

ACT ON ACQUISITION OF AND COMPENSATION FOR LAND, ETC. FOR PUBLIC WORKS PROJECTS

Act No. 6656, Feb. 4, 2002
Amended by Act No. 6916, May 29, 2003
Act No. 7304, Dec. 31, 2004
Act No. 7335, Jan. 14, 2005
Act No. 7475, Mar. 31, 2005
Act No. 7758, Dec. 23, 2005
Act No. 7773, Dec. 29, 2005
Act No. 7796, Dec. 29, 2005
Act No. 7835, Dec. 30, 2005
Act No. 8665, Oct. 17, 2007
Act No. 8852, Feb. 29, 2008
Act No. 9053, Mar. 28, 2008
Act No. 9595, Apr. 1, 2009
Act No. 10239, Apr. 5, 2010
Act No. 10303, May 17, 2010
Act No. 11017, Aug. 4, 2011
Act No. 11468, Jun. 1, 2012
Act No. 11690, Mar. 23, 2013
Act No. 12471, Mar. 18, 2014
Act No. 12972, Jan. 6, 2015
Act No. 12989, Jan. 6, 2015
Act No. 13677, Dec. 29, 2015
Act No. 13782, Jan. 19, 2016
Act No. 13796, Jan. 19, 2016

Article 1 (Purpose)

The purpose of this Act is to ensure the promotion of public welfare and the appropriate protection of property rights through the efficient implementation of public works, by prescribing matters for indemnification for any loss incurred in the acquisition or use of land, etc. required for the public works through consultations or expropriation.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "land, etc." means any land, goods and right falling under any subparagraph of Article 3;
2. The term "public work" means any project falling under any subparagraph of Article 4;
3. The term "project operator" means any person who implements public works;
4. The term "landowner" means any owner of land required for public works;
5. The term "person concerned" means any person holding superficies, servitude, leasehold rights on a deposit basis, mortgages, rights by a loan for use or lease or rights other than the ownership of land, or any person holding the ownership of or other rights to goods located on the said land, with respect to the land to be acquired or used by a project operator: Provided, That no person who has acquired any right after project approval is publicly notified under Article 22 shall be included in persons concerned, except for any person who has succeeded to the existing rights;
6. The term "point of time for pricing" means a point of time that serves as the standard for computing an indemnity under Article 67 (1);
7. The term "project approval" means a determination of any public works as a project to expropriate or use land, etc.

Article 3 (Those Subject to Application)

This Act shall apply where any project operator acquires or uses any of the following land, goods and rights:

1. Land and rights other than the ownership thereof;
2. Standing trees, buildings and other fixtures on land, and rights other than the ownership thereof, which are all required for public works, together with such land;
3. Mining rights, fishing rights, or rights to use water;
4. Rights over soil, stones, sand, or gravel belonging to land.

Article 4 (Public Works)

Any project for which land, etc. can be acquired or used under this Act shall be as follows: *<Amended by Act No. 12471, Mar. 18, 2014; Act No. 13677, Dec. 29, 2015>*

1. Projects for national defense and military affairs;
2. Projects for public interests by obtaining permission, authorization, approval, designation, etc. under related Acts, in relation to railroads, roads, airports, harbors, parking lots, public garages, cargo terminals, rail tracks, rivers, dikes, dams, canals, water supply and waterworks systems, sewerage systems, terminal sewage treatment, wastewater treatment, erosion control, windbreak, fire prevention, tide embankments, water embankments, reservoirs, irrigation and drainage canals, petroleum reservation, oil supply, wastes treatment, electricity, telecommunications, broadcasting, gas and meteorological observations;
3. Projects in relation to office buildings, plants, research institutes, laboratories, health facilities, cultural facilities, parks, arboretums, squares, athletic fields, markets, graveyards, crematories, slaughter

houses, or other public facilities to be established by the State or local governments;

4. Projects for public interests by obtaining permission, authorization, approval, designation, etc. under related Acts, in relation to the establishment of schools, libraries, museums and art galleries;

5. Projects for the construction of houses, or creation of housing lots and industrial complexes for the purposes of lease or transfer, which are to be implemented by the State or local governments, public institutions under Article 4 of the Act on the Management of Public Institutions, local public enterprises under the Local Public Enterprises Act, or persons designated by the State or local governments;

6. Projects in relation to pathways, bridges, cable lines, material storages or other accessory facilities necessary for implementing the projects under subparagraphs 1 through 5;

7. Projects for the development of relocation complexes, such as houses, factories, necessary for implementing the projects under subparagraphs 1 through 5;

8. Other projects for which land, etc. can be expropriated or used under the Acts prescribed in the attached Table.

Article 4-2 (Limitation on Special Cases for Expropriation and Use of Land)

(1) No project allowed to expropriate or use land, etc. under this Act shall be decided unless a project is in compliance with Article 4 or the Acts prescribed in the attached Table.

(2) The attached Table shall not be amended by any other Act other than this Act.

Article 5 (Succession to Rights, Duties, etc.)

(1) Any project operator's rights and duties under this Act shall be transferred to any person who has succeeded to the relevant project.

(2) Any procedures taken and other acts done under this Act shall take effect on any successor to a project operator, landowner or person concerned.

Article 6 (Methods, etc. of Calculating Terms)

Methods of calculating any term in this Act shall be governed by the Civil Act, and matters necessary for giving notice and serving documents shall be prescribed by Presidential Decree.

Article 7 (Agents)

Any project operator, landowner or person concerned may designate a lawyer or any other person as his/her agent when doing such acts as filing an application for project approval or application for adjudication, submitting written opinions.

Article 8 (Application for Issuance of Documents)

(1) Any project operator may request the State or a local government to issue documents necessary for implementing relevant public works, as prescribed by Presidential Decree, and the State or a local government shall issue such documents.

(2) The State or a local government shall not impose a fee on the documents issued under paragraph (1).

Article 9 (Permission, etc. for Access to Prepare Public Works)

(1) A project operator may conduct a survey or an investigation to prepare public works by accessing the land occupied by any other person.

(2) When a project operator (excluding cases where a Special Self-Governing Province or a Si/Gun/autonomous Gu is a project operator) intends to conduct a survey or an investigation pursuant to paragraph (1), he/she shall obtain permission from a Special Self-Governing Province Governor or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) after determining the type of a project, the area of land to which he/she intends to have access, and the period thereof: Provided, that when the project operator is the State, the head of a related central administrative agency to implement such project shall notify a Special Self-Governing Province Governor or the head of a Si/Gun/Gu thereof, and when the project operator is a Special Metropolitan City, a Metropolitan City or a Do, the relevant Special Metropolitan City Mayor, Metropolitan City Mayor or Do Governor shall notify the head of a Si/Gun/Gu thereof.

(3) Where a Special Self-Governing Province Governor or the head of a Si/Gun/Gu falls under any of the following subparagraphs, he/she shall publicly announce the project operator, the type of a project, the area of land for which he/she grants access, and the period thereof, and notify the land occupant thereof:

1. Where he/she has granted permission pursuant to the main sentence of paragraph (2);
2. Where he/she has been notified pursuant to the proviso to paragraph (2);
3. Where a Special Self-Governing Province or a Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) is the project operator and intends to conduct a survey or an investigation by accessing the land occupied by any other person pursuant to paragraph (1).

(4) A project operator shall provide indemnification for any loss incurred in a survey and an investigation conducted under paragraph (1) by accessing the land occupied by any other person.

(5) No claim shall be filed for losses under paragraph (4) after one year from the day the relevant person becomes aware of such losses, or after three years from the day such losses are incurred.

(6) Indemnification for losses under paragraph (4) shall be determined through consultation between a project operator and a person who has suffered such losses.

(7) Where no consultation under paragraph (6) is held, a project operator or a person who has suffered losses may apply for adjudication to the competent Land Tribunal under Article 51 (hereinafter referred to as "competent Land Tribunal"), as prescribed by Presidential Decree.

Article 10 (Notice of Access to Land)

(1) Any person who intends to access the land occupied by any other person pursuant to Article 9 (2) shall notify a Special Self-Governing Province Governor or the head of a Si/Gun/Gu of such date and place by no later than five days prior to the scheduled date of such access.

(2) Where a Special Self-Governing Province or the head of a Si/Gun/Gu has received a notice under paragraph (1) or where a Special Self-Governing Province Governor or the head of a Si/Gun/Gu intends to access the land occupied by any other person when a Special Self-Governing Province or a Si/Gun/Gu is a project operator, he/she shall make a public announcement thereof without delay, and notify the land occupant thereof.

(3) No one shall access the residence or land surrounded by boundary marks, fences, etc. of the land occupant before sunrise or after sunset, without the consent from such land occupant.

Article 11 (Land Occupants' Obligation to Acknowledge)

When a project operator accesses the land occupied by any other person to conduct a survey or an investigation after notifying the relevant land occupant thereof pursuant Article 10, no land occupant shall interfere with such acts without any justifiable ground.

Article 12 (Removal, etc. of Obstacles)

(1) Where a project operator needs to remove obstacles or excavate land (hereinafter referred to as "removal, etc. of obstacles") for any unavoidable cause when conducting a survey or an investigation by accessing the land occupied by any other person pursuant to Article 9, he/she shall obtain the consent from the owners or occupants of such land: Provided, That when he/she fails to obtain the consent from such owners or occupants, he/she may remove obstacles with permission from a Special Self-Governing Province Governor or the head of a Si/Gun/Gu (excluding cases where the project operator is a Special Self-Governing Province or a Si/Gun/Gu), and a Special Self-Governing Province Governor or the head of a Si/Gun/Gu may remove obstacles without permission if the Special Self-Governing Province or a Si/Gun/Gu is the project operator.

(2) When a Special Self-Governing Province Governor or the head of a Si/Gun/Gu intends to grant permission or remove obstacles pursuant to the proviso to paragraph (1), he/she shall hear in advance the opinions of the relevant owners and occupants.

(3) Any person who intends to conduct the removal, etc. of obstacles under paragraph (1) shall notify the owner and occupant of such obstacles thereof by no later than three days prior to the scheduled day of such removal.

(4) Each project operator shall provide indemnification for any loss incurred in the removal, etc. of obstacles under paragraph (1).

(5) The provisions of Article 9 (5) through (7) shall apply mutatis mutandis to indemnification for any loss under paragraph (4).

Article 13 (Carrying Identification Cards, etc.)

