

Environmental Impact Assessment Items and Screening Criteria for Development Activities

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Environmental Protection Administration of the Republic of China on Taiwan

English Translation¹

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Article 1

These Criteria are promulgated in accordance with Section 2 of Article 5 the Environmental Impact Assessment Act (hereinafter “the Act”).

Article 2

These Criteria should be followed to determine the scoping of and items to be included in environmental impact assessments (“EIA”) for development activities which are not prohibited by relevant laws and

¹ Translator’s note: This translation is for informational purposes only and does not represent the binding law of the Republic of China. The binding law appears only in the national language--Chinese. Therefore, for purposes other than acquiring information, reference must be made to the original Chinese version of these Criteria.

In translating these Criteria, the translators did not depart from the original Chinese text. Accordingly, ambiguities present in the translation are also present in the original.

In the Chinese version of these Criteria, each paragraph is referred to as a “section” (*hsiang*). Bracketed text indicates translator additions for the purpose of increasing clarity.

regulations.

Article 3

EIAs shall be conducted for the establishment of a facility in one of the following categories:

1. metal processing industries, crude-oil refineries, basic petrochemical industries, pulp manufacturing industries, cement industries, pesticide manufacturing industries, coke processing industries, titanium dioxide industries, or heavy metal stearate stabilizer manufacturing industries, which are newly established or with regard to which the production lines or capacities have been expanded in one of the following locations or situations:
 - (1) a national park;
 - (2) a wildlife refuge habitat or reserve;
 - (3) a water catchment area for a dam;
 - (4) a tapwater quality and quantity protection area;
 - (5) a hillside in situations in which the proposed development activities will cover more than one hectare;
 - (6) facility that expand more than ten (10) percent; however, an EIA need not be conducted for facilities which submit relevant documents, to the Responsible Agency for the Act and the Responsible Agency for the Enterprise Associated with the Project for approval, indicating that the facility's total amount of air pollutant emissions and water pollutant discharges have not increased.

2. paint and varnish manufacturing industries, leather industries, wool industries, paper manufacturing industries, limestone extraction industries, fertilizer manufacturing industries, acid and alkaline manufacturing industries, activated carbon industries, asphalt and

concrete mixing industries, asbestos industries, intermediate petrochemical raw material producing industries, resin industries, plastic industries, rubber industries, artificial fiber industries, textile dyeing industries, electroplating and anode processing industries, industrial waste treatment industries, yeast and leaven manufacturing industries, battery (nickel, cadmium, lead, and mercury-cell) manufacturing industries, printed circuit-board industries, semi-conductor industries, acetylene manufacturing industries, potassium cyanide, sodium cyanide and other cyanide manufacturing industries, automobile and motorcycle manufacturing industries, ship or aircraft manufacturing industries, polymer bridging agent manufacturing industries, agrochemical industries, pharmaceutical industries, or finished cement grinding industries, that are newly established, or with regard to which the production capacities have been expanded in one of the following locations:

- (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) a water catchment area for a dam;
 - (4) a tapwater quality and quantity protection area;
 - (5) a hillside in situations where the proposed development activities will cover more than one (1) hectare;
 - (6) an urban area in situations in which the proposed development activities will cover more than five (5) hectares, or in which the expanded activities will cover more than five (5) hectares; or
 - (7) a non-urban area in situations in which the proposed development activities will cover more than ten (10) hectares, or in which the expanded activities will cover more than ten (10) hectares; and
3. other facilities which are located in one of the areas described in Items (1) to (3) and (5) of Subsection (2) above, that are newly established, or

with regard to which the production capacities have been expanded.

For facilities applying for approval to establish or expand their production capacity in an industrial park which has undergone EIA review and located in one of the areas described in Items (5) to (7) of Subsection 2 of Section 1, the applicable threshold dimension prescribed therein shall be doubled.

Article 4

EIAs shall be conducted for the development of industrial parks in one of the following locations or situations:

1. a national park;
2. a wildlife refuge or a wildlife habitat reserve;
3. a water catchment area for a dam;
4. a tapwater quality and quantity protection area;
5. an indigenous people's reservation;
6. land recovered from the sea;
7. a hillside in situations in which the proposed development activities will cover more than one (1) hectare;
8. an urban area in which the proposed development activities will cover more than five (5) hectares;
9. separate industrial parks located in an urban area that expand so as to merge with adjacent lands for industrial usage; or
10. a non-urban area in situations in which the proposed development activities will cover more than ten (10) hectares, or in which the expanded activities will cover more than ten (10) hectares.

