

## 文化資產保存法

# Cultural Heritage Preservation Act

1. 中華民國71年5月26日總統令制定公布全文61條  
61 Articles adopted and promulgated in full on 26 May 1982 by Presidential Order.
2. 中華民國86年1月22日總統令增訂公布第31條之1及36條之1條文  
Articles 31-1 and 36-1 newly adopted and promulgated on 22 January 1997 by Presidential Order.
3. 中華民國86年5月14日總統令修正公布第27條、第30條、第35條及第36條條文  
Articles 27, 30, 35, and 36 amended and promulgated on 14 May 1997 by Presidential order.
4. 中華民國89年2月9日總統令增訂第27條之1、第29條之1、第30條之1、第30條之2及第31條之2條文，並修正第3條、第5條、第三章章名、第27條、第28條、第30條及第31條之1條文  
Articles 27-1, 29-1, 30-1, 30-2 and 31-2 newly adopted and promulgated and Articles 3, 5, Chapter III, 27, 28, 30 and 31-1 on 9 February 2000 by Presidential Order.

5. 中華民國91年6月12日總統令修正公布第16條、第31條及第32條條文  
Articles 16, 31 and 32 amended and promulgated on 12 June 2002 by Presidential order.
6. 中華民國94年2月5日華總一義字第09400017801號總統令修正公布全文104條  
104 Articles amended and promulgated in full on 5 February 2006 by Presidential Order No. Hua-Zong-(1)-Yi-Zih 09400017801.
7. 中華民國94年8月1日行政院院臺文字第0940030668號令發布第92條定自94年2月5日施行  
Article 92 shall take effect from 5 February 2006 promulgated on 1 August 2006 by Executive Yuan Order No. Yuan -Tai-wen-Zih 0940030668.
8. 中華民國94年10月31日行政院院臺文字第0940051650號令發布第1條至第91條、第93條至第103條定自94年11月1日施行  
Articles 1 to 91, 93 to 103 shall take effect from 1 November 2006 promulgated on 31 October 2006 by Executive Yuan Order No. Yuan -Tai-wen-Zih 0940051650.

## 第一章 總則

### Chapter 1 General Provisions

第一條 為保存及活用文化資產，充實國民精神生活，發揚多元文化，特制定本法。

#### Article 1

The purpose of this Act is to preserve and enhance cultural heritage, enrich the spiritual life of the citizenry, and promote the multi-cultural environment for the Republic of China.

第二條 文化資產之保存、維護、宣揚及權利之轉移，依本法之規定。本法未規定者，依其他有關法律之規定。

#### Article 2

The preservation, maintenance and promotion of cultural heritage, and the transfer of any and all rights thereto shall be governed by this Act. Matters not stipulated in this Act shall be governed by other related laws.

第三條 本法所稱文化資產，指具有歷史、文化、藝術、科學等價值，並經指定或登錄之下列資產：

一、古蹟、歷史建築、聚落：指人類為

生活需要所營建之具有歷史、文化價值之建造物及附屬設施群。

- 二、遺址：指蘊藏過去人類生活所遺留具歷史文化意義之遺物、遺跡及其所定著之空間。
- 三、文化景觀：指神話、傳說、事蹟、歷史事件、社群生活或儀式行為所定著之空間及相關連之環境。
- 四、傳統藝術：指流傳於各族群與地方之傳統技藝與藝能，包括傳統工藝美術及表演藝術。
- 五、民俗及有關文物：指與國民生活有關之傳統並有特殊文化意義之風俗、信仰、節慶及相關文物。
- 六、古物：指各時代、各族群經人為加工具有文化意義之藝術作品、生活及儀禮器物及圖書文獻等。
- 七、自然地景：指具保育自然價值之自然區域、地形、植物及礦物。

### Article 3

The "cultural heritage" referred to in this Act shall mean the following designated or registered assets having historic, cultural, artistic and/or scientific value:

1. Monuments, Historical Buildings and Settlements: the buildings and/or ancillary

- facilities built for the needs of human life with historic and/or cultural value.
2. Historical Sites: the places which contain the remains or vestiges of past human life with historic and/or cultural value and the spaces upon which such remains and vestiges are erected.
  3. Cultural Landscapes: the location or environment which is related to any myths, legends, record of events, historical events, social life or ceremonies.
  4. Traditional Arts: traditional crafts and skills descended from different ethnic groups and locales, which includes traditional arts and crafts, and/or performing arts.
  5. Folk Customs and Related Cultural Artifacts: customs, beliefs, festivals or any other related cultural artifacts which are related to the tradition of citizen life and has special cultural meaning.
  6. Antiquities: any arts, utensils of life or civility, and books or documents having cultural significance and of value of different eras and from different ethnic groups.
  7. Natural Landscapes: natural areas, land formations, plants, or minerals, which are of

value in preserving natural environments.

第 四 條 前條第一款至第六款古蹟、歷史建築、聚落、遺址、文化景觀、傳統藝術、民俗及有關文物及古物之主管機關，在中央為行政院文化建設委員會（以下簡稱文建會）；在直轄市為直轄市政府；在縣（市）為縣（市）政府。

前條第七款自然地景之主管機關：在中央為行政院農業委員會（以下簡稱農委會）；在直轄市為直轄市政府；在縣（市）為縣（市）政府。前條具有二種以上類別性質之文化資產，其主管機關，與文化資產保存之策劃及共同事項之處理，由文建會會同有關機關決定之。

#### Article 4

The competent authority of Monuments, Historical Buildings, Settlements, Historical Sites, Cultural Landscapes, Traditional Arts, Folk Customs and Related Cultural Artifacts set forth in items 1 to 6 of the preceding Article; shall be the Council for Cultural Affairs (the "CCA") at the central government level, the city government at the direct-municipality, and the county (city) government at the county

(city) level.

The competent authority for Natural Landscapes set forth in item 7 of the preceding Article shall be the Council of Agriculture, Executive Yuan (the "COA") at the central government level, the city government at the direct -municipality, and the county (city) government at the county (city) level.

For cultural heritage with two or more characteristics referred to in the preceding Article, the CCA together with other relevant agencies shall decide its competent authority and the preservation plan and management of common affairs of the cultural heritage.

第 五 條 文化資產跨越二以上直轄市、縣（市）  
轄區，其地方主管機關由所在地直轄市、縣  
（市）主管機關商定之；必要時得由中央主  
管機關協調指定。

#### Article 5

Cultural heritage that overlaps with two or more direct-municipalities, or counties (cities), its local competent authority shall be decided by the direct-municipality, and county (city) governments at the places where the cultural

heritage is located; and if necessary, shall be coordinated and designated by the central government.

第 六 條 主管機關為審議各類文化資產之指定、登錄及其他本法規定之重大事項，應設相關審議委員會，進行審議。

前項審議委員會之組織準則，由文建會同農委會定之。

#### Article 6

The competent authority shall establish relevant review committees to review the designation, registration of different cultural heritages and other important matters relating to this Act.

The organization rules of the review committee referred to in the preceding paragraph shall be prescribed by the CCA together with COA.

第 七 條 主管機關得委任、委辦其所屬機關（構）或委託其他機關（構）、文化資產研究相關之學術機構、團體或個人辦理文化資產調查、保存及管理維護工作。

#### Article 7

The competent authority is empowered to appoint,



delegate related agencies (institutions) of its own or authorize other agencies (institutions), relative cultural heritage research academies, institutions or individuals to investigate, preserve, manage and maintain cultural heritage.

第 八 條 公有之文化資產，由所有或管理機關（構）編列預算，辦理保存、修復及管理維護。

#### Article 8

The responsible or managing competent authority of publicly owned cultural heritage shall budget for and handle the preservation, restoration, management and maintenance of such cultural heritage.

第 九 條 主管機關應尊重文化資產所有人之權益，並提供其專業諮詢。

前項文化資產所有人對於其財產被主管機關認定為文化資產之行政處分不服時，得依法提請訴願及行政訴訟。

#### Article 9

The competent authority shall respect the rights and interests of owners of cultural heritage and shall provide professional consultation to such

owners.

Any person, who is dissatisfied with the administrative actions of the competent authorities for classifying his property as cultural heritage, may institute administrative appeal or administrative suits in accordance with applicable laws.

第十條 接受政府補助之文化資產，其調查研究、發掘、維護、修復、再利用、傳習、記錄等工作所繪製之圖說、攝影照片、蒐集之標本或印製之報告等相關資料，均應予以列冊，並送主管機關妥為收藏。

前項資料，除涉及文化資產之安全或其他法規另有規定外，主管機關應主動公開。

#### Article 10

Materials of cultural heritage subsidized by the government, such as drawing plans with explanatory illustrations, photos, samples or reports obtained in the course of any investigations, excavations, maintenance, restoration, reuse, teachings and documentations, shall be submitted to the appropriate competent authority for collection and preservation.

The content of materials set forth in the

preceding paragraph, shall be disclosed to the public by the competent authority, unless the disclosure involves the safety of the cultural heritage or otherwise provided by other laws and regulations.

第十一條 主管機關為從事文化資產之保存、教育、推廣及研究工作，得設專責機構，其組織另以法律或自治法規定之。

#### Article 11

The competent authority may establish special agencies to be responsible for the preservation, education, promotion and research of cultural heritage; such special agencies shall be governed by other laws or self-regulatory rules.

