
PORT ACT

[Effective on Jan. 1, 2009] [Act No. 9071, Mar. 28, 2008, Amendment of Other Laws and Regulations]

Ministry of Land, Transport and Maritime Affairs (Port Policy Division) 02-2110-8617

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to provide for matters concerning designation, development, management and utilization of ports to serve to develop the national economy through the promotion of the construction of ports and ensuring the efficiency of management and operation thereof.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: < *Amended by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008* >

1. The term "port" means any establishment equipped with facilities installed for the entry and departure of ships, the embarkation and disembarkation of passengers on board, and the loading and unloading, storing and handling of cargoes, and such ports shall be divided into designated ports and local ports;
2. The term "designated ports" means those ports closely related to the national economy and public interest, and their names, locations and zones are

designated by Presidential Decree;

3. The term "local ports" means ports other than the designated ports, and whose name, location and zone are designated and announced by the Special Metropolitan City Mayor, the Metropolitan City Mayor, *Do*-governor or Special Self-governing *Do* governor (hereinafter referred to as the "Mayor/*Do* governor");
4. The term "port area" means any zone of ports under the provisions of subparagraph 2 and 3;
5. The term "port district" means zone under the provisions of Article 54 (1) and any facility protection districts (limited to those for the protection of port facilities) under the provisions of Subparagraph 7 of Article 37 (1) of the National Land Planning and Utilization Act;
6. The term "port facilities" means facilities falling under any of the following items within the port area and other facilities falling under each of the following items outside the port area, which have been designated and announced by the Minister of Land, Transport and Maritime Affairs or the Mayor/*Do* governor (hereinafter referred to as the "Management Agency"):
 - (a) Basic facilities:
 - (i) Water facilities, such as water ways (sea route), anchoring basin , mooring basin and turning basin, etc.;
 - (ii) Contour facilities such as breakwaters, groin, inner breakwater, costal dyke, training wall, lock gates, sea walls, etc.;
 - (iii) Port transportation facilities such as roads, bridges, railroads, tracks, canals,

etc.; and

(iv) Mooring facilities such as quays, lighter's wharf, piers, dolphins, ship landing places, ramps, etc.;

(b) Functional facilities:

(i) Nautical aid facilities, such as beacons, signals, illuminations, communication systems for incoming and outgoing navigation of vessels, etc.;

(ii) Cargo loading and unloading facilities, such as fixed or mobile loading and unloading equipment, cargo conveying equipment and piping, etc.;

(iii) Facilities for passengers, such as waiting rooms, facilities for passengers and luggage offices, etc.;

(iv) Facilities for the distribution and sales of cargo such as warehouses, yards, container yards, container freight station, silos, oil storage facilities and cargo terminals, etc.;

(v) Vessel supply facilities, such as oil pumping and water supply facilities and ice production and supply facilities, etc.;

(vi) Facilities relating to the port control (vessel traffic service), information (public relations) and security of port;

(vii) Sites for port facilities;

(viii) Functional facilities under subparagraph 5 (b) of Article 2 of the Fishery Ports Act (limited to those located in the fishery port area);

(ix) Cultural and welfare facilities under subparagraph 5 (c) of Article 2 of the Fishery Ports Act (limited to those located in the fishery port zone); and

- (x) Pollution prevention facilities such as soundproof walls, dustproof nets, forest zones, etc.;
- (c) Support facilities:
 - (i) Background distribution facilities, such as storing warehouses, distribution centers, complex cargo terminals and ship supplies;
 - (ii) Facilities for storage, sale, exhibit, etc. of tools and materials for vessels and ship supplies;
 - (iii) Facilities for assembly, processing and packaging, etc. for cargoes;
 - (iv) Facilities for port-related business, such as public services and facility management, etc.;
 - (v) Facilities for welfare and convenience-providing, such as resting places, overnight accommodations, clinics, entertainment facility, training places, parking lots, customs clearance places for vehicles, etc. for the port facility users (hereinafter referred to as the "users"), passengers, etc., using port, and those engaging in port (hereinafter referred to as "the port employee");
 - (vi) Research facilities such as technological development of port-related industry and support to ventures, etc.; and
 - (vii) Other facilities for supporting port functions as stipulated by Ordinance of the Ministry of Land, Transport and Maritime Affairs; and
- (d) Port waterfront facilities:
 - (i) Basic facilities for marine leisure to accommodate fishing place, pleasure boat, fisher boat, motor boat, yacht and windsurfing boat, etc.;
 - (ii) Facilities for marine culture and education, such as marine museum, fishing

village folk hall, marine relics, performance places, studying places and mud flat experiencing lots, etc.;

(iii) Marine park facilities, such as marine observation platform, strolling pathways, beach greens and landscape facilities; and

(iv) Artificial facilities created by recycling dredged soil, such as artificial beach and artificial marsh, etc.;

7. The term "port logistics complexes" means the areas designated and developed under Article 43 to improve the port's value (add value) and the port-related industrial activities, and to contribute to the elevation of conveniences for the port users by collectively installing and fostering the supporting facilities and the port waterfront facilities in the port area and port districts of the international trade ports;

8. The term "port logistics" means the handling process for transportation, storage, stevedoring and packing, etc, made up until transferred from cargo vendors to cargo demander in the port.;

9. The term "port logistics integrated information system" means a system in which the Management Agency and port users exchange, process and utilize any information generated in the process of the utilization and distribution of port through information network in order to reduce port distribution cost and obtain various real-time information.

10. The term "port construction integrated information system" means a system in which the Management Agency and port construction related persons exchange, process and utilize any information generated in the process of the

plan • design • contract • construction • maintenance and management of port construction through information network in order to increase overall efficiency of port construction business through rapid administrative affairs transaction and cost-saving.

11. The term "tug boats" means boats (ships) to move vessels by pulling or pushing them in order to make the incoming and outgoing navigation of vessels leave and come alongside the pier (berth).

Article 3 (Classification and Designation Standards of Designated Ports)

(1) Designated ports shall be classified and designated as follows:

1. Trade ports; and
2. Coastal ports.

(2) The designation standards under paragraph (1) shall be prescribed by Presidential Decree.

Article 4 (Port Policy Council)

(1) A Central Port Policy Council shall be established under the control of the Minister of Land, Transport and Maritime Affairs in order to deliberate the following matters: < *Amended by Act No. 8852, Feb. 29, 2008* >

1. Matters concerning the establishment and modification of basic port plans, *provided* that matters prescribed by Presidential Decree shall be excluded;
2. Matters concerning the designation and abolition of ports;
3. Matters concerning the designation and adjustment of port areas;
4. Matters concerning the establishment of integrated plans for the development

- of port logistics complexes under Article 42;
5. Matters concerning the designation of port logistics complexes under Article 43; and
 6. Other matters referred to the Council by the Minister of Land, Transport and Maritime Affairs, regarding the development, management and operation of ports.
- (2) A local port policy council shall be established under the control of the chief of a regional maritime affairs and port office in order to follow advice and suggestions provided by the chief of a regional maritime affairs and port office and to deliberate the delegated matters among those under the jurisdiction of the Central Port Policy Council. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (3) The necessary matters concerning the organization, functions and operation of the Central Port Policy Council and local port policy councils under paragraphs (1) and (2) shall be determined by Presidential Decree.

CHAPTER II BASIC PORT PLANS

Article 5 (Establishment of Basic Port Plans)

- (1) In order to promote the development of ports and promote the efficiency of the operation thereof, the Minister of Land, Transport and Maritime Affairs shall establish and enforce the basic port plans concerning the designated ports, and the Mayor/*Do* governor shall establish and enforce the basic port plans concerning the local ports, with an interval of ten years respectively. *< Amended by Act No. 8852, Feb. 29, 2008 >*

(2) The Minister of Land, Transport and Maritime Affairs shall go into conference with the head of the central administrative agency concerned and the Mayor/ Do governor concerned, when he desires to establish the basic port plans concerning designated ports under paragraph (1). < Amended by Act No. 8852, Feb. 29, 2008 >

(3) The Mayor/Do governor shall obtain the approval of the Minister of Land, Transport and Maritime Affairs, when he desires to establish the basic port plans concerning local ports under paragraph (1). In this case, the Minister of Land, Transport and Maritime Affairs shall, upon approving it, go into conference with the head of the concerned central administrative agency. <Amended by Act No. 8852, Feb. 29, 2008 >

Article 6 (Contents of Basic Port Plans)

(1) The basic port plans under Article 5 shall include the following subparagraphs:

1. Mid-term and long-term development plan of ports;
2. Annual development, management and operational plan of ports;
3. Matters concerning designation, modification and abolishment of ports;
4. Matters concerning designation of planned districts for developing ports; and
5. Other matters which the Management Agency deems necessary.

(2) In case where the port construction plan is included in the development plan for industrial complexes established under Articles 6 and 7 through 7-2 of the Industrial Sites and Development Act, the development plan for industrial complexes shall be reflected in the basic port plan under paragraph (1).

Article 7 (Modification, etc. of Basic Port Plans)

(1) Management Agencies can modify the basic port plans if such modification is necessary.

(2) The provisions of Article 5 (2) and (3) shall apply *mutatis mutandis* to the modification of the basic port plans, *provided* that the same shall not apply to the modification of minor matters prescribed by Presidential Decree.

(3) The Management Agency shall consider the feasibility of the basic port plans with an interval of 5 years beginning from the establishment thereof.