If the urban areas mentioned in Subsection 8 of Section 1 are reclassified as industrial areas in accordance with the Industrial Upgrade Promotion Act, the area limitations included in the Industrial Upgrade Promotion Act shall apply.

Article 5

EIAs shall be conducted for the construction of roads in one of the following situations:

1. construction of highways or high-speed roads;
2. construction or expansion of roads, highways or high-speed roads, or construction of connecting roads and on and off ramps in one of the following locations and situations:
 - (1) a national park, in situations in which roads or ramps construction costs total of more than two hundred and fifty (250) million New Taiwan Dollars (“NTD”), in which total road or ramp length of amounts to more than two-point-five (2.5) kilometers, or requiring excavation or filling of more than fifty thousand (50,000) cubic meters of gravel and soil;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) a water catchment area for a dam;
 - (4) a hillside, in situations in which total road or ramp construction cost is more than five hundred (500) million NTD, or in which total road or ramp length is more than five (5) kilometers, or requiring excavation or filling of more than one hundred thousand (100,000) cubic meters of gravel and sand; or a tap-water quality and quantity protection area, in which total road or ramp construction costs amount to more than two hundred and fifty million (250,000,000) NTD, where total road or ramp length equals more than two-point-five (2.5) kilometers, or situations requiring excavation or filling of more than fifty thousand (50,000) cubic meters of gravel and soil; and

- (5) a non-urban area, in situations in which the road or ramp length of more than ten (10) kilometers;
3. construction of overhead bridges, bridges and flying junctions in the following locations or situations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) a water catchment area for a dam; and
 - (4) bridges or roads with a total length of more than five (5) kilometers;
4. construction of tunnels or underground railways in one of the areas as set forth in (1) to (3) of the preceding Subsection or with a total length of more than one (1) kilometer.

Article 6

EIAs shall be conducted for the construction of railroads in one of the following situations:

1. construction or expansion of high-speed railroads;
2. construction or expansion of railroads, other than high-speed rail roads, in one of the following locations or situations:
 - (1) a national park, in situations in which railroad construction costs total more than two hundred and fifty million (250,000,000) NTD, or in which total railroad length is more than two-point-five (2.5) kilometers, or requiring excavation or filling of more than fifty thousand (50,000) cubic meters of gravel and sand;
 - (2) a wildlife refuge or wildlife habitat reserve;

- (3) a water catchment area for a dam; or
 - (4) railroads with a total length of more than five (5) kilometers;
3. construction of overhead bridges or flying junctions in one of the following locations or situations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) a water catchment area for a dam; or
 - (4) bridges or roads with a total length of more than five (5) kilometers;
4. construction of tunnels or underground railways in one of the areas set forth in (1) to (3) of the preceding Subsection or with a total length of more than one (1) kilometer;
5. construction and expansion of railyards and switchyards in one of the following situations:
 - (1) those situations set forth in (1) to (3) of Subsection 3;
 - (2) a tap-water quality and quantity protection area;
 - (3) a hillside area in which the rail or switchyard development activities will cover more than one (1) hectare;
 - (4) an urban area in which the rail or switchyard construction activity will cover more than five (5) hectares or where the expanded rail or switchyard construction activity will cover more than five (5) hectares; or
 - (5) a non-urban area in which the rail or switchyard construction activity will cover more than five (5) hectares or where the expanded rail or switchyard construction activity will cover more

than five (5) hectares.

Article 7

EIAs shall be conducted for the construction of mass rapid transit systems in one of the following locations or situations:

1. construction or extension of mass rapid transit systems with overhead tracks amounting to a length of more than five (5) kilometers or with underground tracks amounting to a length of more than one (1) kilometer;
2. construction of railyards and construction or expansion of switchyards in one of the following situations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) a water catchment area for a dam;
 - (4) a tapwater quality and quantity protection area;
 - (5) a hillside in situations in which the rail or switchyard development will cover more than one (1) hectare;
 - (6) an urban area in which the rail or switchyard construction will cover more than five (5) hectares, or in which the rail or switchyard expansion will cover more than five (5) hectares; or
 - (7) a non-urban area where the rail or switchyard construction will cover more than ten (10) hectares, or in which the rail or switchyard expansion will cover more than ten (10) hectares.