## 第二章 古蹟、歷史建築及聚落 Chapter 2 Monuments, Historical Buildings and Settlements

第十二條 主管機關應普查或接受個人、團體提報具古蹟、歷史建築、聚落價值建造物之內容及範圍，並依法定程序審查後，列冊追蹤。

#### Article 12

The competent authority shall make a general

survey or accept applications from individuals or organizations for reporting of Monuments, Historical Buildings and Settlements, and shall review, record and trace in accordance with the procedures prescribed by law.

第十三條 主管機關應建立古蹟、歷史建築及聚落之調查、研究、保存、維護、修復及再利用之完整個案資料。

### Article 13

The competent authority shall set up complete file of the investigation, research, preservation, maintenance, restoration and the reuse of Monuments, Historical Buildings and Settlements.

第十四條 古蹟依其主管機關區分為國定、直轄市定、縣（市）定三類，由各級主管機關審查指定後，辦理公告。直轄市、縣（市）定者，並應報中央主管機關備查。

古蹟滅失、減損或增加其價值時，應報中央主管機關核准後，始得解除其指定或變更其類別。

前二項指定基準、審查、廢止條件與程序及其他應遵行事項之辦法，由中央主管機關定之。

建造物所有人得向主管機關申請指定古

蹟，主管機關受理該項申請，應依法定程序  
審查之。

#### Article 14

Monuments shall be categorized as national, municipal, or county (city) Monuments; and shall be reviewed, designated and publicly declared as such, by the appropriate level of authority. Where the Monuments are designated by the municipal or county (city) government, it shall be reported to the central competent authority for recordation.

In the event that a Monument is lost or its value is decreased or increased, the revocation or alteration of the original designation of such Monument shall be approved by the central competent authority.

The rules for the designation standards, review procedures, conditions and procedures of revocation and other matters that shall be observed as set forth in the preceding two paragraphs shall be prescribed by the central competent authority.

The competent authority may accept applications from the owner of buildings for the designation thereof as a Monument and shall

review the applications in accordance with the procedures prescribed by law.

第十五條 歷史建築由直轄市、縣（市）主管機關審查登錄後，辦理公告，並報中央主管機關備查。對已登錄之歷史建築，中央主管機關得予以輔助。

前項登錄基準、審查、廢止條件與程序、輔助及其他應遵行事項之辦法，由中央主管機關定之。

建造物所有人得向主管機關申請登錄歷史建築，主管機關受理該項申請，應依法定程序審查之。

#### Article 15

Historical Buildings shall be reviewed, registered and publicly declared by the municipal or county (city) competent authority and shall be reported to the central competent authority for recordation. The central competent authority may provide assistances for the registered Historical Buildings.

The rules for the registration standards, review procedures, conditions and procedures of revocation, assistances and other matters that shall be observed as set forth in the preceding paragraph shall be prescribed by the central

competent authority.

The competent authority may accept applications from the owner of buildings for the designation thereof as a Historical Building and shall review the applications in accordance with the procedures prescribed by law.

第十六條 聚落由其所在地之居民或團體，向直轄市、縣（市）主管機關提出申請，經審查登錄後，辦理公告，並報中央主管機關備查。

中央主管機關得就前項已登錄之聚落中擇其保存共識及價值較高者，審查登錄為重要聚落。

前二項登錄基準、審查、廢止條件與程序、輔助及其他應遵行事項之辦法，由中央主管機關定之。

#### Article 16

Applications for the designation of Settlements shall be submitted by local citizen or organizations and shall be reviewed, registered and publicly declared by the municipal or county (city) competent authority and shall be reported to the central competent authority for recordation.

The central competent authority shall review

and select from the Settlements registered in accordance with the preceding paragraph with higher preservation consensus and value as Significant Settlements.

The rules for the registration standards, review procedures, conditions and procedures of revocation, assistances and other matters that shall be observed as set forth in the preceding two paragraphs shall be prescribed by the central competent authority.

第十七條 進入古蹟指定之審查程序者，為暫定古蹟。

具古蹟價值之建造物在未進入前項審查程序前，遇有緊急情況時，主管機關得逕列為暫定古蹟，並通知所有人、使用人或管理人。

暫定古蹟於審查期間內視同古蹟，應予以管理維護；其審查期間以六個月為限。但必要時得延長一次。主管機關應於期限內完成審查，期滿失其暫定古蹟之效力。

建造物經列為暫定古蹟，致權利人之財產受有損失者，主管機關應給與合理補償；其補償金額，以協議定之。

第二項暫定古蹟之條件及應踐行程序之



辦法，由中央主管機關定之。

## Article 17

Any Monuments undergoing the review procedure shall be declared as Interim Monuments.

Prior to the commencement of the review procedure set forth in the preceding paragraph, the competent authority may, in the event of an emergency, declare any buildings which has the value of a Monument as an Interim Monument; and shall notify the owners, users or managers of such Interim Monument.

During the review period, the Interim Monument shall be deemed as a Monument and shall be managed and maintained accordingly. The review period shall not exceed six months and may be extended once, if necessary. The competent authority shall complete the review procedure within the time prescribed; the Interim Monument will lose its Interim Monument status once the review period expires.

When a building is being registered as Interim Monument, the competent authority shall compensate the owner of the buildings for any

loss resulting from being registered as Interim Monument. The compensation amount shall be negotiated accordingly.

The conditions and relevant implementation procedures for Interim Monuments, as set forth in the preceding two paragraphs, shall be prescribed by the central competent authority.

第 十 八 條 古蹟由所有人、使用人或管理人管理維護。

公有古蹟必要時得委任、委辦其所屬機關（構）或委託其他機關（構）、登記有案之團體或個人管理維護。

私有古蹟依前項規定辦理時，應經主管機關審查後為之。

公有古蹟及其所定著之土地，除政府機關（構）使用者外，得由主管機關辦理撥用。

#### Article 18

Monuments shall be managed and maintained by their owner, user or manager.

Publicly owned Monuments may appoint, delegate related agencies (institutions) or authorize other preservation agencies (institutions), registered organizations or individuals, to manage and

maintain such sites.

Privately owned Monuments may be handled in accordance with the preceding paragraph, subject to a prior review by the competent authority.

Publicly owned Monuments and the land upon which the Monuments erected shall be appropriated by the competent authority; unless it is being used by government agencies (institutions).

第十九條 公有古蹟因管理維護所衍生之收益，其全部或一部得由各管理機關（構）作為古蹟管理維護費用，不受國有財產法第七條規定之限制。

#### Article 19

Proceeds derived from the management and maintenance of publicly owned Monuments shall be in whole or in part distributed to each managing agency (institution) as fees for managing and maintaining the Monuments; and shall not be subject to the restrictions in Article 7 of the National Property Act.

第二十條 古蹟之管理維護，係指下列事項：  
一、日常保養及定期維修。

二、使用或再利用經營管理。

三、防盜、防災、保險。

四、緊急應變計畫之擬定。

五、其他管理維護事項。

古蹟於指定後，所有人、使用人或管理人應擬定管理維護計畫，並報主管機關備查。

古蹟所有人、使用人或管理人擬定管理維護計畫有困難時，主管機關應主動協助擬定。

第一項管理維護辦法，由中央主管機關定之。

## Article 20

The management and maintenance of Monuments shall include the following:

1. routine maintenance and periodic repair;
2. the operation and management of present and reuse of Monuments;
3. anti-burglary, anti-disaster and insurance measures;
4. establishment of a contingency plan; and
5. other matters relevant to the management and maintenance of Monuments.

The owner, user or manager of the designated Monuments shall draft the management and maintenance plan and report to the competent

authority for recordation.

The competent authority shall provide assistances when the owner, user or manager of the designated Monuments encounters difficulty in drafting the management and maintenance plan.

The rules for the management and maintenance of Monuments as set forth in the preceding paragraph shall be prescribed by the central competent authority.

第二十一條 古蹟應保存原有形貌及工法，如因故毀損，而主要構造與建材仍存在者，應依照原有形貌修復，並得依其性質，由所有人、使用人或管理人提出計畫，經主管機關核准後，採取適當之修復或再利用方式。

前項修復計畫，必要時得採用現代科技與工法，以增加其抗震、防災、防潮、防蛀等機能及存續年限。

第一項再利用計畫，得視需要在不變更古蹟原有形貌原則下，增加必要設施。

古蹟修復及再利用辦法，由中央主管機關定之。

## Article 21

Monuments shall be preserved in their original appearance and construction method. In the

event that a Monument is destroyed or damaged, but its main structure and materials survive, repairs shall be made in accordance with its original appearance. Depending upon its particular characteristics, the owner, user and manager of the said site may submit a proposal to adopt appropriate methods of repair or reuse of the said site upon receiving the approval by the competent authority.

The repair plan referred to in the preceding paragraph may include, if necessary, modern technologies and construction methods in order to enhance the Monument's resistance to earthquake, natural disasters, flood, termite and its durability.

The reuse plan as referred to in the first paragraph, may, if necessary, include proposal to add other necessary facilities, but the original appearance of the Monument should not be affected.

The rules for the restoration and reuse of Monuments shall be prescribed by the central competent authority.

