

## Law Viewer

## PUBLIC WATERS MANAGEMENT AND RECLAMATION ACT

Act No. 10272, Apr. 15, 2010  
Amended by Act No. 10331, May 31, 2010  
Act No. 10599, Apr. 14, 2011  
Act No. 10801, Jun. 15, 2011  
Act No. 11020, Aug. 4, 2011  
Act No. 11690, Mar. 23, 2013  
Act No. 12248, Jan. 14, 2014  
Act No. 12476, Mar. 18, 2014  
Act No. 12738, Jun. 3, 2014  
Act No. 13186, Feb. 3, 2015  
Act No. 13426, Jul. 24, 2015  
Act No. 13385, Jun. 22, 2016  
Act No. 14503, Dec. 27, 2016  
Act No. 14480, Dec. 27, 2016  
Act No. 14605, Mar. 21, 2017  
Act No. 14726, Mar. 21, 2017  
Act No. 15009, Oct. 31, 2017

## CHAPTER I GENERAL PROVISIONS

## Article 1 (Purpose)

The purpose of this Act is to promote public welfare and to contribute to improving the quality of life of the people by preserving and managing public waters for their continuous use and by allowing an efficient use of reclaimed land through environment-friendly reclamation of public waters.

## Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 12738, Jun. 3, 2014; Act No. 14605, Mar. 21, 2017>

1. The term "public waters" means as follows:

- (a) Sea: Space from a coastline referred to in Article 6 (1) 4 of the Act on the Establishment, Management, etc. of Spatial Data to the outer limit of the exclusive economic zone under the Act on the Exclusive Economic Zone and Continental Shelf;
- (b) Seashores: Space from a coastline referred to in Article 6 (1) 4 of the Act on the Establishment, Management, etc. of Spatial Data to the area registered on the cadastral record;
- (c) State-owned rivers, lakes, ditches, or water surfaces or water streams used for public purposes;

2. The term "submerged land" means any land submerged by erosion of such land registered on the public cadastral register;

3. The term "tideland" means any space from the high-water line to the low-water line;

4. The term "reclamation of public waters" means a formation (including reclamation in

water area) of land by artificially filling the public waters with earth, rocks, stones and other objects.

Article 3 (Exclusion of Application, etc.)

(1)The provisions of this Act concerning the management and occupancy or use of public waters shall not apply to cases falling under any of the following subparagraphs:

<Amended by Act No. 14726, Mar. 21, 2017>

- 1.Public waters applied or applicable mutatis mutandis under the River Act;
- 2.Public waters applied or applicable mutatis mutandis under the Small River Maintenance Act;
- 3.Public waters in any agricultural production infrastructure under subparagraph 6 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act;
- 4.Public waters constituting port facilities under subparagraph 5 of Article 2 of the Harbor Act;
- 5.Public waters falling under fishing port facilities referred to in subparagraph 5 of Article 2 of the Fishing Villages and Fishery Harbors Act.

(2)The provisions of this Act concerning the reclamation of public waters shall not apply to cases falling under any of the following subparagraphs:

- 1.Where reclamation is made to change a ditch or a reservoir pursuant to other Acts and subordinate statutes;
- 2.Where public waters are reclaimed pursuant to Article 8 (1) 4.

(3)The provisions of this Act concerning the reclamation of public waters shall apply mutatis mutandis to cases falling under any of the following subparagraphs:

- 1.Construction of fisheries farms;
- 2.Establishment of shipbuilding facilities;
- 3.Construction of installations relating to the exploitation of tidal power;
- 4.Construction of permanent establishment by subdividing public waters into parts.

## CHAPTER II MANAGEMENT, ETC. OF PUBLIC WATERS

### SECTION 1 Management of Public Waters

Article 4 (Management of Public Waters)

(1)The State or a local government that manages public waters shall manage them in an environmentally-friendly manner so that public waters may be preserved and used continuously.

(2)Public waters falling under any of the following cases shall be managed by the Minister of Oceans and Fisheries, and other public waters shall be managed by a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply):  
<Amended by Act No. 11690, Mar. 23, 2013; Act No. 14605 & 14726, Mar. 21, 2017>

- 1.An exclusive economic zone under Article 2 of the Act on the Exclusive Economic Zone and Continental Shelf;
- 2.Other public waters as prescribed by Presidential Decree.

Article 5 (Prohibited Acts)

No person shall perform any act falling under any of the following cases on public waters without any justifiable ground: <Amended by Act No. 11690, Mar. 23, 2013>

1. Dumping or discharging wastes, waste oil, wastewater, sewage, excreta, livestock excreta, polluted soil, poisonous substances, animal carcasses, or other pollutants prescribed by Ordinance of the Ministry of Oceans and Fisheries, on or into public waters;
2. Opening, closing or damaging any floodgate or installations for managing public waters;
3. Abandoning or leaving a ship derelict on public waters.

Article 6 (Removal of Derelict Ships, etc.)

(1) Where any capsized, sunken, derelict or moored ship, derelict waste material, or other object (hereinafter referred to as "derelict ship, etc.") falls under any of the following cases, the Minister of Oceans and Fisheries, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu (hereinafter referred to as "management agency of public waters") may order its owner or occupant to remove it, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14726, Mar. 21, 2017>

1. Where it is deemed to impede the efficient utilization of public waters;
2. Where it is deemed likely to generate water pollution.

(2) Where the management agency of public waters intends to order removal pursuant to paragraph (1), it shall conduct a prior investigation to ascertain as to whether a derelict ship, etc. falls under any subparagraph of paragraph (1), as determined by the Minister of Oceans and Fisheries, and give comprehensive consideration to various circumstances, such as the present condition and location of the relevant derelict ship, etc. when discovered, any risk of generating a maritime accident or water pollution caused thereby, or whether any impediment exists to the management and utilization of public waters.  
<Amended by Act No. 11690, Mar. 23, 2013>

(3) Where any of the following cases occurs, the management agency of public waters may remove a derelict ship, etc., as prescribed by Presidential Decree:

1. Where the owner or occupant of a derelict ship, etc. has failed to comply with the order of removal issued under paragraph (1): Provided, That the foregoing shall not apply where an approval of the removal thereof or a consent thereto is not obtained from interested persons of the ship, etc. subject to the order of removal [limited to those registered with the ships register pursuant to the Ship Registry Act and with the ship register, etc. pursuant to the Act on Mortgage on Motor Vehicles and other Specific Movables; hereafter the same shall apply in this Article];
2. Where the owner or occupant of a derelict ship, etc. is unknown.

(4) The management agency of public waters may require interested persons provided for in the proviso to paragraph (3) 1 to submit written statements regarding the removal of the relevant ship, including the assertion of rights to the relevant ship, as prescribed by Presidential Decree.

(5) The management agency of public waters shall, in receipt of written statements submitted under paragraph (4), conduct a reinvestigation to ascertain as to whether the

details of the relevant statements possess validity (including whether the assertion of rights thereto is legitimate), as prescribed by Presidential Decree.

- (6) Notwithstanding the proviso to paragraph (3) 1, in any of the following cases, the management agency of public waters may remove the relevant ship, as prescribed by Presidential Decree: <Amended by Act No. 10801, Jun. 15, 2011; Act No. 13186, Feb. 3, 2015>
1. Where an interested person fails to submit a written statement or declares his/her intention to waive the rights stated in the ship register, despite the receipt of a request to present his/her opinion from the management agency of public waters provided for in paragraph (4);
  2. Where the results of reinvestigation conducted under paragraph (5) show that it falls under any of the following:
    - (a) Where the ship provided in paragraph (1) is deemed likely to impede safe navigation of other ships and maritime traffic order, in violation of a treaty or convention concluded with a foreign State, the Act on the Arrival, Departure, etc. of Ships or the Maritime Safety Act;
    - (b) Where the ship provided for in paragraph (1) is likely to discharge any material falling under subparagraphs 4, 5, 7 through 10, 15 or 18 of Article 2 of the Marine Environment Management Act (referring to discharging under subparagraph 3 of Article 2 of said Act);
    - (c) Where the drifting ship provided for in paragraph (1) poses a danger of colliding with fishing port facilities provided for in subparagraph 5 of Article 2 of the Fishing Village and Fishery Harbors Act, harbor facilities provided for in subparagraph 5 of Article 2 of the Harbor Act, facilities within a port or estuary, and other ships, etc.;
    - (d) Where the ship provided for in paragraph (1) impedes the utilization of public waters and its remaining value is less than the estimated expenses to be incurred for the removal thereof.
- (7) Expenses incurred by the management agency of public waters in removing a derelict ship, etc. pursuant to paragraphs (3) and (6) shall be borne by the owner or occupant of the derelict ship, etc., but where such owner or occupant is unknown, such expenses may be appropriated by disposing of the relevant derelict ship, etc., as prescribed by Presidential Decree.

#### Article 7 (Support for Project Costs)

The Minister of Oceans and Fisheries may support necessary project costs within budgetary limits to a local government that manages or operates public waters. <Amended by Act No. 11690, Mar. 23, 2013>

### SECTION 2 Occupancy or Use Permit of Public Waters

#### Article 8 (Occupancy or Use Permit of Public Waters)

- (1) Any person who intends to perform an act falling under any of the following cases shall obtain permission for occupancy or use (hereinafter referred to as "occupancy or use") (hereinafter referred to as an "occupancy or use permit") from the management agency of public waters, as prescribed by Presidential Decree: Provided, That the foregoing shall not apply where it is intended to use public waters for the purpose of rescuing a ship in

distress, etc. pursuant to Article 19 of the Act on the Search and Rescue, etc. in Waters or taking emergency measures pursuant to Article 37 of the Framework Act on the Management of Disasters and Safety, or where any person who has obtained a reclamation license under Article 28 intends to occupy or use his/her licensed public waters within the scope of purpose of receiving the reclamation license: <Amended by Act No. 11690, Mar. 23, 2013; Act No, 14503, Dec. 27, 2016; Act No. 14726, Mar. 21, 2017>

1. Newly constructing, renovating, extending, altering or removing a wharf, a breakwater, a bridge, a floodgate, new energy and renewable energy facilities (referring to new energy and renewable energy facilities referred to in subparagraph 3 of Article 2 of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy; hereafter the same shall apply in this Chapter), a building (referring to a building provided for in Article 2 (1) 2 of the Building Act which is installed without developing land on the public waters; hereafter the same shall apply in this Chapter) or other artificial structure on any public waters;
  2. Excavating any land contiguous to public waters below the surface of the public waters;
  3. Dredging or excavating the bottom of public waters;
  4. Developing any submerged land determined by Presidential Decree or any tideland entitled to private ownership into land;
  5. Drawing in water into public waters or flowing out water from public waters: Provided, That acts provided by Ordinance of the Ministry of Oceans and Fisheries shall be excluded herefrom;
  6. Taking earth, sands or rocks from or on public waters;
  7. Growing or cutting down plants from or on public waters;
  8. Affecting the depth of public waters, such as dumping large quantities of earth or rocks on public waters;
  9. Occupying or using installations, established on public waters by obtaining an occupancy or use permit, which are owned by the State or any local government;
  10. Extracting minerals provided for in subparagraph 1 of Article 3 of the Mining Industry Act from public waters;
  11. Occupying or using public waters other than those listed in subparagraphs 1 through 10.
- (2) In granting permission for the new construction, renovation and extension of a building referred to in paragraph (1) 1, the management agency of public waters shall grant permission only to the building determined by Presidential Decree.
- (3) Where the management agency of public waters intends to grant an occupancy or use permit, it shall consult in advance with the head of the related administrative agency, as prescribed by Presidential Decree.
- (4) Where any person who has obtained an occupancy or use permit intends to change the matters, etc. prescribed by Presidential Decree, such as the period of occupancy or use and the purposes among matters permitted, he/she shall obtain permission on change from the management agency of public waters.
- (5) Paragraph (3) shall apply mutatis mutandis to any permission on change provided for in

paragraph (4).

- (6) Where the management agency of public waters grants an occupancy or use permit or permission on change provided for in paragraph (4), it shall make a public announcement of the terms thereof, as prescribed by Presidential Decree.
- (7) Where the management agency of public waters grants an occupancy or use permit, it may set additional clauses concerning the method of occupancy or use, and management, etc. if deemed necessary for protection of the marine environment, ecosystem, fisheries resources and natural landscape and prevention of damage to fishery or management or operation of public waters.
- (8) A person who obtains an occupancy or use permit shall not have others occupy or use the permitted public waters: Provided, That the foregoing shall not apply where approval from the management agency of public waters is obtained because it is necessary for public interests such as national defense or prevention of natural disaster.
- (9) Where the head of an administrative agency other than a management agency of public waters has taken an administrative disposition which is deemed an occupancy or use permit granted pursuant to other statutes or permission on change granted pursuant to paragraph (4), he/she shall notify a management agency of public waters of such fact without delay. <Newly Inserted by Act No. 14726, Mar. 21, 2017>

#### Article 9 (Report on Changes in Matters for Occupancy or Use Permit)

Any person who has obtained an occupancy or use permit shall, in cases of a change in any matter falling under the following subparagraphs among matters for which an occupancy or use permit is granted, report such change to the management authority of public waters, as prescribed by Ordinance of the Ministry of Oceans and Fisheries: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14726, Mar. 21, 2017>

1. Name of a juristic person;
2. Representative of a juristic person;
3. Address (referring to the seat of the principal office in cases of a juristic person).

