

ACT ON THE CONSERVATION AND MANAGEMENT OF UNINHABITED ISLANDS

Act No. 8620, Aug. 3, 2007
Amended by Act No. 8852, Feb. 29, 2008
Act No. 9612, Apr. 1, 2009
Act No. 9758, jun. 9, 2009
Act No. 9763, jun. 9, 2009
Act No. 9774, jun. 9, 2009
Act No. 10331, May 31, 2010
Act No. 10666, May 19, 2011
Act No. 10977, Jul. 28, 2011
Act No. 11037, Aug. 4, 2011
Act No. 11257, Feb. 1, 2012
Act No. 11690, Mar. 23, 2013
Act No. 11806, May 22, 2013
Act No. 12738, jun. 3, 2014
Act No. 12844, Nov. 19, 2014
Act No. 13797, Jan. 19, 2016
Act No. 14480, Dec. 27, 2016

Article 1 (Purpose)

The purpose of this Act is to contribute to the promotion of public welfare with the systematic management of uninhabited islands and surrounding waters by prescribing matters necessary for the conservation and management of uninhabited islands and surrounding waters.

Article 2 (Definitions)

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

1. The term "uninhabited island" means naturally formed land which is surrounded by the sea and appears above the surface of the sea at flood, where no person lives (referring to settling and doing economic activities continuously; hereafter the same shall apply): Provided, That an island on which people live in the limited area only for reasons prescribed by Presidential Decree, such as the management of a lighthouse, shall be deemed an uninhabited island;

2. The term "surrounding waters" means the sea within one kilometer from the high-water line of an uninhabited island, excluding the sea prescribed by Presidential Decree, such as a harbor area under subparagraph 4 of Article 2 of the Harbor Act;
3. The term "land exposed at the ebb" means naturally formed land that appears above the surface of the sea at the ebb and submerges under the surface of the sea at the flood;
4. The term "uninhabited island at the starting point of the territorial sea" means an uninhabited island recognized as the ordinary baseline or the straight line pursuant to Article 2 (1) and (2) of the Territorial Sea and Contiguous Zone Act and land exposed at the ebb recognized as the baseline for measuring the width of the territorial sea in accordance with international law.

Article 3 (Responsibilities of the State, etc.)

The State and local governments shall formulate and execute policies necessary for the proper conservation and management of uninhabited islands, such as protecting uninhabited islands and surrounding waters from being damaged, or indiscreetly utilized or developed.

Article 4 (Establishment, etc. of Integrated Information System)

(1) The Minister of Oceans and Fisheries may establish and operate an integrated information system about the uninhabited islands and surrounding waters for the efficient conservation and management thereof. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the establishment and operation of the integrated information system about the uninhabited islands and surrounding waters under paragraph (1) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 5 (Relationship with other Acts)

(1) Islands designated as specified islands in accordance with the Special Act on the Preservation of the Ecosystem in Island Areas including Dokdo shall not be governed by this Act.

(2) This Act shall apply to the conservation, utilization or development of uninhabited islands and surrounding waters (hereafter referred to as "uninhabited island"), unless otherwise specifically provided for in other Acts.

Article 6 (Comprehensive Management Plans)

(1) The Minister of Oceans and Fisheries shall formulate and execute a comprehensive management plan for the conservation, utilization or development of uninhabited islands and surrounding waters (hereafter referred to as "comprehensive management plan") every ten years, as prescribed by Presidential Decree. In such cases, he/she shall consult the head of the relevant central administrative agency in advance. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) A comprehensive management plan shall be decided after deliberation thereon by the Central Committee for Deliberation on Coastal Management (hereafter referred to as the "Committee") pursuant to Article 30 (1) of the Coast Management Act. *<Amended by Act No. 9612, Apr. 1, 2009>*

(3) A comprehensive management plan shall include the following matters:

1. The basic policy direction on the conservation, utilization or development of uninhabited islands;
2. The scope, necessity, etc. of a comprehensive management plan;
3. A management plan of uninhabited islands by type;
4. Support necessary for the management of uninhabited islands;
5. Matters concerning the management, etc. of uninhabited islands at the starting point of the territorial sea;
6. Matters concerning the present status on the management of uninhabited islands in accordance with other Acts;
7. The present status on the classification of uses in accordance with the National Land Planning and Utilization Act;
8. Other matters prescribed by Presidential Decree, which are necessary for the conservation, utilization or development of uninhabited islands.

(4) When the Minister of Oceans and Fisheries intends to formulate a comprehensive management plan, he/she shall hear opinions of Metropolitan City Mayors, Do Governors or the Governor of a Special Self-Governing Province (hereafter referred to as "Mayor/Do Governor") in advance. In such cases, a Mayor/Do Governor shall hear opinions of the head of a Si/Gun/Gu under his/her jurisdiction before he/she submits his/her opinion to the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(5) When a comprehensive management plan has been decided pursuant to paragraph (2), the Minister of Oceans and Fisheries shall announce it without delay, as prescribed by Presidential Decree, and notify the head of the relevant central administrative agency and Mayors/Do Governors thereof. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(6) A Mayor/Do Governor (excluding the Governor of Jeju Special Self-Governing Province) notified pursuant to paragraph (5) shall notify the head of a Si, Gun or autonomous Gu (hereafter referred to as "head of a Si/Gun/Gu") so that any person may read a comprehensive management plan on the area under his/her jurisdiction.