Article 8 (Notification of Basic Port Plan)

When the Management Agency establishes or modifies the basic port plans under Articles 5 and 7, it should provide notice thereof under the Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008 >*

CHAPTER III DEVELOPMENT OF PORT

Article 9 (Undertakers, etc. of Port Facilities Works)

(1) Unless otherwise specifically prescribed in this Act or any other Acts concerning the works of new construction, reconstruction, maintenance, repair and dredging, etc. of port facilities (hereinafter referred to as the "port works"), the port works on the designated port shall be executed by the Minister of Land, Transport and Maritime Affairs and the port works on the local ports shall be executed by the Mayor/Do governor respectively. *<Amended by Act No. 8852, Feb. 29, 2008 >*

(2) Any person other than the Management Agency (hereinafter referred to as the "Non-Management Agency") who intends to execute the port works shall prepare a

plan of port work under the conditions as prescribed by Presidential Decree and shall obtain permission from the Management Agency, *provided* that the same shall not apply to the maintenance and repair work of port facilities which are not set to revert to the State or a local government under the provisions of proviso of Article 18 (1). < *Newly Inserted by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008* >

(3) If the Non-Management Agency which desires to obtain the execution permission of the port works under the provisions of the paragraph (2) complies with all requirements of the following subparagraphs, the Management Agency shall give permission to it. < *Newly Inserted by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008*>

1. Where the plan of port works of the Non-Management Agency does not infringe the basic port plan under Article 5 of this Act and the basic new port construction plan under Article 3 of New Port Construction Promotion Act;
2. Where the port works is required for the management and operation of port;
3. Where the Non-Management Agency has the business capacity such as fiscal capacity to execute the port works in accordance with the standards designated by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

(4) If the Management Agency gives permission for the port works as prescribed by Presidential Decree including those of more than a definite size, it shall previously issue a notification thereof and the procedure hereof shall be designated as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. < *Newly Inserted by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29,*

2008>

(5) If there is any competition between two or more applicants for the permission of the port works announced under the paragraph (4) of this Article, the Management Agency shall evaluate applicants' capacities including the port construction plan and fiscal capacity in accordance with the standards as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs and then give permission to applicant by priority< *Newly Inserted by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008*>

(6) If the Management Agency directly executes the port works or gives permission to the Non-Management Agency to execute such works, it shall provide a notification thereof. < *Amended by Act No. 8628, Aug. 3, 2007*>

Article 10 (Establishment and Approval, etc. of Implementation Plan)

(1) Any person who executes the port works shall prepare an implementation plan for port works and shall make public notice thereof before the commencement of the port works under the conditions as prescribed by Presidential Decree, *provided* that in case where the undertaker of port works is a Non-Management Agency, the Management Agency shall make public notice of the relevant implementation plans.

(2) The Non-Management Agency shall obtain approval from the Management Agency under the conditions as prescribed by Presidential Decree, if it intends to prepare an implementation plan for port works under paragraph (1). The same shall

also apply to the changes of the approved plan.

(3) If the Non-Management Agency which desires to obtain the permission of an implementation plan for port works under the provisions of the paragraph (2) complies with all requirements of the following subparagraphs, the Management Agency shall give permission to it. < *Newly Inserted by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008* >

1. Where the contents of the implementation plan for port works is suitable for the permission contents under Article 9 (2);
2. Where the funding plan including annual investment plan and fiscal plan etc. is coincide with the implementation plan for port works;
3. Where the implementation plan for port works is met with the execution items to be improved and required under Article 16 (4) of the Urban Traffic Readjustment Promotion Act.

(4) Notwithstanding paragraph (2), any Non-Management Agency, if it intends to prepare a port work implementation plan for port facilities which are not set to revert to the State or a local government under the proviso of Article 18 (1) and are prescribed by Presidential Decree, shall file a report thereon to the Management Agency as prescribed by Presidential Decree. < *Amended by Act No. 8628, Aug. 3, 2007* >

(5) An application or a report for permission under paragraphs (2) or (4) shall be filed within one year from the date on which the permission is obtained under the main sentence of Article 9 (2), *provided* that in case that there are the grounds as

prescribed by Presidential Decree, the period may be extended once within the scope of one year. < *Amended by Act No. 8628, Aug. 3, 2007* >

Article 11 (Implementation of Port Work by Non-Management Agency)

Any Non-Management Agency shall, if it has obtained approval for or filed a report on its port work implementation plan under the provisions of Article 10 (2) or (4), commence such port work to complete it within a period set by the Ministry of Land, Transport, and Maritime Affairs, *provided* that, in case that there are the grounds as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, notwithstanding paragraph (2) may, upon receiving an application from the Non-Management Agency, be extended.

< *Amended by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008* >

Article 12 (Relation with Other Laws and Regulations)

(1) If the Management Agency provides a notification of matters concerning the implementation or permission of port works under the provisions of Article 9 (6), it shall be considered that all required permissions, authorization, licenses, approvals, consultations or consents in the following subparagraphs (hereinafter referred to as the "Permissions, etc.") have been obtained and notifications or public announcements thereof have been made in accordance with the laws and regulations applicable in the following subparagraphs: < *Amended by Act No. 8628, Aug. 3, 2007; Act No. 8819, Dec.27, 2007; Act No. 8852, Feb. 29, 2008; Act No. 8976, Mar. 21, 2008* >

1. Decision of urban management planning under the provisions of Article 30 of the National Land Planning and Utilization Act (limited to basic facility under

the provisions of Article 2 (6) of the same Act), the designation of the undertaker of urban planning facility works under the provisions of Article 86 of the National Land Planning and Utilization Act and the approval on the implementation plan of urban planning facility works under the provisions of Article 88 of the same Act;

2. Approval on the water works under Articles 17 and 49 of the Water Supply and Waterworks Installation Act and the approval on the installation of exclusive supply water pipes under the provisions of Articles 52 and 54 of the same Act;
3. Permission for public sewage works under the provisions of Article 16 of the Sewerage Act;
4. Permission for occupying and using public waters under the provisions of Article 5 of the Public Waters Management Act, and approval of or a report of the implementation plan under the provisions of Article 8 of the same Act;
5. Reclamation license under the provisions of Article 9 of the Public Waters Reclamation Act and the consultation with or approval of the Minister of Land, Transport and Maritime Affairs under the provisions of Article 38 (1) of the same Act;
6. Permission on the implementation of river works under the provisions of Article 30 of the River Act and the permission for the occupation of rivers under the provisions of Article 33 of the same Act;
7. Permission on the implementation of road works under the provisions of Article 34 of the Road Act and the permission for the occupation of roads under the provisions of Article 38 of the same Act;

8. Permission on the conversion of farmland under the provisions of Article 34 of the Farmland Act;
 9. Permission for and report on the diversion of the use of mountainous districts under the provisions of Articles 14 and 15 of the Management of Mountainous Districts Act, and permission for and report of the cutting of standing timber under the provisions of Article 36 (1) and (4) and Article 45 (1) and (2) of the Act on Forest Resources and Forest Management;
 10. Permission for logging *etc.* of living trees and bamboos in erosion control area under the provisions of Article 14 of the Work against Land Erosion or Collapse Act;
 11. Permission for the establishment of a factory, *etc.* under the provisions of Article 6 (1) of the Dangerous Object Safety Management Act; and
 12. Permission for the occupation and use of parks under the provisions of Article 23 (1) of the Natural Parks Act and consultation with the Park Management Agency under the provisions of Article 50 of the same Act.
- (2) Public announcement on the establishment or modification of a basic port plan pursuant to Articles 5 through 8 shall be, within the limits thereof, deemed to be the public announcement pursuant to Article 7 of the Public Waters Reclamation Act on the establishment or modification of the corresponding basic plan of public water surface reclamation pursuant to Articles 4 and 8 of the same Act.
- (3) The Management Agency shall previously go into conference with the head of the administrative agency concerned regarding the compliance of the port works with the relevant laws regulations in accordance with each subparagraph of

paragraph (1), when it executes port works directly or permits the implementation of the works by the Non-Management Agency in accordance with the provisions of Article 9.

Article 13 (Completion Confirmation)

(1) The Non-Management Agency shall submit work completion report to the Management Agency and shall obtain a completion confirmation immediately after completing the port work.

(2) The Management Agency, upon receiving an application for the completion confirmation of the work under paragraph (1), shall conduct an inspection of the completion of the work as prescribed by Presidential Decree and issue a certificate confirming the completion of the work to an applicant as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs when it recognizes that the work has been performed in accordance with the terms of the permission.

<Amended by Act No. 8852, Feb. 29, 2008>

(3) When the completion confirmation certificate is issued under the provisions of paragraph (2), it shall be considered that the inspection of completion or approval for the completion of such work, etc. is obtained in accordance with the permission, etc. under the provisions of each subparagraph of Article 12 (1).

(4) Before a certificate confirming the completion of the work is issued under the provisions of paragraph (2), no land or facilities resulting from such work shall be used, *provided* that the same shall not apply to the case where a report with respect to the use of such land or facilities prior to the completion of the work is filed with the Management Agency as prescribed by Ordinance of the Ministry of Land,

Transport, and Maritime Affairs or the Management Agency grants permission for the use of such land or facilities prior to the completion of the work. *<Amended by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008>*

Article 14 (Implementation of Incidental Works)

When implementing the port works, the Management and Non-Management Agencies may regard incidental works which are directly related to the port works as port works and execute them concurrently.

