Amending the Urban Renewal Act not enough

By Shieh Jyh-cherng 謝志誠 Thu, May 01, 2014

At crucial moments, government officials and business owners like to issue threats and mislead the public. They say things like: “If we don’t build the Fourth Nuclear Power Plant, there will be power shortages” and “If we don’t sign the service trade agreement, competitiveness will drop and we’ll all be finished.”

The Judicial Yuan announced Constitutional Interpretation No. 709 on April 26 last year. It ruled that parts of the Urban Renewal Act (都市更新條例) were unconstitutional and that those parts would “become null and void if they have not been amended within one year from the issuance of this Interpretation.” With the deadline already passed the issue has become urgent.

Misleading statements have claimed the amendment has been delayed by the student protests and that this will affect NT$1.3 trillion (US$43 billion) in business opportunities, a delay might affect more than 1,000 urban renewal projects and the ruling that parts of the act are unconstitutional will cause market values to drop by NT$1 trillion.

The Ministry of the Interior on May 6 last year invited local governments to a conference to discuss response measures.

The first of these measures was that the summary applications of businesses that were filed after April 26 should be reviewed by an urban renewal review committee. Those involved in the application could request to attend the review committee and submit opinions. Applications filed prior to April 26 should be handled in accordance with the unamended law.

The second was that until the amendment, the business summary agreement rate should be handled according to the unamended law.

The third was that public hearings should be organized in accordance with the Administrative Procedure Act (行政程序法) for any urban renewal plans and property rights exchange plans that had not been on public exhibit prior to April 26. In cases where public exhibitions had been organized prior to April 26, public hearings should be organized according to the regulations in the unamended law.

Finally, business summaries, urban renewal business plans and property exchange rights plans approved after April 26 should be delivered to the respective
rights holders. The method of delivery should be in accordance with the regulations in
the Administrative Procedure Act.

These measures are a comprehensive response to Constitutional Interpretation
No. 709.

As for the buffer period around the time for the amendment, the buffer clause
agreed by the ruling and opposition parties clearly stipulates how the unamended and
the amended law shall be applied.

There is no need to talk about “the delay of the amendment” in order to mislead
the public and cause doubt about the necessity for the amendment. The only
difference is the business summary agreement rate: The unamended law stipulates
one-tenth, which will be increased to three-tenths or half after the amendment, but in
practice, applicants will have exceeded these levels before submitting an application.

Premier Jiang Yi-huah (江宜樺) should instruct interior ministry officials to stop
making groundless statements and trying to shirk responsibility by temporarily
stopping the acceptance and handling of business summary applications. This will
only create public panic and confrontation between the Cabinet and the legislature.

What the general public wants is to overturn the Urban Renewal Act altogether
and clarify concerns over land, residential and procedural justice — not just an
amendment of the unconstitutional parts.

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Translated by Perry Svensson