第二十二條 為利古蹟、歷史建築及聚落之修復及再利用，有關其建築管理、土地使用及消防安全等事項，不受都市計畫法、建築法、消防法及其相關法規全部或一部之限制；其審核程序、查驗標準、限制項目、應備條件及其他應遵行事項之辦法，由中央主管機關會同內政部定之。

## Article 22

To facilitate the restoration and reuse of Monuments, Historical Buildings and Settlements, matters relating to the construction management, land use and fire safety of such sites shall be exempted, in whole or in part, from the restrictions of the Urban Planning Law, Building Code, Fire Act and other related laws and regulations. The review procedures, inspection standards, restrictions, requirements and other matters that shall be observed, shall be prescribed by the central competent authority together with the Ministry of the Interior.

第二十三條 因重大災害有辦理古蹟緊急修復之必要者，其所有人、使用人或管理人應於災後三十日內提報搶修計畫，並於災後六個月內提出修復計畫，均於主管機關核准後為之。

私有古蹟之所有人、使用人或管理人，

提出前項計畫有困難時，主管機關應主動協助擬定搶修或修復計畫。

前二項規定，於歷史建築所有人、使用人或管理人同意時，準用之。

古蹟及歷史建築重大災害應變處理辦法，由中央主管機關定之。

## Article 23

When there is a necessity to have emergency repair of a Monument because of major disaster, the owner, user or manager of the said site shall, within thirty days after the disaster, submit an emergency-repair plan, and within six months after the disaster, submit a restoration plan. The plans shall be implemented after their respective approval by the competent authority.

The competent authority shall provide assistances when the owner, user or manager of a privately owned Monument encounters difficulty in drafting the plans as set forth in the preceding paragraph.

The preceding two paragraphs shall apply mutatis mutandis to Historical Buildings if the owner, user or manager of which consents.

The rules for the management of Monuments and Historical Buildings subject to major



disasters shall be prescribed by the central competent authority.

第二十四條 古蹟經主管機關審查認因管理不當致有滅失或減損價值之虞者，主管機關得通知所有人、使用人或管理人限期改善，屆期未改善者，主管機關得逕為管理維護、修復，並徵收代履行所需費用，或強制徵收古蹟及其所定著土地。

#### Article 24

If the competent authority determines, after review, that a Monument is likely to be damaged or destroyed or its value is likely to deteriorate due to mismanagement, the competent authority may notify the owner, user or manager to rectify within a time prescribed; failure to a timely rectification, the competent authority may manage, maintain and restore such site directly and levy needed fees or expropriate the Monument and the land upon which such site are erected.

第二十五條 政府機關辦理古蹟、歷史建築及聚落之修復或再利用有關之採購，應依中央主管機關訂定之採購辦法辦理，不受政府採購法限制。但不得違反我國締結之條約及協定。

## Article 25

The government agencies shall handle the procurement of services relating to the repair and reuse of Monuments, Historical Buildings and Settlements in accordance with the procurement rules prescribed by the central competent authority, notwithstanding the Government Procurement Law; but such procurement shall not violate any treaties or protocols entered into by the Republic of China.

第二十六條 私有古蹟、歷史建築及聚落之管理維護、修復及再利用所需經費，主管機關得酌予補助。

依前項規定接受政府補助之歷史建築，其保存、維護、再利用及管理維護等，準用第二十條及第二十一條之規定。

## Article 26

The competent authority may provide appropriate subsidy for the management and maintenance, restoration and reuse of privately owned Monuments, Historical Buildings and Settlements.

Articles 20 and 21 shall apply mutatis mutandis to the preservation, management, maintenance and reuse of Historical Buildings which is subsidized by

the government in accordance with the preceding paragraph.

第二十七條 公有及接受政府補助之私有古蹟、歷史建築及聚落，應適度開放大眾參觀。

依前項規定開放參觀之古蹟、歷史建築及聚落，得酌收費用；其費額，由所有人、使用人或管理人擬訂，報經主管機關核定。公有者，並應依規費法相關規定程序辦理。

#### Article 27

Publicly owned Monuments or privately owned Monuments, Historical Buildings and Settlements which is subsidized by the government shall be opened to the public to an appropriate extent.

Monuments, Historical Buildings and Settlements opened for public visit in accordance with the preceding paragraph may charge fees from the visitors; such fees shall be prescribed by the owner, user and manager, and shall be approved by the competent authority. For publicly owned Monuments, Historical Buildings and Settlements, such fees shall be charged in accordance with relevant Charges and Fees Act.

第二十八條 古蹟及其所定著土地所有權移轉前，應

事先通知主管機關；其屬私有者，除繼承者外，主管機關有依同樣條件優先購買之權。

## Article 28

Any transfer of ownership of Monuments or any land, upon which the monuments are erected, shall be reported to the competent authority in advance. With regard to the transfer of ownership of Monuments, except in the event of inheritance, the competent authority shall have the right of first refusal to purchase the Monuments under the same terms and conditions.

第二十九條 發見具古蹟價值之建造物，應即通知主管機關處理。

## Article 29

Any discovery of buildings having the value of a Monument shall be forthwith reported to the competent authority.

第三十條 營建工程及其他開發行為，不得破壞古蹟之完整、遮蓋古蹟之外貌或阻塞其觀覽之通道；工程或開發行為進行中，發見具古蹟價值之建造物時，應即停止工程或開發行為之進行，並報主管機關處理。

## Article 30

No construction or development work shall damage the integrity of, obscure or obstruct access to Monuments. If buildings having the value of Monuments are discovered in the course of a construction project or other development projects, such construction or development work shall be immediately suspended and the discovery shall be reported to the competent authority for handling.

第三十一條 古蹟所在地都市計畫之訂定或變更，應先徵求主管機關之意見。

政府機關策定重大營建工程計畫時，不得妨礙古蹟之保存及維護，並應先調查工程地區有無古蹟或具古蹟價值之建造物；如有發見，應即報主管機關依第十四條審查程序辦理。

### Article 31

The competent authority of Monuments shall be consulted before establishing or amending urban plans of the locales where the Monuments are located.

When drafting large-scale construction plans, government agencies shall investigate in advance whether any sites or buildings having the value of

Monuments exist in the construction areas. If any Monuments is discovered, it shall be forthwith reported to the competent authority for handling in accordance with the review procedures as set forth in Article 14.

第三十二條 古蹟除因國防安全或國家重大建設，經提出計畫送中央主管機關審議委員會審議，並由中央主管機關核定者外，不得遷移或拆除。

## Article 32

Monuments shall not be moved or demolished except for reasons of national security or major national construction projects; provided that the proposals for such moving or demolition shall be reviewed and approved by the review committee of the central competent authority.

第三十三條 為維護古蹟並保全其環境景觀，主管機關得會同有關機關擬具古蹟保存計畫後，依區域計畫法、都市計畫法或國家公園法等有關規定，編定、劃定或變更為古蹟保存用地或保存區、其他使用用地或分區，並依本法相關規定予以保存維護。

前項古蹟保存用地或保存區、其他使用用地或分區，對於基地面積或基地內應保留

空地之比率、容積率、基地內前後側院之深度、寬度、建築物之形貌、高度、色彩及有關交通、景觀等事項，得依實際情況為必要規定及採取獎勵措施。

主管機關於擬定古蹟保存區計畫過程中，應分階段舉辦說明會、公聽會及公開展覽，並應通知當地居民參與。

### Article 33

In order to maintain Monuments and preserve their environments and landscapes, the competent authority of such sites shall be empowered, together with other relevant authorities, to draft plans for preservation of such sites. The said authorities may in accordance with the Regional Planning Law, the Urban Planning Law, or the National Park Law, classify, designate, or re-classify Monuments lands or areas, other functional lands or sub-areas, and preserve and maintain such Monuments in accordance with this Act.

The rules for the Monuments preservation lands or areas and other functional lands or sub-areas referred to in the preceding paragraph, the ratio of reserved open space on the sites, the sites' capacity ratios, the depth

and width of the front-yard, back-yard, and side-yards on the sites, the appearance, height and coloration of buildings on the sites, and related traffic and landscape matters in such areas may be prescribed by taking into account the actual conditions and incentive measures may be offered.

While in the process of drafting plans for Monuments preservation lands or areas, explaining sessions, public hearings and exhibitions shall be held in stages according to their developments by the competent authorities and notify local community residents to participate.

第三十四條 為維護聚落並保全其環境景觀，主管機關得擬具聚落保存及再發展計畫後，依區域計畫法、都市計畫法、國家公園法等有關規定，編定、劃定或變更為特定專用區。

前項保存及再發展計畫之擬定，應召開公聽會，並與當地居民協商溝通後為之。

#### Article 34

In order to maintain Settlements and preserve their environments and landscapes, the competent authority of such sites shall draft plans for preservation and future developments



of Settlements and may in accordance with the Regional Planning Law, the Urban Planning Law or the National Park Law, classify, designate, or re-classify the area as a special reserved area.

In order to draft the preservation and future development plan of Settlements set forth in the preceding paragraph, public hearings shall be held and local citizens of the locale where the Settlements are located shall be invited for consultation and negotiation.

