

# SPECIAL ACT ON UTILIZATION OF AGRICULTURAL PRODUCTION INFRASTRUCTURE AND ADJACENT AREAS

Act No. 9762, jun. 9, 2009  
Amended by Act No. 10331, May 31, 2010  
Act No. 10599, Apr. 14, 2011  
Act No. 10835, Jul. 14, 2011  
Act No. 10892, Jul. 21, 2011  
Act No. 11690, Mar. 23, 2013  
Act No. 11794, May 22, 2013  
Act No. 12248, Jan. 14, 2014  
Act No. 12738, jun. 3, 2014  
Act No. 13805, Jan. 19, 2016  
Act No. 14480, Dec. 27, 2016  
Act No. 14532, Jan. 17, 2017  
Act No. 15072, Nov. 28, 2017  
Act No. 16568, Aug. 27, 2019  
Act No. 16902, Jan. 29, 2020  
Act No. 16974, Feb. 11, 2020

## CHAPTER I GENERAL PROVISIONS

### **Article 1 (Purpose)**

The purpose of this Act is to raise funds for the maintenance and management of agricultural production infrastructure, and thus contribute to the development of agricultural and fishing villages by developing and using agricultural infrastructure and its adjacent areas in a systematic and environment-friendly manner, while maintaining the original functions of such agricultural infrastructure.

### **Article 2 (Definitions)**

The terms used in this Act shall be defined as follows: *<Amended on Apr. 14, 2011>*

1. The term "agricultural production infrastructure" means a facility under subparagraph 6 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act;
2. The term "entity responsible for the management of agricultural production infrastructure" means the State, a local government, or the Korea Rural Community Corporation under the Korea Rural Community Corporation and Farmland Management Fund Act, among entities responsible for the management of agricultural production infrastructure under Article 16 of the Rearrangement of Agricultural and Fishing Villages Act;
3. The term "adjacent area" means an area prescribed by Presidential Decree in the land adjoining to the agricultural production infrastructure for projects for the utilization of agricultural production infrastructure and its adjacent area under subparagraph 5;
4. The term "zone for the utilization of agricultural production infrastructure and its adjacent area" means a zone designated and publicly notified pursuant to Article 7 in order to carry out the project for the utilization of agricultural production infrastructure and its adjacent area under subparagraph 5;
5. The term "project for the utilization of agricultural production infrastructure and its adjacent area" refers to any of the following projects for securing financial resources for the maintenance and management of agricultural production infrastructure and boosting local economies of agricultural and fishing villages by utilizing agricultural production infrastructure, facilities disused pursuant to Article 24 (1), and their surrounding areas:
  - (a) Projects for sales and leases of houses in agricultural and fishing villages under Article 68 of the Rearrangement of Agricultural and Fishing Villages Act and projects for the development of tourism and leisure complexes in agricultural and fishing villages under Article 82 of the aforesaid Act;
  - (b) Projects for the establishment of joint markets and storage yards for agricultural and fishery products under Articles 43 and 50 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products;
  - (c) Rearrangement of infrastructure for projects of a tourism farm and projects for agricultural and fishing villages for experiences and relaxation under the Promotion of Mutual Exchange between Cities and Agricultural or Fishing Villages Act;
  - (d) Projects for the development of tourist destinations and tourism complexes under subparagraphs 6 and 7 of Article 2 of the Tourism Promotion Act;
  - (e) Projects for the construction of infrastructure and city/Gun planning projects under subparagraphs 6 and 11 of Article 2 of the National Land Planning and Utilization Act;
  - (f) Projects for the installation of facilities for new and renewable energy and projects for the generation of new and renewable energy under the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy;
  - (g) Housing projects and housing site development projects under the Housing Act;
  - (h) Sports facility business under Article 10 of the Installation and Utilization of Sports Facilities Act.

### **Article 3 (Relationship to Other Statutes)**

Special cases in this Act concerning regulations applicable to the project for the utilization of agricultural production infrastructure and its adjacent area (hereinafter referred to as "project for the utilization of agricultural production infrastructure") shall take precedence over any other Act: Provided, That if any other Act has more relaxed provisions than special exceptions in this Act to such regulations, such provisions of the other Acts shall prevail.

## **CHAPTER II ESTABLISHMENT OF PROJECT PLANS FOR UTILIZATION OF AGRICULTURAL PRODUCTION INFRASTRUCTURE, ETC.**

### **Article 4 (Preparation of Project Plan and Approval Application therefor)**

(1) An entity responsible for the management of agricultural production infrastructure shall, when it intends to carry out a project pursuant to this Act, prepare a project plan for the utilization of agricultural production infrastructure (hereinafter referred to as "project plan") with regard to the agricultural production infrastructure and its adjacent area and shall obtain approval from the Minister of Agriculture, Food and Rural Affairs. In such cases, it shall obtain consent of landowners who own at least 2/3 of the area of the land, excluding state-owned and public land, out of the project area under paragraph (3) 2 and at least 1/2 of the total number of landowners. <Amended on Mar. 23, 2013>

(2) Criteria for a project area and the size of such area in preparing a project plan shall be prescribed by Presidential Decree.