#### Article 10 (Consultations or Approval for Occupancy or Use of Public Waters)

- (1) Notwithstanding Article 8, where the State or any local government intends to occupy or use public waters directly for official or public purposes or for purpose of a non-profit project, it shall consult with or obtain approval from the management agency of public waters.
- (2) Where the State or any local government which has held consultations or obtained approval pursuant to paragraph (1) intends to change the matters prescribed by Presidential Decree, such as the period of occupancy or use, and the purposes among the consulted or approved matters, it shall consult with or obtain approval from the management agency of public waters.
- (3) Article 8 (6), (7), and (9) shall apply mutatis mutandis to the consultation or approval referred to in paragraphs (1) and (2). <Amended by Act No. 14726, Mar. 21, 2017>

#### Article 11 (Period, etc. of Occupancy or Use Permit)

The management agency of public waters shall grant an occupancy or use permit within the period prescribed by the following classifications, as prescribed by Presidential Decree:

<Amended by Act No. 14726, Mar. 21, 2017>

1. In cases of a wharf, a breakwater, a bridge, a floodgate, new energy and renewable energy facilities, a building, or other similar solid artificial structure: 30 years;
2. In cases of artificial structures other than those referred to in subparagraph 1: 15 years;
3. In cases of occupancy or use under Article 8 (1) 2, 3, 5 through 11: Provided, That in cases of falling under any of the following items, the period shall be as prescribed in each item:
  - (a) Where the occupancy or use under Article 8 (1) 5 is for an electric utility operator under Article 2 of the Electric Utility Act to install or operate electric resources: 30 years;
  - (b) Where the occupancy or use under Article 8 (1) 5 is for a person who has obtained a fishery business permit pursuant to Article 41 of the Fisheries Act to conduct fishery business of cultivation in inland sea water or for a person who has obtained permit to conduct a business for producing seeds for fisheries pursuant to Article 21 of the Fisheries Seed Industry Promotion Act to conduct business for producing seeds for fisheries: 15 years.

Article 12 (Standards for Occupancy or Use Permit, etc.)

Where a person has a right likely to be prejudiced due to such permit, consultations or approval, which is determined by Presidential Decree (hereinafter referred to as "person entitled to occupancy or use of public waters") in granting an occupancy or use permit or holding consultations or giving its approval referred to in Articles 8 and 10, the management agency of public waters shall not grant a permit, hold consultations or give its approval: Provided, That the foregoing shall not apply to cases falling under any of the following subparagraphs:

1. Where the person entitled to occupancy or use of public waters gives his/her consent to the occupancy or use of the public waters;
2. Where it is necessary for the State or a local government to carry out public-service projects determined by Presidential Decree, such as national defense or prevention of natural disaster, etc.

Article 13 (Collection of Occupancy or Use Fees of Public Waters)

- (1) The management agency of public waters shall collect occupancy or use fees of public waters (hereinafter referred to as "occupancy or use fees") each year from a person who has obtained an occupancy or use permit or the consultation or approval for occupancy or use of public waters (including a person who has obtained an approval for an implementation plan for the reclamation of public waters pursuant to Article 38 (1), a person who is deemed to have obtained an approval for an implementation plan for the reclamation of public waters pursuant to other Acts, and a person who is deemed to have obtained an occupancy or use permit or the consultation or approval for occupancy or use of public waters pursuant to other Acts), as prescribed by Presidential Decree: Provided, That reductions or exemptions of occupancy or use fees may be granted, as prescribed by Presidential Decree in any of the following cases: <Amended by Act No. 11020, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013; Act No. 13385, Jun. 22, 2015; Act No. 13426, Jul. 24, 2015; Act No. 14726, Mar. 21, 2017; Act No. 15009, Oct. 31, 2017>
  1. Where the State, a local government, or a person designated by Presidential Decree

- directly occupies or uses public waters for any non-profit project for the purpose of public interests;
2. Where he/she occupies or uses public waters for an act falling under Article 8 (1) 4;
  3. Where he/she occupies and uses public waters to install a silt protector for the purpose of preventing the proliferation of pollutants generated by an act falling under each subparagraph of Article 8 (1) or works, etc. executed on public waters under other Acts;
  4. Where the implementor of a development project occupies or uses public waters to execute the development project in a free economic zone provided for in subparagraph 1 of Article 2 of the Special Act on Designation and Management of Free Economic Zones;
  5. Where he/she occupies or uses public waters to perform a public-private partnership project provided for in subparagraph 5 of Article 2 of the Act on Public-Private Partnerships in Infrastructure;
  6. Where the operator of an industrial complex development project provided for in subparagraph 9 of Article 2 of the Industrial Sites and Development Act occupies or uses public waters to collect and dredge earth and rocks for the purpose of reclaiming public waters for the relevant industrial complex development project;
  7. Where he/she occupies or uses public waters for any licensed, permitted or reported fishery under the Fisheries Act in the relevant fishing grounds [including where a person who intends to conduct land and seawater fish farming provided for in Article 41 (3) 2 of said Act installs a waterline for drawing water or drainpipe outside the relevant fishing grounds for an act referred to in Article 8 (1) 5];
  8. Where the implementor of a development project provided for in Article 147 of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City occupies or uses public waters for executing the development project in the Jeju investment promotion zone designated under Article 162 (1) of said Act;
  9. Where he/she occupies or uses public waters to establish and maintain private navigational aids under Articles 9 (6), 13, or 14 of the Navigational Aids Act;
  10. Where he/she occupies or uses public waters to install marine disaster prevention equipment or materials prescribed by Ordinance of the Ministry of Oceans and Fisheries for the purpose of preventing the proliferation of the substances provided for in subparagraphs 4, 5, 7 through 10, 15 and 18 of Article 2 of the Marine Environment Management Act;
  11. Where he/she occupies or uses public waters to form and operate a marina facility or marina industry complex provided for in subparagraphs 2 and 4 of Article 2 of the Act on the Development, Management, etc. of Marinas within the marina zones designated and publicly announced under Article 10 of said Act;
  12. Where he/she occupies or uses public waters to install or operate new energy and renewable energy facilities;
  13. Where he/she occupies or uses public waters for fisheries seed production under the Fisheries Seed Industry Promotion Act.

(2) Occupancy or use fees collected pursuant to the occupancy or use permits granted by the

Minister of Oceans and Fisheries shall be appropriated for the State revenue, and occupancy or use fees collected pursuant to the occupancy or use permits granted by a Special Self-Governing City Mayor, Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall be appropriated for the revenue of the relevant local government. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14726, Mar. 21, 2017>

- (3) Notwithstanding the provisions of paragraph (2), in cases of collecting occupancy or use fees for any of the following acts in the Exclusive Economic Zone provided for in Article 2 of the Act on the Exclusive Economic Zone and Continental Shelf, the amount equivalent to 50/100 of occupancy or use fees shall be appropriated for the revenue of the Metropolitan City, Do, and Special Self-Governing Province which is closest to the relevant area permitted: <Amended by Act Nos. 14605 & 14726, Mar. 21, 2017>
1. Extraction of aggregate provided for in Article 2 (1) 1 of the Aggregate Extraction Act;
  2. Extraction of minerals provided for in subparagraph 1 of Article 3 of the Mining Industry Act.
- (4) Metropolitan City Mayors or Do Governors (hereinafter referred to as "Mayor/Do Governor") shall equally provide the revenue provided for in paragraph (3) to up to three Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) adjacent to the relevant Exclusive Economic Zone so that they may use it to enrich fishery resources and develop the fishing industry. <Amended by Act No. 14726, Mar. 21, 2017>
- (5) A Special Self-Governing City Mayor, Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall use at least 50/100 of the revenue gained from the occupancy or use fees collected for the extraction of aggregate under the Aggregate Extraction Act or the extraction of minerals under the Mining Industry Act, in the project for the enrichment of fishery resources under each subparagraph of Article 41 (1) of the Fishery Resources Management Act; Provided, That the Minister of Oceans and Fisheries may separately set the ratio of the revenue to be used in the project for the enrichment of fishery resources below 50/100, taking into account features of each management agency of public waters, and the revenue gained from occupancy or use fees, etc. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14726, Mar. 21, 2017>
- (6) The management agency of public waters may allow the payment by installments of occupancy or use fees, as prescribed by Presidential Decree. In such cases, where an annual occupancy or use fee exceeds the amount determined by Presidential Decree, it shall require a person who obtains an occupancy or use permit to provide a security deposit within the amount determined by Presidential Decree or to take a measure to ensure performance guarantee at the time of granting the occupancy or use permit (including a permit for the modification thereof in cases of extending the permission period).
- (7) Where a person who is obliged to pay an occupancy or use fee fails to pay such fee by the deadline for payment, the management agency of public waters may collect additional charge by 3/100 of the occupancy or use fee as prescribed by Presidential Decree. <Newly Inserted by Act No. 14726, Mar. 21, 2017>

(8)The management agency of public waters may collect occupancy or use fees or additional charge from a person who fails to pay occupancy or use fees or additional charge in the same manner as delinquent national or local taxes are collected. <Amended by Act No. 14726, Mar. 21, 2017>

#### Article 14 (Adjustment of Occupancy or Use Fees)

Where the same person (including the person who takes over or succeeds to the rights and duties under Article 16) continuously occupies or uses the same public waters for not less than two years and the annual occupancy or use fees for the period concerned increases by not less than 10/100 than the previous year, the management agency of public waters may collect the amount adjusted according to the formula determined by Presidential Decree as the occupancy or use fees for the year concerned.

#### Article 15 (Collection of Indemnification)

(1)The management agency of public waters shall collect an amount equivalent to 120/100 of occupancy or use fees as an indemnification from any person who occupies or uses public waters without an occupancy or use permit or beyond the permitted period without obtaining a permit of change in the occupancy or use period under Article 8 (4), as prescribed by Presidential Decree. In such cases, where a person who should pay indemnification fails to do so by the deadline, additional dues may be collected within 3/100 of the delayed indemnification, as prescribed by Presidential Decree.

(2)The former part of Article 13 (6), and (8) shall apply mutatis mutandis to the payment in installments and collection of indemnifications and additional dues referred to in paragraph (1). <Amended by Act No. 14726, Mar. 21, 2017>

#### Article 16 (Transfer, etc. of Rights and Duties)

(1)Any rights and duties arising from an occupancy or use permit may be transferred or succeeded to, as prescribed by Presidential Decree.

(2)Persons who take over or succeed to any rights and duties pursuant to paragraph (1) shall report the details of transfer or succession of the rights and duties to the management agency of public waters, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(3)Persons who report the transfer or succession of the rights and duties under paragraphs (1) and (2) shall be deemed to have obtained an occupancy or use permit under this Act.

### SECTION 3 Implementation Plan for Occupancy or Use

#### Article 17 (Authorization, etc. of Implementation Plan for Occupancy or Use)

(1)Any person who has obtained an occupancy or use permit for performing an act determined by Presidential Decree, relating to the scale of an artificial structure and total construction expenses, among acts falling under Article 8 (1) 1 through 4 shall obtain approval of implementation plan for occupancy or use of public waters (hereinafter referred to as "implementation plan for occupancy or use") from the management agency of public waters in advance before starting related work. The same shall apply where he/she intends to change matters determined by Presidential Decree, among the approved matters.

(2)Any person who has obtained an occupancy or use permit for performing an act falling

under any subparagraph of Article 8 (1) (excluding an act subject to approval of implementation plan for occupancy or use pursuant to the former part of paragraph (1)) or who has obtained the consultation or approval for occupancy or use of public waters under Article 10 shall report an implementation plan for occupancy or use to the management agency of public waters in advance before starting the related work. The same shall apply where he/she intends to change matters determined by Presidential Decree, among matters already reported.

