

PUBLIC LAND RESERVATION ACT

Act No. 9439, Feb. 6, 2009
Amended by Act No. 10235, Apr. 5, 2010
Act No. 11599, Dec. 18, 2012
Act No. 11690, Mar. 23, 2013
Act No. 12844, Nov. 19, 2014
Act No. 13378, Jun. 22, 2015
Act No. 13675, Dec. 29, 2015
Act No. 13797, Jan. 19, 2016
Act No. 13805, Jan. 19, 2016

Article 1 (Purpose)

The purposes of this Act is to contribute to the smooth supply of sites for public works and the stabilization of the land market by prescribing necessary matters regarding the reservation and supply of public land.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 11599, Dec. 18, 2012>

1. The term "public land" means any land that falls under any of the following categories:
 - (a) Land required to carry out public works provided for in Article 4 of the Act on Acquisition of and Compensation for Land, etc. for Public Works projects;
 - (b) Land used to adjust land supply and demand in order to stabilize the land market;
 - (c) Land reclaimed or to be reclaimed pursuant to subparagraph 3 of Article 2 of the Public Waters Reclamation Act;
 - (d) As part of property belonging to the state provided for in Article 3 of the State Property Act or to the public provided for in Article 4 of the Public Property and Commodity Management Act, land which is managed by the Korea Land and Housing Corporation under the Korea Land and Housing Corporation Act (hereinafter referred to as the "Korea Land and Housing Corporation") after being entrusted by the State or a local government pursuant to related statutes;
 - (e) Land held by the Korea Land and Housing Corporation and is transferred to a land bank account pursuant to Article 9 to serve the public interest, such as long-term lease and supply at a low price;
 - (f) Other lands recognized as public land by the Committee for Deliberation on Public Land Reservation pursuant to Article 7;

2. The term "reservation" means the acquisition and management of public land under this Act;
3. The term "land bank" means any land bank account established in the Korea Land and Housing Corporation pursuant to Article 9 (1) to ensure supply of reserved public land;
4. The term "land banking" means any business carried out by the Korea Land and Housing Corporation through the operation of the land bank, as set forth in subparagraphs of Article 11;
5. The term "land to be reserved" means any public land to be acquired by the Korea Land and Housing Corporation by means of land banking;
6. The term "reserved land" means any public land acquired and managed by the Korea Land and Housing Corporation by means of land banking;
7. The term "acquisition" means the purchase, expropriation, entrustment, exchange, or transfer to a land bank account of any land to be reserved;
8. The term "management" means the upkeep or preservation of any reserved land or any act increasing the value of such land;
9. The term "supply" means the offering of any reserved land to persons entitled thereto by means of lease, sale, exchange, and transfer, etc.

Article 3 (Prohibition against Use of Similar Names)

No entity except the Korea Land and Housing Corporation shall use the name of land bank or any other similar names. <Amended by Act No. 11599, Dec. 18, 2012>

Article 4 (Comprehensive Plan for Reservation of Public Land)

(1) The Minister of Land, Infrastructure and Transport shall establish and implement a comprehensive plan for the reservation of public land (hereinafter referred to as "comprehensive plan") every ten years for the smooth supply of sites for public works and the stabilization of the land market. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Land, Infrastructure and Transport shall establish the comprehensive plan in consideration of the following matters: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13378, Jun 22, 2015>

1. A comprehensive national land plan provided for in Article 6 of the Framework Act on the National Land;
2. A State financial operation plan provided for in Article 7 of the National Finance Act;
3. A comprehensive residential plan provided for in Article 5 of the Framework Act on Residence;
4. An industrial site supply plan provided for in Article 5-2 of the Industrial Sites and Development Act;
5. Other plans prescribed by Presidential Decree.

(3) The Minister of Land, Infrastructure and Transport shall develop a comprehensive plan that includes the following matters based on the results of the survey on the supply of and demand for land conducted pursuant to Article 6, and finalize the plan, subject to deliberation by the Committee for Deliberation on Public Land Reservation provided for in Article 7: <Amended by Act No. 11690, Mar. 23, 2013>

1. Basic directions and objectives of the reservation and utilization of public land;
2. Appraisal of the preceding comprehensive plan;
3. Mid- and long-term prospects for the supply of and demand for land and the land market;
4. Optimum scale of public land to be reserved;
5. Directions for the financing and operation necessary to reserve and supply land;
6. Study on policies regarding the reservation of land;
7. Matters relating to the establishment and operation of a land reservation information system;
8. Other matters prescribed by Presidential Decree.