(3) A project plan shall include the following matters: <Amended on Apr. 14, 2011; Jul. 21, 2011>

1. The name of the project for the utilization of agricultural production infrastructure;
2. The area, location, and the size of the area of the project for the utilization of agricultural production infrastructure;
3. The basic direction and overview of the project for the utilization of agricultural production infrastructure;
4. The name and address of the project implementer;
5. A plan for the substitution or improvement of the agricultural production infrastructure;
6. A plan for the installation of planned city/Gun facilities, public facilities, and infrastructure under the National Land Planning and Utilization Act;
7. A plan for environmental conservation, landscaping, and disaster prevention;
8. A plan for preservation and improvement of water quality;
9. A plan for securing required land and disposal of developed land;
10. A land use plan, a traffic plan, and a plan for parks and green zones;

11. The time and period scheduled for the implementation of the project for the utilization of agricultural production infrastructure;
12. A fund raising plan and an annual investment plan;
13. Estimated profits and a plan for raising funds for maintenance and management;
14. A report on strategic environmental assessment under Article 16 of the Environmental Impact Assessment Act;
15. Other matters specified by Presidential Decree as necessary for the implementation of the project for the utilization of agricultural production infrastructure.

#### **Article 5 (Approval, etc. of Project Plans)**

(1) The Minister of Agriculture, Food and Rural Affairs shall, if he/she intends to approve a project plan pursuant to Article 4, hear residents' opinions, as prescribed by Presidential Decree, and then consult with heads of appropriate central administrative agencies and a Special Metropolitan City Mayor, the competent Metropolitan City Mayor, Do Governor, or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") or the competent head of a Si/Gun/Gu (hereinafter referred to as "head of a Si/Gun/Gu"). *<Amended on Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs shall, when he/she approves a project plan pursuant to paragraph (1), request the Mayor/Do Governor or the head of a Si/Gun/Gu to make a decision on the city/Gun management plan under Article 30 of the National Land Planning and Utilization Act, and the Mayor/Do Governor or the head of a Si/Gun/Gu shall, upon receiving the request to make a decision on the urban management plan, make the decision within 60 days, subject to deliberation by the local urban planning committee under Article 113 of the aforesaid Act, and shall notify the Minister of Agriculture, Food and Rural Affairs of results thereof. *<Amended on Apr. 14, 2011; Mar. 23, 2013>*

(3) The implementer of the project for the utilization of agricultural production infrastructure shall be deemed to be designated as the implementer or project owner under any of the following subparagraphs, when the project plan is approved pursuant to paragraph (1): *<Amended on Apr. 14, 2011; Jan. 19, 2016>*

1. When the implementer or project owner who is designated as the implementer of the project for the development of a tourist destination or a tourism complex under subparagraph 6 or 7 of Article 2 of the Tourism Promotion Act;
2. When the implementer or project owner who is designated as the implementer of a planned city/Gun facility project under Article 86 of the National Land Planning and Utilization Act;
3. A project owner under subparagraph 10 of Article 2 of the Housing Act.

(4) The Minister of Agriculture, Food and Rural Affairs shall, when he/she approves a project that needs the expropriation or use of land, etc. under Article 18, give public notice of the name of the project implementer, the type of the project, and a detailed list of parcels of the land, etc. subject to expropriation or use and notify owners and right holders of the land, etc.: Provided, That the foregoing shall not apply if the project implementer had consulted with owners and right holders of the land or other property before

the project implementer filed an application for approval of the project plan. <Amended on Mar. 23, 2013; Feb. 11, 2020>

#### **Article 6 (Revision to Project Plan)**

A project implementer shall comply with Articles 4 and 5, whenever it revises the project plan: Provided, That the foregoing shall not apply to a minor modification specified by Presidential Decree.

### **CHAPTER III DESIGNATION OF ZONES FOR UTILIZATION OF AGRICULTURAL PRODUCTION INFRASTRUCTURE, ETC.**

#### **Article 7 (Designation of Zones for Utilization of Agricultural Production Infrastructure)**

(1) The Minister of Agriculture, Food and Rural Affairs shall, when he/she approves a project plan or a revision thereto pursuant to Article 5 or 6, designate a zone for the utilization of agricultural production infrastructure and its adjacent area (hereinafter referred to as "zone for the utilization of agricultural production infrastructure") or amend such designation. <Amended on Mar. 23, 2013>

(2) A zone for the utilization of agricultural production infrastructure shall not include a park zone under subparagraph 5 of Article 2 of the Natural Park Act.

