

ACT ON SPECIAL MEASURES FOR DESIGNATION AND MANAGEMENT OF AREAS OF RESTRICTED DEVELOPMENT

Act No.6241, Jan. 28,2000

Amended by Act No.6655, Feb. 4,2002

Act No.6656, Feb. 4,2002

Act No.6841, Dec. 30,2002

Act No.6916, May.29,2003

Act No.7061, Jan. 16,2004

Act No.7101, Jan. 20,2004

Act No.7335, Jan. 14,2005

Act No.7383, Jan. 27,2005

Act No.7476, Mar. 31,2005

Act No.7595, Jul. 13,2005

Article 1 (Purpose)

The purpose of this Act is to prescribe matters necessary to designate development-restricted areas under the provisions of Article 38 of the National Land Planning and Utilization Act, to limit acts performed in such development-restricted areas, to support residents, to purchase lands and to efficiently manage development-restricted areas with the aim of preventing the chaotic proliferation of cities and securing the healthy living environment for citizens through the conservation of natural environment surrounding cities. *<Amended by Act No. 6655, Feb. 4, 2002>*

Article 2 (Duties of State, etc.)

- (1) The State and local governments shall faithfully manage development-restricted areas to attain the objective of designating such development-restricted areas.
- (2) People shall cooperate with the State and local governments in their work of managing development-restricted areas and strive not to damage such development-restricted areas.

Article 3 (Designation of Development-Restricted Areas, etc.)

- (1) The Minister of Construction and Transportation may, where it is deemed necessary to restrict the urban development in order to prevent the chaotic proliferation of cities and secure the healthy living environment for citizens or where the need is recognized to restrict the urban development for the national security upon a request from the Minister of National Defense, designate development-restricted areas or cancel such designation according to an urban management planning. *<Amended*

by Act No. 6655, Feb. 4, 2002>

(2) Standards for designating development-restricted areas and cancelling such designation shall be determined by the Presidential Decree taking collectively into account social and economic conditions such as the population, industry and traffic of any city subject to restricted development, trends of the proliferation of cities and the conditions of natural environment such as the topography.

Article 4 (Formulation of Urban Management Planning concerning Designating Development-Restricted Areas)

(1) An urban management planning with respect to the designation of a development-restricted area and the cancellation of such designation (hereinafter referred to as the "urban management planning") shall be formulated by the Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* who control the relevant urban areas: *Provided*, That where an urban management planning is concerned with a State plan, the Minister of Construction and Transportation may, on his own initiative or upon a request from the heads of central administrative agencies concerned, work out the urban management planning after hearing opinions of the Mayor/*Do* governor and the head of *Si/Gun*, and where such urban management planning is concerned with a metropolitan urban planning under the provisions of subparagraph 1 of Article 2 of the National Land Planning and Utilization Act, *Do* governor may work out the urban management planning on his own initiative or upon a request from the head of *Si/Gun* concerned after hearing opinion of the head of competent *Si/Gun*. *<Amended by Act No. 6655, Feb. 4, 2002>*

(2) Any urban management planning shall be shaped in a manner consistent with the metropolitan urban planning under subparagraph 1 of Article 2 of the National Land Planning and Utilization Act or the basic urban planning under subparagraph 3 of the same Article. *<Amended by Act No. 6655, Feb. 4, 2002>*

(3) The provisions of Article 25 (2) through (4) of the National Land Planning and Utilization Act shall apply *mutatis mutandis* to the standards for and methods of making the document of urban management planning for the development-restricted areas, and the explanatory statement. *<Amended by Act No. 6655, Feb. 4, 2002>*

Article 4-2 (Special Cases for Re-designating Development-Restricted Areas Whose Designation is Cancelled)

(1) Where the contents of an urban management planning (referring to the urban management planning under subparagraph 4 of Article 2 of the National Land Planning and Utilization Act; hereafter in this Article the same shall apply) determined for the first time for an area whose designation as a development-restricted area is cancelled are incompatible with the purpose of such cancellation or the uses of such area, etc., the Minister of Construction and Transportation may request the Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun* who has jurisdiction over the relevant area to adjust the urban management planning within a

reasonable period of time, not later than three months after the urban management planning is determined and published. In that case, the Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun* shall review and adjust the urban management planning concerned.

(2) Where the Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun* who is requested for adjustment in accordance with paragraph (1) fails to adjust the urban management planning as requested by the Minister of Construction and Transportation not later than the time limit set under paragraph (1), the Minister of Construction and Transportation may, on his own initiative, work out the urban management planning for re-designating the relevant area as a development-restricted area, notwithstanding the provisions of Article 4 (1). In this case, Articles 5 and 6 shall not apply.

