

Content

Title :	Special Act for Forward-Looking Infrastructure 
Date :	2017.07.07
Legislative :	Hua-Zong-Yi-Yi-Zi No. 10600085601 dated July 7, 2017
Content :	Article 1 This Act is enacted to promote and transform national forward-looking infrastructure, in response to emerging industry, technologies and lifestyle trends domestically and internationally, and to stimulate economic growth and overall momentum. Article 2 The competent authority for this Act is the National Development Council. The central executive authorities for this Act are the respective budgeting ministries. The local executive authorities for this Act are municipal governments, and county (city) governments. The execution of forward-looking infrastructure of the indigenous peoples' regions and offshore islands, besides being executed by the central indigenous authority, the central government agencies allocating a budget, or local executive authorities by subsidy, may also be commissioned to another agency when necessary. Article 3 The central executive authorities are responsible for the planning, budgeting and promotion of all items of the actual implementation of forward-looking infrastructure programs. Local executive authorities responsible for executing forward-looking infrastructure programs shall allocate budgets in accordance with the budgetary procedure, and shall obtain approval from their respective special municipality or county (city) council before commencing a program.

The central executive authorities shall take account of national development and local needs in formulating program and reasonably allocating funding.

Article 4

The subject matters for forward-looking infrastructure designated by this Act are as follows:

1. Railway infrastructure.
2. Water environment infrastructure.
3. Green energy infrastructure.
4. Digital infrastructure.
5. Urban-rural infrastructure.
6. Infrastructure for friendly child-rearing space in response to the
 low birth rate.
7. Food safety infrastructure.
8. Infrastructure for cultivating talent and promoting employment.

Article 5

When a central executive authority implements a forward-looking infrastructure program, it shall comply with the Spatial Planning Act and related regulations, and shall plan details of the program' s objectives, resource needs, execution strategies, financial scheme, operations management, projected benefits, risk management, etc., as appropriate to the nature of the program, and conduct environmental impact assessment as prescribed by law (including strategic environmental impact assessment), and respectively prepare feasibility assessment, integrated planning, and a cost-benefit analysis report on the preferred and alternative measures, to be submitted to the Executive Yuan for approval.

Article 6

The central executive authority shall conduct substantive planning of items approved by the Executive Yuan under Article 5, and submit resource needs according to the program schedule; each program budget shall be subject to a pre-operational review in accordance with the program' s

characteristics.

If there are retained or surplus funds from the execution of any term of the special budget under this Act, the Executive Yuan shall appropriately reduce the budget when compiling the special budget for the following term, except where a special reason applies.

Each executive authority shall execute the special budget under this Act in accordance with budget execution procedures; any unexecuted part thereof shall return to the National Treasury in accordance with the Budget Act, and may not be transferred to other use.

If the feasibility assessment, integrated planning, and environmental impact assessment have not been completed for the pre-operational phase as referred to in paragraph 1, the program budget may not be put into use.

Article 7

The forward-looking infrastructure programs funded by the central government under this Act shall span four years, with a budget ceiling of NT\$420 billion. When this term has expired, the subsequent budget and term, after approval by the Legislative Yuan, may not exceed the scale and term of the budget of the preceding term, and shall be compiled in special budget form, with budget compilation and review conducted in separate stages. Such budgeting shall not be subject to the current expenditure restrictions of Article 23 of the Budget Act.

The sourcing of funds for the needs referred to in the preceding paragraph may be met by raising public debt, the annual amount of which shall not be subject to the restrictions of paragraph 7 of Article 5 of the Public Debt Act. The total amount of borrowing for the central government general budget and special budget during the period of implementation of this Act shall not exceed 15% of the combined amount of the total annual expenditure of the general budget and special budget during this period.

During the implementation period of this Act, the forecasted amounts of outstanding public debt with a maturity of one year or more incurred by the central government shall comply with paragraph 1 of Article 5 of the Public Debt Act.

Article 8

The Executive Yuan shall prepare a proposed special budget under this Act based on the Article 6 approval results and in accordance with Article 4 and Article 7, and submit this, with attachment of all documents and reports referred to in Article 5, to the Legislative Yuan for deliberation. When a program that has already been put into execution under this Act remains included in a proposed special budget, a program execution performance report should also be attached.

Article 9

Central executive authorities shall annually submit written reports on execution progress and performance to the Legislative Yuan.

After the execution of a forward-looking infrastructure program is completed, the central executive authorities shall prepare a summary appraisal report on the effectiveness of the program's implementation, and submit to the Legislative Yuan immediately.

Article 10

The competent authority shall monitor and evaluate program implementation under this Act.

The auditing agencies shall conduct auditing as prescribed by law for the execution of budgets under this Act.

If the auditing agencies, when auditing a forward-looking infrastructure program conducted by any authority under this Act, discovers that the program has failed to reach at least 80% of its scheduled progress due to violation of law or misconduct of a civil servant, it shall refer the head of the executive authority and related supervisors to the Control Yuan for investigation and disciplinary action.

Article 11

Where the execution of a forward-looking infrastructure program under this Act involves the formulation or alteration of an urban plan, when necessary the alteration may be made by the upper level of government in accordance with paragraph 2 of Article 27 of the Urban Planning Act.

Where an urban plan is formulated or altered as referred to in the preceding paragraph, the undertaking of environmental impact assessment and conducting and maintaining of soil and water conservation as required by law shall be carried out in accordance with Article 27-2 of the Urban Planning Act.

Article 12

Where the execution of a forward-looking infrastructure program under this Act involves non-urban land-use change procedures, when all levels of regional planning competent authorities review the application for change of use, they may conduct the review in parallel with the conduct of the soil and water conservation and environmental impact assessments by the competent authorities for soil and water conservation and environmental protection.

Article 13

When land expropriation is carried out for a forward-looking infrastructure program, it shall be carried out in accordance with relevant laws and regulations, and shall prioritize consideration of public interest and necessity of expropriation.

Article 14

The competent authority shall establish a dedicated area on the Executive Yuan's website for providing complete, conveniently searchable and easily understandable information, for proactively disclosing program reports as prescribed in Article 5, including feasibility assessment, integrated planning, and environmental impact assessment documents, a cost-benefit analysis report on the preferred and alternative measures, etc., and for regularly disclosing the progress and results of program execution.

Article 15

This Act shall come into force from the date of promulgation.