Article 15 (Vicarious Implementation, etc. of Works for Mayor/Do Governor)

When it is necessary for the balanced development of the national territory and the promotion of welfare of local residents, the Minister of Land, Transport and Maritime Affairs can vicariously execute the port works to be executed by the Mayor/Do governor, or may subsidize the necessary expenses for the works in accordance with the provisions of the Presidential Decree.

Article 16 (Vicarious Implementation of Port Works for Non-Management Agency)

When it is necessary for the efficient implementation of the port works, the Management Agency may vicariously execute the port works for the Non-Management Agency which was permitted by the provisions of Article 9 (2), at the expenses of the Non-Management Agency.

Article 17 (Vicarious Exercise of Authority)

When the Minister of Land, Transport and Maritime Affairs vicariously executes the port works pursuant to the provisions of Article 15, or the Mayor/Do governor manages a port existing outside of the jurisdictional area pursuant to the agreement

under Article 24, they may exercise the authority of the Management Agency, respectively, in accordance with the provisions of the Presidential Decree.

<Amended by Act No. 8852, Feb. 29, 2008>

Article 18 (Revert, etc. of Port Facilities)

(1) The land and facilities which were made or installed by the Non-Management Agency according to the provisions of Article 9 (2) shall be reverted to the State or the local government simultaneously upon its completion, *provided* that the land and port facilities which are prescribed by Presidential Decree shall not be subject to this provision.

(2) Notwithstanding the language in paragraph (1), the Korea Container Wharf Corporation which is established under the Korea Container Wharf Corporation Act can acquire the ownership of the remaining land with the exception of port facilities from the land or facilities that were made or installed by the port works. In this case, the range of acquiring ownership is limited within the amount of total working expenses which are prescribed by Presidential Decree.

(3) The Non-Management Agency can use free of charge the port facilities which have reverted to the State or the local government under paragraph (1), within the limit of total working expenses, under the conditions as prescribed by Presidential Decree.

(4) Those who can use free of charge the port facilities which have reverted to the State or the local government under the provisions of paragraph (3) may allow others to use these facilities as well.

Article 19 (Management Right of Port Facilities)

(1) When the Non-Management Agency has installed the port facilities with permission in accordance with the provisions of Article 9 (2), the Minister of Land, Transport and Maritime Affairs can establish a right (hereinafter referred to as “the management right of the port facilities”) which enables him to preserve and/or manage the facilities and to collect the rental fee from the users of the port facilities. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Any person, when the management right of port facilities pursuant to the provisions of paragraph (1) is granted, shall register such right with the Minister of Land, Transport and Maritime Affairs as prescribed by Presidential Decree. The same shall also apply to the case where the Non-Management Agency intends to modify the registered matters. <Amended by Act No. 8852, Feb. 29, 2008>

Article 20 (Nature of Management Right over Port Facilities)

The management right of the port facilities is regarded as a real right and, unless otherwise specifically provided for in this Act, the provisions regarding real estate out of the Civil Act shall be applied *mutatis mutandis* except as otherwise specifically provided for in this Act.

Article 21 (Special Provisions for Mortgage Settlement)

The management right of the port facilities with a mortgage should not be disposed without the consent of the mortgagor.

Article 22 (Alteration, etc. of Right)

(1) The establishment, alteration, extinguishment and restriction of the disposition of the management right of the port facilities or mortgage for the purpose thereof shall have effect by making such registered in the registration ledger, which is kept

in the Ministry of Land, Transport and Maritime Affairs, for the management right of the port facilities. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Matters concerning the registration of the management right of the port facilities under the provisions of paragraph (1) shall be prescribed by Presidential Decree.

(3) Unless otherwise specifically provided for in this Act, the provisions of the Registration of Real Estate Act shall be applied *mutatis mutandis* to the registration of the management right of the port facilities. <Newly Inserted by Act No. 8628, Aug. 3, 2007>

(4) The provisions of the Civil Procedure Act shall be applied *mutatis mutandis* to the delivery regarding the registration of the management right of the port facilities and the provisions of the Non-Contentious Case Procedure Act shall be applied *mutatis mutandis* to the cost hereof. <Newly Inserted by Act No. 8628, Aug. 3, 2007>

CHAPTER IV MANAGEMENT AND USE OF PORTS

Article 23 (Management of Ports)

The designated ports shall be managed by the Minister of Land, Transport and Maritime Affairs, and the local ports shall be managed by the Mayor/*Do* governor.

<Amended by Act No. 8852, Feb. 29, 2008>

Article 24 (Management of Ports Lying on Administrative Boundary)

(1) With regard to a local port lying on the administrative boundary, the method of management thereof may be determined separately by an agreement between the Mayors/*Do* governors concerned.

(2) If an agreement mentioned in paragraph (1) has not been made, the Mayor/*Do* governor concerned may request the Minister of Land, Transport and Maritime Affairs to decide thereon. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) When a decision under paragraph (2) has been made, it shall be considered that an agreement in accordance with paragraph (1) has been made.

(4) The Mayor/*Do* governor concerned shall announce the details of the agreement reached. The same shall apply also to any alterations or revocations thereto.

Article 25 (Port Register)

(1) The Management Agency shall prepare and keep a port register for the management and operation of the port under its management.

(2) Necessary matters for the preparation, keeping of and entries in the port register shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs or by municipal ordinance of the local government concerned. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 26 (Report of Facilities and Equipment)

(1) Any person who uses and manages (excluding the Management Agency and hereinafter referred to as "the facilities and equipment manger") port facilities (hereinafter referred to as "the facilities and equipment") among lock gates, canals, loading and unloading equipment and other port facilities necessary to operate the facilities and equipment which are all prescribed by Presidential Decree shall,

when he installs or removes the facilities and equipment, make a report thereof in advance to the Management Agency.

(2) Necessary matters concerning procedures for making the report pursuant to paragraph (1) shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 27 (Self-Checkup, Etc. of Facilities and Equipment)

(1) The facilities and equipment manager shall make the self-checkup of the facilities and equipment he uses and manages not less than once every year as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs and promptly take necessary measures for the facilities and equipment which require maintenance and repairs as a result of such self-checkup. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The facilities and equipment manager shall make and manage records with respect to self-checking hereof and maintenance and repairs of the facilities and equipment he uses and manages as prescribed by Ordinance of the Ministry of the Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 28 (Tests, etc. of Facilities and Equipment)

(1) The facilities and equipment manager shall make the facilities and equipment he uses and manages undergo tests made by the Management Agency according to the classification falling under each of the following subparagraphs:

1. Manufacture Tests: The tests are conducted when the facilities and equipment are manufactured;
2. Installation Tests: The tests are conducted when the facilities and equipment

are installed in the finished-product form;

3. Regular Tests: The tests are regularly conducted to confirm the safety conditions of the facilities and equipment in use every period prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs from the date on which the manufacture tests and installation tests are conducted, respectively; and

4. Irregular Tests: The irregular tests are conducted when fixed facilities and equipment are relocated or the structure of the facilities and equipment are altered.

(2) Necessary matters concerning the scope of the facilities and equipment to be tested by test type and method of tests, etc. referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

<Amended by Act No. 8852, Feb. 29, 2008>

(3) Any person who intends to undergo the tests pursuant to paragraph (1) shall pay service fees to the Management Agency as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 29 (Exemptions from Tests, etc.)

(1) The facilities and equipment which have undergone tests, checkups or diagnosis falling under any of the following subparagraphs shall be exempted from tests described in the provisions of Article 28 (1) according to the classification prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs:

<Amended by Act No. 8852, Feb. 29, 2008>

1. Regular tests conducted in accordance with the provisions of Article 65 of the Electricity Business Act;
 2. Safety checkups and thorough safety diagnosis conducted in accordance with the provisions of Article 6 or 7 of the Special Act on the Safety Control of the facilities and equipment; and
 3. Other tests, checkups and diagnosis under other Acts and subordinate statutes prescribed by Presidential Decree.
- (2) Where the facilities and equipment manager who has technology, manpower and facilities prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs self-tests the facilities and equipment he uses and manages and then furnishes the results of such self-tests in writing to the Management Agency for examination, his self-tests shall be considered to have undergone the regular tests under the provisions of Article 28 (1) 3. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 30 (Vicarious Conduct of Tests)

- (1) The Management Agency may permit any person designated by itself (hereinafter referred to as the "vicarious test conductor") to vicariously perform the business of conducting the tests under the provisions of Article 28 (1).
- (2) Any person who intends to be designated as the vicarious test conductor shall have technology, manpower and facilities in conformity with standards prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.
- (3) Where a vicarious test conductor vicariously performs the business of conducting tests, the fees described in the provisions of Article 28 (3) shall be paid

to such vicarious test conductor.

(4) Any fees collected by the vicarious test conductor in accordance with the provisions of paragraph (3) shall be made the income of such vicarious test conductor.

(5) The Management Agency may, when any vicarious test conductor falls under any of the following subparagraphs, revoke his designation or suspend his vicarious test conductor qualification for a fixed period not exceeding six months, *provided* that where he falls under subparagraph 1, his designation shall be revoked: <Amended by Act No. 8628, Aug. 3, 2007>

1. When he is found to have obtained his designation in a fraudulent and illegal manner;
2. When he is found to fall short requirements for designation under the provisions of paragraph (2);
3. Where he is found not to execute the order given to take necessary measures of the test business under the provisions of paragraph (6); and
4. When he is found not to conduct his vicarious test business for more than three months without any justifiable cause.

