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## 地政論壇

### 寫在連署文之前

徐世榮

政治大學地政學系教授兼系主任

我國土地徵收向來浮濫，致使許多土地及房屋所有人的財產權及生存權遭致嚴重的剝奪，這已成為一個嚴重的社會問題，亟待政府及社會各界予以重視，並聚集各方之力量，趕快修改目前仍在實行的偏頗制度。

經由內政部網頁得知，內政部此刻正在進行「土地徵收條例」的修正，我等任教於地政及不動產學術界，考量人民權益之保障及社會的祥和，也自覺須承擔部份社會責任，因而對於此條例的修正有重要之建議。

由於本系陳立夫老師對於土地徵收制度有深入研究，因此我們建議由他來書寫「土地徵收應具備衡量公共利益之機制—地政及不動產學術工作者的建議」一文（本文並經聯合報於民國九十九年四月二十日於民意論壇版 A17 披露，題目為：「地政及不動產學界建言—土地徵收 公共利益誰衡量」，我們在此要向聯合報民意論壇編輯們致上誠摯謝意）。完稿之後，本人

稍做增添，並立即透過電子郵件寄發給政治大學地政學系所有的老師，及台北大學不動產與城鄉環境學系的部份老師，徵求大家的連署。

台北大學主要是透過李承嘉及廖本全老師的協助，他們立即將連署文轉寄給該系所有的老師，並寫了一封文情並茂的信，讓人看了相當的感動。兩系老師在收信之後，反應相當的熱烈，惜由於時間太過於倉促（第一階段連署時間不足一日），致使仍有多位老師在聯合報發表之前，沒有參與連署，其中要特別向台北大學彭建文教授致歉，因為我的電子信箱出現了問題，致使他寄來的連署聲明被漏接了。後來，再經第二階段的連署，兩系共有三十七位老師參與，其中政治大學地政學系有十九位，台北大學不動產與城鄉環境學系則有十八位。

三十七位學者親自簽名的連署文件已經於五月六日，以限時掛號方式寄送給內政部江宜樺部長，我們深切期盼內政部及行政院能夠慎重考量我們的建議，並將其納入土地徵收條例修正的條文之中，我們也企盼內政部能夠針對此條例之修正，多舉辦公聽會，傾聽民間社會的建言。最後，請容我們再次的重申，土地徵收是個異常強烈的手段，它會造成非常嚴重的

後果，我們很希望未來我國的土地徵收制度能夠依循西方民主憲政國家的嚴謹規範，並符合憲法生存權及財產權保障的要求，不要再隨意的使用，如此，國家、社會、人民皆幸甚！

## 土地徵收應具備衡量

### 公共利益之機制

#### —地政及不動產學術工作者的建言

我國土地徵收制度有嚴重缺失，致屢屢引發民怨及社會抗爭，亟需政府及社會各界予以關注，並針對問題趕快改正，以臻人民權益之保障及社會祥和。內政部此刻正在研商土地徵收條例之修正，並於今日上午舉行公聽會，我等於大學任教，有感於此問題之嚴重性，因此，願為文以為建議。

國家因公共事業或其他公益目的之必要，雖得依法徵收人民之財產；但徵收行為，不僅使人民受憲法保障之財產權蒙受強制侵犯，甚至影響人民之生存權與工作權。是以，基於憲法第 23 條之意旨，土地徵收絕非用地取得之優先手段，而是最後不得已之手段。

另一方面，土地徵收最重要之要件是，所擬興辦之公共事業或徵收目的須存在足以剝奪私人財產權之公共利益；而此項公共利益須是經過「選擇的、重大的、特別的公共利益」，始足當之。於是，土地徵收所需具備之公共利益，須經過一個具體的公益與私益衡量之方式來肯定之。關於此點，司法院大法官釋字第 409 號解釋亦已明確指陳：「徵收土地對人民財產權發生嚴重影響，舉凡徵收土地之各

項要件及應踐行之程序，法律規定應不厭其詳。有關徵收目的及用途之明確具體、衡量公益之標準以及徵收急迫性因素等，均應由法律予以明定，俾行政主管機關處理徵收事件及司法機關為適法性審查有所依據。尤其於徵收計畫確定前，應聽取土地所有權人及利害關係人之意見，俾公益考量與私益維護得以兼顧，且有促進決策之透明化作用。」

