

# Notes & Description for the Application Form for the Declaration of Land Value Increment Tax (Declared Transfer Value)

## I. Notes

1. According to Article 49 of the Land Tax Act, a photocopy of the contract and other supporting documents must be submitted at the time of the declaration of land transfer value.
2. The base date for tax payment for annual land value tax is 31 August; and, in the case that the date of the registration of the transfer of the land title is between 1 September and 31 December, the taxpayer of the land value tax is still the original title owner.
3. An application for the reduction, exemption or special tax rate of land value tax shall be submitted at least 40 days before 22 September; for applications made past the aforesaid deadline, the tax reduced, exempted or special tax rate applied will start from the following year. For land that has been approved for application for reduction, exemption or special tax rate, no application is required for subsequent years provided that the use of the land stays unchanged. The landowner shall report to the competent tax authority immediately when the condition for reduction, exemption or special tax rate ceases to exist (as pursuant to Article 41 of the Land Tax Act and to Article 24 of the Land Tax Reduction and Exemption Regulations).
4. The land included under the land title transferred in this Application Form will be used as self-use residential land by the new owner; if he/she seeks to apply for the special tax rate for self-use residential land, he/she must check the field ⑭. When the title of the ownership of the land was concluded, and household registration was registered, then the related documents are attached.

## II. Instructions

### 1、Who should file the declaration?

( 1 ) When the transfer of a land title (including by sale, donation, exchange, partition or consolidation) or a Dien is created, both parties, namely the holder to the right to the land (the dien-holder, the donee) and the obligor (the dien-maker, the donor) shall declare jointly.

( 2 ) The obligee (new owner ) may declare independently if the title to the land is being transferred by a court verdict, settlement or mediation.

### 2、Notes for completing the declaration form :

( 1 ) The declaration form is to be made out in duplicate (each municipality or county (city) may adjust the number of copies of the declaration to meet its own needs). The declaration should be completed legibly and accurately.

- ( 2 ) The amount in the fields on this form must be filled in NTD currency.
- ( 3 ) If there is not enough space in the field for ⑪, please glue a sheet of paper onto it laid out in the same format and affix the seal of the applicant along the edge of the seam.
- ( 4 ) Any amendment to the wording of the Application Form for the Declaration of Land Value Increment Tax can be accepted after being marked by the applicant with the number of words corrected, and being chopped with the same stamp on the application form except for where the entry for Item ⑥ “Declared Transfer Value”, the option “ be taxed NTD \_\_\_\_ per m<sup>2</sup>” that is incorrect, omission, missed to mark a “✓”, altered, or gouged and mended.
- ( 5 ) If the new owner lives abroad, the name of his/her domestic proxy, ID number, and address should be written down on the last line in the Applicant (Item ⑪) column of the Application Form.

3 、 When should a declarer file the declaration?

The rights holder (the owner of the acquired title such as the purchaser, the dien-holder, or the donee) and the obligor (the original title owner such as the seller, the dien-maker, or the donor) should file the declaration within 30 days from the date the contract was signed.

4 、 Where should a declarer file the declaration ? (Item ①)

An applicant should file the declaration at the competent tax authority of the municipality or county (city) where the land is located.

5 、 How to fill in the land location (Item ②) and the land area (Item ④) in the declaration?

- ( 1 ) Fill in the said two columns in accordance with the details given in the title to the certificates of the land ownership or in the land registration transcript.
- ( 2 ) The ratios of the areas of the land held by the respective owners shall be calculated before filling in the declaration if it is a proportional transfer.
- ( 3 ) Please write the words “As the attached details of a land division or land consolidation” in the column if it is a transfer of land division (land consolidation), no matter how many lots of land are included in the transfer. In addition, please affix the details of the division of land held under ownership in common ( joint ownership ) or of land consolidation to the back of each copy of the declaration separately, and stamp the seals of the declarer and affix the seal of the declarer along the edge of the seams.

6 、 How to fill in the ratio for the title transfer or Dien right? (Item ③)

Please mark a “✓” in the whole lot box if the transferred land or the dien land is a whole lot, or mark a “✓” in the proportion box and fill in the ratio if the land is a partition of the whole lot.

7、How to fill in the original decreed land value or the previous transfer value (Item ⑤)?

(1) Fill in the date of the reason of occurrence in accordance with the certificates of the land ownership or land registers.