(4) The provisions of paragraph (3) shall apply mutatis mutandis to any alterations to the comprehensive plan. In such cases, the survey on the supply of and demand for land referred to in Article 6 may not be required.

(5) Once a comprehensive plan is finalized pursuant to paragraph (3) or altered pursuant to paragraph (4), the Minister of Land, Infrastructure and Transport shall, without delay, submit the plan to the National Assembly, and then forward it to the head of the relevant central administrative agency, or the relevant Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor"), and the President of the Korea Land and Housing Corporation. *<Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

Article 5 (Implementation Plans for Reservation of Public Land)

(1) The Minister of Land, Infrastructure and Transport shall finalize and implement an annual implementation plan for the reservation of public land (hereinafter referred to as "implementation plan") each year according to the comprehensive plan. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Land, Infrastructure and Transport shall finalize each implementation plan in consideration of the following: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. A plan for the operation of budget and funds for the relevant year;
2. Matters referred to in the subparagraphs of Article 4 (2).

(3) The Minister of Land, Infrastructure and Transport shall include the following in finalizing the implementation plan: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Appraisal of the preceding implementation plan;
2. Direction of the supply of and demand for land and the stabilization of the land market for the relevant year;
3. Conditions and prospects for the reservation and supply of land for the relevant year;
4. Goals of reserving public land for the relevant year (including the standards for calculating the scale of reservation of public land);
5. Matters relating to the standards for selecting land to be reserved and the standards for supplying reserved land;
6. Land to be reserved and the reserved land to be supplied in the relevant year;

7. A plan for the procurement and operation of funds necessary to reserve and supply land;
8. Study on policies regarding the reservation of land;
9. Matters relating to the establishment and management of a land reservation information system;
10. Other matters deemed necessary by the Committee for Deliberation on Public Land Reservation pursuant to Article 7.

(4) The head of the relevant central administrative agency, the Mayor/Do Governor or the person who performs any public project pursuant to Article 4 of the Act on Acquisition of and Compensation for Land, etc. for Public Works projects (hereinafter referred to as "public project operator") may submit to the Minister of Land, Infrastructure and Transport an application for the reservation and supply of land, if any, that is necessary to perform any business affairs and projects under his/her jurisdiction, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) The Minister of Land, Infrastructure and Transport shall develop an annual implementation plan, by not later than the end of February every year, based on the application under paragraph (4) and the results of the survey on the supply of and demand for land under Article 6, and finalize the plan following deliberation by the Committee for Deliberation on Public Land Reservation provided for in Article 7. *<Amended by Act No. 11690, Mar. 23, 2013>*

(6) The provisions of paragraphs (4) and (5) shall apply mutatis mutandis to any alteration to the implementation plan.

(7) Once an implementation plan is finalized pursuant to paragraph (5) or altered pursuant to paragraph (6), the Minister of Land, Infrastructure and Transport shall, without delay, submit the plan to the National Assembly, and then forward such a plan to the head of the relevant central administrative agency, the relevant Mayor/Do Governor, the relevant public project operator, and the President of the Korea Land and Housing Corporation: Provided, That when a minor alteration is made, it does need to be submitted to the National Assembly. *<Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

Article 6 (Survey on the Supply of and Demand for Land)

(1) The Minister of Land, Infrastructure and Transport shall conduct a survey on the supply of and demand for public land (hereinafter referred to as "survey on the supply of and demand for land"), as prescribed by Presidential Decree, to establish a comprehensive implementation plan in a reasonable manner. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Land, Infrastructure and Transport may, in conducting a survey on the supply of and demand for land, request the head of the relevant central administrative agency, the relevant Mayor/Do Governor, or the relevant public project operator to submit the following materials: Provided, That the materials as may be requested by the public project operator shall be limited to those referred to in subparagraph 2: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Materials regarding the current status of policies and projects and planning thereof within his/her jurisdiction (including the computerized database containing matters related thereto);