(3) The Minister of Agriculture, Food and Rural Affairs shall, when he/she designates a zone for the utilization of agricultural production infrastructure or amends such designation pursuant to paragraph (1), give public notice thereof through the Official Gazette, as prescribed by Presidential Decree, and shall forward a copy of each relevant document to the head of a Si/Gun/Gu. In such cases, topographic drawings shall be publicly notified in compliance with Article 8 of the Framework Act on the Regulation of Land Use, and the head of the Si/Gun/Gu shall, upon receiving copies of relevant documents, make them available to residents in his/her jurisdiction for inspection. <Amended on Mar. 23, 2013; Feb. 11, 2020>

#### **Article 8 (Cancellation of Designation of Zones for Utilization of Agricultural Production Infrastructure)**

(1) If an area designated as a zone for the utilization of agricultural production infrastructure pursuant to Article 7 falls under any of the following subparagraphs, the Minister of Agriculture, Food and Rural Affairs may cancel the designation: <Amended on Mar. 23, 2013; Feb. 11, 2020>

1. If the project implementer fails to file an application for approval of an implementation plan Article 10 within two years from the date on which the project plan approved;
2. If the project implementer fails to commence the project for the utilization of agricultural production infrastructure within two years from the date on which the implementation plan under Article 11 (1) was approved;

3. If the approval of the project plan is canceled.

(2) The Minister of Agriculture, Food and Rural Affairs shall, when he/she cancels the designation of a zone for the utilization of agricultural production infrastructure pursuant to paragraph (1), give public notice of details thereof through the Official Gazette, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

#### **Article 9 (Restrictions on Activities)**

(1) A person who intends to conduct any activity specified by Presidential Decree within an area designated as a zone for the utilization of agricultural production infrastructure pursuant to Article 7, such as erection of a building, installation of an artificial structure, a change in the form or quality of land, extraction of soil, rock or sand, division of land, storage of goods, capture or cultivation of fishery products, animal, or plants, and planting of trees, shall obtain approval from the Mayor/Do Governor or the head of a Si/Gun/Gu therefor. The foregoing shall also apply to an intended change in any permitted activity. <Amended on Feb. 11, 2020>

(2) The Mayor/Do Governor or the head of a Si/Gun/Gu shall, when he/she issues a permit or an amended permit pursuant to paragraph (1), hear the opinion of the Minister of Agriculture, Food and Rural Affairs in advance, if the activity involved constitutes any activity specified by Presidential Decree as likely to seriously jeopardize a project for the utilization of agricultural production infrastructure. <Amended on Mar. 23, 2013>

(3) Notwithstanding paragraph (1), any of the following activities may be conducted without permission:

1. Activities conducted as emergency measures necessary for recovery from a disaster or the control of a disaster;
2. Other activities specified by Presidential Decree.

(4) A person who has already commenced a construction work or a project in connection with an activity subject to the permission under paragraph (1) may continue the work or project after filing a report with the Mayor/Do Governor or the head of a Si/Gun/Gu, as prescribed by Presidential Decree, if he/she already obtained permission for the activity in accordance with relevant Acts and subordinate statutes, or if he/she was not required to obtain permission for such activity, at the time the area was designated and publicly notified as a zone for the utilization of agricultural production infrastructure. <Amended on Feb. 11, 2020>

(5) The Mayor/Do Governor or the head of a Si/Gun/Gu may order a person who violated paragraph (1) to restore the area to its original state. In such cases, the Mayor/Do Governor or the head of the Si/Gun/Gu may execute works for the restoration vicariously pursuant to the Administrative Vicarious Execution Act, if the person who was so ordered fails to comply with the order.

(6) Except as otherwise provided for in this Act, Articles 57 through 60 and 62 of the National Land Planning and Utilization Act shall apply mutatis mutandis to the permission under paragraph (1).

(7) Permission granted under paragraph (1) shall be deemed permission granted under Article 56 of the National Land Planning and Utilization Act.

## CHAPTER IV IMPLEMENTATION OF PROJECTS FOR UTILIZATION OF AGRICULTURAL PRODUCTION INFRASTRUCTURE

### **Article 10 (Preparation of Implementation Plan and Application for Approval)**

(1) Each project implementer shall, when he/she intends to implement a project for the utilization of agricultural production infrastructure, prepare a plan for the implementation of the project for the utilization of the agricultural production infrastructure (hereinafter referred to as "implementation plan") and shall file an application for approval with the Minister of Agriculture, Food and Rural Affairs.

*<Amended on Mar. 23, 2013>*

(2) An implementation plan shall reflect details of the project plan under Article 4 (3) (including revised matters, if there are changes) and shall be accompanied by documents specified by Presidential Decree.

### **Article 11 (Approval of Implementation Plans)**

(1) The Minister of Agriculture, Food and Rural Affairs shall, upon receiving an application for approval of an implementation plan under Article 10, make a decision on whether to approve it and shall notify the decision thereof to the project implementer. *<Amended on Mar. 23, 2013>*

(2) The Minister of Agriculture, Food and Rural Affairs shall, when he/she approves an implementation pursuant to paragraph (1), give public notice thereof through the Official Gazette, as prescribed by Presidential Decree, and forward a copy of each relevant document to the Mayor/Do Governor or the head of a Si/Gun/Gu. *<Amended on Mar. 23, 2013>*

(3) The Mayor/Do Governor or the head of a Si/Gun/Gu shall, upon receiving copies of relevant documents pursuant to paragraph (2), take necessary measures, such as filing an application for approval of topographic drawings under Article 32 (2) of the National Land Planning and Utilization Act, if a matter subject to decision on the city/Gun management plan under Article 30 of the aforesaid Act is included therein. In such cases, the project implementer shall forward documents necessary for public notification of topographic drawings to the Mayor/Do Governor or the head of the Si/Gun/Gu. *<Amended on Apr. 14, 2011>*

### **Article 12 (Revision to Implementation Plan)**

A project implementer shall comply with the procedure under Articles 10 and 11 when he/she intends to revise the implementation plan: Provided, That the foregoing shall not apply to a minor matter specified by Presidential Decree.

