

# HARBOR ACT

Wholly Amended by Act No. 9773, Jun. 9, 2009

Amended by Act No. 10220, Mar. 31, 2010

Act No. 10252, Apr. 12, 2010

Act No. 10272, Apr. 15, 2010

Act No. 10331, May 31, 2010

Act No. 10599, Apr. 14, 2011

Act No. 10628, May 18, 2011

Act No. 10628, May 18, 2011

Act No. 10892, Jul. 21, 2011

Act No. 11037, Aug. 4, 2011

Act No. 11371, Feb. 22, 2012

Act No. 11594, Dec. 18, 2012

Act No. 11690, Mar. 23, 2013

Act No. 12248, Jan. 14, 2014

Act No. 12545, Mar. 24, 2014

Act No. 13186, Feb. 3, 2015

## Article 1 (Purpose)

The purpose of this Act is to provide for matters concerning the designation, development, management, and use of ports and harbors to contribute to the development of the national economy by facilitating the construction of ports and harbors and ensuring the efficiency of management and operation thereof.

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 10599, Apr. 14, 2011; Act No. 11371, Feb. 22, 2012; Act No. 11594, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12545, Mar. 24, 2014>*

1. The term "harbor" means an establishment with facilities installed for the entry and departure of ships, the embarkation and disembarkation of passengers onto and from ships, and the stevedoring, storing, handling of cargos, facilities for water-friendly marine activities and other activities, and facilities for generating added value, such as assembly, processing, packing, and manufacturing of cargos;

2. The term "international trade port" means a harbor designated pursuant to Article 3 (1) being closely related to the national economy and public interest, and into and from which ocean-going ships mainly

enter and depart;

3. The term "coastal port" means a harbor designated pursuant to Article 3 (1), into and from which ships operating between domestic ports mainly enter and depart;

4. The term "harbor zone" means the water zone and land zone of a harbor as defined in subparagraph 2 or 3;

5. The term "harbor facility" means a facility designated and publicly announced by the Minister of Oceans and Fisheries as one of the following facilities inside and outside a harbor zone:

(a) Basic facilities:

(b) Functional facilities:

(c) Support facilities:

(d) Water-friendly harbor facilities:

(e) Harbor hinterland complexes where facilities referred to in items (c) and (d) and facilities prescribed by Presidential Decree, such as a general business facility, sales facility, and residential facility, cluster;

6. Deleted; <by Act No. 13186, Feb. 3, 2015>

7. The term "harbor hinterland complex" means any of the following tracts of land designated and developed pursuant to Article 42 in order to increase the added-value of a harbor, revitalize harbor-related industries, and provide convenience to harbor users, by collectively installing support facilities and water-friendly harbor facilities in a harbor zone and by installing facilities prescribed by Presidential Decree, such as a general business facility, sales facility and residential facility, to improve the functions of such facilities:

(a) A Class 1 harbor hinterland complex: A harbor hinterland complex designed to increase the added-value of a harbor and revitalize harbor-related industries, by collectively installing and developing support facilities and water-friendly harbor facilities in the harbor zone of an international trade port;

(b) A Class 2 harbor hinterland complex: A harbor hinterland complex designed to improve the functions of a harbor and a Class 1 harbor hinterland complex and to provide convenience to harbor users, by installing facilities prescribed by Presidential Decree, such as a general business facility, sales facility and residential facility, in a harbor zone (excluding a harbor zone designated as a Class 1 harbor hinterland complex);

8. The term "harbor redevelopment project" means a project performed to improve or repair a harbor facility or a facility related to housing, education, recreation, tourism, culture, commerce, or sports in a harbor zone or surrounding area;

9. The term "surrounding area" means an area surrounding a harbor zone, which needs to be included in a harbor redevelopment project performed under this Act for harmonious development with the harbor redevelopment project;

10. The term "harbor redevelopment project zone" means a zone designated and publicly announced pursuant to Article 56 (1) to perform a harbor redevelopment project;
11. The term "infrastructure" means infrastructure as defined in subparagraph 6 of Article 2 of the National Land Planning and Utilization Act;
12. The term "urban/Gun planning facility" means an urban/Gun planning facility as defined in subparagraph 7 of Article 2 of the National Land Planning and Utilization Act;
13. The term "public facility" means a public facility as defined in subparagraph 13 of Article 2 of the National Land Planning and Utilization Act;
14. The term "harbor logistics" means a series of process, including transportation, storage, stevedoring, and packing, until a cargo is delivered by a supplier to a user;
15. The term "integrated harbor logistics information system" means a system with which the Minister of Oceans and Fisheries and harbor users exchange, process, and utilize information generated in the course of the use and logistics of harbors through an information and communications network in order to reduce harbor logistics costs and obtain diverse information on a real-time basis;
16. The term "integrated harbor construction information system" means a system with which the Minister of Oceans and Fisheries and persons involved in harbor construction works exchange, process, and utilize information generated in the course of the planning, design, contracting, execution, maintenance, and management of such harbor construction works in order to improve the overall efficiency of harbor construction projects by expeditiously processing administrative affairs and reducing costs and expenses.

### **Article 3 (Classification and Designation of Harbors)**

(1) The Minister of Oceans and Fisheries shall designate each harbor as either of the following ports, and the name, location, and zone of each port shall be prescribed by Presidential Decree: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. An international trade port;
2. A coastal port.

(2) The Minister of Oceans and Fisheries may further classify each international trade port into either of the following ports, as prescribed by Presidential Decree, considering the volume of cargos exported and imported, development plans, balanced regional development and other matters in order to manage and operate international trade ports in a systematic and efficient manner: *<Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

1. A national trade port: A harbor critically related to national interests in terms of handling cargos from the hinterland of a metropolitan area or supporting major key industries, as a hub for domestic and overseas inland and marine transportation networks;
2. A regional trade port: A harbor mainly for handling cargos necessary for regional industries as a hub for regional inland and marine transportation networks.

(3) The Minister of Oceans and Fisheries may further classify each coastal port into either of the following ports, as prescribed by Presidential Decree, considering the local conditions and characteristics, functions of a harbor and other matters in order to manage and operate coastal ports in a systematic and efficient manner: <Newly Inserted by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>

1. A national coastal port: A harbor mainly for evacuating ships in an emergency critical to national security or the management of territorial waters and in cases of bad weather conditions;
2. A regional coastal port: A harbor mainly for providing convenience and supporting the promotion of tourism, such as handling of cargos necessary for local industries and transporting passengers.

(4) The State shall give priority to supporting the development of national coastal ports. <Newly Inserted by Act No. 11371, Feb. 22, 2012>

#### **Article 4 (Harbor Policy Councils)**

(1) The Central Harbor Policy Council (hereinafter referred to as "Central Council") shall be established under the jurisdiction of the Minister of Oceans and Fisheries to deliberate on the following: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12545, Mar. 24, 2014>

1. Matters concerning the designation of harbors under Article 3;
2. Matters concerning the formulation and amendment of harbor master plans under Articles 5 and 7;
3. Matters concerning the formulation and amendment of the comprehensive plans to develop harbor hinterland complexes under Article 41;
4. Matters concerning the designation of harbor hinterland complexes under Article 42 and revision of such designation;
- 4-2. Matters concerning the cancellation of designation of harbor hinterland complexes under Article 44 (2);
5. Matters concerning the formulation and amendment of harbor redevelopment master plans under Articles 51 and 53;
6. Matters concerning the formulation and amendment of harbor redevelopment project plans under Article 54;
7. Matters concerning the designation of harbor redevelopment project zones and cancellation of such designation under Articles 56 and 58;
8. Matters specified in the Act on the Development, Management, etc. of Marinas as those subject to deliberation by the Central Council;
9. Other matters brought by the Minister of Oceans and Fisheries for deliberation concerning the development, redevelopment, management, and operation of harbors.

(2) A sub-council shall be established to efficiently perform the duties of the Central Council, as prescribed by Presidential Decree. In such cases, matters deliberated upon by a sub-council shall be deemed deliberated upon by the Central Council. <Newly Inserted by Act No. 11594, Dec. 18, 2012>

(3) A regional harbor policy council shall be established under the jurisdiction of the head of a delegated agency in order to give advice to the head of an agency delegated with authority pursuant to Article 92 (1)

(hereafter referred to as "head of a delegated agency" in this Article) and deliberate upon matters delegated by the Central Council among the matters under the jurisdiction of the Central Council. *<Amended by Act No. 11594, Dec. 18, 2012>*

(4) Matters necessary for the composition, functions, and operation of the Central Council, sub-councils, and regional harbor policy councils under paragraphs (1) through (3), and other matters, shall be prescribed by Presidential Decree. *<Amended by Act No. 11594, Dec. 18, 2012>*

#### **Article 5 (Formulation of Harbor Master Plans)**

(1) The Minister of Oceans and Fisheries shall formulate a harbor master plan for each ten-year period for the purposes of promoting the development of harbors and efficiently operating harbors. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) When the Minister of Oceans and Fisheries intends to formulate a harbor master plan pursuant to paragraph (1), he/she shall consult with the heads of the relevant central administrative agencies and the Special Metropolitan City Mayor, a competent Metropolitan City Mayor, a Do Governor, or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") and submit the proposed plan to the Central Council for deliberation. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries may designate an institution exclusively responsible for conducting surveys and research necessary for the calculation and determination of the timing and scale of development in order to formulate a reasonable harbor master plan. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Matters necessary for the designation of an exclusively responsible institution under paragraph (3) and other matters shall be prescribed by Presidential Decree.

#### **Article 6 (Contents of Harbor Master Plans)**

(1) A harbor master plan referred to in Article 5 (1) (hereinafter referred to as "harbor master plan") shall include each of the following: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Matters concerning designation of harbors and modifications of such designation;
2. Matters concerning harbor management and operation plans;
3. Matters concerning future demand for harbor facilities;
4. Matters concerning the supply of harbor facilities;
5. Matters concerning the scale and timing of development of harbor facilities;
6. Matters concerning the improvement and rearrangement of harbor facilities;
7. Matters concerning the establishment of connected transportation networks of harbors;
8. Matters concerning areas prearranged for the installation of harbor facilities (including areas outside of harbor zones);
9. Other matters deemed necessary by the Minister of Oceans and Fisheries.

(2) Where a harbor construction plan is included in an industrial complex development plan formulated pursuant to Articles 6, 7, and 7-2 of the Industrial Sites and Development Act, the Minister of Oceans and Fisheries shall reflect the industrial complex development plan in the harbor master plan. *<Amended by Act*

*No. 11690, Mar. 23, 2013>*

**Article 7 (Amendments to Harbor Master Plans, etc.)**

(1) The Minister of Oceans and Fisheries shall review the propriety of a harbor master plan once every five years from the date such plan is formulated and may amend the harbor master plan, if necessary.

*<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Notwithstanding paragraph (1), the Minister of Oceans and Fisheries may amend a harbor master plan, if necessary to amend the harbor master plan due to rapid changes in economic conditions. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Article 5 (2) shall apply mutatis mutandis to an amendment to a harbor master plan under paragraphs (1) and (2): Provided, That the foregoing shall not apply to any amendment to a minor matter specified by Presidential Decree.

**Article 8 (Public Announcements of Harbor Master Plans)**

Whenever the Minister of Oceans and Fisheries formulates or amends a harbor master plan pursuant to Article 5 or 7, he/she shall make a public announcement thereof, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

**Article 9 (Harbor Project Developers, etc.)**

(1) Projects for the construction, renovation, maintenance, repair, dredging, etc. (hereinafter referred to as "harbor project") of harbor facilities (including facilities referred to in any item of subparagraph 5 of Article 2, which are to be installed in areas outside a harbor zone and are to be designated and publicly announced as harbor facilities by the Minister of Oceans and Fisheries) shall be executed by the Minister of Oceans and Fisheries: Provided, That where expressly provided for in otherwise in this Act or any other Act concerning harbor projects, such provisions shall apply. *<Amended by Act No. 11594, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

(2) Where any entity other than the Minister of Oceans and Fisheries (hereinafter referred to as "non-management authority") intends to execute a harbor project, it shall prepare a plan for the harbor project (hereinafter referred to as "harbor project plan") and obtain permission from the Minister of Oceans and Fisheries, as prescribed by Presidential Decree: Provided, That the foregoing shall not apply to any maintenance and repair project of harbor facilities which do not vest in the State pursuant to the proviso to Article 15 (1). *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries shall grant permission where a non-management authority that intends to obtain permission to execute a harbor project pursuant to paragraph (2) satisfies all of the following requirements: *<Amended by Act No. 11594, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

1. That the harbor project plan does not contravene the following master plans:

- (a) The harbor master plan;
- (b) The harbor redevelopment master plan formulated under Article 51 (1);
- (c) The new harbor construction master plan formulated under Article 3 (1) of the New Harbor Construction Promotion Act;

2. That the project is required for the management and operation of a harbor;
  3. That the non-management authority has the capacity to finance and perform the harbor project in compliance with the standards prescribed by Ordinance of the Ministry of Oceans and Fisheries;
  4. That a cargo manufacturing facility shall meet the siting criteria prescribed by Presidential Decree, such as pollution emission levels.
- (4) Where the Minister of Oceans and Fisheries intends to grant permission for a harbor project in excess of the scale specified by Presidential Decree, he/she shall make a public announcement thereof in advance, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (5) If two or more applicants compete for permission for a harbor project publicly announced pursuant to paragraph (4), the Minister of Oceans and Fisheries shall evaluate their harbor project plans, financing capacity and other factors, in accordance with the standards set by Ordinance of the Ministry of Oceans and Fisheries, and shall grant permission to the applicant having priority. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (6) When the Minister of Oceans and Fisheries has executed a harbor project pursuant to the main sentence of paragraph (1) or granted permission for a harbor project pursuant to the main sentence of paragraph (2), he/she shall give public notice thereof, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 10 (Formulation, Approval, etc. of Harbor Project Implementation Plans)**

- (1) A harbor project developer shall formulate a harbor project implementation plan, as prescribed by Presidential Decree, before he/she starts a harbor project and if he/she formulates or amends such plan (excluding any amendment to minor matters prescribed by Presidential Decree), he/she shall publicly announce such fact: Provided, That the Minister of Oceans and Fisheries shall publicly announce such implementation plan where the harbor project developer is a non-management authority. *<Amended by Act No. 11594, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*
- (2) If a non-management authority intends to formulate a harbor project implementation plan under paragraph (1) (hereinafter referred to as "harbor project implementation plan"), it shall obtain approval from the Minister of Oceans and Fisheries. The same shall also apply to an amendment to any matter so approved. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) If a non-management authority that intends to obtain approval for a harbor project implementation plan pursuant to paragraph (2) meets all the following requirements, the Minister of Oceans and Fisheries shall grant such approval : *<Amended by Act No. 10892, Jul. 21, 2011; Act No. 11690, Mar. 23, 2013>*
1. That the harbor project implementation plan shall conform to the relevant harbor project plan;
  2. That the funding plan, including an annual investment plan and a financing plan, shall conform to the harbor project implementation plan;
  3. That the harbor project implementation plan shall satisfy the conditions agreed to be performed pursuant to Articles 27 through 41 of Environmental Impact Assessment Act.