2. Materials regarding the matters requested to be included in the comprehensive plan or the implementation plan thereof, such as the acquisition of the land to be reserved, the management and supply of the reserved land (hereinafter referred to as "plan for reservation of land");
 3. Other materials prescribed by Presidential Decree.
- (3) The head of the relevant central administrative agency, the relevant Mayor/Do Governor, or the relevant public project operator requested to submit such materials pursuant to paragraph (2) shall comply therewith unless there are special reasons to the contrary.
- (4) The Minister of Land, Infrastructure and Transport may entrust the survey on the supply of and demand for land to the Korea Land and Housing Corporation so as to ensure efficient implementation of such survey. *<Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*
- (5) The methods and procedures, etc. for conducting the survey on the supply of and demand for land and other necessary matters shall be prescribed by Presidential Decree.

Article 7 (Establishment and Functions)

- (1) The Committee for Deliberation on Public Land Reservation (hereinafter referred to as the "Land Reservation Committee") shall be established under the jurisdiction of the Minister of Land, Infrastructure and Transport for deliberation and resolution on any important matters relating to the reservation and supply of public land. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) The Land Reservation Committee shall deliberate on and resolve the following: *<Amended by Act No. 11599, Dec. 18, 2012>*
1. Basic directions of policies for reservation of land;
 2. Plan for reservation of land;
 3. Matters relating to the standards for selecting land to be reserved and the standards for managing and supplying reserved land;
 4. Matters relating to land transferred to the land bank account pursuant to Article 9 (1) among lands which are held or being developed by the Korea Land and Housing Corporation;
 5. Matters relating to the land bank's budget and settlement of accounts;
 6. Matters relating to the land that belongs to the State pursuant to Article 3 of the State Property Act or the public property pursuant to Article 4 of the Public Property and Commodity Management Act which is managed by the Korea Land and Housing Corporation upon entrustment by the State or local governments pursuant to related statutes (hereinafter referred to as "land managed upon entrustment");
 7. Matters relating to plans for the procurement and operation of funds necessary to reserve and supply land;
 8. Matters relating to the ratio and scale of accumulation of the land bank reserve pursuant to Article 11 (1) 4 of the Korea Land and Housing Corporation Act;
 9. Matters relating to the survey on the supply of and demand for land;
 10. Matters relating to the building and management of land reservation information systems;

11. Matters relating to the standards for redemption provided for in Article 23 (3);
12. Necessary matters relating to the operation of the Land Reservation Committee;
13. Other matters deemed necessary by the Chairperson of the Land Reservation Committee.

Article 8 (Organization and Operation)

(1) The Land Reservation Committee shall be comprised of not more than 20 members, including one Chairperson.

(2) The Chairperson of the Committee shall be the Minister of Land, Infrastructure and Transport, and the committee shall be comprised of the following members: *<Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

1. Vice Minister of Strategy and Finance;
2. Vice Minister of the Interior;
3. Vice Minister of Agriculture, Food and Rural Affairs;
4. Vice Minister for Trade, Industry and Energy;
5. Vice Minister of Environment;
6. Administrator of the Korea Forest Service;
7. President of the Korea Land and Housing Corporation;
8. Five or more non-governmental experts commissioned by the Minister of Land, Infrastructure and Transport, as prescribed by Presidential Decree, from among those with abundant knowledge and experience in the field of land.

(3) The terms of office for members commissioned pursuant to paragraph (2) 8 shall be three years, but they may serve consecutive terms: Provided, That the term of office for a member who is newly commissioned to fill a vacancy arising from resignation, etc. shall be the remainder of the term of office of his/her predecessor.

(4) Notwithstanding the provisions of paragraphs (1) and (2), where the Land Reservation Committee deems that those matters are associated with any ministry or agency other than ones to which the members referred to in paragraph (2) belong, in deliberating on and resolving matters referred to in any subparagraph of Article 7 (2), the Vice Minister of the relevant ministry or agency may serve as a member only when deliberating on the matter in question.