Article 8

EIAs shall be conducted for the construction of harbors in one of the following situations:

1. construction of commercial ports, auxiliary harbors, primary and secondary fishing harbors and restricted industrial ports;
2. construction or expansion of yacht harbors in one of the following situations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) a water catchment area for a dam;
 - (4) a tap-water quality and quantity protection area;
 - (5) an indigenous people's reservation;
 - (6) a hillside in situations in which the yacht harbor construction will cover more than one (1) hectare; or
 - (7) a dock with a capacity of more than one hundred (100) ships, or multiple docks (on the same harbor) with a total capacity of more than two hundred (200) ships; and
3. construction of commercial ports, auxiliary harbors, primary and secondary fishing harbors and restricted industrial ports in one of the following locations or situations:
 - (1) areas set forth in Item (1) or (2) of the preceding Subsection;
 - (2) construction of docks or breakwaters area with total length of more than five hundred (500) meters; or
 - (3) land recovered from the sea totaling more than ten (10) hectares.

Article 9

EIAs shall be conducted for the construction of airports in one of the

following situations:

1. construction of airports;
2. extension of runways in which the extended length totals more than five hundred (500) meters, or changing the location of runways;
3. expansion of terminals in which the expansion totals more than five (5) hectares;
4. construction or expansion of private airfields (including heliports) in one of the following locations or situations:
 - (1) a national park;
 - (2) a wildlife refuge or important wildlife habitat reserve;
 - (3) an indigenous people's reservation;
 - (4) a tap water quality and quantity protection area;
 - (5) development area that will cover more than one (1) hectare; or a situation in which takeoffs and landings exceed twenty (20) per day;

Private airfields used for emergency medical purposes located within large hospitals complex are exempted from the limitation of Subsection 4 of Section 1; and

5. construction or expansion of repair hangers for airplanes in one of the following locations or situations:
 - (1) national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) land recovered from the sea;
 - (4) an indigenous people's reservation;

- (5) a hillside in situations in which the repair hangers construction will cover more than one (1) hectare; or
- (6) an area where the repair hangers expansion will cover more than five (5) hectares, or where the repair hangers [(facility)] will cover more than two-point-five (2.5) hectares.

Article 10

EIAs shall be conducted for gravel and soil extraction in one of the following situations:

- 1. extraction or heaping of gravel and soil in one of the following locations or situations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) an indigenous people's reservation;
 - (4) a hillside in situations where the development costs total more than one hundred million (100,000,000) NTD, in which the activities in question will cover more than five (5) hectares, in which extraction taking place along a river bed will span more than five hundred (500) meters, or in which heaping of gravel and soil will total more than fifty thousand (50,000) cubic meters; or a tap-water quality and quantity protection area in situations in which development costs total more than fifty million (50,000,000) NTD, in which the activities in question will cover more than two-point-five (2.5) hectares, in which extraction taking place along a river bed will cover more than two hundred fifty (250) meters, or in which heaping of gravel and soil will total more than twenty-five thousand (25,000) cubic meters;
 - (5) a situations in which the proposed extraction will cover more than five (5) hectares, or in which the extraction taking place

along a river bed will span more than five hundred (500) meters; or

- (6) a situation in which the proposed expansion will cover more than two-point-five (2.5) hectares, or in which the expanded extraction along a river bed will span more than two hundred and fifty (250) meters; and
2. construction or expansion of gravel and soil screening and grounding yards in one of the following situations:
 - (1) locations (i) to (iii) of the preceding Subsection;
 - (2) a hillside in situations in which the construction will cover more than one (1) hectare; or;
 - (3) situations in which the proposed construction will cover more than five (5) hectares, or in which the expansion will cover more than five (5) hectares.

The activities mentioned in Subsection 1 of Section 1 of this Article are exempted from conducting EIAs if they are part of a waterway dredging plan approved by the government and are approved by both the Responsible Agency for this Act and the Responsible Agency for the Enterprises Associated with the Project.

Article 11

EIAs shall be conducted for ore extraction and exploitation in one of the following locations or situations:

1. extraction and exploitation of ores in one of the following situations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) an indigenous people's reservation;

- (4) a hillside in situations in which the development costs total more than one hundred million (100,000,000) NTD, in which the mining land to be approved for development (including the access and other necessary roads outside the mining land) will cover more than two (2) hectares, or in which extraction and exploitation taking place along a river bed will span more than one (1) kilometer; or a tap-water quality and quantity protection area in situations in which the development costs total more than fifty million (50,000,000) NTD, in which the mining land to be approved (including the access and other necessary roads outside the mining land) will cover more than one (1) hectare, or in which the extraction and exploitation taking place along a river bed will span more than five hundred (500) meters;
 - (5) a situation in which the mining area to be approved (including the necessary roads outside the mining land) will cover more than five (5) hectares;
 - (6) a situation in which the proposed expansion of a mining lands will cover more than five (5) hectares; and
2. construction or expansion of ore-sifting and processing facilities in one of the following locations or situations:
- (1) areas (i) to (iii) of the preceding Subsection;
 - (2) a hillside in situations in which the development will cover more than one (1) hectare; or
 - (3) a situation in which the proposed construction or expansion will cover more than five (5) hectares.