第三十五條 古蹟除以政府機關為管理機關者外，其所定著之土地、古蹟保存用地、保存區、其他使用用地或分區內土地，因古蹟之指定、古蹟保存用地、保存區、其他使用用地或分區之編定、劃定或變更，致其原依法可建築之基準容積受到限制部分，得等值移轉至其他地區建築使用或享有其他獎勵措施；其辦法，由內政部會商文建會定之。

前項所稱其他地區，係指同一都市主要計畫地區或區域計畫地區之同一直轄市、縣（市）內之地區。

第一項之容積一經移轉，其古蹟之指定或古蹟保存用地、保存區、其他使用用地或分區之管制，不得解除。

## Article 35

Apart from Monuments managed by the government agencies, the legally buildable capacity of lands designated as Monuments or Monuments preservation lands or areas and other functional lands or sub-areas to be utilized in connection with Monuments preservation, become restricted as the result of such designation of Monuments or Monuments preservation lands or areas and the classification, designation or amendments of other functional lands or sub-areas, the portion of the buildable capacity thus restricted may be transferred, in the equivalent amount, to other areas for building purposes or, alternately, by offering other incentive measures. The relevant rules for implementing thereof shall be prescribed by the Ministry of the Interior together with the CCA.

The "other areas" mentioned in the preceding paragraph shall mean the major urban planning area within the same municipality, or the regional planning area within the same county (city).

The designation of Monument or Monument preservation lands or areas and other functional lands or sub-areas shall not be revoked once the

buildable capacity referred to in the first paragraph has been transferred.

- 第三十六條 依第三十三條及第三十四條規定劃設之古蹟保存用地或保存區、其他使用用地或分區及特定專用區內，關於下列事項之申請，應由目的事業主管機關會同主管機關辦理：
- 一、建築物與其他工作物之新建、增建、改建、修繕、遷移、拆除或其他外形及色彩之變更。
  - 二、宅地之形成、土地之開墾、道路之整修、拓寬及其他土地形狀之變更。
  - 三、竹木採伐及土石之採取。
  - 四、廣告物之設置。

## Article 36

The application of the following matters in relation to classification of the Monuments preservation lands and areas, other functional lands or sub-areas, or special reserved area in accordance with Articles 33 and 34 of this Act, shall be handled by the government in charge of the relevant industries together with the competent authority:

1. the amendment, increase, alteration, repair, moving, demolition, or changes in the appearance and/or coloration of building and

- other construction works on the site;
- 2. the establishment of residential lands, land developments, repair and widening of roads, and other topographical alterations;
- 3. the lumbering of bamboo and trees, and the quarrying of sand and stones; and
- 4. the stationing of advertising objects.

### 第三章 遺址

## Chapter 3 Historical Sites

第三十七條 主管機關應普查或接受個人、團體提報具遺址價值者之內容及範圍，並依法定程序審查後，列冊追蹤。

#### Article 37

The competent authority shall make a general survey or accept applications from individuals or organizations for reporting of the content and scope of Historical Sites and shall review, record and trace in accordance with the procedures prescribed by law.

第三十八條 主管機關應建立遺址之調查、研究、發掘及修復之完整個案資料。

#### Article 38

The competent authority shall set up complete file of the investigation, research, excavation and restoration of Historical Sites.

第三十九條 主管機關為維護遺址之需要，得培訓相關專業人才，並建立系統性之監管及通報機制。

#### Article 39

In order to preserve and maintain Historical Sites, the competent authority may train the relevant professionals, and establish systematic supervising and reporting mechanism.

第四十條 遺址依其主管機關，區分為國定、直轄市定、縣（市）定三類，由各級主管機關審查指定後，辦理公告。直轄市、縣（市）定者，並應報中央主管機關備查。

遺址滅失、減損或增加其價值時，主管機關得廢止其指定或變更其類別，並辦理公告。直轄市、縣（市）定者，應報中央主管機關核定。

前二項指定基準、審查、廢止條件與程序及其他應遵行事項之辦法，由中央主管機關定之。

#### Article 40

Historical Sites shall be categorized as either

national, municipal, or county (city) Historical Sites; and shall be reviewed, designated and publicly declared as such, by the appropriate level of authority, and where the Historical Sites are designated by municipal or county (city) government, it shall be reported to the central competent authority for recordation.

In the event that a Historical Site is lost or its value is decreased or increased, the revocation or alteration of the original designation shall be publicly declared by the competent authority; and the competent authority of the municipal or county (city) shall report the same to the central competent authority.

The rules for the designation standards, review procedures, revocation procedures, and other matters that shall be observed as set forth the preceding two paragraphs, shall be prescribed by the central competent authority.

第四十一條 具遺址價值者，經依第三十七條規定列冊處理後，於審查指定程序終結前，直轄市、縣（市）主管機關應負責監管，避免其遭受破壞。

Article 41

Prior to the end of the designation review procedures, the municipal and county (city) competent authority shall be responsible for supervision in order to prevent any loss or damage of sites having the value of Historical Sites after they have been revoked in accordance with Article 37.

第四十二條 遺址由主管機關擬具遺址管理維護計畫，進行監管保護。

前項監管保護，必要時得委任、委辦其所屬機關（構）或委託其他機關（構）、登記有案之團體或個人為之。

遺址之監管保護辦法，由中央主管機關定之。

#### Article 42

The competent authority shall implement management and maintenance plan, to supervise and preserve Historical Sites.

The supervision and preservation of Historical Sites referred to in the preceding paragraph, when necessary, may be done by appointing, delegating related agencies (institutions) or authorizing other agencies (institutions), registered institutions and individuals to supervise and preserve such places.

The rules for supervising and preserving Historical Sites shall be prescribed by the central competent authority.

第四十三條 為維護遺址並保全其環境景觀，主管機關得會同有關機關擬具遺址保存計畫，並依區域計畫法、都市計畫法或國家公園法等有關規定，編定、劃定或變更為保存用地或保存區、其他使用用地或分區，並依本法相關規定予以保存維護。

前項保存用地或保存區、其他使用用地或分區範圍、利用方式及景觀維護等事項，得依實際情況為必要之規定及採取獎勵措施。

劃入遺址保存用地或保存區、其他使用用地或分區之土地，主管機關得辦理撥用或徵收之。

#### Article 43

In order to maintain Historical Sites and preserve their environments and landscapes, the competent authority of such places shall be empowered, together with other relevant authorities, to draft the plans for preservation of Historical Sites. The said authorities may in accordance with the Regional Planning Law, the Urban Planning Law, or the National Park Law,



classify, designate, or re-classify Historical Sites preservation lands and areas, other functional lands or sub-areas, and preserve and maintain such Historical Sites in accordance with this Act.

The rules for the Historical Sites preservation lands or areas and other functional lands or sub-areas, the scope of zoning, the manner of reuse and maintenance of landscapes as set forth in the preceding paragraph, may be prescribed by taking into account the actual conditions and incentive measures may be offered.

The competent authority may appropriate or expropriate the lands which are classified as the Historical Sites preservation lands and areas and other functional lands or sub-areas.

第四十四條 遺址之容積移轉，準用第三十五條規定。

#### Article 44

Article 35 of this Act shall apply mutatis mutandis to any transfer of the buildable capacity of Historical Sites.

第四十五條 遺址之發掘，應由學者專家、學術或專業機構向主管機關提出申請，經審議委員會

審議，並由主管機關核定後，始得為之。

前址發掘者，應製作發掘報告，於主管機關所定期限內，報請主管機關備查，並公開發表。

遺址發掘之資格限制、條件、審查程序及其他應遵行事項之辦法，由中央主管機關定之。

#### Article 45

Any excavation of Historical Sites shall be subject to an application by scholars, experts, and academic or professional scientific research institutions to the competent authority, and shall be reviewed by the review committee and approved by the competent authority respectively.

The excavator referred to in the preceding paragraph shall produce an excavation report within the time prescribed by the competent authority. The report shall be filed with the competent authority for recordation and shall be disclosed to the public.

The rules for the qualification, restrictions, conditions, review procedures and other matters that shall be observed in relation to excavation of Historical Sites, shall be prescribed by the central

competent authority.

第四十六條 外國人不得在我國領土及領海範圍內調查及發掘遺址。但與國內學術或專業機構合作，經中央主管機關許可者，不在此限。

#### Article 46

Foreigners may not investigate and excavate Historical Sites within the Republic of China and its territorial sea, provided that with the prior approval of the central competent authority; foreigners may co-operate with domestic scientific research organizations and professional institutions to conduct such investigation and excavation.

第四十七條 遺址發掘出土之古物，應由其發掘者列冊，送交主管機關指定古物保管機關（構）保管。

#### Article 47

Antiquities obtained from the excavation of Historical Sites shall be recorded and filed by the excavator, and delivered to and safeguarded by antiquities custodian designated by the competent authorities.

第四十八條 為保護或研究遺址，需要進入公、私有土地者，應先徵得土地所有人、使用人或管

理人之同意。

為發掘遺址，致土地權利人受有損失者，主管機關應給與合理補償；其補償金額，以協議定之。

#### Article 48

Access to publicly or privately owned land for the purpose of preservation or research of Historical Sites shall be subject to the prior consent of the owner, user or manager of such land.

The competent authority shall compensate the loss of any person with proprietary rights on the land of Historical Sites, resulting from the excavation of such Historical Sites. The compensation amount shall be negotiated accordingly.

