

A Study of Issues and Strategies of Religious Land Legalization in Taiwan

吳惠巧**

中文摘要

台灣的宗教土地使用規劃與宗教建築管理為重要之公共政策議題。台灣地區過去數十年隨著經濟發展變遷因素，現有的都市計畫圖已無法符合經濟與社會實際發展的需求，尤以宗教用地與建築物違規使用問題已普遍存在全省各地，顯示政府的相關土地使用規劃體制與宗教建築管理及實際需求已產生嚴重落差現象。至二〇〇三年底我國政府已核准的二十五種宗教類別中，以佛教、道教的信仰人口最多且分布最廣，故本文研究焦點集中在宗教土地與建築物合法化問題也最廣泛的佛、道教寺廟土地與建築物問題。本研究之目的以制度經濟學中交易成本及財產權理論為基礎，針對宗教團體在土地及建築物合法化遭遇之困難，提出課題及改善對策，利用系統分析法建立層級分析架構進行探討，提出五個影響層面與十六點課題及其因應策略。本文研究成果可供其他學術研究及有關宗教土地與建築物違規使用納入合法化管理之改善策略參考。

關鍵詞：土地管制制度、土地分區管制、宗教土地、違章建築

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Abstract

The use and development of the land regulation in Taiwan is part of the government's public policies. Due to the rapid economic growth of the last few decades, the zoning map of urban plan is unable to meet the present demand. In particular, it can't solve the religious land-use problem and provide a feasible solution for land use and the legalization of religious buildings. Moreover, there are twenty-five kinds of religious groups approved by the government in Taiwan up to December 2003. The most significant in number of followers are Buddhism and Taoism. At least 3,508 temples are illegal buildings constructed on slope land area, and a majority of them fit into farmland category, which can't get legal license according to the present law. This paper focuses on the problem of the changes in the land-use for religious demand and the legal status of those religious buildings. The purpose of this study is to propose legalization strategies for the religious land and buildings based on transaction cost and property rights on institutional economics viewpoints.

This paper applies system analysis to construct analytic hierarchy frameworks and submit 16 issues and strategies under five aspects: religion, ownership of land, land-use, politics, and social factor. The findings will be contribution for academic studies and practical

guidance on the problem of the land use control system about converting to the demand for religious land use and legalization of religious buildings.

Key words: Land development control system, Zoning regulation, Religious land use, Illegal buildings.

1. Introduction

The use and development of the land regulation in Taiwan is part of the government's public policies for an economic development. Due to the rapid economic growth of the last few decades, the zoning map of urban plan is unable to meet the present demand. In particular, it can't solve the religious land-use problem and provide a feasible solution for land use and the legalization of religious buildings. There are twenty-five kinds of religious groups approved by the government in Taiwan up to December 2003. The most significant in number of followers are Buddhism and Taoism. According to the latest data of Ministry of the Interior (MOI), there were 12,970 temples in 1999. This has undoubtedly gone up by 2004. Most religious buildings were built on farmland or mountain slope land, which can't get legal licenses according to the present law. Of these 3,508 were illegal in 1998 (Wu, 2003; Huang, C-S., 2000). More and more religious groups face the problem that their land and buildings are illegal, a situation that places them at odds with the government. This paper focuses on the problem of the conversion in the land-use for religious demand and the legal status of religious buildings.

The purpose of this study is to find ways out of the problems faced by religious groups due to the status of religious buildings under the present land control system and to provide strategies for the government's reference. This paper is based on transaction cost and property rights on institutional economics theory and applies system analysis to define the problem, to review the literature, to analyze Taiwan's land control system and its negative

impact on religious groups, as well as to submit strategies for religious land and temple buildings. The research will be contribution for academic studies and practical guidance on the problem of the land use control system about converting to the demand for religious land use and legalization of religious buildings.

The rest of this paper is organized as follows. Part Two reviews relative literature. Part Three introduces analysis methodology. Part Four investigates current problems of religious land-use and buildings. Part Five submits issues and strategies. Part Six is concluding remarks of this research.

2. Relative researches on religious land

Huang, C-S (2000) figures out that Buddhism and Taoism are the most significant in number of followers. Together they account for over 90% of the population of believers among twenty-five kinds of religious groups in Taiwan up to December 2003. In this research all references to religious land will be to these two groups' religious sites, including land and temples.

Cooiman (2003) made a statement, which asserted government policy was designed by government's administrative organization to manage people or institutions in regard to particular behavior or actions. Koehler & Pankowski (1976) thought that control policy is carried out by national force regarding people or groups and is supported by sanctions. Wu *et al* (2003) thought that control policy of land is the particular principle and decree for guiding government organizations and particular people to perform a particular action or deal with various benefits regarding the policy of regulating the instructions and norms for restriction or non-restriction of

particular people or groups. An antagonism between government and people is a no-win game. Government's policies have to consider group equilibrium and their impacts via evaluation (Dye, 1997: p.26, 351). Land planning requirements need to highlight the interrelationships between the different scales of planning and its function in balancing local and wider interests (DoE, 2002). Land control policy including land use conversion also needs to reach objectives of reallocating land resources properly and efficiently (Lee, 2000: p.33).