(6) The Management Agency may confirm and checkup the test business of the vicarious test conductor once every year, and take necessary measures including an order given to upgrade the test business.

Article 31 (Technical Standards of Port Facilities)

(1) Water facilities, contour facilities, mooring facilities, and other port facilities prescribed by Presidential Decree shall be installed and maintained suitable to the

technical standards determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs except as otherwise specially prescribed in other Acts and subordinate statutes. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The implementer of a port work, when he designs port facilities, shall make such design in conformity with the standards for earthquake proof design which are set and published by the Minister of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 32 (Port Facilities and Service Fees, etc.)

(1) To use port facilities (excluding beacons of sea route: hereinafter the same in this Article shall apply), any person shall obtain permission from the Management Agency, enter into a contract with the Management Agency or the person who has been delegated or entrusted with the operation of port facilities by the Management Agency (hereinafter referred to as the "operator of port facilities") or obtain a consent from the person who has concluded a rental contract (hereinafter referred to as the "rental contractor") with the operator, as prescribed by Presidential Decree, *provided* that the persons who intend to use port facilities designated by the Management Agency shall report to the Management Agency.

(2) The Management Agency, when any person applies to obtain permission for the use of port facilities under the provisions of paragraph (1), shall give the permission to the person without any interruption to the development plan and management • operation of port due to the use hereof. *<Newly Inserted by Act No. 8628, Aug. 3, 2007>*

(3) The operator or rental contractor of port facilities may collect service fees from

those who use port facilities pursuant to paragraph (1), *provided* that any person prescribed by Presidential Decree shall be exempted from such service fees in whole or in part.

(4) The Management Agency may, where any person, including the operator of the business of transporting maritime cargoes, etc., prescribed by Presidential Decree, transports simultaneously cargoes for many persons, files a report to the Management Agency and vicariously pays service fees in a lump sum for the use of port facilities to the Management Agency on behalf of such persons in accordance with the proviso of paragraph (1), pay expenses required for the vicarious payment of such service fees to such operator of the business as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs.

<Amended by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008 >

(5) The operator or the rental contractor of port facilities who is not the Management Agency shall report in advance matters concerning the rates of service fees referred to in paragraph (3) and the method of collecting such service fees to the Management Agency. *<Amended by Act No. 8628, Aug. 3, 2007>*

(6) The method of using port facilities and the service fees shall be determined by the operator or the rental contractor of port facilities except otherwise provided for in orders given under or in accordance with this Act. *<Amended by Act No. 8628, Aug. 3, 2007>*

Article 33 (Rental Fees to be Collected by Non-Management Agency)

(1) The person who has had another person use the port facilities pursuant to the provisions of Article 18 (4) may collect rental fees from such person. In this case,

matters concerning the method of use, the rate of rental fees and the collection thereof shall, in advance, be reported to the Management Agency.

(2) If the method of use and the rate of rental fees under paragraph (1) are unreasonable and disturb the convenience of the user, the Management Agency may issue an order concerning alteration of the rate hereof, alteration of the method of use or other matters necessary for the management and operation of the ports.

(3) The period of collection pursuant to paragraph (1) shall be prescribed by Presidential Decree.

Article 34 (Registration, etc. of Tug Boat Business)

(1) A person who intends to engage in the tug boat business to assist the entry and departure of vessels in the port (hereinafter referred to as the "tug boating business") shall register with the Minister of Land, Transport and Maritime Affairs.

<Amended by Act No. 8852, Feb. 29, 2008>

(2) The registration of a tug boat business referred to in paragraph (1) shall be made by port, and the criteria for registration shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008 >*

1. Where the tug boat shall be a self-owned tug boat (including bareboat charter with the condition of obtaining Korean nationality in his own name or tug boats leased and stipulated as self-possession) and be suitable for the criteria of tug boat possession as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs;
2. Where the type of the tug boat propeller shall be a forward-type propeller;

3. Where the tug boat shall be equipped with facilities as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs such as fire-fighting equipments; and

4. Where the age of the tug boat concerned shall, upon the registration hereof, be not more than twelve years, *provided* that the same shall not be applied to the port which the Minister of Land, Transport and Maritime Affairs recognizes that the profit of the tug boat business in the port is little due to the low demand of the tug boats.

(3) Where it falls under any one of the following subparagraphs, notwithstanding the provisions of paragraph (2), a registration of a tug boat business may be made for not less than two ports:

1. Where a small number of vessels enter or depart from a port; and
2. Where not less than 2 ports adjoin.

Article 35 (Restriction on Registration of Tug Boating Business)

(1) No person who falls under any of the following subparagraphs may register for a tug boating business:

1. Shipper of crude oil, steel material, liquefied gas and coal for generating electricity;
2. Overseas regular cargo transport services and overseas non-regular cargo transport services under the Marine Transport Act;
3. Shipbuilding businessman; and
4. Juristic person virtually owned or dominated by a person (hereinafter referred to as the "related juristic person") who falls under any of subparagraphs 1

through 3 and a person having a special relationship therewith (hereinafter referred to as the "specially related person").

(2) The scope, etc. of related juristic persons and specially related persons shall be prescribed by Presidential Decree.

(3) The provisions of paragraph (1) shall apply *mutatis mutandis* to the person who takes over the tug boat business pursuant to Article 38.

Article 36 (Revocation, etc. of Registration)

(1) When a person who has made a registration for tug boat business (hereinafter referred to as the "tugboat business operator") falls under any of the following subparagraphs, the Minister of Land, Transport and Maritime Affairs may revoke the registration or may suspend the business for a fixed period not exceeding 6 months, *provided* that in case that he falls under subparagraphs 1 through 3, the registration shall be revoked: <Amended by Act No. 8852, Feb. 29, 2008>

1. When the registration has been made by deception or improper means, etc.;
2. When he falls short of the standards for registration in accordance with Article 34 (2);
3. When he falls under any of each subparagraph of Article 35 (1);
4. When he rejects the request for using a tugboat without a justifiable cause in violation of Article 39; and
6. When he violates this Act, or orders or dispositions stipulated under this Act.

Article 37 (Imposition of Penalty)

(1) The Minister of Land, Transport and Maritime Affairs, in case that he intends to suspend the business of the tugboat operator after such tugboat operator is found to

fall under subparagraph 4 of Article 36 but there is no tugboat which can be used in conformity with the standards for using tugboat under Article 40 (2), may impose a penalty not exceeding two million won in lieu of the suspension of his business.

<Amended by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008 >

(2) The types of violations to which a penalty is imposed under paragraph (1), the amounts of the penalty to be imposed according to the degrees thereof and other necessary matters shall be prescribed by Presidential Decree.

(3) The Minister of Land, Transport and Maritime Affairs may collect the penalty under paragraph (1) based on the examples of disposition on the national taxes in arrears as stipulated by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 38 (Succession of Rights and Duties)

In case that a tugboat operator dies or transfers his business or a corporation is merged with another corporation, a successor, a transferee, a corporation that survives such merger, or a corporation established through such merger shall succeed rights and duties with respect to the registration of the tugboat business.

Article 39 (Matters to be Complied with by Tugboat Service Operators)

The tugboat service operator shall not refuse requests for tugboat service, except for the cases falling under any of the following subparagraph.

1. Where he is restricted from operating vessels under other Acts and subordinate statutes;
2. Where there is a serious obstacle to prevent his performance of tugboat service due to a natural disaster or other compelling causes; or

3. Where there exists a justifiable cause prescribed by the Tugboat Operation Consultative Council established pursuant to Article 76.

Article 40 (Obligation to Use Tugboats)

(1) Where it is deemed necessary for protection of port facilities and safety of vessels, the Minister of Land, Transport and Maritime Affairs may order mobile vessels larger in size than those as determined and announced by the Minister of Land, Transport and Maritime Affairs to use the tugboats. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) The Minister of Land, Transport and Maritime Affairs may determine and announce the standards for use of tugboats (hereinafter referred to as the "standards for use of tugboats") in order that the vessel which is given such duty under paragraph (1) shall use a compatible tugboat based on size of the vessel. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 41 (Exclusion from Application)

The provisions of this Act regarding the tug boat business shall not apply to the tugboats owned and managed in order to move or navigate vessels for purpose of shipbuilding, repairing or testing trial in shipyard.

CHAPTER V PORT LOGISTICS COMPLEXES

Article 42 (Establishment of Integrated Plans for Development of Port Logistics Complexes)

(1) The Minister of Land, Transport and Maritime Affairs shall establish the integrated plans for port logistics complexes (hereinafter referred to as the

"integrated plans") every 5 years, aiming at the trade port deemed to be in need of the development of port logistics complexes. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The integrated plans shall contain matters falling under one of the following subparagraphs:

1. Matters pertaining to the sites for the development of port logistics complexes, and to the demand for port facilities;
2. Matters pertaining to the premeditated creation and provision of the sites for the development of port logistics complexes, such as the reclaimed land of public water area and the idle sites, etc.;
3. Matters pertaining to the designation and development of port logistics complexes;
4. Matters pertaining to the directions of development of the port logistics complexes by trade port;
5. Matters pertaining to the maintenance and adjustment of port facilities installed in the port logistics complexes; and
6. Other matters as prescribed by Presidential Decree.

