


Content

Title :	National Park Law 
Date :	2010.12.08
Legislative :	1.The original version of the 30 articles below were promulgated by ROC Presidential Decree #878 on June 13, 1972. 2.These articles were amended and promulgated on December 8, 2010 by Presidential Decree #09900331461, resulting in the addition of Article 27-1 and amendments to Article 6 and Article 8.
Content :	<p>Article 1 This National Park Law is hereby enacted for the purpose of protecting the nation' s unique natural scenery, wildlife and historic sites, as well as setting aside areas for public recreation and scientific research.</p> <p>Article 2 The management of national parks shall be governed by this Law. If not provided for within this Law, the provisions of other laws and regulations shall apply.</p> <p>Article 3 Ministry of the Interior is the competent authority for the country' s national parks.</p> <p>Article 4 Ministry of the Interior shall establish the National Park Planning Commission to review the designation, alteration or abolishment of the areas for national parks, as well as review National Park Plans. The Commission members shall not be paid.</p> <p>Article 5 National Park Headquarters shall be established at each national park, and general rules for the administration of these Headquarters shall be enacted separately.</p> <p>Article 6 The criteria for the selection of national parks shall be as follows: 1.Areas having unique landscapes, significant ecological systems, or habitats with biodiversity that are representative of the country' s natural heritage; 2.Areas having an important cultural heritage or historical sites, as well as natural and human environments that have a rich cultural or educational significance. Such areas are important in terms of cultivating national identity and require long-term preservation efforts by the nation; 3.Areas with natural recreational resources and unusual features that may serve as tourist destinations and leisure activity venues for the public. An area that meets the criteria in the preceding sections, but have a</p>

relatively limited resource abundance or a small surface area may be designated by the competent authority to be a National Nature Park. In line with the sections above on selection criteria, the competent authority shall, within its management plans, develop Principles of Protection, Utilization and Regulation in order to categorize and manage national parks and national nature parks based on their different conservation purposes and recreational attributes.

Article 7

All decisions pertaining to the establishment and abolition of national parks, and the declaration and alteration of their boundaries, shall be submitted by Ministry of the Interior to Executive Yuan for approval.

Article 8

The terminology in this Law is defined as follows:

- 1.National Park: An area designated by the competent authority in accordance with this Law for the sustainable conservation of unique national landscapes and ecosystems, the preservation of biodiversity and cultural diversity, as well as to provide for public recreation and research.
- 2.National Nature Park: An area designated by the competent authority in accordance with this Law that has a relatively limited resource abundance or a small surface area.
- 3.National Park Plan: A comprehensive plan for the management, protection, utilization and development of the entire area of each national park.
- 4.National Nature Park Plan: A comprehensive plan for the management, protection, utilization and development of the entire area of each national nature park.
- 5.National Park Enterprise: An enterprise set up in accordance with the National Park Plan to facilitate recreation, ecotourism and conservation of park resources.
- 6.General Area: The land and water areas in national parks which do not belong to other zoning areas, and are allowed to maintain original land and water use, including existing villages.
- 7.Recreation Area: An area suitable for outdoor recreational activities, and within which it is permissible to construct appropriate recreational facilities with a limited use of resources.
- 8.Historical Preservation Area: An area established to preserve important historic buildings, monuments, settlements, sites, ruins, cultural landscapes and ancient objects, as well as recognized ancestral graves, places of worship, sites related to cultural origins, old tribal lands, culturally historic locations and monuments of the indigenous peoples, which are to be preserved in accordance with indigenous cultures and customs.
- 9.Special Landscape Area: an area with unique natural landscapes that cannot be recreated artificially and for which strict limits are placed in terms of the area's development.
- 10.Ecological Protection Area. An area requiring strict protection of ecological communities and habitats in order to preserve biodiversity and facilitate ecological research.

Article 9

Application may be made for appropriation of public land required for implementation of the National Park Plan, in accordance with the law. Private land within a park may continue in its present use if it is used in accordance with the National Park Plan. However, when private land is required in order to implement the National Park Plan, it may be appropriated in accordance with the law.

Article 10

Ministry of the Interior or its designated agency, for the purpose of investigating the national park area or altering the National Park Plan, may assign qualified individuals to enter private and public land to conduct studies and surveys. Prior notification of this entry must be given to the landowners or tenants.

Any damage caused by this entry to crops, trees, bamboo or other items that belong to the landowners or tenants shall be compensated. The amount of compensation shall be based on an agreement between the parties. If such an agreement is not reached, it shall be arbitrated by a superior authority.

Article 11

Ministry of the Interior shall regulate the national park enterprises in accordance with the National Park Plan.

The competent authority of each national park shall regulate the enterprises in their respective parks. If necessary, the competent authority of a national park may approve a request that an enterprise be invested in and operated by a local government, a public institution or a joint public/private enterprise. Such an enterprise shall operate under the supervision of the National Park Headquarters.