Zoning Control System is one land control policy that government uses to regulate the Master Plan and land use condition. Zoning plans and Zoning ordinances define various land use categories in the national territory. Zoning regulations restrict land use in which use, scale and density are enabled to have an overall development and achieve a balance between public and private use. In the UK, the 1947 Act enforced permission for development generally in line with the development plan but on a case-by-case basis (McFarquhar, 1999). The debate has centered on how to share development value between developer and the public purse. To deal with the effects of incentive of land development, several analysis models were developed, such as Redevelopment Threshold Model and Project Factor-Analysis Model¹.

David Hume was the first scholar to raise the "Theory of Property Rights" in the 18th century in Britain to declare that the regulation of Property Rights is very important between people for their privilege and obligation. Furubotn & Richter (Yen, 2001) raised: in actual society, the cost of negotiation is not a "zero", since different mechanisms of Property Rights

¹ A review of the issues and impacts surrounding the residential development of brownfield sites in suburban areas, University of Cambridge.

will influence the usage of resources. I use the ideas of the institutional economics and the view of Property Rights to analyze the contents of the land control system and to understand the relationship of the land development control system and the actual requirements in Taiwan.

The history of the Non-urban Land Regulation in Taiwan is divided into 3 different stages, which are summarized as follows (Wang, 1998): (1) In the first stage (before 1973) nearly no control was applied. There weren't any control activities for the Non-Urban Land areas in this period except those already promulgated in the Urban-plan Land area, which included only the areas of the city. (2) The second stage period namely the partial control period in 1973. Due to the world energy crisis of 1973 a part of the Non-urban-plan Land came under control. By 1974 all of the land was under some form of regulation. (3) The third stage period from January 31st 1974 until 2003. The third stage was in effect from January 31, 1974 up to now when the government issued the Law of Regional Planning. According to the aforementioned law, the Ministry of the Interior promulgated "The zoning map and the instruction of the compilation for various lands usage". This is the guideline of the Non-Urban Land areas regulation. Meanwhile, the government had compiled all the land categories, to delimit the zoning area in usage of land, and enforced the category of Religious Land in the Non-urban-plan Land Control Regulations. In 1998, on the 12th revision, the Civil Administration Organization in each county and city government those were given more authority to investigate the procedure of Alteration and Compilation System of Religious Lands. It had already been revised 16 times in the Non-urban-plan Land Control Regulations.

According to the previous review, this study is to explore the legalization

problems for Taiwan's temple land-use and buildings based on the current religious and land control systems. Urban and non-urban lands, the governments and the religious groups, policies and practical sides are included in the issue exploration. The next section is to put forward analysis framework for the research.

3. Methodology

This section is to apply system analysis method by reviewing relative literature on the religion and land regulation, and investigate the issues and strategies for the problem to minimize social transaction costs. Other reference materials will be incorporated into the research strategy as needed. The analytic hierarchy framework for the research is shown as Figure 1. The goal is to study problems of religious land legalization. Following the goal, there are five influent aspects, including religion, land ownership, land-use categories, politics, and social factors. Then, the research puts forward issue and strategy alternatives under each aspect. The research procedure has five steps as below.

Step 1. Define the problem in regard to the religious land.

Step 2. Review the literature about the land development control system consisting of theory of control policy, theory of property rights, as well as theory of institutional economics.

Step 3. Analyze situations of Taiwan's land control system and its negative impact on religious groups.

Step 4. Investigate the issues on the religious land-use and temples' illegal

buildings.

Step 5. Submit strategies for religious land and temple buildings.

The next section is going to investigate situations of Taiwan’s land control system and its negative impact on religious groups.

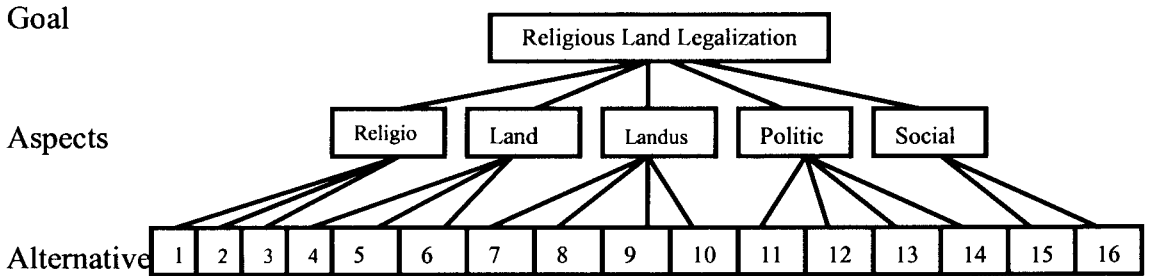


Figure 1: Analytic hierarchy framework for religious land legalization.

4. Situations of Taiwan’s Land Control System and its Negative Impacts on Religious Groups

The land policy in China and Taiwan goes way back in history. Conflicts over land among past dynasties have affected the development of China and Taiwan until today. The distribution of land was uneven in the national territory and caused the phenomenon of an equally uneven distribution of wealth. In the decade of the 1920’s, the president at the time, Dr. Sun Yat-sen, put forward the "Average Right to the Land" concept according to which rent of privately owned land was “An Absurdity of The Tenant Farmer System”. When the government moved from China to Taiwan, in 1949, the “Average right to the Land” moved with it. Along with turning Taiwan into a political

ecosystem, wealth and living standards went up. The government allowed all kinds of religious groups to develop freely. As a consequence of this legal freedom granted by the government and the growth of the economy the numbers of both groups and members of religion increased. The rise in living standards allowed for the members of these groups to contribute financially to the different causes of their faiths. With more followers, came the need for more spacious buildings wherein to gather and practice.