(4) Notwithstanding paragraph (2), if a non-management authority intends to formulate a harbor project implementation plan for harbor facilities prescribed by Presidential Decree which do not vest in the State pursuant to the proviso to Article 15 (1), it shall file a report with the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) An application for approval referred to in paragraph (2) or a report referred to in paragraph (4) shall be filed within one year from the date the relevant permission is granted under the main sentence of Article 9 (2): Provided, That the deadline may be extended only once by up to one year, if a ground prescribed by Presidential Decree for such extension exists.

#### **Article 11 (Execution of Harbor Projects by Non-Management Authorities)**

A non-management authority that has obtained approval for a harbor project implementation plan or has filed a report on such plan in accordance with Article 10 (2) or (4) shall commence and complete the project within the period set by the Minister of Oceans and Fisheries: Provided, That the period may be extended upon request by the non-management authority, if a ground specified by Ordinance of the Ministry of Oceans and Fisheries for such extension exists. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 12 (Completion of Harbor Projects)**

(1) Upon completion of a harbor project executed under the main sentence of Article 9 (1), the Minister of Oceans and Fisheries shall publicly announce the completion of the harbor project, as prescribed by Presidential Decree. *<Newly Inserted by Act No. 12545, Mar. 24, 2014>*

(2) Upon completion of a harbor project permitted under the main sentence of Article 9 (2), a non-management authority shall promptly file an application for confirmation of completion with the Minister of Oceans and Fisheries, accompanied with a project completion report. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Upon receipt of an application for confirmation of completion under paragraph (2), the Minister of Oceans and Fisheries shall conduct a final inspection, as prescribed by Presidential Decree, and shall issue a completion certificate in the form prescribed by Ordinance of the Ministry of Oceans and Fisheries to the applicant, if he/she concludes that the harbor project has been implemented in compliance with the terms and conditions of the relevant permission. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12545, Mar. 24, 2014>*

(4) A public announcement of completion of a project under paragraph (1) or the issuance of a completion certificate under paragraph (2) by the Minister of Oceans and Fisheries shall be deemed a successful pass of the final inspection, a grant of final approval on the completion of the relevant project, etc. in compliance with the permission, etc. under any of the subparagraphs of Article 85 (1). *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12545, Mar. 24, 2014>*

(5) No one shall use any land or harbor facility developed or installed as a result a harbor project, before the completion of the project is publicly announced under paragraph (1) or a completion certificate is issued under paragraph (3): Provided, That the foregoing shall not apply where a report on use prior to completion has been filed with the Minister of Oceans and Fisheries, as prescribed by Ordinance of the



Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12545, Mar. 24, 2014>

### **Article 13 (Execution of Incidental Works)**

When the Minister of Oceans and Fisheries or a non-management authority executes a harbor project, he/she may deem works directly incidental to the harbor project as part of the harbor project and execute such works simultaneously with the harbor project. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 14 (Execution of Harbor Projects on Behalf of Non-Management Authorities)**

If deemed necessary for the efficient execution of a harbor project, the Minister of Oceans and Fisheries may execute the harbor project, which shall be otherwise executed by a non-management authority with permission granted under the main sentence of Article 9 (2), on behalf of the non-management authority, at the expense of the non-management authority, subject to prior consultation with the non-management authority. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 15 (Vesting of Ownership, etc. of Harbor Facilities)**

(1) The ownership of land developed or harbor facilities installed as a result of a harbor project performed by a non-management authority in accordance with the main sentence of Article 9 (2) shall vest in the State upon completion of the harbor project: Provided, That the foregoing shall not apply to any land or harbor facilities prescribed by Presidential Decree.

(2) Deleted. <by Act No. 10628, May 18, 2011>

(3) Notwithstanding the main sentence of paragraph (1), the ownership of land developed and harbor facilities installed by a Port Authority established under the Port Authority Act, as a result of a harbor facility project with its own financial resources with the approval of an implementation plan pursuant to Article 22 (1) of the aforesaid Act, shall vest in the Port Authority upon completion of the harbor facility project.

(4) A non-management authority may gratuitously use harbor facilities that has vested in the State pursuant to the main sentence of paragraph (1), as prescribed by Presidential Decree.

(5) An entity entitled to gratuitously use harbor facilities that has vested in the State pursuant to paragraph (4) may allow any third party to use such facilities.

### **Article 16 (Licenses to Manage Harbor Facilities)**

(1) The Minister of Oceans and Fisheries may grant any person a license to maintain and manage harbor facilities and collect user fees from users of the harbor facilities (hereinafter referred to as "license to manage a harbor facility"). <Amended by Act No. 11690, Mar. 23, 2013>

(2) A person who holds a license to manage harbor facilities pursuant to paragraph (1) shall file for registration with the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. The foregoing shall also apply to an amendment to any matter so registered. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 17 (Nature of Licenses to Manage Harbor Facilities)**

A license to manage harbor facilities shall be deemed a real right, and provisions applicable to real property in the Civil Act shall apply mutatis mutandis to such license, except as otherwise expressly provided for in this Act.

## **Article 18 (Special Exception to Disposal of Licenses to Manage Harbor Facilities)**

No license to manage harbor facilities over which a mortgage has been established shall be disposed of without the mortgagee's consent.

## **Article 19 (Alterations to Rights, etc.)**

(1) Any creation, alteration, lapse, and restriction on the disposal of, a license to manage harbor facilities or a mortgage on such license shall take effect once registered in the register of licenses to manage harbor facilities, which is kept in the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the registration of a license to manage harbor facilities under paragraph (1) and other matters shall be prescribed by Presidential Decree.

(3) Except as otherwise expressly provided for in this Act, the Registration of Real Estate Act shall apply mutatis mutandis to the registration of a license to manage harbor facilities.

(4) The Civil Procedure Act shall apply mutatis mutandis to any service related to the registration of a license to manage harbor facilities, and the Non-Contentious Case Procedure Act shall apply mutatis mutandis to expenses for filing an objection thereto.

## **Article 20 (Management of Harbors)**

The Minister of Oceans and Fisheries shall manage international trade ports and coastal ports. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 21 (Setting Districts, etc.)**

The Minister of Oceans and Fisheries may set the following districts in a harbor zone, as prescribed by Presidential Decree if necessary to efficiently develop, manage, and operate a harbor: *<Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

1. A commercial port district;
2. An industrial port district;
3. A fishery port district;
4. A passenger port district;
5. A supply and support port district;
6. A hazardous substances port district;
7. A security port district;
8. An amusement port district;
9. A water-friendly port district.

## **Article 22 (Prohibited Activities)**

No one shall engage in any of the following activities in a harbor without just cause:

1. Dumping a toxic substance or a carcass;
2. Dumping a large quantity of soil, rocks, or waste, or an activity likely to affect the depth of the harbor otherwise;
3. Any other activities specified by Presidential Decree as likely to hinder the conservation or use of the harbor.

## **Article 22-2 (Investigations into Environmental Conditions)**

- (1) The Government may investigate the environmental condition of harbor zones to manage and operate harbors in an environment-friendly manner.
- (2) The scope and subject matter of investigations into environmental conditions, and methods for conducting such investigations under paragraph (1), and other necessary matters, shall be prescribed by Presidential Decree.

## **Article 22-3 (Reduction of Greenhouse Gas, etc.)**

- (1) Anyone who runs a licensed, permitted, or registered business within a harbor zone under this Act, other related Act or subordinate statute, such as the Marine Transportation Act, and the Harbor Transport Business Act (hereinafter referred to as "harbor business operator") shall endeavor to reduce the emission of greenhouse gases and pollutants in using harbor facilities, in order to maintain and manage low-carbon harbors.
- (2) The Government may advise harbor business operators to install facilities necessary for preventing or reducing the emission of greenhouse gases, etc., or take other relevant measures.

## **Article 23 (Harbor Registers)**

- (1) The Minister of Oceans and Fisheries shall prepare and keep a harbor register for each harbor for the management and operation of harbors. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Matters necessary for the preparation, keeping, and mandatory descriptions of the harbor register and other matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 24 (Reporting on Facilities and Equipment)**

- (1) A person who uses and manages harbor facilities specified by Presidential Decree (excluding the Minister of Oceans and Fisheries; hereinafter referred to as "facility manager"), such as locks, canals, loading and unloading equipment, and other harbor facilities that require operation (hereinafter referred to as "facilities and equipment") shall report his/her intended activities in advance to the Minister of Oceans and Fisheries, whenever he/she intends to install or remove such facilities and equipment. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Matters necessary for the procedure for reporting under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 25 (Self-Inspections, etc. of Facilities and Equipment)**

- (1) Each facility manager shall conduct self-inspections at least once a year on the facilities and equipment that he/she uses and manages, as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and shall promptly take necessary measures for servicing or repairing such facilities and equipment, if found necessary as a result of such self-inspections. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Each facility manager shall prepare and keep records of self-inspections on the facilities and equipment that he/she uses and manages, as well as records of service and repair works, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 26 (Inspection, etc. of Facilities and Equipment)**

(1) Each facility manager shall undergo the following inspections that the Minister of Oceans and Fisheries conducts on the facilities and equipment he/she uses and manages: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. A manufacturing inspection: An inspection to be conducted at the stage of manufacturing facilities and equipment;
2. An installation inspection: An inspection to be conducted at the stage of installing facilities and equipment in the form of finished products;
3. A periodic inspection: An inspection to be conducted on a regular basis, at intervals set by Ordinance of the Ministry of Oceans and Fisheries, beginning on the manufacturing inspection date or the installation inspection date, in order to ensure the safety of facilities and equipment in operation;
4. An occasional inspection: An inspection to be conducted whenever fixed facilities or equipment are relocated or the structures of facilities or equipment are altered.

(2) Matters necessary for the scope of facilities and equipment subject to inspections under paragraph (1) and the inspection methods and other matters shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) A person who intends to undergo an inspection under paragraph (1) shall pay fees to the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 27 (Exemption from Inspections, etc.)**

(1) The facilities and equipment that successfully pass any of the following inspections, checkups, or examinations shall be exempted from inspections referred to in Article 28 (1), depending upon the classification set by Ordinance of the Ministry of Oceans and Fisheries: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Periodic inspections conducted under Article 65 of the Electric Utility Act;
2. Safety checkups or precise safety diagnoses conducted under Article 6 or 7 of the Special Act on the Safety Control of Public Structures;
3. Other inspections, checkups, diagnoses, etc. specified by Presidential Decree and provided for in any other Act or subordinate statute.

(2) Where a facilities manager equipped with technical experts and facilities specified by Ordinance of the Ministry of Oceans and Fisheries submits to the Minister of Oceans and Fisheries a report on the results of self-inspections conducted by him/her on the facilities and equipment that he/she uses and manages for a documentary examination and successfully passes the documentary examination, the facility manager shall be deemed to have successfully passed a periodic inspection under Article 26 (1) 3. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 28 (Inspection Agencies)**

(1) The Minister of Oceans and Fisheries may designate an entity to conduct inspections under Article 26 (1) (hereinafter referred to as "inspection agency") on his/her behalf. *<Amended by Act No. 11690, Mar. 23,*

2013>

(2) An entity who intends to be designated as an inspection agency shall be equipped with technical experts and facilities meeting the standards prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Whenever an inspection agency conducts an inspection on behalf of the Minister of Oceans and Fisheries, fees referred to in Article 26 (3) shall be paid to the inspection agency.

(4) If an inspection agency falls under any of the following cases, the Minister of Oceans and Fisheries may revoke its designation or suspend the qualification of the inspection agency for a prescribed period not exceeding six months: Provided, That if an inspection agency falls under subparagraph (1), its designation shall be revoked: <Amended by Act No. 11690, Mar. 23, 2013>

1. If it has obtained designation by fraudulent or other illegal means;
2. If it fails to meet the requirements for designation referred to in paragraph (2);
3. If it fails to comply with an order to improve his/her performance of inspections, etc. under paragraph (6);
4. If it fails to conduct an inspection for at least three months without just cause.

(5) The Minister of Oceans and Fisheries may inspect and check up each inspection agency's performance of inspections once a year and issue an order to improve inspection affairs or take other measures if found necessary as a result of an inspection and checkup on the performance results submitted by an inspection agency. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 29 (Technical Standards for Harbor Facilities)**

(1) The Minister of Oceans and Fisheries may establish and publicly announce technical standards for waterfront facilities, peripheral facilities, moorings, and other harbor facilities specified by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(2) A person who makes plans and designs for a harbor project or executes a harbor project shall comply with the technical standards established under paragraph (1) and the anti-seismic design standards established and publicly announced by the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Deleted. <by Act No. 12545, Mar. 24, 2014>

#### **Article 29-2 (Safety Inspections of Harbor Facilities)**

(1) The owner of a harbor facility shall conduct safety inspections as follows:

1. Sluice facilities and mooring facilities for vessels with a capacity of at least ten thousand tons: regular inspections, precise inspections, emergency inspections, and precise safety diagnoses under the Special Act on the Safety Control of Public Structures;
2. Harbor facilities, other than those referred to in subparagraph 1: regular inspections, precise inspections, and emergency inspections, as prescribed by Presidential Decree.

(2) Where it is necessary to ascertain whether a safety inspection is properly conducted under paragraph (1), the Minister of Oceans and Fisheries may require the owner of the relevant harbor facility (unless the

State is the owner) to submit a report or data on the findings of the inspection or take necessary measures, such as advising him/her to conduct a safety inspection.