### **Article 13 (Access to Another's Land, etc.)**

(1) A project implementer may, if necessary for inspections and land surveys for the preparation of an implementation plan or for the implementation of the project for the utilization for agricultural production infrastructure, enter the land owned or occupied by another person or temporarily use the land owned or occupied by another person as a storage yard for materials or a temporary passage or road and may alter or remove trees, soil, rocks, and other obstacles therefrom, if particularly necessary. In such cases, the owner or occupant of the land shall not interfere with or reject such entrance or use without a justifiable reason.

(2) When it is intended to enter another's land pursuant to paragraph (1), a prior notice shall be given to the owner or occupant of the land, and when it is intended to use the land temporarily or alter or remove an obstacle therefrom, consent shall be obtained from the owner or occupant of the land: Provided, That if it is impossible to obtain consent because the owner or occupant of the land is away or his/her domicile is not known, the project implementer shall, if it is an administrative agency, notify the head of a Si/Gun/Gu of the fact or shall, if it is not an administrative agency, obtain permission from the head of the Si/Gun/Gu before entering the land.

(3) No one may enter a residential site or another's land enclosed with a wall before sunrise or after sunset without consent of the owner or occupant of the land.

(4) A person who intends to enter another's land pursuant to paragraph (1) shall carry an identification card showing his/her authority with him/her and produce it to the persons concerned.

(5) A project implementer whose implementation plan has been approved pursuant to Article 11 may enter public waters, for which the project for the utilization of agricultural production infrastructure is planned, or use such public waters temporarily. In such cases, the project implementer shall obtain consent of the person who holds a right to the public waters under the Fisheries Act or other Acts, and the right holder shall not interrupt or interfere with the project implementer's access to, or temporary use of, the public waters without a justifiable reason.

### **Article 14 (Compensation for Damage Caused by Access to Land)**

(1) A project implementer shall compensate a person for damage, if any, sustained by the person due to an activity under Article 13.

(2) As for compensation for damage under paragraph (1), a project implementer shall reach an agreement with the person who has sustained damage.

(3) Where a project implementer fails, or is unable, to reach an agreement under paragraph (2) with the person who has sustained damage, either the project implementer or the person who has sustained damage may file a petition for adjudication with the competent land tribunal with respect to the land, goods, etc. In such cases, a petition for adjudication may be filed during the implementation period of the relevant project for the utilization of the agricultural production infrastructure, notwithstanding Articles 23 (1) and 28 (1) of the Act on Acquisition of and Land, etc. for Public Works Projects.

(4) Notwithstanding paragraph (3), provisions regarding compensation under Articles 81 through 87 of the Fisheries Act shall apply to rights to licensed fishery business under Article 8 of the aforesaid Act, permitted fishery business under Article 41 of the aforesaid Act, and reported fishery business under Article 47 of the aforesaid Act, and provisions regarding compensation under under Articles 67 through 69 of the Aquaculture Industry Development Act shall apply to rights related to the aquaculture industry under Articles 10 and 43 of the aforesaid Act. <Amended on Aug. 27, 2019>

#### **Article 15 (Constructive Authorization, Permission, etc.)**

(1) Matters, on which the Minister of Agriculture, Food and Rural Affairs has completed consultation with the head of a relevant administrative agency pursuant to paragraph (3) in regard to the relevant permission, authorization, decision, license, consultation, consent, approval, reporting, cancellation, or similar (hereinafter referred to as "authorization or permission") under any of the following Acts applicable to an implementation plan, in granting approval of the implementation plan or a revision to the implementation plan pursuant to Article 11 or 12 shall be deemed authorized or permitted, and the authorization or permission under the applicable Act specified in any of the following subparagraphs shall be deemed publicly notified or announced as at the time the implementation plan is publicly notified pursuant to Article 11 (2): <Amended on May 31, 2010; Apr. 14, 2011; Jul. 14, 2011; Mar. 23, 2013; May 22, 2013; Jan. 14, 2014; Jun. 3, 2014; Jan. 19, 2016; Dec. 27, 2016; Jan. 17, 2017; Nov. 28, 2017; Jan. 29, 2020; Feb. 11, 2020>