The most popular religions today are Buddhism and Taoism. Unfortunately, the buildings where Buddhists and Taoists practice their religious activities are not legally owned. The problem of religious sites not only has perplexed the government management organizations, but also has vexed many religious leaders who feel powerless and don't know how to resolve it.

There are indications of a change towards land policy in the government. On July 28 of 2003, the Executive Yuan has completed a draft of National Territory Comprehensive Development Law to dramatically ease the restrictions on the development of farmland and mountain slope land near the metropolitan areas in Taiwan. President Chen Shui-bian relieved the restrictions on the uses of farmland in a move to help modernize Taiwan's agricultural industry. The government will establish a new system requiring the application for permission when enterprises or individuals are going to develop farmland and mountain slope land"². In my opinion, this opens up the possibility for most of illegal religious buildings built on farmland and mountain slope land areas to be legalized.

² China Economics News, 2003-7-28, P.2.

Taiwan's first Land Law was promulgated by the National Government on 30th June 1930. The regulations of land-use were based on those used in the UK, which were organized according to a Zoning System. The Planning Permission System in the U.K. is well known in its responsiveness to market demand since Margaret Thatcher's administration. The national territory planning policy in the U.K. consists of Zoning Regulations.

Later on, as a part of the 1983 "Regulation of Slope Areas Development and Construction" issued by the MOI (2002), a Planning Permission System was developed, (also taking Britain as a model) which consisted of a Land Development Permit and Planning Permission System. Although the Planning Permission System and Land Development Permission are more flexible than the Zoning System, the change to the new system has been problematic and time consuming (Anderson, 1990: p.110). It always takes a very long time to review the processes whereby the land is evaluated and there are considerable uncertainties, due to non-standardized gain (profit) assessment methods. These have become the main obstacles to the legalization of illegal religious buildings and land (Wang, 2002). Some situations of the religious land-use are illustrated as follows.

(1) Application processes are complicated and time consuming according to the regulation rules. Non-urban land converting to religious land-use has to apply for a development permit, a license of miscellaneous items, an alteration and compilation permit, a finish alteration and compilation registration, and a building license. Through the process, it has to obey dozens of regulations. It also takes lots of time, maybe three to ten years. Especially, in practical situations, particular purpose appropriation authorities review applications in different explanation for laws and regulations.

(2) Water and Soil Reservation Law and Environment Protection Law were passed in 1994. Many religious buildings cannot meet the requirements for the laws. The government's prohibitions to build on farm land and hilly areas where the slope exceeds 30 degrees (%), as well as the height limit of three stories for buildings in farm land areas does not meet any of the requirements of religious buildings. Buddhism and Taoism buildings have traditionally been erected on green, quiet and hilly areas and are well known for their height in the main hall for worship. Preventing religious groups from meeting their own requirements interferes with essential elements of the worship. In fact, due to the illegal status of the existing temples, new religious buildings are being built on a provisional basis affecting their design and the identity of these groups.

The construction of the temples (that today are illegal) was done before the law was passed in 1983, selected by the religious leaders of each group, i.e. Buddhist, Taoist, Confucian, etc. The criteria then used included not only religious considerations, but, as is obvious, financial aspects as well. Green and hilly areas were comparatively cheaper at the time when many sections of land were bought.

(3) The temple architecture is connected with art, religious features, security, and structure. It is very difficult to get construct licenses for temple building features.

(4) The construct authorities cannot take effective measures to get rid of illegal religious buildings. Officials and residents are unwilling to investigate and report, on even destroy temples.

(5) Some residents have weak consciousness to obey the laws. Ninety percent

of the temples in Taiwan are built on general agriculture land and pasture areas, which means they are built on illegal land. To reverse the situation and turn these lands into legal position, the religious organizations can apply to the Civil Administration Organization and attempt to change the status of the agriculture or pasture land into what is called 'Particular Purpose Appropriation Land'. The procedure through which this is done is called 'Alteration and Compilation System'.³ Procedures for urban and non-urban plan operations are illustrated on Figure 2 and 3.

Some provisions of land-use regulations related to religion are investigated as follows.

(1) Provisions for religious land in Taiwan's Urban Plan

Religious buildings can be built on Scenic Category Land as long as they do not obstruct, or interfere with, residential life, public security, or commercial development. Taiwan's two main cities are Taipei and Kaohsiung and each city has its own land regulations. In Kaohsiung city, religious buildings can be erected on 'Conservation Land' as long as the religious group has registered and is a legal organization.

(2) Provisions for religious land in Taiwan's Non-urban Plan

From 7th September 2001, Non-urban Land is divided into nine zones, which, in turn, consist of eighteen categories of land-uses. In the following categories of land it is possible to legally build buildings, including temples: class A⁴, B⁵, C⁶ categories in Construction Land, Recreation and Esplanade

³ This procedure is for non-urban land conversion into a legal land use.