**Article 30 (Use of Harbor Facilities, User Fees, etc.)**

(1) A person who intends to use a harbor facility (excluding beacons; the same shall apply hereafter in this Article) shall obtain permission from the Minister of Oceans and Fisheries, enter into a lease contract with the Minister of Oceans and Fisheries or a person to whom the Minister of Oceans and Fisheries delegates or commissions the operation of the harbor facility (hereinafter referred to as "harbor facility operator"), or obtain consent from a person who has entered into a lease contract for the facility (hereinafter referred to as "lessee") for the use of the harbor facility: Provided, That a person who intends to use a harbor facility specified by the Minister of Oceans and Fisheries shall report thereon to the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Where a non-management authority whose harbor project plan has been permitted under the main sentence of Article 9 (2) obtains approval of, or reports the harbor project implementation plan under Article 10 (2) or (4), the non-management authority shall be deemed to have obtained permission or consent to use harbor facilities or to have reported on the use of harbor facilities under paragraph (1) within the scope of such harbor project implementation plan. *<Newly Inserted by Act No. 12545, Mar. 24, 2014>*

(3) Upon receipt of an application for permission to use a harbor facility pursuant to paragraph (1), the Minister of Oceans and Fisheries shall grant permission unless the use of the harbor facility is likely to hinder the compliance with the development plan of the harbor or the management or operation of the harbor. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) The Minister of Oceans and Fisheries, a harbor facility operator, or a lessee may collect user fees from users of a harbor facility pursuant to paragraphs (1) and (2): Provided, That persons specified by Presidential Decree may be fully or partially exempted from the user fees. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12545, Mar. 24, 2014>*

(5) Where a maritime cargo transporter referred to in Article 23 of the Marine Transportation Act or a person specified by Presidential Decree has filed a report to the Minister of Oceans and Fisheries pursuant to the proviso to paragraph (1) and pays user fees in lump sum on behalf of the users of harbor facilities in order to simultaneously transport the cargos of several shippers, the Minister of Oceans and Fisheries may reimburse the relevant business operator for expenses incurred in payment of such user fees in subrogation, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(6) The types and rates of user fees referred to in paragraph (4), and other necessary matters, shall be prescribed by Presidential Decree. *<Amended by Act No. 12545, Mar. 24, 2014>*

(7) If a person who has obtained permission or has filed a report pursuant to paragraph (1) fails to pay user fees for harbor facilities, the Minister of Oceans and Fisheries may collect the user fees in the same manner as delinquent national taxes are collected. *<Amended by Act No. 11690, Mar. 23, 2013>*

(8) A harbor facility operator or a lessee shall report on matters concerning the rates and the method for collection of user fees referred to in paragraph (4) in advance to the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12545, Mar. 24, 2014>*

(9) Except as otherwise expressly provided for in this Act or an order issued under this Act, matters concerning methods for use of harbor facilities and user fees therefor shall be determined by the Minister of Oceans and Fisheries, a relevant harbor facility operator, or a lessee. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 31 (User Fees Collectible by Non-Management Authorities)**

(1) An entity who has allowed any third party to use a harbor facility pursuant to Article 15 (5) may collect user fees from such third party. In such cases, the entity shall file a report on matters concerning the method of use, the rates of user fees, the method for collection of user fees in advance with the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) If the Minister of Oceans and Fisheries deems that the method of use and the rates of user fees referred to in paragraph (1) are likely to undermine the convenience of users, he/she may issue an order to change such method or rates or to take other measures necessary for the management and operation of the harbor facilities. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) A period for which user fees can be collected under paragraph (1) shall be prescribed by Presidential Decree.

**Articles 32 through 40 Deleted.** *<by Act No. 13186, Feb. 3, 2015>*

#### **Article 41 (Formulation of Master Plans to Develop Harbor Hinterland Complexes)**

(1) The Minister of Oceans and Fisheries shall formulate, every five years, a master plan to develop a harbor hinterland complex for a harbor (hereinafter referred to as "master plan") deemed necessary for the development of the harbor hinterland complex. *<Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(2) A master plan shall include the following:

1. Matters pertaining to sites for developing a harbor hinterland complex and demand for harbor facilities;
2. Matters pertaining to the systematic development and supply of sites for developing a harbor hinterland complex, including reclaimed public waters and vacant land in a harbor zone;
3. Matters pertaining to the designation and development of a harbor hinterland complex;
4. Matters pertaining to direction-setting for developing a harbor hinterland complex;
5. Matters pertaining to the maintenance and adjustment of harbor facilities installed in a harbor hinterland complex;
6. Other matters specified by Presidential Decree.

(3) When the Minister of Oceans and Fisheries intends to formulate a master plan, he/she shall first formulate a draft master plan, seek opinions from the relevant Mayors/Do Governors, consult with the heads of the relevant central administrative agencies, and publicly announce the master plan, subject to

prior deliberation by the Central Council. The foregoing shall also apply to a proposed amendment to the master plan formulated: Provided, That this shall not apply to any proposed amendment to a minor matter specified by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) The Minister of Oceans and Fisheries may request relevant agencies to submit data necessary for preparing or amending master plans or to provide cooperation, and the agencies in receipt of such request shall comply therewith without just cause. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) Matters necessary for the formulation of a master plan and other matters shall be prescribed by Presidential Decree.

#### **Article 42 (Designation of Harbor Hinterland Complexes)**

(1) Harbor hinterland complexes shall be designated by the Minister of Oceans and Fisheries as classified below: *<Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

1. Class 1 harbor hinterland complexes;
2. Class 2 harbor hinterland complexes.

(2) When the Minister of Oceans and Fisheries intends to designate a harbor hinterland complex, he/she shall formulate a plan to develop the harbor hinterland complex, seek opinions from the competent Mayor/Do Governor, consult with the heads of the relevant central administrative agencies, and submit the plan to the Central Harbor Policy Council for deliberation. The foregoing shall also apply to a proposed amendment to any important matter specified by Presidential Decree with respect to the designation of a harbor hinterland complex. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Any person specified by Presidential Decree, such as the head of a relevant central administrative agency, the head of a competent local government, and a local public corporation established under the Local Public Enterprises Act, may prepare a statement of his/her opinions on the formulation of a plan to develop a harbor hinterland complex and request the Minister of Oceans and Fisheries to designate the harbor hinterland complex. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Where the Minister of Oceans and Fisheries intends to designate all or part of any land developed by a harbor project performed by a non-management authority, and its ownership does not vested in the State pursuant to the proviso to Article 15 (1) as part of a harbor hinterland complex, he/she may require the relevant landowner (hereinafter referred to as "landowner") to submit a land use plan and a facility project plan and shall formulate a plan to develop the harbor hinterland complex based on the plan so submitted. In such cases, if the landowner deems it necessary for properly developing and utilizing the harbor hinterland complex, he/she may request the Minister of Oceans and Fisheries to amend the plan to develop the harbor hinterland complex. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) A plan to develop a harbor hinterland complex referred to in paragraph (2) shall contain the following: Provided, That matters referred to in subparagraph 7 may be included in a plan to develop a harbor hinterland complex after the harbor hinterland complex is designated, if it is deemed inevitable to formulate the plan: *<Amended by Act No. 12545, Mar. 24, 2014>*



1. The name, location, and area of the harbor hinterland complex;
2. The purposes for which the harbor hinterland complex is designated;
3. An entity that implements the development project of the harbor hinterland complex, and a period for, and method of, developing the harbor hinterland complex;
4. A land use plan and a plan to establish major infrastructure;
5. Major facilities to be located therein and the standards for the installation thereof;
6. A financing plan;
7. A detailed list of land, buildings, other goods, and rights subject to expropriation or use, if any;
- 7-2. Land to be supplied as undeveloped under Article 60-3 and direction-setting for development (limited to development of Class 2 harbor hinterland complexes to which Article 46-2 (1) applies mutatis mutandis and land to be supplied as undeveloped exists with regard to such development);
8. Other matters specified by Presidential Decree.

#### **Article 43 (Public Notice of Designation of Harbor Hinterland Complexes, etc.)**

When the Minister of Oceans and Fisheries designates a harbor hinterland complex or amends any term and condition of the designation of a harbor hinterland complex, he/she shall give public notice of the matters specified by Presidential Decree through the Official Gazette or the official bulletin issued by the Special Metropolitan City, a Metropolitan City, a Do or a Special Self-Governing Province, as the case may be, and shall forward copies of relevant documents to the head of the competent Si/Gun/Gu (the head of a Gu means the head of an autonomous Gu; the same shall apply hereinafter). *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 44 (Cancellation of Designation of Harbor Hinterland Complexes)**

(1) If no harbor project implementation plan for all or part of a harbor hinterland complex has been formulated within a period prescribed by Presidential Decree not exceeding five years from the date of designation and public announcement of the harbor hinterland complex, the designation of the area as a harbor hinterland complex shall be deemed cancelled on the day immediately after the expiration of such period: Provided, That the period may be extended by up to one year, if the formulation of the harbor project implementation plan is delayed due to a natural disaster or other inevitable ground specified by Presidential Decree.

(2) If any of the following applies to a harbor hinterland complex, the Minister of Oceans and Fisheries may cancel designation of all or part of a harbor hinterland complex, following deliberation by the Central Council, as prescribed by Presidential Decree: *<Amended by Act No. 12545, Mar. 24, 2014>*

1. Where it becomes impossible to develop all or any part of the designated harbor hinterland complex according to the harbor hinterland complex development plan;
2. Where it is deemed that the operation of the harbor would not be hindered even if the area designated as a Class 2 harbor hinterland complex is managed as an urban area referred to in subparagraph 1 of Article 6 of the National Land Planning and Utilization Act, after the development of the harbor hinterland complex is completed according to the harbor hinterland development plan.

(3) If the designation of a harbor hinterland complex is cancelled pursuant to paragraph (1) or (2), the Minister of Oceans and Fisheries shall notify the competent Mayor/Do Governor and the heads of the relevant administrative agencies of such fact and publicly announce the same. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 45 (Rights of Landowners)**

(1) A landowner who executes a harbor project on his/her own land shall be deemed the developer of the harbor project conducted by a non-management authority, subject to prior permission of the Minister of Oceans and Fisheries under the main sentence of Article 9 (2). *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) A landowner may lease the whole or any part of his/her own land to a third person to allow him/her to execute a harbor project or commission another person to execute the whole or any part of a harbor project for which the landowner becomes the developer.

#### **Article 46 (Installation of Public Facilities, etc.)**

The Minister of Oceans and Fisheries may require the non-management authority that executes a harbor project in a harbor hinterland complex to construct roads, parks, greens, and other public facilities specified by Presidential Decree or to maintain the existing parks and greens. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 46-2 (Application Mutatis Mutandis, etc. to Implementation of Development Projects of Class 2 Harbor Hinterland Complexes)**

(1) Articles 55, 57 through 60, 60-2, 60-3, 61 through 63, 63-2, 64, 64-2, 64-3, 64-6, 64-7, and 65 shall apply mutatis mutandis to the implementation, etc. of development projects of Class 2 harbor hinterland complexes. In such cases, "harbor redevelopment project developer" shall be construed as "Class 2 harbor hinterland complex development project operator;"; "harbor redevelopment project" as "Class 2 harbor hinterland complex development project;"; "harbor redevelopment project plan" or "redevelopment project plan" as "Class 2 harbor hinterland complex development plan;"; "master plan for harbor redevelopment" as "comprehensive plan to develop a harbor hinterland complex;"; "harbor redevelopment project area" or "project area" as "Class 2 harbor hinterland complex"; "implementation plan for a harbor redevelopment project" or "implementation plan for a redevelopment project" as "implementation plan for a Class 2 harbor hinterland complex development project"; "harbor redevelopment project developer" or "project developer" as "Class 2 harbor hinterland development project operator;"; and "letter of approval of the implementation plan for a redevelopment project" as "letter of approval of the implementation plan for a project to develop a Class 2 harbor hinterland complex", respectively. *<Amended by Act No. 12545, Mar. 24, 2014>*

(2) Where a Class 1 harbor hinterland complex has been designated adjacent to a Class 2 harbor hinterland complex in an international trade port, the developer of a harbor project to develop the Class 1 harbor hinterland complex (including a harbor project performed by a non-management authority) may be designated preferentially as the project developer to develop the Class 2 harbor hinterland complex under Article 59.

#### **Article 47 (Management Agencies, etc.)**

(1) The Minister of Oceans and Fisheries may designate an agency responsible for managing a Class 1 harbor hinterland complex (hereinafter referred to as "management agency") in order to manage the Class 1 harbor hinterland complex. *<Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may designate any of the following entities as a management agency: *<Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

1. A State agency or a local government;
2. A Port Authority established under the Port Authority Act;
3. Deleted; *<by Act No. 10628, May 18, 2011>*
4. An institution or organization that meets the standards determined and publicly announced by the Minister of Oceans and Fisheries in terms of professional human resources, facilities, and other matters necessary for the operation of Class 1 harbor hinterland complexes.

(3) If at least two persons owns land in one Class 1 harbor hinterland complex, the landowners may request the Minister of Oceans and Fisheries to designate any institution, other than those referred to in paragraph (2) 1 through 3, as a management agency under agreement among the landowners: Provided, That if the landowners fail to reach agreement, the Minister of Oceans and Fisheries may designate an entity referred to in the subparagraphs of paragraph (2) as a management agency. *<Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(4) Each management agency shall perform the following affairs to manage a Class 1 harbor hinterland complex: *<Amended by Act No. 11371, Feb. 22, 2012>*

1. Assisting in the business activities of occupant enterprises and support companies in the complex;
2. Maintaining and managing common facilities;
3. Installing and operating various support facilities;
4. Other affairs for managing or operating the complex.

(5) Procedures and timing for designation of a management agency and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 48 (Management Guidelines for Class 1 Harbor Hinterland Complexes)**

(1) The Minister of Oceans and Fisheries shall prepare and publicly announce the management guidelines for Class 1 harbor hinterland complexes that stipulate basic matters regarding the management of Class 1 harbor hinterland complexes (hereinafter referred to as "management guidelines"). The foregoing shall also apply to an amendment thereto: Provided, That this shall not apply to any amendment to a minor matter specified by Presidential Decree. *<Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary in relation to the details and preparation of the management guidelines shall be prescribed by Presidential Decree.

#### **Article 49 (Formulation of Management Plans of Class 1 Harbor Hinterland Complexes)**

(1) Each management agency shall formulate a management plan of a Class 1 harbor hinterland complex and submit it to the Minister of Oceans and Fisheries. *<Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(2) The management plan of a Class 1 harbor hinterland complex referred to in paragraph (1) shall include the following: *<Amended by Act No. 11371, Feb. 22, 2012>*

1. Matters concerning the area and scope of the Class 1 harbor hinterland complex to be managed;
2. Matters concerning types of business eligible for occupying the complex and the qualifications of occupant enterprises;
3. Matters concerning the establishment and operation of support facilities of the Class 1 harbor hinterland complex;
4. Other matters necessary for the management of the Class 1 harbor hinterland complex.

(3) Matters necessary for preparing management plans of Class 1 harbor hinterland complexes under paragraph (1) shall be prescribed by Presidential Decree. *<Amended by Act No. 11371, Feb. 22, 2012>*

#### **Article 50 (Management Expenses, etc. of Common Facilities)**

(1) A management agency may collect from occupant enterprises expenses incurred in the management and operation of common facilities specified by Ordinance of the Ministry of Oceans and Fisheries in a Class 1 harbor hinterland complex. *<Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for standards and methods for the allotment of management and operation expenses under paragraph (1) and other matters shall be prescribed by Presidential Decree.