(7) When it is deemed necessary to amend a comprehensive management plan, or the head of the relevant administrative agency requests an amendment to the plan, the Minister of Oceans and Fisheries may amend it. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(8) The latter part of paragraph (1), paragraphs (2), and (4) through (6) shall apply mutatis mutandis to cases where a comprehensive management plan is amended pursuant to paragraph (7): Provided, That where any insignificant matter prescribed by Presidential Decree is amended, paragraphs (5) and (6) only shall apply mutatis mutandis to such amendment.

(9) Matters necessary for methods, etc. of notification and reading pursuant to paragraphs (5) and (6) shall be prescribed by Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 7 (Special Management Plan)

(1) Where it is deemed particularly necessary for the conservation and management of uninhabited islands at the starting point of the territorial sea, the Minister of Oceans and Fisheries may formulate and execute a special management plan for uninhabited islands at the starting point of the territorial sea (hereafter referred to as "special management plan"). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the formulation and execution of a special management plan shall be prescribed by Presidential Decree.

Article 8 (Deliberation by Committee)

The following matters which are important policies concerning the conservation, utilization or development of uninhabited islands shall undergo deliberation by the Committee:

1. Matters concerning the formulation and amendment of a comprehensive management plan;
2. Matters concerning designation of uninhabited islands by type of management, and the change thereof pursuant to Article 10;
3. Where the relevant administrative agencies collide over policies on the conservation, utilization or development of uninhabited islands, matters concerning the adjustment thereof;
4. Other matters prescribed by Presidential Decree, which are necessary for the conservation, utilization or development of uninhabited islands.

Article 9 (Inspection on Actual Conditions)

(1) The Minister of Oceans and Fisheries shall conduct a comprehensive inspection on the actual conditions of uninhabited islands every ten years for the efficient conservation and management of uninhabited islands: Provided, That where there are grounds prescribed by Ordinance of the Ministry of Oceans and Fisheries, such as a sudden environmental change due to a natural disaster, he/she may conduct an inspection on actual conditions as occasion demands. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Where it is deemed necessary for conducting an inspection on actual conditions pursuant to paragraph (1), the Minister of Oceans and Fisheries may hear an opinion of the head of the relevant administrative agency, and may request them to submit necessary data if deemed necessary. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Where it is deemed necessary or the Minister of Oceans and Fisheries is requested by the head of the relevant administrative agency, he/she may conduct a joint inspection on actual conditions together with relevant central administrative agencies, local governments, civil organizations, etc. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) Where cultural heritage, plants and animals, landforms, scenes, natural creation, etc. meeting the requirements for designation of any of the following (hereafter referred to as "cultural heritage, etc.") are discovered after inspection on actual conditions pursuant to paragraph (1), the Minister of Oceans and Fisheries shall notify the heads of relevant central administrative agencies of such discovery: *<Amended by*

Act No. 8852, Feb. 29, 2008; Act No. 9763, Jun. 9, 2009; Act No. 10977, Jul. 28, 2011; Act No. 11690, Mar. 23, 2013>

1. Cultural heritage (including a cultural heritage protection zone; hereafter the same shall apply) under the Cultural Heritage Protection Act;
 2. A special protection district for wildlife under the Wildlife Protection and Management Act;
 3. An ecological or scenery conservation area under the Natural Environment Conservation Act;
 4. A park area under the Natural Parks Act;
 5. A wetland protection area under the Wetlands Conservation Act;
 6. An experimental forest under the Creation and Management of Forest Resources Act and a forest protection zone under the Forest Protection Act.
- (5) Matters necessary for subjects, methods, etc. of inspections on actual conditions under paragraphs (1) through (4) shall be prescribed by Presidential Decree.

Article 10 (Designation, etc. of Uninhabited Islands by Type of Management)

(1) The Minister of Oceans and Fisheries shall designate uninhabited islands by type of management according to the following classifications for the effective management thereof and announce such designation, as prescribed by Presidential Decree: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

1. Uninhabited islands under absolute conservation: Uninhabited islands for which measures to restrict certain acts should be taken or measures to restrict ordinary access are necessary because their value of conservation is very high or they need to be particularly conserved in connection with the establishment of the territorial sea;
2. Uninhabited islands under quasi-conservation: Uninhabited islands for which measures to restrict certain acts should be taken or measures to restrict access temporarily may be taken if necessary, because their value of conservation is high;
3. Available uninhabited islands: Uninhabited islands where people's access and activities are permitted to the extent that such access and activities do not cause damage to their shape and condition;
4. Developable uninhabited islands: Uninhabited islands where certain development is permitted, not falling under the provisions of subparagraphs 1 through 3.