(1) Any person who intends to access the land occupied by any other person with permission from a Special Self-Governing Province Governor or the head of a Si/Gun/Gu pursuant to the main sentence of Article 9 (2) and a person who intends to remove obstacles pursuant to Article 12 (excluding cases where a Special Self-Governing Province or a Si/Gun/Gu is the project operator) shall carry an identification card and a permit issued by a Special Self-Governing Province Governor or the head of the Si/Gun/Gu.

(2) Any person who intends to access the land occupied by any other person after notifying a Special Self-Governing Province Governor or the head of a Si/Gun/Gu thereof pursuant to the proviso to Article 9 (2) and a person who intends to access the land occupied by any other person pursuant to Article 9 (3) 3 and to remove obstacles pursuant to the proviso to Article 12 (1) in cases where a project operator is the Special Self-Governing Province or a Si/Gun/Gu, shall carry his/her identification card.

(3) Identification cards and permits referred to in paragraphs (1) and (2) shall be produced to the owners and occupants of land or obstacles and other interested parties.

(4) Matters necessary the forms of identification cards and permits referred to in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

Article 14 (Preparation of Land and Goods Protocols)

(1) When any project operator needs to acquire or use land, etc. through consultation before project approval is granted under Article 20 to implement the public works, he/she shall prepare a land and goods protocol and affix his/her signature or seal thereon, and have landowners and persons concerned affix their signatures or seals thereon: Provided, That the same shall not apply to any of the following cases. In such cases, the relevant project operator shall enter the grounds in the relevant land and goods protocol:

1. Where landowners and persons concerned refuse to affix their signatures or seals without any justifiable grounds;
2. Where it is impossible to have landowners and persons concerned affix their signatures or seals, because the landowners and persons concerned are unidentifiable or their addresses or residences are unknown.

(2) Matters necessary for the items to be entered in land and goods protocols and the preparation thereof, such as the location of land and goods, landowners and persons concerned and other matters, shall be prescribed by Presidential Decree.

Article 15 (Perusal, etc. of Indemnification Plans)

(1) When a project operator has prepared the land and goods protocols pursuant to Article 14, he/she shall publicly announce an indemnification plan containing the outline of public works, details of the land and goods protocols, the time, method and procedures for indemnification, etc. in the nationally circulated daily newspapers, and notify landowners and persons concerned thereof respectively and also notify a Special Self-Governing Province Governor and the head of a Si/Gun/Gu, except for a project operator requesting perusal pursuant to the proviso to paragraph (2): Provided, That if landowners and persons concerned do not exceed 20, such public announcement may be omitted.

(2) When a project operator has made a public announcement or notification under paragraph (1), he/she shall make the details thereof available for public perusal for at least 14 days: Provided, That where a project area extends over two or more Sis/Guns/Gus or the project operator is not an administrative agency, he/she shall also forward the copies thereof to the relevant Special Self-Governing Province Governor and the heads of relevant Sis/Guns/Gus and request them to make such copies available for public perusal.

(3) Any landowner or person concerned who is dissatisfied with any details of the land and goods protocols publicly announced or notified under paragraph (1) may raise an objection in writing to the project operator within a perusal period under paragraph (2).

(4) A project operator shall make an additional note of an objection raised under paragraph (3) in the relevant land and goods protocols, and take appropriate measures when he/she deems such objection well-founded.

Article 16 (Consultation)

A project operator shall faithfully consult with landowners and persons concerned about indemnification for land, etc., and matters necessary for holding consultation, such as procedures and methods therefor, shall be prescribed by Presidential Decree.

Article 17 (Conclusion of Contracts)

A project operator shall enter into contracts with landowners and persons concerned, when consultation under Article 16 has yielded any agreement.

Article 18 Deleted. <by Act No. 8665, Oct. 17, 2007>

Article 19 (Expropriation or Use of Land, etc.)

(1) Any project operator may expropriate or use land, etc., as prescribed by this Act, if necessary for implementing the public works.

(2) No land, etc. expropriated or being used for the public works shall be expropriated or used for other public works, unless it is specially required.

Article 20 (Project Approval)

(1) When any project operator intends to expropriate or use land, etc. pursuant to Article 19, he/she shall obtain project approval from the Minister of Land, Infrastructure and Transport, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Any person who intends to file an application for project approval under paragraph (1) shall pay a fee prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

Article 21 (Hearing of Opinions, etc.)

(1) When the Minister of Land, Infrastructure and Transport intends to grant project approval, he/she shall consult the heads of related central administrative agencies and the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor and a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor"), and hear in advance the opinions from the Central Land Tribunal established under Article 49 and persons interested in such project approval, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13677, Dec. 29, 2015>

(2) Where a person who grants permission, authorization, or approval for public works deemed appropriate for project approval under the Acts prescribed in the attached Table intends to designate an area or approve a project plan appropriate for project approval, the person shall hear opinions from the Central Land Tribunal under Article 49 or a person related to such project approval. <Newly Inserted by Act No. 13677, Dec. 29, 2015>

(3) The Central Land Tribunal under Article 49 shall submit its opinions within 30 days from the date it receives a request for submission of opinions as prescribed in paragraph (1) or (2). In such case, where no

opinion is submitted within the aforesaid period, it is deemed the Tribunal has no opinion. <Newly Inserted by Act No. 13677, Dec. 29, 2015>

Article 22 (Public Announcement of Project Approval)

(1) When the Minister of Land, Infrastructure and Transport has granted project approval under Article 20, he/she shall notify, without delay, the project operator, landowners, persons concerned and the related Mayor/Do Governor of the purport thereof, and publicly announce the name or title of the project operator, types of the project, project areas, and the particulars of the land to be expropriated or used on the Official Gazette. <Amended by Act No. 11690, Mar. 23, 2013>

(2) A Mayor/Do Governor (excluding a Special Self-Governing Province Governor) notified of project approval pursuant to paragraph (1) shall notify the head of the related Si/Gun/Gu thereof.

(3) Project approval shall take effect from the day of public announcement made under paragraph (1).

Article 23 (Invalidation of Project Approval)

(1) Where any project operator fails to file an application for adjudication under Article 28 (1) within one year from the date a public announcement of project approval under Article 22 (1) is made (hereinafter referred to as "public announcement of project approval"), such project approval becomes void on the date following that on which one year lapses from the date such project approval is publicly announced.

(2) A project operator shall indemnify the landowners or persons concerned for any losses incurred in invalidation of project approval under paragraph (1).

(3) The provisions of Article 9 (5) through (7) shall apply mutatis mutandis to indemnification for any losses under paragraph (2).

Article 24 (Discontinuation and Alteration of Projects)

(1) When it becomes unnecessary to fully or partially expropriate or use land, etc. since all or part of a project has been discontinued or altered after the project approval was publicly announced, the relevant project operator shall file a report thereon, without delay, with the Mayor/Do Governor having jurisdiction over the project area, and notify landowners and persons concerned thereof.

(2) A Mayor/Do Governor in receipt of a report under paragraph (1) shall publicly announce the details of any discontinuation or alteration of all or part of the project on the Official Gazette.

(3) Even if no report is filed under paragraph (1), when a Mayor/Do Governor becomes aware that it becomes unnecessary to expropriate or use the land since the project operator discontinues or alters all or part of the project, he/she shall hear in advance the opinions from the project operator and make a public announcement under paragraph (2).

(4) When a Mayor/Do Governor has made a public announcement under paragraphs (2) and (3), he/she shall file a report thereon with the Minister of Land, Infrastructure and Transport, without delay. <Amended by Act No. 11690, Mar. 23, 2013>

(5) From the date a public announcement is made under paragraphs (2) and (3), all or part of project approval shall become invalid pursuant to the details of such public announcement.

(6) A project operator shall indemnify the landowners or persons concerned for any losses incurred in the discontinuation or alteration of all or part of a project under paragraph (1).

(7) The provisions of Article 9 (5) through (7) shall apply mutatis mutandis to indemnification for any losses under paragraph (6).

Article 25 (Conservation of Land, etc.)

(1) Subsequent to a public announcement of project approval, no one shall alter the form and quality of the land for which public announcement has been made, which is likely to hamper the project, or damage or remove goods provided for in subparagraph 2 or 4 of Article 3.

(2) Subsequent to a public announcement of project approval, any person who intends to construct or substantially repair buildings, install structures, add or increase goods on the land for which public announcement has been made shall obtain permission from a Special Self-Governing Province Governor or the head of a Si/Gun/Gu. In such cases, a Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall in advance hear the opinions from the project operator.

(3) Any landowner or person concerned who has constructed or substantially repaired buildings, installed structures, added or increased goods in contravention of paragraph (2) shall reinstate the relevant buildings, structures, or goods, and shall not file a claim for indemnification for any loss incurred therein.

Article 26 (Application Mutatis Mutandis of Procedures, such as Consultation)

(1) Any project operator who has obtained project approval under Article 20 shall complete such procedures as the preparation of land and goods protocols, the public announcement, notification and perusal of an indemnification plan, the computation of an indemnity, and consultation with landowners and persons concerned. In such cases, the provisions of Articles 14 through 16 and 68 shall apply mutatis mutandis.

(2) When the details of the land and goods protocols remain unchanged for the project approved under Article 20, since no agreement has been yielded even though it had completed the procedures under Articles 14 through 16 and 68 prior to project approval, the procedures under Articles 14 through 16 may be omitted, notwithstanding paragraph (1): Provided, That when the project operator, landowner or person concerned requests consultation under Article 16, such consultation shall be held.

Article 27 (Rights, etc. to Investigate Land and Goods)

(1) Subsequent to a public announcement of project approval, a project operator or an appraisal business entity requested to make an appraisal pursuant to Article 68 (referring to an appraisal business entity under the Act on Appraisal and Certified Appraisers; hereinafter referred to as "appraisal business entity") may access the relevant land or goods to conduct a survey or an investigation, notwithstanding Article 9, in any of the following cases. In such cases, Articles 10, 11 and 13 shall apply mutatis mutandis: *<Amended by Act No. 13782, Jan. 19, 2016>*

1. Where it is required for a project operator to prepare a project or to prepare a land and goods protocol;

2. Where it is required for an appraisal business entity to appraise the land, etc. of which he/she is requested to make an appraisal.

(2) Subsequent to a public announcement of project approval, except for cases where any landowner or person concerned raises an objection against the details of land and goods protocols within the perusal period pursuant to Article 15 (3) applied mutatis mutandis in Article 26 (1), no objection shall be raised against the details of land and goods protocols prepared pursuant to Article 14 applied mutatis mutandis in Article 26 (1): Provided, That the same shall not apply where it is attested that any of the details of land and goods protocols is not true.