Article 12

EIAs shall be conducted for the construction of reservoirs in one of the following locations or situations:

1. construction of reservoirs in one of the following situations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) a dam with an embankment height of more than fifteen (15) meters or with a reservation capacity of more than five million (5,000,000) cubic meters; or in a tap-water quality and quantity protection area with the dike height of more than seven-point-five (7.5) meters, or with a reservation capacity of more than two-point-five (2.5) million cubic meters.
2. expansion of reservoirs or heightening of flood drains in the locations set forth in (1) to (2) of the preceding Subsection, or increase of the height of flood drains by more than two (2) meters;
3. construction of facilities for conveying water beyond of a particular watershed.

Article 13

EIAs shall be conducted for the construction of water supply facilities in one of the following situations:

1. water-pumping facilities with a surface water pumping capacity of more than two (2) cubic meters per second, or ground water pumping capacity of more than zero-point-two (0.2) cubic meters per second, excluding the pumping of ocean water solely for the purpose of cooling .
2. sea water desalination facilities with a treatment capacity of more than one thousand (1,000) metric tons per day;
3. water purification facilities or industrial water supply facilities in one of the following locations or situations:
 - (1) a national park;

- (2) a wildlife refuge or wildlife habitat reserve;
- (3) a hillside in situations where the construction will cover more than one (1) hectare; or
- (4) a water purification facility with a treatment capacity of more than two hundred thousand (200,000) tons per day.

The facilities mentioned in Items (1) and (2) of Subsection 3 of the previous Section may be exempted from EIA requirements the facilities are simplified water purification facilities and are approved by both the Responsible Agency for this Act and the Responsible Agency for the Enterprises Associated with the Project.

Article 14

EIAs shall be conducted for the construction of flood control and drainage facilities in one of the following situations:

1. situations in which human activities change the course of a river;
2. a river dredging plan which extends more than ten (10) kilometers; and
3. construction and expansion of flood control facilities or irrigation facilities with flood control functions in one of the following locations or situations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve; or
 - (3) facilities with a drainage catchment area of more than one thousand (1,000) hectares and construction costs totaling more than one billion (1,000,000,000) NTD.

Article 15

EIAs shall be conducted for the development of agricultural land, construction of recreational farms and the construction of food processing facilities in the following locations or situations:

1. a national park;
2. a wildlife refuge or wildlife habitat reserve;
3. a hillside in situations in which the development costs total more than one hundred million (100,000,000) NTD, or the development will cover more than ten (10) hectares, or in which the development will require excavation or filling of more than one hundred thousand (100,000) cubic meters of gravel and sand; or a tapwater quality and quantity protection area in which the development costs total more than fifty million (50,000,000) NTD, or in within which the development will cover more than five (5) hectares, or within which the development will require excavation or filling of more than fifty thousand (50,000) cubic meters of gravel and sand; and
4. a situation in which the proposed development will cover more than twenty (20) hectares, or in which the proposed expansion will cover a total of more than ten (10) hectares.

Article 16

EIAs shall be conducted for logging operations associated with the development and exploitation of a forest lands in one of the following locations or situations:

1. a wildlife refuge or wildlife habitat reserve; or
2. a situation in which the proposed clearcutting area will cover more than four (4) hectares.

The preceding Subsection is not applicable to the logging operations at tree farms located in non-mountainous areas.

Article 17

EIAs shall be conducted for the development of fishponds, in one of the following locations and situations:

1. a wildlife refuge or wildlife habitat reserve;
2. a groundwater restriction area in which the proposed development will cover more than twenty-five (25) hectares; or
3. in situations in which the proposed development activities will cover more than fifty (50) hectares.

Article 18

EIAs shall be conducted for the development of pastures in one of the following locations or situations:

1. a national park;
2. a wildlife refuge or wildlife habitat reserve;
3. a hillside in which the development will cover more than one (1) hectare; or
4. in situations in which the proposed development activities will cover more than ten (10) hectares, or in which the proposed expansion will cover a total of more than ten (10) hectares.