[This Article Newly Inserted by Act No. 7383, Jan. 27, 2005]

Article 5 (Basic Survey)

(1) The Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun* shall, when he intends to work out an urban management planning, survey or measure in advance matters necessary for the formulation of such urban management planning in a manner prescribed by the Presidential Decree, such as population, economy, society, culture, traffic, environment, land utilization and other matters prescribed by the Presidential Decree. *<Amended by Act No. 6655, Feb. 4, 2002>*

(2) Provisions of Articles 130 and 131 of the National Land Planning and Utilization Act shall apply *mutatis mutandis* to the entry into the land of other person for the survey and measurement referred to in paragraph (1) and indemnity of any loss incurred thereby. *<Amended by Act No. 6655, Feb. 4, 2002>*

Article 6 (Hearing Opinions of Residents and Local Council)

(1) The Minister of Construction and Transportation, the Mayor/*Do* governor or the head of *Si/Gun* shall, when he makes an urban management planning in accordance with Article 4, hear opinions of residents and shall, if such opinions are recognized as appropriate, reflect the opinions in making such urban management planning: *Provided*, That the same shall not apply to matters that need to be kept secret for the reason of national defense (limited to the case where there is a request from the Minister of National Defense) and minor matters prescribed by the Presidential Decree. *<Amended by Act No. 6655, Feb. 4, 2002>*

(2) The Minister of Construction and Transportation or the *Do* governor shall, when he intends to draw up an urban management planning in accordance with the provisions of the proviso of Article 4 (1), furnish a draft urban management planning to the Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun* concerned, expressly indicating a time limit for hearing opinions of residents. *<Amended by Act No. 6655, Feb. 4, 2002>*

(3) The Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun* in

receipt of the draft urban management planning under paragraph (2) shall hear opinions of residents with respect to the relevant draft urban management planning within an expressly fixed time limit and submit the results to the Minister of Construction and Transportation or the *Do* governor.

<Amended by Act No. 6655, Feb. 4, 2002>

(4) Matters necessary to hear opinions of residents under paragraph (1) shall be determined by the Municipal Ordinance of every local government according to the standards prescribed by the Presidential Decree.

(5) The Minister of Construction and Transportation, the Mayor/*Do* governor or the head of *Si/Gun* shall, when he intends to make an urban management planning, hear opinions of a local council concerned with respect to matters prescribed by the Presidential Decree. <Amended by Act No. 6655, Feb. 4, 2002>

(6) The provisions of paragraphs (2) and (3) shall apply *mutatis mutandis* to the case where the Minister of Construction and Transportation or the *Do* governor hears opinions of a local council under paragraph (5). In this case, the "residents" shall be deemed a "local council."

Article 7 (Determination of Urban Management Planning)

(1) Any urban management planning shall be determined by the Minister of Construction and Transportation. <Amended by Act No. 6655, Feb. 4, 2002>

(2) The Minister of Construction and Transportation shall, when he intends to determine an urban management planning, consult in advance with the heads of central administrative agencies concerned. In this case, the heads of central administrative agencies concerned shall, upon receiving a request from the Minister of Construction and Transportation for consultations, present their views within 30 days from the date on which they were requested to do so. <Amended by Act No. 6655, Feb. 4, 2002>

(3) The Minister of Construction and Transportation shall, when he determines an urban management planning, go through deliberation of the Central Urban Planning Committee established under the provisions of Article 106 of the National Land Planning and Utilization Act. <Amended by Act No. 6655, Feb. 4, 2002>

(4) When the Minister of Construction and Transportation deems that it is required to keep secret for the national defense (limited to when the Minister of National Defense makes such request), he may omit the procedures referred to in paragraphs (2) and (3) for the whole or part of such urban management planning. <Amended by Act No. 6655, Feb. 4, 2002>

(5) Provisions of paragraphs (2) through (4) shall apply *mutatis mutandis* to the case where it is intended to alter a determined urban management planning: *Provided*, That the same shall not apply to the case where it is intended to alter minor matters prescribed by the Presidential Decree. <Amended by Act No. 6655, Feb. 4, 2002>

(6) The Minister of Construction and Transportation shall, when he determines an urban

management planning, publish such urban management planning under the conditions as prescribed by the Presidential Decree and offer related documents for public perusal. In this case, the Minister of Construction and Transportation shall forward the related documents, in respect of the urban management planning determined by himself, to the Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun* for the public perusal. <Amended by Act No. 6655, Feb. 4, 2002>

(7) The determination of any urban management planning shall come into effect 5 days after the publication was made in accordance with paragraph (6). <Amended by Act No. 6655, Feb. 4, 2002>

Article 8 (Publication of Topographical Drawing on Urban Management Planning)

(1) The Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun* shall, when a determined urban management planning is published in accordance with Article 7 (6), prepare a topographical drawing in which matters recorded in the land register within the said urban area are marked and urban management planning matters are expressly indicated as prescribed by the Presidential Decree (hereinafter referred to as "topographical drawing"). <Amended by Act No. 6655, Feb. 4, 2002>

(2) The head of *Si/Gun* shall, when he prepares a topographical drawing in accordance with paragraph (1), obtain approval from *Do* governor. In this case, *Do* governor shall, upon receiving an application for approval for a topographical drawing, grant approval within a period fixed by the Presidential Decree when no mistake is found after cross-checking such topographical drawing with the determined and published urban management planning. <Amended by Act No. 6655, Feb. 4, 2002>

(3) The Minister of Construction and Transportation may, when he shapes an urban management planning on his own initiative, directly prepare a topographical drawing therefor after hearing opinion of the Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun* concerned, notwithstanding the provisions of paragraphs (1) and (2). <Amended by Act No. 6655, Feb. 4, 2002>

(4) The Minister of Construction and Transportation shall, when he prepares a topographical drawing on his own initiative or grants approval for a topographical drawing, publish his actions under the conditions as prescribed by the Presidential Decree and furnish related documents to the Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun* concerned, and the Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun* concerned shall, upon receiving such related documents, offer them for public perusal.

