

勞動部 令

發文日期：中華民國 104 年 5 月 1 日

發文字號：勞動發管字第 10405033951 號

附件：如公告事項二

核釋外國人從事就業服務法第四十六條第一項第一款至第六款工作資格及審查標準第三十六條第五款所定之專案認定，為雇主符合下列條件之一者：

- 一、自由經濟示範區之區內事業單位，並檢具主管機關所核發之公司登記證明文件。
- 二、為創業拔萃方案「具創新能力之新創事業認定原則」之事業單位，並檢具依我國公司法或商業登記法設立未滿五年及符合下列資格之一證明文件(附表一)：
 - (一)已獲得國內、外創業投資事業投資新臺幣二百萬元以上者。
 - (二)已登錄財團法人中華民國證券櫃檯買賣中心創櫃板者。
 - (三)申請取得我國發明專利權、或經我國發明專利權人以其發明專利權讓與或授權實施並經經濟部智慧財產局登記者。
 - (四)已進駐行政院核定之國際創新創業園區、經濟部直營、合作之育成機構(附表二)，以及獲得該部近三年評鑑優良之育成機構(附表三)。
 - (五)申請事業或其負責人曾參加國內、外具代表性之創業、設計競賽(附表四)獲獎者。

本解釋令自即日生效。

本部中華民國一百零四年一月七日勞動發管字第一〇三九八〇一六八〇一號令，自即日廢止。

Ministry of Labor Ordinance

Issue Date: May 1, 2015

Issue Number: No. 10405039351

Attachment: Announcement section 2

The Ministry hereby elaborates the term of recognition under Item 5 of Article 36 as used in the Qualifications and Criteria Standards for foreigners undertaking the jobs specified under Article 46.1.1 to 46.1.6 of the Employment Service Act, which refers to employers meeting any of the following criteria:

1. Business entities within the Free Economic Pilot Zones shall provide the valid business registration certificates and documents issued by the central competent authority.
2. Business entities complying with definitions of “startup with innovation capability” listed in the HeadStart Taiwan program shall provide the relevant certificates of the establishment of the business not exceeding five years and documents at the MOEA’s Intellectual Property Office (TIPO) (see attachment 1).
 - i The business entities have obtained funds amounting to over NT\$2 million from venture capitalists inside or outside the country.
 - ii The business entities have completed registration at the Go Incubation Board for Startup and Acceleration Firms (GISA) of the GreTai Securities Market.
 - iii The business entities have obtained an invention patent from the Republic of China (Taiwan) or have obtained the patent rights through authorization or transfer of control with registration completed at the MOEA’s Intellectual Property Office (TIPO).
 - iv The business entities have set up the offices at the Taipei Expo Park which is assigned as a new cluster for startups by the Executive Yuan, the incubators managed by or in partnership with the Ministry of Economic Affairs (see attachment 2), and the incubators rated excellent

by the Ministry of Economic Affairs within three years (see attachment 3).

- v The applying business entities or their person in charge has ever won any of the venture or design contests inside or outside the country (see attachment 4).

This interpretation shall take effect on this day.

The Order of the Ministry of Labor dated January 7, 2014 (Ref. No. Lao-Zhi-Gui-Zi-1039801680) shall cease to apply on this day.

Minister Chen Hsiung wen

附表一

符合各認定原則申請新創事業認定之應備證明文件

編號	基本應備證明文件
1	公司登記證明書
2	商業登記抄本
編號	符合各項認定條件應備證明文件
1-1-1	創投事業公司設立(變更)登記表(或合法設立證明影本)
1-1-2	申請日2個月內經公司登記主管機關核發之股東繳納現金股款明細表 (股東欄位須載有○○創業投資股份有限公司)
1-2-1	外國人投資主管機關或其委託機關核准投資函影本 (准予投資經營業務應包含創業投資業)
1-2-2	申請日2個月內經公司登記主管機關核發之股東繳納現金股款明細表 (股東欄位須載有○○Ventures 或○○Venture Partners 或○○Venture Capital)
2	財團法人中華民國證券櫃檯買賣中心核發同意登錄創櫃板函影本
3-1	中華民國發明專利證書影本
3-2	經濟部智慧財產局核發之發明專利權讓與或授權，准予登記函影本
4-1	○○公司暨財團法人工業技術研究院創業育成廠商進駐服務契約書影本
4-2	科技服務大樓企業進駐合約書影本(財團法人資訊工業策進會)