Article 19

EIAs shall be conducted for the development of recreational areas in one of the following situations:

1. construction or expansion of recreational areas (including zoos) in one of the following locations or situations:

- (1) a wildlife refuge or wildlife habitat reserve;
 - (2) an indigenous people's reservation;
 - (3) land recovered from the sea;
 - (4) a hillside in situations in which the development costs will total more than one hundred million (100,000,000) NTD, in which the proposed development activities will cover more than ten (10) hectares, or in which extraction of gravel and soil will occur covering more than one hundred thousand (100,000) cubic meters; or a tap-water quality and quantity protection area where the development costs will total more than five million (5,000,000) NTD, cover more than five (5) hectares, or where extraction of gravel and soil will occur covering more than fifty thousand (50,000) cubic meters; or
 - (5) in situations in which the proposed development or expansion will cover in total of more than ten (10) hectares;
2. construction of recreational facilities in forested recreational areas in one of the following locations or situations:
- (1) Items (1) to (2) of the preceding Subsection; or
 - (2) a hillside in situations in which the development costs will total more than one hundred million (100,000,000) NTD, or in which the proposed development activities will cover more than ten (10) hectares, or in which extraction of gravel and soil will occur covering more than one hundred thousand (100,000) cubic meters; or a tap-water quality and quantity protection area where the development costs will total more than five million (5,000,000) NTD, cover more than five (5) hectares, where extraction gravel and soil will occur covering more than fifty thousand (50,000) cubic meters; and
3. construction of recreational facilities in the recreational zone of a national park with a development costs totaling more than one hundred

million (100,000,000) NTD, covering more than ten (10) hectares, or where extraction gravel and soil will occur covering more than one hundred thousand (100,000) cubic meters.

Article 20

EIAs shall be conducted for the development of scenic areas, including the development of recreational facilities and sport parks thereof, in one of the following locations or situations:

1. land recovered from the sea;
2. a wildlife refuge or wildlife habitat reserve; or
3. a hillside in situations in which the development costs will total more than one hundred million (100,000,000) NTD, in which the proposed development activities will cover more than ten (10) hectares, or in which extraction of gravel and soil will occur covering more than one hundred thousand (100,000) cubic meters; or a tap-water quality and quantity protection area where the development costs will total more than five million (5,000,000) NTD, where the development activities cover more than five (5) hectares, where extraction of gravel and soil will occur covering more than fifty thousand (50,000) cubic meters; and
4. situations in which the proposed development or expansion will cover a total of more than ten (10) hectares.

Article 21

EIAs shall be conducted for the construction of golf courses in one of the following locations or situations:

1. a national park;
2. a wildlife refuge or wildlife habitat reserve;
3. a hillside in situations in which the development costs total more than one hundred million (100,000,000) NTD, in which development

activities cover more than ten (10) hectares, or in which extraction of gravel and soil will occur covering more than one hundred thousand (100,000) cubic meters; or

4. situations in which the proposed development or expansion will cover more than thirty (30) hectares, or the proposed expansion will cover a total of more than ten (10) hectares.

Article 22

EIAs shall be conducted for the construction of sports fields in one of the following locations or situations:

1. a wildlife refuge or wildlife habitat reserve;
2. a hillside in situations in which the proposed development activities will cover more than one (1) hectare;
3. an indoor court or gymnasium in situations in which the proposed construction will cover more than three (3) hectares; or
4. a situation in which the proposed development will cover more than five (5) hectares, or in which the proposed expansion will cover more a total of more than three (3) hectares.

Article 23

EIAs shall be conducted for the construction of cultural and educational facilities in one of the following situations:

1. construction of various cultural and educational facilities in one of the following locations or situations:
 - (1) a national park in situations in which the proposed development will cover more than one (1) hectare, or in which the proposed expansion will cover a total of more than one (1) hectare;
 - (2) a wildlife refuge or wildlife habitat reserve;

- (3) a hillside in situations in which the proposed construction will cover more than five (5) hectare; or a tapwater quality and quantity protection area where the proposed development will cover more than one (1) hectares; or
 - (4) a situation in which the proposed development will cover more than ten (10) hectares, or in which the proposed expansion will cover a total of more than five (5) hectares.
2. construction or expansion of ranches affiliated with educational and research institutes in one of the following locations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) a hillside in situations in which the proposed development will cover more than one (1) hectare;
 - (4) an urban area in situations in which the proposed development activities will cover more than five (5) hectares, or the proposed expansion a total of will cover more than five (5) hectares; or
 - (5) a non-urban area in situations in which the proposed development activities will cover more than ten (10) hectares, or in which the proposed expansion will cover more than ten (10) hectares;
3. construction or expansion of research institutes equipped with large chemical, medical, biological, hazardous, or high-energy laboratories in one of the following locations or situations:
 - (1) locations set forth in (1) to (3) of the preceding Subsection;
 - (2) an urban area in which the proposed development or expansion activities a total of will cover more than one (1) hectare; or

- (3) a non-urban area in situations in which the proposed development or expansion a total of will cover more than two (2) hectares; and
4. construction or expansion of temples or churches in locations set forth in (1) to (3) of Subsection 2, or where the proposed development activities will cover more than five (5) hectares, or the expansion a total of more than three (3) hectares.