(2) Where the Minister of Oceans and Fisheries designates uninhabited islands as uninhabited islands under absolute conservation or quasi-conservation pursuant to paragraph (1), he/she shall hear an opinion of the Minister of Environment in advance. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Where the Minister of Oceans and Fisheries intends to designate a type of management of an uninhabited island pursuant to paragraph (1), he/she shall consider the following matters: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

1. The location and area of an uninhabited island, and the distance from land;

2. The actual conditions of the natural environment and ecosystem of an uninhabited island;
3. The historical value of an uninhabited island;
4. Facilities on an uninhabited island and the present status of the utilization thereof;
5. Whether people lived in an uninhabited island in the past and the possibility that people will live in an uninhabited island in the future;
6. A development plan by a local government;
7. The meaning of an uninhabited island in connection with the establishment of the territorial sea;
8. Whether an uninhabited island is subject to management under other Acts;
9. Other matters prescribed by Ordinance of the Minister of Oceans and Fisheries, which are necessary for the classification of types of management.

(4) Where two or more uninhabited islands stand close together and the integrated management thereof is required due to their homogeneity, etc., the Minister of Oceans and Fisheries may group two or more uninhabited islands to designate the same type of management under paragraph (1), and where it is deemed necessary for managing one uninhabited island in an efficient way, he/she may divide areas of the relevant uninhabited island and separately designate the type of management thereof under paragraph (1).

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) Where the Minister of Oceans and Fisheries intends to change a type of management of an uninhabited island designated, paragraphs (2) through (4) shall apply mutatis mutandis thereto.

Article 11 (Procedures, etc. for Designation of Types of Management)

(1) Where the Minister of Oceans and Fisheries intends to designate a type of management of an uninhabited island pursuant to Article 10 (1), he/she shall hear opinions of interested parties, such as landowners of the relevant uninhabited island, civil organizations, etc. prescribed by Presidential Decree, and the head of each competent local government (hereafter in this Article referred to as "interested parties, etc."), and consult the heads of relevant central administrative agencies and then undergo deliberation thereon by the Committee pursuant to Article 8. The same shall also apply where he/she intends to change the designated type of management of an uninhabited island. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9612, Apr. 1, 2009; Act No. 11690, Mar. 23, 2013>*

(2) Where the Minister of Oceans and Fisheries designates or changes a type of management of an uninhabited island pursuant to paragraph (1), he/she shall notify the landowners of relevant uninhabited islands of specific details about the grounds for such designation or change. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) Interested parties, etc. may request the Minister of Oceans and Fisheries to change a type of management of an uninhabited island, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(4) Interested parties, etc. who have a different opinion about the designation or change of a type of management of an uninhabited island pursuant to paragraph (1) may raise an objection with the Minister of Oceans and Fisheries, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act*

No. 11690, Mar. 23, 2013>

(5) When an objection is raised pursuant to paragraph (4), the Minister of Oceans and Fisheries shall re-deliberate on a type of management of an uninhabited island according to procedures prescribed under paragraph (1), and where it is deemed necessary for re-deliberation, he/she may conduct a joint inspection in which the interested parties, etc. participate, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(6) Article 6 (5) and (6) shall apply mutatis mutandis to cases where a type of management of an uninhabited island is designated or changed.

Article 12 (Restriction on Acts)

(1) No person shall do any of the following acts on an uninhabited island under absolute conservation and an uninhabited island under quasi-conservation: Provided, That this shall not apply where an emergency measure needs to be taken under the subparagraphs of Article 37 (1) of the Framework Act on the Management of Disasters and Safety, or where matters deemed by the Minister of National Defense necessary for protecting military secrets or performing urgent military operations are prescribed and announced by the Minister of Oceans and Fisheries in consultation with the Minister of National Defense: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10977, Jul. 28, 2011; Act No. 11257, Feb. 1, 2012; Act No. 11690, Mar. 23, 2013>*

1. New construction, expansion or reconstruction of a building or a structure;
 2. A change in the form and quality of land;
 3. Clearing, reclamation, dredging or land reclamation by drainage;
 4. Quarrying for collecting soil and stone, mining of minerals, and development of underground water;
 5. Felling or causing damage to standing trees and bamboos;
 6. Pasturing of livestock or bringing any wildlife (referring to any wildlife that disturbs the ecosystem pursuant to subparagraph 8 of Article 2 of the Act on the Conservation and Use of Biological Diversity) into an uninhabited island;
 7. Capturing or killing any wild animal or gathering any wild plant in an uninhabited island, or taking any captured wild animal, etc. out of the relevant uninhabited island: Provided, That cases where a resident in any area adjacent to such uninhabited island prescribed by Presidential Decree does any of such acts to secure his/her livelihood shall be excluded herefrom;
 8. Taking a natural creation out of an uninhabited island;
 9. Dumping domestic wastes into an uninhabited island;
 10. Cooking food by using flammable materials or camping in an uninhabited island: Provided, That cases where a person lives on such uninhabited island temporarily for any public purpose prescribed by Presidential Decree, such as the safe navigation of ships, shall be excluded herefrom;
 11. Causing damage to geological features, the lay of the land and shapes of other natural creations.
- (2) Notwithstanding paragraph (1), the Cultural Heritage Protection Act, the Wildlife Protection and Management Act, the Natural Environment Conservation Act, the Natural Parks Act, the Wetlands