(2) Fill in the original decreed land value or the previous transfer value in accordance with the following requirements:

a. For any land which has never been transferred since the original assignment of the value of the land, the amount shall be based on the value of the land assigned in 1964; however, please fill in the first value assigned to the land if the land had already been assigned a value according to the Land Act prior to 1964, or had been assigned of value after 1964.

b. Please fill in the value of the land at the time of the previous transfer if the land had already been transferred after the original assignment of the value of the land. However, fill in the assessed present value of the land at the time the inheritance starts if the land is inherited and transferred; please fill in the value of the land in lieu of compensation if the inherited land is the land in lieu of compensation claimed under zone or section expropriation, and the value of land in lieu of compensation is higher than the assessed present value of the land at the time the inheritance starts.

8、How to fill in the declared transfer value?(Item ⑥)

(1) If the declarer chooses to calculate the land value increment tax based on the assessed present value, the criteria for the calculation of the value at the time of the transfer shall be:

a. If the declaration is filed within 30 days from the date when the contract was entered into, the assessed present value at the time the contract was entered into shall be used as the basis for calculation.

b. If the declaration is filed beyond 30 days after the date of the contract was entered into, the assessed present value at the time the declaration was received by the relevant government agency shall be used as the basis for calculation.

c. For land transferred as a gift causa mortis, the assessed present value at the time the legator passed away shall be used as the basis for calculation.

d. For land transferred under court order, the assessed present value at the time the declarant filed action with the court shall be used as the basis for calculation.

(2) In the case of a declarer who registers the land value increment tax under the Business Mergers and Acquisitions Act and the Financial Institutions Merger

Act and who chooses to calculate the land value increment tax based on the assessed present value, the criteria for the calculation of the value at the time of the transfer shall be in accordance with the following requirements:

- a. If the declarer declares the value of the land at the time of within 30 days after the reference date of the merge, the assessed present value on the date when the merger was done shall be used as the basis for calculation.
- b. If the declarer declares the transfer value of the land at time of transfer beyond 30 days after the reference date of the merge, the assessed present value on the date when the declaration was received by the relevant government agency shall be used as the basis for calculation.

( 3 ) In the case of a declarer who claims the right to transfer the registration of the distribution of the remainder of the property because of divorce or the death of a spouse, the criteria for the calculation of the value of the land at the time of transfer shall be in accordance with the following requirements:

a. Rights of claim occurring because of divorce:

- (a) If the declarer declares the transfer value within 30 days after obtaining his/her spouse's consent, the assessed present value on the date when the agreement was made shall be used as the basis for calculation.
- (b) If the declarer declares the transfer value beyond 30 days after obtaining his/her spouse's consent, the assessed present value at the date of the declaration shall be used as the basis for calculation.
- (c) Where the registration of the transfer is done according to the decision of the court, the assessed present value at the time that the declarant filed for action with the court shall be used as the basis for calculation.

b. Rights of claim occurring because of the death of a spouse:

- ( a ) If the declarer declares the transfer value within 30 days after a contract was signed by the surviving spouse and all of the heirs and the documents were submitted, the assessed present value on the date when the contract was signed and the documents were submitted shall be used as the basis for calculation.
- ( b ) If the declarer declares the transfer value beyond 30 days after signing the contract and submitting the documents, the assessed present value on the date when the declaration was received by the relevant government agency shall be used as the basis for calculation.
- ( c ) If the registration of the transfer is done according to the decision of court, the assessed present value at the time when the declarant filed for action with the court shall be used as the basis for calculation.

( 4 ) According to Article 28 of the Land Tax Act, public land which is exempted

from land value increment tax is to be based on the actual sales price; for land given away or received by all levels of government, the assessed present value at the time that the contract for the donation was concluded shall be used as the basis for calculation.

- ( 5 ) For private land which is exempted from land value increment tax according to Article 28-1 of the Land Tax Act, the assessed present value at the time the contract for the donation was entered into shall be used as the basis for calculation.
- ( 6 ) The value of the land which is in lieu of compensation which is exempted from the land value increment tax according to Article 39-1, Paragraph 2 of the Land Tax Act, shall be based on the value of land in lieu of compensation actually claimed under zone or section expropriation.
- ( 7 ) For land purchased at an agreed price by the government, the assessed present value at the time that the land is purchased shall be used as the basis for calculation. However, if the amount for the purchase paid by the government is lower than the assessed present value at the time the purchase is made, the land price paid by the government shall be used as the basis for calculation.
- ( 8 ) For the declaration of the transfer of an estate tax credit, the assessed unit price determined by the National Taxation Bureau shall be used as the basis for calculation.
- ( 9 ) For the sale of land of land consolidation in lieu of expenditure which shall be borne by the landowner after consolidation, the assessed present value at the date of sale shall be used as the basis for calculation.
- ( 10 ) A declarer who chooses to calculate the land value increment tax based on a price that is higher than the assessed present value for the declared transfer value stated in the preceding said ( 1 ) a. b. c. ( 2 ) , and ( 3 ) a. (a) (b), b. (a) (b), should fill in the amount he/she selected.
- ( 11 ) The government may acquire the land at the declared value or impose a land value increment tax based on the assessed present value in the case that the selected amount is found to be lower than the assessed present value after review.