(5) Other necessary matters concerning the operation of the Land Reservation Committee shall be prescribed by Presidential Decree.

Article 9 (Establishment and Management of Land Bank Account)

(1) A land bank account shall be established in the Korea Land and Housing Corporation separately from the Korea Land and Housing Corporation's own account to provide for the reservation and supply of public land. *<Amended by Act No. 11599, Dec. 18, 2012>*

(2) The land bank account referred to in paragraph (1) shall be treated separately from the Korea Land and Housing Corporation's accounting. *<Amended by Act No. 11599, Dec. 18, 2012; Act No. 13675, Dec. 29, 2015>*

(3) Other necessary matters concerning the management of the land bank account shall be prescribed by Presidential Decree.

Article 10 (Separate Reservation of Land to be Reserved)

The land to be reserved by the land bank shall be classified as follows:

1. Land required for public works provided for in Article 4 of the Act on Acquisition of and Compensation for Land, etc. for Public Works projects (hereinafter referred to as "land for public development");
2. Land used for adjustment of supply and demand to stabilize the land market (hereinafter referred to as "land for adjustment of supply and demand");
3. Land reclaimed or planned to be reclaimed pursuant to subparagraph 3 of Article 2 of the Public Waters Reclamation Act (hereinafter referred to as "reclaimed land, etc.");
4. Other land recognized by the Land Reservation Committee as necessary.

Article 11 (Land Banking)

The Korea Land and Housing Corporation shall perform the following land banking services: *<Amended by Act No. 11599, Dec. 18, 2012>*

1. Operation and management of the land bank account referred to in Article 9 (1);
2. Support for the establishment of a plan for reservation of land;
3. Establishment of and application for approval of a project plan for reservation of both the land for public development provided for in Article 14 (1) and the land for the adjustment of supply and demand and the reclaimed land, etc. provided for in Article 18 (1) (hereinafter referred to as "land, etc. for the adjustment of supply and demand");
4. Reservation of the land to be reserved and the management and supply of reserved land;
5. Research on and analysis of the propriety of reservation of the land to be reserved;
6. Survey on the supply of and demand for land;
7. Building and management of a land reservation information system;
8. Research and support necessary to establish policies for reservation of land;
9. Other matters necessary to implement the plan for reservation of land.

Article 12 (Financing, etc. of Land Banking)

(1) Land banking shall be financed in ways specified in any of the following subparagraphs: *<Amended by Act No. 11599, Dec. 18, 2012>*

1. Land bank reserve provided for in Article 11 (1) 4 of the Korea Land and Housing Corporation Act, which is determined by the Land Reservation Committee pursuant to Article 7 (2) 8;
2. Funds raised through issue of bonds pursuant to Article 10 of the Korea Land and Housing Corporation Act to perform land banking services;
3. Funds raised through asset-backed securitization under the Asset-Backed Securitization Act or other means of real estate financing prescribed by Presidential Decree;

4. Profits generated through the management or supply of reserved land;
 5. Profits generated through the management of assets;
 6. Other funds determined by the Land Reservation Committee to finance the land bank.
- (2) The financial resources from the land bank shall be managed for the following purposes:
1. Payment of expenses or repayment of loans required for land banking;
 2. Payment of expenses deemed necessary by the Land Reservation Committee to perform land banking services.

Article 13 (Reporting and Inspection)

- (1) The President of the Korea Land and Housing Corporation shall report to the Minister of Land, Infrastructure and Transport on the current status of land banking and the procurement and operation of funds, as prescribed by Presidential Decree. *<Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*
- (2) The Minister of Land, Infrastructure and Transport may direct the Korea Land and Housing Corporation to submit any documents or materials related to the performance of land banking services and the financing and operation of land banking, or have public officials under his/her jurisdiction inspect land banking services. *<Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

Article 14 (Project Plan for Reservation of Land for Public Development, and Approval thereof)

- (1) When the operator of a public-interest land project for public development obtains approval for the project provided for in Article 20 (1) of the Act on Acquisition of and Compensation for Land, etc. for Public Works projects (hereinafter referred to as "project approval") or is deemed to have obtained approval pursuant to any other Act, the Korea Land and Housing Corporation shall develop project plans for the reservation of land for public development, including the following according to the implementation plan and obtain approval therefor from the Minister of Land, Infrastructure and Transport: *<Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

