Regulations Governing the Management of Designated Scenic Areas Chinese

Amended on December 15, 2017

Chapter I General Principles

Article 1 　 These Regulations are promulgated in accordance with Paragraph 1, Article 66 of the Statute for the Development of Tourism (hereinafter "the Statute").

Designated scenic areas shall be managed in accordance with the stipulations of these Regulations. Matters not covered by these Regulations shall be governed by other relevant laws or regulations.

Article 2 　 Tourism and recreation facilities as referred to in these Regulations include the following:

1. Mechanical recreation facilities

2. Water recreation facilities

3. Land recreation facilities

4. Air recreation facilities

5. Other tourism and recreation facilities approved by the competent authority

Article 3 　 The development of designated scenic areas shall be handled in accordance with principles stipulated in the comprehensive plan for tourism development.

Chapter II planning and Construction

Article 4 　 Designated scenic areas shall be classified as national scenic areas and special municipality or county (city) scenic areas according to their characteristics and functions. Under the authorization of the Ministry of Transportation and Communications (hereinafter "the MOTC"), the Tourism Bureau of the MOTC (hereinafter "the Tourism Bureau") and other related agencies, along with appointed experts and scholars, shall form a committee to review and evaluate the actions to demarcate, modify, and terminate such classifications. The items and legal basis of the items authorized by the MOTC shall be publicly announced in the Government Gazette or newspaper.

Upon deployment of the Indigenous People’s Basic Law, the demarcation of the indigenous people’s regions as national scenic areas in accordance to the provision above shall be consented by the local indigenous people and a common management mechanism shall be formulated with the indigenous people in accordance to the said Law.

The standards for the review and evaluation of designated scenic areas are detailed in Appendix 1.

Article 5 　 In accordance with the preceding stipulations, the ranking and ambit of the national scenic areas, the Tourism Bureau shall report its conclusions to the MOTC for approval and forwarding to the Executive Yuan for approval and announcement. The ranking and ambit of special municipality scenic areas shall be announced by special municipality government or county (city) governments after the Tourism Bureau reports its conclusions to the MOTC for approval.

For county (city) scenic areas where the county (city) governments have been restructured into the special municipality governments, announcement shall be made by the special municipality governments following restructuring.

Article 6 　 After public announcement of the approved ranking for a designated scenic area, the competent authority for related matters shall establish a designated agency to manage the designated scenic area according to its characteristics.

Article 7 　 Consideration shall be made of the actual circumstances in making decisions with regard to the planning of a designated scenic area.

Planning items for designated scenic areas are specified in Appendix 2.

Article 8 　 In planning the exterior form, structure, color scheme and other attributes of buildings and the placement of advertisements and vending stalls within a designated scenic area, the governing regulations shall be followed in order to promote the scenic beauty of the area.

Article 9 　 Any party wishing to carry out a construction plan in a designated scenic area must fill out and submit an application form to the competent authority for related matters. The competent authority for related matters shall consult with the competent authority for the relevant industry to jointly carry out the plan review and approval process.

Applications for development plans within national scenic areas shall be handled by the administrative authority authorized by the MOTC. The items and legal basis of such authorization shall be publicly announced in a government gazette or news bulletin.

The application form for facility construction in a designated scenic area is included in Appendix 3.

Article 10 　 If a project which involves the development and operation of tourism and amusement facilities or tourist hotels in a designated scenic area, and which has been submitted by the competent authority at the central government level to the Executive Yuan for review and approval, requires the use of public land, the competent authority for related matters shall consult with the competent authority for the said land and request its coordination and assistance in carrying out the project.

Chapter III Operation and Management

Article 11 　 The competent authority shall establish a designated security station or request the police administration to establish a designated police station in the designated scenic area to protect scenic resources and uphold travel order and visitor safety.

Article 12 　 The competent authority for related matters shall require venders to publicly post the prices of all commercial items sold in the designated scenic area, and shall ensure that such items are traded at the listed prices.