第四十九條 政府機關辦理遺址調查、研究或發掘有關之採購，準用第二十五條規定。

#### Article 49

Articles 25 shall apply mutatis mutandis to the procurement of services relating to the investigations, research and excavations of Historical Sites by the government.

第五十條 發見疑似遺址，應即通知所在地直轄市、縣（市）主管機關採取必要維護措施。

營建工程或其他開發行為進行中，發見疑似遺址時，應即停止工程或開發行為之進行，並報所在地直轄市、縣（市）主管機關處理。

#### Article 50

Any discovery of possible Historical Sites shall be forthwith reported to the municipal or county (city) competent authority at the locale of such possible Historical Sites for necessary protection measures.

If a possible Historical Site were discovered in the course of a construction project or other development projects, such construction or development work shall be immediately suspended and the discovery shall be reported to the municipal or county (city) competent authority at the locale of such possible Historical Site.

第五十一條 遺址所在地都市計畫之訂定或變更，應先徵求主管機關之意見。

政府機關策定重大營建工程計畫時，不得妨礙遺址之保存及維護，並應先調查工程

地區有無遺址或疑似遺址；如有發見，應即報主管機關依第四十條審查程序辦理。

## Article 51

The competent authority of Historical Sites shall be consulted before establishing or amending urban plans of the locales where such Historical Sites are located.

When drafting large-scale construction plans, the government shall not interfere with the preservation and maintenance of Historical Sites and shall investigate in advance whether any Historical Sites or possible Historical Sites exist in the construction areas. If any Historical Site is discovered, it shall be forthwith reported to the competent authority for handling in accordance with the review procedures prescribed in Article 40.

第五十二條 疑似遺址之發掘、採購及出土古物之保管等事項，準用第四十五條至第四十九條規定。

## Article 52

Articles 45 to 49 shall apply mutatis mutandis to any excavations of possible Historical Sites and the procurement and custody of antiquities

obtained from such excavations.

## 第 四 章 文化景觀 Chapter 4 Cultural Landscapes

第五十三條 直轄市、縣（市）主管機關應普查或接受個人、團體提報具文化景觀價值之內容及範圍，並依法定程序審查後，列冊追蹤。

### Article 53

The municipal or county (city) competent authority shall make a general survey or accept applications from individuals or organizations for reporting of the content and scope of sites having the value of Cultural Landscapes; and shall review, record and trace in accordance with the procedures prescribed by law.

第五十四條 文化景觀由直轄市、縣（市）主管機關審查登錄後，辦理公告，並報中央主管機關備查。

前項登錄基準、審查、廢止條件與程序及其他應遵行事項之辦法，由中央主管機關定之。

### Article 54

The Cultural Landscapes shall be reviewed and

registered by the municipal or county (city) competent authority and publicly declared; and report to the central competent authority for recordation.

The rules for registration standards, review procedures, conditions and procedures of revocation, and other matters that shall be observed, shall be prescribed by the central competent authority.

第五十五條 文化景觀之保存及管理原則，由直轄市、縣（市）主管機關設立之審議委員會依個案性質決定，並得依文化景觀之特性及實際發展需要，作必要調整。

直轄市、縣（市）主管機關應依前項原則，擬定文化景觀之保存維護計畫，進行監管保護，並輔導文化景觀所有人、使用人或管理人配合辦理。

#### Article 55

The principles governing the preservation and maintenance of Cultural Landscapes, shall be decided on a case by case basis by the review committee, established by the municipal or county (city) competent authority; and may be adjusted in accordance with the characteristics



and development of the Cultural Landscapes.

The municipal or county (city) competent authority shall follow the principles of the preceding paragraph, to draft Cultural Landscape preservation and maintenance plan to supervise and protect the Cultural Landscapes, and assist the owner, user or manager of the Cultural Landscapes to cooperate with such preservation and maintenance plans.

第五十六條 為維護文化景觀並保全其環境，主管機關得會同有關機關擬具文化景觀保存計畫，並依區域計畫法、都市計畫法或國家公園法等有關規定，編定、劃定或變更為保存用地或保存區、其他使用用地或分區，並依本法相關規定予以保存維護。

前項保存用地或保存區、其他使用用地或分區用地範圍、利用方式及景觀維護等事項，得依實際情況為必要規定及採取獎勵措施。

## Article 56

In order to maintain Cultural Landscapes and preserve their environments and landscapes, the competent authorities of such sites shall be empowered, together with other relevant

authorities, to draft plans for preservation of Cultural Landscapes. The said authorities may in accordance with the Regional Planning Law, the Urban Planning Law, or the National Park Law, classify, designate, or re-classify the Cultural Landscapes preservation lands or areas and other functional lands or sub-areas, and preserve and maintain such Cultural Landscapes in accordance with this Act.

The rules for the Cultural Landscapes preservation lands or areas, other functional lands or sub-areas, use and maintenance of Cultural Landscapes as set forth the preceding paragraph, may be prescribed by taking into account the actual conditions and incentive measures may be offered.

## 第 五 章 傳統藝術、民俗及有關文物

### **Chapter 5 Traditional Arts, Folk Customs and Related Cultural Artifacts**

第五十七條 直轄市、縣（市）主管機關應普查或接受個人、團體提報具傳統藝術、民俗及有關文物保存價值之項目、內容及範圍，並依法定程序審查後，列冊追蹤。

## Article 57

The municipal or county (city) competent authority shall make a general survey or accept applications from individuals or organizations for reporting of the content and scope of items having the value of Traditional Arts, Folk Customs and Related Cultural Artifacts, and shall review, record and trace in accordance with the procedures prescribed by law.

第五十八條 直轄市、縣（市）主管機關應建立傳統藝術、民俗及有關文物之調查、採集、整理、研究、推廣、保存、維護及傳習之完整個案資料。

## Article 58

The municipal or county (city) competent authority shall make a complete file, which shall consist of the investigation, collection, classification, research, promotion, preservation, maintenance and teachings of the Traditional Arts, Folk Customs and Related Cultural Artifacts.

第五十九條 傳統藝術、民俗及有關文物由直轄市、縣（市）主管機關審查登錄後，辦理公告，並報中央主管機關備查。  
中央主管機關得就前項已登錄之傳統藝

術、民俗及有關文物中擇其重要者，審查指定為重要傳統藝術、重要民俗及有關文物，並辦理公告。

傳統藝術、民俗及有關文物滅失或減損其價值時，主管機關得廢止其登錄、指定或變更其類別，並辦理公告。直轄市、縣（市）登錄者，應報中央主管機關核定。

前三項登錄、指定基準、審查、廢止條件與程序及其他應遵行事項之辦法，由中央主管機關定之。

## Article 59

The Traditional Arts, Folk Customs and Related Cultural Artifacts shall be reviewed, registered and publicly declared by the municipal or county (city) competent authority; and shall be reported to the central competent authority for recordation.

The central competent authority may designate Significant Traditional Arts, Folk Customs and Related Cultural Artifacts from the Traditional Arts, Folk Customs and Related Cultural Artifacts referred to in the preceding paragraph; and publicly declare such designation.

In the event that a Traditional Art, Folk Custom or Related Cultural Artifacts is lost or its value

is decreased, the revocation, alteration of the original registration or designation, shall be publicly declared by the competent authority. For those registered by the municipal or county (city) government, the revocation or alteration shall be reported to the central government in advance.

The rules for the registration, designation standards, review procedures, conditions and procedures of revocation and other matters that shall be observed as referred to in the preceding three paragraphs, shall be prescribed by the central competent authority.

第六十條 主管機關應擬具傳統藝術及民俗之保存維護計畫，並應就其中瀕臨滅絕者詳細製作紀錄、傳習或採取為保存所作之適當措施。

#### Article 60

The competent authority shall draft plans for preservation of Traditional Arts and Folk Customs, and to record in detail, teach or take appropriate preservation measures for those Traditional Arts and Folk Customs that are at the verge of extinction.

第六十一條 主管機關應鼓勵民間辦理傳統藝術及民俗之記錄、保存、傳習、維護及推廣等工作。前項工作所需經費，主管機關得酌予補助。

#### Article 61

The competent authority shall encourage the public to record, preserve, teach, maintain and promote Traditional Arts and Folk Customs.

The competent authority may provide subsidies to the works referred to in the preceding paragraph.

第六十二條 為進行傳統藝術及民俗之傳習、研究及發展，主管機關應協調各級教育主管機關督導各級學校於相關課程中為之。

#### Article 62

In order to implement the teaching, research and development of Traditional Arts and Folk Customs, the competent authority shall co-ordinate with different levels of educational competent authority, to supervise the implementation of such works at schools at all levels.

## Chapter 6 Antiquities

第六十三條 古物依其珍貴稀有價值，分為國寶、重要古物及一般古物。

### Article 63

Antiquities shall be categorized according to their rarity and value as National Treasures, Significant Antiquities or Ordinary Antiquities.

第六十四條 國立古物保管機關（構）應就所保存管理之古物暫行分級，並就其中具國寶、重要古物價值者列冊，報中央主管機關審查。

### Article 64

The national antiquities custodian agency (institution) shall categorize Antiquities in its custody into different levels, with those having the value of National Treasures or Significant Antiquities to be filed and reported to the central competent authority for review.