(3) In case where the Minister of Land, Transport and Maritime Affairs establishes the integrated plans, he shall prepare such plans, listen to the opinions of Mayor/*Do* governor, go into conference with the head of related central administrative agency, and notify thereof on the Official Gazette after going through a deliberation of the Central Port Policy Council under Article 4. It shall also apply where he intends to alter the integrated plans, *provided* that it shall not

apply to the case of alteration in the minor matters as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) The Minister of Land, Transport and Maritime Affairs may, under the conditions as prescribed by Presidential Decree, request the related agencies to furnish the data required for the establishment and alteration of integrated plans, or their cooperation; and the related agencies shall, upon receipt of such requests, comply with them unless there exist any justifiable grounds. *<Amended by Act No. 8852, Feb. 29, 2008>*

(5) Other matters necessary for the establishment of integrated plans shall be prescribed by Presidential Decree.

Article 43 (Designation of Port Logistics Complexes)

(1) The port logistics complexes shall be designated by the Minister of Land, Transport and Maritime Affairs.

(2) In case where the Minister of Land, Transport and Maritime Affairs designates the port logistics complexes, he shall prepare the plan for development of port logistics complexes, listen to the opinions of Mayor/Do governor, go into conference with the head of related central administrative agency, and go through a deliberation of the Central Port Policy Council under Article 4. It shall also apply to the case of alteration in the important matters as prescribed by Presidential Decree, among the contents of designation of the port logistics complexes. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The related administrative agency, the head of competent local government and those as prescribed by Presidential Decree, such as the local corporation under the

Local Public Enterprises Act, may prepare their opinions on the establishment of plans for the development of port logistics complexes, and request the Minister of Land, Transport and Maritime Affairs to make a designation of port logistics complexes. <Amended by Act No. 8852, Feb. 29, 2008>

(4) The Minister of Land, Transport and Maritime Affairs shall, where he intends to designate the port logistics complexes by including therein the whole or part of lands which are not reverted to the State or local government under Article 18 (1) (proviso) in terms of lands created by the port works of a Non-Management Agency, accept a submission of plans for land utilization and plans for facility business from the owner of relevant lands (hereinafter referred to as the "land owner"), and establish the plans for development of port logistics complexes, on the basis of them. The landowner may, where deemed necessary for the smooth development and utilization of port logistics complexes, request the Minister of Land, Transport and Maritime Affairs to alter the plans for development of port logistics complexes. <Amended by Act No. 8852, Feb. 29, 2008>

(5) The plans for development of port logistics complexes under paragraph (2) shall contain matters falling under one of the following subparagraphs, *provided* that where deemed to be inevitable in establishing the plans for development of port logistics complexes, matters of subparagraph 7 may be included in the plans for development of port logistics complexes, after the designation of port logistics complexes:

1. Title, location and size of the port logistics complexes;
2. Purpose of designation of the port logistics complexes;

3. Execution entity, period and method of execution of the development project for the port logistics complexes;
4. Plans for utilization of sites, and plans for major basic facilities;
5. Major induced facilities, and matters concerning the criteria for their installation;
6. Plans for raising the financial resources;
7. In case where there exist any admitted or utilized lands, structures and other goods or rights, their details; and
8. Other matters as prescribed by Presidential Decree.

Article 44 (Public Notice, etc. of Port Logistics Complexes)

(1) The Minister of Land, Transport and Maritime Affairs shall, where he has designated any port logistics complex or altered the contents of designation, publicly notify the matters as prescribed by Presidential Decree on the Official Gazette or on the official bulletin of Special Metropolitan City, Metropolitan City or *Do*, and forward the copy of related documents to the competent head of *City/Gun/Gu* (referring to the head of autonomous *Gu*; hereinafter the same shall apply). <Amended by Act No. 8852, Feb. 29, 2008>

(2) In case where there exist any lands, structures and other goods or rights to be admitted or utilized in the area to be designated as the port logistics complex, the details of such lands, etc. shall be included in the content of public notices under paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008>

Article 45 (Restrictions on Activities, etc.)

(1) A person who intends to alter the form and quality of lands, erect the building,

install the structures, collect the earth and rock or sand, and make other activities as prescribed by Presidential Decree, in the area designated and noticed as the port logistics complex, shall obtain permit from the Minister of Land, Transport and Maritime Affairs (limited to the public water managed by the said Minister under the Public Waters Management Act. Hereinafter the same shall apply in Article 45), or the head of *City/Gun/Gu*, *provided* that it shall not apply to the matters for which permit, authorization, approval, etc. have been obtained under other Acts and subordinate statutes from the Minister of Land, Transport and Maritime Affairs or the head of *City/Gun/Gu*. <Amended by Act No. 8852, Feb. 29, 2008>

(2) In case where intending to alter the matters permitted under paragraph (1), permit from the Minister of Land, Transport and Maritime Affairs (limited to the public water managed by the said Minister under the Public Waters Management Act; hereinafter in this Article the same shall apply), or the head of *City/Gun/Gu* shall be obtained. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The provisions of paragraph (1) or (2) shall not apply to the person who has obtained permit, authorization, approval, etc. for the alteration of form and quality of lands, erection of the building, etc. under the related Acts and subordinate statutes at the time of designation and public notice of the port logistics complex (including the person who has undertaken the alteration of form and quality of lands, erection of the building, etc. in case where there exists no need for obtaining permit, authorization, approval, etc. under the related Acts and subordinate statutes).

(4) The Minister of Land, Transport and Maritime Affairs and the head of *City/*

Gun/Gu may order the person who has violated paragraph (1) or (2) to make a restoration to original status. In this case, if he has failed to comply with such order, the Minister of Land, Transport and Maritime Affairs and the head of *City/Gun/Gu* may perform an administrative vicarious execution under the Administrative Vicarious Execution Act. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 46 (Termination of Designation of Port Logistics Complex)

(1) In case where an implementation plan for port works under Article 10 on the whole or part of port logistics complex has not been established in the period as prescribed by Presidential Decree within the limit of 5 years after the date of designation and notification of port logistics complex, such designation of port logistics complex on the relevant area shall be considered to have been terminated on the date following the expiration of the such period.

(2) The Minister of Land, Transport and Maritime Affairs may, where the development of the whole or part of port logistics complex has been finished or where it is deemed that there is no prospect for such development, terminate the designation of port logistics complex on the relevant area under the conditions as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The Minister of Land, Transport and Maritime Affairs shall, where the designation of port logistics complex has been terminated fictitiously or terminated under paragraph (1) or (2), notify thereof to the Mayor/ *Do* governor and the head of related administrative agency, and publicly notify thereof. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 47 (Rights of Land Owners)

(1) The landowner shall, in executing the port works within the relevant land, become the executor of the port works of Non-Management Agency by obtaining permit from the Management Agency under Article 9 (2).

(2) The landowner may execute the port works by leasing the whole or part of the relevant land to others, or by entrusting others with the whole or part of port works as who becomes the executor.

Article 48 (Subsidy for Costs)

(1) The State or local government may, where the development of port logistics complex is made by the port works executed by the Non- Management Agency under Article 9 (2), subsidize or finance a part of costs required for the development project of port logistics complex under the conditions as prescribed by Presidential Decree.

(2) The State or local government shall preferentially support the installation of infrastructure as prescribed by Presidential Decree, such as the road, railway, water facilities, etc., required for the smooth development of port logistics complex.

(3) Facilities for electricity, electric communications, gas supply, and local heating within port hinterland complexes shall be installed by the persons supplying the electricity, electric communications, gas, or heating to the relevant area under the conditions as prescribed by Presidential Decree.

Article 49 (Installation, etc. of Public Facilities)

The Minister of Land, Transport and Maritime Affairs or the Mayor/*Do* provincial governor may have the Non-Management Agency executing the port works within

the port logistics complex install the road, park, green zone and other public facilities as prescribed by Presidential Decree, or preserve the existing park and green zone. <Amended by Act No. 8852, Feb. 29, 2008>

CHAPTER VI PRESERVATION OF PORTS AND PUBLIC CHARGE

Article 50 (Prohibited Actions)

No person shall commit the following acts in a port without any justifiable reason:

1. An action of throwing out poisonous substance or animals carcasses into a port;
2. An action which is likely to affect the depth of the port such as throwing out a large quantity of soil and stone or trash, etc.; and
3. Any other actions as prescribed in the Presidential Decree which is likely to cause an impediment to the preservation or utilization of the port.

Article 51 (Entry or Use, etc. of Land)

(1) The Management Agency (including a person ordered or commissioned by the Management Agency) or a person who has obtained the permit of the implementation of port works, may enter another person's land or use temporarily another person's land which is not being put to any particular use as a material piling yard for port works, a pathway or a temporary road if it is necessary for the investigation or the measurement of a port and other implementations of port works, and may alter or remove bamboos, trees and other obstacles if necessary for the performance of the port works.

(2) Any person who intends to enter another person's land pursuant to the

provisions of paragraph (1) and to use temporarily another person's land or remove or alter obstacles on another person's land shall notify in writing the owner and occupant of the land of the personal information and entry time and entry purpose hereof seven day in advance and hear their opinion, *provided* that the same shall not apply under unavoidable circumstances. <Amended by Act No. 8628, Aug. 3, 2007>

(3) No person shall enter another person's residence or land surrounded by a fence without the consent of the occupant of the land concerned before sunrise and after sunset.