(3) A project operator shall provide indemnification for losses (including losses incurred in a survey or an investigation conducted by an appraisal business entity for an appraisal under paragraph (1) 2) incurred in conducting a survey or investigation pursuant to paragraph (1) after accessing the land occupied by any other person.

(4) The provisions of Article 9 (5) through (7) shall apply mutatis mutandis to indemnification for any losses under paragraph (3).

Article 28 (Application for Adjudication)

(1) When consultation held under Article 26 yields no agreement, or cannot be held (including cases where no request is made for consultation under the proviso to Article 26 (2)), a project operator may file an application for adjudication with the competent Land Tribunal, as prescribed by Presidential Decree, within one year from the date project approval is publicly announced.

(2) Any person who files an application for adjudication pursuant to paragraph (1) shall pay a fee, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 29 (Verification of Agreements Yielded)

(1) When an agreement is yielded between a project operator, landowners and persons concerned after completion of the procedures under Article 26, the project operator may, as prescribed by Presidential Decree, file an application for verification of the yielded agreement with the competent Land Tribunal within the period of application for adjudication under Article 28 (1), by obtaining the consent from the relevant landowners and persons concerned.

(2) The provisions of Articles 28 (2), 31, 32, 34, 35, 52 (7), 53 (4), 57 and 58 shall apply mutatis mutandis to verification of an agreement yielded under paragraph (1).

(3) With respect to matters prescribed by Presidential Decree, such as the location, parcel number, category and area of the land on which an agreement has been yielded, when any project operator has had such matters notarized under the Notary Public Act and filed an application for verification of an agreement yielded under paragraph (1), such agreement shall be deemed verified upon being accepted by the competent Land Tribunal.

(4) The verification under paragraphs (1) and (3) shall be deemed adjudication under this Act and no project operator, landowner and person concerned shall contest the yielding and details of the agreement

verified.

Article 30 (Request for Filing Applications for Adjudication)

(1) When consultation yields no agreement subsequent to a public announcement of project approval, any landowner and person concerned may request in writing any project operator to file an application for adjudication, as prescribed by Presidential Decree.

(2) Any project operator in receipt of a request under paragraph (1) shall, as prescribed by Presidential Decree, file an application for adjudication with the competent Land Tribunal within 60 days from the date he/she has received the request. In such cases, the provisions of Article 28 (2) shall apply mutatis mutandis to fees.

(3) When any project operator has filed an application for adjudication after the expiration of the period under paragraph (2), the amount computed by applying the statutory interest rate under Article 3 of the Act on Special Cases concerning Expedition, etc. of Legal Proceedings to the delayed period shall be paid in addition to an indemnity adjudicated by the competent Land Tribunal.

Article 31 (Perusal)

(1) The Central Land Tribunal or a local Land Tribunal under Article 49 (hereinafter referred to as "Land Tribunal") in receipt of an application for adjudication under Article 28 (1) shall make a public announcement thereof without delay, as prescribed by Presidential Decree, and make the copies of related documents available for public perusal for at least 14 days from the date of such public announcement.

(2) When the Land Tribunal has made a public announcement under paragraph (1), any landowner or person concerned may present his/her opinions during the perusal period of the relevant documents.

Article 32 (Examination)

(1) Where the perusal period under Article 31 (1) has expired, the Land Tribunal shall investigate and examine the relevant application without delay.

(2) Where deemed necessary to conduct an examination, the Land Tribunal may require the project operator, landowners and persons concerned appear before it, and have them state their opinions.

(3) Where the Land Tribunal requires the project operator, landowners and persons concerned appear before it under paragraph (2), it shall notify them of the date and place of such examination.

Article 33 (Advice on Conciliation)

(1) The Land Tribunal may have a subcommittee comprised of three members advise the project operator, landowners and persons concerned to seek conciliation, prior to rendering adjudication. In such cases, the subcommittee shall be comprised of such members as may be designated by the chairperson or selected from among its members, and other matters necessary for the composition of the subcommittee shall be prescribed by Presidential Decree.

(2) Where the conciliation under paragraph (1) has been achieved, the relevant Land Tribunal shall prepare a protocol of conciliation, and have the members, project operator, landowners and persons concerned participating in such conciliation to affix their signatures or seals thereon.

(3) Where the signatures or seals have been affixed on the protocol of conciliation under paragraph (2), it shall be deemed that an agreement, the details of which are identical with the protocol of conciliation, has been reached by and among the parties concerned.

Article 34 (Adjudication)

(1) Any adjudication of the Land Tribunal shall be made in writing.

(2) Any written adjudication under paragraph (1) shall contain the text of a judicial decision, the reasons therefor and the date of adjudication, and the chairperson and members present at the meeting shall affix their names and seals thereon, after which the authentic copy shall be served on the project operator, landowners and persons concerned.

Article 35 (Adjudication Period)

The Land Tribunal shall render its adjudication within 14 days from the date the examination under Article 32 has been commenced: Provided, That such period may be extended only once up to 14 days if extenuating circumstances exist.

Article 36 (Rectification of Adjudication)

(1) When it is evident that any error exists in calculations or entries, or any other error similar thereto exists in the adjudication, the Land Tribunal may, either ex officio or upon a request from the parties concerned, render a ruling of rectification.

(2) Any ruling of rectification shall be added to the original copy and authentic copy of the principal adjudication: Provided, That when it is impossible to add it to the authentic copy, the Land Tribunal shall prepare the authentic copy of the ruling of rectification, and serve it on the parties concerned.

Article 37 (Omission of Adjudication)

Where the Land Tribunal has omitted its adjudication on a part of any application, the application for such omitted part shall remain pending in the relevant Land Tribunal.

Article 38 (Use of Land at Time of Natural Disasters)

(1) When it is necessary to urgently implement the public works to maintain public safety due to natural disasters or any other incident, any project operator may immediately use any other person's land with permission from a Special Self-Governing Province Governor or the head of a Si/Gun/Gu, as prescribed by Presidential Decree: Provided, That when a project operator is the State, the head of the relevant central administrative agency may use it after notifying a Special Self-Governing Province Governor or the head of a Si/Gun/Gu thereof, and when a project operator is the Special Metropolitan City, or a Metropolitan City or Do, the Special Metropolitan City Mayor, Metropolitan City Mayor or Do Governor may use it after notifying the head of the relevant Si/Gun/Gu thereof respectively, and when a project operator is the Special Self-Governing Province or Si/Gun/Gu, a Special Self-Governing Province Governor or the head of a Si/Gun/Gu may use it without permission or notification.

(2) Where a Special Self-Governing Province Governor or the head of a Si/Gun/Gu has granted permission or has received a notice pursuant to paragraph (1), or a Special Self-Governing Province Governor or the head of a Si/Gun/Gu intends to use any other person's land pursuant to the proviso to

paragraph (1), he/she shall promptly notify the owner and the occupant of such land of the matters prescribed by Presidential Decree.

(3) The period of using the land under paragraph (1) shall not exceed six months.

(4) Any project operator shall provide indemnification for any losses incurred in using any other person's land under paragraph (1).

(5) The provisions of Article 9 (5) through (7) shall apply mutatis mutandis to indemnification for any losses under paragraph (4).

Article 39 (Permission for Land Use in Need of Urgency)

(1) When the Land Tribunal in receipt of an application for adjudication under Article 28 deems that it is impracticable to prevent a disaster or it is likely to substantially hamper public interests, if such adjudication were to be waited, it may receive an application from a project operator, have him/her provide collaterals as prescribed by Presidential Decree and promptly grant permission for using the relevant land: Provided, That no collateral may be provided if the State or a local government is the project operator.

(2) The period of using the land under paragraph (1) shall not exceed six months.

(3) When the Land Tribunal grants permission under paragraph (1), Article 38 (2) shall apply mutatis mutandis.

Article 40 (Payment or Deposit of Indemnities)

(1) Except for the cases of using land under Article 38 or 39, a project operator shall pay an indemnity adjudicated by the competent Land Tribunal by no later than the commencement date of expropriation or use (referring to the commencement date of expropriation or use decided by the Land Tribunal by its adjudication; hereinafter the same shall apply).

(2) In any of the following cases, a project operator may deposit an indemnity at the deposit office in the location of the land, etc. intended for expropriation or use, by no later than the commencement date of expropriation or use:

1. Where a person entitled to the indemnity refuses to or unable to receive it;
2. Where a person entitled to the indemnity is unknown without any negligence by the project operator;
3. Where a project operator objects to the indemnity adjudicated by the competent Land Tribunal;
4. Where the payment of indemnity is banned by any seizure or provisional seizure.

(3) When there exists any change in the right subsequent to a public announcement of project approval, any person who succeeds to such right shall receive the indemnity under paragraph (1) or the deposit under paragraph (2).

(4) In cases falling under paragraph (2) 3, any project operator shall pay an indemnity computed by him/her to persons entitled to the indemnity, and deposit the difference between the amount paid by him/her and the indemnity adjudicated by the Land Tribunal. In such cases, any person entitled to the indemnity shall not receive the deposited indemnity until the procedures for such objection are completed.

Article 41 (Indemnity for Land Use in Need of Urgency)

(1) Where any project operator intends to use land pursuant to Article 39, if any landowner or person concerned requests an indemnity before the Land Tribunal adjudicates thereon, the project operator shall pay the indemnity computed by himself/herself to the landowner or person concerned.

(2) Where any project operator fails to pay an indemnity by the payment deadline following adjudication by the Land Tribunal, a landowner or person concerned shall acquire all or part of the collateral provided under Article 39.

Article 42 (Invalidation of Adjudication)

(1) Where any project operator fails to pay or deposit the indemnity adjudicated by the competent Land Tribunal by the commencement date of expropriation or use, the adjudication by the relevant Land Tribunal becomes void.

(2) Any project operator shall indemnify a landowner or person concerned for any losses incurred in invalidation of adjudication under paragraph (1).

(3) The provisions of Article 9 (5) through (7) shall apply mutatis mutandis to indemnification for any losses under paragraph (2).

Article 43 (Transfer, etc. of Land or Goods)

Any landowner or person concerned, or others persons holding the right to the land to be expropriated or used or fixtures thereon, who are not landowners or persons concerned, shall transfer the relevant land to the project operator or relocate goods by no later than the commencement date of expropriation or use.

Article 44 (Vicarious Transfer or Relocation)

(1) The a Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall vicariously transfer land or relocate goods upon a request from the project operator in any of the following cases:

1. Where any person liable to transfer land or relocate goods is unable to do so with no intention or negligence;
2. Where any project operator is unable to identify the person liable to transfer land or relocate goods with no negligence.