Conservation Act and the Creation and Management of Forest Resources Act shall apply respectively to restrictions on various acts on resources of cultural heritage, etc. on uninhabited islands under absolute conservation and uninhabited islands under quasi-conservation. <Amended by Act No. 10977, Jul. 28, 2011>

Article 13 (Restrictions on Access to Uninhabited Islands under Absolute Conservation)

(1) No person shall have access to uninhabited islands under absolute conservation: Provided, That this shall not apply to any of the following cases: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Where a person has access to an uninhabited island for activities for the prevention of a disaster, emergency measures and restoration, etc., or for measures necessary for aid, etc. under the Framework Act on the Management of Disasters and Safety;
2. Where a person has access to an uninhabited island for military purposes;
3. Where a person has access to an uninhabited island for the inspection pursuant to Article 21;
4. Where a person has access to an uninhabited island for emergency refuge owing to natural disasters, such as a typhoon;
5. Where a resident in the area adjacent to an uninhabited island prescribed by Presidential Decree has access to the island for activities, such as farming and fishery;
6. Where a person who owns land on an uninhabited island has access to the island for the management, etc. of such land;
7. Other cases where a person has obtained permission from the Minister of Oceans and Fisheries to have access to an uninhabited island for activities deemed necessary within the extent of purpose for the designation of an uninhabited island under absolute conservation pursuant to Article 10 (1) 1.

(2) Matters necessary for the methods, procedures, etc. for obtaining permission of access pursuant to paragraph (1) 7 shall be prescribed by Ordinance of the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Notwithstanding paragraph (1), the Cultural Heritage Protection Act, the Wildlife Protection and Management Act, the Natural Environment Conservation Act, the Natural Parks Act, the Wetlands Conservation Act and the Creation and Management of Forest Resources Act shall apply respectively to restrictions on access to resources of cultural heritage, etc. on uninhabited islands under absolute conservation. <Amended by Act No. 10977, Jul. 28, 2011>

Article 14 (Temporary Restrictions on Access to Uninhabited Islands under Quasi-Conservation)

(1) Where it is deemed that emergency measures are needed to protect the natural environment or the ecosystem, the Minister of Oceans and Fisheries may restrict access to all or some areas of an uninhabited island under quasi-conservation for a prescribed period: Provided, That this shall not apply to any of the cases falling under subparagraphs referred to in Article 13 (1). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Where access is restricted pursuant to paragraph (1), the Minister of Oceans and Fisheries shall announce such restriction, as prescribed by Ordinance of the Minister of Oceans and Fisheries. <Amended

by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where it is deemed that restrictions on access pursuant to paragraph (1) are unnecessary, the Minister of Oceans and Fisheries shall immediately cancel restrictions on access and announce such cancellation.

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 15 (Acts on Available Uninhabited Islands)

(1) A person may do any of the following acts on an available uninhabited island: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

1. Marine leisure activities;
2. Visiting for the purpose of viewing, or education on ecology for the purpose of conserving the natural environment;
3. Capturing a wild animal or gathering a wild plant by methods prescribed by Ordinance of the Minister of Oceans and Fisheries as a part of leisure activities;
4. Temporary occupation and use, or temporary use of public waters;
5. An event, etc. held by a State agency in accordance with the relevant Acts and subordinate statutes;
6. Other acts similar to those referred to in subparagraphs 1 through 5 and prescribed by Ordinance of the Minister of Oceans and Fisheries to the extent that they do not cause damage to the shape and condition of uninhabited islands.

(2) Where any person needs to obtain permission, approval or authorization, etc. under the relevant Acts and subordinate statutes to do an act falling under any subparagraph of paragraph (1), he/she shall do such act after obtaining such permission, approval or authorization, etc.

Article 16 (Development, etc. of Developable Uninhabited Islands)

(1) A person who intends to develop a developable uninhabited island shall prepare a business plan for development of a developable uninhabited island (hereafter referred to as "business plan for development"), as prescribed by Presidential Decree, and obtain approval from the competent Mayor/Do Governor: Provided, That where he/she intends to develop a developable uninhabited island more than a scale prescribed by Presidential Decree, he/she shall obtain approval from the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Notwithstanding the main sentence of paragraph (1), where a person intends to develop a developable uninhabited island less than a scale prescribed by Presidential Decree, he/she need not prepare a business plan for development.

(3) Where a Mayor/Do Governor intends to approve a business plan for development pursuant to the main sentence of paragraph (1), he/she shall consult the Minister of Oceans and Fisheries and the head of the relevant central administrative agency in advance, and where the Minister of Oceans and Fisheries intends to approve a business plan for development pursuant to the proviso to paragraph (1), he/she shall consult the head of the relevant central administrative agency and the competent Mayor/Do Governor in advance.