- (3) Any person who intends to obtain approval of implementation plan for occupancy or use pursuant to in paragraph (1) shall obtain such approval from the management agency of public waters within one year from the date of obtaining the occupancy or use permit, and any person who intends to report an implementation plan for occupancy or use pursuant to paragraph (2) shall report such plan to the management agency of public waters within six months after the date of obtaining the occupancy or use permit or the consultation or approval for occupancy or use.
- (4) Notwithstanding paragraph (3), where any unavoidable cause exists such as natural disaster, the management agency of public waters may extend the period referred to in paragraph (3) only once by up to one year (referring to six months in cases of reporting), as prescribed by Presidential Decree.
- (5) Where the management agency of public waters approves an implementation plan for occupancy or use or receives any report thereon pursuant to paragraphs (1) and (2), it shall publicly announce the details of such authorization or report, as prescribed by Presidential Decree.
- (6) Matters necessary for the approval of and report on an implementation plan for occupancy or use referred to in paragraphs (1) and (2) shall be determined by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013> Article 18 (Inspection on Completion, etc.)
- (1) Any person who has obtained approval of an implementation plan for occupancy or use pursuant to Article 17 (1) shall, upon completion of the relevant work, apply for inspection on completion with the management agency of public waters without delay, as prescribed by Presidential Decree: Provided, That where necessary, application for inspection on completion may be filed for the part completed even before the full completion of the relevant work. <Amended by Act No. 14726, Mar. 21, 2017>
- (2) Any person who has reported an implementation plan for occupancy or use pursuant to Article 17 (2) shall, upon completion of the relevant work, report such completion to the management agency of public waters without delay, as prescribed by Presidential Decree.
- (3) As a result of conducting the inspection on completion referred to in paragraph (1) as prescribed by Presidential Decree, where the management agency of public waters recognizes that the relevant work has been performed as provided for in the implementation plan for occupancy or use authorized pursuant to Article 17 (1), it shall issue a certificate of inspection on completion, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) Where the management agency of public waters has received a report on completion of

work or conducted an inspection on completion pursuant to paragraphs (2) and (3), it shall publicly announce the details thereof as prescribed by Presidential Decree.

#### SECTION 4 Disposition, etc. related to Occupancy or Use

##### Article 19 (Cancellation, etc. of Occupancy or Use Permit)

(1) Where any person who has obtained an occupancy or use permit or who has obtained the consultation or approval for occupancy or use of public waters pursuant to Articles 8 and 10 falls under any of the following cases, the management agency of public waters may revoke such permit, consultation, or approval, suspend his/her occupancy or use, or order him/her to take necessary measures, such as renovating or relocating any artificial structures, installations, earth, rocks or other things: Provided, That in cases of falling under subparagraph 1, the occupancy or use permit should be revoked: <Amended by Act No. 14726, Mar. 21, 2017>

1. Where he/she obtains the occupancy or use permit by fraud or wrongful means;
2. Where a person who has obtained the occupancy or use permit violates permitted matters;
3. Where he/she fails to perform additional clauses referred to in Article 8 (7) without any justifiable grounds;
4. Where he/she fails to pay occupancy or use fees;
5. Where he/she fails to obtain the authorization of an implementation plan for occupancy or use or to report an implementation plan for occupancy or use referred to in Article 17 (1) and (2);
6. Where he/she has refused, interfered with or evaded an investigation into interested persons, related documents, etc., any entry to or temporary use of land, etc., or alteration or removal of obstacles referred to in Article 55;
7. Where all or part of a project related to the occupancy or use permit or consultation or approval for occupancy or use of public waters has been discontinued.

(2) Where the management agency of public waters cancels an occupancy or use permit or the consultation or approval for occupancy or use, suspends the occupancy or use, or orders to take necessary measures, such as renovating or relocating any artificial structures, installations, earth, rocks or other things referred to in paragraph (1), it shall publicly announce such fact and install a sign determined by Ordinance of the Ministry of Oceans and Fisheries in the place from where the relevant public waters or artificial structures, etc. are clearly visible. <Amended by Act No. 11690, Mar. 23, 2013>

(3) No person may refuse or obstruct the installation of the sign referred to in paragraph (2) or damage any installed sign.

##### Article 20 (Disposition in Public Interests)

The management agency of public waters may order the cancellation of an occupancy or use permit, suspension of occupancy or use, or renovation or relocation of any artificial structure, installation, and others in any of the following cases:

1. Where necessary due to any change in conditions directly related to public waters, such as changes in the development of related industry and the related plan of the State or any local government;

2. Where necessary to eliminate or reduce any public danger and injury, such as preservation of public waters and prevention of disaster;
3. Where necessary to maintain and protect any floodgate or other installations for managing public waters;
4. Where necessary to carry out projects in public interests, referred to in Article 4 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects.

Article 21 (Recovery, etc.)

- (1) Any person falling under any of the following cases (hereafter referred to as "person responsible for recovery" in this Article) shall remove artificial structures, installations, earth and rocks or other things established on any public waters and recover such public waters: Provided, That the foregoing shall not apply to cases where he/she has obtained the occupancy or use permit in order to perform an act falling under Article 8 (1) 4:
  1. A person who occupies or uses public waters without obtaining an occupancy or use permit or the consultation or approval for occupancy or use of public waters;
  2. A person who occupies and uses public waters in excess of the area for which an occupancy or use permit, consultation, or approval for occupancy or use of public waters is obtained;
  3. A person for whom the period of occupancy or use expires;
  4. A person for whom the project related to the occupancy or use permit or the consultation or approval for occupancy or use of public waters is discontinued;
  5. A person for whom the occupancy or use permit is cancelled;
  6. A person for whom the consultation or approval for occupancy or use of public waters is cancelled.
- (2) Where a person responsible for recovery fails to take necessary measures for recovery referred to in paragraph (1), the management agency of public waters may order him/her to recover public waters, specifying a certain period.
- (3) Where the person who has been issued an order for recovery referred to in paragraph (2) fails to fulfil it, the management agency of public waters may take measures necessary for recovery pursuant to the Administrative Vicarious Execution Act.
- (4) Notwithstanding paragraph (1), where it is impossible to recover public waters, or other reasons exist determined by Presidential Decree, the management agency of public waters may, upon request from a person responsible for recovery or ex officio, exempt such person from the obligation of recovery.
- (5) Where the management agency of public waters receives request for exemption pursuant to paragraph (4), it shall notify the applicant of whether exemption is granted, within 20 days from the date of receipt of such request, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>
- (6) The management agency of public waters may gratuitously revert artificial structures, installations, earth and rocks or other things on the relevant public waters to the State or any local government, as prescribed by Presidential Decree in any of the following cases:
  1. Where any person who occupies or uses public waters without obtaining an occupation or

- use permit fails to fulfill an order for recovery referred to in paragraph (2);
2. Where a person is exempted from the obligation of recovery pursuant to paragraph (4).
- (7) Where it is necessary in order to secure the fulfillment of the obligation of recovery referred to in paragraph (1) and an order for the obligation of recovery referred to in paragraph (2), the management agency of public waters may allow a relevant person to deposit an amount equivalent to the costs incurred in such recovery as prescribed by Presidential Decree at the time of approving an implementation plan for occupancy or use pursuant to Article 17 (1) or of receiving the report referred to in Article 17 (2).

### CHAPTER III RECLAMATION OF PUBLIC WATERS

#### Section 1 Basic Plan for Reclamation of Public Waters

##### Article 22 (Formulation of Basic Plan for Reclamation of Public Waters)

- (1) The Minister of Oceans and Fisheries shall formulate a basic plan for reclamation of public waters (hereinafter referred to as "basic plan for reclamation") after deliberation by the National Coastal Management Council referred to in Article 30 of the Coast Management Act (hereinafter referred to as the "Council") every ten years in order to reclaim and manage public waters in a way that serves the overall functions and use of national land and creates harmony with the environment. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) The basic plan for reclamation under paragraph (1) shall be formulated in conformity with the integrated coastal management plan under the Coast Management Act, the comprehensive plan for national land under the Framework Act on the National Land, and the urban/Gun management planning under the National Land Planning and Utilization Act. <Amended by Act No. 10599, Apr. 14, 2011>
- (3) Where the Minister of Oceans and Fisheries intends to formulate a basic plan for reclamation pursuant to paragraph (1), he/she shall consult in advance with the head of the related central administrative agency and hear the opinion of the related Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor (hereinafter referred to as Mayor/Do Governor), or Special Self-Governing City Mayor. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14726, Mar. 21, 2017>
- (4) The opinion presented by the Mayor/Do Governor pursuant to paragraph (3) shall include the opinion of the head of a Si/Gun/Gu and the opinion of the local council established in the relevant Si/Gun/Gu regarding the basic plan for reclamation. <Amended by Act No. 14726, Mar. 21, 2017>
- (5) When formulating the basic plan for reclamation, the Minister of Oceans and Fisheries may consult with relevant experts. <Amended by Act No. 11690, Mar. 23, 2013>

##### Article 23 (Request, etc. for Reflection in Basic Plan for Reclamation)

- (1) The head of a central administrative agency, the head of a local government, or a person who intends to reclaim public waters may request the Minister of Oceans and Fisheries to reflect any public waters, if they are not included in a basic plan for reclamation but need to be reclaimed. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) Where the Minister of Oceans and Fisheries is requested to reflect the public waters in a basic plan for reclamation under paragraph (1) shall investigate or survey the marine environment, the current state of the ecosystem, the feasibility of reclamation and the

land use plan of the relevant public waters, and other matters determined by Presidential Decree, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

- (3)The Minister of Oceans and Fisheries may request the head of the related administrative agency to provide data necessary for the investigation or survey referred to in paragraph (2). In such cases, the head of the related administrative agency so requested shall provide the relevant data unless any special ground exists otherwise. <Amended by Act No. 11690, Mar. 23, 2013>
- (4)Where it is necessary for an efficient investigation or survey, the Minister of Oceans and Fisheries may ask the specialized organization to conduct the relevant investigation or survey referred to in paragraph (2). In such cases, the Minister of Oceans and Fisheries may require a person who has requested for the reflection of the public waters in a basic plan for reclamation under paragraph (1) (hereinafter referred to as "person requesting the reflection in a basic plan for reclamation") to pay all or part of expenses incurred in the relevant investigation or survey, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>
- (5)Where the Minister of Oceans and Fisheries conducts an investigation or survey under paragraph (2), he/she shall immediately notify the requester for reflection in a basic plan for reclamation of the result. <Amended by Act No. 11690, Mar. 23, 2013>
- (6)Where several persons request the reflection in a basic plan for reclamation in regard to the same public waters, the Minister of Oceans and Fisheries may reflect the public waters in the basic plan for reclamation according to the priorities determined by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

#### Article 24 (Details of Basic Plan for Reclamation)

- (1)A basic plan for reclamation shall include a reclamation plan for each predetermined lands to be reclaimed (hereinafter referred to as "predetermined land to be reclaimed") specifying the matters falling under the following subparagraphs by public waters to be reclaimed:
- 1.Location and size of predetermined land to be reclaimed;
  - 2.Purpose of reclamation;
  - 3.Land use plan for predetermined land to be reclaimed;
  - 4.Matters on the necessity of reclamation and how to reclaim;
  - 5.Matters on those determined by Presidential Decree from among changes in the environment and ecosystem, which may be caused by reclamation and countermeasures thereon;
  - 6.Matters on the comparison of economic feasibility before and after reclamation relating to the land use plan of predetermined land to be reclaimed.
- (2)The reclamation plan for each predetermined land to be claimed under paragraph (1) shall be prepared every five years pursuant to a basic plan for reclamation.

#### Article 25 (Cancellation, etc. of Reclamation Plan for each Predetermined Land to be Reclaimed)

- (1)A person who intends to obtain a reclamation license shall obtain a reclamation license

referred to in Article 28 within a period of five years pursuant to a reclamation plan for each predetermined land to be reclaimed which is established or publicly announced under Articles 24 and 26.

- (2) Where a reclamation license is not obtained within the period referred to in paragraph (1), the relevant reclamation plan for each predetermined land to be reclaimed shall be deemed to have been cancelled from the day following the lapse of the relevant period.
- (3) Where the relevant reclamation plan for each predetermined land to be reclaimed is cancelled under paragraph (2), the Minister of Oceans and Fisheries shall notify the person requesting the reflection in a basic plan for reclamation of the relevant fact for each predetermined land within 14 days from the day when the plan is cancelled, and publicly announce it as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

#### Article 26 (Public Announcement, etc. of Basic Plan for Reclamation)

- (1) Where the Minister of Oceans and Fisheries establishes a basic plan for reclamation, he/she shall, without delay, publicly announce the details of such plan and notify the head of the related central administrative agency and the related Mayor/Do Governor or Special Metropolitan City Mayor of the details of such plan. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14726, Mar. 21, 2017>
- (2) The Mayor/Do Governor who has been so notified pursuant to paragraph (1) shall require the head of a Si/Gun/Gu to allow the public to inspect a basic plan for reclamation for at least 14 days, and a Special Metropolitan City Mayor shall allow the public to inspect a basic plan for reclamation for at least 14 days. <Amended by Act No. 14726, Mar. 21, 2017>
- (3) A basic plan for reclamation shall not restrict any right already created for the use of public waters subject to predetermined land to be reclaimed.
- (4) The head of the related administrative agency shall not create any new right in predetermined land to be reclaimed, except as otherwise provided for in Presidential Decree.