(2) Where a Special Self-Governing Province Governor or the head of a Si/Gun/Gu vicariously transfers land or relocates goods pursuant to paragraph (1), any expenses incurred therein shall be borne by the person liable to do so.

Article 45 (Acquisition, Extinguishment and Limit of Rights)

(1) Any project operator shall acquire the ownership of land or goods on the commencement date of expropriation, and other rights to such land or goods shall extinguish simultaneously therewith.

(2) Any project operator shall acquire a right to use land or goods on the commencement date of use, and no other rights to such land or goods shall be exercised during the period of such use.

(3) No right admitted by the Land Tribunal by adjudication shall extinguish or be suspended from its exercise, notwithstanding paragraphs (1) and (2).

Article 46 (Risk Bearing)

Where any land or goods to be expropriated or used are demolished or damaged without any intention or negligence by the landowner or persons concerned after the Land Tribunal adjudicates thereon, any losses incurred thereby shall be borne by the project operator.

Article 47 (Real Rights Granted by Way of Security and Indemnity)

Where the objects of any real right granted by way of security have been expropriated or used, the relevant real rights granted by way of security may be exercised on the indemnity to be received by a debtor following the expropriation or use of the objects: Provided, That such indemnity shall be seized before it is paid to the debtor.

Article 48 (Obligation to Return and Reinstate)

- (1) When the period for using the land or goods has expired, or it becomes unnecessary to use such land or goods due to the discontinuation or alteration of a project or for other grounds, the project operator shall return the relevant land or goods without delay to the owner of the land or goods, or any successor thereto.
- (2) In cases falling under paragraph (1), when the landowner requests reinstatement of his/her land, the project operator shall reinstate and return the relevant land, except for cases where indemnification for such losses have been provided in advance.

Article 49 (Establishment)

To render adjudication on the expropriation and use of land, etc., the Central Land Tribunal shall be established under the Ministry of Land, Infrastructure and Transport, and a local Land Tribunal shall be established under the Special Metropolitan City, a Metropolitan City, Do or Special Self-Governing Province (hereinafter referred to as "City/Do"), respectively. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 50 (Matters to be Adjudicated)

- (1) Matters to be adjudicated by the Land Tribunal shall be as follows:
 1. Zones of land to be expropriated or used, and methods of use;
 2. Indemnification for losses;
 3. Commencement date of expropriation or use, and the period thereof;
 4. Other matters prescribed by this Act and other Acts.
- (2) The Land Tribunal shall render adjudication within the scope requested by project operators, landowners, or persons concerned: Provided, That in the case of the indemnification for losses under paragraph (1) 2, it may render adjudication on an increase in indemnities.

Article 51 (Jurisdiction)

- (1) The Central Land Tribunal under Article 49 (hereinafter referred to as the "Central Land Tribunal") shall take charge of adjudication on the following projects:
 1. Projects, the operator of which is the State or a City/Do;
 2. Projects, the land to be expropriated or used for which extends over two or more Cities/Dos.
- (2) A local Land Tribunal under Article 49 (hereinafter referred to as "local Land Tribunal") shall take charge of adjudication on the projects other than those referred to in each subparagraph of paragraph (1).

Article 52 (Central Land Tribunal)

(1) The Central Land Tribunal shall consist of not more than 20 members, including one Chairperson, and the members in the number prescribed by Presidential Decree from among its members shall be permanent.

(2) The Minister of Land, Infrastructure and Transport shall be the Chairperson of the Central Land Tribunal, and if the Chairperson is unable to perform his/her duties due to unavoidable reasons, a member designated by the Chairperson shall act on behalf of the Chairperson. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The Chairperson of the Central Land Tribunal shall represent the Tribunal and exercise the overall control of its affairs.

(4) Permanent members of the Central Land Tribunal shall be appointed by the President on the recommendation of the Minister of Land, Infrastructure and Transport from among the following persons: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Persons who have served as judges, prosecutors or lawyers for at least 15 years;
2. Persons who have taught jurisprudence or public administration science as associate professors or higher in universities or colleges for at least five years;
3. Persons who have served for at least two years as the public officials of Grade III in the administrative agencies or the public officials in general service who belong to the Senior Civil Service Corps.

(5) Non-permanent members of the Central Land Tribunal shall be commissioned by the Minister of Land, Infrastructure and Transport from among persons with considerable knowledge and experience in land expropriation. *<Amended by Act No. 11690, Mar. 23, 2013>*

(6) The Chairperson of the Central Land Tribunal shall convoke its meetings, and each meeting shall consist of the Chairperson, one permanent member and seven members designated by the Chairperson for each meeting.

(7) Meetings of the Central Land Tribunal shall pass resolutions with the attendance of a majority of its consisting members under paragraph (6) and concurring votes of a majority of those present.

(8) The Central Land Tribunal shall have the secretariat to deal with its affairs.

(9) Matters concerning the position ranks, etc. of permanent members and the organization of the secretariat of the Central Land Tribunal shall be prescribed by Presidential Decree.

Article 53 (Local Land Tribunals)

(1) A local Land Tribunal shall be composed of not more than twenty members, including one chairperson. *<Amended by Act No. 11468, Jun. 1, 2012>*

(2) A Mayor/Do Governor shall serve as the chairperson of the competent local Land Tribunal, and if the chairperson is unable to perform his/her duties due to unavoidable reasons, a member designated by the chairperson shall act on behalf of the chairperson.

(3) A Mayor/Do Governor shall appoint members of the competent local Land Tribunal from among those who have extensive knowledge and experience in land expropriation, including one person appointed by him/her from among public officials under his/her control. <Amended by Act No. 11468, Jun. 1, 2012>

(4) The chairperson of a local Land Tribunal shall convene its meetings, and each meeting shall be composed of the chairperson and eight members whom he/she designates at each meeting. <Amended by Act No. 11468, Jun. 1, 2012>

(5) A local Land Tribunal shall pass resolutions at its meeting when a majority of its constituent members referred to in paragraph (4) attend the meeting and a majority of the members present consent. <Newly Inserted by Act No. 11468, Jun. 1, 2012>

(6) Article 52 (3) shall apply mutatis mutandis to local Land Tribunals. <Amended by Act No. 11468, Jun. 1, 2012>

Article 54 (Grounds for Disqualification of Members)

(1) None of the following persons may become a member of the Land Tribunal: <Amended by Act No. 13677, Dec. 29, 2015>

1. A person under adult guardianship, a person under the limited guardianship, or persons declared bankrupt and not reinstated yet;
2. A person for whom two years have not elapsed since the day his/her imprisonment without labor or heavier punishment sentenced by a court was completely executed (including cases where its execution is deemed terminated) or exempted;
3. A person under the suspension of the execution of imprisonment without labor or a heavier punishment as declared by a court;
4. A person for whom two years have not elapsed since the day he/she has been sentenced to a fine.

(2) Where a member falls under any subparagraph of paragraph (1), he/she shall deservedly resign from his/her office.

Article 55 (Term of Office)

The term of office for the permanent members and commissioned members of the Land Tribunal shall be three years respectively, and the consecutive reappointment or recommissioning may be permitted.

Article 56 (Guarantee of Status)

Except for cases where the relevant Land Tribunal deems by its resolution that any of the following grounds exist, no commissioned member shall be dismissed against his/her will during his/her service:

1. When he/she is unable to perform his/her duties due to his/her physical or mental disability;
2. When he/she has violated his/her obligations.

Article 57 (Abstention, Recusal and Withdrawal of Members)

(1) Any member of a Land Tribunal who falls under any of the following subparagraphs shall be prohibited from attending any meeting of the Land Tribunal:

1. A project operator, landowner or person concerned;

2. A spouse, relative or agent of the project operator, landowner or person concerned;
 3. When the project operator, a landowner or person concerned is a corporation, any executive officer of the relevant corporation or any person who performs the corporation's duties.
- (2) When any circumstance makes it difficult for the project operator, a landowner or person concerned to expect that any member makes a fair deliberation and resolution, they may apply for recusal of such member stating the grounds therefor. In such cases, the chairperson of the relevant Land Tribunal shall decide whether to accept recusal, without a resolution by the Tribunal.
- (3) When any member falls under paragraph (1) or (2), he/she may voluntarily withdraw himself/herself from deliberating and passing resolution on the relevant case.
- (4) With respect to the staff members who are not the members involved in the affairs of deliberation and resolution on any case, the provisions of paragraphs (1) through (3) shall apply mutatis mutandis.

Article 58 (Authority regarding Deliberation or Investigation)

- (1) When deemed necessary for deliberation, the Land Tribunal may do any of the following acts:
1. Requiring any project operator, landowner, person concerned or witness to attend the Land Tribunal and make a statement, or to request them to provide written opinions or data;
 2. Requiring any appraisal business entity or other appraiser to perform appraisal and assessment, or to attend the Land Tribunal and make a statement;
 3. Requiring any member of a Land Tribunal, any staff-members of the secretariat under Article 52 (8), or any staff-members in charge of the affairs of a local Land Tribunal, to conduct on-site investigations.
- (2) When any member or staff-member conducts on-site investigations under paragraph (1) 3, Article 13 shall apply mutatis mutandis.
- (3) The Land Tribunal may reimburse witnesses, appraisal business entities or other appraisers referred to in paragraph (1) for daily allowances, travel expenses and appraisal fees at the cost of the project operator, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 59 (Allowances and Travel Expenses for Members)

The Land Tribunal may reimburse its members for allowances and travel expenses, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That the same shall not apply where members who are public officials appear before the Land Tribunal in direct connection with their duties. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 60 (Detailed Rules for Operation)

Matters necessary for the operation, etc. of the Land Tribunal shall be prescribed by Presidential Decree.

Article 61 (Indemnification by Project Operators)

Any project operator shall indemnify landowners or persons concerned for any losses incurred in the acquisition or use of the land, etc. required for the public works.

Article 62 (Advance Indemnification)

Any project operator shall pay the full amount of indemnities to landowners and persons concerned before commencing his/her works for the relevant public works: Provided, That the same shall not apply where the land is used at the time of natural disasters under Article 38, where it is used for any of urgency under Article 39, or where consent is obtained from landowners and persons concerned.

Article 63 (Indemnity in Cash, etc.)