Article 13 　 The following activities are not allowed in a designated scenic area:

1. Discarding or incinerating of trash and waste

2. Driving in areas where driving is prohibited or parking in no-parking areas

3. Spitting or littering or any kind, including paper, cigarette butts, chewing gum, fruit waste and other general trash

4. Polluting the ground, water, or air, or defacing walls, beams, pillars, trees, roads, bridges or other items fixed to the ground

5. Making loud noises, lighting fires, or destroying flowers, plants and trees

6. Sun-drying items by roadsides, outside buildings or on roofs, and piling waste material that is harmful to the sanitation and order of the scenic area

7. Salvaging waste items from waste sorting, transport and storage tool, or equipment locations. However, general waste materials as specified in Article 6 of the Waste Clean-up and Treatment Law are excluded from this restriction

8. Discarding hot ashes, hazardous chemicals or explosives in waste storage facilities

9. Illegal hunting and the placing of animal corpses anywhere besides waste treatment facilities.

The stipulations in items 3 to 9 of the above paragraph shall be publicly announced by the administrative agency in consultation with the competent authority for the target industry and other relevant agencies, in accordance with Item 3 of Article 64 of the Statute.

Article 14 　 The following activities are prohibited in designated scenic areas unless prior approval or consent has been granted by the competent authority for related matters:

1. Timber cutting

2. Mining or excavating

3. Catching fish or shellfish and removing coral or algae

4. Collecting specimens

5. Aquatic farming

6. Pesticide use

7. Burning for soil preparation

8. Road laying

9. Other unapproved activities

For activities stipulated above that involve the jurisdiction of the competent authority for the target industry, application for approval shall be submitted to that authority.

The regulations in Paragraph 1 shall be publicly announced by the administrative agency in consultation with the competent authority for the target industry and other relevant agencies

Chapter IV Funds

Article 15 　 In addition to private investment in and construction of public facilities in designated scenic areas, the competent authority or the administrative agency for the public facility shall, in accordance with approved investment and construction plans, prepare annual budgets for the implementation of such investment and construction.

Article 16 　 The collection basis for sanitation and maintenance fees and public-facility fees in designated scenic areas shall be set by the designated agency or service provider and reported to the competent authority for related matters. The same shall apply to any fee adjustments.

If the aforesaid public facilities are privately financed and developed using incentives granted under the Statute, the fee collection basis shall be set by the competent authority at the central government level. The fee collection basis shall be publicly announced three days before implementation and posted in a clearly visible area.

Article 17 　 Sanitation and maintenance fees and other income generated within a designated scenic area shall be included by law in a government budget to be used for administering and maintaining the designated scenic area and for constructing tourism facilities.

Chapter V Awards and Penalties

Article 18 　 The competent authority for related matters shall report to the superior competent authority for review and approval of the construction of any public facilities in designated scenic areas. Incentives may be granted to encourage investment in the construction of public facilities by private individuals or groups in accordance with relevant stipulations in the Urban Planning Law and related laws and regulations, and fees for such facilities may also be collected.

Article 19 　 When a private individual or group receives incentives to invest in the construction of public facilities, tourist hotels, general hotels, or tourism recreation facilities in a designated scenic area, the competent authority for related matters shall duly study and designate the name, position, area, and land usage right restrictions, and application deadlines for the project, and publicly announce such information after submitting it to the superior competent authority for review and approval.

Article 20 　 In order to encourage private individuals and groups to invest in the construction of public facilities, tourist hotels, general hotels, or tourism recreation facilities in a designated scenic area, the competent authority for related matters can provide the following assistance:

1. Assist in obtaining usage rights for public land in accordance with the law

2. Coordinate and prioritize the development of connecting roads and the installation of water, electricity, postal and telephone service

3. Provide technical support and guidance

4. Coordinate the handling of environmental sanitation, landscaping and other public facilities

5. Provide assistance in other matters.

Article 21 　 The competent authority shall reward outstanding public-facility service providers with incentives or commendation.

Article 22 　 Violators of Article 13 shall be penalized in accordance with Article 64 of the Statute, and violators of Article 14 shall be penalized in accordance with Paragraph 1, Article 62 of the Statute.

Chapter VI Supplementary Provisions

Article 23 　 For designated scenic areas with a specially designated administrative agency, case applications requiring review and approval as stipulated in these Regulations shall be submitted to the administrative agency for approval. The administrative agency shall then submit the approved applications to the competent authority. All operation and management matters in such cases shall be implemented by the said administrative agency.

Article 24 　 These Regulations shall become effective on the date of their promulgation.