#### Article 27 (Change, etc. in Basic Plan for Reclamation)

- (1) The Minister of Oceans and Fisheries shall review the feasibility of any basic plan for reclamation established and publicly announced under Articles 22 and 26 every five years, and shall take necessary measures including any change in the basic plan for reclamation, if the review finds any of the following subparagraphs: <Amended by Act No. 11690, Mar. 23, 2013>
1. Addition to or cancellation of a reclamation plan for each predetermined land to be reclaimed;
  2. Expansion of the area of predetermined land to be reclaimed;
  3. Change of the purpose of reclamation.
- (2) Notwithstanding paragraph (1), the Minister of Oceans and Fisheries may, ex officio or upon receipt of a request, change a basic plan for reclamation as necessary due to the development of industry related to reclamation of public waters, a change in a plan established under the Acts and subordinate statutes, and other changes in surrounding

conditions. In such cases, a person who requests for a change shall conduct an inspection and survey under Article 23 (2). <Amended by Act No. 11690, Mar. 23, 2013>

(3)The provisions of Articles 22 through 26 shall apply mutatis mutandis to the change in a basic plan for reclamation referred to in paragraphs (1) and (2).

## SECTION 2 Reclamation License, etc. of Public Waters

### Article 28 (Reclamation License)

(1)Anyone who intends to reclaim public waters shall obtain a reclamation license of public waters (hereinafter referred to as "reclamation license") from the Minister of Oceans and Fisheries, the Mayor/Do Governor, Special Self-Governing City Mayor, or the a Special Self-Governing Province Governor (hereinafter referred to as "reclamation license agency") according to the following classifications by explicitly indicating the purposes of reclamation, as prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14726, Mar. 21, 2017>

- 1.The reclamation of public waters in a harbor area provided for in any subparagraph of Article 3 (1) of the Harbor Act: The Minister of Oceans and Fisheries;
  - 2.The reclamation of public waters, the area of which is not less than 100,000m<sup>2</sup>: The Minister of Oceans and Fisheries;
  - 3.The reclamation of public waters other than public waters referred to in subparagraphs 1 and 2: The Mayor/Do Governor, a Special Self-Governing City Mayor, or a Special Self-Governing Province Governor.
- (2)Where any predetermined land to be reclaimed includes both public waters provided for in paragraph (1) 1 and public waters provided for in paragraph (1) 3, a reclamation licence shall be obtained from the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>
- (3)Where any predetermined land to be reclaimed for the reclamation of public waters provided for in paragraph (1) 3 extends over not less than two jurisdictions of Special Metropolitan Cities, Metropolitan Cities, Special Self-Governing Cities, Dos, or Special Self-Governing Provinces, a reclamation license shall be obtained from the Mayor/Do Governor, Special Self-Governing City Mayor, or Special Self-Governing Province Governor who is decided after consultation with the related Mayors/Do Governors, Special Self-Governing City Mayors, or Special Self-Governing Province Governors: Provided, That where no agreement is reached in consultation, such reclamation license shall be obtained from the Mayor/Do Governor, Special Self-Governing City Mayor, or a Special Self-Governing Province Governor who is designated by the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14726, Mar. 21, 2017>
- (4)Where the reclamation license agency intends to grant the reclamation license pursuant to paragraph (1), it shall, in advance, consult with the heads of related central administrative agencies and the related Mayor/Do Governor, Special Self-Governing City Mayor, or Special Self-Governing Province Governor. <Amended by Act No. 14726, Mar. 21, 2017>
- (5)The reclamation license agency shall grant a license to the extent appropriate for the details of a basic plan for reclamation.

- (6)The reclamation license agency may not grant a license by dividing any predetermined land to be reclaimed which has been reflected in the basic plan for reclamation: Provided, That the same shall not apply to reclamation conducted by the State, a local government or the Korea Land and Housing Corporation under the Korea Land and Housing Corporation Act.
- (7)Public waters in the harbor zone referred to in each subparagraph of Article 3 (1) of the Harbor Act and public waters in the State-owned fishery harbor referred to in subparagraph 3 (a) of Article 2 of the Fishing Villages and Fishery Harbors Act shall be reclaimed only by the State or a local government: Provided, That the foregoing shall not apply where they are reclaimed as prescribed by Presidential Decree, in consideration of the purpose and size of reclamation or the conditions of location.
- (8)Where applications compete for a reclamation license for public waters in the same location, the reclamation license agency may grant a license according to the priorities determined by Presidential Decree.
- (9)Where the head of an administrative agency other than a reclamation license agency has taken an administrative disposition that is construed as a reclamation license obtained pursuant to other Acts, he/she shall notify the reclamation license agency of such fact.  
<Newly Inserted by Act No. 14726, Mar. 21, 2017>

#### Article 29 (Additional Clauses to Reclamation License)

The reclamation licensing agency may set additional clauses to matters necessary for the protection of those falling under each subparagraph of Article 31 or for public interests or other matters determined by Presidential Decree in granting a license.

#### Article 30 (Standards for Reclamation License)

- (1)Where a person has a right to any public waters in a predetermined land to be reclaimed and a zone neighboring such predetermined land likely to be affected by reclamation (hereinafter referred to as "person entitled to reclamation of public waters"), the reclamation license agency shall not grant any reclamation license except any following cases:
- 1.Where the person entitled to reclamation of public waters gives his/her consent to reclamation and it is deemed that such reclamation is made in full consideration of changes in the environment and ecosystem;
  - 2.Where benefits accruing from reclamation considerably exceed its losses;
  - 3.Where reclamation is necessary for a project eligible for expropriating or using land pursuant to Acts and subordinate statutes;
  - 4.Where it is necessary for public interests, such as national defense or prevention of disaster, which is determined by Presidential Decree.
- (2)The scope of a zone neighboring the predetermined land to be reclaimed which is likely to be affected by reclamation referred to in paragraph (1) shall be determined by Presidential Decree.

#### Article 31 (Scope of Rightholder Entitled to Reclamation of Public Waters)

A rightholder entitled to reclamation of public waters referred to in Article 30 (1) means a person falling under any of the following cases: <Amended by Act No. 13385, Jun. 22, 2015>

1. A person who has obtained an occupancy or use permit of public waters pursuant to Article 8, or consultation or approval for occupancy or use of public waters pursuant to Article 10;
  2. A piscary holder referred to in subparagraph 11 of Article 2 of the Fisheries Act;
  3. A person who has obtained a fishery license under Article 8 of the Fisheries Act;
  4. A person who has obtained a license for sectional fisheries, cultivation of fisheries in inland sea water referred to in Article 41 (3) 1 and 2 of the Fisheries Act or a person who has obtained a license for fisheries seed production under Article 21 of the Fisheries Seed Industry Promotion Act;
  5. A person who obtains a permit pursuant to other Acts and subordinate statutes or draws water from or drains water into any public waters according to custom.
- Article 32 (Prevention of Losses, Compensation, etc. due to Reclamation)
- (1) A person who has obtained a reclamation license (hereinafter referred to as "reclamation licensee") under Article 28 shall compensate for losses which he/she causes to the rightholder entitled to reclamation of public waters or install facilities for preventing such losses, as prescribed by Presidential Decree.
  - (2) A reclamation licensee shall consult with the rightholder entitled to reclamation of public waters about compensation referred to in paragraph (1).
  - (3) Where an agreement referred to in paragraph (2) is not reached or cannot be reached, a reclamation licensee may apply for a ruling to the competent land tribunal, as prescribed by Presidential Decree.
  - (4) Articles 83 through 86 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply mutatis mutandis to the objections against the ruling by the competent land tribunal referred to in paragraph (3).
  - (5) Articles 20 (2), 28 (2), and 58 (3) of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply mutatis mutandis to the expenses such as fees in connection with a ruling referred to in paragraphs (3) and (4).
  - (6) Paragraph (1) shall not apply to a person under any subparagraph of Article 31 or facilities installed by the person after the public notification date of a reclamation license under Article 33.

#### Article 33 (Public Notice for Reclamation License)

Where the reclamation license agency grants a reclamation license, he/she shall publicly announce such fact, as prescribed by Presidential Decree.

#### Article 34 (Reclamation License Fees)

Where the reclamation license agency grants a reclamation license, he/she may collect reclamation license fees from a reclamation licensee, as prescribed by Presidential Decree: Provided, That he/she may exempt reclamation license fees in cases falling under any of the following subparagraphs:

1. Reclamation carried out by a public-service corporation or a public organization determined by Presidential Decree;
2. Construction of fisheries farms referred to in Article 3 (3) 1.

### Article 35 (Reclamation Conducted by the State, etc.)

- (1) Notwithstanding Article 28, where the State or a local government intends to reclaim public waters or where the Korea Land and Housing Corporation provided for in the Korea Land and Housing Corporation Act intends to reclaim public waters for an industrial complex development project pursuant to the Industrial Sites and Development Act, it shall consult in advance or obtain approval from the reclamation license agency.
- (2) Any person who consults on or obtains approval for reclamation pursuant to paragraph (1) shall not transfer the right to reclamation before an inspection on completion provided for in paragraph (3): Provided, That where the right to reclamation is transferred to the State or a local government, it may be transferred after the reclamation license agency is reported about such transfer as prescribed by Ordinance of the Ministry of Oceans and Fisheries, and the reclamation license agency (excluding the Minister of Oceans and Fisheries) shall consult in advance with the Minister of Oceans and Fisheries before accepting the report. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) Where the person who consults on or obtains approval for the right to reclamation pursuant to paragraph (1) completes the relevant reclamation work, he/she shall, without delay, apply for an inspection on completion to the reclamation license agency, determining the land category provided for in Article 67 of the Act on the Establishment, Management, etc. of Spatial Data. <Amended by Act No. 12738, Jun. 3, 2014>
- (4) The person who consults on or obtains approval for the right to reclamation pursuant to paragraph (1) shall acquire the ownership of such reclaimed land as falling under Article 46 (1) 3 and (4) on the date when an inspection on completion provided for in paragraph (3) is conducted. <Amended by Act No. 14726, Mar. 21, 2017>
- (5) Articles 28 (1) through (5) and (9), 29 through 33, 38, 39, 39-2, 40 through 42, 44 through 46 (excluding Article 46 (1) 3 and 4), 48, 49 (1), (3), (5) and (6), 51 through 54 (excluding Article 54 (9)), and 56 through 58 shall apply mutatis mutandis to reclamation of public waters conducted by a person who consults on or obtains approval for reclamation pursuant to paragraph (1). <Amended by Act No. 14726, Mar. 21, 2017>

### Article 36 (Small-Scale Reclamation Executed by State, etc.)

- (1) When the State or any local government intends to undertake reclamation of public waters of not more than 1,000 square meters in its area (hereinafter referred to as the "small-scale reclamation") for official or public purposes prescribed by Presidential Decree, the State or the local government may undertake such small-scale reclamation pursuant to Article 35 (excluding Article 28 (4) and (5) that are applied mutatis mutandis under paragraph (5) of the same Article), irrespective of the basic plan for reclamation.
- (2) When the reclamation license agency intends to hold consultations on or grant approval for the small-scale reclamation pursuant to paragraph (1), it shall consult in advance with the heads of administrative agencies concerned thereabout.

### Article 37 (Transfer of Control over Reclaimed Land)

Where the Minister of Oceans and Fisheries completes reclamation works conducted as a governmental project, he/she shall, without delay, transfer the control of the reclaimed land to the head of the related central administrative agency according to the purpose of

reclamation, as prescribed by Presidential Decree. In such cases, where any flood control or sea wall facilities are completed during reclamation works that have the principal purpose for agriculture, he/she shall, without delay, transfer the control of such flood control or sea wall facilities to the Minister of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

### SECTION 3 Reclamation Works

#### Article 38 (Approval of Implementation Plan for Reclamation of Public Waters)

- (1) A reclamation licensee shall prepare an implementation plan for reclamation of public waters (hereinafter referred to as "implementation plan for reclamation") and obtain approval thereof from the reclamation license agency, as prescribed by Presidential Decree. The foregoing shall apply to cases where he/she intends to alter such approved implementation plan for reclamation.
- (2) A reclamation licensee shall formulate an implementation plan for reclamation by classifying the predetermined land to be reclaimed into at least two zones and apply for approval from the reclamation license agency. <Newly Inserted by Act No. 14726, Mar. 21, 2017>
- (3) A reclamation licensee shall obtain approval of an implementation plan for reclamation within one year from the date of receiving the reclamation license: Provided, That where any unavoidable cause exists prescribed by Presidential Decree, such as natural disaster, he/she may obtain the approval by extending the period just once for a period of up to one year from the reclamation license agency.
- (4) After obtaining consent on the commencement of reclamation works from a rightholder related to reclamation of public waters or after making a compensation or installing facilities referred to in Article 32, the reclamation licensee shall apply for approval of an implementation plan for reclamation.
- (5) When the reclamation license agency grants approval for an implementation plan for reclamation or approval for alteration to thereof pursuant to paragraph (1), he/she shall publicly announce such fact, as prescribed by Presidential Decree.