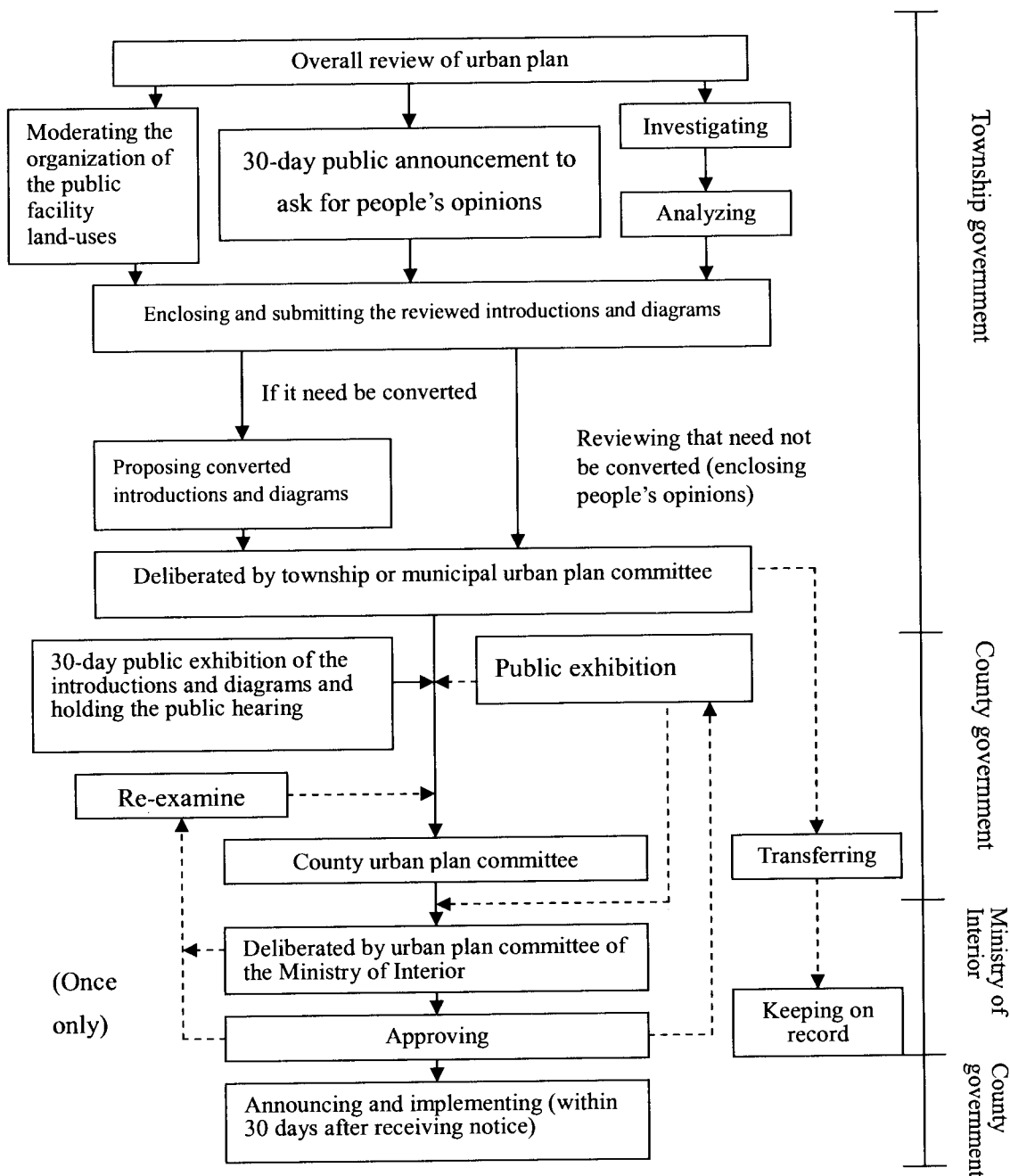
⁴ Construction land class A: Land in Farm and Pasture Area that is suitable for construction use. Coverage rate 60% and capability rate 240%.

⁵ Construction land class B: Land in country area that is suitable for construction use. Coverage rate 60% and capability rate 240%.

⁶ Construction land class C: Land in Forestry Area, Ecosystem protection Area and Scenery Area that is

Land, as well as Agriculture areas, Countryside areas, Industry areas, Forest areas, Scenic areas and a region for Sanctuary Land areas. The eighteen different categories of land are comprised of " Construction land class A", "Construction land class B", "Construction land class C", " Construction land class D", " Farm and pasture land", "Forestry land", " Marine products land", "Salt land", "Scenery land", "Kiln land", "Transportation land", "Hydraulic land", "Recreation and esplanade land", "Antiquity land", "Ecosystem protection land", "The public security of national territory land", "Graveyard land", "Particular purpose appropriation land".