然而問題是，自早年之土地法，乃至目前之土地徵收條例，對於實施土地徵收時之公益私益衡量，亦即判斷土地徵收所要求公共利益之機制規範，實可謂付之闕如。具體言之，土地徵收自需用土地人提出徵收計畫書，開始徵收程序起，以迄內政部作成徵收處分為止之過程中，土地徵收條例完全未設有關於得由土地所有權人及利害關係人等表達意見之機制規定。於此情況下，導致台灣的土地徵收向來浮濫，致使許多土地、房屋所有人及其他居民之憲法上基本權利遭受輕率地剝奪，進而引生抗爭、衝突之情事亦屢見不鮮，這已成為一個嚴重社會問題，並久為各界所詬病。此一現象，亟待政府重視並早日予以匡正。

因此，土地徵收條例修正之首要，應是儘速針對上述問題謀求改進，俾於增進公共利益之同時，並得兼顧人民權益之確保，以符合憲法第 15 條之意旨及土地徵收條例第 1 條所揭示之立法目的。然而遺憾地，就本次土地徵收條例修正草案內容以觀，純僅是從行政便宜之觀點，而為部分條文修正，完全未考量（漠視）人民權益之問題。

作為從事土地學術教育之一員，基於對於社會之責任及對於土地問題之關懷，謹建議貴部應於土地徵收條例中增訂足以衡量土地徵收所應具備公共利益之機制。有關於此，例如：貴部受理土地徵收申請案件後，應將徵收申請案公開展覽一定期間；於公開展覽期間，有相關權利人請求舉行聽證會或貴部認為有必要時，即應舉行聽證會，徵求一般人士之意見，以供貴部審議徵收申請案之參考。

此致  
內政部

政治大學地政學系教師：

徐世榮（系主任）、顏愛靜、張金鶚、楊松齡、林秋瑾、邊泰明、賴宗裕、林左裕、陳立夫、陳奉瑤、詹進發、邱式鴻、白仁德、林子欽、蔡育新、張鈺光、孫振義、林士淵、江穎慧（共十九位）

台北大學不動產與城鄉環境學系教師：

江澤欽（系主任）、李承嘉、賴世剛、陳明燦、馮君君、詹士樑、洪鴻智、王世燁、曾明遜、黃金聰、彭建文、廖本全、衛萬明、陳國華、游舜德、蔡玉娟、彭序文、劉維真（共十八位）

## 地政專題

### 臺灣以外的地政觀點

這些年來，我一直在工作及生活中測試以下的觀點。

地政是個國際性的事業。地政系畢業生不僅可以憑藉專業知識獲得不錯的收入，更能夠幫助他人、進而對於人類生活做出貢獻。地政工作的場域不僅在於臺灣，更可以在世界找到舞台。

因緣際會下，我在兩位朋友身上應證了我的觀點。作為地政專業人士，Professor Jim Riddell 攻讀經濟以及人類學，相信良善的土地制度可以幫助開發中國家脫離貧窮。他曾任職於芝加哥以及威斯康辛大學，之後感於教授工作難以真正改變社會，遂轉任聯合國糧農組織土地事務中心 (land tenure services) 主任，擁有豐富的開發中國家土地管理與鄉村發展經驗。Mr. Steve Roach 大學主修不動產，畢業後一直從事不動產估價工作，並專精於法律訴訟相關估價。在事務所業務外，他積極參與美國估價協會 (Appraisal Institute) 活動，擔任課程講師以及參與教材編撰，近年更熱心於不動產估價專業的國際交流。Professor Riddell 以及 Mr. Roach 多年來擔任國際土地政策研究訓練中心 (International Center for Land Policy Studies and Training) 教席，對於臺灣地政專業也有相當了解。這些年有與他們熟識，也在許多次的演講和閒聊間，得到難以在別處獲得的知識與觀點。透過專業同行的觀察，我得以更深刻思考臺灣地政教育與專業的優點和缺點，以及機會與限制。

藉著編輯本期地政學訊的機會，我邀請他們不拘格式地，紀錄對於地政專業的一些想法。礙於版面限制，

只能提供極為簡單的摘要。我負責 Professor Riddell (Why it is different this time) 部分。Mr. Roach (A happy Accident- my career in real estate) 部分則是情商丁秀吟博士協助，在此特別感謝。我希望、也相信這兩篇文章，對於在校同學、畢業校友、甚至系上師長，都能引起思考上的一絲漣漪。

林子欽

### 這一次為什麼不同

剛完成博士學位之際，我很幸運地受當時著名的人類學教授 Professor Sol Tax 之邀，加入芝加哥大學。在我們的研究計畫順利進行的同時，所需要的空間也越來越大。校方最後撥了校園內最老建築中的廢棄閣樓供我們使用。我有天無意間發現一些塵封已久的箱子，好奇心驅使我打開了它們。箱子裏是多年前 Professor Robert Maynard Hutchins 寄給當時全美國最傑出 200 位菁英的問卷，請問他們未來十年世界可能的改變。Professor Hutchins 在經濟大蕭條開始之際接任芝加哥大學校長，將一間原本平凡的大學，轉變成世界頂尖的學術機構。當時是同時充滿樂觀和危機的年代。紐約在 1939-1940 年間舉辦世界博覽會；首次展出電視、傳真機等發明。預期汽車將可以飛行，都市也將圍繞汽車而設計。然而，世界同時也正逐漸走向第二次世界大戰。出乎意料的是，當時回答問卷的這些美國精英，對於未來的預測能力，並沒有勝過其他的平凡百姓。在美國菁英填寫那些問卷到我看到它們的 30 多年間，許多