(5) Where an urban management planning drafted using a topographical drawing with the scale which exceeds what is prescribed by the Presidential Decree is determined and published, the publication of the determined urban management planning without preparing another topographical drawing shall be deemed the publication made under paragraph (4). In this case, such matter shall be

expressly indicated in contents of the publication of the determined urban management planning.

<Amended by Act No. 6655, Feb. 4, 2002>

Article 9 (Invalidation of Determination of Urban Management Planning)

(1) Where no topographical drawing under Article 8 (4) is published by the date on which two years elapse from the date on which an urban management planning was determined and published (excluding the case where the publication of the determination of an urban management planning is deemed to be the publication made under Article 8 (5)), the determination of such urban management planning shall be made invalid on the date following the date on which two years elapse. <Amended by Act No. 6655, Feb. 4, 2002>

(2) The Minister of Construction and Transportation shall, when the determination of an urban management planning is made invalid under paragraph (1), publish without any delay the fact as prescribed by the Presidential Decree. <Amended by Act No. 6655, Feb. 4, 2002>

Article 10 (Formulation of Plan for Managing Development-Restricted Areas)

(1) The Special Metropolitan City Mayor, the Metropolitan City Mayor or the *Do* governor (hereinafter referred to as the "Mayor/*Do* governor") having jurisdiction over development-restricted areas shall work out a plan for managing development-restricted areas (hereinafter referred to as the "management plan"), which includes matters falling under each of the following subparagraphs, every five years to collectively manage development-restricted areas, and obtain approval thereof from the Minister of Construction and Transportation: <Amended by Act No. 6655, Feb. 4, 2002>

1. Goal and basic direction toward managing development-restricted areas;
2. Survey of actual conditions of development-restricted areas;
3. Land utilization and conservation in development-restricted areas;
4. Installation of urban planning facilities (hereinafter referred to the "urban planning facilities") under subparagraph 7 of Article 2 of the National Land Planning and Utilization Act in development-restricted areas;
5. Construction of buildings which exceed the scale prescribed by the Presidential Decree and alteration of the form and quality of lands in development-restricted areas;
6. Designation and upgrades of settlement areas under Article 14;
7. Projects undertaken to support residents (hereinafter referred to as "projects undertaken to support residents") under Article 15;
8. Raising and operating financial resources required for managing development-restricted areas and for projects undertaken to support residents; and
9. Other matters prescribed by the Presidential Decree for rational management of development-restricted areas.

(2) The Mayor/*Do* governor shall, when he intends to alter the management plan, obtain approval thereof from the Minister of Construction and Transportation: *Provided*, That the same shall not

apply to the case where the Mayor/*Do* governor intends to alter minor matters prescribed by the Presidential Decree.

(3) Where a development-restricted area extends over not less than two Special Metropolitan City, Metropolitan Cities and Dos (hereinafter referred to as the "Cities/Dos"), the Mayors/*Do* governors concerned shall jointly work out a management plan or designate a person who is to work out such management plan through consultations. In this case, if such consultations fail to produce any agreement, the Minister of Construction and Transportation shall designate a person who will draw up such management plan.

(4) The Mayor/*Do* governor shall, when he intends to work out a management plan, seek in advance opinion of the head of *Si/Gun/Gu* (referring to an autonomous *Gu*; hereinafter the same shall apply) concerned and go through deliberation of the Local Urban Planning Committee under Article 113 of the National Land Planning and Utilization Act. *<Amended by Act No. 6655, Feb. 4, 2002>*

(5) The head of *Si/Gun/Gu* concerned shall, where he intends to present his opinion with respect to the management plan under paragraph (4), hear opinions of residents in advance as prescribed by the Presidential Decree: *Provided*, That the same shall not apply to the case where the matters are required to be kept secret for the national defense.

(6) The Minister of Construction and Transportation shall, when he intends to grant approval for the formulation or alteration of a management plan under paragraph (1) or (2), go through deliberation of the Central Urban Planning Committee under Article 106 of the National Land Planning and Utilization Act after consulting with the heads of central administrative agencies concerned.
<Amended by Act No. 6655, Feb. 4, 2002>

(7) The Mayor/*Do* governor shall, when he obtains approval for the formulation or alteration of a management plan under paragraph (1) or (2), offer such approval for public perusal after publishing it under the conditions as prescribed by the Presidential Decree.

(8) The Mayor/*Do* governor and the head of *Si/Gun/ Gu*, in managing development-restricted areas, which includes granting permission for construction of buildings and setting up installations and granting permission for altering the form and quality of lands, and designating a settlement area and undertaking projects designed to support residents under the provisions of Article 14, shall not violate the management plan.

(9) The basic principle of working out a management plan, standards for shaping a plan for managing development-restricted areas and preparing drawings and other matters necessary for making a management plan shall be determined by the Minister of Construction and Transportation.