#### **Article 51 (Formulation of Harbor Redevelopment Master Plans)**

(1) The Minister of Oceans and Fisheries shall formulate a master plan to redevelop harbors (hereinafter referred to as "harbor redevelopment master plan") for each ten-year period, as prescribed by Presidential Decree, for the effective development and sustainable use of harbors that become obsolete or lie idle. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) A harbor redevelopment master plan shall include the following matters:

1. Basic direction-setting for the redevelopment of harbors;
2. Criteria for selecting zones eligible for the redevelopment of harbors, including deterioration indexes for harbors;
3. Areas to be developed as part of a harbor redevelopment project and grounds for the selection of such areas;
4. Matters concerning direction-setting for reorganization or rearrangement of functions of harbors as a result of the redevelopment of harbors;
5. Basic concepts of a land use plan, a transportation plan, and a plan for parks and greens related to the redevelopment of harbors;
6. Other matters specified by Presidential Decree as related to the redevelopment of harbors.

(3) When the Minister of Oceans and Fisheries intends to formulate a harbor redevelopment master plan, he/she shall consult with the heads of relevant central administrative agencies and relevant Mayors/Do

Governors in advance and submit the proposed plan to the Central Council for deliberation. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 52 (Public Announcement, etc. of Harbor Redevelopment Master Plans)**

(1) When the Minister of Oceans and Fisheries has formulated a harbor redevelopment master plan, he/she shall publicly announce such plan and notify the heads of relevant central administrative agencies and relevant Mayors/Do Governors of such plan, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Upon receipt of a notice under paragraph (1), a Mayor/Do Governor shall promptly notify the head of a relevant Si/Gun/Gu thereof, and the head of the relevant Si/Gun/Gu shall make the harbor redevelopment master plan relevant to his/her jurisdiction available for public inspection for a period of at least 14 days: Provided, That the Governor of a Special Self-Governing Province shall directly make the harbor redevelopment master plan relevant to his/her jurisdiction available for public inspection for a period of at least 14 days.

#### **Article 53 (Amendments to Harbor Redevelopment Master Plans)**

(1) The Minister of Oceans and Fisheries shall review the propriety of a harbor redevelopment master plan once every five years from the date such plan is formulated and may amend the harbor redevelopment master plan, if necessary. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Notwithstanding paragraph (1), the Minister of Oceans and Fisheries may amend a harbor redevelopment master plan, if deemed necessary to amend the harbor redevelopment master plan or upon receipt of a request for an amendment thereto from the head of a relevant central administrative agency, a relevant Mayor/Do Governor, or the head of a relevant Si/Gun/Gu. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Articles 51 and 52 shall apply mutatis mutandis to amendments to harbor redevelopment master plans under paragraph (1) or (2): Provided, That the foregoing shall not apply to any amendment to a minor matter specified by Presidential Decree.

#### **Article 54 (Formulation of Harbor Redevelopment Project Plans)**

(1) The Minister of Oceans and Fisheries may formulate a harbor redevelopment project plan (hereinafter referred to as "redevelopment project plan") for a specific harbor zone and its surrounding areas to the extent consistent with the harbor redevelopment master plan. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may invite proposals for a redevelopment project plan, as prescribed by Presidential Decree, and reflect the selected proposals in the redevelopment project plan in order to perform a harbor redevelopment project creatively and efficiently. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) When the Minister of Oceans and Fisheries intends to formulate a redevelopment project plan, he/she shall consult with the heads of the relevant central administrative agencies, relevant Mayors/Do Governors, or the heads of relevant Sis/Guns/Gus, and submit the plan to the Central Council for deliberation. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Each redevelopment project plan shall include the following: *<Amended by Act No. 10599, Apr. 14, 2011; Act No. 12545, Mar. 24, 2014>*

1. The name of the harbor redevelopment project;
2. The area and size of the harbor redevelopment project;
3. A plan to reorganize or rearrange the functions of the harbor;
4. A plan to establish urban/Gun planning facilities;
5. A plan to establish public facilities;
6. A plan to conserve urban scenery and the environment and to prevent disasters;
7. A land use plan, a transportation plan, and a plan for parks and greens;
- 7-2. Land to be supplied as undeveloped under Article 60-3 and direction-setting for development (only applicable where land to be supplied as undeveloped exists);
8. A period for implementing the harbor redevelopment project;
9. A financing plan;
10. Other matters specified by Presidential Decree necessary for implementing the harbor redevelopment project.

(5) When the Minister of Oceans and Fisheries intends to formulate a redevelopment project plan, he/she shall seek opinions from residents and related experts through public hearings, etc., as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(6) Paragraphs (3) and (5) shall apply mutatis mutandis to any amendment to a redevelopment project plan already formulated: Provided, That the foregoing shall not apply to any amendment to minor matters specified by Presidential Decree.

(7) When the Minister of Oceans and Fisheries has formulated or amended a redevelopment project plan, he/she shall publicly announce the redevelopment project plan and forward copies of relevant documents to the competent Mayor/Do Governor and the head of the competent Si/Gun/Gu, as prescribed by Presidential Decree. In such cases, the Governor of a Special Self-Governing Province or the head of a competent Si/Gun/Gu shall, upon receipt of copies of relevant documents, make them available for public inspection for a period of at least 14 days. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 55 (Proposals for Redevelopment Project Plans)**

(1) Any of the following persons may prepare a redevelopment project plan which contains the matters referred to in the subparagraphs of Article 54 (4), to the extent consistent with the harbor redevelopment master plan with regard to a harbor and its surrounding areas not covered by the harbor redevelopment master plan already formulated, and propose the redevelopment project plan to the Minister of Oceans and Fisheries; *<Amended by Act No. 12545, Mar. 24, 2014>*

1. A local government;
2. An entity referred to in any of Article 59 (1) 2, and 4 through 7.

(2) When the Minister of Oceans and Fisheries intends to formulate a redevelopment project plan pursuant to Article 54 in consideration of a redevelopment project plan proposed pursuant to paragraph (1), he/she

shall review its propriety, etc. and reflect the proposal in the redevelopment project plan. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Procedures for the preparation and proposal of redevelopment project plans under paragraph (1), and other necessary matters, shall be prescribed by Presidential Decree.

#### **Article 56 (Designation of Project Zones)**

(1) The Minister of Oceans and Fisheries shall designate and publicly announce a harbor redevelopment project zone (hereinafter referred to as "project zone") in accordance with the redevelopment project plan already formulated. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) A project zone shall cover the whole or any part of a harbor zone and its surrounding areas, which shall not exceed 50 percent of the area of the harbor zone included in the harbor redevelopment project: Provided, That if the gross area of a project zone is less than 200,000 square meters, the surrounding areas may cover 100 percent of the area of the harbor zone included in the harbor redevelopment project.

(3) The area of a project zone that the Minister of Oceans and Fisheries may designate and publicly announce pursuant to paragraph (1) shall be at least 10,000 square meters: Provided, That the foregoing shall not apply where the area of each prearranged zone specified in the harbor redevelopment master plan is less than 10,000 square meters. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 57 (Procedures for Designation of Project Zones, etc.)**

(1) When the Minister of Oceans and Fisheries intends to designate a project zone pursuant to Article 56, he/she shall seek opinions from the competent Mayor/Do Governor and the head of the competent Si/Gun/Gu in advance, consult with the heads of the relevant central administrative agencies, and submit the case to the Central Council for deliberation. The foregoing shall also apply to any alteration of the project zone already designated: Provided, That this shall not apply to any amendment to minor matters specified by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) When the Minister of Oceans and Fisheries has designated or altered a project zone, he/she shall give public notice of the following matters and forward copies of relevant documents to the competent Mayor/Do Governor and the head of the competent Si/Gun/Gu. In such cases, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall, upon receipt of copies of relevant documents, make them available to residents in his/her jurisdiction for inspection for a period of at least 14 days: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. The name and purposes of the harbor redevelopment project;
2. The location and area of the project zone;
3. A detailed list of land, goods, or rights to be expropriated or used and the names and addresses of the owners or right holders thereof;
4. Topographic drawings under Article 8 of the Framework Act on the Regulation of Land Use.

#### **Article 58 (Cancellation of Designation, etc. of Project Zones)**

(1) If a project zone designated pursuant to Article 56 (1) falls under any of the following cases, the Minister of Oceans and Fisheries may cancel its designation, subject to deliberation by the Central

Council: <Amended by Act No. 11690, Mar. 23, 2013>

1. If the project developer has not been designated under Article 59 (1) within two years from the date of designation;
  2. If the project developer designated under Article 59 (1) fails to file an application for approval of the harbor redevelopment project implementation plan under Article 60 within two years from the date of designation;
  3. If the project developer designated under Article 59 (1) fails to commence the harbor redevelopment project within one year from the date it has obtained approval of the harbor redevelopment project implementation plan under Article 60.
- (2) When the Minister of Oceans and Fisheries has cancelled the designation of a project zone pursuant to paragraph (1), he/she shall make a public announcement thereof, as prescribed by Presidential Decree.
- <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 59 (Designation, etc. of Project Developers)**

(1) The Minister of Oceans and Fisheries shall designate the developer of a harbor redevelopment project (hereinafter referred to as "project developer") among the following entities: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12545, Mar. 24, 2014>

1. A State agency or a local government;
  2. A Port Authority established under the Port Authority Act;
  3. Deleted; <by Act No. 10628, May 18, 2011>
  4. A public institution prescribed by Presidential Decree among public institutions established under the Act on the Management of Public Institutions (hereinafter referred to as "public institution");
  5. A local public corporation incorporated under the Local Public Enterprises Act;
  6. A private investor who meets the qualification requirements prescribed by Presidential Decree in terms of capital and other factors;
  7. A corporation established by an entity referred to in any of subparagraphs 1, 2, and 4 through 6 by making an investment for the purpose of performing a harbor redevelopment project, which meets the requirements prescribed by Presidential Decree.
- (2) Where any of the following applies to a project developer, the Minister of Oceans and Fisheries may replace the project developer with any third project developer or revoke the designation thereof: <Amended by Act No. 11690, Mar. 23, 2013>

1. If the project developer fails to file an application for approval of the harbor redevelopment project implementation plan under Article 60 (1) within two years from the date of designation as a project developer pursuant to paragraph (1);
2. If the project developer fails to commence the harbor redevelopment project within one year after the harbor redevelopment project implementation plan has been approved under Article 60 (1);
3. If the approval of the harbor redevelopment project implementation plan under Article 60 (1) is revoked;



4. If it is deemed impracticable to achieve the purposes of the harbor redevelopment project due to a natural disaster, the project developer's bankruptcy, or on other ground specified by Presidential Decree (limited to where it is deemed that the project is unsustainable following deliberation by the Central Council).

(3) When the Minister of Oceans and Fisheries designates or replaces a project developer or revokes the designation of a project developer pursuant to paragraph (1) or (2), he/she shall publicly announce such fact, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Where the project developer deems it necessary for efficiently implementing a harbor redevelopment project, it may authorize a prospective occupant or the operator of a facility to be established in the relevant project area to partially implement the harbor redevelopment project on his/her behalf, as prescribed by Presidential Decree. *<Newly Inserted by Act No. 12545, Mar. 24, 2014>*

#### **Article 60 (Approval, etc. of Harbor Redevelopment Project Implementation Plans)**

(1) When a project developer intends to perform a harbor redevelopment project, it shall prepare a harbor redevelopment project implementation plan (hereinafter referred to as "redevelopment project implementation plan"), as prescribed by Presidential Decree, and obtain approval thereof from the Minister of Oceans and Fisheries. The foregoing shall also apply to amendments to the redevelopment project implementation plan already approved: Provided, That this shall not apply to any amendment to minor matters specified by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) A redevelopment project implementation plan shall include details of the relevant redevelopment project plan and the following:

1. The name, location, and area of the redevelopment project plan;
2. The name or title of the project developer (including the location and the name of its representative);
3. A period for implementing the harbor redevelopment project;
4. A land use plan, a transportation plan, and an environmental management plan;
5. A financing plan and an annual investment plan;
6. A plan to establish infrastructure (including a cost sharing plan);
7. A plan to dispose of land to be developed;
8. Other matters specified by Presidential Decree.

(3) When the Minister of Oceans and Fisheries intends to approve a redevelopment project implementation plan, he/she shall seek opinions from the competent Mayor/Do Governor and the head of the competent Si/Gun/Gu, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) When the Minister of Oceans and Fisheries approves a redevelopment project implementation plan or an amendment to such plan, he/she shall publicly announce such fact and forward copies of relevant documents to the competent Mayor/Do Governor and the head of the competent Si/Gun/Gu, as prescribed by Presidential Decree. In such cases, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall, upon receipt of copies of relevant documents, make them available for public inspection for a period of at least 14 days. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) Upon receipt of copies of relevant documents under paragraph (4), the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu shall file an application for approval of topographic drawings under Article 32 (2) of the National Land Planning and Utilization Act or take other necessary measures, if the relevant documents include matters concerning determination as to an urban/Gun management plan as defined in subparagraph 4 of Article 2 of the aforementioned Act. In such cases, the relevant project developer shall forward documents necessary for the public announcement of topographic drawings, etc. to the head of the competent local government. <Amended by Act No. 10599, Apr. 14, 2011>

#### **Article 60-2 (Advance Payment)**

- (1) A project developer may receive all or some advance payments from a person who intends to be supplied with or use any land, building, structure, etc. developed by the harbor redevelopment project conducted by him/her, as prescribed by Presidential Decree.
- (2) A project developer (excluding State agencies or local governments) shall obtain approval from the Minister of Oceans and Fisheries to receive all or some advance payments under paragraph (1).

#### **Article 60-3 (Supply and Development of Undeveloped Land)**

(1) Where necessary to partially develop a project area (limited to an area not exceeding 1/3 of the whole project area) nature-friendly or multi-dimensionally, a project developer may prepare a plan to supply land in an undeveloped condition (hereinafter referred to as "undeveloped land") and supply the undeveloped land to any of the following persons to develop it, upon obtaining approval of the plan from the Minister of Oceans and Fisheries (excluding where the Minister of Oceans and Fisheries is a project developer):

1. A State agency;
2. A local government;
3. A Port Authority established under the Port Authority Act;
4. Institutions prescribed by Presidential Decree among public institutions established under the Act on the Management of Public Institutions.

(2) A plan to supply undeveloped land under paragraph (1) shall include matters concerning persons supplied with undeveloped land for development (hereinafter referred to as "undeveloped land developer"), terms and conditions of the supply of undeveloped land, and other matters.

(3) A project developer (excluding the Minister of Oceans and Fisheries) who intends to amend a plan to supply undeveloped land prepared under paragraph (1) shall obtain approval from the Minister of Oceans and Fisheries.