1. Deliberation by the deliberative committee on construction technology under Article 5 of the Construction Technology Promotion Act;
2. Deliberation by the competent building committee under Article 4 of the Building Act, a building permit under Article 11 of the aforesaid Act, a building report under Article 14 of the aforesaid Act, revision to permitted or reported matters under Article 16 of the aforesaid Act, a permit for, or report on, construction of a temporary building under Article 20 of the aforesaid Act, consultation about building works under Article 29 of the aforesaid Act;
3. Permission for the extraction of construction aggregate under Article 22 of the Aggregate Extraction Act;
4. Permission for the occupancy and use of public waters under Article 8 of the Public Waters Management and Reclamation Act, consultation or approval under Article 10 of the aforesaid Act, or approval of an implementation plan under Article 17 of the aforesaid Act;
5. A reclamation license under Article 28 of the Public Waters Management and Reclamation Act or approval of an implementation plan under Article 38 of the aforesaid Act;
6. Approval of a business plan under Article 15 of the Tourism Promotion Act, designation of a tourist destination and tourism complex under Article 52 of the aforesaid Act, approval of a plan for the development of tourist destinations and a tourism complex under Article 54 of the aforesaid Act, or permission for implementation of a development project under Article 55 of the aforesaid Act;

7. Denial of permission under Article 21, 22, or 24 of the Mining Industry Act or the cancellation of mining rights under Article 35 of the aforesaid Act;
8. Permission for the use of state property under Article 30 of the State Property Act;
9. A decision on an city/Gun management plan under Article 30 of the National Land Planning and Utilization Act, permission for development activities under Article 56 of the aforesaid Act, designation of a project implementer for planned urban facilities under Article 86 of the aforesaid Act, or authorization for an implementation plan for planned city/Gun facilities under Article 88 of the aforesaid Act;
10. Approval for the use of infrastructure for agricultural production Article 23 of the Rearrangement of Agricultural and Fishing Villages Act, disuse of agricultural production infrastructure under Article 24 of the aforesaid Act, or approval of a project plan for the development of a tourism and relaxation complex in an agricultural or fishing village under Article 82 (2) of the aforesaid Act;
11. Permission for, or consultation about, the diversion of farmland under Article 34 of the Farmland Act;
12. Permission for, or a report on, the installation of a discharging facility under Article 23 of the Clean Air Conservation Act, Article 33 of the Water Environment Conservation Act, or Article 8 of the Noise and Vibration Control Act;
13. Consultation with, or approval from, the competent road management authorities under Article 107 of the Road Act (limited to cases related to public notification of designation of a road route under Article 19 of the Road Act, determination of a road zone under Article 25 of the aforesaid Act, permission for the implementation of a road project by any person other than management authorities under Article 36 of the aforesaid Act, designation of a clearance zone under Article 40 of the aforesaid Act, or permission for the occupancy and use of a road under 61 of the aforesaid Act) or permission or consultation under Article 6 or 8 of the Toll Road Act;
14. The establishment or modification of an urban development project plan under Article 4 of the Urban Development Act, the hearing of opinions from residents and others under Article 7 of the aforesaid Act, the designation of a project implementer of an urban development project under Article 11 of the aforesaid Act, or authorization for an implementation plan for an urban development project under Article 17 of the aforesaid Act;
15. Designation of a logistics complex under Article 22 of the Act on the Development and Management of Logistics Facilities or approval of an implementation plan for the development of a logistics complex under Article 28 of the aforesaid Act;
16. Permission for opening a private road under Article 4 of the Private Road Act;
17. Permission for cutting trees or extraction of soil and rocks under Article 14 of the Work against Land Erosion or Collapse Act or the cancellation of designation of an erosion control area under Article 20 of the aforesaid Act;

18. Permission for, or a report on, cutting standing trees under Article 36 (1) or (4) of the Creation and Management of Forest Resources Act or permission for, a report on, activities inside a reserved forest (excluding a gene resources reserve forest) under Article 9 (1) or (2) 1 or 2 of the Forest Protection Act, or the cancellation of designation of a reserved forest under Article 11 (1) 1 of the aforesaid Act;
19. Permission for diversion of a mountainous district under Article 14 of the Management of Mountainous Districts Act, a report on diversion of a mountainous district under Article 15 of the aforesaid Act, and permission for, or a report on, temporary use of a mountainous district under Article 15-2 of the aforesaid Act;
20. Consent to a building permit, etc. under Article 7 (1) of the Installation, Maintenance, and Safety Control of Fire-Fighting Systems Act, a report on the installation of a fire-fighting system under Article 13 (1) of the Fire-Fighting System Installation Business Act, or permission for installation of a workshop under Article 6 (1) of the Safety Control of Dangerous Substances Act;
21. Permission for the implementation of a small river project under Article 10 of the Small River Maintenance Act or permission for the occupation and use of a small river under Article 14 of the aforesaid Act;
22. Authorization for a general waterworks project under Article 17 (1) of the Water Supply and Waterworks Installation Act, authorization for an industrial waterworks project under Article 49 of the aforesaid Act, authorization for the installation of an exclusive potable water supply system under Article 52 of the aforesaid Act, or authorization for the installation of an exclusive industrial water supply system under Article 54 of the aforesaid Act;
23. Consultation about an energy use plan under Article 10 of the Energy Use Rationalization Act;
24. Registration of the establishment of a superstore under Article 8 of the Distribution Industry Development Act;
25. Permission for the relocation of a grave under Article 27 of the Funeral Service, etc. Act;
26. Approval of a project plan under Article 15 of the Housing Act;
27. A report on the commencement, alteration, or completion of a project under Article 86 (1) of the Act on the Establishment, Management, etc. of Spatial Data;
28. Consultation about the feasibility of an integrated energy supply system under Article 4 of the Integrated Energy Supply Act;
29. Approval of a business plan under Article 12 of the Installation and Utilization of Sports Facilities Act;
30. Permission for the development of grassland under Article 5 of the Grassland Act, permission for a change of the form and quality of land under Article 21-2 of the aforesaid Act, or permission for the diversion of grassland under Article 23 of the aforesaid Act;
31. Examination on the use of results of land survey under Article 15 of the Act on the Establishment, Management, etc. of Spatial Data;