Article 11 (Limitations on Acts in Development-Restricted Areas)

(1) Construction of buildings and alteration of their uses, setting up of installations, alteration of the form and quality of lands, deforestation of bamboos and trees, division of lands, an act of piling up goods, or undertaking of urban planning projects under subparagraph 11 of Article 2 of the National

Land Planning and Utilization Act (hereinafter referred to as "urban planning projects") shall be prohibited in development-restricted areas: *Provided*, That any person who intends to perform the act falling under any of the following subparagraphs shall obtain permission thereof from the head of *Si/Gun/Gu*: <Amended by Act Nos. 6655 & 6656, Feb. 4, 2002; Act No. 7383, Jan. 27, 2005>

1. Construction of buildings or setting up of installations which fall under any of the following items and are prescribed by the Presidential Decree, and the resulting alteration of the form and quality of lands:
 - (a) Facilities for public use such as roads, railways and tap-water pipelines and sewerage systems;
 - (b) Structures and installations used for the business of agriculture, forestry and fishery such as cattle sheds and warehouses;
 - (c) Housing and nearby living facilities;
 - (d) Facilities used jointly by residents in development-restricted areas such as farm roads, dikes and community halls;
 - (e) Outdoor sports facilities;
 - (f) Facilities used for spare time of citizens such as recreation forests and tree gardens;
 - (g) Facilities installed for the national defense and military purposes; and
 - (h) Public-interest facilities such as schools, waste-treatment facilities and electricity-supply facilities;
 2. Buildings in development-restricted areas, which are relocated to settlement areas designated under Article 14;
 3. Creation of complexes to which buildings which have been removed due to the undertaking of public-interest projects under Article 4 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor (limited to public-interest projects undertaken in development-restricted areas), are relocated;
 4. Alteration of the form and quality of lands, which does not result in construction of any building and is prescribed by the Presidential Decree, for the purpose of farming;
 5. Deforestation of bamboos and trees, the area and quantity of which exceed the scale prescribed by the Presidential Decree;
 6. Division of lands within the scope prescribed by the Presidential Decree;
 7. An act of piling up articles prescribed by the Presidential Decree such as sand, gravels, earth and stones for a period fixed by the Presidential Decree; and
 8. An act of shifting buildings prescribed by the Presidential Decree, from among buildings under subparagraph 1 or Article 12, to the use purpose, prescribed by the Presidential Decree, of nearby living facilities, etc.
- (2) The acts prescribed by the Presidential Decree such as major repairs of housing and nearby living facilities, etc. may be performed after filing a report thereof with the head of *Si/Gun/Gu*,

notwithstanding the proviso of paragraph (1). <Amended by Act No. 7383, Jan. 27, 2005>

(3) Minor acts as prescribed by the Ordinance of the Ministry of Construction and Transportation may be performed without permission or report, notwithstanding the proviso of paragraph (1) and paragraph (2). <Newly Inserted by Act No. 7383, Jan. 27, 2005>

(4) The head of *Si/Gun/Gu* shall, when he intends to grant permission for the construction of buildings or the alteration of the form and quality of lands, etc., the scale of which exceeds what is prescribed by the Presidential Decree from among activities prescribed in each subparagraph of paragraph (1), go through deliberation of the *Si/Gun/Gu* Urban Planning Committee after hearing opinions of residents and consulting with the heads of administrative agencies concerned under the conditions as prescribed by the Presidential Decree: *Provided*, That the same shall not apply to the installation of urban planning facilities or facilities of paragraph (1) 1 (g) and the alteration of the form and quality of lands for the installation of such facilities. <Amended by Act No. 6655, Feb. 4, 2002>

(5) The provisions governing the performance guarantee and restoration of original state under Articles 60 and 64 (3) and (4) of the National Land Planning and Utilization Act, and the inspection on work completion under Article 62 of the same Act shall apply *mutatis mutandis* to the case where permission is granted under paragraph (1). <Amended by Act No. 6655, Feb. 4, 2002; Act No. 7383, Jan. 27, 2005>

(6) With respect to an act described in each subparagraph of paragraph (1) and paragraph (2), any person who starts his work or project after obtaining permission, etc. (including the case where permission, etc. need not to be obtained in accordance with relevant Acts and subordinate statutes) in accordance with relevant Acts and subordinate statutes at the time when a development-restricted area is designated may continue his work or project under the conditions as prescribed by the Presidential Decree.

(7) Detailed standards for the permission under the proviso of paragraph (1) or permission or a report for the scale and height of buildings or installations subject to a report, the standards of location, the landscape in a lot, the building-to-land ratio, the floor space ratio, the division of lands and the scope of altering the form and quality of lands shall be determined by the Presidential Decree. <Amended by Act No. 7383, Jan. 27, 2005>

(8) When the Minister of Construction and Transportation or the Mayor/ *Do* governor has publicly announced the implementation plan under Article 91 of the National Land Planning and Utilization Act for installing the facilities for public use as referred to in paragraph (1) 1 (a), the urban planning facilities project shall be deemed as having been permitted under the proviso of paragraph (1).