國家放棄私有產權制度，改採各種形式的共產或社會主義，以及採用中央規劃經濟。然而，糧食缺乏情形非常普遍。相對地，那段時間中，鄉村和都市土地利用方式，並未出現太多的改變。

那為什麼今天與 1940 年代不同？差異主要來自於資訊蒐集以及傳佈的過程，還有人口變化的過程。透過觀察資訊以及人口的變化過程，應該可以較清楚了解，我們面對的土地管理的挑戰。在資訊方面，GIS 以及空間資訊系統，大幅提升資料處理與整合的能力。透過更好的資訊平台，我們了解更多自然系統間的交互關係，體悟到自然資源的有限。而且我們也知道，永續並不只是理想目標，而是不可或缺的要素。我們未來必須評估人類使用土地、水源以及空氣等資源的方式，和引起的後續衝擊。在人口方面，聯合國指出，人類歷史上首次出現都市人口超過鄉村人口。然而，都市並不生產其上居民需要的水源以及糧食。值得注意的是，成長最快的都市，往往發生在開發中國家。那裏已經出現大量的貧民窟、低品質住宅以及非正式的產權型態。許多居民並不存在正式記錄中，土地難以估價，遑論建立財產稅制度。同時，大量政府資源卻又必須投入，以解決所得不均、健康、住宅、教育等問題。為數眾多的年輕人口，無法在鄉村中找合適工作，被迫前往都市謀生。考量資訊以及人口的轉變後，我們了解到，現行的土地管理方式不可能再持續下去，都市規劃無法再忽略它所依賴的鄉村地區。水源管理也必須成為都市規劃的一環。鄉村如果無法再生，食

物供給將會崩潰。總之，我們必須揚棄鄉村、都市的二元化思考。

前述的改變，意味著未來的土地經濟學者，必須不斷更新科技知識。此外，他們也必須具有跨學科的溝通能力，這樣才能面對已經到來的挑戰。

### **Why It Is Different This Time**

Back in my early days as a newly minted Ph.D. I had the good luck to be asked by the famous Professor Sol Tax to join him at the University of Chicago to work on a very ambitious project he had dreamt up. As we progressed the amount of paper grew exponentially. So the University administration moved us to an abandoned attic in one of the oldest buildings on campus. As we were setting up our tables and equipment we had to move some old boxes full of paper. One day, with nothing better to do, we decided to look in them to see what they contained. And this gets us to the main point of this story.

The boxes were full of the responses from a questionnaire that had been sent out to 200 of the most prominent people in the United States by the then president of the university, the renowned Robert Maynard Hutchins. Hutchins had been appointed president of the institution in 1929. In spite of the fact that he arrived on the scene just as the Great Economic Depression was starting, he was able to turn an average

intellectual institution into one of the world's best universities through investment in faculty and research.

The timing of his sending this questionnaire out to his list of leading Americans has a lot to do with the kinds of questions we ask in the universities today. It was 1940 and this was a time of optimism and a time of great danger. The optimism came from the plethora of new inventions and products that had been publicized at the New York World's Fair of 1939-40. A world exposition organized around the theme of a glimpse into the future, much like the Shanghai Expo. The fair introduced the general public to television, facsimile machines, nylon, and color photography. There were expositions depicting a future in which cars would fly like individual airplanes and cities would be designed around the automobile.

At the same time global events were quickly building up to the start of WWII. Within 6 months of people filling out Hutchins' questionnaire the world would be plunged into war. It would be another decade and a half before any of the new products shown at the Fair would be available on the market. Indeed we are still waiting for the individual flying capsules imagined in 1939.

In his questionnaire Hutchins had asked his respondents to give a description of

how they saw the world in ten years. The most striking thing about the answers was how wildly wrong everyone was. These were the most powerful and best informed people in the United States and yet they were no better at predicting the future than anyone else. To the pessimists, the ones who rightly saw the world descending into chaos, we were headed for the new Dark Ages. For the optimists, those flying automobiles were just around the corner.

The war came and went; history was rewritten by the time we were, I am sure, the first to ever read these essays. The world had changed dramatically. Colonialism had ended, Taiwan was on its march to becoming one of the beacons of economic development possibilities and we were facing the new threat of the Cold War.