(1) Except as otherwise expressly provided for in other Acts, indemnities for any loss shall be paid in cash: Provided, That where a project operator can indemnify a landowner for losses with land in consideration of a reasonable land use plan and the project plan for the relevant public works, if the landowner so desires, the project operator may indemnify the landowner with the land developed by implementing such public works pursuant to the following standards and procedures for an amount, other than that paid in cash under the main sentence or in bonds under paragraphs (7) and (8) out of the total indemnities to be paid to the landowner:

1. A person eligible to receive an indemnity with land: A person who has transferred land, the size of which exceeds the area of partition limit of a site under Article 57 (1) of the Building Act to a project operator. In such cases, when persons eligible for indemnities with land compete with each other, a person who is not an absentee real estate owner under paragraph (7) 2 and is indemnified with bonds pursuant to paragraph (7) shall be indemnified with land before others, and a project operator shall determine and publicly announce the order of priority and method of deciding persons eligible for indemnities with land;

2. Basis amount for calculating land price for indemnification: General price of sale in lots, unless otherwise expressly provided for in other Acts;

3. Public announcement of indemnification criteria: When an indemnification plan is publicly announced pursuant to Article 15, such announcement shall include criteria for providing indemnities with land or content that such criteria will be separately publicly announced in daily newspapers.

(2) The area of land with which a landowner is indemnified pursuant to the proviso to paragraph (1) shall be determined by a project operator, taking into consideration the land use plan and the project plan for such public works. In such cases, such area of land shall not exceed 990 square meters for a housing lot and 1,100 square meters for a commercial lot.

(3) No right decided to receive any indemnity with land pursuant to the proviso to paragraph (1) shall be resold (including sale, donation, other acts accompanying any change of the right, but excluding inheritance and investment in kind to a real estate investment company specialized in development pursuant to the Real Estate Investment Company Act) from the date such indemnity contract is concluded until the registration for ownership transfer is completed, and when it is violated, a project operator may pay indemnities agreed to be paid with land in cash. In such cases, the interest rate for a cash indemnity shall be 1/2 of the interest rate set forth in paragraph (9) 1 (a).

(4) Where a landowner wants to be indemnified with land pursuant to the proviso to paragraph (1), he/she may request an indemnity in cash instead of land from the date a year lapses after the conclusion date of

indemnity contract. In such cases, the interest rate on a cash indemnity shall be that set forth in paragraph (9) 2 (a).

(5) Where a project operator is unable to provide an indemnity with land for all or part of the land for which he/she has promised to do so due to grounds prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, such as a modification of the relevant project plan, he/she may pay the indemnity in cash in lieu of land. In such cases, the interest rate on a cash indemnity shall be that set forth in paragraph (9) 2 (a). <Amended by Act No. 11690, Mar. 23, 2013>

(6) Where a landowner requests a cash indemnity for any compensation supposed to be paid with land as he/she falls under any of the following cases, a project operator shall pay such indemnity in cash. In such cases, the interest rate on a cash indemnity shall be that set forth in paragraph (9) 2 (a): <Amended by Act No. 11690, Mar. 23, 2013>

1. Where a landowner receives the disposition on default of national and local taxes, or compulsory execution thereof;
2. Where all members of his/her household intend to emigrate overseas or to stay overseas for at least two years;
3. Other cases prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport as similar to those provided for in subparagraph 1 or 2.

(7) Where a project operator falling under any of the following subparagraphs is the State, a local government or a public institution or public organization designated and publicly announced pursuant to the Act on the Management of Public Institutions as prescribed by Presidential Decree, an indemnity may be paid with the bonds issued by the relevant project operator, notwithstanding the main sentence of paragraph (1):

1. Where the landowner or person concerned so desires;
2. Where for the public works, the project approval of which has been granted, the indemnity for the land of any absentee real estate owner prescribed by Presidential Decree exceeds the specific amount set by Presidential Decree, and where the indemnity is paid for such exceeding amount.

(8) A public institution or public organization designated and publicly announced pursuant to the Act on the Management of Public Institutions as prescribed by Presidential Decree from among persons implementing any of the following public works in an area prescribed by Presidential Decree where land speculation is likely to occur shall pay an indemnity with the bonds issued by the relevant project operator for the portion exceeding the specific amount of 100 million won or more as prescribed by Presidential Decree, out of the indemnities for the absentee real estate owners under paragraph (7) 2, notwithstanding paragraph (7):

1. Housing site development projects under the Housing Site Development Promotion Act;
2. Industrial complex development projects under the Industrial Sites and Development Act;
3. Other large development projects prescribed by Presidential Decree.

(9) Where an indemnity is paid with bonds pursuant to paragraphs (7) and (8), the redemption period of such bonds shall be fixed within the scope not exceeding five years, and the interest rates thereon shall be as follows:

1. Where an absentee real estate owner is paid with bonds pursuant to paragraphs (7) 2 and (8):
 - (a) Bonds with a redemption period of three years or less: the interest rate on three-year time deposit (in the preceding month of the date of issuance of the bonds and which is calculated by averaging the interest rates being adopted by banks covering the whole country as their business areas, among the banks established pursuant to the Banking Act);
 - (b) Bonds with a redemption period of three to five years: the yield on five-year government bonds (which is calculated by averaging the distribution rates of government bonds in the preceding month of the date of issuance of the bonds);
2. Where a person other than an absentee real estate owner is paid with bonds because so desires:
 - (a) Bonds with a redemption period of three years or less: The yield on three-year government bonds (which is calculated by averaging the distribution rates of government bonds in the preceding month of the date of issuance of the bonds) shall apply, but where the interest rate on three-year time deposit is higher than the yield on three-year government bonds, the former shall apply;
 - (b) Bonds with a redemption period of three to five years: the yield on five-year government bonds (which is calculated by averaging the distribution rates of government bonds in the preceding month of the date of issuance of the bonds).

Article 64 (Indemnification by Individual)

Any indemnification for losses shall be provided individually to respective landowners or persons concerned: Provided, That the same shall not apply where it is impossible to compute an indemnity by individual.

Article 65 (Lump Sum Indemnification)

Where there exist, within the same project area, several pieces of land, etc. under the same ownership but with the different indemnity periods, the project operator shall make a lump sum payment of indemnities, when the landowners or persons concerned request so.

Article 66 (Prohibition of Offsetting Losses by Gains Accruing from Project Implementation)

Where any project operator acquires or uses part of a group of land that belongs to the same landowner, even if the price of the remaining land has increased or any gains have accrued due to the implementation of the relevant public works, he/she shall not offset any losses incurred in such acquisition or use by the said gains.

Article 67 (Point of Time for Pricing Indemnities)

(1) The computation of an indemnity shall be based on the price at the time of yielding an agreement where consultation is held, and the price at the time of adjudicating on the expropriation or use where such adjudication is rendered.

(2) Where the price of land, etc. fluctuates due to the relevant public works, such fluctuation shall not be considered in computing an indemnity.

Article 68 (Computation of Indemnities)

(1) Where any project operator intends to compute an indemnity for land, etc., he/she shall select three appraisal business entities (where both the Mayor/Do Governor and a landowner fail to recommend an appraisal business entity, or either the Mayor/Do Governor or a landowner fails to recommend an appraisal business entity pursuant to paragraph (2), referring to two appraisal business entities) and request them to appraise the land, etc.: Provided, That this shall not apply where he/she is able to compute the indemnity on his/her own according to the standards prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11468, Jun. 1, 2012; Act No. 11690, Mar. 23, 2013>

(2) When a project operator selects appraisal business entities pursuant to the main sentence of paragraph (1), the Mayor/Do Governor having jurisdiction over the relevant land and the owner of the relevant land may recommend one appraisal business entity respectively, as prescribed by Presidential Decree. In such cases, a project operator shall select appraisal business entities including appraisal business entities recommended. <Amended by Act No. 11468, Jun. 1, 2012>

(3) Matters necessary for procedures and methods for requesting appraisal, standards for computing an indemnity, etc. under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

Article 69 (Issuance of Indemnity Bonds)

(1) Where the State pays indemnities with bonds pursuant to Article 63 (7) to indemnify landowners and persons concerned for any losses incurred in the acquisition or use of land, etc. for road construction under the Road Act, industrial complex development projects under the Industrial Sites and Development Act, railroads construction works under the Railroad Construction Act, harbor works under the Harbor Act and other public works prescribed by Presidential Decree, the State may issue indemnity bonds with the charge of the following accounts:

1. General accounts;
2. Special accounts for traffic facilities;

(2) Indemnity bonds shall be issued by the Minister of Strategy and Finance at the request of the head of a related central administrative agency in charge of the management of the accounts under each subparagraph of paragraph (1).

(3) Where the Minister of Strategy and Finance intends to issue indemnity bonds, he/she shall obtain a resolution from the National Assembly by account.

(4) Indemnity bonds shall be issued by making delivery to landowners and persons concerned.

(5) Indemnity bonds may be transferred or provided as collateral.

(6) Methods of issuing indemnity bonds, methods of determining interest rates, methods of making redemption, and other matters necessary for the issuance of indemnity bonds shall be prescribed by Presidential Decree.

(7) The issuance of indemnity bonds shall be governed by the State Bond Act, except as otherwise expressly provided for in this Act.

Article 70 (Indemnification for Land to be Acquired)

(1) With respect to any land acquired through consultation or adjudication, the indemnification shall be provided based upon the officially assessed land prices under the Act on the Public Announcement of Real Estate Values, but such indemnification shall be provided at a reasonable price assessed by considering the plan for utilizing such land under the related statutes from the base date of such official assessment to the point of time for pricing, the fluctuation rate of the land price prescribed by Presidential Decree for the area, the price of which is not affected by the relevant public works, the producer price inflation (referring to the rate computed based on the producer price index surveyed and published by the Bank of Korea under Article 86 of the Bank of Korea Act), and the location, shape, environment, utilization status, etc. of the relevant land. *<Amended by Act No. 13796, Jan. 19, 2016>*

(2) An indemnity for land shall be computed by considering the actual utilization status at the point of time for pricing and the objective circumstances based on by the general utilization methods, but no consideration shall be given to the temporary land utilization status, the subjective value conceived by landowners or persons concerned, and cases of premising that the land would be used for special purposes, etc.

(3) In cases of acquisition through consultation prior to project approval, the officially assessed land price referred to in paragraph (1) shall be such price as announced publicly at the point of time nearest to the point of time for pricing, among the officially assessed land prices at the point of time for pricing of the relevant land.

(4) In cases of acquisition subsequent to project approval, the officially assessed land price referred to in paragraph (1) shall be such price as announced publicly at the point of time nearest to the date of public announcement of the relevant project approval, among the officially assessed land prices published at the time of yielding an agreement or adjudication on the relevant land, which are such officially assessed land prices, the base date of public announcement is the point of time prior to the date of the public announcement of the project approval.