<Newly Inserted by Act No. 7595, Jul. 13, 2005>

(9) A person who intends to receive a fictitious permission under paragraph (8) shall submit relevant documents necessary for the permission at the time he applies for authorization of the

implementation plan, and when the Minister of Construction and Transportation or the Mayor/ Do governor prepares or authorizes the implementation plan, he shall consult in advance with the competent head of *Si/Gun/Gu*. <Newly Inserted by Act No. 7595, Jul. 13, 2005>

Article 12 (Special Cases for Buildings, etc. in Existence)

The head of *Si/Gun/Gu* may, where sites, buildings or installations are made inconsistent with the provisions of this Act due to the amendment or abrogation of Acts and subordinate statutes and the grounds prescribed by the Presidential Decree, grant permission for constructing such buildings or setting up such installations under the conditions as prescribed by the Presidential Decree.

Article 13 (Relations with Other Acts)

(1) With respect to matters for which permission is granted in accordance with the proviso of Article 11 (1) or Article 12, about which the head of *Si/Gun/Gu* has consulted with the heads of administrative agencies concerned under paragraph (2), permission, consultations and a report falling under each of the following subparagraphs shall be deemed to be granted, held and filed: <Amended by Act No. 6841, Dec. 30, 2002; Act No. 7101, Jan. 20, 2004; Act No. 7383, Jan. 27, 2005; Act No. 7476, Mar. 31, 2005>

1. Permission for and report on the diversion of the use of mountainous districts under Articles 14 and 15 of the Management of Mountainous Districts Act, and permission for and report on the cutting of standing timber under Article 90 (1) of the Forestry Act;
2. Permission or a report for an act performed under Article 5 (4) of the Water Supply and Waterworks Installation Act;
3. Permission for occupying the urban park and for acts in the urban natural park zone under Articles 24 (1) and 27 (1) (proviso) of the Urban Parks, Green Areas, etc. Act; and
4. Permission for occupying a river, etc. under Article 33 (1) of the River Act.

(2) The head of *Si/Gun/Gu* shall, when the matters of paragraph (1) are included in permission he grants in accordance with the proviso of Article 11 (1) or Article 12 or in a report filed with him in accordance with Article 11 (2), consult in advance with the heads of administrative agencies concerned. <Amended by Act No. 7383, Jan. 27, 2005>

Article 14 (Special Cases for Settlement District)

(1) The Mayor/Do governor may designate a district where residents collectively reside in a development-restricted area (including any relocation complex under Article 11 (1) 3) as a settlement district (hereinafter referred to as the "settlement district") in accordance with Article 37 (1) 8 of the National Land Planning and Utilization Act. <Amended by Act No. 6655, Feb. 4, 2002>

(2) Matters concerning the standards for designation and the rearrangement of settlement districts such as the number of houses making up a settlement district, the number of houses per unit area and the basis for drawing boundaries of settlement districts shall be determined by the Presidential

Decree.

(3) The use, height, total floor area and building-to-land ratio of any building constructed in a settlement district shall be determined separately by the Presidential Decree, notwithstanding the provisions of Article 11 (6).

Article 15 (Projects Undertaken to Support Residents)

(1) The head of *Si/Gun/Gu* may undertake projects to enhance living conveniences and welfare, etc. of residents in development-restricted areas according to the management plan.

(2) The Minister of Construction and Transportation may financially support costs required for projects undertaken to support residents using the special accounts on balanced national development established in accordance with the Special Act on Balanced National Development.

<Amended by Act No. 7061, Jan. 16, 2004>

(3) The Minister of Construction and Transportation may financially support by priority any housing built in settlement districts designated under Article 14 (1) using the National Housing Fund established in accordance with the Housing Act. *<Amended by Act No. 6916, May 29, 2003>*

(4) Details of projects undertaken to support residents and matters necessary to undertake such projects shall be prescribed by the Presidential Decree.

Article 16 (Application for Land Purchase)

(1) Where the designation of a development-restricted area makes the owner of a land in such district unable to use his land for the previous purpose, significantly decreasing the usefulness of his land and it virtually impossible for him to use his land or earning profits from his land (hereinafter referred to as "land subject to purchase") and the owner of the land falls under any of the following subparagraphs, he may apply to the Minister of Construction and Transportation for purchasing his land:

1. A person who has continued to own his land until the time a development-restricted area is designated;
2. A person who has acquired a land and owned it until the time it is made virtually impossible for him to use his land or earn profits from his land; and
3. A person who has continued to own his land after having succeeded the land from the person falling under subparagraph 1 or 2.

(2) The Minister of Construction and Transportation shall, when a land for which an application is filed with him for purchasing under paragraph (1) falls under the standards of paragraph (3), purchase such land.

(3) Specific standards for deciding on a land subject to purchase shall be determined by the Presidential Decree.

Article 17 (Procedures for Applying for Land Purchase)

(1) The Minister of Construction and Transportation shall notify an applicant for land purchase of whether or not he purchases such applicant's land and estimated purchasing prices, etc. within 2 months from the date on which he received the application for land purchase.