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(4) Where the Minister of Oceans and Fisheries or a Mayor/Do Governor has approved a business plan for development pursuant to paragraph (1), he/she shall announce such approval, as prescribed by Ordinance of the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) Paragraphs (1), (3) and (4) shall apply mutatis mutandis to any amendment of any approved business plan for development: Provided, That this shall not apply to any amendment of any insignificant matter prescribed by Presidential Decree.

(6) The State or a local government may fully or partially subsidize expenses incurred in building public facilities, such as roads and harbor facilities, necessary for developing an uninhabited island of which the business plan for development has been approved under paragraph (1), within budgetary limits.

Article 17 (Revocation, etc. of Business Plans for Development)

(1) Where a person who has obtained approval for his/her business plan for development pursuant to Article 16 (1) falls under any of the following cases, the Minister of Oceans and Fisheries or a Mayor/Do Governor may revoke such approval or take necessary measures, such as the suspension or change of the relevant work, as prescribed by Presidential Decree: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Where he/she has obtained approval for a business plan for development by deceit or other unlawful means;
2. Where he/she has violated the purpose or conditions of approval or changed a business plan for development or development works without approval for such change;
3. Where he/she has failed to commence development works without justifiable grounds for two years or more after approval is obtained or has suspended work for one year or more after development works are commenced.

(2) Notwithstanding paragraph (1), where a person who has obtained approval for a business plan for development falls under paragraph (1) 1 or violates an order for measures issued under paragraph (1), the Minister of Oceans and Fisheries or a Mayor/Do Governor shall revoke such approval.

Article 18 (Legal Fiction of Authorization, Permission, etc.)

(1) Where the Minister of Oceans and Fisheries or a Mayor/Do Governor has approved a business plan for development or approved a change thereof pursuant to Article 16, permission, authorization, consultation, consent, approval, reporting, cancellation, etc. (hereafter in this Article referred to as "authorization, permission, etc.") referred to in the following subparagraphs shall be deemed granted or made: <Amended by Act No. 8852, Feb. 29, 2008; Act Nos. 9758, 9763, & 9774, Jun. 9, 2009; Act No. 10331, May 31, 2010; Act No. 11037, Aug. 4, 2011; Act No. 11690, Mar. 23, 2013; Act No. 11806, May 22, 2013; Act No. 12738, Jun. 3, 2014; Act No. 14480, Dec. 27, 2016>

1. Consent to building permission, etc. under Article 7 (1) of the Installation, Maintenance, and Safety Control of Fire-Fighting Systems Act;

2. Permission or consultation on diversion of farmland under Article 34 of the Farmland Act, reporting on diversion of farmland under Article 35 of the said Act, and permission or consultation on temporary use of farmland for other purposes under Article 36 of the said Act;
3. Permission for felling, etc. in land treated for erosion or collapse control under Article 14 (1) of the Erosion Control Work Act and cancellation of the designation of land treated for erosion or collapse control under Article 20 (1) of the said Act;
4. Permission for conversion of a mountainous district under Article 14 of the Mountainous Districts Management Act and reporting on conversion of a mountainous district pursuant to Article 15 of the said Act, permission or reporting on temporary use of a mountainous district under Article 15-2 of the said Act, permission for collecting earth or stone under Article 25 of the said Act;
5. Permission and reporting on felling of standing trees, etc. under Article 36 of the Creation and Management of Forest Resources Act and cancellation of the designation of a forest protection zone under Article 11 (1) 1 of the Forest Protection Act;
6. Permission, reporting, and consultation on diversion of grassland under Article 23 of the Grassland Act;
7. Approval for the performance of works in the protected waters under Article 47 of the Fishery Resources Management Act;
8. Authorization or reporting on a work plan under Article 62 of the Electric Utility Act;
9. Permission for development acts under Article 56 (1) of the National Land Planning and Utilization Act;
10. Permission for the performance of works on public sewerage under Article 16 of the Sewerage Act;
11. Permission for the opening of a private road under Article 4 of the Private Road Act;
12. Permission for the occupation and use or the use of public waters under Article 8 (1) of the Public Waters Management and Reclamation Act, and approval or reporting on an implementation plan under Article 17 of the said Act;
13. Permission for the performance of harbor projects under Article 9 (2) of the Harbor Act and approval for an implementation plan for harbor projects under Article 10 (2) of the said Act;
14. Permission for the use of agricultural infrastructure under Article 23 (1) of the Rearrangement of Agricultural and Fishing Villages Act and approval for a business plan for development of a rural tourism and resort complex in agricultural and fishing villages under Article 82 (2) of the said Act;
15. Permission or reporting on installation and permission for changed installation of waste-generating facilities under Article 11 of the Act on the Management and Use of Livestock Excreta;
16. Permission for the reburial of a grave placed on another person's land, etc. under Article 27 of the Act on Funeral Services, Etc.;
17. An examination on the publication of a map, etc. under Article 15 (3) of the Act on the Establishment, etc. of Spatial Data.