In the thirty some years that had elapsed from the time these questionnaires had been filled out, to the time we had read them, around 70% of the world had decided to move away from private property to various forms of communism, socialism and social property models. Half of the world's governments were attempting to practice some form of central planning, while food shortages and agricultural failures were common.

What had not changed very much was

how we used land. Farms were more mechanized versions of the farms of the 1930s, whether they were Soviet state farms, or the highly productive rice farms of Taiwan. Cities were built much the same as they were in the 1930s and with more and more automobiles, they spread out further and further into former agricultural space. Extractive industries were every bit as wasteful as they had been before WWII, if not even more so. Industries polluted the environment and an accelerated rate. In the land sciences, land economists were busy converting agricultural land for the growing industries and urban workforce. Land surveyors were busy subdividing the fields into housing and industrial plots. Geologists were busy trying to find ever new resources to dig up. There was no worry about the long terms effects because nature tended toward homeostasis. The environment cured itself, just as the ground did, the forests did and the oceans did.

Why is it so different nowadays? The answer to this question is the result two quite different (but no doubt interrelated) processes. The first is the process of gathering and disseminating information. The second is the process of demographic change. I want to examine each of these separately not to outline the future, as I am sure I would be just as wrong as those prominent men and women of 1940. Rather, I think looking at these two processes will give

us a pretty good idea of the type of challenge we face in the future of land management and administration.

About once a week I see some new pronouncement on the internet, or in a journal about how fast our knowledge base is growing. Each new estimate gives ever larger number of exobytes of new data we have that had never been collected before. This is not recompiled old material, but rather new “stuff”. While these numbers are impressive, the most important part is that we are getting better and better at processing and integrating data. This is best exemplified by the continuing development in GIS, and spatial data infrastructure management. The point is, we have someplace to put a lot of the new data collected. What we are getting today is an unforeseen multiplier effect from the growing synergies of our data analysis systems. To put it another way, we may not be able yet to predict the weather, but we sure do understand it a whole lot better when it happens.

With the exponential growth of data and their analysis has come one of the most profound understandings in the history of land administration and management. This is the interrelationship of all natural systems. We now understand our natural resources as finite, and sustainability is not just something desirable, but a necessity. Thus, in the future our models will allow us to

evaluate everything we do on the land and its repercussions on all other uses of land. Furthermore, it is not just land anymore but also water, air and everything else.

Demographic processes are just as profound. The United Nations Population Office informs us that for the first time in history a majority of humankind lives in cities. Yet the city does not produce what it needs in terms of those natural resources so essential to human life: water, food and air. We need to add to this the fact that the world’s fastest growing cities are in the developing world. They are characterized by ever expanding slums, irregular housing, and informal tenure. For those of you who are studying land economics, this means that a large proportion of the population will be undocumented and much of the land they live on will be difficult to value and almost impossible to include in the property tax roles. Yet, at the same time, increasing amounts of municipal resources will have to be spent to rectify the inequalities in income, health, housing, education and so forth.

Also, for those of you who will be working in the area of urban infrastructure we know that in these fast growing cities the population is going to be much younger than the national average. Young people are not finding the rural areas able to meet their

aspirations and are flocking to urban centers. Therefore flexibility is needed. Cities today dominated by the young will follow the trajectory of Taiwan cities as the median age of citizens goes up. For those of you working in advanced economies like Taiwan, you will be called upon to develop infrastructure that is compatible with an aging population.

When we look at the interaction of these two processes; the growth in our understanding of habitat and the long term demographic projections, we can see that the way we do things today cannot possibly continue. The idea that cities can plan without regard to the rural zone upon which they depend is no longer practical. Watershed management will have to be part of urban planning to ensure an adequate supply of water. How about food? In Taiwan the average age of farmers is approaching 60 years of age. Unless we find a way to revitalize rural life, the whole food system collapses. The dichotomy in our thinking between rural and urban will have to become much more blurred in the future.

In conclusion, like the respondents to Hutchins' questionnaire of 1940, we are facing a period of rapid change. What is different this time is that powerful processes of technological development and demographics have combined to force us as a species to rethink our

habitat and our relationship to it. We are part of these processes and going backwards is not an option. Those of us working in land economics, land administration, land management and land development can at least predict with certainty a future full of challenges.