1. Type, timing and target area of the project to use land for public development;
 2. Particulars of land to be reserved;
 3. Matters relating to the management and supply of land to be reserved;
 4. Other matters relating to the reservation of land for public development, as prescribed by Presidential Decree.
- (2) Any application for approval of project plans for the reservation of land for public development referred to in paragraph (1) (hereinafter referred to as "project plan for the reservation of land for public development") may be filed by consolidating the contents of applications by project type or zone, if necessary.
- (3) Procedures and methods of application for approval of project plans for the reservation of land for public development and other necessary matters shall be prescribed by Presidential Decree.

Article 15 (Disclosure regarding Approval of Project Plan for Reservation of Land for Public Development)

(1) If the Minister of Land, Infrastructure and Transport grants approval for project plans for the reservation of land for public development, he/she shall, without delay, notify the Korea Land and Housing Corporation, the owner of such land (including any person holding rights, other than ownership, to the land), and the relevant Mayor/Do Governor the details thereof and disclose them in the Official Gazette. <Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>

(2) The Mayor/Do Governor (excluding the Self-Governing Province Governor of Jeju Special Self-Governing Province) who is notified of approval for project plans for the reservation of land for public development shall inform the relevant head of a Si/Gun/Gu (referring to any autonomous Gu) thereof.

(3) The approval for project plans for the reservation of land for public development shall take effect on the date of its disclosure.

Article 16 (Land Expropriation)

(1) The Korea Land and Housing Corporation, which obtains approval for a project plan for the reservation of land for public development, may expropriate (or use; hereinafter the same shall apply) any such land, thing or right provided for in Article 3 of the Act on Acquisition of and Compensation for Land, etc. for Public Works projects (hereinafter referred to as "land, etc."), if necessary, to acquire the relevant land for public development. <Amended by Act No. 11599, Dec. 18, 2012>

(2) When a notice of approval for a project plan for the reservation of land for public development is issued pursuant to Article 15, the Korea Land and Housing Corporation shall be considered to have inherited the rights and obligations related to the acquisition of and compensation for the land, etc. from the relevant public project operator. In such cases, the provisions of Article 5 (2) of the Act on Acquisition of and Compensation for Land, etc. for Public Works projects shall apply mutatis mutandis thereto. <Amended by Act No. 10235, Apr. 5, 2010>

(3) The Central Land Expropriation Committee shall have jurisdiction over adjudication on the expropriation of land, etc.

(4) Except as specifically provided for in this Act, the Act on Acquisition of and Compensation for Land, etc. for Public Works shall apply mutatis mutandis to matters concerning expropriation of land, etc.

Article 17 (Requests for Purchase of Land for Public Development)

(1) The owner of land for public development may request the Korea Land and Housing Corporation to purchase such land if the indemnity plan for the land has yet to be announced pursuant to Article 15 of the Act on Acquisition of and Compensation for Land, etc. for Public Works projects. In such cases, the Korea Land and Housing Corporation shall publicly announce a purchase plan and purchase such land with prior approval therefor from the Minister of Land, Infrastructure and Transport. <Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>

(2) The public announcement of purchase plan referred to in paragraph (1) shall contain the following:

1. Matters relating to the land to be purchased;
2. Standards and methods for calculating purchase price;

3. Period during which such purchase is to be made;

4. Other matters prescribed by Presidential Decree.

(3) When an indemnity plan for the land purchased and reserved pursuant to paragraph (1) is publicly announced by the relevant public project operator pursuant to Article 15 of the Act on Acquisition of and Compensation for Land, etc. for Public Works projects, the Korea Land and Housing Corporation shall, without delay, supply such land to the relevant public project operator. *<Amended by Act No. 11599, Dec. 18, 2012>*

(4) Where the Korea Land and Housing Corporation supplies the reserved land to the public project operator pursuant to paragraph (3), the procedures, price, methods, etc. of such supply shall be prescribed by Presidential Decree. *<Amended by Act No. 11599, Dec. 18, 2012>*