4-3	營運培育合約書影本(國立交通大學)
4-4	國立清華大學創新育成中心營運輔導合約書影本
4-5	國立臺灣科技大學中小企業創新育成中心營運輔導合約書影本
4-6	中原大學創新育成中心與廠商進駐合作開發契約書影本
4-7	逢甲大學創新育成中心營運培育合約書影本
4-8	中華大學創新育成中心營運輔導合約書影本
4-9	財團法人鞋類暨運動休閒科技研發中心中小企業創新育成中心營運輔導合約書影本
5-1	科技部創新創業激勵計畫獲創業傑出獎獎狀影本
5-2	經濟部中小企業處新創事業獎獎狀影本
5-3	教育部青年發展署 U-Start 「大專畢業生創業服務計畫」第 2 階段獲績優創業團隊獎狀影本
5-4	獲 Demo God Awards 優勝者之獎狀影本
5-5	獲 Red Dot Award(德國紅點設計大獎)之獎狀影本
5-6	獲 IF design Award(德國漢諾威工業設計獎)之獎狀影本
5-7	獲 G-Mark Award(日本通產省優良產品設計獎)之獎狀影本
5-8	獲 IDEA Award (美國傑出工業設計獎)之獎狀影本

Attachment 1

The list of documents required for the qualified startups:

Numbers	Required basic documents
1	Business registration certificate
2	A certified copy of business registration
Numbers	Documents required for startups for recognition
1-1-1	The registration form (or a copy of a valid registration certificate) of a new establishment (or change) of a venture capital firm.
1-1-2	Summary of shareholders and stock subscription in cash issued by the competent authorities within two months of application for recognition as a startup.
1-2-1	The photocopy of the letter of investment approval issued by competent authorities supervising foreign nationals investing within the territory of the Republic of China or its commissioned authorities.
1-2-2	Summary of shareholders and stock subscription in cash issued by the competent authorities within two months of application for recognition as a startup.
2	The photocopy of the letter of approval to register at the Go Incubation Board for Startup and Acceleration Firms (GISA) issued by the GreTai Securities Market.
3-1	The photocopy of the Certificates of Invention Patent issued by the government of the Republic of China.
3-2	The photocopy of the authorization or transfer of the control and approval of registration whose original copy is issued by MOEA's TIPO.
4-1	The photocopy of the letter of cooperation including the service of stationing assistance between the Incubation Center of Industrial

	Technology Research Institute (ITRI) and the startup.
4-2	The photocopy of a stationing agreement between the Innovative DigiTech-Enabled Applications & Services Institute (IDEAS) and the applied company.
4-3	The photocopy of the letter of agreement between National Chiao Tung University and the applied company over the operations and cultivations.
4-4	The photocopy of the letter of agreement between the Center of Innovative Incubator, National Tsing Hua University and the applied company over management consulting service.
4-5	The photocopy of the letter of agreement between the Business Incubation Center, National Taiwan University of Science and Technology and the applied company over management consulting service.
4-6	The photocopy of the letter of agreement between Chung Yuan University Innovation & Incubation Center and the applied company over joint development.
4-7	The photocopy of the letter of agreement between Business Incubation Center of Feng Chia University and the applied company over the operations and cultivations.
4-8	The photocopy of the letter of agreement between Chung-hua University Innovation & Incubation Center and the applied company over the operations and cultivations.
4-9	The photocopy of the letter of agreement between Footwear & Recreation Technology Research Institute Incubation Center and the applied company over the operations and cultivations.
5-1	The photocopy of the award documents of the Best Startups in the program of Innovation & Startups conducted by the Ministry of Science

	and Technology.
5-2	The photocopy of the award documents of the Best Startup Businesses issued by SMEA, Ministry of Economic Affairs.
5-3	The photocopy of the Best Startup Team in the second phase of the U-Start Startup Program designed for college graduates conducted by the Youth Development Administration, Ministry of Education.
5-4	The photocopy of award certification of Demo God Awards.
5-5	The photocopy of award certification of Red Dot Award.
5-6	The photocopy of award certification of iF DESIGN AWARD founded by Deutsche Messe AG.
5-7	The photocopy of award certification of G-Mark Award founded by Japan's Ministry of International Trade and Industry.
5-8	The photocopy of award certification of Industrial Design Excellence Award (IDEA).

附表二

經符合「具創新能力之新創事業認定原則」之條件四，經濟部直營、合作之育成機構，以及獲得該部近3年評鑑優良之育成機構之名單

序號

稱

經濟部直營、合作之育成機構

1.

經濟部中小企業處南港生技育成中心

2.

經濟部中小企業處南港軟體中小企業創新育成中心

3.

經濟部中小企業處高雄軟體育成中心

4.

經濟部中小企業處南科育成中心

5.