If you have read this far, you are probably asking yourself what does this mean for the land economists of the next generation. What kind of professional knowledge will you have to be equipped with from all your studying while in the university, and what does this imply in terms of work after graduation. I think it implies a professional life that is more exciting than that of the previous generations because it will involve continuous updating. Just as we already know, the GIS programs we learned to work in our first years in the university are already out of date before we graduate. This will be true for all of our IT tools throughout our careers. It also implies that we have to start now learning how to communicate across academic disciplines. The land economist needs to be able to communicate and understand the environmental scientists, the hydrologist, the climatologists and in a country like Taiwan, the marine scientists. I would recommend that you start taking some courses now in environmental science so that you are ready to enter into the new land administration challenge that is already here.

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### “意外”的驚喜

本文作者為美國估價師史帝文·羅區先生，他在加州經營不動產估價顧問公司，以接受律師委託處理複雜不動產問題的訴訟估價案件為主，羅區也是美國估價協會的會員。自 2004 年起接受桃園國際土地政策研究訓練中心的邀請，每年於該中心講授土地徵收補償估價，並曾受邀於政治大學及台北大學進行多場演講，分享其於訴訟估價的經驗與心得，不僅開闊專業估價的視野，也提供了更多不同角度的估價專業知識，讓聽眾對於不動產估價的實務有更多的認識與瞭解。本文在羅區先生流暢幽默的文筆之下，娓娓道來如何從一個想當機師及牙醫師的願望中，最後意外的選擇了令他驚喜不斷的不動產估價事業；文

中不僅對有意從事估價行業的年輕學子，提供一些建議及切身的經驗，也針對估價的未來發展及台灣的估價市場提出其獨特的觀察與看法。

成為估價師的條件是「優秀的不動產畢業生」？

『他（估價公司老闆）錄取我的理由並不是因為我是一個很優秀的不動產系畢業生，而是因為我的寫作能力。這讓我知道，對一個不動產估價師而言，最重要的或許應該是在「說」與「寫」的表達能力。現在我很瞭解，如果估價師無法將估價結果清楚地傳達給委託人的話，則即使準備得再好的估價結果，可能也沒辦法達到預期的效果。』

估價師的工作內容到底是？

『估價工作令我感到最棒的是，它從來不會讓我感到厭煩。它讓我有機會去評估各式各樣類型的不動產，從個人住宅、大廈、購物中心....甚至是高爾夫球場、小艇碼頭、沙漠土地等等。而我的客戶不僅有個別的財產所有權人，也有跨國公司(如麥當勞)的委託。他們可能是放款人、買方、賣方，也可能是規劃遺產目的的估價；而接受律師委託的訴訟估價，更涵蓋了徵收、污染、營建瑕疵...乃至違反契約等超過二十種以上不同類型的不動產估價。做為一個不動產估價師，另一個令我很滿意的是，我不能只坐在辦公桌前工作。因為去現場勘察不動產、與客戶及政府人員會面，以及與市場中的各個專業人士（像是仲介業者、投資者或放款者）會談等，都是必要的工作。』

什麼樣的個性特質可以成為一個快樂的估價師？

『我認為估價師的工作需要同時兼具「膽大」與「心細」的個性，在從事估價的過程中，宏觀地瞭解國家及國際經濟趨勢是必要的，同時詳盡地瞭解每一份估價所需的銷售數據亦是絕對地重要，這就是所謂的「專業」。我認為有些人並不喜歡做一些比較細微性的工作，但這卻是一個好的估價師所需的基本條件之一。因此我認為好的估價師必需具備樂在細節工作的特質，若不具有這種人格特質的人，則可能無法成為一個快樂的估價師。』

未來的估價師會被電腦程式取代？

『曾經聽過有人說「電腦程式將會取代估價師」，若真是這樣的話，那我就需要尋找另一個新的專業了。確實這種說法有它的真實性，尤其是在美國，以電腦為基礎的自動估價程式(AVMs)經常被用來取代傳統的房貸估價。這嚴重地影響了住宅及公寓貸款估價的市場需求。我相信當這類程式愈進步精確時，這種趨勢將會持續下去，甚至可能擴大到特定商業不動產類型的估價。然而對於一些問題比較多，或是特殊類型的不動產估價，則我可以肯定地說，估價師依舊是必要的。再者沒有一個電腦程式可以到法庭去作證，也沒有辦法去對法官及陪審團解釋一些複雜的估價問題。基於這些理由，我相信至少我的估價工作應該是不會受到電腦或是任何自動化分析的威脅。況且不動產價值總是會引起很多的爭議，而我們也需要估價師來協助解決這些爭議。』