Article 18 (Project Plan for Reservation of Land, etc. for Adjustment of Supply and Demand, and Approval thereof)

(1) The Korea Land and Housing Corporation shall develop a project plan for the reservation of land, etc. for the adjustment of supply and demand, including the following according to the implementation plan in order to promote the reservation of such land, etc., and obtain approval therefor from the Minister of Land, Infrastructure and Transport: *<Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

1. Matters relating to the reservation and supply of land for the adjustment of supply and demand;

2. Matters relating to the reservation and supply of reclaimed land, etc.;

3. Matters relating to the land managed upon entrustment;

4. Other matters prescribed by Presidential Decree.

(2) Approval of project plans for the reservation of land, etc. for the adjustment of supply and demand referred to in paragraph (1) (hereinafter referred to as "project plan for the reservation of land, etc. for the adjustment of supply and demand") may be granted by consolidating the contents of such projects by purpose or use of reservation, if necessary.

(3) Procedures and methods of application for approval of project plans for the reservation of land, etc. for the adjustment of supply and demand and other necessary matters shall be prescribed by Presidential Decree.

Article 19 (Public Announcement of Purchase Plans)

(1) If the Korea Land and Housing Corporation is seeking to purchase land for the adjustment of supply and demand according to project plans for the reservation of land, etc. for the adjustment of supply and demand, he/she shall publicly announce a purchase plan, including the matters provided for in subparagraphs of Article 17 (2). *<Amended by Act No. 11599, Dec. 18, 2012>*

(2) Necessary matters concerning the procedures and methods for the public announcement of the purchase plan under paragraph (1) shall be prescribed by Presidential Decree.

Article 20 (Advance Sales)

(1) If any application for permission for a land transaction contract is filed pursuant to Article 118 (1) of the National Land Planning and Utilization Act, the head of the relevant Si/Gun/Gu (referring to any

autonomous Gu) may give priority to supporting purchase of such land by the Korea Land and Housing Corporation after consultation if the agency so wishes. <Amended by Act No. 11599, Dec. 18, 2012>

(2) The provisions of Article 122 (2) through (4) of the National Land Planning and Utilization Act shall apply mutatis mutandis with respect to the procedures and pricing, etc. regarding the advance sale referred to in paragraph (1).

Article 20 (Advance Sales)

(1) If any application for permission for a land transaction contract is filed pursuant to Article 11 (1) of the Act on Report on Real Estate Transactions, Etc., the head of the relevant Si/Gun/Gu (referring to any autonomous Gu) may give priority to supporting purchase of such land by the Korea Land and Housing Corporation after consultation if the agency so wishes. <Amended by Act No. 11599, Dec. 18, 2012; Act No. 13797, Jan. 19, 2016>

(2) The provisions of Article 15 (2) through (4) of the Act on Report on Real Estate Transactions, Etc. shall apply mutatis mutandis with respect to the procedures and pricing, etc. regarding the advance sale referred to in paragraph (1). <Amended by Act No. 13797, Jan. 19, 2016>

Article 21 (Management of Reserved Land)

(1) The Korea Land and Housing Corporation may take each of the following measures, if necessary, to manage reserved land: <Amended by Act No. 11599, Dec. 18, 2012>

1. Application for land alteration under Chapter III of the Cadastral Act;
2. Development of any site that may be necessary to maintain and preserve the reserved land or increase the value thereof;
3. Other measures necessary to preserve or increase the value of using such land.

(2) In cases of the land for public development, the Korea Land and Housing Corporation shall hear the opinions of the head of the relevant central administrative agency, the relevant Mayor/Do Governor or the relevant public project operator who has filed an application for the reservation and supply of such land, before taking the measures provided for in paragraph (1). <Amended by Act No. 11599, Dec. 18, 2012>

Article 22 (Supply of Reserved Land)

(1) The Korea Land and Housing Corporation shall supply its reserved land in compliance with the timing of supply and standards therefor set forth in the project plan for the reservation of land for public development or the project plan for the reservation of land, etc. for the adjustment of supply and demand: Provided, That when it is necessary to alter the timing of supply and standards therefor due to changes in land market situations, the Corporation may supply the reserved land after obtaining approval from the Minister of Land, Infrastructure and Transport to alter the project plan for the reservation of land for public development or the project plan for the reservation of land, etc. for the adjustment of supply and demand. <Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>

(2) When the ownership of any reserved land is transferred pursuant to paragraph (1), matters concerning the redemption referred to in Article 23 (3) may be registered as prescribed by Presidential Decree.

