

The English translation is for reference only. In case of discrepancy between the Chinese and English versions, the Chinese version shall prevail.

Special Act for Flood Management

A total of sixteen articles promulgated on January 27, 2006 under Presidential Decree Hua-Zong-Yi-Yi-Zi-09500012591; effective for a period of eight years from the date of promulgation

Article 1 This Act is set forth to expedite the flood management and flood prevention in flood-prone areas so as to safeguard the safety of people's lives and properties, improve the quality of life of local residents, and preserve the quality of water environment.

Article 2 The central authority under this Act is the Ministry of Economic Affairs; the central executive agencies under this Act are relevant government agencies responsible for budget preparation.

To expedite flood management and flood prevention in flood-prone areas, the central executive agencies may proceed to undertake works relating to the management of flood-prone areas under this Act without being subject to the restrictions of "act on behalf" proceeding and assumption of outlay as provided in Article 76 of the *Local Government Act*.

The central executive agencies may commission municipal government, county (city) government, or irrigation association to perform the tasks under this Act.

The central authority will undertake the following tasks:

1. Planning and promoting policies concerning flood management in flood-prone areas.
2. Drafting and promoting flood-prone area flood management plan and implementation plans for each phase.
3. Reviewing and approving the implementation programs proposed by the central executive agencies.

The central executive agencies will undertake the following tasks:

1. Preparing special budget for the flood-prone area flood management plan.

2. Drafting, promoting and executing the implementation programs for each phase.
3. Commissioning and overseeing the execution of tasks under this Act by municipal government or county (city) government.
4. Approving the workplans proposed by municipal government or county (city) government.

The municipal government, county (city) government or irrigation association will undertake the following tasks:

1. Acquiring the land for the management works under this Act.
2. Dredging of rivers, drainage systems and rainwater sewage systems, and carrying out related emergency works.
3. Executing tasks under this Act as commissioned by the central executive agencies.

Article 3 This Act applies to remediation works relating to county (city)-governed rivers, regional drainage systems, enterprise-built sea dikes, farmland drainage, and rainwater sewage systems, and related soil preservation works without being subject to the provisions in Articles 18 and 19 of the *Local Government Act*.

The land needed for executing the remediation works relating to county (city)-governed rivers and regional drainage system under this Act may be requisitioned for construction work without being subject to the provisions in Article 82 of the *Water Act*.

Article 4 The outlay for the flood-prone area flood management plan as planned by the central government according to this Act shall be capped at NT\$116 billion and proposed as special budget. The outlay may be budgeted and reviewed by phases; the budgeting is not subject to the restrictions provided in Article 30 and Article 37 of the *Act Governing the Allocation of Government Revenues and Expenditures* regarding subsidizing local affairs and assumption of outlay; the use of funds by respective agency may be adjusted within the original budget of the agency without being subject to the restrictions provided in Article 62 and Article 63 of the Budget Act.

With respect to the outlay in the preceding paragraph, NT\$58 billion of which shall be raised by debt financing or sale of government's equity in enterprises without being

subject to the annual cap of debt financing as provided in the fifth paragraph, Article 4 of *Public Debt Management Act*. The remaining NT\$58 billion will be funded as a special budget under the *Special Statute for Increasing Investment in Public Construction*; the preparing procedure, drawing and dispensing, and duration of the special budget shall be proceeded according to this Act without being subject to the restrictions under the *Special Statute for Increasing Investment in Public Construction*.

To put into effect the principles of total river management and integrated flood control, the outlay in the special budget mentioned in the first paragraph for rainwater sewers, soil preservation and farmland drainage systems needed for solving the flood management problems shall be capped at NT\$36 billion.

The outlay in the preceding paragraph to be allocated to flood prevention shall not be less than NT\$16 billion.

Article 5 The central authority should draft the flood-prone area flood management plan according to the principles of total river management and integrated flood control.

The central executive agencies will plan the implementation program by phases according to the management plan in the preceding paragraph, and submit the programs for review by the Taskforce mentioned in Article 6 herein and approval by the central authority.

Article 6 For the implementation of this Act, the central authority shall set up a taskforce to handle the tasks of plan (program) review, oversight, control assessment, policy coordination, research and development, and personnel training. The manpower needed for the staffing will be the regular or contracted personnel of the central executive agencies and related funds required will be covered by the budget under this Act. During the implementation period of this Act, the renewal percentage of contracted personnel in the preceding paragraph is not subject to restrictions provided under the Employment Improvement Scheme for Executive Yuan and Subordinate Agencies and the limit of five percent (5%) of agency personnel.

The contracted personnel in the first paragraph hereof may not be renewed after the expiration of this Act.

Article 7 To expedite the acquisition of land needed for the flood-prone area flood management plan which involves change of urban planning, the change may be expedited or effected according to Article 27 of the *Urban Planning Act* where necessary.

Where the change of urban planning mentioned in the preceding paragraph requires environmental impact study, soil preservation and maintenance work as provided by law, the change shall be proceeded according to Article 27-2 of the *Urban Planning Act*.

Where programs under this Act involve zoning change of non-urban land, the competent authority in charge of the regional plan may, upon receiving the application for land use change, conduct review of soil preservation plan and environmental impact study together with the competent authorities for soil preservation, environmental protection, and indigenous people.

Article 8 For the sake of mitigating flooding and improving land use value in flood-prone areas due to land subsidence or low-lying land, the municipal or county (city) government should undertake urban land consolidation, zone (section) expropriation or farmland consolidation in line with the flood-prone area flood management plan.

Article 9 The central authority shall report the essentials of the flood-prone area flood management plan and relevant information to the Legislative Yuan and announce the same in the telecommunication network.

Article 10 Except for ongoing remediation work, the management and maintenance of county (city)-governed rivers, regional drainage systems, enterprise-built sea dikes, farmland drainage, rainwater sewage systems, and related soil preservation works shall be undertaken by the local competent authorities. Notwithstanding the foregoing, farmland drainage facilities within the business district of an irrigation association shall be managed and maintained by the irrigation association.

The local competent authorities or irrigation associations shall complete the takeover of structures built under this Act in a time period specified by the central executive agencies.

Subsequent to taking over the structure, the local competent authorities or irrigation associations shall prepare budget on a yearly basis for the maintenance and management work.

Where the local competent authorities fail to allocate sufficient budget for the maintenance/management work, the central executive agencies may pay for the work on its behalf and deduct the expenses from tax revenue or subsidy to be allocated to said local competent authorities in the following year.

Article 11 The central authority shall report to the Legislative Yuan each year the implementation and performance of this Act.

Article 12 The execution of budget under this Act shall be audited by the auditing agency as provided by law.

Article 13 Government agencies, institutions, or irrigation associations shall comply with the *Government Procurement Act* when undertaking management programs or projects under this Act.

Article 14 The forms for relevant plans and programs specified in Article 5 herein and the measure for the establishment and operation of the taskforce specified in Article 6 will be prescribed by the central authority and reported to the Legislative Yuan.

Article 15 The surplus from the budget under this Act shall be turned over to the state coffer according to the *Budget Act* after the completion of the management plan and may not be used for other purposes.

Article 16 This Act shall be in force from the date of promulgation for a period of eight years.