32. Approval of or a report on the installation of a waste disposal facility under Article 29 of the Wastes Control Act;
  33. Permission for the implementation of a public sewerage project under Article 16 of the Sewerage Act or permission for the occupation and use of a public sewerage system under Article 24 of the aforesaid Act;
  34. Consultation with, or approval from, the competent river management authorities under Article 6 of the River Act (limited to cases related to the permission for a river project under Article 30 of the aforesaid Act and the permission for the occupation and use of a river under Article 33 of the aforesaid Act);
  35. Permission for the implementation of a harbor development project under Article 9 (2) of the Harbor Act or approval of an implementation plan for a harbor development project under Article 10 (2) of the aforesaid Act.
- (2) A project implementer who desires to be entitled to the constructive authorization or permission shall submit relevant documents specified by relevant Acts and subordinate statutes together, when it files an application for approval of an implementation plan or a revision thereto.
- (3) The Minister of Agriculture, Food and Rural Affairs shall, when he/she intends to approve an implementation plan or a revision thereto pursuant to Article 11 or 12, consult in advance with heads of appropriate administrative agencies, if a matter falling under any subparagraph of paragraph (1) is included in the plan or revision. *<Amended on Mar. 23, 2013; Feb. 11, 2020>*
- (4) The head of an appropriate administrative agency shall, upon receiving a request for consultation from the Minister of Agriculture, Food and Rural Affairs pursuant to paragraph (3), present his/her opinion thereon within 30 days from the date of receipt of such request unless there is a compelling reason not to do so. *<Amended on Mar. 23, 2013; Feb. 11, 2020>*

#### **Article 16 (Special Cases concerning the National Land Planning and Utilization Act)**

- (1) Where an entity responsible for the management of agricultural production infrastructure requests the land suitability assessment under Article 27 (3) of the National Land Planning and Utilization Act when it prepares a project plan for the implementation of a project, it may apply different indexes and guidelines to the assessment, if separate preservative measures specified by Presidential Decree are established.
- (2) Notwithstanding Article 76 of the National Land Planning and Utilization Act, an entity responsible for the management of agricultural production infrastructure may prescribe different regulations on planned control areas and restrictions on building works within controlled areas, as prescribed by Presidential Decree, when it prepares a project plan for the implementation of a project.

#### **Article 17 (Abatement and Exemption of Charges)**

The State or a local government may, if necessary for the smooth implementation of a project for the utilization of agricultural production infrastructure, abate or exempt the development charge, the farmland

conservation charge, the cost for the development of substitute forest resources, or the traffic induction charge that shall be otherwise imposed on a project implementer, as prescribed by the Restitution of Development Gains Act, the Farmland Act, the Grassland Act, or the Urban Traffic Improvement Promotion Act.

#### **Article 18 (Expropriation or Use of Land, etc.)**

(1) A project implementer may, if necessary for the implementation of the project for the utilization of agricultural production infrastructure, expropriate or use parcels of land, goods, or rights under Article 3 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor (for convenience, hereinafter referred to as "land, etc."): Provided, That the land, etc. may be expropriated or used only in cases where the project falls within the category of the public interest projects under the aforesaid Act. <Amended on Feb. 11, 2020>

(2) A project implementer who intends to expropriate or use land, etc. pursuant to paragraph (1) shall secure (referring to acquiring the ownership in the land or obtaining prior consent to the use from landowners) not less than 2/3 of the area of the land subject to the project, excluding state-owned and public land and shall obtain consent of at least 1/2 of the total number of landowners.

(3) When an area is designated and publicly notified as a zone for the utilization of agricultural production infrastructure under Article 7, it shall be deemed that the approval for the project and the public notification of approval for the project have been granted or made pursuant to Article 20 (1) and 22 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor, and a petition for adjudication may be filed during the implementation period specified in the implementation plan, notwithstanding Article 23 (1) and 28 (1) of the aforesaid Act.