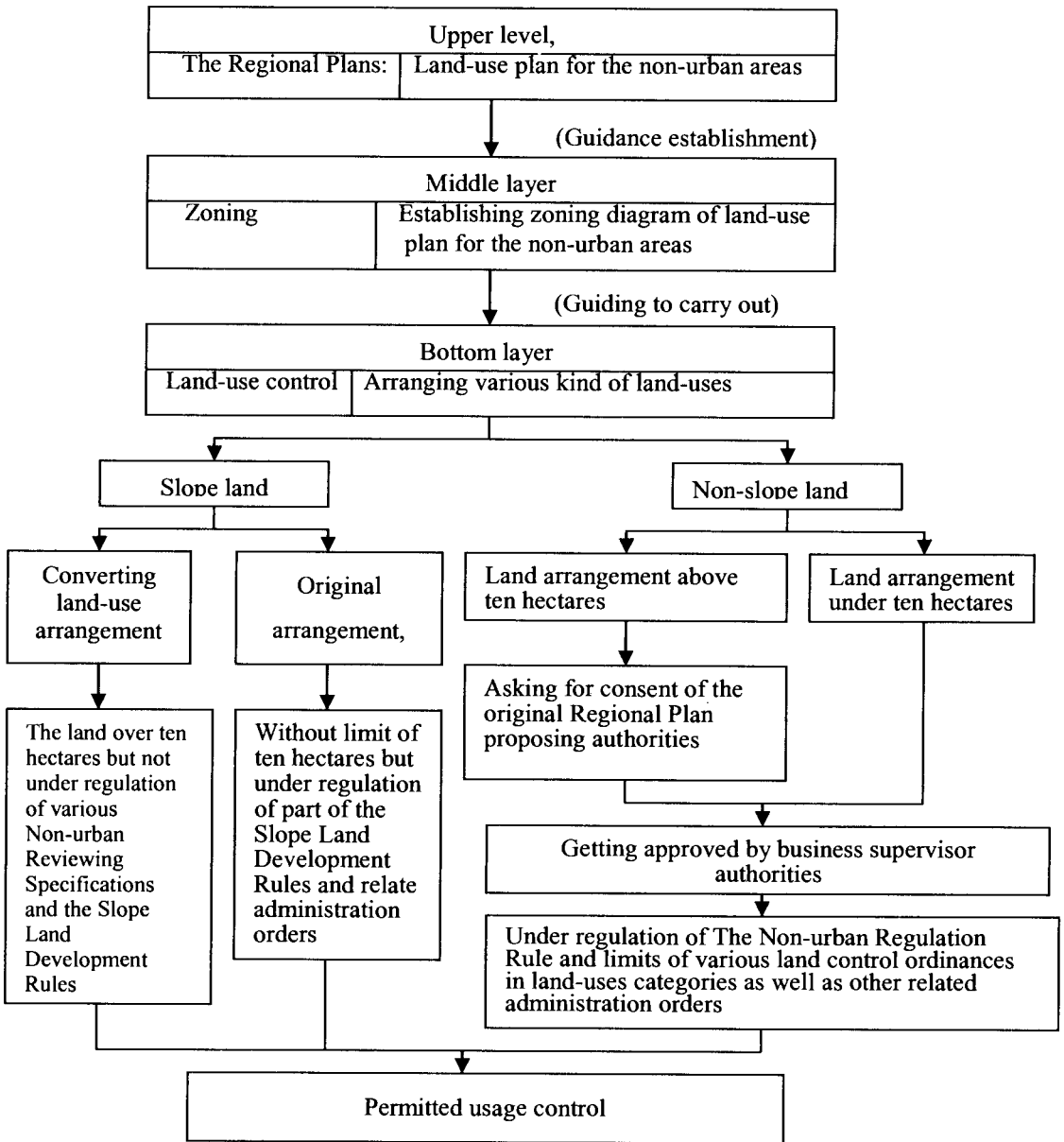
Those areas which may apply the subject to the "Alteration and Compilation System" and be turned into "Particular Purpose Appropriation Land" so that temples may then be built on them are those except class A, B, C categories in Construction Land, Recreational and Esplanade Land which can be legalized without application.



Source : Urban and Country Planning Bureau, Construct and Plan Agency, 2002

Figure 2: Flowchart of overall review of urban plan

Taiwan's national territory is divided into two main administrative units. These are urban and non-urban land. The urban lands constituted of 12.2% of the national territory in 1994, totally 4,401.05 square kilometers, and are regulated under the Law of Urban Planning (Huang, T-Y., 2000). Whereas, the non-urban lands follow the Non-urban Planning, extend over the remaining 87.8% of the territory. More specific regulations within the Non-urban Planning are the law of Religion Planning and within this last one, the Regulation of Non-urban Plan land. These are important in this context because most of the temples are built in Non-urban plan lands, or within the jurisdiction of non-urban rules.



Source: Compiled by this study.

Figure 3: Non-urban land-use review procedure

(3) Provision of religious land control

The “Regulation of Slope Area Development and Construction” restricted for twenty years (1983~2003) the development of all slope areas. Since its requirements are almost impossible to meet it made the application for licenses a very difficult task. However, in March of 2003, three parts of the regulation were eliminated. Those three parts were:

A. The Land Development Permission

B. The provision restricting the minimum developing and construction area.

C. The restriction concerning ‘water and soil conservation facilities’ was deleted from the License of Miscellaneous Items in the Regulation of Slope Area Development and Construction.