(2) The Minister of Construction and Transportation shall, when he notifies an applicant for land purchase that his land is made subject to the purchase under paragraph (1), draw up a purchase plan and purchase the land subject to the purchase within a period fixed, within the scope of not more than 5 years, by the Presidential Decree.

(3) The purchasing prices of the land subject to the purchase (hereinafter referred to as the "purchasing prices") shall be an amount appraised, on the basis of land values published under the Act on Public Notice of Value and Appraisal of Real Estate, taking into account the location, shape, environment and current utilization, etc. of such land. *<Amended by Act No. 7335, Jan. 14, 2005>*

(4) Any land purchased in accordance with paragraphs (1) through (3) shall be reverted to the special accounts on balanced national development established in accordance with the Special Act on Balanced National Development. *<Amended by Act No. 7061, Jan. 16, 2004>*

(5) Procedures for purchasing the land under paragraphs (1) through (3) and other necessary matters shall be determined by the Presidential Decree.

Article 18 (Bearing of Costs)

(1) The Minister of Construction and Transportation shall bear costs required to make the appraisal, etc. for computing purchasing prices under Article 17 (3).

(2) The Minister of Construction and Transportation may, where any applicant for land purchase withdraws his bid for land purchase without any justifiable reasons, have the applicant defray costs, in whole or in part, which result from the appraisal, under the conditions as prescribed by the Presidential Decree, notwithstanding the provisions of paragraph (1): *Provided*, That the same shall not apply to the case falling under any of the following subparagraphs:

1. Where purchasing prices, as compared with estimated purchasing prices, run below the rates prescribed by the Presidential Decree; and
2. Where the cause of applying for land purchase under the provisions of Article 16 (1) is extinguished on the grounds prescribed by the Presidential Decree such as the amendment or abrogation of Acts and subordinate statutes or the extinguishment of pollution source, etc.

(3) Where any applicant for land purchase fails to pay costs he is liable to bear under the main sentence, with the exception of each subparagraph, of paragraph (2), such costs shall be collected according to the example of a disposition taken to collect national taxes in arrears.

Article 19 (Purchase of Land, etc. through Consultations)

(1) The Minister of Construction and Transportation may, where it is necessary to attain the objective of designating development-restricted areas, purchase any land and its fixtures (hereinafter referred to as "land, etc.") in development-restricted areas through consultations with their owner. In

this case, the provisions of Article 17 (4) shall apply *mutatis mutandis* to the reversion of any purchased land, etc. <Amended by Act No. 7383, Jan. 27, 2005>

(2) The provisions of Articles 67 (1), 70, 71, 74 through 77, and 78 (5) through (7) of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply *mutatis mutandis* to the period for, methods of and standards for computing land prices in the case of purchasing such land, etc. in a development-restricted area through consultations under paragraph (1). <Amended by Act No. 6656, Feb. 4, 2002; Act No. 7383, Jan. 27, 2005>

Article 20 (Charges for Damages to Development-Restricted Areas)

(1) The Minister of Construction and Transportation may impose and collect development-restricted area damage charges (hereinafter referred to as "charges") from persons who are granted permission (limited to permission for altering the form and quality of lands or permission involving alteration of the form and quality of lands, and including the case where permission under the proviso of Article 11 (1) or under Article 12 is deemed to be granted by going through consultations in accordance with the provisions of other Acts and subordinate statutes; hereinafter the same shall apply up to Article 21) under the proviso of Article 11 (1) or under Article 12 to control damages to development-restricted areas and secure financial resources necessary to manage such development-restricted areas. <Amended by Act No. 7383, Jan. 27, 2005>

(2) Where a person liable to pay charges (hereinafter referred to as the "person liable to pay charges") is an association prescribed by the Presidential Decree and such association falls under any of the following subparagraphs, members of such association (referring to members of an association, if dissolved, at the time of dissolution) shall pay such charges:

1. Where the association is dissolved; and
2. Where the property of the association falls short of paying the charges and additional dues, etc. which are imposed to such association that is liable to pay them.

Article 21 (Data for Imposition of Charges)

The head of *Si/Gun/Gu* (referring to the person entitled to grant permission in the event that the permission under the proviso of Article 11 (1) or under Article 12 is deemed to be granted by going through consultations in accordance with other Acts and subordinate statutes) shall, when he grants permission in accordance with the proviso of Article 11 (1) or Article 12, file without any delay a notice thereof with the Minister of Construction and Transportation. <Amended by Act No. 7383, Jan. 27, 2005>

Article 22 (Reduction and Exemption of Charges)

The Minister of Construction and Transportation may, where the form and quality of lands are altered for the objective falling under any of the following subparagraphs, reduce or exempt the charges under the conditions as prescribed by the Presidential Decree:

1. Facilities installed for the housing life, living conveniences and business of residents and farming in development-restricted areas; and
2. Public-use facilities and public facilities installed by the State and local governments including other facilities installed out of the need for the national security.