(4) Any person who intends to enter another person's land pursuant to the provisions of paragraph (1) shall show it to the persons concerned and shall present the document indicating name, entry time, purpose etc. to the persons concerned.. <Amended by Act No. 8628, Aug. 3, 2007>

(5) Matters concerning the certificate mentioned in paragraph (4) shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

Article 52 (Use of Land, etc. at Time of Extraordinary Disasters)

The Management Agency may, if it is deemed to be necessary for preventing dangers to the use of port facilities or ports due to extraordinary disaster, request the inhabitants in the vicinity of that port or the person at the scene of the disaster to provide labor service, or may temporarily use necessary land, houses, ships or other structures, or may alter or remove the structures and other obstacles, or may use or expropriate soil, stones, bamboos, trees, conveyers and other things

(excluding structures).

Article 53 (Expropriation of Land, etc.)

(1) If it is necessary for the operation of the port works, the Management Agency may expropriate or use land, buildings or fixtures on the land which are in the port area, or rights other than ownership thereof, mining right, fishing right and right concerning water use.

(2) When there is the public notification about the implementation plan for the port works under the provisions of Article 10, it shall be regarded that there is an approval of project and notification thereof under Articles 20 (1) and 22 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor. An application for adjudication may be filed within the period fixed in the implementation plan of port works, notwithstanding Articles 23 (1) and 28 (1) of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor.

(3) With regard to the expropriation or use under paragraph (1), the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply *mutatis mutandis* unless otherwise specified in this Act.

Article 54 (Establishment of Port Zones, etc.)

(1) The Management Agency may establish a port zone which is necessary for the efficient development, management and operation of a port outside urban planning zones.

(2) If it is necessary for the efficient development, management and operation of a port, the Management Agency may establish any district according to the following

subparagraphs out of the port area and the port district in accordance with the provisions of the Presidential Decree:

1. Commercial port district;
2. Industrial port district;
3. Fishing port district;
4. Passenger port district;
5. Supply and support harbor district;
6. Dangerous article port district;
7. Security port district; and
8. Leisure port district.

(3) The limitation on establishment of buildings or specific acts within the port district shall be imposed as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs or the Municipal Ordinance of the local government concerned in accordance with the provisions of the National Land Planning and Utilization Act. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Article 35 (1) of the National Land Planning and Utilization Act shall apply *mutatis mutandis* to the establishment of a port zone under paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008>

CHAPTER VII EXPENSE AND PROFIT CONCERNING PORT

Article 55 (Principles of Bearing Expenses)

(1) Unless otherwise specifically prescribed in this Act or any other Acts, the

expenses required for designated ports and their facilities shall be borne by the State, and those for the local ports and their facilities shall be borne by the local government concerned.

(2) The expenses for the port works enforced by the Non-Management Agency under Article 9 (2) shall be borne by the executor of such port works concerned.

Article 56 (Expenses for Vicarious Works)

(1) Expenses required for the port works vicariously executed by the Minister of Land, Transport and Maritime Affairs pursuant to the provisions of Article 15 shall be borne by the State. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Expenses, which shall be borne by the State under paragraph (1), shall be born partially by the local government concerned in accordance with the Presidential Decree.

Article 57 (Expenses for Ports Lying on Boundary)

(1) Expenses required for ports lying on a boundary under Article 24 shall be borne according to the agreement of negotiation by the Mayor/*Do* governor concerned.

(2) The provisions of Article 24 (2) and (3) shall apply *mutatis mutandis* to the agreement mentioned in paragraph (1).

Article 58 (Compensation for Damages)

(1) When any person commits acts, including a construction project of damaging the port facilities, the Management Agency shall have the person concerned bear the whole or part of the expenses for repair of the damages or preservation, or prevention from further damages.

(2) The necessary matters concerning the amount and collection of the

compensation to be imposed under paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs or municipal ordinance of the local government concerned. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 59 (Repair Expenses by Public Organization or Natural Person)

When a public organization or a natural person gives insignificant repairs, etc. for its own necessity, the expenses shall be borne by the public organization or the natural person concerned.

Article 60 (Expenses for Performance of Duties)

Expenses required for performance of the duties under this Act or orders, conditions or by the municipal ordinance pursuant to the provisions of this Act or dispositions taken thereunder, shall be borne by the persons to perform the duties, unless otherwise specifically prescribed in this Act.

Article 61 (Belonging of Charge, etc.)

Expenses to be borne, occupation fee, rental fee or other profits made in connection with a port shall belong to the revenue of the State, if they have been caused to be borne or have been collected by the Minister of Land, Transport and Maritime Affairs, and they shall belong to the revenue of the local government concerned, if they have been caused to be borne or have been collected by the Mayor/Do governor. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 62 (Coercive Collection of Charge, etc.)

With regard to the person who has failed to fulfill his payment of any charge, occupation fee, rental fees or other dues which becomes a duty by the provisions of this Act or by an order, condition or by the municipal ordinance under this Act, or a

disposition taken thereunder, the Management Agency shall collect it in accordance with the examples of disposition on the national taxes or the local taxes in arrear.

CHAPTER VIII SUPERVISION

Article 63 (Supervisory Disposition against Violation of Laws and Regulations.)

(1) Where a person falls under any one of the following subparagraphs, the Management Agency may cancel or alter an order under this Act or a disposition or municipal ordinance under this Act, or may take necessary disposition such as suspension or alteration of port works, remodeling, alteration, transfer, removal, restoration of the original state or the suspension of the use of the facilities and equipment:

1. A person who has obtained the permit of port works granted under the provisions of Article 9 (2) or the approval of the implementation plan of port works under the provisions of Article 10 (2) or the permit for using the port facilities under the provisions of Article 32 (1) by deception or any other fraudulent means; or
2. A person who has violated the permit of port works granted under the provisions of Article 9 (2) or the approval of the implementation plan of port works under the provisions of Article 10 (2) or the permit for using the port facilities under the provisions of Article 32 (1).

<Wholly Amended by Act No. 8628, Aug. 3, 2007>

Article 64 (Disposition for Public Interests)

(1) When any one of the following subparagraphs occurs, the Management Agency

may take dispositions prescribed in Article 63 to the person who has obtained the permit of port works granted under the provisions of Article 9 (2) or the approval of the implementation plan of port works under the provisions of Article 10 (2) or the permit for using the port facilities under the provisions of Article 32 (1):

1. If it is necessary for change of situation of a port or for public interest such as the efficient management and operation of a port;
2. If national emergency such as war or natural disaster is happened; and
3. If a serious obstacle to the operation of port due to the accumulation of freight within the port is happened or is likely to happen.

<Wholly Amended by Act No. 8628, Aug. 3, 2007>

Article 65 (Disposition to Mayor/Do Governor)

When any one of the following subparagraphs occurs, the Minister of Land, Transport and Maritime Affairs may cancel or alter the disposition done by Mayor/Do governor as the Management Agency, or may order suspension, alteration or other necessary measures for port works permitted by the Mayor/Do governor as the Management Agency: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. Where a disposition taken or the port works executed by the Management Agency who is the Mayor/Do governor has violated the Acts and subordinate statutes concerning ports or a disposition taken by a supervisory agency pursuant thereto; and
2. Where it is necessary for preservation of a port.

Article 66 (Approval of Designation of Local Ports, etc.)

When intending to do an action which falls under one of the following

subparagraphs, the Mayor/*Do* governor shall obtain an approval from the Minister of Land, Transport and Maritime Affairs in accordance with the provisions of the Presidential Decree. The same shall be applied with regard to alteration, abolition or cancellation thereof: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. Designation of local ports;
2. Construction or remodeling of port facilities above a certain scale prescribed by Presidential Decree; and
3. Establishment of a district as prescribed in Article 54 (2).

Article 67 (Report and Inspection)

(1) The Management Agency may instruct the person, who has obtained permit or an approval or filed an registration under this Act or an order pursuant to this Act or subject to a municipal ordinance under this Act, to report any of the following subparagraphs or have public officials belonging to the agency enter the office, business place, tugboats and other necessary places to inspect the situation, installations, articles and related documents concerning port works. *<Amended by Act No. 8628, Aug. 3, 2007>*

1. Where it is necessary for confirming the contents the permit of port works granted under the provisions of Article 9 (2) or the approval of the implementation plan of port works under the provisions of Article 10 (2) or the self-checkup of the facilities and equipment under the provisions of Article 27 (1) or the permit for using the port facilities under the provisions of Article 32 (1) or checking whether the execution of the registration contents of the tug boat business under the provisions of Article 34 (1)

2. Where a serious obstacle to the operation of port due to the national emergency such as war or natural disaster is happened or is likely to happen

3. Where it is necessary for the confirmation of the relevant data and site in order to carry out the public works

(2) The provisions of Article 51 (2) and (4) and (5) shall apply *mutatis mutandis* to the entry and inspection provided in paragraph (1). <Amended by Act No. 8628, Aug. 3, 2007>

Article 68 (Handling of Long-Term Unclaimed Cargo)

(1) The Management Agency, in case that cargoes which have remained unclaimed for not less than two months after they were cleared of customs formalities (including domestic cargoes which have been stored unclaimed for not less than two months) under the Customs Act are deemed to hinder the management and operation of port facilities, shall notify the owners of such cargoes that they shall claim such cargoes out of port facilities within one month as prescribed by Presidential Decree, and shall again urge the owners to claim such cargoes for a fixed period of one month when the owners fail to claim them within one month, *provided* that the Management Agency, when it is unable to file a urgent notice due to the ignorance of whereabouts of the owners, shall put the fact on public notice as prescribed by Presidential Decree.