The application process of “Alteration and Compilation System” is enforced by the government. Firstly, landowners must present a ‘Proposal of Appropriation’ to the county office of the Civil Administration Affairs Bureau and Building Management Organization in order to get the “License of Land Development Permission” and “License of Miscellaneous Items”⁷. Secondly, landowners must apply to obtain a Land-use Permission through the process of “Alteration and Compilation System”, which is issued by the following government organizations: "Civil Administration Affairs Bureau, Building Management Organization, Domestic Affairs Organization, Agriculture Affairs Organization, and Environmental Protection Organization". Finally, landowners have to register their Land-use Permission (obtained by the Alteration and Compilation System) with the Domestic Affairs Organization as well as the Civil Administration Bureau to be able to apply for a “License

⁷ This is a permit for construction except main buildings; e.g. drainage engineering, land reclaiming engineering, and so on.

of Religious Building”. As can be seen the process is cumbersome (it takes between three to ten years) and is not always successful. There are so many laws involved (including the Law of Domestic Affairs, the Law of Building Management Affairs, the Law of Water and Soil Conservation, the Law of Environmental Protection, the Law of Agricultural Affairs and the Law of Religious Affairs) and so many officials with different opinions and knowledge involved that the result of the applications is uncertain (Flowchart shown as Figure 4).

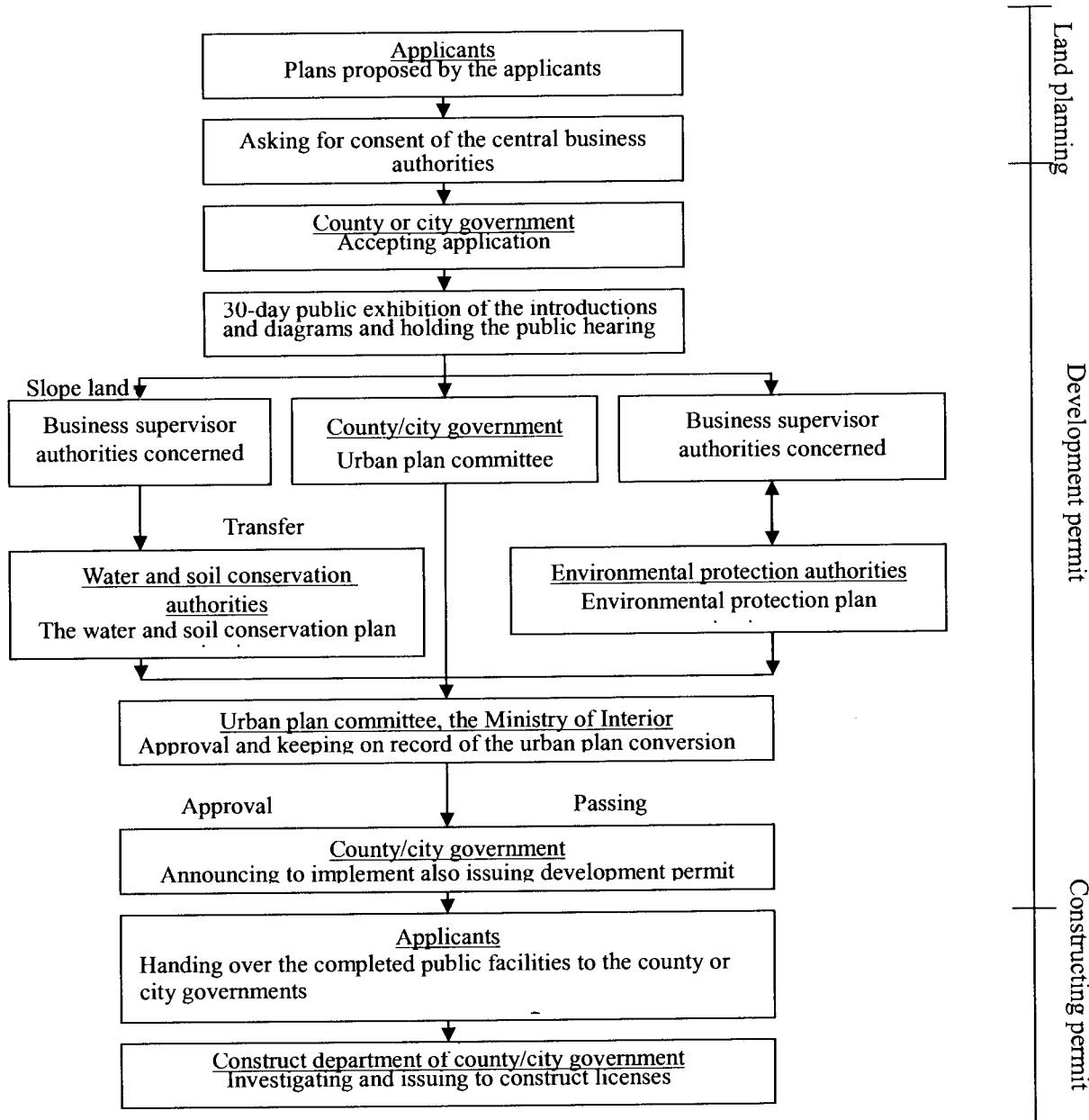
(4) The problems for the buildings illegal status

This brings us to the problems facing the illegal temples. The four main problems are described as follows:

A. Legal void. The temple’s real estate has been obtained by a donation and the donor died before transferring the rights of estate or is unavailable. The heirs are unable to transfer the right to the land.

B. Discrepancy between land and owner’s name. All temples must register as legal organizations in order to function since 1953. The land has to be registered as well. The problem arises when the name of the temple has been registered according to the requirement of the government but the name of the land where it has been built does not correspond to the temple’s name.

C. Increase in the land’s tax value. Temples’ managers are unable to pay the Land Value Increment Tax after a donation of land has been made to them. This tax has to be paid after every donation of land. Failure to do so renders the building erected on it illegal.