(4) When granting approval under paragraph (1) or (3), the Minister of Oceans and Fisheries may impose conditions with regard to the development of undeveloped land, including development density, such as the floor-area ratio, area and allocation for each use of land, traffic control plans, establishment of infrastructure, etc.

(5) After entering into a contract which stipulates the following on the supply of undeveloped land, with an undeveloped land developer, the project developer shall require the undeveloped land developer to submit a detailed plan that includes the deadline for commencement of construction, scheduled date of

completion of construction, project period, etc. and reflect it in the implementation plan for the redevelopment project:

1. Direction-setting for development of undeveloped land under Article 54 (4) 7-2;
2. A plan to supply undeveloped land and details of the undeveloped land to be supplied under paragraphs (1) and (2).

(6) No undeveloped land developer (excluding State agencies and local governments) shall sell any parcel of undeveloped land to a third party during a period prescribed by Presidential Decree within ten years: Provided, That the foregoing shall not apply where underdeveloped land is to be used for purposes prescribed by Presidential Decree, such as housing for relocation or public facilities, with prior approval from the Minister of Oceans and Fisheries.

(7) In any of the following cases, the Minister of Oceans and Fisheries may revoke approval for supplying undeveloped land or demand the project developer to take such necessary measures as demanding the execution of the relevant contract, reinstatement, claiming compensation, or terminating the contract on supply of undeveloped land, etc.:

1. Where the project developer fails to supply undeveloped land and to develop it according to the plan to supply undeveloped land prepared under paragraph (1);
2. Where the project developer or the undeveloped land developer fails to fulfill any of the conditions imposed under paragraph (4);
3. Where the undeveloped land developer fails to execute construction for development according to the contents of the detailed plan submitted under paragraph (5).

(8) In any of the following cases, a project developer may terminate a contract on supply of undeveloped land, as prescribed by Presidential Decree:

1. Where an undeveloped land developer fails to commence construction by the deadline for commencement specified in the detailed plan submitted under paragraph (5);
2. Where an undeveloped land developer fails to complete the project for developing undeveloped land within the project period specified in the detailed plan submitted under paragraph (5) after commencing construction for development;
3. Where an undeveloped land developer sells all or part of the undeveloped land supplied to a third party, in violation of paragraph (6);
4. Where an undeveloped land developer violates any provisions of the contract for supply of the undeveloped land entered into under paragraph (5), such as failure to use the undeveloped land for a purpose prescribed in the contract for supply of the undeveloped land.

(9) Except as otherwise expressly prescribed in paragraphs (1) through (8), standards for selection of undeveloped land developers, procedures and standards for supply of undeveloped land, price for supply of undeveloped land, scope of duties of project developers and undeveloped land developers, methods for entering into contracts for supply of undeveloped land, and other necessary matters, shall be prescribed by Presidential Decree.

## **Article 61 (Confirmation of Completion)**

(1) Upon completion of the whole or any part of a harbor redevelopment project, a project developer shall file an application for the confirmation of completion with the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Upon receipt of an application for the confirmation of completion under paragraph (1), the Minister of Oceans and Fisheries shall conduct a final inspection, as prescribed by Presidential Decree, and shall issue a completion certificate in the form prescribed by Ordinance of the Ministry of Oceans and Fisheries, if he/she concludes that the project has been performed in compliance with the approved terms and conditions of the relevant redevelopment project implementation plan. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) If a project developer has obtained a confirmation of completion pursuant to paragraph (1), a final inspection or final approval on the completion of the project shall be deemed to have been granted in compliance with the relevant permission under any subparagraph of Article 85 (1).

(4) If necessary for efficiently performing a harbor redevelopment project, a project developer may file a separate application for the confirmation of completion for each phase or each facility within the scope of the redevelopment project implementation plan.

(5) No one shall use any land or harbor facility developed or installed as part of a harbor redevelopment project, before a completion certificate under paragraph (2) is issued: Provided, That the foregoing shall not apply where a report on the use prior to completion is filed with the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 62 (Public Announcement of Completion of Projects, etc.)**

When the Minister of Oceans and Fisheries deems that a harbor redevelopment project has been completed in compliance with the redevelopment project implementation plan as a result of the confirmation of completion under Article 61 (1), he/she shall publicly announce the completion of the project; but shall issue an order to correct defects or take other necessary measures without delay, if he/she deems that the project has not been performed in compliance with the redevelopment project implementation plan. *<Amended by Act No. 11690, Mar. 23, 2013>*

## **Article 63 (Vesting of Ownership of Public Facilities, etc.)**

(1) Article 65 of the National Land Planning and Utilization Act shall apply mutatis mutandis to vesting of ownership of facilities installed as new public facilities (excluding facilities specified by Presidential Decree; the same shall apply hereafter in this Article) or for replacing preexisting public facilities as part of a harbor redevelopment project performed by a project developer.

(2) In registering public facilities and property under paragraph (1), the letter of approval of the relevant redevelopment project implementation plan and the certificate of completion may serve as a written certificate verifying the grounds of registration under Registration of Real Estate Act.

## **Article 63-2 (Disposition of Developed Land)**

- (1) A project developer shall directly use, sell in lots, or lease, the land developed under a harbor redevelopment project according to the implementation plan for the harbor redevelopment project.
- (2) Methods and procedures for disposing of developed land under paragraph (1), price standards, and other necessary matters, shall be prescribed by Presidential Decree.

#### **Article 64 (Restrictions on Disposal, etc. of State or Public Land)**

(1) No parcel of land owned by the State or a local government and located within a project zone shall be sold or otherwise transferred to any third person for any purpose other than those stipulated in the relevant redevelopment project implementation plan, if the parcel of land is required for the harbor redevelopment project.

(2) Any piece of property owned by the State or a local government and located within a project zone may be sold to the relevant project developer by a negotiated contract, if it is required for the harbor redevelopment project, notwithstanding the State property management plan formulated under Article 9 of the State Property Act, the public property management plan formulated under Article 10 of the Public Property and Commodity Management Act, and the contracting methods under Article 43 of the State Property Act and Article 29 of the Public Property and Commodity Management Act. In such cases, the Minister of Oceans and Fisheries shall consult in advance with the heads of the relevant central administrative agencies on the disuse (only if it is an administrative property) or sale of such property.

*<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Upon receipt of a request for consultation under the latter part of paragraph (2), the heads of the relevant central administrative agencies shall take measures necessary for consultation within 30 days after receipt of the request.

#### **Article 64-2 (Subscription for Sale of State or Public Property)**

(1) The State or a local government may sell to a project developer by subscription the property disposable under a negotiated contract pursuant to Article 64 (2) on condition that the project developer completes a harbor redevelopment project.

(2) Article 45 (2) through (5) of the State Property Act shall apply mutatis mutandis to the use of, and benefitting from, the property subscribed for sale under paragraph (1), the revocation or termination of subscription, and other necessary matters.

#### **Article 64-3 (Special Exceptions to Leasing State Property)**

(1) Where deemed necessary for efficiently implementing a harbor redevelopment project, the State may lease State property located in the project zone to a project developer within a period of up to 20 years, notwithstanding Articles 35 and 46 of the State Property Act.

(2) A lease contract for State property can be renewed only once, for a period not exceeding the former contract period upon the expiration of the contract period under paragraph (1).

(3) Any person who has leased State property pursuant to paragraph (1) may install necessary permanent facilities on the leased State property, notwithstanding Article 18 of the State Property Act. In such cases, the State shall attach a condition that such facilities be donated to the State or the leased State property

shall revert to the State after reinstatement upon the expiration of the lease period, based upon the type, etc. of such facilities.

**Article 64-4 (Payment of Living Allowances to Members of Port Trade Union following Closure of Workplace)**

(1) A project developer may pay living allowances calculated based upon the following, within budgetary limits, to any member of a port trade union as defined in subparagraph 2 of Article 2 of the Special Act on Assistance to the Reorganization of Harbor Manpower Supply Systems (hereinafter referred to as "port trade union") if the member's workplace has been closed due to the implementation of a harbor redevelopment project:

1. Whether he/she has withdrawn from the port trade union;
2. Whether he/she has transferred to another workplace;
3. Average wages, etc. as defined in subparagraph 6 of Article 2 of the Labor Standards Act.

(2) Standards for the calculation of living allowances under paragraph (1), procedures for the payment thereof, and other necessary matters, shall be prescribed by Presidential Decree.

**Article 64-5 (Council for Livelihood Measures for Port Trade Union Members)**

(1) The head of a regional maritime affairs and port administration or the Mayor/Do Governor having jurisdiction over the harbor, the redevelopment project for which is implemented, may organize and operate a council for livelihood measures (hereinafter referred to as "council for livelihood measures") in order to deliberate on the following matters related to the stabilization of livelihood of port trade union members due to the harbor redevelopment project: Provided, That a council for livelihood measures shall be organized where public projects exceeding the scale prescribed by Presidential Decree are to be implemented: <Amended by Act No. 11594, Dec. 18, 2012; Act No. 12545, Mar. 24, 2014>

1. Gathering consensus in advance to pay living allowances under Article 64-4 (1);
2. Transferring workplaces of port trade union members;
3. Matters deemed necessary by the chairperson of a council for livelihood measures to take livelihood measures for port trade union members, in addition to those prescribed in subparagraphs 1 and 2.

(2) A council for livelihood measures shall be chaired by the head of the competent regional maritime affairs and port administration if the relevant harbor is a national trade port, or by the competent Mayor/Do Governor if the relevant harbor is a regional trade port.

(3) The port trade union of a harbor, the redevelopment project for which is implemented, a harbor transport business operator, etc. as defined in subparagraph 3 of Article 2 of the Special Act on Assistance to the Reorganization of Harbor Manpower Supply Systems, or a project developer may request the head of a regional maritime affairs and port administration or the Mayor/Do Governor having jurisdiction over the relevant harbor to organize a council for livelihood measures.

(4) Except as otherwise expressly prescribed in paragraphs (1) through (3), the organization and operation a council for livelihood measures, and other necessary matters, shall be prescribed by Presidential Decree.

#### **Article 64-6 (Reinvestment of Development Gains)**

(1) A project developer shall use development gains accrued from a harbor redevelopment project for any of the following uses, within 25/100 thereof, as prescribed by Presidential Decree:

1. Reducing the price of land to be sold in lots or rent of land, etc. for harbor facilities in the relevant project area;
2. Appropriating for expenses incurred in establishing infrastructure or public facilities in the relevant project area.

(2) A project developer shall take necessary measures, such as keeping a separate account of development gains referred to in paragraph (1), to ensure the transparent reinvestment of development gains.

(3) Articles 8 through 12 of the Restitution of Development Gains Act shall apply mutatis mutandis to the computation of development gains referred to in paragraph (1). In such cases, "standards for imposition of development charges" shall be construed as "standards for computation of development gains";, "end point of imposition" as "end point of computation of development gains";, "land subject to imposition" as "land subject to computation of development gains";, "starting point of imposition" as "starting point of computation of development gains";, "period for imposition" as "period for computation of development gains";, "authorization, etc. of a development project from the State or a local government", "authorization, etc. from the State or a local government", "authorization, etc. of a development project" or "authorization, etc." as "approval of a redevelopment implementation plan";, "authorization, etc. for completion of a development project" as "confirmation of completion";, "person liable for payment" as "project developer";, "development project" as "harbor redevelopment project";, and "the Minister of Land, Infrastructure and Transport" as "the Minister of Oceans and Fisheries," respectively.

#### **Article 64-7 (Organization, etc. of Consultative Council for Occupants)**

(1) Where the Minister of Oceans and Fisheries has publicly announced the completion of a project under Article 62, the occupants and prospective occupants in the relevant project area may organize a consultative council to efficiently manage the project area.

(2) The organization and operation of consultative councils for occupants under paragraph (1), and other necessary matters, shall be prescribed by Presidential Decree.

#### **Article 65 (Relationship with other Acts)**

Special exceptions applicable to regulation on harbor redevelopment projects in this Act shall take precedence over provisions of other Acts: Provided, That more relaxed provisions of any other Act shall take precedence over special exceptions to regulation in this Act, if any.

#### **Article 66 (Principles for Bearing Costs and Expenses)**

(1) Except as otherwise expressly provided for in this Act or any other Act, costs and expenses incurred in managing harbors and facilities shall be borne by the State.

(2) Costs and expenses incurred in a harbor project performed by a non-management authority pursuant to Article 9 (2) shall be borne by the developer of the harbor project.

(3) Costs and expenses incurred in performing a development project of a Class 2 harbor hinterland complex and a harbor redevelopment project shall be borne by the relevant project developer. <Amended by Act No. 11371, Feb. 22, 2012>

#### **Article 67 (Subsidization, etc. of Costs and Expenses)**

(1) The State may grant a subsidy or loan to fully or partially subsidize costs and expenses, as prescribed by Presidential Decree, if a non-management authority develops a Class 1 harbor hinterland complex as part of a harbor project under Article 9 (2) or a project developer performs a Class 2 harbor hinterland complex development project or a harbor redevelopment project. <Amended by Act No. 11371, Feb. 22, 2012>

(2) The State or a local government shall give priority to supporting the construction of infrastructure specified by Presidential Decree, such as roads, railroads, and water supply facilities.

(3) Article 55 of the Urban Development Act shall apply mutatis mutandis to the installation of electricity, telecommunications, gas, and district heating facilities.

(4) The State or a local government may take measures necessary for financial support in order to invite prospective occupant enterprises or support institutions in a Class 1 harbor hinterland complex. <Amended by Act No. 11371, Feb. 22, 2012>

#### **Article 68 (Costs of Repair Works Performed by Public Organization or Private Individual)**

A public organization or private individual shall bear costs of minor repair works carried out by the public organization or the private individual for his/her own needs.

#### **Article 69 (Costs and Expenses for Performance of Obligations)**

Costs and expenses necessary for the performance of an obligation under this Act or any order or condition under this Act, or an obligation arising from a disposition issued under this Act or such order or condition shall be borne by the person under such obligation, except as otherwise expressly provided for in this Act.