#### Article 39 (Legal Fiction as Authorization, Permission, etc.)

- (1) Where a reclamation licensee obtains approval for an implementation plan for reclamation, he/she shall be deemed to have obtained authorization, permission, approval, cancellation, consultation and reports (hereinafter referred to as "authorization, permission, etc."), and if the approval of an implementation plan for reclamation is publicly announced under Article 38 (5), it shall be deemed that the public announcement or notice of authorization, permission, etc. under related Acts is made or given:  
<Amended by Act No. 10331, May 31, 2010; Act No. 10599, Apr. 14, 2011; Act No. 12248, Jan. 14, 2014; Act No. 14480, Dec. 27 2016; Act No. 14726, Mar. 21, 2017; Act No. 15009, Oct. 31, 2017>
1. Permission for aggregate extraction referred to in Article 22 of the Aggregate Extraction Act, and permission for aggregate extraction in the aggregate extraction complex referred to in Article 34 (1) of said Act;
  2. Determination of the urban/Gun management planning referred to in Article 30 of the

- National Land Planning and Utilization Act, permission for changes in the form and quality and for division of land referred to in Article 56 (1) 2 and 4 of said Act, designation of the implementor of the urban/Gun planning facility project referred to in Article 86 of said Act, and authorization of an implementation plan for the urban/Gun planning facility project referred to in Article 88 of said Act;
3. Permission for use of agricultural production infrastructure referred to in Article 23 of the Agricultural and Fishing Villages Improvement Act;
  4. Permission for or consultation about farmland conversion referred to in Article 34 of the Farmland Act;
  5. Consultation with or approval by the road management authority referred to in Article 107 of the Road Act (limited to permission for the execution of road works by persons other than the road management authority referred to in Article 36 of the said Act, and permission for occupancy and use of roads referred to in Article 61 of the said Act);
  6. Permission to open private roads referred to in Article 4 of the Private Road Act;
  7. Permission for deforestation, etc. in an erosion control area referred to in Article 14 of the Erosion Control Work Act and any cancellation of designation as an erosion control area referred to in Article 20 of the said Act;
  8. Permission for and reporting on deforestation referred to in Article 36 (1) and (4) of the Creation and Management of Forest Resources Act, permission for and reporting on an act to do in the forest reserve under Article 9 (1) and (2) of the Forest Protection Act (excluding the forest genetic resources reserve) and cancellation of designation as a forest reserve referred to in Article 11 (1) 1 of the said Act;
  9. Permission for conversion of mountainous districts referred to in Article 14 of the Mountainous Districts Management Act, report on conversion of mountainous districts referred to in Article 15 of the said Act, and permission for or reporting on temporary use of mountainous districts referred to in Article 15-2 of said Act;
  10. Permission for the execution of small river works referred to in Article 10 (1) of the Small River Maintenance Act and permission for the occupancy of small rivers referred to in Article 14 of the said Act;
  11. Approval for the execution of works in a protected water zone referred to in Article 47 (2) of the Fishery Resources Management Act;
  12. Approval of the implementation plan for a new harbor construction project referred to in Article 8 (1) of the New Harbor Construction Promotion Act;
  13. Permission to do an act in a park area referred to in Article 23 of the Natural Parks Act and consultation with the park management agency referred to in Article 71 of the said Act;
  14. Permission for reburying graveyards referred to in Article 27 (1) of the Act on Funeral Services, Etc.;
  15. Authorization for or reporting on construction scheme of private-use electric equipment referred to in Article 62 of the Electric Utility Act;
  16. Permission to change the form and quality, etc. of land referred to in Article 21-2 of the

- Grassland Act, and permission for, reporting on, or consultation on grassland conversion referred to in Article 23 of the said Act;
17. Permission for the occupancy or use of public sewerage referred to in Article 24 of the Sewerage Act;
  18. Consultations with or approval by the river management agency referred to in Article 6 of the River Act, permission for the execution of river works referred to in Article 30 of the said Act, and permission for the occupancy or use of rivers referred to in Article 33 of the said Act;
  19. Permission for the installation of navigation aids referred to in Article 13 (1) 1 of the Navigational Aids Act;
  20. Permission for the execution of harbor construction works under Article 9 (2) of the Harbor Act and approval of the implementation plan for harbor construction works under Article 10 (2) of the said Act.
- (2) Where a reclamation licensee obtains the approval of an implementation plan for reclamation, he/she shall be deemed to have obtained an occupancy or use permit referred to in Article 8, to have obtained the consultation or approval for occupancy or use of public waters referred to in Article 10, and to have reported on or obtained the approval of the implementation plan for occupancy or use referred to in Article 17, and where the approval of an implementation plan for reclamation referred to in Article 38 (5) is publicly announced, it shall be deemed that a public announcement referred to in Article 17 (5) is made. <Amended by Act No. 14726, Mar. 21, 2017>
- (3) When approving an implementation plan for reclamation, the reclamation licensing agency shall be equipped with related documents furnished by the reclamation licensee and consult in advance with the head of the related administrative agency, if the plan includes the matters listed in any subparagraph of paragraph (1) or (2). In such cases, the head of the related administrative agency shall submit his/her opinion within 20 days from the date of receipt of the request for consultation.
- (4) Where the head of the related administrative agency that has authority to grant authorization, permission, etc. referred to in each subparagraph of paragraph (1) has determined or revised standards, procedures, etc. therefor, he/she shall without delay give notice thereof to the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>
- (5) The Minister of Oceans and Fisheries shall, upon receipt of notice of standards, procedures, etc. referred to in paragraph (4), integrate them and give public notice thereof. The foregoing shall also apply to any alterations thereto. <Amended by Act No. 11690, Mar. 23, 2013>

Article 39-2 (Package Deal Consultation Meeting for Legal Fiction as Authorization, Permission, etc.)

- (1) A reclamation license agency may hold a package deal consultation meeting for legal fiction as authorization, permission, etc. as prescribed by Presidential Decree in order to consult with the head of the relevant administrative agency pursuant to Article 39 (3).
- (2)

The head of the relevant administrative agency, upon receiving a request for consultation pursuant to Article 39 (3), shall have a public official under his/her jurisdiction attend a package deal consultation meeting referred to in paragraph (1).

[This Article Newly Inserted by Act No. 14726, Mar. 21, 2017]

#### Article 40 (Reclamation Works)

A reclamation licensee shall execute reclamation works in accordance with the details of the authorized implementation plan for reclamation.

#### Article 41 (Entry, etc. to Land, etc.)

(1) Where a person intends to obtain a reclamation license or a reclamation licensee intends to perform an act falling under any of the following cases for an investigation and survey on reclamation or reclamation works, etc., he/she shall obtain prior consent from the owner, occupant, or manager: Provided, That this shall not apply where the owner, occupant, or manager cannot be ascertained:

1. Where he/she intends to enter another person's land or public waters;
2. Where he/she intends to alter trees, earth and rocks, or other obstacles on another person's land or public waters;
3. Where he/she intends to temporarily use another person's land or public waters as a materials yard or a temporary road.

(2) Any person who intends to obtain a reclamation license or reclamation licensee shall compensate for any loss caused by his/her entry to the land, etc. referred to in paragraph (1) or use, etc.

#### Article 42 (Conveyance, etc. of Disused State and Public Land)

(1) Where public facilities determined by Presidential Decree, such as any State or public road and bank come into disuse due to any execution of reclamation works, they may be conveyed or sold to the reclamation licensee according to the following classifications notwithstanding the State Property Act, and the Public Property and Commodity Management Act:

1. Conveyance: In cases of the new establishment of public facilities reverting to the State or any local government pursuant to Article 46 (1) 1 in lieu of any public facilities coming into disuse;
  2. Sale: In other cases except subparagraph 1.
- (2) Public facilities referred to in paragraph (1) shall include state-owned water surface and water stream.

(3) Where any seashores are used as site for facilities for public use or public facilities newly established due to the execution of reclamation works, the State may, notwithstanding the State Property Act, convey the seashores to the management agency which will manage such facilities for public use or public facilities.

#### Article 43 (Transfer, etc. of Rights and Duties of Reclamation of Public Waters)

(1) Any rights and duties arising from a reclamation license may be transferred or succeeded to, as prescribed by Presidential Decree.

(2) Persons who take over or succeed to any rights and duties pursuant to paragraph (1) shall report the details of transfer of or succession to the rights and duties to the reclamation

license agency, as prescribed by Ordinance of the Ministry of Oceans and Fisheries.

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

(3) In cases of transferring or succeeding to any rights and duties arising from the license referred to in paragraphs (1) and (2), such rights and duties may not be divided.

(4) A person who reports the transfer of or succession to the rights and duties referred to in paragraph (2) shall be deemed to be a reclamation licensee under this Act.

#### Article 44 (Use of Reclaimed Land)

(1) No reclamation licensee may use reclaimed land, installing structures, installations, or other artificial structures on reclaimed land before an inspection on completion pursuant to Article 45: Provided, That the foregoing shall not apply where a use permit before inspection on completion is granted by the reclamation license agency as prescribed by Ordinance of the Ministry of Oceans and Fisheries, to the extent that the use does not hinder the accomplishment of the purpose for reclamation. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where the reclamation license agency grants a use permit before inspection on completion referred to in the proviso to paragraph (1), it shall grant the use permit only where the use of reclaimed land suits the purpose of reclamation referred to in Article 24 (1) 2 and the land use plan referred to in Article 24 (1) 3.

(3) Where a person who intends to use reclaimed land before inspection on completion obtains the permit referred to in the proviso to paragraph (1), he/she shall be deemed to have obtained the authorization, report, permission, or inspection (hereinafter referred to as "authorization, etc.") in the following cases:

1. Building permit or report on temporary building referred to in Article 20 (1) and (2) of the Building Act;
2. Authorization or report of a plan of works for setting up electric installations for private use referred to in Article 62 of the Electric Utility Act;
3. Pre-use inspection referred to in Article 36 of the Information and Communications Construction Business Act.

(4) When the reclamation license agency grants the permit referred to in the proviso to paragraph (1), if the details of such permit includes matters falling under any subparagraph of paragraph (3), a person who intends to obtain the use permit before inspection on completion shall consult in advance with the head of the related administrative agency, preparing the related documents. In such cases, the head of the related administrative agency shall submit his/her opinion within 20 days from the date of receipt of the request for consultation.

#### Article 45 (Inspection on Completion)

(1) Where a reclamation licensee completes his/her reclamation works, he/she shall, as prescribed by Presidential Decree, determine the location and land category (referring to land category referred to in Article 67 of the Act on the Establishment, Management, etc. of Spatial Data) of reclaimed land and apply for inspection on completion to the reclamation license agency. In such cases, a reclamation licensee may apply for inspection on completion for each zone if he/she has obtained approval for implementation plan for

reclamation for separate zones pursuant to Article 38 (2). <Amended by Act No. 12738, Jun. 3, 2014; Act No. 14726, Mar. 21, 2017>

- (2)After the reclamation license agency that receives the application for inspection on completion pursuant to paragraph (1) conducts an inspection on completion as prescribed by Presidential Decree, if it recognizes that the relevant work has been executed as approved in the implementation plan for reclamation, it shall issue a certificate of inspection on completion prescribed by Ordinance of the Ministry of Oceans and Fisheries and publicly announce the relevant fact. Where the work has not been executed as approved in the implementation plan for reclamation, the reclamation license agency shall without delay order necessary measures such as supplemental works. <Amended by Act No. 11690, Mar. 23, 2013>
- (3)Any person who applies for inspection on completion pursuant to paragraph (1) obtains a certificate of inspection on completion referred to in paragraph (2), he/she shall be deemed to have undergone an inspection on completion or authorization on completion of the relevant project referred to in authorization, permission, etc. falling under any of the subparagraphs of Article 39 (1) and paragraph (2) of the same Article. In such cases, the reclamation license agency shall consult in advance with the heads of the related administrative agencies concerning the inspection on completion. <Amended by Act No. 14726, Mar. 21, 2017>
- (4)Any person who intends to obtain constructive inspection on completion or authorization of completion pursuant to paragraph (3) shall also submit the related documents designated in the relevant Acts at the time of applying for inspection on completion pursuant to paragraph (1).