(2) Where the Minister of Oceans and Fisheries or a Mayor/Do Governor intends to approve a business plan for development or any change thereof, should the content subject to the approval include any of the subparagraphs of paragraph (1), he/she shall consult the head of the relevant administrative agency in advance. In this case, the head of the relevant administrative agency shall submit his/her opinion within 20 days after receipt of a request for consultation, or may request the Minister of Oceans and Fisheries or a Mayor/Do Governor to extend the time limit for the submission of opinion if there is any unavoidable reason such as the implementation of administrative procedures. <Newly Inserted by Act No. 11806, May 22, 2013>

(3) Where a request for the extension of the time limit pursuant to paragraph (2) is received, the Minister of Oceans and Fisheries or a Mayor/Do Governor may extend the time limit for the submission of opinion by up to 10 days. <Newly Inserted by Act No. 11806, May 22, 2013>

(4) Where the head of the relevant administrative agency fails to submit his/her opinion within the time limit (if the time limit has been extended, the extended period shall be included) under paragraph (2), the consultation shall be deemed conducted. <Newly Inserted by Act No. 11806, May 22, 2013>

(5) When the approval for a business plan for development has been announced under Article 16 (4), an announcement or a public notification of authorization, permission, etc. under the related Acts referred to in each subparagraph of paragraph (1) shall be deemed made.

Article 19 (Management of Uninhabited Islands at Starting Point of Territorial Sea)

(1) The Minister of Oceans and Fisheries shall take measures necessary for executing a special management plan under Article 7 for the protection of uninhabited islands at the starting point of the territorial sea, as prescribed by Ordinance of the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The Minister of Oceans and Fisheries shall devise a regular reporting and management system, as prescribed by Presidential Decree, in preparation for cases where the shape and condition of an uninhabited island at the starting point of the territorial sea is damaged or is likely to be damaged. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where the shape and condition of an uninhabited island at the starting point of the territorial sea have been damaged or are likely to be damaged, the Minister of Oceans and Fisheries shall take measures for preventing additional damage within budgetary limits. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 20 (Orders, etc. to Cease)

(1) The Minister of Oceans and Fisheries may order a person who has violated Article 12 (1) to cease such an act. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Where a person who develops an uninhabited island falls under any of the following subparagraphs, the Minister of Oceans and Fisheries or a Mayor/Do Governor may order him/her to cease such act, and where causes attributable to him/her exist, the Minister of Oceans and Fisheries or a Mayor/Do Governor may order him/her to reinstate the uninhabited island within a reasonable period fixed, and where it is

difficult to reinstate, the Minister of Oceans and Fisheries or a Mayor/Do Governor may order him/her to take measures corresponding thereto: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. Where a person has developed an uninhabited island without having obtained approval for a business plan for development or approval for change thereof, in violation of Article 16 (1) or (5);
2. Where approval for a business plan for development has been revoked pursuant to Article 17.

Article 21 (Check, etc. on Uninhabited Islands)

(1) The Minister of Oceans and Fisheries may allow a State agency prescribed by Presidential Decree to check up or confirm matters concerning uninhabited islands, as prescribed by Ordinance of the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Where it is requested by the head of the relevant central administrative agency to check up or confirm matters concerning uninhabited islands, the Minister of Oceans and Fisheries shall comply therewith unless there exist special circumstances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where it is deemed necessary for the efficient management of uninhabited islands, the Minister of Oceans and Fisheries may allow a State agency to check up or confirm matters concerning uninhabited islands jointly with the relevant central administrative agency. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 22 (Access, etc. to Another Person's Land, etc.)

(1) Where it is deemed necessary for conducting an inspection on actual conditions pursuant to Article 9, the Minister of Oceans and Fisheries may allow the relevant public official or an inspector of uninhabited islands pursuant to Article 26 to enter another person's land, building or fishing ground (hereafter referred to as "land, etc."), or change or remove trees, soil, stones or other obstacles placed on such land, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) A person who intends to enter another person's land, etc. or to change or remove an obstacle pursuant to paragraph (1) shall obtain the consent of an owner, manager, occupant or user (hereafter referred to as "owner, etc.") of such land, etc.: Provided, That this shall not apply where 14 days have passed after the relevant fact was posted on the notice board of the office of an Eup/Myeon/Dong having jurisdiction over the relevant uninhabited island or announced on a daily newspaper because the owner, etc. of land, etc is unknown.

(3) No owner, etc. of land or public waters shall interfere with access of the relevant public official or an inspector to his/her land or public waters, or works to change or remove an obstacle pursuant to paragraph (1) without justifiable grounds.

(4) A person who intends to enter another person's land, etc. under paragraph (1) shall carry with him/herself the identification card indicating his/her authority and produce it to related persons, as prescribed by Ordinance of the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 23 (Purchase of Land, etc.)

(1) Where it is deemed necessary to conserve uninhabited islands under absolute conservation and under quasi-conservation, the State or a local government may purchase land, etc. in consultation with an owner of land, etc.

(2) Where the Minister of Oceans and Fisheries purchases land, etc. pursuant to paragraph (1), the purchase price thereof shall be based on the price calculated in accordance with the Act on Acquisition of and Compensation for Land, etc. for Public Works. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Matters necessary for procedures, etc. for purchase of land, etc. pursuant to paragraph (1) shall be prescribed by Presidential Decree.