#### **Article 70 (Forced Collection of Charges, etc.)**

If a person liable to pay a rent, user fee, or any other charge in compliance with this Act, any order issued or condition attached under this Act, or any disposition issued under this Act fails to make such payment, the Minister of Oceans and Fisheries may collect it in the same manner as delinquent national taxes are collected. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 71 (Dispositions, etc. on Violations of Acts and Subordinate Statutes, etc.)**

(1) Where any of the following events occurs, the Minister of Oceans and Fisheries may revoke permission, designation, or approval under this Act, suspend or alter construction works, rebuild, remodel, relocate, remove, or reinstate facilities or articles, or suspend the use of facilities and equipment, take other dispositions or issue an order to take other measures: Provided, That he/she shall revoke permission, designation or approval if the event referred to in subparagraph 1 occurs: <Amended by Act No. 11371, Feb. 22, 2012; Act No. 11594, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12545, Mar. 24, 2014>

1. If a person obtains permission for a harbor project under the main sentence of Article 9 (2), approval of a harbor project implementation plan under Article 10 (2), a permit to use a harbor facility under



Article 30 (1), designation as a management agency of a Class 1 harbor hinterland complex under Article 47 (1), designation as a project developer under Article 59 (1), or approval of a redevelopment project implementation plan under Article 60 (1) by fraudulent or other illegal means;

2. If a person violates any term or condition of permission for a harbor project under the main sentence of Article 9 (2), approval of a harbor project implementation plan under Article 10 (2), a report on the formulation of a harbor project implementation plan under Article 10 (4), or a permit to use a harbor facility under Article 30 (1);

3. If a person fails to pay user fees for port facilities under Article 30 (4) within the period prescribed by Presidential Decree;

4. If a project developer receives an advance payment without obtaining approval under Article 60-2;

5. If a project developer supplies undeveloped land without obtaining approval under Article 60-3.

(2) Further details of guidelines for the revocation of permission, designation, or approval, the suspension or alteration of construction works, the reconstruction, remodeling, or relocation of facilities or articles, and other necessary dispositions or measures shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries, depending on the type, motive for, and severity of each violation. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) When the Minister of Oceans and Fisheries issues a disposition or takes a measure pursuant to paragraph (1), he/she shall publicly announce such fact, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 72 (Dispositions for Public Interests)**

If any of the following events occurs, the Minister of Oceans and Fisheries may impose any of the dispositions under Article 71 on a person who has obtained permission for a harbor project under the main sentence of Article 9 (2), approval of a harbor project implementation plan under Article 10 (2), or a permit to use a harbor facility under Article 30 (1): *<Amended by Act No. 11690, Mar. 23, 2013>*

1. If it is necessary to take an action in response to changes in the circumstances of a harbor, to efficiently manage and operate a harbor efficiently, or to protect public interest otherwise;

2. If an emergency, such as a war or upheaval, or a natural disaster has occurred;

3. If the congestion of cargo in a harbor has caused or is likely to cause a serious hindrance to the operation of the harbor.

#### **Article 73 (Reporting and Inspections)**

(1) If any of the following events occurs to a person who has obtained permission or approval or has completed registration, pursuant to this Act or an order issued pursuant to this Act or a harbor facility operator, the Minister of Oceans and Fisheries may require the person or the operator to submit a report or may assign subordinate public officials to enter the office, place of business, or other necessary places of such person or operator to inspect the current status of a harbor project, a harbor facility, an article, or relevant documents: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 13186, Feb. 3, 2015>*

1. If it is necessary to verify whether the person or the operator meets the following terms and conditions or results:

(a) Terms and conditions of permission for a harbor project granted under the main sentence of Article 9 (2);

(b) Terms and conditions of approval of a harbor project implementation plan granted under Article 10 (2);

(c) Results of self-inspections on facilities and equipment conducted under Article 25 (1);

(d) Terms and conditions of the permit to use a harbor facility or the harbor facility operator's performance of the operation of a harbor facility under Article 30 (1);

(e) Deleted; <by Act No. 13186, Feb. 3, 2015>

2. If an emergency, such as a war or upheaval, or a natural disaster is likely to occur and cause a serious hindrance to the management and operation of a harbor;

3. If it is necessary to verify relevant data or conduct an on-site inspection for implementing a public project.

(2) A person who intends to enter a place to conduct an inspection pursuant to paragraph (1) shall give a written notice of the inspection plan regarding the date, time, purpose, and details of the inspection to a person subject to such inspection by no later than seven days prior to the inspection: Provided, That the foregoing shall not apply in an emergency or where the giving of a prior notice can defeat the purpose of the inspection.

(3) A public official who intends to enter a place to conduct an inspection pursuant to paragraph (1) shall carry with him/her a certificate of identification indicating his/her authority and produce it to relevant persons and shall issue to relevant persons a document stating his/her name, the time of entrance and inspection, purpose of the inspection, and other relevant matters when entering a place to conduct such inspection.

#### **Article 74 (Disposal of Long-Standing Cargo)**

(1) If the Minister of Oceans and Fisheries deems that a cargo obstructs the management and operation of harbor facilities because it has been standing unclaimed for at least two months since it was cleared from customs in accordance with the Customs Act (including domestic cargo that has been standing unclaimed for at least two months since it was received), he/she shall notify the owner of the cargo that he/she should take out the cargo within one month from the date of notice, as prescribed by Presidential Decree, and shall issue the owner a peremptory notice demanding to take out the cargo for a further period of up to one month, if the owner fails to take out the cargo even after the lapse of the period stated in the first notice: Provided, That such notice or peremptory notice shall be given by public notice, as prescribed by Presidential Decree, if it is impossible to serve the notice or peremptory notice because the owner's whereabouts is unknown. <Amended by Act No. 11690, Mar. 23, 2013>

(2) If an owner of cargo fails to take out the cargo within the period stated in the peremptory notice or public notice under paragraph (1), the Minister of Oceans and Fisheries may sell, discard, vest the

ownership of the cargo to the State, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) A harbor facility operator or a lessee may request the Minister of Oceans and Fisheries to take measures under paragraphs (1) and (2), if any cargo standing unclaimed in the harbor facilities managed and operated by him/her for at least two months since it was cleared from customs in accordance with the Customs Act obstructs the operation of the harbor. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 75 (Entrance, etc. to Third Party's Land)**

(1) If it is necessary to conduct an inspection or survey to formulate an implementation plan for a harbor project, Class 2 harbor hinterland complex development project, or redevelopment project or to perform a harbor project or harbor redevelopment project, the Minister of Oceans and Fisheries, a person who obtained permission for a harbor project pursuant to the main sentence of Article 9 (2), or a project developer may enter any land owned or occupied by a third party or temporarily use such land as a stockyard for piling materials or a temporary passage or road and may also relocate or remove a tree, soil, rock, or other obstacles in the land, if particularly necessary to do so. *<Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(2) A person who intends to enter, temporarily use, or relocate or remove obstacles in, a third party's land pursuant to paragraph (1) shall notify in writing the owner or occupant of his/her personal information and the time and purpose of such entrance at least seven days earlier, and obtain consent thereto from the owner or occupant: Provided, That the Minister of Oceans and Fisheries may enter a third party's land without consent from the owner or occupant of the land. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) If the owner or occupant of land does not give consent or it is impossible to obtain his/her consent due to inaccurate address or on any other ground, a person who has obtained permission for a harbor project under the main sentence of Article 9 (2) or a project developer shall obtain permission from the Governor of the competent Special Self-Governing Province or the head of the competent Si/Gun/Gu to enter such land.

(4) No one may enter third persons' residential premises or land enclosed with walls without consent from the owner or occupant of the premises or land before sunrise or after sunset.

(5) A person who intends to enter a third person's land pursuant to paragraph (1) shall carry an identification certificate indicating his/her authority and produce it to relevant persons, and shall issue a document stating his/her name and the time and purpose of the entrance to relevant persons.

(6) A project developer who has obtained approval of an implementation plan for a Class 2 harbor hinterland complex development project or redevelopment project may enter, or temporarily use, public waters prearranged for the Class 2 harbor hinterland complex development project or the harbor redevelopment project. In such cases, no person who holds a right to public waters under the Fisheries Act or any other Act shall interfere with or hinder a project developer's entrance or temporal use of the public waters without just cause. *<Amended by Act No. 11371, Feb. 22, 2012>*

(7) Matters necessary in relation to the identification certificate referred to in paragraph (5) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 76 (Use of Land, etc. in Emergency or Disasters)**

Where deemed particularly necessary for preventing a disaster from causing hazards in harbor facilities or risks in the use of a harbor, the Minister of Oceans and Fisheries may request residents in the neighborhood of the harbor or people at the scene of the disaster to provide labor or temporarily use the land, houses, vessels, and other structures as may be necessary at the scene of the disaster, relocate or remove structures or other obstacles, or use or expropriate soil, rocks, trees, means of transportation, and other goods (excluding structures). *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 77 (Expropriation of Land, etc.)**

(1) The Minister of Oceans and Fisheries who performs a harbor project or a project developer who performs a Class 2 harbor hinterland complex development project or a harbor redevelopment project may, if necessary for the project, expropriate or use land, goods, rights under Article 3 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects (including rights to licensed fisheries under Article 8 of the Fisheries Act, permitted fisheries under Article 43 of the aforesaid Act, and reported fisheries under Article 46 of the aforesaid Act). *<Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(2) A public announcement of a harbor project implementation plan under Article 10, public notice of the designation of a Class 2 harbor hinterland complex referred to in Article 43, and the designation and public notice of a project zone under Article 56 (1) shall be deemed approval and public notice of a project under Articles 20 (1) and 22 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects, while a petition for adjudication may be filed within the construction period specified in the harbor project implementation plan or within the implementation period of a Class 2 harbor hinterland complex development project or a harbor redevelopment project, notwithstanding Articles 23 (1) and 28 (1) of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects. *<Amended by Act No. 11371, Feb. 22, 2012>*

(3) The Act on Acquisition of and Compensation for Land, etc. for Public Works shall apply mutatis mutandis to expropriation or use under paragraph (1), except as otherwise expressly provided for in this Act.

#### **Article 77-2 (Replotting for Land Owners)**

(1) Where a person who owns land in a harbor hinterland complex or project area intends to use the relevant land as specified in the relevant plan to develop the harbor hinterland complex or the redevelopment project plan, the implementer of the harbor hinterland complex development project or the project developer may execute the development project according to such plan to develop the harbor redevelopment project or harbor redevelopment project according to the redevelopment project plan, including the relevant land, and allocate replotted land to the relevant land owner, as prescribed by

Presidential Decree, upon completion of the relevant project.

(2) Articles 28 through 32, 32-2, 32-3, 33 through 36, 36-2, and 37 through 49 of the Urban Development Act shall apply mutatis mutandis to matters concerning replotting under paragraph (1): Provided, That where the implementer of a harbor hinterland complex development project or project developer obtains approval of the implementation plan for the harbor hinterland complex development project or redevelopment project, including a replotting plan prepared under Article 28 (1) of the Urban Development Act, he/she shall be deemed to have obtained authorization of a replotting plan under Article 29 of the aforesaid Act.

#### **Article 78 (Entrustment of Purchases of Land, etc.)**

(1) A project developer may entrust the competent local government or a public institution specified by Presidential Decree with affairs related to purchases of land, compensation for losses, and measures for resettlement of residents for Class 2 harbor hinterland complex development projects or harbor redevelopment projects, as prescribed by Presidential Decree. *<Amended by Act No. 12545, Mar. 24, 2014>*

(2) Commission for the entrustment of affairs related to purchases of land, compensation for losses, and measures for resettlement of residents under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 79 (Measures to Stabilize Real Estate Prices)**

(1) The Minister of Oceans and Fisheries, the head of a relevant administrative agency, and the competent Mayor/Do Governor shall take measures necessary for stabilizing real estate prices of land, buildings, etc. in each project zone and its neighborhood. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The competent Mayor/Do Governor shall request the heads of the relevant central administrative agencies to take the following measures for an area in which speculative investment in real estate or a sudden rise of real estate prices is likely to occur as a consequence of a Class 2 harbor hinterland complex development project or a harbor redevelopment project: *<Amended by Act No. 11371, Feb. 22, 2012>*

1. Designation of an area under Article 104-2 (1) of the Income Tax Act;
2. Designation as an overheated speculation district under Article 41 of the Housing Act;
3. Designation as an area subject to permission for land transaction contracts under Article 117 of the National Land Planning and Utilization Act;
4. Other measures necessary for stabilizing real estate prices.

#### **Article 80 (Compensation for Losses Incurred by Tolerance for Public Use)**

(1) The State shall pay due compensation to a person who has sustained loss due to an activity or a disposition done or issued by the Minister of Oceans and Fisheries pursuant to Article 75 or 76, while a person who has obtained permission for a harbor project pursuant to the main sentence of Article 9 (2) or a project developer shall pay due compensation to a person who has sustained loss due to an activity or a disposition done or issued by the person who has obtained permission for a harbor project pursuant to the main sentence of Article 9 (2) or the project developer. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Any entity which intends to pay compensation for loss pursuant to paragraph (1) shall reach agreement with the person who has sustained such loss.

(3) If the Minister of Oceans and Fisheries or a person who has obtained permission for a harbor project pursuant to the main sentence of Article 9 (2) fails to reach agreement pursuant to paragraph (2), he/she shall pay the amount determined by him/her to the person who has sustained loss: Provided, That if it is impossible to pay such amount to the relevant person, the amount shall be deposited in the competent depository with a notice of deposit to such person. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) A person dissatisfied with monetary compensation paid under paragraph (3) may file a petition for adjudication with the competent Land Tribunal, as prescribed by Presidential Decree, within 30 days after receipt of the monetary compensation for loss or the notice of deposit.

(5) If a project developer and a person who has sustained loss fail to reach agreement pursuant to paragraph (2), either of them may file a petition for adjudication with the competent Land Tribunal. In such cases, the petition for adjudication may be filed during the implementation period for the relevant Class 2 harbor hinterland complex development project or harbor redevelopment project, notwithstanding Articles 23 (1) and 28 (1) of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects. *<Amended by Act No. 11371, Feb. 22, 2012>*

(6) Notwithstanding paragraph (5), Articles 79 through 85 of the Fisheries Act shall apply to compensation for loss inflicted on licensed fisheries under Article 8 of the Fisheries Act, permitted fisheries under Article 43 of the aforesaid Act, or reported fisheries under Article 46 of the aforesaid Act.

#### **Article 81 (Compensation for Loss Caused by Dispositions for Public Interest)**

The provisions of Article 80 shall apply mutatis mutandis to loss incurred as a consequence of a disposition issued under Article 72.

#### **Article 82 (Compensation for Losses Caused by Harbor Projects)**

(1) If any person has sustained losses due to the implementation of a harbor project under Article 9, the developer of the harbor project shall compensate for such losses or install facilities for preventing such losses.

(2) Article 80 (2) through (6) shall apply mutatis mutandis to compensation for losses under paragraph (1).