#### SECTION 4 Acquisition etc. of Reclaimed Land's Ownership

##### Article 46 (Acquisition, etc. of Reclaimed Land's Ownership)

- (1)Where a reclamation licensee obtains the certificate of inspection on completion referred to in Article 45 (2), the State, a local government, or a reclamation licensee shall acquire a reclaimed land's ownership according to the following classifications:
- 1.Necessary reclaimed land to be used for official or public purposes as determined by Presidential Decree reverts to the State or a local government;
  - 2.Reclaimed land of an area (excluding an area of seashores included in site for facilities for public use or public facilities newly installed due to the execution of reclamation works from among reclaimed seashores) equivalent to reclaimed seashores reverts to the State. In this case, the location of reclaimed land, the ownership of which the State acquired shall be a place other than reclaimed land as determined by the reclamation licensee;
  - 3.Reclaimed land equivalent to the overhead expenses (referring to a total amount of investigation, design, net construction compensation expenses or other expenses as determined by Presidential Decree) incurred for such reclamation works from among reclaimed land except reclaimed land, the ownership of which the State or a local government acquired pursuant to subparagraphs 1 and 2 reverts to the reclamation licensee;
  - 4.Remaining reclaimed land except reclaimed land, the ownership of which the State, a local

government or the reclamation licensee acquired pursuant to the provisions of subparagraphs 1 through 3 (hereinafter referred to as "remaining reclaimed land") goes to the State.

- (2) When a person who has acquired any reclaimed land's ownership falling under paragraph (1) 3 and 4 applies for registration for maintenance of ownership for such reclaimed land, he/she shall enter matters determined by Presidential Decree in respect of any restrictions on the exercise of ownership (hereinafter referred to as "matters on any restrictions on the exercise of ownership") in the application and the registration official shall write in addition, *ex officio*, matters on any restrictions on the exercise of ownership in effecting a registration for maintenance of ownership.
- (3) Where a limitation period for changes to the purpose for reclamation referred to in the main body of Article 48 (1) expires, a person who has acquired any reclaimed land's ownership falling under paragraph (1) 3 and 4 may apply for a registration of erasure on the matters on restrictions on the exercise of ownership written in addition in the registration for maintenance of ownership pursuant to paragraph (2) to the competent registry office.
- (4) Where the State, a local government, or a reclamation licensee has obtained the ownership referred to in paragraph (1), it shall notify the related administrative agency, such as the competent tax office and registry office of the ownership of the reclaimed land, as prescribed by Presidential Decree.

#### Article 47 (Requests, etc. for Purchase of Remaining Reclaimed Land)

- (1) A reclamation licensee may file a request for his/her purchase of remaining reclaimed land which the State has acquired pursuant to Article 46 (1) within one year from the date of receipt of inspection on completion, and the State shall not refuse such request except when using the remaining reclaimed land for official or public purposes. In such cases, if the requester is the operator of an industrial complex development project under the Industrial Sites and Development Act, the sale price of such remaining reclaimed land may be determined by Presidential Decree, notwithstanding Article 44 of the State Property Act.
- (2) Where the State leases reclaimed land, the ownership of which it has acquired pursuant to Article 46 (1) 2, and remaining reclaimed land, the ownership of which it has acquired pursuant to Article 46 (1) 4, as sites for any of the following facilities according to its reclamation objectives, it may have permanent installations established thereon, notwithstanding the State Property Act: Provided, That if the deadline for purchase request referred to in paragraph (1) has not expired for remained reclaimed land, the State shall obtain consent thereto from the reclamation licensee: <Amended by Act No. 11020, Aug. 4, 2011; Act No. 14726, Mar. 21, 2017>
1. Factories referred to in subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act;
  2. Facilities for the knowledge industry referred to in subparagraph 2 of Article 2 of the Industrial Sites and Development Act;
  3. Facilities related to the information and communications industry and facilities for a

stockpile of resources referred to in subparagraphs 4 and 6 of Article 2 of the Industrial Sites and Development Act;

4. Facilities for tourist accommodation business referred to in Article 3 (1) 2 of the Tourism Promotion Act, and facilities prescribed by Presidential Decree among tourist-using facility business referred to in Article 3 (1) 3 of the same Act.

(3) Where the State leases reclaimed land and remaining reclaimed land pursuant to paragraph (2), it may provide for the leasing method and period and rents for such reclaimed land and remaining reclaimed land pursuant to Presidential Decree, notwithstanding Articles 43, 46 and 47 of the State Property Act.

#### Article 48 (Restrictions on Changes in Purpose of Reclamation)

(1) A reclamation licensee, a person who has acquired any reclaimed land's ownership and his/her successor shall not use predetermined land to be reclaimed or reclaimed land for which he/she has obtained a reclamation license or a reclaimed land for which he/she has received inspection on its completion by changing the purpose of his/her reclamation during the period prior to inspection on its completion and within ten years from the date of inspection on its completion: Provided, That this shall not apply to any insignificant changes in the purpose of reclamation determined by Presidential Decree.

(2) A person who intends to make a insignificant change to the reclamation purpose pursuant to the proviso to paragraph (1) shall obtain prior confirmation from the reclamation license agency, as prescribed by Presidential Decree.

(3) The reclamation license agency shall, when he/she makes the confirmation pursuant to paragraph (2), announce publicly the details of such confirmation, as prescribed by Presidential Decree.

#### Article 49 (Exception of Restrictions on Changes in Purpose of Reclamation)

(1) Notwithstanding the main body of Article 48 (1), where a predetermined land to be reclaimed or a reclamation land which has obtained a reclamation license or reclaimed land which has received inspection on its completion falls under any of the following cases, a reclamation licensee, a person who has acquired a reclaimed land's ownership and his/her successor may change the purpose of his/her reclamation after obtaining approval therefor from the reclamation license agency, as prescribed by Presidential Decree:

1. Where it is impossible to use the remainder for serving the purpose of its reclamation by changing part of reclaimed land into that for official or public purposes;
2. Where it is impossible to use reclaimed land for serving the purpose of its reclamation due to any change to the national plan under the related Acts and subordinate statutes;
3. Where any change in the purpose of reclamation is inevitable due to industrial development or changes in circumstances.

(2) Where a person who has acquired a reclaimed land's ownership or his/her successor intends to change the purpose of reclamation under paragraph (1), the reclamation license agency may grant approval under paragraph (1) only where the former makes an application to revert revaluated reclaimed land equivalent to the remaining value, deducting required expenses (an amount of capital expenses multiplying the consumer

price index by taxes and dues, appraisal and evaluation cost, acquisition value for the reclaimed land on authorization on its completion, and other expenses taken together) as determined by Presidential Decree (hereinafter referred to as "revaluated reclaimed land") to the State among reclaimed land equivalent to an increase in prices of reclaimed land revaluated on the basis of the purpose of reclamation which he/she intends to change.

- (3) Where the reclamation license agency intends to grant approval for any changes in the purpose of reclamation under paragraph (1), it shall go through deliberation thereof of the Council after consulting with the heads of central administrative agencies concerned and the Mayor/Do Governor, Special Self-Governing City Mayor, or Special Self-Governing Province Governor concerned. <Amended by Act No. 14726, Mar. 21, 2017>
- (4) The revaluation methods of reclaimed land referred to in paragraph (2) or other necessary matters shall be determined by Presidential Decree.
- (5) Upon granting approval for any changes to the purpose of reclamation pursuant to paragraphs (1) and (2), the reclamation license agency shall publicly announce such fact, as prescribed by Presidential Decree.
- (6) Any person who has obtained authorization to change the purpose of reclamation pursuant to paragraph (1) may file an application for registration of such change with the competent registry office accompanied by a written authorization to change the purpose of reclamation.

#### Article 50 (Acquisition of Revaluated Reclaimed Land's Ownership)

- (1) The State shall acquire the ownership of revaluated reclaimed land on the date when the reclamation license agency approves a change in the purpose of reclamation pursuant to Article 49 (1).
- (2) The reclamation license agency shall promptly take measures necessary for the registration, registry, or the protection of rights in respect of the revaluated reclaimed land's ownership acquired by the State pursuant to paragraph (1).
- (3) Any person who has obtained approval for a change in the purpose of reclamation pursuant to Article 49 (1) may make a request for his/her purchase of the revaluated reclaimed land, the ownership of which the State acquired within one year from the date of obtaining approval for change, and the State shall not refuse such request except for using it for official or public purposes.
- (4) Article 46 (4) shall apply mutatis mutandis to notice of the acquisition of revaluated reclaimed land's ownership referred to in paragraph (1).
- (5) Article 49 (6) shall apply mutatis mutandis where a person who has obtained approval for a change in the purpose of reclamation applies for registration on ownership by purchasing a revaluated reclaimed land pursuant to paragraph (3).

#### Article 51 (Confirmation of Use of Reclaimed Land)

The reclamation license agency may confirm whether a person who has acquired reclaimed land's ownership pursuant to Article 46 (1) 3 and his/her successor use such reclaimed land for the same purpose as that of reclamation at the time of inspection on completion referred to in Article 45, as prescribed by Presidential Decree.

#### SECTION 5 Disposition, etc. related to Reclamation of Public Waters

## Article 52 (Cancellation, etc. of Reclamation License)

(1) In any of the following cases, a reclamation license agency may cancel a reclamation license or an implementation plan for reclamation, or order an owner or occupant of any building, installation, etc. established on public waters or a person who is entrusted with the relevant work to suspend the relevant work, or to alter, remove, repair, recover any building or installation, or prohibit or restrict the use thereof, or order to take other necessary measures, by specifying a certain period by up to one year: Provided, That in cases of falling under subparagraph 1, the reclamation license shall be cancelled:

<Amended by Act No. 14726, Mar. 21, 2017>

1. Where the reclamation license is granted by fraud or other wrongful means;
2. Where the process of reclamation works fails to meet the standards prescribed by Presidential Decree due to grounds attributable to the reclamation licensee;
3. Where the additional clauses to the reclamation license referred to in Article 29 are not performed without any justifiable grounds;
4. Where reclamation license fees referred to in Article 34 are not paid without any justifiable grounds;
5. Where the work is executed without obtaining approval for the implementation plan for reclamation;
6. Where the reclaimed land is used, establishing buildings, installations or other artificial structures on the reclaimed land without obtaining a use permit before an inspection on completion referred to in the proviso to Article 44 (1);
7. Where the confirmation is obtained as referred to in Article 48 (2) by fraud or other wrongful means;
8. Where it is necessary due to any changes to conditions directly related to public waters, such as changes in the development of related industry and the related plan of the State or a local government;
9. Other cases where it is necessary for a project that can expropriate or use land under the Acts and subordinate statutes.

(2) Where the reclamation license agency cancels a reclamation license, etc. referred to in paragraph (1), it shall publicly announce such fact and install the sign designated by Ordinance of the Ministry of Oceans and Fisheries in a place where the relevant public waters or buildings, installations and other artificial structures are clearly visible.

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

(3) No person may refuse or obstruct the installation of the sign referred to in paragraph (2) or damage the installed sign.

## Article 53 (Loss, etc. of Effect of Reclamation License)

(1) A reclamation license in any of the following cases shall lose effect: <Amended by Act No. 14726, Mar. 21, 2017>

1. Where approval for an implementation plan for reclamation is not obtained within the period referred to in Article 38 (3);
2. Where reclamation works fail to start on the work commencement date determined in the

implementation plan for reclamation;

3. Where reclamation works fail to be completed within the specific period determined in the implementation plan for reclamation.

(2) Notwithstanding paragraph 1 (2) and (3), where implementation plan was approved for separate zones pursuant to Article 38 (2) and the reclamation is completed for the relevant zones, the reclamation license for the zones completed shall not lose effect. <Newly Inserted by Act No. 14726, Mar. 21, 2017>

(3) Where any subparagraph referred to in paragraph (1) applies due to any cause not attributable to the reclamation licensee, such as natural disaster or force majeure, the reclamation license agency may reinstate such effect retroactively only within three months from the date of loss of effect of reclamation license.

(4) Where a reclamation licensee who lost the effect of license pursuant to paragraph (1) 3 has executed reclamation works more than the construction progress determined by Presidential Decree, the reclamation license agency may reinstate such effect retroactively only within one year from the date of loss of effect of the reclamation license.

