A land in a non-urban land area not subject to zoning, and land in an urban planning preservation, scenery and agricultural areas determined as forestland by the competent authorities of a province-level municipality or county/city government;</p> <p>3. A land designated as conservation land under this Act;</p> <p>4. A land used for forest recreation area in accordance with Article 17 of this Act;</p> <p>and</p> <p>5. A land deemed located in a national park area under the National Park Law and determined as forestland by the competent authorities in consultation with the competent authority of the national park.</p> <p>Article 4</p>

State forest(s), public forest(s), and private forest(s) as used in Paragraph 1, Article 3 of this Act are defined as follows:

1. A state forest means a forest belonging to the state in the territory of the country, but not owned by any person.
2. A public forest means a forest registered by law to the ownership of a province-level municipality, county/city, township/city or public juristic person.
3. A private forest means a forest registered by law to the ownership of a natural person or private juristic person.

Article 5

The term undeveloped mountains and lands, as used in Paragraph 1, Article 6 of this Act, shall include mountains, hills, coasts, beaches and fields owned by the state, government or natural person that are left idle and are unsuitable for producing agricultural crops.

Article 6

Should a public forest be appropriated by the state as provided in Paragraph 1, Article 7 of this Act, the central government agency shall notify, three (3) months in advance, said public forest administrative authority. Before the takeover procedure is completed, the said administrative authority shall still be responsible for the protection thereof.

Where the said forest administrative authority has any objections against the said notification, it shall explicitly present the grounds within one (1) month of the day following receipt of the said notification to the central government agency for review.

Article 7

When the remaining parts of a public forest or private forest appropriated by the state are too small in size, or the terrain is so uneven that comparable use of the forest remnant is impossible, the forest owner may request collective appropriation by the state.

Article 8

In the case of an application for lease, sublet or allocation of state forestland or public forestland as provided in Paragraph 1, Article 8 of the Act, an application stating the following facts, enclosed with relevant proof documents, shall be filed to the local management and operation agency of the forestland, which shall forward the application to the central government agency in the case of state forest, or to the province-level municipal or county/city government agency in the case of public forest, for joint discussion with and further action by relevant organizations. The application must include:

1. Name of the applicant;
2. Location of the forestland for use, area of use, and field map at a scale of

- 1:5,000 (including transcript of land registration, cadastral map and details of land use);
3. Land area for use;
 4. Nature of business to be established and reason for use of the forestland; and
 5. Relevant application plan approved by the authority governing the proposed business.

As required under the Environmental Impact Assessment Act, the said application is subject to environmental impact assessment, or a soil and water conservation plan or summarized soil and water conservation application shall be submitted under the Soil and Water Conservation Law which will be reviewed and approved by relevant competent authorities before the procedure of rent, assignment or appropriation may be proceeded with.

Article 9

An applicant for construction in a forest in accordance with Paragraph 1, Article 9 of this Act shall file an application stating the following facts, enclosed with relevant proof documents, to the competent authorities for further action by relevant organizations:

1. Name of the applicant;
2. Location map, area and detailed use of the forestland for construction or excavation;
3. Location and map and description of the construction or excavation site; and
4. For public or private forest, the consent of land use by owner of the public or private forest shall be submitted.

Article 10

Whenever punitive actions of limitation or prohibition are to be imposed by competent authorities according to Article 11 of this Act, they shall be duly promulgated, and notice shall be served to the forest owner, landowner and parties of other land rights.

Article 11

When a state forest is partitioned, the central government agency shall survey the field, joined by relevant province-level municipal or county/city government, and make a general assessment of the following factors while taking into consideration the local conditions in determining the partition:

1. Administrative territory;
2. Ecological communities;
3. Watersheds; and
4. Business area or compartment boundary.

Article 12

To convert sections of national forest to business areas, the administrative government agency of the forest area shall periodically review and study the forest area, forest status, land status, traffic conditions and natural resources and draft a business plan to be reported to the central government agency for approval and implementation. The proceeding paragraph shall apply mutatis mutandis to experimental forests for academic research.

Article 13

The juristic person consigned to manage the business of a public forest in accordance with Paragraph 1, Article 12 of this Act shall have the ability to manage a forest to the interest of the public.

Article 14

If a forest owner needs to use another's land for transporting forest equipment or assets in accordance with Article 20 of this Act, the owner shall detail the grounds and file the following information with the government agency for mediation in conjunction with relevant local authorities:

1. Application plan;
2. Location map of land;
3. Area required;
4. Usage period;
5. Name and address of the landowner or the party of other rights;
6. Current status of the land and whether there are fixed objects; and
7. Development of negotiations.

Article 15

If a forest owner needs to use, alter or remove implements established by others in a water course, which must be done without endangering the water supply and safety of life as provided by Article 20 of this Act, the owner shall detail the grounds and address the following issues with the government agency for mediation in conjunction with relevant local authorities:

1. Plan for use, alteration or removal of the implements;
2. Types and locations of the implements to be used, altered, removed;
3. Name and address of the owner, or party of other rights, of the implements to be used, altered, removed;
4. A schedule and the duration of usage, alteration or removal of implements; and
5. Development of negotiations.

Article 16

Should the managing organization of a state forest or public forest deem it necessary to classify the forest under its jurisdiction as conservation forest as provided in Article 22 of this Act, the grounds for classification shall be stated explicitly. The grounds, together with an attached field survey map, shall be presented to the central government agency for approval. When approval has been granted, the managing

organization shall notify the province-level municipality or county/city government agency in writing.

Article 17

An applicant for the classification or declassification of a conservation forest in accordance with Article 26 of this Act shall complete a relevant application form, attached with a location map, providing the following information:

1. The name, location and area of the forest to be classified or declassified;
2. The grounds for classification or declassification;
3. The name and address of the applicant. For juristic person or organization, the name and address, and its representative and the names of responsible person must be provided.

Article 18

The compensation stipulated by Article 31 of this Act shall be investigated and reviewed by the local government agency.

The sum of the said compensation shall be calculated according to the value of the bamboo and logs or the reforestation cost. This information shall be filed with the central government agency, via the local government agency, for approval and determination.

Article 19

In the event of biological damage or disturbance to the forest, the forest owner, in addition to taking actions to eliminate or prevent the above, may also request the local administrative authority of the state forest to provide guidance and assistance.

Article 20

A petition for a tax reduction or exemption in accordance with Article 46 of this Act, shall be filed to the competent tax authorities in compliance with the relevant procedures, as provided under the tax law.

Article 21

The Enforcement Rules shall take effect on the day of promulgation.