(2) The Management Agency, if the owners fail to claim such cargoes out of port facilities within the period given in the urge notice and public notice, may sell them off, scrap them or make them revert to the State or a local government as prescribed by Presidential Decree.

(3) The operator or rental contractor of port facilities may, in case that cargoes have been stored unclaimed in port facilities for not less than two months since they were cleared of customs formalities under the Customs Act, hindering the management of port facilities, ask the Management Agency to take measures pursuant to the provisions of paragraphs (1) and (2).

CHAPTER IX COMPENSATION FOR LOSSES

Article 69 (Compensation for Losses Due to Public Service)

(1) Where a person has suffered losses caused by an action or a disposition prescribed in Articles 51 (1) and 52, fair compensation for losses shall be made respectively by the State, if the losses have been caused by an action or a disposition taken by the Minister of Land, Transport and Maritime Affairs, and by the local government concerned, if the losses have been caused by an action or a disposition by the Mayor/Do governor. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Management Agency shall go into conference with the loss sufferer when it compensates for losses under paragraph (1).

(3) When the Management Agency fails to reach an agreement mentioned in paragraph (2), it shall pay an amount assessed by it to the loss sufferer, *provided* that if it is impossible to pay the above to the loss sufferer, the Management Agency shall deposit and notify the loss sufferer of this fact.

(4) A person who is not satisfied with the compensation mentioned in paragraph (3) may request adjudication of the case to the competent land expropriation

committee in accordance with the provisions of the Presidential Decree within 30 days from the date of receipt of the compensation or notification of the deposit of the compensation.

Article 70 (Compensation for Losses Due to Disposition for Public Interests)

(1) The provisions of Article 69 shall apply *mutatis mutandis* to the losses caused by a disposition prescribed in Article 64.

(2) The provisions of Article 69 shall apply *mutatis mutandis* to the losses caused by the cancellation or alteration of a disposition by the Management Agency who is the Mayor/*Do* governor due to a disposition or the order of the Minister of Land, Transport and Maritime Affairs pursuant to Article 65. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Deleted. <Amended by Act No. 8628, Aug. 3, 2007>

Article 71 (Compensation for Losses Due to Port Works)

(1) When there is a person who suffers losses for implementation of port works pursuant to the Article 9, the person who executes the port works concerned shall compensate for the losses or establish facilities to prevent the losses.

(2) The provisions of Article 69 (2) through (4) shall apply *mutatis mutandis* to the compensation for losses prescribed in paragraph (1).

CHAPTER X SUPPLEMENTARY PROVISIONS

Article 72 (Relation, etc. with Other National Projects)

(1) When the State or local government intends to carry out a project concerning matters which require permit from the Management Agency under this Act, the

administrative agency which executes the project shall go into conference with the Management Agency or obtain approval thereof under the conditions as determined by Presidential Decree.

(2) When the State or the local government intends, within the port area, to formulate a basic plan of reclamation under the Public Waters Reclamation Act, or designate the facility protection district (limited to those for the protection of port facilities) under the provisions of the National Land Planning and Utilization Act, or designate the industrial complex under the provisions of the Industrial Sites and Development Act, he shall go into conference with the Management Agency in advance.

(3) The head of a government agency concerned, when he intends to establish a mining right, etc. or to take a disposition under the provisions of the Mining Industry Act, the Fisheries Act, the Public Waters Management Act, and other Acts and subordinate statutes within the port area or other area planned to be developed as a port pursuant to the provisions of the subparagraph (4) of Article 6 (1), shall consult in advance with the Management Agency.

Article 73 (Hearing)

Where the Management Agency intends to take a disposition falling under any of the following subparagraphs, it shall hold a hearing:

1. The revocation of the designation under the provisions of Article 30 (5);
2. Revocation of registration referred to in Article 36; and
3. Revocation of approval for an implementation plan, of permission for the use of port facilities, or of permission for occupation referred to in Article 63 or 64.

Article 74 (Transfer of Rights and Obligations)

Any person who intends to transfer his rights and obligation shall obtain approval from the Management Agency as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, *provided* that the same shall not apply to the case prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

Article 75 (Port Management Corporation)

(1) If it is necessary for the management and guard • security of port facilities, the Minister of Land, Transport and Maritime Affairs may establish a corporation for the management of ports (hereinafter referred to as the “port management corporation”). <Amended by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008 >

(2) The necessary matters concerning the designation and supervision of the corporation under paragraph (1) shall be prescribed by Presidential Decree.

(3) The provisions for the corporate juridical person in the Civil Act shall apply *mutatis mutandis* to the port management corporation unless otherwise specified hereunder. <Newly inserted by Act No. 8628, Aug. 3, 2007>

Article 76 (Tugboat Operators Consultative Council)

(1) The Minister of Land, Transport and Maritime Affairs may establish and operate a Tugboat Operatorsn Consultative Council for the smooth operation of tugboats participated in by those representing the tugboat business and those representing the tugboat users. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Necessary matters for the function, composition and operation, etc. of the

Tugboat Operators Consultative Council referred to in paragraph (1) shall be prescribed by Presidential Decree.

(3) The Minister of Land, Transport and Maritime Affairs may, where an agreement or a decision is not made at the Tugboat Operators Consultative Council, adjust them or request to preconsult them. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 77 (Organization and Operation of Port Logistics Integrated Information System)

(1) The Management Agency may, where necessary for the information management and civil affairs administration, etc. related to the operation of ports, organize and operate the port logistics integrated information system. *<Amended by Act No. 8628, Aug. 3, 2007>*

(2) Where the Management Agency or the user of port logistics integrated information system has processed the civil administration affairs such as report, approval, permission, delivery and notice, etc. and any works related to port logistics under this Act by using the port logistics integrated information system as prescribed by Presidential Decree, they shall be considered to have been processed under the provisions of this Act. *<Amended by Act No. 8628, Aug. 3, 2007>*

(3) Matters necessary for the organization, operation and use, etc. of the port logistics integrated information system shall be prescribed by Presidential Decree. *<Amended by Act No. 8628, Aug. 3, 2007>*

Article 77-2 (Organization • Operation of Port Logistics Integrated

Information System)

(1) The Management Agency may, where necessary for the information management and civil affairs administration, etc. related to the construction, and maintenance and control of ports, organize and operate the port logistics integrated information system.

(2) Where the Management Agency or the user of port logistics integrated information system has processed the civil administration affairs such as report, approval, permission, delivery and notice under this Act and any works related to port construction by using the port logistics integrated information system as prescribed by Presidential Decree such as the use of standard electronic document etc., they shall be considered to have been processed under the provisions of this Act.

(3) Matters necessary for the organization, operation of the port logistics integrated information system and the designation of a dedicated organization shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 8628, Aug. 3, 2007>*

Article 77-3 (Establishment of Ports&Harbors Association)

(1) The interested persons of port construction may, where necessary for the sound development of port construction business including the joint use promotion etc. of the investigation • research and technology development of port construction and the information related to the port construction, establish a ports & harbors association (hereinafter referred to as the “ports & harbors association”) after

obtaining the approval of the Minister of Land, Transport and Maritime Affairs.

<Amended by Act No. 8852, Feb. 29, 2008>

(2) The association shall be made as a legal person.

(3) The association shall perform the following business.

(4) The articles of association shall be approved by the Minister of Land, Transport and Maritime Affairs, and the recording items and operation of the articles of association shall be prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008>*

(5) The Minister of Land, Transport and Maritime Affairs may, where necessary for the supervision of the association, instruct the association to report the items or to submit the data related to the business of the association, and have public officials belonging to the Ministry enter the office, business place and other necessary places to inspect the account book and documents or other matters concerning port works or to ask the relevant persons inquiries. *<Amended by Act No. 8852, Feb. 29, 2008>*

(6) Any public officials who intends to enter • inspect or ask inquiries pursuant to the provisions of paragraph (5) shall carry with him a certificate identifying his authority, and shall present it to the persons concerned.

(7) The provisions for the corporate juridical person in the Civil Law shall apply *mutatis mutandis* to the ports & harbors association unless otherwise specified hereunder.

<Newly Inserted by Act No. 8628, Aug. 3, 2007>

Article 78 (Delegation • Entrust of Authority) *<Amended by Act No. 8628, Aug. 3,*

2007>

(1) The Minister of Land, Transport and Maritime Affairs may delegate a part of the authority under this Act to the Administrator of a Regional Land, Transport and Maritime Affairs Office or the Mayor/*Do* governor in accordance with the provisions of the Presidential Decree. *<Amended by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008 >*

(2) The Minister of Land, Transport and Maritime Affairs may entrust a part of the authority under this Act to an association or the port corporation under the Port Corporation Act in accordance with the provisions of the Presidential Decree. *<Newly Inserted by Act No. 8628, Aug. 3, 2007; Act No. 8852, Feb. 29, 2008 >*

(3) Director and employees of the association or the port authority to perform the entrusted works pursuant to the provisions of the paragraph (2) shall, when the penal provisions of Articles 129 through 132 under the Criminal Law are imposed, be regarded as public officials. *<Newly Inserted by Act No. 8628, Aug. 3, 2007>*

Article 79 (Fees)

Any person who wishes to obtain permit or to resister or report under the provisions of this Act shall pay such fees as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 80 (Exemption of Taxes)

The State or local government may exempt the taxes under the conditions as determined by the Restriction of Special Taxation Act or the Local Tax Act in order to promote the port works by the Non-Management Agency.