新竹生物醫學園區產業及育成中心(籌備中)

6.

財團法人工業技術研究院創新育成中心

7.

國立交通大學中小企業創新育成中心

8.

中原大學中小企業創新育成中心

9.

財團法人資策會科技服務中心中小企業創新育成中心

10.

財團法人工業技術研究院南港 IC 設計育成中心

11.

國立中山大學南部晶片設計培育中心

Attachment 2

Name list of incubators evaluated as excellent which are managed by or working with the Ministry of Economic Affairs (MOEA) in three years:

Number	Names
Incubators managed by the MOEA or in partnership with the ministry	
1.	NanKang Biotech Incubation Center
2.	Nangang Software Incubator in SMEA, MOEA
3.	Kaohsiung Software Incubator in SMEA, MOEA
4.	The SME Incubator at Taiwan Science Park
5.	Hsinchu Biomedical Science Park Incubation Center, SMEA (in preparation)
6.	Industrial Technology Research Institute (ITRI) Innovation Incubator
7.	National Chiao Tung University SME Innovation & Incubation Center
8.	Chung Yuan University Innovation & Incubation Center
9.	Institute for Information Industry SME Innovation & Incubation Center
10.	NanKang IC Design Incubation Center
11.	Southern Taiwan IC Design Incubation Center of Industrial Development

附表三

符合「具創新能力之新創事業認定原則」之條件四，經濟部近3年(100年至102年)評鑑優良之育成機構名單

序號

稱

經濟部近3年(100至102年)評鑑優良之育成機構

1.
國立清華大學中小企業創新育成中心
2.
國立交通大學中小企業創新育成中心
3.
國立臺灣科技大學中小企業創新育成中心
4.
國立臺北科技大學中小企業創新育成中心
5.
國立中央大學中小企業創新育成中心
6.
國立中正大學中小企業創新育成中心
7.
國立高雄應用科技大學中小企業創新育成中心
8.
淡江大學中小企業建邦創新育成中心
9.
銘傳大學中小企業創新育成中心
10.
中原大學中小企業創新育成中心
11.
中華大學中小企業創新育成中心
- 12.

逢甲大學中小企業創新育成中心

13.

朝陽科技大學中小企業創新育成中心

14.

遠東科技大學精密機械中小企業創新育成中心

15.

財團法人鞋類暨運動休閒科技研發中心中小企業創新育成中心

Attachment 3

Name list of incubators evaluated as excellent by the Ministry of Economic Affairs (MOEA) in three years (from 2011 to 2013):

Number	Names
Incubators rated excellent by the MOEA from 2011 to 2013	
1.	Center of Innovative Incubator, National Tsing Hua University
2.	National Chiao Tung University SME Innovation & Incubation Center
3.	Business Incubation Center, National Taiwan University of Science and Technology
4.	Innovation & Incubation Center, National Taipei University of Technology
5.	Innovation & Incubation Center, National Central University
6.	Innovation & Incubation Center, National Chung Cheng University
7.	Innovation and Incubation Center, National Kaohsiung University of Applied Sciences
8.	The Tamkang University Champion Incubator Center
9.	Ming Chuan University Enterprise Incubation Center
10.	Chung Yuan University Innovation & Incubation Center
11.	Chung-hua University Innovation & Incubation Center
12.	Business Incubation Center of Feng Chia University
13.	Innovation Incubation Center Chaoyang University of Technology
14.	Far East University Innovation Incubation Center
15.	Footwear & Recreation Technology Research Institute Incubation Center

附表四

符合「具創新能力之新創事業認定原則」之條件五，國內、外具代表性之創業及設計競賽名單

分類	名稱
創業競賽	創新創業激勵計畫(臺灣)
	經濟部中小企業處新創事業獎(臺灣)
	教育部青年發展署U-Start「大專畢業生創業服務計畫」(臺灣)
	International Data Group(IDG)DEMO Show(美國)
設計競賽	德國 Red Dot Award(德國紅點設計大獎)
	德國 IF design Award(德國漢諾威工業設計獎)
	G-Mark Award(日本通產省優良產品設計獎)
	IDEA Award (美國傑出工業設計獎)

Attachment 4

Name list of the well-accepted startup and design contests inside and outside the country based on the rule of recognition made by the MOEA:

Category	Name of the Contest
Startup contest	Innovation & Startups in Taiwan
	Business Startup Award, SMEA, MOEA
	U-Start in Taiwan
	International Data Group(IDG)DEMO Show in the U.S.
Design contest	Red Dot Award in Germany
	IF design Award in Germany
	G-Mark Award in Japan
	IDEA Award in the U.S.