台灣不動產估價市場的觀察是？

『台灣的估價產業似乎正處在產業成長熱潮的初期。相較於我的家鄉—加州，台灣目前的人口約 2,300 萬，領有估價師證照的專業估價師約有 440 人，表示台灣的一個估價師大約要為 52,000 人提供估價服務。反觀人口約 3,800 萬的加州，卻有 14,900 名專業估價師，也就是說 2,550 人就有一名估價師來服務，這是不是意謂著加州的估價師太多了？基本上是的，也因此市場不景氣時，有些估價師不太容易接到案件。然而我相信隨著臺灣不動產市場的成熟，加上臺灣持續扮演在東南亞的經濟動力來源下，台灣的不動產估價師市場確實仍有其成長的空間。』

### **A Happy Accident- My Career in Real Estate**

Looking back on my life, I realize that the best things that happened to me were things that I did not plan, and did not anticipate. Next to meeting the woman who has been my wife for over 30 years, perhaps my happiest accident was starting a career in the real estate field. I wish I could tell you that I planned this career, that I knew what would happen, and that I knew how interesting and rewarding my career would be when I started. I cannot tell you that, however, as it would be untrue, and a good real estate appraiser always tells the truth.

When I was young, I wanted to be an

airline pilot. I loved the idea of soaring above the earth, safely delivering travelers to glamorous destinations, and then returning them safely home. However, I quickly learned that I get airsick and my vision was terrible – neither is an acceptable quality for a pilot, and that dream ended quite quickly!

My next thought for a career was to follow in my father's footsteps and become a dentist. He very much loved his work, and it seemed like a great career. Interestingly, my father is the one who talked me out of this path. He told me that he was a "slave to the book", meaning that he had to schedule appointments months in advance; if he wanted to take a day off, or even take a long lunch, he had to decide this months in advance. He suggested that I look for a career with more flexibility.

So, with no real career plan, I left home to attend San Diego State University. I picked SDSU for because I had heard that: 1) it had a wonderful location in San Diego, where I could enjoy the ocean and beaches, 2) it had a very good business school, and 3) it had very pretty girls. Happily, it turned out that all three were correct!

When I entered SDSU, I knew that I was interested in something in the business field, but I did not know anything more. I decided to take classes in a wide

variety of subjects to see where my interests were. I took classes in Marketing, Management, Economics, Accounting, Law, Mathematics, and finally, Real Estate. I found that I was particularly interested in real estate. In fact, I can still remember the first sentence in the first real estate textbook I read – "Under all is the land". It struck me that this is so true, regardless of whether one looks at real estate from a physical, social, or economic perspective.

In addition to taking general math and finance courses, I took every real estate class that SDSU offered. I took classes in real estate principles, law, finance, development, and appraisal. Finally, during my senior year, I realized that it was time to pick a career. I considered real estate sales or development, but I am not a natural salesperson, and the development market was very weak at the time I graduated. I talked with my appraisal professor, and he encouraged me to try appraisal. Because of contacts that I made doing an internship, I was able to land a job as an appraiser on the day that I graduated from SDSU. This story does not sound well-planned does it? I agree – that's why I called it a happy accident!

Shortly after I got the job and started working, my boss told me something that I still remember – he said, "I can teach you to appraise, but I cannot teach

you to write.” He was telling me that he hired me not because I was a great real estate student, but because he liked my writing. That discussion taught me that perhaps the most important quality for a real estate appraiser is the ability to communicate, both in written form and orally. I now understand that even the best-prepared appraisal is not effective if the appraiser cannot communicate it clearly to its intended users.

After seven years of working for a small appraisal firm, a friend of mine and I decided that it was time to start our own appraisal company. My wife was pregnant with our first child, so she had to quit working. At the same time, we took most of our life’s savings, and used it to start the new business. Does this sound well-planned? I don’t think so either, but it turned out great – another happy accident!

Before we started the company, my partner had worked for a bank, so he had lots of contacts in the lending community. My experience was more weighted toward working with attorneys in litigation valuation work. We started doing a very interesting mix of both kinds of work, but within a few years we found that the litigation work took over. Many of the litigation assignments were very complicated, often taking months of work to complete a single appraisal. We found that lenders would call asking for an appraisal to be completed in one or two weeks, and we told them that we

would be lucky to complete it in two months. Needless to say, those clients eventually stopped calling when we were unable to help them. That is why our workload is now almost entirely based on litigation support.

It has now been over 24 years since I started my company. Running the company has been incredibly satisfying on several levels. First, I am not the kind of person who likes to have others tell me what to do. Owning the business has allowed me to make my own decisions (some good and some bad), and to realize the results of those decisions. I am very happy that I have had the opportunity to hire and train dozens of fine young people, many of whom are still in the appraisal business and doing very well. My company now employs 14 people, and I am particularly proud of the fact that those 14 provide for themselves and their families – nearly 30 people in all!