9 、 How to fill in the amount written in the contract?(Item ⑦)

Please fill in the actual amount given in the contract for sale and purchase. When the actual amount of the land transaction is higher than the assessed present value, no violation of the Land Tax Act such as evasion or supplements of land value increment tax will not occur if the declared transfer value is not lower than the assessed present value in accordance with the current land tax law without

incurring penalties. Therefore, please fill in the amount stated in the contract in Item ⑦.

10、How to fill in the “Any coincidence with occasions deemed as gift under Article 5 of the Estate and Gift Tax Act”? (Item ⑧)

Please mark a “√” in the Yes box if the land being transferred meets one of the following conditions, or mark a “√” in the “No” box if the answer is negative.

- ( 1 ) In the case of debts which are forgiven or assumed without receipt of any consideration or compensation while the right of claim is still valid; the debts forgiven or assumed are subject to gift tax.
- ( 2 ) In the case of the transfer of property done for the purpose of the forgiveness of assumption of debts for substantially less than an adequate and full consideration; the difference between the market value of property or debts forgiven or assumed and the value of the consideration received is subject to gift tax.
- ( 3 ) In the case of the purchase of property in favor of others with one’s own funds without receipt of any consideration; the funds paid for the purchase of property or the real estate so purchased are subject to gift tax.
- ( 4 ) In the case of the purchase of property in favor of others with one’s own funds and receipt of substantially less than an adequate and full consideration from the beneficiary nominee; the difference between the purchase price and the value of consideration received is subject to gift tax.
- ( 5 ) In the case of property purchased in the name of a person having no or restricted legal capacity, such purchase shall be deemed as a gift from the statutory agent or guardian, unless evidence clearly indicates that the purchase came from the funds of the beneficiary/nominee.
- ( 6 ) In the case of sales of property between relatives within second degree of kinship, unless evidence clearly indicates a bona fide sale for an adequate and full consideration in money or in the form of objects of an equivalent monetary value and the money thus paid did not come from a loan from the seller or a loan for which the seller furnished a guarantee.

11、How to fill in Item ⑨?

- (1) Fill in the date in accordance with the date of the transfer or of the creation of the Dien as stated in the contract or relevant certification documents. Please mark a “√” in the “sale” “bestowal of”, “bestowal on a spouse”, “exchange”, “partition of co-owned land”, “Dien” or “land consolidation”, boxes as appropriate. A declarer shall fill in the date of relevant certification documents according to the following standards:

- a. The day that a declarer records the transfer of the title due to a court order or

settlement is the date of complaint.

- b. The day that a declarer records the transfer of the title due to court reconciliation is the date of resort to reconciliation.
  - c. A declarer who records the transfer of the estate tax in kind using property :
    - ( a ) For inherited land provided in lieu of the payment of estate tax in cash, the date shall be the date of the inheritance. However, for such land which is provided in lieu of payment which is reserved for use for public facilities pursuant to the Urban Planning Law, the date shall be the date of application for the transfer of the title.
    - ( b ) For land which is provided in lieu of payment of estate tax in cash and which is not acquired through inheritance, the day shall be the date of application for the transfer of the title.
  - d. In an application for registration as a gift causa mortis, the day shall be the date of the legator passed away.
  - e. In an application for the registration of a merger in accordance with the Business Mergers and Acquisitions Act, the Financial Institutions Merger Act, the Financial Holding Company Act, or the Deposit Insurance Act, the day shall be the date of the reference date of the merge.
  - f. The date of the registration of the transfer of public land is the date of the issuance of right transfer certificate.
  - g. The day that a declarer claims for the rights of the transfer of the registration of the distribution of the remainder of the property because of divorce or the death of spouse shall be the date of spousal consent or the date of the signing of the contract and the submission of the documents of all of the heirs. However, the day that a declarer carries out the registration of the transfer according to a court verdict shall be the date of the complaint.
- ( 2 ) Please mark a “✓” in the box “Related documents attached are : \_\_\_\_\_ copy (-ies) of the Certificate of Expenses Occurring as a Result of Land Improvement, \_\_\_\_\_ copy (-ies) of the receipt of payment of the Construction Benefit Charge, \_\_\_\_\_ copy (-ies) of the Certificate of Expenses Occurring as a Result of Land Consolidation, \_\_\_\_\_ copy (-ies) of the Certificate of Assessed Present Value for Donated Land. Please deduct the total amount of the land value increment according to law.”, if he/she spends money on land improvement, payment for construction benefit or consolidation of the land, or donates land for public facilities due to rezoning of the land.
- ( 3 ) The declarer shall choose the option stating “This land accords with :  All or  Portion ( \_\_\_\_\_ floor with floorage of \_\_\_\_\_ m<sup>2</sup> is used for self-use residence, and \_\_\_\_\_ m<sup>2</sup> is not used for self-use residence) of this land meets