(5) Notwithstanding paragraphs (3) and (4), if it is recognized that the price of land to be acquired has fluctuated because the plan or implementation of the public works has been publicly notified or announced, the officially assessed land price under paragraph (1) shall be such price as publicly announced at the nearest time of the date of public notification or the date of announcement of the relevant public works, among the officially assessed land prices at the point of time for pricing the relevant land as the officially assessed land price, the base date of the public notification or announcement of which is the time prior to the relevant date of public notification or the relevant date of announcement.

(6) Detailed methods for computing or assessing an indemnity for any land to be acquired and for rights other than the ownership thereof shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport in consideration of the investment costs, expected gains, transaction prices, etc. *<Amended*

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

Article 71 (Indemnification, etc. for Land to be Used)

(1) With respect to any land to be used through consultation or adjudication, the indemnification shall be provided at a reasonable price assessed by considering land rents, lease rents, methods of use, period of use, prices, etc. of such land and adjacent similar land.

(2) Detailed methods for computing or assessing an indemnity for any land to be used and for the use of space underground and surface thereof shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport in consideration of the investment costs, expected gains, transaction prices, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 72 (Request, etc. for Purchase of Land to be Used)

In any of the following cases after a public announcement of project approval, the owner of relevant land may either request the project operator to purchase his/her land, or request the competent Land Tribunal to expropriate his/her land. In such cases, a person concerned may request the project operator or the competent Land Tribunal to have his/her right sustained:

1. Where the land use period is three years or more;
2. Where the form and quality of land is changed by using such land;
3. Where the landowner's buildings stand on the land intended to be used.

Article 73 (Indemnification for Losses of Remaining Land and Construction Costs)

(1) Where the price of remaining land is reduced or other losses are incurred due to the acquisition or use of any part of a group of land belonging to the same landowner, or where it is necessary to install a new passage, ditch, fence, etc. or to implement any construction works on the remaining land, the project operator shall provide indemnification for such losses or the costs for such works, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That if the sum of the reduced price of the remaining land and the construction costs on the remaining land exceeds the price of the remaining land, the project operator may purchase such remaining land. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) No claim for indemnification for any losses or costs under the main sentence of paragraph (1) may be filed when one year passes from the date on which the construction of the relevant project is complete.

(3) Where a project operator purchases remaining land pursuant to the proviso to paragraph (1) after a public announcement of project approval is made, project approval under Article 20 or a public announcement of project approval under Article 22 shall be deemed made for such remaining land.

(4) The provisions Article 9 (6) and (7) shall apply mutatis mutandis to indemnification for any losses or costs, or the acquisition of land under paragraph (1).

(5) The provisions of Articles 70, 75, 76, 77 and 78 (4) through (6) shall apply mutatis mutandis to the detailed methods of calculating or assessing an indemnity for the remaining land to be purchased under the proviso to paragraph (1) and any goods thereon.

Article 74 (Request for Purchase and Expropriation of Remaining Land, etc.)

(1) Where it is substantially impracticable to use the remaining land for its original purposes because part of a group of land belonging to the same landowner is purchased or expropriated through consultation, the relevant landowner may request the project operator to purchase the remaining land, and may request the competent Land Tribunal to expropriate it subsequent to granting of project approval. In such cases, a request for expropriation shall be made only if the consultation on purchase yields no agreement, and it shall be made by the completion date of construction of such project.

(2) Any person who holds a right to the remaining land and any goods thereon, a request for purchase or expropriation of which is made under paragraph (1), may request the project operator or the competent Land Tribunal to have his/her right sustained.

(3) The provisions of Article 73 (3) shall apply mutatis mutandis to the acquisition of land under paragraph (1).

(4) The provisions of Articles 70, 75, 76, 77 and 78 (4) through (6) shall apply mutatis mutandis to detailed methods of calculating and assessing an indemnity for the remaining land and goods thereon.

Article 75 (Indemnification for Goods, such as Buildings, etc.)

(1) For buildings, standing trees, structures and other fixtures on any land (hereinafter referred to as "buildings, etc."), indemnification shall be provided in the amount of costs necessary for relocating them (hereinafter referred to as "relocation costs"): Provided, That in any of the following cases, such indemnification shall be made at the price of the relevant goods:

1. Where it is impracticable to relocate buildings, etc., or the relocation thereof makes it impossible to use such buildings, etc. for its original purposes;
2. Where the relocation costs of buildings, etc. are in excess of the price of such goods;
3. Where the project operator acquires them for using them directly for his/her public works.

(2) Indemnification for any losses incurred to farm crops shall be provided by comprehensively considering the types, level of growth thereof, etc.

(3) Indemnification for soil, stones, sand or gravel belonging to land (limited to cases where soil, stones, sand or gravel is acquired or separately used from the relevant land) shall be provided at a reasonable price assessed by considering the transaction prices, etc.

(4) Indemnification for graves shall be provided by computing expenses incurred in relocating them.

(5) Where buildings, etc. in the planned project area fall under paragraph (1) 1 or 2, a project operator may apply for adjudication on the expropriation of such objects to the competent Land Tribunal.

(6) Detailed methods of calculating and assessing an indemnity for goods under paragraphs (1) through (4), and the standards for indemnification therefor shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

Article 75-2 (Indemnification, etc. for Losses of Remaining Buildings)

(1) Where the price of any remaining building is reduced or any other losses are incurred because any part of a group of the buildings possessed by the same owner is acquired or used, the project operator shall

provide indemnification for such losses, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That where the sum of the reduced price of the any remaining building and the repairing costs (referring to costs used for construction deemed generally necessary for uniformly maintaining the utility of the remaining parts of the building to be used for its original purpose: Provided, That no costs necessary for improving facilities required under the related statutes, such as the Building Act, shall be included) exceeds the price of the remaining buildings, the project operator may purchase such remaining buildings. <Amended by Act No. 11690, Mar. 23, 2013>

(2) When it is substantially impracticable to use any remaining building for its original purposes because part of a group of the buildings possessed by the same owner is purchased or expropriated through consultation, the owner of such building may request a project operator to purchase the remaining building and may request the competent Land Tribunal to expropriate them after project approval is granted. In such cases, a request for expropriation shall be made only if the consultation on purchase has not been effected, and it shall be made by the completion date of construction of such project.

(3) The provisions of Article 9 (6) and (7) shall apply mutatis mutandis to indemnification for and the acquisition of any remaining building under paragraph (1).

(4) The provisions of Article 73 (2) shall apply mutatis mutandis to indemnification under the main sentence of paragraph (1) and the provisions of Article 73 (3) shall apply mutatis mutandis to the acquisition of any remaining building under the proviso to paragraph (1) and paragraph (2).

(5) The provisions of Articles 70, 75, 76, 77 and 78 (4) through (6) shall apply mutatis mutandis to the detailed methods of calculating and assessing an indemnity for any remaining building to be acquired pursuant to the proviso to paragraph (1) and paragraph (2).

Article 76 (Indemnification for Rights)

(1) Indemnification for mining rights, fishing rights and rights to use water (including water facilities), etc. shall be provided at a reasonable price assessed by considering the investment costs, expected gains, transaction prices, etc.

(2) Detailed methods of calculating and assessing an indemnity under paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

Article 77 (Indemnification for Business Losses, etc.)

(1) Indemnification for any business losses incurred in the discontinuation or suspension of business shall be provided by considering the business profits, transfer expenses for facilities, etc.

(2) Indemnification for farm losses shall be provided to an actual farmer by considering incomes, etc. per unit area of farmland: Provided, That if the owner of farmland is a farmer living in the relevant area, indemnification may be made in accordance with consultation held between the owner of farmland and the actual farmer.

(3) Indemnification for wage losses suffered by the workers temporarily laid off or unemployed, shall be provided by considering the average wages, etc. under the Labor Standards Act.

(4) Detailed methods of calculating and assessing an indemnity under paragraphs (1) through (3), the standards for indemnification, and matters concerning criteria for recognizing actual farmers under paragraph (2) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

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

Article 78 (Establishment, etc. of Relocation Measures)

(1) Any project operator shall either establish and take relocation measures or pay resettlement subsidies, as prescribed by Presidential Decree, for persons who are deprived of their base of livelihood by providing their residential building due to the implementation of public works (hereinafter referred to as "persons subject to relocation measures").

(2) When any project operator intends to establish relocation measures under paragraph (1), he/she shall consult in advance with the head of the competent local government.

(3) The State or local governments shall preferentially subsidize funds from the Housing and Urban Fund under the Housing and Urban Fund Act for the creation of housing lots and the construction of houses following the implementation of relocation measures. *<Amended by Act No. 12989, Jan. 6, 2015>*

(4) Relocation measures shall include basic living facilities on an ordinary level, such as roads, water-supply facilities, drainage facilities and other public facilities, in a resettlement area (including a housing complex constructed by implementing relocation measures); and the costs incurred therein shall be borne by a project operator: Provided, That if a non-administrative project operator establishes and takes relocation measures, the relevant local government may partially subsidize such costs.

(5) Residents in any residential building shall receive an indemnity equivalent to expenses incurred in moving their residence and transporting movables, such as household effects.

(6) Where farmers or fishermen, who are to move to other areas since they become unable to continue to engage in farming or fishing due to the implementation of public works, have no indemnity or receive an indemnity equivalent to or less than the amount prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, they shall receive an indemnity equivalent to such amount or difference.

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

(7) Where eligible recipients and persons in the next lowest income bracket under subparagraphs 1 and 11 of Article 2 of the National Basic Living Security Act living in an area where the relevant public works are being implemented desire to get a job, a project operator may employ them preferentially for the affairs related to the relevant public works and shall endeavor to help their employment.

(8) Standards for costs necessary for the basic living facilities under paragraph (4) shall be prescribed by Presidential Decree.

(9) Indemnification under paragraphs (5) and (6) shall be governed by the standards set forth by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 78-2 (Establishment, etc. of Relocation Measures for Factories)

Where a person who becomes unable to operate his/her factory (referring to a factory under subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act) in the relevant area

any longer because the factory site is transferred through consultation or expropriated due to the implementation of the public works prescribed by Presidential Decree, a project operator shall formulate a plan for relocation measures prescribed by Presidential Decree, such as moving into an adjacent industrial complex designated and developed by the Industrial Sites and Development Act.

Article 79 (Indemnification for Costs, etc. for other Land)

(1) Where any project operator requires the installation of new passages, ditches, fences, etc. or other works on the land other than the land acquired and used due to the implementation of public works (including the remaining land), he/she shall provide indemnification for all or some of such expenses: Provided, That if construction costs for the relevant land exceed the price of such land, the project operator may purchase such land.