The best part of all, however, is that I have never, ever been bored. I have had the opportunity to appraise individual houses and condominium units, shopping centers, regional malls, hotels, office buildings, industrial properties, vacant land, master-planned communities, auto dealerships, golf courses, marinas, ranches and farms, wetlands, timberland, desert land, and more. My clients have ranged from individual property owners to

multinational corporations like McDonald's. I have provided appraisals for lenders, buyers and sellers, estate planning purposes, and for attorneys in more than 20 different types of litigation, including condemnation, contamination, construction defect, corporate disputes, attorney and broker malpractice, bankruptcy, fraud, divorce, and breach of contract.

One of my favorite parts about being a real estate appraiser is that I cannot do my job from my desk. It is imperative that I get out in the field to look at properties, meet with clients and public officials, and talk with market participants such as brokers, investors, and lenders. I realize that I love getting paid to drive around, look at property, and talk to people! I also like that my job is both "big-picture" and very detail-oriented; I must understand everything from national and international economic trends down to the minute details of the sales data that I rely upon. While this is something that I like about the profession, I know that others do not like the level of detail needed to do a good appraisal. I have found that good appraisers must have the quality of enjoying the detailed work, and that someone who does not have this personality will probably not be happy as an appraiser.

I am often asked by college students and others if I would recommend that they

become an appraiser. The answer is that I definitely would, but only if they are the kind of person who likes the details and is not intimidated by large amounts of money. Commercial appraisers often deal with properties worth tens or even hundreds of millions of dollars; I have met appraisers who are nearly paralyzed with fear that they might make a very large mistake! One difficult part of the profession in the United States is that it can be hard to get started. People who want to be appraisers are often told that they will get hired once they have experience, but no one will hire them so that they can get the experience they need.

I am also often asked what I think about the future of the real estate appraisal profession. The question reminds me that for many years, I have heard people say that computer models will replace appraisers, and that I will need a new profession. There is actually some truth to this assertion – in the United States, computer-based automated valuation models (AVMs) are very often used in place of traditional appraisals as support for residential loans. This has significantly affected the demand for appraisals of homes and condominiums for loan purposes. I believe that this trend will continue as the models get more sophisticated and accurate (even expanding to include certain types of commercial properties), although appraisers will certainly still be needed

to appraise difficult or unusual properties. On the other hand, there is no way that a computer model can testify in court, or explain a complex valuation problem to a judge or jury. For that reason, I believe that the kind of work that I do is not threatened at all by computers or any kind of automated analysis. There will always be disputes of the value of real estate, and thus a need for an appraiser to help resolve the dispute. It was surely another happy accident through which I came to specialize in litigation appraising.

When I started my appraisal career, it never occurred to me that I might one day end up affecting the direction of the profession. Yet, this has happened, as I have had the opportunity to participate in editing appraisal textbooks and dictionaries, and to write and edit more than 15 appraisal courses and seminars for the Appraisal Institute. I have also had the honor of teaching appraisal courses to over 5,000 students throughout the United States and overseas. Another happy accident? Definitely!

One of the most interesting opportunities to come to me through my work and my teaching has been the opportunity to teach at the International Center for Land Policy Studies and Training, in Taoyuan, Taiwan. For the past seven years, I have served as a visiting professor – an honor that I never would

have imagined when I started my career. In this capacity, I have had the absolute pleasure to meet and teach appraisal classes to about 200 students from nearly 50 countries. I have had the chance to pass on my interest in the appraisal profession, and I know that some of my former students went home and became interested in appraisal themselves. Some of my former students now help determine land policy in countries all over the world!

An indescribable side benefit of my trips has been the opportunity to meet so many of the wonderful people of Taiwan. Through Dr. Lin Tzu-Chin, I have had the pleasure of sharing my enthusiasm for my profession with students at National Taipei University, and now at National Chengchi University. If someone had told me 30 years ago that I would be travelling to Taiwan to teach real estate appraisal, to chat with Taiwanese college students, and to meet professors and professional appraisers in Taiwan, I probably would have started laughing and told them they were crazy. These opportunities have been the happiest of accidents for me!

I would like to offer some observations regarding the real estate appraisal profession in Taiwan. I am struck by two thoughts. First, I have been deeply impressed with the dedication and quality of the appraisers I have met. I have had the pleasure to talk with

appraisers who work for the Ministry of the Interior and the cities of Taipei and Taichung, and with appraisers who work in private appraisal firms. Everyone I have met is professional, intelligent, and works hard to perform appraisals objectively and competently. All of them are eager to learn and expand their knowledge and skills. They are a very impressive group!