Source: Urban and Country Planning Bureau, Construct and Plan Agency, 2002

Figure 4: Reviewing procedure of "Alteration and Compilation System" cases

D. Ordinance norm problem. Private farmland can only be bought by a farmer/yeoman according to the original land law Article 30. As many who wish to buy this type of land do, religious organizations buy farmland through a farmer who acts as an intermediary who registers the land under his name. The problems arise when the “mock” buyer escapes with his pay and, most importantly, with the rights to the land, ignoring the agreement.

(5) Categories of illegal buildings

Briefly, the problems with Taiwan’s religious temples can be summarized in the following categories relating to the religious organization, ownership of the land, land-use, politics and other social factors:

A. The land can be used for religious buildings unless the temple falls into any of the categories mentioned previously i.e. legal void, discrepancy between land and owner’s name, increase in the land’s tax value or ordinance norm problem.

B. The religious group is not a legal organization. It has not been registered.

C. The land where the temple is built was originally destined for non-religious uses such as residential, commercial or farming.

D. The temple is built on land that was meant to be used for agriculture.

E. The temple is built on public or state owned land.

F. The temple is built on other privately owned land.

G. The temple was built before the law was passed and, therefore, it is a historical building.

When the religious groups apply for legalization they face discrepancies of criteria among the many governmental offices. The Civil Administration Organization takes up the applications and deals with the religious groups. The Domestic Affairs Organization and the Building Management

Organization as well as others are very technical and professional and deal with the land issues and the buildings respectively. The discrepancies that arise among the three offices delay the legalization of buildings and block the advancement of solutions.

5. The issues and strategies for temple land and buildings legalization

According to above analysis, this section submits several issues and strategies under five aspects via brainstorm, to enforce religious land and building legalization. The effect aspects include religion, ownership of the land, land-use categories, politics, and social factors (Figure 1.). The issues and strategies for temple land and buildings are as follows.

(1) Religion

Issue 1. The illegal buildings that can't meet the temple registration qualifications.

Strategy: The MOI has established "Guideline of registration operation for those temples which have not registered". The provision proposed the rules that if the temples that are buildings before 31st, March 2001, in case they don't block public facilities, order, security, hygiene and silence, and the temple buildings have no security problem, then the temples can be registered.

Issue 2. The religious buildings did not apply for construct licenses and became a type of illegal buildings.

Strategy: To encourage religious groups to apply for construct licenses among those without any license. The religious groups play an important role in review process.

Issue 3. There are some subjective difficulties. **(1)** Recreation and esplanade land converting to religious building use on non-urban area involves water and soil conservation plan, environmental impact evaluation and architecture, and geological professional knowledge. This is time and expense consuming, and spending 3 to 5 years is very common. **(2)** Temple construction is special architecture. It needs to invite professional temple architects to draw layout and design. Those talented persons are difficult to find and it causes temple operators to hesitate to proceed. Finally, the willingness to apply for construct and usage license is not so high. **(3)** Illegal temple buildings without license re-apply for permission involve professional knowledge and technology. Temple operators and followers could not realize the related information of licenses application procedure and rules. This means illegal temple buildings problems are always pending. **(4).** Temples on urban land and Construction land class A, B, C of non-urban land can apply for construct license directly. Because temple operators do not understand this ordinance rule and do not apply for it, they let buildings become illegal.

Strategy: Temple construction is special architecture. It needs to invite professional temple architects to draw layout and design. Therefore, temple operators have to entrust the mission to the professional.

(2) Ownership of land

Issue 4. The problem to obtain non owner-farmer's land

Strategy: Many temple representatives are not owner-farmers and cannot embark on farmland ownership removal donated from followers or purchasing before Agricultural Development Act was promulgated. If the farmlands are registered and owned by owners re-named as temple, church, foundation of church, religious fun, or farmer group within one year of Article 17 of

Agricultural Development Act being promulgated at Jan. 13, 2003, then religious groups can register land ownership to become legalized.

Issue 5. The problem of occupying state-owned land.

Strategy: If state-owned land holding organizations agree to sell, sell by tender, stir to use, donate, rent or obtain permanent use, the temples can follow the alteration and compilation system or directly apply for construct license according to land attributes, to legalize its illegal temple's buildings.

The R.O.C. government have revised and announced to the public the "State-owned Property Law" Article 42 as "if state-owned land is physically used before July 21, 1993 and the user also will pay all the expiation fee, then the land can be directly for-rent". If the religious buildings have been established on the Forestry land and already existed before July 21,1983, the government re-arranges the Forestry land and the alteration as non-public use. In this case, religious groups can rent the land to resolve the problem of occupying state-owned land.

Issue 6. The temples occupy private-owned land and as defined as illegal buildings.

Strategy: The strategy is by means of negotiating with landowners or land heirs to obtain permanent usage agreement of land, by sale or donation. Then, the temples apply for construct license to resolve its illegal building problem.

(3) Land-use categories

Issue 7. Temples using farmhouse, particular agriculture area of non-urban areas, Farm & Pasture Land, and slope land rather than temple land usage do not meet the requirement for temple register.