Article 24

EIAs shall be conducted for the construction of medical facilities, sanitarium, or medical testing facilities in one of the following locations or situations:

1. a national park in situations in which the proposed development activities will cover more than one (1) hectare, or in which the proposed expansion activities will cover a total of more than one (1) hectare;
2. a wildlife refuge or wildlife habitat reserve;
3. a tap-water quality and quantity protection area;
4. a hillside in situations in which the proposed development will cover more than one (1) hectare; or
5. situations in which the proposed development or expansions activities will cover a total of more than five (5) hectares.

Article 25

EIAs shall be conducted for the development of new townships and municipalities in one of the following situations:

1. construction or expansion of new communities (including public and labor housing) in one of the following situations:

- (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) land covered from the sea;
 - (4) a tapwater quality and quantity protection area;
 - (5) a hillside in situations in which the proposed development will cover more than one (1) hectare; or
 - (6) a non-urban area where the proposed development will cover more than ten (10) hectares, or in which the proposed expansion activities will cover more than five (5) hectares.
2. construction of new towns; or
 3. expansion of new towns where the proposed expansion activities will cover a total of more than ten (10) percent of the original towns.

The development activities mentioned in Item (1), (3) and (4) of Subsection 1 of the preceding Section may be exempt from EIA requirements if the proposed development will cover a total of less than one (1) hectare, or if the townships or municipalities will accommodate less than one hundred (100) households or less than five hundred (500) residents, and if the exemption is approved by both the Responsible Agency for this Act and the Responsible Agency for the Enterprises Associated with the Project.

Article 26

EIAs shall be conducted for the construction of skyscrapers in one of the following situations:

1. residential buildings of more than thirty (30) stories or a height of more than one hundred (100) meters; or
2. business, commercial, or multi-use buildings of more than twenty (20) stories or of a height of more than seventy (70) meters.

Article 27

EIAs shall be conducted for the renovation (including preservation) of old municipal districts in one of the following locations or situations:

1. a national park;
2. a wildlife refuge or wildlife habitat reserve;
3. a tapwater quality and quantity protection area; or
4. a situation in which the proposed renovation will cover an area of more than twenty (20) hectares.

Article 28

EIAs shall be conducted for the construction of environmental protection facilities² in one of the following situations:

1. construction or expansion of sewage treatment plants in one of the following situations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) land covered from the sea;
 - (4) a hillside in situations in which the proposed development will cover more than one (1) hectare; or
 - (5) situations in which the sewage treatment plant has a treatment capacity of more than one hundred (100) tons per day.
2. construction or expansion of sewage treatment plants in those locations and situations set forth in (2) to (4) of preceding Subsection, or in

² Translators' note: Such as publicly owned treatment works and sewerage systems.

which the proposed construction of the sewage treatment plants is directed at providing service to more than two hundred fifty thousand (250,000) people;

3. construction or expansion of landfill sites, de-composting sites, or other treatment plants for general solid wastes and general industrial wastes in one of the following locations or situations:

- (1) locations as set forth in (1) to (3) of Subsection 1;
- (2) a hillside in situations in which the proposed development costs will total more than one hundred million (100,000,000) NTD, in [which] the proposed site will cover more than two (2) hectares; or in a tap-water quality and quantity protection area in situations where the proposed development costs will total more than fifty million (50,000,000) NTD, or where the landfill site will cover more than one (1) hectares; or
- (3) situations in which the proposed development activities will cover more than five (5) hectares;

4. construction or expansion of incinerators or reprocessing plants for general solid wastes and general industrial wastes in one of the following locations or situations:

- (1) a national park in situations in which development costs total more than fifty million (50,000,000) NTD, or the proposed development will cover more than one (1) hectare;
- (2) a wildlife refuge or wildlife habitat reserve;
- (3) a hillside in situations where the proposed development costs total more than one hundred million (100,000,000) NTD; or in a tap-water quality and quantity protection area where the proposed development costs total more than fifty million (50,000,000) NTD, or where the proposed development will cover more than one (1) hectare;