the requirements of Article 34, Paragraphs 1 to 4 of the Land Tax Act. (If the area of the land exceeds 300 m<sup>2</sup> of urban land or 700 m<sup>2</sup> of non-urban land, attach the Declaration Form of the Priority in the Applicability of Self-Use Residential Land for the Assessment of Land Increment Tax.)All of this land meets the provisions of Article 34, Paragraph 5 of the Land Tax Act. (Attach the Application Form for the Sale of Self-Use Residential Land Pursuant to Article 34, Paragraph 5 of the Land Tax Act.), and \_\_\_\_\_ copy (-ies) of the documents evidencing the building improvements are attached. Please approve the tax rate according to that for self-use residential land.” If all or portion of this land meets the requirements for self-use residence, the declarer shall mark a “✓” in the alternative box to approve the tax rate of self-use residential land according to Article 34, Paragraphs 1 to 4 or Paragraph 5 of the Land Tax Act. Further, the declarer shall also indicate the areas in square meters for self-use and non-self-use if part of the land does not meet the requirements for self-use residence.

- ( 4 ) The declarer who applies for non-taxable status of land value increment tax for agricultural land shall mark a “✓” in the box of the option stating “This land is agricultural land, and \_\_\_\_\_ copy (-ies) of the Certificate of Agricultural Use of Agricultural land are enclosed. Apply for non-taxable status of land value increment tax, pursuant to Article 39-2, Paragraph 1 of the Land Tax Act”; meanwhile, the declarer who applies to adjust the original land value based on the value of the land as assessed on January 28, 2000 shall mark a “✓” in the box of “ adjust the original decreed land value according to the assessed present value pursuant to the amendment of Land Tax Act effective on 28 January, 2000.”.
- ( 5 ) The declarer who applies for payment of land value increment tax in accordance with Article 39-2, Paragraph 4 of the Land Tax Act shall mark a “✓” in the box of the option stating “This land was agricultural land for agricultural use when the amendment of the Land Tax Act was promulgated on 28 January, 2000. Therefore, with \_\_\_\_\_ copy (-ies) of the related documents attached, the land value increment tax will be collected on the basis that its assessed present value of the land is the original value of the land at the time when the amendment was made.”
- ( 6 ) The declarer who applies for a tax exemption before the expropriation of land reserved for public facilities shall mark a “✓” in the box of the option stating “This land is reserved for public facilities, with \_\_\_\_\_ copy (-ies) of the related documents attached. It is exempted from land value increment tax according to Article 39, Paragraph 2 of the Land Tax Act.”

- ( 7 ) The declarer who applies for tax exemption on the transfer of non-urban land for public facilities before expropriation, please mark a “√” in the box of the option stating "The land is non-urban land for public facilities, and the certificate of non-urban land for public facilities is attached. Please exempt it from land value increment tax according to Article 39, Paragraph 3 of the Land Tax Act.”
- ( 8 ) The declarer who applies for non-taxable status of land value increment tax for land bestowed on a spouse shall mark a “√” in the box of the option stating “This land is a gift between spouses, with \_\_\_\_\_ copies of the related documents attached, and application is made for non-taxable status of land value increment tax, pursuant to Article 28-2 of the Land Tax Act.”
- ( 9 ) The declarer who applies for other exemptions or reductions of tax shall mark a “√” in the box of the option stating “This land is \_\_\_\_\_ in accord with regulations of \_\_\_\_\_. Please \_\_\_\_\_ Land Value Increment Tax, and \_\_\_\_\_ copies of the related documents are attached.”