Strategy: To revise Non-urban Land Use Control Rules permits legal temple

use of this kind of land on equilibrium basis. Specially, it is necessary to construct suitable coverage rate and capability rate, lower than Construction land class C on non-urban areas. The MOI has revised "Guidance for Non-urban Land's Alteration and Compilation Operation" to allow the particular agriculture area to convert for particular purpose business use. This strategy resolves the problem that particular agriculture area cannot be employed as religious use. The MOI revised and announced to the public the Slope Land Construct and Management Rules and Non-urban Land Use Control Rules on March 26, 2003. This is a way of resolving alteration and compilation religious constructing usage on the slope land and non-urban land converting to the usage for religion according to the Slope Land Development Rules.

Issue 8. The powers and obligations for the land reviewing organizations were not defined clearly. Content of review specifications are more or less repetitious. This causes the religious land conversion to be more difficult and unable to obtain legal position.

Strategy: To clarify the powers and obligations for the central and local government, to practice local autonomy, and to reduce the repetitious investigating works. It is necessary to integrate each reviewing system and application diagrams and documents to increase government administrative effectiveness.

Issue 9. The review's checks and balances mechanism of urban plan committee for the governments requires to be improved.

Strategy: To review checks and balances mechanism to give review power more equilibrium. The strategies include improving organization of urban plan committee, enhancing transparency of the review information, and

increasing rules for people to submit suggestion and appeal of land-use plan cases.

Issue 10. The land conversion reviewing procedure spends much time and makes religious building hard to obtain legal position

Strategy: The effect strategies include establishing simplified, explicit and unified land conversion reviewing process, shortening urban plan reviewing layers, simplifying reviewing process for detailed plans, simplifying various urban plan reviewing specifications and establishing unified non-urban plan review process.

(4) Politics

Issue 11. The ordinance is tedious, and the profession causes deficient participation for the religious groups.

Strategy: The strategy is to increase participation opportunities for religious groups. The government needs to encourage people participating plan and push forward the plan information's open system, to understand religious groups' actual needs and sustainable development. Urban plan board should depend on needs during review period increase participating opportunities for religious groups to make review process fairer. All latest information of review cases can put on the Internet website. This lets religious groups understand and examine the plan review process in open and transparent process.

Issue 12. The top plan, Taiwanese National Territory Comprehensive Plan, has not been legislated. It possesses no compulsive powers and leads to not enough functions.

Strategy: The strategy is to improve a sound national territory plan system.

The Taiwanese National Territory Comprehensive Plan needs to pass in the Legislative Yuan as soon as possible to reinforce its coordination function.

Issue 13: There existed too many restricts for temple building's application procedure under current building, urban plan, regional plan and land-use control laws. It is not easy to apply for legalization. Temple operators possess hesitate attitude.

Strategy: The first priority is that the central and local Civil Administration Organizations take measures to survey problems existing among temple land and buildings. Then, according to those problems, authorities propose effect actions to deal with the problems. Those concepts are propagandized to religious groups. Apart from that, the government authorities should be concerned and guide actively to make temple buildings legalized.

Issue 14. There are differences in land-use control and review mechanism for urban and non-urban land. If one religious land is located on both land-use types, it must follow both converting systems. Due to different alteration procedures and reviewing at the same time of the whole consideration, negative influence is produced to sustainable development for religious land and buildings.

Strategy: The government should adjust the urban and non-urban plan systems to cope with excessive urban and country development and also resolve legalization problem for the religious land.

(5) Social factors

Issue 15. The provision of feedback system needs to be coordinated and reviewed.

Strategy: Land authorities need to integrate and review land conversion feedback types and contents and to establish a fair and reasonably feasible

land conversion feedback system.

Issue 16. At the present time, illegal temple buildings looking for legalization confront social equity difficulties.

Strategy: Land authorities need to propose workable assessment mechanism to cope with social equity for application of illegal temple buildings. The assessment mechanism needs to take social and economic criteria into consideration.

6. Conclusions

Based on public policy, institutional economics, and system analysis, this research investigates religious land and temple buildings legalization problems. The concluding remarks are as follows.

The Subjects for illegal buildings in Taiwan include several aspects, such as the illegal buildings that can't meet the temple registration qualifications, buildings on non owner-farmer's land, occupying state-owned land, buildings built on the Farm and Pasture Land, slope land, and non-urban land, differences in land-use control and review mechanism for urban and non-urban land, the powers and obligations for the land reviewing organizations not defined clearly, review specifications which are more or less repetitious, and land conversion reviewing procedures which take too much time.

The strategies submitted by this research include land-use, ordinances, and religious organization. The most important is that the religious authority needs to encourage and guide religious groups to register and legalize their

temple buildings. In the past, religious leaders lacked the professional knowledge to contribute to the legalization of religious land-use and buildings as well as to work out an overall plan for their land. Due to the fact that a great deal of religious buildings were constructed on slope land, and that a majority of them fit into farmland land-use category which can not get legal licenses, there are several illegal religious buildings in Taiwan today. There are many illegal religious buildings without planning permission, mostly temples, all over Taiwan. They can't meet the ordinances of the government. The actual needs of the religious groups and the norms of the government are different. The government's application procedures are technically complex and difficult to follow. Land-use regulation and ordinances review is helpful to these conditions.

Because of time and data limit, this research submits problems and strategies analysis for religious land and buildings legalization. Further study would be needed on data collection and quantitative analysis. The quantitative results would be references to the authorities concerned.

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