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

#### **Article 19 (Installation of Infrastructure)**

(1) Suppliers of electricity, telecommunications, gas, and district heating shall bear costs for the installation of facilities for electricity, telecommunications, gas, and district heating in each area: Provided, That if main facilities for electricity are installed underground at the request of a project implementer or other person, the supplier of electricity and the person who requests underground installation shall each bear the cost equally at the rate of 50/100.

(2) The timing to install each facility under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 20 (Completion Inspection)**

(1) Each project implementer shall, upon completion of the whole or part of the project for the utilization of agricultural production infrastructure, receive a completion inspection of the Minister of Agriculture,

Food and Rural Affairs without delay, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

(2) The Minister of Agriculture, Food and Rural Affairs shall, upon receiving an application for completion inspection under paragraph (1), conduct the completion inspection and shall, if it is found that the project has been implemented in conformity with the approved implementation plan, issue a certificate of completion inspection, prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, to the applicant. <Amended on Mar. 23, 2013>

(3) When a project implementer has successfully passed the completion inspection under paragraph (1), it shall be deemed to have successfully passed the final inspection on the project or have received approval for completion of the project in regard to the authorization and permission specified in each subparagraph of Article 15 (1). In such cases the Minister of Agriculture, Food and Rural Affairs shall consult with the head of each appropriate administrative agency in advance on the completion inspection. <Amended on Mar. 23, 2013>

(4) A project implementer may file an application for final inspection on each phase or each facility within the scope of the implementation plan, if necessary to efficiently carry out the project for the utilization of agricultural production infrastructure.

#### **Article 21 (Public Announcement of Completion of Project)**

The Minister of Agriculture, Food and Rural Affairs shall, if he/she finds as a result of the final inspection under Article 20 (1) that the project for the utilization of agricultural production infrastructure has been completed in accordance with the implementation plan, make a public announcement of completion of the project, while he/she shall, if the project has not been completed in accordance with the implementation plan, issue an order to cure defects and take other necessary measures without delay. <Amended on Mar. 23, 2013>

#### **Article 22 (Restrictions on Disposal of State-Owned or Public Land)**

(1) A parcel of land located within a zone for the utilization of agricultural production infrastructure and owned by the State or a local government shall not be disposed of for any purpose other than purposes stipulated in the relevant implementation plan, if the land is required for the project for the utilization of the agricultural production infrastructure.

(2) An asset located within a zone for the utilization of agricultural production infrastructure and owned by the State or a local government may be disposed of to the project implementer under a negotiated contract, notwithstanding the contracting methods under Articles 9 and 43 of the State Property Act or Articles 10 and 29 of the Public Property and Commodity Management Act. In such cases, the project implementer shall consult with the head of an appropriate administrative agency in advance with regard to disuse (limited to cases where an asset at issue is an administrative asset) or disposal of the asset. <Amended on Feb. 11, 2020>

(3) The head of an appropriate administrative agency shall, upon receiving a request for consultation from a project implementer pursuant to the latter part of paragraph (2), take measures necessary for the consultation within 30 days from the date on which he/she receives such request.

## CHAPTER V RAISING OF FUNDS FOR MAINTENANCE AND MANAGEMENT

### **Article 23 (Raising Funds for Maintenance and Management)**

(1) Each project implementer shall raise funds for maintenance and management from profits generated from the project for the utilization of agricultural production infrastructure, as prescribed by Presidential Decree.

(2) Matters necessary for the guidelines for raising funds for maintenance and management under paragraph (1) and calculation of such funds shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended on Mar. 23, 2013>*

### **Article 24 (Management of Funds for Maintenance and Management)**

(1) The entity responsible for the management of agricultural production infrastructure shall be responsible for the management of funds raised for maintenance and management pursuant to Article 23.

(2) Funds for maintenance and management may be used for the following purposes:

1. Expenses for the maintenance and management of the agricultural production infrastructure managed by the entity responsible for the management of the agricultural production infrastructure;
2. Acquisition of land or other property required for the maintenance and management of the agricultural production infrastructure;
3. Expenses for the prevention of pollution of water for agricultural or fishery villages and the improvement of water quality.

## CHAPTER VI SUPPLEMENTARY PROVISIONS

### **Article 25 (Guidance, Supervision, etc.)**

(1) The Minister of Food, Agriculture and Rural Affairs shall guide and supervise every project implementer in regard to matters related to its performance. *<Amended on Mar. 23, 2013>*

(2) The Minister of Food, Agriculture and Rural Affairs may, if he/she considers if necessary for the guidance and supervision under paragraph (1), demand to make a report on its business or submit relevant data. *<Amended on Mar. 23, 2013>*

### **Article 26 (Liability for Expenses)**

(1) Expenses incurred in implementing the project for the utilization of agricultural production infrastructure shall be borne by the project implementer.

(2) The State or a local government may grant a full or partial subsidy or loan, within budgetary limits, to a project implementer for expenses incurred in implementing a project for the utilization of agricultural production infrastructure, such as installation of infrastructure, as prescribed by Presidential Decree.