- (4) situations in which the proposed construction activities, including construction of feed-back facilities, green belts and public facilities, will cover more than five (5) hectares;
5. construction or expansion of transporting yards for general solid wastes or general industrial wastes in one of the following locations or situations:
 - (1) locations as set forth in (1), (2) or (4) of Subsection 1; or
 - (2) situations in which the incinerator or plant has an average handling capacity of one hundred (100) metric tons of wastes per day;
6. construction or expansion of publicly or privately owned intermediate treatment facilities or final disposal facilities (excluding mobile facilities) for hazardous wastes will cover more than one (1) hectare; or
7. construction or expansion of dump sites for construction wastes in one of the following locations or situations:
 - (1) locations set forth in Item (1) to (2) of Subsection 1;
 - (2) a hillside in situations in which the proposed development costs total more than one hundred million (100,000,000) NTD, or in which the dump site will cover more than five (5) hectares; or in which gravel and soil dumping will occur covering more than one hundred thousand (100,000) cubic meters; or a tap-water quality and quantity protection area where the proposed development costs total more than fifty (50) million NTD, where the dumping site covers more than two-point-five (2.5) hectares, or where gravel and soil dumping occurs covering more than fifty thousand (50,000) cubic meters; or
 - (3) situations in which the construction or expansion activities will cover more than ten (10) hectares.

The activities mentioned in Subsections 1, 3, 4 to 7 of the preceding Section may

[be] exempt from EIA requirements if they are located within an industrial park which have already conducted EIAs, or constitute development activities which have already conducted EIAs, and do not exceed the total amount of permitted therefor, and the exemptions are approved by both the Responsible Agency for this Act and the Responsible Agency for the Enterprise Associated with the Project.

The activities mentioned in Subsections 3 to 5 of Section 1 may be exempted from EIA requirements if they constitute emergencies and the exemptions are approved by both the Responsible Agency for this Act and the Responsible Agency for the Enterprises Associated with the Project.

Article 3 shall apply if the Responsible Agency for this Act authorizes integration (combining) of the activities mentioned in Subsections 3, 4, and 6 of Section 1 into a waste re-use or collective disposal system subject to plant registration.

Article 29

EIAs shall be conducted for the exploitation of nuclear or other energies in one of the following situations:

1. construction of nuclear power plants or their expansion of nuclear plants through the addition of reactors;
2. construction or expansion of hydroelectric plants in one of the following locations or situations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) a water catchment area for a dam;
 - (4) a tap-water quality and quantity protection area; or
 - (5) construction or expansion of a hydroelectric power plant with a generating capacity of more than twenty thousand (20,000) megawatts;

3. construction or expansion of power plants in one of the following locations or situations:
 - (1) locations set forth in (1) or (2) of Subsection 2;
 - (2) land covered from the sea;
 - (3) construction of gas-powered plants with a generating capacity of more than three hundred thousand (300,000) megawatts, or oil-powered plants or coal-powered plants with generating capacities of more than one hundred fifty thousand (150,000) megawatts, or plants powered by other fuels with generating capacities of one hundred thousand (100,000) megawatts; or
 - (4) expansion of gas-powered plants with generating capacities of more than one hundred fifty thousand (150,000) megawatts, or oil-powered plants or coal-powered plants with generating capacities of more than seventy-five thousand (75,000) megawatts, or plants powered by other fuels with generating capacities of more than fifty thousand (50,000) megawatts; or

4. construction or expansion of heat and electricity co-generation plants in one of the following locations or situations:
 - (1) those locations set forth in (1) or (2) of Subsection 2;
 - (2) urban land in situations in which construction of a gas-powered plant with a generating capacity of more than one hundred thousand (100,000) megawatts, or an oil-powered or coal-powered plant with generating capacities of more than fifty thousand (50,000) megawatts, is proposed;
 - (3) urban land in situations in which expansion of gas-powered plant with a generating capacity of more than fifty thousand (50,000) megawatts, or an oil-powered or coal-powered plant with generating capacities of twenty-five thousand (25,000) megawatts;

- (4) non-urban land in situations in which construction of gas-powered plant with a generating capacity of more than two hundred thousand (200,000) megawatts, or an oil-powered or coal-powered plant with generating capacities of more than one hundred thousand (100,000) megawatts, is proposed; or
- (5) non-urban land in situations in which expansion of gas-powered plant with a generating capacity of more than one hundred thousand (100,000) megawatts, or an oil-powered or coal-powered plant with generating capacities of more than fifty thousand (50,000) megawatts, is proposed.

The activities mentioned in Items (3) and (4) of Subsection 3 of the previous Section, as well as Items (2) to (4) of Subsection 4 shall be subject to EIAs even if they constitute combined-cycle systems without subsidiary fuels and result in a more than fifty (50) percent increase in generating capacity.