第六十五條 私有及地方政府機關（構）保管之古物，由直轄市、縣（市）主管機關審查登錄後，辦理公告，並報中央主管機關備查。

### Article 65

Antiquities safeguarded by private owners or the local governments shall be reviewed, registered

and publicly declared by the municipal or county (city) competent authority; and report to the central competent authority for recordation.

第六十六條 中央主管機關應就前二條所列冊或登錄之古物，擇其價值較高者，審查指定為國寶、重要古物，並辦理公告。

前項國寶、重要古物滅失、減損或增加其價值時，中央主管機關得廢止其指定或變更其類別，並辦理公告。

古物之分級、登錄、指定基準、審查、廢止條件與程序及其他應遵行事項之辦法，由中央主管機關定之。

## Article 66

The central competent authority shall review and designate Antiquities of higher value from the Antiquities referred to in the preceding two Articles as National Treasure or Significant Antiquity.

In the event that a National Treasure or Significant Antiquity as referred to in the preceding paragraph is lost or its value is decreased or increased, the central competent authority may revoke the original designation, alter the classification; and such revocation



and alteration shall be publicly declared.

The rules for the categorization, registration, designation standards, review procedures, conditions and procedures of revocation, and other matters that shall be followed in relation to Antiquities, shall be prescribed by the central competent authority.

第六十七條 公有古物，由保存管理之政府機關（構）管理維護。

國立古物保管機關（構）應就所保管之古物，訂定其管理維護辦法，報中央主管機關備查。

#### Article 67

Publicly owned Antiquities shall be managed and maintained by the government preservation institutions.

Antiquities safeguarded by the national custodian preservation agency (institution) shall promulgate Antiquities management and maintenance rules; and such rules shall be reported to the central competent authority for recordation.

第六十八條 有關機關依法沒收、沒入或收受外國政府交付之古物，由主管機關指定或認可之公

立古物保管機關（構）保管之。

#### Article 68

Antiquities that are confiscated or expropriated by relevant authorities in accordance with relevant laws and those received from the foreign governments shall be safeguarded by the public antiquities custodian agency (institution) designated or recognized by the government authority.

第六十九條 公立古物保管機關（構）為研究、宣揚之需要，得就保管之公有古物，具名複製或監製。他人非經原保管機關（構）准許及監製，不得再複製。

前項公有古物複製及監製管理辦法，由中央主管機關定之。

#### Article 69

For the purpose of research and promotion, public antiquities preservation agency (institution) may reproduce and supervise the reproduction of the Antiquities under its custody. Third parties may not make any such reproduction except with the permission and under the supervision of the original custodian preservation agency (institution).

The rules governing the reproduction and supervision of Antiquities referred to in the preceding paragraph shall be prescribed by the central competent authority.

第七十條 私有國寶、重要古物之所有人，得向公立古物保存或相關專業機關（構）申請專業維護。

中央主管機關得要求公有或接受前項專業維護之私有國寶、重要古物，定期公開展覽。

#### Article 70

The owners of privately owned National Treasures or Significant Antiquities may request the public preservation agency (institution) or other related professional preservation institutions for professional maintenance of such antiquities.

The central competent authority may demand periodic public exhibition of publicly owned or privately owned National Treasures or Significant Antiquities which are subject to professional maintenance referred to in the preceding paragraph.

第七十一條 中華民國境內之國寶、重要古物，不得運出國外。但因戰爭、必要修復、國際文化交流舉辦展覽或其他特殊情況有必要運出國外，經中央主管機關報請行政院核准者，不在此限。

依前項規定核准出國之國寶、重要古物，應辦理保險、妥慎移運、保管，並於規定期限內運回。

#### Article 71

National Treasures or Significant Antiquities within the Republic of China may not be shipped to any foreign country. The aforesaid prohibition shall be waived in the case of war, necessary repair, international cultural exchanges, exhibitions or other special reasons where an application has been submitted to the central competent authority and approved by the Executive Yuan.

National Treasures or Significant Antiquities which have been approved for shipping out of the country as referred to in the preceding paragraph, shall apply for insurance, be transported and safeguarded with care, and be shipped back within the time prescribed.

第七十二條 因展覽、銷售、鑑定及修復等原因進口

之古物，須復運出口者，應事先向主管機關提出申請。

## Article 72

A prior application to the competent authority must be made for exporting the Antiquities, which have been imported for the purpose of exhibition, sale, appraisal or repair.

第七十三條 私有國寶、重要古物所有權移轉前，應事先通知中央主管機關。除繼承者外，公立古物保管機關（構）有依同樣條件優先購買之權。

## Article 73

Any transfer of the ownership of privately owned National Treasures or Significant Antiquities, shall be notified to the central competent authority in advance. Except in the event of inheritance, the public preservation agency (institution) shall have the right of first refusal to purchase the National Treasures or Significant Antiquities under the same terms and conditions.

第七十四條 發見具古物價值之無主物，應即通知所在地直轄市、縣（市）主管機關，採取維護措施。

## Article 74

Any person who discovers ownerless Antiquities shall forthwith report the discovery to the local municipal or county (city) competent authority to take reasonable maintenance measures.

第七十五條 營建工程或其他開發行為進行中，發見具古物價值者，應即停止工程或開發行為之進行，並報所在地直轄市、縣（市）主管機關依第六十五條審查程序辦理。

## Article 75

If any Antiquities were discovered in the course of a construction project or other development projects, such construction or development work shall be immediately suspended and the discovery shall be reported to the local municipal or county (city) competent authority in accordance with the review procedures set forth in Article 65.

## 第七 章 自然地景

### Chapter 7 Natural Landscape

第七十六條 自然地景依其性質，區分為自然保留區及自然紀念物；自然紀念物包括珍貴稀有植

物及礦物。

#### Article 76

Natural Landscape shall be categorized either as Natural Reserves or Natural Commemoratives in accordance with their respective characteristics. Natural Commemoratives include plants and minerals which are valuable and rare.

第七十七條 主管機關應普查或接受個人、團體提報具自然地景價值者之內容及範圍，並依法定程序審查後，列冊追蹤。

#### Article 77

The competent authority shall make a general survey or accept applications from individuals or organizations for reporting of the content and scope of areas having the value of Natural Landscapes, and shall review, record and trace in accordance with the procedures prescribed by law.

第七十八條 主管機關應建立自然地景之調查、研究、保存、維護之完整個案資料。

#### Article 78

The competent authority shall make a complete file of investigation, research, preservation and

## maintenance of Natural Landscapes.

第七十九條 自然地景依其主管機關，區分為國定、直轄市定、縣（市）定三類，由各級主管機關審查指定後，辦理公告。直轄市定、縣（市）定者，並應報中央主管機關備查。

自然地景滅失、減損或增加其價值時，主管機關得廢止其指定或變更其類別，並辦理公告。直轄市定、縣（市）定者，應報中央主管機關核定。

前二項指定基準、審查、廢止條件與程序及其他應遵行事項之辦法，由中央主管機關定之。

具自然地景價值者之所有人得向主管機關申請指定，主管機關受理該項申請，應依法定程序審查之。

### Article 79

Natural Landscapes shall be categorized as either national, municipal or county (city) Natural Landscape; and shall be reviewed, designated and publicly declared as such, by the authority of appropriate level, and where the Natural Landscapes are designated by the municipal or county (city) government, it shall be reported to the central competent authority



for recordation.

In the event that a Natural Landscape is lost or its value is decreased or increased, the revocation or alteration of the original designation shall be publicly declared by the competent authority. For the revocation or alteration made by the municipal and county (city) competent authority, it shall be reported to the central competent authority.

The rules for the designation standards, review, conditions and procedures of revocation, and other matters that shall be observed as set forth in the preceding two paragraphs, shall be prescribed by the central competent authority.

The competent authority may accept applications from the owner of landscape which has value of Natural Landscapes for the designation of Natural Landscapes, and shall review the applications in accordance with the procedures prescribed by law.

第八十條 自然地景由所有人、使用人或管理人管理維護；主管機關對私有自然地景，得提供適當輔導。

自然地景得委任、委辦其所屬機關（構）或委託其他機關（構）、登記有案之團體或個人管理維護。

自然地景之管理維護者，應擬定管理維護計畫，報主管機關備查。

## Article 80

Natural Landscapes shall be managed and maintained by the owner, user or manager of such landscapes; and the competent authority may provide necessary assistances to privately owned Natural Landscape.

The competent authority of Natural Landscapes may appoint, delegate related agencies (institutions) or authorize agencies (institutions), registered public and individuals to manage and maintain such landscapes.

Any person who manages and maintains Natural Landscapes shall draft the management and maintenance plan, and report to the competent authority for recordation.

第八十一條 自然地景管理不當致有滅失或減損價值之虞之處理，準用第二十四條規定。

## Article 81

Article 24 shall apply mutatis mutandis when a

Natural Landscape is likely to be lost or its value is likely to decrease due to improper management of such landscape.

第八十二條 進入自然地景指定之審查程序者，為暫定自然地景。

具自然地景價值者遇有緊急情況時，主管機關得指定為暫定自然地景，並通知所有人、使用人或管理人。

暫定自然地景之效力、審查期限、補償及應踐行程序等事項，準用第十七條規定。

## Article 82

Any Natural Landscapes undergoing the review procedure shall be declared as Interim Natural Landscape.