CHAPTER XI PENAL PROVISIONS

Article 81 (Penal Provisions)

Any person who reduces the utility of a port or causes danger to the entry and departure of vessels by altering or damaging the structure or location of the port facilities shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won.

Article 82 (Penal Provisions)

Any person who falls under one of the following subparagraphs shall be punished by imprisonment for not more than two years or a fine not exceeding ten million won.

1. A person who has executed port works without permit under the provisions of Article 9 (2);
2. A person who has obtained permit or registered under Articles 9 (2), 32 (1), 34 (1) and 43 (1) by deception or other unjust means;
3. A person who has used the port facilities without permit under Article 32 (1);
4. A person who has engaged in tug boat business without permit under Article 34 (1);
5. A person who has committed the forbidden behaviors in a port under Article 50;
and
6. A person who has refused or interfered with an action or a disposition of the Management Agency prescribed in Article 52 without justifiable cause.

Article 83 (Penal Provisions)

Any person falling under each of the following subparagraphs shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding five million won: <Amended by Act No. 8628, Aug. 3, 2007>

1. A person who has executed a port work without obtaining permission for or filing a report on the port work implementation plan under Article 10 (2) or (4);
2. A person who has used land created or facilities installed by a port work without obtaining permission or filing a report in contravention of the provisions of Article 13 (4);
3. A person who refuses to carry out the tug boat business without justifiable reasons in violation of Article 39;
4. A person who violates the duty to use the tugboats or uses the tugboats which fall short of the standards for use of tugboats referred to in Article 40 (1) and (2);
5. A person who violates the supervisory dispositions or orders for public interests referred to in Articles 59 and 60;
6. A person to reject or hinder or avoid the entry and inspection of public officials pursuant to the paragraph (5) of Article 77-3 without any justifiable reasons.
7. A person who makes a false report or submits a false data or makes a false answer to inquiries with respect to the request pursuant to the paragraph (5) of Article 77-3.

Article 84 (Joint Penal Provisions)

- (1) If a representative of a corporation or an agent or other employee of a corporation commits an offense as prescribed in Articles 81 through 83 with

respect to any business of the corporation, the fine as prescribed in respective Articles shall also be imposed on such corporations in addition to punishment of the offender.

(2) If a representative of an individual or an agent or other employee of an individual commits an offense as prescribed in Articles 81 through 83 with respect to any business of the individual, the fine as prescribed in respective Articles shall also be imposed on such individual in addition to punishment of the offender.

Article 85 (Fine for Negligence)

(1) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding two million won. <Amended by Act No. 8628, Aug. 3, 2007>

1. A person who has failed to file a report under the provisions of Article 26 (1);
2. A person who has failed to conduct his self-checkup under the provisions of Article 27 (1) or to take promptly necessary measures for the facilities and equipment which are found to require maintenance and repairs as a result of such self-checkup;
3. A person who has failed to make and keep records with respect to the self-checkup under the provisions of Article 27 (2);
4. A person who has failed to undergo the tests under the provisions of Article 28 (1);
5. A person who has refused or hindered without any justifiable reasons any act performed by any person who has obtained permission from a port work or the Management Agency under the provisions of Article 51 (1) (including any

person delegated by the Management Agency); and

6. A person who has filed a false report, rejected, hindered or avoided an inspection under the provisions of Article 67 (1).

 7. A person not to make any report or submit any data or to reject any inquiries pursuant to Article 77 (3)⁵ without any justifiable reasons.
- (2) The fine for negligence referred to in paragraph (1) shall be imposed and collected by the Minister of Land, Transport and Maritime Affairs under the conditions as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (3) A person who is dissatisfied with the disposition of the fine for negligence referred to in paragraph (2) shall make an objection with the Minister of Land, Transport and Maritime Affairs within 30 days from the date of receipt of notice of the disposition. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (4) Where a person who has been subject to the disposition of the fine for negligence referred to in paragraph (2) makes an objection referred to in paragraph (3), the Minister of Land, Transport and Maritime Affairs shall notify the competent court of it without delay, and such court shall bring the case of the fine for negligence to trial under the Non-Contentious Case Litigation Procedure Act. *<Amended by Act No. 8852, Feb. 29, 2008>*
- (5) Where no objection is made or no fine for negligence is paid within the period specified under paragraph (3), it shall be collected by the examples of the disposition on default of national taxes in arrears.

ADDENDA

Article 1 (Enforcement Date)

Article 2 (Transitional Measures)

The approval, permit, report, authorization and supervisory disposition, etc. conducted in accordance with the previous provisions at the time of enforcement of this Act shall be considered to be conducted in accordance with this Act.

ADDENDA <Act No. 4419, Dec. 14, 1991>

Article 1 (Enforcement Date)

Articles 2 through 8 Omitted.

Article 1 (Enforcement Date)

Articles 2 through 6 Omitted.

Article 1 (Enforcement Date)

Articles 2 through 4 Omitted.

Article 1 (Enforcement Date)

Article 2 (Transitional Measures on Permission, etc. of tug boat business)

The tug boat businessmen who have been granted the permission pursuant to the previous provisions at the time of entry into force of this Act (herein after referred to as the "previous tug boat businessmen") shall be deemed to have registered for the tug boat business under the amended provisions of Article 29. In this case, the previous tug boat

businessmen who fall short of the standards for registration referred to in the amended provisions of Article 29 (2) shall be brought into conformity with such amended provisions within two years from the date of entry into force of this Act, and the previous tug boat businessmen who fall short of the standards for registration referred to in the amended provisions of Article 31-2 shall be brought into conformity with such amended provisions within three years from the date of entry into force of this Act, respectively.

Article 4 (Transitional Measures on Penal Provisions)

The application of the penal provisions to the acts prior to entry into force of this Act shall be governed by the previous provisions.

Article 1 (Enforcement Date)

Articles 2 through 7 Omitted.

Article 1 (Enforcement Date)

Article 2 Omitted.

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5807, Feb. 5, 1999>

Article 1 (Enforcement Date)

Article 2 (Application Example of Commencement and Completion Date of port Work)

The amended provisions of Article 10-2 shall apply starting with the port work implementation plan for which approval is granted or a report is filed for the first time after the enforcement of this Act.

Article 4 (Application Example of Earthquake-Proof Design)

The amended provisions of Article 26 (2) shall apply starting with a port work for which the port work implementation plan is formulated or altered for the first time after the enforcement of this Act.

Article 6 (Transitional Measures concerning Approval for port Work Implementation Plan)

A person who is under an obligation to file a report under the amended provisions of Article 10(3) from among persons who have their port work implementation plans approved or reported under the previous provisions at the time of enforcing this Act shall be deemed to file a report under the amended provisions of the same Article and same paragraph.

Article 8 (Transitional Measures concerning Penal Provisions)

The application of the penal provisions to any act performed prior to the enforcement of this Act shall be dealt with according to the previous provisions.

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

(2) through (4) Omitted.

ADDENDA <Act No. 5835, Feb. 8, 1999>

Article 1 (Enforcement Date)

Articles 2 through 4 Omitted.

Article 1 (Enforcement Date)

Articles 2 through 6 Omitted.

Article 1 (Enforcement Date)

Articles 2 through 8 Omitted.

Article 1 (Enforcement Date)

Articles 2 through 5 Omitted.

Article 1 (Enforcement Date)

Article 2 (Transitional Measures concerning Installation, Removal and Report, etc. of Facilities and Equipment)

(1) Any person who files a report with respect to the installation or the removal of the facilities and equipment in accordance with the previous public notice of the Ministry of Land, Transport, and Maritime Affairs at the time that this Act is enforced shall be deemed to file such report in accordance with the amended provisions of Article 25.

This Act shall enter into force six months after the date of its promulgation, provided that the amended provisions of subparagraphs 6 (b) and 8 of Article 2 shall enter into force on the enforcement date of the amended provisions of Article 2 of Act No. 6487, the amended Act of the port Act. <Amended by Act No. 6487, May 24, 2001>

ADDENDA <Act No. 6406, Jan. 29, 2001>

Article 1 (Enforcement Date)

Articles 2 and 3 Omitted.

This Act shall enter into force six months after the date of its promulgation, provided that the amended provisions of Article 2 shall enter into force on the date of its promulgation.

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

Article 1 (Enforcement Date)

Articles 2 through 12 Omitted.

Article 1 (Enforcement Date)

Articles 2 through 12 Omitted.

Article 1 (Enforcement Date)

Articles 2 through 6 Omitted.

ADDENDA(Urban Traffic Readjustment Promotion Act) <Act No. 9071, Mar. 28, 2008>

Article 1 (Enforcement Date)

Articles 2 through 9 Omitted.

Article 10 (Amendment of Other Laws and Regulations)

(1) Through <22> omitted.

<23> Some parts of port Act are amended as follows.

"the consultation contents pursuant to Articles 17 through 28 of Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc." in Article 10 (3) 3 shall be amended to read "the improvement required items pursuant to Article 16 (4) of the Urban Traffic Readjustment Promotion Act".

Article 11 Omitted.