#### **Article 27 (Administrative Disposition)**

(1) The Minister of Agriculture, Food and Rural Affairs may, if a project implementer falls under any of the following subparagraphs, revoke permission or approval under this Act or issue an order to suspend or alter works included in the project, rebuild, alter, or relocate a building, an obstacle, etc., or make other disposition or take other measures, as necessary: Provided, That permission or approval shall be revoked in cases falling under subparagraph 1: *<Amended on Mar. 23, 2013; Feb. 11, 2020>*

1. If the project implementer obtains permission or approval under this Act by fraud or other improper means;
2. If it is impossible to continue the implementation of the project for the utilization of agricultural production infrastructure due to a natural disaster, the project implementer's bankruptcy, or other cause or event specified by Presidential Decree;
3. If the project implementer implements the project without approval of the implementation plan or a revision thereto;
4. If the project implementer fails to file an application for approval of an implementation plan within two years from the date of approval of the project plan;
5. If the project implementer fails to commence the project within two years from the date of approval of the implementation plan.

(2) Detailed guidelines for the revocation of permission or approval under paragraph (1), the suspension or alteration of construction works, the rebuilding, alteration, or relocation of a building, an obstacle, etc., and other necessary dispositions or measures shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, considering the type, cause, degree, etc. of each violation. *<Amended on Mar. 23, 2013>*

(3) The Minister of Agriculture, Food and Rural Affairs shall, when he/she issues an order or makes a disposition pursuant to paragraph (1), give public notice thereof, as prescribed by Presidential Decree. *<Amended on Mar. 23, 2013>*

#### **Article 28 (Hearings)**

The Minister of Agriculture, Food and Rural Affairs shall hold a hearing pursuant to the Administrative Procedures Act, when he/she intends to make an administrative disposition for revoking permission or approval in regard to a case falling under any subparagraph of Article 27 (1). *<Amended on Mar. 23, 2013>*

### **Article 29 (Delegation of Authority)**

(1) The Minister of Agriculture, Food and Rural Affairs may delegate part of his/her authority under this Act to each Mayor/Do Governor, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

(2) Each Mayor/Do Governor may delegate part of the authority delegated pursuant to paragraph (1) again to the head of each head of a Si/Gun/Gu, subject to prior approval of the Minister of Agriculture, Food and Rural Affairs. <Amended on Mar. 23, 2013>

## **CHAPTER VII PENTALTY PROVISIONS**

### **Article 30 (Penalty Provisions)**

A person who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than three years or by a fine not exceeding 30 million won:

1. A person who obtains approval of a project plan under Article 5 by fraud or by other wrongful means;
2. A person who erects a building or conducts an activity prohibited within a zone for the utilization of agricultural production infrastructure in violation of Article 9 (1) without permission or who obtains permission for such activity by fraud or by other wrongful means;
3. A person who obtains approval of an implementation plan under Article 11 (1) by fraud or by other wrongful means;
4. A person who implemented a project without approval of an implementation plan under Article 11 (1).

### **Article 31 (Penalty Provisions)**

A person who violates an order issued pursuant to Article 27 (1) to suspend or alter construction works, rebuild, alter, or relocate a building, an obstacle, or similar, or make other dispositions or take other measures shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding ten million won.

### **Article 32 (Joint Penalty Provisions)**

Where a representative of a corporation, or an agent, employee or other servant of a corporation or individual commits an offense under Article 30 or Article 31 in connection with the business of the corporation or individual, in addition to the punishment of such offender, the corporation or individual shall be punished by a fine under each relevant Article: Provided, That the same shall not apply to cases where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offense.

### **Article 33 (Administrative Fines)**

(1) A person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding two million won:

1. A person who interrupts or interferes with a project implementer's access to or temporary use of the land in violation of the latter part of Article 13 (1);
2. A person who interrupts or interferes with a project implementer's access to or temporary use of public waters in violation of the latter part of Article 13 (5).

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Agriculture, Food and Rural Affairs, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

ADDENDA <Act No. 9762, Jun. 9, 2009>

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

(2) Omitted.

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

### **Article 1 (Enforcement Date)**

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

**Articles 2 through 13 Omitted.**

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

### **Article 1 (Enforcement Date)**

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

**Articles 2 through 9 Omitted.**

ADDENDUM <Act No. 10835, Jul. 14, 2011>

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

ADDENDA < Act No. 10892, Jul. 21, 2011>

### **Article 1 (Enforcement Date)**

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

**Articles 2 through 10 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 11794, May 22, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 26 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 25 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 3 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 22 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 14532, Jan. 17, 2017>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That among the Acts amended under Article 6 of the Addenda, amendments to an Act, which was promulgated before this Act enters into force but the date it enters into force has yet to arrive, shall enter into force on the enforcement date of the relevant Act.

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 15072, Nov. 28, 2017>

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

ADDENDA <Act No. 16568, Aug. 27, 2019>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 16 Omitted.**

ADDENDA <Act No. 16902, Jan. 29, 2020>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 20 Omitted.**

ADDENDUM <Act No. 16974, Feb. 11, 2020>

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

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