

交通部高速鐵路計畫區段徵收取得其餘可供建築用地標售作業要點

中華民國 90 年 3 月 27 日交總九十(一)字第 002993 號函發布實施

中華民國 107 年 7 月 4 日交總(一)字第 1077900011 號函修正

- 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）之標售，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。
- 三、執行機關應視其餘可建地之區位特性及實際需要，擬定標售計畫，報本部備查後辦理之。
前項所稱之標售計畫應包括下列項目：
 - （一）標售土地之位置、面積及範圍。
 - （二）都市計畫土地使用分區。
 - （三）投標資格。
 - （四）預估標售金額。
 - （五）標售方式。
 - （六）預定標售時程。
- 四、辦理本要點其餘可建地之標售招標文件由執行機關自行訂定之。但預先標售之買賣契約範本應報本部備查。
- 五、第三點第二項第五款所稱之標售方式，得視個案特性及實際需要，就下列方式擇一辦理：
 - （一）預先標售：於其餘可建地未完成地籍整理前所為之標售。
 - （二）一般標售：於其餘可建地完成地籍整理後所為之標售。
- 六、標售其餘可建地之招標公告應於開標十五日前公告之。執行機關除應於機關門首公告五日外，並應連續登報三日以上，並得函請其餘可建地所在之縣（市）政府張貼公告。
- 七、得標人應於招標文件規定期限內簽訂買賣契約。
- 八、承購人於買賣契約規定期限內繳清全部價款後，由執行機關依買賣契約規定配合辦理所有權移轉登記及土地點交事宜。但預先標售者，執行機關應於承購人繳清全部買賣價款之日起三十日內核發土地使用同意書予承購人申請相關證照使用，執行機關應以現況辦理點交，製作點交紀錄。

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

Published and Implemented by letter Jiao-Zong-90 (I) Zi No. 002993 dated 27 March 2001

Amended by letter Jiao-Zong (I) Zi No. 1077900011 dated 4 July 2018

1. For the purpose of executing the high-speed rail project, the Ministry of Transportation and Communications (hereinafter the “MOTC”) organizes tenders for sale of remaining for building acquired 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.
3. The execution authority shall prepare a sale tender proposal based on the features and actual needs of the area where the Land is located and file the proposal to the MOTC **for reference** before execution.

The sale 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 tender sale price.
 - (5) Manner of sale tender.
 - (6) Estimated tender sale schedule.
4. The execution authority shall establish sale tender documents for the Land in accordance with these Guidelines, provided that the template sale and purchase contract for tender pre-sale shall be filed with the MOTC **for reference**.
 5. The manner of sale tender referred to under Subparagraph (5), Paragraph 2, Article 3 may be any of the following, depending on the features and actual needs of the case:
 - (1) Tender pre-sale: Tender sale before land registration consolidation is completed for the Land.
 - (2) General tender sale: Tender sale after land registration consolidation is

completed for the Land.

6. A public announcement for the tender sale of the Land shall be made 15 days before the bid opening. In addition to public announcement at the door of the execution authority for 5 days, an announcement shall also be made in the newspaper for consecutive 3 days. A letter may also be sent to the county (city) government where the Land is located for the public announcement to be displayed.
7. The winning bidder shall sign a sale and purchase agreement before the deadline prescribed in the tender document.
8. After the buyer pays off the full price before the deadline provided in the sale and purchase agreement, the execution authority shall register ownership transfer and hand over the Land in accordance with the provisions of the sale and purchase agreement. However, in the case of tender pre-sale, the execution authority shall issue a consent for land use to the buyer within 30 days from the date on which the buyer pays off the full sale and purchase price so that the buyer may apply for relevant certificates. The execution authority shall complete handover on an “as is” basis and shall prepare handover records.