The competent authority may in the event of an emergency declare a landscape of Natural Landscape value as Interim Natural Landscape; and notify the owner, user and manager of such Interim Natural Landscape.

Article 17 shall apply mutatis mutandis to matters relating to the effectiveness of the designation, review period, compensation and other matters that shall be observed in relation

to the Interim Natural Landscape.

第八十三條 自然紀念物禁止採摘、砍伐、挖掘或以其他方式破壞，並應維護其生態環境。但原住民族為傳統祭典需要及研究機構為研究、陳列或國際交換等特殊需要，報經主管機關核准者，不在此限。

### Article 83

Natural Commemoratives shall not be destroyed by picking or plucking, chopping or felling, or by any other means, and the ecological environment of such Natural Commemoratives shall be maintained. However, this Article shall not apply, if any of the foregoing is due to traditional ceremonies of local ethnic groups or research, display, or international exchange by research institutions and which has been approved by the competent authority.

第八十四條 自然保留區禁止改變或破壞其原有自然狀態。

為維護自然保留區之原有自然狀態，非經主管機關許可，不得任意進入其區域範圍；其申請資格、許可條件、作業程序及其他應遵行事項之辦法，由中央主管機關定之。

### Article 84

Any alteration or damage to the original natural status of Natural Reserves shall be prohibited.

In order to maintain the original natural status of Nature Reserves, no person shall enter the designated area except with permission granted by the competent authority. The central competent authority shall prescribe the application standards, admission conditions, operational procedures and other matters that shall be observed.

第八十五條 自然地景所在地訂定或變更區域計畫或都市計畫，應先徵求主管機關之意見。

政府機關策定重大營建工程計畫時，不得妨礙自然地景之保存及維護，並應先調查工程地區有無具自然地景價值者；如有發見，應即報主管機關依第七十九條審查程序辦理。

#### Article 85

The competent authority shall be consulted before establishing or amending the regional plan and urban plan regarding the locale where such Natural Landscape is located.

When drafting large-scale construction plans, the government shall investigate in advance whether

there existed any Natural Landscapes in the construction areas; and shall not interfere with the preservation and maintenance of such Natural Landscape. If any Natural Landscape is discovered, it shall be forthwith reported to the competent authority for handling in accordance with the review procedure set forth in Article 79.

第八十六條 發見具自然地景價值者，應即報主管機關處理。

營建工程或其他開發行為進行中，發見具自然地景價值者，應即停止工程或開發行為之進行，並報主管機關處理。

#### Article 86

Any discovery of sites of Natural Landscapes value shall forthwith report to the competent authority.

If any site of Natural Landscapes value is discovered in the course of a construction project or other development projects, such construction or development work shall be immediately suspended and the discovery shall be reported to the competent authority.

第 八 章 文化資產保存技術及保存者  
**Chapter 8 Cultural Heritage  
Preservation Skills and  
Preservers**

第八十七條 主管機關應普查或接受個人或團體提報具保護需要之文化資產保存技術及其保存者，並依法定程序審查後，列冊追蹤。

前項保存技術及其保存者，主管機關應建立基礎資料之調查與登錄及其他重要事項之紀錄。

Article 87

The competent authority shall make a general survey or accept applications from individuals or organizations for reporting of skills required for the preservation of cultural heritage and their preservers, and shall review, record and trace in accordance with the procedures prescribed by law.

The competent authority shall establish information database for the investigation, registration and other important matters of the preservation skills and preservers referred to in the preceding paragraph.

第八十八條 中央主管機關對於文化資產保存及修復

工作中不可或缺，且必須加以保護之技術及其保存者，應審查指定，並辦理公告。

前項指定之保存技術無再加以保護之必要時，中央主管機關得於審查後廢止該項技術及其保存者之指定。

第一項保存技術之保存者因身心障礙或其他特殊情事，經審查認定不適合繼續作為保存者時，中央主管機關得廢止其指定。

## Article 88

The central competent authority shall review, designate and publicly declare the skills and preservers that are vital to the preservation and restoration of cultural heritage, which are in need of protection.

For any designated preservation skills referred to in the preceding paragraph, which no longer require protection, the central competent authority may revoke the designation of such skills and preservers after review.

Any preservers referred to in the preceding two paragraphs, for reasons of either physically or mentally impairment, or for other special circumstances, is deemed unfit for continuing the preservation of cultural heritage, the central competent authority may revoke its



designation.

第八十九條 主管機關應協助經指定之保存技術及其保存者進行技術保存及傳習，並活用該項技術於保存修復工作。

前項保存技術之保存、傳習、活用與其保存者之工作保障、人才養成及輔助辦法，由中央主管機關定之。

#### Article 89

The competent authority shall assist the designated preservation skills and their preservers, to preserve and teach such skills; and utilize such technologies and skills in the preservation and restoration work.

The maintenance, teaching and utilization of preservation skills and the protection, vocational training and assistance of preservers referred to in the preceding paragraph shall be prescribed by the central competent authority.

### 第九章 獎勵

#### Chapter 9 Incentive Measures

第九十條 有下列情形之一者，主管機關得給予獎勵或補助：

- 一、捐獻私有古蹟、遺址或其所定著之土地或自然地景予政府。
  - 二、捐獻私有國寶、重要古物予政府。
  - 三、發見第二十九條之建造物、第五十條之疑似遺址、第七十四條之具古物價值之無主物或第八十六條第一項之具自然地景價值之區域或紀念物，並即通報主管機關處理。
  - 四、維護文化資產具有績效。
  - 五、對闡揚文化資產保存有顯著貢獻。
  - 六、主動將私有古物申請登錄，並經中央主管機關依第六十六條規定審查指定為國寶、重要古物者。
- 前項獎勵或補助辦法，由文建會、農委會分別定之。

## Article 90

The competent authority shall offer incentive measures or subsidies to any of the following:

1. the donation to governments of privately owned Monuments, Historical Sites or any land upon which they are erected or Natural Landscapes;
2. the donation to governments of privately owned National Treasures or Significant Antiquities;
3. the discovery of Historical Buildings

referred to in Article 29, possible Historical Sites referred to in Article 50, ownerless Antiquities with cultural value referred to in Article 74 or Natural Landscapes or Natural Commemoratives with cultural value referred to in paragraph 1 of Article 86, and immediately report to the competent authority to handle such matters;

4. achievements in maintaining cultural heritage;
5. significant contribution in preserving cultural heritage; and
6. take the initiative to register privately owned Antiquities and which are reviewed and designated as National Treasures or Significant Antiquities in accordance with Article 66 by the central competent authority.

The rules for the offer of incentive measures and subsidies referred to in the preceding paragraph shall be prescribed by the CCA and COA separately.

第九十一條 私有古蹟、遺址及其所定著之土地，免

徵房屋稅及地價稅。

私有歷史建築、聚落、文化景觀及其所定著土地，得在百分之五十範圍內減徵房屋稅及地價稅；其減免範圍、標準及程序之法規，由直轄市、縣（市）主管機關訂定，報財政部備查。

## Article 91

Privately owned Monumentes, Historical Sites and any land upon which they are erected shall be exempt from housing tax and land-value tax.

The housing tax and land-value tax imposed upon privately owned Historical Buildings, Settlements, Cultural Landscapes and any land upon which they are erected may be reduced by up to fifty percent. The range, standard, and procedures of such tax reduction shall be prescribed by the municipal and county (city) competent authority and reported to the Ministry of Finance for recordation.

第九十二條 私有古蹟及其所定著之土地，因繼承而移轉者，免徵遺產稅。

本條公布生效前發生之古蹟繼承，於本法公布生效後，尚未核課或尚未核課確定

者，適用前項規定

## Article 92

Inheritance of a privately owned Monument and any land upon which it is erected shall be exempt from estate tax.

The preceding paragraph shall apply in the case of an inheritance of a privately owned Monument, prior to the enactment of this Act; and it shall also apply to cases where the inheritance is not hitherto assessed or assessment is not yet final when this Act comes into force.

第九十三條 出資贊助辦理古蹟、歷史建築、古蹟保存區內建築物、遺址、聚落、文化景觀之修復、再利用或管理維護者，其捐贈或贊助款項，得依所得稅法第十七條第一項第二款第二目及第三十六條第一款規定，列舉扣除或列為當年度費用，不受金額之限制。

前項贊助費用，應交付主管機關、國家文化藝術基金會、直轄市或縣（市）文化基金會，會同有關機關辦理前項修復、再利用或管理維護事項。該項贊助經費，經贊助者指定其用途者，不得移作他用。

## Article 93

Funds which are donated for managing, repairing or reuse of Monuments, Historical Buildings, buildings within a Monument preservation area, Historical Sites, Settlements, Cultural Landscapes, may be listed as itemized deductions or expenses in full amount, according to item 2, subparagraph 2, paragraph 1 of Article 17, or sub-paragraph 1 of Article 36 of the Income Tax Law, respectively, notwithstanding the amount of such donated funds.

The donated funds referred to in the preceding paragraph shall be delivered to the competent authority, the National Culture and Art Foundation or to the cultural foundation of the relevant municipal or county (city) government, for the management, restoration or reuse referred to in the preceding paragraph. The donated funds shall not be used for any purpose other than those designated by the fund donor.