12 、 How to fill in the name of the trustee? (Item ⑩)

The original owner and the new owner may entrust other people to declare and receive the Notice for Taxation Payment if he/she is unable to declare in person, and the trustee shall fill in his/her signature in the relevant documents.

13 、 How to fill in the detail of the applicant? (Item ⑪)

- ( 1 ) Fill in the name, the date of birth, the address, and ID number stated on the identity card of the obligor (the original owner) and the rights holder (the new owner), and impress the seal of the obligor and the rights holder on the Item ⑪ after filling in the declaration. The above-mentioned data of the settlor shall be filled in the next row below the obligor (the original owner) if the transfer of the land concerns land held in trust.
- ( 2 ) The ID number consists of one letter from the English alphabet at the beginning followed by nine digits. A person who has not yet applied for an ID card may fill in the above-mentioned data in accordance with the contents of the household registration certificate.
- ( 3 ) A legal person (including profit-seeking enterprises and foreign juristic organizations) shall fill in the related data in the juristic person registration certification as well as the income tax code numbers instead of an ID number.
- ( 4 ) An overseas Chinese or a foreigner who does not have a national ID shall fill in the ID number of his/her ROC(Taiwan) Resident Certificate in ID number

column; if an overseas Chinese or a foreigner has not received a resident certificate, or there is no uniform number column on the resident certificate, he or she shall fill in his/her date of birth under the Gregorian calendar and add the first two letters of his/her given name in the English alphabet after the date of birth (e.g., Mary Lee, date of birth: 13 September 1966, should fill in 19660913MA).

- 14、How to fill in the method of the delivery of the notice of the payment? (Item ⑫)  
Please mark a “✓” in the box of the method of delivery. The receiver’s name and address is required for delivery by mail.
- 15、How to fill in the mailing address for the Land Value Tax Bill after the transfer of the title? (Item ⑬) column  
Please mark a “✓” in the box in accordance with the mailing address.
- 16、The new owner who obtains the land on which the buildings are bought for self-use residential shall mark a “✓” in the box of Item ⑭ for application if he or she wishes to apply for the self-use residential land value tax rate.
- 17、How to declare in the case of a co-owned land division or of land consolidation?  
In addition to a declaration of Land Value Increment Tax (Assessed Present Value), a declarer shall fill in a details sheet for the co-owned land division or land consolidation. The declarer may add further sheets to the details sheet and should stamp his or her seal on the seaming edge if the blank space is not enough.
- 18、How to fill in a details sheet of a co-owned land division or land consolidation?
- ( 1 )“Land Location” (Column 1) and Area (Column 2): Fill in the two columns in accordance with the contents of the land ownership certificate or land registration transcription.
- ( 2 )“ Assessed Present Value” (Column 3): Fill in the column in accordance with the transferred assessed present value at the time of the division of the co-owned land division or consolidation of the land is declared.
- ( 3 )“ Information of the Owner of the Property Owner Before Division or Consolidation” (Column 4): Fill in the column in accordance with the contents of the land ownership certificate or land registration transcription.
- ( 4 )“Original Decreed Land Value or Previous Transfer Value” (Column 4): Fill in the column in accordance with Explanation No.7 in these instructions.
- ( 5 )“Details after Division or Consolidation” (Column 5): Fill in the column in accordance with contents of the contract for of the co-owned land division or land consolidation.
- ( 6 )“Total Amount” (Columns 6 and 7): Fill in the total amount of the assessed present value of each lot of land in the column.
- ( 7 )“Name of Property Owner” (Column 8): Fill in the column in accordance

with the contents of the land certificate of ownership or land registration transcription, and stamp the seal of declarer.

( 8 )“Total Amount of Assessed Present Value Before Division or Consolidation” (Column 9): Fill in the column in accordance with the total amount of the assessed present value before the division or consolidation of the land held by each property owner.

( 9 )“Total Amount of Assessed Present Value After Division or Consolidation” (Column 10): Fill in the column in accordance with the total amount of assessed present value after division or consolidation of the land held by each owner.

( 10 )“Comparison of Total Amount of Assessed Present Value After Division or Consolidation or Before Division or Consolidation” (Column 11): Fill in the result of the comparison between Columns 9 and 10.