(3) Procedures and methods of supply of reserved land, persons to whom such land is to be supplied, the supply price, use thereof, and other matters regarding the conditions of supply shall be prescribed by Presidential Decree.

Article 23 (Restrictions on Resale, etc.)

(1) No person who obtains any land supplied through land banking may resell (including change of title, sale or other acts accompanied by the change of a right; hereinafter the same shall apply) or sublease it without the use thereof for the designated purposes except in cases prescribed by Presidential Decree, including inheritance, etc.

(2) No contract in violation of paragraph (1) shall take effect. In such cases, the Korea Land and Housing Corporation may recover the relevant land or terminate the contract for supply thereof. *<Amended by Act No. 11599, Dec. 18, 2012>*

(3) If land provided as part of land banking project is not used for the designated purpose within three years, the Korea Land and Housing Corporation may reclaim the relevant land pursuant to the redemption standards set by the Land Reservation Committee. In such case, expenses incurred from the restitution of the land to be redeemed shall be borne by the person who fails to use the supplied land for the designated purpose. *<Amended by Act No. 11599, Dec. 18, 2012>*

(4) In cases of redemption provided for in paragraphs (2) and (3), the price thereof shall be determined based on the price of the relevant land calculated at the time of supply thereof, but the detailed standards for calculating redemption price shall be prescribed by Presidential Decree.

Article 24 (Timing of Consent to Use)

The Korea Land and Housing Corporation shall allow any person to whom reserved land is supplied to use such land on condition that the price thereof is paid: Provided, That when the Land Reservation Committee deems it necessary to establish social infrastructure, etc. early on, the advance use thereof may be allowed even before the price gets paid. *<Amended by Act No. 11599, Dec. 18, 2012>*

Article 25 (Special Cases concerning Reservation of Land Transferred to Account)

(1) The Korea Land and Housing Corporation may transfer to the land bank account provided for in Article 9 (1) any land, among the owned land, the reservation of which is deemed necessary by the Land Reservation Committee to serve public purposes, such as long-term lease or supply at low-price, after obtaining approval therefor from the Minister of Land, Infrastructure and Transport. *<Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Land, Infrastructure and Transport may separately set the methods and conditions of supply of reserved land as prescribed by Presidential Decree, so that the land transferred to the land bank account pursuant to paragraph (1) may be supplied at a low price, notwithstanding the provisions of related statutes, such as the Housing Site Development Promotion Act, and the Industrial Sites and Development Act. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 26 (Acquisition of Farmland)

(1) The Korea Land and Housing Corporation may acquire any farmland as prescribed by the Farmland Act, if necessary, to carry out land banking. <Amended by Act No. 11599, Dec. 18, 2012>

(2) The Korea Land and Housing Corporation shall lease any such farmland acquired pursuant to paragraph (1) with or without compensation as prescribed by the Farmland Act by not later than the date of farmland conversion provided for in subparagraph 7 of Article 2 of the Farmland Act. <Amended by Act No. 11599, Dec. 18, 2012>

Article 27 (Special Cases concerning Purchase of Reclaimed Land, etc.)

(1) The Korea Land and Housing Corporation which engages in the business of land banking may be given priority to negotiating the purchase of any reclaimed land, etc. if public waters reclamation work is completed or in progress pursuant to the provisions of related statutes, and the reservation of which is deemed necessary by the Land Reservation Committee for any reason as determined by Presidential Decree, subject to approval by the Minister of Land, Infrastructure and Transport, notwithstanding the provisions of related statutes. <Amended by Act No. 11599, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>

(2) Standards, procedures and methods for the prioritized purchase of reclaimed land, etc. under paragraph (1) shall be prescribed by Presidential Decree.