Article 30

EIAs shall be conducted for the construction of radioactive waste storage or treatment facilities in one of the following situations:

1. construction or expansion of radioactive waste storage or treatment facilities in one of the following situations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) land covered from the sea;
 - (4) a hillside in situations in which the proposed development will cover more than one (1) hectare; or
 - (5) situations , in addition to those involving existing nuclear facilities, in which the radioactive waste storage or treatment facility is an independent storage facility with a capacity of more

than one thousand (1,000) cubic meters, is a treatment facility for liquid wastes with a capacity of one hundred (100) kiloliters per day or two thousand (2,000) kiloliters per month, or is a compression facility with a treatment capacity of more than twenty (20) tons per day;

2. construction or expansion of incinerators for radioactive wastes in situations set forth in (1) to (4) of the preceding Subsection, or for radioactive wastes incinerators with an average treatment capacity of more than zero-point-four (0.4) metric tons per hour;
3. final disposal sites for radioactive wastes; or
4. intermediate storage sites for spent nuclear fuel.

Article 31

EIAs shall be conducted for other development activities in one of the following situations:

1. construction of comprehensive industrial and commercial districts, including comprehensive industrial sub-districts, merchandise distribution sub-districts, service and exhibition sub-districts, repair service sub-districts and shopping center sub-districts, in one of the following locations or situations:
 - (1) a national park;
 - (2) a wildlife refuge or wildlife habitat reserve;
 - (3) a hillside in situations in which the proposed development activities will cover more than one (1) hectare;
 - (4) land covered from the sea;
 - (5) an urban area in situations in which the proposed construction will cover more than five (5) hectares; or

- (6) a non-urban area in situations in which the proposed construction activities will cover more than ten (10) hectares.
2. construction of exhibition halls, display venues, or fairs in those locations and situations set forth in (1) to (3) of the preceding Subsection, or in which the proposed building construction will cover a floor area of more than thirty thousand (30,000) square meters;
3. construction or expansion of cemeteries in one of the following locations or situations:
 - (1) locations set forth in (1) or (2) of Subsection 1;
 - (2) a hillside in situations in which the proposed development will cover more than five (5) hectares; or a tap-water quality and quantity protection area where the proposed development will cover more than two-point-five (2.5) hectares; or
 - (3) situations in which the proposed construction will cover more than five (5) hectares, or in which the proposed expansion a total of will cover more than two-point-five (2.5) hectares;
4. construction or expansion of halls or pagodas for accommodating funerary urns in locations and situations set forth in (1) to (3) of Subsection 1, in situations in which the proposed construction will cover more than two (2) hectares, or in situations in which the proposed expansion a total of will cover more than one (1) hectare;
5. construction or expansion of slaughter houses[abattoirs] (including those employing manual and electric processes), in locations and situations set forth in (1) to (3) of Subsection 1, in situations in which the proposed construction will cover more than one (1) hectare, or in situations in which the proposed expansion will cover a total more than one (1) hectare;
6. construction of animal shelters in one of the following locations or situations:
 - (1) locations and situations set forth in (1) to (4) of Subsection 1;

- (2) an urban area in situations in which the proposed construction will cover more than five (5) hectares, or in which the proposed expansion a total of will cover more than five (5) hectares; or
 - (3) a non-urban area in situations in which the proposed construction will cover more than ten (10) hectares, or in which the proposed expansion a total of will cover more than ten (10) hectares;
7. construction of underground roadways or walkways in situations in which the total length will be more than one (1) kilometer, or in which the total floor area will be more than one hundred fifty thousand (150,000) square meters;
 8. construction of power transmission lines carrying three hundred forty-five (345) kilovolts in situations in which the total length of the lines is more than one hundred (100) kilometers;
 9. construction of cement storage tanks in harbors; or
 10. construction of transmission lines for natural gas and gasoline in which the total length of the lines is more than fifty (50) kilometers.

Article 32

If necessary, the Responsible Agency for the Act at the central government level may promulgate additional EIA items and scoping criteria for the development activities mentioned in Articles 3 to 31 of these Criteria.

Article 33

If the proposed site of the development activity falls within several of the locations mentioned in these Criteria,³ then the most stringent criteria shall apply. In addition, the total area of such development activities shall be the total area covered by the activities falling within each location.

³ Translators' note: Such as a wildlife refuge on a hillside within a national park.

Article 34

These Criteria shall not apply to development activities constituting post-disaster emergency restorations. Nevertheless, before the commencement of these restorations, the restorer shall report to the Responsibility for the Enterprise Associated with the Project and the Responsible Agency for the Act for reference.

Article 35

These Criteria shall come into force on the date of promulgation.