(2) Where land, etc. outside of the area where public works are implemented is unable to fulfill its original functions due to the implementation of public works, indemnification for such losses shall be made, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Where a project operator deems indemnification under paragraph (2) necessary, he/she shall announce that a claim for indemnification may be filed when he/she publicly announces an indemnification plan pursuant to Article 15, or he/she shall announce an indemnification plan under paragraph (2), as prescribed by Presidential Decree.

(4) Except as otherwise provided for in paragraphs (1) through (3), indemnification for losses incurred in the implementation of public works shall be governed by the standards prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) The provisions of Article 73 (2) shall apply mutatis mutandis to indemnification for any costs or losses under the main sentence of paragraph (1) and paragraph (2).

(6) The provisions of Article 73 (3) shall apply mutatis mutandis to the acquisition of land under the proviso to paragraph (1).

(7) The provisions of Articles 70, 75, 76, 77 and 78 (4) through (6) shall apply mutatis mutandis to detailed methods of calculating and assessing an indemnity for the land to be acquired pursuant to the proviso to paragraph (1).

Article 80 (Consultations and Adjudication on Indemnification for Losses)

(1) Indemnification for costs or losses, or acquisition of land under Article 79 (1) and (2) shall be determined through consultations between a project operator and person who has suffered such losses.

(2) When the consultations under paragraph (1) yield no agreement, a project operator or person who has suffered losses may request the competent Land Tribunal to render adjudication thereon, as prescribed by Presidential Decree.

Article 81 (Entrustment of Indemnification Affairs, etc.)

(1) Any project operator may entrust any of the following institutions with the affairs concerning indemnification or relocation measures:

1. Local governments;

2. Institutions prescribed by Presidential Decree which are public institutions under Article 4 of the Act on the Management of Public Institutions or local public corporations under the Local Public Enterprises Act having the actual record of providing indemnification or expertise in the indemnity affairs.

(2) Matters necessary for the scope of affairs, fees, etc. at the time of entrustment under paragraph (1) shall be prescribed by Presidential Decree.

Article 82 (Indemnification Council)

(1) The head of a competent local government wherein public works are implemented may, if deemed necessary, establish an indemnification council to consult the following matters: Provided, That where public works exceeding the scale prescribed by Presidential Decree are implemented, the indemnity council shall be established, as prescribed by Presidential Decree:

1. Matters concerning the prior gathering of opinions for the assessment of indemnities;

2. Matters concerning the scope of remaining land and the establishment of relocation measures;

3. Matters concerning the relocation of public facilities within the relevant project area;

4. Matters deemed necessary by the head of a local government among those requested by landowners, persons concerned, etc.;

5. Other matters referred for discussion by the head of a local government.

(2) Members of the indemnification council shall be appointed or commissioned by the head of a relevant local government from among the following persons: Provided, That where the indemnification council is established pursuant to the proviso to the part other than the subparagraphs of paragraph (1), a person prescribed by Presidential Decree shall appoint or commission its members:

1. Landowners and persons concerned;

2. Judges, lawyers, notary publics or persons having experience in appraisal and assessment or indemnity affairs for at least five years;

3. Public officials of the relevant local government;

4. Project operators.

(3) Matters necessary for the establishment, composition, operation, etc. of the indemnification council shall be prescribed by Presidential Decree.

Article 83 (Filing Objections)

(1) Any person dissatisfied with adjudication rendered by the Central Land Tribunal under Article 34 may file an objection to the said Land Tribunal.

(2) Any person dissatisfied with adjudication rendered by the local Land Tribunal under Article 34 may file an objection to the Central Land Tribunal via the relevant local Land Tribunal.

(3) Any objection under paragraphs (1) and (2) shall be filed within 30 days from the day of receiving the authentic copy of a written adjudication.

Article 84 (Adjudication on Filing Objections)

(1) The Central Land Tribunal in receipt of an objection filed under Article 83 may either revoke all or part of such adjudication, or alter an indemnity amount if it deems that adjudication under Article 34 is illegal or unjustifiable.

(2) Where an indemnity has been increased under paragraph (1), any project operator shall pay such increased indemnity to the person entitled to the indemnity within 30 days from the day of receiving the authentic copy of a written adjudication revoking or altering the original adjudication: Provided, That when it falls under Article 40 (2) 1, 2 or 4, such indemnity may be deposited.

Article 85 (Institution of Administrative Litigation)

(1) When any project operator, landowner or person concerned is dissatisfied with adjudication under Article 34, he/she may institute administrative litigation within 60 days from the day he/she receives a written adjudication and within 30 days from the day he/she receives a written adjudication on his/her objection if he/she has raised an objection, respectively. In such cases, the project operator shall deposit the increased indemnity pursuant to Article 84 before he/she institutes administrative litigation, and the person entitled to the indemnity may not receive the deposited indemnity until the litigation is closed.

(2) When administrative litigation to be instituted under paragraph (1) is related to an increase or decrease in the indemnity, its defendant shall be the project operator when the litigant instituting such litigation is a landowner or person concerned, and it shall be either a landowner or person concerned when the litigant is the project operator, respectively.

Article 86 (Effect of Adjudication on Objections)

(1) When the adjudication on any objection has been determined due to an absence of institution of any litigation within the period fixed under Article 85 (1) or for other grounds, a final and conclusive judgment under the Civil Procedure Act shall be deemed rendered, and the authentic copy of a written adjudication shall have the same effect as that of an executory written judgment.

(2) When the adjudication on any objection has been determined, any project operator, landowner or person concerned may request the competent Land Tribunal to issue a certificate of determination of adjudication, as prescribed by Presidential Decree.

Article 87 (Additional Payments Applying Statutory Interest Rates)

Where the administrative litigation instituted by any project operator under Article 85 (1) has been rejected, dismissed, or withdrawn, such project operator shall pay, in addition to indemnities, the amount computed by applying the statutory interest rate under Article 3 of the Act on Special Cases concerning Expedition etc. of Legal Proceedings to the period from any of the following days to the date of adjudication or withdrawal:

1. Date he/she receives the authentic copy of adjudication, when administrative litigation has been instituted after such adjudication was rendered;
2. Date he/she receives the authentic copy of adjudication, when administrative litigation has been instituted after such adjudication was rendered on the objection.

Article 88 (Non-Suspension of Effect of Disposition)

Filing of an objection under Article 83 or institution of administrative litigation under Article 85 shall not suspend the progress of a project or the expropriation or use of land.

Article 89 (Vicarious Execution)

(1) Where any person liable to perform an obligation under this Act or any disposition taken thereunder fails to perform the obligation, or faces any difficulty in completing such obligation within the fixed period, or where there exist any grounds for deeming that requiring him/her to perform such obligation is substantially detrimental to the public interest, a project operator may request a Mayor/Do Governor or the head of a Si/Gun/Gu to do vicarious execution, as prescribed by the Administrative Vicarious Execution Act. In such cases, the Mayor/Do Governor or the head of a Si/Gun/Gu in receipt of such request shall comply therewith unless any justifiable grounds exist.

(2) Where the project operator is the State or a local government, it may do vicarious execution on its own, as prescribed by the Administrative Vicarious Execution Act, notwithstanding paragraph (1).

(3) Where the project operator requests for vicarious execution pursuant to paragraph (1) or intends to do vicarious execution on his/her own pursuant to paragraph (2), the State or a local government shall endeavor to protect any person liable to perform an obligation.

Article 90 (Compulsory Collection)

Where any obligator under Article 44 (2) fails to pay any costs, the a Special Self-Governing Province Governor and the head of a Si/Gun/Gu may collect such costs in the same manner as the delinquent local taxes are collected.

Article 91 (Repurchase Rights)

(1) Where all or part of the acquired land becomes unnecessary due to the discontinuation or alteration of the relevant project or for other grounds within ten years from the date the land has been acquired through consultation or the date the expropriation of land is commenced (hereafter referred to as "acquisition date" in this Article), the landowner at the time of the acquisition date or his/her general successor (hereinafter referred to as "repurchase right holder") may repurchase such land by paying to the project operator the amount equivalent to the indemnity paid for such land, within one year from the date all or part of the relevant land becomes unnecessary, or within ten years from the acquisition date.

(2) Paragraph (1) shall apply mutatis mutandis to cases where all of the acquired land has not been used for the relevant project within five years from the acquisition date. In such cases, the repurchase right shall be exercised within six years from the acquisition date.

(3) No remaining land purchased or expropriated under Article 74 (1) shall be repurchased unless a group of land adjacent to the remaining land becomes unnecessary.

(4) Where the price of land has substantially fluctuated as compared to the price of land as of the acquisition date, the project operator shall consult with the repurchase right holder about the amount of repurchase, but where such consultation yields no agreement, they may request the court to render a decision on an increase or decrease in the said amount.

(5) The repurchase right under paragraphs (1) through (3) may be contested against any third party when acquisition through consultation or expropriation of the land required for the public works has been registered, as prescribed by the Registration of Real Estate Act.

(6) Where any public works are altered to other public works referred to in subparagraphs 1 through 5 of Article 4 (including the cases where a project prescribed in the attached Table is applicable to the projects prescribed in subparagraphs 1 through 5 of Article 4) after the State, local governments or public institutions prescribed by Presidential Decree among the public institutions designated under Article 4 of the Act on the Management of Public Institutions have acquired any land necessary for such public works through consultation or have expropriated it upon obtaining project approval, the period for exercising the repurchase right under paragraphs (1) and (2) shall be reckoned from the date the alteration of the relevant public works has been publicly announced on the Official Gazette. In such cases, the State, local governments or public institutions prescribed by Presidential Decree among the public institutions designated and announced under Article 4 of the Act on the Management of Public Institutions shall notify the repurchase right holder of the fact that the relevant public works have been altered, as prescribed by Presidential Decree. *<Amended by Act No. 13677, Dec. 29, 2015>*

Article 92 (Notice, etc. of Repurchase Rights)

(1) When any land needs to be repurchased under Article 91 (1) and (2), the project operator shall notify the repurchase right holder thereof without delay: Provided, That when the project operator is unable to identify who the repurchase right holder is, without any negligence, he/she shall give public notice, as prescribed by Presidential Decree.

(2) Subsequent to an lapse of six months from the date the notice is given or the public notice has been made under paragraph (1), no repurchase right holder shall exercise a repurchase right, notwithstanding Article 91 (1) and (2).