Article 28 (Measures for Stabilization of Real Estate Prices)

(1) The Minister of Land, Infrastructure and Transport may take the following measures, pursuant to related Acts, against any area in which speculative transaction of real estate is prevalent or the price of land rises or is likely to rise rapidly due to the reservation of public land or request the head of the relevant central administrative agency or the relevant Mayor/Do Governor to take such measures: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13805, Jan. 19, 2016>

1. Designation of such designated area provided for in Article 104-2 (1) of the Income Tax Act;
2. Designation of an overheated speculation district provided for in Article 63 of the Housing Act;
3. Designation of an area subject to the permission of land transaction contract as provided for in Article 117 of the National Land Planning and Utilization Act.

(2) The head of the relevant central administrative agency or the relevant Mayor/Do Governor who is, pursuant to paragraph (1), requested by the Minister of Land, Infrastructure and Transport to take any such measure provided for in each subparagraph of the said paragraph may take necessary measures immediately. <Amended by Act No. 11690, Mar. 23, 2013>

Article 28 (Measures for Stabilization of Real Estate Prices)

(1) The Minister of Land, Infrastructure and Transport may take the following measures, pursuant to related Acts, against any area in which speculative transaction of real estate is prevalent or the price of land rises or is likely to rise rapidly due to the reservation of public land or request the head of the relevant central administrative agency or the relevant Mayor/Do Governor to take such measures: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13797, Jan. 19, 2016>

1. Designation of such designated area provided for in Article 104-2 (1) of the Income Tax Act;

2. Designation of an overheated speculation district provided for in Article 63 of the Housing Act;
3. Designation of such an area subject to the permission of land transaction contract as provided for in Article 10 of the Act on Report on Real Estate Transactions, Etc.

(2) The head of the relevant central administrative agency or the relevant Mayor/Do Governor who is, pursuant to paragraph (1), requested by the Minister of Land, Infrastructure and Transport to take any such measure provided for in each subparagraph of the said paragraph may take necessary measures immediately. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 29 (Requests, etc. for Provision of Materials)

(1) The Korea Land and Housing Corporation may request the State or local governments to issue such documents as may be necessary to perform land banking as prescribed by Presidential Decree, and the State or local governments so requested shall comply therewith unless there is any special reason to the contrary. *<Amended by Act No. 11599, Dec. 18, 2012>*

(2) The State and local governments shall not impose fees for the issuance of documents under paragraph (1).

Article 30 (Penalty Provisions)

Any person who resells or subleases land without using it thereof for the designated purpose in violation of Article 23 (1) shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding one hundred million won.

Article 31 (Administrative Fines)

(1) Any person who uses any similar name in violation of Article 3 shall be subject to an administrative fine not exceeding five million won.

(2) Administrative fines provided for in paragraph (1) shall be imposed and collected by the Minister of Land, Infrastructure and Transport as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

ADDENDA

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

(2) (Special Cases concerning Period within which Initial Implementation Plan to be Established) Notwithstanding the provisions of Article 5 (5), the Minister of Land, Transport and Maritime Affairs shall establish and implement an implementation plan after conducting a survey on supply and demand of land within six months from the date when this Act enters into force. In such cases, the implementation plan initially established need not follow the comprehensive plan, notwithstanding the provisions of Article 5 (1).

(3) Omitted.

ADDENDA *<Act No. 10235, Apr. 5, 2010>*

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

(2) (Applicability to Project Approval for Project Plan for Reservation of Land for Public Development) The amended provisions of Article 16 (2) shall apply to project approvals made for project plans for the reservation of land for public development which are published pursuant to Article 15 on or after February 6, 2009.

ADDENDA <Act No. 11599, Dec. 18, 2012>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

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. 12844, Nov. 19, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That among the Acts amended in accordance with Article 6 of these addenda, amendments to Acts, which were promulgated before this Act enters into force, but the dates on which they are to enter into force have yet to arrive, shall enter into force on the enforcement dates of the respective Acts.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 13378, Jun. 22, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 13675, Dec. 29, 2015>

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

ADDENDA <Act No. 13797, Jan. 19, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 11 Omitted.

ADDENDA <Act No. 13805, Jan. 19, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on August 12, 2016.

Articles 2 through 22 Omitted.

