

交通部高速鐵路計畫區段徵收取得其餘可供建築用地出租作業要點

中華民國 96 年 3 月 26 日交總(一)字第 960002771 號令
中華民國 101 年 1 月 31 日交總(一)字第 10187000011 號令修正
中華民國 107 年 7 月 16 日交總(一)第 10779000171 號令修正

一、交通部（以下簡稱本部）為執行高速鐵路計畫依獎勵民間參與交通建設條例第十二條規定辦理區段徵收取得之其餘可供建築用地（以下簡稱其餘可建地）之出租，依獎勵民間參與交通建設區段徵收取得土地處理辦法第七條第三項規定，訂定本要點。

二、本要點之執行機關為**本部鐵道局**（以下簡稱執行機關）。

三、執行機關依其餘可建地之區位特性及實際需要，擬定標租計畫，報本部核定後辦理之。但依第五點規定逕予出租及第七點出租予政府機關時，不在此限。

前項標租計畫包括下列項目：

- (一) 土地位置、面積及範圍。
- (二) 都市計畫土地使用分區。
- (三) 投標資格。
- (四) 預估租金底價及租期。
- (五) 其他相關事宜。

四、執行機關應依前點核定之標租計畫，自行訂定標租招標文件，並公開標租。

前項公開標租之公告期間不得少於十五日，並應刊登於執行機關網站及連續登報三日，同時函請其餘可建地所在之直轄市政府、縣（市）政府張貼公告。

五、申請承租人申請之租期未滿一年及面積未達一公頃，且非用以興建永久建築物者，得由執行機關逕予出租。

前項租金，依使用性質與目的、租期、使用面積、區位及公務協助，由執行機關訂之。

六、辦理出租時，執行機關應與承租人簽訂書面租賃契約，並應載明

承租人不得請求設定地上權。

七、中央行政機關、直轄市政府及縣（市）政府得依獎勵民間參與交通建設區段徵收取得土地處理辦法第八條備具相關文件向執行機關提出申請，並由執行機關逕予准駁。

出租土地予政府機關之租期為五年以下，期滿得申請續租，續租租期不得超過五年，並由執行機關逕予准駁。

前項租金，依使用性質與目的、租期、使用面積、區位、公務協助及財務計畫等因素，由執行機關訂之。

八、租賃契約終止或租期屆滿時，執行機關應依約收回土地。

九、其餘可建地依聯合開發、合作經營或其他方式使用、收益，以出租方式提供投資人或合作經營人使用時，不適用本要點。

Directions for the Lease of the Remaining Lands for Building Acquired by Zone Expropriation of High Speed Rail Project Implemented by MOTC

Order Jiao-Zong (I) Zi No. 960002771 dated 26 March 2007

Amended by order Jiao-Zong (I) Zi No. 10187000011 dated 31 January 2012

Amended by order Jiao-Zong (I) Zi No. 10779000171 dated 16 July 2018

1. For the purpose of executing the high-speed rail project, the Ministry of Transportation and Communications (hereinafter the “MOTC”) leases remaining land for building acquire by zone expropriation(hereinafter the “Land”) in accordance with Article 12 of the Statute for Encouragement of Private Participation in Transportation Infrastructure Projects and has established these Guidelines in accordance with the Paragraph 3, Article 7 of the Regulations for Administration of Land Expropriated under Encouragement of Private Participation in Transportation Infrastructure Zone.
2. The execution authority of these Guidelines is the **Railway Bureau, MOTC** (hereinafter the “Authority”).
3. The Authority shall prepare a lease tender proposal based on the features and actual needs of the area where the Land is located and submit the proposal to the MOTC for approval before execution, except for direct lease in accordance with Article 5 and lease to government authorities in accordance with Article 7.

The lease tender proposal under the previous paragraph shall include the following:

- (1) Land location, surface and scope.
 - (2) Land zoning under urban planning.
 - (3) Tender submission qualifications.
 - (4) Estimate price for forecast rental and lease period.
 - (5) Other relevant matters.
4. The Authority shall establish tender documents in accordance with the lease tender proposal approved in accordance with the previous Article and organize the lease tender.

The period of public announcement for the public lease tender under the previous paragraph shall be no less than 15 days. The announcement shall be made on the Authority’s website and in the newspaper for consecutive 3 days. At the same

time, a letter shall be sent to the municipal or county (city) government of the place where the Land is located for the public announcement to be displayed.

5. When a lessee applicant files an application for a lease period of less than one year and lease surface less than one hectare and if the purpose of the lease is not to construct permanent buildings, the Authority may engage in direct lease.

The rental under the previous paragraph shall be determined by the Authority based on the nature and purpose of the use, lease period, surface used, area and government assistance.

6. In carrying out the lease, the Authority shall sign written lease agreements with the tenants and shall specify that the tenants shall not seek the creation of easements.

7. Central administrative authorities and municipal and county (city) governments may file applications with the Authority for its approval or rejection by submitting relevant documents in accordance with Article 8 of the Regulations for Administration of Land Expropriated under Encouragement of Private Participation in Transportation Infrastructure Zone.

The lease period for land leased to a government authority shall be less than 5 years. The lease may be renewed for up to 5 years upon expiry of the lease period and such renewal may be approved or rejected by the Authority.

The rental under the previous paragraph shall be determined by the Authority based on the nature and purpose of the use, lease period, surface used, area, government assistance and financial plans.

8. Upon termination or expiry of the lease agreement, the Authority shall take back the land in accordance with the agreement.

9. When the Land is leased to an investor or co-operator for its use through joint development, co-operation or other means of use or proceeds, these Guidelines are not applicable.