#### **Article 83 (Relations with other National Projects, etc.)**

(1) When the State or a local government intends to execute a project for which permission of the Minister of Oceans and Fisheries is required pursuant to this Act, the administrative agency responsible for the execution of the project shall consult with the Minister of Oceans and Fisheries or obtain approval from the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) When the State or a local government intends to take any of the following measures, it shall consult with the Minister of Oceans and Fisheries in advance: *<Amended by Act No. 10272, Apr. 15, 2010; Act No. 11690, Mar. 23, 2013>*

1. Reflecting a harbor zone in the master reclamation plan under the Public Waters Management and Reclamation Act;

2. Designating a facility protection zone (limited to those for the protection of harbor facilities) under Article 37 (1) 7 of the National Land Planning and Utilization Act;

3. Designating an industrial complex pursuant to the Industrial Sites and Development Act.

(3) When the head of a relevant administrative agency intends to create a mining right, etc. or issue any disposition pursuant to the Mining Industry Act, the Fisheries Act, the Public Waters Management and Reclamation Act, or any other Act or subordinate statute in a harbor zone or an area prearranged for the installation of a harbor facility under Article 6 (1) 8, he/she shall first consult with the Minister of Oceans and Fisheries. *<Amended by Act No. 10272, Apr. 15, 2010; Act No. 11690, Mar. 23, 2013>*

#### **Article 84 (Restrictions on Activities, etc.)**

(1) A person who intends to construct a building, install a structure, alter the form or quality of a parcel of land, collect soil and rocks, partition a parcel of land, pile goods, or engage in other activities specified by Presidential Decree in an area designated and publicly announced as a harbor hinterland complex or project zone shall obtain a permit from the Minister of Oceans and Fisheries (limited to activities on public waters managed by the Minister of Oceans and Fisheries pursuant to the Public Waters Management and Reclamation Act; the same shall apply hereafter in this Article) or the Governor of the competent Special Self-Governing Province or the head of the competent Si/Gun/Gu. The foregoing shall also apply to an amendment to any permitted matter. *<Amended by Act No. 10272, Apr. 15, 2010; Act No. 11690, Mar. 23, 2013>*

(2) Notwithstanding paragraph (1), no permit is required for any of the following activities:

1. Activities for emergency measures necessary for recovery from a disaster or control of a calamity;
2. Activities specified by Presidential Decree, such as alteration of the form or quality of land for cultivation.

(3) A person who has already obtained a permit to engage in an activity which requires a permit pursuant to paragraph (1), or who has already commenced construction works or a project in connection with an activity that does not require a permit, pursuant to relevant Acts and subordinate statutes at the time of designation and public announcement of a harbor hinterland complex or project zone may continue the construction works or project after filing a report thereon with the Minister of Oceans and Fisheries or the Governor of the competent Special Self-Governing Province or the head of the competent Si/Gun/Gu, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) The Minister of Oceans and Fisheries, the Governor of a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may issue an order for reinstatement to a person who has violated paragraph (1). If the person subject to the order fails to comply with such order, the Minister of Oceans and Fisheries, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may execute the order on behalf of the person pursuant to the Administrative Vicarious Execution Act. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) Articles 57 through 60 and 62 of the National Land Planning and Utilization Act shall apply to permits under paragraph (1), except as otherwise expressly provided for in this Act.

(6) A permit granted pursuant to paragraph (1) shall be construed as a permit granted pursuant to Article 56 of the National Land Planning and Utilization Act.

**Article 85 (Relevant Authorization, Permits, etc. Deemed Granted)**

(1) Where the Minister of Oceans and Fisheries publicly announces the formulation of a harbor project implementation plan or an amendment thereto pursuant to the main sentence of Article 10 (1), the approval of the harbor project implementation plan of a non-management authority or approval of an amendment thereto pursuant to the proviso to Article 10 (1) and Article 10 (2), or give public notice of approval of the implementation plan of a redevelopment project (including the implementation plan for a Class 2 harbor hinterland development project to which Article 46-2 (1) applies mutatis mutandis) or approval of an amendment thereto pursuant to Article 60 (4), the following permits, authorization, determination, licenses, consultation, consent, approval, reporting, cancellation, etc. (hereinafter referred to as "authorization, permits, etc.") shall be deemed to have been granted or made for matters he/she has consulted on with the head of a relevant administrative agency pursuant to paragraph (3), and shall be deemed to have been publicly notified or announced pursuant to any of the following laws: *<Amended by Act No. 9763, Jun. 9, 2009; Act No. 10252, Apr. 12, 2010; Act No. 10272, Apr. 15, 2010; Act No. 10331, May 31, 2010; Act No. 10599, Apr. 14, 2011; Act No. 11037, Aug. 4, 2011; Act No. 11594, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12248, Jan. 14, 2014; Act No. 12545, Mar. 24, 2014>*

1. A building permit under Article 11 of the Building Act; reporting on the construction of a building under Article 14 of the aforesaid Act; an amendment to permitted or reported matters under Article 16 of the aforesaid Act; a permit for, or reporting on, the construction of a temporary building under Article 20 of the aforesaid Act; or consultation on the construction of a building under Article 29 of the aforesaid Act;
2. Approval of an implementation plan under Article 9 of the Special Act on Designation and Management of Free Economic Zones;
3. Determination of an urban/Gun management plan under Article 30 of the National Land Planning and Utilization Act; a permit to alter the form or quality of land or to partition land under Article 56 of the aforesaid Act; designation of the developer of an urban/Gun planning facility project under Article 86 of the aforesaid Act; or authorization of the implementation plan for an urban/Gun planning facility project under Article 88 of the aforesaid Act;
4. A permit to extract aggregate under Article 22 of the Aggregate Extraction Act;
5. A permit to occupy and use public waters under Article 8 of the Public Waters Management and Reclamation Act; approval or reporting of a plan to occupy and use public waters under Article 17 of the aforesaid Act; a permit to reclaim public waters under Article 28 of the aforesaid Act; consultation or approval of reclamation to be executed by the State, etc. under Article 35 of the aforesaid Act; approval of a plan to reclaim public waters under Article 38 of the aforesaid Act;
6. Deleted; *<by Act No. 10272, Apr. 15, 2010>*



7. Approval of a business plan under Article 15 of the Tourism Promotion Act;
8. Approval to use infrastructure for agricultural production for any purpose, other than its original purpose, under Article 23 of the Rearrangement of Agricultural and Fishing Villages Act; or approval of a project plan to develop a tourism and resort complex in an agricultural or fishing village under Article 82 (2) of the aforesaid Act;
9. A permit to change the use of farmland or consultation thereon under Article 34 of the Farmland Act;
10. Consultation with, or approval by, the competent road management authorities under Article 107 of the Road Act (limited to consultation or approval regarding public announcement of the approval of a road route under Article 19 of the aforesaid Act; determination on a road zone under Article 25 of the aforesaid Act; a permit granted to non-management authorities to execute a road project under Article 36 of the aforesaid Act; and a permit to occupy and use roads under Article 61 of the aforesaid Act);
11. A permit to log trees or bamboo or collect soil, rocks, tree roots, or grass roots under Article 14 of the Erosion Control Work Act; or cancellation of designation of an erosion control area under Article 20 of the aforesaid Act;
12. Approval of an implementation plan to develop a national industrial complex under Article 17 of the Industrial Sites and Development Act; approval of an implementation plan to develop a general industrial complex under Article 18 of the aforesaid Act; approval of an implementation plan to develop an urban high-tech industrial complex under Article 18-2 of the aforesaid Act; or approval of an implementation plan to develop an agro-industrial complex under Article 19 of the aforesaid Act;
13. Approval to establish a factory, etc. under Article 13 of the Industrial Cluster Development and Factory Establishment Act; a permit to construct a factory building under Article 14 of the aforesaid Act; approval to use a factory building under Article 14-2 of the aforesaid Act; approval to install manufacturing facilities under Article 14-3 of the aforesaid Act; or approval to establish a knowledge industry center under Article 28-2 of the aforesaid Act;
14. A permit to change the use of mountainous districts under Article 14 of the Mountainous Districts Management Act; reporting on change in the use of mountainous districts under Article 15 of the aforesaid Act; and a permit to temporarily use mountainous districts or reporting thereon under Article 15-2 of the aforesaid Act;
15. A permit to log trees, etc. or reporting thereon under Article 36 (1) or (4) or 45 (1) or (2) of the Creation and Management of Forest Resources Act;
16. Consent to a building permit, etc. under Article 7 (1) of the Installation, Maintenance, and Safety Control of Fire-Fighting Systems Act;
17. Reporting on installation of a fire-fighting system under Article 13 (1) of the Fire-Fighting System Installation Business Act;
18. A permit to execute a small river project under Article 10 of the Small River Maintenance Act;
19. Authorization for a general waterworks project under Article 17 (1) of the Water Supply and Waterworks Installation Act; authorization for an industrial waterworks project under Article 49 of the

aforesaid Act; authorization to install an exclusive potable water supply system under Article 52 of the aforesaid Act; or authorization to install an exclusive industrial water supply system under Article 52 of the aforesaid Act, which is applicable mutatis mutandis pursuant to Article 54 of the aforesaid Act;

20. Approval to implement construction works on reserved waters under Article 67 of the Fisheries Act;

21. A permit to build a factory, etc. under Article 6 (1) of the Act on the Safety Control of Dangerous Substances;

22. Consultation with the park management authorities under Article 71 of the Natural Parks Act;

23. Authorization for, or reporting on, a project plan to install a private electricity system under Article 62 of the Electric Utility Act;

24. Approval of a business plan under Article 12 of the Installation and Utilization of Sports Facilities Act;

25. Approval of the implementation plan for a housing site development project under Article 9 of the Housing Site Development Promotion Act;

26. A permit to execute a public sewerage project under Article 16 of the Sewerage Act or a permit to occupy and use public sewerage systems under Article 24 of the aforesaid Act;

27. A permit to execute a river project under Article 30 of the River Act or a permit to occupy and use a river under Article 33 of the aforesaid Act.

(2) Where the formulation of a harbor master plan or an amendment thereto is publicly announced pursuant to Articles 5 through 8 or the formulation of a redevelopment project plan or an amendment thereto is publicly announced pursuant to Articles 54 and 55, the formulation of a master plan to reclaim public waters or an amendment thereto pursuant to Articles 22 and 27 of the Public Waters Management and Reclamation Act shall be deemed to have been publicly announced pursuant to Article 26 of the aforesaid Act to the extent of such harbor master plan or redevelopment project master plan, and the designation of an industrial complex or an alteration thereto pursuant to Articles 6, 7, 7-2, and 8 of the Industrial Sites and Development Act shall be deemed to have been publicly notified pursuant to Articles 7-4 and 8 of the aforesaid Act. *<Amended by Act No. 10272, Apr. 15, 2010; Act No. 11594, Dec. 18, 2012>*

(3) Where any of the following events occurs, the Minister of Oceans and Fisheries shall, in advance, consult with the head of a relevant administrative agency if such events are related to any of the subparagraphs of paragraph (1). In such cases, the head of the relevant administrative agency shall submit his/her opinion within 20 days after receipt of a request for consultation; if the head of the relevant administrative agency fails to submit his/her opinion within such period, agreement shall be deemed to have been reached: *<Amended by Act No. 11594, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

1. Where he/she formulates or amends a harbor project implementation plan pursuant to Article 10 (1);

2. Where he/she approves a non-management authority's harbor project implementation plan or approves an amendment thereto pursuant to Article 10 (2);

3. Where he/she approves a project developer's redevelopment project implementation plan or approves an amendment thereto pursuant to Article 60 (1).

(4) Notwithstanding paragraph (3), the Minister of Oceans and Fisheries may, if necessary, approve a redevelopment project implementation plan or an amendment thereto, before completing consultation with the head of a relevant administrative agency and the head of the competent local government. In such cases, no authorization, permits, etc. under paragraph (1) shall be deemed granted until such consultation is complete. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) A project developer who intends to obtain constructive authorization, permits, etc. under paragraph (1) shall submit related documents specified by relevant Acts, when he/she files an application for approval of a redevelopment project implementation plan or an amendment thereto.

#### **Article 85-2 (Comprehensive Consultation Meetings for Constructive Authorization, Permits, etc.)**

(1) The Minister of Oceans and Fisheries may hold a comprehensive consultation meeting for constructive authorization, permits, etc., as prescribed by Presidential Decree, in order to have consultation with the heads of relevant administrative agencies pursuant to Article 85 (3). *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The heads of relevant administrative agencies referred to in Article 85 (3) shall have affiliated public officials attend a comprehensive consultation meeting held under paragraph (1).

#### **Article 86 (Hearings)**

When the Minister of Oceans and Fisheries intends to issue any of the following dispositions, he/she shall hold a hearing pursuant to the Administrative Procedures Act: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Revocation of designation of an inspection agency under Article 28 (4);
2. Deleted; *<by Act No. 13186, Feb. 3, 2015>*
3. Replacement, or revocation of designation, of a project developer under Article 59 (2);
4. Revocation of permission for a harbor project, revocation of approval of a harbor project implementation plan, revocation of a permit to use harbor facilities, revocation of designation of a project developer, or revocation of approval of a redevelopment project implementation plan under Article 71 or 72.

#### **Article 87 (Transfer of Rights or Obligations)**

A person who intends to transfer his/her rights or obligations under this Act shall obtain authorization from the Minister of Oceans and Fisheries, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: Provided, That such authorization may be omitted where rights and obligations are transferred by inheritance. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12545, Mar. 24, 2014>*

#### **Article 88 (Harbor Management Corporations)**

(1) The Minister of Oceans and Fisheries may designate a corporation responsible for the management, security, safety, etc. of harbor facilities (hereinafter referred to as "harbor management corporation"). *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the designation and supervision of harbor management corporations and other matters shall be prescribed by Presidential Decree.

(3) Provisions applicable to incorporated associations in the Civil Act shall apply mutatis mutandis to harbor management corporations, except as otherwise expressly provided for in this Act.

#### **Article 89 (Establishment and Operation of Integrated Harbor Logistics Information Network)**

(1) The Minister of Oceans and Fisheries may establish and operate an integrated harbor logistics information network if necessary for the management of information pertaining to the use of harbors and logistics of harbors and the processing of civil petitions, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the establishment, operation, and use of an integrated harbor logistics information network and other matters shall be prescribed by Presidential Decree.

#### **Article 90 (Establishment and Operation of Integrated Harbor Construction Information Network)**

(1) The Minister of Oceans and Fisheries may establish and operate an integrated harbor construction information network if necessary for the management of information pertaining to the construction, maintenance, and management of harbors and the processing of civil petitions, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the establishment and operation of an integrated harbor construction information network and the designation of a special institution exclusively responsible for such matters shall be prescribed by Presidential Decree.

#### **Article 91 (Incorporation of Harbor Association)**

(1) Persons involved in the construction of harbors may incorporate a Harbor Association (hereinafter referred to as the "Association"), subject to prior approval from the Minister of Oceans and Fisheries, to contribute to the sound development of the harbor construction industry by conducting surveys and research on construction of harbors and encouraging the joint use of information pertaining to the development of technologies and the construction of harbors. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Association shall be a corporation.