Article 24 (Request for Purchase of Land)

(1) A person whose land utility has been substantially reduced because the designation as an uninhabited island under absolute conservation or under quasi-conservation prevented such land from being used for its originally intended purpose and who falls under any of the following subparagraphs may request the Minister of Oceans and Fisheries to purchase such land: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

1. A person who continues to own such land from the time of designation as an uninhabited island under absolute conservation or under quasi-conservation;
2. A person who inherited such land from a person referred to in subparagraph 1 and continues to own it.

(2) Where land that the Minister of Oceans and Fisheries has been requested to purchase pursuant to paragraph (1) meets standards pursuant to paragraph (3), he/she shall purchase it. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Specific criteria for land subject to purchase shall be prescribed by Presidential Decree.

Article 25 (Measures for Stabilization of Price of Real Estate)

(1) The Minister of Oceans and Fisheries, the head of the relevant central administrative agency and the competent Mayor/Do Governor shall take measures necessary for stabilizing the price of real estate on available uninhabited islands and developable uninhabited islands. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The competent Mayor/Do Governor shall request the head of the relevant central administrative agency to take the following measures in relation to areas where speculation in real estate or a sudden rise in the price of real estate is apprehended due to the utilization and development of available uninhabited islands and developable uninhabited islands: <Amended by Act No. 13797, Jan. 19, 2016>

1. Designation of a designated area under Article 104-2 (1) of the Income Tax Act;
2. Designation of areas subject to permission of a land transaction contract under Article 10 of the Act on Report on Real Estate Transactions, Etc.;

3. Other measures necessary for stabilizing the price of real estate.

Article 26 (Inspectors of Uninhabited Islands)

(1) The Minister of Oceans and Fisheries may commission inspectors of uninhabited islands (hereafter referred to as "inspectors") during the relevant inspection period to effectively conduct an inspection on actual conditions pursuant to Article 9. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the qualifications, procedures, etc. for commissioning inspectors shall be prescribed by Presidential Decree.

Article 27 (Honorary Managers)

(1) The Minister of Oceans and Fisheries may commission members of a corporation or an organization related to an uninhabited island, residents, etc. in the adjacent areas as honorary managers (hereafter referred to as "honorary managers") to efficiently manage uninhabited islands. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the qualifications, methods, the scope of activities, etc. of honorary managers shall be prescribed by Presidential Decree.

Article 28 (Succession to Rights or Obligations)

(1) Where a person who has obtained approval for a business plan for development of a developable uninhabited island pursuant to Article 16 transfers the development works or dies, or where a corporation merges with another corporation, a transferee, a successor or a corporation surviving the merger or a corporation incorporated by the merger shall succeed to rights or obligations accruing from approval.

(2) A person who succeeds to the status of a person who obtained approval for a business plan for development of a developable uninhabited island pursuant to paragraph (1) shall report such succession to the Minister of Oceans and Fisheries or a Mayor/Do Governor within one month from the date he/she succeeds to such status, as prescribed by Ordinance of the Minister of Oceans and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 29 (Report of Present Status, etc. of Uninhabited Islands)

(1) Where an uninhabited island is in the area over which the head of a Si/Gun/Gu has jurisdiction, he/she shall submit the following data for the previous year to a Mayor/Do Governor by not later than the end of January each year, as prescribed by Ordinance of the Minister of Oceans and Fisheries: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

1. The present status of an increase or decrease in uninhabited islands;
2. The present status of uninhabited islands subject to other Acts;
3. The present status of approval for business plans for development.

(2) A Mayor/Do Governor shall report the integrated data received under paragraph (1) to the Minister of Oceans and Fisheries by not later than the end of February each year. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 30 (Establishment of Uninhabited Islands Conservation Association of Korea)

(1) The Uninhabited Islands Conservation Association of Korea (hereafter referred to as the "Association") may be established to perform projects such as studies, research, education, publicity, etc. of policies and systems concerning the conservation and management of uninhabited islands.

(2) The Association shall be a juristic person.

(3) The Association shall appropriate membership fees and the proceeds, etc. from projects for expenses incurred in performing projects, and the State or a local government may partially subsidize expenses incurred therein within budgetary limits.

(4) Matters necessary for the organization, operation, etc. of the Association shall be prescribed by Ordinance of the Minister of Oceans and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(5) The provisions concerning incorporated associations as referred to in the Civil Act shall apply mutatis mutandis to matters not prescribed in this Act concerning the Association.

Article 31 (Hearings)

Where the Minister of Oceans and Fisheries or a Mayor/Do Governor intends to revoke approval for a business plan for development pursuant to Article 17, he/she shall hold a hearing in accordance with the Administrative Procedures Act. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

Article 32 (Delegation of Authority)

(1) The Minister of Oceans and Fisheries may delegate part of his/her authority under this Act to a Mayor/Do Governor or the head of an agency under his/her jurisdiction, as prescribed by Presidential Decree, and a Mayor/Do Governor may delegate part of his/her authority under this Act to the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(2) Part of the authority of the Minister of Oceans and Fisheries under this Act may be delegated to the Minister of Public Safety and Security as prescribed by Presidential Decree. <Newly Inserted by Act No. 12844, Nov. 19, 2014>

Article 33 (Legal Fiction as Public Officials in Application of Penal Provisions)

Inspectors of uninhabited islands pursuant to Article 26 shall be deemed public officials in the application of the penal provisions under Articles 129 through 312 of the Criminal Act.