Article 23 (Standards for Computing Charges)

- (1) The charges shall be computed by multiplying the ratio prescribed by the Presidential Decree by the area of the land subject to permission within the scope of 150/100 of an amount obtained by subtracting the individually published land prices of the land subject to permission from an average of the individually published land prices applied to the land having the same land classification as the land outside a developmentrestricted area of *Si/Gun*/autonomous *Gu* in the location of such development-restricted area.
- (2) The individually published land prices referred to in paragraph (1) shall be based on the individually published land prices determined shortly before the time when permission under the proviso of Article 11 (1) or under Article 12 is granted. *<Amended by Act No. 7383, Jan. 27, 2005>*
- (3) Detailed matters concerning computation of the charges shall be determined by the Presidential Decree.

Article 24 (Imposition, Collection and Payment, etc. of Charges)

- (1) The Minister of Construction and Transportation shall, upon receiving a notice with respect to details of permission under Article 21, impose without any delay the charges.
- (2) The time limit for paying the charges shall be one month from the date on which the charges are imposed.
- (3) The charges, in principle, shall be paid in cash: *Provided*, That the Minister of Construction and Transportation may, upon receiving an application from a person liable to pay the charges, allow the payment of such charges in kind such as the land subject to imposition or the similar land, under the conditions as prescribed by the Presidential Decree.
- (4) The Minister of Construction and Transportation shall, when a person liable to pay the charges fails to pay such charges within the fixed time limit, serve a demand notice on him within 10 days after the lapse of such fixed time limit. In this case, the time limit for paying such charges shall be 15 days from the date on which such demand notice is served.
- (5) The Minister of Construction and Transportation may, when a person liable to pay the charges fails to pay such charges by the time limit described in paragraph (2), impose additional dues equivalent to 5/100 of the charges.
- (6) The Minister of Construction and Transportation may, when a person liable to pay the charges fails to pay such charges and additional dues by a fixed time limit after having received a demand notice, cancel the permission concerned or collect such charges and additional dues according to the example of a disposition taken to collect national taxes in arrears.

(7) The Minister of Construction and Transportation shall, when any person, who has paid the charges, is subjected to the cancellation of his permission under Article 29 or suffers a decrease in the area subject to the permitted act on the grounds of a change in his project plan and other corresponding grounds, refund an amount equivalent to the paid charges under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 6655, Feb. 4, 2002>

(8) Necessary matters concerning methods of and procedures for imposing, collecting, paying and refunding the charges, etc. shall be determined by the Presidential Decree.

Article 25 (Reversion and Use of Charges)

(1) The collected charges shall be reverted to the special accounts on balanced national development established in accordance with the Special Act on Balanced National Development. <Amended by Act No. 7061, Jan. 16, 2004>

(2) The charges shall be used for the purpose falling under each of the following subparagraphs: <Amended by Act No. 7383, Jan. 27, 2005>

1. Costs required for projects undertaken to support residents;
2. Costs required for purchasing land, etc. under Articles 16 and 19; and
3. Costs required for conducting surveys and researches, etc. to rationally manage development-restricted areas.

Article 26 (Raising of Objection)

(1) Any person, who is dissatisfied with a decision on whether to purchase his land or the purchase prices of his land, of which he was notified under Article 17, or the charges imposed on and collected from him under Article 20, may raise an objection to the Central Land Expropriation Committee under the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor. <Amended by Act No. 6656, Feb. 4, 2002; Act No. 7383, Jan. 27, 2005>

(2) Any objection raised under paragraph (1) shall be deliberated and resolved by the Central Land Expropriation Committee notwithstanding the provisions of Articles 6 and 6-2 of the Administrative Appeals Act.

Article 27 (Reversion of Public Facilities)

The provisions of Article 65 of the National Land Planning and Utilization Act shall apply *mutatis mutandis* to the reversion of public facilities falling under subparagraph 13 of Article 2 of the National Land Planning and Utilization Act, which are the facilities installed on permission granted under the proviso of Article 11 (1). <Amended by Act No. 6655, Feb. 4, 2002; Act No. 7383, Jan. 27, 2005>

Article 28 (Delegation and Entrustment of Authority)

(1) The Minister of Construction and Transportation may delegate part of his authority under this Act to the Mayor/Do governor and the head of Si/Gun/Gu under the conditions as prescribed by the

Presidential Decree.

(2) The Minister of Construction and Transportation may entrust the official business of purchasing land, etc. under Articles 16 through 19 to institutions or organizations engaged in the business of acquiring and managing land, etc. under the conditions as prescribed by the Presidential Decree.

<Amended by Act No. 7383, Jan. 27, 2005>

Article 29 (Administrative Dispositions Taken against Violators of Acts and Subordinate Statutes, etc.)

(1) The head of *Si/Gun/Gu* may, where any person, who has obtained permission or filed a report under Article 11 (1) (proviso) or (2) or Article 12, falls under any of the following subparagraphs, cancel his permission or order him to suspend his work, reconstruct or relocate his buildings, reset up or relocate his installations, etc. and take other measures: *<Amended by Act No. 7383, Jan. 27, 2005>*

1. Where he has constructed buildings, altered their use purposes, set up installations, altered the form and quality of lands, divided lands, performed an act of piling up articles, cut down bamboos and trees or undertaken an urban planning project in contravention of contents of permission granted under the proviso of Article 11 (1) or under Article 12;
2. Where he has obtained permission in a fraudulent or other unlawful manner under the proviso of Article 11 (1) or under Article 12; and
3. Where he has constructed buildings, altered their use purposes, set up installations, altered the form and quality of lands, cut down bamboos and trees, divided lands, performed an act of piling up articles or undertaken an urban planning project without filing a report thereof under Article 11 (2).