Article 93 (Penalty Provisions)

(1) Any person who receives an indemnity by false or other illegal means, or any person who knowingly pays such indemnity shall be punished by imprisonment with labor for not more than 5 years or by a fine not exceeding 30 million won.

(2) Any person who attempts to commit a crime provided in paragraph (1) shall be punished.

Article 94 Deleted. *<by Act No. 8665, Oct. 17, 2007>*

Article 95 (Penalty Provisions)

Any appraisal business entity or any other appraisers entrusted with appraisal and assessment under Article 58 (1) 2 who performs appraisal and assessment by false or other illegal means shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding ten million won.

Article 95-2 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won:

1. Any person who removes obstacles, in violation of Article 12 (1);
2. Any person who fails to transfer land or relocate goods, in violation of Article 43.

Article 96 (Penalty Provisions)

Any person who violates Article 25 (1) or the former part of Article 25 (2) shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding five million won.

Article 97 (Penalty Provisions)

Any of the following persons shall be punished by a fine not exceeding two million won:

1. Any project operator who has access to the land occupied by any other person or issues an order to do so without permission from a Special Self-Governing Province Governor and the head of a Si/Gun/Gu, in violation of the main sentence of Article 9 (2);
2. Any land occupant who interferes with any activity done by a project operator or an appraisal business entity, in violation of Article 11 (including cases applied mutatis mutandis under Article 27 (1));
3. and 4. Deleted. <by Act No. 12972, Jan. 6, 2015>

Article 98 (Joint Penalty Provisions)

If the representative of a juristic person, or an agent, employee or other servant of a juristic person or individual commits a violation under Article 93, 95, 95-2, 96 or 97 in connection with duties of the juristic person or individual, not only shall such violator be punished, but the juristic person or individual also shall be punished by a fine under the respective provisions: Provided, That where such juristic person or individual has paid due attention to or diligently supervised the relevant duties to prevent such violation, this shall not apply. <Amended by Act No. 12972, Jan. 6, 2015>

Article 99 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding two million won:

1. Any person prescribed in Article 58 (1) 1 who fails to appear or make a statement without any justifiable grounds, or who makes a false statement;
2. Any person who is requested to submit a written opinion or data under Article 58 (1) 1 but fails to submit it without any justifiable grounds, or submits a false written opinion or data;
3. Any appraisal business entity or any other appraiser who is requested to perform appraisal and assessment or to appear or make a statement under Article 58 (1) 2 but fails to comply therewith without any justifiable grounds;
4. Any person who rejects, interferes with or evades on-site investigations under Article 58 (1) 3.

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Land, Infrastructure and Transport or a Mayor/Do Governor, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Abrogation of other Acts)

The Land Expropriation Act and the Act on Special Cases concerning the Acquisition of Lands for Public Use and the Compensation for their Loss are hereby repealed.

Article 3 (General Transitional Measures)

Any disposition or procedures taken and other acts done under the previous Land Expropriation Act and the Act on Special Cases concerning the Acquisition of Lands for Public Use and the Compensation for their Loss as at the time this Act enters into force shall be deemed taken or done under this Act.

Article 4 (Transitional Measures concerning Public Works)

Any projects to be publicly notified, announced or executed as they correspond to the public works pursuant to the previous provisions before this Act enters into force shall be deemed the public works under the provisions of Article 4.

Article 5 (Applicability and Transitional Measures concerning Indemnity Procedures Prior to Project Approval)

The provisions of Articles 14 through 16 shall apply beginning with public works to be publicly notified or announced or executed after this Act enters into force, and any public works having already been publicly notified or announced or executed as at the time this Act enters into force shall be governed by the previous Act on Special Cases concerning the Acquisition of Lands for Public Use and the Compensation for their Loss and the Enforcement Decree thereof.

Article 6 (Applicability and Transitional Measures concerning Indemnity Procedures Subsequent to Project Approval)

The provisions of Articles 26 through 29 shall apply to the project approved after this Act enters into force, but any projects already approved as at the time this Act enters into force shall be governed by the previous Land Expropriation Act and the Enforcement Decree thereof.

Article 7 (Transitional Measures concerning Previous Adjudication)

With respect to any adjudication against which no litigation has been instituted as at the time this Act enters into force, for which the period for filing an objection under the previous provisions has already elapsed, no litigation under Article 85 shall be instituted.

Article 8 (Transitional Measures concerning Standing to be Sued in Pending Litigation)

The previous Land Expropriation Act shall, notwithstanding the provisions of Article 85 (2), govern the standing to be sued in a litigation case for an increase or decrease in an indemnity, which is pending before the court as at the time this Act enters into force.

Article 9 (Transitional Measures concerning Repurchase)

The previous Act on Special Cases concerning the Acquisition of Lands for Public Use and the Compensation for their Loss shall govern cases where an application for adjudication has been filed

with the competent Land Tribunal, since the consultation on the amount of repurchase yields no agreement as at the time this Act enters into force.

Article 10 (Transitional Measures concerning Penalty Provisions)

The previous Land Expropriation Act shall govern any application of penalty provisions and administrative fines to the acts done before this Act enters into force.

Article 11 Omitted.

Article 12 (Relationship with other Acts)

Where the previous Act on Special Cases concerning the Acquisition of Lands for Public Use and the Compensation for their Loss, the previous Land Expropriation Act, or the provisions thereof are cited in other Acts as at the time this Act enters into force, and if any corresponding provisions exist in this Act, this Act or the corresponding provisions in this Act shall be deemed cited.

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

Article 1 (Enforcement Date)

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

Articles 2 through 13 Omitted.

ADDENDA <Act No. 7304, Dec. 31, 2004>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 12 Omitted.

ADDENDUM <Act No. 7475, Mar. 31, 2005>

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

ADDENDA <Act No. 7758, Dec. 23, 2005>

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

(2) (Applicability to Indemnity with Bonds for Absentee Real Estate Owners) The amended provisions of Article 63 (3) shall apply beginning with projects for which the indemnification plan is publicly announced or is notified to the landowners and the persons concerned under the provisions of Article 15 after this Act enters into force.

ADDENDA <Act No. 7773, Dec. 29, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2006.

Article 2 Omitted.

ADDENDA <Act No. 7796, Dec. 29, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2006.

Articles 2 through 6 Omitted.

ADDENDUM <Act No. 7835, Dec. 30, 2005>

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

ADDENDA <Act No. 8665, Oct. 17, 2007>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of the proviso to Articles 63 (1), (2) through (5), 70 (5) and 78 (7) shall enter into force on the date of its promulgation.

(2) (Applicability to Request for Purchase and Expropriation of Remaining Land) The amended provisions of Article 70 (5), the proviso to Article 73 (1), (2), (3) and (5), Articles 74 (1), 75-2, 78 (4) and (8), 78-2, the proviso to Article 79 (1), (3), (5) through (7), the provisos to paragraphs (1) and (2) of Article 82 shall apply beginning with projects for which the indemnification plan is announced or is notified to the landowners and the persons concerned pursuant to Article 15 (including cases applied mutatis mutandis pursuant to Article 26 (1)) after this Act enters into force: Provided, That the land acquired subsequent to obtaining project approval pursuant to Article 70 (4) from among the amended provisions of Article 70 (5) shall apply beginning with projects for which the plan for or implementation of public works is publicly announced or notified after this Act enters into force.

(3) (Transitional Measures concerning Special Cases of Indemnification for Land Registration for Preservation of which has not been Made) Where a written confirmation has been obtained or an application for issuance of a written confirmation has been filed pursuant to the former Article 18 before this Act enters into force, the previous provisions shall apply, notwithstanding the amended provisions of Article 18.

(4) (Transitional Measures concerning Penalty Provisions) The previous provisions shall apply to penalty provisions for the acts (including cases where a written confirmation has been obtained pursuant to paragraph (3) of the Addenda or it has been used) done before this Act enters into force.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9053, Mar. 28, 2008>

(1) (Enforcement Date) This Act shall enter into force on April 18, 2008.

(2) (Applicability) The amended provisions of Article 63 (8) 2 shall apply beginning with indemnities paid with bond after this Act enters into force.

ADDENDUM <Act No. 9595, Apr. 1, 2009>

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

ADDENDA <Act No. 10239, Apr. 5, 2010>

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

(2) (Applicability to Area of Land to be Indemnified with Land) The amended provisions of Article 63 (2) shall apply beginning with the first indemnification plan publicly announced after this Act enters into force.

(3) (Applicability to Exceptions for Limitation on Resale of Rights to Receive Indemnity with Land) Where a right decided to receive an indemnity with land is invested in kind to a real estate investment company specialized in development, the amended provisions of Article 63 (3) that exclude limitation on resale shall apply beginning with cases where land is not determined for receiving the indemnity even though its indemnity contract is concluded as at the time this Act enters into force.

ADDENDA <Act No. 10303, May 17, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDUM <Act No. 11017, Aug. 4, 2011>

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

ADDENDA <Act No. 11468, Jun. 1, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Computation of Indemnities)

The amended provisions of Article 68 shall apply beginning with the first land, etc. for which a indemnification plan is officially announced and a landowner and person concerned are notified of such plan pursuant to Article 15 (including cases applied mutatis mutandis pursuant to Article 26 (1)) after

this Act enters into force.

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

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 12471, Mar. 18, 2014>

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

ADDENDUM <Act No. 12972, Jan. 6, 2015>

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

ADDENDA <Act No. 12989, Jan. 6, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2015.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 13677, Dec. 29, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 21 shall enter into force six months after the date of promulgation.

Article 2 (Applicability to Hearing of Opinions)

The amended provisions of Article 21 (2) shall apply beginning with decisions on an area, approval of a project plan, etc. that are deemed appropriate for project approvals under the relevant Acts after the aforesaid provisions enter into force.

Article 3 (Transitional Measures concerning Public Works)

A project allowed to expropriate or use land, etc. under other Acts at the time this Act enters into force, notwithstanding the amended subparagraph 8 of Article 8, shall be construed as the project prescribed in the attached Table under the aforesaid provision.

Article 4 (Transitional Measures concerning Grounds for Disqualification)

The former provisions shall apply to persons for whom the declaration of incompetency or quasi-incompetency remain effective under Article 2 of Addenda of the partial amendment to the Civil Act (No. 10429), notwithstanding the amended provision of Article 54 (1) 1.

ADDENDA <Act No. 13782, Jan. 19, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on September 1, 2016.

Articles 2 through 8 Omitted.

ADDENDA <Act No. 13796, Jan. 19, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on September 1, 2016.

Articles 2 through 4 Omitted.