(5) Where the reclamation license agency reinstates any reclamation license's effect pursuant to paragraphs (3) and (4), he/she may change additional clauses to or set new additional clauses to such reclamation license. <Amended by Act No. 14726, Mar. 21, 2017>

#### Article 54 (Recovery)

(1) Any person falling under any of the following cases (hereafter referred to as "person responsible for recovery" in this Article) shall recover the relevant public waters:

1. A person who reclaims public waters without obtaining a reclamation license;
2. A person whose reclamation license loses its effect, is terminated, or cancelled for any cause attributable to him/her;
3. A person who reclaims public waters exceeding the area subject to the reclamation license.

(2) The reclamation license agency may, where a person responsible for recovery fails to take necessary measures for recovery referred to in paragraph (1), order him/her to recover public waters, specifying a certain period.

(3) Where a person who has been issued an order for recovery referred to in paragraph (2) fails to fulfil it, the reclamation license agency may take measures for recovery pursuant to the Administrative Vicarious Execution Act.

(4) Notwithstanding paragraph (1), where it is impossible to recover public waters, or there exist other reasons prescribed by Presidential Decree, the reclamation license agency may exempt the obligation of recovery, upon the receipt of an application of a person responsible for recovery or ex officio.

(5) Where the reclamation license agency receives an application for exemption pursuant to paragraph (4), it shall notify the applicant as to whether to exempt him/her, within 20 days from the date of receipt of the application, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

(6) Any reclaimed land, structure, installation, or other artificial structure established by a

person exempted from the obligation of recovery pursuant to paragraph (4) in the zone of reclamation works may be gratuitously reverted to the State.

- (7) Where the State deems it unnecessary to own the structure, installation, or other artificial structure reverted to it pursuant to paragraph (6), it may sell or lease it pursuant to the State Property Act.
- (8) Paragraphs (6) and (7) shall apply mutatis mutandis to cases where a person responsible for recovery fails to comply with the order for recovery or to apply for exemption from the obligation of recovery referred to in paragraph (4) within one year from the date when he/she receives the recovery order.
- (9) The reclamation license agency may require a person responsible for recovery to deposit an amount equivalent to expenses incurred in recovery in order to guarantee the fulfillment of the obligation of recovery referred to in paragraph (1): Provided, That the foregoing shall not apply where a person responsible for recovery is the State, a local government, or other persons prescribed by Presidential Decree.
- (10) Depositing an amount for guaranteeing the fulfillment of the obligation of recovery referred to in the main body of paragraph (9) and other matters necessary for the deposit, etc. shall be determined by Presidential Decree.

#### CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 55 (Investigation, etc. related to Management, Occupancy, or Use of Public Waters)

- (1) The management agency of public waters may require a person who obtains an occupancy or use permit to report on the status, etc. of management, occupancy, or use of public waters, or require any related public officials to enter the place of business of a person who occupies or uses public waters or any other necessary place and to investigate the relevant person, related documents, etc., if deemed necessary for the efficient management of public waters.
- (2) If deemed necessary for construction works to prevent disaster on public waters and erosion, etc. and for investigation or survey of public waters, the management agency of public waters may perform any of the following acts:
1. Entrance of any land or public waters (hereafter in this Article referred to as "land, etc.") occupied by other persons;
  2. Temporary use of the land, etc. as a material yard, temporary passage, or temporary road;
  3. Change or removal of trees, earth and rocks, or other obstacles on the land, etc. if particularly necessary.
- (3) Where the management agency of public waters intends to enter the place of business or lands, etc. of the persons occupying or using the public waters, for the investigation referred to in paragraph (1) and the investigation or survey referred to in paragraph (2), it shall notify in writing an occupant, user, or occupant of public waters (referring to owners, occupants or, managers of lands, etc. in cases of paragraph (2)) of the names of related public officials, the date of entry, the place of entry, the purpose of investigation or survey seven days prior to the investigation or survey.
- (4) No person who intends to enter land, etc., pursuant to paragraph (2), shall enter the curtilage or land, etc. enclosed by a wall or fence without the consent of the owner,

occupant, or manager of the land, etc. before sunrise and after sunset.

- (5) Where the management agency of public waters intends to enter land, etc., temporarily use the land, etc. as a material yard, temporary passage, or temporary road, or change or remove obstacles pursuant to paragraph (2), it shall obtain consent from the owner, occupant, or manager of obstacles: Provided, That the foregoing shall not apply where the owner, occupant, or manager is not known, or there exists any unavoidable cause.
- (6) Where public waters are occupied or used without obtaining an occupancy or use permit or occupied or used inconsistently with the details of obtained occupancy or use permit, or the occupancy or use permit is confirmed to have been terminated or revoked as shown in a result of an investigation, etc. pursuant to paragraphs (1) and (2), the management agency of public waters shall notify the related persons of such result, as prescribed by Presidential Decree.
- (7) Any person who intends to perform an act referred to in paragraphs (1) and (2) shall produce a certificate indicating his/her authority to persons interested, as prescribed by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

#### Article 56 (Report and Inspection, etc. related to Reclamation of Public Waters)

- (1) In cases of falling under any of the following subparagraphs, the reclamation license agency may require a reclamation licensee to submit or report necessary data, as prescribed by Presidential Decree, and require any related public officials to enter the office, business place, predetermined land to be reclaimed, reclaimed land of the reclamation licensee, or any other place and inspect books, documents or other things or ask questions of interested persons: <Amended by Act No. 14726, Mar. 21, 2017>
1. Where it is necessary to verify whether the details of the reclamation license are carried out;
  2. Where it is necessary to verify whether the implementation plan for reclamation is carried out;
  3. Where it is necessary to verify regarding the use of the reclaimed land pursuant to Article 44.
- (2) Where the reclamation license agency intends to enter the office, place of business, etc. of the reclamation licensee in order to ask questions or conduct an inspection pursuant to paragraph (1), it shall notify the reclamation licensee in writing of the name of related public officials, date of entry, place of entry, or purpose of inspection, seven days prior to the investigation.
- (3) Article 55 (7) shall apply mutatis mutandis to a certificate, etc. of a person who enters or inspects pursuant to paragraph (1).

#### Article 57 (Compensation for Losses due to Disposition for Public Interests)

- (1) Where any person suffers a loss due to an act or disposition related to occupancy, use, or reclamation of public waters or reclamation, a person pursuant to the following classifications shall compensate for such loss:
1. Where a person who has the right to occupancy or use of public waters suffers a loss due to the execution of a project referred to in subparagraph 2 of Article 12: A person who

- carries out the relevant project;
2. Where a person suffers a loss due to the disposition for public interests as referred to in Article 20: The management agency of public waters or the implementor of the relevant project referred to in subparagraph 4 of Article 20;
  3. Where a person suffers a loss due to a disposition under Article 52 (1) 8 and 9: The reclamation license agency or the operator of the relevant project referred to in Article 52 (1) 8 and 9;
  4. Where a person suffers a loss due to the inspection or survey, etc. referred to in Article 55 (2): The management agency of public waters.
- (2) The management agency of public waters, the reclamation license agency, or the project implementor shall hold consultations with any person who has suffered a loss about any compensation for losses referred to in paragraph (1).
- (3) Where an agreement under paragraph (2) is not reached or cannot be made, a ruling may be applied for to the competent land tribunal, as prescribed by Presidential Decree.
- (4) The Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor shall apply mutatis mutandis to the compensation for losses except as otherwise provided for in this Act.

#### Article 58 (Hearings)

Where the management agency of public waters intends to cancel an occupancy or use permit pursuant to Article 19 (1) or the reclamation license agency intends to dispose as referred to in Articles 52 through 54, it shall hold a hearing.

#### Article 59 (Construction and Operation of Information System for Management and Reclamation of Public Waters)

- (1) The Minister of Oceans and Fisheries may construct and operate the information system necessary for the management, reclamation, etc. (hereinafter referred to as "information system for management of public waters") of public waters in order to efficiently support the policy for management and reclamation of public waters and provide information necessary for dealing with civil petitions. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) Where a manager, an operator, and a user of the information system for management of public waters deals with civil petitions such as permission, license, approval, reports, investigation, issuance and notice provided for in this Act, using the information system for management of public waters as prescribed by Presidential Decree, such civil petitions shall be deemed to have been dealt with under this Act.
- (3) Necessary matters concerning the construction, operation, and use of the information system for management of public waters shall be determined by Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) The Minister of Oceans and Fisheries may request persons designated by Ordinance of the Ministry of Oceans and Fisheries, such as the heads of the related administrative agencies, to submit necessary data for the construction of the information system for management of public waters. In such cases, a person who receives such request for submission of data shall follow such request unless any special ground exists otherwise. <Amended by Act No. 11690, Mar. 23, 2013>

### Article 60 (Delegation of Authority)

- (1)The authority of the Minister of Oceans and Fisheries with respect to the management of public waters under this Act may be partially delegated to the Mayor/Do Governor, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, the head of a Si/Gun/Gu, or the head of a relevant agency, as prescribed by Presidential Decree. In such cases, the head of an agency affiliated with the Ministry of Oceans and Fisheries may partially re-delegate his/her entrusted authority to the head of an agency under its jurisdiction after approval by the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14726, Mar. 21, 2017>
- (2)The authority of the Minister of Oceans and Fisheries with respect to the reclamation of public waters under this Act may be partially delegated to the Mayor/Do Governor, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a relevant agency, as prescribed by Presidential Decree. In such cases, the Mayor/Do Governor may partially re-delegate his/her entrusted authority to the head of a Si/Gun/Gu after approval by the Minister of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14726, Mar. 21, 2017>

### Article 61 (Re-examination of Regulations)

- (1)Where a person has a right prejudiced or likely to be prejudiced due to an occupancy or use permit of public waters, or consultations or approval, the government shall examine whether subparagraph 1 of Article 12, which stipulates that the consent from such person should be obtained is appropriate until every fourth year from the enforcement date of this Act and determine whether to repeal, relax, or maintain such subparagraph.
- (2)Where a person has a right prejudiced or likely to be prejudiced due to reclamation of public waters, the government shall examine whether Article 30 (1) 1 providing that the consent from such person should be obtained is appropriate until every fourth year from the enforcement date of this Act and determine whether to repeal, relax, or maintain such subparagraph.
- (3)Where a person has a right prejudiced or likely to be prejudiced due to reclamation of public waters, the Government shall examine whether Article 38 (4), which stipulates that the application for approval of implementation plan for reclamation cannot be made unless the consent on the commencement of reclamation works is obtained from the person who has such right or compensation is made or facility is installed, is appropriate until every fourth year from the enforcement date of this Act and determine whether to repeal, relax, or maintain such paragraph. <Amended by Act No. 14726, Mar. 21, 2017>

## CHAPTER V PENALTY PROVISIONS

### Article 62 (Penalty Provisions)

Any person under any of the following cases shall be punished by imprisonment with labor for not more than three years or a fine of not exceeding 30 million won:

- 1.A person who performs a prohibited act, in violation of Article 5;
- 2.A person who occupies or uses public waters without an occupancy or use permit referred to in Article 8 (1);
- 3.A person who obtains an occupancy or use permit referred to in Article 8 (1) by false or

other illegal means;

4. A person who reclaims public waters or performs reclamation works without obtaining any reclamation license under Article 28;
5. A person who obtains a reclamation license by fraud or other illegal means under Article 28;
6. A person who uses public waters by changing the purpose of reclamation, in violation of the main body of Article 48 (1).

Article 63 (Penalty Provisions)

Any person under any of the following cases shall be punished by imprisonment with labor for not more than two years or a fine of not exceeding 20 million won:

1. A person who commences reclamation works without obtaining approval (including an approval of change) of implementation plan for reclamation referred to in Article 38;
2. A person who uses reclaimed land by establishing structures, installations or other artificial structures on reclaimed land without an use permit before an inspection on completion referred to in the proviso to Article 44 (1);
3. A person who uses reclaimed land without inspection on completion referred to in Article 45 or used reclaimed land not in compliance with following necessary measures such as supplemental works;
4. A person who uses reclaimed land or predetermined land to be reclaimed by changing the purpose of reclamation without obtaining approval of change of purpose of reclamation referred to in Article 49;
5. A person who fails to fulfill an order for reinstatement referred to in Article 54 (2).

Article 64 (Penalty Provisions)

Any person in any of the following cases shall be punished by imprisonment with labor for not more than one year or a fine not exceeding ten million won: <Amended by Act No. 12476, Mar. 18, 2014; Act No. 14726, Mar. 21, 2017>

1. A person who fails to fulfill an order issued by the management agency of public waters under Articles 6 (1), 19 (1) and 20;
  - 1- A person who occupied or used public waters without obtaining permission on changes
  2. pursuant to Article 8 (4);
2. A person who has other persons occupy or use permitted public waters, in violation of the main body of Article 8 (8);
3. A person who fails to fulfill an order for reinstatement referred to in Article 21 (2);
4. A person who fails to comply with an order issued by the reclamation license agency under Article 52 (1).