(3) The Association shall perform each of the following duties:

1. Conducting surveys, research, and publicity on harbors;
2. Collecting, analyzing, and providing information on technologies of harbor construction;
3. Providing services for surveys, design, supervision, and technologies relating to harbor construction and conducting inspections on the safety of facilities;
4. Providing educational and training programs and support for improving technologies for harbor construction;
5. Carrying out duties incidental to those of subparagraphs 1 through 4, as stipulated by its articles of association.

(4) The Association shall obtain approval of its articles of association from the Minister of Oceans and Fisheries, and matters necessary for mandatory descriptions of the articles of association and the operation of the Association shall be prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) The Minister of Oceans and Fisheries may require the Association to file a report on its business affairs or request the Association to provide him/her with data, and may assign public officials under his/her

control to enter the Association's office, place of business, or other necessary place to inspect account books, documents, and other materials or make inquiries to relevant persons if necessary for his/her supervision over the Association. *<Amended by Act No. 11690, Mar. 23, 2013>*

(6) Public officials who intend to gain access, conduct an inspection, or make inquiries pursuant to paragraph (5) shall carry an identification certificate indicating their authority and produce it to relevant persons.

(7) Provisions applicable to incorporated associations in the Civil Act shall apply mutatis mutandis to the Association, except as otherwise provided for expressly in this Act.

#### **Article 91-2 (Support for International Cooperation, etc. Related to Harbor)**

In order to promote international cooperation related to domestic harbors and harbor industries and support related domestic enterprises' entry into overseas markets, the Minister of Oceans and Fisheries may conduct international exchanges of harbor-related information, related technologies, and human resources, and perform other necessary affairs, such as surveys and research.

#### **Article 92 (Delegation and Entrustment of Authority)**

(1) The Minister of Oceans and Fisheries may delegate part of his/her authority under this Act to the heads of relevant regional maritime affairs and port administrations or relevant Mayors/Do Governors, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Oceans and Fisheries may entrust part of his/her authority under this Act to the Association, Port Authorities established under Article 4 of the Port Authority Act, or the Korea Shipping Association under Article 4 of the Korea Shipping Association Act, as prescribed by Presidential Decree. *<Amended by Act No. 10628, May 18, 2011; Act No. 11594, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

(3) The executives and employees of the Association, Port Authorities or the Korea Shipping Association who perform the duties entrusted pursuant to paragraph (2) shall be deemed public officials for the purposes of penal provisions of Article 127 and Articles 129 through 132 of the Criminal Act. *<Amended by Act No. 11594, Dec. 18, 2012>*

#### **Article 93 (Fees)**

A person who intends to obtain permission, file an application for registration, or file a report in accordance with this Act shall pay fees, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 94 (Abatement or Exemption of Taxes)**

The State or a local government may abate or exempt taxes pursuant to the Restriction of Special Taxation Act or the Restriction of Special Local Taxation Act in order to facilitate harbor projects executed by non-management authorities. *<Amended by Act No. 10220 Mar. 31, 2010>*

#### **Article 95 (Penal Provisions)**

Any person who alters the structure or location of a harbor facility or destroys or causes damage to a harbor facility to degrade the efficiency of the harbor or to cause a hazard to the vessels entering into or departing from the harbor shall be punished by imprisonment with prison labor for not more than five

years or by a fine not exceeding 30 million won.

#### **Article 96 (Penal Provisions)**

Any of the following persons shall be punished by imprisonment with prison labor for not more than three years, or by a fine not exceeding 30 million won: <Amended by Act No. 11371, Feb. 22, 2012>

1. A person who obtains permission under the main sentence of Article 9 (2) by fraudulent or other illegal means;
2. A person who obtains designation as a project developer under Article 59 (1) (including cases applied mutatis mutandis in Article 46-2) by fraudulent or other illegal means;
3. A person who obtains approval of a redevelopment project implementation plan under Article 60 (1) (referring to the implementation plan of a Class 2 harbor hinterland complex development project in cases applied mutatis mutandis in Article 46-2; hereinafter the same shall apply) by fraudulent or other illegal means;
4. Deleted; <by Act No. 13274, Mar. 27, 2015>

#### **Article 97 (Penal Provisions)**

Any of the following persons shall be punished by imprisonment with prison labor for not more than two years, or by a fine not exceeding 20 million won: <Amended by Act No. 11371, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 13186, Feb. 3, 2015; Act No. 13274, Mar. 27, 2015>

1. A person who executes a harbor project without obtaining permission under the main sentence of Article 9 (2);
2. A person who executes a harbor project without obtaining approval of a harbor project implementation plan under Article 10 (2) or without filing a report under paragraph (4) of the aforesaid Article;
3. A person who engages in an activity prohibited in a harbor under Article 22;
4. A person who uses a harbor facility without permission under Article 30 (1);
5. A person who obtains permission under Article 30 (1) by fraudulent or other illegal means;
6. Deleted; <by Act No. 13186, Feb. 3, 2015>
7. A person who executes a project without obtaining approval of a redevelopment project implementation plan under Article 60 (1) (including cases applied mutatis mutandis in Article 46-2);
8. A person who refuses or interferes with an activity done or a disposition issued by the Minister of Oceans and Fisheries under Article 76 without just cause;
9. A person who obtains a permit or an amendment thereto under Article 84 (1) by fraudulent or other illegal means.

#### **Article 98 (Penal Provisions)**

Any of the following persons shall be punished by imprisonment with prison labor for not more than one year, or by a fine not exceeding ten million won: <Amended by Act No. 11371, Feb. 22, 2012; Act No. 12545, Mar. 24, 2014; Act No. 13274, Mar. 27, 2015>

1. A person who uses any developed land or installed facility without filing a report on use under the proviso to Article 12 (5) or the proviso to Article 61 (5) (including cases applied mutatis mutandis in Article 46-2);

2. and 3. Deleted; <by Act No. 13186, Feb. 3, 2015>

4. A person who violates an order to suspend or alter a project, an order to rebuild, alter, relocate, remove, or reinstate a facility or an article, or an order to take any other necessary disposition or measure pursuant to Article 71 (1) or 72;

4-2. A person who engages in any act referred to in Article 84 (1) in a harbor hinterland complex or project area without obtaining a permit or an amendment thereto under the same Article 84 (1);

5. A person who files a false report or data upon receiving a request to submit a report or data under Article 91 (5).

#### **Article 99 (Joint Penal Provisions)**

If the representative of a legal entity or an agent, employee, or any other servant of a legal entity or a private individual commits a violation under any provision of Articles 95 through 98 in the course of the business of the legal entity or the private individual, not only shall such a violator be punished accordingly, but the legal entity or the private individual shall be punished by a fine under the relevant provisions: Provided, That the foregoing shall not apply where the legal entity or private individual has not been negligent in giving due attention and supervision concerning the relevant business to prevent such an offense.

#### **Article 100 (Legal Fiction as Public Official in Application of Penal Provisions)**

Non-public official members of the Harbor Policy Council shall be treated as public officials for purposes of applying Articles 129 through 132 of the Criminal Act.

#### **Article 101 (Administrative Fines)**

(1) Any of the following persons shall be punished by an administrative fine not exceeding two million won: <Amended by Act No. 11690, Mar. 23, 2013>

1. A person who fails to file a report under Article 24 (1);

2. A person who fails to conduct a self-inspection in accordance with Article 25 (1) or who fails to take prompt measures for facilities and equipment requiring maintenance or repair works despite the findings from such self-inspection;

3. A person who fails to prepare and keep records of self-inspections under Article 25 (2);

4. A person who fails to undergo an inspection under Article 26 (1);

5. A person who fails to comply with an order for improvement under Article 28 (5);

6. A person who files a false report under Article 73 (1) or rejects, interferes with, or evades an inspection;

7. A person who rejects or interferes with an activity of the Minister of Oceans and Fisheries (including persons to whom the Minister of Oceans and Fisheries has delegated part of his/her authority), of a person who obtains permission for a harbor project or of a project developer under Article 75 (1)

without just cause;

8. A person who enters a third party's land without consent from the owner or occupant of such land or without permission, in violation of Article 75 (2) or (3);

9. A person who enters a third party's land without carrying an identification certificate, in violation of Article 75 (5);

10. A person who interrupts or hinders a project developer from accessing or temporarily using public waters, in violation of the latter part of Article 75 (6);

11. A person who fails to submit a report or data in accordance with Article 91 (5) or who refuses to make any statement in reply to inquiries without just cause.

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

## ADDENDA

### **Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That Article 9 (17) of the Addenda shall enter into force on March 26, 2010.

### **Article 2 (Repeal of Other Acts)**

The Act on the Development and Utilization of Harbors and their Environs is hereby repealed.

### **Article 3 (Transitional Measures concerning Implementation of Harbor Redevelopment Projects, etc.)**

(1) Matters already deliberated upon and resolved by the Harbor Redevelopment Committee pursuant to the former Act on the Development and Utilization of Harbors and Their Environs as at the time this Act enters into force shall be deemed to have been deliberated upon and resolved by the Central Harbor Policy Council under the amended provisions of Article 4.

(2) The formulation of basic plans for the redevelopment of harbors, the designation of project developers, the formulation of redevelopment project plans, the designation of project zones, and the approval of implementation plans for redevelopment projects, already performed or granted pursuant to the former Act on the Development and Utilization of Harbors and their Environs as at the time this Act enters into force shall be deemed the formulation of basic plans for the redevelopment of harbors, the designation of project developers, the formulation of redevelopment project plans, the designation of project zones, and the approval of implementation plans for redevelopment projects done or granted pursuant to this Act, respectively.

### **Article 4 (Transitional Measures concerning Registration of Tugboat Business)**

A person who has his/her tugboat business registered in accordance with the former provisions as at the time this Act enters into force shall be deemed to have his/her tugboat business registered in accordance with the amended provisions of Article 32.

### **Article 5 (General Transitional Measures concerning Dispositions, etc.)**



Acts already performed by or against an administrative agency pursuant to the former provisions as at the time this Act enters into force shall be deemed acts already performed by or against an administrative agency pursuant to corresponding provisions of this Act.

**Article 6 (Transitional Measures concerning Harbor Management Corporation)**

Any harbor management corporation established and designated pursuant to the former Harbor Act as at the time this Act enters into force shall be deemed established and designated pursuant to the amended provisions of Article 88.

**Article 7 (Transitional Measures concerning Harbor Association)**

The Harbor Association established pursuant to the former Harbor Act as at the time this Act enters into force shall be deemed to have been established pursuant to the amended provisions of Article 91.

**Article 8 (Transitional Measures concerning Penal Provisions and Fines for Negligence)**

Former provisions shall apply to acts performed before this Act enters into force in applying penal provisions and provisions regarding fines for negligence to such acts.

**Article 9 Omitted.**

**Article 10 (Relationship with other Acts and Subordinate Statutes)**

A citation of the former Harbor Act, the former Act on the Development and Utilization of Harbors and their Environs, or any provision of such Acts in force as at the time when this Act enters into force shall be deemed a citation of this Act or the corresponding provision of this Act in lieu of the former provision, if such corresponding provision exists in this Act.

ADDENDA <Act No. 9763, Jun. 9, 2009>

**Article 1 (Enforcement Decree)**

This Act shall enter into force nine months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 8 Omitted.**

ADDENDA <Act No. 10220, Mar. 31, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2011.

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 10252, Apr. 12, 2010>

**Article 1 (Enforcement Decree)**

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 10272, Apr. 15, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 14 Omitted.**

ADDENDA <Act No. 10331, May 31, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 13 Omitted.**

ADDENDA <Act No. 10599, Apr. 14, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 9 Omitted.**

ADDENDA <Act No. 10628, May 18, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 10892, Jul. 21, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 10 Omitted.**

ADDENDA <Act No. 11037, Aug. 4, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 11371, Feb. 22, 2012>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Article 2 Omitted.**

ADDENDA <Act No. 11594, Dec. 18, 2012>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Permission for Execution of Harbor Projects)**

The amended provisions of Article 9 (3) 4 shall begin to apply to an application for permission for the execution of a harbor project filed by a non-management authority after this Act enters into force.

**Article 3 (Applicability to Dispositions, etc. against Violations, etc.)**

The amended provisions of Article 71 (1) 3 shall begin to apply from the first case in which a user fee for harbor facilities imposed after this Act enters into force is not paid.

**Article 4 (Applicability to Constructive Public Notification of Designation of Industrial Complexes or Amendment thereto)**

The amended provisions of Article 85 (2) shall begin to apply to the public notification of the formulation of a harbor master plan or amendment thereto or to the public notification of the formulation of a redevelopment project plan or amendment thereto after this Act enters into force.

**Article 5 (Applicability to Constructive Consultation on Relevant Authorization, Permits, etc.)**

The amended provisions of the latter part of Article 85 (3) shall begin to apply to a request for consultation made by the Minister of Oceans and Fisheries when formulating or amending a harbor project implementation plan, approving a non-management authority's harbor project implementation plan or approving an amendment thereto, or approving a redevelopment project implementation plan or approving an amendment thereto. *<Amended by Act No. 11690, Mar. 23, 2013>*

ADDENDA *<Act No. 11690, Mar. 23, 2013>*

**Article 1 (Enforcement Date)**

(1) This Act shall enter into force on the date of its promulgation.

(2) Omitted.

**Articles 2 through 7 Omitted.**

ADDENDA *<Act No. 12248, Jan. 14, 2014>*

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 25 Omitted.**

ADDENDA *<Act No. 12545, Mar. 24, 2014>*

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Public Announcement of Completion of Harbor Projects)**

The amended provisions of Article 12 (1), (4), and (5) shall apply, starting from the first harbor project completed by the Minister of Oceans and Fisheries as a project developer after this Act enters into force.

**Article 3 (Applicability to Permission, etc. to Use Harbor Facilities Deemed Granted)**

The amended provisions of Article 30 (2) shall also apply where a non-management authority obtains permission of, or reports on, a harbor project implementation plan under Article 10 (2) or (4) before this Act enters into force.

**Article 4 (Applicability to Advance Payment)**

The amended provisions of Article 60-2 shall also apply to a project developer who has been designated before this Act enters into force.

**Article 5 (Applicability to Supply and Development of Undeveloped Land)**

The amended provisions of Article 60-3 shall apply, starting from the first project developer designated after this Act enters into force.

**Article 6 (Applicability to Reinvestment of Development Gains)**

The amended provisions of Article 64-6 shall apply, starting from the first project developer designated after this Act enters into force.

**Article 7 Omitted.**

ADDENDA <Act No. 13186, Feb. 3, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 9 Omitted.**

ADDENDUM <Act No. 13274, Mar. 27, 2015>

This Act shall enter into force three months after the date of its promulgation.