Article 12

For management purposes, a national park may be divided into the following zones, in accordance with existing land use patterns and resource characteristics:

- 1.General Area
- 2.Recreation Area
- 3.Historical Preservation Area
- 4.Special Landscape Area
- 5.Ecological Protection Area

Article 13

The following activities shall be prohibited within the national parks:

- 1.Burning of vegetation or setting fires to clear land;
- 2.Hunting animals or catching fish;
- 3.Polluting water or air;
- 4.Picking or removing flowers or other vegetation;
- 5.Carving into or writing on trees, bark, stones or signs;
- 6.Discarding fruit skins, paper or any other materials;
- 7.Driving outside of designated areas;
- 8.Any other conduct prohibited by the national park competent authority.

Article 14

In a general area or a recreation area, the following activities are permissible after obtaining permission from the National Park Headquarters:

1. Building or demolishing public or private structures, roads, or bridges;
2. Filling in, diverting or expanding water areas or waterways;
3. Prospecting or exploring for minerals, earth or gravel;
4. Land reclamation or change of use;
5. Fishing or livestock grazing;
6. Constructing cable car systems or other mechanized transport systems;
7. Utilization of waters from hot springs;
8. Posting advertisements, or erecting signboards or similar items;
9. Adding or altering equipment or its uses in existing factories;
10. Any other matters require the permission of the competent authority.

If a desired permission in the sections above affects a particularly large area or is of particular importance, the National Park Headquarters shall report the matter to Ministry of the Interior for approval. Ministry of the Interior shall then, in conjunction with other competent authorities, review the matter and render any required decisions.

Article 15

Within historical preservation areas, the following activities require prior permission from Ministry of the Interior:

1. Repairing antiquities or monuments;
2. Repairing or reconstructing existing buildings;
3. Altering original landscapes or landforms.

Article 16

The activities permitted in Article 14 are prohibited within historical preservation areas, special landscape areas and ecological protection areas, except for Sections 1 and 6 of Article 14.

Article 17

Within special landscape areas and ecological protection areas, the following activities shall be permitted in order to meet specific needs after approval by the National Park Headquarters:

1. Introducing exotic animals or plants;
2. Collecting specimens;
3. Using pesticides or herbicides.

Article 18

Ecological protection areas shall take precedence over publicly-owned lands. Within these areas, the collection of specimens, the use of pesticides or herbicides or the construction of manmade facilities shall be prohibited. However, exceptions may be granted with the permission of Ministry of the Interior for the purpose of scientific research or special needs related to public safety or park management.

Article 19

Entrance to ecological protection areas shall be allowed only after

obtaining a permit from the relevant National Park Headquarters.

Article 20

Any decisions related to the development of water resources or mineral sites within special landscape areas and ecological protection areas shall be subject to review by the National Park Planning Commission, and this shall then be submitted by Ministry of the Interior to Executive Yuan for approval.

Article 21

Academic institutions may engage in scientific research in national parks. However, they must first send a research proposal to the National Park Headquarters for approval.

Article 22

To promote the educational value of the national parks, the National Park Headquarters shall employ professionals to explain natural scenery and historic sites to visitors, and to provide other appropriate interpretive services based on specific needs.

Article 23

The operating budget of the national parks shall be borne by the National Treasury upon the direction of the government. The cost of park concessions shall be borne by the operator in the case of public institutions or other private or public entities.

The national park operating budget shall be reviewed by the National Park Planning Commission and then submitted by Ministry of the Interior to Executive Yuan for approval.

Ministry of the Interior may accept donations of funds or lands from individuals or groups for the purpose of developing the national parks.

Article 24

Any person who violates Section 1 of Article 13 shall be subject to a fine of up to 1000 yuan and/or imprisonment of up to six months.

Article 25

Any person who violates Sections 2 or 3 of Article 13, Sections 1 through 4, 6 or 9 of Article 14 and any Section of Articles 16, 17 and 18, shall be punished with a fine of up to 1000 yuan. If the circumstances of the offense are serious and result in severe damage, the offender may be sentenced to imprisonment of up to one year or receive a fine of up to 1000 yuan.

Article 26

Any person who violates Sections 4 through 8 of Article 13, Sections 1, 5, 7, 8 or 10 of Article 14, or any Section of Article 19, shall be punished with a fine of up to 1000 yuan.

Article 27

Any person who violates any provision of this Law and is punished in

accordance with Articles 24 through 26 must restore the damaged area to its original state. If restoration of the area is impossible, or if doing so is extremely difficult, they shall be bound to pay compensatory damages to the national park.

If a person has been obligated to restore a damaged area in accordance with the above paragraph but fails to do so, the National Park Headquarters may restore the area, or instruct a third party to do so, and any costs associated with this shall be borne by the offender.

Article 27-1

The regulations governing alterations, management and penalties that apply to national parks shall apply equally to national nature parks.

Article 28

The areas for which this Law shall be effective shall be determined by Executive Yuan.

Article 29

Details of the implementation of this Law shall be formulated by Ministry of the Interior and submitted to Executive Yuan for approval.

Article 30

This Law shall become effective upon the date of its promulgation.