Article 65 (Joint Penalty Provisions)

When the representative of a corporation or an agent, employee, or other servant of a corporation or individual commits an offence under Articles 62 through 64 in connection with the business of such corporation or individual, not only shall such violator be punished, but the corporation or the individual shall also be punished by a fine under the relevant provisions: Provided, That this shall not apply where the corporation or the individual has

not neglected to pay due attention and supervision concerning the relevant business in order to prevent such violation.

#### Article 66 (Administrative Fines)

(1) Any person under any of the following cases shall be punished by an administrative fine of not exceeding five million won:

1. Any person who fails to report the change in an occupancy or use permit of public waters, in violation of Article 9 (excluding subparagraph 3 of the same Article);
  2. Any person who fails to report a transfer, etc. of rights and duties, in violation of Article 16 (2);
  3. Any person who fails to receive the inspection on completion, in violation of Article 18 (1);
  4. Any person who fails to report the completion of works, in violation of Article 18 (2);
  5. Any person who refuses or obstructs the installation of the sign or damages any installed sign, in violation of Article 19 (3);
  6. Any person who fails to report the transfer, etc. of rights and duties, in violation of Article 43 (2);
  7. Any person who uses reclaimed land or predetermined land to be reclaimed without obtaining the confirmation of the change of purpose of reclamation referred to in Article 48 (2);
  8. Any person who refuses or obstructs the installation of the sign or damages any installed sign, in violation of Article 52 (3);
  9. Any person who fails to report or make a false report, or refuses, obstructs, or avoids the entry or investigation referred to in Article 55 (1);
  10. Any person who refuses, obstructs, or avoids the entry, temporary use or change or removal of obstacles referred to in Article 55 (2);
  11. Any person who fails to submit or report data or submits or report a false data, or refuses, obstructs, or avoids the entry or investigation referred to in Article 56 (1).
- (2) Administrative fines referred to in paragraph (1) shall be imposed and collected by the management agency of public waters or the reclamation license agency, as prescribed by Presidential Decree.

#### ADDENDA

##### Article 1 (Enforcement Date)

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

##### Article 2 (Repeal of other Acts)

The following Acts shall be repealed:

1. Public Waters Management Act;
2. Public Waters Reclamation Act.

##### Article 3 (Applicability to Period of Occupancy or Use Permit of Public Waters)

Article 11 shall start applying to any application for occupancy or use permit or permission on change of public waters after this Act enters into force.

##### Article 4 (General Transitional Measures)

Any act by or toward the administrative agency under the previous Public Waters Management Act and the Public Waters Reclamation Act at the time or after this Act enters into force shall be deemed an act by or toward the corresponding administrative agency under this Act.

Article 5 (Transitional Measures concerning Basic Plan for Reclamation)

A basic plan for reclamation established or changed under Articles 4 and 8 of the previous Public Waters Reclamation Act shall be deemed a basic plan for reclamation established or changed under this Act.

Article 6 (Transitional Measures concerning Change of Reclamation License Agency)

The previous Public Waters Reclamation Act shall apply to the reclamation license agency for a person who obtains the reclamation license under the previous Public Waters Reclamation Act.

Article 7 (Transitional Measures concerning Application for Permission, etc.)

The previous Public Waters Management Act or the Public Waters Reclamation Act shall apply to applications for permission, consultation, or approval in any of the following cases as at the time this Act enters into force:

1. Occupancy or use permit of public waters (including permission of change) referred to in Article 5 of the previous Public Waters Management Act;
2. Consultation or approval of occupancy or use of public waters (including consultation or approval of change) referred to in Article 6 of the previous Public Waters Management Act;
3. Approval of implementation plan for occupancy or use referred to in Article 8 of the previous Public Waters Management Act;
4. Application for use permit before inspection on completion of reclaimed land referred to in Article 24 of the previous Public Waters Reclamation Act.

Article 8 (Transitional Measures concerning Disposition, etc.)

(1) Any person who obtains a permit, etc. or report in the left section of the following table under the previous Public Waters Management Act at the time or after this Act enters into force shall be deemed to obtain a permit, etc. or report in the right section of the following table:

Permission, etc. under the previous Public Waters Management Act

1. Occupancy or use permit under Article 5 of the previous Public Waters Management Act
2. Report on change in the matters for occupancy or use permit under Article 5-2 of the previous Public Waters Management Act
3. Consultation or approval of occupancy or use under Article 6 of the previous Public Waters Management Act
4. Approval of implementation plan under Article 8 of the previous Public Waters Management Act

Permission, etc. under this Act

1. Occupancy or use permit of public waters under Article 8
2. Report on change in the matters for occupancy or use permit under Article 9
3. Consultation or approval of occupancy or use of public waters under Article 10
4. Approval of implementation plan for occupancy or use under Article

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5. Inspection on completion under Article 8-2 of the previous Public Waters Management Act

5. Inspection on completion under Article 18

6. Report on transfer of rights and duties under Article 11 (2) of the previous Public Waters Management Act

6. Report on transfer of rights and duties under Article 16 (2)

(2) Any person who obtains a permit, etc. or report in the left section of the following table under the previous Public Waters Reclamation Act at the time or after this Act enters into force shall be deemed to have obtained a permit, etc. or report in the right section of the following table:

Permission, etc. under the previous Public Waters Reclamation Act

Permission, etc. under this Act

1. License under Article 9 of the previous Public Waters Reclamation Act

1. Reclamation license under Article 28

2. Consultation or approval under Article 38 (1) of the previous Public Waters Reclamation Act

2. Consultation or approval under Article 35 (1)

3. Consultation or approval under Article 38-2 of the previous Public Waters Reclamation Act

3. Consultation or approval under Article 36

4. Approval of implementation plans under Article 15 of the previous Public Waters Reclamation Act

4. Approval of implementation plan of public waters under Article 38

5. Report on transfer, etc. of rights and duties under Article 23 (1) and (2) of the previous Public Waters Reclamation Act

5. Report on transfer, etc. of rights and duties of reclamation of public waters under Article 43 (2)

6. Use permit before inspection on completion of reclaimed land under the proviso to Article 24 (1) of the previous Public Waters Reclamation Act

6. Use permit before inspection on completion of reclaimed land under the proviso to Article 44 (1)

Article 9 (Transitional Measures concerning Exemption of Occupancy or Use Fees of Public Waters)

With respect to the exemption of occupancy or use fees imposed or to be imposed at the time of the entry into force of this Act on an operator of private investment project, on a person who forms or operates a marina facility or marina facility complex within the marina zones and on a person who installs or operates new energy and renewable energy facility, the previous Public Waters Management Act shall apply to part of the fees falling under the period before this Act enters into force and Article 13 (1) 5, 11 and 12 shall apply to part of the fees after this Act enters into force, respectively.

Article 10 (Transitional Measures concerning Restriction, etc. of Change of Purpose of Reclamation)

(1) Where a person who has obtained a reclamation license (including a person who has acquired ownership of reclaimed land and his/her successor; hereafter the same shall apply in this Article) under the provisions of the previous Act (referring to the Public Waters Reclamation Act before the same Act enters into force; hereafter the same shall apply in this Article) at the time the amended Public Waters Reclamation Act under Act

No. 5911 enters into force (hereafter referred to as the "same Act" in this Article) intends to change the purpose of reclamation, Article 21-2 of the previous Act, not the amended provisions of Article 28 through 30 of the same Act shall apply, and Article 32 of the previous Act shall apply to a person who violates Article 21-2 of the previous Act as penalty provision.

(2) Where a person who has obtained a reclamation license under the previous Act at the time the same Act enters into force intends to apply for registration for maintenance of ownership of reclaimed land acquired by reclamation, the amended provisions of Article 26 (2) of the same Act shall not apply.

(3) Where a person who has obtained a reclamation license under the previous Act at the time the same Act enters into force violates the restriction on change to the purpose of reclamation referred to in Article 21-2 of the previous Act after approval of completion or violates additional clauses at the time of granting the license or taking other disposition, it is possible to take necessary disposition or order to correct any violation by applying Article 28 of the previous Act and Article 33 of the previous Act shall apply as penalty provisions of a person who violates the disposition or order referred to in Article 28 of the previous Act.

Article 11 (Special Cases concerning Reclamation Licensee, etc.)

Article 38 of the previous Act shall apply to the reclamation conducted by a government-invested institution referred to in Article 9 (6) of the previous Act (referring to the Public Waters Reclamation Act before the same Act enters into force; hereafter the same shall apply in this Article) at the time the partially amended Public Waters Reclamation Act under Act No. 8820 enters into force (hereafter referred to as the "same Act" in this Article), which has been reflected in the basic plan for reclamation under the previous Act or has obtained reclamation license (including cases where it has been reflected in the basic plan for reclamation or has been considered as if it had obtained the reclamation license): Provided, That Article 48 of this Act which is applied mutatis mutandis by Article 35 (5) of this Act shall apply to the change of the purpose of reclamation.

Article 12 (Transitional Measures on Penalty Provisions, etc.)

The application of penalty provisions and administrative fines to acts committed before this Act enters into force shall be governed by the previous Public Waters Management Act, and the Public Waters Reclamation Act.

Article 13 Omitted.

Article 14 (Relationship with other Acts and Subordinate Statutes)

Where other Acts and subordinate statutes cite the previous provisions of the Public Waters Management Act, the Public Waters Reclamation Act, or the relevant provisions at the time this Act enters into force, and this Act includes the provisions corresponding to them, it shall be deemed to cite the corresponding provisions of this Act in lieu of the previous provisions.

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

Article 1 (Enforcement Date)

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

Articles 2 through 13 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 10801, Jun. 15, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 11020, Aug. 4, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

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

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 25 Omitted.

ADDENDA <Act No. 12476, Mar. 18, 2014>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Penalty Provisions)

The amended provisions of subparagraph 4 of Article 64 shall begin to apply to a person who is given an order to take measures from the reclamation license agency after this Act enters into force.

ADDENDA <Act No. 12738, Jun. 3, 2014>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 13385, Jun. 22, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 13426, Jul. 24, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 39 Omitted.

ADDENDA <Act No. 14480, Dec. 27, 2016>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 14503, Dec. 27, 2016>

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

ADDENDA <Act No. 14605, Mar. 21, 2017>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDA <Act No. 14726, Mar. 21, 2017>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 3 (1), 4 (2), 6 (1), 8 (1) 1, subparagraphs 1 and 3 of Article 11, paragraph (1) 12 and paragraphs (2) through (5) of Article 13, Article 22 (3) and (4), Article 26 (1) and (2), Article 28 (1), (3), and (4), Article 49 (3), Article 60 and the amended provisions of Article 6 of the Addenda of the Public Waters Management and Reclamation Act (Act No. 10272) shall enter into force on the date of the promulgation.

Article 2 (Applicability to Collection of Occupancy or Use Fees)

The amended provisions of the main sentence of Article 13 (1) shall begin to apply from a case where an implementation plan is approved after this Act enters into force or where an implementation plan is deemed to have been approved pursuant to other Acts.

Article 3 (Applicability to Collection of Additional Charge for Occupancy or Use Fees)

The amended provisions of Article 13 (7) shall begin to apply from occupancy or use fees payment of which is notified after this Act enters into force.

Article 4 (Applicability to Package Deal Consultation Meeting for Legal Fiction as Authorization, Permission, etc.)

The amended provisions of Article 39-2 shall begin to apply from a case where a reclamation licensee applies for approval of the implementation plan after this Act enters into force.

Article 5 (Applicability to Division of Zones in Predetermined Land to be Reclaimed and Separate Completion of Construction for Each Zone, etc.)

The amended provisions of the latter part of Article 45 (1) and Article 53 (2) shall also apply to cases where an implementation plan was approved before this Act enters into force.

Article 6 (Transitional Measures concerning Revocation of Occupancy or Use Permit)

Notwithstanding the amended provisions of the proviso to the main sentence of Article 19 (1) and the proviso to the main sentence of Article 52 (1), former provisions shall apply to a

person who has obtained an occupancy or use permit or reclamation license by fraud or other improper means.

Article 7 (Transitional Measures concerning Orders to Take Necessary Measures such as Alteration of Buildings or Installations)

Notwithstanding the amended provisions of the main sentence of Article 52 (1), former provisions shall apply where a reclamation license agency ordered an owner or occupant of any building, installation, etc. established on public waters or a person who is entrusted with the relevant work to reconstruct, remove, repair, recover any building or installation, or prohibited or restricted the use thereof, or ordered to take other necessary measures, specifying a certain period.

ADDENDA <Act No. 15009, Oct. 31, 2017>

Article 1 (Enforcement Date)

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

Articles 2 through 15 Omitted.

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