

Guidelines for the Screening of Planning Applications for Setting up Enterprises to Develop Recreation Areas

Promulgated by Order Number 0930028569 of the Tourism Bureau on September 24, 2004.

1. The Tourism Bureau of the Ministry of Transportation and Communications (hereafter “the Bureau” ) stipulates these Guidelines for examining applications to carry out recreation area development projects pursuant to the requirements of the relevant laws and regulations governing review and approval of enterprise startup plans.

2. “Recreation area” as referred to in these Guidelines means an area in which facilities and management services are provided for tourists to engage in recreational activities. These Guidelines are applicable to tourist hotel enterprises, hotel enterprises, and other tourism enterprises that operate integrated accommodation and tourist amusement facilities.

Tourist amusement enterprises are also subject to governance under the Regulations Governing Tourist Amusement Enterprises.

3. The relevant laws and regulations referred to in Article 1 are as follows:

(1) Article 47 of the Tourism Development Act.

(2) Article 27 Paragraph 1 of the Urban Planning Law.

(3) Article 13 Paragraph 1 Subparagraph 2 and Article 15 Paragraph 1 of the District Planning Law.

(4) Article 11, Article 30, and Article 44 Paragraph 1 of the Regulations Governing Non-urban Land Use.

4. Recreation areas shall include the planning and establishment of roadways, parking areas, ecological green areas, wastewater treatment, garbage handling, water supply, and other essential related services and facilities.

5. Recreation areas shall not be established on a scale of less than five hectares, except for specially designated agricultural areas and tourist hotels, which shall not be established on a scale of less than two hectares.

The scale of establishment as referred to in the preceding paragraph shall also be subject to such provisions as apply thereto under the Offshore Island Development Act, the Urban Planning Law, the Regulations Governing Non-urban Land Use, and other relevant laws and regulations.

6. The applicant shall prepare the following documents for submission of an application to the Bureau:

- (1) Application form (Appendix 1).
- (2) Copy of land registration (issued within the preceding three months), copy of cadastral map (with the boundaries of the land to be used shown in color), and documentary evidence of right to use land or means of land acquisition.
- (3) Company registration certification or other relevant certification.
- (4) Enterprise establishment plan.
- (5) Other documents related to the application.

7. The plans for establishing an enterprise shall include the following items (with documentation to be produced in the format as specified in Appendix 2):

- (1) Tourism industry analysis (enterprise necessity, plan feasibility, state of conformity with related government plans and policies, local industry analysis, market assessment, and assessment of impact on different industries).
- (2) Planning scheme (location and scope of project, land suitability analysis, expected development mode, development benefits, schedule of progress of development, business items, and business content).
- (3) Operations management plan (operations management content, organizational structure, operating strategy, market promotion, activity and facility management, and safety management).
- (4) Financial plan (capital requirement, funding method, and capital analysis).

8. When project plans are found upon examination to require supplementation or amendment, the applicant shall be notified to make such supplementation or rectification within six months, and if proper reason can clearly be shown, the applicant may, before the end of that

period, request the Bureau to grant an extension thereof. No more than two such extensions may be granted, amounting to not longer than one year in total. If the applicant fails to complete the supplementation or rectification within the prescribed time, the application shall be rejected.

If the request for extension of time fails to state clearly the reason therefor or if reason is inadequate, the Bureau may reject the application upon expiration of the supplementation or rectification period.

9. Once the Bureau has approved and issued a recommendation letter for a development plan submitted to it, the applicant should apply to the municipal or county (city) government with the requisite jurisdiction for change of land use in accordance with the relevant land use laws and regulations, and once the competent land use authority has issued development permission, the applicant should revise the development plan documentation in accordance with the terms of the permission and apply to the Bureau for the issuance of a final approval.

10. After a recreation area development plan has been approved, any change to its content shall be handled in accordance with the following provisions:

(1) Where the scope of the plan as originally approved is to be extended, it shall be handled as a change of plan content in accordance with the prescribed regulations, to be handled under the same procedures as apply to a new application.

(2) For changes to the building coverage ratio, floor area ratio, or facilities as originally approved:

(a) Applications to modify the configuration of installations in a manner that falls within the scope of the building coverage ratio, floor area ratio, or facilities of the development plan as originally approved should be filed with the Bureau for examination and approval.

(b) Changes to the building coverage ratio, floor area ratio, or facilities shall be dealt with as a change of plan content in accordance with the prescribed regulations, to be dealt with under the same procedures as apply to a new application.

11. In the event of any of the following situations occurring, a

recommendation letter issued by the Bureau in accordance with Article 9 herein shall be rendered null and void:

(1) The applicant fails to submit a development application to the municipal or county (city) government with the requisite jurisdiction within one year from the date of issuance of the recommendation letter.

(2) The municipal or county (city) government with the requisite jurisdiction rejects the applicant's development application. Prior to the expiration of the aforementioned recommendation letter, the applicant may apply with clearly stated reason for the extension thereof; no more than two such extensions may be granted, amounting to not longer than one year in total. If the request for extension of time fails to state clearly the reason therefor or the reason is inadequate, the Bureau may reject the application upon expiration of the one-year validity period.

12. In dealing with an application for the development of a recreation area or the change of a plan for establishing a recreation area enterprise, the Bureau may, when so necessary, set up a screening committee, according to guidelines that shall be stipulated separately by the Bureau.