My second thought is that the real estate appraisal industry in Taiwan seems to be at the beginning of an inevitable wave of growth. I cannot help but compare Taiwan to California, my home state. Taiwan has about 23 million people and about 440 licensed appraisers; this results in one appraiser for every 52,000 people in Taiwan. California has about 38 million people, but about 14,900 licensed appraisers! This works out to one appraiser for every 2,550 California residents. Are there too many appraisers in California? Yes – some are not very busy in the current economic recession. However, I believe that the market in Taiwan for real estate appraisers should surely grow as its real estate markets mature, and as Taiwan continues to represent an economic force in Southeast Asia.

Most important, over the years that I have been traveling to Taiwan, I have thought about the similarities and differences between our countries and the people in them. I have learned that,

although we may say so in different languages, we all want exactly the same things for ourselves and our loved ones – peace, security, happiness, and health. I now understand that the things that make us similar are far greater than the things that make us different.

### 地政活動紀實

1. 由本系與中國文化大學土地資源學系、長榮大學土地管理與開發學系、國立台北大學不動產與城鄉環境學系、逢甲大學土地管理學系(以上學校依筆劃順序排列)聯合主辦,2010 第八屆土地研究學術研討會—追求世代公平的土地管理,已於 99 年 5 月 1 日 8 時 30 分假逢甲大學第一國際會議廳舉行,地政學界各方有志之士紛沓而來,研討會並於是日 17 時 30 分順利落幕。
2. 本系於 99 年 4 月 12 日 14 時,邀請土地政策研究訓練中心不動產估價班 Stephen D. Roach, MAI 教授(美國職業估價師),假綜合院館 270405 室演講,講題為「Litigation Appraising: They Drank What!」。
3. 本系於 99 年 4 月 14 日 14 時,邀請仲量聯行趙正義總經理假綜合院館 270411 室演講,講題為「不動產顧問業的國際發展趨勢」。
4. 本系於 99 年 4 月 16 日 14 時,邀請世新大學行政管理學系杜文苓教授假綜合院館 270622 室演講,講題為「高科技發展環境影響與風險溝通」。
5. 本系於 99 年 4 月 23 日 14 時,邀

請元貞聯合法律事務所詹順貴律師假綜合院館 270622 室演講，講題為「從行政法院判決檢討中科三四期環評與非都市土地開發審查的缺失」。

6. 本系於 99 年 4 月 30 日 14 時，邀請中原大學財經法律學系傅玲靜教授假綜合院館 270624 室演講，講題為「土地開發與環境影響評估」。
7. 本系於 99 年 5 月 5 日 14 時，邀請冠霖不動產顧問股份有限公司林育全總經理假綜合 270411 室演講，講題為「都市更新開發實務演練(I)」。
8. 本系於 99 年 5 月 6 日 14 時，邀請台灣省建築師同業工會台北市連絡處陸金雄主任假綜合院館 270610 室演講，講題為「法國建築與都市設計」。
9. 本系於 99 年 5 月 7 日 14 時，邀請台灣大學法律系王文字教授假綜合院館 270624 室演講，講題為「物權法定原則與公示登記機制—兼論物權法修訂」。

### 地政活動訊息

1. 本系將於 99 年 5 月 14 日 14 時，邀請 Harvey M. Jacobs 教授假綜合院館 270624 室演講，講題為「The Politics of Eminent Domain in the U.S.: The Impacts on Planning of State Policy in the Aftermath of Kelo」。
2. 本系將於 99 年 5 月 31 日 10 時，邀請國防部軍備局生產製造中心第 401 廠林玉菁博士假綜合院館

270610 室演講，講題為「整合光達波形資訊於高精度數值地形模型之製作」。

3. 為增加本系畢業學生未來求職出路，並能學以致用，本系謹訂於 99 年 5 月 31 日召開「地政徵才說明會」，將邀請國內地政相關產業各界企業公司至校徵才。

### 99 學年度個人申請新生座談

- ◎ 本系大一新生入學管道中，甄選入學之個人申請佔總招生名額 40%，為使錄取之優秀學生、家長能夠更加瞭解地政學系，將本系列為優先志願，故特別於 99 年 4 月 24 日 14 時於綜合院館 270624 製圖教室（二）舉辦新生座談會，為個人申請新生及家長對於本系沿革、現況、特色及未來發展等方面做詳實的介紹，希望藉由親師的交流與溝通，讓新生在本校及本系的學習更加充實與順利！

#### ※我們的專業領域

土地行政與法制、不動產管理、土地規劃、都市與國土規劃、土地測量、不動產估價、房地產仲介等不動產相關領域。

#### ※學生的專業證照

不動產估價師、都市計畫技師、測量技師、地政士、不動產經紀人

- ◎ 本學訊歡迎本系同學投稿，500～800 字為限，一經錄用，致贈稿費 500 元。

\* 本學訊可至地政學系網站 (<http://landeconomics.nccu.edu.tw>) 下載