## 第 十 章 罰 則

### **Chapter 10 Penalty Provisions**

第九十四條 有下列行為之一者，處五年以下有期徒刑、拘役或科或併科新臺幣二十萬元以上一

百萬元以下罰金：

- 一、違反第三十二條規定遷移或拆除古蹟。
  - 二、毀損古蹟之全部、一部或其附屬設施。
  - 三、毀損遺址之全部、一部或其遺物、遺跡。
  - 四、毀損國寶、重要古物。
  - 五、違反第七十一條規定，將國寶、重要古物運出國外，或經核准出國之國寶、重要古物，未依限運回。
  - 六、違反第八十三條規定，擅自採摘、砍伐、挖掘或以其他方式破壞自然紀念物或其生態環境。
  - 七、違反第八十四條第一項規定，改變或破壞自然保留區之自然狀態。
- 前項之未遂犯，罰之。

#### Article 94

Any person who commits any of the following offences shall be liable to imprisonment up to five years, detention, and/or a fine of NT\$200,000 to NT\$1,000,000:

1. moving or demolishing a Monument in violation of Article 32;
2. destroying or damaging in whole or in part of a Monument and its ancillary facilities;

3. destroying or damaging in whole or in part of a Historical Site or its relics and ruins;
4. destroying or damaging National Treasures and Significant Antiquities;
5. shipping National Treasures or Significant Antiquities out of the country, or failing to transport back the National Treasures or Significant Antiquities within the period prescribed by the competent authority in violation of Article 71;
6. picking, plucking, chopping or felling, excavating, or destroying by any other means a Natural Commemoratives or its associated ecological environment in violation of Article 83; and
7. altering or damaging the natural status of a Natural Reserve in violation of paragraph 1 of Article 84.

Any attempted offences referred to in the above, shall be liable for the same penalty.

第九十五條 有前條第一項各款行為者，其損害部分應回復原狀；不能回復原狀或回復顯有重大困難者，應賠償其損害。

前項負有回復原狀之義務而不為者，得



由主管機關代履行，並向義務人徵收費用。

#### Article 95

Any person who commits an offence under paragraph 1 of the preceding Article shall restore the damaged portion; or compensate for such damage if it is incapable of or difficult to restore.

The competent authority may conduct on behalf of the person who has the obligation to restore but fails to restore; and the competent authority shall have the right to recover such expenses from the person.

第九十六條 法人之代表人、法人或自然人之代理人、受僱人或其他從業人員，因執行職務犯第九十四條之罪者，除依該條規定處罰其行為人外，對該法人或自然人亦科以同條所定之罰金。

#### Article 96

Any person who violates Article 94 of this Act in its capacity as the representative of a judicial person, the agent, employee or other staff of a judicial person or individual, in addition to punishment for such person in accordance with this Act, the judicial person or individual shall

also be fined.

第九十七條 有下列情事之一者，處新臺幣十萬元以上五十萬元以下罰鍰：

- 一、古蹟之所有人、使用人或管理人，對古蹟之修復或再利用，違反第二十一條規定，未依主管機關核定之計畫為之。
- 二、古蹟之所有人、使用人或管理人，對古蹟之緊急修復，未依第二十三條規定期限內提出修復計畫或未依主管機關核定之計畫為之。
- 三、古蹟、自然地景之所有人、使用人或管理人經主管機關依第二十四條、第八十一條規定通知限期改善，屆期仍未改善。
- 四、營建工程或其他開發行為，違反第三十條、第五十條第二項、第七十五條或第八十六條第二項規定者。
- 五、發掘遺址或疑似遺址，違反第四十五條、第四十六條或第五十二條規定。
- 六、再複製公有古物，違反第六十九條第一項規定，未經原保管機關（構）核准者。

有前項第一款、第二款及第四款至第六

款情形之一，經主管機關限期通知改正而不改正，或未依改正事項改正者，得按次分別處罰，至改正為止；情況急迫時，主管機關得代為必要處置，並向行為人徵收代履行費用；第四款情形，並得勒令停工，通知自來水、電力事業等配合斷絕自來水、電力或其他能源。

有第一項各款情形之一，其產權屬公有者，主管機關並應公布該管理機關名稱及將相關人員移請權責機關懲處或懲戒。

#### Article 97

Any person who commits any of the following offences shall be liable to a fine of NT\$100,000 to NT\$500,000:

1. the owner, user or manager fails to obtain approval from the competent authority for the preservation, maintenance or reuse of Monument in accordance with Article 21;
2. the owner, user or manager fails to submit a restoration plan to the competent authority for approval within the time prescribed or fails to comply with the restoration plan when undertaking an emergency repair of a Monument, in accordance with Article 23;
3. the owner, user or manager fails to

- improve the Monuments and Natural Landscapes within the time prescribed by the competent authority, in accordance with Articles 24 and 81;
4. conducting the construction or development work in violation of Article 30, paragraph 2 of Article 50, Article 75 and item 2 of Article 86;
  5. the excavation of Historical Sites or possible Historical Sites in violation of Articles 45, 46 and 52; and
  6. reproducing publicly owned Antiquities without permission from, or supervision of, the original custodian preservation agency (institution) in violation of item 1 of Article 69.

Any person who commits an offence under items 1, 2 and 4 to 6 set forth in the preceding paragraph, shall be penalized for each notice sent by the competent authority for rectifying the violation but was not rectified or not rectified within the time prescribed, until such rectification is fulfilled. In the event of an emergency, the competent authority may rectify such violation, and shall recover such

expenses from the wrongdoer. For situations under item 4, the competent authority may order the construction or development work to be terminated, and notify the water, electricity and other utilities company to discontinue the supply of water, electricity and other energy supplies.

Under any circumstances of paragraph 1, if the property is government owned, the competent authority may publicly declare the name of the management authority and the names of any related individuals; and shall send such relevant individuals to the jurisdictional regulatory institution for penalization or disciplinary action.

第九十八條 有下列情事之一者，處新臺幣三萬元以上十五萬元以下罰鍰：

- 一、移轉私有古蹟及其定著之土地、國寶、重要古物之所有權，未依第二十八條、第七十三條規定，事先通知主管機關者。
- 二、發見第二十九條之建造物、第五十條之疑似遺址、第七十四條之具古物價值之無主物或第八十六條第一項之具自然地景價值之區域或紀念

物，未通報主管機關處理。

- 三、違反第八十四條第二項規定未經主管機關許可，任意進入自然保留區者。

## Article 98

Any person who commits any of the following offences shall be liable to a fine of NT\$30,000 to NT\$150,000:

1. transferring the ownership of Monuments and any land upon which they are erected, National Treasures or Significant Antiquities without reporting to the competent authority in accordance with Articles 28 and 73;
2. discovering the buildings referred to in Article 20, discovering possible Historical Sites referred to in Article 50, discovering ownerless Antiquities referred to in Article 74 or discovering valuable Natural Landscape and its belongings referred to in item 1 of Article 86, without reporting to the competent authority for handling; and
3. entering Natural Reserve area without the approval of the competent authority in violation of item 2 of Article 84.

第九十九條 依本法所處之罰鍰，經限期令其繳納，屆期仍不繳納者，依法移送強制執行。

#### Article 99

Any fine imposed in accordance with this Act, shall be paid within the time prescribed; any such failure, shall be subject to compulsory execution.

第一百條 公務員假借職務上之權力、機會或方法，犯第九十四條之罪者，加重其刑至二分之一。

#### Article 100

Public officials who take advantage of its power of authority, opportunity or any other methods to violate Article 94 shall be subject to one and a half (1.5) times the original penalty.

### 第十一章 附則

#### Chapter 11 Supplementary Provisions

第一百零一條 直轄市、縣（市）主管機關依本法應作為而不作為，致危害文化資產保存時，得由行政院、中央主管機關命其於一定期限內為之；屆期仍不作為者，得代行處理。但情況急迫時，得逕予代行處理。

## Article 101

If the municipal or county (city) competent authority shall fail to act in accordance with this Act which places the cultural heritage preservation at risk, the Executive Yuan and the central competent authority shall prescribe a time for such acts; if the municipal or county (city) competent authority did not comply within the time prescribed, then the Executive Yuan or the central competent authority shall do such acts for the municipal or county (city) competent authority. In the event of an emergency, the Executive Yuan or the central competent authority shall forthwith perform on behalf of the municipal or county (city) competent authority.

第一百零二條 本法修正前公告之古蹟，其屬傳統聚落、古市街、遺址及其他歷史文化遺蹟者，由主管機關自本法施行之日起六個月內依本法規定，完成重新指定、登錄及公告程序；本法修正前公告之自然文化景觀，亦同。

## Article 102

Any publicly declared Monuments, traditional Settlements, ancient markets and streets, Historical Sites and other historic or cultural remains prior to the enactment of this Act,



shall be re-designated, re-registered and publicly declared by the competent authority within six months after this Act becomes effective; the same applies to vistas of natural culture.

第一百零三條 本法施行細則，由文建會會同農委會定之。

Article 103

The enforcement rules set forth in this Act shall be prescribed by the CCA together with the COA.

第一百零四條 本法施行日期，由行政院以命令定之。

Article 104

This Act shall become effective on the date prescribed by the Executive Yuan.