(2) The head of *Si/Gun/Gu* shall, when he intends to cancel permission in accordance with paragraph (1), hold hearings.

Article 30 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than 3 years and by a fine not exceeding 30 million won: *<Amended by Act No. 7383, Jan. 27, 2005>*

1. A person who has constructed buildings, altered their use purposes, set up installations, altered the form and quality of lands, cut down bamboos and trees, divided lands, performed an act of piling up articles or undertaken an urban planning project without obtaining permission or in contravention of contents of permission granted under the proviso of Article 11 (1) or under Article 12; and
2. A person who has obtained permission in a fraudulent or other unlawful manner under the proviso of Article 11 (1) or under Article 12.

Article 31 (Penal Provisions)

Any person who has failed to execute an order given or a disposition taken under Article 29 (1) shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding 10 million won.

Article 32 (Joint Penal Provisions)

If the representative of a corporation, or the agent, the employed or any other employee of a corporation or an individual commits an act of violating Article 30 or 31 in connection with the business of such corporation and such individual, the corporation or the individual shall be fined according to the relevant Article, in addition to the punishment of the actor.

Article 33 (Fine for Negligence)

- (1) Any person who has committed a minor act prescribed by the Presidential Decree without filing a report in contravention of Article 11 (2) shall be punished by a fine for negligence not exceeding 5 million won.
- (2) The fine for negligence referred to in paragraph (1) shall be imposed and collected by the head of *Si/Gun/Gu* under the conditions as prescribed by the Presidential Decree.
- (3) Any person who is dissatisfied with a disposition taken to impose a fine for negligence on him may raise an objection to the head of *Si/Gun/Gu* within 30 days from the date on which a disposition notice was served on him.
- (4) Where a person subjected to a disposition taken to impose a fine for negligence under paragraph (2) raises an objection under paragraph (3), the head of *Si/Gun/Gu* shall promptly file a notice thereof with the competent court and the competent court shall, upon receiving such notice, put the case on trial under the Non-Contentious Case Litigation Procedure Act.
- (5) Where an objection is not raised nor a fine for negligence is paid, within a fixed time of period under paragraph (3), it shall be collected according to the examples of the disposition on the local taxes in arrears.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2000.

Article 2 (Transitional Measures concerning Designation of DevelopmentRestricted Area)

Any development-restricted area designated under Article 21 of the Urban Planning Act at the time that this Act enters into force shall be deemed to be designated under this Act.

Article 3 (Application Example concerning Charges)

The charges shall be imposed starting with permission for which an application is filed under the proviso, with the exception of each subparagraph, of Article 11 (1) or Article 12 after the

enforcement of this Act.

Article 4 (Transitional Measures concerning Limits on Act)

(1) Any disposition taken, any procedures made and any act performed under the previous Urban Planning Act in connection with any development-restricted area designated under Article 21 of the Urban Planning Act at the time this Act enters into force shall be deemed to be taken, made and performed under this Act unless they are in conflict with this Act.

(2) Where permission was obtained (including the case where an application was filed for permission) or a report was filed in accordance with the previous provisions prior to the enforcement of this Act, standards for such permission or report and the scope of an act, etc. permissible with such permission or report shall be governed by the previous provisions notwithstanding the proviso, with the exception of each subparagraph, of Article 11 (1) or Article 12: *Provided*, That where the previous provisions are more disadvantageous to any person who intends to perform the act concerned than the provisions of this Act, such case shall be governed by the provisions of this Act.

Article 5 Deleted. <by Act No. 7383, Jan. 27, 2005>

Article 6 (Relations with Other Acts)

In case where Article 21 of the Urban Planning Act before the enforcement of this Act is quoted by other Acts at the time of enforcement of this Act, if there exist any corresponding provisions in this Act, this Act or the corresponding provisions in this Act shall be deemed to have been quoted.

Article 7 Omitted.

ADDENDA <Act No. 6655, Feb. 4, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2003.

Articles 2 through 25 Omitted.

ADDENDA <Act No. 6656, Feb. 4, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2003.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 6841, Dec. 30, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 12 Omitted.

ADDENDA <Act No. 6916, May 29, 2003>

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. 7061, Jan. 16, 2004>

Article 1 (Enforcement Date)

This Act shall enter into force on April 1, 2004: *Provided*, That ... (Omitted.) ... the provisions of Article 5 shall enter into force on January 1, 2005.

Articles 2 through 4 *Omitted.*

Article 5 (Amendment of Other Acts) *Omitted.*

ADDENDA <Act No. 7101, Jan. 20, 2004>

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

(2) through (4) *Omitted.*

ADDENDA <Act No. 7335, Jan. 14, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 12 *Omitted.*

ADDENDUM <Act No. 7383, Jan. 27, 2005>

This Act shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Article 11 shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 7476, Mar. 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 10 *Omitted.*

ADDENDUM <Act No. 7595, Jul. 13, 2005>

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