Article 34 (Penalty Provisions)

(1) Any person who does an act referred to in any of Article 12 (1) 1 through 4 shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding 50 million won.

(2) Any person who develops an uninhabited island without having obtained approval or approval for change, in violation of Article 16 (1) or (5), and fails to obey an order, etc. to cease pursuant to Article 20 (2) shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding 30 million won.

Article 35 (Penalty Provisions)

(1) Any person who does any of the acts under Article 12 (1) 5 through 8 and 11 shall be punished by imprisonment with labor for not more than one year, or by a fine 20 million won.

(2) Any person who does any of the acts under Article 12 (1) 9 shall be punished by imprisonment with labor for not more than one year, or by a fine not exceeding ten million won.

(3) Any person who develops an uninhabited island without having obtained approval or approval for change, in violation of Article 16 (1) or (5), shall be punished by imprisonment with labor for not more than one year, or by a fine not exceeding ten million won.

Article 36 (Joint Penalty Provisions)

If the representative of a corporation, or an agent or employee of, or any other person employed by, the corporation or an individual commits a violation under Article 34 or 35 in conducting the business affairs of the corporation or the individual, the corporation or individual shall be punished, in addition to punishing such violator, by a fine under each relevant Article: Provided, That this shall not apply where the corporation or the individual has not been negligent in giving due attention and supervision concerning the business affairs to prevent such violation.

Article 37 (Administrative Fines)

(1) Any person falling under any of the following subparagraphs shall be subject to an administrative fine not exceeding three million won:

1. Any person who violates Article 12 (1) and fails to obey an order to cease pursuant to Article 20 (1);
2. Any person who has access to an uninhabited island, in violation of Article 13 or 14;
3. Any person who damages the shape and condition of an uninhabited island by doing an act, other than those referred to in the subparagraphs of Article 15 (1);
4. Any person who damages the shape and condition of an uninhabited island by doing acts referred to in the subparagraphs of Article 15 (1) without having obtained permission, etc. pursuant to Article 15 (2);
5. Any person who interferes with access to land, etc., or works to change or remove an obstacle, in violation of Article 22 (3).

(2) Any person falling under any of the following subparagraphs shall be subject to an administrative fine not exceeding one million won:

1. Any person who does an act referred to in subparagraph 10 of Article 12;
2. Any person who has access to land, etc., or changes or removes an obstacle without the consent of another person, in violation of Article 22 (2);
3. Any person who fails to produce his/her identification card, in violation of Article 22 (4).

(3) Administrative fines under paragraphs (1) and (2) shall be imposed or collected by the Minister of Oceans and Fisheries or a Mayor/Do Governor, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 10666, May 19, 2011; Act No. 11690, Mar. 23, 2013>*

(4) through (6) Deleted. <by Act No. 10666, May 19, 2011>

ADDENDA

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

(2) (Transitional Measures concerning Development of Uninhabited Islands) Where permission, approval, reporting, etc. (hereafter in this paragraph referred to as "permission, etc.") of a development plan on an uninhabited island has been granted or made, or development according to permission, etc. is in progress in accordance with other Act before this Act enters into force, the relevant Act shall apply to such permission, etc. or development: Provided, That this shall not apply to cases where permission, etc. has been cancelled after this Act enters into force.

(3) (Transitional Measures concerning the Act on Funeral Services, etc.) "Pursuant to Article 27 of the Act on Funeral Services, etc." in Article 18 (1) 16 shall be deemed "pursuant to Article 23 of the Act on Funeral Services, etc." until May 25 2008.

(4) Omitted.

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.

ADDENDUM <Act No. 9612, Apr. 1, 2009>

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

ADDENDA <Act No. 9758, Jun. 9, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 23 Omitted.

ADDENDA <Act No. 9763, Jun. 9, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDA <Act No. 9774, Jun. 9, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 19 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.

ADDENDUM <Act No. 10666, May 19, 2011>

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

ADDENDA <Act No. 10977, Jul. 28, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <Act No. 11037, Aug. 4, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 11257, Feb. 1, 2012>

Article 1 (Enforcement Date)

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

Articles 2 through 4 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. 11806, May 22, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Applicability concerning Consultation on Legal Fiction of Authorization, Permission, etc.)

The amended provisions in Article 18 (2) through (4) shall apply where the approval for a business plan for development or change thereof is granted after this Act enters into force.

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

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Act No. 12844, Nov. 19, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the provisions amending Acts that were promulgated before this Act enters into force but have yet to enter into force, among the Acts amended pursuant to Article 6 of the Addenda, shall enter into force on the respective date the relevant Act enters into force.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 13797, Jan. 19, 2016>

Article 1 (Enforcement Date)

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

Articles 2 through 11 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.

